

STATE OF WISCONSIN

Senate Journal

Eightieth Session

WEDNESDAY, June 30, 1971.

8:30 o'clock A.M.

The senate met.

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

Prayer this morning was offered by the Reverend Lawrence Gruman of The First Congregational Church of Madison.

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, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Lorge—1.

Upon motion of Senator Risser, with unanimous consent, the senate recessed until 9:40 A.M.

8:40 A.M.

RECESS

9:40 A.M.

The senate reconvened.

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President of the senate in the chair.

By request of Senators McKenna, Martin, Lipscomb, Peloquin, Lourigan, Frank, Schuele, Dorman, Thompson, and Whittow, with unanimous consent, they were made co-authors of senate amendment 2 to senate substitute amendment 1 to Assembly Bill 414.

COMMITTEE REPORT

REPORT OF JOINT SURVEY COMMITTEE ON TAX EXEMPTIONS

Appendix to Senate Bill 405

Public Policy Involved

This bill is desirable public policy for three reasons. First it makes royalty income apportionable income, thus paralleling it with research and development costs which are generally treated as apportionable expenses. Secondly, it makes the gain or loss on the redemption of a corporation's own bonds apportionable income. Presently, this gain or loss is considered income which follows the residence of the corporation and is not apportionable. Thus this change would neutralize some of the tax advantages foreign corporations now enjoy. Thirdly, the bill adjusts the filing provisions for declarations for both corporations and individuals to more closely conform to federal law.

Respectfully submitted,

JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

HARVEY L. DUEHOLM,
Chairman.

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

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PETITIONS AND COMMUNICATIONS

Senate Petition 190

A petition by 1425 residents of Wisconsin against the repeal of Wisconsin's full (safe) crew law.

Introduced by Senator LaFave.

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 adopted and asks concurrence in:

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representatives LaFave and Boeckmann; co-sponsored by Senators LaFave and Keppler for the Peshtigo and Kohler High School Track Teams on being co-champions in the W.I.A.A. track meet.

Passed and asks concurrence in:

Assembly Bill 203 and

Assembly Bill 361.

Concurred in:

Senate Bill 219.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representatives LaFave and Boeckmann; co-sponsored by Senators LaFave and Keppler for the Peshtigo and Kohler High School Track Teams on being co-champions in the W.I.A.A. track meet.

Read and concurred in.

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Assembly Bill 203

Relating to issuance of licenses to bartenders who are residents of counties bordering on Wisconsin.

By Representative Korpela; co-sponsored by Senator Cirilli.

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

Assembly Bill 361

Relating to registration of mineral rights separate from surface fee ownership and providing a registration fee.

By Representatives Korpela, Anderson, Day, Stack, Slaby and Earl; co-sponsored by Senators Risser, Cirilli and LaFave.

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

MOTIONS UNDER JOINT RULE 26

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

Whereas, Daniel B. Fast, a widely known Marinette optometrist, was named national "Optometrist of the Year" on June 24, 1971; and

Whereas, Mr. Fast received the Wisconsin title in April and has made many outstanding contributions to his community and this state; and

Whereas, the honor accorded to Mr. Fast is indeed appropriate; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator LaFave and Representative LaFave, under Joint Rule 26, do express their sincere congratulations to Daniel B. Fast on this great occasion.

Read and adopted.

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

Whereas, Marsha Ann Lindsay, 19, of Manawa, was

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named "Alice in Dairyland" at the 1971 pageant held at Peshtigo; and

Whereas, Miss Lindsay, an honor student, attended WSU-Stevens Point majoring in communications and in 1969 was named "Outstanding Teenager of America"; and

Whereas, the choice of Miss Lindsay to represent Wisconsin's dairy industry throughout the state and nation is surely a wise decision; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators LaFave and Lorge and Representative Conradt, under Joint Rule 26, do express their sincere congratulations to Marsha Ann Lindsay on this great occasion.

Read and adopted.

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Assembly Bill 414

Relating to state finances and appropriations constituting the executive budget bill of the 1971 legislature, and making appropriations.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1 to Assembly Bill 414?

Senator Hollander moved rejection.

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, Knowles, Knutson, Krueger, Lipscomb, Lotto, Lourigan,

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McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent—Senator LaFave—1.

Absent with leave—Senator Lorge—1.

Senator Johnson asked unanimous consent that the call of the senate be raised.

Senator Risser objected.

By request of Senator Johnson, with unanimous consent, the senate stood informal pending the return of Senator LaFave.

10:40 A.M.

10:42 A.M.

The senate reconvened.

The question was: Rejection of senate amendment 2 to senate substitute amendment 1 to **Assembly Bill 414?**

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; 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, Frank, Kendziorski, Lipscomb, Lourigan, McKenna, Martin, Peloquin, Risser, Schuele, Thompson and Whittow—13.

Absent or not voting—Senator Lorge—1.

So the motion prevailed.

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

Senate amendment 3 to senate substitute amendment 1 offered by Senators Risser, Peloquin, Kendziorski, Lourigan, Martin and Frank.

