## STATE OF WISCONSIN

# **Senate Journal**

## **Eighty-First Regular Session**

THURSDAY, April 5, 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 John T. Flanagan, Pastor of St. Thomas Aguinas Church, Madison.

O God, the creator and redeemer of the universe, please grant your favor to the members of this august body. Give them the strength to shoulder the heavy responsibilities which we have entrusted to them. Grant them the wisdom to see themselves as your servants, holding the hopes and desires of our citizens in their deliberations.

May they discharge their duties with both justice and charity. Help them as their counselor, guide and inspiration.

We ask this through your Son, Our Lord, Jesus Christ, who lives and reigns, One God Forever and ever. 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:

9 Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno and Whittow -- 28.

Absent -- Senators Flynn, Parys and Thompson -- 3. Absent with leave -- Senators Kendziorski and Krueger -- 2.

Vice-president of the senate in the chair.

9:05 A.M.

#### INTRODUCTION OF RESOLUTIONS

#### **Senate Joint Resolution 59**

Directing the legislative council to study the feasibility of the federal government collecting state income taxes and of simplifying the state income tax bringing it into closer conformity with the federal income tax.

By Senators Petri, Kasten and Knowles.

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

#### **BILLS INTRODUCED**

Read first time and referred:

#### Senate Bill 433

Relating to requiring on a purchase money mortgage only the signature of that spouse who is the owner of record.

By Senators Frank and Johnson, by request of the State Bar of Wisconsin.

To committee on Judiciary and Insurance.

### Senate Bill 434

Relating to revisions in the probate code.

By Senators Frank, Murphy and Lorge, by request of the State Bar of Wisconsin.

To committee on Judiciary and Insurance.

#### Senate Bill 435

Relating to obtaining telecommunications service by fraud, and providing a penalty.

By Senators LaFave, Hollander, Martin, Frank, Whittow, and Steinhilber, by request of the Wisconsin State Telephone Association.

To committee on Judiciary and Insurance.

#### **COMMITTEE REPORTS**

The committee on Urban Affairs reports and recommends:

#### Senate Bill 227

Relating to Wisconsin state reformatory.

Passage; Ayes, 3; Noes, 2.

JACK D. STEINHILBER Chairman

#### PETITIONS AND COMMUNICATIONS

#### Senate Petition 51

A petition by 24 residents of Waukesha County in opposition to the wording in Senate Bill 16, urging that the senate strike out the words "unless under the supervision of a teacher of agriculture or doctor of veterinary medicine".

By Senator Murphy.

Read and referred to committee on Agriculture and Rural Development.

## MESSAGE FROM THE ASSEMBLY

By Thomas S. Hanson, chief clerk.

Mr. President:

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

Assembly Bill 252
Assembly Bill 319
Assembly Bill 320
Assembly Bill 353
Assembly Bill 367
Assembly Bill 461
Assembly Bill 485
Assembly Bill 487

#### Concurred in:

Senate Bill 24 Senate Bill 60

#### Amended and concurred in as amended:

Senate Joint Resolution 15 (Assembly amendment 1 adopted)
Senate Bill 20 (Assembly amendment 1 adopted)

#### MESSAGE FROM THE ASSEMBLY CONSIDERED

## **Assembly Bill 252**

Relating to suspension and expulsion of pupils from public schools.

By Representatives FERRALL, GROVER, FLINTROP, KEDROWSKI and MILLER.

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

## **Assembly Bill 319**

Relating to standard milk product containers.

By Representatives O'MALLEY, DAY, OBERLE, GIESE, TREGONING, EVERSON and SCHROEDER.

Read first time and referred to committee on Agriculture and Rural Development.

## **Assembly Bill 320**

Relating to manufacture and distribution of uncarbonated soda water beverages.

By Representatives O'MALLEY, OBERLE, DAY, GIESE, TREGONING, EVERSON and SCHROEDER.

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

## **Assembly Bill 353**

Relating to mutual savings banks loans, deposits, reserves and bank stations and branches.

