

JOURNAL OF THE SENATE [January 19, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

TUESDAY, January 19, 1971.

2:00 o'clock P.M.

The senate was called to order by the Honorable Martin J. Schreiber.

Prayer was offered by Reverend Paul Z. Hoornstra, Rector, Grace Church, Madison.

The senate remained standing for the Pledge of Allegiance to the Flag of the United States.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, 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—32.

The following was read by the chief clerk:

To the Honorable Senate:

I hereby appoint Jerome N. Meyer as Assistant Chief Clerk of the Senate, pursuant to section 13.15 of the Statutes and Senate Rule 6.

Very truly yours,

WILLIAM P. NUGENT,
Chief Clerk, Senate.

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Mr. Jerome N. Meyer appeared before the bar and took the following oath:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and that I will faithfully discharge my duties as Assistant Chief Clerk in the Senate to the best of my ability, so help me God.

INTRODUCTION OF RESOLUTIONS AND JOINT RESOLUTIONS

Senate Joint Resolution 5

A joint resolution to amend Article X, Section 2 (intro.) of the Constitution, relating to the elimination of the requirement that state forfeitures and fines be deposited in the school fund (first consideration).

By Legislative Council.

Read first time.

Referred to committee on Judiciary.

Senate Joint Resolution 6

A joint resolution relating to a study of time limits on actions against manufacturers or sellers of defective products.

By legislative Council.

Read.

Referred to joint committee on Finance.

Senate Joint Resolution 7

A joint resolution creating a 12-member bipartisan special joint committee on Apportionment.

By Legislative Council.

Read.

Referred to calendar.

Senate Joint Resolution 8

A joint resolution making an application to the Congress of the United States, pursuant to Article V of the Constitution of the United States, for a convention for proposing an amendment to the Constitution of the United States.

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By Senators Lorge, Knutson, LaFave, Keppler, Swan, Cirilli, Lotto, Devitt, Murphy, Heinzen, Lourigan, Martin, Steinhilber, Roseleip and Bidwell.

Read.

Referred to committee on Health and Social Services.

Senate Joint Resolution 9

A joint resolution calling for a budget policy whereby the revenue portion of the budget be determined prior to and comprise the limits of the dollar authorization of the appropriation portion.

By Senators Swan, Lorge and Steinhilber; co-sponsored by Representative Wackett.

Read.

Referred to joint committee on Finance.

INTRODUCTION OF BILLS

Senate Bill 35

Relating to annexation of town islands.

By Senators Hollander and Risser, by request of League of Wisconsin Municipalities.

Read first time.

Referred to committee on Housing and Urban Development.

Senate Bill 36

Relating to prohibiting detergents containing polyphosphates.

By Legislative Council.

Read first time.

Referred to committee on Natural Resources.

Senate Bill 37

Relating to a tax exemption for riprapping projects to prevent erosion.

By Legislative Council.

Read first time.

Referred to Joint Survey committee on Tax Exemptions.

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Senate Bill 38

Relating to towing or drawing trailers and mobile homes.
By Legislative Council.
Read first time.
Referred to committee on Transportation.

Senate Bill 39

Relating to speed limits in the vicinity of schools and school crossings.
By Legislative Council.
Read first time.
Referred to committee on Transportation.

Senate Bill 40

Relating to taxable attorney's fees for small claims appeals.
By Legislative Council.
Read first time.
Referred to committee on Judiciary.

Senate Bill 41

Relating to elimination of the "dead man's statute".
By Legislative Council.
Read first time.
Referred to committee on Judiciary.

Senate Bill 42

Relating to the right of habeas corpus for inmates of central state hospital.
By Legislative Council.
Read first time.
Referred to committee on Judiciary.

Senate Bill 43

Relating to court fees and costs.
By Legislative Council.
Read first time.
Referred to committee on Judiciary.

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Senate Bill 44

Relating to fees of guardians, conservators and testamentary trustees.

By Legislative Council.

Read first time.

Referred to committee on Judiciary.

Senate Bill 45

Relating to notice of injury in tort actions against political entities and their agents.

By Legislative Council.

Read first time.

Referred to committee on Judiciary.

Senate Bill 46

Relating to a council on intrastate relations, and making an appropriation.

By Legislative Council.

Read first time.

Referred to joint committee on Finance.

Senate Bill 47

Relating to an authorization for the establishment of public library systems, the creation of a council on public library certificates and standards, a general recodification of library laws and making an appropriation.

By Legislative Council.

Read first time.

Referred to committee on Education.

Senate Bill 48

Relating to fiscal notes on bills with local government fiscal effect.

By Legislative Council.

Read first time.

Referred to joint committee on Finance.

Senate Bill 49

Relating to authorizing issuance of municipal public improvement bonds, which may be secured both by allocation of revenues derived from operation of public improvements and by supplemental tax levies.

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By Legislative Council.

Read first time.

Referred to committee on Housing and Urban Development.

Senate Bill 50

Relating to annexation of areas subject to sewer connection orders.

By Legislative Council.

Read first time.

Referred to committee on Housing and Urban Development.

Senate Bill 51

Relating to a recodification of the mental health act.

By Legislative Council.

Read first time.

Referred to committee on Health and Social Services.

Senate Bill 52

Relating to community mental health, mental retardation, alcoholism and drug abuse services.

By Legislative Council.

Read first time.

Referred to committee on Health and Social Services.

Senate Bill 53

Relating to creating a mental retardation services board and changing the name of the colonies and training schools to mental retardation centers.

By Legislative Council.

Read first time.

Referred to committee on Health and Social Services.

Senate Bill 54

Relating to the probation system and liability for the costs of probation services and making an appropriation.

By Legislative Council.

Read first time.

Referred to committee on Health and Social Services.

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Senate Bill 55

Relating to establishing a joint survey committee on licensing and certification, and making an appropriation.

By Legislative Council.

Read first time.

Referred to committee on Judiciary.

Senate Bill 56

Relating to interstate sales and purchase of rifles and shotguns.

By Senator Swan.

Read first time.

Referred to committee on Natural Resources.

Senate Bill 57

Relating to publication of the names of delinquent juveniles.

By Senator Swan.

Read first time.

Referred to committee on Judiciary.

Senate Bill 58

Relating to agricultural classification of land for purposes of taxation.

By Senator Swan.

Read first time.

Referred to committee on Labor, Taxation, Insurance and Banking.

Senate Bill 59

Relating to increasing and distributing the appropriation for real property tax relief.

By Senator Lourigan.

Read first time.

Referred to committee on Labor, Taxation, Insurance and Banking.

Senate Bill 60

Relating to annual sessions of the legislature.

By joint committee on Legislative Organization.

Read first time.

Referred to joint committee on Legislative Organization.

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Senate Bill 61

Relating to dismissal of faculty members at public universities for certain convictions.

By Senator Soik; co-sponsored by Representative Sensenbrenner.

Read first time.

Referred to committee on Judiciary.

Senate Bill 62

Relating to including self-employed persons in employe benefit plans exempt from execution.

By Senator Soik; co-sponsored by Representative Sensenbrenner, by request of Attorney John A. Wittig.

Read first time.

Referred to committee on Labor, Taxation, Insurance and Banking.

Senate Bill 63

Relating to village boards of review.

By Senator Soik; co-sponsored by Representatives Sensenbrenner and Berger.

Read first time.

Referred to committee on Housing and Urban Development.

Senate Bill 64

An act to appropriate \$1,445.73 from the general fund to Linda Radtke to refund to her state inheritance taxes erroneously paid in that amount on the transfer of property from the estate of her deceased former husband, when such property was not subject to Wisconsin inheritance taxation.

By Senator Hollander; co-sponsored by Representative Wackett, by request of State Claims Board.

Read first time.

Referred to joint committee on Finance.

Senate Bill 65

An act to appropriate \$1,191.49 from the general fund to Marjorie F. Klein, executrix of the estate of Oliver F. Klein, deceased, to refund to her state inheritance taxes erroneously paid in that amount on the transfer of property not subject to Wisconsin inheritance taxation.

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By Senator Hollander; co-sponsored by Representative Wackett, by request of State Claims Board.

Read first time.

Referred to joint committee on Finance.

Senate Bill 66

Relating to one additional circuit court branch in the 22nd judicial circuit and one additional county court branch in Waukesha County.

By Senators Murphy and Devitt; co-sponsored by Representatives Shabaz, Alberts and Jackamonis.

Read first time.

Referred to committee on Judiciary.

Senate Bill 67

Relating to mandatory imprisonment for possession of a firearm in certain crimes.

By Senator Roseleip.

Read first time.

Referred to committee on Judiciary.

Senate Bill 68

Relating to state aids for elementary schools, revocation of common school tax authority and making an appropriation.

By Senators Lourigan, Martin, Lotto, Roseleip, Kendzior-ski and Krueger.

Read first time.

Referred to committee on Education.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 69

Relating to the governor's budget message to the legislature.

Introduction; Ayes, 14; Noes, 0.

WALTER G. HOLLANDER,
Chairman.

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The committee on Labor, Taxation, Insurance and Banking reports and recommends:

Senate Bill 20

Relating to income tax deadline for farmers.

Passage; Ayes, 5; Noes, 0.

GERALD D. LORGE,
Chairman.

PETITIONS AND COMMUNICATIONS

**Wisconsin Legislature
Senate Chamber
Madison**

January 19, 1971.

