

JOURNAL OF THE ASSEMBLY [April 30, 1980]

STATE OF WISCONSIN

Assembly Journal

Eighty-Fourth Regular Session

WEDNESDAY, April 30, 1980.

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

ADMINISTRATIVE RULES

Read and referred:

Clearinghouse Rule 79-59

Relating to the hunter's choice deer permit system.

Submitted by Department of Natural Resources.

To committee on Tourism, Recreation and Economic Development.

Clearinghouse Rule 80-29

Relating to the state urban mass transit capital grant program.

Submitted by Department of Transportation.

To committee on Transportation.

Clearinghouse Rule 80-38

Relating to tagging requirements for hunting deer with bow and arrow.

Submitted by Department of Natural Resources.

To committee on Tourism, Recreation and Economic Development.

Clearinghouse Rule 80-39

Relating to filing of financial statements for the Patients Compensation Fund.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions.

Clearinghouse Rule 80-58

Relating to fees for health care providers covered by the patients compensation fund.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions.

Clearinghouse Rule 80-74

Relating to requirement of birth evidence by the Wisconsin Retirement Fund.

Submitted by Department of Employee Trust Funds.

To committee on Government Operations.

Clearinghouse Rule 80-79

Relating to motor vehicle manufacturer's licenses.

Submitted by Department of Transportation.

To committee on Commerce and Consumer Affairs.

Clearinghouse Rule 80-84

Relating to the sales and use tax status of purchases and sales by persons engaged in printing and typesetting.

Submitted by Department of Revenue.

To committee on Revenue.

Clearinghouse Rule 80-86

Relating to Wisconsin's shoreland management program.

Submitted by Department of Natural Resources.

To committee on Environmental Resources.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

To the Honorable, the Assembly:

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

Assembly Bill	Chapter No.	Date Approved
875	169	April 23, 1980
876	170	April 23, 1980
878	171	April 23, 1980
974	172	April 23, 1980
975	173	April 23, 1980
976	174	April 23, 1980
170	195	April 24, 1980
293	196	April 24, 1980
302	197	April 24, 1980
313	198	April 24, 1980
369	199	April 24, 1980
400	200	April 24, 1980

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410	201	April 24, 1980
482	202	April 24, 1980
650	203	April 24, 1980
657	204	April 24, 1980
659	205	April 24, 1980
699	206	April 24, 1980
764	207	April 24, 1980
813	208	April 24, 1980
831	209	April 24, 1980
886	210	April 24, 1980
919	211	April 24, 1980
998	212	April 24, 1980
1025	213	April 24, 1980
1057	214	April 24, 1980
1072	215	April 24, 1980
1078	216	April 24, 1980
1118	217	April 24, 1980
1207	218	April 24, 1980
1043	219	April 24, 1980
386	220	April 28, 1980
1180 (partial veto)	221	April 28, 1980
179	222	April 30, 1980
347	223	April 30, 1980
364	224	April 30, 1980
446	225	April 30, 1980
447	226	April 30, 1980
462	227	April 30, 1980
471	228	April 30, 1980
499	229	April 30, 1980
503	230	April 30, 1980
518	231	April 30, 1980
552	232	April 30, 1980
578	233	April 30, 1980
597	234	April 30, 1980
607	235	April 30, 1980
632	236	April 30, 1980
672	237	April 30, 1980
732	238	April 30, 1980
733	239	April 30, 1980
744	240	April 30, 1980
756	241	April 30, 1980
783	242	April 30, 1980
787	243	April 30, 1980
795	244	April 30, 1980

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822	----- 245	----- April 30, 1980
846	----- 246	----- April 30, 1980
858	----- 247	----- April 30, 1980
885	----- 248	----- April 30, 1980
902	----- 249	----- April 30, 1980
906	----- 250	----- April 30, 1980
908	----- 251	----- April 30, 1980
941	----- 252	----- April 30, 1980
999	----- 253	----- April 30, 1980
1047	----- 254	----- April 30, 1980
1082	----- 255	----- April 30, 1980
1092	----- 256	----- April 30, 1980
1157	----- 257	----- April 30, 1980
1169	----- 258	----- April 30, 1980
1178	----- 259	----- April 30, 1980
322 (partial veto)	----- 260	----- April 30, 1980

Respectfully submitted,
LEE SHERMAN DREYFUS
Governor

GOVERNOR'S VETO MESSAGE

April 28, 1980

To The Honorable Members of the Assembly:

I have signed **Assembly Bill 1180** and deposited it with the Secretary of State.

After going through the process of annual review for the first time, preparing a bill for submission, observing the Legislature as it deliberated, sometimes at great length and with limited humor, and finally reviewing the product for possible item vetoes, I am convinced that annual review is an idea whose time has passed. In the days when there was a growing supply of funds available each year for new initiatives, it may have worked well. Now that we have cut off the money machine by indexing the income tax and establishing a People's Escrow Account, it works less well and in fact hangs like the plague over the Legislature, weakening the Legislature's ability to deal deliberately with other important matters. Therefore, I am committed to present a biennial budget that will make annual review bills in their present form unnecessary. It is my intention not to present one in 1982. This may well be the last such bill signed by a Governor.

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One of the problems with the annual review bill when little money is available is that there is little to commend it to legislators or to the public. The truly newsworthy accomplishments are few and the parochial insertions of minor items are many. Nevertheless there are some key decisions made by you and by me in this bill.

Education

There is no doubt that many of our schools are under financial stress. I recognize it, sympathize with it and wrestle with the determination of the best method of dealing with it.

In order for the level of state support for local schools to be maintained, I have accepted raising the per pupil guarantee. This will send more than \$25 million more state aids to local school districts this year. This bill also provides \$5 million in additional declining enrollment aids as well as additional appeals under the cost control formula for pupil transportation fuel increases and certain handicapped education costs.

I have, however, vetoed the increase in cost controls from 9.5% to 10.5%. Many school districts near the maximum under the law will have difficult decisions to make in order to continue financing their activities at the level they have. However, I am convinced that simply raising the cost controls will solve nothing and will only put off the strain while possibly increasing local property taxes by more than \$80 million in the next biennium.

The time has clearly come for professional school people to review and reassess the complicated school aids formula and the method of determining cost controls in time for the biennial budget. Here is the key source of the problem not the simplicities of whether it is to be 9.5% or 10.5%. First there will be the remedy of appeals for increase based on demonstrated rising cost of fuel, utilities and transportation. I have been assured these will be approved. Second, the school boards, administrators, teachers, parents and teacher unions must now take their case to the voters of their district. Since the bulk of the increased costs will fall as a tax burden on property owners, they must be given some voice in this decision. I now insist on this. However, all voters, renters and property owners alike, will share in the decision through the referendum process. I urge school districts to carry the message of their need to those who will be affected both by the quality of education and the cost of education.

I have approved the incentive aids for four year olds participating in the voluntary integration program in Milwaukee. Clearly that age is a time when the shackles of discrimination have yet to cloud minds.

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We have an obligation to take any small step we can take to encourage that the shackles never take hold. This approval should not, however, be interpreted as the beginning of state support for four year old kindergarten in general.

