

STATE OF WISCONSIN
Senate Journal
Eighty-First Regular Session

WEDNESDAY, May 23, 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 Reverend Julious Stagner, Pastor of Midvale Baptist Church of Madison.

Our Father, In these days that perplex our nation, we offer thee first our praise because we are a people that make mistakes, but look upon our heritage as one that overcomes blunders because we know our origin and purpose is not a mistake but a design of the Devine.

We pray for forgiveness and acceptance on your part and repentance and reform on ours.

We ask for your courage and wisdom to be available to those of our leaders in Washington.

We pray finally for your help as this body of politicians begins its session this morning. Let each senator realize that there is encouragement on high from One who needs no debate, no strategic compromise, no vote in order to render fairness and justice. In His Name, 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.

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip. Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Kendziorski -- 1.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 21

Directing the senate chief clerk to procure an electronic voting machine.

Whereas, the Wisconsin senate has approximately 2,500 roll call votes per session and each of these votes under the current oral system of response requires about 2-1/2 minutes of the senate's time; and

Whereas, this means that each session the senate spends a total of 104 hours, or 26 of its 4-hour legislative days, doing nothing but conducting roll call votes; and

Whereas, this is not only a tedious process, but is wasteful of senators' time and, consequently, of the taxpayers' money; and

Whereas, this tedium and waste has been made unnecessary with the advent of an electronic system of recording roll call votes such as the lower house of this legislature has had since 1917; now, therefore, be it

Resolved, That the senate directs the senate chief clerk to procure an electronic voting machine, the cost of the machine to be vouchered against the appropriation under section 20.765 (1) (a) of the statutes, for use by the senate so the work of the senate can be expedited and precious time and money saved.

By Senators Knowles, Risser, Johnson, Bablitch, Schuele, Martin, Knutson, Frank, Thompson, Dorman, Whittow, Parys, Flynn, Roseleip, Steinhilber and Chilsen.

Read.

Senator Johnson asked unanimous consent that **Senate Resolution 21** be referred to the committee on Senate Organization.

Senator Risser objected.

Senator Risser asked unanimous consent that **Senate Resolution 21** be laid on the table.

Senator Keppler objected.

Senator Johnson moved that **Senate Resolution 21** be referred to the committee on Senate Organization.

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Senator Hollander in the chair.

9:15 A.M.

President of the senate in the chair.

9:20 A.M.

By request of Senator Knutson, with unanimous consent, **Senate Resolution 21** was laid on the table.

By request of Senator Lorge, with unanimous consent, the clerk was directed to procure a fiscal note for **Senate Joint Resolution 21**.

Senator Chilsen asked unanimous consent that the record show that it took 28 minutes to vote for non-concurrence in the budget bill, **Assembly Bill 300**.

Senator Whittow objected.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 591

Relating to reduction of maximum speed limits on certain highways.

By Senator Bidwell, cosponsored by Representative Alberts.

Senator Bidwell asked unanimous consent that **Senate Bill 591** be considered as privileged.

Senator Whittow objected.

Senator Risser called the chair's attention to the appointment of John C. Zinos which was a special order of business.

ZINOS, JOHN C., of Milwaukee, as a member of the Industry, Labor and Human Relations Commission, to succeed Edward E. Estowski, to serve for the remainder of the unexpired term ending June 1, 1973, and then to serve for a term ending March 1, 1979.

The question was: Confirmation?

Senator Dorman in the chair.

9:45 A.M.

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President of the senate in the chair.

10:05 A.M.

The ayes and noes were required and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Keppler, Krueger, LaFave, LaFollette, McKenna, Martin, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, M., Theno, Thompson and Whittow -- 23.

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

Absent or not voting -- Senator Kendziorski -- 1.

So the appointment was confirmed.

The president of the senate introduced the Russian Wrestling Team which is competing at the University of Wisconsin in Madison.

By request of Senator Johnson, with unanimous consent, Victor Kukharsky, an English speaking member of the team, addressed a few remarks to the senate.

Senator Bidwell asked unanimous consent that **Senate Bill 591** be considered as privileged and taken up.

Senator Keppler objected.

Senate Bill 591

To committee on Transportation.

Senate Bill 592

Relating to approved equals in engineering and architectural service contracts with the state.

By Senators McKenna and Bablitch.

To committee on Industry, Labor, Taxation and Banking.

Senate Bill 593

Relating to penalty under workmen's compensation for violations of federal interstate commerce act by motor carriers.

By Senators McKenna and Bablitch.

To committee on Transportation.

COMMITTEE REPORTS

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

Senate Bill 594

Relating to increasing the maximum civil forfeiture and maximum fines that may be imposed for illegal restraint of trade activities.

By request of Attorney General Robert W. Warren.

Introduction; Ayes, 4; Noes, 0.

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

Senate Bill 595

Relating to treble damage liability to the state and local units of government for illegal restraint of trade activities.

By request of Attorney General Robert W. Warren.

Introduction; Ayes, 4; Noes, 0.

