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# Wisconsin Briefs

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Legislative  
Reference  
Bureau

Brief 83-1

July 1983

## EXECUTIVE PARTIAL VETO OF 1983 SENATE BILL 83 Executive Budget Bill Passed by the 1983 Wisconsin Legislature (1983 Wisconsin Act 27)

### INTRODUCTION

This brief contains the veto message of Governor Anthony S. Earl for the partial veto of 1983 Senate Bill 83 (1983 Wisconsin Act 27), the "Executive Budget Bill" passed by the 1983 Wisconsin Legislature. Later briefs will contain the veto messages of any additional gubernatorial vetoes or partial vetoes.

This report provides: (1) The legislative action for 1983 Senate Bill 83 including the vote for final passage in each house and the page number of the loose-leaf journals in each house referring to the vote ("S.J." stands for Senate Journal, "A.J." stands for Assembly Journal); (2) The veto message by Governor Anthony S. Earl; and (3) Following the text of each segment of the veto message a copy of every page of 1983 WISCONSIN ACT 27 (1983 Senate Bill 83) on which a partial veto occurred, with the material vetoed indicated by a distinguishing overlay — ~~XXXXXX~~.

In addition, this report also includes an overview of the Legislature's procedure for the review of vetoes.

During the 1983 Legislative Session from January 3, 1983 through June 28, 1983, there were 871 bills (317 Senate and 554 Assembly bills) introduced, of which 29 bills were concurred in by both houses. Governor Earl, through July 5, 1983, has taken action on 27 bills, approving 27 (including the partial veto of one bill: SB-83). Gubernatorial action is pending on 2 bills: SB-89 and SB-167.

### THE VETO PROCESS

Wisconsin Governors have been granted the constitutional power to veto bills in their entirety since the Constitution's ratification in 1848. In the election of November 1930, the people of Wisconsin ratified a constitutional amendment granting the Governor the additional power to veto appropriation bills in part.

The provision of the Wisconsin Constitution — Section 10 of Article V — granting the veto power, and the annotations to that provision printed with the section in the 1981-82 edition of the *Wisconsin Statutes*, read as follows:

WISCONSIN CONSTITUTION [Article V] Section 10. GOVERNOR TO APPROVE OR VETO BILLS; PROCEEDINGS ON VETO. "Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal and proceed to reconsider it. Appropriation bills may be approved in whole or in part by the governor, and the part approved shall become law, and the part objected to shall be returned in the same manner as provided for other bills. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, or the part of the bill objected to, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill or the part of the bill objected to, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislature shall, by their adjournment, prevent its return, in which case it shall not be a law."

**Note:** In determining whether the governor has acted in 6 days, judicial notice may be taken of the chief clerk's records to establish the date it was presented to him. *State ex rel. General Motors Corp. v. Oak Creek*, 49 W (2d) 299, 182 NW (2d) 481.

Despite resulting change in legislative policy, governor's partial veto of appropriations bill was constitutional. *Sundby v. Adamany*, 71 W (2d) 118, 237 NW (2d) 910.

Procedural and substantive aspects of the partial veto discussed. *State ex rel. Kleczka v. Conta*, 82 W (2d) 679, 264 NW (2d) 539.

In exercising a partial veto, the Governor may produce a law not in accord with the intent of the Legislature. 59 Atty. Gen. 95.

Governor's veto of one digit of a separable part of an appropriation bill constitutes an objection within the meaning of sec. 10 and the entire part is returned to the legislature for reconsideration. 62 Atty. Gen. 238.

See note to art. IV, sec. 20, citing 63 Atty. Gen. 346, concerning recording yeas and nays.

Among all the partial vetoes overridden since 1930, there have been only two in which legislative action preceded newspaper publication of "the part approved" by the Governor as a law. These two occurred in 1943 and 1945, respectively. In 1949, the act affected by the partial veto was rather short; it was first published as a law showing only the part approved by the Governor, and was republished in its entirety after the Legislature overruled the partial veto. No additional partial vetoes were overruled until 1973, but all of the acts in which partial vetoes were overruled from 1973 to the present were laws of considerable length. Republication of the act in its entirety would have involved substantial publication costs. For this reason, each of the acts vetoed in part since 1973 has originally been published showing the part approved by the Governor as clear text, and the part or parts objected to by the Governor as text identified by a contrasting overlay — ~~XXXXXX~~.

Subsequently, whenever the Legislature overruled a partial veto either in whole or in part, only the new law text resulting from the veto override was published, identified as a supplement to the act originally published. The explanation of the text shown in such a supplement will be published with each supplement to a 1983 act as follows:

1983 \*BILL\* was approved by the governor "in part" and has become 1983 WISCONSIN ACT \*NUMBER\*. The parts objected to by the Governor ("item veto") were reviewed by the legislature on \*DATE\*, 1983. This supplement to 1983 WISCONSIN ACT \*NUMBER\*, contains those parts of that chapter which had been vetoed by the Governor but which have become law as the result of their approval, by two-thirds of the members of each house, notwithstanding the objections of the Governor.

The supplement identifies the changes in Chapter 1983 WISCONSIN ACT \*NUMBER\*, by the following type coding:

(1) ADDITIONAL CHANGE. In some cases, 1983 WISCONSIN ACT \*NUMBER\* created a new law or made a change in 1981-82 statutes or existing nonstatutory law which the Governor had approved in part and rejected in part. The parts approved have already become law. The part objected to becomes law because the veto was overruled by the legislature.

In any provision already affected by 1983 WISCONSIN ACT \*NUMBER\*, new words inserted as the result of an overruled veto are shown by italics (*italics*), and words deleted are indicated by strike-through (~~strike-through~~).

(2) FIRST CHANGE. In other cases, the governor used the veto power to veto an entire SECTION of 1983 WISCONSIN ACT \*NUMBER\*, or to delete the act's proposed treatment of an entire segment — numerically identifiable — of a 1981-82 statute or existing nonstatutory law. In such an instance, the result of overruling the veto is that the affected law is now changed for the first time.

For any law affected for the first time, the result of overruling the veto is indicated by the type coding customary for all other legislation:

- (a) Underscoring (underscoring) indicates an insertion into a 1981-82 statute or other existing law.
- (b) Strike-through (~~strike-through~~) indicates a deletion from a 1981-82 statute or other existing law.
- (c) Plain text (plain text) is used where the overruling of a partial veto has resulted in the creation of a new statute or other law.

### LEGISLATIVE ACTION ON 1983 SENATE BILL 83

The Senate adopted Senate Substitute Amendment 1 (as amended by Senate Amendment 44 and Senate Amendment 5 to Senate Amendment 44) to Senate Bill 83, by a vote of 17 to 16, S.J. 6/3/83, p. 244, and passed Senate Bill 83 as amended, 17 to 16, S.J. 6/3/83, p. 244. The Assembly, in turn, adopted Assembly Amendment 4 (as amended by Assembly Amendments 8, 13 and 15), by a vote of 52 to 45, A.J. 6/21/83, p. 276, and Assembly Amendment 9, by a vote of 53 to 43, A.J. 6/21/83, p. 275, and concurred in Senate Bill 83 as amended, 53 to 44, A.J. 6/21/83, p. 276. The Senate, then concurred in Assembly Amendment 4 (as amended by Senate Amendment 1 and Senate Amendments 4 and 7 to Senate Amendment 1), by a vote of 17 to 15, S.J. 6/23/83, p. 268, and Assembly Amendment 9 (as amended by Senate Amendments 1 and 2), by a vote of 18 to 15, S.J. 6/23/83, p. 266. The Assembly, in turn, adopted Assembly Amendments 2 and 3 to Senate Amendment 1 to Assembly Amendment 4, by votes of 89 to 7 and 95 to 1, respectively, A.J. 6/23/83, p. 282; then divided Senate Amendment 1 into 6 parts and concurred in Assembly Amendment 4 as amended by votes of: 52 to 44, 55 to 41, 54 to 40, 49 to 46, 62 to 34 and 93 to 0, A.J. 6/23/83, pp. 283-286; and concurred in Senate Amendment 1 to Assembly Amendment 9, by a vote of 93 to 3, A.J. 6/23/83, p. 286. The Senate, then concurred in Assembly Amendment 2 to Senate Amendment 1 to Assembly Amendment 4 by a voice vote, S.J. 6/24/83, p. 271, and Assembly Amendment 3 to Senate Amendment 1 to Assembly Amendment 4, by a vote of 18 to 6, S.J. 6/24/83, p. 271.

The bill was approved in part and vetoed in part, and the part approved became 1983 WISCONSIN ACT 27, published in the *Wisconsin State Journal* on 7/1/83.

### TEXT OF THE GOVERNOR'S VETO MESSAGE

To the Honorable Members of the Senate:

I have approved Senate Bill 83 as Act 27, Laws of 1983, and deposited it in the office of the Secretary of State.

It is with pride that I affix my signature to the budget bill for the 1983-85 biennium. The Legislature has acted with discipline and courage in passing a bill which puts our state's finances on solid ground for the first time in this decade. At the same time, this budget keeps faith with our state's commitment to property tax relief, quality education and adequate levels of human services for those who need them. Senate Bill 83 also takes some important steps forward in starting our state's economy on a course leading to renewed prosperity for our business and more jobs for our people.

When I delivered the budget message to the Legislature earlier this year, I asserted that the days of "pray as you go" budgets were behind us. I asked that we do this budget once and that we do it right. The Legislature has fulfilled that charge and has completed its deliberations earlier than any year in recent memory.

Their willingness to confront our fiscal difficulties directly will pay dividends to our citizens not only in this biennium, but for the balance of this decade. I am proud to have been their partner in this endeavor. That I have chosen to veto some of their decisions should not diminish the fact that legislators from both houses — including many who are serving here for the first time — worked long and hard to address the special problems presented to them by a prolonged national recession and the unrealistic fiscal policies of the preceding administration. The business-like way in which this crucial public task was accomplished is a credit to the leadership of the Assembly and the Senate.

#### **Spending Restraint**

No matter how it is calculated, the levels of general purpose revenue expenditures represent the smallest percentage increase of any budget since the 1953-54 biennium. Base year doubled, it is 3.4 percent. We project a \$46 million balance at the end of the 1983-85 biennium, a reasonable cushion which represents a return to the fiscal conservatism which Wisconsin citizens have a right to expect.

The tax increases contained in this budget will not finance a Christmas tree of new programs. Nearly 40 percent of the new revenues will go to fund increased property tax relief at the local level. The bulk of the rest — 40 percent — will be used to pay off the deficit I inherited when I took office in January.

We are paying our debts, closing the gap between taxing and spending, and helping local property taxpayers without resorting to regressive taxes such as sales tax increase or extensions. Higher taxes are unpleasant, but the alternatives would have been even more unpleasant for the people in Wisconsin who could have afforded them least.

If our economy improves more quickly than expected, I will honor my pledge not to use any extra revenues to fund new programs or increase spending levels on existing ones. I made that pledge in January and I stand by it today. If it is possible to end the income tax surcharge before its scheduled expiration in January, 1985, I will seek to do so.

#### **Solvency in General Purpose Revenues, Transportation and Unemployment Compensation**

The passage of the budget bill marks the final step in a six-month-long process to turn the state toward solvency. When I assumed office in January, we were facing deficits in the state's general purpose revenue fund, the transportation fund and the unemployment compensation (UC) fund. The deficit in the UC fund was cured in April when the Legislature passed a bi-partisan compromise plan which raised UC taxes and reduced benefits so that we will be on a pay-as-you-go basis within the next three years. There is work yet to be done in the unemployment compensation area, but the Legislature wisely left intact the compromise enacted in April. I am hopeful that the Unemployment Compensation Task Force I will be establishing soon will deal with the remaining UC issues in time for action in the October session.

The budget matches general purpose revenues and expenditures for the first time since 1978. Roughly seventy percent of the new revenue in the general purpose revenue fund will come from temporary income tax surcharges which will expire at the end of the biennium.

The transportation fund will be solvent through this biennium and thereafter because of the adoption of the indexed motor fuel tax. This step will provide long-needed stability to the transportation fund which will permit us to plan rationally and sensibly to maintain our highway and mass transit systems.

Though the revenue-raising steps which were taken to erase the red ink in these three areas were not pleasant for me or the Legislature, they will now make it possible for us to turn our full attention to our most important task — revitalizing our state's economy.

**Economic Renewal**

Senate Bill 83 begins this process by focusing state resources on those areas of our economy which promise large growth.

In this budget, we will be encouraging new and creative research and development with tax credits. We will set the stage for a rapid response from our vocational system to the needs of industry for new skills and the jobs of tomorrow through our "quick-start" training program. And we will expand the "Wisconsin Idea" with \$2 million in new resources for cooperative research efforts between industry and higher education.

These initiatives, along with the phase-out of the tax on intercorporate dividends and the absence of any permanent increase in the rate of personal and corporate income taxes, show that this was a Legislature will to listen to business and stand up for it.

At the same time, it must not be overlooked that business, and particularly Paul Hassett and the Wisconsin Association of Manufacturers and Commerce, stood up for Wisconsin in this budget in important ways. They provided the counterforce needed to hold down pressures for higher spending in many areas of the budget. But they were reasonable about our state's difficulties and what it would take to work through them.

If the business community will continue to respond in this spirit in the long run, I think our chances for a vibrant private-public effort in behalf of our economy will be very good indeed.

**Property Tax Relief**

General school aids in this budget are increased by \$97 million over the base year doubled. Shared revenue payments are increased by 13 percent during the biennium. Though the budget contains less in both school aids and shared revenues than I originally proposed, I believe it maintains the extraordinary commitment Wisconsin has made over the last decade to using state resources to keep property taxes down. Roughly 60 percent of all the expenditures in the budget are devoted to property tax relief.

The budget contains an important reform in the distribution formula of the Wisconsin State Property Tax Relief program. The "all-levies" approach to this formula means that the WSPTR formula is now more balanced in its application to rural and urban areas. The Farmland Preservation Program is fully funded and will continue to funnel extra property tax relief to eligible farmers who maintain their lands in agricultural uses.

**Health Care Cost Containment**

This budget makes changes in the way that health care is delivered and paid for that will put Wisconsin in the forefront of state trying to put a halt to runaway inflation in the health care industry. Some of the changes were proposed by me — and additional changes were added by the Legislature, with particular leadership coming from Senator Paul Offner. If the innovations in the budget bill succeed as I believe they will, we will be able to make significant progress in requiring health care providers to respond to the same competitive forces which govern other sectors of our economy.

Specifically, the budget bill establishes a new, independent hospital rate-setting commission and sets the stage for increased utilization of preferred provider organizations.

If these steps, and others in the budget, are not enough to cure the swelling of health costs, I will not hesitate to propose more effective medicine in another legislative session.

Meantime, I look forward to close cooperation with the private sector as we begin the arduous process of training our health care institutions in the ways of price restraint and tougher management.

**Veto Criteria**

Because the budget product that returned to me was largely in the form in which I originally proposed it, I have been able to be sparing in the use of the executive veto — more sparing, I believe, than any governor in recent times.

