

Senate Journal

Ninety-First Regular Session

10:00 A.M.

Thursday, June 10, 1993

The Senate met.

The Senate was called to order by Brian D. Rude, President of the Senate.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 31

Relating to urging the Congress and the President of the United States to consider approving the minting and distribution of a National Organ Donors' Medal honoring those who have donated organs for transplantation.

By Senators Lorman, Cowles, Buettner, Rude, Burke, Zien and Potter; cosponsored by Representatives Grobschmidt, Lorge, Lehman, Hanson, Wirch, Schneiders and Ott, by request of National Kidney Foundation of Wisconsin.

To committee on Health, Human Services and Aging.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 338

Relating to the requirement that school districts provide instruction in foreign language in grades 7 and 8.

By Senator Jauch; cosponsored by Representative Holperin.

To committee on Education.

Senate Bill 339

An act relating to the purchase and installation of radio translators and making an appropriation.

By Senator Potter; cosponsored by Representatives Baumgart and Otte.

To committee on Education.

Senate Bill 340

Relating to a custodial parent moving with, or removing, a child after divorce.

By Senators Weeden, Petak, George, Huelsman, Breske, Lorman, Rosenzweig and Zien; cosponsored by Representatives Wood, Roberts, Musser, Schneider, Reynolds, Albers, Underheim, Brandemuehl, Ryba, Seratti and Green.

To committee on Judiciary and Insurance.

Senate Bill 341

Relating to authorizing participation in a court-approved pupil assistance program as a disposition for children found delinquent or in need of protection or services, and the parents of those children, and for

children found to have violated a civil law or municipal ordinance relating to alcohol or other drug use.

By Senators Lorman, Clausing and Potter; cosponsored by Representatives Krusick, Brandemuehl, Grobschmidt, Duff, Rutkowski and Ziegelbauer, by request of the Director of State Courts.

To committee on Judiciary and Insurance.

Senate Bill 342

Relating to regulation of batteries containing mercury.

By Senator Cowles; cosponsored by Representatives Porter and Hubler, by request of the Council on Recycling.

To committee on Environment and Energy.

COMMITTEE REPORTS

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

Senate Bill 313

Relating to changing certification of first responders to be only for the performance of certain defibrillation.

Passage:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Carol A. Buettner
Chair

The committee on Environment and Energy reports and recommends:

Senate Bill 229

Relating to exchanges of state forest land.

Passage:

Ayes, 3 -- Senators Cowles, Stitt and Farrow;

Noes, 2 -- Senators Burke and Clausing.

Robert Cowles
Chair

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

ANDERSON, BEVERLY, of Darlington, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1999.

Confirmation:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien Andrea and Clausing;

Noes, 0 -- None.

WYSOCKI, LOUIS E., of Custer, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1999.

Confirmation:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien Andrea and Clausing;
Noes, 0 -- None.

Assembly Bill 303

Relating to authorizing the operation of certain commercial motor vehicles by seasonal farm service industry employes.

Concurrence:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien Andrea and Clausing;
Noes, 0 -- None.

Alan J. Lasee
Chair

The committee on Business, Economic Development and Urban Affairs reports and recommends:

Senate Bill 85

Relating to requiring the use of a tax key number to record a real estate conveyance.

Introduction and adoption of Senate substitute amendment 2:

Ayes, 5 -- Senators Petak, Buettner, Zien, Plewa and Moore;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Petak, Buettner, Zien, Plewa and Moore;

Noes, 0 -- None.

Senate Bill 243

Relating to the regulation of auctioneers, creating an auctioneer board, granting rule-making authority, making an appropriation and providing a penalty.

Passage:

Ayes, 5 -- Senators Petak, Buettner, Zien, Plewa and Moore;

Noes, 0 -- None.

LONGABAUGH, RICHARD J., of Mequon, as Executive Director, of the Wisconsin Housing and Economic Development Authority, to serve for the term ending February 1, 1995.

Confirmation:

Ayes, 5 -- Senators Petak, Buettner, Zien, Plewa and Moore;

Noes, 0 -- None.

George Petak
Chair

The committee on Human Resources, Labor, Tourism, Veterans and Military Affairs reports and recommends:

LAHN, JACQUELYN J., of Osseo, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 1999.

Confirmation:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

HARNED, LEWIS B., M.D., of Madison, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 1999.

Confirmation:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;
Noes, 0 -- None.

HEMPE, A. HENRY, of Beloit, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 11, 1999.

Confirmation:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

Senate Bill 271

Relating to requiring the standard building permit form for new one- and 2-family dwellings to include the master plumber's name and license number.

