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# The State of Wisconsin

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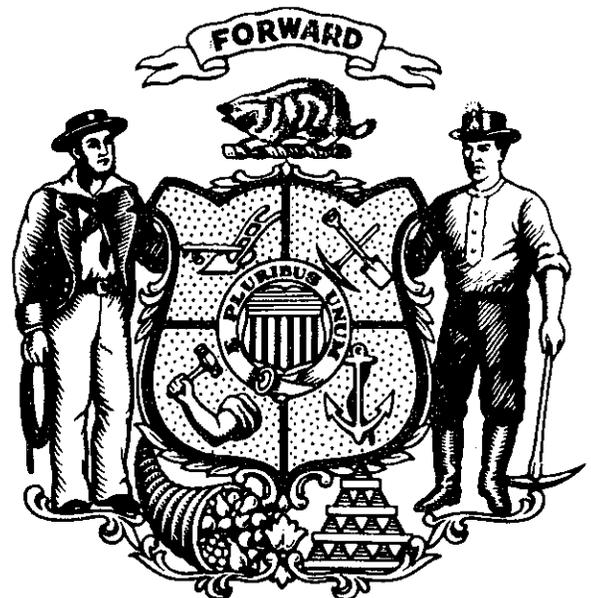
## SUMMARY OF BILLS ENACTED IN THE 1975 WISCONSIN LEGISLATURE THROUGH JUNE 17, 1976

(Chapters 1 to 430, Laws of 1975)

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**SUMMARY OF BILLS ENACTED IN THE 1975 WISCONSIN  
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**INTRODUCTION**

This bulletin summarizes all bills and constitutional amendments approved by the 1975 legislature in its regular and special sessions prior to its adjournment on June 17, 1976. A general overview of the "highlights" of 1975 legislation is given in the opening part. The description for each enactment is found under the subject headings shown in the table of contents; within each subject heading, the acts are discussed in numerical sequence. Each act is shown under only one subject heading.

Because the two budget acts (chapters 39 and 224, laws of 1975) each affected many different areas of state law, each area is described separately under the appropriate subject heading, rather than under a subject heading devoted exclusively to budget acts.

The 1975 legislature took its oath of office on January 6, 1975. Its regular session was organized into 4 floorperiods: I — January 14 to February 20, 1975; II — April 1 to July 27, 1975; III — September 2 to September 26, 1975; and IV — January 28 to March 26, 1976. It also met June 15 to 17, 1976, to review vetoes, act on pending nominations and consider statute correction bills. On the call of the governor, the 1975 legislature met in special session from December 9 to 11, 1975 ("December 1975 special session"), on May 18 ("May 1976 special session") and from June 15 to 17 ("June 1976 special session"). Continuing the practice begun with the 1969 special session (see May 1976 Special Session Assembly Joint Resolution 1), the laws enacted by the 1975 legislature meeting in special sessions were numbered into the regular sequence of 1975 session laws. Thus, the laws resulting from the December 1975 special session became chapters 129 to 133 and 147, the law resulting from the May 1976 special session became chapter 343, and the laws resulting from the June 1976 special session became chapters 419 and 423 to 430 of the 1975 session laws.

The 82nd session of the legislature was the first since 1893-94 in which the Democratic party managed to gain majority control of the senate. Originally, 18 Democrats and 13 Republicans were elected, but special elections later filled out the total at 19 Democrats and 14 Republicans. One additional vacancy occurred amongst the Democrats late in the session, but it was not filled until the 1976 fall election. In the assembly, the Democrats increased their majority by one over their 1973 total, holding down 63 seats as compared to 36 for the Republicans. As of August 1, 1976, five vacancies had occurred in the assembly, 3 of which were Republican seats and 2 of which were Democratic seats. In special elections, the Democrats took 2 and the Republicans one while 2 seats remained vacant. In addition to control of both houses, the power of the Democrats was aided by control of both the governor's and the lieutenant governor's chairs, since the governor may sign or veto bills and the lieutenant governor may break tie votes in the senate.

Of those members originally elected, the average age was the youngest in recent memory — 45 in the senate and 41 in the assembly. The degree of continuity was relatively unchanged from the past several sessions — 6 out of 33 in the senate were new to their positions while 22 out of 99 in the assembly were serving for the first time. As in the past, most legislators continued to hold other jobs while serving, but for 4 senators and 25 representatives this job was their only occupation. As of the beginning of the session, 70% of the senators held college degrees, but in the assembly the corresponding figure was only 58%. In another statistic of interest, the all-male domination of the senate was ended with the election of Sen. Kathryn Morrison of Platteville, and the 9 women elected to the 1975 assembly was the largest number in history.

While not as prolific as most legislatures as far as numbers of laws passed, the 1975 legislature did approve more acts (430) than either of the last two such bodies. In the 1973 session, 341 laws were enacted and in 1971, 336 bills became law. Significantly, however, the volume of legislation was maintained at a high level as laws continued to increase in length and complexity. Although the number of bills gaining approval increased, the number of proposals introduced dropped to 2,353 from 2,517 in the previous session. Of the bills introduced, 1,496 originated in the assembly while

857 started off in the senate. This made the statistical probability of success for a given measure 18.7%.

Even the 2,353 bills introduced do not tell the whole story. Many bills were redrafted a number of times prior to introduction, and several had one or more complete substitute versions. Proposals ranged in length from only a few words to an estimated 74,000 for one budget substitute. The legislative reference bureau received 11,065 drafting requests for the 1975 session.

Considering the preeminent position of Democrats in this session, it is surprising to note the number of vetoes made by the governor and the number which the legislature chose to override. During the session, 38 proposals were vetoed in full and 22 others were disapproved in part. Many of the partially vetoed bills had more than one veto; the executive budget had 81 such deletions. Of the bills vetoed, the legislature passed 6 bills in their entirety over the governor's objections and overrode partial vetoes in 4 other bills. The 38 full vetoes have not been surpassed since 1963, when Governor Nelson rejected 72 bills passed by a legislature controlled by the opposition. His veto was overridden 4 times. During 1969, which was the last session when the Republicans held both houses and the governor's chair, only one of the governor's 34 full vetoes was overridden and none of his partial vetoes in 11 bills was overridden. In only 2 sessions in state history have as many as 6 bills been passed over the governor's veto (1861 and 1943). The number of partial vetoes made and overridden in the 1975 session was the greatest ever, demonstrating the increasing importance of the partial veto as bills become more complex.

In the most significant action to override, both houses passed a rewrite of the state's administrative procedure act based on a draft prepared by the judicial council, despite objections of both the governor and the attorney general. Other overrides included bills permitting open burning of solid wastes by small communities, establishing a 6-month waiting period for a person who has had an epileptic seizure to obtain a driver's license, increasing appropriations for public library systems, providing additional registration procedures for reconstructed and homemade motor vehicles, and postponing removal of certain highway directional signs by means of a new priority system. The latter bill also contained a provision over which the governor and the legislature frequently clashed — prior approval of state agency rules by legislative committees. The governor has asserted that the procedure is unconstitutional. The governor did achieve one major victory on a partial veto in a bill authorizing the establishment of a school of veterinary medicine at the University of Wisconsin. While overriding the veto of the section establishing the school, the legislature failed to override the veto of the section providing the initial funding, thereby preventing implementation. Another victory for the governor was scored when the legislature failed to override his veto of a bill delaying implementation of the controversial "power equalization" negative school aid formula, thus placing the formula into effect.

The budgeting process again proved time-consuming and controversial for the legislature. Following the practice of recent sessions, the executive budget bill and budget review bill included numerous policy provisions concerning a wealth of subjects unrelated to appropriations. When a dispute erupted between the assembly and senate members of the joint committee on finance over secrecy of committee deliberations and assembly domination of the joint committee, the assembly adopted its own version of the budget on May 21, 1975 after considering 69 amendments. But when 255 amendments were offered to the assembly's bill in the senate and several were adopted, the package became so unwieldy that the bill was scrapped in favor of a new senate version, which won approval on June 13. Another budget conference committee then worked out the differences between the houses. The budget was finally passed on July 15, to become chapter 39, laws of 1975. Probably the most debated provision was the imposition by the state of limitations on local property tax levies and school district cost controls. Another major change in policy was the imposition of tuition in vocational schools. The Child Care Center at Sparta and the School for Girls at Oregon were closed as an economy measure, but the governor's request to close one of the 2 state mental health institutes was denied. While new revenues were raised from a variety of sources, no increases were made in general tax rates. The 1975 legislature had somewhat less trouble adopting a budget review bill than its predecessor. The governor's proposal was introduced on January 29, 1976 in the senate and a substitute version cleared the joint committee on finance on February 25. The senate approved it with amendments on March 4. Six days later, the assembly nonconcurred and a conference committee was again required to write the final version which passed on March 24 and became chapter 224.

In other significant actions, the 1975 legislature will be remembered for beginning the process toward court reorganization, passing a progressive rape law, establishing a crime victims compensation system, changing the school aid formula to encourage integration of minority groups,

simplifying voter registration, eliminating many discriminations based on sex and disability, lowering the cost of prescription drugs through generic drug pricing, responding to the medical malpractice crisis by establishing a new insurance program, recodifying the mental health act, standardizing municipal administrative procedure, tightening the open meetings law and regulating power plant siting. Major alterations were also made in the state's worker's compensation and unemployment compensation laws.

Among the most serious legislative setbacks for the governor was the failure to pass a bill reorganizing the department of transportation, altering transportation financing and raising additional transportation revenue at the December 1975 special session called for that purpose. Another problem was left unattended when the legislature at the June 1976 special session failed to change the state's campaign finance laws to conform with a major U.S. Supreme Court decision. Other bills requested by the governor at the June 1976 meeting but turned down by the lawmakers related to regulation of nursing homes and protection of migrant laborers.

The final meeting of the 1975 legislature will most likely be on January 3, 1977, just before the 1977 legislature takes office.

### HIGHLIGHTS

Some of the most important legislation passed by both houses of the 1975 legislature is highlighted under the following subject classifications.

#### Agriculture

*Chapter 67* prohibits processors of vegetable crops who grow in this state 10% of the acreage of a vegetable crop processed at a single plant from paying to growers who sell vegetable crops to that plant an amount per ton less than the cost per ton which the processor incurred in growing the vegetable.

#### Appropriations

The first table below shows what part of total appropriations is used for state operations, aids to individuals and organizations and local assistance. The second table shows the revenue source for the total appropriations. The data is supplied by the legislative fiscal bureau.

### TOTAL APPROPRIATIONS 1975-77

#### By Purpose

	Amount	Percent of Total
State Operations	\$2,897,593,600	35.5%
Local Assistance	1,221,417,400	14.9%
Aids to Individuals and Organizations	4,057,004,200	49.6%
<b>TOTAL</b>	<b>\$8,176,015,200</b>	<b>100.0%</b>

#### By Revenue Source

General Purpose Revenue	\$3,390,390,300	41.5%
Federal Revenue	1,934,376,200	23.6%
Program Revenue	726,630,100	8.9%
Segregated Revenue	668,582,600	8.2%
Local Tax Revenue	1,456,036,000	17.8%

**TOTAL** \$8,176,015,200

The table below gives the breakdown into functional areas of the general purpose revenue appropriations.

## GPR appropriations

Functional Area	Change 1975-77 over		1973-75	
	1973-75 Budgeted*	1975-77 Budgeted*	Amount	Percent
Building Program**	\$ 44,008,700	\$ 11,420,000	\$-32,588,700	-74.1%
Commerce	19,219,300	21,416,000	2,196,700	11.4%
Education	1,724,516,700	1,926,524,100	202,107,400	11.7%
Environmental Resources	56,686,600	61,199,600	4,513,000	8.0%
General Executive	86,455,100	102,168,900	15,713,800	18.2%
Human Relations & Resources	769,373,700	1,102,427,100	330,053,400	43.3%
Judicial	16,937,500	21,612,300	4,674,800	27.6%
Legislature	19,438,700	24,854,400	5,415,700	27.9%
Miscellaneous***	63,413,200	118,767,900	55,354,700	87.3%
<b>TOTALS</b>	<b>\$2,800,049,500</b>	<b>\$3,390,390,300</b>	<b>\$590,340,800</b>	<b>21.1%</b>

\*Represents gross appropriated levels for biennium including biennial budget annual budget review changes and all miscellaneous appropriation bills.

\*\*Figures can be somewhat misleading since many of the debt service payments are included in agency appropriations rather than under the building program appropriations.

\*\*\*Includes joint committee on finance appropriations since any JCF funds expended are expended by other agencies and not by JCF itself; also includes funds for pay plan increases which are ultimately transferred to individual agencies for expenditure. Increases for U.W. faculty are included in this category for 1975-77 but were included in U.W. budget (education area) for 1973-75, so comparison in these two categories can be somewhat misleading.

#### Courts

*1975 Assembly Joint Resolution 11 (Enrolled Joint Resolution 13)*, passed on first consideration, would revise the judicial branch of the state by creating a unified court system with the chief justice of the state supreme court as its administrative head. A court of appeals would be created between the trial courts and the supreme court.

#### Criminal law

*Chapter 167* imposes a 48-hour waiting period on the transfer of possession of handguns by firearms dealers who are licensed by the U.S. treasury department. The restriction does not apply to transfers of antique handguns, transfers between licensed dealers or transfers between licensed dealers and wholesalers.

*Chapter 184* repeals laws which prohibit rape, sexual intercourse without consent, sexual intercourse with a child and indecent behavior with a child; and replaces those sections with a comprehensive new section prohibiting sexual assault. The new prohibition, considered a crime against life and bodily security rather than a crime against sexual morality, distinguishes 4 types of sexual assault; and maximum penalties therefor range from 15 years' imprisonment, a \$15,000 fine or both for first degree sexual assault to one year's imprisonment in the county jail, a \$500 fine or both for fourth degree sexual assault. *Chapter 184* also limits the admissibility of evidence concerning the victim's reputation and prior sexual conduct, allows a victim to require a judge to exclude certain members of the public from preliminary examinations in sexual assault cases, and removes certain restrictions based on sex, relating to who may be considered an offender or a victim in such cases.

*Chapter 344* establishes a system for the compensation of victims of certain crimes, administered by the department of industry, labor and human relations. Compensation awards of up to \$10,000 are made on the basis of the worker's compensation benefit schedule, and will include compensation for reimbursement of medical expenses. An additional award of up to \$2,000 may be made for funeral and burial expenses.

#### Education

*Chapter 220* provides for additional state aid to be paid to local school districts which establish a program of student transfers to promote the cultural and racial integration of "minority group pupils" — black, native American, Spanish-surnamed or oriental students — with nonminority pupils. Transfers can be made only with the approval of the pupil's parents or guardian; they may be made from one attendance area to another within a single school district or from a racially imbalanced district to another school district.

If the number of minority students transferring is less than 5% of the total number of pupils enrolled in the district, the district will receive for each such transfer an amount determined by dividing the school district total cost figure by the sum of the number of resident pupils enrolled plus the number of transfer pupils enrolled. If the number of minority students transferring is 5% or more, the district will receive for each transfer an amount determined by performing the same computation used to derive the under 5% amount and then multiplying that figure by 1.2.

Transportation for students involved in a transfer program must be provided if otherwise required by law. Where the student has participated in an interdistrict transfer, the school district of residence and the school district of attendance must agree as to who provides the transportation. Where the transfer is to another school within the district, the district may provide transportation. Full transportation costs are reimbursed by the state.

Supplementary aids are available for districts which incur costs in excess of the aids received in implementing their transfer policies.

### **Elections**

*Chapter 85* changes the law concerning administration of elections and voter registration. Eligible electors are permitted to register by mail, and may also register at the polls on election day. The procedure whereby voters not voting once every 2 years and not asking to be retained on the registration rolls are stricken from the rolls is discontinued; only those voters who move out of the municipality or who die are stricken from the rolls. The procedure for challenging electors is changed so that the challenging elector must appear and answer questions under oath. An elector who has difficulty reading, writing or marking his or her ballot may have another elector enter the voting booth to assist. Hospitalized electors may apply for an absentee ballot by agent. High schools are made into voter registration centers. The 6-month state voter residency requirement is repealed, subject to approval at a statewide referendum. Other changes are made in updating of voter registries, elector challenges, assistance of certain electors, absentee ballot eligibility, registration locations and voter residency requirements. The elections board is to hold training sessions for election officials, and a 5-member council of local clerks is created to assist the board in administering the election laws.

Under *Chapter 90*, the deadline for making written applications for an absentee ballot is extended from 5 p.m. on the Friday before the election to 5 p.m. on the day before the election. However, the completed ballot must still be received by the poll workers before the polls close on election day.

### **Employment**

*Chapter 31* extends the definition of "employer" to include the state and local governments under the state fair employment law.

*Chapter 147* makes diverse changes in the worker's compensation law, some of which are of a minor or technical nature. Among the more significant effects are the following:

1. The name "workmen's compensation" is changed to "worker's compensation". Applicability of the Wisconsin act to injuries and deaths occurring outside the state is defined and clarified. Former provisions which allowed epileptics, blind persons and corporate officers to waive coverage are repealed, thus making coverage mandatory.

2. Maximum weekly earnings which are used to compute compensation rates are increased and the maximum is tied to the state's average weekly earnings for temporary disability, permanent total disability and death benefits. The maximum rate for permanent partial disability benefits is increased but remains fixed.

3. Formerly, a 6-year limitation on the filing of claims applied to most injuries, except for lung disease or exposure to a toxic substance (12 years) or exposure to ionized radiation (no limit). This chapter removes the limitation for all occupational disease claims but provides that benefits after the 6- and 12-year periods are payable from a special supplemental benefit fund, rather than solely by a specific employer. A special fund is also established to secure payments from self-insured employers who fail to pay benefits. All self-insured employers may be assessed by the department of industry, labor and human relations in order to pay benefits for self-insured employers who cannot make payment.

4. An employe's recovery against a 3rd party for an injury is not barred if the employe's negligence was as great as (but not greater than) the 3rd party's negligence. This conforms with general law in effect since 1971.

5. Employers who unreasonably refuse to rehire an injured employe may be assessed additional payments by the department to be paid to the employe, not exceeding one year's wages.

6. The employer's liability for repair and replacement of artificial devices used to replace missing parts of the body is limited to the normal effects of wear and tear.

7. The department is authorized to establish a physical, medical and vocational rehabilitation unit and to employ specialists for the purpose of enabling maximum rehabilitation of seriously injured workers.

8. Formerly, compensation was due beginning on the 4th day after an injury which caused disability, but if the injury continued for more than 10 days, compensation was payable for the first 3 days. Under this act, this 10-day period is decreased to 7 days.

9. Under former law, employes receiving vocational instruction could collect temporary disability, travel or maintenance expenses for no more than 40 weeks. The act authorizes the department to extend this period if additional training is warranted.

10. Weekly death benefits are increased from one-half to two-thirds of the weekly earnings of an employe. Benefits for certain injuries involving the thumb are also increased, but compensation for permanent partial disabilities for employes under age 52 who were injured before January 1, 1975, is decreased from 70% to 2/3 of average weekly earnings.

11. The state funds which provided additional death benefits for dependent children and additional benefits for employes who incur permanent disability from an injury after they already have some permanent disability are merged into a single fund. Extra assessments against employers where an injured employe has no dependents or partial dependents are increased and changed from a fixed figure to a percentage figure. Employer payments to the fund for amputations and certain total impairments are increased from \$1,500 to \$2,500.

12. Claims for occupational deafness may be made after 2 months' removal from the noisy environment, instead of the 6-month period formerly provided.

*Chapter 343* makes the following major changes in the laws governing unemployment compensation and the unemployment reserve fund:

1. Benefit rights of members of family corporations and their close relatives, are limited to no more than 4 weeks to eliminate an abuse whereby such individuals, whose employment and unemployment is subject to family or self-manipulation, will no longer be able to obtain substantial annual unemployment benefit amounts in exchange for relatively nominal contributions to the fund. Benefits for the one-week waiting period will become payable, starting with new benefit years which begin in the 3rd week following publication of this act (May 21, 1976), if the claimant receives a benefit check for another week of unemployment; and beginning with benefit years which start in the first full week of January 1977 or later, the waiting period is eliminated. The minimum number of work weeks within a 52-week period to qualify for any benefits is reduced from 17 to 16 for new benefit years starting the first full week in January 1977 and to 15 the first full week in January 1978. Two new exceptions to the law's quit disqualification are added, to allow benefits in voluntary layoff (inverse seniority) situations and to remove the requalifying requirement where the quitting is to accept a recall to work for a recent past employer. The requalifying requirement for quits and job refusals is standardized at 4 weeks of work and earnings of \$200. Treatment of retirement payments as wages for the purpose of determining eligibility for benefits is changed so that \$30 instead of \$10 of the weekly rate of most retirement payments and all of any lump sum payments are disregarded.

