

JOURNAL OF THE SENATE

Eighty-Fourth Regular Session

WEDNESDAY, July 16, 1980.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

July 8, 1980.

To the Honorable, the Senate

Senators:

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

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.

DeWitt, Jack R., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; J.H. Findorff & Sons, Inc., 601 W. Wilson St., Madison, WI 53703 (608) 257-5231; 4, 20, 22; Heglesteel Corp., 2833 Milton Ave., Janesville, WI 53545 (608) 251-3400; 4, 20, 22; Associated Mechanical Contractors, Inc., 10201 W. Lincoln Ave., West Allis, WI 53227 (414) 327-3530; 4, 20, 22; Marshall Erdman and Associates, Inc., 5117 University Ave., Madison, WI (608) 238-0211; 4, 20, 22; Grunau Co., Inc., 307 W. Layton St., Milwaukee, WI 53201 (414) 769-5444; 4, 20, 22.

Conta, Dennis J., 2611 N. Wahl Ave., Milwaukee, WI 53211 (414) 962-3118; Wisconsin Assn. of Manufacturers & Commerce, 120 Wisconsin Ave., Madison, WI 53703 (608) 255-2312; 22; 1, 70.

Lewandowski, Richard J., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; J.H. Findorff & Sons, Inc. 601 W. Wilson St., Madison, WI 53702 (608) 257-5231; 4, 20, 22; Helgesteel Corp., 2833 Milton Ave., Janesville, WI 53545 (608) 251-3400; 4, 20, 22; Associated Mechanical Contractors, Inc., 10201 W. Lincoln

JOURNAL OF THE SENATE

Ave., West Allis, WI 53227 (414) 327-3530; 4, 20, 22; Marshall Erdman and Associates, Inc., 5117 University Ave., Madison, WI (608) 238-0211; 4, 20, 22; Grunau Co., Inc., 307 W. Layton St., Milwaukee, WI 53201 (414) 769-5444; 4, 20, 22.

Murdock, Donald R., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; J.H. Findorff & Son, Inc., 601 W. Wilson St., Madison, WI 53703 (608) 257-5231; 4, 20, 22; Helgesteel Corp., 2833 Milton Ave., Janesville, WI 53545 (608) 251-3400; 4, 20, 22; Associated Mechanical Contractors, Inc., 10201 W. Lincoln Ave., West Allis, WI 53227 (414) 327-3530; 4, 20, 22; Marshall Erdman and Associates, Inc., 5117 University Ave., Madison, WI (608) 238-0211; 4, 20, 22; Grunau Co., Inc., 307 Layton St., Milwaukee, WI 53201 (414) 769-5444; 4, 20, 22.

TERMINATIONS:

Hanson, Thomas S., lobbyist for Wisconsin Assn. of School Boards, Inc., effective June 30, 1980.

Heider, Robert R., lobbyist for League of Suburban Municipalities, Shell Oil Company, effective June 30, 1980.

Wimmer, James W., Jr., lobbyist for Village of Shorewood, effective June 30, 1980.

REGISTRATION AMENDMENT:

Peterson, Richard E., lobbyist for Kindy Optical, Route 1, Box 67, Weyauwega, WI 54983 (414) 867-3513.

REGISTRATION STRIKEN FROM THE LOBBYING FILE:

American Medical Services, Inc., principal and lobbyist, Dennis J. Conta, effective July 8, 1980.

State of Wisconsin
Department of Justice
Madison, Wisconsin

July 3, 1980

The Wisconsin Legislature
State Capitol
Madison, Wisconsin

Dear Legislators:

Chapter 72, Laws of 1979, the Citizens Utility Board Act, became effective on November 29, 1979. Section 1m of that chapter requests the Attorney General to give his opinion on the constitutionality of the state creating a corporation under that chapter, particularly in light of Wis. Const. art. XI, sec. 1.

