

STATE OF WISCONSIN

Senate Journal

Seventy-Ninth Session

FRIDAY, October 31, 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, 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—30.

Absent—Senator Cirilli—1.

LEAVES OF ABSENCE

Senator Cirilli, upon motion of Senator Keppler, with unanimous consent, was granted a leave of absence for today's session.

Upon motion of Senator Chilsen, with unanimous consent, a leave of absence was granted to Senator Johnson and Senator Knutson for Tuesday, November 4th.

INTRODUCTION OF AMENDMENTS

Senate amendment 4 to Senate Bill 89 offered by Senator Terry.

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Senate amendment 3 to engrossed Assembly Bill 244 offered by Senator Terry.

Senate amendment 1 to Senate Bill 299 offered by Senator Draheim.

Senate amendment 2 to senate substitute amendment 3 to Senate Bill 565 offered by Senators Swan, Hollander, LaFave, Johnson and Dorman.

Senate amendment 1 to Senate Bill 640 offered by Senators Kendziorski and LaFave.

INTRODUCTION OF BILLS

Senate Bill 737

Relating to a sales tax exemption for certain printing services.

By Senator Heinzen.

Read first time.

To joint Survey committee on Tax Exemptions.

Senate Bill 738

Relating to the requirements that all hospitals and nursing homes in the state publish financial statements.

By Senator Schreiber.

Read first time.

To committee on Health and Social Services.

Senate Bill 739

Relating to funding for the construction of intrastate bridges and interstate bridges and making appropriations.

By Senators LaFave, Lotto, Keppler, Meunier, Kendziorski, Knowles, Cirilli and Lorge.

Read first time.

To committee on Transportation.

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COMMITTEE REPORTS

The committee on Committees reports and recommends that:

Seat Number 14 is assigned to Senator Reuben LaFave.
Seat Number 12 is assigned to Senator Milo Knutson.
Ayes, 3; Noes, 0.

GERALD D. LORGE,
Chairman.

REUBEN LaFAVE
WALTER HOLLANDER

Read and adopted.

The committee on Judiciary reports and recommends for introduction:

Senate Joint Resolution 102

A joint resolution to direct the legislative council to study court fees and costs and to determine the method of using such fees and costs to pay the salaries of all court-related personnel.

Introduction; Ayes, 4; Noes, 0.

Read.

To joint committee on Finance.

And further recommends:

Senate Joint Resolution 97

Relating to review by the interim study committee on the children's code.

Adoption; Ayes, 4; Noes, 0.

Senate Bill 54

Relating to exempting retirement benefits of federal civil service employes from state income tax.

Adoption of senate amendment 1; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

Senate Bill 72

Relating to the taxation of express companies.

Adoption of senate substitute amendment 1; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

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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.

Passage; Ayes, 3; Noes, 2.

Assembly Bill 227

Relating to tavern closing hours.

Concurrence; Ayes, 5; Noes, 0.

WILLIAM A. DRAHEIM,
Chairman.

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

APPENDIX TO SENATE SUBSTITUTE AMEND-
MENT 1 TO SENATE BILL 633

Public Policy Involved

The substance of the proposal has merit; insurance companies should pay local property taxes as other businesses do. However, the bill would accomplish this at the expense of the state general revenue fund. To redistribute taxes and fees between state and local government on a piecemeal tax by tax basis sets a questionable precedent and pays insufficient attention to the need for planned revision of state-local fiscal relationships. This bill is undesirable as a matter of public policy at this time.

Respectfully submitted,

JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

MYRON P. LOTTO,

Chairman.

ROBERT O. UEHLING,

Vice-Chairman.

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

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**REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS**

APPENDIX TO SENATE BILL 641

Public Policy Involved

To increase this exemption would not be desirable public policy because it would provide life insurance with a competitive advantage over other methods of estate building. Capital stock, bonds, real estate, personal property, and savings accounts are included in the determination of inheritance taxes at their full value but their value is not reduced by an exemption afforded life insurance in the estate of the deceased. To increase the exemption would increase this disparity.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS
MYRON P. LOTTO,**

Chairman.

