

STATE OF WISCONSIN

Senate Journal

Eighty-Sixth Regular Session

THURSDAY, April 14, 1983

10:20 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

By request of the president of the senate, with unanimous consent, the calling of the roll was dispensed with.

INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 25**

Relating to denial of bail for persons accused of a crime involving the manufacture or delivery of a controlled substance (first consideration).

By Senators Johnston and Chilsen; cosponsored by Representatives Andrea, Buettner, Walling, Hauke, Smith, Prosser and Young.

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

INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 211**

Relating to denying exemptions for property taxes, inheritance taxes and sales taxes to organizations that discriminate on the basis of race.

By Senators George, Feingold, Otte, Chilsen, Norquist and Hanaway; cosponsored by Representatives M. Coggs, Potter, Neubauer, Smith, Ulichny, Becker, Crawford, Walling, Kasten, D. Travis, Stower and Plous.

To Joint Survey committee on Tax Exemptions.

**Senate Bill 212**

Relating to battery to an emergency medical technician and providing a penalty.

By Senators Lorman, Davis, Lasee and Roshell; cosponsored by Representatives Radtke, Rosenzweig, Coleman, Matty, Stewart, Goetsch, Merkt, Wimmer, Walling and Panser.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 213**

Relating to safety responsibility for motor vehicle accidents, uninsured and underinsured motorist insurance coverage and creating a penalty.

By Senators Johnston and Offner; cosponsored by Representatives Becker and Bell.

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

**Senate Bill 214**

Relating to referenda concerning school district reorganizations.

By Senator Johnston; cosponsored by Representative Kasten.

To committee on Health, Education, Corrections and Human Services.

**Senate Bill 215**

Relating to the creation of a license permitting the sale of wine in restaurants and creating a penalty.

By Senators Johnston and Thompson; cosponsored by Representatives Ulichny, Prosser and Merkt.

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

**Senate Bill 216**

Relating to permitting elected officers to take paid vacation and denying them payment for unused vacation time.

By Senators Johnston, Offner and Roshell; cosponsored by Representatives Plewa, Metz, Wimmer, Van Gorden, Stower, Radtke, Bolle, Goetsch, Moyer, Bell and Gilson.

To committee on Urban Affairs and Government Operations.

**Senate Bill 217**

Relating to manufacturing or delivering dangerous drugs, changing penalties and restricting parole and probation.

By Senators Johnston and Lasee; cosponsored by Representatives Andrea, Rosenzweig, Antaramian, Hauke, Gilson, Young, Stewart, Luckhardt and Swoboda.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 218**

Relating to extending the jurisdiction of the public service commission to include certain sewage services.

By Senator Maurer; cosponsored by Representative Antaramian.

To committee on Energy and Environmental Resources.

**Senate Bill 219**

Relating to small and minority business enterprises, creating councils on small and minority business development, granting rule-making authority and making an appropriation.

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By Senators George, Norquist, Strohl, Czarnecki, Hanaway and Chilsen; cosponsored by Representatives M. Coggs, Gilson, T. Thompson, Ulichny and Shoemaker.

To joint committee on Audit.

**Senate Bill 220**

Relating to health insurance for the unemployed and making an appropriation.

By Senators Offner, Cullen, Kleczka, Norquist, George, Van Sistine, Feingold, Moen, Johnston, Bablich and Thompson; cosponsored by Representatives Loftus, Johnson, Metz, D. Travis, M. Coggs, Plous, Wineke, Williams, Miller, Chvala, Looby, Sell, Schultz and Moyer.

To Joint Survey committee on Debt Management.

**Senate Bill 221**

Relating to regulation of intrastate transportation of hazardous material, the response to hazardous material emergencies, granting rule-making authority and creating a penalty.

By Senators Lorge, Ellis, Hanaway, Johnston, Kreul, Harsdorf, Otte and Thompson; cosponsored by Representatives Hephner, Prosser, Byers, Zeuske and Rogers.

To committee on Energy and Environmental Resources.

**Senate Bill 222**

Relating to the campground reservation system and eliminating resident preference.

