

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

WEDNESDAY, December 16, 1981.

10:00 A.M.

The senate met.

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

MOTION CALLING EXTRAORDINARY SESSION

In accordance with Joint Resolution 81(2) it was moved that the Legislature meet in Extraordinary session commencing at 10:00 A.M. on Wednesday, December 16, 1981, for the purpose of taking action on the following legislative business:

Senate and Assembly Districts

Adopted 5-0 Senate Organization.

Adopted 5-3 Assembly Organization.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Jerry Knoche, campus pastor at Lutheran Campus Center, Madison.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 15

Relating to the rules of the senate for the December 1981 extraordinary floorperiod.

Introduction:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Chilsen and Hanaway;

Noes, 0 -- None.

FRED A. RISSER
Chair

Read.

Considered as privileged and taken up.

Adopted.

Upon motion of Senator Bablitch, the senate adjourned until 1:30 P.M. Thursday, December 17.

10:07 A.M.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 47

Relating to expressing support for Polish citizens and workers.

By Senators Bablitch and Kleczka; cosponsored by Representatives Jackamonis and Helbach.

Read and referred to committee on Senate Organization.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 674

Relating to reimbursement of the city of Appleton and the county of Outagamie for the reconstruction of the Memorial drive bridge.

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By Senator Lorge, by request of Outagamie County Board and City of Appleton.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 675

Relating to misappropriation of trade secrets.

By Senators Engeleiter and George, by request of Commission on Uniform State Laws.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 676

Relating to uncertificated securities and revision of article 8 of the uniform commercial code.

By Senators Engeleiter and George, by request of Commission on Uniform State Laws.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 677

Relating to the survival of a power of attorney after the death or incapacity of the principal.

By Senators Engeleiter and George, by request of Commission on Uniform State Laws.

To committee on Judiciary and Consumer Affairs.

Senate Bill 678

Relating to revising the uniform limited partnership act.

By Senators Engeleiter and George, by request of Commission on Uniform State Laws.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 679

Relating to duties of trustees.

By Senators George and Engeleiter, by request of Commission on Uniform State Laws.

To committee on Judiciary and Consumer Affairs.

Senate Bill 680

Relating to apportionment of estate taxes.

By Senators George and Engeleiter, by request of Commission on Uniform State Laws.

To committee on State and Local Affairs and Taxation.

Senate Bill 681

Relating to conservation easements.

By Senators George and Engeleiter, by request of Commission on Uniform State Laws.

To committee on Judiciary and Consumer Affairs.

Senate Bill 682

Relating to creating a uniform extradition and rendition act.

By Senators George and Engeleiter, by request of Commission on Uniform State Laws.

To committee on Judiciary and Consumer Affairs.

Senate Bill 683

Relating to congressional districts.

By Senator Berger.

To committee on Senate Organization.

COMMITTEE REPORTS

The joint committee on Employment Relations reports and recommends for introduction:

Senate Bill 684

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employes Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1981-83 biennium, covering employes in the clerical and related collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Chilsen, Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 685

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employes Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1981-83 biennium, covering employes in the blue collar and nonbuilding trades collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Chilsen, Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 686

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1981-83 biennium, covering employes in the security and public safety collective bargaining unit, funding certain data processing costs and authorizing an expenditure of funds and making an appropriation.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Chilsen,
Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 687

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1981-83 biennium, covering employes in the technical collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Chilsen,
Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 688

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1981-83 biennium, covering employes in the professional research, statistics and analysis collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Chilsen,
Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 689

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1981-83 biennium, covering employes in the professional social

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services collective bargaining unit, funding expedited arbitration procedure costs and authorizing an expenditure of funds and making an appropriation.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Chilsen,
Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 690

An act to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1981-83 biennium, covering employes in the professional engineering collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Chilsen,
Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 691

Relating to salary adjustments for elected state officials.