**Mr. William P. Nugent
Chief Clerk of the Senate
State Capitol
Madison, Wisconsin**

Dear Mr. Nugent:

Pursuant to the provisions of Section 13.52 (1) (a) of the Wisconsin Statutes, I hereby appoint Senator Nile W. Soik to be a member of the joint Survey committee on Tax Exemptions.

Very truly yours,

WALTER G. HOLLANDER,
Senate Chairman,
Joint Committee on Finance.

January 15, 1971.

**To the Honorable Patrick J. Lucey
and
Members of the 1971 Legislature**

Gentlemen: The Task Force on Welfare Payments created by Chapter 432, Laws of 1969, has completed its study of the state welfare program as required by Sec. 14.995, Wis. Stats.

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The Task Force is required to report to the Governor and the Legislature no later than January 15, 1971. The report has been completed, but has not been returned from the printer. I am informed that the Task Force Report will be available on or about January 21, 1971. At this time the report and the recommendations contained therein will be forwarded to you for your consideration.

Sincerely yours,

RAYMOND C. JOHNSON,
Chairman,
Task Force on Welfare Payments.

State of Wisconsin
Claims Board

April 27, 1970.

Mr. William P. Nugent
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Nugent: The State Claims Board is submitting this report to you in accordance with the provisions of Section 16.007 of the statutes covering claims heard by it.

The amounts recommended for payment under \$500 on claims included in this report have, therefore, under the provisions of the statutes, been paid directly by the Board. The Board will prepare the bills covering the claims over \$500 recommended for payment and submit them to the Joint Finance Committee for legislative introduction. This report is for the information of the Legislature.

The Claims Board will appreciate your acceptance of this report and the spreading of it upon the Journal to inform the members of the Legislature as to the nature of the type of claims which come before the Board for its consideration.

Sincerely,

DONALD STERLINSKE,
Secretary.

BEFORE THE CLAIMS BOARD OF WISCONSIN

Hearings were held at Madison, Wisconsin on September 24, 1969, December 8, 1969, March 2, 1970, March 3, 1970 upon the following claims:

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<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. Mary Borello -----	\$ 10,000.00
2. Benjamin W. Lehnigk -----	11,730.38
3. Jean Simmons -----	8.00
4. Gertrude Morton, Executrix of the Estate of H. H. Morton -----	100.00
5. Thomas Place -----	363.55
6. Thomas D. Jones -----	910.00
7. Midland Cooperatives Inc. -----	3,842.36
8. Lincoln National Life Ins. Company --	6,090.35
9. Harrison Paving Corp. -----	10,860.00
10. Streu Construction Co. -----	8,432.57
11. Charles Androski -----	14,239.50
12. Terrance N. Stolquist -----	266.99
13. Dodge Co. Sheriff's Dept. -----	492.60
14. Bliese & Peterson Scale & Food Machine	80.00
15. Mrs. Richard Patterson -----	1,544.00
16. Eugene H. Voss -----	10.00
17. Dominic H. Frinzi -----	5,440.00
18. Juleen Cink -----	25,000.00
19. Edward A. Cichosz -----	10.50
20. Philip Lambert -----	44.72
21. Agnes B. Steininger -----	70.75
22. Henry K. Ting -----	330.00
23. Dan Peterson, Martha Evans, Ronald Becker & David Becker -----	13,670.00
24. Mrs. John V. LaCrosse -----	129.17
25. Sister Helenette, O.S.B. -----	49.50
26. Mrs. Edith Olson Schreiber -----	300,000.00
27. Paul F. Aschenbauer -----	98.50
28. State Farm Mutual Automobile Ins. Company -----	4,442.50
29. Ralph Born -----	42.48
30. Frederick J. Berns -----	121.13
31. Irvin Cybela -----	856.64
32. General Casualty Company and Arthur Tuttle -----	1,351.23

THE BOARD FINDS

1. *Mary Borello*

Mary Borello claims \$10,000.00 as damages as a result of the rejection of her application for workmen's compensation benefits of the Industrial Commission of the State of

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Wisconsin. By order of May 23, 1950, the Industrial Commission dismissed the petition of the claimant upon a finding that the claimant had not sustained an injury in the nature of an occupational disease or other injury, and that any subsequent disability was due solely to a physical condition not caused or aggravated by her employment. The claimant alleges that the finding of the Commission was in error due to the fact that her employer, The Marathon Corporation, submitted for testing, solvents and cleaning fluids other than those with which the claimant had been working. The solvents and fluids submitted by the employer were found to be nontoxic, while the actual solvents and fluids with which claimant worked may have been toxic. However, at the time the claimant concluded that solvents and cleaning fluids other than those with which she had been working had been submitted, the time for appeal and review of the Industrial Commission's order had expired.

There seems to be no question but what the finding of the Industrial Commission was correct on the basis of the evidence submitted. Any negligence involved was that of the claimant's employer, The Marathon Corporation, and it was the claimant's responsibility to pursue her remedies against that organization. It should also be noted that Article VIII, Section 2 of the Wisconsin Constitution provides "* * * no appropriation shall be made for the payment of any claim against the state * * * unless filed within six years after the claim accrued." The claim is not therefore one which the State should pay.

2. Benjamin W. Lehnigk

Benjamin W. Lehnigk claims \$11,730.38 plus future medical expenses upon the failure of the Industrial Commission of the State of Wisconsin to make provision in its order of March 26, 1964, for future hospital and medical care. It appears that the claimant suffered a compensable injury on May 15, 1953, while employed by the State of Wisconsin as a watchman at the Wisconsin State School for Boys, Waukesha, Wisconsin. A hearing was held before the Industrial Commission of Wisconsin on March 9, 1964, to determine the issue of permanent disability of the claimant herein. At that time it was apparently the view of all parties that the condition of the claimant had stabilized to a point where

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such a finding could properly be made. It appears that subsequent to the finding of permanent disability by the Industrial Commission, the claimant's physical condition deteriorated further with resulting additional costs for institutionalization and care.

There has been no showing of negligence on the part of any employes of the State of Wisconsin and in view of the fact that the claimant has available Veterans Administration benefits, the claim is not one which, upon equitable principles, the State should assume and pay.

3. *Jean Simmons*

Jean Simmons an employe of the State of Wisconsin, claims \$8.00 for damage to her blouse caused when she caught the sleeve on the edge of a shelving unit which was apparently being stored temporarily in a hallway of the State Office Building, 1 West Wilson Street. It appears that the damage to the claimant's blouse resulted from her failure to use due care and was not caused by negligence of employes of the State of Wisconsin, and the claim is therefore not one which the State should, upon equitable principles, assume and pay.

4. *Gertrude Morton, Executrix of the Estate of H. H. Morton*

Gertrude Morton, Executrix of the Estate of H. H. Morton claims \$100.00 upon the overpayment of a filing fee to the Iowa County Register in probate with respect to the said estate. The error arose as the result of certain U. S. Savings Bonds being included in the inventory of said estate twice, thereby causing the inventory and appraisal in said estate to show a larger estate than was actually the case. It appears there is no way in which the Iowa County Register in Probate can return the overpayment made by the executrix and since 65% of said fees are paid by the county to the State, the State should upon equitable principles, pay to the claimant the sum of \$65.00 representing the State's share of said overpayment.

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5. *Thomas Place*

Thomas Place claims \$363.55 for damages to his automobile caused by a ward of the State of Wisconsin. The claimant was at the time director of McKinley House, a group home for adolescent boys operated by the Department of Health and Social Services. On June 6, 1969, one of the residents of the home took the claimant's vehicle without his permission and allowed a friend, Laurence Whitlow, who was then in the custody of the Department of Health and Social Services to drive the automobile. The vehicle was subsequently involved in a collision with another car sustaining the aforesaid damages. Inasmuch as the damage was caused by wards of the State of Wisconsin, the claim is one which the State should, upon equitable principles, assume and pay in the sum of \$200.00, which is determined to be the actual value of the automobile.

6. *Thomas D. Jones*

Thomas D. Jones claims \$910.00 for injuries to his person resulting from a slip and fall on ice at Wisconsin State University-Fond du Lac. As a result of the fall, the claimant sustained a broken elbow and incurred medical expense not covered by insurance in the sum of \$45.00. While the claimant makes a claim for other expenses related to his injury, this Board has long adhered to a policy of reimbursement of out-of-pocket medical expenses only, and the claim is therefore one which upon equitable principles should be allowed in the sum of \$45.00.

7. *Midland Cooperatives Inc.*

Midland Cooperatives Inc. claims \$3,842.36 for damages to its tractor-trailer unit and related costs as the result of an accident in which said tractor-trailer was involved at the Butte des Morts Bridge on U.S. Highway 41 in Winnebago County, Wisconsin. Highway construction was being carried on in the area in which the accident occurred and the claimant alleges that improper markings of a "cross-over" was the cause of the accident and damage to the vehicle.

Standards for the placing of signs to warn of construction areas and for the direction of traffic in such areas are

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promulgated by the Department of Transportation and the signs in the area in question were in conformity with those standards. It appears that the immediate cause of the damage to the claimant's vehicle was the negligence of the driver, and the claim is not therefore one which the State should assume and pay.

