

JOURNAL OF THE SENATE (January 30, 1973)

STATE OF WISCONSIN

Senate Journal

Eighty-First Regular Session

TUESDAY, January 30, 1973.

10:00 A.M.

The senate met.

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

Prayer was offered by Father Robert W. Reardon, Associate Pastor of St. Patricks Catholic Church of Madison.

The senate remained standing and the president of the senate led the senate in the pledge of allegiance to the flag of the United States of America.

LEAVE OF ABSENCE

By request of Senator Johnson, with unanimous consent, Senator Krueger was granted a leave of absence for the entire week's session.

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

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan J.D., Swan M., Theno, Thompson and Whittow -
- 32.

Absent -- None.

Absent with leave -- Senator Krueger -- 1.

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Senate Joint Resolution 19

Granting the YMCA Youth in Government Committee the use of the legislative chambers on April 6 and 7, 1973.

By Senators Steinhilber and Johnson, cosponsored by Representative Earl.

Read.

By request of Senator Johnson, with unanimous consent, **Senate Joint Resolution 19** was considered for final action at this time.

Senate Joint Resolution 19.

Adopted.

Senate Joint Resolution 20

In memory of Pfc. Peter M. Feierabend and the sons and daughters of Wisconsin who died in the Vietnam conflict.

By Senator Schuele, cosponsored by Representative Behnke.

Read.

By request of Senator Schuele, with unanimous consent, **Senate Joint Resolution 20** was considered for final action at this time.

Senate Joint Resolution 20.

Adopted.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 135

Relating to sureties and license fee liability for showing boxing on closed circuit television.

By Senator Schuele.

To committee on Governmental and Veteran's Affairs.

Senate Bill 136

Relating to licensing professional wrestling.

By Senator Schuele.

To joint committee on Finance.

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Senate Bill 137

An act to appropriate \$11,964 from the general fund for payment of a claim made by the estate of Werner Schmid against the state.

By Senators Hollander and Krueger, cosponsored by Representatives Molinaro and Donoghue, by request of the State Claims Board.

To joint committee on Finance.

Senate Bill 138

Relating to the period in which fuel tax refund claims are to be filed.

By Senators Hollander, Theno, Knowles, Johnson, Bablitch, Martin, Peolquin, McKenna and Roseleip, cosponsored by Representatives Lewis Schroeder, Hephner, Luchhardt and Oberle.

To joint committee on Finance.

Senate Bill 139

Relating to board of review membership.

By Senator Lorge.

To committee on Governmental and Veteran's Affairs.

Senate Bill 140

Relating to sales and use tax exemption for certain dental materials and supplies.

By Senator Lorge.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 141

Relating to advertising, display and sale of "indecent articles".

By Senators Risser and M. Swan, cosponsored by Representative Conta.

To committee on Governmental and Veteran's Affairs.

Senate Bill 142

Relating to indecent articles and family planning, and providing a penalty.

By Senators Risser and M. Swan, cosponsored by Representative Conta.

To committee on Health, Education and Welfare.

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Senate Bill 143

Relating to submission of county claims for state reimbursement of costs for patients in charitable, curative and penal institutions.

By Senators LaFave and Krueger.

To committee on Governmental and Veteran's Affairs.



COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 4

An act to appropriate \$732 from the general fund for payment of a claim by Orpha Pearl Price, executrix of the estate of James B. Price, deceased, against the state.

Emergency statement recommended; Ayes, 13; Noes, 0.

Passage with emergency statement; Ayes, 13; Noes, 0.

Senate Bill 5

An act to appropriate \$1,746 from the general fund for payment of a claim by Gerald Thomas against the state.

Emergency statement recommended; Ayes, 12; Noes, 2.

Passage with emergency statement; Ayes, 12; Noes, 2.

Senate Bill 6

To appropriate \$4,522.04 from the segregated highway fund for payment of a claim by United Contractors, Inc. against the state.

Emergency statement recommended; Ayes, 10; Noes, 3.

Passage with emergency statement; Ayes, 10; Noes, 3.

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Senate Bill 7

To appropriate \$1,735 from the segregated highway fund for payment of a claim by Mrs. Elsie Blum against the state.

Emergency statement recommended; Ayes, 13; Noes, 0.

Passage with emergency statement; Ayes, 13; Noes, 0.

Senate Bill 8

To appropriate \$8,617.87 from the highway fund for payment of a claim made by F. F. Mengel Co. against the state.

Emergency statement recommended; Ayes, 14; Noes, 0.

Passage with emergency statement; Ayes, 14; Noes, 0.

Senate Bill 33

To appropriate \$1,317 from the general fund for payment of a claim by the city of Waupun against the state.

Emergency statement recommended; Ayes, 13; Noes, 1.

Passage with emergency statement; Ayes, 13; Noes, 1.

Senate Bill 41

An act to appropriate \$3,934 from the general fund for payment of a claim made by Johnnie Mae and Arthur Johnson.

