

STATE OF WISCONSIN
Senate Journal
Eighty-First Regular Session

WEDNESDAY, April 18, 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 the Reverend James D. Fanella, Pastor of the Seventh Day Adventist Church of Shawano, Wisconsin.

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

LEAVE OF ABSENCE

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

By request of Senator Martin, with unanimous consent, he was granted a leave of absence for April 26.

By request of Senator Devitt, with unanimous consent, he was granted a leave of absence for May 2 from 10:30 A.M. to 3:00 P.M..

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, McKenna, Martin, Murphy, Parys, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 29.

Absent -- Senator Lorge -- 1.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 482

Relating to fees for vehicles used for the transportation of liquid fertilizers for farm crop production.

By Senators LaFave and Devitt.

To committee on Transportation.

Senate Bill 483

Relating to proportional registration of common carriers of property.

By Senators LaFave and Devitt.

To committee on Transportation.

Senate Bill 484

Relating to withdrawing consideration of marketing time and expense in assessment of subdivision lots for real property taxes after the first two years.

By Senators J. D. Swan, Parys, M. Swan, Risser, LaFollette and Thompson, by request of the "People of Wisconsin United for Tax Reform".

To joint committee on Finance.

Senate Bill 485

Authorizing towns which have a population exceeding 10,000 to become cities of the 3rd class.

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By Senators LaFave and Devitt, cosponsored by Representatives Rohner, Porter, Matty, Atkinson, Olson, Klicka, Conradt, Lewison, Mohn and DeLong.

To committee on Governmental and Veterans' Affairs.

Senate Bill 486

Relating to supervision or revocation if a licensed pharmacist develops a physical or mental handicap which impairs his ability to render reasonable safe pharmaceutical service.

By Senators Murphy, Chilsen, Devitt, Roseleip and Frank.

To committee on Health, Education and Welfare.

Senate Bill 487

Relating to sales tax on certain property constituting an addition or capital improvements.

By Senators Murphy, Roseleip and Devitt.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 488

Providing an appropriation for reconstruction of the Portage levee.

By Senator Bidwell, cosponsored by Representative Thompson.

To joint committee on Finance.

PETITIONS AND COMMUNICATIONS

Senate Petition 68

A petition of 8900 citizens of Wauwatosa in opposition to the school aids formula in the budget bill, Assembly Bill 300.

By Senator Flynn.

Read and referred to joint committee on Finance.

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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 Thompson; cosponsored by Senator Bidwell for MR. KIER POWERS on his election as chairman of the State Agriculture Board; and

A Joint Certificate of Commendation by Representatives Kincaid, Grover and Matty; cosponsored by Senators Krueger and LaFave for GERALD L GERNDT on his release from North Vietnamese captivity.

and

Assembly Joint Resolution 71

and

Passed and asks concurrence in:

Assembly Bill 290

Assembly Bill 491

Assembly Bill 720

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MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representative Thompson; cosponsored by Senator Bidwell for MR. KEIR POWERS on his election as chairman of the State Agriculture Board;
and

A Joint Certificate of Commendation by Representatives Kincaid, Grover and Matty, cosponsored by Senators Krueger and LaFave for GERALD L. GERNDT on his release from North Vietnamese captivity.

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

Assembly Joint Resolution 71

Requesting the President of the United States to designate a 33-county region as a disaster area due to serious flooding.

By Representatives MATTY, SWOBODA, VANDERPERREN, QUINN, ALBERTS, GOWER and KINCAID; co-sponsored by Senators LA FAVE and MARTIN.

Read.

By request of Senator LaFave, with unanimous consent, Assembly Joint Resolution 71 was considered for action at this time.

By request of Senator Johnson, with unanimous consent, Assembly Joint Resolution 71 was laid aside.

Assembly Bill 290

Relating to transcript costs on review in equal employment cases and granting rule-making authority.

By committee on State Affairs.

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

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Assembly Bill 491

Relating to the contractual employment of physicians by hospitals or nonprofit medical education and research organizations.

By Representatives CZERWINSKI, SICULA, EARL, CONTA, BARCZAK, WILLKOM, BERGER, MUNTS, DUEHOLM, OESTREICHER, FLINTROP, TROPMAN and NAGER; co-sponsored by Senators DEVITT, DORMAN, M. SWAN, THOMPSON, LA FOLLETTE and RISSER, by request of Governor Patrick J. Lucey and Health Planning and Policy Task Force.

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

Assembly Bill 720

Relating to providing for senate and assembly cochairmen of the joint survey committees on retirement systems and on tax exemptions.

By Representatives ANDERSON and EARL.

Read first time and referred to committee on Senate Organization.

MOTIONS

By request of Senator Bidwell, with unanimous consent, **Senate Bill 270** was taken from the calendar and referred to the joint committee on Finance.