8. *Lincoln National Life Insurance Company*

Lincoln National Life Insurance Company claims \$6,090.35 on the alleged overpayment with respect to the confinement of Thomas C. Yukenberg, Jr. at the Mendota State Hospital. During the period March 1968 through January of 1969, the claimant had made payments to the Department of Collection and Deportation based on the weekly rates of \$179.69 up to July 1968 and \$194.25 subsequent thereto on behalf of the son of its insured, Thomas C. Yukenberg. Sec. 46.10 (14), Wis. Stats., provides that liability for per capita costs for care and maintenance of patients under twenty-one years of age at Mendota State Hospital shall be limited to \$60.00 per month. The provisions of the policy of the claimant under which payments were made provides for an exclusion as to "charges which, in the absence of this insurance, an insured would not legally be required to pay." Lincoln National Life Insurance Company now claims reimbursement of the overage paid by it through its misunderstanding of the Wisconsin law. The general rule as stated in Couch on Insurance (2), Vol. 18, page 364 is as follows: "An insurer is not entitled to recover a payment made by it under a mistake of law." and the claim is therefore not one which the State should assume and pay.

9. *Harrison Paving Corporation*

Harrison Paving Corporation claims \$10,860.00 as reimbursement of liquidated damages assessed against it by the Department of Transportation of the State of Wisconsin with respect to a highway construction project on the Marshfield-Stratford road during 1966 and 1968. Construction on the project was slowed through failures of a subcontractor of the claimant and a request for an extension of time by the claimant from the Department of Transpor-

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tation was denied. It appears that the claimant has recovered substantially the amount claimed in liquidated damages from its subcontractor who was basically the cause of the delay in completion of the project and the claim is not therefore one which the State, upon equitable principles, should assume and pay.

10. *Streu Construction Company*

Streu Construction Company claims \$8,432.57 for additional costs incurred in the completion of a highway paving project on U.S. Highway 141 in Sheboygan County, Wisconsin. The claimant alleges that delays beyond its control forced it to complete its paving operations in cold weather with additional costs related thereto of \$3,987.90 and was forced to pay additional wage and fringe benefits in the sum of \$4,444.67. A portion of the delay was in fact due to the failure of the grading contractor to complete preparation of the base as required prior to the laying of the pavement by the claimant and the Department of Transportation recovered against said grading contractor liquidated damages as a result of such delay. Due to the fact that part of the delay was clearly without the control of the claimant the State should, in good conscience, assume and pay to the claimant the sum of \$4,000.00 which is found to be the fair value of the extra expenses incurred by the claimant as the result of the failure of the grading contractor to complete its portion of the project within the time limit.

11. *Charles Androski*

Charles Androski claims \$14,239.50 for damages sustained upon the death of his brother Dennis, while said brother was an inmate in the Green Bay Reformatory. The death of Dennis Androski was caused by stab wounds inflicted by another inmate of the Reformatory, and while there is no showing of negligence on the part of agents or employes of the State of Wisconsin which in any way contributed to the death of the claimant's brother, the claim is one which the State should in good conscience assume and pay in the sum of \$1239.50 which sum represents actual funeral expenses and transportation of the claimant's brother from Green Bay, Wisconsin to Superior, Wisconsin.

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12. *Terrance N. Stolquist*

Terrance N. Stolquist claims \$266.99 as damages to his automobile as a result of a collision with a deer on Highway 48 northwest of Trade Lake, Wisconsin. There is no duty on the part of the State of Wisconsin to protect the right of way from intrusions by wildlife and the hazards of deer on the highway should be well-known to the motorists of the State of Wisconsin. The claim is therefore not one which, upon equitable principles the State should assume and pay.

13. *Dodge County Sheriff's Department*

Dodge County Sheriff's Department claims \$492.60 for rescue and patrol boat services maintained on Lake Sinnissippi at Hustisford, Wisconsin and Fox Lake at Fox Lake, Wisconsin. The Department had failed to submit its claim for aids to the Department of Natural Resources prior to December 1 as required by sec. 30.79 (5), Wis. Stats., and that agency therefore denied aids for the maintenance of patrol services. It appears that the failure to submit the claim for state aids in a timely manner was not due to the negligence of the Dodge County Sheriff's Department and the claim is therefore one which, upon equitable principles the State should assume and pay in the sum of \$492.60.

14. *Bliese & Peterson Scale & Food Machine*

Bliese & Peterson Scale & Food Machine claims \$80.00 for the costs of inspection of a scale owned by W. J. Spry and Sons of Chili, Wisconsin. The inspection of the scale by Bliese and Peterson was deemed necessary by Spry & Sons to determine whether the scale had sustained damage during testing by inspectors of the State Weights and Measures Division. While said state agents were testing the scale, a cable holding three 1000 pound test standards broke, dropping one of the 1000 pound weights on the Spry & Sons scale.

It was not unreasonable for Spry & Sons to believe that the scale might have been damaged by such treatment. In view of the fact that the suspected damage was caused by negligence of employes of the State of Wisconsin, the claim

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is one which, upon equitable principles, the State should assume and pay.

15. *Mrs. Richard Patterson*

Mrs. Richard Patterson claims \$1,544.00 as the result of an error by the Workmen's Compensation Division of the Department of Industry, Labor and Human Relations in awarding a claim for workmen's compensation upon the death of her husband Allen R. Eckart. In awarding the claim, the Workmen's Compensation Division based the amount of the award on the monthly salary which the deceased was receiving at the time of his death. Due to the fact that Mr. Eckart was, at the time of his death, under 27 years of age, the claim should have been based upon the maximum of his salary range. The Workmen's Compensation Division acknowledges that they erred in this regard and the claim is therefore one which the State should, upon equitable principles, assume and pay in the sum of \$1,544.00.

16. *Eugene H. Voss*

Eugene H. Voss claims \$10.00 for damages done to his slacks. The damage was sustained when the claimant in the course of his duties with the Wisconsin State Employment Service called upon the home of one Petro Rauhut. As the claimant approached the home of Mr. Rauhut, three small dogs were let out of the house, one of which attacked the claimant ripping his slacks beyond repair. In view of the fact that the claimant was in the scope of his employment at the time of the damage, the claim is one which the State should assume and pay.

17. *Dominic H. Frinzi*

Dominic H. Frinzi claims \$5,440.00 for services rendered to the State of Wisconsin in the prosecution of special proceedings under section 12.22, Wis. Stats. Attorney Frinzi had been appointed by the Honorable Robert J. Meich on April 30, 1968, in such proceedings and rendered services in the amount of \$6,095.70, of which \$655.70 was reimbursed by the State of Wisconsin.

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There is no question but what Attorney Frinzi was entitled to compensation in the amount claimed for the services which he rendered to the State. However, sec. 12.25, Wis. Stats., provides that special counsel appointed in proceedings under Chapter 12 shall receive reasonable compensation, not to exceed \$25.00 per day for time actually spent in conducting the proceedings in the trial court and not to exceed \$10.00 per day for time spent in preparation therefor.

While it is unfortunate that the aforementioned section has not been revised to provide compensation which bear some relationship to current bar rates, such a revision is not within the province of this Board and the claim is therefore one which should be denied.

18. *Juleen Cink*

Juleen Cink claims \$25,000.00 for injuries to her person sustained at the Olympic Skating Rink at the State Fair Park, West Allis, Wisconsin. At the time Miss Cink was injured she was a member of a figure skating class being conducted on the rink by a private organization. While so engaged, she was struck and knocked down by another skater. At the time she was struck the claimant was not within the area set aside for figure skating practice and she should therefore have kept a lookout for other skaters. There is no showing of any negligence on the part of state employes in their supervision of the skating activities on the rink at the time the claimant was injured nor is there any showing that the individual who struck the claimant was skating at an excessive speed. The claim is therefore not one which the State should, in good conscience, assume and pay.

19. *Edward A. Cichosz*

Edward A. Cichosz claims \$10.50 for damages to his automobile while parked in parking area 41 while the claimant was a patient in University Hospitals. It appears that vandals broke the antenna from the claimant's vehicle while it was so parked, and in view of fact that the claimant had paid storage charges to the University and was entitled to

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rely upon that agency to insure the safety of his vehicle, the claim is one which, upon equitable principles, the State should assume and pay.

20. *Philip Lambert*

Philip Lambert claims \$44.72 for damages to his automobile while parked in front of the University Hospital. While his vehicle was so parked, an attendant in the employ of the University backed another car into the claimant's vehicle. The damage was occasioned by the negligence of employes of the State of Wisconsin and the claim is one which the State should assume and pay.

21. *Agnes B. Steininger*

Agnes B. Steininger claims \$70.75 for injuries to her person sustained in a parking lot of the University of Wisconsin-Milwaukee. Claimant was injured when she tripped and fell over a parking barrier covered with snow while she was crossing the parking lot. The area in which the claimant fell was at the time well lighted and the barrier over which claimant tripped was of the sort one should expect to find in a parking lot. Further, the claimant elected to cut across the lot rather than using the walkways provided. The claim is therefore not one which the State should, upon equitable principles, assume and pay.

22. *Henry K. Ting*

Henry K. Ting claims \$330.00 for items of personal property taken from his room in the University residence halls. Mr. Ting points out that shortly before the theft from his room, some 500 keys had been lost by the University residence halls. The claimant apparently takes the position that the loss of said keys was related to the theft from his room and that the University is therefore responsible. It appears, however, that the 500 keys which had been lost by the residence halls were blank keys and there is no showing that these keys were in any way involved in the theft of the claimant's property. There is further no showing of negligence on the part of employes of the University of Wisconsin and the claim is not therefore one which the State should, in good conscience, assume and pay.

