

STATE OF WISCONSIN
Senate Journal
Eighty-Seventh Regular Session

TUESDAY, MARCH 4, 1966

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Father Bruce M. Hennington, Chaplain of the Wisconsin Wing of the Civil Air Patrol and pastor of Holy Redeemer Catholic Church, Madison.

By request of Senator Chilsen, with unanimous consent, the prayer was spread upon the journal.

Life is a movement.

We go up or down, and develop the best or the worst of us in the journey. Some journeys are full of struggle...some are full of success. But the thing that makes for success is struggle and difficulty, for without difficulties to overcome, there would be no such thing as success.

Difficulties develop strength, resolution, resources. Problems are too often regarded as enemies, but they are not such. Storms and dangers alone make skilled sailors. The fiercest of foes develop your skill and your strength.

So do not be frightened by problems and difficulties - or discouraged by them either. They are your opportunities for winning...your chances for success.

God grant me the strength to persevere, and the sense of your presence in all I undertake.

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

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

Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnetzki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 72

Relating to state credit for taxes paid under one type of tax in this state against taxes due under any other type of tax imposed by this state (first consideration).

By Senators Chvala, Otte, Lee and Plewa; cosponsored by Representatives Bell, Volk, Crawford, Barrett, Holperin, Magnuson, Barca, Hasenohrl, Metz and Becker.

Read first time and referred to committee on Aging, Banking, Commercial Credit and Taxation.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 589

Relating to restitution and making an appropriation.

By Senators Adelman, Ulichny, Chvala, Lee, Otte, Rude, Andrea, Feingold, Hanaway and Lorman; cosponsored by Representatives Rutkowski, R. Young, Notestein, Schneiders, Mark Lewis, Ladwig and Wineke, by request of Judicial Council.

To committee on Judiciary and Consumer Affairs.

Senate Bill 590

Relating to prohibiting persons from discharging a firearm under certain circumstances while shooting onto the lands of another.

By Senators Adelman; cosponsored by Representative Lepak.

To committee on Judiciary and Consumer Affairs.

Senate Bill 591

Relating to the assessment of agricultural land for purposes of property taxes and granting rule-making authority.

By Senators Kreul, Rude and Harsdorf.

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

Senate Bill 592

Relating to immunity from civil liability for rendering emergency care to a person attempting a suicide.

By Senators Kreul and Harsdorf.

To committee on Judiciary and Consumer Affairs.

Senate Bill 593

Relating to the sale of insurance products, the receipt of additional charges and exemptions from attachment

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and security interest in connection with consumer credit transactions and providing penalties.

By Senator Feingold, by request of Office of the Commissioner of Banking.

To committee on Aging, Banking, Commercial Credit and Taxation.

Senate Bill 594

Relating to access to polling places and presidential caucus locations by persons in wheelchairs.

By Senators George, Czarnecki, Otte, Cullen, Andrea, Norquist and Lorman; cosponsored by Representatives M. Coggs, Barrett, Notestein, Vanderperren, Lepak, Crawford, Magnuson, Grobschmidt, Becker and Seery.

To committee on Urban Affairs, Utilities and Elections.

Senate Bill 595

Relating to the names of licenses and permits for the retail sale of alcohol beverages.

By Senator Lee.

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

Senate Bill 596

Relating to the capital cost recovery procedures used by the metropolitan sewerage commission in a 1st class city.

By Senators Adelman, Otte, Stitt and Engeleiter.

To committee on Urban Affairs, Utilities and Elections.

COMMITTEE REPORTS

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to **Senate Bill 263**

Public Policy Involved

It is the opinion of the Joint Survey Committee on Tax Exemptions that this bill, even if amended as is proposed by senate substitute amendment 1 to the bill, is bad public policy.

JOSEPH J. CZARNECKI

Co-Chair

WAYNE W. WOOD

Co-Chair

Read and referred to committee on Economic Development.

The committee on Agriculture, Health and Human Services reports and recommends:

Senate Bill 581

Relating to testing infants for congenital disorders and making an appropriation.

Passage:

Ayes, 9 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Strohl, Harsdorf, Lorman and Chilsen;

Noes, 1 -- Senator Rude.

RODNEY C. MOEN
Chair

The committee on Economic Development reports and recommends:

Senate Bill 449

Relating to municipal industrial site development. Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Ulichny, Cullen, McCallum and Hanaway;

Noes, 1 -- Senator Czarnecki.

Passage as amended:

Ayes, 4 -- Senators Ulichny, Cullen, McCallum and Hanaway;

Noes, 1 -- Senator Czarnecki.

BARBARA L. ULICHNY
Chair

The committee on Senate Organization reports and recommends:

Senate Joint Resolution 66

Relating to proclaiming May 16, 17 and 18, 1986, Syttende Mai Weekend.

Adoption:

Ayes, 4 -- Senators Cullen, Risser, Norquist and Ellis;

Noes, 0 -- None.

