

JOURNAL OF THE SENATE (March 20, 1973)

STATE OF WISCONSIN

# Senate Journal

Eighty-First Regular Session

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TUESDAY, March 20, 1973.

10:00 A.M.

The senate met.

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

Prayer was offered by Reverend Paul Lueders, a Lutheran minister who is serving as chaplain of Central Colony in Madison.

In the name of the Father and of the Son and of the Holy Ghost. Amen.

Blessed Lord Jesus, who for our sake was content to bear sorrow and want and death, grant unto us such a measure of Thy Spirit that we may humbly deny ourselves, take up our cross and follow Thee. As Thou by Thy holy Apostles hast commanded us to make prayers and intercessions for all men, we implore Thy blessing upon our country, upon its government and upon its people. Have mercy upon all men and draw them unto Thyself by the power of the Cross. May Thy Holy Spirit be with all in authority. May they understand and realize how important a work is given them to do, that they may not perform it lightly or from any evil passion, but soberly, always striving to exact such things as will serve the real welfare of Thy people. Preserve unto us, peace for our time. Remove from us the evil spirit of ambition and pride, and teach us to value and to labor with all sincerity for peace at home and peace with all nations. Save us from those national sins which shall call down upon us Thy judgements, that we may not by our sins add to the guilt and punishment of our county, but strive to keep ourselves pure and holy and to bring down Thy blessing upon ourselves and all who belong to us. These and all other things

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which may be good for our temporal and for our spiritual welfare we humbly bring before Thee in the prayer Thou hast taught us to pray: Our Father, who art in heaven, hallowed be thy name, thy kingdom come, thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us, and lead us not in to temptation, but deliver us from evil, for Thine is the kingdom, the power, and the glory, forever and ever. The Grace of our Lord Jesus Christ, the Love of God the Father, and the Communion of the Holy Ghost be with us all. Amen.

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

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### LEAVE OF ABSENCE

By request of Senator Risser, with unanimous consent, Senator Kendziorski was granted a leave of absence for balance of the day'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, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson, Whittow. -- 32.

Absent -- None.

Absent with leave -- Senator Kendziorski -- 1.

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 350**

Relating to prohibiting the operation of snowmobiles at night and providing a penalty.

By Senator Keppler, by request of Mrs. Carol Reif, Cedarburg.

To committee on Transportation.

**Senate Bill 351**

Exempting the aged from state park admission fees and reducing certain related charges.

By Senator Petri.

To committee on Natural Resources.

**Senate Bill 352**

Relating to homestead tax relief for persons over 62 and certain others under 62 years of age.

By Senators Chilsen, Bidwell, Murphy, Lorge, Petri, Kasten, Devitt and LaFave.

To committee on Health, Education and Welfare.

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COMMITTEE REPORTS

The committee on Industry, Labor, Taxation and Banking reports and recommends:

**BROEREN, JEAN C.**, of Thorp, as a member of the Wisconsin Housing Finance Authority, to serve for a term ending January 1, 1976.

Confirmation; Ayes, 5; Noes, 0.

**BARANOWSKI, SUZANNE**, of Milwaukee, as a member of the Credit Union Review Board, to succeed Earl Wagner, to serve for a term ending May 1, 1977.

Confirmation; Ayes, 5; Noes, 0.

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**BARTELL, JEFFREY B.**, of Madison, as Commissioner of Securities, to succeed Thomas Nelson, to serve for the remainder of the unexpired term ending March 1, 1973, and then to serve for a term ending March 1, 1979.

Confirmation; Ayes, 5; Noes, 0.

**GEORGES, ALEXANDER**, of Milwaukee, as a member of the Accounting Examining Board, to succeed William T. Harrison, to serve for a term ending July 1, 1977.

Confirmation; Ayes, 5; Noes, 0.

**JULIAN, PERCY L.**, of Madison, as a member of the State Personnel Board, to Succeed John Shiels, to serve for a term ending May 1, 1977.

