

JOURNAL OF THE SENATE [May 5, 1977]

STATE OF WISCONSIN

Senate Journal

Eighty-Third Regular Session

THURSDAY, May 5, 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 Bishop Val Mitchell of the Church of Jesus Christ of Latter Day Saints, Madison

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

LEAVE OF ABSENCE

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

By request of Senator Bablitch, with unanimous consent, Senator Flynn 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, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 29.

Absent -- Senator Lorge -- 1.

Absent with leave -- Senators Dorman and Flynn -- 2.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 36

Relating to tax relief and low-interest loans for solar heating of buildings (1st consideration).

By Senator Sensenbrenner.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 380

Relating to misconduct aboard motor busses and providing a penalty.

By Senators Frank, Flynn, Adelman, Parys, Berger and Sensenbrenner; cosponsored by Representatives Tesmer, Hauke, Elconin and Tuczynski, by request of Milwaukee County.

To committee on Commerce.

Senate Bill 381

Relating to battery to certain bus drivers and providing a penalty.

By Senators Frank, Parys, Berger and Sensenbrenner; cosponsored by Representatives Tesmer, Hauke and Tuczynski, by request of Milwaukee County.

To committee on Commerce.

Senate Bill 382

Relating to entry of lands into the woodland tax program.

By Senator McKenna.

To the Joint Survey Committee on Tax Exemptions

Senate Bill 383

Relating to condominium ownership and regulation.

By Senators Berger, Cullen, Murphy and Maurer; cosponsored by Representatives Kirby, Behnke, Soucie and Plewa.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Senate Organization, acting under Senate Rule 20(1) reports and recommends the following nominations to committee for appointment by the Senate:

To the Special Joint Committee for Investigation of the Conduct of the Personnel Board, pursuant to 1977 Senate Joint Resolution 32.

Senators Flynn, Braun, Murphy and Sensenbrenner.

To the Joint Committee for Review of Administrative Rules, pursuant to s. 13.56(1) Wis. Stats.

Senators Berger, Offner, Swan and Sensenbrenner.

FRED A. RISSER

Chairman

The question was: Adoption of the committee report?

Adopted.

The committee on Commerce reports and recommends for introduction:

Senate Bill 384

Relating to investment of deferred compensation funds of counties, cities, villages and towns.

By request of the League of Wisconsin Municipalities.

Introduction of senate amendment 1; Ayes (6) Senators Parys, Berger, Swan, Goyke, Keppler and Bidwell; Noes (0) None.

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

And further recommends:

Senate Bill 276

Relating to maximum finance charges in retail installment sales of motor vehicles.

Introduction of senate amendment 1: Ayes (6) Senators Parys, Berger, Swan, Goyke, Keppler and Bidwell; Noes; none.

RONALD PARYS

Chairman

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

Senate Bill 59

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

Adoption of senate amendment 1; Ayes (5) Senators Swan, Adelman, Braun, Petri and Offner; Noes (0) None.

Passage as amended; Ayes (5) Senators Swan, Adelman, Braun, Petri and Offner; Noes (0) None.

Senate Bill 294

Relating to management, discipline and release of certain veterans, patients and probationers, and granting rule-making authority.

Passage; Ayes (5) Senators Swan, Adelman, Braun, Petri and Offner; Noes (0) None.

Senate Bill 261

An act to amend various provisions of the statutes for the purpose of codifying the laws concerning police and fire departments in cities of the 1st class.

Passage; Ayes (5) Senators Swan, Adelman, Braun, Petri and Offner; Noes (0) None.

Assembly Bill 263

Relating to appointment of a U.S. senator-elect for the balance of an unexpired term.

Concurrence; Ayes (5) Senators Swan, Adelman, Braun, Petri and Offner; Noes (0) None.

Assembly Bill 44

Relating to filing complaints against police.

Concurrence; Ayes (5) Senators Swan, Adelman, Braun, Petri and Offner; Noes (0) None.

