

STATE OF WISCONSIN  
**Senate Journal**  
**Eighty-Fourth Regular Session**

---

TUESDAY, February 13, 1979.

10:00 A.M.

The senate met.

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

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

Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 30.

Absent -- Senator Frank -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Warren Heckman, pastor of the Madison Gospel Tabernacle, Madison.

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

---

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Frank was granted a leave of absence for today's session.

---

COMMITTEE REPORTS

The committee on Human Services reports and recommends for introduction:

JOURNAL OF THE SENATE [February 13, 1979]

**Senate Bill 74**

Relating to emergency medical treatment for persons entitled to relief under chapter 49.

Introduction:

Ayes, 4 -- Senators Thompson, Strohl, Cullen and Radosevich;  
Noes, 0 -- None.

Read first time and referred to committee on Human Services.

**Senate Bill 75**

Relating to extension of state medical malpractice plan to podiatrists.

Introduction:

Ayes, 4 -- Senators Thompson, Strohl, Cullen and Radosevich;  
Noes, 0 -- None.

Read first time and referred to committee on Human Services.

**Senate Bill 76**

Relating to licensing and regulation of social workers, creating a social workers council, creating a social worker-client privilege, making an appropriation, granting rule-making authority and providing penalties.

Introduction:

Ayes, 4 -- Senators Thompson, Strohl, Cullen and Radosevich;  
Noes, 0 -- None.

Read first time and referred to committee on Human Services.

and recommends:

**Senate Bill 49**

Relating to licensing of athletic trainers by the medical examining board, creating an athletic trainers examining council, granting rule-making authority and providing penalties.

Passage:

Ayes, 4 -- Senators Thompson, Strohl, Cullen and Radosevich;  
Noes, 0 -- None.

**Senate Bill 51**

Relating to the number of barber apprentices that may be employed in a barber shop and the number of barber apprentices that may be supervised by a barber shop manager.

Passage:

Ayes, 4 -- Senators Thompson, Strohl, Cullen and Radosevich;  
Noes, 0 -- None.

CARL W. THOMPSON  
Chair

JOURNAL OF THE SENATE [February 13, 1979]

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

**Senate Bill 77**

Relating to allowing the same judge to hear the preliminary examination and the trial.

Introduction:

Ayes, 3 -- Senators Adelman, Braun and Harnisch;

Noes, 1 -- Senator Murphy.

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

**Senate Bill 78**

Relating to allowing misdemeanor juries to separate and reassemble at a later time.

Introduction:

Ayes, 3 -- Senators Adelman, Braun and Harnisch;

Noes, 1 -- Senator Murphy.

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

LYNN S. ADELMAN  
Chair

The joint committee on Finance reports and recommends for introduction:

**Senate Bill 79**

Relating to state finances and appropriations, constituting the executive budget bill of the 1979 legislature, and making appropriations.

Introduction:

Ayes, 14 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen; Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Ellis;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

GERALD C. KLECZKA  
Chair

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

---

INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 10**

Making an application to the Congress of the United States pursuant to article V of the constitution of the United States, for a convention for proposing an amendment to the constitution of the United States to protect the life of all human beings, including unborn children at every stage of their biological development:

By Senators Flynn, Kleczka, Lorge, Frank, Murphy, Berger, Swan, Lasee, Van Sistine, Chilsen, Krueger, Theno, Bidwell, Kreul and Roshell; cosponsored by Representatives Duren, Johnston, Andrea, Rogers, Matty, Hephner, Vanderperren, Wood, Byers, Behnke, Lallensack, Gerlach, Plewa, Klicka, Smith, Hauke, Menos, Fischer, Otte, Kincaid, Omernik, Laatsch, Murray and Dorff.

Read first time and referred to committee on Human Services.

---

BILLS INTRODUCED

Read first time and referred:

**Senate Bill 80**

Relating to regulating smoking in public conveyances and places covered and providing a penalty.

By Senators Risser, Braun, Maurer, Radosevich, McCallum, Moody, Flynn, Strohl and Lorge; cosponsored by Representatives Munts, D. Travis and Ulichny.

To committee on Human Services.

**Senate Bill 81**

Relating to the registration of vehicles used to transport unmanufactured forest products.

By Senators Krueger, Theno, Van Sistine, Kreul, Lasee and Chilsen; cosponsored by Representatives Donoghue, Vanderperren, Opitz, Byers, Gunderson, Harer, Bradley, Lallensack, Everson, Hasenohrl, Schmidt, Gagin, Omernick, Hopkins, Paulson, Harsdorf, Larson, Kincaid and Kedrowski.

To committee on Aging, Business and Financial Institutions and Transportation.

**Senate Bill 82**

Relating to resident tuition for students in families of new state residents.

By Senators Cullen, Adelman and Murphy.

To committee on Education and Revenue.

**Senate Bill 83**

Relating to limitation of the time for claiming a reporting exemption under the campaign finance law.

By Senator Berger.

To committee on Judiciary and Consumer Affairs.

---

COMMITTEE REPORTS

The joint committee on Finance reports and recommends for introduction:

**Senate Bill 84**

Relating to increasing the amount of the 1978 special property tax credit.

Introduction:

Ayes, 11 -- Senators Kleczka, Flynn, Offner, Braun and Radosevich, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Kirby;

Noes, 2 -- Senator Chilsen and Representative Ellis.

Read first time and referred to joint committee on Finance.

and recommends:

**Senate Bill 1**

Relating to increasing the amount of the 1978 special property tax credit, modifying the standard deduction, excluding from taxation a portion of the gain from the sale of a principal residence by certain persons, modifying and indexing for inflation the individual income tax rates and brackets, increasing personal exemptions, expanding the homestead tax credit, increasing the inheritance tax exemption for interspousal transfers and exempting home heating fuels from sales and use taxes.

Introduction and adoption of senate substitute amendment 1:

Ayes, 11 -- Senators Kleczka, Flynn, Offner, Braun and Radosevich, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Kirby;

Noes, 2 -- Senator Chilsen and Representative Ellis.

Passage as amended:

Ayes, 11 -- Senators Kleckza, Flynn, Offner, Braun and Radosevich, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Kirby;

Noes, 2 -- Senator Chilsen and Representative Ellis.

JOURNAL OF THE SENATE [February 13, 1979]

Emergency Statement attached to bill:

Ayes, 13 -- Senators Kleczka, Flynn, Offner, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Ellis;

Noes, 0 -- None.

GERALD D. KLECZKA

Chair

---

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Department of State

February 6, 1979.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on January 31, 1979, and ending on February 6, 1979.

