

JOURNAL OF THE SENATE October 25, 1973

STATE OF WISCONSIN
Senate Journal
Eighty-First Regular Session

THURSDAY, October 25, 1973.

10:00 A.M.

The senate met.

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

Prayer was offered by Senator Roseleip.

Almighty God, I want to thank You for this beautiful day; I thank You for giving us the right to live in the greatest county in the world, the United States of America, under our great flag, "Old Glory" and our grand state of Wisconsin under two great constitutions:

Help us God to preserve these constitutions as they are so important to our young people and their future;

God Bless the members of this senate, our governor and other constitutional officers;

God Bless our president and congress in these troubled times and help them abide by the 10 commandments;

Thank you God for the food you have placed upon our table and the good crops you have given to one of our most important people, the farmer;

Thank you God for giving us members of the senate good health so we can carry on for you;

Bless one of our members and bring him back to us in good health again. If not possible God, open the gates of Heaven to him because we all love him very much. Amen.

The senate remained standing and the president pro tempore of the senate led the senate in the pledge of allegiance to the flag of the United States of America.

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

JOURNAL OF THE SENATE October 25, 1973

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Kendziorski -- 1.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 795

Relating to aid for loaning textbooks to elementary and high school students and making an appropriation.

By Senators Devitt, LaFave, Knutson, Schuele, Petri, M. Swan, Martin, Roseleip and Krueger.

To joint committee on Finance.

Senate Bill 796

Relating to licensing requirements for certain nonresident and foreign drivers.

By Senator LaFave.

To committee on Transportation.

Senate Bill 797

Relating to eligibility of graduate students for Vietnam era veterans educational grants.

By Senators Frank and Roseleip, cosponsored by Representatives Plewa and Tesmer, by request of Mr. Dennis Pawlak.

To joint committee on Finance.

Senate Bill 798

Relating to service of orders on judgment debtors.

By Senators Devitt, LaFave, Keppler, Schuele, Frank, Flynn and Murphy.

To committee on Judiciary and Insurance.

Senate Bill 799

Relating to directing the department of transportation to promulgate rules pertaining to fenders and mudguards and spillage and projection of loads from motor vehicles.

JOURNAL OF THE SENATE October 25, 1973

By Senators Keppler, Parys, M. Swan, Dorman and Flynn, cosponsored by Representatives Kleczka, Berger, Lewison, Conradt, Keegan, Pabst, Behnke, Nager, Atkinson, Klicka, Merkel, Hauke, Barbee, Lallensack and Kedrowski.

To committee on Transportation.

President of the senate in the chair.

10:05 A.M.

Senate Bill 800

Relating to restoring the tax on oleo, establishing a college of veterinary medicine and making an appropriation.

By Senator Bidwell.

To committee on Agriculture and Rural Development.

Senate Bill 801

Relating to authorized investments of the Milwaukee debt amortization fund.

By Senator Parys, by request of the City of Milwaukee.

To committee on Governmental and Veterans' Affairs.

Senate Bill 802

Relating to quorum and voting procedure of joint legislative committees.

By Senator Keppler.

To committee on Senate Organization.

Senate Bill 803

Relating to an equal number of senators and representative on all joint committees.

By Senator Keppler.

To committee on Senate Organization.

MESSAGE FROM THE ASSEMBLY

By Thomas S. Hanson, chief clerk.

Mr. President:

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

Motion Under Joint Rule 26:

A Joint Certificate of Congratulations by Representatives Luckhardt, Cyrak and Giese; cosponsored by Senator Hollander for JOHN BUTTERBRODT on his being awarded the "Honorary Farmer Degree".

and

Appoint Representatives Earl, Anderson and Shabaz as new conferees on its part for **Assembly Bill 720**.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A Joint Certificate of Congratulations by Representatives Luckhardt, Cyrak and Giese; cosponsored by Senator Hollander for JOHN BUTTERBRODT on his being awarded the "Honorary Farmer Degree".

Read and concurred in.

The chair appointed Senators Johnson, Knowles and Risser as new conferees on its part to **Assembly Bill 720**.

Senator Johnson moved confirmation.

The motion prevailed.

By request of Senator Johnson, with unanimous consent, the senate advanced to the eleventh order of business.

CALENDAR OF OCTOBER 4

Senate Bill 407

Relating to creating a council on Indian education.

Read a second time.

The question was: Adoption of senate amendment 1?

JOURNAL OF THE SENATE October 25, 1973

Senate amendment 1 adopted.

Ordered to a third reading.

By request of Senator LaFave, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 407

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 1; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, M., Theno and Thompson -- 30.

Noes -- Senator Swan, J.D. -- 1.

Absent or not voting -- Senators Kendzioriski and Whittow -- 2.

So the bill passed.

Ordered immediately messaged.

Senate Bill 536

An act to appropriate \$14,183.15 from the highway fund for payment of a claim made by Wingra Enterprises against the state.

Read a second time.

The question was: Indefinite postponement?

So the bill was indefinitely postponed.

Senate Bill 552

Relating to municipal election of inclusion of certain policemen and firemen under the Wisconsin retirement fund.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 552

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 2; as follows:

JOURNAL OF THE SENATE October 25, 1973

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno and Thompson -- 29.

Noes -- Senators Murphy and Petri -- 2.

Absent or not voting -- Senators Kendziorski and Whittow -- 2.

So the bill passed.

Senate Bill 561

Relating to salary supplements to family court commissioners and making an appropriation.

Read a second time.

By request of Senator McKenna, with unanimous consent, he was excused from voting on **Senate Bill 561** because of a possible conflict of interest being the assistant family court commissioner of Jefferson County.

The question was: Adoption of senate amendment 1?

Senate amendment 1 adopted.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 561

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 8; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Krueger, LaFave, LaFollette, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Swan, M., Theno and Thompson -- 22.

Noes -- Senators Bidwell, Chilsen, Knowles, Knutson, Lorge, Petri, Steinhilber and Swan, J.D. -- 8.

Absent or not voting -- Senators Kendziorski, McKenna and Whittow -- 3.

So the bill passed.

Senate Bill 602

Relating to permit fees for vending machines.

Read a second time.

JOURNAL OF THE SENATE October 25, 1973

Senator Johnson moved that **Senate Bill 602** be laid on the table.

The motion prevailed.

Senate Bill 730

Relating to requiring wholesalers of intoxicating liquors and wine to purchase from the primary American source of supply.

Read a second time.

By request of Senator Hollander, with unanimous consent, **Senate Bill 730** was referred to the joint committee on Finance.

By request of Senator Hollander, with unanimous consent, **Senate Bill 730** was withdrawn from the joint committee on Finance and considered for action at this time.

The question was: Adoption of senate amendment 1?

Senate amendment 1 adopted.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 730

Read a third time.

The ayes and noes were required and the vote was: ayes, 17; noes, 13; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Devitt, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Parys, Peloquin, Roseleip, Schuele, Swan, M. and Theno -- 17.

