

JOURNAL OF THE SENATE [March 9, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

TUESDAY, March 9, 1971.

10:00 o'clock A.M.

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

The prayer was offered by Captain Walter Briggs of the Salvation Army, Madison, Wisconsin.

The senate remained standing and recited the Pledge of Allegiance to the Flag of the United States.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—30.

Absent with leave—Senators Johnson and Krueger—2.

LEAVE OF ABSENCE

By request of Senator Keppler, with unanimous consent, Senator Krueger was granted a leave of absence for the balance of this week's sessions.

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

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AMENDMENTS OFFERED

Senate substitute amendment 1 to Senate Bill 181 by Senator Lorge.

Senate amendment 1 to Assembly Bill 72 by Senator Childsen.

Senate amendment 1 to Senate Bill 37 by Senator Lotto.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 258

Relating to service of orders on judgment debtors.

By Senators Devitt and Steinhilber; co-sponsored by Representatives Shabaz and McCormick.

To committee on Judiciary.

COMMITTEE REPORTS

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

Senate Bill 165

An act to repeal, renumber, amend, repeal and recreate, reenact and revise various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments, officers and institutions, correcting references, renumbering for better location and arrangement, eliminating duplications and unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Passage; Ayes, 5; Noes, 0.

Senate Bill 166

An act to repeal, renumber, amend and repeal and recreate various provisions of the statutes for the purpose of correcting errors, renumbering for better location and arrangement, correcting references and eliminating unnecessary provisions (Revisor's Correction Bill).

Passage; Ayes, 5; Noes, 0.

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Senate Bill 167

An act to reenact various provisions of the statutes for the purpose of eliminating conflicts resulting from 1969 acts (Revisor's Correction Bill).

Passage; Ayes, 5; Noes, 0.

NILE W. SOIK,
Senate Chairman.

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

Senate Bill 1

Relating to observance of holidays to coincide with federal law.

Indefinite postponement; Ayes, 3; Noes, 2.

Senate Bill 80

Relating to the revocation of fermented malt beverage license.

Passage; Ayes, 5; Noes, 0.

Senate Bill 113

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

Passage; Ayes, 5; Noes, 0.

Senate Bill 174

Relating to the size of liquor containers.

Indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 205

Relating to agreements for municipal police service on campuses.

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

And further recommends for introduction:

Senate Bill 259

Relating to creating a dispensing opticians examining council in the department of regulation and licensing, granting rule-making authority and providing penalties.

Introduction; Ayes, 5; Noes, 0.

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

GORDON W. ROSELEIP,
Chairman.

**REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS**

APPENDIX TO SENATE BILL 217

RECOMMENDATION

In order to provide just and equitable treatment of national guard technicians paid out of state funds, similar to that provided those paid from federal funds, the 14 individuals concerned should be granted retirement service credit for the periods of service performed for the State of Wisconsin prior to their membership in the Wisconsin Retirement Fund. This is particularly important because they were not allowed to become members even though they wished to during this period. It is, therefore, the opinion of this committee that this bill *is in the best public interest* and is deserving of passage.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON RETIREMENT SYSTEMS**

REUBEN LaFAVE,
Chairman.

ALVIN BALDUS,
Vice-Chairman.

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

**REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS**

**APPENDIX TO SENATE BILL 184 AND
TO SENATE SUBSTITUTE AMENDMENT 1 TO
SENATE BILL 184**

Recognizing that this committee is not passing judgment on total compensation levels of faculty members, it is the

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opinion of this committee that in keeping with the philosophy of standardized benefits for the various members of the several state-supported retirement systems the provisions contained in the bill are meritorious. In as much as the bill is in the best public interest but is in need of technical clarification, *this committee recommends passage of senate substitute amendment 1.*

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON RETIREMENT SYSTEMS**

REUBEN LaFAVE,
Chairman.

ALVIN BALDUS,
Vice-Chairman.

Read and referred to joint committee on Finance.

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

APPENDIX TO SENATE BILL 7

Relating to a \$10 income tax exemption for physically or mentally handicapped taxpayers.

Public Policy Involved

This is not desirable public policy. The state has an obligation to help its citizens who are substantially handicapped. It does this in many ways, from financial aid to special vehicle licensing privileges to vocational rehabilitation training. In addition to federal social security disability payments, the State of Wisconsin in 1970 paid out \$40,000,-000 in aids to the blind and handicapped and spent \$12,990,-000 in vocational rehabilitation training.

Handicapped citizens fall into two classes. Those who have found physical or mental handicaps no economic handicap and those whose needs are so great that they need more than the limited tax credit proposed here. If they are supported solely by social security disability benefits, they may have no taxable income and an additional tax exemption would be valueless to them.

Those who are handicapped who can make their way economically need no additional tax exemption. Those who

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are so handicapped as to be essentially wards of the state need other, more effective and direct aid.

Respectfully submitted,

JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

HARVEY L. DUEHOLM,
Chairman.

Read and referred to joint committee on Finance.

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

APPENDIX TO SENATE BILL 37

Public Policy Involved

This is not desirable public policy. As noted above, this proposal would violate the uniformity requirements of the Constitution which requires that all property not taxed must be completely exempt from property taxation. This proposal would leave a waterfront property subject to taxation except for part of its value—certain shoreline and streambank improvements.

Respectfully submitted,

JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

HARVEY L. DUEHOLM,
Chairman.

Read and referred to joint committee on Finance.

PETITIONS AND COMMUNICATIONS

Senate Petition 34

A petition by 43 residents of the 29th Senatorial District urging support of Assembly Bill 43, relating to emergency public service announcements for the deaf.

By Senator Chilsen.

Read and referred to committee on Health and Social Services.

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The State of Wisconsin
Department of State
Madison

March 9, 1971.