Introduction:

Ayes, 6 -- Senators Risser, Kleczka and Bablitch,
Representatives Jackamonis, Loftus and Norquist;

Noes, 2 -- Senator Chilsen and Representative Shabaz.

Read first time and referred to committee on Senate Organization.

FRED A. RISSER Co-chair ED JACKAMONIS Co-chair

The committee on State and Local Affairs and Taxation reports and recommends:

TIMM, ELMER, of Stevens Point, as a member of the Accounting Examining Board, to succeed himself, to serve for the term ending July 1, 1986.

Confirmation:

Ayes, 4 -- Senators Berger, Hanaway, Lasee and Moody;

Noes, 0 -- None.

SHERMAN, RAY E., of Sturgeon Bay, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to succeed himself, to serve for the term ending July 1, 1984.

Confirmation:

Ayes, 4 -- Senators Berger, Hanaway, Lasee and Moody;

Noes, 0 -- None.

Senate Bill 121

Relating to various changes in the statutes pertaining to the department of regulation and licensing and its attached examining boards (suggested as remedial legislation by the department of regulation and licensing).

Adoption of senate amendment 1:

Ayes, 4 -- Senators Berger, Hanaway, Lasee and Moody;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Berger, Hanaway, Lasee and Moody;

Noes, 0 -- None.

Senate Bill 376

Relating to creation of a joint legislative survey committee on local mandates.

Passage:

Ayes, 4 -- Senators Berger, Hanaway, Lasee and Moody;

Noes, 0 -- None.

JAMES P. MOODY

Chair

The joint committee on Finance reports and recommends:

Senate Bill 316

Relating to allowing persons covered by health care services contracts or plans to choose freely among licensed health care professionals and providing a penalty.

Introduction and adoption of senate substitute amendment 2:

Ayes, 12 -- Senators Kleczka, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz, Wood and Ellis;

Noes, 0 -- None.

Passage as amended:

Ayes, 9 -- Senators Kleczka, Flynn, Braun and Roshell, Representatives Otte, Roberts, Kirby, Wood and Ellis;

Noes, 4 -- Senators Offner and McCallum, Representatives Norquist and Metz.

GERALD D. KLECZKA

Senate Chair

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PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

December 8, 1981

To the Honorable, the Senate:

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

Yours very truly,
VEL PHILLIPS
Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number.

Arnesen, Anne S., 1605 Monroe St., Madison, WI 53711 (608) 255-3160; Wisconsin Girl Scout Legislative Committee, 2303 37th St., Kenosha, WI 53140 (no phone number given); 9, 10, 11, 14, 15, 16, 18, 19, 22; 129, 136, 144, 170.

Fitch, Eleanor, 1605 Monroe St., Madison, WI 53711 (608) 255-3403; Wisconsin Girl Scout Legislative Committee, 2303 37th St., Kenosha, WI 53140 (no phone number given); 9, 10, 11, 14, 15, 16, 18, 19, 22; 129, 136, 144, 170. tf

Termination:

Chamberlain, 4200 Karmichael Ct., Madison, WI 53704, for Citizens Utility Board, effective December 7, 1981.

Leonhardt, Ronald D., 660 E. Mason St., Milwaukee, WI 53202, for Wisconsin Task Force for Product Liability Reform, effective December 7, 1981.

Registration Amendments:

Antoniewicz, Gary L., change address and phone number as follows: 125 W. Doty St., P.O. Box 551, Madison, WI 53701 (608) 256-1020.

City of Milwaukee: Additional interest areas: 1, 2, 3, 5, 6, 7, 8, 10, 11, 13, 14, 16, 18, 19, 20, 21, 22, 23; 109, 113, 136, 171, 172, 174, 178, 180.