Passage:

Ayes, 4 -- Senators Zien, Drzewiecki, Breske and Decker;

Noes, 1 -- Senator Lasee.

David A. Zien
Chair

The committee on State Government Operations and Corrections reports and recommends:

Senate Bill 165

Relating to state administration of certain occupational taxes.

Passage:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Senate Bill 170

Relating to transfer of certain local government and private business records to optical disk format and granting rule-making authority.

Passage:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Senate Bill 171

Relating to parking at the state capitol for disabled persons and the penalty for parking violations in the driveways of and streets adjacent to the state capitol park and on the grounds of state office buildings.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Senate Bill 173

Relating to the intensive sanctions program.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Senate Bill 174

Relating to discretionary parole notices.

Passage:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Senate Bill 179

Relating to changes to the basic and expanded civil service certification provisions.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Senate Bill 180

Relating to hazardous employment injury pay for state employees who supervise and discipline children placed at a secured correctional facility or on aftercare supervision.

Passage:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Gary Drzewiecki
Chair

The committee on Judiciary and Insurance reports and recommends:

Senate Bill 32

Relating to termination of parental rights of a parent convicted of murdering the other parent of a child.

Passage:

Ayes, 6 -- Senators Huelsman, Stitt, Petak, Darling, Adelman and Chvala;

Noes, 1 -- Senator Risser.

Senate Bill 314

Relating to the limits on liability for improvements to real property.

Passage:

Ayes, 5 -- Senators Huelsman, Stitt, Petak, Darling and Risser;

Noes, 2 -- Senators Adelman and Chvala.

Senate Bill 199

Relating to: refusing vehicle registration for nonpayment of child support; court orders that may be entered on the basis of a statement acknowledging paternity; withholding payments for health care expenses in actions affecting the family; a system for reporting child support liability and employment changes; allowing a court to require a payer of child support or maintenance to authorize periodic transfers from a deposit account; various changes in actions to determine paternity; information that a court may consider when determining child support payments; orders from other states that constitute assignments for withholding regarding maintenance and child support; requiring the court to use the child support standard used in divorce actions when setting child support to be paid for children in foster care and other substitute care

situations; allowing females to be arrested in all civil actions in which males can be arrested; establishing a child support arrearage by affidavit; authorizing the clerk of court to escrow overpayments of support or maintenance for disbursement in the month when due; adjusting a withholding assignment for child support or maintenance so that withholding frequency corresponds to payroll period; expanding the authority of a family court commissioner in child support actions; guardians ad litem in actions to determine paternity; prohibiting a person from obtaining or renewing a credential that is issued by the department of regulation and licensing if the person is behind in his or her child support obligations; granting rule-making authority; and making an appropriation.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Huelsman, Stitt, Petak, Darling and Chvala;

Noes, 2 -- Senators Adelman and Risser.

Passage as amended:

Ayes, 5 -- Senators Huelsman, Stitt, Petak, Darling and Chvala;

Noes, 2 -- Senators Adelman and Risser.

Joanne B. Huelsman
Chair

The committee on Financial Institutions and Cultural Affairs reports and recommends:

Assembly Bill 174

Relating to interest on real estate trust accounts, granting rule-making authority and making an appropriation.

Concurrence:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig, Potter and Wineke;

Noes, 0 -- None.

Senate Bill 251

Relating to establishing an individual accredited investor exemption to securities registration requirements and granting rule-making authority.

Passage:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig, Potter and Wineke;

Noes, 0 -- None.

Senate Bill 252

Relating to the franchise investment law registration exemption and granting rule-making authority.

Passage:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig, Potter and Wineke;

Noes, 0 -- None.

Senate Bill 316

Relating to permissible charges in consumer credit transactions.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig, Potter and Wineke;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig, Potter and Wineke;

Noes, 0 -- None.

Senate Bill 210

Relating to the preservation of archaeological sites and providing a penalty.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig,

Potter and Wineke;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig,

Potter and Wineke;

Noes, 0 -- None.

Alberta Darling
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Senator Jauch

June 8, 1993

To the Honorable the Legislature:

This letter is to inform you that effective today, June 8, 1993, I am resigning my membership on the Senate Select Committee on Health Care Reform.

Sincerely,
Senator Jauch
25th District

State of Wisconsin
Senator Ellis

June 9, 1993

To the Honorable the Legislature:

Pursuant to Senate Rule 20 (1) (ag), I have made the following committee appointment for the Senate.

To the Select Committee on Health Care Reform, Senator Helbach to replace Senator Jauch.

