

JOURNAL OF THE SENATE

**Eighty-Third Regular Session**

WEDNESDAY, May 31, 1978.

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

May 19, 1978.

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 Gerald Boyle, of Mequon, as a member of the Ethics Board, to succeed Sister Grace McDonald, whose term has expired, to serve for the term ending May 1, 1984.

Sincerely,  
MARTIN J. SCHREIBER  
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

May 19, 1978.

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 W. Dale Phillips, of Milwaukee, as a member of the Savings and Loan Review Board, to succeed himself, to serve for the term ending May 1, 1981.

Sincerely,  
MARTIN J. SCHREIBER  
Governor

Read and referred to committee on Commerce.

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**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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 Mary Lou Robinson, of Appleton, as a member of the Public Defender Board, to serve for the term ending May 1, 1980.

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

**Read and referred to committee on Judiciary and Consumer Affairs.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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 Dennis J. Conta, of Milwaukee, as a member of the Medical College of Wisconsin Board of Trustees, to succeed Edward Wiegner, resigned, to serve for the term ending May 1, 1979.

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

**Read and referred to committee on Education and Revenue.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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 Dr. Henry Goldberg, of Milwaukee, as a member of the Medical

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**College of Wisconsin Board of Trustees, to succeed himself, to serve for the term ending May 1, 1982.**

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Education and Revenue.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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 Allen W. Williams, of Milwaukee, as a member of the Medical College of Wisconsin Board of Trustees, to succeed himself, to serve for the term ending May 1, 1984.**

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Education and Revenue.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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 Elaine Bina, of Coon Valley, as a member of the Vocational, Technical and Adult Education Board, to succeed Rose De Ruyter, resigned, to serve for the term ending May 1, 1981.**

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Education and Revenue.**

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**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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 John Keating, of Janesville, as a member of the Optometry Examining Board, to succeed Dr. Donald Stulken, resigned, to serve for the term ending July 1, 1980.

**Sincerely,**

**MARTIN J. SCHREIBER**

**Governor**

**Read and referred to committee on Human Services.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1878.**

**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 Charles Goranson, of Madison, as a member of the Board of Veterans Affairs, to succeed Freida Schurch, resigned, to serve for the term ending May 1, 1981.

**Sincerely,**

**MARTIN J. SCHREIBER**

**Governor**

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

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**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**To the Honorable, the Senate:**

**May 19, 1978.**

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Norman Myhra, of Stevens Point, as a member of the Board of Veterans Affairs, to succeed Ralph Jirikowic, resigned, to serve for the term ending May 1, 1983.

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

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

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**To the Honorable, the Senate:**

**May 19, 1978.**

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Val W. Ove, of Milwaukee, as a member of the Board of Veterans Affairs, to succeed Richard Carbonneau, resigned, to serve for the term ending May 1, 1979.

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

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

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**To the Honorable, the Senate:**

**May 23, 197**

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint James Nelson, of Milwaukee, as a member of the Investment Board, to succeed William Zuelhke, to serve for the term ending May 1, 1981.

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Commerce.**

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**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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 Leo Mortensen, of Elm Grove, as a member of the Savings and Loan Review Board, to succeed John Kobussen, whose term has expired, to serve for the term ending May 1, 1981.

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Commerce.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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 William F. Gehrke, of Kohler, as a member of the Savings and Loan Review Board, to succeed himself, to serve for the term ending May 1, 1981.

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Commerce.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 19, 1978.**

**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

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**Elaine Washburn, as a member of the Savings and Loan Review Board, to succeed herself, to serve for the term ending May 1, 1981.**

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Commerce.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 23, 1978.**

**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 James McCann, of Milwaukee, as a member of the Accounting Examining Board, to succeed Jack E. Thomas, whose term has expired, to serve for the term ending July 1, 1980.**

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Commerce.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 23, 1978.**

**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 Alexander Georges, of Milwaukee, as a member of the Accounting Examining Board, to succeed himself, to serve for the term ending July 1, 1982.**

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Commerce.**

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**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 23, 1978.**

**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 Harvey Mason, of Eau Claire, as a member of the Investment Board, to succeed Richard Marks, to serve for the term ending May 1, 1979.**

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**

**Read and referred to committee on Commerce.**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**May 25, 1978.**

**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:**

<b>Senate Bill</b>	<b>Chapter No.</b>	<b>Date Approved</b>
<b>210</b> -----	<b>432</b> -----	<b>May 25, 1978</b>
<b>484</b> -----	<b>433</b> -----	<b>May 25, 1978</b>
<b>510</b> -----	<b>434</b> -----	<b>May 25, 1978</b>
<b>569</b> -----	<b>435</b> -----	<b>May 25, 1978</b>
<b>689</b> -----	<b>436</b> -----	<b>May 25, 1978</b>
<b>326</b> -----	<b>442</b> -----	<b>May 25, 1978</b>
<b>490</b> -----	<b>443</b> -----	<b>May 25, 1978</b>
<b>528</b> -----	<b>444</b> -----	<b>May 25, 1978</b>

**Sincerely,  
MARTIN J. SCHREIBER  
Governor**



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State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

May 26, 1978.

