

JOURNAL OF THE SENATE [October 8, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

FRIDAY, October 8, 1971.

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 Reverend Paul A. Graf, Pastor, Lakeview Moravian Community Church, Madison.

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

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

Absent—Senators Devitt and Thompson—2.

Absent with leave—Senators Frank and LaFave—2.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 101

Requesting the governor to declare the Oconto County community of Mountain a disaster area.

By Senator LaFave.

Read and referred to the calendar.

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BILLS INTRODUCED

Read first time and referred:

Senate Bill 802

Relating to sales and use tax exemption for pollution control.

By Senators Cirilli, Krueger, Swan, Bidwell, Lorge, Whit-tow, Lourigan, Roseleip, Schuele, Soik, Martin and Parys.
To joint Survey committee on Tax Exemptions.

Senate Bill 803

Relating to prohibition on certain acts by fiduciaries.

By Senator Lipscomb.

To committee on Judiciary.

Senate Bill 804

Relating to filling vacancies in the office of county super-visors in populous counties.

By Senator Lipscomb.

To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

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

Assembly Bill 172

Relating to approval of proposed administrative rules by the appropriate standing committees of the Legislature.

Concurrence; Ayes, 5; Noes, 0.

GORDON W. ROSELEIP,
Chairman.

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

The appointment by the Governor of Richard E. Ellison as a member of the Real Estate Examining Board, to serve for a term ending July 1, 1977.

Confirmation; Ayes, 5; Noes, 0.

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Senate Resolution 25

Relating to a study of premium pricing for public and professional liability insurance.

Adoption; Ayes, 5; Noes, 0.

Senate Joint Resolution 83

Relating to implementing the Emergency Employment Act of 1971.

Rejection; Ayes, 4; Noes, 1.

Senate Bill 92

Relating to creating a minimum tax on domestic insurance companies, fraternal benefit societies and nonprofit service plans and eliminating personal property tax exemptions of insurance companies.

Rejection of senate amendment 1; Ayes, 5; Noes, 0 and indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 303

Relating to excepting taxes for pollution abatement and control purposes from limitations on city tax levies.

Indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 328

Relating to collection agencies and making an appropriation.

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

Senate Bill 332

Relating to state employment labor relations, and making an appropriation.

Indefinite postponement; Ayes, 3; Noes, 2.

Senate Bill 435

Relating to deduction of assessed value of state lands from equalized valuation of counties.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

Senate Bill 543

Relating to payment of medical expense claims resulting from motor vehicle accidents.

Indefinite postponement; Ayes, 5; Noes, 0.

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Senate Bill 669

Relating to regulation of corporate takeover offers by the commissioner of securities.

Passage; Ayes, 4; Noes, 1.

Senate Bill 697

Relating to a contract for railroad passenger service between Milwaukee and Green Bay and making an appropriation.

Passage; Ayes, 3; Noes, 2.

Senate Bill 735

Relating to assessment of power dams and generating plants.

Indefinite postponement; Ayes, 4; Noes, 1.

Senate Bill 751

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

Indefinite postponement; Ayes, 4; Noes, 1.

Assembly Bill 210

Relating to labor management relations.

Concurrence; Ayes, 3; Noes, 2.

Assembly Bill 524

Relating to prohibiting misrepresentation of sale prices and creating a penalty.

Concurrence; Ayes, 3; Noes, 2.

Assembly Bill 690

Relating to the definition of employe in the minimum wage law.

Concurrence; Ayes, 3; Noes, 2.

GERALD D. LORGE,
Chairman.

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EXECUTIVE COMMUNICATIONS

October 1, 1971.

To the Honorable, the Senate:

This refers to my letter of September 16, 1971, in which I requested senate confirmation of my nomination of Dr. Albert Freedman for membership on the Medical Examining Board for a term ending July 1, 1975.

Pursuant to Section 15.405(7) of the statutes, the expiration date of his term should be April 30, 1975; and I am amending my request for senate confirmation accordingly.

Sincerely,

PATRICK J. LUCEY,
Governor.

October 1, 1971.

To the Honorable, the Senate:

This refers to my letter of September 16, 1971, in which I requested senate confirmation of my nomination of Dr. Adolf L. Gundersen for membership on the Medical Examining Board for a term ending July 1, 1975.

Pursuant to Section 15.405(7) of the statutes, the expiration date of his term should be April 30, 1973; and I am amending my request for senate confirmation accordingly.

Sincerely,

PATRICK J. LUCEY,
Governor.

October 1, 1971.

To the Honorable, the Senate:

This refers to my letter of September 16, 1971, in which I requested senate confirmation of my nomination of Dr. John Rupel for membership on the Medical Examining Board for a term ending July 1, 1975.

Pursuant to Section 15.405(7) of the statutes, the ex-

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piration date of his term should be April 30, 1973; and I am amending my request for senate confirmation accordingly.