Confirmation; Ayes, 5; Noes, 0.

**KIDD, WILLIAM C.**, of Racine, as Secretary of the Department of Business Development, to serve at the pleasure of the Governor.

Confirmation; Ayes, 5; Noes, 0.

**HART, VIRGINIA B.**, of Madison, as Secretary of the Department of Regulation and Licensing, to succeed George Greeley, to serve for the remainder of the unexpired term ending March 1, 1973, and then to serve for a term ending March 1, 1979.

Confirmation; Ayes, 5; Noes, 0.

**Senate Bill 131**

Relating to the restriction on alienation of Menominee Indian tribe corporation securities.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 198**

Relating to sex discrimination in granting of loans or credit and providing a penalty.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 206**

Relating to permits for house contract work.

Passage; Ayes, 5; Noes, 0.

EVERETT V. BIDWELL  
Chairman

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The committee on Judiciary and Insurance reports and recommends:

### **Senate Bill 10**

Relating to sheriffs' process fees and other related services.

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 98**

Relating to traffic court procedures, substitution of judges, jury trials, the standard of proof in traffic regulation cases and providing penalties.

Adoption of senate amendment 1; Ayes, 5; Noes, 0.

Rejection of senate amendment 2; Ayes, 5; Noes, 0.

Adoption of senate amendment 3; Ayes, 5; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

### **Senate Bill 158**

Relating to increasing the penalties for theft and receiving stolen property.

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 159**

Relating to sending records of criminal convictions to the U.S. department of justice and use of such records.

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 175**

Relating to adapting chapter 611 to the changes made in chapter 180 (ch. 285, laws of 1971).

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 176**

Relating to mandatory commitment for presentence examination.

Passage; Ayes, 5; Noes, 0.

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**Senate Bill 182**

Relating to substitution of judges in probate matters.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 189**

Relating to the right to a preliminary examination for persons accused of a felony.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 193**

Relating to increasing criminal penalties for defrauding an innkeeper.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 194**

Relating to powers of local units of government to prohibit criminal conduct.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 199**

Relating to an increase in penalties for crimes against peace officers, firemen and public officials.

Passage; Ayes, 3; Noes, 2.

GERALD D. LORGE

Chairman

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PETITIONS AND COMMUNICATIONS

**Senate Petition 28**

A petition by 22 residents of Rock County expressing support of Assembly Bill 216, to allow municipalities to grant liquor licenses to qualified beer bars, as the bill proposes.

By Senator J.D. Swan.

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

**Senate Petition 29**

A petition by 27 residents of Walworth County in opposition to the legalization of 65 foot trucks.

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By Senator J.D. Swan.

Read and referred to committee on Transportation.

### Senate Petition 30

A petition by 34 residents of Rock County urgently requesting the securing of funds for the continued operation of Rock County Community Action Program, Inc.

By Senator J. D. Swan.

Read and referred to joint committee on Finance.

### Senate Petition 31

A petition by 289 residents of Burlington relating to the U.S. Supreme Court ruling on abortion and urging the State of Wisconsin to amend its constitution so that abortions would be illegal.

By Senator Devitt.

Read and referred to committee on Health, Education and Welfare.

### Senate Petition 32

A petition signed by 76 people of the 27th Senatorial District favoring Assembly Bill 216.

By Senator Bidwell.

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

### Senate Petition 33

A petition by 232 citizens of Wisconsin petitioning the Governor and Legislature of the State of Wisconsin to restore capital punishment as a penalty in heinous felony crimes.

By Senator Rosecip.

Read and referred to committee on Judiciary and Insurance.

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

March 16, 1973.

Mr. William P. Nugent  
Senate Chief Clerk  
243 S., State Capitol  
Madison, Wisconsin

Mr. Thomas Hanson  
Assembly Chief Clerk  
220 W., State Capitol  
Madison, Wisconsin

Dear Sirs:

I respectfully request permission to address a joint session of the State Legislature on Wednesday, March 28, 1973, at 10:30 A.M. to deliver a message on health.

