

STATE OF WISCONSIN

Senate Journal

Seventy-Seventh Session

WEDNESDAY, January 27, 1965.

10:00 o'clock A.M.

The senate met.

The president in the chair.

Prayer was offered by the Reverend Hugo W. Olson.

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

Senators Benson, Bice, Busby, Carr, Christopherson, Dempsey, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leonard, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—31.

Absent—Senator Miller—1.

LEAVE OF ABSENCE

Senator Miller was granted a leave of absence for the remainder of this week's session, upon motion of Senator Knowles, with unanimous consent.

BILLS INTRODUCED

Senate Bill 47

Relating to exempting retirement benefits of federal employees from state income tax.

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By Senator Sussman; co-sponsored by Assemblyman Molinaro, by request of Wisconsin Federation of Chapters National Association of Retired Civil Employees.

Read first time.

To joint Survey committee on Tax Exemptions.

PETITIONS AND COMMUNICATIONS

Wisconsin Legislature
Senate Chamber
Madison 53702

Mr. Lawrence R. Larsen
Chief Clerk of the Senate
Room 243 South, State Capitol
Madison, Wisconsin

Dear Mr. Larsen:

Pursuant to the provisions of Section 13.44 (1) (a) of the Wisconsin Statutes, I do hereby appoint Senator Alex Meunier 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 26, 1965.

State of Wisconsin
Department of Administration
Bureau of Management
State Office Building
Madison, Wisconsin 53702

Mr. Lawrence R. Larsen
Chief Clerk
State Senate
Madison, Wisconsin 53702

Dear Mr. Larsen:

The State Claims Commission is submitting a report to you in accordance with the provisions of Section 15.94 of

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the statutes covering claims heard by it on December 16, 1964.

The amounts recommended for payment on claims included in this report are under \$500 and have, therefore, under the provisions of the statutes been paid directly by the Commission where approval has been made. The report is for the information of the legislature.

The Claims Commission will appreciate your acceptance of the report and the spreading of it upon the journal in the 1965 session of the legislature to inform the members of the Senate as to the nature of the type of claim which comes before the Commission for its consideration.

Sincerely,

WAYNE F. McGOWN,
Secretary State Claims Commission.

January 25, 1965.

BEFORE THE CLAIMS COMMISSION OF WISCONSIN

Hearings were held at Madison, Wisconsin, on December 16, 1964, upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. Eve Adams	\$ 47.20
2. Robert W. Baker	115.00
3. E. H. Cave	355.00
4. Midwestern Adjustment Co., Inc.	127.90
5. Harley Shattuck	75.00
6. Donald C. Thompson	30.50
7. Asher R. Pact	16.95
8. Edward Anders	50.00
9. James W. Campbell	6.64
10. K. Ingolf Dyrud	50.00
11. Harvey L. Wendel	16.27
12. Johan Bouma	157.00
13. Joseph Goetzl	13.13

The Commission Finds:

1. *Eve Adams*

Eve Adams claims \$47.20 for damages from the flooding of a basement in July, 1964. Construction work for the in-

stallation of traffic signals on a state trunk highway allegedly broke a drain tile from the claimant's septic tank. The broken sections of tile were located within the highway right of way, and the Commission finds that the claim is not one on which the State is legally liable nor one which on equitable principles the State should pay.

2. *Robert W. Baker*

Robert W. Baker, an employee of the State Highway Commission, claims \$115 for damages to his motor vehicle resulting from an accident on August 19, 1964, while he was using the vehicle in the course of his employment. The claimant, like other State employees, is reimbursed for the use of his vehicle in connection with his work at a fixed rate per mile. The mileage allowance is not designed to cover all of the costs involved in operating an employee's automobile and may not even cover the out-of-pocket cost of some trips in metropolitan areas with high parking fees. The employee is obligated to bear the excess cost, above the statutory allowance, whether that excess is attributable to parking fees, depreciation and insurance, towing or the repair of collision damage.

The commission finds that the claim is not one on which the State is legally liable nor one which on equitable principles the State should pay.

3. *E. H. Cave*

E. H. Cave claims \$355.00 for damages to his boat-trailer, boat and outboard motor on June 17, 1964, when the towing vehicle and trailer skidded off of State Trunk Highway 46, near Amery. The accident occurred on wet pavement on a stretch of highway which had not been marked to warn motorists that it was slippery when wet. The highway at the point of the accident had been resurfaced in 1963 with a bituminous mix of an inferior type which permitted "bleeding" and made the pavement excessively slippery.

