

STATE OF WISCONSIN

# Assembly Journal

## Seventy-Eighth Regular Session

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FRIDAY, December 29, 1967.

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

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Correction of Printers and Clerical Errors. First paragraph on Page 2771 of journal, The question was: Shall Assembly Amendment 2 "be rejected?" Not, ".—be adopted?" Page 2843 of journal, in fourth paragraph from top, .—"—renewed his motion—"—. Not, .—"—removed his motion —"—.

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### PETITIONS

**Assembly Petition 332**

By Assemblyman Merkel.  
To committee on Public Welfare.

**Assembly Petition 333**

By Assemblyman Uehling.  
To committee on Public Welfare.

**Assembly Petition 334**

By Assemblyman Hutnik.  
To committee on Public Welfare.

**Assembly Petition 335**

By Assemblyman Blanchard.  
To committee on Education.

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COMMUNICATIONS

The State of Wisconsin  
Department of State  
Madison 53702

December 19, 1967.

To the Honorable, the Assembly

Gentlemen: I have the honor to transmit to you, pursuant to Section 13.67 (2), a list of registered lobbyists for the period beginning December 12, 1967, and ending December 18, 1967.

Very truly yours,

ROBERT C. ZIMMERMAN,  
Secretary of State.

Received and placed on file in the office of the chief clerk. Pursuant to Joint Rule 36, the list is printed in the senate journal only and appears there beginning on page 2078.

Department of State  
Madison 2, Wisconsin

December 28, 1967.

To Whom It May Concern:

Dear Sir: Acts, Joint Resolutions and Resolutions, deposited in this office, have been numbered and published as follows:

Bill, Jt. Res. or Res.	Chapter No.	Publication Date
Assembly Bill 889	242	December 22, 1967
Assembly Bill 1061	243	December 22, 1967
Senate Bill 355	244	December 22, 1967
Senate Bill 363	245	December 22, 1967
Senate Bill 377	246	December 22, 1967
Senate Bill 521	247	December 27, 1967
Senate Bill 208	248	December 28, 1967
Assembly Bill 12	249	December 28, 1967
Assembly Bill 159	250	December 28, 1967
Assembly Bill 1059	251	December 28, 1967

Very truly yours,

ROBERT C. ZIMMERMAN,  
Secretary of State.

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COMMITTEE REPORT

The committee on Enrolled Bills reports:

Assembly Bill 888,  
Assembly Bill 1077,  
Assembly Bill 1085,  
Assembly Bill 1088,  
Assembly Bill 1103,  
Assembly Bill 1114,  
Assembly Bill 1116 and  
Assembly Joint Resolution 1  
Correctly enrolled.

ROBERT O. UEHLING,  
Chairman.

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EXECUTIVE COMMUNICATIONS

The State of Wisconsin  
Executive Office  
Madison 53702

To the Honorable, the Assembly:

The following bill, originating in the Assembly, has been approved, signed and deposited in the office of the Secretary of State.

Assembly Bill	Chapter No.	Date Approved
151 -----	274 -----	December 26, 1967

Respectfully submitted,

WARREN P. KNOWLES,  
Governor.

December 26, 1967.

The State of Wisconsin  
Executive Office  
Madison 53702

To the Honorable, the Assembly:

I am returning **Bill No. 594** to you without my approval. This bill would permit the Hanover Insurance Company to sue the State of Wisconsin to recover by way of contribution or indemnification amounts paid by Hanover Insur-

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ance Company under a settlement with a third party for injuries sustained in an automobile accident occurring in April 1964.

The law presently provides that claims of this nature against the State should be resolved by the Claims Commission, which is composed of two legislators and representatives of the Governor, the Attorney General and the Department of Administration.

This claim for \$225,000 against the State was presented to the Claims Commission and after considering the evidence, the Claims Commission in January 1967 denied the claim. The Commission found unanimously that the injuries to the third party were “. . . not the result of negligence of employees of the state nor one which the state should in good conscience assume to pay.” Following the denial, this bill was introduced in the Legislature to permit suit against the state.

I cannot find sufficient reason to make an exception in a case of this nature to permit suit against the State after denial by the Claims Commission. For other claimants, the petition to the Commission constitutes their only means of relief.

I believe it unwise to establish the policy that claimants denied by the Claims Commission should seek the passage of personal legislation permitting their suit against the State. Such a policy would undermine the basic purpose for which the Claims Commission was established.