Noes -- Senators Bablitch, Chilsen, Dorman, Flynn, Frank, Kasten, Knowles, LaFollette, Petri, Risser, Steinhilber, Swan, J.D. and Thompson -- 13.

Absent or not voting -- Senators Kendziorski, Murphy and Whittow -- 3.

So the bill passed.

Senator Devitt asked unanimous consent that **Senate Bill 259** be taken from the table and considered for action at this time.

Senator Bidwell objected.

CALENDAR OF OCTOBER 5

Assembly Joint Resolution 55

Relating to removal by address of county and municipal court judges (2nd consideration).

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the joint resolution was considered for final action at this time.

Assembly Joint Resolution 55

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno and Thompson -- 29.

Noes -- Senators Dorman and Flynn -- 2.

Absent or not voting -- Senators Kendziorski and Whittow -- 2.

More than 17 members having voted in the affirmative the joint resolution was concurred in.

CALENDAR OF OCTOBER 9

Senate Bill 691

Relating to the medical examiner system (Revisor's Bill).

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 691

Read a third time and passed.

JOURNAL OF THE SENATE October 25, 1973

Senate Bill 735

An act to repeal, renumber, amend and reenact various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments and officers, correcting and clarifying references, renumbering for better location and arrangement, eliminating unnecessary and obsolete provisions and reconciling conflicts (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 735

Read a third time and passed.

President pro tempore of the senate in the chair.

11:10 A.M.

CALENDAR OF OCTOBER 11

Senate Bill 512

Relating to augmented retirement benefits for retired members of the Wisconsin and Milwaukee teachers retirement systems.

Read a second time.

The question was: Adoption of senate amendment 1?

Senate amendment 1 adopted.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Dorman, Flynn, Johnson, Keppler, Knutson, LaFave, LaFollette, McKenna, Martin, Peloquin, Risser, Roseleip, Steinhilber, Swan, J.D., Swan, M., Thompson and Whittow -- 18.

Noes -- Senators Bidwell, Chilsen, Devitt, Frank, Hollander, Kasten, Knowles, Krueger, Lorge, Murphy, Parys, Petri, Schuele and Theno -- 14.

Absent or not voting -- Senator Kendziorski -- 1.

So the amendment was rejected.

The question was: Rejection of senate amendment 3?

JOURNAL OF THE SENATE October 25, 1973

Senate amendment 3 rejected.

The question was: Rejection of senate amendment 4?

Senate amendment 4 rejected.

Senate amendment 5 to **Senate Bill 512** offered by Senator Theno:

Senator LaFollette moved rejection.

The motion prevailed.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 512

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., swan, M., Theno, Thompson and Whittow -- 32.

Noes -- None.

Absent or not voting -- Senator Kendziorski -- 1.

More than three-fourths having voted in the affirmative the bill passed.

President of the senate in the chair.

11:55 A.M.

By request of Senator Johnson, with unanimous consent, all actions were ordered immediately messaged.

By request of Senator Johnson, with unanimous consent, the senate returned to the eighth order of business.

MOTIONS

Senator Bidwell asked unanimous consent that **Senate Bill 743** be withdrawn from the joint committee on Finance and placed on the calendar.

Senator McKenna objected.

Senator McKenna moved that **Senate Bill 743** be taken from the joint committee on Finance and placed on the calendar.

By request of Senator Johnson, with unanimous consent, the senate recessed until 2:00 P.M.

12:15 P.M.

RECESS

2:00 P.M.

The senate reconvened.

The question was: Shall **Senate Bill 743** be taken from the joint committee on Finance and placed on the calendar?

Senator McKenna asked unanimous consent to amend the motion to the calendar of February 1.

Senator Murphy objected.

Senator Bidwell moved that **Senate Bill 743** be taken from the joint committee on Finance and placed on the calendar of October 26.

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:

JOURNAL OF THE SENATE October 25, 1973

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Kendziorski -- 1.

By request of Senator Risser, with unanimous consent, the senate recessed until 2:48 P.M.

2:18 P.M.

RECESS

2:48 P.M.

The senate reconvened.

Senator Keppler moved that the motion to withdraw **Senate Bill 743** from the joint committee on Finance and place it on the calendar of October 26 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Swan, J.D., swan, M., Thompson and Whittow -- 23.

Noes -- Senators Bidwell, Chilsen, Kasten, Lorge, Murphy, Petri, Roseleip, Steinhilber and Theno -- 9.

Absent or not voting -- Senator Kendziorski -- 1.

So the motion prevailed.

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

Senator Parys moved reconsideration of the vote by which **Assembly Bill 354** was ordered to a third reading.

By request of Senator Parys, with unanimous consent, the motion for reconsideration was laid on the table.

JOURNAL OF THE SENATE October 25, 1973

By request of Senator Keppler, with unanimous consent, **Assembly Bill 959** was withdrawn from the committee on Judiciary and Insurance and referred to the committee on Senate Organization.

By request of Senator Keppler, with unanimous consent, the motion for reconsideration of the vote by which **Senate Joint Resolution 17** was rejected was taken from the table and placed on the calendar of October 18.

By request of Senator Keppler, with unanimous consent, **Senate Bill 534** was taken from the table and placed on the calendar of October 18.

Senator McKenna moved that the motion for reconsideration of the vote by which **Assembly Bill 354** was ordered to a third reading be taken from the table and considered for action at this time.

Senator Hollander 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 Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Kendziorski -- 1.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Chilsen, Dorman, Flynn, Frank, Johnson, Keppler, Knowles, Knutson, Krueger, LaFollette, McKenna, Martin, Peloquin, Petri, Swan, M., Theno and Thompson -- 18.

Noes -- Senators Bidwell, Devitt, Hollander, Kasten, LaFave, Lorge, Murphy, Parys, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D. and Whittow -- 14.

Absent or not voting -- Senator Kendziorski -- 1.

JOURNAL OF THE SENATE October 25, 1973

So the motion prevailed.

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

The question was: Reconsideration of the vote by which **Assembly Bill 354** was ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 20; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Devitt, Hollander, Kasten, Knowles, LaFave, Lorge, Murphy, Parys, Steinhilber, Swan, J.D. and Whittow -- 12.

Noes -- Senators Bablitch, Chilsen, Dorman, Flynn, Frank, Johnson, Keppler, Knutson, Krueger, LaFollette, McKenna, Martin, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, M., Theno and Thompson -- 20.

Absent or not voting -- Senator Kendziorski -- 1.

So the motion did not prevail.

By request of Senator Schuele, with unanimous consent, the senate recessed until 4:10 P.M.

3:35 P.M.

RECESS

4:10 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

Senator Johnson asked unanimous consent that **Senate Bill 732** be considered for action at this time.

Senator M. Swan objected.

President of the senate in the chair.

4:15 P.M.

Senator Johnson moved that **Senate Bill 732** be considered for action at this time.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

JOURNAL OF THE SENATE October 25, 1973

Ayes -- Senators Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Risser, Schuele, Theno, Thompson and Whittow -- 24.

Noes -- Senators Bablitch, Parys, Peloquin, Petri, Roseleip, Steinhilber, Swan, J.D. and Swan, M. -- 8.

