

Eighty-Sixth Regular Session

WEDNESDAY, May 9, 1984

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

State of Wisconsin
Senate Chamber

May 4, 1984

PETITIONS AND COMMUNICATIONS

Wisconsin Housing and Economic
Development Authority

April 30, 1984

To the Honorable the Legislature

Pursuant to Section 234.165 of the Wisconsin Statutes, the report submitted with 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 information presented and the amounts identified as surplus funds exceed the specific requirements of the Statute.

As the report explains, the amounts which WHEDA considers to be the "actual" and "projected" surplus available for fiscal year 1984-85 are \$16.45 million and \$23.17 million respectively. The statutorily defined "actual" and "projected" WHEDA surplus available for fiscal year 1984-85 are \$5.7 million and \$10.62 million respectively.

The report provides a detailed explanation of these amounts. Please contact us if we can be of further assistance.

JAMES T. SYKES
Chair

State of Wisconsin
Department of Health and Social Services

May 1, 1984

To the Honorable the Legislature

Section 2020(24) of Wisconsin Act 27, the 1983-85 Biennial Budget, requires that the Department of Health and Social Services "shall evaluate its homecraft program, focusing on the over-all cost-effectiveness of homebound employment compared to sheltered employment and on the placement of clients affected by any change in the homecraft program. The department shall report its evaluation of this program to the Governor, the joint committee on Finance and the presiding officer of each house of the Legislature on or before May 1, 1984".

The attached report is submitted to fulfill this requirement. This report focuses on specific demographic and cost data relating to the cost-effectiveness of each program.

Your comments on this report are most welcome.

LINDA REIVITZ
Secretary

Dear Secretary Besadny

On April 3, 1984 Clearinghouse Rules 83-206, relating to commercial fishing and fish refuges on outlying waters, and 83-209, relating to the allocation of the commercial chub harvest in Lake Michigan, were referred to the Senate Energy and Environmental Resources committee. Since their referral, questions have been raised about the need for the rules and their effects on commercial fishermen.

In order that the committee may have an opportunity to hear a fuller explanation of the rules and the need for them, I am extending the review period of the committee for an additional 30 day period. I intend to hold a hearing on the rules on Tuesday, May 22nd, at 10:00 A.M. in Room 318 Southwest of the State Capitol.

I look forward to discussions about these rules in the near future.

JOE STROHL
Senator

State of Wisconsin
Office of the Commissioner of Insurance

May 2, 1984

To the Honorable the Senate

In accordance with section 227.018(2), Stats., this is notification that we are withdrawing consideration of the creation of Ins. 6.81 relating to product liability risk retention groups and purchasing groups.

LOU TURNER ZELLNER
Deputy Commissioner

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

May 9, 1984

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
299-----	406-----	May 2, 1984
116-----	391-----	May 2, 1984
118-----	392-----	May 2, 1984
202-----	393-----	May 2, 1984
444-----	394-----	May 2, 1984
547-----	395-----	May 2, 1984
609-----	396-----	May 2, 1984
317-----	407-----	May 3, 1984
168-----	408-----	May 3, 1984
354-----	413-----	May 8, 1984
398-----	414-----	May 8, 1984
504-----	415-----	May 8, 1984

JOURNAL OF THE SENATE

548-----	416-----	May 8, 1984
557-----	417-----	May 8, 1984
586-----	418-----	May 8, 1984
92-----	427-----	May 9, 1984
255-----	428-----	May 9, 1984
478-----	429-----	May 9, 1984
500-----	430-----	May 9, 1984
573-----	431-----	May 9, 1984
641-----	432-----	May 9, 1984

Respectfully,
ANTHONY S. EARL
 Governor

State of Wisconsin
 Office of the Governor
 Madison, Wisconsin

May 8, 1984

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
600partial veto-----	411-----	May 8, 1984

Respectfully,
ANTHONY S. EARL
 Governor

To the Honorable the Senate

I have approved Senate Bill 600 as 1983 Wisconsin Act 411 and deposited it in the office of the Secretary of State.

