

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

Friday, June 30, 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 Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Feingold, George, Jauch, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Absent — Senator Helbach — 1.

Absent with leave — None.

The senate stood for a moment of silent prayer.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 52

Relating to endorsing the efforts of the farm workers of California to boycott grapes grown with pesticides.

By Senators Burke, Feingold, Chvala, Andrea, Te Winkle, Plewa, Van Sistine, George, Czarnecki, Risser, Strohl, Moen and Chilsen; cosponsored by Representatives Bock, M. Coggs, Notestein, Boyle, Fortis, Young, Carpenter, Medinger, Grobschmidt, Bell, Black, Seery, S. Coggs, Fergus, Moore, Antaramian, Kunicki, Clarenbach, Rohan, Barrett and Stower.

To committee on Agriculture, Health and Human Services.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 245

Relating to service of members of certain state commissions.

By Senators Lee and Czarnecki; cosponsored by Representative Seery.

To committee on Housing, Government Operations and Cultural Affairs.

COMMITTEE REPORTS

The committee on Housing, Government Operations and Cultural Affairs reports and recommends:

Senate Joint Resolution 51

Relating to memorializing congress to pass a constitutional amendment.

Adoption:

Ayes, 4 -- Senators Plewa, Van Sistine, Burke and Rude;

Noes, 1 -- Senator Lorman.

John R. Plewa
Chair

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

Assembly Joint Resolution 64

Relating to designating July as 'Skin Cancer Awareness Month'.

Concurrence:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold, Jauch, Shoemaker, Lorman and Weeden;

Noes, 0 -- None.

Assembly Bill 124

Relating to the requirement that licensed physical therapists have certain written referrals prior to practice. Introduction and adoption of Senate substitute amendment 2:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold, Jauch, Shoemaker, Lorman and Weeden;

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 1 -- Senator Shoemaker.

Rodney C. Moen
Chair

The joint committee on Finance reports and recommends:

Assembly Bill 233

Relating to creating an incentive for long-term savings for higher education, granting bonding authority, providing a tax exemption and making an appropriation.

Introduction and adoption of Senate amendment 1:

Ayes, 11 -- Senators George, Roshell, Helbach, Chvala, Andrea, Czarnecki, Davis and Lekan
Representatives Holperin, Hubler and Panzer;

Noes, 4 -- Representatives Kunicki, Travis, Coggs and Bell.

Introduction and adoption of Senate amendment 2:
Ayes, 15 -- Senators George, Roshell, Helbach, Chvala, Andrea, Czarnecki, Davis and Leean
Representatives Kunicki, Travis, Coggs, Bell, Holperin, Hubler and Panzer;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 15 -- Senators George, Roshell, Helbach, Chvala, Andrea, Czarnecki, Davis and Leean
Representatives Kunicki, Travis, Coggs, Bell, Holperin, Hubler and Panzer;

Noes, 0 -- None.

Gary R. George
Co-chair

Walter Kunicki
Co-chair

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

Assembly Bill 60

Relating to remedies for failure to notify of cessation of business operations by employers and granting rule-making authority.

Concurrence:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker and Rude;

Noes, 0 -- None.

Assembly Bill 430

Relating to the wage paid to Wisconsin conservation corps members.

Concurrence:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker and Rude;

Noes, 0 -- None.

Assembly Bill 439

Relating to the council on veterans programs.

Concurrence:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker and Rude;

Noes, 0 -- None.

Jerome Van Sistine
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 71

Relating to proclaiming Wisconsin Polka Week.

Concurrence:

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

Noes, 0 -- None.

Assembly Joint Resolution 72

Relating to the life and public service of Robert G. Ciernetzky.

Concurrence:

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

Noes, 0 -- None.

Fred A. Risser
Chair

Senator Feingold, with unanimous consent, asked that Senator Van Sistine and Representative Vanderperren be listed as co-sponsors of **Assembly Joint Resolution 71**.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Audit Bureau

June 30, 1989

To the Honorable the Legislature:

We have completed second annual financial and compliance audit of the State of Wisconsin as requested by state agencies to meet the audit requirements of the federal Single Audit Act of 1984 and the provisions of the federal Office of Management and Budget Circular A-128. Our audit covered the period July 1, 1987, through June 30, 1988. In addition to satisfying federal audit requirements, this audit assists us in meeting state audit requirements under s.13.94, Wis. Stats.

