

JOURNAL OF THE SENATE [April 16, 1975]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

WEDNESDAY, April 16, 1975.

10:00 A.M.

The senate met.

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

Prayer was offered by Reverend Jon C. Schultz, Pastor of Memorial United Church of Christ.

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

LEAVE OF ABSENCE

By request of Senator Knowles, with unanimous consent, he was granted a leave of absence for 11:45 A.M. Thursday for the balance of the week.

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, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 33.

Absent -- None.

JOURNAL OF THE SENATE [April 16, 1975]

Absent with leave -- None.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 318

Relating to solicitation, collection and expenditure of funds for charitable purposes, granting rule-making authority, making an appropriation and providing penalties.

By Senators Morrison, Risser, Flynn, Bablitch, Berger, Cullen, Goyke and Thompson, cosponsored by Representatives Norquist, Rutkowski, Sanasarian, Clarenbach, Flintrop, Munts, Hauke, Tesmer, Kirby, Tuczynski, Metz, Lingren and McClain.

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

Senate Bill 319

Relating to detention of county jail inmates in the Milwaukee County house of correction and transfer of prisoners possessing Huber law privileges.

By Senators Frank, Sensenbrenner and Whittow, by request of Milwaukee County.

To committee on Judiciary and Consumer Affairs.

Senate Bill 320

An act to appropriate \$1,027.30 from the general fund for payment of a claim made by Alex Raineri against the state.

By Senator Hollander, cosponsored by Representative Molinaro, by request of State Claims Board.

To joint committee on Finance.

Senate Bill 321

An act to appropriate \$121.26 from the general fund for payment of a claim made by Rex M. Smith against the state.

By Senator Hollander, cosponsored by Representative Molinaro, by request of State Claims Board.

To joint committee on Finance.

Senate Bill 322

An act to appropriate \$12,090.52 from the general fund for payment of a claim made by Patrick T. Sheedy against the state.

By Senator Hollander, cosponsored by Representative Molinaro, by request of State Claims Board.

To joint committee on Finance.

JOURNAL OF THE SENATE [April 16, 1975]

Senate Bill 323

An act to appropriate \$727.05 from the general fund for payment of a claim made by Laura L. Jordan against the state.

By Senator Hollander, cosponsored by Representative Molinaro, by request of State Claims Board.

To joint committee on Finance.

Senate Bill 324

An act to appropriate \$2,567.70 from the general fund for payment of a claim made by Mathilde T. Brands against the state.

By Senator Hollander, cosponsored by Representative Molinaro, by request of State Claims Board.

To joint committee on Finance.

Senate Bill 325

Relating to allowing the prosecution to request the substitution of a judge.

By Senator Murphy, cosponsored by Representative Gower.

To committee on Judiciary and Consumer Affairs.

Senate Bill 326

Relating to part-time assistant family court commissioners' salary supplement.

By Senator Murphy, cosponsored by Representatives Schmidt and Gower.

To committee on Judiciary and Consumer Affairs.

Senate Bill 327

Relating to an habitual offender's law for certain convictions in the motor vehicle code, revocation of operator's licenses, and providing a penalty.

By Senator Murphy.

To committee on Judiciary and Consumer Affairs.

Senate Bill 328

Relating to property exempt from seizure or sale on execution.

By Senator Murphy.

To committee on Judiciary and Consumer Affairs.

Senate Bill 329

Relating to highway signs.

By Senator Frank, cosponsored by Representative Gerlach, by request of South Milwaukee Association of Commerce.

JOURNAL OF THE SENATE [April 16, 1975]

To committee on Commerce.

COMMITTEE REPORTS

The committee on Commerce reports and recommends for introduction:

Senate Bill 330

Relating to a training course for school bus drivers.

Introduction; Ayes, 8; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 331

Relating to eliminating the presumption of employment connected disease for firemen.

By request of the League of Wisconsin Municipalities.

Introduction; Ayes, 7; Noes, 1.

Read first time and referred to committee on Commerce.

Senate Bill 332

Relating to elimination of the liability imposed on a city or county for damages or injuries caused by a mob or riot.

