

JOURNAL OF THE SENATE (March 22, 1973)

STATE OF WISCONSIN

# Senate Journal

Eighty-First Regular Session

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THURSDAY, March 22, 1973.

9:00 A.M.

The senate met.

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

Prayer was offered by Father Lawrence Korback, Pastor of St. Peter's Catholic Church of Madison.

Almighty God we ask your blessing on these Senators who act in the name of the people of Wisconsin.

Give to them the wisdom you gave to King Solomon, that they may have an understanding heart to distinguish right from wrong.

In the many difficult decisions they must make, help them to seek for truth and justice.

Give them the fortitude to pursue justice for all even in the face of personal criticism.

Give them charity, that they may work together in harmony for the good of the people of this state.

This we ask in the name of Jesus. Amen.

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

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

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

Absent -- Senator LaFave -- 1.

Absent with leave -- Senators Bablitch, Kendziorski and Lorge -  
- 3.

President of the senate in the chair.

9:05 A.M.

By request of Senators Bidwell and Risser, with unanimous consent, they will be allowed to have their votes recorded in their absence to attend a state bond Board committee hearing, provided their votes do not change the outcome.

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### INTRODUCTION OF RESOLUTIONS

#### **Senate Joint Resolution 56**

Making an application to the Congress of the United States, pursuant to article V of the constitution of the United States, for a convention for proposing an amendment to the constitution of the United States.

By Senators Steinhilber, Murphy, Lorge, Krueger, Martin, Knutson, J. D. Swan, Devitt, and Parys, cosponsored by Representative Wilcox.

Read and referred to committee on Judiciary and Insurance.

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### BILLS INTRODUCED

Read first time and referred:

#### **Senate Bill 366**

An act to create 12.645 of the statutes, prohibiting spouse of a candidate from being a poll worker at certain locations.

By Senators LaFollette, D. D. Swan, Dorman, Thompson and McKenna.

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To committee on Governmental and Veterans' Affairs.

### Senate Bill 367

Exempting from tax wine used for industrial purposes and providing rule-making authority.

By Senators J. D. Swan and McKenna.

To Joint Survey Committee on Tax Exemptions.

### Senate Bill 368

Relating to various changes in corporation income and franchise taxes and payment of estimated taxes by individuals and corporations.

By Senators McKenna, Krueger, Dorman, Hollander and J. D. Swan.

To Joint Survey Committee on Tax Exemptions.

### Senate Bill 369

Relating to requiring lighted headlamps during storms and providing a penalty.

By Senator Roseleip.

To committee on Transportation.

### Senate Bill 370

Relating to confidentiality of women's ages.

By Senator Roseleip, by request of Mrs. Clifton Riley.

To committee on Governmental and Veterans' Affairs.

### Senate Bill 371

An act to create a reorganization committee directed to make recommendations for the reorganization of the executive branch into a decentralized structure similar to the structure in existence in 1966.

By Senator Roseleip, by request of Wisconsin Legislative and Research Committee, Mrs. Theodore Meves, Secretary.

To joint committee on Finance.

### Senate Bill 372

Relating to subcontractors on state contracts.

By Senators McKenna, Martin, Dorman and Flynn, cosponsored by Representatives Berger, Swodoba, Bolle and O'Malley.

To committee on Industry, Labor, Taxation and Banking.

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**Senate Bill 373**

Relating to restrictions on certain forms of advertising by certain public utilities.

By Senators McKenna, LaFollette and Bablitch, copponsored by Representatives Berger, Ferrall, Jackamonis and O'Malley.

To committee on Industry, Labor, Taxation and Banking.

**Senate Bill 374**

Relating to discharge and temporary pollution permits, providing a penalty and making an appropriation.

By Senator McKenna.

To committee on Natural Resources.

**Senate Bill 375**

Relating to authorizing payment for psychological treatment under medical assistance, workmen's compensation and health insurance.

By Senator McKenna.

To committee on Health, Education and Welfare.

**Senate Bill 376**

Relating to jurisdiction of Dane County over Lakes Mendota, Monona, Waubesa, Kegonsa and Wingra and Yahara river.

By Senator Risser.

To committee on Natural Resources.

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PETITIONS AND COMMUNICATIONS

**Senate Petition 34**

A petition signed by 29 persons from Douglas County in opposition to Senate Bill 134, Assembly Bills 216, 207, 218, 418 and 411.

By Senator Knutson.

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

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### Senate Petition 35

A petition signed by 41 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 36

A petition by 83 residents of the 31st Senatorial District urging support of Assembly Bill 309, relating to arrest powers of state patrol officers.

By Senator Johnson.

Read and referred to committee on Transportation.

