

**JOURNAL OF THE SENATE (June 6, 1973)**

**STATE OF WISCONSIN**  
**Senate Journal**  
**Eighty-First Regular Session**

---

**WEDNESDAY, June 6, 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 David Herewald, Pastor of Faith Baptist Church of Madison.**

**Almighty and Eternal God, Thou who are Love, Truth, Grace and Light, we turn our thoughts to Thee and ask that you will grant a sacred moment of QUIET before assuming the duties of the day.**

**In these days of confusion, violence, and uncertainty give the members of the state senate courage, wisdom, and power which is above and beyond their own abilities.**

**Grant them wisdom in their thinking, love in their attitudes and mercy in their judgements.**

**And may they know that there is a living God who rules and reigns and cares.**

**Make your power and grace known and viable to each member of this senate.**

**And let them not think when this prayer is said that their dependence upon you is over and thus forget your counsels for the rest of the day.**

**Bless the members of the Senate in a fresh experience of your love and grace--Grant these Thy mercies through Jesus Christ, our Lord. Amen.**

**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.**

## JOURNAL OF THE SENATE (June 6, 1973)

---

### LEAVE OF ABSENCE

By request of Senator Steinhilber, with unanimous consent, Senator LaFave was granted a leave of absence 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, 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 -- 31.

Absent -- None.

Absent with leave -- Senators Kendziorski and LaFave -- 2.

---

### BILLS INTRODUCED

Read first time and referred:

#### **Senate Bill 627**

Relating to cost of living increases for certain retired teachers.

By Senators LaFollette, Keppler, Lorge, Chilsen, Thompson, Risser, Martin, Roseleip, Bablitch, Peloquin, M. Swan, Parys, Schuele, Theno, McKenna, Devitt, Flynn, Frank and Dorman, cosponsored by Representatives Kedrowski, Roberts, Oberle, Early, Day, Keegan, Schricker, Mohn, Mittness, Giese, Molinaro, Tobiasz, Dorff, Looby, Mielke, Jackamonis, Nager, Ferrall, McEssy, Lewison, Luckhardt, Elconin, Sanasarian and Flintrop.

To Joint Survey Committee on Retirement Systems.

#### **Senate Bill 628**

Relating to livestock identification.

By Senators Bidwell and Knutson by request of Ray Childs; president of the Wisconsin Sheriff's Association.

To committee on Agriculture and Rural Development.

#### **Senate Bill 629**

Relating to increasing the petroleum products occupational tax and exempting refinery petroleum products from property tax.

By Senator Krueger.

## JOURNAL OF THE SENATE (June 6, 1973)

To committee on Industry, Labor, Taxation and Banking.

### Senate Bill 630

Relating to elevated exhaust exits on busses used for urban mass transportation of passengers, and providing a penalty.

By Senator Frank, cosponsored by Representatives Plewa, Atkinson and Tesmer, by request of Cudahy City Council.

To committee on Transportation.

### Senate Bill 631

Relating to fire detection, prevention or suppression devices and granting rule-making authority.

By Senators Flynn and McKenna, cosponsored by Representative Berger.

To committee on Governmental and Veterans' Affairs.

### Senate Bill 632

Relating to public employes deferred compensation plan.

By Senators Risser, Steinhilber, J. Swan and Murphy.

To Joint Survey Committee on Retirement Systems.

---

## COMMITTEE REPORTS

The committee on Industry, Labor, Taxation and Banking reports and recommends for introduction:

### Senate Bill 633

An act to appropriate \$1,400,000 from the general fund for payment of a claim against the state of Norman C. Herro, trustee.

Introduction; Ayes, 4; Noes, 1.

Read first time and referred to joint committee on Finance.

### Senate Bill 634

Relating to full value assessment of property and assessment manuals.

By request of the Department of Revenue.

Introduction; Ayes, 5; Noes, 0.

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

### Senate Bill 635

Relating to the conduct of banking operations at other than the main office of a bank.

By request of the Commissioner of Banking.

Introduction; Ayes, 5; Noes, 0.

