

JOURNAL OF THE SENATE [September 28, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

TUESDAY, September 28, 1971.

2:00 P.M.

The senate met.

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

Prayer was offered by the Reverend Father David Baker, associate pastor of St. James Catholic Church, Madison, Wisconsin.

The senate remained standing and recited the pledge of allegiance to the flag of the United States.

LEAVE OF ABSENCE

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

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

Senators Busby, Chilsen, Devitt, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent with leave—Senators Bidwell, Cirilli, Dorman and LaFave—4.

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Senator Martin introduced Sandy Bokovetz, Door County Cherry Blossom Queen. With unanimous consent, she was escorted to the podium by Senators Chilsen and Martin where she addressed the senate.

By request of Senator Krueger, with unanimous consent, the journal showed that Wisconsin welcomed the first guided tour of guests of its sister state of Hawaii to the state of Wisconsin.

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 492 by Senator Whittow.

Senate amendment 1 to Senate Bill 722 by Senator Swan.

Senate amendment 2 to Senate Bill 722 by Senators Risser, Whittow, McKenna, Peloquin and Schuele.

Senate amendment 1 to Senate Bill 749 by Senator Lipscomb.

Senate amendment 1 to Assembly Bill 377 by Senator Whittow.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 779

Relating to residency requirements for employees of school boards in cities of the 1st class.

By Senator Lipscomb.

To committee on Education.

PETITIONS AND COMMUNICATIONS

Senate Petition 222

A petition by 23 citizens of the 33rd District, the Oconomowoc American Legion Auxiliary in support of Senate Bill 485.

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Introduced by Senator Murphy.

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

Senate Petition 223

A petition signed by 76 citizens of Kenosha, Wisconsin in opposition to Assembly Bill 859 relating to the use of Lakefront Park. (Stadium Park)

Introduced by Senator Lourigan.

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

Senate Petition 224

A petition signed by 33 parents of members of the Park City Grays Drum and Bugle Corps, Kenosha, Wis. in opposition to Assembly Bill 859 relating to the use of Lakefront Park. (Stadium Park)

Introduced by Senator Lourigan.

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

Senate Petition 225

A petition signed by Alderman Peter Nedweski and 1,388 other employees of the American Motors, Kenosha, Wis. in opposition to Assembly Bill 859 relating to the use of Lakefront Park. (Stadium Park)

Introduced by Senator Lourigan.

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

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor
Madison**

September 27, 1971.

**Mr. William Nugent
Chief Clerk
Wisconsin State Senate
State Capitol
Madison, Wisconsin 53702**

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Gentlemen:

I respectfully request permission to address a joint convention of the Wisconsin State Legislature, Thursday, September 30, 1971, at 10:00 a.m., to discuss a proposal for state regulation of cable television in Wisconsin.

Sincerely,

PATRICK J. LUCEY,
Governor.

By request of Senator Keppler, with unanimous consent, the Governor's request was granted and the chair was directed to appoint appropriate ushers to escort the Governor to the assembly chambers.

MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk

Mr. President:

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

**Assembly Bill 74,
Assembly Bill 291,
Assembly Bill 317,
Assembly Bill 409,
Assembly Bill 423,
Assembly Bill 467,
Assembly Bill 646,
Assembly Bill 713,
Assembly Bill 745,
Assembly Bill 840 and
Assembly Bill 961.**

Concurred in:

**Senate Joint Resolution 97,
Senate Bill 217,
Senate Bill 228,
Senate Bill 318,
Senate Bill 351,
Senate Bill 361,
Senate Bill 372,**

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Senate Bill 396,
Senate Bill 398 and
Senate Bill 454.

Amended and concurred in as amended:

Senate Bill 8 (Assembly amendment 1 adopted)
Senate Bill 49 (Assembly amendment 1 adopted)
Senate Bill 154 (Assembly amendment 2 adopted)
Senate Bill 188 (Assembly amendment 1 adopted)
Senate Bill 437 (Assembly substitute a m e n d m e n t 1 adopted)

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 74

Relating to the elimination of certain property tax exemptions for banks and trust companies.

By Representative Czerwinski; co-sponsored by Senator Soik, by request of League of Wisconsin Municipalities.

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

Assembly Bill 291

Relating to credit unions and making an appropriation.

By Representatives Mato, Mittness, Bultman, Looby, Baldus and LaFave; co-sponsored by Senators Dorman, McKenna, Heinzen, Cirilli and Peloquin, by request of Wisconsin Credit Union League.

