

JOURNAL OF THE SENATE [April 28, 1977]

STATE OF WISCONSIN

Senate Journal

Eighty-Third Regular Session

THURSDAY, April 28, 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 Lester H. Dumer, Pastor of St. John's Lutheran Church, North Prairie, Wisconsin.

The senate remained standing and Senator Adelman 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, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- None.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 367

Relating to making amendments in city, village and certain town zoning districts and regulations subject to approval of nearby landowners.

By Senator Berger; cosponsored by Representatives Behnke and Kirby.

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To committee on Governmental and Veterans' Affairs.

Senate Bill 368

Relating to membership on the council on unemployment compensation.

By Senators Parys and Harnisch.

To committee on Agriculture, Aging and Labor.

Senate Bill 369

Relating to free hunting and fishing licenses for disabled veterans.

By Senators Cullen, McKenna and Swan.

To committee on Natural Resources and Tourism.

COMMITTEE REPORTS

The Joint Committee for Review of Administrative Rules reports and recommends for introduction:

Senate Bill 370

Relating to licensing procedures of the psychology examining board.

Introduction; Ayes, 8; Noes, 0.

Read first time and referred to Joint Committee for Review of Administrative Rules.

DAVID G. BERGER

Senate Cochairman

WILLIAM ROGERS

Assembly CoChairman

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

Senate Bill 86

Relating to personal exemptions for persons who have reached the age of 65.

Passage; Ayes, 7; Noes, 0.

Assembly Bill 404

Relating to creating a council on migrant labor, regulating migrant employment and housing, granting rule-making authority and providing a penalty.

Concurrence; Ayes, 7; Noes, 0.

TIM CULLEN

Chairman

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

April 26, 1977.

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 19, 1977, and ending on April 25, 1977.

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.

Conrad, Mark R., League of Wisconsin Municipalities, 122 West Washington Avenue, Madison, Wisconsin 53703 -- League of Wisconsin Municipalities, 122 West Washington Avenue, Madison, Wisconsin 53703 -- 11, 14 -- April 25, 1977.

Driessen, Anthony H., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- Associated General Contractors of Greater Milwaukee, Incorporated, 2733 West Wisconsin Avenue, P. O. Box 08308, Milwaukee, Wisconsin 53208 -- 03, 06, 07, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30 -- April 22, 1977.

Driessen, Anthony H., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- American Automobile Association - Wisconsin Division, 433 West Washington Avenue, P. O. Box 33, Madison, Wisconsin 53701 -- 06, 07, 11, 12, 13, 14, 16, 20, 22, 27, 29 -- April 19, 1977.

Ellingson, John H., 802 West Broadway Street, Suite 203, Madison, Wisconsin 53713 -- Wisconsin Association of Food Dealers, 802 West Broadway Street, Suite 203, Madison, Wisconsin 53713 -- 01, 06, 07, 21, 23, 24 -- April 19, 1977.

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Emanuel, William H., P. O. Box C., Mercer, Wisconsin 54547 - Veterans Education Committee, Incorporated of Wisconsin, P. O. Box 225, Mercer, Wisconsin 54547 -- 08, 09, 11, 18 -- April 19, 1977.

Everett, Carl B., E. I. DuPont De Nemours & Company, Wilmington, Delaware 19898 -- Chemical Specialties Manufacturers Association, Incorporated, 1001 Connecticut Avenue, N.W., Washington, D. C. 20036 -- 07, 31 -- April 19, 1977.

Franke, Harry F., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- American Automobile Association - Wisconsin Division, 433 West Washington Avenue, P. O. Box 33, Madison, Wisconsin 53701 -- 06, 07, 11, 12, 13, 14, 16, 20, 22, 27, 29 -- April 19, 1977.

Franke, Harry F., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- Associated General Contractors of Greater Milwaukee, Incorporated, 2733 West Wisconsin Avenue, P. O. Box 08308, Milwaukee, Wisconsin 53208 -- 03, 06, 07, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30 -- April 22, 1977.