Absent or not voting -- Senator Kendziorski -- 1.

So the motion prevailed.

Senate Bill 732

Relating to certificates of need to construct or modify facilities or to expand services at health care institutions, providing a moratorium on such construction and expansion, granting rule making authority and providing a penalty.

Read a second time.

By request of Senator Hollander, with unanimous consent, Senate Bill 732 was referred to the joint committee on Finance.

Senator Hollander asked unanimous consent that Senate Bill 732 be withdrawn from the joint committee on Finance and considered for action at this time.

Senator J. D. Swan objected.

Senator Hollander moved that Senate Bill 732 be withdrawn from the joint committee on Finance and considered for action at this time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Theno, Thompson and Whittow -- 27.

Noes -- Senators Keppler, Petri, Steinhilber, Swan, J.D. and Swan, M. -- 5.

Absent or not voting -- Senator Kendziorski -- 1.

More than two-thirds having voted in the affirmative the motion prevailed.

Senate amendment 1 to Senate Bill 732 offered by Senator Kasten.

Senate amendment 1 adopted.

JOURNAL OF THE SENATE October 25, 1973

Senate amendment 2 to **Senate Bill 732** offered by Senator Thompson.

Senator Kasten moved rejection.

The motion prevailed.

Senator J. D. Swan moved indefinite postponement of **Senate Bill 732**.

Senator Dorman in the chair.

5:20 P.M.

President of the senate in the chair.

5:35 P.M.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Johnson, Knowles, Knutson, Krueger, LaFave, Lorge, Martin, Parys, Petri, Roseleip, Steinhilber, Swan, J.D. and Swan, M. -- 14.

Noes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Kasten, Keppler, LaFollette, McKenna, Murphy, Peloquin, Risser, Schuele, Theno, Thompson and Whittow -- 18.

Absent or not voting -- Senator Kendziorski -- 1.

So the motion did not prevail.

Ordered to a third reading.

Senator Johnson asked unanimous consent that the bill be considered for final action at this time.

Senator Steinhilber objected.

Senator Johnson moved that the bill be considered for final action at this time.

The ayes and noes were required and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Johnson, Kasten, Keppler, Knowles, Krueger, LaFollette, McKenna, Martin, Murphy, Peloquin, Risser, Roseleip, Schuele, Theno, Thompson and Whittow -- 22.

Noes -- Senators Bidwell, Hollander, Knutson, LaFave, Lorge, Parys, Petri, Steinhilber, Swan, J.D. and Swan, M. -- 10.

Absent or not voting -- Senator Kendziorski -- 1.

JOURNAL OF THE SENATE October 25, 1973

More than two-thirds having voted in the affirmative the motion prevailed.

Senate Bill 732

Read a third time.

The ayes and noes were required and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Kasten, Keppler, LaFollette, McKenna, Murphy, Peloquin, Risser, Schuele, Theno, Thompson and Whittow -- 17.

Noes -- Senators Bidwell, Hollander, Johnson, Knowles, Knutson, Krueger, LaFave, Lorge, Martin, Parys, Petri, Roseleip, Steinhilber, Swan, J.D. and Swan, M. -- 15.

Absent or not voting -- Senator Kendziorski -- 1.

So the bill passed.

Senator Thompson moved that **Senate Bill 732** be ordered immediately messaged.

Senator Steinhilber moved that the motion to immediately message be laid on the table.

Senator Chilsen raised the point of order that a motion to suspend the rules cannot be laid on the table.

The chair ruled the point of order well taken.

The question was: Shall **Senate Bill 732** be ordered immediately messaged.

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Kasten, Keppler, Knowles, Krueger, LaFollette, McKenna, Martin, Murphy, Peloquin, Risser, Schuele, Theno, Thompson and Whittow -- 20.

Noes -- Senators Bidwell, Hollander, Johnson, Knutson, LaFave, Lorge, Parys, Petri, Roseleip, Steinhilber, Swan, J.D. and Swan, M. -- 12.

Absent or not voting -- Senator Kendziorski -- 1.

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

JOURNAL OF THE SENATE October 25, 1973

By request of Senator LaFave, with unanimous consent, the following "Priority Calendar" was adopted pursuant to senate rule no. 76:

Senate Bill 732

Senate Bill 763

Assembly Bill 1107

Assembly Bill 536

Assembly Bill 1305

Assembly Bill 1287

Assembly Bill 952

Senate Bill 639

Senate Bill 9

Assembly Bill 756

Senate Bill 787

Appointments of:

Robert E. Durkin

John Slaby

Henry G. Zastrow

Thora M. Vervoren

Mark T. O'Meara

Dr. John W. Rupel

Dr. Thomas Vaughn

Clair L. Finch

Richard S. Marks

Gerald J. Ring

Kenneth Schmidt

Kermit Veum

Mrs. Victoria McCormick

Dr. Henry Goldberg

Mrs. Irma West

Maynard Whitebird

John Zancanaro

Dr. James Brandenburg

Donald Schafer

Dr. Irving J. Ansfield

Dr. Patricia E. McIllece

Mrs. Barbara Halbrook

Mrs. Marilyn Langdon

Michael Mervis

Mrs. Doris Ullrich

Fr. Richard A. Wisnewski

Judge Gerald J. Boileau

Mrs. Annrita Lardy

James L. McCamy

Sister Grace McDonald

Naseby Rhinchart, Jr.

Thomas S. Smith

JOURNAL OF THE SENATE October 25, 1973

Assembly Bill 766
Senate Bill 745
Senate Bill 727
Senate Bill 386
Senate Bill 411
Senate Bill 522
Assembly Bill 1312
Assembly Bill 309
Assembly Bill 266
Assembly Bill 981

Senator McKenna moved reconsideration of the vote by which **Senate Bill 732** passed.

Senator M. Swan moved that the motion for reconsideration be laid on the table.

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

Ayes -- Senators Bidwell, Hollander, Johnson, Knutson, LaFave, Lorge, Martin, Parys, Petri, Roseleip, Steinhilber, Swan, J.D. and Swan, M. -- 13.

Noes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Kasten, Keppler, Knowles, Krueger, LaFollette, McKenna, Murphy, Peloquin, Risser, Schuele, Theno, Thompson and Whittow -- 19.

Absent or not voting -- Senator Kendziorski -- 1.

So the motion did not prevail.

The question was: Reconsideration of the vote by which **Senate Bill 732** passed?

The motion did not prevail.

By request of Senator Johnson, with unanimous consent, all actions were ordered immediately messaged.

By request of Senator Johnson, with unanimous consent, the senate returned to the second, third, fourth, fifth, sixth, seventh and eighth orders of business.

Senator Devitt asked unanimous consent that **Assembly Bill 528** be placed at the foot of the "Priority Calendar".

Senator Steinhilber objected.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 30

To renumber senate rule 21; and to create senate rule 21 (2), relating to establishing a permanent special committee on aging.

