

JOURNAL OF THE SENATE (April 17, 1973)

STATE OF WISCONSIN

# Senate Journal

Eighty-First Regular Session

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TUESDAY, April 17, 1973.

10:00 A.M.

The senate met.

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

Prayer was offered by the Reverend J. R. Hughes, Pastor of Bethel Baptist 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.

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## LEAVE OF ABSENCE

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

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

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

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

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Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 30.

Absent -- None.

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

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### BILLS INTRODUCED

Read first time and referred:

#### **Senate Bill 464**

Relating to eligibility of governmental employes for unemployment compensation.

By Senator Flynn.

To committee on Industry, Labor, Taxation and Banking.

#### **Senate Bill 465**

Relating to preservation of otter and providing a penalty.

By Senators LaFave, Devitt, Schuele and Roseleip, cosponsored by Representative Anderson, by request of the Vilas-Oneida Wilderness Society-Carl Marty-Cedric Parker.

To committee on Natural Resources.

#### **Senate Bill 466**

Relating to requiring hospitals to administer emergency medical treatment without regard to the patient's ability to pay, and providing a penalty.

By Senators Flynn, Chilsen, Peloquin, Bablitch, McKenna, Theno, Frank and Dorman, cosponsored by Representatives Berger and Jackamonis.

To committee on Health, Education and Welfare.

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COMMITTEE REPORTS

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

Dear Sir:

Presented herewith are 15 Bills (LRB nos. 3573 to 3587) recommended for introduction by the Committee on Remedial Legislation pursuant to section 13.83 (1), Wis. Stats.

The other committee members are Representatives John Oestreicher and Richard Pabst. The committee vote for introduction was Ayes (3), Noes (0).

The following 15 bills were read first time and referred:

**Senate Bill 467**

Relating to the time limitation for filing claims for occupational deafness (suggested as remedial legislation by the workmen's compensation division of the department of industry, labor and human relations).

By request of the Department of Industry, Labor, and Human Relations.

To committee on Industry, Labor, Taxation and Banking.

**Senate Bill 468**

Relating to the time limitation for the recovery of escheated funds (suggested as remedial legislation by the state treasurer).

By request of the State Treasurer.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 469**

Relating to the time limitation for emergency rules (suggested as remedial legislation by the revisor of statutes).

By request of the Revisor of Statutes.

To committee on Judiciary and Insurance.

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**Senate Bill 470**

Relating to the sale of abandoned vehicles on state property and fur animal farms (suggested as remedial legislation by the department of natural resources).

By request of the Department of Natural Resources.

To committee on Natural Resources.

**Senate Bill 471**

Relating to disposition of certain books and other publications in the state law library (suggested as remedial legislation the state law librarian).

By request of the State Law Librarian.

To committee on Judiciary and Insurance.

**Senate Bill 472**

Relating to handling of state funds (suggested as remedial legislation by the department of administration).

By request of the Department of Administration.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 473**

Relating to expense accounts of judicial council members (suggested as remedial legislation by the judicial council).

By request of the Judicial Council.

To committee on Judiciary and Insurance.

**Senate Bill 474**

Relating to civil service leave and holiday provisions, prohibiting discrimination by state contractors because of age or sex, and renumbering provisions for better arrangement (suggested as remedial legislation by the department of administration).

By request of the Department of Administration.

To committee on Governmental and Veterans' Affairs.

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**Senate Bill 475**

Relating to requiring approval of the director of personnel when a position is classified as a protective occupation and when an employe's service is extended beyond normal retirement date (suggested as remedial legislation by the department of administration).

By request of the Department of Administration.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 476**

Relating to reports by the retirement research committee (suggested as remedial legislation by the retirement research committee).

By request of the Retirement Research Committee.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 477**

Relating to the state fire marshal and the investigation of arson (suggested as remedial legislation by the department of justice).

By request of the Department of Justice.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 478**

Relating to prescription labels and recordkeeping by persons authorized to possess controlled substances (suggested as remedial legislation by the pharmacy examining board).

By request of the Pharmacy Examining Board.

To committee on Health, Education and Welfare.

**Senate Bill 479**

Relating to reports of the public instruction department and to mileage reimbursement paid agency school committee members (suggested as remedial legislation by the department of public instruction).

By request of the Department of Public Instruction.

To committee on Health, Education and Welfare.

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**Senate Bill 480**

Relating to requiring the commissioner of credit unions to file a bond and correcting references to credit unions in the banking law (suggested as remedial legislation by the commissioner of credit unions).

