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# The State of Wisconsin

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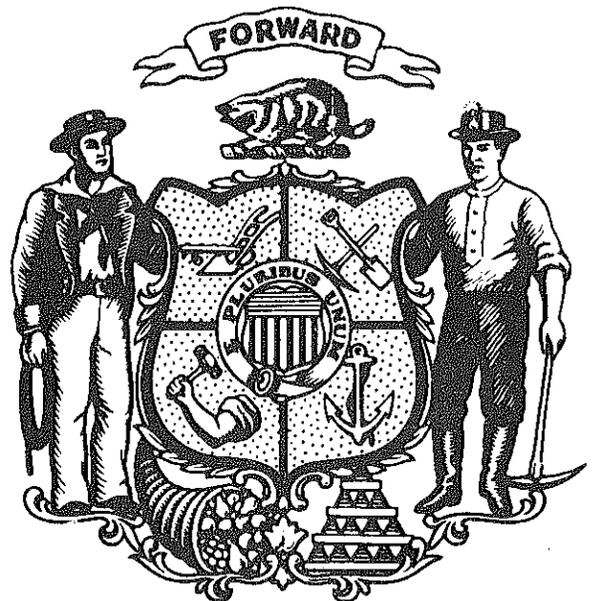
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## BILLS ENACTED IN THE 1977 WISCONSIN LEGISLATURE THROUGH JUNE 1978

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## BILLS ENACTED IN THE 1977 WISCONSIN LEGISLATURE THROUGH JUNE 1978

(Chapters 1 to 449, Laws of 1977)

### Highlights

This bulletin gives an overview of the "highlights" of 1977 legislation enacted prior to June 15, 1978. Because the two budget acts (*Chapters 29 and 418*) each affect 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 1977 legislature took its oath of office on January 3, 1977. Its regular session was organized into 4 floorperiods: I — January 11 to February 18, 1977; II — March 29 to July 1, 1977; III — September 6 to September 30, 1977; and IV — January 31 to March 31, 1978. It met January 24, 1978, and June 13 and 14, 1978, to review vetoes. On the call of the governor, the 1977 legislature met in special session on June 30, 1977 (June 1977 Special Session), to consider Governor Lucey's partial vetoes of the budget bill. It met from November 7 to 11, 1977 (November 1977 Special Session), to consider bills creating a court of appeals, changing civil service procedures and administration, tightening restrictions on drunk driving, changing the worker's compensation law and changing shelter care reimbursement. It also met from June 13 to 15, 1978 (June 1978 Special Session) to consider bills creating a single level trial court and raising housing value limitations for the veterans home loan program. Continuing the practice begun with the 1969 special session (see Enrolled 1977 Assembly Joint Resolution 23 creating Joint Rule 78) the laws enacted by the 1977 legislature meeting in special sessions were numbered into the regular sequence of 1977 session laws. Thus, the laws resulting from the November 1977 Special Session became chapters 187, 193, 194, 195 and 196 of the 1977 session laws and the laws from the June 1978 Special Session became chapters 446, 447, 448 and 449 of the 1977 session laws.

Of the members originally elected to the Senate, 23 were Democrats and 10 were Republicans. A Democrat, Senator Jerome A. Martin, died on January 27, 1977, and was succeeded by a Republican, Senator Alan J. Lasee, making the composition of the Senate 22 to 11. Of the members originally elected to the Assembly, 66 were Democrats and 33 were Republicans. Changes since election day have been: Representative Michael H. Elconin resigned and was succeeded by another Democrat, Representative William B. Broydrick; Representative Michael P. Early, a Democrat, resigned and was succeeded by James Harsdorf, a Republican; Representative Kenneth M. Schricker died thereby creating a vacancy; Representative Lloyd H. Kincaid changed party membership from Republican to Democratic; and Representative Peter J. Tropman resigned and was succeeded by another Democrat, Dismas Becker. As of this writing, the composition of the Assembly is 66 Democrats, 32 Republicans and one vacancy.

Of those members originally elected, the average age in the senate — 42.5 — was the youngest in recent memory, while the average age in the assembly — 41.6 — was only slightly older than the previous session. Six out of 33 in the senate were new to their positions while 14 out of 99 in the assembly were serving for the first time. The 1977 Session had a noticeable increase in the number of legislators who hold no other job, 12 in the senate and 50 in the assembly, up from 4 and 25 in the previous session, respectively.

The 1977 legislature approved 449 acts compared to 430 for the 1975 legislature. The real "highlight" of the 1977 session, however, was not any one act but the fact that such a large number of lengthy and complex bills became law. This bulletin summarizes more than 50 major enactments in addition to the massive budget and budget review bills, while prior sessions resulted in only one-half that number. In addition, both the budget act and budget review act were about 50% longer than previous budget and budget review acts. The number of bills introduced dropped to 2,059 from 2,357 in the previous session. Of the bills introduced, 1,311 originated in the assembly while 748 started off in the senate. This made the statistical probability of success for a given measure 21.8%. Even the 2051 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 over 190,000 words estimated for one budget substitute. The legislative reference bureau received 13,999 drafting requests for the 1977 session, up from 11,077 in the 1975 session.

Probably the most significant achievement of the 1977 legislature was its decision to restructure the state's court system. The legislature first submitted a constitutional amendment on this subject to the people in April, 1977. After its approval, implementing acts created an intermediate appellate court and unified the state's trial court system.

Other major recodification bills included overhauls of the children's code, state employe personnel laws, the criminal code, marriage and divorce laws, the state code of ethics and the lobbying law. In addition, the department of employment relations was created and the departments of transportation and industry, labor and human relations were restructured.

The budget act and the budget review act continued to expand in size and scope. Topics included in the bills covered the entire spectrum; only a small portion actually related to appropriations. Despite the length of the bills, no conference committees were required to pass the bills this session, a departure from recent practice. Instead, the versions recommended by the joint committee on finance were amended by each house in a series of complex "super amendments" and amendments to these amendments until a majority consensus was reached.

Governor Patrick Lucey and Acting Governor Martin Schreiber vetoed 21 complete bills during the 1977 session, down from 38 in the 1975 session. They also made partial vetoes in a total of 16 appropriations bills, down from 22 in the previous session. Of these, 4 complete bills were enacted over the governor's veto and partial vetoes in 3 measures were overruled. In the last session, there were 6 complete veto overrides and partial vetoes were overridden in 4 bills. Bills enacted notwithstanding the governor's objections included laws repealing the requirement for adult motorcyclists to wear helmets, changing length and load limitations for trucks carrying autos, exempting producers of honey from food processing regulation and restructuring the school board in the city of Milwaukee. The most significant overrides probably occurred in the budget and budget review acts. A large number of vetoes and overrides occurred in the budget act while proportionately fewer took place in the budget review act.

Relatively few major pieces of legislation which were seriously considered failed enactment this session.

## **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.

**TOTAL APPROPRIATIONS**  
1977-79

By Purpose		
Purpose	Amount*	Percent of Total
State Operations	\$4,504,444,100	40.8%
Local Assistance	4,939,302,500	44.7%
Aid to Individuals and Organizations	1,597,978,300	14.5%
<b>TOTAL</b>	<b>\$11,041,724,900</b>	<b>100.0%</b>

By Revenue Source		
Revenue Source	Amount*	Percent of Total
General Purpose Revenue	\$4,344,597,000	39.4%
Federal Revenue	2,440,814,500	22.1%
Program Revenue	897,255,300	8.1%
Segregated Revenue	908,563,400	8.2%
Bond Revenue	690,002,300	6.2%
Local Tax Revenue	1,760,492,400	15.9%
<b>TOTAL</b>	<b>\$11,041,724,900</b>	<b>100.0%</b>

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

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

COMPARATIVE GPR APPROPRIATIONS BY FUNCTION

	1975-77	1977-79	Change 77-79 over 75-77	
F				
Building Program**	\$11,420,000	\$31,245,400	\$19,825,400	173.6%
Commerce	21,416,000	26,333,000	4,917,000	23.0
Education	1,928,216,400	2,255,004,500	326,788,100	16.9
Environmental Resources	61,199,600	140,306,800	79,107,200	129.3
General Executive	99,979,100	127,094,700	27,115,600	27.1
Human Relations and Resources	1,113,801,900	1,387,294,000	273,492,100	24.6
Judicial	21,624,300	30,145,200	8,520,900	39.4
Legislature	24,854,400	31,100,600	6,246,200	25.1
Miscellaneous***	118,967,900	316,072,800	197,104,900	165.7
TOTAL	\$3,401,479,600	\$4,344,597,000	\$943,117,400	27.7%

\*Represents gross appropriated levels for biennium including biennial budget and 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 JFC funds expended are expended by other agencies and not by JFC itself; also includes funds for pay plan increases which are ultimately transferred to individual agencies for expenditure. Also includes budget reserves of \$58.8 million for budget stabilization and \$80.0 million for tax reform.

**Children's code**

*Chapter 354* makes major revisions in the children's code, chapter 48 of the statutes. It enumerates criteria for taking and holding a child in custody and establishes a presumption that a child is to be released to a parent, guardian or legal custodian. New release alternatives are also added. The act expands the range of dispositions available to a court and requires the court to show on the record the facts and reasons supporting its disposition. Counties are required to provide intake services according to policies set forth by the juvenile court (Milwaukee county has a slightly different procedure). The act revises jurisdictional provisions and includes within the juvenile court's powers the authority to handle civil law and ordinance violations by minors. It also details court procedures, including the initiation of the petition, substitution of the judge, pre-trial and discovery procedures, expert examinations, consent decrees and court reports. Additionally, it incorporates the interstate compact on the placement of children into the children's code.

**Civil service**

*Chapter 196* removes state personnel functions from the department of administration and places the administration of the state civil service system, the affirmative action program and collective bargaining functions in a new department of employment relations (DER) headed by a secretary. A division of personnel within DER is headed by an unclassified administrator who is nominated by the governor and appointed with the advice and consent of the senate for a 5-year term. The administrator assumes the responsibilities related to merit employment formerly held by the director of the bureau of personnel in the department of administration.

Review of personnel decisions is taken from the personnel board and placed with an independent personnel commission. The commission is nominated by the governor and appointed for 5-year terms with the advice and consent of the senate from a list of names submitted by the personnel board. The governor may elect to appoint and pay commissioners on a less than full-time basis, depending on the commission's anticipated workload.

The personnel board is removed from the department of administration and made an independent agency. The members are nominated by the governor, and with the advice and consent of the senate appointed, for 5-year terms. The board retains all of its former functions except the function of hearing personnel appeals. In addition, the board conducts the examination for the administrator position under the requirements for classified positions, annually evaluates the administrator's job performance,

advises the governor concerning reappointment of the administrator and elects the chairperson of the personnel commission.

The act also creates a 15-member affirmative action council in DER to review affirmative action efforts in the civil service system and to report annually to the governor and legislature.

In addition to reorganizing civil service administration and review functions, the act makes diverse changes in the civil service code and related public personnel matters.

### **Constitutional amendments**

#### **FIRST CONSIDERATION**

1977 Senate Joint Resolution 52 (Enrolled Joint Resolution 31) expands the state's bonding power to issue bonds to generate funds from which loans could be made to farmers for the acquisition of land, equipment and livestock.

1977 Senate Joint Resolution 51 (Enrolled Joint Resolution 32) revises the procedure for gubernatorial succession. The lieutenant governor is to become governor, rather than acting governor, when a permanent vacancy in the office of governor occurs. The secretary of state is to become governor if a permanent vacancy occurs in both the offices of governor and lieutenant governor. Whenever there is a permanent vacancy in the office of lieutenant governor, the governor is directed to nominate a successor, who takes office after confirmation by both houses of the legislature. The lieutenant governor is removed as presiding officer of the senate; the senate is to choose its own presiding officer from amongst its members. If there is a temporary vacancy in the governor's office or if the governor is absent from the state, the lieutenant governor continues to serve as acting governor. However, the secretary of state may no longer serve as acting governor if the governor's and lieutenant governor's offices are temporarily vacant or if the officeholders are temporarily absent from the state.

#### **SECOND CONSIDERATION**

1977 Assembly Joint Resolution 10 (Enrolled Joint Resolution 6), which was given 2nd consideration by the 1977 legislature and adopted by the voters on April 5, 1977, empowers the legislature to authorize raffle games licensed by the state and operated by local religious, charitable, service, fraternal or veteran's organizations, or organizations to which contributions are deductible for federal or state income tax purposes.

1977 Senate Joint Resolution 9 (1977 Enrolled Joint Resolution 7) was given 2nd consideration by the 1977 legislature and adopted by the voters on April 5, 1977, thus amending the Wisconsin constitution to revise the structure of the judicial branch of Wisconsin government. The amendment creates a court of appeals with appellate jurisdiction, provides that the chief justice of the Wisconsin Supreme Court shall administer the judicial branch according to procedures established by the court, provides that the mandatory retirement age for judges shall be established by the legislature at an age not less than 70, empowers the Supreme court to discipline, suspend or remove a justice or judge for cause in accordance with procedures established by law and eliminates county courts of probate.

1977 Assembly Joint Resolution 20 (Enrolled Joint Resolution 18), which was given 2nd consideration by the 1977 legislature but which failed adoption by the voters on April 4, 1978, would have revised the constitution to eliminate the requirement that there be one system of town government and to require instead that the legislature establish one or more systems of town government.

### **Courts and procedure**

*Chapter 29* (biennial budget act) created the office of the Wisconsin public defender which is an independent agency governed by a nine-member public defender board appointed by the governor with the advice and consent of the senate. The board appoints a state public defender who serves for a five-year term. The functions of the former office of the state public defender, consisting primarily of representing indigent defendants in criminal actions on appeal, are transferred to this new agency. In addition, the office of the Wisconsin public defender also has the responsibility of administering and providing legal representation for indigent clients in the trial courts. The board develops standards for determination of indigency and the responsibility for providing counsel is shifted from the court to the new public defender agency.

Representation is provided either by staff attorneys or by local private counsel appointed from a list maintained by the agency. Rates of compensation for private attorneys are established by the board.

The office of the Wisconsin public defender begins providing trial court representation on July 1, 1978; however, that service will be phased-in throughout the state on different dates. Full coverage will not occur until July 1, 1979, or after passage of the 1979-81 executive budget act, whichever is later. Legal representation continues to be provided by judicial appointment in counties where the new agency is not yet operational.

*Chapter 176* creates a cause of action for invasion of privacy and provides remedies which a court may grant. A person whose privacy is invaded is entitled to equitable relief, compensatory damages and reasonable attorney fees. Three types of invasion of privacy are specified: intrusion upon the privacy of another; the use of a person's name or likeness; and offensive publicity concerning another's private life. The common law will govern interpretation of the invasion of privacy provision, and defenses of absolute or qualified privilege may be raised.

*Chapter 187* implemented the portion of 1977 Enrolled Joint Resolution 7 which created a court of appeals. The court of appeals commences operation on August 1, 1978, and will consist of 12 court of appeals judges serving 6-year terms (except that the first judges elected will serve staggered terms). The state is divided into 4 court of appeals districts with 3 court of appeals judges elected from each district. The "primary" locations for the offices of the court in each district are Milwaukee, Waukesha, Wausau and Madison. The court of appeals is given broad jurisdiction to hear appeals from all courts of record. There are no appeals to the supreme court as a matter of right. The supreme court determines at its discretion which matters it will hear. The court of appeals sits in panels of 3 judges to dispose of cases on their merits, except in small claims, municipal ordinance violation, traffic regulation violation, mental health, juvenile and misdemeanor cases which will be heard by a single judge unless a request for a 3-judge panel is granted.

*Chapter 305* revises municipal court procedure. Two major provisions of the act involve municipal court transcripts and appeals. Previously, municipal courts did not keep a transcript of proceedings, and if a party appealed a decision, there would automatically be a new trial in the circuit court. This act provides that municipal court proceedings will be recorded by electronic means. A uniform capacity of tape records is specified to guarantee compatibility of equipment on appeal. An appeal from a municipal court judgment will be limited to a review of the transcript unless the circuit court orders a new trial in the interest of justice or if a party requests a new trial without a jury.

*Chapter 318* makes various changes in the laws relating to juries. It abolishes special exemptions from jury duty for university and college administrators, city officers, clerks of courts of record, constables, county officers, dentists, druggists, election officers, embalmers, fire department officers and members, Milwaukee school board members, ministers, national guard personnel, persons over 65, physicians, surgeons, professors, instructors, state and federal officers and teachers. A special exemption is retained for judges, attorneys and legislators who request exemption. In a 2-year period, no person may be required to spend more than 10 days in actual court attendance, except when necessary to finish a case, as a petit juror. A person may be excluded from a jury panel by order of a judge if undue hardship, extreme inconvenience or obstruction or delay of justice would otherwise occur. Electronic automated systems may be used for the selection of juries and jurors. Jurors may be summoned by the clerk of courts by mail rather than by summons served by the sheriff. Jurors must be paid not less than \$16 per day.

*Chapter 449* provides the state with a "single level" trial court system. The county judges of the state are denominated as circuit judges, and are given all the powers, duties and benefits of circuit judges. At the conclusion of each county judge's term, the office of that branch of county court is abolished and a branch of circuit court is established. Circuit court boundaries are revised so that each county will be a circuit with the exception of the following 3 combined county districts: Buffalo-Pepin, Shawano-Menominee and Forest-Florence. Present circuit judges will serve in the circuit courts for the counties in which they reside. The bill creates 13 additional judgeships and abolishes 4 existing judgeships, providing the state with 190 trial judges rather than the 181 it has at present. Judicial administration districts are revised by substituting 10 districts for the existing 14 districts. The chief judge of each district is appointed by the supreme court, rather than the former practice of being elected by the judges of the district. Compensation for judges is increased, and a phase-in plan is provided so that by July 1, 1980, all circuit judges will be fully state funded at executive salary group 6 (\$42,957 in fiscal year 1978-79). This act also creates a judicial commission with powers and duties relating to the discipline and removal of judges, and makes numerous other changes relating to courts.

## Crimes

*Chapter 173* creates a uniform system for classifying the criminal offenses located in chapters 939 to 948 of the statutes, the "Criminal Code". A classification system of offenses is established consisting of 5 felony classes, 3 misdemeanor classes and 4 forfeiture classes. The classifications established by the law, and the maximum punishments for each, are as follows:

<u>FELONY</u>	<u>MAXIMUM FINE</u>	<u>MAXIMUM IMPRISONMENT</u>
Class A felony	-0-	Life
Class B felony	-0-	20 years
Class C felony	\$10,000	10 years
Class D felony	\$10,000	5 years
Class E felony	\$10,000	2 years

<u>MISDEMEANOR</u>	<u>MAXIMUM FINE</u>	<u>MAXIMUM IMPRISONMENT</u>
Class A misdemeanor	\$10,000	9 months
Class B misdemeanor	\$ 1,000	90 days
Class C misdemeanor	\$ 500	30 days

<u>FORFEITURE</u>	<u>MAXIMUM FORFEITURE</u>	<u>MAXIMUM IMPRISONMENT</u>
Class A forfeiture	\$10,000	-0-
Class B forfeiture	\$ 1,000	-0-
Class C forfeiture	\$ 500	-0-
Class D forfeiture	\$ 200	-0-

The law repeals certain obsolete or duplicative crimes, creates several new statutory offenses and substantially rewrites or restructures a number of other crimes. The classification of individual penalties resulted in changing 4 offenses from felonies to misdemeanors and 15 offenses from misdemeanors to felonies, including the creation of 3 new theft-related offenses where the value of the property exceeds \$500. Ten offenses were "decriminalized" or changed from misdemeanors to civil forfeitures.

*Chapter 356* creates the crime of sexual exploitation of children. It prohibits the knowing employment of a child to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording sounds or otherwise displaying the conduct. It also prohibits the photographing, filming, videotaping, recording or displaying of a child engaged in sexually explicit conduct, prohibits a parent or guardian from permitting that activity and prohibits the distribution of or possession with intent to distribute the products of such activity.

## Elections

Under *Chapter 107*, a campaign fund is created in the state treasury consisting of general tax revenues from each person filing a state income tax return who specifies that \$1 shall be set aside for this fund. The fund is available to candidates for statewide executive and judicial offices, as well as legislative offices, for use after the primary, provided that they obtain a specified number of votes in the primary and they raise a specified initial amount of private contributions from individuals in amounts of \$100 or less. Participants must agree to accept spending limits and limits placed on personal contributions to their own campaigns in order to receive moneys from the fund. The fund is apportioned by office in accordance with a specified formula. Moneys accepted count towards the maximum limit of 45% of a candidate's spending limit which may be accepted from special interest committees, thereby substantially limiting this source of contributions for those who participate. The act also makes spending limits (which apply only to candidates who accept moneys from the fund) subject to an automatic cost of living adjustment. This, in turn, impacts on certain contribution limitations which are figured as percentages of the spending limits. Moneys from the fund may be used only for advertising in communications media, printing, office supplies and postage; other campaign expenses must be privately financed.

*Chapters 394 and 427* make various changes in election laws. All rules of the elections board under chapters 5 to 12, stats. must be approved in advance by the appropriate standing committees of the legislature. Requirements for election officials and their methods of compensation are changed. Various changes in recount procedures, including the location for filing petitions, are made. In addition, changes are made in ballot requirements, stationing of observers at polling places, publication of notices, use of write-in votes, primary elections, provision of election materials by the state, filling of school board vacancies and other laws. Alterations are also made in voter registration and qualification procedures.

These revisions cover treatment of voters who are alleged to be non compos mentis or insane, identification of voters in municipalities without registration, special registration deputies, corroboration of residency, registration after the close of the registration period, as well as presidential voting by new residents. Overseas citizens who last resided in Wisconsin before leaving this country are permitted to vote in federal elections. The acts also make numerous other changes of a minor or technical nature. Certain portions of *Chapter 394* are subject to approval at statewide referenda to be held in November 1978.

Currently, the voters of the state or of any county, city or judicial or legislative district may recall an elected officeholder serving in that jurisdiction. Under *Chapter 403*, this right is extended to the voters of villages, towns and school districts. As with the current provisions for city offices, the petitioners must first convince a circuit court that there are "good and sufficient reasons" for the recall before the question can be put to the voters. Otherwise, the recall requirements and procedures are the same as formerly provided.

## Environment

*Chapter 106* regulates the use and application of pesticides. Definitions and labeling requirements are revised. Manufacturers and labelers must be licensed and label registration requirements are discontinued. The department of agriculture, trade and consumer protection is authorized to establish standards for the training and certification of applicators; a distinction is made between commercial and private applicators and license fees are required. The department is authorized to register pesticides under the federal insecticide, fungicide and rodenticide act and to exempt pesticides which are adequately regulated under that act. Penalties are also revised.

*Chapter 274* creates a waterways commission composed of 5 members from various geographic areas of the state. The commission's duties include conducting and reviewing feasibility studies to assess need for boating facilities and safety programs, assigning priorities for feasibility studies and approving financial assistance including cost-sharing programs. The commission recommends rules for promulgation by the department of natural resources subject to legislative review. In addition, funds are provided to assist municipalities in operating and maintaining water safety patrol units. Finally, the departments of natural resources and transportation in conjunction with the legislative fiscal bureau are to study alternative sources of revenue for funding recreational boating facilities and boating safety assistance programs.

*Chapter 275* prohibits the sale and installation of water closets, faucets, urinals and showerheads which use more than specified amounts of water or which do not meet standards established by the department of health and social services. The department has rule-making authority to implement the act, subject to legislative review.

*Chapter 369* establishes a natural gas conservation program including prohibiting pilot lights for gas appliances for which intermittent ignition devices have been certified by the department of industry, labor and human relations. In addition, no gas utility may connect or install any device which constitutes a nonessential use of natural gas as the public utility commission determines by rule.

*Chapter 375* prohibits the sale of cleaning agents and water conditioners containing more than specified levels of phosphorus between July 1, 1979, and July 1, 1982. The department of natural resources is directed to conduct a study to determine the effect of restricting the use of phosphates on Lake Michigan and Lake Superior and on other sample lakes.

*Chapter 377* establishes a program for the management of hazardous wastes and regulates the establishment of new sites for land disposal of solid waste. Major features include:

1. A 3-step procedure for the approval of solid waste or hazardous waste storage or disposal sites by the department of natural resources consisting of filing a feasibility report, submission of a plan of operation and issuance of an annual license. Notice of the feasibility report and opportunity for a hearing are provided.
2. Provisions for long-term care of disposal sites including standards to be established by the department and arrangements to be specified in the plan of operation. In addition, an owner is responsible for long-term care of a site for 30 years after closing of the site except under certain cases:
3. Creation of a separate waste management fund financed by fees levied on solid and hazardous waste entering disposal sites to be used long-term care and repairing environmental damage.
4. A hazardous waste management act including standards for persons generating hazardous waste, licenses and penalties to be administered by the department of natural resources.

5. Provisions for preventing and controlling discharge or "spills" of hazardous substances including establishment of contingency plans and the creation of a hazardous substances spill fund.

6. A variety of other provisions including replacing the mine reclamation council with a metallic mining council, creating a manufacturing machinery and equipment tax exemption, providing for several studies and granting rule-making authority subject to legislative review.

*Chapter 418* (budget review act, section 103m) creates the Wisconsin Fund, an appropriation through which general purpose revenue funds are allocated for point source, nonpoint source and solid waste management grant programs. \$62 million is allocated for 1978-79 and an amount equal to 0.1 % of the current equalized value of all taxable property is allocated for each year thereafter. The department of natural resources administers the programs. Funding grants of up to 60 % or more may be provided to eligible municipalities and projects for point source pollution abatement facilities such as wastewater treatment plants. Similarly the department administers, coordinates and provides technical assistance for nonpoint source pollution abatement programs. Funding grants up to 50 % or more may be provided for eligible projects. Finally, the department administers the solid waste management grant program for planning agencies to develop areawide solid waste management plans and for local governments to conduct solid waste disposal site feasibility studies. Funding grants of up to 50 % for management plans and up to 25 % for feasibility studies are available to eligible applicants.

*Chapter 421* substantially modifies the metallic mining reclamation act. The changes are designed to:

1. Increase specificity by adding definitions and distinguishing between mining, prospecting and exploration.
2. Increase the comprehensiveness of the act by facilitating regulation of mining activities such as exploration and prospecting by monitoring data and licensing exploratory core drilling.
3. Provide for additional environmental protection by reviewing the suitability of surface mining sites, creating additional standards for the reclamation of mining areas and increasing the power of the department of natural resources to regulate mining activities.
4. Create a new procedure for hearings on mining permit application.
5. Permit local impact committees to act as a liaison between the mining operator and the community affected.
6. Provide authority for rule-making by the department of natural resources, subject to legislative review.