Analysis by the Legislative Reference Bureau

This resolution establishes a permanent 7-member special committee of the senate to study problems of the aging. It is modeled after a similar committee of the U.S. Senate. The committee does not report legislation, but may hold hearings and request introduction of bills by standing committees. The committee may issue reports and recommendations on any matter pending before the senate which might affect the interests of persons over 65, and is directed to safeguard the interests of such persons both in the senate and by overseeing activities in the executive branch.

Resolved by the senate, That:

SECTION 1. Senate rule 21, as adopted by 1973 Senate Resolution 7, is renumbered 21 (1).

SECTION 2. Senate rule 21 (2) is created to read:

Senate Rule 21 (2) There is created a Special Committee on Aging with permanent status to consist of 7 members. The committee shall make a continuing study and investigation of any and all matters pertaining to the problems of persons over 65, including but not limited to the problems of maintaining health, of assuring adequate income and planning retirement, of finding employment, of engaging in productive and rewarding activity, of providing adequate health care, of solving consumer problems, of securing proper housing, and, when necessary, care or assistance. No proposed legislation shall be referred to such committee, and the committee shall not have power to report by bill or otherwise have legislative jurisdiction. The committee shall attempt to safeguard the interests of older persons when any matter is considered before the senate and shall oversee the activities of the executive branch to determine the effectiveness of state programs which may affect older persons. The committee may in pursuit of its functions hold hearings, gather and publish information and recommend legislation which shall be introduced by any standing committee on request. The committee may study and issue reports

JOURNAL OF THE SENATE October 25, 1973

and recommendations on all significant pending legislation which may relate to the interests of older persons. Whenever the committee issues a recommendation on any pending bill or resolution, notation shall be made in the journal. Any member may request that a matter be referred to the committee for its recommendation.

By Senators Lorge, Chilsen, Murphy, Keppler, Krueger, Devitt and Hollander.

Read and referred to the committee on Senate Organization.

Senate Joint Resolution 90

Designating the week of November 4 to 10 as "Energy Conservation Week" in Wisconsin.

By Senators Lorge, Bidwell, Chilsen, McKenna, LaFollette, Krueger, Hollander, M. Swan, Thompson and Roseleip.

Read and referred to the committee on Industry, Labor, Taxation and Banking.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 804

Relating to deposits in the veterans trust fund, charges for room and board at the Grand Army Home and making an appropriation.

By Senators Murphy, Roseleip and Lorge.

To joint committee on Finance.

Senate Bill 805

Relating to employe benefits for municipal assessors and their staff who transfer to a county assessor system.

By Senators Devitt, LaFave, Frank, Flynn, Schuele and Johnson.

To committee on Governmental and Veterans' Affairs.

Senate Bill 806

Relating to retroactive eligibility for teachers' disability benefits.

By Senator LaFave, by request of R. Fischer.

To Joint Survey Committee on Retirement Systems.

Senate Bill 807

Relating to a deduction of amounts paid for water and sewer service charges from income for purposes of computing state income tax owing.

JOURNAL OF THE SENATE October 25, 1973

By Senator Lorge, by request of the Appleton Common Council.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 808

Relating to increasing county judgeships in Waukesha county.

By Senators Murphy and Devitt.

To committee on Judiciary and Insurance.

Senate Bill 809

Relating to requiring municipal courts in municipalities having a population in excess of 5,000.

By Senator Murphy.

To committee on Judiciary and Insurance.

Senate Bill 810

Prohibiting legislators from receiving any public funds other than their salaries and expense reimbursements as members of the legislature.

By Senators Whittow, Risser, Parys, Keppler, LaFave and Knutson, cosponsored by Representatives Berger, Tropman, Pabst, Tobiasz and Mittness.

To committee on Senate Organization.

COMMITTEE REPORTS

Honorable William P. Nugent

Chief Clerk

State Senate

Mr. Nugent:

I hereby request that the following bill be introduced in the Senate at the request of the Joint Committee for Review of Administrative Rules.

This bill was drafted pursuant to section 13.56 Wisconsin Statutes.

R. MICHAEL FERRALL
Chairman

JOURNAL OF THE SENATE October 25, 1973

Senate Bill 811

Relating to prohibited unfair practices by licensed dealers in regard to motor vehicle damage and repairs.

Read first time and referred to the committee on Transportation.

The committee on Transportation reports and recommends for introduction:

Senate Bill 812

Relating to revision of the regulation of outdoor advertising.
Introduction; Ayes, 4; Noes, 0.

Read first time and referred to committee on Transportation.

REUBEN LAFAVE
Chairman

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

Senate Bill 787

Relating to establishing a temporary program to regulate distribution problems and shortages involving food, fuel and essential commodities, granting rule-making authority, providing penalties and making an appropriation.

Passage; Ayes, 2; Noes, 2.
Without Recommendation

Assembly Bill 600

Relating to various changes in the credit union laws.
Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 952

Relating to changes in workmen's compensation law recommended by the council on workmen's compensation.

Concurrence; Ayes, 5; Noes, 0.

EVERETT V. BIDWELL
Chairman

The committee on Natural Resources reports and recommends:

MCCORMICK, MRS. VICTORIA, of Waukesha, as a member of the Natural Resources Board, to succeed John Potter to serve for a term ending May 1, 1979.

Confirmation; Ayes, 3; Noes, 2.

JOURNAL OF THE SENATE October 25, 1973

THOMAS FOX, of Washburn, as a member of the Natural Resources Board, to succeed Daniel Tyler, to serve for a term ending May 1, 1979.

Confirmation; Ayes, 3; Noes, 2.

Assembly Bill 766

Relating to establishing a program for inland lake rehabilitation and rehabilitation districts, creating an inland lakes protection and rehabilitation council in the department of natural resources.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0.

Concurrence; Ayes, 5; Noes, 0.

CLIFFORD W. KRUEGER

Chairman

By request of Senator Johnson, with unanimous consent, the appointment of Thomas Fox was placed on the "Priority Calendar" at the foot of the appointments.

The committee on Governmental and Veterans' Affairs reports and recommends:

Senate Bill 762

Relating to requiring 2 firemen on duty at all times at the Grand Army home at King and increasing an appropriation.

Passage; Ayes, 5; Noes, 0.

Assembly Bill 1340

Relating to the date for publication of annual county municipal tax levies.

Concurrence; Ayes, 5; Noes, 0.

GORDON W. ROSELEIP

Chairman

The senate committee on Finance reports and recommends:

Senate Bill 107

Relating to deposits in the veterans' trust fund and making an appropriation.

Adoption of senate amendment 1 to senate substitute amendment 1; Ayes 5, Noes, 0.

Adoption of senate substitute amendment 1 as amended; Ayes, 4; Noes, 0.

Passage as amended; Ayes, 4; Noes, 0.

WALTER G. HOLLANDER

Chairman

JOURNAL OF THE SENATE October 25, 1973

Senator Risser raised the point of order that **Senate Bill 107** could not be reported out by the Senate Committee on Finance as it was referred to the joint committee on Finance.

The chair took the point of order under advisement.

