

JOURNAL OF THE SENATE

Eighty-Fourth Regular Session

WEDNESDAY, November 7, 1979.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 35

Relating to directing the legislative council to study existing system of death investigation throughout the state.

By Senators Lasee, Chilsen, Berger and Swan.

Read and referred to committee on Governmental and Veterans Affairs.

Senate Joint Resolution 36

To amend section 4 of article VI of the constitution, relating to abolishing the elected county office of coroner (first consideration).

By Senators Lasee and Berger.

Read first time and referred to committee on Governmental and Veterans Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 431

Relating to services of garnishee summons and complaint in 1st class cities.

By Senator Frank, by request of the City of Milwaukee.

To committee on Judiciary and Consumer Affairs.

Senate Bill 432

Relating to preference for American-made materials in state purchasing.

By Senators Van Sistine, Roshell, Harnisch, Lasee, Chilsen and Theno; cosponsored by Representatives Murray, Behnke, Andrea, Otte, Bradley, Byers, Roberts, Pabst, Dorff, Plewa, Merkt, Ellis, Porter, Conradt, Lewison, Donoghue, Quackenbush, Rogers, R. Travis, Helbach, Klicka, Barczak, Tuczynski, Broydrick, Medinger, Hasenohrl, Smith and Leopold.

To committee on Governmental and Veterans Affairs.

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Senate Bill 433

Relating to foster care for youth and the aging and foster parent training for displaced homemakers, granting rule-making authority and making an appropriation.

By Senator Thompson, by request of Elaine Gabower, Janesville.
To committee on Human Services.

Senate Bill 434

Relating to authorizing counties to fund private organizations to defray expenses in providing homemaking services to the elderly.

By Senators Lasee, Chilsen, Berger, Krueger, Swan, McCallum and Kreul.

To committee on Governmental and Veterans Affairs.

Senate Bill 435

Relating to the issuance of annual permits for the use of studded tires and providing a penalty.

By Senators Radosevich and Roshell; cosponsored by Representatives Vanderperren, Behnke, Miller, Kincaid, Stitt and Donoghue.

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

Senate Bill 436

Relating to an income tax exclusion for the gain on the sale of a farm residence occupied by the farmer's immediate family.

By Senators Radosevich, Chilsen, Bear, Opitz and Roshell; cosponsored by Representatives Smith, Wagner, Potter, Shoemaker, Kincaid, Omernick, DeLong, Kedrowski, Thompson, Matty, Hasenohrl, Donoghue, Harer, Medinger, Helbach and Swoboda.

To committee on Education and Revenue.

COMMITTEE REPORTS

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

Senate Bill 437

Relating to certain revisions of the savings and loan statutes.

By request of the Office of the Commissioner of Savings and Loan and the Savings and Loan Review Board.

Introduction:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

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Senate Bill 438

Relating to revising branching and lending area statutes applicable to savings and loan associations.

By request of the Office of the Commissioner of Savings and Loan and the Savings and Loan Review Board.

Introduction:

Ayes, 4 -- Senators Thompson, Roshell, Bidwell and Cullen;

Noes, 1 -- Senator Moody.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 439

Relating to allowing savings and loan associations to make consumer loans.

Introduction:

Ayes, 4 -- Senators Thompson, Roshell, Bidwell and Cullen;

Noes, 1 -- Senator Moody.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

TIM CULLEN

Chair

The committee on Human Services reports and recommends for introduction:

Senate Joint Resolution 37

Relating to memorializing Congress to use tax dollars to create jobs and provide needed services for the people and not for increased military spending.

Introduction:

Ayes, 4 -- Senators Thompson, Radosevich, Strohl and Cullen;

Noes, 1 -- Senator Opitz.

Read and referred to committee on Human Services.

Senate Bill 440

Relating to the minimum base pay for national guard members on active duty.

Introduction:

Ayes, 4 -- Senators Thompson, Radosevich, Opitz and Cullen;

Noes, 1 -- Senator Strohl.

Read first time and referred to committee on Governmental and Veterans Affairs.

Senate Bill 441

Relating to a state funding formula for the work incentive program.

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Introduction:

Ayes, 5 -- Senators Thompson, Cullen, Radosevich, Strohl and Opitz;

Noes, 0 -- None.

