

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

TUESDAY, May 17, 1988

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

MOTION CALLING EXTRAORDINARY SESSION

In accordance with Joint Rule 81 (2), it was moved that the Legislature expand the purpose of Floorperiod VI and meet in Extraordinary Session commencing at 10:00 A.M. on Tuesday, May 17, 1988 to run concurrently with Floorperiod VI (Veto Review) for the purpose of: 1) taking action on reimbursement to local units of government, property tax relief and tax law and policy, and:

Senate Bill 5919/2 AN ACT to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1987-89 biennium, covering employes in the professional engineering collective bargaining unit and authorizing an expenditure of funds.

Senate Bill 5918/2 AN ACT to ratify the agreement between the state of Wisconsin and the Teaching Assistants' Association, AFT, Local 3220, AFL-CIO, for the 1987-89 biennium, covering employes in the program, project and teaching assistants of the University of Wisconsin-Madison and University of Wisconsin-Extension collective bargaining unit, and authorizing an expenditure of funds.

Senate Bill 5958/1 Relating to appointments of certain members and an executive director of the board administering the retirement system of a 1st class city.

Assembly Bill 5969 Relating to establishing an emergency food assistance program and making an appropriation.

Senate Bills Claims Board bills for payment of claims against the state made by Shawano County, Johnson controls, Inc., Oliver Andrews, General Telephone Company, the City of Superior and the City of Madison.

and, 2) completing action on:

Assembly Bill 1016 Relating to the Wisconsin retirement system, fixed retirement investment trusts and transferring funds, limiting property tax levies and state and local expenditures, and dispute

settlement procedure in local government employment.

Bills may be introduced and printed in advance of this date to permit review by Joint Standing, Standing and Joint Survey Committees during the regularly scheduled interim committee work period.

Adoption by committee on Senate Organization:

Ayes, 3 ;

Noes, 2 .

Adoption by committee on Assembly Organization:

Ayes, 7 ;

Noes, 1 .

The senate stood for the prayer which was offered by Pastor Richard Sisson of Middleton Baptist Church, Madison.

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

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

Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

Absent — None.

Absent with leave — None.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends the following nominations to committees for appointment by the Senate:

Senator Strohl to fill a vacancy on the senate committee on Urban Affairs, Energy, Environmental Resources and Elections.

Dr. John Moulder as a member of the Radiation Protection Council.

Fred A. Risser
Chair

The question was: Shall the committee report be adopted?

Adopted.

The committee on Agriculture, Health and Human Services reports and recommends:

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- STOLPMAN, KATHLEEN F.**, of Brookfield, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1991.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- PATTERSON, MIKKI**, of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1991.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- GORMAN, JOSEPH E.** of Wauwatosa, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 1994.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- WARD, MILTON D.**, of Union Grove, as a member of the Prison Industries Board, to serve for the interim term ending May 1, 1989.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- ALEXANDER, SCOTT K.**, of West Baraboo, as a member of the Prison Industries Board, to serve for the term ending May 1, 1989.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- HENRY, ELIZABETH A.**, of Dane, as a member of the State Fair Park Board, to serve for the term ending May 1, 1993.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- HARTMANN, FORREST D.**, of Baraboo, as a member of the Land Conservation Board, to serve for the term ending May 1, 1992.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- HILLESTAD, MAE**, of Deer Park, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1992.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- MOORE, HENRY, JR.**, of Milwaukee, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1992.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- CATRINE, FRANK M.**, of Racine, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1992.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- HITCHCOCK, DAVID**, of Elroy, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1989.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- BROWN, RUSSELL**, of Milwaukee, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1992.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- KREYER, AUDRIE J.**, of Fennimore, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1991.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- BARNIDGE, DIANE N.**, of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1989.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- THOUSAND, KAROL**, of Arena, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1990.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.
- JACKSON, GWEN**, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1992.
Confirmation:
Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;
Noes, 0 -- None.

DUWELL, L. MELODI, of Waupaca, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;

Noes, 0 -- None.

