

JOURNAL OF THE SENATE [February 23, 1972]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

WEDNESDAY, February 23, 1972.

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 Rabbi Manfred Swarzensky of Beth El Temple, Madison, Wisconsin.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—28.

Absent—Senators Devitt, Lipscomb and Thompson—3.

Absent with leave—Senators Kendziorski and Knutson—2.

AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 669 by Senator Johnson.

Senate substitute amendment 2 to Senate Bill 244 by Senator Swan.

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Senate amendment 1 to senate substitute amendment 1 to Senate Joint Resolution 80 by Senator Lipscomb.

Senate amendment 1 to Assembly Bill 1348 by Senators Knowles and Devitt.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 920

Relating to registration fees for trailers transporting modular homes.

By Senators LaFave and Devitt.

To committee on Transportation.

COMMITTEE REPORTS

The committee on Natural Resources reports and recommends:

The appointment by the Governor of Carl A. Pemble, of River Falls, as a member of the Minnesota-Wisconsin Boundary Area Commission, to succeed Ralph H. Most, Jr., to serve for a term ending September 25, 1976.

Confirmation; Ayes, 5; Noes, 0.

CLIFFORD W. KRUEGER,
Chairman.

The committee on Judiciary reports and recommends:

Senate Bill 910

Relating to cognovit judgments.

Passage; Ayes, 5; Noes, 0.

ALLEN J. BUSBY,
Chairman.

PETITIONS AND COMMUNICATIONS

Senate Petition 252

A petition in the form of a resolution by the Washington County Board of Supervisors requesting the legislature to share the cost of regional planning.

By Senator McKenna.

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

Senate Petition 253

A petition in the form of a resolution by the Kewaunee County Board of Supervisors requesting the legislature to hold salaries in line with President Nixon's National Wage Price Freeze.

By Senator Martin.

Read and referred to joint committee on Finance.

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:

Assembly Bill 482,
Assembly Bill 591,
Assembly Bill 908, and
Assembly Bill 1411.

Passed notwithstanding the objections of the Governor:

Assembly Bill 734

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 482

Relating to indecent articles and family planning, and providing a penalty.

By Representatives Conta, Tregoning, Brown, Earl, Ferall, Nager, Bultman, Anderson, Grover, Miller and Greider; co-sponsored by Senator Dorman.

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

Senator Risser asked unanimous consent to withdraw **Assembly Bill 482** from the committee on Health and Social Services and lay it on the table.

Senator Parys objected.

Senator Risser moved that **Assembly Bill 482** be withdrawn from committee on Health and Social Services and laid on the table.

Senator Keppler moved a division of the question.

Senator Lorge 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, Dorman, Frank, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whitow—26.

Absent—Senators Devitt, Heinzen, Lipscomb, Peloquin and Thompson—5.

Absent with leave—Senators Kendziorski and Knutson—2.

Assembly Bill 591

Relating to applications for general relief and public assistance.

By Representative Jackson.

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

Assembly Bill 908

Relating to indication of tax exempt lands on certain maps.

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By Representatives R. M. Thompson, Wilcox, Tregoning, Wahner, Korpela, Nager, Byers, T. G. Thompson, Day and Merkel.

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

Assembly Bill 1411

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

By Representatives Jones and Bolle; co-sponsored by Senators LaFave and Kendziorski.

Read first time and referred to committee on Transportation.

Assembly Bill 734

Relating to local governmental contracting for joint projects and planning.

By Representatives Bradley, Conradt, Tregoning, Day, Schricker, Byers, Gaulke, Grover, R. M. Thompson, Froehlich, Mohn, Hephner and Duren; co-sponsored by Senators Roseleip and Martin.

Read and referred to calendar.

SELECT LIST #3

Senate Bill 611

An act allocating building trust fund moneys for a well at the Grand Army Home at King.

Read.

The question was: Reconsideration of the vote by which Senate Bill 611 was refused passage?

The motion prevailed.

The question was: Shall Senate Bill 611 pass?

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

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Heinzen,

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Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Roseleip, Schuele, Soik, Steinhilber and Swan—24.

Noes—Senators Bidwell, Dorman, Frank, Murphy, Riser, Thompson and Whittow—7.

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

So the bill passed.

Ordered immediately messaged.

By request of Senator Chilsen, with unanimous consent, Assembly Bill 597 was withdrawn from committee on Commerce, Labor, Taxation, Insurance and Banking and considered for action at this time.