Read first time and referred to committee on Human Services.

Senate Bill 442

Relating to inheritance rights between an adopted child and the child's natural relatives.

By request of Henry Friend, Attorney-at-Law.

Introduction:

Ayes, 5 -- Senators Thompson, Cullen, Radosevich, Strohl and Opitz;

Noes, 0 -- None.

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

Senate Bill 443

Relating to the issuance of special license plates for national guard members.

Introduction:

Ayes, 5 -- Senators Thompson, Cullen, Radosevich, Strohl and Opitz;

Noes, 0 -- None.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

CARL W. THOMPSON

Chair

The committee on Education and Revenue reports and recommends:

Senate Bill 341

Relating to the purchase and loan of textbooks to pupils attending public and private schools, granting rule-making authority and making an appropriation.

Introduction of senate amendment 1:

Ayes, 5 -- Senators Goyke, Moody, Offner, Bear and McCallum;

Noes, 0 -- None.

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Introduction of senate amendment 2:

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

Noes, 0 -- None.

Introduction of senate amendment 3:

Ayes, 3 -- Senators Moody, Offner and Bear;

Noes, 1 -- Senator Goyke.

Introduction of senate amendment 4:

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

Noes, 0 -- None.

Introduction of senate amendment 5:

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

Noes, 0 -- None.

GARY R. GOYKE

Chair

The joint committee for Review of Administrative Rules reports and recommends:

Senate Bill 76

Relating to licensing and regulation of social workers, creating a social workers council, creating a social worker-client privilege, making an appropriation, granting rule-making authority and providing penalties.

Introduction and adoption of senate substitute amendment 1:

Ayes, 6 -- Senators Berger, Bear and Representatives Rogers, McClain, Wagner and Thompson;

Noes, 3 -- Senators Moody, Murphy and Representatives Clarenbach.

Passage as amended:

Ayes, 6 -- Senators Berger, Bear and Representatives Rogers, McClain, Wagner and Thompson;

Noes, 3 -- Senators Moody, Murphy and Representatives Clarenbach.

DAVID G. BERGER

Co-chair

WILLIAM J. ROGERS

Co-chair

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PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

October 30, 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 October 24, 1979, and ending on October 30, 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.

Alfonsi, Paul R., Box 174, Hazelhurst, WI 54531 (715) 356-3982; Wisconsin Dental Hygienists Assn., 154 E. Briar Lane, Green Bay, WI 54301 (414) 336-6915; 18; 157.

Stucal, Paul E., 212 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 271-8100; Wisconsin Assn. of Mutual Savings Banks, 811 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 276-1533; 2; 113.

Steingass, Susan, 131 W. Wilson St., P.O. Box 1784, Madison, WI 53701 (608) 256-0226; Sokaogon Chippewa Community, Mole Lake Band, c/o Daniel J. Poler, Chairman, Crandon, WI 54520 (715) 478-2718; 13, 17, 21; 142, 144, 171.

Krajewski, Thomas G., 122 W. Washington Ave., Suite 720, Madison, WI 53703 (608) 256-1846; Wisconsin Federation of Cooperatives, 122 W. Washington Ave., Suite 720, Madison, WI 53703 (608) 256-1846; 26; 185.

Ripple, Mary Anne, c/o Cook & Franke, S.C., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; American Family Life Assurance Co., American Family Center, P.O. Box 1459, Columbus, GA 31902 (404) 323-3431; 3, 11, 13, 20, 21, 22; 191, 140, 170, 174.

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

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**State of Wisconsin
Department of Administration**

October 30, 1979

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

Dear Mr. Schneider:

A copy of the State Forms Management Program report is enclosed, documenting the results of forms management in State agencies for fiscal years 1978-79.

Please note in the Journal of the Senate that you have received a copy of this report, and keep this copy on file so that it is available to the Legislature.

**Sincerely,
KENNETH E. LINDNER
Secretary**

**State of Wisconsin
Claims Board**

October 31, 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 August 31, 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.

