

STATE OF WISCONSIN

# Senate Journal

## Eightieth Session

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THURSDAY, February 11, 1971.

10 o'clock A.M.

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

Prayer was offered by the Reverend Wilmer T. Bloy, Pastor, Trinity United Methodist Church, Madison, Wisconsin.

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

Present—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.

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### INTRODUCTION OF RESOLUTIONS

#### Senate Resolution 6

Requesting an opinion of the attorney general regarding the constitutionality of 1971 Assembly Bill 72, as amended, relating to the recruitment of strikebreakers.

*Resolved by the senate,* That the attorney general be and hereby is requested to provide, as soon as possible, an opinion regarding the constitutionality of prohibiting the use of strikebreakers as provided by the 1971 Assembly Bill 72, as passed by the assembly February 4, 1971.

Introduced by Senator Soik.

Read.

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The chair ruled the resolution was privileged.

Senator Risser raised the point of order that the resolution was not privileged.

The chair took the point of order under advisement.

**Senate Joint Resolution 18**

Relating to urging acceptance of transfer credits at institutions of higher education.

By Senators LaFave, Hollander, Bidwell, Lotto, Lourigan and Lorge.

Read.

To committee on Education.

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**BILLS INTRODUCED**

**Senate Bill 170**

Relating to commencement and length of school terms.

By Senators Krueger, Roseleip, Lotto, Devitt, Parys and Schuele; co-sponsored by Representatives Jones and McDougal.

Read first time.

Referred to committee on Education.

**Senate Bill 171**

Relating to reports by the interstate cooperation commission.

By Senators Keppler and Risser; co-sponsored by Representatives Huber and Froehlich, by request of Commission on Interstate Co-operation.

Read first time.

Referred to committee on Interstate Co-operation.

**Senate Bill 172**

Relating to noise from the operation of motor vehicles, providing a penalty and granting rule-making authority.

By Senator Soik.

Read first time.

Referred to committee on Transportation.

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**Senate Bill 173**

Relating to aid to mothers of dependent children.

By Senators Soik, Cirilli, Hollander, Steinhilber, Devitt, Lorge, Schuele, Whittow, Parys, Swan, Parys, Martin, Frank, Heinzen, Bidwell, Roseleip, Keppler, Johnson and Chilsen; co-sponsored by Representative Helgeson.

Read first time.

Referred to committee on Health and Social Services.

**Senate Bill 174**

Relating to the size of liquor containers.

By Senator Soik, by request of Frank "Jack" Ladky.

Read first time.

Referred to committee on Governmental and Veterans' Affairs.

**Senate Bill 175**

Relating to establishing water pollution fees and making an appropriation.

By Senators McKenna, Frank, Risser, Thompson and Pelouin; co-sponsored by Representatives Mittness, Lynn and Brown.

Read first time.

Referred to committee on Natural Resources.

**Senate Bill 176**

Relating to state aid to county teachers colleges.

By Senators LaFave, Lorge, Hollander, Murphy and Bidwell.

Read first time.

Referred to committee on Education.

**Senate Bill 177**

An act authorizing vocational, technical and adult education schools to offer general education collegiate transfer programs in certain instances.

By Senators LaFave, Bidwell, Hollander and Lorge.

Read first time.

Referred to committee on Education.

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**Senate Bill 178**

Relating to termination of county supervisor members of county park commissions.

By Senators Lotto and Martin; co-sponsored by Representatives Schricker, Vanderperren, Quinn and Kafka.

Read first time.

Referred to committee on Governmental and Veterans' Affairs.

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**COMMITTEE REPORT**

The committee on Judiciary reports and recommends for introduction:

**Senate Bill 179**

Relating to privileged communications to doctors.

Introduction; Ayes, 5; Noes, 0.

Read first time.

Referred to committee on Judiciary.

And further recommends:

**Senate Joint Resolution 5**

Relating to the elimination of the requirement that state forfeitures and fines be deposited in the school fund (1st consideration).

Rejection; Ayes, 3; Noes, 2.

**Senate Bill 15**

Relating to a new county judge for Racine County.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 55**

Relating to establishing a joint Survey committee on licensing and certification, and making an appropriation.

Adoption of senate amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

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**Senate Bill 66**

Relating to one additional circuit court branch in the 22nd judicial circuit and one additional county court branch in Waukesha County.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 78**

Relating to prohibiting the use of live animals as prizes and providing a penalty.

Adoption of senate amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 4; Noes, 1.