ROBERT O. UEHLING,

Vice-Chairman.

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

**REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS**

APPENDIX TO SENATE BILL 650

Public Policy Involved

Since this bill is probably in violation of Article VIII, Section 1 of the Wisconsin Constitution, the enactment of this exemption would be poor public policy.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS
MYRON P. LOTTO,**

Chairman.

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ROBERT O. UEHLING,
Vice-Chairman.

Read and referred to committee on Governmental and
Veterans' Affairs.

**REPORT OF JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS**

APPENDIX TO SENATE BILL 687

Public Policy Involved

The bill clarifies the status of certain types of fuel uses to provide an exemption which was originally intended in the draft of the general sales tax law. It is desirable public policy.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS**

MYRON P. LOTTO,

Chairman.

ROBERT O. UEHLING,

Vice-Chairman.

Read and referred to committee on Transportation.

PETITIONS AND COMMUNICATIONS

Senate Petition 558

A petition by 26 citizens of the 20th Senatorial District expressing their opposition to Senate Bill 274 and Assembly Bill 411 relating to 65-foot truck trains.

By Senator Keppler.

To committee on Transportation.

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EXECUTIVE COMMUNICATIONS

The State of Wisconsin
Executive Office
Madison 53702

To The Honorable, The Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State.

Senate Bill	Chapter No.	Date Approved
175 -----	186 -----	October 30, 1969
272 -----	187 -----	October 30, 1969
404 -----	188 -----	October 30, 1969
435 -----	189 -----	October 30, 1969
437 -----	197 -----	October 31, 1969

Respectfully submitted,

WARREN P. KNOWLES,
Governor.

MESSAGE FROM THE ASSEMBLY

By Wilmer H. Struebing, chief clerk.

Mr. President:

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

Motion Under Joint Rule 26:

A joint certificate of Commendation by Assemblyman Kenyon, co-sponsored by Senator Johnson, for Ted Cole on his retirement.

Passed and asks concurrence in:

Assembly Bill 404,	Assembly Bill 669,
Assembly Bill 459,	Assembly Bill 838,
Assembly Bill 594,	Assembly Bill 890,
Assembly Bill 617,	Assembly Bill 941 and
Assembly Bill 654,	Assembly Bill 1133.
Assembly Bill 655,	

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Concurred in:

Senate amendment 1 to Assembly Bill 218,
Senate Joint Resolution 89,
Senate Joint Resolution 90,
Senate Joint Resolution 91,
Senate Joint Resolution 92,
Senate Bill 88,
Senate Bill 430,
Senate Bill 618,
Senate Bill 639 and
Senate Bill 661.

ASSEMBLY MESSAGE CONSIDERED

Motion under Joint Rule 26 commending Ted Cole.
Read and concurred in.

Assembly Bill 404

Relating to the amount of business a public employe can do with the state or a political subdivision.

Read first time.

To committee on Governmental and Veterans' Affairs.

Assembly Bill 459

Relating to budget requests for the state's public building program.

Read first time.

To committee on Governmental and Veterans' Affairs.

Assembly Bill 594

Relating to appointment of one member of the expressway and transportation commissions in populous counties by the county executive.

Read first time.

To committee on Transportation.

Assembly Bill 617

Relating to exempting some people from serving as jurors.

Read first time.

To committee on Judiciary.

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Assembly Bill 654

Relating to a revision of the law of landlord and tenant.
Read first time.
To committee on Judiciary.

Assembly Bill 655

Relating to a revision of the law of conveyances and mortgages and land contracts.
Read first time.
To committee on Judiciary.

Assembly Bill 669

Relating to hearings for additions to town sanitary districts.
Read first time.
To committee on Governmental and Veterans' Affairs.

Assembly Bill 838

Relating to authorizing populous counties to impose a fee for certain marriage ceremonies performed in public buildings.
Read first time.
To committee on Judiciary.

Assembly Bill 890

Relating to a vacancy of a county supervisor in Milwaukee county.
Read first time.
To committee on Governmental and Veterans' Affairs.

