

Eighty-Ninth Regular Session

WEDNESDAY, July 26, 1989

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 250

Relating to comparative negligence in cases with multiple tort-feasors.

By Senators Buettner, Roshell, Plewa, Leean, Andrea, Stitt, Rude, Kreul, Weeden, Lorman, Lasee, Cowles and Farrow; cosponsored by Representatives Loucks, Hubler, Klusman, Deininger, Zweck, Nelsen, Linton, Radtke, Hamilton, Zeuske, Hasenohrl, Tregoning, Bolle, Schneiders, Thompson, Van Gorden, Schultz, Duff, Welch, Ladwig, Johnsrud, Schmidt, Lehman, Musser, Goetsch, Foti, Rosenzweig, Zien, Ourada, Lepak, Vergeront, Underheim, Lahn, Gard, Turba, Brancel, Porter, Walling and Panzer.

To committee on Judiciary and Consumer Affairs.

Senate Bill 251

Relating to punitive damage awards and payments to persons who have obtained judgments in tort actions and making appropriations.

By Senators Buettner, Roshell, Plewa, Leean, Andrea, Rude, Stitt, Kreul, Lorman, Lasee, Cowles and Farrow; cosponsored by Representatives Loucks, Hubler, Klusman, Deininger, Zweck, Nelsen, Linton, Radtke, Hamilton, Zeuske, Hasenohrl, Tregoning, Gronemus, Huelsman, Schneiders, Van Gorden, Schultz, Duff, Welch, Ladwig, Johnsrud, Schmidt, Lehman, Musser, Goetsch, Foti, Rosenzweig, Zien, Ourada, Lepak, Vergeront, Underheim, Lahn, Gard and Lewis.

To committee on Judiciary and Consumer Affairs.

Senate Bill 252

Relating to the regulation of cemeteries, sales of cemetery lots, merchandise and mausoleum spaces, granting rule-making authority, providing a penalty and making an appropriation.

By Senators Davis, Lee, Burke, Leean, Czarnecki, Farrow, Lasee and Lorman; cosponsored by Representatives Barrett, Goetsch, Notestein, Huelsman, Fortis, Duff, Radtke, Wimmer, Schneiders, Foti and Zien.

To committee on Urban Affairs, Environmental Resources, Utilities and Elections.

Senate Bill 253

Relating to child support and paternity.

By Senators Adelman, Buettner, Jauch, Leean, Kreul and Farrow; cosponsored by Representatives Rutkowski, Schneiders, Lewis, Seery, Grobschmidt, Rosenzweig, Johnsrud, Deininger and Underheim.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The joint committee for review of Administrative Rules reports and recommends:

Senate Bill 254

Relating to the authority of the department of industry, labor and human relations to establish a different minimum wage based on length of employment.

Introduction:

Ayes, 5 -- Senators Plewa, Jauch and Kincaid; Representatives Antaramian and Schneider;

Noes, 3 -- Senator Kreul; Representative Welch and Zeuske.

Read first time and referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs.

John R. Plewa
Co-chair

John Antaramian
Co-chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State

July 24, 1989

To the Honorable the Senate

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

If you have any questions concerning this transmittal, please contact Teresa Walker, Lobbyist Specialist, at (608) 266-5503.

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

Bill Broydrick July 20, 1989, 600 E. Mason, Milwaukee WI 53202; (414) 224-9393.

1) Meehan Seaway Dan Meehan; 1500 W. Lincoln Memorial Dr., Port of Milwaukee WI 53207; (414)481-7000.

Subjects: Working with Department of Transportation to re-do a contract.

Scott Dacey July 20, 1989, 600 E. Mason, Milwaukee WI 53202; (414) 224-9393.

1) Meehan Seaway Dan Meehan; 1500 W. Lincoln Memorial Dr., Port of Milwaukee WI 53207; (414)481-7000.

Subjects: Working with Department of Transportation to re-do a contract.

M. William Gerrard July 20, 1989, 44 E. Mifflin St., Ste. 102, Madison WI 53703; (608)258-3700.

1) Kwik Trip, Inc. Thomas J. Kieffer; 1626 Oak St., P.O. Box 2107, La Crosse WI 54602-2107; (608)781-8988.