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 March 2, 1971, and ending March 9, 1971.

Yours very truly,

ROBERT C. ZIMMERMAN,
Secretary of State.

Name, address and occupation of lobbyist—Name and address of employer—Subject of legislation—Date of employment—Length of time of employment.

Carl E. Lauri, 2202 Aspen Road, Madison—Town of Two Creeks, Route 3, Two Creeks—Taxation and public interest—March 3, 1971—Session.

William Moreth, Secretary—Treasurer, 301 East Johnson Street, Madison—Retail Clerks Union, 301 East Johnson Street, Madison—Labor and union security—March 2, 1971—Session.

James W. Wimmer, Attorney, 1030 Sherman Avenue, Madison—Associated Hospital Service, Inc., 4115 North Teutonia Avenue, Milwaukee—Pre-paid hospital services coverage—March 2, 1971—Session.

Eldred Dede, Lawyer, 140 North Plankinton Avenue, Milwaukee—Southern Wisconsin District of Lutheran Churches, 8100 West Capitol Drive, Milwaukee—Educational and religious matters—March 2, 1971—Session.

David Branch, Cemetery Manager, 6401 North 43rd Street, Milwaukee—Union—Graceland Cemetery, Board of Trustees, 6401 North 43rd Street, Milwaukee—Cemeteries—March 2, 1971—Session.

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Patrick Dewane, Lawyer, 1114 South 8th Street, Manitowoc—Town of Two Creeks, Route 3, Two Creeks—Taxation and public interest—March 3, 1971—Session.

Robert C. Cannon, Circuit Judge, Court House, Milwaukee—State Board of Circuit Judges, Richard Bardwell, Chairman, Court House, Milwaukee—Judges and courts of Wisconsin—March 2, 1971—Session.

Allan R. Koritzinsky, Attorney, 114 North Carroll Street, Suite 416, Madison—Wisconsin Property Owners League, 424 College Street, Beloit—Property and other taxation matters—March 4, 1971—Session.

Dr. Robert D. Harmon, Podiatrist, 330 East Wilson Street, Madison—Wisconsin State Podiatry Society, 2500 North Mayfair Avenue, Milwaukee—Podiatry—March 8, 1971—Session.

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:

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representative Early; co-sponsored by Senator Knowles for the River Falls High School Wrestling Team on their fine showing at the state meet; and

A Joint Certificate of Commendation by Representative Jones; co-sponsored by Senator LaFave for John Wesley Thompson on his completion of 45 years of state service.

Assembly Joint Resolution 35

Passed and asks concurrence in:

Assembly Bill 97

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MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representative Early; co-sponsored by Senator Knowles for the River Falls High School Wrestling Team on their fine showing at the state meet;

A Joint Certificate of Commendation by Representative Jones; co-sponsored by Senator LaFave for John Wesley Thompson on his completion of 45 years of state service.

The preceding motions under Joint Rule 26 were read and concurred in en masse.

Assembly Joint Resolution 35

Read first time and referred to the committee on Agriculture.

Senator Lorge asked unanimous consent to be made a co-author of Assembly Joint Resolution 35, which request was granted.

Assembly Bill 97

Read a first time and referred to the committee on Judiciary.

CALENDAR OF FRIDAY, FEBRUARY 26

Senate Bill 71

Relating to permitting counties to enact drunk driving ordinances.

By request of Senator Chilsen, with unanimous consent, the vote by which Senate Bill 71 was ordered to a third reading was reconsidered.

Senator Chilsen raised the point of order that Senate Bill 71 required a fiscal note.

The chair ruled the point of order was not well taken.

Senate amendment 1 offered by Senator Cirilli.

Senate amendment 1 adopted.

Senator Steinhilber moved indefinite postponement.

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President pro tempore in the chair.

10:55 A.M.

By request of Senator Chilsen, with unanimous consent, Senate Bill 71 was re-referred to the committee on Judiciary.

Senate Bill 72

Relating to allowing the prosecution to request the substitution of a judge.

Read a second time.

Amendment 1 offered by Senator Cirilli.

By request of Senator Chilsen, with unanimous consent, the bill was laid over to the calendar of March 16.

Senate Bill 119

Relating to penalties for theft and receiving stolen property.

Read a second time.

The bill was 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 119

Read a third time and passed.

Senate Bill 120

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

Read a second time.

Amendment 1 offered by Senator Murphy.

Amendment 1 adopted.

By request of Senator Soik, with unanimous consent, the senate returned to the 9th order of business.

The president of the senate in the chair.

11:20 A.M.

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Senator Dorman was granted a leave of absence from tomorrow's session to attend a funeral.

All actions not previously messaged were messaged by request of Senator Keppler.

Senator Keppler moved the senate adjourn until Wednesday, March 10, at 9:30 A.M.

11:25 A.M.

INTRODUCTION OF GUESTS

Senator Roseleip introduced Paul Chao and Yuhta Wang from Trichung, Formosa.

Senator Knowles introduced a group of journalism students from W.S.U. River Falls, with their professor John Nichols, from River Falls, Wisconsin.

Senator Whittow introduced Jacob F. Friederick.

Senator Soik introduced Saint Monica Girl Scout Troops 1343 4th, 5th and 6th grades and 1711 Kaydette Troop 7th and 8th grades with Mrs. Frank Banholzer, Mrs. Joseph Ladd and Mrs. Gerald Haig, all of Whitefish Bay, Wisconsin.

Senator Devitt introduced Mr. Tom Higgins, Mrs. Sterzek, Mrs. Evans and 60 children from the Greendale Intermediate School of Greendale, Wisconsin.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau.

Senate Bill 231

On page 2, line 19, delete "use" and substitute "~~use~~ uses".

On page 4, line 14, substitute "22.40," for "22.400".