The Commission finds that the damages were the result of causal negligence of employees of the State, but that damages of only \$177.50 have been shown.

4. *Midwestern Adjustment Co., Inc.*

Midwestern Adjustment Co., Inc. claims \$127.90 as the result of windstorm damages to insured property on March

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4, 1964, when a tree located on property of the Milwaukee expressway was blown down on the insured's property.

The evidence does not show that there was any causal negligence on the part of any officer or employee of the State, and the Commission finds that the claim is not one which on equitable principles the State should pay.

5. *Harley Shattuck*

Harley Shattuck claims \$75.00 as the result of damages to his automobile at the State fairgrounds on August 22, 1964, when a gate was blown against his vehicle. The damages to the vehicle were \$24.36, the remainder of the claim being for inconvenience and loss of time. The evidence shows that the gate was not properly secured.

The Commission finds that the damages to the vehicle were caused by the negligence of employees of the State, but that damages of only \$24.36 have been proved.

6. *Donald C. Thompson*

Donald C. Thompson claims \$30.50 as the result of damages to his automobile at the State fairgrounds on August 23, 1964, while it was parked in the infield. Due to insufficient police protection, spectators climbed upon the claimant's vehicle, causing the damages.

The Commission concludes that the damages were caused by the negligence of officers or employees of the State.

7. *Asher R. Pact*

8. *Edward Anders*

9. *James W. Campbell*

10. *K. Ingolf Dyrud*

11. *Harvey L. Wendel*

The last five above-named claimants seek compensation for damages to their motor vehicles at the University's Hospital parking lot.

The amounts of the claims and the dates of damages are as follows:

Asher R. Pact, July 14, 1964	\$16.95
Edward Anders, April 20, 1964	50.00
James W. Campbell, September 15, 1964	6.64
K. Ingolf Dyrud, October 28, 1964	50.00
Harvey L. Wendel, June 3, 1964	16.27

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In each case the damage was caused by an attendant employed to park cars at the parking lot, and the Commission finds that the damages were caused by the negligence of State employees.

12. *Johan Bouma*

Johan Bouma claims \$157.00 because of the loss of certain of the claimant's photographic equipment. The claimant was employed by the University on a soil survey project in northern Wisconsin and was required to use his own cameras and equipment for part of the work. On July 25, 1964, the claimant and two other members of a soil survey team left their personal belongings, including photographic equipment, in a locked State car while they were working in the woods several hundred feet away. Upon returning to the car, they discovered that a window had been forced and the claimant's photographic equipment and some minor items had been stolen.

The Commission concludes that the claim is one which on equitable principles the State should pay.

13. *Joseph Goetzel*

Joseph Goetzel claims \$13.13, the amount of a State check issued November 9, 1954, and payable to the claimant. The check was misplaced and recently rediscovered. It had been cancelled by the State Treasurer in December, 1955, pursuant to statute.

Article VIII, section 2, of the Wisconsin Constitution prohibits payment of any claim against the State except claims of the United States and judgments, unless the claim is filed within six years after it has accrued. The Commission concludes that in view of this provision the instant claim is not one which the State should assume and pay.

The Commission Concludes:

1. That the claims of the following claimants should be denied:

Eve Adams

Robert W. Baker

Midwestern Adjustment Co., Inc.

Joseph Goetzel

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2. That payment of the following amounts to the following claimants, respectively, is justified under the provisions of section 15.94, Statutes :

E. H. Cave -----	\$177.50
Harley Shattuck -----	24.36
Donald C. Thompson -----	30.50
Asher R. Pact -----	16.95
Edward Anders -----	50.00
James W. Campbell -----	6.64
K. Ingolf Dyrud -----	50.00
Harvey L. Wendel -----	16.27
Johan Bouma -----	157.00

Dated at Madison, Wisconsin, this 8th day of January, 1965.

WALTER G. HOLLANDER,
Chairman, Senate Finance
Committee of 1963 Legislature.

GERALD P. BOYLE,
Representative of Governor.

WARREN D. EXO,
Representative of Commissioner
of Administration.

