

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

Thursday, May 18, 1989

The senate met.

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

The roll was called and the following senators answered to their names:

Senators Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 30.

Absent — Senators Adelman and Andrea — 2.

Absent with leave — None.

The senate stood for a moment of silent prayer.

The senate remained standing and Senator Davis led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 43

Relating to the interpretation and implementation of certain provisions of the 1837 and 1842 treaties with the Chippewa Indians of Wisconsin and for other purposes.

By Senators Stitt, Ellis, Weeden, Roshell, Buettner, Lasee, Andrea and Leean; cosponsored by Representatives Vergeront, Porter, Tregoning, Lehman, Goetsch, Ourada, Welch, Ladwig, Lahn, Rosenzweig, Johnsrud, Huelsman, Lewis, Bolle, Panzer and Farrow.

To committee on Transportation, Conservation and Mining.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 201

Relating to the term of service of a county highway commissioner who is elected by the county board.

By Senators Roshell, Andrea, Lasee, Helbach, Moen, Feingold, Jauch, Shoemaker and Lorman; cosponsored by Representatives Vanderperren, Schneider, Goetsch, Linton, Stower, Lorge, Baldus, Zeuske, Zien, Huber, Branceel, Hasenohrl, Musser, Underheim, Gard, Radtke, Zweck, Holperin, Porter, Ourada and Boyle, by request of Wisconsin Counties Association.

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

Senate Bill 202

Relating to placing a partnership, association or corporation on probation after a criminal conviction.

By Senator Adelman; cosponsored by Representative Fortis.

To committee on Judiciary and Consumer Affairs.

Senate Bill 203

Relating to creating an additional court of appeals judgeship.

By Senators Adelman, Davis, Te Winkle, Strohl, Ellis and Buettner; cosponsored by Representatives Rutkowski, Hauke, Prosser, Wimmer, Antaramian, Huelsman, Lautenschlager, Duff, Hamilton, Rohan, Schneiders, Barca and Travis.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

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

Senate Bill 66

Relating to the coverage and enforcement of the clean indoor air law and providing a penalty.

Passage:

Ayes, 6 -- Senators Moen, Te Winkle, Feingold, Jauch, Lorman and Weeden;

Noes, 1 -- Senator Shoemaker.

Rodney C. Moen
Chair

The committee on Transportation, Conservation and Mining reports and recommends:

Senate Bill 134

Relating to suspension and revocation of operating privileges.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Kincaid, Roshell, Andrea, Kreul and Lasee;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Kincaid, Roshell, Andrea, Kreul and Lasee;

Noes, 0 -- None.

Lloyd Kincaid
Chair

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

Senate Bill 145

Relating to purchase of biodegradable plastic bags by the state.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 6 -- Senators Lee, Chvala, Adelman, Burke, Lasee and Kreul;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Lee, Chvala, Adelman, Burke, Lasee and Kreul;

Noes, 0 -- None.

Senate Bill 28

Relating to increasing the amount of certain fines and forfeitures related to the regulation of public utilities and providing a penalty.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 6 -- Senators Lee, Chvala, Adelman, Burke, Lasee and Kreul;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Lee, Chvala, Adelman, Burke, Lasee and Kreul;

Noes, 0 -- None.

Mordecai Lee
Chair

The committee on Education, Economic Development, Financial Institutions and Fiscal Policies reports and recommends:

CROWLEY, MICHAEL T., JR., of Mequon, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1993.

Confirmation:

Ayes, 8 -- Senators Ulichny, Shoemaker, Adelman, Czarnezki, Helbach, Jauch, Chilsen and Lorman;

Noes, 0 -- None.

EKLUND, SANDRA J., of Peshtigo, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1993.

Confirmation:

Ayes, 8 -- Senators Ulichny, Shoemaker, Adelman, Czarnezki, Helbach, Jauch, Chilsen and Lorman;

Noes, 0 -- None.

KANAVAS, THEODORE, J., of Brookfield, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1993.

Confirmation:

Ayes, 8 -- Senators Ulichny, Shoemaker, Adelman, Czarnezki, Helbach, Jauch, Chilsen and Lorman;

Noes, 0 -- None.

KNUTH, ALLEN J., of Fond du Lac, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1993.

Confirmation:

Ayes, 8 -- Senators Ulichny, Shoemaker, Adelman, Czarnezki, Helbach, Jauch, Chilsen and Lorman;

Noes, 0 -- None.

Assembly Joint Resolution 36

Relating to the U.S. department of education's interpretation of the concept of least restrictive environment as it pertains to deaf and hard-of-hearing children.

Concurrence:

Ayes, 8 -- Senators Ulichny, Shoemaker, Adelman, Czarnezki, Helbach, Jauch, Chilsen and Lorman;

Noes, 0 -- None.

Assembly Bill 216

Relating to various changes to the laws pertaining to handicapped education.

Concurrence:

Ayes, 8 -- Senators Ulichny, Shoemaker, Adelman, Czarnezki, Helbach, Jauch, Chilsen and Lorman;

Noes, 0 -- None.

