

STATE OF WISCONSIN
Senate Journal
Eighty-Seventh Regular Session

TUESDAY, May 20, 1986

10:00 A.M.

The senate met.

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

By request of the president of the Senate, with unanimous consent, the senate recessed until 12:00 Noon.

10:01 A.M.

RECESS

12:00 Noon.

The senate reconvened.

The senate stood for the prayer which was offered by Reverend Thomas B. Woodward of St. Francis House, Episcopal Campus Ministry, Madison.

The senate remained standing and Senator Feingold 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, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

COMMITTEE REPORTS

The committee on Energy and Environmental Resources reports and recommends:

ABEL, RUBY, of Beaver Dam, to the Snowmobile Recreational Council, to serve a term to expire July 1, 1989.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

GESCHEIDLE, JIM, of Fond du Lac, to the Snowmobile Recreational Council, to serve a term to expire July 1, 1989.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

MASSON, THOMAS E., of Oconomowoc, to the Snowmobile Recreational Council, to serve a term to expire July 1, 1989.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

DITTMAR, BEVERLY, of Wausau, to the Snowmobile Recreational Council, to serve a term to expire July 1, 1989.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

HILLIARD, SUSAN, of Briggsville, to the Snowmobile Recreational Council, to serve a term to expire July 1, 1989.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

NIMZ, LYNN, of Wausau, as a member of the Waste Facility Siting Board, to serve for the term ending May 1, 1989.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

WILLIS, MARY S., of Eagle River, as a member of the Waterways Commission, to serve for the term ending March 1, 1991.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

JOHNSON, DOROTHY, of Appleton, as a member of the Fox River Management Commission, to serve for the term ending March 1, 1989.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

SNEED, CAROLYN P., of Washburn, as a member of the Waterways Commission, to serve for the term ending March 1, 1991.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

VAN DE HEY, RONALD, of Kaukauna, as a member of the Fox River Management Commission, to serve for the term ending March 1, 1989.

Confirmation:

Ayes, 8 -- Senators Strohl, Chvala, Lee, Adelman, Norquist, Ellis, Hanaway and Theno;

Noes, 0 -- None.

JOE STROHL
Chair

The committee on Aging, Banking, Commercial Credit and Taxation reports and recommends:

PATTERSON, THADIS, of Milwaukee, to the Board on Aging and Long-Term Care, to serve a term to expire May 1, 1991.

Confirmation:

Ayes, 10 -- Senators Feingold, Plewa, Helbach, Kincaid, Czarnecki, Moen, Kreul, Lorman, Davis and Chilsen;

Noes, 0 -- None.

RUSS FEINGOLD
Chair

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

SCHMERLING, SHIRLEY, of Kenosha, as a member of the Bingo Control Board, to serve for the term ending May 1, 1991.

Confirmation:

Ayes, 5 -- Senators Van Sistine, Roshell, Otte, Plewa and Kreul;

Noes, 0 -- None.

SCHIEFFER, PHYLLIS, of Birchwood, as a member of the Community Development Finance Authority Board of Directors, to serve for the term ending September 1, 1991.

Confirmation:

Ayes, 5 -- Senators Van Sistine, Roshell, Otte, Plewa and Kreul;

Noes, 0 -- None.

TRYON, ROSALIE, of Fond du Lac, as a member of the Community Development Finance Authority, to serve for the term ending September 1, 1991.

Confirmation:

Ayes, 5 -- Senators Van Sistine, Roshell, Otte, Plewa and Kreul;

Noes, 0 -- None.

REINARDY, SUSAN, of Madison, as a member of the Accounting Examining Board to serve for the term ending July 1, 1990.

Confirmation:

Ayes, 5 -- Senators Van Sistine, Roshell, Otte, Plewa and Kreul;

Noes, 0 -- None.

