

JOURNAL OF THE SENATE [October 9, 1969]

STATE OF WISCONSIN

# Senate Journal

Seventy-Ninth Session

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THURSDAY, October 9, 1969.

10:05 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, 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 and Whittow—29.

Absent—Senator Thompson—1.

Absent with leave—None.

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## INTRODUCTION OF AMENDMENTS

Senate substitute amendment 3 to Senate Bill 143 offered by Senators Cirilli, Johnson and McParland.

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 655 offered by Senator LaFave.

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

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RECESS

1681

10:33 A.M.

President pro tempore in the chair.

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### RESOLUTIONS

#### **Senate Joint Resolution 91**

A joint resolution relating to commending the Madison police department and Dane county sheriff's office.

By Senators Roseleip, Terry, Lourigan, Soik, Meunier and Devitt.

Upon motion of Senator Roseleip, with unanimous consent, the resolution was considered at this time.

Read and adopted.

#### **Senate Joint Resolution 92**

A joint resolution congratulating the national guard.

By Senators Roseleip, Terry, Lourigan, Soik, Meunier and Devitt.

Upon motion of Senator Roseleip, with unanimous consent, the resolution was considered at this time.

Read and adopted.

#### **Senate Joint Resolution 93**

Relating to condemning James E. Groppi and his followers for their undemocratic actions.

By Senator Roseleip.

Read.

To committee on Governmental and Veterans' Affairs.

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### INTRODUCTION OF BILLS

#### **Senate Bill 696**

Relating to milk testing and granting rule-making authority.

By Senators Terry, Krueger, Lotto and Thompson; co-sponsored by Assemblymen Nuttelman, O'Malley, Day, Schroeder, Tregoning and Laper.

Read first time.

To committee on Agriculture.

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**Senate Bill 697**

Relating to the method of determining population of counties for exercising certain powers.

By Senator Dorman.

Read first time.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 698**

Relating to the restoration, creation and expansion of state programs dealing with urban problems and school districts, increasing certain taxes, and making appropriations.

By Senators Devitt and Whittow, by request of Milwaukee County Urban Legislative Task Force.

Read first time.

To joint committee on Finance.

**Senate Bill 699**

Relating to prohibiting residential picketing and providing a penalty.

By Senators Roseleip and Soik.

Read first time.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 700**

Relating to the restriction on alienation of Menominee Indian tribe corporation securities.

By Senators LaFave and Chilsen; co-sponsored by Assemblyman Grover.

Read first time.

To committee on Labor, Taxation, Insurance and Banking.

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**COMMITTEE REPORT**

The committee on Committees reports and recommends:

The appointment of Senator Robert P. Knowles to the State Building Commission, to succeed Senator Chester E. Dempsey, now deceased, for the balance of the term.

**GERALD D. LORGE,**  
Chairman.

**REUBEN LaFAVE**  
**WALTER HOLLANDER**

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The report of committee on Committees was read and adopted.

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**REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS**

**APPENDIX TO SENATE BILL 591**

Relating to the elimination of inconsistencies, and the clarification and modification of various provisions pertaining to the Milwaukee teachers retirement fund.

**Recommendation**

The continuing objectives of clarification, simplification and greater equity are well served by the proposal contained in this bill. It is, therefore, the opinion of this Committee that Senate Bill 591 is in the best public interest and is deserving of passage.

Respectfully submitted,

**JOINT SURVEY COMMITTEE  
ON RETIREMENT SYSTEMS**

**REUBEN LaFAVE,**  
Chairman.

**MILTON McDOUGAL,**  
Vice-Chairman.

Referred to committee on Education.

**REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS**

**APPENDIX TO SENATE SUBSTITUTE AMENDMENT 1  
TO SENATE BILL 392**

Relating to the exclusion of supplementary wages received from final average compensation under the state teachers retirement system and the Milwaukee teachers retirement fund.

**Recommendation**

It is the opinion of this Committee that this matter should be referred to the Retirement Research Committee for study and recommendation. The provisions contained in

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senate substitute amendment 1 establishes the undesirable precedent of excluding compensation from retirement benefits and, consequently, would adversely affect the retirement rights and benefits of several thousand members. It is the further opinion of this Committee that senate substitute amendment 1 is definitely not in the best public interest and is not deserving of passage.