Sincerely,

PATRICK J. LUCEY,
Governor.

October 1, 1971.

To the Honorable, the Senate:

This refers to my letter of September 16, 1971, in which I requested senate confirmation of my nomination of Dr. Thomas Henney for membership on the Medical Examining Board for a term ending July 1, 1975.

Pursuant to Section 15.405(7) of the statutes, the expiration date of his term should be April 30, 1975; and I am amending my request for senate confirmation accordingly.

Sincerely,

PATRICK J. LUCEY,
Governor.

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 215,
Assembly Bill 278,
Assembly Bill 479,
Assembly Bill 867,
Assembly Bill 1009,
Assembly Bill 1043,
Assembly Bill 1098 and
Assembly Bill 1140.

Concurred in:

Senate amendment 1 to Assembly Joint Resolution 9 and
Senate Bill 248.

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Amended and concurred in as amended:

Senate Bill 345 (assembly substitute amendment 1 adopted), (assembly amendment 1 to assembly substitute amendment 1 adopted) and

Senate Bill 434 (assembly amendment 1 adopted), (assembly amendment 6 adopted), (assembly amendment 13 adopted), (assembly amendment 14 adopted).

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 215

Relating to qualifications of the commissioner and deputy commissioner of savings and loans.

By Representatives McCormick, Klicka and Schroeder, by request of Savings and Loan Review Board and Wisconsin Savings and Loan League.

Read a first time.

Referred to calendar.

Assembly Bill 278

Relating to affidavits of prejudice.

By Representatives Lipscomb and Oestreicher; co-sponsored by Senator Johnson.

Read first time and referred to committee on Judiciary.

Assembly Bill 479

Relating to county board representation in counties over 500,000 population.

By Representatives Sensenbrenner, McCormick, Pabst and Kessler, by request of Milwaukee County.

Read first time and referred to committee on Judiciary.

Assembly Bill 867

Relating to corrections, clarifications and changes in the criminal procedure code.

By the committee on Judiciary.

Read first time and referred to committee on Judiciary.

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Assembly Bill 1009

An act altering effective dates of retirement laws.

By Representative Baldus; co-sponsored by Senator LaFave, by request of Wisconsin State Employees Association, Wisconsin Council of County and Municipal Employees and Wisconsin Education Association.

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

Assembly Bill 1043

Relating to requiring approval of marketing orders by referendum of apple growers.

By Representatives Duren, Mielke and Early.

Read first time and referred to committee on Agriculture.

Assembly Bill 1098

Relating to standard milk product containers.

By Representatives Tregoning, Conradt, O'Malley and Vanderperren.

Read first time and referred to committee on Agriculture.

Assembly Bill 1140

Relating to designating state trunk highways as freeways and expressways.

By Representative Jones, by request of the Department of Transportation.

Read first time and referred to committee on Transportation.

Senate Bill 345

Assembly amendment 1 to assembly substitute amendment 1 pending.

Assembly substitute amendment 1 pending.

Read and referred to calendar.

Senate Bill 434

Assembly amendments 1, 6, 13, 14 pending.

Read and referred to calendar.

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MOTIONS

Senator Johnson asked unanimous consent that **Assembly Bill 136** be taken from the table and placed at the foot of the calendar of July 14.

Senator Risser objected.

Senator Johnson moved that **Assembly Bill 136** be taken from the table 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, D o r m a n , Heinzen, H o l l a n d e r , Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—29.

Absent—Senators Devitt and Thompson—2.

Absent with leave—Senators Frank and LaFave—2.

CALENDAR OF JUNE 29

Assembly Bill 72

Relating to recruitment of strikebreakers and providing a penalty.

Senator McKenna moved reconsideration of the vote by which senate amendment 2 was adopted.

Senator Soik asked unanimous consent that **Assembly Bill 72** be referred to committee on Judiciary.

Senator Risser objected.

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Senator Soik moved that Assembly Bill 72 be referred to committee on Judiciary.

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

Absent—Senator Devitt—1.

Absent with leave—Senators Frank and LaFave—2.

By request of Senator Whittow, with unanimous consent, the call on Assembly Bill 72 was raised.

The question was: Shall Assembly Bill 72 be referred to committee on Judiciary?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 20; absent or not voting, 3; as follows:

Ayes—Senators Bidwell, Hollander, Knowles, Knutson, Lorge, Lotto, Murphy, Soik, Steinhilber and Swan—10.

Noes—Senators Busby, Chilsen, Cirilli, Dorman, Heinzen, Johnson, Kendziorski, Keppler, Krueger, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Thompson and Whittow—20.

Absent or not voting—Senators Devitt, Frank and LaFave—3.

The motion did not prevail.

The question was: Reconsideration of the vote by which senate amendment 2 to Assembly Bill 72 was adopted?

