

JOURNAL OF THE SENATE

THURSDAY, December 2, 1976.

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

COMMITTEE REPORTS

The committee on Senate Organization, acting under senate rule 20 (1), reports and recommends the following nominations to committee for appointment by the senate:

To the Rural Area and Community Development Council,
Senators Harnisch and Chilsen.

FRED A. RISSER
Chairman

Read.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Justice
Madison

November 3, 1976.

The Honorable Fred A. Risser, Chairman
Committee on Senate Organization
Wisconsin Senate
Madison, Wisconsin 53702

Dear Senator Risser:

On behalf of the senate committee on organization, you have requested my opinion whether a felony conviction of a member of the senate automatically creates a vacancy or whether further action is required by the senate to implement sec. 17.03 (5), Stats., and the Wisconsin Constitution relating to the qualifications of legislators (Article IV, Section 6) and eligibility to hold office (Article XIII, Section 3).

I assume your question relates to a recent instance where a state senator was convicted by a state court of and sentenced for two felonies, both of which were punishable by imprisonment for up to three years in state prison.

JOURNAL OF THE SENATE

It is my opinion that upon conviction and sentencing, a vacancy is thereby created in the office of such state senator. Under the provisions of Art. XIII, sec. 3, and Art. XIII, sec. 10, Wis. Const., as implemented by sec. 17.03 (5), Stats., no further action is required by the state senate.

Article XIII, sec. 10, Wis. Const., reads:

“Vacancies in office. SECTION 10. The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.” (Emphasis added.)

Section 17.03 (5), Stats., provides in part as follows:

“17.03 Vacancies, how caused. Any public office, including offices of counties, cities, villages, towns, school districts and vocational, technical and adult education districts shall become or be deemed vacant upon the happening of any of the following events:

“(5) His conviction by a state or United States court of and sentence for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or his conviction by any such court of and sentence for any offense involving a violation of his official oath, in either case whether or not sentenced to imprisonment. A vacancy so created shall in no case be affected by a stay of execution of judgment. ...” (Emphasis added.)

Section 939.60, Stats., defines a felony as follows:

“Felony and misdemeanor defined. A crime punishable by imprisonment in the state prison is a felony. Every other crime is a misdemeanor.”

Art. IV, sec. 6, Wis. Const., provides:

“Qualifications of legislators. SECTION 6. No person shall be eligible to the legislature who shall not have resided one year within the state, and be a qualified elector in the district which he may be chosen to represent.”

Art. IV, sec. 7, Wis. Const., provides, in part:

JOURNAL OF THE SENATE

“Organization of legislature; quorum; compulsory attendance. SECTION 7. Each house shall be the judge of the elections, returns and qualifications of its own members”

1912 OAG 796 interpreted an earlier version of present day sec. 17.03, Stats., and applied it to the office of state senator. That opinion concluded that when an event occurred which the statute specified as causing a vacancy, the office became vacant *ipso facto*. This opinion further stated at p. 801:

“ ‘The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy.’ Art. XIII, Sec. 10 Constitution.

“This they have done by chapter 42 of the statutes. It is true that the constitution makes each house the sole judge of the election and qualification of its own members. Art. IV, sec. 7. This does not prevent the calling of the special election to fill the vacancy. The fact that a new member is elected does not give him any authority to act if in fact no vacancy exists. That question may still be passed upon by the senate.”

See also 1912 OAG 790 and 3 OAG 760 (1914).

In my opinion, the general conclusions reached in 1912 OAG 796 still accurately state the law, although the statutory provisions involved have been altered somewhat in their detail in subsequent years.

Such interpretation follows from the unambiguous mandate of legislation which specifies the conditions under which an office “shall be deemed vacant.”

This result is consistent with and supported by decisions in other jurisdictions. See *McCluskey v. Hunter* (1928), 33 Ariz. 513, 266 P. 18, and authorities cited therein. In *McCluskey*, the statute provided that “An [incumbent’s] office shall be deemed vacant” upon the happening of any of a number of events, including “His conviction of a felony” The court held that, on the happening of any such event, a vacancy in the office is created *ipso facto*, saying, at p. 21:

“In providing that from and after the happening, before the expiration of the term, of any one of the ten events enumerated in 221 an office shall be deemed vacant, the

JOURNAL OF THE SENATE

Legislature meant that these events are merely conditions the legal effect of the occurrence of any one of which is to render the office vacant. To say that an office shall be 'deemed' vacant upon the happening of a certain event is equivalent to saying that it shall be vacant when that event occurs, for the word 'deemed' as used here means 'treated as,' 'regarded as,' 'presumed' or 'considered.' ... When, therefore, an officer is convicted of a felony ... or when in fact any one of the ten events mentioned in 221 happens during his term, the office occupied by him up to that time is in the eyes of the law vacant, and it is immaterial which one of the ten has occurred, for the Legislature has given them each the same effect, its purpose evidently being to provide that a vacancy should arise just as surely upon the happening of any one of them as another. The language, 'shall be deemed vacant,' is imperative in form and no other construction of it is possible. ..."

This is not to say, however, that an incumbent of the office is necessarily precluded from showing, for instance, that the event relied upon to create the vacancy never occurred, though such circumstance should exist only rarely. Neither should the vacation be considered as a "removal" from office, since the latter is a distinctly different subject. *McCluskey*, p. 23. As stated by another court, in *People v. Sharb* (1893), 100 Cal. 537, 35 P. 163, at 164:

"... The 10 events mentioned in section 996 are merely conditions, upon the occurrence of any one of which the Legislature has declared the office shall become vacant, not as a penalty or forfeiture, but simply as the legal effect of the happening of any one of the events mentioned."

