

JOURNAL OF THE ASSEMBLY [August 4, 1976]

STATE OF WISCONSIN

Assembly Journal

Eighty-Second Regular Session

WEDNESDAY, August 4, 1976.

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

COMMUNICATIONS

July 15, 1976

Norman C. Anderson, Speaker
Wisconsin State Assembly
Room 211 West
State Capitol
Madison, Wisconsin

Dear Norm:

Pursuant to section 17.01 (3) of the Wisconsin Statutes, please be advised that I am submitting my resignation as the State Representative from the 67th Assembly District effective Monday, July 19, 1976.

Sincerely,
TERRY A. WILLKOM,
State Representative.

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, Jt. Res. or Res.	Chapter No.	Publication date
Assembly Bill 1, ss	423	June 30, 1976
Assembly Bill 2, ss	419	June 26, 1976
Assembly Bill 3, ss	424	June 30, 1976

JOURNAL OF THE ASSEMBLY [August 4, 1976]

Assembly Bill 4, ss	429	July 9, 1976
Assembly Bill 5, ss	425	June 30, 1976
Assembly Bill 6, ss	428	July 9, 1976
Assembly Bill 7, ss	430	August 4, 1976
Ass. Jt. Res. 11	Enrolled 13	August 3, 1976
Ass. Jt. Res. 22	Enrolled 15	August 3, 1976
Ass. Jt. Res. 43	Enrolled 19	August 3, 1976

Respectfully submitted,
DOUGLAS LaFOLLETTE,
Secretary of State.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

To the Honorable, the Assembly:

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

Assembly Bill	Chapter No.	Date Approved
7, special session (partial veto)	430	July 29, 1976

Respectfully submitted,
PATRICK J. LUCEY,
Governor.

GOVERNOR'S VETO MESSAGES

July 29, 1976

To the Honorable, the Assembly:

I have approved Special Session Assembly Bill 7 as Chapter 430, Laws of 1975, and deposited it in the office of the Secretary of State.

The bill is an important step forward in our state's efforts to protect the rights of those who are committed to or reside in mental institutions. It is progressive legislation in keeping with Wisconsin's humanitarian traditions.

JOURNAL OF THE ASSEMBLY [August 4, 1976]

I have exercised the partial veto in five instances to make the law more workable and clear up conflicts with other statutes. The reasons for my actions are as follows:

(1) Section 51.04 of the statutes as created by the bill provides for the prior review of the administrative rules promulgated pursuant to the new law. I have consistently held that such provisions are inappropriate in that no standards exist to guide the legislative review process. Rules could be disapproved for reasons completely unrelated to legislative intent. Moreover, through disapproval of proposed rules a small number of legislators can frustrate the implementation of legislation that is of extreme importance to our state's citizens. This is particularly troublesome in the case of bills such as this which deal with the basic rights of a large class of individuals.

(2) Section 51.15 (2) of the statutes as created by the bill includes a requirement that when an individual is taken into custody by a law enforcement officer that the officer's affidavit of emergency detention must be supplemented by an affidavit "by two persons who observed the dangerous conduct or behavior." In some instances, such as a suicide attempt, two persons will not have observed the dangerous conduct or behavior though there can be no doubt that the person's behavior meets the test of involving a "substantial risk of physical harm to the individual or to others." Therefore, I have deleted the requirement that such an additional affidavit be filed with the detention facility.

(3) Section 51.20 (17) (b) of the statutes as created by the bill provides that a petition for a reexamination of a patient already committed to an institution must be in the form of the original petition for examination prior to commitment. The format for the original examination petition is not appropriate for a petition for reexamination.

A petition for examination is filed by parties other than the person whose conduct is at issue and must allege that the person is mentally ill, developmentally disabled, or drug dependent and is dangerous to himself or others. A petition for reexamination is filed by the institutionalized individual, a friend, relative, guardian or doctor and presumably, alleges that the patient is not mentally ill, drug dependent developmentally disabled and dangerous to himself or others.

I have therefore deleted the requirement that a petition for reexamination must be in the same form as a petition for

JOURNAL OF THE ASSEMBLY [August 4, 1976]

examination. The Department of Health and Social Services in cooperation with the administrator of courts will develop an appropriate form for a petition for reexamination.

(4) Section 51.37 (5) of the statutes as created by the bill states in part that "Any time spent by a prisoner in an institution designated under sub. (2) or (3) (i.e., the Institutes or Central State Hospital shall be included as part of such individual's sentence. Central State Hospital shall be regarded as a prison for the purpose of crediting sentence time in accordance with the procedures specified in s. 53.11 (relating to credit for good conduct; forfeiture for bad conduct; and parole) and s. 53.12 (relating to credit for diligence; earnings; and reward of merit)." (Parentheses mine.)

As I understand it, legislative intent was that both the Institutes and Central State Hospital would be treated as prisons insofar as length of sentence is concerned. That intent is achieved by the first sentence quoted above ("Any time spent by a prisoner," etc.). The specific reference to Central State Hospital and ss. 53.11 and 53.12 are unnecessary and confusing. For that reason I have deleted the sentence containing those references.

(5) Sections 55.06 (13) and 55.06 (14) of the statutes as created by the bill provide that only 51.42/.437 boards may make protective service evaluations. This is contrary to the provisions of the recently enacted Protective Services Act (Chapter 393, Laws of 1975) which provide that evaluations may be made by 51.42/.437 boards or by a County Board of Public Welfare or by a combination of the two. I have resolved the conflict by deleting from the bill the specific references to 51.42/.437 boards.

Respectfully submitted,

PATRICK J. LUCEY,

Governor.