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

Absent with leave—Senators Frank and LaFave—2.

All senators now being present the question was: Shall Assembly Bill 136 be taken from the table and considered at this time?

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

Ayes—Senators Bidwell, Busby, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Murphy, Peloquin, Roseleip, Steinhilber and Swan—18.

Noes—Senators Chilsen, Dorman, Kendziorski, Lipscomb, Lourigan, McKenna, Martin, Parys, Risser, Schuele, Soik, Thompson and Whittow—13.

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

The motion prevailed.

Assembly Bill 136

An act to absolve the Eau Claire Shelter for Handicapped, Inc., presently known as Career Development Center, from having to remit \$5,231.58 to the department of health and social services.

Read a second time.

Senator Risser asked unanimous consent that Assembly Bill 136 be referred to the calendar.

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Senator Johnson objected.

Senator Risser asked unanimous consent to return to the ninth order of business.

Senator Johnson objected.

Senator Risser asked unanimous consent that Assembly Bill 136 be referred to the calendar of July 22.

Senator Johnson objected.

Senator Hollander in the chair.

10:15 A.M.

By request of Senator Chilsen, with unanimous consent, the senate stood informal under call for 15 minutes.

10:20 A.M.

10:35 A.M.

The senate reconvened.

Senator Swan asked unanimous consent that the call be raised.

Senator Johnson objected.

By request of Senator Keppler, with unanimous consent, the senate stood informal under call until 11:20 A.M.

10:36 A.M.

11:20 A.M.

The senate reconvened.

President pro tempore of the senate in the chair.

Senator Keppler moved that Assembly Bill 136 and all other legislation currently on the calendar be laid on the table.

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Senator Risser asked for a division of the question.

The chair put the question to the senate.

The question was: Shall the motion that **Assembly Bill 136** and all legislation currently on the calendar be laid on the table, be divided?

President of the senate in the chair.

11:23 A.M.

Senator Thompson raised the point of order that the motion to table was an improper motion.

The chair ruled the point of order not well taken.

Senator Schuele asked unanimous consent that the call be raised.

Senator Cirilli objected.

By direction of the chair the senate stood informal until 12:10 P.M.

11:25 A.M.

12:10 P.M.

The senate reconvened.

Upon motion of Senator Keppler, with unanimous consent, the senate returned to the third, fourth and ninth orders of business.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 102

Relating to the life and public service of conservationist Ray L. Beckman.

By Senator Roseleip; co-sponsored by Representative Tregoning.

Read.

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By request of Senator Roseleip, with unanimous consent, the resolution was considered for action at this time.

Senate Joint Resolution 102

Adopted.

Ordered immediately messaged.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 805

Relating to general school aids, increasing vocational school aids, decreasing the mill rate ceiling for vocational schools, increasing personal property tax relief and homestead tax relief, providing real property tax relief, making appropriations and constituting the executive budget bill of the 1971 legislature.

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

To joint committee on Finance.

Senator Keppler asked unanimous consent that Senate Bill 805 be withdrawn from the joint committee on Finance and placed on the calendar.

Senator Peloquin objected.

Senator Keppler moved that Senate Bill 805 be withdrawn from joint committee on Finance and referred to the calendar.

The ayes and noes were required and the vote was: ayes, 25; noes, 6; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Lourigan, Martin, Murphy, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—25.

Noes—Senators Dorman, Lipscomb, McKenna, Parys, Peloquin and Thompson—6.

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

The motion prevailed.

By request of Senator Keppler, with unanimous consent, Senate Bill 805 was made a special order of business at 2:00 P.M. Tuesday, October 12.

MOTION UNDER JOINT RULE 26

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

Whereas, in 1871 the American Exchange Bank opened its door to serve the Madison community; and

Whereas, the American Exchange Bank, whose familiar limestone building has, through the years, become as much a part of the Madison Square as the Capitol itself, continues to grow and to serve the residents of the Madison area; and

Whereas, because of the historic location of the American Exchange Bank, the Daughters of the American Revolution, in 1927, presented the bank with a plaque commemorating the site of the American House where the Wisconsin legislature held its first meeting in 1836; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Risser and Representative Nager, under Joint Rule 26, do hereby extend their congratulations to the American Exchange Bank and its board chairman, William Suhr Hobbins, on this the bank's 100th anniversary, and look forward to another century of continuing public service.

Read and adopted.

Upon motion of Senator Keppler the senate adjourned until 2:00 P.M. Tuesday, October 12.

12:20 P.M.

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INTRODUCTION OF GUESTS

Senator Lourigan introduced Mr. A. Walker Perkins, Kenosha.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 783

In line 15, substitute "tobacco" for "tabacco".

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 213

Correctly enrolled and presented to the Governor on Friday, October 8, 1971.