

Eighty-Seventh Regular Session

WEDNESDAY, December 11, 1985

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 57

Relating to decennial redistricting of the congressional and legislative districts in this state (first consideration).

By Senator Rude; cosponsored by Representative Clements, by request of Walter F. Baltz, Jr. of West Salem.

Read first time and referred to committee on Urban Affairs, Utilities and Elections.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 437

Relating to the information on equalized values that the department of revenue is required to provide.

By Senators Harsdorf and Moen.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

Senate Bill 438

Relating to recognizing a good faith exception to the exclusionary rule.

By Senators Harsdorf, Chilsen and Lorman; sponsored by Representatives Goetsch, Ladwig, Schneiders, Van Gorden, T. Thompson and Zeuske.

To committee on Judiciary and Consumer Affairs.

Senate Bill 439

Relating to meetings of boards of review.

By Senators Rude, Davis, Theno, Engleiter, Leean, Roshell and Moen; cosponsored by Representatives T. Thompson, Schneiders, Musser, Welch, Lepak, Ladwig, Shoemaker and Hasenohrl.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

Senate Bill 440

Relating to discontinuation of the sick leave credit conversion program, which pays health insurance premiums on death or retirement, for certain employees.

By Senator Rude; cosponsored by Representative Kasten.

To Joint Survey committee on Retirement Systems.

Senate Bill 441

Relating to mandated coverage by motor vehicle insurance policies of sales tax on replacement motor vehicles.

By Senators Harsdorf and Moen; cosponsored by Representative Gronemus, by request of Mr. David Bauth of Alma.

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

Senate Bill 442

Relating to revising dispositions for children adjudged to have violated a civil law or ordinance or adjudged delinquent.

By Senator Rude; cosponsored by Representatives Clements, Medinger and Johnsrud, by request of Judge John J. Perlich of La Crosse.

To committee on Judiciary and Consumer Affairs.

Senate Bill 443

Relating to deletions from the county trunk highway system.

By Senators Kincaid, Otte, Davis, Roshell and Moen; cosponsored by Representatives Vanderperren, Holperin, Goetsch, Bolle, Shoemaker, Larson and Mark Lewis.

To committee on Transportation.

Senate Bill 444

Relating to raising the limit on the value of utility property within counties which is eligible for shared revenue payments.

By Senators Otte, Andrea, Chilsen, Moen, Stitt, Feingold, Lasee, Roshell, Kincaid and Lee; cosponsored by Representatives Gronemus, R. Thompson, Kasten, Van Gorden, Robinson, Porter, Barca, Turba, Potter, Vergeront, Antaramian, Bolle and Swoboda.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

Senate Bill 445

Relating to indigency determinations under the state public defender system.

By Senators Lee, Chvala, Leean, Otte, Rude, Moen, Kreul and Plewa; cosponsored by Representatives Krug, Grobschmidt, T. Thompson, Hubler, Schneiders, Schmidt, Volk, Goetsch, Welch, Zeuske, Vergeront, Schober, Wimmer, Rosenzweig, Plizka and Crawford.

To committee on Judiciary and Consumer Affairs.

Senate Bill 446

Relating to penalties for certain alcohol beverages violations.

By Senator Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

JOURNAL OF THE SENATE

1.) National Assn. of Securities Dealers, Inc., ATTN: Dennis C. Hensley, 1735 K. St., NW, Washington, DC 20006 (202) 728-8245 (securities regulation)

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

State of Wisconsin
Claims Board

December 4, 1985

December 6, 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

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on November 19, 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 November 19, 1985, upon the following claims:

Claimant	Amount
Tolu Sanabria	\$ 347.62
Madison Gas & Electric	1,343.89
Kevin Carr	230.70

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

William & Lois Arnold	\$35,591.16
Terry Week	60.88
Timothy Kevan	29.00
Michael & Kristine Battisti	44.00
Tom Wirkus	51.25
Linda Zach	1,589.70
Laurie Goshorn	616.77
Marian Yanke	49.62
Garth Hirn	162.75
Jeffrey Peterson	200.00
Marcia Wirtz	21.00

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

CZERWINSKI, JOSEPH, c/o Czerwinski Group, Inc., 135 W. Well St., Ste. 318, Milwaukee, WI 53203 (414) 273-7374

