

JOURNAL OF THE SENATE [May 13, 1975]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

TUESDAY, May 13, 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 Father Peter Andrew, Catholic Campus Ministry, Shalom University Ecumenical Center, University of Wisconsin, Whitewater.

The senate remained standing and Senator Knowles 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 Knutson was granted a leave of absence for the balance of the day.

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

By request of Senator Krueger, with unanimous consent, Senator Knutson was granted a leave of absence at 11:30 A.M. for Wednesday, Thursday and Friday of this week.

By request of Senator Harnisch, with unanimous consent, he was granted a leave of absence for Thursday, May 15.

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

Senators Bublitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer,

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Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Thompson and Whittow -- 29.

Absent -- Senator Swan -- 1.

Absent with leave -- Senators Keppler, Knutson and Theno -- 3.

INTRODUCTION OF RESOLUTIONS

Senate Bill 398

Senate Joint Resolution 38

To amend article IV, section 23, and article XI, section 3, of the constitution, relating to home rule for towns (first consideration).

By Senators McKenna, Maurer, Cullen, Devitt, Martin, LaFave, Theno, Bablitch, Harnisch and Morrison, cosponsored by Representatives Vanderperren, Ellis, Porter, Gunderson and Potter.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 398

Relating to making abortion illegal after the 6th month of pregnancy and providing a penalty.

By Senator Kleczka.

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

Senate Bill 399

Relating to a plan for compensation of persons injured in motor vehicle accidents irrespective of fault.

By Senators Bablitch, Cullen, Chilsen, Berger, Harnisch, Martin and Risser, cosponsored by Representatives Molinaro, Otte, Sanasarian, Plewa, Kirby, Ward, Dorff, Behnke, Hasenorhl, Mittness, Tropman, Offner, Ferrall, Roberts, Norquist, Pabst, Soucie, Kedrowski, Hanson, Rooney, Metz, Jackamonis, Looby, Tuczynski, Lingren and Flintrop, by request of AFL-CIO, Wisconsin Consumer League, UAW.

To committee on Judiciary and Consumer Affairs.

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COMMITTEE REPORTS

The committee on Commerce reports and recommends:

Senate Bill 336

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

Introduction of senate amendment 1; Ayes, 8; Noes, 1.

Adoption of senate amendment 1; Ayes, 8; Noes, 1.

Passage as amended; Ayes, 6; Noes, 3.

Senate Bill 356

Relating to permitting a lessor in a consumer lease to take a security interest in money.

Passage; Ayes, 8; Noes, 1.

RONALD G. PARYS

Chairman

The committee on Agriculture, Human Services, Labor and Taxation reports and recommends:

Senate Joint Resolution 25

Petitioning the Secretary of the Treasury to impose duties necessary for full competition in the cheese market.

Adoption recommended; Ayes, 9; Noes, 0.

Senate Bill 11

Relating to visitation privileges of grandparents.

Introduction of senate substitute amendment 1; Ayes, 9; Noes, 0.

Adoption of senate substitute amendment 1; Ayes, 9; Noes, 0.

Passage as amended; Ayes, 9; Noes, 0.

Senate Bill 15

Relating to rate regulation in workmen's compensation insurance and granting rule-making authority.

Passage; Ayes, 8; Noes, 0.

Senate Bill 115

Relating to creating a drug quality review board in the department of health and social services, permitting prescriptions to be filled with approved drug product equivalents, prohibiting certain unfair drug pricing practices, making an appropriation, providing penalties and granting rule-making authority.

Adoption of senate substitute amendment 1; Ayes, 7; Noes, 2.

Passage as amended; Ayes, 5; Noes, 4.

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Senate Bill 116

Relating to hazardous substances, flammable fabrics and product safety requirements, granting rule-making authority and providing a penalty.

Introduction of senate amendment 1 to substitute amendment 1; Ayes, 7; Noes, 0.

Adoption of senate amendment 1 to substitute amendment 1; Ayes, 7; Noes, 0.

Adoption of senate substitute amendment 1 as amended; Ayes, 8; Noes, 1.

Indefinite postponement; Ayes, 5; Noes, 4.

Senate Bill 174

Relating to postponement of bargaining of certain retirement benefits by the state, and providing for a special study committee.

