

# Eighty-Eighth Regular Session

WEDNESDAY, March 11, 1987

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

## INTRODUCTION OF RESOLUTIONS

### Senate Resolution 6

Relating to the senate standing committee on economic development, financial institutions and fiscal policies.

By Senators Risser, Strohl, Norquist, Engeleiter and Ellis.

Read and referred to committee on Senate Organization.

## INTRODUCTION OF BILLS

Read first time and referred:

### Senate Bill 143

Relating to an income tax exemption for a portion of retirement pay received by former members of the armed forces.

By Senator Van Sistine; cosponsored by Representatives Vanderperren and Van Dreel, by request of the Packerland Branch 180, Fleet Reserve Association.

To Joint Survey committee on Tax Exemptions.

### Senate Bill 144

Relating to compatibility of certain offices and positions in counties, cities, villages and towns.

By Senators Engeleiter, Chvala, Te Winkle, Davis, Chilsen and Leean; cosponsored by Representatives Schneiders, Nelsen, Panzer, Barca, Volk, Tregoning, Bolle, Potter, Huelsman, Zeuske, Vergeront, Radtke, Rosenzweig, Schultz, Deininger, Brandemuehl and Johnsrud.

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

### Senate Bill 145

Relating to deleting the expiration of the hospital rate-setting commission.

By Senators Moen, Feingold, Risser, Lee and Chvala; cosponsored by Representatives Robinson, Holschbach, Grobschmidt, Wineke, Young, Looby and M. Coggs.

To committee on Agriculture, Health and Human Services.

### Senate Bill 146

Relating to qualification for a grant from the Wisconsin election campaign fund.

By Senators Kreul, Chilsen, Leean and Lasee; cosponsored by Representatives Bradley, Johnsrud, Goetsch, Porter, Turba, Musser, Schneiders, Welch, Hubler, Zeuske, Paulson and Buettner.

To committee on Judiciary and Consumer Affairs.

### Senate Bill 147

Relating to withdrawal of towns from county zoning ordinances.

By Senator Adelman; cosponsored by Representatives Shoemaker, Holschbach and Lepak.

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

### Senate Bill 148

Relating to requiring the department of revenue to reveal information about income taxes withheld, and sales, use and fuel taxes collected, by local units of government and imposing a fee.

By Senator Adelman; cosponsored by Representative Foti.

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

### Senate Bill 149

Relating to insurance intermediaries, policies and group certificates, the state life insurance fund and miscellaneous insurance regulations.

By Senator Van Sistine; cosponsored by Representative Tesmer, by request of the Office of the Commissioner of Insurance.

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

### Senate Bill 150

Relating to insurance intermediary fees, motor club agents, insurers' fire department dues and providing a penalty.

By Senator Van Sistine; cosponsored by Representative Tesmer, by request of the Office of the Commissioner of Insurance.

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

### Senate Bill 151

Relating to termination of tax incremental districts.

By Senators Lee, Davis, Van Sistine, Roshell, Norquist and Risser; cosponsored by Representatives Bolle, Wineke, Young, Walling, Wood, Berndt, Becker, Magnuson, Goetsch, Gronemus, Volk, Fortis, Schneiders, Notestein, Carpenter, Bell, Brandemuehl, Zweck, M. Coggs and Seery.

To committee on Economic Development and Financial Institutions.

### Senate Bill 152

Relating to abuse of children and providing a penalty.

By Senators Rude, Roshell, Kreul and Lasee; cosponsored by Representatives Medinger, Roberts, Schultz, Musser, Paulson, Barca, Magnuson and Boyle.

To committee on Judiciary and Consumer Affairs.

### Senate Bill 153

Relating to establishing certain restrictions and safety requirements respecting the operation of all-terrain vehicles.

By Senator Adelman.  
To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

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

CASE, KAREN A., of Hales Corners, as Secretary of the Department of Revenue, to serve for the term ending at the pleasure of the Governor.

Confirmation:

Ayes, 6 -- Senators Feingold, Plewa, Czarnecki, Kincaid, Jauch and Kreul;

Noes, 0 -- None.

RUSS FEINGOLD  
Chair

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

Senate Bill 82

Relating to various changes in the statutes pertaining to the veterinary examining board and the licensure of veterinarians and animal technicians and granting rule-making authority.

Passage:

Ayes, 5 -- Senators Moen, Jauch, Feingold, Te Winkle and Rude;

Noes, 0 -- None.