Subjects: Petroleum-related issues, Department of Transportation matters, DILHR matters, and general matters affecting our corporation.

Robert W. Gordon, Jr. July 21, 1989, 1220 N. 21st St., Superior WI 54880; (715) 392-6361.

1) Brotherhood of Maintenance of Way Employees Geoffrey N. Zeh; 400 1st St., NW, Ste. 801, Washington DC 20001; (202)638-2135.

Subjects: Transportation; labor.

Jane Preston July 21, 1989, 6301 W. Lloyd, Wauwatosa WI 53213; (414) 476-2901.

1) Time Insurance Co. Ron C. Davis; 515 W. Wells, Milwaukee WI 53203; (414) 277-4751.

Subjects: Healthcare issues, insurance industry.

J. LeRoy Yorgason July 19, 1989, 2517 Martin St., Cross Plains WI 53528; (608)798-3356.

1) WI Newspaper Assn. J. LeRoy Yorgason; 702 N. Midvale Blvd., Ste. B17, Madison WI 53705; (608)238-7171.

Subjects: Public notice, taxation, open meetings and records.

TERMINATION OF LOBBYIST LICENSES:

Jim Blank terminated as of July 17, 1989 for WI Education Assn. Council.

James P. Buckley terminated as of July 17, 1989 for WI Assn. for Counseling & Development.

Daniel E. Wisniewski terminated as of July 20, 1989 for YMCA of Greater St. Paul.

TERMINATION OF PRINCIPALS:

Beverly Enterprises terminated as of July 20, 1989.

Independent Liquor Wholesalers terminated as of July 18, 1989.

Ramada, Inc. terminated as of July 19, 1989.

Stuart James Co. terminated as of July 19, 1989.

Touche Ross & Co. terminated as of July 19, 1989.

Webcraft Games terminated as of July 20, 1989.

YMCA of Greater St. Paul terminated as of July 20, 1989.

AMENDMENT TO PRINCIPAL INFORMATION:

Effective August 1, 1989 the contact person for WI Assn. for Marriage and Family Therapy is Joyce Degenhart, Ph.D., 11 Greenwood Ct., Racine WI 53402; (414)886-6575 (work) and (414)639-2265 (home).

SPECIAL LOBBYING REGISTRATION STATEMENTS:

PRINCIPAL: Norm Quamme, 906 Pflaum Rd., Madison WI 53716; (608)221-3207.

LOBBYIST: Michael S. Varda, Ste. 600, 2 E. Mifflin St., Madison WI 53701; (608)255-8891.

DATE OF REGISTRATION: July 20, 1989

PRINCIPAL: Jack Straus, 5322 Greenbriar Ln., Madison WI 53714; (608) 222-9636.

LOBBYIST: Michael S. Varda, Ste. 600, 2 E. Mifflin St., Madison WI 53701; (608)255-8891.

DATE OF REGISTRATION: July 20, 1989

CHANGE OF STATEMENT OF LEGISLATIVE ACTIVITIES:

AGENCY: Department of Health & Social Services
ADDITIONAL LOBBYIST: Silvia Jackson

AREAS OF LEGISLATIVE ACTION: Counties, municipalities, courts, procedures, family, food, drugs, health, human rights, social services and state government.

DATE OF REGISTRATION: July 19, 1989

DELETION OF LOBBYIST: Jack Benjamin as of July 19, 1989

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Legislative Council

July 20, 1989

To the Honorable the Legislature:

I am pleased to transmit to you the following report to the 1989 Legislature on legislation introduced by the Legislative Council:

RL 89-8 -- Legislation on Tribal Courts and Tribal Vital Records (1989 Assembly Bills 451, 452, 453 and 454)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,
BONNIE REESE
Executive Secretary

State of Wisconsin
Claims Board

July 21, 1989

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on July 13, 1989.