JOURNAL OF THE SENATE

Chapter 72, Laws of 1979, creates ch. 199, Stats. A "nonprofit public body corporate and politic," known as the "Citizens Utility Board (CUB)", is created under sec. 199.04(1), Stats. The purpose of the Board is to represent the interest of residential utility consumers in matters concerning electric, water, natural gas and telephone utilities in all levels of government, including advocacy as a party in the proceedings of state and local regulatory agencies such as the Public Service Commission. The state provides no funding to CUB under the act. Any residential utility consumer at least eighteen years old who has contributed at least \$3 but not more than \$100 to the Board in the preceding twelve months shall be a member of the corporation. CUB must have at least 1,000 members and at least \$10,000 in contributions within five years or it shall be dissolved. CUB is managed by a board of directors. Two directors represent each congressional district and are elected by members in the district.

The constitutionality of ch. 199, Stats., like any other statute, is presumed. The Wisconsin Supreme Court will find a legislative enactment unconstitutional only in the event that violation of a specific constitutional provision can be shown beyond a reasonable doubt, with all doubts to be resolved in favor of constitutionality. State ex rel. Hammermill Paper Co. v. LaPlante, 58 Wis. 2d, 32, 46, 205, N.W.2d 784 (1973).

The request for an attorney general's opinion regarding the constitutionality of ch. 199, Stats., makes specific reference to Wis. Const. art XI, sec. 1. This section provides:

Corporations without banking powers or privileges may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws or special acts or acted under the provisions of this section may be altered or repealed by the legislature at any time after their passage.

Two related constitutional provisions are Wis. Const. art. IV, secs. 31 and 32. Wisconsin Constitution art. IV, sec. 31, provides in pertinent part:

The legislature is prohibited from enacting any special or private laws in the follow cases:

.....

7th. For granting corporate powers or privileges, except to cities.

Wisconsin Constitution art. IV, sec. 32, provides: "The legislature shall provide general laws for the transaction of any

JOURNAL OF THE SENATE

business that may be prohibited by section thirty-one of this article, and all such laws shall be uniform in their operation throughout the state."

In Attorney General v. Railroad Companies, 35 Wis. 425 (1874), the Wisconsin Supreme Court stated that Wis. Const. art. IV, secs. 31 and 32, acted upon the first clause of Wis. Const. art. XI, sec. 1, by removing the legislative discretion available to form corporations, for other than municipal purposes, by special act, thus making it mandatory that the Legislature grant corporate powers except to cities only by general laws rather than by special laws. Therefore, if the creation of a corporation by the Legislature complies with Wis. Const. art. IV, secs. 31 and 32, it will also comply with the first clause of Wis. Const. art. XI, sec. 1.

The purpose of Wis. Const. art. IV, sec. 31, was discussed by the Wisconsin Supreme Court in State ex rel. LaFollette v. Reuter, 36 Wis. 2d 96, 153, N.W.2d 49 (1967). After reviewing the background of the original constitutional amendment of 1871, which became Wis. Const. art. IV, sec. 31, the court stated: "The purpose of this constitutional provision is to insure that legislation will promote the general welfare and further statewide interests, as opposed to private concerns." 36 Wis. 2d at 113.

Since, unlike most corporations, CUB is specifically created by statute and specific powers are granted to it by statutes, the question arises whether corporate powers or privileges are granted by special or private law in violation of Wis. Const. art. IV, sec. 31. Recent cases in which the Wisconsin Supreme Court has upheld the constitutionality of statutes specifically creating two corporate entities, the Wisconsin Housing Finance Authority and the Wisconsin Solid Waste Recycling Authority, suggest that ch. 199, Stats., is not a special or private law.

In State ex rel. Warren v. Nusbaum, 59 Wis. 2d 391, 208 N.W. 2d 780 (1973), the court considered the constitutionality of ch. 234, Stats., which created the Wisconsin Housing Finance Authority. The Authority was designed to issue notes and bonds and in turn was to make money available to the housing industry at reduced rates. The developers could then sell or rent housing to low and moderate income families, thereby tending to eliminate substandard housing conditions in the state and accomplish other objectives set forth in the enabling legislation. The court stated:

The Authority, denominated a public body corporate and politic, is granted only those powers "necessary or convenient" to implement the purposes of ch. 234, Stats. It was not the intention of the legislature to create a corporation in the

JOURNAL OF THE SENATE

ordinary sense. Ch. 234 grants to the Authority those corporate powers essential to its performance in improving and otherwise promoting the health, welfare and prosperity of the people of this state.