Yours very truly,

VEL PHILLIPS

Secretary of State

*Lobbyist's name, address, telephone number; principal's name, address, telephone number; the code numbers indicating areas of Legislative action; the code numbers indicating areas of administrative action.*

Widder, Theodore C. III, 20 N. Carroll St., Madison, WI 53703, (608) 256-1977; Allstate Insurance Co., Allstate Plaza, Northbrook, IL 60062, (312) 291-7110; 14; 138.

Rogacki, Mark M., 901 N. Ninth St., Room 302, Division of Intergovernmental Relations, Milwaukee, WI 53233, (414) 278-4351; County of Milwaukee, 901 N. Ninth St., Milwaukee, WI 53233, (414) 278-4211; 1-26; 101-186.

Glamann, Richard W., 901 N. Ninth St., Room 302, Division of Intergovernmental Relations, Milwaukee, WI 53233, (414) 278-4351; County of Milwaukee, 901 N. Ninth St., Milwaukee, WI 53233, (414) 278-4211; 1-26; 101-186.

Mollan, Thomas M., 901 N. Ninth St., Room 302, Division of Intergovernmental Relations, Milwaukee, WI 53233, (414) 278-

JOURNAL OF THE SENATE [February 13, 1979]

4351; County of Milwaukee, 901 N. Ninth St., Milwaukee, WI 53233, (414) 278-4211; 1-26; 101-186.

McDonough, John C., 1314 Catlin Ave., Superior, WI 54880, (715) 394-3077; United Transportation Union, 735 Division St., Altoona, WI 54720, (715) 832-6516; 1-25; 101-185.

Milbourne, Claire H., 20 N. Carroll St., #27, Madison, WI 53703, (608) 256-2686; Common Cause in Wisconsin, 20 N. Carroll St., #27, Madison, WI 53703, (608) 256-2686; 3, 5, 8, 12, 17, 18, 20, 22; 104, 119, 128, 133, 140, 149, 150, 174, 180, 186.

Driessen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202, (414) 271-5900; Associated General Contractors of Greater Milwaukee, Inc., P.O. Box 08308, 2733 W. Wisconsin Ave., Milwaukee, WI 53208, (414) 933-7661; 3, 4, 13, 16, 17, 20, 21, 22, 25; 101, 109, 116, 129, 136, 140, 144, 149, 170, 174, 176, 178, 183.

Driessen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202, (414) 271-5900; Wisconsin Committee of Independent Refiners/Marketers, c/o Superamerica, Division of Ashland Oil, Inc., 10701 W. National Ave., West Allis, WI 53227, (414) 454-5500; 3, 13, 20, 21, 22; 101, 140, 170, 174; Printing Industries of Wisconsin, 2323 N. Mayfair Rd., Suite 101, Milwaukee, WI 53226, (414) 259-1500; 3, 13, 20, 21, 22; 101, 136, 140, 144, 149, 170, 174.

Christianson, Peter Coe, 660 E. Mason St., Milwaukee, WI 53202, (414) 271-5900; Wisconsin Committee of Independent Refiners/Marketers, c/o Superamerica, Division of Ashland Oil, Inc., 10701 W. National Ave., West Allis, WI 53227, (414) 545-5500; 3, 13, 20, 21, 22; 101, 140, 170, 174; Associated General Contractors of Greater Milwaukee, Inc., P.O. Box 08308, 2733 W. Wisconsin Ave., Milwaukee, WI 53208, (414) 933-7661; 3, 4, 13, 16, 17, 20, 21, 22; 101, 109, 116, 129, 136, 140, 144, 149, 170, 174, 176, 178, 183; Printing Industries of Wisconsin, 2323 N. Mayfair Rd., Suite 101, Milwaukee, WI 53226, (414) 259-1500; 3, 13, 20, 21, 22; 101, 136, 140, 144, 149, 170, 174.

Franke, Harry F., 660 E. Mason St., Milwaukee, WI 53202, (414) 271-5900; Printing Industries of Wisconsin, 2323 Mayfair Rd., Suite 101, Milwaukee, WI 53226, (414) 259-1500; 3, 13, 20, 21, 22; 101, 136, 140, 144, 149, 170, 174; Wisconsin Committee of Independent Refiners/Marketers, c/o Superamerica, Division of Ashland Oil, Inc., 10701 W. National Ave., West Allis, WI 53227, (414) 545-5500; 3, 13, 20, 21, 22; 101, 140, 170, 174; Associated General Contractors of Greater Milwaukee, Inc., P.O. Box 08308, 2733 W. Wisconsin Ave., Milwaukee, WI 53208, (414) 933-7661; 3, 4, 13, 16, 17, 20, 21, 22, 25; 101, 109, 116, 129, 136, 140, 144, 149, 170, 174, 176, 178, 183.

JOURNAL OF THE SENATE [February 13, 1979]

**Mast, Paul H., 448 W. Washington Ave., Madison, WI 53703, (608) 255-4429; Independent Insurance Agents of Wisconsin, 448 W. Washington Ave., Madison, WI 53703, (608) 255-4429; 14, 26; 113, 106, 138, 148, 172, 175, 176.**

**Consigny, Thomas L, 222 W. Washington Ave., Box 192, Madison, WI 53701, (608) 252-3189; Wisconsin Power and Light Co., 222 W. Washington Ave., Box 192, Madison, WI 53701, (608) 252-3125; 26; 186.**

**Ladin, Linda C., 139 W. Wilson St., Suite 105, Madison, WI 53703, (608) 255-2421; Taxpayers United to Control Government Spending, Inc., 139 W. Wilson St., Suite 105, Madison, WI 53703, (608) 255-2421; 20.**

**Hough, James E., 139 W. Wilson St., Suite 105, Madison, WI 53703, (608) 256-1475; Taxpayers United to Control Government Spending, Inc., 139 W. Wilson St., Suite 105, Madison, WI 53703, (608) 255-2421; 20.**

**Buffo, William J., 139 W. Wilson St., Suite 105, Madison, WI 53703, (608) 255-2421; Taxpayers United to Control Government Spending, Inc., 139 W. Wilson St., Suite 105, Madison, WI 53703, (608) 255-2421; 20.**

**Terrill, Timothy C., 125 W. Doty St., Madison, WI 53703, (608) 255-6789; Wisconsin Motor Carriers Assn., Inc., 125 W. Doty St., Madison, WI 53703 (no phone listed); 1-25; 101-185.**

