

JOURNAL OF THE SENATE [September 4, 1975]

STATE OF WISCONSIN
Senate Journal

Eighty-Second Regular Session

THURSDAY, September 4, 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 Senator Martin 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, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 33.

Absent -- None.

Absent with leave -- None.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 559

Relating to revising certain laws governing the procedures of the watchmaking examining board.

By Senators McKenna, Chilsen, Martin and Bidwell.

To committee on Governmental and Veterans' Affairs.

Senate Bill 560

Relating to increasing appropriations for public library systems.

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By Senators McKenna, Flynn, Peloquin, Goyke, Cullen, Morrison, Harnisch, and LaFave.

To committee on Governmental and Veterans' Affairs.

Senate Bill 561

Relating to transferring appropriations for continuing education programs of the University of Wisconsin.

By Senators McKenna, Peloquin, Goyke, Cullen, Morrison and Harnisch.

To committee on Education.

Senate Bill 562

Relating to increasing appropriations for the legislative audit bureau.

By Senators McKenna, Flynn, Peloquin, Martin, Knowles, Goyke, Cullen, Morrison, Harnisch and Frank.

To joint committee on Finance.

Senate Bill 563

Relating to expiration of county and municipal levy limitations and school district cost controls.

By Senator Bablitch.

To joint committee on Finance.

Senate Bill 564

Relating to creation of a separate collective bargaining unit for state employes engaged in law enforcement duties.

By Senators Thompson, Devitt, Petri, LaFave, Parys, Bablitch, Flynn, Lorge, Bidwell, Krueger, Harnisch, Cullen, Frank, Swan, Maurer, Keppler, Whittow, Chilsen, Peloquin, Theno and Kleczka, cosponsored by Representatives Opitz, Dorff, Klicka, Ward, Lewison, Schroeder, Plewa, Jackamonis, Sanasarian, Bradley, Byers, Schricker, Kincaid, Behnke, Hasenohrl, Kirby, Looby, Conradt, Soucie, Groshek, Brazcak and Thompson.

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

Senate Bill 565

Relating to eliminating municipal and county levy limitations.

By Senators Dorman, Hollander, Knowles, Keppler, Goyke, Lorge, Morrison, Bablitch, Cullen, Flynn, Chilsen, Harnisch, Maurer, McKenna, Devitt, LaFave, Martin, Theno, Sensenbrenner, Petri, Risser, Krueger, Peloquin, Frank, Murphy, Knutson and Bidwell, cosponsored by Representatives Offner, Hanson, Early, Schricker, Ellis, Day, Ausman, Clarenbach, Byers, Barezak, Munts, Gerlach, McLissy, Olson, Swoboda, Quackenbush,

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Miller, L. Anderson, Conradt, Thompson, Menos and Ferrall, by request of League of Wisconsin Municipalities, Wisconsin County Boards Association, Wisconsin Towns Association, Professional Firefighters of Wisconsin, AFL-CIO, County and Municipal Employes, Council 40, Milwaukee District Council 48, AFSCME, AFL-CIO, and Wisconsin Professional Police Officers Association.

To joint committee on Finance.

Senate Bill 566

Relating to providing for venue and burden of proof in worthless check actions.

By Senator Morrison.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Commerce reports and recommends:

LECHNER, ROBERT, of Kenosha, as a member of the Credit Union Review Board, to succeed Emory Elbe, to serve for the term ending May 1, 1980.

Confirmation; Ayes, 9; Noes, 0.

RENNER, AUGUST N., of Wauwatosa, as a member of the Banking Review Board, to succeed Harold Russell, to serve for the term ending May 1, 1980.

Confirmation; Ayes, 9; Noes, 0.

RONALD G. PARYS

Chairman

The committee on Natural Resources reports and recommends:

Assembly Bill 366

Relating to the mill rate limit on county tax for park funding.

Concurrence; Ayes, 5; Noes, 0.

JEROME A. MARTIN

Chairman

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 233

Relating to revision of rape laws and providing penalties.

Adoption of senate substitute amendment 1; Ayes, 3; Noes, 2.

Passage as amended; Ayes, 3; Noes, 2.

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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.

