

JOURNAL OF THE SENATE [March 2, 1982]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

TUESDAY, March 2, 1982.

10:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

The roll was called and the following senators answered to their names:

Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- Senator Bablitch -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Senior Pastor T. Stewart Coffman of Christ Presbyterian Church, Madison.

The senate remained standing and Senator Goyke led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 794

Relating to requiring instruction in public schools on the prevention of alcohol and other drug abuse.

By Senator Cullen; cosponsored by Representative Johnson, by request of A. Henry Hempe, Beloit, Wisconsin.

To committee on Education and State Institutions.

JOURNAL OF THE SENATE [March 2, 1982]

Senate Bill 795

Relating to changes in population groups residing in community living arrangements.

By Senator Johnston; cosponsored by Representative Menos.
To committee on Human Services.

Senate Bill 796

Relating to establishing a medical education loan repayment grant program to be administered by the department of health and social services, creating a council on medical education loan repayment grants in the department, granting rule-making authority and making an appropriation.

By Senators Offner and Chilsen; cosponsored by Representatives Loftus and Robinson.
To committee on Human Services.

Senate Bill 797

Relating to prohibiting sexual harassment of pupils in public schools and of students in the university of Wisconsin system and vocational, technical and adult education district schools.

By Senators Risser, Johnston, George, Offner, Thompson and Lorman; cosponsored by Representatives Ulichny, D. Travis, Tuczynski, Schneiders, Knox, Matty, Goodrich, Andrea and Lee.

To committee on Judiciary and Consumer Affairs.

Senate Bill 798

Relating to the size of statute and session law volumes.

By Senator Risser; cosponsored by Representative Jackamonis.

To committee on Labor, Government, Veterans Affairs and Tourism.

COMMITTEE REPORTS

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

Senate Bill 799

Relating to eliminating the option to choose federal bankruptcy exemptions.

Introduction:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

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

and recommends:

Senate Bill 270

Relating to prohibiting discrimination in business and providing a forfeiture.

Passage:

Ayes, 6 -- Senators Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 1 -- Senator Roshell.

Senate Bill 757

Relating to reducing the FTE positions authorized for the department of transportation.

Introduction and adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Passage:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Assembly Bill 479

Relating to removal of illegally parked vehicles in a private parking facility.

Concurrence:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Assembly Bill 746

Relating to articulated busses.

Concurrence:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

TIM CULLEN
Chair

The committee on Human Services reports and recommends:

Senate Bill 275

Relating to the regulation and licensing of professional counselors, creating a professional counselors examining board, granting rule-making authority and providing penalties.

Introduction and adoption of senate amendment 1:

JOURNAL OF THE SENATE [March 2, 1982]

Ayes, 2 -- Senators Thompson and Strohl;

Noes, 1 -- Senator Theno.

Passage:

Ayes, 2 -- Senators Thompson and Strohl;

Noes, 1 -- Senator Theno.

CARL W. THOMPSON

Chair

The joint committee on Finance reports and recommends:

Senate Bill 72

Relating to abolishing the board of soil and water conservation districts and transferring its functions to the department of agriculture, trade and consumer protection, abolishing the agricultural lands preservation board and transferring its functions to the land conservation board, creating a land conservation board, abolishing soil and water conservation districts, creating county land conservation committees and programs, granting rule-making authority and making appropriations.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

Ayes, 11 -- Senators Kleczka, Flynn, Offner, Braun and Roshell, Representatives Norquist, Otte, Roberts, Kirby, Metz and Ellis;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2 to senate substitute amendment 1:

Ayes, 10 -- Senators Kleczka, Flynn, Offner, Braun and Roshell, Representatives Norquist, Otte, Roberts, Kirby and Metz;

Noes, 0 -- None.

Introduction and adoption of senate amendment 3 to senate substitute amendment 1:

Ayes, 6 -- Senators Kleczka, Offner and Roshell, Representatives Norquist, Otte and Metz;

Noes, 4 -- Senators Flynn and Braun, Representatives Roberts and Kirby.

Adoption of senate substitute amendment 1:

Ayes, 10 -- Senators Kleczka, Flynn, Offner, Braun and Roshell, Representatives Norquist, Otte, Roberts, Kirby and Metz;

Noes, 0 -- None.

Passage:

JOURNAL OF THE SENATE [March 2, 1982]

Ayes, 10 -- Senators Kleczka, Flynn, Offner, Braun and Roshell, Representatives Norquist, Otte, Roberts, Kirby and Metz;

Noes, 0 -- None.

Senate Bill 147

Relating to expanding the prohibition against discrimination because of age.

Introduction and adoption of senate substitute amendment 2:

Ayes, 11 -- Senators Kleczka, Flynn, Offner, Braun and Roshell, Representatives Norquist, Otte, Roberts, Kirby, Metz and Ellis;

Noes, 0 -- None.