Hersperger, Edward L., 211 Forest Street, Wausau, Wisconsin 54401 -- Wisconsin Fuel & Light Company, P. O. Box 768, Manitowoc, Wisconsin 54220 -- 30 -- April 19, 1977.

LaFave, Reuben, Route #1, Oconto, Wisconsin 54153 -- Wisconsin Trout Growers, Inc., P. O. Box 115, Lewis, Wisconsin 54851 -- 01, 02, 06, 07, 09, 11, 15, 16, 19, 20, 23, 25, 26, 29 -- April 19, 1977.

Martin, Ray C., 4513 Vernon Boulevard, Madison, Wisconsin 53705 -- Wisconsin Association of Life Underwriters, 4513 Vernon Boulevard, Madison, Wisconsin 53705 -- 03, 17, 20 -- April 19, 1977.

Ripple, Mary A., c/o Cook & Franke S.C., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- American Automobile Association - Wisconsin Division, 433 West Washington Avenue, P. O. Box 33, Madison, Wisconsin 53701 -- 06, 07, 11, 12, 13, 14, 16, 20, 22, 27, 29 -- April 19, 1977.

Ripple, Mary A., c/o Cook & Franke S. C., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- Associated General Contractors of Greater Milwaukee, Incorporated, 2733 West

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Wisconsin Avenue, P. O. Box 08308, Milwaukee, Wisconsin 53208 -- 03, 06, 07, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30 -- April 22, 1977.

Scammon, James, 1519 Water Street, Stevens Point, Wisconsin 54481 -- Self -- 08, 16, 18, 21 -- April 19, 1977.

Warhanek, David V., 411 East Mason Street #232, Milwaukee, Wisconsin 53202 -- Metro-Milwaukee Police Brotherhood, 411 East Mason Street #232, Milwaukee, Wisconsin 53202 -- 10, 16, 21, 22 -- April 19, 1977.

Wimmer, James W., Jr., P. O. Box 1482, Madison, Wisconsin 53703 -- Wisconsin Advertising Publishers Association, 121 North Main Street, Jefferson, Wisconsin 53549 -- 11, 16 -- April 25, 1977.

Winger, Leo D., 135 West Wells Street, Room 208, Milwaukee, Wisconsin 53203 -- Milwaukee County Labor Council, AFL-CIO, 135 West Wells Street, Room 208, Milwaukee, Wisconsin 53203 -- All coded subjects -- April 25, 1977.

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>

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- 17 *Health services, medicine, drugs and controlled substances, health insurance & hospitals*
- 18 *Higher education*
- 19 *Housing, construction & codes*
- 20 *Insurance (excluding health insurance)*
- 21 *Labor, salaries and wages, collective bargaining*
- 22 *Law enforcement, courts, judges, crimes & prisons*
- 23 *Licenses & permits*
- 24 *Liquor*
- 25 *Manufacturing, distribution & services*
- 26 *Natural resources, forests and forest products, fisheries, mining & mineral products*
- 27 *Public lands, parks & recreation*
- 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*

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 Robert T. Huber, of West Allis, as a member of the State Highway Commission, to succeed himself, to serve for a term ending March 1, 1983.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to the committee on Commerce.

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 193

Assembly Bill 197

Assembly Bill 435

Assembly Bill 467

Assembly Bill 504

Assembly Bill 352

Concurred in:

Senate Joint Resolution 32

Senate Joint Resolution 34

Amended and concurred in as amended:

Senate Bill 58 (Assembly amendment 1 adopted)

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 193

Relating to requiring an autopsy on victims of sudden infant death syndrome.

By Representatives Hanson and Luckhardt.

Read first time and referred to committee on Human Services.

Assembly Bill 197

Relating to permitting embalmers and surgical technicians to remove donated eyes from corpses.

By Representatives DeLong, Hasenohrl, Porter, Schmidt, Ausman, Lewison, Snyder, Gunderson, Goodrich, Klicka, Johnston, Travis, Ellis, Bradley, Olson, Shabaz, Thompson, Conradt, Tregoning, Kedrowski, McClain, Menos, Swoboda and Johnson, cosponsored by Senators Cullen, Martin, McCallum, Theno, Offner and McKenna.

