

JOURNAL OF THE SENATE

Eighty-Fourth Regular Session

FRIDAY, December 19, 1980.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Elections Board

December 11, 1980

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

To the Honorable, the Senate:

Please be advised that Barbara K. Lorman, Republican, 712 Frederick Ave., Fort Atkinson, Wisconsin 53538, was elected State Senator at the Special Election held in the 13th Senate District on December 2, 1980.

Very truly yours,
GERALD J. FERWERDA
Secretary

State of Wisconsin
Office of the Secretary of State

Whereas, as of August 19, 1980, under the authority of s. 13.63(2), Wis. Stats., I issued an order suspending the privilege of John Lawton and Roy E. Kubista to lobby on behalf of such lobbyists' principal, Milwaukee District Council 48, AFSCME, for the reason that such principal had failed to file an expense statement required under s. 13.68, Wis. Stats.; and

Whereas, such principal has now filed such expense statement, now, therefore,

I, Vel Phillips, as Secretary of State of Wisconsin, under the authority of s. 13.63(2), Wis. Stats., do hereby restore unto said John Lawton and Roy E. Kubista the privilege of lobbying on behalf of Milwaukee District Council 48, AFSCME, as principal, in accordance with the provisions of Subchapter III of Chapter 13 of the Wisconsin Statutes.

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Dated this 17th day of November, 1980.

VEL. PHILLIPS

Secretary of State

State of Wisconsin
Affirmative Action Council

November 21, 1980

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

Dear Mr. Schneider:

As required by State Statute (Chapter 230.46), the Annual Report of the State Council on Affirmative Action is hereby submitted. Please inform the members of the Senate of the availability of the report.

Additional copies may be obtained from the State Affirmative Action Office, 149 E. Wilson St., Room 105, Madison, Wisconsin 53702, telephone number 266-8888.

Sincerely,

MARY TURNQUIST

Chair

State of Wisconsin
Claims Board

December 8, 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 November 10, 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.

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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 November 10, 1980, upon the following claims:

<i>Claimant</i>	<i>Amount</i>
Thomas Norton	\$114.00
Ossit Church Furniture	38,377.58
Eunice Peterson	6,356.00
Ahn, Tai Young	176.18
City of Oshkosh	40,242.13
Estate of Anton Fudzinski	60.00
Belleville Body Shop	15,000.00
Darwin Electric	6,764.80
Warren Smith	8,125.33
Town of Finley	2,993.92

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

Robert Rohrssen	139.43
Barbara Rau	4.25
Kurt Hoehne	179.82
Marie Louise Tarnowski	62.24
Henry Williams	75.00
Andrew Riley	40.00
Peter Radlund	202.80
Lorri Houston	73.10
Ruthann Angell	800.00
John A. Nelson	28.29
Charles Burke	45.76
Arlis & Ron Ebert	375.00

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John S. Nelson	130.83
Kevin Schmude	65.00
Wisconsin Telephone Company	747.78
Kenneth Suhr	20.00
James Riedl	347.40
Lossie Hudson	25,000.00
Milwaukee County	324.00
Barbara Poulson	33.28
Stanley Solko	122.86
Darwin Henning	32.00

THE BOARD FINDS:

1. Thomas Norton, of Madison, claims \$114.00 for reimbursement of unemployment compensation. Claimant was collecting Wisconsin State Unemployment from March, 1979 to October, 1979. Towards the end of the unemployment compensation eligibility period claimant was involved in a dispute with the unemployment compensation bureau over withdrawing from a job application, and claimant was disqualified from benefits because he was not available for work. The Board concludes 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.

2. Ossit Church Furniture Company, Inc., of Janesville, claims \$38,377.58 for reimbursement of backpay damages they were assessed due to a discrimination complaint filed by Patricia Buckley with the Department of Industry, Labor and Human Relations. Claimant alleges the discrimination case was so poorly handled by the Department of Industry, Labor and Human Relations that the matter took over five years to resolve. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employees, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

3. Eunice Peterson, et. al., claims \$6,356.00 in attorney fees relating to an appeal to the Personnel Commission of an illegal action against her and other employees of the Department of Revenue in distributing merit funds for the 1979 fiscal year. On October 12, 1979 the State Personnel Commission ruled in favor of the claimant and the other employees. 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.