59 Wis. 2d at 446. The court further stated that Wis. Stats. art. IV, sec. 31, was not meant to deny the Legislature the authority to grant limited corporate powers to the entities it creates to promote a public and state purpose. The court held that ch. 234, Stats., was neither a special nor private law since it promoted a legitimate governmental and statewide purpose as declared by the Legislature rather than the promotion of private or local interests.

In Wisconsin Solid Waste Recycling Auth. v. Earl, 70 Wis. 2d 464, 235 N.W.2d 648 (1975), the court considered the constitutional validity of ch. 305, Laws of 1973, which created the Wisconsin Solid Waste Recycling Authority. The court found that the Authority involved a legitimate governmental and statewide purpose to assist local units of government and the private solid waste management industry in providing the necessary systems, facilities, technology and services for solid waste management and resources recovery. Relying on Nusbaum, the court concluded that the statute did not violate Wis. Const. art. IV, sec. 31.

Like the Wisconsin Housing Finance Authority, CUB was not intended by the Legislature to be a corporation in the ordinary sense. As previously noted, CUB is designated in sec. 199.04(1), Stats., as a public body corporate and politic. The corporation is provided, under sec. 199.05(2), Stats., with "all the powers necessary or convenient for the effective representation and protection of the interests of residential utility consumers and to implement this chapter." Also, sec. 199.02, Stats., expressly declares that CUB is created to promote public purposes, not private one:

The purpose of this chapter is to promote the health, welfare and prosperity of all the citizens of this state by ensuring effective and democratic representation of individual farmers and other individual residential utility consumers before regulatory agencies, the legislature and other public bodies and by providing for consumer education on utility service costs and on benefits and methods of energy conservation. Such purpose shall be deemed a statewide interest and not a private or special concern.

Certainly the cost and distribution of public utility service is a public concern. This was recognized by the Wisconsin Supreme Court over forty years ago in State ex rel. Wisconsin Dev. Authority v. Dammann, 228 Wis. 147, 277 N.W. 278 (1938). In considering

JOURNAL OF THE SENATE

whether the use by the Wisconsin Development Authority of a statutorily authorized appropriation was for a public purpose, the Wisconsin Supreme Court stated:

The use of electric energy and other services named (utility services) has become so essential in the industrial, commercial, agricultural, transportation, and domestic activities of everyday life, and to the economic well-being and general welfare of the people of this state, that it has come into the category of public necessities and the state-wide distribution thereof at the lowest possible reasonable cost can rightly be considered a matter of public concern and clothed with a public interest.

228 Wis. at 183-84.

Chapter 199, Stats., clearly promotes statewide interests as opposed to purely local ones. It applies uniformly statewide to residential utility consumers. The fact that only residential utility consumers may be members of CUB does not in my opinion make ch. 199, Stats., a special law rather than a general law. As the Wisconsin Supreme Court stated in Johnson v. The City of Milwaukee, 88 Wis. 383, 390, 60 N.W. 270 (1894):

It is not required that all general laws shall be equally general. A law legislating for a class is a general law when it is for a class "requiring legislation peculiar to itself in the matter covered by the laws." A law relating to particular persons or things as a class is said to be general; while a law relating to particular persons or things of a class is deemed special and private. Whether such laws are to be deemed general laws or special laws depends very much upon whether the classification is appropriate.

The court in Johnson listed four rules for determining the propriety of a classification: 1) all classifications must be based on substantial distinctions which make one class really different from another; 2) the classification must be germane to the purpose of the laws; 3) the classification must not be based on only existing circumstances; and 4) the law must apply equally to each member of the class. 88 Wis. at 390-92. CUB would seem to satisfy these tests. Significant distinctions can be made between residential utility consumers and other consumers of utility services, in terms both of interests and representation before legislative and regulatory bodies. The interests of all residential utility consumers are to be represented by CUB and inclusion in the class is not limited to circumstances existing at the time ch. 199, Stats., became effective.

In summary, I believe the Wisconsin Supreme Court would find that the creation of CUB by ch. 199, Stats., promotes a legitimate

JOURNAL OF THE SENATE

public and statewide purpose as declared by the Legislature, and that ch. 199, Stats., is a general law rather than a special or private one. It is therefore my opinion that ch. 199, Stats., does not violate Wis. Const. art. XI, sec. 1, art. IV, Sec. 31 or art. IV, sec 32.

