

JOURNAL OF THE SENATE [January 18, 1977]

STATE OF WISCONSIN

Senate Journal

Eighty-Third Regular Session

TUESDAY, January 18, 1977.

9:30 A.M.

The senate met.

The senate was called to order by the president of the senate.

The senate stood for the prayer which was offered by Pastor Harvey Scheppe of Monona United Methodist Church, Monona.

The senate remained standing and the president of the senate led the senate in the pledge of allegiance to the flag of the United States of America.

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator McKenna was granted a leave of absence until 11:00 A.M.

By request of Senator Sensenbrenner, with unanimous consent, Senator Krueger was granted a leave of absence for the balance of the day.

By request of Senator Bablitch, with unanimous consent, Senator Peloquin was granted a leave of absence for the balance of the day.

The roll was called and the following Senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lorge, McCallum, Martin, Maurer, Morrison, Murphy, Offner, Parys, Petri, Radosevich, Risser, Sensenbrenner, Theno and Van Sistine -- 27.

Absent -- Senators Cullen, Swan and Thompson -- 3.

Absent with leave -- Senators Krueger, McKenna and Peloquin -- 3.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 6

Relating to corrections in the senate rules adopted on January 3, 1977.

By Senators Risser, Sensenbrenner, Bablitch, Kleczka and Krueger.

Read and referred to committee on Senate Organization.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 47

Relating to discounting tips from employer minimum wage obligations and granting rule-making authority.

By Senator Cullen; cosponsored by Representative Looby, by request of Department of Industry, Labor and Human Relations.

To committee on Agriculture, Aging and Labor.

Senate Bill 48

Relating to a presumption of employment connected disease for police officers applying for benefits under a pension or retirement system.

By Senator Parys.

To Joint Survey Committee on Retirement Systems.

Senate Bill 49

Relating to protective headgear for operators of motor-driven cycles and headlamp requirements for motor-driven cycles.

By Senator Parys.

To committee on Commerce.

Senate Bill 50

Relating to the use of crossbows by physically disabled, resident archers.

By Senator Parys.

To committee on Natural Resources.

Senate Bill 51

Relating to providing an additional penalty for committing or attempting to commit a felony while armed with a firearm.

By Senator Parys; cosponsored by Representative Hauke.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends for introduction:

Senate Joint Resolution 9

To amend sections 5, 11 and 16 to 23 of article VII of the constitution so as in effect to repeal said sections; to amend section 21 of article I, sections 17 and 26 of article IV, and sections 2 to 4, 6 to 10, 13, 14 and 24 of article VII of the constitution; and to create sections 3 (3), 4 (3), 5 and 11 of article VII and section 16 of article XIV of the constitution, relating to a revised structure of the judicial branch including a unified court system with administrative authority vested in the chief justice, authorizing creation of a court of appeals, and providing for court system disciplinary proceedings (second consideration).

Introduction; Ayes, 4; Noes, 0.

Read first time and referred to committee on Judiciary and Consumer Affairs.

JAMES T. FLYNN
Chairman

The committee on Commerce reports and recommends for introduction:

Senate Bill 52

Relating to motor carrier insurance.

By request of Department of Transportation.

Introduction; Ayes, 7; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 53

Relating to eliminating the permit requirement for certain combinations of vehicles in excess of 55 feet.

Introduction; Ayes, 7; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 54

Relating to finance charges in consumer credit transactions.

Introduction; Ayes, 7; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 55

Relating to exempting loans of \$100,000 or more from the usury statutes.

Introduction; Ayes, 7; Noes, 0.

JOURNAL OF THE SENATE [January 18, 1977]

Read first time and referred to committee on Commerce.

And further recommends:

Senate Joint Resolution 5

To amend section 24 of article IV of the constitution, permitting the legislature to authorize certain nonprofit organizations to conduct raffle games as regulated by law (2nd consideration).

Adoption; Ayes, 7; Noes, 0.

RONALD G. PARYS

Chairman

The committee on Human Services reports and recommends for introduction:

Senate Bill 56

Relating to various changes in nursing regulations and increasing penalties.

By request of the Board of Nursing

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Human Services.

CARL W. THOMPSON

Chairman

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Claims Board

January 8, 1977

Glenn Bultman
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702

Dear Mr. Bultman:

Enclosed is the report of the State Claims Board covering claims heard on December 13, 1976.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

JOURNAL OF THE SENATE [January 18, 1977]

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,
EDWARD D. MAIN
Secretary

BEFORE THE CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on December 13, 1976, upon the following claims:

<i>Name of Claimant</i>	<i>Amount</i>
1. Catherine H. Clark-----	\$ 61.70
2. William W. Cooney-----	3091.00
3. James S. Thiel-----	771.00
4. Thomas E. Lister-----	1551.00
5. Paul Turley-----	1551.00
6. Ralph Lazer, et al.-----	13.85
7. Paul D. Miller-----	473.61
8. Rev. Richard Kirkendoll-----	6752.95
9. Michael Conwill-----	117.36

