

STATE OF WISCONSIN

Senate Journal

Eighty-Third Regular Session

TUESDAY, March 29, 1977.

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Reverend Richard E. Pritchard, Pastor of Heritage Congregational 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 Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Rissler, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- None.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 247

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

By Senators Adelman, Parys and Braun; cosponsored by Representative Rutkowski.

To committee on Natural Resources.

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Senate Bill 248

Relating to permitting an increase in operator's license fees.

By Senators Flynn and Van Sistine; cosponsored by Representatives Klicka and Vanderperren.

To committee on Commerce.

Senate Bill 249

Relating to safe driving practices courses and granting rule-making authority.

By Senator Murphy; cosponsored by Representative Klicka.

To committee on Commerce.

Senate Bill 250

Relating to probate court commissioners in counties having a population of less than 500,000.

By Senators Murphy and Frank; cosponsored by Representative Lingren.

To committee on Judiciary and Consumer Affairs.

Senate Bill 251

Relating to place of trial in actions against insurance companies growing out of negligence.

By Senators Murphy and Frank; cosponsored by Representatives Lewison and Klicka.

To committee on Judiciary and Consumer Affairs.

Senate Bill 252

Relating to circulation dates for nomination papers of independent candidates at partisan elections.

By Senators Petri and Keppler.

To committee on Governmental and Veterans' Affairs.

PETITIONS AND COMMUNICATIONS

Senate Petition 38

A petition by 25 residents of Wisconsin in favor of "no fault divorce" for Wisconsin.

By Senator Van Sistine.

Read and referred to the committee on Judiciary and Consumer Affairs.

Senate Petition 39

A petition by 85 residents of Wisconsin requesting the legalization of the use of Laetrile.

By Senator Krueger.

Read and referred to the committee on Human Services.

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Senate Petition 40

A petition by 65 residents of the state of Wisconsin in opposition to Senate Bill 137, relating to regulating trapping devices.

By Senator Krueger.

Read and referred to the committee on Natural Resources.

Senate Petition 41

A petition by 25 residents of Wisconsin in opposition to Senate Bill 126, relating to raising the drinking age to 19.

By Senator Thompson.

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

By request of Senator Bablitch, with unanimous consent, the following list of legislative matters was considered for action at this time.

Appointment of Dr. Joan Arnoldi
Appointment of Dr. Robert H. Steinkraus
Appointment of William H. Wong
Appointment of Tommy Burress
Appointment of Wanye F. Whittow
Appointment of Josephine Montgomery
Appointment of Allen W. Williams

Senate Joint Resolution 28

Senate Bill 71

Senate Bill 94

Senate Bill 129

Senate Bill 133

Senate Bill 139

Senate Bill 169

EXECUTIVE COMMUNICATIONS

By request of Senator Bablitch, with unanimous consent, the following appointments were considered enmasse.

ARNOLDI, DR. JOAN, of Wausau, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1981.

Read.

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STEINKRAUS, DR. ROBERT H., of Wauwatosa, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1980.

Read.

WONG, WILLIAM H., of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1981.

Read.

BURRESS, TOMMY, of Milwaukee, as a member of the Board of Nursing, to serve for the term ending May 1, 1979.

Read.

WHITTOW, WAYNE F., of Milwaukee, as a member of the Medical College of Wisconsin Board of Trustees, to succeed Norman Becker, to serve for the term ending May 1, 1982.

Read.

MONTGOMERY, JOSEPHINE, of Milwaukee, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 1981.

Read.

WILLIAMS, ALLEN W., of Milwaukee, as a member of the Medical College of Wisconsin Board of Trustees, to succeed John Zancanaro, to serve for the term ending May 1, 1978.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

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

So the appointments were confirmed.

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Senator Bablitch introduced members of the Ad Hoc committee for Senate Procedures from Illinois: Senators Sam Maragos, Vivian Hickey, Frank Savickas, Pate Philip and Ken McMillian.

By request of Senator Bablitch, with unanimous consent, Senator Sam Maragos, Chairman of the committee was invited to address the senate body.

The chair appointed Senators Bablitch and Krueger to escort Senator Maragos to the rostrum where he addressed a few remarks to the senate.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Senate Bill 133

An act to increase the attorney positions in the legislative reference bureau, and increasing an appropriation.

The question was: Concurrence in assembly amendment 3?

Senator Risser moved nonconcurrency.

The motion prevailed.

Ordered immediately messaged.

By request of Senator Berger, with unanimous consent, **Senate Bill 117** was withdrawn from the committee on Administrative Rules and referred to the committee on Human Services.

Senate Joint Resolution 28

Relating to the life and public service of William A. Draheim, former member of the Wisconsin Senate.

Read.

Adopted by unanimous rising vote.

Senate Bill 71

Relating to revising various laws affecting snowmobile registration and the snowmobile aids program.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 71** was referred to joint committee on Finance.

Senate Bill 94

Relating to exempting political subdivisions operating transportation systems in contiguous or cornering counties from certain permit fees.

Read a second time.

