

JOURNAL OF THE SENATE (March 27, 1973)

STATE OF WISCONSIN

Senate Journal

Eighty-First Regular Session

TUESDAY, March 27, 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 Mark H. Wegner, Pastor of Monona Lutheran Church of Madison.

In the name of the Father, Son, and Holy Ghost, Almighty Lord, triune in nature and essence, whom to know is to love and whom to love is to serve, of whose righteous will and by whose Almighty fiat all things visible and invisible were called into existence, who has lifted the islands out of the deep and provided for mankind everywhere a habitable homeland with favorable climate, we thank Thee, particularly for Thine abundant graces and blessings upon us as a democratic and free society of people in this great land that we call "home". Deepen now, we pray, the root of our national life in true righteousness. Let not the crown of our pride be as a fading flower. Make us equal to our high trusts, reverent and chaste in the use of our freedoms, fair and impartial in the exercise of power, virtuous and exemplary as public officials; kind, compassionate and considerate toward those less fortunate than ourselves. To our legislators, here assembled in this session, grant insight and foresight that the laws they seek to implement may clearly speak what is right for the welfare of all rather than for the advantage of a few at the expense of truth and honesty. May wisdom flourish in these hallowed halls, to the end that our great people will happily love and respect their elected leaders for their sagacity and integrity.

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These graces we ask, heavenly Father, not because of our merit or worthiness, but because it is Thy property to dispense grace, through Jesus Christ, Thy blessed Son, our Savior and Redeemer. Amen.

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 sessions.

By request of Senator Risser, with unanimous consent, Senator Bablitch was granted a leave of absence for Tuesday and Wednesday of this week.

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

Senators Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, 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 -- 30.

Absent -- None.

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution 13

Requesting an opinion of the attorney general on the constitutionality of section 59.12 in regard to the appointment rather than the election of county surveyors.

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Resolved by the senate, that the attorney general is requested to provide an opinion as to the constitutionality of section 59.12 of the statutes in regard to the appointment rather than the election of county surveyor.

By Senator Theno, by request of Mr. Peter DeRubeis, Iron Co. Surveyor.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 388

Relating to airport projects sponsored jointly by a political subdivision in this state and by a similar unit in an adjoining state.

By Senator LaFave.

To committee on Transportation.

Senate Bill 389

Relating to exemption from snowmobile registration requirement.

By Senator Roseleip.

To committee on transportation.

Senate Bill 390

Relating to various changes in veterans laws and making an appropriation.

By Senator Roseleip, cosponsored by Representative Klicka.

To committee on Governmental and Veterans' Affairs.

Senate Bill 391

Relating to making an appropriation for the repair of homes for needy veterans.

By Senators Roseleip, Martin and Johnson, cosponsored by Representatives Atkinson, Schricker, Byers, Donoghue, Wise, Bradley, Luckhardt, Klicka, Duren and Porter.

To committee on Governmental and Veterans' Affairs.

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Senate Bill 392

Relating to training benefits under unemployment law.

By Senators Frank, Flynn, LaFollette, McKenna, Roseleip, Martin, Schuele, M. Swan and Thompson, cosponsored by Representatives Atkinson, Plewa, Tesmer, Early, Conta and Mittness.

To committee on Industry, Labor, Taxation and Banking.

COMMITTEE REPORTS

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

Senate Bill 393

Relating to various changes in personal income tax laws.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to Joint Survey Committee on Tax Exemptions.

EVERETT V. BIDWELL

Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 39

A petition by 47 dairy farmers of Wisconsin to retain the 5-1/4c tax on colored oleomargarine, and that said income be used to finance a strong dairy plant security law to provide some measure of security to farmers for deliveries of milk to plants for as long as a forty-five day period.

By Senator McKenna.

Read and referred to committee on Agriculture and Rural Development.

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Senate Petition 40

A petition by 50 Sheboygan County citizens who are strongly opposed to current legislation in the Wisconsin Legislature to curtail our rights under the Bill of Rights of the United States: The Right to Keep and Bear Arms. These citizens also express their opposition to the passage of any bill which would place a further restriction upon our right to own, buy, sell, or transport guns.

By Senator Keppler.

Read and referred to committee on Natural Resources.

By request of Senator Johnson, with unanimous consent, the senate recessed for 40 minutes.

10:15 A.M.

RECESS

10:55 A.M.