**Berge, Oliver G., 1310 Mendota St., Madison, WI 53714, (608) 241-9544; Wisconsin Assn. of School District Administrators, 1310 Mendota St., Madison, WI 53714, (608) 241-9544; 1-25; 101-185.**

**Gavin, Stephen E., 25 W. Main St., Suite 503, Madison, WI 53703, (608) 257-5005; Wisconsin Society of Podiatric Medicine, Suite 304, 2500 N. Mayfair Rd., Wauwatosa, WI 53226, (414) 771-2296; 1-26.**

**Miller, Frederick H., 25 W. Main St., Suite 717, Madison, WI 53703, (608) 255-0041; Wisconsin Society of Podiatric Medicine, Suite 304, 2500 N. Mayfair Rd., Wauwatosa, WI 53226, (414) 771-2296; 1-26.**

**Gavin, Stephen E., 25 W. Main St., Suite 503, Madison, WI 53703, (608) 257-5005; Wisconsin Assn. of Nursing Homes, Inc., Room 139-A, 123 W. Washington Ave., Madison, WI 53703, (608) 257-0125; 101-186.**

**Miller, Frederick H., 25 W. Main St., Suite 717, Madison, WI 53703, (608) 255-0041; Wisconsin Assn. of Nursing Homes, Inc., Room 139-A, 123 W. Washington Ave., Madison, WI 53703, (608) 257-0125; 101-186.**



JOURNAL OF THE SENATE [February 13, 1979]

Hanson, Richard E., 100 N. Barstow St., Eau Claire, WI 54701, (715) 839-2497; Northern States Power Co. (Wisconsin), 100 N. Barstow St., Eau Claire, WI 54701, (715) 839-2573; 1-26.

Varda, John P., 121 S. Pinckney St., P.O. Box 2235, Madison, WI 53701, (608) 255-8891; Wisconsin Motor Carriers Assn., Inc., 125 W. Doty St., Madison, WI 53703, (608) 255-6789; 1-25; 101-185.

Sullivan, Daniel C., 231 W. Michigan St., Milwaukee, WI 53201, (414) 277-2137; Wisconsin Electric Power Co., 231 W. Michigan St., Milwaukee, WI 53201, (414) 277-2345; 1-26; 101-186.

Sheehy, John L., 626 E. Wisconsin Ave., Milwaukee, WI 53201, (414) 291-6664; Wisconsin Gas Co., 626 E. Wisconsin Ave., Milwaukee, WI 53201, (414) 291-7000; 1-26; 101-186.

Englund, Eric, 330 E. Wilson St., Madison, WI 53202, (608) 255-9493; Wisconsin Society of Architects, 819 N. Marshall St., Milwaukee, WI 53202, (414) 276-2250; 3, 7, 11, 13, 15, 16, 18, 20, 21; 101-103, 129, 136, 137, 144, 146, 148, 150, 158, 174, 180.

Tomlinson, Ray A., 330 E. Wilson St., Madison, WI 53703, (608) 255-9493; Wisconsin Society of Architects, 819 N. Marshall St., Milwaukee, WI 53202, (414) 276-2250; 3, 7, 11, 13, 15, 16, 18, 20, 21; 101-103, 129, 136, 137, 144, 146, 148, 150, 158, 174, 180.

Gebhart, Neil, 520 University Ave., Madison, WI 53703, (608) 251-4008; Center for Public Representation, Inc., 520 University Ave., Madison, WI 53703, (608) 251-4008; 4, 5, 6, 12, 18, 19, 20; 101, 127, 129, 136-138, 140-142, 145, 146, 150-169, 176.

Whitson, James Anthony, 520 University Ave., Madison, WI 53703, (608) 251-4008; Center for Public Representation, Inc., 520 University Ave., Madison, WI 53703, (608) 251-4008; 3, 11, 14, 18, 20; 109, 129, 138, 150.

Trubek, Louise G., 520 University Ave., Madison, WI 53703, (608) 251-4008; Center for Public Representation, Inc., 520 University Ave., Madison, WI 53703 (phone not listed); 1-15; 101, 106-109, 113-123, 127-185.

Goldberg, Melvin L., 520 University Ave., Madison, WI 53703, (608) 251-4008; Center for Public Representation, Inc., 520 University Ave., Madison, WI 53703, (608) 251-4008; 17, 23; 109, 129, 136, 138, 144, 149, 176, 178.

Francke, G. Stewart, 508 Michigan National Tower, Lansing, Michigan 48933, (517) 372-0270; General Motors Corporation, 3044 W. Grand Blvd., Detroit, Michigan 48202, (313) 556-2986; 3, 11, 13, 14, 15, 18, 21, 22, 23; 109, 136, 137, 138, 144, 174, 176.

Kuehn, Ronald W., 121 S. Pickney St., Madison, WI 53703, (608) 255-8891; Wisconsin Assn. of Life Underwriters, 4513 Vernon Blvd., Madison, WI 53705, (608) 233-7085; 1-25; 101-185.

JOURNAL OF THE SENATE [February 13, 1979]

Buckley, James P., 815 W. College Ave., Waukesha, WI 53186, (414) 542-5333; Wisconsin Installment Bankers Assn., 815 W. College Ave., Waukesha, WI 53186, (414) 542-5333; 2; 113; Metropolitan Builders Assn. of Greater Milwaukee, 6511 W. Bluemound Rd., Milwaukee, WI 53213, (414) 258-9850; 26; 109.

Tierney, Joseph E. III, Suite 1328, 735 N. Water St., Milwaukee, WI 53202, (414) 273-4390; Wisconsin Warehousemen's Assn., Suite 423, 110 E. Main St., Madison, WI 53703, (608) 257-4966; 22; 170.

---

Areas of Legislative Action

Code	Subject
01	<i>Agriculture</i>
02	<i>Banking</i>
03	<i>Consumer Affairs</i>
04	<i>CCounties and Municipalities</i>
05	<i>Courts and Procedures</i>
06	<i>Criminal, Penal and Police</i>
07	<i>Education</i>
08	<i>Elections and Ethics</i>
09	<i>Family</i>
10	<i>Food and Drugs</i>
11	<i>Health</i>
12	<i>Human Rights</i>
13	<i>Industry</i>
14	<i>Insurance</i>
15	<i>Partnerships and Corporations</i>
16	<i>Property Rights and Probate</i>
17	<i>Public Domain and Environment</i>
18	<i>Regulation and Licensing</i>
19	<i>Social Services</i>
20	<i>State Government</i>
21	<i>Trade and Commerce</i>
22	<i>Taxation</i>
23	<i>Transportation</i>
24	<i>Trust Funds</i>
25	<i>Veterans</i>
26	<i>Other</i>

The chart of code numbers can be found on pages 99 and 100 of the Senate Journal of February 6, 1979.

