

JOURNAL OF THE SENATE [July 9, 1971]

STATE OF WISCONSIN

# Senate Journal

## Eightieth Session

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FRIDAY, July 9, 1971.

8:30 o'clock A.M.

The senate met.

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

Prayer was offered by Reverend Robert J. Martens, pastor, Messiah Lutheran Church, Beloit, Wisconsin.

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

Senators Bidwell, Busby, Chilsen, Devitt, Dorman, Frank, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent—Senator Lipscomb—1.

Absent with leave—Senators Cirilli, Heinzen and Lorge—3.

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### AMENDMENTS OFFERED

Senate amendment 1 to Assembly Bill 198 by Senator Soik.

Senate amendment 2 to Assembly Bill 198 by Senator Soik.

Senate amendment 3 to Assembly Bill 198 by Senator Soik.

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Senate substitute amendment 1 to **Senate Bill 498** by Senator LaFave.

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### BILLS INTRODUCED

Read first time and referred:

#### **Senate Bill 653**

Relating to nursing home reimbursements and granting rule-making authority.

By Senators Cirilli, Bidwell, Roseleip and Whittow.

To joint committee on Finance.

#### **Senate Bill 654**

Relating to sales tax exemption for festivals.

By Senators Whittow, Parys and Soik; co-sponsored by Representatives McCormick, Pabst, Shabaz, Froehlich and Berger.

To joint Survey committee on Tax Exemptions.

#### **Senate Bill 655**

Relating to animal welfare.

By Senators Krueger, Soik, Chilsen, Johnson, Cirilli, Dorman and Busby, by request of Eugene Kabel, State Appointed Humane Officer.

To committee on Agriculture.

#### **Senate Bill 656**

Relating to animal welfare, regulation of pet shops, kennels, animal pounds and shelters, research facilities and dealers, granting rule-making power and providing penalties.

By Senators Krueger, Soik, Cirilli, Chilsen, Johnson, Busby and Dorman, by request of Eugene Kabel, State Appointed Humane Officer.

To committee on Agriculture.

#### **Senate Bill 657**

Relating to refunds and redetermination of sales and use taxes.

By Senator Busby.

To committee on Commerce, Labor, Taxation, Insurance and Banking.

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**Senate Bill 658**

Relating to blood tests for lead.

By Senator Busby.

To committee on Health and Social Services.

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COMMITTEE REPORT

The committee on Housing and Urban Development reports and recommends:

**Senate Joint Resolution 44**

Relating to municipal debt limits (1st consideration).

Adoption; Ayes, 5; Noes, 0.

**Senate Bill 518**

Relating to creating a \$5 per acre excise tax on iron ore deposits, and establishing penalties.

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.

**Senate Bill 525**

Relating to regulation of surface mining, and making an appropriation.

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

**Assembly Bill 734**

Relating to local governmental contracting for joint projects and planning.

Concurrence; Ayes, 5; Noes, 0.

ARTHUR A. CIRILLI,  
Chairman.

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## PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Claims Board

July 7, 1971.

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

Dear Mr. Nugent:

Enclosed is a copy of the report and recommendation of the State Claims Board covering claims heard by it.

The amounts recommended for payment under \$500 on claims included in this report have, therefore, under the provisions of s. 16.007, Wis. Stats., been paid directly by the Board. The Board is preparing a bill on the award over \$500 and will submit it to the joint committee on Finance for legislative introduction. The awards made under the provisions of s. 16.008, Wis. Stats., have been paid directly to those municipalities.

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 June 21, 1971, upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. Robert J. Kleisner -----	\$ 4.00
2. Robert J. DeVita -----	29.70
3. Robert Roehl -----	184.70
4. Lena Zingale -----	12.50
Salvatore Zingale -----	12.50

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Gloria Zingale .....	35.00
Mary Grace Zingale .....	12.50
K. JoAnne Zingale .....	12.50
Theresa Zingale .....	27.50
Anthony Zingale .....	50.00
Charles Zingale .....	249.90
Kay Zingale .....	12.50
Anthony Zingale, Jr. ....	12.50
Anthony Zingale .....	12.50
5. Dane County .....	5,367.10
6. Dane County .....	35,423.55
7. City of Madison .....	65,010.35
8. City of Waupun .....	1,317.00

### THE BOARD FINDS

#### 1. *Robert J. Kleisner*

The claimant developed a bacterial growth on or about May 5, 1970, while on active duty in the Wisconsin National Guard during the Madison civil disorder. The bacterial deposit was removed on May 12, 1970 at a cost of \$4.00 to the claimant. The Board concludes the claim is one which on equitable principles the State should assume and pay.