Assembly Bill 941

Relating to school district debt apportionment.
Read first time.
To committee on Education.

Assembly Bill 1133

Relating to the maximum interest rate on town sanitary district bonds.
Read first time.
To committee on Governmental and Veterans' Affairs.

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FURTHER MESSAGE FROM THE ASSEMBLY

By Wilmer H. Struebing, chief clerk.

Mr. President:

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

Assembly Joint Resolution 95

Passed and asks concurrence in:

Assembly Bill 858

Concurred in:

Senate Bill 589

Amended and concurred in as amended:

Senate Bill 332 (assembly amendment 1.)

FURTHER MESSAGE FROM ASSEMBLY
CONSIDERED

Assembly Joint Resolution 95

Relating to the proposed discontinuance by the Milwaukee Road of 2 passenger trains.

Read.

To committee on Transportation.

Assembly Bill 858

Relating to review of programs started with federal aid.

Read first time.

To committee on Governmental and Veterans' Affairs.

Senate Bill 332

Relating to corporate assessors.

Read.

Referred to calendar.

MOTIONS

Senate Joint Resolution 44

Upon motion of Senator Hollander, with unanimous consent, the resolution was withdrawn from the committee on Judiciary and returned to the authors.

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CALENDAR OF TUESDAY, SEPTEMBER 30th

Senate Joint Resolution 82

A joint resolution to amend article VIII, section 1 of the constitution, relating to uniformity of taxation (1st consideration).

Read.

The question was: Shall the senate reconsider the vote by which the resolution was rejected?

Upon motion of Senator Chilsen the senate recessed for 30 minutes.

RECESS

11:00 A.M.

President in the chair.

Senate Joint Resolution 82

The question was: Shall the senate reconsider the vote by which the resolution was rejected?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 13; absent or not voting, 1; as follows:

Ayes—Senators Busby, Devitt, Dorman, Hollander, Johnson, Kendziorski, Keppler, LaFave, McParland, Parys, Risser, Roseleip, Schreiber, Schuele, Soik, Thompson and Whitow—17.

Noes—Senators Chilsen, Draheim, Heinzen, Knowles, Knutson, Krueger, Lorge, Lotto, Lourigan, Meunier, Rasmussen, Swan and Terry—13.

Absent or not voting—Senator Cirilli—1.

The motion to reconsider prevailed.

Upon motion of Senator Schreiber, with unanimous consent, the senate joint resolution was referred to the joint Survey committee on Tax Exemptions.

Senate Bill 364

Relating to municipal boundary adjustments.

Read a second time.

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

The ayes and noes were demanded and the vote was: ayes, 17; noes, 12; absent or not voting, 0; paired, 2; as follows:

Ayes—Senators Busby, Chilsen, Dorman, Draheim, Heinzen, Hollander, Kendziorski, Knowles, Krueger, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik and Whittow—17.

Noes—Senators Devitt, Johnson, Keppler, Knutson, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Swan and Thompson—12.

Absent or not voting—None.

Paired—Senator Terry, against reconsideration; Senator Cirilli, for reconsideration—2.

The motion to reconsider prevailed.

Senator Hollander moved to lay **Senate Bill 364** on the table.

The question was: Shall **Senate Bill 364** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 18; absent or not voting, 1; paired, 2; as follows:

Ayes—Senators Busby, Chilsen, Draheim, Heinzen, Hollander, Knowles, Krueger, Rasmusen, Schreiber and Soik—10.

Noes—Senators Devitt, Dorman, Johnson, Kendziorski, Keppler, Knutson, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Risser, Roseleip, Schuele, Swan and Whittow—18.

Absent or not voting—Senator Thompson—1.

Paired—Senator Cirilli, for tabling the bill; Senator Terry, against tabling the bill—2.

The motion to lay on the table did not prevail.

The question was: Shall senate amendment 2 be adopted?

Senator Whittow raised a point of order that senate amendment 2 was not germane.

The chair took the point under advisement.

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President pro tempore in the chair.

