STATE OF WISCONSIN

Senate Journal

Eightieth Session

THURSDAY, September 30, 1971.

9:00 o'clock A.M.

The senate met.

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

Prayer was offered by the Reverend Monsignor Thome, St. Bernard's Catholic Church, Madison.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—33.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 49

Requesting the board on government operations to reconsider the dismissal of capitol security guards.

Whereas, to function properly as elected representatives of the people of this state, the senate is duty bound to see that its operations are not disrupted and that its security remains inviolate; and

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Whereas, recent history has demonstrated that there are radical elements present in the city of Madison having stated goals of disrupting the orderly processes of government and destroying seats of government; and

Whereas, the improvements in security measures undertaken by the state in response to past events have substantially reduced both the level of threats and the potential damage from such threats; and

Whereas, the recent dismissal of 41 capitol security guards by the board on government operations, by leaving the capitol protected by only a handful of officers, might serve as an invitation to disruption of the legislature or damage to state property; and

Whereas, the time and expense incurred in the training of these guards will be a complete waste of taxpayers' money should the guards be fired at this time; and

Whereas, it is estimated that approximately $200,000 worth of electronic detection equipment will be idled by this layoff and the capitol, made fully secure after regular hours for the 1st time in history by this equipment, will thereby once again be subject to potential harm; and

Whereas, the sudden dismissal of these 41 guards leaves them with families to support and no means to do so; now, therefore, be it

Resolved by the senate, That the board on government operations is requested to meet for the purpose of reconsidering its decision to dismiss the 41 security guards and give adequate thought to the need to preserve the orderly processes of government and the protection of state property from potential dangers.

By Senator Keppler.
Read and considered as privileged.

By request of Senator Risser, with unanimous consent, **Senate Resolution 49** was laid on the table.

Senate Joint Resolution 98
Directing the legislative council to study the organization of the department of natural resources.
By Senator Krueger.
Read and referred to committee on Natural Resources.

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By request of Senator Keppler, with unanimous consent, **Assembly Joint Resolution 9** was withdrawn from the table and considered for action at this time.

Assembly Joint Resolution 9

A joint resolution authorizing the use of the assembly and senate chambers and caucus rooms by the Wisconsin Young Democrats and Young Republicans on February 26 and 27, 1971, for a model legislative session.

Read.

The question was: Adoption of senate amendment 1?

Senate amendment 1 adopted.

Assembly Joint Resolution 9

Concurred in as amended.

COMMITTEE REPORT

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

Senate Bill 377

Relating to including assistant and deputy fire marshals under the Wisconsin retirement fund.

Passage; Ayes, 5; Noes, 0.

Senate Bill 523

Relating to ballots for county executive and supervisors.

Rejection of senate substitute amendment 1; Ayes, 5; Noes, 0; adoption of senate substitute amendment 2; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

GORDON W. ROSELEIP,
Chairman.

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:

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Assembly Bill 258,
Assembly Bill 522,
Assembly Bill 651,
Assembly Bill 655,
Assembly Bill 787,
Assembly Bill 811,
Assembly Bill 948,
Assembly Bill 980,
Assembly Bill 1044 and
Assembly Bill 1126.

Concurred in:

Senate Bill 111

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 258

Relating to exempting from sales taxation those occasional events conducted by civic and other groups where professional entertainment is involved.

By Representatives Tobiasz, Czerwinski and Jones.

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

Assembly Bill 522

Relating to the final report of sales tax recepits, submitted by a merchant discontinuing business.

By Representatives Atkinson, Stack, Day, Oberle, Gaulke, Kafka and Greider.

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

Assembly Bill 651

Relating to creating a program for preventing drug abuse, commitment of alcoholics and drug dependents, providing treatment for persons convicted of drug law violations and making an appropriation.

By Representatives Conta, Mittness, Earl, Huber and Czerwinski; co-sponsored by Senator Dorman.

Read first time and referred to committee on Health and Social Services.

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Assembly Bill 655

Relating to operation of watercraft in disturbing waterfowl and providing a penalty.