Sincerely yours,
BRONSON C. LAFOLLETTE
Attorney General

State of Wisconsin
Claims Board

July 13, 1980.

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 June 16, 1980.

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 June 16, 1980, upon the following claims:

<i>Claimant</i>	<i>Amount</i>
Chester Parker	\$4,000.00

JOURNAL OF THE SENATE

Frederick Antisdell	27,430.22
Louis Vossekuil	10,000.00
Monroe County	10,640.26
Robert Hopkins	3,146.39
Gary Sneyd	534.00
Paula Tibbs	590.00

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

Mrs. Franklin Edwards	\$100.00
Marie Gauthier	414.84
Merlin Rindahl	585.08
Kenneth Liebherr	740.51
River Falls Fur Buyers	300.00
City of Nekoosa	145.00
General Casualty Co.	1,856.22
Patrick O'Rourke	44.72
Roy Smith	247.39
Eugene Schettle	4.80
Wisconsin Natural Gas Co.	445.45
Richard Devitt	390.48
Marilyn George	29.12
Mary Gritzmacher	107.50
Genevieve Jensen	80.00
Nancy Cerro	60.00

THE BOARD FINDS:

1. Chester Parker, Oak Creek, claims \$4,000 for two new prostheses, special shoes, medical and hospital charges relating to an injury he sustained at Grede Foundaries on December 12, 1962. Claimant has previously received worker's compensation but was erroneously informed by the Department of Industry, Labor and Human Relations that the statute of limitations had run for further claims relating to his injury. The Board concludes this claim in the reduced amount of \$1,000 should be paid, based on equitable principles.

2. Frederick Antisdell, of Oak Creek, claims \$2,430.22 hospital and medical expenses and \$25,000 for pain and suffering resulting from an alleged injury he sustained at the State Fair Park on August 12, 1978. Claimant indicates his insurance carrier has paid \$2,430.22. The State Fair Park has no record of an accident occurring or being reported on the above date. The Board concludes 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.

JOURNAL OF THE SENATE

3. Deborah J. Vossekuil, mother of Louis Laroy Vossekuil, of Waupun, claims \$10,000 for her son for medical and hospital expenses, pain and suffering and future surgery relating to an accident at Wisconsin State Prison on January 7, 1976. Louis Vossekuil, three years old at the time, and his mother became separated by a security gate at the institution. As he ran toward a plate glass door looking for his mother, the boy tripped on a floor mat and fell through the plate glass door, sustained facial injuries and a wound to his right thumb. The Board concludes this claim in the reduced amount of \$1,000 should be paid, based on equitable principles.

4. Monroe County claims \$10,640.26 for emergency fire warden, fire fighters and private equipment costs used in the suppression of a forest fire near Black River Falls on August 27, 1976. A train engine operated by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company caused the fire, resulting in Department of Natural Resources costs of \$15,899.17 and non-department costs of \$35,280.52. By statutes, one-half of non-department costs are to be paid by the county where the fire suppression services were performed and one-half are to be paid by the state. Monroe County's share was \$17,640.26. Subsequently, agreement was reached with the railroad company to repay the entire costs, or \$51,179.69 at a rate of \$4,300 per month. Monroe County was credited with \$2,000 after the first payment from the railroad company. Bankruptcy proceedings have been filed involving the railroad and no further payments have been received. The Board concludes 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. Robert Hopkins, of Madison, claims \$3,146.39 for medical and hospital expenses relating to surgery for an appendectomy on October 31, 1979. Claimant, an employe of the University of Wisconsin, assumed that when he signed up for health insurance coverage on October 8, or 9, 1979, coverage would be immediate. In fact, health insurance coverage was not effective until November 1, 1979. The Board concludes 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. Gary Sneyd, of Thiensville, claims \$3,689.25 for medical expenses and lost wages, resulting from an accident he sustained on a basketball court at the Klotsche Recreation Center at the UW-Milwaukee. Claimant was playing on a court adjacent to the long jump sand pit and when he attempted a lay up, his foot slipped on

JOURNAL OF THE SENATE

sand and he sustained injury to his knee. The claimant's insurance company has paid \$3,047.85 and the claimant paid \$196 in medical expenses. The Board concludes the uninsured portion of claimant's medical expenses in the amount of \$196 should be paid, based on equitable principles.

