

JOURNAL OF THE SENATE [August 6, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

FRIDAY, August 6, 1971.

8:30 o'clock A.M.

The senate met.

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

The senate stood for a moment of silent prayer.

Upon motion of Senator Roseleip, with unanimous consent, the calling of the roll was dispensed with.

AMENDMENTS OFFERED

Senate substitute amendment 6 to Senate Bill 213 by Senator Swan.

Senate amendment 1 to Senate Bill 259 by Senator Whitow.

Senate amendment 3 to Senate Bill 332 by Senator Soik.

Senate substitute amendment 2 to Senate Bill 523 by Senator Roseleip, by request of Milwaukee County Board and Wisconsin County Boards association.

Senate substitute amendment 1 to Senate Bill 661 by Senator Lipscomb.

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INTRODUCTION OF RESOLUTIONS

Senate Resolution 39

Requesting an attorney general's opinion on the validity of the 1971 Senate Bill 439.

Resolved by the senate, that the attorney general is requested to render an opinion to the senate as expeditiously as possible as to 1) the validity of Senate Bill 439 and 2) the validity of Senate amendment 1 to Senate Bill 439.

By Senator Soik.

Read and referred to calendar.

Senate Resolution 40

Requesting the opinion of the attorney general on Senate Bill 663, which repeals the laws on assignment of securities of Menominee Enterprises, Inc.

Resolved by the senate, that the attorney general is requested to provide an opinion as expeditiously as possible as to the constitutionality of Senate Bill 663, which repeals the laws on assignment of securities of Menominee Enterprises, Inc.

By Senators LaFave and Chilsen; co-sponsored by Representatives Rogers and Grover.

Read and referred to calendar.

BILLS INTRODUCED

Read first time and referred.

Senate Bill 691

Relating to spring primary and nomination papers for county executive.

By Senator Lotto; co-sponsored by Representative Conradt.

To committee on Governmental and Veterans' Affairs.

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Senate Bill 692

Relating to unemployment compensation exemption for labor organization employes.

By Senator Frank, by request of Ladish Co. Local 1509 of the Boilermakers, Blacksmiths, Ironworkers, Shipbuilders, and helpers.

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

Senate Bill 693

Relating to commencement of period of limitation in malpractice cases.

By Senators Cirilli and Johnson.

To committee on Judiciary.

Senate Bill 694

Relating to interest on judgments.

By Senators Cirilli and Johnson.

To committee on Judiciary.

Senate Bill 695

Relating to general school aids, increasing personal property tax relief and homestead tax relief, providing real property tax relief and making an appropriation.

By Senators Lorge, Keppler, Krueger, Knutson, Roseleip, Steinhilber and Murphy.

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

Senate Bill 696

Relating to the date of evaluation of property acquired by redevelopment authorities.

By Senators Busby, Soik, Frank, Lipscomb and Dorman.

To committee on Housing and Urban Development.

Senate Bill 697

Relating to a contract for railroad passenger service between Milwaukee and Green Bay and making an appropriation.

By Senators Lotto, Hollander, Lorge, LaFave, Steinhilber and Dorman; co-sponsored by Representatives Conradt,

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Bradley and Kafka, by request of National Association of Railroad Passengers.

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

Senate Bill 698

Relating to motor carrier insurance for damage to person or property

By Senator LaFave, by request of Department of Transportation.

To committee on Transportation.

Senate Bill 699

Establishing a requirement that all territory in this state be in school districts operating both elementary and high school grades by July 1, 1975.

By Senators Heinzen, Thompson, Dorman and McKenna. To committee on Education.

COMMITTEE REPORTS

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

Senate Bill 700

Relating to various changes in the department of military affairs, abolishing the armory board, granting rule-making authority and providing a penalty.

Introduction; Ayes, 4; Noes, 1.

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

And further recommends:

Senate Joint Resolution 74

Requesting congress to turn Alcatraz Island back to the Indians of America to be used as they see fit.

Adoption; Ayes, 3; Noes, 2.

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Senate Bill 568

Relating to town board membership in certain towns.
Passage; Ayes, 5; Noes, 0.

Senate Bill 671

Relating to public expression in public parks in counties with a population of 500,000 or more.
Indefinite postponement; Ayes, 4; Noes, 1.

Senate Bill 677

Relating to free cigarette samples and providing a civil penalty.
Passage; Ayes, 5; Noes, 0.

Assembly Joint Resolution 27

Relating to gubernatorial succession.
Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 570

Relating to a prohibition on certain solid waste disposal sites.
Nonconcurrence; Ayes, 3; Noes, 1.

