

JOURNAL OF THE SENATE [April 15, 1971]

STATE OF WISCONSIN

# Senate Journal

## Eightieth Session

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THURSDAY, April 15, 1971.

9:30 o'clock A.M.

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

The prayer was offered by Reverend Joel A. Diemer, Pastor of St. John's Lutheran Church of Madison.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent with leave—Senator Dorman—1.

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### INTRODUCTION OF AMENDMENTS

Senate amendment 1 to Senate Bill 92 by Senators Devitt and Frank.

Senate substitute amendment 2 to Senate Bill 181 by Senator Lorge.

Senate amendment 1 to Senate Bill 194 by Senators Devitt and Frank, by request of Milwaukee County.

Senate substitute amendment 1 to Senate Bill 198 by Senator Heinzen.

# **JOURNAL OF THE SENATE [April 15, 1971]**

## **COMMITTEE REPORTS**

The committee on Education reports and recommends for introduction:

### **Senate Bill 368**

(By request of Kellett Commission on Education) Relating to the reconstitution of the board of vocational, technical and adult education as the board of regents of technical colleges, state assumption of financing of and control over post-high school programs in such institutions and making an appropriation.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Education.

### **Senate Bill 369**

(By request of Kellett Commission on Education) Relating to a graduate education assistance program, and making an appropriation.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Education.

### **Senate Bill 370**

(By request of Kellett Commission on Education) Relating to the creation of the board for elementary and secondary education, placing the state superintendent under the board's policy direction, abolishing the department of public instruction and transferring its personnel to the board and transferring appropriations.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Education.

### **Senate Bill 371**

Relating to compensation for teachers' travel expenses.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Education.

And further recommends:

The appointment by the Governor of Burton Zien, of Milwaukee, as an employer member of the Board of Vocational, Technical and Adult Education, to serve for the remainder of the unexpired term ending May 1, 1975.

Confirmation; Ayes, 5; Noes, 0.

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### **Senate Bill 201**

**Relating to municipal sharing of utility taxes with school districts.**

**Passage; Ayes, 3; Noes, 2.**

### **Senate Bill 279**

**Relating to election of school board members in common and union high school districts.**

**Passage; Ayes, 5; Noes, 0.**

### **Senate Bill 305**

**Relating to the degree requirements for teachers' certificates and licenses.**

**Indefinite postponement; Ayes, 5; Noes, 0.**

**RAY F. HEINZEN,**  
**Chairman.**

The committee on Judiciary reports and recommends for introduction:

### **Senate Resolution 18**

**A senate resolution requesting the council for home and family to study the family code and proposals pertinent thereto.**

**Introduction; Ayes, 5; Noes, 0.**

**Read and referred to committee on Judiciary.**

### **Senate Resolution 18**

**Requesting the council for home and family to study the family code and proposals pertinent thereto.**

*Resolved by the senate,* That the council for home and family is requested to study, and report to the 1973 legislature on, the uniform marriage and divorce act promulgated by the national conference of commissioners on uniform state laws, **Senate Bill 241** of this session and the family code generally.

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### Senate Bill 372

(By request of Milwaukee County) Relating to destruction of records in the office of the register of deeds in populous counties.

Introduction; Ayes, 5; Noes, 0.

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

### Senate Bill 373

(By request of Milwaukee County) Relating to remedies supplementary to executions against property.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

### Senate Bill 374

(By request of Milwaukee County) Relating to assessment of fees and costs in juvenile court.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

ALLEN J. BUSBY,  
Chairman.

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## PETITIONS AND COMMUNICATIONS

### Senate Petition 67

A petition by 23 residents of the 1st Senatorial District in support of Senate Bill 216.

Introduced by Senator Martin.

Read and referred to committee on Health and Social Services.

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## MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

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

Motions Under Joint Rule 26:

## **JOURNAL OF THE SENATE [April 15, 1971]**

A joint certificate of Commendation by Representatives Pabst, Rutkowski and McCormick; co-sponsored by Senator Devitt for William G. Schuett on his excellent record of business accomplishments.

