FRIDAY, June 16, 1972.

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

EXECUTIVE COMMUNICATIONS

June 9, 1972.

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	Chapter No.	Date Approved
218	326	June 9, 1972
385	327	June 9, 1972
182 (partial veto)	328	June 9, 1972
1179	329	June 9, 1972
1239	330	June 9, 1972

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 104** without my approval. The bill would require the Department of Natural Resources to pay full local assessments to municipalities for all lands acquired after December 31, 1972.

It is my firm position that all state agencies, not merely DNR, should compensate local units of government whenever land is taken from their tax rolls. However, these payments must be equitable ones that take into account the degree to which the acquisition of the land will affect the municipality.

Assembly Bill 104 in its present form goes far beyond the attempt to provide property tax relief to those areas of the state affected by DNR acquisition of land. The bill clearly violates the concept of state sovereignty by forcing the

state to pay taxes directly to local units of government. Furthermore, the state would be forced to accept any decisions of the local boards of review, whereas private property owners under present law may appeal decisions of the local boards of review to the State Department of Revenue.

From a fiscal viewpoint, the bill in its present form would only provide relief to those areas in the state where DNR acquisition takes place after January 1, 1973. No effort is made to help resolve the property tax relief burden faced by those areas of the state where the Department of Natural Resources has already acquired land. Furthermore, the bill would create a *third* procedure under which the Department of Natural Resources would make payments to municipalities.

(a) DNR now pays 30 cents an acre to towns for all lands acquired prior to June 30, 1969.

(b) DNR pays on all land purchased after June 30, 1969, under a Loomer formula which is based on a declining percentage of the local property tax rate over a ten-year period. After the ten-year period no payments are made.

(c) DNR would now be required under **Assembly Bill 104** to make full local assessment payments to towns, cities and villages on all land acquired after January 1, 1973.

It is not in the best interests of the state to rely on three entirely different aid payments. Instead there should be one formula under which the Department of Natural Resources makes payments to local units of government for land taken off the localities' tax rolls.

I do believe very strongly that the purpose of **Assembly Bill 104** providing property tax relief to municipalities must be enacted. Therefore, it is my intention to introduce a bill which will address itself to the property tax relief issue without abandoning the concept of state sovereignty. This formula will be one which will provide more significant property tax relief to more municipalities in the state. I have asked that a bill be drafted which will increase the per acre payment by the Department of Natural Resources so that it better reflects the tax value of the land purchased, covering both past and prospective purchases. I am hopeful that the many legislators who have been promoting **Assembly Bill 104** will continue to participate in the

solution of this very important problem and assist me in the preparation of an equitable proposal.

For the above reasons, I do not believe that it would be in the public interest to sign **Assembly Bill 104** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 115** without my approval.

Assembly Bill 115 would require that at least one member of the Board of Natural Resources shall own, work and live on an operating farm. I am completely in sympathy with the notion that the Board of Natural Resources should contain at least one member who is a working farmer. Farming is, and has always been, the backbone of our Wisconsin State economy. The economic and social contributions which the working farmer makes to the State of Wisconsin, in large part, is responsible for the character of the State. For these reasons, I have determined that my next appointment to the Board, presently pending, shall be an individual who owns, works and lives on an operating farm.

While I am very much in sympathy with the basic motivation behind **Assembly Bill 115**, I must disagree with the concept of establishing further statutory requirements for the membership on this or any other State board. Sometime in the future, the Governor of this State might find specific statutory membership limitations a difficult encumbrance in the face of some new and unforeseen issue which could be before the Department of Natural Resources Board or some other State board, which might have had occupational limitations set on its membership due to the precedent set by this bill.

I would hope that my veto of this bill would not be characterized as, in any way, denigrating the status of the farmer in the State of Wisconsin. As I have stated, I believe that farmers represent the nucleus of our State. How-

ever, for the above mentioned reasons, I do not believe it would be in the public interest to sign **Assembly Bill 115** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 129** without my approval. Although this bill has substantial conceptual merit, it must be vetoed on technical grounds. The major shortcoming of the bill is its failure to clarify the relationship between the bill's provisions and DNR's current statutory requirements. In essence, **Assembly Bill 129** calls for DNR to make a lump sum payment to *school districts* for the retirement of bonded indebtedness. This is done without any mention of the Loomer formula under which DNR currently makes aids-in-lieu of taxes payments which includes a factor for school indebtedness to *towns*. Mechanically this would mean that over a ten-year period the Department of Natural Resources would make $1.55 in payments to retire $1.00 of local school indebtedness.

