

JOURNAL OF THE SENATE (July 10, 1973)

STATE OF WISCONSIN

Senate Journal

Eighty-First Regular Session

TUESDAY, July 10, 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 Samuel F. Hunt, Pastor of East Madison Baptist Church.

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 Steinhilber, with unanimous consent, Senator Murphy was granted a leave of absence for the balance of the morning's session.

By request of Senator Steinhilber, with unanimous consent, he was granted a leave of absence at 2:30 P.M. for the balance of the day's session.

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

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow
-- 27.

Absent -- None.

Absent with leave -- Senators Hollander, Johnson, Kasten, Kendziorski, LaFave and Murphy -- 6.

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Senator Knutson asked unanimous consent that senate rule -3 as it relates to the wearing of coats be suspended for the balance of the week's session.

Senator Risser objected.

Senator Knowles asked unanimous consent for a leave of absence for next week's session.

Senator Risser objected.

Senator Keppler asked unanimous consent that senate rule -3 as it relates to the wearing of coats be suspended for the balance of the floor period.

Senator Risser objected.

By request of Senator J. D. Swan, with unanimous consent, senate rule -3 as it relates to the wearing of coats was suspended for the balance of the month of July.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 24

Requesting an opinion of the attorney general on the constitutionality of 1973 Senate Bill 36.

Resolved by the senate, That the attorney general is requested to give his opinion to the senate on the constitutionality of 1973 Senate Bill 36.

By Senator Krueger.

Read.

Considered as privileged and taken up.

Adopted.

Senate Resolution 25

Requesting an attorney general's opinion on senate amendment 2 to 1973 senate bill 40.

Whereas, the 1970 clean air act (P.L. 91-604) pertains in part to national air quality standards; and

Whereas, the environmental protection agency is apparently prohibited from approving any state air pollution plan that would allow a lower standard of air purity in any area than presently exists there; and

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Whereas, the senate will soon consider senate amendment 2 to 1973 senate bill 40 which would define and apply the phrases "air quality" and "existing ambient air quality" in the context of a state air pollution plan; and

Whereas, it is not known whether senate amendment 2 to 1973 senate bill 40 would comply with the mandates of the federal clean air act (P.L. 91-604) in light of the June 11, 1973, per curiam decision by the U.S. supreme court in the case of Robert W. Fri, petitioner, vs. Sierra Club, which affirmed a lower court holding that state air pollution plans must not allow a lower standard of purity in any area than presently exists there; 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. Are the definitions and applications of the phrases "air quality" and "existing ambient air quality" adequate to comply with the federal clean air act (P.L. 91-604) as recently construed in federal court decisions?

2. Can the definitions and applications of the phrases "air quality" and "existing ambient air quality" be stated in any other way to better ensure compliance with the federal clean air act (P.L. 91-604)?

Be it further resolved, That the attorney general's response be considered by the senate in its deliberations on senate amendment 2 to 1973 senate bill 40.

By Senators LaFollette, Bablitch and Petri.

Read.

Considered as privileged and taken up.

Adopted.

Senator Steinhilber called the chair's attention to **Assembly Bill 128** which was a special order of business.

Assembly Bill 128

Relating to the creation of pollutant discharge elimination system, granting rule-making authority and providing penalties.

Read a second time.

President pro tempore of the senate in the chair.

10:30 A.M.

The question was: Rejection of senate amendment 1 to **Assembly Bill 128**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 7; absent or not voting, 6; as follows:

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Ayes -- Senators Bablitch, Bidwell, Devitt, Dorman, Flynn, Frank, Knowles, Krueger, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Petri, Risser, Schuele, Swan, M., Theno and Thompson -- 20.

Noes -- Senators Chilsen, Keppler, Knutson, Roseleip, Steinhilber, Swan, J.D. and Whittow -- 7.

Absent or not voting -- Senators Hollander, Johnson, Kasten, Kendziorski, LaFave and Murphy -- 6.

So the amendment was rejected.

The question was: Adoption of senate amendment 1 to senate amendment 2 to Assembly Bill 128?

The amendment was adopted.