The following are the names of officers and employes of agencies filed under s. 13.695, with names of the agencies whom they represent and their general areas of legislative action:

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Department of Administration:

Kenneth E. Lindner, 20

Department of Agriculture, Trade and Consumer Protection:

Gary E. Rohde, 1, 3, 10, 21

Joe Tuss, 1, 3, 10, 21

Pamela G. Wiley, 1, 3, 10, 17, 21

Wisconsin Arts Board:

Jerrold Rouby, 20

Douglas Potts, 20

Office of the Commissioner of Banking:

T. E. Pederson, 2, 3

Robert A. Patrick, 2, 3

Office of the Commissioner of Insurance:

Susan Mitchell, 14

Thomas Hefty, 14

Office of the Commissioner of Securities:

Richard R. Malmgren, 18, 21

Conservation Work Projects Board:

Ellen O'Brien Saunders, 17, 20

Department of Development:

Rolf Wegenke, 4, 13, 15, 17, 20, 21, 22, 26

Educational Communications Board:

Anton J. Moe, 7, 20

Paul M. Norton, 7, 20

Ted Tobie, 7, 20

State Elections Board:

Gerald J. Ferwerda, 8

Kevin J. Kennedy, 8

Office of the Governor:

Mary M. Williams, 1-26

Bill Kraus, 1-26

Paul Swain, 1-26

Mark Popovich, 1-26

Margaret Lewis, 1-26

Rick Klein, 1-26

Dan Melton, 1-26

Candis Croker, 1-26

Laurie McCallum, 1-26

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Shirley Ellis, 1-26

Marlene Cummings, 1-26

Anita Herrera, 1-26

Michael Moskoff, 1-26

James Baugh, 1-26 (terminated June 30, 1981)

Department of Health & Social Services:

Donald Percy, 4, 5, 6, 9, 11, 19, 20

Terry Willkom, 4, 5, 6, 9, 11, 19, 20

Eric Stanchfield, 4, 5, 6, 9, 11, 19, 20

Allan Kasprzak, 4, 5, 6, 9, 11, 19, 20

Peter Tropman, 4, 5, 6, 9, 11, 19, 20

Steve Handrich, 4, 5, 6, 9, 11, 19, 20

Tom Kaplan, 4, 5, 6, 9, 11, 19, 20

Bob Speer, 4, 5, 6, 9, 11, 19, 20

Ken Rentmeester, 11, 14

Owen Kevin, 11, 14

Steve Kronzer, 6, 19, 20

Bob Margolies, 6, 19, 20

Patricia Kallsen, 3, 4, 7, 9, 11, 12, 19

Kenneth McClarnon, 3, 4, 7, 9, 11, 12, 19

Michael Falconer, 3, 4, 7, 9, 11, 12, 19

State Historical Society of Wisconsin:

Richard A. Erney, 7

Don W. Wilson, 7

William H. Applegate, 7

Department of Industry, Labor & Human Relations:

Joseph N. Noll, 26

James S. Haney, 26

Amanda Sheedy, 26

David A. Pearson, 26

Claudia S. Stine, 26

Judicial Commission:

Natalie Smith, 5, 3, 105, 108

Constance LaVine, 5, 3, 105, 108

Department of Justice:

Howard Koop, 3, 6, 8, 11, 16, 17, 18, 20

E. J. Sensenbrenner, 3, 6, 8, 11, 16, 17, 18, 20

Steve Derene, 3, 6, 8, 11, 16, 17, 18, 20, 21

Peter Peshek, 17

Judicial Council:

James L. Fullin, Jr., 4, 5, 6, 12, 16, 20

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Lieutenant Governor's Office:

Diane L. Harmelink, 20, 21, 22

Wisconsin Department of Natural Resources:

Carroll D. Besadny, 17

Bruce B. Braun, 17

State Public Defender:

Arlene F. Banoul, 5, 6

Jim Rebholz, 5, 6

Department of Public Instruction:

Conan S. Edwards, 7

University of Wisconsin System:

Wallace Lemon, 7

Harvey Breuscher, 7

Harry Peterson, 7

H. Carl Mueller, 7

Keith L. Collins, 7

Department of Regulation and Licensing:

Ann J. Haney, 18

Melissa Kepner, 18

Sue E. Adix, 18

William Dusso, 18

Cletus Hansen, 18

Wilma Morris, 18

Paula R. Possin, 18

Deanna Zychowski, 18

Department of Revenue:

Mark E. Musolf, 22

Todd A. Berry, 22

Thomas Solberg, 22

Office of the Secretary of State:

James Rowen, 2, 3, 4, 15, 17, 20

David Halverson, 2, 15, 20

Terrence S. Waitrovich, 2, 15, 20

Board of Soil and Water Conservation Districts:

James L. Arts, 1, 17

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Director of State Courts:

J. Denis Moran, 5, 6, 26 (Budget)
Mary Rider, 26 (Budget)
Ken Timpel, 26 (Budget)
Ed McClain, 5, 6, 26 (Budget)
Sheryl Gervasi, 5, 6, 26 (Budget)

Transportation Commission:

Joan D. McArthur, 18
Joseph Sweda, 18
Candice M. Morgan, 18

Department of Transportation:

Lowell B. Jackson, 23
William J. Buglass, 23
James J. Gosling, 23
James S. Thiel, 23
James L. Karns, 23

Board of Vocational, Technical and Adult Education:

John R. Kroll, 7
Fred Hiestand, 7
Robert Sorensen, 7

**State of Wisconsin
Legislative Council**

December 9, 1981

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1981 Legislature on legislation introduced by the Legislative Council:

RL 81-22-- Legislation Relating to Sexual Assault and Abuse (Senate Bill 630)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

**Cordially
BONNIE REESE
Executive Secretary**

JOURNAL OF THE SENATE [December 16, 1981]

State of Wisconsin
Board of Regents of
The University of Wisconsin System

December 4, 1981

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

To the Honorable, the Legislature

The enclosed report is submitted in response to the mandate contained in Section 2011(1)(a) of Chapter 20, Laws of 1981. At its meeting on December 4, 1981, the Board of Regents adopted the following resolution:

That, upon the recommendation of the President of the University of Wisconsin System, and in response to a reporting requirement contained in Section 2011(1)(a), Chapter 20, Laws of 1981, the Board of Regents accepts the report of broadcasting and media production equipment inventory, replacement schedule, and operating plans, and authorizes the Secretary of the Board to transmit the report to the Governor and the Legislature.

Compliance with the specified deadline of December 1, 1981 was accomplished with earlier submission of the report as a preliminary document by University of Wisconsin System President Robert M. O'Neil.

Sincerely
JUDITH A. TEMBY
Secretary

State of Wisconsin
Claims Board

December 9, 1981

Don Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on November 23, 1981.

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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 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

State of Wisconsin
Claims Board

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on November 23, 1981, upon the following claims:

Claimant	Amount
Ed Larson	\$162.47
John Nohr	2,532.00

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

Norbert & Pat Waschbisch	\$314.21
Laurie Kimball	20.00
Kendal Christiansen	64.48
Steven Puhl	1,246.81
Lisa Klauss Willkom	12,658.32
Continental Insurance Co.	1,624.66
Thomas Stukenberg	985.60
Elmer Fredrick	10,000.00
William Kuehn	481.00
James Huber	46.79
James Flint	25.00
Victor Wagner	13,792.00
William Rogers	641.92
Roxanne Davis	998.89

THE BOARD FINDS:

1. Ed Larson of Madison claims \$156.00 for damages to the radiator of his automobile on August 8, 1981, while it was parked in the lot at the Thompson State Camp at Deerfield, where he is employed. In addition, claimant seeks reimbursement of \$6.47 for a locking gas cap he purchased after sugar was allegedly added to his automobile's gas tank on August 4, 1981, while it was parked in the lot at the Camp. Claimant alleges that the damages to his automobile were caused by an inmate or inmates at Thompson Camp; however, there were no witnesses to either incident. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