Passage; Ayes, 9; Noes, 0.

Senate Bill 176

Relating to authorization of all-union agreements.

Passage; Ayes, 6; Noes, 3.

Senate Bill 218

Relating to homestead tax credits.

Adoption of senate amendment 1; Ayes, 9; Noes, 0.

Adoption of senate amendment 2; Ayes, 9; Noes, 0.

Passage as amended; Ayes, 9; Noes, 0.

Senate Bill 263

Relating to notice to municipal clerks of manufacturing property assessments and appeals.

Passage; Ayes, 9; Noes, 0.

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.

Introduction of senate amendment 1; Ayes, 9; Noes, 0.

Adoption of senate amendment 1; Ayes, 9; Noes, 0.

Passage as amended; Ayes, 8; Noes, 1.

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Assembly Joint Resolution 12

Urging congress to tighten federal inspection of imported dairy products.

Concurrence; Ayes, 9; Noes, 0.

CARL W. THOMPSON

Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 57

A petition by 215 residents of Sheboygan Falls, Plymouth, Kohler, Oostburg and Sheboygan, Wisconsin urging more severe penalties for drug related crimes.

By Senator Keppler.

Read and referred to committee on Judiciary and Consumer Affairs.

Senate Petition 58

A petition by 28 residents of Milwaukee County, to exempt from the state sales tax, electricity, oil, coal, gas and all fuels used to heat private dwellings.

By Senator Berger.

Read and referred to Joint Survey Committee on Tax Exemptions.

State of Wisconsin
Department of State

May 12, 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 May 5, 1975, and ending on May 9, 1975.

Yours very truly,
DOUGLAS LAFOLLETTE
Secretary of State

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

Brouse, William D., 312 E. Wisconsin Ave., Milwaukee, Wisc. -
- Wisconsin Savings & Loan League, 312 E. Wisconsin Ave.,
Milwaukee, Wisc. -- 03, 06, 10, 11, 16, 19, 20, 22, 23, 31 --
March 19, 1975.

Doucette, John F., 803 W. Michigan St., Milwaukee, Wisc. --
Milwaukee Insurance, 803 W. MICHIGAN St., Milwaukee, Wisc.
-- 03, 06, 10, 11, 17, 20, 22, 28 -- March 18, 1975.

Foll, S.C., N40 W27928 Glacier Rd., Pewaukee, Wisc. --
Wisc. Upper Michigan Florist Assoc., N40 W27928 Glacier Rd.,
Pewaukee, Wisc. -- 01, 07, -- March 24, 1975.

Gerlach, John G., 131 W. Wilson St., Madison, Wisc. -- Town
of Madison, 2120 Fish Hatchery Rd., Madison, Wisc. -- 07, 09,
11, 14, 21, 23, 24, 29 -- April 28, 1975.

Gessl, Ronald, 41 Park Ridge Dr., Stevens Point, Wisc. --
WIAA Accident Benefit Plan, 41 Park Ridge Dr., Stevens Point,
Wisc. -- 17, 20 -- May 8, 1975.

Martin, Robert D., 1 South Pinckney St., Madison, Wisc. --
Wisconsin Retail Lumbermen's Assoc, Inc., P.O. Box 2978,
Milwaukee, Wisc. -- 03, 06, 07, 11, 19, 20, 21, 23, 25, 26, 28 --
May 1, 1975.

Peterson, Richard E., 202 E. Union St., Waupaca, Wisc. --
State Coalition Against Negative Aids, c/o William R. Stucker,
Nicolet High School, Port Washington, Milw., Wisc. -- 08, 11 --
May 7, 1975.

Peterson, Richard E., 202 E. Union St., Waupaca, Wisc. --
Merchantile Thrift Stores, Inc., 1828 W. National Ave.,
Milwaukee, Wisc. -- 31- operation of thrift stores & more
specifically SB 318 and 367 -- May 7, 1975.

Sanders, Luida E., 1714 Schlimgen Ave., Madison, Wisc. --
Wisconsin Public Health Assoc., Inc., P.O. Box 361, Madison,
Wisc. -- 17 -- May 6, 1975.

Sundby, Robert D., 121 S. Pinckney St., Madison, Wisc. --
City of Monona, City Hall, 5211 Schluter Rd., Monona, Wisc. --
14 -- Jan. 29, 1975.