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23. *Dan Peterson, Martha Evans, Ronald Becker and David Becker*

Dan Peterson, Martha Evans, Ronald Becker & David Becker individually and as member of the Stone Rock Festival Concert organizing committee, an unincorporated business association, claim \$13,670.00 as damages resulting from an alleged breach of contract by the University of Wisconsin-Milwaukee Student Union. On August 29, 1969, the University of Wisconsin-Milwaukee Student Union entered into a contract with a Mr. Dan Peterson and Miss Martha Evans, students of the University of Wisconsin-Milwaukee for the use of facilities of the Student Union for the purpose of holding a "Stone Rock Festival Concert." It was subsequently determined by officials of the University of Wisconsin-Milwaukee that Mr. Peterson and Miss Evans were not the actual parties in interest with respect to the proposed festival concert but had merely executed the contract due to the fact that the actual parties in interest, Mr. Ronald Becker and Mr. David Becker, were not students of the University of Wisconsin-Milwaukee and were not therefore entitled to the use of the premises sought. It further appeared from publicity issued by the individuals involved in the "festival" that they were intending to produce something other than a concert. On the basis of misrepresentations by the claimants as set forth above, the Student Union held the contract void and of no effect. The action of the Union in voiding the contract on the basis that said contract was not entered into in good faith was proper and the claim is not one which, upon equitable principles, the State should assume and pay.

24. *Mrs. John V. La Crosse*

Mrs. John V. La Crosse claims \$129.17 for damages to her automobile which occurred December 2, 1969, at the Wisconsin Home for Women at Taycheedah. The damage was caused when the vehicle of Mrs. La Crosse was struck by an electrically operated gate at the entrance to the grounds of the institution. In view of the fact that the damage to the claimant's automobile was the result of an error on the part of an employe of the State of Wisconsin in operating the gate, the claim is one which the State should in good conscience, assume and pay in the sum of \$129.17.

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25. *Sister Helenette, O.S.B.*

Sister Helenette, O.S.B. claims \$49.50 as damages to her eye glasses caused by a patient at the Northern Wisconsin Colony and Training School. The claimant is a volunteer worker at that institution and was returning patients from a music therapy session when one of the patients grabbed her glasses and threw them to the floor, damaging the lenses and frame. Due to the fact that the claimant is a volunteer, the damage is not covered under sec. 46.062, Wis. Stats., as would have been the case if she had been an employe of the institution. The claim is therefore one which the State should, upon equitable principles, assume and pay.

26. *Mrs. Edith Olson Schreiber*

Mrs. Edith Olson Schreiber claims \$300,000.00 for damage to her reputation and potential career due to her alleged wrongful detention at the Mendota State Hospital. An examination of the record relating to the claimant's commitment to Mendota State Hospital shows no irregularities. Further, this Board is not in a position to substitute its judgment for that of the Court or the psychiatrists who examined the claimant while she was confined in the State Hospital. The claim is therefore not one which the State should, in good conscience, assume and pay.

27. *Paul F. Aschenbauer*

Paul F. Aschenbauer claims \$98.50 for the loss of a typewriter taken from his room in the residence halls at Wisconsin State University-Menomonie. The claimant's room was unlocked by employes of the University during the 1968 Christmas vacation to permit repairmen to enter the room. When the claimant returned from the holiday recess, he discovered that his typewriter had been taken. Due to the fact that the claimant's loss was the result of negligence of employes of the State of Wisconsin in not taking proper precautions to safeguard the claimant's property, having unlocked his room in his absence, the claim is one which the State should, in good conscience, assume and pay.

28. *State Farm Mutual Automobile Insurance Company*

State Farm Mutual Automobile Insurance Company claims \$4,422.50 upon the death of Ann Marie Heibl, a pas-

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senger in an automobile insured by the claimant. The vehicle in which Ann Marie Heibl was riding was struck by a Soo Line Railroad freight train while traveling on County Trunk Highway F in the Village of Silver Lake, Wisconsin. Claimant alleges that the cause of the accident was the failure of the Public Service Commission of the State of Wisconsin to post proper warning signs and to provide for the removal of shrubbery and other growth which obscured vision along the railroad track.

There is no statutory duty for the Public Service Commission to provide warning signs at railroad crossings nor does the Commission have a duty to insure the removal of growth in the area of railroad crossings. Rather, such burden is upon the railroad to provide for statutory warning signs and to maintain adequate visibility in the area of the railroad crossing. Upon petition, the Public Service Commission may hold hearings and make findings that additional warning signs or signals are necessary at a railroad crossing and may, in addition, commence actions to insure removal of growth in the crossing area. In view of the fact that the Public Service Commission has no obligation to survey each railroad crossing in the state and conduct hearings and make findings on its own motion, failure to properly maintain the crossing in question cannot be attributed to the negligence of employes of the State of Wisconsin, and the claim is therefore not one which the State should assume and pay.

29. *Ralph Born*

Ralph Born claims \$42.48 for damages to his automobile resulting from a collision with a National Guard vehicle at the intersection of Highway 23 and Main Street in the city of Fond du Lac. The collision occurred when the claimant slowed his vehicle to make a turn from Highway 23 onto Main Street and was struck from behind by the National Guard vehicle. Inasmuch as the damages to the claimant's vehicle appeared to have been caused by negligence of employes or agents of the State of Wisconsin, the claim is one which the State should assume and pay.

30. *Frederick J. Berns*

Frederick J. Berns claims \$121.13 for damages to his automobile as the result of being struck by a tractor-trailer

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unit owned and operated by the Wisconsin National Guard. At the time the claimant's vehicle was struck, it was parked in the parking lot of the Prairie du Chien Armory while the claimant was attending the National Guard meeting. Damage to the claimant's automobile appears to have been caused by negligence of the operator of the tractor-trailer unit and the State should compensate the claimant in the sum of \$50.00, said amount being the damages not covered by claimant's insurance.

31. *Irvin Cybela*

Irvin Cybela claims \$856.64 for injuries to his person as a result of a helicopter accident on April 26, 1968. The claimant's brother is a helicopter pilot with Wisconsin National Guard and was giving his brother a ride in the helicopter at the time of the crash. The helicopter pilot was not authorized to take civilian passengers in his helicopter nor was he authorized to land the helicopter in the area where he picked up his brother. In view of the pilot's deviation from standing orders of the Guard Unit which operates the helicopters in taking his brother as a passenger, the State should not assume liability for his negligence which resulted in the injuries of the claimant.

32. *General Casualty Company and Arthur Tuttle*

General Casualty Company and Arthur Tuttle claim \$1,351.23 for damages to the vehicle owned by Mr. Tuttle as a result of a collision between that vehicle and a National Guard jeep. Immediately prior to the accident, the jeep had dropped a piece of equipment on the highway and was making a Y turn in order to return and recover the equipment. As the National Guard vehicle was in the process of making its turn, its engine stalled leaving the jeep across the lane of oncoming traffic. One of the guardsmen in the jeep immediately got out and proceeded approximately one hundred feet up the highway to warn oncoming vehicles. The vehicle driven by Mr. Tuttle approached and, in spite of the efforts of the guardsman to signal the Tuttle vehicle with a flashlight, the Tuttle vehicle struck the guardsman and continued on striking the National Guard jeep. It appears that the claimant, Tuttle, was more negli-

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gent than the National Guard personnel with respect to this accident, and the claim is therefore not one which the State should assume and pay.

THE BOARD CONCLUDES:

1. The claims of the following named claimants should be denied:

Mary Borello
Benjamin W. Lehnigk
Jean Simmons
Midland Cooperatives Inc.
Lincoln National Life Insurance Company
Harrison Paving Corporation
Terrance N. Stolquist
Dominic H. Frinzi
Juleen Cink
Agnes B. Steininger
Henry K. Ting
Dan Peterson, Martha Evans, Ronald Becker and David
Becker
Mrs. Edith Olson Schreiber
State Farm Mutual Automobile Insurance Company
Irvin Cybela
General Casualty Company and Arthur Tuttle

2. Payment to the following claimants in the following amounts is justified under provisions of section 16.007, Wis. Stats.:

Gertrude Morton, Executrix of the Estate of
H. H. Morton ----- \$ 65.00
Thomas Place ----- 200.00
Thomas D. Jones ----- 45.00
Streu Construction Company ----- 4,000.00
Charles Androski ----- 1,239.50
Dodge County Sheriff's Department ----- 492.60
Bliese & Peterson Scale & Food Machine ---- 80.00
Mrs. Richard Patterson ----- 1,544.00
Eugene H. Voss ----- 10.00
Edward A. Cichosz ----- 10.50
Philip Lambert ----- 44.72
Mrs. John V. La Crosse ----- 129.17

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Sister Helenette, O.S.B. -----	49.50
Paul F. Aschenbauer -----	98.50
Ralph Born -----	42.48
Frederick J. Berns -----	50.00
Dated at Madison, Wisconsin this 21st day of April, 1970.	

WALTER G. HOLLANDER,
Chairman, Senate Committee on
Finance.

BYRON F. WACKETT,
Assembly Committee on Finance.

