Eighty-Third Regular Session

WEDNESDAY, November 30, 1977.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 55

Directing the legislative council to establish an interim study committee on regional government.

By Senator Swan.

Read and referred to committee on Governmental and Veterans' Affairs.

Senate Joint Resolution 56

Directing the legislative council to study the state's special, private and local laws.

By Senator Adelman; cosponsored by Representative Lee.

Read and referred to committee on Governmental and Veterans' Affairs.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 622

Relating to a plan for compensation of persons injured in motor vehicle accidents irrespective of fault, authorizing rule-making authority and providing penalties.

By Senators Berger, Petri and Bablitch.

To committee on Judiciary and Consumer Affairs.

Senate Bill 623

Relating to requiring the keeping of registers regarding sentences imposed by county and circuit judges.

By Senator Cullen.

To committee on Judiciary and Consumer Affairs.

Senate Bill 624

Relating to emergency energy assistance, granting rule-making authority and increasing an appropriation.

By Senator Swan.

To committee on Governmental and Veterans' Affairs.

Senate Bill 625

Relating to increasing the debt limit and increasing the appropriation for the water pollution abatement and sewage collection facilities program.

By Senator Sensenbrenner.

To committee on Natural Resources and Tourism.

Senate Bill 626

Relating to a minimum tax on tax preference items.

By Senators Offner, Radosevich, Adelman, Braun and Morrison; cosponsored by Representatives Leopold, Hanson, Kirby, McClain, Clarenbach, Gerlach, Medinger, Flintrop, Ferrall, Roberts, Wahner, Brist, Loftus and Bear.

To committee on Education and Revenue.

COMMITTEE REPORTS

The committee on Commerce reports and recommends:

Assembly Bill 187

Relating to rules of the road for bicycles.

Concurrence:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

Assembly Bill 266

Relating to cash register receipts and providing a penalty.

Concurrence:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

Assembly Bill 348

Relating to occupational drivers' licenses.

Concurrence:

Ayes, 4 -- Senators Parys, Berger, Swan and Bidwell;

Noes, 2 -- Senators Goyke and Petri.

Assembly Bill 544

Relating to transfer of registration plates for automobiles and certain motor trucks.

Concurrence:

Ayes, 6 -- Senators Parys, Berger, Swan, Keppler, Bidwell and Petri;

Noes, 1 -- Senator Goyke.

Assembly Bill 599

Relating to county bicycle registration.

Concurrence

Ayes, 6 -- Senators Parys, Berger, Swan, Keppler, Bidwell and Petri;

Noes, 1 -- Senator Goyke.

Assembly Bill 814

Relating to restrictions on volume discounts to retailers from wholesalers of malt beverages and liquors and providing a penalty.

Concurrence:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri;

Noes, 0 -- None.

Assembly Bill 878

Relating to the sale of liquefied petroleum gas in vapor form.

Concurrence:

Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler, Bidwell and Petri:

Noes, 0 -- None.

RONALD G. PARYS Chairman

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PETITIONS AND COMMUNICATIONS

Senate Petition 121

A petition by 40 residents of the State of Wisconsin in support of product liability legislation: Senate Bill 437, Senate Bill 438, Senate Bill 439, Senate Bill 440, Senate Bill 441, Senate Bill 445 and Assembly Bill 237.

By Senator Maurer.

Read and referred to committee on Commerce.

Senate Petition 122

A petition in the form of a resolution by Wisconsin Indian Head Country, Inc., in support of establishing a 7 day nonresident fishing license.

By Senator Radodevich.

Read and referred to committee on Natural Resources and Tourism.

Senate Petition 123

A petition by 123 residents of the State of Wisconsin in support of product liability legislation: Senate Bill 437, Senate Bill 438, Senate Bill 439, Senate Bill 440, Senate Bill 441, Senate Bill 445 and Assembly Bill 237.

By Senator Radosevich.

Read and referred to committee on Commerce.

Senate Petition 124

A petition by 66 residents of the 29th Senate District requesting prompt Senate enactment of pending product liability legislation: Senate Bill 437, Senate Bill 438, Senate Bill 439, Senate Bill 440, Senate Bill 441, Senate Bill 445 and Assembly Bill 237.

By Senator Chilsen.

Read and referred to committee on Commerce.

The University of Wisconsin System Office of the Vice President and Controller Madison, Wisconsin

November 22, 1977.