MONROE SWAN

Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 59

A petition by 346 residents of Wisconsin urging passage of Assembly Bill 87 and Senate Bill 68 relating to prohibiting the shooting of bear near a garbage dump and Assembly Bill 88 and Senate Bill 69, relating to prohibiting the baiting of bear and using dogs to hunt bear.

By Senator Harnisch.

Read and referred to committee on Natural Resources and Tourism.

Senate Petition 60

A petition by 129 members of the Garfield Interfaith Program for the Elderly, Milwaukee, in support of Senate Bill 227, relating to enforcement of nursing home regulations.

By Senator Thompson.

Read and referred to committee on Human Services.

Senate Petition 61

A petition by 11 persons involved in the Garfield Interfaith Program for the Elderly, Milwaukee, in support of Senate Bill 227, relating to enforcement of nursing home regulations.

By Senator Thompson.

Read and referred to committee on Human Services.

State of Wisconsin
Department of State

May 3, 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 27, 1977, and ending on May 3, 1977.

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.

Armagost, Carolyn B., 2601 West College, Appleton, Wisconsin 54911 -- Wisconsin Education Association Council, 222 West Washington, Madison, Wisconsin 53703 -- 01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 17, 18, 19, 21 -- April 29, 1977.

Burdick, Frank, 105 21st Street North, Menomonie, Wisconsin 54751 -- Wisconsin Education Association Council, 222 West Washington, Madison, Wisconsin 53703 -- 01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30 -- April 29, 1977.

Bolger, Thomas E., 615 Forward Drive, Madison, Wisconsin 53711 -- Wisconsin Broadcasters Association, P. O. Box 11725, Shorewood, Wisconsin 53211 -- 30 -- April 29, 1977.

Driessen, Anthony H., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- Wisconsin Association of Securities Dealers, c/o Frank P. Thometz, Jr., Dean Witter & Company, Incorporated, 250 East Wisconsin Avenue, Milwaukee, Wisconsin 53202 -- 03, 06, 08, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 25, 28, 29, 30 -- April 29, 1977.

Dudley, Richard D., P. O. Box 1088, Wausau, Wisconsin 54401 -- Wisconsin Broadcasters Association, P. O. Box 11725, Shorewood, Wisconsin 53311 -- 30 -- April 29, 1977.

Franke, Harry F., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- Wisconsin Association of Securities Dealers, c/o Frank P. Thometz, Jr., Dean Witter & Company, Incorporated, 250 East Wisconsin Avenue, Milwaukee, Wisconsin -- 03, 06, 08, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 25, 28, 29, 30 -- April 29, 1977.

Frautschy, Robert, 812 East State Street, Milwaukee, Wisconsin 53202 -- Wisconsin American Legion, 812 East State Street, Milwaukee, Wisconsin 53202 -- 31 -- April 29, 1977.

Katzenmeyer, C. F., 120 1/2 Front Street, Beaver Dam, Wisconsin 53916 -- Beaver Dam Chamber of Commerce, 120 1/2 Front Street, Beaver Dam, Wisconsin 53916 -- 01, 05, 07, 12, 14, 17, 26, 27, 30 -- April 29, 1977.

Lauri, Carl, 2202 Aspen Road, Madison, Wisconsin 53711 -- City of Superior, 1407 Hammond Avenue, Superior, Wisconsin

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54880 -- 03, 04, 06, 07, 08, 11, 14, 15, 16, 18, 19, 21, 23, 25, 26, 27, 30, 31 -- April 29, 1977.

Lauri, Carl, 2202 Aspen Road, Madison, Wisconsin 53711 -- Wisconsin Association of Cosmetology Schools, 1344 Walworth Street, Whitewater, Wisconsin 53190 -- 03, 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 23, 28, 30, 31 -- April 29, 1977.

Morgan, James W., P. O. Box 4184, Madison, Wisconsin 53711 -- National Solid Waste Management Association-Wisconsin Chapter, 1120 Connecticut Avenue North West, Suite 930, Washington, D. C. 20036 -- 06, 07, 08, 11, 12, 13, 14, 15, 16, 17, 23, 26, 27 -- April 29, 1977.