As pointed out in *Becker v. Green County* (1922), 176 Wis. 120, 184 N.W. 715, sec. 17.03 (5), Stats., undoubtedly had its genesis in implementation of sec. 3 as well as sec. 10, Art. XIII, Wis. Const.:

"Sec. 3, art. XIII, of the constitution provides that 'no person convicted of any infamous crime in any court within the United States ... shall be eligible to any office of trust, profit, or honor in this state.' By sec. 2, ch. 11, Revised Statutes of 1849, it was provided that 'Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office: ... 5. His conviction of any infamous crime, or of any offense

JOURNAL OF THE SENATE

involving a violation of his official oath.' This provision has continued in the statutes without change until 1917, and is found as a part of sec. 17.02 of the statutes of that year. The constitutional provision disqualified the plaintiff from further holding the office of county judge, and the statutory provision referred to expressly provided that his office should become vacant upon his conviction of any infamous crime. We have no doubt that the crime of which he was convicted was infamous within the meaning of that term as used in the constitution as well as the statute. While there has been much debate as to what constitutes an infamous crime, we think, by the great consensus of authority upon the subject, it is now deemed to mean as here used--a crime punishable by imprisonment in the state prison. 12 Cyc. 135; Words & Phrases, 3573 *et seq.*" *Becker, supra*, at 176 Wis., p. 124.

Thus, the term "infamous crime," as used in Art. XIII, sec. 3., Wis. Const., is synonymous with "felony," as that term is defined under sec. 939.60, Stats., and includes all felonies. See 63 OAG 75, 76 (1974), 41 OAG 181 (1952). An earlier opinion in 24 OAG 210 (1935) did conclude that the words "infamous crime" as used in Art. XIII, sec. 3, Wis. Const., were synonymous with the term "felony" as used in Art. III, sec. 2, Wis. Const., which latter term had been interpreted by the court as limited to such offenses as were felonies at the time the Constitution was adopted. However, that opinion erroneously relied upon a still earlier opinion, reported in 9 OAG 529 (1920), which was, in effect, repudiated by the holding in *Becker, supra*.

Based on the foregoing, I am of the opinion that the convictions referred to in your inquiry are felonies within the meaning of secs. 17.03 (5) and 939.60, Stats., and also "infamous crimes" within the meaning of Art. XIII, sec. 3, Wis. Const. I further conclude that a vacancy occurred in the office of the state senator involved upon his conviction and sentence for such crimes, pursuant to those provisions and Art. XIII, sec. 10, Wis. Const. Having so concluded, the question whether a vacancy would also have resulted from the senator's loss of elector status, under Art. III, sec. 2, Wis. Const., or Art. III, sec. 6, Wis. Const., and sec. 6.03 (1) (b), Stats., need not be discussed.

Finally, in *Becker, supra*, at p. 129, the court clearly stated the following in reference to the time such vacancy takes effect:

JOURNAL OF THE SENATE

"... It must be borne in mind that he was effectually divested of any right or title to the office. His status with reference to the office was fixed at the time of his conviction. ..."

See also *State v. Turner* (1918), 168 Wis. 170, 169 N.W. 304, where it was held that under the terms of Art. XIII, sec. 3, acceptance of a federal office by a state officer *ipso facto* vacated the latter office.

Although the conviction operates to vacate such office *ipso facto*, the vacation does not interfere or conflict with the constitutional provision that each house shall be the sole judge of the elections, returns and qualifications of its own members. In the absence of a constitutional provision for that purpose, the legislature, exercising the legislative power the Constitution vested in the senate and assembly, may declare when a vacancy occurs. Art. IV, sec. 1, and Art. XIII, sec. 10, Wis. Const. It has done so in sec. 17.03, Stats., and has further directed that upon the happening of such vacancy notice thereof be given to appropriate public officials, including those authorized by law to cause such vacancies to be filled. Secs. 17.01, 17.02 and 17.17, Stats. The authority for such legislative enactments emanates directly from the Constitution itself and such statutes in no way unconstitutionally delegate the determination of when a vacancy occurs. They constitute, as previously explained, the legislature's determination of those circumstances which cause a vacancy during the term. It has been held, in fact, that a constitutional provision, providing that no person convicted of an infamous crime "shall be eligible to the legislature, or capable of holding any office of trust or profit in this state," has the force of positive law declaring a fixed policy of the state limiting the power of the legislature in declaring who shall be eligible for such offices. *State ex rel. Moore v. Blake* (1932), 225 Ala. 124, 142 So. 418.

Sincerely yours,
BRONSON C. LA FOLLETTE
Attorney General

CAPTION:

A vacancy in the office of a state senator is created under the provisions of Art. XIII, sec. 3 and Art XIII, sec. 10, Wis. Const., as implemented by sec. 17.03 (5), Stats., upon his conviction of and sentence for any felony punishable by imprisonment in state prison,

JOURNAL OF THE SENATE

and no further specific action is required by the state senate to implement those provisions.

**State of Wisconsin
Claims Board**

November 8, 1976

**Glenn Bultman
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702**

Dear Mr. Bultman:

Enclosed is the report of the State Claims Board covering claims heard on October 12, 1976.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

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.

Sincerely,
EDWARD D. MAIN
Secretary

**BEFORE THE
CLAIMS BOARD OF WISCONSIN**

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on October 12, 1976, upon the following claims:

<i>Name of Claimant</i>	<i>Amount</i>
1. Dr. Julian I. Rood-----	\$ 37.50
2. Jim Warchol-----	191.88
3. Mark G. Ulevich-----	148.10
4. Alan R. Brock-----	705.71

In addition, the following claims were considered and decided without a hearing:

5. Jan Resnick-----	35.00
6. Aetna Business Credit, Inc. -----	776.00

JOURNAL OF THE SENATE

THE BOARD FINDS:

1. *Dr. Julian I. Rood*

Dr. Julian I. Rood, Madison, Wisconsin, claims \$37.50 for reimbursement of medical expenses unnecessarily incurred in July-August, 1975, because of misinformation given to him by an employe of the University of Wisconsin System concerning his insurance coverage. The Board concludes the claim should be paid on equitable principles.

2. *Jim Warchol*

Jim Warchol, Sun Prairie, Wisconsin, claims \$191.88 for damages to his car in January-April, 1976, while parked at the G.E.F. #1 second parking level. The damage was caused by leaks in the ceiling of the facility which caused a chemical solution to drip onto his car and stain the finish. The leaks occur at random, and are very difficult to eliminate. The Board suggests that renters be made aware of this situation, and that future claims of this nature be avoided by having renters agree to assume the risk for such damages. The Board concludes this claim should be paid on equitable principles, but that payment be made jointly to the claimant and the repair shop which furnished him the estimate upon which this claim is based.

