

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Second Regular Session

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WEDNESDAY, June 19, 1996

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The Chief Clerk makes the following entries under the above date.

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**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

Pursuant to Senate Rule 20 (7), Senator Fred A. Risser is nominated to fill the vacancy of Senate President as a member of the committee on Senate Organization, until such time as the Senate President is elected.

Ayes, 4 – Senators Chvala, Moen, Ellis and Rude.  
Noes, 0 – None.

Chuck Chvala  
Chairperson

The committee on **Senate Organization** reports and recommends:

Pursuant to Senate Rule 20 the Senate Standing Committees are abolished and recreated as follows:

Administrative Rules (5)

Agriculture, Transportation, Utilities and Financial Institutions (9)

Audit (5)

Economic Development, Housing, Government Operations and Cultural Affairs (5)

Education (7)

Environmental Resources and Urban Affairs (5)

Finance (8)

Health, Human Services, Aging and Corrections (5)

Insurance, Tourism, Veterans and Military Affairs (5)

Judiciary, Campaign Finance Reform and Consumer Affairs (5)

Labor (5)

Senate Organization (5)

Select committee on Utility Regulation (7)

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.  
Noes, 0 – None.

Chuck Chvala  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Elections Board**

June 12, 1996

To the Honorable the Senate:

I am pleased to provide you with a copy of the official canvass of the June 4, 1996 recall election vote for State Senator, 21st District, along with the determination by the State Board of Canvassers of the winner.

In addition, I am providing you with the original Certificate of Election for the winner.

If the State Elections Board staff can provide you with any further information or assistance, please contact our office.

Sincerely,

KEVIN J. KENNEDY

Executive Director

**Statement of Board of  
State Canvassers for  
State Senator, District  
Twenty–One**

RECALL ELECTION, JUNE 4, 1996

We, Barbara Kranig, Chairperson of the State Elections Board, James E. Doyle, Attorney General, and Jack C. Voight, State Treasurer, constituting the Board of State Canvassers of the State of Wisconsin, certify that the attached tabular statements, as compiled from the certified returns made to the State Elections Board by the Racine County Clerk, contains a correct abstract of the total number of votes given for the election of candidates for State Senator, District 21, at the Recall Election held in the several towns, wards, villages and election districts in said county on the Fourth day of June, 1996.

WE DO, THEREFORE, DETERMINE AND CERTIFY that the following candidate, having received the greatest number of votes is duly elected State Senator:

Senate District  
21st

Elected  
Kimberly M. Plache

Given under our hands in the  
City of Madison, this 12th day  
of June, 1996.

JACK C. VOIGHT

State Treasurer

MARILYN L. GRAVES

Clerk of the Supreme Court

Senator Plache was administered the oath of office in Racine on June 13, 1996 by the Honorable Judge Dennis J. Flynn.

**State of Wisconsin**

June 17, 1996

The Honorable, The Senate:

Pursuant to Senate Rule 20, I have made the following appointments to Senate Committees:

To the committee on **Judiciary, Campaign Finance Reform and Consumer Affairs:** Senators Adelman, (Chair), Risser, Clausing Huelsman and Welch;

To the committee on **Administrative Rules:** Senators Grobschmidt, (Chair), Shibilski, Wineke, Darling and Welch;

To the committee on **Audit:** Senators Plache, (Chair), Wineke, Burke, Rosenzweig and Schultz;

To the committee on **Education:** Senators Potter, (Chair), Grobschmidt, Shibilski, Jauch, Darling, Huelsman and Rosenzweig;

To the committee on **Finance:** Senators Burke, (Chair), Andrea, (Vice–Chair), George, Decker, Jauch, Wineke, Weeden and Cowles;

To the committee on **Health, Human Services, Aging and Corrections:** Senators Moen, (Chair), George, (Vice–Chair), Breske, Buettner and Rosenzweig;

To the committee on **Agriculture, Transportation, Utilities and Financial Institutions:** Senators Clausing, (Chair), Moore, (Vice–Chair), Potter, Decker, Shibilski, Drzewiecki, Fitzgerald, Lasee and Schultz;

To the select committee on **Utility Regulation:** Senators Clausing, (Chair), Moen, (Vice–Chair), Decker, Shibilski, Farrow, Rude and Zien;

To the committee on **Economic Development, Housing, Government Operations and Cultural Affairs:** Senators Moore, (Chair), Plache, (Vice–Chair), Grobschmidt, Drzewiecki and Fitzgerald;

To the joint survey committee on **Retirement Systems:** Senators Grobschmidt, (Chair), Andrea and Weeden;

To the joint committee on **Information Policy:** Senators Jauch, (Chair), Potter, Burke, Darling and Panzer;

To the committee on **Environmental Resources and Urban Affairs:** Senators Shibilski, (Chair), Clausing, (Vice–Chair), Potter, Farrow and Panzer;

To the committee on **Labor:** Senators Decker, (Chair), Plache, (Vice–Chair), Andrea, Buettner and Zien;

To the committee on **Insurance, Tourism, Veterans and Military Affairs:** Senators Breske, (Chair), Jauch, (Vice–Chair), Shibilski, Schultz and Zien;

To the joint survey committee on **Tax Exemptions:** Senators Wineke, (Chair), Adelman and Farrow;

To the **Joint Legislative Council:** Senators Moen, Jauch, Moore, Cowles and Drzewiecki;

To the **Transportation Projects Commission:** Senators Andrea, Breske, Clausing, Huelsman and Lasee;

To the **Wisconsin Women’s Council:** Senators Moore and Plache;

To the **Education Commission of the States:** Senator Jauch;

To the **State Capitol and Executive Residence Board:** Senators Risser, Burke and Rude;

To the **Building Commission:** Senators Risser, Plache and Buettner.

With regards to members of the minority party, the appointments reflect recommendations of that caucus.

Sincerely,

CHUCK CHVALA

Chair, Committee on Senate Organization

**State of Wisconsin**

June 13, 1996

The Honorable, The Senate:

The Senate Democratic Caucus has met following the June 4, 1996 Senatorial Election and has elected the following members to leadership positions:

Leader: Senator Chuck Chvala

Assistant Leader: Senator Rodney Moen

Caucus Chairperson: Senator Joseph Andrea

Caucus Secretary: Senator Gwendolynne Moore

Sincerely,

CHUCK CHVALA

Senate Democratic Leader

**State of Wisconsin**

June 13, 1996

The Honorable, The Senate:

The Senate Republican Caucus has met following the June 4, 1996 Senatorial Election and has elected the following members to leadership positions:

Leader: Senator Michael Ellis

Assistant Leader: Senator Brian Rude

Caucus Chairperson: Senator Margaret Farrow

Caucus Secretary: Senator Gary Drzewiecki

Sincerely,

MICAH ELIS

Senate Republican Leader

**State of Wisconsin**

June 13, 1996

The Honorable, The Senate:

To provide for the transition of leadership on the Joint Legislative Council, pursuant to s. 13.81 (1), stats., I hereby resign the office of Senate Co–Chairperson of the Joint Legislative Council, effective immediately. As President of the Senate, I designate Senator Fred A. Risser to serve as the Senate Co–Chairperson of the Joint Legislative Council to fill the vacancy caused by my resignation.