4. Ahn, Tai Young, of Madison, claims \$176.18 for repair of damages to his automobile windshield which was hit and cracked by a

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baseball as he was driving by the University of Wisconsin campus baseball diamonds on July 15, 1980. The baseball game involved a group of University of Wisconsin students, along with the umpire, who was an hourly employe of the Department of Recreation and Intramurals. The Board concludes there has been no showing of negligence by the state, its officers, agents or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

5. City of Oshkosh claims \$40,242.13 for reimbursement of extraordinary police services provided to the University of Wisconsin-Oshkosh campus during the St. Patrick's Day weekend, March 15-16, 1980. Gregory S. Brewer, Chief of Police, University of Wisconsin-Oshkosh, determined the crowd was too large to be controlled by his force and requested assistance from the City of Oshkosh police force. The City of Oshkosh then requested additional assistance from seven outside law enforcement agencies. Payment of this claim is authorized by sec. 16.008, Wis. Stats. The dollar amount of this claim has been audited by the Department of Administration, Bureau of Financial Operations. The Board concludes the claim in the amended amount of \$40,252.40 should be paid, based on equitable principles.

6. John VanSusteren, M.D., personal representative of the Estate of Anton Fudzinski, claims \$60.00 for loss of a bathrobe belonging to Mr. Fudzinski when he was a patient at the Mendota Mental Health Institute early in 1980. The Board concludes 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.

7. Belleville Body Shop, of Belleville, claims \$15,000.00 as compensatory damages for alleged loss of business in 1979, when a Department of Transportation highway construction project diverted traffic from State Highway 69 to an alternative route. 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. Darwin Electric, Inc., of Oconto, claims \$6,764.80 for cost overruns during the course of a contract with the Department of Transportation. On January 11, 1979 the president of Darwin Electric submitted a request for additional compensation to the Division of Highways for extra work encountered in clearing obstructions. Further increased payments were not provided for in the contract. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents, or employes.

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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.

9. Warren Smith, of Chili, claims \$8,125.33 for veterinarian fees, medication and losses when he sold his cattle in 1977 and 1978. Claimant alleges the cattle were injured from walking across gravel which washed down onto the floor of a cattle pass built by the Department of Transportation in 1975. There is insufficient evidence showing negligence on the part of the state, its officers, agent, or employes and 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.

10. Town of Finley claims \$2,993.92 as compensatory damages for cost of repairs to their town roads which were allegedly damaged by the Wisconsin National Guard when they were hauling shale to the Hardwood Range in the Town of Finley, during the months of May through October, 1976. The Town of Finley received \$14,000 in state Department of Transportation funds in 1976, the same year the damaged occurred. The Board concludes 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.

11. Robert Rohrsen, of Cadott, claims \$139.43 for damages to his automobile antenna and bumper on September 26, 1979 while it was parked in the lot at Northern Wisconsin Center, where claimant is employed. While claimant was working, residents observed another resident of the Center tear off the car antenna and then scratch the left rear fender of claimant's car. The Board concludes the claim should be paid on equitable principles.

12. Barbara Rau, of Hales Corners, claims \$4.25 for the loss of a thermos jug which was destroyed by a resident of the Southern Wisconsin Center on June 19, 1980, where claimant is employed. While helping to subdue a patient, claimant placed her thermos on the floor and the patient ran over to the thermos and jumped up and down on it, smashing it. The Board concludes 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.

13. Kurt Hoehne, of Oshkosh, claims \$179.82 for damage to his automobile splash pan which occurred in the Winnebago Mental Health Institute parking lot on March 21, 1980. The splash pan became hooked and bent on a nail that was protruding from a concrete parking block in the Institute parking lot. The Board concludes the claim should be paid based on equitable principles.

14. Marie Tarnowske, of Racine, claims \$62.24 for damages to her automobile antenna and windshield wipers on March 17, 1980

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while it was parked in the lot at the Southern Wisconsin Center, where she is employed. While claimant was working with other residents, she and two other witnesses observed another resident of the Center tear off the car antenna and broke the windshield arms and blades. The Board concludes the claim should be paid based on equitable principles.

15. Henry Williams, of Waupun, claims \$75.00 for the loss of personal clothing which he alleges he carried with him when he was admitted to Central State Hospital on September 19, 1978. However, there is no record of the items claimant alleges to have lost since they were not checked in at the Hospital's business office. 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.

16. Andrew Riley, of Milwaukee, claims \$40.00 for the replacement of his jacket which was damaged at the laundry while he was a patient at the Winnebago Mental Health Institute in March, 1980. The Board concludes this claim is not one the state should assume and pay based on equitable principles.