2. The tax base of \$4,200 per worker per year is increased to \$6,000 beginning with wages paid after 1975. The maximum experience rate of 4.4% is increased to 4.5% for moderately overdrawn accounts and 5.0% for more severely overdrawn accounts beginning with rates that will apply to taxes on 1977 payrolls. Solvency contributions to the fund's balancing account are required on a current year basis from all employers starting with 1976 payrolls. Decreased solvency rates for 1976 and 1977 are specified, rather than the higher statutory formula rate that would otherwise apply. A rate limitation of 0.5% is established for the solvency contributions required from all employers with the 2 most favorable experience rates, starting with 1976 required payments. The statutory solvency rate formula is changed to decrease the rate that would otherwise apply when there is a change in the taxable wage base.

3. Routine matters relating to figuring the amount and duration of benefit entitlement are to be done by a "computation" which can be simply changed by recomputation if necessary to correct any errors contained in the initial information furnished by the parties, rather than utilizing the

formal determination and hearing procedures. If there is any objection by either party, following a recomputation, the regular determination and appeal procedures apply.

4. Nonprofit schools are covered and treated the same as other nonprofit organizations and public schools.

#### **Equal rights**

*Chapter 94*, the equal rights act, makes changes in various laws with respect to establishing equal treatment of men and women. Minimum wage and maximum hour laws, formerly applying only to women and minors, are extended to apply to adult males. The act also amends laws relating to domestic relations, local civil service, public employe retirement, criminal procedures, veterans and military affairs and other subjects. State agency heads are to examine the laws, rules and procedures for which they are responsible and take action to remedy any discrimination based on race, religion, national origin, sex or marital status. A new law prohibits similar discrimination against children in admission to public schools and in obtaining school services. Former laws which prohibited discrimination based on race, creed, color or national origin or certain other factors by state contractors, by auto insurance companies in providing insurance, by state agencies in making rules, by persons in providing public accommodations and by local governments in provision of public housing and assignment of school personnel are extended to apply to discrimination based on sex. Fair employment laws formerly barring sex discrimination are amended to specifically prohibit unequal pay for men and women for substantially similar work and advertisements for employment which classify jobs based on sex, unless sex is a bona fide occupational qualification. Word changes are inserted into many laws to delete references implying application to persons of one sex, and the statutes are to be drafted in the future so as to use nondiscriminatory terminology.

#### **Health and social services**

*Chapter 6* permits physicians to examine, diagnose and treat minors for venereal disease without obtaining the consent of the minor's parent or guardian. A physician is not to be held civilly liable solely because the minor's parents or guardian do not consent to the examination or treatment.

*Chapter 39* (biennial budget act) reorganizes the department of health and social services, so that it will be directed and supervised by the secretary of health and social services. Previously, the department was headed by a board. Full reorganization is to be planned and implemented by July 1, 1977.

*Chapter 82* creates the child support and establishment of paternity program which states are required to implement under federal law. It designates the department of health and social services as the state location and information agency, and requires the department to contract with a designated office or agency in each county for implementation of the program. It directs the department to establish a uniform system of fees to be charged for the paternity establishment and parent locator services provided by the program. It specifies that the plan developed for implementing the program shall maximize state and county receipt of federal funding under the program. Additionally, the chapter requires recipients of aid to families with dependent children to assign all support rights to the state, to cooperate in establishing paternity and to provide state agencies with their social security numbers. A recipient who fails to comply with these requirements is considered ineligible for continued assistance. In such a case, aid payments made on behalf of the dependent child would be made in the form of protective payments.

*Chapter 168* directs the department of health and social services to prepare a formulary which lists prescribed drugs by brand name with their generic equivalents. This formulary must be conspicuously posted wherever prescription drug products are sold. A pharmacist filling a prescription must inform the consumer of available drug product equivalents and their prices and must fill the prescription either with the specific drug product prescribed or with an equivalent as listed on the formulary having an average wholesale cost equal to or lower than the average wholesale cost of all its drug product equivalents as listed on the formulary. The savings accomplished by a drug product substitution (based on the difference in wholesale costs) must be passed on to the consumer. A prescription may be refilled only with the specific drug product used in filling the original prescription. An exception to these requirements is provided whereby a prescriber can require that no substitution be made in cases where only a specific brand of a drug can be tolerated by or is effective for the patient. Pharmacists who fail to comply with the requirements are guilty of unprofessional conduct and are subject to suspension or revocation of their registrations by the pharmacy examining board. Additionally, the chapter requires that each

drug or drug product be labeled with its generic name, brand name, distributor and manufacturer.

*Chapter 275* extends antidiscrimination legislation to require nondiscriminatory treatment of the disabled. It protects the right of physically disabled persons to vote and serve on juries, and permits such persons to receive automatically at the time of each election their absentee ballot applications. It safeguards the right of physically and developmentally disabled persons to attend public educational institutions and to participate in any appropriate school activity, the only limitations being those required for safety. It extends the protection of equal housing laws to the physically and developmentally disabled. It prohibits contractors with state agencies from discriminating in employment because of disability, and requires such contractors to take affirmative action to ensure equal employment opportunities for the physically disabled. Also relating to employment, the act outlaws discrimination because of handicap in hiring, licensing, firing, promotion or terms and conditions of employment unless the handicap affects the individual's ability to perform job-related functions and responsibilities. *Chapter 275* also establishes the right of disabled persons to obtain insurance, though coverage may be restricted. Finally, it prohibits discrimination in public accommodations because of physical disability, and provides criminal penalties and a civil damages remedy for such discrimination.

*Chapter 346* repeals the "indecent articles" statute, which placed numerous restrictions on the sale of contraceptives, and replaces it with new language which permits unmarried persons to purchase contraceptives, which are defined as drugs or devices intended to prevent pregnancy. Contraceptives may be sold only by pharmacists, physicians and registered nurses; they may not be sold through vending machines. Additionally, the chapter prohibits the advertising, display or sale of drugs or devices intended to produce a miscarriage, except that such products may be sold to physicians.

*Chapter 377* requires the department of health and social services to establish a sliding scale of fees charged for adoption services. No fee need be charged where the department determines that a fee is administratively unfeasible or that it would significantly interfere with the adoption process. Fees are charged only to families having a gross annual income of \$10,000 or more. The fee shall equal 3% of the family's annual income up to a maximum of \$600.

#### **Insurance**

*Chapter 37* establishes a health care liability insurance program for medical and osteopathic physicians, nurse anesthetists and hospitals. Its main provisions include the following: 1) health care providers are required to submit proof of their own financial responsibility for a minimum of \$100,000 per claim and \$300,000 per year; 2) a state-operated health care liability risk-sharing plan is created under the supervision of the commissioner of insurance; 3) it creates a patients compensation fund which provides for liability for more than \$200,000 per claim or \$600,000 per year, to be financed through fees levied on health care providers; 4) physicians are required to receive 15 hours of approved continuing education annually as a condition of license renewal (this requirement is altered by *Chapter 224* (budget review bill) to require 45 hours every 3 years); and 5) allegations of malpractice must originally be referred to a patients compensation panel. Formal and informal panels are established. Parties may agree to be bound by the panel's determination or may reserve the right to take the case to court.

#### **Mental health**

*Chapter 430* recodifies the state's mental health act, which governs the care and treatment for alcoholic, drug dependent, mentally ill, mentally retarded and other developmentally disabled persons. Among the major changes are the following:

1. Voluntary admissions to treatment facilities require the consent of the patient's guardian, if any, and the consent of a minor who is aged 14 or over.
2. Emergency detention of a person who is alleged to be mentally ill, drug dependent or developmentally disabled and who exhibits conduct which constitutes a substantial risk of physical harm to the person or others is authorized for up to 48 hours. Formerly, such detention was permitted for up to 145 days in some cases.
3. The involuntary commitment procedure for such persons is revamped. The former procedure was declared unconstitutional by a 3-judge federal court. To be civilly committed under the new law, a person must be 1) mentally ill, drug dependent or developmentally disabled; and 2) a proper subject for treatment; and either 3) dangerous because of a substantial risk of physical harm to other persons as evidenced by recent specific incidents; or 4) evidencing a substantial risk of physical impairment or injury to himself or herself because the person's judgment is so

affected that he or she cannot protect himself or herself in the community and reasonable provision for protection is not available in the community and the individual is not appropriate for protective placement under ch. 55, stats.

4. New requirements are specified to guarantee due process of law during the commitment procedure. A preliminary hearing must be held within 48 hours of detention, and if probable cause for commitment is found, a full hearing or trial must be held within 14 days. Only that medication and treatment which is required to sustain life or to protect the individual or others may be administered without the informed consent of the subject, and all medication and treatment may be refused whenever it is contrary to a person's religion.

5. More frequent reevaluations by physicians must be held to determine whether a patient is eligible for discharge or transfer from a facility, and the rights of a patient to contest a transfer to a more restrictive environment are broadened. A patient may apply for reexamination at any time but is entitled to a reexamination after 120 days.

6. A new list of patients' rights is provided, such as the right to send and receive sealed mail, the right to have access to patient records, treatment information, letter-writing materials and stamps and the use of a telephone, the right to prompt and adequate treatment and the right to a humane psychological and physical environment. The use of physical restraint and isolation is restricted to controlled situations and the procedure and authority for such use is spelled out. Research may not be conducted without the express and informed consent of the subject. However, certain rights may be denied by the director of a facility for cause. Other rights may be denied only by a court after hearing.

7. Discrimination against employes, prospective employes, patients, residents or consumers of services in treatment facilities on account of age, race, creed, color, sex or handicap is prohibited.

8. Rules by which the liability of a county for payment for services is established are changed.

9. A minor who is developmentally disabled may receive protective placement at age 14. The former minimum age was 18.

#### **Municipal and county governments**

*Chapter 105* permits cities and villages to develop tax increment financed public improvement projects. A "tax increment" is that local property revenue which is gained or lost because of the increase in the value of some designated geographic portion of the tax base of a municipality. A city or village may arrange the financing of certain public improvements, such as urban redevelopment and blight elimination projects, to receive the full positive tax increment until it has been compensated for its expenditures which contributed to a previously designated portion of the property tax base.

*Chapter 201* enables counties, cities and villages to adopt a citation approach to nontraffic ordinance violations. Under the approach, citations are issued for ordinance violations, and the alleged violator has the option of making a cash deposit in lieu of appearing in court. The making of a deposit and failure to appear in court is deemed to constitute a plea of no contest and submission to a forfeiture for the offense. The forfeiture imposed may not exceed the amount deposited, and no costs or fees are taxed against the violator. The violator has 10 days in which to move to withdraw his or her plea of no contest, and the matter may be reopened upon showing of a good excuse.

Civil actions for the collection of forfeitures are authorized under present law, and it is possible under present law for an alleged violator to avoid a court appearance by making a stipulation of guilt or no contest and paying a forfeiture. However, the stipulation and payment is authorized only after the action has been commenced by the issuance of a summons or warrant. The purpose of the citation approach is to make possible the collection of forfeitures without incurring the administrative expenses related to the issuance and service of summons and warrants. Of course, if an alleged violator does not voluntarily make a cash deposit and does not appear in court, the county, city or village may commence a formal action against him or her to recover the forfeiture. In addition to authorizing local law enforcement officers to issue citations, county, city or village officials and their employes may be given the power to issue citations with respect to ordinances which are directly related to the official responsibilities of such officials.

*Chapter 258* reduces from three-fourths to two-thirds the common council vote necessary to override the veto of a city mayor.

*Chapter 295* provides for a procedure to review municipal administrative decisions. Reviewable determinations include grants or denials in whole or in part of an initial permit, license, right, privilege or authority; the suspension, revocation or nonrenewal of an existing permit, license,

right, privilege or authority; the denial of a grant of money or other valuable thing under a municipal law prescribing conditions of eligibility for such grant; and the imposition of a penalty or sanction upon anyone except a municipal employe or officer.

The review procedure does not apply to determinations about beer and liquor licenses except for nonrenewal of such licenses. A person seeking review must request review by the person or agency which made the determination either orally or in writing within 30 days of the determination to be reviewed. An initial determination must be made within 15 days of the request for review. The initial determination may be affirmed, revised or modified by the municipal authority. The person requesting review may appeal an initial determination and a hearing will be held. The outcome of the hearing may be reviewed by a court of record. A local government may elect not to be governed by the state law if it adopts an ordinance or resolution providing for review of administrative decisions.

#### **Natural resources**

*Chapter 83* establishes standards for open burning of solid waste and requires the department of natural resources to issue licenses for open burning at solid waste disposal sites if certain requirements are met.

*Chapter 97* permits a motor vehicle driver who collides with and kills a deer to retain possession of the deer, without charge, if it is tagged by a conservation warden or a law enforcement officer.

*Chapter 163* transfers tourism, commercial recreation and information-related functions from the department of natural resources to the division of tourism within the department of business development. The division is authorized to promote tourism to the state by various means including establishing tourism regions and tourism development corporations and conducting advertising programs.

*Chapter 197* makes comprehensive changes in the public inland lake protection and rehabilitation law. In part, the measure: 1) permits lake districts to use various methods of financing projects; 2) permits a town board to delegate sanitary district powers to a lake district and to convert a sanitary district into a lake district or merge the 2 districts; 3) permits lake district commissioners to assess special charges as well as special assessments; 4) permits a city or village to petition, to establish a lake district for its citizens; and 5) permits representatives of an organization to serve as commissioners if the organization owns land in the district.

*Chapter 217* requires approval by the department of natural resources before an air contaminant project may be commenced. The department must analyze the effect of the project on ambient air quality and receive written comments and analysis from interested persons for consideration.

*Chapter 365* creates numerous revisions in the penalties and procedures provided for violations of natural resources laws. Actions against violators may be commenced by a citation or a complaint and summons.

*Chapter 412* prohibits the manufacture or purchase for use within this state of polychlorinated biphenyls (PCBs) after July 1, 1977, with certain exceptions. A PCB advisory council is created in the department of natural resources.

#### **Open meetings**

*Chapter 426* revises the state's open meetings law, which governs public access to meetings of all state and local public bodies. The law is clarified to specifically require notice of closed sessions, including the subject matter thereof. The scope and application of notice requirements is expanded. Notice of a meeting must be provided at least 24 hours in advance. However, a body may hold a meeting for good cause upon as little as 2 hours' notice, if the 24-hour notice is impossible or impractical to give. University of Wisconsin system bodies in a department or subunit thereof need only give notice to persons likely to be interested in their meetings, and to news media who file requests for notice. The law requires separate notice of each meeting at a date reasonably proximate thereto. All motions and roll call votes are required to be recorded.

The exceptions which allow closed meetings under certain circumstances are revised to clarify certain provisions and to change the scope of others. Preliminary discussion of personnel problems may be held at closed session without notice to the affected employes, but if a hearing is held to take evidence on a disciplinary matter, or final action is to be taken, the employe may demand an open meeting. An employe does not have the right to notice and attendance at a meeting concerning his or her employment, promotion or compensation (except when university faculty tenure is considered). A new exception is allowed to consider employe "performance evaluation data". The exception which allows closed conferences between a body and its attorney

is narrowed in scope. The law does not apply to collective bargaining negotiating meetings. It does apply to discussion of bargaining issues by a governmental body, but the body may after giving notice go into closed session to formulate strategy. The law adds a requirement for public employers to provide notice to their regular news medium whenever a collective bargaining contract is reopened. The exception allowing closed partisan caucuses in the legislature is retained, except as otherwise provided by rule. However, language in the former law which was construed to authorize closed committee caucuses is removed.

The penalty for violations is increased and a minimum \$25 forfeiture is applied. The scope of the penalty is also expanded to cover any violation of the law, rather than only attending an illegal closed meeting, as formerly provided. The attorney general or a district attorney may seek a court order restraining violations, requiring compliance, voiding actions taken at illegal meetings or defining respective rights and responsibilities in any controversy. Any person may also bring such an action, in addition to a prosecution which was formerly authorized, if the district attorney fails to act, and such person may be awarded costs and attorney's fees. The attorney general is authorized to give legal advice to any person with respect to application of the law.

#### **Power plant siting**

*Chapter 68* subjects the development of major electric generating and transmission facilities to scrutiny by the public and all levels of government and to approval by the public service commission (PSC) and the department of natural resources (DNR). Every electric utility is required to file an advance plan with the PSC every 2 years indicating expected demand and the utility's plan to respond to the demand. If construction is anticipated, the plan also must describe the proposed facilities, alternatives, the environmental impact and related factors. Such plans are subject to PSC approval. Utilities are required to obtain a certificate of public convenience and necessity from the PSC and various permits and approvals from the DNR before actual construction of a major facility begins. Both agencies will hold public hearings on the requests. The chapter establishes several prerequisites to the exercise of condemnation powers by certain public utilities, including the requirement of a certificate of public convenience and necessity from the PSC. Utilities are also required to repair any damage to property covered by an easement which occurs in the construction and maintenance of high-voltage transmission lines.

#### **State government**

*Chapter 414* substantially revises the procedure for treatment of contested cases (those controversies ruled upon by a state agency involving 2 or more direct participants). Legal standing for participation in such cases is broadened, thereby increasing the number of cases and the number of parties participating in them. Three classes of cases are created: Class I — concerning discretionary or policy matters; Class II — concerning investigations and impositions of sanctions or penalties; and Class III — all other cases. Matters such as notice of hearing, records of oral proceedings, discovery, filing of proposed decisions, separation of prosecutorial and decision-making functions, affidavits of personal bias and ex parte communications are treated differently depending on the class of case involved. Procedures are instituted to expedite cases. Contents of the case record are specified by law. Special rights to a hearing and the use of the administrative procedure act are created in some instances where neither a contested case nor rule-making is involved. The general requirement for agencies to adopt rules of procedure is repealed, but they remain authorized to do so. A petition for rehearing is no longer required in any case to secure court review of a decision. The powers of courts in reviewing agency decisions and modifying such decisions are broadened. The venue for court appeals is shifted from Dane county circuit court to the circuit where the appellant is located, although the law's language is somewhat unclear in this respect. Other matters dealt with include rules for preservation of evidence, the right to cross-examination, powers of hearing examiners, licensing which is an agency's discretion, and the standards for granting a rehearing.

#### **Taxation and tax sharing**

*Chapter 39* (biennial budget act) establishes levy limitations on municipalities and counties and budget limitations on school districts, and *Chapters 80 and 224* (budget review bill) modify them.

*Chapter 222* alters the inheritance tax laws to grant surviving joint tenants of property held in joint tenancy a tax exemption of at least the fractional interest of the survivor.

**Major proposals that failed to be enacted**

Of some 2,300 bills introduced in the legislature during the regular and special sessions, the following are among the major proposals which failed to be enacted:

ABORTION

*Assembly Bill 421* prohibited use of public moneys for the performance of abortions.

CABLE TELEVISION

*Assembly Bill 1191* regulated cable television systems.

CERTIFICATE OF NEED

*Assembly Bill 375* created a certificate of need program for health care facilities.

CHILDREN'S CODE

*Assembly Bill 795* revised the children's code.

CRIMINAL CODE

*Senate Bill 14* revised the criminal code.

DIVORCE

*Assembly Bills 277 and 995 and Senate Bills 22 and 23* altered the grounds for divorce and make other changes in the divorce laws.

EQUAL RIGHTS

*Assembly Joint Resolution 53* rescinded Wisconsin's ratification of the federal equal rights amendment.

ETHICS

*Assembly Bill 784* revised the code of ethics for state public officials.

HOSPITAL RATE REVIEW

*Assembly Bill 374* created a system for the review and approval of hospital rates.

LANDLORD AND TENANT

*Assembly Bill 120 and Senate Bill 392* created a residential landlord and tenant act.

LOBBYING

*Senate Bill 709 and Assembly Bill 1404* recodified the lobbying laws.

MIGRANT LABOR

*Senate Bill 391, Assembly Bill 805 and June 1976 Special Session Senate Bill 6* regulated migrant and seasonal farm labor.

MUNICIPAL EMPLOYEE BARGAINING

*Assembly Bill 605 and Senate Bill 814* revised municipal employment collective bargaining laws and authorized a limited right to strike.

NO FAULT MOTOR VEHICLE INSURANCE

*Senate Bills 4, 161 and 399 and Assembly Bills 828 and 829* created no fault motor vehicle insurance plans.

NURSING HOMES

*Senate Bill 837 and June 1976 Special Session Senate Bill 4* revised nursing home regulation.