Senate Joint Resolution 67

Commemorating the 200th anniversary of the signing of the U.S. Constitution.

Adoption:

Ayes, 4 -- Senators Cullen, Risser, Norquist and Ellis;

Noes, 0 -- None.

TIMOTHY F. CULLEN
Chair

The joint committee on Finance reports and recommends:

Assembly Bill 303

Relating to technical and minor policy changes in respect to the income and franchise taxes.

Introduction and adoption of senate amendment 3:

Ayes, 14 -- Senators George, Roshell, Strohl, Helbach, Chvala, Stitt and Davis, Representatives Schneider, Jauch, Travis, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Adoption of senate amendment 1:

Ayes, 14 -- Senators George, Roshell, Strohl, Helbach, Chvala, Stitt and Davis, Representatives Schneider, Jauch, Travis, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Introduction and adoption of senate amendment 4:
 Ayes, 15 -- Senators George, Roshell, Strohl,
 Norquist, Helbach, Chvala, Stitt and Davis,
 Representatives Schneider, Jauch, Travis,
 Kunicki, Nelsen, Panzer and Prosser;
 Noes, 0 -- None.

Concurrence as amended:
 Ayes, 16 -- Senators George, Roshell, Strohl,
 Norquist, Helbach, Chvala, Stitt and Davis,
 Representatives Schneider, Metz, Jauch,
 Travis, Kunicki, Nelsen, Panzer and Prosser;
 Noes, 0 -- None.

Assembly Bill 304

Relating to technical and minor policy items in
 regard to the sales and use taxes.

Concurrence:
 Ayes, 14 -- Senators George, Roshell, Strohl,
 Helbach, Chvala, Stitt and Davis,
 Representatives Schneider, Jauch, Travis,
 Kunicki, Nelsen, Panzer and Prosser;
 Noes, 0 -- None.

GARY R. GEORGE
 Senate Chair

The committee on Transportation reports and
 recommends:

Assembly Bill 330

Relating to redistributing loads on motor vehicles
 and providing a penalty.

Concurrence:
 Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.

Assembly Bill 449

Relating to permanent registration of certain
 semitrailers, eliminating permits for the operation of
 semitrailers in intrastate commerce and eliminating
 permits for the rental or leasing of semitrailers.

Concurrence:
 Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.

Senate Bill 414

Relating to human service vehicle equipment and
 operation, granting rule-making authority and providing
 a penalty.

Adoption of senate substitute amendment 1:
 Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.
 Passage as amended:
 Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.

Senate Bill 512

Relating to neighborhood watch signs.
 Introduction and adoption of senate substitute
 amendment 1:

Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.
 Passage as amended:
 Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.

Senate Bill 550

Relating to the penalty for tampering with an
 odometer.

Introduction and adoption of senate substitute
 amendment 1:

Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.
 Passage as amended:
 Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.

Senate Bill 555

Relating to replacement registration plates.
 Introduction and adoption of senate amendment 1:
 Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;

Noes, 0 -- None.
 Passage as amended:
 Ayes, 6 -- Senators Otte, Moen, Roshell, Andrea,
 Kreul and Theno;
 Noes, 0 -- None.

CARL OTTE
 Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 29

A petition by 108 residents of the state of Wisconsin
 asking that Wisconsin's Unfair Sales Act be repealed.
 By Senator McCallum.

Read and referred to committee on Labor, Business,
 Veterans Affairs and Insurance.

Senate Petition 30

A petition by 65 residents of the state of Wisconsin in
 support of legislation which would establish a 350,000
 ton cap on SO2 emissions effective in 1989, and in
 opposition at this time to unilateral action by the state of
 Wisconsin which would impose additional limitations
 after 1989.

By Senator Rude.
 Read and referred to committee on Energy and
 Environmental Resources.

Senate Petition 31

A petition by 86 residents of the state of Wisconsin in
 opposition to locating a hazardous waste storage site in
 Wisconsin.

By Senator Harsdorf.
 Read and referred to committee on Energy and
 Environmental Resources.

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State of Wisconsin
 Wisconsin Housing and
 Economic Development Authority
 February 28, 1986

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

State of Wisconsin
 Claims Board
 February 27, 1986

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on February 17, 1986.

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 February 17, 1986, upon the following claims:

Claimant	Amount
Milwaukee Mutual Ins.	\$ 2,000.00
Robert Muenste	6,005.02
Calumet County	256,072.62
Crawford County	320,783.47

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

Richard & Susan Stoltz	\$7,247.63
Shirley Fulton	137.00
Thomas Donahue	100.00
Kirt Randall	32.00
Ted De Groot	16.50

Rebecca Oliver	135.00
Gregg Petersen	347.30
Dennis Antonie	50.00
William Hilbert	48.00
John Hollar	499.50
Michael Schwartz	30.85
Wayne Schutte	39.88
Town of Glenmore	865.74
Alan Steinfeldt	259.88
Eugene Coenen	5,526.00

THE BOARD FINDS:

1. Milwaukee Mutal Insurance Company claims \$2,000.00 as the Department of Administration contribution for the injury claim of William Seely relating to an accident on December 1, 1983, between a vehicle driven by Den Debaker, claimant's insured, and Kenneth Mushel, a state employe. Mr. Seely was a passenger in the Debaker vehicle when the accident occurred and claimant settled the Seely claim in the amount of \$10,000.00. The Board finds the claim is not one for which the state is legally liable nor one for which the state should assume and pay based on equitable principles.

