

STATE OF WISCONSIN
Assembly Journal
Eighty-Sixth Regular Session

THURSDAY, May 10, 1984.

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

ADMINISTRATIVE RULES

Read and referred:

Assembly Clearinghouse Rule 83-189

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.

To committee on Agriculture.

Referred on May 7, 1984.

Assembly Clearinghouse Rule 83-192

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.

To committee on Criminal Justice and Public Safety.

Referred on May 7, 1984.

Assembly Clearinghouse Rule 83-215

Relating to unemployment compensation and work registration; work search; ability to work and availability for work; and notice of unemployment.

Submitted by Department of Industry, Labor & Human Relations.

To committee on Labor.

Referred on May 9, 1984.

Assembly Clearinghouse Rule 84-15

Relating to state forest boundaries.

Submitted by Department of Natural Resources.

To committee on Forest Productivity and Rural Development.

Referred on May 7, 1984.

Assembly Clearinghouse Rule 84-18

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.

To committee on Agriculture.

Referred on May 7, 1984.

Assembly Clearinghouse Rule 84-44

Relating to minimum surplus requirements for town mutual insurers.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions and Insurance.

Referred on May 8, 1984.

Assembly Clearinghouse Rule 84-45

Relating to updating sales and use tax rules for law changes and tax appeals commission or court decisions which are final.

Submitted by Department of Revenue.

To committee on Revenue.

Referred on May 10, 1984.

COMMUNICATIONS

State of Wisconsin
 Department of State
 Madison

To Whom It May Concern:

Dear Sir: Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

Bill or Res. No.	Enrolled No.	Publication date
Assembly Jt Res 60	-----43	----- Not published
Assembly Jt Res 61	-----44	----- May 1, 1984
Assembly Jt Res 61	-----44	----- May 7, 1984
Assembly Jt Res 66	-----45	----- Not published
Assembly Jt Res 96	-----46	----- May 1, 1984
Assembly Jt Res 97	-----47	----- Not published
Assembly Jt Res 102	-----48	----- Not published
Assembly Jt Res 104	-----49	----- Not published
Assembly Jt Res 107	-----50	----- Not published

DOUGLAS La FOLLETTE
 Secretary of State

EXECUTIVE COMMUNICATIONS

State of Wisconsin
 Office of the Governor
 Madison

To the Honorable, the Assembly:

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

Assembly Bill	Act No.	Date Signed
240	----- 409	----- May 3, 1984
595 (partial veto)	----- 410	----- May 4, 1984

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1018	412	May 8, 1984
400	419	May 8, 1984
403	420	May 8, 1984
844	421	May 8, 1984
855	422	May 8, 1984
1015	423	May 8, 1984
1016	424	May 8, 1984
1034	425	May 9, 1984
1035 (partial veto)	426	May 9, 1984
305	433	May 9, 1984
321	434	May 9, 1984
401	435	May 9, 1984
440	436	May 9, 1984
682	437	May 9, 1984
695	438	May 9, 1984
901	439	May 9, 1984
934	440	May 9, 1984
955	441	May 9, 1984
24	467	May 10, 1984
58	468	May 10, 1984
75	469	May 10, 1984
137	470	May 10, 1984
150	471	May 10, 1984
169	472	May 10, 1984
197	473	May 10, 1984
234	474	May 10, 1984
283	475	May 10, 1984
302	476	May 10, 1984
322	477	May 10, 1984
406	478	May 10, 1984
414	479	May 10, 1984
425	480	May 10, 1984
462	481	May 10, 1984
467	482	May 10, 1984
500	483	May 10, 1984
540 (partial veto)	484	May 10, 1984
543	485	May 10, 1984
559	486	May 10, 1984
561	487	May 10, 1984
589	488	May 10, 1984
590	489	May 10, 1984
606	490	May 10, 1984
612	491	May 10, 1984
629	492	May 10, 1984
632	493	May 10, 1984
633	494	May 10, 1984
673	495	May 10, 1984
693	496	May 10, 1984
702	497	May 10, 1984
717	498	May 10, 1984
719	499	May 10, 1984
727	500	May 10, 1984
739	501	May 10, 1984
742	502	May 10, 1984
788	503	May 10, 1984
789	504	May 10, 1984
825	505	May 10, 1984
829	506	May 10, 1984
833	507	May 10, 1984
847	508	May 10, 1984