In addition, the following claims were considered and decided without a hearing:

10. Tim Bell-----	80.00
11. Bruce A. Marianelli-----	15.00
12. Sylvia Greene-----	150.00
13. Karen Gruba-----	35.00
14. Karl Held-----	26.00

THE BOARD FINDS:

1. *Catherine H. Clark*

Catherine H. Clark, Milwaukee, Wisconsin, claims \$61.70 for damage to her car. She has been reimbursed by her insurance company for \$11.70 of the damages. On May 16, 1976, she was traveling east on Highway 12-18 when she hit a hole in the road in the area near the WPS Building. She lost a wheel and hubcap and her car needed realigning. "Rough Road" signs had been posted about one-half mile farther down the road, but there were no signs posted preceding this hole. However, the State was not aware of the existence of this hole at the time of the accident, and had not been

JOURNAL OF THE SENATE [January 18, 1977]

given the opportunity to take corrective action. The State repaired the hole as soon as possible once it became aware of its existence. Under the circumstances, the Board concludes the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles.

2--5. *William N. Cooney, James S. Thiel, Thomas E. Lister and Paul Turley*

William N. Cooney, James S. Thiel, Thomas E. Lister and Paul Turley have all filed claims against the State for reimbursement of the difference between resident tuition and nonresident tuition paid to attend the University of Wisconsin Law School. All claim to have been residents of the State when paying nonresident tuition, as follows:

<i>Claimant</i>	<i>Period</i>
Cooney	\$3,091.00
Sept. 1970 to Jan. 1971	
Sept. 1971 to Jan. 1972	
Thiel	771.00
Sept. 1971	
Lister	1,551.00
Sept. 1971 to Jan. 1972	
Turley	1551.00
Sept. 1971 to Jan. 1972	

No claim is made for their first year tuition paid as nonresidents. Claimant Cooney never obtained resident status for tuition purposes. Claimant Thiel obtained resident status beginning with the second semester of his second year in Law School. Claimants Lister and Turley obtained resident status beginning with their third year of Law School.

All four claimants came from outside Wisconsin in the August immediately prior to their first semester enrollment in Law School. It is inescapable that they all came to Wisconsin for the primary purpose of obtaining their legal education at the University of Wisconsin. Although they continued their enrollment at the University of Wisconsin, all four claimants contend that they established residency in Wisconsin for tuition purposes after their first year in Wisconsin. In support of their contention they can point to various facts, such as their married and emancipated status, paying taxes to Wisconsin, voting in Wisconsin, registering motor vehicles in Wisconsin, obtaining Wisconsin drivers' licenses,

JOURNAL OF THE SENATE [January 18, 1977]

working in Wisconsin, and raising their families in Wisconsin. In addition to the fact that three of the four claimants eventually obtained resident status for tuition purposes, claimant Cooney's wife paid resident tuition to attend the 1971 summer school session at the University of Wisconsin. Claimants Lister and Thiel remained in Wisconsin upon graduation. Claimant Cooney remained in Wisconsin upon graduation for about one year before accepting other employment in Atlanta, Georgia. Claimant Turley moved to Arlington, Texas, upon graduation.

The claims of all four claimants were previously reviewed and denied by the "Nonresident Tuition Appeals Committee" of the University of Wisconsin, which had the difficult and thankless task of making administrative determinations concerning implementation of sec. 36.16, Stats. 1971. Undoubtedly the decision of that committee was influenced by the specific provisions of sec. 36.16(3), Stats. 1971, in effect at that time. The constitutionality of the statute is presumed by this Board. Any particular combination of objective standards would not be absolutely controlling on the issue of when their status changed from nonresidents to residents. The determination of resident status for tuition purposes must be determined on a case by case basis according to the facts and circumstances of each case. This Board does not find that the determinations of the committee were arbitrary or capricious, but finds them reasonable based on the facts. Under the circumstances, and after an examination of all the facts in each case, this Board has no compelling reason to differ from the same conclusions reached by the committee. If anything, some members may question why resident status ever was granted to claimant Turley. Accordingly, this Board finds that the claimants were nonresidents for tuition purposes within the meaning of sec. 36.16, Stats. 1969 and 1971, for the payments involved in their claims. The Board concludes the claims are not those for which the State is legally liable, nor those which should be assumed and paid on equitable principles. Member Parsons dissents on the claims of Cooney, Thiel and Lister.

6. *Ralph Lazar*

Ralph Lazar, on his own behalf and on behalf of other claimants similarly situated, claims \$13.85 for overpayment of parking fees at G.E.F. No. 1 withheld by the State in the 1975 calendar year. The Department of Administration announced the parking fees at \$30 per month in their release dated January 19, 1975.

The Board finds that the overpayments of \$11.83 for "regular" fee payers and \$7.11 for the "buddy" fee payers should be returned to the claimants by the State. For the future, the Board recommends a uniform policy for the payment of parking fees so that the quoted fee is consistent with the amounts paid or withheld. If the fee is quoted as \$30 per month, there should be one monthly payment of \$30 without converting the monthly fee to a biweekly amount.

