

JOURNAL OF THE SENATE [October 8, 1969]

STATE OF WISCONSIN

Senate Journal

Seventy-Ninth Session

WEDNESDAY, October 8, 1969.

10:07 o'clock A.M.

The senate met.

The senate was called to order by the president.

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

Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—30.

Absent—None.

Absent with leave—None.

INTRODUCTION OF AMENDMENTS

Senate amendment 1 to Senate Bill 598 offered by Senator Soik.

Senate amendment 2 to Senate Bill 631 offered by Senator Hollander.

JOURNAL OF THE SENATE [October 8, 1969]

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 90

A joint resolution granting the use of the legislative chambers on June 26 and 27, 1970, and July 24 and 25, 1970, for the 1970 Model Legislature.

By Senators Risser and Keppler.

Read.

Adopted.

INTRODUCTION OF BILLS

Senate Bill 695

Relating to inclusion of under-2-mile transportation costs in a school district net operating cost.

By Senators Devitt, Cirilli, Terry, Chilsen, Rasmusen and Dempsey; co-sponsored by Assemblymen Thompson, York, L. H. Johnson, Bock and Azim.

Read first time.

To joint committee on Finance.

COMMITTEE REPORTS

The committee on Judiciary reports and recommends:

Senate Bill 415

Relating to the wearing of safety equipment.

Indefinite postponement; Ayes, 3; Noes, 0.

Senate Bill 532

Relating to control of cash in counties having a population of 500,000 or more.

Passage; Ayes, 3; Noes, 0.

Senate Bill 592

Relating to the public policy and governing of the state universities and the University of Wisconsin and providing penalties.

Adoption of senate amendment 1; Ayes, 2; Noes, 1; adoption of senate amendment 2; Ayes, 2; Noes, 1 and passage as amended; Ayes, 2; Noes, 1.

JOURNAL OF THE SENATE [October 8, 1969]

Senate Bill 601

Relating to the letting of state contracts for construction work.

Passage; Ayes, 3; Noes, 0.

Senate Bill 608

Relating to notaries public.

Passage; Ayes, 3; Noes, 0.

Senate Bill 610

Relating to the taking of oral depositions.

Indefinite postponement; Ayes, 3; Noes, 0.

Senate Bill 612

Relating to parental liability for acts of a minor child.

Passage; Ayes, 3; Noes, 0.

Senate Bill 616

Relating to circuit courts and county courts acting as a court of conciliation for counties choosing to do so.

Passage; Ayes, 3; Noes, 0.

Senate Bill 629

Relating to a life sentence for persons who have been three times convicted of felonies.

Passage; Ayes, 2; Noes, 1.

Senate Bill 630

Relating to imprisonment for nonpayment of fines and costs.

Passage; Ayes, 3; Noes, 0.

Senate Bill 646

Relating to the crime of forfeiting bail and providing a penalty.

Rejection of senate amendment 1; Ayes, 3; Noes, 0 and indefinite postponement; Ayes, 3; Noes, 0.

Senate Bill 648

Relating to prohibiting campus trespass and interference and creating a penalty.

Passage; Ayes, 2; Noes, 1.

JOURNAL OF THE SENATE [October 8, 1969]

Senate Bill 651

Relating to the summons and complaint in actions affecting marriage.

Passage; Ayes, 2; Noes, 1.

Senate Bill 652

Relating to solicitation of funds for charitable purposes.

Passage; Ayes, 3; Noes, 0.

Assembly Joint Resolution 38

A joint resolution making an application to the Congress of the U.S. pursuant to article V of the constitution of the U.S. for a convention for proposing an amendment to the constitution of the U.S.

Nonconcurrence; Ayes, 2; Noes, 1.

Assembly Bill 14

Relating to the jurisdiction of civil and criminal courts over children for traffic violations.

Adoption of senate amendment 2; Ayes, 3; Noes, 0 and concurrence as amended; Ayes, 3; Noes, 0.

Assembly Bill 171

Relating to dismissal of legal action or proceeding for delay.

Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 365

Relating to the appointment of receivers for certain properties which have been declared public nuisances.

Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 561

Relating to the power of the conservation commission to acquire property by condemnation.

Concurrence; Ayes, 2; Noes, 1.

Assembly Bill 587

Relating to jurisdiction over out-of-state residents for adverse examinations.

Concurrence; Ayes, 3; Noes, 0.

JOURNAL OF THE SENATE [October 8, 1969]

Assembly Bill 652

Relating to interests in property and condominiums.
Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 672

Relating to the statute of limitations in actions affecting marriage.

Concurrence; Ayes, 3; Noes, 0.

ALLEN J. BUSBY,
Chairman.

The committee on Committees reports and recommends:

The appointment of Senator Raymond C. Johnson, to the joint Finance committee to succeed Senator Chester E. Dempsey, deceased.

GERALD D. LORGE,
Chairman.

REUBEN LaFAVE
WALTER G. HOLLANDER

Report of the committee on Committees was read and adopted.

PETITIONS AND COMMUNICATIONS

The State of Wisconsin
Department of State
Madison 53702

To the Honorable, the Senate

Gentlemen: I have the honor to transmit to you, pursuant to Section 13.67 (2), a list of registered lobbyists for the period beginning September 30, 1969 and ending October 6, 1969.

Yours very truly,

ROBERT C. ZIMMERMAN,
Secretary of State.

JOURNAL OF THE SENATE [October 8, 1969]

Name, Address and Occupation of Lobbyist—Name and Address of Employer—Subject of Legislation—Date of Employment—Length of Time of Employment.

Donald J. Larsen, Director—Pub. Works, 2621 E. Lexington Blvd., Eau Claire, Wis.—Town of Washington, 2621 E. Lexington Blvd., Eau Claire, Wis.—Trailer homes, Bills affecting townships—September 30, 1969—Session.

William L. Boyd, 660 E. Mason St., Milwaukee, Wis.—General Motors Corporation, 3044 W. Grand Blvd., Detroit, Michigan—Matters affecting the automobile manufacturing industry—October 1, 1969—Session.

James L. Everson, Attorney, % West Bend Co., West Bend, Wis.—West Bend Co., West Bend, Wisconsin—Business of the West Bend Company—October 2, 1969—Session.

Paul L. Nine, Attorney, P.O. Box 1919, Detroit, Michigan—Chrysler Corporation, P.O. Box 1919, Detroit, Michigan—Automobile industry interests—October 6, 1969—Session.

Harry F. Franke, 660 E. Mason St., Milwaukee, Wis.—General Motors Corporation, 3044 W. Grand Blvd., Detroit, Michigan—Matters relating to automotive industry—October 6, 1969—Session.

Senate Petition 526

A petition from 17 residents of Sturgeon Bay, Door County, urging legislation to restore 35% of the Liquor Tax to the Veterans Trust Fund.

By Senator Meunier.

To committee on Governmental and Veterans' Affairs.

Senate Petition 527

A petition by 12 members of the Goldenrod Homemakers Club of Clark County, protesting any further raise in sales tax and particularly an over-all sales tax of 3% in lieu of the present 4% selective tax.

By Senator Krueger.

To joint committee on Finance.

JOURNAL OF THE SENATE [October 8, 1969]

Senate Petition 528

A petition by 500 residents of Wisconsin supporting **Senate Bill 222** and **Assembly Bill 342**, which would restore 35% of the Liquor Tax to the Veterans Trust Fund.

By Senator Swan.

To committee on Governmental and Veterans' Affairs.

Mr. William P. Nugent
Chief Clerk of the Senate
State Capitol
Madison, Wisconsin

Dear Mr. Nugent:

Pursuant to the provisions of Section 13.52 (1) (a) of the Wisconsin Statutes, I hereby appoint Senator James D. Swan to be a member of the joint Survey committee on Tax Exemptions to fill the vacancy caused by the death of Senator Chester E. Dempsey.

Very truly yours,

WALTER G. HOLLANDER,
Senate Chairman,
Joint Committee on Finance.