By request of Senator Bidwell, with unanimous consent, **Senate Bill 306** was taken from the calendar and referred to the joint committee on Finance.

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

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Whereas, on March 12, 1973, twelve employees of the Wisconsin River Division of Consolidated Papers, Inc. rescued two young men from an ice floe just as it reached the division's dam; and

Whereas, their prompt and courageous action saved the young men from possible death; and

Whereas, their action should be viewed with the highest respect by the citizens of Wisconsin; 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 James Zinda, Carl Lind, Joe Glinski, Bob Lind, Ralph Konkel, Ben Sommers, Al Sommers, Dan Schulfer, Dave Schulfer, Florian Ashenberg, Charles Woodward and Larry Clark for their quick thinking and prompt action in rescuing the two young men from the river.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Thomas Gerber of Eau Claire, Wisconsin, was recently re-elected as President of the Wisconsin Council of County and Municipal Employes at its annual convention in Madison; and

Whereas, Mr. Gerber, an Eau Claire city employe since 1954, has also served several terms as President of his local union; and

Whereas, he now begins his second two-year term as President of the state union which has 14,000 members, now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Johnson, congratulate Thomas Gerber on his re-election, and commend him for his public service in working on behalf of county and municipal employes in Wisconsin.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, William D. McIntyre of Eau Claire, Wisconsin, passed away suddenly on April 9, at the age of 75; and

Whereas, Mr. McIntyre, a native of New York City, served on the board of regents of state universities and its predecessors for 21 years, including 11 years as President; and

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Whereas, he was a member of the Eau Claire city council, chairman of the Coordinating Committee of Higher Education and served on the Eau Claire Development Corporation; and

Whereas, under his leadership, the state college system grew from 6,000 students to over 60,000. A library at the Eau Claire campus today stands as a living memorial to his dedication to educational achievement; and

Whereas, the legislature is deeply saddened to learn of the death of Mr. McIntyre and in recognition of his life and public service; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senators Johnson and Knowles extend their sincere condolences to the family.

Read and adopted.

SPECIAL ORDERS

Senate Bill 231

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

Read a second time.

Senator Hollander moved reconsideration of the vote by which senate amendment 3 to senate substitute amendment 1 to Senate Bill 231 was rejected.

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

Absent -- Senator Lorge -- 1.

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

The question was: Adoption of senate amendment 4 to senate substitute amendment 1 to **Senate Bill 231**?

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 10; absent or not voting, 4; as follows:

Ayes -- Senators Bablitch, Devitt, Dorman, Flynn, Johnson, Keppler, LaFave, LaFollette, McKenna, Martin, Parys, Petri, Risser, Roseleip, Schuele, Swan, M., Theno, Thompson and Whittow -- 19.

Noes -- Senators Bidwell, Chilsen, Frank, Hollander, Kasten, Knowles, Knutson, Murphy, Steinhilber and Swan, J.D. -- 10.

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

So the motion prevailed.

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

So the substitute amendment was adopted.

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

The question was: Reconsideration of the vote by which senate amendment 3 to senate substitute amendment 1 to **Senate Bill 231** was rejected.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 16; absent or not voting, 4; as follows:

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Ayes -- Senators Bidwell, Chilsen, Dorman, Frank, Hollander, Johnson, Kasten, Knutson, Martin, Murphy, Parys, Steinhilber and Swan, J.D. -- 13.

Noes -- Senators Bablitch, Devitt, Flynn, Keppler, Knowles, LaFave, LaFollette, McKenna, Petri, Risser, Roseleip, Schuele, Swan, M., Theno, Thompson and Whittow -- 16.

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

So the motion did not prevail.

Ordered to a third reading.

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

Senate Bill 231

Read a third time.

President of the senate in the chair.

9:55 A.M.

The ayes and noes were required and the vote was: ayes, 27; noes, 3; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Petri, Risser, Roseleip, Schuele, Swan, M., Theno, Thompson and Whittow -- 27.

Noes -- Senators Knutson, Steinhilber and Swan, J.D. -- 3.

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

More than three-quarters having voted in the affirmative the bill passed.

Ordered immediately messaged.

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By request of Senator LaFave, with unanimous consent, **Assembly Joint Resolution 71** was considered for action at this time.

Assembly Joint Resolution 71

Requesting the President of the United States to designate a 33-county region as a disaster area due to serious flooding.

Read.

By request of Senators Keppler, LaFollette, Bidwell, Knutson, Schuele, Bablitch and Devitt, with unanimous consent, they were made co-authors of **Assembly Joint Resolution 71**.

Senate amendment 1 to **Assembly Joint Resolution 71** offered by Senators LaFave, Keppler, Devitt, Martin, LaFollette, Bablitch, Schuele and Bidwell.

So the amendment was adopted.

Assembly Joint Resolution 71

Concurred in as amended.

Ordered immediately messaged.

Vice-president of the senate in the chair.

