

# JOURNAL OF THE SENATE

THURSDAY, October 27, 1977.

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

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## BILLS INTRODUCED

Read first time and referred:

### **Senate Bill 603**

An act to appropriate \$8,974.96 from the transportation fund for payment of a claim made of Wisconsin Marine Bank against the state.

By Senator Kleczka; cosponsored by Representative Roberts, by request of the Claims Board.

To joint committee on Finance.

### **Senate Bill 604**

Relating to appropriating funds for an interstate bridge to be constructed in southwest Wisconsin.

By Senator Morrison.

To joint committee on Finance.

### **Senate Bill 605**

Relating to children who escape from institutions and providing a penalty.

By Senator Krueger; cosponsored by Representative Donoghue, by request of the citizens of the Town of Birch, Lincoln County.

To committee on Human Services.

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## COMMITTEE REPORTS

The committee on Commerce reports and recommends for introduction:

### **Senate Bill 606**

Relating to payment of car line taxes.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

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### **Senate Bill 607**

Relating to requiring color coding of underground transmission facilities for nonemergency demolition or excavation.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

### **Senate Bill 608**

Relating to authorizing the establishment of banks wholly owned by other banks, with limited functions.

Introduction:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

Read first time and referred to committee on Commerce.

RONALD G. PARYS

Chairman

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## PETITIONS AND COMMUNICATIONS

### **Senate Petition 109**

A petition by 718 residents of Wisconsin in support of Senate Bill 49, relating to protective headgear for operators of motor-driven cycles and headlamp requirements for motor-driven cycles.

By Senator Cullen.

Read and referred to committee on Commerce.

State of Wisconsin  
Department of State

October 18, 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 October 1, 1977, and ending on October 14, 1977.

Yours very truly,  
DOUGLAS LAFOLLETTE  
Secretary of State

## JOURNAL OF THE SENATE

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

Bertz, Thomas W., 1007 Ellis Street, Stevens Point, Wisconsin 54481, (715) 344-0890 -- Harley A. and Lillian Butler, Post Office Box 39, McNaughton, Wisconsin 54543, (715) 277-2583 -- 37 -- October 7, 1977.

Deutch, Alan H., 161 West Wisconsin Avenue, Suite 5170, Milwaukee, Wisconsin 53203, (414) 271-9958 -- Deutch and Hansher, Attorneys at Law, 161 West Wisconsin Avenue, Suite 5170, Milwaukee, Wisconsin 53203, (414) 271-9958 -- 01 through 30 -- October 11, 1977.

Erickson, David H., 122 West Washington Avenue, Madison, Wisconsin 53703, (608) 256-1846 -- Wisconsin Federation of Cooperatives, 122 West Washington Avenue, Madison, Wisconsin 53703, (608) 256-1846 -- 01, 31 -- October 7, 1977.

Harlowe, Harold L., 204 South Hamilton Street, Madison, Wisconsin 53703, (608) 251-3104 -- Wisconsin Occupational Therapy Association, 109 North Whitney Way, Madison, Wisconsin 53705 -- 06, 08, 11, 16, 17, 23 -- October 3, 1977.

Lakin, Peter D., 25 West Main Street, Suite 775, Madison, Wisconsin 53703, (608) 255-0373 -- Wisconsin Independent Businessmen, Incorporated, 25 West Main Street, Suite 775, Madison, Wisconsin 53703, (608) 255-0373 -- 11, 16, 22, 28, 31 -- October 13, 1977.

Ryan, Nick, 500 Third Street, Wausau, Wisconsin 54401, (715) 845-4311 -- First American National Bank, 55 Third Street, Wausau, Wisconsin 54401, (715) 845-4311 -- 03, 22 -- October 3, 1977.

Smedsrud, Milt, Law Office Building, Fergus Falls, Minnesota 56537, (218) 739-2511 -- Communicating for Agriculture, Incorporated, Law Office Building, Fergus Falls, Minnesota, 56537, (218) 739-2511 -- 01, 17, 20, 28 -- October 11, 1977.

