

Eighty-Seventh Regular Session

WEDNESDAY, November 6, 1985

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 410

Relating to dispensing motor vehicle fuel for disabled persons.

By Senators Risser, Norquist, Chilsen and Harsdorf, cosponsored by Representatives Williams, M. Coggs, Gronemus and Magnuson.

To committee on Transportation.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

October 29, 1985

To the Honorable the Senate

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

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

DAVIS, ERROL B., JR., c/o WP&L, 222 W. Washington Ave., Madison, WI 53703 (608) 252-3137

Wisconsin Power and Light Co., 222 W. Washington Ave., Madison, WI 53703 (608) 252-3137 (public utility holding company legislation)

State of Wisconsin
Claims Board

October 16, 1985

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on September 30, 1985.

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 September 30, 1985, upon the following claims:

Claimant	Amount
Ernest Marvin	\$ 568.00
C.V. Ravishankar	51.00
Walter Blaedel	3,133.00
Wallace O'Neill	52,192.85
David Roehrig	1,644.97
Julie Stull	67.59
Neises Farms, Inc.	18,500.00
Robert Radcliffe	177.47/mo

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

LaCrosse Auto Supply	\$119.79
Kevin Meneau	31.00
Kenneth Corbett	728.25
Deborah Schorman	98.42

THE BOARD FINDS:

1. Ernest Marvin of Wausau claims \$568.00 for uninsured property damages allegedly caused by juveniles on escape status from Lincoln Hills Boys School between August 15-17, 1981. The juveniles forced entry into claimant's trailer home, vandalizing the property. 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(3)(hm), Stats.

2. C.V. Ravishankar of Madison claims \$51.00 for a medical bill not covered by insurance because he was unaware of the one-year deadline for filing claims with his insurer, Wisconsin Physicians Services. Claimant incurred the medical bill in July, 1983 and filed the claim with his insurance company in February, 1985. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employes and the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

3. Walter Blaedel of Madison claims \$3,133.00 for reimbursement of his glassware collection allegedly confiscated by the University of Wisconsin-Madison in October, 1981, following claimant's retirement as a professor in the Chemistry Department. Claimant alleges that he has not been provided an opportunity to obtain his glassware. The Board concludes the claim should be paid in the reduced amount of \$200, 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)(a), Stats.

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4. Wallace O'Neill of Eau Claire claims \$52,192.85 for attorney fees incurred in defense of criminal charges filed against him relative to the performance of his duties as Director of Safety & Security at the University of Wisconsin-Eau Claire in 1982. As the result of an investigation of a theft, claimant was charged with three felonies and subsequently convicted of burglary. Claimant's conviction was reversed by the Supreme Court on December 21, 1984. The Board recommends payment of claimant's attorney fees in the amount of \$52,192.85, 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.
5. David Roehrig of Two Rivers claims \$1,644.97 for overtime and penalty wages relating to his employment as a truck mechanic for Commercial Truck & Heavy Equipment Service from February 19 through November 26, 1981. On October 19, 1982, claimant filed an assignment of his overtime and penalty wages with the Department of Industry, Labor and Human Relations. On March 3, 1983, the Department of Industry, Labor and Human Relations requested the Department of Justice to commence legal action to collect the wages. Because the action was not commenced until September 1, 1983, claimant's wages for the period from February 19 through August 30, 1982, could not be recovered pursuant to the two-year statute of limitations in s. 893.44, Stats., governing actions to collect wages. The Board concludes the claim should be paid in the reduced amount of \$1,000.00 based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Justice appropriation s. 20.455 (1)(d), Stats. (Member Wilker not participating)
6. Julie Stull of Madison claims \$67.69 for damages to her clothing incurred on July 22, 1985, caused by liquid toner leaking from a copy machine in her office at the Department of Industry, Labor and Human Relations. The Board concludes the claim should be paid in the reduced amount of \$50, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Industry, Labor and Human Relations appropriation s. 20.445(1)(a), Stats.
7. Neises Farms, Inc. of Patch Grove claims \$18,500.00 for damages resulting from the construction of Highway 35, South of Patch Grove in 1983. Claimant alleges damages relating to relocation of a creek retaining wall, fencing labor, removal of a silo, inaccessibility to some of his property and a gravel pile on his property as a result of the Department of Transportation's construction project. The Board finds 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.
8. Robert Radcliffe of Evansville claims \$177.47 month as the difference between the amount he was advised by the Department of Employee Trust Funds that he would receive as a monthly annuity benefit and the amount he is actually entitled to receive. On March 22, 1984, claimant requested an estimate of his retirement benefits. Based on the estimates provided the Department of Employee Trust Funds on May 1, 1984, claimant filed a retirement annuity application requesting that the annuity become effective September 8, 1984. On February 1, 1985, claimant was informed that the Employee Trust Funds Counselor who prepared the estimate failed to apply the appropriate age reduction factor to claimant's annuity and it was computed as though claimant were age 65 instead of 57. The error was discovered when the final computation was made January 21, 1985. The Board recommends payment to claimant in the amount of \$15,000.00 based on equitable principles. The Board further recommends the Legislature authorize payment of this claim from the Department of Employee Trust Funds appropriation s. 20.515(1)(a), Stats. The Board further recommends that the language of this appropriation be amended so further claims of this type can be paid or recommended for payment by the Claims Board from this appropriation.
9. La Crosse Auto Supply claims \$119.79 for uninsured damages to its delivery truck windshield allegedly caused by a baseball which was hit into the street from the University of Wisconsin-LaCrosse baseball field during the varsity baseball game on April 17, 1985. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employees 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.
10. Kevin Meneau of Two Rivers claims \$31.00 for replacement of his eyeglass lens which was damaged while he was performing his duties as an LTE employee of the Department of Natural Resources. The Board concludes the claim should be paid in the reduced amount of \$25 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.
11. Kenneth Corbett of Oshkosh claims \$728.25 as the amount he paid in December, 1983, prior to his retirement, to purchase the six-month qualifying period of state service pursuant to s. 40.02(17)(b), Stats., to increase his monthly retirement annuity. On January 28, 1985, the Claims Board voted 5-0 to award payment of the claim in the amount of \$728.25 from the Department of Employee Trust Funds appropriation s. 20.515(1)(r), Stats. The Department of Employee Trust Funds requested an Attorney General Opinion regarding payment of a claim from that appropriation. On September 3, 1985, the Attorney General issued an opinion advising that the Claims Board could not order payment of a claim from the Trust Funds. The Board concludes the claim should be paid based on equitable principles from the Claims Board appropriation s. 20.505(4)(d), Stats.
12. Deborah Schorman of Eau Claire claims \$92.42 for wage loss incurred to provide her husband

