

JOURNAL OF THE SENATE [October 12, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

TUESDAY, October 12, 1971.

2:00 P.M.

The senate met.

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

Prayer was offered by Reverend Ray E. Robinson, Pastor of Sherman Avenue United Methodist Church of 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, 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.

AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 52 by Senator Peloquin.

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 463 by Senator Chilsen.

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Senate amendment 1 to **Senate Bill 511** by Senator Bidwell.

Senate amendment 1 to **Senate Bill 668** by Senator Hollander.

Senate amendment 1 to **Senate Bill 679** by Senators Cirilli and Frank.

Senate amendment 1 to **Senate Bill 700** by Senator Roseleip.

Senate amendment 2 to **Senate Bill 700** by Senator Roseleip.

Senate substitute amendment 1 to **Senate Bill 715** by Senator Soik.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 806

Relating to locomotive headlights.

By Senator Peloquin; co-sponsored by Representatives Oberle and Mohn.

To committee on Transportation.

Senate Bill 807

Relating to education for mentally handicapped children.

By Senators Peloquin, Thompson and McKenna; co-sponsored by Representatives Mohn and Oberle.

To committee on Education.

Senate Bill 808

Relating to a uniform date for payment of the first instalment of real estate taxes.

By Senator Peloquin.

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

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Senate Bill 809

Relating to requiring lighted headlamps during storms and providing a penalty.

By Senator Roseleip.

To committee on Transportation.

Senate Bill 810

Relating to additions to the state trunk highway system.

By Senator Roseleip.

To committee on Transportation.

Senate Bill 811

Relating to travel, room and board expense deductions for individual income tax.

By Senator Roseleip.

To joint Survey committee on Tax Exemptions.

Senate Bill 812

Relating to showing of partnership income in family farm partnerships.

By Senator Roseleip.

To committee on Agriculture.

Senate Bill 813

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

By Senator Roseleip.

To committee on Agriculture.

Senate Bill 814

Relating to hair control for restaurant personnel, and authorizing a penalty.

By Senator Roseleip.

To committee on Health and Social Services.

Senate Bill 815

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

By Senator Roseleip.

To committee on Agriculture.

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Senate Bill 816

Relating to referenda on zoning ordinances.

By Senator Roseleip.

To committee on Housing and Urban Development.

Senate Bill 817

Relating to approval of state building projects costing in excess of \$500,000.

By Senator Roseleip.

To joint committee on Finance.

Senate Bill 818

Relating to hazardous substances, flammable fabrics and product safety requirements, granting rule-making authority and providing a penalty.

By Senators Lipscomb, Heinzen, Dorman, McKenna and Thompson; co-sponsored by Representatives Sanasarian, Ferrall, Wahner, Rutkowski, G. K. Johnson, Berger, Jackamonis and Schroeder.

To committee on Agriculture.

Senate Bill 819

Relating to cash reserves of state banks.

By Senator Keppler, by request of Mr. Lawrence McDonald of Sheboygan.

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

Senate Bill 820

Relating to qualifications necessary for registration as an architect.

By Senator Keppler, by request of Lawrence E. Bray, representing The State Registration Board for Architects, Engineers, Land Surveyors and Designers.

To committee on Governmental and Veterans' Affairs.

Senate Bill 821

Relating to value of campaign giveaways.

By Senator Keppler.

To committee on Governmental and Veterans' Affairs.

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Senate Bill 822

Relating to tuition reimbursement for persons enrolled in the study of podiatry.

By Senator Keppler, by request of Mr. George Brett of Sheboygan.

To committee on Education.

Senate Bill 823

Relating to prohibiting nonreturnable bottles and providing a penalty.

By Senators Chilsen and Keppler.

To committee on Natural Resources.

Senate Bill 824

Relating to the legislative compensation council.

By Senator Keppler.

To committee on Senate Organization.

COMMITTEE REPORT

The committee on Natural Resources reports and recommends:

Senate Bill 378

Relating to the duty of the department of justice to act as a party or intervene in any lawsuit involving air or water quality, when necessary to protect the state's resources.

Passage; Ayes, 2; Noes, 2; indefinite postponement; Ayes, 2; Noes, 2 and without recommendation.

Senate Bill 379

Relating to providing an opportunity for a public hearing on license applications for solid waste disposal sites.

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

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Senate Bill 380

Relating to legislative approval of dam construction on streams or rivers with naturally reproducing trout populations.

Indefinite postponement; Ayes, 2; Noes, 2; passage; Ayes, 2; Noes, 2 and without recommendation.

Senate Bill 381

Relating to requiring a permit from the department of natural resources to remove covering vegetation when the removal would affect a navigable body of water.

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

Senate Bill 382

Relating to monitoring wastes discharged into state waters.

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

Senate Bill 384

Relating to review of department of natural resources orders issued without a hearing.

