

JOURNAL OF THE SENATE (April 19, 1973)

STATE OF WISCONSIN

# Senate Journal

Eighty-First Regular Session

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THURSDAY, April 19, 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 Kyle Simplot, Pastor of First Christian Church of Madison, Wisconsin.

O God, who art above us All Supreme, and from whom all authority is derived; we bow to Thy sovereignty, being ever conscious that we are but human, and therefore Thy servants. Thous hast committed to us the sacred trust of public service. May we never betray that trust by exploiting our positions of authority, but ever seek to improve the public good out of a pure heart imbued with noble ideals.

Teach us again that our citizens' rights are based, not upon the nod of king or ruler, but upon creation at your hands. May we not confuse dissent for disloyalty; but pray that whatever energy is generated may produce more light than heat; more wholeness than division.

Grant to this administration a mandate to govern wisely and well: A mandate to do right and good. Lay upon this legislative body a ministry of service to all, not the few: The upholding of public interest, not merely a welter of competing private claims: And a wisdom grounded in principle, not expediency. We invoke Thy presence, direction, and blessing upon the attitudes and actions of this body, that all may be pleasing to Thee, through Jesus Christ the Lord, Amen.

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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.

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

Senators Bablitch, 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 -- 31.

Absent -- None.

Absent with leave -- Senators Kendziorski and Krueger -- 2.

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### INTRODUCTION OF RESOLUTIONS

#### **Senate Joint Resolution 61**

Memorializing congress to stop federal control over areas which are property of state concern.

By Senator Roseleip.

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

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### BILLS INTRODUCED

Read first time and referred:

#### **Senate Bill 489**

An act to cede certain lands adjacent to and beneath and waters of Sturgeon Bay to the city of Sturgeon Bay for park, recreational and public facilities.

By Senator Martin, cosponsored by Representative Swoboda.

To committee on Natural Resources.

#### **Senate Bill 490**

Relating to registration of ionizing and nonionizing radiation sources.

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By Senators Devitt, Hollander, LaFave, Martin and Frank.  
To committee on Health, Education and Welfare.

**Senate Bill 491**

Relating to prohibition on certain acts by fiduciaries.  
By Senators McKenna and Steinhilber.  
To committee on Judiciary and Insurance.

**Senate Bill 492**

Relating to minimum age for private detectives.  
By Senator Steinhilber.  
To committee on Urban Affairs.

**Senate Bill 493**

Relating to recodification of the prison industries law, and making an appropriation.  
By Senator Petri.  
To committee on Industry, Labor, Taxation and Banking.

**Senate Bill 494**

Relating to initiation and sponsorship of airport navigational aids by the department of transportation.  
By Senator J. D. Swan, cosponsored by Representative Early, by request of the Department of Transportation.  
To committee on Transportation.

**Senate Bill 495**

Relating to airport approval, enforcement of federal airport standards, and providing a penalty.  
By Senator J. D. Swan, cosponsored by Representative Early, by request of the Department of Transportation.  
To committee on Transportation.

**Senate Bill 496**

Relating to county acquisition and operation of transportation systems.  
By Senator Dorman, by request of Representative Conradt, by request of the Wisconsin County Boards Association.  
To committee on Transportation.

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COMMITTEE REPORTS

April 18, 1973

Senator Gerald D. Lorge  
Chairman  
Committee on Committees  
State Senate  
Madison, Wisconsin

Dear Senator Lorge:

I am herewith submitting my resignation as a member of the Senate Committee on Governmental and Veterans' Affairs.

While I am most interested in the matters before this committee, I have found it impossible to attend to the work of the committee because of too frequent and unavoidable conflicts with the Joint Finance Committee.

Sincerely,  
ROBERT W. KASTEN, JR.  
Senator, 4th District

April 17, 1973

Senator Gerald D. Lorge  
Chairman  
Committee on Committees  
State Senate  
Madison, Wisconsin

Dear Senator Lorge:

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Due to my present heavy work-load I find that it will be difficult to serve on the Joint Committee on Tax Exemptions and that it is necessary for me to resign as chairman of that committee.

Sincerely  
EVERETT V. BIDWELL  
Senator, 27th District

The committee on Committees reports and recommends:

That Senator Thomas Petri be appointed to the Senate Committee on Governmental and Veterans' Affairs to succeed Senator Robert Kasten, resigned.