Sincerely,  
PATRICK J. LUCEY  
Governor

By request of Senator Steinhilber, with unanimous consent, the request was granted and the chair was asked to appoint a committee to escort the Governor.

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MESSAGE FROM THE ASSEMBLY

By Thomas S. Hanson, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 52**

**Assembly Joint Resolution 53**

**Assembly Bill 394**

Motions Under Joint Rule 26



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A Joint Certificate of Condolence by Representatives Earl and Czerwinski; cosponsored by Senator Schuele for REPRESENTATIVE EARL F. KEEGAN, JR. AND FAMILY on the occasion of the death of his father;

A Joint Certificate of Congratulations by Representative Dueholm; cosponsored by Senator Knowles for THE LUCK HIGH SCHOOL BASKETBALL TEAM for its winning the St. Croix Valley Conference Championship.

A Joint Certificate of Congratualtions by Representative Sweda; cosponsored by Senator Krueger for MRS. HARRIETT GRAHAM on the occasion of her 100th birthday.

A Joint Certificate of Congratulations by Representatives Kleczka and Tesmer; cosponsored by Senators Frank and Parys for FRANK R. BIESZK on his being selected "Man of the Year" in South Milwaukee;

A Joint Certificate of Congratulations by Representatives Kleczka; cosponsored by Senators Kendzierski and Schuele for MR. AND MRS. MAX RIEMER on their 50th Wedding Anniversary;

A Joint Certificate of Commendation by Representative Grover; cosponsored by Senator Chilsen for ANTIGO HIGH SCHOOL on its outstanding athletic accomplishments;

A Joint Certificate of Congratulations by Representatives Kincaid and Matty; cosponsored by Senators Krueger and LaFave for CAPTAIN MARTIN J. HEUENS on his release from Viet Nam Captivity;

A Joint Certificate of Congratulations by Representatives Johnson and DeLong; cosponsored by Senator Swan for THE BELOIT MEMORIAL HIGH SCHOOL BASKETBALL TEAM on its winning the state "Class A" Championship.

passed and asks concurrence in:

**Assembly Bill 610**

and

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concurrent in:

**Senate Joint Resolution 53**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 52**

Relating to the life and public service of Donald C. McDowell of Soldiers Grove.

Read.

Considered as privileged.

Concurrent in by unanimous rising vote.

**Assembly Joint Resolution 53**

Relating to the life and public service of Wesley J. Packard.

Read.

Considered as privileged.

Concurrent in by unanimous rising vote.

**Assembly Bill 394**

Relating to organizing a newly elected legislature.

Read first time and referred to committee on Senate Organization.

Motions Under Joint Rule 26:

A Joint Certificate of Condolence by Representatives Earl and Czerwinski; cosponsored by Senator Schuele for REPRESENTATIVE EARL F. KEEGAN, JR. AND FAMILY on the occasion of the death of his father;

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A Joint Certificate of Congratulations by Representatives Johnson and DeLong; cosponsored by Senator Swan for the BELOIT MEMORIAL HGIH SCHOOL BASKETBALL TEAM on its winning the state "Class A" Championship.

The above Motions Under Joint Rule 26 were read and concurred in en masse.

### **Assembly Bill 610**

Relating to making various changes in the Wisconsin consumer act in regard to consumer credit transactions secured by real property.

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

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MOTIONS

Senator LaFollette asked unanimous consent that **Senate Joint Resolution 23** be considered for action at this time.

Senator Johnson moved that the motion to consider **Senate Joint Resolution 23** for action be laid on the table.

The motion prevailed.

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CALENDAR OF MARCH 13

**Senate Bill 9**

Relating to annexation of town islands.

The question was: Adoption of senate amendment 1 to senate amendment 5 to **Senate Bill 9**?