It has been a pleasure to serve in this capacity.

Sincerely,

BRIAN D. RUDE  
President of the Senate

**State of Wisconsin**

June 13, 1996

The Honorable, The Senate:

To provide for an efficient and smooth transition as a result of the election June 4, 1996, I hereby resign my position as Senate President, effective today, June 13, 1996.

It has been a sincere pleasure for me to have your confidence and trust in serving in this position. I have tried to carry out my goal to represent each of you and this great Wisconsin institution by carrying out my duties in a fair manner and in preserving the traditions, order and decorum in our deliberations. Thank you for giving me this opportunity of service to you and the people of our state.

Sincerely,

BRIAN D. RUDE  
President of the Senate

**State of Wisconsin**

June 13, 1996

The Honorable, The Senate:

To provide for a smooth transition as a result of the election June 4, 1996, I hereby resign my position as Senate President Pro Tempore, effective today, June 13, 1996.

It has indeed been a pleasure to serve in this position and I would like to thank my colleagues for providing me with this opportunity.

Sincerely,

ALAN LASEE  
Senator

**State of Wisconsin**

June 12, 1996

The Honorable, The Senate:

Pursuant to s. 15.345 (4) (b) 2, Wisconsin Statutes, I have appointed Emily Earley of Madison to serve as a member of the Public Intervenor Board for a four year term.

Sincerely,

CHUCK CHVALA  
Senate Democratic Leader

**State of Wisconsin**

January 2, 1996

The Honorable, The Senate:

It is with regret that I write to you today. I must resign from the Wisconsin Women's Council. My schedule has not permitted my total participation on the Council and I do not foresee an improvement in the near future.

The Wisconsin Women's Council has been extremely instrumental in providing choices to working women in Wisconsin. I wish you continued success.

Sincerely,

ALBERTA DARLING  
Senator

**State of Wisconsin  
Department of Agriculture, Trade and Consumer  
Protection**

June 12, 1996

The Honorable, The Legislature:

The Department of Agriculture, Trade and Consumer Protection was instructed in the [1995 Wisconsin Act 27](#) to prepare a report, which proposes a permanent funding source for the sustainable agriculture program. I am enclosing a copy of the report.

I am recommending that the sustainable agriculture program be revised and renamed, but continue to provide demonstration grants to farmers and others working in agriculture. To be successful, we need to address the concerns of mainstream agriculture in the state, become more efficient and more customer service oriented. To achieve this, we will develop mechanisms to ensure that this program will be coordinated with other related state programs.

The new agricultural stewardship program, with a mainstream agricultural focus and enhanced coordination effort, will benefit all citizens of the state. While it was not possible to identify a short term funding source for 1997, I believe this program should be funded. Therefore, the department recommends long term funding using either agricultural chemical funds or general purpose revenue with matching contributions as a program funding source. The department intends to prepare a 1997-1999 budget initiative that will propose these potential funding sources for consideration by the Governor and legislature.

Please contact me if you have any questions.

Sincerely,

ALAN T. TRACY  
Secretary

Referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions.**

**State of Wisconsin  
Department of Administration**

June 6, 1996

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.) and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of May, 1996.

On May 1, 1996 the **Wisconsin Lottery Fund** balance was -\$1.5 million. This shortfall continued until May 3, 1996 when the balance reached \$.3 million. On May 6, 1996 **the Wisconsin Lottery Fund** balance was -\$1 million. This shortfall continued until May 9, 1996 when the balance reached \$1.3 million. These shortfalls were due to timing of revenues.

On May 13, 1996 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$9 thousand. This shortfall continued until May 22, 1996 when the balance reached \$6 thousand. On May 31, 1996 the **Wisconsin Health Education and Loan Fund** balance was -\$1 thousand. This shortfall continued through the end of the month. These shortfall were due to the timing of revenues.

The Wisconsin Lottery Fund and Health Education Loan Repayment Fund shortfalls were not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,

JAMES KLAUSER  
Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin  
Department of Employment relations**

June 12, 1996

The Honorable, The Senate:

Pursuant to s. 230.04 (13) (e), Wis. Stats., I am pleased to submit the Fiscal Year 1995 report on employment of recipients of Aid to families with Dependent Children (AFDC) This report includes: 1) a description of each agency's efforts to employ aid recipients, and 2) the number of persons receiving aid under s. 49.19, Wis. Stats., employed by each agency and the job title or classification of each position filled from July 1, 1994 through June 30, 1995.

Please contact Greg Jones at 266-3017 if you have questions or need additional information regarding this report.

Sincerely,

JON E. LITSCHER  
Secretary

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 382</b>	Wisconsin Act 374	June 13, 1996
<b>Senate Bill 503</b>	Wisconsin Act 379	June 13, 1996
<b>Senate Bill 674</b>	Wisconsin Act 380	June 13, 1996

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 676</b>	Wisconsin Act 383	June 6, 1996
<b>Senate Bill 677</b>	Wisconsin Act 384	June 6, 1996
<b>Senate Bill 678</b>	Wisconsin Act 385	June 6, 1996
<b>Senate Bill 94</b>	Wisconsin Act 386	June 14, 1996
<b>Senate Bill 177</b>	Wisconsin Act 389	June 14, 1996
<b>Senate Bill 658</b>	Wisconsin Act 390	June 14, 1996

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 376</b>	Wisconsin Act 391	June 20, 1996
<b>Senate Bill 387</b>	Wisconsin Act 392	June 20, 1996
<b>Senate Bill 416</b>	Wisconsin Act 393	June 20, 1996
<b>Senate Bill 417</b>	Wisconsin Act 394	June 20, 1996
<b>Senate Bill 498</b>	Wisconsin Act 395	June 20, 1996
<b>Senate Bill 533</b>	Wisconsin Act 396	June 20, 1996
<b>Senate Bill 590</b>	Wisconsin Act 397	June 20, 1996
<b>Senate Bill 591</b>	Wisconsin Act 398	June 20, 1996
<b>Senate Bill 635</b>	Wisconsin Act 399	June 20, 1996
<b>Senate Bill 511</b>	Wisconsin Act 405	June 20, 1996
<b>Senate Bill 294</b>	Wisconsin Act 410	June 20, 1996
<b>Senate Bill 435</b>	Wisconsin Act 411	June 20, 1996
<b>Senate Bill 471</b>	Wisconsin Act 412	June 20, 1996
<b>Senate Bill 472</b>	Wisconsin Act 413	June 20, 1996
<b>Senate Bill 483</b>	Wisconsin Act 414	June 20, 1996
<b>Senate Bill 484</b>	Wisconsin Act 415	June 20, 1996
<b>Senate Bill 563</b>	Wisconsin Act 416	June 20, 1996
<b>Senate Bill 675</b>	Wisconsin Act 417	June 20, 1996
<b>Senate Bill 117</b>	Wisconsin Act 425	June 20, 1996
<b>Senate Bill 570</b>	Wisconsin Act 426	June 20, 1996