With regard to members of the minority party, the appointment reflects the recommendations of that caucus.

Sincerely,
Senator Ellis
19th District

**STATE OF WISCONSIN
ETHICS BOARD**

June 8, 1993

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

Organization's authorization of additional lobbyists: The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

AFSCME Council 11

Clarenbach, David

Ameritech Mobile Communications

Duncan, John

Certified Public Accountants, Wisconsin Institute of

Garvin, Robert

Chiefs of Police Assoc., Wisconsin

Garvin, Robert

Coastal Corporation, The

Cahill, Jane

Education Assoc. Council, Wisconsin

Berg, Carolyn
Burdick, Frank
Williams, George

Health Insurance Assoc. of America

Anderson, Shannon

Medical Society of Wisconsin, State

Broydrick, Bill

Miller Brewing Co.

Gimbel, Tod
Reed, Thomas

Milwaukee County Deputy Sheriffs Assoc.

Katzman, William
Richard, JoAnna

YMCA's Executive Committee, Wisconsin Cluster of

Spellmeyer, Grant

Organization's termination of lobbyists: Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

Diesel Engine Manufacturers & Distributors, Inc., Assoc. of

Hurtgen, Robert 5/25/93

Milwaukee County Deputy Sheriffs Assoc.

Hurtgen, Robert 5/27/93

Physicians Service Insurance Corp., Wisconsin (WPS)

Kachelski, Joseph 5/27/93

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state

agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,
R. Roth Judd
Executive Director

STATE OF WISCONSIN
ETHICS BOARD

June 8, 1993

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules. For each organization I have noted the general area of legislative or administrative action which the organization has described as the object of its lobbying activity and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Apple Computer

Subjects: Any matter affecting the company in any way by any state agency or the legislature.

Broydrick, Bill
Broydrick, Cynthia
Fitzgerald, Moira
Richard, JoAnna

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,
R. Roth Judd
Executive Director

State of Wisconsin
Claims Board

June 4, 1993

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on May 21, 1993.

The amounts recommended for payment under \$2000 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 \$2,000, if any, 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 21, 1993, upon the following claims:

<u>Claimant</u>	<u>Amount</u>
Gilbert Construction	\$ 46,318.53
Michael Brechtl	\$ 580.83
Racine County	\$241,619.36
Township of Ottawa	\$ 4,051.00
City of Onalaska	\$182,345.33
Mario Russo	\$ 734.81
Salvatore Foti	\$ 8,068.31
Holly Halsted	\$ 350.00
Jennifer Eschner	\$ 350.00
Michelle Wegner	\$ 350.00
Katie Hanning	\$ 350.00
Jennifer Scheel	\$ 350.00
Matt Rademaker	\$ 350.00
Geof Joly	\$ 350.00
Robert Meyers	\$ 350.00
Kurt Pfieler	\$ 350.00
Brian Mayernick	\$ 350.00
Daniel Finerty	\$ 350.00

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

William Foster	\$ 350.00
William and Gina Pearce	\$ 140.00
Charlene Strouf	\$ 204.40
Colson Services Corp.	\$ 3,780.50
Laverne VanTatenhove	\$ 746.50
Ollie Charles	\$ 27,000.00
Larry Bowersox	\$ 172.40
Moreal Wilson	\$ 20.00
James Radler	\$ 3,150.00
First Bank of Portage	\$ 4,777.47
Victoria Wasielewski	\$ 469.37
Linnea Gudmanson	\$ 213.63
Charles Oninski	\$ 82.69
Barry Nelson	\$ 1,073.00
Daniel Fager	\$ 1,121.00
Ernest Olson	\$ 29.53
Willow River Inn, Inc.	\$ 3,348.00

THE BOARD FINDS:

1. Gilbert Construction Corporation of Verona, Wisconsin claims \$46,318.53 for extra winter protection incurred during construction of a large animal holding facility at the University of Wisconsin-Madison during 1991-92. On May, 1991, claimant submitted a bid to act as general contractor for the construction project. On June 20, 1991, the Department of administration, Division of Facilities Development, offered claimant a contract for the project, which was subsequently approved by the Governor on August 22, 1991. Claimant contends the delays between the time of the offer of the contract, the date on which the contract was fully executed and the subsequent issuance of the Notice to Proceed, caused them to incur extra winter protection costs. The state's Notice to Proceed dated August 21, 1991, indicated claimant was to begin work on or before September 3, 1991 and complete work on June 29, 1992. This schedule indicated completion of the precast

concrete erection by approximately October 25, 1991. As of December, 1991, erection of the precast concrete had not been completed by claimant. The state contends the failure of claimant's crews to maintain scheduled timeframes for completion of activities is the primary cause for claimant having to employ winter 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 Main not participating)