POLITICAL CONTRIBUTION CHECK OFF FROM INCOME TAX

*Assembly Bills 222 and 544 and Senate Bills 63, 298 and 300 and June 1976 Special Session Senate Bill 2* permitted a taxpayer to designate \$1 of his or her income tax for financing of political campaigns.

TAXATION AND PRESERVATION OF AGRICULTURAL AND CONSERVANCY LANDS

*Assembly Bill 1082* provided for use-value taxation of lands included in land preservation districts.

TRANSPORTATION

*Assembly Bill 930 and December 1975 Special Session Senate Bills 1 and 3* reorganized the department of transportation and alter highway aid distributions.

**WELFARE**

*Senate Bills 537 to 555 and 824 and Assembly Bills 1100, 1101, 1241, 1291, 1292, 1294, 1381 and 1445 made various changes in the welfare laws.*

**WETLANDS**

*Assembly Bill 604 established a wetlands protection program.*

## SUMMARY OF ACTS PASSED BY THE 1975 LEGISLATURE

### AGRICULTURE

*Chapter 39* (biennial budget act) requires persons manufacturing or distributing commercial feed in this state to obtain a license issued by the department of agriculture after payment of \$10 for each place of business. The measure also regulates the labeling of commercial feed and annual inspection fees. A label for any commercial feed manufactured or distributed must be furnished to the department.

The act requires honeybees to be kept in movable frame hives and requires the department of agriculture to maintain surveillance of the beekeeping industry to detect and prevent honeybee disease. The department and its agents must conduct inspections and issue permits. No penalties are provided for violations of the measure.

Dairy plant operators are exempt from obtaining a license from the department of agriculture if dairy products are processed exclusively for use by the operator and family members and nonpaying guests and employes or for use by restaurants, vending machine commissaries or catering establishments licensed by the department of health and social services. A license fee of \$50 is set.

The act also increases the fees charged by the department of agriculture for inspecting grade A dairy farms to \$30 for each milk producer from whom milk is received by a dairy plant except each producer inspected at least once annually by a fieldman of the dairy plant may be charged a producer fee of only \$20.

The definition of "food processing plant" is revised for purposes of licensing to exclude a retail merchant who does not prepare meat, fish or poultry products or prepare and process ready-to-eat (delicatessen) foods for sale at retail. An establishment which is inspected under federal law or by the department of health and social services or where processing is limited to retail preparation and processing for sale directly to consumers or through vending machines is also exempted. In addition, license application fees are altered.

The act also revises application fees for obtaining a license to operate a bakery or a confectionary to reflect a graduated fee scale based on the dollar volume of output for the preceding license year.

*Chapter 53* permits a milk marketing order relating solely to advertising and sales promotion plans to be approved by 51% of those producers voting in a referendum, with bloc voting prohibited.

*Chapter 67* prohibits processors of vegetable crops who grow in this state 10% of the acreage of a vegetable crop processed at a single plant from paying to growers who sell vegetable crops to that plant an amount per ton smaller than the cost per ton which the processor incurred in growing the vegetable.

*Chapter 108* specifically includes soil wilfully deposited in a drainage ditch for purposes of defining an obstruction.

*Chapter 224* (budget review bill) increases funding and positions to the department of agriculture for grade A milk inspection contingent upon termination of Chicago's inspection program. The act also increases the amount the state will pay to the owner of an animal condemned for having tuberculosis to a limit of \$300 per animal.

*Chapter 308* makes remedial changes in certain agricultural laws as suggested by the department of agriculture. The measure: 1) brings state law into conformity with federal law and standards relating to quarantine requirements for brucellosis, defining milk and meat inspection exemptions; 2) eliminates rules for the relative maturity of seed corn; and 3) removes the department's power to appoint the county agricultural representative as an inspector at dairy plants.

*Chapter 309* provides a procedure for certifying animal technicians by the veterinary examining board and permits certain treatment to be performed without a veterinary license. A veterinary licensing reexamination may no longer be taken at any meeting of the examining board.

*Chapter 312* increases the maximum contract amount for municipal soil conservation work on privately owned lands to \$1,000 per person per year.

*Chapter 323* directs the department of agriculture to design an official logotype to identify cheese made in Wisconsin entirely from milk produced in Wisconsin.

*Chapter 394* makes various changes in laws affecting the plant industry including provisions for plant pest control and inspection by the department of agriculture.

**BUSINESS AND INDUSTRY****Banking and finance**

*Chapter 3* permits state-chartered savings and loan associations to act as trustees of pension plans for "Individual Retirement Accounts".

*Chapter 11* 1) removes certain statutory terms and conditions which state-chartered savings and loan associations had to follow in making straight mortgage loans without monthly amortization of principal; 2) specifically permits such associations to make loans to building contractors for the development and construction of residential property; and 3) removes the requirements that all directors of mutual or capital stock associations must be residents of this state, requiring only that two-thirds of the directors be residents.

*Chapter 13* provides enabling legislation for the creation of the American share deposit insurance corporation, a national reinsuring body for state share or deposit corporations.

*Chapter 14* increases from \$20,000 to \$40,000 the guarantee on the savings of individual members of credit unions which are members of the Wisconsin credit union share insurance corporation (renamed the Wisconsin credit union savings insurance corporation by *Chapter 15*).

*Chapter 15* renames the Wisconsin credit union share insurance corporation the Wisconsin credit union savings insurance corporation.

*Chapter 16* bases assessments levied by the Wisconsin credit union savings insurance corporation on member credit unions on the amount of the credit union's savings capital rather than share capital. The guarantee of the corporation is also extended to all savings rather than shares.

*Chapter 39* (biennial budget act) provides full funding for 6 bank examiner positions which had previously been approved by the department of administration.

*Chapter 56* provides that foreign savings and loan associations shall not be considered to be doing business in this state because of acquiring, holding or disposing of real property or any interest in real property in this state.

*Chapter 58* permits a bank to operate a failing bank as a branch in emergency situations where a branch would normally not be permitted.

*Chapter 59* authorizes savings and loan associations to establish extended offices within 1,000 feet of a home office or branch.

*Chapter 65* permits any state corporation, association, partnership or business trust to act in a fiduciary capacity.

*Chapter 107* authorizes fiduciaries to deposit their funds in a clearing corporation and reduces the percentage of the stock of a clearing corporation that must be held by or for a national securities exchange or association.

*Chapter 161* permits fiduciaries to use their personal funds in connection with speculative investments.

*Chapter 180* authorizes the use of savings and loan associations as public depositories.

*Chapter 247* establishes guidelines for the management and use of investments held by eleemosynary institutions and funds.

*Chapter 284* permits state banks and trust company banks to consider the cash surrender value of certain life insurance policies owned by the banks as part of their required cash reserve.

*Chapter 313* increases the amount of paid-in capital stock and surplus which a bank may invest in an agricultural credit corporation.

*Chapter 345* makes various changes in credit union laws.

*Chapter 348* permits the commissioner of savings and loan to issue orders requiring associations to discontinue prohibited practices and to take corrective actions.

*Chapter 358* grants priority status to bank and credit union mortgages over certain other liens on the mortgaged premises.

*Chapter 359* separates provisions of the statutes on savings and loan associations from those which apply solely to mutual, and those which apply solely to capital stock, savings and loan associations.

*Chapter 364* excludes from bank lending limits any portion of a loan which is guaranteed by an approved federal or Wisconsin state guaranty program.

*Chapter 387* imposes limitations on the use of escalator clauses in certain first lien residential mortgage loans.

*Chapter 389* permits banks and savings and loan associations to operate bank customer communications terminals and remote service units, respectively, and places certain restrictions on their use.

*Chapter 391* places certain restrictions on the use of savings and loan association remote service units and bank customer communications terminals.

*Chapter 409* provides that moneys paid to a contractor for improvements on land constitute a trust fund only in the hands of the contractor, and exempts banks from inquiring into fiduciary obligations when a check is written on the personal account of a fiduciary.

### **Insurance**

*Chapter 2* grants authority to the commissioner of insurance to create mandatory risk-sharing plans for liability insurance for health care providers.

*Chapter 37* establishes a health care liability insurance program for medical and osteopathic physicians, nurse anesthetists and hospitals. Its main provisions include the following: 1) health care providers are required to submit proof of their own financial responsibility for a minimum of \$100,000 per claim and \$300,000 per year; 2) a state-operated health care liability risk-sharing plan is created under the supervision of the commissioner of insurance; 3) it creates a patients compensation fund which provides for liability for more than \$200,000 per claim or \$600,000 per year, to be financed through fees levied on health care providers; 4) physicians are required to receive 15 hours of approved continuing education annually as a condition of license renewal; and 5) allegations of malpractice must originally be referred to a patients compensation panel. Formal and informal panels are established. Parties may agree to be bound by the panel's determination or may reserve the right to take the case to court. (This requirement is altered by *Chapter 224* (budget review bill) to require 45 hours every 3 years.)

*Chapter 38* makes the patient compensation fund created by *Chapter 37* applicable to injury or death occurring, or services rendered, on or after July 1, 1975.

*Chapter 39* (biennial budget act) makes the following changes in the office of the commissioner of insurance: 1) one vacant insurance consumer specialist position is deleted from the consumer services contract program; 2) one management information specialist position is added to assist in designing data-processing reports and directing examiners in auditing company computer systems; 3) one insurance rate and form analyst position is added to the life-health rates division to monitor deceptive advertising practices; and 4) five positions under the employe welfare fund are eliminated because of federal preemption of most state regulation of welfare and pension plans.

*Chapter 39* (biennial budget act) also provides standards for the timely (within 30 days) payment of insurance claims.

*Chapter 54* requires insurers doing business in liability insurance for health professionals to report certain information relating to each year's activities to the commissioner of insurance.

*Chapter 79* makes several changes in the health care liability insurance plans established by *Chapter 37*, relating to applicability of the provisions and fees to be charged.

*Chapter 98* requires health insurance policies to provide coverage for newborn children from the moment of birth.

*Chapter 148* is a general revision of the insurance law relating to rate regulation in worker's compensation insurance.

*Chapter 162* prohibits an insurer from canceling or refusing to renew an automobile liability insurance policy solely because of an insured's marital status.

*Chapter 223* is a general revision of the insurance law relating to service insurance corporations.

*Chapter 224* (budget review bill) clarifies statutory language relating to mandatory outpatient services for mental and nervous disorders, alcoholism and drug abuse.

*Chapter 289* provides that health insurance policies which only provide specific benefits for specific diseases and policies which only provide benefits for accidental bodily injury are not required to provide mandatory tuberculosis coverage.

*Chapter 352* requires insurers issuing group hospital, surgical or medical expense insurance policies and plans covering groups of employes to provide advance notice whenever coverage is to be terminated due to a default in the payment of premiums or a cessation of the employer's business.

*Chapter 371* is a general revision of the laws relating to insurance marketing regulation.

*Chapter 372* is a general revision of the insurance law relating to underwriting restrictions.

*Chapter 373* is a general revision of the insurance law relating to fraternal insurance enterprises.

*Chapter 374* places issuers of gift annuities under state insurance regulations.

*Chapter 375* is a general revision of the insurance law relating to insurance contracts.

#### **Liquor and beer**

*Chapter 29* allows bars which are in the city of Milwaukee but not in Milwaukee County to have the longer hours which have been permitted for bars in Milwaukee County. It also permits longer bar hours in the city and county of Milwaukee on holidays which are celebrated on Monday.

*Chapter 42* permits a restaurant which is also a place of historic significance built during the period 1848 to 1853 to obtain a limited retail liquor license for the purpose of serving wine for consumption on the premises only.

*Chapter 44* removes the requirement of state residency for the issuance of a bartender's license.

*Chapter 183* removes the requirement that bartenders be U.S. citizens.

*Chapter 245* permits collectors of unique liquor bottles to sell their bottles to each other without a liquor license.

*Chapter 315* permits municipal liquor stores to sell beer as well as hard liquor.

*Chapter 402* removes certain lighting and curtain requirements for bars and retail liquor stores.

#### **Other measures affecting business and industry**

*Chapter 12* allows employes to authorize their employers to deduct from their wages for deposit with a financial institution without the signature of or notice to the employe's spouse if the authorization is voluntary and revocable.

*Chapter 34* increases the maximum rate of dividends on stock in a cooperative from 6% to 8%.

*Chapter 57* makes several procedural changes regarding hearings before the commissioner of securities and permits the commissioner to prohibit unlicensed investment advisers from doing business in this state.

*Chapter 68* subjects the development of major electric generating and transmission facilities to scrutiny by the public and all levels of government and to approval by the public service commission (PSC) and the department of natural resources (DNR). Every electric utility is required to file an advance plan with the PSC every 2 years indicating expected demand and the utility's plan to respond to the demand. If construction is anticipated, the plan also must describe the proposed facilities, alternatives, the environmental impact and related factors. Such plans are subject to PSC approval. Utilities are required to obtain a certificate of public convenience and necessity from the PSC and various permits and approvals from the DNR before actual construction of a major facility begins. Both agencies will hold public hearings on the requests. The chapter establishes several prerequisites to the exercise of condemnation powers by certain public utilities, including the requirement of a certificate of public convenience and necessity from the PSC. Utilities are also required to repair any damage to property covered by an easement which occurs in the construction and maintenance of high-voltage transmission lines.

*Chapter 100* permits condominium declarations to provide for expansion or alteration of unit ownership interest without the unanimous consent of all unit owners.

*Chapter 112* requires hotels to offer emergency assistance to disabled guests.

*Chapter 117* expands the coverage of the Hazardous Substances Act and increases the rule-making and enforcement powers of the department of agriculture. It also regulates flammable fabrics and provides for product safety and packaging standards.

*Chapter 135* increases the authority of the public service commission to order increased safety measures for railroad grade crossings.

*Chapter 142* increases from \$10,000 to \$50,000 the amount of operating revenues which require a public utility to publish its balance sheets and income accounts.

*Chapter 143* alters the filing fees charged to common carriers in interstate commerce.

*Chapter 207* excludes delayed payment charges and early payment discounts of electrical cooperatives from the Wisconsin consumer act.

*Chapter 209* regulates buying clubs. The act provides for written contracts, requires disclosure of certain information, establishes delivery deadlines, causes clubs to post performance bonds, creates customer rights and empowers the department of agriculture to enforce its provisions.

*Chapter 224* (budget review bill) makes the following changes in laws administered by the department of regulation and licensing: 1) the maximum fees of the barbers examining board are increased; 2) it provides that the real estate examining board is not required to hold public hearings in cases of license denial due to failing of written tests, but a failing applicant is permitted to review the examination results; 3) persons taking the hearing aid dealers and fitters examination are required to pay the examination fee prior to taking the exam; 4) the continuing education requirement for physicians is changed from 15 hours per year to 45 hours every 3 years; 5) the accounting examining board is given greater latitude in approving and recognizing degrees from institutions outside the university of Wisconsin system.

*Chapter 243* makes a number of changes in the insurance requirements for motor carriers.

*Chapter 263* permits certain relatives of deceased or incapacitated automobile dealers to succeed to the dealership under the existing franchise agreement.

*Chapter 293* requires the use of safety glass in hazardous locations in public and private buildings.

*Chapter 300* prohibits the reproduction of sound recordings for commercial purposes, and the sale of such reproductions, without the consent of the owner.

*Chapter 362* permits the sale of credit unemployment insurance by which a person can be insured for the payment of debts in case of the loss of income resulting from labor disputes or involuntary unemployment.

*Chapter 380* is a general revision of the wage claim and collection law. The law is broadened to apply to more employes, including public employes. The definition of "wages" is expanded to include some additional monetary benefits. The time limits for various types of payments are changed; long-standing law which required bi-monthly payrolls for most hourly employes is changed to require only monthly payments. Large employers must give 60-days' notice to the department of industry, labor and human relations of mergers, liquidations, dispositions, relocations and cessations of operations affecting employes. Limits on amounts of wage assignments to the department and recovery of expenses by employes are removed, and limits on recovery of damages by employes are increased. New penalties are created and former penalties are changed.

*Chapter 404* directs the department of industry, labor and human relations to adopt and enforce a one- and 2-family dwelling code.

*Chapter 405* directs the department of industry, labor and human relations to adopt and enforce a manufactured building code.

*Chapter 406* permits a lessor in a consumer lease of an automobile to take a security interest in money.

*Chapter 407* makes various changes in the Wisconsin consumer act and other statutes affecting rates of interest and related transactions.

## CONSTITUTIONAL AMENDMENTS

### First consideration

*1975 Assembly Joint Resolution 11 (Enrolled Joint Resolution 13)* would revise the judicial branch of the state by creating a unified court system with the chief justice of the state supreme court as its administrative head. A court of appeals would be created between the trial courts and the supreme court.

*1975 Assembly Joint Resolution 22 (Enrolled Joint Resolution 15)* would remove the uniform town government requirement.

*1975 Assembly Joint Resolution 43 (Enrolled Joint Resolution 19)* would authorize raffle games licensed by the state and operated by certain nonprofit organizations.

*1975 Senate Joint Resolution 15 (Enrolled Joint Resolution 20)* would authorize state-operated lotteries.

### Second consideration

*1975 Assembly Joint Resolution 1 (Enrolled Joint Resolution 3)* authorizes the state to raise money for veterans housing loans through general obligation bonding. The voters approved this amendment on April 1, 1975.

*1975 Assembly Joint Resolution 2 (Enrolled Joint Resolution 2)* broadens existing authority under which state funds may be appropriated for the development, improvement and construction of transportation facilities. The outcome of the April 1, 1975, vote on the amendment remains in

question. *Chapter 224* (budget review bill) provides that the question will be resubmitted to the people at the general election in November 1976.

*1975 Assembly Joint Resolution 6 (Enrolled Joint Resolution 6)* authorizes counties, municipalities and certain school districts to become indebted up to 10% of the state equalized valuation of taxable property located in their respective districts. The voters rejected the amendment on April 6, 1976.

*1975 Senate Joint Resolution 4 (Enrolled Joint Resolution 4)* removes the provision that a person who engages in a duel be forever disqualified from voting or holding public office. The voters ratified this amendment on April 1, 1975.

*1973 Senate Joint Resolution 55 (Enrolled Joint Resolution 33)* deals with exclusions from municipal debt limits. The constitution presently excludes from municipal debt limits an indebtedness incurred by a city, town, village or special district for public utilities when secured only by the property or income of the utility. This amendment extends the exclusion to counties and income producing public projects. The voters rejected this amendment on April 1, 1975.

### COURTS AND PROCEDURES

*Chapter 39* (biennial budget act) authorizes the state supreme court to discontinue publication of the supreme court reports. The act also alters various specialized provisions for courts in Milwaukee county.

*Chapter 43* establishes a procedure for the arbitration of medical malpractice claims to be used if parties have agreed to arbitrate but have not agreed to a specific procedure.

*Chapter 61* changes the starting date for terms of circuit and county court judges from the first Monday in January following their election to the August 1 following their election. A transition period of 6-1/2 years for circuit court judges and 5-1/2 years for county court judges established by *Chapter 61*, was later changed by *Chapter 178*, which provides a 6-1/2 year transition term for county court judges also.

*Chapter 114* provides that matters entered or recorded by a county, town, city or village in any ordinance or record book as a copy of its regulation, bylaw, resolution or regulation, in accordance with various statutory provisions, is prima facie evidence thereof; and after 3 years, the entry or recording is conclusive proof of the regularity of adoption and publication thereof.

*Chapter 127* permits joint tenants to use administrative termination procedure for any real property, bank accounts, stocks or bonds.

*Chapter 140* corrects an error in the statutes by changing a reference of "satisfaction" of bankruptcy to "discharge" of bankruptcy.

*Chapter 149* provides that when a new judge is assigned to a case other than by request of the defendant, the defendant may request a substitution for this new judge even though the original time for making such a request has passed. Also the provision that all defendants in a case must sign a substitution request is removed.

*Chapter 150* provides that court review of parole refusals will be by writ of certiorari to the circuit or county court in the county in which the person was last convicted of an offense for which he or she is presently incarcerated.

*Chapter 153* modifies the procedure used in handling criminal defendants whose competency to proceed is in question. The change is made to conform to the mandates of recent supreme court decisions. A defendant may now contest the report relating to his or her mental condition without the concurrence of his or her counsel. Also a defendant may be held on a competency commitment for a maximum of 2 years, but must be discharged from the commitment if it is determined that the defendant is not making further progress toward competency.

*Chapter 155* provides an opportunity for a jury trial in the procedures to commit or recommit convicted defendants for special treatment under the sex crimes law.

*Chapter 158* adds notice, hearing and right to counsel provisions to apply to proceedings under the uniform detainer act.