Higher Education

There are several programs in this bill which require the University of Wisconsin to conduct specified research. For the most part I have vetoed these proposals because I oppose mandating specific projects or research to the University without a review by the Board of Regents for alternative means of funding and the potential for duplication. To those legislators not from the Madison and Milwaukee campuses, I ask you to look carefully at the potential voting power of the campuses before you allow the practice of individual legislative initiatives to become the rule. To all legislators, I ask you to look carefully at a process by which research decisions bypass the system administration, the President and the Regents.

Prisons

The situation in our correctional institution is serious. The overcrowding of present facilities is a human environmental problem. We all know it. Political gamesmanship on this issue is risky.

The Department of Health and Social Services is trying to find ways to relieve that overcrowding but it will require reasonableness and cooperation. Many people do not want a prison of whatever security level in their area, and yet want dangerous persons restrained. We cannot have it both ways. I urge all legislators to approach this problem in a noninflammatory, nonpartisan and nonpolitical way.

This bill does include 35 additional permanent officers to help relieve the job pressures of security guards at Waupun, Green Bay, Fox Lake and Kettle Moraine. But it is clear that we need a new facility and need it as quickly as possible.

The legislature has authorized a new prison but the sites specified clearly have problems. The delay caused by the inability of the legislature to reach a consensus on a site hopefully can be recovered by actions in the next several months.

I have vetoed the three specific sites while retaining the mandate for the prison. I intend to recommend a site to the Building Commission at its May meeting and then seek authorization from the Joint Committee on Finance. I intend to place Portage before the

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Commission because it was one of the sites acceptable to the Division of Corrections and recommended by the Department of Health and Social Services. Also representatives of the City of Portage indicate they want the facility built there. These two key facts, acceptability by the Department and the community outweigh other factors for me.

The time for game playing is past. It not only costs additional money to the taxpayers, it also costs in human terms. None of us should be willing to pay either price.

Energy

A number of the proposals included in Senate Bill 500, the omnibus energy bill, were included in this bill. That bill included a scatter gun product of ideas, some creative, some interesting, some of questionable worth and some absurd. The energy provisions in this bill are similar and I have vetoed many of the more minor or undesirable elements borrowed from SB 500.

I have, however, approved the energy efficiency standards and requirements for rental units. This measure, when fully implemented, will result in an average savings of 26% for each rental property and will benefit both the landlord and the tenant, as well as society as a whole as fuel becomes more scarce and more costly. Between 1985 and 2000, it is estimated to save 12 million barrels of oil equivalent. While drafting the standards will not be easy, I am convinced that we must encourage energy savings, especially in those instances such as rental units where the decision-maker lacks incentive to deal with the problem. Government must be careful in what it imposes on individuals, but the energy situation is so critical a concern that I can support this proposal.

This bill also establishes a new fuel economy standard for state automobiles, putting Wisconsin in the forefront in the purchase of fuel efficient automobiles.

Public Defender

Again I have vetoed the entire appropriation for the Office of Public Defender, including the administration and appellate units as well as the trial representation unit. It is unfortunate that the legislature did not seriously consider my alternative proposal. I encourage you to do so now because this issue must be resolved before the end of June.

Taxation

This bill contains what I consider to be an irresponsible proposal on capital gains, which I have vetoed. It does very little to address the real problem and commits the state to revenue loss in the next biennium without any indication of how that loss will be made up either through program cuts or increased taxes.

As it is drafted some citizens may actually pay more in capital gains taxes. Citizens who take advantage of the 60% once in a lifetime capital gains exemption when under 55 will lose the current 100% exemption when over 55 when they are more likely in need of the tax benefit. It is my intention to give capital gains reform a thorough and careful review in preparation for my revenue bill next year.

I also have made several adjustments in the shared revenue proposals in this bill, reducing from \$17 to \$12 million the cost in the next biennium. These provisions mainly deal with hold harmless sections and compound the complexity already present in the shared revenue formula. I am committed to addressing both the complexity and the equity of that formula in the next biennium.

Transportation

Perhaps the most controversial provision in this bill is the increase in the gas tax by 2 cents, the first such increase in 13 years. While this is a necessary step because it covers the shortfall in the transportation fund in this biennium, it does not cover the long term problems in the fund. The legislature could have addressed this continuing problem, but chose not to do so even though I proposed such a solution. I do commend those legislators who had the courage to support solving this problem at least in the short term.

I remain as convinced as ever that a strong transportation network is essential to our economic future and the assurance that jobs will be available for this and the next generation.

I am convinced also that a transportation system in this state must be multi-faceted. We will continue to look at our opportunities in air, rail and water transportation. To do this we will need future funding.

Mass transit remains a key priority in the urban areas and I have therefore approved the additional \$9.2 million in mass transit aid despite the current shortage of funds.

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Veterans

The provisions in this bill coupled with my signature of Senate Bill 566 and Assembly Bill 386 makes available to veterans over \$140 million in low interest home loans this year. Veterans below \$18,000 income will be eligible for mortgages at 7.3% while veterans with incomes between \$18,000 and \$25,000 will be eligible for loans at 9.85%. The income limit will go up to \$26,000 this coming July and \$27,000 in July 1981. This two tiered program assures the broadest possible participation in the veterans home loan program. With conventional mortgages now available at rates about 17%, this action of the state is even more significant. This will help not only the veterans, but the housing and construction industries as well as the Real Estate industry.

My vetoes add approximately \$10.3 million to the precarious balance of the state budget. This makes the projected balance to be around \$25 million, out of a general purpose budget of over \$5 billion. That is a little tight in today's unpredictable economy, but I still believe it manageable. You can be certain that if the economy turns worse than currently predicted or other unexpected adverse fiscal happenings occur, I will take appropriate action to insure that this state remains on a solid, and balanced, footing.

I. BUDGET OPERATIONS

Legislative Reference Bureau

Sections 12g, i, m, p, r, 211m, 717r, 2133 (3), unclassifying the Legislative Reference Bureau.

I have vetoed the provisions which would make all new employes of the Legislative Reference Bureau unclassified.

Were the LRB strictly a legislative arm, I would be hesitant to substitute my judgment for that of the legislative leadership. In fact I still have some reservations about doing so. However, the LRB not only serves the legislature, but also the executive, including all agencies, and the judicial branch as well. During budget preparation and veto consideration, a substantial portion of its resources are allocated to assisting the executive office.

The LRB has had a hybrid responsibility since its inception in 1901. It was only transferred to the legislature in 1963 and the relationship with the executive was guaranteed at that time.

With an organization as well respected and as trusted as is the LRB, any changes should be made only if there is a clear need or that respect and trust might be undermined. I do not currently see that need. This proposal was included without the knowledge of many, without review and recommendation by the Joint Committee on Legislative Organization, and with only sparse debate. A higher profile discussion might have made the need for change more apparent.

The LRB has been criticized in recent months for not producing bill drafts in a timely manner. Perhaps the better approach to dealing with that problem is to reduce the workload on the drafters by reducing the amount of legislation introduced.