Barbara Ulichny
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State

May 15, 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 May 10, 1989, 600 E. Mason, Milwaukee WI 53202; (414) 224-9393.

1) Wis. Dental Hygienists Assn. Gail Baker; 2916 N. Newhall, Milwaukee WI 53211; (414) 964-1107. Subjects: Health care.

Peter P. Roper May 12, 1989, %State Bank of WI, 402 W. Wilson St., Madison WI 53703; (608)257-3838.

1) State Bar of Wisconsin Edgar E. Lien, Esq., 402 W. Wilson St., Madison WI 53703; (608)257-3838. Subjects: Actions pertaining to the administration of justice, the practice of law or the purposes set forth in SCR 10.02(2).

James W. Wimmer, Jr. May 12, 1989, 22 N. Carroll St., Ste. 200, Madison WI 53703; (608)256-5223.

1) DeHart & Darr Anne Darr, 1360 Beverly Rd., Ste. 201, McLean VA 22101; (703)448-1000.

Subjects: Any function or activity of any branch, department or 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.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Office of the Secretary of State

May 1, 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:

Michael F. Brozek April 26, 1989, 22 N. Carroll St., Madison WI 53703; (608) 251-0267.

1) National Marine Manufacturers Assn. John H. Dane; 1000 Thomas Jefferson St., NW, #525, Washington DC 20007; (202)338-6662.

Subjects: Any function or activity of any branch, department or 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.

Gary R. Goyke April 27, 1989, 22 N. Carroll St., Madison WI 53703; (608) 251-5997.

1) Wisconsin Council of the Blind Jack Malin; 1245 E. Washington Ave., Madison WI 53703; (608)255-1166.

Subjects: Any legislation affecting the blind.

Ruthann Nelson April 27, 1989, 22 N. Carroll St., Madison WI 53703; (608) 251-5997.

1) Wisconsin Council of the Blind Jack Malin; 1245 E. Washington Ave., Madison WI 53703; (608)255-1166.

Subjects: Any legislation affecting the blind.

Joe Phillips April 26, 1989, 11801 W. Janesville Rd., Hales Corners WI 53130; (414)529-4702.

1) Wisconsin Nurserymen's Association George Pinney; 5027 County Trunk TT, Sturgeon Bay WI 54235; (414)743-4464.

Subjects: Environmental, tourism and property rights.

LEGISLATIVE ACTIVITIES OF STATE AGENCIES:

AGENCY: Department of Employment Relations
DELETIONS: Danae Davis Gordon and Jim Lawrence.

ADDITIONS AND AREAS OF LEGISLATIVE ACTION: Diane Harmelink, State government; Raymond Allen, State government; Robert Margolies, State government.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Office of the Secretary of State

May 8, 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:

Peter C. Christianson May 2, 1989, 411 E. Wisconsin Ave., Ste. 2500, Milwaukee WI 53202-4497; (414)277-5745.

1) Wisconsin Cluster of YMCAs Executive Committee Roger J. Brown; 915 W. Wisconsin, Ste. 100, Milwaukee WI 53233; (414) 224-9622.

Subjects: All matters related to Wisconsin YMCAs.

Joseph M. Chmelich May 3, 1989, 2 E. Mifflin St., Ste. 400, Madison WI 53703; (608)258-9506.

1) Wisconsin Association of Personnel Consultants Carol Schneider; P.O. Box 316, Grafton WI 53024; (414)377-8888.

Subjects: Functions and activities of state and local government and units thereof; environment; taxation; regulation of business and finance; economic development; education.

Gregory B. Conway May 4, 1989, 231 S. Adams St., Green Bay WI 54115; (414) 437-0476.

1) General Mills, Inc. Lawrence H. Sawyer; Number One General Mills Blvd., Minneapolis MN 55426; (612)540-4590.

Subjects: Representation concerning health claim regarding breakfast cereal.

Sharon Cook May 1, 1989, 660 E. Mason St., Milwaukee WI 53202; (414) 271-5900.

1) WI District Attorneys Association Eric G. Johnson; P.O. Box 808, Courthouse, Ellsworth WI 54011; (715) 273-3531.

Subjects: Assist in passage of legislation affecting District Attorneys and assistants.

Thomas J. Crawford May 1, 1989, 260 W. Seeboth St., Milwaukee WI 53204; (414)225-2243.

1) Milwaukee Metropolitan Sewerage District Linda Mooney; 260 W. Seeboth St., Milwaukee WI 53204; (414)272-5100.

Subjects: Matters relating to the collection, conveyance and treatment of sewage.

Leroy C. Crawley May 2, 1989, 2231 N. 32nd St., Milwaukee WI 53208; (414) 445-1003.

1) Leroy C. Crawley 2231 N. 32nd St., Milwaukee WI 53208; (414)445-1003.

Subjects: 1989-90 Budget; transportation (local assistance, property tax relief), Employment Transit Assistance Program.

John S. Gardner May 2, 1989, 3135 W. Juneau, Milwaukee WI 53208; (414) 344-2800.

1) John S. Gardner 3135 W. Juneau, Milwaukee WI 53208; (414)344-2800.