Adoption of senate amendment 1; Ayes, 5; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

Assembly Bill 163

Relating to a revision of procedure concerning contested cases under the administrative procedure act.

Introduction of senate amendment 2; Ayes, 4; Noes, 0.

Adoption of senate amendment 2; Ayes, 4; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

MULLARKY, MARILYN R., of Hubertus, as a member of the Hearing Aid Dealers and Fitters Examining Board, to succeed Frederic A. Tyszka, to serve for the term ending July 1, 1977.

Confirmation; Ayes, 3; Noes, 0.

Senate Bill 234

Relating to registration of electors, granting rule-making authority, making an appropriation and providing for a referendum.

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

Passage as amended; Ayes, 2; Noes, 1.

Senate Bill 317

Relating to the unfair sales act.

Indefinite postponement; Ayes, 3; Noes, 0.

Senate Bill 340

Relating to marriageable age.

Passage; Ayes, 3; Noes, 0.

Senate Bill 419

Relating to the rights and duties of adjoining landowners with respect to lateral support.

Passage; Ayes, 2; Noes, 1.

Senate Bill 497

Relating to removing unrelated convictions as a barrier to licensure and public employment.

Passage; Ayes, 2; Noes, 1.

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Senate Bill 498

Relating to removing unrelated personal characteristics as barriers to licensure and public employment and granting rule-making power.

Passage; Ayes, 3; Noes, 0.

Assembly Bill 257

Relating to proceedings to determine a criminal defendant's competency to stand trial.

Adoption of senate amendment 1; Ayes, 3; Noes, 0.

Concurrence as amended; Ayes, 3; Noes, 0.

Assembly Bill 262

Relating to the repeal of the "misconduct on public grounds" statute.

Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 364

Relating to transacting court business on general election days.

Adoption of senate amendment 1; Ayes, 3; Noes, 0.

Concurrence as amended; Ayes, 3; Noes, 0.

Assembly Bill 414

Relating to printing specifications for supreme court briefs.

Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 548

Relating to discharge of judgments in bankruptcy.

Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 701

Relating to dollar amount requiring publication of balance sheets and income accounts by public utilities.

Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 705

Relating to eliminating the prohibition against fiduciaries engaging in certain activities in connection with speculative investments.

Concurrence; Ayes, 3; Noes, 0.

JAMES T. FLYNN

Chairman

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

Assembly Bill 184

Relating to petitions for recount by officers of political parties.

Concurrence; Ayes, 3; Noes, 0.

Senate Bill 189

Relating to the office of county executive in nonpopulous counties.

Adoption of senate amendment 1; Ayes, 3; Noes, 0.

Passage as amended; Ayes, 3; Noes, 0.

Senate Bill 484

Relating to permitting the destruction of identification card applications.

Passage; Ayes, 3; Noes, 0.

Senate Bill 487

Relating to location of rule-making hearings conducted by state agencies.

Passage; Ayes, 3; Noes, 0.

Senate Bill 421

Relating to changing the observance of Memorial Day to May 30.

Passage; Ayes, 3; Noes, 0.

Assembly Bill 185

Relating to issuance of identification cards to physically disabled persons and providing penalties.

Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 312

Relating to application for absentee ballots by certain incapacitated persons.

Concurrence; Ayes, 3; Noes, 0.

Assembly Bill 100

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

Concurrence; Ayes, 3; Noes, 0.

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Senate Bill 38

Relating to sheriffs' process fees and other related services.
Introduction of senate amendment 2; Ayes, 4; Noes, 1.
Adoption of senate amendment 2; Ayes, 4; Noes, 1.
Adoption of senate amendment 1; Ayes, 3; Noes, 0.
Passage as amended; Ayes, 3; Noes, 0.

MONROE SWAN
Chairman

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 302
Assembly Bill 431

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 302

Relating to reflectorization of bicycles and providing a penalty.

By Representatives Vanderperren, Matty, Groshek, Lallensack, O'Malley, Early, Looby, Kedrowski and Duren; co-sponsored by Senator Martin, by request of the Division of Highway Safety Coordination.

Read first time and referred to committee on Commerce.

Assembly Bill 431

Relating to eliminating from the statutes distinctions between persons based on sex, granting rule-making authority and providing penalties.