Inflation Supplements

Sections 162, 168, 171, 174, 2204 (58) (b)

The 1979-81 biennial budget created an appropriation administered by DOA to provide agency supplements for inflation. The budget in fact cut by 50% the inflation supplements I proposed in my budget message. I disapproved a number of department budget requests because of the anticipated inflation supplement. This bill cuts out altogether even those supplements, even though they amount to an average of 2.8%. We all know inflation is substantially beyond that amount.

I do not like across the board cuts which impact haphazardly on services being provided the people. I believe it more appropriate to evaluate specific programs and services and reduce them when necessary rather than harm good programs by picking at them in across the board cuts.

The agencies have already been instructed to prepare for the next biennium in the range of 98% to 104% of this year's budget. With inflation running near 20% this will result in substantial cuts in all budgets next year. They are currently preparing their recommendations on which programs and services should be eliminated and which retained under the decremental budgeting reality we face next year.

I believe it important agencies receive the rather small inflation supplement recommended in the biennial budget on which they have relied, and permit them the time to focus on the really significant program review I have directed.

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Paid Parking

Sections 7r, 76, 291em, 2001 (16), establishing paid parking at state facilities.

This bill includes provisions establishing fees and other requirements for parking at state facilities. Fees are to be established to recover maintenance and operation costs.

In addition, the UW system must recover land and construction costs. I have vetoed this provision so that the University will be treated equitably with other state agencies.

I have also vetoed the requirement that fees be established by rule. Since the fees are already required to cover operation costs, it would be unnecessary to set them by rule and the process would inhibit speedy revision when costs increase.

I have also vetoed the requirement for preferential parking for vehicles used in ride-sharing. The wording of this section could be interpreted to give preference to ride-sharing vehicles over all others, including emergency vehicles and vehicles for handicapped employees.

Open Meetings

Sections 91b, d, g, k, kd, km, n, r, q, t, w, adding meetings of 3 or more cabinet officers and partisan caucuses of the legislature to the requirements of the open meetings law.

I have vetoed these sections because they go beyond the original need for and concept of the open meetings law.

The current law applies to meetings in which the governmental bodies are exercising the authority of the body. In the case of cabinet officers, no such joint authority as a body exists. Thus this provision establishes a new requirement for open meetings by subjecting discussions relating to the exercise of individual authority to the open meetings laws.

The standard definition of an open meeting under current law presumes that if one-half or more members are present it is for the purpose of exercising responsibilities of the body. This definition is altered by providing that only three out of the 19 defined officers presumes a meeting. Potentially when the Attorney General, the Secretary of State and the State Treasurer get together at the State Democratic convention, 24 hour notice must be given. In order to be consistent, any meeting of three or more legislators or legislative leadership should also be covered.

The laws statement of policy declares that the public have full and complete information regarding the affairs of government as is compatible with the conduct of governmental business. Requiring 24 hour notice for meetings of three cabinet secretaries or constitutional officers would cause delays in decision-making and administrative problems in conducting governmental business which is contrary to that declaration of policy.

I have also vetoed the provision requiring open partisan caucuses, since it only codifies current practice of the majority party and allows substantial exemptions, including caucuses to discuss partisan strategy or personnel matters and whatever is permitted by rules. In addition the 24 hour notice is easily waived.

We share a joint commitment to insuring that people have access to their government. My record of openness and availability to public and media scrutiny speaks for itself, as does the legislature's. We also share a commitment to the effective conduct of governmental business. These provisions further neither.

II. EDUCATION

Pesticide Research

Section 2154 (12), providing \$70,600 GPR and 1.5 GPR positions for a pesticide monitoring and research program at UW-Stevens Point.

This veto deletes any reference to the Stevens Point campus. There clearly is need for additional research into the consequences of pesticides, therefore, I am leaving the authorization. Since this project was not reviewed by the Board of Regents, it is inappropriate to direct these funds to a specific campus. The Regents should now determine the appropriate location for the study.

As a basic principle, I believe research projects, like any other proposal for use of University resources, should be reviewed and approved by the Board of Regents before submission to the legislature and governor for funding.

Controlled Substance Research

Sections 92, 98m, 650a, 681m, 2054 (11) research program on the medical use of marijuana.

This provision would expend \$25,000 to researchers from the Medical College of Wisconsin and the University of Wisconsin to

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study the medical use of marijuana and related substances in the treatment of cancer and glaucoma.

While I am sympathetic with the purpose of this study, I wonder whether it is duplicative, whether other funding sources are available, and whether this appropriation adequately funds such a study. These are questions answerable by the University. Again, I oppose the imposition on the University of research projects which have not been reviewed by the Board of Regents. Therefore, I have vetoed this provision.

Energy Feasibility Study

Section 2054 (10), appropriating from building trust funds for a feasibility study.

I have vetoed the \$5,000 from building trust funds for a feasibility study by the College of Agriculture and Life Sciences for a research project at one or more agricultural demonstration stations to examine alternative energy technologies.

This is another example of a research project imposed on the University without review by the Board of Regents as to whether it is necessary, adequately funded and whether other funding sources are available. If not, the College, with the approval of the Regents, could request funding from the Building Commission.

School District Cost Controls

Sections 596e, 2204 (43)(h), raising cost controls.

I have vetoed the increase in cost controls from 9.5% to 10.5% because I believe it will unnecessarily expand the property tax burden of the people and because I am convinced that simply raising the percentage treats the symptom and not the disease.

I recognize that many school districts are under severe fiscal pressures as they push toward the cost control limits. Those with declining enrollments are especially hurt because their annual increase is substantially below the 9.5%. Simply raising the limit will not deal with the problem long term, however. With wage settlement and other costs, I believe the districts will be at 10.5% rapidly and the pressures to raise the controls will increase again. Cost controls may in fact be one of the few inflationary restraints in government. This bill offers some additional relief by providing money in declining enrollment aids and several additional cost control appeals, including fuel increases for pupil transportation.

In addition to the schools, I am worried about the heavy burden being placed on the people who pay property taxes in a time of high inflation. We already know that in a switch from earlier days the greater burden is on the farmer and rural areas where land values have skyrocketed, while available cash to pay increased taxes has not.

Even with an increase in the state guaranteed equalized valuation in 1980-81, which I have approved, raising the cost control ceiling passes on an additional \$10.9 million in increased property taxes. The situation gets worse in the next biennium because the 1% cost control increase may require an additional \$48.5 million in state aid and pass on to the property taxpayer as much as \$86.3 million in additional school taxes.

I cannot, in good conscience, allow that. Certainly we must examine the school aid formula and we must review the method of calculating cost controls in time for the next biennial budget. But until we achieve a more equitable system, the school districts will have to include the people in on their fiscal decision-making. The law provides that if costs are to go over the cost control limits, a referendum may be held and the people can vote to increase their taxes. I know this is difficult to accomplish, but I strongly believe the people, when convinced the need is there, will vote to provide the funding.

Handicapped Aid

Sections 96, 585, 586, 586e, 587, 591, 595, 2043 (1), 2203 (43)(b), imposing an excess cost formula for handicapped aid.

I have vetoed this section in order to retain the current 70% formula for handicapped education. It also requires a detailed study on handicapped education financing for use in preparation of the 1981-83 budget.