## JOURNAL OF THE SENATE (June 6, 1973)

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

### **Senate Bill 636**

Relating to cash reserves of banks and granting rule-making authority.

By request of the Commissioner of Banking.

Introduction; Ayes, 5; Noes, 0.

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

and further recommends:

### **Senate Joint Resolution 59**

Directing the legislative council to study the feasibility of the federal government collecting state income taxes and of simplifying the state income tax bringing it into closer conformity with the federal income tax.

Adoption; Ayes, 5; Noes, 0.

### **Senate Bill 42**

Relating to cash reserves of state banks and trust company banks.

Adoption of senate amendment 1; Ayes, 5; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

### **Senate Bill 177**

Relating to revising ch. 409 and other chapters of the uniform commercial code.

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 220**

Relating to issuance of special orders by the division of motor vehicles and the commissioner of banking and providing a penalty.

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 245**

Relating to distribution of forms for homestead tax relief.

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 334**

Relating to prohibiting newspaper and magazine fee collections by minors.

Adoption of senate amendment 1; Ayes, 5; Noes, 0.

Indefinite postponement as amended; Ayes, 4; Noes, 1.

JOURNAL OF THE SENATE (June 6, 1973)

**Assembly Bill 129**

Relating to authorizing state banks to invest in agricultural credit corporations.

Concurrence; Ayes, 5; Noes, 0.

**Assembly Bill 320**

Relating to manufacture and distribution of uncarbonated soda water beverages.

Concurrence; Ayes, 5; Noes, 0.

**Assembly Bill 353**

Relating to mutual savings banks loans, deposits, reserves and bank stations and branches.

Concurrence; Ayes, 5; Noes, 0.

**Assembly Bill 683**

Relating to updating references to authorized investments as a result of revisions of the federal farm credit act.

Concurrence; Ayes, 5; Noes, 0.

EVERETT V. BIDWELL  
Chairman

The committee on Natural Resources reports and recommends:

**Senate Bill 232**

Relating to inclusion of economic disadvantages in environmental impact statements.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 275**

Relating to state aids to counties for the purchase of snowmobiles and rescue sleds for rescue operations.

Passage; Ayes, 5; Noes, 0.

**Senate Bill 521**

Revising the law on well construction and pump installation and licensing.

Passage; Ayes, 4; Noes, 0.

**Assembly Bill 125**

Relating to restricting the sale of new outboard motors with improperly sealed crankcases.

Concurrence; Ayes, 5; Noes, 0.

JOURNAL OF THE SENATE (June 6, 1973)

**Assembly Bill 128**

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

Rejection of senate amendment 1; Ayes, 5; Noes, 0.

Adoption of senate amendment 2; Ayes, 5; Noes, 0.

Concurrence as amended; Ayes, 5; Noes, 0.

CLIFFORD W. KRUEGER

Chairman

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

**Assembly Bill 9**

Relating to increasing the Milwaukee school system bidding procedure limits.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0.

Concurrence as amended; Ayes, 5; Noes, 0.

**Assembly Bill 31**

Relating to financing town sanitary districts after annexation.

Concurrence; Ayes, 4; Noes, 0.

**Assembly Bill 170**

Relating to permitting a person who is not an elector of the town to hold the office of town assessor.

Concurrence; Ayes, 3; Noes, 2.

GORDON W. ROSELEIP

Chairman

The committee on Judiciary and Insurance reports and recommends:

**Assembly Bill 258**

Relating to compensation of circuit court reporters.

Concurrence; Ayes, 4; Noes, 0.

GERALD D. LORGE

Chairman

JOURNAL OF THE SENATE (June 6, 1973)

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Department of State

June 5, 1973.