JOURNAL OF THE SENATE [February 13, 1979]

State of Wisconsin  
Claims Board

February 6, 1979.

Don Schneider  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin 53702

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on January 22, 1979.

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

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

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

Sincerely,  
EDWARD D. MAIN  
Secretary

BEFORE THE  
CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on January 22, 1979, upon the following claims:

<i>Claimant</i>	<i>Amount</i>
1. Eric Harris (continued hearing)	\$5,900.00
2. Helen Zeis (no appearance by claimant)	84.24
3. Rose Marie Cikel (no appearance by claimant)	99.75
4. Frank Gevaart	4,802.37
5. Calvin Jahn	784.26

## JOURNAL OF THE SENATE [February 13, 1979]

In addition, the following claims were considered and decided without being called for hearing at an executive session on January 22, 1979:

6. Rochelle J. Hendrikson	60,000.00
7. Brain Anderson	1,220.00
8. State Farm Fire & Casualty Co.	700.00
9. St. Paul Fire & Marine Insurance Co.	500.00
10. American Watercolor Society	50.00
11. Jeffrey Kursel	252.00
12. Carol Ann Beatty	121.00
13. James Riedy, Jr.	70.00
14. John Tradewell	20.00
15. Ken Goldberg	7.95
16. Louis Hanson	800.00
17. George Young	105.00
18. Annie Weekly	99.09
19. David Hansmann	96.15
20. Dean Voltz	628.32
21. Daniel Jordan	157.00
22. Wilbert F. Stambaugh	168.38
23. Patz Pallet Service, Inc.	209.00
24. Lowell J. Hackbart	500.00

### THE BOARD FINDS:

1. Eric Harris, Rochester, Minnesota, claims \$5,900 for services rendered to the University of Wisconsin-Madison in 1977 for a computer program. Claimant was hired on May 10, 1976, as a project specialist in the Immunobiology Research Center for \$14,500 per year. Among claimant's duties was the writing of new computer programs for new problems. Claimant was reappointed for a fixed term from July 1, 1976, through June 30, 1977, for \$14,500 per year. Claimant's appointment was extended on March 1, 1977, to extend through August 31, 1977, but he was not required to report for work after June 30, 1977. On March 14, 1977, claimant resigned his appointment effective June 30, 1977, because of personal differences with his appointing authority. On March 15, 1977, claimant agreed to complete a detailed narrative description by March 31, 1977, of a personnel program he had been working on. On March 21, 1977, he submitted his narrative description. Claimant alleges he then received verbal approval from his appointing authority to perform additional work for the university, which alleged approval is vigorously denied by Dr. Fritz Bach, his appointing authority. The Board finds that claimant was not obligated to furnish a completed

## JOURNAL OF THE SENATE [February 13, 1979]

program and that a contractual relationship was not subsequently established between claimant and the university for additional services. Claimant has been fully paid for whatever services he contracted for with the university. Dr. Fritz Bach's friendly suggestions made in April, 1977, to the claimant concerning his program did not establish any additional contractual relationship between claimant and the university. Dr. Bach has been with the university for over thirteen years and is familiar with the limitations of entering into contractual relationships on behalf of the university. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

2. Helen Zeis, Wind Lake, claims \$84.24 for auto damages incurred on March 12, 1978, on Pine Road at Southern Wisconsin Center. The posted speed limit was 15 mph, and the Board finds that the alleged damages would not have occurred if that limit had been observed by claimant. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

3. Rose Marie Cikel, Racine, claims \$99.75 for auto damages incurred in March, 1978, on Pine Road at Southern Wisconsin Center. The posted speed limit was 15 mph, and the Board finds that the alleged damages would not have occurred if that limit had been observed by claimant. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

4. Frank Gevaart, Wauwatosa, claims \$4,802.37 for overpayment of inheritance taxes on June 28, 1977, in the Estate of Evelyn R. Gevaart, Deceased, caused by the erroneous inclusion of the value of savings and checking accounts in said estate which actually belonged to the claimant. Claimant has a lawsuit pending in Milwaukee County Circuit Court (Case No. 468-299) against the attorney who handled the estate for breach of duty which includes this amount in addition to other amounts not claimed here. The Board recommends the claim should be paid on equitable principles.

5. Calvin H. Jahn, La Crosse, claims \$784.26 for property damage to the interior of his home caused by a wild deer on May 29, 1976, under unique and unusual circumstances whereby a deer jumped through claimant's window. After deducting the \$240 for the estimated value of claimant's own labor and \$303.40 for amounts reimbursed to claimant by his insurance carrier, the Board concludes

## JOURNAL OF THE SENATE [February 13, 1979]

the reduced claim in the amount of \$240.86 should be paid on equitable principles.

6. Rochelle J. Hendrikson, Woodbury, Minnesota, claims \$60,000 for damages resulting from her falling on February 27, 1978, between the main entrance of the Fine Arts Building at the University of Wisconsin-River Falls and Cascade Avenue. Claimant has been reimbursed by her insurance carrier for \$1,925 of her total \$2,506.29 medical and hospital costs. The university made a reasonable effort to maintain the area where claimant fell. There had been a thaw the day before the accident followed by freezing temperatures and light snow in the morning, and the area was in the process of being sanded when the claimant fell. The Board concludes the claim is not one for which the state is legally liable but concludes the claimant's unreimbursed medical expenses in the amount of \$581.29 be paid on equitable principles.

7. Brian Anderson, Madison, claims \$1,220.00 for nonresident tuition fees in excess of resident tuition fees paid in August, 1978, to attend the University of Wisconsin-Madison. Claimant moved from Illinois to Wisconsin in August, 1977, to attend the university. Claimant submits the additional fact that he has accepted employment with a local law firm for the summer of 1979, which fact was not known to the Nonresident Tuition Appeals Committee on September 14, 1978. Said committee concluded claimant was a nonresident for tuition purposes. A copy of the transcript of those proceedings before said committee has been furnished to and examined by this Board. The Board finds on the basis of all facts submitted to it that claimant was a nonresident for tuition purposes during the period here under review and concludes said claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

8. State Farm Fire & Casualty Co., claims subrogation for \$700 paid to its insured. Claimant's insured lived in a dormitory at University of Wisconsin-La Crosse where a custodian was using a hose which allegedly damaged the insured's personal property on May 14, 1977. Consistent with the long-standing position of this Board in denying subrogation claims, the Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

9. St. Paul Fire & Marine Insurance claims subrogation for \$500 paid to its insured. Claimant's insured lost a work of art on September 2, 1977, when it mysteriously disappeared from an exhibit at UW-Platteville. Consistent with the long-standing position of this

Board in denying subrogation claims, the Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

10. American Watercolor Society claims \$50 for the loss of a work of art on September 2, 1977, being displayed at UW-Platteville. The Board concludes the claim, representing the difference between the amount paid by the insurance and the value of the lost work of art, should be paid on equitable principles.