Emergency statement recommended; Ayes, 8; Noes, 6.

Passage with emergency statement; Ayes, 8; Noes, 6.

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Senate Bill 55

An act to appropriate \$21,780.53 from the general fund for payment of a claim made by the city of Milwaukee against the state.

Emergency statement recommended; Ayes, 12; Noes, 2.

Passage with emergency statement; Ayes, 12; Noes, 2.

WALTER G. HOLLANDER

Chairman

EXECUTIVE COMMUNICATIONS

Mr. William P. Nugent

Senate Chief Clerk

243 South Capitol

Madison, Wisconsin

Dear Mr. Nugent:

On January 18, 1973, the summary of executive clemency granted by Governor Patrick J. Lucey in the years 1971 and 1972 was submitted to your office in accordance with the requirement of Article V, Section 6 of the Wisconsin Constitution. This summary was published in the Senate Journal dated Tuesday, January 23, 1973.

In that summary the Governor cited executive clemency granted to Jimmie Davison, #25. The report on the executive clemency granted to Mr. Davison is in error and I request that you correct the error in the final Senate Journal. The correct report should read as follows:

25. Jimmie Davison, who was convicted on July 23, 1959, in the Municipal Court for Milwaukee County of the crime of rape and was sentenced to 30 years. Mr. Davison was granted a full pardon based on a recommendation by the Division of Corrections.

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In addition, the summary did not include the following two reports of executive clemency granted by Governor Lucey during this period. Please add the following reports, renumber and add as report -61:

61. Henry Martin, who was convicted on December 9, 1969, in the County Court for Waukesha County of the crime of attempted forgery and was sentenced to 5 years. Mr. Martin was granted a conditional pardon; the condition being that he fulfill his parole obligations through his mandatory release date. This pardon was based on a recommendation by the Division of Corrections.

Please renumber and add as report #68:

68. Norman Mineau, who was convicted on May 24, 1961, in the Municipal Court for Brown County of the crime of burglary and was sentenced to 2 years probation. Mr. Mineau was granted a full pardon based on a recommendation by the Division of Corrections.

Report #69 was report #67 (Jacob Moreland) in the original report. After adding these two additional reports, please correct the consecutive numbering accordingly.

Thank you for your assistance.

Sincerely,

C. NICKERSON EGAN, JR.

Pardon Council

CALENDAR OF January 25

Senate Bill 20

Relating to humane officers.

Read a second time.

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Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, **Senate Bill 20** was considered for action at this time.

Senate Bill 20

Read a third time and passed.



CALENDAR OF January 30

Senate Joint Resolution 6

To amend article XIII, section 2, so as in effect to repeal said section of the constitution, relating to disabilities arising from dueling (1st consideration).

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, **Senate Joint Resolution 6** was considered for final action at this time.

Senate Joint Resolution 6

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan J.D., Swan M., Theno, Thompson and Whittow -- 29.

Noes -- Senators Chilsen, Kendzioriski and Steinhilber -- 3.

Absent or not voting -- Senator Krueger -- 1.

So the joint resolution was adopted.

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By request of Senator Johnson, with unanimous consent, **Senate Joint Resolution 7** was placed at the foot of the calendar of January 30.

Senate Joint Resolution 18

Commending President Nixon for concluding the conflict in Vietnam.

The question was: adoption of senate substitute amendment 1?

Senator Johnson moved rejection.

Senate substitute amendment 1 rejected.

The question was: adoption of senate substitute amendment 3?

Senator Johnson moved rejection.

So senate substitute amendment 3 was rejected.

Senate Joint Resolution 18

The question was: adoption?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, Lorge, Martin, Murphy, Parys, Petri, Roseleip, Schuele, Steinhilber, Swan J.D., Theno and Whittow -- 21.

Noes -- Senators Bablitch, Dorman, Flynn, Frank, Kendziorski, LaFollette, McKenna, Peloquin, Risser, Swan M. and Thompson -- 11.

Absent or not voting -- Senator Krueger -- 1.

So the joint resolution was adopted.

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

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AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 26** by Senator Flynn.

Senate amendment 1 to **Senate Bill 77** by Senator Lorge.

Senate amendment 1 to **Senate Bill 78** by Senator Lorge.

By request of Senator Johnson, with unanimous consent, the day's session was adjourned in memory of the death of a former first lady of the state, Mrs. Vernon Thomson.

By request of Senator Lorge, with unanimous consent, the senate also adjourned in memory of the death of the wife of Representative Conradt.

Upon motion of Senator Johnson the senate adjourned until 10:00 A.M. Wednesday, January 31.

11:00 A.M.

INTRODUCTION OF GUESTS

Senator McKenna introduced Mr. Al Jordan of Jefferson, a Representative of Kiwanis International.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to **Senate Bill 79**

In line 13, substitute "psychiatrist" for "psychiatrists".

Relating to **Senate Bill 90**

On page 1, delete line 16.