The attached report is respectfully submitted in response to the legislative mandate of Chapter 29, Laws of 1977, that the Board of Regents of the University of Wisconsin System, in conjunction with the Department of Administration, the Legislative Audit Bureau and the Legislative Fiscal Bureau develop a revised appropriation structure for the UW System for implementation in the 1979-81 biennium.

The report, requested by December 1, 1977, is the result of deliberations of a University study committee which I chaired and which consisted of the following members:

Jerry Anderson Vice Chancellor UW-Oshkosh

Joel Edson Director, University Budgets UW-OshKosh

Len Van Ess Vice Chancellor for Administration UW-Madison

William Young Professor, Political Science UW-Madison

Harland Klagos Assistant Chancellor UW-Extension

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Harvey Breuscher Director, Statewide Communications UW System

Robert Polk Associate Vice President, Academic Affairs UW System

To meet the legislative directive that the University act in conjunction with the other agencies named, the study committee invited and received active participation from: Lon Sprecher and James Gosling of the Department of Administration; Tom Fletemeyer of the Legislative Fiscal Bureau, and Gordon Baierl and John Paltz of the Legislative Audit Bureau.

The current UW System appropriation structure has been in place since the time of merger and, in the judgement of the University, has served the System and the State exceptionally well. The perogative of the executive and the legislative branches of government to call for reexamination and revision is clearly recognized, however, and the attached report testifies to that recognition. The report has been transmitted to the Regents of the UW System and they will be asked to act in support of its recommendations at their regularly scheduled meeting, December 9, 1977.

Sincerely, REUBEN H. LORENZ Vice President

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 14, Senate Bill 114, and Senate Bill 186

Correctly enrolled and presented to the Governor on November 17, 1977.

The chief clerk records:

Senate Bill 15, Senate Bill 47, and Senate Bill 75

Correctly enrolled and presented to the Governor on November 18, 1977.

The chief clerk records:

Senate Bill 91, Senate Bill 104, Senate Bill 108, Senate Bill 224, Senate Bill 234, Senate Bill 305, and Senate Bill 370

Correctly enrolled and presented to the Governor on November 21, 1977 (pursuant to Assembly Joint Resolution 12).

EXECUTIVE COMMUNICATIONS

State of Wisconsin Office of the Governor Madison, Wisconsin

November 14, 1977.

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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. D

Date Approved

227 ----- 170----- November 14, 1977

Sincerely,

MARTIN J. SCHREIBER

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Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 17, 1977.

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
14	173	November 17, 1977
114		November 17, 1977
186	175	November 17, 1977

Sincerely,

MARTIN J. SCHREIBER

Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 18, 1977.

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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
15 (partial veto) 178	November 18, 1977
47	179	November 18, 1977
75	180	November 18, 1977

Sincerely, MARTIN J. SCHREIBER Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 18, 1977.

To the Honorable, the Senate:

1 have approved Senate Bill 15 as Chapter 178, Laws of 1977, and deposited it in the Office of the Secretary of State.

Senate Bill 15 will significantly alter Wisconsin's Municipal Employment Relations Act to establish last best offer binding arbitration and a limited right to strike as collective bargaining impasse resolution steps for local government employes. The bill does not affect police and firefighters, most of whom have been covered by a statutory binding arbitration law for the past five years.

The modifications in the public employee bargaining law are the product of lengthy debate which led to creation of the Legislative Council's Special Committee on Collective Bargaining Impasses in Public Employment during the Spring of 1974. Assembly Bill 605 was intensely debated in the 1975-77 session, as was its successor, Senate Bill 15, which has received final legislative approval this fall.

The protracted and intense nature of the debate reflects the deep differences of opinion concerning the need for changes in our municipal labor law and the means by which impasses might be resolved. The complex subject of public employee collective bargaining poses problems which do not lend themselves to simple solutions. Accordingly, the bill includes an automatice repealer provision to allow its reconsideration after a three year period. During that time, its success in resolving labor-management impasses will be evaluated.

Overall, I believe the bill to be a significant improvement over present law. For the first time, definitive impasse resolution procedures are provided which extend right up to the signing of a contract. It can no longer be argued that the illegal strike, or acceptance of a settlement deemed by either party to be grossly unfair, are the only alternatives when mediation and fact-finding have failed to produce a settlement. The finality of impasse resolution procedures, combined with the strong mandatory penalties for illegal strikes, will improve bargaining balance to secure settlements that are fair to the parties while labor peace is maintained to assure the continuity of the services to which our citizens are entitled.

I am exercising my partial veto authority in three instances to improve this bill.

The first is purely technical. I am striking the words "definition of a school day" from the relating clause. The final version of the bill contains no such definition, so to leave the reference would be misleading.