**Senate Bill 102**

Relating to one additional circuit court branch for the 22nd judicial circuit.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 103**

Relating to one additional circuit court branch for the 9th judicial circuit.

Indefinite postponement; Ayes, 5; Noes, 0.

**Senate Bill 104**

Relating to one additional county court branch in Eau Claire County.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 105**

Relating to one additional county court branch in Outagamie County.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 106**

Relating to one additional county court branch in Dane County.

Indefinite postponement; Ayes, 5; Noes, 0.

**Senate Bill 107**

Relating to one additional county court branch in Waukesha County.

Passage; Ayes, 5; Noes, 0.

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**Senate Bill 108**

Relating to one additional county court branch in Rock County.

Indefinite postponement; Ayes, 5; Noes, 0.

**Senate Bill 109**

Relating to one additional county court branch in Racine County.

Indefinite postponement; Ayes, 5; Noes, 0.

**ALLEN J. BUSBY,**  
Chairman.

The joint committee on Finance reports and recommends:

**Senate Joint Resolution 6**

Relating to a study of time limits on actions against manufacturers or sellers of defective products.

Adoption; Ayes, 14; Noes, 0.

**Senate Bill 34**

Relating to taxation of express companies on local tax rolls.

Emergency statement recommended; Ayes, 14; Noes, 0 and passage with emergency statement; Ayes, 14; Noes, 0.

**Senate Bill 48**

Relating to fiscal notes on bills with local government fiscal effect.

Adoption of senate amendment 1; Ayes, 13; Noes, 0; emergency statement recommended; Ayes, 13; Noes, 0 and passage as amended with emergency statement; Ayes, 13; Noes, 0.

**Senate Bill 90**

Relating to limitations on reimbursement for daily expenses of members of part-time public bodies.

Emergency statement recommended; Ayes, 13; Noes, 1 and passage with emergency statement; Ayes, 13; Noes, 1.

**WALTER G. HOLLANDER,**  
Chairman.

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Claims Board

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

Dear Mr. Nugent:

The State Claims Board is submitting the attached report to you in accordance with the provisions of Section 16.007, Wisconsin Statutes, covering claims heard by it.

The Board is preparing a bill on the award made under the provisions of s. 16.007 and will submit it to the Joint Finance Committee for legislative introduction. The awards made under the provisions of s. 16.008, Wis. Stats., have been paid directly to those municipalities involved.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the journal to inform the members of the Legislature as to the nature of the claims which come before it for consideration.

Sincerely,

DONALD STERLINSKE,  
Secretary.

BEFORE THE CLAIMS BOARD OF WISCONSIN

Hearings were held at Madison, Wisconsin, on October 7, 1970, upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. City of Fort Atkinson -----	\$ 430.49
2. Jefferson County -----	2,932.64
3. Dane County -----	113,189.10
4. City of Madison -----	260,700.14

THE BOARD FINDS:

1. *City of Fort Atkinson*

The City of Fort Atkinson claims \$430.49, pursuant to sec. 16.008, Wis. Stats., for extraordinary police service

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furnished on February 27 and March 2 and 3, 1970, during civil disturbances at Whitewater State University. The Board is satisfied that the services were performed as claimed and that the statement of charges is proper under the cited statute.

### *2. Jefferson County*

Jefferson County claims \$2,932.64, pursuant to sec. 16.008, Wis. Stats., for extraordinary police services furnished on February 27 and March 2 and 3, 1970, during civil disturbances at Whitewater State University. The Board is satisfied that the services were performed as claimed and that the statement of charges is proper under the cited section, with certain corrections. The Board of Regents of State Universities recommends that a small part of the claim based upon plain clothes duty prior to the passage of the cited statute be eliminated, that certain items for salary for regular working hours be eliminated and that the percentage factor for fringe benefits be reduced from 35.64% of regular pay to 19.24%. These corrections reduce the claim to \$1,738.58.

### *3. Dane County*

Dane County claims, under sec. 16.008, Stats., \$6,889.37 for extraordinary police service furnished on March 16-18, 1970, and \$106,299.73 for such service furnished on May 4-19, 1970, during civil disturbances at the University of Wisconsin at Madison. The Board is satisfied that the services were performed as claimed and at the request of an appropriate state agency. However, in computing the salary expense, 28.19% of the regular salary was added thereto, to cover fringe benefits. That figure includes 4.25% for longevity and 5.55% for health and life insurance. The cost of these items is not an "actual additional cost" to the claimant, within the meaning of the statute. Also, the claim for services in May includes \$7,051.60 for vehicle damage, and ultimately this amount was covered by insurance. After making these corrections the proper charges for the two periods of disturbances are reduced to \$6,389.71 and \$92,784.87, respectively. The Board is satisfied that the charges in these amounts are proper.