*Chapter 159* removes some restrictions on transacting court business on general election days, but does provide that a court shall not conduct a jury trial on such days.

*Chapter 160* liberalizes the printing standards for supreme court briefs. They may now be printed, typed, duplicated or reproduced clearly on paper of permanent quality.

*Chapter 166* allows all persons eligible to bring a wrongful death action to recover damages for pecuniary injury from wrongful death. Formerly, only unemancipated or dependent children, spouses and parents could recover for pecuniary injury in those circumstances.

*Chapter 193* specifies that more than one appraiser is not required for the appraisal of a decedent's estate where, in the court's discretion, one would be sufficient.

*Chapter 224* (budget review bill) allows reserve supreme court justices and circuit court judges to serve temporarily as county judges.

*Chapter 231* clarifies that court fees apply in traffic forfeiture actions, extends the time period in which a person who has entered a plea of no contest in such action can open the judgment and alters the time period in which jury trial demands may be made in such actions.

*Chapter 262* authorizes notaries public to verify applications for administrative termination of joint tenancies.

*Chapter 278* transfers the duty of certification of amounts paid by the state for salary and retirement provision for county judges (in Milwaukee county only) from the county auditor to the clerk of circuit court.

*Chapter 287* increases the award limit for loss of society and companionship in wrongful death actions from \$5,000 to \$10,000.

*Chapter 291* requires the refund of a jury fee in traffic forfeiture actions if the defendant, having paid the jury fee, is found not guilty.

*Chapter 302* makes the director of the children's court center in Milwaukee county responsible for the administration of the center's intake section.

*Chapter 325* increases the jurisdictional amount for small claims actions from \$500 to \$1,000 and also increases clerk's fees and suit tax in such actions.

*Chapter 327* provides that a settlement or payment, made prior to the legal determination of liability in an action for personal injury or property damage, may not be used as an admission of liability in a legal action.

*Chapter 329* requires that an attorney performing services in a probate proceeding be paid just and reasonable compensation. Various factors are enumerated for courts to use in determining what is a just and reasonable attorney's fee.

*Chapter 331* makes numerous changes relating to the probate code and inheritance tax, many of which may be categorized as streamlining probate procedure. Important features of the act include allowing personal representatives to pay any claim if the affected distributees consent, authorizing probate of an uncontested will on the basis of an attestation clause and without the testimony of witnesses, eliminating from the inventory items that are not a part of the decedent's estate and expanding the powers of probate registrars.

*Chapter 332* repeals the disability board's power to determine temporary vacancies in offices of circuit judge, and grants that authority to the judicial commission. The commission will also determine temporary vacancies in offices of county judge.

*Chapter 335* alters the statute of limitations provisions relating to actions for damages arising out of the defective or unsafe condition of an improvement to real property. The 6-year time limitation will be measured from the date of substantial completion of construction. Actions brought against persons furnishing materials or land surveying will also be subject to the 6-year limitation.

*Chapter 341* provides that a period of disqualification, not to exceed 2 years, due only to place of publication, will not count as an interval in publication for the purpose of determining whether or not that newspaper is eligible to receive fees for publishing legal notices.

*Chapter 393* makes numerous changes in the protective services act (by which the department of health and social services supervises the providing of care to developmentally disabled, aged infirm and certain other persons) and in guardianship laws. A number of these changes expand due process rights of individuals involved in the process. Forcible entry upon premises by a representative of a protective services agency must be with a court order, unless there is imminent risk of substantial injury or death. Guardians are given the affirmative duty to secure appropriate protective placement for their wards, and the department of health and social services is given the duty to determine the need for protective placement or appointment of a guardian prior to discharge of a person from a state institute or colony.

*Chapter 401* limits summary procedure for criminal contempt, eliminates summary procedure for civil contempt, generally reduces penalties for those found in contempt and provides that a court may indemnify one party for another party's contemptuous action or inaction.

Supreme court orders also make changes in court procedures that will be reflected in the printed 1975 statutes. One such order (SCO 3/11/74) revises the Wisconsin rules of civil procedure. Another (SCO 6/30/75) creates 14 administrative districts for the trial courts of this state.

### CRIMINAL LAW

*Chapter 39* (biennial budget act) creates a specialized correctional program for certain youthful offenders who are found guilty in the criminal courts. In order for a youth to qualify, a court must determine that the youth will benefit from such disposition and society will not be harmed by it. Special probation, parole and commitment procedures are provided. *Chapter 224* (budget review bill) provides a transition period and phase-in of youthful offenders at the youthful offender institution and requires complete separation of youthful and criminal offenders by July 1, 1977.

*Chapter 134* eliminates the "misconduct on public grounds" statute which was declared unconstitutional in a 1972 state supreme court decision.

*Chapter 154* clarifies language on the elements of aggravated battery, specifying that the act committed must be done with intent to cause great bodily harm. The state supreme court determined in *Edelman v. State* (1974), 62 Wis. 2d 613, that statutory language referring to parole eligibility "at any time if there is no minimum prescribed for the offense" was of no effect in light of a separate one-year incarceration period required by another statute. *Chapter 156* deletes the language.

*Chapter 157* clarifies statutory language to reflect that a defendant is not sentenced to probation, but is placed on probation and either given a stayed sentence or is not sentenced at all.

*Chapter 167* imposes a 48-hour waiting period on the transfer of possession of handguns by firearms dealers who are licensed by the U.S. treasury department. The restriction will not apply to transfers of antique handguns, transfers between licensed dealers or transfers between licensed dealers and wholesalers.

*Chapter 184* repeals laws which prohibit rape, sexual intercourse without consent, sexual intercourse with a child and indecent behavior with a child; and replaces those sections with a comprehensive new section prohibiting sexual assault. The new prohibition, considered a crime against life and bodily security rather than a crime against sexual morality, distinguishes 4 types of sexual assault; and maximum penalties therefor range from 15 years' imprisonment, \$15,000 fine or both for first degree sexual assault to one year's imprisonment in the county jail, a \$500 fine or both for fourth degree sexual assault. *Chapter 184* also limits the admissibility of evidence concerning the victim's reputation and prior sexual conduct, allows a victim to require a judge to exclude certain members of the public from preliminary examinations in sexual assault cases, and removes certain restrictions, based on sex, relating to who may be considered an offender or a victim in such cases.

*Chapter 224* (budget review bill) provides statutory authority for the vocational education program in auto body repair at Wisconsin state reformatory to receive vehicles from certain dealers and repair shops for purposes of the program. Proceeds from the program will be available for purchase of supplies, materials and equipment.

*Chapter 314* prohibits intentional acts causing damage to railroad trains or railroad property used in providing rail services.

*Chapter 344* establishes a system for the compensation of victims of certain crimes, to be administered by the department of industry, labor and human relations. Compensation awards of up to \$10,000 are made on the basis of the worker's compensation benefit schedule, and will include compensation for reimbursement of medical expenses. An additional award of up to \$2,000 may be made for funeral and burial expenses.

*Chapter 378* alters notice of alibi provisions for defendants in criminal cases. The notice given need not be in writing and such notice must be given at the arraignment or at least 15 days before trial. Also, if the defendant withdraws an alibi defense or does not call some alibi witnesses, the state may not comment on those facts to the jury.

### EDUCATION

*Chapter 21* permits city school districts and joint city school districts to use the services of the city attorney or to employ outside counsel.

*Chapter 39* (biennial budget act) sets a standard of 90 Wisconsin residents enrolled in each entering class of the medical college of Wisconsin.

The act requires the board of regents of the UW system to establish a 4-year planning program and to move toward consolidating UW-Superior and UM-Duluth.

The act permits the UW board of regents to establish a school of allied health professions at UW-Milwaukee.

The act directs the UW board of regents to implement measures assuring equity in funding of and faculty salaries for the various UW campuses.

The act directs the legislative council to study the implementation of an elementary and secondary education aid formula which would incorporate personal income data as a factor in determining and distributing school aids.

*Chapter 40* permits the building commission to authorize up to \$8,000,000 of general fund supported borrowing to aid in the construction of a basic science education facility at the medical college of Wisconsin, contingent upon the college's securing additional funding and offering the state a purchase option.

*Chapter 60* extends the required coverage provided by school bus insurance policies to include coverage when the bus is more than 50 miles outside the state. Previously, only coverage within the state and within 50 miles of the border was required.

*Chapter 88* provides sick leave conversion credits for university of Wisconsin system faculty and academic staff employes. The credit is applied to pay the employe's health insurance premiums after retirement, or the health insurance premiums of the employe's spouse or dependent children after the death of the employe. Unused sick leave shall accumulate from year to year. The board of regents is directed to establish a sick leave program consistent with the existing statutory program for sick leave for income continuation, which applies to most other state employes.

*Chapter 95* requires the state superintendent of public instruction to certify any applicant to teach Wisconsin native American languages who has successfully completed a specified program on the subject at the university of Wisconsin-Milwaukee. These applicants need not possess a bachelor's degree.

*Chapter 115* removes from the state superintendent of public instruction the power to appoint one of the 3 members of the public health nurses examining council, and mandates the board of nursing to appoint that member. It also provides that all public school nurses will be certified by the superintendent of public instruction rather than by the department of health and social services.

*Chapter 118* establishes a medical student loan program for students of the university of Wisconsin medical school and the medical college of Wisconsin. Loans are limited to \$500 per student per academic year and must be repaid within 10 years after the student leaves school.

*Chapter 189* repeals the statutes which authorize counties to establish county teachers colleges. It also permits forgiveness of loans made prior to July 1, 1976, to students enrolled full-time in courses preparing them to work in critical personnel shortage areas such as veterinary medicine and dentistry.

*Chapter 220* provides for additional state aid to be paid to local school districts which establish a program of student transfers to promote the cultural and racial integration of "minority group pupils" — black, native American, Spanish-surnamed or oriental students — with nonminority pupils. Transfers can be made only with the approval of the pupil's parents or guardian; they may be made from one attendance area to another within a single school district or from a racially imbalanced district to another school district.

If the number of minority students transferring is less than 5% of the total number of pupils enrolled in the district, the district will receive for each such transfer an amount determined by dividing the school district total cost figure by the sum of the number of resident pupils enrolled plus the number of transfer pupils enrolled. If the number of minority students transferring is 5% or more, the district will receive for each transfer an amount determined by performing the same computation used to derive the under 5% amount and then multiplying that figure by 1.2.

Transportation for students involved in a transfer program must be provided if otherwise required by law. Where the student has participated in an interdistrict transfer, the school district of residence and the school district of attendance must agree as to who provides the transportation. Where the transfer is to another school within the district, the district may provide transportation. Full transportation costs are reimbursed by the state.

Supplementary aids are available for districts which incur costs in excess of the aids received in implementing their transfer policies.

*Chapter 224* (budget review bill) prohibits the practice of issuing free or reduced-price tickets to UW athletic events, except where required by the intercollegiate athletic conference or in other very limited circumstances.

The act permits the granting of sabbatical leaves for UW faculty, and provides for a state review of the UW academic staff.

The act provides funding for physical education and recreation programs for the retarded.

The act provides that, in the event that federal revenue sharing funds are reduced, school operating deficits will be met from the state's general fund balance and not the school aid appropriation.

The act also allows an exclusion from school district cost controls for inflationary fuel and utility cost increases.

*Chapter 251* provides that a school board may request local authorities to control motor vehicle and pedestrian traffic on off-highway school premises, drives and parking lots. The board may agree to reimburse the municipality for the cost of enforcing ordinances passed to regulate such vehicle and pedestrian traffic.

*Chapter 321* authorizes school boards in common or union high school districts to enter into leases for periods of up to 20 years for cable television services and facilities to be used for educational purposes.

*Chapter 353* provides that the school year (July 1 to June 30), rather than the calendar year, is the fiscal year for city school districts.

*Chapter 379* provides that a school board must give notice of its intent not to renew a school district administrator's contract, must furnish reasons for such action and must provide opportunity for a hearing. Administrators' contracts must be in writing. Only persons holding certificates from the department of public instruction may be employed as administrators or assistant administrators.

*Chapter 386* classifies as protected properties the buildings and grounds of the former Downer college, now part of the university of Wisconsin-Milwaukee. The board of regents may authorize the reconstruction or renovation of the buildings, but the buildings may not be razed without prior approval of the building commission.

*Chapter 392* extends state transportation aids at the 2- to 5-mile rate to children residing less than 2 miles from school who are transported because of unusual hazards in the area through which they travel.

*Chapter 395* establishes a program for bilingual-bicultural education of pupils with limited English language usage. Schools with bilingual students are required to provide such a program, with state reimbursement of a portion of the cost. The state superintendent of public instruction must report annually to the legislature on the status of bilingual-bicultural programs.

*Chapter 400* authorizes the board of regents of the university of Wisconsin system to enter into new salary reduction agreements with its employes pursuant to the internal revenue code and to purchase annuities from public and private sources under these agreements.

*Chapter 408* authorizes the board of regents of the university of Wisconsin system to establish and maintain a school of veterinary medicine at UW-Madison and a satellite food animal clinical facility at UW-River Falls and directs the department of revenue to conduct a study of potential sources of fiscal support for the school of veterinary medicine. However, the legislature failed to override a partial veto by the governor so that funding for the school remained eliminated.

## ELECTIONS

*Chapter 85* changes the law concerning administration of elections and voter registration. Eligible electors are permitted to register by mail, and may also register at the polls on election day. The procedure whereby voters not voting once every 2 years and not asking to be retained on the registration rolls are stricken from the rolls is discontinued; only those voters who move out of the municipality or who die are stricken from the rolls. The procedure for challenging electors is changed so that the challenging elector must appear and answer questions under oath. An elector who has difficulty reading, writing or marking his or her ballot may have another elector enter the voting booth to assist. Hospitalized electors may apply for an absentee ballot by agent. High schools are made into voter registration centers. The 6-month state voter residency requirement is repealed, subject to approval at a statewide referendum. Other changes are made in updating of voter registries, elector challenges, assistance of certain electors, absentee ballot eligibility, registration locations and voter residency requirements. The elections board is to hold training sessions for election officials, and a 5-member council of local clerks is created to assist the board in administering the election laws.

Under *Chapter 90*, the deadline for making written applications for an absentee ballot is extended from 5 p.m. on the Friday before the election to 5 p.m. on the day before the election. However, the completed ballot must still be received by the poll workers before the polls close on election day.

*Chapter 93* makes various changes in election laws. The state elections board is authorized to issue opinions to interested persons as to the application of the law. State campaign finance laws are changed to adjust for federal preemption enacted by congress (but may be in doubt as the result of the decision of the U.S. Supreme Court in *Buckley v. Valeo, et. al.*, 96 S.Ct. 612 (1976)). Other revisions include exemption from registration of persons spending low amounts, increase in the threshold for itemizing amounts on financial statements, changes in reporting dates, increases in contribution limits and relaxation of restrictions against political activity by utilities.

*Chapter 101* changes the method for filling vacancies amongst chairmen of election inspectors (poll workers). Formerly, the remaining inspectors elected a new chairman from their number. Now, the municipal clerk or city election board may appoint a replacement from the remaining inspectors.

*Chapter 124* changes the composition of the Milwaukee city and Milwaukee county boards of election commissioners. Formerly, 2 persons on each 3-member board were affiliated with the party receiving the most votes for governor statewide at the last election and one person was affiliated with the party receiving the second highest number of votes. As changed, party affiliations of the members are determined by the vote for governor in the city and county, respectively.

*Chapter 185* revises the presidential primary law. Congressional district delegates are no longer required to be apportioned in the same number to each district. A party may decide to elect delegates based on a proportional representation system, in lieu of the "winner-take-all" system. The option for presidential candidates to file slates of delegates before the primary is removed, but they retain the right to veto the party slate after the primary if they win delegates in the preference vote. Certain dates for performing of functions under the law are adjusted slightly.

*Chapter 369* changes the dates for circulation and filing of nomination papers for independent candidates at partisan elections so they are the same as for other partisan candidates. Independent candidates formerly had separate circulation dates and a filing deadline which fell after the deadline which applied to candidates of recognized political parties.

## EMPLOYMENT

*Chapter 1* modifies the state unemployment compensation indicators to permit the state to extend unemployment compensation up to an additional maximum 13 weeks at 100% federal cost.

*Chapter 24* requires that unemployment compensation benefits to employes affected by the federal trade act of 1974 be paid in conformity with that federal act.

*Chapter 28* implements the provisions of the 1975-77 state employe compensation plan proposals of the director of personnel.

*Chapter 31* extends the definition of employer to include the state and local governments for purposes of the state fair employment law.

*Chapter 39:*

1. Prohibits the state group insurance board from changing group insurance coverage or benefits without legislative approval.
2. Removes the department of industry, labor and human relations responsibility to regulate occupational health and safety when federal standards apply.
3. Permits the department of industry, labor and human relations to distribute fire drill reports in any way it deems appropriate, instead of only through the department of public instruction.
4. Requires an employer to pay the costs incurred by the department of industry, labor and human relations for issuing an order specifically consenting to the issuance of one or more workers' compensation insurance policies covering only the liability insured on a construction project.
5. Provides for the department of industry, labor and human relations to assess employers who are construction contractors for the costs of approving special workers' compensation coverage for construction jobs.

*Chapter 69* ratifies the collective bargaining agreement between the state and the Wisconsin state employes union, as representative of the professional research, statistics and analysis bargaining unit.

*Chapter 70* ratifies the collective bargaining agreement between the state and the Wisconsin state employes union, as representative of the professional social services bargaining unit.

*Chapter 71* ratifies the collective bargaining agreement between the state and the Wisconsin state employes union, as representative of the security and public safety bargaining unit.

*Chapter 72* ratifies the collective bargaining agreement between the state and the Wisconsin state employes union, as representative of the blue collar and nonbuilding trades bargaining unit.

*Chapter 73* ratifies the collective bargaining agreement between the state the Wisconsin state employes union, as representative of the technical bargaining unit.

*Chapter 74* authorizes union shop agreements between nonpublic employers and employe representatives certified by the employment relations commission or by the national labor relations board. A referendum is required only if the employe representative is voluntarily recognized.

*Chapter 129* ratifies the collective bargaining agreement between the state and the state building trades negotiating committee, as representative of the building trades-crafts bargaining unit.

*Chapter 130* ratifies the collective bargaining agreement between the state and the state engineering association, as representative of the professional engineering bargaining unit.

*Chapter 131* ratifies the collective bargaining agreement between the state and the Wisconsin federation of teachers, as representative of the professional education bargaining unit.

*Chapter 132* ratifies the collective bargaining agreement between the state and the Wisconsin association of science professionals, as representative of the professional science bargaining unit.

*Chapter 133* ratifies the collective bargaining agreement between the state and the Wisconsin nurses association, as representative of the professional patient care bargaining unit.

*Chapter 147* makes diverse changes in the worker's compensation law, some of which are of a minor or technical nature. Among the more significant effects are the following:

1. The name "workmen's compensation" is changed to "worker's compensation". Applicability of the Wisconsin act to injuries and deaths occurring outside the state is defined and clarified. Former provisions which allowed epileptics, blind persons and corporate officers to waive coverage are repealed, thus making coverage mandatory.
2. Maximum weekly earnings which are used to compute compensation rates are increased and the maximum is tied to the state's average weekly earnings for temporary disability, permanent total disability and death benefits. The maximum rate for permanent partial disability benefits is increased but remains fixed.
3. Formerly, a 6-year limitation on the filing of claims applied to most injuries, except for lung disease or exposure to a toxic substance (12 years) or exposure to ionized radiation (no limit). This chapter removes the limitation for all occupational disease claims but provides that benefits after the 6- and 12-year periods are payable from a special supplemental benefit fund, rather than solely by a specific employer. A special fund is also established to secure payments from self-insured employers who fail to pay benefits. All self-insured employers may be assessed by the department of industry, labor and human relations in order to pay benefits for self-insured employers who cannot make payment.

4. An employee's recovery against a 3rd party for an injury is not barred if the employee's negligence was as great as (but not greater than) the 3rd party's negligence. This conforms with general law in effect since 1971.

5. Employers who unreasonably refuse to rehire an injured employee may be assessed additional payments by the department to be paid to the employee, not exceeding one year's wages.

6. The employer's liability for repair and replacement of artificial devices used to replace missing parts of the body is limited to the normal effects of wear and tear.

7. The department is authorized to establish a physical, medical and vocational rehabilitation unit and to employ specialists for the purpose of enabling maximum rehabilitation of seriously injured workers.

8. Formerly, compensation was due beginning on the 4th day after an injury which caused disability, but if the injury continued for more than 10 days, compensation was payable for the first 3 days. Under this act, this 10-day period is decreased to 7 days.

