

STATE OF WISCONSIN
Senate Journal
Eighty-Third Regular Session

TUESDAY, January 11, 1977.

2:00 P.M.

The senate met.

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

The senate stood for the prayer which was offered by Reverend Joseph Washington, retired Baptist Minister of Madison.

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

LEAVE OF ABSENCE

By request of Senator Krueger, with unanimous consent, Senator Murphy was granted a leave of absence for the balance of the day.

By request of Senator Bablitch, with unanimous consent, Senator Frank was granted a leave of absence for the balance of the day.

By request of Senator Bablitch, with unanimous consent, Senator Goyke was granted a leave of absence for the balance of the day.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Martin, Maurer, Morrison, Offner, Parys, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 29.

Absent -- Senator Peloquin -- 1.

Absent with leave -- Senators Frank, Goyke and Murphy -- 3.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 14

Relating to revision of the criminal code.

By Legislative Council.

To committee on Judiciary and Consumer Affairs.

Senate Bill 15

Relating to revision of municipal employment collective bargaining impasse resolution procedures, providing for final and binding arbitration, authorizing a limited right to strike, granting rule-making authority and providing penalties.

By Legislative Council.

To committee on Agriculture, Aging and Labor.

Senate Bill 16

Relating to revision of welfare laws, granting rule-making authority, providing a penalty and making an appropriation.

By Senators Berger, Petri, Maurer, Flynn, Van Sistine, Kleczka, Cullen, Morrison, Offner, Parys and Sensenbrenner; cosponsored by Representatives Kirby, Tuczynski, Flintrop, Norquist, Clarenbach, Wahner, Jackamonis, Rutkowski, Fischer, Lallensack, Vanderperren, McClain, Behnke and Andrea.

To committee on Human Services.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Claims Board

January 7, 1977

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 November 29, 1976.

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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 bills on the recommended awards over \$1,000, and will submit them to the Joint Finance Committee 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

BEFORE THE
CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on November 29, 1976, upon the following claims:

<i>Claimant</i>	<i>Amount</i>
1. Wisconsin Gas Company-----	\$ 2,126.90
2. Norwood Health Center-----	157,432.76

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

3. Vernon Schmid-----	72.80
4. Peter Pesh-----	9.36
5. James Ennis-----	38.00
6. Roberta Jordan-----	64.48
7. George Chia-Jen Wang-----	8,164.00
8. Gustafson Oil Company-----	575.03
9. David Evans-----	211.15

THE BOARD FINDS:

1. *Wisconsin Gas Company*

The Wisconsin Gas Company claims \$2,162.90 for damages to underground utilities. On February 3, 1976, a state crew was digging a hole for a "no parking" sign on Hwy. 12 and 27 near Black River Falls. Although no request for location of the underground facilities was made by the state under sec. 182.0175, Stats., said statute is not applicable to the state. A regulatory statute of general application does not apply to the state unless the

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state is explicitly included by appropriate language. Sec. 68 Wis. 2d 677. Also, sec. 86.16, Stats., requires utilities to obtain approval for installations, but no permit was obtained by the gas company for installation of gas lines at this location. 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.

2. *Norwood Health Center*

Norwood Health Center, Wood County, Wisconsin, claims \$157,432.76 on equitable principles. Claimant concedes there is no legal basis for its claim. Because of a change in state accounting procedures under sec. 51.42, Stats., for Wisconsin mental hospitals, the claimant lost the benefits previously available under sec. 51.08, Stats., which would have permitted \$97,464.02 in county collections and \$59,968.74 in state collections. The legislature did not "grandfather" the claimant's situation into the new law. As a consequence the claimant legally could not be reimbursed for the undepreciated value of its old hospital which was condemned under sec. 46.17(3), Stats., on September 9, 1972. A new facility was constructed at a cost of \$2,995,000.00. The Board concludes that the claimant should be reimbursed for the \$59,968.74 which it could have collected from the state under the repealed law.