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 May 1, 1989 upon the following claims:

Claimant	Amount
Myron and Betsy Fiedler	\$ 5,307.72
James Lembcke	5,593.02
Raymond and Rosemarie Schumacher	35,387.52--

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

Elaine Koch La Grew	28.00
R and R Meats, Inc.	147.37
Chester and Dorothy Mortenson	1,508.97
Vernon Wilmot	116.03
Maria Anderson	2,000.00
U.S. West Financial Services	171,745.56
Kerry Lepak	362.25
Gregory Pilarski	408.48
Red Barn Tree Farm	473.45
Leo Kats	275.00

THE BOARD FINDS:

1. Myron and Betsy Fiedler of Cuba City, Wisconsin, claim \$5,307.72 for sales and use taxes, plus interest, assessed by the Department of Revenue in connection with the sale of their grocery store in 1984. Claimants contend that at the time of the sale, they did not hold the seller's permit and were eligible to claim an occasional sales exemption from the sales tax pursuant to s. 77.54(7), Stats. On Saturday, March 3, 1984, claimants took final inventory of the grocery store items and at 11:00 p.m. mailed their seller's permit to the Department of Revenue. However, the envelope containing the seller's permit was not postmarked until Monday, March 5, and was not received by the Department of Revenue until March. The closing took place on March 3, after claimant mailed the seller's permit and possession of the store was given to the new owner, Redfearn Foods, Inc. Based on s. 77.51(10)(a), Stats., (1983-84), the Department of Revenue determined claimants were not entitled to an exemption for occasional sale of property because they continued to hold the seller's permit on the date of the sale. 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.

2. James Lembcke of Appleton, Wisconsin, claims \$5,593.02 for sales taxes assessed by the Department of Revenue in 1985. In 1985, claimant closed his business due to financial difficulties. The Department of Revenue issued estimated sales tax assessments to claimant for February through June, 1985. From July through December, 1985, the Department of Revenue mailed notices of delinquent taxes to claimant. In May, 1985, claimant filed a voluntary chapter 7 petition for bankruptcy. On July 26, 1985, the Department of Revenue issued a notice of delinquent warrant filing. Subsequent warrants were voided as the result of claimant's bankruptcy status. In September, 1987, when claimant was selling his home, he discovered a lien on his home. On September 14, 1987, claimant's bank sent a check in the amount of \$5,593.02 to the Department of Revenue to release the lien. The Department of Revenue canceled the estimated assessment in August, 1988, based on information provided by claimant. Pursuant to section 71.75(5), Stats., a claim for refund must be filed with the Department of Revenue within two years after the assessment of a tax or an assessment to recover all or part of any tax credit. 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 Coggs dissenting).

3. Raymond Schumacher of Yuba, Wisconsin, claims \$35,387.52 for loss of cattle allegedly condemned and ordered to slaughter by the Department of Agriculture, Trade and Consumer Protection. Claimant

sold his cattle for slaughter at the Richland Center Equity Livestock Auction Market in January, 1985. Pursuant to s. 95.31, Stats., indemnities may be paid when animals are condemned because they are affected with or have been exposed to a contagious or infectious disease. The Department of Agriculture Animal Health Division has no record of any quarantine or condemnation of livestock issued to claimant during the involved period of time and claimant has not provided any evidence that the animals were condemned and ordered to slaughter by the Department of Agriculture, Trade and Consumer Protection. 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. (Member Coggis dissenting).

4. Elaine Koch La Grew of Milwaukee, Wisconsin, claims \$28.00 for replacement of her blouse allegedly damaged on April 24, 1989, at the Job Service Office in Milwaukee, where she is employed. The damage was caused by a green marker pen while claimant was performing her assigned duties. Due to a change in the Board's policy in August, 1987, it will no longer award payment for this type of claim. 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.

5. R and R Meats, Inc., of Oregon, Wisconsin, claims \$147.37 for the cost of repairing a trailer allegedly damaged by an employe of the Columbia Correctional Institution on March 10, 1989. The trailer door was damaged when it was hit by a forklift being operated by an employe of the Correctional Institution. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health and Social Services appropriation s. 20.435(3)(a), Stats.