CUBIAS, DAISY, of Milwaukee, as a member of the Optometry Examining Board, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;

Noes, 0 -- None.

MANUEL, EDWARD, of Madison, as a member of the Board of Nursing, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;

Noes, 0 -- None.

THOMAS, PATRICIA O'FLYNN, of Milwaukee, as a member of the Medical Examining Board, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;

Noes, 0 -- None.

NEVIASER, B. ANN, of Madison, as a member of the Medical Examining Board, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;

Noes, 0 -- None.

LAWRENCE, BETTYE J., of Madison, as a member of the Chiropractic Examining Board, to serve for the interim term ending July 1, 1989.

Confirmation:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;

Noes, 0 -- None.

GRABER, SHIRLEY, of Stoughton, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;

Noes, 0 -- None.

MCGREGOR, THOMAS, of Waukesha, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle, and Lorman;

Noes, 0 -- None.

Rodney C. Moen
Chair

The joint committee on Employment Relations reports and recommends:

Senate Bill 588

An act to ratify the agreement negotiated between the state of Wisconsin and the Teaching Assistants' Association, AFT, Local 3220, AFL-CIO, for the 1987-89 biennium, covering employes in the program, project and teaching assistants of the university of Wisconsin-Madison and university of Wisconsin-Extension collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, George, Engeleiter and Representatives Loftus, Hauke, Schneider and Nelsen;

Noes, 0 -- None.

Read first time and referred to committee on Senate Rules.

Senate Bill 589

An act to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1987-89 biennium, covering employes in the professional engineering collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 6 -- Senators Risser, Engeleiter and Representatives Loftus, Hauke, Schneider and Nelsen;

Noes, 0 -- None.

Read first time and referred to committee on Senate Rules.

Fred A. Risser
Co-chair

Tom Loftus
Co-chair

The committee on Senate Organization reports and recommends:

Senate Bill 590

An act to direct expenditure of \$26,587.18 from the general fund for payment of a claim against the state by Shawano county.

Introduction:

Ayes, 5 -- Senators Risser, Strohl Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

Senate Bill 591

An act to direct expenditure of \$7,210.01 from moneys appropriated to the board of regents of the university of Wisconsin system for payment of a claim against the state made by Oliver Andrews.

Introduction:

Ayes, 5 -- Senators Risser, Strohl Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

Senate Bill 592

An act to direct expenditure of \$4,288.03 from moneys appropriated to the department of transportation for payment of a claim against the state made by GTE MTO, Inc.

Introduction:

Ayes, 5 -- Senators Risser, Strohl Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

Senate Bill 593

An act to direct expenditure of \$109,898 from the general fund for payment of a claim against the state by Johnson Controls, Inc.

Introduction:

Ayes, 5 -- Senators Risser, Strohl Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

Senate Bill 594

An act to direct expenditure of \$1,575,923.89 from the general fund in payment of a claim against the state by the city of Superior.

Introduction:

Ayes, 5 -- Senators Risser, Strohl Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

Senate Bill 595

An act to direct expenditure of \$50,428.38 from the general fund for payment of a claim against the state by the city of Madison.

Introduction:

Ayes, 5 -- Senators Risser, Strohl Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

Senate Bill 596

Relating to the public debt limit for outdoor recreation land acquisition activities and for acquiring state forest lands.

Introduction:

Ayes, 5 -- Senators Risser, Strohl Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to committee on Housing, Government Operations and Cultural Affairs.

Pursuant to Senate Rule 36(2) and section 13.49 of the Wisconsin Statutes, the Co-chairs of the Joint Survey Committee on Debt Management shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 596** as a matter of public policy.

Senate Bill 597

Relating to appointments of certain members and an executive director of the board administering the retirement system of a 1st class city.

Introduction:

Ayes, 5 -- Senators Risser, Strohl Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to committee on Urban Affairs, Energy, Environmental Resources and Elections.