3. *Vernon Schmid*

Vernon Schmid, Sun Prairie, Wisconsin claims \$72.80 for damages to his car. On May 17, 1976, a patient at Mendota State Hospital damaged claimant's car, while parked on the grounds, by jumping on it. The Board concludes the claim should be paid on equitable principles.

4. *Peter Pesh*

Peter Pesh, Salem, Wisconsin, claims \$9.36 for damages to his car. On May 11, 1976, a resident of Southern Wisconsin Colony broke off claimant's radio antenna while his car was parked on the grounds. The Board concludes the claim should be paid on equitable principles.

5. *James Ennis*

James Ennis, Oakfield, Wisconsin, claims \$38.00 for the loss of his wedding ring. On July 26, 1975, claimant was stabbed by an inmate from the Winnebago Camp. Claimant is an officer at the camp, and the stabbing occurred during a struggle with the inmate who was attempting an escape. Claimant was operated on at Appleton Hospital. It was necessary to cut his wedding ring before his wounded hands could be operated upon. The Board concludes

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the claim should be paid on equitable principles. The claim is not covered by sec. 46.062, Stats.

6. *Roberta Jordan*

Roberta Jordan, Greenfield, Wisconsin, claims \$64.48 for damages to her car. On August 14, 1975, she was parked at the State Fair Park. She had been assured by the parking attendant that her car would not be "boxed in" for any length of time. However, claimant's car was "boxed in" for at least five hours, and when it became necessary for it to be moved some damage resulted from forcing its removal. The Board concludes the claim should be paid on equitable principles.

7. *George Chia-Jen Wang*

George Chia-Jen Wang, formerly of Madison, Wisconsin, claims \$8,164.00 for 1256 hours of personal services at \$6.50 per hour performed in July and August of 1971, and from September, 1972, to June, 1973, for the University of Wisconsin-Madison. According to information from Dean Mulvihill, Edward Kimsky and Robert Greene of the university staff, claimant has been paid in full for his services, and the Board so finds. 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. *Gustafson Oil Company*

Gustafson Oil Company, Wichita, Kansas, claims \$575.03 for damage to one of its vehicles. On November 8, 1975, the vehicle hit a loose piece of steel on a state bridge west of Abbotsford on Highway 29. On November 7, a steel plate had been installed to temporarily cover a hole on the bridge which was being repaired. During the night bridge traffic loosened the bolts holding the plate in place, resulting in the damage to claimant's vehicle. The Board concludes the claim should be paid on equitable principles.

9. *David Evans*

David Evans, Rockford, Illinois, claims \$211.15 for damage to his boat. On June 13, 1976, after putting his boat in Lake Kegonsa, it hit rocks 30 feet from the boat dock. The presence of the rocks are part of the naturally occurring conditions of the lake, and was unknown to the Department of Natural Resources prior to the accident. Their presence was partly due to the lack of rainfall. There is no evidence of negligence on the part of employees, officers and agents of the state, and 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.

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THE BOARD CONCLUDES:

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

Wisconsin Gas Company
George Chia-Jen Wang
David Evans

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

Vernon Schmid -----	\$ 72.80
Peter Pesh -----	9.36
James Ennis -----	38.00
Roberta Jordan -----	64.48
Gustafson Oil Company -----	575.03

The Board recommends that payment of \$59,968.74 be made to the Norwood Health Center as reimbursement for the state's share of the undepreciated value of its old hospital, which would have been collectable from the state under the method of accounting used prior to the repeal of sec. 51.08, Stats., and the adoption of a new method under sec. 51.42, Stats., under ch. 90, Laws of 1973.

Dated at Madison, Wisconsin, this 30th day of December, 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

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

January 7, 1977.

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

January 7, 1977.

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.

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

January 7, 1977.

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 Human Services.

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

January 7, 1977.

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 Human Services.

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

January 7, 1977.

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

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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 Human Services.