A joint certificate of Congratulations by Representative Wilger; co-sponsored by Senator Swan for Mrs. Julia Berg on her 100th birthday.

Adopted and asks concurrence in:

**Assembly Joint Resolution 48**

Concurred in:

**Senate Joint Resolution 3 and**

**Senate Joint Resolution 42.**

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### **MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Motions Under Joint Rule 26:**

A Joint Certificate of Commendation by Representatives Pabst, Rutkowski and McCormick; co-sponsored by Senator Devitt for William G. Schuett on his excellent record of business accomplishments.

A Joint Certificate of Congratulations by Representative Wilger; co-sponsored by Senator Swan for Mrs. Julia Berg on her 100th birthday.

The above Certificates of Commendation were read and adopted en masse.

**Assembly Joint Resolution 48**

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

The chair appointed Senator Kendziorski and Senator LaFave to escort U.S. Senator Gaylord Nelson and also appointed Senator Krueger and Senator Thompson to escort Governor Lucey to the assembly chambers to address a joint meeting of the legislature on Tuesday, April 20.

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## **CALENDAR OF APRIL 13**

### **Senate Joint Resolution 4**

A joint resolution to amend Article IV, Section 23 of the Constitution, relating to uniformity in county government (2nd consideration.)

The question was: Concurrence in assembly amendment 1?

Assembly amendment 1 concurred in.

By request of Senator Lorge, with unanimous consent, the senate returned to the fourth order of business.

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## **BILLS INTRODUCED**

Read first time and referred:

### **Senate Bill 375**

Relating to a \$25,000 limitation on judgments in malpractice actions.

By Senators Lorge, Murphy, Chilsen and LaFave.

To committee on Commerce, Labor, Taxation, Insurance and Banking.

### **Senate Bill 376**

Relating to a 2-year statute of limitations on malpractice actions.

By Senators Lorge, Murphy, Chilsen and LaFave.

To committee on Commerce, Labor, Taxation, Insurance and Banking.

By request of Senator Keppler, with unanimous consent, the senate recessed.

9:50 A.M.

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## **RECESS**

10:20 A.M.

The senate reconvened.

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Senator Cirilli asked unanimous consent to take up Assembly Bill 125 at this time.

Senator Parys objected.

Senator Cirilli moved that Assembly Bill 125 on the calendar of April 15 be taken up at this time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 5; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Thompson—26.

Noes—Senators Kendziorski, Knutson, LaFave, Parys and Whittow—5.

Absent or not voting—Senator Dorman.

### Assembly Bill 125

Relating to requiring fishing licenses for nonresidents netting smelt and non-game fish.

The president pro tempore in the chair.

10:40 A.M.

Read a second time.

Senator Lourigan, with unanimous consent, was made co-author of the bill.

Ordered to a third reading.

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

### Assembly Bill 125

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 6; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Johnson, Kendziorski, Keppler, Knowles, Krueger, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Swan and Thompson—24.

Noes—Senators Hollander, Knutson, LaFave, Lorge, Murphy and Steinhilber—6.

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Absent or not voting—Senators Dorman and Whittow  
—2.

So **Assembly Bill 125** was concurred in.

By request of Senator Cirilli, with unanimous consent, the bill was immediately messaged.

### **Senate Resolution 12**

A resolution requesting the opinion of the Attorney General with regard to the constitutional validity of any law resulting from the enactment of **Assembly Bill 210**.

Read and adopted.

### **Senate Bill 178**

Relating to termination of county supervisor members of county park commissions.

Read a second time.

Ordered to a third reading.

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

Read a third time and passed.

### **Senate Bill 214**

Was re-referred to the committee on Governmental and Veterans' Affairs, by request of Senator Soik.

### **Senate Bill 219**

Relating to assessment procedures for drainage districts.

Read a second time.

Ordered to a third reading.

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

Read a third time and passed.

### **Senate Bill 225**

Relating to residency qualifications for voting.

Read a second time.



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President of the senate in the chair.

11:30 A.M.

Senate substitute amendment 1 offered by Senator Peloquin.

Senator Chilsen moved that senate substitute amendment 1 be considered at this time.

