

JOURNAL OF THE SENATE

MONDAY, September 27, 1976.

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of State**

September 3, 1976.

To the Honorable, the Senate

Senators:

The following lobbyists have terminated their registrations for the duration of the 1975-76 legislative session.

Ebbot, John F.; Latin American Union for Civil Rights, Inc., as of July 1, 1976.

Larsen, Donald; Town of Washington, as of July 1, 1976.

Miller, Ray; Wisconsin Professional Educators Association, as of April 1, 1976.

Hendee, Kirby; Wisconsin Minerals Development Association, as of September 1, 1976.

Wrzeski, Pam; Wisconsin Civil Liberties Union, as of June 30, 1976.

Sincerely,

DOUGLAS LAFOLLETTE

Secretary of State

JOURNAL OF THE SENATE

State of Wisconsin
Department of State

September 16, 1976.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on August 3, 1976, and ending on September 16, 1976.

Yours very truly,

DOUGLAS LAFOLLETTE

Secretary of State

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

Waddell, Jo Ellen, 113 South Main Street, Lodi Police Department, Lodi, Wisconsin 53555 -- Wisconsin Juvenile Officers' Association, 113 South Main Street, Lodi, Wisconsin 53555 -- 04, 08, 17, 22 -- September 8, 1976.

Note the following cancellations:

The following lobbyists have terminated their registration for the duration of the 1975-76 legislative session.

Burg, Glenn E.; Wisconsin Society of Professional Engineers, as of September 9, 1976.

Mulchay, Frederick C.; Milwaukee Area District Board of Vocational, Technical and Adult Education, as of September 7, 1976.

Rohrer, John J.; Tavern League of Wisconsin, as of July 31, 1976.

JOURNAL OF THE SENATE

State of Wisconsin Claims Board

September 9, 1976

Glenn Bultman
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702

Dear Mr. Bultman:

Enclosed is the report of the State Claims Board covering claims heard on July 29, 1976.

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.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,
EDWARD D. MAIN
Secretary

BEFORE THE CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on July 29, 1976, upon the following claims:

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. City of Eau Claire -----	\$ 360.48
2. City of Appleton -----	228.15
3. Frank & Mavis Sprtel -----	14,562.00
4. Jack C. Dahlke -----	23.55
5. John M. Novak -----	70.70
6. Dick S. Van Duzee -----	999.00

THE BOARD FINDS:

1. *City of Eau Claire*

The City of Eau Claire claims \$360.48 for damages to underground wiring caused by employees of the Department of Transportation when replacing a sign post in the vicinity of the city's light pole at Hy. 53 and Sherwin Avenue on December 7,

JOURNAL OF THE SENATE

1975. The state employees did not inquire as to the specific location of underground cables on the erroneous assumption that there would be no problem with respect to underground cables. However, between the time of the placement of the original sign post and the replacement of that sign post which caused the damage, changes had occurred in the location of underground cables. The installation of the new post also required digging an additional 10-11 inches deeper than required for the old post. In the absence of the State employees making reasonable inquiry as to the location of underground cable, the Board concludes the claim should be paid on equitable principles.

2. *City of Appleton*

The city of Appleton claims \$228.15 for damages to a railroad hookup at the College - Memorial - Richmond intersection caused by improper wiring by a State employee on or about January 30, 1976. The Board concludes the claim should be paid on equitable principles.

3. *Frank & Mavis Sprtel*

Frank and Mavis Sprtel, Glendale, Wisconsin 53217, claim \$14,562 for loss in business and expenses for renting parking space related to the Port Washington highway project on June-November, 1975. The law does not provide for reimbursement from the State for such losses. See Surety Savings & Loan Asso. v. State (1972), 54 Wis. 2d 438, 195 N.W. 2d 464, appeal dismissed 409 U. S. 810, 93 S. Ct. 63, 34 L. Ed. 2d 65. The legislature has provided that any attempt to recover for inverse condemnation should be initiated pursuant to the provisions of ch. 32, Wis. Stats. The Board concludes that the State is not legally liable for the claim, and that the claim should not be paid on equitable principles.

4. *Jack C. Dahlke*

Jack C. Dahlke, Edgar, Wisconsin, claims \$23.55 for damages to his car after hitting a road sign on January 15, 1976, which was covered by snow in the lane of traffic at Hy. O and Hy. 153; it is not known how the sign got there. The Department of Transportation had no prior knowledge of the sign's presence in the roadway. There is no showing of negligence on the part of the State, its officers, agents or employees, and the Board concludes the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles.

5. *John M. Novak*

John M. Novak, Ironwood, Michigan, claims \$70.70 for damages to his car when it hit a chuck hole at the west end of

JOURNAL OF THE SENATE

Saxon Bridge on December 6, 1975. It is on a stretch of road frequently inspected, and there is no showing that the presence of the chuck hole was known to the State, or that the State failed to make repairs in a reasonable period of time. There is no showing of negligence on the part of the State, its officers, agents or employees, and the Board concludes the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles.

6. *Dirk S. Van Duzee*

Dirk S. Van Duzee, Wabeno, Wisconsin 54566, claims \$999.00 of a total \$1510.17 in damages to his pickup truck as the result of an accident on October 15, 1974, on Highway 8 where the Soo Line Railroad tracks meet on the east limits of the City of Crandon. There had been eight other accidents between trains and vehicles in the three years prior to this accident at the same location. The claimant's truck was being driven by his wife who took the route each day on her way to work. She was familiar with the intersection and the danger it provided. The accident occurred at 8:15 A.M. The signal lights were not visible because of the sun's position at that time of day. The train did not pass through the intersection at the same time every day. Subsequent to this accident claimant was instrumental in obtaining an order from the Public Service Commission to improve the dangerous situation by having a better warning signal system installed. Although the Department of Transportation was ordered to pay for 90% of the cost of the new signal system, the order did not indicate this 90% figure was related to any degree of fault by the Department of Transportation for this dangerous condition or the accidents which had occurred at the crossing. A majority of the Board finds that there is insufficient showing of negligence on the part of the State to justify payment of the claim on legal or equitable principles.

THE BOARD CONCLUDES:

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

Frank and Mavis Sprtel

Jack C. Dahlke

John M. Novak

Dirk S. Van Duzee

JOURNAL OF THE SENATE

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

City of Eau Claire	\$ 360.48
City of Appleton	228.15

Dated at Madison, Wisconsin, this 10th day of August, 1976.

GERALD D. KLECZKA
Senate Finance Committee

GEORGE MOLINARO
Assembly Finance Committee

DAVID RIEMER
Representative of Governor

BARBARA YAFFE
Representative of Secretary of
Administration

ALLAN P. HUBBARD
Representative of Attorney
General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

September 15, 1976.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advise and consent of the senate do appoint Richard L. Gupton, of Beloit, as a member of the Veterans' Affairs Board, to succeed Morris Oesterreich, deceased, to serve for the term ending May 1, 1977.

Sincerely,
PATRICK J. LUCEY
Governor

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

JOURNAL OF THE SENATE

MOTIONS UNDER SENATE RULE 96

A certificate of congratulations by Senator Risser for DR. EDWARD PFEIFER on the occasion of his retirement.

Read and adopted.