But when I have vetoed, it has been with reason. Of the 70 vetoes I have made in Senate Bill 83, nearly one-third are strictly technical, aimed at clarifying language without altering substance.

The rest involve substance, and my criteria were specific. There were four:

*The first class of vetoes includes items in which the Legislature has altered the policy intent of my original proposal. Examples include:*

— The provisions restoring \$77,200 for positions and \$70,000 for other funding connected with the Inland Lakes Renewal program, which I had sought to eliminate as unnecessary.

— Mandated coverage of chiropractic care under the state employee health plan, private health insurance policies and cooperative health organizations. While I believe insured clients deserve the right to choose chiropractic care, mandating coverage conflicts with my other efforts to contain health care costs.

— Creation of a "Children's Trust Fund" and a Child Abuse and Neglect Prevention Board within the Department of Administration. While supporting the aims of the program, my veto serves to avoid scattering efforts among departments.

— Provisions to sunset the indexed motor fuel tax in 1989 and to calculate changes in the index in July of 1986 and thereafter, rather than April, at an annual loss of about \$8 million.

— \$44 million in GRP bonding authorization for long-term, low-interest loans to counties for recycling facility engineering and construction.

— Changes in the Wisconsin State Property Tax Relief (WSPTR) program credit formula. My veto restores the WSPTR distribution to an all-leaves basis in 1986 and thereafter.

*The second class of vetoes includes items in which a large, unwanted fiscal effect is created in this biennium or in future ones. Examples include:*

— Efforts to begin work toward a second home for veterans, at an eventual cost of as much as \$10 million, without any change in admission requirements.

— Income tax credits for home improvements, costing an estimated \$10.3 million in 1985-87.

— An amendment committing future legislatures to finance the full cost of general relief, beginning in 1992.

— Appropriations restrictions in a program that would require the state to reimburse counties for holding inmates or probationers, without providing any funding for the reimbursements.

*The third class of vetoes includes items in which the Legislature and I are in accord but language does not effectively accomplish the intent. Examples include:*

— Language making physicians, podiatrists and chiropractors eligible to join preferred provider organizations, but excluding dentists and optometrists. My veto eliminates all restrictions to participation.

— Language which would prevent some research and development investment from qualifying for the new R&D tax credit.

A blanket exemption from waste flow control ordinances governing business or industrial waste if the party has an approved waste site or use.

*The fourth class of vetoes includes items which alter current law prematurely. Examples include:*

— An amendment changing the solid waste siting law of 1981 to include need as a subject for consideration in the negotiation/arbitration process. It is premature to say the process requires correction yet.

— A provision requiring the Educational Communications Board to request state funding of two Milwaukee Area Technical College television channels in 1985-87, even though a Legislative Audit Bureau study of public television in Wisconsin is still in progress.

— A provision that the Medical College of Wisconsin would lose all state funding if it filled places vacated by a mandated 10 percent reduction in resident students with non-resident students, starting in 1984.

— The "phantom tax" provision preventing utilities from collecting taxes in their rates that are not actually paid in a particular year.

#### Conclusion

In conclusion, let me repeat my appreciation and admiration for the legislative courage, realism and maturity that have carried this bill to my desk so promptly.

I believe it will serve us well. Senate Bill 83 may not be a budget for all seasons, but it is right for its time.

This budget bill does not avoid problems, nor does it create them. It addresses them and solves them. The budget is not a feast. But neither will it starve the needy or weaken our vital institutions.

This budget is restrained. It is fair. It is what we can afford. And I sign it now not with any great joy, but with a real sense of relief that we have finally faced up to our difficulties and freed ourselves to concentrate on building a new future for Wisconsin.

Respectfully,  
ANTHONY S. EARL  
Governor

Dated: Friday, July 1, 1983

**Subject Area 1. EDUCATION**

**Item 1-A: Funding VTAE Public Television**

**Governor's written objections:**

**Section 2011**

This section requires the Educational Communications Board to request state funding, beginning in 1985-87, for Channels 10 and 36 which are licensed to the Milwaukee Area Technical College. The ECB holds the license for the five channels which make up the Wisconsin Educational Television Network. The operating costs of these five channels are financed by ECB. Channels 10 and 36 are not part of the network, although they are affiliates. Channels 10 and 36 are financed — as are other activities of vocational, technical and adult education districts — primarily by local property taxes and state aid. The effect of this section is to retain local control of Channels 10 and 36 while replacing local financing with full state financing.

The Legislative Audit Bureau is in the midst of a study of public TV in Wisconsin. I am vetoing this section because, pending the results of the LAB study, it is premature to make changes in the structure or funding of public TV in the state. Further, for the state to fully finance a function which is beyond its control is questionable state policy.

**Cited segments of 1983 SB-83:**

~~SECTION 2011. Nonstatutory provisions, educational communications board. Vetoed in Part~~  
~~(1) PUBLIC TELEVISION FUNDING. The educational communications board, in consultation with Milwaukee area technical college, the license holder of channels 10 and 36 in Milwaukee, shall include in its 1985-87 and all subsequent biennial budget requests funding for the costs of public television in the Milwaukee area comparable to the level at which the costs of public television are reimbursed elsewhere in the state. This may occur on a phase-in basis. The funding levels shall recognize that Milwaukee area technical college holds the license and is responsible for final programming decisions.~~

**Subject Area 1. EDUCATION**

**Item 1-B: Wisconsin Higher Education Corporation Advisory Council**

**Governor's written objections:**

Sections 55m, 924s

These sections create a council to advise the Wisconsin Higher Education Corporation Board of Directors on administrative and financial matters. The Corporation already has a 24 member Lender Advisory Council made up of banking, credit union and savings and loans representatives. I vetoed the proposed council because it unnecessarily duplicates expertise already available to the Corporation.

**Cited segments of 1983 SB-83:**

~~SECTION 55m. 15.677 (2) of the statutes is created to read: **Vetoed in Part**  
15.677 (2) WISCONSIN HIGHER EDUCATION CORPORATION COUNCIL. There is created a Wisconsin  
higher education corporation council consisting of 5 members appointed by the governor to serve at his  
or her pleasure.~~

~~SECTION 924s. 39.33 (4) of the statutes is created to read: **Vetoed in Part**  
39.33 (4) The Wisconsin higher education corporation council created under s. 15.677 (2) shall  
review the program activities of the corporation created under this section and advise the board of  
directors of the corporation on administrative and financial matters.~~

Subject Area 1, EDUCATION

Item 1-C: Joint Finance Committee Approval of Federal Expenditures

Governor's written objections:

Sections 121 as it relates to 20.235(2)(o), 148, 148m These sections create a separate annual federal appropriation for the administrative operations of the Higher Educational Aids Board (HEAB). This would be the only annual federal appropriation in the Chapter 20 appropriations schedule. As an annual appropriation, the spending of federal funds in excess of the amount appropriated would have to be approved by the Joint Committee on Finance. I understand the desire to control the allocation of federal special allowance funds, but it is the Executive's responsibility to provide this control. I have vetoed these sections to allow continued funding for HEAB under current law and to preserve my authority to receive and expend federal funds.

Cited segments of 1983 SB-83:

SECTION 121.

STATUTE, AGENCY AND PURPOSE SOURCE TYPE 1983-84 1984-85

20.235 Higher educational aids board

(2) ADMINISTRATION

Table with 5 columns: Statute, Agency and Purpose, Source Type, 1983-84, 1984-85. Row 1: (o) Federal special allowance revenues, administrative operations. PR-F 4 3,047,900 3,063,000. Vetoed in Part.

SECTION 148. 20.235(2)(o) of the statutes is amended to read: Vetoed in Part 20.235(2)(n) Federal aid, state operations. All moneys received from federal funds under s. 16.54 as authorized by the governor to carry out the purpose for which made. The executive secretary of the board may transfer not more than \$150,000 from this appropriation to the loan guarantee reserve fund of the Wisconsin higher education corporation for purposes of carrying out the functions under s. 39.34.

SECTION 148m. 20.235(2)(o) of the statutes is created to read: Vetoed in Part 20.235(2)(o) Federal special allowance revenues, administrative operations. The amounts in this schedule for administrative operations of the higher educational aids board and for transfer to the loan guarantee fund. After paying or providing for the payment of all obligations pledged to be paid with federal special allowance revenues for revenue obligations issued under subch. II of ch. 18, as authorized by the governor, all remaining federal special allowance moneys received from the student loan revenue obligation bond program shall be credited to this appropriation and allocated by the higher educational aids board. The executive secretary of the higher educational aids board may transfer not more than \$150,000 from this appropriation to the loan guarantee reserve fund of the Wisconsin higher education corporation for purposes of carrying out the functions under s. 39.34.

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**Subject Area 1. EDUCATION**

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**Item 1-D: UW System Animal Treatment Rules**

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**Governor's written objections:**

## Section 908t

This section requires the Board of Regents to adopt rules regarding the humane treatment of animals used for research purposes and requires the Board to submit a draft of rules to the Legislature by January 1, 1984. The University of Wisconsin is already required to follow National Institute of Health guidelines and the Federal Animal Research Act which are enforced by periodic inspections. This section duplicates efforts already made to address public concern regarding the treatment of research animals. I am vetoing this section in such a way that the Board is required to adopt criteria for researchers to follow, but would not have to follow the time consuming rule making process. I am requesting the Board of Regents to submit the criteria adopted to the Legislature, no later than January 1, 1984.

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**Cited segments of 1983 SB-83:**

SECTION 908t. 36.40 of the statutes is created to read:

**36.40 Use of animals for research purposes.** The board shall adopt ~~rules describing~~ **Vetoed in Part** criteria for researchers to follow regarding humane treatment of animals for scientific research purposes. ~~The board shall submit a draft of proposed rules under this section to the presiding officer of each house of the legislature not later than January 1, 1984.~~

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**Subject Area 1. EDUCATION**

**Item 1-E: Historical Society Fiscal Limitations**

**Governor's written objections:**

Sections 55tm, 156m, 935p

These sections require each historic site to generate revenue equal to at least 50% of its operating costs and would permit the transfer of revenues between sites only if one site was being closed. I am vetoing these sections because they limit the fiscal flexibility the Society needs to effectively operate the sites. Also, four of the six sites do not meet the 50% criterion and it is highly unlikely that this situation will change in the foreseeable future.

**Cited segments of 1983 SB-83:**

SECTION 55tm. 15.701 (1) of the statutes is created to read: **Vetoed in Part**  
15.701 (1) DIVISION OF HISTORIC SITES. The division of historic sites shall have the program responsibilities specified for the division under ~~ss. 20.245 (2) (b) and~~ 44.20.

SECTION 156m. 20.245 (2) of the statutes is created to read:  
20.245 (2) DIVISION OF HISTORIC SITES.

(h) *Admissions, sales and other receipts.* All moneys received from admissions, sales and other receipts generated by each historic site, to be used for the operation and maintenance of that historic site. ~~Receipts generated by one historic site may be used for another historic site only if the administrator of the division of historic sites determines that the other historic site will otherwise have to be closed.~~ **Vetoed in Part**

SECTION 935p. 44.20 of the statutes is created to read:  
44.20 Division of historic sites.

(3)

(c) Any interest accumulating in a historic site's endowment trust fund may be used only for the operation, maintenance and improvement of that historic site and may be included under sub. (4) (a).

(4) (a) ~~Each historic site under sub. (1) shall generate in each fiscal year at least 50% of its total operating expenditures for that fiscal year, excluding capital expenditures, supplies and utilities, through gifts, grants, admission fees and any interest accumulating in the historic site's endowment trust fund established under sub. (3) (a), in that fiscal year.~~ **Vetoed in Part**

(b) ~~Beginning on February 1, 1985, and biennially thereafter, the administrator of the division of historic sites shall submit a report to the joint committee on finance regarding the condition of the historic sites program. The report shall state whether the historic sites have complied with the requirement under par. (a). If any historic site has failed to comply with the requirement under par. (a), the report shall include recommendations on methods to meet the requirement, including operational modifications, increased utilization of local volunteers, joint operation of the site with a nonprofit corporation or closing the site.~~ **Vetoed in Part**

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**Subject Area 1. EDUCATION**

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**Item I-F: Restriction on Medical Capitation Funding****Governor's written objections:**

## Section 919m

The Legislature has reduced enrollments by 10%, starting in 1984, for both the University of Wisconsin Medical School and the Medical College of Wisconsin. For the College, the reduction will occur faster and will have more immediate budget effects. I have no problem subscribing to the logic of restricting enrollments as a potential health cost containment measure. However, I am vetoing a further restriction on the College under which it would lose all state funding if it fills with non-resident students the places vacated by the 10% reduction in resident students. Without the flexibility to make such enrollment decisions, the loss of state funds can only be made up through significant tuition increases for both residents and non-residents. In addition, I am directing the Department of Health and Social Services to continue to study and track changes in physician supply projections to further assess medical school enrollment policies and to make specific recommendations to me and the Legislature concerning the relationship between health manpower and health costs.

**Cited segments of 1983 SB-83:**

SECTION 919m. 39.15 of the statutes is amended to read:

**39.15 Aid for medical education.** As a condition to the release of funds under s. 20.250, one-third of the members of the board of trustees of the medical college of Wisconsin, inc., shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 6-year terms expiring on May 1 and the college shall give first preference in admissions to residents of this state. The legislative audit bureau shall biennially post audit expenditures under s. 20.250 so as to assure the propriety of expenditures and compliance with legislative intent. State affirmative action policies, rules and practices shall be applied to the medical college of Wisconsin, inc. consistent with their application to state agencies. As a condition to the release of funds under s. 20.250, beginning in the 1983-84 academic year the number of nonresident students enrolled at the medical college of Wisconsin, inc., shall not be increased to offset the statutory decrease in the number of resident students funded under s. 20.250 (1) (a) by 1983 Wisconsin Act .... (this act). In addition, as a condition to the release of funds under s. 20.250, the medical college of Wisconsin, inc., shall make every effort to promote minority student access to the college so as to ensure that the number of minority students enrolled at the college in the 1984-85 academic year and thereafter is not reduced as a result of the decrease in the number of students funded under s. 20.250 (1) (a) by 1983 Wisconsin Act .... (this act).

**Vetoed in Part**

**Subject Area 1. EDUCATION**

**Item 1-G: Legislative Council School Aid Study**

**Governor's written objections:**

Section 2033(3d)

The Legislative Council is directed to conduct a study of the school aid formula. I am vetoing the section because it conflicts with the mission of the School Finance Task Force which will be created shortly by executive order. The task force, which will include legislators, will examine all major school aid issues including income. Two separate school aid studies would fragment discussion and hinder the development of a consensus on school aid formula changes.