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 643</b>	Wisconsin Act 429	June 24, 1996
<b>Senate Bill 522</b>	Wisconsin Act 431	June 24, 1996
<b>Senate Bill 482</b>	Wisconsin Act 432	June 24, 1996
<b>Senate Bill 369</b>	Wisconsin Act 433	June 24, 1996
<b>Senate Bill 573</b>	Wisconsin Act 436	June 24, 1996
<b>Senate Bill 526</b>	Wisconsin Act 437	June 24, 1996
<b>Senate Bill 538</b>	Wisconsin Act 438	June 24, 1996
<b>Senate Bill 540</b>	Wisconsin Act 439	June 24, 1996

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Ethics Board**

June 11, 1996

To the Honorable the Senate:

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

**Organization's authorization of additional lobbyists:**

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

**AFSCME Council 11**  
[revised narrative]

All legislative initiatives and administrative rules that affect the conditions of employment of AFSCME members. This would include changes to local and state programs and services, laws pertaining to collective bargaining, employee compensation, taxation and benefits, limits, restrictions on local government operations, property tax issues.

Grondin, Jennifer

**Milwaukee, City of**  
Jacquart, Steven

**Termination of lobbying authorizations:**

The following individuals are no longer authorized to lobby on behalf of the organizations listed below, as of the dates indicated.

**Aurora Health Care, Inc**  
Lawless, Timothy 6/10/96

**Cranberry Growers Assn, Wisconsin State**  
Jentz, Robert 6/10/96

**Physicians Service Insurance Corp, Wisconsin (WPS)**  
Sprecher, Lon 5/20/96

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

Sincerely,  
R. ROTH JUDD  
Executive Director

**State of Wisconsin  
Wisconsin Employment Relations Commission**

June 5, 1996

The Honorable, The Senate:

Pursuant to Section 111.71(4), Wis. Stats., we respectfully submit the Annual Study of the Arbitration law under Sections 111.70 (4)(cm), 111.77 and 111.70 (4)(jm), Wis. Stats., for fiscal year 1993-94.

Sincerely,  
JAMES R. MEIER  
Chairperson  
A. HENRY HEMPE  
Commissioner

**STATE OF WISCONSIN CLAIMS BOARD**

June 6, 1996

Enclosed is the report of the State Claims Board covering the claims heard on May 23, 1996.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s.16.007, Stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

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

Sincerely,  
EDWARD D. MAIN  
Secretary

**STATE OF WISCONSIN CLAIMS BOARD**

The State Claims Board conducted hearings at 119 Martin Luther King Jr. Blvd. , Madison, Wisconsin on May 23, 1996, upon the following claims:

<u>Claimant</u>	<u>Amount</u>
1. Wanda Bowers	\$1,550.85
2. Bradford's Pianos & Organs, Inc	\$457.50
3. Jan & Jerry Tesch	\$169.25
4. Theresa Uicker	\$1,125.56
5. Tim Kumbalek	\$26,345.00
6. Susan & Lewis Norman	\$3,237.91
7. Milwaukee Assoc. of Life Underwriters	\$15,341.00
8. Malacological Consultants	\$27,409.10
9. James Sarlund	\$1,000,000.00

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

10. Alice Carter	\$730.00
11. Henry Podgorak	\$2,441.23
12. Mike & Susan LeClair	\$425,921.00
13. Thomas Hubl	\$398.70
14. Security Health Plan	\$3,699.94
15. Mary Lou Dorzok	\$5,811.66

The Board Finds:

1. Wanda Bowers of Madison, Wisconsin claims \$1,550.85 for repair and replacement of two gold bracelets which were damaged when she was injured at her workstation on July 6, 1995. The claimant is employed by the Department of Health & Social Services and the Division for which the claimant works was moved to a new location. When the claimant began working at her new location, all of her office equipment was plugged into a surge protector under her desk. The surge protector was near her feet so she picked it up to move it away from her feet. When she did, the surge protector exploded and she was knocked to the ground. The claimant's hand was burned and her supervisor administered first aid. The claimant received medical treatment for her injury, which was covered by Worker's Compensation. She had several rings and bracelets cleaned at her own expense. One bracelet was damaged beyond repair and another bracelet, which was an antique, was extensively damaged. The claimant later learned that the surge protector under her desk had been plugged into another surge protector, which is against fire and safety regulations because this could result in an injury such as she received. The claimant disputes several of the DHSS' assertions, stating that she was not plugging anything in at the time of the accident and that there was no way her jewelry could have come in contact with an electrical prong, since they were all fully plugged into the surge protector. Furthermore, several of the plugs had gold colored prongs, which could account for her supervisor seeing "melted gold" on the surge protector. The Board concludes the claim should be paid in the reduced amount of \$100.00 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 (4)(a), Stats.

2. Bradford's Pianos & Organs, Inc. of Milwaukee, Wisconsin claims \$457.50 for damage to a piano. The claimant rented the Family Living Center at Wisconsin State Fair Park for a piano sale. On September 24, 1995, a heating and air-conditioning vent fell from the ceiling onto one of the claimant's pianos, damaging it extensively. The claimant was never informed of the 120 day time limit to file a claim with State Risk Management. The claimant requests reimbursement of \$150.00 to transport the piano and \$307.50 for repairs. The Board concludes the claim should be paid in the amount of \$457.50 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Wisconsin State Fair Park appropriation s. 20.190 (1)(h), Stats.

3. Jan & Jerry Tesch of Neenah, Wisconsin claim \$169.25 for medical costs related to an injury sustained by their daughter when she was visiting the State Capitol Building. On May 17, 1995, the girl's 7th grade class took a field trip to the Capitol Building. The trip was supervised by some parents and the school principal. The claimants were not among the supervising parents. While she was coming down a flight of stairs at the Capitol, the claimants' daughter missed the last step and fell, injuring her left foot. Neither the principal nor any of the supervising parents reported the accident to Capitol staff. One of the supervising parents later told the claimants that the lighting was poor in the area where the girl fell. The girl's foot continued to worsen during the day and the claimants took her to see a doctor to check the injury. The claimants do not have health insurance. 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.