2. John Nohr of Cornell claims \$2,532.00 for damages to his beehives caused by bears between June 28 and July 30, 1981. Section 29.595, Stats., previously authorized the Department of Natural Resources to pay damages caused to apiaries by bears on agriculture lands, provided proper notice was given to the Department. However, the statutory provision enabling payment of animal damage claims has been repealed by the state legislature by Chapter 34, Laws of 1979, which provides that no payment can be made under the animal damage program for damages occurring after March 31, 1980. Therefore, the Board feels it cannot honor claims of this type and concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

3. Norbert & Pat Waschbisch of Oconto Falls claim \$314.21 for damages to a motorcycle incurred on April 6, 1981, when a ward of the state left his foster home upon returning home from school and stole the motorcycle from claimants' barn, causing the damages. The involved ward was a Cuban refugee who had been placed in a foster home in Oconto Falls on November 13, 1980. The Board concludes the claim should be paid, based on equitable principles, from the Department of Administration appropriation s. 20.505(4)(d), Stats.

4. Laurie Kimball of Madison claims \$20.00 for damages to her clothing incurred on July 6, 1981, while escorting a patient to University Hospital as part of her duties as an employe of Mendota Mental Health Institute. The driver of the state vehicle instructed passengers to wear seatbelts. When claimant fastened her seatbelt she found a black greasy substance on her dress, the seat, and seatbelt. The Board concludes that the state should assume and pay this claim, based on equitable principles. The Board further

concludes that under the authority of s. 16.007 (6m), Wis. Stats., payment of this claim shall be made from the Department of Health & Social Services appropriation ss. 20.435(2)(a), Stats. (48 %) and 20.435(2)(gk), Stats. (52 %).

5. Kendal Christiansen of Burlington claims \$64.48 for automobile damages incurred on July 6, 1981, in the parking lot at the Southern Wisconsin Center. A subrogation assignment release indicates claimant was fully reimbursed for the damages, by her insurance company. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

6. Steven Puhl of Gleason claims \$1,246.81 for damages to his truck incurred on May 23, 1981, when two juveniles on escape status from the Lincoln Hills School stole the truck and damaged same. Residents from the School were returning from mandatory recreation when the two involved juveniles ran from the group. The Board concludes the state should in good conscience assume and pay this claim in the reduced amount of \$500. The Board further concludes that under the authority of s. 16.007(6m), Wis. Stats., payment of this claim shall be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

7. Lisa Klauss Willkom of LaCrosse claims \$12,658.32 for loans she made to complete her college education, allegedly due to the Division of Vocational Rehabilitation's negligence in not providing her with information regarding eligible funds for handicapped individuals. In August, 1974, claimant entered Viterbo College and in May, 1976, she was diagnosed as having Hodgkin's disease and was hospitalized. Claimant was able to return to college in January, 1977, and at that time made inquiries searching out funds other than loans to complete her education. On March 22, 1979, claimant contacted the Division of Vocational Rehabilitation and was certified as eligible for assistance on April 11, 1979, and awarded \$1,000 for her senior year tuition. The Division of Vocational Rehabilitation, however, cannot enter into repayment of loans which have been accrued prior to application and certification of eligibility for assistance; therefore, claimant did not receive any money for the previous two years of college tuition. Claimant alleges that the Division of Vocational Rehabilitation was negligent in not maintaining a referral process with Viterbo College. However, the Board finds the Division of Vocational Rehabilitation did have a cooperative agreement dated April 24, 1977, with the Wisconsin State Association of Financial Aid Administrators which indicated that, financial aid offices at post-secondary schools in Wisconsin would refer individuals to Vocational Rehabilitation if they felt such

individuals would be eligible for assistance. The Board concludes there has been an insufficient showing of negligence on the part of the state agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