That Senator Thomas Petri be appointed to the Joint Committee on Tax Exemptions to succeed Senator Everett V. Bidwell, resigned.

GERALD D. LORGE  
Chairman  
REUBEN LAFAVE  
RAYMOND C. JOHNSON

By request of Senator Lorge, with unanimous consent, the report was considered for action at this time.

The report was read and adopted.

The committee on Natural Resources reports and recommends for introduction:

**Senate Bill 497**

Restricting the issuance of deer hunting party permits to residents.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Natural Resources.

**Senate Bill 498**

Relating to abolishing the separate \$35 nonresident deer and bear hunting license.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Natural Resources.

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and further recommends:

**Senate Bill 36**

Relating to creating a \$10 per acre excise tax on iron ore deposits, and establishing penalties.

Passage; Ayes, 5; Noes, 0.

CLIFFORD W. KRUEGER  
Chairman

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MOTION UNDER JOINT RULE 26

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

Know you by these presents:

Whereas, Lealand A. Wenzell of Kenosha, Wisconsin, life long active member of Local 72, U.A.W., passed away this last winter at the age of 68; and

Whereas, Mr. Wenzell unselfishly dedicated his life to his local union and to humanitarian causes; and

Whereas, he served in numerour offices as a union leader including steward, board member and treasurer of his local, credit union board member, and as chairman of the press committee for the union newspaper; and

Whereas, his service to the community matched his union involvement. He visited the retirees regularly in the hospital, acted as a voluntary pallbearer, was vice-president of the Kenosha Senior Citizens, was appointed by Governor Lucey to the White House Conference on Aging; and

Whereas, Lee Wenzell had a deep compassion and abiding love for his fellowman; now, therefore, The Members of the Wisconsin Legislature, under Joint Rule 26, on the motion of Senator LaFollette extend their sincere condolences to the family.

Read and adopted.

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CALENDAR OF MARCH 22

**Senate Bill 10**

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

By request of Senator Bidwell, with unanimous consent, **Senate Bill 10** was laid aside.

**Senate Bill 98**

Relating to traffic court procedures, substitution of judges, jury trials, the standard of proof in traffic regulation cases and providing penalties.

Read a second time.

By request of Senator Lorge, with unanimous consent, **Senate Bill 98** was laid aside.

By request of Senator Bidwell, with unanimous consent, **Senate Bill 10** was considered for action at this time.

**Senate Bill 10**

The question was: Adoption of senate amendment 2 to **Senate Bill 10**?

So the amendment was adopted.

President pro tempore in the chair.

10:25 A.M.

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 10**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 1; 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, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Roseleip, Schuele, Steinhilber, Swan, M., Theno, Thompson and Whittow -- 28.

Noes -- Senator Petri -- 1.

Absent or not voting -- Senators Kendziorski, Krueger, Risser and Swan, J.D. -- 4.

So the bill passed.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 98** was considered for action at this time.

**Senate Bill 98**

The question was: Adoption of senate amendment 1 to **Senate Bill 98**?

So the amendment was adopted.

The question was: Rejection of senate amendment 2 to **Senate Bill 98**?

So the amendment was rejected.

The question was: Adoption of senate amendment 3 to **Senate Bill 98**?

So the amendment was adopted.

Senator McKenna asked unanimous consent, that **Senate Bill 98** be rereferred to committee on Judiciary and Insurance.

Senator Lorge objected.

Senator Lorge asked unanimous consent that **Senate Bill 98** be referred to joint committee on Finance.

Senator Hollander objected.



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The question was: Adoption of senate amendment 4 to **Senate Bill 98?**

So the amendment was adopted.

By request of Senator Lorge, with unanimous consent, **Senate Bill 98** was rereferred to committee on Judiciary and Insurance.

**Senate Bill 131**

Relating to the restriction on alienation of Menominee Indian tribe corporation securities.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 131**

Read a third time and passed.

**Senate Bill 158**

Relating to increasing the penalties for theft and receiving stolen property.

Read a second time.

The question was: Adoption of senate amendment 1 to **Senate Bill 158?**

So the amendment was adopted.

Ordered to a third reading.

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

**Senate Bill 158**

Read a third time and passed.

**Senate Bill 159**

Relating to sending records of criminal convictions to the U.S. department of justice and use of such records.

Read a second time.

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By request of Senator Hollander, with unanimous consent, **Senate Bill 159** was referred to joint committee on Finance.