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Sundby, Robert D., 121 S. Pinckney St., Madison, Wisc. -- Wisconsin Communities Cooperative Council, 121 S. Pinckney St., Madison, Wisc. -- 14 -- Jan. 29, 1975.

Wilson, Michael J., 759 N. Milwaukee St., #318, Milwaukee, Wisc. -- Homemakers International Co., Subsidiary of the Upjohn Co., Kalamazoo, Mich. -- 11, 12, 16, 17, 21, 23, 28 -- May 1, 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>

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- 28 *Social insurance, unemployment insurance, public assistance & workmen's compensation*
- 29 *Transportation, highways, streets & roads*
- 30 *Utilities, communications, television, radio, newspapers, power, CATV, & gas*
- 31 *Other*

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Assembly Joint Resolution 8

Passed and asks concurrence in:

Assembly Bill 426

Assembly Bill 726

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 8

Petitioning congress to develop appropriate legislation granting renters of residential property a federal income tax deduction for rental payments.

By Representatives Ward and Rutkowski.

Read and referred to Joint Survey Committee on Tax Exemptions.

Assembly Bill 426

Relating to creating a division of tourism within the department of business development and a council on tourism, transferring tourism, commercial recreation and information-related functions from the department of natural resources to the division of tourism and making and changing appropriations.

By Representatives Duren, Rutkowski, Dandeneau, Mittness, Barczak, Wahner, Early, Lewis, Kincaid, Otte, Schricker, Mohn, Lingren, Elconin, Jackamonis, Behnke, Flintrop, Lewison and Day; co-sponsored by Senators Thompson and Martin.

Read first time and referred to committee on Natural Resources.

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Assembly Bill 726

Relating to the operation of motorboats by persons at least 12 but less than 16 years of age.

By Representatives Willkom, Shannon, Mittness and Matty; co-sponsored by Senators Martin and Krueger.

Read first time and referred to committee on Natural Resources.

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).

The question was: Concurrence in assembly amendment 1?

Concurred in.

MOTIONS

By request of Senator Flynn, with unanimous consent, **Senate Bill 380** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to committee on Agriculture, Human Services, Labor and Taxation.

CALENDAR OF MAY 13

Senate Bill 95

Relating to a limitation on parental liability for his child's negligence in operating a motor vehicle.

Read a second time.

The question was: Adoption of senate amendment 2?

Adopted.

Senator Kleczka moved indefinite postponement of **Senate Bill 95**.

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

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Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Morrison, Parys and Sensenbrenner -- 14.

Noes -- Senators Chilsen, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Knowles, Maurer, Murphy, Peloquin, Petri, Risser, Thompson and Whittow -- 15.

Absent or not voting -- Senators Keppler, Knutson, Swan and Theno -- 4.

So the motion did not prevail.

The question was: Shall **Senate Bill 95** be ordered to a third reading?

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

Ayes -- Senators Chilsen, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Knowles, Maurer, Murphy, Petri, Risser, Thompson and Whittow -- 14.

Noes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Morrison, Parys, Peloquin and Sensenbrenner -- 15.

Absent or not voting -- Senators Keppler, Knutson, Swan and Theno -- 4.

So the bill was not ordered to a third reading.

Senator Bablitch moved reconsideration of the vote by which **Senate Bill 95** failed to be ordered to a third reading.

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

Ayes -- Senators Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Knowles, Maurer, Murphy, Petri and Risser -- 14.

Noes -- Senators Bablitch, Berger, Cullen, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Morrison, Parys, Peloquin, Sensenbrenner and Whittow -- 14.

Absent or not voting -- Senators Keppler, Knutson, Swan, Theno and Thompson -- 5.

So the motion did not prevail.

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Senate Bill 179

Relating to settlements and advance payments of claims for damages.

Read a second time.

The question was: Adoption of senate amendment 1?

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 179

Read a third time and passed.

Senate Bill 185

Relating to establishing a 48-hour waiting period for the purchase of handguns and providing a penalty.

Read a second time.

Senator Martin asked unanimous consent that **Senate Bill 185** be referred to committee on Natural Resources.

Senator Kleczka objected.

Senator Krueger moved indefinite postponement of **Senate Bill 185**.