Fred A. Risser
Chair

The committee on Education reports and recommends:

WODELE, PATRICIA J., of Nelson, as a member of the State Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1993.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Jauch, Harsdorf, Lorman and Rude;

Noes, 0 -- None.

Joseph Czarnecki
Chair

By request of Senator Strohl, with unanimous consent, **Senate Bill 588** was taken up at this time.

Senate Bill 588

An act to ratify the agreement negotiated between the state of Wisconsin and the Teaching Assistants' Association, AFT, Local 3220, AFL-CIO, for the 1987-89 biennium, covering employes in the program, project and teaching assistants of the university of Wisconsin-Madison and university of Wisconsin-Extension collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 588

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

Absent — None.

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Absent with leave — None.

So the bill passed.

By request of Senator Strohl, with unanimous consent, **Senate Bill 589** was taken up.

Senate Bill 589

An act to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1987-89 biennium, covering employes in the professional engineering collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 589

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Absent — None.

Absent with leave — Senator Engeleiter.

So the bill passed.

The committee on Housing, Government Operations and Cultural Affairs reports and recommends:

BANDOW, WILLIAM, of Rhinelander, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 5 -- Senators Plewa, Ulichny, Van Sistine, Buettner and Cowles;

Noes, 0 -- None.

HALQUIST, PERRY, of Sussex, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 5 -- Senators Plewa, Ulichny, Van Sistine, Buettner and Cowles;

Noes, 0 -- None.

JOHN PLEWA
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

HOLZEM, PAUL M., of Madison, as a member of the Ethics Board, to serve for the term ending May 1, 1994.

Confirmation:

Ayes, 6 -- Senators Adelman, Feingold, Chvala, Lorman, Stitt and Buettner;

Noes, 0 -- None.

BRAS, ARMANDO A., of Kenosha, as a member of the Public Defender Board, to serve for the term ending May 1, 1991.

Confirmation:

Ayes, 6 -- Senators Adelman, Feingold, Chvala, Lorman, Stitt and Buettner;

Noes, 0 -- None.

ROGERS, JAMES T., of Merrill, as a member of the Public Defender Board, to serve for the term ending May 1, 1991.

Confirmation:

Ayes, 6 -- Senators Adelman, Feingold, Chvala, Lorman, Stitt and Buettner;

Noes, 0 -- None.

SOQUET, DONALD E., of De Pere, as a member of the Public Defender Board, to serve for the term ending May 1, 1991.

Confirmation:

Ayes, 6 -- Senators Adelman, Feingold, Chvala, Lorman, Stitt and Buettner;

Noes, 0 -- None.

BIDDICK, ROGER D. of Livingston, as a member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 1990.

Confirmation:

Ayes, 6 -- Senators Adelman, Feingold, Chvala, Lorman, Stitt and Buettner;

Noes, 0 -- None.

LYNN ADELMAN
Chair

By request of Senator Strohl, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Strohl, with unanimous consent, the senate recessed until 12:06 P.M.

10:43 A.M.

RECESS

12:06 P.M.

The senate reconvened.

PETITIONS AND COMMUNICATIONS

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State of Wisconsin
Office of the Secretary of State

May 10, 1988

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(7):

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

BIRKLEY, MICHAEL M., 30 W. Mifflin St., Ste. 502, Madison, WI 53703 (608) 251-7799

1) WI Property Taxpayers Assn., Thomas Dohm, 302 E. Washington Ave., Ste. 207, Madison, WI 53703 (608) 255-7473 (all matters relating to state spending, tax relief efforts affecting the local property tax)

DACEY, SCOTT, 817 N. Marshall, Milwaukee, WI 53202 (414) 224-9393

1) Dental Associates, LTD., Dr. John Gonis, 11711 W. Burleigh St., Wauwatosa, WI 53222 (414) 771-5000 (dental and insurance legislation)

2) National Medical Enterprises, Tom Dey, 11620 Wilshire Dr., Los Angeles, CA 90025 (213) 781-0652 (labor protection, railroad legislation, social legislation)