AT & T, 400 Executive Dr., Brookfield, WI 53005 (414) 785-6700 (communications telecommunications and data processing)

SLUTSKY, MICHAEL M., St. 4750, One IBM Plaza, 330 N. Wabash Ave., Chicago, IL 60611 (312) 467-0590

Golden Rule Insurance Co., Golden Rule Bldgs., The Waterfront, Indianapolis, IN 46224-4199 (any function or activity of any branch, department or phase of federal, state or local government, agriculture, outdoors or environment, taxation, regulation of business, finance or insurance, or other topics pertaining to the general public health or welfare)

STODDARD, GLENN M., c/o Wisconsin Land Conservation Assn., 208 Ag Hall, 1450 Linden Dr., Madison, WI 53706 (608) 262-4583

Wisconsin Land Conservation Assn., 208 Ag Hall, 1450 Linden Dr., Madison, WI 53706 (608) 262-4583 (agriculture and natural resources)

WEISS, JOHN, P.O. Box 1272, Harvard Square Station, Cambridge, MA 02238 (617) 489-0461

National Center for Fair & Open Testing, Inc., P.O. Box 1272, Harvard Square Station, Cambridge, MA 02238 ATTN: Robert Schaeffer, (617) 489-0461 (elimination of bias in standardized licensing exams)

COOK, SHARON D., c/o Cook & Franke, S.C., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900

1.) National Assn. of Securities Dealers, Inc., ATTN: Dennis C. Hensley, 1735 K. St., NW, Washington, DC 20006 (202) 728-8245 (securities regulation)

DRIESSEN, ANTHONY H., c/o Cook & Franke, S.C., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900

THE BOARD FINDS:

1. Tolu Sanabria of Middleton claims \$347.62 for medical bills incurred in 1984, as a result of a misunderstanding regarding insurance coverage when she transferred from the Department of Transportation to the State Laboratory of Hygiene, University of Wisconsin Center for Health Sciences in September, 1983. Claimant alleges that she was not advised that she had to reapply for insurance when she began employment in the State Laboratory of Hygiene. In April, 1984, the University Personnel Office informed the State Laboratory of Hygiene that claimant did not have insurance coverage and claimant applied for insurance at that time. 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 State Laboratory of Hygiene appropriation s. 20.285(1)(fd), Stats.

2. Madison Gas & Electric Company claims \$1,343.89 for damages to an underground gas main allegedly caused when the Department of Transportation installed a stop sign at the northwest corner of Highways 113 and 19 in the Village of Waunakee on January 11, 1985. The gas main was struck by an auger operated by the Department of Transportation while excavating a hole for placement of a stop sign which had been knocked down in an accident. The Board concludes the claim should be paid in the reduced amount of \$671.95, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(3)(hq), Stats.

3. Kevin Carr of New Berlin claims \$230.70 for damage to his helmet and the motorcycle he was riding. As he was exiting the Milwaukee State Office Building parking lot on August 7, 1985, the parking gate raised, but came down on top of his head and the motorcycle windshield. A sign on the parking lot gate states, "CAUTION - AUTOMOBILES ONLY. NO MOTORCYCLES. BICYCLES OR PEDESTRIANS". The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for the state is legally liable nor one which the state should assume and pay based on equitable principles.

4. William & Lois Arnold of West Allis claims \$35,591.16 for refund of inheritance tax paid on the transfer of property from their son, William T. Arnold, to claimants as sole heirs. William T. Arnold was missing in action during the Vietnam era and on May 18, 1978, was declared dead by the federal government which determined he had been killed in action on November 18, 1966. Section 72.15(6), Stats. provides that persons who have paid inheritance taxes on a transfer of property from a decedent who was missing in action during the Vietnam era and who is subsequently declared dead by the federal government may file a claim with the Claims Board for refund of the inheritance tax paid. The Board recommends, as an advisory opinion, that the claim be paid under the provision of s. 16.007(6)(b)2, Stats.

5. Terry Week of Wisconsin Rapids claims \$60.88 for replacement of his eyeglasses which were damaged while he was performing his duties as a limited term employe for the Department of Natural Resources on July 23, 1985. Claimant was sawing tax alders on the bank of a stream when his glasses fell off and were damaged when they hit the chain saw. The Board concludes the claim should be paid in the reduced amount of \$54.79, based on equitable principles. The Board further concludes under the authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats. The Board suggests that the Department of Natural Resources require employes to wear safety straps with glasses when performing Department activities similar to this claim. Please notify all employes that the Claims Board will not award these claims in the future unless there is some proof that the employe was wearing an eyeglass safety strap.