2. Robert Muenste of Milwaukee claims \$240.50 for medical expenses, \$5,704.52 for loss of wages and \$60.00 for cab fare for a total claim of \$6,005.02 relating to an injury he sustained while camping at Devil's Lake State Park on July 26, 1985. As claimant approached the park concession stand, he allegedly stepped on a rock causing him to fall and break his ankle. 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 for which the state should assume and pay based on equitable principles.

3. Calumet County claims \$256,072.62 for reimbursement of money paid pursuant to the United States District Court, Eastern District of Wisconsin decisions in Donald Kossman, Warran Jodar and Rodney Ott v. Calumet County. Kossman, Jodar and Ott are former Deputy Sheriffs from Calumet County and each brought suit against the County charging that its mandatory retirement age of 55 for deputy sheriffs violated the Age Discrimination in Employment Act (ADEA) of 1967, as amended, 29 U.S.C. s. 621, et seq. On January 9, 1985, Judge Terence Evans issued judgment against Calumet County and awarded damages to Kossman, Jodar and Ott in the form of back pay and interest. The County alleges a conflict between state and federal laws relating to retirement of employes working in the "protective" classifications. In 1978, Congress amended the ADEA, making it unlawful for employers to discharge an employe because of age. The County alleges that Wisconsin statutes authorized cities and counties to compel law enforcement and firefighter personnel to retire at age 55. However, s. 40.11(1), Wis. Stats., (1977) (1979), did not require local employers to retire protective employes at normal retirement age in violation of the ADEA. 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. Crawford County claims \$320, 783.47 for reimbursement of money paid pursuant to a United States District Court, Western District of Wisconsin decision in Wesley Heiar, Kenneth Strauman and Myrle Brown v. Crawford County. Heiar, Strauman and Brown are former Deputy Sheriffs from Crawford County, who brought suit against the county charging that its mandatory retirement age of 55 for deputy sheriffs violated the Age Discrimination in Employment Act (ADEA) of 1967, as amended, 29 U.S.C. s. 621, et seq. On April 15, 1983, Judge John Shabaz issued judgment against Crawford County and awarded damages to Heiar, Strauman and Brown. The County alleges a conflict between state and federal laws relating to retirement of employes working in the "protective" classifications. In 1978, Congress amended the ADEA, making it unlawful for employers to discharge an employe because of age. The County alleges that Wisconsin statutes authorized cities and counties to compel law enforcement and firefighter personnel to retire at age 55. However, s. 40.11(1), Wis. Stats., (1977) (1979), did not require local employers to retire protective employes at normal retirement age in violation of the ADEA. 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.

5. Richard and Susan Stoltz of Superior claim \$7,247.63 for refund of a tax assessment as a result of a Department of Revenue audit on September 6, 1982. The state disallowed farm losses previously claimed by the Stoltz's from 1976 through 1981. Claimant, through a certified public accountant, requested an Internal Revenue Service (IRS) audit of his returns for 1976 through 1981. The IRS determined that claimant's losses were allowable; however, the IRS decision was not issued until after the two-year statutory period for filing a refund claim with Department of Revenue had expired pursuant to s. 71.10(10)(e), Stats. Based on the fact that the Department of Revenue advised the claimant by written letter, not to file a claim for refund of the tax assessment until after receipt of the IRS audit results, the Board recommends the claim be paid based on equitable principles. The Board further recommends under the authority of s. 16.007(6m), Stats., payment be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

6. Shirley Fulton of Middleton claims \$127.00 for replacement of her blouse and luggage bag and a dry cleaning bill of \$10.00 in an attempt to remove stains from two suits. An unknown liquid stained claimant's clothing and luggage bag while they were in the trunk of a state-owned vehicle she was using for a business trip on November 13, 1985. The Board concludes the claim should be paid based on equitable principles if the claimant provides the damaged item to the state for disposal at the State Protective Services' lost and found

sales. The Board further concludes under authority of a s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

7. Thomas Donahue of Duluth, MN, claims \$100.00 for the uninsured portion of damages incurred to his automobile on June 16, 1985, when a light pole on the Bong Bridge in Superior, WI fell as he was driving across the bridge. As he tried to stop his vehicle, the pole struck the driver's side fender and bumper. 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 Transportation appropriation s. 20.395(3)(hq), Stats.