Winter, Michael S., 161 West Wisconsin Avenue, Suite 5170, Milwaukee, Wisconsin 53203, (414) 271-9958 -- Deutch and Hansher, Attorneys at Law, 161 West Wisconsin Avenue, Suite

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5170, Milwaukee, Wisconsin 53203, (414) 271-9958 -- 01 through 30 -- October 11, 1977.

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### Legislative Subject Identification

Code	Subject
01	<i>Agriculture, horticulture, farming &amp; livestock</i>
02	<i>Amusements, games, athletics and sports</i>
03	<i>Banking, finance, credit and investments</i>
04	<i>Children, minors, youth &amp; senior citizens</i>
05	<i>Church &amp; Religion</i>
06	<i>Consumer Affairs</i>
07	<i>Ecology, environment, pollution, conservation, zoning, land &amp; water use</i>
08	<i>Education</i>
09	<i>Elections, campaigns, voting &amp; political parties</i>
10	<i>Equal rights, civil rights &amp; minority affairs</i>
11	<i>Government, financing, taxation, revenue, budget, appropriations, bids, fees &amp; 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 &amp; hospitals</i>
18	<i>Higher education</i>
19	<i>Housing, construction &amp; 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 &amp; prisons</i>
23	<i>Licenses &amp; permits</i>
24	<i>Liquor</i>
25	<i>Manufacturing, distribution &amp; services</i>
26	<i>Natural resources, forests and forest products, fisheries, mining &amp; mineral products</i>
27	<i>Public lands, parks &amp; recreation</i>
28	<i>Social insurance, unemployment insurance, public assistance &amp; workmen's compensation</i>
29	<i>Transportation, highways, streets &amp; roads</i>

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- 30 *Utilities, communications, television, radio, newspapers,  
power, CATV, & gas*  
31 *Other*

State of Wisconsin  
Department of State

October 20, 1977.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you, pursuant to s. 13.67, a list of the following lobbyists who have cancelled their registration for the duration of the 1977-78 legislative session:

Alfonsi, Paul R., Blus Cross of Wisconsin Associated Hospital Service and Wisconsin Auto and Truck Parts Recycling Association; as of July 31, 1977.

Armagost, Carolyn B., Wisconsin Education Association Council; as of September 30, 1977.

Boullion, James, Der Deutsche Raum Restaurant; as of September 30, 1977.

Burdick, Frank E., Wisconsin Education Association Council; as of September 30, 1977.

Frautschy, Robert, Wisconsin American Legion; as of October 3, 1977.

Hardy, George A., The Northwestern Mutual Life Insurance Company; as of October 6, 1977.

Jackson, Ruby, Wisconsin Education Association Council; as of September 30, 1977.

Mestre, Louis J., Milwaukee Tenants Union; as of September 30, 1977.

Nelson, William F., Wisconsin Independent Dealer's Association; as of October 13, 1977.

Schurrer, John, Wisconsin American Legion; as of October 3, 1977.

Steingass, Susan R., Wisconsin Independent Dealer's Association; as of October 13, 1977.

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Williams, George W., Wisconsin Education Association Council; as of September 30, 1977.

*Please note:* the following association has changed its name  
from: Wisconsin Savings and Loan League  
To: Savings League of Wisconsin.

Paul Du Vair has a new address of 101 West Beltline Highway,  
Post Office Box 8003, Madison, Wisconsin 53713.