1. Section 1m

I am vetoing section 1m and the requirement that school boards participating in the competency testing program must indicate on each high school diploma whether the pupil has passed the tests in each of the basic skill areas. This provision is inequitable because it places a requirement on the 124 districts voluntarily participating in the competency testing program which is not placed on the other 308 non-participating districts. I support the competency testing program and would like to see greater participation by some of the larger school districts. Placing an additional requirement on a voluntary program that less than 30 percent of the school districts are participating in, may discourage future voluntary participation.

2. Section 2 as it relates to (2)(c), (d) and (e)

I am partially vetoing parts (2)(c), (d) and (e) of section 2. The veto eliminates the requirement that the state superintendent permit school boards to waive the graduation requirements for pupils who have successfully completed a competency test and removes the exceptions for three year high schools. The veto creates language which requires the state superintendent to establish course requirements and to approve school board graduation standards policies.

The competency test exemption is vetoed because the language is too broad and provides opportunities to

circumvent the intent of state graduation standards. Further, because the state does not have a mandatory competency testing program, school districts use different competency tests which require varying levels of proficiency. Therefore, successful completion of a competency test could mean something different in each school district and would not necessarily ensure that a student had mastered the full content of a course.

The exemptions for three year high schools is vetoed because state graduation standards should be applied uniformly throughout the state. Section 115.01(2) of the state statutes defines the high school grades as the last four grades of educational work. The graduation standards bill is consistent with the statutes and mandates certain course requirements in the high school grades. I believe all Wisconsin high school students should be afforded equal educational opportunity regardless of whether they attend a three year or a four year high school. I believe that three year high schools should coordinate course offerings and sequences with the lower grades regardless of state graduation standards.

My partial veto gives the state superintendent the authority to establish course requirements with the expectation that these will be minimum quality standards. I do not believe that the state superintendent should establish a rigid and comprehensive state curriculum, but rather that he should, through rule, identify the basic categories of skills and knowledge which should be included in the required courses. State graduation standards will not ensure equal educational opportunity if rules establishing minimum criteria for quality are not required. The authority to approve high school graduation standards policy is given to the state superintendent to make explicit the state's responsibility for proper implementation of graduation standards. The superintendents' approval is governed by specific standards provided in s. 118.33(1)(a). Moreover, it is the clear intent of the bill that the state superintendent delegate the task of certifying compliance with the standards to the school district.

3. Section 2 as it relates to (2)(f)

I am vetoing (2)(f) of section 2 which requires the state superintendent to recognize a school board's action to waive credit requirements or to develop alternative instructional programming. The provision is extremely broad and is vetoed because sufficient authority and guidance is provided elsewhere in the bill for the state superintendent to administer the graduation standards law in a manner which accommodates children with special interests, needs or requirements. I wholeheartedly support alternative programming for children whether they are gifted, disadvantaged or handicapped. And, I encourage all educators to be creative in developing alternative programs and creating the learning environments which will ensure that all children have the opportunity for a quality basic education.

JOURNAL OF THE SENATE

4. Section 2 as it relates to (2)(g) and (2m)

I am vetoing (2)(g) and a portion of (2m) in section 2. The veto removes the exemption from the physical education requirement for pupils who participate in interscholastic or intramural athletics. I eliminated this exemption because the language is too general and does not spell out how participation in athletics would be valued and translated into physical education credits. The broadness of the language could have resulted in great disparities across the state. Further, although organized athletics can teach students valuable skills, it is not the same level and quality of physical education instruction that students receive in a traditional physical education class.

5. Section 2 as it relates to (2m)

I am partially vetoing part (2m) of section 2 so that the state superintendent, instead of each school board, shall adopt policies to accommodate pupils with exceptional educational interests, needs or requirements. The veto is intended to provide a mechanism for children with special needs to satisfy graduation standards in ways which may be different from traditional classroom instruction. While categories of children should not be exempted from graduation requirements, it should be recognized that individuals differ in their ability to meet certain requirements. The responsibility for adopting policies for exceptional children is vested in the state superintendent rather than the school district to provide a more uniform and fair application of the procedures and to ensure that policies are not used as an excuse for not teaching students who are something other than average.