3. *Mark G. Ulevich*

Mark G. Ulevich, Middleton, Wisconsin, claims \$148.10 for a coat which mysteriously disappeared from the offices of the State Investment Board on January 16, 1976. Claimant had been invited to the premises for the purpose of being interviewed for prospective employment. His coat disappeared from a rack where he had been told to hang it near a door which had been left open to provide ventilation because of a malfunctioning heating system. The coat was three years old and apparently of good quality. Its original cost was \$192.40. The claimant received some insurance proceeds for the coat, and the Board concludes that the claim in the reduced amount of \$100 should be paid on equitable principles, thereby placing a value on the coat consistent with that of the insurance company.

4. *Alan R. Brock*

Alan R. Brock, Marshfield, Wisconsin, claims \$705.71 for damages to his apartment which he rented to Helen L. Maes. The damage occurred on November 1, 1975. Helen L. Maes was a ward of the State and 17 years old at the time of the incident. She was not under the immediate physical custody of the State to the extent that she was neither institutionalized nor in a foster home. She was

JOURNAL OF THE SENATE

emancipated to the extent that she was living on her own, although she received some financial assistance from the State. Her social worker from Eau Claire was in touch with her at reasonable intervals, and prior to the time of this incident had insufficient reason to believe that she would cause such damages. A majority of the Board concludes there is insufficient evidence of liability arising from the causal negligence of any officer, agent or employe of the State, and that the claim is not one for which the State is legally laible, nor one which on equitable principles the State should assume and pay, and therefore denies same. Members Main and Kleczka would recommend payment of the claim in the reduced amount of \$578.21, not allowing payment for \$127.50 labor charges.

5. *Jan Resnick*

Jan Resnick, Milwaukee, Wisconsin, claims \$35.00 which mysteriously disappeared from her purse on March 12, 1976, while she was working at the probation and parole office. She received a phone call which caused her to leave her desk, and when she returned she noticed her purse was in a different place than where she had left it. Later in the day after leaving the office she discovered all her money was gone from her wallet. Reasonable facilities were available to the claimant to store her purse during working hours (such as a lock o her desk) and there is no showing of negligence by the State or its officers, agents or employes. 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, and therefore denies same.

6. *Aetna Business Credit, Inc.*

Aetna Business Credit, Inc., East Hartford, Connecticut, claims \$776.00 for an overpayment to the Secretary of State on March 17, 1975, because of an error made when filing its annual report. The Board concludes the claim should be paid on equitable principles.

THE BOARD CONCLUDES:

The claims of the following named claimants should be denied:

Alan R. Brock
Jan Resnick

Payment of the following amounts to the following claimants is justified under sec. 16.007, Stats., as amended:

Dr. Julian I. Rood -----	\$ 37.50
Jim Warchol -----	191.88

JOURNAL OF THE SENATE

Mark G. Ulevich ----- 100.00
Aetna Business Credit, Inc. ----- 776.00

Dated at Madison, Wisconsin, this 29th day of October, 1976.

GERALD D. KLECZKA
Senate Finance Committee

GEORGE MOLINARO
Assembly Finance Committee

EDWARD M. PARSONS
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of
Administration

ALLAN P. HUBBARD
Representative of Attorney
General

State of Wisconsin
Claims Board

November 8, 1976

Glenn Bultman
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702

Dear Mr. Bultman:

Enclosed is the report of the State Claims Board covering claims heard on October 5, 1976.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board. The Board is preparing the bill on the award over \$1,000 and will submit it to the joint committee on Finance for legislative introduction.

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.

Sincerely,
EDWARD D. MAIN
Secretary

JOURNAL OF THE SENATE
BEFORE THE
CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on October 5, 1976, upon the following claims:

<i>Name of Claimant</i>	<i>Amount</i>
1. Master Lock Company -----	\$ 91,447.59
	(plus interest)
2. Town of Menasha Sanitary District #4 -----	11,522.00
3. Engelhardt-Micuron -----	101,200.00

In addition, the following claims, previously heard, were reconsidered without additional hearing:

4. Mrs. Frank Joswick -----	100.00
5. James L. Hodges -----	100,000.00
6. Peter L. Rago -----	147.85
7. D. J. Buss -----	300.00

In addition, the following claims, previously heard, were reconsidered without additional hearing:

8. Virginia Van DeWiel -----	1,126.80
9. Mrs. Donald Hunter -----	900.70
10. Christian Orf -----	1, 339.00

In addition, the following claim, previously heard, was considered and decided:

11. Linda Hanneman -----	1,025,000.00
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THE BOARD FINDS:

1. *Master Lock Company*

Master Lock Company, Milwaukee, Wisconsin, claims \$91,447.59, plus interest, for state corporation franchise/income taxes erroneously paid to the State of Wisconsin on June 17, 1974. The payment was received after a field audit of the corporation. The audit covered various items, but the only item in dispute involved the amount of this claim. This same item was the subject of a prior office audit which was in the process of being fully litigated, and which ultimately was resolved in favor of the claimant. See Master Lock Co. v. Department of Revenue (1974), 62 Wis. 2d 716, 215 N. W. 2d 529, and the Revised Decision and

JOURNAL OF THE SENATE

Order of the Wisconsin Tax Appeals Commission dated February 27, 1975, in its Docket No. I-3006. Once the erroneous payment was made by the claimant, the Department of Revenue was without statutory authority to make a refund to the claimant. However, if the claimant had not erroneously paid the second assessment, the ultimate decision of the appeal in the first assessment would have resulted in an adjustment of the second assessment favorable to the claimant in the amount of \$91,447.59. In other words, the claimant erroneously overpaid the State of Wisconsin \$91,447.59, and the Board concludes the State should reimburse the claimant for this amount. However, consistent with prior decisions of this Board relating to the overpayment of taxes because of an error by the taxpayer, the Board concludes that interest should not be paid. Accordingly, the Board recommends payment of \$91,447.59, without interest, on equitable principles.