By Representatives JOHNSON, O'MALLEY, VANDERPERREN, SCHRICKER, DAY, MITTNESS, CONTA, LEWISON, GIESE and MURRAY; co-sponsored by Senators RISSER and FRANK.

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

## **Assembly Bill 367**

Relating to authority of the commissioner of savings and loan to issue supervisory orders and providing a forfeiture.

By Representatives SICULA, WILCOX, NAGER, PABST and BALDUS.

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

## **Assembly Bill 461**

AN ACT authorizing the conveyance of the youthful offenders institution at New Chester to the federal government.

By JOINT COMMITTEE ON FINANCE.

Read first time and referred to committee on Judiciary and Insurance.

## Assembly Bill 485

Relating to a disability insurance pool.

By Representatives CZERWINSKI, JACKAMONIS, KLECZKA, BERGER, SICULA, CONTA, BARBEE, WARD, KEEGAN, BEHNKE, MENOS, PABST, RUTKOWSKI,

FERRALL, MUNTS, BALDUS, EARLY, OESTREICHER, EARL, BARCZAK, NAGER, NIEBLER and GIESE; cosponsored by Senators DEVITT, DORMAN, CHILSEN, THOMPSON, M. SWAN, RISSER, BABLITCH and LA FOLLETTE, by request of Governor Patrick J. Lucey and The Health Planning and Policy Task Force.

Read first time and referred to committee on Judiciary and Insurance.

## **Assembly Bill 487**

Relating to medical assistance by means of prepaid health care plans.

By COMMITTEE ON HEALTH AND SOCIAL SERVICES, by request of Health Planning and Policy Task Force and Reps. Conta, Ward, Barbee, Willkom, Ferrall, Baldus, Dueholm, Oestreicher, Earl and Sicula.

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

#### **MOTIONS**

Senator J. D. Swan moved that Senate Joint Resolution 48 be withdrawn from committee on Governmental and Veterans' Affairs and referred to the calendar.

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 Bablitch, Bidwell, Chilsen, Devitt, Dorman, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave. LaFollette, Lorge, McKenna, Martin, Murphy, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno and Whittow -- 28.

Absent -- Senators Flynn, Parys and Thompson -- 3. Absent with leave -- Senators Kendziorski and Krueger -- 2.

#### LEAVE OF ABSENCE

By request of Senator Johnson, with unanimous consent, Senators Flynn, Parys and Thompson were granted a leave of absence until 12:00 noon..

By request of Senator J. D. Swan, with unanimous consent, the motion to withdraw Senate Joint Resolution 48 from committee was withdrawn.

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

#### **MOTIONS UNDER JOINT RULE 26**

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

Know you by these presents:

Whereas, a record 71,700 citizens of the City of Madison, Wisconsin, the Capitol City, turned out to the polls on April 3, 1973, to choose a Mayor; and

Whereas, Alderman Paul Soglin received over 52% of this record vote, and recorded a 3,400 vote victory margin over the incumbent; and

Whereas, Alderman Soglin has been convincingly elected the new Mayor of the City of Madison; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senators Risser and McKenna and Representatives Anderson, Miller, Munts and Nager, under Joint Rule 26, offer congratulations to Paul and

Diane Soglin at the victorious climax of a hard-fought Mayoral campaign, and best wishes for a successful term of office in our fine Capitol City.

Read and adopted.

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

Know you by these presents:

Whereas, John G. von Gnechten of Wausau, Wisconsin, has been chosen "Restaurateur of the Year" by the Wisconsin Restaurant Association; and

Whereas, Mr. von Gnechten has also been designated to receive the "Salut au Restaurateur" award in 1974; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Chilsen and Representative Earl, under Joint Rule 26, commend John G. von Gnechten for the recognition he has received, and join in paying tribute to his professional competence and his involvement in local government and civic affairs which exemplify his dedication toward making life in his community a richer and more rewarding experience.

Read and adopted.

## Senate Bill 141

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

The question was: Reconsideration of the vote by which Senate Bill 141 was indefinitely postponed.