**Cited segments of 1983 SB-83:**

**SECTION 2033. Nonstatutory provisions; legislature.**

~~(3d) Legislative Council school aid formula study. The legislative council is requested to study the school aid formula, including the possible incorporation of income as a factor in determining the amount of state aid payments to school districts.~~

**Vetoed in Part**

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**Subject Area 1. EDUCATION**

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**Item 1-H: CESA Data Processing Centers**

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**Governor's written objections:**

Section 2042(4)(c)3

This section proposed to disperse the assets and liabilities of the four regional computer service centers located in CESAs to the school boards that were party to the purchase of the equipment. I am vetoing parts of this section to provide the necessary flexibility for a smooth transition of the regional centers during the CESA reorganization.

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**Cited segments of 1983 SB-83:****SECTION 2042. Nonstatutory provisions; public instruction.**

(4) REORGANIZATION OF COOPERATIVE EDUCATIONAL SERVICE AGENCIES.

(c)

3. The assets and liabilities associated with regional data processing equipment shall be assigned by ~~contract as ownership shares, effective July 1, 1984, to the school boards that were parties to the purchase of the equipment. Any disagreements arising between school boards under this subdivision shall be submitted to the state superintendent of public instruction for resolution.~~ **Vetoed in Part**

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Subject Area: I. EDUCATION

Item 1-I: School Levy on TIF Value

Governor's written objections:

Sections 1159, 1160e, 1160m, 1160s, 1161c

These sections require school board approval before the school levy on the value increment in a tax incremental financing (TIF) district may be allocated to the city creating the tax incremental district.

I have vetoed these sections to preserve tax incremental financing as a local economic development tool. Eliminating the use of the school levy (generally over 50 percent of the total property tax levy) would make most TIF districts uneconomical.

School boards do not represent all interests affected by a TIF development. All affected taxing authorities should be included in decisions creating tax incremental financing districts. During the budget deliberation, I offered a proposal which included municipalities, school boards, county boards, and VTAE boards working together in an orderly and informed TIF local review process. My TIF review proposal would provide a vehicle for informed discussion by all involved parties on the relative merits of development projects. This proposal was rejected in favor of a one-sided solution that would discourage economic development.

I will submit legislation for the special session on economic development which will strengthen and reform tax incremental financing. I am committed to providing local governments with an effective means to mold their economic futures. I am equally committed to further tightening the definition of projects for which TIF can be used.

Cited segments of 1983 SB-83:

SECTION 1159. 66.46 (6) (a) (intro.) of the statutes is amended to read:

Vetoed in Part

66.46 (6) (a) (intro.) ~~Provide~~ ~~Except as provided in sub. (6g), positive~~ [Positive] tax increments with respect to a tax incremental district are allocated to the city which created the district for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue shall not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) have been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) shall not be subject to review by the department of revenue under this paragraph. Thereafter, tax increments shall be annually allocated to the city that created such a district until the earlier of:

~~SECTION 1160e. 66.46 (6) (b) of the statutes is amended to read:~~

~~66.46 (6) (b) Notwithstanding any other provision of law, Except as provided in sub. (6g), every officer charged by law to collect and pay over or retain local general property taxes shall, first, on the next settlement date provided by law, pay over to the city treasurer out of all the taxes which the officer has collected the total amount of a tax increment allocable to that city.~~

Vetoed in Part

~~SECTION 1160m. 66.46 (6g) of the statutes is created to read:~~

~~66.46 (6g) APPROVAL REQUIRED TO ALLOCATE SCHOOL DISTRICT TAX INCREMENTS. (a) This subsection applies only to tax incremental districts created by a resolution under sub. (4) (gm) that was adopted after the effective date of this subsection (1983).~~

~~(b) Positive tax increments of a tax incremental district that are generated by the levies of a school district may be allocated to the city that created the tax incremental district under sub. (6) only if the school board approves the allocation.~~

~~SECTION 1160s. 66.46 (11) (a) of the statutes is amended to read:~~

Vetoed in Part

~~66.46 (11) (a) With ~~Except as provided in par. (c), with~~ respect to the county, school districts and any other local governmental body having the power to levy taxes on property located within a tax incremental district, if the allocation of positive tax increments has been authorized by the department of revenue under sub. (6) (a), the calculation of the equalized valuation of taxable property in a tax incremental district for the apportionment of property taxes may not exceed the tax incremental base of the district until the district is terminated.~~

~~SECTION 1161e. 66.46 (11) (c) of the statutes is created to read:~~

Vetoed in Part

~~66.46 (11) (c) For any tax incremental district specified in sub. (6g) (a), the method specified under par. (a) of calculating the equalized valuation of a school district's taxable property in the tax incremental district does not apply unless the school board approves the allocation of positive tax increments under sub. (6g) (b).~~

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**Subject Area 2. HUMAN RESOURCES**


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**Item 2-A: Patients Compensation Fund - Podiatrist Exemption**


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**Governor's written objections:**

Sections 1718m, 1745m, 1745n, 1746m, 1746n

I am vetoing language which removes podiatrists from the patients compensation fund. The patients compensation fund relies on mandatory participation to provide an insurance pool of sufficient size to be self-sustaining and to avoid becoming the insurer of "last resort" for high risk providers. It cannot work effectively if health care providers leave and enter the fund on the basis of the availability or unavailability of excess liability insurance from private carriers. The problem which the podiatrists are trying to address — a significant increase in the assessment they must make into the fund — can be handled administratively. Accordingly, I have directed the Commissioner of Insurance to work with the podiatrists and the Board of Governors of the fund to reconsider the assessment increase.

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**Cited segments of 1983 SB-83:**

Vetoed in Part

SECTION 1718m, 448.02 (4) of the statutes is amended to read:

448.02 (4) SUSPENSION PENDING HEARING. The board may summarily suspend any license or certificate granted by the board for a period not to exceed 30 days pending hearing, when the board has in its possession evidence establishing probable cause to believe that the holder of the license or certificate has violated the provisions of this chapter or that a licensed podiatrist has failed to maintain the health care liability coverage required for podiatrists under s. 655.23 (4), and that it is necessary to suspend the license or certificate immediately to protect the public health, safety or welfare. The holder of the license or certificate shall be granted an opportunity to be heard during the determination of probable cause. The board may designate any of its officers to exercise the authority granted by this subsection to suspend summarily a license or certificate, but such suspension shall be for a period of time not to exceed 72 hours. If a license or certificate has been summarily suspended by the board or any of its officers, the board may, while the hearing is in progress, extend the initial 30-day period of suspension for an additional 30 days. If the holder of the license or certificate has caused a delay in the hearing process, the board may subsequently suspend the license or certificate from the time the hearing is commenced until a final decision is issued or may delegate such authority to the hearing examiner.

Vetoed in Part

SECTION 1745n, 655.23 (1) and (4) of the statutes are amended to read:

655.23 (1) All health care providers permanently practicing or operating in this state shall pay the yearly assessment into the patients compensation fund fee required under s. 655.27 (2).

(4) Such health care liability insurance or cash or surety bond shall be in amounts of at least \$100,000 per claim and \$300,000 per year, except that health care liability insurance or cash or surety bond covering a podiatrist licensed under ch. 448 shall be in amounts of at least \$1,000,000 per claim and \$1,000,000 per year for a surgical podiatrist and at least \$200,000 per claim and \$600,000 per year for a nonsurgical podiatrist.

Vetoed in Part

SECTION 1745n, 655.27 (1) of the statutes is amended to read:

655.27 (1) Fund. There is created a patients compensation fund for the purpose of paying that portion of a medical malpractice claim which is in excess of the limit expressed in s. 655.23 (5) and paying future medical expense periodic payments under s. 655.015. The fund shall provide occurrence coverage for health care providers permanently practicing or operating in this state. The fund shall be liable only for payment of claims against health care providers permanently practicing or operating in this state who have complied with this chapter and are not exempt under sub. (2) (c) from payment of fees, for payment of reasonable and necessary expenses incurred in payment of claims and for payment of fund administrative expenses. The coverage provided by the fund shall begin July 1, 1975, and run thereafter on a fiscal year basis.

Vetoed in Part

SECTION 1746m, 655.27 (3) (a) (intro.) of the statutes is amended to read:

655.27 (3) (a) Fees. (intro.) Each. Except as provided in par. (c), each health care provider permanently practicing or operating in this state shall pay operating fees to the department of the commissioner for deposit into the fund in a manner prescribed by them by rule. The operating fees shall be assessed based on the following considerations:

Vetoed in Part

SECTION 1746n, 655.27 (3) (e) of the statutes is created to read:

655.27 (3) (e) Podiatrists exempt. Podiatrists licensed under ch. 448, partnerships comprised of licensed podiatrists and corporations owned by licensed podiatrists and providing medical services are exempt from payment of fees imposed under this subsection.

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**Subject Area 2. HUMAN RESOURCES**

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**Item 2-B: Preferred Provider Organizations - Provider Groups**

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**Governor's written objections:**

Section 1744fm

This section defines the types of health care providers that can participate in preferred provider organizations (PPO's). The provision makes physicians, podiatrists and chiropractors eligible but excludes dentists and optometrists. I vetoed all language which restricts providers participation in PPOs in order to enable such plans the flexibility to respond to market preferences. The success of PPO's lies in their ability to select benefits and to control costs.

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**Cited segments of 1983 SB-83:**

SECTION 1744fm. 628.36 (2) (a), (2a) and (2m) of the statutes are created to read:

628.36

(2a) PREFERRED PROVIDER PLANS. (a) In this subsection:

1. "Preferred provider plan" means a health care plan as defined in sub. (2) (a) 1 which limits participation in it to providers selected by the health care plan and which covers or provides physician's services, hospital services, podiatrist's services or chiropractic services, but which does not cover or provide vision care services, procedures or materials other than vision related surgery and the treatment of vision-related disease.

**Vetoed in Part**

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**Subject Area 2. HUMAN RESOURCES**


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**Item 2-C: Preferred Provider Organizations - Cost Sharing and Rules**


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**Governor's written objections:**

Sections 1744fm, 2026

The Bill provides for the authorization and implementation of preferred provider organizations (PPO's). The following vetoes are necessary to allow PPO's to compete with standard health plans and to ensure that policy holders are able to make informed decisions about their health care coverage.

First, I have vetoed the language which establishes a sliding scale of copayments (15%-80%) for providers who are not part of the PPO and who charge less than the cost under the PPO. The probability of error in utilizing multiple deductibles would significantly increase the claims adjudication process. Instead, I have retained the language requiring a 20% copayment for providers outside of the PPO contract. This provision is easily understood by consumers and is not an administrative burden to insurance carriers.

Second, I have vetoed the section which requires that deductibles could not vary for similar services covered under the PPO plan and rendered by selected providers and non-selected providers. In some cases, PPO plans forgive the deductibles for certain services such as inpatient hospital care. Without some variation or additional incentive, there is little reason for consumers to participate in PPO's. Finally, all providers would have a strong motivation to contain deductibles in order to be competitive in the market place.

Finally, I have vetoed the section requiring the Commissioner of Insurance to prepare rules mandating PPO plans to select providers who are lowest cost under a competitive bidding process. Decisions about PPO participation should not be made strictly on the basis of cost. The Insurance Commission should develop rules that prohibit an arbitrary selection of PPO providers.

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**Cited segments of 1983 SB-83:**

SECTION 1744fm. 628.36 (2) (a), (2a) and (2m) of the statutes are created to read:

628.36

(2a) PREFERRED PROVIDER PLANS. (a) In this subsection:

(e)

~~4. Subject to subd. 7, the preferred provider plan may require a person obtaining services under subd. 1 to pay, in addition to any applicable deductible, up to:~~

~~a. Twenty percent of the total payment to be made to the provider not selected by the plan, if the payment is not less than the payment that would be made for comparable services performed by a provider selected by the plan.~~ **Vetoed in Part**

~~b. At least 15% of the total payment to be made to the provider not selected by the plan but not more than an amount equal to the total payment to be made to the provider not selected by the plan minus 80% of the total payment that would be made under the plan for comparable services performed by a provider selected by the plan, if the payment is less than the payment that would be made for comparable services performed by a provider selected by the plan.~~

~~5. Notwithstanding subd. 4 but subject to subd. 7, the preferred provider plan may require a person obtaining covered hospital services under subd. 1 to pay, in addition to any applicable deductible, up to 20% of the total payment to be made to the provider not selected by the plan.~~ **Vetoed in Part**

~~6. Notwithstanding subds. 4 and 5, the amount a person enrolled in a preferred provider plan may be required to pay to a provider selected by the plan with respect to consultation regarding surgery shall be the most the person may be required to pay a provider not selected by the plan for additional consultation regarding surgery.~~

~~8. A deductible applicable to covered health care services obtained under subd. 1 may not be greater than the applicable deductible for comparable covered health care services performed by a provider selected by the preferred provider plan.~~ **Vetoed in Part**

SECTION 2026. Nonstatutory provisions; insurance.

~~(1) PPO RULES. (a) The commissioner of insurance shall prepare proposed rules requiring preferred provider plans to select providers who are the lowest cost responsible bidder under a competitive bidding process. The proposed rules shall be submitted to the governor and the joint committee on finance. If the governor and the joint committee on finance do not approve the proposed rules before May 1, 1984, the commissioner may not conduct further rule-making proceedings on the proposed rules. This paragraph controls in the event of conflict with chapter 227 of the statutes.~~ **Vetoed in Part**

~~Notwithstanding~~ Notwithstanding chapter 227 of the statutes, the commissioner of insurance shall, after notice and hearing, adopt temporary rules implementing section 628.36 (2a) (f) of the statutes, as created by this act, if permanent rules adopted under chapter 227 of the statutes are not adopted before July 1, 1984. The temporary rules are effective until superseded by permanent rules adopted under chapter 227 of the statutes. The commissioner shall submit proposed permanent rules to the legislature by April 1, 1984.

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**Subject Area 2. HUMAN RESOURCES**


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**Item 2-D: Chiropractic Coverage - Health Insurance**


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**Governor's written objections:**

Sections 930s, 1588m, 1588n, 1588o, 1588r, 1744d, 1744fm, 1744n, 1744o, 2203(26)(b), 2204(26)(a) These sections of the budget bill mandate coverage of chiropractic service under the state employee health insurance plan, private health insurance policies, and cooperative health insurance associations such as health maintenance organizations. While good arguments can be made for inclusion of these provisions, requiring chiropractic health insurance coverage is inappropriate at a time when efforts are being made to move away from mandated health care coverage in order to contain rising health care costs. The budget contains initiatives designed to promote the development of innovative health care delivery and financing systems. To be effective at containing costs, these systems must have flexibility to choose the health providers. Mandated coverages tend to minimize this flexibility, and result in higher costs. A second problem is that mandated insurance coverages are not enforceable on self-insured health care plans. Additional insurance mandates therefore provide further incentive for companies to become self-insured in order to avoid all such mandates and other state regulations. As a result of these problems, I have vetoed the provisions related to mandated chiropractic coverage.

The recurring argument made in favor of mandated chiropractic coverage is that many people who desire such coverage are unable to obtain it. Wisconsin law already provides that health insurers may not refuse to offer coverage of chiropractic in individual and group plans which desire it. I will urge the Commissioner of Insurance to strictly enforce this statutory requirement.