6. Chester and Dorothy Mortenson of Milton, Florida, claim \$1,508.97 for income taxes assessed by the Wisconsin Department of Revenue for 1977. Claimants reside in Florida and own a summer home in Wisconsin. In 1977, Mr. Mortenson applied for and obtained a Wisconsin resident fishing license. Having been advised that Mr. Mortenson declared himself a resident of Wisconsin, the Department of Revenue checked and determined that claimants had not filed a Wisconsin income tax return. The Department of Revenue requested claimants to file a tax return for 1977 or provide an explanation as to why they did not file a return. The Department of Revenue did not receive any response from claimants and they sent an estimated assessment of taxes to claimants in 1985. Claimants paid the assessment because they thought it was for the real estate taxes on their summer home. Pursuant to section 71.75(5), Stats., a claim for refund must be filed with the

Department of Revenue within two years after the assessment of a tax. 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.

7. Vernon Wilmot of Appleton, Wisconsin, claims \$116.03 for a service call to change his vehicle tire and the replacement cost of the tire allegedly damaged on September 1, 1988, by a spike anchoring a traffic counter tube on East Third Street in Kimberly, Wisconsin. The spike had pulled loose and was sticking out from the curb, causing a puncture to claimant's vehicle tire. The Board concludes the claim should be paid in the reduced amount of \$103.43, for replacement of the tire only, 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.

8. Maria Anderson of Manitowoc, Wisconsin, claims \$2,000.00 for damages allegedly incurred to her vehicle on January 24, 1988, at the University of Wisconsin-Milwaukee parking lot. When claimant drove into the parking lot, the lot attendant asked her to back her vehicle out of the entrance lane because the lot was full. As claimant backed her vehicle out of the lot, she hit a pole damaging the left side of her vehicle and bumper. 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.

9. U. S. West Financial Services of Overland Park, Kansas, claims \$171,745.56, plus interest, for ultrasound equipment purchased by the University Hospital and Clinic pursuant to an agreement entered into with Diasonics Credit Corporation in January 1988. The equipment was accepted by the University Hospital on March 24, 1988. On March 28, 1988, the lease was assigned to claimant. Payments were made by the University through September 25, 1988, after which time the University refused further payment because of dissatisfaction with the equipment. The equipment was returned to Diasonics in November, 1988. The Board concludes the claim should more appropriately be dealt with in court and therefore, denies payment of this claim so this matter may be litigated in court.

10. Kerry Lepak of Oshkosh, Wisconsin, claims \$362.25 for the cost of repairing her vehicle allegedly damaged on November 30, 1988, while it was parked in the lot at Kelly's Bar in Oshkosh, Wisconsin. Claimant alleges the damage was caused by several University of Wisconsin-Oshkosh students who picked up her vehicle, moved it to a city street and turned it over, then returned it to Kelly's parking lot. The incident did not occur on state property and there was no negligence on the part of

a state employe causing the damage to claimant's vehicle. 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.

11. Gregory Pilarski of West Allis, Wisconsin, claims \$408.48 for replacement of his car radio and the cost of repairing his vehicle allegedly damaged by an unknown person on February 24, 1989, while the vehicle was parked in the lot at the Department of Natural Resources' Southeast District Headquarters in Milwaukee. Claimant is employed by the Department of Natural Resources and had parked his vehicle in the secured lot provided for use of employes while traveling overnight on Department business. An unknown person gained access to the fenced area during a time when the alarm had been disarmed. Claimant has insurance coverage for the loss. 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.

12. Red Barn Tree Farm of Shiocton, Wisconsin, claims \$473.45 for the difference between its regular property taxes for 1988 and the amount that would have been due if its land had been properly entered in the managed forest law program. In 1987, claimant submitted two applications to the Department of Natural Resources to have lands located in Outagamie County entered under the managed forest law. Claimant subsequently withdrew one of the applications, however, both applications were mistakenly cancelled by the Department of Natural Resources. 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(1)(mu), Stats.

13. Leo Kats of La Crosse, Wisconsin, claims \$275.00 for uninsured damages allegedly caused by a wild wood duck when it flew into a window of his home on April 7, 1989. Even though legal title to all wild animals in Wisconsin is vested in the state pursuant to s. 29.02(1), Stats., mere ownership does not create legal liability for damages done by wild animals. 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 BOARD CONCLUDES:

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

Myron and Betsy Fiedler
James Lembcke

Raymond and Rosemarie Schumacher
Elaine Koch La Grew
Chester and Dorothy Mortenson
Maria Anderson
U. S. West Financial Services
Kerry Lepak
Gregory Pilarski
Leo Kats

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

R and R Meats, Inc.	\$147.37
Vernon Wilmot	\$103.43
Red Bar Tree Farm	\$473.45

The Claims Board conducted a hearing on July 13, 1989, on the claims of Andrew Bath, Merle Strelow and Donald Strahota in the amounts of \$35,173.25, \$28,673.45 and \$22,679.29, respectively, under s. 775.11, Stats. Claimants were represented at the hearing by Attorney Scott Hasset. Attorney Paul Harris appeared at the hearing on behalf of the Department of Health and Social Services.

