

Eighty-Seventh Regular Session

WEDNESDAY, September 3, 1986

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Claims Board

August 26, 1986

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on August 13, 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 August 13, 1986, upon the following claims:

Claimant	Amount
Bonita Friedrich	\$ 63.00
City of Madison	50,428.38
Dr. A. William Pollman	2,202.58

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

Thomas Schroeder	\$71,936.00
Virchow, Krause & Co.	18,503.00
Katherine Waldron	184.46
Richmond Ato Yarney	2,081.25
Gailen Boden	4.73
Russell Knetzger	250.00
Vernice Rohloff	39.00

THE BOARD FINDS:

1. Bonita Friedrich of Blanchardville claims \$63.00 for damages to her coat incurred on February 14, 1986, as she entered the state office building at 801 W. Badger Road, where she is employed by the Department of Agriculture. As claimant entered the building, her coat became caught and ripped on a loose striker plate on the door. The board concludes the claim should be paid based on equitable principles if claimant provides the coat to the state for disposal in the State Protective Services' lost and found sales. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Administration appropriation s. 20.505(1)(kf), Stats.

2. City of Madison Police Department claims \$50,428.38 for extraordinary police services provided to the State on April 4, 5, 6, 7, 10 and 11, 1986 for crowd control assistance on the state capitol grounds during anti-apartheid demonstrations. The police assistance was requested by the Department of Administration State Protective Services on April 4, 1986. The Board recommends payment of \$24,236.12 for police officer overtime hours, as justified by s.16.008, Stats., and payment of the regular police officers hours amounting to \$26,192.26, for a total award of \$50,428.38, 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.

3. Dr. A. William Pollman of LaCrosse claims \$2,202.58 for attorney fees incurred for legal representation during the federal grand jury investigation of the Small Business Development Center (SBDC) at the University of Wisconsin-LaCrosse in November, 1985. Claimant, as Director of the SBDC was required to appear before the grand jury to respond to allegations of fraud in connection with the misuse of federal funds at the SBDC. The grand jury was subsequently dismissed and no charges were filed because there was no evidence of impropriety in the use of grant funds at the SBDC. The Board recommends payment of claimant's attorney fees in the amount of \$2,202.54, based on equitable principles. The Board further concludes under authority of s. 16.007(6m) Stats., payment be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

4. Thomas Schroeder of Fond du Lac claims \$71,936.00 for lost wages allegedly resulting from the wrongful termination of his employment as a Facility Repair Worker for the Department of Military Affairs in 1979. Claimant alleges that he was discharged without prior notice or opportunity to respond. The Board finds no evidence that claimant was wrongfully discharged from his employment with the Department of Military Affairs. 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

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legally liable nor one which the state should assume and pay based on equitable principles.

5. Virchow, Krause & Company of Madison claims \$18,503.00 for services provided to the Department of Natural Resources according to a contract dated April 2, 1984. The contract provided payment of \$30,830.00 for the study of the Department of Natural Resources' computer hardware and software needs. The contract specified that claimant would receive 20% of the contract price upon award of the contract, 20% upon successful completion of a draft analysis of the present and future hardware/software resource needs, 30% upon successful completion of the draft alternatives and recommendations review and 30% upon delivery of the final report recommending solutions to present hardware/software environments. Claimant was paid 40% of the contract amount or \$12,332.00 upon completion of the first report. The Department of Natural Resources determined that the evaluation report submitted by claimant was inadequate and terminated the contract. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

6. Katherine Waldron of Madison claims \$184.46 for medical expenses incurred as a result of an alleged injury she sustained on April 21, 1986, when she fell on the sidewalk at the State Capitol Building. 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.

7. Richmond Ato Yarney of Milwaukee claims \$2,081.25 for uninsured damages allegedly resulting from the theft of his taxi cab by a prisoner on escape status from the Winnebago Correctional Center. The prisoner stole claimant's taxi cab at gunpoint on October 3, 1984. The damage to the vehicle occurred during the apprehension of the prisoner by the Milwaukee County Sheriff's Department. 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. The Claims Board requests that in the future, the Department of Health and Social Services provide a more detailed response regarding the circumstances of this type of claim.

8. Gailen Boden of Madison claims \$4.73 for replacement of his watch crystal allegedly damaged on April 3, 1986, while he was unloading plywood as part of his duties as an employe of the Department of Transportation. 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. Russell Knetzger of Shorewood claims \$250.00 for automobile damages incurred on June 21, 1985, when

his vehicle allegedly skidded on a patch of wet clay on the ramp to Interstate 43. Claimant's car skidded into a traffic signal island, causing damage to the front wheel of his vehicle. On that date, the Department of Transportation was digging in the island and median area behind the curb. 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.

10. Vernice Rohloff of Fort Atkinson claims \$39.00 for replacement of her skirt damaged by a broken spring that poked through her office chair at the Department of Industry, Labor and Human Relations Unemployment Compensation Division in May, 1986. The Board concludes the claim should be paid based on equitable principles if the claimant will provide the skirt to the state for disposal in the State Protective Services' lost and found sales. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Industry, Labor and Human Relations appropriation s. 20.445(1)(z), Stats.

THE BOARD CONCLUDES:

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

Thomas Schroeder
Virchow, Krause & Co.
Katherine Waldron
Richmond Ato Yarney
Gailen Boden
Russell Knetzger

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

Bonita Friedrich	\$63.00
Vernice Rohloff	39.00

THE BOARD RECOMMENDS:

1. Payment of \$50,428.38 to the City of Madison Police Department for extraordinary police services provided to the state on April 4, 5, 6, 7, 10 and 11, 1986 for crowd control assistance on the state capitol grounds during anti-apartheid demonstrations.