The ayes and noes were demanded and the vote was: ayes, 8; noes, 20; absent or not voting, 5; as follows:

Ayes -- Senators Bidwell, Harnisch, Hollander, Knowles, Krueger, LaFave, Peloquin and Swan -- 8.

Noes -- Senators Bablitch, Berger, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Kleczka, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Petri, Risser, Sensenbrenner and Whittow -- 20.

Absent or not voting -- Senators Devitt, Keppler, Knutson, Theno and Thompson -- 5.

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 to **Senate Bill 185** offered by Senator Kleczka.

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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 185

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 7; absent or not voting, 5; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Kleczka, Knowles, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Petri, Risser, Sensenbrenner, Swan and Whittow -- 21.

Noes -- Senators Bidwell, Chilsen, Harnisch, Hollander, Krueger, LaFave and Peloquin -- 7.

Absent or not voting -- Senators Devitt, Keppler, Knutson, Theno and Thompson -- 5.

So the bill passed.

Senate Bill 193

Relating to determining just and reasonable attorney's fees for services performed in connection with formal, informal and summary probate proceedings.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 193** offered by Senator Sensenbrenner.

Senator Bablitch raised the point of order that senate amendment 1 to senate substitute amendment 1 was not germane.

The chair ruled the point of order not well taken.

Senate amendment 1 to senate substitute amendment 1 adopted.

Senator Murphy moved indefinite postponement of **Senate Bill 193**.

The ayes and noes were demanded and the vote was: ayes, 6; noes, 24; absent or not voting, 3; as follows:

Ayes -- Senators Chilsen, Hollander, LaFave, Lorge, Murphy and Petri -- 6.

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Noes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, Knowles, Krueger, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Sensenbrenner, Swan, Thompson and Whittow -- 24.

Absent or not voting -- Senators Keppler, Knutson and Theno -- 3.

So the motion did not prevail.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 193** offered by Senator Petri.

By request of Senators Whittow and Krueger pursuant to senate rule 76, a 2 minute limit on debate was placed on each question before the senate.

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

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

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Pelóquin, Sensenbrenner, Swan, Thompson and Whittow -- 25.

Noes -- Senators Harnisch, Hollander, Murphy, Petri and Risser -- 5.

Absent or not voting -- Senators Keppler, Knutson and Theno -- 3.

So the motion prevailed.

The question was: Adoption of senate substitute amendment 1?

Adopted.

The question was: Shall **Senate Bill 193** be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 6; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, Knowles, Krueger, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Sensenbrenner, Swan, Thompson and Whittow -- 24.

Noes -- Senators Hollander, LaFave, Lorge, Murphy, Petri and Risser -- 6.

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Absent or not voting -- Senators Keppler, Knutson and Theno --
3.

So the bill was 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 193

Read a third time and passed.

Senate Bill 239

Relating to disposition of community property rights at death.

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 239

Read a third time and passed.

Senate Bill 274

Relating to wrongful death awards.

Read a second time.

The question was: Adoption of senate amendment 1?

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 274

Read a third time and passed.

Assembly Joint Resolution 39

Relating to directing the legislative council to study the state construction lien laws.

Read and concurred in.

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By request of Senator Whittow, with unanimous consent, all actions were ordered immediately messaged with the exception of **Senate Bill 239**.

AMENDMENTS OFFERED

Senate amendment 8 to **Senate Bill 16** by Senator Parys.

Upon motion of Senator Whittow the senate adjourned until 10:00 A.M. Wednesday, May 14.

11:54 A.M.

GUESTS

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

Mr. and Mrs. Sylvester Wiedenfel, Mr. and Mrs. Leo Wiedenfeld and daughter Wendy, and Father Peter Andrew, Whitwater, guests of Senator McKenna.

Students of Juneau High School, guests of Senator Hollander.

Students of Mt. Olive Lutheran School, Milwaukee, guests of Senator Whittow.

Second grade students of Randall Elementary School, Madison, guests of Senator Risser.

Fourth grade students of Jefferson Elementary School, Waupun, guests of Senator Hollander.

Fifth grade students of Lodi Elementary School, guests of Senator Bidwell.

Students of St. Mary's Grade School, West Bend, guests of Senators Sensenbrenner and Hollander.