

JOURNAL OF THE SENATE [June 22, 1971]

STATE OF WISCONSIN

# Senate Journal

## Eightieth Session

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TUESDAY, June 22, 1971.

10:00 o'clock A.M.

The senate met.

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

The prayer was offered by the Reverend Phillip C. Keyes of St. Colletta School, Jefferson, 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, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendzierski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Pelouquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent or not voting—Senator Lorge—1.

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### LEAVE OF ABSENCE

By request of Senator Keppler, with unanimous consent, Senator Lorge was granted a leave of absence for the remainder of the week's sessions.

**JOURNAL OF THE SENATE [June 22, 1971]**

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 12:15 P.M.

**10:10 A.M.**

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**RECESS**

**12:15 P.M.**

The senate reconvened.

By request of Senator Keppler, with unanimous consent, Senate Rule Number 1, pertaining to the wearing of coats, was suspended for the remainder of the week's sessions.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 2:00 P.M.

**12:20 P.M.**

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**RECESS**

**2:00 P.M.**

The senate reconvened.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 3:00 P.M.

**2:02 P.M.**

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**RECESS**

**3:00 P.M.**

The senate reconvened.

Senator Keppler asked unanimous consent to withdraw the appeal of the ruling of the chair, pertaining to Senate Bills 163 and 255, from the table.

Senator Risser objected.

## JOURNAL OF THE SENATE [June 22, 1971]

Senator Keppler moved to withdraw the appeal of the ruling of the chair, pertaining to Senate Bills 163 and 255, from the table.

Senator Risser raised the point of order that this was an improper motion, as it embodied two separate motions on two separate bills.

Senator Keppler withdrew his motion.

Senator Keppler moved to withdraw the appeal of the ruling of the chair, pertaining to Senate Bill 163, from the table.

Senator Risser raised the point of order that this was not a proper motion because it was under the third order of business.

The chair ruled the point of order not well taken pursuant to Senate Rule 65.

Senator Risser asked unanimous consent to withdraw the appeal of the ruling of the chair, pertaining to Senate Bill 163, from the table.

Senator Keppler objected.

Senator Risser moved a

### CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendzierski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Lorge—1.

## JOURNAL OF THE SENATE [June 22, 1971]

Senator Risser moved to amend the motion to withdraw the appeal of the ruling of the chair, pertaining to Senate Bill 163, from the table after the budget bill was passed.

The chair ruled that the amendment was not a proper amendment.

Senator Keppler asked unanimous consent to withdraw the appeal of the ruling of the chair, pertaining to Senate Bill 163, from the table.

The question on which the call of the senate was put having been disposed of the call of the senate was raised.

Senator Risser raised a point of order; asking for a definition of the word "passed" in state statute 16.47 (2).

The chair took the point of order under advisement.

Senator Keppler moved to suspend Senate Rule 8, paragraph 2, pertaining to rulings of the chair being taken under advisement.

Senator Risser moved a

### CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Lorge—1.

By request of Senator Schuele, with unanimous consent, the senate stood informal under call until 3:55 P.M.

# JOURNAL OF THE SENATE [June 22, 1971]

8:55 P.M.

The senate reconvened.

The question was: Shall the rules be suspended pertaining to Senate Rule 8, paragraph 2?

The ayes and noes were required and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—19.

Noes—Senators Dorman, Frank, Kendziorski, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—13.

Absent or not voting—Senator Lorge—1.

Less than two-thirds having voted in the affirmative, the motion did not prevail.

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## AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 282 by Senator Krueger.

Senate amendment 1 to Senate Bill 294 by Senators Kendziorski and LaFave.

Senate amendment 1 to Senate Bill 460 by Senator Murphy.

Senate amendment 10 to Assembly Bill 414 by Senator Roseleip.

Senate amendment 11 to Assembly Bill 414 by Senator Hollander.

