

# Assembly Journal

Eighty-Fourth Regular Session

FRIDAY, May 9, 1980.

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

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## ADMINISTRATIVE RULES

Read and referred:

### **Clearinghouse Rule 79-57**

Relating to removal of material from the beds of waterways.

Submitted by Department of Natural Resources.

To committee on Environmental Resources.

### **Clearinghouse Rule 80-26**

Relating to the distribution of discretionary payments by the Mining Investment and Local Impact Fund Board.

Submitted by Mining Investment and Local Impact Fund Board.

To committee on Revenue.

### **Clearinghouse Rule 80-54**

Relating to child labor-employment of minors.

Submitted by Department of Industry, Labor and Human Relations.

To committee on Labor.

### **Clearinghouse Rule 80-75**

Relating to disability determination procedures and payroll reporting procedures for the State Teachers Retirement System.

Submitted by Department of Employee Trust Funds.

To committee on Government Operations.

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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
500	274	May 1, 1980
188	280	May 6, 1980
198	281	May 6, 1980
271	282	May 6, 1980
285	283	May 6, 1980
401	284	May 6, 1980
443	285	May 6, 1980
531	286	May 6, 1980
662	287	May 6, 1980
676	288	May 6, 1980
751	(partial veto) 289	May 6, 1980
781	290	May 6, 1980
792	291	May 6, 1980
830	292	May 6, 1980
843	293	May 6, 1980
880	294	May 6, 1980
883	295	May 6, 1980
929	296	May 6, 1980
938	297	May 6, 1980
1075	298	May 6, 1980
1124	299	May 6, 1980
1168	300	May 6, 1980
1212	301	May 6, 1980
30	316	May 7, 1980
66	317	May 7, 1980
103	318	May 7, 1980
139	319	May 7, 1980
209	320	May 7, 1980
246	321	May 7, 1980
249	322	May 7, 1980
326	323	May 7, 1980
330	324	May 7, 1980
481	325	May 7, 1980
521	326	May 7, 1980

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589	-----	327	-----	May 7, 1980
603	-----	328	-----	May 7, 1980
636	-----	329	-----	May 7, 1980
656	-----	330	-----	May 7, 1980
742	-----	(partial veto) 331	-----	May 7, 1980
750	-----	332	-----	May 7, 1980
760	-----	333	-----	May 7, 1980
767	-----	334	-----	May 7, 1980
853	-----	335	-----	May 7, 1980
913	-----	336	-----	May 7, 1980
977	-----	337	-----	May 7, 1980
1032	-----	338	-----	May 7, 1980
1040	-----	339	-----	May 7, 1980
1059	-----	340	-----	May 7, 1980
1088	-----	341	-----	May 7, 1980
1119	-----	342	-----	May 7, 1980
1125	-----	343	-----	May 7, 1980
1138	-----	344	-----	May 7, 1980
1143	-----	345	-----	May 7, 1980
807	-----	346	-----	May 7, 1980
20	-----	347	-----	May 9, 1980
576	-----	348	-----	May 9, 1980
596	-----	349	-----	May 9, 1980
777	-----	(partial veto) 350	-----	May 9, 1980

Respectfully submitted,  
**LEE SHERMAN DREYFUS**  
 Governor

GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have vetoed **Assembly Bill 205**.

This bill is objectionable for a number of policy reasons. First, this proposed tax does not apply to incorporated businesses, thus penalizing small businesses and farmers who file as individuals or Subchapter S corporations. Second, it taxes individuals and small businesses who rely on accelerated depreciation twice -- first through the minimum tax and then as a regular income tax at the time an asset is sold. This is particularly strange, since the Legislature liberalized accelerated depreciation in the early seventies in an

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attempt to improve Wisconsin's business climate. Third, the tax rate of 5% being proposed here is excessive when compared to the state's top rate of 10% and corresponding rates at the federal level.

The reason for enactment of a minimum tax at the federal level was to recognize the special treatment given to capital gains. Because Wisconsin taxes such gains as ordinary income, one of the chief arguments for a minimum tax does not exist at the state level. If Wisconsin tax law treated capital gains as the federal government does, my view of this bill might have been different.

Proponents of the minimum tax argue that this legislation is necessary to collect revenues from individuals who would otherwise escape taxation. But because of a drafting defect which ignores an important limitation on the taxation of preferences that exists in federal law, this proposal would impose an additional levy on those already paying substantial Wisconsin income taxes.

I am particularly troubled by the implications that this bill has for tax simplification. It adds extra lines and instructions to over two million tax forms in an attempt to reach several hundred taxpayers. For the money it raises and the number of taxpayers it reaches, the minimum tax is simply not worth the price we have to pay in increased complexity.