2. Michael Brechtel of Waterford, Wisconsin, claims \$580.83 for the amount of interest charged by the Department of Revenue on a tax assessment for 1988. Claimant prepared his 1988 Wisconsin income tax return using his federal tax return as a guide. Claimant subsequently received a notice of change to his 1988 federal income tax return to include previously omitted income. Claimant did not amend his Wisconsin income tax return to report the additional income. The Department of Revenue received information about the adjustment from the Internal Revenue Service (IRS) and on November 23, 1992, issued claimant a Notice of Amount Due for 1988 taxes in the amount of \$1,279.15 plus interest in the amount of \$580.83. Pursuant to s. 71.76, Wis. Stats., a taxpayer must notify the Department of Revenue within 90 days after the final determination of any IRS adjustment which affects the amount of income reportable to Wisconsin. 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 the pay based on equitable principles.

3. Racine County claims \$241,619.36 for less of local transportation aid payments from 1989 through 1992 allegedly due to an error in reporting its 1987 actual highway related cost data in 1988. The Department of Transportation distributes general transportation aids to local units of government on a calendar year basis. Pursuant to s. 86.303(5), Wis. Stats., Wisconsin counties annually submit financial report forms to the Department of Revenue which then forwards the highway related cost data to the Department of Transportation. Racine County filed its 1987 Financial Report Form with the Department of Revenue in May, 1988, and inadvertently placed \$1.2 million in state transportation aids on the "federal highway" line instead of on the "state aid" line. The Department of Revenue discovered and corrected the error and forwarded the corrected highway cost data to the Department of Transportation by November, 1988. The Department of Transportation corrected the error in its data base for the 1993 and 1994 general transportation aids payment calculations. As a result of the error and the timing of the Department of Transportation's correction, Racine County received less than its share of state transportation aids from 1989 through 1992. The Board recommends the claim be paid in the reduced amount of \$181,214.52, for 75% of the transportation aids, based on equitable principles. The Board further recommends, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(1)(a), Stats.

4. The Township of Ottawa claims \$4,051.00 for its

1993 municipal recycling grant pursuant to s. 159.23, Stats. The Town's recycling chairman did not file the grant application with the Department of Natural Resources by the September 1, 1992 deadline because of the death of his wife at about that time. 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. City of Onalaska claims \$182,345.33 for losses allegedly resulting from the reduction of its 1991 and 1992 Wisconsin shared revenue payments due to incorrect population estimates from the 1990 federal census. In August, 1990, the Wisconsin Department of Administration estimated the City's population at 12,019. As a result of the 1990 federal census, the Department of Administration reduced the City's population estimate to 11,562 in August, 1991. In September 1991, the City received revised estimates from the Department of Revenue, reducing the city's shared revenue by \$22,204.00 for 1990 and \$117,654.00 for 1991. The City challenged the U.S. census figures and paid \$37,972.97 for a special census. The special census count on June 9, 1992 was 12,727. The Department of Administration changed the preliminary estimate to reflect the increase and submitted it to the Department of Revenue in October, 1992 for use in the state shared revenue formula. 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 principle. (Member not participating.)

6. Mario Russo of Verona, Wisconsin, claims \$734.81 for damages to his automobile allegedly caused by the parking gate at Camp Randall Stadium on the University of Wisconsin-Madison campus on January 19, 1993. As claimant drove his vehicle through the parking lot exit, the gate allegedly closed on his vehicle, scratching and denting the left front door. Investigation by the University Risk Management Office disclosed no other reported malfunctions of this gate and the gate functioned properly when inspected. 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. Salvatore Foti of Brookfield, Wisconsin, claims \$8,068.31 for medical expenses resulting from an injury he allegedly sustained while playing basketball at the University of Wisconsin-Milwaukee Klotsche Center on January 18, 1991. Claimant's students insurance paid \$10,208.56, leaving a balance of \$8,068.31 in uninsured medical bills. Investigation by the University Risk Management Office determined that the basketball playing floor was in good condition without any defects or obstructions. 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.