The senate reconvened.

President pro tempore of the senate in the chair.

Senator Roseleip introduced Frank J. Czecholinski of the Wisconsin Veterans' Council, and with unanimous consent, he addressed the senate body, where he introduced:

President of the Wisconsin Veterans Council, Clarence Brunner, ** V.F.W. from Manitowoc, State Commander AMVETS, Frank LaConte from Menomonee Falls, State Commander Army and Navy Union, James H. Mallas from Brookfield, State Commander Disabled American Veterans, Rupert G. Wimmer from Wausau, State Auxiliary President, Disabled American Veterans, Mrs. Carol Bussian from Madison, State Commander, Military Order of the Purple Heart, Norman Leibham from Sheboygan, State Auxiliary President, Military Order of the Purple Heart, Mrs. Vernetta Leibham from Sheboygan, State Commander, The American Legion, John Damman from West Allis, State Auxiliary President, The American Legion, Mrs. June Benishek from Milwaukee, Past National Commander In Chief, Spanish War Veterans, Morris Oesterreich from Milwaukee, State Commander, Veterans of

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Foreign Wars, Herbert A. Luer from Eau Claire, State Auxiliary President, Veterans of Foreign Wars, Mrs. Myrtle Brunner from Manitowoc, State Commander, Veterans of World War I, Carl A. Anderson from Platteville, and State President, Women's Relief Corps, Mrs. Margaret Toney from Richland Center.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 57

Directing the joint committee on finance to study and reevaluate the use of the program budget vs. the line budget.

By Senators J.D. Swan, Hollander, Knowles and Kasten, cosponsored by Representative Wackett.

Read and referred to joint committee on Finance.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 394

Relating to revocation of registration and practice by partnerships and corporations of land surveying.

By Senator Dorman, cosponsored by Representatives Ferrall, Rooney, Rohner and Porter.

To committee on Agriculture and Rural Development.

Senate Bill 395

Relating to including assistant district attorneys in the collective bargaining units consisting of county law enforcement agencies.

By Senator Dorman.

To committee on Industry, Labor, Taxation and Banking.

Senate Bill 396

Relating to informal administration of estates and related matters in probate.

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By Senators Lorge, Chilsen, Devitt, Roseleip, Theno, Hollander and McKenna.

To committee on Judiciary and Insurance.

Senate Bill 397

Relating to the effect of misrepresentations by the insured in the negotiation of an insurance contract.

By Senators Lorge and Roseleip, by request of Wisconsin Insurance Commissioners.

To committee on Judiciary and Insurance.

Senate Bill 398

Relating to the family medicine program in the University of Wisconsin system and making an appropriation.

By Senators Lorge, Devitt and Chilsen.

To joint committee on Finance.

Senate Bill 399

Relating to changing the name of the pharmacy internship board to the continuing pharmacy education board, setting forth certain requirements of continuing pharmacy education, and granting rule-making power.

By Senators Murphy, Roseleip, Devitt, McKenna, Dorman and Theno.

To committee on Health, Education and Welfare.

Senate Bill 400

Relating to establishing and maintaining prescription drug profile record systems, limiting the time for refilling of prescriptions, and granting rule-making power.

By Senators Murphy, Roseleip, McKenna, Dorman and Theno.

To committee on Health, Education and Welfare.

Senator Johnson asked unanimous consent that the senate advance to the eleventh order of business.

Senator Risser objected.

Senator Risser moved that **Assembly Bill 610** be taken from the committee on Industry, Labor, Taxation and Banking and considered for action at this time.

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The ayes and noes were required and the vote was: ayes, 14; noes, 16; absent or not voting, 3; as follows:

Ayes -- Senators Dorman, Flynn, Frank, Keppler, LaFollette, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Swan, M., Thompson and Whittow -- 14.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Knowles, Knutson, LaFave, Lorge, Murphy, Petri, Roseleip, Steinhilber, Swan, J.D. and Theno -- 16.

Absent or not voting -- Senators Bablitch, Kendziorski and Krueger -- 3.

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

Senator Johnson asked unanimous consent that the senate advance to the eleventh order of business.

Senator Risser objected.

Senator McKenna asked unanimous consent that the senate return to the eighth order of business.

Senator Johnson objected.

Senator McKenna moved that the senate return to the eighth order of business.