As part of our standard procedures at the various state agencies included in the scope of the audit, we reviewed internal accounting and administrative controls, assessed the propriety of receipts and disbursements, and tested compliance with laws and regulations related to the administration of federal grant programs. Our review focused on the 31 grants which exceeded the \$7 million major grant threshold identified by the federal government. However, we performed audit work at the various state agencies regardless of the amount of federal funds received.

The first section of our report contains the auditor's statements on internal accounting and administrative controls and statements on compliance. The remaining sections of our report contain our comments on internal control deficiencies and our findings of noncompliance for each state agency. We noted several areas of noncompliance and identified \$577,000 in questioned costs. A separate financial report (89-26) contains the schedules of federal financial assistance for the audited period, along with the auditor's opinion on these schedules.

The federal government requires that state agencies prepare and submit agency action plans in response to recommendations in audit reports. The action plans provide the basis for resolving reported audit findings with the federal government. We assisted state agencies by accumulating and submitting action plans on their behalf.

We appreciate the courtesy and cooperation extended to us by the staff during our audit. The agency comments on individual findings are included within the body of our report.

Sincerely,
DALE CATTANACH
State Auditor

State of Wisconsin
Legislative Audit Bureau

June 30, 1989

To the Honorable the Legislature:

We have completed a financial and compliance audit of the State of Wisconsin as required by s.13.94, Wis. Stats., and as requested by the state agencies to meet the audit requirements of the Single Audit Act of 1984 and the provisions of the federal Office of Management and Budget Circular A-128. The audit covered the period July 1, 1987, through June 30, 1988.

This report contains the schedules of federal financial assistance for the state agencies included within the scope of our audit, along with the auditor's opinion on these schedules. A separate compliance report (89-25) contains the auditor's statements on internal accounting and administrative controls and statements on compliance, as well as our comments on internal control deficiencies and findings of noncompliance for each state agency.

We appreciate the courtesy and cooperation extended to us by agency staff during our audit.

Sincerely,
DALE CATTANACH
State Auditor

EXECUTIVE COMMUNICATIONS

CALENDAR OF June 30, 1989

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

FRANZ, JERRY, of Poyette, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1995.

HARTZ, JOHN M., of Hudson, as a member of the Nursing Home Administrators Examining Board, to serve for the interim term ending July 1, 1989, and the full term ending July 1, 1993.

PALERMO, DR. TONI ANN, of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1990.

Read.

The question was: Confirmation of the appointments?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Feingold, George, Jauch, Kincaid, Kreul, Lasee, Lee, Leraan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Noes — None.

Absent or not voting — Senator Helbach — 1.
Confirmed.

MESSAGE FROM THE ASSEMBLY

Senate Bill 73

Relating to hospital approval and regulation by the department of health and social services, granting rule-making authority and providing penalties.

Read.

The question was: Concurrence in assembly amendment 1?

Concurred in.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 37

Relating to recognizing the U.S. department of agriculture's centennial.

Read.

Adopted.

Senate Joint Resolution 51

Relating to memorializing congress to pass a constitutional amendment.

Read.

Senate substitute amendment 1 to **Senate Joint Resolution 51** offered by Senators Adelman and Te Winkle.

Senate substitute amendment 2 to **Senate Joint Resolution 51** offered by Senator Roshell.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Joint Resolution 51** offered by Senators Feingold, Adelman and Czarnecki.

Senate amendment 2 to Senate substitute amendment 2 to **Senate Joint Resolution 51** offered by Senator Czarnecki.

Senate substitute amendment 3 to **Senate Joint Resolution 51** offered by Senator Te Winkle.

Senate amendment 1, 2, 3, 4 and 5 to **Senate Joint Resolution 51** offered by Senator Te Winkle.

The question was: Adoption of Senate substitute amendment 1?

Senator Feingold raised the point of order that substitute amendment 1 is not germane to the bill.

The Chair took the point of order under advisement.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 63

Relating to commending the Wisconsin dairy industry.

Read.

Concurred in.

Assembly Joint Resolution 64

Relating to designating July as 'Skin Cancer Awareness Month'.

Read.

Concurred in.

Assembly Joint Resolution 66

Relating to the federal trade commission review of procedures contained in state lemon laws.

Read.

Concurred in.

Assembly Joint Resolution 71

Relating to proclaiming Wisconsin Polka Week.

Read.

Concurred in.