By Representatives Mittness, Alberts and Wilger; cosponsored by Senator Risser, by request of the Federation of Wisconsin Lake Property Owners.

Read first time and referred to committee on Natural Resources.

Assembly Bill 787

To appropriate $2,283.48 from the general fund for payment of a claim made by Marjorie R. Sylvester, as executrix of the estate of Selmer A. Sylvester, deceased, against the state.

By the joint committee on Finance, by request of Representative Molinaro and Senator Hollander for the State Claims Board.

Read first time and referred to calendar.

Assembly Bill 811

Relating to school district payment of loans made from state trust funds.

By Representatives Korpela and Brown.

Read first time and referred to committee on Education.

Assembly Bill 948

Relating to warehousemen's liens.

By Representative Brown.

Read first time and referred to committee on Judiciary.

Assembly Bill 980

Relating to county designation of controlled-access highways.

By Representatives Jones, Everson and O'Malley; cosponsored by Senator LaFave.

Read first time and referred to committee on Transportation.

Assembly Bill 1044

Relating to certified teacher lists, disbursement of school funds and payment of school claims in 1st class cities.

By Representatives Tobiasz, Brown and McCormick, by request of Milwaukee Board of School Directors and the City of Milwaukee.

Read first time and referred to committee on Education.

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Assembly Bill 1126

An act changing the name of the council of the blind in the department of public instruction to be the council on the education of the blind.

By Representatives Mittness, Brown, Mielke, Jackamonis and G. K. Johnson.

Read first time and referred to committee on Education.

Senator Lorge moved that the senate proceed to the tenth order of business.

Senator Peloquin asked unanimous consent that the motion to proceed to the tenth order of business be laid on the table.

Senator Lorge objected.

Senator Peloquin moved that Senator Lorge's motion to go to the tenth order of business be tabled.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Dorman, Johnson, Keppler, Knowles, Lipscomb, Lotto, McKenna, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—16.

Noes—Senators Bidwell, Busby, Cirilli, Devitt, Frank, Heinzen, Hollander, Kendziorski, Knutson, Krueger, LaFave, Lorge, Lourigan, Martin, Murphy, Parys and Roseleip—17.

The motion did not prevail.

The question was: Shall the senate proceed to the tenth order of business?

The ayes and noes were required and the vote was: ayes, 4; noes, 29; absent or not voting, 0; as follows:

Ayes—Senators Busby, Kendziorski, Lorge and Lourigan—4.

Noes—Senators Bidwell, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

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Absent or not voting—None.

Less than two-thirds having voted with the majority, the motion did not prevail.

Senator Krueger moved reconsideration of the vote by which **Senate Bill 2** was indefinitely postponed.

Senator Devitt moved to table the motion for reconsideration.

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, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—33.

The question was: Shall the motion for reconsideration of **Senate Bill 2** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Busby, Cirilli, Devitt, Frank, Heinzen, Hollander, Knutson, LaFave, Lorge, Lourigan, Martin, Murphy, Parys and Roseleip—15.

Noes—Senators Chilsen, Dorman, Johnson, Kendziorski, Keppler, Knowles, Krueger, Lipscomb, Lotto, McKenna, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—18.

Absent or not voting—None.

The motion did not prevail.

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Upon motion of Senator Keppler, with unanimous consent, the senate stood informal until ten minutes following the conclusion of the Governor's special message.

The senate proceeded in a body to the assembly chamber to meet in joint convention to receive the Governor's special message.

IN ASSEMBLY CHAMBER
IN JOINT CONVENTION

The Lieutenant Governor in the chair.

The committee appointed to wait upon the Governor appeared with his excellency, the Governor, who delivered his message as follows:

State of Wisconsin

Special Message to the Legislature

A Proposal for Cable TV Regulation in Wisconsin

Patrick J. Lucey, Governor

September 30, 1971.

I come before you today to speak about cable television, because this issue has future implications as far reaching and as powerful in their impact on our society as any issue we face. I realize that your are in the midst of debate on both the budget and shared taxes. None of us minimizes the importance of these two vital issues. All of us are aware of the critical deadlines confronting us in both instances. Nevertheless, the matter of appropriate state concern regarding cable television is also one of high urgency.

