

STATE OF WISCONSIN

Senate Journal

Eightieth Session

TUESDAY, February 2, 1971.

10:00 o'clock A.M.

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

Prayer was offered by The Reverend Jos. Washington, retired Baptist Minister of 717 Regent Street, Madison, Wisconsin.

The senate remained standing and recited 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, Dorman, Frank, Heinzen, Hollander, Johnson, K e n d z i o r s k i, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent—Senator Devitt—1.

Absent with leave—None.

INTRODUCTION OF AMENDMENTS

Senate substitute amendment 1 to Senate Bill 97 by Senator Soik.

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BILLS INTRODUCED

Senate Bill 122

Relating to creation of the office of the Commissioner of Citizen Redress and providing an appropriation.

By Senator Lourigan.

Read first time.

Referred to committee on Judiciary.

Senate Bill 123

Relating to environmental protection actions in circuit courts.

By Senators Lorge, Soik, Heinzen, Devitt and Chilsen.

Read first time.

Referred to committee on Judiciary.

Senate Bill 124

Relating to joint boards of trustees and superintendents of county institutions.

By Senator Knutson, by request of La Crosse County Board of Supervisors.

Read first time.

Referred to committee on Governmental and Veterans' Affairs.

Senate Bill 125

Relating to state aid for county nurses.

By Senator Knutson; co-sponsored by Representative Lewison, by request of Vernon County Board of Supervisors.

Read first time.

Referred to committee on Health and Social Services.

Senate Bill 126

Relating to property tax exemption for pleasure watercraft.

By Senator Knutson; co-sponsored by Representative Lewison, by request of the City of Prairie du Chien.

Read first time.

Referred to joint Survey committee on Tax Exemptions.

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Senate Bill 127

Relating to study of products containing phosphorus and prohibition of detergents containing phosphorus.

By Senators Soik, Lorge and Devitt; co-sponsored by Representative Sensenbrenner.

Read first time.

Referred to committee on Natural Resources.

Senate Bill 128

Relating to minimum assessments for mobile homes and redistribution of parking permit fees.

By Senator Knutson, by request of La Crosse County Board of Supervisors.

Read first time.

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

Senate Bill 129

To appropriate \$1,849 from the general fund for payment of a claim made by Mary Lee against the State.

By Senator Knutson; co-sponsored by Representative Lewison, by request of Mary Lee, Stoddard, Wisconsin.

Read first time.

Referred to joint committee on Finance.

Senate Bill 130

Relating to indecent articles and family planning, and providing a penalty.

By Senator Risser.

Read first time.

Referred to committee on Judiciary.

COMMITTEE REPORT

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

Senate Bill 30

Relating to authorizing counties to provide county public defenders.

Adoption of amendment 1; Ayes, 5; Noes, 0 and passage as amended recommended; Ayes, 5; Noes, 0.

GORDON W. ROSELEIP,
Chairman.

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PETITIONS AND COMMUNICATIONS

**The State of Wisconsin
Supreme Court Chambers**

December 1, 1970.

**William Nugent, Senate Chief Clerk
State of Wisconsin
241 South Capitol
Madison, Wisconsin**

Dear Mr. Nugent:

I am enclosing the **Judicial Manpower Report** of the **Administrative Committee for the Court System** of the state of Wisconsin, which includes its recommendations for the creation of additional trial courts to meet the needs of this state. The report is sent to you in compliance with the provisions of sec. 251.183 (2), Stats., which requires the report to be made to the governor, the legislature and the supreme court.

Sincerely,

**E. HAROLD HALLOWS,
Chief Justice,
Wisconsin Supreme Court.**

JUDICIAL MANPOWER REPORT

**TO: The Governor, the Legislature, and the Supreme Court
of Wisconsin**

FROM: Administrative Committee for the Court System

The **Administrative Committee for the Court System** of the State of Wisconsin, created by sec. 9, Chapter 315, Laws of 1959, and functioning under the Wisconsin Supreme Court pursuant to sec. 3, Art. VII, Wis. Const., as set forth in sec. 251.183 Wis. Stats., having made an analysis of the judicial workload problems of the state, respectfully submits herewith its recommendations for the creation and the elimination of courts and branches of the courts, all as provided in sec. 251.183 (2) Wis. Stats., as amended by Chapter 154, Laws of 1969. Within the calls of the statute, this report is restricted to judicial manpower problems.

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After considering statistical data submitted by the Administrative Director of Courts including particularly tabulations with respect to population growth as it affects the volume of litigation and judicial workload, taking note of the substantial increase in litigation in the metropolitan and urban population centers of the state with their critical need for additional judicial manpower, and recognizing that some branches of courts in the less populous areas should be eliminated, the Administrative Committee for the Court System recommends:

A

1. Creation of three "general jurisdiction" branches of the Circuit Court for Milwaukee County, and three "general jurisdiction" branches of the County Court for Milwaukee County, with the circuit and county judges thereof to be elected in the Spring Election of 1971 to take office July 1, 1971.