8. Continental Insurance Company claims \$1,624.66 subrogation damages. Its insured, George Mueller, submitted a claim to the insurance company for damages to his property as a result of a fire on April 20, 1981. The fire allegedly resulted from a prescribed burn conducted by the Department of Natural Resources personnel at Pine Island Wildlife area. Consistent with a long-standing policy of this Board concerning subrogation claims, the Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

9. Thomas Stukenberg of Wausaukee claims \$985.60 for deer damages to his field corn crop during the summer of 1981. Section 29.595, Stats., previously authorized the Department of Natural Resources to pay damages caused by deer to crops on agricultural lands provided proper notice was given to the Department. However, the statutory provision enabling payment has been repealed by the state legislature by Chapter 34, Laws of 1979, which provides no payment can be made for damages occurring after March 31, 1980. Therefore, the Board feels it cannot honor claims of this type and concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

10. Elmer Fredrick of Shawano claims \$10,000.00 for damages incurred in 1978-1981, to his property caused by beavers. Claimant alleges the loss of 30 acres of woods and loss of his dairy business as a result of the beaver damages. Even though legal title to all wild animals in Wisconsin is vested in the state pursuant to s. 29.02(1), Stats., mere ownership does not create legal liability for damages done by wild animals. There is no showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

11. William Kuehn of Fairwater claims \$481.00 for the replacement of his automobile camper top which was damaged by a Department of Natural Resources employe on November 23, 1980. While the Natural Resources employe was tagging claimant's deer, he stepped on claimant's camper roof, causing the damage. The Board concludes that based on depreciation of the camper top, the state should assume and pay the claimant the reduced amount of \$250.00 as fair settlement of this claim. The Board further concludes

that under the authority of s. 16.006(6m), Wis. Stats., payment of this claim shall be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats.

12. James Huber of Wisconsin Rapids claims \$46.79 for the replacement of a car tire allegedly damaged on July 4, 1981, when his car, driven by his daughter, ran over a loose piece of concrete located on Highway 13, north of Wisconsin Rapids. The state responded immediately upon notification that such a problem existed, and repaired the damaged area. The state responded immediately upon notification that such a problem existed, and repaired the damaged area. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

13. James Flint of Oregon claims \$25.00 as the replacement cost of a pair of slacks which were damaged by a spring which had poked through his office chair located in room 155-B at the Hill Farms State Office Building on October 8, 1981. The Board concludes that this claim should be paid, based on equitable principles. The Board further concludes that under the authority of s. 16.007(6m), Wis. Stats., payment of this claim shall be made from the Department of Transportation appropriation s. 20.395(1)(aq), Stats.

14. Victor Wagner of Waunakee claims \$7,128.00 for loss of 36 heifer calves, \$846.00 for loss of 17 bull calves, and \$5,800.00 for the interruption of his business, for a total claim of \$13,792.00. Claimant purchased calves from Kippley Brothers in January, 1981. In March, 1981, the state determined the Kippley cattle were infected with brucellosis and quarantined claimant's calves and barn. The state had subjected all the female animals from the Kippley herd to the brucellosis milk ring test in October, 1980, and all were negative, including the strippings from the dry cows as well as milk from the lactating cows. Claimant contends that if the state had tested the "dry" cattle brucellosis would have been detected before he purchased the calves from Kippley. The purpose of the quarantine of claimant's calves and barn was to keep track of the calves and not permit them to go to several different herds. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

15. William Rogers of Kaukauna claims \$641.92 for expenses he incurred for tuition and books while enrolled for eight law credits at the University of Wisconsin-Madison, under the part-time veteran's graduate study program in January, 1980. As a result of an error on behalf of a Department of Veterans Affairs processing clerk,

claimant's application for reimbursement of tuition and books under the veterans program was approved when submitted in March, 1980, even though claimant was enrolled for one credit over the statutory limit set by s. 45.396, Stats. The statute allows tuition reimbursement for no more than seven semester credits. In May, 1980, claimant was informed that he was over the allowable credit limit and therefore could not be reimbursed due to the restrictions imposed by s. 45.396, Stats. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