It was one of the key topics on the agenda of the recent national convention of regulatory utility commissioners held this month. In spite of the biennial problems confronting us, we must recognize that cable television is a matter that will affect the lives of our citizens for a century to come. It is a matter which requires prompt and immediate attention just as soon as the budget and the shared taxes are passed and before you adjourn.

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To most people cable is something comparatively new and unfamiliar. I should like briefly to discuss it with you.

What we now call cable television was originally called CATV–Community Antenna Television. A small and isolated community, too far away or too shielded by hills, would be unable to receive the television signals from any or all of the network stations. A CATV company would bring TV signals to such a locality by building a large community antenna tower to receive them and would then deliver the signals to various households by coaxial cable mounted on telephone poles.

In addition to delivering the three network stations, the CATV system with 12 to 40 channel capability might also bring in independent commercial and educational TV station signals from still farther away. CATV companies maintain their own studios and often provide a further service, in some instances, by originating local weather and news broadcasts on one of the channels carried by wire into the home of the subscriber.

For receiving the service, the subscriber usually pays the CATV company an average of $15 to $20 for a hookup, and then approximately $5 per month.

In establishing the service the franchise holder would negotiate a contract with a local city council paying the community between zero and five percent of his gross revenue for the franchise rights.

Some of the more recent franchise agreements also reserve channels for public service programming and provide a free hookup to local primary and secondary schools.

The first experimental CATV system to relay off-the-air TV signals was started in Astoria, Oregon in 1949. The system usually said to be the first CATV, began in Pennsylvania in 1950. Most of these early systems were in hilly areas where reception was hard or impossible to receive, or where communities were far from TV stations.

In Wisconsin today there are sixty CATV systems. They serve communities which do not or did not receive all three network stations. The great majority of the CATV systems in Wisconsin are in communities of less than 10,000 population. However, several of our state's larger cities have CATV, including Beloit, Janesville, LaCrosse, Stevens Point,

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Eau Claire and Wausau. In addition to the present sixty franchises, it is estimated that there are some one hundred applications pending before the governing boards of other Wisconsin communities.

Today in the United States more than half of the CATV systems exist in smaller communities and have fewer than 1,000 subscribers. However, since its beginnings CATV has grown rapidly—from about 500 systems serving fewer than a half a million people in 1957 to nearly 3,000 systems serving almost 15 million people today. Yet this in only the beginning.

In a letter to the White House this week, the general counsel of the National Association of Regulatory Utility Commissioners pointed out that:

"During the 1970's, the number of CATV Households is expected to increase from 4.5 million or 7.6 percent of the nearly 60 million television households in the United States at year-end 1969 to 26.3 million or 36 percent of the 72.5 million TV households at year-end 1980, reflecting an average annual growth of 18 percent."

"The revenues from CATV system operations are expected to increase from approximately $213 million in 1968 to over $3.4 billion by 1980, reflecting an average annual growth rate of 26 percent over the 12-year period."

"During the 1970's, there is likely to be an even greater awareness of the interests and needs of special interest groups, including preschool education, adult education, job training, special religious activities, and medical training for the layman. CATV has the capacity to accommodate these social needs."

"In summary, the socio–economic environment is extremely favorable to the development of CATV during the 1970's. Not only will people have the time and money, but their interests will become more segmented, thus encouraging the greater development of this medium. Furthermore, the demographic trend toward higher incomes, more education, and younger families will have a favorable influence on the potential growth of CATV."

"These projections reflect the inexorable march of the CATV industry into a new and growing dimension of public concern."

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At the present time in Wisconsin there is no state regulation and there is only limited and tentative federal regulation of CATV companies. I come to you today to issue an urgent call for state government to immediately consider involvement in this critical area, and to explain to you why.

What has been called CATV in the past is now known as cable—the word "cable" being derived from coaxial cable, a wire capable of delivering audio and video signals from one location to another.