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**4. City of Madison**

The City of Madison claims \$9,841.03 for extraordinary police services furnished on February 12, 1970, during civil disturbances at the University of Wisconsin at Madison. The City also claims, under sec. 16.008, Stats., \$4,704.06 for extraordinary police service furnished on February 13, 1970, \$8,580.01 for such service furnished February 19, 1970, \$10,297.21 for such service furnished March 16-18, 1970, and \$227,277.83 for such service furnished May 3-19, 1970, during civil disturbances at the University of Wisconsin at Madison. The Board is satisfied that the services were performed as claimed and at the request of an appropriate State agency. However, in computing the salary expense incurred during the disturbances on February 19 and in March and May, 24.8% of the regular salary was added thereto, to cover fringe benefits. That figure includes 3.1% for health and life insurance, which is not an "actual additional cost" to the claimant, within the meaning of section 16.008, Stats.

On equitable principles the State should assume and pay the claim based on occurrences of February 12, 1970. The other parts of the city's claim, after making the correction above noted, come to \$4,704.06 for February 13, \$8,366.89 for February 19, \$10,049.87 for March and \$223,245.86 for May. The Board is satisfied that these charges are proper.

**THE BOARD CONCLUDES:**

1. Payment of the following amounts to the following claimants, respectively, is proper under the provisions of sec. 16.008, Wis. Stats.:

City of Fort Atkinson -----	\$ 430.49
Jefferson County -----	1,738.58
Dane County -----	99,174.58
City of Madison -----	246,366.68

**THE BOARD RECOMMENDS:**

That the claim of the City of Madison based upon police services furnished on February 12, 1970, be paid in the amount of \$9,841.03.

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Dated at Madison, Wisconsin, this 4th day of February, 1971.

**WALTER G. HOLLANDER,**  
Chairman, Senate Committee on  
Finance

**DONALD STERLINSKE,**  
Representative of Commissioner of  
Administration

**E. WESTON WOOD,**  
Representative of Attorney General

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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 concurred in:

**Senate Joint Resolution 15 and  
Senate Bill 27.**

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**MOTIONS UNDER JOINT RULE 26**

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

Whereas, Herbert H. Kohl of Milwaukee, president of the Kohl Corporation, was recently appointed general chairman of the 1971 United Fund campaign in greater Milwaukee; and

Whereas, Mr. Kohl served as chairman of the Milwaukee Jewish Welfare Fund campaigns in 1968 and 1969 and is a member of the Greater Milwaukee Committee; and

Whereas, Mr. Kohl's many contributions to business and community life set an example of public service worthy of praise; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Soik, Whittow, Schuele and Swan and Representative Conta, under Joint Rule 26, do commend Herbert

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H. Kohl on his past achievements and his acceptance of a new position in which to contribute to the community.

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**CALENDAR OF FEBRUARY 10**

**Senate Bill 11**

Relating to county board meetings.

By request of Senator Lotto, with unanimous consent, the bill was re-referred to the committee on Governmental and Veterans' Affairs.

**Senate Bill 29**

Relating to location of county board meetings.

By request of Senator Lotto, with unanimous consent, the bill was re-referred to committee on Governmental and Veterans' Affairs.

**Senate Joint Resolution 3**

A joint resolution to amend article IV, section 26 of the constitution, relating to retirement benefits of public officers and employees (1st consideration).

Read a second time.

Amendment 1 to amendment 1 to **Senate Joint Resolution 3** offered by Senator LaFave.

By request of Senator LaFave, with unanimous consent, amendment 1 to amendment 1 to **Senate Joint Resolution 3** was withdrawn.

Senator LaFave moved rejection of amendment 1 to **Senate Joint Resolution 3**.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Frank, Johnson, Keppler, Knutson, LaFave, McKenna, Martin, Swan and Thompson—13.

Noes—Senators Bidwell, Dorman, Heinzen, Hollander, Kendziorski, Knowles, Krueger, Lorge, Lotto, Lourigan,

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Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber and Whittow—19.

So the senate refused to reject senate amendment 1 to Senate Joint Resolution 3.

Senator Kendziorski in the chair.

11:17 A.M.