By Senator Strohl; cosponsored by Representative Smith.

To committee on Energy and Environmental Resources.

COMMITTEE REPORTS

The committee on Energy and Environmental Resources reports and recommends:

**Senate Bill 69**

Relating to commercial fishing license reciprocity limitations and exemptions to those limitations.

Passage:

Ayes, 5 -- Senators Strohl, Lee, Ellis, Adelman and Opitz;

Noes, 0 -- None.

**Senate Bill 89**

Relating to designating the Antigo silt loam as the state soil.

Passage:

Ayes, 3 -- Senators Strohl, Adelman and Ellis;

Noes, 2 -- Senators Lee and Opitz.

JOE STROHL  
Chair

REPORT OF JOINT SURVEY COMMITTEE ON  
TAX EXEMPTIONS

Appendix to **Senate Bill 105**

Public Policy Involved

Because this bill contains no tax exemptions within the jurisdiction of the Joint Survey committee on Tax Exemptions under s. 13.52, Stats., the committee expresses no opinion on the desirability of this proposal as a matter of public policy.

MARVIN J. ROSHELL  
Co-Chair

STEVEN C. BRIST  
Co-Chair

Referred to committee on Judiciary and Consumer Affairs.

PETITIONS AND COMMUNICATIONS

**Senate Petition 11**

A petition by 352 residents of the state of Wisconsin protesting the increase of fees for licensed Cosmetologists and Barbers.

By Senator McCallum.

Read and referred to joint committee on Finance.

State of Wisconsin  
Department of State

April 12, 1983

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(8):

Sincerely,  
DOUGLAS LAFOLLETTE  
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.*

Boardman, Cathy, 838 W. Prospect Ave., Appleton, WI 54914 (414) 731-4010; Wisconsin Religious Coalition for Abortion Rights, 838 W. Prospect Ave., Appleton, WI 54914 (414) 731-4010; 11, 12.

Goyke, Gary R., 22 N. Carroll St., Madison, WI 53703 (608) 251-5997; Coalition of Concerned Employers, 22 N. Carroll St., Madison, WI 53703 (608) 251-5997; 12, 13; Northern Wisconsin Commercial Fisherman's Assn., James Frostman, Box 731, Bayfield, WI 54814 (no phone given; 17; 144; Southern Green Bay Commercial Fishermen's Assn., 616 N. Fisk, Green Bay, WI 54303 (414) 435-7165; 17; 144; Wisconsin Commercial Fishermen, Inc., 1414 E. Warnimount Ave., Apt. 4, Milwaukee, WI 53221 (414) 481-3424; 17; 144.

Green, Robert R., Wisconsin Innkeepers Assn., 509 W. Wisconsin Ave., Rm. 606, Milwaukee, WI 53203

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(414) 271-2851; Wisconsin Innkeepers Assn., 509 W. Wisconsin Ave., Rm. 606, Milwaukee, WI 53203 (414) 271-2851; 1-25.

Melli, Joseph A., 119 Monona Ave., P.O. Box 1664, Madison, WI 53701 (608) 257-4812; Wisconsin Road Builders Assn., 16 N. Carroll St., Madison, WI 53703 (608) 256-6891; 1, 4, 13, 17, 20-24; 101, 110, 116, 136, 142, 144, 170, 174, 176-178.

Parys, Ronald, 206 E. Olin Ave., Madison, WI 53713 (608) 251-0368; Tavern League of Wisconsin - First District Committee - Governmental Affairs, Rt. 2, Hwy 59 & N., Milton, WI 53563 (608) 868-3403, after 6:00-(608) 868-7844; 18; 118; Wisconsin Assn. of Food Dealers, 802 W. Broadway, Ste. 203, Madison, WI 53713 (608) 222-4515; 1-25; 101-185.

State of Wisconsin  
Claims Board

April 12, 1983

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 April 4, 1983.