7. Paula Tibbs, of Milwaukee, claims \$590 for loss of personal property from her dormitory room at the UW-Milwaukee on August 17, 1978. Claimant alleges she locked the outer door to suite 1320A in Sandburg Hall, and also locked the door to her room before she left. Upon her return, the door to her room was not locked. Residents are informed it may be advisable to secure insurance as the UW accepts no responsibility for thefts of personal property. Claimant had no personal property insurance. The Board concludes 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. Marie Gauthier, of Radisson, claims \$414.84 for the loss of her dog, cost of care and replacement of the dog, which was killed on November 25, 1979, by a Department of Natural Resources employe who thought the dog was was running deer. Wisconsin statutes permit certain law enforcement officers to destroy any dogs found running deer, however, this dog was not running deer. The Board concludes this claim in the reduced amount of \$100 should be paid based on equitable principles.

9. Mrs. Franklin Edwards, of Radisson, claims \$100 for the loss of her dog, which was killed November 25, 1979 by a Department of Natural Resources employe who thought the dog was running deer. Wisconsin statutes permit certain law enforcement officers to destroy any dogs found running deer, however, this dog was not running deer. The Board concludes this claim in the amount of \$100 should be paid on equitable principles.

10. Merlin Rindahl, of Ettrick, claims \$585.08 for reimbursement of the difference between the regular property tax for 1979 and the 40c per acre which would have been due had the Department of Natural Resources not erred in entering the eligible land under the woodland tax law. The Board concludes this claim in the amount of \$585.08 should be paid based on equitable principles.

11. Kenneth Liebherr, of Milwaukee, claims \$740.51 for damages to his car when he was involved in an accident with a vehicle driven by a Department of Natural Resources employe in the Horicon Marsh on November 13, 1979. The Board concludes there is 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

JOURNAL OF THE SENATE

state is legally liable, nor one which the state should assume and pay based on equitable principles.

12. River Falls Fur Buyers, of River Falls, claims \$300 for the loss of furs being held as evidence in a theft from the claimant. On February 2, 1979, wardens of the Department of Natural Resources deposited 48 muskrat hides valued at \$6.25 each, on the floor of the Red Cedar Trail Despot, instead of placing them in the evidence freezer. When the furs were picked up for delivery to claimant on April 14, 1979, they were found to be a total loss due to rodent damage. The Board concludes this claim in the amount of \$300 should be paid, based on equitable principles.

13. City of Nekoosa claims \$45 for an officer's pair of boots and \$100 deductible insurance on a squad car which were damaged during the apprehension of an inmate on escape status from Wisconsin State Prison at Waupun on April 7, 1979. The Board concludes there has been no 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. General Casualty Company of Wisconsin claims \$1,856.22 subrogation damages. Its insured, the City of Nekoosa submitted a claim to the insurance company for damages to a 1977 squad car by an inmate who was on escape status from the Waupun Correctional Institution on April 7, 1979. It is a long-standing policy of the Board to deny payment of subrogation claims made by insurance carriers. The Board concludes 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.

15. Patrick O'Rourke, of Chippewa Falls, claims \$44.72 for labor and materials to repair his car, which was parked at the Northern Center for Developmentally Disabled. A resident of the Center was observed scratching the hood of claimant's car with her fingernails. The Board feels the damage caused is not commensurate with the amount of repair claimed, and this claim is not one for which the state should assume and pay based on equitable principles.

16. Roy Smith, an inmate at Wisconsin State Prison at Waupun, claims \$247.39 when the basement of the Adjustment Center flooded on January 23, 1979 and damaged his personal property which was stored in the basement. The Board concludes 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.

17. Eugene Schettle, a patient at Mendota Mental Health Institute, claims \$4.80, the amount of money which was put in a

JOURNAL OF THE SENATE

cabinet drawer when he was placed in seclusion at the institute on March 12, 1980. Patients are instructed to leave money in envelopes at the nursing station. The Board concludes 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.

18. Wisconsin Natural Gas Company, of Racine, claims \$445.45 for damages to its gas main located in Whitewater. On October 24, 1979, the maintenance department for the University of Wisconsin, while using a power auger to drill holes for a pole building, failed to determine the location of gas facilities prior to commencement of the work. The Board concludes the claim in the amount of \$445.45 should be paid, based on equitable principles.

