

JOURNAL OF THE SENATE [April 3, 1975]

STATE OF WISCONSIN
Senate Journal

Eighty-Second Regular Session

THURSDAY, April 3, 1975.

10:00 A.M.

The senate met.

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

Prayer was offered by Reverend Richard E. Larson, Associate Pastor of Bethel Lutheran Church, 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.

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

Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Morrison, Murphy, Peloquin, Petri, Risser, Swan, Thompson and Whittow -- 29.

Absent -- None.

Absent with leave -- Senators Parys and Theno -- 2.

Senator Swan asked unanimous consent to introduce some guests.

Senator Whittow objected.

Senator Swan moved that the rules be suspended to allow the introduction of some guests on the floor.

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.

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

Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Morrison, Murphy, Peloquin, Petri, Risser, Swan, Thompson and Whittow -- 29.

Absent -- None.

Absent with leave -- Senators Parys and Theno -- 2.

LEAVE OF ABSENCE

By request of Senator Knowles, with unanimous consent, he was granted a leave of absence for 11:30 A.M.

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

10:22 A.M.

RECESS

10:55 A.M.

The senate reconvened.

By request of Senator Swan, with unanimous consent, his motion to introduce guests on the senate floor was withdrawn.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 297

Relating to deletion of the 3-day minimum requirement for qualification for military leave by state employees.

By Senators Hollander and Martin, cosponsored by Representatives Lewis, Vanderperren and Gower.

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To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

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

Senate Bill 298

Relating to taxpayer designation of certain revenues for political purposes, creating a clean election campaign fund, making appropriations and providing a penalty.

Introduction; Ayes, 3; Noes, 0.

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

MONROE SWAN

Chairman

The joint committee on Revisions, Repeals, and Uniform Laws reports and recommends:

Senate Bill 236

Repeal, renumber, renumber and amend, amend, reenact and create various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments, officers and institutions, correcting and clarifying references, renumbering for better location and arrangement, eliminating unnecessary and obsolete provisions and reconciling conflicts (Revisor's Correction Bill).

Passage; Ayes, 4; Noes, 0.

JAMES T. FLYNN

Chairman

The Committee on Senate Organization, acting under Senate Rule 20 (1), reports and recommends the following nomination to committees for appointments by the Senate:

(a) To the Joint Survey Committee on Retirement Systems pursuant to section 13.50 (1) (a), (b), (c) and (d), Senators Thompson and LaFave.

(b) To the Adult Education Center Council pursuant to section 15.917 (1), Senator Goyke.

(c) To the Retirement Research Committee pursuant to section 13.51 (2) Senators Thompson and LaFave.

(d) To the Traffic Law Enforcement Council pursuant to section 15.467 (1) (c), Senators Goyke and Murphy.

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(e) To the Joint Committee For Review of Administrative Rules pursuant to section 13.56, Senator Swan to replace Senator Flynn.

(f) To the Board on Government Operations pursuant to section 13.58 (1), Senator Kleczka to replace Senator Thompson.

(g) To the Legislative Council pursuant to section 13.81, Senator Martin to replace Senator Thompson.

(h) To the Interstate Cooperation Commission pursuant to section 13.54 (1), Senators Risser, Whittow, Parys, Dorman, Krueger and Lorge.

FRED A. RISSER
Chairman

Senator Whittow moved adoption of the committee report.

The motion prevailed.

RULING OF THE CHAIR
State of Wisconsin
Office of the Lieutenant Governor

To the Honorable, The Senate:

On April 1, I took under advisement a point of order by Senator Risser regarding whether a proposed rule change to eliminate secret meetings must lay over seven calendar days.

Pursuant to the Rules of Procedure adopted by this body, Chapter 10, Section 90 "...any resolution to change the rules shall lay over one week." I have no choice but to rule that the proposed change "shall" lay over one week.

However, as presiding officer of this body, I must say that I can neither condone nor accept this concept of secret meetings. I find them contrary to the principles of accountability and openness upon which our democratic system is based.

Simply stated, the proposed rule change now before the body is inadequate and ineffective. Therefore, I urge that the entire Senate body act with all deliberate speed to clearly delineate its concept of openness in government and begin development of both rules and legislation which will ensure that all decisions will be made in full public view.

Respectfully submitted,
MARTIN J. SCHREIBER
Lieutenant Governor

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Senator Chilsen moved that the rules be suspended to withdraw **Senate Resolution 9** from the committee on Senate Organization and consider it for action at this time.

The ayes and noes were required and the vote was: ayes, 12; noes, 16; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Murphy and Petri -- 12.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kłeczka, McKenna, Martin, Morrison, Risser, Swan, Thompson and Whittow -- 16.

Absent or not voting -- Senators Parys, Peloquin and Theno -- 3.

Less than two-thirds having voted in the affirmative the motion did not prevail.

PETITIONS AND COMMUNICATIONS

Wisconsin Legislature
Senate Chamber
Madison

April 2, 1975.

The Honorable Martin J. Schreiber
Lieutenant Governor
State Capitol
Madison, Wisconsin

Dear Lieutenant Governor Schreiber:

Senate Bill 141 relates to the regulation and licensing of opticians. It was introduced at the request of the Wisconsin Society of Opticians and the State Medical Society. Since I am the Executive Secretary of the Wisconsin Society of Opticians, it appears my association with the Society may conflict with my duties as a legislator. Therefore, pursuant to subsection 19.46 (1) (a) 4, 1973 Wisconsin Statutes, I hereby request that this statement be published in the Senate Journal and that I be excused from votes, deliberations and other actions relating to Senate Bill 141.