By request of the Commissioner of Credit Unions.  
To committee on Industry, Labor, Taxation and Banking.

**Senate Bill 481**

Relating to correcting references to the crime laboratory, simplifying provisions as to hiring and assigning legal staff and correcting an error in the definition of smoke novelties as permitted fireworks (suggested as remedial legislation by the department of justice).

By request of the Department of Justice.  
To committee on Judiciary and Insurance.

**DANIEL O. THENO**  
Chairman

**REPORT OF JOINT SURVEY COMMITTEE ON  
TAX EXEMPTIONS**

**Senate Substitute Amendment 1  
to Senate Bill 270**

**Public Policy Involved**

Changes in farm machine capacities (larger) and costs (higher) make it necessary for farmers to maximize use of their equipment. With increased emphasis on good farm management practices, it is the exceptional farmer who does not perform some custom work for other farmers. Under existing law, any farmer who makes more than nominal use of his machinery in this manner loses his exemption.

This proposal is desirable public policy in that it establishes the tax exemption intended for farmers' machinery.

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**Senate Substitute Amendment 1  
to Senate Bill 306**

**Public Policy Involved**

This proposal is desirable as a matter of public policy.

Respectfully submitted,  
**JOINT SURVEY COMMITTEE ON TAX EXEMPTIONS**

David G. Berger  
Chairman

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**PETITIONS AND COMMUNICATIONS**

**Senate Petition 58**

A petition by 44 teachers from the Dodgeville Schools urging quick passage of Senate Bill 231.

By Senator Roseleip.

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

**Senate Petition 59**

A petition by 23 citizens of Wisconsin in opposition to Senate Bill 19.

By Senator Roseleip.

Read and referred to committee on Natural Resources.

**Senate Petition 60**

A petition from 51 students of the University of Wisconsin, Oshkosh expressing their support for Assembly Bill 448.

By Senator J. D. Swan.

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

**Senate Petition 61**

A petition by 47 citizens of Wisconsin asking for support on a U.S. Constitutional Amendment protecting life at all stages of development, and 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 Judiciary and Insurance.

**Senate Petition 62**

A petition by 53 citizens of Wisconsin asking for support on a U.S. Constitutional Amendment protecting life at all stages of development and 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 Judiciary and Insurance.

**Senate Petition 63**

A petition by 86 citizens of Wisconsin asking for support on a U.S. Constitutional Amendment protecting life at all stages of development and 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 Judiciary and Insurance.

**Senate Petition 64**

A petition by 83 citizens of Wisconsin asking for support on a U.S. Constitutional Amendment protecting life at all stages of development and 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 Judiciary and Insurance.

**Senate Petition 65**

A petition by 72 citizens of Wisconsin asking for support on a U.S. Constitutional Amendment protecting life at all stages of development and expressing opposition to government-financed programs relating to abortions and stating specific opposition to Assembly Bills 23, 57 and 58.



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

**Read and referred to committee on Judiciary and Insurance.**

**Senate Petition 66**

**A petition by 35 citizens of Waterford, Wisconsin expressing opposition to abortions.**

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

**Read and referred to committee on Judiciary and Insurance.**

**Senate Petition 67**

**A petition by 43 citizens of Wisconsin asking for support on a U.S. Constitutional Amendment protecting life at all stages of development and 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 Judiciary and Insurance.**

**State of Wisconsin  
Department of State**

**April 17, 1973.**

**To the Honorable, the Senate:**

**Gentlemen:**

**I have the honor to transmit to you, pursuant to s. 13.67 (2), a list of registered lobbyists for the period beginning on April 10, 1973, and ending on April 17, 1973.**

**For record purposes, employer authorizations have not been filed for lobbyists previously registered:**

**Ben J. Abroahms  
735 N. Water St.  
Milwaukee, Wis.**

**Joseph J. Gannon, Jr.  
35 Point Lookout  
Milwaukee, Wis.**

**Clarence W. Knebel  
Box 246  
Belmont, Wis.**

**Gary M. Paske  
Route 6  
DeForest, Wis.**

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Charles E. Fox  
7307 Hubbard Ave.  
Middleton, Wis.

Eamon T. Fenneesy  
116 Fawn Hill Rd.  
Upper Saddle River, N.J.