RODNEY C. MOEN  
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Secretary of State

March 3, 1987

To the Honorable the Senate

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

Sincerely,  
DOUGLAS LAFOLLETTE  
Secretary of State

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

ALSTON, HAROLD, 901 Kilbourn Ave., Tomah, WI 54660 (608) 372-8113

1) North-West Telephone Company, 901 Kilbourn Ave., Tomah, WI 54660 (608) 372-8113 (all areas of legislative and administrative action which affects the telecommunications industry)

ABRAMSON, BETSY, 520 University Ave., Madison, WI 53703 (608) 251-4008

1) Center for Public Representation, Inc., Attn: Louise Uphoff, 520 University Ave., Madison, WI 53703 (608) 251-4008 (DHSS nursing home rules, OCI rules, HRSC, DHSS MA rules, DILHR UC rules)

BROYDRICK, BILL, 817 N. Marshall, Milwaukee, WI 53202 (414) 224-9393

1) Wisconsin Independent Pharmacists Assn., Attn: Dick Nissenbaum, 7532 W. Lincoln, Milwaukee, WI 53219 (414) 541-7801 (health care); 2) Children's Health Systems of Wisconsin, Inc., Attn: Joh Vice, 763 N. 18th St., Milwaukee, WI 53233 (414) 931-4111 (health care); 3) Curative Rehabilitation Center, Attn: Gene Cox, 9001 W. Watertown Plank, Wauwatosa, WI 53226 (414) 259-1414 (health care); 4) Plumbers Local 75, Attn: Dick Lansing, 9601 W. Silver Spring, Milwaukee, WI 53225 (414) 462-7810 (plumbing Code - Law S); 5) Wisconsin Hospital Assn., Attn: Steve Brenton, 5721 Odana Rd., Madison, WI 53719 (608) 274-1820 (health care); 6) Independent Liquor Wholesalers, Attn: Larry Bornstein, 2200 S. 13th St., Milwaukee, WI 53215 (414) 643-5444 (liquor); 7) Concerned Auto Recyclers of Wisconsin, Attn: Ron Hietpas, % H & H Auto Salvage, Sussex, WI 53089 (414) 246-6400 (transportation); 8) Wisconsin Assn. of Rehabilitation Agencies, Attn: Fred Mathwig, 1477 Kenwood Center, Menasha, WI 54952 (414) 729-5807 (health care); 9) Milwaukee Metropolitan Sewerage District, Attn: Mike McCabe, 735 N. Water, Milwaukee, WI 53203 (414) 225-2101 (collection, conduction and treatment of sewerage); 10) Milwaukee County Deputy Sheriffs Assn., Attn: Fred Klopp, 821 W. State, Milwaukee, WI 53233 (414) 278-5137 (labor law and aid to counties); 11) Meehan Seaway Service Ltd., Attn: Don Meehan, 1500 S. Lincoln Memorial Dr., Port of Milwaukee, WI 53207 (414) 481-7000 (transportation); 12) Waste Management of Wisconsin, Inc., Attn: Bill Katzman, W124 N8925 Boundary Rd., Menomonee Falls, WI 53051 (414) 251-4000 (environmental status)

BUCKLEY, JAMES P., 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333

1) Wisconsin Installment Bankers Assn., R. Steven Rasmussen, 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333 (banking, finance); 2) Wisconsin Dental Hygienists Assn., Gail Baker, 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333 (health regulation and licensing); 3) Wisconsin School Psychologists Assn., Rachel Gunderson, 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333 (education, regulation and licensing); 4) Wisconsin Federation of Pupil Services Assn., Geraldine Diehn, 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333 (education, health); 5) Wisconsin School Social Workers Assn., Janet Engelke, 815 W. College Ave., Waukesha, WI 53186 (414) 542-4333 (education, regulation and licensing, health); 6) Wisconsin Speech-Language-Hearing Assn., Marilyn Mullarky, 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333 (education, regulation and licensing, health); 7) Wisconsin Assn. for Counseling and Development, Leo Remacle, 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333 (education, regulation and licensing, health); 8) Wisconsin Beverage Licensees Assn., Norman Siegel, 815 W. College Ave., Waukesha, WI 53186 (414) 542-5333 (excise and fees, beverage regulation); 9) Wisconsin Federation of

Cooperatives, 30 W. Mifflin St., #401, Madison, WI 53703 (608) 258-4400 (co-ops, dairy, farm supply, credit, electric, housing, health, etc.)