19. Richard Devitt, of Madison, claims \$390.48 for the replacement cost of books, supplies and labor in reassembling his research materials. On February 16, 1980, an act of vandalism to a plumbing fixture at the University of Wisconsin Memorial Library caused flooding into a carrel rented by claimant, which was not discovered until the following day. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employes and the 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. Marilyn George, of Madison, claims \$29.12 for loss of a cigarette lighter which she left on her desk in the Lorraine Building on February 1, 1980. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employes and the 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. Mary Gritzmacher, of Madison, claims \$107.50 for the loss of a wallet (\$27.50), stop payment charge on personal checks (\$5), and cash (\$75), at the Department of Regulation and Licensing. On January 3, 1980 claimant left her office for about a minute and upon returning, saw two men leaving her office area. When she looked in her purse, she discovered her wallet missing. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employes and the claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

22. Genevieve Jensen, of Elkhorn, claims \$80 for repair of an engagement ring which was damaged on March 4, 1980 when she caught her hand between two mixing bowls while working in the kitchen at the Wisconsin School for the Deaf. The Board concludes

JOURNAL OF THE SENATE

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

23. Nancy Cerro, of Madison, claims \$17, \$20 and \$23 as the replacement costs for damage to three pairs of slacks which were snagged by a spring that worked its way through her desk chair in the Senate Chief Clerk's Office during the week of February 25 through March 3, 1980. Claimant should have had knowledge of a defect after the first pair of slacks had been damaged and the Board concludes that, on equitable principles, the claimant should receive \$17 in full settlement of this claim.

THE BOARD CONCLUDES:

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

Frederick Antisdell
Monroe County
Robert Hopkins
Paula Tibbs
Kenneth Liebherr
City of Nekoosa
General Casualty Company
Patrick O'Rourke
Roy Smith
Eugene Schettle
Richard Devitt
Marilyn George
Mary Gritzmacher
Genevieve Jensen

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

Chester Parker	\$1,000.00
Louis Vossekuil	1,000.00
Gary Sneyd	196.00
Mrs. Franklin Edwards	100.00
Marie Gauthier	100.00
Merlin Rindahl	585.08
River Falls Fur Buyers	300.00
Wisconsin Natural Gas Co.	445.45
Nancy Cerro	17.00

JOURNAL OF THE SENATE
BEFORE THE
CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on June 16, upon the following claims:

THE BOARD FINDS:

Robert M. Leff, Ph.D., claims \$4,889.47 in attorney fees, \$26.00 personal long distance phone charges, plus \$433 interest on the above amounts relating to criminal charges lodged against him pursuant to s.940.29, Wis. Stats., for alleged ill treatment of a patient at Mendota Mental Health Institute, resulting in a patient's death in August, 1977. Charges were dismissed against claimant on August 24, 1979. The Departments of Health and Social Services and Justice declined representation of claimant, due to possible conflicts of interest. Pursuant to ss.285.06 and 285.11, Wis. Stats., the Board concludes this claim should be paid in the amount of \$4,889.47.

Dated at Madison, Wisconsin, this 3rd day of July, 1980.

GERALD D. KLECZKA

Senate Finance Committee

VIRGIL D. ROBERTS

Assembly Finance Committee

LAURIE ANNN McCALLUM

Representative of Governor

EDWARD D. MAIN

Representative of Secretary of

Administration

WARD L. JOHNSON

Representative of Attorney

General

JOURNAL OF THE SENATE

State of Wisconsin
Legislative Council

July 3, 1980.

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

Dear Mr. Schneider:

Enclosed is a copy of the Digest of Council Bills in 1979 Session. I would appreciate it if you would note in the next Journal of the Senate that this report has been filed in your office.

Thank you.

Cordially,
BONNIE REESE
Executive Secretary

SENATE CLEARINGHOUSE RULES

Clearinghouse Rule 79-29

A rule to create Ch. H 80, relating to boat and on-shore sewage facilities.

Submitted by Department of Health and Social Services.

Report received from agency, July 8, 1980.

Referred to committee on Natural Resources and Tourism, July 16, 1980.

Clearinghouse Rule 79-31

A rule to create Ch. H 64, relating to certification of soil testers.

Submitted by Department of Health and Social Services.