4. Theresa Uicker of Evansville, Wisconsin claims \$1,125.56 for repair costs and expenses related to damage to her truck. On October 3, 1995, at about 7:15 p.m., the claimant came to work to do some overtime. When she arrived at the parking garage under GEF 3 the door was open. The claimant could see no other cars in front of her. She stopped and waited approximately 30 seconds and the door remained open. Thinking the door was locked open, she proceeded to enter the garage. Halfway through the door she noticed a noise and she realized that the door was scraping along the roof of her truck top. She then felt a lurch as the garage door cleared the back end of the truck. She got out and discovered that the garage door was mostly closed and had damaged the truck top, tailgate and rooftop antenna. She called the Capitol Police to report the accident. The police officer who responded tested the "bump trigger" mechanism on the garage door, which should cause the door to go back up if it hits something. The "bump trigger" was not working. The claimant asserts that she was not following someone into the garage as the Department of Administration alleges. She has a key card for the door and authorization to park in the building, therefore, she would have no reason to try and sneak in behind another car. The repairs on her truck totaled \$890.92. Her auto insurance covered \$407.68, leaving \$483.24 in uninsured repairs. The claimant also requests reimbursement for expenses related to the accident as follows: \$12.78 for pictures of the damage, \$4.01 for gas for the rental car, \$2.92 for long distance phone calls, and \$622.61 in lost overtime wages.

The Board concludes the claim should be paid in the reduced amount of \$483.24 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.

5. Timothy Kumbalek of Sheboygan, Wisconsin claims \$26,345.00 for damages related to the revocation of his parole. On February 4, 1987, the claimant received 5 years probation as part of a felony conviction sentence. The claimant's probation period ended on February 4, 1992, however, he alleges that the Department of Corrections illegally revoked his probation on February 6, 1992, after his probation term had expired. Because of the revocation, the claimant was incarcerated on October 16, 1992, and sentenced to an additional 3 years on December 3, 1992. On October 13, 1993, Manitowoc County Circuit Court found that the DOC had incorrectly extended the claimant's probation beyond February 4, 1992, and terminated the remainder of the claimant's 3 year sentence. The claimant requests reimbursement for lost income as well as the loss of personal possessions. 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.

6. Susan and Lewis Norman of Chippewa Falls, Wisconsin claim \$3,237.91 for refund of wages garnished for delinquent income taxes for 1990. It took the claimants until May 1995 to gather the necessary information and fill out the forms to prove that they did not owe any taxes on a business that went bankrupt in 1992. The claimants were not aware of the two year statute of limitations, otherwise they would have filed the return before the two year period expired. The claimants could not afford an accountant and made every effort to rectify the situation without one. The claimants did receive refunds of overpayments for the years 1991, 1992 and 1993. They request reimbursement of the 1990 overpayment of \$3,237.91. 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.

7. The Milwaukee Association of Life Underwriters of Wauwatosa, Wisconsin claims \$15,341.00 for refund of money seized by the Department of Revenue for non-payment of taxes. The taxes were not paid because of the negligence and criminal activity of an employee of the claimant. In October 1994 the president of the Association discovered that an employee had falsified the association's account statements, failed to pay bills, and failed to file federal or state tax returns for four years. The employee had also ignored phone calls and letters from the DOR. The employee was fired as soon as this activity was discovered. Because the employee failed to file taxes, money was seized by the DOR from the claimant's bank accounts. The claimant was not aware of the seizure until after the employee was fired because she had falsified account information. The claimant believes that the employee failed to file taxes to cover money she had taken from the claimant's account. The claimant tried to rectify the tax situation with the DOR, however, the overpayments could not be refunded because the statute of limitations had expired. 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. Malacological Consultants of La Crosse, Wisconsin claims \$27,409.10 for expenses related to a Department of Transportation project involving mussel relocation on the Wolf River. On August 9, 1994, the claimant signed a contract to conduct this project. The contract was not signed by the governor, however, the DOT gave no indication that there was any doubt as to the governor's approval. The earliest possible start date for the project was September 9 and the first phase completion date was set for October 1, 1994. Because of the time frame involved and the fact that there was no indication that the contract would not be approved, the claimant began to prepare for the project. The contract was not approved by the governor and the project did not proceed in 1994. In March 1995 the claimant signed another contract for the same project (with a reduced scope of work). Again, the governor did not sign the contract. The claimant incurred a number of expenses related to the project. Divers were hired and equipment was purchased specifically for the project. The claimant obtained a bank loan to cover the start-up costs of the project. Conditions of the loan required implementation of a new bookkeeping system which required extra help and expense. The claimant also renewed her workers compensation insurance in August 1994. It has always been her practice to not renew the insurance if no employes were scheduled to work, however, she renewed the policy specifically for this project, which would have involved employes working through early 1995. The claimant would not have incurred these extra expenses if she had any indication that the contracts which she had signed and which had the DOT's approval, would not be approved by the governor. 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. James Sarlund of Madison, Wisconsin claims \$1,000,000.00 for payment for services allegedly provided to the Department of Justice, Division of Narcotics Enforcement (DNE). The claimant alleges that DNE agents approached him in June 1991 to act as an informant and make steroid purchases in local gyms. He also alleges he was promised a car as well as a cash bonus when he completed the assignment and that he has only received \$3,500 (\$2,500 for information and \$1,000 for expenses). The claimant believes that he did all of the work involved in these cases and deserves to be paid the same rate as a DNE agent. Furthermore, the claimant alleges that he injured his back while lifting weights undercover at local gyms and that the medication for this injury caused bleeding ulcers in his stomach resulting in the loss of one third of his blood and 50 pounds. The claimant also alleges that he has been constantly harassed and threatened by drug dealers because of his involvement in the case and that he was evicted from his apartment because of the continual harassment and threats. He believes that the DNE and the DOJ have refused to help protect him because he reported several agents for misconduct while he was working as an informant. The claimant requests payment in

the amount of \$1,000,000 for pain and suffering due to his injury and continual harassment. 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. (Alan Lee not participating.)