859	509	May 10, 1984
861	510	May 10, 1984
880	511	May 10, 1984
887	512	May 10, 1984
891	513	May 10, 1984
892	514	May 10, 1984
895	515	May 10, 1984
896	516	May 10, 1984
900	517	May 10, 1984
914	518	May 10, 1984
926	519	May 10, 1984
935	520	May 10, 1984
949	521	May 10, 1984
953	522	May 10, 1984
986 (partial veto)	523	May 10, 1984
987	524	May 10, 1984
993	525	May 10, 1984
994	526	May 10, 1984
1009	527	May 10, 1984
1011	528	May 10, 1984
1033	529	May 10, 1984
1063	530	May 10, 1984
1116	531	May 10, 1984
1094	532	May 10, 1984
362	533	May 10, 1984
976	534	May 10, 1984
391	536	May 10, 1984
749	537	May 10, 1984

Respectfully submitted,
ANTHONY S. EARL
Governor

GOVERNOR'S VETO MESSAGES

May 10, 1984

To the Honorable Members of the Assembly:

I am vetoing Assembly Bill 309 because technical problems with two Senate amendments prevented the bill from being enrolled in a manner which reflects the intent of the Legislature.

Although members of both the Assembly and the Senate adopted language which limited the payroll inspection of nursing homes to those homes which have been named in a verified complaint, technical conflicts between Senate Amendment 1 and Senate Amendment 2 prevented this provision from being included in the enrolled version of Assembly Bill 309.

It is my intention, therefore, to support a bill which better reflects legislative intent.

Respectfully submitted,
ANTHONY S. EARL
Governor

May 10, 1984

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 488** for the following reasons. The Wisconsin Department of Veterans Affairs (DVA) had been prevented from issuing third-priority loans to applicants with U.S. Department of Housing and Urban Development (HUD) mortgage loans. The DVA and HUD have negotiated an administrative solution to the problem and the bill is therefore no longer needed. At the request of the DVA, HUD may subordinate their mortgage to the DVA second mortgage loan. This process will be used on a case-by-case basis and will be very limited in number.

Further, the benefits of third-priority loans would be inequitably distributed to a small number of individuals already receiving significant public subsidies. Under **Assembly Bill 488**, the Department of Veterans Affairs could grant a \$5,000 second mortgage at three percent for up to 23 years to a veteran who has already received a below-market interest rate on a HUD-issued second mortgage. All demands from veterans for second mortgage loans are not now being met. It would be more equitable to meet all these demands before issuing third-priority loans.

Finally, this bill would further exacerbate solvency problems identified for the Veterans Trust Fund (VTF) -- a problem we will have to address in the near future.

Respectfully submitted,
ANTHONY S. EARL
Governor

May 10, 1984

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 540** as 1983 Wisconsin Act 484 and deposited it in the office of the Secretary of State.

Section 175(2) in part.

I am vetoing one provision in **Assembly Bill 540** which attempted to delay until June 1, 1985 the effective date of a prohibition on convicted felons being placed on a ballot. The language as it stands does not accomplish its purpose of delaying the effective date, which remains at June 1, 1984. If left in place, the conflicting subsection could be a source of confusion to someone reading the law. This technical partial veto does not change the effect of the law, but does help ensure a smooth implementation of the bill's controlling provisions.

Respectfully submitted,
ANTHONY S. EARL
Governor

May 4, 1984

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 595** as 1983 Wisconsin Act 410 and deposited it in the office of the Secretary of State.

1) Sections 1r, 18m, 24q in part, 100m, 2102

I am vetoing provisions added to the groundwater protection bill which transfer all animal waste management responsibilities to the Department of Agriculture, Trade and Consumer Protection (DATCP) and prohibit the Department of Natural Resources' (DNR) involvement in the program. These provisions would undermine a comprehensive agreement for administering the animal waste management program. That agreement combines the DATCP's sensitivity to the needs of farmers with the DNR's expertise in monitoring and maintaining water quality. This cooperative agreement resulted from over a year of hearings and discussions among DATCP, DNR, farm groups, environmentalists, and legislators. The transfer of all program responsibilities to DATCP, after the cooperative agreement has been put in place, would result in confusion, duplication, and further delays. In short, the agreement should be given time to work before being prematurely replaced.

I believe the program will be more efficient under the cooperative agreement and, more importantly, will provide farmers with consistent and reasonable advice from both departments. The bill provides that the animal waste program is totally transferred to DATCP, and DNR is prohibited from any involvement, except in cases where water pollution is caused by animal waste runoff. Imagine the frustration of a farmer with an animal waste runoff problem who would be forced to sort out conflicting advice from two state agencies, or review plans to control pollution which meet one agency's standards but not others'. The existing agreement requires DNR, DATCP and county staff to cooperate and work with farmers, to ensure that the farmers receive consistent advice.