Passage; Ayes, 3; Noes, 2.

Senate Bill 385

Relating to the confidentiality of certain reports furnished to or obtained by the department of natural resources.

Passage; Ayes, 3; Noes, 2.

Senate Bill 387

Relating to the penalty for depositing deleterious substances in state waters.

Passage; Ayes, 5; Noes, 0.

Senate Bill 389

Relating to the power of department of justice employes investigating water pollution.

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

CLIFFORD W. KRUEGER,
Chairman.

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PETITIONS AND COMMUNICATIONS

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 September 7, 1971, and ending on October 12, 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.

David W. Ludke, Teacher, 421 Congress Ave., Oshkosh—Fair Education Committee, 135 W. Wells, Milwaukee—Education—September 14, 1971—Session.

Paul J. Rogan, Insurance Executive, 111 E. Wisconsin Ave., Milwaukee—Max H. Karl, 111 E. Wisconsin Ave., Milwaukee—Insurance—September 14, 1971—Session.

William L. Boyd, Attorney, 660 E. Mason St., Milwaukee—American Automobile Assn. Wisconsin Division, 433 W. Washington Ave., Madison—Highways, motoring, safety and all allied matters—September 14, 1971—Session.

Russell Olson, Bassett, Wisconsin—Concerned Parents of Kenosha, Route #1, Box 19, Salem—Age of majority—September 15, 1971—Session.

Ronald Mulvaney, Associate Director, 14 N. Carroll St., Madison—Wisconsin Bankers Association, 14 N. Carroll St., Madison—Banking and banking interests—September 16, 1971—Session.

Richard W. Glaman, City Employee, 200 E. Wells St., Milwaukee—City of Milwaukee, 200 E. Wells St., Milwaukee—City of Milwaukee—September 22, 1971—Session.

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John P. Kaiser, Attorney, 115 N. Main, Juneau—Wis. Dist. Attys. Assn., Inc., Box "C", Juneau—Wisconsin District Attorneys—September 22, 1971—Session.

Carl F. Schetter, Attorney, 710 N. Plankinton Ave., Suite 935, Milwaukee—Wisconsin Truck Owners Assn., 710 N. Plankinton Ave., Suite 935, Milwaukee—Trucking Industry—September 26, 1971—Session.

Paul J. du Vair, Teacher, 121 S. Hancock St., Madison—Madison Teachers Inc., 121 S. Hancock St., Madison—Education, labor and budget—September 13, 1971—Session.

Virgil C. Blum, Teacher, 1131 W. Wisconsin Ave., Milwaukee—Fair Education Committee, 135 W. Wells St., Milwaukee—Education—October 5, 1971—Session.

Philip S. Haberman, Lawyer, 402 W. Wilson St., Madison—State Bar of Wisconsin, 402 W. Wilson St., Madison—Lawyers, courts and the practice of law—September 30, 1971—Session.

William P. Podewils, 1930 E. North Ave., Milwaukee—Continental Standard Savings & Loan Assn., 1930 E. North Ave., Milwaukee—Savings and loans—October 5, 1971—Session.

Thomas R. Pattison, Planning Consultant, 1001 W. Foster, Appleton—North East Regional Planning Commission, 211 N. Richmond St., Appleton—Regional Planning—October 6, 1971—Session.

Roger S. Bessey, Attorney, 828 N. Broadway, Milwaukee—Wisconsin Railroad Association, 110 W. Main St., Madison—Railroads—October 6, 1971—Session.

Stanley B. Grady, 274 River Drive, Appleton—Wisconsin Paper & Pulp Co., Div. of Haemmersville Paper Co., Kaukaunee—Industry, manufacturing and sales—October 6, 1971—Session.

Conrad H. Johnson, Lawyer, 20 N. Carroll St., Madison—AFCO, 108 John Street, New York, New York—Insurance premium finance—October 6, 1971—Session.

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Donald Rush, Attorney, 30 on The Square, Madison—Wisconsin Collectors Assn., Inc., P. O. Box 299, Baraboo—Credit & Collection—October 6, 1971—Session.

Charles H. Brees, Piano Salesman & Tuner, 9325 W. Cleveland, West Allis—Animal Protective League, Inc., 2130 North 106th—Animal welfare and conservation—October 8, 1971—Session.

Senate Petition 230

A petition signed by 393 citizens of Kenosha, Wisconsin in opposition to Assembly Bill 859 relating to the use of Lakefront Park. (Stadium Park)

Introduced by Senator Lourigan.

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

Senate Petition 231

A petition from the Bradford Student Council, signed by 2,531 citizens of Kenosha in opposition to Assembly Bill 859 relating to the use of Lakefront Park. (Stadium Park)

By Senator Lourigan.

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

EXECUTIVE COMMUNICATIONS

October 8, 1971.