By request of the League of Wisconsin Municipalities.

Introduction; Ayes, 8; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 333

Relating to making the state, counties and municipalities responsible for the cost of constructing and maintaining streets and highways located at railroad crossings.

Introduction; Ayes, 8; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 334

Relating to possession of highway signs and providing a penalty.

Introduction; Ayes, 8; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 335

Relating to the collection of fees from common motor carriers of property.

Introduction; Ayes, 8; Noes, 0.

Read first time and referred to committee on Commerce.

JOURNAL OF THE SENATE [April 16, 1975]

Senate Bill 336

Relating to truck weight tolerances on the national interstate and defense highway system.

Introduction; Ayes, 8; Noes, 0.

Read first time and referred to committee on Commerce.

RONALD G. PARYS

Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 35

A resolution by the Common Council of the City of Manitowoc which unanimously opposes the passage of Assembly Bill 462 which would prohibit municipalities from implementing residency requirements upon its employees.

By Senator Martin.

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

EXECUTIVE COMMUNICATIONS

DEAN, SARAH, of Madison, as Secretary of the Department of Regulation and Licensing, to succeed Virginia Hart, to serve for the remainder of the term ending March 1, 1979.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 32.

Noes -- None.

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

JOURNAL OF THE SENATE [April 16, 1975]

So the appointment was confirmed.

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 75

Assembly Bill 243

Assembly Bill 254

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 75

Relating to rights of patients in nursing homes, adult group foster homes and residential care institutions, and prohibiting abuse of patients in certain facilities.

By Representatives Wahner, Conta, Tropman, Czerwinski, Metz and Munts; co-sponsored by Senator Berger.

Read first time and referred to committee on Agriculture, Human Services, Labor and Taxation.

Assembly Bill 243

Relating to evidence of entry or recording of certain ordinances, resolutions and other matters by counties, cities, villages and towns.

By Representative Rutkowski, by request of the League of Wisconsin Municipalities.

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

Assembly Bill 254

Relating to apportionment of county supervisory districts due to changes in municipal boundaries.

By Representatives L.F. Anderson, Munts, Miller, Clarenbach and N.C. Anderson.

JOURNAL OF THE SENATE [April 16, 1975]

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

SPECIAL ORDERS

Senate Bill 108

Relating to enforcement of credit anti-discrimination law and granting rule-making authority.

Read a second time.

Senate amendment 1 to **Senate Bill 108** offered by Senators Parys and LaFave.

Senate amendment 1 to senate amendment 1 to **Senate Bill 108** offered by Senators Parys and Krueger.

Senator McKenna moved rejection of senate amendment 1 to senate amendment 1.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Berger, Bidwell, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Kleczka, Knowles, McKenna, Morrison, Petri, Risser, Sensenbrenner, Theno and Thompson -- 19.

Noes -- Senators Bablitch, Chilsen, Keppler, Krueger, LaFave, Lorge, Martin, Maurer, Murphy, Parys, Peloquin, Swan and Whittow -- 13.

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

So the motion prevailed.

The question was: Adoption of senate amendment 1?

Senator Berger moved rejection.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, Knowles, Krueger, McKenna, Morrison, Peloquin, Petri, Risser and Thompson -- 17.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, LaFave, Lorge, Martin, Maurer, Murphy, Parys, Sensenbrenner, Swan, Theno and Whittow -- 15.

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

JOURNAL OF THE SENATE [April 16, 1975]

So the motion prevailed.

By request of Senators Whittow and Krueger, with unanimous consent, pursuant to senate rule 76 a 2 minute limit on debate was placed on each Senator per question.

Senate amendment 2 to **Senate Bill 108** offered by Senator Parys.

Senate amendment 2 adopted.

Senator Bablitch moved reconsideration of the vote by which senate amendment 2 was adopted.

The motion did not prevail.

Senate amendment 3 to **Senate Bill 108** offered by Senator Parys.

Senator Flynn moved rejection.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Frank, Goyke, Harnisch, Kleczka, McKenna, Morrison, Peloquin, Risser and Thompson -- 13.