**Cited segments of 1983 SB-83:**

~~SECTION 930s. 40.52(1) (c) of the statutes is created to read:~~

~~40.52(1) (c) Coverage of any diagnostic or treatment service or procedure by a licensed chiropractor within the scope of the chiropractor's professional license, if the plan would cover the same or a similar service or procedure when performed by a licensed physician or osteopath, even though different nomenclature is used to describe the service or procedure and its effects on the patient. This paragraph does not:~~

- ~~1. Prohibit the application of deductibles or coinsurance provisions to chiropractic and physician charges on an equal basis.~~
- ~~2. Require the plan to provide coverage for physician or chiropractic services of a nonsurgical nature if the plan's coverage of physicians' services is otherwise limited to surgical benefits only.~~
- ~~3. Require the plan to provide coverage for physician or chiropractic services rendered to a person who is not a registered bed patient in a hospital if the plan's coverage of physicians' services is limited to services provided to a registered bed patient in a hospital only.~~

**Vetoed in Part**

~~SECTION 1588m. 185.981(1) to (4) of the statutes are amended to read:~~

~~185.981(1) Cooperative associations may be organized under this chapter without capital stock exclusively to establish and operate in the state or in any county or counties therein a nonprofit plan or plans for sickness care, including hospital care, for their members and their dependents through contracts with physicians, medical societies, chiropractors, optometrists, dentists, dental societies, hospitals and others.~~

**Vetoed in Part**

~~(2) Such associations shall operate only on a cooperative nonprofit basis and for the purpose of establishing, maintaining and operating a voluntary nonprofit medical health, dental or vision care plan or plans or for constructing, operating and maintaining nonprofit hospitals or other facilities whereby sickness care, including hospital, dental or vision care, is provided at the expense of such association, its members or both, to such persons or groups of persons as shall become subscribers to such plan, under contracts which will entitle each such subscriber to definite medical, surgical, chiropractic, vision, dental or hospital care, appliances and supplies, by physicians and surgeons licensed and registered under ch. 448, optometrists licensed under ch. 449, chiropractors licensed under ch. 446 and dentists licensed under ch. 447 in their offices, in hospitals, in other facilities and in the home.~~

~~(3) No cooperative association organized for the purposes provided in ss. 185.981 to 185.983 shall be prevented from contracting with any hospital in this state for the rendition of such hospital care as is included within such a plan because such hospital participates in any other such plan, or in a plan organized and operated under ss. 148.03 and 61.30. No hospital may discriminate against any physician and surgeon, chiropractor or dentist with respect to the use of such hospital's facilities by reason of his or her participation in a sickness care plan of a cooperative~~

~~(d) No contract by or on behalf of any such cooperative association shall provide for the payment of any cash, indemnity or other material benefit by that association to the subscriber or the subscriber's estate on account of death, illness or injury, nor be in any way related to the payment of any such benefit by any other agency, but any such association may stipulate in its plan that it will pay any nonparticipating physician and surgeon, optometrist, chiropractor, dentist or hospital outside of its normal territory for sickness or hospital care rendered any covered member or a member's covered dependent who is in need of the benefits of such plan when he or she is outside of the territory of such association in which the benefits of such plan are normally available. Any such plan may prescribe monetary limitations with respect to such extraterritorial benefits.~~

~~SECTION 1584n. 185.981 (4m) of the statutes is created to read:~~

**Vetoed in Part**

~~185.981 (4n) (a) Except as provided in par. (b), any subscriber to a health care plan operated by a cooperative association is entitled to receive through the plan any diagnosis or treatment service or procedure by a licensed chiropractor within the scope of the chiropractor's professional license, if the plan would cover the same or a similar service or procedure when performed by a licensed physician or osteopath, even though different nomenclature is used to describe the service or procedure and its effects on the patient. At the subscriber's request, the subscriber's primary provider shall refer the subscriber to a licensed chiropractor who has agreed to participate in the plan and abide by its terms.~~

~~2. If no licensed chiropractor has agreed to participate in the plan and abide by its terms, the association shall contract with a licensed chiropractor for treatment of the subscriber's particular condition or complaint. Contracts under this subdivision shall provide for payment of the usual and customary fees for chiropractic services in the area serviced.~~

~~3. This paragraph does not require the association to pay benefits or reimburse a subscriber for chiropractic care by a chiropractor who has neither agreed to participate in the plan nor contracted with the association to provide chiropractic care to the subscriber.~~

~~(b) This subsection does not apply to a cooperative association providing exclusively surgical, hospital, vision or dental care, appliances and supplies.~~

~~SECTION 1588o. 185.982 (title) and (1) of the statutes are amended to read:~~

~~185.982 (title) Manner of practicing medicine, chiropractic and dentistry; payment; promotional expense. (1) No sickness care plan or contract issued thereunder by such cooperative association shall interfere with the manner or mode of the practice of medicine, optometry, chiropractic or dentistry, the relationship of physician, chiropractor, optometrist or dentist and patient, nor the responsibility of physician, chiropractor, optometrist or dentist to patient. A plan may require persons covered to utilize health care providers designated by the cooperative association. The cooperative association may provide health care services directly through providers who are employees of the cooperative association or through agreements with individual providers or groups of providers organized on a group practice or individual practice basis. In making such agreements, no plan may refuse to provide coverage for vision care services or procedures provided by an optometrist licensed under ch. 449 within the scope of the practice of optometry as defined in s. 449.01 (1), if the plan provides coverage for the same services or procedures when provided by another health care provider.~~

~~SECTION 1588r. 185.982 (2) of the statutes is amended to read:~~

~~185.982 (2) Any cooperative association operating a voluntary sickness care plan under the provisions of this chapter may pay physicians and surgeons, optometrists, chiropractors or dentists on a salary, per person or fee-for-service basis to provide sickness care to members of such association. Every association shall contract only with its own members for the benefits of any plan which it operates, but any association which operates a hospital may make the facilities thereof available to nonmembers and to nonparticipating physicians, optometrists or dentists.~~

~~SECTION 1744d. 628.33 of the statutes is repealed.~~

**Vetoed in Part**

~~SECTION 1744fm. 628.36 (2) (a), (2a) and (2m) of the statutes are created to read:~~

~~628.36~~

~~(2a) PREFERRED PROVIDER PLANS.~~

**Vetoed in Part**

~~(d) SECTION 632.87 controls in the event of a conflict with this subsection.~~

~~SECTION 1744n. 632.87 of the statutes is amended to read:~~

**Vetoed in Part**

~~632.87 Restrictions on health care services. (1) No insurer may refuse to provide or pay for benefits for health care services provided by a licensed health care professional on the ground that they the services were not rendered by a physician as defined in s. 990.01 (28), unless the contract clearly excludes services by such practitioners, but no contract or plan may exclude services in violation of sub. (2).~~

SECTION 1744b. 632.87(3) and (4) of the statutes are created to read:

632.87(3) (a) No insurer may refuse to provide or pay for benefits under a policy, plan or contract for any diagnostic or treatment service or procedure by a licensed chiropractor within the scope of the chiropractor's professional license, if the policy, plan or contract would cover the same or a similar service or procedure when performed by a licensed physician or osteopath, even though different nomenclature is used to describe the service or procedure and its effects on the patient.

(b) This subsection does not:

Vetoed in Part

1. Prohibit the application of deductibles or coinsurance provisions to chiropractic and physician charges on an equal basis in any contract of health insurance.

2. Require a contract of health insurance, under which the coverage of physicians' services is limited to surgical benefits only, to provide coverage for physician or chiropractic services of a nonsurgical nature.

3. Require a contract of health insurance, under which the coverage of physician's services is limited to services provided to a registered bed patient in a hospital only, to provide coverage for physician or chiropractic services rendered to a person who is not a registered bed patient in a hospital.

(4) (a) In this subsection, "health care plan" has the meaning given under s. 628.36(2)(a)1.

(b) A person covered under a health care plan requiring selection of a primary provider is entitled to receive chiropractic care required by sub. (3).

(c) 1. A health care plan which limits participation in it to providers selected by the health care plan, but which does not provide chiropractic care through an employee who is a licensed chiropractor, shall select one or more licensed chiropractors and provide for referral to and coverage of diagnosis and treatment by one or more licensed chiropractors.

2. A health care plan which does not limit participation in it to providers selected by the health care plan shall provide for referral to and coverage of diagnosis and treatment by an insured's choice of licensed chiropractor.

#### SECTION 2203. Initial applicability.

##### (26) INSURANCE.

(b) Coverage of chiropractic services. The treatment of sections 49.52(1)(c), 185.981(1) to (4), 185.982 (title), (1) and (2), 628.33 and 632.87 of the statutes and the creation of section 632.87(3) and (4) of the statutes by this act:

Vetoed in Part

1. Apply to all insurance contracts and health care plans delivered or issued for delivery in this state on or after the effective date of those sections.

2. Except as provided in subdivision 3, apply to all insurance contracts and health care plans delivered or issued for delivery in this state before the effective date of those sections when the insurer next has the right to refuse to renew the policy or to change the premium, but not later than one year after the effective date of those sections.

3. Do not apply to insurance contracts and health care plans issued before the effective date of those sections if the issuer does not have the right to refuse to renew the coverage or to increase its premiums to meet any actual additional cost of alternative coverage required under those sections.

#### SECTION 2204. Effective dates.

##### (26) INSURANCE.

Vetoed in Part

(a) Coverage of chiropractic services. The treatment of sections 49.52(1)(c), 185.981(1) to (4), 185.982 (title), (1) and (2), 628.33 and 632.87 of the statutes and the creation of section 632.87(3) and (4) of the statutes take effect on the first day of the 3rd month beginning after publication of this act.

Subject Area 2. HUMAN RESOURCES

Item 2-E: Chiropractic Coverage - General Relief

Governor's written objections:

Sections 1003m, 1011m

These sections mandate that all general relief granting agencies in Wisconsin provide coverage for chiropractic services. Expanding the number of mandated services under the general relief program is inappropriate at a time when both state and local resources are severely strained. As a result, I have vetoed the provisions which mandate this coverage. However, I have not vetoed those sections requiring the state to contribute its normal share of funding for chiropractic services under the program. While counties and municipalities will not be mandated to provide chiropractic coverage, those localities which voluntarily choose to cover these services will be able to receive state reimbursement.

Cited segments of 1983 SB-83:

SECTION 1003m. 49.03 (1) of the statutes is amended to read: **Vetoed in Part**  
49.03 (1) "Relief" means such services, commodities or money as are reasonable and necessary under the circumstances to provide food, housing, clothing, fuel, light, water, medicine, medical, chiropractic, dental, and surgical treatment (including hospital care), optometrical services, nursing, transportation, and funeral expenses, and include wages for work relief. The food furnished shall be of a kind and quantity sufficient to provide a nourishing diet. The housing provided shall be adequate for health and decency. Where there are children of school age the relief furnished shall include necessities for which no other provision is made by law. The relief furnished, whether by money or otherwise, shall be at such times and in such amounts, as will in the discretion of the relief official or agency meet the needs of the recipient and protect the public. **Vetoed in Part**

SECTION 1011m. 49.03 (1) (b) of the statutes is amended to read: **Vetoed in Part**  
49.03 (1) (b) Abolish all distinction between eligible county dependents and eligible municipal dependents as to medical, chiropractic, surgical, dental, hospital and nursing care and optometrical services, and have the entire expense of such care a county charge.

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**Subject Area 2. HUMAN RESOURCES**

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**Item 2-F: Youth Aids to Private Providers**

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**Governor's written objections:**

Section 967

I have vetoed the provision which allows the Department of Health and Social Services to directly pay private providers for community-based juvenile delinquency-related services because it fragments the county youth aids service delivery system. I would, however, encourage private agencies to work closely with counties to develop innovative youth programs. My veto would continue to allow counties to contract with private providers for youth aid-related services.

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**Cited segments of 1983 SB-83:**

SECTION 967. 46.26 (3) of the statutes is repealed and recreated to read:

46.26 (3) GRANTS IN AID.

(e) The department may carry forward \$500,000 or 10% of its funds allocated under this subsection and not encumbered by counties by December 31, whichever is greater, to the next fiscal year. The department may transfer moneys from or within s. 20.435 (4) (cd) to accomplish this purpose. The department may allocate these transferred moneys during the next fiscal year to improve community-based juvenile delinquency-related services. ~~The department may make expenditures from s. 20.435 (4) (cd) directly to providers for these services.~~ The allocation does not affect a county's base allocation.

**Vetoed in Part**

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**Subject Area 2. HUMAN RESOURCES**

**Item 2-G: Day Care Set-Aside**

**Governor's written objections:**

Section 353, 2020(6)(bm)

I am supportive of strong child care provisions, which I feel this budget gives us. However, I have vetoed the provision that allows the Department of Health & Social Services to set aside up to \$500,000 in 1984 and \$500,000 in the first six months of 1985 for start-up and expansion of day care services. My partial veto of all of these funds will allow counties to use day care allocation for a variety of day care purposes and eliminates the earmarking of funds which are already restricted as to their use. Carryover funds could continue to be used for expansion and improvement of day care services.

**Cited segments of 1983 SB-83:**

**Vetoed in Part**

SECTION 353. 20.435 (2) (o) of the statutes is renumbered 20.435 (4) (o) and amended to read:

20.435 (4) (o) (title) *Federal aid; community social and mental hygiene services.* All federal moneys received in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under par. (b) and s. 46.70, and all federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under 1983 Wisconsin Act .... (this act), section 2020 (8) (b). Disbursements from this appropriation may be made directly to counties for social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal requirements for the disbursal of federal funds or directly to tribal governing bodies under s. 46.70. The department shall, on December 31 of any year, transfer to par. (n) all of the funds allocated for day care services under s. 49.52 (1) (d), and 1983 Wisconsin Act .... (this act), section 2020 (6) (b), that are not spent or encumbered as of December 31 of any year by the department or county departments of public welfare and social services or boards created under s. 46.23.

**Vetoed in Part**

SECTION 2020. **Nonstatutory provisions; health and social services.**

(6) COMMUNITY AIDS FUNDING.

~~(6m) The department of health and social services may spend up to \$500,000 in 1984 and \$500,000 in the first 6 months of 1985 of the funds allocated under paragraph (b) 1 for the start-up and improvement of day care services.~~

**Vetoed in Part**

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**Subject Area 2. HUMAN RESOURCES**


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**Item 2-H: Inpatient Psychiatric Care Gatekeeper Carryover**


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**Governor's written objections:**

Sections 329, 1046, 1052

I have vetoed the provision allowing 51 Boards to carry over to the following calendar year up to 50% of unexpended inpatient psychiatric care gatekeeper funds for expenditure on community-based programs. This 50% carryover is excessive and will create pressures for program expansions to be funded in years when no additional carry-over monies may be available.

Additional funds from the new social services block grant monies are now in the budget for use in community support programs for the chronically mentally ill. The new community support program funds can be used for the same purpose for which the additional carryover was intended.

