

JOURNAL OF THE SENATE

Eighty-Fourth Regular Session

WEDNESDAY, March 14, 1979.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 15

To create section 4(4) of article VII of the constitution, relating to the practice of law (first consideration).

By Senators Berger and Braun; cosponsored by Representative McClain.

Read first time and referred to committee on Judiciary and Consumer Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 133

Relating to reimbursing municipalities providing ambulance service on state trunk highways.

By Senator Adelman; cosponsored by Representative Lingren.

To committee on Agriculture, Labor and Local Affairs.

Senate Bill 134

Relating to mandatory examination of candidates for state office and voluntary examination of capitol news media representatives.

By Senator Thompson.

To committee on Human Services.

Senate Bill 135

Relating to ownership of land by foreign persons, ownership of agricultural land by business organizations, establishing reporting requirements, creating penalties, granting rule-making authority and making an appropriation.

By Senators Cullen, Radosevich, Bablitch, Roshell, Strohl, Maurer, Theno, Bidwell, Van Sistine, Berger and McCallum; cosponsored by Representatives Metz, Helbach, Ferrall, Tesmer, Andrea, Becker, Ulichny, Wagner, Matty, Shoemaker, Menos, Hasenohrl, Ladwig, Lingren, Kincaid, Omernick, Radtke, Tregoning and Laatsch.

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To committee on Agriculture, Labor and Local Affairs.

COMMITTEE REPORTS

The committee on Education and Revenue reports and recommends for introduction:

Senate Bill 136

Relating to addition of a student member to each vocational, technical and adult education district board.

By request of the Wisconsin Student Council of Technical Education.

Introduction:

Ayes, 4 -- Senators Goyke, Moody, Offner, and Bear;

Noes, 1 -- Senator McCallum.

GARY R. GOYKE

Chair

The committee on Judiciary and Consumer Affairs reports and recommends for introduction:

Senate Bill 137

Relating to the recedence and effect of liens upon the property of employers for wage claims and deficiencies.

By request of the State Bar of Wisconsin.

Introduction:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and Murphy;

Noes, 0 -- None.

Senate Bill 138

Relating to admission of uncontested wills to probate.

By request of the State Bar of Wisconsin.

Introduction:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and Murphy;

Noes, 0 -- None.

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Senate Bill 139

Relating to filing fees in probate matters.

By request of the State Bar of Wisconsin.

Introduction:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and
Murphy;

Noes, 0 -- None.

Senate Bill 140

Relating to a plea of guilty for crimes committed in several
counties.

Introduction:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and
Murphy;

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

PETITIONS AND COMMUNICATIONS

March 8, 1979.

Wisconsin State Senate

State Capitol

Madison, Wisconsin

To the Honorable, the Senate:

Many, many thanks for your birthday greeting and the kind
sentiments it contained which brought back many pleasant memories
of the Senate.

Nothing could have pleased me more than to be remembered in
this way and it contributed more than I can say to the happiness of
the occasion.

Sincerely

ALLEN J. BUSBY

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State of Wisconsin
Department of State

March 6, 1979.

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 February 28, 1979, and ending on March 6, 1979.

Yours very truly,
VEL PHILLIPS
Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number; the code numbers indicating areas of Legislative action; the code numbers indicating areas of administrative action.

Driessen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Wisconsin Dental Assn., 633 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 276-4520; 3, 7, 10, 11, 14, 18-22; 101, 129, 140, 157, 170, 174; Time Insurance Co, 515 W. Wells St., Milwaukee, WI 53203 (414) 271-3011; 3, 11, 14, 20-22; 101, 140, 170, 174; Wisconsin Trustees Assn., c/o Richard L. Dummer, Citizens Bank of Sheboygan, 636 Wisconsin Ave., Sheboygan, WI 53081 (414) 459-2000; 2, 3, 5, 16, 20-22, 24; 101, 113, 140, 170, 174; Wisconsin Assn. of Independent Colleges and Universities, 1002 Tenney Building, Madison, WI 53703 (608) 256-7761; 3, 7, 20-22, 24; 101, 132, 170, 174, 180; United Performing Arts Fund, Inc. 929 N. Water St., Milwaukee, WI 53202 (414) 273-7121; 3, 20-22; 101, 102, 140, 170, 174.