FINDINGS OF FACT

1. Claimants Bath, Strelow and Strahota were state employes at all times herein material.

2. Charges were filed against all claimants under s. 940.29, Stats.

3. A trial was held on the charges filed against claimants and the jury returned a verdict of not guilty as to the charges of abuse under s. 940.29, Stats., (1985-86).

4. Upon the jury's verdict, the court dismissed the case against claimants Bath, Strelow and Strahota.

5. All claimants engaged the law firm of Lawton and Cates to defend them in connection with the charges filed under s. 940.29, Stats.

6. The law firm of Lawton and Cates billed each of the claimants for services rendered as follows:

Andrew Bath

CRIMINAL DEFENSE
(Lawton and Cates)

A. Investigation, preparation and research	109.25 hours
B. Court time	2 hours
C. Travel time	8.75 hours
TOTAL:	120.00

(Doepke, et al)

A. Investigation, preparation and research	273.25 hours
B. Court time	35 hours
C. Travel time	8.50 hours
TOTAL:	316.75

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Merle Strelow

CRIMINAL DEFENSE

- A. Investigation, preparation and research 368.25 hours
 - B. Court time 40 hours
 - C. Travel time 23.25 hours
- TOTAL: 431.50

Donald Strahota

CRIMINAL DEFENSE

- A. Investigation, preparation and research 261.75 hours
 - B. Court time 40 hours
 - C. Travel time 20 hours
- TOTAL: 321.75

7. Claimants and Respondent, Department of Health and Social Services, stipulated that \$70 per hour was reasonable for attorney fees charged by Lawton and Cates, \$85 per hour was reasonable for attorney fees charged by Doeple, Hannan and Albert, \$30 per hour was reasonable for law clerks/investigators, and \$35 per hour is a reasonable amount for travel time.

CONCLUSIONS OF LAW

1. Claimants Bath, Strelow and Strahota were found not guilty of the charges filed under s. 940.29, Stats., and should therefore, be reimbursed by the state for reasonable attorney fees in the defense of the criminal action against them.

2. The claims of Andrew Bath, Merle Strelow and Donald Strahota are authorized by s. 775.11, Stats.

3. Claimants should be reimbursed by the state for attorney fees in the following amounts:

- Andrew Bath \$34,648.97
- Merle Strelow \$27,848.45
- Donald Strahota \$21,954.29

RECOMMENDATION TO THE LEGISLATURE

It is the recommendation of the Claims Board that the Legislature enact law appropriating the amounts of \$34,648.97 to Andrew Bath, \$27,848.45 to Merle Strelow, and \$21,954.29 to Donald Strahota.

The Board further recommends under the authority of s. 16.007(6m), Stats., payments should be made from the Claims Board Appropriation s. 20.50(4)(d), Stats.

MARCIA P. COGGS
 Assembly Finance Committee
 RAYMOND P. TAFFORA
 Representative of Governor

EDWARD D. MAIN
 Representative of Secretary of
 Administration
 WILLIAM H. WILKER
 Representative of Attorney
 General

State of Wisconsin
 Legislative Reference Bureau

July 25, 1989

To the Honorable the Legislature:

Conference Amendment 1 to Assembly Amendment 1 to 1989 Senate Bill 31 (relating to state finances and appropriations, constituting the general executive budget bill of the 1989 legislature, and making appropriations) contained the following item:

393. Page 304, line 10: after that line insert:

"1336z. In enrolling this bill, the legislative reference bureau shall change, in the Wisconsin statutes and this bill, all references to the department of development and the secretary of development to the department of tourism and development and the secretary of tourism and development, respectively."

