

JOURNAL OF THE SENATE

THURSDAY, July 7, 1977.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 490

Relating to regulating waterfowl hunting blinds on state property, granting rule-making authority and providing a penalty.

By Senator Kleczka; cosponsored by Representative Behnke, by request of Clem Sobczak, James Greeley, Milwaukee Police Officer's Conservation and Sportsmans Club Ltd. and Jolly Sportsman Club, Inc.

To committee on Natural Resources and Tourism.

COMMITTEE REPORTS

The committee on Commerce reports and recommends:

Senate Bill 301

Relating to regulating the collecting and recycling of waste oil, making appropriations, granting rule-making authority and providing penalties.

Adoption of senate amendment 1:

Ayes, 4 -- Senators Parys, Berger, Swan and Petri;
Noes, 0 -- None.

Adoption of senate amendment 2:

Ayes, 4 -- Senators Parys, Berger, Swan and Petri;
Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Parys, Berger, Swan and Petri;
Noes, 2 -- Senators Goyke and Bidwell.

Assembly Bill 495

Relating to personalized license plates.

Introduction and adoption of senate substitute amendment 1:

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Ayes, 4 -- Senators Parys, Berger, Swan and Goyke;
Noes, 1 -- Senator Keppler.

Concurrence as amended:

Ayes, 4 -- Senators Parys, Berger, Swan and Goyke;
Noes, 1 -- Senator Keppler.

Assembly Bill 738

Relating to permits for vehicles transporting loads of pole length and pulpwood exceeding statutory length and weight limitations.

Concurrence:

Ayes, 5 -- Senators Parys, Berger, Swan, Goyke and Petri;
Noes, 1 -- Senator Bidwell.

RONALD G. PARYS
Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 91

A petition by 1612 citizens of Wisconsin protesting the Federal and State plan to dewater the marsh and to haze the geese and wildlife out of the Horicon National Wildlife Refuge and all refuge areas in east-central Wisconsin.

By Senator Harnisch.

Read and referred to committee on Natural Resources and Tourism.

State of Wisconsin
Department of State

June 30, 1977.

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 20, 1977, and ending on June 29, 1977.

Yours very truly,
DOUGLAS LAFOLLETTE
Secretary of State

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

Beno, Delbert L., 22 South Carroll Street, Madison, Wisconsin 53703 -- Noranda Explorations, Incorporated, Post Office Box 15638, Denver, Colorado 30215 -- All coded subjects -- June 22, 1977.

Haney, James S., Bergstrom Road, Neenah, Wisconsin 54956 -- Bergstrom Paper Company, Bergstrom Road, Neenah, Wisconsin 54956 -- 03, 06, 07, 10, 11, 17, 20, 21, 23, 25, 26, 28, 29, 30 -- June 22, 1977.

Smith, Colin R., Post Office Box 1855, Appleton, Wisconsin 54911 -- Fox Cities Chamber of Commerce & Industry, Post Office Box 1855, Appleton, Wisconsin 54911 -- 31 -- June 20, 1977.

Starkey, Robert G., Consolidated Stations, 2127 Jackson Street, Oshkosh, Wisconsin 54901 -- (Self) -- 03, 06, 07, 23 -- June 22, 1977.

Wilkins, James A., 539 South Main Street, Findlay, Ohio 45840 -- Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840 -- 03, 06, 07, 23 -- June 20, 1977.

Please Note Correction

The association below has changed their name:

From: Wisconsin Petroleum Association

To: Oil Jobbers of Wisconsin

The Lobbyists are: Raymond G. Karnes and Carl Lauri.

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>

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- 07 *Ecology, environment, pollution, conservation, zoning, land & water use*
- 08 *Education*
- 09 *Elections, campaigns, voting & political parties*
- 10 *Equal rights, civil rights & minority affairs*
- 11 *Government, financing, taxation, revenue, budget, appropriations, bids, fees & funds*
- 12 *Government, county*
- 13 *Government, federal*
- 14 *Government, municipal*
- 15 *Government, special districts*
- 16 *Government, state*
- 17 *Health services, medicine, drugs and controlled substances, health insurance & hospitals*
- 18 *Higher education*
- 19 *Housing, construction & codes*
- 20 *Insurance (excluding health insurance)*
- 21 *Labor, salaries and wages, collective bargaining*
- 22 *Law enforcement, courts, judges, crimes & prisons*
- 23 *Licenses & permits*
- 24 *Liquor*
- 25 *Manufacturing, distribution & services*
- 26 *Natural resources, forests and forest products, fisheries, mining & mineral products*
- 27 *Public lands, parks & recreation*
- 28 *Social insurance, unemployment insurance, public assistance & workmen's compensation*
- 29 *Transportation, highways, streets & roads*
- 30 *Utilities, communications, television, radio, newspapers, power, CATV, & gas*
- 31 *Other*

JOURNAL OF THE SENATE

**State of Wisconsin
Claims Board**

July 5, 1977

**Don Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702**

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on June 30, 1977.