E. WESTON WOOD,
Representative of Attorney General.

The foregoing report of the Claims Commission was received and referred to the joint committee on Finance.
Ordered spread upon the journal.

COMMITTEE REPORT

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

Senate Joint Resolution —

A joint resolution to amend article VIII, section 1 of the constitution, to permit classification of agricultural property in cities and villages for purposes of taxation (2nd consideration).

Introduction ; Ayes, 3 ; Noes, 0.

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Senate Joint Resolution —

A joint resolution to amend article XI, section 3 of the constitution, to extend the pay-off time for municipal debts from 20 years to 30 years (2nd consideration).

Introduction; Ayes, 3; Noes 0.

Senate Bill —

A bill to create 20.551 (4m) and 39.028 of the statutes, relating to establishing 2 new state universities and making an appropriation.

Introduction; Ayes 5; Noes 0.

GERALD D. LORGE,
Chairman.

RESOLUTIONS INTRODUCED

Senate Joint Resolution 19

By committee on Labor, Taxation, Insurance and Banking.

Read first time.

To committee on Judiciary.

Senate Joint Resolution 20

By committee on Labor, Taxation, Insurance and Banking.

Read first time.

To committee on Judiciary.

BILLS INTRODUCED

Senate Bill 48

Relating to establishing 2 new state universities and making an appropriation.

By committee on Labor, Taxation, Insurance and Banking, by request of Senators Lorge, Keppler, Lourigan, Warren, Meunier, LaFave and Benson.

Read first time.

To committee on Education.

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EXECUTIVE COMMUNICATIONS

**The State of Wisconsin
Executive Office
Madison 53702**

To the Honorable, the Senate :

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the senate, I hereby nominate and appoint Carl A. Schmitt, of Milwaukee, a member of the State of Wisconsin Investment Board, to succeed himself, for the term ending March 1, 1968.

Respectfully submitted,

**WARREN P. KNOWLES,
Governor.**

January 21, 1965.

The foregoing appointment by the Governor was referred to the committee on Labor, Taxation, Insurance and Banking.

To the Honorable, the Senate :

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the Senate, I hereby nominate and appoint Arden Grudem, of Eau Claire, a member of the State Board of Agriculture, to succeed Lester M. Palmer, for the term ending June 2, 1969.

Respectfully submitted,

**WARREN P. KNOWLES,
Governor.**

January 25, 1965.

The foregoing appointment by the Governor was referred to the committee on Agriculture.

To the Honorable, the Senate :

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the Senate, I hereby

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nominate and appoint Curtis B. Gallenbeck, of Pewaukee, a member of the State Commission on Aging, to succeed himself, for the term ending October 22, 1967.

Respectfully submitted,

**WARREN P. KNOWLES,
Governor.**

January 21, 1965.

The foregoing appointment by the Governor was referred to the committee on Public Welfare.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the Senate, I hereby nominate and appoint Arthur E. Wegner, of Madison, a member of the Coordinating Committee for Higher Education, to succeed himself, for the term ending October 16, 1971.

Respectfully submitted,

**WARREN P. KNOWLES,
Governor.**

January 22, 1965.

The foregoing appointment by the Governor was referred to the committee on Education.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the Senate, I hereby nominate and appoint Milo K. Swanton, of Madison, a member of the State Commission on Aging, to succeed himself, for the term ending October 22, 1967.

Respectfully submitted,

**WARREN P. KNOWLES,
Governor.**

January 22, 1965.

The foregoing appointment by the Governor was referred to the committee on Public Welfare.

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MESSAGE FROM THE ASSEMBLY

By James P. Buckley, chief clerk thereof.

Mr. President:

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

Assembly Joint Resolution 17 and

Concurred in

Senate Joint Resolution 14.

ASSEMBLY MESSAGE CONSIDERED

Assembly Joint Resolution 17

Relating to the public service by the people of Waukesha County.

The joint resolution was considered at this time, upon motion of Senator Dempsey, with unanimous consent.

Was read.

The joint resolution was concurred in.

Ordered immediately messaged to the assembly.

With unanimous consent, the senate returned to the 5th order of business.

BILLS INTRODUCED

Senate Bill 49

Relating to the manner of selecting members of the conservation commission.

By Senators Busby and McParland.

Read first time.

To committee on Conservation.

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CALENDAR OF TUESDAY, JANUARY 26th
CONSIDERATION OF RESOLUTIONS

Senate Resolution 5

Relating to the rules of the senate.