2. *Town of Menasha Sanitary District #4*

Town of Menasha Sanitary District #4, Neenah, Wisconsin, claims \$11,522.00 resulting from the alleged negligence of the Lunda Construction Company while constructing a highway for the State of Wisconsin at Water Street over Highway 41 in the Town of Menasha on December 18, 1974. While driving an I-beam for bridge construction a water main was hit. Subsequently, the claimant found it necessary to relocate 300 feet of the water main at an alleged cost of \$10,830.56. There appears to be a serious dispute in regard to the facts and the respective liabilities of the claimant, the Lunda Construction Company and the State of Wisconsin. It appears that the claimant failed to respond to certain notices, failed to attend certain meetings and failed to comply with various statutory requirements which resulted in damages it could have avoided. The Board concludes there is insufficient evidence of liability arising from the causal negligence of any officer, agent or employe of the State, and that the claim is not one for which the State is legally liable, nor one which on equitable principles the State should in good conscience assume and pay, and therefore denies same.

3. *Engelhardt-Micuron Construction Company*

Engelhardt-Micuron Construction Company, by Central National Bank, Chicago, Illinois, claims \$101,200.00 for the return of liquidated damages withheld by the State in 1971-1972 on Project ID 1164-1-71, Contract No. 1, U.S. Highway 51, South County Line-Mosinee, Portage and Marathon Counties, Wisconsin. Claimant alleges it is entitled to an additional 225 days at \$275 per day for bad and inclement weather days, plus 143 days at \$275 per

JOURNAL OF THE SENATE

day for rock over-run, or a total of 368 days at \$275 per day, or \$101,200.00. The Board finds that the claimant was negligent in carrying out its responsibilities under the contract with the State, and that such negligence resulted in substantial damages to the State properly measured by the liquidated damages as called for under the contract. These damages took the form of additional costs to the State for the time of its own employes assigned to the project, problems resulting from the inability to coordinate this phase of the project with other planned phases of the project, additional expenses which had to be paid to other contractors working on the same project, hindering the progress of other contractors, lien problems, labor problems resulting in slowdowns because the claimant was not properly paying its employes, and generally adversely affecting the total overall project. The claimant should have been able to have removed 131,537 cubic yards of gravel within four months if it had assigned reasonable manpower and equipment to the project. It is reasonable to expect that 2,000-3,000 cubic yards of rock per day could have been removed. Even though it was originally anticipated that only 80,928 cubic yards had to be removed, the additional 50,609 cubic yards could have been removed in the additional 35 days granted for this purpose. The contract involved more than rock removal, although this seemed to be the major concern of the claimant in presenting its claim. The claimant was instructed to proceed with the project 10 days after May 28, 1971, and it could have completed its responsibilities under its contract within the time allotted. However, as late as January, 1972, with less than nine days to run on the contract, the claimant had barely begun any rock removal. Numerous inspections of the project revealed that insufficient machinery and manpower was being assigned to the project. Other contractors on the same project were completing similar contracts in a timely manner, working under the same weather conditions. The Board concludes that the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles.

4. *Mrs. Frank Joswick*

Mrs. Frank Joswick, Rhinelander, Wisconsin, claims \$100.00 for damages to a 10-speed bike on October 5, 1975, which was taken without permission by a ward of the State and totally destroyed in an accident. The Board concludes the claim should be paid on equitable principles.

5. *James L. Hodges*

JOURNAL OF THE SENATE

James L. Hodges, Fall Creek, Wisconsin, claims \$100,000.00 on behalf of himself, his wife and four sons, for damages resulting from an alleged conspiracy involving the State of Wisconsin and well drillers, from September 19, 1966, to December 23, 1966. The allegation is that the State and the well drillers conspired to refuse to provide a private well for the claimant and his family. In September, 1966, a well was constructed on claimant's property, but claimant was not satisfied, so the well was capped and his money returned. Claimant then hired a person not licensed as a well driller, and the State brought an action which prevented him from drilling. For various reasons unknown to the State other well drillers declined to drill a well for the claimant. There is no evidence of any conspiracy in this regard. The Board concludes there is no evidence of liability arising from the causal negligence of any officer, agent or employe of the State, and that the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles, and therefore denies same.

6. *Peter L. Rago*

Peter L. Rago, Hurley, Wisconsin, claims \$147.85 for damages to his car on April 28, 1976, on U.S. Highway 2 near Birch Hill. The road was posted as being "under construction". Claimant alleges the road should have been closed because of its bad condition. The Board finds the claimant was made aware of the condition of the road, and that any damages which may have been incurred by his 1970 Chevrolet were not due to the negligence of the State or its officers, agents or employes. 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.

7. *D.J. Buss*

D.J. Buss, Neenah, Wisconsin, claims damages due to an error by a State employe in marking his land in May-June, 1974, which resulted in \$90.00 worth of trees which were unnecessarily cut down, and loss of value to his property. Claimant and the Department of Natural Resources have recommended a settlement of the claim for \$300, which this Board approves. The Board concludes the claim in the amount of \$300 should be paid on equitable principles.

8. *Virginia Van DeWiel*

Virginia Van DeWiel, Platteville, Wisconsin, has consented to the reduction of her claim to \$1000. Her claim was originally heard on October 15, 1973, and on January 21, 1974, this Board

JOURNAL OF THE SENATE

recommended payment of \$1126.80 on equitable principles. However, the legislature adjourned before her bill could be passed. The Board unanimously finds and concludes the claim in the reduced amount of \$1000 is justified and should be assumed and paid on equitable principles, as authorized by ch. 397, Laws of 1975.

9. *Mrs. Donald Hunter*

Mrs. Donald Hunter, Rhinelander, Wisconsin, had her claim originally considered by this Board on February 2, 1976, and as a result thereof this Board recommended payment to her of \$900.70. The legislature adjourned before her bill could be passed. However, under the authority granted by ch. 397, Laws of 1975, the Claims Board unanimously finds that payment to the claimant is justified, and orders that \$900.70 be paid on equitable principles.