Passage:

Ayes, 11 -- Senators Kleczka, Flynn, Offner, Braun and Roshell, Representatives Norquist, Otte, Roberts, Kirby, Metz and Ellis;

Noes, 0 -- None.

Senate Bill 323

Relating to granting public employes who are protective occupation participants retirement credit for prior service in that category.

Passage:

Ayes, 11 -- Senators Kleczka, Maurer, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz and Wood;

Noes, 0 -- None.

Senate Bill 548

Relating to CS devices, making appropriations and providing penalties.

Introduction and adoption of senate substitute amendment 1:

Ayes, 12 -- Senators Kleczka, Maurer, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz and Wood;

Noes, 0 -- None.

Passage:

Ayes, 8 -- Senators Kleczka, Maurer, Offner, Braun, Roshell and McCallum, Representatives Norquist and Roberts;

Noes, 4 -- Representatives Otte, Kirby, Metz and Wood.

Senate Bill 622

Relating to presentence investigations.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

JOURNAL OF THE SENATE [March 2, 1982]

Ayes, 10 -- Senators Kleczka, Maurer, Braun, Roshell and McCallum, Representatives Norquist, Roberts, Kirby, Metz and Wood;

Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 10 -- Senators Kleczka, Maurer, Braun, Roshell and McCallum, Representatives Norquist, Roberts, Kirby, Metz and Wood;

Noes, 0 -- None.

Passage:

Ayes, 8 -- Senators Maurer and Braun, Representatives Norquist, Otte, Roberts, Kirby, Metz and Wood;

Noes, 3 -- Senators Kleczka, Roshell and McCallum.

GERALD D. KLECZKA
Senate Chair

The committee on State and Local Affairs and Taxation reports and recommends:

Assembly Bill 174

Relating to permitting the chairperson of a county board to designate a member of the county emergency government committee as its chairperson.

Concurrence:

Ayes, 4 -- Senators Adelman, Berger, Hanaway and Moody;

Noes, 1 -- Senator Lasee.

Senate Bill 701

Relating to the regulation of boxing by the department of regulation and licensing and granting rule-making authority.

Passage:

Ayes, 5 -- Senators Adelman, Berger, Hanaway, Lasee and Moody;

Noes, 0 -- None.

JIM MOODY
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Joint Resolution 59

Relating to requesting the legislative council to study dispositions and enforcement options for juvenile offenders.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

JOURNAL OF THE SENATE [March 2, 1982]

Noes, 0 -- None.

Adoption:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Senate Bill 234

Relating to restricting ownership of electric weapons and providing a penalty.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Senate Bill 716

Relating to court reporters, reporting and judges.

Adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Assembly Bill 366

Relating to release of exhibits or evidence in criminal actions and proceedings.

Concurrence:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Senate Bill 561

Relating to racketeering, continuing criminal enterprise and providing penalties.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Senate Joint Resolution 58

Relating to requesting the judicial council to study the statutes and rules affecting venue.

Adoption:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

JOURNAL OF THE SENATE [March 2, 1982]

Noes, 0 -- None.

MORRISON, JAMES WILLIAM, of Brown Deer, as a member of the Public Defender Board, to succeed Theodore Hodan, to serve for the term ending May 1, 1984.

Confirmation:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

HARTIG, JUDY, of Racine, as a member of the Public Defender Board, to succeed Patricia M. Heim, to serve for the term ending May 1, 1984.

Confirmation:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

Assembly Bill 501

Relating to arrests by peace officers of suspected violators in cases of fresh pursuit.

Introduction and adoption of senate substitute amendment 1:

Ayes, 3 -- Senators Adelman, Braun and Johnston;
Noes, 1 -- Senator George.

Concurrence:

Ayes, 3 -- Senators Adelman, Braun and Johnston;
Noes, 1 -- Senator George.

Senate Joint Resolution 51

Relating to prohibiting denial of equal rights on the basis of sex (first consideration).

Adoption:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

Assembly Joint Resolution 29

Relating to the deletion from the constitution of unnecessary Latin terms, and removing an obsolete limitation from the impeachment procedure (2nd consideration).

Adoption of senate amendment 1:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

Nonconcurrence:

Ayes, 2 -- Senators Braun and George;
Noes, 2 -- Senators Adelman and Johnston.

And without recommendation.

JOURNAL OF THE SENATE [March 2, 1982]

Assembly Bill 817

Relating to instigating fights between animals and increasing penalties.

Concurrence:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Senate Bill 744

Relating to procedures for nonmoving traffic violations, providing penalties and affecting an appropriation.