11. Jeffrey J. Kursel, Milwaukee, claims \$252.50 for reimbursement of medical expenses related to an injury he sustained while playing basketball on November 2, 1978, at UW-Milwaukee's Klotsche Center. Claimant declined an offer made by staff employes to call for an ambulance. There is no evidence of the physical facilities being improper. Claimant alleges that someone should have been present to advise him to keep off his injured foot and that he should have been previously advised to obtain medical insurance to cover his injury. The Board finds no negligence on the part of the state, its officers, agents and employes and concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

12. Carol Ann Beatty, Sheboygan Falls, claims \$121 for damages to her personal property in Tripp Hall in October, 1976. State employes disconnected her radiator and neglected to connect it again, causing steam to pour into her living quarters. The Board concludes the claim should be paid on equitable principles.

13. James Riedy, Jr., Casco, claims \$70 for a ring broken on October 25, 1978, at UW-Green Bay business office where he is employed. Claimant was reassembling loaded file cabinets when a drawer slipped and crushed his ring. The Board concludes the claim should be paid on equitable principles.

14. John E. Tradewell, Madison, claims \$20 for replacing a bifocal lens broken by a co-worker who knocked his eyeglasses onto the floor from a counter where they had been placed by claimant on October 25, 1978, at the UW-Madison law library desk where he worked. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

15. Ken Goldberg, Madison, claims \$7.95 for mice damage to his speaker wires in September-October, 1978, at Ogg East. University personnel made reasonable efforts to control rodents in this housing unit, including mouse traps, poison and inspections for

JOURNAL OF THE SENATE [February 13, 1979]

openings. The state is not negligent because some mice prefer speaker wire to poison. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

16. Louis P. Hanson, Glen Flora, claims \$800 for trees destroyed by the DNR in February, 1975, on ten acres of his property. Claimant and the DNR have agreed to a \$500 settlement of the claim, and the Board concludes the claim in the reduced amount of \$500 should be paid on equitable principles.

17. George Young, Eau Claire, claims \$105 for repair of a common fence on September 8, 1977, dividing property of claimant and the DNR. Although sec. 90.08, Stats., does not expressly apply to the state as an adjoining landowner, sec. 90.035, Stats., does apply to the state, and the state should assume one-half of the costs of the repair consistent with the method set forth in sec. 90.08, Stats. The Board concludes the claim reduced to \$52.50 should be paid on equitable principles.

18. Annie Weekly, Milwaukee, claims \$99.09 for damage to her car's windshield on July 11, 1978, caused by a probationer while claimant was on duty for the Department of Health and Social Services. The Board concludes the claim should be paid on equitable principles.

19. David Hansmann, Madison, claims \$96.15 for medical expenses caused by a patient at Mendota Mental Health Institute who crushed a pool cue over claimant's head on April 10, 1978. Claimant was a medical student in a nonpaying position at Mendota. The Board concludes the claim should be paid on equitable principles.

20. Dean K. Voltz, Centuria, claims \$628.32 for water damages to his basement incurred on March 27, 1978, by drainage water from a shallow ditch along North-South State Highway 35. Claimant's property is on lowland west of the highway. Normal area drainage is from northwest to south. The ditch is of sufficient width and depth to handle the water, provided the culverts and driveways on claimant's land are open to allow the water through. The design and maintenance of the highway are not the cause of claimant's problem. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay on equitable principles.

21. Daniel Jordan, Libertyville, Illinois, claims \$157 for car damages incurred on June 18, 1978, on I-94 in Kenosha County



JOURNAL OF THE SENATE [February 13, 1979]

caused by broken concrete in an area where repairs had been made and concrete pieces had been left along the shoulder of the road. The Board concludes the claim should be paid on equitable principles.

22. Wilbert F. Stambaugh, Sun Prairie, claims \$168.38 for car damages incurred on June 6, 1978, at the Hill Farms parking lot. Claimant drove his black car though white paint spilled by a state employe. The paint could not be readily seen by claimant to enable him to avoid driving through it. The Board concludes the claim should be paid on equitable principles.

23. Patz Pallet Service, Inc., Pound, claims \$209 for overpayment of unemployment compensation benefits on June 8, 1978. Claimant did not receive timely notice of the reopened benefit claim of its former employe, contrary to departmental policy, although it appears that statutory requirements were satisfied. Departmental policy was not followed due to an oversight by one of its employes. The Board concludes the claim should be paid on equitable principles.

24. Lowell J. Hackbart, Madison, claims \$500 for a civil war portrait (retouched photograph) loaned to the State Historical Society in 1962 and subsequently lost. Claimant asserts the photograph was a keepsake but fails to submit sufficient evidence of its value. The Board finds the reasonable value of said portrait is \$100 and concludes the claim in the reduced amount of \$100 be paid on equitable principles.

THE BOARD CONCLUDES:

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

Eric Harris  
Helen Zeis  
Rose Marie Cikel  
Brian Anderson  
State Farm Fire & Casualty Company  
St. Paul Fire & Marine Insurance  
Jeffrey J. Kursel  
John E. Tradewell  
Ken Goldberg  
Dean K. Voltz

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

Calvin H. Jahn	\$240.86
Rochelle J. Hendrikson	581.29

**JOURNAL OF THE SENATE [February 13, 1979]**

American Watercolor Society	50.00
Carol Ann Beatty	121.00
James Riedy, Jr.	70.00
Louis P. Hanson	500.00
George Young	52.50
Annie Weekly	99.09
David Hansmann	96.15
Daniel Jordan	157.00
Wilbert F. Stambaugh	168.38
Patz Pallet Service, Inc.	209.00
Lowell J. Hackbart	100.00

**THE BOARD RECOMMENDS:**

Payment of \$4,802.37 to Frank Gevaart for overpayment of Wisconsin inheritance taxes in the Estate of Evelyn R. Gevaart, Deceased, caused by the erroneous inclusion of the value of savings and checking accounts in said estate which actually belonged to the claimant.