To the Honorable, the Senate:

I am returning **Senate Bill 199** without my approval.

The original purpose of Senate Bill 199 was to permit the examining board of architects, professional engineers, designers and land surveyors to adopt rules requiring (licensees) registrants to present proof that they are maintaining professional competence in their field.

A conference committee added to this decidedly minor piece of legislation an amendment which changes Chapter 227 of the statutes to require prior legislative review of all administrative rules enacted by all agencies of state government. This procedure can be compared to adding War and Peace as a footnote to a short story.

I have signed bills which contain administrative rule procedures similar to those in Senate Bill 199, but limited to specific sections of the statutes affected by the new legislation. I approved those bills only because to do otherwise would have jeopardized the enactment of several important bills, including changes in our laws relation to ethics and lobbying, solid waste management, natural gas conservation, etc. The Shortcomings of Senate Bill 199, which applies the procedure to ann rules, are both practical and constitutional.

The bill will serve to extend the time necessary to enact administrative rules. Any time a standing committee of either house disapproves a rule, it is likely that there will be a delay of approximately 90 days. Moreover, if the Joint Committee for the Review of Administrative Rules exercises its option to remand a rule to an agency for further consideration or public hearings, the delay could go on indefinitely.

It should be recognized that the net effect of Senate Bill 199 is that "prior legislative approval" is made a requirement for all proposed administrative rules. The essential difference between this bill and previous 'prior approval' scenarios is that it is the Joint Committee for the Review of Administrative Rules that is in the driver's seat, rather than the standing committees.

The bill originated from the perception on the part of many legislators that state administrative agencies are making rule-making decisions which are inconsistent with legislative intent. While that may occur in some instances, I doubt that it occurs with the

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frequency presumed by Senate Bill 199. In any event, this bill would put standing committees and JCRAR in the business of approving all proposed rules, whether or not they had any relationship at all to specific piece of legislation.

The procedure for the review of administrative rules established under Senate Bill 199 is a poor substitute for the legislature spending more time in the initial steps fo the legislative process. There has been an increasing tendency to legislate only up to a certain point and leave it to the agencies to fill in the details through the administrative rule process. It is my strong belief that more time spent on the details of legislative proposals would avoid the vast majority of the difficulties which have been experienced with administrative rules.

Many of the questions which are addressed through the rule-making process are matters of statewide importance. To delegate the decisions on those questions to a majority of a single committee of the legislature, which is the effect of Senate Bill 199, will open the door to dissolving the consensus which is often necessary to pass legislation in the first place. The procedure contemplated in this bill makes it possible for those who are disappointed in the decisions of the legislature of decisions of a state agency to have nbt orly a second but a third and a fourth kick at the proverbial cat. Our constitution does not contemplate such a wholesale delegation of legislative authority.

If Senate Bill 199 is enacted into law, the nature of the legislative process is likely to change dramatically. One can envision a process which is best described as the "bureaucratization of the legislature" in which legislators would become more enmeshed in the day-to-day administration of government, spend more and more time in Madison and less in their districts and, finally, become victims of the disease this bill purports to cure.

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

May 22, 1978.

To the Honorable, the Senate:

I am returning **Senate Bill 409** without my approval.

The bill makes changes in the law relation to sport trolling and commercial fishing. Essentially, the some provisions are contained in **Assembly Bill 1220**, the annual review bill. I signed the annual

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review version because that alternative permitted the exercise of the partial veto relating to the method making appointments to the newly-established commercial fishing boards. What is at stake in this veto, therefore, is the same issue.

The bill provides that the members of the commercial fishing boards for Lake Michigan and Lake Superior are to be appointed by the governor from nominations received from the Department of Natural Resources and the fisheries industries. Because of the sensitive nature of the duties of these boards, it is not appropriate that any limitation be placed on the source of appointments other than the general categories established in the bill, i.e., commercial fishers, wholesale fish dealers and state citizens. If the legislature sustains the veto in the annual review bill, they should sustain this veto as well.

It should also be noted that Senate Bill 409 and the annual review bill version also differ in their administrative rule provisions. The administrative rule review provisions of both bills are objectionable to me and were not at issue in the veto decision.