DONALD J. STERLINSKE,
Representative of Commissioner of
Administration.

RICHARD R. MALMGREN,
Representative of Governor.

DAVID G. McMILLAN,
Representative of Attorney General.

State of Wisconsin
Claims Board

July 29, 1970.

Mr. William P. Nugent
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Nugent: The State Claims Board is submitting these reports to you in accordance with the provisions of Section 16.007 of the statutes covering claims heard by it.

The amounts recommended for payment under \$500 on claims included in these reports have, therefore, under the provisions of the statutes, been paid directly by the Board. The Board will prepare the bill covering the claim over \$500 recommended for payment and submit it to the joint committee on Finance for legislative introduction. These reports are for the information of the Legislature.

The Claims Board will appreciate your acceptance of these reports and the spreading of them upon the Journal to inform the members of the Legislature as to the nature

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of the types of claims which come before the Board for its consideration.

Sincerely,

DONALD STERLINSKE,
Secretary.

BEFORE THE CLAIMS BOARD
OF WISCONSIN

Hearings were held at Madison, Wisconsin on June 2, 1970 and June 3, 1970 upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. John H. Ames -----	\$ 488.80
2. Joseph Bartoszewicz -----	88.98
3. James E. Baugh -----	49.66
4. William R. Larson -----	32.68
5. Kenneth Schmaus -----	12.95
6. Rudy J. Underkofler -----	205.00
7. Susan Winters -----	60.50
8. Irving France -----	1,890.00
9. The Town of Geneva -----	1,208.34
10. Phillip Faulkner -----	317.15
11. Arland Herreid -----	37.26
12. Paul Wm. Ebbe -----	160.74
13. Miss Helen Cavins -----	41.75
14. American Family Mutual Ins. Co. ----	133.70
15. Ardis M. Ballentine -----	56.00
16. Mrs. Lulu Whitehead -----	58.25
17. Mr. & Mrs. Joseph Zack -----	700.00
18. Hazel Lentz -----	200,000.00
19. Mrs. Barbara Zutz -----	70.00
20. Gerald J. Bilda -----	280.44
21. Norman Wuorinen -----	105,000.00
22. Shirley Felice -----	36,589.35
23. Grace Kwasigroch -----	1,500.00
24. Lawrence J. Ryan -----	1,740.91
25. Valley Supper Club -----	496.76

THE BOARD FINDS

1. *John H. Ames*

John H. Ames, attorney at law, claims \$488.80 for legal services rendered and disbursements advanced in the de-

fense of Lester D. Zebell and Herman Rosenau, employes of the State of Wisconsin. The defense of these employes was made necessary when an action was commenced in the Circuit Court of Milwaukee County naming Zebell and Rosenau together with the State of Wisconsin alleging negligence on the part of said defendants resulting in injuries to the plaintiff, one Thomas C. Townsend. The defense of Zebell and Rosenau was undertaken by the claimant at the request of the Attorney General's office due to the potential conflict inasmuch as the Attorney General was representing the State of Wisconsin, defendant, in the same law suit. Upon the dismissal of the State of Wisconsin as a party defendant, the Attorney General was substituted as the attorney for the named employes and took over their defense. Had the claimant continued to represent the employes of the State through final judgment, the State would have been obligated to pay reasonable attorney's fees and costs of defending such action under sec. 270.58, Wis. Stats., unless there were a finding that the employes had not been acting in good faith. There is no allegation that employes were not acting in good faith, and the claimant should therefore be compensated for the legal services rendered and disbursements advanced in the sum of \$488.80.

2. Joseph Bartoscewicz

Joseph Bartoscewicz claims \$88.98 as the value of personal items stolen from a locker at Bakerfield House, University of Wisconsin-Milwaukee while the claimant was using the gymnasium facilities of the fieldhouse. The University of Wisconsin-Milwaukee does not represent to individuals using the facilities of the fieldhouse that any security other than the lockers is provided for personal possessions left in the locker room. There is, therefore, no negligence on the part of employes of the State of Wisconsin and the claim is not one which the State should assume and pay.

3. James E. Baugh

James E. Baugh claims \$49.66 for damages to his automobile alleged to have occurred in the Murray Street Parking Lot on December 22, 1969. Attendants in the University

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parking lots are instructed to report any damages caused to automobiles parked in the lot. Experience has indicated that these attendants do so report any damage, and inasmuch as the claimant did not report the damage to his vehicle immediately, it is reasonable to assume the damage may have occurred elsewhere. The claim is, therefore, not one which the State should assume and pay.

4. *William R. Larson*

William R. Larson claims \$32.68 for damage to his automobile which occurred in University Hospitals Parking Lot No. 20. The attendant of that lot reported that he damaged the vehicle in the course of moving it to a different area of the parking lot and the claim is therefore one which the State should assume and pay.

5. *Kenneth Schmaus*

Kenneth Schmaus claims \$12.95 for loss of a Timex wrist-watch. The loss occurred on February 19, 1970, while the claimant was acting as a stair guard on the east stairs of the Wisconsin Union. The claimant was knocked to the floor and his watch torn from his wrist when a crowd rushed up the stairs trying to get to a program in Great Hall. Inasmuch as the loss occurred as a result of a situation beyond what the claimant might normally be expected to encounter in his employment, the State should, upon equitable principles, assume and pay the amount of \$7.50 which is found to be the depreciated value of the claimant's watch.

6. *Rudy J. Underkofler*

Rudy J. Underkofler claims \$205.00 for items of personal property stolen from his locker in Bakerfield House on the University of Wisconsin-Milwaukee Campus. The University of Wisconsin-Milwaukee does not hold itself out as providing any security for personal property left in the lockers of Bakerfield House other than the lockers provided for the convenience of those individuals utilizing the facilities of the fieldhouse. Inasmuch as there is no showing of negligence on the part of any state employe which may have contributed to the loss of the property of the claimant, the claim is not one which the State should assume and pay.

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7. *Susan Winters*

Susan Winters, a nursing assistant at University Hospitals, Madison, Wisconsin claims \$60.50 for damage to her eye glasses. The damage was sustained while she was attempting to feed a mentally retarded patient who knocked the glasses from her face to the floor. The claimant has failed to provide adequate evidence to support the claim for replacement of said eye glasses and the claim is, therefore, not one which the State should assume and pay.

8. *Irving France*

Irving France claims \$1,890.00 as overpayment of tuition to the University of Wisconsin on behalf of his son Dennis for the second semester of the 1965-66 school year, the 1966-67 school year and the 1967-68 school year. Claimant was charged and paid out-of-state tuition for his son during the periods in question and now contends he was in fact a resident during the entire period. The University had previously advised Mr. France as to the rules relating to residency for tuition purposes at the University of Wisconsin and had requested that Mr. France provide the University with information as would permit the registrar to determine the status of claimant's son for tuition purposes. Inasmuch as Mr. France did not avail himself of the opportunity provided by the University to clarify the status of his son for tuition purposes at that time, the claim is not one which the State, upon equitable principles, should assume and pay.

9. *The Town of Geneva*

The Town of Geneva claims \$1,208.34 for maintenance of a water safety patrol on Lake Como in the Town of Geneva, Walworth County, Wisconsin during the year 1969. Payment of such amount for a given year is authorized by sec. 30.79 (5), Wis. Stats., provided the Town files their application for such state aid with the Department of Natural Resources prior to December 1 of the year in which the expenditures for the water safety patrol were made. Due to internal problems, the application of the Town of Geneva was not filed with the Department of Natural Resources until December 10, 1969. Inasmuch as the late filing was not due to any negligence on the part of employes of the Town

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of Geneva, the claim is one which, upon equitable principles, the State should assume and pay in the sum of \$1,208.34, said amount representing 75% of the cost to the municipality for providing a water patrol on Lake Geneva less fines collected by said patrol.

10. *Phillip Faulkner*

Phillip Faulkner claims \$317.15 for the overpayment of inheritance tax in the estate of Jack C. Reitan. The overpayment resulted from the inclusion of certain property in the estate of Reitan as having been owned in joint tenancy with Phillip Faulkner. The property was actually owned as a tenancy in common and the portion assigned to Phillip Faulkner actually descended to the heirs of the deceased. Due to the fact that the attorney who probated the Reitan estate is no longer living, the claimant has no recourse for recovery of the overpayment. Further, though the Department of Taxation of the State of Wisconsin recognizes that error was made, said Department has no authority to make refunds of erroneous overpayments in this instance. The claim is therefore one which the State, upon equitable principles, should assume and pay.

11. *Arland Herreid*

Arland Herreid claims \$37.26 as refund of motor fuel tax paid. The refund check issued to the claimant November 12, 1958, was subsequently lost and only recently discovered by the claimant. Due to the lapse of time the treasury is unable to reissue said check. However, the claim is one which the State should, in good conscience, assume and pay.

12. *Paul Wm. Ebbe*

Paul Wm. Ebbe claims \$160.74 for medical bills incurred as a result of injuries which the claimant sustained while attempting to save records during a fire in Old Main at Wisconsin State University-Whitewater on February 2, 1970. At the time of his injury the claimant was acting in the interests of the State of Wisconsin and the state should pay \$47.90, which represents those medical expenses not covered by insurance.