17. Peter Radlund, of Fond du Lac, claims \$202.80 for damages to his automobile which occurred on April 18, 1980, when he was entering Taycheedah Correctional Institute at the front gate. The gate started to close before claimant had driven through, smashing the right rear door and fender of claimant's car. The Board concludes the claim should be paid by check issued jointly to the claimant and Ideal Body and Paint, Inc.

18. Lorri Houston, of Madison, claims \$73.10 for damages to her moped on July 2, 1980 while it was parked in the lot at Mendota Mental Health Institute, where claimant was employed. Several witnesses observed as a resident of the Institute went up to the moped and pushed it over, causing the damage. The Board concludes this claim should be paid on equitable principles.

19. Ruthann Angell, of Omro, claims \$800.00 for the loss of her horse which was killed when it was struck by a Department of Natural Resources' warden patrol car on Highway 116 at 11:30 P.M. on April 21, 1980. There is no evidence of negligence on the part of the state, its officers, agents or employes, and 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.

20. John A. Nelson, of Milwaukee, claims \$28.29 for the loss of his personal camera case on July 7, 1980 while he was taking pictures of a fish stocking operation for the Department of Natural Resources

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by whom he is employed. Claimant was in the stream and in the process of changing the film in his camera when he slipped and the case fell into the water and was carried away by the current before he would retrieve it. There is no evidence of negligence on the part of the state, its officers, agents or employes, and 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.

21. Charles Burke, of Genoa, claims \$45.76 for loss of a pair of down-filled pants which were destroyed in a fire in a Department of Natural Resources' vehicle on February 17, 1980. A faulty propane heater apparently caused the fire in the back of the truck. There has been 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 legally liable, nor one which the state should assume and pay based on equitable principles.

22. Arlis and Ron Ebert, of Sparta, claim \$375.00 in flood damage to their corn crop caused when the Department of Natural Resources removed a beaver dam in December, 1979. The dam was causing flooding on upstream property owned by Mrs. John Torok. At Mrs. Torok's insistence the dam was removed; however, the release of the impounded water resulted in flood damage to the corn field located down stream on property leased by claimants from Mrs. Torok. The Board concludes 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. John S. Nelson, of Genoa, claims \$130.83 for the loss of a pair of down-filled pants, backpack, and a captain's chair which were destroyed in a fire in a Department of Natural Resources vehicle on February 17, 1980. A faulty propane heater apparently caused the fire in the back of the truck. There has been 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 legally liable, nor one which the state should assume and pay based on equitable principles.

24. Kevin Schmude, of Green Bay, claims \$65.00 for the replacement cost of his shotgun which was stolen from the Department of Natural Resources' Green Bay office during the evening of November 20, 1979. Department of Natural Resources conservation wardens confiscated claimant's gun because claimant was using it for hunting ducks within the city limits during closed season without a duck stamp. Claimant was found guilty of the violations and paid a forfeiture. The Board concludes the claim should be paid based on equitable principles.

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25. Wisconsin Telephone Company claims \$747.78 for damages to a buried cable located 400 feet West of North 85th St. on the South side of W. Brown Deer Road in Milwaukee. The State Department of Transportation, while placing a road sign on November 14, 1979 damaged the cable. The Board concludes the claim should be paid based on equitable principles.

26. Kenneth Suhr, of Cedarburg, claims \$20.00 for damage to his slacks caused by an exposed spring in a state Department of Transportation fleet car, which claimant was using on April 23, 1980. The Board concludes the claim should be paid based on equitable principles.

27. James Riedl, of Iron River, claims \$347.40 for the loss of his chain saw which was stolen from a fleet car claimant left unlocked while working on a Department of Transportation project on July 11, 1980. There has been no showing of negligence on the part of the state, its officers, agents or employes and 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.

28. Lossie Hudson, Jr., of Waupun, claims \$25,000.00 as compensation for wrongful imprisonment. On December 28, 1976 the Wisconsin Supreme Court reversed claimant's July 11, 1974 conviction for operating a motor vehicle without the owner's consent. On appeal of the conviction the state confessed error, meaning the state, at trial, did not prove legal guilt beyond a reasonable doubt. This claim is being filed under former sec. 775.05, (285.05), Wis. Stats., which requires proof of innocence beyond a reasonable doubt. The new statute would be applicable if the person seeking compensation is released from imprisonment for the crime after the effective date of this act. Claimant's release predates the amendment by three and one-half years. Relief under sec. 285.05, Stats., depends upon conviction of a crime for which crime the claimant alleges to be innocent, and a finding of innocence by this Board. The Board finds that it is not clear beyond a reasonable doubt that claimant was innocent of the "crime" for which he was sentenced to imprisonment. The claim is denied.