The implications of cable to our daily lives are so broad that they stagger the imagination. Modern cable systems can deliver forty channels. Some say that within a very few years the technology will be so advanced that 800 or 900 different channels can be delivered to a home. It is now possible to connect every Wisconsin city or for that matter, every American city by cable.

What does this mean? It means that your household could be connected to a computerized library which could supply you with a vast amount of data upon request. It means that a doctor could monitor the condition of a heart patient in his home. Two-way cable could permit banking and other financial transactions by computerized impulses rather than by paper. Within a decade our mail could be transmitted and received by cable. Newspapers may come to your home by cable. With sophisticated multi-channel systems, it would be possible for every single legislative session or for that matter, every committee hearing, to be carried into every Wisconsin home by cable. The implications for primary, secondary and higher education are fantastic. Every home could become a classroom; every classroom, even in the smallest and poorest community, could have the very best teachers.

Indeed cable may be the technical breakthrough which will ultimately help to relieve local school districts of the enormous costs of educational services, reducing the burdensome property taxes now required. A fully developed cable system will revolutionize University extension education in Wisconsin. It is not inconceivable that most courses in the extension program could be available in all homes in Wisconsin at the same time. Wisconsin's vocational education program could become an integral part of every household.

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Of specific and direct interest to you as lawmakers, who must run for office, is the possibility that one or more channels may be set aside, allowing every candidate of every persuasion an opportunity to communicate directly and at length with the public at little or no cost, and without commercial interruption.

I could go on and on. The possibilities are limitless. In fact, the technology at hand sounds more like science fiction than fact; but the fact is here and it's here today.

We stand at a unique moment in history in Wisconsin, for today we can undertake a study of cable ultimately resulting in legislation designed to protect this tremendous resource for the public good and the public interest as well as fostering sound commercial growth.

In the past we have too often refused to act, allowing problems to reach crisis proportion. If, for example, we had taken steps to preserve our natural resources in 1850, we would still have vast virgin forests and pure lakes. Let us not make the same mistake with cable TV. We have the opportunity now to preserve this priceless resource and to guide its productive use for our people for a century to come.

Really, we can no more predict how our lives will be affected ten or twenty years from now by cable than we could predict in 1950 what television would be like in 1971. Yet television has changed the face of America, and cable promises even more sweeping changes.

It seems that the next decade will witness one of two alternatives in cable. On the one hand, there could be an unregulated proliferation of cable TV systems for essentially commercial purposes. On the other hand, proper regulatory controls could be enacted assuring planned growth. Provisions could be established allowing for compatible technology to permit systems to interconnect and most importantly, adequate guarantees could be established reserving sufficient channels for public service use.

In order for Wisconsin adequately to take hold of this problem and protect the public interest, I am today recommending that we impose a five-month moratorium or freeze on all cable TV franchising sales, transfers, construction

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and expansion. The only exceptions to this policy should be those TV stations required by current FCC regulations to divest of a cable system or those persons wanting to subscribe where cable trunk lines already exist.

I have drafted and will immediately introduce appropriate legislation to implement this recommendation. Further, I propose to appoint a bi-partisan, blue ribbon commission consisting of citizens and legislators to study cable for the next five months and to make recommendations to the Legislature and the Executive Office. It would be my hope that after the blue ribbon commission makes its recommendations, based upon public hearings to receive the views and opinions of all interested parties, the Legislature could then proceed to enact appropriate laws regarding cable TV. These laws could, I feel, set a model for the nation, much as Wisconsin has in the past with its pioneering public utility laws.

I feel that a freeze is absolutely imperative at this time for several reasons. It will give the blue ribbon commission time to study all available information before critical and irrevocable mistakes are made. Without a freeze, and with no existing state regulation, we face the potential threat of large conglomerates taking over many of the cable systems in Wisconsin and wielding enormous media control. Companies already exist which own part or all of more than 100 systems.

Several states have already imposed moratoriums. Just recently the legislatures of New York and New Jersey took such action. Further, just this month the Illinois Utility Commission asserted jurisdiction over cable in that state, resulting in a virtual freeze. The Alaska commission took similar action a few months previously.