2. Creation of an additional branch of the County Court for Waukesha County with the judge thereof to be elected in the Spring Election of 1971 to take office July 1, 1971.

3. Creation of an additional branch of the County Court for Racine County with the judge thereof to be elected in the Spring Election of 1971 to take office July 1, 1971.

4. Creation of an additional branch of the County Court for Dane County with the judge thereof to be elected in the Spring Election of 1971 to take office July 1, 1971.

5. Creation of an additional branch of the County Court for Rock County, to be headquartered at the county seat in Janesville, with the judge thereof to be elected in the Spring Election of 1971 to take office July 1, 1971.

6. Creation of an additional branch of the County Court for Outagamie County with the judge thereof to be elected in the Spring Election of 1971 to take office July 1, 1971.

7. Creation of an additional branch of the County Court for Eau Claire County with the judge thereof to be elected in the Spring Election of 1971 to take office July 1, 1971.

B

1. Elimination of Branch I of the County Court for Douglas County on August 1, 1972, after the present presiding

judge thereof reaches mandatory retirement on July 31, 1972.

2. Elimination of Branch I of the County Court for Wau-paca County on August 1, 1972, after the present presiding judge thereof reaches mandatory retirement on July 31, 1972.

C

1. Creation of an additional branch of the Circuit Court for Waukesha County with the judge thereof to be elected in the Spring Election of 1972 to take office July 1, 1972.

2. Creation of an additional branch of the Circuit Court for Dane County with the judge thereof to be elected in the Spring Election of 1972 to take office July 1, 1972.

In reviewing the status of judgeships in the less populous counties with declining rural populations, the Administrative Committee recognizes that the presiding judges in such counties are a principal source of judicial manpower assigned to assist with the overcrowded court calendars in the metropolitan and urban counties and to assist generally throughout the state where local judges are ill or otherwise unable to act. Present laws severely limit the availability of retired judges and justices for such service.

If sufficient new judgeships are created in our populous counties with exploding court calendars, as recommended here, and future needs are promptly met, the Administrative Committee recommends, in view of the present structure of the trial courts, legislative adoption of the principle that judgeships in the less populous counties which do not have sufficient judicial business for a full time judge should be consolidated whenever the presiding judge of such a county reaches retirement age and a vacancy in such office occurs, provided that such consolidation can be accomplished with the county court of a contiguous county and that the combined judicial workload of both counties can be handled by a single judge. Illustrative of this is the County Court for Adams County, population 8671, where the presiding judge will reach mandatory retirement on July 31, 1971, and where contiguous Marquette County has a population of 8367; and the County Court for Pepin County, population 6768, where the presiding judge will reach

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mandatory retirement on July 31, 1974, and where contiguous Buffalo County has a population of 13,566.

Respectfully,

E. HAROLD HALLOWS,
Chief Justice, Wisconsin Supreme Court
Chairman, Administrative Committee for
the Court System.

State of Wisconsin
Claims Board

November 30, 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 committee on Finance 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.

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BEFORE THE CLAIMS BOARD
OF WISCONSIN

Hearings were held at Madison, Wisconsin, on October 6, 1970, upon the following claims:

| <i>Name of Claimant</i> | <i>Amount of Claim</i> |
|---|------------------------|
| 1. Florence Bohlman, Executrix of the Estate of Vere P. McDowell, Dec'd. ---\$ | 396.19 |
| 2. Marjorie F. Klein, Executrix of the Estate of Oliver F. Klein, Dec'd. ----- | 1,503.25 |
| 3. Linda Radtke ----- | 1,445.73 |
| 4. Grinnell Mutual Reinsurance Co. ----- | 41.47 |
| 5. Allan A. Arendt ----- | 960.00 |
| 6. Elizabeth A. Bloomer ----- | 71.18 |
| 7. Rose Dahnke ----- | 60.00 |
| 8. Harvey W. Fischer ----- | 29.00 |
| 9. Jeannine Vis ----- | 114.00 |
| 10. Marjorie Mohr ----- | 682.00 |
| 11. Gertrude Fautsch ----- | 12.51 |
| 12. Ruth Makurat ----- | 20.00 |
| 13. Ft. Atkinson Jt. School Dist. #6 ----- | 43.65 |
| 14. Wilbert Newton ----- | 50.00 |
| 15. Children's Outing Association ----- | 182.20 |
| 16. Sawyer County Clerk of Courts ----- | 135.68 |
| 17. City of Fond du Lac ----- | 284.20 |
| 18. County of Green Lake ----- | 248.00 |
| 19. City of Waupun ----- | 202.83 |
| 20. City of Green Bay ----- | 1,446.87 |
| 21. County of Brown ----- | 1,415.92 |
| 22. City of De Pere ----- | 143.51 |