Senator Peloquin moved a

### CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Kendzior ski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Thompson—30.

Absent—Senator Whittow—1.

Absent with leave—Senator Dorman—1.

Senator Hollander moved that the call of the senate be raised.

The ayes and noes were required and the vote was: ayes, 20; noes, 10; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—20.

Noes—Senators Frank, Kendzior ski, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele and Thompson—10.

Absent or not voting—Senators Dorman and Whittow—2.

So the call of the senate was raised.

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The ayes and noes were required and the vote was: ayes, 20; noes, 10; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—20.

Noes—Senators Frank, Kendziorski, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele and Thompson—10.

Absent or not voting—Senators Dorman and Whittow—2.

So the rules were suspended.

Senator Chilsen moved rejection of senate substitute amendment 1.

By request of Senator Keppler, with unanimous consent, the senate returned to the fourth order of business.

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## BILLS INTRODUCED

Read first time and referred:

### Senate Bill 377

Relating to including assistant and deputy fire marshals under the Wisconsin retirement fund.

By Senators Johnson, Murphy, Steinhilber, Roseleip, Hollander, Swan and Schuele, by request of Attorney General Robert W. Warren.

To joint Survey committee on Retirement Systems.

### Senate Bill 378

Relating to the duty of the department of justice to act as a party or intervene in any lawsuit involving air or water quality, when necessary to protect the state's resources.

By Senators Johnson, Krueger, Knowles and Keppler, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senator Johnson moved that the bill be withdrawn from the committee on Judiciary and referred to committee on Natural Resources.

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Senator Risser moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

Senators Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Thompson—29.

Absent—Senators Bidwell and Whittow—2.

Absent with leave—Senator Dorman—1.

Senator Johnson moved that the call of the senate be raised.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 10; absent or not voting, 3; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—19.

Noes—Senators Frank, Kendziorski, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele and Thompson—10.

Absent or not voting—Senators Bidwell, Dorman and Whittow—3.

So the call of the senate was raised.

Senator Risser requested unanimous consent that Senate Bill 378 be read in its entirety.

Senator Knowles objected.

Senator Risser moved that Senate Bill 378 be read in its entirety.

Senator Risser moved a

CALL OF THE SENATE

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Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

Senators Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Thompson—29.

Absent—Senators Bidwell and Whittow—2.

Absent with leave—Senator Dorman—1.

By request of Senator Krueger, with unanimous consent, Senate Bill 175 was withdrawn from the committee on Natural Resources, and referred to the committee on Judiciary.

By request of Senator Keppler, with unanimous consent, the senate recessed for 5 minutes.

12:45 P.M.

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### RECESS

12:50 P.M.

The senate reconvened.

By request of Senator McKenna, with unanimous consent, Senate Bill 175 was withdrawn from the committee on Judiciary and re-referred to the committee on Natural Resources.

### Senate Bill 378

Was withdrawn from the committee on Judiciary and referred to the committee on Natural Resources.

# **JOURNAL OF THE SENATE [April 15, 1971]**

## **BILLS INTRODUCED**

**Read first time and referred.**

### **Senate Bill 379**

Relating to providing an opportunity for a public hearing on license applications for solid waste disposal sites.

By Senators Devitt, Murphy, Chilsen, Soik, Knowles, Krueger, Keppler, Lotto, Lorge and Johnson, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 380**

Relating to legislative approval of dam construction on streams or rivers with naturally reproducing trout populations.

By Senators Devitt, Soik, Knowles, Hollander, Chilsen, Krueger, Lorge, Murphy and Johnson, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 381**

Relating to requiring a permit from the department of natural resources to remove covering vegetation when the removal would affect a navigable body of water.

By Senators Devitt, Johnson, Knowles, Chilsen, Soik, Krueger, Lorge, Roseleip, Hollander and Murphy, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 382**

Relating to monitoring wastes discharged into state waters.

By Senators Devitt, Johnson, Knowles, Chilsen, Soik, Krueger, Lorge, Hollander, Murphy and Keppler, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 383**

Relating to enforcement for forfeitures arising out of failure to obey department of natural resources cleanup orders.