Introduction and adoption of senate substitute amendment 2, by request of Senators George, Engeleiter, Frank, Roshell, Berger, Van Sistine, Braun and Chilsen and Representatives Plewa, Becker and Meaux:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 19

A petition by 10 residents of the state of Wisconsin in support of Assembly Bill 757, relating to the right to privacy in regard to cable television and 2-way communication devices.

By Senator Moody.

Read and referred to committee on State and Local Affairs and Taxation.

State of Wisconsin
Department of State

February 23, 1982

To the Honorable, the Senate:

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

Yours very truly,
VEL PHILLIPS
Secretary of State

JOURNAL OF THE SENATE [March 2, 1982]

Lobbyist's name, address, telephone number; principal's name, address, telephone number.

Anderson, Norman C., 25 W. Main St., Madison, WI 53703 (608) 255-7277; Northwest Bancorporation, 1200 Northwestern Bank Bldg., Minneapolis, MN 55480 (612) 372-9193; 2, 21; Wisconsin Natural Heritage Council, c/o Clifford F. Messinger, Pres., 16875 W. Ryerson Rd., New Berlin, WI 53151 (414) 786-2000; 16, 17; 144.

Buckley, James P., 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333; Wisconsin Manufactured Housing Assn., 621 Sherman Ave., Madison, WI 53705 (608) 249-6474; 4.

Lewandowski, Richard J., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; Chemical Specialties Manufacturers Assn., 1001 Connecticut Ave., N.W., Washington, D.C. 20036 (202) 872-8110; 1-25; 101-185.

Thompson, Evelyn, 2241 S. Syene Rd., Oregon, WI 53575 (608) 271-5870; FMC Corp., 2000 Market St., Philadelphia, PA 19103 (215) 299-6871; 1, 3, 4, 7, 9, 11-13, 17, 19-21; 144.

Trisler, Bill K., 217 S. Hamilton, Ste. 403, Madison, WI 53703 (608) 251-3232; Tobacco Institute, Inc., 1875 I St., N.W., Ste. 800, Washington, D.C. 20006 (202) 457-4800; 1, 3, 7, 10, 11, 21. ess

Lobbyist Termination:

Connolly, Gerald E., for Gateway Foods, Inc., effective February 22, 1982.

Poser, Al, for Gateway Foods, Inc., effective February 22, 1982.

Reinhart, D.B., for Gateway Foods, Inc., effective February 22, 1982.

Reinhart, Thomas E., for Gateway Foods, Inc., effective February 22, 1982.

Wood, Stephen C., for Gateway Foods, Inc., effective February 22, 1982.

State of Wisconsin
Department of State

February 26, 1982

Whereas, on February 12, 1982, under the authority of s. 13.63(2), Wis. Stats., I issued an order suspending the privilege of Robert A. Christensen to lobby on behalf of such lobbyist's principal, Newspapers, Inc., 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,

JOURNAL OF THE SENATE [March 2, 1982]

I, Vel Phillips, as Secretary of State of Wisconsin under the authority of S. 13.63(2), Wis. Stats., do hereby restore unto said Robert A. Christensen the privilege of lobbying on behalf of Newspapers, Inc., as principal, in accordance with the provisions of Subchapter III of Chapter 13 of the Wisconsin Statutes.

VEL PHILLIPS
Secretary of State

State of Wisconsin
Claims Board

February 26, 1982.

Don Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on February 22, 1982.

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

Claimant	Amount
Harold Halbach	\$20,474.00
Carol Furman & Robert Hollender	1,000.00
Lisa Meli	180.98
Patti Metcalfe	24,517.70

JOURNAL OF THE SENATE [March 2, 1982]

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

Donald Ledger	\$32,760.00
Patricia Steinhoff	20.80
Mary Cassady	60.75
Gene Wesley	350.00
Myron Borg	37.44
Wisconsin Telephone Co.	13,616.86

THE BOARD FINDS:

1. Harold Halback of Halbach Poultry Farm, Waterford, claims \$20,474.00 for the loss of poultry which were allegedly killed by predatory animals on his farm between June 22 and August 1, 1981. Claimant alleges the loss of 623 birds due to attack by fox, racoon, skunk, owl, mink and weasel. Even though legal title to all wild animals in Wisconsin is vested in the State pursuant to s. 29.02(1), Stats., mere ownership does not create legal liability for damages done by wild animals. There is 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.