Respectfully,
ANTHONY S. EARL
Governor

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-189

AN ORDER to create Ag 10.37, relating to the certification of classification of cattle herds according to paratuberculosis (Johne's disease) status.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, May 4, 1984.

Referred to committee on Agriculture and Rural Affairs, May 9, 1984.

Clearinghouse Rule 83-192

AN ORDER to renumber LES 3.01 (2), 3.04 and 5.01 (1) (a) and (c); to renumber and amend LES 5.01 (1) (b) and (c) 1; to amend LES 1.02, 1.03 (9), 2.01 (1) (intro.), (f) 1 f and (g), 3.01 (1) (intro.), (a) and (c) and 4.01 (1) (c); to repeal and recreate LES 5.01 (1) (intro.); and to create LES 1.03 (11) and (12), 3.01 (2), 3.04, 5.01 (1) and (2) (intro.), (c) and (d), relating to mandatory employment and training standards for jail officers and to competency-based training for new law enforcement officers.

Submitted by Law Enforcement Standards Board.

Report received from agency, May 4, 1984.

Referred to committee on Health, Education, Corrections and Human Services, May 9, 1984.

Clearinghouse Rule 84-15

AN ORDER to repeal NR 40.03 (1) (g); to renumber NR 40.05 (3) (a); to renumber and amend NR 40.05 (3) (b); to amend NR 40.02 (1) (a), 40.03 (1) (a), (c) to (f), 40.07 (1) (d) and (e) and 40.09; and to create NR 40.03 (2), relating to state forest boundaries.

Submitted by Department of Natural Resources.

Report received from agency, May 3, 1984.

Referred to committee on Energy and Environmental Resources, May 9, 1984.

Clearinghouse Rule 84-18

AN ORDER to create Ag 10.62, relating to prohibiting imports of poultry, poultry products and related materials originating from the states of Pennsylvania, Virginia and Maryland.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, May 4, 1984.

Referred to committee on Agriculture and Rural Affairs, May 9, 1984.

Clearinghouse Rule 84-44

AN ORDER to create Ins 13.06 (4) and (5), relating to minimum surplus requirements for town mutual insurers.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, May 7, 1984.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, May 9, 1984.

The committee on Higher Education and Economic Development reports and recommends:

Clearinghouse Rule 83-191

AN ORDER to amend EAB 2.02 (1) and 2.11 (1) and (6); and to create EAB 2.01 (6) and 2.11 (7), relating to teaching locations used by for-profit postsecondary schools.

No action taken.

JOSEPH J. CZARNEZKI
Chair

The committee on Energy and Environmental Resources reports and recommends:

Clearinghouse Rule 83-207

AN ORDER to amend NR 20.02 (1) (c), 20.03 (1) (k), 25.06 (2) (b) 1 and 25.07 (2) (b) 5, relating to commercial fishing in outlying waters.

No action taken.

Clearinghouse Rule 83-208

AN ORDER to amend NR 25.07 (2) (b) 1 b and 2 c; and to create NR 25.07 (2) (b) 1 c and d, relating to the allocation of the commercial yellow perch harvest in Green Bay.

JOURNAL OF THE SENATE

No action taken.

JOE STROHL
Chair

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 168

Senate Bill 317

Correctly enrolled and presented to the Governor on
May 2, 1984.

Senate Bill 11

Senate Bill 37

Senate Bill 84

Senate Bill 92

Senate Bill 161

Senate Bill 170

Senate Bill 232

Senate Bill 244

Senate Bill 255

Senate Bill 315

Senate Bill 354

Senate Bill 362

Senate Bill 369

Senate Bill 391

Senate Bill 398

Senate Bill 414

Senate Bill 424

Senate Bill 429

Senate Bill 478

Senate Bill 480

Senate Bill 500

Senate Bill 504

Senate Bill 505

Senate Bill 517

Senate Bill 525

Senate Bill 548

Senate Bill 557

Senate Bill 561

Senate Bill 573

Senate Bill 586

Senate Bill 600

Senate Bill 601

Senate Bill 620

Senate Bill 639

Senate Bill 641

Senate Bill 655

Senate Bill 686

Senate Bill 687

Senate Bill 689

Correctly enrolled and presented to the Governor on
May 4, 1984.