In addition, *Chapter 420* regulates water withdrawal for purposes of metallic mineral mining and *Chapter 253* regulates exploration leases and conveyances of mineral interests.

### **Health and social services**

*Chapter 112* permits the department of health and social services to monitor nursing homes and residential care facilities where the facility is operating without a license; where a previous license has been suspended, revoked or nonrenewed; when the department has initiated revocation or nonrenewal procedures; when the facility is closing and relocation arrangements have not been made; and when an emergency exists. Additionally, the department may petition the circuit court for appointment as receiver of a facility. If necessary, an emergency appointment can be made without a hearing.

After appointment as receiver, the department has broad powers to operate and manage the facility in order to ensure continued provision of services to residents or to provide for their orderly transfer to other suitable accommodations. The facility's owner is responsible for payment of expenses and for compensation due the department for its work; if payment is not made, the department has a lien on the building and land in the sum of the deficiency.

When a receivership is terminated, the department must give the court a complete accounting.

*Chapter 164* extends the "good samaritan" immunity previously granted to licensed physicians, podiatrists, physical therapists, physician's assistants and registered nurses to any person rendering emergency aid at the scene of an emergency or accident. A person is not liable for acts or omissions made in "good faith" when rendering emergency aid. The immunity does not extend, however, to trained health care personnel rendering emergency care for compensation at the scene of or enroute from an emergency or accident.

*Chapter 170* revises the procedures for enforcement of laws regulating nursing homes and other residential care facilities. Among its provisions are the following:

It increases the penalty for unlicensed operation to a fine of not more than \$500 per day and 6 months' imprisonment for a first offense, and a fine of not more than \$5,000 per day and one year's imprisonment in the county jail for subsequent offenses.

It authorizes unannounced inspections of nursing homes and residential care facilities at any hour of the day or night, and requires that inspection reports be made available to the public.

It provides a mechanism for the orderly relocation of residents under certain specified circumstances. Due process safeguards for the operator and the residents include notice, the opportunity for a hearing and the resident's involvement in the choice of an alternate placement.

It regulates the transfer of ownership of a facility by specifying responsibility for outstanding violations, correction plans and removal of residents. Failure to obtain a new license prior to the transfer may constitute operating without a license. If the department determines that a transfer is not a genuine change in control, it may deny a new license where outstanding violations exist.

It classifies violations by their seriousness into 3 categories to segregate minor infractions from dangerous violations and provides different sanctions, ranging from forfeitures to license revocation, for each type of violation. Dangerous violations must be corrected immediately. For other infractions, the facility must propose a plan of correction which is accepted by the department, and then must comply with its own remedial proposal.

It sets standards for the assessment of forfeitures and gives the department of health and social services the power of direct assessment.

*Chapter 245* prohibits the use of public funds to pay for an abortion unless the abortion is directly and medically necessary to save the life of the woman or to prevent grave and long-lasting physical health damage or unless the pregnancy resulted from a sexual assault or incest. In an effort to prevent abortions, the legislature also, in *Chapter 418* (budget review act, section 638p), provided \$1,000,000 for the provision of family planning counseling throughout the state.

*Chapter 355* makes various changes related to reporting child abuse or neglect. A court is required to appoint a guardian ad litem for each child subject to a judicial proceeding regarding child abuse or neglect. The types of professions which are required to report cases of child abuse are expanded, time limits for investigation are established as are emergency protective custody procedures, a central registry for child abuse reports is created, criteria are established for classification of reports as "indicated" or "unfounded" and for the destruction of reports, a hearing procedure is established permitting a person to challenge a determination that a case is "indicated", confidentiality requirements are established and training programs provided for. Failure to report a case of child abuse as required is a crime punishable by a fine of up to \$100 or not more than 6 months imprisonment or both. A person convicted of abuse of a child may be committed by court order for a presentence social and psychological examination.

*Chapter 418* (budget review act, section 298r) requires the department of health and social services to provide services for "displaced homemakers" — persons who have spent their working lives in the home providing unpaid services for family members, who have been dependent on the income of another family member and currently have no means of support. The department will establish one multipurpose service center to provide help with job counseling and training, health education services, financial management assistance and information about educational programs. Persons employed by the center are, to the extent possible, to be displaced homemakers.

Extensive changes are made to the state mental health act and related provisions under *Chapter 428*. The rights of minors receiving mental health treatment are broadened and clarified, especially those who receive treatment through the department of health and social services or a community mental health board. A separate emergency detention procedure is established for Milwaukee county, while the rest of the state continues to use the existing procedure, with minor changes. Commitment standards for institutionalized persons are changed to provide that the requirement for a showing of a recent overt act or threat on the part of the subject may be satisfied by a showing that the individual would be a proper subject for treatment if treatment were withdrawn. The law relating to access to mental health records is revised and penalties are provided for violations. Home visits and leaves are authorized for civilly or criminally committed persons. Patients' rights are expanded and applied for the first time to most private patients and patients who receive protective services. Enforcement provisions for the rights are created. Laws permitting involuntary sterilization of genetically defective persons and involuntary commitment of poor persons who live under unsanitary conditions to the county home are repealed. Professional requirements for examiners making examinations of persons proposed to be committed are lessened. A procedure is created for involuntary administration of medication or treatment to a patient prior to the time that a final commitment order is issued. Involuntary protective placement procedures under chapter 55 of the statutes, are altered to provide greater rights for persons who are the subject of proposed placements.

## Marriage and divorce

*Chapter 105*, modeled on the Uniform Marriage and Divorce Act, revises much of the law regulating actions affecting marriage. It adopts the Uniform Act's grounds for annulment: incapacity to consent, force or duress, fraud, impotence, nonage and legal prohibition of the marriage. It creates as the sole ground for divorce the irretrievable breakdown of a marriage and changes actions affecting marital status to "in re" actions. It removes the prohibitions against collusion and condonation, eliminates the comparative rectitude doctrine, and repeals the requirement that testimony in a divorce case be corroborated by a 3rd party. It requires the family court commissioner to provide to parties information concerning available counseling for marriage assessment, divorce and separation and requires the parties to participate in counseling.

The act substantially changes the law dealing with property division, alimony and child support. The concept of "alimony" is replaced with that of "maintenance payments", which can be granted for any necessary length of time and which are based in part on the amount of help a needy spouse requires to become self-supporting. The act enumerates factors to be considered by the court when it issues an order concerning property division, child custody or support or ex-spousal maintenance. Maintenance and child support payments may be consolidated into one payment denominated "family support payments". Additionally, the court may award attorney's fees. The act provides for a wage assignment which becomes effective on application of the receiving spouse if child support and maintenance payments are not made and if the delinquent payer cannot show reasons beyond his or her control for failure to pay. The court may revise an order awarding child support, family support or maintenance payments at the request of either party upon a showing of changed circumstances, including a substantial change in the cost of living. The act also contains a strict requirement for full disclosure of assets of the parties, with deliberate falsification of forms constituting perjury. A party who deliberately or negligently fails to disclose a valuable asset may be held to be a constructive trustee of the asset for the benefit of the other spouse and children.

The act permits the court to award joint custody if both parents agree and if it is in the child's best interest. If only one parent is granted custody, the other is entitled to substantial visitation rights. The custodial parent must obtain permission of the noncustodial parent or the court before he or she may move out of state. Failure to obtain the permission is a basis for modification of support, custody and visitation orders.

The act also modifies the law concerning remarriage of a noncustodial parent paying support of a child from a previous marriage under court order. Formerly, in order to remarry the parent had to show that the child was not and was unlikely to become dependent on the state for support. *Chapter 105* permits the parent to remarry if the parent can show that he or she is in compliance with court orders such as an order for child support. This provision was repealed in the budget review act, *Chapter 418*. Now, permission to remarry is not required under the law.

Finally, the act requires insurers to provide conversion privileges to ex-spouses whose health insurance coverage is terminated because of a divorce. The ex-spouse must be able to obtain similar coverage without a waiting period.

## Migrant labor

*Chapter 17* creates a council on migrant labor in the department of industry, labor and human relations to advise the department and other state officials on matters affecting migrant workers. A migrant is defined as a person other than a student who temporarily leaves his or her home, outside the state, to do certain agricultural or food processing work in the state. A labor contractor who recruits migrants must be certified annually by the department. A contractor is prohibited from:

1. Knowingly misleading a migrant as to wages, conditions and the existence of employment.
2. Handling a migrant's wages.
3. Charging or collecting interest from a migrant for any credit transaction.
4. Charging a migrant more than cost for any goods or services the contractor provides.

If an employer contracts with a migrant for work and does not supply work, the employer must pay the worker for the time it took the worker to travel back and forth, but not less than 3 nor more than 6 full days of pay. An employer must provide every migrant worker with a work agreement which:

1. Is on a form prescribed or approved by the department.
2. Includes certain data such as rate of pay, type of work, housing provisions, meal costs and transportation arrangements.

3. Guarantees a processing worker a minimum of 20 hours every week or 64 hours of work every 2 weeks and an agricultural worker 45 hours every 2 weeks.

4. Guarantees wages and conditions of employment equal to local employes similarly employed.

The work agreement must be in English and in the migrant's own language if the migrant's language is not English. The act also regulates migrant labor work schedules and the payment of migrant workers. A penalty is provided. The department of industry, labor and human relations is authorized to enforce the act.

### Miscellaneous

A state historic preservation program is created by *Chapter 29* (biennial budget act). Administered by the state historical society, the purpose of the program is to promote the use and conservation of publicly and privately owned property having historical, architectural, archeological or cultural significance. Two boards help implement the program. The historic preservation review board identifies significant historic properties, makes nominations of Wisconsin properties to the national register of historic places, reviews and approves the state historic preservation plan, and approves the distribution of federal grants for historic preservation. The historic preservation negotiating board may review state actions which have an adverse effect on historic properties and may, in conjunction with the director of the historical society, require a suspension of proposed action for up to 120 days in order to investigate adverse impacts on historic properties and negotiate means of ameliorating such impacts. State agencies must consider the effects of their actions on historic properties as a part of a process similar to environmental impact consideration. *Chapter 418* (budget review act) increased state funding for the historic preservation program.

*Chapter 49* repeals the "Fair Trade Act" which permitted retailers to contract to sell certain products at a price not less than that stipulated by the wholesaler or producer of the product. The authority to pass such an act was withdrawn by the congress.

*Chapter 87* creates a council on weather modification, authorizes the department of agriculture, trade and consumer protection to issue licenses and permits for weather modification operations, eliminates registration with the public service commission of weather modification operations, and prohibits unlicensed weather modification operations.

*Chapter 133* makes various changes in state unemployment compensation laws for the primary purpose of bringing Wisconsin into conformity with federal mandates so that the state can remain eligible for federal aids and Wisconsin employers can remain eligible for exemption from federal unemployment taxes. Employes of small, local governments and certain agricultural and domestic service workers are covered under the unemployment compensation system for the first time. In addition, the eligibility of illegal aliens, professional athletes, public and nonprofit teachers and college and university faculty to claim benefits under some circumstances is redefined. The rate of the solvency tax levied on employers to maintain the unemployment compensation fund's solvency is adjusted.

*Chapter 178* provides a new labor dispute settlement procedure for those bargaining units consisting of nonsupervisory local government employes, except law enforcement and fire fighting personnel. Initial proposals must be exchanged in open meetings. Fact finding is no longer authorized, but the parties may agree upon their own dispute settlement procedures, including binding interest arbitration or authorization for a strike. If mediation fails and the parties do not agree on their own settlement procedure, a process of "mediation-arbitration" is required in which a mediator-arbitrator or mediation-arbitration panel endeavors to settle the dispute. If this is unsuccessful, binding arbitration of those issues in dispute which are mandatory subjects of bargaining (or which have been treated as such by the parties) is required, unless both sides agree to a strike. If arbitration is used, the arbitrator or panel must select the complete final offer of one of the parties without change, thereby encouraging each side to submit a reasonable offer. If a strike threatens the public health or safety, any citizen affected by it may request an injunction to stop it. If an injunction is issued, binding arbitration is required. Increased penalties are provided for illegal strikes. School laws are changed to provide that days in which school is closed or educational standards are not maintained due to a strike may be deducted from the 180 school days each year which must be held to receive state aids. In such cases, the amount of aids is adjusted according to a new formula specified in the law.

*Chapter 195* makes numerous changes in the state's worker's compensation law. Injured employes are prevented from suing their fellow employes (in the same manner that they are prevented from suing their employers) except in certain limited circumstances. These circumstances are further limited under *Chapter 418* (budget review act, section 583w).

Compensation rates and allowances for employment-connected deaths and injuries are adjusted. Time limitations for the filing of claims are lengthened. Other changes concern selection of attending practitioners by injured employes, penalty payments by certain employers and consideration for disfigurement allowances. Other technical alterations in the law are included.

*Chapter 392* creates an emergency number systems board in the department of administration and requires municipalities providing emergency services to establish and maintain a telephone system in which "911" is the emergency services number. Telephone utilities are required to cooperate in the establishment of the system, which must be operating by December 31, 1987.

*Chapter 407* revises the law concerning the ownership and regulation of condominiums. Procedures for the creation or conversion of property to a condominium are specified. A condominium declaration must include certain information such as descriptions of the land, units and common elements and provisions for the percentage interest and votes for the owner of each unit. Administration of a condominium is governed by bylaws specifying certain particulars and by an association of unit owners with certain powers and responsibilities. Details of the rights and liabilities of owners concerning the use of common elements, alterations, liens, insurance, repairs, eminent domain, taxation, zoning, easements, disclosure requirements and other items are also enumerated.

*Chapter 418* (budget review act, section 272r) authorizes initial funding for the establishment of a school of veterinary medicine and satellite food animal clinic facility including \$250,000 in advance planning and \$277,000 for initial costs. The board of regents of the university of Wisconsin system is to report to the governor and legislature concerning cost estimates, budget, curriculum and other information for the establishment of a veterinary school to begin operation in 1983.

*Chapter 418* (budget review act, sections 429, 745 and 923 (32)) establishes a housing rehabilitation and neighborhood conservation program, to be administered through the department of local affairs and development. Under the program, owner occupants of qualifying housing (or purchasers on land contracts) may apply for installment loans, granted at interest rates of 0% to 8% (or 2% above the rate necessary to repay the interest and principal on bonds issued by the housing finance authority to finance the loans, whichever is greater). Installment loans are repayable over a period of up to 15 years. Deferred payment loans may also be made at no interest and are repayable only upon transfer of the property involved (certain inheritances excluded). Maximum loan amounts are specified. In "reinvestment neighborhoods", which are areas designated by cities, villages and towns as meeting certain standards concerning home ownership, population trends, property values and availability of private financing, the loan limits are higher. Income limits for applicants are established; these limits are also higher in reinvestment neighborhoods. The housing finance authority may issue up to \$25 million in bonds to finance installment loans. A reserve fund is created to subsidize insurance on defaults and reduced interest rates. The department is to make grants to local governments, community action agencies and housing authorities to finance deferred payment loans. Installment loans are financed through cooperating local financial institutions, to which the authority pays an origination fee for each loan made. Eligible rehabilitation projects are projects that maintain housing in a decent, sanitary condition or restore it to that condition, reduce the cost of owning or occupying it, extend its economic or physical life or conserve energy.

*Chapter 426* implements the April 1977 amendment to the state constitution empowering the legislature to authorize certain organizations to conduct raffles. The law establishes guidelines regarding the conduct of raffles, and use of the resultant funds, and allocates regulatory responsibility to the bingo control board.

## **Natural resources**

*Chapter 9* creates a conservation work projects board and establishes a conservation works projects program to develop human resources and provide for balanced conservation and utilization of natural resources.

*Chapter 418* (budget review act, sections 254 to 256x) revises the sport trolling and commercial fishing laws. Major provisions include:

1. The creation of the Lake Superior and Lake Michigan commercial fishing boards.
2. Increasing the license fees for sport trolling from \$5 to \$60 for residents and from \$25 to \$400 for nonresidents, revising licensing and reporting requirements, prohibiting night trolling and revising penalties.

3. Revising the license fees for commercial fishing, providing for the transfer of licenses, providing for crew licenses, requiring reports, allowing inspections and providing for a penalty.
4. Granting rule-making authority to the department of natural resources subject to legislative review.

### State government

*Chapter 29* (the biennial budget act) reorganizes the department of industry, labor and human relations. The department is placed under the supervision of a secretary rather than a 3-member commission. A 3-member labor and industry review commission is created to handle petitions for review of certain departmental decisions.

*Chapter 418* (budget review act, section 167) creates a building program funding contingency. General purpose revenue may be used to fund certain building projects, water pollution projects, sewage collection projects or early retirement of outstanding indebtedness in lieu of bonding. The amounts to be so applied must be approved by the governor and the joint committee on finance.

*Chapter 277*, as amended by *Chapter 418* (budget review act, section 923 (14) (a)), recodifies the code of ethics for state public officials. Under the act, state officials are precluded from representing a person for pay before a state agency, except in specified circumstances. Full-time state officers and employes in upper pay ranges are precluded from holding additional state jobs paying more than \$5,000 per year. Former state officials are restricted from making appearances before or negotiating with state agencies, with certain exceptions. "Lame duck" legislators are prohibited from undertaking out-of-state travel at state expense. The prohibition on receipt of things of value by state public officials is broadened, and the ban on use of official positions to obtain financial gain is revised. The information required on disclosure statements is changed to include additional items and to exclude others. Information which is newly required includes certain holdings of realty, major sources of income and gifts, as well as holdings of certain stocks and state bonds. Dollar amounts need not be disclosed; but items must be categorized as to whether they are valued at \$50,000 or less, or more than \$50,000. Special reports are required of members of the investment board. Duplicate filings with the secretary of state are discontinued. The procedure for investigation and prosecution of complaints is detailed. The ethics board may directly assess a civil forfeiture of not more than \$500 for violations, after notice and a hearing for the accused. The board may also make other necessary and appropriate orders. The current misdemeanor penalty is retained for intentional violations.

*Chapter 278* revamps and clarifies the law regulating the practice of lobbying. The scope of the law is expanded to cover attempts to influence rule-making by state agencies and attempts to influence the governor to sign or veto a bill. Sworn, monthly expense reports by lobbyists are discontinued in favor of unsworn semi-annual reports by lobbyists to their principals. The principals then file sworn semi-annual statements with the state, attaching a copy of their lobbyists' reports to them. (Formerly, principals filed only biennial reports.) Information on reports and statements is made more comprehensive (especially nonfinancial information), but expenses and debts of \$100 or less need no longer be itemized. Former law, which made lobbyists' contributions to candidates for state office grounds for license revocation, was changed to allow the practice between June 1 and the day of the general election, unless the legislature is actively meeting. The restriction on lobbyists' being "concerned in another's furnishing" contributions was removed. Principals may make contributions at any time. Candidates for state office and state officers and employes are subject to a civil penalty for soliciting or receiving things of value from lobbyists and principals, with certain exceptions. The secretary of state is to make an examination of statements filed by principals and may also examine documents used to develop such statements. Formerly, no such examination was authorized. Record-keeping is required for the first time. The secretary of state is to investigate violations, prosecute civil forfeiture actions and obtain license revocations for violations of the law. He or she may also issue written opinions to interpret it. State agencies must file special reports on lobbying activities. However, all local government officials and employes, except those who are employed principally to engage in lobbying, are exempt from the law. A large number of additional exemptions are provided for limited forms of lobbying activity. This act takes effect on January 1, 1979.

## Taxation

*Chapter 29* (biennial budget act) creates a tax credit for farmers who agree to preserve agricultural land through restrictive zoning or by signing farmland preservation agreements with the department of agriculture, trade and consumer protection. Depending on the nature of the restraints on development and the income of the farmer, varying amounts of property taxes on the farmland may be credited against Wisconsin income taxes otherwise due. Beginning October 1, 1982, the credit will only be available if the land is in a county which has a certified agricultural preservation plan in effect or if the land is zoned for exclusive agricultural use under a certified zoning ordinance. Certification of plans and ordinances is performed by the state agricultural lands preservation board. The farmland tax credit and agricultural lands preservation provisions are modified by *Chapters 169 and 418* (budget review act, sections 505e to 506m and 579c to 580x).

*Chapter 29* (biennial budget act) creates a tax credit for owners who increase the assessed valuation of their residential property by making improvements to the property. Only homes valued at \$50,000 or less and rental units valued at \$75,000 or less are eligible. The portion of the assessed valuation due to improvements (up to a limit of \$3,000) may be claimed as a credit, payable by check from the department of administration, for 5 years after the improvements are made. *Chapter 418* (budget review act, sections 568 to 571f) modifies the tax credit provisions and delays the starting date for claiming the credit until January 1, 1980.

*Chapter 31* establishes a graduated net proceeds occupation tax on persons mining metalliferous minerals in this state, replacing several existing mining taxes. As modified by *Chapters 185 and 423*, 40% of the tax collected is deposited in the state general fund and 60% is deposited in the investment and local impact fund for distribution to municipalities for costs associated with the social, educational, environmental and economic impacts of mining.

*Chapter 111* increases the low-income allowance and the percentage standard deduction, adding factors for age, income, marital status and number of dependents. The amount of income a person may have before being required to file an individual income tax return also is increased.

*Chapter 313* creates an income tax deduction for corporations and an income tax credit for others for the expenses of designing, constructing and installing alternative energy systems (solar, waste and wind systems) certified by the department of industry, labor and human relations. The deduction and credit provisions apply only to expenses paid between April 20, 1977, and December 31, 1984.

*Chapter 418* (budget review act, sections 492 and 492m) increases the reimbursement to municipalities for tax exempt manufacturing machinery and equipment and modifies the method of distribution. *Chapter 29* (biennial budget act) had provided for an increased reimbursement, but the provisions of *Chapter 29* are superseded by those of *Chapter 418*.

*Chapter 418* (budget review act, section 923 (42) (b)) creates a special refundable tax credit against 1978 income taxes equal to 10% of a taxpayer's 1978 property taxes, but no less than \$40 nor more than \$100. A renter may credit \$40 in lieu of the percentage of property taxes. The credit applies only to natural persons who are residents of Wisconsin for the entire 1978 calendar year.

*Chapter 418* (budget review act, section 252) appropriates \$80 million into a "tax reform reserve fund" which is to be used to offset any tax reductions which result from a comprehensive tax reform measure to be proposed in the 1979-81 biennial budget bill.

## Transportation

*Chapter 29* (biennial budget act) provides the statutory basis for a reorganization of the department of transportation by replacing all statutory references to divisions or units within the department with references to the secretary of transportation. As a result, the responsibility for the organization of the department is shifted to the secretary. In addition, *Chapter 29* replaced the highway commission with a transportation commission. Along with the responsibilities previously carried out by the highway commission, the transportation commission is assigned the responsibility for the railroad and motor transport regulation programs previously carried out by the public service commission. *Chapter 29* also transfers the highway safety coordination functions from the governor's office to the secretary of transportation. As another element of the reorganization, the segregated highway fund is replaced by a segregated transportation fund, and the transportation aids fund was abolished. Finally, *Chapter 29* alters the organization of the appropriation structure for the department of transportation.

*Chapter 193* revises the prior consent law applicable to drivers operating motor vehicles while under the influence of alcohol or controlled substances. The revision establishes a penalty for a driver's

refusal to take a preliminary breath test and specifies that a person whose blood alcohol content is 0.10% or greater to be legally intoxicated. In addition, *Chapter 193* establishes stricter requirements for suspension or revocation of licenses.

*Chapter 204* repeals the general requirement that motorcyclists wear protective headgear of a type and in a manner approved by the administrator of the division of motor vehicles. However, *Chapter 204* retains the protective headgear requirement for motorcyclists who hold an instructional license or who are under 18 years of age. *Chapter 204* also retains the general requirement that motorcyclists wear required eye protection equipment.

*Chapter 288* revises licensing procedures and rules of operation for mopeds. For most purposes, the revision exempts mopeds from relatively restrictive licensing and operating requirements applicable to motorcycles.

### Major proposals that failed to be enacted

#### FISCAL ESTIMATES ON ADMINISTRATIVE RULES

Assembly Bill 211 required fiscal estimates for administrative rules and expanded the power of the joint committee for the review of administrative rules. An agency would be required to prepare a fiscal estimate including an estimate of the proposed rule's effect on local governments prior to publication in the administrative register. The joint committee was given increased power to require promulgation of rules and if an agency failed to act, the committee could draft a rule.

#### LOTTERIES

Senate Joint Resolution 4, on 2nd consideration, proposed to authorize state-operated lotteries.

#### PUBLIC RECORDS

Assembly Bill 780 and Senate Bill 404 proposed to expand and clarify current law relating to access to public records.

#### COLLECTIVE BARGAINING FOR UW FACULTY

Senate Bills 289, 335 and 363 proposed to create an employment relations act to facilitate collective bargaining by members of the faculty and academic staff of the university of Wisconsin system.

#### CAMPAIGN FINANCE

Assembly Bill 883 and Senate Bill 695 proposed numerous revisions in the state's campaign finance law (other than the public funding program).

#### LANDLORD-TENANT

Assembly Bill 372 and Senate Bill 426 proposed a residential landlord and tenant act to govern most residential rental agreements.

#### SMOKING IN PUBLIC PLACES

Senate Bill 195 and Assembly Bill 433 prohibited smoking in public places or at public meetings except in designated smoking areas, and authorized the department of industry, labor and human relations to promulgate the rules necessary to carry out the purpose of the bill.

#### INFORMATION USE

Assembly Bill 400 established limits on the acquisition, use, preservation and dissemination of personal information by state and local governmental entities.

#### RULES OF THE ROAD

Assembly Bill 228 revised rules of the road applicable to motor vehicles.

#### BRAIN DEATH

Assembly Bill 1179 defined death as the irreversible cessation of spontaneous brain activity.

Senate Bill 609 defined death as the irreversible cessation of spontaneous cardiovascular and pulmonary-respiratory functions or, alternatively, the irreversible cessation of spontaneous brain functions when use of life support systems precludes a determination based on the absence of cardiovascular and pulmonary-respiratory functioning.

#### GENERAL RELIEF

Senate Bill 232 required the counties to administer general relief and established procedural rights for applicants for relief.

