

JOURNAL OF THE SENATE [April 29, 1975]

STATE OF WISCONSIN
Senate Journal

Eighty-Second Regular Session

TUESDAY, April 29, 1975.

10:00 A.M.

The senate met.

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

Prayer was offered by Pastor Don Upton of the First Assembly of God 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.

LEAVE OF ABSENCE

By request of Senator Krueger, with unanimous consent, Senator Devitt was granted a leave of absence for the balance of the day.

By request of Senator Whittow, with unanimous consent, Senators Dorman and Frank were granted a leave of absence for the balance of the day.

By request of Senator Knutson, with unanimous consent, he was granted a leave of absence at 11:30 A.M. each day for the balance of the week.

By request of Senator Keppler, with unanimous consent, he was granted a leave of absence at 11:30 A.M. Thursday, May 1.

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

Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Flynn, 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 -- 30.

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Absent -- None.

Absent with leave -- Senators Devitt, Dorman and Frank -- 3.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 368

Relating to contraceptive devices, and providing a penalty.

By Senator Risser.

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

COMMITTEE REPORTS

The committee on Commerce reports and recommends for introduction:

Senate Bill 369

Relating to requiring completion of a hunter safety course before issuance of a hunting license.

Introduction; Ayes, 9; Noes, 0.

Read first time and referred to committee on Natural Resources.

RONALD G. PARYS
Chairman

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to **Senate Bill 9**

Public Policy Involved

This is not desirable as public policy. Servicemen presently receive two types of tax benefits as a result of their status. The first \$1,000 of income received from the United States as an active or reserve member of the armed forces is excluded from Wisconsin income. In addition, combat zone pay is excludable in full for enlisted men while commissioned officers received a \$500 monthly exclusion for such pay.

A serviceman is required to maintain a state of residence during his military service. During this time he may be stationed in many states. The Soldiers' and Sailors' Relief Act provides that only his

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state of residence may tax his service income. This protects him from multiple taxation and confusing tax claims by states whose taxes may be more or less severe than that of his home state.

Servicemen who maintain their Wisconsin residence but who are stationed outside the state would seem to impose little direct burden to the state. Yet, like other Wisconsin citizens, they may claim certain privileges which all Wisconsin residents pay toward but not all claim, like resident university tuition, resident hunting and fishing licenses, and veterans' benefits. The fact that their status is somewhat different from other residents is already recognized in the two exclusions previously cited which are offered no other group of Wisconsin residents. Also, this bill would exempt servicemen's income even if their dependents were living in Wisconsin and enjoying the benefits of state residency. The exemption provided in this bill would also be unfair in that other residents of Wisconsin temporarily stationed outside the state's boundaries, such as peace corp volunteers, foreign service officers, and other civilian governmental and private employes, would have to pay Wisconsin income taxes on services performed outside the state.

JOINT SURVEY COMMITTEE ON TAX EXEMPTIONS

Read and referred to joint committee on Finance.

REPORT OF JOINT SURVEY COMMITTEE ON TAX EXEMPTIONS

Appendix to **Senate Bill 17**

Public Policy Involved

This bill does not change the tax exempt status of nonprofit hospital service corporations, therefore there is no effect upon present public policy relating to taxation of these organizations.

JOINT SURVEY COMMITTEE ON TAX EXEMPTIONS

Read and referred to committee on Senate Organization.

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REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to Senate Bill 36

Public Policy Involved

This is not desirable as public policy. Servicemen presently receive two types of tax benefits as a result of their status. The first \$1,000 of income received from the United States as an active or reserve member of the armed forces is excluded from Wisconsin income. In addition, combat zone pay is excludable in full for enlisted men while commissioned officers received a \$500 monthly exclusion for such pay.

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JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

Read and rereferred to joint committee on Finance.

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REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to **Senate Bill 79**

Public Policy Involved

This is not desirable as public policy. It would be unfair to exempt enuresis alarms while taxing other treatment devices which are also not worn by the patient. If enuresis alarms were exempt, it would be difficult not to extend similar exemptions for many other items which are helpful to the consumer and have nominal revenue effects.

JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

Read and referred to joint committee on Finance.

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to **Senate Bill 227**

Public Policy Involved

This is not desirable as public policy. It provides a particular group with an additional tax exemption which is not allowed to other groups who may be similarly situated.