The second partial veto removes the phrase "authorized or condoned by a labor organization" from the definition of "strike". The next sentence in the bill provides the exception necessary to protect the labor organizations from being penalized for unauthorized strikes.

The third partial veto eliminates the requirement that, following presentation of initial bargaining proposals in open meetings, that "all subsequent negotiating meetings between the parties prior to mediation, by the commission held under this paragraph, shall be open to the public unless the parties jointly agree that such meetings shall be closed to the public".

I am extremely reluctant to veto any provision that broadens the provisions of open government, at any level. But, on balance, I am convinced that the public interest will not be best served by the inclusion of this specific language.

In a number of jurisdictions, parties do negotiate in open sessions. Wherever possible I encourage this to continue, since the law will allow it if both parties agree. Further, the bill does require that the initial presentation of bargaining proposals shall be presented publicly.

I have been consistently advised, however, by individuals experienced in public employee labor relations, that *requiring* further negotiating sessions to be open will be destructive to the settlement process, without a significant benefit to the public.

Rarely are those issues discussed at open sessions -- the issues that are the true subject of negotiations. Often, these open sessions are used to manipulate public opinion.

When negotiations do take place, and agreements are reached, they are accomplished outside the formal negotiations, in informal meetings. In such cases, the principle of openness is not served. All that is accomplished is that negotiations are made more protracted and more inflammatory.

Further, if the language is included in the bill there is a likelihood that neither side will want to take public responsibility for closing negotiations. Instead of opening negotiations, this will result in premature requests for mediation, as a publicly acceptable means of closing negotiations.

The use of the mediator should be limited to those situations in which mediation efforts are needed and should not be utilized for the sole purpose of providing an orderly atmosphere for negotiations. According to the WERC, the annual cost of providing the additional pro forma mediation is estimated to be \$37,000.

Openness in the process remains assured through other features in the bill. Upon the petition of at least five citizens, a mediator/arbitrator shall hold a public hearing for the purpose of providing the opportunity to both parties to explaim or present supporting arguments for their positions and to members of the public to offer their comments and suggestions on the final offers of the parties. Another provision allows the mediator/arbitrator, at his or her own motion or at the request of either party, to conduct a meeting open to the public for the purpose of providing the opportunity to both parties to explain or present supporting arguments for their complete offer before a final arbitration decision is made.

> Sincerely, MARTIN J. SCHREIBER Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 21, 1977.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Thomas O'Keefe, of Hudson, as a member of the Conservation Works Projects Board, to serve for the term ending May 1, 1979.

Sincerely,

MARTIN J. SCHREIBER

Governor

Read and referred to committee on Natural Resources and Tourism.

State of Wisconsin Office of the Governor Madison, Wisconsin

November 29, 1977.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Ethan Kochenderfer, of Fountain City, as a member of the Minnesota-Wisconsin Boundary Area Commission, to succeed himself, to serve for the term ending September 25, 1982.

Sincerely,

MARTIN J. SCHREIBER

Governor

Read and referred to committee on Governmental and Veterans' Affairs.

State of Wisconsin Office of the Governor Madison, Wisconsin

November 22, 1977.

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
224		November 22, 1977

Sincerely,

MARTIN J. SCHREIBER Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 22, 1977.

To the Honorable, the Senate:

1 am returning Senate Bill 108 without my approval.

Senate Bill 108 is, in principle, concerned with equity -assuring people who want access to chiropractic care that that care will be covered in their insurance policies. Stated in this fashion, this bill, like many others which mandate access to various professional health services in insurance policies, is difficult to oppose.

There is more involved, however. In particular, there are two problems: the potential cost to various mandated benefits, and the real -- as distinguished from the intended -- public policy result of requiring the inclusion of these benefits in insurance policies. While both are important issues, neither has been adequately addressed by this bill.

I believe that a strong case can be made that certain mandates are necessary to insure basic protection for the consumer (for example, relating to newborn infants).

But other mandates may have the impact of displacing more basic coverages, or encouraging employers to self-insur (or drop health insurance altogether) so as to void the cost of new benefits.

Of most concern to me is the fact that proposals for mandated benefits sometimes come before the legislature with the appearance of being a special interest appeal from a particular group of providers. Such mandates should result from a process which insures that all of the interests involved -- most notably, the consumers, who will ultimately pay the bill -- have been listened to, and the costs and benefits thoroughly weighed.

