

Ninetieth Regular Session

WEDNESDAY, August 7, 1991

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 248

Relating to certification requirements for physician's assistants and granting rule-making authority.

By Senator Jauch, by request of Grace Hurne.

To committee on Agriculture, Corrections, Health and Human Services.

Senate Bill 249

Relating to the requirements for a lump sum payment of retirement benefits under the Wisconsin retirement system.

By Senator Ellis, by request of Tom and LaNore Ziolkowski.

To Joint Survey committee on Retirement Systems.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Audit Bureau

July 31, 1991

To the Honorable the Legislature:

We have completed our 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, 1989, through June 30, 1990. In addition to satisfying the federal audit requirements, this audit assists us in meeting state audit requirements under section 13.94, Wis. Stats.

As part of our standard audit procedures at the various state agencies included in the scope of the audit, we gained an understanding of Wisconsin's internal control structure, 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 29 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 reports on internal control structure and compliance. Next are the agency narratives which contain our comments on internal control deficiencies, findings of noncompliance for each agency, and the results of our follow up to prior audit findings. We note that state agencies, in general, have complied with federal grant requirements and that the agencies have taken steps to address our concerns included in prior years' audit

reports. However, we do report several areas of noncompliance and identify \$13,188 in questioned costs, although this represents only a small portion of the total federal financial assistance received by the State of Wisconsin.

Also included in this report are the Schedules of Federal Financial Assistance for the audited period, along with the independent auditor's report on these schedules. We qualified our audit opinion on the schedules due to unreconciled variances of almost \$1 million between the Department of Industry, Labor and Human Relations' agency accounting records and the State's central accounting system.

The federal government will resolve the findings and questioned costs contained in our report. Federal agencies are expected to contact affected state agencies regarding resolution. To assist federal officials in their efforts, state agency contact information is provided as the appendix.

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

Sincerely,
Dale Cattnach
State Auditor

State of Wisconsin
Legislative Audit Bureau

July 31, 1991

To the Honorable the Legislature:

The Office of Management and Budget Circular No. A-128 requires that each recipient of an audit under the Single Audit Act of 1984 prepare a corrective action plan addressing each finding in the audit report. On behalf of the Wisconsin state agencies, we have accumulated the agency action plans to address our recommendations included in the fiscal year 1989-90 single audit report (91-20). Each action plan quotes our recommendation and questioned cost, if applicable, and describes either the agency's actions already taken to implement the recommendation, or the plan to implement the recommendation. In addition, each plan provides the name of the Wisconsin state agency contact person with whom the federal government may further resolve the findings and questioned costs.

Copies of the action plans are being distributed to affected federal agencies along with the single audit report. We hope this effort will facilitate the timely and complete resolution of findings of the State of Wisconsin single audit for fiscal year 1989-90.

Sincerely,
Dale Cattnach
State Auditor

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State of Wisconsin
Department of Agriculture, Trade and Consumer
Protection

July 1, 1991

To the Honorable the Legislature:

In accordance with s. 227.485(9), Stats., the Wisconsin Department of Agriculture, Trade and Consumer Protection makes its report to the Legislature concerning payments made under this section during 1990-91.

One award, in the amount of \$10,990.48, was ordered by department hearing examiner Cheryl Daniels in a case arising out of the department's Food Division. This case arose when a department food inspector ordered dairy farmer Joseph Farrington to dispose of milk contained in Farrington's farm bulk tank. The inspector ordered the disposal after finding "garget" in a milk line filter. (The presence of garget in a filter indicates that one or more cattle in the herd are affected with mastitis, but does not pose any imminent hazard to public health.) Farrington complied with the disposal order, but requested a hearing before the department on the disposal. Farrington was represented in the hearing by Attorney David Danielson.

Following a "contested case" hearing under ch. 227, Stats., hearing examiner Cheryl Daniels issued a proposed decision stating that the Food Division erred by summarily ordering the disposal of the milk. After reviewing objections to the proposed decision, Secretary Alan Tracy issued a decision adopting the proposed decision with modifications. The Secretary's decision held that, under the facts of this particular case, the Food Division lacked authority to order the summary disposal of Farrington's milk. The decision also held that the disposal violated an applicable rule of the department.

On motion by petitioner Farrington, after considering arguments and documentation provided by the parties, the hearing examiner subsequently issued an order under s. 227.485, Stats., awarding costs and attorneys fees to Farrington in the amount of \$10,990.48. This order, together with the Secretary's prior decision on the merits of the case, were incorporated in the department's final decision and order issued on November 5, 1990.

The issues raised by Farrington led to a thorough review of the applicable rules by the Department. Subsequently, the Department adopted modifications of rules involving dairy farms and animal health, effective July 1, 1991, to insure that no similar cases arise in the future.

Sincerely,
Alan T. Tracy
Secretary

State of Wisconsin
Department of Corrections

August 1, 1991

To the Honorable the Legislature:

The Department of Corrections has no Claims under sections 227.485 and 814.245, Wisconsin Statutes, to report for the fiscal year ending June 30, 1991. Our legal counsel personnel have reviewed settlements during FY 91 and have determined that none apply to the previously stated sections.