To The Honorable, The Senate

Gentlemen:

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 29, 1973 and ending on June 5, 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.*

Frank Latina, Barber, 10900 W. Bluemound Rd. Wauwatosa--United Barbers of Wisconsin, Associated Master Barber of Wisconsin, Barber License, Association of Wisconsin--Barbering--May 30, 1973

Ralph von Briesen, Attorney, 3535 N. Hackett Ave., Milwaukee--Lutheran Social Services of Wisconsin and Upper Michigan, Inc. 3200 W. Highland Blvd., Milwaukee--Children's Code--May 30, 1973

Richard C. Moore, Barber, 2711 N. Teutonia Ave., Milwaukee--United Barbers of Wisconsin, Associated Master Barber--Barbering--May 30, 1973

John J. Waldmer, Crib Attendant, 3547 S. 5th St. Apt. 2, Milwaukee--United Electrical, Radio and Machine Workers of America (U.E.) Local 1111, 939 S. 2nd St. Milwaukee--Labor and General Welfare--May 31, 1973

The State of Wisconsin  
Department of Justice  
Madison

June 5, 1973.

## JOURNAL OF THE SENATE (June 6, 1973)

The Honorable The Senate  
State Capitol  
Madison, Wisconsin

Gentlemen:

Re: Senate Resolution 22

By Senate Resolution 22, you have request my opinion on certain questions involving Assembly Bill 128. Assembly Bill 128, which has been adopted by the Assembly and is now under consideration in the Senate, is designed to create a system of state enforcement against discharges of pollutants to waters of the state which directly parallels and is congruent with the federal water pollution control program set up under the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). Section 402 of that Act creates a National Pollutant Discharge Elimination System (NPDES) under which the federal Environmental Protection Agency (EPA) is to administer a system of permits for all discharges of pollutants to waters of the United States. Section 402 (b), however, provides that the system of discharge permits can be administered by the states themselves, provided they fulfill certain conditions, including a statement from the attorney general of the state to the effect that the laws of the state provide adequate authority to carry out a program that will meet all the requirements of sec. 402. Assembly Bill 128 is expressly designed to meet all those requirements.

Your resolution refers specifically to the declaration of goals and policy contained in sec. 101 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to as the "federal act") and, specifically, to sec. 101 (a) (4) which states that:

"It is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;"

In light of that stated goal, you ask the following questions regarding an amendment to Assembly Bill 128 which would link federal financial assistance to required construction projects under the proposed state permit program:

"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 (sic) (P.L. 92-500)?"



## JOURNAL OF THE SENATE (June 6, 1973)

**"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 (sic) (P.L. 92-500)?"**

It is my opinion that the answer to both questions is no.

Without going into great detail on the NPDES discharge system, it can be basically stated that the system, as it relates to publicly owned waste treatment works, sets certain minimum standards for discharges, and certain time limits for achieving those standards. EPA cannot approve a state discharge permit program unless state law provides for minimum standards and time limits that are at least as stringent as those enacted by, or promulgated under, the federal act. Sec. 402 (b), Federal Act. Assembly Bill 128 is designed to authorize the Department of Natural Resources to carry out a program to enforce such standards and time limits.

An amendment to Assembly Bill 128 tying its requirements to the availability of federal funds would have the effect of tolling or extending time limits under state law beyond those established by the federal act. This is because the federal act contains no express language guaranteeing that federal financial assistance will be made available to each and every publicly owned waste treatment works within the time limits established under the federal act. Section 101 (a) (4) of the act, quoted earlier, constitutes a declaration of goals and policy, but does not in itself expressly or impliedly guarantee the availability of funding within the prescribed time limits, nor do I find any such guarantee elsewhere within the act. It is entirely possible that the appropriation for federal financial assistance provided for within the act will be insufficient to provide assistance to each and every public sewage treatment works. Furthermore, even if the appropriation is sufficient, there is currently some question as to whether the entire amount of the appropriation will be expended by EPA.

Absent a guarantee within the federal act that federal financial assistance would be made available prior to the deadlines set forth in the act, it is clear that the tying of time limits under state law to the availability of federal funds would create the distinct possibility that deadlines under state law would be extended past the deadlines in the federal act. That being the case, it would not be possible for me to certify that state law, as it would be constituted upon the

**JOURNAL OF THE SENATE (June 6, 1973)**

enactment of Assembly Bill 128 with the proposed amendment, provides adequate legal authority to carry out a program required under sec. 402 of the federal act.