### **Senate Bill 175**

Relating to adapting chapter 611 to the changes made in chapter 180 (ch. 285, laws of 1971).

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 175**

Read a third time and passed.

### **Senate Bill 176**

Relating to mandatory commitment for presentence examination.

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 176**

Read a third time and passed.

### **Senate Bill 182**

Relating to substitution of judges in probate matters.

Read a second time.

By request of Senator Keppler, with unanimous consent, **Senate Bill 182** was placed at the foot of the calendar.

### **Senate Bill 189**

Relating to the right to a preliminary examination for persons accused of a felony.

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 189**

Read a third time and passed.

### **Senate Bill 193**

Relating to increasing criminal penalties for defrauding an innkeeper.

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 193**

Read a third time and passed.

### **Senate Bill 194**

Relating to powers of local units of government to prohibit criminal conduct.

Read a second time.

By request of Senator Murphy, with unanimous consent, the bill was referred to the committee on Judicary and Insurance.

### **Senate Bill 198**

Relating to sex discrimination in granting of loans or credit and providing a penalty.

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 198**

Read a third time and passed.

### **Senate Bill 199**

Relating to an increase in penalties for crimes against peace officers, firemen and public officials.

Read a second time.

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Senator McKenna asked unanimous consent that **Senate Bill 199** be referred to the joint committee on Finance.

Senator LaFave objected.

Senate substitute amendment 1 to **Senate Bill 199** offered by Senator Whittow.

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

Senator McKenna objected.

By request of Senator Hollander, with unanimous consent, **Senate Bill 199** was referred to joint committee in Finance.

Senator Hollander asked unanimous consent to withdraw **Senate Bill 199** from the joint committee on Finance and consider it for action at this time.

Senator Dorman objected.

Senator Risser introduced Madison Mayor Paul Soglin, and with unanimous consent, he addressed a few remarks to the senate.

The chair appointed Senators McKenna and Bablitch to escort the mayor to the podium.

**Senate Bill 206**

Relating to permits for house contract work.

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.

**Senate Bill 206**

Read a third time and passed.

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**Senate Bill 182**

Relating to substitution of judges in probate matters.

Read a second time.

Vice-president of the senate in the chair.

11:23 A.M.

By request of Senator Johnson, with unanimous consent, the bill was referred to the committee on Judiciary and Insurance.

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CALENDAR OF MARCH 27

**Senate Joint Resolution 18**

Commending President Nixon for concluding the conflict in Vietnam.

The question was: Concurrence in assembly substitute amendment 1?

So the substitute amendment was concurred in.

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CALENDAR OF MARCH 29

**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).

The question was: Reconsideration of the vote by which **Senate Joint Resolution 21** was adopted?

The motion prevailed.

The question was: Adoption of **Senate Joint Resolution 21**?

Senator Steinhilber moved rejection.

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

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By request of Senator Johnson, with unanimous consent, **Assembly Bill 720** was withdrawn from the committee on Senate Organization and considered for action at this time.

### **Assembly Bill 720**

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

Read a second time.

By request of Senator Johnson, with unanimous consent, the bill was laid on the table.

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

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## BILLS INTRODUCED

Read first time and referred:

### **Senate Bill 499**

Relating to housing for employes of the state.

By Senators McKenna and Bablitch.

To committee on Urban Affairs.

### **Senate Bill 500**

Relating to commercial fishing licenses on the Mississippi and St. Croix rivers, and granting rule-making power.

By Senator Roseleip.

To committee on Natural Resources.

### **Senate Bill 501**

Relating to payments to private medical schools in this state for educating resident students, and making an appropriation.

By Senators Chilsen, Devitt and LaFave.

To committee on Health, Education and Welfare.

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**Senate Bill 502**

Prohibiting sale of aerosol cans which explode and providing a penalty.

By Senator Flynn.

To committee on Natural Resources.

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COMMITTEE REPORTS

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

**Senate Bill 503**

Relating to creation of a dispensing opticians examining council in the department of regulation and licensing, granting rule-making authority and providing penalties.

By request of the State Medical Society of Wisconsin and Wisconsin Society of Opticianry.

Introduction; Ayes, 7; Noes, 0.

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

**Senate Bill 504**

Relating to exceptions to veterinary licensing requirement.

By request of the Wisconsin Veterinary Examining Board.

Introduction; Ayes, 7; Noes, 0.