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transportation to the doctor after he sustained injuries in an automobile accident while driving on state business in December, 1984. 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.

The Board Concludes:

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

- C.V. Ravishankar
- Neises Farms, Inc.
- LaCrosse Auto Supply
- Deborah Schorman

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

Ernest Marvin	\$ 568.00
Walter Blaedel	200.00
David Roehrig	1,000.00
Julie Stull	50.00
Kevin Meneau	25.00
Kenneth Corbett	728.25

The Board Recommends:

1. Payment of \$52,192.85 be made to Wallace O'Neil for attorney fees incurred in defense of criminal charges filed against him relative to the performance of his duties as Director of Safety and Security at the UW-Eau Claire in 1982.

2. Payment of \$15,000.00 be made to Robert Radcliffe as compensation for the reduction in his annuity benefit resulting from the incorrect estimate provided to claimant by the Department of Employee Trust Funds in 1984. The Board recommends payment from the Department of Employee Trust Funds appropriation s. 20.515(1)(a), Stats. The Board further recommends that the language of this appropriation be amended so future claims of this type can be paid or recommended for payment by the Claims Board from this appropriation.

Dated at Madison, Wisconsin this 15th day of October, 1985.

- GARY R. GEORGE
Senate Finance Committee
- MARLIN D. SCHNEIDER
Assembly Finance Committee
- JUAN B. COLAS
Representative of Governor
- EDWARD D. MAIN
Representative of Secretary of Administration
- WILLIAM H. WILKER
Representative of Attorney General

State of Wisconsin
Wisconsin Housing and
Economic Development Authority

October 31, 1985

To the Honorable the Legislature

I am pleased to transmit to you the following report:
**CREDIT RELIEF OUTREACH PROGRAM
MONTHLY REPORT**

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available upon request from the Wisconsin Housing and Economic Development Authority (WHEDA), 131 West Wilson, Suite 300, or by calling (608) 266-7884.

Best Wishes,
ED JACKAMONIS
Executive Director

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

October 28, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAMES P. GOKEY of LaCrosse to the Minnesota-Wisconsin Boundary Area Commission pursuant to the statute governing, to serve a term to expire September 25, 1990.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Tourism, Revenue, Financial Institutions and Forestry.

State of Wisconsin
Office of the Governor

November 4, 1985

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
2-----	48-----	November 4, 1985

Respectfully,
ANTHONY S. EARL
Governor

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 84-235

AN ORDER to repeal chapter Ind 47; and to create chapter ILHR 34, relating to amusement rides and attractions.

