

STATE OF WISCONSIN

Senate Journal

Seventy-Ninth Session

TUESDAY, October 21, 1969.

10:05 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, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—31.

Absent—None.

President pro tempore in the chair.

INTRODUCTION OF AMENDMENTS

Senate amendment 1 to senate amendment 1 to senate substitute amendment 1 to Senate Bill 119 offered by Senator Krueger.

Senate amendment 9 to Senate Bill 249 offered by Senator Soik.

Senate amendment 10 to Senate Bill 249 offered by Senator Soik.

Senate amendment 1 to Senate Bill 601 offered by Senators Soik and Parys.

RESOLUTIONS

Senate Resolution 24

Urging the governor to seek release from the board on government operations of funds distributable to the university of Wisconsin, in accordance with the legislative intent, because of enrollment increases at the university.

Whereas, a key element in the eventual compromise on and enactment of a budget act for the 1969-71 biennium was the creation of an appropriation for workload increases at the university of Wisconsin, from which funds were to be released by the board on government operations if enrollments increased at the university of Wisconsin; and

Whereas, it was known to *all* members of the committee of Conference on the budget, to all legislative participants and to all observers of the legislative process that the sole factor which was to be demonstrated by the university to gain release of the funds was—in the words of the controlling statute—“enrollment increases at a particular campus”; and

Whereas, it now appears that there is an attempt in certain quarters to cynically thwart this clearly, understood intent of the legislature notwithstanding the fact that enrollments have increased; now, therefore, be it

Resolved by the senate, That the governor is respectfully urged to seek again release from the board on government operations of moneys appropriated for the use of the university of Wisconsin, which were clearly intended to be available upon a showing by the university that enrollment increases have taken place, a situation which has demonstrably come to pass.

By Senators LaFave, Keppler, Terry, Cirilli, Heinzen, Chilsen, Soik and Rasmusen.

To committee on Education.

Senate Resolution 25

Requesting an opinion of the attorney general as to the authority of the board on government operations during periods when the legislature is in actual session, and as to the legislature's authority to release funds distributable through the board by some other means.

Whereas, the board on government operations is an out-

JOURNAL OF THE SENATE [October 21, 1969]

growth of the old "emergency board" which was established to operate as a surrogate for the legislature during periods when the legislature was not in session; and

Whereas, certain questions have now arisen as to the board's adherence to its charge from the legislature to disburse money in accordance with clear legislative intent, and these questions raise even broader questions as to the extent to which legislative power may appropriately be delegated to, and exercised by, the board while the legislature is meeting; now, therefore, be it

Resolved by the senate, That the attorney general is requested to provide an opinion as expeditiously as possible as to the following questions:

(1) What is the authority of the board on government operations during periods when the legislature is in actual session?

(2) May the legislature by joint resolution order the board on government operations, a legislative body consisting solely of legislative members, to release these funds if it finds that the board has failed to carry out its instructions in accordance with the pertinent legislative directive?

(3) May the legislature, while in actual session, release funds designated for release through the board through some other expression of legislative will that the funds be released such as a joint resolution?

By Senators LaFave, Cirilli and Chilsen.

Read and adopted.

Senate Resolution 26

Creating Senate Rule 63 (3), relating to the precedence of a motion to indefinitely postpone a twice-revived proposal.

Analysis by the Legislative Reference Bureau

This resolution makes mandatory the consideration of all then-pending amendments before a motion to indefinitely postpone a twice-indefinitely postponed and twice-revived proposal is in order.

Resolved by the senate, That Senate Rule 63 (3) is created to read:

JOURNAL OF THE SENATE [October 21, 1969]

Senate Rule 63 (3) No proposal having been twice indefinitely postponed and twice revived may again be indefinitely postponed until all amendments are considered which were pending at the time the 3rd or subsequent motion for indefinite postponement was made.

By Senator Soik.

Read and laid over one week under the rules.

Senate Resolution 24

Upon motion of Senator LaFave, with unanimous consent, the resolution was recalled from the committee on Education to be considered at this time.

Senate Resolution 24

Upon motion of Senator Risser, with unanimous consent, the resolution was laid aside.

INTRODUCTION OF BILLS

Senate Bill 718

Relating to official newspapers in 2nd and 3rd class cities.

By Senator Lourigan, by request of the City of Kenosha.

Read first time.

To committee on Governmental and Veterans' Affairs.

Senate Bill 719

Relating to vesting of the state share of retirement payments on behalf of state employes, conservation wardens and state classified service teachers in such persons.