8. Kirt Randall of McGregor, IA claims \$32.00 for replacement of his eyeglass lens damaged while he was performing his duties as a crew member for the Wisconsin Conservation Corps at the Wyalusing State Park Shop on April 22, 1985. An unknown object flew off a sander being operated by another person in the shop and hit claimant's eyeglass lens causing it to shatter. 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 Wisconsin Conservation Corps appropriation s. 20.399(1)(a), Stats.

9. Ted De Groot of Little Chute claims \$16.50 for repair of his hearing aid damaged while he was assisting in disaster aid as a crew member with the Wisconsin Conservation Corps on June 19, 1985. Claimant was clearing tornado damage in the Park Falls/Minoqua area when a branch of a tree struck his ear, breaking the ear mold tube and wire of his hearing aid. 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 Wisconsin Conservation Corps appropriation s. 20.399(1)(a), Stats.

10. Rebecca Oliver of Racine claims \$135.00 for replacement of her eyeglasses which were damaged by a guard at the Waupun Correctional Institution on September 29, 1985. As claimant passed through the security gate, the guard dropped claimant's glasses on the floor. 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.

11. Gregg Petersen claims \$347.30 for damages incurred to his motorcycle on September 26, 1985, while it was parked at the Southern Wisconsin Center. A staff member of the Center observed a resident push over claimant's motorcycle. All but \$100 of the damages were paid by claimant's insurance carrier, Dairyland Insurance Company. The Board concludes that that part of the claim paid by the insurance company should be denied based on the Board's long-standing policy concerning subrogation claims. The Board concludes that claimant should receive the reduced amount of \$100. 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)(gk), Stats.

12. Dennis Antonie of Mequon claims \$50.00 for the uninsured damages to his automobile while it was parked during working hours in the Department of Natural Resources' southeast district office parking lot in Milwaukee on August 30, 1985. Four wire wheel covers were allegedly stolen from claimant's vehicle by an unknown person. The Board concludes this claim is not one for which the state is legally liable, nor one for which the state should assume and pay based on equitable principles.

13. William Hilbert of Denver, IA claims \$48 for replacement of six towels damaged by a fellow camper at the Wyalusing State Park on July 21, 1985. In his absence, claimant's towels, which were hanging on a clothesline, were used in an attempt to extinguish a fire. The Board concludes the claim should be paid in the reduced amount of \$32, the actual value of the towels, 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.

14. John Hollar of Milladore claims \$499.50 for compensation, including interest from 1977 through 1979, for the value of timber which was inadvertently cut from his property. The timber trespass took place without claimant's knowledge or consent in connection with a Department of Natural Resources' timber sale on state-owned land. 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 Natural Resources appropriation s. 20.370(1)(mu), Stats.

15. Michael Schwartz of Racine claims \$30.85 for the uninsured damages to his automobile while it was parked during working hours in the Department of Natural Resources' southeast district office parking lot in Milwaukee on September 19, 1985. Lug nuts and washers were allegedly stolen from claimant's vehicle by an unknown person. 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.

16. Wayne Schutte of Baraboo claims \$39.88 for replacement of a contact lens damaged while claimant was performing his duties as an employee for the Department of Natural Resources on October 9, 1985. Claimant was struck in the eye by a pole while helping to erect a tent for the Department of Natural Resources' firearms training at the Dell Creek Pistol Range. 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 Natural Resources appropriation s. 20.370(1)(mu), Stats.

17. Town of Glenmore claims \$865.74 for legal fees incurred in connection with the placement of groundwater monitoring wells by the Department of

Natural Resources in July, 1984, without prior consent of the Town. The Department of Natural Resources had planned to install the wells on the right-of-way on the Town of DePere side of the road; however, overhead wires on the DePere side of the road prevented the use of machinery needed to install the wells. The wells were then located on the other side of the road on land owned by the Town of Glenmore. The Department of Natural Resources indicates that steps have been taken to assure that appropriate permission is obtained in situations like this, so that this type of problem should not recur. The Board concludes the claim should be paid in the reduced amount of \$847.74, 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(2)(ma), Stats.

18. Alan Steinfeldt of Green Bay claims \$259.88 for damages to his jeep which occurred while he was assisting a Department of Natural Resources conservation warden in pulling the warden's disabled vehicle from the mud on October 27, 1985. 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(3)(mu), Stats.

19. Eugene Coenen of Oneida claims \$4,716.00 for unreimbursed costs and \$810.00 for legal fees associated with the construction of a waste manure pit on his farm in 1983. Claimant alleges the Department of Natural Resources ordered him to install a new manure pit without proof that the existing pit was contaminating a creek running through his property. Claimant was informed to seek cost sharing funding through the U.S. Department of Agriculture Soil Conservation Service (ASCS). ASCS representatives estimated it would cost \$2,095.00 to construct the manure pit, one-half of which claimant would be responsible for paying. However, the original, planned system had to be upgraded from an earthen structure to a fully-lined pit because it was within 250 feet of claimant's water supply well. The additional materials and construction work required for the lined pit cost \$12,389.07 which amount was later reduced to \$9,266 after negotiations with the contractor. The ASCS paid \$3,500.00, leaving a balance of \$5,766.00. The Board concludes the claim should be paid in the reduced amount of \$1,000.00 based on authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(4)(cc), Stats.