Additionally, the bill contains two other major technical flaws which would make it inoperative even if the bill were signed into law. In essence, the bill creates requirements which DNR must meet while simultaneously creating legal and fiscal barriers which cannot be avoided. The recent court decision which states that the *letter* of the law and not the *intent* of the law must be met will preclude any attempts to loosely interpret this bill.

In conclusion, it is my hope that the technical problems with this bill can be resolved. I would welcome the opportunity to sign a corrected version of this bill if it reaches my desk.

For the above reasons, I do not believe that it would be in the public interest to sign **Assembly Bill 129** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 131** without my approval.

Assembly Bill 131 lowers the voting age from 21 to 18 for all elections held in the State of Wisconsin. Its effect is to allow persons between the ages of 18 and 21 to vote in State and local elections. However, under the recently-passed Amendment to the United States Constitution which allows persons 18 years of age and above to vote in all national, state and local elections, the need for this bill has been eliminated.

Section (3) of **Assembly Bill 131** would require a referendum on the voting age. This referendum would have to be scheduled for submission to the people at the general election of 1972. Since the Attorney General has indicated to me in an opinion dated February 24, 1972, that the signing of **Assembly Bill 131** would require a calling of what could be an expensive referendum, in spite of the ratification of the U. S. constitutional amendment, and because the Revisor of Statutes, James Burke has indicated that the changes in the voting age can be accomplished with a Revisor's Bill, I have determined that it would not be in the public interest to sign **Assembly Bill 131** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 182** with my partial approval. The bill requires the state to make payments to local units of government for services provided to state property. **Assembly Bill 182** must be considered a significant milestone in the history of the State of Wisconsin, particularly in the long-term effect it will have in state-local relationships.

The action I have taken will insure that this policy of state payments for local services will become statutory,

while the specific implementation of the principle will require further legislation. I have item vetoed the provisions of the bill which would require the state to make payments in this biennium.

Fiscal balances of the state cannot sustain the burden which this bill would create in 1971–73. Also, it will take time to formulate the guidelines under which the negotiations between the state and municipality will take place.

While I fully support the concept and want it implemented, remedial legislation is needed to clear up various problems associated with the payments the state will make. The bill establishes a loose, fragmented system for the payment for municipal services with inadequate fiscal controls. No central agency is established to coordinate negotiations. No definitions are included to describe various terms in the bill such as "services." No guidelines are established, and no consideration is given to existing state programs, such as shared taxes and property tax relief.

I have item vetoed portions of the bill to accomplish the following:

1. The policy of state payments for municipal services becomes law while the fiscal effects are delayed to the next biennium.

2. The mandatory payments are deleted, although maximum flexibility is retained to authorize the state to negotiate for any service with approval by the Board on Government Operations.

3. Item vetoed, the bill will take effect upon signature. The state will immediately begin developing in concert with local units of government guidelines for the negotiations.

4. I will continue to work with the representatives of local units of government to develop a remedial bill that implements the principle of state reimbursement to municipalities for services rendered. These meetings have already begun, and I am confident they will result in an agreed-upon proposal.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 258** without my approval. The bill was originally introduced as a proposal to exempt certain specific events from the sales tax that involve professional entertainment. Unfortunately, the bill was drafted so that it would have far broader effect than the proponents desired. Many large professional sports events would be exempt under this proposal, as would a wide variety of other entertainment activities, which was not the original intent of the legislation. The joint Survey committee on Tax Exemptions has reported that the fiscal effect of the bill would be substantial.

Several other considerations further prompt my decision to veto **Assembly Bill 258**. Since the sales tax is ordinarily passed on to the ticket's purchaser, the sponsoring church or civic group is not directly affected by the tax. Thus, the profits made from the event would not be diminished as a result of the tax.

Next, in instances involving professional entertainment, the audience purchases tickets primarily because of that professional attraction, not because of the sponsoring organization. Thus, it is different than a church bazaar, which is attended by persons who wish to support the church primarily.

I urge the proponents of **Assembly Bill 258** to correct the problems associated with this bill, and introduce a more specific measure in the next session that deals with a limited exemption from the sales tax for special sorts of events.

For the above reasons, I do not believe that it would be in the public interest to sign **Assembly Bill 258** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 431** without my approval.