7. *Paul D. Miller*

Paul D. Miller, Janesville, Wisconsin, claims \$473.61 for damages to personal belongings on October 3, 1975, caused by a boy who he accepted under his care and custody after being released from the Wales School for Boys. The boy ran away from the claimant's home, taking some items with him which were never returned, and damaging the claimant's motorcycle. The Department of Health and Social Services has recommended denial of the claim on the theory that the claimant was fully aware of the boy's background prior to accepting responsibility for his care, and the absence of negligence on the part of the State. Consistent with that recommendation the Board's policy will be to deny claims for willful damages to property of foster parents caused by wards under their care. Employees of the Department should not indicate the contrary. Any changes in the Departmental policy should be brought to the Board's attention. Based on presentations made to the Board, the payment of such claims is not necessary as an incentive to attract qualified foster parents. Under any circumstances, if such a policy were ever deemed to be preferable over the present policy, it would be better to introduce general legislation on the subject. There has been no showing of any causal negligence on the part of officers, agents or employes of the State, and the Board finds the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles.

8. *Rev. Richard Kirkendoll*

Rev. Richard Kirkendoll, Milwaukee, Wisconsin, claims \$6,752.95 for damages to his property on May 9, 1976, caused by his foster son (age 17) and former foster son (age 18) who willfully damaged claimant's home and property by setting fires to the premises, and who also stole some of claimant's property. The Department of Health and Social Services has recommended denial of the claim. Claimant was fully aware of the backgrounds of both of the boys. One of them had reached his eighteenth birthday, and the claimant continued to accept responsibility for his care. There is

no showing of negligence on the part of officers, employes or agents of the State. It is the Board's policy to deny claims for willful damage to property of foster parents caused by wards under their care. The Board concludes the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles.

9. *Michael Conwill*

Michael Conwill, Kenosha, Wisconsin, claims \$117.36 for damages to his car on April 6, 1976, when driving in a State owned parking lot. The parking lot was in need of repair, and the condition of disrepair was known to the State, but allowed to continue for an unreasonable period of time. The claimant was not aware of the poor condition of the roadway in the parking lot. The roadway subsequently has been repaired by the State. The Board concludes the claim should be paid on equitable principles.

10. *Tim Bell*

Tim Bell, Kenosha, Wisconsin, claims \$80.00 for damages to his clothing while working in his class room on April 6, 1976, at University of Wisconsin-Parkside. Claimant was stabbed by a student for no apparent reason, causing damage to his shirt and coat. The student subsequently received medical treatment. The Board finds the value of the claimant's coat to be only \$63.00, taking into account it was almost one year old. The Board concludes the claim in the reduced amount of \$73.00 should be paid on equitable principles.

11. *Bruce A. Marianelli*

Bruce A. Marianelli, Old Forge, Pa., claims \$15.00 for damages to his clothes on July 14, 1976, as the result of their being placed in a washing machine owned by the State at Slichter Hall on the Madison campus. State plumbing shop employes had been flushing water lines in the area of the washing machine. The Board concludes the claim should be paid on equitable principles.

12. *Sylvia Greene*

Sylvia Greene, Cadott, Wisconsin, claims \$150 for damages to her ring on July 30, 1976, at Northern Wisconsin Center for the Developmentally Disabled in Chippewa Falls when a child kicked her finger. The original cost of the ring in 1960 was \$75 and the cost of purchasing a new similar ring would be \$150, according to claimant. The legal office of the Department of Health and Social Services recommends payment of only \$50.00 on the grounds that sec. 46.062, Stats., limits the State's liability for similar losses to only \$50.00. Often damages for damaged articles are for repair

JOURNAL OF THE SENATE [January 18, 1977]

costs only, or if damaged beyond repair for residual value rather than their replacement cost. The Board concludes that the claim in the reduced amount of \$75.00 should be paid on equitable principles.

13. *Karen Gruba*

Karen Gruba, Shorewood, Wisconsin, claims \$35 for a clock-radio taken from the Probation and Parole office on July 23, 1976, where she is employed in Milwaukee. It is the policy of the Board not to reimburse State employes for the loss of personal property brought to their work stations for their convenience and enjoyment. The legal office of the Department of Health and Social Services recommends denial of the claim. No negligence on the part of the State has been shown. The Board concludes the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles.

14. *Karl Held*

Karl Held, Milwaukee, Wisconsin, claims \$26 for a picture taken from the Probation and Parole office on July 23, 1976, where he is employed in Milwaukee. There is no showing of negligence by the State. The picture was taken to his office by the claimant for his own personal enjoyment. The Board concludes the claim is not one for which the State is liable, nor one which the State should assume and pay on equitable principles.