The question was: Adoption of senate amendment 2 to Assembly Bill 128?

The amendment was adopted.

The question was: Adoption of senate amendment 3 to Assembly Bill 128?

The amendment was adopted.

The question was: Adoption of senate amendment 4 to Assembly Bill 128?

The amendment was adopted.

The question was: Adoption of senate amendment 5 to Assembly Bill 128?

Senator Kruger moved rejection.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 9; absent or not voting, 7; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Dorman, Flynn, Keppler, Knowles, Krueger, LaFollette, Lorge, McKenna, Martin, Peloquin, Petri, Risser, Theno and Thompson -- 17.

Noes -- Senators Frank, Knutson, Parys, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M. and Whittow -- 9.

Absent or not voting -- Senators Devitt, Hollander, Johnson, Kasten, Kendziorski, LaFave and Murphy -- 7.

So the motion prevailed.

The question was: Adoption of senate amendment 6 to Assembly Bill 128?

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Senator Krueger moved rejection.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 7; absent or not voting, 7; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Knowles, Krueger, LaFollette, Lorge, McKenna, Martin, Peloquin, Petri, Risser, Roseleip, Steinhilber, Theno and Thompson -- 19.

Noes -- Senators Frank, Keppler, Knutson, Parys, Swan, J.D., Swan, M. and Whittow -- 7.

Absent or not voting -- Senators Hollander, Johnson, Kasten, Kendziorski, LaFave, Murphy and Schuele -- 7.

So the motion prevailed.

The question was: Adoption of senate amendment 7 to Assembly Bill 128?

The amendment was adopted.

Ordered to a third reading.

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

Assembly Bill 128

Read a third time.

The ayes and noes were required and the vote was: ayes, 21; noes, 6; absent or not voting, 6; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Knowles, Krueger, LaFollette, Lorge, McKenna, Martin, Peloquin, Petri, Risser, Roseleip, Swan, M., Theno, Thompson and Whittow -- 21.

Noes -- Senators Keppler, Knutson, Parys, Schuele, Steinhilber and Swan, J.D. -- 6.

Absent or not voting -- Senators Hollander, Johnson, Kasten, Kendziorski, LaFave and Murphy -- 6.

So the bill was concurred in as amended.

Ordered immediately messaged.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 72

Directing the legislative council to assess health and safety hazards attendant to nuclear fission power projects.

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By Senators LaFollette, Flynn, Dorman, Risser, Bablitch, M. Swan, Thompson, Chilsen and McKenna.

Read and referred to joint committee on Finance.

Senate Joint Resolution 73

Directing the legislative council to assess the desirability of land-to-land sewage disposal techniques.

By Senators LaFollette, Flynn, Dorman, Risser, Bablitch, M. Swan, Thompson and Chilsen.

Read and referred to joint committee on Finance.

Senate Joint Resolution 74

Directing the legislative council to study methods to limit the demand for energy.

By Senators LaFollette, Flynn, Petri, Dorman, Keppler, Lorge, Risser, Bablitch, M. Swan, Thompson and Chilsen.

Read and referred to joint committee on Finance.

COMMITTEE REPORTS

The committee on Agriculture and Rural Development reports and recommends for introduction:

Senate Bill 680

Relating to enforcements under the unfair sales act and providing a penalty.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary and Insurance.

WALTER J. CHILSEN
Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 127

A petition by 73 citizens of Rock and Walworth Counties in opposition to Senate Bill 442, relating to changing requirements of applicants for real estate brokers and salesmen's licenses.

By Senator J. D. Swan.

Read and referred to committee on Industry, Labor, Taxation and Banking.