6. Timothy Kevan of Spooner claims \$29.00 for replacement of eyeglasses which were damaged while he was performing his duties as a limited term employe for the Department of Natural Resources on May 9, 1985. Claimant was engaged in fish management activities on the Flambeau flowage when a net slipped from the boat and struck his glasses. The Board concludes the claim should be paid in the reduced amount of \$26.10 based on equitable principles. The Board further concludes under the authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats. The Board suggests that the Department of Natural Resources require employes to wear safety straps with glasses when performing Department activities similar to this claim. Please notify all employes that the Claims Board will not award these claims in the future unless there is some proof that the employe was wearing an eyeglass safety strap.

7. Michael & Kristine Battistri of Franksville claim \$44.00 for veterinary fees to treat injuries to a fawn inflicted by farm machinery on claimants' farm on June 3, 1985. The Department of Natural Resources advised Ms. Battisti to take the injured fawn to the Riverbend Nature Center, a licensed wildlife rehabilitation facility, that has voluntary veterinarian services available at no cost. Claimants had the fawn treated by their own veterinarian. 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.

8. Tom Wirkus of La Crosse claims \$51.25 for expenses incurred to clean his tent camper roof top allegedly soiled by soot from the smoke stack of the University of Wisconsin-LaCrosse heating plant between June 25-30, 1985. A majority of 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.

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9. Linda Zach of Middleton claims \$1,589.70 for medical expenses allegedly resulting from misinformation provided to her by the University of Wisconsin regarding availability of income continuation insurance when she began employment with the University in January, 1984. When claimant was correctly informed about the program, she was unable to provide the required evidence of insurability to qualify for coverage. Claimant subsequently gave birth to triplets and now seeks payment of an amount equal to what she would have received had income continuation been in effect on June 20, 1985. 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 University of Wisconsin appropriation s. 20.285(1)(a), Stats.

10. Laurie Goshorn of Milwaukee claims \$616.77 for damage incurred to her automobile when it was struck by a vehicle driven by Debra Kay Vest, a University of Wisconsin-Milwaukee graduate student who was on business for the University's Department of Twentieth Century Studies at the time of the accident on November 26, 1984. Ms. Vest in backing her car out of a space in a Milwaukee municipal parking lot, failed to look behind her and hit claimant's car. 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 University of Wisconsin appropriation s. 20.285(1)(a), Stats.

11. Marian Yanke of Milwaukee claims \$49.62 for replacement of her car's rearview mirror damaged by a client of the Department of Health and Social Services, Division of Community Services on November 15, 1984. Claimant, as part of her duties as an employe of the Department of Health and Social Services, was transporting the client to the doctor in her personal vehicle and as the client entered the car, she grabbed the mirror to pull herself in and broke it off. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under the authority of s. 16.007(6m), Stats., payment should be made from the Department of Health and Social Services appropriation s. 20.435(4)(a), Stats.

12. Garth Hirn of Green Bay claims \$162.75 for damage to his truck window incurred while it was parked in the Green Bay Correctional Institution parking lot on October 1, 1984. The damage occurred when an officer of the Institution was checking vehicles for contraband items as part of his duties as an employe of the Institutions. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under the 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.

13. Jeffrey Peterson of Waukesha claims \$200.00 as the amount of money allegedly credited to the account of another person by a Department of Health and Social

Services probation agent between April 2 and May 30, 1984. While on probation supervision, claimant paid installments on a court ordered obligation. The money was credited to the account of another person named Jeffrey Peterson who was also on probation at that time. 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)(a), Stats.

14. Marcia Wirtz of Merrill claims \$21.00 for replacement of a blouse damaged on July 25, 1985 at the Lincoln Hills School where she is employed in the gate house. As claimant leaned over the counter to operate the switch to open an electric gate, her blouse was snagged on the rough edge of the counter. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 26.007(6m), Stats., payment should be made from the Department of Health and Social Services appropriation s. 20.435(3)(hm), Stats.