Noes -- Senators Bidwell, Chilsen, Devitt, Flynn, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Martin, Maurer, Murphy, Parys, Petri, Sensenbrenner, Swan, Theno and Whittow -- 19.

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

So the motion did not prevail.

Senator Flynn raised the point of order that senate amendment 3 was not germane.

The chair ruled the point of order not well taken.

The question was: Adoption of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Martin, Maurer, Murphy, Parys, Sensenbrenner, Swan, Theno and Whittow -- 17.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Morrison, Peloquin, Petri, Risser and Thompson -- 15.

JOURNAL OF THE SENATE [April 16, 1975]

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

So the amendment was adopted.

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 108

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 30.

Noes -- Senators Flynn and Lorge -- 2.

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

So the bill passed.

Senate Bill 109

Relating to civil damages for persons discriminated against in the granting of credit.

Read a second time.

Senate amendment 1 to **Senate Bill 109** offered by Senator Murphy.

Senator Flynn moved rejection.

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Peloquin, Risser, Swan and Thompson -- 15.

Noes -- Senators Bidwell, Chilsen, Devitt, Frank, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Martin, Murphy, Parys, Petri, Sensenbrenner, Theno and Whittow -- 17.

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

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

Senate amendment 1 adopted.

JOURNAL OF THE SENATE [April 16, 1975]

Senate amendment 2 to **Senate Bill 109** offered by Senator Murphy.

Senator Petri moved rejection.

The motion prevailed.

Senate amendment 3 to **Senate Bill 109** offered by Senator Murphy.

Senator Bablitch moved rejection.

The motion prevailed.

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 109

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 29; noes, 2; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, McKenna, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 29.

Noes -- Senators Lorge and Murphy -- 2.

Absent or not voting -- Senators Knutson and Martin -- 2.

So the bill passed.

Upon motion of Senator Whittow the senate recessed until 4:30 P.M.

JOURNAL OF THE SENATE [April 16, 1975]

12:10 P.M.

RECESS

4:30 P.M.

The senate reconvened.

CALENDAR OF APRIL 16

Senate Bill 98

Relating to the power of the board of Milwaukee county to build, furnish and rent housing.

Read a second time.

Senator Whittow 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:

Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Martin, Maurer, Morrison, Murphy, Parys, Risser, Sensenbrenner, Theno and Whittow -- 24.

Absent -- Senators Bidwell, Devitt, Kleczka, McKenna, Peloquin, Petri, Swan and Thompson -- 8.

Absent with leave -- Senator Knutson -- 1.

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

JOURNAL OF THE SENATE [April 16, 1975]

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 337

Relating to registration fees for motor busses owned and operated by nonprofit and nonstock corporations.

By Senator Frank, cosponsored by Representatives Gerlach, Plewa and Tesmer, by request of the Challenger Band of Milwaukee.

To committee on Commerce.

Senate Bill 338

Relating to regulation and licensing functions of the department of health and social services, granting rule-making authority and providing a penalty.

By Senator Thompson, by request of Select Committee on Health and Social Services.

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

Senate Bill 339

Relating to reconstruction of certain private shoreland facilities.

By Senators Keppler, Kleczka and Martin, cosponsored by Representatives Porter, Potter and Day.

To committee on Natural Resources.

Senate Bill 340

Relating to marriageable age.

By Senator Lorge, by request of Gerald K. Anderson, Manawa, Wisconsin.

To committee on Judiciary and Consumer Affairs.

Senate Bill 341

Relating to medical education aids, creating a medical student loan program and a physicians' clerks program, creating a medical services board, granting rule-making authority and making appropriations.

By Senators Lorge, Chilsen and Keppler.

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

JOURNAL OF THE SENATE [April 16, 1975]

Senate Bill 342

Relating to transportation of petroleum products over frozen roads and providing a penalty.

By Senators LaFave, Martin, Theno, Murphy, Devitt and Keppler, cosponsored by Representatives Vanderperren and Swoboda.

To committee on Commerce.

Senate Bill 98

The question was: Adoption of senate amendment 1?

The amendment was adopted.

Ordered to a third reading.

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

Senator Chilsen raised the point of order that **Senate Bill 98** required a fiscal note.

