

Eighty-Ninth Regular Session

WEDNESDAY, May 10, 1989

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 42

Relating to reserve justice service on the supreme court (first consideration).

By Senator Adelman; cosponsored by Representative Rutkowski, by request of Director of State Courts.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 189

Relating to public records and forms.

By Senator Plewa; cosponsored by Representative Swoboda.

To committee on Housing, Government Operations and Cultural Affairs.

Senate Bill 190

Relating to Wisconsin conservation corps board participation in human services activities and making an appropriation.

By Senators Adelman, Chilsen, Burke, Jauch and Helbach; cosponsored by Representatives Rosenzweig, Ott, Radtke, Young, Carpenter, Baldus, Lorge, Panzer, Boyle, Klusman, Bock, Schneiders, Lahn, Antaramian, Gruszynski, Ourada, Hubler, Stower and Linton.

To committee on Agriculture, Health and Human Services.

Senate Bill 191

Relating to the regulation of respiratory care practitioners by the medical examining board and creating a respiratory care practitioners examining council.

By Senators Jauch, Strohl, Burke, Shoemaker, Feingold and Rude; cosponsored by Representatives Holperin, Roberts, Boyle, Zweck, Goetsch, Rosenzweig, Medinger, Musser, Robson, Hasenohrl, Linton and Williams.

To committee on Agriculture, Health and Human Services.

Senate Bill 192

Relating to training for law enforcement and jail officers and making an appropriation.

By Senators Ulichny, Buettner, Burke, Chilsen, Lorman, Rude, Kincaid, Plewa, Kreul and Shoemaker; cosponsored by Representatives Krug, Panzer, Schneider, Hauke, Prosser, Krusick, Lorge, Fergus, Notestein, Deininger, Goetsch, Carpenter, Schneiders, Duff, Rohan, Ourada, Hamilton, Grobschmidt, Boyle,

Bock, Radtke, Fortis, Underheim, Farrow, Huelsman, Rosenzweig, Lewis, Robson, Harsdorf, M. Coggs and Tesmer, by request of Attorney General Donald J. Hanaway.

To committee on Judiciary and Consumer Affairs.

Senate Bill 193

Relating to surcharges on persons convicted of criminal and civil offenses and to loans from various trust funds.

By Legislative Council.

To committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Senate Bill 194

Relating to meeting times and notice requirements for annual town meetings.

By Senators Lasee, Kreul, Rude, Shoemaker, Cowles and Leean; cosponsored by Representatives Turba, Lehman, Volk, Lorge, Boyle, Hamilton, Klusman, Schmidt, Tregoning, Vanderperren, Lahn and Bolle.

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

Senate Bill 195

Relating to granting creditable military service for service in the merchant marine.

By Senators Jauch, Moen and Van Sistine; cosponsored by Representatives Wineke, Grobschmidt, Boyle, Fortis, Radtke, Wood, Black, Thompson, Bolle, Hubler, Plache, Brandemuehl, Medinger and Vanderperren.

To Joint Survey committee on Retirement Systems.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 43

Relating to commending Milwaukee Police Chief Robert J. Ziarnik for his public service to the people of Milwaukee.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Helbach, Ellis and Rude;

Noes, 0 -- None.

Fred A. Risser
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Wisconsin Housing and
Economic Development Authority

April 28, 1989

To the Honorable the Legislature:
REGARDING: Certification of WHEDA Surplus

JOURNAL OF THE SENATE [May 10, 1989]

Pursuant to Section 234.165 of the Wisconsin Statutes, this letter sets forth the required information concerning the Wisconsin Housing and Economic Development Authority's "actual and projected surplus available for the following fiscal year."

In order to comply as fully as possible with the spirit as well as the letter of the law, the amounts identified as surplus funds exceed the specific requirements of the Statutes.

I hereby certify that the projected "Statutory Surplus" for fiscal year 1989-90 will be \$4.29 million. The total Unencumbered Surplus for 1989-90 will be \$10.66 million, which includes \$6.37 million of General Reserve Funds which WHEDA is not required by statute to report.

Please contact us if we can be of further service.