The bill was originally proposed by the Department of Revenue in the fall of 1970. It was recommended on the basis of conditions prevailing at that time. When the bill was proposed, the personal and the real property tax credit accounts each contained about $65,000,000. This means that if the dates for distributing the amounts in these funds were transposed, the fiscal effect for the state would be neutral.

The Department of Revenue submitted Assembly Bill 431 because it needed more time to calculate the personal property tax credit. Thus the date for distributing this credit, according to the bill, is pushed back from February 15 to March 1. However, to maintain a neutral fiscal effect so that local governments would not lose money, the bill moved forward the date for distributing real property tax credit from March 1 to February 15. This was and is administratively possible because real property tax credits are calculated and known by the Department in December. Thus, Assembly Bill 431, when submitted, was no more than a technical change. It had a neutral fiscal effect, and was intended to accommodate a workload and deadline problem.

However, two events occurred which removed the possibility of the bill having a neutral fiscal effect. First, the tax redistribution reforms contained in the 1971–73 budget adjusted the levels in the real and personal property tax relief accounts so that they are no longer equal. Thus, by transposing the distribution dates for real and personal property tax relief payments by fifteen days, a significant fiscal effect is produced. More importantly, an amendment to the bill was submitted and accepted by the Legislature which requires that the real property tax credit be distributed as soon as it is determined. Since the determination occurs in December, the amended bill would have the effect of moving the distribution date from March 1 to December 1. This is highly undesirable because it would result in a revenue loss to the state of more than $1,000,000 in interest in the next biennium. Also, a December distribution of real property tax credits would come on the heels of a November distribution of shared taxes, causing serious cash flow problems for the state. In addition, a distribution of real property tax relief in December rather than March would allow local communities to receive a windfall of relief in

1972. This would occur because each community would receive two real relief payments this year, namely one in March under the old law and a second in December under the bill.

For the above reasons, I do not believe that it would be in the public interest to sign **Assembly Bill 431** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 545** without my approval. The bill makes it prima facie evidence of intent to defraud if the consumer, after removing his vehicle from a mechanic's premises, cancels payment on his check paid to the mechanic for services provided. As amended, the bill does not apply if the property is improperly serviced and if it is returned to the original mechanic for proper repair.

The overwhelming criterion for evaluating consumer-business public policy is that of fairness. In reviewing this bill, I find it to be unfair from the consumer's point of view. Under current law, the mechanic has numerous advantages such as a mechanics' lien on all property and the option to accept cash only for his services. The physical isolation of his work and the process of estimating costs before services are begun also give the mechanic an advantage.

The consumer has one protection in that he can cancel payment on his check. This bill would make it illegal to do so unless the consumer can prove that the vehicle is improperly serviced and unless he returns the vehicle to the original mechanic for proper repair. Such a provision would force the aggrieved consumer to return his property to a mechanic in whom he may have little faith. Moreover, the mechanic is apt to demand cash the second time since he knows that the consumer is more than willing to stop payment on his check if he is again dissatisfied.

The legal impact of prima facie evidence of intent to defraud extends to all cases of cancelled checks made to

mechanics as payment for service. The softening provision of the bill applies only to the proper repair of a vehicle. Thus, if the mechanic grossly underestimates the cost of service for the vehicle and subsequently presents the owner with a larger bill, there is no way for the consumer to cancel payment without establishing prima facie evidence of intent to defraud.

In summary, I find the bill not to be in the best public interest. Not only is it single-industry legislation, but also it is unfair to the consumer and is legally weak. While I am vetoing this bill, I am also referring the matter to the Consumer Advisory Council for further research.

For the above reasons, I do not believe that it would be in the public interest to sign **Assembly Bill** 545 into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 689** without my approval. I have taken this action for two reasons. First, the objective of **Assembly Bill 689** which is the eventual leveling off of DNR's boat registration cycle via a change in registration procedures has already been met with passage of the Annual Review Bill (Chapter 215, Laws of 1971). Secondly, and more importantly, the annual review bill provisions can be easily administered. This cannot be said of **Assembly Bill 689** with its requirement that DNR must prorate boat registration fees. **Assembly Bill 689** would take a simple registration procedure (based on April 1 as the start of the boating season) and turn it into an elaborate clerical process with all the inherent dangers of error and public dissatisfaction.

In conclusion it is my feeling that the administrative improvements contained in the Annual Review Bill would be completely lost if the procedural requirements contained in **Assembly Bill 689** were to be enacted.

