

STATE OF WISCONSIN

Senate Journal

1989 October Special Session

10:00 A.M.

Thursday, January 11, 1990

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The Chair, with unanimous consent, asked that the calling of the roll be dispensed with.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

January 10, 1990

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:

Special Session Senate Bill	Act No.	Date Approved
13 (partially vetoed)	----- 120 -----	January 9, 1990

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

January 10, 1990

To the Honorable, the Senate:

I have approved **Special Session Senate Bill 13** as 1989 Wisconsin Act 120 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto to reflect my concern that the bill goes far beyond the original intent to provide more state funds for immunizations.

This bill provides \$2 million GPR this fiscal year and in fiscal year 1990-91 for the Department of Health and Social Services to purchase vaccine to provide booster shots for measles, mumps and rubella. This funding should help prevent future epidemics such as the measles outbreak which we are experiencing now in Milwaukee. The bill also clarifies the authority of the Department of Health and Social Services to revoke the license of a day care center which does not comply with the requirement that children entering the center present proof of immunization.

This bill amends current law to establish a new enforcement mechanism to ensure that children are properly immunized when they enter any type of school, nursery or day care center. Currently, children can be admitted to these facilities without immediate proof of immunization if the proper shots are received within a certain time period. If the student does not have proof of

immunization or has not submitted a written request for waiver of the immunization requirement, then the case is referred to the district attorney for follow-up.

Sections 7, 8 and 9 of the bill shift the responsibility for enforcement of the immunization law to the schools. Children who have not gotten their shots can be conditionally admitted to schools but the necessary shots must be received before November 1st. If proof of immunization or a waiver is not provided by that date, the child will be indefinitely suspended from school and will be considered truant under state law.

I am vetoing these provisions for several reasons. First, it is not clear that the current process of referring noncompliance cases to the district attorneys is not working. Second, suspension is contrary to my goal of educating children by keeping them in school. Third, suspending and labeling a child a truant punishes the student rather than the parents who are rightfully responsible for the health of their children. Finally, these provisions were included in the bill without public debate. This issue requires further scrutiny and a coordinated assessment of the need for change to current law. As a result, I am requesting the Departments of Health and Social Services and Public Instruction to work with interested parties such as district attorneys, schools and health professionals to determine whether changes in the law are necessary.

Sections 3 and 5 prohibit a day care center from unconditionally admitting a child who has not had the required shots. Sections 2 and 4 refer to the Department's responsibility to revoke the license of a care provider who does not ensure that children have had the proper shots. While these provisions seem reasonable, the bill was drafted in such a way that vetoing the shift in enforcement makes the language in these sections unworkable. I have therefore also partially vetoed these sections.

In addition, section 6 exempts a student from Learnfare sanctions when the child has been suspended from school for failure to provide proof of immunization. I am vetoing this section because it is contrary to the purpose of Learnfare, which requires school attendance in order to maintain benefits.

Finally, section 10 requires the Office of the Commissioner of Insurance to report on health insurance for immunizations under s. 140.05(16), "as affected by this act". However, since my veto of s. 140.05(16) results in the retention of current law, these specific phrases are unnecessary and I have vetoed them.

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Respectfully,
TOMMY G. THOMPSON
Governor

Correctly enrolled and deposited in the Office of the
Secretary of State January 11, 1990.

The Chair, with unanimous consent, asked that the
Senate adjourn until 10:00 A.M. Tuesday, January 16.
10:01 A.M.

CHIEF CLERK'S REPORT

The chief clerk records:

1989 October Special Session Senate Joint Resolution 4.