

JOURNAL OF THE SENATE [October 3, 1969]

STATE OF WISCONSIN

Senate Journal

Seventy-Ninth Session

FRIDAY, October 3, 1969.

9:10 o'clock A.M.

The senate met.

The senate was called to order by the president pro tempore.

The roll was called and the following senators answered to their names:

Senators Busby, Chilsen, Dempsey, Devitt, Draheim, Heinzen, Hollander, Johnson, K e n d z i o r s k i, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry and Thompson—28.

Absent—Senator Cirilli—1.

Absent with leave—Senators Dorman and Whittow—2.

LEAVE OF ABSENCE

Upon motion of Senator Johnson, with unanimous consent, a leave of absence was granted to Senator Cirilli for today's session.

INTRODUCTION OF AMENDMENTS

Senate amendment 1 to Assembly Bill 332 offered by Senator Devitt.

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Senate amendment 1 to Senate Bill 537 offered by Senators Schreiber and Devitt.

Senate amendment 1 to Senate Bill 556 offered by Senators Cirilli, Rasmusen, Krueger, Lorge and LaFave.

Senate amendment 1 to Senate Bill 583 offered by Senators Cirilli, Krueger and Whittow.

Senate substitute amendment 1 to Senate Bill 600 offered by Senator Heinzen.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 87

Relating to a study of navigable waters and their definition.

By Senators Heinzen, Krueger and Lotto.

Read.

To joint committee on Finance.

INTRODUCTION OF BILLS

Senate Bill 690

Relating to time for inspirational meditation at the opening of each school day or during intermission.

By Senators Devitt, Heinzen, Soik, Chilsen, Knutson and Cirilli.

Read first time.

To committee on Education.

Senate Bill 691

Relating to the rule-making power and power to obtain injunctive relief of the regents of the University of Wisconsin and the state universities and providing penalties.

By joint committee to Study Disruptions at The University of Wisconsin.

Read first time.

To committee on Judiciary.

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COMMITTEE REPORT

The committee on Judiciary reports and recommends for introduction:

Senate Bill 692

(Committee on Judiciary, by request of Professor Roy J. Aiken, Marquette University School of Law) An act relating to protecting holders of recorded nonpossessory interests against conveyances of their nonpossessory interests forged by the possessory holder.

Introduction; Ayes, 3; Noes, 0.

Read first time.

To committee on Judiciary.

Senate Bill 693

(Committee on Judiciary) An act limiting the practice of law to Wisconsin residents.

Introduction; Ayes, 3; Noes, 0.

Read first time.

To committee on Judiciary.

Senate Bill 694

(Committee on Judiciary) An act relating to permitting retired family court commissioners to act temporarily.

Introduction; Ayes, 3; Noes, 0.

Read first time.

To committee on Judiciary.

And further recommends:

Senate Joint Resolution 13

Relating to retirement benefits of public officers and employees (2nd consideration).

Adoption; Ayes, 3; Noes, 0.

Assembly Bill 450

Relating to intoxicating or fermented malt beverages in dance halls or pavilions.

Concurrence; Ayes, 3; Noes, 0.

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Assembly Bill 603

Relating to a revision of criminal procedure laws, and providing a penalty.

Adoption of senate amendment 1; Ayes, 3; Noes, 0 and concurrence as amended; Ayes, 3; Noes, 0.

Assembly Bill 859

Relating to the suppression of organized crime and providing penalties.

Adoption of senate amendment 1; Ayes, 3; Noes, 0 and concurrence as amended; Ayes, 3; Noes, 0.

ALLEN J. BUSBY,
Chairman.

PETITIONS AND COMMUNICATIONS

Senate Petition 519

A petition by 28 Wisconsin citizens urging passage of Senate Bill 222 and Assembly Bill 342; which would restore 35% of the Liquor Tax to the Veterans Trust Fund.

By Senator Keppler.

To committee on Governmental and Veterans' Affairs.

Senate Petition 520

A petition by 26 citizens of Sheboygan County urging the defeat of Senate Bill 274 and Assembly Bill 411.

By Senator Keppler.

To committee on Transportation.

Senate Petition 521

A petition by 1,300 citizens and voters of Sheboygan County protesting the recent enactment of the 4% state sales tax as passed through the legislature.

By Senator Keppler.

To committee on Labor, Taxation, Insurance and Banking.

Senate Petition 522

A petition in the form of a resolution by the Community Action Commission of Madison, Wisconsin stating willingness to pay the taxes required to reinstate the welfare program.

By Senator Risser.

To joint committee on Finance.