EXECUTIVE COMMUNICATIONS

The State of Wisconsin
Executive Office
Madison 53702

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I hereby nominate and with the advice and consent of the senate appoint Theodore O. Myren, of Baldwin, as a member of the Minnesota-Wisconsin Boundary Area Commission, to succeed Dean Erickson, Hudson, to serve for a term ending September 25, 1974.

Respectfully submitted,

WARREN P. KNOWLES,
Governor.

Read.

To committee on Governmental and Veterans' Affairs.

JOURNAL OF THE SENATE [October 8, 1969]

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I hereby nominate and with the advice and consent of the senate appoint Gilman H. Stordock, Sr., of Waupaca, as a member of the Board of Veterans Affairs, to succeed Harley Hicks, Dodgeville, deceased, to serve for a term ending March 1, 1973.

Respectfully submitted,

WARREN P. KNOWLES,
Governor.

Read.

To committee on Governmental and Veterans' Affairs.

MESSAGE FROM THE ASSEMBLY

By Wilmer H. Struebing, Chief Clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

Motions Under Joint Rule 26:

Congratulating Leslie H. Fishel, Jr., and Robert D. Haase.

Senate Joint Resolution 83

Senate Joint Resolution 84

Concurred in Senate Bill 436 notwithstanding objections of the Governor.

MOTIONS

Upon motion of Senator Cirilli, with unanimous consent, Senate Joint Resolution 89 was considered at this time.

Senate Joint Resolution 89

A joint resolution relating to the life and public service of Charles A. Halbert.

By Senator Cirilli.

Read.

Adopted by unanimous rising vote.

JOURNAL OF THE SENATE [October 8, 1969]

Senate Bill 197

Senator Devitt moved the bill be taken from its place on the October 7th calendar and taken up at this time.

Upon motion of Senator Risser the senate recessed for ten minutes.

RECESS

11:45 A.M.

President of the senate in the chair.

Upon motion of Senator Keppler the senate recessed until 1:30 P.M.

RECESS

1:30 P.M.

President pro tempore in the chair.

Senate Bill 197

The question was: Shall the senate consider the bill at this time?

Senator Risser moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

Senators Busby, Chilsen, Cirilli, Devitt, Draheim, Heinen, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Lourigan, McParland, Rasmusen, Risser, Roseleip, Schuele, Soik and Whittow—21.

Absent—Senators Dorman, Hollander, Johnson, LaFave, Meunier, Schreiber, Swan, Terry and Thompson—9.

JOURNAL OF THE SENATE [October 8, 1969]

Senate Bill 597

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

Senate Bill 649

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

Senate Bill 577

Upon motion of Senator Kendziorski, with unanimous consent, the bill was laid aside to be taken up after **Senate Bill 659**.

Senate Bill 599

Relating to depositing deleterious substances in waters.
Read a second time.

Upon motion of Senator Krueger, with unanimous consent, the vote by which the bill was ordered to a third reading was reconsidered.

Senate amendment 1 offered by Senator Krueger.

Senate 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.

Senate Bill 599

Was read a third time and passed.

Senate Bill 658

Relating to dual employment of city officers and employees.

Read a second time.

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.

Senate Bill 658

Was read a third time and passed.

JOURNAL OF THE SENATE [October 8, 1969]

Senate Bill 659

Relating to municipal bargaining units.

Read a second time.

The bill was indefinitely postponed.

Senate Bill 577

Relating to injunctive relief for state and municipal work stoppage.

Read a second time.

The bill was indefinitely postponed.

Senate Bill 554,

Relating to annexation of town islands.

Read a third time.

The question was: Shall the bill pass?

Senator McParland moved indefinite postponement of the bill.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 7; noes, 20; absent or not voting, 3; as follows:

Ayes—Senators Devitt, Knutson, Lourigan, McParland, Schuele, Terry and Thompson—7.

Noes—Senators Busby, Chilsen, Cirilli, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, Lorge, Lotto, Rasmusen, Risser, Roseleip, Schreiber, Soik and Whittow—20.

Absent or not voting—Senators LaFave, Meunier and Swan—3.

The motion to indefinitely postpone failed.