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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 August 31, 1979, upon the following claims:

<i>Claimant</i>	<i>Amount</i>
1. Delos Harrington	\$3,254.25
2. Gordon W. Fielder	484.38
3. James Greene	50.00
4. Joe Mott	31,310.00
5. Wencel Pelikan	2,678.50
6. Robert Johnson	15,390.72

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

7. Cheryl Beitz	25.00
8. John Werely	57.00
9. David Barney	14.56
10. Thomas Tupper	31.20
11. Gabriel Huempfer	548.64
12. Winnebago County	54.00
13. Timothy Gianoli	125.20
14. Julie Hughey	159.89
15. Gayle Bishop	36.35
16. Rebecca Burton	25.00
17. June Kuhls	129.00
18. Carol Batcher	35.00
19. Marie Spors-Murphy	544.15
20. Denise Schultz	-----
21. Gerhart and Lois Schultz	-----
22. Norman and Caroline Schwartz	13,485.16
23. School District of La Farge	3,421.40

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THE BOARD FINDS:

1. Delos Harrington, Janesville, Wisconsin, claimed \$3,254.25 for medical expenses incurred because of a fall on the sidewalk in front of the University of Wisconsin Hospital on February 21, 1979. The claimant was on his way to the hospital for an 8:00 A.M. medical appointment when he fell. There was snow on the sidewalk at the time, and snow had been falling intermittently. The claimant stated that his fall was due to failure to clear the sidewalk, but the Board concludes that there is insufficient evidence to prove negligence on the part of the University and that the claim is not one which the state is legally liable nor one which on equitable principles the state should pay.

2. Gordon W. Fielder, III, Madison, Wisconsin, claims \$484.38 for damage to his car on April 5, 1979, when a section of a rain gutter fell from the roof of Goodnight Hall at the University of Wisconsin-Madison. The Board concludes that on equitable principles that the state should in good conscience assume and pay \$250.00 of this claim.

3. James L. Greene, Madison, Wisconsin, claims \$50.00 for damage to his trousers on March 12, 1979, caused by a protruding nail on a locker room bench at the Nielsen Tennis Stadium at the University of Wisconsin-Madison. The Board concludes that there is insufficient evidence to show negligence on the part of the University and that the claim is not one on which the state is legally liable nor one which on equitable principles the state should pay. (Senator Kleczka dissents.)

4. Mr. and Mrs. Joe Mott, Richland Center, Wisconsin, claim \$31,310.00 because of damage to their dairy cattle on February 24, 1979, when Mr. Mott's foster son inadvertently added Furadan, a highly toxic substance, to the haylage. Ten milk cows, 8 heifers and a saddle horse died, and milk from other cows could not be shipped for some time. The foster child was in the custody of Vernon County at the time and the Board concludes that this is not a claim on which the state is legally liable nor one which on equitable principles the state should assume and pay.

5. Wencel Pelikan, Sullivan, Wisconsin, claims \$2,678.50 because an escapee from Ethan Allen School at Wales on May 25, 1978, took the claimant's truck smashing it and causing loss of tools in the truck. The Board concludes that there is insufficient evidence to prove negligence by any agent of the state and that the claim is not one which on equitable principles the state should pay.

6. Robert M. Johnson, Madison, Wisconsin, claims \$15,390.72 because of an allegedly unlawful suspension and

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demotion in 1978 from his position in the Department of Administration. Claimant became involved in three court actions stemming from suspension and demotion and seeks reimbursement of his attorneys' fees and expenses in those actions. All three actions were dismissed pursuant to an agreement by which claimant was awarded back pay but agreed to submit to a disciplinary demotion to a lower pay range without reduction in pay or benefits. The agreement also provided that the state agencies involved would not oppose the claim presented to this Board, and no costs were to be taxed in the court actions. The Board concludes that the claim is not one on which the state is legally liable nor one which on equitable principles the state should pay. (Member Main not participating.)

7. Cheryl Beitz, Brookfield, Wisconsin, claims \$25.00 for the loss of a contact lens on March 27, 1979, when she was hit accidentally by an autistic student at Winnebago Mental Health Institute. Claimant was working at the Institute as part of an internship there while she was a student at the University of Wisconsin-Oshkosh. The Board concludes that on equitable principles the claim is one which the state should in good conscience assume and pay.

8. Jon Werely, Prairie du Chien, Wisconsin, claims \$57.00 because of the loss of clothing at the laundry while he was a patient at Winnebago Mental Health Institute in June, 1979. The Board concludes that the claim is one on which the state is legally liable and which in good conscience the state should pay.