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

Senate Bill 596

Relating to the statute of limitations for any civil damage actions arising from illegal restraint of trade activities.

By request of Attorney General Robert W. Warren.

Introduction; Ayes, 4; Noes, 0.

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

GERALD D. LORGE

Chairman

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The committee on Urban Affairs reports and recommends for introduction:

Senate Bill 597

Relating to addition of municipalities to metropolitan sewerage districts.

By request of Robert D. Sundby, Madison.

Introduction; Ayes, 4; Noes, 0.

Read first time and referred to committee on Urban Affairs.

JACK D. STEINHILBER
Chairman

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 550

Assembly Bill 559

Assembly Bill 773

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 550

Relating to supervision of school nurses and dentists and granting rule-making authority.

By Representatives BALDUS and LEWISON; co-sponsored by Senator PELOQUIN.

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

Assembly Bill 559

Relating to toilets for handicapped persons in public buildings.

By Representative MERKEL.

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

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Assembly Bill 773

AN ACT directing the higher educational aids board to seek interstate reciprocity agreements for resident students in veterinary education.

By Representatives HEPHNER, TREGONING, GIESE, BOLLE, LEWISON, O'MALLEY, OBERLE, EARLY, WILLKOM, WILCOX, NIEBLER, MOHN, LUCKHARDT, SCHROEDER, EVERSON, SWOBODA, DUREN, ROBERTS, KEDROWSKI, LALLENSACK, BYERS, MATTY, THOMPSON, LEWIS, BRADLEY, VANDERPERREN, MITTNESS, DUEHOLM, GROSHEK, SWEDA, BALDUS, CYRAK, OLSON, BRUHY, GOWER, KINCAID, SCHRICKER, QUACKENBUSH, FLINTROP, ELLIS, KEEGAN, FERRALL, ROONEY, MILLER, BERGER and GROVER; co-sponsored by Senators PELOQUIN, THOMPSON, FRANK, M. SWAN, RISSER, SCHUELE, WHITTOW, PARYS, KRUEGER, THENO, DEVITT, CHILSEN, KNOWLES, MC KENNA and MARTIN, by request of Governor Patrick J. Lucey.

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

MOTIONS

By request of Senator Krueger, with unanimous consent, Senate Bill 335 was withdrawn from the Joint Survey Committee on Tax Exemptions and referred to the committee on Governmental and Veterans' Affairs.

Vice-president of the senate in the chair.

10:50 A.M.

By request of Senator Steinhilber, with unanimous consent, Senate Bill 590 was withdrawn from the committee on Governmental and Veterans' Affairs and referred to the committee on Urban Affairs.

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

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Whereas, James T. Flynn, following a great deal of sacrifice, study and hard work, has completed three years of study at the Marquette University School of Law and has received his Doctor of Jurisprudence degree, awarded May 20, 1973; and

Whereas, on May 21, 1973, Senator Flynn was admitted to the State Bar of Wisconsin; now, therefore, The Members of the Wisconsin Legislature, on the motion of the entire membership and Representative Anderson, under Joint Rule 26, do hereby congratulate Senator Flynn on his graduation from Marquette University School of Law and upon his admission to the State Bar of Wisconsin, and offer him best wishes for every success in his efforts as an attorney.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, M.P. Pinkerton has served the citizens of Portage County as County Extension Agent for 29 years; and

Whereas, Mr. Pinkerton has announced his retirement; and

Whereas, His service to Portage County has earned the wide respect and admiration of its citizens; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Bablitch and Representative Groshek, under Joint Rule 26, commend M. P. Pinkerton for his 29 years of dedicated public service to the citizens of Portage County. His leadership and exemplary conduct will always be remembered by those with whom he served and those who knew him best.

Read and adopted.

CALENDAR OF APRIL 27

Senate Joint Resolution 36

Directing a legislative council study of the liability of health professionals.

Read and adopted.

By request of Senator Risser, with unanimous consent, the senate recessed until 11:15 A.M.

11:10 A.M.

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RECESS

11:15 A.M.

The senate reconvened.

Senate Bill 15

Relating to eliminating tenure in the University of Wisconsin system.

Read a second time.

The question was: Indefinite postponement?

QUORUM CALL

Senator Hollander called the attention of the chair to the possible lack of a quorum.

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, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Kendziorski -- 1.

President of the senate in the chair.

11:18 A.M.

By request of Senator Risser, with unanimous consent, the senate recessed until 11:40 A.M.

11:20 A.M.

RECESS

11:40 A.M.

The senate reconvened.

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By request of Senator Knutson, with unanimous consent, the senate recessed until 12:10 P.M.

11:53 A.M.

RECESS

12:10 P.M.

The senate reconvened.

Vice-president of the senate in the chair.

Upon motion of Senator Johnson the senate recessed until 2:30 P.M.

12:15 P.M.

RECESS

2:30 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

QUORUM CALL

Senator Whittow called the attention of the chair to the possible lack of a quorum.

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, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Kendziorski -- 1.

President of the senate in the chair.

2:40 P.M.