COENEN, THOMAS H., 4723 Yahara Dr., McFarland, WI 53558 (608) 838-8126

1) Wisconsin Retail Lumberman's Assn., Dan Rosenmeier, 7000 W. Good Hope Rd., Milwaukee, WI 53223 (414) 358-2134 (transportation & commerce & consumer protection)

DACEY, SCOTT, 817 N. Marshall, Milwaukee, WI 53202 (414) 224-9393

1) Blumenthal, Jacquart, Wilke & Blumenthal, Attn. Warren Blumenthal, 330 E. Kilbourn St., Ste. 1475, Milwaukee, WI 53202 (414) 276-4333 (resource recovery issues); 2) Motor Cycle Industry Council, Melvin R. Stahl, 1235 Jefferson Davis Hwy, Arlington, VA 22202 (703) 521-0444 (franchises); 3) Concerned Auto Recyclers of Wisconsin, Ron Hietpas, % H & H Auto Salvage, W233 N5639 Hwy 164, Sussex, WI 53089 (414) 246-6400 (transportation); 4) Wisconsin Independent Pharmacists Assn. Attn: Dick Nissenbaum, 7532 W. Lincoln, Milwaukee, WI 53219 (414) 541-7801 (health care)

ERICKSON, DAVID H., 605 Regal Court, DeForest, WI 53532 (608) 9889

1) Wisconsin Federation of Cooperatives, 30 W. Mifflin St., #401, Madison, WI 53703 (608) 258-4400 (co-ops, dairy, farm supply, credit, electric, housing, health, etc.)

GERLACH, CHESTER A., 102 S. Franklin St., Madison, WI 53703 (608) 255-9337

1) Assn. of Wisconsin Tourism Attractions, 102 S. Franklin St., Madison, WI 53703 (608) 255-9337 (all matters relating to tourism attractions industry)

GOYKE, GARY R., 22 N. Carroll, Madison, WI 53703 (608) 251-5997

1) Wisconsin Coalition for Equitable Retirement, Attn: Paul Schlindwein, P.O. Box 2581, Oshkosh, WI 54903-2581 (414) 426-0712 (employee trust funds, state teachers retirement board, WI retirement fund board); 2) Wisconsin Electric Power Co., Attn: William F. Wilson, 231 W. Michigan St., Milwaukee, WI 53201 (414) 221-2136 (all legislative and administrative actions of interest to public utilities); 3) Wisconsin Onsite Waste Disposal Assn., Pat Ampe, P.O. Box 6234, Madison, WI 53716 (608) 222-7584 (any legislation affecting soil testing)

HILBERT, LISA, 2007 Jennifer St., Madison, WI 53704 (608) 246-9178

1) AgriGenetics Advanced Science Co., Dr. John Ingle, Director, 5649 E. Buckeye Rd., Madison, WI 53716 (608) 221-5000 (biotechnology)

HOTTENROTH, THERESA M., 330 E. Lakeside St., Madison, WI 53715 (608) 257-6781

1) State Medical Society, Thomas L. Adams, 330 E. Lakeside St., Madison, WI 53715 (608) 257-6781 (health care, insurance, liability law, regulation and licensing)

HOULE' ERROL, 227 W. Lexington Blvd., Eau Claire, WI 54701 (715) 833-0177

1) North Shore Landing, Kathleen Gamble, 4315-17 North Shore Dr., Eau Claire, WI 54703 (715) 833-0177 (land use controls)

KILPATRICK, BERNETTA, N76 W14965 Market Dr., Menomonee Falls, WI 53051 (414) 251-1138

1) Plumbers Local 75, Attn: Dick Lansing, 9601 W. Silver Spring, Milwaukee, WI 53225 (414) 462-7810 (plumbing code - Laws)

KRINGS, JEROME D., 152 W. Wisconsin Ave., Ste. 316, Milwaukee, WI 53203 (414) 271-2302

1) National Farmers Organization, Steve Pavich, 825 Water St., Sauk City, WI 53583 (608) 643-3341 (amendment to Wis. Stat. sec. 185.41-44; misc. agriculture related legislation and administration action)

KUEHN, RONALD W., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891

1) Assn. of Wisconsin School Administrators, Attn: Charles Hilston, 4797 Hayes Rd., Madison, WI 53704 (608) 241-0300 (any function or activity of any branch, department of phase of federal, state or local government, agriculture, outdoors or environment, taxation, regulation of business, finance or insurance or other topics pertaining to the general public health or welfare)

KUKOR-BROYDRICK, CYNTHIA, 817 N. Marshall, Milwaukee, WI 53202 (414) 224-9393

1) Children's Health Systems of Wisconsin, Inc., Attn: Joh Vice, 763 N. 18th St., Milwaukee, WI 53233 (414) 931-4111 (health care); 2) Milwaukee County Deputy Sheriffs Assn., Fred Klopp, 821 W. State, Milwaukee, WI 53233 (414) 278-5137 (labor law and aid to counties)

LETZING, SYBIL H., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891

1) Assn. of Wisconsin School Administrators, Attn: Charles Hilston, 4797 Hayes Rd., Madison, WI 53704 (608) 241-0300 (any function or activity of any branch, department of phase of federal, state or local government, agriculture, outdoors or environment, taxation, regulation of business, finance or insurance or other topics pertaining to the general public health or welfare)