Read first time and referred to committee on Judiciary.

Assembly Bill 317

Relating to civil service requirements in populous counties.

By Representatives Jones, Sanasarian, Berger and Orlich, by request of Milwaukee County.

Read first time and referred to committee on Judiciary.

Assembly Bill 409

Relating to permitting a person who is not an elector of the town to hold the office of town assessor.

By Representatives Duren, Earl, Boeckmann, Early, O'Malley, Gaulke, Mittness, Groshek and Day.

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

Assembly Bill 423

Relating to voter registration affidavits.

By Representatives Molinaro and Dorff; co-sponsored by Senator Lotto, by request of League of Wisconsin Municipalities.

Read first time and referred to committee on Judiciary.

Assembly Bill 467

Relating to small claims place of trial.

By Representatives Sensenbrenner, Brown, Jackson, Guiles, Barbee, Ferrall and Bultman; co-sponsored by Senator Soik.

Read first time and referred to committee on Judiciary.

Assembly Bill 646

Relating to standards for bumpers on certain automobiles manufactured after July 30, 1973, and the manufacturer's warranty of compliance.

By Representatives W. A. Johnson, Otte and Swoboda.

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

Assembly Bill 713

Relating to changing certain election procedure.

By committee on Elections, by request of the League of Wisconsin Municipalities.

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

Assembly Bill 745

Relating to business corporation law.

By Representatives Wilcox, Oestreicher and Slaby; co-sponsored by Senators Cirilli and Frank, by request of the Directors, Corporation and Business Law Section, State Bar of Wisconsin.

Read first time and referred to committee on Judiciary.

Assembly Bill 840

Relating to oil and gasoline inspection.

By Representative Sanasarian, by request of the Department of Revenue.

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

Assembly Bill 961

Relating to warnings required of passing motor vehicles.

By Representative Jones, by request of Department of Transportation.

Read first time and referred to committee on Transportation.

Senate Bill 8 (assembly amendment 1 adopted)

Senate Bill 49 (assembly amendment 1 adopted)

Senate Bill 154 (assembly amendment 2 adopted)

Senate Bill 188 (assembly amendment 1 adopted)

Senate Bill 437 (assembly substitute amendment 1 adopted)

The above bills were referred to the calendar.

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, in May of 1971 John F. Apker of Shawano established the Million Penny Fund to lend support to projects involving the Indians of this state; and

Whereas, to date the Penny Fund has provided summer camp to approximately 50 Indian boys, a piano for the Indian Head Start Center, lights at an outdoor basketball court in Keshena, and a canoe; and

Whereas, with the aid of fund contributors, Mr. Apker has already donated nearly \$1,400 to organizations in Menominee County and looks forward to expanding the Fund's projects to help needy children in Shawano and Vilas Counties; now therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Chilsen and Representative Grover, under Joint Rule 26, heartily commend John F. Apker for his generous and innovative efforts on behalf of those in need, and wish the Million Penny Fund, which has at this time collected

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nearly 90,000 pennies, continued success in reaching its ultimate goal.

Read and adopted.

Ordered immediately messaged.

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, Mr. Fred Snyder began his newspaper career on the Antigo Daily Journal three decades ago; and

Whereas, Mr. Snyder chose to continue his service to Wisconsin journalism by joining the Associated Press in Milwaukee in the early 1940's; and

Whereas, Mr. Snyder accepted a transfer to the Madison Bureau of Associated Press in 1944 and his tenure included coverage of the executive office under eight governors; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Risser and Representative Miller, under Joint Rule 26, do hereby commend Mr. Fred Snyder for his long and distinguished journalism career, applaud the role he has played in keeping the electorate of Wisconsin informed about his state government, and wish him many years of happiness and good health in his retirement.

Read and adopted.

Ordered immediately messaged.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 3:30 P.M.

2:30 P.M.

RECESS

3:30 P.M.

The senate reconvened.

Senator McKenna moved that **Senate Bill 113** be considered for action at this time.

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Senator Keppler moved that the motion, to consider Senate Bill 113 for action, be laid on the table.

Senator McKenna 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, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent with leave—Senators Bidwell, Cirilli, Dorman and LaFave—4.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 11; absent or not voting, 4; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Murphy, Roseleip, Schuele, Soik, Steinhilber, and Swan—18.

Noes—Senators Frank, Kendziorski, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Thompson and Whittow—11.

Absent or not voting—Senators Bidwell, Cirilli, Dorman and LaFave—4.

The motion prevailed.