The committee on Judiciary and Insurance reports and recommends:

Assembly Bill 134

Relating to changing the date of evaluation of property acquired by redevelopment authorities.

Concurrence; Ayes, 5; Noes, 0.

GERALD D. LORGE
Chairman

The committee on Health, Education and Welfare reports and recommends:

Assembly Bill 1045

Relating to establishment of a program for nutritional improvement for the elderly, granting rule-making authority and making an appropriation.

Adoption of senate amendment 1; Ayes, 7; Noes, 0.

Adoption of senate amendment 2; Ayes, 7; Noes, 0.

Concurrence as amended; Ayes, 7; Noes, 0.

JAMES C. DEVITT
Chairman

**REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS**

Appendix to Senate Bill 723

Public Policy Involved

Although this committee recognizes the retirement problems of the local funds governed by Chapter 62, this bill represents no long-range solution to these problems. This committee, therefore, recommends against the passage of this bill at this time. The committee further recommends that the Retirement Research Committee carry out a study of these local funds to determine a "final disposition" of these funds in a reasonable and equitable manner.

Read and referred to the committee on Governmental and Veterans' Affairs.

JOURNAL OF THE SENATE October 25, 1973

Appendix to Senate Bill 740 and senate substitute amendment 1 thereto

Public Policy Involved

The Joint Survey Committee on Retirement Systems recommends against the passage of Senate Bill 740. However, this committee finds that senate substitute amendment 1 to Senate Bill 740 would accomplish part of the recommendations of the "Citizens Study Committee on Judicial Organization". Therefore, this committee recommends the adoption and passage of the substitute amendment. It further recommends that consideration be given to the modifications suggested in this report.

Read and referred to the committee on Governmental and Veterans' Affairs.

Appendix to Senate Bill 264

It is the opinion of this committee that this bill would provide greater uniformity in the accrual of retirement benefits under the WRF. The committee, therefore, recommends the passage of Senate Bill 264.

Read and referred to the committee on Governmental and Veterans' Affairs.

Appendix to Senate Bill 686

It is the finding of the Joint Survey Committee that this bill does not represent good public policy on retirement matters. The committee, therefore, recommends against the passage of this bill.

Read and referred to the committee on Governmental and Veterans' Affairs.

JOURNAL OF THE SENATE October 25, 1973

Appendix to Senate Bill 438 and senate substitute amendment 1 thereto

It is the finding of this committee that neither Senate Bill 438 or senate substitute amendment 1 to Senate Bill 438 represents good public policy. This committee, therefore, recommends against the passage of both the bill and the substitute amendment.

Read and referred to the committee on Governmental and Veterans' Affairs.

Respectfully yours,
REUBEN LAFAVE
Chairman

ALVIN BALDUS
Chairman

The committee on Committees reports and recommends:

That pursuant to Section 542v, of Chapter 90, Laws of 1973, the following Senators be appointed to serve on the Special Study Committee on the Wisconsin Child Center:

Senator Walter J. Chilsen
Senator Reuben LaFave
Senator Bruce S. Peloquin

and

That pursuant to Section 546e, of Chapter 90, Laws of 1973, the following Senators be appointed to serve on the Special Study Committee on Personal Property Tax Exemption:

Senator Walter G. Hollander
Senator Jerome Martin

GERALD D. LORGE
Chairman

REUBEN LAFAVE

RAYMOND C. JOHNSON

The question was: Adoption of the committee report?

The report was adopted.

PETITIONS AND COMMUNICATIONS

Senate Petition 179

By 106 residents of Wisconsin in favor of Senate Bill 702 relating to a windmill power project.

By Senator LaFollette.

Read and referred to the committee on Agriculture and Rural Development.

State of Wisconsin
Claims Board

October 23, 1973

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

Dear Mr. Nugent:

Enclosed are copies of the reports and recommendations of the State Claims Board covering the claims heard on August 28 and September 18, 1973.

The amounts recommended for payment under \$500 on claims included in these reports have, therefore, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board. The Board is preparing the bills on the awards over \$500 and will submit them to the Joint Finance Committee for legislative introduction.

These reports are for the information of the legislature.

Sincerely,
DONALD STERLINSKE
Secretary

BEFORE THE CLAIMS BOARD OF WISCONSIN

Hearings were held at Madison, Wisconsin, on August 28, 1973, upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
Wisconsin Electric Power Co.	\$138.93
Headwaters Telephone Co.	499.69

THE BOARD FINDS:

1.--*Wisconsin Electric Power Co.*

The Wisconsin Electric Power Co. claims \$138.93 for damage occurring on July 25, 1972, to its underground cable located 350 north of North 124th St. on the east side of Highway 175, Menomonee Falls, Wisconsin, caused by a digger operated by a state employe. The board concludes the claim is one which the state should assume and pay on equitable principles, and payment of \$138.93 is justified under sec. 16.007 (6), Stats.

2.--*Headwaters Telephone Co.*

The Headwaters Telephone Co. claims \$499.69 for damage occurring on August 22, 1972, to its telephone cable in the village of Monico, Oneida County, Wisconsin, caused by an auger truck owned and operated by the state which struck the overhead lines while its auger was raised. The Board has been advised that the claim has been paid by the insurance carrier for the Department of Transportation, and therefore denies payment.

Dated at Madison, Wisconsin, this 15th day of October, 1973.

BEFORE THE CLAIMS BOARD OF WISCONSIN

Hearings were held at Madison, Wisconsin, on September 18, 1973, upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1.-- Steven E. Bigler	\$ 200.00
2.-- Douglas S. Poyourow	65.00
3.-- Point Bowl	46.46
4.-- City of Madison	19,373.07
5.-- John J. Fernholz	103.08
6.-- Town of Lac du Flambeau	732.12
7.-- Oswald Kalms	16,000.00
8.-- Sheboygan County Sheriff's Dept.	2,636.24
9.-- Kay Pralle	20.00
10.--Fr. Donald J. Wiecki	24.44
11.--Robert Harvey	28.85
12.--Matilda Mickelson	31.15
13.--John Makovec	35.64
14.--Douglas J. Dunlap	77.48
15.--Mrs. Alvin Loftus	357.00
16.--Wilfred Grosse	500.00
17.--Nester C. Kohut	24,740.00
18.--Peter Falkman	19.20

JOURNAL OF THE SENATE October 25, 1973

19.--Robert E. Shock.....	21.71
20.--Harvey C. Krueger.....	29.63
21.--Caps Distributing Co., Inc.....	1,176.76
22.--Charles Howard.....	42.50
23.--Mrs. Betty Scheck.....	125.00
24.--City of Waupun (2 claims).....	187.60
	139.99

THE BOARD FINDS:

1.--*Steven E. Bigler*

Steven E. Bigler, 815 South 9th St., LaCrosse, Wisconsin, claims \$200.00 for a painting stolen from the Tri-State Art Show at Platteville State University in the student art center in November of 1972. The Board concludes the claim should be paid on equitable principles.