9. David Barney, Oshkosh, Wisconsin, claims \$14.56 for resizing a ring. Claimant, an employe at Winnebago Mental Health Institute, was demonstrating restraint of a patient on October 3, 1978, and sprained his finger, necessitating cutting off his wedding ring and later resizing it. The Board concludes that on equitable principles the state should in good conscience pay the claim.

10. Thomas Tupper, Eau Claire, Wisconsin, claims \$31.20 for repairs to his wedding ring necessitated by an accident on April 12, 1979, at the Northern Wisconsin Center. Claimant, an employe at the Center, was trying to prevent a resident from hurting herself or others and the ring was crushed between a table and the wall, breaking the stone out of its setting. The Board concludes that on equitable principles the state should in good conscience pay the claim.

11. Gabriel A. Huempfer, Rhinelander, Wisconsin, claims \$548.64 for damage to his car in August, 1978, and loss of wages for one day. The car was stolen by escapees from Lincoln Hills School and damaged in an accident in Minnesota. The keys had been left in the car which was parked by a barn on premises of claimant's

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employer. The Board concludes that the claim is not one on which the state is legally liable nor one which on equitable principles the state should pay.

12. Winnebago County claims \$54.00 for damage to a sheriff's car on August 8, 1978, caused by a patient at Winnebago Mental Health Institute. The patient had left the Institute and was picked up by a deputy sheriff and returned. While in the car she damaged a seat and back rest. The Board concludes that the claim should be submitted to the Department of Administration, pursuant to sec. 70.119, Stats., which provides for payments for municipal services.

13. Timothy Gianoli, River Falls, Wisconsin, claims \$125.20 for damage to his stereo speakers and boots on February 2, 1979. These items were in his dormitory room at the University of Wisconsin-River Falls, when a broken plumbing pipe caused flooding in the room. The Board concludes that on equitable principles the state should in good conscience pay the claim in the reduced amount of \$100.00.

14. Julie Hughey, Sun Prairie, Wisconsin, claims \$159.89 for damage to her car on March 15, 1979, when she on on state business. She turned into what she thought was a driveway at the University Book Store on Randall Street in Madison, but found herself on a loading dock; and the car went off the end of the dock. The Board finds there is insufficient evidence to show negligence on the part of state personnel and concludes that the claim is not one on which the state is legally liable nor one which the state should pay on equitable principles.

15. Gayle Bishop, Whitewater, Wisconsin, claims \$36.35 for damage to her bowling ball on February 15, 1979, at the University Center at the University of Wisconsin-Whitewater. Claimant was using the ball during a bowling class. It came back from a faulty ball return machine with a piece chipped out near the finger holes. The Board concludes that on equitable principles the state should in good conscience pay the claim.

16. Rebecca Burton, Dickeyville, Wisconsin, claims \$25.00 for damage to her purse on April 3, 1979, while she was using a state car. The heater hose broke, leaking coolant onto the car floor and damaging the purse. The Board concludes that there is no evidence of negligence on the part of state personnel and that the claim is not one on which the state is legally liable nor one which the state should assume and pay on equitable principles.

17. June Kuhls, Platteville, Wisconsin, claims \$129.00 for new eye glasses and testing, following a fall on March 7, 1979, at the University of Wisconsin-Platteville where claimant is employed. It

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appears that workers' compensation will pay for the new glasses, and the eye testing was not required because of any injury from claimant's fall. The Board concludes that the claim is not one on which the state is legally liable nor one which in good conscience the state should pay.

18. Carol Batcher, Milwaukee, Wisconsin, a state employe at Job Service, claims \$35.00 because of damage to her blouse from extensive ink stains while she was working on a copying machine on April 6, 1979. The Board concludes that on equitable principles the state should in good conscience assume and pay the claim in the amount of \$25.00

19. Marie Spors-Murphy, West Bend, Wisconsin, a state employe at Job Service, claims \$544.15, because of the loss of personal belongings at her office on January 5, 1978, when fire destroyed the office building. There is no evidence of negligence on the part of state personnel, and the Board concludes that the claim is not one on which the state is legally liable nor one which on equitable principles the state should pay.