29. Milwaukee County claims \$324.00 for reimbursement of three parking spaces for judges of District 1-Court of Appeals at the Milwaukee courthouse annex, from January through June, 1979. The cost of leasing parking spaces is borne by each individual employe and not the state. The lease for District 1-Court of Appeals in the Milwaukee courthouse does not include provisions for parking. The Board concludes the claim is not one for which the state is legally

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

30. Barbara Poulson, of Monona, claims \$33.28 as the replacement cost of her nursing shoes which were damaged when an emergency shower was activated causing flooding on the first, second and third floors of the F6 module in the University Hospital on March 19, 1980, while she was on duty. The Board concludes the claim should be paid based on equitable principles.

31. Stanley Solko, of Green Bay, claims \$122.86 for damages to his automobile tires which were punctured by nails while he was investigating a non-filer complaint on behalf of the Department of Revenue on July 2, 1980. Claimant was reimbursed through his insurance carrier in the amount of \$69.23 for actual expenditures. The remaining amount, not covered by insurance, is for a future loss of service of the remaining car tire that was not replaced. 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.

32. Darwin Henning, of Madison, claims \$32.00 for damages to his slacks which occurred when he was conducting an investigation of a complaint on behalf of the Department of Regulation and Licensing, on August 8, 1980. When claimant arrived at the residence of the witness he was contacting, the resident's dog came up from behind him and bit him in the right calf leg, tearing his dress slacks. The Board concludes 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.

THE BOARD CONCLUDES:

1 The claims of the following claimants should be denied:

Thomas Norton	Andrew Riley
Ossit Church Furniture	Ruthann Angell
Eunice Peterson	John A. Nelson
Ahn, Tai Young	Charles Burke
Estate of Anton Fudzinski	Arlis & Ron Ebert
Belleville Body Shop	John S. Nelson
Darwin Electric, Inc.	James Riedl
Warren Smith	Lossie Hudson
Town of Finley	Milwaukee County
Barbara Rau	Stanley Solko
Henry Williams	Darwin Henning

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

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Robert Rohrssen	\$139.43
Kurt Hoehne	179.82
Marie Louise Tarnowske	62.24
Peter Radlund	202.80
Lorrie Houston	73.10
Kevin Schmude	65.00
Wisconsin Telephone Co.	747.78
Kenneth Suhr	20.00
Barbara Poulson	33.28

THE BOARD RECOMMENDS:

1. Payment of \$40,252.40 be made to the City of Oshkosh, as reimbursement of extraordinary police services provided to the University of Wisconsin-Oshkosh campus during the St. Patrick's Day weekend, March 15-16, 1980, as authorized by sec. 16.008, Wis. Stats.

Dated at Madison, Wisconsin this 8th day of December, 1980.

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

WARD L. JOHNSON

Representative of Attorney
General

JOURNAL OF THE SENATE

State of Wisconsin Claims Board

December 18, 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 November 24, 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

STATE OF WISCONSIN CLAIMS BOARD

The State Claims Board conducted a hearing at the State Capitol Building in Madison on November 24, 1980 on the claim of Diane Merfeld in the amount of \$161,600.00; and the claim of John Hotchkiss, Sr. and Geraldine Skaff, parents of the deceased John Hotchkiss, Sr. in the amount of \$16,857.25. Claimants were represented by Attorney James Birnbaum at the hearing. The Department of Health and Social Services appeared by Jansson Wheeler, its attorney.

The Situation

On July 4, 1975 at approximately 3:00 A.M., Jerold T. Hammill, on escape status from the Teilurium Community, Winnebago Mental Health Institute, threatened imminent death to John Hotchkiss, Jr. and his fiance Diane Merfeld when he shoved a .410 guage shotgun