LORD, DONALD D., 330 E. Lakeside St., Madison, WI 53715 (608) 257-6781

1) State Medical Society, Thomas L. Adams, 330 E. Lakeside St., Madison, WI 53715 (608) 257-6781 (health care, insurance, liability law, regulation and licensing)

LUNDGREN, JON C., 231 W. Michigan St., Milwaukee, WI 53201 (414) 221-2839

1) Wisconsin Electric Power Co., Attn: William F. Wilson, 231 W. Michigan St., Milwaukee, WI 53201 (414) 221-2136 (all legislative and administrative actions of interest to public utilities)

NELSON, RUTHANN, 22 N. Carroll, Madison, WI 53703 (608) 251-5997

1) Wisconsin Onsite Disposal Assn., Pat Ampe, P.O. Box 6234, Madison, WI 53716 (608) 222-7584 (any legislation affecting soil testing)

NILSESTUEN, RODNEY J., 329 South St., DeForest, WI 53532 (608) 846-3873

1) Wisconsin Federation of Cooperatives, 30 W. Mifflin St., #401, Madison, WI 53703 (608) 258-4400 (co-ops, dairy, farm supply, credit, electric, housing, health, etc.)

OTTE, CARL, 22 N. Carroll, Madison, WI 53703 (608) 251-5997

1) Wisconsin Coalition for Equitable Retirement, Attn: Paul Schindwein, P.O. Box 2581, Oshkosh, WI 54903-2581 (414) 426-0712 (employee trust funds, state teachers retirement board, WI retirement fund board)

PARYS, RONALD G., 206 E. Olin Ave., Ste. 106, Madison, WI 53713 (608) 251-0368

1) Fair Aid Coalition, 1232 S. 58th St., West Allis, WI 53214 (414) 258-7314 (school aids); 2) Wisconsin Communities for Economic Development, Inc., Nicholas D. Quantaro, 2825 N. Mayfair Rd., Wauwatosa, WI 53222 (414) 771-1620 (shared revenue, tax and property relief)

PETERSON, RICHARD E., Rt. 1, Box 67, Weyauwega, WI 54983 (414) 867-3513

1) Wisconsin Periodical Distributors Assn., Harry Tobias, Secretary, 201 E. Badger Rd., Madison, WI 53713 (608) 271-3600 (prevention of restrictive laws that would interfere with the sale and distribution of merchandise in a free and open market)

PHILLIPS, JOE, 11801 W. Janesville Rd., Hales Corners, WI 53130 (414) 529-4702

1) Wisconsin Sod Producer's Assn., Randy Jaspersen, 21904 N. Cape St., Union Grove, WI 53182 (soil erosion/environmental)

PINTER, DAVID D., % Medical College of Wisconsin, 8701 Watertown Plank Rd., Milwaukee, WI 53226 (414) 257-8670

1) Medical College of Wisconsin, Edward J. Lennon, MD, Medical College of Wisconsin, 8701 Watertown Plank Rd., Milwaukee, WI 53226 (414) 257-8225 (education and health care)

RODER, RAYMOND., 44 E. Mifflin St., Ste. 301, Madison, WI 53703 (608) 255-4440

1) Fred Gollon, 1102 Old Wausau Rd., Stevens Point, WI 54481 (715) 344-2182 (legislative and administrative actions involving bait dealers and the DNR)

SANKOVITZ, JAMES L., 1324 W. Wisconsin Ave., Milwaukee, WI 53233 (414) 224-7430

1) Marquette University, 615 N. 11th St., Milwaukee, WI 53233 (414) 224-7430 (education, health, taxation, higher educational aids board, dept. of revenue)

SHEFORGEN, THOMAS R., 2805 E. Washington Ave., Madison, WI 53704 (608) 249-6464

1) Wisconsin Wholesale Beer Distributors Assn., Inc., Attn: Thomas R. Sheforgen, 2805 E. Washington Ave., Madison, WI 53704 (608) 249-6464 (beer)

SULLIVAN, DANIEL C., 231 W. Michigan St., Milwaukee, WI 53201 (414) 221-2839

1) Wisconsin Electric Power Co., Attn: William F. Wilson, 231 W. Michigan St., Milwaukee, WI 53201 (414) 221-2136 (all legislative and administrative actions of interest to public utilities)

WEISENSEL, RUSSEL R., 1400 E. Washington Ave., #185, Madison, WI 53703 (608) 255-7976

1) Wisconsin Agri-Business Council, Ricard Pavelski, VP, 1400 E. Washington Ave., #185, Madison, WI 53703 (608) 255-7976 (all actions directly and indirectly affecting agriculture, including silviculture and business)