10. *Christian Orf*

Christian Orf, Hudson, Wisconsin, had his claim originally heard by this Board on February 2, 1976, and as a result thereof this Board recommended payment to him of \$1339.00. The legislature adjourned before his bill could be passed. If the claimant consents to the reduction of his claim to \$1000, this Board unanimously finds that payment of \$1000 to the claimant is justified, and should be paid to the claimant on equitable principles, as authorized by ch. 397, Laws of 1975. If the claimant does not consent, another bill for \$1339.00 will be introduced in the next legislative session.

11. *Linda Hanneman*

Linda Hanneman, formerly of Madison, Wisconsin, had her claim heard on July 29, 1976. She claims \$1,025,000.00 for actual and penal damages resulting from her dismissal from State service on April 23, 1973. Claimant was a limited term employe for the Department of Health and Social Services. Her immediate supervisor was Gary E. Miller; her bureau chief was Gerald E. Dymond; her division administrator was Dr. Leonard Ganser; and, Miller's immediate supervisor was Paul Ansay. On April 11, 1973, she requested permission to attend an out-of-state conference, which was denied by Gerald E. Dymond on April 16, 1973. On April 20, 1973, she requested information from Gerald E. Dymond relating to out-of-state travel policies, limited term employes and her job description.

On April 20, 1973, in response to claimant's request for information, a meeting was held during the course of which Gerald E. Dymond became visibly upset and expressed anger and irritation

JOURNAL OF THE SENATE

toward the claimant for her persistence in attempting to obtain permission to attend the out-of-state conference. His language and conduct were abusive and, in the claimant's view, threatening in nature, although he never struck the claimant nor had any intention of doing so. Gerald E. Dymond then proceeded to accuse the claimant of fraudulently certifying her time sheets. Subsequently, on April 23, 1973, a memo was written by Gerald E. Dymond to Dr. Ganser entitled "Fraudulent Certification of Time Report", and requesting the termination of claimant's employment. On April 23, 1973, Dr. Ganser wrote a letter to claimant notifying her that her services were no longer needed after April 23, 1973, pointing out that she had been hired for only a limited duration. The entire chain of events was understandably upsetting to the claimant.

Claimant appears to have been victimized by the personal and professional antagonism and differences of opinion between her immediate supervisor, Gary E. Miller, and Gerald E. Dymond. Prior to these events Gary E. Miller unsuccessfully vied with Gerald E. Dymond for the same job. A law suit resulted from that competition, and this claimant's attorney represented Gary E. Miller in that matter.

The Board finds that the allegation that the claimant fraudulently certified her time sheet is without merit, and the department erred in docking her for four hours' pay. The Board finds the claimant was acting in good faith. The alleged fraud was attributed to her taking credit for work completed at home under the unusual circumstances created by one of the most severe snow storms in recent years. She timely completed at home a substantial assignment under the direction of her immediate supervisor, and although she may have technically violated some general rule pertaining to the manner in which her time should be reported, certainly good judgment would dictate that an exception be made under the circumstances of her case. Gary E. Miller approved the manner in which she recorded her time, and Paul Ansay also approved this reporting. There seemed to be some confusion as to what the department's policy was in regard to reporting time during the snow storm under any circumstances, and claimant's method of reporting was acceptable and absolutely in good faith.

Consequently, the Board determines and orders that her personnel file be purged of any references to her acting in a fraudulent, dishonest or deceitful manner. Also, she should be paid \$20 for the four hours of work for which she was previously denied payment at her rate of \$5.00 per hour.

JOURNAL OF THE SENATE

However, since claimant was a limited term employe whose job was of a short duration not to exceed six months in total, the Board finds that she should not be paid the out-of-pocket expenses relating to her leaving her position with the State and finding a new job. Also, the Board finds that the actions of the State employes involved do not entitle her to any further award for damages, penal or otherwise.

THE BOARD CONCLUDES:

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

Town of Menasha Sanitary District #4
Engelhardt-Micuron
James L. Hodges
Peter L. Rago

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

Mrs. Frank Joswick	\$ 100.00
D. J. Buss	300.00
Virginia Van DeWiel	1,000.00
Mrs. Donald Hunter	900.70
Linda Hanneman	20.00

3. Payment of \$1,000 to Christian Orf is justified under sec. 16.007 (6), Stats., as amended, if Christian Orf consents to accept this reduced payment for his claim.

THE BOARD RECOMMENDS:

That payment of \$91,447.59, without interest, be made to Master Lock Company for the return of corporate franchise/income taxes erroneously paid to the State of Wisconsin on June 17, 1974.

Dated at Madison, Wisconsin, this 29th day of October, 1976.

GERALD D. KLECZKA
Senate Finance Committee

GEORGE MOLINARO
Assembly Finance Committee

DAVID RIEMER
Representative of Governor

JOURNAL OF THE SENATE

EDWARD D. MAIN
Representative of Secretary of
Administration
(except for Linda Hanneman
claim)

ALLAN P. HUBBARD
Representative of Attorney
General

BARBARA YAFFE
Representative of Attorney
General
(for Linda Hanneman Claim
only)

**State of Wisconsin
Claims Board**

November 9, 1976

Glenn Bultman
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702

Dear Mr. Bultman:

Enclosed is the report of the State Claims Board covering claims heard on April 9, 1976.

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.

Sincerely,
EDWARD D. MAIN
Secretary

**BEFORE THE
CLAIMS BOARD OF WISCONSIN**

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on April 9, 1976, upon the following claims:

JOURNAL OF THE SENATE

<i>Name of Claimant</i>	<i>Amount</i>
Oliver Louis Boldt	\$13,661.65
Plus interest and cancellation of indebtedness of \$91,786.40	

THE BOARD FINDS:

Oliver Louis Boldt claims \$13,661.65 plus interest, and cancellation of indebtedness of \$91,786.40. Claimant was committed to Central State Hospital under Section 957.13(2), Wis. Stats., now Section 971.14(5), Wis. Stats., on January 24, 1962. Subsequently he was released therefrom on November 4, 1974. While claimant was institutionalized the Department of Health and Social Services retained his social security benefits in the amount of \$13,661.65. This money was utilized for the claimant's maintenance and care while committed to Central State Hospital for the period of January 24, 1962 through July 9, 1973, and while committed to Mendota State Hospital for the period of July 10, 1973 through November 4, 1974. During this period of time the state actually expended \$105,448.05 for the claimant. The question before the board is whether the department is obliged to return claimant's social security payments because of the decision in In re Grams, 63 Wis. 2d 194, 216 N.W. 2d 889 (1974).