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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:

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representative Giese; cosponsored by Senators Bidwell and McKenna for THE U.W. HOCKEY TEAM on the occasion of their NCAA Tournament Championship;

A Joint Certificate of Commendation by Representative Earl; cosponsored by Senator Roseleip for THE WARREN GAMALIEL MEMORIAL FOUNDATION on its incorporation;

A Joint Certificate of Congratulations by Representatives McEssy and Hephner; cosponsored by Senator Hollander for THE FOND DUD LAC HIGH SCHOOL BASKETBALL TEAM on their outstanding performance this season.

Passed and asks concurrence in:

Assembly Bill 18 and

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**Amended and concurred in as amended:**

**Senate Joint Resolution 18 (Assembly substitute amendment 1 adopted.)**

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**MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Motions under Joint Rule 26:**

**A Joint Certificate of Congratulations by Representative Giese; cosponsored by Senators Bidwell and McKenna for THE U.W. HOCKEY TEAM on the occasion of their Tournament Championship;**

**A Joint Certificate of Commendation by Representative Earl; cosponsored by Senator Roselep for THE WARREN GAMALIEL HARDING MEMORIAL FOUNDATION on its incorporation;**

**A Joint Certificate of Congratulations by Representatives McEssy and Hephner; cosponsored by Senator Hollander for THE FOND DUD LAC HIGH SCHOOL BASKETBALL TEAM on their outstanding performance this season.**

**The above motions under Joint Rule 26 were read and concurred in en masse.**

**Assembly Bill 18**

**Relating to school board member election, establishing school board branches, nomination paper signature requirements and filling vacancies in 1st class cities.**

**By Legislative Council.**

**Read first time and referred to committee on Health, Education and Welfare.**

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**MOTIONS**

By request of Senator LaFollette, with unanimous consent, **Senate Bill 103** was taken from the calendar of March 23 and considered for final action at this time.

**Senate Bill 103**

Relating to the size of major committees of the boards of directors of insurance corporations.

Read a third time and passed.

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**MOTIONS UNDER JOINT RULE 26**

**The State of Wisconsin \* \* \* Citation by the Legislature**

Know you by these presents:

Whereas, David Wilcox of Black River Falls, Wisconsin, was recently honored for attaining the rank of Eagle Scout; and

Whereas, David, a member of Troop 59, was presented the award by his father, who is also an Eagle Scout and scoutmaster; and

Whereas, this award is a symbol of the attainment of knowledge and skills in a great many fields, of good citizenship and thorough preparation for future life; now, therefore, The Members of the Wisconsin Senate, on the motion of Senator Johnson, under Joint Rule 26, commend David Wilcox on his achievement and wish him every success in his future endeavors.

Read and adopted.

**The State of Wisconsin \* \* \* Citation by the Legislature**

Know you by these presents:

Whereas, Lee Mullen, 66, of Eleva, Wisconsin, passed away on February 26; and

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**Whereas, Mr. Mullen served several terms as President of the village of Eleva, and was also a member of the Trempealeau County Housing Authority; and**

**Whereas, he was a graduate of Kenyon College and a past vice president of Globe Steel and Tube Company of Milwaukee before retiring in Eleva; and**

**Whereas, the legislature is grieved to learn of the death of Mr. Mullen and in recognition of his life and public service; now, therefore, The Members of the Wisconsin Senate, on the motion of Senator Johnson, under Joint Rule 26, extend their sincere condolences to his wife, Irma, and to the family.**

**Read and adopted.**

**The State of Wisconsin \* \* \* Citation by the Legislature**

**Know you by these presents:**

**Whereas, The Stevens Point Pacelli football team compiled a 9-2 record and took second place honors in the WISAA state championship; and**

**Whereas, the Pacelli basketball team compiled a 19-6 record and took fourth place honors in the WISAA state basketball tournament; and**

**Whereas, the Pacelli wrestling team compiled a 12-5 dual-meets record and took first place in the state WISAA wrestling tournament; and**

**Whereas, the conduct of the Pacelli fans at the WISAA basketball tournament earned them the sportsmanship award; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Bablitch and Representative Groshek, under Joint Rule 26, would like to commend the coaching staff, Pacelli Athletic Association, Pacelli fans, and especially athletes whose efforts are a credit to the school and the Stevens Point community.**

**Read and adopted.**



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CALENDAR OF MARCH 14

**Senate Resolution 9**

Relating to an investigation by the senate committee on Health, Education and Welfare into the closing of certain state institutions.

Read.

Senator Risser moved rejection.

Senator Dorman in the chair.

10:05 A.M.