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13. *Miss Helen Cavins*

Miss Helen Cavins claims \$41.75 for medical bills incurred as a result of a slip and fall on the campus of Wisconsin State University-Oshkosh. It appears that said sum has already been paid to the claimant and the claim has, therefore, been withdrawn.

14. *American Family Mutual Insurance Company*

American Family Mutual Insurance Company claims \$133.70 by way of subrogation of its insured, Ronald E. Carlson. On January 5, 1970, two minors eloped from Mendota State Hospital and stole a vehicle owned by the insured, causing damage thereto in the amount of \$133.70. While the minors involved were wards of the State of Wisconsin, they were no longer under control of the State having then left the confines of Mendota State Hospital. Further, it should be noted that the owner of the vehicle had left the keys in the ignition and must be seen to have contributed to the ensuing event. The claim is therefore not one which the State should assume and pay.

15. *Ardis M. Ballentine*

Ardis M. Ballentine claims \$56.00 for medical expenses incurred as a result of a slip and fall on the steps of Goodland Hall at Mendota State Hospital. At the time of the accident the steps were covered with snow which had accumulated as a result of constant snowfall for approximately 12 hours prior to the time the claimant was injured. While there is no showing of negligence on the part of employees of the State of Wisconsin in failing to keep the steps clear, the claim is one which the State, upon equitable principles, should assume and pay in the sum of \$56.00.

16. *Mrs. Lulu Whitehead*

Mrs. Lulu Whitehead claims \$58.25 as the cost of long distance phone calls made by her foster daughter, Vivian Miller. The calls were made from the Whitehead home while the foster parent was on the premises, however, the foster daughter alleged that said calls were being made collect.

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While the foster child is a ward of the State, the foster parents must share responsibility for the control of the child while in their home. The claim is therefore awarded, on equitable principles, in the amount of \$29.00.

17. *Mr. and Mrs. Joseph Zack*

Mr. and Mrs. Joseph Zack claim \$700.00 for injury to a cow caused by their foster child, David Dardine. The injury to the cow was occasioned by the failure of the foster child to obey instructions of his foster father to clear cows from the aisle entering the pole bar barn prior to backing the tractor into said barn. As a result, the foster child drove the tractor over the rear quarter of a six-year Holstein cow, injuring the animal to the extent that it subsequently had to be destroyed. The responsibility for the supervision of the foster child in his chores must, in part, rest with the foster parents. However, the State should, upon equitable principles, pay to the foster parents the sum of \$350.00 since there was negligence on the part of the foster child.

18. *Hazel Lentz*

Hazel Lentz claims \$200,000.00 for her arrest and commitment in Winnebago State Hospital April 13, 1964 to November 9, 1964. Mrs. Lentz bases her claim upon the manner of her arrest and commitment and upon the manner of treatment by physicians at the Winnebago State Hospital.

Arrest and commitment were performed by county officers, not by employes of the State of Wisconsin and the State bears no responsibility for the actions of such county officers. As to the treatment afforded Mrs. Lentz by physicians at Winnebago State Hospital, the Board is not in a position to substitute its judgment for that of the treating physician. Inasmuch as there is no showing of negligence on the part of employes of the State, the claim is not one which the State should assume and pay.

19. *Mrs. Barbara Zutz*

Mrs. Barbara Zutz claims \$70.00 for damage to her washing machine caused by her foster child Cheyenne Schultz.

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Mr. and Mrs. Zutz operate a home for foster children and at the time of the incident had four foster children living in the home along with her own seven children. Damage to the washing machine resulted when the foster child overloaded the washer causing the motor to burn out. Since the damage to the machine was, in part, caused by a ward of the State, the State should, upon equitable principles, assume and pay to the claimant the sum of \$25.00. Inasmuch as the machine was second-hand when purchased several years ago and a portion of the failure must be regarded as normal depreciation.

20. *Gerald J. Bilda*

Gerald J. Bilda claims \$280.44 as cost of retaining an attorney to defend him in a law suit commenced against him as a result of an accident in which he was involved as a driver of a National Guard vehicle. Mr. Bilda found it necessary to retain private counsel as a result of a question as to whether the federal government or state government should defend him in his capacity as a technician with the National Guard. It was subsequently determined that the Attorney General of the State of Wisconsin had the responsibility of defending the claimant and the Attorney General was substituted as his attorney. Due to the fact that the State of Wisconsin is obligated to pay attorney's fees for defense of employes where an action is commenced against such employe as a result of alleged negligence while in the scope of his occupation where the employe is found to be in good faith, the claim for attorney's fees for representation prior to assumption of the law suit by the Attorney General should, upon equitable principles, be assumed by the State of Wisconsin.

21. *Norman Wuorinen*

Norman Wuorinen as co-administrator of the estate of Frank F. Wuorinen, deceased, and as general guardian of Keith M. Wuorinen, Clinton F. Wuorinen, Lisa Wuorinen, Jeffrey A. Wuorinen, Laura Wuorinen, and Jenifer Wuorinen, minors, claims \$105,000.00 upon the death of Frank M. Wuorinen and Judith Ann Wuorinen. Mr. and Mrs. Wuorinen were passengers in an automobile owned and operated by one Wesley J. Felice when it was involved in a

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collision with an automobile operated by Walter R. Semenok on July 25, 1969 at the intersection of State Highways 13 and 73 and Highway 80 near Pittsville, Wood County, Wisconsin. At the time of the accident Walter R. Semenok was a member of the Wisconsin Army National Guard on active duty attending the annual field training at Camp McCoy, Wisconsin. While Mr. Semenok's orders required him to proceed from his home to Camp McCoy and return by military convoy, it appears that he had brought his personal automobile to the camp and was in the process of returning home by personal vehicle without being so authorized to proceed. At the time of the accident Mr. Semenok was not therefore within the scope of his duty and the claim is not one which the State should, in good conscience, assume and pay.

22. *Shirley Felice*

Shirley Felice claims \$36,589.35 upon the death of her husband Wesley J. Felice who was killed in the auto accident described in the above claim. As indicated above, the driver of the other vehicle, Walter R. Semenok was not within the scope of his duty with the National Guard at the time of the accident and the claim is not one, therefore, which the State should assume and pay.

23. *Grace Kwasigroch*

Grace Kwasigroch claims \$1,500.00 for damages related to an injury which she sustained due to a fall on the grounds of the Wisconsin Exposition Park at West Allis, Wisconsin. The claimant slipped and fell as she exited from a restroom on the Exposition grounds sustaining an injury to her left leg. Inasmuch as there is no evidence of any defect on the grounds nor any negligence of an employe of the State which may have contributed to the slip and fall, the claim is not one which the State should assume and pay.

24. *Lawrence J. Ryan*

Lawrence J. Ryan claims \$1,740.91 for injuries which he sustained as a result of the collapse of a heating duct during the Midwest Flower and Garden Show at the Wis-

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consin Exposition Center, West Allis, Wisconsin. As indicated in the previous claim, it is the position of the State that such injury is covered by insurance obtained by the Midwest Flower and Garden Show, and the claim is not therefore one which the State should assume and pay.

25. *Valley Supper Club*

Valley Supper Club claims \$496.76 for damage to the landscaping surrounding the Supper Club as a result of diversion of water over the property of the claimant by the State Highway Commission during work on a roadway abutting property of the claimant. It appears that the damage was the result of negligence of the employes of the State of Wisconsin in diverting the water over the property of the claimant, and the claim is therefore one which the State should assume and pay.

THE BOARD CONCLUDES

1. The claims of the following named claimants should be denied:

Joseph Bartoszewicz
James E. Baugh
Rudy J. Underkofler
Susan Winters
Irving France
Miss Helen Cavins
American Family Mutual Insurance Company
Hazel Lentz
Norman Wuorinen
Shirley Felice
Grace Kwasigroch
Lawrence J. Ryan

2. That payment to the following claimants in the following amounts is justified under provisions of section 16.007, Wis. Stats.:

John H. Ames -----	\$ 488.80
William R. Larson -----	32.68
Kenneth Schmaus -----	7.50

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The Town of Geneva	1,208.34
Phillip Faulkner	317.15
Arland Herreid	37.26
Paul Wm. Ebbe	47.90
Ardis M. Ballentine	56.00
Mrs. Lulu Whitehead	29.00
Mr. & Mrs. Joseph Zack	350.00
Gerald J. Bilda	280.44
Valley Supper Club	496.76
Mrs. Barbara Zutz	25.00

BEFORE THE CLAIMS BOARD
OF WISCONSIN

Hearings were held at Madison, Wisconsin on March 2, 1970 and June 3, 1970 upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. Jack Zaichick	\$ 12.50
2. Joan Kumm	13.50
3. Beverly Walczak	22.50
4. Mrs. Vera J. Bush	25.00
5. Cynthia Klevesahl	28.00
6. Sandra Heling	34.15
7. Byron DeFries	35.00
8. Mr. & Mrs. Lanny Neider & child	56.00
9. Terrance Hensler	76.40
10. Myron H. Freedman	88.60
11. Evelyn Schechter	200.00
12. Mrs. Therese Langrehr	315.14
13. Estelle Aronson	450.00
14. Scarpace family: Vincent	32.80
Lorraine	313.00
Mrs. Frank Kumm	40.00
Debra	90.00
15. Herman J. Nabak	62.00
16. Walter LeTendre	151.90
17. Paul Anton	1,225.00
18. Barbara Cervantes	176.00
19. Guild: Mary	12.50
Barbara	12.50
Belle	12.50