The question on which the call of the house was put having been decided the call of the house was raised.

CALENDAR OF JUNE 11

Senate Bill 10

Relating to permitting certain relatives of the half blood to marry.

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Read a second time.

By request of Senator Risser, with unanimous consent, Senate Bill 10 was placed at the foot of the calendar of June 22.

Senate Bill 414

Relating to prohibiting shining of wild animals.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Heinzen moved rejection.

The ayes and noes were demanded and the vote was: ayes, 12; noes, 17; absent or not voting, 4; as follows:

Ayes—Senators Chilsen, Heinzen, Hollander, Johnson, Kendziorski, Knowles, Krueger, Lipscomb, Lotto, Martin, Peloquin and Roseleip—12.

Noes—Senators Busby, Devitt, Frank, Keppler, Knutson, Lorge, Lourigan, McKenna, Murphy, Parys, Risser, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—17.

Absent or not voting—Senators Bidwell, Cirilli, Dorman and LaFave—4.

The motion did not prevail.

Senator Swan moved reconsideration of the vote by which senate substitute amendment 1 was not rejected.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 14; absent or not voting, 3; as follows:

Ayes—Senators Bidwell, Chilsen, Heinzen, Hollander, Johnson, Kendziorski, Knowles, Krueger, Lipscomb, Lotto, Martin, Peloquin, Roseleip, Schuele, Swan and Thompson—16.

Noes—Senators Busby, Devitt, Frank, Keppler, Knutson, Lorge, Lourigan, McKenna, Murphy, Parys, Risser, Soik, Steinhilber and Whittow—14.

Absent or not voting—Senators Cirilli, Dorman and LaFave—3.

The motion prevailed.

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The question was: Rejection of senate substitute amendment 1 to Senate Bill 414?

The motion prevailed.

Senate amendment 1 to Senate Bill 414 offered by Senator Whittow.

Senate amendment 1 adopted.

Ordered to a third reading.

By request of Senator Keppler, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 414

Read a third time and passed.

By request of Senator Johnson, with unanimous consent, Senate Bill 436 was placed on the calendar of June 22 after Senate Bill 10.

CALENDAR OF JUNE 15

Senate Bill 2

Relating to indecent articles and family planning, and providing a penalty.

Read a second time.

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 Bidwell, Busby, Chilsen, Devitt, Frank, Heinen, Hollander, Johnson, Kendzierski, Keppler, Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow
—30.

Absent with leave—Senators Cirilli, Dorman and LaFave
—3.

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The question was: Adoption of senate amendment 1 to Senate Bill 2?

Senate amendment 1 adopted.

Senate substitute amendment 1 to Senate Bill 2 offered by Senators Devitt, Lourigan and Roseleip.

Senator Risser asked unanimous consent that senate substitute amendment 1 be treated as a simple amendment.

Senator Devitt objected.

Senator Risser moved that senate substitute amendment 1 be treated as a simple amendment.

By request of Senator Heinzen, with unanimous consent, the call of the senate was raised.

Senator Risser raised the point of order that senate substitute amendment 1 to Senate Bill 2 was not germane.

The chair ruled the point of order well taken.

Senator Devitt appealed the ruling of the chair.

The ayes and noes were required and the vote was: ayes, 16; noes, 13; absent or not voting, 4; as follows:

Ayes—Senators Busby, Chilsen, Frank, Knowles, Krueger, Lorge, Lotto, McKenna, Martin, Peloquin, Risser, Schuele, Soik, Swan, Thompson and Whittow—16.

Noes—Senators Bidwell, Devitt, Hollander, Johnson, Kendziorski, Keppler, Knutson, Lipscomb, Lourigan, Murphy, Parys, Roseleip and Steinhilber—13.

Absent or not voting—Senators Cirilli, Dorman, Heinzen and LaFave—4.

The ruling of the chair was sustained.

Senator Roseleip moved indefinite postponement of Senate Bill 2.

Senator Hollander in the chair.

4:45 P.M.

President of the senate in the chair.

4:55 P.M.

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Upon motion of Senator Keppler, with unanimous consent, the senate adjourned until 9:00 A.M. Wednesday, September 29.

5:00 P.M.

INTRODUCTION OF GUESTS

Senator Martin introduced Mr. and Mrs. LaFave, Maple Wood, Wisconsin.

Senator Heinzen introduced Mrs. Louie Krueger, Almond, Mr. Isaac Berberg, Mr. Richard Berberg and Mrs. Violet Berberg, Amherst, Wisconsin.