2.--*Douglas S. Poyourow*

Douglas S. Poyourow, Box 382, DeKalb, Illinois, claims \$65.00 for a lithographic print entitled "Knife" stolen from the Tri-State Art Show at Platteville State University in the Pioneer Room in November of 1972. The Board concludes the claim should be paid on equitable principles.

3.--*Point Bowl*

Point Bowl, Box 145, Stevens Point, Wisconsin, claims \$46.46 for a plate glass window broken by a student bowler named Krintine Fosterling, who was instructed by a state employe at the University of Wisconsin-Stevens Point to practice bowling on a carpeted area away from the alleys. The accident occurred on February 22, 1973. The Board concludes the claim should be paid on equitable principles.

4.--*City of Madison*

The City of Madison claims \$19,373.07 for extraordinary police services on November 7, 8, and 20, 1972, provided at the request of appropriate officials of the University of Wisconsin in connection with demonstrations in the areas of the campus and state capitol grounds following the presidential election, and in connection with an evening protest march related to the deaths of college students at Southern University during a prior demonstration on that campus. Payment of the claim was recommended by the Board of Regents of the University of Wisconsin System pursuant to s.16.007, concluding the claim is one for which the state is liable.

5.--John J. Fernholz

John J. Fernholz, 310 E. McKinley St., Arcadia, Wisconsin, claims \$103.08 for professional services and medication required after contracting poison ivy on October 8, 1972, while on duty with the National Guard. The Board concludes the claim should be paid on equitable principles.

6.--Town of Lac du Flambeau

The Town of Lac du Flambeau, Vilas County, Wisconsin, claims \$732.12 for water safety patrol services from May 27, 1972, to September 15, 1972. The claimant failed to file a timely claim under s.30.79 (5), Stats., and accordingly, its claim was not honored by the Department of Natural Resources. The amount of the claim should be adjusted by the percentages allowable under s.30.79 (5), Stats., which would reduce the claim to \$492.86. The Board concludes the reduced claim of \$492.86 should be paid on equitable principles.

7.--Oswald Kalms

Oswald Kalms, Baileys Harbor, Wisconsin, claims \$16,000.00 for 40,000 trees at 25c per tree and an alleged \$6,000 loss on the value of his property consisting of 40 acres located on the west side of Wisconsin Highway 57, three-fourths of a mile south of the Liberty Grove town line in the Town of Baileys Harbor. Claimant alleges the Department of Natural Resources allowed beavers to dam a creek on land owned by the state, causing the creek to back up and cause flood damage to his land, causing 40,000 trees to die, and causing his land to change from a woodlot to a swamp. However, the Board finds that the claimant's land is located in an area which has been identified as swampy for many years prior to the alleged occurrence in 1968. Numerous exhibits and the sworn testimony of the state forester compel the Board to find that the beaver dam located on the state's property could not have caused the alleged damage to the claimant's land. The state's appraiser placed a value of \$2,400 on claimant's land as of September, 1970, which amount the board finds reasonable. The claimant's land has a naturally high water table. The trees were approximately 100 years old and had been mature for harvesting for many years prior to the occurrence. The claimant had been advised to clear the timber in 1970 by the forester for the state. The growth rings on the trees did not show any abrupt changes within the last twenty years, indicating that no damage had been caused by any alleged flooding. Any damage to the trees resulted from normal ecological succession. Removal of the beaver dam would have had a de

JOURNAL OF THE SENATE October 25, 1973

minimis effect upon the claimant's land. The Board concludes the claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

8.--*Sheboygan County Sheriff's Department*

The Sheboygan County Sheriff's Department claims \$2,636.24 for water safety patrol services from April 29, 1972, to October 9, 1972. The claimant failed to file a timely claim under s.30.79 (5), Stats., and accordingly its claim was not honored by the Department of Natural Resources. The amount of the claim should be adjusted by the percentages allowable under s.30.79 (5), Stats., which would reduce the claim to \$2,366.28. The Board recommends the reduced claim in the amount of \$2,366.28 should be paid on equitable principles.

9.--*Kay Pralle*

Kay Pralle, 1001 Fairchild St., Sun Prairie, Wisconsin, claims \$20.00 for damage to her car caused by tar on Highway 19 between Sun Prairie and the intersection of Highways 19 and 51 early in January, 1973. The Board concludes the claim should be paid on equitable principles.

10.--*Fr. Donald J. Wiecki*

Fr. Donald J. Wiecki, Route 1, Sun Prairie, Wisconsin, claims \$24.44 for damage to his car caused by tar on Highway 19 between Sun Prairie and Highway 51 from the Fall of 1972 to March of 1973. The Board concludes the claim should be paid on equitable principles.

11.--*Robert Harvey*

Robert Harvey, Route 1, DeForest, Wisconsin, claims \$28.85 for damage to his car by tar on Highway 19 west of Sun Prairie in January, 1973. The Board concludes the claim should be paid on equitable principles.

12.--*Matilda Mickelson*

Matilda Mickelson, Pembine, Wisconsin, claims \$31.15 for damage caused to her car by a pile of blacktop in her driving lane on Highway 141 near Pembine. The Board concludes the claim should be paid on equitable principles.

13.--*John Makovec*

John Makovec, Muscoda, Wisconsin, claims \$35.64 to replace an outdated check in the same amount drawn upon the highway fund. The Board concludes the claim should be paid on equitable principles.

JOURNAL OF THE SENATE October 25, 1973

14.--*Douglas J. Dunlap*

Douglas J. Dunlap, Route 1, DeForest, Wisconsin, claims \$77.48 for damage to his car caused by tar on Highway 19 between Sun Prairie and Highway 51 from July, 1972, to April, 1973. The Board concludes the claim should be paid on equitable principles.

15.--*Mrs. Alvin Loftus*

Mrs. Alvin Loftus, Mountain, Wisconsin, claims -357.00 for damage to the tile floor in her new service station caused by excessive amounts of tar tracked in from Highways 32 and 64. The Board concludes the claim should be paid on equitable principles.

16.--*Wilfred Grosse*

Wilfred Grosse, Route 1, Sun Prairie, claims \$500.00 for damage to his four cars caused by tar on Highway 19 west of Sun Prairie between the fall of 1972 and the spring on 1973. The Board finds that the reasonable amount of damage to each of the four cars does not exceed \$75.00 per car, and concludes the claim in the reduced amount of \$300.00 should be paid on equitable principles.

17.--*Nester C. Kohut*

Nester C. Kohut, 4401 Dwight Dr., Madison, Wisconsin withdrew his claim for \$24,740.00.

18.--*Peter Falkman*

Peter Falkman, 1230 W. Highway 96, St. Paul, Minnesota, claims \$19.20 to replace an outdated check in the same amount drawn upon the general fund for income tax refund. The Board concludes the claim should be paid on equitable principles.

19.--*Robert E. Shock*

Robert E. Shock, 411 Dodge St., Eau Claire, Wisconsin, claims \$21.71 to replace an outdated check in the same amount drawn upon the general fund for income tax refund. The Board concludes the claim should be paid on equitable principles.