10. Alice Carter of Brown Deer, Wisconsin claims \$730.00 for replacement of a dental appliance (an upper partial) which disappeared from her desk at the State Public Defender's office. On January 16, 1996, the claimant removed the appliance because it was irritating her mouth, placed it on her desk and covered it with a tissue. At the end of the day the claimant forgot to take it with her. When she arrived at work the next morning, the appliance and the tissue were gone. The claimant's office is locked whenever she is not at her desk, including lunch, breaks, and overnight. She believes that the cleaning staff must have removed the appliance, even though they are instructed never to discard or remove any items on desks. The cleaning staff has a key to her office in order to clean it at night. The company which provides the cleaning service has refused to reimburse the claimant for her loss. The claimant's insurance paid \$480 towards replacement of the appliance, leaving an uninsured balance of \$250. 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. Henry Podgorak of Superior, Wisconsin claims \$2,441.23 for automobile damage incurred on September 5, 1995, while he was traveling on state business for the Department of Agriculture, Trade & Consumer Protection. A state vehicle was not available, so the claimant used his personal vehicle. The claimant's car was struck by an oncoming vehicle as he was stopped part way across an intersection, making a left hand turn. The claimant's automobile insurance expired the day before the accident. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

12. Susan & Michael LeClair of Baileys Harbor, Wisconsin claim \$425,921.00 for attorney fees and loss of revenue related to a Department of Natural Resources' administrative rule which reduced commercial fishing quotas. This claim was originally considered on October 20, 1992. At that time, the Claims Board denied the claim. The claimants have resubmitted this claim under the belief that new information has come to light which requires reconsideration of the claim. The claimants believe that it was inappropriate that some of the members of the Commercial Fishing Board, which changed the fishing quotas, were also commercial fishermen, who stood to benefit from the decision. To support this assertion the claimants have submitted a letter from the Ethics Board which states: "We have previously advised that a member of the Commercial Fishing Board who has a quota or other interest that would be affected by a change in the allocation rules...not to participate in any discussions or vote on the proposal." The claimants also submitted a letter from the Fishing Board's legal counsel in which he urges them to comply fully with ethical

standards as interpreted by the Ethics Board. The claimants believe that this situation represents a violation of anti-trust laws and asks the Claims Board to reconsider their 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.

13. Thomas R. Hubl of Boscobel, Wisconsin claims \$389.70 for damage to a fence and porch caused by a falling tree limb. The claimant owns property adjacent to property owned by the Department of Natural Resources. During a wind storm in July 1995, a large limb from an oak tree on the DNR land fell on a building owned by the claimant, damaging the porch. The repair estimate for the damage is \$389.70. The claimant has insurance for the damage but has a \$250.00 deductible. The claimant believes that the claim should be paid since he would be held responsible if a tree on his property damaged a building on his neighbor's property. 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.

14. Security Health Plan of Marshfield, Wisconsin claims \$3,699.94 for subrogation damages related to an accident involving the claimant's insured. On July 25, 1995, the claimant's insured tripped on the concrete pad at the entrance to the rest room area at Interstate Park, sustaining injuries to her hand, face and teeth. Based on its long standing tradition of denying subrogation claims, 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.

15. Mary Lou Dorzok of Tipler, Wisconsin claims \$5,811.66 for refund of overpayment of income taxes for 1974. The claimant worked with her parents in the family business, a small chain of service stations. The claimant ran one of the stations and she filed her taxes separately. The claimant and her parents made an error on their income statements when they filed their 1974 federal taxes. The IRS conducted an audit and assessed additional taxes. The Department of Revenue assessed additional taxes against the claimant based on the IRS audit and adjustments. The claimant's father refused to cooperate with the IRS or the DOR and ordered the claimant to do the same. The claimant did not feel she could disobey since he was her father, her landlord, and her supplier. The claimant disputes some of the adjustments made by the IRS, specifically, their estimated profit margin of 3.8 cents per gallon of gasoline. The claimant contends that the IRS never supported this estimate and that her margin was only 1 cent per gallon. She was not able to produce records prior to 1976, to prove the 1 cent profit margin, because the records were lost during her divorce. The DOR intercepted 10 tax refunds between 1980 and 1994. In February 1996, pursuant to a compromise petition, she paid \$4,500 to settle her delinquency. The claimant maintains that she only owed \$114.02 and therefore overpaid the DOR by \$5,811.66. She does not feel it is fair that the DOR can collect

50 times what she really owed and then not refund her the overpayment. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

The Board concludes:

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

- Jan & Jerry Tesch
- Tim Kumbalek
- Malacological Consultants
- Alice Carter
- Susan & Lewis Norman
- Milwaukee Assoc. of Life Underwriters
- James Sarlund
- Henry Podgorak
- Mike & Susan LeClair
- Thomas Hubl
- Security Health Plan
- Mary Lou Dorzok

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

Wanda Bowers	\$100.00
Bradford's Pianos & Organs	\$457.50
Theresa Uicker	\$483.24

Dated at Madison, Wisconsin this 3rd day of June, 1996.

TIMOTHY WEEDEN  
Senate Finance Committee  
BEN BRANCEL  
Assembly Finance Committee  
ALAN LEE  
Representative of the Attorney General  
EDWARD D. MAIN  
Representative of the Secretary of Administration  
STEWART SIMONSON  
Representative of the Governor

## EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

June 7, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 376	Wisconsin Act 391	June 6, 1996
Senate Bill 387	Wisconsin Act 392	June 6, 1996
Senate Bill 416	Wisconsin Act 393	June 6, 1996
Senate Bill 417	Wisconsin Act 394	June 6, 1996
Senate Bill 498	Wisconsin Act 395	June 6, 1996



<b>Senate Bill 533</b>	<b>Wisconsin Act 396</b>	June 6, 1996
<b>Senate Bill 590</b>	<b>Wisconsin Act 397</b>	June 6, 1996
<b>Senate Bill 591</b>	<b>Wisconsin Act 398</b>	June 6, 1996
<b>Senate Bill 635</b>	<b>Wisconsin Act 399</b>	June 6, 1996
<b>Senate Bill 511</b>	<b>Wisconsin Act 405</b>	June 6, 1996
<b>Senate Bill 294</b>	<b>Wisconsin Act 410</b>	June 6, 1996
<b>Senate Bill 435</b>	<b>Wisconsin Act 411</b>	June 6, 1996
<b>Senate Bill 471</b>	<b>Wisconsin Act 412</b>	June 6, 1996
<b>Senate Bill 472</b>	<b>Wisconsin Act 413</b>	June 6, 1996
<b>Senate Bill 483</b>	<b>Wisconsin Act 414</b>	June 6, 1996
<b>Senate Bill 484</b>	<b>Wisconsin Act 415</b>	June 6, 1996
<b>Senate Bill 563</b> (partial veto)	<b>Wisconsin Act 416</b>	June 6, 1996
<b>Senate Bill 675</b>	<b>Wisconsin Act 417</b>	June 6, 1996
<b>Senate Bill 117</b>	<b>Wisconsin Act 425</b>	June 7, 1996
<b>Senate Bill 570</b>	<b>Wisconsin Act 426</b>	June 7, 1996