#### INSURANCE COVERAGE OF CHIROPRACTIC SERVICES

Senate Bill 108 and Assembly Bill 525 required health insurance policies to cover certain chiropractic services. (Senate Bill 108 passed both houses and was vetoed by the acting governor. The legislature failed to override the veto.)

#### LAETRILE

Assembly Bills 240 and 476 authorized the regulated use of laetrile (amygdalin).

#### OCCUPATIONAL REGULATION

Assembly Bill 784 and Senate Bill 664 were general revisions of the occupational licensing statutes administered by the department of regulation and licensing and its attached boards and examining boards.

#### 'SUNSET' LEGISLATION

Senate Bill 24 and Assembly Bills 38, 65, 105, 171 and 366 created various methods for the periodic review and termination of state agencies.

#### DETERMINATE SENTENCING

Assembly Bill 828 substituted a determinate sentence system (a penalty procedure under which the convicted defendant serves the sentence imposed by the judge, without possibility of parole, reduced only by "good time" credit) for the present indeterminate sentence structure and proposed to eliminate parole.

Assembly Bill 831 established a classification system for crimes in the "Criminal Code" and a "certain term" sentence structure which would have required a convicted defendant to serve a certain portion of the sentence imposed in prison and the remainder under a probation plan.

#### RETIREMENT

Assembly Bill 656 proposed to merge the Wisconsin retirement fund, state teachers retirement system and Milwaukee teachers retirement fund into a single retirement system.

#### DRINKING AGE

Senate Bill 126 proposed to raise the drinking age to 19 and also to raise the age at which one may obtain various beer and liquor licenses to 19.

#### AIR CONDITIONER STANDARDS

Assembly Bill 352 provided for minimum energy efficiency ratio standards for room and central air conditioners. The department of agriculture, trade and consumer protection and the office of state planning and energy were to review these standards. The department also was granted rule-making authority and required to issue informational pamphlets. A penalty was also provided.

Summary of acts passed by the 1977 legislature

AGRICULTURE

*Chapter 29* (biennial budget act) renames the department of agriculture to the department of agriculture, trade and consumer protection. One consumer representative is to be appointed to the 7-person governing board of the department. The remaining six members continue to be required to have an agricultural background.

*Chapter 146* provides the department of agriculture, trade and consumer protection with broad general powers to condemn and slaughter domestic animals affected with or exposed to dangerous diseases. One element of the general power is the authority to condemn and destroy animals which have been affected with or exposed to unknown or unidentified contagions or infections.

*Chapter 157* authorizes labeling cheese with an official state logotype only if the cheese meets certain quality standards. Previously the requirement was that only the milk from which the cheese was made had to meet quality standards in order to use the logotype.

*Chapter 181* authorizes the department of agriculture, trade and consumer protection to weigh and certify weights of grain, and to collect fees from users of the service. *Chapter 181* also authorizes the department to cooperate with any federal agency in carrying out its grain weighing and certification activities.

*Chapter 198* exempts beekeepers from food processing regulations. However, the exemption applies only to the marketing of raw honey or other naturally produced raw bee products.

*Chapter 216*, introduced by the committee on remedial legislation at the request of the department of agriculture, trade and consumer protection, removes obsolete and inapplicable language in statutes administered by the department. The act also abolishes the council on locker plants.

**Business and industry**

**BANKING**

*Chapter 58* restores the authority of a savings and loan association to lend to any one borrower the lesser of the association's net worth or 10% of the aggregate savings accounts held by the association.

*Chapter 132* creates an exemption from the requirement that branch banks be located within 3 miles of the main bank. The exemption applies to any branch bank whose main bank is located on a body of land completely surrounded by outlying water if the branch bank, although located more than 3 miles from the main bank and across outlying waters, is nonetheless located in the same municipality as the main bank.

*Chapter 136* authorizes any credit union to establish or participate in networks of remote terminals for use by its customers. Such networks are subject to rules promulgated by the commissioner of credit unions.

*Chapter 140* makes a number of miscellaneous changes in the laws affecting savings and loan associations. Among other things, *Chapter 140* eliminates the public hearing requirement on uncontested branch applications and the requirement that property improvement loans comply with the restrictions applicable to federal associations. *Chapter 140* also authorizes associations to secure loans by mortgages other than first liens, if the aggregate value of the mortgage and any prior mortgage lien or encumbrance does not exceed the appraised value of the real estate.

*Chapter 230* extends the time period within which a bank must respond to a request by the commissioner of banking for a report on the bank's resources and liabilities. *Chapter 230* also extends the time period within which the bank is required to publish its report as a Class I notice in a newspaper.

*Chapter 244* makes a series of changes in the law relating to mutual savings banks, including reducing the guaranty fund requirement from 8% of net earnings to 6% and authorizing branch banking on the same basis as state banks. *Chapter 244* also extends the investment authority of mutual savings banks to commercial paper issued by corporations, banker's acceptances, certificates of deposit, and unsecured federal funds.

*Chapter 307* authorizes any state or national bank exercising trust powers, or any trust company bank to establish trust service offices in separate state or national banks. *Chapter 307* also establishes the minimum capital requirements for a trust company bank to qualify as a fiduciary.

*Chapter 310* authorizes a state bank to hold stock in other banks if the bank's stock is wholly owned by 2 or more state or national banks.

*Chapter 342* authorizes credit unions to assess a maintenance charge against dormant accounts containing less than \$25, if the account has been dormant for 36 months or more.

*Chapter 387* authorizes a savings and loan association which is absorbed or consolidated to maintain and operate a branch office either within 100 miles of the association's home office, or anywhere in the state, if the commissioner finds that continued operation of one or more branches outside the 100-mile limit would be in the public interest.

*Chapter 401* exempts loans in excess of \$150,000 from the usury statutes.

*Chapter 430* clarifies the responsibilities of banks and other depositories with respect to claims by third parties against depositors. Under *Chapter 430*, the depositories have no responsibility to limit activities in accounts subject to a third party claim in the absence of a court order to the contrary.

*Chapter 444* makes a number of changes in existing laws applicable to loans made by licensed loan companies, including the removal on maximum interest rates on loans made to corporations. The chapter also excludes from the calculation of unearned interest rebates the interest earned prior to the first instalment payment in some cases. *Chapter 444* also prohibits a licensed lender from dividing or encouraging a borrower to divide a loan in order to justify a higher interest rate. Finally, the chapter authorizes licensed lenders to charge the same interest rates for loans to finance insurance premiums as for loans for any other purpose.

#### INSURANCE

*Chapter 153* makes a number of changes in the standard valuations and nonforfeiture requirements for life insurance and annuity policies. Among these changes are creations of new nonforfeiture provisions for individual deferred annuities and increased statutory interest rate assumptions for newly purchased life insurance and annuities. *Chapter 153* also defines the commissioner's annuity reserve valuation and increases the maximum permissible age setback for life insurance policies sold to females from 3 years to 6 years.

*Chapter 172* authorizes the commissioner of insurance to establish risk-sharing plans to provide liability coverage for municipalities and to require participation by the insurance industry.

*Chapter 339* makes a number of remedial changes in the insurance code, including completion of the process of eliminating the old insurance code from the statutes in favor of the new code created during the past 2 sessions. *Chapter 339* also repeals a number of sections which were superceded by provisions in the new code. Finally, *Chapter 339* brings Wisconsin law into line with federal legislation relating to employe welfare funds, which preempts most of the state law. However, the relevant part of *Chapter 339* leaves in place the mechanism needed for state regulations of these funds if the federal legislation is repealed or otherwise ceases to be preemptive.

*Chapter 363* authorizes the commissioner of insurance to establish continuing education standards for licensed intermediaries. The commissioner may require not more than 15 hours of classroom instruction per year. Rules promulgated by the commissioner under this chapter are subject to legislative review.

*Chapter 371* requires all disability insurance policies which provide coverage for expenses incurred for inpatient hospital care to provide coverage for home care on the same terms.

#### LIQUOR AND BEER

*Chapter 10* increases the maximum size that the secretary of revenue may set for a container in which intoxicating liquor is to be sold from 32 fluid ounces to 1.75 liters (59.1752 fluid ounces).

*Chapter 11* removes the restriction on the quantity of intoxicating liquor that the holder of a "Class A" license may sell at any one-time; limits the amount that a "Class B" licensee may sell in the original

package or container at any one time to 4 liters rather than one gallon; and deletes the statutory provision which permitted municipalities in counties with a population of 500,000 or more to elect to limit one time sales to not more than one quart.

*Chapter 12* provides a tax table for metric-size containers of intoxicating liquor.

*Chapter 14* permits brewers, bottlers and wholesalers to contribute money to a nonprofit, tax exempt corporation conducting a festival sponsored by and held in a city of the 1st class (Milwaukee).

*Chapter 64* exempts a person under the age of 18 from certain laws governing the furnishing, sale, or possession of fermented malt beverages, if the minor is accompanied by an adult spouse as well as if the minor is accompanied by a parent or guardian. The law permits a minor to enter establishments operating under a Class "B" license (taverns and similar establishments) if accompanied by an adult spouse. The maximum fine for permitting a minor to enter premises operating under a Class "B" license unaccompanied by an adult spouse, parent or guardian is increased from \$20 to \$100.

*Chapter 76* repeals provisions which allowed a municipality to issue retail liquor licenses which were subject to special restrictions to certain fermented malt beverage establishments without regard to the license quota. Licenses issued prior to the repeal are included under the license quota.

*Chapter 77* allows a municipality to grant a liquor license to certain museum restaurants without affecting the quota for liquor licenses.

*Chapter 81* reduces the tax on intoxicating liquor which is manufactured or distilled in this state by pollution control facilities or from whey or brewing wastes produced in this state from \$2.60 to \$1 per wine gallon.

*Chapter 138* permits a municipality to determine the amount to be charged as a license fee for a Class "A" retailer's fermented malt beverage license.

*Chapter 147* makes clear that "Class B" retailers located in municipalities in Milwaukee county are subject to the general 4 liter one time sale of intoxicating liquor limitation which applies generally to all packaged sales by "Class B" retailers throughout the state.

*Chapter 184* permits the secretary of revenue to issue Class "B" fermented malt beverage retail and "Class A" and "Class B" intoxicating liquor retail licenses to curling clubs. Such licenses are not included in the quota for licenses applying to the municipalities. The fee charged for the fermented malt beverage license issued by the secretary may not exceed that charged by the municipality, rather than \$10 as was provided by previous law.

*Chapter 291* requires that liquor and beer wholesalers give the same discounts to all bars and liquor stores for purchases of similar quantities. A restriction against volume discounts based on total dollar business rather than on any single order is retained.

*Chapter 321* exempts municipal or county-owned buildings from a statute prohibiting the owner, lessee or person in charge of a public place from permitting the consumption of intoxicating liquor or fermented malt beverage on the premises of the public place.

*Chapter 431* requires corporations to appoint an agent before a wholesaler's or Class "A" retailer's license for the sale of fermented malt beverages may be issued. The agent must be delegated full authority and control of the licensed premises and be approved by the department of revenue. If the agent terminates for any reason a successor must be appointed and is also subject to approval by the department and local officials. The requirement that foreign corporations be licensed under chapter 180 of the statutes before applying for a Class "A" or wholesaler's license is eliminated. The law also permits municipalities to require persons who are managing Class "B" fermented malt beverage or "Class B" intoxicating liquor retail licensed premises to obtain a "manager's" license unless the person is the licensee or the agent of a corporate licensee. A person holding a manager's license is considered to also hold an operator's license. The manager's license fee is not more than \$25.

*Chapter 439* permits a minor to enter premises for which a "Class A" intoxicating liquor license has been issued if entry is for the purpose of purchasing food or beverages other than fermented malt beverage or intoxicating liquor.

#### OTHER MEASURES AFFECTING BUSINESS AND INDUSTRY

Under *Chapter 21*, recipients of shipments of petroleum products within the state may be permitted by the department of industry, labor and human relations to unload such shipments prior to departmental inspection, upon showing of good and sufficient reasons. Recipients must still provide

timely notice of all shipments to the department. In addition, the department is permitted to directly unload ships or boats without inspection if an emergency is declared by the coast guard.

*Chapter 49* repeals the "Fair Trade Act" which permitted retailers to contract to sell certain products at a price not less than that stipulated by the wholesaler or producer of the product. The authority to pass such and act was withdrawn by the congress.

*Chapter 66* permits a commercial printer to print lottery tickets if the order is placed from and shipped to a state in which the lottery is lawful.

*Chapter 91* prohibits the department of industry, labor and human relations from establishing daily overtime pay standards during the period from September 24, 1977, to September 23, 1978.

*Chapter 104* makes public additional information which the secretary of state may demand to determine the accuracy of a foreign corporation's application for a certificate of authority to transact business in this state or the accuracy of an annual report.

*Chapter 108* increases from \$150,000,000 to \$250,000,000 the principal amount of notes and bonds which the Wisconsin housing finance authority is authorized to have outstanding for its corporate purposes.

*Chapter 110* authorizes the state, any local government or a private corporation to establish and operate foreign trade zones under an act of congress administered by the federal government.

*Chapter 144* is remedial legislation suggested by the office of the commissioner of securities. The legislation:

- 1) Establishes an exemption from the licensing requirement for broker-dealers and agents having no place of business in this state and doing business only with financial institutions.
- 2) Clarifies the exemption from registration of securities issued or guaranteed by railroads, other common carriers, public service corporations, public utilities or public utility holding companies which are subject to regulation of the appropriate federal, state or Canadian agency.
- 3) Authorizes the commissioner to prescribe necessary protection for investors in domestic, nonprofit debt securities offerings which are exempt from registration.
- 4) Changes from 30 days to 10 days the requirement for advance notice to the commissioner of an employe's stock purchase, savings, pension, profit sharing or similar benefit plan which is not qualified under section 401 of the internal revenue code and which provides for employe contributions, in order for such plan to be exempt from registration.
- 5) Authorizes the commissioner to exempt from registration requirements securities meeting prescribed standards relating to their quality or other characteristics if the commissioner finds registration unnecessary or inappropriate for the protection of investors.
- 6) Consolidates notice and hearing procedures applicable when administrative orders are issued.
- 7) Makes explicit the authority of the commissioner to deny pending applications for license if any of the causes for denial set forth in the statutes are shown to exist.
- 8) Authorizes the commissioner to require an issuer of securities to file an annual financial report with the commissioner's office at the same time it is distributed to security holders.

*Chapter 163* permits counties and municipalities to borrow money to finance the construction of medical clinics.

*Chapter 171* makes various changes in the dealership practices law. It adds a rule of construction and statement of purpose; deletes language which had restricted coverage of the law to dealerships entered into after April 5, 1974; permits a terminated dealer to require the grantor to repurchase certain inventories and provides that a violation of the dealership practices law by the grantor is deemed an irreparable injury to the dealer for the purposes of the issuance of a temporary injunction.

*Chapter 177* amends the statute of frauds to preserve the effectiveness of a purchase money mortgage executed by a married person pledging the purchased property as security. Under prior law, the signature of both spouses was required.

*Chapter 217* requires a lienholder whose lien on an automobile is satisfied to send a release to the owner within 30 days of satisfaction (or 10 days if the owner requests it). The law also requires a mortgagee to record the satisfaction of a mortgage within 30 days (or 7 days if the mortgagor requests). The mortgagee is liable for damages only if recording fees charged to the mortgagor are paid.

*Chapter 247* creates exceptions to the existing law relating to the filing of statements by creditors terminating the creditor's security interest in consumer goods covered by financing statements. Under *Chapter 247*, termination statements need not be filed if the financing or continuation statement has lapsed, if the financing statement evidences a continuing business relationship between the debtor and the secured party, or if the financing statement was filed prior to January 1, 1978.

*Chapter 268* permits a manufacturer to issue coupons redeemed by another manufacturer if the coupon states the addresses of both manufacturers and if the issuing manufacturer is responsible for redemption if the redeeming manufacturer fails to do so.

*Chapter 270* restates the statutorily required disclosures and rate limitations applicable to installment sales of motor vehicles in terminology and simple interest rate equivalent ("annual percentage rate") terms required under the federal truth-in-lending act. The law also modifies the interest rate classification for certain new truck or truck tractor loans.

*Chapter 276* regulates fitness center contracts. Contract for fitness center services means a contract for membership in a fitness center or a contract for instruction, training or use of facilities for physical exercise; in weight control or figure development. The law requires a contract to make certain disclosures; to give notice of a right to cancel if exercised within 3 days of signing or 3 days from the date the vendor gives notice operating facilities are available, whichever is later, and to provide for only proportional payment if facilities and services are not provided for the full period contracted for or if the period is not completed due to the death or disability of the buyer. The amount which the buyer may be required to pay prior to the commencement of performance of services is limited. The duration of the contract and the time by which facilities and services must be made available are both limited. A contract may be voided for violations of the law and a civil forfeiture penalty is provided.

*Chapter 296* creates a "prepaid maintenance lien" on the funds in an escrow account a seller entering into a prepaid maintenance agreement is required to maintain. The escrow funds derive from payments made under the contract and serves as security for the customer in the event the seller goes out of business. Alternatively, the seller may obtain a performance bond in favor of the state for the benefit of any customer who suffers a loss because the seller goes out of business. The bond must be in the principal amount of \$25,000. No prepaid maintenance lien is available if the seller maintains a bond.

*Chapter 298* extends the maximum time for filing a purchase money security interest from 10 days to 20 days after the debtor receives possession of the collateral.

*Chapter 304* amends former law relating to the waiting period between entry of judgment on a mortgage and the mortgage foreclosure sale. The existing one-year waiting period for one to four-unit, owner occupied residences, farms, churches and tax-exempt, charitable organizations. The waiting period for all other sale is reduced to 6 months, unless the mortgagor agrees in writing to reduce the period to 3 months.

*Chapter 316* amends the existing law of maintenance liens to require a nonprofit corporation which levies an assessment for maintenance of property in which the members of the corporation possess rights of common use and enjoyment to secure approval of the corporation's budget by a majority of the members. *Chapter 316* also amends the existing requirement that assessments under the maintenance lien law must be either equal in rate against the assessed value of each member's lot or equal in face value against each lot. Under the amended rule, unequal assessments may be imposed if a property owner or a predecessor in title agreed to an unequal assessment.

*Chapter 365* requires persons who provide mobile meat processing services to register with the department of agriculture, trade and consumer protection. The department must by rule regulate the conduct of processing operations. The rules are subject to legislative review and the legislative council is directed to assist that process.

*Chapter 393* requires that the volume of liquefied petroleum gas which is sold or delivered in vapor form be corrected to a temperature of 60° Fahrenheit through the use of a meter with a sealed automatic temperature compensating mechanism.

*Chapter 405* requires an automobile manufacturer, factory branch or distributor to pay a dealer who performs warranty work at a labor rate equal to the effective labor rate charged all customers.

*Chapter 407* revises the law concerning the ownership and regulation of condominiums. Procedures for the creation or conversion of property to a condominium are specified. A condominium declaration must include certain information such as descriptions of the land, units and common elements and provisions for the percentage interest and votes for the owner of each unit. Administration of a condominium is governed by bylaws specifying certain particulars and by an association of unit owners with certain powers and responsibilities. Details of the rights and liabilities of owners concerning the use of common elements, alterations, liens, insurance, repairs, eminent domain, taxation, zoning, easements, disclosure requirements and other items are also enumerated.

*Chapter 408* extensively revises the form of the uniform principal and interest act applicable to estates and trusts. The language created by *Chapter 408* applies to the ascertainment of principal and income to the extent the act is not inconsistent with the provisions of the instrument creating the trust or estate. *Chapter 408* defines the terms "principal" and "income", determines the point in time at which

income arises, and provides for apportionment of income. *Chapter 408* also provides for distribution of income earned during administration of the decedent's estate and allocation of corporate distributions.

*Chapter 411* extends to trusts the prohibition against owning farmland or carrying on farming operations if certain standards are not met or if certain exceptions do not apply. Previously that prohibition applied only to corporations. Trusts with fewer than 15 beneficiaries (certain family members are collectively considered one beneficiary) are excepted from the prohibition as is land owned by a trust on the effective date of this law (May 1978). Exceptions provided for corporations also apply for trusts.

*Chapter 434* permits the issuer of securities to transfer registration without making inquiry regarding the authority of a corporate officer to make the transfer on behalf of the corporation, whether all required endorsements have been made or the existence of a corporation resolution.

### Children's code

*Chapter 29* requires parents of delinquent children to pay for their children's post-adjudication services.

*Chapter 354* revises laws relating to the operation of the juvenile court. It permits each county board to appoint a juvenile court commissioner who may issue summonses, hold certain hearings and enter into consent decrees. It requires counties to provide intake services. It authorizes juvenile courts to deal with 3 categories of juveniles: "delinquent" juveniles who have allegedly violated a criminal law, children who have allegedly violated civil ordinances or statutes, and children who need special protection or services.

The act enumerates criteria for taking and holding a child in custody, and protects the child's due process rights. It establishes a presumption that a child is to be released and creates new release alternatives, including responsible adults and runaway homes.

The act also expands dispositional alternatives to include restitution, forfeiture, supervised work programs, counseling and attendance at safety courses.

*Chapter 355* makes various changes related to reporting child abuse or neglect. A court is required to appoint a guardian ad litem for each child subject to a judicial proceeding regarding child abuse or neglect. The types of professions which are required to report cases of child abuse are expanded, time limits for investigation are established as are emergency protective custody procedures, a central registry for child abuse reports is created, criteria are established for classification of reports as "indicated" or "unfounded" and for the destruction of reports, a hearing procedure is established permitting a person to challenge a determination that a case is "indicated", confidentiality requirements are established and training programs provided for. Failure to report a case of child abuse as required is a crime punishable by a fine of up to \$100 or not more than 6 months imprisonment or both. A person convicted of abuse of a child may be committed by court order for a presentence social and psychological examination.

### Constitutional amendments

#### FIRST CONSIDERATION

1977 Senate Joint Resolution 52 (Enrolled Joint Resolution 31) expands the state's bonding power to issue bonds to generate funds from which loans could be made to farmers for the acquisition of land, equipment and livestock.

1977 Senate Joint Resolution 51 (Enrolled Joint Resolution 32) revises the procedure for gubernatorial succession. The lieutenant governor is to become governor, rather than acting governor, when a permanent vacancy in the office of governor occurs. The secretary of state is to become governor if a permanent vacancy occurs in both the offices of governor and lieutenant governor. Whenever there is a permanent vacancy in the office of lieutenant governor, the governor is directed to nominate a successor, who takes office after confirmation by both houses of the legislature. The lieutenant governor is removed as presiding officer of the senate; the senate is to choose its own presiding officer from amongst its members. If there is a temporary vacancy in the governor's office or if the governor is absent from the state, the lieutenant governor continues to serve as acting governor. However, the secretary of

state may no longer serve as acting governor if the governor's and lieutenant governor's offices are temporarily vacant or if the officeholders are temporarily absent from the state.

#### SECOND CONSIDERATION

1977 Assembly Joint Resolution 10 (Enrolled Joint Resolution 6), which was given 2nd consideration by the 1977 legislature and adopted by the voters on April 5, 1977, empowers the legislature to authorize raffle games licensed by the state and operated by local religious, charitable, service, fraternal or veteran's organizations, or organizations to which contributions are deductible for federal or state income tax purposes.

1977 Senate Joint Resolution 9 (1977 Enrolled Joint Resolution 7) was given 2nd consideration by the 1977 legislature and adopted by the voters on April 5, 1977, thus amending the Wisconsin constitution to revise the structure of the judicial branch of Wisconsin government. The amendment creates a court of appeals with appellate jurisdiction, provides that the chief justice of the Wisconsin Supreme Court shall administer the judicial branch according to procedures established by the court, provides that the mandatory retirement age for judges shall be established by the legislature at an age not less than 70, empowers the Supreme court to discipline, suspend or remove a justice or judge for cause in accordance with procedures established by law and eliminates county courts of probate.

1977 Assembly Joint Resolution 20 (Enrolled Joint Resolution 18), which was given 2nd consideration by the 1977 legislature but which failed adoption by the voters on April 4, 1978, would have revised the constitution to eliminate the requirement that there be one system of town government and to require instead that the legislature establish one or more systems of town government.

#### Corrections

*Chapter 7* authorizes counties to establish jail extensions to serve as temporary places of confinement.

*Chapter 126* allows a county house of correction (presently only Milwaukee county has one) to be used for the detention of person who is already detained in a county jail. The act allows a county, by ordinance, to determine if prisoners possessing "Huber law" privileges may be placed in a house of correction. Present transfer restrictions between a county jail and a county house of correction are removed.

*Chapter 266* removes a distinction based on sex relating to parole eligibility. Previously female prisoners (except those serving life sentences) could be paroled at any time if employment was found for them. This act abolishes that provision.

*Chapter 312* allows the department of health and social services to grant leaves to certain prisoners. Leaves may be granted only for the purpose of visiting a sick relative, attending a funeral or contacting a prospective employer.

*Chapter 327* authorizes the department of health and social services to pay for land improvements at correctional institutions from an existing appropriation (program revenue).

*Chapter 337* revises prohibitions and penalties relating to giving liquor to prisoners or placing prisoners of different sexes together, and makes the provision applicable in the house of correction. The act also creates the same penalty for giving dangerous drugs to prisoners.

*Chapter 418* authorizes the department of health and social services to establish and operate community correctional residential centers. Inmates from state prisons may be transferred to these centers.

*Chapter 418* also repeals the Youthful Offender Act, which had permitted a noncriminal disposition and a specialized program for persons under 21 who were found guilty of crimes other than first-degree murder or certain sex crimes.

#### Courts and procedure

*Chapter 29* (biennial budget act) created the office of the Wisconsin public defender which is an independent agency governed by a nine-member public defender board appointed by the governor with the advice and consent of the senate. The board appoints a state public defender who serves for a five-

year term. The functions of the former office of the state public defender, consisting primarily of representing indigent defendants in criminal actions on appeal, are transferred to this new agency. In addition, the office of the Wisconsin public defender also has the responsibility of administering and providing legal representation for indigent clients in the trial courts. The board develops standards for determination of indigency and the responsibility for providing counsel is shifted from the court to the new public defender agency.

Representation is provided either by staff attorneys or by local private counsel appointed from a list maintained by the agency. Rates of compensation for private attorneys are established by the board.