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:

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Senators Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, 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 -- 30.

Absent -- None.

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

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

Ayes -- Senators Dorman, Flynn, Frank, LaFollette, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Swan, M., Thompson and Whittow -- 13.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, Lorge, Murphy, Petri, Roseleip, Steinhilber, Swan, J.D. and Theno -- 17.

Absent or not voting -- Senators Bablitch, Kendziorski and Krueger -- 3.

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

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

CALENDAR OF MARCH 14

Senate Joint Resolution 23

Designating April 9th to 15th as Earth Week 1973.

Read.

The question was: Adoption?

So the resolution was adopted.

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Senate Joint Resolution 46

Relating to the life and public service of Will G. Ballentine.

Read.

The question was: Adoption?

So the resolution was adopted.

Senate Bill 27

Relating to county reorganization.

Read a second time.

The question was: Adoption of senate amendment 1 to **Senate Bill 27**.

Senator Martin moved rejection.

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

Ayes -- Senators Bidwell, Chilsen, Dorman, Flynn, Frank, Hollander, Keppler, Knowles, LaFollette, McKenna, Martin, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, M., Theno, Thompson and Whittow -- 21.

Noes -- Senators Devitt, Johnson, Kasten, Knutson, LaFave, Lorge, Murphy, Steinhilber and Swan, J.D. -- 9.

Absent or not voting -- Senators Bablitch, Kendziorski and Krueger -- 3.

So the motion prevailed.

The question was: Adoption of senate amendment 2 to **Senate Bill 27**?

Senator Martin moved rejection.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 14; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Dorman, Hollander, Knowles, Lorge, McKenna, Martin, Peloquin, Risser, Roseleip, Schuele, Theno, Thompson and Whittow -- 16.

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Noes -- Senators Flynn, Frank, Johnson, Kasten, Keppler, Knutson, LaFave, LaFollette, Murphy, Parys, Petri, Steinhilber, Swan, J.D. and Swan, M. -- 14.

Absent or not voting -- Senators Bablitch, Kendziorski and Krueger -- 3.

So the motion prevailed.

Senator Knutson moved reconsideration of the vote by which **Senate Joint Resolution 21** was adopted.

Senator Knutson asked unanimous consent that the motion for reconsideration be placed on the next printed calendar.

Senator Hollander objected.

Senator Knutson moved that the motion for reconsideration be placed on the next printed calendar.

The motion prevailed.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 58** by Senator J. D. Swan.

Senate amendment 1 to **Senate Bill 165** by Senator J. D. Swan.

Senate substitute amendment 1 to **Senate Bill 204** by Senator Chilsen.

Senate amendment 1 to **Senate Bill 217** by Senator Murphy.

Senate amendment 1 to **Senate Bill 223** by Senator Murphy.

Senate amendment 1 to **Senate Bill 287** by Senator Murphy.

Senate amendment 1 to **Senate Bill 364** by Senator Kasten.

Senate amendment 2 to **Assembly Bill 610** by Senator Steinhilber.

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Senate amendment 3 to Assembly Bill 610 by Senators J. D. Swan, Theno and M. Swan.

Senate amendment 3 to Senate Bill 27 by Senator J. D. Swan.

Senate substitute amendment 2 to Senate Resolution 9 by Senator Murphy.

Senate amendment 1 to Senate Bill 35 by Senator LaFollette.

Senate substitute amendment 1 to Senate Bill 257 by Senator Devitt, by request of Representative Oestreicher.

Senate amendment 1 to Senate Bill 303 by Senator Murphy.

Upon motion of Senator Johnson the senate adjourned until 9:00 A.M. Wednesday, March 28.

12:12 P.M.

INTRODUCTION OF GUESTS

Senator Dorman introduced 40 Holy Name School students, teachers and parents from Racine, Wisconsin.

Senator McKenna introduced the Eastmoreland Homemakers Club of Madison.

Senator Bidwell introduced Campfire Group 14 and their leaders, Mrs. Charles Platt, Mrs. Erwin Butzlaff, Mrs. Terry Clemmons, and Mrs. Robert Portzen of Portage, Wisconsin.

Senator Frank introduced Mr. Matson and Urban Studies students of Showles Junior School of Milwaukee, Wisconsin.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 86

On page 12, line 26, change "or" to "of".

Senate Bill 243

On page 12. line 24, change "or" to "of".