Assembly Bill 597

Relating to tax exemption of property belonging to certain organizations.

Read a second time.

Senator Lourigan moved nonconcurrency.

LEAVE OF ABSENCE

By request of Senator Murphy, with unanimous consent, he was granted a leave of absence for the balance of the morning's session.

By request of Senator Peloquin, with unanimous consent, he was granted a leave of absence for the balance of the morning's session.

The ayes and noes were demanded and the vote was: ayes, 5; noes, 25; absent or not voting, 1; paired, 2; as follows:

Ayes—Senators Devitt, Keppler, Lourigan, Roseleip and Thompson—5.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Dorman,

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Frank, Heinzen, Hollander, Johnson, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Murphy, Parys, Risser, Schuele, Soik, Steinhilber, Swan and Whittow—25.

Absent or not voting—Senator Kendziorski—1.

Paired—Senator Knowles for nonconcurrency, Senator Peloquin against nonconcurrency—2.

The motion did not prevail.

Senate amendment 1 to Assembly Bill 597 offered by Senator Thompson.

Senator Chilsen moved rejection.

The motion prevailed.

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 597

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 5; absent or not voting, 1; paired, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Johnson, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Murphy, Parys, Risser, Schuele, Soik, Steinhilber, Swan and Whittow—25.

Noes—Senators Devitt, Keppler, Lourigan, Roseleip and Thompson—5.

Absent or not voting—Senator Kendziorski—1.

Paired—Senator Peloquin for concurrence, Senator Knowles against concurrence—2.

So the bill was concurred in.

By request of Senator Cirilli, with unanimous consent, Senate Bill 914 was made a special order of business on Thursday, March 2 at 9:00 A.M.

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Senate Bill 669

Relating to regulation of corporate take-over offers by the Commissioner of Securities.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1 to **Senate Bill 669?**

Senate amendment 1 to senate substitute amendment 1 adopted.

The question was: Adoption of senate substitute amendment 1 to **Senate Bill 669?**

Senate substitute amendment 1 adopted.

Ordered to a third reading.

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

Senate Bill 669

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 1; absent or not voting, 2; as follows:

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

Noes—Senator Swan—1.

Absent or not voting—Senators Kendziorski and Peloquin—2.

So the bill passed.

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

Senator Busby brought the chair's attention to **Senate Bill 880** which was a special order of business.

Senate Bill 880

Relating to retirement benefit changes in counties having a population of 500,000 or more.

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Read a second time.

Senator Lipscomb moved indefinite postponement.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Cirilli, Dorman, Heinzen, Knutson, Krueger, Lipscomb, Lourigan, McKenna, Martin, Murphy, Risser, Roseleip, Steinhilber, Swan, Thompson and Whittow—17.

Noes—Senators Busby, Chilsen, Devitt, Frank, Hollander, Johnson, Keppler, Knowles, LaFave, Lorge, Lotto, Parys, Schuele and Soik—14.

Absent or not voting—Senators Kendziorski and Peloquin—2.

The motion prevailed.

LEAVE OF ABSENCE

By request of Senator Frank, with unanimous consent, he was granted a leave of absence for the balance of the day's session.

Senator Lorge moved reconsideration of the vote by which Senate Bill 898 was ordered to a third reading.

Senator Keppler moved that the motion for reconsideration be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 8; absent or not voting, 3; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Dorman, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lotto, McKenna, Martin, Murphy, Risser, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—22.

Noes—Senators Busby, Devitt, Knutson, Lipscomb, Lorge, Lourigan, Parys and Roseleip—8.

Absent or not voting—Senators Frank, Kendziorski and Peloquin—3.

The motion prevailed.

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Senator LaFave asked unanimous consent that **Assembly Bill 1281** be rereferred to committee on Transportation.

Senator Risser objected.

Senator Cirilli asked unanimous consent for a leave of absence for Thursday at 4:00 P.M.

Senator Risser objected.

By request of Senator Keppler, with unanimous consent, the call of the senate was raised.

Upon motion of Senator Keppler the senate recessed until 2:00 P.M.

11:55 A.M.

RECESS

2:00 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 921

Relating to establishment of a state association of family court commissioners.

By Senators Busby and Johnson, by request of Family Court Commissioners.

To committee on Judiciary.