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The question was: Indefinite postponement of Senate Bill 15?

LEAVE OF ABSENCE

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

Senator J. Swan asked unanimous consent that **Senate Bill 15** be laid on the table.

Senator Whittow objected.

Vice-president of the senate in the chair.

3:40 P.M.

President of the senate in the chair.

4:00 P.M.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 6; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Hollander, Johnson, Kasten, Keppler, Knowles, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Peloquin, Petri, Risser, Steinhilber, Swan, M., Theno, Thompson and Whittow -- 25.

Noes -- Senators Bidwell, Knutson, Parys, Roseleip, Schuele and Swan, J.D. -- 6.

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

So the motion prevailed.

Senator Whittow moved reconsideration of the vote by which **Senate Bill 15** was indefinitely postponed.

Senator Whittow asked unanimous consent that the motion for reconsideration be laid on the table.

Senator Risser objected.

Senator Whittow moved that the motion for reconsideration be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

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Ayes -- Senators Bidwell, Chilsen, Hollander, Johnson, Kasten, Knutson, LaFave, LaFollette, Martin, Parys, Peloquin, Roseleip, Schuele, Steinhilber, Swan, J.D., and Whittow -- 16.

Noes -- Senators Bablitch, Devitt, Dorman, Flynn, Keppler, Knowles, Krueger, Lorge, McKenna, Murphy, Petri, Risser, Swan, M., Theno and Thompson -- 15.

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

So the motion prevailed.

Senate Bill 180

Relating to the minimum marriageable age and the procedure marriage license application.

Read a second time.

The question was: Adoption of senate amendment 1 to **Senate Bill 180**?

The amendment was adopted.

By request of Senators Johnson and LaFave, pursuant to senate rule 76 a 5 minute limit was placed on debate on each question before the senate for the balance of the week's session.

By request of Senator Devitt, with unanimous consent, **Senate Bill 180** was laid on the table.

Senate Bill 203

Relating to the right to be reimbursed under accident and health policies for chiropractic services.

Read a second time.

Senator LaFave moved that the bill be ordered to a third reading.

Senate amendment 1 to **Senate Bill 203** offered by Senator Whittow.

Senator Roseleip moved rejection.

Senator Whittow asked unanimous consent that the motion for rejection be laid on the table.

Senator LaFave objected.

By request of Senator Roseleip, with unanimous consent, he withdrew his motion for rejection of senate amendment 1 to **Senate Bill 203**.

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Senate amendment 1 to senate amendment 1 to **Senate Bill 203** offered by Senator J. Swan.

The amendment to the amendment was not adopted.

Senator Roseleip moved rejection of senate amendment 1 to **Senate Bill 203**.

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 199** by Senator Steinhilber.

Senate amendment 1 to **Senate Bill 380** by Senator Devitt.

Senate amendment 1 to **Senate Bill 384** by Senator Devitt.

Senate amendment 1 to **Senate Bill 453** by Senator Steinhilber.

Senate substitute amendment 1 to **Senate Bill 532** by Senator Kasten, by request of the Legislative Committee of Milwaukee County.

Senate amendment 1 to **Senate Bill 538** by Senator Steinhilber.

Upon motion of Senator Johnson the senate adjourned until 9:00 A.M. Thursday, May 24.

5:00 P.M.

INTRODUCTION OF GUESTS

Senator Devitt introduced Mr. Wegerbauer, Principal, Mr. Marr and Mrs. Kasmerchak of Forest Park Middle School, Franklin, Wisconsin.

Senator Devitt introduced 130 students, teachers and teacher's aid from Summit School, Oconomowoc, Wisconsin.

Senator Devitt introduced Mr. Harris, Mrs. O'Connor, Mrs. Schaff, Mrs. Dodd and Mrs. Eberhardt of Badger Grade School, Greenfield, Wisconsin.

Senator Schuele introduced Mr. Bauer, Mr. Plahmer and 66 students from Hartford Avenue School, Milwaukee, Wisconsin.

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Senator Risser introduced children from the Lapham School, accompanied by members of the Madison Fire Department.

Senator Johnson introduced Mr. Blauert, Mr. Stelter and 30 students from St. Paul's Lutheran School, Tomah, Wisconsin.

Senator Murphy introduced Sister Judene, Don McAleavey, Ms. Roberta Opie and students from St. Mary's School, Pewaukee, Wisconsin.

Senator McKenna introduced Cub Scout Troop #154 of Glendale School, Glendale, Wisconsin.

Senator Chilsen introduced five teachers and leaders and 55 students from Mosinee Grade School, Mosinee, Wisconsin.

Senator Roseleip introduced Mr. James Romerud of Darlington and 9 students from Gratiot and South Wayne.

Senators Kasten and Schuele introduced Dr. Broan and Dr. and Mrs. John Esser of Milwaukee, Wisconsin.

Senator Dorman introduced the Y.W.C.A. members from Racine, Wisconsin.

Senator Chilsen introduced six teachers and leaders from Mosinee Middle School, Mosinee, Wisconsin.