

JOURNAL OF THE SENATE [January 28, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

THURSDAY, January 28, 1971.

9:30 o'clock A.M.

The senate was called to order by the president of the senate.

The prayer as follows was offered by the Reverend Marshall P. Pechauer, Pastor of Lake Edge Lutheran Church, Madison, Wisconsin.

Wisconsin. What a place, Lord! It's hard to believe. Sometimes it literally takes our breath away. The thousands of square miles fashioned among hills and plains, trees and lakes; moulded and shaped with mortar, sand and steel, glass and plastic, lumber and stone.

And then there are the more than one million of us—people—pouring into this state the resources of our varied cultures, skills, joys, and dreams.

I love this state, Lord. And I can't help but feel that you love it, too. But sometimes I get confused, Lord, even sad. Do you ever feel that way, too? Because the beauty stands in contrast to the decay of neighborhoods and landscapes . . . because the resource of people is marred by the many not given a chance to contribute . . . by some who won't.

God, you have given us more than what we need. Give now these leaders courage, insight and resourcefulness, Lord, to meet the problems of our citizens with imagination and justice. Give all of us wisdom to see and work together, that all may know this state as one of peace and fullness for living. Amen.

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Upon motion of Senator Knowles, with unanimous consent, the foregoing prayer was spread upon the journal.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

INTRODUCTION OF RESOLUTIONS AND JOINT RESOLUTIONS

Senate Joint Resolution 13

To amend Article IV, Section 24 of the constitution relating to the authorization of bingo for certain purposes (1st consideration).

By Senator Lotto; co-sponsored by Representative Schroeder.

Read first time.

Referred to committee on Judiciary.

Senate Joint Resolution 14

Urging the Governor and agency heads to observe a salary freeze for certain state employes until July 1, 1973.

By Senators Whittow, Parys, Kendziorski, Lorge, Martin, Lourigan, McKenna, Frank and Schuele.

Read.

Referred to joint committee on Finance.

PETITIONS AND COMMUNICATIONS

Senate Petition 3

A petition by 13 residents of Medford, objecting to a proposed increase in motor vehicle licenses.

By Senator Krueger.

Referred to committee on Transportation.

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MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

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

Assembly Joint Resolution 22

And concurred in:

Senate Bill 20

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 22

Extending by joint resolution the date of the governor's budget message.

Upon motion of Senator Keppler, with unanimous consent, the joint resolution was taken up at this time.

Assembly Joint Resolution 22

Read and concurred in.

TODAY'S CALENDAR

Senate Joint Resolution 10

A joint resolution to amend Joint Rule 7 (2) (g), authorizing notes on legislative proposals.

Read a second time.

Upon motion of Senator Johnson, with unanimous consent, the joint resolution was referred to committee on Senate Organization.

Senate Bill 34

Relating to taxation of express companies on local tax rolls.

Read a second time.

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

Senate Bill 60

Relating to annual sessions of the legislature.

Read a second time.

Senator Knutson asked unanimous consent to refer the bill to committee on Governmental and Veterans' Affairs. Senator Knowles objected.

Senator Lorge asked unanimous consent to refer the bill to joint committee on Finance.

Senator Knowles objected.

Senator Lorge moved to refer Senate Bill 60 to the joint committee on Finance.

The motion failed.

Senate amendment 1 to Senate Bill 60 offered by Senator Whittow.

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

The question was: Shall Senate Bill 60 be referred to committee on Governmental and Veterans' Affairs?

The ayes and noes were demanded and the vote was: ayes, 8; noes, 23; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Cirilli, Knutson, Lorge, Lourigan, Murphy, Roseleip and Swan—8.

Noes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, LaFave, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Steinhilber, Thompson and Whittow—23.

Absent or not voting—Senator Soik—1.

The motion failed.

Senator Murphy moved rejection of senate amendment 1 to Senate Bill 60.

Senator Knowles in the chair.

The question was: Shall senate amendment 1 be rejected?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 0; as follows:

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Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Frank, Hollander, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Murphy, Soik, Steinhilber and Swan—17.

Noes—Senators Devitt, Heinzen, Johnson, Kendziorski, LaFave, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Thompson and Whittow—15.

Absent or not voting—None.

Senate amendment 1 was rejected.

Senate amendment 2 to Senate Bill 60 offered by Senator Swan.

The president of the senate in the chair.

Senator Risser raised the point of order that the amendment was not germane.

The chair ruled the point of order was well taken.

Senator Swan appealed the ruling of the chair.

The question was: Shall the decision of the chair be the judgment of the senate?

The ayes and noes were required and the vote was: ayes, 25; noes, 6; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Thompson and Whittow—25.

Noes—Senators Bidwell, Cirilli, Keppler, Knutson, Murphy and Swan—6.

Absent or not voting—Senator McKenna—1.

So the decision of the chair was sustained.

Senate amendment 3 to Senate Bill 60 offered by Senator Whittow.

Senator Steinhilber moved rejection of senate amendment 3.

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LEAVE OF ABSENCE

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

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 Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent—None.

Absent with leave—Senator McKenna.

The question was: Shall senate amendment 3 be rejected?

The ayes and noes were demanded and the vote was: ayes, 15; nos, 16; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Murphy, Soik, Steinhilber and Swan—15.

Noes—Senators Devitt, Frank, Heinzen, Kendziorski, LaFave, Lorge, Lotto, Lourigan, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Thompson and Whittow—16.

Absent or not voting—Senator McKenna—1.