9. Under former law, employes receiving vocational instruction could collect temporary disability, travel or maintenance expenses for no more than 40 weeks. The act authorizes the department to extend this period if additional training is warranted.

10. Weekly death benefits are increased from one-half to two-thirds of the weekly earnings of an employe. Benefits for certain injuries involving the thumb are also increased, but compensation for permanent partial disabilities for employes under age 52 who were injured before January 1, 1975, is decreased from 70% to 2/3 of average weekly earnings.

11. The state funds which provided additional death benefits for dependent children and additional benefits for employes who incur permanent disability from an injury after they already have some permanent disability are merged into a single fund. Extra assessments against employers where an injured employe has no dependents or partial dependents are increased and changed from a fixed figure to a percentage figure. Employer payments to the fund for amputations and certain total impairments are increased from \$1,500 to \$2,500.

12. Claims for occupational deafness may be made after 2 months' removal from the noisy environment, instead of the 6-month period formerly provided.

*Chapter 189* 1) permits state and local employes to be assigned to temporary service with a private employer; 2) eliminates leave from state service for enlistment in the armed forces while there is an all-volunteer armed service; 3) allows state agencies making wage payments to certain injured employes to bring an action for the wages against a third party from whom the employe recovers; and 4) exempts employes of health facilities authorities from all civil service requirements except for provisions relating to political activity.

*Chapter 224* (budget review bill) 1) exempts the state from a requirement to bargain collectively on matters related to employe occupancy of houses or other lodging provided by the state; and 2) excludes a shareholder-employe of a family farm corporation from the definition of employe for worker's compensation purposes.

*Chapter 238* creates a new procedure for changing collective bargaining representatives for state employes. New labor organizations seeking to represent state employes in a collective bargaining unit must prove that they have the support of 30% of the employes in the unit, by submitting cards signed by sufficient employes authorizing the organization to represent them. Upon such showing, the employment relations commission calls an election. Additional organizations may be listed on the ballot at an election upon a showing of at least 10% support. Where a new organization seeks to replace an organization which currently represents employes, the petition may only be filed during the 9th month preceding expiration of the contract (October).

*Chapter 259* provides that in compulsory arbitration proceedings to settle labor disputes between policemen and firemen and municipal employers (except in the city of Milwaukee and municipalities under 2,500 population) the employment relations commission may not stop or delay the proceedings because a prohibited practice complaint is filed by either side. The complaint is to be processed while the arbitration proceeds. In an impasse situation the commission is to appoint an investigator to determine the nature of the impasse and to indicate the final offer of each party to the arbitrator.

*Chapter 274* provides that special death benefits of dependents of law enforcement officers, firemen and correctional officers be paid under the worker's compensation system. The amount paid would be 75% of the primary death benefit, but not less than \$25,000. An extra \$2,000 is to be paid for each wholly dependent person in excess of 4, and partial dependents are to be paid no less than \$1,000.

*Chapter 343* makes the following major changes in the laws governing unemployment compensation and the unemployment reserve fund:

1. Benefit rights of members of family corporations and their close relatives, are limited to no more than 4 weeks to eliminate an abuse whereby such individuals, whose employment and unemployment is subject to family or self-manipulation, will no longer be able to obtain substantial annual unemployment benefit amounts in exchange for relatively nominal contributions to the fund. Benefits for the one-week waiting period will become payable, starting with new benefit years which begin in the 3rd week following publication of this act (May 21, 1976), if the claimant receives a benefit check for another week of unemployment; and beginning with benefit years which start in the first full week of January 1977 or later, the waiting period is eliminated. The minimum number of work weeks within a 52-week period to qualify for any benefits is reduced from 17 to 16 for new benefit years starting the first full week in January 1977 and to 15 the first full week in January 1978. Two new exceptions to the law's quit disqualification are added, to allow benefits in voluntary layoff (inverse seniority) situations and to remove the requalifying requirement where the quitting is to accept a recall to work for a recent past employer. The requalifying requirement for quits and job refusals is standardized at 4 weeks of work and earnings of \$200. Treatment of retirement payments as wages for the purpose of determining eligibility for benefits is changed so that \$30 instead of \$10 of the weekly rate of most retirement payments and all of any lump sum payments are disregarded.

2. The tax base of \$4,200 per worker per year is increased to \$6,000 beginning with wages paid after 1975. The maximum experience rate of 4.4% is increased to 4.5% for moderately overdrawn accounts and 5.0% for more severely overdrawn accounts beginning with rates that will apply to taxes on 1977 payrolls. Solvency contributions to the fund's balancing account are required on a current year basis from all employers starting with 1976 payrolls. Decreased solvency rates for 1976 and 1977 are specified, rather than the higher statutory formula rate that would otherwise apply. A rate limitation of 0.5% is established for the solvency contributions required from all employers with the 2 most favorable experience rates, starting with 1976 required payments. The statutory solvency rate formula is changed to decrease the rate that would otherwise apply when there is a change in the taxable wage base.

3. Routine matters relating to figuring the amount and duration of benefit entitlement are to be done by a "computation" which can be simply changed by recomputation if necessary to correct any errors contained in the initial information furnished by the parties, rather than utilizing the formal determination and hearing procedures. If there is any objection by either party, following a recomputation, the regular determination and appeal procedures apply.

4. Nonprofit schools are covered and treated the same as other nonprofit organizations and public schools.

*Chapter 419* ratifies the collective bargaining agreement between the state and the Wisconsin state attorneys association, as representative of the professional legal bargaining unit.

### HEALTH AND SOCIAL SERVICES

*Chapter 6* permits physicians to diagnose and treat minors for venereal disease without obtaining the consent of the minor's parent or guardian. A physician will not be held civilly liable solely because the minor's parents or guardian do not consent to the examination or treatment.

*Chapter 39* (biennial budget act) creates a human services coordinating council, and authorizes the creation of local community human services boards, to develop a consistent program for comprehensive delivery of human services throughout the state.

The act reorganizes the department of health and social services so that it will be directed and supervised by the secretary of health and social services. Previously, the department was headed by a board. Full reorganization is to be planned and implemented by July 1, 1977.

The act closes the Wisconsin child center at Sparta and the Wisconsin school for girls at Oregon as of July 1, 1976.

The act establishes examining boards in the department of regulation and licensing for barbers, cosmetologists and funeral directors and embalmers.

*Chapter 75* provides that a person who procures, processes, distributes or uses blood or blood products for transfusions or injections is not liable for damages except as a result of negligence or wilful misconduct.

*Chapter 76* provides that hospitals, nonprofit tissue banks, physicians, nurses and other medical personnel acting under the supervision and direction of a physician are not liable for damages

resulting from activities involving tissue transplants, except for damages caused by negligence or wilful misconduct.

*Chapter 82* creates the child support and establishment of paternity program which states are required to implement under federal law. It designates the department of health and social services as the state location and information agency, and requires the department to contract with a designated office or agency in each county for implementation of the program. It directs the department to establish a uniform system of fees to be charged for the paternity establishment and parent locator services provided by the program. It specifies that the plan developed for implementing the program shall maximize state and county receipt of federal funding under the program. Additionally, the chapter requires recipients of aid to families with dependent children to assign all support rights to the state, to cooperate in establishing paternity and to provide state agencies with their social security numbers. A recipient who fails to comply with these requirements is considered ineligible for continued assistance. In such a case, aid payments made on behalf of the dependent child would be made in the form of protective payments.

*Chapter 119* establishes a bill of rights for residents of nursing homes, residential care facilities and adult group foster homes. These rights include: the right to present grievances, the right to financial autonomy, the right to information concerning treatment and the cost of care, the right to courteous treatment, the right to privacy, and the right to appropriate care from the facility and from the health care provider of the resident's choice.

*Chapter 122* permits a court to grant visitation privileges to grandparents of minor children as part of the judgment in any action for annulment, divorce or legal separation upon a determination that such visitation is in the best interests of the child.

*Chapter 168* directs the department of health and social services to prepare a formulary which lists prescribed drugs by brand name with their generic equivalents. This formulary must be conspicuously posted wherever prescription drug products are sold. A pharmacist filling a prescription must inform the consumer of available drug product equivalents and their prices and must fill the prescription either with the specific drug product prescribed or with an equivalent as listed on the formulary having an average wholesale cost equal to or lower than the average wholesale cost of all its drug product equivalents as listed on the formulary. The savings accomplished by a drug product substitution (based on the difference in wholesale costs) must be passed on to the consumer. A prescription may be refilled only with the specific drug product used in filling the original prescription. An exception to these requirements is provided whereby a prescriber can require that no substitution be made in cases where only a specific brand of a drug can be tolerated by or is effective for the patient. Pharmacists who fail to comply with the requirements are guilty of unprofessional conduct and are subject to suspension or revocation of their registrations by the pharmacy examining board. Additionally, the chapter requires that each drug or drug product be labeled with its generic name, brand name, distributor and manufacturer.

*Chapter 187* provides that a person acting in good faith who participates in reviewing the services of health care providers is not liable to the health care provider for civil damages relating to the review. A record of the review proceedings must be kept, but its use is prohibited in civil damage actions against the health care provider under investigation. Information obtained from the review may be released only to the parties to the review, to a court or, in statistical form guaranteeing anonymity of the provider, to the public.

*Chapter 190* prohibits a medical practitioner from prescribing certain controlled substances for personal use or using such controlled substances without prescription, imposing a \$500 fine or 30 days' imprisonment for violations.

*Chapter 224* (budget review bill) provides emergency aid for recipients of public assistance to cover restoration or maintenance of heat or utility services and to avoid eviction.

The act requires the department of health and social services to fund programs for the care of the long-term mentally ill.

The act also provides funding for a physician health care coordinator for state correctional institutions.

*Chapter 260* exempts, from the department of health and social services' requirements for regulation and licensing of nursing homes and residential care facilities, any such facility owned or operated by members of a religious order.

*Chapter 261* permits children who have been placed in permanent foster homes to change their names to the names of their foster parents, on petition of their guardians and legal custodians, without having to comply with the name change notice requirement.

*Chapter 275* extends antidiscrimination legislation to require nondiscriminatory treatment of the disabled. It protects the right of physically disabled persons to vote and serve on juries, and permits such persons to receive automatically at the time of each election their absentee ballot applications. It safeguards the right of physically and developmentally disabled persons to attend public educational institutions and to participate in any appropriate school activity, the only limitations being those required for safety. It extends the protection of equal housing laws to the physically and developmentally disabled. It prohibits contractors with state agencies from discriminating in employment because of disability, and requires such contractors to take affirmative action to ensure equal employment opportunities for the physically disabled. Also relating to employment, the act outlaws discrimination because of handicap in hiring, licensing, firing, promotion or terms and conditions of employment unless the handicap affects the individual's ability to perform job-related functions and responsibilities. *Chapter 275* also establishes the right of disabled persons to obtain insurance, though coverage may be restricted. Finally, it prohibits discrimination in public accommodations because of physical disability, and provides criminal penalties and a civil damages remedy for such discrimination.

*Chapter 276* requires public buildings and places of employment constructed or substantially remodeled after July 1, 1975, to be accessible to physically disabled persons without assistance. The entire building, not just external entrances and exits, must meet the accessibility requirements. The department of industry, labor and human relations is directed to promulgate rules establishing accessibility standards.

*Chapter 277* permits the health facilities authority to undertake a project to provide a residential facility for persons with severe physical disabilities, whenever it is feasible to initiate such a project.

*Chapter 283* enacts in Wisconsin the Uniform Child Custody Act, drafted by the National Conference of Commissioners on Uniform State Laws. The act limits custody jurisdiction to the state in which the child lives or where there are other significant contacts with the family and the child. Parents and other persons having physical custody of a child must receive notice prior to any custody determination involving the child. The act contains provisions to avoid the simultaneous exercise of jurisdiction in 2 or more states and requires courts in this state to recognize and enforce custody decrees of other states with "uniform" legislation.

*Chapter 292* requires the department of health and social services to develop kits which parents can use to screen their preschool children for vision problems. The kits are to be distributed by local health departments, which will be reimbursed by the department of health and social services for mailing and administrative expenses.

*Chapter 307*, introduced by the committee on remedial legislation at the request of the department of health and social services, removes obsolete and inapplicable language from portions of chapters 46, 48 and 49 of the statutes.

*Chapter 346* repeals the "indecent articles" statute, which placed numerous restrictions on the sale of contraceptives, and replaces it with new language which permits unmarried persons to purchase contraceptives, which are defined as drugs or devices intended to prevent pregnancy. Contraceptives may be sold only by pharmacists, physicians and registered nurses; they may not be sold through vending machines. Additionally, the chapter prohibits the advertising, display or sale of drugs or devices intended to produce a miscarriage, except that such products may be sold to physicians.

*Chapter 370* changes the name of the council on drug abuse in the executive office to the council on alcohol and other drug abuse. It extends the responsibilities of the council to include alcohol abuse problems.

*Chapter 377* requires the department of health and social services to establish a sliding scale of fees charged for adoption services. No fee need be charged where the department determines that a fee is administratively unfeasible or that it would significantly interfere with the adoption process. Fees are charged only to families having a gross annual income of \$10,000 or more. The fee shall equal 3% of the family's annual income up to a maximum of \$600.

*Chapter 383* establishes a mechanism for the licensing of medical doctors, osteopaths, podiatrists and physical therapists and for the certification of physicians' assistants. The medical examining board is responsible for the issuance of such licenses and certificates. The board also has the power to limit, suspend or revoke licenses or certificates whose holders are guilty of unprofessional conduct. In addition, the board may impose lesser disciplinary measures of warnings and reprimands. The act provides that licensed medical practitioners who render emergency care are

immune from civil liability for such care. It also provides that medical practitioners are immune from liability for refusing to perform or assist in the performance of sterilization and abortion procedures. The act creates a council on physicians' assistants.

*Chapter 396* provides that employes in prison industries are to be paid a fair wage which may be based on productivity and the profitability of the work performed. The department of health and social services in operating the prison industries may bid on state contracts and also on contracts and subcontracts with nonprofit organizations.

*Chapter 411* permits the department of health and social services to adjust the reimbursement rate for visiting nurses' and home health aides' services under the medical assistance program to reflect the actual cost of such services.

*Chapter 413* centralizes the licensing and regulation functions of the department of health and social services. Skilled nursing homes, half-way houses, residential care facilities, foster care facilities and adult group foster homes are brought together in a new category called community-based residential facilities, with uniform rules for their regulation and licensing.

*Chapter 423* provides funding to aid local agencies, organizations or governmental units in carrying out an influenza immunization plan approved by the department of health and social services. Aids will be distributed according to a formula developed by the department. Persons participating in immunization activities are protected by statutory liability provisions as if they were state employes. Funding is provided for emergencies related to immunization. The state laboratory of hygiene also receives additional funds for immunization-related activities.

*Chapter 428* makes various changes in the alcoholism and intoxication treatment act which was passed in 1973 to decriminalize alcoholism. The new law places more responsibility on community boards, requiring them to provide transportation, obtain supportive services, and hold custody of committed persons. It permits the initial examination to be performed by a "trained staff" member, instead of requiring that a physician perform the examination. Trained personnel may also render other nonmedical emergency treatment.

The law changes emergency commitment procedures to require the filing of a petition with the county court or court commissioner, instead of permitting emergency commitment at the discretion of the facility's supervisor. The grounds for emergency commitment are expanded to include threatening to inflict or actually inflicting physical harm on oneself. The person committed has the right to refuse to converse with treatment personnel and the right to refuse medication which would impair his or her ability to prepare a defense.

Persons taken into protective custody may be held without a hearing for a maximum of 72 hours, instead of 24 hours as formerly provided. Three persons, instead of one, must petition for an involuntary commitment. A person may be temporarily committed pending the preliminary hearing; such a person is entitled to due process rights. An involuntary commitment requires detention for 30 days with 2 additional 90-day commitments allowed.

Finally, the new law does not require hospitals to provide shelter, transportation or protective custody for alcoholics. However, a hospital cannot deny its customary services to an intoxicated person or alcoholic.

*Chapter 430* recodifies the state's mental health act, which governs the care and treatment for alcoholic, drug dependent, mentally ill, mentally retarded and other developmentally disabled persons. Among the major changes are the following:

1. Voluntary admissions to treatment facilities require the consent of the patient's guardian, if any, and the consent of a minor who is aged 14 or over.
2. Emergency detention of a person who is alleged to be mentally ill, drug dependent or developmentally disabled and who exhibits conduct which constitutes a substantial risk of physical harm to the person or others is authorized for up to 48 hours. Formerly, such detention was permitted for up to 145 days in some cases.
3. The involuntary commitment procedure for such persons is revamped. The former procedure was declared unconstitutional by a 3-judge federal court. To be civilly committed under the new law, a person must be 1) mentally ill, drug dependent or developmentally disabled; and 2) a proper subject for treatment; and either 3) dangerous because of a substantial risk of physical harm to other persons as evidenced by recent specific incidents; or 4) evidencing a substantial risk of physical impairment or injury to himself or herself because the person's judgment is so affected that he or she cannot protect himself or herself in the community and reasonable provision for protection is not available in the community and the individual is not appropriate for protective placement under ch. 55, stats.

4. New requirements are specified to guarantee due process of law during the commitment procedure. A preliminary hearing must be held within 48 hours of detention, and if probable cause for commitment is found, a full hearing or trial must be held within 14 days. Only that medication and treatment which is required to sustain life or to protect the individual or others may be administered without the informed consent of the subject, and all medication and treatment may be refused whenever it is contrary to a person's religion.

5. More frequent reevaluations by physicians must be held to determine whether a patient is eligible for discharge or transfer from a facility, and the rights of a patient to contest a transfer to a more restrictive environment are broadened. A patient may apply for reexamination at any time but is entitled to a reexamination after 120 days.

6. A new list of patients' rights is provided, such as the right to send and receive sealed mail, the right to have access to patient records, treatment information, letter-writing materials and stamps and the use of a telephone, the right to prompt and adequate treatment and the right to a humane psychological and physical environment. The use of physical restraint and isolation is restricted to controlled situations and the procedure and authority for such use is spelled out. Research may not be conducted without the express and informed consent of the subject. However, certain rights may be denied by the director of a facility for cause. Other rights may be denied only by a court after hearing.

7. Discrimination against employes, prospective employes, patients, residents or consumers of services in treatment facilities on account of age, race, creed, color, sex or handicap is prohibited.

8. Rules by which the liability of a county for payment for services is established are changed.

9. A minor who is developmentally disabled may receive protective placement at age 14. The former minimum age was 18.

## LEGISLATURE

*Chapter 39* (biennial budget act) abolishes the board on government operations. The joint committee on finance assumes the board's responsibilities including approving additional positions above the number properly authorized.

In addition to regular quarterly meetings of the joint committee on finance, special meetings may be held upon the call of the governor or of the chairmen. Mail ballots may be used for appropriation requests under \$5,000. Emergency supplemental appropriations may be made after the committee makes certain findings. The committee may also study and report on the operations of the state government.

Any legislator who does not establish a temporary residence at the state capitol may claim one-half of the \$25 per day allowance for expenses.

The legislative delegates to the national conference of state legislatures shall be designated by the committee on senate organization for the senate and by the speaker for the assembly.

The Menominee Indians committee of the joint legislative council is changed to the Native American study committee with changes in membership and duties.

The senate and assembly members of the council on highway safety are to be appointed as are members of standing committees from any standing committee with jurisdiction over transportation matters.

A special joint committee on fiscal notes is created to study problems of fiscal notes.

*Chapter 215* changes the membership of the joint survey committee on tax exemptions, which studies proposed legislation relating to tax exemptions. Former law provided for 7 members, including 2 from each house of the legislature. As revised, the law provides for 9 members, 3 from each house, with 2 from the most populous party in each house.

*Chapter 224* (budget review bill) revises the membership of the joint committee on finance to provide equal members from the senate and assembly.

Each joint standing, statutory, special or joint committee must be chaired jointly by a senator and a representative.

The joint committee for review of administrative rules will be cochaired and shall convene at the call of one of its chairpersons.

A joint legislative audit committee is established to advise the legislative audit bureau and to study and review postaudit or other audit bureau reports.

The legislative audit bureau may not examine issues related to academic freedom within the university of Wisconsin system but may review procedures by which decisions are made and priorities are set within the university system.

The legislative audit bureau must conduct postaudits of state departments at least once every 5 years rather than once every 3 years. Reports must be filed additionally with the joint legislative audit committee, appropriate legislative standing committees, the joint committees on legislative organization and on finance, and the legislative fiscal bureau.

*Chapter 249* increases the membership of the joint survey committee on retirement systems, which evaluates and issues recommendations on legislative proposals affecting public employe retirement. Three members of each house of the legislature are made members rather than two (of these two are from the majority party and one is from the minority party), and the secretary of employe trust funds is also made a member.

