

JOURNAL OF THE SENATE [October 19, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

TUESDAY, October 19, 1971.

10:00 A.M.

The senate met.

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

Prayer was offered by Father Thomas Vickerman, Pastor of Immaculate Heart of Mary Catholic Church of Madison.

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

Absent—Senator Lipscomb—1.

AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 525** by Senator Cirilli.

Senate amendment 4 to senate substitute amendment 1 to **Assembly Bill 198** by Senator LaFave.

Senate amendment 1 to **Assembly Bill 384** by Senator LaFave.

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Senate amendment 2 to Assembly Bill 384 by Senator LaFave.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 104

Directing the legislative council to study a voucher system for the financing of elementary and high school education.

By Senators Lipscomb and Heinzen.

Read and referred to committee on Education.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 827

Relating to all-letter license plates.

By Senator Keppler.

To committee on Transportation.

Senate Bill 828

Relating to registration of vehicles for motor vehicle dealers.

By Senator Lipscomb; co-sponsored by Representatives Berger and Tobiasz.

To committee on Transportation.

COMMITTEE REPORTS

The committee on Transportation reports and recommends:

Assembly Bill 358

Relating to permitting U-turns on certain streets in residential and business districts.

Concurrence; Ayes, 3; Noes, 0.

REUBEN LaFAVE,
Chairman.

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The committee on Natural Resources reports and recommends:

Senate Bill 722

Relating to sewage discharge into certain lakes and interstate navigable waterways and increasing a penalty.

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

Assembly Bill 204

Relating to prohibiting snowmobile operation during fire-arm deer hunting season.

Rejection of senate amendment 1; Ayes, 5; Noes, 0 and concurrence; Ayes, 4; Noes, 1.

CLIFFORD W. KRUEGER,
Chairman.

REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS

Appendix to Assembly Joint Resolution 65 and Senate
Amendments 1 and 2 Thereto

Recommendation

It is the feeling of this committee that Assembly Joint Resolution 65 may have merit, but that any reference to public agency retirement systems should be eliminated in order that the resolution will relate solely to private pension plans. It is, therefore, the recommendation of this committee that Assembly Joint Resolution 65, only if amended by senate amendment 2, *is in the best public interest.*

Respectfully submitted,

JOINT SURVEY COMMITTEE
ON RETIREMENT SYSTEMS

REUBEN LaFAVE,
Chairman.

ALVIN BALDUS,
Vice-Chairman.

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

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PETITIONS AND COMMUNICATIONS

The State of Wisconsin
State Building Commission
State Office Building
Madison

October 13, 1971.

Mr. William Nugent
Senate Chief Clerk
243 South Capitol
State Capitol
Madison, Wisconsin

Dear Mr. Nugent:

On October 11, 1971, the Wisconsin State Building Commission passed the following motion at its formal meeting.

“Moved by Representative Vanderperren, seconded by Mr. Prince that the Wisconsin State Building Commission endorse **Assembly Bill 1368** with the proposed amendment that prevailing wage rates be applicable.” The vote was as follows:

Ayes—Governor Lucey, Representatives Baldus, Vanderperren and Schowalter and Mr. Prince.

Noes—Senator Knutson.

As secretary of the Building Commission, I was instructed to transmit this information to the chief clerk of each house of the Wisconsin Legislature and request that the endorsement be recorded in the official bulletin.

Sincerely,

PAUL L. BROWN,
Secretary.

Read.

By request of Senator Risser, with unanimous consent, the communication was spread on the journal.

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EXECUTIVE COMMUNICATIONS

October 19, 1971.

To the Honorable, the Senate:

At the request of Dr. Paul Whyte, I would like to withdraw my request that Dr. Whyte be appointed to a position on the Optometry Examining Board. Dr. Whyte is an individual who has always placed the public interest at the top of his list of priorities as he has executed his professional responsibilities. I regret that, for personal reasons, he has found it necessary to request the withdrawal of his nomination.

Sincerely,

PATRICK J. LUCEY,
Governor.

Read.

By request of Senator Keppler, with unanimous consent, the appointment was returned to the Governor pursuant to his request.

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 Commendation by Representative Everson; co-sponsored by Senator Thompson for Gregory Blaska on his contributions to the Wisconsin Dairy Industry;

A joint certificate of Condolence by Representatives Barbee and Menos; co-sponsored by Senator Lipscomb for the family of Reverend Cecil A. Fisher on the occasion of his death;

A joint certificate of Commendation by Representatives O'Malley, Everson, Anderson and Nager; co-sponsored by

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Senator Thompson for Wesley Schwoegler on his 25 years of community service.

By request of Senator Roseleip, with unanimous consent, the entire membership of the senate was made co-author of the joint certificate of Commendation for Wesley Schwoegler.

Adhered to its position on:

Assembly amendment 1 to Senate Bill 355, requests a committee of Conference and appoints Representatives Baldus, Azim and Czerwinski as conferees on its part.

Amended and concurred in as amended:

Senate Bill 805 (adopted assembly substitute amendment 1)

Passed and asks concurrence in:

Assembly Bill 518 and
Assembly Bill 1407.