Today, in addition to the three states that have enacted moratoriums on cable, at least five states have regulated it. Connecticut began regulation in 1965. Since 1967 the Nevada Public Service Commission has been regulating CATV rates, services and operations, as well as basic construction and enlargement. In Nevada, as in Rhode Island which passed similar legislation in 1969, cable systems are considered "common carriers" or "public utilities." On February 2nd of this year, the United States Supreme Court upheld the validity of the Nevada law over several legal and

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constitutional challenges. The States of Hawaii and Vermont also have regulations.

In addition to state regulation, there is some federal regulation; but that picture is not altogether clear.

The Federal Communications Commission, the agency which regulates radio and television in the United States, assumed jurisdiction of cable in 1962. It established final rules in 1965, but these only affected cable systems transmitted by microwave, which it considered a common carrier. Then, in March of 1966, the FCC enacted rules for all cable systems in order to provide economic protection for over-the-air broadcast stations. Those rules required among other things that cable systems carry the programming of all local television stations. They further specified that local programming be protected by blacking out imported signals carrying the same programming. The FCC then required a hearing for the construction of cable systems in the top one hunderd markets in the United States. In 1968, the Supreme Court upheld the jurisdiction of the FCC to promulgate and enforce rules pertaining to off-the-air signals carried on cable.

In April of this year the FCC proposed a rule to require cable companies with 3,500 or more subscribers to originate local programming. This rule was overturned in May by the United States Court of Appeals in St. Louis. That case has persuaded some legal authorities again to question the FCC's jurisdiction in the regulation of cable.

Nevertheless, now the FCC has proposed additional rules for cable which have not yet been adopted. These rules would remove the freeze on distant signal importation into the top one hundred markets. Announced in an August, 1971 memo, the rules are not designed to go into effect until next year; but there is a possibility that they may be delayed even longer than that. While these rules specify controls over the broadcast aspect of cable, they do not provide complete consideration for the multitude of non-broadcast potentialities.

The Federal Communications Commission has stated consistently that it does not contemplate regulation of such matters as CATV rates to subscribers, the extent and quality of service provided, or the awarding of franchises.

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The FCC has indicated that its prime concern is the regulation of CATV program carriage in such a fashion as to protect local commercial stations from unnecessary and unfair competition from CATV systems.

With the federal picture cloudy at best, and the very jurisdiction of the Federal Communications Commission to control cable somewhat questionable, the time for state consideration of this matter is now.

A study of cable is certainly necessary and merited at the present time if Wisconsin is to enact the proper laws. Even if the Federal Communications Commission rules come into force as proposed, there is neither a licensing procedure for cable systems, nor provision for periodic review of service. Both of these features seem necessary for an industry so closely resembling a public utility and so important to our citizens.

In Wisconsin, all franchising to date has been by local communities. Without any criticism intended for those local bodies, I would like to quote briefly from a recent study which noted:

"A CATV franchise frequently was relatively easy to obtain . . . . firms had the advantage of lack of knowledge and lack of concern . . . among local officials. Part-time local officials, without benefit of any outside help or training, suddenly were asked to decide complicated issues of communication, technology and social policy, often culminating in formal surrender of control over major government service for a generation to come."

This report concludes that the awarding of many such franchises has been characterized by lack of competition, haste and extensive political influence. Pressures have been exerted on smaller communities by operators in nearby large cities. Some franchises were granted but never built. We can avoid such potential problems by imposing an immediate moratorium, undertaking an intensive study, and enacting appropriate laws to protect the public interest.

During the moratorium, I would expect the blue-ribbon commission representing the people and the Legislature to study the problems of trafficking in franchises, of concentration of control and of cable ownership by large operators

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based outside the local communities. I would expect them to recommend methods guaranteeing subscribers effective remedies for inadequate service. These and many more problems are not now sufficiently handled by either existing or proposed Federal Communications Commission rules.

Many model ordinances and franchise procedures are available. Several of our cities including Milwaukee and Oshkosh are presently conducting their own research. (All need the assistance of a comprehensive state-wide study.)