I question the use of an excess cost formula because it is cost driven, thereby limiting the power of the state to help keep costs down. It is also questionable whether adequate data will be available to accurately budget. The formula would be effective in the first year of the new cost accounting system which is essential to calculation of the aids. Any problems with the accounting system will compound difficulties associated with the formula change.

I am convinced there is little to be gained and much fiscal and administrative risk to changing to a cost driven formula at this time. It is more properly an item for the biennial budget.

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VTAE Cost Controls

Sections 295m, 2204 (57)(b), raising VTAE cost controls to 10.5%.

I have vetoed the VTAE cost control increases for the same reasons detailed in the veto of cost controls for school districts.

VTAE school systems tend to budget at the level of cost controls so this change would probably cause local systems to increase expenditures in excess of 10% per year.

This could result in an increase in state aids of \$400,000 in 1980-81 and an increase in state aids of more than \$3.5 million in the 1981-83 biennium. In addition, there is the potential for an increase in local property taxes of three or four times the amount of state aids.

Again, I am convinced that simply raising the cost controls will not solve the long term problems but will result in automatic property tax increases. If the problems are severe enough that the people understand the impact of possible cutbacks, I am convinced they will support through referendum increased property taxes. But the people must be involved.

HEAB Special Allowance

Sections 94m, 2022 (2), 2022 (3), allowing the use of special allowance funds to replace GPR appropriated to the WHEG program.

I have vetoed the provision which establishes a federal appropriation for WHEG, places \$3 million GPR in unallocated reserve and requires Joint Finance to release these funds only if the special allowance monies are inadequate to meet the \$3 million appropriation.

Because of increasing loan demand and increasing treasury bill rates, special allowance payments have exceeded estimates. The question is how and when to allocate these additional monies.

The Higher Educational Aids Board was created to deal with just such questions. The Board follows the entire program, is sensitive to the necessity to insure sanctity of the revenue bond provision, and is in a better position to decide how and when these funds should be expended. They must be related to the program. I am not supportive of using assets from a bond account for operating funds.

Having the Joint Committee on Finance essentially appropriate these monies for purposes as it sees fit is clearly a change in policy regarding Wisconsin revenue bond portfolios. The traditional

insulation from the demands of competing political forces is gone. This provision is inconsistent with the bond resolution and the revenue bond prospectus issued when the bonds were sold. Bond rating agencies may well look with suspicion on this change and thereby alter the favorable treatment Wisconsin revenue bonds have received. It is not a risk worth taking.

III. ENERGY

Energy Efficiency Testing

Sections 92, 92m, 537s, 539g, 2003 (4), establishing an energy testing laboratory in DATCP.

These sections provide \$133,300 GPR and 2.0 GPR positions to establish an energy efficiency testing laboratory in the Department and for the purchase of insulation testing equipment and minor building alterations. The agency would develop testing capabilities to verify energy-saving claims of products sold in the state and develop rules to establish energy efficiency standards. The department would collect testing fees and have the authority in cases where violations occur, to issue general trade practices. Although the authority of the Department to substantiate energy savings or safety claims will be beneficial in addressing the major problems in this area, there is no compelling need for a large state program or product testing. Thus, the funding and positions for a laboratory as well as the authority of the agency to test products is item vetoed.

Weatherization Program

Section 2135 (3), appropriating \$1 million to augment salary amounts for CETA employes.

I do not believe this is a wise use of our limited state resources, even though I strongly support continued efforts to weatherize Wisconsin homes. This veto will result in these funds lapsing back to the general fund since they are unexpended amounts authorized for the winter emergency fuel assistance program.

The state has supplemented the weatherization program with \$2.5 million. The federal DOE has recently modified its regulations for its weatherization program to give states more flexibility in utilizing available federal funds, thus freeing additional dollars. I do question whether it is necessary to supplement salaries of CETA employes to do work that should be available to skilled workers currently unemployed because of the slowdown in the economy.

Ride-Sharing

Sections 527et, 812r, 2052 (5), 2152 (11), 2101 (15), ride-sharing responsibilities of DOT and DOA.

I have vetoed the provisions mandating the Department of Transportation to undertake a massive statewide program to encourage ride-sharing because the cost will further drain the Transportation Fund and result in conflicting and duplicative programs between DOT and DOA.

DOA already conducts a ride-sharing outreach program which is adequately funded, so I have also vetoed the GPR appropriation to DOA for this purpose.

Bicycles

Sections 621m, 776, 776m, relating to various bicycle provisions.

These sections include a prohibition on the installation of sewer grates in streets or highways if all the sewer grate bars are parallel to the curb line or edge of the travelled roadway. This provision is unnecessary as statutory law. If local governments are not sensitive to the potential problem for bicyclists, then the bicyclists should themselves raise the issue. It is hardly a job for state government to mandate.

The Department of Transportation is required to study the expressways and freeways from which bicycles are currently prohibited to determine what modifications would be necessary to permit the safe use of bicycles and mopeds on such roads and then develop the standards and modifications for safe use. In my judgment such a study is inconsistent with common sense safety standards and it is unlikely that the costs of any modifications would be less than the energy saving benefits and could result in serious safety problems.

I have approved the other bicycle provisions included in this bill.

Petroleum Conservation Study

Sections 11r, 111r directing the Legislative Council to study petroleum conservation.

I have no objection to the legislature's directive that the Legislative Council study and develop strategies for minimizing the consumption of energy in transportation, including the potential for transporting automobiles by rail, although I wonder at its possibilities. I do object to having the cost of a Legislative Council study funded by an

executive agency. This provision requires the DOT to fund the Legislative Council Study. Either the Department of Transportation should have been directed to do the study out of its resources or the Legislative Council should have been directed to do the study with general purpose revenues from the legislature's budget. This veto accomplishes the latter.

Energy Education

Sections 82m, 82p, 92, 137r, 291g, 2054 (12), 2101 (14), 2154 (13), directing an energy education program for UW-Extension and DOA State Energy Division.

I have vetoed these sections because I question the need to expend \$270,900 and hire additional employees when the federal government has funded energy education activities at approximately \$1.1 million over the last 18 months, which funding is passed through DOA to UW-Extension.

In addition, the bill mandates that DOA utilize the grant program funding for specific projects at UW-Extension, bypassing the authority of both the Board of Regents and DOA to determine the most appropriate and best use of such funds.

VTAE In-Service Training

Section 2157 (3), providing funds for VTAE in-service training on energy conservation.

I have vetoed this funding because it sets a bad precedent. Currently VTAE receives some federal funding for in-service training, but the state does not directly provide such funding. Doing so now will change the nature of the in-service training program and likely result in requests for state funding of other subjects, for in-service training, as well as requests for aid for in-service training for K-12.

Residential Energy Conservation Measures

Section 709rs, requiring the PSC to study the feasibility of a public utility weatherization program and implement it if feasible.

I have vetoed this section because I do not believe the legislature should be establishing the priorities of the Public Service Commission. The Commission, as an independent agency, has been deeply involved in energy conservation efforts over the last few years and, by showing that sensitivity, is in a better position to determine how best to use its limited resources. If we had a department of energy, such a mandate might be more appropriate.