By Senator LaFave.

Read first time.

To joint Survey committee on Retirement Systems.

COMMITTEE REPORTS

The joint committee on Revisions, Repeals and Uniform Laws reports and recommends:

Senate Bill 686

An act to repeal, renumber, amend and reenact various provisions of the statutes for the purpose of correcting

JOURNAL OF THE SENATE [October 21, 1969]

errors, supplying omissions, correcting titles of officers and institutions, correcting and clarifying references, renumbering for better location and arrangement, eliminating unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals. (Revisor's Correction Bill).

Passage; Ayes, 4; Noes, 0.

GORDON W. ROSELEIP,
Senate Chairman.

F. JAMES SENSENBRENNER,
Assembly Chairman.

To the calendar.

**The joint committee on Finance reports and recommends:
Senate Bill 596**

An act to appropriate \$11,350 for payment of a claim against the state by Scott Travis for medical expense.

Adoption of senate amendment 1; Ayes, 8; Noes, 0 and passage as amended; Ayes, 7; Noes, 1.

WALTER G. HOLLANDER,
Chairman.

To the calendar.

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 October 14, 1969, and ending October 20, 1969.

Yours very truly,

ROBERT C. ZIMMERMAN,
Secretary of State.

JOURNAL OF THE SENATE [October 21, 1969]

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

Robert H. Luchsinger, Teacher, Cherokee Heights Jr. High, Cherokee Drive, Madison, Wisconsin—Madison Teachers, Inc., 121 S. Hancock Street, Madison, Wisconsin—Educational legislation—October 15, 1969—Session.

Senate Petition 541

A petition by 20 residents of the 18th senatorial district opposing Family Planning bills.

By Senator Hollander.

To committee on Health and Social Services.

Senate Petition 542

A petition by 22 teachers at the Parkway Elementary School in South Milwaukee expressing support of **Senate Bill 642**.

By Senator McParland.

To 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 Robert Cook, of Green Bay, as a member of the Pesticide Advisory Council, to serve for the term ending July 1, 1972.

Respectfully submitted,

WARREN P. KNOWLES,
Governor.

To committee on Natural Resources.

JOURNAL OF THE SENATE [October 21, 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 Lynn K. Brunn, of Madison, as a member of the Pesticide Advisory Council, to serve for a term ending July 1, 1971.

Respectfully submitted,

WARREN P. KNOWLES,
Governor.

To committee on Natural Resources.

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 Dennis Danielson, of Janesville, as a member of the Pesticide Advisory Council, to serve for a term ending July 1, 1970.

Respectfully submitted,

WARREN P. KNOWLES,
Governor.

To committee on Natural Resources.

CALENDAR OF WEDNESDAY, OCTOBER 1st

Senate Bill 249

Relating to state tax sharing with local units of government, adjustments in the state school aid formula, changes in authorized school district tax levies and aidable costs incidental thereto.

Read a second time.

Senator Hollander asked unanimous consent to have the various amendments considered prior to the motion to indefinitely postpone the bill.

Senator Keppler objected.

Senator Whittow moved that the amendments be considered prior to the question of indefinite postponement.

JOURNAL OF THE SENATE [October 21, 1969]

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, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—31.

Absent—None.

Senator Swan moved rejection of the motion to consider the amendments prior to the motion to indefinitely postpone the bill.

Upon motion of Senator Keppler the senate recessed for 15 minutes.

RECESS

11:35 A.M.

President pro tempore in the chair.

Senate Bill 249

The question was: Shall the motion to consider the amendments prior to the motion for indefinite postponement be rejected?

Senator Hollander raised a point of order the motion to reject a purely procedural motion was out of order.

The chair ruled the point of order well taken.

The question was: Shall the amendments to Senate Bill 249 be considered prior to the indefinite postponement motion?

JOURNAL OF THE SENATE [October 21, 1969]

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 0; as follows:

Ayes—Senators Busby, Devitt, Dorman, Draheim, Heinzen, Hollander, Kendziorski, Knowles, Lorge, Lourigan, Parys, Risser, Schreiber, Schuele, Soik, Thompson and Whittow—17.

Noes—Senators Chilsen, Cirilli, Johnson, Keppler, Knutson, Krueger, LaFave, Lotto, McParland, Meunier, Rasmusen, Roseleip, Swan and Terry—14.

Absent or not voting—None.

So the motion prevailed.

The question on which the call was placed being decided, the call was raised.

Upon motion of Senator Keppler, the senate recessed until 2:00 o'clock P.M.

RECESS

2:02 P.M.