8-19. Holly Halsted, Jenifer Eschner, Michelle

Wegner, Katie Hanning, Jennifer Scheel, Matt Rademaker, Geof Joly, Robert Meyers, Kurt Pfeifer, Brian Mayernick, Daniel Finerty and William Foster each claim \$350.00 for reduction of their 1991-92 dormitory rent due to construction noise. Claimants were residents of the University of Wisconsin-Madison Cole Hall dormitory during the 1991-92 academic year. On October 22, 1991, the Division of University Housing began a remodeling project to create a live-in staff apartment on the first floor, west wing of Cole Hall. Claimants allege the noise, vibrations and other disturbances interfered with their sleep, study and other aspects of life and was a breach of the University's contractual promises to ensure quiet and peaceful enjoyment of the premises. University Housing staff met with the dormitory residents concerning the construction noise and on December 9, 1991, offered to move residents to vacant dormitory rooms elsewhere on campus. None of the residents requested to move. 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.

20. William and Gina Pearce of Ashland, Wisconsin, claim \$140.00 for loss of wages plus unspecified mileage costs allegedly incurred to attend a meeting with the Department of Agriculture, Trade and Consumer Protection in November, 1992. Claimants own and operate a meat processing business. In October, 1992, claimants received a letter from the Department of Agriculture, Trade and Consumer Protection Food Division citing violations of Chapter 97, Wis. Stats., and Chapter Ag 47, Wis. Adm. Code, by their meat processing operation. The letter offered claimants the opportunity to attend an administrative conference at the Department's Altoona Regional Office in Eau Claire, in lieu of the Department initiating formal legal action. Claimants contend they should have been informed of the option of a telephone conference or the possibility of changing the meeting date. 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.

21. Charlene Strouf of Schofield, Wisconsin, claims \$204.40 for damages allegedly resulting from vandalism to her vehicle while it was parked at the Pfister Hotel in Milwaukee on December 7, 1992. As part of her duties as an employe of the Office of the Commissioner of Banking, claimant had been assigned to work at the Milwaukee Firststar Trust Company during the week of December 7, 1992. Claimant parked her vehicle in the Pfister Hotel parking lot between 10:30 and 11:00 a.m. When she returned to her vehicle between 4:30 and 5:00 a.m., she found her vehicle window damaged and several items missing from the back seat of her car. Claimant received \$696.88 from her insurance company for the damages to her vehicle. 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.

22. Colson Services Corp. of New York City, New

York claims \$3,780.50 for the amount allegedly overpaid to the University of Wisconsin while serving as a fiscal and transfer agent (FTA) for the U.S. Small Business Administration's guaranteed loan program. Part of the FTA's responsibility is to receive loan payments from lending institutions and forward statements and payments to secondary market investors. In April 1985, claimant erroneously listed the University of Wisconsin Board of Regents' account balance as \$231,366.53 with an interest date of February 1, 1985. Again, on July 30, 1985, claimant incorrectly stated a balance increase from \$223,115.91 to \$225,868.00. As a result, all remaining payments were calculated and remitted incorrectly to the Board of Regents. 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.

23. Laverne VanFatenhove of Green Bay, Wisconsin, claims \$746.50 for medical expenses, loss of wages and miscellaneous expenses allegedly resulting from an injury she sustained on the University of Wisconsin-Green Bay campus on December 19, 1992. After attending University commencement exercises, claimant rode a shuttle bus from the campus to a parking lot. When claimant stepped off the bus, she slipped and fell on some ice injuring her nose and knees. Although it had snowed the night before the incident, the parking lot had been plowed and cleared of snow. 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.

24. Ollie Charles of Stevens Point, Wisconsin, claims \$27,000.00 for benefits under Monte Charles' life insurance policy. Claimant is the widow of Monte Charles, a former employe of the University of Wisconsin-Stevens Point. While employed at the University, Mr. Charles applied for the State Group Life Insurance/Basic and Supplemental Coverage which provides a death benefit equal to twice the employee's annual salary. The University of Wisconsin-Stevens Point deducted premiums from Mr. Charles' paychecks for this insurance as well as another insurance program, the State Group Life/Additional Coverage program, which provides coverage in an amount equal to three times the employee's base salary. Claimant contends it was Mr. Charles' impression that he had applied for the maximum coverage available. Upon Mr. Charles' death, the insurer, Minnesota Mutual Life, paid the benefit indicated on the application form, the amount of \$54,000 or twice Mr. Charles' annual salary. Claimant requests payment of the additional \$27,000, which represents the higher benefit that would have been paid under the Additional program. The University of Wisconsin has reimbursed claimant \$564.00 for the premium amounts erroneously deducted from Mr. Charles' paychecks. The Board concludes the claim should be paid in the reduced amount of \$85.71, for 12% interest on premium amounts erroneously deducted, 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.