In vetoing AB 205, I want to stress that I am not opposed to the concept of a minimum tax. If Wisconsin were to enact tax law changes designed to improve the state's economic climate, there could be some justification for such a tax in the future. At present, I am not convinced that such a tax is needed. It is little more than a symbol announcing Wisconsin's lack of interest in economic growth. I am convinced that imposing this tax now will send a message to the business community that Wisconsin is hostile to investment and capital formation, which result in jobs, just at the time when economic conditions are deteriorating. The short term tax benefit may result in a long term tax and job loss.

In addition, I believe tax law changes should be made within the context of the revenue bill, rather than piecemeal when their context is less clear.

LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have vetoed **Assembly Bill 282**.

This bill makes changes in the law relating to the issuance of dog licenses and collecting of license fees, and establishes a late penalty fee. There are sections of this bill, for example, the definition of the terms "collecting officer" and "listing official," as well as the minimum license fee, which conflict with the companion legislation, Assembly Bill 751 (the Rabies Control Bill) which I signed into law. To avoid any confusion that may result from differing definitions and different fee levels, I have chosen to sign Assembly Bill 751 which deals with the license fee in the larger context of the rabies control program and veto Assembly Bill 282.

LEE SHERMAN DREYFUS

Governor

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GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have vetoed **Assembly Bill 346**.

During this session the Legislature passed two bills, Assembly Bill 346 and Senate Bill 166, authorizing the Department of Transportation to issue special identification cards to disabled persons. These cards would be displayed to indicate to law enforcement officers that a vehicle is transporting a person who is either temporarily or permanently disabled. Both bills represent an attempt to limit abuse of special parking privileges while ensuring the availability of these privileges to those who need them. Because I believe the cards may have advantages over the current use of special license plates, I have signed Senate Bill 166. Since the bills are similar in so many respects, I have vetoed Assembly Bill 346.

Senate Bill 166 was preferred because it provided authority to collect a fee to cover the costs of issuing the cards. Given the precarious balance of the transportation fund, and since these cards duplicate the special license plates, it is necessary and appropriate to charge a fee. Senate Bill 166 also provided for cancellation if a card

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is used improperly. Neither of these provisions were included in AB 346.

LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have vetoed **Assembly Bill 437**.

This bill establishes mandatory minimum benefit levels for all health insurance policies sold in Wisconsin. Not only will this price many people out of the market and make it impossible for them to afford even limited health insurance, it also effectively eliminates competition in this sector of the insurance market. I don't believe this is the purpose of regulation.

Protection of the health insurance consumer could be accomplished more effectively through increased public disclosure of benefits and actual costs. It is also reasonable that some guidance be given by the Insurance Commissioner as to what is effective coverage through its public education program.

LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have signed **Assembly Bill 742** and deposited it with the Secretary of State.

This legislation is an important contribution to existing state laws and programs which have made Wisconsin a national leader in dealing with alcohol and drug abuse. It develops new treatment options and provides for the much needed educational programs to assist Wisconsin's young people to seek the help they may need in coming to terms with alcohol or drug abuse.

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However, I have used my item veto authority to eliminate that section of the bill which allows some school officials to refer students with alcohol or drug abuse problems to social service agencies without parental consent or notification. (The family unit should not be circumvented by school or social service personnel.) I firmly believe that the family is strengthened by discussing their problems together and therefore support parental notification.

LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have signed **Assembly Bill 751** and deposited it with the Secretary of State.

I have, however, vetoed those sections of AB 751 which specify that a warden may kill a dog only if the dog is "assaulting, injuring or causing injury" to a deer. By that time, obviously, the damage would have been done.

These sections also would require that a conservation warden must try other means of restraining a roaming or wild dog that is attacking a deer before shooting. This would expose the warden to unwarranted danger especially if a wild dog fitting the description of the one that a warden sees near a deer may have been reported to the warden as having attacked other animals.

The statutory mandate of a conservation warden is to protect wildlife. Case law has been established allowing warden practices under current language and civil suits have not succeeded in challenges of this authority. Representative Otte, the prime sponsor of AB 751, also supports my item veto of these sections and believes that present law provides the proper balance of protection for wildlife and pet dogs.

LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have signed **Assembly Bill 777** and deposited it with the Secretary of State.

I strongly endorse many of its provisions. However, I have used my veto powers on a few items, the majority of which were supported or requested by Representative Ferrall, the bill's chief sponsor.