Under *Chapter 266*, the authorization for the legislative reference bureau to provide an intermediate computer is replaced with a direction to provide and maintain a data system for legislative text searching, text processing and records keeping. A new biennial sum certain appropriation is created for processing legislative documents and records. All other regular legislative expenses for operations, including all printing and duplicating, will be paid from the general sum sufficient appropriation for the operation of the senate and assembly.

*Chapter 267* changes the parking system in and around the state capitol park so that spaces reserved for state legislators and certain other state officers and employes generally will be assigned to specific persons or their designees.

#### MOTOR VEHICLES

*Chapter 5* makes altering a driver's license a crime, provides for suspension of operating privileges for persons convicted of appearing in the place of another to take the examination and provides for cancellation of an operator's license which has been obtained by having a person other than the applicant take the examination. The act also authorizes the division of motor vehicles to cancel a license if the person refuses to attend counseling sessions and gives a court discretion to require a person to attend traffic safety school in addition to or in lieu of license revocation for a first conviction for operating a vehicle while under the influence of an intoxicant.

*Chapter 18* requires a school bus which approaches another school bus which is displaying flashing red lights to also activate its red lights.

*Chapter 19* authorizes the division of motor vehicles to issue a school bus operator's license to any resident of Iowa, Illinois, Michigan or Minnesota who holds a valid driver's license from one of those states and otherwise meets the requirements of Wisconsin law for operating a school bus.

*Chapter 23* permits right turns on a red light and left turns from a one-way roadway onto a one-way roadway on which traffic travels to the left.

*Chapter 25* extends the expiration date of *Chapters 157 and 333*, laws of 1973, relating to emergency energy provisions to July 1, 1977.

*Chapter 32* provides short-term vehicle registration permits for nonresidents and authorizes the division of motor vehicles to refuse registration of a vehicle if the applicant has failed to pay the required fee on any other vehicle.

*Chapter 33* provides that an owner may transfer registration plates from an automobile which is no longer being used on the highways to another automobile for the remainder of the unexpired period.

*Chapter 35* provides that the public service commission may grant or deny a license for a contract motor carrier in whole or in part without first holding a hearing on the application. If the commission denies the application, provisions are made for holding a hearing.

*Chapter 36* permits an applicant for an operator's license to submit an eyesight report from any licensed ophthalmologist, optometrist or physician regardless of the state of residence of such ophthalmologist, optometrist or physician.

*Chapter 39* (biennial budget act) makes staff reductions in the administrative, data processing and transportation planning staffs of the department of transportation as well as in the highway maintenance and traffic control staff, the state traffic patrol staff and in the staff of the division of highways.

The act adds the position of audit supervisor in the public service commission so that field audits can be conducted on all common motor carriers and some contract carriers.

The practice of the division of motor vehicles in forwarding notices of perfected vehicle liens and a 50-cent filing fee to county registers of deeds is eliminated by this act.

Certain registration fees are increased and the practice of allocating \$2 of the \$7 motorcycle registration fee to the department of natural resources is eliminated and the entire \$7 fee is now deposited in the highway fund.

This act provides that beginning July 1, 1976, mass transit programs are to be funded as a first charge against the segregated highway fund.

*Chapter 48* permits the establishment of school crossings on streets and highways which are not adjacent to school grounds.

*Chapter 49* clarifies the fact that a municipality may voluntarily pay more than the amount which may be required of it by the highway commission for construction of an intrastate bridge.

*Chapter 50* permits the width of a vehicle carrying bales of hay to be 10 feet if the size of the bales is not more than 5 feet long and not more than 6 feet in diameter. This exception does not apply to transport on interstate highways.

*Chapter 55* removes from provisions of the motor vehicle safety responsibility law all references to warrants for "confession of judgment". Such judgments without action were prohibited in 1972.

*Chapter 63* requires that busses carrying passengers, vehicles carrying flammable substances with a flash point under 200 degrees Fahrenheit and vehicles carrying certain hazardous commodities stop at railroad crossings.

*Chapter 64* authorizes the issuance of a receipt constituting a temporary license for any type of license and deletes a provision which had prohibited the issuance of a temporary license to an applicant for reinstatement of an operating privilege which had been previously revoked or canceled.

*Chapter 66* allows a person to obtain a special permit for the transportation of farm machinery if the statutory length requirement is not exceeded by more than 5 feet.

*Chapter 84* requires a school bus with a passenger carrying capacity of 10 or more persons to be equipped with a mirror at least 7 inches in diameter on the front of the bus.

*Chapter 120* redefines the term "school bus" to include a vehicle transporting persons with certain handicaps to a facility approved by the department of public instruction or the department of health and social services for purposes of participating in a training program.

*Chapter 121* prohibits tampering with the odometer reading on a vehicle and provides that no person may sell or transfer a motor vehicle without disclosing in writing to the purchaser the odometer reading and that such reading is either accurate or inaccurate. A motor vehicle dealer must also furnish the name and address of the prior owner upon request. In addition, the act provides that school busses shall be painted "national school bus glossy yellow" and provides that clearance lamps on certain vehicles may be mounted at optional heights when rear identification lamps are mounted at the extreme height of the vehicle.

*Chapter 136* creates a new classification of "dual purpose motor home" for those vehicles used interchangeably as motor trucks and motor homes (campers). These vehicles must be registered on the basis of gross weight.

*Chapter 141* provides that signs imposing weight limitations on bridges be erected at a location sufficient to give reasonable notice of the limitation. Prior law required placement 100 feet before the bridge.

*Chapter 169* establishes procedures for placing code numbers on highway signs. It makes the unauthorized possession of such signs illegal and increases the penalties for repeat convictions for removal or tampering with such signs to a maximum \$100 fine and 60 days' imprisonment. In addition, if the injury, defacement or removal of a sign causes the death of a person the act provides for a fine of up to \$10,000 and up to 2 years' imprisonment.

*Chapter 192* provides that service roads adjacent to main highways are not to be considered "through highways" and establishes a speed limit of 25 miles per hour where such service roads are within the limits of any city or village.

*Chapter 196* sets certain criteria for outdoor advertising signs that advertise activities conducted on the property on which they are located.

*Chapter 210* provides that the speed limit at school crossing intersections is 15 miles per hour when children are present.

*Chapter 229* provides that a vehicle need not stop when entering or crossing a highway from a point of access other than another highway where a traffic control device or traffic officer directs or permits otherwise.

*Chapter 235* sets the registration fee at \$3 for vehicles loaned to schools for driver education programs approved by the board of vocational, technical and adult education.

*Chapter 237* permits the highway commission to furnish highway paint at cost to local authorities.

*Chapter 239* authorizes counties and municipalities to provide for installation of stop signs and traffic signals at intersections on highways over which they have exclusive jurisdiction.

*Chapter 240* permits any person to examine and copy uniform traffic accident reports, statements of witnesses, supplemental reports, photographs and diagrams retained by local authorities, the state traffic patrol or any other investigating law enforcement agency.

*Chapter 248* permits municipalities to adopt by reference all future amendments to the state traffic laws.

*Chapter 253* provides that no person may drive or park a vehicle within 300 feet of the entrance to a driveway or road on which fire fighting apparatus has stopped in response to an alarm.

*Chapter 269* provides that municipal ordinances relating to seaplane landing and take-off areas and safety regulations are to be filed with the department of transportation.

*Chapter 279* authorizes the use of semitrailers and trailers without a special permit from the highway commission if the overall length of the trailer or semitrailer does not exceed 45 feet and provided that the overall length of the trailer or semitrailer and the towing vehicle does not exceed 55 feet.

*Chapter 285* authorizes the highway commission to issue annual permits to companies and individuals hauling pole-length forest products. The permit issued shall limit the length of the vehicle to a maximum of 10 feet in excess of the current limitations of 35 feet for single vehicles and 55 feet for a combination of vehicles. The act does not affect maximum vehicle load limitations.

*Chapter 286* deletes the requirement that the application for a certificate of title contain the date of any security agreement. It further provides that if a secured party named in the title acquires a new or additional interest in the vehicle, the secured party need not resubmit the title to the division of motor vehicles to have his or her name placed on the title again.

*Chapter 288* provides for the licensing of motor vehicle salvage dealers by the division of motor vehicles. The annual fee is set at \$75.

*Chapter 297* makes remedial changes in various motor vehicle laws as suggested by the department of transportation and approved by the committee on remedial legislation.

*Chapter 299* authorizes cities and villages to declare snow emergencies and to prohibit, limit or restrict parking during snow emergencies by posting signs at the corporate limits of the city or village.

*Chapter 320* permits a fifth-wheel mobile home to be towed while persons are in the mobile home, provided there is a two-way communications system between the towing vehicle and the mobile home and provided that no person under 12 years of age rides in the mobile home unless a person at least 16 years of age is also riding in the mobile home.

*Chapter 326* expands the definition of "marked crosswalk" to include any portion of a highway at which a sign is erected indicating that it is a pedestrian crossing.

*Chapter 337* prohibits the division of motor vehicles from adopting a rule which requires the wearing of seat belts.

*Chapter 340* brings the outdoor advertising control law and junkyard control law into compliance with federal requirements. Signs which become nonconforming under this act will be compensated for upon removal. Junkyards which do not conform to screening requirements are to be screened, relocated or disposed of with the federal government paying 75% and the state paying 25% of the cost.

*Chapter 351* provides that a motor vehicle dealer who transfers a vehicle must give the purchaser a receipt for all title, registration, security interest and sales tax moneys paid to the dealer for transmittal to the division of motor vehicles. The dealer is required to deliver the certificate of title or application therefor to the division within 4 business days following the transfer. The receipt also constitutes a temporary operation permit entitling the purchaser to operate the vehicle pending receipt of the registration plates.

*Chapter 361* makes various changes in the laws relating to motor vehicle dealers, salesmen and sales finance companies. Various terms are redefined and additional grounds for suspension, denial and revocation are added. The bill further requires that a dealer own or lease a lot for display of automobiles and motorcycles in order to obtain a license.

*Chapter 367* permits local authorities to purchase traffic control devices at cost from the highway commission.

*Chapter 376* creates an interstate commission to develop a plan to merge the port authorities at Duluth, Minnesota and Superior, Wisconsin.

*Chapter 381* requires town boards to assign a name to each of the roads under its jurisdiction. It also requires municipalities over 5,000 in population to maintain a traffic accident record system. County traffic commissions are required to designate a person to maintain a spot map showing the location of accidents on county and town roads and streets in cities and villages with a population under 5,000.

*Chapter 384* creates a special registration plate for persons designated as "collectors" under section 341.266 of the statutes. Upon payment of the prescribed registration fee and an additional \$5 the applicant's license plate shall bear the applicant's collector identification number and the word "COLLECTOR".

*Chapter 385* permits a person to obtain a certificate of title for an automobile which was previously junked, which the person does not intend to operate on the highway, without having to have it inspected and certified.

*Chapter 415* provides that the division of motor vehicles may issue a temporary operator's license to a person afflicted with epilepsy who has been free of seizures for 6 months prior to application. The final decision concerning issuance or denial of the license remains with the administrator of the division. The act also provides that the epileptic must submit a certificate signed by a physician containing the physician's recommendation as to whether the operator's license should be issued to the applicant at 6-month intervals for 2 years and yearly thereafter.

*Chapter 417* creates a special registration for reconstructed and homemade motor vehicles.

*Chapter 418* requires the state highway commission to give top priority to the removal of nonconforming signs which advertise generally available merchandise. The act also directs the commission to establish a priority system for the removal of nonconforming signs.

*Chapter 425* provides that the state is to pay 90% of the eligible costs of municipal utility relocation and replacement required by state freeway construction. The municipal utility is to pay the balance of the costs. The act also corrects a problem created by the conflicting instructions given in *Chapters 191 and 410*, for determining compensation in condemnation proceedings. The correction clarifies the fact that any increase or decrease in the fair market value of property due to condemnation or probable condemnation is not to affect the determination of just compensation paid to the landowner.

*Chapter 429* eliminates the requirement that busses which transport adult handicapped persons to programs approved by the departments of health and social services and public instruction be painted yellow. However, busses which transport children, including handicapped children, are required to be painted yellow unless they have a passenger carrying capacity of fewer than 7 persons.

#### MUNICIPAL AND COUNTY GOVERNMENTS

*Chapter 4* eliminates statutory provisions relating to take-over of city projects by a redevelopment authority and permits cities to apply, accept and contract for federal housing aids.

*Chapter 17* places a ceiling on sanitary district taxes contingent upon equalized full value rather than the local assessed value.

*Chapter 39* (biennial budget act) permits counties to establish community human services boards which will be responsible for delivery of human services to be approved and funded by the department of health and social services. The act also provides for per diem compensation for town treasurers to be fixed by the annual town meeting.

*Chapter 46* provides that the narrowing, widening, extending or other alteration of a road, street, lane or alley in 2nd, 3rd and 4th class cities does not constitute discontinuance of any part of the old way, thereby establishing that such alterations are not subject to property owner approval.

*Chapter 47* changes the name of the Milwaukee Exposition Center Board to "Milwaukee Exposition and Convention Center and Arena Board" and provides that if the private corporation operating the auditorium is dissolved or terminated, the common council must reorganize the

auditorium board and may merge the auditorium board with the exposition and convention center and arena board.

*Chapter 62* removes the 8% per year interest limitation applicable to public improvement bonds issued by a county, town, sanitary district, city or village.

*Chapter 78* removes the mill rate limitation on property taxation to fund county parks for counties with small populations.

*Chapter 92* requires that appropriations in counties be directly approved by county boards. Thus a board's failure to override a county executive's veto of an appropriation in the budget does not operate to appropriate the amount specified in the proposed budget submitted by the county executive.

*Chapter 103* sets the fee for issuance of identification cards at \$2, eliminating fee determination by the attorney general.

*Chapter 105* permits cities and villages to develop tax increment financed public improvement projects. A "tax increment" is that local property revenue which is gained or lost because of the increase in the value of some designated geographic portion of the tax base of a municipality. A city or village may arrange the financing of certain public improvements, such as urban redevelopment and blight elimination projects, to receive the full positive tax increment until it has been compensated for its expenditures which contributed to a previously designated portion of the property tax base.

*Chapter 109* reduces the mandatory waiting period between a request for a special county board meeting and the meeting from one week to 48 hours for all counties.

*Chapter 111* requires 10 days' advance notice of board meetings to school fiscal boards instead of 48 hours' notice.

*Chapter 113* allows applicants for an identification card to use a passport as proof of age instead of a birth certificate.

*Chapter 116* permits counties to make changes in supervisory district boundaries as a result of annexation, incorporation, detachment or consolidation.

*Chapter 123* specifies that statutory permission for intergovernmental contracts is in addition to other statutes authorizing permission unless specifically excluded.

*Chapter 139* provides that nonresident tourists and vacationists do not have to pay a monthly parking permit fee when parking a mobile home with an automobile for 60 days or less.

*Chapter 152* requires county supervisors to take and file an official oath and imposes a penalty of \$50 to \$200 for failure to do so.

*Chapter 172* permits municipalities to mail notice to owners of inadequate sidewalks, raises from \$50 to \$100 the amount of sidewalk repair a city may do without notice and permits a city council to designate the city engineer to perform some of the duties assigned to the board of public works.

*Chapter 182* allows a city or village to issue bonds specifically for street lighting projects.

*Chapter 188* repeals obsolete requirements of town meetings, raises the minimum on public contracts of towns subject to bid procedure from \$500 to \$2,500, eliminates a \$5,000 ceiling on town conservation appropriations, repeals per diem limits on compensation of town officers and permits town meetings to authorize appointment of assessors without holding a referendum.

*Chapter 191* provides that compensation in condemnations may include decrease in value due to the condemnation and the value of significant improvements made within 5 years prior to the condemnation.

*Chapter 195* authorizes the Milwaukee county board to build, furnish and rent housing facilities to any county resident regardless of length of county residence or income.

*Chapter 201* enables counties, cities and villages to adopt a citation approach to nontraffic ordinance violations. Under the approach, citations are issued for ordinance violations, and the alleged violator has the option of making a cash deposit in lieu of appearing in court. The making of a deposit and failure to appear in court is deemed to constitute a plea of no contest and submission to a forfeiture for the offense. The forfeiture imposed may not exceed the amount deposited, and no costs or fees are taxed against the violator. The violator has 10 days in which to move to withdraw his or her plea of no contest, and the matter may be reopened upon showing of a good excuse.

Civil actions for the collection of forfeitures were authorized under prior law, and it was possible under prior law for an alleged violator to avoid a court appearance by making a stipulation of guilt

or no contest and paying a forfeiture. However, the stipulation and payment was authorized only after the action has been commenced by the issuance of a summons or warrant. The purpose of the citation approach is to make possible the collection of forfeitures without incurring the administrative expenses related to the issuance and service of summons and warrants. Of course, if an alleged violator does not voluntarily make a cash deposit and does not appear in court, the county, city or village may commence a formal action against him or her to recover the forfeiture. In addition to authorizing local law enforcement officers to issue citations, county, city or village officials and their employes may be given the power to issue citations with respect to ordinances which are directly related to the official responsibilities of such officials.

*Chapter 221* provides the following concerning Wisconsin housing finance authority law and municipal housing authority law: 1) restrictions upon the income of tenants and determination of rent in municipal housing projects financed by the Wisconsin housing finance authority are applied in accordance with the housing finance authority law rather than the municipal housing law; 2) the Wisconsin housing finance authority may finance nonhousing facilities in connection with housing improvements which it determines to be necessary for the economic viability of the project or required by law or by a master plan; 3) general municipal housing authorities and authorities providing housing for the elderly are expressly authorized to act as sponsors of projects financed by the Wisconsin housing finance authority; 4) the authority is authorized to accept federal funds for and to participate in future federal housing programs; 5) the authority may make, participate in the making or commit itself to make loans to a bank or savings and loan association if the loans will be used for the authority oriented purposes; 6) the secretary of administration is no longer required to approve the authority's accounting system; 7) the public deposit law and the law regulating usury and rates of interest are made inapplicable to the authority; 8) all past obligations issued pursuant to the housing finance authority law, in the absence of fraud or constitutional defect, are validated; and 9) the authority may maintain more than one capital reserve fund to secure its bonds and may elect not to secure a particular issue of bonds with a capital reserve fund.

*Chapter 224* (budget review bill) allows governing bodies to set payment dates for special assessments; permits cities to include freight transportation facilities in their transportation system; and permits state registrars, registers of deeds and city health officers to charge up to \$2 for additional copies of certified records.

*Chapter 225* permits the department of administration to sell articles stored in state warehouses to municipalities.

*Chapter 227* cedes certain land to the city of New Berlin for park and recreational purposes.

*Chapter 228* includes farm drainage districts, sewer utility districts and water utility districts as governmental units with which other governmental units may cooperate for various purposes.

*Chapter 233* eliminates a restriction on the amount a town may raise to establish and maintain a recreation department.

*Chapter 234* permits county boards to appoint physician and dentist members of county health boards without the use of lists if medical and dental societies fail to submit lists within 60 days after requested. County boards may compensate members of county health boards.

*Chapter 255* eliminates the 5-year restriction for an additional special assessment for pedestrian malls in Milwaukee and allows the city of Milwaukee to undertake, develop, finance, construct and operate pedestrian malls as local improvements.

*Chapter 258* reduces from three-fourths to two-thirds the common council vote necessary to override the veto of a city mayor.

*Chapter 264* requires the chairperson of a county board to appoint a temporary county executive to be approved by the county board and within 7 days of the vacancy to order a special election to fill the vacancy.

*Chapter 268* permits the local officer issuing identification cards to destroy the card applications after they have been on file for 7 years.

*Chapter 273* increases the maximum relocation payment to mobile homeowners from \$4,000 to \$15,000 and sets certain standards for qualifications for replacement payments.

*Chapter 281* permits a city council to decide which of the following bodies will hold a public hearing on enactments, amendments, repeals and reinactments of zoning ordinances: the city council itself, the plan commission, the board of public land commissioners or the plan committee.

*Chapter 290* permits municipal clerks and treasurers and town board designees to retain a portion of dog license fees only if they are not full-time, salaried municipal employees.

*Chapter 294* raises the compensation of nonsalaried coroners from \$16 to \$24 per day, permits a coroner to appoint more than one deputy, and requires written approval of the coroner for an autopsy on or embalming of the body of a person dying under certain unusual circumstances.