A freeze on the spread of cable franchises, and an in-depth study of ideas for regulation, will also give all of the Wisconsin media—radio, TV, newspapers—an ample opportunity to provide maximum information to the people of our state so they will know what to ask for and what to expect.

Perhaps the best indication of the nature of this issue is that the two Madison newspapers—the *Capital Times* and the *Wisconsin State Journal,* with widely divergent editorial policies, have both suggested public regulation of cable TV. The *Capital Times* in an editorial on September 15th called for a moratorium on the construction of cable in Madison. It said that the city council "must prevent the establishment of an informational utility that is devoted exclusively to private profit through mediocre programming, a utility with no safeguards against unnecessary rate increases, inadequate service and requiring excessive repairs at the expense of the subscriber."

The *Wisconsin State Journal* in an editorial the very next day, September 16th, questioned the parlaying of a $500 franchise into half-a-million dollars without yet providing "a single service to the community."

The *State Journal* went on to say ". . . somewhere, government must exert some control over this fast-growing, lucrative enterprise . . . Encouraging prompt state jurisdiction over this mushrooming business makes good sense."

I agree with both editorials. It is estimated, for example, that fully developed cable systems in Madison or Green Bay would be worth in excess of $20 million apiece. A Milwaukee system might be worth five times that much. These figures alone point to the imperative need for public regulation.

There are those who oppose public regulation of cable

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TV. The experience of other states indicates that some who expect to make—and who are making—lucrative profits, oppose regulation. Large out-of-state cable conglomerates have the force of massive lobbying pressure. Some in this drama play several roles. Certain newspapers own cable companies as do certain radio and television stations. In some instances, a radio station regards cable as competition in one market and operates a cable system as its principal enterprise in another. All of this emphasizes still further the need for study and regulation.

My call for a comprehensive study of this critical matter is not meant to halt or hinder the progress of cable television in Wisconsin, but rather to guarantee its orderly growth with adequate protection of the public interest.

Many questions need answering. For example, it costs $4,000 a mile to wire a city for cable. With potentially enormous revenues, developers could be expected to provide this service to densely populated cities; but might ignore sparsely settled rural areas. Is the farmer or the resident of a small town or village to be denied the services provided to the citizens of large urban areas? Our study must consider these implications.

Indeed, there is the very important question of whether or not free, over-the-air broadcasting as we know it today can survive in a wired nation. Today we have the opportunity to provide some of the answers to these questions before we lose control.

Ironically, as I talk to you today about the need for a state study of coaxial cable and wires into homes, technicians are beginning to talk about "cableless" cable involving satellites and microwave relays. Our technology is already outdistancing us. With computers, it will be possible to know within seconds just what program is being viewed in every subscribing home. This two-way cable is suggestive of Orwell's *1984*.

Perhaps the possibility of abuse of cable TV even more than the certain chaos of its unchecked proliferation, will provide the impetus for regulation, control, and most importantly citizen protection. I urge the members of this body to deal with the legislation I am submitting after the budget and shared tax reform but before adjournment.

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The time to study cable television and to make appropriate legislative recommendations to protect the public interest is now.

10:55 A.M.

The senate reconvened.

President of the senate in the chair.

The question was: Reconsideration of the vote by which **Senate Bill 2** was indefinitely postponed?

Senator Devitt 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, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent—Senator Cirilli—1.

By request of Senator Keppler, with unanimous consent, **Senate Resolution 49** was taken from the table and considered for action at this time.

Senate amendment 1 to **Senate Resolution 49** offered by Senator Keppler.

On page 1 delete lines 6 through 9; the following lines:

Whereas, recent history has demonstrated that there are radical elements present in the city of Madison having stated goals of disrupting the orderly processes of government and destroying seats of government; and

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Senate amendment 1 adopted.

Senate amendment 2 to **Senate Resolution 49** offered by Senator Hollander.

On page 1, line 13 delete "dismissal" and insert "refusal to provide the appropriation to continue the employment".