The Board Concludes:

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

Milwaukee Mutual Insurance
Robert Munte
Calumet County
Crawford County
Dennis Antonie
Michael Schwartz

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

Shirley Fulton	\$ 137.00
Thomas Donahue	100.00
Kirt Randall	32.00
Ted DeGroot	16.50
Rebecca Oliver	135.00
Gregg Petersen	100.00
William Hilbert	32.00
John Hollar	499.50
Wayne Schutte	39.88
Town of Glenmore	847.74
Alan Steinfeldt	259.88
Eugene Coenen	1,000.00

THE BOARD RECOMMENDS:

1. Payment to Richard and Susan Stoltz in the amount of \$7,247.63 as a result of the Department of Revenue's advice that claimant not file a claim for refund of a tax assessment until after receipt of an IRS audit. When the IRS audit was completed, the two-year statutory period for filing a refund claim had expired.

Dated at Madison, Wisconsin this 25th day of February, 1986.

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
Department of State

February 27, 1986

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

Below is a list of various changes in lobbyist and principal address, phone numbers, etc.

tf

Alliance for the Mentally Ill of WI, new address and phone number: 1245 E. Washington Ave., Madison, WI 53703, phone (608) 257-5888.

Assn. of Wisconsin HMO's, new address and phone number: 44 E. Mifflin St., Ste 301, Madison, WI 53703, phone (608) 255-4440

- Allstate Insurance, new phone number: (312) 291-7044
- American Adventure, address: 12910 Kingsgate Way, N.E.
- Fair Liquidation of Waste (FLOW), new address: 14905 Watertown Plank Rd., Elmbrook, WI 53122
- Joint Organization for Better Sewers, new address and phone number: 6515 Grand Teton Plaza, Ste. 120, Madison, WI 53719 (608) 255-8891
- Lake States Lumber, Attn: Herman Krahn, 159 Deer Lake Rd., Crystal Falls, MI 49920 (906) 822-7285
- Miller & Schroeder Municipals, new phone number: (612) 893-8924
- Milwaukee Area Technical College, new phone number: (414) 278-6600
- Children's Hospital of Wisconsin, new phone number: (414) 937-4111
- Milwaukee Co. Deputy Sheriffs Assn., new phone number: (414) 278-4781
- Mobility Unlimited, new phone number: (414) 774-3085
- Northern States Power Co., new phone number: (715) 839-2424
- Northwest Mutual Life Insurance, new phone number: (414) 226-7387
- Oak Creek, City of, new phone number: (414) 768-6500
- Site Development Corp., new address: 300 Elizabeth St., Green Bay, WI 54302
- Traffic Safety Now, new address: 320 New Center Bldg.
- Wheaton Franciscan Service, Inc., new address and phone number: 3029 N. 49th St., Milwaukee, WI 53210 (414) 444-8522
- WI Advertising Publishers Assn., new address and phone number: 23 N. Pinckney, Madison, WI 53703 (608) 256-5299
- WI Coin Laundry Assn., new address and phone number: 501 Washington St., Ripon, WI 54971 (414) 748-5944
- WI Asphalt Pavement Assn., new phone number: (608) 254-8333
- WI Assn. for Marriage and Family Therapy, new address and phone number: Attn: Insoo Berg, 6815 W. Capitol, Milwaukee, WI 53216 (414) 464-7775
- WI Assn. of Rehabilitation Agencies, new address and phone number: 201 N. Center Ave., Merrill, WI 54452, 1-800-472-8383
- WI Cable Communications, new phone number: (608) 256-1683
- WI Chiefs of Police, new phone number: (414) 563-7384
- WI Council of Admin. of Special Education, new address and phone number: c/o Lakeland School, P.O. Box 88, Elkhorn, WI 53121 (414) 723-5341
- WI Council of Regional Planning Organizations, new address: 110 E. Main St., Rm. 708, Madison, WI 53703
- WI Gift Cheese Assn., new address and phone number: 6501 Mineral Pt. Rd., Madison, WI 53705 (608) 833-1525

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WI Higher Education Corp., new address and phone number: 2401 International Ln., Madison, WI 53707 (608) 246-1400

WI Homecare Organization, new address and phone number: P.O. Box 752, Madison, WI 53701-0752 (608) 274-8118

WI Innkeepers Assn., new phone number: (414) 271-2851

WI Public Service Corp., new phone number: (414) 433-1598

WI Rental Assn., new address and phone number: 2209 S. Stoughton Rd., Madison, WI 53716 (608) 222-5004

WI Society - American Assn. for Respiratory Therapy, new address and phone number: Attn: Teresa A. Shea, 2847 Clausen St., Madison, WI 53713 (608) 263-7059

WI Society of Clinical & Consulting Psychologists, new address: 121 S. Hancock St.