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Senate amendment 4 to senate substitute amendment 1 offered by Senators McKenna, Thompson, Martin, Risser, Lourigan, Dorman and Peloquin.

Senator McKenna asked unanimous consent to consider amendment 4 prior to amendment 3.

Senator Johnson objected.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1 to **Assembly Bill 414?**

Senator Heinzen moved rejection.

Senator Johnson 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, Kendzierski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan, Thompson and Whitow—31.

Absent—Senator Roseleip—1.

Absent with leave—Senator Lorge—1.

By request of Senator Johnson, with unanimous consent, the senate stood informal pending the return of Senator Roseleip.

11:20 A.M.

11:30 A.M.

The senate reconvened.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1 to **Assembly Bill 414?**

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The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

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

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

Absent or not voting—Senator Lorge—1.

So the motion prevailed.

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

Upon motion of Senator Johnson, with unanimous consent, the senate recessed until 2:15 P.M.

11:55 A.M.

RECESS

2:15 P.M.

The senate reconvened.

By request of Senator Johnson, with unanimous consent, the senate stood informal.

2:23 P.M.

2:30 P.M.

The senate reconvened.

By request of Senator Risser, with unanimous consent, all discussion and consideration of amendments to the budget bill were temporarily laid aside so that discussion could be directed toward the entire budgetary question.

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Senator Kendzierski in the chair.

2:35 P.M.

QUORUM CALL

Senator Keppler called the attention of the chair to the possible lack of a quorum.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Hollander, Johnson, Kendzierski, Keppler, Knowles, Krueger, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent—Senators Heinzen, Knutson and LaFave—3.

Absent with leave—Senator Lorge—1.

A quorum was present.

Senator Johnson moved rejection of senate amendment 4 to senate substitute amendment 1.

QUORUM CALL

Senator Whittow called the attention of the chair to the possible lack of a quorum.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Johnson, Kendzierski, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent—Senators Devitt, Knutson and Peloquin—3.

Absent with leave—Senator Lorge—1.

A quorum was present.

President pro tempore in the chair.

3:25 P.M.

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QUORUM CALL

Senator Risser called the attention of the chair to the possible lack of a quorum.

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, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Lorge—1.

A quorum was present.

By request of Senator Schuele, with unanimous consent, the senate recessed until 4:20 P.M.

3:55 P.M.

RECESS

4:20 P.M.

The senate reconvened.

The question was: Rejection of senate amendment 4 to senate substitute amendment 1 to Assembly Bill 414?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

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

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

Absent or not voting—Senator Lorge—1.

The motion prevailed.

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Senator Risser moved reconsideration of the vote by which senate amendment 4 was rejected.

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, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Lorge—1.

President of the senate in the chair.

4:40 P.M.

By request of Senator Bidwell, with unanimous consent, the senate stood informal until 4:55 P.M.

4:42 P.M.

4:55 P.M.

The senate reconvened.

The question was: Reconsideration of the vote by which senate amendment 4 to senate substitute amendment 1 to Assembly Bill 414 was rejected?

The ayes and noes were required and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes—Senators Busby, Dorman, Frank, Kendziorski, LaFave, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—15.

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

Absent or not voting—Senator Lorge—1.

The motion did not prevail.

By request of Senator Johnson, with unanimous consent, the senate returned to the second, fourth, sixth, and ninth orders of business.

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 265 by Senator Hollander.

Senate amendment 1 to Senate Joint Resolution 71 by Senator Soik.

Senate amendment 5 to senate substitute amendment 1 to Assembly Bill 414 by Senators Lourigan, McKenna, Pelouquin and Martin.

Senate amendment 1 to senate amendment 16 to Assembly Bill 414 by Senator Hollander, by request of Northwestern Mutual Life Insurance Company.

Senate amendment 6 to senate substitute amendment 1 to Assembly Bill 414 by Senator McKenna.

Senate amendment 7 to senate substitute amendment 1 to Assembly Bill 414 by Senator Risser.

Senate amendment 8 to senate substitute amendment 1 to Assembly Bill 414 by Senator Risser.

Senate amendment 28 to Assembly Bill 414 by Senator Knowles, by request of Wisconsin Association of Municipal Homes.

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BILLS INTRODUCED

Read first time and referred:

Senate Bill 646

Relating to correction of school tax levies to reflect annexation changes.

By Senators Heinzen and Thompson; co-sponsored by Representative O'Malley.

To committee on Education.

PETITIONS AND COMMUNICATIONS

Senate Petition 191

A petition by 136 citizens of the 32nd district opposing the revision of shared taxes as proposed under the Budget Bill (Assembly Bill 414).

Introduced by Senator Knutson.

Read and referred to joint committee on Finance.

MOTIONS

By request of Senator LaFave, with unanimous consent, Senate Bill 636 was withdrawn from the committee on Natural Resources and returned to the author.

RULING OF THE CHAIR

On Thursday, June 24th, the senate was considering a citation under Joint Rule 26 relating to captive nations. Senator Robert Knowles raised the point of order that this was not a proper subject for a citation under Joint Rule 26 because it may be controversial.