Retirement benefits from the Milwaukee Public School Teachers, Milwaukee City Employes, Milwaukee County Employes, Milwaukee Sheriff, Milwaukee City Policemen, Milwaukee Firemen and Wisconsin Public School Teachers retirement funds or systems are not taxable if paid on the account of any person who was a member of, or was retired from the fund or system as of December 31, 1963. Although such retirement benefits are exempt, the number of persons eligible for the exemption will decrease in future years. Persons who became a member of such funds or systems after December 31, 1963, will not qualify for the exemption.

JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

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

PETITIONS AND COMMUNICATIONS

Senate Petition 45

A petition by 700 Wisconsin residents in support of a requirement for 170 days of school instead of the present 180 days of school for grades K-12, relating to Senate Bill 296.

By Senator Morrison.

Read and referred to committee on Education.

Senate Petition 46

A petition signed by 7,295 residents of the State of Wisconsin opposing the state sales tax on electricity, oil, coal, gas and all fuels used to heat private dwellings.

By Senator Theno.

Read and referred to joint committee on Finance.

State of Wisconsin
Department of State

April 28, 1975.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on April 21, 1975, and ending on April 25, 1975.

Yours very truly,
DOUGLAS LAFOLLETTE
Secretary of State

Name, Address and Occupation of Lobbyist -- Name and Address of Employer -- Subject of Legislation Code Number -- Date of Employment.

Heider, Robert R., 910 Elm Grove Rd., Elm Grove, Wisc.,
None -Wisconsin State Golf Assoc., c/o Robert Koonz, 15805 W.
Overland, New Berlin, Wisc. -01, 12, 17, 11, 14, 16, 27 -March 24,
1975.

Heider, Robert R., 910 Elm Grove Rd., Elm Grove, Wisc.,
None -Associates Financial Services Co., Inc., 1700 Mishawaka
Ave., South Bend, Wisc. -03 -March 24, 1975.

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Vaughan, Michael R., 2 East Gilman St., Madison, Wisc.,
None -Wisconsin Citizens for Education, P.O. Box 17484,
Milwaukee, Wis. -All coded subjects as they relate to school district
government -March 21, 1975.

Legislative Subject Identification

Code	Subject
01	<i>Agriculture, horticulture, farming & livestock</i>
02	<i>Amusements, games, athletics and sports</i>
03	<i>Banking, finance, credit and investments</i>
04	<i>Children, minors, youth & senior citizens</i>
05	<i>Church & Religion</i>
06	<i>Consumer Affairs</i>
07	<i>Ecology, environment, pollution, conservation, zoning, land & water use</i>
08	<i>Education</i>
09	<i>Elections, campaigns, voting & political parties</i>
10	<i>Equal rights, civil rights & minority affairs</i>
11	<i>Government, financing, taxation, revenue, budget, appropriations, bids, fees & funds</i>
12	<i>Government, county</i>
13	<i>Government, federal</i>
14	<i>Government, municipal</i>
15	<i>Government, special districts</i>
16	<i>Government, state</i>
17	<i>Health services, medicine, drugs and controlled substances, health insurance & hospitals</i>
18	<i>Higher education</i>
19	<i>Housing, construction & codes</i>
20	<i>Insurance (excluding health insurance)</i>
21	<i>Labor, salaries and wages, collective bargaining</i>
22	<i>Law enforcement, courts, judges, crimes & prisons</i>
23	<i>Licenses & permits</i>
24	<i>Liquor</i>
25	<i>Manufacturing, distribution & services</i>
26	<i>Natural resources, forests and forest products, fisheries, mining & mineral products</i>
27	<i>Public lands, parks & recreation</i>
28	<i>Social insurance, unemployment insurance, public assistance & workmen's compensation</i>
29	<i>Transportation, highways, streets & roads</i>

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- 30 *Utilities, communications, television, radio, newspapers,
power, CATV, & gas*
31 *Other*

EXECUTIVE COMMUNICATIONS

CUMICEK, KATHERINE, of Shawano, as a member of the Watchmaking Examining Board, to succeed Gerald G. Jaeger, to serve for the term ending July 1, 1979.

FRANK, BARBARA A., 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.

JOHNSON, JERRY, 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.

MAILE, ROBERT L., of Milwaukee, to the Pharmacy Examining Board, to succeed Leon A. Lewandowski, to serve for the term ending July 1, 1979.

SCROGGINS, RICHARD B., of Manitowoc, as a member of the Watchmaking Examining Board, to succeed himself, to serve for the term ending July 1, 1978.

