

STATE OF WISCONSIN

Senate Journal

Eightieth Session

THURSDAY, June 17, 1971.

8:30 o'clock A.M.

The senate met.

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

The prayer this morning was offered by Father John Gebhard, Pastor of Immaculate Heart of Mary Catholic Church of Madison.

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

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

Absent—Senators Devitt, Lipscomb and Thompson—3.

Absent with leave—Senators Knowles and Schuele—2.

LEAVES OF ABSENCE

By request of Senator LaFave, with unanimous consent, he was granted a leave of absence for one hour and fifteen minutes.

By request of Senator Keppler, with unanimous consent, Senator Johnson was granted a leave of absence until 2:00 P.M.

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By request of Senator Swan, with unanimous consent, he was granted a leave of absence from 10:45 A.M. to 12:30 P.M.

Senator Keppler asked unanimous consent to withdraw **Senate Joint Resolution 46** from the calendar of June 8 and consider it for action at this time.

Senator Risser objected.

Senator Keppler moved to suspend the rules and withdraw **Senate Joint Resolution 46** from the calendar of June 18 and consider it for action at this time.

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, Dorman, Frank, Heinzen, Hollander, Kendziorski, Keppler, Knutson, Krueger, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan and Whittow—26.

Absent—Senators Devitt, Lipscomb and Thompson—3.

Absent with leave—Senators Johnson, Knowles, LaFave and Schuele—4.

The sergeant was directed to locate the absent members.

RULING OF THE CHAIR

On Thursday, June 10, 1971 **Senate Bills 163** and **255** were withdrawn from joint committee on Finance and placed on the calendar. Senator Risser raised the same point of order on both bills; that is, That each had a substantial fiscal note and therefore require an emergency clause.

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16.47 (2) states "no bill affecting the general fund and containing an appropriation or increasing the cost of state government or decreasing state revenues shall be passed by either house until the general fund budget bill has passed both houses;" unless an emergency statement is attached by the Governor or the joint committee on Finance.

Therefore, the chair finds the point of order well taken and these two bills shall be placed on the first calendar after passage of the budget bill unless an emergency statement is attached prior to that time.

MARTIN J. SCHREIBER,
Lieutenant Governor.

Senator Keppler appealed the ruling of the chair.

Senator Risser move 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, Kendzierski, Keppler, Knutson, Krueger, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan and Whittow—27.

Absent—Senators Lipscomb and Thompson—2.

Absent with leave—Senators Johnson, Knowles, LaFave and Schuele—4.

Senator Peloquin asked unanimous consent to withdraw **Assembly Joint Resolution 48** from the committee on Governmental and Veterans' Affairs and consider it for action at this time.

Senator Roseleip objected.

Senator Peloquin moved to suspend the rules and withdraw **Assembly Joint Resolution 48** from the committee on Governmental and Veterans' Affairs and consider it for action at this time.

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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, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knutson, Krueger, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan and Whittow—28.

Absent—Senators Lipscomb and Thompson—2.

Absent with leave—Senators Knowles, LaFave and Schuele—3.

Senator Peloquin asked unanimous consent to raise the call of the senate.

Senator Keppler objected.

Upon motion of Senator Keppler, with unanimous consent, the senate stood informal under call until 12:15 P.M.

8:50 A.M.

8:55 A.M.

The senate reconvened, by request of the Senate Organization Committee.

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

By request of Senator Keppler, with unanimous consent, all three calls of the senate were raised.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 12:15 P.M.

RECESS

1247

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12:15 P.M.

The senate reconvened.

LEAVES OF ABSENCE

By request of Senator Keppler, with unanimous consent, Senator Soik was granted a leave of absence for the remainder of the morning's session.

By request of Senator Bidwell, with unanimous consent, he was granted a leave of absence at 5:30 P.M. for the balance of the day's session.

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

By request of Senator Lipscomb, with unanimous consent, the journal will show he was present immediately after 9:00 A.M.

By request of Senator Keppler, with unanimous consent, the senate proceeded to the second, fourth, fifth, sixth, seventh and eighth orders of business only.

AMENDMENTS OFFERED

Senate substitute amendment 1 to Senate Joint Resolution 60 by Senator Thompson.

Senate amendment 2 to Assembly Bill 414 by Senator Hollander.

Senate amendment 3 to Assembly Bill 414 by Senator Hollander.

Senate amendment 4 to Assembly Bill 414 by Senator Cirilli.

Senate amendment 5 to Assembly Bill 414 by Senator Cirilli.

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Senate amendment 1 to Senate Bill 175 by Senator McKenna.