11:05 A.M.

CALENDAR OF MARCH 21

Senate Bill 104

Relating to classification of users under the Milwaukee metropolitan sewerage commission.

Read a second time.

By request of Senator Hollander, with unanimous consent, **Senate Bill 104** was referred to joint committee on Finance.

By request of Senator Hollander, with unanimous consent, **Senate Bill 104** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

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By request of Senator Frank, with unanimous consent, senate substitute amendment 1 to **Senate Bill 104** was withdrawn and returned to the author.

The question was: Adoption of senate substitute amendment 2 to **Senate Bill 104**?

So the substitute amendment was 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 104

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 0; absent or not voting, 6; as follows:

Ayes -- Senators Bablitch, Bidwell, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Keppler, Knowles, Knutson, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 27.

Noes -- None.

Absent or not voting -- Senators Chilsen, Kasten, Kendziorski, Krueger, LaFave and Peloquin -- 6.

By request of Senator Hollander, with unanimous consent, **Senate Bill 241** was referred to the joint committee on Finance.

By request of Senator Hollander, with unanimous consent, **Senate Bill 255** was referred to the Joint Survey Committee on Tax Exemptions.

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CALENDAR OF MARCH 22

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

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.

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.

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.

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.

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

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.

By request of Senator Johnson, with unanimous consent, the foregoing appointments were read and considered en masse.

The question was: Confirmation?

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

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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.

Senate Bill 10

Relating to sheriffs' process fees and other related services.
Read a second time.

Senate amendment 1 offered by Senator Lorge.

Senator Martin moved rejection.

The motion did not prevail.

The question was: Adoption of senate amendment 1?

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

Ayes -- Senators Bablitch, Bidwell, Hollander, Johnson, Kasten, Knutson, LaFave, LaFollette, Lorge, McKenna, Murphy, Petri, Risser, Steinhilber, Swan, J.D., Swan, M. and Thompson -- 17.

Noes -- Senators Chilsen, Devitt, Dorman, Flynn, Frank, Keppler, Knowles, Martin, Parys, Roseleip, Schuele, Theno and Whittow -- 13.

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

So the amendment was adopted.

Senate amendment 2 to **Senate Bill 10** offered by Senator Petri.

President in the chair.

11:40 A.M.

By request of Senator Johnson, with unanimous consent, the senate recessed until 12:15 A.M.

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11:50 A.M.

RECESS

12:15 P.M.

The senate reconvened.

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

MESSAGE FROM THE ASSEMBLY

By Thomas S. Hanson, chief clerk.

Mr. President:

I am directed to inform you that the assembly has Concurred in:

Senate Bill 364

MOTIONS

By request of Senator Lorge, with unanimous consent, the following bills were made a special order of business at 10:00 A.M. Tuesday, May 1:

Senate Bill 396

Assembly Bill 226

Assembly Bill 229

Assembly Bill 230

Senator Parys asked unanimous consent that **Senate Bills 86, 243 and 434** be added on the special order list for May 1.

Senator Johnson objected.

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Senator Parys moved that **Senate Bills 86, 243 and 434** be made special orders of business at 10:00 A.M. Tuesday, May 1.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 396** by Senators Lorge and McKenna.

Senate amendment 1 to **Senate Bill 408** by Senator Knutson.

Senate amendment 1 to **Senate Bill 484** by Senators J. D. Swan, LaFollette, Thompson and Devitt, by request of People of Wisconsin United for Tax Reform.

Senator Johnson moved that the senate adjourn until 10:00 A.M. Thursday, April 19.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 6; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, Lorge, McKenna, Martin, Murphy, Risser, Roseleip, Steinhilber, Swan, J.D., Swan, M., Theno and Thompson -- 24.

Noes -- Senators Bablitch, LaFollette, Parys, Petri, Schuele and Whittow -- 6.

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

So the motion prevailed.

12:38 P.M.

INTRODUCTION OF GUESTS

Senator Hollander introduced Ms. Ruby Gebhardt, Ms. Shaad, Ms. Gruel and 66 fourth grade students from the Pier School, Fond du Lac, Wisconsin.

Senator Knutson introduced Mr. and Mrs. Homer Harris and son, Thomas of LaCrosse, Wisconsin.

Senator J. D. Swan introduced Arnie Agnew of Rock County Board of Supervisors, Janesville, Wisconsin.

Senator Frank introduced Ms. Delores Wojtecki, Mr. Scot Phillips and 45 eighth grade students of Burdick School, Milwaukee, Wisconsin.

Senator Murphy introduced Ms. Karen White, wife of Robert White of Stoughton, Wisconsin.

Senator Hollander introduced Ms. Pusch and 45 fourth grade students of Neosho School, Neosho, Wisconsin.

Senator Devitt introduced 15 members of the League of Women Voters of Oconomowoc, Wisconsin.