

# Ninetieth Regular Session

WEDNESDAY, July 15, 1992

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

## PETITIONS AND COMMUNICATIONS

### STATE OF WISCONSIN ETHICS BOARD

July 7, 1992

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

**Organization's authorization of additional lobbyists:** The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

**Milwaukee, City of**

Morgan, Michael

**Organization's termination of lobbyists:** Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

**Chiropractic Association, Wisconsin**

Gerrard, M. William 6/30/92

**CMC Heartland Partners**

McKenzie, Ellyn 6/30/92

**Environmental Decade, Inc., Wisconsin**

Trainer, Patricia 7/1/92

**Flambeau Mining Co.**

Speerschneider, Timm 6/30/92

**Milwaukee Brewers Baseball Club**

Grebe, Michael 12/31/91

**Milwaukee, City of**

Welch, Robert J. 6/5/92

De La Rosa, Roy 6/5/92

**Pharmaceutical Manufacturers Assoc.**

Gerrard, M. William 6/30/92

**Organization's cessation of lobbying activity:** Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist indicates a cessation of all lobbying activity effective on the date shown.

**Hometown, Inc.** 6/29/92

Gerrard, M. William 6/29/92

**Organization's modification or amendment of records:** The organizations listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

**Consulting Engineers, Wisconsin Assoc. of**

(New address and fax #)  
6425 Odana Road, Suite F  
Madison, WI 53719-1127  
fax: 608-271-4980

**Mechanical Contractors Assoc. of Wisconsin**

(New address)  
2323 E. Capitol Drive, Suite 100  
Appleton, WI 54915-5469

**Lobbyists' modification or amendment of records:** The lobbyists listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

**Haffenbredl, Mary**

(address/phone/fax change)  
c/o Assoc. of Wisconsin HMOs  
114 King Street, Suite 201  
Madison, WI 53703-3333  
608-255-8599  
fax: 608-255-8627

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

R. Roth Judd

Executive Director

State of Wisconsin

Claims Board

July 8, 1992

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on June 23, 1992.

The amounts recommended for payment under \$2000 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 \$2,000, if any, and will

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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 June 23, 1992, upon the following claims:

Claimant	Amount
Heiden Engineering & Assoc.	1,814.50
Racin County	2,767.60
Louis Skibinski Estate	80.00
City of Monroe	61,446.00
Carol Dieterich	350,000.00
John and Bonnie Schanzark	6,781.56
Edward Kaiser	3,613.79
Carl Uppena	17,929.33
Prema Acharya	424,194.50
Bruce Mohs	900,000.00

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

Tom Kuenster	8,659.33
Tina Marie Ignatowski	606.27
William Giuliani	67,049.49
Sheldon Schall	102.33
Jed Neuman	91.43
Diane Walsh	70.00
Ann Ludwig	21.00
International Paper Company	93,130.00
International Paper Company	64,099.00
Bruce and Sandra Roman	1,661.26
Traut Wells, Inc.	1,804.00
Jane Kalies	596.40
George Volpentesta	150.46
Gary Heinrichs	109.32
Town of Liberty	1,667.00
Patrick Baugh	6,720.00
Dennis Costello	23,587.08

THE BOARD FINDS:

1. Walter Heiden of Thiensville, Wisconsin, claims \$1,814.50 as compensation for providing testimony in the case of State of Wisconsin v. Theodore Schneider, Sr. Attorney Ted Setum represented indigent defendant Theodore Schneider. On March 23, 1988, Attorney Setum hired claimant as an accident reconstruction expert to assist in the case. On August 30, 1988, Milwaukee County Circuit Court Judge Michael Skwierawski authorized \$1,500.00 for hiring expert witnesses in this case. Attorney Setum subsequently requested an additional \$1,000.00 for the accident

reconstruction expert. On July 27, 1989, Judge Skwierawski increased the amount for hiring expert witnesses to \$2,500.00. On April 24, 1990, after claimant's testimony at the trial, Judge Skwierawski authorized total payment of \$500.00 for claimant's services. 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. Racine County claims \$2,767.60 for the cost of copying documents provided to public defender attorneys for indigent defendants in 1991. Beginning, January, 1991, the Public Defender's Office refused to pay the county's monthly copying bills. 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.