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It is apparent after reviewing the rules and precedence previously established regarding Joint Rule 26 that this rule was never intended as a vehicle to be used in bringing controversial issues before the senate body for debate.

On April 6, 1967, Lt. Governor Jack Olson ruled:

"The Chair's opinion is that the Legislature has provided a very simple and convenient means of recognizing special occasions of a non-controversial nature apart from the normal legislative process. To rule otherwise would destroy this procedure."

Senate Journal page 486.

Senate Rule 26 (8) states: "Citations may not be used for procedural matters nor in place of resolutions memorializing Congress, but only when appropriate to express the feeling of the house or of the Legislature with reference to a person or an event."

Other parts of this rule state that these citations may be used in place of resolutions for commendations, congratulations and condolences, and that the name of the particular person or particular occasion shall be provided to the chief clerk who shall request the Legislative Reference Bureau to draw a suitable citation.

The rules and procedure of the Wisconsin State Senate clearly show that a controversial issue is not a proper subject for a Joint Rule 26 Citation.

The chair, however, does not feel that it is within his prerogative to designate what is and what is not controversial. To so designate is a privilege of the senate and the chair should not usurp that privilege.

The senate, when a point of order is raised as to the controversial nature of a Joint Rule 26, should by majority vote determine whether or not the content of such citation is controversial.

MARTIN J. SCHREIBER,
Lieutenant Governor.

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MOTIONS UNDER JOINT RULE 26

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

Whereas, over one billion innocent people in the world have been subjugated to the force of World Communism during the last fifty years, and

Whereas, these people hail from no less than twenty-seven captive nations behind the Iron, Bamboo, and Sugar Curtains, and

Whereas, the Congress of the United States in July, 1959 recognized the existence of Captive Nations and authorized the celebration of Captive Nations Weeks as a tribute to those enslaved nations and people around the world deprived of elementary freedoms and liberties, and

Whereas, the spirit of freedom fights ever onward in the hearts and minds of these Captive Nations and peoples; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Devitt and Lourigan and Representative Stalbaum, under Joint Rule 26, do commend and encourage the Captive Nations on their fight for freedoms from the tyrannous forces of world communism, and take solemn pause to observe the annual Captive Nations Week celebration to be held on Sunday, July 18, 1971 in Kenosha, Wisconsin.

Read and adopted.

Ordered immediately messaged.

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

Whereas, the Village of Westby and Vernon County have lost a good citizen in the death of Victor Bakke at age 60. Some measure of the high regard his neighbors had for Mr. Bakke was the 25 years of tenure they voted him on the county board. He was an active leader in Boy Scout affairs for 21 years. His interest in youth and his lifelong devotion to conservation combined to help hundreds of future citizens achieve a deeper respect for the world we live in. A Cub Scout troop project led him into the mass production of

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bluebird houses. Victor Bakke was a friendly man and unassuming. His community was a better place for his having lived in it; he will be missed; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Knutson and Representative Lewison, under Joint Rule 26, do hereby extend their sincere sympathy and condolences to the Victor Bakke family.

Read and adopted.

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

Whereas, Tom Terris of Milwaukee long dreamed of restoring beauty to a segment of the Milwaukee River to make it a scenic showplace, and now he has made that dream come true by buying up an old riverside junkyard and transformed the site into a Midwest showcase for people to come by land and water to enjoy the decor and wonderful view of the river and its beautified surroundings; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Whittow and Parys and Representative Bultman, under Joint Rule 26, extend to Tom Terris sincere congratulations on the festive opening of his unique Riverboat Restaurant and Lounge and wish him and The Riverboat, Ltd. every success and many happy years on the banks of the Milwaukee River where Mr. Terris made his dream come true.

Read and adopted.

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

Whereas, on June 1, 1946, Clarice Davis and Ray Nereng were married at North Beaver Creek First Lutheran Church; and

Whereas, Mr. and Mrs. Nereng, lifelong residents of Blair in Trempealeau County, were honored by about 100 friends and family members on their silver wedding anniversary; and

Whereas, Mrs. Nereng is a dedicated elementary school teacher in the Blair school system and Mr. Nereng, in addi-

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tion to his business interests, is city clerk and treasurer of Blair; now therefore,

The members of the Wisconsin Legislature, on the motion of Senator Johnson and Representative Robertson, under Joint Rule 26, do extend their sincere congratulations to Mr. and Mrs. Nereng on this happy occasion and wish them many more years of happiness together.

Read and adopted.

Senator Chilsen introduced Miss Marsha Ann Lindsay, Wisconsin Alice in Dairyland, Manawa, Wisconsin, who was escorted to the podium by Senators Chilsen, Heinzen, Thompson and McKenna where she addressed the state senate.

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

Upon motion of Senator Johnson, with unanimous consent, the senate adjourned until 8:30 A.M., Thursday, July 1.

5:25 P.M.

INTRODUCTION OF GUESTS

Senator Dorman introduced Kevin Mahoney, Racine, Wisconsin.

Senator Chilsen introduced Debbie Kay Moser, Marathon County Dairy Princess, Wausau, Wisconsin.