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(s) on the recommended award(s) over \$1,000, and will submit such 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 May 23, 1977, upon the following claims:

The Claims Board considered the claim of Rosalia Orazem, Hibbing, Minnesota, on May 23, 1977, at the State Capitol Building in Madison, Wisconsin.

Claimant contends that the Wisconsin Department of Revenue erred when her survivor monthly income benefit (SMIB) payments were subjected to the Wisconsin inheritance tax. This position is based upon a private legal opinion which concludes that such payments are not taxable under sec. 72.01 (7), Stats.

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Under this unqualified death benefit plan established by the employer of her deceased husband, the claimant will receive \$100 per month for the remainder of her life.

THE BOARD CONCLUDES:

The commuted value of the annuity payments received by claimant is subject to inheritance tax as employe death benefits within the meaning of former sec. 72.01(3)(c), Stats., and the current sec. 72.12(4)(c), Stats. Such a conclusion is consistent with the recent decision of the Wisconsin Supreme Court in *Wisconsin v. Puchner*, filed June 14, 1977, which observed that sec. 72.01(3)(c), Stats., asserts in broad language that benefits under an employe benefit plan shall be taxed.

The claim is denied.

Dated at Madison, Wisconsin, this 30th day of June, 1977.

GERALD D. KLECZKA
Senate Finance Committee

VIRGIL D. ROBERTS
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 Lieutenant Governor
Madison, Wisconsin

July 5, 1977

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

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Donald Percy, of Madison, as Secretary of the Department of Health and Social Services, to succeed Manuel Carballo, to serve for the term ending at the pleasure of the Governor.

Sincerely,
MARTIN J. SCHREIBER
Acting Governor

Read and referred to committee on Human Services.

State of Wisconsin
Office of the Lieutenant Governor
Madison, Wisconsin

July 6, 1977

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 Zel S. Rice, II, of Sparta, as Secretary of the Department of Industry, Labor and Human Relations, to serve for the term ending at the pleasure of the Governor.

Sincerely,
MARTIN J. SCHREIBER
Acting Governor

Read and referred to committee on Agriculture, Aging and Labor.

State of Wisconsin
Office of the Lieutenant Governor
Madison, Wisconsin

July 5, 1977

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 John Torphy, of Ridgeway, as Secretary of the Department of Administration, to succeed Robert Dunn, to serve for the term ending at the pleasure of the Governor.

Sincerely,
MARTIN J. SCHREIBER
Acting Governor

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

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 430
Senate Bill 471
Senate Bill 472
Senate Bill 473
Senate Bill 474
Senate Bill 475

Correctly enrolled and presented to the Governor on July 5, 1977.

The chief clerk records:

Senate Joint Resolution 43

Correctly enrolled and deposited in the Office of the Secretary of State on July 6, 1977.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

July 5, 1977.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
430 -----	32 -----	July 5, 1977
471 -----	33 -----	July 5, 1977
472 -----	34 -----	July 5, 1977
473 -----	35 -----	July 5, 1977

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474 ----- 36 ----- July 5, 1977
475 ----- 37 ----- July 5, 1977

Sincerely,
MARTIN J. SCHREIBER
Acting Governor

State of Wisconsin
Office of the Governor
Madison, Wisconsin

July 5, 1977.

To the Honorable Members of the Legislature:

Pursuant to the provisions of section 20.525(1)(c) of the statutes, I herewith submit a report of the following receipts and disbursements from the Governor's Contingent Fund:

On deposit, First Wisconsin National
Bank, January 1, 1975: ----- \$ 2,388.85
Appropriated by voucher: ----- 28,862.78
Net total available: ----- 31,251.63

Disbursements:

Travel and expenses: ----- \$ 4,410.79
Household food, official
dinners and receptions: ----- 16,656.41
Sundry and other
disbursements: ----- 7,717.84

Total Disbursements: ----- \$28,785.04

On deposit, First Wisconsin National
Bank, June 1, 1977: ----- \$ 2,466.59

Salaries and fringe benefits for the
period January 1, 1975 to June 1,
1977, for Executive Residence staff: ----- \$76,895.86

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Appropriation 103 vouchers
written: ----- \$17,886.56

Reimbursements to appropriation 103: ----- \$ 3,737.07

Respectfully submitted,
F. JOSEPH SENSENBRENNER, Jr.
Executive Secretary
to the Governor

State of Wisconsin
Office of the Governor
Madison, Wisconsin

July 6, 1977.

Honorable Fred Risser
President pro tempore
Wisconsin State Senate
Madison, Wisconsin

Honorable Edward Jackamonis
Speaker, Wisconsin State Assembly
Madison, Wisconsin

Gentlemen:

I hereby resign the Office of Governor of the State of Wisconsin.

Sincerely,
PATRICK J. LUCEY
Governor

AMENDMENTS OFFERED

Senate amendment 1 to Assembly Bill 487 by Senator Berger.