Sincerely,
WAYNE R. PETERS
Chairman

State of Wisconsin
Legislative Audit Bureau

May 4, 1989

To the Honorable the Legislature:

We have completed an evaluation of the Nonpoint Source Pollution Abatement and the Soil and Water Resource Management Programs, as required by 1987 Wisconsin Act 27. We assessed the degree to which the Department of Natural Resources (DNR) and the Department of Agriculture, Trade and Consumer Protection (DATCP) have implemented changes mandated in 1987, regarding coordination, evaluation and financial management of the two programs.

Inadequate budgeting practices and slower-than-expected project planning have resulted in not spending all the funds appropriated for the nonpoint program. We estimate the program will have a balance of at least \$10 million general purpose revenue (GPR) at the end of fiscal year (FY) 1988-89. DNR officials now believe they will be able to accelerated the project planning process to effectively use the balance and new appropriations for future projects. Even if \$3 million is transferred from the program to the Clean Water Fund, as recommended by the Governor, DNR will not commit all available funds to projects before the end of the 1989-91 biennium.

Although DNR and DACTP are cooperating in devising new procedures implementing the mandated coordination of their programs, revised administrative rules codifying the coordinated procedures are not yet in a form which will ensure their successful implementation. In a separate letter, we have provided recommendations to the departments for changes to the draft rules which are to be submitted to the Legislature in June.

Finally, the programs' evaluation plan, devised jointly by DATCP and DNR, will need some revision to ensure the evaluation required by statute is produced. The actual scope of the program evaluation may be

limited because of the limited staff resources assigned by DNR to water quality monitoring.

We appreciate the courtesy and cooperation extended to us by staff of both departments, and by the county conservation staff we contacted. Responses from the departments are Appendices II and III.

Sincerely,
DALE CATTANACH
State Auditor

State of Wisconsin
Legislative Audit Bureau

May 5, 1989

To the Honorable the Legislature:

We have completed an audit of the Wisconsin Conservation Corps (WCC) program, which was created in 1983, to satisfy our responsibilities under s. 13.94, Wis. Stats. The major focuses of our audit were to review WCC's fiscal operations and determine its compliance with statutory requirements. We also reviewed the selection and management of conservation projects.

Overall, we found the WCC's fiscal affairs were carried out in a satisfactory manner and that WCC was generally effective in its administration of the program. However, WCC needs to modify its policies and procedures for paying incentive bonuses to promote the effectiveness of the bonus incentive and ensure compliance with statutory provisions. In addition, WCC needs to improve its monitoring of sponsor contributions and further document its achievement of the statutory requirement of hiring 50 percent of its corps members from among those persons eligible to receive public assistance.

A WCC Energy Conservation Team, which is currently funded with \$2 million from the federal Stripper Well Oil Overcharge Settlement Agreement, was created in 1987 to perform weatherization and conservation work on government and nonprofit facilities. In its first seven months of operation, the Energy Team experienced numerous program difficulties, including alleged theft by a crew leader and low attendance and high attrition by corps members. WCC has subsequently begun making several changes to address these problems and improve operations.

We appreciate the courtesy and cooperation extended to us by the WCC staff and enrollees. WCC's response to the report is the Appendix.

Sincerely,
DALE CATTANACH
State Auditor

State of Wisconsin
Legislative Audit Bureau

May 9, 1989

To the Honorable the Legislature:

We have completed a financial and compliance audit of the University of Wisconsin-Oshkosh'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 of the federal student financial assistance programs conducted by University of Wisconsin System-Internal Audit, our prior audit (88-8) of the Nursing Student Loan program and a federal follow-up audit.

Except for questioned costs of \$445 and minor compliance errors, we found the University of Wisconsin-Oshkosh administered the student financial assistance programs as required by federal regulations and state statutes. The primary area of noncompliance with federal regulations was the incorrect allocation of refunds for the tuition and fees of students who withdrew from the University during the semester.

We appreciate the courtesy and cooperation extended to us by the University of Wisconsin-Oshkosh 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

State of Wisconsin
Legislative Audit Bureau

May 10, 1989

To the Honorable the Legislature:

We have completed a review of selected University of Wisconsin faculty and academic staff salary issues, as requested. The University has requested salary increases totaling \$194 million in the 1989-91 biennial budget, including \$63.6 million in catch-up increases. These funds would allow salaries to be increased to the median salaries paid to faculty and staff at peer institutions throughout the nation.