25. Larry Bowersox of Sturtevant, Wisconsin, claims \$172.40 for the loss of income and clothing plus loss of future wages allegedly resulting from his transfer to the Racine Correctional Institution (RCI). In July, 1992, claimant was an inmate at the Kettle Moraine Correctional Institution (KMCI). When claimant's custody rating was lowered to minimum, the Department of Corrections intended to transfer him to the Gordon Correctional Center. Claimant protested the transfer to Gordon because it did not have a law library and it would eliminate the possibility of visits by his children. On September 14, 1992, the Department of Corrections transferred claimant to RCI which has a law library. KMCI property records indicate that on September 10, 1992, claimant gave one pair of jeans to one of his visitors. When claimant transferred to RCI, where jeans are not allowed, he gave his other pair of jeans to a visitor on September 15, 1992. 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.

26. Moreal Wilson of Sturtevant, Wisconsin, claims \$20.00 as the amount deducted from his inmate account by the Kettle Moraine Correctional Institution (KMCI) in May, 1991. On May 8, 1991, claimant was told he would be leaving at 6:30 a.m. to attend a medical appointment at the University Hospital on May 9, 1991. Claimant overslept and did not arrive at the Institution's control center until 7:06 a.m., at which time he was advised that the trip had been canceled because they could not arrive at the Hospital at the scheduled time. Claimant was subsequently ordered to pay restitution for the cost of the trip set-up and wages. For security reasons, the Institution does not advise inmates of scheduled trips until after 10:30 p.m. on the night before the trip. 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.

27. James Radler of Oshkosh, Wisconsin, claims \$3,150.00 as compensation for 21 days he was allegedly illegally imprisoned because the Waupun Correctional Institution was tardy in computing his mandatory release (MR) date. Due to claimant's revocation hearing, his mandatory release date was determined as December 15, 1992 and he was released from Waupun to the Winnebago County Sheriff's Department on January 5, 1993. 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.

28. Firstar Bank of Portage, Wisconsin, claims \$4,777.47 for attorney fees incurred in defending a lawsuit filed by James Lammers, an inmate at the Columbia Correctional Institution. Claimant maintains inmate accounts for the Columbia Correctional Institution. During 1992, Mr. Lammers filed a complaint against claimant alleging it engaged in fraudulent conduct by accepting checks for deposit from Columbia Correctional Institution made payable to the order of

James D. Lammers and endorsed by Columbia Correctional Institution. All incoming inmate mail is opened as part of the regular operating procedure of the Institution. Checks received by inmates are removed from the mail and check amounts are credited to the inmate's account. Subsequently, the Institution endorses the checks and deposits them in the Institution's account maintained by claimant. On May 22, 1992, Columbia County Circuit Court Judge Daniel J. George determined that claimant did not act inappropriately by accepting checks for deposit from the Columbia Correctional Institution. The Board recommends the claim be paid based on equitable principles. The Board further recommends, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health and Social Services appropriation s. 20.410(1)(a), Stats.

29. Victoria Wasielewski of Pulaski, Wisconsin, claims \$469.37 for the cost of repairing a motor bike allegedly damaged by a foster child in 1989 when the child took the bike without permission and damaged it. The Foster Parent Liability Insurance Program administered by the Department of Health and Social Services under s. 46.627, Stats., provides reimbursement to foster parents for damages suffered through the acts or omissions of foster children. In November 1989, claimant was advised to seek reimbursement for this loss by contacting the agency that issued her foster care license. There is no record that claimant made any attempts to be reimbursed for her loss through the Foster Parent Liability Insurance program. 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.

30. Linnea Gudmanson of Cadott, Wisconsin, claims \$213.63 for the cost of repairing her vehicle allegedly damaged on May 22, 1992, while it was parked in the lot at the Northern Wisconsin Center, where she is employed. Witnesses observed a resident push a ladder onto claimant's car, scratching and denting the driver's side front fender. 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.

31. Charles Oninski of Delavan, Wisconsin, claims \$82.69 for towing expenses allegedly incurred on February 1, 1993. Claimant's vehicle became stuck in a field while he was searching for a resident who was missing from the Southern Wisconsin Center. Claimant was ordered by his supervisor to search for the resident in areas surrounding the Institution. The Board concludes the claim should be paid in the reduced amount of \$78.75, the amount indicated on the towing bill, 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.

32. Barry Nelson of Kewaunee, Wisconsin, claims \$1,073.00 for the cost of installing a new submersible pump in his water supply well. Claimant's well was

allegedly damaged by the lowering of the water table due to the installation of high-capacity wells at the Department of Natural Resources' Kewaunee Fish Collection Facility. The natural artesian flow in claimant's well is reduced when the high-capacity wells are operating. 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.