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 643</b>	<b>Wisconsin Act 429</b>	June 10, 1996
<b>Senate Bill 522</b>	<b>Wisconsin Act 431</b>	June 10, 1996
<b>Senate Bill 482</b>	<b>Wisconsin Act 432</b>	June 10, 1996
<b>Senate Bill 369</b>	<b>Wisconsin Act 433</b>	June 10, 1996
<b>Senate Bill 573</b>	<b>Wisconsin Act 436</b>	June 10, 1996
<b>Senate Bill 526</b>	<b>Wisconsin Act 437</b>	June 10, 1996
<b>Senate Bill 538</b>	<b>Wisconsin Act 438</b>	June 10, 1996
<b>Senate Bill 540</b>	<b>Wisconsin Act 439</b>	June 10, 1996

Sincerely,  
TOMMY G. THOMPSON  
Governor

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #283**

*Relating to the Transfer to the Department of Administration of Responsibilities for Higher Educational Aid Programs Currently Assigned to the Higher Educational Aids Board and to the Transfer to the Department of Administration of Responsibilities for the Regulation of Proprietary Schools and the Approval of Schools and Courses of Instruction for the Training of Veterans Receiving Assistance from the Federal Government Currently Assigned to the Educational Approval Board and to the Creation of the Higher Educational Aids Council and the Educational Approval Council*

**WHEREAS**, 1995 Wisconsin Act 27 created a cabinet-level Department of Education under the direction and supervision of an Education Commission; and

**WHEREAS**, 1995 Wisconsin Act 27 repealed the Higher Educational Aids Board and the Educational Approval Board effective July 1, 1996 and transferred the responsibilities assigned to these two boards to the Education Commission and the Department of Education; and

**WHEREAS**, the Wisconsin Supreme Court in *Thompson v. Craney, et al.* (1996) held the establishment of the Education Commission and the Department of Education unconstitutional, but did not address the transfer of the responsibilities of the Higher Educational Aids Board and the Educational Approval Board to the Education Commission and the Department of Education; and

**WHEREAS**, the Wisconsin Supreme Court's decision creates uncertainty regarding responsibilities for distributing higher educational aid grants and regulating proprietary schools after June 30, 1996; and

**WHEREAS**, action is required to ensure that in state fiscal year 1996-97 students eligible for financial aid receive their grants and proprietary schools are properly regulated;

**NOW, THEREFORE, I, TOMMY G. THOMPSON**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State of Wisconsin, and specifically by Section 14.019 of the Wisconsin Statutes, DO HEREBY

1. Direct the Secretary of the Department of Administration, effective July 1, 1996, to assume responsibility for programs formerly administered by the Higher Educational Aids Board and the Educational Approval Board;

2. Establish the Higher Educational Aids Council. The Higher Educational Aids Council shall consist of a chair and

Sincerely,  
TOMMY G. THOMPSON  
Governor

**State of Wisconsin  
Office of the Governor**

June 7, 1996  
To the Honorable, the Senate:

I have approved **Senate Bill 563** as **1996 Wisconsin Act 416** and have deposited it in the Office of the Secretary of State. I have exercised my partial veto authority in Section 8.

**Senate Bill 563** provides critical resources to manage unanticipated inmate population growth and other budget adjustments which will allow the Department of Corrections (DOC) to fulfill its responsibilities to provide public safety in Wisconsin for the remainder of the 1995-97 biennium.

Section 8 allows DOC to establish a secure work program in which the inmates are assigned to work, while away from the grounds of the institution to which they are assigned and while appropriately restrained for security purposes, on property that is owned, leased or managed by the department. I am partially vetoing this section to remove the restriction on DOC which limits the department's assignment of work crews to work on property that is owned, leased or managed by the department. This language is too restrictive for DOC to make effective use of the work crews. I believe that it is important to demonstrate maximum utilization of the tax dollars spent on corrections.

The department is still required to promulgate rules before implementing a secure work program.

Respectfully,  
TOMMY G. THOMPSON  
Governor

**State of Wisconsin  
Office of the Governor**

June 11, 1996  
To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

such other members as the Governor determines necessary and will, to the extent possible, include members of the current Higher Educational Aids Board. The purpose of the Higher Educational Aids Council will be to advise the Secretary of the Department of Administration on the administration of the financial aid appropriations pursuant to Section 20.235 of the Wisconsin Statutes;

3. Establish the Educational Approval Council. The Educational Approval Council shall consist of a chair and such other members as the Governor determines necessary and will, to the extent possible, include members of the current Educational Approval Board. The purpose of the Educational Approval Council will be to advise the Secretary of the Department of Administration on the administration of responsibilities formerly assigned to the Educational Approval Board pursuant to Section 38.51 of the Wisconsin Statutes.

4. Direct the Secretary of the Department of Administration, pursuant to Section 13.101 of the Wisconsin Statutes, to request that the Joint Committee on Finance create a twelve (12) month unclassified project position to provide staff support to the Higher Educational Aids Council and the Educational Approval Council, effective July 1, 1996;

5. Direct the Secretary of the Department of Administration, pursuant to Section 13.101 of the Wisconsin Statutes, to request that the Joint Committee on Finance transfer the funds and positions associated with the administration of higher educational aids from the Department of Public Instruction to the Department of Administration, effect July 1, 1996;

6. Direct the Secretary of the Department of Administration, pursuant to Section 13.101 of the Wisconsin Statutes, to request that the Joint Committee on Finance transfer the funds and positions associated with the administration of Educational Approval Board responsibilities from the Department of Public Instruction to the Department of Administration, effective July 1, 1996.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this ninth day of June in the year one thousand nine hundred and ninety-six.

TOMMY G. THOMPSON  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Governor**

June 10, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BOYLE, PATRICK G., of Madison, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Education**.

**State of Wisconsin  
Office of the Governor**

June 10, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRANDES, JOANNE, of Racine, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Education**.

**State of Wisconsin  
Office of the Governor**

June 11, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WISNIEWSKI, JOSEPH, of Phelps, as a member of the Land Information Board, to serve for the term ending May 1, 2001.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Environmental Resources and Urban Affairs**.

**State of Wisconsin  
Office of the Governor**

June 4, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PAPKE, ROBERT H., of Sturgeon Bay, as a member of the Judicial Commission, to serve for the term ending August 1, 1999.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

**State of Wisconsin  
Office of the Governor**

June 4, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HUEBSCH, DAVID R., of Onalaska, as a member of the Judicial Commission, to serve for the term ending August 1, 1999.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

**State of Wisconsin  
Office of the Governor**

June 4, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MAIN, EDWARD D., of Madison, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2000.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Labor**.

**State of Wisconsin  
Office of the Governor**

June 4, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LUCE, DANIEL F., of Nashotah, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2000.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Health, Human Services, Aging and Corrections**.

BERKOS, DANIEL M., of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 1999.

Withdrawn from committee on **Judiciary** and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

CHAMBERS, DR. JAMES, of Ashland, as a member of the Medical Examining Board, to serve for the term ending July 1, 1999

Withdrawn from committee on **Health, Human Services and Aging** and referred to committee on **Health, Human Services, Aging and Corrections**.