The office of the Wisconsin public defender will begin providing trial court representation on July 1, 1978; however, that service will be phased-in throughout the state on different dates. Full coverage will not occur until July 1, 1979, or after passage of the 1979-81 executive budget act, whichever is later. Legal representation will continue to be provided by judicial appointment in counties where the new agency is not yet operational.

*Chapter 61* creates a privileged relationship between a psychologist and his or her patient, identical to the traditional physician-patient privilege. Under the privilege, confidential information about the patient gathered for purposes of diagnosis and treatment need not be disclosed in court. The patient or his or her guardian or personal representative may claim the privilege. The psychologist may also claim the privilege, but only on behalf of the patient.

*Chapter 80* increases the disbursement limit in small claims actions from \$15 to \$25.

*Chapter 135* revises provisions relating to disqualification and substitution of judges. The act specifies situations in which a judge is obligated to disqualify himself or herself and mandates procedures for the substitution of a judge.

*Chapter 156* permits a juvenile court to order a child to make restitution for damage he or she caused to the property of another, if the damage is the result of the child's violation of a state law or a municipal ordinance.

*Chapter 176* creates a cause of action for invasion of privacy and provides remedies which a court may grant. A person whose privacy is invaded is entitled to equitable relief, compensatory damages and reasonable attorney fees. Three types of invasion of privacy are specified: intrusion upon the privacy of another; the use of a person's name or likeness; and offensive publicity concerning another's private life. The common law will govern interpretation of the invasion of privacy provision, and defenses of absolute or qualified privilege may be raised.

*Chapter 180* reduces the time limitation for contribution lawsuits based on tort from 6 years to one year.

*Chapter 187* implemented the portion of 1977 Enrolled Joint Resolution 7 which created a court of appeals. The court of appeals will commence operation on August 1, 1978, and will consist of 12 court of appeals judges serving 6-year terms (except that the first judges elected will serve staggered terms). The state is divided into 4 court of appeals districts with 3 court of appeals judges elected from each district. The "primary" locations for the offices of the court in each district are Milwaukee, Waukesha, Wausau and Madison. The court of appeals is given broad jurisdiction to hear appeals from all courts of record. There are no appeals to the supreme court as a matter of right. The supreme court determines at its discretion which matters it will hear. The court of appeals sits in panels of 3 judges to dispose of cases on their merits, except in small claims, municipal ordinance violation, traffic regulation violation, mental health, juvenile and misdemeanor cases which will be heard by a single judge unless a request for a 3-judge panel is granted.

*Chapter 199* revises fees and travel expense payments for jury commissioners.

*Chapter 209* requires courts to award costs and attorney fees to the successful party in a lawsuit if the action, special proceeding, cross complaint, defense or counterclaim by the other party is determined to be frivolous.

*Chapter 214* specifies the method for the distribution of property held as joint tenants by a husband and wife who have no will and who die within 30 days of each other.

*Chapter 269* increased clerk's and municipal justice's fees for certain forfeiture actions for violations of local ordinances. *Chapter 305* later specified that these provisions applied generally in municipal court procedure, and that the judicial officer presiding over a municipal court is a municipal judge, not a municipal justice.

*Chapter 285* establishes a uniform procedure for claims brought against local governments. The act specifies several time limitations and provides a general \$25,000 per person liability limitation.

*Chapter 305* revises municipal court procedure. Two major provisions of the act involve municipal court transcripts and appeals. Previously, municipal courts did not keep a transcript of proceedings, and if a party appealed a decision, there would automatically be a new trial in the circuit court. This act provides that municipal court proceedings will be recorded by electronic means. A uniform capacity of tape records is specified to guarantee compatibility of equipment on appeal. An appeal from a municipal court judgment will be limited to a review of the transcript unless the circuit court orders a new trial in the interest of justice or if a party requests a new trial without a jury.

*Chapter 308* revises procedures in nonconsumer replevin lawsuits.

*Chapter 318* makes various changes in the laws relating to juries. It abolishes special exemptions from jury duty for university and college administrators, city officers, clerks of courts of record, constables, county officers, dentists, druggists, election officers, embalmers, fire department officers and members, Milwaukee school board members, ministers, national guard personnel, persons over 65, physicians, surgeons, professors, instructors, state and federal officers and teachers. A special exemption is retained for judges, attorneys and legislators who request exemption. In a 2-year period, no person may be required to spend more than 10 days in actual court attendance, except when necessary to finish a case, as a petit juror. A person may be excluded from a jury panel by order of a judge if undue hardship, extreme inconvenience or obstruction or delay of justice would otherwise occur. Electronic automated systems may be used for the selection of juries and jurors. Jurors may be summoned by the clerk of courts by mail rather than by summons served by the sheriff. Jurors must be paid not less than \$16 per day.

*Chapter 323* revises and consolidates various powers of court commissioners. The powers are placed in 3 categories, listing first those powers that can be exercised by a court commissioner only on authority delegated by a judge with the approval of the chief judge of a judicial administrative district, then those powers which a judge may refer to a court commissioner and lastly those powers that a court commissioner acting alone may exercise. The act also increases fees to be paid to court commissioners.

*Chapter 334* removes a requirement that the fees paid to certain circuit court officers be the same as fees paid to jurors.

*Chapter 345* makes several changes relating to small claims type lawsuits. The act requires Milwaukee county and permits counties in the 100,000 - 500,000 population range to establish one or more court commissioner positions to assist in the administration of small claims actions. Forms for these actions must be uniform, concisely written and readily understandable by members of the public. Courts are required to schedule at least one evening or Saturday session per month for small claims actions.

*Chapter 404* clarifies the law relating to the place at which negligence actions are brought against the tortfeasor's insurer. Under *Chapter 404*, actions based on negligent operation of a motor vehicle are brought in the county in which the cause of action arose or in which the defendant insurer is located. In all other negligence actions, the action is brought where the action arose or where the insured resides.

*Chapter 409* makes various changes in the uniform gifts to minors act. The major revision relates to expanding the coverage of the act to include certain trusts, as well as gifts.

*Chapter 412* revises the procedure used by a creditor to attach the property of a debtor.

*Chapter 441* specifies that certain agreements to eliminate or limit tort liability are against public policy and are void.

*Chapter 449* provides the state with a "single level" trial court system. The county judges of the state are denominated as circuit judges, and are given all the powers, duties and benefits of circuit judges. At the conclusion of each county judge's term, the office of that branch of county court is abolished and a branch of circuit court is established. Circuit court boundaries are revised so that each county will be a circuit with the exception of the following 3 combined county districts: Buffalo-Pepin, Shawano-Menominee and Forest-Florence. Present circuit judges will serve in the circuit courts for the counties in which they reside. The bill creates 13 additional judgeships and abolishes 4 existing judgeships, providing the state with 190 trial judges rather than the 181 it has at present. Judicial administration districts are revised by substituting 10 districts for the existing 14 districts. The chief judge of each district is appointed by the supreme court, rather than the former practice of being elected by the judges of the district. Compensation for judges is increased, and a phase-in plan is provided so that by July 1, 1980, all circuit judges will be fully state funded at executive salary group 6 (\$42,957 in fiscal year 1978-79). This act also creates a judicial commission with powers and duties relating to the discipline and removal of judges, and makes numerous other changes relating to courts.

### Criminal law

*Chapter 29* establishes a 10% penalty assessment surcharge on all fines and forfeitures for violations of state statutes and local ordinances (except parking violations). Penalty assessment payments will be placed in a law enforcement training fund.

*Chapter 90* revises the definition of consideration pertaining to lotteries conducted in this state.

*Chapter 99* prohibits the intentional removal of shopping carts from shopping areas without proper authorization and provides a forfeiture of up to \$50 for a violation.

*Chapter 161* expands the scope of the crime of interference with custody of child. The crime now includes withholding a child beyond the court-approved visitation period or withholding a child born out of wedlock, without the consent of the parents.

*Chapter 166* raises the limits concerning contracts in which public employes are prohibited from having a private financial interest.

*Chapter 239* makes various changes in awards to victims of crimes. Chiropractic and dental treatment expenses are included in compensation paid to victims. The method for determining the compensation for victims who are homemakers is also revised.

*Chapter 255* specifies that theft of a firearm is a felony, regardless of the value of the firearm.

*Chapter 260*, introduced by the committee on remedial legislation at the request of the department of justice, revises various laws relating to government, law enforcement and the administration of justice.

*Chapter 281* prohibits the showing of sexually explicit material at outdoor theatres, if the material is visible from a public place or from private property where it may be viewed by minors.

*Chapter 295* prohibits entry onto cultivated land with a vehicle without the consent of the owner or occupant.

*Chapter 297* revises a legal presumption relating to gambling devices. Previously, proof of possession of a device designed for gambling is prima facie evidence of the crime of possession with intent to transfer a gambling device. This act makes this presumption inapplicable if the device is 25 years old or older.

*Chapter 301* prohibits the use of electronically prerecorded messages in telephone solicitation without the consent of the person called. Violators are subject to a forfeiture of up to \$500.

*Chapter 311* prohibits the tapping of wires, meters, pipes, conduits or other instruments to obtain electrical current, gas or water with the intent to defraud the vendor. The crime is classified as a Class C misdemeanor.

*Chapter 332* provides that entry into a motor home or trailer home constitutes the crime of burglary, if the entry is without consent and with intent to steal or commit a burglary.

*Chapter 347* allows a trial court to sentence a revoked probationer to a term either concurrent with or consecutive to a sentence imposed between the imposition and revocation of the original probation. The Wisconsin Supreme Court had noted that previous statutory provisions prohibited this, and suggested remedial legislation in the opinion in 1975 case of State v. Drinkwater.

*Chapter 353* provides that a convicted offender will be given credit toward the service of his or her sentence for all days spent in custody in connection with the course of conduct for which the sentence was imposed.

*Chapter 356* creates the crime of sexual exploitation of children. It prohibits the knowing employment of a child to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording sounds or otherwise displaying the conduct. It also prohibits the photographing, filming, videotaping, recording or displaying of a child engaged in sexually explicit conduct, prohibits a parent or guardian from permitting that activity and prohibits the distribution of or possession with intent to distribute the products of such activity.

### Domestic relations

*Chapter 8* permits first cousins to marry if one of them is permanently sterile. Previously, first cousins could marry only if the female had attained age 55.

*Chapter 105*, modeled on the Uniform Marriage and Divorce Act, revises much of the law regulating actions affecting marriage. It adopts the Uniform Act's grounds for annulment. It creates as the sole ground for divorce the irretrievable breakdown of a marriage and changes actions affecting marriage to "in re" actions. It removes the prohibitions against collusion and condonation, eliminates the comparative rectitude doctrine and repeals the requirement that testimony in a divorce case be corroborated by a 3rd party.

The act revises laws relating to the economic aspects of divorce. It replaces the concept of "alimony" with that of "maintenance payments", which can be granted for any necessary length of time and which are based in part on the amount of help a needy spouse requires to become self-supporting. The act enumerates factors, designed to balance need with ability to pay, which a court must consider in making an order for a property division, child support and maintenance. Maintenance and child support payments may be consolidated into one payment denominated "family support". Each support or maintenance order automatically includes a wage assignment provision which becomes effective on application of the receiving spouse if the required payments are not made, unless the payer shows that circumstances beyond his or her control prevented payment. The court may revise a support or maintenance order at the request of either party upon a showing of changed circumstances, including a substantial change in the cost of living. The act requires full disclosure of assets, and provides that a party who deliberately or negligently fails to disclose a valuable asset may be held to be a constructive trustee of the asset for the benefit of the other party and their children.

The act also revises custody laws. It enumerates factors to be considered by a court in making a custody award. It permits an award of joint custody if the parents agree and if the court finds that a joint custody arrangement is best for the child. It prohibits a parent from refusing to pay support if visitation rights are frustrated, and from refusing to allow visitation because support is not paid. It requires a custodial parent to obtain permission to move out-of-state from either the other parent or from the court.

Finally, the act requires insurers to provide conversion privileges to ex-spouses whose health insurance coverage to ex-spouses whose insurance coverage is terminated because of a divorce.

*Chapter 418* (budget review act) repeals the requirement that a divorced person under a court-ordered obligation to pay child support must obtain court permission to remarry. Such permission is no longer necessary.

The act also makes the state a party to actions affecting marriage if either the husband or wife receives A.F.D.C. payments.

## Education

*Chapter 78* permits a school board to waive nonresident tuition for any pupil who was a resident of the school district at the beginning of the 2nd semester, so that the pupil may finish the academic year without charge. Previously, this waiver was available only to high school students.

*Chapter 202* provides that a school district, except a city school district and a school district in a city of the 1st class, may destroy obsolete records, except student records, which are more than 7 years old.

*Chapter 206* permits school districts to cancel classes because of inclement weather or teacher's conventions, up to a maximum of 5 days during the school term, without losing state aid. It also allows school districts to vary the hours during which school is to be held. (Previously, hours were inflexible once they were established.) These requirements apply to all school districts, including those in cities of the 1st class.

*Chapter 211* eliminates the statutory requirement that school board treasurers file bonds equal to at least 5% of the annual school district budget, and substitutes a provision permitting the school board to require bonds in the form and amount it determines for any officer or employe.

*Chapter 221* makes miscellaneous changes in the laws relating to cooperative educational service agencies (CESAs), including the following:

It provides that a CESA may enter into contracts and may sue and be sued in its own name. It requires CESA accounts to be paid by check rather than by voucher. It requires that, prior to consolidation of CESAs, each CESA board of control explore the feasibility of consolidation and hold a public hearing on the matter. It authorizes a CESA to provide services to other CESAs or to school districts in other CESAs. It specifies that a CESA is sole employer of its personnel.

*Chapter 227* authorizes school boards to provide transportation for public or private school pupils to extracurricular activities.

*Chapter 252* requires the school board to make arrangements to transport children to and from school where there are unusual hazards in the area and such transportation is necessary.

*Chapter 284* prohibits schools from denying, on the basis of sex, necessary physical education facilities, equipment, instruction or financial support, or the opportunity to participate in any physical education activity.

*Chapter 384* revises the referendum requirements for reorganizing joint city school districts into unified districts. Prior to *Chapter 384*, a reorganization was effective if a majority of the electors residing within that portion of the school district territory lying in each city, village or town approved. Under *Chapter 384*, approval of the reorganization is only required of a majority of those voting.

*Chapter 418* (budget review act) transfers \$12,000,000 in the general school aid appropriation from the 1977-78 fiscal year to the 1978-79 fiscal year. The guaranteed valuation (a device through which the state pays increased aids to school districts with relatively low property valuations) is increased in 1978-79. Districts which experience enrollment declines of more than 2.1 % are to receive increased aids to compensate for fixed overhead expenses.

*Chapter 418* (budget review act) allows a pupil not residing in a school district who attends school in that district to be counted as a resident in calculating general state aid if the pupil's home district has a shortage of facilities and the district of attendance has excess space as a result of declining enrollments.

*Chapter 418* (budget review act, sections 409m, 433d, 433f, 433r, 609g, 610m, 611a and 611b) authorizes all types of school districts to jointly contract for the construction and operation of school facilities, upon prior notice to the state superintendent of public instruction. Districts making such contracts must designate a single employer for each person who is employed in a facility, for purposes of collective bargaining, unemployment compensation, worker's compensation and retirement benefits.

*Chapter 429* prescribes the ages of admission to kindergarten and first grade. The general rule is that a child must have attained the age of 5 years by September 1 of the year he or she proposes to enter school in order to be admitted to kindergarten, and must have attained the age of 6 years by September 1 of the year he or she plans to enter school in order to be admitted to first grade.

This rule is phased in over the next 3 years as follows:

School term commences after:	Date on which child must be 5 to enter kindergarten:	Date on which child must be 6 to enter 1st grade:
July 1, 1979	November 1	December 1
July 1, 1980	October 1	November 1
July 1, 1981	September 1	October 1

*Chapter 445* revises the method of election of the members of the board of school directors in the city of Milwaukee. Formerly, the board was composed of 15 members elected at-large for staggered 6-year terms. Under this act, the number of members is gradually reduced to nine. One member is elected at-large and the other 8 members are elected from districts composed of combined aldermanic districts or parts thereof. Members serve for staggered 4-year terms. The date of commencement of the terms of members is advanced from the first Tuesday in July to the 4th Monday in April following the spring election (this is the date on which members of other school boards take office). The annual salary of board members, currently set by law at \$600, is authorized to be established by the board itself, but incumbent board members at the time that the act takes effect will continue to be paid the same salary. Vacancies on the board are to be filled by special election, rather than by appointment of the remaining members as formerly provided.

### Elections

Formerly, state law required the chief of police in the city of Milwaukee to station at least one policeman at each polling place for each election. Under *Chapter 51*, the chief is to station an officer at polling places designated by the city board of election commissioners.

*Chapter 54* repeals a law which prohibited courts from commencing or conducting a jury trial on a day on which any primary or general election is held.

*Chapter 102* specifies that petitions by city residents for direct local legislation by referendum must be gathered within 59 days of the time that they are filed with the city clerk. The signatures of persons signing outside the 59-day period are not valid.

Under *Chapter 107*, a campaign fund is created in the state treasury consisting of general tax revenues from each person filing a state income tax return who specifies that \$1 shall be set aside for this fund. The fund is available to candidates for statewide executive and judicial offices, as well as legislative offices, for use after the primary, provided that they obtain a specified number of votes in the primary and they raise a specified initial amount of private contributions from individuals in amounts of \$100 or less. Participants must agree to accept spending limits and limits placed on personal contributions to their own campaigns in order to receive moneys from the fund. The fund is apportioned by office in accordance with a specified formula. Moneys accepted count towards the maximum limit of 45% of a candidate's spending limit which may be accepted from special interest committees, thereby substantially limiting this source of contributions for those who participate. The act also makes spending limits (which apply only to candidates who accept moneys from the fund) subject to an automatic cost of living adjustment. This, in turn, impacts on certain contribution limitations which are figured as percentages of the spending limits. Moneys from the fund may be used only for advertising in communications media, printing, office supplies and postage; other campaign expenses must be privately financed.

*Chapter 149* changes the method of filling vacancies in the office of mayor and member of the common council in the city of Milwaukee. Formerly, a vacancy in the office of mayor was filled by the common council and a vacancy in the office of common council member was filled by the mayor, until the succeeding spring election. Now, the president of the common council temporarily acts as mayor when the mayor's office is vacant, and a common council seat is not immediately filled. In both cases, an election is held in the following April or November to fill the vacancy. The common council may also order an earlier special election to fill the office of mayor, and its president may likewise order an earlier special election to fill an aldermanic seat.

*Chapter 256* discontinues the practice whereby a municipal governing body may make a temporary appointment to fill a newly created local elective office. New offices may only be filled initially by the electorate.

Formerly, state law provided that if a vacancy in the office of Milwaukee county executive occurs 100 days or more before the spring election, a special election shall be held to fill the vacancy. If the vacancy occurs less than 100 days before the spring election, the vacancy was to be filled at the November general election. Under *Chapter 257*, if the vacancy occurs less than 100 days before the spring election, it shall be filled at the spring election if section 8.50 of the statutes so permits. However, section 8.50 (2) (b) of the statutes, as amended by *Chapter 340*, does not so permit.

Under *Chapter 262*, a vacancy in the office of county executive in any county other than Milwaukee county is to be filled by temporary appointment by the chairperson of the county board of supervisors, subject to confirmation by the board. A special election must be called to fill the vacancy within 7 days of the day on which the vacancy occurs. Formerly, the vacancy was filled by a permanent appointment. The chapter also contains the same provisions as *Chapter 257*.

*Chapter 283* authorizes any voter who is indefinitely confined because of physical illness or infirmity or is disabled for an indefinite period to request that the municipal clerk or board of election commissioners send an absentee ballot to him or her automatically for every election. Formerly, the law authorized only an application for a ballot to be sent automatically; a ballot was not sent unless the application was returned.

*Chapter 287* makes the nomination paper signature requirements for partisan offices the same for independent candidates as for candidates seeking the nomination of a political party. Formerly, independent candidates needed 25% to 100% more signatures than candidates for party nominations.

Formerly, in each municipality having 2 or more wards other than the city of Milwaukee, the municipal governing body served as the board of canvassers for vote-counting purposes. *Chapter 290* authorizes any such municipality to adopt an ordinance providing for a different board of canvassers for the municipality. The ordinance may specify the number, qualifications, method of selection and term of office of the members. If no ordinance is adopted, the governing body still serves as the board of canvassers.

*Chapter 340* advances certain dates for events related to the spring primary and election and special primaries and elections. Included are the dates for circulation and filing of nomination papers, transmittal and publication of notices, filing and verifying declarations of candidacy in school elections and the date for deciding when to hold and the date for holding the municipal caucus. The date on which certain judicial vacancies are filled is adjusted in certain cases. The act also removes the privilege of candidates to withdraw from a race after filing nomination papers. Vacancies may be filled after the primary only in the event of death of a candidate.

*Chapter 378* requires all county registers of deeds and the city clerk in Milwaukee to offer the opportunity to each elector to register to vote at the same time that application is made for a Wisconsin identification card if registration is required in the municipality where he or she resides. Issuing officers are required to forward registration forms to the appropriate municipal clerk or board of election commissioners.

Formerly, a write-in candidate could not win the nomination of a political party and have his or her name printed on an election ballot unless the candidate received at least 5% of the votes cast for his or her party's candidate for governor in the district or jurisdiction at the last gubernatorial election. *Chapter 383* provides that a write-in candidate must receive either that number of votes or votes at least equivalent to the minimum number of signatures required on nomination papers for the office for which he or she is a candidate, whichever is greater.

*Chapter 394* makes alterations in voter registration and qualification procedures. These revisions cover treatment of voters who are alleged to be non compos mentis or insane, identification of voters in municipalities without registration, special registration deputies, corroboration of residency, registration after the close of the registration period, maintenance of voter registration records, as well as presidential voting by new residents. Eleven forms of identification which are acceptable proof of residence for registration or voting are specified, but the list is not exclusive. Municipal clerks are required to make systematic checks for duplicate voting. Overseas citizens who last resided in Wisconsin before leaving this country are permitted to vote in federal elections. The act also makes numerous other changes of a minor or technical nature. Extensions of voting rights are subject to approval at statewide referenda to be held in November, 1978.

*Chapter 398* requires all employers, including the state and local governments, to grant a 24-hour leave of absence upon 7 days' notice to each employe who serves as an election official on election day. No penalty may be imposed on an employe who requests such a leave, other than a deduction for time lost.

Currently, the voters of the state or of any county, city or judicial or legislative district may recall an elected officeholder serving in that jurisdiction. Under *Chapter 403*, this right is extended to the voters of villages, towns and school districts. As with the current provisions for city offices, the petitioners must first convince a circuit court that there are "good and sufficient reasons" for the recall before the question can be put to the voters. Otherwise, the recall requirements and procedures are the same as formerly provided.

*Chapter 427* makes various changes in election laws. All rules of the elections board under chapters 5 to 12, stats. must be approved in advance by the appropriate standing committees of the legislature. Requirements for election officials and their methods of compensation are changed. Various modifications in recount procedures, including the location for filing petitions, are made. In addition, changes are made in ballot requirements, authorized activities and stationing of observers at polling places, publication of notices, use of write-in votes, primary elections, provision of election materials by the state, timing of special elections, filling of school board vacancies, authorized campaign contributions by certain labor unions and other laws.

### Employment

*Chapter 29* (biennial budget act) reorganizes the department of industry, labor and human relations. The department is placed under the supervision of a secretary rather than a 3-member commission. A 3-member labor and industry review commission is created to handle petitions for review of certain departmental decisions.

*Chapter 29* (biennial budget act) provides for a 300-day time limit on complaints of employment discrimination to be filed with the department of industry, labor and human relations.

*Chapter 32* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin State Building Trades Negotiating Committee, as representative of the building trades-crafts bargaining unit.

*Chapter 33* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin State Attorneys Association, as representative of the professional legal bargaining unit.

*Chapter 34* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the State Engineering Association, as representative of the professional engineering bargaining unit.

*Chapter 35* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin Nurses Association, as representative of the professional patient care bargaining unit.

*Chapter 36* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin Association of Science Professionals, as representative of the professional science bargaining unit.

*Chapter 37* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin Federation of Teachers, as representative of the professional education bargaining unit.

*Chapter 44* makes changes in personnel laws required to implement the 1977-79 compensation plan for nonrepresented state employes. The plan is made inapplicable to employes in certified bargaining units who continue to work after their contracts expire. An automatic annual cost-of-living adjustment for state employes which was never implemented is repealed. The statutory requirement for a biennial wage comparability study is repealed. A special night-shift wage differential of 15 cents per hour is also repealed; a night differential is authorized instead on a discretionary basis. Interim wage adjustments for employes who are withdrawn from collective bargaining units are permitted. Use of vacation time earned by certain employes is made more flexible, and vacation credits are increased for career executive and high-ranking officials with more than 10 years' service. Health insurance premiums for nonrepresented employes are made comparable to rates negotiated for represented employes.

*Chapter 48* extends the special worker's compensation death benefit payable to fire fighters and law enforcement and correctional officers who are killed in the line of duty to apply to members of legally organized rescue squads. The special benefit amounts to 75 % of the primary death benefit, but not less than \$25,000, plus \$2,000 for each dependent in excess of four.

*Chapter 92* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin State Employees Union, as representative of the professional social sciences bargaining unit.

*Chapter 93* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin State Employees Union, as representative of the professional research, statistics and analysis bargaining unit.

*Chapter 94* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin State Employees Union, as representative of the technical bargaining unit.

*Chapter 95* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin State Employees Union, as representative of the security and public safety bargaining unit.

*Chapter 96* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin State Employees Union, as representative of the blue collar and nonbuilding trades bargaining unit.

*Chapter 97* ratifies the collective bargaining agreement for the 1977-79 biennium between the state and the Wisconsin State Employees Union, as representative of the clerical and related bargaining unit.

*Chapter 114* increases the salaries of statewide elective officers, members of the legislature and judges of circuit and county courts by 5.0% of the June 30, 1977 level on October 28, 1977 and by an additional 5.5% of the June 30, 1978 level on July 1, 1978. Except in the case of justices and judges, the increases do not apply to incumbents during their current terms of office; they apply only to persons assuming office after October 28, 1977 as a result of election or reelection.

*Chapter 125* prohibits discrimination in employment, membership or licensing on the basis of an arrest or conviction record, unless the person is subject to a related criminal charge, unless the conviction is job related or unless the person is not bondable and bondability is required by law or by the employer's established business practice.