Yours very truly,  
ROBERT C. ZIMMERMAN  
Secretary of State

*Name, Address and Occupation of Lobbyist -- Name and Address of Employer -- Subject of Legislation -- Date of Employment.*

Kerry Woodruff, Student, 1516 Simpson St., Madison--Wisconsin Student Council of Technical Education--Technical Education--April 11, 1973

Paul Alfonsi, Consultant, Box 26, Minoqua--Blanchard Auto Mart, 2820 8th St., Wisconsin Rapids, Wisconsin--Car Dealer and Legislation--April 11, 1973

Lawrence Bugge, 9604 Lake Drive, Milwaukee--First Wisconsin Bankshares Corp., 735 N. Water St., Milwaukee--Banking--April 11, 1973

Kirby Hendee, Attorney, 111 S. Fairchild, Madison--Minnesota Mining and Manufacturing Co., Traffic Control Products Division, 3 M Co., St. Paul, Minnesota--Highway Safety--April 11, 1973

Ronald L. Gessl, Insurance Executive, 2005 Sandy Acre Drive, Plover--WIAA Accident Benefit Plan, Stevens Point, Wisconsin--Insurance Laws--April 12, 1973

Jack DeWitt, Attorney, 121 S. Pinckney, Madison--Ridgland Farms, Inc. 301 W. Main St., Mt. Horeb--Animals used in Research--April 12, 1973

James E. Hough, 121 S. Pinckney, Madison--Ridgland Farms, Inc., 301 W. Main St., Mt. Horeb--Animals used in Research--April 12, 1973

George W. Strohmeyer, Town Chairman, 1688 Winchester Rd., Neenah--Town of Menasha, Valley Rd. Menasha--Town Government--April 16, 1973

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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

April 11, 1973.

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

Mr. Thomas S. Hanson  
Assembly Chief Clerk  
218 West, State Capitol  
Madison, Wisconsin

Dear Messrs. Nugent and Hanson:

I am writing this letter in response to your letter of March 29, 1973 concerning Senate Joint Resolution 53. In that letter and resolution you are requesting that I, as Governor, declare a State of Emergency for the purpose of permitting the establishment of the bulkhead line in the Bay of Green Bay. I understand the deep concern that prompted the Legislature to pass this resolution; however, I do not feel that a declaration of emergency at this time would serve any purpose.

The State Department of Natural Resources has recently completed public hearings on an Environmental Impact Statement for this project and has completed its review of the proposed bulkhead line. The Department of Natural Resources indicated that on the basis of their evaluation and other information available that they have decided to conditionally approve the bulkhead line. A copy of the approval letter has been enclosed for your information.

A final Environmental Impact Statement is now being drafted.

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On behalf of the citizens of the state, I would like to extend my appreciation to you for the concern and dispatch with which you responded to this problem.

Sincerely,  
PATRICK J. LUCEY  
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 Passed and asks concurrence in:

**Assembly Bill 142**

**Assembly Bill 200**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 142**

Relating to authorization for the establishment of interstate metropolitan councils.

By Representatives EARL, JOHNSON, SANASARIAN, MITTNESS and OTTE; co-sponsored by Senators J. SWAN, STEINHILBER and MARTIN.

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

**Assembly Bill 200**

Relating to state documents delivered to the legislative reference bureau.

By Representative EARL.

Read first time and referred to committee on Senate Organization.

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MOTIONS  
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MOTION UNDER JOINT RULE 26

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

Know you by these presents:

Whereas, the Cambria-Friesland Area Schools won dual county championship in cross country, football and basketball, and the basketball team broke a record by winning 33 consecutive games; now, therefore, the Members of the Wisconsin Legislature, on the motion of Senator Bidwell and Representative Cyrak, under Joint Rule 26, extend our congratulations.

Read and adopted.

By request of Senator LaFave, with unanimous consent, Senate Bill 123 was withdrawn from the committee on Natural Resources and referred to the joint committee on Finance.

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SPECIAL ORDERS

**Senate Joint Resolution 38**

Declaring April 16, 1973, as Wisconsin Tax Action Day.  
Read.

By request of Senator Johnson, with unanimous consent, Senate Joint Resolution 38 was laid on the table.

By request of Senator Schuele, with unanimous consent, the senate recessed until 10:55 A.M.

10:30 A.M.

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RECESS

10:55 A.M.

The senate reconvened.

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

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MOTIONS

By request of Senator Hollander, with unanimous consent, **Senate Bill 240** was taken from the calendar and referred to the committee on Industry, Labor, Taxation and Banking.

By request of Senator Johnson, with unanimous consent, the following bills were made special orders of business at the specified times.