Frequently, in state government, where the actions we are taking will be primarily paid for not by taxpayers, but by employes, employers and consumers in the private sector, we structure a mechanism to insure the participation of these groups in the choices being made. Perhaps a mechanism to develop agreed upon bills, similar to that utilized in the area of unemployment compensation, is needed concerning mandated benefits. I would welcome legislative suggestions on the value and possible structure of such a mechanism.

As to this particular bill, I am returning it today because in addition to my feelings about the need for a better review process for all mandated benefits, I am concerned about its broad scope, and its failure to make exceptions for entities such as health maintenance organizations, where there can be no dispute about the cost of providing the new benefits.

HMO's offer benefits which are considerably more comprehensive than most insurance plans yet are provided at a reduced premium due to several built-in cost containment features. One essential component of an HMO is that the subscriber chooses a single primary care physician who serves as the central point of entry into the health care delivery system and makes all necessary referrals to specialists. Requiring chiropractic services by HMO's could create a second primary care point of entry which could reduce or eliminate the effectiveness of this cost containment feature. In these days of skyrocketing health costs, we must carefully examine all measures which could have significant effects on the costs of health care.

This legislation represents a "shotgun wedding" between medicine and chiropractic. The chances of success of this union are as dubious as those of any such forced marriage. It may work, with

all health care consumers getting effective treatment of their own choosing without increasing health care costs. But the chances of failure -- of confusion, lack of coordination between disciplines, increased costs and decreased effectiveness of care -- are far greater if the union is mandated now.

There may be alternatives to the policy offered by Senate Bill 108. I would encourage the legislature to explore these alternatives in an effort to build a more cooperative relationship between chiropractic and medicine to better serve all health care consumers.

> Sincerely, MARTIN J. SCHREIBER Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 23, 1977.

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

305 ----- 188 ----- November 23, 1977

Sincerely, MARTIN J. SCHREIBER Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 25, 1977.

To the Honorable, the Senate:

I am returning Senate Bill 104 without my approval.

Under current law, haulers of pole-length pulpwood, pipes, girders and auto carriers may receive permits allowing them to exceed length limits for a vehicle and its load (from 55 feet to 65 feet). Senate Bill 104 would allow auto carriers to operate vehicles 65 feet in length without any restriction on load overhang, beyond the 65 foot vehicle.

I have vetoed Senate Bill 104 because exemptions from existing weight and length limits should be avoided unless compelling arguments exist to outweigh safety considerations. To develop a consistent state-wide policy toward truck operators, it is necessary to avoid the narrow exceptions granted by bills such as Senate Bill 104.

It is difficult to rationalize granting a further load length exception strictly to auto haulers when they already enjoy an exemption from the 55 foot maximum limit. If this exception were enacted into law, similar requests from truckers hauling other commodities would logically follow.

While I can sympathize with their desire to carry cargo at the lowest possible price, I cannot support legislation which lowers cost by compromising the safety of those traveling on Wisconsin highways.

> Sincerely, MARTIN J. SCHREIBER Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 25, 1977.

To the Honorable, the Senate:

I am returning Senate Bill 234 without my approval.

Under section 348.02 (5), statutory limitations on weight, length and number of vehicles in combination are waived for disabled vehicles being towed from the *highway* (primary move) to the nearest adequate place for repairs. If the owner wishes to have the vehicle towed to a different location (secondary move), special Department of Transportation single trip permits are required.

Under Senate Bill 234 the waiver of normal restrictions applying to emergency towing is extended to non-emergency situations when vehicles are moved from a storage facility to a place for repairs. The bill also ends the practice of requiring owners to get a single trip permit from the Department of Transportation

in such non-emergency situations. It also allows the vehicle's owner or the owner's authorized agent to designate the place of repairs where the vehicle is to be towed without requiring a Department of Transportation single trip permit.

Truckers contend that when their vehicles become disabled it is beneficial to have them repaired in their company garages by company mechanics as soon as possible without having to request a permit from the Department of Transportation. The permits cannot be obtained after the Department of Transportation working hours.

While this argument is understandable, Senate Bill 234 would increase the number of overweight, oversized combination type touring operations in Wisconsin and extend their operation over greater distances. I oppose this bill for the following reasons:

1. The Transportation Commission is presently charged with the responsibility for issuing permits to operators of oversized vehicles, determining on a case-by-case basis whether an exemption from statutory load limitations is justified. Under this bill non-emergency towing operations would no longer require special permits, and the Department of Transportation would not be able to ensure that towing operations were executed safely over routes which minimized danger to the public and damage to our highways. While vehicles being towed under permits are restricted to 45 miles per hour, there are no restrictions possible if the permits aren't required.