In Section 1, I have vetoed the phrase "the lowest" in 13.48 (2)(h)2.b. because I believe the language is too restrictive. The life-cycle costing provisions in the annual review bill require the Building Commission to consider all relevant costs including energy. However, the language in AB 777 would in effect limit consideration to energy costs only. I believe energy must be given a high priority but it should not be the sole criteria.

In Section 17, 101.175 (1)(d) I have vetoed language that provided a definition of woodburning devices too narrow to meet the bill's intent. This veto will result in language consistent with this intent and similar to the definitions for solar and wind systems.

Also in Section 17, 101.175 (5) I have vetoed the language limiting to \$100 the fee charged by DILHR to cover the costs of testing local energy resource systems and issuing a certification seal. This \$100 is unrealistically low and would not cover the program's cost. If this program is to be truly self-supporting, the fee should match the cost.

Section 18k, 101.57 (1d) requires that an individual's primary residence must be in Wisconsin to receive a refund on a alcohol fuel production system. I have used my veto power to extend the in-state primary resident requirement to refunds for all renewable energy resource systems as well as alcohol facilities.

In Section 18sb, 101.57 (6) I have made a technical veto of the words "or facility" each time they appear in the second sentence. This reference was in error because under this bill individuals are not eligible for rebates on cogeneration facilities.

Section 23, portions of Chapter 34, Laws of 1979, 2006m (14) (am) 1., 2., 2.b., 2.c.; the intent of these vetoes is to remove the appropriation \$5000 and the references to a feasibility study for renewable energy resource demonstration projects at our agricultural demonstration stations. This project has been reviewed only at the



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campus level and not by either University Central Administration or the Board of Regents.

Section 24 and Section 25: I have vetoed the \$83,000 appropriation and references to a passive solar energy retrofit contest. I have been convinced that the top prize of \$5,000 and the requirement that winning designs become the property of the state will not encourage the submission of top quality designs and therefore does not represent a justifiable expenditure of the taxpayer's money.

Finally, in Section 29 (3) I have vetoed an incorrect reference to provision (8)(c) since this section was eliminated from the bill by Senate Amendment 17.

LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have vetoed **Assembly Bill 824**.

This bill would establish state regulation of those operating x-ray equipment in Wisconsin. The bill would require that any person wishing to be employed as an x-ray machine operator be licensed by the Dentistry Examining Board, the Chiropractic Examining Board, or the Medical Examining Board. I am exercising my veto of this bill for several reasons.

There is no data to indicate that licensure of x-ray operators will result in better health care for Wisconsin citizens or prevent x-ray overexposure. The Department of Regulation and Licensing has found no significant performance differences between x-ray machine operators in states which require licensure as compared to those states which do not require licensure. I believe licensing should be limited to those instances where the public protection is clear.

Cases of overexposure to radiation or of improper x-rays may be the fault of the physician, chiropractor, or dentist who has ordered the x-ray rather than of the person who is operating the x-ray machine. X-ray machine operators are generally not independent practitioners. Orders as to the number and types of x-rays are usually given by other health care professionals (physicians, chiropractors,

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and dentists). Licensing the technicians may reduce the supervisory responsibility and liability of the physicians, chiropractors and dentists.

The administrative mechanism set up in AB 824 for the regulation of x-ray machine operators would be overly cumbersome. The bill would require three examining boards to develop three separate sets of licensing and practice standards to discipline licensees. This provision may do more to restrict entry into the x-ray operators field than to provide public protection. There is also no guarantee that the members of the boards required to regulate and discipline x-ray machine operators would have the knowledge and expertise necessary to set standards which would ensure the protection of the public.

X-ray machine operators carry out orders for x-rays on machines already routinely checked and set for proper performance by the Department of Health and Social Services. It is overexposure as ordered by the professional or faulty equipment which is the greatest danger, both of which are independently addressed by the state already. However, I am concerned that licensing in the way presented in this bill will give the public a false sense of security and potentially shift accountability.

My veto of this bill should not be interpreted in any way as a disregard for the danger associated with exposure to low levels of radiation. It is important that x-ray operators function with extreme care. They need effective training.

LEE SHERMAN DREYFUS  
Governor

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### GOVERNOR'S VETO MESSAGE

May 9, 1980

To the Honorable Members of the Assembly:

I have vetoed **Assembly Bill 1098**.

Assembly Bill 1098 attempts to ease existing restrictions on out-of-state licensees seeking professional licenses in Wisconsin.

