

JOURNAL OF THE SENATE [September 10, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

FRIDAY, September 10, 1971.

9:00 o'clock A.M.

The senate met.

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

Prayer was offered by Senator Heinzen.

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

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

Absent—Senators LaFave and Thompson—2.

Absent with leave—Senators Cirilli and Whittow—2.

President of the senate in the chair.

9:05 A.M.

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 704 by Senator Soik.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 46

Directing the senate committee on Commerce, Labor, Taxation, Insurance and Banking to study fire insurance rates and practices.

Whereas, it appears that fire insurance rates are constantly increasing and fire insurance coverage is being canceled or not renewed though most fire protection services have scored significant gains in efficiency; and

Whereas, it seems that each item of added minutia by way of fire insurance coverage is quickly translated into a new and not-so-minute premium hike; and

Whereas, it may well be that property owners are paying more of their fire insurance premiums for salesmanship than for safety; now, therefore, be it

Resolved by the senate, That the senate committee on Commerce, Labor, Taxation, Insurance and Banking shall study fire insurance practices in this state, with particular heed to rate-making and amount of coverage offered per premium dollar and report its conclusions and recommendations thereon to the 1973 legislature when it convenes; and, be it further

Resolved, That staff and administrative services for this study shall be furnished by the legislative council.

By Senator Parys.
Read.

Senator Keppler moved that **Senate Resolution 46** be referred to senate committee on Finance.

The motion prevailed.

Senator Soik asked unanimous consent that **Senate Resolution 39** be considered for action at this time.

Senator Risser objected.

Senator Parys raised the point of order that the hour of 9:00 A.M. had approached and **Senate Bill 713** which had been made a special order of business at that hour was now properly before the senate.

The chair ruled the point of order well taken.

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By request of Senator Johnson, with unanimous consent, his appeal of the ruling of the chair was withdrawn.

QUORUM CALL

Senator Parys 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, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber and Swan—29.

Absent—Senators LaFave and Thompson—2.

Absent with leave—Senators Cirilli and Whittow—2

The question was: Shall senate substitute amendment 3 to Senate Bill 713 be adopted?

Senator Steinhilber moved rejection of senate substitute amendment 3.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 9; absent or not voting, 4; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, McKenna, Martin, Murphy, Peloquin, Roseleip, Soik and Steinhilber—20.

Noes—Senators Dorman, Frank, Kendziorski, Lipscomb, Lourigan, Parys, Risser, Schuele and Swan—9.

Absent or not voting—Senators Cirilli, LaFave, Thompson and Whittow—4.

The motion prevailed.

The question was: Shall Senate Bill 713 be ordered to a third reading?

Senator Risser raised the point of order that the pair on file, Senators Heinzen and LaFave, was not valid, because Senator LaFave did not have a leave of absence.

The chair ruled the point of order well taken pursuant to senate rule 74 (3).

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The ayes and noes were demanded and the vote was: ayes, 17; noes, 13; absent or not voting, 3; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Devitt, Hollander, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—17.

Noes—Senators Dorman, Frank, Heinzen, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele and Thompson—13.

Absent or not voting—Senators Cirilli, LaFave and Whittow—3.

The motion prevailed.

Senator Lorge moved reconsideration of the vote by which Senate Bill 713 was ordered to a third reading.

Upon motion of Senator Lorge, with unanimous consent, the senate recessed until 10:30 A. M.

10:00 A.M.

RECESS

10:30 A.M.

The senate reconvened.

By request of Senator Lorge, with unanimous consent, his motion for reconsideration was withdrawn.

By request of Senator Keppler, with unanimous consent, Senate Bill 713 was considered for final action at this time.

Senate Bill 713

Read a third time.

By request of Senator Risser, with unanimous consent, Senator Whittow was recorded as voting against passage on Senate Bill 713 on the official roll call vote.

LEAVE OF ABSENCE

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

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Senator Kendziorski in the chair.

10:55 A.M.