The Grams case involved a situation where Grams was being held only pursuant to a pending criminal charge without any appropriate civil commitment proceedings which would result in an obligation under Section 46.10(2), Wis. Stats. The court declared that any confinement or any treatment which is merely an adjunct to the criminal process and is not separately mandated by confinement under the standards of Ch. 51, Wis. Stats., does not result in a collectible claim for the state. Grams was held only by virtue of Section 971.14(5), Wis. Stats., because he probably committed a crime but could not defend himself against the charges. The court held that the nature of his confinement would have to be changed to a civil commitment in order for liability to incur to the state.

The essential facts of the instant case now before us are indistinguishable as far as they relate to the nature of the commitment. Consequently, the state would not have been in a position to successfully pursue such a claim under the instant facts according to the court's decision in Grams, if applied retroactively.

JOURNAL OF THE SENATE

However, the instant case involves a situation where the claimant is attempting to recover payments already made to the state. To obtain recovery the claimant must ask the board to declare that the state has a legal liability to return the money to the claimant, or to return the money to the claimant on equitable principles.

The court, in In re Grams, supra, did not indicate if the decision was to be prospective or retrospective. The Claims Board believes that because the judicial branch made the decision in In re Grams, supra, the courts should also determine if the decision should be applied retroactively. For this reason the board declines to make a determination in this case as to the state's legal liability.

The board also finds that this is not a case where an award should be made on equitable principles. Boldt is no longer incarcerated. He never had actual possession and use of the money in question. In In re Grams, supra, the court held that persons unwillingly incarcerated in a mental institution in a criminal case need not pay for their care, but persons unwillingly committed to a mental institution pursuant to civil proceedings may be required to pay for their care. This distinction may be correct, but it hardly states a basic principle of justice. Therefore, given the nature of the harm and the basis of the court's decision, the board feels that retroactive compensation is not required as a matter of fundamental equity.

THE BOARD CONCLUDES:

The claim of Oliver Louis Boldt should be denied (Hubbard dissents).

Dated at Madison, Wisconsin, this 8th day of November, 1976.

GERALD D. KLECZKA
Senate Finance Committee

GEORGE MOLINARO
Assembly Finance Committee

DAVID RIEMER
Representative of Governor

JOURNAL OF THE SENATE

EDWARD D. MAIN

Representative of Secretary of
Administration

ALLAN P. HUBBARD

Representative of Attorney
General

State of Wisconsin
Department of State

November 12, 1976.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on October 21, 1976, and ending on November 12, 1976.

Yours very truly,

DOUGLAS LAFOLLETTE

Secretary of State

Name, Address and Occupation of Lobbyist -- Name and Address of Employer -- Subject of Legislation Code Number -- Date of Employment.

Thilly, J. Leroy, 131 W. Wilson St., Madison, Wis. -- Wisconsin Public Power, Inc., c/o Ernest Mullen, P. O. Box 30, Kaukauna, Wis. -- 07, 11, 14, 23, 26, 30, 03, 15 -- October 21, 1976.

Olson, Richard L., 131 W. Wilson St., Madison, Wis. -- Wisconsin Public Power, Inc., c/o Ernest Mullen, P. O. Box 30, Kaukauna, Wis. -- 07, 11, 14, 23, 26, 30, 03, 15 -- October 21, 1976.

JOURNAL OF THE SENATE

Mohammed, Kimathi, 5720 W. 85th St., Indianapolis, Indiana -
- Congressional Life Insurance Company, Golden Rule Building,
Lawrenceville, Illinois -- 10, 17, 20, 23 -- November 12, 1976.

Legislative Subject Identification

Code	Subject
01	<i>Agriculture, horticulture, farming & livestock</i>
02	<i>Amusements, games, athletics and sports</i>
03	<i>Banking, finance, credit and investments</i>
04	<i>Children, minors, youth & senior citizens</i>
05	<i>Church & Religion</i>
06	<i>Consumer Affairs</i>
07	<i>Ecology, environment, pollution, conservation, zoning, land & water use</i>
08	<i>Education</i>
09	<i>Elections, campaigns, voting & political parties</i>
10	<i>Equal rights, civil rights & minority affairs</i>
11	<i>Government, financing, taxation, revenue, budget, appropriations, bids, fees & funds</i>
12	<i>Government, county</i>
13	<i>Government, federal</i>
14	<i>Government, municipal</i>
15	<i>Government, special districts</i>
16	<i>Government, state</i>
17	<i>Health services, medicine, drugs and controlled substances, health insurance & hospitals</i>
18	<i>Higher education</i>
19	<i>Housing, construction & codes</i>
20	<i>Insurance (excluding health insurance)</i>
21	<i>Labor, salaries and wages, collective bargaining</i>
22	<i>Law enforcement, courts, judges, crimes & prisons</i>
23	<i>Licenses & permits</i>
24	<i>Liquor</i>
25	<i>Manufacturing, distribution & services</i>
26	<i>Natural resources, forests and forest products, fisheries, mining & mineral products</i>
27	<i>Public lands, parks & recreation</i>
28	<i>Social insurance, unemployment insurance, public assistance & workmen's compensation</i>

JOURNAL OF THE SENATE

- 29 *Transportation, highways, streets & roads*
- 30 *Utilities, communications, television, radio, newspapers,
power, CATV, & gas*
- 31 *Other*

State of Wisconsin
Department of State

November 29, 1976.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on June 18, 1976, and ending on November 29, 1976.