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**Cited segments of 1983 SB-83:**
**Vetoed in Part**

SECTION 329. 20.435 (2) (b) of the statutes is renumbered 20.435 (4) (b) and amended to read:

20.435 (4) (b) *Community social and mental hygiene services.* The amounts in the schedule for the provision or purchase of mental health services under ss. 51.42 and 51.437, for reimbursement for county administration of social services under ss. 46.22 (5m) and 49.51 (3) and (4), including foster care under ss. 49.19 (10) and 49.50 and services under s. 46.27, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.22 and 48.58 and for work incentive costs under s. 49.50. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) shall be returned to this appropriation. Counties are liable for any share of the social services disbursements according to the rate established under s. 49.52. The receipt of the counties' payments for their share of the cost of services under s. 46.03 (20) (d) shall be returned to this appropriation. Allocation of the fund for mental health services shall be exclusively determined by the department of health and social services, subject to ss. 51.42 and 51.437. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and social services may transfer funds between fiscal years under this paragraph. The department may transfer between calendar years funds it recovers under ss. 49.52 (2) (b) and 51.42 (8m) from prior year audit adjustments. The department may also transfer between calendar years funds it allocates under ss. 49.52 (1) (d) or (e) and 51.42 (8) (b) and (d) but not spent or encumbered on or before December 31 of any year by counties or by boards created under s. 46.23, 51.42 or 51.437. The department may use the funds it transfers to pay counties owed funds for the purchase or provision of mental health services or social services, due to any prior year audit adjustment. The department may not transfer more than \$500,000 for these purposes. ~~Ninety percent~~ Except for funds retained to provide noninstitutional community programs under s. 49.45 (2) (a) 19 and (b) 10, ~~90%~~ [Ninety percent] of funds not transferred between calendar years, allocated under s. 51.42 (8) (b) and (d) and not spent or encumbered by boards created under s. 46.23, 51.42 or 51.437 by December 31 of each year, and 90% of funds not transferred between calendar years, allocated under ss. 46.27 and 49.52 (1) (d) and (e) and not spent or encumbered by counties by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance. The department may allocate the 10% not lapsing for emergencies, for justifiable unit service costs above planned levels, to regional centers for the care of the chronically mentally ill and to recognize shifts in service populations among counties during the following calendar year.

SECTION 1046. 49.45 (2) (a) 19 of the statutes is amended to read:

49.45 (2) (a) 19. Determine for each community mental health board created under s. 51.42 a base level of medical assistance expenditures for inpatient psychiatric care including alcohol or other drug abuse treatment services for persons age 22 to 64, in order to implement s. 49.46 (2) (b) 7. In making this determination the department shall consider admissions by county of residence, sharing cost savings and other factors to provide incentives to control utilization of these services in hospitals other than psychiatric or mental hospitals. The department shall transfer or credit, subject to the final base determination methodology, allocate funds to the boards from the appropriation under s. 20.435 (4) (4) (b) equal to 20% of the base level of expenditures each year, if the board operates a special hospital under s. 51.42 (8) (g) or a county-owned or county-operated special hospital licensed under s. 50.33 (1) (c) is located within the jurisdiction of the board, or funds equal to 10% of the base level of expenditures each year, if the board does not operate a special hospital no county-owned or county-operated special hospital is located within the jurisdiction of the board. The board may apply these funds against its liability for psychiatric services provided in any hospital. Funds applied by any board

~~against this liability shall be transferred or credited to the appropriation under s. 20.435 (1) (b). The board may retain the funds it receives under this subdivision that it does not apply against its liability for psychiatric services provided in any hospital, if it uses the funds to provide noninstitutional community programs. The transfer of funds and base determination methodology are subject to approval of the joint committee on finance. The board may retain up to 50% of these funds remaining unexpended at the end of the calendar year for expenditure on noninstitutional community programs during the succeeding year.~~

Vetoed in Part

SECTION 1052. 49.45 (6) of the statutes is created to read:

49.45 (6) PILOT PROGRAM REALLOCATING FUNDS FOR MENTAL HEALTH CARE.

(b) Each community mental health board or community human services board that participates in this pilot program is liable for the entire nonfederal share of medical assistance expenditures for mental health, including alcohol and other drug abuse treatment. Mental health services for medical assistance recipients may be paid by medical assistance only if authorized by the board. Each board may apply the funds it receives under par. (a) against this liability. Funds applied by each board against this liability shall be transferred or credited to the appropriation under s. 20.435 (1) (b). The board may use the funds received that it does not apply against this liability for noninstitutional community programs. ~~The board may retain up to 50% of these funds remaining unexpended at the end of the calendar year for expenditure on noninstitutional community programs during the succeeding year.~~

Vetoed in Part

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**Subject Area 2. HUMAN RESOURCES**

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**Item 2-I: County Liability for Outpatient Services**

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**Governor's written objections:**

## Section 1065m

I have vetoed the provision requiring that the 51 Board that authorizes medical assistance for reimbursable mental health outpatient services pay for 10% of the cost of these services. This provision does not achieve what its author (Senator Chilsen) and I want to achieve. The language as written creates inconsistencies in Board responsibilities between mental health outpatient and inpatient care, and between care of clients receiving outpatient care. My veto restores current language requiring that the 51 Board of the patient's county of residence must authorize medical assistance reimbursable mental health outpatient services, and should be liable for 10% of the cost of the services.

I have also directed the Department of Health and Social Services to work with Senator Chilsen to administratively resolve this issue by September 1.

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**Cited segments of 1983 SB-83:**

~~SECTION 1065m. 49.46 (2) (b) 6. J of the statutes is amended to read:~~ **Vetoed in Part**  
~~49.46 (2) (b) 6. J. Medical day treatment services and other mental health services, including services provided by a psychiatrist, purchased or provided by a community mental health board created under s. 51.42 for the county in which the patient resides. The board that authorizes the service is liable for 10% of the rate established by the department for these services. The board and the department of public welfare or social services for the county in which the patient resides shall develop a written agreement for programs for persons requiring these mental health services.~~

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**Subject Area 2. HUMAN RESOURCES**

**Item 2-J: Children's Trust Fund/Child Abuse and Neglect Prevention Board**

**Governor's written objections:**

Sections 41s, 43s, 121 as it relates to s. 20.433, 317s, 643c, 1001s, 1167m, 2057(8), 2057(9), 2201(20)(j), 2201(32)(h), 2201(42)(f)

These sections:

1. Create and fund the operations of a Child Abuse and Neglect Prevention Board attached to the Department of Administration, with the members of the Board being ex officio or gubernatorial appoints;
2. Establish a Board-administered grant program to fund private, non-profit or public organizations for activities designed to prevent child abuse and neglect;
3. Increase by \$2 the fee for a certified copy of a birth certificate, with the associated revenues being earmarked to fund the grant program and the operations of the Board; and
4. Establish an appropriation entitled "Children's Trust Fund" consisting of gifts and grants dedicated to the same purposes.

Clearly, one of the greatest threats to the health and safety of our families is the alarming increase in child abuse and neglect. However, I prefer a mechanism that ensures coordination with existing human service programs. I have vetoed portions of the proposal so that this program will be coordinated with the ongoing efforts in the Department of Health and Social Services. Specifically, the veto attaches the Board to the Department of Health and Social Services and makes it advisory. In addition, the funding from the children's trust fund as well as the \$2.00 birth certificate fee will be allocated by DHSS in coordination with other human service programs, such as community aids. I am convinced that with this veto we will be better able to focus our financial and human resources in a coordinated effort to prevent child abuse and neglect.

**Cited segments of 1983 SB-83:**

SECTION 41s. 15.101 ~~110~~ of the statutes is created to read:

15.101 ~~110~~ CHILD ABUSE AND NEGLECT PREVENTION BOARD. The child abuse and neglect prevention board shall have the program responsibilities specified for the board under s. 48.982. **Vetoed in Part**

SECTION 43s. 15.105 ~~110~~ of the statutes is created to read:

15.105 ~~110~~ CHILD ABUSE AND NEGLECT PREVENTION BOARD. There is created a child abuse and neglect prevention board which is attached to the department of administration under s. 15.01. The board shall consist of 14 members as follows: **Vetoed in Part**

- (a) The governor or his or her designee.
- (b) The attorney general or his or her designee.
- (c) The secretary of health and social services or his or her designee.
- (d) The state superintendent of public instruction or his or her designee.
- (e) One representative to the assembly appointed by the speaker of the assembly.
- (f) One senator appointed by the president of the senate. **Vetoed in Part**

(g) Eight public members appointed by the governor for staggered 3-year terms. Six of the public members shall be appointed on the basis of expertise, experience and interest in the prevention of child abuse and neglect or expertise and experience in intervention in cases of child abuse and neglect. One public member shall be an adult who was a victim of abuse or neglect as a child. One public member shall be a parent who formerly abused or neglected one or more of his or her children and who has received treatment or advice from an organization that provides child abuse and neglect prevention and intervention services.

SECTION 121.

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1983-84	1984-85
20.433 Child abuse and neglect prevention board			
(1) PREVENTION OF CHILD ABUSE AND NEGLECT			<b>Vetoed in Part</b>

(g) General program operations	PR	A	50,000	50,000
<del>(h) Grants to organizations</del>	PR	C	0	0
(q) Children's trust fund	SEG	C	0	Vetoed in Part 0
2 0 . 4 3 3 D E P A R T M E N T T O T A L S				
PROGRAM REVENUE			50,000	Vetoed in Part 50,000
OTHER	(		50,000)	( 50,000)
SEGREGATED FUNDS			0	0
OTHER	(		0)	( 0)
TOTAL-ALL SOURCES			50,000	Vetoed in Part 50,000

SECTION 317s. 20.433 of the statutes is created to read:

**Vetoed in Part**

**20.433 Child abuse and neglect prevention board.** There is appropriated ~~to the child abuse and neglect prevention board~~ for the following program:

(1) PREVENTION OF CHILD ABUSE AND NEGLECT. (g) *General program operations.* From all moneys received under s. 69.24 (1) (am), the amounts in the schedule to be used for the operating expenses of the child abuse and neglect prevention board under s. 48.982 (3).

**Vetoed in Part**

~~(h) Grants to organizations.~~ All moneys received under s. 69.24 (1) (am), less the amounts appropriated under par. (g), to be used for grants to organizations under s. 48.982 (4).

SECTION 643c. 25.67 of the statutes is created to read:

**25.67 Children's trust fund.** (1) The children's trust fund is created as a separate fund. Moneys in the fund shall be expended only for the purposes of s. 48.982 (4).

**Vetoed in Part**

SECTION 1001s. 48.982 of the statutes is created to read:

**Vetoed in Part**

**48.982 Child abuse and neglect prevention board.** (1) DEFINITIONS.

**Vetoed in Part**

(b) "Board" means the child abuse and neglect prevention board created under s. 15.105 (18).

(2) POWERS AND DUTIES.

**Vetoed in Part**

~~(b) Develop and publicize criteria for grant applications.~~

(c) Review and approve or disapprove grant applications and monitor the services provided under each grant awarded under sub. (4).

~~(e) Include as part of its annual report under s. 15.07 (6) the names and locations of organizations receiving grants, the amounts provided as grants, the services provided by grantees and the number of persons served by each grantee.~~

(f) Establish a procedure for an annual evaluation of its functions, responsibilities and performance. In a year in which the biennial plan under par. (a) is prepared, the evaluation shall be coordinated with the plan.

**Vetoed in Part**

~~(g) In coordination with the departments of health and social services and public instruction:~~

~~1. Recommend to the governor, the legislature and state agencies changes needed in state programs, statutes, policies, budgets and rules to reduce the problems of child abuse and neglect, improve coordination among state agencies that provide prevention services and improve the condition of children and persons responsible for children who are in need of prevention program services.~~

~~2. Promote statewide educational and public informational seminars for the purpose of developing public awareness of the problems of child abuse and neglect.~~

**Vetoed in Part**

~~3. Encourage professional persons and groups to recognize and deal with problems of child abuse and neglect.~~

~~4. Disseminate information about the problems of child abuse and neglect to the public and to organizations concerned with those problems.~~

~~5. Encourage the development of community child abuse and neglect prevention programs.~~

(3) STAFF AND SALARIES. The board shall determine the qualifications of and appoint, in the classified service, an executive director and clerical staff. The salaries of the executive director and clerical staff and all actual and necessary operating expenses of the board shall be paid from the appropriation under s. 20.433 (1) (g).

~~(4) AWARDS OF GRANTS.~~ (a) From the appropriations under s. 20.433 (1) (h) and (q), the board shall award grants to organizations in accordance with the plan developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are awarded, no organization may receive a grant or grants totaling more than \$15,000.

(c) Each grant application shall include proof of the organization's ability to comply with par. (b). Any in-kind services proposed under par. (b) are subject to the approval of the board.

(d) The board shall award grants to organizations for programs for the primary prevention of child abuse and neglect, including, but not limited to,

1. Programs to promote public awareness of child abuse and neglect. **Vetoed in Part**  
 2. Community-based programs on education for parenting, prenatal care, perinatal bonding, child development, basic child care, care of children with special needs and coping with family stress.  
 3. Community-based programs relating to crisis care, early identification of children at risk of child abuse or neglect, and education, training and support groups for parents, children and families.  
 (a) In determining which organizations shall receive grants, the board shall consider whether the applicant's proposal will further the coordination of child abuse and neglect services between the organization and other resources, public and private, in the community and the state.

SECTION 1167m. 69.24 (1) (am) of the statutes is created to read: **Vetoed in Part**  
 69.24 (1) (am) In addition to the \$5 fee collected for a certified copy of a birth certificate under par. (a), a fee of \$2 which shall be transmitted to the state treasury and credited to the appropriation under s. 20.433 (1) (g) or (h).

SECTION 2057. Nonstatutory provisions; other.

(8) APPOINTMENT OF INITIAL MEMBERS OF THE CHILD ABUSE AND NEGLECT PREVENTION BOARD. **Vetoed in Part**  
 The governor shall appoint 3 of the initial public members of the child abuse and neglect prevention board under section 15.105 (16) of the statutes, as created by this act, for terms to expire on May 1, 1984, 3 of the initial public members for terms to expire May 1, 1985, and 2 of the initial public members for terms to expire on May 1, 1986. Thereafter, the public members of the board shall be appointed as provided under section 15.105 (16) (g) of the statutes.

(9) POSITION AUTHORIZATION; CHILD ABUSE AND NEGLECT PREVENTION BOARD. **Vetoed in Part**  
 On the effective date of this act, there is authorized 1.0 PR executive director position in the classified service and 0.5 PR staff position in the classified service for the child abuse and neglect prevention board, to be funded from the appropriation under section 20.433 (1) (g) of the statutes, as created by this act, for the purpose of performing the responsibilities under section 48.982 of the statutes, as created by this act.

SECTION 2201. Program responsibility changes.

(20) HEALTH AND SOCIAL SERVICES.

(j) Child abuse and neglect prevention board.