20.--*Harvey C. Kreuger*

Harvey C. Kreuger, 1223 Elm Laen, Wauwatosa, Wisconsin, claims \$29.63 to replace an outdated check in the same amount drawn upon the general fund for income tax refund. The Board concludes the claim should be paid on equitable principles.

21.--*Caps Distributing Company, Inc.*

Caps Distributing Co., Inc., 910 Wisconsin Ave., Tomah, Wisconsin, claims \$1,176.76 for sales tax and interest paid pursuant to a closing agreement between the claimant and the state dated February 1, 1972. Claimant is a wholesaler selling disposable

JOURNAL OF THE SENATE October 25, 1973

food serving items, such as paper cups. Claimant was assessed on September on September 21, 1971, for sales taxes on its sales. On February 9, 1972, the Wisconsin Department of Revenue changed its administrative interpretation of the sales tax law effective January 1, 1972, to the extent that the type of sales made by claimant would no longer be subject to taxation. The claimant's assessment was for a period prior to January 1, 1972, and its payment of the sales tax placed it in the same position of responsibility as other taxpayers who had voluntarily paid the sales tax for the same period for similar transactions. The claimant made no attempt to pursue the statutory remedies available to it under .77.59 and s.73.01(5), Stats., to challenge the departments position. The Board concludes the claim is one for which the state is not legally liable, and one which should not be assumed and paid by the state on equitable principles.

22.--*Chalres Howard*

Charles Howard, 3920 Woodland Ct., Eau Claire, Wisconsin, claims \$42.50 for eyeglasses given to a state officer on October 15, 1972, who lost them. Claimant was incarcerated at Camp Flambeau at the time. The Board concludes the claim should be paid on equitable principles.

23.--*Mrs. Betty Scheck*

Mrs. Betty Scheck, 3507 Meadow Lane Pl., LaCrosse, Wisconsin, claims \$125.00 for damage to her rental aptment at 951 Johnson St., LaCrosse, Wisconsin, on November 11, 1972. A large amount of water went through the second floor into the kitchen below, ruining the ceiling. The claimant has had not prior or subsequent plumbing problems related to the second floor of said apartment. Allegedly the damage was caused by a foster child while taking a bath. Although it cannot be conclusively shown that the water damage was caused by the negligence of a foster child in the custody of the state, the Board concludes there is substantial circumstantial evidence to justify payment of the claim on equitable principles.

24.--*City of Waupun*

The City of Waupun claims \$139.99 for services in connection with the May 6, 1972, demonstration at the Wisconsin State Prison in Waupun. The claim is for overtime work by police officers of the city for protecting state property, but not for protecting other property.

JOURNAL OF THE SENATE October 25, 1973

The City of Waupun claims \$187.60 for services in connection with the July 23, 1972, disturbance at the Wisconsin Correctional Institution at Fox Lake. The claim is for overtime work by police officers of the city for protecting state property, but not for protecting other property.

The Board concludes both these claims should be paid on equitable principles.

THE BOARD CONCLUDES:

1.--The claims of the following named claimants should be denied:

- Oswald Kalms
- Caps Distributing Co., Inc.
- Nester C. Kohut (withdrawn)

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

Steven E. Bigler	\$200.00
Douglas S. Poyourow	65.00
Point Bowl	46.46
John J. Fernholz	103.08
Town of Lac du Flambeau	492.86
Kay Pralle	20.00
Fr. Donald J. Wiecki	24.44
Robert Harvey	28.85
Mathilda Mickelson	31.15
John Makovec	35.64
Douglas J. Dunlap	77.48
Mrs. Alvin Loftus	357.00
Wilfred Grosse	300.00
Peter Falkman	19.20
Robert E. Shock	21.71
Harvey C. Krueger	29.63
Charles Howard	42.50
Mrs. Betty Scheck	125.00
City of Waupun	327.59

THE BOARD RECOMMENDS:

That payment to the following claimants be made in the following amounts, respectively:

City of Madison \$19,373.07

JOURNAL OF THE SENATE October 25, 1973

Sheboygan Co. Sheriff's

Department 2.366.28

Dated at Madison, Wisconsin, this 11th day of October, 1973.

**WALTER G.
HOLLANDER**
Chairman, Senate Finance
Committee

**JOSEPH
SENSENBRENNER**
Representative of the Govern-
or

DONALD STERLINSKE
Representative of Secretary of
Administration

ALLAN P. HUBBARD
Representative of Attorney
General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Mrs. Velma Hamilton of Madison, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1975.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Health, Education and Welfare.

JOURNAL OF THE SENATE October 25, 1973

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Gerald Bartell of Madison, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1974.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Mrs. Marion Baumann of Monroe, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1976.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

JOURNAL OF THE SENATE October 25, 1973

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Mr. William Carroll of Ashland, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1975.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Mr. Russell Ferrall of Shawano, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1976.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

JOURNAL OF THE SENATE October 25, 1973

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Mr. William Kidd of Racine, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1976.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do

JOURNAL OF THE SENATE October 25, 1973

appoint Mrs. Ruth deYoung Kohler of Sheboygan, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1974.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to the committee on Health, Education and Welfare.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Mr. Leslie Paffrath of Racine, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1974.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to the committee on Health, Education and Welfare.

JOURNAL OF THE SENATE October 25, 1973

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provision of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint David Previant of Milwaukee, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1976.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 25, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Adolph A. Suppan, of Milwaukee, as a member of the Wisconsin Arts Board, to serve for a term ending May 1, 1975.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

JOURNAL OF THE SENATE October 25, 1973

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

October 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Ms. Sandi Utech of Oshkosh, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1975.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

october 24, 1973.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Mrs. Mary A. Wimmer of Madison, as a member of the Wisconsin Arts Board, to serve for the term ending May 1, 1974.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to the committee on Health, Education and Welfare.

JOURNAL OF THE SENATE October 25, 1973

MESSAGE FROM THE ASSEMBLY

By Thomas S. Hanson, chief clerk.

Mr. President:

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

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representative Tregoning; cosponsored by Senator Roseleip for THE SHULLSBURG MINERS FOOTBALL TEAM on winning the Blackhawk Championship;

A Joint Certificate of Commendation by Representative Byers; cosponsored by Senator Lorge for THE WAUPACA COUNTY TAVERN LEAGUE on its contribution to the fight against cancer;

A Joint Certificate of Commendation by Representative Byers; cosponsored by Senator Lorge for STEWARD CRAIG on his retirement as chief of the Mananwa Rural Fire Department; and

A Joint Certificate of Condolence by Representatives Barbee and Berger; cosponsored by Senators Risser and Petri for PABLO CASALS on his death on October 22, 1973.

and

Assembly Joint Resolution 87

and

Passed and asks concurred in:

Assembly Bill 466
Assembly Bill 646
Assembly Bill 757
Assembly Bill 836
Assembly Bill 1026
Assembly Bill 1027
Assembly Bill 1028
Assembly Bill 1040
Assembly Bill 1083
Assembly Bill 1287

and

Concurred in:

JOURNAL OF THE SENATE October 25, 1973

Senate Joint Resolution 84
Senate Bill 338
Senate Bill 642

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representative Tregoning; cosponsored by Senator Roseleip for THE SHULLSBURG MINERS FOOTBALL TEAM on winning the Blackhawk Championship;

A Joint Certificate of Commendation by Representative Byers; cosponsored by Senator Lorge for THE WAUPACA COUNTY TAVERN LEAGUE on its contribution to the fight against cancer;

A Joint Certificate of Commendation by Representative Byers; cosponsored by Senator Lorge for STEWARD CRAIG on his retirement as chief of the Mananwa Rural Fire Department; and

A Joint Certificate of Condolence by Representatives Barbec and Berger; cosponsored by Senators Risser and Petri for PABLO CASALS on his death on October 22, 1973.

