

STATE OF WISCONSIN
Senate Journal
Eighty-First Regular Session

WEDNESDAY, May 30, 1973.

10:00 A.M.

The senate met.

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

Prayer was offered by Reverend Robert J. Brown, Pastor of Advent Lutheran Church of Madison.

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

LEAVE OF ABSENCE

By request of Senator Risser, with unanimous consent, Senator Bablitch was granted a leave of absence for the balance of the week's session.

By request of Senator Risser, with unanimous consent, Senator Kendziorski was granted a leave of absence for the balance of floor period 2.

By request of Senator Johnson, with unanimous consent, Senator Bidwell was granted a leave of absence for the balance of the week's session.

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

Senators Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 30.

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Absent -- None.

Absent with leave -- Senators Bablitch, Bidwell and Kendziorski
-- 3.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 68

To create section 1m of article VIII of the constitution, relating to a state-funded \$5,000 homestead tax exemption for persons aged 62 or older (first consideration).

By Senators LaFave, Devitt, Lorge, J. Swan, Keppler, Knutson, Steinhilber, Theno, Krueger, Bidwell, Johnson, Kasten, Petri, Murphy, Chilsen, Rosleip and Knowles.

Read first time and referred to committee on Health, Education and Welfare.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 602

Relating to permit fees for vending machines.

By Senator Devitt, cosponsored by Representative Otte.

To joint committee on Finance.

PETITIONS AND COMMUNICATIONS

Senate Petition 96

A petition by 13 members of the Rock County Farm Bureau Board of Directors and Legislative Committee expressing support of Senate Bill 167.

By Senator J. Swan.

Read and referred to joint committee on Finance.

State of Wisconsin
Department of State

May 29, 1973.

To The Honorable, The Senate

Gentlemen:

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I have the honor to transmit to you, pursuant to s.13.67 (2), a list of the registered lobbyists for the period beginning on May 22, 1973, and ending on May 29, 1973.

Yours very truly,
ROBERT C. ZIMMERMAN
Secretary of State

Name, Address and Occupation of Lobbyist -- Name and Address of Employer -- Subject of Legislation -- Date of Employment.

Soglin, Paul R., Mayor, 514 W. Washington Ave., Madison--City of Madison, 210 Monona, Madison--City legislation--May 22, 1973

Chase, Louis P., Lawyer, 624 School St., Kohler--Kohler Co. Kohler--Assembly Bill 300 and all bills affecting Governor's budget--May 23, 1973

Larsen, Donald J., Director of Pubic Works, 2621 E. Lexington Blvd., Eau Claire--Town of Washington, 2621 E. Lexington Blvd., Eau Claire--Town Government--May 24, 1973

Susan Danielski, Student, 2925 S. 14th St., Milwaukee--Self-employed--Citizen Interest, Assembly Bill 94, Assembly Bill 92, and Assembly Bill 412--May 24, 1973

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

May 29, 1973.

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:

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Senate Bill	Chapter No.	Date Approved
222 -----	27 -----	May 29, 1973.

Sincerely,
PATRICK J. LUCEY
Governor

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, the Tremper High School Band placed 1st among 50 bands in competition during the state Lions Club convention at Lake Geneva, May 19; and

Whereas, the band will compete in the international Lions Club convention in June at Miami, Florida; now, therefore, The Members of the Wisconsin Senate, on the motion of Senator LaFollette, under Joint Rule 26, congratulate the Tremper High School Band members the director James Firchow and co-director Allan Harris for their outstanding performance in Lions Club band competition and wish them another 1st place in Miami.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Wilmot High School won the State Class B Girls' Track Championship at Merrill on May 19; and

Whereas, Elaine Schultz, Vicki Pipale, Holly Powers, Vicki Snyder, Sue Gordon, Debbie Bullis, Mary Langford and Diane Bedore were the members of that victorious team from Wilmot; now, therefore, The Members of the Wisconsin Senate, on the motion of Senator LaFollette, under Joint Rule 26, congratulate these girls, their coaches and school on winning the 1973 State Class B Girls' Track Championship and wish them continued success in the future.

Read and adopted.

Vice-president of the senate in the chair.

10:20 A.M.

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CALENDAR OF APRIL 27

Senate Bill 217

Relating to requiring consumer education in public high schools.
Read a second time.

By request of Senator Hollander, with unanimous consent, **Senate Bill 217** was referred to the joint committee on Finance.

Senate Bill 223

Relating to safety eye protective devices.
Read a second time.

The question was: Adoption of senate substitute amendmentn 1 to **Senate Bill 223**?

Senate substitute amendment 1 adopted.

By request of Senator Hollander, with unanimous consent, **Senate Bill 223** was referred to the joint committee on Finance.