To the Honorable, the Senate:

I am returning Senate Bill 213 (Chapter 100) with my partial approval.

The Constitution of Wisconsin empowers the Governor to evaluate appropriation bills in their several parts and to reject those parts with which he takes exception. In this instance, it was felt that there were several modifications of a technical nature which could be made with item line vetoes and which would improve the administration of the two merged University systems. Each of the vetoes are efforts to

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correct what were undoubtedly technical oversights during the legislative process.

Clearly, **Senate Bill 213** qualifies as an appropriation bill in terms of Article V, Section X of the Wisconsin Constitution. Section 20(2) (a) and (b) and Section 10 of the bill make appropriations for the restructured Board of Regents of the University of Wisconsin system, make an appropriation available to the reorganized Educational Communications Board, and repeal appropriations.

I will summarize the two technical problems which I have discovered in **Senate Bill 213**.

Section 10 of the bill repeals Wisconsin Statutes Section 20.265 which is the appropriation for Wisconsin State Universities. Section 20(2) (a) of the bill makes available to the University of Wisconsin Board of Regents the unencumbered balances appropriated for Wis. Stats. Section 20.265 to be utilized under Wis. Stats. Section 20.285, the appropriation for the University of Wisconsin. These two provisions would have been appropriate, had the budget bill passed prior to **Senate Bill 213**. Since it has not, if the Wisconsin State University appropriation in Wis. Stats. Section 20.265 is repealed, there will be no appropriate statutory section to which the allocation of the 1971-1973 appropriation for the WSU in the budget schedule can be made. This clearly was not the intent of the Legislature, and I am removing the possibility of this interpretation by line item vetoing the following words.

On page one, line one, I removed the following words, "20.265". On page two of the enrolled bill I removed all of Section 10, which reads as follows: "Section 10. 20.265 of the statutes, as affected by Chapter 40, Laws of 1971, is repealed."

A second problem is created by the appointment procedure established for the members of the University of Wisconsin Board of Regents. Section 7 of the bill repeals and recreates Section 15.91 of the Statutes and provides for the appointment of "14 citizen members appointed for staggered seven-year terms." It is the clear intent, both of the bill and implicit in all legislative debate on it, that the eventual citizen membership of the Board would be 14 members, with two members appointed every year for seven-year terms.

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Section 24 of the bill provides for the transition of the present two Boards to the single new Board. The intent of this Section was to appoint 8 members from each of the existing Boards and 3 new members for a total of 19 citizen members. Over the three years immediately succeeding the effective date of Senate Bill 213, as appointments expired, the membership would drop from 19 citizen members to 14, and subsequent to that time two appointments would be made annually, each appointment being for a seven-year term. However, in tracing through the provisions of Section 24, I find that two of the members from the existing Board will have seven-year terms dating from the effective date of Senate Bill 213, and that the 3 new citizen appointees would also have seven-year terms dating from their confirmation. This Section would mean that there would be three consecutive years in which only one member's term would expire, then three consecutive years in which two members' terms would expire, and then one year in which five members' terms would expire. This clearly contradicts the new Section 15.91, which provides for 14 citizen members appointed for staggered seven-year terms.

I am, therefore, correcting this error by item line vetoing on page eight of the enrolled bill, the following words in Section 24 (1) (c), "appointed for seven-year terms" and the final sentence of Section 24 (1) (c), "All public members shall be nominated for seven-year terms." With the above-mentioned words deleted, the term of the three citizen members would be dictated by Section 15.91 which stipulates that the terms of the 14 citizen members shall be "staggered". The only way in which this staggering can be accomplished is to make one of the citizen member's terms a one year term, one of the new citizen member's terms a two-year term, and one of the new citizen member's terms a three-year term.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

To the Honorable, the Senate:

The following bills, originating in the senate, have been

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approved, signed and deposited in the office of the Secretary of State:

| Senate Bill | Chapter No. | Date Approved |
|--------------------|--------------------|----------------------|
| 18 ----- | 87 ----- | October 8, 1971 |
| 38 ----- | 88 ----- | October 8, 1971 |
| 50 ----- | 89 ----- | October 8, 1971 |
| 157 ----- | 90 ----- | October 8, 1971 |
| 217 ----- | 91 ----- | October 8, 1971 |
| 228 ----- | 92 ----- | October 8, 1971 |
| 318 ----- | 93 ----- | October 8, 1971 |
| 361 ----- | 94 ----- | October 8, 1971 |
| 396 ----- | 96 ----- | October 8, 1971 |
| 454 ----- | 97 ----- | October 8, 1971 |
| 351 ----- | 98 ----- | October 8, 1971 |
| 398 ----- | 99 ----- | October 8, 1971 |
| 390 ----- | 95 ----- | October 8, 1971 |