Assembly Joint Resolution 72

Relating to the life and public service of Robert G. Gernetzky.

Read.

Senator Chilsen, with unanimous consent, asked that he be made a co-sponsor of **Assembly Joint Resolution 72**

Concurred in.

Assembly Bill 60

Relating to remedies for failure to notify of cessation of business operations by employers and granting rule-making authority.

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 60

Read a third time and concurred in.

Assembly Bill 233

Relating to creating an incentive for long-term savings for higher education, granting bonding authority, providing a tax exemption and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1? Adopted.

The question was: Adoption of senate amendment 2? Adopted.

Ordered to a third reading.

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

Assembly Bill 233

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnezki, Davis, Feingold, George, Helbach, Jauch, Kincaid, Lasec, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 29.

Noes — Senators Ellis, Kreul and Stitt — 3.

Absent or not voting — None.

Concurred in as amended.

Assembly Bill 430

Relating to the wage paid to Wisconsin conservation corps members.

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 430

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 3; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnezki, Ellis, Feingold, George, Helbach, Kincaid, Kreul, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 28.

Noes — Senators Davis, Lasec and Stitt — 3.

Absent or not voting -- Senator Jauch --1.

Concurred in.

Assembly Bill 439

Relating to the council on veterans programs.

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 439

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Cowles, Czarnezki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasec, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude,

Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 31.

Noes -- None.

Absent or not voting — Senator Chvala — 1.

Concurred in.

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

Senator Roshell, with unanimous consent, asked that the senate recess until 3:15 P.M..

10:41 A.M.

RECESS

3:15 P.M.

The senate reconvened.

The Chair, with unanimous consent, asked that the rules be suspended and that the senate return to the 8th order of business.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted:

Senate Bill 31,

The committee on conference report

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Senate Bill 31

An act relating to state finances and appropriations, constituting the general executive budget bill of the 1989 legislature, and making appropriations.

By joint committee on Finance, by request of Governor Tommy G. Thompson.

Senator Strohl, with unanimous consent, asked that the Committee of Conference Report on **Senate Bill 31** be withdrawn from the committee on Senate Rules and taken up.

Senate Bill 31

An act relating to state finances and appropriations, constituting the general executive budget bill of the 1989 legislature, and making appropriations.

Read.

The question was: Concurrence of the Committee of Conference Report?

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

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Rissler, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

Noes — None.

Absent or not voting — None.

Concurred in.

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

Senator Adelman, with unanimous consent, asked that the Senate adjourn.

Senator Roshell objected.

Senator Adelman moved the Senate adjourn.

The question was: Adjournment?

The ayes and noes were demanded and the vote was: ayes, 4; noes, 28; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Chvala, Feingold and Lorman — 4.

Noes — Senators Andrea, Buettner, Burke, Chilsen, Cowles, Czarnezki, Davis, Ellis, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Moen, Plewa, Rissler, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 28.

Absent or not voting — None.

Refused adjournment.

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 75

Concurred in:

Senate Joint Resolution 37

Assembly Bill 233, Senate amendments 1 and 2

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 75

Relating to expressing discontent with the recent U.S. supreme court decision on flag burning.

By the entire membership of the Assembly.

Read and referred to committee on Judiciary and Consumer Affairs.

Senator Strohl, with unanimous consent, asked that the Senate adjourn pursuant to **Assembly Joint Resolution 1**.

Senator Roshell objected.

Senator Ellis, with unanimous consent, asked that **Assembly Joint Resolution 75** be withdrawn from the committee on Judiciary and Consumer Affairs and taken up.

Senator Strohl objected.

Senator Ellis moved that **Assembly Joint Resolution 75** be withdrawn from the committee on Judiciary and Consumer Affairs and taken up.

The question was: Shall **Assembly Joint Resolution 75** be withdrawn from the committee on Judiciary and Consumer Affairs and taken up?

Senator Strohl moved the Senate adjourn pursuant to **Assembly Joint Resolution 1**.

The question was: Shall the Senate adjourn pursuant to **Assembly Joint Resolution 1**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Burke, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Lee,

Moen, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 17.

Noes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Kincaid, Kreul, Lasee, Leraan, Lorman, Roshell, Rude, Shoemaker, Stitt and Weeden — 15.

Absent or not voting — None.

The Senate adjourned pursuant to **Assembly Joint Resolution 1**.

3:39 P.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 143.

Correctly enrolled and presented to the Governor on June 30, 1989.