In implementation of that directive, the following Sections were added to 1989 Senate Bill 31 as part of the enrolling process for the purpose of making the required changes in statute sections not affected by the budget bill: 601, 86L, 86r, 93b, 234b, 636g, 2231kg, 2477p, 2504th, 2658p and 3200 (15) (an).

ITEM 1336z also directed that references to the department or secretary of 'development' contained in the budget bill itself be changed to read department or secretary of 'tourism and development'. The following Sections already contained in the budget bill as passed by the Legislature were changed under that directive: 49c, 75g, 156m, 873gb, 1969, 2048, 3015 (2) (b) and (bx), (2q) (b), (5n) (b), (5tx) (a) and (b), (7g) (a), (7h) (a), (7n) (b) and 3035 (1h).

In order to make the historical record of the enactment of 1989 Senate Bill 31 as complete as possible, please print this letter in the *Senate Journal* and add an appropriate entry (referenced to the journal page) to the bill history printed in the *Bulletin of Proceedings*.

Sincerely

DR. H. RUPERT THEOBALD
 Chief

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

July 11, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STEWART W. LAIRD of La Crosse, as a member of the Wisconsin Health and Educational Facilities Authority pursuant to the statute governing, to serve for the term ending June 30, 1996.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 11, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CHARLES M. MOORE of Sparta, as a member of the Psychology Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 11, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DEBORAH L. SCHROEDER of Madison, as a member of the Veterinary Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DIANE N. BARNIDGE of Madison, as a member of the Barbering and Cosmetology Examining Board

pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THOMAS BRANDT of New Holstein, as a member of the Dentistry Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DAVID HITCHCOCK of Elroy, as a member of the Barbering and Cosmetology Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FRANCESCA J. MARTIN of Waukesha, as a member of the Dentistry Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARIA

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MARTINEZ of Wauwatosa, as a member of the Council on Domestic Abuse pursuant to the statute governing, to serve for the term ending July 1, 1992.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor
July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROBERT MORK of Janesville, as a member of the Dentistry Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor
July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JACQUELINE D. SCHELLINGER of Elm Grove, as a member of the Council on Domestic Abuse pursuant to the statute governing, to serve for the term ending July 1, 1992.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor
July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOYCE TOWNSEND of Glendale, as a member of the Council on Domestic Abuse pursuant to the statute governing, to serve for the term ending July 1, 1992.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor
July 12, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GERALD L. WILKIE of Eau Claire, as a member of the Council on Domestic Abuse pursuant to the statute governing, to serve for the interim term ending July 1, 1990.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor
July 13, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RUSSELL L. HANSON of Westby, as a member of the Accounting Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor
July 13, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAMES H. MOE of Cable, as a member of the Accounting Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor
July 13, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DANIEL J. RITTER of De Pere, as a member of the Accounting Examining Board pursuant to the

statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 14, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DR. JOHN D. BONSETT-VEAL of Evansville, as a member of the Optometry Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 14, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHN R. CALABRESE of Madison, as a member of the Hearing Aid Dealers and Fitters Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 14, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DR. THOMAS W. GROSSMAN of Mequon, as a member of the Hearing Aid Dealers and Fitters Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 14, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MEREDY HASE of Delafield, as a member of the Hearing Aid Dealers and Fitters Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

July 19, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LAURIE R. MCCALLUM of Madison, as a member of the Personnel Commission pursuant to the statute governing, to serve for the term ending March 1, 1994.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Housing, Government Operations and Cultural Affairs.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 88-77

Relating to the safety, maintenance and operation of public swimming pools including whirlpools.

Submitted by Department of Health and Social Services.

Report received from agency, July 21, 1989.

Referred to committee on Agriculture, Health and Human Services, July 26, 1989.

Senate Clearinghouse Rule 88-184

Relating to grievance procedure requirements in preferred provider plans, health maintenance organizations and limited service health organizations.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, July 20, 1989.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, July 26, 1989.

Senate Clearinghouse Rule 88-204

Relating to regulation of parking.

Submitted by State Fair Park Board.

Report received from agency, July 21, 1989.

Referred to committee on Agriculture, Health and Human Services, July 26, 1989.