16. Roxanne Davis of Greenfield claims \$665.93 in back wages from the Captain's Chair, Inc., Oregon, from January 12, through July 30, 1976, plus \$332.96 in penalty as provided by s. 109.11(2), Stats., for a total claim of \$998.89. Claimant and five others similarly situated assigned their wage claims to the Department of Industry, Labor and Human Relations. In the processing of the suit, the Department omitted claimant's name from the suit. On January 3, 1980, William Eich, Circuit Judge of Dane County, granted judgment in favor of the five plaintiffs named in the suit. On June 22, 1981, the Claims Board considered and denied this claim. Upon reconsideration of the matter, the Board finds that s. 893.44, Stats., bars the claimant from taking action against the Captain's Chair or Harvey Molitor, president of the Captain's Chair, and concludes the state should in good conscience assume and pay this claim in the reduced amount of \$665.93. The Board further concludes that under the authority of s. 16.007(6m), Wis. Stats., payment of this claim shall be made from the Department of Industry, Labor and Human Relations appropriation s. 20.445(1)(a), Wis. Stats.

THE BOARD CONCLUDES:

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

Ed Larson
John Nohr
Kendal Christiansen
Lisa Klauss Willkom
Continental Insurance Company
Thomas Stukenberg
Elmer Fredrick
James Huber
Victor Wagner
William Rogers

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

Norbert & Pat Waschbish	\$314.21
Laurie Kimball	20.00
Steven Puhl	500.00
William Kuehn	250.00
James Flint	25.00
Roxanne Davis	665.93

Dated at Madison, Wisconsin this 9th day of December, 1981.

GERALD D. KLECZKA
Senate Finance Committee

VIRGIL D. ROBERTS
Assembly Finance Committee

LAURIE ANN McCALLUM
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of
Administration

WARD L. JOHNSON
Representative of Attorney
General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 27, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Curtis D. Wells of Bangor as a member of the Barber's Examining Board, to succeed Henry Moore of Milwaukee whose term expired on July 1, 1981, pursuant to the statutes governing, to serve a three year term to expire on July 1, 1984.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Human Services.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-156

AN ORDER to amend Ins 6.05 (4) (a) and (b) (intro.) and 7, relating to filing of property and casualty insurance forms.

Submitted by Office of the Commission of Insurance.

Report received from agency, December 9, 1981.

Referred to committee on Insurance and Utilities, December 16, 1981.

Clearinghouse Rule 81-117

AN ORDER to amend S-L 19.01; and to repeal and recreate S-L 19.02, relating to retirement benefits provided by savings and loan associations.

Submitted by Office of the Commissioner of Savings and Loan.

Report received from agency, December 15, 1981.

Referred to committee on Aging, Business and Financial Institutions and Transportation, December 16, 1981.

Clearinghouse Rule 81-199

AN ORDER to repeal and recreate ch. S-L 22, relating to real estate investments by state-chartered savings and loan associations.

Submitted by Office of the Commissioner of Savings and Loan.

Report received from agency, December 15, 1981.

Referred to committee on Aging, Business and Financial Institutions and Transportation, December 16, 1981.

Clearinghouse Rule 81-201

AN ORDER to renumber S-L 9.02 (1) to (9); to amend S-L 9.02 (5) and (6), as renumbered, and S-L 9.04 (1) and (2) (intro.); and to create S-L 9.02 (1), relating to prohibiting certain loans by state-chartered savings and loan associations.

Submitted by Office of the Commissioner of Savings and Loan.

Report received from agency, December 15, 1981.

Referred to committee on Aging, Business and Financial Institutions and Transportation, December 16, 1981.