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EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

July 6, 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:

Senate Bill	Chapter No.	Date Approved
32 -----	61 -----	July 5, 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, Al Brown is a nationally renowned artist residing in Frederic, Wisconsin; and

Whereas, Mr. Brown observed his 83rd birthday on June 4, 1973; and

Whereas, the Senior Citizens Club of Frederic recognized his artistic accomplishments and joined in the celebration of his birthday by declaring June 5th as "Al Brown Day"; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Knowles and Representative Ducholm, under Joint Rule 26, commend Mr. Brown for his artistic accomplishments, congratulate him on his 83rd birthday, and wish him continued happiness and success.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

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Whereas, Smith Brothers Fisheries of Port Washington, Wisconsin, this year observes its 125th anniversary, operating continuously as a family enterprise; and

Whereas, Smith Brothers was founded in 1848 at Amsterdam on Lake Michigan, 18 miles north of the present site; and

Whereas, the business includes a large restaurant, a retail market, commercial fishing, smoke and caviar plants as well as outlets in Milwaukee and Los Angeles, and a proposed motor hotel in Port Washington; and

Whereas, the "Fish Shanty" Restaurant is famous for its fine food, including fresh trout, perch, whitefish and smelt from the Great Lakes, as well as its nautical decor and quaint atmosphere, attracting guests from miles around; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Keppler and Representative Opitz, under Joint Rule 26, commend Smith Brothers Fisheries for this well deserved reputation for fine service, and wish the fifth generation many more successful years of operations.

Read and adopted.

Senator Steinhilber called the chair's attention to **Assembly Bill 583** which was a special order of business.

Assembly Bill 583

Relating to establishment and regulation of mass transit ways by municipalities.

Read a second time.

Senate amendment 1 to **Assembly Bill 583** offered by Senator Steinhilber.

The amendment was adopted.

Ordered to a third reading.

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

Assembly Bill 583

Read a third time and concurred in as amended.

Ordered immediately messaged.

Vice-president of the senate in the chair.

11:20 A.M.

Senator Bidwell asked unanimous consent that **Assembly Joint Resolution 95** be taken from the committee on Industry, Labor, Taxation and Banking and considered for action at this time.

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Senator Risser objected.

Senator Risser called the chair's attention to **Senate Bill 123** which was a special order of business.

Senate Bill 123

Relating to the preservation of the Wolf River as a scenic area and making an appropriation.

Read a second time.

By request of Senator Chilsen, with unanimous consent, **Senate Bill 123** was laid on the table.

Senator Bidwell asked unanimous consent that **Assembly Joint Resolution 95** be withdrawn from the committee on Industry, Labor, Taxation and Banking and considered for action at this time.

Senator Risser objected.

President of the senate in the chair.

11:25 A.M.

CALENDAR OF APRIL 27

Senate Bill 280

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

Read a second time.

The question was: Adoption of senate amendment 1 to **Senate Bill 280**?

Senator Risser asked unanimous consent that **Senate Bill 280** be laid on the table.

Senator Lorge objected.

By request of Senator McKenna, with unanimous consent, senate amendments 1, 2 and 3 to **Senate Bill 280** were laid on the table.

The question was: Adoption of senate amendment 4 to **Senate Bill 280**?

The amendment was adopted.

Senate amendment 5 to **Senate Bill 280** offered by Senator Risser.

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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 Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, 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 -- 27.

Absent -- Senators Bidwell, Hollander, Johnson, Kasten and LaFave -- 5.

Absent with leave -- Senator Kendziorski -- 1.

Senate Bill 324

Relating to vision screening to detect childhood vision problems, making an appropriation and providing rule-making authority.

Read a second time.

By request of Senator Steinhilber, with unanimous consent, Senate Bill 324 was referred to joint committee on Finance.

Senate Bill 338

Relating to permitting hospitals to refuse to admit patients for the performance of abortions and to permit doctors and other persons to refuse to participate in certain medical procedures.

Read a second time.

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:

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Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson, Whittow and President -- 28.

Absent -- Senators Bidwell, Hollander, Johnson, Kasten and LaFave -- 5.

Absent with leave -- Senator Kendziorski -- 1.

Senate Bill 339

Relating to construction and operation of health services on county institution lands in populous counties.

Read a second time.

By request of Senator Steinhilber, with unanimous consent, **Senate Bill 339** was referred to joint committee on Finance.

Senate Bill 342

Relating to limiting liability for certain medical activities involving blood transfusions.

Read a second time.

Ordered to a third reading.

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

Senate Bill 342

Read a third time.