Placing a water quality program in DATCP would result in confusing, overlapping, and needlessly expensive responsibilities between the two departments. An additional 6.5 staff positions would be necessary because DATCP lacks expertise in technical water quality evaluation. This would duplicate an existing capability in the DNR. Coordination with other DNR water programs would be reduced, resulting in less effective expenditures for water resource protection and cleanup. Every other state in the midwest has given its water quality control agency a lead role in animal waste pollution programs, and I believe Wisconsin should follow that lead.

Since our promulgation of DNR's animal waste rules, the interest in this program has been very high. Over 50 counties have already expressed interest in working with DNR to resolve animal waste pollution

problems. A number of them have already assisted in investigations of water quality problems with DNR and are working with farmers to develop corrective measures. Mandatory regulations will only apply to the approximately fifty farms in the state which have over 1,000 animal units. The vast majority of remaining farms and feedlots will be included in the program only if a complaint is received from nearby landowners. If a significant pollution problem is identified, the owner may work with county or DATCP staff to correct the problem. Up to two years is allowed to install pollution controls. If appropriate corrective action is taken, DNR's only contact with a farmer will be the initial investigation. However, if all agencies agree that a problem exists and pollution is not adequately controlled, DNR may require compliance. I expect this type of action will be rare.

The veto will return the animal waste program to the conditions set out in the January memorandum of understanding between DNR and DATCP. However, my Executive Order will alter that procedure in two ways. First, under the existing agreement DNR would investigate animal waste complaints to determine if a significant pollution problem exists. DATCP or county staff would have the option to participate in the on-site investigation. My Order will direct both agencies to develop procedures which will ensure that DATCP or county staff accompany DNR staff for all investigations. Often county staff will already know the farmer and can readily answer questions about the nature of the animal waste problem and alternative controls which could reduce or eliminate pollution using practical farm management practices.

Second, under the existing agreement DNR makes the final judgment about which controls should be installed to reduce pollution on farms where significant problems are identified. My Executive Order will continue DATCP and county Land Conservation Committee involvement and also include the State Land Conservation Board in choosing appropriate pollution controls. The county will recommend controls to the DNR. In the event that the county and DNR do not agree on which practices are needed to control water quality problems, the Secretary of DNR is required to seek the advice of the Land Conservation Board before making a final decision. Further, if local staff and DNR disagree, the Land Conservation board, which is composed of representatives from the farm community, local officials and the Secretaries of DATCP, DNR and DOA, will provide DNR with its recommendation. Additional oversight will be provided by a report to be prepared by the LCB analyzing the first year of the program's operation.

The combination of my veto and Executive Order restores and improves the cooperative agreement between DATCP, DNR and the counties. These changes will make full and effective use of each agency's expertise and sensitivity, as well as respond to the concerns that the program have a balanced decision-making process.

2) Section 63 in part

I am vetoing a provision in the groundwater protection bill which prohibits the use of the state environmental repair fund at sites which receive funds from the federal superfund. Both funds are intended for investigation and clean-up of disposal sites which are polluting ground or surface water and posing a serious threat to public health. However, prohibiting the use of state funds at sites receiving federal grants may restrict comprehensive clean-up efforts. If additional work is necessary beyond what is eligible under the federal program, state action would not be possible.

Due to the wide variety of pollution problems which can threaten public health and uncertainty about the extent of federal clean-up efforts, I believe it is unwise to rule out the possibility of state action at sites which receive federal superfund grants. A provision which prohibits the Department of Natural Resources from duplicating actions which are eligible for federal payments remains in the bill.

3) Sections 2 in part, 2038(9)(a) in part and (b) in part

I am vetoing a requirement that a member of a local health department be appointed to the groundwater coordinating council because the council is designed to share information between state agencies involved in implementing groundwater programs established by the bill. In the early stages of program development, local agencies will have little involvement and the interests of local health officials can be represented by the Department of Health and Social Services.

4) Section 9 in part

I am vetoing a provision in the groundwater bill which limits site clean-up payments to only solid and hazardous waste disposal facilities. Many dangerous waste spills or old landfill sites which have never been licensed would be excluded under this provision. This veto would allow clean-up funds to be used at any site or facility which poses a serious threat to public health or the environment.

5) Section 45 in part

I am vetoing a provision which allows the Department of Natural Resources to require monitoring only at non-approved but licensed waste disposal facilities. This veto will allow the department to require monitoring at any facility which is no longer in operation. Many disposal sites which were never licensed could be serious threats to public health or the environment. If problems exist, the DNR should be able to require monitoring to determine the nature and extent of pollution.