3. James Skinbinski, Personal Representative of the Estate of Louis Skibinski, claims \$800.00, plus interest, for Wisconsin Hometown Credit refunds for 1987 and 1988. Claimant's father, Louis, failed to file the income tax returns due to dementia. In 1990, claimant obtained a court appointed guardianship over his father and prepared and filed his father's tax returns. The Department of Revenue denied the claims for 1987 and 1988, pursuant to s. 71.53(2)(a), Stats., which provides that no claim under this subchapter may be allowed if such claim is filed with the Department after December 31 of the year following the year for which the claim is filed. 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.

4. City of Monroe claims \$61,446.00 for payment of a \$6.00 per capita recycling grant under s. 159.23, Stats. The Department of Natural Resources denied the City's 1992 grant application because it was received December 13, 1991, almost 2 1/2 months after the statutory deadline of September 1. 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. Carol Dieterich of Plymouth, Wisconsin claims \$350,000.00 for damages to her property allegedly resulting from the construction on U.S. Highway 45 in Washington County. Claimant owned and operated a farm located at the intersection of Mill Road and STH 60, bordered by Cedar Creek. In 1985, the Department of Transportation began construction on U.S. Highway 45, including relocation of Mill Road at its intersection with STH 60. Claimant alleges the construction project

altered her property, resulting in liquid manure and other pollutants being discharged into Cedar Creek. Claimant contends that due to the costs necessary to remedy the discharge problem, she was forced to sell her farm in April 1990. 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.

6. John and Bonnie Schanz of Mequon, Wisconsin, claim \$6,781.56 for flood damages allegedly resulting when their drain tile was damaged during the construction on STH 167 in Ozaukee County in 1990. After flooding of claimants' basement in February, 1991, it was discovered that a drain tile on claimants' property was disconnected. The Department of Transportation construction contract contains a hold harmless clause which states that the contractor will indemnify and save harmless the state for actions brought about because of the operations, omissions, neglect or misconduct of said contractor. The Board makes no decision on the merits of this claim and recommends the claim be pursued against the contractor.

7. Edward Kaiser of Milwaukee, Wisconsin claims \$3,613.79 for repairing an elevator allegedly damaged by employees of the Wisconsin Conservation Corps on February 17, 1988. The Wisconsin Conservation Corps leased claimant's building located at 4763 North 32nd Street in Milwaukee. Claimant alleges that employees of the Wisconsin Conservation Corps improperly overloaded the elevator beyond its 4,000 pound capacity. 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.

8. Carl Uppena of Cassville, Wisconsin, claims \$17,929.33 for loss of income allegedly resulting from advice he was given by Mr. Patrick Barrett, an Associated Milk Producers, Inc., dairy plant fieldman. Mr. Barrett accompanied Mr. Gary Swiggum, the Department of Health and Social Services inspector who was conducting a milk certification survey on claimant's dairy farm in 1989. During the inspection, the wooden gutter crossovers in claimant's barn were cited as a violation of the Federal Pasteurized Milk Ordinance. Based on the advice of Mr. Barrett, who also conducts state inspections of claimant's farm as an agent of the Department of Agriculture, Trade and Consumer Protection, claimant replaced the gutter covers with metal tread plates, which allegedly caused stress, abortions and loss of milk production in his herd. The Board concludes the claim should be paid in the reduced amount of \$2,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Agriculture, Trade and Consumer

Protection appropriations s. 20.115(1)(a) and 20.115(1)(gb), Stats.

9. Prema Acharya of Madison, Wisconsin claims \$424,194.50 for loss of income as a result of her layoff from a position in the Department of Health and Social Services in May, 1981. Claimant was unable to pursue her claim under the applicable collective bargaining agreement because her union, AFSCME Council 24, WSEU, AFL-CIO, failed to timely file her grievance. Claimant sued the union in Circuit Court for negligence. The Circuit Court referred the matter to the Wisconsin Employment Relations Commission (WERC) for proceedings under the State Employment Labor Relations Act (SELRA), secs. 111.80-111.94, Stats. The Commission decided that the union did not commit an unfair labor practice within the meaning of SELRA because its untimely filing of claimant's grievance was not a "violation" of the collective bargaining agreement, and because mere negligence does not constitute a breach of the union's duty of fair representation. Claimant sought judicial review of the Commission's decision and the Circuit Court affirmed the Commission's decision. Claimant did not appeal the Circuit Court decision but pursued her original negligence action against the union. The Circuit Court ruled against claimant and she appealed to the Court of Appeals. The Court of Appeals held that SELRA supplanted existing common law remedies such as a negligent action and that the Commission already resolved the SELRA issues against claimant. Claimant then sued WERC and its commissioners in Federal District Court. The U.S. District Court held that the Eleventh Amendment to the U.S. Constitution barred the suit against the Commission and that individual commissioners were protected by absolute immunity for actions taken as administrative adjudicators. Claimant commenced a civil rights action against the Commission in state court. The Circuit Court and Court of Appeals held the suit was barred by sovereign immunity. 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 George dissenting).

