

STATE OF WISCONSIN

**Senate Journal**

**Eighty-Third Regular Session**

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THURSDAY, April 21, 1977.

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Reverend Paul A. Graf, Pastor of Lakeview Moravian Community Church, Madison.

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

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LEAVE OF ABSENCE

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

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

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

Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Absent -- None.

Absent with leave -- Senators Bablitch and Parys -- 2.

BILLS INTRODUCED

Read first time and referred:

**Senate Bill 355**

Relating to indigent persons' right to counsel in paternity actions.

By Senators Flynn, McKenna and Braun; cosponsored by Representatives Leopold and Tropman.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 356**

Relating to approval of certain driver education courses by the department of public instruction and the division of motor vehicles.

By Senators Parys and Murphy; cosponsored by Representatives Vanderperren, Klicka and Schricker.

To committee on Commerce.

**Senate Bill 357**

Relating to protecting the life of a viable fetus after abortion and providing a penalty.

By Senators Swan, Van Sistine, Frank, Chilsen, Murphy, Flynn and Berger; cosponsored by Representatives Duren, Plewa, Matty, Ausman, Lewis, Otte, Medinger and Rogers.

To committee on Human Services.

Senator Swan asked unanimous consent that **Senate Bill 357** be withdrawn from the committee on Human Services and referred to the committee on Judiciary and Consumer Affairs.

Senator Thompson objected.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 357** was withdrawn from the committee on Human Services and referred to the committee on Senate Organization.

**Senate Bill 358**

Relating to various changes in tax incremental financing.

By Senators Swan and Berger, cosponsored by Representative Barczak.

To committee on Education and Revenue.

**Senate Bill 359**

Relating to eligibility for the veterans primary mortgage loan program and an exemption from rule-making requirements for agency actions regarding lenders services under the program.

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By Senators Swan, Cullen, Van Sistine, Goyke, Thompson, Frank, Chilsen and Murphy; cosponsored by Representative Lallensack.

To committee on Governmental and Veterans' Affairs.

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COMMITTEE REPORTS

The committee on Commerce reports and recommends for introduction:

**Senate Bill 360**

Relating to standard nonforfeiture and valuation requirements for life insurance and annuity contracts.

Introduction; Ayes, 6; Noes, 0.

Read first time and referred to the committee on Commerce.

**Senate Bill 361**

Relating to perfection of security interests on motor vehicle title certificates and duties of owners and secured parties.

Introduction; Ayes, 6; Noes, 0.

Read first time and referred to the committee on Commerce.

**Senate Bill 362**

Relating to aircraft registration and providing a penalty.

By request of Department of Transportation.

Introduction; Ayes, 6; Noes, 0.

Read first time and referred to the committee on Commerce.

RONALD G. PARYS

Chairman

The committee on Education and Revenue reports and recommends for introduction:

**Senate Bill 363**

Relating to employment relations in higher education, granting rule-making authority, making appropriations and providing a penalty.

By request of the Wisconsin Education Council.

Introduction; Ayes, 3; Noes, 1.

Read first time and referred to committee on Education and Revenue.

GARY R. GOYKE

Chairman

By request of Senator Cullen, with unanimous consent, **Senate Bill 363** was withdrawn from the committee on Education and Revenue and referred to the committee on Senate Organization.

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The committee on Agriculture, Aging and Labor reports and recommends:

**HART, VIRGINIA B.**, of Madison, as a member of the Industry, Labor and Human Relations Commission, to serve for the term ending March 1, 1983.

Confirmation; Ayes, 7; Noes, 0.

**TIM CULLEN**

Chairman

The committee on Judiciary and Consumer Affairs reports and recommends:

**WILLS, GLENN L.**, of Madison, as a member of the Cosmetology Examining Board, to serve for the term ending July 1, 1979.

Confirmation; Ayes, 3; Noes, 0.

**Senate Bill 74**

Relating to substitution of judges.

Introduction and adoption of senate amendment 1; Ayes, 3; Noes, 0.

Introduction and adoption of senate amendemnt 2; Ayes, 3; Noes, 0.

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

**Senate Bill 140**

Relating to service of process on the administrator of the division of motor vehicles as agent or attorney for others.

Passage; Ayes, 3; Noes, 0.

**Senate Bill 281**

Relating to employment of municipal attorneys by a common carrier or utility.

Passage; Ayes, 3; Noes, 0.

**Assembly Bill 160**

Relating to privileged communications between psychologists and patients.

Concurrence; Ayes, 3; Noes, 0.

**JAMES T. FLYNN**

Chairman

The committee on Urban Affairs reports and recommends:

**Senate Bill 209**

Relating to destruction of canceled bonds and coupons by municipal fiscal or paying agents.

Passage; Ayes, 4; Noes, 0.

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**Assembly Bill 163**

Relating to granting Brown county certain submerged lands in Green Bay.

Concurrence; Ayes, 4; Noes, 0.