DWYER II, THOMAS P., P.O. Box 1585, Madison, WI 53701-1585 (608) 781-0652

1) United Transportation Union, Thomas P. Dwyer, II, P.O. Box 1585, Madison, WI 53701-1585 (608) 781-0652 (labor protection, railroad legislation, social legislation)

FLYGT, DOUGLAS L., 2 E. Mifflin St., Ste. 600, Madison, WI 53703 (608) 255-8891

1) WI Assn of Ticket Distributors, Inc., Peter A. Peshek, 2 E. Mifflin St., Ste. 600, Madison, WI 53703 (608) 255-8891 (any function or activity of any branch, department or phase of federal, state or local government; agriculture, the lottery, outdoors or environment; taxation; regulation of business, finance or insurance, or other topics pertaining to the general public health or welfare)

GOYKE, GARY R., 22 N. Carroll St., Madison, WI 53703 (608) 251-5997

1) NCR Corporation, Mark J. Block, 10727 W. North Ave., Milwaukee, WI 53226 (414) 453-9230 (legislation, budget, administrative rules that could affect the NCR Corporation)

JABLONSKI, ANN, 22 N. Carroll St., Madison, WI 53703 (608) 251-5997

1) NCR Corporation, Mark J. Block, 10727 W. North Ave., Milwaukee, WI 53226 (414) 453-9230 (legislation, budget, administrative rules that could affect the NCR Corporation)

BARNES, DONNA K., c/o Medical College of WI, 8701 Watertown Plank Rd., Milwaukee, WI 53226 (414) 257-8670

1) Medical College, Edward J. Lennon, 8701 Watertown Plank Rd., Milwaukee, WI 53226 (414) 257-8225 (education and health care)

PESHEK, PETER A., 2 E. Mifflin St., Ste. 600, Madison, WI 53703 (608)255-8891

1) WI Assn of Ticket Distributors, Inc., Peter A. Peshek, 2 E. Mifflin St., Ste. 600, Madison, WI 53703 (608) 255-8891 (any function or activity of any branch, department or phase of federal, state or local government; agriculture, the lottery, outdoors or environment; taxation; regulation of business, finance or insurance, or other topics pertaining to the general public health or welfare)

VAUGHAN, MICHAEL R., c/o Murphy and Desmond, S.C., 2 E. Mifflin St., P.O. Box 2038, Madison, WI 53701 (608) 255-8891

1) Velsicol Chemical Corporation, Attn: Lyndon J. Whitlock, Esq., 5600 N. Rover Rd., Rosemont, IL 60018 (312) 318-1146 (pesticides)

ADDRESS CHANGE:

MARLENA C. CANNON: New Address is: 5458 N. Magnolia, Chicago, IL 60640 (312) 271-8775

TERMINATION OF LOBBYIST LICENSES:

Michael M. Birkley, terminated as of May 3, 1988 for Tavern League of Wisconsin, Inc.

Stephen M. Carreno, terminated as of May 5, 1988 for United Council of UW Student Gov'ts.

Kirby Hendee, terminated as of May 6, 1988 for WI Fraternal Congress, WI Chiefs of Police Assn, Miller Brewing Company and The Marine Corporation.

Leo C. Talsky, terminated as of May 2, 1988 for County of Milwaukee.

CESSATION STATEMENT:

Soap and Detergent Assn, cessed May 6, 1988.

State of Wisconsin
Claims Board

May 11, 1988

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on May 3, 1988.