The ayes and noes were demanded and the vote was: ayes, 10; noes, 18; absent or not voting, 5; as follows:

Ayes -- Senators Dorman, Flynn, Frank, LaFollette, McKenna, Martin, Risser, Swan, M., Thompson and Whittow -- 10.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, Murphy, Parys, Petri, Roseleip, Schuele, Steinhilber, Swan, J.D. and Theno -- 18.

Absent or not voting -- Senators Bablitch, Kendziorski, LaFave, Lorge and Peloquin -- 5.

So the motion did not prevail.

President of the senate in the chair.

10:35 A.M.

Senate substitute amendment 1 to **Senate Resolution 9** offered by Senators Risser and Whittow.

Senator Johnson asked unanimous consent that the substitute amendment be considered for action at this time.

Senator Risser objected.

Senator Johnson moved that senate substitute amendment 1 to **Senate Resolution 9** be considered for action at this time.

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By request of Senator Parys, with unanimous consent, the senate recessed for 25 minutes.

10:40 A.M.

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RECESS

11:05 A.M.

The senate reconvened.

The question was: Shall senate substitute amendment 1 to **Senate Resolution 9** be considered for action at this time.

The ayes and noes were required and the vote was: ayes, 16; noes, 12; absent or not voting, 5; as follows:

**Ayes** -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, Murphy, Petri, Roseleip, Steinhilber, Swan, J.D. and Theno -- 16.

**Noes** -- Senators Dorman, Flynn, Frank, LaFollette, McKenna, Martin, Peloquin, Risser, Schuele, Swan, M., Thompson and Whittow -- 12.

**Absent or not voting** -- Senators Bablitch, Kendziorski, LaFave, Lorge and Parys -- 5.

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

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### Senate Joint Resolution 17

To amend article IV, section 24 of the constitution relating to raffle games (1st consideration).

Read a second time.

The question was: Rejection?

By request of Senator Murphy, with unanimous consent, Senate Joint Resolution 17 was placed on the calendar of April 5.

### Senate Joint Resolution 21

To amend article VI, section 4 and article VII, section 12 of the constitution, relating to terms of office for county officers (1st consideration).

Read a second time.

Ordered to a third reading.

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

Vice-president of the senate in the chair.

11:45 A.M.

### Senate Joint Resolution 21

Read a third time.

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 Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFollette, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 27.

Absent -- Senators Bidwell, LaFave and Risser -- 3.

Absent with leave -- Senators Bablitch, Kendziorski and Lorge -  
- 3.

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By request of Senator Whittow, with unanimous consent, the call was raised.

The ayes and noes were required and the vote was: ayes, 21; noes, 8; absent or not voting, 4; as follows:

**Ayes** -- Senators Bidwell, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, McKenna, Martin, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, M., Theno, Thompson and Whittow -- 21.

**Noes** -- Senators Chilsen, Dorman, Flynn, Frank, LaFollette, Murphy, Steinhilber and Swan, J.D. -- 8.

**Absent or not voting** -- Senators Bablitch, Kendziorski, LaFave and Lorge -- 4.

More than 17 members having voted in the affirmative, the joint resolution was adopted.

By request of Senator Johnson, with unanimous consent, all actions were ordered immediately messaged except **Senate Joint Resolution 21**.

By request of Senator Knutson, with unanimous consent, the senate returned to the fifth order of business.

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## PETITIONS AND COMMUNICATIONS

### **Senate Petition 37**

A petition by 16 citizens of the 43rd Assembly District expressing opposition to government financed programs relating to abortions, and stating specific opposition to Assembly Bills 23, 57, and 58.

By Senator J. D. Swan.

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

### **Senate Petition 38**

A petition by 8 residents of Walworth County expressing opposition to Senate Bill 19, relating to the trapping of fur-bearing animals.

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**By Senator J. D. Swan.**

**Read and referred to committee on Natural Resources.**

Senator Bidwell introduced members of the University of Wisconsin Hockey Team and its coaching staff, and, with unanimous consent, they addressed the members of the senate.

The chair appointed Senators Bidwell and Dorman to escort members of the team to the podium.

By request of Senator Devitt, with unanimous consent, the senate returned to the third and fourth orders of business.

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**BILLS INTRODUCED**

**Read first time and referred:**

**Senate Bill 377**

Relating to place of trial in actions against insurance companies growing out of negligence.

By Senators Murphy, Lorge, Petri, Hollander, Steinhilber and McKenna.

To committee on Judiciary and Insurance.

**Senate Bill 378**

Relating to an habitual offender's law for certain convictions in the motor vehicle code, revocation of licenses, and creating penalties.

By Senators Johnson, Murphy and McKenna, cosponsored by Representatives Shabaz and Vanderperren, by request of Independent Insurance Agents of Wisconsin.