KURT A. FRANK  
Chairman

The Joint Committee on Revisions, Repeals and Uniform Laws reports and recommends:

**Senate Bill 337**

An act to repeal, renumber, renumber and amend, amend 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 duplications, unnecessary and obsolete provisions and reconciling conflicts (Revisor's Correction Bill).

Passage; Ayes, 3; Noes, 0.

**Senate Bill 338**

An act to amend various provisions of the statutes for the purpose of changing the title of chairman to chairperson and eliminating other distinctions based upon sex as directed by section 13.93 (1)(m) of the statutes and for correcting errors and clarifying language (Revisor's Correction Bill).

Passage; Ayes, 2; Noes, 1.

JAMES T. FLYNN  
Cochairman

LARY J. SWOBODA  
Cochairman

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PETITIONS AND COMMUNICATIONS

**Senate Petition 53**

A petition by approximately 3600 residents of the state of Wisconsin in opposition to sections 1070 and 1071 of Senate Bill 77 relating to the deaf and blind residents of the state of Wisconsin.

By Senator Dorman.

Read and referred to the joint committee on Finance.

**JOURNAL OF THE SENATE [April 21, 1977]**

**Senate Petition 54**

A petition by 280 citizens of the State of Wisconsin supporting Senate Bill 195, relating to regulating smoking in public places, granting rule-making authority and providing a penalty.

By Senator Theno.

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

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**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

April 15, 1977.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Wilber Katz, of Whitewater, as a member of the Ethics Board, to succeed Naseby Rhinehart, Jr., to serve for the term ending May 1, 1983.

Sincerely,  
**PATRICK J. LUCEY**  
Governor

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

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

April 15, 1977.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Joan Dongarra, of Janesville, as a member of the Nursing Home Administrators Examining Board, to succeed George MacKenzie, Oxford, to serve for a term ending July 1, 1979.

Sincerely,  
**PATRICK J. LUCEY**  
Governor

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**Read and referred to the committee on Human Services.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**April 15, 1977.**

**To the Honorable, the Senate:**

**Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Thomasine Johnson, of DePere, as a member of the Nursing Home Administrators Examining Board, to succeed Philip Heslin, to serve for the term ending July 1, 1979.**

**Sincerely,  
PATRICK J. LUCEY  
Governor**

**Read and referred to the committee on Human Services.**

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**CALENDAR OF APRIL 21**

**WILLS, GLENN L., of Madison, as a member of the Cosmetology Examining Board, to serve for the term ending July 1, 1979.**

**Read.**

**The question was: Confirmation?**

**The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 2; as follows:**

**Ayes -- Senators Adelman, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 29.**

**Noes -- Senator Berger -- 1.**

**Absent or not voting -- Senators Bablitch and Parys -- 2.**

**So the appointment was confirmed.**

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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 218**

**Assembly Bill 309**

**Assembly Bill 394**

**Assembly Bill 428**

**Assembly Bill 457**

**Assembly Bill 98**

**Assembly Bill 215**

**Assembly Bill 262**

**Assembly Bill 392**

Concurred in:

**Senate Bill 129**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 218**

Relating to cancellation of dealerships.

By Representatives Hauke, Behnke, Tesmer, Rogers, Pabst, Groshek, Mohn and Menos, cosponsored by Senators Parys and Goyke.

Read first time and referred to the committee on Commerce.

**Assembly Bill 309**

Relating to filling vacancies in the office of county executive in counties having a population of 500,000 or more.

By Representative Elconin, cosponsored by Senator Swan.

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

**Assembly Bill 394**

Relating to enactment of annexation ordinances.

By Representative Loftus, cosponsored by Senator Thompson, by request of The League of Wisconsin Municipalities.

Read first time and referred to the committee on Urban Affairs.

**Assembly Bill 428**

An act requiring for one year 14 gauge steel for the bottom and sidewalls of 500 to 1,000 gallon capacity steel septic tanks.



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By Joint Committee for Review of Administrative Rules, cosponsored by Senator Berger, by request of Representative Rogers.

Read first time and referred to the committee on Natural Resources and Tourism.

Senator Thompson asked unanimous consent that **Assembly Bill 428** be withdrawn from the committee on Natural Resources and Tourism and referred to the committee on Senate Organization.

Senator Chilsen objected.

Senator Kleczka moved that **Assembly Bill 428** be withdrawn from the committee on Natural Resources and Tourism and referred to the committee on Senate Organization.

The motion prevailed.

### **Assembly Bill 457**

Relating to the maximum amount of loans to one borrower by a savings and loan association (suggested as remedial legislation by the office of commissioner of savings and loan).

By Committee on Remedial Legislation.

Read first time and referred to the committee on Commerce.

### **Assembly Bill 98**

Relating to party nominations by write-in vote.

By Representatives Rooney, Hanson, Kedrowski, Gunderson, Ellis, Wood, Porter and Dandeneau.

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

### **Assembly Bill 215**

Relating to acceptable identification for electors registering at the polls or not appearing on registry lists without corroboration.

By Representatives Engeleiter, Kedrowski, Barczak, Johnston, Schmidt, Menos, Matty, Klicka and Merkt.