Subjects: 1989-90 Budget, transportation (local assistance/property tax relief), Employment Transit Assistance Program.

George A. Hardy May 3, 1989, 720 E. Wisconsin Ave., Milwaukee WI 53202; (414)226-7387.

1) Northwestern Mutual Life Insurance Co. Peter W. Bruce, Sr. V.P., General Counsel & Sec.; 720 E. Wisconsin Ave., Milwaukee WI 53202; (414)271-1444.

Subjects: All matters affecting life insurance companies.

James E. Hough May 3, 1989, 2 E. Mifflin St., Ste. 400, Madison WI 53703; (608)258-9506.

1) Wisconsin Association of Personnel Consultants Carol Schneider; P.O. Box 316, Grafton WI 53024; (414) 377-8888.

Subjects: Functions and activities of state and local government and units thereof; environment; taxation; regulation of business and finance; economic development; education.

Darryl G. Johnson May 4, 1989, Lilly Corporate Ctr., Indianapolis IN 46285; (317)276-2551.

1) Eli Lilly & Co. Gary M. Bolick; Lilly Corporate Ctr., Indianapolis IN 46285; (317)276-6087.

Subjects: Legislative and administrative action regarding pharmaceuticals, medical devices, diagnostic animal health products and agricultural products including, by way of illustration, the research, development, manufacture, distribution, sale and particularly the use of biotechnology.

Brian L. Mitchell May 1, 1989, 660 E. Mason St., Milwaukee WI 53202; (414) 271-5900.

1) WI District Attorneys Association Eric G. Johnson; P.O. Box 808, Courthouse, Ellsworth WI 54011; (715)273 3531.

Subjects: Assist in passage of legislation affecting District Attorneys and assistants.

Brian L. Mitchell May 4, 1989, 660 E. Mason St., Milwaukee WI 53202; (414) 271-5900.

1) SuperAmerica, Div. of Ashland Oil James Butler; 1240 W. 98th St., Bloomington MN 55431; (612)887-6100.

Subjects: Matters affecting trade and commerce.

David K. Putman May 4, 1989, Lilly Corporate Ctr., Indianapolis IN 46285; (317)276-2872.

1) Eli Lilly & Co. Gary M. Bolick; Lilly Corporate Ctr., Indianapolis IN 46285; (317)276-2000.

Subjects: Legislative and administrative action regarding pharmaceuticals, medical devices, diagnostic animal health products and agricultural products including, by way of illustration, the research, development, manufacture, distribution, sale and particularly the use of biotechnology.

Peter J. Theo May 3, 1989, 1 S. Pinckney St., First Wisconsin Plaza, Madison WI 53701-2113; (608)251-5000.

1) Wisconsin Concrete Masonry Association N80 W13385 River Park Dr., Menomonee Falls WI 53051; (414)251-4550.

Subjects: Proposals impacting on the manufacturing, use and sale of concrete and related construction products in Wisconsin.

Ralph V. Topinka May 1, 1989, 1 S. Pinckney St., Madison WI 53703; (608)251-5000.

1) Friendship Village of Greater Milwaukee, Inc. Paul W. Leighton; 7300 W. Dean Rd., Milwaukee WI 53223; (414)354-3700.

Subjects: Nursing home regulation.

TERMINATION OF LOBBYIST LICENSES:

Wayne C. Defferding terminated as of May 4, 1989 for Aid Association for Lutherans.

George Williams terminated as of May 3, 1989 for Wisconsin Education Association Council.

TERMINATION OF PRINCIPALS:

Cardinal Industries terminated as of May 3, 1989.

AMENDMENT OF LOBBYING STATEMENTS:

Name change of principal from: BROWN COUNTY EXECUTIVE OFFICE to BROWN COUNTY filed May 5, 1989.

Address of principal changed to WISCONSIN WILDLIFE FEDERATION, 430 S. 74th St., Milwaukee WI 53214; (414)476-9875.

LEGISLATIVE ACTIVITIES OF A STATE AGENCY:

Agency: Higher Educational Aids Board

Lobbyists and Areas of Legislative Action: John E. Litscher, Donovan K. Fowler and Varlorie T. Olson; education, public domain, environment, state government and any other areas as requested by the Chief Executive and Executive Secretary.

Agency: Health & Social Services. Delete John Merkt as lobbyist. Add Kathy Thomas, DCS, Counties,

municipalities, courts, procedures, family, food, drugs, health, human rights and social services; Bill Rankin, DOC, counties, municipalities, courts, procedures, criminal, penal, police and social services; and Jack Benjamin, DOC, counties, municipalities, courts, procedures, family, food, drugs, human rights and social services.