*Chapter 295* provides for a procedure to review municipal administrative decisions. Reviewable determinations include grants or denials in whole or in part of an initial permit, license, right, privilege or authority; the suspension, revocation or nonrenewal of an existing permit, license, right, privilege or authority; the denial of a grant of money or other valuable thing under a municipal law prescribing conditions of eligibility for such grant; and the imposition of a penalty or sanction upon anyone except a municipal employe or officer.

The review procedure does not apply to determinations about beer and liquor licenses except for nonrenewal of such licenses. A person seeking review must request review by the person or agency which made the determination either orally or in writing within 30 days of the determination to be reviewed. An initial determination must be made within 15 days of the request for review. The initial determination may be affirmed, revised or modified by the municipal authority. The person requesting review may appeal an initial determination and a hearing will be held. The outcome of the hearing may be reviewed by a court of record. A local government may elect not to be governed by the state law if it adopts an ordinance or resolution providing for review of administrative decisions.

*Chapter 304* eliminates the requirement of a separate state audit of the Milwaukee public debt amortization fund and requires the audit to be part of the independent certified audit of the city's financial records.

*Chapter 311* allows cities and villages to create by ordinance or resolution a combined authority to be known as the "Community Development Authority". The combined authority may also be authorized by the city to act as the agent of the municipality in planning and carrying out community development programs and activities approved by the governing body under the federal housing and community development act of 1974. The governing body may also designate the local housing authority, local redevelopment authority, or both acting jointly, or the community development authority to perform all acts, except the development of the general plan of the city, which are performed by the planning commission relating to housing and urban redevelopment programs and activities. The act also gives eminent domain power to community development authorities. The "date of evaluation" for purposes of awarding just compensation is the date on which the project boundaries are set. In addition, the act authorizes municipalities to borrow money to provide financial assistance to community development authority programs.

*Chapter 324* makes the following miscellaneous changes in county court clerk and treasurer duties: 1) after reporting unclaimed funds to the county treasurer, the county clerk is to hold the funds for one year instead of 2 as former law required; 2) a county treasurer is to hold unclaimed funds for 90 days (instead of the 10 now required) after giving notice and before turning the funds over to the county treasurer; 3) if a city, town or village treasurer cannot collect taxes, a county treasurer is authorized to do so; 4) a county treasurer is authorized to pay per diem and mileage as established by the county board to municipal treasurers delivering statements regarding delinquent taxes; 5) a county treasurer must deliver a statement of delinquent taxes returned to him or her by municipalities to the county clerk as well as to municipal treasurers; and 6) a county treasurer may initiate a petition for dissolution of a drainage district inactive for 6 or more years, after notice. If the district is dissolved, its funds revert to the county.

*Chapter 328* permits a county board or the voters to abolish the office of county executive, increases the number of signatures required for nomination and establishes the 3rd Tuesday in April as the date for the county executive to take office.

*Chapter 330* allows an appointing authority in the Milwaukee city civil service to leave a vacant position unfilled or to fill it either by open competition or by reinstatement, promotion or reduction.

*Chapter 333* authorizes all successors of sanitary district commissioners to serve staggered terms.

*Chapter 336* permits counties to borrow money for and to construct and maintain medical education facilities in conjunction with county hospitals, asylums and sanatoriums.

*Chapter 347* permits any Milwaukee owner of land given or dedicated for a proposed improvement to receive an offset on his or her assessment.

*Chapter 350* permits municipal housing authorities and redevelopment authorities to let contracts for \$3,000 or less without competitive bidding. The former limit was \$1,000 and \$1,500 respectively.

*Chapter 354* allows municipalities to adopt the following provisions to facilitate the enforcement of state and local building codes: realty owners who own any realty other than owner-occupied or 2-family dwellings may be required to keep a currently updated list of their address and the names and addresses of agents with the register of deeds. Building inspectors may serve effective notice of violations by making an attempted personal service and by posting on the premises and certified mailing to the last listed address of an owner, occupant or agent. Owners may be obligated to notify subsequent purchasers of existing violations and a \$500 penalty may be imposed for failure to do so, and unnotified new owners may be given the right to make necessary repairs.

*Chapter 355* provides that when an area constituting less than an entire town sanitary district to which no water or sewer service is provided is annexed or incorporated, and the district has no long-term obligations constituting less than an entire town sanitary district, the municipal sanitary district in the municipality to which the area is transferred is responsible for service to the newly annexed or incorporated area.

*Chapter 356* permits a city council to allow assessments for sidewalk work to be paid in up to 10 instalments.

*Chapter 403* increases fees and travel expense allowance paid to sheriffs for serving process and other legal documents and for performing other chargeable services.

*Chapter 410* makes the date of evaluation in condemnation proceedings the same for redevelopment authorities as it is for all other bodies with power of eminent domain (the date of taking). Any increase or decrease due to condemnation prior to evaluation cannot be counted in the amount of compensation.

*Chapter 416* increases funding for library systems to 75% of the formula amount under section 43.24 of the statutes for the 1976-77 fiscal year.

*Chapter 425* corrects a problem created by the conflicting instructions given in *Chapters 191 and 410*, for determining compensation in condemnation proceedings. The correction clarifies the fact that any increase or decrease in the fair market value of property due to condemnation or probable condemnation is not to effect the determination of just compensation paid to the landowner.

*Chapter 427* increases the number of members on property assessment boards of review, decreases the number of members required to hear assessment reviews and provides for changes of assessor's valuations only by an informed majority of the board.

## NATURAL RESOURCES

*Chapter 8* provides state payments for damage to crops caused by sandhill cranes.

*Chapter 20* sets a deadline of 90 days for the department of natural resources to approve or disapprove county solid waste management plans submitted by the department of local affairs and development.

*Chapter 22* permits persons who are at least 12 but less than 16 years of age to operate a motorboat only if accompanied by a parent or guardian or a person at least 18 years old designated by a parent or guardian or in possession of a boating safety certificate issued by the department of natural resources.

*Chapter 39* (biennial budget act) makes the following changes concerning natural resources:

1. Decreases the membership of the Great Lakes compact commission from 5 to 3 commissioners.
2. Requires the governor to appoint a state employe or official to serve as the Mississippi river parkway planning commission secretary. The secretary must report to the commission on interstate cooperation and vote at meetings of the commission. The county board of each named county must choose a representative to serve on the commission.
3. Increases the membership of the natural resources council of state agencies from 18 to 19 members. The departments of health and social services and business development must appoint a member. The division of health no longer will appoint a member.
4. Amends the financial assistance program for water systems so an eligible project includes one constructed under a franchise or contract entered into by a municipality. If a municipality contracts

for a system, "estimated reasonable costs" for financial aid purposes means only costs assessed to the municipality.

5. Provides funds for maintenance and development of snowmobile trails and areas on state lands as approved by the board of natural resources.

6. Required the department of natural resources to report to the joint committee on finance no later than January 1, 1976, concerning the municipal water safety aids program and not later than January 10, 1976, concerning the implementation of the motorcycle recreation program.

*Chapter 51* appropriates money for the purchase of lands in the Apostle Islands and cedes jurisdiction to the United States of lands lying within the boundaries of the Apostle Islands national lakeshore. The measure also conveys certain lands to the United States within the lakeshore boundary with reversion to the state if national lakeshore purposes are not continued.

*Chapter 52* permits the use of poison bait to destroy wild animals or birds if the department of natural resources authorizes the use of particular pesticides.

*Chapter 83* establishes standards for open burning of solid waste and requires the department of natural resources to issue licenses for open burning at disposal sites if certain burning requirements are met.

*Chapter 89* regulates, by lottery, the number of deer hunting party permits issued by setting preferences first for resident hunters who were not issued permits in the previous year, then for resident hunters who received permits in the previous year and finally, for nonresidents.

*Chapter 91* provides that the state will no longer pay bounties for killing certain animals. Counties may offer bounties, but only for pocket or streaker gophers, rats, moles, foxes, coyotes, wildcats and weasels.

*Chapter 97* permits a motor vehicle driver who hits and kills a deer to retain possession of the deer, without charge, if it is tagged by a conservation warden or a law enforcement officer.

*Chapter 128* permits the department of natural resources, with the consent of the landowner or occupant, to remove beaver structures causing damage. If the owner or occupant of the land fails to give consent he or she is liable for any damages arising thereafter from the beaver structure.

*Chapter 163* transfers tourism, commercial recreation and information-related functions from the department of natural resources to the division of tourism within the department of business development. The division is authorized to promote tourism to the state by various means including establishing tourism regions and tourism development corporations and conducting advertising programs.

*Chapter 179* limits the liability of landowners who allow their land to be used for certain outdoor recreational activities.

*Chapter 181* authorizes the department of natural resources to regulate Canada goose hunting and to control contagious diseases of wild animals. The time limit for filing claims of damage by wild ducks and geese and the monetary limit are increased. Money appropriated for state park and forest access roads may also be used for roads near Horicon Marsh.

*Chapter 194* authorizes and directs the sale, by the department of natural resources, of certain lands in Northern Highland State Forest to private parties.

*Chapter 197* makes comprehensive changes in the public inland lake protection and rehabilitation law. In part, the measure: 1) permits lake districts to use various methods of financing projects; 2) permits a town board to delegate sanitary district powers to a lake district and to convert a sanitary district into a lake district or merge the 2 districts; 3) permits lake district commissioners to assess special charges as well as special assessments; 4) permits a city or village to petition to establish a lake district for its citizens; and 5) permits representatives of an organization to serve as commissioners if the organization owns land in the district.

*Chapter 206* permits the department of natural resources to modify time limitations for compliance with effluent limitations by public treatment works if construction of treatment works necessary for compliance cannot be completed due to events beyond the permittee's control.

*Chapter 208* directs the department of natural resources to promulgate rules governing the operation of boats on the lower St. Croix river in cooperation with the federal government and Minnesota.

*Chapter 216* authorizes the department of natural resources to issue a daily sports fishing license to residents for fishing in the Great Lakes and Green Bay.

*Chapter 217* requires approval by the department of natural resources before an air contaminant project may be commenced. The department must analyze the effect of the project on ambient air quality and receive written comments and analysis from interested persons for consideration.

*Chapter 224* (budget review bill) makes the following changes concerning natural resources: renames the natural beauty council the Wisconsin citizens environmental council; revises the membership of the scientific areas preservation council; and requires the department of natural resources to manage and supervise all activities in connection with the Olympic ice rink. Operating costs of the rink are to be paid from appropriations to the department of natural resources.

*Chapter 230* reduces from 3 years to one year the length of time during which a snowmobile dealer must maintain records, as prescribed by the department of natural resources, for each new snowmobile sold.

*Chapter 232* exempts certain lands adjacent to farm drainage ditches from the provisions of a flood plain zoning ordinance.

*Chapter 236* authorizes the department of natural resources to issue deer proof fencing contracts if the department determines that a fence is necessary. An owner or lessee of land who refuses to accept a deer proof fencing contract is ineligible for deer damage payments.

*Chapter 246* prohibits loading or shooting a firearm or bow and arrow from or while in a vehicle or aircraft. Firearms and bows being transported in vehicles, aircraft or motorboats must be unloaded and enclosed in a carrying case.

*Chapter 250* authorizes the department of natural resources to issue permits to riparian owners for placing fish cribs and riprap on the beds of navigable waters.

*Chapter 296* establishes requirements for guarding ice holes and provides a penalty.

*Chapter 301* requires the department of natural resources to fund a hydraulic and engineering study before adopting a floodplain ordinance for a county, city or village.

*Chapter 310* provides that damage claims may be made for any crop damage caused by deer and bear unless the crops are not harvested according to normal agricultural practices.

*Chapter 317* requires the department of natural resources to limit the number of commercial fishing licenses issued to nonresidents to the number of licenses that state issues to Wisconsin residents.

*Chapter 322* deletes requirements for hunting licenses to hunt pheasant or deer on licensed farms. Record keeping requirements and fees for licensed game farms are also changed.

*Chapter 339* requires the university of Wisconsin to direct a study to determine the feasibility of producing methane gas and wood alcohol for commercial and domestic use.

*Chapter 342* increases to \$1,000 the amount of county forest timber sales that may be made without sealed bid or public auction.

*Chapter 349* makes changes in laws relating to natural resources. The measure: changes the scale of maps used in dam construction and provides for dam inspection every 2 years rather than annually; eliminates the 10% charge for aquatic nuisance treatment work performed by the department of natural resources; extends the due date for filing reports by mercury users; eliminates the requirement that pollution discharge permits require that water intake structures reflect the best technology; revises pollution discharge permit procedures for public notice; and gives government agencies a time limit for providing written views or recommendations on pollution discharge permits.

*Chapter 360* makes various changes in the fish and game laws as requested by the department of natural resources.

*Chapter 363* increases the penalty for every repeated violation of the law prohibiting water pollution.

*Chapter 365* creates numerous revisions in the penalties and procedures provided for violations of natural resources laws. Actions against violators may be commenced by a citation or a complaint and summons.

*Chapter 366* exempts shippers or transporters of branches and boughs from obtaining a Christmas tree dealer license.

*Chapter 368* authorizes and directs the department of natural resources to sell or exchange or, alternatively, to lease to named parties land in Oneida county known as Crescent Island.

*Chapter 399* extends to 14 days the amount of time after a snowmobile sale for a snowmobile dealer to mail an application and fee for a registration certificate to the department of natural resources.

*Chapter 412* prohibits the manufacture or purchase for use within this state of polychlorinated biphenyls ("PCBs") after July 1, 1977, with certain exceptions. A PCB advisory council is created in the department of natural resources.

### OCCUPATIONS AND PROFESSIONS

*Chapter 7* changes from 1 to 3 the number of apprentices that may be employed at a barber shop, but requires that each apprentice be assigned to a separate licensed shop manager.

*Chapter 9* requires the examining board for architects, professional engineers, designers and land surveyors to include in the licensing examinations given to architects and engineers questions about barrier-free design for the physically disabled.

*Chapter 39* (biennial budget act) makes the following changes in the statutes administered by the department of regulation and licensing:

1. Transfers the regulation of barbers, cosmetologists, funeral directors and embalmers from the department of health and social services to the department of regulation and licensing.

2. Provides that clerical operations be charged directly to the program revenue accounts of the various examining boards.

3. Establishes a separate investigative unit within the department.

4. Required the department to report to the joint committee on finance and the department of administration by January 1, 1976, on biennial licensing.

5. Requires the dentistry and veterinary examining boards to appoint their executive secretaries within the classified service, and allows these examining boards to compensate their secretaries in lieu of the per diems they receive as board members.

6. Allows the board of nursing to determine what portion of its unencumbered balance will be allocated to nursing education.

7. Increases the maximum license fees for various examining boards and the board of nursing.

8. Provides procedures for suspension, revocation and reinstatement of licenses by the optometry examining board in cases of failure to pay renewal fees.

9. Adds a licensed practical nurse from the Wisconsin association of licensed practical nurses to the board of nursing.

10. Grants authority to the secretary of regulation and licensing to appoint, assign and reassign all classified and limited term personnel required by the department.

11. Eliminates the basic sciences examining board.

12. Requires the chiropractic examining board to include a practical examination in chiropractic technique as part of its examination and allows the examining board to accept the certificate of the national board of chiropractic examiners.

13. Eliminates the council on cosmetology.

*Chapter 39* (biennial budget act) also increases the maximum examination fees for plumbers and automatic fire sprinkler contractors and fitters.

*Chapter 86* provides for the appointment of public members to the board of nursing and most of the state's examining boards and examining councils.

*Chapter 125* removes the prohibition on a beauty salon apprentice or operator having a financial interest in the beauty salon in which such person is employed.

*Chapter 257* sets certain educational requirements for real estate salesmen and brokers.

*Chapter 265* permits barber shops to share interior doors and waiting rooms with other commercial establishments.

*Chapter 303* permits registered and practical nurses to perform specified acts under the supervision or direction of a dentist.

*Chapter 318* requires public accountants certified by other states to demonstrate equivalency before the accounting examining board may waive the examination requirements.

*Chapter 334* requires the examining board of architects, professional engineers, designers and land surveyors to use only one uniform examination to test applicants for registration as an architect or professional engineer.

## RETIREMENT

*Chapter 39* (biennial budget act) abolishes the state employees' retirement system and directs that annuities to which people are entitled under the system be paid from the Wisconsin retirement fund.

*Chapter 126* provides that salary supplements paid by counties to circuit court reporters are subject to the Wisconsin retirement fund. An exception is provided for supplements subject to an existing retirement fund.

*Chapter 137* permits the granting of creditable service as a protective occupation participant where the participant was employed as a protective occupation participant for the 12 months immediately preceding retirement and applies for a retirement annuity on or before June 23, 1976.

*Chapter 170* defines each year of a prescribed term of office as equivalent to one year of creditable service for purposes of meeting the service credit requirements for the recognition of military service as creditable under the Wisconsin retirement fund.

*Chapter 189* revises the definition of "beneficiary" under the state retirement fund to clarify the designation procedure to provide for waiver of benefits, and to permit disbursement to the member's estate where there is no named beneficiary. Benefits payable to a minor or incompetent person may be paid directly to the person providing care for a minor and to a relative caring for an incompetent person.

*Chapter 254* authorizes the group insurance board, the public employees board and the state teachers' retirement board to provide by rule for payment of an annuity from additional deposits or contributions to trust funds for a specified period of time, regardless of when the annuitant dies. However, a person receiving a retirement annuity who has neither a spouse nor child may elect, within 3 months after the act takes effect, to receive the additional deposits or contributions as a lump sum payment.

*Chapter 280* merges the Wisconsin retirement fund, the state teachers retirement system and the Milwaukee teachers retirement fund into a new system known as the Wisconsin retirement system, under the control of the employe trust funds board. The board is vested with the rule-making powers and operational planning functions previously held by the boards of trustees of the Wisconsin retirement fund, the state teachers' retirement system and the Milwaukee teachers' retirement fund. These other boards continue to exist and perform their other functions. The act makes no statutory changes to implement the merger; instead, the employe trust funds board is directed to prepare implementing legislation for introduction in the 1977 legislative session.

*Chapter 282* provides that the Milwaukee teachers' retirement fund may pay retirement annuities on a lump sum basis, rather than as a life annuity, where the value of the annuity at retirement is \$5,000 or less. Previously, this option was available only where the annuity was valued at \$3,000 or less.

*Chapter 305* permits a public employe to designate a testamentary trust as beneficiary of the employe's interest in the retirement and public employe trust funds.

*Chapter 319* provides that payments made to state employes in anticipation of retirement for accumulated vacation, sick leave or compensatory leave or as severance payment may not be construed as earnings by the Wisconsin retirement fund in calculating contributions, service credit and final average salary determinations.

*Chapter 357* provides that state deposits to the Milwaukee teachers' retirement fund accumulated to June 30, 1966, shall be credited with interest to the end of the calendar month in which the participant dies. Previously, such deposits were credited with interest only to the end of the last calendar month prior to the death of the participant.

## STATE GOVERNMENT

### Claims against the state

*Chapter 30* appropriates \$640.47 to Russell Kaun as reimbursement for overpayment of inheritance taxes.

*Chapter 87* appropriates \$17,806.16 to Ray Wildenberg, Jr. as reimbursement for the condemnation of his cattle herd by the department of agriculture.

*Chapter 171* appropriates \$20,000 to Charles Creighbaum as reimbursement for the loss of 8 fingers while operating a malfunctioning machine at the Waupun State Prison.

*Chapter 173* appropriates \$1,027.30 to Alex Raineri in payment of fees for his service as former public administrator of Iron county.

*Chapter 174* appropriates \$121.26 to Rex M. Smith in payment of fees for his service as former public administrator of Langlade county.

*Chapter 175* appropriates \$12,090.52 to Patrick T. Sheedy in payment of fees for his service as former public administrator of Milwaukee county.

*Chapter 176* appropriates \$727.05 to Laura L. Jordan as reimbursement for overpayment of inheritance taxes.

*Chapter 177* appropriates \$2,567.70 to Mathilde T. Brands as reimbursement for overpayment of inheritance taxes.

*Chapter 202* appropriates \$698.25 to the First National Bank of Kenosha, executor of the estate of Alexander Bucko, as reimbursement for overpayment of inheritance taxes.

*Chapter 203* appropriates \$11,654.17 to the city of Cumberland as reimbursement for extraordinary expenses incurred in the protection of property in connection with a convention of the American Indian Movement.

*Chapter 241* appropriates \$2,366.28 from the conservation fund to the Sheboygan county sheriff's department as reimbursement for water patrol services performed during 1972.

*Chapter 271* appropriates \$916.85 to Pearl Cutsforth as reimbursement for medical expenses incurred as the result of a fall at the Wisconsin Correctional Institution, Fox Lake.

*Chapter 272* appropriates \$1,060.41 to George Douglas Bogue in payment of fees for his service as former public administrator of Columbia county.