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 May 3, 1988 upon the following claims:

Claimant	Amount
Helen Silko	\$ 254.94
Clipper Exxpress Company	159,150.00
John Bleier	3,158.00
James Lammer	25,558.00
Irene Wojciechowski	10,360.40
Madison Retriever Club	2,737.00
Tiller Furniture Plaza	4,651.02

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

Stanley Henry	105.00
David Bosely	435.00
Donna Marinelli	7,867.18
Jerome Evenson	592.50
April Schiessl	231.00

THE BOARD FINDS:

1. Helen Silko of Lone Rock, Wisconsin, claims \$254.94 for the cost of repairing her vehicle's tail light which was damaged on January 13, 1988, when her vehicle hit the iron railing along the East Washington driveway at the State Capitol. Claimant had parked in the East Washington driveway to unload materials from her vehicle to carry to her office in the Capitol. Two trucks were parked in the driveway ahead of claimant's vehicle so she was unable to drive forward. Claimant alleges the driveway was icy causing her vehicle to slide into the railing when she backed up. 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. Clipper Exxpress Company of Chicago, Illinois, claims \$159,150.00 for refund of franchise and income taxes assessed by the Department of Revenue as a result of an audit of the Company for the years 1977 through 1982. Claimant failed to respond or appeal the Department of Revenue's assessment within 60 days and the matter was referred to a collection agency in December, 1986. Claimant contends that a representative of the collection agency fraudulently advised claimant to pay the estimated tax assessment in order to preserve their appeal rights. On February 20,

1987, after claimant had paid the assessment, claimant submitted its tax records to the Department of Revenue and the correct amount of tax was determined to be \$252.00. The Board recommends the claim be paid in the reduced amount of \$119,095.50, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

3. John Bleier of Nekoosa, Wisconsin, claims \$3,158.00 for the difference between the cost of a conventional septic system and the mound septic system which he was required to install when building his home in Adams County in 1986. In May, 1986, claimant submitted a sanitary permit application to the Department of Industry, Labor and Human Relations, Safety and Buildings Division, for review. According to the soil borings and percolation tests, a mound sewage system was required for claimant's property. 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. (Member Schneider dissenting.)

4. James Lammer of Menomonie, Wisconsin, claims \$25,558.00 for loss of business allegedly due to a construction project at the University of Wisconsin-Stout during 1987. Claimant contends the excavation of the street in front of his store made access to his business difficult causing a loss of income during May, June and July, 1987. When excavation was completed, a bridge was constructed over the area to allow access to claimant's parking lot although it was less convenient for patrons. 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.

5. Irene Wojciechowski of Milwaukee, Wisconsin, claims \$10,360.40 as compensation for medical expenses, pain, suffering and disability allegedly resulting from an injury she sustained on March 7, 1986, when she tripped and fell over a ramp in the lobby at the Waupun Correctional Institution. As result of the fall, claimant sustained a laceration over her right eye, bruises, headaches and broken eyeglasses. The Board concludes the claim should be paid in the reduced amount of \$1,000.00, based on equitable principles. The Board Further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

6. Madison Retriever Club of Madison, Wisconsin, claims \$2,737.00 for the cost of a fill project on Hook Lake in Dane County which was subsequently removed by the Department of Natural Resources in October, 1987. During the 1960's, claimant had placed fill on the lakebed of Hook Lake to create a walkway into the water for the purpose of training dogs. On September 4, 1986, claimant requested the Department of Natural Resources' permission to extend the walkway on Hook Lake. The Department of Natural Resources advised claimant they had no jurisdiction in the matter and referred claimant to the Dane County Zoning Department. Dane County Zoning granted the request. On February 25, 1987, the Department of Natural Resources requested that claimant stop work on the project and then later gave permission to complete the project. Subsequently, the Department of Natural Resources advised claimant they had erred in giving permission to complete the walkway and the Department removed the fill at a cost of \$460.00. The Board concludes the claim should be paid in the reduced amount of \$1,000.00 based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(8)(ma), Stats.

7. Tiller Furniture Plaza of Prairie du Chien, Wisconsin, claims \$4,651.02 for damages caused by a wild deer which jumped through two plate glass windows of the store, damaging property in the store on January 10, 1988. 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 caused by wild animals. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees 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. (Member Schneider dissenting.)

8. Stanley Henry of Platteville, Wisconsin, claims \$105.00 for the cost of towing a wagon and combine from his cornfield on November 9, 1987. Claimant alleges the wagon and combine became stuck because of a beaver den under his field. 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 caused by wild animals. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees 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.