Concurred in:

Senate substitute amendment 1 to Assembly Bill 13,
Senate Joint Resolution 103,
Senate Bill 399,
Senate Bill 570 and
Senate Bill 586.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A joint certificate of Commendation by Representative Everson; co-sponsored by Senator Thompson for Gregory Blaska on his contributions to the Wisconsin Dairy Industry.

A joint certificate of Condolence by Representatives Barbee and Menos; co-sponsored by Senator Lipscomb for the family of Reverend Cecil A. Fisher on the occasion of his death.

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A joint certificate of Commendation by Representatives O'Malley, Everson, Anderson and Nager; co-sponsored by Senator Thompson for Wesley Schwoegler on his 25 years of community service.

The above motions under Joint Rule 26 were read and concurred in enmasse.

Senate Bill 355

Senator Keppler moved that the senate adhere to its position on assembly amendment 1.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Busby, Cirilli, Devitt, Dorman, Frank, Hollander, Kendziorski, Keppler, Knutson, Krueger, LaFave, Lotto, Lourigan, Martin, Murphy, Parys, Risser, Schuele, Soik, Steinhilber, Thompson and Whittow—22.

Noes—Senators Bidwell, Chilsen, Heinzen, Johnson, Knowles, Lorge, McKenna, Peloquin, Roseleip and Swan—10.

Absent or not voting—Senator Lipscomb—1.

The motion prevailed.

By request of Senator Keppler, with unanimous consent, the chair was asked to appoint the members for a committee of Conference on **Senate Bill 355**.

The chair appointed Senators Devitt, Whittow and Heinzen.

Senator Keppler moved that the appointments be confirmed.

The motion prevailed.

Senate Bill 805

By request of Senator Keppler, with unanimous consent, **Senate Bill 805** was made a special order of business at 11:00 A.M.

By request of Senator Lorge, with unanimous consent, the chief clerk was directed to obtain a printout of the affect of assembly amendment 1 to **Senate Bill 805** on school aids in all school districts.

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Assembly Bill 518

Relating to incorporation of mutual savings and loan associations and capital stock savings and loan associations and granting rule-making authority.

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

Assembly Bill 1407

Relating to cooperation between sanitary districts.

Read first time and referred to committee on Judiciary.

MOTIONS

Senator Keppler asked unanimous consent that **Assembly Bill 198** be made a special order of business for 9:01 A.M., Wednesday, October 20.

Senator Roseleip objected.

Senator Keppler moved that **Assembly Bill 198** be made a special order of business for 9:01 A.M., Wednesday, October 20.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Risser, Schuele, Soik, Steinhilber, Thompson and Whittow—25.

Noes—Senators Bidwell, Heinzen, Knutson, M u r p h y , Parys, Peloquin, Roseleip and Swan—8.

Absent or not voting—None.

The motion prevailed.

Upon motion of Senator Keppler the senate recessed until 1:30 P.M.

11:00 A.M.

RECESS

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1:30 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

By request of Senator Keppler, with unanimous consent, the senate returned to the eighth order of business.

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:

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representative Grover; co-sponsored by Senator Chilsen for Shawano County 4-H Leaders Association on their 25th Anniversary.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representative Grover; co-sponsored by Senator Chilsen for Shawano County 4-H Leaders Association on their 25th Anniversary.

Read and concurred in.

President of the senate in the chair.

1:38 P.M.

Upon motion of Senator Keppler, the senate recessed until 4:10 P.M.

1:40 P.M.

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RECESS

4:10 P.M.

The senate reconvened.

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

LEAVE OF ABSENCE

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

Senator Keppler asked unanimous consent that **Senate Bill 805** be laid aside.

Senator Risser objected.

Senator Keppler moved that **Senate Bill 805** be laid on the table.

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, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—31.

Absent—Senator Lipscomb—1.

Absent with leave—Senator Johnson—1.

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All members now being present the question was: Shall Senate Bill 805 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14 absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—18.

Noes—Senators Dorman, Frank, Hollander, Kendziorski, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—14.

Absent or not voting—Senator Johnson—1.

The motion prevailed.

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

CALENDAR OF JULY 22

Assembly Bill 164

Relating to custody and support of children affected by actions affecting marriage.

Read a second time.

Senator Hollander in the chair.

5:15 P.M.

Ordered to a third reading.

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

Assembly Bill 164

Read a third time and concurred in.

By request of Senator Murphy, with unanimous consent, Assembly Bill 190 was laid aside.

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CALENDAR OF JULY 28

Senate Bill 288

Relating to changing the name of the Soil Conservation Board and making various changes in the soil and water conservation law.

Read a second time.

By request of Senator Swan, with unanimous consent, **Senate Bill 288** was referred to joint committee on Finance.

By request of Senator Swan, with unanimous consent, **Senate Bill 288** was withdrawn from joint committee on Finance and considered for action at this time.

The question was: Adoption of senate substitute amendment 1 to **Senate Bill 288**?

Senate substitute amendment 1 adopted.

Ordered to a third reading.