JEROME VAN SISTINE
Chair

The committee on Education and Government Operations reports and recommends:

DOHNER, SUZANNE, of Baraboo, to the Real Estate Board, to serve for the term ending July 1, 1990.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

EDL, STEVE, of Lake Geneva, to the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve a term to expire July 1, 1990.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

FLORES, NESS, of Waukesha, as a member of the University of Wisconsin Board of Regents, to serve for the seven year term commencing May 1, 1986.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

GOEBEL, MATTHIAS, of Elkhorn, to the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve a term to expire July 1, 1990.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

MURPHY, DONALD R., of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 1991.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

POEHLMAN, JOHN J., of Shorewood, to the Real Estate Board, to serve for the term ending July 1, 1990.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

POWERS, SANGER B., of Green Bay, as a member of the Personnel Board to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

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Noes, 0 -- None.

REIGEL, WILLIAM H. of Marshfield, to the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve a term to expire July 1, 1990.

Confirmation:

Ayes, 8 -- Senators Czarnezki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

ROSENBERG, DR. DONALD, of Wausau, as a member of the Educational Communications Board, to serve for the term ending July 1, 1988.

Confirmation:

Ayes, 8 -- Senators Czarnezki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

SCHLAVENSKY, LINDA, of Appleton, as a member of the Real Estate Board, to serve for the term ending July 1, 1990.

Confirmation:

Ayes, 8 -- Senators Czarnezki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

SHETH, PREMAL, of Eau Claire, to the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve a term to expire July 1, 1990.

Confirmation:

Ayes, 8 -- Senators Czarnezki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

WATERMOLEN, BERNARD L., of Green Bay, to the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve a term to expire July 1, 1990.

Confirmation:

Ayes, 8 -- Senators Czarnezki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

JOSEPH J. CZARNEZKI
Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 37

A petition by 97 seniors at West Salem High, West Salem, Wisconsin in opposition to raising the drinking age to 21.

By Senator Rude.

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

State of Wisconsin
Claims Board

May 7, 1986

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on April 24, 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 April 25, 1986, upon the following claims:

Claimant	Amount
Greg Van Deslunt	\$120,000.00
Lloyd Prill	27,385.00*
William & Lois Arnold	26,693.37
Wallace O'Neill	59,812.52
Robin Nicholson	51.95
Michael Waitt	205.54
Legend Lake Property Owners Assn., Inc.	100,000.00*

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

F.W. Boelter Co., Inc.	\$18,762.79*
Maxine Clark	1,567.02
Shawano County	65,960.38
Dan Quirk	15,007.38
Mark Roth	587.46
Otto Pettersen	39.00
Jack Bigler	5,663.50
City of Milwaukee	397.20
Georgia-Pacific Corp.	288.29
Helen Rogers	2.74
Helen Goodman	385.70
Gerald Krueger	150.00
Timothy Lambie	501.90

THE BOARD FINDS:

1. Greg Van Deslunt of Janesville claims \$120,000.00 for damages relating to an injury he suffered on August 27, 1984, while employed by Mark Kaiser, owner of M & S Manufacturing. Claimant was operating a table saw when the accident occurred causing the loss of two fingers and severe damage to his thumb. The employer, Mr. Kaiser, did not maintain worker's compensation insurance and has no assets of his own to compensate claimant for the injury sustained at work. Claimant believes the state should be responsible to insure that all employers have insurance coverage to protect employees. The Department of Industry, Labor and Human Relations had no prior knowledge of Mark Kaiser's lack of insurance until after claimant's worker's compensation proceeding. 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.

2. Lloyd Prill of Markesan claims \$27,385.00 for loss of wages and benefits from December 29, 1984, to January 1, 1986, allegedly resulting from incorrect information provided to him by the Department of Employee Trust Funds regarding annuity benefits. Claimant was classified as a "protective" services employe and became age 55 on April 17, 1984. Claimant alleges that the Department of Employee Trust Funds advised him to retire from state service prior to the end of December, 1984, or he would receive a reduction in annuity benefits. Claimant retired on December 29, 1984. The Benefit Information Section of the Department of Employee Trust Funds sent claimant a letter dated November 23, 1984, advising him that he could work to March 30, 1985, without receiving a reduction in the 2% formula multiplier used in determining the retirement benefit and that if he continued to work after March 30, 1985, his formula factor would be reduced; however, his annuity benefits would continue to increase as he continued to work. The Board finds there is no showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