To committee on Judiciary and Insurance.

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COMMITTEE REPORTS

The committee on Health, Education and Welfare reports and recommends for introduction:

**Senate Bill 379**

Prohibiting the hiring by certain institutions of persons discharged by other such institutions for mistreating inmates, providing a penalty therefor and making such mistreatment a felony.

By request of Lt. Governor Martin J. Schreiber.

Introduction; Ayes, 7; Noes, 0.

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

**Senate Bill 380**

Relating to report requirements for nursing homes.

By request of Lieutenant Governor Martin J. Schreiber.

Introduction; Ayes, 7; Noes, 0.

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

**Senate Bill 381**

Relating to the extension of nursing home licensing requirements to certain county institutions.

By request of Lt. Governor Martin J. Schreiber.

Introduction; Ayes, 7; Noes, 0.

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

**Senate Bill 382**

Relating to a requirement for actual inspection annually of nursing homes and staggered license renewal.

By request of Lt. Governor Martin J. Schreiber.

Introduction; Ayes, 7; Noes, 0.

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

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### **Senate Bill 383**

Relating to requirements for work by nursing home patients.

By request of Lt. Governor Martin J. Schreiber.

Introduction; Ayes, 7; Noes, 0.

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

### **Senate Bill 384**

Relating to the requirement of bonds for the faithful performance of nursing home care contracts.

By request of Lt. Governor Martin J. Schreiber.

Introduction; Ayes, 7; Noes, 0.

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

### **Senate Bill 385**

Relating to the creation of a dental laboratories and technicians examining board, granting rule-making authority, making an appropriation and providing a penalty.

Introduction; Ayes, 7; Noes, 0.

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

and further recommends:

### **Senate Bill 185**

Relating to recodification of the laws pertaining to special education of children with exceptional educational needs, authorizing payment of state aids, granting rule-making authority and increasing an appropriation.

Adoption of senate amendment 1; Ayes, 7; Noes, 0.

Adoption of senate amendment 2; Ayes, 7; Noes, 0.

Adoption of senate amendment 4; Ayes, 7; Noes, 0.

Passage as amended; Ayes, 7; Noes, 0.

JAMES C. DEVITT

Chairman

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By request of Senator Devitt, with unanimous consent, **Senate Bill 185** was rereferred to the joint committee on Finance.

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**AMENDMENTS OFFERED**

**Senate amendment 1 to Senate Bill 39** by Senator Roseleip.

**Senate amendment 1 to Senate Bill 56** by Senator Roseleip, by request of Federation of Wisconsin Lake Property Owners Association, Inc., Mrs. R.V. Anderson.

**Senate amendment 1 to Senate Bill 57** by Senator Roseleip, by request of Federation of Wisconsin Lake Property Owners Association, Inc., Mrs. R.V. Anderson.

**Senate amendment 1 to Senate Bill 61** by Senator Roseleip, by request of Federation of Wisconsin Lake Property Owners Association, Inc., Mrs. R.V. Anderson.

**Senate amendment 1 to Senate Bill 62** by Senator Roseleip, by request of Federation of Wisconsin Lake Property Owners Association, Inc., Mrs. R.V. Anderson.

**Senate amendment 1 to Senate Bill 63** by Senator Roseleip, by request of Federation of Wisconsin Lake Property Owners Association, Inc., Mrs. R.V. Anderson.

**Senate substitute amendment 1 to Senate Bill 233** by Senator Parys.

**Senate amendment 1 to Senate Bill 610** by Senator Roseleip.

Upon motion of Senator Johnson the senate adjourned until 9:00 A.M. Friday, March 23.

12:20 P.M.



INTRODUCTION OF GUESTS

Senator Roseleip introduced seventh grade students and Mrs. Grimm, from Cassville, Wisconsin.

Senator J. D. Swan introduced Lonnie Krogwold, President of Wisconsin Potato Growers Association of Amherst, Wisconsin.

Senator Knutson introduced Cadette Girl Scout Troop - 63 of Coon Valley accompanied by Mrs. Clifford Bakkum of Coon Valley, Wisconsin.

Senator Thompson introduced 65 students from E.G. Kromrey Middle School and Michael Esser of Middleton, Wisconsin.

Senator J. D. Swan introduced Judy Bailey, Pam Garin, Jim Anderson, Tim Ehlers, Sue Koch, Candy McBay, Ellen Riepl and Joan Murooney of Janesville and Kristin Opdybe, James Wood and Richard Korbeck of Beloit, Wisconsin.

Senator Swan introduced 9 Social Studies students from Parker Junior High School and Mr. Eyester of Janesville, Wisconsin.