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

By request of Senator Swan, with unanimous consent, **Assembly Bill 215** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Organization.

### **Assembly Bill 262**

Relating to optional office of town constable.

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By Representatives Vanderperren, Day, Lallensack, Groshek, Murray, Conradt, Bradley, Schricker and Schmidt, cosponsored by Senator Van Sistine.

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

**Assembly Bill 392**

Relating to payment for delivery of the tax roll by the county treasurer.

By Representatives Barczak, Otte, Bradley and Potter.

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

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MOTIONS UNDER JOINT RULE 7

A joint certificate of commendation by Senator Parys; cosponsored by Representatives Jackamonis and Leopold for ARCHBISHOP WILLIAM E. COUSINS on the occasion of the 50th anniversary of his ordination.

Read and adopted.

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CALENDAR OF APRIL 21

**Senate Bill 74**

Relating to substitution of judges.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 74** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 74** was withdrawn from the joint committee on Finance and considered for action at this time.

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 Kleczka, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 74**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

**Ayes** -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

**Noes** -- None.

Absent or not voting -- Senators Bablitch and Parys -- 2.

So the bill passed.

**Senate Bill 140**

Relating to service of process on the administrator of the division of motor vehicles as agent or attorney for others.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 140**

Read a third time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 140** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 140** 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 Kleczka with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 140**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

**Ayes** -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler,

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Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

Absent or not voting -- Senators Bablitch and Parys -- 2.

So the bill passed.

**Senate Bill 209**

Relating to destruction of canceled bonds and coupons by municipal fiscal or paying agents.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 209**

Read a third time and passed.

**Senate Bill 281**

Relating to employment of municipal attorneys by a common carrier or utility.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 281**

Read a third time and passed.

**Senate Bill 337**

An act to repeal, renumber, renumber and amend, amend 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 duplications, unnecessary and obsolete provisions and reconciling conflicts (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 337**

Read a third time and passed.

**Senate Bill 338**

An act to amend various provisions of the statutes for the purpose of changing the title of chairman to chairperson and eliminating other distinctions based upon sex as directed by section 13.93 (1)(m) of the statutes and for correcting errors and clarifying language (Revisor's Correction Bill).

Read a second time.

Senator Swan asked unanimous consent that **Senate Bill 338** be referred to the committee on Governmental and Veterans' Affairs.

Senator Flynn objected.

Senator Swan moved that **Senate Bill 338** be referred to the committee on Governmental and Veterans' Affairs.

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 2; as follows:

Ayes -- Senators Berger, Bidwell, Braun, Chilsen, Keppler, Kleczka, Krueger, Lorge, McCallum, Murphy and Swan -- 11.

Noes -- Senators Adelman, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, McKenna, Maurer, Morrison, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 19.

Absent or not voting -- Senators Bablitch and Parys -- 2.

So the motion did not prevail.

Ordered to a third reading.

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

**Senate Bill 338**

Read a third time.

Senator Swan moved indefinite postponement.

The motion did not prevail.

The question was: Passage?

The ayes and noes were required and the vote was: ayes, 21; noes, 8; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bidwell, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McCallum, McKenna,

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**Maurer, Morrison, Offner, Petri, Radosevich, Risser, Theno, Thompson and Van Sistine -- 21.**

**Noes -- Senators Berger, Chilsen, Keppler, Krueger, Lorge, Murphy, Sensenbrenner and Swan -- 8.**

**Absent or not voting -- Senators Bablitch, Parys and Peloquin -- 3.**

So the bill passed.

**Assembly Bill 160**

Relating to privileged communications between psychologists and patients.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 160**

Read a third time and concurred in.

**Assembly Bill 163**

Relating to granting Brown county certain submerged lands in Green Bay.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 163**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

**Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.**

**Noes -- None.**

**Absent or not voting -- Senators Bablitch and Parys -- 2.**

So the bill was concurred in.

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

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**AMENDMENTS OFFERED**

**Senate amendment 4 to Senate Bill 55 by Senator Bablitch.**

**Senate amendment 1 to Senate Bill 168 by Senator Petri.**

**Upon motion of Senator Kleczka the senate adjourned until 10:00 A.M. Tuesday, April 26.**

**11:42 A.M.**

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**GUESTS**

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

**Aldermen Fritz Mohen, Frank Zawachi, George Sweosel, George Kleiner; City Administrator, Norb Theine and City Treasurer, Fred Brutvon, guest of Senator Frank.**

**The D. C. Everest High School and Young Republicans, Schofield, Wisconsin, guest of Senator Chilsen.**

**The Calvary Baptist Christian School 8th grade Prospect & Spaulding, teacher Mr. Wredberg and Chaperones, Mr. & Mrs. Fred Kuck, Watertown, Wisconsin, guest of Senator McCallum.**

**Students from Kettle Moraine High School, Wales, Wisconsin, guest of Senator Adelman.**

**Primary and Secondary grades of the Jefferson County Trainable Education Program, Ft. Atkinson and Whitewater classrooms, guest of Senator McKenna.**