THE BOARD CONCLUDES:

1. The claims of the following named claimants should be denied:

Catherine H. Clark
Willaim N. Cooney
James S. Thiel
Thomas E. Lister
Paul Turley
Paul D. Miller
Rev. Richard Kirkendoll
Karen Gruba
Karl Held

2. Payment of the following amounts to the following claimants is justified under sec. 16.007, Stats., as amended:

Ralph Lazer, on his own behalf and on behalf of other
claimants similarly situated
(11 claims) ----- \$11.83

JOURNAL OF THE SENATE [January 18, 1977]

(1 claim) -----	7.11
Michael Conwill -----	117.36
Tim Bell -----	73.00
Bruce A. Marianelli -----	15.00
Sylvia Greene -----	75.00

Dated at Madison, Wisconsin, this 31st day of December, 1976.

GERALD D. KLECZKA
Senate Finance Committee

GEORGE MOLINARO
Assembly Finance Committee

EDWARD M. PARSONS
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of
Administration

ALLAN P. HUBBARD
Representative of Attorney
General

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and ask concurrence in:

Motions Under Joint Rule 26:

A joint certificate of commendation by Representative Thompson; cosponsored by Senator Bidwell for MRS. MARGARET PROCKNOW on her retirement.

A joint certificate of commendation by Representative Mohn; cosponsored by Senator Radosevich for RALPH BECKER on his retirement as a county officeholder.

A joint certificate of commendation by Representative Hasenohrl; cosponsored by Senator Bablitch for BILL UTHMEIER on his 60 years of service to the Central Wisconsin State Fair.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A joint certificate of commendation by Representative Thompson; cosponsored by Senator Bidwell for MRS. MARGARET PROCKNOW on her retirement.

A joint certificate of commendation by Representative Mohn; cosponsored by Senator Radosevich for RALPH BECKER on his retirement as a county officeholder.

A joint certificate of commendation by Representative Hasenohrl; cosponsored by Senator Bablitch for BILL UTHMEIER on his 60 years of service to the Central Wisconsin State Fair.

The above motions under joint rule 26 were read and concurred in enmasse.

By request of Senator Bablitch, with unanimous consent, the Senate returned to the third order of business.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 57

Relating to revision of child abuse law.

By Senators Petri and Berger; cosponsored by Representative Czerwinski.

To committee on Judiciary and Consumer Affairs.

Senator Bablitch moved that the senate adjourn until 10:00 A.M. Thursday, January 20 upon the rising of the joint convention.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 7; absent or not voting, 6; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Martin, Maurer, Morrison, Offner, Parys, Radosevich, Risser, Theno and Van Sistine -- 20.

Noes -- Senators Bidwell, Chilsen, Lorge, McCallum, Murphy, Petri and Sensenbrenner -- 7.

JOURNAL OF THE SENATE [January 18, 1977]

Absent or not voting -- Senators Cullen, Krueger, McKenna, Pelouquin, Swan and Thompson -- 6.

So the motion prevailed.

The chair appointed Senators Bablitch, Risser, Sensenbrenner and Theno to escort the Governor to the Assembly Chambers.

The Senate proceeded in a body to the Assembly Chamber to meet in Joint Convention to receive the Governor's State of the State Message.

IN ASSEMBLY CHAMBER IN JOINT CONVENTION

The Lieutenant Governor in the chair.

The committee to await upon the Governor appeared with his excellency, the Governor, who delivered his message as follows:

Lt. Governor Schreiber; Speaker Jackamonis; ladies and gentlemen of this, the 83rd, Wisconsin State Legislature; distinguished guests; citizens of Wisconsin.

This is the seventh year that I have stood before the legislature as Wisconsin's governor to present an annual report on the state of the state. In each of the preceding messages, I emphasized the need for government austerity, the need for government accountability, the need for responsible government management to keep this state strong. Today's address will be no exception.

In the next few minutes, you will hear some new proposals, new ideas and initiatives. But the foundation of this administration's policy—for the next two years and beyond—will be no different than it was last year and in the years before that: prosperity in the private sector through a policy of austerity and reform in the public sector.

The times still demand it.

The people still demand it.

Over the last six weeks, I have traveled the state—Stevens Point, Oshkosh, Eau Claire, Milwaukee, Green Bay and other communities—to listen to what the people of Wisconsin have to say about their lives and their government. Farmer or businessman, young or old, rural or urban, their message was much the same: pride in their state, high standards for their government, and common sense in their approach to common problems. Their spirit of optimism is tempered though, tempered by the knowledge that

JOURNAL OF THE SENATE [January 18, 1977]

without constant care and vigilance, Wisconsin's special quality of life could slip away from all of us.

This morning, I can tell you that the state of our state is good.

Wisconsin today has a stronger economy, a more prosperous people, a brighter future, than at any other time in this decade. The state is stronger, more prosperous, and wiser for the experience of having weathered a national recession without resorting to fruitless attempts to tax and spend our way out of economic difficulty.

The state of our state is good. And it will continue to improve, but not because our coffers suddenly are full with money to spend on new programs and services—in fact, the new budget I have prepared calls for the same kind of restraint and caution as the budget of two years ago.

The state of our state is good because there has not been an increase in any general state tax rate since 1971. And it will continue to improve because there will be no tax increase for two more years.