University officials have argued that without these increases recruitment and retention of faculty will be difficult. We found, however, that while the University's median faculty salaries have been consistently below its peer groups' medians since 1977-78, the annual rate of faculty turnover has remained at approximately 4 percent, suggesting that faculty make job decisions on a

number of factors. Therefore, unless there is evidence that turnover is likely to increase or that recruiting is becoming a problem, it would appear difficult to conclude that faculty salaries must be increased to the median of the peer institutions to avoid a major increase in faculty resignations throughout the system.

The Legislature will need to decide whether other considerations justify the level of funding requested or, alternatively, whether a salary distribution plan which addresses high priority needs will accomplish the major recruitment and retention objectives at a lesser cost. Improvement over the distribution of catch-up provided in the 1985-87 biennium would appear in order, since institutions were given considerable latitude in distributing catch-up funds and varied widely in the extent to which salary increases were based on competitive market and individual merit considerations.

Our analysis of current salaries for non-instructional academic staff indicates that it may not be necessary to provide increases based on comparisons with salaries paid by institutions throughout the nation. Only a limited number of these positions are recruited from other universities or from outside Wisconsin or this region, and retention has not been a problem.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin System and campus staff. The University's response is Appendix II.

Sincerely,
DALE CATTANACH
State Auditor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

May 5, 1989

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
5	11	May 5, 1989
27	12	May 5, 1989
148	13	May 5, 1989

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

May 1, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RICHARD A. BRAUN of Kewaunee, as a member of the Banking

Review Board pursuant to the statute governing, to serve for the term ending May 1, 1994.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Aging, Banking, Commercial Credit and Taxation.

State of Wisconsin
Office of the Governor

May 1, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TERRY W. GROSENHEIDER of Madison, as a member of the Bingo Control Board pursuant to the statute governing, to serve for the interim term ending May 1, 1990.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

May 1, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LYNN NIMZ of Wausau, as a member of the Waste Facility Siting Board pursuant to the statute governing, to serve for the term ending May 1, 1992.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections.

State of Wisconsin
Office of the Governor

May 2, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROBERT J. BODDEN of Platteville, as a member of the Educational Communications Board pursuant to the statute governing, to serve for the term ending May 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

State of Wisconsin
Office of the Governor

May 2, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MAURICE M. DRESANG of Appleton, as a member of the Credit

Union Review Board pursuant to the statute governing, to serve for the interim term ending May 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

State of Wisconsin
Office of the Governor

May 2, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RAYMOND N. SAUVEY of De Pere, as a member of the Educational Communications Board pursuant to the statute governing, to serve for the term ending May 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 88-188

Relating to the urban mass transit operating assistance program.

Submitted by Department of Transportation.

Report received from agency, May 5, 1989.

Referred to committee on Transportation, Conservation and Mining, May 10, 1989.

Senate Clearinghouse Rule 89-4

Relating to standards for gas service.

Submitted by Public Service Commission.

Report received from agency, May 3, 1989.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, May 10, 1989.

Senate Clearinghouse Rule 89-19

Relating to classification of inmates of adult correctional institutions.

Submitted by Department of Health and Social Services.

Report received from agency, May 5, 1989.

Referred to committee on Agriculture, Health and Human Services, May 10, 1989.

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

Senate Clearinghouse Rule 88-173

Relating to commercial fishing on Lake Michigan and Green Bay and to fish refuges.

No action taken.

Lloyd Kincaid
Chair

JOURNAL OF THE SENATE [May 10, 1989]

The committee on Labor, Business, Insurance, Veterans' and Military Affairs reports and recommends:

Senate Clearinghouse Rule 89-20

Relating to the minimum wages paid to Wisconsin workers.

No action taken.

Jerome Van Sistine
Chair

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 133** offered by Senator Andrea.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 5.

Senate Bill 27.

Senate Bill 148.

Correctly enrolled and presented to the Governor on May 5, 1989.

The chief clerk records:

Senate Bill 160.

Correctly enrolled and presented to the Governor on May 10, 1989.