Sincerely,
DOUGLAS LAFOLLETTE
 Secretary of State
 State of Wisconsin
 Claims Board
 May 15, 1989

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on May 1, 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
Leroy Barrett	\$ 5,173.36
Tina Rendeiro	680.24
David Lee Harling	3,836.44
Village of Valders	29,263.71

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

Susan Powers	181.65
Rose Scanlan	314.48
Central States Mechanical Contractors, Inc.	1,204.71
Donald Fenzl	7,849.48
Bryan Zaekse	162.00
Hazel Shegonee	668.00
Ghiath Shabsigh	565.15
Rita Miller	51.98
Steven Kamps	55.11
Anna Delany	95.95
William Schmidt	36.75
Edward Riccardo	1,481.85

Lloyd Sorenson	15,232.00
Dennis Arnoldussen	143.95
George Nosser	1,261.51
Stan Zdanczewicz	209.11
Gail Ann Baumeister	159.00
James Orde	273.38
Deborha Dove	52.50
Michael McFarland	1,031.00
Randall Wiessinger	45.00
Sandra Dietrich	500.00

THE BOARD FINDS:

1. Leroy Barrett of Madison, Wisconsin, claims \$5,173.36 for refund of income tax plus interest collected by the Department of Revenue from June, 1986 through October, 1987, by garnisheeing his wages. On November 21, 1984, the Department of Revenue requested claimant to file a 1983 income tax return. The department of Revenue did not receive any response and mailed claimant an estimated tax assessment on March 15, 1985. As of June 14, 1985, claimant had not filed a return for 1983 and the Department of Revenue filed a judgment in circuit court. On June 17, 1986, claimant's employer was sent a notice requiring them to withhold 25% of claimant's gross wages until the delinquency was satisfied. On November 3, 1987, claimant submitted his 1983 income tax return to the Department of Revenue which indicated a tax liability of \$62. Pursuant to s. 71.10(10)(e), Stats., a claim for refund must be filed with the Department of Revenue within two years after the assessment. 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.

2. Tina Rendeiro of Madison, Wisconsin, claims \$680.24 for health insurance premiums she paid in 1988, allegedly due to inaccurate insurance advice provided by the University of Wisconsin-Madison when she was hired as a teaching assistant for the 1987-88 academic year. Because claimant did not obtain health insurance coverage when she was hired, she was required to enroll in the WPS Standard Plan at a higher cost in order to obtain coverage in the Spring of 1988. It is unclear whether claimant was properly informed of the consequences of declining insurance coverage when she began employment at the University of Wisconsin. The Board concludes the claim should be paid in the reduced amount of \$340.12, 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.

3. Raymond and Barbara Harling, parents of David Lee Harling, of Chippewa Falls, Wisconsin, claim \$3,836.44 for loss of supplemental security income from January 1 through September 13, 1988, allegedly caused by the failure of the Katie Beckett Program to accurately

review David's application for benefits. In October, 1986, David was referred to the Katie Beckett program, which is a medical assistance program for disabled children who reside with their families. David was intermittently hospitalized and released until November, 1987, when he remained in the hospital except for periodic home visits. When David became an inpatient of the hospital, he was no longer eligible to receive benefits from the Katie Beckett Program. Claimants contend that the failure of the Katie Beckett personnel to properly determine David's status in January 1988 or at a subsequent review in March 1988, delayed his entry into the supplemental security income program until September, 1988. The Board concludes the claim should be paid based on equitable principles. The Board cannot make a payment in excess of \$1,000 without legislative action. Therefore, the normal procedure would be for the Board to introduce a bill for the amount of the claim. In that event, the claimant would not receive any payment until the Legislature acted. This procedure would probably result in substantial delay before the claimant receives any money. However, the Board desires that the claimant receive at least part of the claimed amount as soon as possible. In order to accomplish that result, the Board will pay \$1,000 now using its basic authority and a bill will be introduced as soon as possible for the balance of the claimed amount. 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(4)(a), Stats.

4. The Village of Valders claims \$29,263.71 for the cost of resurfacing Roselawn Road allegedly damaged when it was used as a detour during construction on Highway 151 in 1988. In order to commence sewer construction on Highway 151, the Village of Valders applied to the Department of Transportation for a permit to detour traffic. The state determined that the Village's proposed detour route was too dangerous and suggested Roselawn Road be used as the detour during construction. The Village contends that Roselawn Road was not designed to handle the volume and weight of the traffic necessitated by the detour and the heavy truck traffic caused the road to break up. 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. In the future, the Claims Board directs the Department of Transportation to consider accepting some responsibility for assigning detour routes especially in the case of smaller municipalities.

5. Susan Powers of Mazomanie, Wisconsin, claims \$181.65 for repairs to her vehicle allegedly damaged on July 22, 1988, while it was parked in the lot at the State Animal Health Lab in Madison. Claimant contends that the damage was caused by a stone which punctured the fiberglass panel above the grill on her vehicle. There were no witnesses and no evidence of how the damage actually

occurred. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

6. Rose Scanlan of Madison, Wisconsin, claims \$314.48 for the cost of repairing her vehicle allegedly damaged by the electric garage door at the GEF 3 state office building on January 20, 1989. As claimant drove into the garage, the electric door lowered on top of her vehicle scratching and denting the roof. 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 Administration appropriation s. 20.505(5)(ka), Stats.