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, 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 Flynn, Kendziorski and Krueger - 3.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Dorman, Flynn, Kasten, Knowles, LaFollette, McKenna, Peloquin, Risser, Steinhilber, Swan, J.D., Swan, M., Theno and Thompson -- 14.

Noes -- Senators Bidwell, Chilsen, Devitt, Frank, Hollander, Johnson, Keppler, Knutson, LaFave, Lorge, Martin, Murphy, Parys, Petri, Roseleip, Schuele and Whittow -- 17.

Absent or not voting -- Senators Kendziorski and Krueger -- 2.

So the motion did not prevail.

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

By request of Senator Hollander, with unanimous consent, Senate Joint Resolution 38 was withdrawn from the joint committee on Finance and referred to the calendar.

By request of Senator Dorman, with unanimous consent, Senate Bill 394 was withdrawn from the committee on Agriculture and Rural Development and referred to the committee on Industry, Labor, Taxation and Banking.

By request of Senator Johnson, with unanimous consent, the senate returned to the fourth order of business.

#### COMMITTEE REPORTS

The committee on Judiciary and Insurance reports and recommends for introduction:

#### Senate Bill 436

Relating to failure to pass written real estate examination and denial of license.

By request of the Wisconsin Real Estate Examining Board.

Introduction; Ayes, 5; Noes, 0.

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

#### Senate Bill 437

Relating to partial tax exemption of homesteads of blind persons.

By request of Mrs. Joseph Trappa, Eau Claire.

Introduction; Ayes, 4; Noes, 0.

Read first time and referred to joint committee on Finance.

#### Senate Bill 438

Relating to the granting of credits for prior service, under the Wisconsin retirement fund.

By request of Mr. Edwin G. Monick, Sparta.

Introduction; Ayes, 4; Noes, 0.

Read first time and referred to Joint Survey Committee on Retirement Systems.

## Senate Bill 439

Relating to permission to remarry.

By request of the Honorable Ernest T. C. Hanson, Eau Claire.

Introduction; Ayes, 4; Noes, 0.

Read first time and referred to committee on Judiciary and Insurance.

## Senate Bill 440

Relating to transfer of legal guardianship of children found dependent.

Introduction; Ayes, 4; Noes, 0.

Read first time and referred to committee on Judiciary and Insurance.

#### Senate Bill 441

Relating to eliminating real estate broker apprenticeships.

By request of the Wisconsin Real Estate Examining Board.

Introduction; Ayes, 5; Noes, 0.

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

#### Senate Bill 442

Relating to qualifications of applicants for real estate licenses and granting rule-making authority.

By request of the Wisconsin Real Estate Examining Board.

Introduction; Ayes, 5; Noes, 0.

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

#### Senate Bill 443

Relating to appointment of court commissioners in populous counties.

Introduction; Ayes, 4; Noes, 0.

Read first time and referred to committee on Judiciary and Insurance.

### Senate Bill 444

Relating to requiring the use of enriched flour.

By request of Mrs. Nyla Musser, Black River Falls.

Introduction; Ayes, 4; Noes, 0.

Read first time and referred to committee on Agriculture and Rural Development.

and further recommends:

## Senate Bill 302

Relating to changes in probate filing fees.

By request of the State Bar of Wisconsin.

Passage; Ayes, 4; Noes, 0.

### Senate Bill 387

Relating to abridged orders in summary assignment, summary settlement and termination of joint tenancy and life estate proceedings affecting real estate.

Passage; Ayes, 4; Noes, 0.

#### Senate Bill 396

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

Adoption of amendment 1; Ayes, 4; Noes, 0.

Passage as amended; Ayes, 4; Noes, 1.

## GERALD D. LORGE Chairman

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

#### **Senate Resolution 10**

Relating to commending President Nixon for concluding the conflict in Vietnam.

Adoption of senate amendment 1; Ayes, 5; Noes, 0. Adoption as amended; Ayes, 4; Noes, 1.

## Senate Bill 271

Relating to training for fire inspectors.

Passage; Ayes, 5; Noes, 0.

#### Senate Bill 274

Relating to county notice for destruction of noxious weeds.