The state of our state is good because we have made the right decisions during the last two years, because we have restricted state and local spending, because we have worked together—with restraint, with common sense, and in the cooperative, progressive spirit of Wisconsin state government. And the state of our state will continue to improve as long as we honor that tradition.

Over the last six years, we have learned, together, that we can maintain and improve our state's reputation for progressive public policy without overburdening the taxpayer. During the last session, the legislature held the line on state spending, yet it was one of the most productive legislatures in history. Universal voter registration, power plant siting, victims of crime compensation, equal rights, consumer representation on licensing boards, tax relief—these and many other reforms all became law.

That record reaffirmed your standing as a legislature that can exercise fiscal restraint without abandoning the cause of government reform or ignoring people's needs. That record reaffirmed Wisconsin's stature as one of the most progressive of the 50 states.

You can measure the success of a state's government by looking at the laws it enacts, by talking to the people it represents. But there are less subjective standards as well, and by these standards, too, Wisconsin's progress is plain for all to see.

In 1970, Wisconsin ranked second out of all the states in the tax burden on its residents. Today, Wisconsin is seventh.

From 1966 until 1970, the number of state and local government employees grew by 28 per cent while the number of

private jobs increased by less than one per cent. Today, that trend has been dramatically reversed. Over the last six years, jobs in business and industry have grown by 14 per cent—twice as fast as government jobs.

From 1971 to 1975, the number of new jobs in Wisconsin grew nearly twice as fast as the number of new jobs in other Great Lakes states. At the same time manufacturing jobs in other states decreased, manufacturing jobs in Wisconsin increased. In fact, between July 1973 and July 1976, only three of the nation's 16 major manufacturing states had increases in manufacturing employment: California and Texas, the two giants of the sunbelt states, and Wisconsin.

Since 1973, Wisconsin has had a triple-A bond rating. Wisconsin's state debt is well below the national average, and it is widely recognized that an investment in Wisconsin is a prudent investment.

We now know that Wisconsin's commitment to conservative fiscal policies has shielded the working families and businesses of this state from the worst of the recession. We now know that Wisconsin escaped the economic decline and stagnation that have plagued so many of the states in the midwest and the northeast.

These achievements should dispell any doubts about the wisdom of our course.

Wisconsin's economy can continue to grow without inflating the cost of government. But it will not grow unaided.

To maintain our economic momentum, we must approve a no-tax-increase budget, we must retain levy limits and cost controls, and we must adopt additional tax relief for Wisconsin's businesses and farms in the new budget. Economic development always will be indispensable to Wisconsin's prosperity and, because of that, it always must be an indispensable part of the state's spending and taxing decisions.

Let us resolve today to set our agenda not on the narrow basis of what we can achieve during the next biennium, but what we must accomplish together in the next decade to make this state an even better place for our children than it is for us.

Let us, above all else, not become complacent.

Our single overriding objective in the coming years must be to continue the remarkable economic development of our state. Without a firm economic base, neither better public services nor a smaller public tax burden will be possible. To assure that economic development will follow a steady course that is environmentally and socially sound, we must pay particular attention to a number of long-term problems.

ENERGY

Nothing poses a sterner test of our ability to prepare for the future than the question of energy—its price and availability. There are no longer lines at service stations or foreign embargoes, but Wisconsin's economy remains hostage to foreign energy supplies over which we have no control. The country is without a coherent national energy policy and, as a people, we have not yet embraced energy conservation.

As an energy importing state with an energy intensive economy, Wisconsin is particularly vulnerable to any threat to our fuel supply. And the state's bitter cold weather daily reminds everyone of the high cost of fuel. Faced with this, Wisconsin's economic future depends on our ability to maintain adequate supplies of energy at prices people can afford.

I have taken a series of executive actions to save the state's energy and save the taxpayer's money:

—The Office of Emergency Energy Assistance has merged with the State Planning Office to ensure that no one ignores the cost and supply of energy in every decision the state makes about its future.

—State government has set an example in energy conservation by encouraging car pooling by state employees, energy efficiency in state facilities, demonstrations of solar energy, and other new technologies.

—Wisconsin has been a leader in the effort to establish a dependable supply of natural gas by pressing for a gas pipeline through Canada to provide the largest volume of gas to the states of the Upper Midwest.

—We have worked hard to guarantee that Alaskan oil will flow to the "northern tier" states which need it so badly.

—Through the initiative of state government, Wisconsin has achieved an historic restructuring of electricity rates.

—And at my request, the Attorney General is going before the Public Service Commission to seek a change in natural gas rates so that conservation efforts will be rewarded, not penalized as they are now.

Wisconsin's record in energy conservation is admirable. In addition to these administrative actions, the legislature already has passed new laws mandating uniform state building codes for conventionally built and manufactured housing that will produce significant energy savings for our state. But more remains to be done.

Pilot lights waste as much as forty per cent of the gas that is required to operate a conventional gas range. I will propose

legislation to require that all gas appliances sold here be equipped with ignition devices other than pilot lights. And I again will submit legislation mandating that only energy-efficient air conditioners be sold in Wisconsin to curtail the peak load demand for electricity and reduce the need for costly new generating capacity.