2. Carol Furman and Robert Hollender of Montello claim \$1,000 for additional expenses incurred for an appraisal report on a 280 acre tract of land allegedly required to challenge an award of damages made by the Wisconsin Power & Light Company for the purchase of a utility line easement under an eminent domain proceeding in accordance with s. 32.06, Stats. Claimants retained appraiser Thomas Wymore who, on May 28, 1981, contacted the Department of Revenue's Fond du Lac office to inspect their files to obtain comparable area land sales information for the appraisal. Mr. Wymore was denied access to those files as a result of the Department of Revenue's interpretation of s. 77.23(2), Stats., which states, in part: 'The returns filed under this subchapter shall be deemed privileged information, for use in any proceeding involving the amount of the requisite fee or for use of the department, county real property listers under s. 70.09 and local assessors or their agents or employes and of governmental agencies acquiring real property for public purposes.' Mr. Wymore alleges that without access to the Department of Revenue records, 40 hours of additional time and excess travel expenses were incurred to garner relevant land sales information from a variety of sources in order to complete the appraisal. In July, 1981, the Department of Revenue established the policy that, 'A taxpayer or agent in a condemnation proceeding or an

appeal from an assessment will be allowed to inspect all returns reasonably relevant to the valuation of the subject property.⁴ 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.

3. Lisa Meli of Madison claims \$180.98 as a result of damages to her bicycle on September 3, 1981, which it was parked by a stairwell at a loading dock at the Humanities Building on the UW-Madison campus. When claimant returned to pick up her bicycle, it was not at the location where she left it. The bicycle apparently became caught between an elevator and the railing to which it had been chained when employes of the University started the elevator. Police and Security were called to remove the bicycle because the area where claimant parked her bicycle is a loading zone and not a space meant for bicycle parking. The Board concludes there has been 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 state is legally liable, nor one which the state should assume and pay based on equitable principles. (Member Lewis dissents).

4. Alva and Mary Metcalfe seek damages on behalf of their daughter Patti, for recovery of medical expenses in the amount of \$7,017.70, temporary pain and suffering in the amount of \$10,000, future pain and suffering in the amount of \$2,500, and emotional anxiety and mental distress of claimant's parents in the amount of \$5,000, allegedly incurred as the result of a measles vaccination Patti received on March 19, 1979, under a Department of Health and Social Services emergency rule requiring all students to be immunized or excluded from school for the duration of the measles outbreak in Douglas County. Patti had previously been vaccinated for measles as a child on February 5, 1966. On March 23, 1979, after receiving the vaccination, Patti came home from school ill and was later hospitalized for her illness on March 28, 1979. On March 30, 1979, Patti went into a coma and was diagnosed as having Reye's syndrome. Claimants allege the measles vaccination Patti received was the cause of her illness. Patti did recover from the Reye's syndrome and was discharged from the hospital April 4, 1979. As a matter of policy, this Board does not award claims for general damages relating to pain and suffering; therefore, that part of the claim is denied. The Board recommends that the state in good conscience should assume and pay the amount of the uninsured medical expenses, \$1,595.49, less the \$200 fee of J. Anthony Morris, Ph.D., for the reduced award of \$1,395.49. The Board further recommends that payment of this amount shall be made from the

Department of Administration Claims Board appropriation s.20.50(4)(d), Stats. The Board requests that the Department of Health & Social Services propose legislation for the establishment of a system to provide consistency in the handling of further claims of this type.

5. Donald Ledger of Merrill claims \$32,760.00 as the amount of medical disability annuity he is not currently eligible to receive as a result of alleged misinformation given to him by a state employe at the Lincoln Hills Correctional Institute, where he was employed. On September 29, 1976, claimant was hospitalized with Guillain-Barre Syndrome and as a result is now a paraplegic. At the end of a two-year leave from employment, claimant was not informed that he must apply for permanent disability retirement or lose that option but was led to believe that he could file for that benefit during the next year; therefore, claimant took an additional year leave of absence from employment. In May, 1979, when claimant inquired about the medical disability annuity, he was informed that he did not qualify for the benefit because he had not filed within the initial two-year period. The amount of the claim is based on a monthly medical disability annuity payment which claimant would have received had he been eligible, less the monthly Income Continuation Insurance payments of \$466.30 he has received since October, 1976. The Board recommends that the claim should be paid in the reduced amount of \$10,000 based on equitable principles, in full settlement of the damages claimant sustained as the result of incorrect information provided to him by state employes. The Board further recommends that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

6. Patricia Steinhoff of Union Grove claims \$20.80 for repairs to her ring allegedly necessitated by an accident on July 30, 1981, at the Southern Wisconsin Center, where she is employed. Claimant was moving a bed when her hand got caught between a door and the bed, pinching her finger on which she was wearing a ring. As a result, claimant's hand began to swell, necessitating cutting off her ring and later resizing it. 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.