Ripple, Mary A., Cook & Franke S. C., 660 East Mason Street, Milwaukee, Wisconsin 53202 -- Wisconsin Association of Securities Dealers, c/o Frank P. Thometz, Jr., Dean Witter & Company, Incorporated, 250 East Wisconsin Avenue, Milwaukee, Wisconsin 53202 -- 03, 06, 08, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 25, 28, 29, 30 -- April 29, 1977.

Schurrer, John, 812 East State Street, Milwaukee, Wisconsin 53202 -- Wisconsin American Legion, 812 East State Street, Milwaukee, Wisconsin 53202 -- 31 -- April 29, 1977.

Van Thullenar, A. E., 324 South Hamilton Street, Madison, Wisconsin 53703 -- Wisconsin Dairy Products Association, Incorporated, 324 South Hamilton Street, Madison, Wisconsin 53703 -- 01, 06, 07, 11, 13, 14, 16, 21, 25, 28, 29, 30 -- April 29, 1977.

Wilkie, Harold W., 910 Mayer Avenue, Madison, Wisconsin 53704 -- Oscar Mayer & Company, Incorporated, 910 Mayer Avenue, Madison, Wisconsin 53704 -- 01, 06, 17, 25, 28 -- April 29, 1977.

Williams, George W., 10201 West Lincoln Avenue, West Allis, Wisconsin 53227 -- Wisconsin Education Association Council, P. O. Box 8003, 222 West Washington Avenue, Madison, Wisconsin

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53703 -- 01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30 -- April 29, 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>
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>
28	<i>Social insurance, unemployment insurance, public assistance & workmen's compensation</i>
29	<i>Transportation, highways, streets & roads</i>
30	<i>Utilities, communications, television, radio, newspapers, power, CATV, & gas</i>
31	<i>Other</i>

CALENDAR OF MAY 5

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

HUGHES, WILLIAM H., of Madison, as Commissioner of Credit Unions, to succeed himself, to serve for the term ending March 1, 1983.

Read.

MCMAHON, ROLLA J., of Madison, as Commissioner of Savings and Loan, to succeed himself, to serve for the term ending March 1, 1983.

Read.

MILDENBERG, ERICH, of Milwaukee, as Commissioner of Banking, to succeed himself, to serve for the term ending March 1, 1983.

Read.

PETERSON, JAMES O., of Middleton, as Administrator of the Division of Motor Vehicles, to succeed himself, to serve for the term ending March 1, 1983.

Read.

THEISEN, RAY J., of Altoona, as a member of the Credit Union Review Board, to serve for the term ending May 1, 1981.

Read.

The question was: Confirmation?

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

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

Noes -- None.

Absent or not voting -- Senators Dorman, Flynn and Lorge -- 3.

So the appointments were confirmed.

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BROEREN, JEAN C., of Thorp, as secretary of the Department of Business Development, to succeed William Kidd, resigned, to serve for the term ending at the pleasure of the Governor.
Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 24; noes, 5; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, McCallum, McKenna, Maurer, Murphy, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Theno, Thompson and Van Sistine -- 24.

Noes -- Senators Bidwell, Chilsen, Morrison, Petri and Sensenbrenner -- 5.

Absent or not voting -- Senators Dorman, Flynn and Lorge -- 3.

So the appointment was confirmed.

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mt. President:

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

Assembly Bill 304

Assembly Bill 538

Adopted and asks concurrence in:

Assembly Joint Resolution 48

Motions Under Joint Rule 7:

A joint certificate of congratulations by Representatives Roberts and Medinger; cosponsored by Senator Offner for DR. GEORGE E. SKEMP on the occasion of being inducted into the 50-Year Club.

A joint certificate of congratulations by Representatives Early and Mohn; cosponsored by Senator Radosevich for FATHER GEORGE "SKIPPER" HARDY on the occasion of his retirement.

A joint certificate of congratulations by Representative Barry; cosponsored by Senator Thompson for MARIAN AMES on the occasion of her 100th birthday.

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A joint certificate of commendation by Representative Hanson; cosponsored by Senator Bidwell for J. WARREN DEPPE on the occasion of his resignation from the Lake Mills School Board.