Senate Bill 223

Relating to an authorization for a county room tax.

Read a second time.

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

The ayes and noes were demanded and the vote was: ayes, 19; noes, 10; absent or not voting, 2; as follows:

Ayes—Senators Busby, Devitt, Dorman, Heinzen, Hollander, Johnson, Krueger, LaFave, Lotto, McParland, Meunier, Parys, Rasmusen, Roseleip, Schreiber, Schuele, Soik, Terry and Whittow—19.

Noes—Senators Chilsen, Draheim, Kendziorski, Keppler, Knowles, Knutson, Lorge, Lourigan, Risser and Swan—10.

Absent or not voting—Senators Cirilli and Thompson—2.

The motion to reconsider prevailed.

President in the chair.

The senate refused to indefinitely postpone the bill.

Senate substitute amendment 2 was adopted.

Senate amendment 5 to senate substitute amendment 2 offered by Senator Risser.

Senator LaFave moved rejection.

Senate amendment 5 to senate substitute amendment 2 was rejected.

The bill was ordered to a third reading.

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

Senate Bill 223

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 9; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Heinzen, Hollander, Johnson, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Parys, Rasmusen, Roseleip, Schreiber, Schuele, Soik, Terry, Thompson and Whittow—21.

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Noes—Senators Dorman, Draheim, Kendziorski, Keppler, Knowles, Knutson, Lourigan, Risser and Swan—9.

Absent or not voting—Senator Cirilli—1.

The bill passed.

Ordered immediately messaged to the assembly.

RULING OF THE CHAIR

The president ruled that senate amendment 2 to Senate Bill 364 was not germane.

Senate Bill 364

Senate amendment 3 offered by Senator Lorge.

Senator Hollander moved rejection.

The question was: Shall senate amendment 3 to Senate Bill 364 be rejected?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 1; as follows:

Ayes—Senators Dorman, Draheim, Heinzen, Hollander, Kendziorski, Knowles, Rasmusen, Risser, Schreiber, Soik and Whittow—11.

Noes—Senators Busby, Chilsen, Devitt, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Roseleip, Schuele, Swan, Terry and Thompson—19.

Absent or not voting—Senator Cirilli—1.

The motion to reject did not prevail.

Senate amendment 3 was adopted.

Senate amendment 4 was offered by Senator Lotto.

Senator Hollander raised a point of order senate amendment 4 was not germane.

The chair took the point of order under advisement.

President pro tempore in the chair.

Upon motion of Senator Keppler, with unanimous consent, Assembly Bill 24 was considered at this time.

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Assembly Bill 24

Relating to broadening state food regulations, granting rule-making powers and establishing penalties.

Read a second time.

Senator Terry moved rejection of senate amendment 1.

Upon motion of Senator LaFave, with unanimous consent, the bill was laid aside.

Upon motion of Senator Keppler, with unanimous consent, **Senate Bill 598** on the calendar of October 17 was considered at this time.

Senate Bill 598

Relating to services for locating deserting parents and other persons liable for support of dependents.

Read a second time.

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 598

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 0; absent or not voting, 2; as follows:

Ayes—Senators Busby, Chilsen, 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 and Whittow—29.

Noes—None.

Absent or not voting—Senators Cirilli and Thompson—2.

The bill was passed.

Ordered immediately messaged to the assembly.

Upon motion of Senator Keppler, with unanimous consent, **Senate Bill 652** was considered at this time.

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Senate Bill 652

Relating to solicitation of funds for charitable purposes.
Read a second time.

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

Upon motion of Senator Hollander, with unanimous consent, the bill was withdrawn from the joint committee on Finance and considered at this time.

President in the chair.

Upon motion of Senator McParland, with unanimous consent, the bill was referred to committee on Judiciary.

RULING OF THE CHAIR

The president ruled senate amendment 4 to Senate Bill 364 was germane.

Senate amendment 4 was adopted.

Senate amendment 5 offered by Senator Lorge.

Senate amendment 5 was adopted.

Senate amendment 6 offered by Senator Lorge.