2. The rationale for waiving permits in emergency situations is that it is thought to be safer to tow the disabled vehicle off of the highway as fast as possible rather than to wait for permits to be issued. This rationale does not exist when the disabled vehicle is already in storage and not posing a danger but is being towed to a place of the owner's choosing for repairs. There may be a considerable safety hazard if the combination towing operation extends across the entire state.

3. Owners can presently have their trucks towed anywhere they choose for repairs as long as they first receive a Department of Transportation permit. The public interest is served by having the department review requests for permits so special precautions can be observed if necessary.

All in all, the bill poses a public safety hazard without a commensurate public benefit.

Sincerely, MARTIN J. SCHREIBER Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 28, 1977.

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

370 ----- 192 ----- November 28, 1977

Sincerely, MARTIN J. SCHREIBER Governor

State of Wisconsin Office of the Governor Madison, Wisconsin

November 28, 1977.

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To the Honorable, the Senate:

I am returning Senate Bill 91 without my approval.

Out of the respect of those Milwaukee legislators who have identified serious problems with current methods and procedures for electing Milwaukee School Board Directors, it is with regret that I feel I must veto Senate Bill 91. I recognize this as a sincere attempt to provide the best possible system of education for Milwaukee and I commend the legislators for addressing this problem. However, I do not believe that Senate Bill 91 represents the best solution that can be achieved. Because of the atmosphere and spirit of compromise and concern created by passage of this bill, I feel the possibility is much stronger today for the passage of a law that will address major concerns. These include greater accountability for school board members, minimizing the effect of

ward politics on the board and insuring adequate opportunity for minority representation.

Although it is argued that district seats would provide Milwaukeeans with more direct accountability from their school board representatives, district representation could lead a school board member to confine his or her responsibilities to a small area of the city rather than address the needs and concerns of all the children and parents involved in the Milwaukee Public School System. I further recognize that the often-suggested alternative of electing members at-large to numbered seats while providing greater accountability may well make it more difficult than under the current system for minorities to get representation on the school board. I believe that now we have an opportunity for creative alternatives emphasizing the positive aspects of both options.

Senate Bill 91 contains no phase-in to insure a smooth transition from the current system to the new one. I am not aware that there is any precedent in Wisconsin for abolition of a board of elected representatives. I remain to be convinced that the current situation warrants the establishment of that precedent.

My veto of this bill should not be taken as an indication that the system of electing Milwaukee School Board Directors should not be changed. Rather, I am convinced the the atmosphere which has been created by the passage of Senate Bill 91 will make it possible to enact major reform in this area in time for the spring elections of 1979. I realize the difficulty of resolving these conflicting problems, but I am confident that a compromise can be worked out. I intend to work with Milwaukee legislators and other concerned citizens to develop legislation which will meet the standards I have outlined here. Enactment of such a bill is a major priority of mine.

> Sincerely, MARTIN J. SCHREIBER Governor

MOTIONS UNDER SENATE RULE 97

A certificate of commendation by Senator Radosevich; cosponsored by Representative Mohn for the ELLSWORTH CROSS COUNTRY TEAM on the occasion of their sixth place finish at the state cross country meet.

A certificate of congratulations by Senator Lasee for FRED J. PETERSON on the occasion of receiving the Citizen of the Year Award.

A certificate of congratulations by Senator McKenna; cosponsored by Representative Everson for the MONONA GROVE HIGH SCHOOL on the occasion of winning the class A state football championship.

A certificate of condolence by Senator Bidwell; cosponsored by Representative Hanson for the FAMILY OF WILLIAM E. JONES on the occasion of his death.

A certificate of congratulations by Senator Lorge; cosponsored by Representative Byers for GEORGE JENSEN on the occasion of being named Waupaca County Outstanding Business Person of the Year.

A certificate of congratulations by Senator Risser; cosponsored by Representatives Munts and Miller for the WEST HIGH SCHOOL FOOTBALL TEAM on the occasion of winning the WIAA class AA championship.

A certificate of congratulations by Senator Lasee for JOSEPH AND MARION KUEHN on the occasion of receiving the Farmers of the Year Award.

A certificate of commendation by Senator Lasee for KEVIN BRUNNER on the occasion of his effort in saving the life of Shawn Hamburg.

The above motions under senate rule 97 were read and adopted enmasse.

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 488 by Senator McKenna.

Senate amendment 1 to Senate Bill 507 by Senator Berger.

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