Energy Features Labeling

Sections 546c, 548m, 2025 (11), 2204 (25) (c), requiring the display of a label identifying all inaccessible and permanent energy features in new dwellings.

I have vetoed these sections because they create a new area of state regulation of the building industry and an additional step in the construction process without any clearly identifiable justification. The energy effectiveness of new dwellings is part of the marketability of houses with today's energy costs in any case, and likely is a selling point conveyed to potential buyers. The long term benefit of such labeling is questionable.

Utility Conservation Information

Section 709g, requiring utilities to include notification and explanation of any program for home energy audits offered by the utilities at least every six months.

While the goal of insuring adequate information about utility audits is worthy, a statutory requirement of every six months seems excessive. Utilities use other advertising media to publicize their energy conservation programs and their total promotional efforts are monitored by the PSC. In addition, the federally mandated Residential Conservation Plan will require all customers of utilities to receive an audit announcement within the first six months of the program and at least every 2 years thereafter.

Driver Education

Section 594b, requiring driver education courses to include instruction in energy efficient driving.

I have vetoed this provision because there is no demonstrated need apparent. The assumption that in this day of high energy costs and federal mandates for fuel efficient cars, that teachers of drivers education are ignoring energy efficiency does not seem reasonable.

In addition the stick used in this regard seems excessive. Energy efficient driving is essential, but it must be coupled with safe driving. It is questionable whether we should threaten to cut off the teaching of safe driving practices in order to impose one piece of the curriculum.

Repeater Demerit Points

Sections 2052 (6), 2152 (12), establishing a repeater demerit point assessment program for excessive speeding.

I believe it is necessary to make clear that Wisconsin is serious about enforcing the 55 MPH speed limit as a fuel saving and safety program. The repeater demerit program will aid this objective. I am not convinced DOT needs the additional resources for its traffic school program and therefore have vetoed the additional funding and positions.

IV. ENVIRONMENTAL AND COMMERCIAL RESOURCES

Steel Shot Study

Sections 92, 98p, 98q, 2039 (37), 2204 (39)(h), a \$50,000 continuing appropriation for a study of the need for non-toxic shot requirements in waterfowl hunting.

I have vetoed the funds for the study. The purpose of this study is to determine where incidents of toxic shot contamination have occurred. This issue has been studied substantially both by the federal government and by the DNR. DNR indicates a detailed study could not be completed by January 1, 1981 in any case. Therefore, expending the funds would be wasteful.

My decision to retain the language permitting use of lead shots except in the Horicon area, for this hunting season only is not intended to challenge the merits of non-toxic shot to alleviate lead poisoning of waterfowl. Instead, it illustrates the value and need for legislative involvement in an issue when a noncabinet state agency does not adequately involve/or consider its constituency. It is unreasonable to mandate the use of steel shot for all shotgun gauges when there is no guarantee that adequate steel shot will be available to the hunter. The new DNR rules go far beyond current federal standards and the regulations of other states. The DNR Board now has the opportunity to review its aggressive posture and involve the people to greater extent.

Solid Waste Recycling Authority

Sections 788f, j, k, m, n, p, r, t, w

These sections direct the authority to assist and encourage the reuse and recycling of solid waste through source separation, source reduction and other low technology approaches, and greatly modify the process by which the authority establishes regions for the operation of solid waste recycling.

I have vetoed the low technology enabling language because it is not accompanied by additional funding authorization.

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The changed procedures for establishing regions should not be considered until the authority has completed its start-up activities in the first three regions established by the original legislation. Even then there should be involvement of the executive as in the original creation. Expansion now is premature since the authority has made progress toward initiation of a project only in Region 1.

Utility Rate Refunds

Sections 709r, 709rm, directing PSC action.

I have vetoed the provision requiring the Public Service Commission to order a refund to utility customers when the utility's wholesale electricity supplier reduces its charges to the utility as a result of a change in rates allowed by the federal government. The PSC currently requires such refunds through a standard clause in each utility rate order. Therefore, this provision is unnecessary and may inhibit the PSC's ability to deal with special circumstances.

Landlord Tenant Rules

Section 2103 (2), providing funds and position for DATCP to enforce its landlord tenant rules.

Although I do not necessarily disagree with the intent of the administrative rules in this area and recognize problems in landlord tenant relations, I have vetoed the funding and position authorization to implement the rules.

Past efforts to adopt legislation regulating landlord tenant practices have not succeeded. Despite this, the Department developed administrative rules on the same subject, closely following the proposed legislation. I am convinced the development of these rules was in direct contravention of the legislative process which did not produce the authority or guidelines for agency action.

This is an example of why the legislature has become so involved in the administrative rule review process, to prevent agencies from doing by rule what the legislature has refused to do by law. I rejected the Department's request for implementation funding when it was presented to me before submission of the Annual Review Bill, and I have vetoed it now.

Harbor Improvement

Section 528v, expanding the harbor assistance and improvement program.

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I have approved the expansion of grant eligibility to include construction of new dock walls and other harbor assistance and improvement projects. However, I have vetoed the July 1, 1980 date by which DOT is required to develop program criteria. Specifying disbursement criteria and actually dispersing funds by July 1 is not possible since rules have not been written and Building Commission approval for dispersal and bid letting and will undoubtedly take longer than two months.

Ranking Highway Projects

Section 527es, requiring ranking of highway and bridge projects by rule.

I have vetoed this section so that the Department of Transportation must adopt by rule the criteria for selecting, evaluating and ranking of all state highway and bridge projects, but need not rank projects by rule. An actual ranking of all types of specific projects would be very difficult, considering the number of possible projects and the differences between projects such as highway rehabilitation and bridge construction. Ranking by rule also would cause problems of flexibility considering the uncertainties of funding from federal, state and local sources, thereby, reducing the effective use of limited and changing resources. The department already details its priority projects and will continue to do so.

Informational Highway Signs

Sections 529e, 2052 (3), 2152 (9), 2204 (52) (g), requiring information signs on highways.

I have vetoed the sections which authorize DOT, on the request of any person, to erect, install and maintain specific information signs along federal aid primary highways through sign contractors licensed by the department. There is no clearly demonstrated need for the program. It would require 10 new state employes. It would have the potential of cluttering our highways with signs camouflaging the beauty of Wisconsin's landscape.

There are several other concerns. The language limits DOT to use only licensed sign contractors. A broader group of contractors might be more competitive. Some of the sign standards are not compatible with federal standards. Requiring DOT to contract with a single contractor in each district would create an undesirable franchise-type situation.

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Personalized License Plates

Sections 767k, 767rf, 767rh, 2204 (52) (e), permitting personalized license plates for motorcycles and mopeds.

I have vetoed this provision because it authorizes personalized license plates for motorcycles and mopeds as a combination of six numbers and/or letters. Current motorcycle plates cannot exceed five numbers and/or letters and mopeds cannot exceed four numbers and/or letters. The expense of retooling for this purpose, estimated at up to \$300,000, makes little sense. This discrepancy can be easily corrected in the next legislative session.

State Vehicle Use Rates

Sections 1u and 197, establishing rates by rule.