20. - 22. Denise Schultz claims up to \$1,000,000.00; Gerhart and Lois Schultz claims up to \$1,000,000.00; and Norman and Caroline Schwartz claim \$13,485.16. These claims all are based on injuries to Denise Schultz and the death of Andrew Schwartz due to an accident while they were riding on the ferris wheel at the State Fair Park on August 31, 1978. The Board concludes that there is insufficient evidence to prove negligence on the part of state personnel and that the claim is not one on which the state is legally liable nor one which on equitable principles the state should pay.

23. School District of La Farge, Wisconsin, claims \$3,421.40 because in July, 1978, personnel at the Department of Public Instruction lost an application submitted by the claimant for Federal Disaster Aid. As a result the application was not accepted by the United State Department of Health, Education and Welfare, and claimant received no such aid following heavy rains and high water from June 25, 1978 to July 6, 1978. The Board concludes that on equitable principles the state in good conscience should assume and pay this claim.

THE BOARD CONCLUDES:

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

Delos Harrington
James L. Greene
Mr. and Mrs. Joe Mott
Wencel Pelikan

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Robert M. Johnson
Gabriel R. Huempfner
Winnebago County
Julie Hughey
Rebecca Burton
June Kuhls
Marie Spors-Murphy
Denise Schultz
Gerhart and Lois Schultz
Norman and Caroline Schwartz

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

Gordon W. Fielder III	\$250.00
Cheryl Beitz	25.00
Jon Werely	57.00
David Barney	14.56
Thomas Tupper	31.20
Timothy Gianoli	100.00
Gayle Bishop	36.35
Carol Batcher	25.00
School District of La Farge	3,421.40

Dated at Madison, Wisconsin, this 31st day of October, 1979.

GERALD D. KLECZKA
Senate Finance Committee

VIRGIL D. ROBERTS
Assembly Finance Committee

LAURIE ANN McCALLUM
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of
Administration

E. WESTON WOOD
Representative of Attorney
General

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State of Wisconsin Claims Board

October 31, 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 October 8, 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 October 8, 1979, upon the following claims:

<i>Claimant</i>	<i>Amount</i>
1. First National Bank and Trust Co.	\$5,255.00
2. Edgar Boeing	15,087.00
3. Zigengo Contractors, Inc.	5,834.38
4. Beverly Brennan	36,235.69
5. Harvey Gomoll	1,244.25

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

6. Clarence Turenne	109.72
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7. Albert Poellinger	44.75
8. Bill Groves	356.40
9. Employers Insurance of Wausau	1,141.76
10. Daniel Spencer	134.90
11. Thomas Dunn	2,953.39
12. Thomas O'Keefe	185.00
13. Wisconsin Telephone Co.	470.41
14. Kenosha Cartage Co., Inc.	834.65
15. City of West Allis	2,729.86
16. Ronald Drews	1,080.00
17. Ruth Rockwood	585.13

THE BOARD FINDS:

1. First National Bank and Trust Company of Racine claims \$5,255.00 for the failure of a state employe to note claimant's security interest on the title to a 1977 Chevrolet owned by Daniel R. Braden and another, on or about May 24, 1977. The vehicle subsequently was sold to a third party. It is not clear how that party obtained a new title to the vehicle, from another state, and the alleged negligence of a state employe is not shown to have caused the claimant's loss. Accordingly, the Board concludes that the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

2. Edgar Boeing, Town of Richland, Richland County, Wisconsin, claims \$15,087.00 for alleged damages resulting from the flooding of Brush Creek. Claimant contends that a construction project on U.S. Highway 14, past his residence, was faulty in that a culvert installed under the raised highway was too small to drain off flood waters, with the result that claimant's home was flooded to a depth of about three feet above the first floor. The claimant has received \$1,600.00 in disaster aid from the Division of Emergency Government.

The Board finds that on equitable principles the claimant is entitled to some additional compensation, but that the amount should be \$1,000.00.