10. Bruce Mohs of Fitchburg, Wisconsin, claims \$900,000.00 for damages allegedly resulting from the state condemnation of his property along Highway 51. Claimant acquired the property in 1970, which included one private driveway access onto a segment of Highway 51. Claimant alleges the state threatened condemnation and gave a very low cash offer for access separately, then for the entire property based on an in-house appraisal. In October 1990, the Department of Transportation rescinded its offer to purchase advising claimant that it had determined it would be inappropriate for the Department to acquire access rights and pay damages when a controlled access highway has been designated. As a result, claimant alleges he is unable to sell the real estate. 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. (Representative Wineke dissenting).

11. Tom Kuenster of Glen Haven, Wisconsin claims \$8,659.33 for the loss of breeding pigs destroyed in October 1991, to prevent the spread of pseudorabies, an infectious disease of swine. Claimant cooperated with the Department of Agriculture, Trade and Consumer Protection by immediately depopulating the herd, although he knew that **Senate Bill 359** would result in payment of the replacement value of the animals if the depopulation were delayed until after the legislation was enacted. This claim would be paid by 1991 Wisconsin Act 109 if the depopulation had been delayed until after the effective date of the legislation. The Board recommends the claim be paid based on equitable principles. The Board further recommends the claim be paid from the Department of Agriculture, Trade and Consumer Protection appropriation s. 20.115(2)(b), Stats.

12. Tina Marie Ignatowski of Union Grove, Wisconsin claims \$606.27 for damages to her automobile allegedly caused by the parking gate at the Milwaukee State Office Building on June 17, 1991. The gate arm came down on top of claimant's vehicle as she was driving out of the parking lot. The Board concludes the claim should be paid in the reduced amount of \$50.00, the amount of the claimant's insurance deductible, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Administration appropriation s. 20.505(5)(ka), Stats.

13. William Giuliani of Milwaukee, Wisconsin claims \$67,047.49 for medical expenses and pain and suffering allegedly resulting from an injury he sustained when he fell off his bicycle in the 10400 block of West Capitol Drive (STH 190) on June 30, 1990. Claimant allegedly struck a hole in the road causing him to fall off his bicycle and suffer injuries to his head and body. The section of STH 190 where this incident occurred is under the maintenance jurisdiction of the City of Wauwatosa. Claimant previously pursued legal action against the state arising out of this claim, resulting in the dismissal of the claim against the state without prejudice. 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.

14. Sheldon Schall of Waunakee, Wisconsin claims \$102.33 for the cost of repairing his camera allegedly damaged during an exercise being conducted at the Dane County Sheriff's Department range on September 1, 1991. Claimant was using his camera to document the exercise, as part of his duties as an employe of the Department of Industry, Labor and Human Relations.

The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Industry, Labor and Human Relations appropriation s. 20.445(1)(j), Stats.

15. Jed Neuman of Green Bay, Wisconsin claims \$91.43 for expenses incurred as a result of his employment as a probation and parole agent for the Department of Corrections. On January 23, 1992 an unidentified person telephoned the Division of Probation and Parole Regional office in Green Bay and made a death threat against claimant and his family. Claimant's supervisor investigated the threat and instructed claimant to temporarily move his family from their home for their own personal safety. Claimant incurred lodging and meal expenses as a result of this incident. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Corrections appropriation s. 20.410(1)(a), Stats.

16. Diane Walsh of Irma, Wisconsin claims \$70.00 for uninsured damages to her property allegedly caused by two juveniles on escape status from the Lincoln Hills School on November 16, 1991. The juveniles forced open claimant's garage window and attempted to steal her vehicle. The juveniles damaged the vehicle's steering column and took food from a freezer in claimant's garage. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health and Social Services appropriation s. 20.435(3)(hm), Stats.

17. Ann Ludiwig of Union Grove, Wisconsin claims \$21.00 for repairs to her vehicle allegedly damaged by a resident of the Southern Wisconsin Center on February 14, 1992. Employes of the Center observed a resident causing the damage to claimant's vehicle. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health and Social Services appropriation s. 20.435(2)(gk), Stats.