COMMITTEE REPORTS

The committee on Education reports and recommends:

The appointment by the Governor of Edward Hales, of

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Racine, as a member of the Board of Regents of the University of Wisconsin System, to succeed Robert Dahlstrom, resigned, for the remainder of the unexpired term and for a new term ending on May 1, 1979.

Confirmation; Ayes, 5; Noes, 0.

RAY F. HEINZEN,
Chairman.

The committee on Transportation reports and recommends:

Assembly Bill 1411

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

Concurrence; Ayes, 4; Noes, 0.

REUBEN LaFAVE,
Chairman.

REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS

Appendix to Senate Substitute Amendment 1
to Senate Bill 880

Recommendation

The substitute amendment to the bill provides special treatment for a particular group of 17 Milwaukee state circuit judges. The proposed benefits are somewhat greater than the benefits provided to the other circuit judges. The substitute amendment will create additional inequities in relation to benefits provided to the judiciary as a whole and enactment would be ill-advised until such time as the Governor's "Citizens Study Committee on Judicial Organization" has completed their study of this matter. Therefore, it is the opinion of this committee that *passage of this proposal is inappropriate at this time*. However if the legislature elects to enact this proposal, it is the further opinion of this committee that **Senate Bill 880** should be amended as proposed by substitute amendment 1.

Read.

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Appendix to Senate Bill 916

Recommendation

The bill provides special treatment for a particular group of 17 Milwaukee state circuit judges. The proposed benefits are somewhat greater than the benefits provided to the other circuit judges. The bill will create additional inequities in relation to benefits provided to the judiciary as a whole and enactment would be ill-advised until such time as the Governor's "Citizens Study Committee on Judicial Organization" has completed their study of this matter. Therefore, it is the opinion of this committee that *passage of the bill is inappropriate at this time.*

Respectfully submitted,

JOINT SURVEY COMMITTEE
ON RETIREMENT SYSTEMS

REUBEN LaFAVE,
Chairman.

ALVIN BALDUS,
Vice-Chairman.

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

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Dennis B. Danielson, 51, of Eau Claire, former state representative from Eau Claire, from 1957 to 1959, died February 19, 1972, after a long illness. A practicing attorney with offices in Eau Claire and Colfax, Mr. Danielson was a member of the Eau Claire city council for 8 years, serving as vice president of that panel, and devoted a great share of his time to civic organizations, including the YMCA, Knights of Pythias, Elks, Veterans of Foreign Wars, the American Legion and the Boy Scouts; now, therefore,

The Members of the Wisconsin Legislature, on the mo-

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tion of Senators Johnson, Lorge, Cirilli and Knowles and Representatives Looby and Mato, under Joint Rule 26, extend their sincerest condolences to the family of Dennis B. Danielson in this hour of his passing.

Read and adopted by a rising vote.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, each year the American republic gains in stature and achievement among nations; and

Whereas, public recognition of our honored traditions serves to renew our faith in the United States and the way of the American people; and

Whereas, reflection on this heritage and celebration of America's accomplishments will enhance understanding and appreciation of our history and pride in our nation; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Johnson and Knutson and Representatives Roberts and Greider, under Joint Rule 26, designate the first week in March as "American Heritage Week", at the instance of West Salem Area Schools, and urge schools, communities and the people of the state of Wisconsin to reflect on America's past, celebrate her achievements and resolve to work for the betterment of the nation.

Read and adopted.

Senator Cirilli asked unanimous consent for a leave of absence at 4:00 P.M., Thursday for the balance of the week's session.

Senator Risser objected.

Senator Risser brought the chair's attention to the appointment of Charles H. Stoddard which was a special order of business.

By request of Senator Risser, with unanimous consent, the appointment of Charles H. Stoddard was withdrawn from the committee on Natural Resources and considered for action at this time.

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The appointment of Charles H. Stoddard of Minong, as a member of the Natural Resources Board, to succeed Herbert F. Behnke, to serve for a term ending May 1, 1977.
Read.

Senator Keppler 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, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, Thompson and Whittow—30.

Absent—Senator Soik—1.

Absent with leave—Senators Frank and Kendziorski—2.

President of the senate in the chair.

2:10 P.M.

Senator Soik having returned to the chamber, the question was: Confirmation of the appointment of Charles H. Stoddard?

Senator Hollander in the chair.

3:05 P.M.