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

Senate Bill 288

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Noes—Senator Kendziorski—1.

Absent or not voting—Senator Johnson—1.

So the bill passed.

Senate Bill 404

Relating to remedial legislation suggested by the department of agriculture.

Read a second time.

Ordered to a third reading.

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

Senate Bill 404

Read a third time and passed.

Senate Bill 476

Relating to testing of cattle for brucellosis and tuberculosis.

Read a second time.

Ordered to a third reading.

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

Senate Bill 476

Read a third time and passed.

By request of Senator Parys, with unanimous consent, Senate Bill 647 was laid aside.

Assembly Bill 48

Relating to food standards and labeling requirements, and authorizing injunctive penalties.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 48

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Noes—Senator Lourigan—1.

Absent or not voting—Senator Johnson—1.

So the bill was concurred in.

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CALENDAR OF AUGUST 4

By request of Senator Knutson, with unanimous consent,
Senate Joint Resolution 57 was laid aside.

By request of Senator Whittow, with unanimous consent,
Senate Bill 566 was laid aside.

President pro tempore of the senate in the chair.
5:40 P.M.

By request of Senator Roseleip, with unanimous consent,
Senate Bill 585 was laid aside.

By request of Senator Cirilli, with unanimous consent,
Assembly Bill 163 was laid aside.

CALENDAR OF AUGUST 6

By request of Senator Chilsen, with unanimous consent,
Senate Bill 690 was returned to the author.

CALENDAR OF AUGUST 11

Lerman, Philip E., as a member of the Industry, Labor
and Human Relations Commission, to serve for a term end-
ing March 1, 1977.

Read.

By request of Senator Hollander, with unanimous con-
sent, the appointments of Lerman and McMahon were con-
sidered en masse.

McMahon, Rolla J., of Madison, as Commissioner of Sav-
ings and Loan, to succeed Leo Mortensen, to serve for a
term ending March 1, 1977.

Read.

The question was: Shall the appointments of Philip E.
Lerman and Rolla J. McMahon be confirmed?

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The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

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

Noes—None.

Absent or not voting—Senators Chilsen and Johnson—2.

So the appointments were confirmed.

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.

Read and adopted.

Senate Joint Resolution 74

A joint resolution requesting congress to turn Alcatraz Island back to the Indians of America to be used as they see fit.

Read and adopted.

By request of Senator Risser, with unanimous consent, Senate Joint Resolution 72 was laid aside.

Senate Bill 282

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

Read a second time.

By request of Senator Hollander, with unanimous consent, Senate Bill 282 was referred to joint committee on Finance.

By request of Senator Hollander, with unanimous consent, Senate Bill 282 was withdrawn from joint committee on Finance and considered for action at this time.

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By request of Senator Steinhilber, with unanimous consent, **Senate Bill 282** was laid aside.

By request of Senator Lotto, with unanimous consent, **Senate Bill 357** was laid aside.

By request of Senator Murphy, with unanimous consent, **Senate Bill 471** was laid aside.

Senate Bill 472

Relating to appraisers and the appraisal of probate assets.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1 to **Senate Bill 472**?

Senate amendment 1 to senate substitute amendment 1 adopted.

The question was: Adoption of senate substitute amendment 1 to **Senate Bill 472**?

Senate substitute amendment 1 adopted.

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 472

Read a third time and passed.

By request of Senator Keppler, with unanimous consent, all actions were ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendment 1 to senate amendment 2 to senate substitute amendment 1 to **Assembly Bill 198** by Senator Swan.

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Senate amendment 5 to senate substitute amendment 1 to Assembly Bill 198 by Senator Cirilli.

Senate amendment 1 to Assembly Bill 1259 by Senator LaFave.

Senate substitute amendment 1 to Senate Bill 116 by Senators Schuele and Lotto.

Senate amendment 1 to assembly substitute amendment 1 to Senate Bill 805 by Senators Cirilli and Swan.

Senate amendment 2 to assembly substitute amendment 1 to Senate Bill 805 by Senators Cirilli and Swan.

Upon motion of Senator Keppler, the senate adjourned until 10:00 A.M., Wednesday, October 20.

5:55 P.M.

INTRODUCTION OF GUESTS

Senator Swan introduced 43 children of the 7th and 8th grade Reek Elementary School and their teachers Thomas Welch and John Sisson and chaperones: Mrs. Ann Polzer, Mr. Moore, Mrs. Pogada, Mrs. Asplund, Mrs. Gavin, and Mrs. Tibbitts, Lake Geneva, Wisconsin.

Senator Frank introduced Mr. and Mrs. Edwin Graf, Oak Creek, Wisconsin.

Senator Martin introduced Loren Maruga and Gerald Dutchison, Manitowoc, Wisconsin.

Senator Soik introduced members of the University of Wisconsin, Milwaukee School of Nursing.

Senator Soik introduced the Arlington Court Sunshine Group, Milwaukee, Wisconsin.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 315

On page 2, line 9, substitute "interests" for "interest".

Senate substitute amendment 1, to Senate Bill 715

In line 12, substitute "853" for "238".