Passage; Ayes, 5; Noes, 0.

## Senate Bill 307

Relating to changing observance of Veterans Day from the 4th Monday in October to November 11 and the observance of Memeorial Day from the last Monday in May to May 30.

Adoption of senate amendment 1: Aves. 5: Noes. 0.

Passage as amended: Aves. 4: Noes. 1.

## Senate Bill 308

Relating to the state flag. Passage; Ayes, 5; Noes, 0.

#### GORDON W. ROSELEIP Chairman

#### LEAVE OF ABSENCE

By request of Senator Risser, with unanimous consent, Senator Peloquin was granted a leave of absence for the balance of the day's session.

#### Senate Bill 81

Relating to special registration fees for truck tractors and semitrailers used by nonprofit corporations.

The question was: Adoption of senate substitute amendment 2 to Senate Bill 81?

Senator Johnson asked unanimous consent that Senate Bill 81 be placed at the foot of the calendar.

Senator Murphy objected.

Senator Murphy raised the point of order that senate substitute amendment 2 to Senate Bill 81 was not germane.

The chair ruled the point of order well taken.

Senate amendment 1 to Senate Bill 81 offered by Senator LaFave.

Senate amendment 1 adopted.

The question was: Shall Senate Bill 81 be ordered to a third reading?

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

Ayes -- Senators Bablitch, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, Lorge, Martin, Parys, Roseleip, Schuele, Steinhilber, Swan, J.D. and Theno -- 17.

Noes -- Senators Bidwell, Chilsen, Dorman, Flynn, Frank, LaFollette, McKenna, Murphy, Petri, Risser, Swan, M., Thompson and Whittow -- 13.

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

So the bill was ordered to a third reading.

Senator Johnson asked unanimous consent that the bill be considered for final action at this time.

Senator Bidwell objected.

#### **CALENDAR OF MARCH 14**

## **Assembly Bill 10**

Relating to the purchase of vehicles by the Milwaukee school board.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

## **Assembly Bill 10**

Read a third time and concurred in.

#### **CALENDAR OF MARCH 16**

#### Senate Bill 138

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

Read a second time.

Ordered to a third reading.

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

#### Senate Bill 138

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 4; as follows:

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

Noes -- None.

Absent or not voting -- Senators Kendziorski, Krueger, LaFave and Peloquin -- 4.

So the bill passed.

### Senate Bill 197

Relating to changing the name and certain duties of the committee to visit state properties.

Read a second time.

Senate amendment 1 to Senate Bill 197 offered by Senator Whittow.

Senate amendment 1 adopted.

Senate amendment 2 to Senate Bill 197 offered by Senator Risser.

Senator Dorman asked unanimous consent that Senate Bill 197 be laid aside.

Senator Whittow objected.

Senator Steinhilber moved rejection of senate amendment 2.

So the motion prevailed.

Senate amendment 3 to Senate Bill 197 offered by Senator McKenna.

Senator Parys moved rejection.

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

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, Martin, Murphy, Parys, Petri, Roseleip, Schuele, Steinhilber, Swan, J.D., Theno and Whittow -- 20.

Noes -- Senators Bablitch, Dorman, Flynn, Frank, LaFollette, Lorge, McKenna, Risser, Swan, M. and Thompson -- 10.

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

So the motion prevailed.

Senate amendment 4 to Senate Bill 197 offered by Senator M. Swan.

Senator Murphy moved rejection.

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

Ayes -- Senators Bidwell, Hollander, Johnson, Kasten, Keppler, Knutson, LaFave, Martin, Murphy, Parys, Petri, Schuele, Steinhilber and Swan, J.D. -- 14.

Noes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Knowles, LaFollette, Lorge, McKenna, Risser, Roseleip, Swan, M., Theno, Thompson and Whittow -- 16.

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

So the motion did not prevail.

The question was: Adoption of senate amendment 4 to Senate Bill 197?

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

Ayes -- Senators Bablitch, Chilsen, Dorman, Flynn, Frank, Knowles, LaFollette, Lorge, McKenna, Risser, Swan, M., Theno, Thompson and Whittow -- 14.