Sincerely yours,  
**ROBERT W. WARREN**  
Attorney General

-----  
**MESSAGE FROM THE ASSEMBLY**

By Thomas S. Hanson, chief clerk.

Mr. President:

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

**Motions Under Joint Rule 26:**

A Joint Certificate of Congratulations by Representative O'Malley; cosponsored by Senator Thompson for **ALAN G. BARBIAN** on his becoming an Eagle Scout;      ●

A Joint Certificate of Commendation by Representative Donoghue; cosponsored by Senator Krueger for **LT. COL. RAYMOND C. SCHRUMP** on his recent release from a North Vietnamese prison camp.

and

Passed and asks concurrence in:

**Assembly Bill 1023**

and

Concurred in:

**Senate Bill 548**

-----  
**MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Motions Under Joint Rule 26:**

A Joint Certificate of Congratulations by Representative O'Malley; cosponsored by Senator Thompson for **ALAN G. BARBIAN** on his becoming an Eagle Scout;

## JOURNAL OF THE SENATE (June 6, 1973)

A Joint Certificate of Commendation by Representative Donoghue; cosponsored by Senator Krueger for LT. COL. RAYMOND C. SCHRUMP on his recent release from a North Vietnamese prison camp.

The above motions under Joint Rule 26 were read and concurred in en masse.

### Assembly Bill 1023

Relating to contracts by public officials.

By Representatives EARL, SCHNEIDER and DAY; cosponsored by Senator JOHNSON.

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

---

### MOTIONS UNDER JOINT RULE 26

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Curtis B. Sanderson is retiring after 38 years as a public servant in the field of education, as treasurer of the Cambria-Friesland Area Schools, and has played an active part in community affairs; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Bidwell and Representative Cyrak, under Joint Rule 26, send our congratulations and best wishes in honor of his retirement.

Read and adopted.

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Captain Lloyd Schoephoester has served the people of Green Lake County in police enforcement for 23 years; and

Whereas, his career has won him great admiration, respect and gratitude from the citizens of the county; and

Whereas, he is retiring as Captain of the Green Lake Police Department; now, therefore, The Members of the Wisconsin Senate, on the motion of Senator Bablitch, under Joint Rule 26, commend Captain Lloyd Schoephoester for his fine public service and tireless efforts on behalf of the people, and offer him best wishes for continued success in the future.

JOURNAL OF THE SENATE (June 6, 1973)

Read and adopted.

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Henry Aaron, the incomparable star of the Atlanta Braves major league baseball team has for 20 years thrilled and delighted baseball fans throughout the country and particularly in Wisconsin; and

Whereas, during those two decades Henry has established himself as the greatest baseball player of all time, and in the process has compiled an awesome array of major league records and is now threatening to eclipse Babe Ruth's "untouchable" mark of 714 career home runs, the most revered of all major records; now, therefore, The Members of the Wisconsin Legislature, on the motion of the entire membership of of the Senate and Representative Thompson, under Joint Rule 26, and upon the recommendation of the staff of the Senate Sergeant-at-Arms, do hereby commend Henry Aaron for these achievements and for his contributions to professional athletics, and wish him the best of luck in his quest.

Read and adopted.

Senator Chilsen asked unanimous consent that **Assembly Bill 207** be taken from the committee on Governmental and Veterans' Affairs and placed on the calendar.

Senator Risser objected.

Senator Lorge asked unanimous consent that the chief clerk obtain an emergency statement on **Senate Bill 1**.

Senator Hollander objected.

By request of Senator Steinhilber, with unanimous consent, **Senate Bill 269** was taken from the table 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**?

**JOURNAL OF THE SENATE (June 6, 1973)**

So the amendment was adopted.

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

So the substitute amendment was adopted.

Vice-president of the senate in the chair.

10:45 A.M.

Senator Bablitch moved indefinite postponement of **Senate Bill 269**.