Clearinghouse Rule 81-202

AN ORDER to repeal S-L 18.06, 18.08, 18.11, 18.17 to 18.21 and 18.25 to 18.29; to renumber S-L 18.14, 18.15, 18.23, 18.31 and 18.33; to amend S-L 18.03 (2) and (3) and 18.11 (1) (intro.) and (2) (a) and 18.17 (1) (c), as renumbered; to repeal and recreate S-L 18.01, 18.05, 18.07 and 18.09; and to create 18.13, relating to mortgage lending by savings and loan associations.

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Submitted by Office of the Commissioner of Savings and Loan.
Report received from agency, December 15, 1981.

Referred to committee on Aging, Business and Financial
Institutions and Transportation, December 16, 1981.

Clearinghouse Rule 81-203

AN ORDER to create S-L 8.03 (2) (d), relating to notice of interest
rate adjustments by savings and loan associations.

Submitted by Office of the Commissioner of Savings and Loan.
Report received from agency, December 15, 1981.

Referred to committee on Aging, Business and Financial
Institutions and Transportation, December 16, 1981.

Clearinghouse Rule 81-204

AN ORDER to repeal S-L 24.06; to repeal and recreate ch. S-L 21;
and to create ch. S-L 28, relating to investment of savings and loan
associations in service corporations and their subsidiaries and clerical
and accounting services for savings and loan associations.

Submitted by Office of the Commissioner of Savings and Loan.
Report received from agency, December 15, 1981.

Referred to committee on Aging, Business and Financial
Institutions and Transportation, December 16, 1981.

The committee on Agriculture and Natural Resources reports
and recommends:

Clearinghouse Rule 81-118

AN ORDER to repeal ch. Ag 126, relating to disclosure of milk
hauling rates.

No action taken.

THOMAS W. HARNISCH
Chair

The committee on State and Local Affairs and Taxation reports
and recommends:

Clearinghouse Rule 81-33

AN ORDER to amend Accy 1.402 (1) and (2) (c) and 1.404 (2)
(c) and (d); and to create Accy 1.002, relating to rules of conduct for
certified public accountants and public accountants.

No action taken.

JAMES P. MOODY
Chair

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The committee on Labor, Government, Veterans Affairs and Tourism reports and recommends:

Clearinghouse Rule 81-158

AN ORDER to amend Ind 69.09 (2) and (3) (d); to repeal and recreate Ind 69.09 (1) (c), (d) and (f), (3) (c) and (7) and 69.15; and to create Ind 69.09 (1) (k) and 69.19 (3), relating to fees.

No action taken.

JEROME VAN SISTINE

Chair

The committee on Aging, Business and Financial Institutions and Transportation reports and recommends:

Clearinghouse Rule 81-174

AN ORDER to repeal Trans 4.07 (3); to renumber Trans 4.07 (4), (5) and (6); to amend Trans 4.01, 4.02 (1), (3) and (6), 4.04 (2), (3) and (4) and 4.07 (1); to repeal and recreate Trans 4.03, 4.04 (1), 4.05, 4.06 and 4.08; and to create Trans 4.09, relating to the urban mass transit operating assistance program.

Review period waived.

Clearinghouse Rule 81-179

AN ORDER to create ch. Trans 127, relating to school bus trip permit.

Review period waived.

Clearinghouse Rule 81-181

AN ORDER to create ch. DOD 6, relating to implementation of the small cities community development block grant program.

Review period waived.

Clearinghouse Rule 81-196

AN ORDER to create ch. Trans 5, relating to the state ridesharing assistance program.

Review period waived.

TIM CULLEN

Chair

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 537** by Senator Adelman.
Senate amendments 1 and 2 to **Senate Bill 637** by Senator Kleczka.

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Senate substitute amendment 1 to **Senate Bill 575** by Senator Harsdorf.

Senate substitute amendment 1 to **Senate Bill 649** by Senator Harsdorf.

Senate amendment 2 to **Senate Bill 621** by Senator George.

Senate substitute amendment 1 to **Senate Bill 551** by Senator Moody.