3. Zignego Contractors, Inc., Franklin, Wisconsin, claims \$5,834.38 additional compensation under a highway construction contract with the state. The dispute involves the construction of a phrase in the contract specifications, pertaining to deficiencies in depth of concrete paving. The specifications provide that if the pavement is deficient by more than 0.2 inch only a portion of the contract price will be paid, and the narrow issue here is how the deficiency is to be determined. Here three cases were taken by the

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Department of Transportation on a project, where the thickness was to be 9 inches. The Department added the three figures -- 8.4", 9.2" and 8.7" -- producing 26.3", and then averaged, resulting in a figure of 8.77". The claimant contends that the ultimate figure should be rounded to 8.8", which would mean no reduction in the contract price. The Board finds that the Department's method is in conformity with the specifications and with prior practice under those specifications. Accordingly, the Board concludes that 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. Beverly Brennan, Oshkosh, Wisconsin, claims \$36,235.69 as a result of a personal injury on the campus of the University of Wisconsin-Oshkosh. At the hearing, the amount claimed for pain and suffering was reduced from \$35,000 to \$6,000. On the evening of November 16, 1978, claimant attempted to enter the student union through a food service entrance on the north side of the building, to see her fiance who was putting on a play at the union that evening. The door was locked, and claimant then started to walk through a service area where dumpsters were kept, to get to a walk leading to the front of the building. In doing so she stumbled and hit her head against a dumpster. She received a one-inch laceration, which was sutured, and experienced muscular pain and weakness for about six weeks. The depression in the pavement, to which she attributed her fall, is minor and the area was lighted.

The claimant was familiar with the area and knew that dumpsters were kept there because of the Saga Foods Service operation. The food service door and adjacent trash handling area were not for use by the general public. Accordingly, the Board concludes that 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. Harvey Gomoll, Route 1, Wautoma, Wisconsin, claims \$1,244.25 because of deer damage to his standing corn. He applied to the Department of Natural Resources for compensation under sec. 29.595., Stats. but was denied relief, as provided by that section, because his land was posted against trespassing.

The Board concludes that the state is not legally liable for the damage and that there is no equitable principle upon which the state should pay a claim of this nature, where the non-posting requirement for relief under sec. 29. 595, Stats., has not been met.

6. Clarence Turenne claims \$109.72 for the cost of repainting one side of his car. On August 17, 1978, the claimant, an employe of Northern Wisconsin Center, parked his car in an authorized parking lot. Two witnesses observed a resident of the Center, who had found

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some keys, scratch and gouge claimant's car from the front fender to the trunk on the driver's side. The Board concludes the claim should be paid on equitable principles.

7. Albert Poellinger claims \$44.75 for loss of his woodworking tools on April 27, 1979, when a fire completely destroyed a barn at Waterwood Farm where Winnebago Mental Health Institute maintained a work-study program. Claimant was a foster grandparent who taught woodworking to patients at the site. The Board concludes the claim should be paid on equitable principles, but that the amount should be reduced to \$29.83 to allow for depreciation of claimant's tools.

8. Bill Groves claims \$356.40 for loss of a hairpiece which was destroyed by a resident of Mendota Mental Health Institute on July 23, 1979. While helping to subdue a patient, the patient grabbed hold of claimant's hairpiece and proceeded to tear it in two and pull the hair from its base. The hairpiece was purchased eight months before the incident at a cost of \$250.00. Based on an estimate of the life of this type of hairpiece, the Board concludes the claim should be paid on equitable principles in the reduced amount of \$125.00

9. Employer's Insurance of Wausau claims \$1,141.76 subrogation damages paid to one of its insured motorists as a result of an accident occurring on September 10, 1978, on State Highway 17 in Lincoln County. Claimant's insured, Daniel Spencer, while proceeding north on Highway 17, was struck by a vehicle being driven by a ward on escape status from Lincoln Hills School. Consistent with a long-standing policy of this board not to honor subrogation claims, the Board finds this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

10. Daniel Spencer claims \$134.90 as the result of an auto accident on September 10, 1978, in Lincoln County, when the claimant's car was struck by a vehicle being driven by a ward on escape status from Lincoln Hills School. Claimant's insurance company paid \$1,141.76 for damage to his auto. The instant claim is for \$51.45 for a battery damaged in the accident, \$75.20 loss of wages, \$2.75 accident report fee, and \$5.50 for telephone calls. Consistent with a long-standing policy of the Board to deny claims for damages caused by wards of the state while on escape status, the Board finds this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

11. Thomas Dunn claims \$2,953.39 for hospital, medical, and doctor bills incurred by his wife. Claimant was informed by the state

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that his health insurance coverage became effective February 1, 1978. Due to departmental error, his coverage did not start until March 1, 1978, after his wife incurred hospitalization expenses starting February 15, 1978. The Board concludes the claim should be paid on equitable principles.