**Upon motion of Senator Risser, with unanimous consent,
the senate recessed until 11:40 A.M.**

11:15 A.M.

RECESS

11:40 A.M.

The senate reconvened.

Senator Dorman in the chair.

11:45 A.M.

QUORUM CALL

**Senator Peloquin 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, Devitt, Dorman, Frank,
Heinzen, Hollander, Johnson, Kendziorski, Keppler,
Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan,
Martin, Murphy, Parys, Peloquin, Roseleip, Schuele,
Soik, Steinhilber, Swan and Thompson—28.**

Absent—Senators McKenna and Risser—2.

**Absent with leave—Senators Cirilli, LaFave and Whit-
tow—3.**

President of the senate in the chair.

12:05 P.M.

The question was: Shall Senate Bill 713 pass?

**The ayes and noes were required and the vote was:
ayes, 17; noes, 13; absent or not voting, 1; paired, 2; as
follows:**

Ayes—Senators Bidwell, Busby, Chilsen, Devitt, Hollan-

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der, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—17.

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

Absent or not voting—Senator Cirilli—1.

Paired—Senator LaFave for passage, Senator Heinzen against passage—2.

So the bill passed.

By request of Senator Keppler, with unanimous consent, the bill was ordered immediately messaged.

Senator Keppler called the attention of the chair to the fact that **Senate Bill 213** was made a special order of business for today at 9:01 A.M. Therefore, the bill was now properly before the senate.

Senator Heinzen asked unanimous consent to consider senate substitute amendment 5 to **Senate Bill 213** at this time.

Senator Soik objected.

By request of Senator Heinzen, with unanimous consent, senate substitute amendment 2 to **Senate Bill 213** was laid aside.

The question was: Adoption of senate substitute amendment 3 to **Senate Bill 213**?

Senator Heinzen moved rejection of senate substitute amendment 3.

Senator Johnson asked unanimous consent that senate substitute amendment 3 be laid on the table.

Senator Devitt objected.

Senator Johnson moved that senate substitute amendment 3 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 9; absent or not voting, 3; as follows:

Ayes—Senators Bidwell, Busby, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Krueger, Lipscomb, Lorge, Lotto, McKenna, Martin, Parys, Peloquin,

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Risser, Schuele and Thompson—21.

Noes—Senators Chilsen, Knowles, Knutson, Lourigan, Murphy, Roseleip, Soik, Steinhilber and Swan—9.

Absent or not voting—Senators Cirilli, LaFave and Whit-tow—3.

The motion prevailed.

Senator Devitt moved reconsideration of the vote by which senate substitute amendment 3 was laid on the table.

By request of Senator Keppler, with unanimous consent, Senate Bill 213 was made a special order of business at 10:00 A.M. Tuesday, September 14.

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution 47

Calling upon the department of administration to direct its officers to enforce state capitol parking regulations in accordance with section 16.93 of the statutes.

Whereas, the parking situation at the state capitol and the present lack of adequate parking locations in the city of Madison present numerous problems and inconveniences for persons privileged to park their vehicles near the capitol; and

Whereas, section 16.93 of the statutes directs the department of administration to permit parking by authorized persons only; now, therefore, be it

Resolved by the senate, That the department of administration is called upon to direct its officers to enforce parking restrictions in accord with the letter and spirit of section 16.93 of the statutes, including restriction of special permits to those authorized in that section; and, be it further

Resolved, That all persons granted such parking privileges use them in the appropriate manner and not extend those privileges to persons not authorized by the statutes.

By Senators Parys and LaFave.

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Read and referred to committee on Senate Organization.

Senator Parys asked unanimous consent that Senate Resolution 47 be considered for action at this time.

Senator Risser objected.

Senator Parys moved that Senate Resolution 47 be considered for action at this time.

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

Ayes—Senators Bidwell, Busby, Devitt, Frank, Kendzior-ski, LaFave, Lipscomb, Lorge, Lourigan, McKenna, Parys, Peloquin, Schuele and Thompson—14.