The senate refused to reject senate amendment 3.

Senate amendment 3 was adopted.

The bill was ordered to a third reading.

Senator Johnson asked unanimous consent that the bill be given it's third reading.

Senator Knutson objected.

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Senator Knutson moved to lay the bill on the table.

The ayes and noes were demanded and the vote was: ayes, 7; noes, 24; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Cirilli, Keppler, Knutson, Lorge, Murphy and Swan—7.

Noes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Knowles, Krueger, LaFave, Lotto, Lourigan, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Thompson and Whittow—24.

Absent or not voting—Senator McKenna—1.

The senate refused to lay the bill on the table.

Senator Johnson moved suspension of the rules and **Senate Bill 60** be considered for final action.

The question was: Shall the rules be suspended and the bill considered for final action?

The ayes and noes were required and the vote was: ayes, 21; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Knowles, LaFave, Lotto, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Thompson and Whittow—21.

Noes—Senators Bidwell, Cirilli, Keppler, Knutson, Krueger, Lorge, Lourigan, Murphy, Steinhilber and Swan—10.

Absent or not voting—Senator McKenna—1.

So the motion to suspend the rules prevailed, more than two-thirds having voted with the majority.

Senate Bill 60

Read a third time.

The question was: Shall the bill pass?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 7; paired, 2; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, LaFave, Lotto, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Thompson and Whittow—23.

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Noes—Senators Bidwell, Cirilli, Knutson, Krueger, Lorigan, Murphy and Swan—7.

Absent or not voting—0.

Paired—Senator McKenna for passage, Senator Lorge against passage—2.

So the bill passed.

Ordered immediately messaged.

Senate Bill 23

An act to appropriate \$10,000 from the general fund for payment of a claim made by Jerry Lee Hohlt against the State.

Read a third time.

Placed on the calendar of February 2nd.

Upon motion of Senator Lorge with unanimous consent, the Senate returned to the fourth order of business.

INTRODUCTION OF BILLS

Senate Bill 118

Relating to requiring trains and locomotives to signal before moving.

By Senators Lorge and Martin.

Read first time.

Referred to committee on Transportation.

Senate Bill 119

Relating to penalties for theft and receiving stolen property.

By Senators Murphy and Steinhilber.

Read first time.

Referred to committee on Judiciary.

Senate Bill 120

Relating to increasing criminal penalties for defrauding an innkeeper in an amount over \$100.

By Senators Murphy, Steinhilber and Soik.

Read first time.

Referred to committee on Judiciary.

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Upon motion of Senator Busby, with unanimous consent, the senate returned to the fifth order of business.

COMMITTEE REPORT

The committee on Judiciary reports and recommends for introduction:

Senate Bill 121

Relating to a revision of the laws of trusts, powers of appointment and interests in property.

Introduction; Ayes, 5; Noes, 0.

Read first time.

Referred to committee on Judiciary.

And further recommends:

Senate Bill 40

Relating to taxable attorney's fees for small claims appeals.

Passage; Ayes, 5; Noes, 0.

Senate Bill 41

Relating to elimination of the "dead man's statute."

Passage; Ayes, 5; Noes, 0.

Senate Bill 42

Relating to the right of habeas corpus for inmates of central state hospital.

Passage; Ayes, 5; Noes, 0.

ALLEN J. BUSBY,
Chairman.

Upon motion of Senator Heinzen, with unanimous consent, the senate returned to the eighth order of business.

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MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

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

Assembly Joint Resolution 24

ASSEMBLY MESSAGE CONSIDERED

Assembly Joint Resolution 24

A joint resolution relating to humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

Read.

Upon motion of Senator Heinzen, with unanimous consent, the joint resolution was taken up at this time.

Assembly Joint Resolution 24

Concurred in.

Ordered immediately messaged.

Senator Keppler asked unanimous consent that all actions not previously messaged be ordered immediately messaged.

Senator Keppler moved the senate adjourn until 9:00 A.M., Friday, January 29.

INTRODUCTION OF GUESTS

Senator Risser introduced 8 students of the St. Patrick's School, Madison.

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Senator Thompson introduced 60 5th grade students of the Stoughton Yahara, with their teachers, Mrs. Beick and Mrs. Mooney.

Senator Kendziorski welcomed 80 junior high school students, from Milwaukee.

Senator Heinzen welcomed Mrs. Bonnie Metzger, of Wisconsin Rapids, and Mrs. Judy Irsch, of Madison, to the senate.

Senator Risser introduced 4 University of Wisconsin students: David Neal Evers, Madison, John E. Miller from Morgan, Minnesota, Kathy Rahbert from Bowling Green, Ohio, and Pat LaBouff, from Los Angeles, California.

Senator Murphy introduced 140 8th graders from Cconomowoc Junior High School, together with their leaders, Mrs. Nelson, Mr. Douglas, Mrs. Dinnauer, Mrs. Mainz, Mr. Girdman and Mr. Hlaban.

Senator Murphy also welcomed his niece, Miss Kathleen Sue Carey, to the senate chamber.

Senator Schuele introduced Mr. John J. Bohl, a student senator at Stevens Point State University.

Senator Lorge introduced Mr. and Mrs. Paul Doerfler, of Kimberly, and Mr. and Mrs. Elmer Schabo, of Appleton.

Senator Roseleip introduced Mr. Steve Bahl, Mr. Ted Glasbrenner, and Mr. Cletus Hardy, of Fennimore.