

Eighty-Sixth Regular Session

WEDNESDAY, May 16, 1984

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Claims Board

May 11, 1984

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 30, 1984.

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 30, 1984, upon the following claims:

Claimant	Amount
Charlotte Sutter	\$ 220.50
Adalbert Kawczynski	205.15
Eunice Strassman	92.50
Good Hope Choice, Inc.	343.49
Deborah Wold	453.97
Charles Ray	701.48
Alice Ryan	52.70
Mary Ann Parrish	167.70
Lynn Oestreich	1,215.40
City of Waupun	4,345.66
Christine Wollum	24.88

THE BOARD FINDS:

1. Charlotte Sutter of Mount Horeb, claims \$220.50 for damages to her automobile incurred on November 28, 1983, while she was exiting the parking facility at the state office building, General Executive Facility 3 (GEF 3). The garage door lowered on top of the car, scratching and denting the roof. 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 Administration appropriation s. 20.505(1)(kf), Stats.

2. Adalbert Kawczynski of Greendale, claims \$205.15 for the replacement cost of his camera and calculator, which claimant used on a job while he was assigned to a construction site in Milwaukee by the Department of Transportation. The camera and calculator were missing after the field office where claimant was assigned, was burglarized between September 30, 1983 and October 1, 1983. 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. Eunice Strassman of Madison, claims \$89.00 because of damage of her coat as the result of an ink stain and a \$3.50 drycleaning bill in an attempt to remove the stain from the coat. The ink stain was allegedly incurred while claimant's coat was hanging on the rack at the University of Wisconsin Academic Computing Center on January 27, 1984, where she is employed. 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.

4. Good Hope Choice, Inc. of Greenfield, claims \$343.49 when a money market certificate was incorrectly cashed by the Department of Revenue in 1983, resulting in a penalty charge of \$150 and loss of interest. Two money market certificates had been placed as security with the Department of Revenue to guarantee tax payments. In the process of redeeming and releasing the total sales tax security deposit of \$4,000, the Department of Revenue staff erroneously overlooked the fact that one of the \$2,000 money market certificates would have been sufficient to cover the sales tax delinquency. The Board concludes the claim should be paid in the reduced amount of \$309.45, less the interest charge of \$34.04, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats, payment should be made from the Department of Revenue appropriation s. 20.566(1)(a), Stats.

5. Deborah Wold of Abrams, claims \$453.97 for veterinary expenses incurred as a result of an injury to her dog on September 10, 1983, allegedly inflicted by a bear. Even though legal title to all wild animals in Wisconsin is vested in the state pursuant to s. 29.02(1),

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Stats., mere ownership does not create legal liability for damages done by wild animals. 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.

6. Charles Ray of College Station, Texas, claims \$701.48 for reimbursement of a woodland tax penalty incurred as a result of the declassification of lands under s. 77.16(11), Stats. In 1976, during the application process for entry of claimant's land in Pierce County under the woodland tax law, a Department of Natural Resources forester incorrectly included a parcel of land that had been sold by claimant. As a result, the entire tract of land was declared ineligible for the woodland tax treatment. 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.

7. Alice Ryan of Villa Park, Illinois, claims \$52.70 for damages to her books on November 26, 1983, incurred when a washing machine in an upstairs living unit overflowed causing water to leak through the basement ceiling on to claimant's desk at the Southern Wisconsin Center. The claimant was required to use her own books as an intern student in Music Therapy at the Center. 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 Claims Board appropriation s. 20.505(4)(d), Stats.

8. Mary Ann Parrish of Milwaukee, claims \$167.70 for medical expenses incurred as a result of injuries sustained on November 26, 1983, when a resident of the Southern Wisconsin Center pushed her causing her to fall backwards and hit her head on the floor. 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 Health and Social Services appropriation s. 20.435(2)(gm), Stats.

9. Lynn Oestreich of Fond du Lac, claims \$1,215.40 for moving expenses incurred when he was transferred from Oakhill Correctional Institution to Taycheedah Correctional Institution on February 6, 1983. Claimant was informed by management that his moving expenses would be paid but was subsequently informed that, because the distance between his old and the new residence was less than 35 miles, moving expenses could not be paid pursuant to the Department of Employment Relations Travel Schedule Amounts. The Board concludes the claim should be paid in the reduced amount of \$1,000, 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 and Social Services appropriation s. 20.435(3)(a), Stats.

10. City of Waupun claims \$4,345.66 for extraordinary services provided to the State by the City's police, fire and street departments during a riot which occurred at the Waupun State Prison on January 31, 1983. The Board believes the claim in a reduced amount is appropriate under s. 16.008, Stats. The Board recommends payment of the claim in the amount of \$2,726.91, based on equitable principles and concludes under authority s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

11. Christine Wollum of Madison, claims \$24.88 for replacement cost of eyeglass frames which became damaged while she was working with a resident of the Central Wisconsin Center for the Developmentally Disabled on February 7, 1984. 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 Health and Social Services appropriation s. 20.435(2)(gm), Stats.

THE BOARD CONCLUDES:

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

Adalbert Kawczynski
Eunice Strassman
Deborah Wold

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

Charlotte Sutter	\$ 220.50
Good Hope Choice, Inc.	309.45
Charles Ray	701.48
Alice Ryan	52.70
Mary Ann Parrish	167.70
Lynn Oestreich	1,000.00
Christine Wollum	24.88

THE BOARD RECOMMENDS:

1. Payment of \$2,726.91 be made to the City of Waupun for extraordinary services provided to the State during the riot which occurred at the Waupun State Prison on January 31, 1983, pursuant to s. 16.008, Stats.