Noes—Senators Chilsen, Dorman, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Lotto, Martin, Murphy, Risser, Roseleip, Soik, Steinhilber and Swan—17.

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

Less than two-thirds having voted in the affirmative, the motion did not prevail.

Senate Joint Resolution 93

Memorializing congress to call a convention for the purpose of proposing an amendment to the constitution of the United States.

By Senator Lipscomb.

Read and referred to committee on Judiciary.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 750

Relating to the authority to establish and regulate limited use roadways by cities, villages and counties.

By Senator LaFave.

To committee on Transportation.

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Senate Bill 751

Relating to eliminating the deadline for amending homestead tax relief claims and filing claims for homestead tax relief.

By Senator Parys.

To committee on Commerce, Labor, Taxation, Insurance and Banking.

Senate Bill 752

Relating to a requirement that printed portions of contracts be in at least 8-point type.

By Senators Lipscomb and Dorman, by request of attorney Ted S. Fins.

To committee on Judiciary.

Senate Bill 753

Relating to elimination of distribution of certain state taxes (shared taxes) and the state sales and use tax, reduction of individual income tax rates, elimination of various general purpose revenue aids to local units of government and expansion of tax powers of local units of government.

By Senator Parys.

To joint Survey committee on Tax Exemptions.

Senate Bill 754

Relating to mandatory imprisonment for homicide by negligent or intoxicated use of a vehicle or weapon.

By Senator Murphy.

To committee on Judiciary.

Senate Bill 755

Relating to property exempt from seizure or sale on execution.

By Senator Murphy.

To committee on Judiciary.

Senate Bill 756

Relating to credit card crimes, and establishing penalties.

By Senators Murphy, Hollander, McKenna, Risser, Kepler, Krueger, Busby and Frank; co-sponsored by Representatives Earl, Robertson, T. G. Thompson and Slaby.

To committee on Judiciary.

COMMITTEE REPORTS

The committee on Education reports and recommends:

The appointment by the Governor of Mr. David Carley, of Madison as a member of the University of Wisconsin Board of Regents, to succeed Gordon R. Walker, to serve for a term ending May 1, 1980.

Confirmation; Ayes, 5; Noes, 0.

Senate Joint Resolution 81

A joint resolution urging the educational communications board to operate the proposed state-wide educational television network in a specified manner.

Adoption; Ayes, 4; Noes, 1.

Senate Bill 699

Establishing a requirement that all territory in this state be in school districts operating both elementary and high school grades by July 1, 1975.

Passage; Ayes, 4; Noes, 1.

Assembly Bill 457

Relating to moving the educational approval board from the office of the state superintendent to the vocational, technical and adult education board.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 810

Relating to membership reports of school districts operating on a continuous school year.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 832

Relating to authorizing school boards to waive tuition requirements in anticipation of pupils becoming school district residents.

Concurrence; Ayes, 5; Noes, 0.

RAY F. HEINZEN,
Chairman.

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The committee on Commerce, Labor, Taxation, Insurance and Banking reports and recommends:

The appointment by the Governor of Abe Alk, of Green Bay, as a member of the Accounting Examining Board to succeed Donald Gill, to serve for a term ending July 1, 1976.

Confirmation; Ayes, 4; Noes, 0.

Senate Bill 191

Relating to alterations in homestead tax relief for persons over 65.

Passage; Ayes, 4; Noes, 0.

Senate Bill 208

Relating to utility tax distribution.

Passage; Ayes, 4; Noes, 0.

Senate Bill 327

Relating to revising present loan laws, establishing maximum rates of interest, prohibiting certain practices by loan companies and making an appropriation.

Adoption of senate amendment 1; Ayes, 5; Noes, 0; passage as amended; Ayes, 2; Noes, 2; indefinite postponement; Ayes, 2; Noes, 2 and without recommendation.

Senate Bill 356

Relating to homestead tax relief.

Passage; Ayes, 4; Noes, 0.