Senate amendment 12 to Assembly Bill 414 by Senators Chilsen, Devitt, Steinhilber, Roseleip, Cirilli, McKenna and Busby.

Senate amendment 13 to Assembly Bill 414 by Senator Hollander.

## JOURNAL OF THE SENATE [June 22, 1971]

Senate amendment 14 to Assembly Bill 414 by Senator Hollander.

Senate amendment 15 to Assembly Bill 414 by Senators Devitt, Pelouquin, Heinzen, Chilsen, McKenna, Thompson and Knowles.

Senate substitute amendment 2 to Assembly Bill 417 by Senator Parys, by request of Representatives Froehlich and Lewison.

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### BILLS INTRODUCED

Read first time and referred:

**Senate Bill 606**

Relating to motorboat owners' liability for negligence of persons under 18.

By Senators Swan and Lourigan.

To committee on Judiciary.

**Senate Bill 607**

Relating to redistricting this state pursuant to the congressional apportionment based on the 1970 census of population.

By Senators Risser, Knowles, Knutson and Schuele.

To committee on Judiciary.

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### COMMITTEE REPORTS

The joint committee on Legislative Organization reports and recommends for introduction:

**Senate Bill 608**

(By request of Governor Patrick J. Lucey) Relating to the creation of a department of business development through the transfer of business-related activities from the departments of agriculture, of local affairs and development and of natural resources, and transferring appropriations.

Introduction; Ayes, 4; Noes, 0.

ROBERT P. KNOWLES,  
Chairman.

## JOURNAL OF THE SENATE [June 22, 1971]

Read first time and referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

By request of Senator Keppler, with unanimous consent, the call was raised.

The committee on Judiciary reports and recommends for introduction:

### **Senate Bill 609**

(By request of Sam Patrow, Eau Claire) Relating to criminal penalties for procurement, attempted procurement, transportation or consumption outside licensed premises of fermented malt beverages by minors.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Governmental and Veterans' Affairs.

### **Senate Bill 610**

(By request of Roy Aitken, Professor of Law, Marquette University) Relating to protecting holders of recorded non-possessory interests in land from forged conveyance of such interests by possessory holders.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

And further recommends:

### **Senate Resolution 34**

Relating to calling upon the department of justice criminal investigation division to impanel a grand jury to investigate certain land transactions of the Department of Natural Resources in the state of Wisconsin.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0 and adoption of senate resolution as amended; Ayes, 5; Noes, 0.

### **Senate Joint Resolution 66**

A joint resolution to amend article VI, section 4, of the constitution relating to a 4-year term of office for sheriffs (1st consideration).

Adoption; Ayes, 5; Noes, 0.

## JOURNAL OF THE SENATE [June 22, 1971]

### **Senate Bill 562**

Relating to trial by referee in construction lien law foreclosures.

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 563**

Relating to juror fees in populous counties.

Passage; Ayes, 5; Noes, 0.

### **Senate Bill 574**

Relating to the uniform controlled substances act and changes incidental to its incorporation into Wisconsin law.

Adoption of senate amendment 1; Ayes, 5; Noes, 0; adoption of senate amendment 2; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

ALLEN J. BUSBY,  
Chairman.

## REPORT OF JOINT SURVEY COMMITTEE ON TAX EXEMPTIONS

### Appendix to Senate Bill 471

#### Public Policy Involved

This proposal is desirable as a matter of public policy since it simplifies inheritance tax computation and administration and parallels several gift tax provisions with similar federal laws. Under the inheritance tax provisions of this bill, the orderly transfer of a decedent's property is expedited while the costs of the transfer are decreased. Additionally, safeguards are provided to protect the interests of heirs, creditors and the state. This proposal achieves two other desirable objectives: (1) bringing relief to small estates in terms of both tax relief and a decrease in probate costs and (2) giving additional consideration to more immediate members of a decedent's family. In addition, procedures of tax determination are simplified and court participation in inheritance tax determination is no longer



**JOURNAL OF THE SENATE [June 22, 1971]**

required except in instances of dispute. These changes will result in time savings to the county court and its personnel.