By request of Senator Steinhilber, with unanimous consent, the calls were raised.

Upon motion of Senator Steinhilber the senate recessed until 2:00 P.M.

12:00 Noon

RECESS

2:00 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

The question was: **Passage of Senate Bill 342?**

Senator Risser moved indefinite postponement.

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Senator Chilsen 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 Bablitch, Bidwell, Chilsen, 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 and Whittow -- 30.

Absent -- Senators Devitt and Thompson -- 2.

Absent with leave -- Senator Kendziorski -- 1.

By request of Senator Hollander, with unanimous consent, **Senate Bill 339** was withdrawn from the joint committee on Finance and considered for action at this time.

Senate Bill 339

Relating to construction and operation of health services on county institution lands in populous counties.

Read a second time.

Ordered to a third reading.

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

Senate Bill 339

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, 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 -- 31.

Noes -- None.

Absent or not voting -- Senators Devitt and Kendziorski -- 2.

So the bill passed.

Ordered immediately messaged.

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Senate Bill 280

The question was: Adoption of senate amendment 5 to **Senate Bill 280**?

Senator Lorge moved rejection.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Roseleip, Schuele, Theno and Whittow -- 25.

Noes -- Senators Dorman, LaFollette, Risser, Steinhilber, Swan, J.D., Swan, M. and Thompson -- 7.

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

So the motion prevailed.

Senator Flynn asked unanimous consent that senate amendment 2 to **Senate Bill 280** be taken from the table and considered for action at this time.

Senator Lorge objected.

Senator Flynn moved that senate amendment 2 to **Senate Bill 280** be taken from the table and considered for action at this time.

The motion did not prevail.

Senator Risser moved indefinite postponement of **Senate Bill 280**.

Vice-president of the senate in the chair.

2:30 P.M.

By request of Senator Risser, with unanimous consent, the senate recessed until 2:55 P.M.

2:35 P.M.

RECESS

2:55 P.M.

The senate reconvened.

Senator Johnson asked unanimous consent that **Assembly Bill 300** be made a special order of business at 1:30 P.M. Wednesday.

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Senator Roseleip objected.

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 43 by Senator Murphy.

Senate substitute amendment 1 to Senate Bill 58 by Senator J. D. Swan.

Senate amendment 1 to Senate Bill 299 by Senator Frank.

Senate amendment 2 to senate substitute amendment 1 to Senate Bill 442 by Senator Frank.

Senate amendment 1 to Senate Bill 615 by Senator Murphy.

Senate amendment 1 to Senate Bill 623 by Senator Bablitch.

Upon motion of Senator Knutson the senate adjourned until 9:00 A.M. Wednesday, July 11.

3:20 P.M.

INTRODUCTION OF GUESTS

Senator Chilsen introduced Mr. and Mrs. Fred Pogwist and children of Mosinee, Wisconsin.

Senator Martin introduced Mr. Jim Knutson, Chairman of the Door County Highways, Val Bird, M. W. Millard, Mr. Richard Weissgerber, Highway Commissioner, Mr. Sven Kirkegaard, City Attorney, Sturgeon Bay, Mr. Roman Ross, City Council, and Mr. Norm Stegmann, County Clerk, all of Door County.

Senator Krueger introduced Mr. and Mrs. Stan Lato and children, Wayne, Vivian, Kathy and Patty of Gilman, Wisconsin.

Senator Lorge introduced Mr. B. E. Gehrman, Highway Commission, Mr. H. L. Fiedler, State Highway Engineer, Mr. E. J. Byrkit, Deputy State Highway Engineer, Mr. David Wendtland, City of Appleton, Mr. Don Stone, Appleton Chamber of Commerce, Mr. Roy Running, City of Appleton, Mr. William Beyer, Wisconsin Alliance of Cities and Mr. David G. Geenen, City Attorney, Appleton, Wisconsin.

Senator Risser introduced Mr. and Mrs. Gideon Travis and Mr. and Mrs. Leon Gingras of Pawtucket, Rhode Island.

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Senator Devitt introduced Mrs. Ruth Glomp, David, Cheryl and Christopher of Florida.