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

JAMES C. DEVITT  
Chairman

The committee on Judiciary and Insurance reports and recommends:

**Assembly Bill 226**

Relating to transfers of decedents' motor vehicles to surviving spouse by affidavit.

Concurrence; Ayes, 5; Noes, 0.

**Assembly Bill 229**

Relating to summary settlement of small estates.

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

Concurrence as amended; Ayes, 5; Noes, 0.

**Assembly Bill 230**

Relating to transfer of inherited property by affidavit.

Concurrence; Ayes, 5; Noes, 0.

GERALD D. LORGE

Chairman

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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:

Motion Under Joint Rule 26:

A Joint Certificate of Commendation by Representatives DeLong, Mielke and Johnson; cosponsored by Senator Swan for AIR FORCE LIEUTENANT WILLIAM REICH on his successful return as an American Prisoner of War.

and

**Assembly Joint Resolution 29**

and

Concurred in:

Senate amendment 1 to **Assembly Bill 71**.



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MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A Joint Certificate of Commendation by Representatives DeLong, Mielke and Johnson; cosponsored by Senator Swan for AIR FORCE LIEUTENANT WILLIAM REICH on his successful return as an American Prisoner of War.

Read and concurred in.

**Assembly Joint Resolution 29**

To amend article V, section 7 of the constitution, relating to gubernatorial succession (1st consideration).

By committee on State Affairs.

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

Senator Johnson moved that when the senate adjourn on Friday it adjourn until 2:00 P.M. Tuesday, April 24.

Senator Whittow amended the motion to 10:00 A.M. on Tuesday.

Senator Johnson moved rejection of the amendment.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 14; absent or not voting, 5; as follows:

Ayes -- Senators Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, Lorge, Murphy, Roseleip, Steinhilber and Swan, J.D. -- 14.

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

Absent or not voting -- Senators Bidwell, Kendziorski, Krueger, Petri and Theno -- 5.

So the motion did not prevail.

By request of Senator Knutson, with unanimous consent, the senate recessed for fifteen minutes.

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12:25 P.M.

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RECESS

12:40 P.M.

The senate reconvened.

The question was: Adoption of the amendment to adjourn Friday's session until 10:00 A.M. Tuesday instead of 2:00 P.M.

Senator Johnson amended the amendment to make the time 3:30 P.M.

Senator Risser moved rejection.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 15; absent or not voting, 4; as follows:

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

Noes -- Senators Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, LaFave, Lorge, Murphy, Petri, Roseleip, Steinhilber and Swan, J.D. -- 15.

Absent or not voting -- Senators Bidwell, Kendziorski, Krueger and Theno -- 4.

So the motion did not prevail.

President of the senate in the chair.

12:45 P.M.

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LEAVE OF ABSENCE

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

The question was: Adoption of the amendment adjourning until 3:30 P.M.?

So the amendment was adopted.

The question was: When the senate adjourns Friday, shall it adjourn until 3:30 P.M. Tuesday, April 19?

The motion prevailed.

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AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 219** by Senator Parys.

Senate substitute amendment 1 to **Assembly Bill 9** by Senator Roseleip.

By request of Senator Keppler, with unanimous consent, when the senate adjourned it did so with best wishes to Tim Wyngaard in his new job in Washington D.C. and for a job well done in Madison.

Upon motion of Senator Johnson the senate adjourned until 9:00 A.M. Friday, April 20.

12:50 P.M.

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INTRODUCTION OF GUESTS

Senator Knutson introduced Mr. and Mrs. Franklyn Weeks and children, Randy, Arnold and Lori of Prairie du Chien, Wisconsin.

Senator J. D. Swan introduced 22 students from the Delavan-Darien High School and their teacher Mr. James Leonhart of Delevan, Wisconsin.

Senator Chilsen introduced 7th grade students under the direction of Mr. William Sherer, administrator of North Lakeland Elementary School of Manitowish Water, Wisconsin.

Senator Flynn introduced Ms. Monahan and Ms. Brandenburg and 50 students from Parkway School of West Allis, Wisconsin.

Senator Roseleip introduced Mr. Gary Ward and 32 senior students of the Benton High School, Benton, Wisconsin.

Senator Bablitch introduced Senator Hauser of Stevens Point, Wisconsin.

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CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 364**

Correctly enrolled and presented to the Governor on Thursday, April 19, 1973.