7. Mary Cassady of Middleton claims \$60.75 for the replacement cost of a cassette radio allegedly stolen from her office at the Bureau of Community Corrections Probation Office in Madison, during November 6 - 9, 1981. The office was forcibly entered by someone during that period of time and claimant's radio and 65¢ to 75¢ in

change in her desk was taken. It is the policy of this Board not to reimburse state employes for the loss of personal property brought to their work stations for their own convenience or enjoyment. 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. Gene Wesley of the Aquarium in Wisconsin Rapids seeks \$350 as reimbursement for the cost of purchasing live skunks for resale. Claimant had a fur animal farm license for the year 1981, authorizing the possession and sale of skunks. Claimant sustained the loss when it became apparent that the persons to whom he had sold the skunks could not lawfully keep them without a fur animal farm license under s. 29.575, Stats. Conflicting interpretations of the legal requirements regarding this matter were given to claimant by the License Section of the Department of Natural Resources. Claimant reimbursed his customers for the sale price of the skunks. The Board concludes this claim should be paid, based on equitable principles. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Natural Resources appropriation s. 20.370(8) (mu), Stats.

9. Myron Borg of Madison claims \$37.44 for the replacement cost of a pair of pants which were damaged by a broken spring that had poked through a chair at the Broom Street Job Service Office, where claimant was temporarily assigned. The Board concludes the claim should be paid in the reduced amount of \$25 based on equitable principles. The Board further concludes that under the authority of s. 20.455(1) (z), Stats.

10. Wisconsin Telephone Company claims \$13,616.86 for expenses to repair and replace buried telephone cables which were damaged by Peters Contracting Enterprises, Inc., at a Department of Transportation construction site, Highways 10 and 76 in Outagamie County, Wisconsin. On July 26, 1979, Peters Contracting Enterprises, Inc., severed a cable and on August 1, 1979, hit another cable owned by claimant. The Department of Transportation was aware of the existence of the telephone cable and made every effort to notify the contractor of its existence. However, the Department of Transportation, Standard Specifications for Road and Bridge Construction indicates, in part, 'The contractor shall be responsible for the damage or destruction of property resulting from neglect, misconduct, or omission in his manner or method of execution or nonexecution of the work...' Claimant has commenced an action against Peters Contracting Enterprises, Inc., in Outagamie County Circuit Court. The Board concludes there has been no showing of

JOURNAL OF THE SENATE [March 2, 1982]

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.

THE BOARD CONCLUDES:

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

**Harold Halbach
Carol Furman & Robert Hollender
Lisa Meli
Patricia Steinhoff
Mary Cassady
Wisconsin Telephone Company**

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

Gene Wesley	\$350.00
Myron Borg	25.00

THE BOARD RECOMMENDS:

- 1. Payment of \$1,395.49 be made to Alva and Mary Metcalfe, as reimbursement of uninsured medical expenses as a result of a measles vaccination their daughter Patti received on March 19, 1979, under a Department of Health and Social Services emergency rule requiring all students to be immunized or excluded from school during the measles outbreak in Douglas County.**

- 2. Payment of \$10,000 be made to Donald Ledger for damages he sustained as a result of incorrect information provided to him by state employes of Lincoln Hills Correctional Institute, regarding his medical disability retirement.**

Dated at Madison, Wisconsin, this 26th day of February, 1982.

**GERALD D. KLECZKA
Senate Finance Committee
VIRGIL D. ROBERTS
Assembly Finance Committee
MARGARET S. LEWIS
Representative of Governor**

JOURNAL OF THE SENATE [March 2, 1982]

EDWARD D. MAIN
Representative of Secretary of
Administration

WILLIAM H. WILKER
Representative of Attorney
General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 25, 1982

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
263 -----	121 -----	February 25, 1982

Sincerely,
LEE SHERMAN DREYFUS
Governor

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-85

A RULE to create Ch. Adm 4, relating to the statewide emergency services number.

Submitted by Department of Administration.

Report received from agency, March 1, 1982.

Referred to committee on State and Local Affairs and Taxation, March 2, 1982.

Clearinghouse Rule 81-114

AN ORDER to create NR 1.32, relating to the natural areas and scientific areas policy.

Submitted by Department of Natural Resources.

Report received from agency, March 2, 1982.

Referred to committee on Agriculture and Natural Resources, March 2, 1982.

JOURNAL OF THE SENATE [March 2, 1982]

Clearinghouse Rule 81-213

AN ORDER to create HSS 127.142, 127.212, 127.332, 127.342, 127.345 and 127.442, relating to the Wisconsin drug formulary.

Submitted by Department of Health and Social Services.

Report received from agency, February 25, 1982.

Referred to committee on Human Services, March 2, 1982.

Clearinghouse Rule 81-234

AN ORDER to create NR 118.06 (11) (a) 2 c, relating to standards and criteria for the Lower St. Croix National Scenic Riverway permitting the practice of forestry on woodland tax law and forest crop law lands entered under ch. 77, Stats.

Submitted by Department of Natural Resources.

Report received from agency, March 2, 1982.

Referred to committee on Agriculture and Natural Resources, March 2, 1982.