Senate Clearinghouse Rule 89-13

Relating to contingency fees, commissions, referral fees, requirements for certification by endorsement, procedures for reviewing the experience of applicants and residency requirements.

Submitted by Department of Regulation and Licensing.

Report received from agency, July 20, 1989.

Referred to committee on Housing, Government Operations and Cultural Affairs, July 26, 1989.

Senate Clearinghouse Rule 89-31

Relating to soil and water resource management programs.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, July 25, 1989.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, July 26, 1989.

Senate Clearinghouse Rule 89-58

Relating to the rural and small urban area public transportation assistance program.

Submitted by Department of Transportation.

Report received from agency, July 25, 1989.

Referred to committee on Transportation, Conservation and Mining, July 26, 1989.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

July 20, 1989

Engrossed Senate Bill 31

In enrolling, the following corrections were made:

Engrossed Senate Bill 31

1. Senate Amendment 1 to Senate Substitute Amendment 1 to 1989 Senate Bill 31 decreased the dollar amounts in appropriation s. 20.370 (2) (md) General fund supplement to the environmental fund; environmental repair by \$750,000 GPR in each fiscal year (see page 21, Item 93 of that amendment).

In engrossing the bill, the dollar amounts in appropriation s. 20.370 (2) (mb) General fund supplement to the environmental fund; groundwater management, instead of s. 20.370 (2) (md), were reduced by \$750,000 in each fiscal year. This is corrected by restoring the level of funding to the s. 20.370 (2) (mb) appropriation and reducing the s. 20.370 (2) (md) appropriation by \$750,000 GPR in each fiscal year.

2. Page 293, line 34: after "(x)" insert a comma.

3. Page 300, line 23: the text beginning with that line and ending with page 301, line 10, is moved after line 32 on page 296; and SECTIONS "684f", "684fb", "684fd" and "684ff" are renumbered SECTIONS "682t", "682u", "682v" and "682w", respectively.

4. Page 301, line 11: the text on lines 11 to 22 is moved after line 12 on page 297; and SECTION "684fh" is renumbered SECTION "683bg".

5. Page 305, line 26: that line is moved after line 19 on page 305; and SECTION "684y" is renumbered SECTION "684vp".

6. Page 332, line 3: the text on lines 3 to 13 is moved after line 23 on page 330; and SECTION "689" is renumbered SECTION "688Lg".

7. Page 466, line 38: delete the last period.

8. Page 813, line 34: substitute "INDO-CHINESE" for "INDOCHINESE".

9. Page 813, line 37: substitute "Indo-Chinese" for "Indochinese".

10. Page 818, line 36: substitute "Indo-Chinese" for "Indochinese".

11. Page 820, line 10: substitute "Indo-Chinese" for "Indochinese".

12. Page 855, line 34: substitute "SECTION 2378dy" for "SECTION 2378dr".

13. Page 1021, line 1: substitute "SECTION 2677Lm" for "SECTION 2677L".

14. Page 1200, line 15: substitute "Sturtevant" for "Sturdevant".

Assembly Amendment 1 to Engrossed Senate Bill 31

1. Page 9, line 12: on lines 12 and 13, substitute "15.917 (2m)" for "15.917 (2)".

2. Page 46, line 33: substitute "SECTION 336ob" for "SECTION 336od".

3. Page 47, line 36: substitute "24" for "18".

4. Page 47, line 37: substitute "SECTION 337p" for "SECTION 337g".

5. Page 55, line 34: substitute "27" for "26".

6. Page 61, line 20: delete that line.

Note:

Item 464 text was incorporated into Item 463 as SECTION 650fn.