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

Assembly Bill 435

Relating to authorization for nurses to perform certain acts under the direction of a podiatrist.

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By Representatives Dorff, Czerwinski, Vanderperren, Andrea, McEssy, Byers, Schricker, Donoghue, Leopold, Otte, Metz, Medinger, Behnke, Olson, Schmidt, Gunderson, Hauke, Coggs, Loftus and Snyder, cosponsored by Senator Maurer.

Read first time and referred to committee on Human Services.

Assembly Bill 467

Relating to repealing the "Fair Trade Act".

By Representatives Norquist, Elconin, Moody, Lee and Leopold, cosponsored by Senator Berger.

Read first time and referred to committee on Commerce.

Assembly Bill 504

Relating to the requirement for the appointment of a guardian for disbursements of small estates.

By Representatives Tesmer, Rutkowski, Tuczynski and Elconin, by request of Milwaukee County.

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

Assembly Bill 352

Relating to establishing energy efficiency standards for air conditioners, permitting the department of agriculture to revise the standards after review, prohibiting the sale of air conditioners not in compliance with the standards, requiring a consumer energy information pamphlet, requiring manufacturers to submit certification statements and to conduct tests of air conditioners, granting rule-making authority and providing a penalty.

By Representatives Munts, Wahner, Jackamonis, Metz, Dandeneau, Byers, Kedrowski, Gunderson, Schricker, Fischer, Loftus, Clarenbach, McClain, Flintrop, Kirby, Soucie, Lee, Andrea, Norquist, Ausman, Rutkowski, Hasenohrl, Tuczynski, Tropman, Murray, Elconin and Miller, cosponsored by Senators Flynn, Berger, Risser, McKenna, Sensenbrenner, Harnisch, Braun, Morrison, McCallum, Keppler, Offner, Radosevich, Bablitch, Cullen and Adelman, by request of Governor Patrick J. Lucey.

Read first time and referred to committee on Commerce.

MOTIONS UNDER JOINT RULE 7

A joint certificate of commendation by Senator Petri; cosponsored by Representative Hephner for RALPH DOSCH on the occasion of his retirement from the education field.

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A joint certificate of congratulations by Senator Radosevich; cosponsored by Representative Mohn for EDWARD R. YOUNGER on the occasion of his retirement from the Hudson City Council.

The above motions under joint rule 7 were read and adopted enmasse.

CALENDAR OF APRIL 28

Senate Bill 86

Relating to personal exemptions for persons who have reached the age of 65.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 86** was referred to Joint Survey Committee on Tax Exemptions.

Senate Bill 91

Relating to the composition of school boards in cities of the 1st class and to the salary of board members.

Read a second time.

The question was: Rejection of senate substitute amendment 1?

Senator Berger asked unanimous consent that senate substitute amendment 1 be laid on the table.

Senator Sensenbrenner objected.

The question was: Rejection?

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, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lorge, McCallum, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Theno and Van Sistine -- 26.

Noes -- Senators Bidwell, Krueger, Murphy, Petri, Sensenbrenner and Thompson -- 6.

Absent or not voting -- None.

So the amendment was rejected.

LEAVE OF ABSENCE

By request of Senator Krueger, with unanimous consent, he was granted a leave of absence at 11:00 A.M. for the balance of the day.

The question was: Adoption of senate amendment 1?
Adopted.

Senate amendment 2 to Senate Bill 91 offered by Senator Berger.

Senate amendment 2 adopted.

Senate amendment 3 to Senate Bill 91 offered by Senator Braun.

Senate amendment 1 to senate amendment 3 to Senate Bill 91 offered by Senator Sensenbrenner.

Senator Thompson raised the point of order that senate amendment 1 to senate amendment 3 was not germane.

The chair ruled the point of order not well taken.

Senate amendment 1 to senate amendment 3 adopted.

Senate amendment 3 adopted.

Senate amendment 4 to Senate Bill 91 offered by Senator Sensenbrenner.

Senator Berger moved rejection.

Senator Sensenbrenner asked unanimous consent that Senate Bill 91 be laid on the table.