Statutory requirements for receiving or maintaining a license as following are changed by the chapter to comply with the new prohibition:

1. Operator of a driver school or driving instructor.
2. Operator of a private detective agency or private detective.
3. Architect or engineer.
4. Chiropractor.
5. Optometrist.

6. Pharmacist.
7. Psychologist.
8. Securities broker-dealer, agent or investment adviser.

*Chapter 127* adjusts eligibility for unemployment compensation benefits by certain persons who are employed in family-owned businesses. Under the changes, benefit reductions are applied only when the spouse, child, or parent (if the claimant is under the age of 18) owns a specified portion of the business in which the claimant is employed. Benefit reductions are extended to apply to relatives of partnership employers, in addition to corporate employers formerly covered.

*Chapter 133* makes various changes in state unemployment compensation laws for the primary purpose of bringing Wisconsin into conformity with federal mandates so that the state can remain eligible for federal aids and Wisconsin employers can remain eligible for exemption from federal unemployment taxes. Employees of small, local governments and certain agricultural and domestic service workers are covered under the unemployment compensation system for the first time. In addition, the eligibility of illegal aliens, professional athletes, public and nonprofit teachers and college and university faculty to claim benefits under some circumstances is redefined. The rate of the solvency tax levied on employers to maintain the unemployment compensation fund's solvency is adjusted.

*Chapter 178* provides a new labor dispute settlement procedure for those bargaining units consisting of nonsupervisory local government employees, except law enforcement and fire fighting personnel. Initial proposals must be exchanged in open meetings. Fact-finding is no longer authorized, but the parties may agree upon their own dispute settlement procedures, including binding interest arbitration or authorization for a strike. If mediation fails and the parties do not agree on their own settlement procedure, a process of "mediation-arbitration" is required in which a mediator-arbitrator or mediation-arbitration panel endeavors to settle the dispute. If this is unsuccessful, binding arbitration of those issues in dispute which are mandatory subjects of bargaining (or which have been treated as such by the parties) is required, unless both sides agree to a strike. If arbitration is used, the arbitrator or panel must select the complete final offer of one of the parties without change, thereby encouraging each side to submit a reasonable offer. If a strike threatens the public health or safety, any citizen affected by it may request an injunction to stop it. If an injunction is issued, binding arbitration is required. Increased penalties are provided for illegal strikes. School laws are changed to provide that days on which school is closed or educational standards are not maintained due to a strike may be deducted from the 180 school days each year which must be held to receive state aids. In such cases, the amount of aids is adjusted according to a new formula specified in the law.

*Chapter 179* directs the department of industry, labor and human relations to determine by rule the amount of tips or similar gratuities received by an employe which may be counted by an employer as "wages" for purposes of compliance with the state minimum wage law. The act codifies past practice of the department.

*Chapter 195* makes numerous changes in the state's worker's compensation law. Injured employees are prevented from suing their fellow employees (in the same manner that they are prevented from suing their employers) except in certain limited circumstances. (These circumstances are further limited under *Chapter 418*. Compensation rates and allowances for employment-connected deaths and injuries are adjusted. Time limitations for the filing of claims are lengthened. Other changes concern selection of attending practitioners by injured employees, penalty payments by certain employers and consideration for disfigurement allowances. Other technical changes are included.

*Chapter 196* removes state personnel functions from the department of administration and places the administration of the state civil service system, the affirmative action program and collective bargaining functions in a new department of employment relations (DER) headed by a secretary. Within DER, a division of personnel is headed by an unclassified administrator who is nominated by the governor and appointed with the advice and consent of the senate for a 5-year term. The governor selects the administrator from a register certified by a modified personnel board.

Review of personnel decisions is taken from the personnel board and placed with an independent personnel commission (commission).

The former personnel board is removed from the department of administration and made an independent agency. The board retains all of its former functions except the function of hearing personnel appeals. In addition, the board conducts the examination for the administrator position under the requirements for classified positions, annually evaluates the administrator's job performance, advises the governor concerning reappointment of the administrator and elects the chairperson of the personnel commission.

The chapter also creates a 15-member affirmative action council in DER to review affirmative action efforts in the civil service system and to report annually to the governor and legislature.

In addition to reorganizing civil service administration and review functions, the chapter makes diverse changes in the civil service code and related public personnel matters. Included in the changes are the following:

1. Training and experience requirements for position classification are removed. A training and experience requirement for a specific position must be approved by the administrator and must be job-related. Unpaid experience is considered equal to paid experience. These requirements apply in local civil service systems as well as in the state system.

2. Division administrator positions which are in agencies headed by a secretary and which are at pay range 18 or above are made unclassified except for certain division administrator positions in the departments of justice and revenue and all division administrator positions in the department of employe trust funds and the administrator of the veterans home.

3. The state must accommodate applicants with disabilities in order to allow them to take civil service examinations.

4. Under former law the state was required to pay the same amount of fringe benefits for permanent part-time employes that it paid for permanent full-time employes. The act allows the state to pay 50% of health insurance benefits for permanent employes who work at least 600 but less than 1,044 hours per year.

5. The grant of veterans preference points on promotional examination is eliminated. This change also applies to local government civil service systems.

6. Appointing authorities may now fill career executive positions through an open examination process immediately and may not restrict competition to employes already in the career executive program.

7. Hiring in the career candidate program may no longer deviate in any way from any requirement for hiring in the classified service.

8. The administrator will certify 5 names for any vacancy if the list of eligible applicants is less than 50 or 10% of the eligibles up to 10 names, if the list of eligible applicants is more than 50. Persons who, with veterans preference points added, score equal to or higher than the lowest score of those certified on the basis of the exam will be added to the list of eligible applicants. The number of eligibles added with veterans preference points cannot exceed the number of eligible applicants on the original list.

9. Project employment is created to provide for employment in a planned undertaking which is not a regular and continuing function of an agency and which has an established probable date of termination. Project employes receive fringe benefits after 6 months of employment.

10. A training requirement for supervisors is established.

11. Employe appeals relating to decisions of the administrator, actions delegated by the administrator, demotions, layoffs, suspensions, discharges and alleged illegal actions or abuse of discretion are heard by the personnel commission. An appeal must be filed within 30 days after the effective date of the action or 30 days after the employe is notified of the action, whichever is later. After a hearing on the appeal, the commission may affirm, modify or reject the employer's action and accordingly issue an enforceable order. The commission must issue a decision on an appeal within 90 days of the hearing.

12. Various existing procedures concerning the relationship of budget and personnel functions are codified.

13. All complaints of discrimination by state employes under the state fair employment act are processed by the personnel commission instead of by the department of industry, labor and human relations but are reviewed by the labor and industry review commission if appealed within 30 days after the personnel commission serves its decision. The labor and industry review commission must decide the appeal within 90 days.

14. Agencies are authorized to develop job-sharing and permanent part-time employment opportunities and are required to develop plans for flexible-time schedule experiments.

15. The rules of the administrator must be submitted to the legislature for approval before taking effect.

16. A college degree may not be required for a classified state job unless a license or registration requiring college graduation is required to perform the job.

*Chapter 235* makes exceptions to the law which generally requires employes to be paid at least once a month, not later than 31 days after their wages are earned. The law is made inapplicable to employes who are covered by a union contract containing conflicting provisions. Also exempted are school district employes who request payments over a 12-month period for services performed during a school year, unless this payment schedule is precluded by a union contract.

*Chapter 286* prohibits certain forms of sexual harassment in employment and permits victims of such harassment to collect unemployment compensation.

*Chapter 442* extends to law enforcement supervisors in the city of Milwaukee the same collective bargaining rights as are held by other law enforcement employes in the city, including the right to bargain collectively concerning wages, hours and conditions of employment, the right to negotiate a "fair-share" agreement, and the right to resolve deadlocks by means of compulsory arbitration. Unfair labor practices are also extended to apply to police supervisors and the city of Milwaukee as their employer. The statutory prohibition against strikes is likewise applied to the supervisors.

### **Health and social services**

*Chapter 2* authorizes the department of local affairs and development to make grants for energy assistance payments to community action agencies, counties and units of local government to alleviate immediate threats to life or health. That authority terminated on June 30, 1977. *Chapter 2* also authorizes counties to make appropriations for payments to individuals or grants to community action agencies, cities, villages and towns to assist persons in the purchase of emergency energy supplies.

*Chapter 13* permits the sale of aspirin in stores other than pharmacies. The aspirin must be packaged in a sealed container and appropriately labeled.

*Chapter 29* (biennial budget act) requires the department of health and social services to provide a program for intensive treatment of emotionally disturbed children.

It permits the service bureau for the deaf to pay for interpreters' services for needy deaf persons.

The act makes a number of changes in welfare law. It establishes a bill of rights for public assistance recipients which includes, in addition to constitutional rights, the right to be treated with respect, the right to confidentiality of files and records, the right to access to files and records, and the right to a speedy determination of status or eligibility and to notice of proposed changes in status or eligibility. It requires the department to conduct a pilot job development and placement program for A.F.D.C. recipients. It puts restrictions on an A.F.D.C. family's or group's ownership of more than one car. It institutes a policy of recovery of overpayments, subject to federal law requirements. It sets penalties for medical assistance fraud.

The act also establishes new regulations for health care institutions. It requires that the department issue a "certificate of need" to authorize the construction of a health care facility or implementation of a substantial change in service by a health care facility. The department may also decertify certain specialized services provided by health care institutions if the service is not needed by the community or if it cannot be adequately maintained by the institution's resources.

*Chapter 46* permits embalmers and persons acting under the direction of a physician to remove donated eyes from dead persons, if they have completed a course in eye enucleation and have been certified as competent to perform the procedure by a medical school in this state.

*Chapter 83* eliminates derogatory and demeaning terms such as "insane", "idiot" and "feebleminded" from the statutes, replacing them with substitutes which accurately describe the human conditions involved without degrading the afflicted individuals.

*Chapter 112* permits the department of health and social services to monitor nursing homes and community-based residential facilities where the facility is operating without a license; where a previous license has been suspended, revoked, or nonrenewed; where the department has initiated revocation or nonrenewal procedures and has determined that the resident's health or welfare is jeopardized; where relocation arrangements have not been made for residents of a facility which is closing; and in cases of emergency.

Additionally, the department may petition the circuit court for appointment as receiver of a facility. This appointment gives the department broad powers to operate and manage the facility in order to ensure continued care to residents. The facility's owner remains responsible for payment of all expenses, including compensation to the department for its work.

*Chapter 131* makes a number of changes in statutes relating to medical malpractice insurance and physicians' continuing education. It replaces the 15-hour annual training requirement with a requirement of 45 hours of training in a 3-year period. It permits the insurance commissioner to establish supplemental health care liability insurance plans. It relieves the department of regulation and licensing of its responsibilities in the operation of the insurance and training requirements and transfers those functions to the department of health and social services and to the office of the insurance commissioner. It makes nursing homes subject to malpractice coverage and fee requirements. It clarifies that only 2 health care providers are to serve on formal patient compensation panels. Finally, it reduces the fees paid by hospitals for the 2nd fiscal year of the patient compensation fund's operation.

*Chapter 160* requires physicians to perform blood tests on newborn infants to determine whether the infant suffers from certain metabolic disorders. The department of health and social services is authorized to establish a urine test program to test infants for the disorders. Results obtained from the tests are confidential. A child need not be tested if his or her parents have religious objections to the test. This new law also creates a council on infant health screening in the department of health and social services, which is directed to study infant testing feasibility for metabolic disorders.

*Chapter 164* exempts from civil liability persons who render good faith emergency care at the scene of an emergency or accident. This immunity does not extend to care given by health care professionals for compensation and within the scope of their usual and customary employment or practice.

*Chapter 167* exempts ambulance drivers from the ambulance attendant licensing requirement, if the driver does not administer emergency care or handle patients, and if two health care professionals with appropriate credentials are present in the ambulance.

*Chapter 170* revises the procedures for enforcement of laws regulating nursing homes and other residential care facilities. It increases the penalty for unlicensed operation to a \$500-a-day fine plus 6 months' imprisonment for a first offense, and up to \$5,000 a day fine and one year's imprisonment in the county jail for subsequent offenses. It authorizes the department of health and social services to conduct unannounced inspections, to consider past violations in determining whether to issue a license, and to issue probationary licenses to new facilities and applicants. It provides a mechanism for the orderly relocation of residents of a facility that is shut down. It classifies violations by their seriousness into 3 categories to segregate minor infractions from dangerous violations; sanctions range from forfeitures to license revocation, depending on the seriousness of the offense. It sets standards for the assessment of forfeitures and gives the department the power to assess directly, rather than going through a court. It also prohibits the placement of new residents in homes providing substandard care.

*Chapter 194* provides that state reimbursement to counties for shelter care, which was made available by *Chapter 29* (biennial budget act), is effective as of July 1, 1978.

*Chapter 213* creates in the department of health and social services a council on hemophilia and related blood disorders, and establishes a program of financial assistance designed to help needy victims of such congenital bleeding diseases meet expenses for the purchase of blood derivatives and supplies necessary for home care.

*Chapter 222* authorizes the department of health and social services to designate local health departments as its agents in conducting hotel, rooming house and restaurant preinspections. The local agents are to be reimbursed 50% of the amount collected in preinspection fees for their services.

*Chapter 233* permits the department of health and social services to reimburse persons for fees paid for adoption services, and cancels all such unpaid fees.

*Chapter 240* permits general merchants to sell nonprescription drugs or medicines.

*Chapter 246* requires that autopsies be performed on suspected victims of sudden infant death syndrome, unless the child's parents object. The autopsy expenses are to be paid by the county. The act also requires the department of health and social services to provide information about sudden infant death syndrome and counseling services for parents and families of sudden infant death syndrome victims.

*Chapter 254* permits the parents of a child born out of wedlock to obtain a copy of the child's birth certificate without a court order. It also permits the child to obtain a copy of the birth certificate without a court order.

*Chapter 261* prohibits use of information concerning applicants and recipients of general relief for any purpose not connected to the administration of the relief program. It also requires agencies administering general relief to maintain records of the names and addresses of persons receiving aid and the amount paid.

*Chapter 271* changes the name of the Milwaukee county department of public welfare to the department of social services.

*Chapter 303* clarifies that food stamp fraud is punishable in the same manner as other public assistance fraud.

*Chapter 331* expands the membership of county boards of health and county health commissions to include registered nurses experienced in community health practice.

*Chapter 359* authorizes the department of health and social services to establish an employment program for the developmentally disabled. Under the program, the department may award pilot grants to nonprofit employment facilities offering manufacturing opportunities to developmentally disabled persons.

*Chapter 361* prohibits a hospital from refusing emergency treatment because the patient may be unable to pay for the care rendered. It also forbids hospitals from delaying emergency treatment in order to investigate the patient's financial status, if the delay may cause an increase in complications, permanent disability or death.

The 1973 biennial budget act (Chapter 90, laws of 1973) repealed the statutes relating to the filing of old-age assistance liens. *Chapter 385* requires any action to collect a lien filed prior to August 5, 1973 (the effective date of the biennial budget act provision) to be commenced within 10 years after the filing of the certificate of lien. It also prohibits the filing of a claim for reimbursement of old-age assistance more than 10 years after the date of the last assistance payment.

*Chapter 389* permits the medical assistance program to provide coverage for the costs of medical treatment of adopted children who, because of physical or mental illness or disability, are considered "hard to place". Previously, these children's medical expenses were met only when they concerned a medical condition present prior to the adoption. This act extends that coverage to apply to subsequently diagnosed and treated conditions.

*Chapter 390* makes minors subject to the 3-year statute of limitations for the initiation of court actions for personal injury due to medical malpractice which currently applies to adults. An exception is made for very young children, who can bring suit within the 3-year period or before they reach the age of 8 years, whichever is longer.

*Chapter 418* (budget review act) authorizes the department of health and social services to establish a senior companion program in which persons aged 60 or over would provide supportive services to other elderly persons with special needs. Low income participants in the program are to be paid at the federal minimum wage rate for up to 20 hours of work per week, and in addition will be reimbursed for the cost of one meal per working day. Participants who do not meet the low income standard will work on a volunteer basis; all participants, regardless of income, may receive a mileage allowance and insurance coverage.

The act also mandates the department to establish a multipurpose service center for displaced homemakers, persons who have provided domestic services for their families for a substantial number of years, who are not gainfully employed, and who have been dependent for their support on another family member who is no longer available to support them. The center must offer a variety of services, including job counseling, training and placement; health, financial and legal education and counseling; and outreach services.

The act revises laws regulating foster homes and group homes. It permits a close relative or a guardian to care for a child without obtaining a license. It requires the department to offer a foster care education program. It permits the department to facilitate the adoption of hard to place children by subsidizing the cost of the child's care after he or she has been legally adopted.

Additionally, the act makes a number of changes in welfare laws. It permits continued aid for children who are full-time secondary school students living at home and who are ineligible for A.F.D.C. because they have reached the age of 18. It revises laws on Medical Assistance fraud, and amends the regulations for nursing homes receiving reimbursement under the Medical Assistance program.

The act also requires the department to provide family planning services throughout the state and to coordinate its efforts with existing family planning services.

*Chapter 418* (budget review act, section 897) prohibits the release of medical records of any patient not receiving medical assistance without the written consent of the patient or the patient's legal guardian.

*Chapter 418* (budget review act, sections 923 (18) (cm) and 927 (18) (og)) requires the department of health and social services to pay both the state and federal share of disputed nursing home reimbursement amounts owing from 1975. The payments, totalling \$3,000,000, had been withheld in order to comply with requirements of the federal department of health, education and welfare.

Extensive changes are made to the state mental health act and related provisions under *Chapter 428*. The rights of minors receiving mental health treatment are broadened and clarified, especially those who receive treatment through the department of health and social services or a community mental health board. A separate emergency detention procedure is established for Milwaukee county, while the rest of the state continues to use the former procedure, with minor changes. Commitment standards for institutionalized persons are changed to provide that the requirement for a showing of a recent overt act or threat on the part of the subject may be satisfied by a showing that the individual would be a proper subject for treatment if treatment were withdrawn. The law relating to access to mental health records is revised and penalties are provided for violations. Home visits and leaves are authorized for civilly or criminally committed persons. Patients' rights are expanded and applied for the first time to most private patients and patients who receive protective services. Enforcement provisions

for the rights are created. Laws permitting involuntary sterilization of genetically defective persons and involuntary commitment of poor persons who live under unsanitary conditions to the county home are repealed. Professional requirements for examiners making examination of persons proposed to be committed are lessened. A procedure is created for involuntary administration of medication or treatment to a patient prior to the time that a final commitment order is issued. Involuntary protective placement procedures under ch. 55, stats., are altered to provide greater rights for persons who are the subject of proposed placements.

### Legislature

*Chapter 3* authorizes the joint committee on legislative organization (a committee consisting of legislative leaders) to reserve such space in the capitol building as is necessary for the use of the legislature. Former law, which provided that the statewide constitutional officers shall each keep their offices in the capitol, was changed to provide that the governor's office shall be located in the capitol, but the attorney general, lieutenant governor, state treasurer and secretary of state (as well as the supreme court) shall each keep a "room" in the capitol. Additional rooms, if available, may be assigned by the department of administration to the attorney general, state treasurer and secretary of state.

*Chapter 22* directs the governor to immediately appoint the winner of a senatorial election to the U.S. Senate in the event that the incumbent senator resigns after the election and before the expiration of his or her term. The new senator thereby gains increased seniority over other senators who are elected at the same time.

*Chapter 103* makes a supplemental appropriation to the legislative reference bureau for the purpose of funding 3 additional attorney positions to be assigned to legislative bill drafting. A total of 12 such positions are now authorized.

*Chapter 115* increases the per diem allowances for food and lodging expenses incurred by members of the legislature while in Madison on legislative business from \$25 to \$30 per day (Saturdays and Sundays excepted). The amount which is paid to legislators not establishing a temporary residence at the capital is increased from \$12.50 to \$15 per day. The act also authorizes individual legislators to request a lower per diem allowance than the normal amount for any legislative session.

*Chapter 278*, as amended by *Chapter 418*, revamps and clarifies the law regulating the practice of lobbying. The scope of the law is expanded to cover attempts to influence rule-making by state agencies and attempts to influence the governor to sign or veto a bill. Sworn, monthly expense reports by lobbyists are discontinued in favor of unsworn semiannual reports by lobbyists to their principals. The principals then file sworn semiannual statements with the state, attaching a copy of their lobbyists' reports to them. (Formerly, principals filed only biennial reports.) Information on reports and statements is made more comprehensive (especially nonfinancial information), but expenses and debts of \$100 or less need no longer be itemized. Former law, which made lobbyists' contributions to candidates for state office grounds for license revocation, was changed to allow the practice between June 1 and the day of the general election, unless the legislature is actively meeting. The restriction on lobbyists' being "concerned in another's furnishing" contributions was removed. Principals may make contributions at any time. Candidates for state office and state officers and employes are subject to a civil penalty for soliciting or receiving things of value from lobbyists and principals, with certain exceptions. The secretary of state is to make an examination of statements filed by principals and may also examine documents used to develop such statements. Formerly, no such examination was authorized. Record-keeping is required for the first time. The secretary of state is to investigate violations, prosecute civil forfeiture actions and obtain license revocations for violations of the law. He or she may also issue written opinions to interpret it. State agencies must file special reports on lobbying activities. However, all local government officials and employes, except those who are employed principally to engage in lobbying, are exempt from the law. A large number of additional exemptions are provided for limited forms of lobbying activity. (Note: This act takes effect on January 1, 1979.)

Under the constitution, the legislature must provide that all printing authorized and required by them to be done for their use shall be let by contract to the lowest responsible bidder. *Chapter 279* authorizes any legislator who is entitled to stationery or other personal printing to have the printing done by a printer other than the contract printer provided that the printing does not exceed the contract price. The law also makes changes concerning paper recycling, stationery design and identification of printers for legislative printing.

*Chapter 325* standardizes references to the method of appointment of legislators serving on statutory bodies. The act also removes the authority of the governor to authorize legislators to attend

meetings outside the capital at state expense. This authority now rests exclusively with the speaker of the assembly or appropriate organization committee. The expiration date of the terms of legislators serving on statutory bodies, in the absence of a provision to the contrary, is changed from May 1 to the date that the biennial session begins. References to specific legislative committees are changed to refer to committees dealing with specified subject matters. The joint committee on legislative organization, formerly assigned responsibilities by law, is formally constituted by law. The committee retains its responsibilities. The assistant majority and minority leaders in each house are added as members of the joint committee, making a total of 10 members.

### **Municipal and county governments**

*Chapter 18* permits a town located completely on an island to appropriate money to retain a nurse practitioner if no physician is available.

*Chapter 19* requires the city of Milwaukee to set the term of office for police chief and chief engineer of the fire department by ordinance.

*Chapter 20* authorizes any aggrieved person to file charges against police in the city of Milwaukee and other cities and villages required to establish police and fire commissions.

*Chapter 27* exempts administrative secretaries to the Milwaukee county board of supervisors from civil service rules.

*Chapter 28* adds hotels, motels, and marinas related to recreational facilities, convention centers or trade centers as projects which may be financed by industrial revenue bonds.

*Chapter 38* permits Milwaukee county to license cats.

*Chapter 47* permits district attorneys in counties with a population of 200,000 or more to appoint 3 deputy district attorneys instead of 2.

*Chapter 53* requires the board of police and fire commissioners in the city of Milwaukee to annually review police and fire department employe rules and procedures.

*Chapter 70* permits the towing of disabled vehicles on expressways and authorizes county boards to establish procedures and contract for the towing of vehicles disabled on the expressway.

*Chapter 82* requires counties with a population of 200,000 or more to install in the sheriff's office a teletypewriter to receive emergency calls from persons with hearing or speech difficulties. If a city has a population greater than 30,000 and is not in a county with a population of 200,000 or more, the city must install the teletypewriter in its police or fire department.

*Chapter 84* gives local units of government who are participating employers under one of the state's retirement systems the option of offering eligible employes an income continuation insurance plan which is administered by the state group insurance board.

*Chapter 109* authorizes the city of Milwaukee to adopt, by charter ordinance, an alternative budget procedure transferring the board of estimates' functions to the mayor.

*Chapter 134* authorizes the city of Milwaukee to establish and maintain a municipal theater for the performing arts under the control of the Milwaukee Theater Board to be appointed by the mayor and confirmed by the local governing body.

*Chapter 150* requires municipal fiscal agents to destroy mature, paid municipal bonds and coupons according to any method chosen by the agent. Prior law required cremation.

*Chapter 151* codifies the laws concerning the Milwaukee police and fire departments.

*Chapter 158* prohibits intentionally false statements by condemnors to property owners about condemnation of the owners' property.

*Chapter 182* merges certain retirement programs for municipal police officers and fire fighters with the Wisconsin retirement fund.

*Chapter 186* provides that the law vesting the chief of police with general powers shall not be construed to conflict with the rights of the members of the police department under the municipal employment relations act, including the right to organize and bargain collectively over matters relating to wages, hours and conditions of employment and to submit disputes to binding arbitration.

*Chapter 205* permits community living arrangements limited in size where a deed covenant limits use of property to single-family or 2-family residences. The chapter also prohibits zoning restrictions

against community living arrangements so long as their density is within set limits. Small private foster homes and small community living arrangements are to be permitted in residential zones. Larger community living arrangements must receive special zoning permission to be located in residential areas. Annually a municipality may determine the effect of the community living arrangement on the health and safety of the municipality. A special subunit of the department of health and social services must keep records and take complaints on community living arrangements.

*Chapter 210* allows an annual town meeting to abolish the office of town constable and to recreate the office.

*Chapter 220* authorizes county boards of supervisors to conduct advisory and contingent referenda.

*Chapter 229* permits towns to require by ordinance that subdividers build a fence on the boundary of a subdivision prior to receiving plat approval from the town. Maintenance of the fence is to be divided between all the owners of the land bounded by the fence. Half of the fence must be maintained by the owner or owners of the land not subdivided and half of the fence must be maintained in equal shares by all of the adjoining owners of the subdivided land.

*Chapter 236* permits part-time city attorneys and their assistants to be employed by a railroad not operating within the city.

*Chapter 251* authorizes counties to create a consumer protection agency to receive consumer complaints. The county agency will determine the validity of a complaint and refer valid complaints to state agencies or the district attorney, whichever is appropriate.

*Chapter 258* requires counties, cities, towns and villages to take sewer system needs of new construction into account before issuing a building permit for the construction.