Senate amendment 4 to senate substitute amendment 2 to Senate Bill 213 by Senator Thompson.

Senate amendment 1 to Senate Bill 263 by Senator Parys.

Senate amendment 2 to Senate Bill 518 by Senator Cirilli, by request of Representative Korpela.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 594

Relating to various changes in the laws regulating cosmetology and the licensing of cosmetologists.

By Senators Devitt, LaFave, Heinzen, Soik and Keppler; co-sponsored by Representatives Conradt, Schwefel, Bolle, Orlich, Kafka, Looby, Early, Wilger, Mato, Mielke, Alberts, Schroeder and Ferrall, by request of The Wisconsin Hairdressers and Cosmetologists Association and The Wisconsin Association of Cosmetology Schools with the approval of the State Cosmetology Council, Cosmetology Division, Division of Health, Department of Health and Social Services.

To committee on Health and Social Services.

Senate Bill 595

An act to repeal, renumber and amend various provisions of the statutes and session laws for the purpose of correcting errors, clarifying language, correcting titles of departments, officers and institutions, correcting references, renumbering for better location and arrangement, eliminating unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

By Senator Soik.

To joint committee on Revisions, Repeals and Uniform Laws.

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Senate Bill 596

Relating to referendum approval of low-rent public housing projects.

By Senator Swan; co-sponsored by Representatives Helgeson, Schowalter, Klicka, Atkinson and Lynn.

To committee on Housing and Urban Development.

Senate Bill 597

Relating to creation of a perinatal health care authority and regional councils and making an appropriation.

By Senators Devitt, Chilsen, Cirilli, LaFave, Heinzen, Lorge, Murphy, Keppler, Lipscomb, Soik, Martin, Schuele and Frank; co-sponsored by Representative Mielke.

To committee on Health and Social Services.

Senate Bill 598

Relating to separation benefits of teachers under the Milwaukee teachers retirement fund.

By Senators Busby and Whittow.

To joint Survey committee on Retirement Systems.

Senate Bill 599

Relating to school transportation in hazardous areas.

By Senator Dorman.

To committee on Education.

Senate Bill 600

Relating to lake improvement by town sanitary districts.

By Senator Dorman.

To committee on Housing and Urban Development.

COMMITTEE REPORTS

REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

Appendix to 1971 Senate Bill 417 and Senate Amendment 1

Recommendation

It would appear that many members of the State Teachers Retirement System and the Milwaukee Teachers Retirement Fund seriously erred when they neglected to become

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formula group members in 1966. This committee feels that these individuals should be given another opportunity to make the proper choice now that they realize their mistake. It is, therefore, the opinion of this committee that *passage of this bill and senate amendment 1 thereto would be 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 Education.

The committee on Health and Social Services reports and recommends:

Senate Bill 601

Relating to establishment and operation of a foster grand-parent program and granting rulemaking authority.

Introduction; Ayes, 5; Noes, 0.

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

Senate Bill 602

Relating to payment of aid to the blind, old-age assistance, medical assistance benefits and aid to the disabled and nursing home requirements.

Introduction; Ayes, 5; Noes, 0.

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

JAMES C. DEVITT,

Chairman.

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

Senate Bill 498

Relating to alterations in membership and the method of their selection of the Menominee Indians Committee and

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providing for alternate members and advisors to the committee.

Passage; Ayes, 4; Noes, 0.

Senate Bill 545

Relating to out-of-state travel by government employees.

Passage; Ayes, 4; Noes, 0.

Senate Bill 560

Relating to residence qualifications of electors.

Passage; Ayes, 4; Noes, 0.

Assembly Bill 130

Relating to residency qualifications for voting.

Adoption of senate substitute amendment 1; Ayes, 4; Noes, 0 and concurrence as amended; Ayes, 4; Noes, 0.

Assembly Bill 403

Authorizing the Milwaukee County Board to close the Milwaukee Law Library on Saturdays.

Concurrence; Ayes, 4; Noes 0.

GORDON W. ROSELEIP,
Chairman.

PETITIONS AND COMMUNICATIONS

Senate Petition 178

A petition by Edward J. Konkol for 27 residents of the 23rd Senatorial District to retain studded tires in Wisconsin.

Introduced by Senator Peloquin.

Read and referred to committee on Transportation.

Senate Petition 179

A petition of 228 signatures from the 7th Senatorial district urging the Wisconsin State Legislature to pass the United States Constitutional Amendment to lower the voting age to 18 in all elections. Submitted by the New Voter Coalition, a committee of the Van Buren Young Democrats.

Introduced by Senator Frank.