The Board Concludes:

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

Kevin Carr
Michael & Kristine Battisti
Tom Wirkus

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

Tolu Sanabria	\$ 347.62
Madison Gas & Electric Co.	671.95
William & Lois Arnold	35,591.16
Terry Week	54.79
Timothy Kevan	26.10
Linda Zach	1,000.00
Laurie Goshorn	616.77
Marian Yanke	49.62
Garth Hirn	162.75
Jeffrey Peterson	200.00
Marcia Wirtz	21.00

Dated at Madison, Wisconsin this 20th day of November, 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

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EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
December 6, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOE TUSS of Pardeeville to the State Fair Park Board pursuant to the statute governing, to serve a term to expire May 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor
December 6, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ANITA NELSON of Wisconsin Dells to the State Fair Park Board pursuant to the statute governing, to serve a term to expire May 1, 1988.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor
December 6, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MICHAEL HUNTER of Antigo to the State Fair Park Board pursuant to the statute governing, to serve a term to expire May 1, 1991.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor
December 6, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROBERT T. HUBER of West Allis to the State Fair Park Board pursuant to the statute governing, to serve a term to expire May 1, 1990.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor

December 6, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BILL UTHMEIER of Marshfield to the State Fair Park Board pursuant to the statute governing, to serve a term to expire May 1, 1987.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 84-217

AN ORDER to repeal and recreate NR 20.12; and to create NR 20.015 (4g) and (4t), relating to set or bank pole and set line fishing on inland waters.

Submitted by Department of Natural Resources.

Report received from agency, December 9, 1985.

Referred to committee on Energy and Environmental Resources, December 11, 1985.

Clearinghouse Rule 85-98

AN ORDER to renumber NR 45.13 (12); to amend NR 45.12 (3) (c) (intro.); to repeal and recreate NR 45.12 (3) (b); and to create NR 45.13 (12) (b), relating to the trail admission fee requirement and the prohibition of alcohol at Whitefish Dunes state park.

Submitted by Department of Natural Resources.

Report received from agency, December 9, 1985.

Referred to committee on Energy and Environmental Resources, December 11, 1985.

Clearinghouse Rule 85-159

AN ORDER to create NR 150.02 (8m) and 150.04 (8m), relating to the preparation of environmental assessments.

Submitted by Department of Natural Resources.

Report received from agency, December 9, 1985.

Referred to committee on Energy and Environmental Resources, December 11, 1985.

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

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.

No action taken.

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.

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Submitted by Department of Industry, Labor & Human Relations.

No action taken.

JEROME VAN SISTINE

Chair

The committee on Education and Government Operations reports and recommends:

Clearinghouse Rule 85-104

AN ORDER to repeal and recreate chapter RL 16, relating to the use of contractual forms and provision of legal advice by real estate licensees.

Submitted by Department of Regulation and Licensing.

No action taken.

JOSEPH J. CZARNEZKI

Chair

The committee on Tourism, Revenue, Financial Institutions and Forestry reports and recommends:

Clearinghouse Rule 85-120

AN ORDER to repeal SEC 2.01 (10) and 4.07 (1) (c); to renumber SEC 2.01 (11) and 4.07 (1) (d) and (e); to amend SEC 2.01 (1) (a) 3, 2.02 (3) (b) and (10) (f) 4, 3.01 (1), 3.03 (5), 3.09 (1) (b) and (c) and (2) (intro.) and (b),

3.16 (2) (a), 3.18, 3.23 (3), 3.27 (1) and (2), 4.03 (1) (r), 4.05 (7), 4.07 (1) (a), 7.01 (2) (c) and (d) and (5) (b), 31.01 (2) (b), 32.02, 32.05 (1) (b), 32.11, 35.01 (1) (a) and (c) and 35.02 (1) (b); to repeal and recreate SEC 4.07 (1) (b) and 32.05 (1) (c); and to create SEC 4.01 (8), 4.04 (10), 9.01 (1) (b) 14 and 32.05 (1) (d), relating to securities and franchise registration exemptions; securities registration standards, requirements and procedures; securities broker-dealer and agent licensing requirements and procedures; and securities and franchise examination fees.

Submitted by Office of the Commissioner of Securities.

No action taken.

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.

No action taken.

LLOYD H. KINCAID

Chair