By Senators Devitt, Lorge, Hollander, Knowles, Keppler, Chilsen, Soik, Murphy and Krueger, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

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### **Senate Bill 384**

Relating to review of department of natural resources orders issued without a hearing.

By Senators Devitt, Soik, Hollander, Chilsen, Krueger, Lorge, Murphy, Knowles and Keppler, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 385**

Relating to the confidentiality of certain reports furnished to or obtained by the department of natural resources.

By Senators Chilsen, Devitt, Keppler, Krueger and Knowles, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 386**

Relating to defining "potential environmental pollution".

By Senators Devitt, Knowles, Lorge, Soik, Hollander, Keppler, Johnson, Murphy, LaFave and Krueger, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 387**

Relating to the penalty for depositing deleterious substances in state waters.

By Senators Devitt, Knowles, Roseleip, LaFave, Krueger, Johnson, Chilsen, Soik and Lorge, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 388**

Relating to expanding the power of the public intervenor to intervene in any administrative proceeding, if intervention is needed to protect public rights in state natural resources.

By Senators Devitt, Knowles, Soik, Lorge, Murphy, Keppler, Krueger and Johnson, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

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### **Senate Bill 389**

Relating to the power of department of justice employes investigating water pollution.

By Senators Devitt, Knowles, Lorge, Hollander, Murphy, Keppler, Chilsen, Soik, Krueger, Roseleip and Johnson, by request of Attorney General Robert W. Warren.

To committee on Natural Resources.

### **Senate Bill 390**

Relating to financial assistance to school districts for anti-pollution facilities.

By Senators Johnson, Krueger, Cirilli and Keppler; co-sponsored by Representatives Mato, Robertson, Dueholm and Schricker.

To committee on Natural Resources.

### **Senate Bill 391**

Relating to increasing fees for certain nonresident hunting licenses.

By Senators Peloquin and Parys; co-sponsored by Representatives Willkom, Mato, Looby, Oberle, Early, Jackson, Hephner, Hanson and Schricker.

To committee on Natural Resources.

### **Senate Bill 392**

Relating to powers of town boards.

By Senators Peloquin, Steinhilber and Devitt; co-sponsored by Representatives Willkom, Sweda, Schneider, Boeckmann, Early, Brown and Schricker.

To committee on Housing and Urban Development.

### **Senate Bill 393**

Relating to abolishing deer hunting party permits.

By Senator Peloquin; co-sponsored by Representatives Willkom, Sweda, Looby, Early and Dueholm.

To committee on Natural Resources.

By request of Senator Soik, with unanimous consent, the senate returned to the second order of business.

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## **AMENDMENTS OFFERED**

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 214 by Senator Soik.

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Upon motion of Senator Keppler, with unanimous consent, all of today's actions were ordered immediately messaged.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of the birthday of Senator Lotto on April 7 and of Lieutenant Governor Schreiber on April 8.

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Upon motion of Senator Keppler the senate adjourned until 9:00 A.M. Friday, April 16.

1:00 P.M.

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### INTRODUCTION OF GUESTS

Senator Soik introduced Mr. and Mrs. Norman Bernstein and daughter, Judy, from Bayside, Wisconsin.

Lieutenant Governor Schreiber introduced Michael Holzen, Chairman Board of Directors, Coordinator Milwaukee Hunger Hike, 13420 Brook Avenue, Elm Grove, Wisconsin 53122; Robert Wills, District Coordinator Milwaukee Hunger Hike, 17965 Maple Tree Lane, Brookfield, Wisconsin 53005 and William H. Anderson Jr., Executive Press Secretary—Milwaukee Hunger Hike, 7326 W. Stevenson Street, Milwaukee, Wisconsin 53213.

Senator McKenna introduced Mrs. M. Kasten and Girl Scout Troop No. 37 from Watertown, Wisconsin.

Lieutenant Governor Schreiber introduced Rita Coyle, Casey Coyle, Mary Coyle, Margo Coyle and John Coyle, all of Madison, Wisconsin.