The above motions under Joint Rule 26 were read and concurred in en masse.

Assembly Joint Resolution 87

Directing the legislative council to study the question of retention and destruction of public records by local governments.

By Representatives OLSON, PORTER, ROHNER, ROONEY and FERRALL.

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

Assembly Bill 466

Relating to gathering information on individual and corporate income by school district.

By Representatives FERRALL, GROVER, JOHNSON, KEDROWSKI and MOHN.

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

Assembly Bill 646

Relating to the procedure for amending zoning ordinances and changing district boundaries in counties.

By Representatives SCHRICKER, BYERS, MIELKE, LEWISON, DAY, OBERLE, EARLY, ROBERTS, TREGONING, WILCOX, BRADLEY, GIESE, ROHNER, PORTER, CYRAK, WACKETT, DONOGHUE, THOMPSON, LEWIS, GIBSON, BALDUS, WILLKOM and QUINN; co-sponsored by Senators MARTIN and THENO.

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

Assembly Bill 757

Relating to deduction of municipal employe union dues from earnings.

By COMMITTEE ON LABOR, by request of Wisconsin Council of County and Municipal Employes.

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

Assembly Bill 836

Permitting certain craft employes of the state who are supervisors to join employe organizations.

By Representative LOOBY, by request of Wisconsin State Building Trades Negotiating Committee.

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

Assembly Bill 1026

Relating to notice requirements for construction lien claimants.

By Representatives OESTREICHER, SENSENBRENNER, DAY, EARLY and KEEGAN.

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

Assembly Bill 1027

Relating to construction lien rights given a payment bond.

By Representatives OESTREICHER, SENSENBRENNER, DAY, EARLY and KEEGAN.

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

Assembly Bill 1028

Relating to priority of construction liens over garnishment.

By Representatives OESTREICHER, SENSENBRENNER, WILCOX, DAY, EARLY and KEEGAN.

JOURNAL OF THE SENATE October 25, 1973

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

Assembly Bill 1040

Relating to authorization of all-union agreements.

By Representatives LOOBY, FERRALL and SCHNEIDER; cosponsored by Senators DORMAN, FLYNN, PARYS, MCKENNA and BABLITCH.

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

Assembly Bill 1083

Relating to sale of beer to, and operation of motor vehicles containing beer by, persons under 18.

By Representatives OESTREICHER, OBERLE, VANDERPERREN, CONRADT, QUACKENBUSH, and BOLLE.

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

Assembly Bill 1287

Relating to enabling federal administration of aid to the blind, old-age assistance and aid to totally and permanently disabled persons, and establishing a program of supplemental aids.

By JOINT COMMITTEE ON FINANCE.

Read first time and laid on the table.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Senator Gerald D. Lorge has been intensely interested in insurance legislation for most of his legislative career; and

Whereas, Senator Lorge has been recognized for his leadership and expertise in this field by being selected as the Chairman of the Senate Judiciary and Insurance Committee; and

Whereas, Senator Lorge has further demonstrated his ability and concern for sound insurance legislation by founding the National Conference of Insurance Legislators, a nationwide organization of state lawmakers which collects and disseminates information on insurance measure; now, therefore, the Entire Membership of the Senate, under Joint Rule 26 heartily congratulates Senator Gerald D. Lorge on his unanimous,

JOURNAL OF THE SENATE October 25, 1973

uncontested election as President of the National Conference of Insurance legislators at his recent convention and expresses their sincere desire that he will continue to receive the nationwide recognition he deserves for his dedication to the cause of sound insurance legislation.

Read and adopted.

AMENDMENTS OFFERED

Senate substitute amendment 2 to **Senate Bill 1** by Senator Lorge.

Senate amendment 5 to **Senate Bill 522** by Senator Hollander.

Senate amendment 1 to senate amendment 1 to senate substitute amendment 1 to **Senate Bill 524** by Senator Devitt.

Senate amendment 1 to senate substitute amendment 2 to **Senate Bill 528** by Senators Devitt and LaFave.

Senate amendment 3 to senate substitute amendment 1 to **Assembly Bill 538** by Senator Devitt.

Senate amendment 10 to **Senate Bill 727** by Senator Bidwell.

Senate substitute amendment 1 to **Senate Bill 729** by Senator McKenna.

Senate amendment 1 to **Senate Bill 755** by Senator Murphy.

Senate substitute amendment 1 to **Senate Bill 787** by Senator Bablitch.

Senate amendment 1 to **Senate Bill 787** by Senator McKenna.

Senate amendment 1 to **Senate Bill 799** by Senator Keppler.

By request of Senator Johnson, with unanimous consent, the senate adjourned in honor of Senator Lorge and his election as president of the National Conference of Insurance Legislators.

Upon motion of Senator Johnson the senate adjourned until 9:00 A.M. Friday, October 26.

6:30 P.M.

INTRODUCTION OF GUESTS

Senator Hollander introduced Mayor Ward Dunn of Waupun, Wisconsin.

Senator Martin introduced Alderman Ed Steckmesser of Manitowoc, Wisconsin.

Senator Bablitch introduced students and teachers from Wautoma High School, Wautoma, Wisconsin.

Senator Devitt introduced 60 students from the Oconomowoc Junior High School, Oconomowoc, Wisconsin.

Senator Martin introduced Ms. Hillary Rath, City Manager and Joseph Bagnon, Councilman of Two Rivers, Wisconsin.

Senator Flynn introduced Aldermen Jerome Bieganski, Norbert Boeder and Urban Ganser of West Allis, Wisconsin.

Senator Bidwell introduced Alderman Robert Irwin and City Engineer Fred Hearter of Portage, Wisconsin.

Senator Lorge introduced Mr. and Mrs. Al Tews of Appleton and Josetta Priebe, wife of former Assemblyman Kenneth Priebe, also of Appleton, Wisconsin.

Senator Steinhilber introduced Mr. and Mrs. Walter Miller of Utica, Wisconsin.

Senator Steinhilber introduced Mr. and Mrs. Harold O. Jones, Oshkosh, Wisconsin.

Senator Keppler introduced Mayor and Mrs. Richar Suscha, Alderman Roland Graumann and City Clerk and Mrs. Melvin Mohr of Sheboygan, Wisconsin.