*Chapter 259* requires the chairperson of the county board of supervisors in each county to appoint the head of the county auditing department, subject to county board confirmation.

*Chapter 263* requires that a town meeting resolution authorizing the town board to select town assessors prescribe the minimum time period during which the boards authority not be terminated and the method of termination. The chapter also authorizes appointment of an assessor who is not a town elector.

*Chapter 265* permits a county clerk in all counties to serve as auditor unless the county board of supervisors creates an auditor position, in which case the county executive, if there is one, or the board chairperson appoints the auditor. The auditor may appoint a deputy auditor if authorized by the board.

*Chapter 315* increases to 120 days the time within which an ordinance for annexation of territory must be enacted by the city or village governing body after an annexation petition is filed.

*Chapter 319* repeals existing limitations on appropriations by counties for advertising the advantages, attractions and resources of the county.

*Chapter 330* permits a public body electing to be included in the Wisconsin retirement fund to recognize only 75%, 50%, 25% or none of the prior creditable service of its current employes provided the same percentage is applied to every employe. Formerly, current employes received prior service credit for all their years of service when a public body elects to join the Wisconsin retirement fund. The law allows the public body to subsequently increase the percentage of prior service credited as prior creditable service at any time.

*Chapter 346* authorizes municipalities to organize and procure liability insurance from a municipal insurance mutual. *Chapter 346* also empowers municipalities to procure risk management services.

*Chapter 367* permits cities and villages to invest certain pension funds, known as deferred compensation plans, in stocks, bonds, shares and investment trusts considered to be reasonably sound.

*Chapter 372* permits the county board of supervisors, if it chooses to create a commission on aging, to appoint the members from the county board and from outside the county board and to provide for the payment of expenses and a per diem of all members.

*Chapter 379* rennumbers the laws governing the Milwaukee city sewerage commission into the statutes and makes updating revisions, including:

- 1) Making clear that the commission is not subject to any civil service system but permitting it to elect coverage under the Milwaukee city civil system.
- 2) Updating cross-references to the administrative procedures and review chapter of the statutes (chapter 227, 1975 stats.). That updating also applies to metropolitan sewerage districts.
- 3) Updating the procedure for acquiring or condemning property.

*Chapter 382* authorizes the Milwaukee county metropolitan sewerage commission and the sewerage commission of the city of Milwaukee to charge users fees to recover capital and operating costs

if so required by federal or state law. The commissions will act jointly to set a fee schedule and they are to consider the proportion of the strength of users' sewage in computing proportional costs. The commissions will bill the sewerage and sanitary districts in the sewerage service area, the districts will bill the cities, villages and towns they serve, and the cities, villages and towns will bill individual users. Users may complain to the public service commission about unreasonable or discriminatory charges, rules or practices related to Milwaukee user charges.

*Chapter 418* (budget review act, section 431m) provides for an election to determine whether employes of certain transit systems purchased by municipalities will be included in the Wisconsin retirement system.

*Chapter 433* permits county civil service commissions, including the Milwaukee county civil service commission, to transfer positions of department heads and their deputies, associates and assistants from the classified to the unclassified service if the position is in pay range 30 or above and to transfer nonelective offices or positions from the unclassified to the classified service.

### Natural resources and environment

*Chapter 9* establishes a conservation work projects program to be administered by a conservation work projects board in the executive office. \$75,000 general purpose revenue is appropriated for administrative costs.

*Chapter 69* provides that the cost for providing a duplicate of a lost deer hunting license may not exceed the original cost of the license.

*Chapter 71* permits 75% of the campground sites at campgrounds under a reservation system to be reserved sites. Previously, half the total number of campsites had to be left open. Under the new law, reservations may be accepted beginning on January 1 of each year and may be made in person.

*Chapter 75* limits the liability of landowners who permit people to cut or remove wood from their land. The owner, lessee or occupant owes no duty to keep the premises safe for entry or use by others, but is still liable for wilful failure to guard or warn against dangerous conditions.

*Chapter 106* regulates the use and application of pesticides. Manufacturers and labelers must be licensed and label registration requirements are discontinued. The act authorizes the department of agriculture, trade and consumer protection to establish standards for the training and certification of applicators. The department also is authorized to register pesticides under applicable federal law and to exempt pesticides already adequately regulated. The act provides penalties for misuse of pesticides.

*Chapter 123* limits the liability of a landowner who charges modest fees for the use of his or her land for recreational purposes such as hunting, camping, berry picking and woodcutting. If the total value of payments received does not exceed \$150 per year, the owner owes no duty to keep the premises safe for entry or use by others, though he or she is still liable for wilful failure to guard or warn against dangerous conditions.

*Chapter 141* requires that towns creating public inland lake protection and rehabilitation districts must follow the procedures required of county boards of supervisors in establishing lake districts. These procedures include the filing of a petition and the holding of a hearing.

*Chapter 168* prohibits any person from installing a private sewage system on any property unless the owner of the property has obtained a valid sanitary permit. *Chapter 168* also establishes requirements relating to the contents of a sanitary permit.

*Chapter 189* provides that all existing permanent structures affecting navigable waters constructed prior to December 9, 1977, which did not require a permit at the time they were constructed, are presumed to be in conformity with the law unless a written complaint is filed on or before June 7, 1978.

*Chapter 224*, introduced by the committee on remedial legislation at the request of the department of natural resources, makes various statutory language changes and revises deadlines for action by the department.

*Chapter 226* removes the requirement that the board of soil and water conservation disapprove the plans or programs of any soil and water conservation district if a regional planning commission finds it contradicts its approved plan.

*Chapter 232* provides that the secretary of natural resources may authorize a person unable to hunt with a bow and arrow because of a disability to use a crossbow meeting certain specifications instead.

The law also prohibits the possession in a motor-driven boat, aircraft, vehicle or automobile of a crossbow unless it is cased or unstrung and prohibits the loading or firing of a crossbow from, in or on an automobile, aircraft or vehicle.

*Chapter 241* directs the department of natural resources to sell or exchange certain lands in Oneida County for the benefit of the state.

*Chapter 242* permits enrolled members of the Winnebago Indian tribe who practice the Winnebago religion to hunt deer during daylight hours for use in religious ceremonies without obtaining a hunting license if the department of natural resources gives permission and if the hunting does not take place during the deer hunting season. The department may deny permission if necessary to effectively manage the deer population and will determine by rule the conditions and location of hunting.

*Chapter 253* regulates exploration mining leases and conveyances of mineral interests, and establishes the maximum period of validity for exploration loans at 10 years and for leases for developing extracting minerals at 50 years. *Chapter 253* also provides for cancellation of affected leases within 10 days after recording, if the lessor is a private person or group, or within 90 days after recording, if the lessor is a public body. In addition, this chapter permits cancellation of mineral extraction leases if 10 years after the lease is recorded, the lessee has failed to apply for a permit to prospect. Finally, *Chapter 253* declares every mineral lease void if not recorded within 30 days after the lease is signed.

*Chapter 274* creates a Wisconsin waterways commission attached to the department of natural resources and establishes boating facilities and boating safety assistance programs funded by motor fuel taxes collected from motor fuel used to propel motor-powered watercraft.

The commission is composed of 5 members from various geographical areas of the state. The commission's duties include:

1. Conducting studies to assess the need for recreational boating facilities and boating safety assistance programs.
2. Approving department actions in developing and administering a financial assistance program for municipalities for boating facilities and safety assistance programs.

The department must develop and administer the financial assistance program. The department may cost-share, with the approval of the commission, up to 50% of the costs of the feasibility study or construction costs, or both, of a recreational boating facility, with the option of paying an additional 10% of the construction costs where the municipality conducts a department-approved boating safety enforcement and education program.

No funds may be used to purchase land or to construct facilities used to berth or harbor boats. Sixty percent of the funds are to be divided equally between Great Lake and inland facilities and 40% are to be allocated without regard to location.

*Chapter 275* prohibits the sale and installation of water closets, faucets, urinals and shower heads which use more than specified amounts of water or which do not meet the standards established by the department of health and social services.

*Chapter 351* prohibits the department of natural resources from promulgating rules prohibiting the discharge of a firearm or bow and arrow from or across a public road surfaced with gravel, or to hunt within 50 feet from the centerline of such roads or to the fence line, whichever distance is shorter, until May 17, 1979.

*Chapter 366* prohibits the department of natural resources from promulgating rules prohibiting the use of rifles or shotguns for deer hunting in Door County during 1977 and 1978.

*Chapter 370* broadens the existing endangered species protection law to include all nongame and threatened as well as endangered species of wildlife and wild plants.

The department of natural resources is authorized to conduct investigations of nongame species in order to develop scientific information to determine necessary conservation measures. The department may adopt rules and develop conservation programs designed to ensure the continued ability of nongame species to perpetuate themselves.

The chapter prohibits persons from taking, transporting, possessing, processing or selling any wild animal on the endangered and threatened species list. No person may process or sell any endangered or threatened species of wild plant. No person may remove or transport any endangered or threatened species of wild plant away from its native habitat on public property or the property of another except in the course of agricultural practices or in the construction, operation or maintenance of a utility facility.

The department must research endangered and threatened species of this state and must implement programs for conserving, protecting, restoring and propagating selected species.

*Chapter 374* requires that the department of natural resources prepare maps of wetlands in the state which have an area of 5 acres or more.

*Chapter 375* prohibits from July 1, 1979 to July 1, 1982 the sale of detergents for dishwashers and medical equipment which have more than 8.7% phosphorous by weight, of other detergents which have 0.5% phosphorous by weight and of chemical water conditioners with more than 20% phosphorous by weight. The chapter also requires the department of natural resources to study the effects of the prohibition on sample lakes including Lakes Michigan and Superior.

*Chapter 376* provides that no person may hunt waterfowl unless he or she obtains a waterfowl hunting stamp issued by the department of natural resources or a county clerk. Of the \$3 fee for each stamp, \$2 is appropriated for developing, managing and maintaining wetland habitat and for producing waterfowl and related species of wildlife, and \$1 is appropriated for the development of wildlife propagation areas by nonprofit organizations. A proposed waterfowl propagation project must be acceptable to Canadian authorities before it may be approved by the department. Any person who is exempt from obtaining a small game license is also exempt from the waterfowl stamp requirement. Any person 16 years of age or younger is also exempt.

*Chapter 377* establishes a program for the management of hazardous wastes and regulates the establishment of new sites for land disposal of solid waste. Major features include:

1. A 3-step procedure for the approval of solid waste or hazardous waste storage or disposal sites by the department of natural resources consisting of filing a feasibility report, submission of a plan of operation and issuance of an annual license. Notice of the feasibility report and opportunity for a hearing are provided.
2. Provisions for long-term care of disposal sites including standards to be established by the department and arrangements to be specified in the plan of operation. In addition, an owner is responsible for long-term care of a site for 30 years after closing of the site except under certain cases.
3. Creation of a separate waste management fund financed by fees levied on solid and hazardous waste entering disposal sites to be used long-term care and repairing environmental damage.
4. A hazardous waste management act including standards for persons generating hazardous waste, licenses and penalties to be administered by the department of natural resources.
5. Provisions for preventing and controlling discharge or "spills" of hazardous substances including establishment of contingency plans and the creation of a hazardous substances spill fund.
6. A variety of other provisions including replacing the mine reclamation council with a metallic mining council, creating a manufacturing machinery and equipment tax exemption, providing for several studies and granting rule-making authority subject to legislative review.

*Chapter 386* revises the values of certain wild animals, birds and fish in civil actions to recover damages for unlawful capture, destruction or possession and makes a violator liable for all costs of investigation and prosecution related to a violation.

*Chapter 391* includes the following changes in the inland lake protection rehabilitation law:

1. It increases, from \$500 to \$2,500, the minimum value of inland lake district and town sanitary district contracts for work or materials which must be let by bids.
2. It provides for apportionment of the property tax voted by the district annual meeting among municipalities on the basis of equalized full value of the property in each municipality.
3. It removes the requirement of department of natural resources approval of district plans to be funded by special assessments.
4. It provides for certain special charges to be collected directly by the district commissioners. The commissioners must allocate the charges to the property in a manner prescribed by them or by the annual meeting. Delinquent special charges become a lien on the property.
5. It gives jurisdiction in creating a district and over motions of attachment and petitions for dissolution of a district if the proposed district includes land in more than one county, to the county within which the largest portion, by property valuation, of the proposed district lies.
6. It classifies public works projects undertaken by an inland lake district as public utilities for purposes of financing.
7. It permits an inland lake district to issue special improvement bonds to finance work undertaken by the district.
8. It extends the property tax exemption to inland lake protection and rehabilitation districts.

*Chapter 395* prohibits the disposal of toilet wastes from boats into state waters. The use of portable toilets is permitted, and the department of health and social services is granted the power to adopt related rules.

*Chapter 402* makes changes in various laws affecting snowmobile registration and the snowmobile aids program, including:

1. The snowmobile registration period is reduced from 3 to 2 years and the fee reduced from \$12 to \$9.

2. An exemption from the registration fee is provided for commercial owners of snowmobiles.
3. The fee for additional reflectorized plates issued to commercial dealers is increased to \$2.
4. Two decals are to be issued rather than one.
5. The registration certificate must be exhibited to a law enforcement officer if requested.
6. A person over 12 and under 16 years of age must carry and display on request a snowmobile safety certificate if he or she holds one.
7. A dealer must file a registration application within 14 days of selling a snowmobile to a buyer who intends to register the vehicle out-of-state.
8. From the sum available from registrations, one-third is currently set aside for various programs and expenses. This law makes the following changes in how that amount will be spent:
  - a. An amount necessary, but not to exceed \$100,000, is allocated for law enforcement aids to counties. Counties must also file with the department a detailed yearly statement of costs incurred in snowmobile enforcement.
  - b. Additional costs incurred by the department in administering the snowmobile aids program will be funded.
  - c. Any amount over \$200,000 remaining after all authorized expenditures have been made will lapse into the appropriation for aids to counties for snowmobile trails.
9. From the sum available from registrations, the remaining two-thirds is set aside for other expenses and programs. This law makes the following changes in how that amount will be spent:
  - a. The amount which may be spent for a cooperative sign program is increased from \$15,000 to \$30,000.
  - b. A limit of \$30,000 is set for route signing program aids.
10. Aids to the county snowmobile trails program are revised. The distribution of snowmobile trail funds is made on the basis of a priority system, not a pro rata system, according to 6 priority-ranked purposes.

Trail maintenance funds are allocated for class I and class II county trails on a priority basis for the first 250 miles. Various factors may justify additional funds, if available, for maintaining class I and class II trails beyond the 250-mile limit. The distribution of snowmobile trail development funds is made on the basis of a priority system, not a pro rata system, according to 4 priority-ranked criteria. The maximum amount allowed for trail development is \$300 per mile. The maximum for trails which require construction of permanent bridges is \$500 per mile with the additional \$200 used only for the bridges.

*Chapter 406* permits federally recognized tribe or band of Indians to apply for public access aids for any navigable lake or stream located in an Indian reservation.

*Chapter 418* (budget review act, sections 254 to 256x) revises the sport trolling and commercial fishing laws. Major provisions include:

1. The creation of the Lake Superior and Lake Michigan commercial fishing boards.
2. Increasing the license fees for sport trolling from \$5 to \$60 for residents and from \$25 to \$400 for nonresidents, revising licensing and reporting requirements, prohibiting night trolling and revising penalties.
3. Revising the license fees for commercial fishing, providing for the transfer of licenses, providing for crew licenses, requiring reports, allowing inspections and providing for a penalty.
4. Granting rule-making authority to the department of natural resources subject to legislative review.

*Chapter 418* creates a division of natural resources hearings attached to the department of administration with a classified division administrator. Contested case natural resources hearing will be held by examiners in the division.

*Chapter 418* (budget review act, sections 258wg and 258wr) precludes the department of natural resources from regulating the dredging and filling of farm drainage ditches located within drainage districts established under ch. 88, stats., regardless of navigability, unless the department can demonstrate that the ditches were navigable streams before ditching or had a previous stream history.

*Chapter 418* (budget review act, section 103m) creates the Wisconsin Fund, an appropriation through which general purpose revenue funds are allocated for point source, nonpoint source and solid waste management grant programs. \$62 million is allocated for 1978-79 and an amount equal to 0.1 % of the current equalized value of all taxable property is allocated for each year thereafter. The department of natural resources administers the programs. Funding grants of up to 60 % or more may be provided to eligible municipalities and projects for point source pollution abatement facilities such as wastewater treatment plants. Similarly the department administers, coordinates and provides technical assistance for nonpoint source pollution abatement programs. Funding grants up to 50 % or more may be provided for eligible projects. Finally, the department administers the solid waste management grant program for planning agencies to develop areawide solid waste management plans and for local

governments to conduct solid waste disposal site feasibility studies. Funding grants of up to 50% for management plans and up to 25% for feasibility studies are available to eligible applicants.

*Chapter 420* creates a new law regulating water withdrawal for metallic mineral mining. Mining companies must apply to the department of natural resources for a permit to divert surface waters. The department will hold a hearing to determine the public's rights in relation to the proposed withdrawal. Withdrawing ground water or dewatering mines requires no permit but cannot adversely affect public or private water supplies. Persons claiming injury to their domestic water supply may file a complaint with the department and with the city, town or village in which the supply is located. If necessary, the city, town or village will supply water to replace water from the damaged supply. If the department upholds the complaint after a hearing, it will order the operator to pay the city, town or village for the cost of the water.

*Chapter 421* substantially revises the mining reclamation law. The changes made by the chapter include the following:

1. Definitions are extended and exploration is distinguished from prospecting.
2. The department of natural resources will regulate mining exploration via a licensing procedure.
3. Specific criteria for minimum mining standards set by department rule and for denial of prospecting or mining permits are set forth.
4. The department is granted greater authority to gather information on permit applications for mining and prospecting.
5. A hearing procedure on permit applications is specified.
6. Reclamation plans are required.
7. Municipalities are authorized to establish a mining impact committee to represent the interests of the municipality in local mining activities.
8. The department is authorized to issue a stop order if it determines that there is an immediate and substantial threat to public health and safety or to the environment.
9. Citizens are permitted to file civil suits for noncompliance with the mining reclamation law.

*Chapter 422* requires persons engaging in mining exploration to register with the state geologist and to report annually in detail to the geologist about the samples obtained. Reports are also required within a set time after mining is terminated or a site is abandoned subsequent to prospecting. The state geologist is authorized to require samples for geologic study and to view samples reported on. Information obtained by the geologist may be used by the department of natural resources and the department of revenue and for the geological and natural history survey but otherwise is confidential.

*Chapter 424* authorizes the department of natural resources to issue senior citizen recreation cards permitting free fishing, small game hunting and admission to state parks. Citizens aged 65 years or older are eligible to purchase the cards, which are nonexpiring, for a one-time fee of \$7.50.

*Chapter 425* permits game wardens to operate vehicles owned or leased by the department of natural resources on certain highways at night without headlights, to facilitate law enforcement. Driving without lights is not allowed on interstate or state trunk highways or on any highway within the limits of an incorporated area. The state is liable for accidents or injuries caused by wardens operating vehicles without lights.

*Chapter 432* authorizes the department of natural resources to purchase and establish fish hatchery facilities specializing in the production of cold water fish. The hatchery must be located in a centrally situated county and no further than 40 miles from Lake Michigan. The capacity of the fish hatchery should permit a minimum of 40,000 pounds of fish production.

The chapter establishes a cold water fish hatchery fund to finance the operation of the hatchery from taxes collected for motor fuel used in propelling motorboats and authorizes hiring additional personnel in the department of natural resources to operate the fish hatchery including one researcher to study Lake Michigan perch, whitefish and walleyes.

*Chapter 437* revises the flood plain zoning law. Former law provided that the department of natural resources shall implement a flood plain zoning ordinance for each municipality that fails to adopt one by January 1, 1968. Under this act, the deadline is extended to one year after hydrological data becomes available to the municipality. The requirement for the state or federal government to pay for data is broadened to include data needed to delineate the flood plain as well as the floodway. Orders of the department under the law are treated as rules for purposes of legislative review and supervision.

*Chapter 443* regulates permanent waterfowl hunting blinds on state property. The owner's name must be affixed to every such blind in lettering that is one inch square or larger. No blind may be erected earlier than 7 days before the beginning of the waterfowl hunting season, and every blind must be removed within 7 days after the season ends. The department of natural resources may destroy or sell

any anonymously placed blind without liability to the owner. The act does not affect the use of blinds which are placed and removed during the same day.

### Occupations and professions

*Chapter 29* (biennial budget act) makes the following changes regarding various occupations and professions:

1. The public health nurses examining council is abolished.
2. The individual appropriations to the department of regulation and licensing and its attached boards and examining boards are consolidated into one appropriation under the control of the secretary of regulation and licensing.
3. Licensing of itinerant merchants, truckers, peddlers, transient merchants, professional fund raisers and solicitors and public showmen by the department of regulation and licensing is terminated.
4. Licensing fees were standardized for all licenses issued by the division of nurses and the examining boards attached to the department of regulation and licensing.

*Chapter 52* modifies the supporting affidavits required for applications for license as a real estate broker or salesman.

*Chapter 86* authorizes nurses to perform certain functions under the direction of a podiatrist.

*Chapter 137* authorizes the barbers examining board to grant credit to apprentice permit applicants for related training and experience received prior to registration with the examining board.

*Chapter 192* modifies licensing procedures of the psychology examining board.

*Chapter 219* removes the accounting examining board's role in the approval of educational institutions and authorizes the examining board to accept for examination persons with degrees providing the reasonable equivalence of an accounting major.

*Chapter 231* permits real estate brokers who supervise branch offices to reside outside of the county in which the branch office is located but not more than 50 miles from the branch office.

*Chapter 264* prohibits a certified public accountant and the firm of which the person is a partner or shareholder from expressing an opinion as an independent certified public accountant on financial statements of any enterprise unless the person and firm and the person's spouse and other relatives are independent of the enterprise.

*Chapter 280* authorizes a trial period during which optometrists may use pharmaceutical agents for diagnostic purposes.

*Chapter 329* authorizes the medical examining board to grant permanent licenses to practice medicine and surgery to graduates of foreign medical schools who are invited to serve on the academic staff of a state medical school as a visiting professor even though all the qualifications generally required for licensure in this state are not met.

*Chapter 333* repeals the requirement that nursing home administrators have 2 years of college level study.

*Chapter 352* excludes the demonstration of facial cosmetics and the application of makeup for public performances from the definition of cosmetology for licensing purposes.

*Chapter 357* permits attorneys to advertise information on fees and professional qualifications.

*Chapter 362* permits the advertising of eyeglasses and contact lenses.

*Chapter 399* provides for statewide peddler licenses for ex-soldiers and exempts such licensees from county licensing.

*Chapter 400* makes scholarship assessments for licensed occupations voluntary and refunds such assessments which were made on a nonvoluntary basis. (The identical provisions are also contained in *Chapter 418* (budget review act)).

*Chapter 418* (budget review act) makes the following changes relating to the department of regulation and licensing:

- 1) The memberships of the board of nursing and the council on physicians' assistants are revised.
- 2) The appointing authority for the professional members of the examining board of architects, professional engineers, designers and land surveyors is transferred from the labor and industry review commission to the governor.

3) All boards and examining boards are authorized to limit, revoke and suspend licenses, permits and certificates and to reprimand the holders thereof.

4) The department of regulation and licensing is authorized to adopt rules defining uniform procedures for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conduction hearings.

5) The minimum age for obtaining a private detective agency license is reduced from 25 years to 18 years.

6) The amount that charitable organizations may collect without having to file an annual audit signed by a certified public accountant is increased from \$10,000 to \$50,000.

### Probate and guardians

*Chapter 40* authorizes the establishment of irrevocable burial trusts in an amount not to exceed \$1,500.

*Chapter 50* increases from \$1,500 to \$5,000 the maximum size of an interest of a minor or incompetent in an estate which a court may dispose of on behalf of the minor or incompetent without requiring appointment of a guardian.

*Chapter 73* authorizes probate registrars to examine and adjust creditor claims in informal administration proceedings and to determine the method for giving notice in informal proceedings, if the registrar determines that notice is desirable or legally required, but the method of giving notice is not established in the statutes.

*Chapter 74* increases the maximum amount of funds which a guardian may hold without bond on behalf of his or her ward in an insured account from \$15,000 to \$40,000 to reflect increases coverage under federal deposit insurance programs.

*Chapter 267* authorizes a personal representative to close an estate under the informal administration procedures by filing a verified statement with the probate registrar.

*Chapter 299* clarifies the minimum qualifications for guardians ad litem in all judicial proceedings. In addition, *Chapter 299* requires that in probate proceedings where the proposed ward of the guardian ad litem has an interest in an estate that is not likely to exceed \$1,000 in value the court shall appoint a parent or adult child as the guardian ad litem.

*Chapter 309* establishes a right of disclaimer of transfers of property by will, intestacy or appointment, as well as by nontestamentary instruments. In addition to creating rights of disclaimer, *Chapter 309* specifies procedures and effects of disclaimers, and time periods within which disclaimers must be made.

*Chapter 343* requires probate registrars to provide advice with their competence to personal representatives relating to the preparation of documents required to be filed by personal representatives.

### State government

#### CLAIMS AGAINST THE STATE

*Chapter 24* appropriates \$91,447.59 to Master Lock Company, Milwaukee, as a refund of the company's overpayment of state corporation and franchised taxes.

*Chapter 25* appropriates \$59,968.74 to Norwood Health Center, Marshfield, as compensation for the undepreciated value of its former hospital which was condemned by the state.

*Chapter 89* appropriates \$21,235.33 to Maurice VanSusteren, Madison, Wisconsin as reimbursement for legal expenses incurred in successfully contesting his transfer from the position of chief of the examiner section and hearing examiner for the the department of natural resources by the secretary of the department.

*Chapter 117* appropriates \$17,401.34 to James Cape and Sons Company, Racine, as compensation for the cost of damage done to its state highway construction site by a severe storm in July, 1972.

*Chapter 118* appropriates \$1,958.71 to Ann Reynolds, Milwaukee, as compensation for teaching services performed at the Ethan Allen School at Wales, representing the difference between the amount she was told she would be paid and the amount she actually received.

*Chapter 119* appropriates \$8,491.59 to Dane county as reimbursement for expenses incurred in rendering assistance to the state as the result of a disturbance which occurred at the Waupun State Prison in July, 1976.