DEJNO, BONNIE J., of Franklin, as a member of the Wisconsin Advanced Telecommunications Foundation, to serve for the term ending May 1, 1999

Withdrawn from committee on **Environment and Energy** and referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions**.

FORSTER, JOHN W., of Menasha, as a member of the Fox River Management Commission, to serve for the term ending March 1, 1999

Withdrawn from committee on **Environment and Energy** and referred to committee on **Environmental Resources and Urban Affairs**.

JACKO-CLEMENCE, BETH E., of Hales Corners, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2000.

Withdrawn from committee on **Health, Human Services and Aging** and referred to committee on **Health, Human Services, Aging and Corrections**.

KING, WILLIAM A., of Galesville, as a member of the Minnesota – Wisconsin Boundary Area Commission, to serve for the interim term ending September 25, 2000

Withdrawn from committee on **Environment and Energy** and referred to committee on **Environmental Resources and Urban Affairs**.

KREUNEN, RODNEY W., of Madison, as Commissioner of Railroads, to serve for the term ending March 1, 1999.

Withdrawn from committee on **Transportation, Agriculture and Local Affairs** and referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions**.

MOORE, WILLA JEAN, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2000.

Withdrawn from committee on **Health, Human Services and Aging** and referred to committee on **Health, Human Services, Aging and Corrections**.

MURPHY, DONALD R., of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 2001.

Withdrawn from committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs** and referred to committee on **Labor**.

MUSOLF, MARK E., of Madison, as a member of the Public Intervenor Board, to serve for the term ending July 1, 1999.

Withdrawn from committee on **Environment and Energy** and referred to committee on **Environmental Resources and Urban Affairs**.

O BRIEN, GERALD M., of Stevens Point, as a member of the Public Intervenor Board, to serve for the term ending July 1, 1999.

Withdrawn from committee on **Environment and Energy** and referred to committee on **Environmental Resources and Urban Affairs**.

OSTBY, BYRON C., of Madison, as Commissioner of Railroads, to serve for an interim term.

Withdrawn from committee on **Transportation, Agriculture and Local Affairs** and referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions**.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 94–203**

Relating to mental health day treatment services for children and adolescents.

Submitted by Department of Health and Social Services.

Withdrawn from committee on **Health, Human Services and Aging** and referred to committee on **Health, Human Services, Aging and Corrections**, June 19, 1996.

**Senate Clearinghouse Rule 94–204**

Relating to treatment foster care for children.

Submitted by Department of Health and Social Services.

Withdrawn from committee on **Health, Human Services and Aging** and referred to committee on **Health, Human Services, Aging and Corrections**, June 19, 1996.

**Senate Clearinghouse Rule 94–205**

Relating to building and paying for electric distribution service extensions.

Submitted by Public Service Commission.

Withdrawn from committee on **Environment and Energy** and referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions**, June 19, 1996.

**Senate Clearinghouse Rule 95-161**

Relating to cigarette taxes.

Submitted by Department of Revenue.

Withdrawn from committee on **State Government Operations and Corrections** and referred to committee on **Economic Development, Housing, Government Operations and Cultural Affairs**, June 19, 1996.

**Senate Clearinghouse Rule 95-190**

Relating to commercial feed.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Withdrawn from committee on **Transportation, Agriculture and Local Affairs** and referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions**, June 19, 1996.

**Senate Clearinghouse Rule 95-195**

Relating to the applications to withdrawal lands entered as county forest.

Submitted by Department of Natural Resources.

Withdrawn from committee on **Environment and Energy** and referred to committee on **Environmental Resources and Urban Affairs**, June 19, 1996.

**Senate Clearinghouse Rule 95-226**

Relating to licensing of emergency medical technicians-intermediate (EMTs-intermediate) and approval of operational plans for EMTs-intermediate.

Submitted by Department of Health and Social Services.

Report received from Agency, June 18, 1996.

Referred to committee on **Health, Human Services, Aging and Corrections**, June 19, 1996.

**Senate Clearinghouse Rule 95-228**

Relating to credentials, licenses, certifications and registrations, administered by the division of safety and buildings.

Submitted by Department of Industry, Labor and Human Relations.

Withdrawn from committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs** and referred to committee on **Labor**, June 19, 1996.

**Senate Clearinghouse Rule 95-233**

Relating to the information technology investment fund.

Submitted by Department of Administration.

Report received from Agency, June 12, 1996.

Referred to committee on **Economic Development, Housing, Government Operations and Cultural Affairs**, June 19, 1996.

**Senate Clearinghouse Rule 95-234**

Relating to contract administration fees and subscription service.

Submitted by Department of Administration.

Withdrawn from joint committee on **Information Policy** and referred to joint committee on **Information Policy**, June 19, 1996.

**Senate Clearinghouse Rule 95-236**

Relating to assisted living facilities.

Submitted by Department of Health and Social Services.

Withdrawn from committee on **Health, Human Services and Aging** and referred to committee on **Health, Human Services, Aging and Corrections**, June 19, 1996.

**Senate Clearinghouse Rule 96-003**

Relating to licensing of emergency medical technicians-paramedic (EMTs-paramedic) and approval of operational plans for EMTs-paramedic.

Submitted by Department of Health and Social Services.

Report received from Agency, June 18, 1996.

Referred to committee on **Health, Human Services, Aging and Corrections**, June 19, 1996.

**Senate Clearinghouse Rule 96-013**

Relating to the electrical code.

Submitted by Department of Industry, Labor and Human Relations.

Withdrawn from committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs** and referred to committee on **Labor**, June 19, 1996.

**Senate Clearinghouse Rule 96-015**

Relating to grain warehouse keepers and grain dealers.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Withdrawn from committee on **Transportation, Agriculture and Local Affairs** and referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions**, June 19, 1996.

**Senate Clearinghouse Rule 96-019**

Relating to bear hunting.

Submitted by Department of Natural Resources.

Withdrawn from committee on **Environment and Energy** and referred to committee on **Environmental Resources and Urban Affairs**, June 19, 1996.

**Senate Clearinghouse Rule 96-020**

Relating to hunting and trapping

Submitted by Department of Natural Resources.

Withdrawn from committee on **Environment and Energy** and referred to committee on **Environmental Resources and Urban Affairs**, June 19, 1996.

**Senate Clearinghouse Rule 96-027**

Relating to unprofessional conduct.

Submitted by Department of Regulation and Licensing.

Withdrawn from committee on **Business, Economic Development and Urban Affairs** and referred to committee on **Health, Human Services, Aging and Corrections**, June 19, 1996.

**Senate Clearinghouse Rule 96-031**

Relating to conduct on university lands.

Submitted by University of Wisconsin System.