#### 2. *Robert J. DeVita*

The claimant contacted poison oak on or about November 15, 1970 while on a field training exercise with the Wisconsin National Guard in Bender Park, Oak Creek, Wisconsin. The claimant received treatment at a cost to him of \$29.70. The Board concludes the claim is one which on equitable principles the State should assume and pay.

#### 3. *Robert Roehl*

The claimant's minor daughter, Antoinette, was in a tent at State Fair Park on August 11, 1969, when it collapsed. She was hit in the left shoulder by a pole which in turn threw her into some shelves containing merchandise which subsequently fell on her. She suffered pain in her shoulder and neck, and the claimant incurred medical bills of \$184.70. The Board concludes the claim is one which on equitable principals the State should assume and pay.

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### 4. *Zingale Family (11 claims)*

Eleven members of the Zingale family were in a tent at State Fair Park on August 11, 1969, when it collapsed causing minor personal injuries to the following claimants in the following amounts:

Lena Zingale	\$12.50
Salvatore Zingale	12.50
Gloria Zingale	35.00
Mary Grace Zingale	12.50
K. JoAnne Zingale	12.50
Theresa Zingale	27.50
Anthony Zingale	50.00
Charles Zingale	12.50
Kay Zingale	12.50
Anthony Zingale, Jr.	12.50
Anthony Zingale	12.50

The Board concludes the claims are ones which on equitable principles the State should assume and pay, except that in the case of Charles damages of more than \$12.50 have not been shown.

### 5. *Dane County*

Dane County claims \$5,367.10 to reimburse it for the cost of reprinting ballots for the November 1970 election. Dane County seeks relief from the State on the grounds that the Secretary of State's office did not conform to s. 5.64(1)(e), Stats., in distributing a sample ballot which did not have the names of all the candidates for the same office appearing on or between the same horizontal lines. Section 7.10(1)(a), Stats., provides that each county clerk shall provide printed ballots for each election in substantially the same form as those annexed to Chapter 5 of the Statutes. Form "A" Official Ballot properly shows the names of candidate for the same office appearing on or between the same horizontal lines. Section 7.10(2), Stats., provides that the county clerk shall prepare the official ballots upon receipt of the certified list of candidates' names from the Secretary of State. The statutes place the responsibility for preparation of proper official ballots upon the county clerk, and the role of the Secretary of State's office is advisory in nature except for the furnishing of the certified list of candidates' names. The Board concludes there is insufficient evidence of negli-

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gence on the part of officers, agents or employees of the State, and the Board concludes the claim is not one for which the State is legally liable, and not one which on equitable principles the State should assume and pay.

### 6. *Dane County*

Dane County claims \$35,423.55 for extraordinary police services provided to the University of Wisconsin at the Madison campus during the demonstration on January 27, 1971 against the appearance of Defense Secretary Laird before a joint service clubs luncheon at the U.W. Fieldhouse (General James actually appeared in place of Secretary Laird) and for extraordinary police services provided during the demonstrations from February 9-13, 1971 in opposition to the Laotian operation. 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.

### 7. *City of Madison*

The City of Madison claims \$65,010.35 for extraordinary police services provided to the University of Wisconsin at the Madison campus during the demonstration on January 27, 1971 against the appearance of Defense Secretary Laird before a joint service clubs luncheon at the U.W. Fieldhouse (General James actually appeared in place of Secretary Laird) and for extraordinary police services provided during the demonstrations from February 9-13, 1971 in opposition to the Laotian operation. 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.

### 8. *City of Waupun*

The City of Waupun claims \$1317.00 for extraordinary fire protection services furnished on January 26, 1971 to the Wisconsin State Prison in Waupun, Wisconsin. The fire equipment within the prison was unable to control the fires involved. At 8:00 a.m. the Waupun fire department was called to fight a fire in a spray paint booth caused by a broken light bulb. Later in the same day the Waupun fire department was called to fight a fire in the prison laundry.