18. International Paper Company of Memphis, Tennessee claims \$93,131.00 for an overpayment to the Secretary of State's office due to an error on its 1990 Wisconsin Foreign Corporation annual report. Claimant paid a fee of \$97,293.00 based on its 1990 annual report which indicated a capital representation of \$105,890,387.00 in Wisconsin. On January 15, 1992, claimant filed Articles of Correction with the Secretary of State's Office pursuant to s. 180.0124, Stats., indicating that its annual report was in error. The fee on the corrected amount would have been only \$4,162.00. 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.

19. International Paper Company of Memphis, Tennessee claims \$64,099.00 for an overpayment to the Secretary of State's office due to an error on its 1991 Wisconsin Foreign Corporation annual report. Claimant paid a fee of \$82,803.00 based on its 1991 annual report which indicated a capital representation of \$147,267,242.00 in Wisconsin. On January 15, 1992, claimant filed Articles of Correction with the Secretary of State's Office pursuant to s. 180.0124, Stats., indicating that its annual report was in error. The fee on the corrected amount would have been only \$18,704.00. 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.

20. Bruce and Sandra Roman of Clinton, Wisconsin claim \$1,661.26 as the amount garnisheed from Bruce's wages in 1989 for tax assessments issued by the Department of Revenue for failure to file sales tax returns. On March 31, 1990, claimants filed all of the missing returns and their delinquent tax account was adjusted resulting in an overpayment. None of the estimated or actual assessments were ever appealed by claimant. Because of the two-year statute of limitations, s. 71.75(5), Stats., the Department of Revenue is without authority to return any of the amount collected on the estimated assessments. 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.

21. Traut Wells, Inc. of St. Cloud, Minnesota claims \$1,804.00 for the cost of excess cement grout which was ordered, but not needed, for the Village of Balsam Lake well. Claimant is a licensed well driller and had ordered 13 cubic yards of grout for construction of the well. A Department of Natural Resources employee, Peter Prusak, told the well driller that 19 cubic yards of grout were needed for the well. Claimant ordered the extra grout, most of which was dumped. The confusion arose from the fact that when concrete redi-mix plant provides 13 cubic yards of "33 bag mix," the mix actually yields about 20 cubic yards of grout. The Board concludes the claim should be paid in the reduced amount of \$900.00, based on equitable principles. The Board further recommends the claim be paid from the Department of Natural Resources appropriation s. 20.370(2)(ma), Stats.

22. Jane Kalies of Whitelaw, Wisconsin, claims \$596.40 for a penalty fee incurred for withdrawal of her land from the woodland tax law (WTL) program in 1991. In 1966, claimant's 15-acre parcel of land was inspected by a Department of Natural Resources (DNR) forester and entered under the WTL. A house was under construction on the parcel at the time. Under s. 77.16(2),

Stats., lands on which an assessed improvement is located are not eligible for entry. During 1977, the land was again examined, but due to an error by DNR foresters, the existence of the house was not noted. In 1989, the DNR was advised, and verified that the was situated on the WTL parcel. As a result, an order was entered by the DNR declassifying the land and claimant was assessed a withdrawal penalty on her 1991 tax bill. The Board concludes the claim should be paid 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(1)(mu), Stats.

23. George Volpentesta of Milwaukee, Wisconsin claims \$150.46 for repairs to his vehicle allegedly damaged by vandalism while it was parked in the fenced lot at the Department of Natural Resources Southeast District Headquarters in Milwaukee on February 25-26, 1992. Claimant parked his vehicle in the secured lot while he was traveling overnight on Department business. An unknown person gained access to the area during the time that the alarm was not activated by the security service. The Board concludes the claim should be paid in the reduced amount of \$100.00, the amount of claimant's insurance deductible, 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)(mu), Stats.

24. Gary Heinrichs of Hartford, Wisconsin claims \$109.32 for repairs to his vehicle allegedly damaged by vandalism while it was parked in the fenced lot at the Department of Natural Resources Southeast District Headquarters in Milwaukee on February 25-26, 1992. Claimant parked his vehicle in the secured lot while he was traveling overnight on Department business. An unknown person gained access to the area during the time that the alarm was not activated by the security service. The Board concludes the claim should be paid 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)(mu), Stats.