**Senate Bill 364** at 10:56 A.M.

**Assembly Bill 235** at 10:57 A.M.

**Senate Bill 463** at 10:58 A.M.

**Senate Bill 231** at 10:59 A.M.

Senator Johnson called the chair's attention to **Senate Bill 364** which was a special order of business.

**Senate Bill 364**

Relating to exemption from the Wisconsin consumer act of FHA and VA loans.

Read a second time.

By request of Senator McKenna, with unanimous consent, senate substitute amendment 1 was laid on the table.

Senate substitute amendment 2 to **Senate Bill 364** offered by Senators McKenna, Thompson, Bablitch, Flynn and Kasten.

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By request of Senator McKenna, with unanimous consent, senate substitute amendment 2 was considered for action at this time.

Senate substitute amendment 2 adopted.

Ordered to a third reading.

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

**Senate Bill 364**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 30.

Noes -- None.

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

So the bill passed.

Ordered immediately messaged.

Senator Johnson called the chair's attention to **Assembly Bill 235** which was a special order of business.

**Assembly Bill 235**

Relating to special assessments and charges by towns.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 235**

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Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 30.

Noes -- None.

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

So the bill was concurred in.

Ordered immediately messaged.

Senator Johnson called the chair's attention to **Senate Bill 463** which was a special order of business.

**Senate Bill 463**

Relating to transition provisions for town mutual laws.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, **Senate Bill 463** was considered for final action at this time.

**Senate Bill 463**

Read a third time and passed.

Ordered immediately messaged.

Senator Johnson called the chair's attention to **Senate Bill 231** which was a special order of business.

**Senate Bill 231**

Relating to various changes in teacher retirement fund laws and in teacher retirement benefits.

Read a second time.



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The question was: Adoption of senate amendment 1 to senate substitute amendment 1 to **Senate Bill 231?**

Senate amendment 1 adopted.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1 to **Senate Bill 231?**

Senate amendment 2 adopted.

President pro tempore of the senate in the chair.

11:40 A.M.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1 to **Senate Bill 231?**

Senator Bablitch 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 Bablitch, Devitt, Frank, Hollander, Johnson, Keppler, Knowles, Knutson, LaFave, Lorge, McKenna, Petri, Risser, Swan, M., Theno and Thompson -- 16.

Noes -- Senators Bidwell, Chilsen, Dorman, Flynn, Kasten, LaFollette, Martin, Murphy, Parys, Roseleip, Schuele, Steinhilber, Swan, J.D. and Whittow -- 14.

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

So the motion prevailed.

Vice-president of the senate in the chair.

11:55 A.M.

Senate amendment 4 to senate substitute amendment 1 to **Senate Bill 231** offered by Senators Knowles and Hollander.



AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 158** by Senators Bablitch and Murphy.

Senate amendment 1 to **Assembly Bill 229** by Senator Lorge, by request of Representatives Berger and Sensenbrenner.

Senate substitute amendment 1 to **Senate Bill 327** by Senator Theno, by request of Northern Wisconsin Loggers and the Great Lake Enterprises of Ashland.

Senate amendment 1 to **Senate Bill 399** by Senator Devitt.

Upon motion of Senator Johnson the senate adjourned until 9:00 A.M. Wednesday, April 18.

11:58 A.M.



INTRODUCTION OF GUESTS

Senators Bidwell and Chilsen introduced Patrick Curtin and family of Lake Mills, Wisconsin.

Senator Frank introduced Alderman Carol Pfeipher, Alderman Lee Cabrich and City Clerk Fred Schendorf of St. Francis, Wisconsin.

Senator Steinhilber introduced Mr. Paul Faust of Oshkosh, Wisconsin.

Senator Roseleip introduced Mrs. Nillman and the seventh grade government class of Potosi, Wisconsin.

Senator J.D. Swan introduced Mr. Lindgren and Ms. Exner and 30 students from St. Thomas Junior High School, Waterford, Wisconsin.

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Senator Bidwell introduced Ms. Bohan and Ms. Bankson and 55 fourth grade students from River Valley Schools, Spring Green, Wisconsin.

Senator Bablitch introduced Ms. Robert McDaniel, Ms. Grace Sager and Girl Scout Troops 204 and 188 from Ripon, Wisconsin.

Senator M. Swan introduced Mr. Valleskey and 54 students from the Bethany Lutheran School, Milwaukee, Wisconsin.

Senators M. Swan and Parys introduced Mr. Leonard Irish and 20 students from the Jefferson School of Milwaukee, Wisconsin.

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### CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 450**

On page 7, line 22, substitute "(5)" for "(b)".