

JOURNAL OF THE SENATE [June 9, 1977]

STATE OF WISCONSIN

# Senate Journal

Eighty-Third Regular Session

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THURSDAY, June 9, 1977.

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Reverend Joseph E. Dawson, Pastor of Mount Zion Baptist Church, Madison.

The senate remained standing and Senator Braun 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 Goyke, with unanimous consent, he was granted a leave of absence until 11:00 A.M.

By request of Senator Bablitch, with unanimous consent, Senator Thompson 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, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno and Van Sistine -- 32.

Absent -- None.

Absent with leave -- Senator Thompson -- 1.

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INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 40**

Memorializing the interstate commerce commission to postpone for 2 years its decision on whether to grant the application of the Chicago and Northwestern Railroad to abandon the rail line between Gillett, Wisconsin and Scott Lake, Michigan.

By Senators Van Sistine, Chilsen, Krueger and Bablitch; cosponsored by Representatives Kincaid, Vanderperren, Travis, Donoghue, Olson, Lingren, Schmidt and Day.

Read and referred to the committee on Commerce.

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 429**

Relating to recodification of the code of ethics for state public officials, granting rule-making authority, making an appropriation and providing penalties.

By Senators Adelman, Maurer, Van Sistine, Berger, Braun, Goyke, Petri, Bablitch, Radosevich, Morrison, Offner, Flynn and McKenna.

To committee on Governmental and Veterans' Affairs.

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COMMITTEE REPORTS

The joint committee on Employment Relations reports and recommends for introduction:

**Senate Bill 430**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Building Trades Negotiating Committee, and covering employes in the building trades crafts bargaining unit and authorizing an expenditure of funds.

By request of Governor Patrick J. Lucey.

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Ayes, 6 -- Senators Risser, Bablitch, Dorman and Krueger;  
Representatives Johnson and Shabaz.

Noes, 0 -- None.

Read first time and referred to committee on Senate  
Organization.

FRED A. RISSER

Cochair

ED JACKAMONIS

Cochair

The committee on Commerce reports and recommends for  
introduction:

**Senate Bill 431**

Relating to state of the art defense to a product liability action.

By request of American Insurance Association.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri;

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 432**

Relating to exclusion of evidence in a product liability action.

By request of American Insurance Association.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri;

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 433**

Relating to warnings and instructions in a product liability  
action.

By request of American Insurance Association.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri;

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 434**

Relating to alteration or modification of a product in a product liability action.

By request of American Insurance Association.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 435**

Relating to the statute of limitations in product liability actions.

By request of American Insurance Association.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 436**

Relating to punitive and exemplary damages in a product liability action.

By request of American Insurance Association.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 437**

Relating to the duty of a manufacturer or seller to warn concerning the use of a product.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 438**

Relating to creating a defense and excluding evidence in an action for damages caused by a defective product.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 439**

Relating to awarding costs and fees if an action, special proceeding, cross complaint or counterclaim is determined to be without legal or factual basis.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 440**

Relating to the statute of limitations for damages based upon the theory of strict liability or breach of warranty.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 441**

Relating to defenses to an action based on a defective product.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 442**

Relating to periodic and instalment payment of money judgments in product liability actions.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 443**

Relating to groundless suits and certain claims in a product liability action.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 444**

Relating to the statute of limitations for actions to recover damages caused by a product.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 445**

Relating to punitive damages in a product liability action.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 446**

Relating to limitation on certain damages in a product liability action.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 447**

Relating to contingent fees and pleadings in a product liability action.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri.

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Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 448**

Relating to burden of proof and defenses in strict liability actions.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 449**

Relating to 3rd party liability under the worker's compensation law.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

**Senate Bill 450**

Relating to 3rd party liability under the worker's compensation law.

By request of Independent Insurance Agents of Wisconsin.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri.

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

And further recommends:

**Senate Bill 324**

Relating to authorizing credit unions as public depositories.

Introduction of senate amendment 2:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

RONALD G. PARYS  
Chairman

Senator Flynn asked unanimous consent that **Senate Bills 431-450** be withdrawn from the committee on Commerce and referred to the committee on Senate Organization.

Senator Parys objected.

By request of Senator Bablitch, with unanimous consent, **Senate Bills 431-450** were withdrawn from the committee on Commerce and referred to the committee on Senate Organization.

**REPORT OF JOINT SURVEY COMMITTEE ON  
TAX EXEMPTIONS**

**Appendix to Senate Bill 167**

**Public policy involved**

This bill is desirable as public policy. Since many retired U.S. Civil Service employes do not receive social security payments, they do not have the benefit of such tax-exempt income as retired *non* U.S. Civil Service employes. In view of this, it is desirable to increase and expand the exemption as proposed in this bill.

**GARY GOYKE**

Senate Chairman

**MARLIN SCHNEIDER**

Assembly Chairman

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

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

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**BILLS INTRODUCED**

Read first time and referred:

**Senate Bill 451**

Relating to sexual exploitation of children and providing a penalty.