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20. Jos. Bingen family: Sandra -----	99.50
Kim -----	37.50
Michael -----	37.50
21. Robert J. Miersma -----	37.90
22. John & Margaret Pope -----	30.00
23. Richard Shoudy -----	305.59

THE BOARD FINDS

The above named claimants have submitted claims in the stated amounts for losses and medical expenses related to injuries sustained August 11, 1969 when high winds struck the Wisconsin State Fair at the Exposition Center, West Allis, Wisconsin. The winds which struck suddenly with tornado force knocked down two large tents erected by the Danville Tent Company of Danville, Illinois. Many of the fair-goers in the tents were struck by falling poles; others were knocked to the ground as the tents collapsed or were struck by flying debris carried by the high winds. The suddenness with which the storm struck prevented the fair administration from providing any warning to individuals on the grounds. Further, inasmuch as the tents which caused most of the injury were not erected by employes of the State of Wisconsin, there can be no negligence attributed to such employes. However, as to those individuals who were invitees of the State of Wisconsin, having paid an admission to attend the State Fair, the State should, upon equitable principles, assume and pay that portion of the claim of each such individual which represents emergency conveyance, hospital and medical bills including the cost of replacement of lost eyeglasses. As to exhibitors on the ground who sustained business losses as a result of the storm, such losses must be regarded as a hazard of doing business as would be insured against by the normally prudent businessman.

THE BOARD CONCLUDES:

1. The claims of the following named claimants should be denied:

Herman J. Nabak
Walter LeTendre
Paul Anton

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2. That payment to the following claimants in the following amounts is justified under provisions of section 15.94, Wis. Stats.:

Jack Zaichick -----	\$ 12.50
Joan Kumm -----	13.50
Beverly Walczak -----	22.50
Mrs. Vera J. Bush -----	25.00
Cynthia Klevesahl -----	28.00
Sandra Heling -----	34.15
Byron DeFries -----	35.00
Mr. & Mrs. Lanny Neider & child -----	37.00
Terrance Hensler -----	76.40
Myron H. Freedman -----	73.00
Evelyn Schechter -----	200.00
Mrs. Therese Langrehr -----	45.74
Estelle Aronson -----	90.50
Scarpace: Vincent -----	32.80
Lorraine -----	187.00
Mrs. Frank Kumm -----	40.00
Debra -----	90.00
Barbara Cervantes -----	176.00
Guild: Mary -----	12.50
Barbara -----	12.50
Belle -----	12.50
Jos. Bingen family: Sandra -----	99.50
Kim -----	37.50
Michael -----	37.50
Robert J. Miersma -----	37.90
John & Margaret Pope -----	30.00
Richard Shoudy -----	9.14

Dated at Madison, Wisconsin, this 15th day of July, 1970.

WALTER G. HOLLANDER,
Chairman, Senate Committee
on Finance.

BYRON WACKETT,
Chairman, Assembly Committee
on Finance.

DONALD J. STERLINSKE,
Representative of Commissioner
of Administration.

RICHARD R. MALMGREN,
Representative of Governor.

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DAVID G. McMILLAN,
Representative of Attorney General.

State of Wisconsin
Claims Board

July 29, 1970.

Mr. William P. Nugent
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Nugent: The State Claims Board is submitting the attached report to you covering claims related to the payment by the State of special charges for extraordinary police services.

The amounts recommended for payment have, therefore, under the provisions of s. 16.008 of the statutes (Chapter 374, Laws of 1969) been paid directly by the Board.

This report is for the information of the Legislature.

Sincerely,

DONALD STERLINSKE,
Secretary.

BEFORE THE CLAIMS BOARD OF WISCONSIN

Hearings were held at Madison, Wisconsin June 24, 1970 upon the following statements of charges submitted to the Board on behalf of the following municipalities for extraordinary police services provided at the request of the Director of the State Universities or his designee.

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. City of Stevens Point -----	\$ 2,457.44
2. Portage County -----	4,309.16
3. Walworth County -----	20,185.32
4. Dane County -----	4,147.41
5. City of Lake Geneva -----	130.63
6. City of Watertown -----	245.70

THE BOARD FINDS

Cambodia-Kent Incident—WSU—Stevens Point

The statements submitted by the city of Stevens Point and Portage County represent costs of extraordinary police services on the campus of Wisconsin State University-Stevens Point May 6 through 9, 1970 and May 20, 1970. During the week of May 4, 1970 following the movement of U.S. troops into Cambodia and the deaths of four students on the campus of Kent State University, events occurred on the campus of the Wisconsin State University-Stevens Point which threatened to become a civil disturbance of major proportions. In order to avert property damage or injury to individuals on the campus, President Dreyfus requested police assistance from the city of Stevens Point and Portage County. Again on May 20, 1970, it was necessary for President Dreyfus to request police assistance from the city of Stevens Point to control protest groups threatening to disrupt an ROTC awards review.

The statements of charges for extraordinary police services submitted by the city of Stevens Point and Portage County have been reviewed by the executive director of the State Universities and payment of these charges has been recommended.

Burrows Incident—WSU—Whitewater

During the period February 26 through March 4, 1970, student groups formed on the campus of Wisconsin State University-Whitewater to protest the action of the University in relieving Robert Burrows of his position as chairman of the University's English Department. Initially, only minimal police assistance was requested, but by noon of February 27 some 1500 students were involved in the protest which took the form of disruptions of the University generally and threats against individuals in the University administration. Protests continued intermittently during this period with up to 4000 students involved at one point on March 2.

In the opinion of observers on the campus the presence of large numbers of uniformed police prevented serious damage to University property and injury to persons on the campus.

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The Director of State Universities has reviewed the statements of charges submitted by municipalities who provided the extraordinary police services during this period and has recommended the payment of the statement of Walworth County in the amount of \$3,231.37. This amount includes only that portion of the statement of charges relating to overtime employes since it is assumed that the county has a basic responsibility to provide protection which would not be regarded as extraordinary police service. The Director of State Universities has also reviewed the statements submitted by the city of Lake Geneva, city of Watertown and Dane County, and has recommended payment of these statements as submitted.

Cambodia-Kent Incident—WSU—Whitewater

On May 5, 1970 following the entrance of U. S. troops into Cambodia and the deaths of the Kent State students, disorder broke out on the campus of the Wisconsin State University-Whitewater which threatened to develop into a significant civil disorder. Police assistance was requested by the University president in order to protect individuals and minimize damage to University property. Notwithstanding the additional police on the campus, several incendiary fires were set in University buildings, windows were broken, the University Center bombed and the President's home vandalized. It is the opinion of the administration that damage would have been more widespread had it not been for the presence of additional uniformed police officers.

The Director of State Universities has reviewed the statement of charges submitted by Walworth County and has recommended payment of that portion related to overtime services provided by the Walworth County sheriff.

THE BOARD CONCLUDES

That payment to the following municipalities in the following amounts is justified under provisions of sec. 16.008, Wis. Stats., (Chapter 374, Laws of 1969).

City of Stevens Point	\$2,457.44
Portage County	4,309.16

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Walworth County -----	\$3,016.39	
	<u>3,231.37</u>	
		6,247.76
Dane County -----		4,147.47
City of Lake Geneva -----		130.63
City of Watertown -----		245.70

Dated at Madison, Wisconsin, this 15th day of July, 1970.

WALTER G. HOLLANDER, Chairman,
Senate Committee on Finance.
BYRON WACKETT, Chairman,
Assembly Committee on Finance.
DONALD J. STERLINSKE,
Representative of
Commissioner of Administration.
RICHARD R. MALMGREN,
Representative of Governor.
DAVID G. McMILLAN,
Representative of Attorney General.

State of Wisconsin
Claims Board

Mr. William P. Nugent
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Nugent: The State Claims Board is submitting this report to you in accordance with the provisions of Section 16.007 of the statutes covering claims heard by it.

The amounts recommended for payment under \$500 on claims included in this report have, therefore, under the provisions of the statutes, been paid directly by the Board. This report is for the information of the Legislature.

The Claims Board will appreciate your acceptance of this report and the spreading of it upon the Journal to inform the members of the Legislature as to the nature of the type of claims which come before the Board for its consideration.

Sincerely,

DONALD STERLINSKE,
Secretary.

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BEFORE THE CLAIMS BOARD OF WISCONSIN

Hearings were held at Madison, Wisconsin, on October 7, 1970, upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. Walter F. Janisch -----	\$ 5.00
2. Jane C. Walley -----	15.00
3. Otto A. Uyehara -----	33.33
4. Melvin Mandel -----	50.00
5. Per Hans Romnes -----	62.50
6. Frank L. Pierce, Jr. -----	72.00
7. Arline M. Stewart -----	100.00
8. Frederick Engelbrecht -----	191.88
9. Dinesh C. Sharma -----	2,600.00
10. Franklin T. Johnson -----	20.95
11. David DeMark -----	250.00
12. Naomi Towner -----	800.00
13. Gerald Peters -----	40.56
14. Hartland-Verona Gravel Co. -----	30.00

THE BOARD FINDS:

1. *Walter F. Janisch*

Walter F. Janisch claims \$5.00 because of the loss of a check in that amount drawn by the State and made payable to the claimant, dated May 22, 1964. This is a claim which, on equitable principles and in good conscience, the State should assume and pay.