President pro tempore in the chair.

Senate Bill 249

Senator Busby moved reconsideration of the vote by which it was decided to consider the amendments prior to the motion for indefinite postponement.

Senator Risser raised a point of order that the motion is a procedural motion and not in order.

The chair ruled the point of order not well taken.

Senator Whittow moved to lay the motion for consideration over until tomorrow.

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.

JOURNAL OF THE SENATE [October 21, 1969]

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, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—31.

Absent—None.

The question was: Shall the motion for reconsideration be laid over until tomorrow?

The ayes and noes were required and the vote was: ayes, 12; noes, 19; absent or not voting, 0; as follows:

Ayes—Senators Devitt, Dorman, Heinzen, Kendziorski, Knowles, Lourigan, Parys, Risser, Schreiber, Schuele, Thompson and Whittow—12.

Noes—Senators Busby, Chilsen, Cirilli, Draheim, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Rasmusen, Roseleip, Soik, Swan and Terry—19.

Absent or not voting—None.

The motion to lay over failed.

The question on which the call was placed being decided, the call was raised.

The question was: Shall the senate reconsider the vote by which it was decided to consider the amendments prior to the motion for indefinite postponement?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 0; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Draheim, Johnson, Keppler, Knutson, Krueger, LaFave, Lotto, McParland, Meunier, Rasmusen, Roseleip, Swan and Terry—16.

Noes—Senators Devitt, Dorman, Heinzen, Hollander, Kendziorski, Knowles, Lorge, Lourigan, Parys, Risser, Schreiber, Schuele, Soik, Thompson and Whittow—15.

Absent or not voting—None.

The motion to reconsider prevailed.

JOURNAL OF THE SENATE [October 21, 1969]

The question was: Shall the amendments to Senate Bill 249 be considered prior to the indefinite postponement motion?

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, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—31.

Absent—None.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Devitt, Dorman, Heinzen, Hollander, Kendziorski, Knowles, Lorge, Lourigan, Parys, Risser, Schreiber, Schuele, Soik, Thompson and Whittow—16.

Noes—Senators Busby, Cirilli, Draheim, Johnson, Keppler, Knutson, Krueger, LaFave, Lotto, McParland, Meunier, Rasmusen, Roseleip, Swan and Terry—15.

Absent or not voting—None.

The motion to consider the amendments first prevailed.

The question on which the call was placed being decided, the call was raised.

The question was: Shall senate amendment 1 be adopted?

Upon motion of Senator Keppler the senate recessed for 15 minutes.

RECESS

JOURNAL OF THE SENATE [October 21, 1969]

3:55 P.M.

President pro tempore in the chair.

The question was: Shall senate amendment 1 to Senate Bill 249 be adopted?

Senate amendment 1 to senate amendment 1 offered by Senator Lourigan.

Senator Hollander moved rejection of the amendment.

Senate amendment 1 to senate amendment 1 was rejected.

Senate amendment 1 was adopted.

Senator LaFave moved indefinite postponement of Senate Bill 249.

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, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—31.

Absent—None.

Senator Risser moved the amendments be taken up prior to the motion to indefinitely postpone Senate Bill 249.

President of the senate in the chair.

The question was: Shall the amendments be considered prior to the motion to indefinitely postpone?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Devitt, Dorman, Heinzen, Hollander, Kendziorski, Knowles, Lourigan, Parys, Risser,

JOURNAL OF THE SENATE [October 21, 1969]

Schreiber, Schuele, Soik and Thompson—14.

Noes—Senators Busby, Cirilli, Draheim, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Rasmusen, Roseleip, Swan, Terry and Whittow—17.

Absent or not voting—None.

The motion to take up the amendments prior to the indefinite postponement motion failed.

Senator Whittow moved to reconsider the vote by which the senate refused to take up the amendments prior to the motion for indefinite postponement.

The question was: Shall the senate reconsider the vote by which the senate refused to take up the amendments prior to the motion for indefinite postponement?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Dorman, Heinzen, Hollander, Kendziorski, Knowles, Lourigan, Parys, Risser, Schreiber, Schuele, Soik, Thompson and Whittow—14.

Noes—Senators Busby, Cirilli, Devitt, Draheim, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Rasmusen, Roseleip, Swan and Terry—17.

Absent or not voting—None.

The motion to reconsider the vote failed.

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

COMMITTEE REPORTS

The committee on Labor, Taxation, Insurance and Banking reports and recommends:

Senate Bill 600

Relating to insurance holding companies and intercorporate transactions.