Yours very truly,
DOUGLAS LAFOLLETTE
Secretary of State

Dusenbury, R. V., P.O. Box 5248, Madison, WI 53705 --
Equipax Inc., P.O. Box 4081, Atlanta, Georgia 30302 -- 03, 06,
10, 17, 20 -- June 18, 1976.

Conner, Sally A., Domes/Geodysey Corp., P.O. Box 206,
Amherst, WI 54406 -- Domes/Geodysey Corp., P.O. Box 206,
Amherst, WI 54406 -- 19, 07 -- June 18, 1976.

Phillips, Joe L., 2120 W. Clybourn St., Milwaukee, WI 53233 -
- Outdoor Advertising Assoc. of Wisconsin, P.O. Box 307,
Janesville, WI 53545 -- 29, 30, 31 -- June 15, 1976.

DeWitt, Jack R., 121 South Pinckney Street, Madison, WI
53703 -- Exxon Company U.S.A. (a division of Exxon
Corporation) P.O. Box 2180, Houston, Texas 77001 Attention:
Minerals Department -- 07, 11, 26, 31 -- November 24, 1976.

Kuehn, Ronald W., 121 South Pinckney Street, Madison, WI
53703 -- Exxon Company U.S.A. (a division of Exxon
Corporation) P.O. Box 2180, Houston, Texas 77001, Attention:
Minerals Department -- 07, 11, 26, 31 -- November 24, 1976.

Derouin, James G., 121 South Pinckney Street, Madison, WI
53703 -- Exxon Company U.S.A. (a division of Exxon
Corporation), P.O. Box 2180, Houston, Texas 77001, Attention:
Minerals Department -- 07, 11, 26, 31 -- November 24, 1976.

JOURNAL OF THE SENATE

Hendee, Kirby, P.O. Box 2626, Madison, WI 53701 -- Wisconsin Public Power, Inc., c/o Ernest J. Mullen, President, Kaukauna Electrical & Water Depts., P.O. Box 30, Kaukauna, WI 54130 -- All coded subjects as they relate to municipally owned electrical utilities -- November 18, 1976.

State of Wisconsin
Department of State

September 27, 1976.

To the Honorable the Senate

Senators:

The following lobbyists have terminated their registrations for the duration of the 1975-76 legislative session.

Dorr, Clifford E.; Wisconsin Wine and Spirit Institute, as of August 19, 1976.

Hahn, Paul A.; American Reciprocal Insurance Association, as of September 22, 1976.

LaBrant, Robert S.; Metropolitan Milwaukee Association of Commerce, as of August 31, 1976.

McGuire, Dennis J.; Buildings Owners and Managers Association of Milwaukee, Inc., as of August 31, 1976.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Department of State

September 27, 1976.

To the Honorable, the Senate

Senators:

H. E. Halverson, a registered lobbyist, has filed the following corrections with the office of the Secretary of State:

Terminate: Wisconsin Manufactured Housing Association, as of April 22, 1976.

JOURNAL OF THE SENATE

Reregister: Wisconsin Music Merchants Association, as of April 22, 1976.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Department of State

October 12, 1976.

To the Honorable the Senate

Senators:

The following lobbyists have terminated their registrations for the duration of the 1975-76 legislative session.

Messina, Eugene; Wisconsin Association on Alcoholism & Other Drug Abuse, Inc., as of June 30, 1976.

Lotto, Myron; Wisconsin Towns Association, and the city of Wausau, as of October 1, 1976.

Gibson, Nolan; County Veterans Service Officers' Association of Wisconsin, as of October 1, 1976.

Hanson, Darryl; Negative Aids Coalition, as of June 15, 1976.

Russell, William W.; Wisconsin Association of Soil and Water Conservation Districts, as of October 6, 1976.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Department of State

November 2, 1976.

To the Honorable the Senate

Senators:

The following lobbyists have terminated their registrations for the duration of the 1975-76 legislative session.

Smith, Billy G.; National Apartment Association, as of October 18, 1976.

JOURNAL OF THE SENATE

Rush, Donald; Wisconsin Association of Homes for Aging, as of April 8, 1975.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Department of State

November 12, 1976.

To the Honorable the Senate

Senators:

The following lobbyists have terminated their registrations for the duration of the 1975-76 legislative session.

Halverson, H. E.; Catrala of Wisconsin, Inc., as of October 29, 1976.

Rush, Donald S.; Wisconsin Hospital Association, as of November 4, 1976.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Department of State

November 30, 1976.

To the Honorable the Senate

Senators:

The following lobbyists have terminated their registrations for the duration of the 1975-76 legislative session.

Elliott, Charles W.; Wisc. Petroleum Council, as of October 5, 1976.

Hanson, Darryl D.; Negative Aids Coalition, as of September 30, 1976.

Wold, Gordon; The United Council of University of Wisconsin Student Governments, as of June 17, 1976.

Driessen, Anthony H.; Marquette University; Wausau Homes Incorporated; M & I Marshall & Ilsley Bank; Motion Picture

JOURNAL OF THE SENATE

Association of America; United Foundrymen of Wisconsin; Wisconsin Builders Association; Wisconsin Association of Independent Colleges and Universities; Wisconsin Optometric Association; Wisconsin Dental Association; Wisconsin Trustees Association; Time Insurance Company; Wisconsin Association of Securities Dealers; Allied Construction Employers Assn.; NN Corporation; Wisconsin Automatic Merchandising Council; Wisconsin Concrete Products Association; Mobil Chemical Company -- Plastics Div.; American Automobile Association; Wisconsin Association of Psychiatric Social Workers, as of June 17, 1976.

Franke, Harry F.; Wausau Homes Inc.; Wisconsin Dental Association; Wisconsin Optometric Association; Wisconsin Association of Independent Colleges and Universities; Wisconsin Builders Association; United Foundrymen of Wisconsin; Time Insurance Company; Motion Picture Association of America; M & I Marshall and Ilsley Bank; Marquette University; Wisconsin Association of Securities Dealers; Allied Construction Employers Assn.; NN Corporation; Mobil Chemical Company -- Plastics Div.; Wisconsin Trustees Association; American Automobile Association; Wisconsin Association of Psychiatric Social Workers, as of June 17, 1976.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 2, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Arturo Gonzales, of Burlington, as a member of the Land Surveyors section of the Architects, Engineers, Land Surveyors and

JOURNAL OF THE SENATE

Designers Examining Board, to serve for the term ending July 1, 1979.