Respectfully submitted,

**JOINT SURVEY COMMITTEE  
ON TAX EXEMPTIONS**

**HARVEY L. DUEHOLM,**  
Chairman.

Read and referred to committee on Commerce, Labor,  
Taxation, Insurance and Banking.

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**PETITIONS AND COMMUNICATIONS**

**Senate Petition 184**

A petition signed by 690 residents of Racine County supporting the Wisconsin Association of Rehabilitation Facilities' Proposal to increase the Vocational Rehabilitational budget to provide adequate training and education for the severely handicapped and mentally retarded of this state.

Introduced by Senator Dorman.

Read and referred to committee on Health and Social Services.

**Senate Petition 185**

A petition by 159 citizens of the 15th Senatorial District supporting Bill 146, A., concerning the use of two night operators in telephone exchanges.

Introduced by Senator Swan.

Read and referred to committee on Commerce, Labor,  
Taxation, Insurance and Banking.

**The State of Wisconsin  
Department of Justice  
Madison**

**June 21, 1971.**

**The Honorable, the Senate  
State Capitol  
Madison, Wisconsin 53702**

Gentlemen: By Senate Resolution 12 you have requested my opinion with regard to the constitutionality of any law

## JOURNAL OF THE SENATE [June 22, 1971]

resulting from Assembly Bill 210, which is now before the senate.

Your resolution states that during the assembly debate it was held that Bill 210 did not require referral to the joint committee on Finance "because of the minimal and speculative nature of a possible fiscal note"; you question whether this failure to refer to the joint committee on Finance is in accordance with sec. 13.10 (1), Stats.

Your resolution also raises the question of compliance with sec. 16.47 (2), Stats., which in effect prohibits, prior to the passage of the general fund executive budget, the passage of any bill with fiscal implications unless recommended as emergency bills either by the Governor or the joint committee on Finance.

Your resolution further asks me to make special reference to the case of *State ex rel. General Motors Corporation v. Oak Creek* (1971), 49 Wis. 2nd 299.

Bill 210 as passed by the assembly would amend sec. 111.06 (1) (c) of the statutes so as to permit an employer to enter into an all-union agreement with the representatives of his employees in a collective bargaining unit if the representative of his employees has been certified as the majority representative by the Wisconsin Employment Relations Commission or the National Labor Relations Board. In present form this statute permits such an all-union agreement where at least two-thirds of such employees voting (provided such two-thirds also constitute at least a majority of the employees in such collective bargaining unit) have voted affirmatively by secret ballot in favor of such all-union agreement in a referendum conducted by the Commission. The present statute also contains other provisions including those for the termination of an all-union agreement which would be repealed by Bill 210 and which are immaterial here.

The first question is whether, if Bill 210 is enacted into law, there will have been a legislative failure to comply with constitutional mandates. Although your resolution refers to no specific constitutional vulnerability, a brief discussion of this subject may be useful.

## JOURNAL OF THE SENATE [June 22, 1971]

The Wisconsin Constitution contains the following provisions governing the procedure which the legislature is to follow in passing a statute:

- (1) Article IV, section 7 (a majority constitutes a quorum to do business).
- (2) Article IV, section 8 (each house may determine the rules of its own proceedings).
- (3) Article IV, section 17 (no law shall be enacted except by bill).
- (4) Article IV, section 19 (a bill may originate in either house and may be amended by the other).
- (5) Article IV, section 20 (yeas and nays of either house on any question, at the request of one-sixth of those present, shall be entered on the journal).
- (6) Article V, section 10 (provides for approval, veto and other action by the Governor and passage after veto).
- (7) Article VII, section 21 (provides for publication of laws).
- (8) Article VIII, section 6 (contains special provisions for laws authorizing the contracting of public debts).
- (9) Article VIII, section 8 (contains special provisions for fiscal bills, requires yea and nay vote, quorum of three-fifths).
- (10) Article XI, section 4 (contains special provisions for enactment of banking laws, two-thirds vote of all elected members required).