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By request of Senator Dorman, with unanimous consent, **Senate Bill 94** was referred to joint committee on Finance.

Senate Bill 129

An act prohibiting the department of industry, labor and human relations from promulgating daily overtime pay standards for one year.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 129** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 129** 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 129

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

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

So the bill passed.

Ordered immediately messaged.

Senate Bill 139

Relating to tax counseling at senior citizen centers.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 139** was laid on the table.

Senate Bill 169

Relating to local government financing of medical clinics.

Read a second time.

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By request of Senator Dorman, with unanimous consent, **Senate Bill 169** was referred to joint committee on Finance.

By request of Senator Bablitch, with unanimous consent, the senate returned to the fifth order of business.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Senate Chambers
Office of the Chief Clerk

March 29, 1977

To the Honorable, the Senate

Senators:

Pursuant to 13.16 of the Wisconsin Statutes and senate rule 5, I hereby appoint James C. Holperin as assistant chief clerk giving him all powers as are derived from and inherent in said position and to perform the duties and functions of the office in the absence of the chief clerk.

Sincerely,
DONALD J. SCHNEIDER
Senate Chief Clerk

The Assistant Chief Clerk, James C. Holperin, appeared before the bar of the senate, took and subscribed the oath of office which was administered by the President.

President pro tempore of the senate in the chair.

10:45 A.M.

RULING OF THE CHAIR

On Thursday, February 17, 1977, the last day of Floor Period I, Senator Bablitch raised the point of order that senate amendment 1 to **Senate Resolution 8** (relating to combining the standing committees on Natural Resources and on Tourism) was not germane. The chair took the point of order under advisement.

Senate amendment 1 would repeal the Committee on Senate Organization; **Senate Resolution 8** would combine the standing committees on Natural Resources and Tourism.

Senate Rule 50(1) states that the Senate shall not consider any amendment which, "...is intended to accomplish a different purpose,

would require a title essentially different or would totally alter the nature of the original proposal.”

The title of **Senate Resolution 8** clearly limits the purpose of the resolution to “...combining the standing committees on Natural Resources and on Tourism.” There is no hint, in either the title or body, that the author intended the resolution to have a wider application, or affect any other Senate Committee.

The purpose of senate amendment 1 is also clear...to repeal a committee which is not mentioned in the title or body of the original proposal (viz. Senate Organization).

Since the Committee on Senate Organization is never mentioned directly or indirectly in the original proposal, any attempt to abolish that committee via amendment is in direct violation of Senate Rule 50.

Such an attempt “...totally alters the nature of the original proposal” and is therefore not germane, in the opinion of the chair.

Sincerely,
FRED A. RISSER
President pro tem

Senate Resolution 8

To repeal senate rule 20 (1) (L); and to amend senate rule 20 (1) (j), relating to combining the standing committees on natural resources and on tourism.

Read.

The question was: Adoption?

Senate amendment 2 to **Senate Resolution 8** offered by Senator Krueger.

Senator Thompson moved rejection.

Senator Krueger asked unanimous consent that **Senate Resolution 8** be referred to the committee on Senate Organization.

Senator Bablitch objected.

Senator Krueger moved that **Senate Resolution 8** be laid on the table.

The motion did not prevail.

Senator Krueger moved that **Senate Resolution 8** be referred to the committee on Senate Organization.

Senator Chilsen asked unanimous consent that **Senate Resolution 8** be placed on the calendar of Thursday, March 31.

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Senator **Bablitch** objected.

The question was: Shall **Senate Resolution 8** be referred to the committee on Senate Organization?

The ayes and noes were demanded and the vote was: ayes, 8; noes, 24; absent or not voting, 0; as follows:

Ayes -- Senators **Bidwell, Chilsen, Keppler, Krueger, Lorge, Petri, Sensenbrenner** and **Theno** -- 8.

Noes -- Senators **Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson** and **Van Sistine** -- 24.

Absent or not voting -- None.

So the motion did not prevail.

By request of Senator **Krueger**, with unanimous consent, senate amendment 2 was withdrawn and returned to the author.

The question was: Adoption of **Senate Resolution 8**?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 6; absent or not voting, 0; as follows:

Ayes -- Senators **Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Swan, Thompson** and **Van Sistine** -- 26.

Noes -- Senators **Bidwell, Chilsen, Keppler, Krueger, Sensenbrenner** and **Theno** -- 6.

Absent or not voting -- None.

So the resolution was adopted.

By request of Senator **Bablitch**, with unanimous consent, the Senate returned to the second, third, fourth and eighth orders of business.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 29

Urging Congress to require foreign dairy products to be labeled to disclose the fact that they are imported.

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By Senators Radosevich, Van Sistine, Cullen Bablitch, Morrison, Chilsen, Harnisch and Theno; cosponsored by Representatives Mohn and Early.

Read and referred to the committee on Agriculture, Aging and Labor.

Senate Joint Resolution 30

Urging Congress to provide the American consumer the assurance that foreign dairy products marketed in the United States meet minimum standards of quality by requiring the inspection of these products at the United States ports of entry, at the foreign milk processing plants which provide dairy products for export to the United States, and at the foreign dairy farms which supply milk to foreign milk processing plants for the production of dairy products to be exported to the United States.