Senator Risser moved rejection.

Senator Dorman raised a point of order senate amendment 6 was not germane.

The chair took the point of order under advisement.

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

Senate Bill 222

Upon motion of Senator Hollander, with unanimous consent, the bill was withdrawn from the joint committee on Finance and referred to committee on Governmental and Veterans' Affairs.

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Senate Bill 605

Senator Hollander moved to suspend the rules and make the bill a special order of business at 10:02 A.M. on Tuesday, November 4th.

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, Devitt, Dorman, 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, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—30.

Absent—None.

Absent with leave—Senator Cirilli—1.

The question was: Shall the rules be suspended and Senate Bill 605 be made a special order of business at 10:02 A.M., Tuesday, November 4th?

The ayes and noes were required and the vote was: ayes, 20; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, D r a h e i m , Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Soik, Swan and Terry—20.

Noes—Senators Dorman, Kendziorski, Lourigan, McParland, Parys, Risser, Schreiber, Schuele, Thompson and Whittow—10.

Absent or not voting—Senator Cirilli—1.

Two-thirds having voted with the majority, the motion prevailed.

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

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

INTRODUCTION OF BILLS

Senate Bill 740

Relating to command officers of the national guard.

By Senator Draheim, by request of the Adjutant General of Wisconsin.

Read first time.

To committee on Governmental and Veterans' Affairs.

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

Senate Bill 557

Senator Krueger asked unanimous consent the bill be made a special order of business at 10:02 A.M., Wednesday, November 5th.

Senator Risser objected.

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

Senator Hollander moved the bill be withdrawn from the joint committee on Finance and made a special order of business at 10:02 A.M. on Wednesday, November 5th.

Senator Risser moved to amend the motion making the time of the special order 10:01 A.M., Tuesday, November 4th.

Senator Krueger moved rejection of the amendment.

The question was: Shall Senator Risser's amendment to Senator Hollander's motion be rejected?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Draheim, Heinen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Soik, Swan and Terry—20.

Noes—Senators Dorman, Kendziorski, Lourigan, McPar-

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land, Parys, Risser, Schreiber, Schuele, Thompson and Whittow—10.

Absent or not voting—Senator Cirilli—1.

The amendment was rejected.

Senate Bill 557 was made a special order of business at 10:02 A.M., Wednesday, November 5th.

Upon motion of Senator Keppler, with unanimous consent, the actions which had not been messaged were ordered immediately messaged to the assembly.

Upon motion of Senator Keppler the senate adjourned until Tuesday, November 4, at 10:01 A.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 437

Correctly enrolled and presented to the Governor on Friday, October 31, 1969.

INTRODUCTION OF GUESTS

Senator Risser introduced 96 students of Randall School, accompanied by Mrs. Wesenberg, Mrs. Kosiewicz and Mrs. Bernthal, of Madison.

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Senate Bill 692

Relating to protecting holders of recorded nonpossessory interests against conveyances of their nonpossessory interests forged by the possessory holder.

Passage; Ayes, 4; Noes, 0.

Senate Bill 694

Relating to permitting retired family court commissioners to act temporarily.

Passage; Ayes, 4; Noes, 0.

Senate Bill 701

Relating to false, misleading and deceptive practices, and prescribing penalties.

Passage; Ayes, 4; Noes, 0.

Senate Bill 710

Relating to publication of notice in matters relating to minor children.

Passage; Ayes, 4; Noes, 0.

Assembly Bill 653

Relating to revision of the statutes on trusts.

Concurrence; Ayes, 4; Noes, 0.

ALLEN J. BUSBY,
Chairman.

The committee on Governmental and Veterans' Affairs reports and recommends:

Senate Bill 706

Relating to investigation of termination of the present state fair and development of private facilities therefor.

Adoption of senate substitute amendment 1; Ayes, 4; Noes, 1 and passage as amended; Ayes, 4; Noes, 1.

Senate Bill 714

Relating to refinancing municipal bonds and notes issued for the purchase, construction and operation of public utilities.

Passage; Ayes, 5; Noes, 0.