Inasmuch as Article VIII, section 8, deals with fiscal bills, as do the statutes to which you have referred, it is useful to consider cases construing the constitutional provision. These cases show a consistent tendency to limit the definition of a fiscal law. For example, state laws relating to city or local taxes, as distinguished from a state tax, are not included under this constitutional provision. *Watertown v. Cady* (1866), 20 Wis. 501, 503. A law relating merely to the machinery for apportioning and compelling payment of a tax is not included. *Whittaker v. City of Janesville* (1873), 33 Wis. 76, 89. A law creating a judicial circuit, where the appropriation for the payment of salaries of circuit judges was provided for in other statutes, did not come within this

## JOURNAL OF THE SENATE [June 22, 1971]

provision. *McDonald v. State* (1891), 80 Wis. 407, 413, 50 N. W. 185.

An act amending the Workmen's Compensation Law which affected the exactions of money from employers paid into the state treasury and paid out to a limited class of dependents of employes was held not to deal with "public or trust money" as used in Article VIII, section 8 of the State Constitution. *Sturtevant Co. v. Industrial Comm.* (1925), 186 Wis. 10, 202 N. W. 324.

Where an appropriation bill was amended, but the amendment was not an inducement to the rest of the bill and did not itself make an appropriation, the yea and nay vote specified in Article VIII, section 8, was not required with respect to the amendment. *Loomis v. Callahan* (1928), 196 Wis. 518, 528, 220 N. W. 816.

In fact, in *McDonald*, *supra*, at pages 411-412, the court said:

"The courts will take judicial notice of the statute laws of the state, and to this end they will take like notice of the contents of the journals of the two houses of the legislature far enough to determine whether an act published as a law was actually passed by the respective houses *in accordance with constitutional requirements. Further than this the courts will not go.* When it appears that an act was so passed, no inquiry will be permitted to ascertain whether the two houses have or have not complied strictly with their own rules in their procedure upon the bill, intermediate its introduction and final passage. The presumption is conclusive that they have done so. We think no court has ever declared an act of the legislature void for non-compliance with the rules of procedure made by itself, or the respective branches thereof, and which it or they may change or suspend at will. If there are any such adjudications, we decline to follow them." (Emphasis added.)

In Sutherland, *Statutory Construction*, 3d Ed. Vol. 1, §604, p. 126, it is said:

"The decisions are nearly unanimous in holding that an act cannot be declared invalid for failure of a house to observe its own rules. Courts will not inquire whether such

rules have been observed in the passage of the act. Likewise, *the legislature by statute or joint resolution cannot bind or restrict itself or its successors as to the procedure to be followed in the passage of legislation.* \* \* \* More generally applicable is the rule that the constitution having conferred this rule-making power on the legislature, excludes the court. The court without violating the separation of powers rule and the specific constitutional directions could not review the legislative act. The reason has been well stated by the Supreme Court of the United States in *United States v. Ballin*. 'The constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and, within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.' (Emphasis added.)

One of the cases cited by Sutherland as support for the statement that the legislature by statute cannot bind or restrict itself is *State v. P. Lorillard Co.* (1923), 181 Wis. 347, 193 N. W. 613.

In *Lorillard*, *supra*, at page 372, the court said:

"\* \* \* There is no constitutional requirement involved. The committee referred to in the statute is a joint committee composed of members of both houses. In the senate the bill was referred to that committee.

"It will be observed that sec. 13.06 does not state that the bill shall be referred to the finance committee by each house before final passage. The language is that it 'shall be referred to the committee on finance before being passed or allowed.'