7. Page 64, line 8: delete "(1)".

8. Page 68, line 3: substitute "line 6" for "line 7".

9. Page 77, line 20: substitute "SECTION 683mm" for "SECTION 683j".

10. Page 106, line 11: after "with" insert "the first".
11. Page 119, line 31: after "not" insert "exceed".
12. Page 159, line 26: substitute "SECTION 2270b" for "SECTION 227ob".
13. Page 168, line 2: on lines 2 and 3, substitute "(sm)" for "(s)".
14. Page 178, line 28: after that line insert: "SECTION 2379bwh. 144.799 (4) (title) of the statutes is amended to read: 144.799 (4) (title) GRANTS; CRITERIA.".
15. Page 178, line 31: delete "(title) GRANTS; CRITERIA.".
16. Page 178, line 34: delete the underscored period.
17. Page 179, line 27: the text on lines 27 to 33 is moved after line 17 of page 179; and SECTION "2379bwsu" is renumbered SECTION "2379bwsr".
18. Page 194, line 39: after "and" insert "the".
19. Page 228, line 30: delete lines 30 and 31 and substitute: "1023. Page 1036, line 26: delete lines 26 to 28.".
20. Page 229, line 5: after that line insert: "1025m. Page 1036, line 36: delete the material beginning with that line and ending with page 1037, line 12.".
21. Page 240, line 28: substitute "s. 767.458 (3)" for "sub. (3)".
22. Page 255, line 30: before "July" insert "on".
23. Page 255, line 36: substitute "SECTION 2806nc" for "SECTION 2806nfgm".
24. Page 258, line 28: after "968.07" insert "(l)".
25. Page 259, line 27: after "968.07" insert "(l)".
26. Page 264, line 7: after "statutes" insert a period.
27. Page 281, line 28: substitute "FED" for "PR".
28. Page 284, line 9: after "shall" insert a quotation mark.
29. Page 286, line 18: substitute "La Crosse" for "LaCrosse".
30. Page 294, line 32: substitute a period and quotation mark for the quotation mark and period.
31. Page 296, line 20: substitute "15.917 (2m)" for "15.917 (2)".

Assembly Amendment 5 to Assembly Amendment 1 to Engrossed Senate Bill 31

1. Page 4, line 4: on lines 4 and 6, substitute "facility" for "facilities".
2. Page 6, line 16: substitute a comma for the period after "act)".
3. Page 19, line 9: on lines 9 and 10, substitute "\$-0-" for "\$0".

Assembly Amendment 12 to Assembly Amendment 1 to Engrossed Senate Bill 31

1. Page 4, line 23: substitute "4" for "3".

Conference Amendment 1 to Assembly amendment 1 to Engrossed Senate Bill 31

1. Page 8, line 20: after that line insert: "118m. Page 45, line 17: substitute '(tz)' for '(ty)'".
2. Page 8, line 27: substitute "SECTION 336oam" for "SECTION 3360am".
3. Page 11, line 2: after that line insert: "143m. Page 55, line 35: substitute "(tz)" for "(ty)".
4. Page 11, line 5: on lines 5, 30 and 34, substitute "(tz)" for "(ty)".
5. Page 11, line 7: substitute "23.0915" for "23.0195".
6. Page 12, line 11: on lines 11 and 16, substitute "(tz)" for "(ty)".
7. Page 13, line 26: substitute "(tz)" for "(ty)".
8. Page 14, line 10: after "(nt)" insert a period.
9. Page 14, line 14: on lines 14, 31 and 37, substitute "(tz)" for "(ty)".
10. Page 15, line 6: substitute "(tz)" for "(ty)".
11. Page 15, line 13: on lines 13, 15, 20, 22, 24, 28, 30 and 38, substitute "(tz)" for "(ty)".
12. Page 15, line 14: on lines 14 to 17 and lines 23 to 26, underscore the text beginning with "The" and ending with "23.096".
13. Page 15, line 36: delete "(qq)" and substitute "(gq)".
14. Page 16, line 2: on lines 2 and 6, substitute "(tz)" for "(ty)".
15. Page 21, line 7: delete "program" and substitute "program".
16. Page 21, line 8: delete "in the department".
17. Page 21, line 21: substitute "SECTION 1670g" for "SECTION 167og".

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18. Page 23, line 6: after "1," insert "substitute "15" for "14", in both places; and".
19. Page 28, line 24: after "(7)" insert a period.
20. Page 31, line 37: substitute "SECTION 2378esLm" for "SECTION 2387eslm".
21. Page 31, line 38: substitute "SECTION 2378esmb" for "SECTION 2387esmb".
22. Page 32, line 1: substitute "SECTION 2378esmc" for "SECTION 2387esmc".
23. Page 40, line 16: substitute "page 288" for "page 228".
24. Page 43, line 8: substitute "and" for the last comma.