25. Town of Liberty claims \$1,667.00 for its 1992 municipal recycling grant under s. 159.23, Stats. The Department of Natural Resources denied the Town's 1992 grant because its application was filed approximately four months after the statutory deadline of September 1, 1991. The town clerk failed to file the application because of the need to care for her seriously ill husband and run the family farm. 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.

26. Patrick Baugh of Waupun, Wisconsin claims \$6,720.00 for compensation for wrongful imprisonment

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pursuant to s. 775.05, Wis. Stats. On May 9, 1990, claimant was convicted of operation a motor vehicle after revocation of his driver's license, 5th offense, in Kenosha County Circuit Court and sentenced to 181 days imprisonment. On August 8, 1990, the Court of Appeals determined that claimant should have been convicted of operating a motor vehicle after revocation of hsi driver's license, 4th offense rather than 5th offense. Claimant's sentence was amended to a total of 75 days. By the time the state corrected claimant's sentence and offense level, claimant had served 117 days in the county jail, 60 days in excess of the total sentence. The Board concludes the evidence does not show that claimant was innocent of the crime for wihd he suffered impronsonment and consequently, the claim is denied.

27. Dennis Costello of Ellison Bay, Wisconsin claims \$23,587.08 for reimbursement of attorney fees pursuant to s. 757.99, Stats., incurred in defense of misconduct charges brought against him by the Judicial Commission in July 1986. Claimant is a reserve judge. The Judicial Commission filed a complaint alleging that claimant lent the influence of his name or the prestige of his office to aid or advance the welfare of a private interest, in violation of a rule of the code of Judicial Ethics. On February 29, 1988, the Wisconsin Supreme Court concluded that claimant did not violate the Supreme Court rules and dismissed the complaint. On October 14, 1988 and again on December 19, 1990, the Claims Board recommended payment of this claim in the reduced amount of \$10,845.58. The Board's recommendation failed to pass in the Legislature. The Board concludes this claim should be paid in the reduced amount of \$2,000.00, 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.

**THE BOARD CONCLUDES:**

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

- Heiden Engineering and Associates  
Racine County
- Louis Skibinski Estate  
City of Monroe
- Carol Dieterich
- John and Bonnie Schanz
- Edward Kaiser
- Prema Acharya
- Bruce Mohs
- William Giuliani
- International Paper Company (2)
- Bruce and Sandra Roman
- Town of Liberty
- Patrick Baugh

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

Carl Uppena	\$2000.00
Tina Marie Ignatowski	\$50.00
Sheldon Schall	\$102.33

Jed Neuman	\$91.43
Diane Walsh	\$70.00
Ann Ludwig	\$21.00
Traut Wells, Inc.	\$900.00
Jane Kalies	\$596.40
George Volpentesta	\$100.00
Gary Heinrichs	\$109.32
Denis Costello	\$2,000.00

**THE BOARD RECOMMENDS:**

1. Payment of \$8,659.33 to Tom Kuenster for the loss of breeding pigs destroyed in October 1991, to prevent the spread of pseudorabies, an infectious disease of swine.

Dated at Madison, Wisconsin this 7th day of July, 1992.

GARY R. GEORGE  
Senate Finance Committee

JOSEPH WINEKE  
Assembly Finance Committee

Jeffrey J Bartzen  
Representative of Governor

EDWARD D. MAIN  
Representative of Secretary of  
Administration

WILLIAM H. WILKER  
Representative of Attorney  
General

State of Wisconsin  
University of Wisconsin System

July 6, 1992

To the Honorable the Legislature:

Following is our annual report required pursuant to s. 227.485(9), Wisconsin Statutes. For the fiscal year ending June 30, 1992, the University of Wisconsin System had one claim paid awarding attorneys fees in the amount of \$15,048.80. The State Personnel Commission ordered the payment of the fees on May 15, 1992 in Arneson v. UW-Madison (Case No. 90-0184-PC), a disciplinary action. The fees were paid to the opposing counsel, Borns, Macauley and Jacobson, following approval of said fees by the Attorney General's office.

Sincerely,  
Katharine C. Lyall  
President

State of Wisconsin  
Department of Transportation

July 6, 1992

To the Honorable the Legislature:

The report specified under s. 343.025, Stats., is enclosed

This report for 1991 shows the number of persons age 65 and older who were given the explanatory materials for PartnerCare. Everyone age 65 and older applying for

an original driver license or identification card at our Division of Motor Vehicles customer service centers received an explanatory leaflet. The leaflet was developed in cooperation with the Wisconsin State Medical Society and the coalition of Wisconsin Aging Groups. A copy of the leaflet is enclosed.