Christianson, Peter Coe, 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Wisconsin Builders Assn., P.O. Box 2117, Madison, WI 53701 (608) 256-4887; 3, 4, 13, 16, 17, 20-22, 25; 101, 109, 116, 129, 136, 140, 144, 149, 170, 174, 176, 178, 183; Wisconsin Assn. of Independent Colleges and Universities, 1002 Tenney Building, Madison, WI 53703 (608) 256-7761; 3, 7, 20-22, 24; 101, 132, 170, 174, 180; Time Insurance Co, 515 W. Wells St., Milwaukee, WI 53203 (414) 271-3011; 3, 11, 14, 20-22; 101, 140, 170, 174; Wisconsin Dental Assn., 633 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 276-4520; 3, 7, 10, 11, 14, 18-22; 101, 129, 140, 157, 170, 174; United Performing Funds, Inc., 929 N.

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Water St., Milwaukee, WI 53203 (414) 273-7121; 3, 20-22; 101, 102, 140, 170, 174.

Franke, Harry F., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Time Insurance Co., 515 W. Wells St., Milwaukee, WI 53203 (414) 271-3011; 3, 11, 14, 20-22; 101, 140, 170, 174; Wisconsin Dental Assn., 633 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 276-4520; 3, 7, 10, 11, 14, 18-22; 101, 129, 140, 157, 170, 174.

Sicula, Paul E., 212 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 271-8100; Wisconsin Assn. of Tobacco & Candy Distributors, Inc., 22 N. Carrol St., Madison, WI 53703 (608) 256-5223; 3, 12, 18, 19, 21; 109, 170.

Lotto, Myron Mike, 1 W. Dayton, Madison, WI 53703 (608) 256-4505; Wisconsin Tourism Federation, 120 Wisconsin Ave., Madison, WI 53703 (608) 255-3616; 1-4, 7, 10-15, 17, 18, 20-23; 101, 102, 109, 110, 112, 113, 115, 116, 118, 121, 126, 127, 129, 133-138, 142, 144, 148, 149, 150, 170, 172, 174, 176-181, 184.

Peterson, Richard E., 202 E. Union St., Waupaca, WI 54981 (715) 258-2345; Gimbel Brothers, Inc. 101 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 276-7050; 1, 26; 109, 186.

Ripple, Mary Anne, c/o Cook & Franke, S.C., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Wisconsin Automatic Merchandising Council, c/o Richard Wilkinson, Canteen Food & Vending Service, Division of Canteen Corp., P.O. Box 2545, Oshkosh, WI 54901 (414) 235-7380; 5, 6, 10, 13, 20-22; 101, 109, 140, 170, 174.

Drissen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Wisconsin Automatic Merchandising Council, c/o Richard Wilkinson, Canteen Food & Vending Service, Division of Canteen Corp., P.O. Box 2545, Oshkosh, WI 54901 (414) 235-7380; 5, 6, 10, 13, 20-22; 101, 109, 140, 170, 174.

Schmidt, Elmer W., 6346 W. Beloit Rd., West Allis, WI 53219 (414) 541-6186; Wisconsin Tavern Keeper's Assn., 710 N. Plankington Ave., Suite 935, Milwaukee, WI 53202 (no phone given); 26; 186.

Sicula, Paul E., 212 W. Wisconsin Ave., Suite 1200, Milwaukee, WI 53203 (414) 271-8100; Assn. of Reserve Judges, Route 2, Waunakee, WI 53597 (608) 849-5106; 5, 20.

NOTE: Termination

Wright, Robert H., 1919 S. Broadway, Green Bay, WI 54304, lobbying on behalf of Fort Howard Paper Co, 1919 S. Broadway, Green Bay, WI 54304 (414) 435-8821; Effective March 1, 1979.

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The chart of code numbers can be found on pages 99 and 100 of the Senate Journal of February 6, 1979.

State of Wisconsin Claims Board

March 7, 1979.

Don Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on February 26, 1979.

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

BEFORE THE CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on February 26, 1979, upon the following claims:

<i>Claimant</i>	<i>Amount</i>
1. Robert Graham	\$18,746.50
2. Robert Steigerwaldt	2,183.25
3. Jean Delisle	20,734.00

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In addition, the following claims were considered and decided without being called for hearing at an executive session on February 26, 1979.