**GERALD D. KLECZKA**  
Senate Finance Committee

**VIRGIL D. ROBERTS**  
Assembly Finance Committee

**PAUL J. SWAIN**  
Representative of Governor

**EDWARD D. MAIN**  
Representative of Secretary of  
Administration

**ALLAN P. HUBBARD**  
Representative of Attorney  
General

Paul J. Swain not participating.

---

**EXECUTIVE COMMUNICATIONS**

JOURNAL OF THE SENATE [February 13, 1979]

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

February 8, 1979.

To the Honorable, the Senate:

I am pleased to nominate Donald Percy of Madison, as a member of the Wisconsin Health Facilities Authority Board and with the advice and consent of the Senate, do appoint Donald Percy to succeed Manuel Carballo, resigned, pursuant to the statutes governing, to serve for the balance of the unexpired term ending June 30, 1980.

Sincerely,  
LEE SHERMAN DREYFUS  
Governor

Read and referred to committee on Human Services.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and the Calendar for Tuesday, February 13, 1979 was taken up at this time.

---

CALENDAR OF FEBRUARY 13

By request of Senator Bablitch, with unanimous consent, the appointments were taken up en masse.

AUSMAN, LAVERNE G., of Elk Mound, as Commissioner of the Labor and Industry Review Commission, to succeed Hugh Henderson, to serve for the term ending March 1, 1979.

Read.

HENDRICKSON, BRUCE A., of Ashland, as Secretary of the Department of Local Affairs and Development, to succeed Carol T. Toussaint, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Goyke, Harnisch, Kleczka, Kreul.

JOURNAL OF THE SENATE [February 13, 1979]

Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

Absent or not voting -- Senator Frank -- 1.

So the appointments were confirmed enmasse.

**Senate Bill 1**

Relating to increasing the amount of the 1978 special property tax credit, modifying the standard deduction, excluding from taxation a portion of the gain from the sale of a principal residence by certain persons, modifying and indexing for inflation the individual income tax rates and brackets, increasing personal exemptions, expanding the homestead tax credit, increasing the inheritance tax exemption for interspousal transfers and exempting home heating fuels from sales and use taxes.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 1** was referred to the Joint Survey Committee on Tax Exemptions.

**Senate Bill 2**

Relating to review and disapproval of administrative rules, rule-making procedures, granting rule-making authority and making an appropriation.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 2** was referred to the joint committee on Finance.

**Senate Bill 3**

Relating to adoption of certain administrative rules by legislative standing committees, fiscal estimates on rule-making orders and granting rule-making authority.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 3** was referred to the joint committee on Finance.

JOURNAL OF THE SENATE [February 13, 1979]

**Senate Bill 49**

Relating to licensing of athletic trainers by the medical examining board, creating an athletic trainers examining council, granting rule-making authority and providing penalties.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 49** was referred to the joint committee on Finance.

By request of Senator Bablitch, with unanimous consent, the senate returned to the seventh order of business.

---

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

**Assembly Bill 6**

---

MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 6**

Relating to property tax exemptions for certain farm crops held by the grower.

By Representatives Everson, Lewison, Schneider, Barry, Bradley, Snyder, Schmidt, Byers, Lorman, Porter, Hasenohrl, Tregoning, Fischer, Donoghue, Opitz, DeLong, Goodrich, Thompson, Harsdorf, Lewis, Roberts, Helbach, Hephner, McEssy, Klicka, Gunderson, Loftus and Lallensack, co-sponsored by Senator Thompson.

Read first time and referred to committee on Agriculture, Labor and Local Affairs.

By request of Senator Bablitch, with unanimous consent, the chair was directed to appoint an escort to await upon the Governor.

The Chair appointed Senators Kleczka, Maurer and Chilsen to await upon the Governor.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, February 15.

10:28 A.M.

The senate proceeded in a body to the Assembly Chamber to meet in Joint Convention to receive the Budget Message.

---

IN ASSEMBLY CHAMBER  
IN JOINT CONVENTION

The Lieutenant Governor in the chair.

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

Mr. Speaker, Mr. President, Ladies and Gentlemen of the Legislature and Guests:

I have released this morning a 346-page budget of proposed spending of just more than \$5 billion for the next two years. That is less than the amount offered by Mr. Shabaz's amendment. It is less than the projected increase in the people's ability to pay. However, the people must understand that it is not the total budget. The total budget is just over \$12 billion for the next two years when one includes federal dollars programmed through the state, includes fees and licenses, and includes the shared taxes returned to local governments.

As one new to government and new to this Hall, I was startled by that \$12 billion figure, and it is not one that I think the people fully understand. Too long they have not been fully aware of the magnitude of government costs -- only its impact on them personally. So, let us all do our best not to confuse nor to delude, because if there is a real crisis that befalls either this state or this nation, we will need the people's understanding in this area more than any other.

I view my election as a call for change, for reexamination of priorities and directions. But the message of the election is not just tax-cutting, it is also constraint in growth. Hence, you will find a 1.2 percent growth in positions, 634 new employes in two years. Of that number, 176 will be in our corrections and prison system; 125 of them will be guards.

But, there is another message that I hope all legislators, as well as all Governors in this country, receive from the various elections: a questioning of continued and new social experimentation. Government should stop tinkering with society. And, I hope we all heard that and take it to heart.

Now, this does not mean retrench or do nothing new. But, it does mean make sure the directions in which you are heading are correct, as sure as you can be that they are correct. Like the Robert Frost poem, "The Road Not Taken"

Two roads diverged in a yellow wood and sorry that I could not travel both and be one traveler."

## JOURNAL OF THE SENATE [February 13, 1979]

We no longer have the resources to travel both roads. My desire to change the process, to make these choices clear and to make all of us more accountable is what is involved in having seven bills instead of one -- a revenue bill, an appropriations bill and five functional policy bills in the area of commerce, education, human resources, environment and government. Other proposed policies, as they are developed, will be sent to you separately in order that they may be fully ventilated by debate in both houses of the legislature.

The 346-page appropriations bill is down from 567 pages of the last biennium. I hope that helps.

There are four basic approaches as one looks at our path ahead of us. One is to continue the programs that are working well. The second is to improve some existing programs. The third, where we are at a crossroads, is to make choices at the fork in the road. And, the fourth, is to chart some new paths and directions. Let me take each category separately.