Senator Risser moved rejection.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Chilsen, Dorman, Flynn, Frank, Hollander, Keppler, Knowles, LaFollette, Lorge, Parys, Petri, Risser, Roseleip, Schuele, Steinhilber, Thompson and Whittow -- 18.

Noes -- Senators Bidwell, Devitt, Johnson, Kasten, Knutson, Krueger, LaFave, McKenna, Martin, Murphy, Peloquin, Swan, J.D., Swan, M. and Theno -- 14.

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

So the motion prevailed.

Senator LaFave moved indefinite postponement of **Senate Bill 9**.

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

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**Ayes -- Senators Bidwell, Devitt, Johnson, Kasten, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Murphy, Peloquin and Swan, J.D. -- 13.**

**Noes -- Senators Bablitch, Chilsen, Dorman, Flynn, Frank, Hollander, Keppler, Knowles, LaFollette, Parys, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, M., Theno, Thompson and Whittow -- 19.**

**Absent or not voting -- Senator Kendziorski -- 1.**

**So the motion did not prevail.**

**The question was: Adoption of senate amendment 5 to Senate Bill 9?**

**Senator Murphy moved rejection.**

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

**Ayes -- Senators Bablitch, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Martin, Murphy, Petri, Risser, Roseleip, Swan, M. and Whittow -- 21.**

**Noes -- Senators Bidwell, Chilsen, LaFollette, McKenna, Parys, Peloquin, Schuele, Steinhilber, Swan, J.D., Theno and Thompson -- 11.**

**Absent or not voting -- Senator Kendziorski -- 1.**

**So the motion prevailed.**

**Senate amendment 7 to Senate Bill 9 offered by Senator LaFollette.**

**By request of Senator LaFollettee, with unanimous consent, senate amendment 7 was considered for action before senate amendment 6.**

**Senator Risser moved rejection of senate amendment 7 to Senate Bill 9.**

**Vice-president of the senate in the chair.**

**10:50 A.M.**

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Senator Johnson moved that senate amendment 7 to **Senate Bill 9** be laid on the table.

The motion prevailed.

Senate substitute amendment 1 to **Senate Bill 9** offered by Senator Knutson.

Senator Johnson moved that the substitute amendment be considered for action at this time.

Senator Murphy 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 Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 31.

Absent -- Senator LaFave -- 1.

Absent with leave -- Senator Kendziorski -- 1.

All members now being present the question was: Shall senate substitute amendment 1 to **Senate Bill 9** be considered for action at this time?

The ayes and noes were required and the vote was: ayes, 25; noes, 7; absent or not voting; 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Krueger, LaFollette, Lorge, McKenna, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, M., Theno, Thompson and Whittow -- 25.

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Noes -- Senators Devitt, Knutson, LaFave, Martin, Murphy, Petri and Swan, J.D. -- 7.

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

More than two-thirds having voted in the affirmative the motion prevailed.

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

The question was: Adoption of senate substitute amendment 1 to **Senate Bill 9?**

Senator Hollander moved rejection.

### QUORUM CALL

Senator Knutson 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, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 24.

Absent -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, LaFave and Schuele -- 8.

Absent with leave -- Senator Kendziorski -- 1.

Senator Chilsen asked unanimous consent that **Assembly Bill 610** be withdrawn from the committee on Industry, Labor, Taxation and Banking and laid on the table.

Senator Bidwell objected.

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

By request of Senator Knutson, with unanimous consent, the senate recessed.

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**11:20 A.M.**

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**RECESS**

**12:03 P.M.**

**The senate reconvened.**

**Upon motion of Senator Johnson the senate adjourned until 9:00 A.M. Wednesday March 21.**

**12:05 P.M.**

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**INTRODUCTION OF GUESTS**

**Senator Thompson introduced fourth grade students and their mothers and teachers from Bird School in Sun Prairie, Wisconsin.**