In my message to you of September 10, 1965, I stated, “I believe the abrogation of the doctrine of governmental immunity has placed a duty upon the State to establish a procedure by which claims may be judicially litigated and the extent to which the State is willing to compensate for its wrongful acts.” In this message I urged that a study of this problem be conducted and that appropriate legislation be adopted after a careful review of the policy and fiscal considerations.

I still maintain this view. However, any change in the present policy should apply uniformly to all citizens and provide a feasible procedure by which citizens may exercise such a right.

Respectfully submitted,

WARREN P. KNOWLES,

December 26, 1967.

Governor.

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The State of Wisconsin  
Executive Office  
Madison 53702

To the Honorable, the Assembly:

The following bill, originating in the Assembly, has been approved, signed and deposited in the office of the Secretary of State.

Assembly Bill	Chapter No.	Date Approved
696 -----	275 -----	December 27, 1967

Respectfully submitted,

WARREN P. KNOWLES,  
December 27, 1967. Governor.

To the Honorable, the Legislature:

I have signed Assembly Bill 696 (Chapter 275), and deposited it in the office of the Secretary of State.

Because of the serious need for additional courts in certain areas of the state, I felt compelled to sign this bill authorizing the establishment of these courts. However, there were several aspects of the bill which I feel should be considered further by the Legislature.

The original bill was the result of a study conducted by the Judicial Council and the Administrative Committee of Courts, whose membership is composed of eminent judges throughout the state. The Legislature saw fit to add three additional courts, the need for which had not been demonstrated by the study nor based on criteria recommended by the Judicial Council or the Administrative Committee of Courts. The Legislature also failed to eliminate Branch No. 3 of the County Court of Douglas County as recommended by the Judicial Council and Administrative Committee of Courts.

The pressure on the taxpayers of this state because of increased governmental spending must be considered in legislation of this nature. The creation of new courts requires built-in costs which escalate and increase the cost to both state and local governments. We can be proud of the excellent quality of our judicial system and it is important that this standard be maintained. But, it is also important that the substantial sums used to maintain our judicial system be expanded in an efficient manner.

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It is essential that new courts not be created until a need for them is clearly apparent. Courts which are no longer needed because of reduced case loads should be eliminated at an appropriate time.

The additional county courts in Waupaca County and Brown County and the additional circuit court in Winnebago and Calumet Counties will not commence until January 1970. I request the Legislature to review their action in creating these courts to determine whether these new courts could be postponed until their need is demonstrated by appropriate studies. I also urge that further consideration be given to the elimination of courts where the reduced case loads no longer necessitate their existence. Just as we recognize the need for new courts due to population changes within the state, so must we recognize the appropriateness of eliminating courts due to population changes.

It is encouraging that the Joint Judiciary Committee of the Legislative Council and the Administrative Committee of Courts plan to work together on problems of mutual interest. I suggest that a review of the matter raised in this message would warrant early consideration as one of their joint efforts to assure that the action of the Legislature accurately reflects the needs of the state.

A technical question has been raised in this bill regarding the creation of a fifth branch of county court in Racine County. Section 9 of the bill increases the number of branches in Racine County (under s. 253.02 (1)) from four to five, while all other portions of the original bill relating to this new court were stricken. It is my understanding in signing this bill that the legislative intent is clearly not to create an additional court in Racine County.

Respectfully submitted,

**WARREN P. KNOWLES,**

Governor.

December 28, 1967.

The State of Wisconsin  
Executive Office  
Madison 53702

To the Honorable, the Assembly:

The following bills, originating in the Assembly, have

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been approved, signed and deposited in the office of the Secretary of State.

Assembly Bill	Chapter No.	Date Approved
45 -----	284 -----	December 28, 1967
202 -----	285 -----	December 28, 1967
411 -----	286 -----	December 28, 1967
415 -----	287 -----	December 28, 1967
607 -----	288 -----	December 28, 1967
669 -----	289 -----	December 28, 1967
1042 -----	290 -----	December 28, 1967

Respectfully submitted,

WARREN P. KNOWLES,  
Governor.

December 28, 1967.

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CHIEF CLERK'S CORRECTION

Relating to: Assembly Bill 1103—In enrolling, it was discovered that Senate Substitute Amendment 1 to Assembly Bill 1103, on page 32, line 28, erroneously refers to 343.16 (1) (d). This reference should read "343.16 (1) (c)".