

JOURNAL OF THE SENATE

MONDAY, December 13, 1971.

The chief clerk makes the following entries under the above date.

AMENDMENTS OFFERED

Senate substitute amendment 1 to Senate Bill 780 by Senator Lotto.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 851

Relating to minimum honor scholarships.

By Senators Krueger and Roseleip.

To committee on Education.

Senate Bill 852

Relating to optional use of voting machines in certain voting precincts.

By Senator Lipscomb.

To committee on Judiciary.

Senate Bill 853

Relating to granting family court jurisdiction to all county court branches in populous counties.

By Senator Frank, by request of Judge Robert J. Meich, Branch 9, Milwaukee County Court.

To committee on Judiciary.

Senate Bill 854

Relating to removing small claims court jurisdiction over eviction actions involving over \$500, and granting exclusive jurisdiction to county courts.

By Senator Frank, by request of Judge Robert J. Meich, Branch 9, Milwaukee County Court.

To committee on Judiciary.

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PETITIONS AND COMMUNICATIONS

Senate Petition 238

A petition by 99 citizens of Wisconsin in favor of repealing Wisconsin's present birth control law.

Introduced by Senator Lipscomb.

Read and referred to committee on Health and Social Services.

State of Wisconsin Claims Board

Mr. William P. Nugent
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702

Dear Mr. Nugent:

Enclosed is a copy of the State Claims Board report and recommendation covering claims for reimbursement of extraordinary police services.

The amounts recommended for payment have, under the provisions of s. 16.008, Wisconsin Statutes, been paid directly by the Board.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the journal to inform the members of the Legislature as to the nature of the claims which come before it for consideration.

Sincerely,

DONALD STERLINSKE,
Secretary.

BEFORE THE CLAIMS BOARD OF WISCONSIN

Hearings were held at Madison, Wisconsin on November 29, 1971, upon the following claims:

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<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. Winnebago County -----	\$21,554.07
2. City of Oshkosh -----	29,555.28
3. City of Milwaukee -----	55,640.46
(3 claims)	20,745.96
	1,034.57
4. City of Madison -----	47,492.66
5. Dane County -----	18,949.83
(2 claims)	1,247.39
6. Dodge County -----	1,020.00
(3 claims)	650.88
	595.00
7. Brown County -----	298.62

THE BOARD FINDS:

1. *Winnebago County*

Winnebago County claims \$21,554.07 for extraordinary police services performed on and in the immediate vicinity of the Wisconsin State University at Oshkosh, Wisconsin during the period of May 1 through May 6, 1970, because of local reaction to the Cambodian and Kent State incidents. The Board is satisfied that services were performed at the request of appropriate university administrators who viewed the local reaction as a threat to the safety of university property, and that payment of the \$21,554.07 is proper under sec. 16.008, Wis. Stats.

2. *City of Oshkosh*

The City of Oshkosh claims \$29,555.28 for extraordinary police services performed on and in the immediate vicinity of the Wisconsin State University at Oshkosh, Wisconsin during the period of May 1 through May 6, 1970, because of local reaction to the Cambodian and Kent State incidents. The Board is satisfied that services were performed at the request of appropriate university administrators who viewed the local reaction as a threat to the safety of university property, and that payment of \$29,555.28 is proper under sec. 16.008, Wis. Stats.

3. *City of Milwaukee*

The City of Milwaukee claims \$20,745.96 for extraordi-

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nary police services performed on and in the immediate vicinity of the University of Wisconsin at Milwaukee on various dates during the year of 1969. It claims \$1,034.57 for similar services rendered on and between January 5, 1970 and February 12, 1970. These services were rendered prior to the effective date of sec. 16.008, Wis. Stats., and establish claims which on equitable principles the State should assume and pay pursuant to sec. 16.007 (6), Wis. Stats.

A third claim by the City of Milwaukee is for \$55,640.46 for extraordinary police services performed on and in the immediate vicinity of the University of Wisconsin at Milwaukee on and between February 13, 1970 and May 18, 1970, at the request of appropriate university officials. The Board is satisfied that the value of services rendered are properly payable under sec. 16.008, Wis. Stats., which services amount to \$12,925.00. However, services valued at \$42,715.46 have not been shown to represent actual additional costs to the claimant, and accordingly are not properly payable under sec. 16.008, Wis. Stats.

4. City of Madison

The City of Madison claims \$47,492.66 for extraordinary police services performed on and in the immediate vicinity of the University of Wisconsin at Madison at the request of appropriate university officials for protection of state property during the period of May 4 through May 6, 1971. Included in the claim is \$8,361.84 for damage to motor vehicles and \$2,488.66 for expended chemical munitions. The Board is satisfied that payment of the claim in the amount of \$47,492.66 is proper under sec. 16.008, Wis. Stats.

5. Dane County

Dane County claims \$18,949.83 for extraordinary police services performed on and in the immediate vicinity of the University of Wisconsin at Madison at the request of appropriate university officials for protection of state property during the period of May 4 through May 6, 1971. The Board is satisfied that payment of the claim in the amount of \$18,949.83 is proper under sec. 16.008, Wis. Stats.