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

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Senate Petition 180

A petition by 308 residents of the 13th Senatorial District in full support of the Wisconsin Association of Rehabilitation Facilities' proposal to the Wisconsin State Legislature to increase the Vocational Rehabilitational budget by a sufficient amount to provide adequate training and education for the severely handicapped and mentally retarded of this state in local rehabilitation facilities.

Introduced by Senator McKenna.

Read and referred to committee on Health and Social Services.

EXECUTIVE COMMUNICATIONS

June 16, 1971.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Philip E. Lerman as a member of the Industry, Labor and Human Relations Commission, to serve for a term ending March 1, 1977.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

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

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 366,
Assembly Bill 377 and
Assembly Bill 381.

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Concurred in:

Senate Joint Resolution 70

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 366

Relating to compensation intervals for city officers.

By Representatives Rogers, Otte and Early, by request of the League of Wisconsin Municipalities.

Read first time.

Referred to committee on Governmental and Veterans' Affairs.

Assembly Bill 377

Relating to abandoned property sales.

By Representatives Schowalter, Helgeson, Shabaz, Giese, Schneider and Merkel, by request of the League of Wisconsin Municipalities.

Read first time.

Referred to committee on Governmental and Veterans' Affairs.

Assembly Bill 381

Relating to reporting of snowmobile accidents.

By Representatives Alberts, LaFave, Giese, Sensenbrenner, Dorff and Ferrall; co-sponsored by Senators Devitt and LaFave.

Read first time.

Referred to committee on Transportation.

By request of Senator Keppler, with unanimous consent, the senate considered a Motion Under Joint Rule 26.

MOTION UNDER JOINT RULE 26

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

Whereas, the La Crosse Logan High School Baseball Team defeated Chippewa Falls, 4-1, to capture the 1971

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W.I.A.A. Baseball Tournament; and

Whereas, the Rangers, after early season difficulties resulting in a 4-7 record, finally came together and played up to their potential to sweep 8 straight tournament games; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Knutson and Representatives Roberts and Greider, under Joint Rule 26, do extend their sincere congratulations to the La Crosse Logan Rangers and Coach Bill Leonard and his assistants.

Read and adopted.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 2:00 P.M.

12:35 P.M.

RECESS

2:00 P.M.

The senate reconvened.

The question was: Shall Senate Joint Resolution 46 be withdrawn from the calendar of June 18 and considered for action at this time?

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, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser,

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Roseleip, Soik, Steinhilber, Swan, Thompson and Whittow
—31.

Absent—None.

Absent with leave—Knowles and Schuele—2.

Upon motion of Senator Risser, with unanimous consent,
the senate stood informal under call until 3:15 P.M.

2:15 P.M.

3:15 P.M.

The senate reconvened.

By request of Senator Keppler, with unanimous consent,
the appeal of the chair's ruling on Senate Bills 163 and 255
was laid on the table.

Senator Risser moved to amend the motion to take up
Senate Joint Resolution 46 at this time, to take it up im-
mediately following Assembly Joint Resolution 48.

Senator Keppler raised the point of order that the amend-
ment was not germane.

The chair ruled that the amendment was not a proper
amendment.

Senator Risser asked unanimous consent that Assembly
Joint Resolution 48 be withdrawn from the committee on
Governmental and Veterans' Affairs and taken up at this
time.

Senator Keppler objected.

Senator Risser moved that Assembly Joint Resolution 48
be withdrawn from the committee on Governmental and
Veterans' Affairs and be taken up at this time.

The chair ruled the motion of Senator Risser was be-
fore us.

Senator Risser moved that Assembly Joint Resolution 48
be considered before Senate Joint Resolution 46.

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Senator Keppler raised the point of order that a main motion was already on the floor and therefore Senator Risser's motion was out of order.

The chair ruled the point not well taken.

Senator Keppler appealed the ruling of the chair.

The chair ordered the senate to stand informal for five minutes.

3:30 P.M.

The senate was called to order.

Senator Keppler moved the current question.

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

Absent with leave—Senators Knowles and Schuele—2.

Senator Risser raised the point of order that the Senate Rules had not been adopted and that Senate Rule 76, relating to the current question, had not yet been established by precedent.

Senator Risser withdrew his point of order.

The question was: Shall the current question be put?

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The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting 2; as follows:

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

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

Absent—None.

Absent or not voting—Senators Knowles and Schuele—2.

The motion prevailed.

The question was: Shall the decision of the chair stand as the ruling of the senate?

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

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

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

Absent or not voting—Senators Knowles and Schuele—2.

The ruling of the chair was not sustained.

By request of Senator Risser, with unanimous consent, the senate stood informal under call for fifteen minutes.

4:00 P.M.