2. Payment of \$2,202.54 to William Pollman for legal expenses incurred for representation before the federal grand jury during the investigation of Small Business Development Center (SBDC) at the University of Wisconsin-LaCrosse in November, 1985.

Dated at Madison, Wisconsin this 22nd day of August, 1986.

GARY R. GEORGE
Senate Finance Committee

MARLIN D. SCHNEIDER
Assembly Finance Committee

JUAN B. COLAS
Representative of Governor

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EDWARD D. MAIN
Representative of Secretary of
Administration

WILLIAM H. WILKER
Representative of Attorney
General

State of Wisconsin
Wisconsin Housing and
Economic Development Authority

August 29, 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.

As of August 4, the Authority will be located at One South Pinckney St., Suite 500. Our phone number remains the same.

Best Wishes,
ED JACKAMONIS
Executive Director

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

August 29, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHN W. FORSTER of Menasha to the Fox River Management Commission pursuant to the statute governing, to serve a term to expire March 1, 1987.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Energy and Environmental Resources.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 85-165

AN ORDER to repeal and recreate Ins 3.40, relating to coordination of benefits provisions in group and blanket disability insurance policies.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, August 29, 1986.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, September 3, 1986.

Clearinghouse Rule 86-107

AN ORDER to amend RL 4.04 (3), relating to examination and refund fees.

Submitted by Department of Regulation and Licensing.

Report received from agency, August 29, 1986.

Referred to committee on Education and Government Operations, September 3, 1986.

Clearinghouse Rule 86-112

AN ORDER to repeal and recreate chapters A-E 1, 3 and 4; and to create chapters A-E 2 and 5 to 8, relating to rules of the examining board of architects, professional engineers, designers and land surveyors.

Submitted by Department of Regulation and Licensing.

Report received from agency, August 29, 1986.

Referred to committee on Education and Government Operations, September 3, 1986.

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

Clearinghouse Rule 86-61

AN ORDER to repeal ILHR 51.21 (4) (a) Note and (6), 52.015 and A52.015; to renumber ILHR 51.21 (6) and (7), 56.02 (4) and 57.03 (2) (a); to renumber and amend Table 54.01, Table 57.02 and Table 59.12; to amend ILHR 50.02, 51.23 (1) (a), (4) and (6) (a), 51.27 (7) (b), (c) and (e), 52.01 (2) (h), 54.02 (4) (b), 55.02 (2) (c) (intro.), 3 e and 4 e, 56.02 (1) to (3), 56.06 (3) (a), 57.02 (1), 57.18 (1), 59.12 (1) and (2), 59.14 (2) (a) 2 and (b) and 62.95 (2) (b); to repeal and recreate ILHR 51.24 (3), 51.27 (7) (f), 52.02 (2), 54.01 (1) to (4), 54.15 (2), 54.17, 55.02 (1), 55.33 (2), 56.02 (5) (a), 56.20 (2), 57.02 (2), 57.15 (2) and 59.12 (3) (a); and to create ILHR 51.02 (21) and (22), 51.21 (2) (d), 51.23 (9), 51.27 (7) (cm), (r) and (s), 52.011 to 52.013, Table 54.01-2, 55.02 (2) (c) 5, 56.02 (4), 57.016, Tables 57.02-2 and 57.02-3, 57.03 (2) (a) 2, Table 59.12-2, 59.23 (1) (e) 3 and A52.011, relating to automatic fire sprinkler systems in low rise public buildings and places of employment.

Submitted by Department of Industry, Labor & Human Relations.

No action taken.

Clearinghouse Rule 86-114

AN ORDER to amend Table 35.02-4, relating to infectious agents for the employes' right to know law.

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 86-108

AN ORDER to amend ETF 10.64 (1); and to create ETF 10.64 (3), relating to interest on late reported

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contributions for programs administered by the department of employe trust funds.

Submitted by Department of Employe Trust Funds.
No action taken.

Clearinghouse Rule 86-131

AN ORDER to create chapter ERB 32, relating to the impasse resolution process.

Submitted by Employment Relations Commission.
No action taken.

JOSEPH J. CZARNEZKI
Chair

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

Clearinghouse Rule 85-159

AN ORDER to amend Ins 3.32 (2), (3) (c) (intro.) and (d) and (4) (intro.) and (e) to (r); to renumber and amend Ins 3.32 (3) (a) and (e); to repeal and recreate Ins 3.32 (3) (b) and (5); and to create Ins 3.32 (3) (bm) and 6.61 (2m), relating to referral of title insurance by affiliates of producer of title insurance.

Submitted by Office of the Commissioner of Insurance.

No action taken.

JEROME VAN SISTINE
Chair

State of Wisconsin
Revisor of Statutes Bureau

September 1, 1986

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

The following rules have been published and are effective:

Clearinghouse Rule 85-107 effective September 1, 1986.

Clearinghouse Rule 85-162 effective September 1, 1986.

Clearinghouse Rule 85-192 effective September 1, 1986.

Clearinghouse Rule 85-209 effective September 1, 1986.

Clearinghouse Rule 86- 11 effective September 1, 1986.

Clearinghouse Rule 86- 13 effective September 1, 1986.

Clearinghouse Rule 86- 18 effective September 1, 1986.

Clearinghouse Rule 86- 37 effective September 1, 1986.

Clearinghouse Rule 86- 41 effective September 1, 1986.

Clearinghouse Rule 86- 47 effective September 1, 1986.

Clearinghouse Rule 86- 48 effective September 1, 1986.

Clearinghouse Rule 86- 59 effective September 1, 1986.

Sincerely,
GARY L. POULSON
Assistant Revisor