Dated at Madison, Wisconsin this 11th day of May 1984.

JOHN J. MAURER
Senate Finance Committee
MARLIN D. SCHNEIDER
Assembly Finance Committee
DANAE DAVIS GORDON
Representative of Governor

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EDWARD D. MAIN
Representative of Secretary of
Administration

WILLIAM H. WILKER
Representative of Attorney
General

Compact, Wisconsin Commissioner, pursuant to the
statute governing, to serve a term to be served at the
pleasure of the Governor.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Energy and
Environmental Resources.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

May 11, 1984

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

May 10, 1984

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	Act No.	Date Approved
11	442	May 10, 1984
37	443	May 10, 1984
84	444	May 10, 1984
161	445	May 10, 1984
170	446	May 10, 1984
244	447	May 10, 1984
315	448	May 10, 1984
362	449	May 10, 1984
369	450	May 10, 1984
391	451	May 10, 1984
414	452	May 10, 1984
424	453	May 10, 1984
429	454	May 10, 1984
480	455	May 10, 1984
505	456	May 10, 1984
517	457	May 10, 1984
525	458	May 10, 1984
561	459	May 10, 1984
601	460	May 10, 1984
620	461	May 10, 1984
639	462	May 10, 1984
655	463	May 10, 1984
686	464	May 10, 1984
687	465	May 10, 1984
689	466	May 10, 1984
232	535	May 10, 1984

Respectfully,
ANTHONY S. EARL
Governor

State of Wisconsin
Office of the Governor
Madison, Wisconsin

May 3, 1984

To the Honorable, the Senate:

I am pleased to nominate and with the advice and
consent of the Senate, do appoint DON SCHOTT of
Madison to the Midwest Low Level Radioactive Waste

To the Honorable, the Senate:

I am pleased to nominate and with the advice and
consent of the Senate, do appoint STEVEN M.
BARNEY of Madison to the Hospital Rate-Setting
Commission pursuant to the statute governing, to serve a
term to expire March 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Health,
Education, Corrections and Human Services.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

May 11, 1984

To the Honorable, the Senate:

I am pleased to nominate and with the advice and
consent of the Senate, do appoint KATHERINE M.
KIEDROWSKI of Glendale to the Hospital Rate-
Setting Commission pursuant to the statute governing,
to serve a term to expire March 1, 1987.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Health,
Education, Corrections and Human Services.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-215

AN ORDER to repeal and recreate ch. Ind-UC 126; and
to create chs. ILHR 127 to 129, relating to
unemployment compensation and work registration;
work search; ability to work and availability for work;
and notice of unemployment.

Submitted by Department of Industry, Labor and
Human Relations.

Report received from agency, May 9, 1984.

Referred to committee on Labor, Business, Veterans
Affairs and Insurance, May 16, 1984.

Clearinghouse Rule 84-20

AN ORDER to repeal NR 45.12 (1) (e) and 45.13 (18) (b)
1 e; to renumber NR 10.24 (6) (c) and 45.13 (18) (b) 2 d 4)

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f); to renumber and amend NR 45.13 (18) (b) 2 d 4 e); to amend NR 10.24 (3) (g) and (4) (a), (d), (e) and (f), 15.022 (intro.) and 45.13 (18) (b) 2 d 3 a) and 4) (intro.) and a); to repeal and recreate NR 10.24 (3) (c), (4) (g) and (6) (a) and (b) and 45.12 (4) (f) 1 and 2; and to create NR 10.24 (6) (c) and (d) and 45.12 (1) (f) 5, relating to use of the Bong state recreation area.

Submitted by Department of Natural Resources.

Report received from agency, May 15, 1984.

Referred to committee on Energy and Environmental Resources, May 16, 1984.

Clearinghouse Rule 84-30

AN ORDER to amend CU 63.08 (2); and to create CU 63.08 (2) (a) to (c), relating to transfer of funds through a remote terminal.

Submitted by Office of the Commissioner of Credit Unions.

Report received from agency, May 11, 1984.

Referred to committee on Aging, Financial Institutions and State Institutions, May 16, 1984.

Clearinghouse Rule 84-41

AN ORDER to amend HEA 7.04 (1), (2) and (4), 7.06 (2) and (5) and 7.07 (1), relating to the Wisconsin health education assistance loan program.

Submitted by Higher Educational Aids Board.

Report received from agency, May 15, 1984.

Referred to committee on Higher Education and Economic Development, May 16, 1984.

Clearinghouse Rule 84-45

AN ORDER to amend Tax 11.12 (4) (a) 1, 3 and 5 and 11.51 (title) and (2) (a) and (b); and to repeal and recreate Tax 11.95 (1) and (2), relating to updating sales and use tax rules for law changes and tax appeals commission or court decisions which are final.

Submitted by Department of Revenue.

Report received from agency, May 10, 1984.

Referred to committee on Tourism and Revenue, May 16, 1984.

The committee on Energy and Environmental Resources reports and recommends:

Clearinghouse Rule 84-6

AN ORDER to repeal ch. Ind 18, relating to renewable energy financial incentives.

No action taken.

JOE STROHL
Chair