I am vetoing Assembly Bill 1098 because the new equivalent licensing requirements section of the bill is poorly drafted, not uniformly applied to all licensing boards, and could result in more

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restrictive interstate licensing policies than those which currently exist. Some regulation and licensing boards are allowed to apply the standard of "substantial equivalency," others are required to give equivalency examinations, while others are prohibited from requiring equivalency examinations.

Assembly Bill 1098 does make a number of other minor policy changes which update and clarify licensing laws. These changes have merit and I would support them if they are introduced as separate legislation in the next session.

LEE SHERMAN DREYFUS  
Governor

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### COMMUNICATIONS

State of Wisconsin  
Department of State  
Madison

To Whom It May Concern:

Dear Sir: Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

Bill, Jt. Res. or Res.	Chapter No.	Publication date
Assembly Bill 875	169	May 2, 1980
Assembly Bill 876	170	May 2, 1980
Assembly Bill 878	171	May 2, 1980
Assembly Bill 974	172	May 2, 1980
Assembly Bill 975	173	May 2, 1980
Assembly Bill 976	174	May 2, 1980
Assembly Bill 170	195	May 6, 1980
Assembly Bill 293	196	May 6, 1980
Assembly Bill 302	197	May 6, 1980
Assembly Bill 313	198	May 6, 1980
Assembly Bill 369	199	May 6, 1980
Assembly Bill 400	200	May 6, 1980
Assembly Bill 410	201	May 6, 1980
Assembly Bill 482	202	May 6, 1980
Assembly Bill 650	203	May 6, 1980
Assembly Bill 657	204	May 7, 1980
Assembly Bill 659	205	May 7, 1980
Assembly Bill 699	206	May 7, 1980
Assembly Bill 764	207	April 29, 1980

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Assembly Bill 813	208	May 7, 1980
Assembly Bill 831	209	May 7, 1980
Assembly Bill 886	210	May 7, 1980
Assembly Bill 919	211	May 7, 1980
Assembly Bill 998	212	May 7, 1980
Assembly Bill 1025	213	May 7, 1980
Assembly Bill 1057	214	May 7, 1980
Assembly Bill 1072	215	May 7, 1980
Assembly Bill 1078	216	May 7, 1980
Assembly Bill 1118	217	May 7, 1980
Assembly Bill 1207	218	May 7, 1980
Assembly Bill 1043	219	May 7, 1980
Assembly Bill 386	220	May 1, 1980
Assembly Bill 1180	221	April 29, 1980
Assembly Bill 179	222	May 9, 1980
Assembly Bill 347	223	May 9, 1980
Assembly Bill 364	224	May 9, 1980
Assembly Bill 446	225	May 9, 1980
Assembly Bill 447	226	May 9, 1980
Assembly Bill 462	227	May 9, 1980
Assembly Bill 471	228	May 9, 1980
Assembly Bill 499	229	May 9, 1980
Assembly Bill 503	230	May 9, 1980
Assembly Bill 518	231	May 9, 1980
Assembly Bill 552	232	May 9, 1980
Assembly Bill 578	233	May 9, 1980
Assembly Bill 597	234	May 9, 1980
Assembly Bill 607	235	May 9, 1980
Assembly Bill 632	236	May 9, 1980
Assembly Bill 672	237	May 9, 1980
Assembly Bill 732	238	May 9, 1980
Assembly Bill 733	239	May 9, 1980
Assembly Bill 744	240	May 9, 1980
Assembly Bill 756	241	May 9, 1980
Assembly Bill 783	242	May 9, 1980
Assembly Bill 787	243	May 9, 1980
Assembly Bill 795	244	May 9, 1980
Assembly Bill 822	245	May 9, 1980
Assembly Bill 846	246	May 9, 1980
Assembly Bill 858	247	May 9, 1980
Assembly Bill 885	248	May 9, 1980
Assembly Bill 902	249	May 9, 1980
Assembly Bill 906	250	May 9, 1980
Assembly Bill 908	251	May 9, 1980

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Assembly Bill 941	----- 252	----- May 9, 1980
Assembly Bill 999	----- 253	----- May 9, 1980
Assembly Bill 1047	----- 254	----- May 9, 1980
Assembly Bill 1082	----- 255	----- May 9, 1980
Assembly Bill 1092	----- 256	----- May 9, 1980
Assembly Bill 1157	----- 257	----- May 9, 1980
Assembly Bill 1169	----- 258	----- May 9, 1980
Assembly Bill 1178	----- 259	----- May 9, 1980
Assembly Jt Res 69	----- Enrolled 35	----- Not Published
Assembly Jt Res 89	----- Enrolled 37	----- Not Published
Assembly Jt Res 132	----- Enrolled 39	----- Not Published
Assembly Jt Res 133	----- Enrolled 40	----- Not Published

VEL PHILLIPS  
Secretary of State

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May 6, 1980

To The Honorable The Assembly:

Attention: Mr. Marcel Dandeneau, Chief Clerk

Dear Sir:

Please be advised that Lois Plous, Democrat, 3919 N. 63rd Street, Milwaukee, Wisconsin 53216, was elected Representative to the Assembly at the Special Election held in the 15th Assembly District on April 29, 1980.