On page 2, lines 5 through 7 delete the following language:

and

Whereas, the sudden dismissal of these 41 guards leaves them with families to support and no means to do so;

On page 2, lines 9 and 10 delete the following language:

meet for the purpose of reconsidering its decision to dismiss

And insert in lieu thereof: "appropriate the funds necessary to continue the employment of".

Senator Hollander asked unanimous consent that **Senate Resolution 49** be laid on the table.

Senator Keppler objected.

Senator Hollander moved that **Senate Resolution 49** be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Cirilli, Dorman, Frank, Heinzen, Hollander, Kendziorski, Keppler, Lipscomb, Lorge, Lotto, Martin, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—18.

Noes—Senators Busby, Chilsen, Devitt, Johnson, Knowles, Knutson, Krueger, LaFave, Lourigan, McKenna, Murphy, Parys, Roseleip, Steinhilber and Swan—15.

Absent or not voting—None.

The motion prevailed.

Senator Keppler moved that **Senate Resolution 49** be taken from the table and considered for action at this time.

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

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Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Noes—Senators Hollander, Lipscomb, Lorge and Peloquin —4.

The motion prevailed.

Senator Schuele raised the point of order that all members being present reconsideration of the vote for indefinite postponement of **Senate Bill 2** was properly before the senate.

The chair ruled the point of order well taken.

The question was: Reconsideration of the vote by which **Senate Bill 2** was indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Dorman, Hollander, Johnson, Keppler, Knowles, Krueger, Lotto, McKenna, Murphy, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan and Thompson —17.

Noes—Senators Bidwell, Busby, Cirilli, Devitt, Frank, Heinzen, Kendziorski, Knutson, LaFave, Lipscomb, Lorge, Lourigan, Martin, Parys, Roseleip and Whittow—16.

The motion prevailed.

The question on which the call of the senate was put having been resolved the call was raised.

The question was: Shall **Senate Bill 2** be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Busby, Devitt, Frank, Heinzen, Kendziorski, Knutson, LaFave, Lipscomb, Lorge, Lourigan, Martin, Parys, Roseleip and Whittow—15.

Noes—Senators Chilsen, Cirilli, Dorman, Hollander, Johnson, Keppler, Knowles, Krueger, Lotto, McKenna, Murphy,

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Peloquin, Risser, Schuele, Soik, Steinhilber, Swan and Thompson—18.

The motion did not prevail.

Senate amendment 4 to **Senate Bill** 2 offered by Senator Steinhilber.

By request of Senator Steinhilber, with unanimous consent, senate amendment 4 was considered for action at this time.

Senate amendment 4 adopted.

Senate amendment 1 to senate amendment 2 to **Senate Bill** 2 offered by Senator Soik.

Senate amendment 1 to senate amendment 2 adopted.

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

Senate amendment 2 adopted.

The question was: Adoption of senate amendment 3 to **Senate Bill 2?**

Senate amendment 3 adopted.

Senate substitute amendment 2 to **Senate Bill** 2 offered by Senator Roseleip.

Senator Risser asked unanimous consent that senate substitute amendment 2 be treated as a simple amendment.

Senator Devitt objected.

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

The chair took the point of order under advisement.

Senator Dorman in the chair.

12:25 P.M.

The question was: Adoption of senate amendment 2 to **Senate Resolution 49?**

Senate amendment 2 adopted.

The question was: Adoption of **Senate Resolution 49?**

Senate Resolution 49 adopted.

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President of the senate in the chair.

12:40 P.M.

By request of Senator Keppler, with unanimous consent, the senate returned to the second, third and fifth orders of business.

AMENDMENTS OFFERED

Senate amendment 1 to assembly amendment 2 to **Senate Bill 154** by Senator Kendziorski.

Senate amendment 1 to **Senate Bill 740** by Senators LaFave and Swan.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 50

Requesting an opinion of the attorney general on matters related to **Senate Bill 270.**

Resolved by the senate, That the attorney general is requested to provide an opinion as expeditiously as possible, to assist the senate in its consideration of **Senate Bill 270,** as to under what conditions a city school board may be legally empowered to employ legal counsel without the prior consent of the common council.