By request of Senator Bablitch, with unanimous consent, the above appointments were considered enmsse.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Flynn, 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 -- 29.

Noes -- Senator Berger -- 1.

Absent or not voting -- Senators Devitt, Dorman and Frank -- 3.

So the appointments were confirmed.

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HOLDEN, MATTHEW, JR., of Madison, as a member of the Public Service Commission, to succeed Arthur Padrutt, to serve for the term ending March 1, 1981.

Read.

Senator Parys moved that the appointment be referred to committee on Commerce.

Senator Whittow asked unanimous consent that the appointment of Holden be referred to committee on Senate Organization.

Senator LaFave objected.

Senator Risser moved that the appointment of Holden be laid on the table.

Senator Whittow raised the point of order that the appointment could not be laid on the table.

The chair took the point of order under advisement.

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 94
Assembly Bill 100

and

Concurred in:

Senate Bill 40

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 94

Relating to time to request a substitution of judges.

By Representative Sicala.

Read first time and referred to committee on Judiciary and Consumer Affairs.

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Assembly Bill 100

Relating to appointments to fill vacancy of chairman position of election inspectors.

By Representative Elconin.

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

MOTIONS

By request of Senator Parys, with unanimous consent, **Senate Bills 288** and **289** were withdrawn from the committee on Commerce and referred to the joint committee on Finance.

By request of Senator Flynn, with unanimous consent, **Senate Bill 365** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Governmental and Veterans' Affairs.

CALENDAR OF APRIL 29

Senate Joint Resolution 35

Granting the use of the legislative chambers to the Young Republicans and the Democratic Youth Caucus of Wisconsin on May 30 and 31, 1975, for the purpose of holding a Model Legislature.

Read and adopted.

Senate Bill 8

To appropriate \$640.47 from the general fund for payment of a claim by Russell Kaun, executor of the estate of Ervin Kaun, deceased, against the state.

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 8

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Flynn, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson,

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Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 29.

Noes -- Senator Berger -- 1.

Absent or not voting -- Senators Devitt, Dorman and Frank -- 3.

So the bill passed.

Senate Bill 22

Relating to grounds for divorce and legal separation.

Read a second time.

The question was: Indefinite postponement?

By request of Senator Whittow, with unanimous consent, the amendments to **Senate Bill 22** were considered before the question of indefinite postponement was put.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 22** offered by Senator Kleczka.

By request of Senator Whittow, with unanimous consent, senate amendment 2 was considered for action at this time.

Senator Murphy moved rejection of senate amendment 2 to senate substitute amendment 1.

The motion did not prevail.

The question was: Adoption?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 4; absent or not voting, 3; as follows:

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

Noes -- Senators Bidwell, Hollander, Knutson and Murphy -- 4.

Absent or not voting -- Senators Devitt, Dorman and Frank -- 3.

So the amendment was adopted.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator Murphy moved rejection.

The motion did not prevail.

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The question was: Adoption?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 9; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Flynn, Goyke, Harnisch, Keppler, Kleczka, Knowles, LaFave, Lorge, McKenna, Maurer, Morrison, Parys, Peloquin, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 21.

Noes -- Senators Bidwell, Chilsen, Cullen, Hollander, Knutson, Krueger, Martin, Murphy and Petri -- 9.

Absent or not voting -- Senators Devitt, Dorman and Frank -- 3.

So the amendment was adopted.

Senate amendment 3 to senate substitute amendment 1 to **Senate Bill 22** offered by Senator Kleczka.

Senator Risser moved rejection.

The motion did not prevail.

Senate amendment 3 adopted.

By request of Senator Whittow, with unanimous consent, the question of indefinite postponement was laid on the table.

The question was: Adoption of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 10; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Flynn, Goyke, Harnisch, Kleczka, Knowles, LaFave, Lorge, McKenna, Maurer, Parys, Peloquin, Petri, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 20.

Noes -- Senators Bidwell, Chilsen, Hollander, Keppler, Knutson, Krueger, Martin, Morrison, Murphy and Swan -- 10.

Absent or not voting -- Senators Devitt, Dorman and Frank -- 3.

So the amendment was adopted.

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.

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The ayes and noes were required and the vote was: ayes, 22; noes, 8; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Flynn, Goyke, Harnisch, Keppler, Kleczka, Knowles, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Swan, Theno, Thompson and Whittow -- 22.