Private utilities must take more responsibility for energy conservation. I will propose legislation which will require them to provide energy conservation assistance to their customers—families and businesses alike.

There is an aspect of utility rate reform that we should also address. In too many cases, consumers are unable to defend themselves against rate increase requests because they lack the resources. I propose that the Public Service Commission be authorized to provide consumers with the funds to hire economists, accountants, lawyers and engineers who will speak for the public and challenge the assumptions and conclusions of high-salaried utility company experts.

RESOURCE CONSERVATION AND DEVELOPMENT

Like energy conservation, the recent discoveries of rich mineral deposits in Wisconsin pose a crucial challenge. One thing should be clear. There is no need to hurry.

We must resist pressures that could lead to the "boom and bust" conditions that have characterized the development of mineral deposits in other states. The development of these irreplaceable resources must proceed at a pace which guarantees the maximum benefit for localities and the state and the minimum damage to the environment.

The proposal drafted by the Legislative Council Special Committee on Mineral Taxation and the Senate Select Committee on Mining Development establishes an equitable system of taxation. It assures that the state's mineral wealth will be developed for the benefit of the people and not exploited for the benefit of a few large mining companies. It has my strong support.

Particular attention also must be paid to protecting the rights of landowners with mineral deposits on their property. There is only one way Wisconsin citizens will be certain that they will receive the full value of the resources they own. We must remove the shroud of secrecy which so far has hidden mineral exploration. These resources should be developed, but they must be developed openly and fairly.

In addition to developing its mineral resources, Wisconsin now can assume a more aggressive position in the wood products industry. About 15 per cent of the more than 2 million acres of

JOURNAL OF THE SENATE [January 18, 1977]

county forest lands stand ready to harvest. With these resources readily available, there is no reason for Wisconsin paper mills to import so much of their pulpwood supplies.

From both an economic development and resource management viewpoint, we should harvest now to ensure future forest growth. The budget will include funds to accelerate timber sales and strengthen the state-county partnership of timber management.

As we develop the state's resources, like timber and minerals, we must continue to protect the state's single most valuable resource—the environment. Because of our vigilance in the past, Wisconsin's air is cleaner today, its water purer, its land less threatened. But the rash of oil tanker disasters over the last month should serve as a warning that no one can afford to take the environment for granted.

The Legislative Council initiatives on solid waste disposal and toxic substances should help prevent the serious contamination problems which threaten recreational opportunities and create health hazards. Last year, the Legislature came very close to enacting a bill to provide some protection to Wisconsin's invaluable wetlands. There should be early action on this proposal, a necessary first step to identify and guard these unique ecological areas.

Our conservation efforts should not be limited to natural resources and energy. We also must conserve and rehabilitate the state's housing.

The spiraling cost of new housing puts it outside the reach of many people. Only by saving existing homes can we assure a supply of sound, reasonably priced housing to meet the needs of those who cannot afford a new home. I will propose a program to provide low interest loans to people unable to meet the high costs of private financing necessary to rehabilitate their homes.

AGRICULTURE

Whatever the problems facing this state—bad weather, energy supplies, threats to the environment—their impact often seems to fall hardest on the state's farmers. As we meet today, Wisconsin's farmers face the prospect of still another year without enough rain. Last year's drought was devastating—Wisconsin farmers lost more than \$600 million. They cannot afford to sustain that kind of loss again.

An interagency state task force is already at work preparing for the worst. It is difficult to imagine anything that would do more damage to farmers and the entire state than another year of drought. We must be ready to do all we can to minimize the effects of such a catastrophe.

JOURNAL OF THE SENATE [January 18, 1977]

Over the long term, perhaps the single most important thing the state can do for its agricultural community is to strengthen the family farm. It is the cornerstone of rural life in Wisconsin—the single institution which more than any other provides strength both to the state's economy and to its system of basic values.

Yet in recent years it has become increasingly difficult for young farmers to begin farming or to continue the farms started by their families. In the coming months, I will work with the Legislature to help young farmers meet the rapidly escalating capital requirements of modern agriculture.

I also am proposing legislation to provide farmers greater security against the financial insolvency of grain storage facilities. We must avoid another tragedy like that of the Evansville Grain Exchange in which 109 farmers were bilked for more than \$2 million.

Just as we must be concerned about those who own and operate farms, so too must we protect those who labor in the field. Since last summer's special legislative session, representatives of the migrant community, farmers, canners, and my office have met to develop legislation to meet the needs of Wisconsin agriculture while assuring migrant laborers fair compensation and decent housing. I expect an agreement shortly on a draft bill that all parties can support, and I hope the legislature puts the new law into effect before another harvesting season begins.