The bill was passed.

Senator Devitt moved to raise the call of the senate.

Senator Kendziorski raised the point of order that all committee members are subject to a call of the senate except those on the committee of Conference.

The president pro tempore ruled the point of order well taken.

JOURNAL OF THE SENATE [October 8, 1969]

Senator Risser raised the point of order it was the duty of the sergeant-at-arms to return the committee members to the senate.

The president pro tempore ruled the point of order well taken.

Senator Devitt withdrew his motion to raise the call.

Senate Bill 210

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

Read a third time and passed.

Senate Bill 660

Relating to definitions in municipal labor law.

Read a second time.

The bill was indefinitely postponed.

Senate Bill 223

Relating to an authorization for a county room tax.

Read a second time.

Upon motion of Senator Soik, with unanimous consent, senate amendment 2 to senate substitute amendment 2 was returned to the author.

The question was: Shall the vote by which senate amendment 1 to senate substitute amendment 2 was rejected be reconsidered?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 14; absent or not voting, 0; as follows:

Ayes—Senators Busby, Chilsen, D r a h e i m , Johnson, Kendziorski, Keppler, Knutson, Lorge, Lourigan, McParland, Rasmusen, Risser, Schreiber, Soik, Swan and Thompson—16.

Noes—Senators Cirilli, Devitt, Dorman, Heinzen, Hollander, Knowles, Krueger, LaFave, Lotto, Meunier, Roseleip, Schuele, Terry and Whittow—14.

Absent or not voting—None.

The senate reconsidered the vote by which the amendment was rejected.

JOURNAL OF THE SENATE [October 8, 1969]

The question was: Shall senate amendment 1 to senate substitute amendment 2 be rejected?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 13; absent or not voting, 0; as follows:

Ayes—Senators Devitt, Heinzen, Hollander, Johnson, Knowles, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Rasmusen, Roseleip, Schuele, Soik, Terry and Thompson—17.

Noes—Senators Busby, Chilsen, Cirilli, Dorman, Draheim, Kendziorski, Keppler, Knutson, Lourigan, Risser, Schreiber, Swan and Whittow—13.

Absent or not voting—None.

So senate amendment 1 to senate substitute amendment 2 was rejected.

Senate substitute amendment 2 was adopted.

Senator Risser moved indefinite postponement.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 20; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Cirilli, Dorman, Draheim, Keppler, Knowles, Knutson, Lourigan, Risser and Swan—10.

Noes—Senators Busby, Devitt, Heinzen, Hollander, Johnson, Kendziorski, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Rasmusen, Roseleip, Schreiber, Schuele, Soik, Terry, Thompson and Whittow—20.

Absent or not voting—None.

So the senate refused indefinite postponement.

Senator Kendziorski in the chair.

Senate amendment 3 to senate substitute amendment 2 to Senate Bill 223 offered by Senator Lorge.

Senator Terry moved rejection of the amendment.

The question was: Shall senate amendment 3 to senate substitute amendment 2 be rejected?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 8; absent or not voting, 0; as follows:

Ayes—Senators Busby, Devitt, Dorman, Heinzen, Hol-

JOURNAL OF THE SENATE [October 8, 1969]

lander, Johnson, Kendziorski, Knowles, Knutson, Krueger, LaFave, Lotto, McParland, Meunier, Rasmusen, Roseleip, Schreiber, Schuele, Soik, Terry, Thompson and Whittow—22.

Noes—Senators Chilsen, Cirilli, Draheim, Keppler, Lorge, Lourigan, Risser and Swan—8.

Absent or not voting—None.

So senate amendment 3 to senate substitute amendment 2 was rejected.

Upon motion of Senator Johnson, with unanimous consent, Senator Knutson was given a leave of absence for the afternoon session, and to have the record show he will be representing the legislature at the Wisconsin Cheesemakers annual banquet.

Senate amendment 4 to senate substitute amendment 2 to Senate Bill 223 offered by Senator Chilsen.