THE BOARD FINDS

1. *Florence Bohlman, Executrix of the
Estate of Vere P. McDowell, Dec'd.*

Florence Bohlman, as Executrix of the Estate of Vere P. McDowell, Dec'd., claims \$396.19 because of an overpayment of Wisconsin inheritance taxes in the estate. After payment of state inheritance taxes, an additional assessment of federal estate taxes was made, which resulted in reducing the amount of state inheritance taxes properly payable. The overpayment of state inheritance taxes was

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discovered too late to be corrected by petitioning the County Court under sec. 72.15 (11), Wis. Stats. The Board concludes that the claim is one which on equitable principles the State should assume and pay. However, the claim is for the full difference between the initial tax computation and that ultimately determined to be proper. In fact, the initial payment of the inheritance tax was made early enough to gain the advantage of the discount, so that the actual overpayment was only \$376.37. Of this latter sum, \$21.72 represents the county's share and should be charged back against the county.

2. *Marjorie F. Klein, Executrix of the Estate of Oliver F. Klein, Dec'd.*

Marjorie F. Klein, as Executrix of the Estate of Oliver F. Klein, Dec'd., claims \$1,503.25 because of an overpayment of state inheritance taxes. The overpayment occurred as the result of including in the estate for inheritance tax purposes an item valued at \$20,583.25, when such item was not subject to taxation. The overpayment was discovered too late to permit correcting it by application to the County Court, under sec. 72.15 (11), Wis. Stats. The Board concludes that the claim is one which on equitable principles the State should assume and pay. However, there is an error in computing the amount, and the correct amount is \$1,191.49. Of this latter sum, \$33.80 represents the county's share and should be charged back against the county.

3. *Linda Radtke.*

Linda Radtke claims \$1,445.73 as the result of overpayment of Wisconsin inheritance taxes in the estate of her former husband, Thomas Lenzner, deceased. The claimant was the sole heir of the decedent. The overpayment occurred because of inclusion in the estate for inheritance tax purposes of certain assets which were not subject to inheritance taxation. The overpayment was discovered too late to permit correcting it by application to the County Court, under section 72.15 (11), Wis. Stats. The Board concludes that the claim is one which on equitable principles the State should assume and pay. The claim is made in the correct amount, and the county's share of \$83.04 should be charged back against the county.

4. *Grinnell Mutual Reinsurance Co.*

Grinnell Mutual Reinsurance Company claims \$41.47 as the subrogee of Frederick J. Berns under an automobile collision insurance policy issued by the claimant. The insured's vehicle was damaged by a vehicle operated by the National Guard, while the insured's vehicle was properly parked in the parking lot of the National Guard Armory in Prairie du Chien on June 28, 1969. A majority of the Board concludes that in good conscience and on equitable principles the State should not assume and pay a claim by an insurance company under a subrogation clause such as here involved.

5. *Allan A. Arendt.*

Allan A. Arendt claims \$960 as a result of damages incurred when a jet engine fell from a National Guard plane upon the claimant's alfalfa field on June 13, 1969. There is no evidence of any causal negligence on the part of officers or employees of the State, and the Board concludes that the claim is not one which, on equitable principles, the State should pay.

6. *Elizabeth A. Bloomer.*

Elizabeth A. Bloomer claims \$71.18 as the result of medical and hospital bills and damage to clothing resulting from an accident suffered by the claimant's minor daughter at the State Fair on August 11, 1969. The claimant's daughter was in the Commerce tent when it blew down during high winds. The daughter was taken to the Milwaukee County General Hospital where the bill for emergency care and x-rays amounted to \$63.25. In order to x-ray and examine the daughter, hospital personnel cut off some of her clothing. The Board concludes that the claim is one which on equitable principles the State should assume and pay.

7. *Rose Dahnke.*

Rose Dahnke claims \$60 for medical expenses incurred for her minor children who were injured on August 11, 1969, when a tent at the State Fair collapsed on them in a wind storm. The Board concludes that the claim is one which on equitable principles the State should assume and pay.

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8. *Harvey W. Fischer.*

Harvey W. Fischer claims \$29 because of the loss of his minor son's eye glasses on August 11, 1969, at the State Fair, when a tent collapsed upon the son during a wind storm. The Board concludes that the claim is one which on equitable principles the State should assume and pay.

9. *Jeannine Vis.*

Jeannine Vis claims \$114 for medical expenses incurred because of an accident at the State Fair on August 14, 1969. The claimant became faint and stumbled and fell upon a tent stake. The Board finds that the injury was not caused by negligence of State officers or employees and that the claim is not one which, on equitable principles, the State should pay.