Sincerely,
Patrick J. Fiedler
Secretary

STATE OF WISCONSIN
ETHICS BOARD

July 30, 1991

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules. For each organization I have noted the general area of legislative or administrative action which the organization has described as the object of its lobbying activity and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Respiratory Care, Wisconsin Society for
Subjects: Respiratory Care Rules.

Wagner, Burton
Haffenbredl, Mary

Twentieth Century Markets, Inc

Subjects: Any function or activity of any branch, department or phase of federal state or local government; agriculture; outdoor or environment; taxation; regulation or business, finance or insurance, or other topics pertaining to the general public health or welfare.

Bablitch, Stephen

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
ETHICS BOARD

July 30, 1991

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following 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

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Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

Action Coalition, Wisconsin

Terrance Herron

Browning-Ferris Services, Inc.

Brozek, Michael F.

Dental Assoc, Wisconsin

Theo, Peter

Timber Producers Association

Theiler, Carl

University of Wisconsin Student Governments, United Council of

Kingery, Kathy

Organization's termination of lobbyists: Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

Center for Public Representation Inc.

Spitzer-Resnick, Jeffrey 7/1/91

Hagopian, Mitchell 7/1/91

Abramson, Betsy 7/1/91

Handgun Control, Inc.

Case, Stephanie 7/1/91

Weaver, David 7/1/91

Milwaukee Public Schools

Petersbur, John 7/18/91

Monsanto Agricultural Company

Strauss, Martin 7/17/91

Paper Council, Wisconsin

Wilusz, Edward 8/16/91

Pebco, Inc.

Hephner, Gervase 6/30/91

Organization's cessation of lobbying activity: Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist indicates a cessation of all lobbying activity effective on the date shown.

Emerald Park, Inc. 6/30/91

Madison Landfills, Inc 6/30/91

Safety Belt Coalition 6/30/91

Organization's modification or amendment of records: The organizations listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

New addresses and Phone numbers:

District Attorneys Association Rm 206 Courthouse La Crosse, WI 54601 608-785-9604 Fax: 608-785-9704

Wildlife Federation, Wisconsin 1865 Ridge Rd. P.O. Box 842 East Troy, WI 53120 414-642-7424

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
ETHICS BOARD

July 23, 1991

To the Honorable the Senate:

At the direction of s. 13.685 (7), Wisconsin Statutes, I am furnishing you with the following list of State Agencies with additions or deletions to the names, titles and telephone numbers of their legislative liaisons:

Names to be added to the following state agencies' list of legislative liaisons:

Adolescent Pregnancy Prevention and Pregnancy Services Board

Alder, Dana Board Administrator 608-267-2080

Barron Co. District Attorney

Babler, James C. District Attorney 715-537-6220

Buffalo Co. District Attorney

Duvall, James District Attorney 608-685-6236

Clark, Thomas W. Asst. District Attorney 608-685-6236

Dane Co. District Attorney

Foust, C. William District Attorney 608-266-4211

Dawson, Linda Deputy DA

Beaudoin, Suzanne Victim/Witness Director

Door Co. District Attorney

Schuster, Gary J. District Attorney 414-743-5511

Vandenbranden, Lisa Assistant DA 414-743-5511

Eau Claire Co. District Attorney

Bowe, Carol A. Victim/Witness Coord. 715-839-4795

Pelrine, Raymond L. District Attorney 715-839-4828

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Marquette Co. District Attorney

Dufour, Richard J. District Attorney 608-297-9122

Northwest Regional Planning Commission

Gaiashkibos Commissioner 715-634-8934

Mekhail, Mounier Commissioner 715-682-0310

Ozaukee Co. District Attorney

Williams, Sandy A. District Attorney 414-284-9411

Savings and Loan, Commissioner of

Lee, Harold N., Jr. Commissioner

Taylor Co. District Attorney

Brey, Allen R. District Attorney 715-748-3131

Names to be removed from the following state agencies' list of legislative liaisons:

Industry, Labor, Human Rel, Dept of

Witter, Bill

Northwest Regional Planning Commission

Taylor, Bruce

Lanni, Donna

Public Instruction, Dept of

Sunby, Roger

Sincerely,
R. Roth Judd
Executive Director

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 91-67

Relating to staff attorney representation of nonindigent clients.

Submitted by State Public Defender.

Report received from agency, August 2, 1991.

Referred to committee on Judiciary and Consumer Affairs, August 7, 1991.

Senate Clearinghouse Rule 91-73

Relating to the administration of the forest crop law and the managed forest law.

Submitted by Department of Natural Resources.

Report received from agency, August 6, 1991.

Referred to committee on Urban Affairs, Environmental Resources and Elections, August 7, 1991.

The committee on Transportation and Utilities reports and recommends:

Senate Clearinghouse Rule 88-189

Relating to the secure fastening of loads of logs transported by motor vehicle, trailer or semitrailer, establishing minimum specifications for safe attachment devices and approving alternative attachment devices.

No action taken.

Thomas Barrett
Chair

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

Senate Clearinghouse Rule 91-53

Relating to administration of the clean water fund.

No action taken.

Brian Burke
Chair