In the first category of continuing programs that are working well, I urge that all government, the bureaucracy, the legislature and the Governor's Office, learn a basic law: "If it works, don't fix it." There is in this category a very real cost problem in just holding the line. Let me give you some examples: school and VTAE aids, pupil transfers and the medical assistance programs. Those programs, alone, will cost an additional \$209 million just to maintain where we are going. As I reviewed the budget, I found many more that have been set in motion, and will grow in cost because they are formula-driven. I believe that to be a key problem for the future. I urge you, as legislators, to begin reviewing the entire broad policy of formula-driven costs. We can no longer afford the luxury of assuming that the formulas are right, that costs can go up continuously and that the people's ability to pay will always be there. Now is the time for that review, as we change the budget process and as you now debate what I think will be one of the three most significant tax changes in the history of the State of Wisconsin.

The move to return excess taxes to people and reform tax revenues downward by approximately \$900 million is historically significant. It is, in my opinion, equal in importance to the 1911 income tax decision made by your predecessor body. It is equal in importance to the reductions from 1931 to 1934 when state spending dropped from a total of \$30 million per year to \$20 million per year at the end of that three-year period. And, by the way, the University budget, in that year was \$4 million.

Those were momentous decisions. What you do now in both taxing and spending will be of the same import in the future. This is, I believe, an unusual and historic session of the legislature.

The second category is improving existing programs. Let me give you some examples. You will find, under the DNR, a one-stop clearance for local government for waste water treatment plants. They can get all of the state clearances, all of the federal clearances at once, and do it quickly and efficiently. What is the purpose and the result of this? -- clearance for both federal and state agencies? It will save time. Time in the construction business, as you all well know, means millions of dollars. It will save several months in construction of those facilities which will clean up the water coming from our communities. The magnitude of that will literally save millions of dollars in costs for local governments, or we will get more construction and more water pollution control for the same dollar.

Other improved programs are to provide matching state dollars for additional federal assistance in areas like weatherization, and to promote better independent living opportunities for the disabled. An example of that is to help provide the equipment and the training so that severely handicapped people can literally prepare their own meals. That's the kind of thing that creates true independence; that's meaningful improvement; and that's where government can help individuals who cannot help themselves.

You will find that we have combined federal and state dollars so that student aid can rise 12 percent. There is an increase in bonding of \$20 million for low interest loans to students. Another improvement of existing programs, almost \$23 million worth, is the education of the handicapped and exceptional children. This is an area where we must move further than we have. But, by the next biennium, we must be prepared to do the same for the gifted and talented children. Planning will begin shortly on that.

I believe we can improve the state patrol and weight inspection functions by combining those functions for better utilization of personnel and better coordination. And if all are troopers, as well as qualified weight inspectors, the results will be a better, and more consistent enforcement of truck weight regulations. And on holidays, more highway patrolmen and vehicles will be available for improved highway safety. You will find no additional positions recommended. It is the combining of two types of state highway personnel.

You will note increased fees for sports licenses, as recommended by the DNR and the Conservation Congress. I applaud that Congress and their attitude that they will pay for their rights as sportsmen. I could not accept another large increase in the out-of-state hunting fee, already at \$100. A large fee added to that will, in my opinion, hurt the developing fall tourism and resort industry -- a major industry in this state.



## JOURNAL OF THE SENATE [February 13, 1979]

I have tripled the level for support of the arts. I have doubled the instructional programming for educational TV, but I want most of it to go toward helping that K-4 teacher to teach basic skills.

I have increased by 20 percent scholarship support for Native Americans. You will find an error in the document in this section in which grants were limited to \$1,500. The figure should be \$1,800 for Native Americans.

There is a clear need for improvement in the area of M&E exemption, but there is no solution to that in this budget. Due to the bipartisan concern expressed to me by many members of the legislature, I will appoint a committee of legislators from both houses and both parties to review the M & E question and report by January 1, 1980, on the impact on local governments and our budget for consideration in the next session.

Besides the 176 additional personnel for correctional institutions, I will be appointing a Governor's Study Commission to look into the safety conditions for our employees in our prison system. The information given to me during the campaign and recent events clearly show a need that we focus in on that area. Secretary Percy and I are working on it now. Any suggestions any of you have, I will take.

In addition, when the Capitol budget comes to the Building Commission, I am recommending funds for a medium and maximum security facility -- one to be built and one to be planned. I am urging the site selection group to make recommendations rapidly. I will attempt to persuade the selected community of the need and the social obligation to the State of Wisconsin. I hope in this process to preserve local zoning control.

The third area concerns what programs are at the crossroads or fork in the road where a choice now will have a significant impact on the future. I tell you, one is clearly educational enrollments. In the case of the University system, I have agreed to a 50 percent phase-in in enrollment funding formula cuts resulting from enrollment decline. But, I tell you, there is a clear need to review the enrollment funding formula, particularly as it relates to declining enrollments, and particularly as it relates to an increasing proportion of part-time students which has increased, increased because of added part-time female and older students. That, apparently, is changing the costing rules and our University needs it reviewed.

Secondly, medical school enrollments have allowed for planned growth at the Medical College of Wisconsin in Milwaukee this year and then putting a cap on growth until there is the development of a program that will solve the medical distribution problem. The

problem is not total numbers -- nationally or statewide -- the problem is the location, distribution, and availability of medical positions.

I am supporting increased funding, however, for the Family Practice Program at Madison.

In the area of public schools, the budget no longer funds what have been known as ghost students. It was the practice of not letting the formula roll down with declining enrollment. Here is an area of cost-driven formula with no limit to future dollar control. It is another reason why this whole concept of the formula-driven approach to budgeting must be reviewed. It is hard for the DPI to get a handle on the rising costs in education if we agree locally to keep paying a percentage of whatever locals decide. This is true even with the 9 1/2 percent cost control limit that many of you feel secure about. Cost controls actually encourage spending in some districts because of the way the law is structured.

And, the Vet School issue. This has been sitting around now through several administrations. The time to decide is now. You will find almost nothing in the budget related to it, because the Vet School has no significant operating costs in this upcoming biennium. But, I have now reviewed all aspects of that problem, and I have attempted to arrange for sufficient long-term commitments for veterinary education with surrounding states. I am sorry to report to you that this has been to no avail. Therefore, I have directed the President of the University System, as of yesterday, to put forth to the Regents and then to the Building Commission plans for a complete College of Veterinary Medicine with a \$28 million cap. This facility, plus \$10.5 million for plant sciences and an agricultural engineering facility, which will be in my capitol budget, constitutes a major thrust in the agricultural field -- a key field, obviously, for the State of Wisconsin.