WIMMER, JR., JAMES W., P.O. Box 1482, Madison, WI 53701 (608) 256-5223

1) Exxon Coal and Minerals Company, J.D. Patton, 2401 S. Gessner, Houston, TX 77251-1314 (713) 978-5341 (any function or activity of any branch, department of phase of federal, state or local government, agriculture, outdoors or environment, taxation, regulation of business, finance or insurance or other topics pertaining to the general public health or welfare); 2) H.A.H. Enterprises, Inc., Paul Lewin, Pres., 401 N.W. 38th Court, Miami, FL 33126 (305) 649-3000 (any function or activity of any branch, department of phase of federal, state or local government, agriculture, outdoors or environment, taxation, regulation of business, finance or insurance or other topics pertaining to the general public health or welfare); 3) American Stock Exchange, Benjamin D. Krause, 86 Trinity Place, New York, NY 1006 (212) 306-1455 (any function or activity of any branch, department of phase of federal, state or local government, agriculture, outdoors or environment, taxation, regulation of business, finance or insurance or other topics pertaining to the general public health or welfare)

State Agencies:

Health and Social Services, Dept. of, delete Linda Reivitz, Ira Cutler, Virginia Graves, Sharon Bisgard, Peter Tropman, Kathryn Morrison, Walter Dickey, Patricia Kallsen, Michael Moore, Jerry Berge; ADD, Timothy F. Cullen, Jeffrey R. M. Kunz, MD, Jennifer Donnelly, John Manske, Alan Fish (counties, municipalities, courts, procedures, criminal, penal, police, family, food, drugs, health, human rights, insurance, social services, state government); Stephen Bablitch (counties, municipalities, courts, procedures, criminal, penal, police, social services; Judy Norman-Nunnery (counties, municipalities, education, family, health, human rights, insurance, social services; Linda Belton (counties, municipalities, courts, procedures, family, food, drugs, health, human rights, social services; James Meier (counties, municipalities, courts, procedures, family, food, drugs, health, human rights, insurance, social services); John Torphy (counties, municipalities, family, food, drugs, health, insurance, regulation, licensing)

State of Wisconsin  
Claims Board

March 2, 1987

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on February 18, 1987.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,  
EDWARD D. MAIN  
Secretary

STATE OF WISCONSIN  
CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on February 18, 1987, upon the following claims:

Claimant	Amount
City of Sturgeon Bay	\$ 487,278.30
Johnson Controls, Inc.	109,898.00
Robert Gore	300.00
Donna Thomas	342.50
Malcolm McIntosh	460.00

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

Marcia Gauger	\$ 378.08
Elfred Schultz	100,000.00
Jeannette McAndrew	594.00
Ellory Rhone	16.95*
Maryhill Manor, Inc.	2,135.00
Nicole Savada	1,779.65
Michael Farley	51.03
Thomas Blotz	101.51
Patricia O'Beirn	132.00
Susan Bechard	93.40
Holly Hess	166.00
Michael Brown	133.37
William MacGregor	1,649.83
Debra Sellers	230.00

THE BOARD FINDS:

1. City of Sturgeon Bay claims \$487,278.30 for interest paid on the court ordered refund of property taxes to Manitowoc Company, Inc. In 1976 the Department of Revenue assessed the large and small graving docks of the Bay Shipbuilding Corporation, a subsidiary of the Manitowoc Company, Inc., for the purposes of property taxation. The Manitowoc Company objected to the tax on the grounds that the docks were manufacturing machinery and therefore, exempt from property tax pursuant to s. 70.11(27), Stats. In September, 1983, the Door County Circuit Court declared the graving docks legally taxable within the meaning of 70.11(27), Stats. In 1984, the Court of Appeals reversed that decision and determined the Manitowoc graving docks are tax exempt under s. 70.11(27), Stats., and that Manitowoc Company was entitled to refund of property taxes from the City of Sturgeon Bay for the years 1976 through 1982. 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. Johnson Controls, Inc. of Milwaukee claims \$109,898.00 for franchise tax paid for the years 1980 through 1983, as a result of a Department of Revenue field audit. Claimant calculated its sales factor pursuant to the Department of Revenue's position that intangible receipts such as interest, dividends and proceeds from sales of capital assets were not considered in calculating sales tax. Subsequently, the Wisconsin Tax Appeals Commission, in the cases of U.S. Steel and IBM Corporation, held that intangible receipts were includable in calculating the sales factor. Non-Wisconsin corporations operating in Wisconsin, such as U.S. Steel and IBM, benefited by this decision; however, claimant, a Wisconsin-based company, was adversely affected and its Wisconsin apportionment percentage increased resulting in an additional tax assessment. In November, 1985, the Department of Revenue pursued legislative action to reverse the IBM and U.S. Steel decisions. The legislation was approved on February 7,

1986, in 1985 Wisconsin Act 120. Claimant was unable to receive the benefit of that legislation because of the four year statute of limitations and the closing of its tax years by a Department of Revenue field audit. The Board recommends this claim be paid based on equitable principles from the Claims Board appropriation s. 20.505(4)(d), Stats.