Whatever we do here in Wisconsin, we should acknowledge that many important agriculture decisions will be made by the new administration in Washington. I have met with the new Secretary of Agriculture to present him with an agenda for Wisconsin's farmers, and I urge rural legislators from both parties to join with me in raising Wisconsin's voice as crucial decisions are made on dairy price supports, import and export regulation, disaster relief and a wide range of other policies that will directly affect the state's agricultural community—and the state's economy.

It is not acceptable, however, for our concern to be limited to economic development and Wisconsin's natural resources. This state's greatest resource is its people, and a government that ignores the health and welfare of the people it represents ignores its first responsibility.

Government often has been criticized for being responsive only to emergencies or to special interests at the expense of basic human concerns. There is validity to that criticism. Too much time is spent attending to the demands of the next election and not enough time attending to the needs of the next generation.

HEALTH

There is no system more in need of reform than our health care system. Despite concerted efforts to make health care available to everyone, we still fall short of that goal. And when health care is available, it costs far too much.

There continues to be strong resistance to almost every effort to correct the shortcomings of the current system. Too many health care providers are content with a status quo which ensures them a monopoly on the delivery of health care when demand for that care is growing rapidly.

There are steps we can take now to limit the cost and expand the availability of medical care.

First, I will propose legislation during this session—as I have in the last two—to place reasonable restrictions on the purchase and construction of new medical equipment and facilities. It also will seek to prevent the expensive duplication of services which requires that patients and taxpayers not only pay for the care they receive, but the empty bed next to them as well.

We cannot go on wasting money on unneeded facilities, unnecessary medical testing, and unwarranted surgery when that money could mean the difference between life and death for people who do not now have access to the basic minimum care they need.

Second, we must do what we can to make sure that all those who need health insurance can get it. Those who fall through the cracks of the present system—those who are not old enough for Medicare, not poor enough for Medicaid, and not a member of a group, the laid-off worker, the widow or widower, the person who has switched jobs—must be able to obtain adequate insurance at a reasonable cost in the private market under a state regulated program or pool.

Third, those who are able to purchase health insurance should be assured that its coverage is comprehensive enough to provide them with the basic health care they need, and that it gives real value for their dollars. Government should not be in the business of sanctioning limited coverage health insurance policies which return but a small fraction of the premiums to policyholders.

ELDERLY

We took an important step last year when we enacted a generic drug law which should bring down the price of prescription drugs for most people. That new law is of particular significance to the elderly who must live on fixed incomes and spend a large share of

their budgets on medicine. There are additional steps we can take on their behalf.

The budget I will propose next week will contain initiatives and new funding for senior citizen centers, for home health care, and for expanded nutrition programs for the elderly. Taken together, they represent a major new commitment on the part of the state to those older citizens who wish to retain the independence which comes from living on their own.

At the same time, those people who must live in nursing homes are entitled to additional assurances that they will be well treated. The nursing home enforcement bill developed by the Lieutenant Governor will provide the Department of Health and Social Services with the additional tools they need to meet their responsibilities in this critical area.

GOVERNMENT REFORM

The enactment last session of universal voter registration was an essential step in opening up the political process. There remains, however, a substantial unfinished agenda of government reform.

If we enact the lobbying bill developed by the Legislative Council and strengthen the ethics code along the lines suggested by the Ethics Board, we can send the people of Wisconsin a message—their elected representatives are in charge in Madison, not the special interests.

The time has long since passed when we should have adopted legislation providing for at least partial public financing of political campaigns. It is naive to continue under the illusion that campaign fundraising is merely a harmless extension of the democratic process. That is not the case.

If the people of Wisconsin are to have greater confidence in their government, they must believe that it is well managed and accountable for its actions. I believe the best way to ensure accountability is to establish cabinet government. You will not receive an armload of cabinet government proposals from me this session. You will, however, receive one.

The budget will contain a proposal reorganizing the Department of Industry, Labor and Human Relations. Under it, the Department's governing commission no longer will serve any administrative function. It will concentrate instead on the adjudicatory function which was its original purpose. The department will be administered by a secretary who serves at the pleasure of the governor and the people.

JOURNAL OF THE SENATE [January 18, 1977]

The case for reorganization is clear and compelling. When the department was established in 1911, it had limited jurisdiction, a budget of \$75,000, and 30 employees.

Today the Department of Industry, Labor and Human Relations has wide ranging jurisdiction; over 2,500 employees; and it spends nearly \$51 million each year. It defies every sensible theory of sound management to believe that a department of this size and responsibility could be administered properly by a three person board not accountable to anyone during their terms of office.

DILHR is not functioning as it should. Continuous disagreements among the commissioners have reduced the effectiveness of the department and destroyed employee morale. If you concur with my reorganization proposal, I pledge to you that the Department will be back on its feet in short order. The citizens of our state deserve no less.

The people of our state also deserve a well-functioning merit system which assures that people are hired and promoted within the civil service system on the basis of a fair, competitive process. My commitment to such a system is firm and complete.

A year ago I appointed a citizens committee to determine how to strengthen the effectiveness of the merit system and improve employee management relations. This citizens group has been hard at work, and I am confident their recommendations will help us remedy any shortcomings in the present law.

