

JOURNAL OF THE SENATE [January 26, 1971]

STATE OF WISCONSIN

# Senate Journal

## Eightieth Session

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TUESDAY, January 26, 1971.

10:00 o'clock A.M.

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

Prayer was offered by the Reverend Austin Green of the Order of Preachers, Associate Pastor of Blessed Sacrament 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, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber and Whittow—80.

Absent—Senators Swan and Thompson—2.

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### LEAVES OF ABSENCE

Senator Swan was granted a leave of absence from today's session, upon motion of Senator Keppler, by unanimous consent.

Senator Thompson was granted a leave of absence from today's session, upon motion of Senator Risser, with unanimous consent.

Senator Heinzen was granted a leave of absence for the balance of today's session.

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## **INTRODUCTION OF BILLS**

### **Senate Bill 94**

Relating to the elimination of certain property tax exemptions for banks and trust companies.

By Senator Lourigan.

Read first time.

Referred to Joint Survey Committee on Tax Exemptions.

### **Senate Bill 95**

Relating to exempting retirement income of retired members of the U. S. armed forces from state income tax.

By Senator Soik, by request of Lt. Col. W. Sommermeyer, (Retired).

Read first time.

Referred to Joint Survey Committee on Tax Exemptions.

### **Senate Bill 96**

Relating to the membership of the joint committee on Finance.

By Senator Soik; co-sponsored by Representative Azim.

Read first time.

Referred to committee on Senate Organization.

### **Senate Bill 97**

Relating to an income tax exemption for Wisconsin servicemen stationed outside the State.

By Senator Soik, by request of Major Lee F. Witter.

Read first time.

Referred to Joint Survey Committee on Tax Exemptions.

### **Senate Bill 98**

Relating to homestead tax relief for persons over 65, and making an appropriation.

By Senators Johnson, Chilsen, Swan, Schuele, Bidwell, Krueger, Martin, Soik, Murphy, Lotto, Busby, Frank, LaFave, Devitt and Roseleip.

Read first time.

Referred to Joint Survey Committee on Tax Exemptions.

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## **COMMITTEE REPORT**

The joint committee on Legislative Organization reports and recommends:

### **Senate Bill 60**

Relating to annual sessions of the legislature.

Passage; Ayes, 5; Noes, 0.

**ROBERT P. KNOWLES,**  
Chairman.

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## **PETITIONS AND COMMUNICATIONS**

### **Senate Petition 2**

A petition by 70 residents of Oneida county and adjacent areas, objecting to any increase in auto license fees.

By Senator Krueger.

Referred to committee on Transportation.

## **State of Wisconsin Claims Board**

**January 22, 1971.**

**Mr. William P. Nugent**  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin

Dear Mr. Nugent: The State Claims Board is submitting the two attached reports to you in accordance with the provisions of Section 16.007 of the statutes covering claims heard by it.

The Board is preparing a bill on the award made under the provisions of s. 16.007, Wisconsin Statutes, and will submit it to the Joint Finance Committee for legislative introduction. The award made under the provisions of s. 16.008 has been paid directly to Dane County.

These reports are for the information of the Legislature. The Board would appreciate your acceptance and spreading of them upon the journal to inform the members of the

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Legislature as to the nature of the claims which come before the Board for its consideration.

Sincerely,

**DONALD STERLINSKE,**  
Secretary.

**BEFORE THE CLAIMS BOARD OF WISCONSIN**

A hearing was held at Madison, Wisconsin, on June 3, 1970, upon the following claim.

Dane County claims \$7,174.78 as reimbursement for costs incurred on February 12, 1970, in providing extraordinary police services for the preservation of order and protection of State property in the vicinity of the Madison Campus of the University of Wisconsin. This protection was requested by University officials to quell disturbances during placement interviews by General Electric Corporation and incurred prior to the effective date of Chapter 374, Laws of 1969, which created Section 16.008 of the Wisconsin Statutes.

In view of the fact that the state has a duty to provide protection for University students as well as protection for state property, the claim in the adjusted amount of \$6,403.15 is one which the state on equitable principles should assume and pay.

Dated at Madison, Wisconsin, this 20th day of January, 1971.

**WALTER G. HOLLANDER,**  
Chairman, Senate Committee  
on Finance.

**BYRON F. WACKETT,**  
Chairman, Assembly Committee  
on Finance.

**DONALD STERLINSKE,**  
Representative of the Secretary  
of Administration.

**RICHARD R. MALMGREN,**  
Representative of the Governor.

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### BEFORE THE CLAIMS BOARD OF WISCONSIN

A hearing was held at Madison, Wisconsin, June 3, 1970, upon the following statement of charges submitted to the Board on behalf of Dane County.