These sections provide that the Secretary of the Department of Administration shall establish rates for political use and personal use of state automobiles and aircraft. The rates to be charged for political use are to be based on comparable commercial market rates for vehicles and aircraft of similar design. The rates to be charged for personal use are to cover all costs associated with the operation of the vehicles and aircraft. Since these rates are based on factors that are subject to frequent change, especially fuel costs, to prescribe them by rule would require a more cumbersome process and a much longer time period than if just prescribed by the Secretary.

Disabled Person Parking

Section 767j, issuance of special identification cards to physically disabled persons.

I have vetoed this provision because Senate Bill 166 provides for a similar identification card for persons driving any motor vehicle and offers a more comprehensive approach.

Insurance Company Investments

Section 808m, encouraging insurance company investment in facilities for the production of energy.

I have vetoed this section because Senate Bill 551 achieves the same objective.

Condemnation

Sections 283e, 283m, 283s, modifying the eminent domain statutes.

There is an apparent inconsistency between existing law and these changes because these sections use the word "occupied" instead of "operated". This would prohibit absentee owners from being eligible for replacement business and farm assistance under the revised definitions. This treatment is inconsistent with other sections that give absentee landowners the benefits of a business.

V. GENERAL GOVERNMENT

Public Defender Program

A. Sections 2142 (1) (a), (b), (2), (3) and (4) (a), appropriating funds for the state office of the public defender.

I am again vetoing the entire State Public Defender appropriation, including the administration and appellate units as well as the trial representation unit.

When the public defender program was established, indigent counsel in Wisconsin was to be provided through a mix of appointed private attorneys and state-employed staff attorneys. The inclusion of private attorneys was seen as an important component because of the ethical obligation of the private bar to support and remain involved in the provision of legal services to indigents and to provide alternative sources of counsel in conflict of interest cases.

Rather than maintaining this mix, however, there has been a move away from utilizing the private bar and toward more state-employed attorneys. Philosophically, I believe the state should not provide services that can be adequately provided by the private sector nor do I believe that equity will be achieved if state resources for defending indigents exceed county resources for prosecuting the same individual.

I also believe full-time paid state employees should be kept to an absolute minimum. My proposal would have cut by over 100 the number of state employees funded by general tax dollars. That proposal (which received short shrift by the legislature) would have utilized available private attorneys in those counties where there are fewer indigent cases and where the total cost is lower than the cost for public defenders. The proposal would also have maintained an adequate staff of state-salaried attorneys in urban areas where high caseload volumes and higher private bar costs make economies of scale possible by using state employees to defend indigents.

This bill, however, expands the current program with even more attorneys employed by the state. My veto rests on the belief that this

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approach can only serve to unnecessarily feed an insatiable state bureaucracy, that it fails to take advantage of the criminal defense mechanism which the private bar already has in place, and that it fails to address the diverse criminal defense needs of Wisconsin's urban and rural areas.

B. Sections 854m, p, 861m and 867m, transferring responsibility for establishing the number of cases handled by private counsel from the Public Defender Board to the public defender.

I have vetoed this transfer because it decreases the power of the Board while increasing the power of the public defender. The Board consists of citizens appointed by the Governor subject to confirmation by the Senate. The public defender is appointed by the Board. I view the apportionment of private counsel as a policy matter to be considered by the policymaker, the Board, and not one to be made by the administrator, the Public Defender.

Disqualification of Judge

Section 820x, requiring a second judge to rule whether a legal proceeding is a sham, frivolous or false.

This provision comes out of the harassing suits of the Posse Comitatus. In such actions those bringing the legal action have attempted to add the presiding judge as a defendant. This amendment requires the chief judge of the district to designate a second judge to determine whether the adding of the presiding judge was false, a sham or frivolous. The problem with this is it permits the person bringing the action to then add the second judge as well, and possibly the third as a means of delaying the case and creating havoc in the court system. I believe the better approach is that when the presiding judge is added as a defendant, he or she rules on whether the action is a sham, frivolous or false. The plaintiff may then appeal that determination. This should save court time and administrative difficulties in the judicial districts. My veto accomplishes this.

Capital Gains

Sections 480m, 481s, 481sa, 481sb, 481sm, 2203 (46)(L), modifying the tax on capital gains.

There is a clear need to address the manner in which capital gains income is taxed. However, the provisions in this bill provide an entirely unsatisfactory approach to real reform by irresponsibly committing dollars to a revenue loss in the next biennium without providing a source of funding either through program cuts or tax increases. In addition, the proposal is a poorly conceived, token

attempt to address a serious problem. It could actually result in higher capital gains taxes for some taxpayers over 55 when they sell their homes, since this proposal will allow a once in a lifetime personal residence sale exclusion which, if elected, will result in the loss of the higher maximum exclusion which was passed in the 1979 tax reform bill.

By moving this state's tax law further away from the Internal Revenue Code, it makes our already complex income tax even more complicated.

From a tax climate perspective, this proposal pales into insignificance. The combination of the modest 10% exclusion with the 10% state marginal rate and federal deductibility of state income taxes means that the net tax savings for some in a 50% bracket would be a mere one-half of 1%.

Some argue that this proposal, with all its failings, is a first step, a sign of good faith, a symbol. Perhaps, but it is neither responsible budgeting nor responsible tax policy development.

It is my intent to again submit a revenue bill before an appropriations bill next year which will establish the tax ceiling for this state. A tax reform proposal effective in the next biennium should more appropriately be dealt with in that bill. I will give capital gains reform a thorough and careful review in the development of the 1981 revenue bill.

Shared Revenues

Sections 157e, 524s, minimum guarantee payments and special guarantee supplement.

I have made several item vetoes in the shared revenue area where the Legislature did not follow my restrained proposals.

I have vetoed the newly-created "Special Guarantee Supplement" which is nothing more than a new type of "hold harmless" committing next year's tax dollars to communities already receiving generous shared revenue increases. This veto will save \$2.7 million in the next biennium.

I have also vetoed the Legislature's unwise increase of a hold harmless based on 1971 and 1975 payments to save \$2.7 million in the next biennium, even though the increase in the total "minimum guarantee" will still be \$4.5 million more next biennium than I recommended, which will reduce GPR dollars available for tax cuts or other programs.

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In making these vetoes in the shared revenue area, I want to warn the Legislature that the time has come when the taxpayers of this state can no longer afford to spend GPR dollars to "buy off" communities already receiving large state aid increases. In the future, I believe that these hold harmlesses, which I regard as basically bad policy, should be funded from within the existing shared revenue fund, which is growing at the same rate as state tax collections.

This is the only way we can contain the growth of both state and local government and still offer taxpayers the hope of no future tax increases.

Tax Incremental Financing

Sections 454s, 2203 (46)(j), restricting use of tax incremental financing for industrial parks outside the city core.

I have vetoed this restriction on the use of tax incremental financing because I believe a recessionary period is not the time to restrict available tools for encouraging industrial development. The purpose of this provision was to address what some consider to be abuses in the use of TIF. I support the study provided and if such abuses are clearly established, including as they relate to this provision, the legislature can address them at that time.