Submitted by Department of Industry, Labor & Human Relations.

Report received from agency, November 5, 1985.

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Referred to committee on Labor, Business, Veterans Affairs and Insurance, November 6, 1985.

Clearinghouse Rule 85-74

AN ORDER to repeal and recreate chapter HSS 211, relating to relief of needy Indian persons and provision of work experience and training opportunities for recipients of this relief.

Submitted by Department of Health and Social Services.

Report received from agency, November 4, 1985.

Referred to committee on Agriculture, Health and Human Services, November 6, 1985.

Clearinghouse Rule 85-122

AN ORDER to repeal and recreate ILHR 48.02 (1), 48.04 (1) (c), Table 48.04-B1, Table 48.05, Table 48.06, Table 48.07, 48.08 and 48.10 (1); and to create ILHR 48.03 (6) and (7), 48.04 (1) (d) and A48.10 (1) (b), relating to the petroleum products code.

Submitted by Department of Industry, Labor & Human Relations.

Report received from agency, November 5, 1985.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, November 6, 1985.

Clearinghouse Rule 85-143

AN ORDER to repeal ILHR 50.12 (2) (k), 63.01 (2) and A63.41; to renumber ILHR 63.01 (1); to amend ILHR 50.07 (2) (c), Table 69.09-1 and Ind 69.09 (1) (a) 1 c and (d); to create Ind 69.15 (3) (c), relating to illumination plan submittal, petitions for variance and associated fees for services provided as specified in the building and heating, ventilating and air conditioning code and the fee schedule.

Submitted by Department of Industry, Labor & Human Relations.

Report received from agency, November 5, 1985.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, November 6, 1985.

Clearinghouse Rule 85-147

AN ORDER to repeal S-L 24.05, relating to short-term loans by savings and loan associations to supervised financial institutions or to registered security brokers and dealers.

Submitted by Office of the Commissioner of Savings and Loan.

Report received from agency, November 1, 1985.

Referred to committee on Tourism, Revenue, Financial Institutions and Forestry, November 6, 1985.

The committee on Labor, Business, Veterans Affairs and Insurance reports and recommends:

Clearinghouse Rule 85-152

AN ORDER to create Ins 2.30, relating to annuity reserves.

Submitted by Office of the Commissioner of Insurance.

Review period waived.

JEROME VAN SISTINE
Chair

State of Wisconsin
Revisor of Statutes Bureau

November 1, 1985

Donald J. Schneider
Senate Chief Clerk
Dear Mr. Schneider:

The following rules have been published and are effective:

Clearinghouse Rule 85- 14 effective November 1, 1985.

Clearinghouse Rule 84-151 effective November 1, 1985.

Clearinghouse Rule 84-186 effective November 1, 1985.

Clearinghouse Rule 84-223 effective November 1, 1985.

Clearinghouse Rule 84-227 effective November 1, 1985.

Clearinghouse Rule 84-238 effective November 1, 1985.

Clearinghouse Rule 84-249 effective November 1, 1985.

Clearinghouse Rule 84-252 effective November 1, 1985.

Clearinghouse Rule 85- 19 effective November 1, 1985.

Clearinghouse Rule 85- 45 effective November 1, 1985.

Clearinghouse Rule 85- 47 effective October 1, 1985.*

Clearinghouse Rule 85- 50 effective November 1, 1985.

Clearinghouse Rule 85- 54 effective November 1, 1985.

Clearinghouse Rule 85- 67 effective November 1, 1985.

Clearinghouse Rule 85- 69 effective November 1, 1985.

Clearinghouse Rule 85- 73 effective November 1, 1985.

Clearinghouse Rule 85- 77 effective November 1, 1985.

Clearinghouse Rule 85- 83 effective November 1, 1985.

Clearinghouse Rule 85- 84 effective November 1, 1985.

Clearinghouse Rule 85- 85 effective November 1, 1985.

Clearinghouse Rule 85- 91 effective November 1, 1985.

Clearinghouse Rule 85- 95 effective November 1, 1985.

Sincerely,
GARY L. POULSON
Assistant Revisor

* NR 10.01 (2)(f) 1, 2, and (3)(e)7, effective October 1, 1985.

NR 10.27 and 10.29 effective November 1, 1985.
NR 15.023 effective March 1, 1986.

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CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 2

Correctly enrolled and presented to the Governor on November 1, 1985.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 434, assembly amendment 5

1. Page 1, line 4: delete "SECTION 1" and substitute "SECTION 1b".