Report received from agency, July 8, 1980.

Referred to committee on Natural Resources and Tourism, July 16, 1980.

Clearinghouse Rule 79-72

A rule to amend VA 4.01(7) and 4.05(5)(a), relating to computation of income of construction workers for determining eligibility for veterans housing loans.

Submitted by Department of Veterans Affairs.

Report received from agency, July 15, 1980.

Referred to committee on Governmental and Veterans Affairs, July 16, 1980.

JOURNAL OF THE SENATE

Clearinghouse Rule 79-73

A rule to renumber VA 1.10(11); to renumber and amend VA 1.10 (12); to amend VA 1.10(1), (3), (6), (b), (9) and (10); to repeal and recreate VA 1.10(8); and to create VA 1.10(11), (12) and (13), relating to release of information by the Department of Veterans Affairs.

Submitted by Department of Veterans Affairs.

Report received from agency, July 15, 1980.

Referred to committee on Governmental and Veterans Affairs, July 16, 1980.

Clearinghouse Rule 80-28

A rule to amend H 95.02(2) and (3), 95.11(4), 96.02(2), 96.13(4), 98.01, 98.02(1)(a), (b) and (c), 98.02(2), (3), (4) and (5), 98.03(1) and (2), 98.04(2), 98.06(1), 98.08(4), 98.11(1), 98.14(1) and (2), 98.15(1) and (2), 98.16(2) and 98.17, relating to restaurants, hotels and tourist rooming houses and vending of food and beverages.

Submitted by Department of Health and Social Services.

Report received from agency, July 7, 1980.

Referred to committee on Aging, Business and Financial Institutions and Transportation, July 16, 1980.

Clearinghouse Rule 80-62

A rule to create Ch. CU 65, relating to credit union services corporations.

Submitted by Office of the Commissioner of Credit Unions.

Report received from agency, July 9, 1980.

Referred to committee on Aging, Business and Financial Institutions and Transportation, July 16, 1980.

Clearinghouse Rule 80-89

A rule to amend HSS 1.02(6), 1.02(7) and 1.03(18)(a), relating to raising the maximum billing amounts to parents of minor clients who receive services subject to the uniform fee system.

Submitted by Department of Health and Social Services.

Report received from agency, July 4, 1980.

Referred to committee on Human Services, July 16, 1980.

JOURNAL OF THE SENATE

Clearinghouse Rule 80-108

A rule to renumber NR 10.01(4)(d) 2 c and 10.201(1) to (3); to amend NR 10.01(4)(d) 2 b and 3 b, 10.06(2)(e) and 10.22(2)(b) 3 a; to repeal and recreate 10.01(3)(d) and (e) 9 e and (4) (c), 10.13(1)(b) 5 and 10.22(2)(b) 1 and 2; and to create NR 10.01(4)(d) 2 c and 10.201(1) and (2), relating to the protection of game and fur bearing animals.

Submitted by Department of Natural Resources.

Report received from agency, July 3, 1980.

Referred to committee on Natural Resources and Tourism, July 16, 1980.

The committee on Natural Resources and Tourism reports and recommends:

Clearinghouse Rule 80-81

A rule to amend NR 20.03(1)(f) 1 a and to create NR 20.04 (7)(e), relating to a fishing for fun section on Trout Creek, Iowa County.

No action taken.

Clearinghouse Rule 80-61

A rule to repeal and recreate NR 46.09(2), relating to stumpage values of severance tax on wood cut on forest crop low lands.

No action taken.

Clearinghouse Rule 80-110

A rule to amend NR 112.15(8)(b) 1 c, relating to injection of pesticides into the well discharge pipe of an irrigation system.

No action taken.

THOMAS W. HARNISCH

Chair

The committee on Insurance and Utilities reports and recommends:

Clearinghouse Rule 80-95

A rule to repeal Grp 4.01, 12.01 and 22.01, relating to due dates for reports and remittances for state group health and group life insurance premiums.

No action taken.

KURT A. FRANK

Chair

JOURNAL OF THE SENATE

The committee on Agriculture, Labor and Local Affairs reports and recommends:

Clearinghouse Rule 80-64

A rule to repeal and recreate Ch. Ind 69, relating to fee schedule.

No action taken.

JEROME VAN SISTINE
Chair