WI State Brewers Assn., new phone number: (414) 781-2261

WI Suburban League, new phone number: (414) 436-3135

WI Wildlife Federation, add to address: W10788 County I

State of Wisconsin
Supreme Court of Wisconsin

March 1, 1986

To the Honorable, the Senate:

At the direction of J. Denis Moran, Director of State Courts, I have prepared the attached report and submit it to you, in compliance with Wisconsin Statute 655.28(4)(c). As required by statute, the report provides information on the operation of the Patients Compensation Panels and the status of the Panel's operating fund.

If you require any additional information, this office will endeavor to provide it.

Sincerely,
KATHLEEN M. MURPHY
Administrator

Report received from agency, February 28, 1986.

Referred to committee on Transportation, March 4, 1986.

State of Wisconsin
Department of Industry, Labor and Human Relations
February 27, 1986

To the Honorable, the Senate:

The Department of Industry, Labor and Human Relations, Division of Employment and Training Policy has completed its draft Dislocated Worker Plan. The plan guides the allocation of resources under Title III of the Job Training Partnership Act. As required by Emergency Rule ILHR 816, this draft plan is made available to you for 30 days to give you an opportunity to review and comment.

The purpose of the Dislocated Worker Program is to provide training and re-training opportunities, job search assistance and support services to dislocated workers and farmers. Specific goals and objectives are detailed on pages 24-27 of the attached draft plan.

Services are provided by local public and private agencies. These agencies combine the resources of the dislocated workers program with other resources, including private contributions, to assure that the workers receive the assistance they need.

Funding for the Dislocated Workers Program for the period of July 1, 1986 to June 30, 1987 comes from State General Revenue (\$1,000,000) and the Job Training Partnership Act (JTPA) through the federal Department of Labor (estimated at \$1,400,000). The state is making a significant investment in its displaced workers and this program. Any advice you wish to offer will be welcomed. I invite you to send written comments to me by March 30, 1986.

Thank you for your interest in Wisconsin's dislocated workers and your support for this program. Should you have questions, please call me at 266-1150.

LAMARR O. BILLUPS
Director

Read and referred to committee on Labor, Business, Veterans Affairs and Insurance.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 85-201

AN ORDER to create chapter Ag 148, relating to a ginseng marketing order and ginseng marketing board.

Submitted by Department of Agriculture, Trade & Consumer Protection.

Report received from agency, February 28, 1986.

Referred to committee on Agriculture, Health and Human Services, March 4, 1986.

Clearinghouse Rule 85-212

AN ORDER to renumber 1.05 (5); to amend Trans 1.015 (1) and 1.02 (1); to repeal and recreate Trans 1.05 (4); and to create Trans 1.05 (5) and (6), relating to the specialized transportation assistance program for counties.

Submitted by Department of Transportation.

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 243
Assembly Bill 438
Assembly Bill 496
Assembly Bill 640
Assembly Bill 679
Assembly Bill 708
Assembly Bill 709
Assembly Bill 710
Assembly Bill 713
Assembly Bill 730

Assembly Bill 776

Assembly Bill 865

Amended and concurred in as amended:

Senate Bill 67, assembly substitute amendment 1

Senate Joint Resolution 1, assembly amendments 1 and 6

Agrees to a Committee of Conference on **Assembly Bill 100** and appoints Representatives Medinger, Potter and York as conferees on its part.

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 243

Relating to reimbursement of veterans for the cost of part-time classroom study.

By Representatives Antaramian, Huelsman, Porter, M. Coggs, Rosenzweig, Ladwig, Musser, Wimmer, T. Thompson and Bolle, cosponsored by Senators Andrea, Van Sistine, Plewa and Lorman.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 438

Relating to the student teaching requirement for a teaching certificate or license.

By Representative Potter, cosponsored by Senator Otte.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 496

Relating to requiring pupils suspended from school for truancy to attend school under a directed study program.

By Representatives Krusick, Potter, Grobschmidt and Manske, cosponsored by Senators Andrea and Norquist.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 640

Relating to hospital laboratory reports and preliminary hearings.

By Representatives Antaramian and Barca, cosponsored by Senator Andrea.

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

Assembly Bill 679

Relating to use of industrial development bonds by cities, villages and towns to finance the acquisition and rehabilitation of existing property.

By Representatives Krug, Rosenzweig, Seery, Goetsch, Metz, Williams, Weeden, Schneiders, Welch, Volk, Magnuson, Becker, Zéuske and Gruszynski, cosponsored by Senator Andrea.

Read first time and referred to committee on Economic Development.

Assembly Bill 708

Relating to authorizing the superintendent of schools in the Milwaukee school district to expel pupils from school.

By Representative Krusick, cosponsored by Senator Plewa.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 709

Relating to requiring department of public instruction approval of pupil tests used by operators of preschool to grade 5 programs.