#### **Revisor's bills**

*Chapter 41* is a correction law written by the revisor of statutes. The act corrects statutory errors, clarifies language, repeals obsolete provisions and validates mergers of nonconflicting amendments made by the revisor in printing the statutes.

*Chapter 198* is a revisor's correction law. The act corrects errors, clarifies language, repeals obsolete provisions and changes cross references.

*Chapter 199* is an act prepared by the revisor of statutes which makes numerous nonsubstantive changes in various statutes affected or created by 1975 acts to delete references to one gender, except where the context otherwise implies. This policy is mandated by section 13.93 (1) (m) of the statutes, as created by the equal rights act (chapter 94, laws of 1975).

*Chapter 200* is a revisor's correction law. The act corrects errors, clarifies language, renumbers various provisions for better location and repeals obsolete and irrelevant material.

*Chapter 218* is an act prepared by the revisor of statutes which makes numerous nonsubstantive changes in various statutes affected or created by 1975 acts to delete references to one gender, except where the context otherwise implies. This policy is mandated by section 13.93 (1) (m) of the statutes, as created by the equal rights act (chapter 94, laws of 1975).

*Chapter 420* is an act prepared by the revisor of statutes to correct the election occurrences listings in the statutes which are provided as a convenient checklist to persons using the election laws. The act has no substantive impact; it merely reflects various changes which the 1975 legislature had already made in the election laws.

*Chapter 421* is an act prepared by the revisor of statutes which makes numerous nonsubstantive changes in various statutes affected or created by 1975 acts to delete references to one gender, except where the context otherwise implies. This policy is mandated by section 13.93 (1) (m) of the statutes, as created by the equal rights act (chapter 94, laws of 1975).

*Chapter 422* is a revisor's correction law. The act reconciles conflicts in other laws recently passed, eliminates unnecessary language, clarifies wording, corrects grammar and other errors, and merges nonconflicting material enacted at different times.

**Other state government legislation**

*Chapter 10* provides that when an act is permitted to be done through the use of the mails, and the U.S. postal service is closed due to a federal holiday provided by federal law or proclaimed by the president, and this is the last day on which the act may be performed, it may be done on the next day in which it would otherwise be done, regardless of whether the federal holiday is a legal holiday by state law.

*Chapter 39* (biennial budget act) permits the building commission to waive building requirements if it determines that innovative types of design and construction are in the best interests of the state.

The building commission may approve the sale or lease of state-owned residence halls by the board of regents.

The audits of the state treasury and the books of the department of administration performed by the legislative audit bureau must be performed at least once every 2 years rather than annually. The bureau may also contract for the services of independent professional or technical experts.

The membership of the health policy council is revised to provide for 2 categories of members, agency representatives and members-at-large.

A human services coordinating council is created in the executive office to advise the governor and develop policy statements that focus on comprehensive delivery of services.

The governor may delegate authority to approve selected organizational changes within a department or agency to the head of any department or independent agency.

The division of health policy and planning in the department of administration is eliminated.

A division of business development services and a division of tourism are created in the department of business development. A council of tourism is created in the department of business development. Responsibility for promoting tourism is transferred from the department of natural resources to the department of business development.

The department of health and social services is placed under the direction and supervision of the secretary of the department rather than the health and social services board. The board is abolished.

The medical education review committee must prepare a statewide plan for hospital affiliations throughout the state and review and approve all proposed affiliations on the basis of the plan. Nonapproved affiliations cannot be included under state programs receiving state funding.

*Chapter 81* grants the department of administration, pursuant to its responsibility to coordinate the state's risk management (self-insurance) program, the authority to contract for investigative and adjustment services which can be performed more economically and efficiently by contract. This is expected to provide a cost savings in comparison to the former system of separate insurance against liability losses by individual state agencies. The risks of liability of the state for the acts of agents as well as for officers and employees, when acting within the scope of a written agreement, may also be managed.

*Chapter 94*, the equal rights act, makes changes in various laws with respect to establishing equal treatment of men and women. Minimum wage and maximum hour laws, formerly applying only to women and minors, are extended to apply to adult males. The act also amends laws relating to domestic relations, local civil service, public employe retirement, criminal procedures, veterans and military affairs and other subjects. State agency heads are to examine the laws, rules and procedures for which they are responsible and take action to remedy any discrimination based on race, religion, national origin, sex or marital status. A new law prohibits similar discrimination against children in admission to public schools and in obtaining school services. Former laws which prohibited discrimination based on race, creed, color or national origin or certain other factors by state contractors, by auto insurance companies in providing insurance, by state agencies in making rules, by persons in providing public accommodations and by local governments in provision of public housing and assignment of school personnel are extended to apply to discrimination based on sex. Fair employment laws formerly barring sex discrimination are amended to specifically prohibit unequal pay for men and women for substantially similar work and advertisements for employment which classify jobs based on sex, unless sex is a bona fide occupational qualification. Word changes are inserted into many laws to delete references implying application to persons of one sex, and the statutes are to be drafted in the future so as to use nondiscriminatory terminology.

*Chapter 99* makes miscellaneous changes in the bingo control act. Contrary to the general rule, organizations holding seller's permits for bingo only may still come under the "occasional sales" exemption to the sales tax (bingo gross receipts are taxed separately). The act does not apply where

players pay no consideration, cards are free and prizes (if any) are donated. Bonds need no longer be filed by licensees. The maximum number of games which a licensee may hold in one year is increased from 18 to 24. Several other restrictions in the current law are liberalized slightly and some minor requirements removed.

*Chapter 106* removes the terms "deaf mute" and "deaf and dumb" from the statutes and statutory index, and substitutes other wording to the same effect not having a negative connotation.

*Chapter 110* amplifies upon former law with respect to possession and distribution of controlled substances, such as narcotic drugs, for research purposes. One-year permits may be issued to specific persons by the controlled substances board (formerly registrations were issued for 6 months). Information required to obtain a permit is specified and a fee may be charged for issuance. The board may adopt rules relating to the granting of permits and may suspend or revoke permits for violations.

*Chapter 145* created a bicentennial medal committee to investigate the issuance and sale of a medal commemorating the national bicentennial on the obverse side and the 140th anniversary on the reverse side. The committee was to recommend appropriate legislation (due to shortness of time and similar activities by the Wisconsin American Revolution Bicentennial Commission, the idea was not implemented).

*Chapter 164* provides for special procedures to alleviate the state's cash flow problems. The secretary of administration may establish priorities for payment of claims against the state treasury and may make partial payments (except in the case of payments of principal and interest on state bonds). The secretary may temporarily transfer moneys between accounts in the general fund to meet payments. Local units of government are to be paid interest on deferred payments. Two voluntary investment funds are created for deposit of local government moneys, which may include both payments due from the state and surplus local revenues. The department of administration is directed to make a detailed cash flow study, to be completed by February 1, 1977.

*Chapter 165* cedes the state's interest in certain lands comprising a municipal swimming area to the city of Delavan for park and recreational purposes.

*Chapter 189* provides that the department of administration may not approve for payment any travel vouchers exceeding set auto mileage rates.

Contracting agencies of the state shall include in all contracts a provision against discrimination based on age, handicap and sex.

The department of administration must make its preliminary population determinations on or before August 10 of each year rather than August 1.

*Chapter 204* provides that February 15, the birthday of Susan B. Anthony, shall be appropriately observed in the public schools. Classes are not canceled as a result of such observance, however.

*Chapter 205* deletes the 500-copy limit on the paperback preprint of the biennial Wisconsin Blue Book dealing with the organization of Wisconsin state government. The number of copies of the preprint will now be determined by the department of administration on the basis of anticipated demand.

*Chapter 219* provides that January 15, the birthday of Dr. Martin Luther King, Jr., shall be appropriately observed in the public schools as "Dr. Martin Luther King, Jr. Day". Classes are not canceled as a result of such observance, however.

*Chapter 224* (budget review bill) provides for renaming the penitentiary at Waupun "Wisconsin State Prison", the correctional treatment center at Waupun "Wisconsin Treatment Institution" and the penitentiary at Taycheedah "Taycheedah correctional institution".

A section of central state hospital is to be designated a correctional treatment facility for the social rehabilitation and treatment of substance abuse of inmates transferred from Wisconsin state prisons.

The department of health and social services may operate a vocational education program in auto body repair at the Wisconsin state reformatory.

The department of industry, labor and human relations must maintain records of all fires occurring in this state.

*Chapter 242* increases from \$1 to \$2 the amount of overpayments which state agencies are authorized to retain unless a refund is requested and of underpayments which such agencies are authorized to waive if the cost of collection exceeds the amount due.

*Chapter 244* raises the dollar limit at which public construction contracts are required to be submitted to open bidding by cities, city school districts, villages, counties and vocational districts from \$1,000 to \$5,000.

*Chapter 252* formalizes the established practice that the governor shall deposit executive orders in the secretary of state's office. For each order which is to be in effect more than 90 days, the revisor of statutes is to print the text (or an informative summary of the text) in the *Wisconsin Administrative Register*.

*Chapter 256* extends the former criminal prohibition against the denial of or the charging of a higher price for the full and equal enjoyment of places of public accommodation or amusement on the basis of sex, race, color, creed, national origin or ancestry to the giving of preferential treatment to some classes of persons in any such place because of such factors. The law is also extended to preclude any person from refusing to rent, charging a higher price than the regular rate or giving preferential treatment because of sex, race, color, creed, national origin or ancestry regarding the use of any private facilities commonly rented to the public. The minimum civil liability for violators is increased from \$25 plus costs to \$100 plus costs.

*Chapter 270* transfers the responsibility for the custody of security deposited with the state in accordance with the motor vehicle financial responsibility law from the state treasurer to the administrator of the division of motor vehicles of the department of transportation.

*Chapter 382* increases the minimum pay to be received by members of the Wisconsin national guard who are ordered to active duty by the governor during emergency situations from \$20 to \$30 per day.

*Chapter 388* provides that when a new program is created and the law creating the program so requires, the administrator of the program shall within 60 days prepare information detailing the goals, standards and objectives of the program. Such information is then furnished to the department of administration and to certain legislators and legislative agencies with program review responsibilities.

*Chapter 390* provides that in the administration of state construction contracts (except contracts made by the department of transportation), and local government contracts for the construction, execution, repair, remodeling or improvement of public works or buildings involving \$1,000 or more, not more than 10% of the value of the work performed may be withheld from the contractor until 50% of the value of the work is complete. After this point, full partial payments must be made unless, in the opinion of the architect or engineer, the work is not proceeding satisfactorily.

*Chapter 397* makes various changes in the operation of the state claims board and the treatment of claims against the state. Hearings no longer need be held except by request of the claimant or by vote of the board. The amount of a claim which may be paid by the board without legislative approval is raised from \$500 to \$1,000, and certain categories of claims may be paid directly by the department of administration without board approval.

*Chapter 398* provides that June 14 shall be appropriately observed in the public schools as Robert M. La Follette, Sr. Day if school is held on that day. Classes are not canceled as a result of such observance, however.

*Chapter 414* substantially revises the procedure for treatment of contested cases (those controversies ruled upon by a state agency involving 2 or more direct participants). Legal standing for participation in such cases is broadened, thereby increasing the number of cases and the number of parties participating in them. Three classes of cases are created: Class I — concerning discretionary or policy matters; Class II — concerning investigations and impositions of sanctions or penalties; and Class III — all other cases. Matters such as notice of hearing, records of oral proceedings, discovery, filing of proposed decisions, separation of prosecutorial and decision-making functions, affidavits of personal bias and ex parte communications are treated differently depending on the class of case involved. Procedures are instituted to expedite cases. Contents of the case record are specified by law. Special rights to a hearing and the use of the administrative procedure act are created in some instances where neither a contested case nor rule-making is involved. The general requirement for agencies to adopt rules of procedure is repealed, but they remain authorized to do so. A petition for rehearing is no longer required in any case to secure court review of a decision. The powers of courts in reviewing agency decisions and modifying such decisions are broadened. The venue for court appeals is shifted from Dane county circuit court to the circuit where the appellant is located, although the law's language is somewhat unclear in this respect. Other matters dealt with include rules for preservation of evidence, the right to cross-examination, powers of

hearing examiners, licensing which is an agency's discretion, and the standards for granting a rehearing.

*Chapter 426* revises the state's open meetings law, which governs public access to meetings of all state and local public bodies. The law is clarified to specifically require notice of closed sessions, including the subject matter thereof. The scope and application of notice requirements is expanded. Notice of a meeting must be provided at least 24 hours in advance. However, a body may hold a meeting for good cause upon as little as 2 hours' notice, if the 24-hour notice is impossible or impractical to give. University of Wisconsin system bodies in a department or subunit thereof need only give notice to persons likely to be interested in their meetings, and to news media who file requests for notice. The law requires separate notice of each meeting at a date reasonably proximate thereto. All motions and roll call votes are required to be recorded.

The exceptions which allow closed meetings under certain circumstances are revised to clarify certain provisions and to change the scope of others. Preliminary discussion of personnel problems may be held at closed session without notice to the affected employes, but if a hearing is held to take evidence on a disciplinary matter, or final action is to be taken, the employe may demand an open meeting. An employe does not have the right to notice and attendance at a meeting concerning his or her employment, promotion or compensation (except when university faculty tenure is considered). A new exception is allowed to consider employe "performance evaluation data". The exception which allows closed conferences between a body and its attorney is narrowed in scope. The law does not apply to collective bargaining negotiating meetings. It does apply to discussion of bargaining issues by a governmental body, but the body may after giving notice go into closed session to formulate strategy. The law adds a requirement for public employers to provide notice to their regular news medium whenever a collective bargaining contract is reopened. The exception allowing closed partisan caucuses in the legislature is retained, except as otherwise provided by rule. However, language in the former law which was construed to authorize closed committee caucuses is removed.

The penalty for violations is increased and a minimum \$25 forfeiture is applied. The scope of the penalty is also expanded to cover any violation of the law, rather than only attending an illegal closed meeting, as formerly provided. The attorney general or a district attorney may seek a court order restraining violations, requiring compliance, voiding actions taken at illegal meetings or defining respective rights and responsibilities in any controversy. Any person may also bring such an action, in addition to a prosecution which was formerly authorized, if the district attorney fails to act, and such person may be awarded costs and attorney's fees. The attorney general is authorized to give legal advice to any person with respect to application of the law.

## TAXATION AND TAX SHARING

*Chapter 39:* Some of the more important tax changes are listed below:

1. A new system of personal property tax relief is created. The credit percentage, which was to be 85% in 1976 and 90% in 1977, is fixed at 80%, and the personal property tax exemption on merchants' stock-in-trade, manufacturers' inventories and farmers' livestock which was to take effect in 1978 is repealed.

2. Distributions from the municipal and county shared tax account are altered. A limit is placed on the per capita payments. A minimum payments supplement is made to municipalities in 1976 and 1977, not to exceed \$8,500,000 each year, and to counties in 1976 and 1977 to guarantee utility payments at 50% of the 1975 utility payment.

3. Property tax levy limits on municipalities and counties are created and cost controls on school districts are established.

4. Eligibility for the homestead tax credit program is expanded and the amount of the maximum credit is increased.

5. Wisconsin will no longer automatically pick up federal changes in the internal revenue code for use in calculating Wisconsin personal income taxes.

*Chapter 45* requires that notice of a petition to have lands approved as "forest croplands" be published 3 times in the newspaper having the largest general circulation in the county rather than once in a newspaper having general circulation in the county. It also requires that notice by registered mail be given to the town clerk of any town in which the lands are located.

*Chapter 80* makes various changes in levy limitations on municipalities and counties and school district budget limitations enacted in *Chapter 39* (biennial budget act).

*Chapter 96* provides a sales tax exemption for coal, oil, gas and nuclear material converted to steam for purposes of resale by persons other than utilities.

*Chapter 102* provides a sales tax exemption for insulin injection equipment sold to consumers.

*Chapter 104* makes various changes in the income and franchise tax law relating to tax tables, use of whole dollar amounts and withholding taxes.

*Chapter 144* requires that notice be given to the municipal clerk of manufacturing property assessments which are entered on the state assessment roll. It also requires notice of the date, time and place of hearing of an appeal or protest in regard to assessment of manufacturing property.

*Chapter 146* provides a sales tax exemption for baling twine and baling wire.

*Chapter 151* makes various changes in property tax assessment board of review proceedings.

*Chapter 186* makes several changes in administrative procedures of the sales tax.

*Chapter 189* provides that in apportioning for corporate income tax purposes the income and losses of personal holding companies, income and losses from intangible personal property shall follow the residence, rather than the situs, of the personal holding company.

*Chapter 211* changes the rate of interest to be paid on delinquent property tax and forest cropland acreage shares from .8 percent per month in most cases to one percent per month (12% annual rate).

*Chapter 212* extends the time period during which the department of revenue, without intervention of a board of review, may revalue property assessments after a complaint by a taxpayer, and establishes the procedure to be followed when such cases occur after the time of the tax levy.

*Chapter 213* requires the department of revenue to deliver the manufacturing property assessment roll to each municipality prior to October 31 of each year.

*Chapter 214* makes miscellaneous changes in the corporate income tax.

*Chapter 222* revises the inheritance tax law as it relates to taxation of property held in joint tenancy.

*Chapter 224* (budget review bill) makes the following changes in the tax laws:

1. The county and municipal property tax levy limit procedures created by *Chapter 39* (biennial budget act) are further modified.
2. The chapter removes a restriction on the deferral of special assessments in cities of the first class and permits the local governing body to prescribe the period of time in which special assessments may be paid on property which does not use a public improvement.
3. The property tax exemption for pleasure watercraft owned by residents of this state is expanded by eliminating the requirement that the boat be used exclusively by members of a family and grants the exemption for pleasure craft owned by nonresidents and used for recreational purposes.
4. The provision that prohibits businesses which grind optical lenses from being assessed by the state as manufacturing property is eliminated.
5. Health service insurance corporations are permitted to carry forward losses incurred after 1971 by them while operating as an unincorporated nonprofit service plan prior to incorporation.
6. The state corporate income tax deduction for federal income taxes paid by insurance companies is repealed.
7. The provisions that base Wisconsin's income tax on the federal internal revenue code are modified to eliminate amendments to the internal revenue code enacted after December 31, 1975, from calculating personal income taxes in 1976 and thereafter and to update the reference to the code for insurance companies, regulated investment companies and real estate investment trusts.
8. Legislators' per diem expenses are specifically made exempt from the state income tax.
9. Dividends received by a Wisconsin holding company from a regulated corporation which is a subsidiary of the holding company are made tax exempt.
10. Corporate deductions for entertainment expenses for public officials are eliminated.
11. Deductions are permitted on 1975 personal income tax returns for contributions made between January 1, 1976, and the legal filing date for the return, to self-employed retirement plans.
12. The act also alters administrative provisions of the tax system and clarifies existing tax laws as well as making various other changes in corporate income taxes, shared taxes and sales taxes.

*Chapter 226*, the woodland tax law, is changed as to initial and continued eligibility for the program, tax rate per acre and penalty for withdrawal at times other than at the termination of the contract. The governor vetoed a similar bill, senate bill 198.

*Chapter 338* permits real property listers access to real estate transfer fee returns.

*Chapter 424* removes the \$8,500,000 limit on the sum sufficient appropriation for the 1976 minimum payments supplement to the municipal and county shared tax account.

#### VETERANS

*Chapter 26* authorizes general obligation bonding for the veterans' first mortgage loan program in the amount of \$300,000,000, in addition to funds available from the Wisconsin housing finance authority. It reduces the limit on the bonds the housing authority may have outstanding, creates a veterans mortgage loan repayment fund and revises eligibility requirements for the veterans' first mortgage loan program.

*Chapter 27* increases from \$12,500,000 to \$14,500,000 the maximum amount that the investment board may advance to the department of veterans affairs for use in the second mortgage loan program.

*Chapter 39* (biennial budget act) permits reimbursement to veterans for expenses incurred in completion of correspondence courses or part-time classroom study from the UW system, other accredited colleges and universities within the state, vocational schools and high schools.

*Chapter 77* eliminates the governor from the board of veterans affairs, thus providing that all 7 members of the board be veterans, and drops the requirement that one of the members of the board be a veteran of the Spanish-American war.

*Chapter 224* (budget review bill) modifies eligibility requirements for veterans' housing loans, establishing a \$40,000 cutoff for previously occupied dwellings and a \$45,000 cutoff for new homes. Widows or widowers of veterans are eligible only if they do not remarry.

*Chapter 316* designates a representative of the state department of the national association of concerned veterans to serve as a member of the council on veterans programs in the department of veterans affairs.

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