Withdrawn from committee on **Education and Financial Institutions** and referred to committee on **Education**, June 19, 1996.

**Senate Clearinghouse Rule 96-036**

Relating to participation of aid to families with dependent children (AFDC) applicants and recipients in the pay for performance (PFP) demonstration project.

Submitted by Department of Health and Social Services.

Withdrawn from committee on **Health, Human Services and Aging** and referred to committee on **Health, Human Services, Aging and Corrections**, June 19, 1996.

**Senate Clearinghouse Rule 96-045**

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1996.

future medical expense attachment point changing from \$25,000 to \$100,000.

Submitted by Office of the Commissioner of Insurance.

Withdrawn from committee on **Insurance** and referred to committee on **Insurance, Tourism, Veterans and Military Affairs**, June 19, 1996.

**Senate Clearinghouse Rule 96-049**

Relating to examination reviews.

Submitted by Department of Regulation and Licensing.

Withdrawn from committee on **Business, Economic Development and Urban Affairs** and referred to committee on **Labor**, June 19, 1996.

**Senate Clearinghouse Rule 96-050**

Relating to the delegation of the polishing portion of an oral prophylaxis by a dentist to an unlicensed person.

Submitted by Department of Regulation and Licensing.

Withdrawn from committee on **Business, Economic Development and Urban Affairs** and referred to committee on **Health, Human Services, Aging and Corrections**, June 19, 1996.

**Senate Clearinghouse Rule 96-056**

Relating to the apportionment of net business incomes of interstate motor carriers.

Submitted by Department of Revenue.

Report received from Agency, June 17, 1996.

Referred to committee on **Economic Development, Housing, Government Operations and Cultural Affairs**, June 19, 1996.

**Senate Clearinghouse Rule 96-057**

Relating to seed potato overweight permits.

Submitted by Department of Transportation.

Withdrawn from committee on **Transportation, Agriculture and Local Affairs** and referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions**, June 19, 1996.

**Senate Clearinghouse Rule 96-068**

Relating to the open end credit, maximum periodic rates and licensed lenders under s. 138.09, stats.

Submitted by Office of the Commissioner of Banking.

Withdrawn from committee on **Education and Financial Institutions** and referred to committee on **Agriculture, Transportation, Utilities and Financial Institutions**, June 19, 1996.

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

**Senate Clearinghouse Rule 95-022**

Relating to licensure of graduates of a foreign pharmacy school or college; patient consultation portion of the laboratory practical examination; display of pharmacists' licenses in a pharmacy; illumination of pharmacy signs; patient consultation; drug names on prescription labels; providing pharmaceutical services; and missing information on prescription orders for controlled substances.

No action taken.

**Senate Clearinghouse Rule 95-134**

Relating to the joint effort marketing program.

No action taken.

**Senate Clearinghouse Rule 95-187**

Relating to requirements for malpractice insurance coverage for advanced practice nurse prescribers.

No action taken.

**Senate Clearinghouse Rule 95-210**

Relating to establishing a procedure for determining whether an applicant for credential renewal is liable for any delinquent taxes and conducting hearings to review the applications that are denied because the applicant is liable for delinquent state taxes.

No action taken.

**Senate Clearinghouse Rule 95-211**

Relating to procedures on denial of credentials.

No action taken.

Scott Fitzgerald  
Chairperson

The committee on **Education and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 96-032**

Relating to establishing a procedure for a mutual savings and loan association with deposits not insured by a deposit insurance corporation to reorganize into another type of mutual depository institution (including a state credit union) with insured deposit accounts.

No action taken.

**Senate Clearinghouse Rule 96-065**

Relating to designating the Chicago stock exchange under s.551.22 (7), Stats.

No action taken.

Alberta Darling  
Chairperson

The committee on **Environment and Energy** reports and recommends:

**Senate Clearinghouse Rule 94-076**

Relating to PCB's and solid and hazardous waste management.

No action taken.

**Senate Clearinghouse Rule 94-180**

Relating to deer hunting permits.

No action taken.

**Senate Clearinghouse Rule 94-183**

Relating to servicing septic or holding tanks.

No action taken.

**Senate Clearinghouse Rule 95-047**

Relating to master planning and the management and recreational use classification system for lands managed by the department of natural resources.

No action taken.

**Senate Clearinghouse Rule 95-188**

Relating to solid waste management.

No action taken.

**Senate Clearinghouse Rule 95-194**

Relating to requiring a handling fee for certain approvals required for hunting, trapping or fishing.

No action taken.

**Senate Clearinghouse Rule 95-196**

Relating to migratory game bird hunting.

No action taken.

**Senate Clearinghouse Rule 95–222**

Relating to administration of grants.

No action taken.

**Senate Clearinghouse Rule 96–022**

Relating to hunting and trapping.

No action taken.

Robert Cowles

Chairperson

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

**Senate Clearinghouse Rule 96–008**

Relating to the administration of labor-inducing agents in hospitals.

No action taken.

Carol Buettner

Chairperson

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

**Senate Clearinghouse Rule 96–046**

Relating to the establishment of fees for burial at state veterans cemeteries.

No action taken.

**Senate Clearinghouse Rule 96–051**

Relating to the rate of pay as a result of voluntary demotions by employes who are notified they may be subject to layoff.

No action taken.

David Zien

Chairperson

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

**Senate Clearinghouse Rule 96–028**

Relating to source identification in polls or other communications.

No action taken.

**Senate Clearinghouse Rule 96–035**

Relating to temporary construction facility hazardous chemical inventory reporting.

No action taken.

**Senate Clearinghouse Rule 96–058**

Relating to assessment of agricultural land in 1996 and 1997.

No action taken.

Gary Drzewiecki

Chairperson

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

**Senate Clearinghouse Rule 94–202**

Relating to on-private property political signs next to interstates and freeways.

No action taken.

**Senate Clearinghouse Rule 96–043**

Relating to administration of the federal section 18 program.

No action taken.

Alan Lasee

Chairperson

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 376**

**Senate Bill 387**

**Senate Bill 416**

**Senate Bill 417**

**Senate Bill 498**

**Senate Bill 533**

**Senate Bill 590**

**Senate Bill 591**

**Senate Bill 635**

**Senate Bill 511**

**Senate Bill 294**

**Senate Bill 435**

**Senate Bill 471**

**Senate Bill 472**

**Senate Bill 483**

**Senate Bill 484**

**Senate Bill 563**

**Senate Bill 675**

**Senate Bill 117**

**Senate Bill 570**

Presented to the Governor on June 5, 1996.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 643**

**Senate Bill 522**

**Senate Bill 482**

**Senate Bill 369**

**Senate Bill 573**

**Senate Bill 526**

**Senate Bill 538**

**Senate Bill 540**

Presented to the Governor on June 10, 1996.