By Representative Potter.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 710

Relating to school board elections and reconciling the statutes pertaining to elementary and secondary schools with the elimination of city school districts.

By Representative Potter, cosponsored by Senators Czarnecki and Engeleiter.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 713

Relating to recomputing the annuities of participants who reenter service in the Wisconsin retirement system after receiving an original annuity.

By Representatives Metz and Volk, cosponsored by Senators Andrea and Van Sistine.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 730

Relating to the licensing and regulation of food processing plants by the department of agriculture, trade and consumer protection, granting rule-making authority and providing penalties.

By Representatives Swoboda, York, Turba, Tregoning, Holperin, Volk, Hubler, Paulson, Van Gorden, Manske and Clements, cosponsored by Senators Moen, Harsdorf, Andrea, Lasec and Rude, by request of Wisconsin Farm Bureau Federation.

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

Assembly Bill 776

Relating to sexual exploitation of a client by a therapist, modifying statutes of limitation and providing a penalty.

By Representatives Rutkowski and S. Coggs, cosponsored by Senators Lee and Czarnecki.

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

Assembly Bill 865

Relating to establishing liability insurance risk sharing plans.

By Representatives Hauke, Hephner and Neubauer. Read first time and referred to committee on Labor, Business, Veterans Affairs and Insurance.

JOURNAL OF THE SENATE [MARCH 4, 1986]

The chair appointed Senators Otte, Moen and Engleiter as conferees to the Committee of Conference on **Assembly Bill 100**.

The question was: Shall the conferees be confirmed?
Confirmed.

CALENDAR OF MARCH 4

Senate Bill 285

Relating to revising the statutes governing the pharmacy examining board, granting rule-making authority and providing penalties.

Read.

Senate amendment 1 to assembly substitute amendment 1 offered by Senators Stitt and Lasec.

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

By request of Senator Cullen, with unanimous consent, **Senate Bill 285** was placed after **Senate Bill 550**.

Senate Bill 388

Relating to requesting consideration of consenting to an anatomical gift.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

Assembly Joint Resolution 45

Relating to excepting pari-mutuel betting on horse racing from the prohibition against legislative authorization of lotteries (first consideration).

Read.

The question was: Shall the senate adhere to its position on senate amendment 1?

The senate adhered to its position.

The question was: Shall the senate adhere to its position on senate amendment 2?

The senate adhered to its position.

By request of Senator Van Sistine, with unanimous consent, the senate requests a Committee of Conference on **Assembly Joint Resolution 45**.

Senate Joint Resolution 58

Requesting the legislative council to study how best to help and encourage the tourism industry to keep untreated wastes out of surface water and groundwater.

Read.

Adopted.

Senate Joint Resolution 66

Relating to proclaiming May 16, 17 and 18, 1986, Syttende Mai Weekend.

Read.

Adopted.

Senate Joint Resolution 67

Commemorating the 200th anniversary of the signing of the U.S. Constitution.

Read.

Adopted.

Senate Joint Resolution 71

Proclaiming May 3, 1986, Trzeciego Maja Day.

Read.

Adopted.

Senate Bill 49

Relating to refunds, interest and legal costs in respect to overassessment of manufacturing property and making an appropriation.

Read a second time.

Senate amendment 1 offered by Senator Lasec.

The question was: Adoption of senate amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 49** was referred to joint committee on Finance.

Senate Bill 439

Relating to meetings of boards of review.

Read a second time.

Ordered to a third reading.

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

Senate Bill 439

Read a third time and passed.

Senate Bill 446

Relating to penalties for certain alcohol beverages violations.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

By request of Senator Chilsen, with unanimous consent, **Senate Bill 446** was placed at the foot of the calendar.

Senate Bill 484

Relating to expenditure deadlines in tax incremental finance districts.

Read a second time.

Senator George moved indefinite postponement of **Senate Bill 484**.

The question was: Shall **Senate Bill 484** be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes -- Senators Chvala, Czarnezki, George, Helbach, Lee, Moen, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 13.

Noes -- Senators Adelman, Andrea, Chilsen, Cullen, Davis, Ellis, Engleiter, Feingold, Hanaway, Harsdorf,

Kincaid, Kreul, Lasec, Lekan, Lorman, McCallum, Roshell, Rude, Stitt and Theno -- 20.

Absent or not voting -- None.

So the motion did not prevail.

Ordered to a third reading.

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

Senate Bill 484

Read a third time.

By request of Senator Cullen, with unanimous consent, **Senate Bill 484** was referred to committee on Senate Organization.

Senate Bill 512

Relating to neighborhood watch signs.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 512

Read a third time and passed.

Senate Bill 525

Relating to consecutive monthly registration of a motor truck or truck tractor used to transport silo erection scaffolds or silo building materials.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 525** was referred to joint committee on Finance.

Senate Bill 532

Relating to revisions to laws governing control share acquisitions, business combinations and take overs.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 532** was referred to joint committee on Finance.