4:15 P.M.

The senate was called to order.

By request of Senator Risser, with unanimous consent, Senate Joint Resolution 46 was withdrawn from the calendar of June 18 and considered for action at this time.

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

Senate Joint Resolution 46

A joint resolution ratifying an amendment to the U. S. Constitution relating to voting of persons 18 and older.

Senate amendment 1 offered by Senator McKenna.

Senate amendment 1 to senate amendment 1 offered by Senator Swan.

Senator Johnson asked unanimous consent to table both amendments.

Senator Swan objected.

Senator Busby raised the point of order that neither amendment was germane.

The chair ruled the point of order well taken.

The question was: Adoption of Senate Resolution 46?

Senator Johnson moved the current question.

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.

Senator Johnson withdrew his motion on the current question.

Senator Risser withdrew his motion for a call of the senate.

By request of Senators Busby, Chilsen, Dorman, Frank, Hollander, Keppler, Lorge, McKenna, Martin, Murphy, Soik, Steinhilber and Thompson they were made co-authors of Senate Joint Resolution 46.

Senator Kendziorski in the chair.

4:45 P.M.

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Senate Joint Resolution 46

The ayes and noes were demanded and the vote was: ayes, 24; noes, 5; absent or not voting, 2; paired, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Devitt, Dorman, Frank, Hollander, Johnson, Keppler, Krueger, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Soik, Steinhilber, Thompson and Whittow—24.

Noes—Senators Kendzierski, Knutson, Lourigan, Roseleip and Swan—5.

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

Paired—Senator Knowles paired for adoption of Senate Joint Resolution 46, Senator Heinzen paired against adoption—2.

So the resolution was adopted.

By request of Senator Keppler, with unanimous consent, Senate Joint Resolution 46 was immediately messaged.

Senator Keppler moved to adjourn to 8:30 A.M., Friday, June 18.

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 Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendzierski, Keppler, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent—None.

Absent with leave—Senators Bidwell, Cirilli, Knowles and Schuele—4.

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AMENDMENTS OFFERED

Senate amendment 5 to Senate Bill 336 by Senator Heinzen.

Senate substitute amendment 1 to Senate Bill 442 by Senator Hollander.

Senate amendment 1 to Senate Bill 457 by Senator Swan.

Senate amendment 6 to Assembly Bill 414 by Senator Hollander.

Senate amendment 7 to Assembly Bill 414 by Senator Hollander.

Senate amendment 8 to Assembly Bill 414 by Senator Hollander.

Senate amendment 9 to Assembly Bill 414 by Senator Heinzen.

By request of Senator Keppler, with unanimous consent, the senate stood informal under call until 6:15 P.M.

6:15 P.M.

The senate reconvened.

The president of the senate in the chair.

Senator Devitt asked unanimous consent to withdraw Assembly Joint Resolution 48 from the committee on Governmental and Veterans' Affairs and consider it for action at this time.

Senator Keppler objected.

By request of Senator Risser, with unanimous consent, the senate adjourned until 8:30 A.M., Friday, June 18.

6:20 P.M.

INTRODUCTION OF GUESTS

Senator Swan introduced Mr. and Mrs. Alan W. Dunwiddle, Sr., Janesville, Wisconsin.

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Senator Steinhilber introduced Mr. Jay Albee, Maple Flooring Manufacturers' Association, Oshkosh, Wisconsin.

Senator Lorge introduced Mrs. Peter H. Ziegler and daughter, Agnes Zimbrick, of Waunakee, Wisconsin.

Senator Devitt introduced the following Superintendents of Schools: Mr. Merton Bowyed, Whitnall, Mr. Clarence Alender, Greenfield, Mr. Harry Guzniczak, Franklin and Dr. William Knapp, Greendale, Wisconsin.

Senator Soik introduced Mr. and Mrs. George Hoefs and Miss Marion Weyer, Whitefish Bay, Wisconsin.

Senator Whittow introduced Mrs. C. Kendziorski, Milwaukee, Wisconsin.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 124,
Senate Bill 141,

Senate Bill 158 and
Senate Bill 330.

Correctly enrolled and presented to the Governor on Wednesday, June 16, 1971.

The chief clerk records:

Senate Bill 32

Correctly enrolled and presented to the Governor on Thursday, June 17, 1971.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 553

On page 2, line 13, after "3." insert "20.165 (2) (hw) of the statutes is created to read:".

Senate Bill 573

On page 3, line 12, substitute "or" for the second "of".

On page 3, line 22, after "be" insert "are".

On page 6, line 21, substitute "license" for "licensed".

Senate Bill 574

On page 43, line 21, change "not" to "nor".