Clearinghouse Rule 82-5

AN ORDER to amend Ind 90.155 and to create Ind 90.155 (note), relating to minimum costs on public construction contracts.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, February 26, 1982.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, March 2, 1982.

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

Clearinghouse Rule 81-217

AN ORDER to create ch. Trans 54, relating to the advance land acquisition loan program for airports.

Review period waived.

Clearinghouse Rule 81-195

AN ORDER to repeal and recreate ch. CU 60, relating to savings, dividends and early withdrawal penalties.

No action taken.

TIM CULLEN

Chair

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Assembly Bill 29
Assembly Bill 727
Assembly Bill 765
Assembly Bill 782
Assembly Bill 836
Assembly Bill 854
Assembly Bill 1013

Concurred in as amended:

Assembly Bill 239, senate amendments 1, 2 and 3
Assembly Bill 253, senate amendment 1
Assembly Bill 527, senate substitute amendment 1
Assembly Bill 332, senate amendment 1 to assembly amendment

3

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 29

Relating to sentencing and revising penalties.

By Representatives Tesmer, Hauke, Barczak, Wood, Shabaz, Thompson, Tregoning, Rooney, Rogers, Behnke, Dorff, Looby, Menos, Swoboda, Potter, Andrea, Tuczynski, Schneider, Conradt, Lewison, Klicka and Ladwig, co-sponsored by Senator Frank.

Read first time and referred to committee on Human Services.

Assembly Bill 727

Relating to the modification of provisions pertaining to renewal of teacher contracts and teacher tenure by collective bargaining agreements.

By Representative Flintrop, by request of Wisconsin Association of School Boards.

Read first time and referred to committee on Education and State Institutions.

Assembly Bill 765

Relating to competency to proceed in a criminal case and criminal responsibility.

JOURNAL OF THE SENATE [March 2, 1982]

By Representatives Rutkowski, D. Travis, Behnke, Norquist, Plous, Everson, Metz, Jackamonis, McEwen, Becker, Schneiders, Hauke, Robertson, Leopold, Thompson, Shabaz and Flintrop, co-sponsored by Senators Adelman, Moody, Braun, Engeleiter, Chilsen, Johnston, Bablitch, Hanaway and Berger, by request of Judicial Council.

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

Senator Thompson asked unanimous consent that **Assembly Bill 765** be withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Human Services.

Senator Adelman objected.

By request of Senator Flynn, with unanimous consent, **Assembly Bill 765** was withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Organization.

Assembly Bill 782

Relating to granting immunity to persons removing and storing vehicles.

By Representatives Prosser, Vanderperren, Swoboda, Byers, Conradt and Looby, co-sponsored by Senators Roshell, Bidwell, Goyke and Moody.

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

Assembly Bill 836

Relating to log liens.

By Representatives Hopkins, Helbach, Vanderperren, Byers, Smith, Larson, Matty, Berndt, Paulson, McEwen and Panzer, co-sponsored by Senator Kreul.

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

Assembly Bill 854

Relating to residency requirements for beer and liquor bar licenses.

By Representative Hephner, by request of Calumet County Constituents.

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

Assembly Bill 1013

Relating to financing of harbor improvements.

JOURNAL OF THE SENATE [March 2, 1982]

By Representatives Kunicki, Czarnezki, Crawford, Kirby, Rooney, Neubauer and Holschbach, co-sponsored by Senator Moody, by request of city of Milwaukee.

Read first time and referred to committee on State and Local Affairs and Taxation.

CALENDAR OF MARCH 2

Senate Bill 374

Relating to authorization to relocate a bank's principal office and to continue to operate the former principal office as a branch under certain circumstances.

Read.

The question was: Concurrence of assembly amendment 2?

By request of Senator George, with unanimous consent, **Senate Bill 374** was referred to committee on Senate Organization.

LEAVE OF ABSENCE

By request of Senator Flynn, with unanimous consent, Senator Bablitch was granted a leave of absence for today's session.

Senate Bill 401

Relating to prohibiting rate increases for personal motor vehicle liability insurance policies due to accidents or traffic violations occurring during operation of a motor vehicle.

Read.

Senate amendment 1 to assembly substitute amendment 1 offered by Senators Kleczka and Chilsen.

The question was: Adoption of senate amendment 1 to assembly substitute amendment 1?

Adopted.

The question was: Concurrence of assembly substitute amendment 1?

Concurred in as amended.

Senate Bill 519

Relating to the reorganization of city school districts into common or unified districts.

Read.

JOURNAL OF THE SENATE [March 2, 1982]

Senate amendment 1 to assembly amendment 1 offered by Senator Opitz.

The question was: Adoption of senate amendment 1 to assembly amendment 1?

By request of Senator Flynn, with unanimous consent, **Senate Bill 519** was placed at the foot of the calendar.

Senate Bill 683

Relating to congressional districts.