12. Thomas O'Keefe claims \$185.00 for damage to his car on June 29, 1979. While traveling on Highway 35 north of Hudson, a vehicle approaching from the opposite direction allegedly caused stones being used by the county to fill cracks in the road to fly into claimant's windshield, damaging the windshield and causing paint chips on the fender of his car. There is no showing 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 liable, nor one which the state should assume and pay on equitable principles.

13. Wisconsin Telephone Company claims \$470.41 for damages to a buried telephone cable located on Highway 66 and Deer Lane in Portage. A State Highway Department employe while placing a sign post on March 14, 1979, damaged the cable with a post-hole digger. The Board concludes the claim should be paid on equitable principles.

14. Kenosha Cartage Company, Inc., claims \$834.65 for damage to its scale on July 28, 1979, when a member of the State Patrol brought a dump truck to be scaled. In lowering an axle and moving on the scale, plus applying the brakes too harshly, the scale was damaged. The Board concludes the claim should be paid on equitable principles.

15. The City of West Allis claims \$2,729.86 because of an assessment of Allis-Chalmers Corporation manufacturing property for 1975. The assessment, made by the Department of Revenue, ultimately was held to be excessive, and the claimant had to refund \$341,449.00, plus interest, to the corporation. \$2,104.73 of the basic tax had been remitted to the state as state forestation tax. It is that amount, plus \$625.13 in interest, for which the city seeks a refund. The Board concludes that on equitable principles the claim should be paid.

16. Ronald Drews claims \$1,080.00 for alleged deer damage to his corn crop from October 1978 to April, 1979. The Department of Natural Resources was not notified of this claim until December 18, 1978. Under sec. 29.595, Stats., claims for deer damage must be presented to the department within 10 days from the time the damage first occurs. In addition, the statute provides that damages are not to be paid to a person who has land posted against trespass or hunting. Claimant's land was posted against trespass. The Board concludes

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this claim is not one for which the state is liable, nor one which the state should assume and pay on equitable principles.

17. Ruth Rockwood claims \$585.13 as medical expenses for an accident which occurred on March 14, 1979, at the State Office Building in Wisconsin Rapids. The claimant opened the door to a landing when the wind "took the door," and she fell, breaking her left wrist. The Board concludes the claim for medical expenses should be paid on equitable principles.

THE BOARD CONCLUDES:

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

First National Bank & Trust Company of Racine
Zignego Contractors, Inc.
Beverly Brennan
Harvey Gomoll
Employers Insurance of Wausau
Daniel Spencer
Thomas O'Keefe
Ronald Drews

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

Edgar Boeing	\$1,000.00
Clarence Turenne	109.72
Albert Poellinger	29.83
Bill Groves	125.00
Thomas Dunn	2,953.39
Wisconsin Telephone Co.	470.41
Kenosha Cartage Co., Inc.	834.65
City of West Allis	2,729.86
Ruth Rockwood	585.13

Dated at Madison, Wisconsin, this 31st day of October, 1979.

GERALD D. KLECZKA
Senate Finance Committee

VIRGIL D. ROBERTS
Assembly Finance Committee

LAURIE ANN McCALLUM
Representative of Governor

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EDWARD D. MAIN
Representative of Secretary of
Administration

E. WESTON WOOD
Representative of Attorney
General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 1, 1979.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
385 -----	49-----	November 1, 1979
371 -----	50-----	November 1, 1979
17 -----	51-----	November 1, 1979
258 -----	52-----	November 1, 1979

Sincerely,
LEE SHERMAN DREYFUS
Governor

REVISED LETTER

State of Wisconsin
Office of the Governor
Madison, Wisconsin

July 31, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Dr. James Helms, of Pulaski, a member of the Veterinary Examining Board, to succeed Darold Strandberg, of

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Alma Center, who resigned, pursuant to the statutes governing, to serve the balance of the term ending July 1, 1983.