Assembly Bill 694

Relating to state identification card applications.
Concurrence; Ayes, 5; Noes, 0.

GORDON W. ROSELEIP,
Chairman.

The committee on Judiciary reports and recommends for introduction:

Senate Bill 701

(Committee on Judiciary, by request of Revisor of Statutes).

Relating to the authority of the revisor of statutes to merge nonconflicting acts into the statutes for printing purposes.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

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Senate Bill 702

(Committee on Judiciary).

Relating to reports by registered charitable organizations.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

Senate Bill 703

(Committee on Judiciary, by request of Wis. Humane Society, Milwaukee, Wis.).

Relating to animal health, granting rule-making authority and providing a penalty.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Agriculture.

Senate Bill 704

(Committee on Judiciary, by request of Wis. Humane Society, Milwaukee, Wis.).

Relating to humane treatment of animals, granting rule-making authority and providing penalties.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Agriculture.

Senate Bill 705

(Committee on Judiciary).

To appropriate \$8,860 to Edward Smaglick for payment of a claim for erroneously charged child care.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to joint committee on Finance.

Senate Bill 706

(Committee on Judiciary, by request of Milwaukee Co.).

Relating to increasing filing fees under the commercial code.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to joint committee on Finance.

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And further recommends:

Senate Joint Resolution 72

Removing the prohibition against county liability for the acts of sheriffs. (1st consideration)

Adoption; Ayes, 5; Noes, 0.

Senate Bill 603

Relating to requiring satisfaction of judgements and setting a penalty.

Indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 610

Relating to protecting holders of recorded nonpossessory interests in land from forged conveyance of such interests by possessory holders.

Passage; Ayes, 5; Noes, 0.

Senate Bill 612

Relating to anatomical gift notation on motor vehicle operator's license.

Passage; Ayes, 5; Noes, 0.

Senate Bill 615

Relating to a driver's duty upon striking a person or an automobile.

Passage; Ayes, 5; Noes, 0.

Senate Bill 616

Relating to criminal trespass to buildings other than dwellings and providing a penalty.

Passage; Ayes, 5; Noes, 0.

Senate Bill 617

Relating to loitering as a form of vagrancy.

Passage; Ayes, 5; Noes, 0.

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Senate Bill 618

Relating to proper identification of a defendant.

Passage; Ayes, 5; Noes, 0.

Senate Bill 620

Relating to issuance of summons in battery cases.

Passage; Ayes, 5; Noes, 0.

Senate Bill 621

Relating to sending records of criminal convictions to the U.S. Dept. of Justice and use of such records.

Passage; Ayes, 5; Noes, 0.

Senate Bill 622

Relating to gambling.

Passage; Ayes, 4; Noes, 0.

Senate Bill 624

Relating to increasing the penalty for loitering on a roadway.

Passage; Ayes, 4; Noes, 0.

Senate Bill 627

Relating to giving courts broad discretion in taxing costs.

Indefinite postponement; Ayes, 4; Noes, 0.

Assembly Joint Resolution 66

Relating to urging Congress to adopt **Senate Bill 215** providing procedures for calling constitutional conventions.

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 271

Prohibiting the use of lie detector tests by employers and providing a penalty.

Concurrence; Ayes, 5; Noes, 0.

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Assembly Bill 314

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

Concurrence; Ayes, 4; Noes, 1.

Assembly Bill 319

Relating to sheriffs' process fees and other related services.

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 330

Relating to removal of supreme court justices and circuit court judges by address of the legislature.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 353

Relating to publication of notice in matters relating to minor children.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 385

Relating to judgements without actions.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 402

Relating to guardianship powers through award of child custody in family court.

Concurrence; Ayes, 4; Noes, 0.

Senate Bill 472

Relating to appraisers and the appraisal of probate assets.

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

ALLEN J. BUSBY,
Chairman.

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The committee on Transportation reports and recommends:

Senate Bill 546

Relating to control of outdoor advertising in areas adjacent to certain highways and granting rule-making authority.

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

REUBEN LaFAVE,
Chairman.

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

The appointment by the Governor of Philip E. Lerman, as a member of the Industry, Labor and Human Relations Commission, to serve for a term ending March 1, 1977.

Confirmation; Ayes, 5; Noes, 0.

The appointment by the Governor of Rolla J. McMahon of Madison as Commissioner of Savings and Loan, to succeed Leo Mortensen, to serve for a term ending March 1, 1977.