Senate Bill 608

Relating to the creation of a department of business development through the transfer of business related activities from the departments of agriculture, of local affairs and development and of natural resources, and transferring appropriations.

Passage; Ayes, 3; Noes, 1.

Senate Bill 692

Relating to unemployment compensation exemption for labor organization employees.

Indefinite postponement; Ayes, 3; Noes, 1.

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Assembly Bill 250

Relating to licensing of life insurance agents.

Concurrence; Ayes, 2; Noes, 2; nonconcurrence; Ayes, 2; Noes, 2 and without recommendation.

GERALD D. LORGE,
Chairman.

The committee on Transportation reports and recommends:

Senate Bill 721

Relating to various revisions concerning aeronautics.

Passage; Ayes, 5; Noes, 0.

Senate Bill 736

Relating to removal of parked vehicles from private parking lots and premises.

Passage; Ayes, 5; Noes, 0.

Assembly Bill 543

Relating to issuance of a temporary license to persons applying for a license who have previously been licensed in another state.

Concurrence; Ayes, 5; Noes, 0.

REUBEN LaFAVE,
Chairman.

**REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS**

Appendix to Senate Bill 58

Public Policy Involved

Because of the constitutional questions raised above, and since certain problems have been experienced by other states having similar programs, this committee is unable to give this bill an approving recommendation at this time. It is therefore recommended that this bill and its concept

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be studied by an interim committee of the Legislative Council in accordance with **Assembly Joint Resolution 92.**

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS**

HARVEY L. DUEHOLM,
Chairman.

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

Appendix to Senate Bill 576

Public Policy Involved

In 1965 it was the legislature's intent that Wisconsin simplify its income tax law by adopting as much of the federal income tax code as was possible. This bill is undesirable as a matter of public policy because it adds one more subtraction modification to the Wisconsin tax code and thus moves away from simplification. Adoption expenses are not deductible under federal tax law.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS**

HARVEY L. DUEHOLM,
Chairman.

Read and referred to joint committee on Finance.

Appendix to Senate Bill 605

Public Policy Involved

Many agency camps operate largely on funds received from multiple sources: federal, state and local governments and a variety of religious, charitable and educational organizations. All of these entities are tax exempt. Yet, under present law, the state in effect taxes contributions from these sources by taxing the campers' meals. Because it

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would remove this inconsistency, this bill is desirable as public policy.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS**

**HARVEY L. DUEHOLM,
Chairman.**

Read and referred to joint committee on Finance.

Appendix to Senate Bill 641

Public Policy Involved

Under current law, trees, vines and bushes are subject to tax: Their fruit is exempt. The portion which is taxed is a more or less permanent item, and is not comparable to exempt "growing crops" and nursery stock which are grown for sale or replanting at other locations. Horticultural trees, vines and bushes are decidedly part of a property's value, whether for assessment or for sale. This bill is undesirable as public policy.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS**

**HARVEY L. DUEHOLM,
Chairman.**

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 1160 and
Assembly Bill 1283.**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1160

Relating to the readoption of children adopted under court orders of other nations.

By Representative T. G. Thompson.

Read first time and referred to committee on Judiciary.

Assembly Bill 1283

Relating to 2-member board of review hearings.

By Representatives Otte, McEssy, Boeckmann, Froehlich and Wahner; co-sponsored by Senator Keppler.

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

Senator Steinhilber asked unanimous consent for a leave of absence for Friday, September 17.

Senator Risser objected.

Upon motion of Senator Keppler, with unanimous consent, the senate adjourned until 10:00 A.M. Tuesday, September 14.

12:45 P.M.

INTRODUCTION OF GUESTS

Senator Devitt introduced Florian and Angeline Michalski Greenfield, Wisconsin, and Kenneth Michalski, Sam, Connie, and Elizabeth Lopez, Escondido, California.

Senator Johnson introduced Dave LaFontaine, Duane Pulkrabek, and Peter R. Bibelhausen, Eau Claire, Wisconsin.