Other desirable changes in TIF Law made by the Legislature clarify DOR's role in authorizing the allocation of tax increments by not allowing authorization unless DOR finds that the municipality has gone through the required planning and hearing stages. These changes, along with the industrial site exclusion, were made effective after September 30, 1980. There is no reason why these clarifications need to be deferred for four months. In order to make the changes take effect immediately, I am also vetoing the effective date of September 30, 1980.

Mining Impact Board Members

Section 50m, designating alternates to the Mining Impact Board.

I have vetoed the provision allowing groups with members on the Mining Impact Board to designate alternates. This provision would set a precedent which could significantly undermine the Governor's power of appointment. Candidates originally rejected by the Governor could be named alternates, and become participating members, without the Governor's approval. If voting alternates are necessary, they should be appointed in the same manner as regular members.

In addition, this board allocates several million state dollars to local communities. A legal question may be raised as to whether state funds can be authorized by persons designated by a private organization.

Veterans Home Loan Program

A. Section 331p, establishing a two-tier loan program with lower interest loans available for veterans with an income below \$18,000 and higher interest loans for those with incomes above \$18,000.

This section postpones the creation of the two-tiered loan program until May 20, 1980. The Legislature previously authorized the Department of Veterans Affairs to loan funds from its general obligation surplus funds to veterans. The interest rate was established at 6.6%, but must be raised to 7.3% based on a recent interpretation of the law by the Attorney General. At the same time, a revenue bond sale has been in progress to provide more funds available to low cost loans for veterans. That sale of \$80 million has been authorized and will provide loans at 9.8%.

I strongly believe that the lower interest loans should be available for low income veterans. Assembly Bill 386, which I have signed, will raise the income level eligibility to \$25,000. Unless the date of the two-tiered program is changed to coincide with the date of the increased income eligibility, the lower interest loan fund would be depleted by the higher income veterans. Therefore, I have vetoed the May 20 date to insure that the intent of the Legislature to offer the low interest loans to low income veterans is accomplished.

The result is that as of May 2, the Department of Veterans Affairs may make loan commitments at 7.3% to veterans with incomes under \$18,000 and loan commitments at 9.8% to veterans under \$25,000 (\$26,000 as of July 1, 1980). Both are substantially below the rates currently available in the conventional mortgage market.

B. Sections 331gp, 331gr, including weatherization costs as an addition to the ceiling on the price of a home.

I have signed Assembly Bill 386 which, among other provisions, removes the housing cost ceiling for the veterans home loan program. Therefore there is no longer a need for this provision. Weatherization expense will be automatically permitted, and should be encouraged.

Industrial Shell Building Projects

Section 456h, permitting industrial shell building project.

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This section permits industrial shell building projects of local development organizations to be purchased with industrial revenue bonds if the facilities are substantially completed or under construction on February 1, 1979. Constructing a shell industrial building can be a useful tool for a local development organization since it is an inducement to a company seeking a site. I have vetoed the limiting date of February 1, 1979 because I believe the restriction is unnecessary and the use of industrial revenue bonds can make the difference as to whether or not a shell building can be sold in times of high interest rates.

One and Two Family Dwelling Code

Section 2025 (12), delaying the effective date of the dwelling code.

I have vetoed this section to remove the requirement to implement inspection services under the one and two family dwelling code for towns and villages under 2,500 because it imposes excessive burdens. In the next legislative session we must address the question of insuring adherence to the code without requiring unreasonable costs on either local governments or the state. I am convinced that the present law does not recognize the diversity among local governments. The cost implications in applying the same requirements to smaller communities as is cost effective in larger communities must be re-evaluated.

Plumbing Transfer

Section 2204 (20), transferring the plumbing function from the Department of Health and Social Services to the Department of Industry, Labor and Human Relations.

I have vetoed the provisions which delay the transfer until six months following the publication of this bill. It would be more efficient to immediately transfer the plumbing function to DILHR so that one department would be responsible for the operation for the entire 1980-81 fiscal year. It is my understanding that the delay was proposed to insure that DH&SS would play a major role in the consideration of rules relating to mound systems.

I am directing the Secretary of Health and Social Services to reach a written understanding with the Secretary of DILHR to insure that primary responsibility for completion of the rules on mound systems will reside in Health and Social Services.

Local Licensing of Building Installers

Section 547 prohibits DILHR from promulgating by rule prohibitions on local licensing of on-site manufactured building installers.

I have vetoed this prohibition on DILHR's authority as it relates to manufactured housing, but not as it relates to local building. While I have reservations about preempting the power of local governments to determine whether they license or not, I believe that the plethora of local licensing could adversely affect the opportunity of Wisconsin citizens to purchase manufactured housing, if they wish, at the lowest possible cost. Because such housing is inspected at the factory and because such housing must meet code, the requirement that manufactured installers must be licensed in the several thousand local communities in the state seems unnecessary and may only add to the cost of housing.

Out-of-State Travel Limits

Section 62, requiring the Joint Committee on Finance under 13.101 to approve out-of-state travel in excess of 107% prior to January 1 of the fiscal year.

I have vetoed the requirement for approval by Joint Finance, thus allowing the Secretary of Administration to approve such exemptions. This will continue the restraint on travel which I support, while allowing some flexibility in responding to special situations. By providing this exemption, agencies will no longer need to spend the entire 107% to insure adequate funding for out-of-state travel in the following fiscal year.

Employment Relations

Section 748m, items appealable to the Personnel Commission.

I have vetoed a cross-reference to clarify the basis for redress of certain personnel decisions.

By having grievance referred to in s. 230.44 (a) (intro.), an incorrect belief may be fostered that these are subject to both the direct appeal and to the grievance procedure. This would be an inappropriate departure from providing a single avenue of resource or redress for any given subject.

VI. HUMAN RESOURCES

Excess Costs for Child Care

Sections 392p, 395m, 398a, 399, and Section 2120 (28), appropriate \$1.5 million to offset county excess expenditures for care provided by child caring institutions during 1979.

I have vetoed this funding because of the severe fiscal standing of the state. This funding would not provide services to children, but would instead result in a one time windfall to counties since the 1979 child care has already been provided and counties have already made up the extra cost of these services. In addition, sufficient information is not available to verify what portion, if any, of county social service deficits in 1979 actually resulted from the implementation of the revised children's code. The biennial budget provides a 23% increase in community aids funding for 54 county departments of social services, significantly improving the level of funding available for children's services.

General Relief Procedures

Sections 371g, 371r, 2204 (20) (e) (f), establishing procedural guidelines for agencies administering general relief.

I have vetoed these sections because they establish a state mandate to local governments without providing funds for implementation. Clearly there is a need for procedural safeguards in administration of general relief. However, since the state does not fund general relief, it should not dictate how it is to be operated by local agencies.

Prison

Section 353, authorizing construction of an adult medium/maximum prison.

This provision designates three sites for construction of the medium/maximum prison so needed in this state. I am deleting the site specific language and the language allowing for consideration of sites of 20 acres.

All three sites have problems. There is currently no site larger than 10 acres in the Menomonee River Valley, and the only site approaching adequate size and configuration near the Park West Freeway is not technically in the freeway corridor. The Notre Dame of the Lake Convent does not appear available for purchase even if it meets site requirements.