## JOURNAL OF THE SENATE [June 22, 1971]

"It may be that it would be desirable, as argued by defendants' counsel, that each house should refer bills for the appropriation of money to the finance committee before it takes final action, but as we construe the statute it does not make any such requirement. *This is a question of policy for legislative, not judicial, determination.*" (Emphasis added.)

The same language from *Lorillard* was quoted by the court in *State ex rel. General Motors Corp. v. Oak Creek*, supra, at page 324. However, in *General Motors*, the court went on to say (page 324) :

"Thus the court was able to avoid the question presented here since that bill had been submitted by at least one house."

The court then goes on to construe sec. 13.10 (formerly 13.06) as a mandatory, not a directory statute and in effect praises the statute as having an essential purpose of requiring additional consideration by the legislature in the exercise of its important taxing power and thus avoiding "improper" taxation. *General Motors*, supra, page 325.

The statute under consideration in *General Motors* was invalid, according to the court, because the legislature's failure to follow Article VIII, section 8, alone was a defect sufficient to render it a nullity. (Page 322). The troublesome language in *General Motors* appears at page 329, where it is suggested that an alternative ground for nullifying the statute was the legislature's failure to comply with *statutory* as well as constitutional mandates dealing with enactment of taxation statutes. In light of all of the circumstances, including the well established principles set forth above, as well as the presumption of constitutionality, I conclude that until the issue is squarely presented and argued to the court, this language should be regarded as *obiter dictum*.

Therefore, it is my opinion that any law resulting from Assembly Bill 210 would probably be held constitutional and not invalidated by reason of any of the procedures described in Senate Resolution 12. Nothing appears on the face of the bill or in the resolution which suggests a fiscal

**JOURNAL OF THE SENATE [June 22, 1971]**

or taxation impact. As I have indicated, the court has consistently taken a narrow view of what constitutes a fiscal law. If it should later appear that **Assembly Bill 210** does have significant fiscal implications, then special attention should be given to compliance with Article VIII, section 8, Wisconsin Constitution.

Sincerely yours,

**ROBERT W. WARREN,**  
Attorney General.

**CAPTION:** Any law resulting from **Assembly Bill 210** would probably be constitutional. Article VIII, section 8, Wisconsin Constitution, discussed.

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State of Wisconsin  
Statutory Revision Bureau  
State Capitol  
Madison

June 15, 1971.

William P. Nugent  
Senate Chief Clerk

Dear Mr. Nugent:

I enclose a copy of the biennial report of the Joint Committee for the Review of Administrative Rules.

Respectfully,

**JAMES J. BURKE,**  
For the Committee.

**BIENNIAL REPORT  
OF THE  
JOINT COMMITTEE FOR THE  
REVIEW OF ADMINISTRATIVE RULES**

(For the biennium ending May 1, 1971)

Submitted to the Governor and the 1971 Legislature  
Joint Committee for the Review of Administrative Rules

**JOURNAL OF THE SENATE [June 22, 1971]**

**Representative John C. Shabaz**  
**Chairman**

**Senator Arthur A. Cirilli**  
**Vice Chairman**

**Senator Leland S. McParland**  
**Secretary**

**Senators:**

**Raymond F. Heinzen**  
**Myron P. Lotto**

**Representatives:**

**Merrill Stalbaum**  
**Tommy G. Thompson**  
**Vincent R. Matthews**  
**Richard E. Pabst**

**(Section 13.56 of the statutes creates the committee and specifies its powers and duties.)**

**1971 REPORT OF THE JOINT COMMITTEE FOR THE  
REVIEW OF ADMINISTRATIVE RULES**

**To:**

**The Honorable, Governor Patrick Lucey**  
**The Honorable, the Senate and Assembly of Wisconsin**

**At a meeting held on October 15, 1969 the committee elected Representative Shabaz as Chairman, Senator Cirilli as Vice Chairman and Senator McParland as Secretary. It was agreed that every 2 years the chairmanship should be rotated between the Senate and Assembly and that a Senator should be supported for the chairmanship in 1971.**