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Senate Petition 523

A petition by 23 Board Members and Staff of Family Service, Dane County, Wisconsin urging the Governor's request to reinstate the discontinued welfare programs.

By Senator Risser.

To joint committee on Finance.

Senate Petition 524

A petition by 77 residents of Walworth County in utter opposition to the lawlessness and vandalism to the State Capitol this past week.

By Senator Swan.

To committee on Judiciary.

Senate Petition 525

A petition by 35 citizens of the La Crosse area requesting the introduction of legislation to obligate a company to become "Union Shop" if two-thirds of the workers vote in favor of "Union Shop."

By Senator Johnson.

To committee on Labor, Taxation, Insurance and Banking.

MOTIONS

Senate Bill 223

Senator Chilsen moved reconsideration of the vote by which senate amendment 1 to senate substitute amendment 2 was rejected.

Senate Bill 223

Upon motion of Senator Chilsen, with unanimous consent, the bill was laid aside to follow Senate Bill 280 on the calendar.

Senate amendment 2 to senate substitute amendment 2 to Senate Bill 223 offered by Senator Soik.

Senate Bill 537

Upon motion of Senator Risser, with unanimous consent, the bill was laid aside to follow Senate Joint Resolution 74 on the calendar.

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Senate Bill 89

Upon motion of Senator Johnson, with unanimous consent, the bill was laid aside to follow Senate Bill 95 on the calendar.

Senate Bill 280

Relating to responsibilities of the pharmacy examining board and the division of criminal investigation in drugs and narcotics law enforcement and making an appropriation.

Upon motion of Senator Chilsen the senate recessed for one-half hour.

RECESS

10:10 A.M.

President pro tempore in the chair.

Senate Bill 280

The question was: Shall the vetoed part of the bill pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 0; noes, 26; absent or not voting, 6; as follows:

Ayes—None.

Noes—Senators Busby, Chilsen, Dempsey, Devitt, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, R o s e l e i p , Schreiber, Schuele, Soik and Swan—26.

Absent or not voting—Senators Cirilli, Dorman, Terry, Thompson and Whittow—5.

Less than two-thirds having voted in the affirmative, the senate refused to pass the bill notwithstanding the objections of the Governor.

Senator Kendziorski in the chair.

Upon motion of Senator Keppler, with unanimous consent, Senate Bill 602 was taken up before Senate Bill 223.

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President pro tempore in the chair.

Senate Bill 602

An act requiring legislative ratification of the establishment of administrative districts of regions for state agency operations.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 22; noes, 6; absent or not voting, 3; as follows:

Ayes—Senators Busby, Chilsen, Dempsey, Devitt, Hollander, Johnson, Kendziorski, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmussen, Roseleip, Schuele, Soik, Swan and Terry—22.

Noes—Senators Draheim, Heinzen, Knowles, Risser, Schreiber and Thompson—6.

Absent or not voting—Senators Cirilli, Dorman and Whitow—3.

More than two-thirds having voted in the affirmative, the bill passed notwithstanding the objections of the Governor.

Upon motion of Senator Keppler, with unanimous consent, the actions of the senate were ordered immediately messaged to the assembly.

Upon motion of Senator Keppler, with unanimous consent, Senate Bill 223 and Assembly Bill 332 were placed on the calendar after Senate Bill 660.

Senate Joint Resolution 82

A joint resolution relating to uniformity of taxation.

Read.

The resolution was rejected.

Senate Bill 27

Upon motion of Senator Swan, with unanimous consent, the bill was placed on the calendar after Senate Bill 89.

Senate Bill 54

Upon motion of Senator Hollander, with unanimous consent, the bill was referred to the joint committee on Finance.

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Senate Bill 210

Relating to officers nominated by the governor, and with the advice and consent of the senate appointed.

Read a second time.

Senate substitute amendment 1 was adopted.

The bill was ordered to a third reading.

Upon motion of Senator Keppler, with unanimous consent, the bill was considered for final action at this time.

Upon motion of Senator Keppler, with unanimous consent, Senate Bill 210 was placed on the calendar after Senate Bill 554.

Upon motion of Senator Johnson, with unanimous consent, Senate Bill 364 was placed on the calendar after Senate Bill 27.

Senate Joint Resolution 82

Senator Risser moved reconsideration of the vote by which the resolution was rejected and it be placed on the calendar after Senate Bill 364.

Senator Schreiber, with unanimous consent, was granted a leave of absence from 11:00 A.M. to 11:40 A.M. of today's session.

Senator Kendziorski in the chair.

Senate Bill 554

Relating to annexation of town islands.

Read a second time.