Senator Risser asked unanimous consent that the appointment of Charles H. Stoddard be made a special order of business 2:00 P.M. Wednesday, March 1.

Senator Johnson objected.

President of the senate in the chair.

3:15 P.M.

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Senator Risser asked unanimous consent that the appointment of Charles H. Stoddard be made a special order of business at 3:00 P.M. Tuesday, February 29.

Senator Johnson objected.

Senator Dorman in the chair.

4:15 P.M.

President of the senate in the chair.

4:30 P.M.

Senator Risser moved that the senate resolve itself into a committee of the Whole at 10:00 A.M. Thursday, February 24.

Senator Keppler moved that the motion be laid on the table.

Senator Risser moved a

CALL OF THE SENATE

On the motion to table.

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

Absent—None.

Absent with leave—Senators Frank and Kendziorski—2.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, La-

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Fave, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—17.

Noes—Senators Busby, D o r m a n , Heinzen, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—14.

Absent or not voting—Senators Frank and Kendziorski—2.

The motion prevailed.

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

Senator Risser moved that the appointment of Charles H. Stoddard be made a special order of business at 10:00 A.M., Tuesday, February 29.

The ayes and noes were demanded and the vote was: ayes, 12; noes, 19; absent or not voting, 2; as follows:

Ayes—Senators Busby, Dorman, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—12.

Noes—Senators Bidwell, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—19.

Absent or not voting—Senators Frank and Kendziorski—2.

The motion did not prevail.

Senator Keppler moved the current question.

The ayes and noes were required and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lotto, Murphy, Parys, Roseleip, Soik, Steinhilber and Swan—19.

Noes—Senators Busby, Dorman, Lipscomb, Lorge, Lourigan, McKenna, Martin, Peloquin, Risser, Schuele, Thompson and Whittow—12.

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Absent or not voting—Senators Frank and Kendziorski
—2.

The motion prevailed.

The question was: Confirmation of the appointment of Charles H. Stoddard?

The ayes and noes were required and the vote was: ayes, 12; noes, 17; absent or not voting, 0; paired, 4; as follows:

Ayes—Senators Busby, Dorman, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—12.

Noes—Senators Bidwell, Chilsen, Cirilli, Devitt, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—17.

Absent or not voting—None.

Paired—Senators Frank and Kendziorski for confirmation, Senators Heinzen and Knowles against confirmation
—4.

So the appointment was not confirmed.

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

President pro tempore of the senate in the chair.

5:40 P.M.

Senate Bill 846

Relating to instalments on special assessments in town sanitary districts.

Read a second time.

Ordered to a third reading.

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

Senate Bill 846

Read a third time and passed.

Ordered immediately messaged.

Senate Bill 388

Relating to expanding the power of the public intervenor to intervene in any administrative proceedings, if intervention is needed to protect public rights in state natural resources.

Read a second time.

By request of Senator Hollander, with unanimous consent, **Senate Bill 388** was referred to joint committee on Finance.

Senator Hollander asked unanimous consent that **Senate Bill 388** be withdrawn from the joint committee on Finance and considered for action at this time.

Senator Risser objected.

Senator Keppler moved that **Senate Bill 388** be withdrawn from the joint committee on Finance and considered for action at this time.

The motion prevailed.

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 388

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 4; absent or not voting, 2; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Thompson and Whittow—27.

Noes—Senators Bidwell, Knutson, Lotto and Swan—4.

Absent or not voting—Senators Frank and Kendziorski—2.

So the bill passed.

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

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Upon motion of Senator Keppler the senate adjourned until 9:00 A.M., Thursday, February 24.

6:00 P.M.

INTRODUCTION OF GUESTS

Senator Lipscomb introduced the 7th and 8th grades of Holy Angels Grade School, Milwaukee, Wisconsin.

Senator Risser introduced the 8th grade of Thomas Jefferson Middle School with instructors Mrs. Wegan and Mr. Sybers, Madison, Wisconsin.

Senator Murphy introduced John Dwyer, Howard Mathison and Vic Hellman, who is active in the David H. Hellman Foundation for handicapped and retarded young adults, Menomonee Falls, Wisconsin.

Senator Johnson introduced Mr. Donald Haldeman of the Wisconsin Farm Bureau, Norwalk, Wisconsin.

Senator Risser introduced Girl Scout Troop 88 with Mrs. Mike Woicek, Madison, Wisconsin.