**At a meeting held on October 22, 1969 it was decided that in the future all requests for hearing or complaints as to rules must be submitted in writing before they would be considered.**

**At this meeting the committee considered:**

**1. Complaint as to parole revocation procedures of H&SS. Since no departmental rule was cited, the committee took no action.**

**2. Complaint that H&SS had changed its personnel requirement for welfare workers so that a former employee could no longer qualify for a position he expected to receive when he resigned and went back to school to qualify for a degree pursuant to an agreement with the department.**



## JOURNAL OF THE SENATE [June 22, 1971]

Complainant was to be asked for further information (nothing received).

3. Complaint by Electrical Contractor's Assn. against PSC. Matter set for hearing November 5, 1969.

At a meeting held November 5, 1969 a hearing was held on a request of the Electrical Contractor's Assn. that the PSC be required to adopt a rule delaying the effective date of approvals of electric rate and service filings by utilities until 40 days after the filing and opportunity to object. The complaint stated that a service filing by the utilities had the effect of barring the contractors from constructing, and the building owner from owning, any underground connections to the power line.

At a meeting held December 10, 1969, the committee held a hearing on the complaint of Ray F. Goetz, Montello, objecting to rules RD 15.03 (2) and (3). These have to do with subdivision control over lakeshore development. Mr. Goetz complained that the rules are too restrictive; are stricter than section 236.02 (8) (a) and (b); and were adopted without public hearing.

At a meeting held January 6, 1970 the committee voted by a vote of seven to one to suspend rule Chapter RD 15 (Resource Development) which was the subject of Mr. Goetz's complaint.

At a meeting held April 29, 1970 the committee heard a complaint that the department of IL&HR had changed its interpretation of rule Ind 57.07 (2) without notice. This rule covers the required distance in apartment buildings from each unit to an "exit". A contractor had received approval of plans and then when the building was under way was told that he had to make substantial changes, although the distance involved was only a few feet. A department representative agreed to recommend that a construction variance be permitted the contractor in this case. (Later issued.)

At a meeting held August 18, 1970 the committee heard a complaint that H&SS, without adopting a rule, had interpreted the statutes on plumbing so that steamfitters could

## JOURNAL OF THE SENATE [June 22, 1971]

no longer install condensing units (such as boilers and air conditioners) where there is no connection to the drainage system; the condensate simply flows into an open drain. The department took the position that this was not a new interpretation and that they had been upheld in the courts. A motion was adopted requiring the department to hold a hearing within 60 days as to the adoption of a rule under 145.01 (1) (a) as that statute relates to "air gap" installations in drain lines. (Hearing scheduled for Oct. 12, 1970.)

At a meeting held December 1, 1970 the committee heard a complaint that the Department of Revenue had issued an interpretation (Tech. Info. Memo S-45) which resulted in organizations such as Lions Clubs, which sold Christmas trees to raise funds for public projects, having to pay a sales tax on their gross sales if they amounted to more than \$1,000. There was no rule to this effect. A motion was adopted setting aside the \$1,000 limit and directing the department to follow rule making procedures.

At the same meeting a complaint of Mrs. Robert Anderegg was received to the effect that she had been denied access to Fond du Lac county welfare records although the records were made available to students from Oshkosh State University. A rule of H&SS was cited which denied her access. This matter is being considered by a Legislative Council committee and an attorney general's opinion is expected soon.

At the same meeting the committee heard from Mr. Carl Kuehn, Bancroft, to the effect that H&SS is authorizing a self-declaration policy for determination of eligibility for welfare aid. He feels this is a violation of statute sections 49.18 (6) (a), 49.19 (2), 49.28 and 49.61 (4). The federal government is proposing that the self-determination method be made mandatory by July 1, 1971. A motion was adopted directing H&SS to send a notice to all county board chairmen to the effect that they do not have to follow the self-declaration system as of this date and can withdraw from it if they are following it.

