

JOURNAL OF THE SENATE [April 14, 1971]

STATE OF WISCONSIN

# Senate Journal

Eightieth Session

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WEDNESDAY, April 14, 1971.

9:30 o'clock A.M.

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

The prayer was offered by Reverend Andrew C. Davison, Pastor, First Baptist Church of Madison, Wisconsin.

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## LEAVE OF ABSENCE

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

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

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

Absent with leave—Senators Dorman and Knutson—2.

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## AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 297 by Senator Swan.

Senate amendment 1 to Assembly Bill 252 by Senator Keppler.

INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 47**

A joint resolution memorializing Congress and the President to free Lt. William Calley.

By Senators Roseleip and Whittow.

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

**Senate Joint Resolution 48**

A joint resolution creating a governor's task force on water resources.

By Senators Krueger, Cirilli and McKenna.

Read and referred to committee on Natural Resources.

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 357**

Relating to well construction and pump installation, modifications with respect to registration and licensing thereto, granting rule-making authority, making an appropriation and providing penalties.

By Senators Krueger, McKenna and Chilsen; co-sponsored by Representatives Mato and Sweda, by request of Wisconsin Well Drillers, Inc.

To committee on Natural Resources.

**Senate Bill 358**

Relating to creating a special tax on studded tires.

By Senators Whittow and Soik; co-sponsored by Representatives Sensenbrenner and Lynn.

To committee on Transportation.

**Senate Bill 359**

Relating to additions to certain metropolitan sewerage districts.

By Senator Lotto, by request of Green Bay Metropolitan Sewerage Commission.

To committee on Housing and Urban Development.

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**Senate Bill 360**

Relating to redistricting the State pursuant to the congressional apportionment based on the 1970 census of population.

By Senators Risser and Knowles; co-sponsored by Representatives Anderson and Sensenbrenner.

To committee on Judiciary.

**Senate Bill 361**

Relating to nomination papers for combined municipal officers.

By Senator Chilsen, by request of League of Wisconsin Municipalities.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 362**

Relating to insurance company investigations and policy cancellations and nonrenewals and providing a penalty.

By Senators Frank, Kendziorski, Martin, Busby, Schuele, Cirilli, Devitt and Krueger, by request of Cudahy High School's Government Class.

To committee on Commerce, Labor, Taxation, Insurance and Banking.

**Senate Bill 363**

Relating to state defense of national guardmen in court actions based on acts committed in the line of duty.

By Senators Frank, Krueger, Martin, Roseleip and Parys.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 364**

Relating to removing authority of common school districts to establish high schools.

By Senator Heinzen.

To committee on Education.

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**Senate Bill 365**

Relating to requiring judicial review of workmen's compensation and unemployment compensation claims to be commenced in the circuit court for the county in which the claimant resides.

By Senators Krueger and Cirilli.  
To committee on Judiciary.

**Senate Bill 366**

An act directing the highway commission to analyze alternative expressway and freeway corridors for U.S. Highway 53 between Trego and Gordon and to weigh complex environmental, fiscal and social costs and benefits prior to making any decision or holding a public hearing on corridor or route selection.

By Senators Peloquin and Cirilli; co-sponsored by Representatives Schricker and Stack.  
To committee on Transportation.

**Senate Bill 367**

Relating to resignations of trustees.  
By Senator Chilsen.  
To committee on Judiciary.

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PETITIONS AND COMMUNICATIONS

**Senate Petition 65**

A petition by 19 citizens of Wisconsin, objecting to that portion of Assembly Bill 414 which would curtail services for the blind and physically handicapped in Milwaukee.

Introduced by Senator Krueger.  
Read and referred to joint committee on Finance.

**Senate Petition 66**

A petition supporting Senate Joint Resolution 27 dealing with lotteries, constitutional amendment (1st consideration.)

Introduced by Senator Schuele.  
Read and referred to committee on Governmental and Veterans' Affairs.

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**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

April 13, 1971.

Mr. Tom Fox  
Chief Clerk of the Assembly  
State Capitol  
Madison

**Dear Mr. Fox:**

I respectfully request permission to address a joint convention of the state legislature Tuesday, April 20, 1971, at 11:00 a.m. on the subject of the environment. I also request permission to be accompanied by United States Senator Gaylord Nelson and for him to join me in the address to the joint convention.

Sincerely,

**PATRICK J. LUCEY,**  
Governor.

By request of Senator Keppler, with unanimous consent, the Governor's request was granted and the chair was instructed to appoint 4 senators to escort the Governor and the U. S. Senator to the assembly chamber.

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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:

**Motions Under Joint Rule 26:**

A joint certificate of Congratulations by Representatives Brown, Ferrall and Stalbaum; co-sponsored by Senators Dorman and Devitt for Jerstad-Agerholm Junior High School Concert Band on the occasion of its invitation to the Edinburgh Band Festival.

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A joint certificate of Congratulations by Representatives Brown and Ferrall; co-sponsored by Senator Dorman for Daniel and Mary Fernbach on their marriage.