Pursuant to Section 16.008, Wisconsin Statutes, Dane County claims \$5,691.85 as reimbursement for special charges incurred on February 13 and 19, 1970, in providing extraordinary police services at the request of University of Wisconsin officials in the vicinity of state-owned property for the purpose of the protection and preservation of such state property. Campus disturbances were caused by protestors objecting to placement interviews by General Electric on February 13 and by the commencement of an unauthorized strike by University teaching assistants on February 19, 1970. Excepting for an adjustment in determining fringe costs and vehicle damage previously reimbursed, payment of the claim in the amount of \$5,218.13 is one which is proper and should be allowed and paid as authorized by such section.

Dated at Madison, Wisconsin, this 20th day of January, 1971.

WALTER G. HOLLANDER,  
Chairman, Senate Committee  
on Finance.

BYRON F. WACKETT,  
Chairman, Assembly Committee  
on Finance.

DONALD STERLINSKE,  
Representative of the Secretary  
of Administration.

RICHARD R. MALMGREN,  
Representative of the Governor.

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### 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:

Assembly Joint Resolution 15

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**MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Assembly Joint Resolution 15**

**Relating to life and public service of Benjamin Tremain.**

**Read and concurred in by unanimous rising vote.**

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**TODAY'S CALENDAR**

**Senate Bill 21**

To appropriate \$1,239.50 from the general fund for payment of a claim made by Charles Androsky against the State.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Hollander, with unanimous consent, the bill was considered for final action at this time.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 25; noes, 4; absent or not voting, 3; as follows:

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

Noes—Senators Johnson, Knutson, Parys and Peloquin—4.

Absent or not voting—Senators Heinzen, Swan and Thompson—3.

So the bill passed.

**Senate Bill 22**

To appropriate \$1,544 from the general fund for payment of a claim made by Mrs. Richard Patterson against the State.

Read a second time.

The bill was ordered to a third reading.

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Upon motion of Senator Hollander, with unanimous consent, the bill was considered for final action at this time.  
Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 27; noes, 2; absent or not voting, 3; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Risser, Roseleip, Schuele, Soik, Steinhilber and Whittow—27.

Noes—Senators Parys and Peloquin—2.

Absent or not voting—Senators Heinzen, Swan and Thompson—3.

So the bill passed.

### Senate Bill 23

To appropriate \$10,000 from the general fund for payment of a claim made by Jerry Lee Hohlt against the State.

Read a second time.

The bill was ordered to a third reading.

Senator Hollander asked unanimous consent that the bill be considered for final action.

Senator Murphy objected.

### Senate Bill 24

To appropriate \$1,208.34 from the conservation fund for payment of a claim made by the town of Geneva, Walworth county, against the State.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Hollander, with unanimous consent, the bill was considered for final action at this time.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 27; noes, 2; absent or not voting, 3; as follows:

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

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Dorman, Frank, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Risser, Roseleip, Schuele, Soik, Steinhilber and Whittow—27.

Noes—Senators Parys and Peloquin—2.

Absent or not voting—Senators Heinzen, Swan and Thompson—3.

So the bill passed.

### **Senate Bill 25**

To appropriate \$2,523.91 from the highway fund for payment of a claim made by the city of Milwaukee against the State.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Hollander, with unanimous consent, the bill was considered for final action at this time.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 3; as follows:

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

Noes—None.

Absent or not voting—Senators Heinzen, Swan and Thompson—3.

So the bill passed.

### **Senate Bill 26**

To appropriate \$604 from the general fund for payment of a claim made by John F. Buckley, executor of the estate of John P. Buckley, deceased, against the State.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Hollander, with unanimous consent, the bill was considered for final action at this time.



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Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 3; as follows:

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

Noes—None.

Absent or not voting—Senators Heinzen, Swan and Thompson—3.

So the bill passed.

### Senate Bill 64

To appropriate \$1,445.73 from the general fund to Linda Radtke to refund to her state inheritance taxes erroneously paid in that amount on the transfer of property from the estate of her deceased former husband, when such property was not subject to Wisconsin inheritance taxation.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Hollander, with unanimous consent, the bill was considered for final action at this time.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 3; as follows:

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

Noes—None.

Absent or not voting—Senators Heinzen, Swan and Thompson—3.