3. Robert Gore of Madison claims \$300.00 for damages allegedly caused by his motorcycle on June 16, 1986, when it tipped over on top of a motorcycle owned by Gerald Graczowski at the University of Wisconsin-Madison parking lot #3. Due to the heat, the asphalt in the parking lot softened and claimant's kickstand sank into the asphalt causing his motorcycle to fall over on top of Mr. Graczowski's motorcycle. The Board concludes the claim should be paid in the reduced amount of \$150.00 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)(h), Stats.

4. Donna Thomas of Burlington claims \$342.50 for medical bills allegedly resulting from an elevator accident in the Sandburg Hall dormitory at the University of Wisconsin-Madison on April 18, 1986. Approximately 29 people loaded into the dormitory elevator, which is rated for only 16 persons, causing the elevator brakes to slip and the car to fall to the ground floor at a faster rate than normal. Claimant was injured as a result of the jolting stop of the elevator. The Board concludes the claim should be paid in the amount of \$117.50, for the uninsured medical expenses, based on equitable principles. The Board further concludes under s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(h), Stats.

5. Malcolm McIntosh of Milwaukee claims \$460 for loss of cash and other items allegedly stolen by unknown persons from a storage area in the Department of Natural Resources state office building in Milwaukee in March, 1985. Claimant operated a food and drink vending concession in that building under a joint state and federal program for blind and visually impaired persons. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

6. Marcia Gauger of Whitewater claims \$378.08 for the uninsured portion of damages incurred to her automobile on December 27, 1985, when it was struck by a state vehicle driven by Walter Hoffman, an employe of the Department of Transportation. Claimant was stopped at a stop sign at I-94 and Hawley Road in Milwaukee and Mr. Hoffman stopped his vehicle behind claimant's. As Mr. Hoffman looked to his left, his vehicle rolled forward and hit claimant's car. The Board concludes the claim should be paid based on equitable principles from the Department of Transportation appropriation s. 20.395(3)(eq), Stats.

7. Elfred Schultz, Sr., of Pewaukee claims \$100,000.00 as compensation for injuries on June 14, 1979, allegedly caused by John Gander, a Building Construction Superintendent with the Department of Administration, Division of State Facilities Management. Claimant was employed by the Marino Construction Company and was working on a project Mr. Gander was supervising at the Wisconsin State Fair Park. During a verbal disagreement between claimant and Mr. Gander, claimant alleged he was hit in the face by Mr. Gander although the facts relating to this incident are not clear. 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. Jeannette McAndrew of Fountain Valley, California claims \$594.00 for overpayment of Wisconsin inheritance taxes in the Estate of Mary Landowski. The inheritance tax return, filed by claimant's attorney on April 12, 1985, indicated the full amount of a money market account payable to claimant. In February, 1986, an amended return was filed indicating the account was payable to claimant and Judith Ericksen. Pursuant to s. 72.30(4), Stats., a request for redetermination of inheritance tax must be made within six months of the original determination of the 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.

9. Ellory Laval of Madison claims \$16.95 plus tax for replacement of a shirt which was damaged on September 15, 1986, in the Department of Industry, Labor and Human Relations computer room where he is employed. Claimant's shirt was ripped on metal protrusions in a cabinet where he was installing a TELCO Channel Interface unit. The Board concludes the claim should be paid in the amount of \$16.95, based on equitable principles, if claimant provides the shirt to the state for disposal in the State Protective Services' lost and found sale. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Industry, Labor & Human Relations appropriation s. 20.445(1)(a), Stats.

10. Maryhill Manor, Inc. of Niagara, claims \$2,135.00 for partial refund of an application fee paid to the Department of Health & Social Services with an application for replacement of its nursing home under Chapter 150, Stats. Pursuant to s. 150.13, Stats., an applicant must pay a fee of 0.37% of the estimated project cost but not less than \$1,850 and not more than \$37,000. In August, 1985, claimant submitted an application for replacement of its facility at a cost of \$3,010,000 and paid a fee of \$11,137. In January, 1986, claimant submitted revised project cost estimates in the amount of \$2,120,000 and requested a refund of a proportionate amount of its original application fee. 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. Nicole Savada of Irma claims \$1,779.65 for damages to her automobile allegedly caused by students on escape status from the Lincoln Hills School on May 10, 1986. The Board concludes the claim should be paid in the reduced amount of \$50, for the uninsured damages, 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 & Social Services appropriation s. 20.435(3)(hm), Stats.