7. Central States Mechanical Contractors, Inc., of Racine, Wisconsin, claims \$1,204.71 for expenses allegedly incurred as result of an error by the Secretary of State's office in reserving a corporate name. As result of the error, a different corporate name had to be selected and claimant incurred expenses to change its business signs, letterhead and supplies. The Board concludes the claim should be paid in the reduced amount of \$1,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Secretary of State's appropriation s. 20.575(1)(g), Stats.

8. Donald Fenzl of Wauwatosa, Wisconsin, claims \$7,849.48 for attorney fees incurred to obtain military service credit to use for his retirement annuity. Claimant earned 34 years of creditable service as a teacher under the Wisconsin Retirement System prior to his retirement on June 28, 1985. On December 10, 1987, claimant requested the Department of Employee Trust Funds to grant him four years of creditable service under s. 40.02(15)(c), Stats., for his active military service. The Department of Employee Trust Funds denied claimant's request because he had used his active military service to apply for and receive a federal benefit under the U.S. Naval Reserve system. After the enactment of 1987 Wisconsin Act 62, Wisconsin retirement system participants were allowed to use military service credit for calculating an annuity benefit for both Wisconsin retirement and military reserve benefit; however, the act did not apply retroactively and the Employee Trust Funds Board denied claimant's request to amend his Wisconsin retirement system annuity. Claimant appealed to the Dane County Circuit Court and on December 9, 1988, the court concluded the provisions of s. 40.02(15)(c) 4, Stats., were unconstitutional and ordered the matter remanded to the Employee Trust Funds Board to determine the amount of claimant's military service that is creditable under the provisions of s. 40.02(15), Stats. As a result, the Department of Employee Trust Funds has credited 3.45 years of active military service to claimant's retirement record retroactive to June 29, 1985. 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. Bryan Zaeske of Racine, Wisconsin, claims \$162.00 for replacement of his eyeglasses allegedly damaged on November 1, 1988, at the Koepsell Farm at Old World Wisconsin, where he is employed. Claimant was feeding the livestock when he slipped off a ladder and fell to the floor. As result of the fall, claimant's eyeglasses were knocked off his head and the eyeglass frames broke. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

10. Hazel Shegonee of Stevens Point, Wisconsin, claims \$788.00 for medical expenses allegedly resulting from an injury she sustained on September 8, 1988, at the University of Wisconsin-Stevens Point campus. Claimant was in the University Center when she slipped and fell, breaking her foot. 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. Ghiath Shabsigh of Milwaukee, Wisconsin, claims \$565.15 for loss of health insurance benefits when the University of Wisconsin-Milwaukee omitted his name from the list of continuing employes sent to the University Benefits office in the Spring of 1988. Claimant was a teaching assistant at the University during the 1987-88 academic year and his contract was renewed for the 1988-89 academic year. As a result of the error, claimant did not receive continuous health insurance coverage and he was required to secure coverage under the WPS standard plan at a higher cost, in the total amount of \$419.77. Claimant also incurred medical bills in the amount of \$145.38 which were not paid under the insurance plan. 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.

12. Rita Miller of Green Bay, Wisconsin, claims \$51.98 for the cost of removing paint from her vehicle allegedly incurred when she drove over the Mason Street bridge in Green Bay on June 7, 1988. On that date, repairs on the bridge were being performed by a subcontractor under a contract with the State of Wisconsin. After crossing the bridge, claimant discovered white paint on the right side of her vehicle. The claim should be pursued against the subcontractor or its surety. 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.

13. Steven Kamps of Appleton, Wisconsin, claims \$55.11 for replacement of his bicycle wheel allegedly damaged on June 25, 1988, when he rode over an inlet grate on Highway 10 at Highway 41 in the Town of Grand Chute. As claimant passed over the grate, the front of his bicycle fell down inside the grate cover approximately seven inches and he was thrown from the bike. The grate was replaced after claimant notified the Department of Transportation of this incident. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(3)(eq), Stats.

14. Anna Delany of Poynette, Wisconsin, claims \$95.95 for replacement of her eyeglasses allegedly damaged while she was working as a limited term employe for the Department of Natural Resources on October 7, 1988. Claimant was driving pheasants across a field to a catch pen when one of the birds flew across the pen and hit her in the head, breaking her glasses. The eyeglasses were broken immediately upon being struck by the pheasant and did not result from being knocked off claimant's head; therefore, an eyeglass safety strap would not have prevented this loss. Due to the extraordinary situation, 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.

15. William Schmidt of Madison, Wisconsin, claims \$36.75 for replacement of his trousers allegedly damaged on September 8, 1988, at the Department of Natural Resources State Office Building, where he is employed. Claimant ripped his trousers on a sharp corner of a desk. Due to the Board's change in 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.

16. Edward Riccardo of Oak Park, Illinois, claims \$1,481.85 for the difference between his regular property taxes for 1987 and 1988 and the amount that would have been due if his land in the Village of Merrimac had been properly entered in the Managed Forest Law (MFL) program. In 1986, claimant submitted an application to the Department of Natural Resources to have his Sauk County lands designated as managed forest lands. The application included parcels of lands located in both the Town and Village of Merrimac. The land located in the Village was incorrectly included in the 1987 Town of Merrimac MFL order. According to claimant's 1987 tax statement, he received MFL credit for the 12 eligible

acres located in the Village of Merrimac for 1987; however, regular taxes were assessed by the village of Merrimac for 1988. The Board concludes the claim should be paid in the reduced amount of \$100.86, 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.