3. William and Lois Arnold of West Allis claim \$26,693.37 as interest from the date of payment in May, 1979, on inheritance taxes paid on the transfer of property from their son, William, to claimants as his sole heirs. Claimants filed a claim for refund of inheritance tax pursuant to s. 72.15(6), Stats., which provides that no tax is imposed on the transfer of property from a decedent who is missing in action during the Vietnam era and subsequently declared dead by the federal government. On December 20, 1985, the Claims Board issued payment to claimants in the amount of \$35,591.16 for refund of inheritance tax pursuant to s. 16.007(6)(b) 2, Stats. The Board finds the claim is not one for which the state is legally liable nor one which the state should

assume and pay based on equitable principles. (Member Schneider dissenting.)

4) Wallace O'Neill of Eau Claire claims \$59,812.52 for loss of wages and fringe benefits as a result of his circuit court conviction of a felony in 1982. The criminal charges arose from actions taken by claimant while employed as the Director of Safety and Security at the University of Wisconsin-Eau Claire. By reason of his conviction, claimant was disqualified by state law from serving as a law enforcement officer. Although the conviction was reversed by the Wisconsin Supreme Court on December 21, 1984, and claimant was employed by the University of Wisconsin-Eau Claire in another capacity, his wages and fringe benefits were reduced. The Board finds that the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member Schneider dissenting.)

5. Robin Nicholson of Madison claims \$51.95 for damages to his motorcycle allegedly incurred while it was parked in Lot 13 on the University of Wisconsin-Madison campus parking lot sometime between 6:45 a.m. and 3:30 p.m. on October 17, 1985. Upon returning to the parking lot at 3:30 p.m., claimant alleges his motorcycle had been moved ahead and tipped over in order to make more space for parking; however, there were no witnesses to the damage. 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.

6. Michael Waitt of Milwaukee claims \$205.54 for expenses incurred in pursuit of complaints filed against the University of Wisconsin Hospital relating to a burn he allegedly sustained during surgery on February 15, 1982. Claimant had been admitted to the hospital for urethroplasty, a surgical procedure. After the surgery, a burn wound was discovered on claimant's right hand, the cause of which remains unclear. The Board finds there has been no showing of negligence on the part of the state, its officers, agents or employes; however, on the basis of the inadequacy of the UW Hospital medical records in this case, the Board concludes the claim should be paid in 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 University of Wisconsin appropriation s. 20.285(1)(kb), Stats.

7. Legend Lake Property Owners' Association, Inc., Menominee County, Town of Menominee and individual property owners in the Legend Lake Development area claim \$100,000 plus interest from 1970 to the present for repairs and maintenance of the dams and flowages in the Legend Lake development. In 1970, the Department of Natural Resources issued a permit to N.E. Isaacson & Associates, Inc., and Menominee Enterprises, Inc. for a dam associated with the Legend Lake development project in Menominee County. The permit required the establishment of a trust

fund for repairs and other expenses occurring in connection with the dam and maintenance of the flowage. A trust fund was never established by N.E. Isaacson & Associates. The partnership between Isaacson & Associates and Menominee Enterprises has dissolved and Isaacson & Associates is apparently without assets to be used for the maintenance of the dam. 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 which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member George dissents.)