At a meeting held February 18, 1971 the committee heard another complaint as to the sales tax on occasional sales. The acting head of the Department of Revenue said

## JOURNAL OF THE SENATE [June 22, 1971]

that apparently a local representative had misunderstood the department policy which was now to the effect that if these occasional sales exceed \$1,000 the matter is to be submitted to the department for interpretation as to whether a tax is due, not handled arbitrarily locally.

At a meeting held March 31, 1971 the committee heard a complaint presented by Miss Ramona H. Paddock to the effect that the Department of Natural Resources had rejected a petition asking for the adoption of a rule prohibiting the adulteration of drinking water in Wisconsin. The department stated it felt water controls were adequate without such a rule.

The committee also heard an objection to a proposed rule of DNR which would require county clerks to report monthly on sales of hunting and fishing licenses and to pay in money collected monthly. The department pointed out that in one county last year they had a \$30,000 shortage. The proposed rule was properly published and no one had asked for a public hearing on it, but representatives offered to hold a public hearing if requested to do so within a few days by the County Clerks' Assn.

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### EXECUTIVE COMMUNICATIONS

To the Honorable, the Senate:

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

Senate Bill	Chapter No.	Date Approved
32 -----	48 -----	June 18, 1971

Respectfully submitted,

PATRICK J. LUCEY,  
Governor.

**JOURNAL OF THE SENATE [June 22, 1971]**

**MESSAGE FROM THE ASSEMBLY**

By Thomas P. Fox, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 50**

Passed and asks concurrence in:

**Assembly Bill 22 and  
Assembly Bill 340**

Concurred in:

**Senate Joint Resolution 46**

Adopted and asks concurrence in:

Motion Under Joint Rule 26:

A joint certificate of Congratulations by the Entire Membership of the assembly; co-sponsored by the Entire Membership of the senate, for The Mazur Polish Dancers of Milwaukee, Inc. on its 30th Anniversary.

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**MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Assembly Joint Resolution 50**

Requesting the attorney general not to appeal the recent state supreme court opinion which refused to compel Amish residents to comply with the state's compulsory school attendance law.

By Representatives Kessler and Merkel.

Read and referred to committee on Education.

**Assembly Bill 22**

Relating to filing complaints against police.

By Representative Barbee.

Read first time and referred to committee on Judiciary.

**Assembly Bill 340**

Relating to the serving of any product for use as coffee cream.

## JOURNAL OF THE SENATE [June 22, 1971]

By Representatives Tregoning, Conradt, LaFave, Byers, Bradley, O'Malley, Vanderperren, Bolle, Boeckmann, Schricker, and T. G. Thompson; co-sponsored by Senators Chilsen, McKenna, Devitt and LaFave.

Read first time and referred to committee on Agriculture.

### Motion Under Joint Rule 26:

A joint certificate of Congratulations by the Entire Membership of the assembly; co-sponsored by the Entire Membership of the senate for The Mazur Polish Dancers of Milwaukee, Inc. on its 30th Anniversary.

Read and concurred in.

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Upon motion of Senator Keppler, with unanimous consent, the senate adjourned until 8:30 A.M., Wednesday, June 22.  
4:15 P.M.

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## INTRODUCTION OF GUESTS

Senator Knowles introduced Mark Casey, New Richmond, Wisconsin, Duane Werner, Woodville, Wisconsin, Steve Holzer, Hammond, Wisconsin, and Bruce Kelm, Emerald, Wisconsin.

Senator Keppler introduced Mr. and Mrs. Donald Newton, Sheboygan, Wisconsin.

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## CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 42 and  
Senate Bill 240.**

Correctly enrolled and presented to the Governor on Tuesday, June 22, 1971.

The chief clerk records:

**Senate Joint Resolution 46**

Correctly enrolled and deposited in the office of the Secretary of State on Tuesday, June 22, 1971.