10. *Marjorie Mohr.*

Marjorie Mohr claims \$682 for medical expenses incurred as a result of an accident at the State Fair Park during a flower show on March 11, 1967. It appears that this claimant is the plaintiff in an action currently pending in court to recover the same damages. Consequently, the Board concludes that the claim is not one which on equitable principles the State should now pay.

11. *Gertrude Fautsch.*

Gertrude Fautsch claims \$12.51 for medical expenses resulting from an accident on May 19, 1970, at Southern Wisconsin Colony. The claimant was employed at the Colony and living upon the grounds. She was descending a stairway in the dark, a light bulb having burned out, and fell at the foot of the stairs. The Board finds that the injury was not caused by negligence of State officers or employees and that the claim is not one which, on equitable principles, the State should pay.

12. *Ruth Makurat.*

Ruth Makurat claims \$20 as the result of the destruction of her eye glasses while she was employed at the Winnebago State Hospital, on March 6, 1970. Without warning, a patient at the Hospital grabbed the claimant's glasses and

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broke them. The Board concludes that the claim is one which, on equitable principles, the State should assume and pay.

13. *Ft. Atkinson Jt. School Dist. No. 6.*

Ft. Atkinson Jt. School Dist. No. 6 claims \$43.65 because of damage to the school building on April 20, 1970, when a ward of the State, enrolled in special classes at the school, broke a reinforced window. The Board concludes that the claim is one which, on equitable principles, the State should assume and pay.

14. *Wilbert Newton.*

Wilbert Newton claims \$50 for damages resulting from a fire deliberately set on May 8, 1970, by a ward of the State who had escaped from the Child Center at Sparta. The Board concludes that the claim is one which, on equitable principles, the State should assume and pay.

15. *Children's Outing Association.*

Children's Outing Association claims \$182.20 for damages to its camp at Lac du Flambeau between July 24 and August 7, 1970. The camp was being used by the Division of Family Services of the Department of Health and Social Services for a program for delinquent boys under 12. Various items of furniture and fixtures and equipment at the camp were deliberately broken. The Board finds that the damages were not caused by negligence of State officers or employees and that the claim is not one which, on equitable principles, the State should pay. Mr. Malmgren took no part in the consideration or decision of this claim.

16. *Sawyer County Clerk of Courts.*

The Sawyer County Clerk of Courts claims \$135.68 because of expenses incurred by the Sheriff of Sawyer County in recovering cars stolen by a group of boys including a ward of the State and because of expenses incurred by the owner of one of the cars, resulting from the theft. There is no evidence of causal negligence on the part of any officer or employee of the State, and the Board concludes that the claim is not one which on equitable principles the State should pay.

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- 17. *City of Fond du Lac.*
- 18. *County of Green Lake.*
- 19. *City of Waupun.*

The City of Fond du Lac, the County of Green Lake and the City of Waupun claim \$284.20, \$248 and \$202.83, respectively, for police services provided during a riot at the State prison on September 7, 1969. The Board is satisfied that the expenses were incurred as claimed, and the claim is one which on equitable principles the State should assume and pay.

- 20. *City of Green Bay.*
- 21. *County of Brown.*
- 22. *City of De Pere.*

The City of Green Bay, the County of Brown, and the City of De Pere claim \$1,446.87, \$1,415.92 and \$143.51, respectively, pursuant to section 16.008, Wis. Stats., for extraordinary police service furnished on August 13, 1970, for riot control at the Wisconsin State Reformatory. The Board is satisfied that the services were performed as claimed and that the statement of charges is proper under sec. 16.008, Wis. Stats.

THE BOARD CONCLUDES:

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

Grinnell Mutual Reinsurance Co.
Allan A. Arendt
Jeannine Vis
Marjorie Mohr
Gertrude Fautsch
Children's Outing Association
Sawyer County Clerk of Courts

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

Florence Bohlman, Executrix of the Estate of
Vere P. McDowell, Dec'd. -----\$376.37
Elizabeth A. Bloomer ----- 71.18

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| | |
|--|--------|
| Rose Dahnke ----- | 60.00 |
| Harvey W. Fischer ----- | 29.00 |
| Ruth Makurat ----- | 20.00 |
| Ft. Atkinson Jt. School Dist. #6 ----- | 43.65 |
| Wilbert Newton ----- | 50.00 |
| City of Fond du Lac ----- | 284.20 |
| County of Green Lake ----- | 248.00 |
| City of Waupun ----- | 202.83 |

3. Payment of the following amounts to the following claimants, respectively, is proper under the provisions of sec. 16.008, Wis. Stats.:

| | |
|-------------------------|------------|
| City of Green Bay ----- | \$1,446.87 |
| County of Brown ----- | 1,415.92 |
| City of De Pere ----- | 148.51 |

THE BOARD RECOMMENDS:

That payment to the following claimants be made in the following amounts, respectively:

| | |
|--|------------|
| Marjorie F. Klein, Executrix of the Estate of Oliver F. Klein, Dec'd. ----- | \$1,191.49 |
| Linda Radtke ----- | 1,445.73 |

Dated at Madison, Wisconsin, this 18th day of November, 1970.