Senator Petri moved the current question.

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, Bidwell, 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 -- 31.

Absent -- None.

Absent with leave -- Senators Kendziorski and LaFave -- 2.

By request of Senator Risser, with unanimous consent, the senate recessed until 11:50 A.M.

11:40 A.M.

---  
**RECESS**

11:50 A.M.

The senate reconvened.

By request of Senator Petri, with unanimous consent, the motion asking for the current question was withdrawn.

## JOURNAL OF THE SENATE (June 6, 1973)

The question on which the call of the senate was put having been disposed of the call was raised.

The question was: Indefinite postponement of **Senate Bill 269**?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 22; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Dorman, Flynn, LaFollette, McKenna, Peloquin, Risser, Swan, M. and Thompson -- 9.

Noes -- Senators Bidwell, Chilsen, Devitt, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, Lorge, Martin, Murphy, Parys, Petri, Roseleip, Schuele, Steinhilber, Swan, J.D., Theno and Whittow -- 22.

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

So the motion did not prevail.

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 269**

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 6; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, Martin, Murphy, Parys, Petri, Roseleip, Schuele, Steinhilber, Swan, J.D., Theno and Whittow -- 25.

Noes -- Senators Dorman, McKenna, Peloquin, Risser, Swan, M. and Thompson -- 6.

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

So the bill passed.

Ordered immediately messaged.

By request of Senator Lorge, with unanimous consent, **Assembly Joint Resolution 34** was taken from the committee on Judiciary and Insurance and referred to the committee on Industry, Labor, Taxation and Banking.

## JOURNAL OF THE SENATE (June 6, 1973)

By request of Senator Lorge, with unanimous consent, **Senate Bill 599** was taken from the committee on Judiciary and Insurance and referred to the committee on Health, Education and Welfare.

By request of Senators Steinhilber and Risser, pursuant to senate rule 76, a 5 minute limit was placed on debate on each question coming before the senate for the balance of the week.

---

### AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 689** by Senator Kasten, by request of Milwaukee County.

Senate amendment 4 to **Senate Bill 280** by Senators McKenna, Murphy and Flynn.

Senate amendment 1 to **Senate Bill 442** by Senator Roseleip.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 442** by Senator Roseleip.

Senate amendment 4 to **Senate Bill 451** by Senator Whittow.

Senate amendment 3 to **Senate Bill 512** by Senator Frank.

Upon motion of Senator Steinhilber the senate adjourned until 10:00 A.M. Thursday, June 7.

12:10 P.M.

---

### INTRODUCTION OF GUESTS

Senator Schuele introduced Mr. Julius Gollup, Mrs. Glynn, Mrs. Riemer, Miss Glass, Mr. Brown and 30 students from Congress School, Milwaukee.

Senator J. Swan introduced Mrs. Marilyn Meister and 37 students of Phoenix School, Delavan, Wisconsin.

Senator Parys introduced Mr. Ceraso, Mrs. Faulkes and 66 students of the Maryland Avenue School, Milwaukee.

Senator Bidwell introduced Mrs. Baugarten, Mrs. Dresghen and students of St. Joseph School, Baraboo, Wisconsin.

## JOURNAL OF THE SENATE (June 6, 1973)

Senator Parys introduced Mr. Renteria and Cecilia Puskarich of Milwaukee.

Senator Thompson introduced Mr. and Mrs. George Trotter and family, Danny, Tammy, Kelly and their friend Louie of Sun Prairie, Wisconsin.

Senator Bablitch introduced 50 Cub Scouts and Boy Scouts of Barron and Wisconsin Rapids, Wisconsin.

Senator Keppler introduced Mr. Alan P. Balutis and Mr. Daron Butler from the State University of Albany, New York.

---

### CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 67**  
**Senate Bill 103**  
**Senate Bill 137**  
**Senate Bill 138**  
**Senate Bill 195**  
**Senate Bill 238, and**  
**Senate Bill 548**

Correctly enrolled and presented to the Governor on Wednesday, June 6, 1973.