17. Lloyd Sorenson of Stoughton, Wisconsin, claims \$15,232.00 for loss of grape vines, trees and income allegedly resulting from the application of a herbicide by the Department of Natural Resources in June, 1988, to wildlife property adjacent to claimant's property in Dane County. The herbicide had been applied to the ground surface, however, the hot weather conditions may have caused the herbicide to volatilize and penetrate the low atmosphere, causing the damage to claimant's property. The Board recommends the claim be paid in the reduced amount of \$5,881.33, for loss of income in the amount of \$2,787.50 and replacement cost of trees and vines in the amount of \$3,093.83, based on equitable principles. The Board further recommends that the claim be paid from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats.

18. Dennis Arnoldussen of Appleton, Wisconsin, claims \$143.95 for replacement of his eyeglasses allegedly lost on July 31, 1988, while he was rescuing a drowning person. At the time of the incident, claimant was working for the Department of Natural Resources as a limited term locktender at the DePere Lock in the Fox River. Claimant was not employed in a position where there was a significant risk of having his eyeglasses damaged during his normal work activities. Due to this extraordinary situation, 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.

19. George Nossier of Eau Claire, Wisconsin, claims \$1,261.51 for loss of rent and the cost of repairing damages to an apartment he leased to Fawn Binger, a minor in the custody and guardianship of the Department of Health and Social Services. Fawn and her guardian, a Department Social Worker Intern, signed a lease for the efficiency apartment for a term of January 1 through May 31, 1988, for \$225 per month. Fawn abandoned the apartment on February 25, shortly after she turned 18 years old. Damage was apparently the result of a party where garbage was left throughout the apartment and hallways, liquor saturated the carpet and the water was left running the day Ms. Binger abandoned the apartment. Claimant had received rent only for the month of January. The Board concludes the claim should be paid in the reduced amount of \$766.51, for repair costs in the amount of \$541.51 plus \$225 for one month of lost rent, 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(4)(a), Stats.

20. Stan Zdanczewicz of Muskego, Wisconsin, claims \$209.11 for replacement of his vehicle windshield allegedly damaged by a rock thrown from a lawn mower being operated by a state employe on October 7, 1988. Claimant's vehicle was parked in front of the service building on the grounds of the Southern Wisconsin Center when the damage occurred. The Board concludes the claim should be paid in the reduced amount of \$50, for the amount of claimant's insurance deductible, 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.

21. Gail Ann Baumeister of Milwaukee, Wisconsin, claims \$159.00 for replacement of the stone from her ring allegedly lost at the Southern Wisconsin Center on August 18, 1988, where she is employed as an Institution Aide. Claimant was assisting a resident of the Center when her ring was damaged. 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.

22. James Orde of Green Bay, Wisconsin, claims \$273.38 for lost wages allegedly resulting from an injury he sustained on June 22, 1988, at the Green Bay Correctional Institution where he is employed as a Correctional Officer. Claimant injured his back while conducting emergency response training at the Institution firing range. Claimant received \$928.00 in worker's compensation as a result of the injury. The Board concludes the claim should be paid in the reduced amount of \$222.14, for lost wages minus the normal deductions for federal and state tax, 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.

23. Deborha Dove of Milwaukee, Wisconsin, claims \$52.20 for replacement of the diamond from her ring allegedly lost on August 11, 1988, at the Southern Wisconsin Center where she is employed. The ring broke when it became caught in the metal clamp on the mop she was using. 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 would assume and pay based on equitable principles.

24. Michael McFarland of Monona, Wisconsin, claims \$1,031.00 as the amount he paid to the Department of Health and Social Services for his hospitalization at Mendota Mental Health Institute from September 8 through November 15, 1977. The total medical bill was \$5,720.00 of which \$2,650.00 was paid

by claimant's insurance carrier on February 15, 1978. At the request of the Department of Health and Social Services, claimant made periodic payments on the balance from March 26, 1979 through February 24, 1988. On July 12, 1988, the Department of Health and Social Services filed a summons and complaint against claimant in Dane County Circuit Court to collect the unpaid balance of \$2,039.00 plus costs. On January 20, 1989, the court dismissed the action against claimant upon determining claimant's hospitalization was for tuberculosis for which no charges are applicable pursuant to s. 46.10(2m), Stats. The Board concludes the claim should be paid in the reduced amount of \$1,000.00 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.