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 hearings at the State Capitol Building, Madison, Wisconsin on April 4, 1983, upon the following claims:

Claimant	Amount
Frank Scott	\$ 300.00
Edgewater Haven Nursing Home	15,940.55

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

Pow Wow Campground	\$ 8,268.62
Dale Marsh	78.00
Paul & Berniece Dietz	175.00
Eugene Skinner	132.21
Nellie Laughlin	356.00
John Hancock Mutual Life Ins. Co.	19,296.40
Commercial Union Insurance Co.	676.76
Deborah Thiel	28.00

THE BOARD FINDS:

1. Frank Scott of Hartland claims \$300.00 for trees that were cut down on his property in Iron County by employes of the Department of Natural Resources in 1977. The Department of Natural Resources incorrectly delineated the property boundary of claimant's land by using an incorrect property corner set by another person. The Board concludes the claim should be paid in the reduced amount of \$47.94, representing double the stumpage value of the wood cut, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats.

2. Steven Sterzinger, Administrator of Edgewater Haven Nursing Home of Port Edwards claims \$15,940.55 as the amount to provide care for Mr. and Mrs. Bernard Konitzer from June 1981 to May, 1982. The Konitzers were admitted to the nursing home in January, 1981 and they applied for medicaid in June, 1981. The application for medicaid was denied based on an irrevocable trust of \$15,000 which the Konitzers had set aside for their children prior to entering the nursing home. The Konitzers appealed the decision which was denied on January 19, 1982, on the basis of excess assets. Attempts to dissolve the trust were not successful until May, 1982. At that time, the Konitzers, after payment of attorney fees, paid the balance of the trust to the nursing home and were then certified as medical assistance recipients as of May 21, 1982. Claimant believed that medicaid would pick up the Konitzers' bill from the time when their \$15,000 would have been spent down; however, there is no basis in law that would support certifying the Konitzers as eligible for medical assistance benefits prior to May 21, 1982, when their assets fell to \$2,250, pursuant to s. 49.47(4)(b)3, Wis. Stats. The Board concludes there is insufficient evidence of negligence on the part of the state or its 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. (Member Schneider abstaining).

3. Pow Wow Campground, Inc. of Galesville claims \$8,268.62 for loss of business from July through October, 1982, allegedly due to a bridge construction project on Highway 53 and Hunter's bridge in Galesville. Access from Highway 53 north of the bridge was closed. A temporary road was provided during the time which the usual access was closed although it was less convenient for patrons of the campground. Highway construction

often causes temporary inconvenience and loss of business but this alone is not grounds for the state to compensate those who are damaged. The Board concludes that the claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

4. Dale Marsh of Madison claims \$15 for an administrative fee to process his claim and \$63 for damages to his automobile incurred on November 5, 1982, while claimant was exiting the parking facility at GEF-III. The garage door lowered onto claimant's car, scraping the paint down the back of the car as it closed. The Board concludes the claim should be paid in the reduced amount of \$63, by check issued jointly to claimant and Four Lakes Auto Body, Inc., based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Administration appropriation s. 20.505(1)(kf), Stats.

5. Paul & Berniece Dietz of LaCrosse claim \$175.00 for uninsured property damage incurred to the interior of their home caused by a wild deer on November 21, 1982, under unique and unusual circumstances whereby the deer jumped through claimants' window. The Board concludes the claim should be paid, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats.

6. Eugene Skinner of Milwaukee, claims \$70 for medical expenses and \$62.21 for lost wages relating to an injury he sustained on October 26, 1981, in the University of Wisconsin-Milwaukee Enderis Hall parking lot. As claimant was walking to his car after class he slipped on some transmission fluid in the parking lot. The state had no prior knowledge of the existence of any hazardous condition existing in the parking lot. Evidence is insufficient to prove negligence on the part of any officer, agent, or employe 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.

7. Nellis Laughlin of Madison claims \$356.00 for medical expenses incurred in 1980 as a result of her health insurance being improperly cancelled by the University of Wisconsin-Madison where she is employed. The Board recommends the claim be paid in the reduced amount of \$223, which is the amount of medical expenses that would have been covered had insurance been in effect, \$266 minus the \$43 premium, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(n), Stats.