Respectfully submitted,

**JOINT SURVEY COMMITTEE  
ON RETIREMENT SYSTEMS**

**REUBEN LaFAVE,**  
Chairman.

**MILTON McDOUGAL,**  
Vice-Chairman.

Referred to joint committee on Finance.

**REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS**

**APPENDIX TO SENATE BILL 570 AND SENATE  
AMENDMENT 1**

Relating to the establishment of a program of systematic recurrent adjustments based on rises in the consumer price index for retired members of state supported retirement systems.

**Recommendation**

The proposals contained in this bill will provide positive action for correcting the insidious erosive effect that inflation is having upon those Wisconsin teachers and public employes who are living on fixed incomes. It is, therefore, the opinion of this committee that passage of this bill and senate amendment 1 thereto are in the best public interest.

Respectfully submitted,

**JOINT SURVEY COMMITTEE  
ON RETIREMENT SYSTEMS**

**REUBEN LaFAVE,**  
Chairman.

**MILTON McDOUGAL,**  
Vice-Chairman.

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**Referred to joint committee on Finance.**

**Senate Petition 529**

**A petition by 28 Racine County taxpayers urging support of Governor Knowles' Urban Aid Package.**

**By Senator Dorman.**

**To joint committee on Finance.**

**Senate Petition 530**

**A petition by 68 citizens of the 23rd Senatorial District urging favorable action on Senate Bill 222 and Assembly Bill 342 which would restore 35% of the Liquor Tax to the Veterans Trust Fund.**

**By Senator Rasmusen.**

**To committee on Governmental and Veterans' Affairs.**

**Senate Petition 531**

**A petition by 73 citizens of the 31st Senatorial District in support of Senate Bill 222, which would restore 35% of the Liquor Tax to the Veterans Trust Fund.**

**By Senator Johnson.**

**To committee on Governmental and Veterans' Affairs.**

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**MESSAGE FROM THE ASSEMBLY**

**By Wilmer H. Struebing, chief clerk.**

**Mr. President:**

**I am directed to inform you that the assembly has passed and asks concurrence in:**

**Assembly Bill 680,  
Assembly Bill 681 and  
Assembly Bill 705**

**Concurred in:**

**Senate Joint Resolution 88**

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MESSAGE FROM ASSEMBLY CONSIDERED

**Assembly Bill 680**

Relating to apprenticeship indentures of minors.

Read and referred to committee on Labor, Taxation, Insurance and Banking.

**Assembly Bill 681**

Relating to the definition of a migrant labor camp site.

Read and referred to committee on Labor, Taxation, Insurance and Banking.

**Assembly Bill 705**

Relating to minors presenting musical entertainment at certain dances.

Read and referred to committee on Labor, Taxation, Insurance and Banking.

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MOTIONS

Upon motion of Senator Keppler, with unanimous consent, the actions of the senate taken during yesterday's session were ordered immediately messaged to the assembly.

**Senate Bill 223**

Senator LaFave moved reconsideration of the vote by which the bill was indefinitely postponed.

Senator Hollander in the chair.

Senator Kendziorski 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.

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

Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry and Whittow—27.

Absent—Senators Draheim, Lorge and Thompson—3.

Absent with leave—None.

President pro tempore in the chair.

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### RULING OF THE CHAIR

The president pro tempore ruled that the point of order raised by Senator Chilsen on Assembly Bill 245 on Wednesday, October 8th was well taken, that it was identical to Section 284g of Chapter 154 (Budget).

#### Assembly Bill 332

Relating to a referenda on school district reorganizations.

Senator Keppler moved reconsideration of the vote by which the bill was referred to the committee on Education.

Senator Schreiber raised the point of order as to whether the proper motion would be to withdraw the bill from the committee on Education.

The president pro tempore ruled the point not well taken.

The question was: Shall the senate reconsider the vote by which the bill was 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 Busby, Cirilli, Devitt, Hollander, Johnson, Kendziorski, Keppler, Knutson, LaFave, Lorge, Lotto, Lourigan, McParland, Roseleip, Schuele, Soik, Swan and Whittow—18.