6) Section 4 in part

I am vetoing \$155,000 in GPR for staff costs associated with the well compensation program in 1983-84. The program will not be organized until the 1984-85 fiscal year, therefore, these funds are not needed earlier.

7) Section 18f in part

I fully support efforts to continue the operation of the Fox River lock system. This provision in the groundwater protection bill establishes a Fox River Management Commission to negotiate with the U.S. Army Corps of Engineers for the continued operation of the locks after federal support ends with the close of the 1984 boating season.

The locks of the Lower Fox River have significant historic, economic and recreation value for all the citizens of Wisconsin. Without timely action by the state, this asset could be lost for all time. However, the ownership, operation and maintenance of the Fox River lock system is an important responsibility which should be undertaken cautiously in three phases.

During the 1984 first phase, the U.S. Army Corps of Engineers will continue to operate the system, as it has for over 100 years, while the Wisconsin Department of Natural Resources will monitor the operation to acquire expertise and identify possible problem areas. During the 1985 second phase, the Fox River Management Commission can operate the system under a lease agreement, though the title will remain in the federal government. The third phase would allow transfer of ownership to the state and authorize substantial maintenance projects to rebuild the locks. I believe this phase should not be authorized until the first two phases have been successfully completed.

My veto does not affect the first two phases. However, it does withhold authority for final transfer of ownership to the state and the undertaking of major maintenance projects. The more ambitious third phase should not be authorized until the Fox River Management Commission has studied alternative management and funding arrangements and short-term operation has been successfully accomplished. Without question, it would be premature to authorize the transfer of ownership at this time.

Respectfully submitted,
ANTHONY S. EARL
Governor

May 10, 1984

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 968** because the provisions for group bagging of deer contained in the bill are vague and unenforceable and the elimination of the retention requirement for deer carcass tags hampers proper enforcement of deer hunting laws.

The group bagging language in Section 1 (29.01(7m)) and Section 3 (29.40(6)) is not specific enough for law enforcement purposes. The practical application of this language in the field will require additional discretion by wardens in interpretation of this statute. The statutes should more clearly define and outline the conditions

under which group deer hunting is permitted. The law enforcement officers must be given more specific direction so that they can effectively enforce and interpret the law. A statute which more clearly establishes definite parameters for group bagging of deer will also help to maintain a positive image of deer hunters in Wisconsin.

This bill also rewrites the deer tag retention policy in Section 2m (29.40(2)). This section requires deer tags to be retained only until the time of butchering. Under current law, carcass and registration tags are required to remain with the venison until it is consumed. A substantial amount of law enforcement action for deer hunting violations has been based on this tag retention policy. Some of the types of violations which would be affected by Assembly Bill 968 are excess bag limits, closed season deer and locker plant violations. The non-retention of deer tags after the time of butchering as presented in this bill creates serious law enforcement problems and eliminates an important mechanism to judge the legality of deer which have been killed.

Timing is a critical problem for group bagging and tag retention legislation because of the upcoming deer season. Because of this timing problem, I am introducing a remedial bill. This bill will legalize group bagging while establishing more definite parameters for it and will address the problems with the current tag retention statute while keeping it enforceable.

Respectfully submitted,
ANTHONY S. EARL
Governor

May 10, 1984

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 986** as 1983 Wisconsin Act 523 and deposited it in the office of the Secretary of State.

Section 4 in part.

I am vetoing one provision of Assembly Bill 986 which prohibits two counties receiving Cooperative Model Law Enforcement Aids from participating in the Law Enforcement Aids to Counties with Reservations program. Historically, a total of seven counties have participated in this program. Included in these seven counties were two counties restricted by present language. Since there has not been a demonstrated need to restrict the number of applicants, all counties eligible for program aids (up to 10 under present allocation) should be able to apply. These law enforcement aids will allow counties with reservations to carry out enforcement responsibilities under Public Law 280.

Respectfully submitted,
ANTHONY S. EARL
Governor

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May 9, 1984

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 1035** as 1983 Wisconsin Act 426 and deposited it in the office of the Secretary of State.

Section 27.

I am vetoing Section 27 of Assembly Bill 1035. Current law does not allow solid waste planning grants

to be used for hazardous waste or radioactive material disposal. These materials require special handling and are governed by separate federal and state regulations. My veto continues the prohibition.

Respectfully submitted,
ANTHONY S. EARL
Governor