By Representatives Miller, Munts, Barbee, Schneider, Sicula, Metz, Rutkowski, Tesmer, Tropman, Mittness, Vanderperren, Wahner, Flintrop, Ferrall, Lingren, Potter, Schricker, McClain, Kincaid, Giese, N.C. Anderson, Sanasarian, Donoghue, Willkom, Barczak, Dueholm, Lewison, Elconin, Kirby, Johnson, Dandeneau, Conta, Looby, Clarenbach, Offner, Norquist, Byers, Roberts, Ausman, O'Malley, Hanson, Kedrowski, Everson, Mohn, Gerlach and Dorff; co-sponsored by Senators Morrison, Thompson, Devitt, Goyke, Harnisch, Cullen, Flynn, Bablitch, Risser, McKenna, Peloquin, Dorman, Berger and Krueger.

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

By request of Senator Parys, with unanimous consent, the senate recessed until 11:20 A.M.

10:15 A.M.

RECESS

11:20 A.M.

The senate reconvened.

By request of Senator Flynn, with unanimous consent, **Assembly Bill 431** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to committee on Governmental and Veterans' Affairs.

LEAVE OF ABSENCE

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

CALENDAR OF SEPTEMBER 4

By request of Senator Whittow, with unanimous consent, **Senate Bill 234** was considered for action at this time.

Senate Bill 234

Relating to registration of electors, granting rule-making authority, making an appropriation and providing for a referendum.
Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 234** was referred to joint committee on Finance.

By request of Senator Whittow, with unanimous consent, **Senate Bill 234** was withdrawn from joint committee on Finance and referred to committee on Senate Organization.

GRAASKAMP, JAMES A., of Madison, as a member of the State Housing Finance Authority, to succeed Joseph Nelson, to serve for the term ending January 1, 1989.
Read.

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LUBAR, SHELDON, of Milwaukee, as a member of the State Investment Board, to succeed Carl Schmitt, to serve for the term ending May 1, 1979.
Read.

ZUEHLKE, WILLIAM JR., of Appleton, as a member of the State Investment Board, to succeed John Naber, to serve for the term ending May 1, 1981.
Read.

By request of Senator Whittow, with unanimous consent the above appointments were considered enmasse.

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, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 32.

Noes -- None.

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

So the appointments were confirmed.

Senate Bill 337

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

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 337** was referred to joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 337** was withdrawn from joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate substitute 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.

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Senate Bill 337

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 31.

Noes -- Senator Chilsen -- 1.

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

So the bill passed.

Senate Bill 366

Relating to special fuel tax collection and reporting.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 366** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 366** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Senate Bill 366

Read a third time.

The ayes and noes were required and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Kleczka, Knowles, LaFave, McKenna, Parys, Peloquin, Theno and Whittow -- 14.

Noes -- Senators Bidwell, Chilsen, Frank, Goyke, Harnisch, Hollander, Keppler, Krueger, Lorge, Martin, Maurer, Morrison, Murphy, Petri, Risser, Sensenbrenner, Swan and Thompson -- 18.

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

So the bill did not pass.

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Senator Keppler moved reconsideration of the vote by which **Senate Bill 366** was refused passage.

The motion prevailed.

By request of Senator Parys, with unanimous consent, **Senate Bill 366** was rereferred to the committee on Commerce.

By request of Senator Harnisch, with unanimous consent, **Senate Bill 447** was placed at the foot of today's calendar.

President pro tempore of the senate in the chair.

11:45 A.M.

Senate Bill 454

Relating to the duty of a motor vehicle operator in an accident to transport the injured to treatment.

Read a second time.

The question was: Shall the bill be ordered to a third reading?

The bill was not ordered to a third reading.

Senate Bill 447

Relating to creating specific exemptions to the mandatory tuberculosis coverage provisions.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

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 447

Read a third time and passed.

AMENDMENTS OFFERED

Senate amendments 1, 2, 3 and 4 to senate substitute amendment 2 to **Senate Bill 234** by Senator Sensenbrenner.

Senate amendment 1 to **Senate Bill 495** by Senator Lorge.

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**Upon motion of Senator Whittow the senate adjourned until
10:00 A.M. Tuesday, September 9.**

11:58 A.M.