Passed and asks concurrence in:

**Assembly Bill 101**

Non-concurred in:

**Senate amendment 1 to Assembly Bill 26**

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### MESSAGE FROM THE ASSEMBLY CONSIDERED

A Joint Certificate of Congratulations by Representatives Brown, Ferrall and Stalbaum; co-sponsored by Senators Dorman and Devitt for Jerstad-Agerholm Junior High School Concert Band on the occasion of its invitation to the Edinburgh Band Festival.

A Joint Certificate of Congratulations by Representatives Brown and Ferrall; co-sponsored by Senator Dorman for Daniel and Mary Fernbach on their marriage.

The above Certificates of Congratulations were read and concurred in en masse.

#### **Assembly Bill 101**

Relating to the content and publication time of the Wisconsin Blue Book.

By Representatives Sanasarian, Ferrall, Oestreicher, Everson, Earl, Berger, Groshek, Jackamonis, Conta, Lynn, Dueholm, Bolle, Oberle, Willkom, Mielke, Otte, Swoboda, Bultman, Lipscomb, Wackett and Mittness; co-sponsored by Senators Thompson, Parys, Lotto and Soik.

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

#### **Assembly Bill 26**

Relating to reaffirmation of a debt adjudicated in bankruptcy and requiring notice of reaffirmation before execution is levied.

Read and referred to the calendar.

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Senator Krueger requested that the journal show that he was confined to his home and Holy Cross hospital from February 22 through March 20, 1971, by Dr. L. J. Bayer of Merrill, Wisconsin.

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CALENDAR OF APRIL 13

**Senate Bill 32**

Relating to comprehensive health planning by counties.

Ordered to a third reading.

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

**Senate Bill 32**

Read a third time and passed.

**Senate Bill 94**

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

Read a second time.

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.

Senator Soik raised the point of order that the bill required a fiscal note.

The chair took the point of order under advisement.

**Senate Bill 190**

Relating to allocation of income for purposes of income tax distributions to local governments.

Read a second time.

**Senate Bill 190**

The bill was indefinitely postponed.

**Senate Bill 72**

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

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Read a second time.

The question was: Adoption of senate amendment 1?

Senate amendment 1 to senate amendment 1 offered by Senator Murphy.

Senate amendment 1 to senate amendment 1 adopted.

Senate amendment 1 adopted.

**Senate Bill 72**

Senator Whittow moved indefinite postponement.

The motion failed.

Ordered to a third reading.

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

**Senate Bill 72**

Read a third time and passed.

**Assembly Bill 40**

Relating to interest on municipal borrowing.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 14; absent or not voting, 2; as follows:

Ayes—Senators Chilsen, Devitt, Frank, Heinzen, Knowles, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan and Thompson—16.

Noes—Senators Bidwell, Busby, Cirilli, Hollander, Johnson, Kendziorski, Keppler, Krueger, LaFave, Lorge, Lourigan, Murphy, Roseleip and Whittow—14.

Absent or not voting—Senators Dorman and Knutson—2.

Senate amendment 1 was rejected.

Senator Lorge moved non-concurrence.

Senator Lorge moved a

**CALL OF THE SENATE**

Which motion was supported.

The sergant-at-arms was directed to close the doors and the clerk to call the roll.

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

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

Absent—None.

Absent with leave—Senators Dorman and Knutson—2.

Senator Chilsen asked unanimous consent to introduce senate amendment 2.

Senate amendment 2 offered by Senator Chilsen.

Senator Thompson moved reconsideration of the vote by which senate amendment 1 was rejected.

Senator Risser raised a point of order as to the timeliness of the motion.

The chair ruled the motion could be made but would not be taken up at this time.

Senator Lorge moved rejection of amendment 2.

The ayes and noes were demanded and the vote was: ayes, 9; noes, 21; absent or not voting, 2; as follows:

Ayes—Senators Busby, Cirilli, Johnson, Kendziorski, Krueger, LaFave, Lorge, Lourigan and Thompson—9.

Noes—Senators Bidwell, Chilsen, Devitt, Frank, Heinzen, Hollander, Keppler, Knowles, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—21.

Absent or not voting—Senators Dorman and Knutson—2.

The motion failed.

The question was: Adoption of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 9; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Chilsen, Devitt, Frank, Heinzen, Hollander, Keppler, Knowles, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—21.

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Noes—Senators Busby, Cirilli, Johnson, Kendziorski, Krueger, LaFave, Lorge, Lourigan and Thompson—9.

Absent or not voting—Senators Dorman and Knutson—2.

Senate amendment 2 adopted.

Senator Kendziorski in the chair.

11:00 A.M.

Senator Hollander moved that the motion to reconsider the vote by which senate amendment 1 was rejected be tabled.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 7; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Chilsen, Devitt, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—23.

Noes—Senators Busby, Cirilli, Krueger, LaFave, Lorge, Lourigan and Thompson—7.

Absent or not voting—Senators Dorman and Knutson—2.

So the motion was tabled.

The president of the senate in the chair.

11:15 A.M.