4. Sawyer County	\$2,500.00
5. Joan Oremovich	124.78
6. Eric Jaeger	87.11

In addition, the claims of Donald E. Mikle and Ruby Mikle were considered and decided without being called for hearing at an executive session on March 5, 1979.

THE BOARD FINDS:

1. Robert Graham, Strongsville, Ohio, claims \$17,270 for 313 days of specialized hospital care plus \$1,475.50 attorney fees, or a total of \$18,746.50. In May, 1975, claimant accepted employment at University of Wisconsin-Parkside. Claimant's daughter was in a specialized hospital since February, 1975. Before accepting employment claimant was assured by state personnel that his daughter's hospitalization would be covered by the university medical insurance plan. Claimant's former insurance carrier covered his daughter's hospitalization to November 15, 1975. However, when the University's plan was to take effect, the Wisconsin insurance carrier refused to pay for claimant's daughter's hospitalization, because her admission occurred prior to the effective date of state insurance coverage.

The University of Wisconsin System recommends payment of \$17,270 for 313 days of hospitalization charges, which is the amount of benefits claimant would have received if the state contract would have assumed liability for an existing confinement at the time coverage was effective, as claimant had been informed by state personnel. Payment of attorney fees for straightening out this misunderstanding related to claimant's insurance coverage and hospital charges is not recommended.

The Board concludes \$17,270 of the total claim should be paid on equitable principles, but does not recommend payment of attorney fees.

2. Robert Steigerwaldt, Stevens Point, claims \$2,183.25 for medical bills related to the birth of his child. Claimant is a student at University of Wisconsin-Stevens Point. The student government, which is not a state agency, switched medical insurance carriers after claimant's child had been conceived, and the \$700 benefit claimant would have been entitled to under the old plan ceased on August 22, 1977. The risk management office of the university system had

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advised student government not to switch the plans. However, the switch was made to reduce the premium at the expense of reducing benefits. There is no evidence of negligence on the part of the state, its agents, officers or employes 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.

3. Jean Delisle, Wauwatosa, claims \$20,734, including \$434 for medical expenses, \$1,300 for future medical expenses and \$19,000 for pain and suffering arising from a fall over a curb at State Fair Park on August 16, 1976. Claimant had been viewing a performance at the International Theatre. It was daylight, and after the performance claimant left the area with part of a large crowd. She stepped forward off the street curb and fell forward, injuring herself. The curb was recently constructed and had no defects. The curb serves a useful purpose in defining the street, and the Board does not consider its placement negligent. The curb is 150 feet from the closest seating area does not run directly across the exit. A yellow line runs to the edge of the curb and the asphalt is of a different color. 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.

4. Sawyer County claims \$2,500 for Indian Reservation law enforcement in fiscal year 1975-1976. The claimant failed to make application for the payment due to an oversight on its part. The records of the Department of Justice indicate payment was made for fiscal years 1974-1975, 1976-1977 and 1977-1978, but not for fiscal year 1975-1976. The records further indicate \$2,500 lapsed to the state general fund as a result of the nonpayment in 1975-1976. The Board concludes the claim should be paid on equitable principles.

5. Joan Oremovich, Racine, claims \$124.78 pursuant to an estimate dated July 31, 1978, for damages to her 1971 Gremlin. She believed "over a period of time" her car was damaged due to poor road conditions on Pine Street. No notice was given to the state relating to the condition of the road. There is no evidence of negligence on the part of the state, its officers, agents or employes 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. Eric Jaeger, Madison, claims \$87.11 for carpeting destroyed by a bursting water pipe on September 22, 1978 at Ogg West

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dormitory. The carpeting was less than one month old. The Board concludes the claim should be paid on equitable principles.

7. and 8. Donald E. Mikle, North Fond du Lac, claims \$268,005.77 for damages arising from an auto accident on June 30, 1976, at the intersection of Highway 23 and County Trunk G in the Township of Forest, Fond du Lac County. The claim is composed of \$15,014.64 for medical specials, \$12,991.13 for wage loss and mileage, \$70,000 for pain and suffering and \$170,000 for future disability loss. His wife, Ruby, claims \$2,000 for loss of consortium and services during the recovery period of June 28, 1976 through December 1, 1976.

Donald E. Mikle was driving westbound on Highway 23. A van owned by the Department of Natural Resources and driven by one of its employes was proceeding southbound on County Trunk G toward Highway 23. The van failed to stop at the intersection and was hit by claimant's vehicle.

