

**JOURNAL OF THE SENATE**

**WEDNESDAY, June 5, 1974.**

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

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**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

June 3, 1974.

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	Chapter No.	Date Approved
39 (partial veto)	----- 318 -----	May 31, 1974

Sincerely,  
**PATRICK J. LUCEY**  
Governor

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

To the Honorable, the Senate:

I have approved Senate Bill 39 as Chapter 318, Laws of 1973, and deposited it in the office of the Secretary of State.

This bill represents a careful effort to regulate the environmental effects of metallic mining and to provide for reclamation of land after completion of mining operations. In my review of this bill, however, I have decided to exercise several partial vetoes which I believe improve the legislation.

I have removed that provision from Section 144.55 (2) limiting the obligation of mine operators to protect the safety of mine inspectors to willful or malicious failure to guard or to warn against a dangerous condition. That limitation is unprecedented and would be inconsistent with the safe-place statute and other safety regulations which made owners liable for the safety of all persons on their premises for legitimate purposes.

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I have removed Section 144.85 (2)(b) which would have allowed deferring the payment of mining fees. This provision contemplated fees far higher than those ultimately approved. The fees provided in the bill are low enough to make deferred payments inappropriate.

I have removed language from Section 144.86 (1) to make it clear that the bond or other security posted to insure reclamation will be proportionately increased each year as the size of mining operations at each project site grows. Of course, other provisions of the bill permit the amount of the bond to be lowered in proportion to the size of the areas on the project site actually reclaimed.

I have removed language from Section 144.86 (6) which would have exempted from the bonding requirements any person who has filed an environmental impact statement under Section 1.11 of the Statutes. This is undesirable policy because the mere filing of an environmental impact statement provides no assurance that reclamation operations will be undertaken as required.

Finally, I have removed the word "knowingly" from Section 144.89 (2) to insure that in proper cases the Department of Natural Resources will have the power to cancel a mining permit of any operator failing to file those reports required under Section 144.89 (1). The bill was written, by requiring proof of an operator's knowing failure to file, imposed a standard almost impossible to sustain. Even with the partial veto, an operator is adequately protected from an inadvertent failure to report because he cannot be penalized unless he has both failed to file and thereafter refused a request to do so.

Sincerely,  
PATRICK J. LUCEY  
Governor

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

To the Honorable, the Senate:

I am returning Senate Bill 531 without my approval.

The purpose of this bill is to repeal Section MVD 24.06 of the Administrative Code. This rule was promulgated by the Division of Motor Vehicles to regulate automobile dealer trade practices with respect to motor vehicle repairs. The purpose of this rule is to protect the consumer in an area long subject to abuses and sharp practices. This bill would repeal that effort at consumer protection.

The rule was developed by the Division of Motor Vehicles with the assistance of the Department of Justice. It was the subject of a

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number of public hearings in which interested consumer and provider groups were given the opportunity to participate.

The principle criticism of the rule is that it is not broad enough because its coverage is limited only to automobile dealers and does not include regulation of service stations, private garages and others in the automobile repair business. In this regard, I am advised that the Joint Committee for Review of Administrative Rules is now at work with the Department of Agriculture developing a comprehensive set of regulations to cover all businesses offering automobile repair services. This is certainly desirable and I would hope that such regulations could be promulgated as administrative rules in the very near future.

However, neither the limited coverage of MVD 24.06 nor the prospect of broader rules justifies a repeal at this time of the rule covering motor vehicle dealers. To permit such a repeal would undermine what should be a continuing effort to provide effective protection of the consumer of automobile repair services. I am not prepared to take any such backward step at this time and, accordingly, I have disapproved this bill.

Sincerely,  
**PATRICK J. LUCEY**  
Governor

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

To the Honorable, The Senate:

I am returning Senate Bill 544 without my approval.

While this bill takes the form of a hunting regulation, its effect would be to severely curtail, if not eliminate, bear hunting. I do not believe the Legislature intended to so seriously limit this sport, particularly in view of the almost simultaneous passage of Assembly Bill 402 which separately licenses bear hunting as a big game sport.