A	B	C
Statute Sections	References Deleted	References Inserted
15.191 (intro.)	none	15.105 (16)

**Vetoed in Part**

(32) JUSTICE.

(b) Child abuse and neglect prevention board.

A	B	C
Statute Sections	References Deleted	References Inserted
15.251 (intro.)	none	15.105 (16)

**Vetoed in Part**

(42) PUBLIC INSTRUCTION.

(f) Child abuse and neglect prevention board.

A	B	C
Statute Sections	References Deleted	References Inserted
15.371 (intro.)	none	15.105 (16) 48.982 (2)(g)

**Vetoed in Part**

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**Subject Area 2. HUMAN RESOURCES**

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**Item 2-K: Probation and Parole Hold Reimbursement**

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**Governor's written objections:**

## Section 1130r

I am supportive of the proposition that the state should reimburse counties for certain probation and parole expenses, but I disagree with the Legislature's decision to include this program without providing any funding. I have vetoed the requirement that the Department of Health and Social Services make payments to counties from a specific appropriation (general operations s. 20.435(3)(a)). The effect of the veto is to allow the department to draw on other appropriations to fund the payments. This flexibility is needed since the Legislature did not provide new funds for the reimbursement program.

**Cited segments of 1983 SB-83:**

SECTION 1130r. 53.33 (2) of the statutes is created to read:

53.33 (2) (a)

**Vetoed in Part**

3. After verification by the department, it shall reimburse the county ~~from the appropriation under~~  
~~s. 20.435(3)(a)~~ at a rate of \$30 per person per day subject to the conditions in subds. 1 and 2. If  
\$638,500 for fiscal year 1983-84 or \$842,200 for fiscal year 1984-85 is insufficient to provide complete  
reimbursement at that rate, the department shall prorate the payments to counties for that fiscal year.

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**Subject Area 2. HUMAN RESOURCES**

**Item 2-L: D. D. Center Employee Retraining**

**Governor's written objections:**

Section 995

The amended bill would require DHSS to take certain actions related to employee rights when layoffs occur as a result of the community integration program (C.I.P.). These include:

1. Redeploying laid off employes into vacant positions.
2. Providing "fair & equitable arrangements to protect the interests of all state employes affected by the program, including arrangements to preserve employe rights and benefits..."
3. Providing "training and retraining of those employes if necessary and arrangements under which maximum efforts are made to guarantee the employment of those employes."

I have chosen to veto only the third provision. Under current contracts, the Centers routinely attempt to provide on-the-job training for laid-off employes when appropriate. If the language is not vetoed, the expanded responsibility of the department would have to be funded from the limited GPR appropriated for maintenance or education programs; the Legislature did not provide additional GPR funds and Medical Assistance funds cannot be used for employe training not related to patient care. I am committed to ensuring that all employes facing lay-offs receive fair treatment within the boundaries of collective bargaining contracts.

**Cited segments of 1983 SB-83:**

SECTION 995. 46.275 of the statutes is created to read:

**46.275 Community integration program for residents of state centers.** (1) **LEGISLATIVE INTENT.** The intent of the program under this section is to relocate persons from the state centers for the developmentally disabled into appropriate community settings with the assistance of home and community-based services and with continuity of care. The intent of the program is also to minimize its impact on state employes through redeployment of employes into vacant positions ~~and retraining of employes where necessary.~~

**Vetoed in Part**

(3g) **DUTIES OF THE DEPARTMENT.** The department shall provide fair and equitable arrangements to protect the interests of all state employes affected by the program, including arrangements designed to preserve employe rights and benefits ~~and to provide training and retraining of those employes if necessary and arrangements under which maximum efforts are made to guarantee the employment of those employes.~~

**Vetoed in Part**

(5m) **REPORT.** By March 1 of each year, the department shall submit a report to the joint committee on finance and to the presiding officer of each house of the legislature describing the program's impact during the preceding calendar year on state employes, including the department's efforts to redeploy employes into vacant positions ~~and retrain employes~~ and the number of employes laid off.

**Vetoed in Part**

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**Subject Area 2. HUMAN RESOURCES**


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**Item 2-M: General Relief - State Aid****Governor's written objections:**

Sections 1004m, 1005c, 1005g, 1009m, 1012m, 1014g, 1015, 1016m, 1017, 1024a, 1024am, 1024b, 1024c, 1024d, 1024e, 1024f, 1024g, 1024h, 1024i, 1024j, 1024k, 1024l, 1024n, 1024o, 2020(30), 2020(31), 2202(20)j, 2203(20)e, 2204(20)j

This amendment provides for a gradual increase in the phase-in of state aid for general relief culminating in full state assumption by January 1, 1992. The amendment also provides for the elimination of legal settlement in 1988 and substituting the recipient's place of residency for the determination of a community's liability for general relief costs. The amendment further provides that eligibility for increased state aid over 50% is applicable only to countywide systems of administering general relief that meet the recommended state standards of assistance. These costs and standards would result from a special study completed by the Department of Health and Social Services during the 1983-85 biennium.

My veto eliminates all of these provisions, contained in this amendment, except for the study. The effect of this veto is to restore the basic general relief proposal approved by the Joint Committee on Finance. My original budget submission included, for the first time, state funding for General Relief Medical costs. The Joint Finance Committee added 10% cost-sharing for General Relief benefits. I find this program an acceptable beginning for additional property tax relief. But, one of my basic conditions for any proposal for state aid for general relief was a concern that this legislature not commit any future legislatures to a take over of general relief costs. Though I remain committed to state pick-up of general relief it is unreasonable and unrealistic to commit future legislatures to a specific schedule stretching nine years into the future.

**Cited segments of 1983 SB-83:**

~~SECTION 1004m. 49.01 (7) of the statutes is amended to read:~~ Vetoed in Part  
~~49.01 (7) "Eligible" or "eligibility" means a dependent person who has continuously resided for one whole year in a residence of this state immediately prior to an application for relief except that temporary assistance including medical care may be granted during the initial year to meet an emergency situation pending the negotiations for the return of the applicant and family to the former place of residence or legal settlement outside this state or to meet a medical emergency developing during the initial one year period of residence. Such temporary assistance shall not extend beyond 30 days unless a medical emergency requires further extension. Notwithstanding the foregoing, whenever anyone leaves this state, and was at the time of his departure eligible as to residential requirements to receive general assistance under this section other than emergency aid, such person upon returning within one year to this state, shall be eligible to receive such general assistance in this state without limitation on the period of relief to be granted so long as the need continues.~~

~~SECTION 1005c. 49.02 (2) of the statutes is amended to read:~~  
~~49.02 (2) Every county may furnish relief only to all eligible dependent persons within the county that not having a legal settlement therein, and if it elects to do so, it shall establish or designate an official or agency to administer the same.~~

~~SECTION 1005g. 49.02 (3) of the statutes is repealed.~~ Vetoed in Part

~~SECTION 1009m. 49.02 (5) (c) 1, 2 and 3 and (d) of the statutes, as affected by 1983 Wisconsin Act (this act), are amended to read:~~

~~49.02 (5) (c) 1. Within 3 working days after the patient is provided emergency medical treatment or hospitalization an agent of the hospital gives written notice of the treatment or hospitalization to the relief administering agency or official of the municipality or county in which the hospital is located and of the municipality or county in which the patient has legal settlement residence.~~ Vetoed in Part

~~2. The attending physician certifies in writing the need for the emergency medical treatment or hospitalization to the municipality or county in which the patient has legal settlement residence or, if none exists, to the municipality or county in which the hospital is located, and~~

~~3. Within 72 hours after the patient is provided emergency medical treatment or hospitalization an agent of the hospital obtains authorization for continued treatment or hospitalization of the patient from the municipality or county in which the patient has legal settlement residence or, if none exists, the municipality or county in which the hospital is located.~~

~~(d) Any municipality or county giving care or hospitalization as provided in this subsection to a person who has settlement residence in some other municipality or county may recover from such other municipality or county as provided in s. 49.11.~~

SECTION 1012m. 49.035 of the statutes is created to read:

49.035 State aid for general relief.

**Vetoed in Part**

(2) ~~Except as provided in subs. (4) to (6), a county or municipality may receive reimbursement for up to 10% of the costs of relief provided under s. 49.02, except that medical costs may not be reimbursed under this subsection.~~

**Vetoed in Part**

(3) ~~Except as provided in subs. (4) to (6), a county or municipality may receive reimbursement:~~

~~(4) Except as provided in sub. (5), a county or municipality may receive reimbursement for up to 25% of eligible medical costs and other relief provided under s. 49.02 on or after January 1, 1986.~~

~~(5) A county that elects under s. 49.03 (1) (a) to administer general relief may receive reimbursement for up to the following percentages of eligible medical costs and other relief provided under s. 49.02 during the following time periods:~~

**Vetoed in Part**

~~(a) On or after January 1, 1988, up to December 31, 1990: 50%.~~

~~(b) On or after January 1, 1990, up to December 31, 1992: 75%.~~

**Vetoed in Part**

~~(c) On or after January 1, 1992: 100%.~~

~~(6) No county may receive reimbursement under sub. (5) unless the county complies with any uniform standards of need established by law for the purposes of this section.~~

SECTION 1012g. 49.04 (1) of the statutes, as affected by 1983 Wisconsin Act \_\_ (this act), is amended to read:

~~49.04 (1) From the appropriation under s. 20.435 (4) (e), the state shall reimburse the counties for ~~such temporary assistance as may be needed pursuant to s. 49.01 (7)~~ or municipalities for 30 consecutive days of temporary assistance for all dependent persons who do not have a settlement within any county in this state and who have resided in the state less than one year, but expenses for medical care shall be paid only in those cases in which application for benefits under ss. 49.46 and 49.47 has been made during the first 30-day period and eligibility for such benefits has been established. Such temporary assistance may be extended beyond 30 consecutive days only if a medical emergency developing during that 30-day period requires extension. No state reimbursement for medical care may be paid if the person is found ineligible for medical assistance because of the divestment provisions provision under s. 49.45 (17).~~

**Vetoed in Part**

SECTION 1015. 49.04 (2) of the statutes is amended to read:

~~49.04 (2) The department shall make suitable rules and regulations governing the administration of temporary assistance under s. 49.01 (7) including the notification of reimbursement charges, the relief to be provided, the presentation of claims for reimbursement and other matters necessary to the provision of relief to such state dependent persons receiving temporary assistance. The observance of such rules and regulations by a county or municipality shall be a condition for reimbursement.~~

SECTION 1016m. 49.04 (3) of the statutes is amended to read:

~~49.04 (3) The presentation of a claim for reimbursement shall be accompanied by a verified copy of the sworn statement required by under s. 49.11 (1) by the dependent person of the facts relating to his or her residence, or by some other person who has knowledge of such facts, and an affidavit that diligent effort was made to ascertain the facts relating to the dependent's legal settlement and period of residence in the state, and reciting such other facts as the department requires. Any claim for relief furnished after June 30, 1983, shall be filed with the department, on the following June 30 or not to exceed 30 days thereafter. If the department is satisfied as to the correctness of the claim it shall certify the same to the department of administration for payment to the county or municipality entitled thereto, provided that if the total amount payable to all counties and municipalities exceeds the amount available under the appropriation made in s. 20.435 (4) (e) the department shall prorate the amount available among the counties and municipalities according to the amounts due them. Any necessary adjustments for any current or prior fiscal years may be included in subsequent certifications.~~

SECTION 1017. 49.04 (4) of the statutes is amended to read:

~~49.04 (4) Any county or municipality aggrieved by the disallowance of its claim for reimbursement hereunder may petition the department for a hearing which shall be accorded after due notice. The department may of its own motion order such investigation and hearing as it deems necessary. Such hearing shall be governed by ch. 227.~~

SECTION 1024a. 49.10 (1) to (10) and (12) of the statutes are renumbered 46.105 (1) to (11), and 46.105 (3) (a) and (b) and (4) (intro.), as renumbered, are amended to read:

~~46.105 (3) (a) Any person, except as otherwise provided in this section, without a settlement in any~~

municipality in a county (which is not operating on the county system) who voluntarily resides in that county one whole year without the receipt of aid, public or private, as a dependent person, gains a settlement in the county. That which interrupts residence toward the gaining or losing of settlement in a municipality likewise interrupts residence toward the gaining or losing of a county settlement. Every such settlement continues until it is lost by acquiring a new one in this state or by so residing for one whole year elsewhere than the county of settlement or by so residing one whole year in a municipality within the county of settlement, and the residence which went toward gaining the county settlement shall, if voluntarily in the municipality, be included toward the gaining of settlement in the municipality.

(b) Any person who has a settlement in any municipality in a county (which is not operating on the county system) who resides elsewhere than said municipality for one whole year so as to lose his or her settlement in the municipality, but does not gain a settlement in another municipality in the county, and does not reside outside the county for one whole year, so as to lose settlement, has a settlement in the county.

(4) (intro.) Every person (except as otherwise provided in this section) who voluntarily resides in any municipality or county operating on the county system one whole year without receiving aid, either public or private, as a dependent person, gains a legal settlement therein. Residence by a person within this state under the following circumstances shall not be considered as voluntary and shall be considered as interrupted, and no settlement status shall be changed:

SECTION 1024a. 49.10 (1) of the statutes is repealed.

Vetoed in Part

SECTION 1024b. 49.11 (title) of the statutes is amended to read:

49.11 (title) Place of residence; collection from.

SECTION 1024c. 49.11 (1) of the statutes is amended to read:

49.11 (1) (title) SWORN STATEMENT OF RESIDENCE. When relief is furnished to a dependent person, either that person, if able, or some other person who has knowledge of the facts, shall make a sworn statement of facts relating to residence and settlement, which shall be incorporated into the nonresident notice. In this section, "relief" means medical and dental care provided under s. 49.02 on or after January 1, 1988.

SECTION 1024d. 49.11 (1m) of the statutes is created to read:

49.11 (1m) RESIDENCE ESTABLISHED. A person's residence is established by the voluntary concurrence of his or her physical presence with intent to remain in a place of fixed habitation. Physical presence shall be prima facie evidence of intent to remain.

SECTION 1024e. 49.11 (2) (intro.) and (a) (title) and 1. of the statutes are amended to read:

49.11 (2) (title) RIGHT TO COLLECT FROM PLACE OF RESIDENCE. (intro.) The county or municipality in which the relief recipient has settlement residence shall be chargeable with relief furnished, except that no county or municipality may be charged for relief furnished to any recipient who has not resided within such county or municipality during the previous 24 months. If the relief recipient has no settlement in this state, or if he or she has not resided in the county or municipality of legal settlement during the previous 24 months, then the county where the relief is furnished shall be chargeable with such relief. The state shall reimburse for relief charges when the person has no settlement and until such person has had residence resided in this state for a period of less than one year, under s. 49.04. All notices of claims to the department or to counties or municipalities of legal settlement residence for reimbursement for general relief provided by other counties or municipalities, in or outside the county of legal settlement residence, shall be accompanied by a sworn statement of the relief granting agency. The statement shall certify that the relief recipient has been informed of the benefits and eligibility requirements under the federally funded medical and public assistance program and that such recipient has been determined to be ineligible by the relief granting agency if the recipient is clearly ineligible or, otherwise, by the appropriate county agency, along with an explanation of the reasons for such ineligibility, or that an application for medical or public assistance is pending or approved.