The chair ruled the point of order not well taken.

Senate Bill 98

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 6; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Knowles, Krueger, LaFave, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Thompson and Whittow -- 26.

Noes -- Senators Bidwell, Chilsen, Hollander, Lorge, Murphy and Theno -- 6.

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

So the bill passed.

By request of Senator Devitt, with unanimous consent, senate amendment 2 to **Senate Bill 16** and senate amendment 1 to **Senate Bill 17** were withdrawn and returned to the author.

By request of Senator Dorman, with unanimous consent, **Senate Bill 103** was referred to the joint committee on Finance.

JOURNAL OF THE SENATE [April 16, 1975]

Senate Bill 120

Relating to party nominations by write-in vote for general elections.

Read a second time.

Senator Sensenbrenner moved indefinite postponement.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 18; absent or not voting, 2; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Krueger, LaFave, Lorge, Maurer, Murphy, Petri, Sensenbrenner and Theno -- 13.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, Knowles, McKenna, Martin, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 18.

Absent or not voting -- Senators Knutson and Morrison -- 2.

So the motion did not prevail.

By request of Senators Whittow and Krueger, with unanimous consent, pursuant to senate rule 76, a two minute limit was placed on debate for each Senator on every question.

The question was: Shall **Senate Bill 120** be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Knowles, McKenna, Martin, Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 20.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Krueger, LaFave, Lorge, Maurer, Murphy, Petri, Sensenbrenner and Theno -- 12.

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

So the bill was ordered to a third reading.

Senator Whittow asked unanimous consent that the bill be considered for final action at this time.

Senator Murphy objected.

Senator Whittow moved that the bill be considered for final action at this time.

JOURNAL OF THE SENATE [April 16, 1975]

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 20.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Knowles, Krueger, LaFave, Lorge, Murphy, Petri, Sensenbrenner and Theno -- 12.

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

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

Senator Whittow raised the point of order that since the rules were not suspended that **Senate Bill 120** would be placed on the second day's printed calendar.

The chair took the point of order under advisement.

Senate Bill 121

Relating to application for absentee ballots by sick or hospitalized persons.

Read a second time.

Senate amendment 1 to **Senate Bill 121** offered by Senators Sensenbrenner and Berger.

The amendment was adopted.

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 121

Read a third time and passed.

Senate Bill 122

Relating to membership of board of election commissioners in populous cities.

Read a second time.

Senate amendment 1 to **Senate Bill 122** offered by Senator Berger.

JOURNAL OF THE SENATE [April 16, 1975]

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

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 160** by Senator Devitt.

Senate amendment 2 to **Senate Bill 217** by Senator Devitt.

Senate amendment 2 to **Senate Bill 218** by Senator Cullen.

Senate amendment 2 to **Senate Bill 224** by Senator Berger.

Senate amendment 1 to **Senate Bill 215** by Senator Kleczka.

Senate amendment 1 to **Senate Bill 262** by Senator Bablitch.

Senate amendment 2 to **Senate Bill 262** by Senator Lorge.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of Senators Knowles and Lorge in recognition of national legislative service.

Upon motion of Senator Whittow the senate adjourned until 9:00 A.M. Thursday, April 17.

5:30 P.M.

INTRODUCTION OF GUESTS

Senator Bablitch introduced 40 members of the American Association of Retired Persons, Stevens Point.

Senator McKenna introduced 5th grade students of Glendale Elementary School, Madison.

Senator Keppler introduced AFS students from Sheboygan: Miss Ingrid Claessen, Miss Fusun Arkis, Miss Kimiko Tonogai, Mr. Mohammad Rezazoi, Miss Kirsten Lyberth, Mr. Diego Androde, Miss Sylvia Villacorte, Miss Kyoung HwaMah, Miss Mayra Vilcheg and Miss Martha Frias.

Senator Thompson introduced Reverend Robert Wirth and students of St. Joseph's Prep College, Edgerton.

Senator Frank introduced students of the Senior High School of Milwaukee South Division.

Senator Morrison introduced students of the Cobb and Livingston Schools, Iowa-Grant School System.