8. F. W. Boelter Company, Inc., of Milwaukee claims \$18,762.79 for refund of sales taxes collected from its customers for the period of February 28, 1979, through February 28, 1980. On January 29, 1982, the Wisconsin Tax Appeals Commission decision in Rause Enterprises held that a restaurant operator can purchase disposable plastic eating utensils, napkins, straws and disposable placemats without tax for resale under s. 77.51(4), Stats. Prior to this decision, claimant charged sales tax on similar single use items it sold to restaurant operators. On August 19, 1983, claimant filed a claim with the Department of Revenue for refund of sales taxes under the Rause decision for the period from January 1, 1978 through December 31, 1982. On September 13, 1983, the Department of Revenue denied claimant's refund of sales tax for the period prior to March 1, 1980. On May 31, 1985, the Wisconsin Tax Appeals Commission agreed with Revenue's denial of refund since the Department of Revenue had field audited claimant covering the period of March 1, 1975 through February 29, 1980, and claimant had paid an assessment instead of depositing it pursuant to s. 77.59(6)(c), Stats., pending ultimate determination of its liability for that assessment. The Claims Board disavows as precedent its October 17, 1983 decision of the claim of Baraboo Sysco Food Services, Inc. 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.

9. Maxine Clark of Portland, Oregon, claims \$1,567.02 for refund of inheritance taxes based upon her relationship to decedent Isabel Buckstaff as a Class C beneficiary instead of a Class D beneficiary. More than six months after the date of determination of the inheritance tax, claimant made known that her adoptive mother, Mary Buckstaff, was her cousin, thereby entitling her to a more favorable tax rate as a Class C beneficiary in the Estate of Isabel Buckstaff instead of a Class D beneficiary. The Board concludes the claim should be paid in the reduced amount of \$1,000 based on equitable principles. The Board further concludes under s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

10. Shawano County claims \$65,960.38 for expenses incurred to remove illegally placed septic systems and mobile homes owned by the Posse Comitatus. In compliance with a circuit court order, Menominee and

Shawano County Judge Timothy Vocke issued a Writ of Assistance dated February 21, 1984, commanding Shawano County to eject and remove mobile homes and septic and sanitary systems on the property of Donald Minniecheske, Sally Minniecheske, Judith Minniecheske and Joann Redman. Claimant submits bills and expenses incurred during the execution of the court-ordered writ. The Board recommends this claim be paid in the reduced amount of \$26,587.18 for mutual aid assistance, food, telephone expenses and identification gear expenses, 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.

11. Dan Quirk of Menomonie claims \$15,007.38 for medical expenses, pain and suffering and compensation for a permanent facial scar allegedly resulting from an injury he sustained while attending a rock concert at the University of Wisconsin-Stout Student Center on September 12, 1985. Before the concert began, members of the student organization threw promotional plastic cups into the audience. Claimant was hit above the eye by a cup thrown by a member of the band. Claimant's medical bills have been paid by the person directly responsible for the injury. The Board concludes 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.

12. Mark Roth of West Bend claims \$534.96 for health insurance premiums and \$52.50 for a penalty fee for withdrawing funds from his tax sheltered annuity as a result of incorrect information provided by the University of Wisconsin Benefits Office when he was hired by the University of Wisconsin-Milwaukee in the fall of 1985. Claimant was advised that because of his previous employment in the Kewaskum Public School District and as a participant in the State Teacher's Retirement System, he was immediately eligible to have the state pay 90% of the premium for his health insurance. Earlier in 1985, the Department of Employee Trust Funds changed its prior policy of allowing the immediate 90% contribution for former employees of local government units. Claimant did not receive current information regarding this policy change or the fact that there was a six month waiting period for the 90% state contribution for health insurance premiums. When this error was discovered, claimant withdrew money from his tax sheltered annuity to pay the difference between what had already been deducted from his paycheck and the actual cost of his health insurance, \$534.96. 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.

13. Otto Pettersen of Milwaukee claims \$39.00 for replacement of his eyeglass frames damaged while he was performing his job duties as an employee of the

Department of Industry, Labor and Human Relations on January 13, 1986. Claimant removed his glasses and placed them on the floor while plugging in a microfiche projector. A co-worker, Betty Mikusch, stepped on claimant's glasses as she returned to her desk located in front of the projector. The Board concludes there is 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. (Member Schneider dissenting.)