Noes -- Senators Bidwell, Devitt, Hollander, Johnson, Kasten, Keppler, Knutson, LaFave, Martin, Murphy, Parys, Petri, Roseleip, Schuele. Steinhilber and Swan, J.D. -- 16.

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

So the amendment was not adopted.

Senate amendment 5 to Senate Bill 197 offered by Senator Risser.

Senate amendment 5 adopted.

Ordered to a third reading.

By request of Senator Steinhilber, with unanimous consent, the bill was considered for final action at this time.

## Senate Bill 197

Read a third time.

The ayes and noes were required and the vote was: ayes, 23; noes, 8; absent or not voting, 2; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, Martin, Murphy, Parys, Petri, Roseleip, Schuele, Steinhilber, Swan, J.D., Theno and Whittow -- 23.

Noes -- Senators Bablitch, LaFollette, Lorge, McKenna, Peloquin, Risser, Swan, M. and Thompson -- 8.

Absent or not voting -- Senators Kendziorski and Krueger -- 2.

So the bill passed.

#### Senate Bill 273

Relating to exempting restoration and reconstruction contracts at the old world Wisconsin site from the law requiring such contracts to be let on bid and let to the lowest bidder.

Read a second time.

Ordered to a third reading.

By request of Senator Steinhilber, with unanimous consent, the bill was considered for final action at this time.

#### Senate Bill 273

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 7; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, LaFave, McKenna, Martin, Murphy, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Theno, Thompson and Whittow -- 24.

Noes -- Senators Dorman, Knutson, LaFollette, Lorge, Parys, Swan, J.D. and Swan, M. -- 7.

Absent or not voting -- Senators Kendziorski and Krueger -- 2.

So the bill passed.

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

By request of Senator Johnson, with unanimous consent, the senate returned to the ninth order of business.

#### MOTIONS

By request of Senator LaFollette, with unanimous consent, Senate Joint Resolution 38 was made a special order of business at 9:15 A.M. on Wednesday, April 11.

#### **AMENDMENTS OFFERED**

Senate substitute amendment 2 to Senate Bill 104 by Senator Frank.

Senate amendment 1 to Senate Bill 209 by Senator Petri.

Senate amendment 2 to Senate Bill 209 by Senator Petri.

Senate amendment 1 to Senate Bill 213 by Senator Petri.

Senate amendment 1 to Senate Bill 218 by Senator Petri.

Senate amendment 1 to Senate Bill 234 by Senator Knutson.

Senate amendment 1 to Senate Bill 252 by Senator Chilsen.

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 269 by Senator Chilsen.

Senate amendment 2 to Senate Bill 287 by Senator Chilsen.

Senate amendment 1 to Senate Bill 344 by Senator Chilsen.

Senate amendment 1 to Senate Bill 396 by Senator Lorge.

By request of Senator Knowles, with unanimous consent, the senate adjourned in honor of the birthday of the vice-president of the senate, Senator Ernest C. Keppler.

By request of Senator Roseleip, with unanimous consent, the senate also adjourned in memory of the passing of a Spanish American and World War I veteran, Mr. John L. Ebbe, who died at age 96.

Upon motion of Senator Johnson the senate adjourned until 9:00 A.M. Friday, April 6.

12:02 P.M.

#### **INTRODUCTION OF GUESTS**

Senator Chilsen introduced eighth grade civics classes from Trinity, Zion, and St. Mark's Schools and their teachers Mr. Gable, Mr. Brackman, Mr. Otto, and Mr. Grass of Wausau, Wisconsin.

Senator Thompson introduced 95 students from Jefferson School and their teacher Mr. William Giese of Janesville, Wisconsin.

Senator Bidwell introduced 33 Junior High School Civics Class students from Emmanuel Christian School and their teachers Mr. George Zimmer and Mr. Don Kok.

Senator Knowles introduced Mrs. Ernest Keppler, wife of Senator Keppler of Sheboygan, Wisconsin.