Sincerely,
LEE SHERMAN DREYFUS
Governor

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Assembly Joint Resolution 91

Passed and asks concurrence in:

Assembly Bill 169
Assembly Bill 103
Assembly Bill 531
Assembly Bill 877

Concurred in:

Senate Bill 23
Assembly Bill 2, senate amendments 3 and 4

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 91

In support of the Wisconsin delegation to the White House conference on small business.

By Representatives Hasenohrl, Shoemaker, Byers, Menos, Cogs, Behnke, Wood, Kincaid, Potter, Larson, Stitt, Dilweg, Harer, Ferrall and Kedrowski.

Read and referred to committee on Aging, Business and Financial Institutions and Transportation.

Assembly Bill 169

Relating to domestic abuse, creating a council on domestic abuse, creating an appropriation and providing penalties.

By Legislative Council.

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

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Assembly Bill 103

Relating to authorization of school districts and others to utilize savings or checking accounts in public depositories.

By Representatives Tuczynski, Hasenohrl, Potter, Swoboda, R. Travis, Fischer, Bradley, Lorman, Gerlach and Radtke.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

Assembly Bill 531

Relating to printing the word "Wisconsin" in white on all state flags.

By Representatives Behnke, Matty, Porter, Vanderperren, Wahner, Ferrall, Kincaid, Dorff, Menos, Pabst, Hauke, Potter, Helbach, Wood, Schneider, Roberts, Rogers, Hephner, Kirby, Conradt, Bradley, Paulson, Lewison, Laatsch, Ladwig, Lee, Klicka, Wagner, Omernick, Barczak, Hopkins, Larson, Donoghue, McEssy, DeLong, Harsdorf, Merkt, Rutkowski, Tregoning, Schmidt, Jackamonis, Coggs, Everson, Fischer, Gerlach, Broydrick, Medinger, Norquist, Ulichny, Ward, Hasenohrl, Lallensack, R. Travis, Radtke, McClain, Tesmer, Soucie, Otte, Ellis, Rooney, Murray, Shoemaker, Swoboda, Andrea, Tuczynski, Gagin, Gunderson, Prosser, Quackenbush, Barry, Dilweg, Thompson, Goodrich, Shabaz, Harer, Lorman, Young, Byers, Snyder, Luckhardt, Kedrowski, Czerwinski, Becker, Clarenbach, Johnson, Loftus, Smith, D. Travis, Lingren and Duren, co-sponsored by Senators Cullen, Murphy, Berger, Lasee, Van Sistine, Theno, Swan, Opitz, Adelman, Kreul, Risser, Moody, Goyke, Braun, Kleczka, Bear, Roshell and Radosevich, by request of Milwaukee Professional Police Association.

Read first time and referred to committee on Governmental and Veterans Affairs.

Assembly Bill 877

Relating to clarifying statutory language regarding the duties of the depository selection board (suggested as remedial legislation by the state treasurer).

By Committee on Remedial Legislation.

Read first time and referred to committee on Education and Revenue.

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STATEMENT OF POSITION

Pursuant to Senate Rule 74, the journal showed that had Senator Hanaway been present he would have voted as follows on the measure enumerated below:

Senate Bill 87 - aye

AMENDMENTS OFFERED

Senate amendment 2 to senate substitute amendment 2 to **Senate Bill 249** by Senator Adelman.

Senate substitute amendment 1 to **Senate Bill 320** by Senator Berger.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 146

In enrolling, the following correction was Made:

1. On page 37, line 14, substitute "code" for "laws", as currently shown in the 1977 statutes.

Senate Bill 316

1. On page 2, line 1, substitute "basis" for "bases".

Senate Bill 366

1. On page 1, line 3, substitute "103.13" for "193.13".

Senate Bill 395

1. On page 3, line 27, delete "and until one under s. 341.08(2)(dm)".

Assembly Bill 636, assembly substitute amendment 2

1. On page 10, line 23, delete "depreciate" and substitute "depreciated".

Assembly Bill 742, assembly substitute amendment 1

1. On page 23, line 10, delete "(a)".
2. On page 31, line 9, substitute "(b)" for "(a)".

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Assembly Bill 742, assembly substitute amendment 2

1. On page 20, line 11, delete "(a)".