(a) (title) When the furnishing municipality is without the county of residence. 1. When the relief recipient claims to have settlement residence outside of the county in which relief is furnished, the relief furnished shall be a charge against the county in which the relief is furnished. Such charge shall be audited by a committee designated for such purpose by the county board and shall be paid by the county of the municipality furnishing the relief within 60 days of the receipt of the voucher or claim. Thereafter such county may recover from the county of settlement residence, and the latter county may, except when operating under the county system of relief, recover from the municipality of settlement residence.

SECTION 1024f. 49.11 (2) (b) of the statutes is amended to read:

49.11 (2) (b) (title) When furnishing municipality is within county of residence. When operating under the municipal system and the relief recipient claims to have settlement residence in a municipality within the same county, the relief furnished shall be a charge against such municipality and may be recovered by the furnishing municipality directly.

VETOED

SECTION 1024g. 49.11 (2) (c) of the statutes is repealed.

SECTION 1024h. 49.11 (3) (a) of the statutes is amended to read:

49.11 (3) (a). That the settlement residence is not in the municipality or county as claimed.

SECTION 1024i. 49.11 (4) (intro.), (a) and (b) 1 of the statutes are amended to read:

49.11 (4) PROCEDURES FOR RECOVERY. (intro.) When the municipality furnishing relief is not the municipality of settlement residence, a nonresident notice shall be served upon the municipality of claimed settlement residence. Such nonresident notice shall be on a standard form prescribed by the department and shall contain the name of the municipality or county furnishing relief, the name, residence and birth dates of the persons receiving relief and of all the members of the household, the name of the county or municipality in which settlement residence is claimed and the facts upon which such claim is based; the date on which relief was first furnished; and a copy of the sworn statement as described in sub. (1). The effect of this nonresident notice shall lapse when there is no general relief furnished to the person or the person's family for a period of 6 months. The effect of the nonresident notice may be reinstated, at any time, by notice, on forms prescribed by the department, by certified mail by the furnishing municipality or county to the municipality or county chargeable, within 30 days after the new relief is furnished, after such lapse of 6 months, and forwarded in the same manner as the original nonresident notice.

(a) *Reply to nonresident notice.* The municipality or county of claimed settlement residence shall deny or acknowledge settlement residence within 20 days after receipt of the nonresident notice and if denied, such denial shall contain all the facts upon which the denial is based. Failure to deny settlement residence shall be considered as an acknowledgment of settlement residence as claimed until such denial is filed.

(b) 1. When settlement residence is claimed in a county or a municipality in other than the furnishing county, the nonresident notice shall be completed by the furnishing municipality or county and transmitted to the county clerk of the county where the relief was furnished, except in counties on the county system where the county clerk is the initiating agent, who shall transmit said notice to the county clerk of the county in which settlement residence is claimed. In counties operating under the municipal system of relief, the county clerk shall forward such nonresident notice to the clerk of the municipality of claimed settlement residence.

SECTION 1024j. 49.11 (4) (b) 3 and 4 of the statutes are amended to read:

49.11 (4) (b) 3. When verified claims are received by the county clerk from the municipality furnishing relief and payment to the municipality is made under sub. (2) (a) 1, such clerk shall, within 75 days from the date of receipt of the claim, forward a verified claim, on forms prescribed by the department, to the clerk of the county where settlement residence is claimed. In counties operating under the municipal system, the county clerk shall forward such claim to the clerk of the municipality of claimed settlement residence within 7 days after the receipt thereof. When operating under the county system of relief, verified claims received from the county relief agency under par. (c) 3 shall be forwarded within 75 days from the date such claim is received, on forms prescribed by the department, to the clerk of the county where a settlement residence is claimed.

Vetoed in Part

4. Allowances or disallowances shall be sent to the clerk of the furnishing county with a copy to the clerk of the county of claimed settlement residence. The municipality or county of claimed settlement residence shall, upon receipt of the claim for reimbursement, either allow or disallow such claim. Failure to allow such claim for the period hereinafter indicated shall be deemed a disallowance thereof.

SECTION 1024k. 49.11 (4) (c) of the statutes is amended to read:

49.11 (4) (c). *Transmittal of notice, replies and claims between units in same county.* When the furnishing municipality and the municipality of claimed settlement residence are within the same county, all nonresident notices, denials or acknowledgments, claims and allowances or disallowances shall be filed directly with the clerks of the respective municipalities.

SECTION 1024L. 49.11 (4) (d) of the statutes is repealed.

SECTION 1024n. 49.11 (4) (e) 2 of the statutes is amended to read:

49.11 (4) (e) 2. The acknowledgment or denial of settlement residence shall be transmitted within 20 days of the receipt of the nonresident notice.

Vetoed in Part

SECTION 1024o. 49.11 (4) (e) 4 and (f) 1 of the statutes are amended to read:

49.11 (4) (e) 4. Disallowance or allowance of claims by the municipality or county of claimed settlement residence shall be transmitted within 60 days of receipt of the claim for reimbursement, and failure to allow or disallow within such period shall be deemed a disallowance.

(H). Failure timely to initiate or transmit a nonresident notice or an acknowledgment or denial shall be a bar to recovery or a right to deny recovery until such notices are received. If the furnishing municipality or county claims settlement the residence of a relief recipient to be in a municipality in a county operating under a municipal system, and later discovers that settlement residence is in another municipality within the same county, an amended nonresident notice may be filed, and if done within 40 days of the date on which relief is furnished, such notice shall revert to the date on which such relief was first furnished.

**SECTION 2020. Nonstatutory provisions; health and social services.**

(30) ~~STATE FUNDING FOR GENERAL RELIEF MEDICAL COSTS.~~ On or before October 1, 1984, the department of health and social services shall submit recommendations to the governor and to the joint committee on finance regarding which general relief medical costs should be eligible for state reimbursement under section 49.035 (4) and (5) of the statutes, as created by this act, in order to provide for cost-effective state assumption of all eligible medical costs by 1992. The department shall consider the use of copayments, deductibles and other cost containment measures in making recommendations regarding those costs which should be eligible for state reimbursement.

(31) ~~STATE STANDARDS FOR GENERAL RELIEF ASSISTANCE.~~ On or before October 1, 1985, the department of health and social services shall submit recommendations to the governor and the joint committee on finance regarding the establishment of standards in chapter 49 of the statutes to provide uniform standards of need under general relief for the purpose of state reimbursement under section 49.035 of the statutes, as created by this act.

**Vetoed in Part**

**SECTION 2202. Cross-reference changes.**

(20) HEALTH AND SOCIAL SERVICES.

<i>(j) General relief; elimination of legal settlement.</i>		<b>Vetoed in Part</b>	
A	B	C	
Statute Sections	Old Cross-References	New Cross-References	
46.106 (1) (intro.)	49.10	46.105	
49.105	49.10	46.105	
49.105	49.10 (4)	46.105 (4)	
49.15 (2)	49.11	49.11, 1981 state	
49.17 (2)	49.11	49.11, 1981 state	
51.01 (14)	49.10 (12) (c)	46.105 (11) (c)	
55.05 (5) (intro.)	49.10 (12) (c)	46.105 (11) (c)	

**SECTION 2203. Initial applicability.**

(20) HEALTH AND SOCIAL SERVICES.

- (e) General relief; elimination of legal settlement.* **Vetoed in Part**
- The treatment of sections 49.01 (7), 49.02 (2), 49.02 (5) (c) 1, 2 and 3 and (d) (by Section 1009m), 49.04 (1) (by Section 1014g), 49.04 (2), (3) and (4), 49.10 (1) to (10) and (12) and 49.11 (title), (1), (2) (intro.), (a) (title) and 1, (b) and (c), (3) (a) and (4) (intro.), (a), (b) 1, 3 and 4, (c), (e) 2 and 4 and (f) 1 of the statutes and Section 2202 (20) (j) of this act first applies to general relief provided under section 49.02 of the statutes on January 1, 1988.
  - The repeal of sections 49.02 (3), 49.10 (11) and 49.11 (4) (d) of the statutes first applies to general relief provided under section 49.02 of the statutes on January 1, 1988.
  - The creation of section 49.11 (1m) of the statutes first applies to general relief provided under section 49.02 of the statutes on January 1, 1988.

**SECTION 2204. Effective dates.**

(20) HEALTH AND SOCIAL SERVICES.

- (i) General relief; elimination of legal settlement.* **Vetoed in Part**
- The treatment of sections 49.01 (7), 49.02 (2), 49.02 (5) (c) 1, 2 and 3 and (d) (by Section 1009m), 49.04 (1) (by Section 1014g), 49.04 (2), (3) and (4), 49.10 (1) to (10) and (12) and 49.11 (title), (1), (2) (intro.), (a) (title) and 1, (b) and (c), (3) (a) and (4) (intro.), (a), (b) 1, 3 and 4, (c), (e) 2 and 4 and (f) 1 of the statutes and Section 2202 (20) (j) of this act take effect on January 1, 1988.
  - The repeal of sections 49.02 (3), 49.10 (11) and 49.11 (4) (d) of the statutes takes effect on January 1, 1988.
  - The creation of section 49.11 (1m) of the statutes takes effect on January 1, 1988.

**Subject Area 2. HUMAN RESOURCES**

**Item 2-N: Community Action Agencies - Eliminate Funding Restrictions**

**Governor's written objections:**

Section 996v

This amendment creates a formal statutory definition of the duties, functions, and funding for community action agencies. There are several provisions in this amendment that are of concern because they limit the state's flexibility in planning and funding community action agencies through the federal community services block grant.

The first item that I have vetoed would have required that any new community action agency must serve at least 3% of the statewide population at or below 125% of the poverty level. I have also item vetoed a provision that would have required that only existing community action agencies and seasonal and migrant organizations are eligible for at least 90% of these federal block grant funds. While I agree that 90% of the funds should be statutorily reserved for Community Action Agencies and other similar organizations, I do not agree that these funds should be used for only existing agencies. I believe that state law should not unnecessarily hinder the extension or the expansion of services provided by community action agencies and other organizations in all parts of the state.

I have also vetoed a provision which guarantees a minimum allocation of \$50,000 to each community action agency. This guarantee could create an inequity whereby small community action agencies would receive a substantially larger per capita amount than would those agencies serving larger populations.

The current block grant planning process provides the flexibility to reassess the most appropriate allocation for these federal funds on an annual basis. The remaining statutory language formally recognizes that community action agencies are an integral part of the state's human service system.

**Cited segments of 1983 SB-83:**

SECTION 996v. 46.30 of the statutes is created to read:

**46.30 Community action agencies.**

(2) CREATION. (a) 1.

~~Serves a county, city, village or town or any combination of these entities with a total of at least 3% of the state's population at or below 125% of the poverty line.~~ **Vetoed in Part**

(4) FUNDING.

(b) The department shall allocate at least 90% of the funds to community action agencies and migrant and seasonal farm worker organizations that are in existence on the effective date of this section (1983). Each such community action agency that meets the requirements under 42 USC 9904 shall receive at least \$50,000 annually. **Vetoed in Part**

(d) Before January 1 of each year the department shall contract with each community action agency and migrant and seasonal farm worker organizations being funded, specifying the amount of money the organization will receive and the activities to be carried out by the organization. **Vetoed in Part**

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**Subject Area 2. HUMAN RESOURCES**

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**Item 2-O: Shelter Proration****Governor's written objections:**

Sections 1041, 1596

This veto is designed to clarify some ambiguity that exists in the proposed shelter proration language. My first item veto clarifies that the 15% shelter proration policy is to be calculated from the AFDC payment level and not from the standard of need. This is consistent with the original intent of this policy. My second item veto removes a potential conflict relating to the temporary (six months) exemption from rule-making in order for the Department of Health & Social Services to implement this policy as expeditiously as possible. My veto makes clear that the Department's temporary exemption from rule-making applies to the entire shelter proration section. This is also consistent with the original proposal which the Legislature's approved.

**Cited segments of 1983 SB-83:**

SECTION 1041. 49.19 (11) (a) 4 of the statutes is created to read:

**Vetoed in Part**

49.19 (11) (a) 4. The amount of payment determined under this paragraph shall be reduced by an amount determined by the department for shelter costs when persons or families with dependent children live as a household with persons not receiving aid under this section. The department shall establish a formula to determine the amount of reduction. For purposes of determining the amount of reduction, the percentage of the applicable standard of need and payment that is attributable to shelter costs is deemed to be 15%. A minor who is not a dependent child may not be counted as a member of a household and any person receiving aid under 42 USC 1382 may not be counted as a member of a household in any month in which the person receives a one-third reduction under 42 USC 1382a (a) (2) (A) (i). This subdivision does not apply to persons eligible to receive aid under sub. (10). The department may ~~by rule~~ exempt categories of recipients from this subdivision.

SECTION 1596. 227.01 (11) (i) of the statutes is created to read:

**Vetoed in Part**

227.01 (11) (i) Involves ~~changes to~~ the program for administering aid to families with dependent children under s. 49.19 (11) (a) 4.

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Subject Area 2. HUMAN RESOURCES

Item 2-P: Child Support - Hearing Requirement

Governor's written objections:

Sections 1766am, 1766f

These sections create a "second" hearing requirement which immediately follows the initial determination that a payer should be exempt from an automatic wage assignment because of extraordinary circumstances. This "second" hearing is redundant and unnecessary. My veto removes that second hearing requirement.

My second item veto clarifies a specific reference to the assignment of child support. I have vetoed the word "child" in order to insure that the assignment of support would include family support orders as well.

Cited segments of 1983 SB-83:

SECTION 1766am. 767.265 (1) of the statutes, as affected by 1983 Wisconsin Act .... (this act), is amended to read:

767.265 (1) Each order entered on or after February 1, 1978, for child support under s. 767.23 or 767.25, for maintenance payments under s. 767.23 or 767.26, for family support under s. 767.261, for support by a spouse under s. 767.02 (1) (f) or for maintenance payments under s. 767.02 (1) (g) and each stipulation for child support under s. 767.10 entered into on or after the effective date of this act (1983), constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108 and other money due or to be due in the future to the clerk of the court where the action is filed, as will be sufficient to meet the maintenance payments, child support payments or family support payments imposed by the court for the support of the spouse or minor children or both and to defray arrearages in payments due at the time the assignment takes effect. Except as provided in sub. (2m), the assignment takes effect when the requirement of sub. (2) has been satisfied, or, at the discretion of the court or family court commissioner, may take effect immediately unless the payer establishes that extraordinary circumstances beyond his or her control prevent fulfillment of the child support obligation or provides sufficient security for payment under the child support order. If the payer so establishes or provides, the assignment shall not take effect until 10 days after the family court commissioner sends a notice by certified mail to the last known address of the payer notifying the payer that within 10 days an assignment shall go into effect. The payer may, within that 10-day period, request a hearing on the issue of whether the assignment should take effect in which case the assignment shall be held in abeyance pending the outcome of the hearing. The family court commissioner shall hold a hearing requested under this section within 10 working days after the date of the request. If at the hearing the payer establishes that extraordinary circumstances beyond his or her control prevent fulfillment of the maintenance payment or child support obligation, the family court commissioner may direct that the assignment not take effect immediately.