The question was: Shall the amendment be adopted?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 13; absent or not voting, 1; as follows:

Ayes—Senators Chilsen, Cirilli, D o r m a n , Draheim, Heinzen, Kendziorski, Keppler, Knowles, Lourigan, McParland, Risser, Schreiber, Soik, Swan, Thompson and Whittow—16.

Noes—Senators Busby, D e v i t t , Hollander, Johnson, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Schuele and Terry—13.

Absent or not voting—Senator Knutson—1.

Senate amendment 4 to senate substitute amendment 2 was adopted.

President pro tempore in the chair.

Senator Krueger moved indefinite postponement of Senate Bill 223.

The bill was indefinitely postponed.

Senate Bill 197

Relating to policemen's annuity and benefit funds in cities of the 1st class.

JOURNAL OF THE SENATE [October 8, 1969]

The question was: Shall the bill be taken up at this time?

Upon motion of Senator Keppler the senate recessed for 10 minutes.

RECESS

4:18 P.M.

President pro tempore in the chair.

Upon motion of Senator Johnson, with unanimous consent, the journal shows that Senators Dorman, Lotto, Swan and Hollander were in the capitol building attending a committee hearing when the call of the senate occurred.

Senate Bill 197

Senator Devitt withdrew his motion to take up the bill at this time.

The call of the senate was raised.

Assembly Bill 332

Relating to a referenda on school district reorganizations.

Read a second time.

Senate amendment 1 was adopted.

Senator Heinzen moved indefinite postponement.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 16; absent or not voting, 1; as follows:

Ayes—Senators Chilsen, Dorman, Draheim, Heinzen, Kendziorski, Knowles, Krueger, Rasmussen, Rissler, Schreiber, Schuele, Soik and Thompson—13.

Noes—Senators Busby, Cirilli, Devitt, Hollander, Johnson, Keppler, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Roseleip, Swan, Terry and Whittow—16.

Absent or not voting—Senator Knutson—1.

The motion for indefinite postponement failed.

Senator Schreiber moved the bill be re-referred to the committee on Education.

JOURNAL OF THE SENATE [October 8, 1969]

The question was: Shall the bill be re-referred to the committee on Education?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 11; absent or not voting, 1; as follows:

Ayes—Senators Chilsen, Cirilli, Dorman, Draheim, Heinzen, Kendziorski, Keppler, Knowles, Krueger, Meunier, Rasmusen, Risser, Schreiber, Schuele, Soik, Swan, Thompson and Whittow—18.

Noes—Senators Busby, Devitt, Hollander, Johnson, LaFave, Lorge, Lotto, Lourigan, McParland, Roseleip and Terry—11.

Absent or not voting—Senator Knutson—1.

The motion to re-refer prevailed.

Assembly Bill 217

Relating to refund claims on income tax office audit assessments.

Read a second time.

The bill was ordered to a third reading.

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

Assembly Bill 217

Was read a third time.

The question was: Shall the bill be concurred in?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—29.

Noes—None.

Absent or not voting—Senator Knutson—1.

The bill was concurred in.

Assembly Bill 218

Relating to penalties for failure to file certain tax returns and reports.

JOURNAL OF THE SENATE [October 8, 1969]

Read a second time.

Senate amendment 1 was adopted.

The bill was ordered to a third reading.

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

Assembly Bill 218

Was read a third time.

The question was: Shall the bill be concurred in?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Kessler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—29.

Noes—None.

Absent or not voting—Senator Knutson—1.

The bill was concurred in as amended.

Assembly Bill 245

Relating to the approval of building plans and specifications by the department of industry, labor and human relations.

Read a second time.

The bill was ordered to a third reading.

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

Assembly Bill 245

Was read a third time.

Senator Risser moved nonconcurrence of the bill.

Senator Chilsen raised the point of order the major portion of Assembly Bill 245 was already law.

The president pro tempore took the matter under advisement.

JOURNAL OF THE SENATE [October 8, 1969]

Upon motion of Senator Keppler the senate adjourned until Thursday, October 9th, at 10:01 A.M.

INTRODUCTION OF GUESTS

Senator Terry introduced Mrs. Virginia Corbin of Arlington, Wisconsin.