By Senator Heinzen.

Read and referred to the calendar.

COMMITTEE REPORTS

The committee on Natural Resources reports and recommends:

Senate Joint Resolution 48

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

Adoption; Ayes, 4; Noes, 0.

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Senate Bill 36

Relating to prohibiting detergents containing polyphosphates.

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

Senate Bill 162

Relating to prohibiting nonreturnable bottles and providing a penalty.

Indefinite postponement; Ayes, 4; Noes, 0.

CLIFFORD W. KRUEGER,
Chairman.

The committee on Judiciary reports and recommends:

Senate Joint Resolution 36

Relating to exempting pollution abatement costs from municipal debt limits. (1st consideration)

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

Senate Joint Resolution 91

Urging amendment to the U. S. Constitution to achieve equal opportunity for education.

Adoption; Ayes, 5; Noes, 0.

Senate Joint Resolution 94

Memorializing Congress to commence action to amend the Constitution of the U. S. to require supreme court justices to submit to approval or rejection by the people every 10 years and federal judges every 6 years.

Adoption; Ayes, 3; Noes, 2.

Senate Bill 450

Relating to appointment of court commissioners in populous counties.

Adoption senate amendment 2; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

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Senate Bill 551

Relating to functions of the division of criminal investigation and the division of law enforcement services of the Department of Justice.

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

Senate Bill 701

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

Passage; Ayes, 5; Noes, 0.

Senate Bill 702

Relating to reports by registered charitable organizations.

Passage; Ayes, 5; Noes, 0.

Senate Bill 714

Relating to consumer protection.

Adoption senate substitute amendment 1; Ayes, 3; Noes, 0; adoption senate amendment 1 to senate substitute amendment 1; Ayes, 3; Noes, 0 and passage as amended; Ayes, 3; Noes, 0.

Senate Bill 717

Relating to making peace officers personally liable for negligence.

Indefinite postponement; Ayes, 5; Noes, 0.

Assembly Bill 417

Relating to termination of joint tenancies in homestead property.

Rejection senate substitute amendment 1; Ayes, 5; Noes, 0; rejection senate substitute amendment 2; Ayes, 5; Noes, 0; adoption senate substitute amendment 3; Ayes, 5; Noes, 0 and concurrence as amended; Ayes, 5; Noes, 0.

Assembly Bill 1160

Relating to the readoption of children adopted under court orders of other nations.

Concurrence; Ayes, 5; Noes, 0.

ALLEN J. BUSBY,
Chairman.

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LEAVE OF ABSENCE

By request of Senator Frank, with unanimous consent, he was granted a leave of absence for 5:00 P.M., Thursday, October 7 and all day Friday, October 8.

Senator Lorge asked unanimous consent that **Senate Bill 695** be considered for action at this time.

Senator Parys objected.

Senator Lorge asked unanimous consent to return to the ninth order of business.

Senator Risser objected.

Senator Lorge moved that the senate return to the ninth order of business.

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, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent—Senators Cirilli and McKenna—2.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of the tenth wedding anniversary of the chief clerk and his wife, Mr. and Mrs. William P. Nugent.

Senator Keppler moved that the senate adjourn until 8:30 A.M., Friday, October 1.

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The ayes and noes were demanded and the vote was: ayes, 24; noes, 7; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lotto, Martin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow —24.

Noes—Senators LaFave, Lipscomb, Lorge, Lourigan, Murphy, Parys and Peloquin—7.

Absent or not voting—Senators Cirilli and McKenna—2.

The motion prevailed.

1:00 P.M.

INTRODUCTION OF GUESTS

Senator Roseleip introduced Frank and Elva Barr, Glenn Haven, Wisconsin.

Senator Frank introduced the fourth grade classes from Washington School with Mrs. Sholund and Mrs. Martin, Cudahy, Wisconsin.

Senator Thompson introduced fifty students from St. Bernard's School with Mrs. Hasq, Mrs. Uminski and Sister Gordian, Middleton, Wisconsin.

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