Passage; Ayes, 5; Noes, 0.

JOURNAL OF THE SENATE [October 21, 1969]

Assembly Bill 29

Relating to required rest days for laborers.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0 and concurrence as amended recommended; Ayes, 3; Noes, 2.

GERALD D. LORGE,
Chairman.

The committee on Agriculture reports and recommends:

Senate Bill 684

An act limiting Brucellosis vaccination to official vaccination of calves and restricting the sale of Brucellosis vaccine to veterinarians only.

Passage; Ayes, 5; Noes, 0.

Senate Bill 696

Relating to milk testing and granting rule-making authority.

Passage; Ayes, 5; Noes, 0.

WALTER TERRY,
Chairman.

The joint committee to Study Disruptions at the University of Wisconsin reports and recommends:

Senate Joint Resolution 23

A joint resolution condemning the Students for a Democratic Society.

Adoption of report relative to subject matter of Senate Joint Resolution 23; Ayes, 7; Noes, 1.

Senate Joint Resolution 28

A joint resolution to create joint rule 42, establishing a joint higher education committee of the legislature to act as liaison between the legislature and state institutions of higher education.

Adoption of report relative to Senate Joint Resolution 28; Ayes, 7; Noes, 1.

JOURNAL OF THE SENATE [October 21, 1969]

Senate Joint Resolution 52

A joint resolution prohibiting law enforcement agencies and commissions from granting amnesty or otherwise interposing discretion where none is authorized by law.

Adoption of report relative to **Senate Joint Resolution 52**; Ayes, 7; Noes, 1.

MILO G. KNUTSON,
Chairman.

**REPORT OF COMMITTEE OF CONFERENCE
ON SENATE BILL 188**

The members of the committee of Conference on **Senate Bill 188** report and recommend:

Concurrence in assembly amendment 1.

Senator Holger B. Rasmusen,
Chairman.

Senator Nile W. Soik
Senator Martin J. Schreiber
Assemblyman Stanley York
Assemblyman Ervin Schneeberg
Assemblyman Ernest Korpela

To calendar.

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

MOTIONS

Senate Bill 304, Senate Bill 305 and Senate Bill 344

Upon motion of Senator Hollander, with unanimous consent, the bills were withdrawn from the joint committee on Finance and placed on the calendar.

Senator Heinzen, with unanimous consent, was granted a leave of absence from 10:00 A.M. to 12:00 noon, Wednesday, October 22nd.

JOURNAL OF THE SENATE [October 21, 1969]

Senate Bill 570

Senate amendment 2 withdrawn and returned to the author.

Upon motion of Senator LaFave, with unanimous consent, the senate returned to the second order of business.

INTRODUCTION OF AMENDMENTS

Senate substitute amendment 1 to Senate Joint Resolution 52 offered by Senators Kendziorski, Soik, Whittow, Lourigan and Knutson; co-sponsored by Assemblyman York.

Senate amendment 11 to Senate Bill 249 offered by Senators Chilsen, Swan, Hollander and Risser.

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

Senate amendment 3 to Senate Bill 570 offered by Senator LaFave.

Senate amendment 1 to senate substitute amendment 2 to Senate Bill 655 offered by Senator Keppler.

Upon motion of Senator Dorman, with unanimous consent, the senate returned to the 4th order of business.

INTRODUCTION OF BILLS

Senate Bill 720

Relating to creating the post of county sanitary officer.

By Senator Dorman.

Read first time.

To committee on Governmental and Veterans' Affairs.

Senate Bill 721

Relating to duties of officers in replevin.

By Senator Dorman.

Read first time.

To committee on Judiciary.

JOURNAL OF THE SENATE [October 21, 1969]

Senate Bill 722

Relating to posting bonds in good Samaritan suits.

By Senator Dorman.

Read first time.

To committee on Judiciary.

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

Upon motion of Senator Schreiber the senate adjourned today's session in honor of Senator and Mrs. Keppler who are celebrating their 30th wedding anniversary today.

Upon motion of Senator Keppler the senate adjourned until Wednesday, October 22nd at 10:01 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 354

On page 42, line 11, substitute "sureties" for "surties".

INTRODUCTION OF GUESTS

Senator McParland introduced Mr. Earl A. Heise, Supervisor, Wisconsin State Employment Service, from Milwaukee.

Senator Keppler introduced Mayor Frank Meyer, Port Washington.

Senator Swan introduced his grandson, Terry Waller, of Madison.

Senator Chilsen introduced Mayor John Kannenberg of Wausau.