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

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

DONALD H. STERLINSKE,
Representative of Commissioner of
Administration.

RICHARD R. MALMGREN,
Representative of Governor.

E. WESTON WOOD,
Representative of Attorney General.

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The State of Wisconsin
Department of State

February 2, 1971.

To the Honorable, the Senate

Gentlemen: I have the honor to transmit to you, pursuant to section 13.67 (2), a list of registered lobbyists for the period beginning January 27, 1971, and ending February 2, 1971.

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—Length of Time of Employment.

Harold Rohr, President, 1602 S. Park Street, Madison—Madison Building Trades Council, Inc., 1602 S. Park Street, Madison—Labor—January 27, 1971—Session.

A. A. Henseler, State Government Repr., 8451 Hyde Ave. S., Cottage Grove, Minn.—3M Company, 3M Center, St. Paul, Minnesota—Traffic safety—January 27, 1971—Session.

Jerome O. Rowe, 1617 Gamon Rd., Wheaton, Illinois—3M Company, 3M Center, St. Paul, Minnesota—Traffic safety—January 27, 1971—Session.

Steven A. Woll, Assn. Exec., 6511 W. Blue Mound, Milwaukee—Wisconsin Builders Assn., 6511 W. Blue Mound, Milwaukee—The building industry—January 27, 1971—Session.

George W. Crownhart, Attorney, 2 E. Gilman Street, Madison—State Medical Society of Wisconsin, 330 E. Lakeside Street, Madison—Health and related matters—January 27, 1971—Session.

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George W. Crownhart, Attorney, 2 E. Gilman Street, Madison—American Insurance Association, 120 S. LaSalle, Chicago, Illinois—Insurance and related matters—January 27, 1971—Session.

George W. Crownhart, Attorney, 2 E. Gilman Street, Madison—Certified Public Accountants, 176 W. Wisconsin Avenue, Milwaukee—Accounting business and taxation and related matters—January 27, 1971—Session.

F. Anthony Brewster, Attorney, 2 E. Gilman Street, Madison—American Insurance Association, 120 S. LaSalle, Chicago, Illinois—Insurance and related matters—January 27, 1971—Session.

Robert B. Murphy, Attorney, 2 E. Gilman Street, Madison—State Medical Society of Wisconsin, 330 E. Lakeside Street, Madison—Health and related matters—January 27, 1971—Session.

Wm. Pharis Horton, Attorney, 2 E. Gilman Street, Madison—State Medical Society of Wisconsin, 330 E. Lakeside Street, Madison—Health and related matters—January 27, 1971—Session.

Wm. Pharis Horton, Attorney, 2 E. Gilman Street, Madison—American Insurance Association, 120 S. LaSalle, Chicago, Illinois—Insurance and related matters—January 27, 1971—Session.

Wm. Pharis Horton, Attorney, 2 E. Gilman Street, Madison—Certified Public Accountants, 176 W. Wisconsin Avenue, Milwaukee—Accounting business and taxation and related matters—January 27, 1971—Session.

Robert Durkin, Vice President, 1012 N. 3rd Ave., Rm. 308, Milwaukee—Milwaukee County Labor Council AFL-CIO, 1012 N. 3rd Ave., Rm. 308, Milwaukee—Interests of organized labor and general welfare of the state—January 27, 1971—Session.

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Glenn L. Henry, Corp. Counsel, 3033 Webb Avenue, Madison—Dane County, 214 Monona Avenue, Madison—County government—January 27, 1971—Session.

Thomas J. Drought, Attorney, 660 E. Mason Street, Milwaukee—Village of Bayside, 9075 N. Regent Road, Milwaukee—Municipal Corporation—January 28, 1971—Session.

Gilbert Rohde, President, 117 W. Spring St., Chippewa Falls—Wisconsin Farmers Union, 117 W. Spring St., Chippewa Falls—Farm and rural—January 28, 1971—Session.

Leland Mulder, Farmer, 117 W. Spring St., Chippewa Falls—Wisconsin Farmers Union, 117 W. Spring St., Chippewa Falls—Farm and rural—January 28, 1971—Session.

M. P. Verhulst, Trade Assn. Mgr., 110 E. Main Street, Madison—Wisconsin Canners and Freezers Assn., 110 E. Main Street, Madison—Canning and freezing industry—January 28, 1971—Session.