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

May 24, 1978.

To the Honorable, the Senate:

I am returning **Senate Bill 521** without my approval.

Current law provides for the licensure of land surveyors by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors. This is a joint board composed of 16 members, three from each of the four licensed professions and four public members. The secretary of the board is in executive salary group 2 and the board is responsible for the licensing of some 20,000 professionals. Including the secretary, the board employs six people.

Senate Bill 521 would establish a new, separate licensing board only for land surveyors. Though the board would handle only 1,000 licenses, its executive secretary is also placed in executive salary group 2, the same salary group as the Secretary of the Department of Regulation and Licensing. In addition, a full-time clerical position would support the secretary of the new board. Though the nearly \$50,000 in additional spending in this bill is funded by program revenues, the expenditures are nonetheless entirely unnecessary.

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This bill had its genesis in the inability of the land surveyor board members to persuade the rest of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors to adopt new, more restrictive rules relation to land surveyors' educational and experience requirements and testing procedures. Additionally, the land surveyors were dissatisfied with their relationship to the executive secretary of the board.

The legislature is clearly not the proper forum for resolving this particular argument among members of the current licensing board. It is most certainly not the place for the land surveyors to address whatever differences they may have with the present executive secretary who has, in any case, announced his plans to retire.

Finally, I am concerned that this bill would pave the way for architects, engineers and designers to seek individual licensing boards for their respective professions. The costs and bureaucratic duplication of such an eventuality would clearly not be any more justified than the costs and duplication inherent in Senate Bill 521.

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

May 20, 1978.

To the Honorable, the Senate:

I am returning **Senate Bill 561** without my approval.

Senate Bill 561 had its origins in February of 1977 when the Joint Committee for the Review of Administrative Rules suspended part of the Department of Industry, Labor and Human Relations' ventilation code. The bill was introduced to sustain that suspension.

Specifically, the bill permits public buildings and places of employment to suspend the intake of outside air for ventilation purposes from October 1 each year until April 1 of the succeeding year. The Joint Committee for the Review of Administrative Rules believes that this procedure would save energy without compromising the health and safety of persons in the buildings.

Since the passage of Senate Bill 561, I have been contacted by authorities in the field of environmental health who are concerned that any energy savings generated by this bill would be more than offset by the dangers it poses to health and safety. The bill provides that the ventilation standard could be reinstated only after a

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complaint is filed with the department. My concern is that a complaint might be filed only after considerable health damage has been done. Some respiratory and blood diseases, as well as some forms of cancer, have no noticeable symptoms until after the serious disease has already established itself. In fact, some of the most pernicious environmentally-caused diseases are not accompanied by easily discernable symptoms.

It has been argued by the bill's proponents that the federal Occupational Health and Safety Administration's safety program would serve to police the adverse environmental circumstances that might be created by the suspension of the ventilation requirements. However, most of OSHA's inspection program also operates on a complaint basis and, therefore, has the same liabilities as the procedure established under Senate Bill 561.

Finally, though I am vetoing Senate Bill 561, it raises an issue that should be dealt with promptly and forcefully. The current outside air requirements which are part of the DILHR ventilation code are clearly more stringent than they need to be in order to guarantee the health, safety and comfort of persons in public buildings and places of employment. The requirements derive primarily from standards developed by the American Society of Heating, Refrigerating and Air Conditioning, a national, professional group which has clear self interest in promoting standards in excess of what is required to assure a healthy indoor environment. I believe the current code, in some instances, requires the overdesign of buildings to accommodate ventilation systems which can be very expensive in terms of their capital costs and their energy consumption.

I am, therefore, directing the Department of Industry, Labor and Human Relations to begin a comprehensive review of its ventilation code and to make any changes which might be necessary to assure that it is no more stringent than is necessary to protect health and safety. Those changes should be made no later than October 1st of this year. I expect this review to produce a code which will save more money for Wisconsin businesses and governments than the bill I am vetoing. It will respond to the legitimate concerns raised by Senate Bill 561, while avoiding the potential health and safety problems which would be caused by its enactment.

Sincerely,  
MARTIN J. SCHREIBER  
Governor

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## CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 561**

Correctly enrolled and presented to the Governor on May 19, 1978.

**Senate Bill 199**

**Senate Bill 210**

**Senate Bill 326**

**Senate Bill 409**

**Senate Bill 484**

**Senate Bill 490**

**Senate Bill 510**

**Senate Bill 521**

**Senate Bill 528**

**Senate Bill 569**

**Senate Bill 689**

Correctly enrolled and presented to the Governor on May 22, 1978.