The question was: Shall amendment 1 to Senate Joint Resolution 3 be adopted?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Knutson, Krueger, Lorge, Lotto, Lourigan, Martin, Parys, Peloquin, Roseleip, Schuele and Whittow—20.

Noes—Senators Busby, Devitt, Johnson, Keppler, LaFave, McKenna, Murphy, Risser, Soik, Steinhilber, Swan and Thompson—12.

So the amendment was adopted.

The question was: Shall Senate Joint Resolution 3 be ordered to a third reading?

**Senate Joint Resolution 3**

Ordered to a third reading.

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

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; as follows:

Ayes—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.

Noes—None.

So the resolution was adopted.

Ordered immediately messaged.

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**TODAY'S CALENDAR**

**Senate Bill 8**

Relating to increasing the maximum interest rate payable on metropolitan sewerage district obligations.

Read a second time.

Senate amendment one adopted.

The question was: Shall the bill be ordered to a third reading?

The bill was ordered to a third reading.

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

By request of Senator Johnson, with unanimous consent, the senate returned to the 8th 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 passed and asks concurrence in:

**Assembly Bill 275**

The president in the chair.

By request of Senator Keppler, with unanimous consent, the senate recessed for 15 minutes.

11:55 A.M.

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The senate reconvened.

12:10 P.M.

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**MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Assembly Bill 275**

Read a first time.

By request of Senator Thompson, with unanimous consent, Assembly Bill 275 was taken up at this time.

**Assembly Bill 275**

An act to appropriate \$8,000 from the highway fund for use in the city of Hurley for emergency snow removal.

The question was: Shall the bill be ordered to a third reading?

Ordered to a third reading.

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

Read a third time.

The question was: Shall the bill be concurred in?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; as follows:

Ayes—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.

Noes—None.

So the bill was concurred in.

By request of Senator Johnson, with unanimous consent, all of today's actions not previously messaged were immediately messaged.

By request of Senator Whittow, with unanimous consent, the senate returned to the third order of business.

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**INTRODUCTION OF RESOLUTIONS**

**Senate Joint Resolution 19**

Memorializing Congress to enact federal legislation au-

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thorizing state public assistance programs to use vendor and voucher payments in certain circumstances.

By Senators Whittow, Johnson, Lotto, Devitt, Martin, Kendziorski and Soik; co-sponsored by Representatives Schricker, Byers, Pabst, Alberts, McCormick and Jackson.  
Read.

Referred to committee on Health and Social Services.

By request of Senator Risser, with unanimous consent, the senate returned to the fourth order of business.

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**BILLS INTRODUCED**

**Senate Bill 180**

Relating to defining the rights of inhabitants of the state inducted or serving in the military forces of the United States.

By Senator Risser; co-sponsored by Representatives Nager and Miller.

Read a first time.

Referred to committee on Judiciary.

By request of Senator Lorge, with unanimous consent, the senate returned to the fifth order of business.

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**COMMITTEE REPORTS**

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

**Senate Bill 181**

Relating to excluding certain activities from regulation under the state plumbing code.

Introduction; Ayes, 5; Noes, 0.

By committee on Commerce, Labor, Taxation, Insurance and Banking, by request of Automatic Sprinkler Contractors in the State of Wisconsin.

Read a first time.

Referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

**GERALD D. LORGE,**  
Chairman.

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Senator Roseleip was granted a leave of absence for February 16 and 17 to attend the Rehabilitation Conference of the American Legion at Washington, D. C., travel expense to be paid by the American Legion. At the request of Senator Johnson with unanimous consent.

Upon motion by Senator Johnson the senate adjourned in honor of the birthday of that great American, Abraham Lincoln. At this point Senator Kendziorski amended the motion to include the birthday of that great Polish general, Tadeusz Kosciuszko.

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The senate adjourned until 9 A.M. Friday, February 12.  
12:40 P.M.

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### INTRODUCTION OF GUESTS

Senator Bidwell introduced 48 students of Fall River Junior High School with their teacher, Edwin Schillen, and two student teachers, Mary Larsen and Gene Kopplin.

Senator Risser introduced guests Gail Winkler, Mary Anderson and Lawrence Giese from Madison and Milwaukee.

Senator Risser introduced a group of guests, namely, Madison Veterans for Peace of Madison, Wisconsin.

Senator Thompson introduced 38 pupils of the fourth grade of St. Francis Xavier School of Cross Plains, Wisconsin, accompanied by their teacher, Mrs. Gloria Serapn, and Sister Marie Wozniak, Principal of the school.