Read.

The question was: Concurrence of assembly substitute amendment 2?

By request of Senator Flynn, with unanimous consent, **Senate Bill 683** was referred to committee on Senate Organization.

Senate Bill 229

Relating to creating the Chequamegon Bay region transportation commission.

Read a second time.

The question was: Adoption of senate substitute amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 229

Read a third time and passed.

Senate Bill 581

Relating to various matters concerning the preservation and restoration of historic buildings and properties, creating a historic building code council and granting rule-making authority.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Van Sistine asked unanimous consent that **Senate Bill 581** be referred to committee on Labor, Government, Veterans Affairs and Tourism.

Senator Moody objected.

Senator Van Sistine moved that **Senate Bill 581** be referred to committee on Labor, Government, Veterans Affairs and Tourism.

JOURNAL OF THE SENATE [March 2, 1982]

The question was: Shall **Senate Bill 581** be referred to committee on Labor, Government, Veterans Affairs and Tourism?

Senator Moody asked unanimous consent that the bill be placed at the foot of the calendar.

Senator Van Sistine objected.

The question was: Shall **Senate Bill 581** be referred to committee on Labor, Government, Veterans Affairs and Tourism?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes -- Senators Cullen, Harsdorf, Kleczka, Kreul, Krueger, Lorman, McCallum, Maurer, Opitz, Risser, Roshell, Theno and Van Sistine -- 13.

Noes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Johnston, Lasee, Lorge, Moody, Offner, Strohl and Thompson -- 19.

Absent or not voting -- Senator Bablitch -- 1.

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Moody, with unanimous consent, **Senate Bill 581** was placed at the foot of the calendar.

Assembly Bill 32

Relating to special state awards and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 32

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

JOURNAL OF THE SENATE [March 2, 1982]

Noes -- Senators Lasee and Opitz -- 2.

Absent or not voting -- Senator Bablitch -- 1.

So the bill was concurred in as amended.

Assembly Bill 248

Relating to a school board's obligation to provide transportation for pupils attending private school.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Strohl, McCallum and Lorman.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator Goyke moved rejection of senate amendment 1 to senate substitute amendment 1.

The question was: Rejection of senate amendment 1 to senate substitute amendment 1?

Senator McCallum asked unanimous consent that **Assembly Bill 248** be referred to joint committee on Finance.

The question was: Shall **Assembly Bill 248** be referred to joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 1; noes, 31; absent or not voting, 1; as follows:

Ayes -- Senator McCallum -- 1.

Noes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Absent or not voting -- Senator Bablitch -- 1.

So the motion did not prevail.

The question was: Rejection of senate amendment 1 to senate substitute amendment 1?

The motion prevailed.

Senate amendment 2 to senate substitute amendment 1 offered by Senators Harsdorf, Lorman and Risser.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

JOURNAL OF THE SENATE [March 2, 1982]

Senator Goyke moved rejection of senate amendment 2 to senate substitute amendment 1?

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 22; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Maurer and Van Sistine -- 10.

Noes -- Senators Adelman, Berger, Chilsen, Engeleiter, George, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno and Thompson -- 22.

Absent or not voting -- Senator Bablitch -- 1.

So the motion did not prevail.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 248

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- Senator Bablitch -- 1.

So the bill was concurred in as amended.

Senate Bill 519

Relating to the reorganization of city school districts into common or unified districts.

Read.

JOURNAL OF THE SENATE [March 2, 1982]

The question was: Adoption of senate amendment 1 to assembly amendment 1?

Senator Engleiter raised the point of order that senate amendment 1 to assembly amendment 1 was not germane.

The chair took the point of order under advisement.

Senate Bill 581

Relating to various matters concerning the preservation and restoration of historic buildings and properties, creating a historic building code council and granting rule-making authority.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Moody, with unanimous consent, senate substitute amendment 1 was laid on the table.

Senate substitute amendment 2 offered by Senator Moody.

Senate amendment 1 to senate substitute amendment 2 offered by Senator Kleczka.

The question was: Adoption of senate amendment 1 to senate substitute amendment 2?

Adopted.

The question was: Adoption of senate substitute amendment 2?
Adopted.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 581** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 581** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 581

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Engleiter, Flynn, Frank, George, Goyke, Hanaway,

JOURNAL OF THE SENATE [March 2, 1982]

Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- Senator Bablitch -- 1.

So the bill passed.

By request of Senator Flynn, with unanimous consent, all action was ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 275** by Senator Theno.

Senate substitute amendment 1 to **Senate Bill 598** by Senator Theno.

Senate substitute amendment 1 to **Senate Bill 771** by Senator Krueger.

Senate amendments 1 and 2 to **Assembly Bill 205** by Senator Offner, by request of State Superintendent of Schools Herbert Grover.