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Since all of Waupun's fire-fighting equipment was at the prison, the Beaver Dam fire department was called upon by the City of Waupun to assist with the fire and to have their equipment on stand-by to protect the City of Waupun. The Board concludes the claim is one which on equitable principles the State should assume and pay.

### THE BOARD CONCLUDES:

1. The claim of Dane County in the amount of \$5367.10 for reprinting ballots should be denied.

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

Robert J. Kleisner -----	\$ 4.00
Robert J. DeVita -----	29.70
Robert Roehl -----	184.70
Lena Zingale -----	12.50
Salvatore Zingale -----	12.50
Gloria Zingale -----	35.00
Mary Grace Zingale -----	12.50
K. JoAnne Zingale -----	12.50
Theresa Zingale -----	27.50
Anthony Zingale -----	50.00
Charles Zingale -----	12.50
Kay Zingale -----	12.50
Anthony Zingale, Jr. -----	12.50
Anthony Zingale -----	12.50

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

Dane County -----	\$35,423.55
City of Madison -----	65,010.35

### THE BOARD RECOMMENDS:

That payment of \$1317.00 be made to the City of Waupun.



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Dated at Madison, Wisconsin this 1st day of July, 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.

Senator Dorman asked unanimous consent for a leave of absence at 10:30 A.M. for the remainder of the day's session.

Senator Risser objected.

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## MOTIONS

Senator Soik asked unanimous consent to withdraw **Senate Bill 628** from the committee on Housing and Urban Development and refer it to the joint Survey committee on Tax Exemptions.

Senator Johnson objected.

Senator McKenna asked unanimous consent that **Senate Resolution 34** be taken from the calendar of June 24 and considered for action at this time.

Senator Roseleip objected.

Senator McKenna moved that **Senate Resolution 34** be taken from the calendar of June 24 and considered for action at this time.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 16; absent or not voting, 4; as follows:

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**Ayes**—Senators Busby, Frank, Knutson, LaFave, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Thompson and Whittow—13.

**Noes**—Senators Bidwell, Chilsen, Devitt, Dorman, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, Lotto, Roseleip, Schuele, Soik, Steinhilber and Swan—16.

**Absent or not voting**—Senators Cirilli, Heinzen, Lipscomb and Lorge—4.

The motion did not prevail.

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### MOTION UNDER JOINT RULE 26

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

Whereas, Miss Marion Reible, executive director of the Gateway nursing home at Hartford, was responsible for the arrest of a state medical social worker who reportedly solicited a bribe to illegally increase payments on behalf of her patients; and

Whereas, the honesty and dedicated public service displayed by Miss Reible on this occasion are deserving of recognition as the very ideal upon which our actions should be based; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Keppler and Representatives Otte and Boeckmann, under Joint Rule 26, do commend Miss Marion Reible for her worthy actions and urge all citizens to model their own lives after this fine example.

**Read and adopted.**

Senator McKenna asked unanimous consent to withdraw Senate Bill 576 from the joint Survey committee on Tax Exemptions and consider it for action at this time.

Senator Soik objected.

Senator McKenna moved that Senate Bill 576 be withdrawn from the joint Survey committee on Tax Exemptions and considered for action at this time.

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Senator Hollander raised the point of order that the motion was out of order, that pursuant to Chapter 13.52 (6) of the statutes no bill introduced relating to tax exemptions or deductions could be acted on until a recommendation by the joint Survey committee on Tax Exemptions had been received.

The chair ruled the point of order well taken.

Senator Keppler asked unanimous consent to recess for one-half hour.

Senator McKenna objected.

Senator Keppler moved that the senate recess for one-half hour.

The motion prevailed.

9:05 A.M.

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RECESS

9:35 A.M.

The senate reconvened.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 10:20 A.M.

9:37 A.M.

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RECESS

10:20 A.M.

The senate reconvened.

By request of Senator Krueger, with unanimous consent, Senate Resolution 34 was made a special order of business at 2:30 P.M., Wednesday, July 14.

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By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of the 49th birthday of Senator Lorge, who is presently confined in a hospital in New London.

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Upon motion of Senator Keppler, with unanimous consent, the senate adjourned until 3:00 P.M., Tuesday, July 13.

10:25 A.M.

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### INTRODUCTION OF GUESTS

Senator Swan introduced Patricia and Barbara Martens, Beloit, Wisconsin.