12. Michael Farley of Campbellsport claims \$51.03 for replacement of his automobile battery allegedly stolen from his vehicle while it was parked at the Department of Natural Resources state office building in Milwaukee on October 24, 1986. Claimant is an employe of the Department of Natural Resources, and the theft occurred while his car was parked in the fenced parking area provided for use by employes while out of town on state business. 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(8)(mu), Stats.

13. Thomas Blotz of Brookfield claims \$101.51 for replacement of a window in his automobile allegedly damaged by unknown persons during an attempt to burglarize his car while it was parked at the Department of Natural Resources state office building in Milwaukee on October 24, 1986. Claimant is an employe of the Department of Natural Resources and the damage occurred while his car was parked in the fenced parking area provided for use by employes while out of town on state business. 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(8)(mu), Stats.

14. Patricia O'Beirn of Wauwatosa claims \$132.00 for medical bills allegedly resulting from an elevator accident in the Sandburg Hall dormitory at the University of Wisconsin-Madison on April 18, 1986. Approximately 29 people loaded into the dormitory elevator, which is rated for only 16 persons, causing the elevator brakes to slip and the car to fall to the ground floor at a faster rate than normal. Claimant was injured as a result of the jolting stop of the elevator. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(h), Stats.

15. Holly Hess of Oshkosh claims \$166.00 for medical bills allegedly resulting from an elevator accident in the Sandburg Hall dormitory at the University of

Wisconsin-Madison on April 18, 1986. Approximately 29 people loaded into the dormitory elevator, which is rated for only 16 persons, causing the elevator brakes to slip and the car to fall to the ground floor at a faster rate than normal. Claimant was injured as a result of the jolting stop of the elevator. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(h), Stats.

16. Susan Bechard of Appleton claims \$93.40 for medical bills allegedly resulting from an elevator accident in the Sandburg Hall dormitory at the University of Wisconsin-Madison on April 18, 1986. Approximately 29 people loaded into the dormitory elevator, which is rated for only 16 persons, causing the elevator brakes to slip and the car to fall to the ground floor at a faster rate than normal. Claimant was injured as a result of the jolting stop of the elevator. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(h), Stats.

17. Michael Brown of Whitewater claims \$133.37 for repairs to his motorcycle which was damaged on June 21, 1986, when he struck a cable wire stretched across a campus road on the University of Wisconsin-Whitewater campus. The wire had been placed there by campus personnel to block the road, but it was not properly marked and could not be seen by motorists. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(a), Stats.

18. William MacGregor of Waukesha claims \$1,648.95 for expenses relating to an injury he sustained on December 2, 1985, when he slipped and fell on some ice on the gravel path between Salisbury and White Halls on the University of Wisconsin-Whitewater campus. University employes made a reasonable effort to maintain the area where claimant fell. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

19. Debra Sellers of Rochester, Minnesota, claims \$230.00 for uninsured damage to her automobile caused by a golf ball hit from a golf class being conducted at the University of Wisconsin-Eau Claire on October 9, 1986. The students were hitting the golf balls in the direction of the parked cars. The Board concludes the claim should be paid in the reduced amount of \$160.00 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.

THE BOARD CONCLUDES:

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

- City of Sturgeon Bay
- Elfred Schultz
- Jeannette McAndrew
- Maryhill Manor, Inc.
- William MacGregor

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

Marcia Gauger	378.08
Robert Gore	150.00
Donna Thomas	117.50
Malcolm McIntosh	460.00
Ellory Thone	16.95
Nicole Savada	50.00
Michael Farley	51.03
Thomas Blotz	101.51
Patricia O'Beirn	132.00
Susan Bechard	93.40
Holly Hess	166.00
Michael Brown	133.37
Debra Sellers	160.00

THE BOARD RECOMMENDS:

1. Payment of \$109,898.00 to Johnson Controls, Inc., for refund of franchise tax for the period of September 30, 1980 through 1983.

Dated at Madison, Wisconsin this 25th day of February, 1987.

- GARY R. GEORGE  
Senate Finance Committee
- MARLIN D. SCHNEIDER  
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  
Department of Health and Social Services  
December 29, 1986

To the Honorable the Legislature  
Wisconsin Act 29 of 1985 directed the Department of Health and Social Services, with the advice of the Council on Health Care Coverage for the Uninsured, to design a state health insurance program for the uninsured and pilots for testing the program. The enclosed report fulfills this requirement. It describes the activities of the Council, the information collected regarding the uninsured, the scope of the problem, and the program and pilots proposed by the Council. Also included are attachments which contain additional information on the uninsured population, on other

programs currently serving the uninsured, and expanded discussions on health insurance benefits, subsidies, and pilot site locations.