9. David Bosely of Des Plaines, Illinois, claims \$435.00 for dental expenses to repair a tooth allegedly broken while he was eating a bratwurst sandwich at the Clausung Barn Restaurant at Old World Wisconsin on October 16, 1987. Claimant alleges there was something hard in the sandwich which caused his tooth to break. However, the bratwurst was examined after this incident

and there was no evidence of any foreign object in the food. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees 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.

10. Donna Marinelli of Greendale, Wisconsin, claims \$7,867.18 for sales tax erroneously paid in 1979, 1980 and 1981, on the income from her coin operated laundromat. Claimant's laundromat business is exempt from sales tax pursuant to s. 77.52(2)(a) 6, Stats. However, any claim for refund must be filed within four years of the date the tax was due pursuant to s. 77.59(4), Stats. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees 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. (Member Schneider dissenting.)

11. Jerome Evenson of Menomonie, Wisconsin, claims \$592.50 for loss of pasture rent and a one acre field of alfalfa allegedly due to the construction on Highway 25 in Dunn County from May 15, through November, 1987. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees 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.

12. April Schiessl of Milwaukee, Wisconsin, claims \$231.00 on behalf of Lend Lease Cars, Inc., for damages to their vehicle which she was driving on April 29, 1987. A yellow substance was sprayed on the car as she was driving on I 90-94 behind a state highway vehicle. The Board concludes the claim should be paid, by check issued jointly to claimant and Lend Lease Cars, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(3)(hq), Stats.

THE BOARD CONCLUDES:

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

Helen Silko
John Bleier
James Lammer
Tiller Furniture Plaza
Stanley Henry
David Bosely
Donna Marinelli
Jerome Evenson

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

Irene Wojciechowski	1,000.00
Madison Retriever Club	1,000.00
April Schiessl and Lend Lease Cars	231.00

JOURNAL OF THE SENATE [May 17, 1988]

THE BOARD RECOMMENDS

1. Payment for \$119,095.50 to Clipper Express Company for refund of an overpayment of taxes resulting from a Department of Revenue audit of the Company for the years 1977 through 1982.

GARY R. GEORGE
Senate Finance Committee

MARLIN D. SCHNEIDER
Assembly Finance Committee

RAYMOND P. TAFFORA
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of Administration

WILLIAM H. WILKER
Representative of Attorney General

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 87-159

Relating to lobbying.

Submitted by Secretary of State.

Report received from agency, May 11, 1988.

Referred to committee on Judiciary and Consumer Affairs, May 17, 1988.

Senate Clearinghouse Rule 88-20

Relating to the individual septic tank replacement or rehabilitation grant program.

Submitted by Department of Natural Resources.

Report received from agency, May 11, 1988.

Referred to committee on Urban Affairs, Energy, Environmental Resources and Elections, May 17, 1988.

Senate Clearinghouse Rule 88-29

Relating to health care provider fees for the patients compensation fund.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, May 13, 1988.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, May 17, 1988.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly is organized and ready to proceed to the business of the May 1988 Extraordinary Session.

Adopted and asks concurrence in:

Assembly Joint Resolution 119

The message was considered privileged and taken up.

Assembly Joint Resolution 119

Relating to completion of legislative action on Assembly Bill 1016.

Read a second time.

The question was: Concurrence?

The ayes and noes were required and the vote was: ayes, 19; noes, 13; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 19.

Noes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasec, Leraan, Lorman, Stitt and Weeden — 13.

Absent or not voting — None.

So the joint resolution was concurred in.

By request of Senator Strohl, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Strohl, with unanimous consent, the senate recessed until 3:12 P.M.

12:28 P.M.

RECESS

3:12 P.M.

The senate reconvened.

Senate Bill 92

Relating to compensation for sheriffs.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

Upon motion of Senator Strohl the senate adjourned until 10:00 A.M. Wednesday, May 18.

3:16 P.M.