Another crossroad, another fork in the road, if you will, is transportation. You will find a doubling of rail preservation efforts in this budget basically to economically stabilize viable lines before there is a move to abandon them with the cooperation of local units and shippers. There will be \$23 million in rail preservation, clearly a major effort. You will find a 30 percent increase in mass transit aid, bringing it to a \$23 million effort.

Now to highways. We will expand highways by \$60 million, bringing in an additional \$24 million in federal funds and making use of another \$25 million in interstate federal funds. A slow-down in the gasoline tax and license fee requires an additional \$22 million for a projected deficit in the transportation fund. This will require an \$82 million transfer from general revenues to the Transportation Fund that amounts to 50 percent of the automotive sales tax. I have

directed Secretary Jackson to prepare a long-term funding solution to the Transportation Fund for submission to you in the next biennium. Our highways and road system are falling behind at an alarming rate, particularly as related to our neighbors.

In the area of property tax equity, there are wide variances within districts. That is not acceptable to property owners. There is in this budget a \$12 million program to help local government get to 85 percent of full assessment value by 1984. The program is voluntary. Local units will decide how they intend to get to that level. They are encouraged by a \$10 per parcel support when it is achieved, however it is achieved. It also sets up the possibility of a county assessment center if at least two qualified local units request that center. These centers will provide expertise, access to state computers, and sophisticated assessment measures. They will be available to communities if they wish them in order not only to get them to 85 percent of full assessment value, but to maintain them at the point. The State will pay 50 percent of the cost of any such center. Any local government unit can choose to use such a center. And, as I see it, it will completely retain local autonomy. I understand the need for that.

The public defender system. There will be no further implementation of this system without demonstrated need and effectiveness. Basically I am opposed to the continuing addition of publicly supported jobs for practicing lawyers. (I didn't know we had that many non-lawyers in the legislature.) We are already a highly litigious society. In the request was a proposal for six institutional public defenders. Are you aware that already there is a very high percentage of the current public defender load which deals with litigation for inmates. Let us not move to create a situation where our correction system leaders find themselves out-lawyered at taxpayers expense. Let us also not create a situation where we are spending more defending those accused of crime than we are prosecuting them. I tell you, having travelled this State, our citizenry will not tolerate that. I have already informed the public defenders office and its supporters that they must provide clear evidence that there is an unmet need in the justice system and that the current program meets that need where it is used. It seems to me that is a reasonable request coming from the people of this State.

A crossroads bill already being looked at is the revenue bill which will determine the type of tax to be reduced and the amount of continuing reduction. It will also establish the concept of a lid on the amount of funds available for appropriation purposes regardless of any increase in revenue collections. Set this path for the future. The people need and want it.

The last key crossroads issue is the sharing by local governments in the impact of slower growth and tax reduction. This is another one avoided by past legislatures. This bill provides almost \$24 million so local governments will receive in shared revenues what was expected before the tax cut. The curbing of spending and taxes must be shared by state, county, town and municipal governments. We are in this battle together. There is no question that the people of this state want restraint at all levels, and shared revenues cannot rise at past rates if state revenues are not rising at that rate. That problem must be faced, and it will only get worse. Let us pull together. I call on local government leaders to recognize their need to share in this cutback.

Now, the fourth category -- what new paths? Not many, for this is a time of constraint. I have moved to establish an inflation proofing of aid for dependent children so that the current level of aid at any given time is not being eroded by inflation. Inflation hits hardest at the poor.

I have also provided child support funds during the pregnancy period. Why? To recognize the rights and needs of the unborn poor. A child needs nutrition and good medical care at this most critical, developmental stage in his or her life. To wait until birth will, in some instances, be too late and create life-long problems. Here, in my opinion, is a test, not of our fiscal constraint, but of our humanity.

I have also established a new path for youth aids. I am requesting funds for juvenile delinquency care to be given directly to local government. In that way, local government can make the best choice for the child, either local care and rehabilitation or a state institution. Now local governments are being encouraged simply to move their juveniles into state institutions. But if we operate in the fashion I have proposed, they would send the dollars along with the young person or keep that young person in the community and expend the funds locally. It should help prevent the need for more state juvenile correctional institutions. I would hope so.

I am also providing local government with greater flexibility to alter the allocation of community aid funds. I urge you to trust local government officials to make the best choices for their own people. They need flexibility within those categorical areas.

I would like to announce within this budget a new path for the capital building program because it is a part of this appropriation measure. It is a pay-as-you-go approach. The capital budget being prepared for the Building Commission has \$130 million in state funding. That amount is in this appropriations bill so that further bonded debt is not required should the Building Commission, in its wisdom, recommend that amount. We should attempt to set this course permanently for the future.

## JOURNAL OF THE SENATE [February 13, 1979]

Another new path is a sum-certain budget for all courts, save the Supreme Court. The Supreme Court is the only constitutionally specified Court and by the separation of powers concept must be sum-sufficient. We all understand that and, I believe, agree with that. Other courts, however, are only named in the Constitution and are specified by an act of the legislature. Like other creatures of the legislature, they may be required to budget on a sum-certain basis. That recommendation is in this budget.

In another new path, each year for the biennium 100 positions are to be filled by handicapped people who will not at this point qualify under civil service requirements. They will be given special training and help to see if they can meet civil service standards at the end of that probation time. It is not intended to change the standards of government service. It is intended to find ways in which the handicapped can meet those standards and become full-fledged civil servants in their own right. I am excited by this program to make handicapped persons independent, fully self-supporting and competitive people in this society.

In summary, those are items I wanted to bring to your attention. You will find that the key initiative of this administration is still major reduction in taxes and major containment in the rise of spending. This budget constitutes a 1.6 percent growth next year over this year, and a 10.3 percent growth the following year for an average increase of 4.5 percent. State employees will grow 1.2 percent over the next two years, and the new paths or programs are kept at a minimum. I urge you to pay particular attention to the areas which constitute that choice of path or fork in the road -- educational enrollment decline, transportation funding, property tax assessment equity, the growing number of tax supported practicing lawyers, and the role of local government in sharing some of the impact of declining revenue growth. In the beginning I quoted the opening of Robert Frost's poem, "The Road Not Taken". The last two lines of that four stanza poem are:

"Two roads diverged in a wood, and I -- I took the one less travelled by, and that has made all the difference."

What road we -- you and I -- choose now, in 1979, will make all the difference in the future. Let us make it a difference for good.

Thank you very much.

---

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 58**

1. On line 1, after "940.20" insert "(1) (a)".

**Senate Bill 70**

1. On page 3, line 8, delete "suspension," and substitute "suspension".

**Senate Bill 71**

1. On page 1, line 6, after "clubs" insert a comma.