Enclosed is a copy of the signed official canvass for the 15th Assembly District Special Election.

Very truly yours,  
GERALD J. FERWERDA  
Executive Secretary  
State Elections Board

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May 7, 1980

Speaker Ed Jackamonis  
211 West, State Capitol  
Madison, WI 53702

Dear Mr. Speaker,

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Effective today, I resign as a member of the Assembly's Government Operations Committee, and obviously, as its Vice-Chairperson.

Sincerely,  
MORDECAI LEE

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Summary of Requests for Formal Opinions

Summary: May election campaign signs lawfully be left on private lawns within 500 feet of polls on election day?

Opinion ID Number: F80040301

Requested by: District Attorney of Brown County

Assigned to: Mr. Glinski

Estimated Date of Issuance: July 3, 1980

To committee on Elections.

Summary: Interest set by Veterans Affairs Board on loans funded from loan prepayments on loans funded with general obligation bond is rate charged on loans under most recent general obligation bond issue?

Opinion ID Number: F80041501

Requested by: Department of Veterans Affairs

Assigned to: Mr. Stier

Estimated Date of Issuance: July 15, 1980

To committee on Veterans and Military Affairs.

Summary: Can a gubernatorial appointee begin to serve before confirmation by the senate?

Opinion ID Number: F80042201

Requested by: Senate

Assigned to: Mr. Sensenbrenner's unit

Estimated Date of Issuance: July 22, 1980

To committee on Energy.

Summary: Is PSC violating sec. 196.20 (2), Stats., by granting a utility rate increase under an automatic fuel adjustment clause without hearing?

Opinion ID Number: F80042501

Requested by: Assembly

Assigned to: Mr. Jeffries' unit

Estimated Date of Issuance: July 25, 1980

To committee on Energy.

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Summary: Are county administrative costs included under sec. 49.04 providing for reimbursement for administering state dependents program?

Opinion ID Number: F80042801

Requested by: Department of Health and Social Services

Assigned to: Mr. Creeron

Estimated Date of Issuance: July 1, 1980

To committee on Health and Social Services.

Summary: Are bicycle trailers designed to carry small children legal under Wisconsin law?

Opinion ID Number: F80042901

Requested by: District Attorney of Dane County

Assigned to: Mr. Harriman

Estimated Date of Issuance: July 29, 1980

To committee on Transportation.

Summary: Conflict of interest in re to President of Wisconsin Psychiatric Association and member of Medical Examining Board.

Opinion ID Number: F80032001

Requested by: Medical Examining Board

Assigned to: Mr. Dalton

Estimated Date of Issuance: June 20, 1980

To Joint Committee for Review of Administrative Rules.

Summary: Is chapter 72, Laws of 1979, creating the Citizens Utility Board, constitutional particularly under article XI, section 1?

Opinion ID Number: F80050101

Requested by: Legislature

Assigned to: Mr. Wolford

Estimated Date of Issuance: August 1, 1980

To committee on Energy.

Summary: Is 57 OAG 198 concerning duty of District Attorney to commence municipal forfeiture actions still valid in view of court reorganization?

Opinion ID Number: F80050201

Requested by: District Attorney of Waupaca County

Assigned to: Mr. Sensenbrenner's unit

Estimated Date of Issuance: August 2, 1980

To committee on Judiciary.

Anyone interested in a pending opinion may submit written briefs or comments to the Office of the Attorney General. Please indicate the opinion ID number. Copies of the request are available for inspection at 114 East, State Capitol.

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SPEAKER'S APPOINTMENTS

May 9, 1980

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

Dear Marcel:

This is to inform you that I have, as of this date, appointed Representative Lois Plous a member of the following committees:

Criminal Justice and Public Safety (to replace Ed McClain who has resigned from the assembly)

Education Committee

Government Operations Committee (to replace Representative Mordecai Lee who has resigned from the Committee).

In addition, I have made Representative Plous Vice-Chairperson of the Government Operations Committee, a position formerly held by Representative Lee.

Best wishes,  
ED JACKAMONIS  
Speaker