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Cirilli, Johnson, Kendziorski, Keppler, Krueger, LaFave, Lorge, Lourigan and Thompson—11.

Noes—Senators Chilsen, Devitt, Frank, Heinzen, Hollander, Knowles, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—19.

Absent or not voting—Senators Dorman and Knutson—2.

So the motion on non-concurrence failed.

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

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### **Assembly Bill 40**

Ordered to a third reading.

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

The ayes and noes were demanded and the vote was: ayes, 20; noes, 10; absent or not voting, 2; as follows:

Ayes—Senators Chilsen, Devitt, Frank, Heinzen, Hollander, Keppler, Knowles, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—20.

Noes—Senators Bidwell, Busby, Cirilli, Johnson, Kendzioriski, Krueger, LaFave, Lorge, Lourigan and Thompson—10.

Absent or not voting—Senators Dorman and Knutson—2.

So the bill was concurred in as amended.

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### RULING OF THE CHAIR

The chair ruled that Senate Bill 94 did not require a fiscal note.

### **Senate Bill 94**

Ordered to a third reading.

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

### **Senate Bill 94**

Read a third time and passed.

By request of Senator Lourigan, with unanimous consent, the bill was immediately messaged.

### **Assembly Bill 94**

Authorizing counties to appropriate funds for promoting and assisting senior citizens groups.

Read a second time.

Ordered to a third reading.

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

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**Assembly Bill 94**

Read a third time and concurred in.

**Senate Joint Resolution 10**

A joint resolution to amend Joint Rule 7 (2) (g), authorizing notes on legislative proposals introduced at the request of the Judicial Council.

Read.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

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

Noes—None.

Absent or not voting—Senators Dorman and Knutson—2.

So the resolution was adopted.

**Senate Bill 96**

Relating to the membership of the joint committee on Finance.

Read a second time.

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 96**

Read a third time and passed.

**Senate Bill 117**

Relating to the county and district fair aids program.

Read a second time.

Senator Risser raised the point of order that the bill required a fiscal note.

The chair ruled the point of order not well taken.

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Senator Risser raised the point of order that pursuant to chapter 16.47 (2) the bill had to be referred to the joint committee on Finance.

The chair ruled the point of order well taken and referred the bill to the joint committee on Finance.

Senator Chilsen asked unanimous consent to withdraw the bill from the joint committee on Finance and taken up at this time.

Senator Risser objected.

Senator Chilsen appealed the ruling of the chair.

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

Absent—Senator Thompson—1.

Absent with leave—Senators Dorman and Knutson—2.

By request of Senator Johnson, with unanimous consent, the senate returned to the ninth order of business.

Senator Lorge moved that the vote by which **Senate Bill 190** was indefinitely postponed be reconsidered.

The bill was reconsidered.

By request of Senator Lorge, with unanimous consent, **Senate Bill 190** was re-referred to the committee on Housing and Urban Development.

By request of Senator Parys, with unanimous consent, **Senate Bill 259** was withdrawn from the committee on Governmental and Veterans' Affairs and referred to joint committee on Finance.

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By request of Senator Soik, with unanimous consent, Senate Bill 342 was withdrawn from the committee on Judiciary and referred to the joint Survey committee on Retirement Systems.

By request of Senator Schuele, with unanimous consent, Senate Bill 317 was withdrawn from the calendar and referred to joint committee on Finance.

By request of Senator Hollander, with unanimous consent, Senate Bill 187 was withdrawn from the calendar and referred to joint committee on Finance.

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

### **Senate Joint Resolution 49**

Granting the use of the legislative chambers on June 25-26 and July 23-24, 1971, to the 1971 Model Legislature of the Young Republicans and Young Democrats.

By Senators Risser and Keppler; co-sponsored by Representatives Anderson, Huber and Froehlich.

By request of Senator Keppler, with unanimous consent, Senate Joint Resolution 49 was taken up at this time.

### **Senate Joint Resolution 49**

Read and adopted.

### **Senate Joint Resolution 50**

To create article I, section 25 of the constitution, relating to duty of the legislature to conserve and protect the natural resources and scenic beauty of the state (1st consideration).

By Senators Johnson, Soik, Keppler, Chilsen, Knowles, Krueger and Hollander, by request of Attorney General Robert W. Warren.

Read and referred to committee on Natural Resources.

Senator Knowles moved that the call of the house be raised.

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Senator Keppler moved that the senate adjourn until  
9:30 A.M. Thursday, April 15, 1971.

12:30 P.M.

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**INTRODUCTION OF GUESTS**

Senator Thompson introduced: Robert Thompson and four students from the Junior High School, Oregon, Wisconsin.

Senator Whittow introduced: The wife and children of the Lieutenant Governor.

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**CHIEF CLERK'S CORRECTION**

Suggested by Legislative Reference Bureau

**Senate Bill 336**

On page 3, line 19, change "to" to "of".

On page 6, line 13, "registration" is changed to "registration".

On page 13, line 12, the "°\$2" is changed to a stricken "\$2".

On page 14, line 21, change the second comma to a semicolon.

On page 15, line 17, change "actuely" to "acutely".