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

MOTIONS

MOTIONS UNDER JOINT RULE 26

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

Whereas, on Saturday, October 9, 1971, the Whitefish Bay team of Robert W. Courtney, Michael Murr and Timothy Kratz, representing Explorer Post 390, won the Grand National Explorer Road Rally in Detroit; and

Whereas, the rally, sponsored by the Ford Motor Company, demanded team effort, safe driving, accurate timing and alert navigation skills while observing safe and legal speed limits; and

Whereas, the Wisconsin team was among 36 teams drawn from all parts of the country to compete in the 150-mile, 6-hour event; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Soik and Representative Sensenbrenner, under

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Joint Rule 26, do hereby extend their heartiest congratulations to driver Robert W. Courtney, navigator Michael Murr and observer Timothy Kratz, each the winner of a \$1,500 scholarship and the use of a car for a year, on this national honor and distinction.

Read and adopted.

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

Whereas, Casimir Pulaski rose to the rank of general in George Washington's revolutionary army, serving at Brandywine, Trenton and other decisive engagements; and

Whereas, while leading a combined American, French and Polish cavalry unit outfitted and trained at his personal expense, General Pulaski was mortally wounded in an heroic attack on British positions in Savannah, Georgia; and

Whereas, on October 11, 1780, at the age of 32, Casimir Pulaski, the Polish count who fought for American freedom, died aboard the U.S. naval ship, Wasp, and was buried at sea; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Kendzierski, under Joint Rule 26, do hereby give fitting recognition to Count Casimir Pulaski for his noble commitment to a struggling young nation's resistance to political and economic oppression, and salute all Wisconsin residents of Polish descent on this the 191st anniversary of General Pulaski's death.

Read and adopted.

By request of Senator Soik, with unanimous consent, had he been present he would have voted on the following bills:

For passage of Assembly Bill 785.

For concurrence in Assembly Joint Resolution 10.

For concurrence in Assembly Joint Resolution 17.

By request of Senator Soik, with unanimous consent, **Senate Bill 136** was withdrawn from the joint Survey committee on Tax Exemptions and rereferred to committee on Commerce, Labor, Taxation, Insurance and Banking.

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LEAVE OF ABSENCE

By request of Senator Lorge, with unanimous consent, he was granted a leave of absence at 4:30 P.M. for the balance of the day's session.

Senator Keppler brought the chair's attention to **Senate Bill 805** which was a special order of business.

Senate Bill 805

Relating to general aids, increasing vocational school aids, decreasing the mill rate ceiling for vocational schools, increasing personal property tax relief and homestead tax relief, providing real property tax relief, making appropriations and constituting the executive budget bill of the 1971 legislature.

Read a second time.

By request of Senator Keppler, with unanimous consent, the senate recessed until 3:25 P.M.

2:25 P.M.

RECESS

3:25 P.M.

The senate reconvened.

Senate amendment 1 to **Senate Bill 805** offered by Senator McKenna.

Senator Devitt moved rejection.

Senator McKenna 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.

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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, Pelouquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—33.

Senator Keppler moved that senate amendment 1 to **Senate Bill 805** be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—20.

Noes—Senators Dorman, Frank, Kendziorski, Lipscomb, Lourigan, McKenna, Martin, Parys, Pelouquin, Risser, Schuele, Thompson and Whittow—13.

Absent or not voting—None.

The motion prevailed.

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

Senator Hollander in the chair.

4:05 P.M.

President of the senate in the chair.

4:15 P.M.

Senate amendment 2 to **Senate Bill 805** offered by Senator McKenna.

By request of Senator Schuele, with unanimous consent, the senate recessed until 4:55 P.M.

4:30 P.M.

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RECESS

4:55 P.M.

The senate reconvened.

Senator Keppler moved that senate amendment 2 be laid on the table.

The motion prevailed.

Senate amendment 3 to Senate Bill 805 offered by Senator McKenna.

Senator Keppler moved that senate amendment 3 be laid on the table.

The motion prevailed.

Senate Bill 805

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 805

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—22.

Noes—Senators Dorman, Frank, Kendziorski, Lipscomb, McKenna, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—11.

Absent or not voting—None.

So the bill passed.

Ordered immediately messaged.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of the birthdays of Senators Devitt and Knutson.

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Upon motion of Senator Kepler the senate adjourned
until 10:00 A.M., Wednesday, October 13.

5:10 P.M.

INTRODUCTION OF GUESTS

Senator Risser introduced Mrs. Kriste Williams, Home Economist in Business and Home Economist in Homemaking, Madison, Wisconsin.

Senator Risser introduced Mr. and Mrs. Patrick Ausse and Tom Ausse, guests of channel 3, Madison, Wisconsin.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 222

In enrolling, the following correction was made:

On page 1, line 22, substitute "947.10" for "947 10".

Senate Bill 501

In enrolling, the following correction was made:

In line 1, substitute "(s)" for "(a)".