*Chapter 120* appropriates \$1,260.76 to Dodge county as reimbursement for expenses incurred in rendering assistance to the state as the result of a disturbance which occurred at the Waupun State Prison in July, 1976.

*Chapter 121* appropriates \$5,033.86 to Milwaukee county as reimbursement for expenses incurred in rendering assistance to the state as the result of a disturbance which occurred at the Waupun State Prison in July, 1976.

*Chapter 122* appropriates \$11,050 to A.D. and Gloria Jackson, Milwaukee, to compensate them for loss of society and companionship and funeral expenses as the result of the wrongful death of their daughter, Joyce, while she was a ward of the state at the Wisconsin Child Center at Sparta in July, 1974.

*Chapter 148* appropriates \$181,303.89 to Shawano county as reimbursement for expenses incurred in providing law enforcement services as a result of the seizure of the Alexian Brothers Novitiate at Gresham during January and February of 1975.

*Chapter 154* appropriates \$4,181.82 to the county and town of Menominee as reimbursement for expenses incurred in providing law enforcement services as a result of the seizure of the Alexian Brothers Novitiate at Gresham during January and February of 1975.

*Chapter 207* appropriates \$3,934 to Johnnie Mae and Arthur Johnson, Milwaukee, as compensation for the wrongful death of their son, David, who was killed while assigned to a foster home licensed by the department of health and social services in February, 1970.

*Chapter 243* appropriates \$4,600 to Gerovac Wrecking Company, Franklin, as reimbursement for certain liquidated damages assessed against it by the department of transportation for late completion of a state highway project in Milwaukee county.

*Chapter 324* appropriates \$8,974.96 to Wisconsin Marine Bank, Milwaukee, as reimbursement for a loss incurred as the result of the failure of a state employe to record its lien on the duplicate title of a tractor which was issued by the department of transportation, in accordance with state law.

*Chapter 349* appropriates \$34,266.92 to the National Liberty Corporation, Valley Forge, Pennsylvania, as reimbursement for the overpayment of insurance premium taxes under a section of the 1969 statutes which was declared unconstitutional as a result of failure to apportion the tax on the basis of the percentage of business done in this state.

*Chapter 416* appropriates \$86,743.24 to 7 local governments as reimbursement for law enforcement services provided at the sites of various state facilities which were necessitated as the result of a strike by state employes during the period from July 3 to July 17, 1977 and concomitant activities.

*Chapter 417* appropriates \$2,252.07 to Sheboygan county as reimbursement for expenses incurred by the county in the investigation and prosecution of the sexual assault on an inmate at the Kettle Moraine Correctional Institution at Plymouth on May 18, 1977.

*Chapter 436* appropriates \$25,362.73 to Juneau county as reimbursement for expenses incurred in fighting a forest fire which started on August 28, 1976 at Camp Douglas, Wisconsin, and continued for several months. Normally, the county pays 50% of the cost of fighting forest fires, excluding the cost of personnel and equipment provided by the department of natural resources, and the state pays 50% of the cost. In this case, the state paid 90% of the cost.

#### REVISOR'S BILLS

*Chapter 26* is a revisor's correction law. It corrects errors, clarifies language, supplies omissions, eliminates unnecessary and obsolete provisions and reconciles conflicts in the statutes.

*Chapter 203* is a revisor's correction law. It corrects inaccurate references, deletes obsolete and expired provisions, reconciles conflicts and potential conflicts, improves grammar and modernizes drafting style in the statutes.

*Chapter 272* is a revisor's correction law. The act corrects names and cross references, improves grammar, supplies titles, deletes obsolete and surplus wording, reconciles potential conflicts and places certain statutory material in the printed statutes.

*Chapter 273* is an act prepared by the revisor of statutes which makes numerous nonsubstantive changes in various statutes affected or created by 1977 acts to delete references to one gender, except where the context otherwise implies. This policy is mandated by section 13.93 (1m) of the statutes.

*Chapter 447* (Senate Bill 745) is a revisor's correction law. The act corrects errors, inserts missing material, clarifies wording, conforms terminology, renumbers for better location, eliminates redundant material, reconciles conflicts and repels unintended repeals in the statutes.

*Chapter 448* (Senate Bill 746) 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 1977 legislature had already made in the election laws.

#### OTHER STATE GOVERNMENT LEGISLATION

*Chapter 6* authorizes \$5,300,000 in general obligation borrowing for heating plant modifications at the university of Wisconsin-Madison.

*Chapter 15* grants certain submerged lands under Green Bay to Brown county for public slips, basins, docks, wharves, structures, wildlife refuges and recreation and park purposes.

*Chapter 17* creates a council on migrant labor in the department of industry, labor and human relations, defines a migrant worker to exclude students, and regulates migrant labor contractors and employers of migrants. An employer must provide every migrant worker with a work agreement which includes such data as rate of pay and housing provisions and which guarantees a set minimum number of work hours.

A state historic preservation program is created by *Chapter 29* (biennial budget act). Administered by the state historical society, the purpose of the program is to promote the use and conservation of publicly and privately owned property having historical, architectural, archeological or cultural significance. Two boards help implement the program. The historic preservation review board identifies significant historic properties, makes nominations of Wisconsin properties to the national register of historic places, reviews and approves the state historic preservation plan, and approves the distribution of federal grants for historic preservation. The historic preservation negotiating board may review state actions which have an adverse effect on historic properties and may, in conjunction with the director of the historical society, require a suspension of proposed action for up to 120 days in order to investigate adverse impacts on historic properties and negotiate means of ameliorating such impacts.

*Chapter 42* limits reimbursement from state funds for witness fees and mileage costs for appearances before the employment relations commission to instances in which the commission orders the appearance on its own motion. When a subpoena or order is issued by the commission at the request of a party, that party is to pay the witness fees and mileage costs. Formerly, the commission paid all fees and costs.

*Chapter 45* provides that group life insurance coverage for unclassified teachers shall be reduced by only 50% rather than 75% after age 65 and also increases the state's contribution for group health insurance premiums for U.W. academic staff.

*Chapter 85* establishes minimum structural specifications for the manufacture of septic tanks with a capacity of 500 to 1,000 gallons.

*Chapter 87* creates a council on weather modification, authorizes the department of agriculture, trade and consumer protection to issue licenses and permits for weather modification operations, eliminates registration with the public service commission of weather modification operations, and prohibits unlicensed weather modification operations.

*Chapter 88* requires the excavating owner to bear the expense of any necessary underpinning or foundation extension of buildings on adjoining property below 12 feet below grade. The adjoining owner must pay for any such foundation extension or underpinning to the depth of 12 feet below grade. Thirty days' written notice of the intent to excavate must be given. Aggrieved persons may sue to enjoin any violation by the excavator or landowner.

*Chapter 139* substitutes date of service for date of entry of an agency order, 20 days within which must be made application for rehearing by the agency.

*Chapter 152* revises the officer structure of credit unions; permits the commissioner of credit unions to appoint temporary directors under certain conditions; requires that a specific consolidation plan be prepared by the board of directors of each credit union planning to consolidate with another credit union; requires that a consolidation plan be set forth in the notice of the meeting called to consider consolidation; permits adoption of a consolidation plan by just a majority of the votes of the members present; and permits a credit union to act as a community currency exchange or seller of checks without segregating the funds used for that portion of its business.

*Chapter 215* grants the powers of a peace officer to certain arson investigators.

*Chapter 223* extends the statutory code of ethics to apply to justices of the supreme court and judges of the court of appeals and the circuit and county courts, as well as to candidates for these offices. The code is also applied to the administrative director of courts. In addition to the statutory code, the supreme court is directed to adopt a code of judicial ethics for officers and employes of the judiciary and judicial candidates. (The court has already accomplished this in part on its own initiative.) Justices and judges are statutorily forbidden to engage in the private practice of law during their terms of office.

*Chapter 225* specifies that public deposits in regular savings accounts are subject to withdrawal by authorized persons and provides that withdrawals from public accounts may be by endorsement and written order as well as by check. Former law permitted withdrawals by check only.

*Chapter 245* prohibits the use of public funds to pay for abortions unless the abortion is directly and medically necessary to save the life of the woman or to prevent grave and long-lasting physical health damage or unless the pregnancy resulted from a sexual assault or incest. The physician performing the abortion must certify as to the existence of one of the exceptions listed. In the case of sexual assault, the crime must have been reported to law enforcement authorities.

*Chapter 249* requires elevators in places of employment and in public buildings to be equipped with braille numbers and letters.

*Chapter 277*, as affected by *Chapter 418* (budget review act, section 923 (14) (a)) recodifies the code of ethics for state public officials. Under the act, state officials are precluded from representing a person for pay before a state agency, except in specified circumstances. Full-time state officers and employes in upper pay ranges are precluded from holding additional state jobs paying more than \$5,000 per year. Former state officials are restricted from making appearances before or negotiating with state agencies, with certain exceptions. "Lame duck" legislators are prohibited from undertaking out-of-state travel at state expense. The prohibition on receipt of things of value by state public officials is broadened, and the ban on use of official positions to obtain financial gain is revised. The information required on disclosure statements is changed to include additional items and to exclude others. Information which is newly required includes certain holdings of realty, major sources of income and gifts, as well as holdings of certain stocks and state bonds. Dollar amounts need not be disclosed; but items must be categorized as to whether they are valued at \$50,000 or less, or more than \$50,000. Special reports are required of members of the investment board. Duplicate filings with the secretary of state are discontinued. The procedure for investigation and prosecution of complaints is detailed. The ethics board may directly assess a civil forfeiture of not more than \$500 for violations, after notice and a hearing for the accused. The board may also make other necessary and appropriate orders. The former misdemeanor penalty is retained for intentional violations only.

*Chapter 306* deletes an exception to the definition of a "rule" under the administrative procedure act concerning the management, discipline or release of persons who are members of the veterans home or who are committed to state institutions or to the department of health and social services. The act still does not apply to proceedings involving the revocation of parole, prison discipline or good time. To the extent that any subject is no longer exempted, the department is required to follow the usual rule-making procedure prescribed for state agencies in making policy decisions and interpreting legislation. The change is effective on November 1, 1978.

*Chapter 317* makes several changes relating to state debt management:

1. It creates a joint survey committee on debt management to advise the legislature.
2. It prohibits the contracting of public debt for any interest on indebtedness.
3. It permits loans to be negotiated with out-of-state banks.
4. It directs the Wisconsin health facilities authority, housing finance authority and solid waste recycling authority to employ the state building commission as their financial consultant regarding bonds and notes.

*Chapter 320* authorizes the Wisconsin housing finance authority to adopt all or part of chapter 34 of the statutes relating to deposits of public funds, and to operate under and be bound by the adopted provisions.

*Chapter 322* directs all state and local governmental bodies covered under the open meetings law to make a "reasonable effort to accommodate" any person desiring to record, film or photograph a meeting held in open session. A body need not, however, accept recording, filming or photographing a meeting in a manner that interferes with the conduct of the meeting or the rights of participants. The changes generally follow the attorney general's interpretations of former law, which was less specific.

*Chapter 326* makes the honey bee (*apis mellifera*) the official Wisconsin state insect.

*Chapter 335* grants certain lands, partly submerged in Lake Michigan, to the city of Port Washington for navigational and other public purposes approved by resolution of the common council.

*Chapter 336* provides that the state paid supplement payable to survivors of persons who were annuitants under the Wisconsin retirement fund, state teachers retirement system or the Milwaukee teachers retirement fund in September 1974 shall be calculated based upon the decedents annuity commencement date rather than the survivors' annuity commencement date. The law also provides that benefits being paid under certain retirement programs for police officers or fire fighters which were merged with the Wisconsin retirement fund as of the date of that merger shall be continued regardless of whether the benefits were originally legally granted.

*Chapter 338* defines "mass transit" and "mass transit facility" to include certain exclusive or preferential bus lanes, highway control devices, bus passenger loading areas and terminal facilities, including shelters and fringe and corridor parking facilities serving bus and other public mass transport passengers. The definition also includes the acquisition, construction, reconstruction and maintenance of lands and facilities for the development, improvement and use of public passenger mass transport systems. These definitions affect the scope of authority of the Milwaukee county expressway and transportation commission, including condemnation authority.

*Chapter 341* authorizes the state fire marshal, any deputy fire marshal or any fire chief to require any insurer to furnish information in its possession relating to any fire loss to which a policy issued or renewed by the insurer may apply. *Chapter 341* also bars civil and criminal actions against the insurer based on statements released by the insurer under language created by the chapter.

*Chapter 344* provides a sum sufficient appropriation to pay judgments against the Wisconsin state agencies building corporation and Wisconsin state public building corporation. The law provides for payment by the state of any judgment arising out of the defendants operation or ownership of facilities utilized by the state if notice of the suit is given to the department of justice within a reasonable time.

*Chapter 358* regulates picketing and demonstrating in the state fair park. The chapter requires any person wishing to participate in a demonstration or protest in the park to register with the chief of the park police. The chapter imposes a penalty on those who fail to comply.

The state open meetings law requires that state and local governmental bodies hold every meeting not legally closed to the public in a place "reasonably accessible to the members of the public and open to all citizens at all times". *Chapter 364* specifies that at least in the case of state governmental bodies, this means holding the meeting in a building and room thereof which enables access by persons with physical functional limitations.

*Chapter 373* provides that whenever a state agency is authorized to make a grant of state funds to a county, city, village or town, it may make a grant to "any federally recognized tribal governing body" for the same purpose and subject to the same conditions, if any.

*Chapter 388* requires smoke detectors in residential buildings and multi-unit dwellings, manufactured buildings and mobile homes constructed on or after May 23, 1978.

*Chapter 396* expands the membership of the 15-member state capitol and executive residence board to include one additional member who is to be a landscape architect. (The board approves all non-emergency alterations to the state capitol and executive residence buildings and grounds, including installation of fixtures and furnishings).

*Chapter 397* authorizes the governor, during a state of emergency proclaimed by him or her, to contract on behalf of the state with any person to provide equipment and services on a cost basis to be used in disaster relief. When the governor proclaims a state of emergency, the head of emergency government services in each county or municipality may also make such contracts. Any person who provides equipment or services under the direction of the governor, the secretary of local affairs and development or the head of emergency government services is not liable for death or injury to persons or

damage to property caused by his or her actions, unless the person acts intentionally or with gross negligence.

*Chapter 413* exempts parking structures from the requirement that all new buildings over 60 feet in height have an automatic sprinkler system and permits the department of industry, labor and human relations to define a parking structure by rule.

*Chapter 418* (budget review act, section 10) creates the council on criminal justice within the statutes (it was previously established by executive order). The statutory authorization is effective only until June 30, 1980, or the general effective date of the 1980 budget review bill, whichever is later, at which time the authorization will be repealed.

*Chapter 418* (budget review act, section 279) provides for continued coverage of a former state employe under the group insurance program while on leave of absence to assume a position with a labor organization representing state employes.

*Chapter 418* (budget review act, sections 429, 745 and 923 (32)) establishes a housing rehabilitation and neighborhood conservation program, to be administered through the department of local affairs and development. Under the program, owner occupants of qualifying housing (or purchasers on land contracts) may apply for installment loans, granted at interest rates of 0% to 8% (or 2% above the rate necessary to repay the interest and principal on bonds issued by the housing finance authority to finance the loans, whichever is greater). Installment loans are repayable over a period of up to 15 years. Deferred payment loans may also be made at no interest and are repayable only upon transfer of the property involved (certain inheritances excluded). Maximum loan amounts are specified. In "reinvestment neighborhoods", which are areas designated by cities, villages and towns as meeting certain standards concerning home ownership, population trends, property values and availability of private financing, the loan limits are higher. Income limits for applicants are established; these limits are also higher in reinvestment neighborhoods. The housing finance authority may issue up to \$25 million in bonds to finance installment loans. A reserve fund is created to subsidize insurance on defaults and reduced interest rates. The department is to make grants to local governments, community action agencies and housing authorities to finance deferred payment loans. Installment loans are financed through cooperating local financial institutions, to which the authority pays an origination fee for each loan made. Eligible rehabilitation projects are projects that maintain housing in a decent, sanitary condition or restore it to that condition, reduce the cost of owning or occupying it, extend its economic or physical life or conserve energy.

*Chapter 418* (budget review act, section 167) creates a building program funding contingency. General purpose revenue may be used to fund certain building projects, water pollution projects, sewage collection projects or early retirement of outstanding indebtedness in lieu of bonding. The amounts to be so applied must be approved by the Governor and the joint committee on finance.

*Chapter 418* (budget review act, sections 82 and 188) provides for a budget stabilization fund to finance existing or newly enacted programs which will receive no or partial funding during 1977-79 biennium or which will require significantly increased funding in the 1979-81 biennium. \$58,800,000 is appropriated into the fund.

*Chapter 418* (budget review act, sections 285m and 286b) permits members of the state teachers retirement system and Milwaukee teachers retirement fund to retire at age 62 with a full annuity if:

- 1) The employer elects to reduce the normal retirement age from age 65 to age 62.
- 2) The employe retires after the date of election but prior to January 1, 1983.
- 3) The election is made through a collective bargaining agreement with respect to organized employes or in accordance with compensation and benefit adjustment procedures applying to state employes.
- 4) The employer pays to the department of employe trust funds in 3 annual payments the difference in costs between the actuarial cost if the employe had not retired until age 65 and the actual cost of the annuity payable.

*Chapter 418* (budget review act, sections 168, 180 to 185, 909 and 927 (55)) provide additional funding for the 1977-79 state building program including \$938,000 GPR (building trust funds), \$17,923,000 general fund supported borrowing, \$3,312,500 segregated fund supported borrowing, and \$1,663,700 funded by gifts, grants and other receipts. Included is \$2,000,000 for possible acquisition of the federal post office in Madison.

*Chapter 418* (budget review act, section 879) increases bonding authority for the solid waste recycling authority by \$28,500,000.

*Chapter 419* establishes a program to encourage participation in state purchasing by small businesses having less than \$1.5 million in gross annual sales. A statutory council on small and minority business opportunities is created in the department of administration to review the extent of

participation by small businesses in purchasing by the state and local governments and to advise the department with regard to methods of increasing such participation.

*Chapter 426* establishes requirements for the conduct of raffles under the supervision of the bingo control board.

*Chapter 438* makes various changes in the law on eminent domain including the following:

1. Condemnors must provide owners a copy of the appraisal upon which their offer is based.
2. Owners may obtain an appraisal of their own at the condemnor's expense, a copy of which must go to the condemnor.
3. Prior to negotiating, the condemnor must give the owner the name of 10, or, if less than 10, of all neighboring landowners to whom offers are being made and a map of all property affected.
4. A condemnor must allow an occupant to stay without rent at least one month after title vests in the condemnor. The time period may be extended by a circuit court.

*Chapter 440* also makes changes in the law of eminent domain and the rights and duties of condemnors and landowners whose lands are condemned. In most cases, the department of agriculture, trade and consumer protection must prepare an agricultural impact statement for any condemnation or potential condemnation of a farm of 5 acres or more. If a condemnor desires to obtain a portion of a landowner's property and the remainder will have greatly impaired value or viability, the landowner may force the condemnor to make an offer for the entire property. Appeals may be taken from compensation paid in a settlement with a condemnor prior to commencement of a formal condemnation action. Landowners may recover litigation expenses from condemnors under specified circumstances. The method of calculation of just compensation when a landowner's property is partially taken is altered so that the amount paid is never less than the fair market value of the interest taken, except in the case of easements. Annual payments, in addition to lump-sum payments, must be offered when farmland is condemned to construct high-voltage transmission lines. Reasonable relocation costs, as determined by the departments of local affairs and development and industry, labor and human relations, must be paid by condemnors to the owners of farms or businesses who move to comparable locations within 2 years.

## Taxation

*Chapter 1* exempts certain employer retirement plan distributions from the state income tax.

*Chapter 29* (biennial budget act) makes the following changes in the area of taxation:

- 1) The responsibility for review of appeals of state assessments of manufacturing property is transferred from district boards of review to the tax appeals commission. The commission is expanded from 3 to 5 members.
- 2) The property assessment date is changed from May 1 to January 1 beginning with the 1979 assessment. Other dates in the assessment process are adjusted accordingly.
- 3) Seller's permits, under the sales tax, are required to be renewed every 2 years and the department of revenue is authorized to refuse renewal if the seller owes delinquent sales or use taxes.
- 4) Motor fuel and special fuel tax collection procedures are revised.
- 5) Cities of the 2nd class are authorized to establish a board of assessors to review property assessment objections.
- 6) The homestead tax credit program is expanded.
- 7) Personal property taxes on merchants' stock-in-trade, manufacturers' materials and finished products, and farmers' livestock are phased out over a 5-year period.
- 8) Personal property tax relief payments to municipalities are increased, and special relief provisions are made to account for the phase-out of personal property taxes on the 3 stocks.
- 9) The municipal and county shared tax account, into which set percentages of certain taxes are deposited, is replaced by the municipal and county shared revenue account to which an annual appropriation from the general fund will be made. The appropriation is increased automatically based upon the increase in state general fund tax collections.
- 10) Distributions from the shared revenue account are modified.
- 11) The sales tax is extended to: occasional sales of snowmobiles, mobile homes, trailers and semi-trailers; telephone answering, background music and computer and data processing services; and certain sales of motor vehicles and truck bodies to nonresidents. (*Chapter 418* (budget review act), repeals the sales tax on computer and data processing services).
- 12) Most provisions of the federal Tax Reform Act of 1976 are adopted.
- 13) Railroads owned by municipalities or counties are exempted from state ad valorem taxation.

- 14) The ad valorem taxes paid by air carriers are designated for deposit in the transportation fund.
- 15) Hospital property tax exemptions are limited.
- 16) An occupational tax is imposed on iron ore concentration handled by docks in this state.

*Chapter 29* (biennial budget act) creates a tax credit for farmers who agree to preserve agricultural land through restrictive zoning or by signing farmland preservation agreements with the department of agriculture, trade and consumer protection. Depending on the nature of the restraints on development and the income of the farmer, varying amounts of property taxes on the farmland may be credited against Wisconsin income taxes otherwise due. Beginning October 1, 1982, the credit will only be available if the land is in a county which has a certified agricultural preservation plan in effect or if the land is zoned for exclusive agricultural use under a certified zoning ordinance. Certification of plans and ordinances is performed by the state agricultural lands preservation board. The farmland tax credit and agricultural lands preservation provisions are modified by *Chapters 169 and 418* (budget review act, sections 505e to 506m and 579c to 580x).

*Chapter 29* (biennial budget act) creates a tax credit for owners who increase the assessed valuation of their residential property by making improvements to the property. Only homes valued at \$50,000 or less and rental units valued at \$75,000 or less are eligible. The portion of the assessed valuation due to improvements (up to a limit of \$3,000) may be claimed as a credit, payable by check from the department of administration, for 5 years after the improvements are made. *Chapter 418* (budget review act, sections 568 to 571f) modifies the tax credit provisions and delays the starting date for claiming the credit until January 1, 1980.

*Chapter 31* establishes a graduated net proceeds occupation tax on persons mining metalliferous minerals in this state, replacing several existing mining taxes. As modified by *Chapters 185 and 423*, 40% of the tax collected will be deposited in the state general fund and 60% will be deposited in the investment and local impact fund for distribution to municipalities for costs associated with the social, educational, environmental and economic impacts of mining.

*Chapter 111* increases the low-income allowance and the percentage standard deduction, adding factors for age, income, marital status and number of dependents. The amount of income a person may have before being required to file an individual income tax return also is increased.

*Chapter 113* eliminates the requirement that the allowable increase in county and municipal tax levies be reduced by any increase in estimated shared taxes.

*Chapter 142* makes various changes relating to administration of the tax laws.

*Chapter 143* deletes references to "assessors of incomes" from the statutes.

*Chapter 169* modifies the farmland tax credit and agricultural lands preservation provisions created in *Chapter 29* (biennial budget act).

*Chapter 174* makes several changes relating to tax redemption and to property tax instalment payments in 1st class cities (Milwaukee).

*Chapter 175* requires the department of revenue to make available to the county board and county assessor, at least 10 days prior to the board's meeting to review valuations, all information used in computing the equalized valuation for the county and its subdivisions.

*Chapter 185* modifies the graduated net proceeds occupation tax on persons mining metalliferous minerals created in *Chapter 31*.

*Chapter 200* allows sales and use tax refunds of less than \$2 upon request of the retailer.

*Chapter 201* increases the interest rate on and revises the distribution of the taxes paid on lands withdrawn from forest croplands status.

*Chapter 212* directs that the county treasurer's fees for the collection of municipal taxes are to be deposited in the county treasury.

*Chapter 248* increases from \$15,000 to \$100,000 the value of property which may be transferred to a spouse without gift tax consequences and waives gift tax interest and penalties on certain interspousal transfers between May 14, 1972, and June 30, 1976.

*Chapter 250* exempts food sold in retirement homes from sales and use taxes.

*Chapter 282* exempts property owned and operated by humane societies from property taxation.

*Chapter 289* provides for the confidentiality of motor and special fuel, cigarette and intoxicating beverage tax information, revises procedures in demanding tax reports from motor and special fuel nonfilers, clarifies the role of the department of revenue in cigarette tax enforcement, provides penalties for cigarette tax violations and transfers oleomargarine regulation from the department of revenue to the department of agriculture, trade and consumer protection.

*Chapter 294* creates an income tax deduction for adoption fees, court costs and legal fees incurred in adopting a child.

*Chapter 300* establishes the 2nd Monday of May as the annual meeting date for boards of review, effective in 1979. (*Chapter 29* (biennial budget act) had provided for this meeting to occur in April, in conjunction with the change of the property tax assessment date from May 1 to January 1)).

*Chapter 313* creates an income tax deduction for corporations and an income tax credit for others for the expenses of designing, constructing and installing alternative energy systems (solar, waste and wind systems) certified by the department of industry, labor and human relations. The deduction and credit provisions apply only to expenses paid between April 20, 1977, and December 31, 1984.

*Chapter 328* provides for state assessment of the property of processors of waste paper, fibers or plastics using large machines for recycling purposes.

*Chapter 368* exempts meat wrapping paper and containers from sales and use taxes.

*Chapter 380* deletes the carry over basis for computing capital gains or losses on property acquired from a decedent.

*Chapter 414* authorizes circuit courts to remand an assessment to a local board of review for further proceedings in accordance with the court's determinations and to retain jurisdiction until the board has determined an assessment in accordance with the court's order.