2. *Jane C. Walley*

Jane C. Walley claims \$15 because of the loss of a pair of sandals on August 4, 1970. The sandals were taken from an open shelf where she was, as an employe at the Wisconsin General Hospital, directed to store her street clothing while she was in uniform. The claim is one which, on equitable principles, the State should assume and pay, but damages of only \$10 have been shown.

3. *Otto A. Uyehara*

Otto A. Uyehara claims \$33.33 because of damages to his automobile, caused by a cement reinforcing rod protruding from a barrier in a University parking lot, on May 1, 1970.

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The claim is one which, on equitable principles, the State should assume and pay, but damages of only \$30 have been shown.

4. *Melvin Mandel*

Melvin Mandel claims \$50 as a result of damage to his automobile on February 24, 1970, while the vehicle was being driven by a University parking lot attendant, moving the vehicle from one University lot to another. The claim is one which, on equitable principles, the State should assume and pay.

5. *Per Hans Romnes*

Per Hans Romnes claims \$62.50 because of the loss on March 20, 1970, of a drawing by the claimant, stolen from a student art show at the Union Galleries of the University of Wisconsin. The claim is one which, on equitable principles, the State should assume and pay, but damages of more than \$19.50 have not been shown.

6. *Frank L. Pierce, Jr.*

Frank L. Pierce, Jr. claims \$72 because of the loss of his and his wife's eye glasses which were stolen on April 30, 1970, while the claimant and his wife were serving as chaperones for a dance sponsored by the Student Government Association at the University of Wisconsin Marathon Campus. The dance was held in a bar in the vicinity. There is no evidence of any causal negligence on the part of any officer or employe of the State, and the Board concludes that the claim is not one which, on equitable principles, the State should assume and pay.

7. *Arline M. Stewart*

Arline M. Stewart claims \$100 because of damages to her automobile on April 15, 1970, while she was driving the vehicle on business of her employer, the University of Wisconsin. The claimant worked at Station WHA-TV and drove her own vehicle to the bus station to meet someone coming to the television studio. In the process the claimant was involved in an accident, admittedly due to her own negligence.

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When State employes use their own vehicles on State business, they are entitled to reimbursement for the miles driven. However, the reimbursement does not cover the costs resulting from accidents. The Board concludes that this claim is not one which, on equitable principles, the State should assume and pay.

8. *Frederick Engelbrecht*

Frederick Engelbrecht claims \$191.88 because of damages to his automobile which had been left in the care of an attendant at a University parking lot. Investigation by University personnel has failed to disclose any information regarding the accident, and the Board concludes that there is no evidence upon which we could find that the damages were caused by negligence of a State officer or employe.

9. *Dinesh C. Sharma*

Dinesh C. Sharma claims \$2,600.00 because of fire losses to his books and papers, including his thesis, on January 4, 1970. The claimant had an office on the first floor of the Red Gym Building, and a fire bomb was thrown into that office. Undoubtedly the claimant suffered a serious loss through no fault of his own. Had he been informed of the possibility of some of his books and journals being covered under the University's insurance policies, his loss might have been reduced. Unfortunately, he was not so informed, and the Board cannot ascertain what, if any, of the lost materials properly could have been covered under the University's policies. The damage, of course, was caused by the fire bomber, and there is no evidence that it was in any way attributable to negligence of officers or agents of the State.

10. *Franklin T. Johnson*

Franklin T. Johnson claims \$20.95 to reimburse him for damages to an electric heater in his camping trailer. The claimant, while camping at Peninsula State Park, connected the electrical system of his trailer to an electrical outlet at the camp grounds. The outlet had been rewired to carry 220 volts instead of the usual 110 volts. The Board concludes that the claim is one which, on equitable principles, the State should pay.

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11. *David DeMark*

David DeMark claims \$250 for the loss of six of his photographs which were stolen from an exhibit at the Memorial Union at Oshkosh State University. The Board finds the claim is one which the State should pay, but that damages of not more than \$125 have been shown. This amount should be charged to the Oshkosh Student Union Arts Fund.

12. *Naomi Towner*

Naomi Towner claims \$800.00 to reimburse her for the loss of a ribbed woven rug which she had loaned to Oshkosh State University for exhibition in an art show. The rug was stolen from the Art Gallery. The claimant had been assured that her rug would be covered by insurance, but the claim under the policy was rejected because there had been no reasonable security maintained. The Board finds that on equitable principles the State should pay this claim, but that damages of only \$495.00 have been shown. This amount should be charged to the Student Activity Fund of the Art Department at Oshkosh.

13. *Gerald Peters*

Gerald Peters claims \$40.56 to reimburse him for damage to the finish of his automobile on April 14, 1970, while it was parked at a parking lot at the Highway Division District III Office. Remodeling in the building beside the lot resulted in waste materials falling upon the claimant's vehicle. The Board finds that the damage was attributable to negligence of officers or employees of the State.

14. *Hartland-Verona Gravel Co.*

Hartland-Verona Gravel Co. claims \$30 as the result of the loss of a State check for that amount, payable to the claimant, issued in 1956. The check recently was found but was too old to be honored. The Board finds that on equitable principles the State should pay this claim.

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THE BOARD CONCLUDES:

1. The claims of the following named claimants should be denied:

Frank L. Pierce, Jr.
Arline M. Stewart
Frederick Engelbrecht
Dinesh C. Sharma

2. Payment of the following amounts to the following claimants, respectively, is justified under the provisions of sec. 16.007 (6), Wis. Stats.:

Walter F. Janisch -----	\$ 5.00
Jane C. Walley -----	10.00
Otto A. Uyehara -----	30.00
Melvin Mandel -----	50.00
Per Hans Romnes -----	19.50
Franklin T. Johnson -----	20.95
David DeMark -----	125.00
Naomi Towner -----	495.00
Gerald Peters -----	40.56
Hartland-Verona Gravel Company -----	30.00

Dated at Madison, Wisconsin, this 28th day of December, 1970.

WALTER G. HOLLANDER,
Chairman, Senate Committee on
Finance.

BYRON F. WACKETT,
Chairman, Assembly Committee on
Finance.

DONALD STERLINSKE,
Representative of Commissioner of
Administration.

RICHARD R. MALMGREN,
Representative of Governor.

E. WESTON WOOD,
Representative of Attorney General.

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EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

January 18, 1971.

Mr. Tom Fox
Assembly Chief Clerk
218 West Capitol
Madison, Wisconsin 53702

Dear Mr. Fox: I respectfully request permission to appear before a Joint Session of the Legislature in the Assembly Chambers at 11:00 a.m., Thursday, January 21, to present my State of the State speech.

Sincerely,

PATRICK J. LUCEY,
Governor.

cc: Mr. William Nugent, Chief Clerk, State Senate
Senator Knowles Representative Huber
Senator Keppler Representative Anderson
Senator Risser Representative Froehlich

Upon motion of Senator Keppler, with unanimous consent, the request be granted, and that the chair appoint two senators to escort the Governor to the assembly chambers.

The chair appointed Senators Risser and Keppler as escorts to the Governor for his appearance.

MOTIONS

Senate Bill 4

Upon motion of Senator Knowles, with unanimous consent, Senate Bill 4 was withdrawn from committee on Governmental and Veterans' Affairs and returned to the authors.

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MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Attorney Joseph A. Greco was named Milwaukee's 1970 Veteran of the year for his outstanding service to fellow veterans and to his community; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Soik and Chilsen and Representative Everson, under Joint Rule 26, extend to Joseph A. Greco of Milwaukee their sincere congratulations on this well deserved award.

Read and adopted.

Upon motion of Senator Devitt, with unanimous consent, the senate returned to the fourth order of business.

INTRODUCTION OF BILLS

Senate Bill 70

An act to appropriate \$1,740.91 from the general fund for payment of a claim made by Lawrence J. Ryan against the State.

By Senator Devitt.

Read first time.

Referred to joint committee on Finance.

Senate Bill 71

Relating to permitting counties to enact drunk driving ordinances.

By Senators Swan and Hollander.

Read first time.

Referred to committee on Judiciary.

Senate Bill 72

Relating to allowing the prosecution to request the substitution of a judge.

By Senators Steinhilber and Murphy.

Read first time.

Referred to committee on Judiciary.

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Senate Bill 73

Relating to depositions in Milwaukee County.

By Senators Cirilli, Steinhilber, Lourigan and Parys.

Read first time.

Referred to committee on Judiciary.

Upon motion of Senator Keppler the senate adjourned until Wednesday, January 20th at 10:00 A.M.

CHIEF CLERK'S CORRECTION

Senate Bill 30

On page 1, line 1, and page 2, lines 1 and 2, substitute "256.65 (8)" for "256.65 (h)".

INTRODUCTION OF GUESTS

Senator Roseleip introduced Mr. Don Teasdale of Shullsburg, Wis., and Mr. Edwin Roelli of Darlington, Wis.

Senator Lourigan introduced Mr. John M. Auer, Town Chairman of Sun Prairie and Mr. Henry Rohner of the Wisconsin Suburban League.

Senator Knowles introduced Mrs. Rose Chilsen, wife of Senator Chilsen, his four daughters, Anna, Kris, Elizabeth and Patricia, and three of his sons, Peter, Paul, and Matthew Chilsen.