25. Randall Wiessinger of Stoughton, Wisconsin, claims \$45.00 for replacement of his coat allegedly damaged on January 26, 1989, at the Oakhill Correctional Institution where he is employed as an Officer. The coat was torn when claimant fell over a snowplow parked in the garage at the Institute. 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. Sandra Dietrich of Woodruff, Wisconsin, claims \$500.00 for attorney fees incurred for representation during a lawsuit filed against her by her foster daughter, Jessica Giles, in 1987. Jessica was placed in claimant's home by the Vilas County Department of Social Services in March, 1987. On April, 1987, Jessica was sexually assaulted in claimant's home by David Lanke. She subsequently filed a lawsuit against the claimant, who requested state representation pursuant to s. 48.627(4), Stats. When the Attorney General's Office declined to represent claimant, she retained private counsel and the lawsuit was ultimately dismissed. 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 Justice appropriation s. 20.455(1)(b), Stats.

THE BOARD CONCLUDES:

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

Leroy Barrett	Rita Miller
Village of Valders	William Schmidt
Susan Powers	Gail Ann Baumeister
Donald Fenzl	Deborha Dove
Bryan Zaeske	Randall Wiessinger
Hazel Shegonee	

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

Tina Rendeiro	\$340.12
David Lee Harling	\$1,000.00

Rose Scanlan	\$314.48
Central States Mechanical Contractors, Inc.	\$1,000.00
Ghiath Shabsigh	\$565.15
Steven Kamps	\$55.11
Anna Delany	\$95.95
Edward Riccardio	\$100.86
Dennis Arnoldussen	\$143.95
George Nosser	\$766.51
Stan Zdanczewicz	\$50.00
James Orde	\$222.14
Michael McFarland	\$1,000.00
Sandra Dietrich	\$500.00

THE BOARD RECOMMENDS:

1. Payment of \$2,836.44 to David Harling for loss of supplemental security income from January 1 through September 13, 1988.

2. Payment of \$5,881.33 to Lloyd Sorenson for loss of income in the amount of \$2,787.50 and replacement cost of trees and vines in the amount of \$3,093.83.

GARY R. GEORGE
Senate Finance Committee

WALTER J. KUNICKI
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 Audit Bureau

May 17, 1989

To the Honorable the Legislature:

We have completed a financial and compliance audit of the University of Wisconsin-Stout's student financial assistance programs as required by federal regulations and as requested by the University of Wisconsin System. We also included the state grants in our awards testing for compliance with state statutes as requested by the Wisconsin Higher Educational Aids Board. Our audit period was July 1, 1986, through June 30, 1988.

The first and second sections of our report contain the University's student financial assistance programs' financial statements and the related independent auditor's opinion. The third and fourth sections contain the auditor's statement on internal control systems and statement on compliance, as well as our comments on internal control deficiencies and findings of noncompliance. The fifth section contains our comments on the status of the recommendations made during the prior audit conducted by University of Wisconsin-System Internal Audit.

Except for questioned costs of \$1,172 and minor compliance errors, we found University of Wisconsin-Stout administered the student financial assistance programs as required by federal regulations and state statutes. The primary area of noncompliance with federal regulations was the delayed transfer of the state match for the Perkins Loan program, which resulted in lost investment earnings for the Perkins Loan fund.

We appreciate the courtesy and cooperation extended to us by the University of Wisconsin-Stout staff during our audit. The University's comments on individual audit findings are within the body of our report, and its overall response is the Appendix.

Sincerely,
DALE CATTANACH
State Auditor

Senator Rude, with unanimous consent, asked that the senate recess until 11:12 A.M..

10:24 A.M.

RECESS

11:12 A.M.

The senate reconvened.

EXECUTIVE COMMUNICATIONS

CALENDAR OF MAY 18, 1989

Senator Strohl, with unanimous consent, asked that all the appointments be taken up en masse.

BARNEY, WILLIAM A., of La Crosse, as a member of the Waterways Commission, to serve for the term ending March 1, 1994.

SCHNEIDER, NEAL W., of Janesville, as a member of the Natural Resources Board, to serve for the term ending May 1, 1993.

Read.

The question was: Confirmation of the appointments?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

Ayes — Senators Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 30.

Noes — Senators — 0.

Absent or not voting — Senators Adelman and Andrea — 2.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 87-181

Relating to the procedures and criteria for siting noise barriers.

Submitted by Department of Transportation.

Report received from agency, May 16, 1989.

Referred to committee on Transportation, Conservation and Mining, May 18, 1989.

Senate Clearinghouse Rule 88-91

Relating to coordination of benefits provisions in group and blanket disability insurance policies.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, May 16, 1989.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, May 18, 1989.

Senate Clearinghouse Rule 88-207

Relating to minimum accelerated earned premiums, when property and casualty insurers may not consider premium 100% earned, and using proceeds from one property or casualty insurance policy to pay for the premium of another policy.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, May 16, 1989.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, May 18, 1989.

Senate Clearinghouse Rule 88-211

Relating to panel review of applications and to written and oral examinations administered to applicants for a license as a physician's assistant.

Submitted by Department of Regulation and Licensing.

Report received from agency, May 16, 1989.

Referred to committee on Agriculture, Health and Human Services, May 18, 1989.

Senate Clearinghouse Rule 89-11

Relating to a guaranteed job training and work experience pilot program for recipients of aid to families with dependent children.

Submitted by Department of Health and Social Services.

Report received from agency, May 16, 1989.