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**Noes—Senators Chilsen, Dorman, Draheim, Heinzen, Knowles, Krueger, Meunier, Rasmusen, Risser, Schreiber and Terry—11.**

**Absent or not voting—Senator Thompson—1.**

**The motion to reconsider prevailed.**

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

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

**Ayes—Senators Chilsen, Dorman, Draheim, Heinzen, Knowles, Krueger, Meunier, Rasmusen, Risser, Schreiber and Terry—11.**

**Noes—Senators Busby, Cirilli, Devitt, Hollander, Johnson, Kendziorski, Keppler, Knutson, LaFave, Lorge, Lotto, Lourigan, McParland, Roseleip, Schuele, Soik, Swan and Whittow—18.**

**Absent or not voting—Senator Thompson—1.**

**The motion to refer to committee failed.**

**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.**

**Assembly Bill 332**

**Was read a third time.**

**The question was: Shall the bill be concurred in?**

**The ayes and noes were demanded and the vote was: ayes, 20; noes, 9; absent or not voting, 1; as follows:**

**Ayes—Senators Busby, Devitt, Hollander, Johnson, Kendziorski, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Roseleip, Schuele, Soik, Swan, Terry and Whittow—20.**

**Noes—Senators Chilsen, Cirilli, Dorman, Draheim, Heinzen, Knowles, Rasmusen, Risser and Schreiber—9.**

**Absent or not voting—Senator Thompson—1.**

**The bill was concurred in as amended.**

**Ordered immediately messaged to the assembly.**

**Senate Bill 39**

**Upon motion of Senator Hollander, with unanimous con-**

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sent, the bill was withdrawn from the joint committee on Finance and placed on the calendar.

**Assembly Bill 674**

Relating to direct action against insurers in negligence cases.

Read a second time.

Senator Chilsen moved nonconcurrency.

The question was: Shall the bill be nonconcurrent in?

Upon motion of Senator Keppler, with unanimous consent, the call of the senate was raised.

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

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**RECESS**

**1:30 P.M.**

President pro tempore in the chair.

**Senate Bill 223**

Relating to an authorization for a county room tax.

The question was: Shall the senate reconsider the vote by which the bill was indefinitely postponed?

Senator Johnson 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 B u s b y, Chilsen, Cirilli, Devitt, Draheim, Heinzen, Hollander, Johnson, K e n d z i o r s k i, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Swan, Terry and Whittow—26.

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Absent—Senators Dorman, Knutson, Soik and Thompson—4.

Absent with leave—None.

**Assembly Bill 674**

Relating to direct action against insurers in negligence cases.

The question was: Shall the bill be nonconcurrent in?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 15; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Devitt, Heinzen, Hollander, Keppler, Knowles, Knutson, Krueger, Lotto, Rasmusen, Roseleip, Soik, Swan, Terry and Whittow—15.

Noes—Senators Busby, Cirilli, Dorman, Draheim, Johnson, Kendziorski, LaFave, Lorge, Lourigan, McParland, Meunier, Risser, Schreiber, Schuele and Thompson—15.

Absent or not voting—None.

The motion for nonconcurrency failed.

Senator Heinzen moved to refer the bill to the committee on Judiciary.

Senator Kendziorski in the chair.

The question was: Shall the bill be referred to the committee on Judiciary?

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

Ayes—Senators Chilsen, Heinzen, Knowles, Krueger, Lotto, Rasmusen, Roseleip and Swan—8.

Noes—Senators Busby, Cirilli, Devitt, Dorman, Draheim, Hollander, Johnson, Kendziorski, Keppler, Knutson, LaFave, Lorge, Lourigan, McParland, Meunier, Risser, Schreiber, Schuele, Soik, Terry, Thompson and Whittow—22.

Absent or not voting—None.

The motion to refer to committee failed.

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.

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### Assembly Bill 674

Was read a third time.

The question was: Shall the bill be concurred in?

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

Ayes—Senators Busby, Cirilli, Devitt, Dorman, Draheim, Johnson, Kendziorski, LaFave, Lorge, Lourigan, McParland, Meunier, Risser, Schreiber, Schuele, Thompson and Whittow—17.

Noes—Senators Chilsen, Heinzen, Hollander, Keppler, Knowles, Knutson, Krueger, Lotto, Rasmusen, Roseleip, Soik, Swan and Terry—13.

Absent or not voting—None.

The bill was concurred in.

Ordered immediately messaged to the assembly.

Upon motion of Senator Johnson, with unanimous consent, Senator Krueger was given a leave of absence for the balance of today's session and Friday, October 10th.

### Senate Joint Resolution 74

A joint resolution to authorize the legislative council to study the shortage and need for more dentists, doctors, surveyors, plumbers, electricians, carpenters and other professional skills in this state and to permit the legislative council to appoint members of a committee to assist in such study.

Senator Risser moved rejection of the resolution.