33. Daniel Fager of Kewaunee, Wisconsin, claims \$1,121.00 for the cost of installing a new submersible pump in his water supply well. Claimant's well was allegedly damaged by the lowering of the ground water table caused by the operation of high-capacity wells at the Department of Natural Resources' Kewaunee Fish Collection Facility. The natural artesian flow in claimant's well is reduced when the high-capacity wells are operating. The Board concludes the claim should be paid in the reduced amount of \$760.00, for replacement of the pump 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 Natural Resources appropriation s. 290.370(1)(mu), Stats.

34. Ernest Olson of Watertown, South Dakota, claims \$29.53 for uninsured medical expenses allegedly resulting from an injury he sustained at the Interstate Park in St. Croix County on June 26, 1992. Claimant tripped on a small rise in the walkway of the campground shower building and fell into a wall, hitting his head and cutting his finger. Section 895.52, Stats., limits liability for damages resulting from the use of state-owned recreational facilities under these circumstances in the absence of the showing of malicious act or malicious failure to warn of a known unsafe condition. 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.

35. Larry and Jensine Crowson, owners of the Willow River Inn in Hudson, Wisconsin, claim \$3,348.00 for replacement of their well water supply system allegedly damaged when the ground water table was lowered because of the removal of a dam in the Willow River State Park. Removal of the dam was necessitated by safety considerations. However, claimant's existing well violated NR 112.23, Wis. Adm. Code, and would have required upgrading to meet state standards regardless of the dam removal. The Board concludes the claim should be paid in the reduced amount of \$960.00, for only the cost of deepening the well, 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. 20.866(2)(tr), Stats.

THE BOARD CONCLUDES:

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

Gilbert Construction Corp. Kurt Pfeifer
Michael Brechtl Brian Mayernick

Township of Ottawa
City of Onalaska
Mario Russo
Salvatore Foti
Holly Halsted
Jennifer Eschner
Michelle Wegner
Katie Hanning
Jennifer Schell
Matt Rademaker
Geof Joly
Robert Meyers

Daniel Finerty
William Foster
William & Gina Pearce
Charlene Strouf
Colson Services Corp.
Laverne VanTatenhove
Larry Bowersox
Moreal Wilson
James Radler
Victoria Wasielewski
Linnea Gudmanson
Ernest Olson

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

Ollie Charles	\$ 85.71
Charles Oninski	\$ 78.75
Barry Nelson	\$ 1,073.00
Daniel Fager	\$ 760.00
Willow River Inn, Inc.	\$ 960.00

THE BOARD RECOMMENDS:

1. Payment of \$181,214.52 to Racine County for 75% of the transportation aids lost from 1989 through 1992 as a result of an error on its 1987 Financial Report Form.

2. Payment of \$4777.47 to the Firstar Bank of Portage for reimbursement of attorney fees incurred in defense of a lawsuit filed by James Lammers, an inmate at the Columbia Correctional Institution.

Dated at Madison, Wisconsin this 3rd day of June, 1993.

Joseph Leean
Senate Finance Committee

Shirley Krug
Assembly Finance Committee

John Burczyk
Representative of Governor

Edward D. Main
Representative of Secretary of Administration

William H. Wilker
Representative of Attorney General

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.
Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 95
Assembly Bill 109
Assembly Bill 141
Assembly Bill 155
Assembly Bill 172
Assembly Bill 173
Assembly Bill 218
Assembly Bill 219
Assembly Bill 440

Adopted and asks concurrence in:

Assembly Joint Resolution 59

Concurred in:

Senate Bill 73

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 95

Relating to property in the possession of a museum.
By Representatives Baldwin, Underheim, Lehman, Gruszynski, Duff, Ladwig, Otte, Hahn, Ryba, Notestein, Schneiders, Stower, Panzer, Klusman, Boyle, Hinkfuss, Silbaugh, Vrakas, Rosenzweig and R. Young, cosponsored by Senators Buettner, Burke, Schultz, Breske, Lorman, Farrow, Huelsman and Rude.

Read first time and referred to committee on Financial Institutions and Cultural Affairs.

Assembly Bill 109

Relating to life and health insurance coverage of recovering alcoholics or drug dependents.

By Representatives Carpenter, Robson, Roberts, R. Young, Underheim, Black, Musser, Morris-Tatum, Notestein, Vergeront, Porter, Bolle, Bock, Turner, Boyle, Gronemus, Grobschmidt and Baldwin, cosponsored by Senators Breske, Plewa and Buettner.