Sincerely,  
LINDA REIVITZ  
Secretary

State of Wisconsin  
Department of Industry, Labor and Human Relations  
March 3, 1987

To the Honorable the Legislature

As specified in 101.122, we are submitting an annual report of the Rental Weatherization Program. This program began on January 1, 1985. This is the third report of the program's operation. Additional copies of the Executive Summary or the report are available by contacting the program staff at: Rental Weatherization Program, DILHR - Safety and Buildings, GEF I, Room 106, (608) 266-0671.

I encourage you to communicate directly with us on any questions, issues, or concerns you or your constituents may have with the program. The program affects a large percentage of the public. Your help in communicating questions and concerns to us will help us administer the program more effectively.

Sincerely,  
JOHN T. COUGHLIN  
Secretary

State of Wisconsin  
Department of Development  
March 2, 1987

To the Honorable the Legislature

The Department of Development hereby submits the Annual Report on Industrial Revenue Bond Financing in accordance with Section 560.03(15) of Wisconsin Statutes. This report analyzes the use of industrial revenue bond financing under s. 66.521 Wis. Stats. in calendar year 1985.

BRUNO MAUER  
Secretary

State of Wisconsin  
Department of Transportation  
January 16, 1987

To the Honorable the Legislature

Chapter 20, Laws of 1981 made substantive changes to Wisconsin's drunk driving laws. That law also included a requirement that the Wisconsin Department of Transportation conduct a study to determine the effectiveness of the Chapter 20 provisions concerning operating a motor vehicle while under the influence of an intoxicant. This paper reports the findings of that study.

The study was conducted within the Division of Motor Vehicles. Questions or comments on the study should be directed to LuAnne Hansen (608) 266-8684 of the Bureau of Driver Licensing.

Sincerely,  
RONALD R. FIEDLER, P.E.  
Secretary



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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

March 2, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAMES SEXTON of Fond du Lac to the Wisconsin Health Facilities Authority, pursuant to the statute governing, to serve a term to expire June 30, 1993.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

March 4, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MRS. CHARLOTTE H. McESSY of Fond du Lac to the Educational Communications Board, pursuant to the statute governing, to serve a term to expire July 1, 1990.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Education.

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SENATE CLEARINGHOUSE ORDERS

**Senate Clearinghouse Rule 86-137**

Relating to net worth and reserve requirements of savings and loan associations.

Submitted by Office of the Commissioner of Savings and Loan.

Report received from agency, March 10, 1987.

Referred to committee on Economic Development and Financial Institutions, March 11, 1987.

**Senate Clearinghouse Rule 86-222**

Relating to equal opportunities and fair housing practices.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, March 6, 1987.

Referred to committee on Labor, Business, Insurance, Veterans and Military Affairs, March 11, 1987.

**Senate Clearinghouse Rule 86-243**

Relating to minimum cost of public works projects requiring a prevailing wage rate determination and related material.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, March 6, 1987.

Referred to committee on Labor, Business, Insurance, Veterans and Military Affairs, March 11, 1987.

**Senate Clearinghouse Rule 86-245**

Relating to licensing of individuals as agents.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, March 9, 1987.

Referred to committee on Labor, Business, Insurance, Veterans and Military Affairs, March 11, 1987.

**Senate Clearinghouse Rule 87-4**

Relating to exempting umbrella or excess liability insurance contracts from the requirements of s. 632.32 (4), Stats.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, March 9, 1987.

Referred to committee on Labor, Business, Insurance, Veterans and Military Affairs, March 11, 1987.

**Senate Clearinghouse Rule 87-5**

Relating to exempting a joint underwriting association, which provides excess liability insurance above a \$25 million limit from ch. 625, Stats.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, March 9, 1987.

Referred to committee on Labor, Business, Insurance, Veterans and Military Affairs, March 11, 1987.

**Senate Clearinghouse Rule 87-11**

Relating to certification of minority businesses by the department of development.

Submitted by Department of Development.

Report received from agency, March 10, 1987.

Referred to committee on Economic Development and Financial Institutions, March 11, 1987.

The committee on Urban Affairs, Energy, Environmental Resources and Elections reports and recommends:

**Senate Clearinghouse Rule 86-198**

Relating to disconnection of utility service and law enforcement notification procedures.

No action taken.

MORDECAI LEE  
Chair

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

**Senate Clearinghouse Rule 87-6**

Relating to regional interstate banking.

No objection:

Ayes, 6 -- Senators Feingold, Plewa, Czarnezki, Kincaid, Jauch and Kreul;

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Noes, 0 -- None.

**RUSS FEINGOLD**  
Chair

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 71** by Senators  
Kincaid, Roshell, Kreul and Van Sistine.