Cliff Dorr, 532 Gilbert Avenue, Eau Claire—Wisconsin Wine and Spirit Institute, 110 E. Wisconsin Avenue, Milwaukee—Wine and spirit—January 28, 1971—Session.

Carl Eckloff, Business Representative, 3626 Cascade Road, Madison—Carpenters Union Local 314, 1602 S. Park Street, Madison—Organized labor—January 28, 1971—Session.

Louis Milan, Trade Assn. Mgr., 732 N. Midvale Blvd., Madison—Wisconsin Automotive Trades Assn., 732 N. Midvale Blvd., Madison—Automobile dealers, industry and motorists—January 28, 1971—Session.

Wm. Pharis Horton, Attorney, 2 E. Gilman Street, Madison—Wisconsin Petroleum Association, 202 N. Midvale Blvd., Madison—Petroleum and related matters—January 28, 1971—Session.

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George W. Crownhart, Attorney, 2 E. Gilman Street, Madison—Wisconsin Petroleum Association, 202 N. Midvale Blvd., Madison—Petroleum and related matters—January 28, 1971—Session.

Henry S. Gerth, General Chairman, 1421 Hooker Avenue, Madison—Brotherhood of Railroad Signalers, 2247 W. Lawrence Avenue, Chicago, Illinois—Railroad unions—January 28, 1971—Session.

William Jansen, Principal Asst. Cty. Atty., 210 Monona Avenue, Madison—City of Madison, 210 Monona Avenue, Madison—City of Madison—January 28, 1971—Session.

William D. Dyke, Mayor, 202 Monona Avenue, Madison—City of Madison, 210 Monona Avenue, Madison—City of Madison and all larger cities—January 28, 1971—Session.

Walter G. Hunter, Asst. to Dir. of Finance, 202 Monona Avenue, Madison—City of Madison, 210 Monona Avenue, Madison—City of Madison—January 28, 1971—Session.

George F. Reinke, Dane Cty. Administrator, 210 Monona Avenue, Madison—Dane County, 210 Monona Avenue, Madison—County government—January 28, 1971—Session.

Sam Morris, Attorney, Route 3, Madison—Dane County, 210 Monona Avenue, Madison—County government—January 28, 1971—Session.

Rodney W. Kreunen, Mechanical Engineer, 5201 University Avenue, Madison—Cycles, Inc., 5201 University Avenue, Madison—Motorcycles, iceboats, conservation—January 28, 1971—Session.

Robert E. McCarthy, 614 N. 11th Street, Milwaukee—Marquette University, Milwaukee—Higher education—January 29, 1971—Session.

John D. Winner, Attorney, 111 S. Fairchild Street, Madison—The Sperry and Hutchinson Co., 330 Madison Avenue, New York, New York—Retail merchandising—February 1, 1971—Session.

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John D. Winner, Attorney, 111 S. Fairchild Street, Madison—Wisconsin Broadcasters Assn., P. O. Box 5545, Shorewood, Wisconsin—Radio and television—February 1, 1971—Session.

John D. Winner, Attorney, 111 S. Fairchild Street, Madison—The Soap and Detergent Assn., 475 Park Avenue South, New York, New York—Soap and detergent—February 1, 1971—Session.

Donald S. Rush, 30 W. Mifflin, Madison—Wisconsin Barber & Beauty Culture Assn., 1032 Main Street, Stevens Point—Barbering and related legislation—February 1, 1971—Session.

Alidar Vanderport, Dean of Students, 1015 N. Sixth Street, Milwaukee—District 9, Board of Vocational, Technical and Adult Education, 1015 N. Sixth Street, Milwaukee—Vocational, Technical and Adult Education—February 1, 1971—Session.

Clemens T. Wisch, Asst. to District Dir., 1015 N. Sixth Street, Milwaukee—District 9, Board of Vocational, Technical and Adult Education, 1015 N. Sixth Street, Milwaukee—Vocational, Technical and Adult Education—February 1, 1971—Session.

William Ramsey, District Dir., 1015 N. Sixth Street, Milwaukee—District 9, Board of Vocational, Technical and Adult Education, 1015 N. Sixth Street, Milwaukee—Vocational, Technical and Adult Education—February 1, 1971—Session.

Thomas J. Gavin, Student, 204 Hagestad Center, River Falls—United Council of WSU Student Government, 120 Rothwell Student Center, Superior—Education, student affairs, WSU System—February 1, 1971—Session.

John H. Stevens, Exec. Dir., 7230 W. Capitol Drive, Milwaukee—Wisconsin Federation of Teachers, 7230 W. Capitol Drive, Milwaukee—Education, taxation, labor, insurance and banking—February 1, 1971—Session.