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into the window of an automobile owned by Diane Merfeld, which was occupied by her and John Hotchkiss, Jr. and which was lawfully parked in a public park in the City of LaCrosse. Jerold Hammill kidnaped Diane Merfeld and John Hotchkiss, Jr. forcing Hotchkiss to drive to a secluded part of Goose Island Park in the Counties of Vernon and LaCrosse, Wisconsin. In a secluded part of Goose Island Park, Jeroid Hammill then ordered John Hotchkiss, Jr. and Diane Merfeld to disrobe and get out of the automobile and without provocation, pointed the shotgun at the head of John Hotchkiss, Jr. and shot him in the back of the head from a distance of approximately 13 inches. Jeroid Hammill then proceeded to beat John Hotchkiss, Jr. about the head and throat with the stock of the shotgun. John Hotchkiss, Jr. dies from those injuries before 8:30 A.M., July 4, 1975. Jeroid Hammill then ordered Diane Merfeld back into the automobile and forced her under imminent threat of death to perform oral sex and then raped her twice. Thereafter, Jerold Hammill ordered Diane Merfeld out of the automobile and shot her in the chest and hand with the shotgun and also beat her about the head and body with the stock of the shotgun with such force as to shatter the stock of the shotgun. Jeroid Hammill thereafter stole Diane Merfeld's automobile.

Claimant, Diane Merfeld, seeks reimbursement of medical expenses incurred to date in the amount of \$6,000.00, wage losses in the amount of \$3,100.00, future medical expenses in the amount of \$2,500.00, and general damages, pain, suffering and disability, past present and future in the amount of \$150,000.00 for a total claim of \$161,600.00.

Claimants, John Hotchkiss, Sr. and Geraldine Skaff, parents of the decedent John Hotchkiss, Jr., seek reimbursement of funeral and burial expenses in the amount of \$1,857.25, loss of society and companionship in the amount of \$5,000.00, conscious pain, suffering, and disability of John Hotchkiss, Jr. in the amount of \$5,000.00 and pecuniary damages of the parents in the amount of \$5,000.00 for a total claim of \$16,857.25.

Decision

The Board concludes payment of \$10,000.00 be made to Diane Merfeld for past and future medical expenses and wage loss, based on equitable principles. The award of the amount of \$10,000.00 is based on equity and the maximum amount which claimant would have been able to recover under the victims of crime compensation law had the law been in effect at the time this incident occurred.

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The Board concludes payment of \$1,857.25 be made to John Hotchkiss, Sr. and Geraldine Skaff, parents of the deceased John Hotchkiss, Jr., for funeral and burial expenses based on equitable principles.

(Representative Roberts dissents, based on the opinion that both recommendations awarding payment of \$10,000.00 to Merfeld and \$1,857.25 to Hotchkiss are inadequate.)

Dated at Madison, Wisconsin, this 18th of December, 1980.

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

WARD L. JOHNSON
Representative of Attorney
General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

December 18, 1980.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Reverend Robert Borgwardt as a member of the Ethics Board, to succeed Annrita Lardy of Madison pursuant to the statutes governing, to serve out a six year term which will expire on May 1, 1985.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Judiciary and Consumer
Affairs.

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SENATE CLEARINGHOUSE RULES

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

Clearinghouse Rule 80-161

A rule to renumber Ch. MVD 2; to amend Trans 176.02(2), as renumbered, and 176.05(1), as renumbered; and to create Trans 176.03(2)(c) and 176.08, relating to motor carrier insurance certification requirements.

No action taken.

TIM CULLEN

Chair

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

Clearinghouse Rule 80-125

A rule to create Chs. Pers 1 to 32 and 34, relating to the rules of the Division of Personnel of the Department of Employment Relations.

Approval:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Clearinghouse Rule 80-152

A rule to repeal Ag 20.09(6)(a)(title); to amend Ag 20.01, 20.09(1), (2) and (4)(a) and (b) and 20.12(2)(a) and (b); and to create Ag 20.09(6)(a), relating to agricultural and vegetable seeds.

No action taken.

Clearinghouse Rule 80-153

A rule to renumber and amend AG 11.06(2); to amend Ag 10.02(1) (intro.) and (2)(intro.), 10.15(1)(intro.) and (2)(a), 10.53 and 11.06(title) and (1); and to create Ag 11.03(3) and 11.06(2), relating to bovine animal import, brucellosis test requirements, identification of slaughter swine and livestock dealer and market operators' recordkeeping requirements.

No action taken.

JEROME VAN SISTINE

Chair

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The committee on Education and Revenue reports and recommends:

Clearinghouse Rule 80-21

A rule to repeal and recreate A-V 3.01 and to amend A-V 3.02, 3.03, 3.04, 3.05, 3.06 and 3.07, relating to certification of educational personnel.

No action taken.

Clearinghouse Rule 80-103

A rule to create Ch. A-V 6, relating to district budget limitations appeal process.

Modifications requested.

Clearinghouse Rule 80-209

A rule to create PI 11.32(7) and 11.345, relating to the M-team procedures specific to suspended learning disabled children and the learning disabilities definition and identification criteria.