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

January 7, 1977.

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 Dennis J. Conta, of Milwaukee, as Secretary of the Department of Revenue, to succeed David Adamany, resigned, to serve for the term ending at the pleasure of the Governor.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Senate Finance.

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

January 7, 1977.

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 C. Gonzales, of Burlington, as a member of the Land Surveyors section of the Architects, Engineers, Land Surveyors and 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.

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

January 7, 1977.

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 Richard L. Gupton, of Beloit, as a member of the Veterans Affairs Board, to serve for the term ending May 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**

January 7, 1977.

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 Human Services.

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

January 7, 1977.

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

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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.

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

January 7, 1977.

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, Aging and Labor.

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

January 7, 1977.

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 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.

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

January 7, 1977.

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

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Human Services.

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

January 7, 1977.

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 Human Services.

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

January 7, 1977.

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 [January 11, 1977]

John G. Powles, of Wausau, as a member of the State Investment 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**

January 7, 1977.

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 Commerce.

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

January 7, 1977.

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 Human Services.

JOURNAL OF THE SENATE [January 11, 1977]

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

January 7, 1977.

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**

January 7, 1977.

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 Human Services.

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

January 7, 1977.

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 [January 11, 1977]

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**

January 7, 1977.

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 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 Human Services.

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

January 3, 1977.

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 Calvin A. Hessert, of Wausau, as a member of the State Personnel Board, to serve for the term ending July 1, 1980.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Judiciary and Consumer Affairs.

JOURNAL OF THE SENATE [January 11, 1977]

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

January 3, 1977.

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 R. Morgan, of Madison, as a member of the State Personnel Board, to serve for the term ending July 1, 1981.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Judiciary and Consumer Affairs.

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

January 3, 1977.

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 Dana Warren, of Milwaukee, as a member of the State Personnel 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.

Senator Swan asked unanimous consent that the appointments of Hessert, Morgan and Warren be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Governmental and Veterans' Affairs.

Senator Flynn objected.

By request of Senator Bablitch, with unanimous consent, the appointments of Hessert, Morgan and Warren were withdrawn from the committee on Judiciary and Consumer Affairs and laid on the table.

JOURNAL OF THE SENATE [January 11, 1977]

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

December 31, 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 Floyd Rhiel, of Durand, 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 Human Services.

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

December 31, 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 Neal Schneider, of Janesville, as a member of the Funeral Directors and Embalmers Examining Board, to serve for the term ending July 1, 1980.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Human Services.

JOURNAL OF THE SENATE [January 11, 1977]

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

January 11, 1977.

**Mr. Donald J. Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702**

To the Honorable, the Senate:

I respectfully request permission to address a joint session of the State Legislature on Tuesday, January 18, 1977, at 9:30 a.m., for the purpose of delivering a "State of the State" address, and on Tuesday, January 25, 1977, at 10:00 a.m., for the purpose of delivering the budget message.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read.

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted Assembly Resolution 1.

Assembly Organization 1977-78 Session.

Adopted and asks concurrence in:

Assembly Joint Resolution 1

and

Concurred in:

Senate Joint Resolution 2

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 1

Relating to regular meetings of the legislature excluding Sundays.

By Representative Jackamonis.

Read and referred to committee on Senate Organization.

MOTIONS UNDER JOINT RULE 26

A certificate of congratulations by Senator Parys; cosponsored by Representative Moody for ST. CASIMIR'S PARISH of Milwaukee on the occasion of their 75th anniversary and rededication of the activity center.

A certificate of commendation by Senator Bablitch; cosponsored by Representative Hasenohrl for BADGER FIXTURES, INC. on the occasion of their selection as Firm of the Year.

The above motions under joint rule 26 were read and adopted enmasse.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M., Thursday, January 13.

2:35 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to: **Senate Resolution 2.**

In engrossing, the following correction was made:

On page 7, line 25, substitute "lobby" for "looby".