Sincerely,  
DOUGLAS LAFOLLETTE  
Secretary of State

State of Wisconsin  
Claims Board

October 20, 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 September 12, 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

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## BEFORE THE CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on September 12, 1977, upon the following claims:

<i>Name</i>	<i>Amount of Claim</i>
1. Victoria Omernick-----	\$ 12,430.00
2. Ray Omernick-----	2,200.00
3. Larry Jackson-----	85.00
4. Grace A. LeRose-----	467.99
5. Allan N. Beauchaine-----	77.50
6. Eliza Cobbs-----	431.95
7. Karen Buchholz (2 claims)-----	24.96
	58.43

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

8. Daisy Monica Powell-----	64.98
9. Mr. and Mrs. Berry Birts-----	46.92
10. Sharon Marek-----	21.75
11. Robert W. Devenish-----	70.00

### THE BOARD FINDS:

#### 1. *Victoria Omernick*

Victoria Omernick claims \$12,430.00 because certain irrigating equipment was seized by wardens of the Department of Natural Resources on August 14, 1975. The equipment was seized pursuant to a search warrant issued by the county court and was held for evidence in a criminal prosecution for violation of secs. 30.12 and 30.23, Stats. The claim is for the full value of the equipment and is premature. The criminal proceeding still is pending, and the equipment presumably will be returned when the criminal proceeding has ended. The claim is denied. (Member Main, not participating)

#### 2. *Ray Omernick*

Ray Omernick claims \$2,200.00 -- the alleged value of an irrigation pump which was seized by wardens of the Department of Natural Resources on June 18, 1976. The pump was seized pursuant to a search warrant issued by the county court and was held for evidence in a criminal prosecution for violation of sec.

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30.18, Stats. Although that proceeding has been dismissed without prejudice, for failure to file timely an amended complaint, it appears that the district attorney is considering filing new criminal charges based on the same alleged violation. In the meantime the pump has been returned. The claim is premature and is denied. (Member Main, not participating)

### 3. *Larry Jackson*

Larry Jackson claims \$85.00 for damage to his television and \$42.50 for damage to his radio, while he was an inmate of the Wisconsin State Reformatory. It appears that a fire was started in his cell, while he was in a segregation unit. He has been reimbursed for the damage to his radio since the claim was filed. The evidence as to the damage to the television does not support the amount claimed, but the Board concludes that on equitable principles \$25.00 should be paid to the claimant.

### 4. *Grace A. LeRose*

Grace A. LeRose claims \$467.99 due to the theft of her camera from her dormitory room at the University of Wisconsin-Madison. The claimant left her room in a hurry, forgetting her keys and camera. Subsequently, her roommate saw the keys and thought the claimant had not left the dormitory. The roommate then left the room without locking the door. The camera was stolen the following day, April 2, 1977, during the spring recess. The Board concludes that the state has not been negligent in this matter 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.

### 5. *Allan N. Beauchaine*

Allan N. Beauchaine claims \$77.50, the face value of 27 tickets to the WIAA Basketball Tournament which were confiscated on March 18, 1977, by UW-Madison police who believed the claimant was engaged in illegal ticket scalping. Ultimately that charge was dismissed, as the claimant was not engaged in illegal scalping. The Board concludes that the claim should be paid on equitable principles.

### 6. *Eliza Cobbs*

Eliza Cobbs claims \$431.95 because of the loss of her purse while she was a visitor at Waupun State Prison on April 5, 1977. The claimant contends that she deposited her purse in a locker at the Prison and received a claim check for the purse but that it was gone when she returned to claim it. The Board concludes that on



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equitable principles the state should pay \$50.00 of this claim, but that damages of more than that amount have not been proved.

### 7. *Karen Buchholz*

Karen Buchholz has submitted two claims stemming from the same incident. The claimant is an employe at the Lincoln Hills School, Irma, a correctional institution operated by the Department of Health and Social Services. On May 15, 1977, she parked her car in the school parking lot and left her purse and car keys in a locker in the women's locker room which was locked. A student broke into the locker room and took from her locker the money in her purse and the car keys and drove away with the car. He also took several items from the car.

The first claim, totaling \$58.43, is for the items stolen from the car and the cost of recovering it. The Board concludes that on equitable principles the state should pay this claim.