By request of Senator Hollander, with unanimous consent, **Senate Bill 223** 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 Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 223

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 4; as follows:

Ayes -- Senators Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 29.

Noes -- None.

Absent or not voting -- Senators Bablitch, Bidwell, Kendziorski and LaFave -- 4.

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So the bill passed.

By request of Senator Hollander, with unanimous consent, **Senate Bills 224** and 258 were referred to the joint committee on Finance.

By request of Senator Devitt, with unanimous consent, **Senate Bill 257** was withdrawn from the joint committee on Finance and referred to the Joint Survey Committee on Tax Exemptions.

By request of Senator Hollander, with unanimous consent, **Senate Bill 269** was referred to the joint committee on Finance.

By request of Senator Hollander, with unanimous consent, **Senate Bill 269** was withdrawn from the joint committee on Finance and considered for action at this time.

Senate Bill 269

Relating to personal pick up of public assistance grants and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1 to **Senate Bill 269**?

Senator Steinhilber moved rejection.

By request of Senator Whittow, with unanimous consent, **Senate Bill 269** was laid on the table.

Senate Bill 280

Relating to requiring death certificates showing cause of deaths from abortion.

Read a second time.

Senator Risser moved indefinite postponement.

Senator Risser asked unanimous consent that **Senate Bill 280** be laid aside and the chief clerk directed to investigate the possible need for a fiscal note.

Senator Lorge objected.

Senator Risser moved that **Senate Bill 280** be laid aside and the chief clerk directed to investigate the possible need for a fiscal note.

President of the senate in the chair.

11:42 A.M.

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The ayes and noes were demanded and the vote was: ayes, 11; noes, 16; absent or not voting, 6; as follows:

Ayes -- Senators Dorman, Flynn, Knowles, LaFollette, Murphy, Parys, Risser, Swan, J.D., Swan, M., Theno and Whittow -- 11.

Noes -- Senators Chilsen, Devitt, Frank, Hollander, Johnson, Keppler, Knutson, Krueger, Lorge, McKenna, Martin, Peloquin, Petri, Roseleip, Schuele and Steinhilber -- 16.

Absent or not voting -- Senators Bablitch, Bidwell, Kasten, Kendziorski, LaFave and Thompson -- 6.

So the motion did not prevail.

By request of Senator Steinhilber, with unanimous consent, the senate returned to the second, third and eighth orders of business.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 22

Requesting an attorney general's opinion on 1973 assembly bill 128.

Whereas, the 1972 water pollution control act (P.L. 92-500) directs the U.S. environmental protection agency to prepare or develop comprehensive programs for preventing, reducing or eliminating water pollution; and

Whereas, the environmental protection agency is charged with the creation of a national pollutant discharge elimination system whereby a permit would be required for the discharge of any pollutant or combination of pollutants; and

Whereas, the authority for the administration of a national pollutant discharge elimination system may be granted to the state by the environmental protection agency; and

Whereas, the senate will soon consider assembly bill 128 which would authorize the department of natural resources to administer a pollutant discharge permit program authorized under section 402 of the 1972 water pollution control act (P.L. 92-500); and

Whereas, any request by the state for this authority must include a statement from the attorney general indicating that state laws provide adequate legal authority to carry out the program; and

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Whereas, the federal water pollution control act of 1972 (P.L. 92-500) states "it is the national policy that federal financial assistance be provided to construct publicly owned waste treatments works"; and

Whereas, assembly bill 128 does not link the availability of federal financial assistance to the construction of publicly owned pollution abatement facilities which will be required as a condition of a permit to discharge waste; and

Whereas, it is not known whether an amendment to assembly bill 128 which would link federal financial assistance to required construction projects by preventing the department of natural resources from levying fines or penalties for noncompliance when federal funds are not available would be in violation of the 1972 federal water pollution control act (P.L. 92-500); now, therefore, be it

Resolved by the senate, That the attorney general be requested to prepare a written opinion for the senate which answers the following questions:

1. Can the availability of federal funds be tied to required construction projects as a state law or as a condition of a discharge permit without violating the 1972 federal water pollution control act (P.L. 92-500)?

2. Can the availability of federal funds effectively be tied to required construction projects in any other way without violating the 1972 federal water pollution control act (P.L. 92-500)?

Be it further resolved, That the attorney general's response be considered by the senate in its deliberations on assembly bill 128.

By Senator Whittow.

Read.

Considered as privileged and taken up.

Adopted.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 603

Relating to district attorneys' salary supplements.

By Senator Hollander.

To committee on Judiciary and Insurance.

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Senate Bill 604

Relating to filing of satisfactions by creditors.