8. John Hancock Mutual Life Insurance Company of Milwaukee claims \$19,296.40 for an alleged overpayment with respect to the confinement of Rebecca Schenck at the Central Wisconsin Center for the Developmentally Disabled from January through August, 1981. Rebecca was eligible for policy benefits

but in error, policy increases on benefits were also paid for Rebecca. The Board finds there is 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.

9. Commercial Union Insurance Company files a subrogation claim for \$576.76 plus \$100 for its insured, James Stevenson, for damages to his car on September 14, 1982 on County Trunk A in Winnebago County. A resident from the Winnebago Mental Health Institute was standing on the shoulder of the road and as the Stevenson vehicle approached the resident jumped in front of the vehicle causing the damages. The loss incurred was a risk assumed by the insurance company and payment of this claim would be inconsistent with a long-standing policy of the Board in denying equitable recovery on all subrogation claims. 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.

10. Deborah Thiel of Merrill claims \$28 for replacement of a brass sundial which was stolen from her property in Irma, Wisconsin on September 29, 1982, by two boys on escape status from Lincoln Hills School. The Board concludes the claim should be paid in the reduced amount of \$22.05, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(am), Stats.

THE BOARD CONCLUDES:

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

Edgewater Haven Nursing Home  
Pow Wow Campground, Inc.  
Eugene Skinner  
John Hancock Mutual Life Insurance Company  
Commercial Union Insurance Company

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

Frank Scott	\$ 47.94
Dale Marsh	63.00
Paul & Berniece Dietz	175.00
Nellie Laughlin	223.00
Deborah Thiel	22.05

Dated at Madison, Wisconsin this 11th day of April, 1983.

GERALD D. KLECZKA  
Senate Finance Committee

MARLIN D. SCHNEIDER  
Assembly Finance Committee

DANAE DAVIS GORDON  
Representative of Governor

EDWARD D. MAIN

Representative of Secretary of  
Administration

WILLIAM H. WILKER

Representative of Attorney  
General

State of Wisconsin  
Legislative Council

April 12, 1983

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1983 Legislature on legislation introduced by the Legislative Council:

RL 83-12 -- Legislation Creating a Separate Department of Corrections (Assembly Bill 320)

RL 83-13 -- Legislation Relating to Commitment of Inmates (Assembly Bill 234)

RL 83-14 -- Legislation Relating to Prison Industries (Assembly Bill 236)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,  
BONNIE REESE  
Executive Secretary

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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

April 12, 1983

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Joel B. Grossman of Madison to the Judicial Commission, pursuant to the statute governing, to serve a term to expire August 1, 1985.

Respectfully,  
ANTHONY S. EARL  
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

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SENATE CLEARINGHOUSE ORDERS

The committee on Health, Education, Corrections and Human Services reports and recommends:

**Clearinghouse Rule 82-233**

AN ORDER to amend HSS 52.03 (2) (a) 2 and 59.04 (1) (b) 3, relating to health examinations for child care workers in child care institutions and shelter care facilities for children.

No action taken.

**Clearinghouse Rule 82-240**

AN ORDER to amend PI 14.02, relating to minimum uniform contract provisions for agreements between 2 or more school districts pursuant to s. 66.30 (6), Stats.

No action taken.

**Clearinghouse Rule 83-11**

AN ORDER to repeal and recreate A-E 1.15 (4), relating to examination for registration of architects.

No action taken.

CARL W. THOMPSON  
Chair

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MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

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

**Assembly Bill 40**

Nonconcurrent in:

**Assembly Bill 15, senate amendment 1**

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MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Bill 40**

Relating to authorization of grants from the Wisconsin election campaign fund to finance special elections and making appropriations.

By Representatives Crawford, Manske, Miller, Chvala, Roberts and D. Travis, co-sponsored by Senators Adelman, Offner and Theno.

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

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AMENDMENTS OFFERED

Senate amendments 1 and 2 to **Senate Bill 116** by Senator Otte.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 56** by Senator George.

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Upon motion of Senator Cullen the senate adjourned  
until 10:00 A.M. Tuesday, April 19.

10:32 A.M.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 200**

1. Page 2, line 7: substitute "125.34" for "125.07".