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The effect of my veto is to allow at least one facility to be built in the state. I intend to go to the Building Commission for approval to purchase land and develop preliminary plans for Portage. If that site is rejected by the Building Commission and/or the Joint Committee on Finance, an alternative will have to be proposed.

I have vetoed the acreage provision because corrections experts strongly believe 20 acres is inadequate for the type of prison contemplated.

Health Facilities Bonding

Section 754, restricting establishing bonding limitations for construction of health facilities.

I have vetoed that portion of this provision which provides that refinancing will be available only when the refinancing in the "only reasonable alternative to alleviating financial hardship." The meaning of "reasonable alternative" and determination of when it applies may cloud the ability to market bonds for such refinancing. The veto restores the original language.

Chaplain Housing Allowance

Section 335, designating a portion of a chaplain's salary as housing allowance.

I have vetoed this provision and restored current law even though it was included in the annual review bill at the recommendation of the Department of Health & Social Services, because it especially penalizes chaplains at our state's institutions from taking advantage of certain federal tax law opportunities available only to the clergy. The change costs the state nothing. The Department of Employment Relations is currently studying chaplain classification at these institutions and may make recommendations affecting this housing allowance.

Nurses Study

Section 2020 (25), requiring DHSS to conduct a study of nursing and nursing education.

I have vetoed the requirement that the Department of Health and Social Services undertake a study of nurses and their education since it would duplicate a comprehensive study already completed by the University of Wisconsin. This veto requires the Department to examine the University study and report to the Legislature next year.

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Prison Outreach Aids to Organizations

Section 2156 (4), appropriating \$75,700 to Vets House to provide counseling services to veterans.

The main purpose of these funds is to supplement state outreach efforts for veterans in southeastern Wisconsin as the Department of Labor cuts back on the availability of CETA employees for this purpose. I have vetoed the provision that the funding must go to Vets House in Madison, thereby allowing the Secretary to determine where the better service can be provided and by what agency, including agencies located in Milwaukee, Racine and Kenosha.

Community Based Residential Facilities

Sections 389m, 2020 (1), limiting community based residential facilities.

Under this bill, community-based residential facilities (CBRFs) currently serving disability groups other than the chronically mentally ill and the developmentally disabled are permitted to maintain their medical assistance certification until January 1, 1984, after which they must become licensed as nursing homes in order to be eligible for this certification. Furthermore, certification for medical assistance would not be granted to CBRFs of this type not already certified on the effective date of the act. My veto prohibits the certification of any new CBRFs and phases out existing certification for all CBRFs unless they are re-licensed as nursing homes after January 1, 1984. After that date, medical assistance certification would be available only to medical model facilities such as nursing homes.

A related provision of the bill establishes a moratorium on the submission and review of certificate of need applications for CBRFs serving the chronically mentally ill and the developmentally disabled, to extend until a rule specifying review criteria is promulgated. As my veto insures that no CBRFs will be eligible for certification under medical assistance after January 1, 1984 unless re-licensed as nursing homes, and given the practical difficulties of preparing a rule in the bill's brief time frame, I have also vetoed the requirement for rapid promulgation of the certificate of need rule. We will continue to examine nursing home regulations and state/local funding mechanisms to determine ways to assure appropriate programming for the chronically mentally ill and developmentally disabled.

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The vetoes are necessary to insure that the state provides for a continuum of long term support services ranging from residential care facilities to medical model facilities.

They are also necessary because the medical assistance program may reach one billion dollars by 1983. We must take steps to insure that such a program is limited only to those facilities serving a medically needy population.

VII. TECHNICAL

Court Operations

Section 2108 (1), deleting a permanent reserve judge.

This is a technical veto to reflect the fact that there is no provision authorization for permanent reserve judges. They are appointed by the chief judge of the Judicial Administrative District pursuant to s. 753.075. Thus, it is not possible to delete 1.0 GPR positions in this manner.

Minnesota-Wisconsin Reciprocity

Section 488

This is a technical veto deleting the second "which" thereby correcting a drafting error which first appeared in AB 1180 and was overlooked in the drafting of substitute amendments.

GOVERNOR'S VETO MESSAGE

April 30, 1980

To the Honorable Members of the Assembly:

Assembly Bill 322, submitted at the request of the State Elections Board, makes numerous changes in election laws as judged necessary in response to problems experienced in local elections during the past two years, and to correct existing conflicts in the law.

However, the bill as enrolled, could have resulted in different nomination paper requirements being in effect before July 1, 1980, and after July 1, 1980. This would be extremely confusing to those individuals seeking office this year.

My partial veto of AB 322 remedies this problem by delaying the effective date to July 1, 1981. Since there is no general election in the

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Fall of 1981, this change will not significantly affect the circulation of nomination papers in 1981.

Respectfully submitted,
LEE SHERMAN DREYFUS
Governor

COMMUNICATIONS

Notice of Intent received from Division of Economic Assistance, Department of Health and Social Services to apply for Federal Assistance for Food Stamp Outreach Program.

Comments due by May 4, 1980.

To committee on Health and Social Services.

Notice of Intent received from National Council of Senior Citizens to apply for Federal Assistance for Senior Community Service Employment Program.

Comments due by May 4, 1980.

To committee on Labor.

Notice of Intent received from University of Wisconsin to apply for Federal Assistance for the Education and Training of Professional and Technical Health Manpower in the Area of Geriatrics.

Comments due by May 6, 1980.

To committee on Health and Social Services.

Notice of Intent received from Division of Health, Department of Health and Social Services to apply for Federal Assistance for Full Designation as State Health Planning and Development Agency.

Comments due by May 10, 1980.

To committee on Health and Social Services.

Notice of Intent received from Division of Tourism, Department of Business Development to apply for Federal Assistance for Wisconsin Group Travel Planning Guide.

Comments due by May 20, 1980.

To committee on Tourism, Recreation and Economic Development.

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April 25, 1980

Mr. Marcel Dandeneau
Assembly Chief Clerk
329 West, State Capitol
Madison, WI 53702

Dear Mr. Dandeneau:

Enclosed is a copy of the General Report of the Legislative Council to the Legislature - 1979. I would appreciate it if you would note in the next Journal of the Assembly that this report has been filed in your office.

Thank you.

Cordially,
BONNIE REESE
Executive Secretary

SPEAKER'S APPOINTMENTS

April 17, 1980

Marcel Dandeneau, Assembly Chief Clerk
State Capitol, 329 West
Madison, WI 53702

Dear Marcel:

This is to inform you that I have, of this date, made the following legislative appointments:

Representative Dismas Becker as Chairperson of the Assembly Criminal Justice Committee to replace Ed McClain who has resigned from the Committee and the Assembly.

Representative David Travis as Vice-Chairperson of the Assembly Criminal Justice Committee.

Representative James Rooney as member of and Assembly Vice-Chairperson of the Joint Survey Committee on Retirement Systems and the Retirement Research Committee to replace Ed McClain.

Representative David Helbach added to the Joint Committee for Review of Administrative Rules to replace Ed McClain.

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**Representative Mordecai Lee as Vice-Chairperson of the
Assembly Government Operations Committee.**

**Best wishes,
ED JACKAMONIS
Speaker**