Was read.

Substitute amendment No. 1, S. was adopted.

The question was: Shall the resolution be adopted?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopher-son, Dempsey, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leonard, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Risser, Rose-leip, Schreiber, Schuele, Smith, Sussman, Thompson, War-ren and Zaborski—30.

Noes—None.

Absent or not voting—Senators Miller and Rasmusen—2.
So the resolution was adopted.

Senator Zaborski moved that all non-controversial bills be listed in the bulletin of hearings and further that the chief clerk announce when bills are received from the as-sembly that are of a non-controversial nature when they are read a first time.

The motion prevailed.

Upon motion of Senator Leonard, with unanimous con-sent, the senate returned to the 3rd order of business.

INTRODUCTION OF AMENDMENTS

Amendment No. 1, S. to Senate Bill 28 was offered by Senator Leonard.

Upon motion of Senator Bice, with unanimous consent, the senate returned to the 8th order of business.

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SPECIAL COMMITTEE REPORT

The committee on Committees reports and recommends:

The following assignment of rooms:

President Pro Tempore	-----	239	South
Chief Clerk	-----	241 and 243	South
Sergeant-at-Arms	-----	246	South
Majority Leader	-----	202 and 204	South
Majority Leader and Assistant Majority Leader	-----	202	South
Assistant Majority Leader	-----	202 and 207	South
Minority Leader	-----	212	South
Assistant Minority Leader	-----	212	South
Committee on Agriculture	-----	310, 312-314	South
Committee on Conservation	-----	310, 312-314	South
Committee on Education	-----	318, 316-315	South
Committee on Public Welfare	-----	318, 316-315	South
Committee on Labor, Taxation, Insurance and Banking	-----	337, 335-334	South
Committee on Judiciary	-----	329, 332-331	South
Joint Committee on Finance	-----	113	South
Committee on Highways	-----	213	South East
Committee on Governmental and Veterans' Affairs	-----	325, 319-323	South
Republican Conference Room	-----	210	South
Democratic Conference Room	-----	214	South
408 South	-----	Senators Bice and Rasmusen	
409 South	-----	Senators Roseleip and Meunier	
410 South	-----	Senators Warren and Keppler	
411 South	-----	Senator LaFave	
415 South	-----	Senators Hansen and Thompson	
417 South	-----	Senator Sussman	
419 South	-----	Senators Lourigan and Schuele	
420 South	-----	Senators Christopherson and Schreiber	
415 South East	-----	Senators Benson, Kendziorski and McParland	

RAYMOND C. BICE,
Chairman.

JESS MILLER
JERRIS LEONARD

The report of the committee on Committees was read and adopted.

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Upon motion of Senator Bice, with unanimous consent, the senate returned to the 5th order of business.

BILLS INTRODUCED

Senate Bill 50

Relating to the publication of codes of general ordinances of towns and counties.

By Senator Bice.

Read first time.

To committee on Governmental and Veterans' Affairs.

Senate Bill 51

Relating to license plates for automobiles containing citizens band radio sets.

By Senators Bice, Warren, Keppler, Zaborski and Roseleip.

Read first time.

To committee on Highways.

GUESTS INTRODUCED

Senator Panzer informed the senate that it is honored by the presence of Mrs. M. L. Kemmel, from Route 1, Brownsville, Wisconsin and Mrs. Henry Piszczek, from 501 East Mill, Beaver Dam, Wisconsin.

Two Waukesha County residents, Mrs. Reuben Bartell from the Village of Menomonie Falls, Wisconsin, and Mrs. Gerald Wray from the Township of Brookfield were introduced to the senate by Senator Dempsey.

Senator Warren announced to the senate that it was honored by the presence of Myro Lotto from Town of De Pere, Brown County, Wisconsin and that he is the Chairman of the Brown County Board of Supervisors.

The following members of the Kewaunee County Board and also members of the Kewaunee Road School delegation were introduced to the senate by Senator Meunier: Don

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Quistorff, Chairman of the County Board, Zeb Shaw, Earl Opicka, Albert Delcore, Joseph Stodola, County Highway Commissioner, and Louis Murchowsky.

The president extended his welcome to all of the guests

Upon motion of Senator Leonard, the senate adjourned until 10:00 o'clock Thursday morning, January 28, 1965.