Modification requested.

GARY R. GOYKE

Chair

The committee on Governmental and Veterans Affairs reports and recommends:

Clearinghouse Rule 80-175

A rule to repeal VA 4.03(5)(d); to amend VA 2.02(6), 4.03(5) (a) and (9)(b) and 4.05(5)(i) and (k); and to repeal and recreate VA 1.12; and to create VA 4.05(5)(m), relating to rules concerning co-applicants for department loans and guarantors of department notes, substitution of courses by part-time study grant applicants, condominium requirements, income inclusion for housing loan analysis and elimination of the prohibition against housing loans on properties with mound-type septic systems.

No action taken

MARVIN ROSHELL

Vice-Chair

The committee on Human Services reports and recommends:

Clearinghouse Rule 79-65

A rule to create Ind 14.03, relating to the formaldehyde concentration in the indoor air of mobile homes.

Modifications requested.

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Clearinghouse Rule 80-48

A rule to repeal and recreate HSS 105.38(1)(a), relating to certification of ambulance providers under Title XIX of the Social Security Act.

No action taken.

Clearinghouse Rule 80-92

A rule to amend Med 7.08(1), 13.02(1), 13.03 and 13.05 (title) and (1); to repeal and recreate Med 13.05(2); and to create Med 7.02(4) and 13.06, relating to physical therapy schools, temporary licensure for physical therapists and verification procedures for continuing medical education requirements.

No action taken.

Clearinghouse Rule 80-172

A rule to repeal REB 2.01 and 2.02(1)(b); to renumber REB 2.02(1)(a) and (c) to (f), 2.02(2), 2.03 and 2.035; and to amend REB 2.02(2), (4)(a) and (5)(g), as renumbered, relating to examinations and transfer applications.

No action taken.

CARL W. THOMPSON

Chair

The committee on Insurance and Utilities reports and recommends:

Clearinghouse Rule 80-88

A rule to create PSC 136.04, relating to conservation standards for converting existing structures to natural gas spaceheating services.

Modifications approved.

Ayes, 4 -- Senators Frank, Berger, Moody and Lorge;

Noes, 0 -- None.

Clearinghouse Rule 80-88

A rule to create PSC 136.04, relating to conservation standards for converting existing structures to natural gas spaceheating services.

Modifications requested.

KURT A. FRANK

Chair

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The committee on Natural Resources and Tourism reports and recommends:

Clearinghouse Rule 80-118

A rule to amend NR 25.03(1)(a), (2)(a) and (3); and to create NR 25.03(2)(b), relating to commercial fishing relicensing criteria.

No action taken.

Clearinghouse Rule 80-187

A rule to amend and revise Ch. NR 150 and to make diverse other changes in the rules of the Department of Natural Resources, relating to the Wisconsin environmental policy act procedures for department actions.

No action taken.

Clearinghouse Rule 80-133

A rule to amend NR 27.06(1), relating to endangered species permit requirements.

No action taken.

THOMAS W. HARNISCH
Chair

State of Wisconsin
Revisor of Statutes Bureau
Madison, Wisconsin

December 1, 1980

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

Dear Mr. Schneider:

The following rules have been published and are effective:

- Clearinghouse Rule 79-61 effective December 1, 1980.
- Clearinghouse Rule 79-66 effective December 1, 1980.
- Clearinghouse Rule 79-72 effective December 1, 1980.
- Clearinghouse Rule 79-73 effective December 1, 1980.
- Clearinghouse Rule 80-28 effective December 1, 1980.
- Clearinghouse Rule 80-47 effective December 1, 1980.
- Clearinghouse Rule 80-65 effective December 1, 1980.
- Clearinghouse Rule 80-73 effective December 1, 1980.
- Clearinghouse Rule 80-95 effective December 1, 1980.
- Clearinghouse Rule 80-101 effective December 1, 1980.
- Clearinghouse Rule 80-104 effective December 1, 1980.

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Clearinghouse Rule 80-107 effective December 1, 1980.
Clearinghouse Rule 80-116 effective December 1, 1980.
Clearinghouse Rule 80-122 effective December 1, 1980.
Clearinghouse Rule 80-146 effective December 1, 1980.
Clearinghouse Rule 80-148 effective December 1, 1980.
Clearinghouse Rule 80-80 effective December 1, 1980.
Clearinghouse Rule 80-110 effective December 1, 1980.

Sincerely,
GARY L. POULSON
Assistant Revisor