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Clare Rejahl, Consultant, 2020 University Avenue, Madison—Wisconsin Association of Mutual Savings Banks—Mutual Savings banks and other banking—February 1, 1971—Session.

Richard E. Peterson, Attorney, 202 E. Union Street, Wau-paca—Union Grove High School, Union Grove—School aids and related subjects—February 1, 1971—Session.

MOTIONS

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Vincent A. Mercurio, 64, of Milwaukee died Sunday, January 31, 1971; and

Whereas, Mr. Mercurio was a prominent figure in the Republican party having served as chairman of the Milwaukee county Republican party, as chairman of the Republican party's 5th congressional district organization, and for the last 10 years as a member of the state Republican Executive Committee; and

Whereas, Mr. Mercurio's contributions to the people of Wisconsin included service in World War II and membership in various service groups including the American Legion, the Elks Club, the Columbus Club and numerous Italian-American organizations; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Soik and Representative Sensenbrenner, under Joint Rule 26, extend their sincere condolences to the family of Vincent A. Mercurio.

Read and adopted.

CALENDAR OF FRIDAY, JANUARY 29TH

Senate Bill 27

An act to appropriate \$4,000 from the highway fund for payment of a claim made by Streu Construction Company against the State.

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Read a second time.

Ordered to a third reading.

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

Senate Bill 27

Read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, 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—31.

Noes—None.

Absent or not voting—Senator Devitt—1.

So the bill passed.

Senate Bill 59

An act to amend 20.385 (2) (a) of the statutes, relating to increasing and distributing the appropriation for real property tax relief.

Read a second time.

Upon motion of Senator Johnson, with unanimous consent, the bill was referred to joint committee on Finance.

Senate Bill 62

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

Read a second time.

Ordered to a third reading.

Upon motion of Senator Soik, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 62

Was read a third time and passed.

Upon motion of Senator Soik, with unanimous consent, the bill was ordered immediately messaged to the assembly.

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TODAY'S CALENDAR

Upon motion of Senator Johnson, with unanimous consent, **Senate Bill 11** and **Senate Bill 29** were referred to the calendar of Wednesday, February 10.

Senate Bill 40

Relating to taxable attorney's fees for small claims appeals.

Read a second time.

Ordered to a third reading.

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

Senate Bill 40

Was read a third time and passed.

Senate Bill 41

Relating to elimination of the "dead man's statute".

Read a second time.

Upon motion of Senator Busby, with unanimous consent, the bill was referred to the calendar of Tuesday, February 9th.

Senate Bill 42

Relating to the right of habeas corpus for inmates of Central State Hospital.

Read a second time.

Ordered to a third reading.

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

Senate Bill 42

Was read a third time and passed.

Senate Bill 23

An act to appropriate \$10,000 from the general fund for payment of a claim made by Jerry Lee Hohlt against the State.

Read a third time.

Senator Parys moved indefinite postponement.

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Senator Johnson asked unanimous consent that the bill be referred to committee on Judiciary.

Senator Hollander objected.

Senator Johnson moved that the bill be referred to committee on Judiciary.

The question was: Shall Senate Bill 23 be referred to committee on Judiciary?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 0; as follows:

Ayes—Senators Frank, Johnson, Kendziorski, Keppler, Knutson, Lourigan, Martin, Murphy, Parys, Peloquin, Schuele, Swan and Whittow—13.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Knowles, Krueger, LaFave, Lorge, Lotto, McKenna, Risser, Roseleip, Soik, Steinhilber and Thompson—19.

Absent or not voting—0.

The motion failed.

Senator Whittow asked unanimous consent that the bill be returned to the amendable stage.

Senator Hollander objected.

The question was: Shall Senate Bill 23 be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 22; absent or not voting, 1; as follows:

Ayes—Senators Frank, Johnson, Kendziorski, Knutson, Lourigan, Martin, Parys, Swan and Whittow—9.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Murphy, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber and Thompson—22.

Absent or not voting—Senator McKenna—1.

The motion failed.

The question was: Shall Senate Bill 23 pass?

The ayes and noes were required and the vote was: ayes, 23; noes, 8; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Keppler, Knowles,

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Krueger, LaFave, Lorge, Lotto, Murphy, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber and Thompson—23.

Noes—Senators Frank, Kendziorski, Knutson, Lourigan, Martin, Parys, Swan and Whittow—8.

Absent or not voting—Senator McKenna—1.

The bill passed.

Upon motion of Senator Johnson, with unanimous consent, all actions not previously messaged, were ordered immediately messaged to the assembly.

Upon motion of Senator LaFave, with unanimous consent, the senate returned to the ninth order of business.