Referred to committee on Agriculture, Health and Human Services, May 18, 1989.

The committee on Education, Economic Development, Financial Institutions and Fiscal Policies reports and recommends:

Senate Clearinghouse Rule 88-216

Relating to the initial applicability of the historic structure and rehabilitation of nondepreciable historic property credits against income and franchise taxes.

No action taken.

Barbara Ulichny
Chair

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

Senate Clearinghouse Rule 89-5

Relating to the Wisconsin office of health care information.

Review period waived:

Ayes, 6 -- Senators Moen, Te Winkle, Feingold, Jauch, Shoemaker and Lorman;

Noes, 0 -- None.

Rodney C. Moen
Chair

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Assembly Joint Resolution 34

Passed and asks concurrence in:

Assembly Bill 41
Assembly Bill 131
Assembly Bill 219

Appointed:

Representatives Barca, Holschbach and Ourada to a Committee on Conference on **Assembly Bill 1**.

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 34

Relating to designating November 1989 as 'Wisconsin Diabetes Month'.

By Representatives Rohan, Van Dreef, Robson, Krusick, Stower, Grobschmidt, Bock, Fortis, Holschbach, Black, Barca, Notestein, Baldus, Holperin, Hauke, Schneiders, Gronemus, M. Coggs, Carpenter, Farrow, Gruszynski, Tregoning, Brandemuehl, Lepak, Johnsrud, Radtke, Van Gorden, Schmidt, Larson, Loucks, Musser, Turba, Klusman, Underheim, Lorge, Duff and Gard, cosponsored by Senators Chvala, Strohl, Czarnecki, Andrea, Burke, Ulichny, Van Sistine, Jauch, Chilsen, Rude, Weeden, Moen and Kreul.

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

Assembly Bill 41

Relating to permitting meetings of boards of directors of corporations to be conducted by telephonic or computer communication.

By Representatives Holperin, Gruszynski, Linton, Roberts, Rohan, Holschbach, Bolle, Prosser, Vergeront, Tregoning, Goetsch, Huelsman and Baldus, cosponsored by Senators Davis, Roshell, Cowles, Risser and Lorman.

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

Assembly Bill 131

Relating to requests for increased appropriations to state agencies.

By Representatives Black, Volk, Underheim, Wineke, Duff, Bell, Notestein, Johnsrud, Seery, Gard, Zweck, Hamilton, Huber, Grobschmidt, Roberts, Stower, Travis, Gruszynski, Young, Rohan, Holperin, Bock, Musser, Lepak, Robson, Boyle and Fortis, cosponsored by Senators Adelman, Te Winkle, Buettner and Chilsen.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 219

Relating to the presence of underage persons on licensed premises.

By Representatives Hasenohrl, Carpenter, Gronemus, Medinger, Potter, Bolle, Baldus, Gruszynski, Lorge, Zweck, Musser, Duff, Ladwig, Van Gorden, Roberts, Turba, Holschbach, Schmidt, Tregoning, Boyle, Welch and Schultz, cosponsored by Senators Van Sistine, Roshell and Kincaid.

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

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

CALENDAR OF MAY 18, 1989

Senate Bill 28

Relating to increasing the amount of certain fines and forfeitures related to the regulation of public utilities and providing a penalty.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 28** be referred to joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 28** be withdrawn from joint committee on Finance and taken up.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 28

Read a third time and passed.

Senate Bill 150

Relating to elector registration with operator's license renewals and making an appropriation.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 150** be referred to the joint committee on Finance.

Senate Bill 154

Relating to the operation of snowmobiles near highways.

Read a second time.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 154

Read a third time and passed.

Senate Bill 157

Relating to the violation of laws regulating fireworks, forest lands, forest croplands and managed forest land, the sale of timber from forests and providing penalties.

Read a second time.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 157

Read a third time and passed.

Senate Bill 170

An act relating to prohibiting removal of a certain sign.

Read a second time.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 170

Read a third time and passed.

Senate Bill 176

Relating to banning products that contain daminozide.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 176

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis,

Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

Noes — None.

Absent or not voting — None.

Passed.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Bill 94

Relating to selecting works of art for the arts in state buildings program.

Read a second time.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 94

Read a third time and concurred in.

Assembly Bill 101

Relating to costs incurred by a town in laying a highway to provide access to certain real estate.

Read a second time.

Senator George, with unanimous consent, asked that **Assembly Bill 101** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Assembly Bill 101** be withdrawn from the joint committee on Finance and taken up.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 101

Read a third time and concurred in.

MOTIONS

Senator Andrea, with unanimous consent, asked that the journal show he would have voted aye on the two appointments under the 6th order of business.

Senator Rude, with unanimous consent, asked that the Senate adjourn in honor of former Senator Susan Engeleiter who left to become the Administrator of the Federal Small Business Administration.

Senator Strohl, with unanimous consent, asked that all action be ordered immediately messaged.

Senator Strohl, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Tuesday, May 23, 1989.

11:34 A.M.

Senate amendment 1 to **Senate Bill 147** offered by
Senator Lee.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 122** offered by
Senator Andrea.