By Senators Radosevich, Van Sistine, Cullen, Bablitch, Morrison, Chilsen and Harnisch; cosponsored by Representatives Mohn and Early.

Read and referred to the committee on Agriculture, Aging and Labor.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 253

Relating to creating a citizens utility board to advocate for residential consumers in public utility matters and providing a penalty.

By Senators Bablitch, Flynn, Braun, Radosevich, Van Sistine, Cullen, McKenna, Morrison, Thompson and Offner; cosponsored by Representatives Wahner and Jackamonis.

To committee on Judiciary and Consumer Affairs.

Senate Bill 254

Relating to senate review of gubernatorial nominations for appointment.

By Senators Swan, Cullen, Berger, Parys, Braun, Goyke, Van Sistine and Maurer.

To committee on Governmental and Veterans' Affairs.

Senate Bill 255

Relating to removing limitations on awards for loss of society and companionship.

By Senator Petri, by request of Douglas Smith.

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To committee on Judiciary and Consumer Affairs.

Senator Parys asked unanimous consent that **Senate Bill 253** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Commerce.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 253** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Organization.

COMMITTEE REPORTS

The committee on Commerce reports and recommends:

METCALF, JUDITH S., of Stevens Point, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1980.

Confirmation; Ayes, 6; Noes, 0.

POWLES, JOHN G., of Wausau, as a member of the State Investment Board, to serve for the term ending May 1, 1981.

Confirmation; Ayes, 6; Noes, 0.

SLAUTTERBACK, MARILYN, of Madison, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 1977.

Confirmation; Ayes, 6; Noes, 0.

Senate Joint Resolution 22

Requesting state agencies to eliminate, consolidate and simplify forms and to report their progress to the legislature.

Adoption; Ayes, 6; Noes, 0.

Senate Bill 52

Relating to motor carrier insurance.

Passage; Ayes, 3; Noes, 2.

Senate Bill 66

Relating to opening vehicle doors on the street side and providing a penalty.

Passage; Ayes, 4; Noes, 2.

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Senate Bill 98

Relating to the definition of consideration regarding lotteries conducted in this state.

Passage; Ayes, 6; Noes, 0.

RONALD G. PARYS
Chairman

MOTIONS

By request of Senator Frank, with unanimous consent, **Senate Bill 201** was withdrawn from the committee on Urban Affairs and referred to the Joint Survey Committee on Retirement Systems.

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Marquette University has capped an unprecedented championship this weekend by winning the 1977 NCAA Basketball Title; and,

Whereas, the Champion Warriors, under the stormy guidance of Coach Al McGuire finished a "tapsville to tittletown" season by knocking off a strong North Carolina team in the NCAA finals; and,

Whereas, that championship victory was preceded by a series of close tournament victories over Cincinnati, Kansas State, Wake Forest and UNC-C ; and,

Whereas, the Warriors, led by the "Butch & Bo Show", along with star performances by Jerome Whitehead, Jim Boylan, Bernard Toone, Gary Rosenburger and Bill Neary, presented Coach McGuire a retirement "gold watch" which will crown his twenty year coaching career; and,

Whereas, during his years at Marquette, Al McGuire has provided his fans, "White- knucklers", "blue Chippers", "air-craft carriers", defense and philosophy; now,

Therefore, be it resolved, the Wisconsin Legislature on motion of the entire membership of the Senate cosponsored by Representatives Wahner, Leopold and McEssy, under joint rule 26, congratulate and thank Marquette University for bringing the

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NCAA Basketball Championship to the City of Milwaukee and the State of Wisconsin and be it further resolved that the Legislature offers Al McGuire its deep appreciation for the years of "sea shells and balloons" he has given Marquette fans and Wisconsin, and hopes that the future holds the same for him; and, the sports "coffee break" won't be the same without Al. (There will not be another like him.)

Read and adopted.

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

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 28 by Senator Sensenbrenner.

Senate amendment 1 to Senate Bill 49 by Senator Petri.

Senate amendment 2 to Senate Bill 49 by Senator Petri.

By request of Senator Theno, with unanimous consent, the senate adjourned in honor of the marriage of Senator Sensenbrenner to Cheryl Warren.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Thursday, March 31.

11:50 A.M.

GUESTS

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

Sabish Junior High School social studies class, Fond du Lac, Wisconsin, guest of Senator McCallum.

Sheboygan Cadette Girl Scouts, Cedar Grove and Howards Grove of: The Manitow Girl Scout Council, 926 Borughton Drive, Sheboygan, Wisconsin, guests of Senator Keppler.

First and second grade classes of Hoyt Elementary School, with Mrs. Toftey and Mrs. Kuhn, guests of Senator Risser.

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**Mother of God Counsel School, Girl Scout Troop #857,
Milwaukee, Wisconsin, Leaders, Carol LaRosa, Mary Kreitzer,
Helen Waldera, guest of Senator Berger.**

Kay Gardner, guest of Senator Parys.