So the bill passed.

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### Senate Bill 65

To appropriate \$1,191.49 from the general fund to Marjorie F. Klein, executrix of the estate of Oliver F. Klein, deceased, to refund to her state inheritance taxes erroneously paid in that amount on the transfer of property not subject to Wisconsin inheritance taxation.

Read a second time.

The bill was ordered to a third reading.

Upon motion of Senator Hollander, with unanimous consent, the bill was considered for final action at this time.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 3; as follows:

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

Noes—None.

Absent or not voting—Senators Heinzen, Swan and Thompson—3.

So the bill passed.

Upon motion of Senator Hollander, with unanimous consent, all actions of the senate were ordered immediately messaged to the assembly.

Upon motion of Senator Busby, with unanimous consent, the senate returned to the fifth order of business.

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## COMMITTEE REPORTS

The committee on Judiciary reports and recommends for introduction:

### Senate Bill 99

Relating to 3 additional circuit court branches in the 2nd judicial circuit (Milwaukee County) and 3 additional branches for the Milwaukee county court.

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**Introduction; Ayes, 5; Noes, 0.**

**Read first time.**

**Referred to committee on Judiciary.**

### **Senate Bill 100**

**Relating to the elimination of one branch of the Douglas county court.**

**Introduction; Ayes, 4; Noes, 1.**

**Read first time.**

**Referred to committee on Judiciary.**

### **Senate Bill 101**

**Relating to the elimination of one branch of the Waupaca county court.**

**Introduction; Ayes, 5; Noes, 0.**

**Read first time.**

**Referred to committee on Judiciary.**

### **Senate Bill 102**

**Relating to one additional circuit court branch for the 22nd judicial circuit.**

**Introduction; Ayes, 5; Noes, 0.**

**Read first time.**

**Referred to committee on Judiciary.**

### **Senate Bill 103**

**Relating to one additional circuit court branch of the 9th judicial circuit.**

**Introduction; Ayes, 5; Noes, 0.**

**Read first time.**

**Referred to committee on Judiciary.**

### **Senate Bill 104**

**Relating to one additional county court branch in Eau Claire county.**

**Introduction; Ayes, 5; Noes, 0.**

**Read first time.**

**Referred to committee on Judiciary.**

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### **Senate Bill 105**

Relating to one additional county court branch in Outagamie county.

Introduction; Ayes, 5; Noes, 0.

Read first time.

Referred to committee on Judiciary.

### **Senate Bill 106**

Relating to one additional county court branch in Dane county.

Introduction; Ayes, 5; Noes, 0.

Read first time.

Referred to committee on Judiciary.

### **Senate Bill 107**

Relating to one additional county court branch in Waukesha county.

Introduction; Ayes, 5; Noes, 0.

Read first time.

Referred to committee on Judiciary.

### **Senate Bill 108**

Relating to one additional county court branch in Rock county.

Introduction; Ayes, 5; Noes, 0.

Read first time.

Referred to committee on Judiciary.

### **Senate Bill 109**

Relating to one additional county court branch in Racine county.

Introduction; Ayes, 5; Noes, 0.

Read first time.

Referred to committee on Judiciary.

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**And further recommends:**

### **Senate Bill 34**

**Relating to taxation of express companies on local tax rolls.**

**Passage; Ayes, 5; Noes, 0.**

**ALLEN J. BUSBY,  
Chairman.**

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**Upon motion of Senator Johnson the senate adjourned until 9:30 A.M., Wednesday, January 27, 1971.**

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## **INTRODUCTION OF GUESTS**

**Senator Risser introduced 50 children of the 5th grade of Spring Harbor School, Madison, and their teachers, Mrs. Ferstl and Mr. Cramer.**

**Senator Keppler introduced Mr. and Mrs. Murphy, of Cuyahoga Falls, Ohio.**

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## **CHIEF CLERK'S REPORT**

**The chief clerk records:**

### **Senate Bill 69**

**Correctly enrolled and presented to the Governor on Tuesday, January 26, 1971.**

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**CHIEF CLERK'S CORRECTIONS**

**suggested by Legislative Reference Bureau**

**Senate Bill 43**

On page 5, delete lines 1 to 5.

On page 14, line 9, change "transfered" to "transferred".

On page 15, line 1, change "transfered" to "transferred".

**Senate Bill 52**

On page 2, line 16, substitute "ameliorate" for "ameilorate".

**Senate Bill 74**

On page 1, line 20, after "Day" insert "(").