Dane County also claims \$1,247.39 for extraordinary

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police services performed in the immediate vicinity of the Wisconsin State Prison at Waupun for protection of state property on July 4, 1971 at the request of acting warden Roger Crist. The Board is satisfied that payment of the claim in the amount of \$1,247.39 is proper under sec. 16.008, Wis. Stats.

6. *Dodge County*

Dodge County claims \$1,020.00 for extraordinary police services performed in the immediate vicinity of the Wisconsin State Prison at Waupun for protection of state property on July 4, 1971, at the request of acting warden Roger Crist. The Board is satisfied that payment of the claim in the amount of \$1,020.00 is proper under sec. 16.008, Wis. Stats.

Dodge County also claims \$650.88 for extraordinary police services performed in the immediate vicinity of the Wisconsin State Prison at Waupun for protection of state property on April 17, 1971, at the request of warden Elmer Cady. With the exception of \$81.60 included for the services of Dodge County Sheriff Edwin E. Nehls, the claim is proper for payment under sec. 16.008, Wis. Stats., and the Board approves payment in the amount of \$569.28.

Dodge County also claims \$595.00 for extraordinary police services performed in the immediate vicinity of the Wisconsin State Prison at Waupun for protection of state property on October 2, 1971, at the request of an appropriate state official. The Board is satisfied that payment of the claim in the amount of \$595.00 is proper under sec. 16.008, Wis. Stats.

7. *Brown County*

Brown County requests an additional payment of \$298.62 for riot duty at Wisconsin State Reformatory in Green Bay on August 13, 1970. However, the State had previously paid claimant \$1,415.92 for said extraordinary police services and claimant had been advised on or about December 15, 1970 by the State that acceptance of State check no. A 0532-360 in that amount would completely release the State from any further obligation in the matter. Under the circumstances, the claim is one which is not proper for payment, and should be denied.

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THE BOARD CONCLUDES:

1. The claim of Brown County should be denied.
2. The payment of \$21,780.53 to the City of Milwaukee is justified under sec. 16.007 (6), Wis. Stats.
3. The payment of the following amounts to the following claimants, respectively, is proper under the provisions of sec. 16.008, Wis. Stats.:

Winnebago County -----	\$21,554.07
City of Oshkosh -----	29,555.28
City of Milwaukee -----	12,925.00
City of Madison -----	47,492.66
Dane County -----	20,197.22
Dodge County -----	2,184.28

Dated at Madison, Wisconsin this 10th day of December, 1971.

WALTER G. HOLLANDER,
Chairman, Senate Committee on
Finance

GEORGE MOLINARO,
Chairman, Assembly Committee on
Finance

DONALD STERLINSKE,
Representative of Secretary of
Administration

ALLEN WILLIAMS,
Representative of Governor

ALLAN P. HUBBARD,
Representative of Attorney General

EXECUTIVE COMMUNICATIONS

December 10, 1971.

To the Honorable, the Senate

I am returning Senate Bill 187 without my approval.

Senate Bill 187 relates to exempting cemetery lots from certain transfer fees.

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As originally introduced, **Senate Bill 187** would have exempted from the real estate transfer fee sales or other transfers of cemetery plots. Since cemetery plots are not subject to property taxes, sales information on transfers of such property is not useful. Thus, the exemption would have been desirable. The revenue loss created by such an exemption would have been insignificant.

However, assembly substitute amendment 1 radically altered the bill's effect. In addition to the exemption for cemetery plots, **Senate Bill 187** as amended exempts from the real estate transfer fee conveyances from a corporation to its stockholders upon dissolution of the corporation, if such conveyance involved the cancellation or surrender of stock in that corporation. The language of the substitute amendment is identical to that contained in **Assembly Bill 706** and in **Assembly Bill 902**, both bills which have received unanimous unfavorable recommendations from the joint Survey committee on Tax Exemptions.

For the above-mentioned reasons, I have determined that it would not be in the public interest to sign **Senate Bill 187** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

December 10, 1971.

To the Honorable, the Senate

I am returning **Senate Bill 188** without approval.

Currently, the State of Wisconsin collects and monitors liquor taxes through the sale of stamps to the firms which ship liquor into the state for sale. At present, the State of Wisconsin could shift its local tax collection procedures to one of requiring each firm to report the quantity of liquor imported in this state on a regular basis accompanied by the remission of the appropriate amount of liquor tax. This second approach requires a more comprehensive auditing and monitoring system to secure sufficient compliance. Present law, Wisconsin Statutes, Section 139.061, prescribes certain stipulated conditions for the employment of the

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self-monitoring reporting approach to liquor tax collection. **Senate Bill 188** would remove all stipulations as to how the reporting method would be administered. It has been estimated that a significant amount of revenue could be lost due to a shift from the stamp tax system to a reporting method. Without a feasible means of verifying tax payment, bootlegging could become a more significant problem in Wisconsin.

Legislation similar to **Senate Bill 188** was vetoed in 1963 and has been resisted in later years.

For the above reasons, I have determined that it would not be in the public interest to sign **Senate Bill 188** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 394 and
Senate Bill 595.

Correctly enrolled and presented to the Governor on Monday, December 13, 1971.