Senate Bill 550

Relating to the penalty for tampering with an odometer.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 550

Read a third time and passed.

Senate Bill 285

Relating to revising the statutes governing the pharmacy examining board, granting rule-making authority and providing penalties.

Read.

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

Senator Chvala moved rejection of senate amendment 1 to assembly substitute amendment 1.

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

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chvala, Cullen, Czarnecki, Davis, Feingold, George, Helbach, Kreul, Lee, Lorman, McCallum, Moen, Norquist, Otte, Risser, Rude, Strohl, Theno, Ulichny and Van Sistine -- 21.

Noes -- Senators Andrea, Chilsen, Bilis, Engeleiter, Hanaway, Harsdorf, Kincaid, Lasec, Lekan, Plewa, Roshell and Stitt -- 12.

Absent or not voting -- None.

So the motion prevailed.

The question was: Concurrence of assembly substitute amendment 1?

Concurred in.

Assembly Bill 14

Relating to the distribution of fertilizer and soil and plant additives in this state, granting rule-making authority and providing penalties.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 14

Read a third time and concurred in.

Assembly Bill 84

Relating to minority group representation in election districts and the method of selection of the board of school directors in 1st class cities.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator George, with unanimous consent, **Assembly Bill 84** was referred to committee on Senate Organization.

Senate Bill 446

Relating to penalties for certain alcohol beverages violations.

Read a second time.

Senate substitute amendment 2 offered by Senator Chilsen.

The question was: Adoption of senate substitute amendment 2?

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Senator Cullen raised the point of order that senate substitute amendment 2 was not germane.

The chair ruled the point of order well taken.

Senator Chilsen appealed the ruling of the chair.

The question was: Shall the decision of the chair stand as the judgment of the senate?

The ayes and noes were required and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lee, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Strohl, Theno, Ulichny and Van Sistine -- 23.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Lasee, Lecan, Lorman, McCallum and Stitt -- 10.

Absent or not voting -- None.

So the decision of the chair shall stand as the judgment of the senate.

Ordered to a third reading.

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

Senate Bill 446

Read a third time and passed.

MOTIONS

By request of Senator Plewa, with unanimous consent **Senate Bill 94** was taken from the table and considered at this time.

Senate Bill 94

Relating to recodifying and making technical and minor substantive changes in the administrative rule-making process.

Read.

The question was: Reconsideration of the vote by which assembly amendment 1 was concurred in?

Senator Chilsen raised the point of order that the bill was not properly before the senate.

The chair ruled the point of order well taken.

By request of Senator Cullen, with unanimous consent, **Senate Bill 94** was referred to committee on Senate Organization.

By request of Senator Norquist, with unanimous consent, the senate stood for a moment of silence for respect of Olaf Palme, Prime Minister of Sweden who was assassinated on February 28, 1986.

By request of Senator Engeleiter, with unanimous consent, the senate adjourned in memory of former Prime Minister of Sweden, Olaf Palme.

By request of Senator Theno, with unanimous consent, the senate adjourned in honor of "Superior Day in Madison".

By request of Senator Lecan, with unanimous consent, the senate adjourned in honor of "National Teachers Recognition Week".

The chair appointed Senators Roshell, Van Sistine and Harsdorf to the Committee of Conference on **Assembly Joint Resolution 45**.

The question was: Shall the conferees to the Committee of Conference on **Assembly Joint Resolution 45** be confirmed?

Confirmed.

By request of Senator Cullen, with unanimous consent, **Senate Bill 549** was withdrawn from the committee on Senate Organization and referred to the committee on Judiciary and Consumer Affairs.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 473** by Senator Moen.

Senate amendment 2 to **Senate Bill 570** by Senator Theno.

Senate substitute amendment 1 to **Senate Bill 515** by Senator Otte.

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

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, March 6.

11:50 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 70, senate substitute amendment 1

1. Page 1, line 5: delete "is" and substitute "are".

Senate Bill 145

In enrolling, the following corrections were made to effectuate the intent of senate amendment 1 and senate amendment 2, both of which were adopted:

Senate amendment 1:

1. Page 1, line 3: on lines 3, 9 and 19, substitute "4.", "5." amd "6." for "1.", "2." and "3.", respectively, to accommodate the insertion of additional material by senate amendment 2.

Senate amendment 2:

2. Page 2, line 3: delete that line so as to carry out the intent of Items 1 and 2 of senate amendment 1.

JOURNAL OF THE SENATE [MARCH 4, 1986]

Senate Bill 397, senate substitute amendment 1

1. Page 2, line 12: delete "affected" and substitute "created".
2. Page 2, line 19: after "state" insert a stricken period.

Senate Bill 588

1. Page 39, line 16: delete "(am) and (b)" and substitute "(b) and (c)".
2. Page 160, line 21: substitute "and" for "to".
3. Page 172, line 6: strike through "sub."