CITATIONS

MOTIONS UNDER SENATE RULE 97

A Certificate of Commendation by Senator Frank for MRS. JOYCE D. ADAMS on the occasion of her departure from State Senate Service;

A Certificate of Congratulations by Senator Risser for ANN ANDERSON on the occasion of her 100th Birthday;

A Certificate of Commendation by Senator Goyke for CHRIS VAJGRT on the occasion of receiving the Ad Altare Dei Catholic Scouting Award;

A Certificate of Condolence by Senators Cullen and Thompson for THOMAS L. ANDERSON on the occasion of his death;

A Certificate of Congratulations by Senator Maurer for DALE CARLSON on the occasion of his winning lie;

A Certificate of Commendation by Senator Roshell for EDWARD FOLSKA on the occasion of being named Wisconsin Driver of the Year;

JOURNAL OF THE SENATE [March 2, 1982]

A Certificate of Congratulations by Senator Engeleiter for JOSEPH and PATRANELLA WISSING on the occasion of their 52nd Wedding Anniversary;

MOTIONS UNDER JOINT RULE 7

A Certificate of Congratulations by Senator Frank cosponsored by Representative Gerlach for THE PH. ORTH COMPANY, OAK CREEK, WISCONSIN on the occasion of its 100th Anniversary as a major business;

A Certificate of Congratulations by Senators Kleczka, Adelman, Flynn and Frank cosponsored by Representatives Czarnecki, Rutkowski and Plewa for the CITY OF GREENFIELD on the occasion of its Silver Jubilee;

A Certificate of Congratulations by Senator Berger cosponsored by Representative Kirby for WILLIAM J. MICHEL on the occasion of receiving the Eagle Scout Award;

A Certificate of Congratulations by Senator Berger cosponsored by Representative Kirby for CHARLES MUELLER on the occasion of receiving the Eagle Scout Award;

A Certificate of Congratulations by Senator Berger cosponsored by Representative Kirby for ROBERT G. MUELLER on the occasion of receiving the Eagle Scout Award;

A Certificate of Congratulations by Senator Berger cosponsored by Representative Kirby for RICHARD B. DRAKE on the occasion of receiving the Eagle Scout Award;

A Certificate of Congratulations by Senator Berger cosponsored by Representative Kirby for WALTER C. EINWALTER on the occasion of receiving the Eagle Scout Award;

A Certificate of Commendation by Senator Krueger cosponsored by Representative Donoghue for STEVE SKOGEN on the occasion of winning the Jaycee Statesmanship Award;

A Certificate of Commendation by Senator Harnisch cosponsored by Representative Everson for JOHN KMOSENA on the occasion of the 15th anniversary of Green Thumb, Inc.;

A Certificate of Condolence by Senator Bidwell cosponsored by Representative Laatsch for EUGENE MADALON on the occasion of his death;

A Certificate of Congratulations by Senator Harsdorf cosponsored by Representative Harer for MR. and MRS. M. BOS on the occasion of their 50th Wedding Anniversary;

A Certificate of Commendation and Congratulations by Senator Van Sistine cosponsored by Representative Matty for MR. and

JOURNAL OF THE SENATE [March 2, 1982]

MRS. HOWARD FUELLE on the occasion of being the recipients of the Marinette County Soil and Water Conservation District's 1982 Outstanding Conservation Farmers award;

A Certificate of Commendation and Congratulations by Senator Van Sistine cosponsored by Representative Matty for JOHN BROSIG on the occasion of being the recipient of the 1982 Marinette County Environmental Conservation Teacher of the Year award;

A Certificate of Commendation by Senator Krueger cosponsored by Representative Kincaid for MIKE BAECKMANN on the occasion of his heroism during a fire;

A Certificate of Congratulations by Senator Bablitch cosponsored by Representative Helbach for ERNEST P. MARCHEL on the occasion of his retirement as Portage County Veteran's Service Officer;

A Certificate of Congratulations by Representative Kirby cosponsored by Senator Berger for BRIAN WIETING on the occasion of being named Eagle Scout;

A Certificate of Commendation by Representatives Cogs, Williams, Becker, Meaux, Leopold, Ulichny and Plous cosponsored by Senators George, Braun, Moody and Berger for the MILWAUKEE COURIER on the occasion of February as Black History Month;

A Certificate of Commendation by Representatives Rooney and Neubauer cosponsored by Senator Strohl for GILBERT BERTHELSEN on the occasion of his retirement as Racine County Executive.

Upon motion of Senator Flynn the senate adjourned until 10:00 A.M. Wednesday, March 3.

11:43 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 72, senate substitute amendment 1

1. Page 34, line 11: substitute "effect" for "affect".

Senate Bill 717

1. Page 4, line 19: substitute "section 501" for "s. 501".