This session also must address the question of whether state and local government relations can be restructured to provide better service to the people of Wisconsin. The final report of the Commission on State-Local Relations and Financing Policy, which we will receive on February 1, deserves our thoughtful consideration.

Since the legislature last met the Subcommittee on Regional Planning of the Assembly Municipalities Committee has held a series of hearings around the state. I believe we should update the regional planning law along the lines suggested in the subcommittee's report to the Legislature.

As a government we need to give our citizens additional confidence that their privacy will not be unfairly compromised as the result of information gathered by state and local governments. At the same time, we should recognize the need to provide as open a government as we can. Using those two considerations as our guide we should enact legislation which protects personal privacy while guaranteeing access to government information for those who desire it.

Our unique state-operated life insurance fund was first established in 1911. In 1961, a \$10,000 maximum was established for the low cost life insurance offered by the plan. Since then the consumer price index has increased by nearly 100 percent. I will be proposing that the maximum coverage under the fund be increased to \$20,000 to reflect the inflation of the last fifteen years.

CRIME AND CRIMINAL JUSTICE

There is perhaps no one subject of greater concern to people than the problems associated with crime and the criminal justice system. In my recent travels around the state I gained an increased appreciation for the deep frustration of those who feel not enough is being done to prevent crime and to punish those who commit it. I share that frustration.

Wisconsin has no monopoly on the problems of crime; up to now no state has had any marked success in controlling crime. Any initiatives we take to stem the crime rate are necessarily experimental and may not have a major effect on this intractable problem, but we must continue to test new approaches that will help to protect lives and property.

First, the determinate sentencing experiments now underway in other states deserve careful scrutiny. If they have any positive affect on reducing crime or improving the corrections process, we should establish a determinate sentence structure here.

Second, we should begin to introduce the principle of restitution into the criminal justice system. If we cannot prevent crime, we can at least transfer to the convicted criminal the burden of compensating the victim for the damage he causes. Any comprehensive system of restitution should also make parents, who have been seriously derelict in their responsibilities, legally liable for the damage their children cause.

Third, we should reform local justice systems so that offenders -but particularly repeat offenders who commit violent crimes- are subject to speedy trial and swift imprisonment if found guilty.

Fourth, we should make it clear that repeat violent offenders should not be eligible for parole until they have served a substantial term in jail. This would be consistent with what is now the general practice in parole board deliberations -it should become a part of our law.

Fifth, we need to move quickly to ensure second passage of the court reorganization resolution. It represents the single most important step we can take to improve the state's judicial process.

JOURNAL OF THE SENATE [January 18, 1977]

Sixth, I have requested that the Wisconsin Council on Criminal Justice direct some of its resources into pilot programs aimed at offering protection to the elderly who live in fear of crime in many areas of the state.

Seventh, we have waited too long to update our laws relating to juvenile offenders. Let this be the session that we finally enact the children's code.

Finally, we should not lose sight of the fact that the American legal system requires justice as well as punishment. We can best serve the cause of justice by enacting legislation to provide a statewide legal services program to assure that indigents are afforded the legal rights established by the Constitution.

The initiatives I have outlined this morning suggest the direction I believe this state should take, not just over the next two years but into the 1980's as well. I will supplement this message next week with a budget proposal which will include tax relief, transportation reform, welfare reform, educational accountability, and a healthy dose of austerity for state government.

As legislators, you have chosen your leaders well. They are men and women who have proven they have the wisdom and the will to do what is right for Wisconsin.

For those of you who are new to the Capitol, these next several months will provide a political baptism. Day after day, you will be asked to make difficult choices about how to set public policy and how to spend public funds. In many cases the choices will be anything but clear. In other cases the choices will be very clear, requiring you to choose between short-term political popularity and Wisconsin's future.

If we are not willing as public officials to take political risks, to stand up to the special interests when we cannot afford what they seek or if what they seek is unwise, if we will not assume that risk and that responsibility, then we will have failed our commitment to Wisconsin and its people.

The business of government is not a job for the faint of heart or for those unwilling to fight for the policies and principles which give our efforts here their value.

When the battle becomes particularly difficult it will be worthwhile to remind ourselves that we have opportunities to serve our fellow human beings that are not generally available to businessmen, or lawyers or farmers or real estate brokers.

Those of us in politics have chosen a special kind of life. I believe Senator Philip Hart of Michigan provided an example of

JOURNAL OF THE SENATE [January 18, 1977]

the sort of commitment we should bring to our public duties. His career was described this way in a recent eulogy:

“Philip Hart was a politician. He recognized politics as an honorable, necessary and difficult vocation. He practiced it not as ‘the art of the possible’ . . . but as a discipline of mind and will, as a profession which should carry the common good beyond what is considered prudent and possible. He knew that politics is not a game to be scored, to be marked by winning or losing, but rather a continuing challenge.”

I believe that all of us here can meet that continuing challenge, and I look forward to working with you to enrich the future of our state and its people.

The joint convention rose and the senate stood adjourned.

10:35 A.M.