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, the Marinette Eagle-Star was founded in June 1871 by Luther B. Noyes; and

Whereas, the Marinette Eagle-Star has for a century served its community with great distinction; and

Whereas, the Marinette Eagle-Star has through its facilities championed the cause of preservation of the State of Wisconsin's natural resources; and

Whereas, the Marinette Eagle-Star has kept the people of Northeastern Wisconsin fully aware of the happenings which affect their citizenship and has completely informed them on all issues of government with fairness and truthfulness and with outstanding clarity; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator LaFave and Representative LaFave, under Joint Rule 26, extend their sincere congratulations to the Marinette Eagle-Star on reaching this great milestone in its already splendid history.

Read and adopted.

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Know you by these presents:

Whereas, the World's championship snowmobile race was recently held in Eagle River, Wisconsin; and

Whereas, Mike Trapp of Woodruff, Wisconsin, was successful in dethroning last year's champion; and

Whereas, Mike Trapp, in spite of driving a machine of a lighter class, exhibited the skill to emerge as world's champion snowmobile driver, thereby bringing the title back to the state of Wisconsin; now, therefore,

The members of the Wisconsin Legislature, on the motion of Senator Krueger and Representative Gaulke, under Joint Rule 26, extend their sincere congratulations on having won this distinguished title.

Read and adopted.

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Know you by these presents:

Whereas, the World's Championship Snowmobile Race was recently held in Eagle River, Wisconsin; and

Whereas, Wayne Trapp skillfully drove his machine to achieve second place in this world event; now therefore,

The members of the Wisconsin Legislature, on the motion of Senator Krueger and Representative Gaulke, under Joint Rule 26, extend their sincere congratulations on having placed second in the world's snowmobile championship.

Read and adopted.

Upon motion of Senator LaFave, with unanimous consent, action on the motions under Joint Rule 26 were ordered immediately messaged to the assembly.

RULING OF THE CHAIR

On Wednesday, January 20, Senator Knowles raised a question on whether a senator may explain his vote during the roll call on a non-debatable motion.

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Senate rule 73 states a senator may explain his vote, upon leave of the presiding officer, when the senator's name is called in the roll. This is the established rule on debatable motions, despite the fact that debate is considered closed when the roll call commences on a debatable motion.

It is the chair's position that if a senator is allowed to explain his vote on a debatable motion, to the extent that it is not considered reopening the debate, a senator may also explain his vote on a non-debatable motion, to the same extent that debate is not opened. This is in accordance with senate rule 73.

It should be noted that senate rule 73 states that a member may explain his vote "upon leave of the presiding officer." The phrase "upon leave of the presiding officer" is interpreted to mean the presiding officer will strictly rule so that no explanation becomes an opening of debate. The length of any explanation will be a factor in determining whether such explanation is an opening of debate.

MARTIN J. SCHREIBER,
Lieutenant Governor
President of the Senate.

RULING OF THE CHAIR

On Wednesday, January 27, Senator Risser, on a point of order, argued that the journal of Tuesday, January 26, did not accurately record the action of the senate in that it did not report the unanimous consent of the senate to the recording of votes by tardy members.

I do not dispute the logic of Senator Risser's position, since the unanimous consent of the senate is recorded in the senate journal on other matters.

But I cannot ignore the long standing practice of the senate in not recording unanimous consent in this instance. If there is one objection to unanimous consent, it is so recorded. If there is no objection, unanimous consent is not recorded but its adoption in this instance, is obvious by the fact of the absent senators name is shown on the roll call.

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It is the senate's prerogative, and not that of the presiding officer, to change that practice.

MARTIN J. SCHREIBER,
Lieutenant Governor
President of the Senate.

Senator Chilsen asked unanimous consent that when the senate adjourn today, that it adjourn in honor of the 125th anniversary of the incorporation of the city of Milwaukee.

Senator Johnson moved the senate adjourn until 9:30 A.M., Wednesday, February 3rd.

INTRODUCTION OF GUESTS

Senators Lorge and LaFave welcomed Dale Garrison, Barb Schmidt, Robert Dummer and Dace Kuck, chairman and Tim Bailey, vice chairman of Kocco, Representing Kocco (Keep Our County Colleges Open), a committee of young college students from Kaukauna, Wisconsin, to Keep the County Colleges Open.

Senator Murphy introduced six guests from Oconomowoc, Columbus, Beaver Dam and Waupun, students of the county colleges in that area, members of Kocco (Keep Our County Colleges Open).

Senator Hollander introduced Miss Schouten of Brandon, Wis., and Miss Krany of Beaver Dam, Wisconsin, representing the preservation of our County Teachers Colleges.

CHIEF CLERK'S CORRECTION

suggested by Legislative Reference Bureau

Senate Bill 90

On page 2, lines 7 and 17, and on page 3, lines 5 and 22, substitute "specified" for "specifies".