The motion to reject failed.

The question was: Shall the resolution be adopted?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 2; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—27.

Noes—Senators Hollander and Risser—2.

Absent or not voting—Senator Krueger—1.

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The resolution was adopted.

Ordered immediately messaged to the assembly.

**Senate Bill 223**

Upon motion of Senator LaFave, with unanimous consent, the bill was placed on the calendar after Senate Joint Resolution 82.

The call of the senate was raised.

**Senate Bill 537**

Relating to determination of sewerage charges by municipalities.

Read a second time.

Senate amendment 1 was adopted.

Senate amendment 2 offered by Senator Lorge.

Senator Whittow moved the bill be referred to the committee on Governmental and Veterans' Affairs.

The question was: Shall the bill be referred to the committee on Governmental and Veterans' Affairs?

The ayes and noes were demanded and the vote was: ayes, 8; noes, 21; absent or not voting, 1; as follows:

Ayes—Senators Chilsen, Hollander, Knowles, Risser, Swan, Terry, Thompson and Whittow—8.

Noes—Senators Busby, Cirilli, Devitt, Dorman, Draheim, Heinzen, Johnson, Kendziorski, Keppler, Knutson, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Roseleip, Schreiber, Schuele and Soik—21.

Absent or not voting—Senator Krueger—1.

The motion to refer to committee failed.

President pro tempore in the chair.

Senate amendment 2 was adopted.

Senator Whittow moved indefinite postponement.

The question was: Shall Senate Bill 537 be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 17; absent or not voting, 1; as follows:

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**Ayes**—Senators Chilsen, Cirilli, Dorman, Hollander, Keppler, Knowles, Rasmusen, Risser, Swan, Terry, Thompson and Whittow—12.

**Noes**—Senators Busby, Devitt, Draheim, Heinzen, Johnson, Kendziorski, Knutson, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Roseleip, Schreiber, Schuele and Soik—17.

**Absent or not voting**—Senator Krueger—1.

The senate refused to indefinitely postpone the bill.

Senate amendment 3 offered by Senator Whittow.

Senator Schreiber moved rejection of the amendment.

Senate amendment 3 was rejected.

Senator Whittow moved that **Senate Bill 537** be referred to joint committee on Finance.

The motion failed.

Senator Heinzen moved reconsideration of the vote by which senate amendment 2 was adopted.

The motion to reconsider prevailed.

The senate refused to adopt senate amendment 2.

Senator Lorge moved reconsideration of the vote by which the senate refused to adopt senate amendment 2.

Senator Whittow 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, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—29.

**Absent**—None.

**Absent with leave**—Senator Krueger—1.

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The question was: Shall the senate reconsider the vote by which senate amendment 2 failed adoption?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 15; absent or not voting, 1; as follows:

Ayes—Senators Busby, Devitt, Draheim, Johnson, Knowles, Knutson, LaFave, Lorge, Lotto, Meunier, Rasmusen, Schreiber, Soik and Swan—14.

Noes—Senators Chilsen, Cirilli, Dorman, Heinzen, Hollander, Kendziorski, Keppler, Lourigan, McParland, Risser, Roseleip, Schuele, Terry, Thompson and Whittow—15.

Absent or not voting—Senator Krueger—1.

The senate refused to reconsider the vote by which senate amendment 2 failed adoption.

Senator Swan moved to re-refer the bill to the committee on Governmental and Veterans' Affairs.

The motion to refer failed.

Senate amendment 4 offered by Senator Lorge.

Senator Schreiber moved rejection.

Upon motion of Senator Chilsen, with unanimous consent, the senate returned to the 2nd order of business.

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### INTRODUCTION OF AMENDMENTS

Senate amendment 4 to Senate Bill 530 offered by Senator Chilsen.

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Upon motion of Senator Keppler the senate adjourned until 9:01 A.M., Friday, October 10, 1969.

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## CHIEF CLERK'S REPORT

The chief clerk records:

### Senate Bill 436

Deposited in the office of the Secretary of State on Thursday, October 9, 1969 after passage by both houses, notwithstanding objections of the Governor, and has been assigned Chapter No. 159.

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## INTRODUCTION OF GUESTS

Senator Soik welcomed his wife, Carol, and his son, Paul, to the senate.

Senator Heinzen introduced Mr. Mark Hemmrich, Mr. Robert Bates, and Mr. Ray Potocki, three law enforcement officers from Wisconsin Rapids and Stevens Point.