Senator Berger objected.

The question was: Rejection of senate amendment 4?

The motion did not prevail.

Senator Parys moved indefinite postponement of Senate Bill 91.

Senator Goyke asked unanimous consent that Senate Bill 91 be referred to the committee on Education and Revenue.

Senator Berger objected.

Senator Kleczka moved that Senate Bill 91 be laid on the table.

By request of Senator Parys, with unanimous consent, the senate recessed until 11:45 A.M.

11:13 A.M.

RECESS

11:45 A.M.

The senate reconvened.

By request of Senator Kleczka, with unanimous consent, his motion to table **Senate Bill 91** was withdrawn.

By request of Senator Parys, with unanimous consent, his motion for indefinite postponement of **Senate Bill 91** was withdrawn.

The question was: Adoption of senate amendment 4?

Senator Berger moved that senate amendment 4 be laid on the table.

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, McKenna, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 21.

Noes -- Senators Bidwell, Chilsen, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 8.

Absent or not voting -- Senators Dorman, Krueger and Maurer -- 3.

So the motion prevailed.

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 91

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 4; absent or not voting, 2; as follows:

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

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Noes -- Senators Bidwell, Peloquin, Petri and Sensenbrenner --
4.

Absent or not voting -- Senators Krueger and Maurer -- 2.

So the bill passed.

Assembly Bill 404

Relating to creating a council on migrant labor, regulating migrant employment and housing, granting rule-making authority and providing a penalty.

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.

Assembly Bill 404

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 29; noes, 0; absent or not voting, 3; as follows:

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

Noes -- None.

Absent or not voting -- Senators Krueger, Maurer and Morrison -- 3.

So the bill was concurred in.

Senate Bill 186

Relating to providing information to county boards regarding equalized valuation.

Read a third time and passed.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 35

Making an application to the Congress of the United States pursuant to article V of the constitution of the United States, for a convention for proposing an amendment to the constitution of the United States to protect the life of all human beings, including unborn children at every stage of their biological development.

By Senators Flynn, Braun, Frank, Kleczka, Murphy, Swan and Sensenbrenner; cosponsored by Representatives Duren, Hauke, Merkt, Hephner, Matty, Medinger, Klicka, Menos, Andrea, Rogers, Murray, Lewison, Lewis and Kincaid.

Read and referred to committee on Human Services.

Senator Flynn asked unanimous consent that **Senate Joint Resolution 35** 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 Bablitch, with unanimous consent, **Senate Joint Resolution 35** was withdrawn from the committee on Human Services and referred to the committee on Senate Organization.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 371

Relating to requiring fiscal estimates for administrative rules.

By Senators Swan and Berger; cosponsored by Representative Rogers.

To Joint Committee for Review of Administrative Rules.

Senate Bill 372

Relating to small business corporations electing to be taxed as partnerships.

By Senators Harnisch, Sensenbrenner, Krueger and Offner; cosponsored by Representatives Behnke and Schrickler.

To committee on Commerce.

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Senate Bill 373

Relating to increasing penalties for crimes against public officials, peace officers and fire fighters and restricting the application for probation, paroles and pardons.

By Senators Murphy, McCallum, Theno, Keppler, Krueger and Parys; cosponsored by Representatives Snyder, Klicka, Tregoning, Matty, Byers, Lewison, Ward, Conradt, Bradley, Roth, Hauke, Gower, Luckhardt, Porter and Behnke.

To committee on Judiciary and Consumer Affairs.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 39** by Senator Petri.

Senate amendment 1 to **Senate Bill 195** by Senators Braun and Risser.

Senate amendment 2 to **Senate Bill 195** by Senators Braun and Risser.

Senate amendment 3 to **Senate Bill 195** by Senators Braun and Risser.

Senate amendment 5 to **Senate Bill 55** by Senators Flynn, Bablitch, Chilsen, Keppler, Maurer, Thompson, McCallum and Braun.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, May 3.

12:10 P.M.

GUESTS

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

The fourth grade students from Hillside Elementary School, Brookfield, with Miss Lillian Roy and Mr. James Lenius, guests of Senator Murphy.