For the above reasons, I do not believe that it would be in the public interest to sign Assembly Bill 689 into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning Assembly Bill 810 without my approval. This bill has the desirable intent of enabling school districts to operate on a continuous year basis without a loss in state school aids. I am vetoing this bill, however, because it is almost identical to language already enacted into law. Section 453 of Chapter 125, Laws of 1971, contained the following language:

(2) In a school district operating its regular school term on a continuous basis, the district clerk shall add to the number of pupils enrolled on the 3rd Friday of September any pupils who are not then enrolled but are residing in the school district and will become full-time pupils on or before December 31 of the same year.

The language in Assembly Bill 810 is nearly the same:

(2) In school districts operating on a continuous school year plan, the district clerk shall add to the number of pupils enrolled on the 3rd Friday of September any pupils who are not enrolled but are then residing in the district and will become full-time pupils under a continuous school year plan on or before December 31 of the same year.

For this reason I am returning Assembly Bill 810 without my approval.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning Assembly Bill 894 without approval.

I am in full agreement with the need to establish clear procedures that will insure that every student receives due process before being deprived of his right to obtain an education. The courts have made it quite clear that they will not uphold any expulsion unless the student has had access to a fair and open hearing at which time the charges against him may be presented. Unfortunately, certain problems exist with Assembly Bill 894 which would create impractical delays in the case of temporary suspensions. While it is necessary to insure that the power to suspend for a limited time is not abused, it is also important that school officials not be prevented from promptly removing an unruly student.

New legislation which would capture the desirable intentions of Assembly Bill 894 has been drafted by Representative Ferrall, in cooperation with interested spokesmen for the school community. This new legislation will remove the abuses possible in the absence of specific procedures without creating an unworkable administrative tangle.

For the above reasons, I have determined that it would not be in the public interest to sign Assembly Bill 894 into law at this time, and I suggest that new legislation comparable to that attached hereto, be adopted in the next session to resolve the situation.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

Although I have signed Assembly Bill 1239, it is my intention that the subject of this bill; namely, the construction of a year-round youth camp at Poynette, be given a comprehensive evaluation by the State Building Commission.

In my review of this bill, a number of considerations were raised which must be explored and resolved before any actual construction takes place. In my opinion, the Building Commission is the proper forum for this discussion. Specifically, I am hopeful that the Building Commis-

sion will relate the proposed Poynette facility to the total youth camp program of the Department of Natural Resources. Currently the Department is operating three summer camps for boys and one for girls. Additionally, the Department is now constructing a year-round camp in the Kettle Moraine State Forest. To give final approval to a second year-round facility at this time without any knowledge of its impact on the clientele to be served, is a very speculative (and costly) gamble.

As a further consideration, I am hopeful that a comprehensive evaluation by the Building Commission will allow sufficient time for two other important issues to be resolved.

1. The fiscal impact of the proposed Poynette facility on the total ORAP recreation program must be clarified.

2. There exists a clear need for the Legislature to statutorily rectify the inequity which currently exists between the boys camp program and the girls camp program.

In conclusion, I would like to emphasize that my approval of this bill is intended to facilitate further discussion of this subject. A veto, if sustained, might well have precluded this discussion. It is my hope that the Building Commission's deliberations will generate sound, well-documented program data on which a *final* decision can be based. One has only to look at our expensive and vacant University dormitories to realize what can happen when capital construction decisions are made without the benefit of accurate population data and projections.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning **Assembly Bill 1545** without my approval. The bill requires legislative approval of Department of Natural Resources rules regarding animal waste treatment.

Assembly Bill 1545 specifically provides that prior to the promulgation of any rules relating to animal waste treat-

ment, the Department of Natural Resources must submit the proposed rules to the senate and assembly committees on Agriculture. A mandatory public hearing would be held by each committee to review the proposed rules. The rules would go into effect only upon the approval of a joint resolution by each house of the legislature.

I have vetoed the bill for several reasons. There already exists a statutory provision that allows the legislature to prevent unreasonable rules from going into effect. Under Section 13.56 the Joint Committee for Review of Administrative Rules is empowered to review rules of state agencies, to hold hearings on them and to *suspend* them where appropriate, subject to later review by the entire legislature. Enactment of this bill would reverse present state policy and would provide that animal waste management rules would be the only rules requiring approval by a joint resolution of the legislature.