Read first time and referred to committee on Judiciary and Insurance.

Assembly Bill 141

Relating to the methods by which villages may provide for fire protection.

By Representatives Vergeront, Silbaugh, Hahn, Duff, Ainsworth, Ott and Otte, cosponsored by Senators Stitt, Farrow, Breske and Lasee.

Read first time and referred to committee on Transportation, Agriculture, Local and Rural Affairs.

Assembly Bill 155

Relating to the responsibilities of students at vocational, technical and adult education district schools.

By Representatives Notestein, Grobschmidt, Duff, Turner, Musser, Lorge, Potter, Boyle, Carpenter, Baldus, Huber, Springer, Plache, Hanson, Brandemuehl, Bell, Baldwin, Roberts, Deininger, Linton, Meyer, Robson, Albers, Ward, Black, Johnsrud, R. Young, L. Young, Ryba, Gruszynski, Gronemus, La Fave, Riley and Lazich, cosponsored by Senators Potter, Decker, Moore, Risser, Chvala, Clausing, Buettner, Jauch, Darling, Burke, Moen, Rude, Farrow and Andrea.

Read first time and referred to committee on Education.

Assembly Bill 172

Relating to the regulation of physical therapists by the department of regulation and licensing, abolishing the physical therapists examining council, creating a physical therapists examining board, granting rule-making authority and providing a penalty.

By Representatives Robson, Holperin, Baldus, Kaufert, Schneiders, Ryba, Musser and Boyle, cosponsored by Senators Breske, Rude, Farrow, Chvala and Huelsman.

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

Assembly Bill 173

Relating to the regulation of chiropractors and granting rule-making authority.

By Representatives Robson, Potter, Porter, Carpenter, Gronemus, Baldus, Underheim, Zien, Turner, Kaufert and Ourada, cosponsored by Senators Moen, Farrow, Burke, Buettner, Huelsman, Breske, Schultz and Rude.

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

Assembly Bill 218

Relating to the observation of Wisconsin Day in schools.

By Representatives Swoboda, Ryba, Boyle, Lehman, Hahn, Silbaugh and Rosenzweig, cosponsored by Senator Petak, by the request of Eric Bush and students at Hillcrest and Marquette Schools in Kewaunee.

Read first time and referred to committee on Education.

Assembly Bill 219

Relating to defining physician's assistants as health care providers for certain purposes and changing the term "physician's assistant" to "physician assistant".

By Representatives Carpenter, Ourada, Robson, Bock, Johnsrud, R. Young, Baldwin, Urban, Freese, Wilder, Morris-Tatum, Lorge, Baldus, Plache, Bell, Notestein, Schneiders, Holperin, Ziegelbauer, Huber, Brancel, Roberts, Stower, Albers, Dobyms, Ryba, Potter, Boyle, Gronemus, Hanson, Meyer and Rosenzweig, cosponsored by Senators Moen, Rude, Breske, Decker, Schultz, Burke, Petak and Jauch.

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

Assembly Bill 440

Relating to gas safety forfeitures and providing a penalty.

By Representatives Kunicki, Travis, Prosser and Linton, cosponsored by Senators Ellis, Rude, Helbach and Leean, by request of Governor Tommy G. Thompson.

Read first time and referred to committee on Environment and Energy.

Assembly Joint Resolution 59

Relating to commending the Wisconsin dairy industry.

By Representatives Otte, Gronemus, Ott, Grobschmidt, Zukowski, Huber, Lehman, Gard, Coleman, Duff, Hahn, Albers, Panzer, Silbaugh, Stower, Ward, Turner, Wirch, Ziegelbauer, Baldus, Goetsch, Beal, Johnsrud, Porter, Owens, Springer, Hasenohrl, Schneiders, Dobyms, Ryba, Ourada, Potter, Roberts, Musser, Urban, Freese, Morris-Tatum, Brandemuehl, Lorge, Nass, Vrakas, Klusman, Ladwig, La Fave, Green, Ainsworth, Harsdorf, Bolle, Underheim and Baumgart, cosponsored by Senators Clausing, Lasee, Potter, Petak, Decker, Burke, Cowles, Leean, Schultz, Moen, Zien, Andrea, Stitt, Breske, Huelsman, Buettner and Weeden.

Read and referred to committee on Senate Organization.

ADJOURNMENT

Senator Rude, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Tuesday, June 15.

10:01 A.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Joint Resolution 26.

Correctly enrolled and deposited in the Office of the Secretary of State
June 9, 1993.