By Senators J. Swan, Keppler and Risser, cosponsored by Representatives Merkel, Johnson and Gower.

To committee on Judiciary and Insurance.

Senate Bill 605

Relating to tax exemption on coin operated amusement devices.

By Senators Devitt, LaFave, Knutson, Krueger, Theno and Whittow.

To Joint Survey Committee on Tax Exemptions.

MOTIONS

By request of Senator Johnson, with unanimous consent, **Assembly Bill 225** was made a special order of business at 10:30 A.M. on Tuesday, June 5.

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Chief Howard Wahlen has distinguished himself in the law enforcement profession over the last nearly 40 years, starting at the rank of Patrolman with the Milwaukee Police Department and attaining the rank of Inspector and the responsibility of the third-line of command for Wisconsin's largest law enforcement agency and then was named Chief of Greenfield's newly organized police department, which he has built into the smooth operating force that it is today; and

Whereas, Chief Wahlen has distinguished himself as a sportsman, as a professional boxing judge and as a community leader through his participation in civic organizations for which he was recently named Greenfield's Man of the Year; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Devitt and Representative Rutkowski, under Joint Rule 26, commend Chief Howard Wahlen for his many distinguished years of public service to his community.

Read and adopted.

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Know you by these presents:

Whereas, James F. Gilmore is retiring from the Board of Education of Racine, Wisconsin after 34 continuous years of service, including five terms as President of said Board, and during which time he attended more than 4,000 School Board meetings; and

and Whereas, during Mr. Gilmore's term of office the Racine School District has been chosen as a Gold Star School system, won awards for school design, has had three presidential scholars, and continues to lead in areas of curriculum and individually guided education; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Dorman and Representatives Ferrall, Rooney and Rohner, under Joint Rule 26, extend to Mr. Gilmore their commendation and appreciation for the many years of devoted service he has given to the children and citizens of Racine, and to wish Mr. and Mrs. Gilmore a long and happy retirement.

Read and adopted.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 42** by Senator Petri.

Senate amendment 5 to **Senate Bill 98** by Senator Murphy.

Senate amendment 3 to **Senate Bill 156** by Senator McKenna.

Senate amendment 1 to senate substitute amendment 2 to **Senate Bill 217** by Senators Chilsen and Whittow.

Senate amendment 2 to **Senate Bill 226** by Senator Flynn.

Senate substitute amendment 1 to **Senate Bill 455** by Senators Devitt and Frank, by request of Representatives Murray and Schricker.

Senate amendment 1 to **Senate Bill 477** by Senator Petri.

Senate amendment 2 to **Senate Bill 477** by Senator Petri.

Senate amendment 1 to **Senate Bill 522** by Senator Murphy.

Senate amendment 1 to **Senate Joint Resolution 66** by Senator J. Swan.

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By request of Senator Johnson, with unanimous consent, the senate adjourned in memory of the passing of Albert Bablitch, father of the senator from the 24th district.

Upon motion of Senator Johnson the senate adjourned until 10:00 A.M. Thursday, May 31.

12:20 P.M.

INTRODUCTION OF GUESTS

Senator Kendziorski introduced John P. Koniicki, State President representing Wisconsin Citizens for Legal Reform of Milwaukee, Wisconsin.

Senator Petri introduced Douglas Agenten, Mrs. Thorsen, Mrs. Brahamer and 31 students from Trinity Lutheran School, Kaukana, Wisconsin.

Senator Frank introduced Miss Sea, Mrs. Schmeling, Mrs. Labisch and 5th grade students from Parkway School, Puckway, Wisconsin.

Senator Murphy introduced Mrs. Lorraine Schreck of Menomonee Falls, Wisconsin.

Senator Schuele introduced Mrs. Abrahams, Mrs. Williams, Mrs. Clark, Mr. Horenstein and 61 students from Bryant Elementary School, Milwaukee, Wisconsin.

Senator Devitt introduced Mr. Deprey and students from the Muskego High School Special Education Class of Muskego, Wisconsin.

Senator Hollander introduced Mr. Gene Zangl, Chief of Police, Mayville, Wisconsin.

Senator Schuele introduced Wisconsin Citizens for Legal Reform from Milwaukee, Wisconsin.

Senator Bidwell introduced Mr. Scheer, Mr. Welch and 36 students from St. Peter's Lutheran School, Reedsburg, Wisconsin.

Senator Keppler introduced 168 students and 11 adults from Orangeville Junior High School, Orangeville, Illinois.

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Senator M. Swan introduced 6 students from Francis Community School, Milwaukee, Wisconsin.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 135 and Senate Bill 164

Correctly enrolled and presented to the Governor on Wednesday, May 30, 1973.