**Sincerely,
PATRICK J. LUCEY
Governor**

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

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

November 3, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Ray J. Theisen, of Altoona, as a member of the Credit Union Review Board, to serve for the term ending May 1, 1981

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Commerce.

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

November 5, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Marilyn Slautterback, of Madison, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 1977.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Judiciary and Consumer Affairs.

JOURNAL OF THE SENATE

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 9, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Josephine Montgomery, of Milwaukee, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 1981.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 9, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Helen B. Hensler, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1981.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 9, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint

JOURNAL OF THE SENATE

William H. Wong, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1981.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 10, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Georgia A. Felger, of Milwaukee, as a member of the Psychology Examining Board, to serve for the term ending July 1, 1979.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 10, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Jeanne M. Meier, of Darlington, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1981.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

JOURNAL OF THE SENATE

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

November 10, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Tommy Burress, of Milwaukee, as a member of the Board of Nursing, to serve for the term ending May 1, 1979.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

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

November 10, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Tedine Roos, of Milwaukee, as a member of the Podiatrists Examining Council, to serve for the term ending July 1, 1980.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

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

November 10, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Karen Molle, of Shullsburg, as a member of the Physical

JOURNAL OF THE SENATE

Therapists Examining Board, to serve for the term ending July 1, 1980.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 11, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint James Ceille, of Milwaukee, as a member of the Designers section of the Architects, Engineers, Land Surveyors and Designers Examining Board, to serve for the term ending July 1, 1977.

Sincerely,
PATRICK J. LUCEY
Governor

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

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 12, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Ronald Stampfl, of McFarland, as a member of the Pharmacy Internship Board, to serve for the term ending July 1, 1981.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

JOURNAL OF THE SENATE

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

November 16, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Kahtan Al Yasiri, of Platteville, as a member of the Engineers section of the Architects, Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1979.

**Sincerely,
PATRICK J. LUCEY
Governor**

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

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

November 17, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint David J. Ward, of Neenah, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 1979.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

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

November 18, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint

JOURNAL OF THE SENATE

Judith S. Metcalf, of Stevens Point, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1980.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Commerce.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 18, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Abe A. Alk, of Green Bay, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1981.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Commerce.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 18, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Steven Barney, of Madison, as a member of the Funeral Directors and Embalmers Examining Board, to serve for the term ending July 1, 1979.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

JOURNAL OF THE SENATE

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

November 23, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Glenn L. Wills, of Madison, as a member of the Cosmetology Examining Board, to serve for the term ending July 1, 1979.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Judiciary and Consumer Affairs.

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

November 23, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Mary E. Kolka, of Madison, as a member of the Cosmetology Examining Board, to serve for the term ending July 1, 1979.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Judiciary and Consumer Affairs.

MOTIONS UNDER SENATE RULE 96

A certificate of commendation by Senators Petri and Lorge for FRANCIS D. HEESAKKER on the occasion of 30 years of meritorious public service.

A certificate of congratulations by Senator Berger for THOMAS BAERMANN on the occasion of becoming the first Eagle Scout of Bryant School.

JOURNAL OF THE SENATE

A certificate of commendation by Senator Martin for **RICHARD BARTLETT** on his contribution to the senate subcommittee on Small Business's investigation.

A certificate of commendation by Senator Martin for **JAMES JOPPE** on his contribution to the senate subcommittee on Small Business's investigation.

A certificate of commendation by Senator Martin for **JERRY HUSS** for his contribution to the senate subcommittee on Small Business's investigation.

A certificate of commendation by Senators Martin and Krueger for **CLYDE BAILEY** on his contribution to the senate subcommittee on Small Business's investigation.

A certificate of commendation by Senators Martin and Harnisch for **DONALD BRAATZ** on his contribution to the senate subcommittee on Small Business's investigation.

A certificate of congratulations by Senator Kleczka for **MR. AND MRS. JACK HENRICHS** for their demonstration of civic pride.

A certificate of commendation by Senator Berger for **DAVID BASH** on the occasion of saving the life of Keith Woyach.

A certificate of commendation by Senator Martin for **JOHN ZIMMER** for his contribution to the senate subcommittee on Small Business's investigation.

A certificate of congratulations by Senator Chilsen for the **ANTIGO RED ROBINS** on the occasion of winning the Wisconsin Public High School football championship.

A certificate of congratulations by Senator Lorge; cosponsored by Representative Byers for **DR. WILLIAM KRUEGER** on the occasion of his being named chiropractor of the year.

A certificate of commendation by Senators Dorman and Maurer; cosponsored by Representatives Ferrall, Rooney, Olson, Dandeneau, Porter and Molinaro for **CHANCELLOR IRVIN G. WYLLIE** on the occasion of the dedication of the Irvin G. Wyllie Library Learning Center.

A certificate of commendation by Senator Bablitch for **SHERIFF RAY WINIECKI** on the occasion of his retirement.

JOURNAL OF THE SENATE

A certificate of congratulations by Senator Kleczka; cosponsored by Representative Tuczynski for ST. HELEN'S CATHOLIC CHURCH on the occasion of its golden jubilee.

A certificate of commendation by Senator Maurer for PAUL L. WHITESIDE on the occasion of his retirement.

A certificate of congratulations by Senator Dorman for THE RACINE DAIRY STATESMEN BARBERSHOP QUARTET for contributing to the cultural enrichment of the state of Wisconsin

A certificate of commendation by Senator Bablitch for ROBERT "PA" PESCH on the occasion of his receipt of Youth Award.

A certificate of congratulations by Senators Dorman, Maurer, Bablitch, Hollander, Thompson and Risser for State Representative GEORGE MOLINARO on the occasion of his retirement.

The above motions under senate rule 96 were read and adopted enmasse.