*Chapter 418* (budget review act, sections 492 and 492m) increases the reimbursement to municipalities for tax exempt manufacturing machinery and equipment and modifies the method of distribution. *Chapter 29* (biennial budget act) had provided for an increased reimbursement, but the provisions of *Chapter 29* are superseded by those of *Chapter 418*.

*Chapter 418* (budget review act, section 923 (42) (b)) creates a special refundable tax credit against 1978 income taxes equal to 10% of a taxpayer's 1978 property taxes, but no less than \$40 nor more than \$100. A renter may credit \$40 in lieu of the percentage of property taxes. The credit applies only to natural persons who are residents of Wisconsin for the entire 1978 calendar year.

*Chapter 418* (budget review act, section 252) appropriates \$80 million into a "tax reform reserve fund" which is to be used to offset any tax reductions which result from a comprehensive tax reform measure to be proposed in the 1979-81 biennial budget bill.

*Chapter 418* (the budget review act) also makes the following tax changes:

- 1) Sales and use tax exemptions are provided for computer and data processing services, occasional sales of mobile homes which are 45 feet or greater in length, shoppers guides, lubricants used in railroad operations, maple syrup production equipment and admission fees to state parks and forests.
- 2) It provides that the basis of inherited property which is used to determine capital gains and losses for income tax purposes equals the value of the inherited property at the date of death.
- 3) It provides that the joint tenancy exclusion be subtracted from the top rather than the bottom of estate value so that the taxable value is subject to lower inheritance taxes.
- 4) It creates an inheritance tax exemption for the first \$2,500 of household furnishings.
- 5) It provides that persons who do not legally adopt but are perceived to assume a parental relationship are class A distributees for inheritance tax purposes.
- 6) The federal internal revenue code treatment of powers of appointment is adopted for inheritance tax purposes.
- 7) Subjects generating facilities jointly owned by 2 or more utility companies to ad valorem taxation based on the owners' proportionate interests in the property.
- 8) Several changes in homestead tax credit eligibility requirements are made.
- 9) Certain nursing student dormitories are exempted from property taxation.
- 10) Internal revenue code amendments through December 31, 1977, are incorporated into Wisconsin income tax law.
- 11) The income and sales tax records access statutes are revised to ensure greater confidentiality.

*Chapter 423* modifies the graduated net proceeds occupation tax on persons mining metalliferous minerals created in *Chapter 31*.

### Transportation

*Chapter 5* made certain changes in the laws relating to transportation of school pupils to extracurricular activities. Under *Chapter 5*, automobiles and station wagons used to transport pupils are not subject to school bus regulations under the following conditions:

- 1) If the vehicle is owned or leased by a school or school bus contractor it must be insured, inspected and operated by a licensed driver who is physically fit and has a satisfactory driving record.
- 2) If the vehicle is not owned or leased by a school or school bus contractor it must be insured and operated by a physically fit school employee with a satisfactory driving record but no vehicle inspection is required.

*Chapter 16* amends the law relating to the issuance of special "collector" registration plates to provide that the additional \$5 fee would be assessed only at the time of the issuance of the plates rather than annually.

*Chapter 23* provides that a motor bus owned and operated by a nonstock nonprofit corporation and used exclusively for transporting groups participating in parades and other entertainment may be registered at an annual fee of \$5.10 rather than the higher weight based fee otherwise charged for motor bus registration.

*Chapter 29* (biennial budget act) made major changes in the area of transportation. The most significant are as follows:

- 1) The segregated Highway Fund is eliminated. In its stead a Transportation Fund is created. The transportation fund is to be used to finance all modes of transportation, not just highways and highway related matters.

- 2) The appropriation structure of the department of transportation is totally revised. Prior to *Chapter 29*, revenues derived from certain sources such as the motor fuel sales take were allocated by statute for certain programs such as highway maintenance. Under *Chapter 29*, all transportation revenues are deposited in the transportation fund. Once the revenues are in the fund they lose their separate identity. Appropriations are then simply made on the basis of what level the legislature chooses to fund various programs and projects.

- 3) The formula for distributing local transportation aids is completely revised. Under the new formula a number of factors are taken into account in distributing aid. A significant factor is highway classification. This is the process of grouping highways into classes according to the character of service they provide.

- 4) Under *Chapter 29*, the department of transportation is completely revised. Prior to *Chapter 29*, the division of highways, headed by the highway commission and the division of motor vehicles, headed by an administrator were attached to the department of transportation for budgetary purposes only and hence were independent of the department of transportation and the secretary of transportation. *Chapter 29* abolished these statutory divisions and placed all the functions & duties of the divisions of highways and motor vehicles within the department itself and under the control of the secretary. The secretary is given authority to reorganize the department with the approval of the governor. In addition to these reorganization changes, certain transportation related activities of the public service commission are transferred to the department of transportation. This transfer includes 2 major activities — railroad regulation and motor carrier regulation. *Chapter 29* also creates the transportation commission. This commission is attached to the department for budgetary purposes only. The transportation commission serves as a quasi judicial body. Decisions of the department of transportation in such areas as sign removal, dealer licensing and rates may be appealed to the transportation commission. The creation of the transportation commission eliminates some of the problems present in the prechapter law where the division of highways and the division of motor vehicles acted in both a prosecutorial and judicial role.

- 5) Both vehicle registration fees and weights are increased by *Chapter 29*. The number of weight categories was reduced from 38 to 15. Two new categories of 76,000 pounds and 80,000 pounds were included. Small trailers of 3,000 pounds or less and farm trailers of 8,000 pounds or less which were previously not required to be registered were required to be registered under *Chapter 29*. Registration fees for other trailers and semitrailers, motor trucks, motor homes, mobile homes and farm trucks were also increased. Motor vehicle dealer license fees were increased as well.

- 6) *Chapter 29* directs the secretary of transportation to implement the international registration plan which is a registration scheme devised to apportion truck registration fees on the number of miles traveled in each state.

- 7) Certain changes are made in the formula for providing funds for mass transit projects by *Chapter 29*. The new formula includes a ridership factor.

- 8) *Chapter 29* provides funding for elderly and handicapped transportation projects.

- 9) *Chapter 29* authorizes several rail transportation programs including programs related to rail ferry and rail branch line assistance as well as an urban rail line relocation program.

10) *Chapter 29* directs the department to acquire abandoned rail line property if such acquisition is in the best interests of the state in preserving its transportation system. The department is given the first right of refusal.

*Chapter 30* makes the 55 mile per hour speed limit permanent. Prior to the enactment of this law, the 55 mile per hour limit was a temporary emergency energy regulation.

*Chapter 39* provides that optional equipment on automobiles, station wagons, antique vehicles and special interest vehicles is not required to be in operating condition unless the equipment is specifically required by law to be operational.

*Chapter 41* redefines the prohibition against issuance of a driver's license to an "habitual drunkard" by stating that no driver's license may be issued to any person "whose dependence on alcohol has attained such a degree that it interferes with his or her mental health or social or economic functioning". The act also provides that under certain circumstances the department of transportation may issue a driver's license to a person who is addicted to a controlled substance.

*Chapter 43* makes various changes in highway and motor vehicle laws including codifying the fact that interstate highways are part of the state trunk highway system, extending control of outdoor advertising to the Great River Road and providing that U.S. government vehicles are exempt from state registration requirements.

*Chapter 55* redefines motor bus as a vehicle having a passenger carrying capacity of 13 or more persons including the operator. Prior to the passage of this law, the number was 10 or more. This law has the effect of permitting certain vans to be registered as automobiles rather than busses.

*Chapter 56* decriminalizes the penalty for failure to register or properly register certain vehicles. Under *Chapter 56* the penalty is a forfeiture of not more than \$200 for automobiles, station wagons, motor-driven cycles and small trucks and a forfeiture of up to \$1,000 for vehicles having a gross weight of more than 10,000 pounds.

*Chapter 57* redefines the term "motor truck" in the manner suggested by the uniform vehicle code. Under the changed definition a motor truck is a vehicle "designed, used or maintained primarily for the transportation of property.

*Chapter 59* repeals the exemption which provided that a charitable organization which owned and operated a motor bus was not required to file evidence of insurance.

Prior to the passage of *Chapter 60*, the rules of civil procedure and certain motor vehicle laws were in conflict. Section 801.02 provided that a civil action is commenced by filing the original summons and complaints with the court. Sections 194.10, 344.15 and 345.09 (2) provided that where service of process is made on the administrator of the division of motor vehicles as the statutory agent for nonresidents, the original was to be served on the administrator. *Chapter 60* provides for the filing of authenticated copies with the administrator.

*Chapter 63* makes changes in the statutory filing fees for amendments to articles of incorporation by railroads. This chapter provides special filing fees for an amendment to the articles of incorporation by a railroad corporation seeking to issue redeemable preference shares to the U.S. secretary of the treasury under the Railroad Revitalization and Regulatory Reform Act of 1976. Under this act the fee is \$1 for each \$100,000 or fraction thereof of par value shares authorized by the amendment. Normally the fee is \$1 for each \$1,000 or fraction thereof of par value shares authorized.

*Chapter 67* sets the speed limit on highways designated as rustic roads at 45 miles per hour, provided that official signs are posted. It permits local authorities to reduce the speed limit on these roads without the consent of the department of transportation.

*Chapter 68* makes certain changes in the laws relating to abandoned vehicles. This act provides that detailed notice procedures and records are to be kept of abandoned vehicles. Abandoned vehicles may be sold through sealed bid or auction. At a sale the highest bid must be accepted unless the authority conducting the sale considers the bid inadequate, in which case all bids may be rejected.

Prior to *Chapter 72*, the law relating to railroad crossings over streets and highways made reference to "steam railroads". *Chapter 72* deletes the reference to steam power in order to make clear that the law applies to all railroads powered by any means.

*Chapter 79* permits insurance companies to reassign ownership of motor vehicles to licensed motor vehicle dealers or motor vehicle salvage dealers by executing the assignment and warranty of title, but requires insurance companies to first obtain title in their own name prior to transferring ownership to any party other than a motor vehicle dealer or motor vehicle salvage dealer.

Prior to *Chapter 98*, the law required that the state airport system include at least one airport in each county of the state. *Chapter 98* eliminates that requirement.

*Chapter 100* makes several clarifying changes in the motor vehicle laws including the fact that when an accident occurs, the investigating law enforcement agency is not required to forward the original report to proper authorities, but only a copy of the report.

Prior to *Chapter 101* the statutes limited the size of waysides to not more than 5 acres. *Chapter 101* removes the 5 acre restriction and expands the definition of "wayside" to include "rest area".

*Chapter 116* makes miscellaneous changes in traffic regulations adopted by local authorities. This chapter eliminates much unnecessary, obsolete and duplicative language. Definition for "park or parking" and "stand or standing" are included. An unnecessary limitation on the use of yield signs is removed. Cities and villages are given the authority to designate the type and character of vehicles which may operate in alleys.

*Chapter 124* requires the department of transportation to include anatomical gift authorization on the back of the driver's license.

*Chapter 128* makes changes in the law relating to number of passengers allowed in a vehicle operated by a person holding an instructional permit. Prior to *Chapter 128*, a person over 16 who holds an instructional permit was not permitted to operate a motor vehicle unless accompanied by a qualified instructor, or a licensed person with at least 2 years' driving experience occupying the seat beside the permittee. Except for vehicles with dual controls, no other passengers were permitted in the vehicle. Under *Chapter 128*, if the permittee is 16 years of age or over, one additional licensed person, over 25 years of age with at least 2 years of driving experience may also be in the vehicle, but not in the front seat.

*Chapter 129* provides for the issuance of personalized (vanity) license plates for automobiles, station wagons and motor trucks with a gross weight of not more than 6,000 pounds. Plate configuration is limited to not more than 6 or less than 2 letters or numbers. The fee for special plates is the regular registration fee plus an additional \$10. The additional \$10 is also charged upon renewal.

*Chapter 130* provides for administrative coordination of the activities of the department of natural resources and the department of transportation relating to highway bridge construction and maintenance. Under this law, projects carried out under the direction and supervision of the department of transportation are not subject to the permit approval requirements of the department of natural resources. However, the permit approval exemption does not apply if the work is not accomplished with the interdepartmental liaison procedures established by the two departments for the purpose of minimizing adverse environmental impact.

*Chapter 145* removes the requirement that a school bus be owned, operated or under contract with a public or private school to be eligible for the \$1 reduced registration fee.

*Chapter 165* makes changes in the penalty for driving after revocation and suspension. Under the prior law, progressive jail penalties were based on revocations for certain reasons only. Under *Chapter 165* the progressive penalties apply to all charges of operating while suspended or revoked regardless of the reason for such suspension or revocation.

*Chapter 183* eliminates the requirement that amateur radio transmitting and receiving equipment be installed in a vehicle as a prerequisite to the issuance of special amateur radio license plates. *Chapter 183* also provides that an additional fee of \$10 be charged for the plates at the time the plates are issued.

*Chapter 188* requires the department of transportation to erect directional signs to cities and villages at certain state trunk highway intersections. The signs are required to be erected if 1) the city or village is within 1 mile of the intersection, 2) the city or village requests the sign and 3) the city or village agrees to pay for the installation and maintenance of the sign. In this law "intersection" is defined to include exit ramps from freeways and expressways.

*Chapter 190* exempts municipalities which construct or reconstruct highway bridges, arches or culverts from the requirement of obtaining a permit from the department of natural resources. The department of transportation in consultation with the department of natural resources is required to adopt standards for the design and construction of county, town, village and city bridges, arches and culverts.

Prior to *Chapter 191*, the department of transportation was authorized to issue annual over weight and over length permits for vehicles transporting forest products over any class of highway for a distance of not more than 3 miles from the Wisconsin — Michigan state line. *Chapter 191* extends that distance to 11 miles.

*Chapter 193* revises the prior consent law applicable to drivers operating motor vehicles while under the influence of alcohol or controlled substances. The revision establishes a penalty for a driver's refusal to take a preliminary breath test and specifies that a person whose blood alcohol content is 0.10% or greater to be legally intoxicated. In addition, *Chapter 193* establishes stricter requirements for suspension or revocation of licenses.

Prior to *Chapter 197*, the department of transportation was authorized to issue overlength permits to auto carriers provided the vehicle and the load did not exceed 65 feet. *Chapter 197* authorizes the department to issue permits to auto carriers provided the length of the vehicle did not exceed 65 feet. In effect, since many auto carriers have overhanging loads, the length of the vehicle and load combined can under *Chapter 197* legally exceed 65 feet.

*Chapter 204* amended the law requiring motorcycle operators to wear helmets. Under *Chapter 204*, helmets are no longer required except when the operator is under 18, or when the operator has an instructional permit regardless of his or her age. Eye protection is still required to be worn by all cycle operators.

*Chapter 208* makes various changes in the rules of the road for bicycles. Prior to *Chapter 208*, bicyclists were required to ride within 3 feet of the side of the roadway. Under *Chapter 208*, bicyclists are now required to ride as near as practicable to the side of the roadway.

Prior to chapter 208, s. 346.075, stats. required a motor vehicle to allow at least a 3-foot clearance when passing a bicycle and prohibited the motor vehicle from reentering the lane until the bicycle was safely overtaken. *Chapter 208* provides that a motor vehicle may not move in front of the bicycle until it is safely clear of the overtaken bicycle. *Chapter 208* also changes the penalty for violation of the clearance requirement from a fine to a forfeiture, thus decriminalizing the violation.

Prior to *Chapter 218*, the department of transportation was permitted to issue a temporary license to a person afflicted with epilepsy who had been free of seizures for 6 months. *Chapter 218* permits the department to waive the 6-month waiting period on the basis of the medical evidence submitted by the applicant.

*Chapter 228* permits strobe lights to be installed on school busses. The flashing red signals are also still required on all school busses.

*Chapter 234* exempts counties which operate a transportation system in contiguous or cornering counties from the payment of annual motor vehicle permit fees.

*Chapter 238* eliminates the requirement that the department of public instruction approve driver education courses given by driver's schools which are licensed by the department of transportation. Under this new chapter, the department of transportation approves the course.

*Chapter 288* regulates the sale, operation and registration of mopeds. Under *Chapter 288*, a person still needs a valid driver's license to operate a moped but is not required to have the license endorsed for cycle operation. For purposes of parking, mopeds are considered bicycles. Mopeds must comply with all federal equipment and safety standards in order to be eligible for registration. Helmets are not required for moped operation.

*Chapter 292* permits an Indian tribe or band to obtain municipal license plates for its vehicles operated in the public service and special plates for its vehicles used in law enforcement work.

*Chapter 293* raises the property damage liability requirements under the motor vehicle financial responsibility law from \$5,000 to \$10,000.

*Chapter 302* provides that an operator of a motor vehicle must stop the vehicle before approaching closer than 10 feet to a blind pedestrian who is using a guide dog. Prior to *Chapter 302*, this protection was only given to blind persons who carried a white cane.

*Chapter 348* raises the maximum dollar amount which the state may contribute to airport building or building improvement projects from \$35,000 to \$100,000.

*Chapter 360* provides for issuance of identification cards for persons who do not have driver's licenses. The identification will be of the same design as that of a driver's license and will contain information similar to that required on a driver's license.

Prior to *Chapter 410*, every bus transporting passengers was required to stop at railroad crossings, including vans and cars used as school busses but not painted as such. Under *Chapter 410*, a vehicle transporting less than 13 passengers, including the operator, which is not painted as a school bus, is not required to stop at a railroad crossing.

*Chapter 415* provides that the department of transportation may accept a bond of not less than \$25,000 in lieu of requiring financial information from persons applying for licensing as salvage dealers.

*Chapter 418* (budget review act) makes numerous changes in the transportation area including:

1) It revises many of the registration fees established by *Chapter 29*. Trailers 3,000 pounds or less were required to be registered for \$15 for 3 years by *Chapter 29*. *Chapter 418* eliminates this requirement. Under *Chapter 29* trailers and semitrailers having a gross weight of more than 3,000 and not more than 12,000 were required to be registered at a fee equal to the fee of a motor truck of the same gross weight. Under *Chapter 418*, the fee is one-half the fee of a motor truck of the same weight. *Chapter 418* also eliminated the 3,000 pound weight category and added several new categories in the lower weight classes as well as reducing the registration fees for the lower weight categories.

2) It establishes a new class of vehicle registration called "dual purpose farm truck". This new registration enables a person to register a truck as a farm truck and still use the vehicle to drive to and from a nonfarm occupation at a reduced fee.

3) It permits disabled veterans and other disabled persons to receive special registration plates for motor homes.

4) It permits local authorities or the county highway committee to post temporary speed limits on highways including state trunk highways, which are being repaired, maintained or reconstructed by local authorities or the county highway committee.

5) It amends Wisconsin law to comply with federal odometer regulations.

6) It eliminates the annual school bus operators examination. An examination is still required every 2 years when a license is renewed.

7) A grant of approximately \$2,000,000 from the Wisconsin State Agencies Building Corporation to the department of transportation is accepted for deposit in the transportation fund.

8) It authorizes the secretary of transportation, with the approval of the governor, to dispose of lands and interests and lands which were acquired for construction of the Park West freeway in Milwaukee county.

9) It directs the department of transportation to study means outside its current authority to prevent and reverse rail service deterioration and prepare and present to the governor and the legislature recommendation for legislative action by January 1, 1979.

10) It prohibits parking or stopping in an area reserved for handicapped parking. The penalty for violation is a forfeiture of not less than \$20 nor more than \$200.

11) It provides that a person whose driver's license has been canceled or who has been denied a license by the department for medical reasons may have that decision of the department reviewed by a medical review board.

12) It authorizes the transportation commission to direct the department of transportation to investigate unsafe railroad tracks, bridges and line structures.

13) It adds 13 miles to the state trunk highway system in Walworth and Rock counties.

14) It creates a municipal rail service grant program and provides \$100,000 for the program.

15) It creates a rail preservation loan and grant program. Approximately 6,000,000 is provided for the program.

*Chapter 435* permits authorities who are in charge of highway maintenance to exempt vehicles carrying certain commodities from weight limits which have been imposed on a highway by the maintaining authority. The exemption is only proper if it is necessary to promote the public health, safety and welfare.

### Utilities

*Chapter 29* (biennial budget act) includes sewerage districts in the requirement that utilities pay, within certain limits, the costs of actions before the public service commission in which they are parties.

*Chapter 62* requires public utilities to bill for residential service within 2 years of the date it is supplied. Customers are not liable for residential service billed after 2 years unless the service is obtained through fraud.

*Chapter 155* establishes safety, health and comfort standards for railroad engines to be met no later than November 17, 1982. The public service commission may grant a limited, temporary exemption and must determine reasonable noise levels in engine cabs.

*Chapter 159* permits cities, towns and villages to combine to own and operate electric power facilities by forming municipal electric companies which are separate entities with limited corporate power. Municipalities may contract with an electric company for their supply of electricity.

Among the powers granted to an electric company are to:

1. Develop electric energy resources and buy and sell electric power and energy.
2. Buy and sell fuels related to energy production.
3. Exercise the powers of eminent domain granted to public utilities.
4. Set fees and rates for services.
5. Issue bonds, which may not be considered municipal debt.

An electric company has no taxation power.

Electric companies are subject to regulation by the public service commission along with other utilities except that the rates at which the companies sell power for resale are not subject to commission regulation.

*Chapter 162* requires subdividers to pay the cost of any necessary alteration of existing utilities as a condition of plat approval by a county, town, city or village.

*Chapter 314* provides for the licensing of utility contractors who install sewers from street mains to buildings. The chapter also provides for the registration of pipe layers employed by utility contractors.

*Chapter 350* requires owners of underground transmission facilities who receive notice of plans for nonemergency excavation or demolition to mark the facilities according to a designated color code.

*Chapter 369* establishes a natural gas conservation program. Under the act, the department of industry, labor and human relations will certify an intermittent ignition device which is actuated only when a gas appliance is in operation. Two years after certification of the device, but no sooner than July 1, 1980, the use of pilot lights in new gas appliances will be prohibited. The chapter also prohibits the installation of nonessential devices which use natural gas. Specification of nonessential use will be by the public service commission.

*Chapter 392* creates an emergency number systems board in the department of administration and requires municipalities providing emergency services to establish and maintain a telephone system in which "911" is the emergency services number. Telephone utilities are required to cooperate in the establishment of the system, which must be operating by December 31, 1987.

## Veterans

*Chapter 4* increases the general obligation bonding authority for the veterans first mortgage loan program from \$380,000,000 to \$555,000,000; requires that the self-insurance account of the program equal at least 2% of the outstanding loans funded; transfers the authority to set interest rates from the department to the board of veterans affairs; exempts loans made under the program from statutory limits on interest rates; and provides that the secretary of the department shall serve at the pleasure of the board.

*Chapter 65* requires the state to provide legal counsel to members of the national guard who are prosecuted for acts performed as part of their military duties.

*Chapter 237* increases the amount provided for the burial expenses of a member of the Wisconsin home for veterans if buried in the house's cemetery from \$300 to \$400 and changes the limit on the amount which may be claimed for the member's funeral and burial expenses from the member's property from \$300 to a total of \$655 less any amount allowed by the United States for that purpose.

*Chapter 381* provides for loans to disabled veterans from the veterans home loan program under less restrictive conditions than generally applied. The annual income restriction on qualifying disabled veterans is 125% of the limit generally applied and the restriction on the total cost of the home is 150% of that applied to other applicants. Minimum downpayment requirements do not apply to qualifying veterans.

*Chapter 446* raises the ceiling on the value of a home, including the land, which may be purchased through the veterans home loan first mortgage program from \$50,000 to \$52,500 on the effective date of the law and to \$55,000 on July 1, 1978.

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- RB-78-1 Bills Enacted in the 1977 Wisconsin Legislature Through June 1978. July 1978

### Informational Bulletins

- IB-74-1 Obscenity Redefined: The Search for a Workable Standard. January 1974
- IB-74-2 No-Fault Auto Insurance: A Status Report. February 1974
- IB-74-3 Transportation Departments in the Several States. February 1974
- IB-74-4 In Pursuit of Absent Fathers. February 1974
- IB-74-5 Welfare Reform — A Look at Three States. March 1974
- IB-74-6 The Mortgage Interest Controversy. March 1974
- IB-74-7 Recent Developments in Transportation Financing. July 1974
- IB-74-8 Traffic Safety: Six States in Perspective. July 1974
- IB-74-9 Science, Technology and the Legislative Process. October 1974
- IB-74-10 Auto Repair Regulation: A Status Report. October 1974
- IB-75-1 Rape Law Revision: A Brief Summary of State Action. April 1975
- IB-75-2 State Regulation of Nonreturnable Beverage Containers. April 1975
- IB-75-3 Personalized License Plates. July 1975
- IB-75-4 Wisconsin Constitution As Amended April 1, 1975. July 1975
- IB-75-5 Motor Vehicle Taxes in Wisconsin and Other States. September 1975
- IB-75-6 The Use of the Partial Veto in Wisconsin. September 1975
- IB-75-7 Recent Changes in Voter Registration. November 1975
- IB-75-8 The Ground Rules of a Special Session. November 1975
- IB-75-9 Municipal Borrowing in Wisconsin. December 1975
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- IB-76-2 Verbatim Recording of Legislative Proceedings. March 1976
- IB-76-3 Compensation for Victims of Crime. May 1976
- IB-76-4 Initiative and Referendum: Its Status in Wisconsin and Experiences In Selected States. August 1976
- IB-76-5 The Legislative Response to Divorce: A Survey of No-Fault Divorce May 1976
- IB-76-6 No-Fault Auto Insurance: A Controversial Experience. June 1976
- IB-76-7 Buckley v. Valeo and Wisconsin's Campaign Finance Law. June 1976
- IB-76-8 The Legislative Reference Bureau Can Help You. November 1976
- IB-76-9 Constitutional Amendments Given "First Consideration" Approval By The 1975 Wisconsin Legislature. December 1976
- IB-76-10 The Use Of The Executive Order By Wisconsin Governors. December 1976
- IB-77-1 Noise and Its Control. August 1977
- IB-77-2 State Lottery Update. September 1977
- IB-77-3 Regulation of Eyeglass Advertising. September 1977
- IB-77-4 Educational Accountability: The Issue of Competency-Based Education. October 1977
- IB-78-1 1977 Fiscal Estimate Manual. January 1978
- IB-78-2 Gubernatorial Succession in Wisconsin and the Other States. January 1978
- IB-78-3 The Regulation of Recombinant DNA Research. April 1978.