The question was: Shall the bill be indefinitely postponed?

Senate amendment 1 to Senate Bill 554 offered by Senator Keppler.

Upon motion of Senator Hollander, with unanimous consent, senate amendment 1 was considered before the vote on indefinite postponement.

Senator Soik moved rejection of the amendment.

The motion did not prevail.

President pro tempore in the chair.

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Senate amendment 1 was adopted.

Senate amendment 2 offered by Senator Lorge and considered at this time with unanimous consent.

Senator Risser moved rejection of senate amendment 2.

Upon motion of Senator Keppler, with unanimous consent, Senator Lotto was granted a leave of absence for the balance of today's session.

The question was: Shall senate amendment 2 be rejected?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 12; absent or not voting, 6; as follows:

Ayes—Senators Busby, Chilsen, Draheim, Heinzen, Hollander, Kendziorski, Keppler, Knowles, Rasmusen, Risser, Schreiber, Schuele and Soik—13.

Noes—Senators Dempsey, Devitt, Johnson, Knutson, LaFave, Lorge, Lourigan, McParland, Meunier, Roseleip, Swan and Terry—12.

Absent or not voting—Senators Cirilli, Dorman, Krueger, Lotto, Thompson and Whittow—6.

So the motion to reject prevailed.

Senator McParland moved to lay the bill over and place Senate Bill 554 on the calendar after Senate Bill 364.

The question was: Shall the bill lay over?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 17; absent or not voting, 5; as follows:

Ayes—Senators Busby, Chilsen, Dempsey, Keppler, LaFave, Lourigan, McParland, Roseleip and Soik—9.

Noes—Senators Devitt, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Knowles, Knutson, Krueger, Lorge, Meunier, Rasmusen, Risser, Schreiber, Schuele, Swan and Terry—17.

Absent or not voting—Senators Cirilli, Dorman, Lotto, Thompson and Whittow—5.

The motion to lay the bill over failed.

The question was: Shall Senate Bill 554 be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 15; absent or not voting, 4; as follows:

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Ayes—Senators Dempsey, Devitt, Johnson, Knutson, LaFave, Lourigan, McParland, Meunier, Roseleip, Swan, Terry and Thompson—12.

Noes—Senators Busby, Chilsen, Draheim, Heinzen, Hollander, Kendziorski, Keppler, Knowles, Krueger, Lorge, Rasmusen, Risser, Schreiber, Schuele and Soik—15.

Absent or not voting—Senators Cirilli, Dorman, Lotto and Whittow—4.

So the senate refused to indefinitely postpone the bill.

The bill was ordered to a third reading.

Senator Keppler asked unanimous consent the bill be considered for final action at this time.

Senator McParland objected.

Upon motion of Senator Keppler, with unanimous consent, the senate returned to the 5th order of business.

COMMITTEE REPORT

The committee on Transportation reports and recommends:

Senate Bill 500

An act directing the highway commission to reroute the portion of state trunk highway 27 between Black River Falls and Augusta.

Passage; Ayes, 5; Noes, 0.

REUBEN LaFAVE,
Chairman.

Upon motion of Senator Keppler, with unanimous consent, the senate returned to the 9th order of business.

MOTIONS

Senate Bill 631

Upon motion of Senator Busby, with unanimous consent, the bill was withdrawn from the committee on Judiciary and referred to the joint committee on Finance.

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MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Sgt. Felipe K. Fernandez of Oak Creek, a member of Company B, 128th Infantry, Wisconsin Army National Guard, whose unit was activated to guard the State Capitol, died in a traffic accident on September 30, 1969 while coming to Madison with his unit; and

Whereas, all persons mourn the tragic death of this young man, who died in the line of duty and while he was on a mission to protect the seat of representative government in our state; now, therefore,

The Members of the Wisconsin Senate, on the motion of Senator LaFave, extend their heart-felt sympathy to the family of Sgt. Felipe K. Fernandez who gave his life in the service of his state and direct that in tribute to Sgt. Fernandez the Assembly and Senate flags be flown at half-staff for the remainder of this week.

Upon motion of Senator LaFave, with unanimous consent, all members of the senate were made co-sponsors of the motion honoring Sgt. Felipe K. Fernandez.

Motion read and adopted by unanimous rising vote.

Senate Bill 554

Upon motion of Senator Hollander, with unanimous consent, the bill was placed on the calendar after Senate Bill 659.

Upon motion of Senator Keppler, with unanimous consent, the actions of the senate were ordered immediately messaged to the assembly.

Upon motion of Senator Keppler, the senate adjourned until Tuesday, October 7th, at 10:01 A.M.