Concurred in:

Senate Bill 337

Nonconcurrent in:

Senate Bill 338

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 304

Relating to reservations for state park and forest campgrounds.

By Representative Committee on Natural Resources, by request of Department of Natural Resources.

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

Assembly Bill 538

Relating to interference with the custody of a child and providing penalties.

By Representatives Hauke, Pabst, Munts, Bear, Behnke, Tropman and Thompson, cosponsored by Senator Flynn.

Read first time and referred to committee on Human Services.

Assembly Joint Resolution 48

Urging John R. Moses to continue in the position of secretary of veterans affairs.

By Representative Lallensack.

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

Motions Under Joint Rule 7:

A joint certificate of congratulations by Representatives Roberts and Medinger; cosponsored by Senator Offner for DR. GEORGE E. SKEMP on the occasion of being inducted into the 50-Year Club.

A joint certificate of congratulations by Representatives Early and Mohn; cosponsored by Senator Radosevich for FATHER GEORGE "SKIPPER" HARDY on the occasion of his retirement.

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A joint certificate of congratulations by Representative Barry; cosponsored by Senator Thompson for MARIAN AMES on the occasion of her 100th birthday.

A joint certificate of commendation by Representative Hanson; cosponsored by Senator Bidwell for J. WARREN DEPPE on the occasion of his resignation from the Lake Mills School Board.

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

MOTIONS UNDER JOINT RULE 7

A joint certificate of congratulations by Senator Murphy; cosponsored by Representative Engeleiter for ERVIN MIRR on the occasion of being chosen President of the Wisconsin Society of Plumbing Inspectors for 1977.

Read and adopted.

LEAVE OF ABSENCE

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

CALENDAR OF MAY 5

Senate Bill 58

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

The question was: Concurrence in assembly amendment 1?

By request of Senator Bablitch, with unanimous consent, **Senate Bill 58** was laid on the table.

Senate Bill 379

Relating to allowing brewers, bottlers and wholesalers to make contributions to certain organizations.

Read a second time.

Senate amendment 1 to **Senate Bill 379** offered by Senators Sensenbrenner and Krueger.

Senator Parys moved rejection.

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The ayes and noes were demanded and the vote was: ayes, 20; noes, 9; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Braun, Cullen, Frank, Goyke, Harnisch, Keppler, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 20.

Noes -- Senators Adelman, Bidwell, Chilsen, Krueger, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 9.

Absent or not voting -- Senators Dorman, Flynn and Lorge -- 3.

So the motion prevailed.

Senator Sensenbrenner raised the point of order that pursuant to joint rule 49 (2) the bill could not be considered for passage until a fiscal estimate was received.

The chair ruled the point of order well taken.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 379** was laid on the table.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 385

Relating to clearance of railroad wrecks or derailments and restoration of damaged property.

By Senators Theno, Cullen, Van Sistine, Radosevich, Lorge, McKenna, Goyke and Berger; cosponsored by Representatives Kedrowski, Dandeneau, Vanderperren, Ducholm, Murray, Hasenohrl, Lobby, Mohn, Ward and Groshek.

To committee on Commerce.

Senate Bill 386

Relating to making appropriations for advance refunding of outstanding indebtedness.

By Senator Risser, by request of State Building Commission.

To committee on Education and Revenue.

By request of Senator Bablitch, with unanimous consent, the journal showed that Senators Krueger and Chilsen arrived after the

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opening roll call on Tuesday, May 3. They were detained due to construction around the capitol square.

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 394** by Senator Cullen.

Senate amendment 1 to **Senate Bill 242** by Senator McKenna;

Senate amendment 1 to **Assembly Bill 216** by Senator McKenna.

Senate amendment 1 to **Senate Bill 302** by Senator Braun.

Senate substitute amendment 1 to **Senate Bill 270** by Senator Sensenbrenner.

By request of Senator Bablitch, with unanimous consent, the senate adjourned in honor of the birthday of Senator Risser.

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

10:53 A.M.