The second claim is for \$24.96 for repairs to the car radiator. The claimant believes that the leaks in the radiator were caused by hard driving by the student, as her service station had not noticed any radiator leaks when they replaced a radiator hose two weeks earlier. The car had been driven about 84,000 miles before the incident involved. The Board concludes that there is insufficient proof as to the cause of the radiator leaks and that the claim is not one which should be paid on legal or equitable principles.

### 8-10. *Daisy Monica Powell*

Daisy Monica Powell, Mr. and Mrs. Berry W. Birts, and Sharon Marek claim \$64.98, \$46.92, and \$21.75, respectively, because of permanent damage to their clothing, on April 30 or May 1, 1977. Each claimant, either as a visitor or a resident at state correctional facilities, sat on a picnic bench or table which had been painted recently and bore no warning about wet paint. The Board concludes that on equitable principles the claims should be paid.

### 11. *Robert W. Devenish*

Robert W. Devenish claims \$70.00 because of the loss of his wallet on May 4, 1977. While the claimant was exercising at the University of Wisconsin-Madison facilities at Camp Randall that day, he left his clothing in a locker locked with a padlock furnished by the University. Sometime after he had showered and dressed, the claimant discovered his wallet was missing. He states that it contained between \$60.00 and \$70.00. The wallet, without the money, later was returned to him by the post office.

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The Board concludes that the evidence is insufficient to establish how and when the claimant's wallet was lost or stolen and that the claim is not one which should be paid on legal or equitable principles.

### THE BOARD CONCLUDES:

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

Victoria Omernick  
Ray Omernick  
Grace A. LeRose  
Karen Buchholz (damage to car for radiator)  
Robert W. Devenish

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

Larry Jackson	\$ 25.00
Allan N. Beauchaine	77.50
Eliza Cobbs	50.00
Karen Buchholz	58.43
Daisy Monica Powell	64.98
Mr. and Mrs. Berry Birts	46.92
Sharon Marek	21.75

Dated at Madison, Wisconsin, this 12th day of October, 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

E. WESTON WOOD  
Representative of Attorney  
General

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## CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 17**

**Senate Bill 74 and**

**Senate Bill 323**

Correctly enrolled and presented to the Governor on October 24, 1977.

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## EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

October 19, 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:

<b>Senate Bill</b>	<b>Chapter No.</b>	<b>Date Approved</b>
497 -----	117 -----	October 19, 1977
499 -----	118 -----	October 19, 1977
500 -----	119 -----	October 19, 1977
501 -----	120 -----	October 19, 1977
502 -----	121 -----	October 19, 1977
503 -----	122 -----	October 19, 1977

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

# JOURNAL OF THE SENATE

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

October 25, 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
17 -----	134-----	October 25, 1977
74 -----	135-----	October 25, 1977
323 -----	136-----	October 25, 1977

Sincerely,  
MARTIN J. SCHREIBER  
Governor

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## MOTIONS UNDER SENATE RULE 97

A certificate of commendation by Senator Chilsen; cosponsored by Representative Schmidt for the SUNSHINE CHILD CENTER on the occasion of their receiving the Campaign for Human Development Community Achievement Award.

A certificate of congratulations by Senator Lasee for MICHAEL M. MAILAND on the occasion of his receiving the Eagle Scout Award.

A certificate of commendation by Senator Petri; cosponsored by Representative Hephner for LORENA SOHRWEIDE on the occasion her service to church and community.

A certificate of condolence by Senator Chilsen; cosponsored by Representative Schmidt for the FAMILY OF ATLEE A. DODGE on the occasion of his death.

The above motions under senate rule 97 were read and adopted enmasse.

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AMENDMENTS OFFERED

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 422** by Senator Swan.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 504** by Senator Theno.

Senate substitute amendment 1 to **Senate Bill 527** by Senators Braun and Dorman.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to **Senate Bill 454**:

On page 6, line 15, substitute "no" for "not".

Relating to assembly amendment 1 to assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 426**:

On line 6, substitute "line 14" for "page 14".