Confirmation; Ayes, 5; Noes, 0.

Senate Bill 471

Relating to inheritance, estate and gift tax.

Passage; Ayes, 4; Noes, 1.

Assembly Bill 200

Relating to minimum wages, and providing a penalty.

Adoption of senate amendment 1; Ayes, 4; Noes, 1; adoption of senate amendment 2; Ayes, 4; Noes, 1 and concurrence as amended; Ayes, 3; Noes, 2.

Assembly Bill 371

Relating to changes in workmen's compensation law recommended by the council on workmen's compensation.

Concurrence; Ayes, 5; Noes, 0.

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Assembly Bill 562

Relating to the state plumbing code.

Concurrence; Ayes, 4; Noes, 1.

GERALD D. LORGE,
Chairman.

The committee on Natural Resources reports and recommends:

Senate Bill 282

Relating to shooting preserves, game farms, fur animal farms, hunting without a license in certain areas and increasing certain license fees.

Adoption of senate amendment 1; Ayes, 3; Noes, 1 and passage as amended; Ayes, 3; Noes, 1.

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.

Rejection of senate amendment 1; Ayes, 4; Noes, 0; rejection of senate amendment 2; Ayes, 4; Noes, 0; rejection of senate amendment 3; Ayes, 4; Noes, 0; adoption of senate substitute amendment 1; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

Assembly Bill 13

Relating to the authority of counties to engage in solid waste disposal.

Rejection of senate amendment 1; Ayes, 4; Noes, 0; rejection of senate amendment 2; Ayes, 4; Noes, 0; adoption of senate amendment 1 to senate substitute amendment 1; Ayes, 4; Noes, 0; adoption of senate substitute amendment 1 as amended; Ayes, 4; Noes, 0 and concurrence as amended; Ayes, 4; Noes, 0.

Assembly Bill 346

Relating to restrictions on fox hunting.

Concurrence; Ayes, 4; Noes, 0.

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Assembly Bill 630

Relating to requiring serial numbers on boat motors and engines of snowmobiles.

Concurrence; Ayes, 4; Noes, 0.

CLIFFORD W. KRUEGER,
Chairman.

MOTIONS

By request of Senator Schuele, with unanimous consent, Representative Mato was added as co-author to Senate Bill 688.

MOTIONS UNDER JOINT RULE 26

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

Whereas, the Jerry Timm family of Eau Claire, a family which has channeled its many and varied activities, interests and concerns to benefit and involve all family members, has been named the Wisconsin All-American Family in a nation-wide search for the family that best typifies the American way of life; and

Whereas, this selection was made after an extensive search conducted by All-American Family, Inc., in cooperation with the state's junior women's clubs and the legislative home and family council; and

Whereas, Mr. and Mrs. Timm, together with their legal ward Mary Alice Tsosie and their three other children, Shelby, Clayton, an adopted son, and Eric, will soon compete with 50 other families for the coveted national title of All-American family; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Johnson and Representatives Mato and Looby, under Joint Rule 26, congratulate the members of

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the Timm family on receiving this honor and do hereby wish them continued success in the national event.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Robert S. McFarlane of Sauk City, Wisconsin was appointed president of the National Farm and Power Equipment Dealers Association, effective August 11, 1971; now therefore,

The members of the Wisconsin senate, on the motion of Senator Bidwell, under Joint Rule 26, send congratulations on having been appointed president of this national organization.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Mr. Nicholas Galanos has operated the Badger Candy Kitchen since 1956; carrying on a Madison family business that has been established since 1924; and

Whereas, in this time Mr. Nicholas Galanos and the Galanos has become a respected and admired friend of many Wisconsin past and present Governors, Justices, and Legislators; and

Whereas, on August 22, 1971, Mr. Nicholas Galanos will take as his wife Katherine Germanos, and thus start a new era in his life; now therefore,

The members of the Wisconsin Legislature, on the motion of Senator Risser and Representatives Molinaro and Mato, under Joint Rule 26, do hereby congratulate Mr. Nicholas Galanos on his forthcoming marriage to Katherine Germanos, and wish Mr. & Mrs. Nicholas Galanos many years of happiness together.

Read and adopted.

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Upon motion of Senator Kendziorski, with unanimous consent, the senate adjourned until 3:00 P.M. Tuesday, August 10.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate substitute amendment 1 to Senate Bill 328

On page 1, line 16, delete "*who*".

Senate Bill 686

On page 1, line 25, substitute "*any*" for "*and*".