Noes -- Senators Bidwell, Chilsen, Hollander, Knutson, Krueger, Murphy, Petri and Sensenbrenner -- 8.

Absent or not voting -- Senators Devitt, Dorman and Frank -- 3.

More than two-thirds voted in the affirmative the motion prevailed.

Senate Bill 22

Read a third time.

Senator Sensenbrenner moved indefinite postponement.

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

Ayes -- Senators Bidwell, Chilsen, Cullen, Hollander, Keppler, Krueger, LaFave, Lorge, Martin, Morrison, Murphy, Petri, Sensenbrenner, Swan, Theno and Thompson -- 16.

Noes -- Senators Bablitch, Berger, Flynn, Goyke, Harnisch, Kleczka, Knowles, McKenna, Maurer, Parys, Peloquin, Risser and Whittow -- 13.

Absent or not voting -- Senators Devitt, Dorman, Frank and Knutson -- 4.

So the motion prevailed.

By request of Senator Knutson, pursuant to senate rule 74, the journal showed that had he been present he would have voted "aye" for indefinite postponement of **Senate Bill 22**.

Senator Bablitch in the chair.

11:50 A.M.

Senator Murphy moved reconsideration of the vote by which **Senate Bill 22** was indefinitely postponed.

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

Senator Murphy objected.

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Senator Risser moved that the motion for reconsideration of the vote by which **Senate Bill 22** was indefinitely postponed be laid on the table.

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

Ayes -- Senators Bablitch, Berger, Cullen, Flynn, Goyke, Harnisch, Kleczka, Knowles, LaFave, McKenna, Maurer, Morrison, Parys, Peloquin, Risser, Swan, Theno, Thompson and Whittow -- 19.

Noes -- Senators Bidwell, Chilsen, Hollander, Keppler, Krueger, Lorge, Martin, Murphy, Petri and Sensenbrenner -- 10.

Absent or not voting -- Senators Devitt, Dorman, Frank and Knutson -- 4.

So the motion prevailed.

Senate Bill 264

Relating to miscellaneous bingo law changes.

Read a second time.

Senator Sensenbrenner raised the point of order that **Senate Bill 264** should be referred to the Joint Survey Committee on Tax Exemptions.

The chair ruled the point of order not well taken.

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 264

Read a third time and passed.

President pro tempore of the senate in the chair.

12:20 P.M.

Assembly Bill 33

Relating to right turning at intersections after stopping and yielding the right-of-way.

Read a second time.

By request of Senators Berger and Keppler, with unanimous consent, they were added as cosponsors of **Assembly Bill 33**.

Ordered to a third reading.

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

Assembly Bill 33

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 3; absent or not voting, 5; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 25.

Noes -- Senators Cullen, Flynn and Murphy -- 3.

Absent or not voting -- Senators Devitt, Dorman, Frank, Knutson and McKenna -- 5.

So the bill was concurred in.

Assembly Bill 35

Relating to increasing the number of hours for barbering schools, permitting high school equivalency for apprentices and granting rule-making authority.

Read a second time.

Senator Bidwell moved nonconcurrence.

The motion prevailed.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 54** by Senator Berger, by request of Representative Wahner.

Senate amendment 1 to **Senate Bill 139** by Senator Flynn.

Senate amendment 1 to **Senate Bill 287** by committee on Audit.

Senate amendment 2 to **Senate Bill 287** by committee on Audit.

Senate amendment 3 to **Senate Bill 287** by committee on Audit.

Senate substitute amendment 1 to **Senate Bill 292** by Senators LaFave and Parys.

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Senate amendment 1 to **Senate Bill 312** by committee on Audit.

Upon motion of Senator Whittow the senate adjourned until 9:00 A.M. Wednesday, April 30.

12:40 P.M.

GUESTS

During today's session the following visitors honored the senate with their presence:

Senator McKenna introduced students of the 9th grade American Government class at Johnson Creek High School.

Senator Morrison introduced Mr. Kaap, Mr. Bellman and students of the Civics Class at Richland Middle School, Richland Center.

Senator Morrison introduced Miss. Gdell, Miss Alt and students of of the 7th grade at Monroe Junior High School, Monore.

Senator Murphy introduced students of St. Luke School, Brookfield.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate substitute amendment 1 to **Senate Bill 193**
On page 1, line 13, substitute "provides" for "provide".

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 94 correctly enrolled and presented to the Governor on April 28, 1975.

Senate Bill 149 correctly enrolled and presented to the Governor on April 28, 1975.