By Senators Bablitch, Cullen, Braun, Offner, Bidwell, Maurer, Dorman, Thompson, Chilsen, Krueger, Flynn, Risser, McCallum, McKenna and Goyke; cosponsored by Representatives Czerwinski, Tropman, Kedrowski, Barry, Loftus, Groshek, Schneider, Hasenohrl, Wahner, Medinger, Munts, Elconin, Rutkowski, Donoghue, Dorff, Andrea and Schricker.

To committee on Human Services.



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**Senate Bill 452**

Relating to payment of worker's compensation benefits in accordance with the state average weekly wage rate.

By Senators Cullen, Berger, Van Sistine and McKenna.

To committee on Agriculture, Aging and Labor.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 451** was withdrawn from the committee on Human Services and referred to the committee on Judiciary and Consumer Affairs.

Senator Bablitch introduced Senator Oliver Ocasek from Ohio, and with unanimous consent, he was requested to address a few remarks to the senate.

The chair appointed Senators Bablitch and Krueger to escort Senator Ocasek to the rostrum where he addressed the senate.

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PETITIONS AND COMMUNICATIONS

**Senate Petition 77**

A petition by 468 Wisconsin citizens in opposition to the Norquist-Maurer amendments to the general property tax relief formula.

By Senator Sensenbrenner.

Read and referred to joint committee on Finance.

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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

June 7, 1977.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
12 -----	23 -----	June 7, 1977
88 -----	24 -----	June 7, 1977

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89 ----- 25 ----- June 7, 1977  
337 ----- 26 ----- June 7, 1977

Sincerely,  
PATRICK J. LUCEY  
Governor

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MOTIONS

By request of Senator Flynn, with unanimous consent, **Senate Bill 428** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the joint committee on Finance.

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CALENDAR OF JUNE 9

**Senate Bill 126**

Relating to raising the drinking age to 19.  
Read a second time.

Senator Parys asked unanimous consent that **Senate Bill 126** be referred to the committee on Commerce.

Senator Chilsen objected.

Senator Parys moved that **Senate Bill 126** be referred to the committee on Commerce.

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Dorman, Flynn, Goyke, Keppler, Kleczka, Krueger, Maurer, Morrison, Murphy, Offner, Parys, Radosevich, Risser and Van Sistine -- 18.

Noes -- Senators Bidwell, Chilsen, Cullen, Frank, Harnisch, Lasee, Lorge, McCallum, McKenna, Peloquin, Petri, Sensenbrenner, Swan and Theno -- 14.

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

So the motion prevailed.

**Senate Bill 430**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Building Trades Negotiating Committee, and covering employes in the building trades crafts bargaining unit and authorizing an expenditure of funds.

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 430**

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Theno and Van Sistine -- 27.

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

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

So the bill passed.

### **Assembly Bill 496**

Relating to the authority of municipalities to finance industrial projects.

Read a second time.

By request of Senator Theno, with unanimous consent, he was added as a cosponsor of **Assembly Bill 496**.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 496** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 496** 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.

### **Assembly Bill 496**

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 Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler,

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**Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno and Van Sistine -- 31.**

**Noes -- Senator Kleczka -- 1.**

**Absent or not voting -- Senator Thompson -- 1.**

**So the bill was concurred in.**

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

**By request of Senator Krueger, with unanimous consent, the Senate returned to the fifth order of business.**

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**PETITIONS AND COMMUNICATIONS**

**Wisconsin Legislature  
Senate Chamber  
Madison**

**June 9, 1977**

**Senate Chief Clerk  
State Capitol  
Madison, Wisconsin**

**Dear Mr. Schneider:**

**Please be advised that I would like to resign from the Interstate Cooperation Committee. Resignation shall be effective June 9, 1977.**

**Sincerely yours,  
SCOTT McCALLUM  
18th district**

**By request of Senator Parys, with unanimous consent, the senate recessed until 12:25 P.M.**

**12:03 P.M.**

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**RECESS**

**12:25 P.M.**

**The senate reconvened.**

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

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### COMMITTEE REPORTS

The committee on Commerce reports and recommends:

#### **Senate Bill 80**

Relating to the sale of certain property no longer needed for state highway purposes.

Passage:

Ayes, 4 -- Senators Parys, Berger, Goyke and Bidwell;

Noes, 1 -- Senator Swan.

#### **Senate Bill 321**

Relating to credit union officers, corporate titles, removal of employes, consolidation of credit unions and segregation of credit union accounts.

Adoption of senate amendment 1:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

Adoption of senate amendment 2:

Ayes, 6 -- Senators Parys, Berger, Swan, Goyke, Keppler and Bidwell;

Noes, 1 -- Senator Petri.

Passage as amended:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

#### **Senate Bill 322**

Relating to permitting credit unions to levy maintenance charges on dormant accounts.

Passage:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

**RONALD G. PARYS**  
Chairman

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 301 by Senator Murphy.

Senate amendment 2 to Assembly Bill 216 by Senator Swan, by request of Representative Menos.

Senate amendment 1 to Assembly Bill 218 by Senator Petri.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, June 14.

12:50 P.M.

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GUESTS

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

Class from U.W. College Week for Women, "Under the Capitol Dome", guests of Senator Risser.