The factual and legal issues involving comparative negligence, liability and damages are complex, and more appropriately dealt with in a circuit court forum. Accordingly, the Board concludes the claims should be denied and recommends that the Legislature refuse to allow the claims.

THE BOARD CONCLUDES:

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

Robert Steigerwaldt
Jean Delisle
Joan Oremovich
Donald E. Mikle
Ruby Mikle

2. Payment of the following amount to the following claimant is justified under sec. 16.007, Stats.:

Eric Jaeger

\$87.11

THE BOARD RECOMMENDS:

1. Payment of \$17,270 to Robert Graham for 313 days of specialized hospital care for his daughter in 1975 and 1976, which is the amount of benefits claimant would have received if the state medical insurance contract had assumed liability for her existing confinement at the time coverage became effective, as claimant had been informed and led to believe by state personnel before accepting state employment.

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2. Payment of \$2,500 to Sawyer County for Indian Reservation law enforcement for 1975-1976.

Dated at Madison, Wisconsin, this 7th day of March, 1979.

GERALD D. KLECZKA
Senate Finance Committee

VIRGIL D. ROBERTS
Assembly Finance Committee

LAURIE ANN RIACH
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of
Administration

ALLAN P. HUBBARD
Representative of Attorney
General

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 70** by Senator Radosevich.

CITATIONS

MOTIONS UNDER SENATE RULE 97

Adopted:

A certificate of congratulations by Senator Radosevich for MRS. VIOLET WRIGHT on being named 1979 Wisconsin Farm Wife of the Year;

A certificate of commendation by Senator Flynn for THE WAUWATOSA CHAMBER OF COMMERCE on its 40th anniversary;

A certificate of congratulations by Senator Bidwell and Representative Thompson for THE LINDINA TOWN INSURANCE COMPANY OF MAUSTON on completing 100 years in business;

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A certificate of commendation by Senator Risser for JAMES MADISON MEMORIAL HIGH SCHOOL HOCKEY TEAM on winning the W.I.A.A. State Hockey Title;

A certificate of commendation by Senator Risser for THE CENTRAL MADISON COUNCIL on its "Downtown Wisconsin" program;

A certificate of commendation by Senator Kleczka for THE RALPH A. IGNATOWSKI AMVET MEMORIAL POST NO. 60 on its 25th anniversary;

and

A certificate of commendation by Senator Krueger and Representative Kincaid for JOHN HARKINS on his retirement from the Town Board of the Town of Piehl.

MOTIONS UNDER JOINT RULE 7

Adopted:

A joint certificate of congratulations by Senator Theno, cosponsored by Representative Smith for KIMBERLY K. ARNEVIK on being selected as National Honey Queen;

A joint certificate of congratulations by Senator Kleczka, cosponsored by Representative Tuczynski for THE AMERICAN LEGION GEORGE WASHINGTON POST #2 on its 60th anniversary;

A joint certificate of commendation by Senator Theno, cosponsored by Representative Smith for ARTHUR A. OEMCKE on his retirement from the Department of Natural Resources;

A joint certificate of commendation by Senators Bablitch, Bear, Cullen, Goyke, Harnisch, Offner, Radosevich, Roshell, Thompson and Van Sistine, cosponsored by Representatives Potter, Roberts, Schneider, Swoboda, Vanderperren, Wood, Smith, Barry, Everson, Fischer, Hasenohrl, Helbach, Hephner, Shoemaker, Kedrowski, Loftus and Murray for GILBERT RHODE on his retirement from the Wisconsin Farmers Union;

and

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A joint certificate of commendation by Senator Lorge, cosponsored by Representative Byers for FRITZ BERNEGGER on the occasion of Fritz Bernegger Day in the City of New London;

Concurred in:

A joint certificate of congratulations by Representative Duren, cosponsored by Senator Kreul for GEORGE BREIWA AND THE HIGHLAND HIGH SCHOOL BAND on their appearance in the Cotton Bowl Parade;

A joint certificate of commendation by Representative Vanderperren, cosponsored by Senator Van Sistine for ED McHUGH on being the U.S. champion blood donor;

and

A joint certificate of commendation by Representatives Andrea and Dorff, cosponsored by Senator Maurer for DINO PIERANGELI on his outstanding service to the boy scouts.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 2

1. On page 5, line 24, substitute "101.955" for "101.995".