Elimination of any form of hunting is certainly a prerogative of the Legislature, but any such legislation should accomplish the prohibition directly. Also such legislation should be based upon either humane considerations or evidence that a particular species of wildlife is endangered. I do not find any consensus that bear hunting per se is inhumane and should be banned as a sport, not is there any reliable evidence that the Wisconsin black bear is becoming an endangered species because of hunting or any other cause.

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While it is also the prerogative of the Legislature to regulate hunting, the trend for the last 40 years has been to leave such regulations to the discretion of the Conservation Commission and its successor agency, the Department of Natural Resources. The statutory establishment of the Conservation Congress as a grass roots organization charged with advising the Department of Natural Resources on matters relating to hunting and fishing regulations is further legislative recognition of the need for a flexible process of rule-making in this area.

Prior to 1933 when the authority to set regulations governing the taking of game was first entrusted to administrative rule-making, the Legislature was constantly flooded with bills dealing with such matters as bag limits on bullheads, size limits on perch, and the length of the rabbit season. Debate of these issues came at the expense of other important legislation and that debate in many cases, was not based on any reasoned consideration of wildlife management standards or citizen opinions.

By and Large, the Wisconsin tradition of establishing fish and game regulations through legislative delegation of rule-making authority to professionals and concerned citizens has worked efficiently and effectively. Undoubtedly, however, this bill had its genesis in the breakdown of the system in the case of regulating bear hunting. Unconscionable trashing of the wilderness by hunters who have abused the privilege of using baits for bear, has caused citizen outrage. The Department of Natural Resources has not responded effectively to the need for bear hunting regulations which also protect the environment and safeguard the well-being of other wildlife.

The Legislature has declared the black bear a big game trophy animal. The Board of Natural Resources assures me that hunting of this animal can be adequately regulated to preserve this sport without detrimental effect upon the wilderness or a desirable bear population level. The Board has further assured me that these goals can be accomplished without imposing regulations as inflexible as those contained in this bill. Accordingly, I am disapproving the bill.

At the same time, however, I am calling upon the Board of the Department of Natural Resources to institute promptly strong bear hunting regulations which recognize and balance all environmental, wildlife management and sporting interests. If such regulations are not prepared before legislative reconsideration of this bill, I will change my position and ask that this veto be overridden.

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I am also asking the Board and the Department of Natural Resources to undertake appropriate studies of the bear population so that we will have reliable data upon which to base our future hunting regulations and wildlife management practices. These studies should be developed to provide future legislatures, governors and administrative agencies a sufficient basis for thoughtful action to protect the bear as a valuable wildlife species.

Sincerely,  
**PATRICK J. LUCEY**  
Governor

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

June 4, 1974.

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	Chapter No.	Date Approved
601 (partial veto) -----	322 -----	June 4, 1974
170 -----	323 -----	June 4, 1974
271 -----	324 -----	June 4, 1974

Respectfully submitted,  
**MARTIN J. SCHREIBER**  
Acting Governor

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

To the Honorable, the Senate:

I have approved Senate Bill 601 as Chapter 322, Laws of 1973, and deposited it in the office of the Secretary of State.

This bill complements Assembly Bill 538 which I have also approved today. It established an advanced category of emergency medical services personnel who may be licensed to perform additional and more delicate procedures than those which are performed by persons holding the basic emergency medical services license required under Assembly Bill 538.

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This bill creates an Emergency Medical Services Examining Council in the Department of Health and Social Services to be appointed by the State health officer. Its basic responsibilities are to provide examinations for licensure of advanced emergency medical services personnel and advise the Health and Social Services Board concerning training programs for such personnel. Assembly Bill 538 establishes an examining council in the Department of Health and Social Services which has responsibilities very similar to those of the council created under this bill.

It is probable that complementary administration of the programs mandated by this bill and Assembly Bill 538 can best be accomplished if the councils created under both bills have common members. I have therefore exercised the partial veto to remove all references to the size and make-up of the Emergency Medical Services Examining Council created by this bill. As a result, the State health officer will now have the discretion to combine the two councils by appointing common members.

Respectfully submitted,

MARTIN J. SCHREIBER

Acting Governor