14. Jack Bigler of Blue Mounds claims \$5,663.50 for property damages resulting from road construction on Highways 18 and 151 during 1982. Claimant alleges the following damages as a result of the road construction: loss of income raising pigs because of inadequate fencing provided by the Department of Transportation along the highway right-of-way; materials to replace the inadequate fence with a woven wire fence; materials and labor to reattach three fences to the fence along the highway; loss of access to a corn crib resulting from a raise in the height of claimant's driveway; and loss of land use from 1982 to the present caused by the placement of topsoil on 3 acres of claimant's field. 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.

15. City of Milwaukee claims \$397.20 for damages to a buried street light transformer located at North 76th Street and West Villard Avenue in the City of Milwaukee. The damage was caused by an auger operated by a Department of Transportation crew while digging holes for traffic signal standards on August 6, 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 Transportation appropriation s. 20.395(3)(hq), Stats.

16. Georgia-Pacific Corporation of Atlanta, Georgia, claims \$288.29 for damages resulting from an automobile accident between a vehicle owned by claimant and a state-owned vehicle on August 9, 1985. Both vehicles were eastbound on Highway M in Middleton traveling behind an unidentified vehicle. The unidentified vehicle, directly in front of claimant's vehicle, stopped abruptly to turn into a private driveway. Claimant's vehicle also stopped abruptly; however, the state vehicle was unable to stop in time and collided into the back of claimant's vehicle. The Board concludes the claim is not for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

17. Gerald Krueger of Greenfield claims \$150.00 for damages to his vehicle incurred on November 14, 1985, at the Milwaukee State Office Building parking lot. The damage occurred when the electronic gate came down on the top of his car as he was driving through the gate. The

Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 2.505(4)(d), Stats.

18. Helen Goodman of Milwaukee claims \$385.70 for medical expenses allegedly resulting from an injury she sustained on August 2, 1985, when she fell on the lobby floor in the Milwaukee State Office Building. State Protective Services investigated the area where claimant fell and found it was clean, dry and free from any obstacles. 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.

19. Helen Rogers of Waunakee claims \$2.74 for drycleaning her wool jacket after it became spotted with soap on November 15, 1985, from the countertop in the women's washroom in the General Executive Facility III state office building. 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.

20. Timothy Lambie of Hortonville claims \$501.90 for damages to his vehicle allegedly caused by two inmates on escape status from the Drug Abuse Correctional Center on September 5, 1985. The inmates took the truck while it was parked at N & M Transfer in Neenah and drove it to Oneida where they ran it off the road and into a swamp. The Board concludes there is insufficient evidence to prove 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:

Greg Van Deslunt

Lloyd Prill

William & Lois Arnold

Wallace O'Neill

Robin Nicholson

Legend Lake Property Owners Assn., Inc.,
Menominee County and Town of Menominee and
individual property owners in Legend Lake
Development

F.W. Boelter Co., Inc.

Dan Quirk

Otto Pettersen

Jack Bigler

Georgia-Pacific Corp.

Helen Rogers

Helen Goodman

Timothy Lambie

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

Michael Waitt	\$ 100.00
Maxine Clark	1,000.00
Mark Roth	587.46
City of Milwaukee	397.20
Gerald Krueger	150.00

THE BOARD RECOMMENDS:

1. Payment to Shawano County in the amount of \$26,587.18 for mutual aid assistance, food, telephone and identification gear expenses resulting from the court ordered removal of septic systems and mobile homes owned by the Posse Comitatus.

Dated at Madison, Wisconsin this 6th day of May, 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

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 86-81

AN ORDER to repeal Trans 200.07 (5), relating to handicapped parking signs.

Submitted by Department of Transportation.

Report received from agency, May 16, 1986.

Referred to committee on Transportation, May 20, 1986.

Clearinghouse Rule 86-98

AN ORDER to amend ETF 10.64 (1); and to create ETF 10.64 (3), relating to interest on late reported contributions for programs administered by the department of employe trust funds.

Submitted by Department of Employee Trust Funds.

Withdrawn by agency, May 15, 1986.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, May 22.

12:17 P.M.