Agricultural runoff is the third largest contributor to water pollution in Wisconsin, behind industrial effluent and sewage treatment plant effluent. Some rules are clearly necessary if the state is to be successful in cleaning up its surface and ground waters. The Department of Natural Resources has committed itself to not promulgating animal waste management rules for one year. Any legislator who desires an input into the promulgation of these rules will be assured that input at hearings to be held. Also, if the legislature is not satisfied with the rules as promulgated by the Department, they can be suspended under existing statutory authority.

In summary, I am vetoing this bill because there already exists a sound means for legislative review of agency-established rules, and it seems inappropriate to establish a special legislative mechanism to review specific sorts of administrative rules. I firmly believe that steps must be taken to assure that animal waste rules do not unduly hamper the growth of the business of agriculture in this state. There is no doubt that agriculture, as the backbone of Wisconsin's economy, must be adequately protected. I believe that the existing procedures established for this rule-making will provide appropriate safeguards.

I can understand the fear of farmers that, because of

the insulated nature of the structure of the Department of Natural Resources, their interests will not be adequately represented. It is because of the insulation from a state constituency caused by a board form of government that I recommend that major departments be headed by individuals appointed by the executive. Only if departments are responsive to elected officials is there hope that important interest groups, like farmers, will have faith and confidence in state government.

For the above reasons, I do not believe that it would be in the public interest to sign **Assembly Bill 1545** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

June 9, 1972.

To the Honorable, the Assembly:

I am returning without my approval 1971 **Assembly Bill 1553** relating to temporarily waiving certain requirements for foreign physicians to practice in Wisconsin for Dr. Mahendra Prasad.

Last November I informed the leadership of both houses that I disagreed with the procedure whereby special legislation was passing which waived certain statutory requirements for foreign physicians to practice in Wisconsin. On the premise that it has the required expertise to make an evaluation, I proposed that legislation be passed which would give the Medical Examining Board more discretion in granting temporary licenses to foreign doctors. I indicated that until such time as the legislation was enacted I would not support special legislation waiving requirements or issuing temporary licenses for graduates of foreign medical schools.

A bill **(Assembly Bill 1594)** to accomplish the objective, which I supported, was introduced but unfortunately did not pass the 1972 session of the legislature.

I wish to emphasize that my veto of **Assembly Bill 1553** does not reflect a questioning of Dr. Prasad's medical qualification or the need for an additional qualified pediatrician in Eau Claire. It does reflect my serious questioning of whether the legislature is the proper agency to judge medical qualifications and make special statutory exceptions.

Two further developments have occurred since the final legislative passage of **Assembly Bill 1553** which give additional justification for a veto. First, Dr. Prasad in April, 1972, was judged by the Medical Examining Board to have the necessary qualifications to be admitted to the state's next licensing examination to be given on June 13, 14 and 15, 1972. Dr. Prasad did not return the application to take the examination by the deadline of May 15. It can be inferred that Dr. Prasad no longer wishes to practice medicine in Wisconsin.

Second, it is my understanding that the severe pediatrician shortage in Eau Claire has been practically alleviated by the recent hiring of a licensed pediatrician at the Midelfort Clinic, with the possibility that another will be hired in September, 1972.

In conclusion, I am concerned that special legislation, such as **Assembly Bill 1553**, waiving certain requirements for foreign medical graduates may lower the quality of medical care in Wisconsin. The critical shortage of physicians in the developing nations and the fact that 35% of foreign medical graduates fail the Wisconsin licensing examination are further reasons that we must be careful in evaluating the qualifications of unlicensed foreign doctors. A more effective method than the present special legislative procedure of determining the ability of foreign medical graduates to temporarily practice in Wisconsin must be enacted.

For the above reasons, I do not believe that it would be in the public interest to sign **Assembly Bill 1553** into law at this time.

Respectfully submitted,

PATRICK J. LUCEY,
Governor.

COMMUNICATIONS

Department of State
Madison 2, Wisconsin

June 15, 1972.

To Whom It May Concern:

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

Bill, Jt. Res. or Res. No.	Chapter No.	Publication Date
Senate Bill 288	323	June 9, 1972
Assembly Bill 505	324	June 9, 1972
Assembly Bill 1348	325	June 9, 1972
Assembly Bill 218	326	June 17, 1972
Assembly Bill 385	327	June 17, 1972
Assembly Bill 182	328	June 17, 1972
Assembly Bill 1179	329	June 17, 1972
Assembly Bill 1239	330	June 17, 1972
Senate Bill 874	331	June 17, 1972
Senate Bill 775	332	June 17, 1972

Very truly yours,

ROBERT C. ZIMMERMAN,
Secretary of State.