Sincerely yours,
WAYNE F. WHITTOW
Senate Majority Leader

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By request of Senator Whittow, with unanimous consent, the senate returned to the third order of business.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 299

Relating to establishing a patients compensation system for bodily injury or death caused by health care providers, requiring financial responsibility of health care providers, creating a patients compensation board in the department of regulation and licensing, granting rule-making authority, and making appropriations.

By Senators Thompson, Devitt, LaFave, Chilsen, Goyke, Martin, Hollander, Krueger, Whittow, Cullen, Keppler, Dorman, Peloquin and Harnisch, cosponsored by Representatives Willkom, Vanderperren, Donoghue, Byers, Olson, Looby, L. Anderson, Early, Molinaro, Porter, Dorff, Rooney, Conradt, Otte, Munts, Roberts, Quackenbush, Kincaid and Shannon, by request of the State Medical Society of Wisconsin.

To committee on Agriculture, Human Services, Labor and Taxation.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

April 2, 1975.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Katherine Cumicek, of Shawano, as a member of the Watchmaking Examining Board, to succeed Gerald G. Jaeger, to serve for the term ending July 1, 1979.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

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State of Wisconsin
Office of the Governor
Madison, Wisconsin

April 2, 1975.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Richard B. Scroggins, of Manitowoc, as a member of the Watchmaking Examining Board, to succeed himself, to serve for the term ending July 1, 1978.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

April 1, 1975.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Robert L. Maile, of Milwaukee, to the Pharmacy Examining Board, to succeed Leon A. Lewandowski, to serve for the term ending July 1, 1979.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

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State of Wisconsin
Office of the Governor
Madison, Wisconsin

April 1, 1975.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Barbara A. Frank, of LaCrosse, as a member of the Minnesota-Wisconsin Boundary Area Commission, to succeed Theodore O. Myren, to serve for the term ending September 25, 1979.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

April 1, 1975.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Jerry Johnson, of Amery, as a member of the Minnesota-Wisconsin Boundary Area Commission, to succeed David E. Nudd, to serve for the remainder of the term ending September 25, 1975.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

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State of Wisconsin
Office of the Governor
Madison, Wisconsin

April 1, 1975.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Thomas Goodwin, of Waukesha, as a member of the Board on Veterans' Affairs, to succeed Vivian Munson to serve for the term ending May 1, 1979.

Sincerely,

PATRICK J. LUCEY

Governor

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

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 20, 1975.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Ralph Jirikowic, of Milwaukee, as a member of the Board of Veterans' Affairs, to succeed James Beckett, to serve for the term ending May 1, 1977.

Sincerely,

PATRICK J. LUCEY

Governor

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

MOTIONS

By request of Senator Flynn, with unanimous consent, **Senate Bill 237** was withdrawn from the joint committee on Revisions, Repeals and Uniform Laws and referred to the joint committee on Finance.

CALENDAR OF APRIL 3

Senate Bill 257

Relating to the number of legislators on the joint survey committee on tax exemptions.

Read a second time.

Ordered to a third reading.

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

Senate Bill 257

Read a third time and passed.

Senate Bill 258

Relating to the number of legislators on the joint survey committee on retirement systems.

Read a second time.

Ordered to a third reading.

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

Senate Bill 258

Read a third time and passed.

Senate Bill 259

Relating to fees of senate and assembly chaplains.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 259** was referred to joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 259** was withdrawn from the joint committee on Finance and considered for action at this time

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Read a second time.

Ordered to a third reading.

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

Senate Bill 259

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 1; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Morrison, Murphy, Peloquin, Petri, Risser, Swan, Thompson and Whittow -- 27.

Noes -- Senator Berger -- 1.

Absent or not voting -- Senators Frank, Parys and Theno -- 3.

So the bill passed.

Senate Joint Resolution 18

Relating to committees of conference.

Read.

By request of Senator Whittow, with unanimous consent, **Senate Joint Resolution 18** was rereferred to committee on Senate Organization.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 16** by Senators Thompson and Krueger.

Senate amendment 2 to **Senate Bill 16** by Senators Devitt, LaFave and Swan.

Senate amendment 1 to **Senate Bill 17** by Senators Devitt, LaFave and Swan.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 22** by Senator Risser.

Senate amendment 1 to **Senate Bill 23** by Senator Risser.

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Senate substitute amendment 1 to **Senate Bill 167** by Senator Berger.

Senate amendment 1 to **Senate Bill 224** by Senator Risser.

Senate substitute amendment 1 to **Senate Bill 234** by Senator Berger.

Senate amendment 1 to **Senate Joint Resolution 18** by Senator Berger.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of the Wisconsin Veterans' Council.

Upon motion of Senator Whittow the senate adjourned until 9:00 A.M. Friday, April 4.

11:40 A.M.

INTRODUCTION OF GUESTS

Senator Swan introduced Bob Weise, Commander, Amvets, Lydia M. Wascoe, Commander, Catholic War Veterans, William Humphrey, Commander, Disabled American Veterans, Pat Regan, Commander, Marine Corps League, Harvey L. Hinkley, Sr., Commander Military Order of the Purple Heart, Elroy DeGroot, Commander, Navy Club of U.S.A., Bill Abbott, Vice Chairman, The Retired Officers Association, Morris G. Oesterreich, Commander, United Spanish War Veterans and Chuck Arndt, Sr. Vice Commander, Veterans of Foreign Wars.

Senator Bidwell introduced 4th grade students of the Spring Green Public Schools.