The number of people receiving the leaflet will increase dramatically in 1992 as we have begun inserting it in the envelopes with driver license renewals. Due to the extraordinary amount of data processing time devoted to implementing the commercial drivers license, we were unable to do the programming necessary to begin inserting it with renewals in 1991.

Sincerely,  
Charles H. Thompson  
Secretary

State of Wisconsin  
Department of Health and Social Services  
June 19, 1992

To the Honorable the Legislature:

As required by Chapter 140.05(16)(h) of the Wisconsin Statutes we are pleased to provide the annual report on the success of the statewide immunization program. Please distribute this report to the appropriate standing committees. If there are any follow-up questions or a need for additional information, you may wish to contact the Immunization Program directly at 266-1339.

Sincerely,  
Gerald Whitburn  
Secretary

Referred to the committee Agriculture, Corrections, Health and Human Services.

State of Wisconsin  
Department of Administration  
July 1, 1992

To the Honorable the Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of June, 1992.

On June 15, 1992, the General Fund balance was \$-266 million. This shortfall continued until June 22, 1992 when the balance reached \$ 14 million. The shortfall was due to the regularly scheduled \$648 million School Aid disbursement on June 15th.

The General Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by State Finance will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,  
James R. Klauser  
Secretary

Referred to the joint committee on Finance.

State of Wisconsin  
Department of Administration  
Wisconsin Acid Deposition Research Council  
July 1, 1992

To the Honorable the Legislature:

On behalf of the Wisconsin Acid Deposition Research Council and pursuant to 1985 Wisconsin Act 296, I am pleased to submit our 1992 Biennial Report - *A Status Report of Acid Rain Research in Wisconsin*.

Although the report speaks directly to the State's accomplishments in acid rain research over the last two years and our expectations for the future, the evidence shows Wisconsin is leading the nation in both acid deposition policy and research commitments.

To further illustrate the State's leadership and commitment to the environment, on June 24, 1992, the Council was recognized by **Renew America**, a national campaign to identify and recognize successful environmental programs, and awarded Wisconsin a Certificate of Environmental Achievement. This recognition will be listed in **Renew America's 1992 Environmental Success Index directory**. The Council's continuing successes can be applied to other environmental challenges and used as a model for neighboring states and the nation.

As we move toward the 1993 compliance date for the fifty percent reduction of sulfur dioxide emissions, the Council's major emphasis will be to assess the effectiveness of that reduction and to address any remaining research issues and concerns. Long term monitoring will be required to fully evaluate the benefits to the environment and to the overall quality of life of Wisconsin's citizens.

We thank you for your unrelenting support. We are available to further discuss this report and its implications at your convenience.

Sincerely,  
Nathaniel E. Robinson, Chair  
Wisconsin Acid Deposition  
Research Council

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#### SENATE CLEARINGHOUSE ORDERS

##### Senate Clearinghouse Rule 91-196

Relating to the state historic rehabilitation tax credits program.

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Submitted by State Historical Society.

Report received from agency, July 10, 1992.

Referred to committee on Aging, Banking, Communications and Taxation, July 15, 1992.

**Senate Clearinghouse Rule 92-59**

Relating to reestablishment of forfeited service, eligibility for separation benefits, participation in the public employers group life insurance program, disclosure of beneficiary designations, definition of rehired annuitant, guardian, and clerical error, and conditions under which a guardian may file benefit applications and other documents.

Submitted by Department of Employee Trust Funds.

Report received from agency, July 14, 1992.

Referred to committee on Housing, Government Operations and Cultural Affairs, July 15, 1992.

**Senate Clearinghouse Rule 92-64**

Relating to the calculation of indigency.

Submitted by State Public Defender.

Report received from agency, July 15, 1992.

Referred to committee on Judiciary and Consumer Affairs, July 15, 1992.

**Senate Clearinghouse Rule 92-65**

Relating to certification of private attorneys.

Submitted by State Public Defender.

Report received from agency, July 15, 1992.

Referred to committee on Judiciary and Consumer Affairs, July 15, 1992.

The committee on Transportation and Utilities reports and recommends:

**Senate Clearinghouse Rule 92-33**

Relating to design standards for existing town roads.

No action taken.

Thomas Barrett  
Chair