Vetoed in Part

SECTION 1766f. 767.265 (2m) of the statutes is created to read:

Vetoed in Part

767.265 (2m) If a court with jurisdiction over a proceeding to obtain child support is located in a county which has entered into an agreement with the department of health and social services under s. 767.395 (5), any assignment of child support under sub. (1) or (1m) takes effect immediately, unless the payer establishes that extraordinary circumstances beyond his or her control prevent fulfillment of the child support obligation or provides sufficient security for payment under the child support order. If the payer so establishes or provides, the assignment shall not take effect until 10 days after the family court commissioner sends a notice by certified mail to the last known address of the payer notifying the payer that within 10 days an assignment shall go into effect. The payer may, within that 10-day period, request a hearing on the issue of whether the assignment should take effect, in which case the assignment shall be held in abeyance pending the outcome of the hearing. The family court commissioner shall hold a hearing requested under this section within 10 working days after the date of the request. If at the hearing the payer establishes that extraordinary circumstances beyond his or her control prevent fulfillment of the maintenance payment or child support obligation, the family court commissioner may direct that the assignment not take effect immediately.

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**Subject Area 2. HUMAN RESOURCES**

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**Item 2-Q: SSI - Department Waiver****Governor's written objections:**

## Section 1025m

This provision expands the definition of the nonmedical group care category to include supervised living arrangements of eight individuals or less. My item veto removes the Department of Health & Social Services' authority to waive the eight person restriction which would have allowed for the construction of large facilities. My concern is that the flexibility conferred by the waiver authority runs counter to the state's effort to promote smaller community based living arrangements for the disabled. Finally, the budget assumed the use of smaller facilities and without this veto, costs could increase above budgeted levels.

**Cited segments of 1983 SB-83:**

SECTION 1025m. 49.177 (3s) of the statutes is created to read:

49.177 (3s) INCREASED SUPPLEMENTAL PAYMENT IN CERTAIN CASES.

(d) There are no more than a total of 8 persons living in the residence in which the person resides who are receiving a state supplement as provided in this subsection. **Vetoed in Part**  
~~The department may waive the requirement under this paragraph.~~

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Subject Area 2. HUMAN RESOURCES

Item 2-R: Federal Oil Overcharge Funds

Governor's written objections:

Section 2018

This amendment requires the Governor to submit a proposal to the Joint Committee on Finance for approval of the allocation of the federal oil overcharge funds. Current statutes (s. 16.54) authorize the Governor exclusive executive authority to accept federal funds that are allocated to the state. This proposal would clearly remove the Governor's authority for the disbursement of the oil overcharge funds and transfer that authority to the Joint Committee on Finance. This is directly counter to the legislature's traditional role to review and comment on the Governor's proposals for the disbursement of federal funds. I do not see the wisdom in singling out specific federal appropriations for legislative involvement.

Cited segments of 1983 SB-83:

~~SECTION 2018. Nonstatutory provisions; governor.~~

~~(4) EXPENDITURE OF FEDERAL OIL OVERCHARGE FUNDS. (a) Before using any of the funds which the federal government has disbursed to the governor under P.L. 97-377, section 155, the governor shall submit to the joint committee on finance a proposal for the use of the funds. On the same day that it receives a proposal from the governor, the joint committee on finance shall give a copy of the proposal to the standing committee of each house of the legislature generally responsible for legislation related to state energy issues. Within 30 days after receipt of the proposal, the standing committees may submit in writing recommendations on the proposal to the joint committee on finance.~~

~~(b) The joint committee on finance may approve or disapprove in whole or in part a proposal submitted under paragraph (a).~~ **Vetoed in Part**

~~1. Within 60 working days after the joint committee on finance submits the proposal to the standing committees under paragraph (a), if neither standing committee submits recommendations to the joint committee on finance under paragraph (a).~~

~~2. If only one standing committee submits recommendations to the joint committee on finance or if both standing committees submit recommendations on the same day, within 30 days after the joint committee on finance receives the recommendations under paragraph (a).~~

~~3. If both standing committees submit recommendations to the joint committee on finance on different days, within 30 days after the later day on which the joint committee on finance receives the recommendations under paragraph (a).~~

~~(c) 1. The governor may not use any funds under any part of the governor's proposal for use of funds under this section which the joint committee on finance disapproves under paragraph (b).~~

~~2. If the joint committee on finance disapproves under paragraph (b) all or any part of the governor's proposal for use of funds under this section, the committee shall return all disapproved parts of the proposal to the governor for reconsideration.~~

~~(d) If the joint committee on finance takes no action which either approves or disapproves in whole or in part under paragraph (b) the governor's proposal for the use of funds under this section, the governor may use the funds according to the proposal.~~

**Subject Area 2. HUMAN RESOURCES**

**Item 2-S: Approval of the Transfer of Federal Funds Between Block Grants**

**Governor's written objections:**

Sections 6m, 82m

This amendment requires the Joint Committee on Finance's approval to transfer federal funds between block grants. Under current law, the state has the discretion to transfer up to 10% of a federal block grant to another block grant program. The Governor has the authority to implement this provision. This amendment removes the Governor's authority and transfers final approval authority to the Joint Committee on Finance. This intrusion into the executive's authority is unwarranted. My veto restores current law and the Governor's authority to determine the appropriate transfer of federal block grants funds. This is consistent with the Governor's current authority for the receipt and disbursement of other federal funds.

**Cited segments of 1983 SB-83:**

~~SECTION 6m. 13.101 (10) of the statutes is created to read:  
13.101 (10) The committee may approve a transfer of moneys allocated by the federal government to this state as a part of a block grant for use as a part of another such grant made for different purposes. In this subsection, "block grant" has the meaning given under s. 16.54 (2) (a). **Vetoed in Part**~~

SECTION 82m. 16.54 (2) of the statutes is renumbered 16.54 (2) (a) and amended to read:  
16.54 (2) (a) Whenever funds shall be made available to this state through an act of congress and acceptance thereof the funds are accepted as provided in sub. (1), the governor shall designate the state board, commission or department to administer any of such funds, and the board, commission or department so designated by the governor is authorized and directed to administer such fund funds for the purpose designated by the act of congress making an appropriation of such funds, or by the department of the United States government making such funds available to this state. ~~Whenever a block grant is made to this state, no funds may be transferred from use as a part of one such grant to use as a part of another such grant, regardless of whether a transfer between appropriations is required, unless the joint committee on finance approves the transfer under s. 13.10. In this subsection, "block grant" means a multipurpose federal grant so designated under federal law. **Vetoed in Part**~~

**Subject Area 2. HUMAN RESOURCES**

**Item 2-F: Approval of Federal Low Income Energy Assistance Plan (LIEAP) by the Joint Finance Committee**

**Governor's written objections:**

Section 82r

Currently, all of the federal block grants are submitted to the appropriate legislative standing committees for their review and recommendations. This amendment singles out one federal block grant, the Low Income Energy Assistance Program, for specific approval by the Joint Committee on Finance. To isolate one block grant for legislative approval is not only inconsistent with the traditional review of federal block grants by the legislature but also removes the Governor's authority to determine appropriate disbursement of these federal funds. My veto eliminates the third in a trilogy of unique approvals by the Joint Committee on Finance. Current law should be retained for the review of all federal block grant.

**Cited segments of 1983 SB-83:**

~~SECTION 82r. (6.54 (2) (b) of the statutes is created to read:  
6.54 (2) (b) Notwithstanding 1983 Wisconsin Act ... (this act), section 2020 (1), before using any of the funds disbursed by the federal government to the governor under 42 USC 8621 to 8629, the department of health and social services shall submit to the joint committee on finance the proposed state plan under 42 USC 8624 (c). The department of health and social services may not use the funds unless the committee approves the plan. **Vetoed in Part**~~

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**Subject Area 2. HUMAN RESOURCES**

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**Item 2-U: Federal Audit Disallowances****Governor's written objections:**

## Section 82w

Under s. 16.54, the Governor has authority to approve and accept all federal funds on behalf of the state and to enter into agreements with the federal government. These activities are carried out through executive branch agencies subject to the final approval of the Governor. This section of the bill would require approval by the Legislature's Joint Finance Committee of all settlements of audit disallowances related to federal grant funds. This represents an erosion of the executive branch responsibility and authority to properly administer federal funds. Such restrictions placed on executive agencies to settle state-federal differences may hinder or delay prompt resolution of audit questions.

**Cited segments of 1983 SB-83:**

SECTION 82w. 16.544 of the statutes is created to read:

**16.544 Federal aid disallowances.**

(3) Prior to taking final action to remove any liability related to an audit disallowance reported under sub. (1), an agency shall submit to the department a statement of the action proposed to remove the liability. The department may approve, disapprove or approve with modifications each such proposed action. The secretary shall forward a copy of each statement of proposed action approved by the department, together with its recommendations, if any, to the joint committee on finance. If the secretary or persons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal and recommendations within 14 working days after the date of the secretary's submittal, any portion of the proposal and recommendations which does not require the action of the legislature or the action of the committee under another law may be implemented. If, within 14 working days after the date of the secretary's submittal, the secretary or persons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal and recommendations, no part of the proposal or recommendations may be implemented without the approval of the committee in accordance with applicable law, or without the approval of the legislature if legislative approval is required.

**Vetoed in Part**

**Subject Area 2. HUMAN RESOURCES**

**Item 2-V: Second Veterans Home**

**Governor's written objections:**

Section 2005(11)

I am vetoing the budget bill requirements for the Building Commission to work with the Department of Veterans Affairs to study the feasibility of constructing a 200 bed veterans home in southeastern Wisconsin, to identify potential sites and submit a design and budget to the legislature by December 31, 1984.

The present admission criteria at the King Home allows admission of individuals who require little or no nursing care. The liberal admission criteria means that existing beds are not always available for those veterans who require the most skilled and intensive nursing care. I have asked the Department of Veterans Affairs in conjunction with the Department of Administration to review the admission criteria and report to me with alternatives that will help guarantee that the maximum number of beds are available for the elderly veterans who have the greatest medical need.

I have left untouched two major items relating to veterans which are far more significant than the item which is the subject of this veto. One is the new Agent Orange study program, which is extremely critical to those veterans who served in Vietnam. I have also let stand the 100 million dollar increase in bonding authority for the veteran's primary mortgage loan program though I am concerned about its impact on the state's ability to borrow for other purposes. Finally, as long as admission requirements to the Veterans Home are so liberal (including not only veterans but their spouses and families as well) any addition to the number of available beds will still leave the vast majority of eligible persons unserved.

**Cited segments of 1983 SB-83:**

**SECTION 2005. Nonstatutory provisions; building commission; authorized state building program.**

~~(11) By December 31, 1984, the commission, after consulting with the department of veterans affairs, shall submit to the legislature a report on the feasibility, estimated construction budget and possible sites for a 200-bed veterans home in southeastern Wisconsin.~~

**Vetoed in Part**

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-A: MMSD - Capital Cost Recovery**

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**Governor's written objections:**

Sections 1162L, 1162u

This section requires Milwaukee Metropolitan Sewerage District capital cost recovery charges to be equitable and uniform. Removal of the word "equitable" allows MMSD to select a uniform system without delays caused by legal challenges to the definition of equitable, and to institute an effective cost recovery system that treats district and contract communities uniformly.

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**Cited segments of 1983 SB-83:**

SECTION 1162L. 66.898 (4) (a) of the statutes is amended to read:

**Vetoed in Part**

66.898 (4) (a) As part of any contract executed under this section, the commission may assess reasonable and just sewerage service charges against the contracting party with respect to capital costs. These sewerage service charges are subject to review under s. 66.912. The schedule of service charges may, but need not, be uniform with any other schedule of charges established by the commission sewerage service charges with respect to capital costs used in contracts executed under this section shall be equitable and uniform with the system used to recover capital costs within the district.

SECTION 1162u. 66.91 (5) (a) of the statutes is amended to read:

66.91 (5) (a) The commission may establish, assess and collect service charges under s. 66.076 or under this subsection. Charges made by the district under this subsection are reviewable as provided in s. 66.912 (5). The sewerage service charges established under s. 66.076 or under this subsection with respect to capital costs for areas within the district shall be equitable and uniform with the schedule of sewerage service charges with respect to capital costs used in contracts executed under s. 66.898 (4).

**Vetoed in Part**

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-B: Recycling and Resource Recovery Loan Program**

**Governor's written objections:**

Section 121 as it relates to s. 20.370(4)(j), Sections 260p, 527m, 536m, 1555m, 2038(9) and (10), 2204(38)(h) These sections create a \$44 million GPR Bonding authorization for long-term, low-interest loans to counties for recycling facility engineering and construction. Forty million dollars of this amount would be restricted to counties which had been involved in negotiations with the Solid Waste Recycling Authority. For the counties involved in Authority negotiations, this budget contains \$50,000 GPR for transition grants. This transition funding will not be vetoed. I am vetoing this bonding authorization for several reasons:

1. I believe the economics of large-scale recycling projects are not favorable at this time. When the economics are favorable, counties and the private sector will be able to creatively finance these projects without state assistance.
2. Participation in this loan program is restricted primarily to counties where Authority project negotiations were underway.
3. The language restricts interest assessed to counties to 5%. State bonds are being issued at 8.75% or higher and the state would have to absorb the difference.
4. Low-technology recycling, which is less expensive and more reliable, should be the type of resource recovery Wisconsin especially encourages. To this end, the budget retains my proposal for one technical assistance position in the Department of Natural Resources.

**Cited segments of 1983 SB-83:**

SECTION 121. STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1983-84	1984-85
20.370 Natural resources, department of			
(4) LOCAL SUPPORT			
<del>(j) Debt service - recycling and resource recovery loan program</del>	<del>GPR</del>	<del>5</del>	<del>0</del>

**Vetoed in Part**

~~SECTION 260p. 20.370(4)(j) of the statutes is created to read: **Vetoed in Part**~~  
~~20.370(4)(j) Debt service - recycling and resource recovery loan program. From the general fund, a sum sufficient to reimburse s. 20.866 (1) (a) for the payment of principal and interest costs incurred in providing low interest loans for solid waste recycling and resource recovery facilities under the recycling and resource recovery loan program under s. 144.796.~~

SECTION 527m. 20.866 (1) (u) of the statutes is amended to read: **Vetoed in Part**  
 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under ss. 20.115 (5) (j) and (7) (e), 20.225 (1) (c), 20.245 (1) (e), 20.250 (1) (e), 20.255 (2) (e) (1) (d), 20.285 (1) (d) and (gb), 20.370 (1) (kc) and (kr), (4) (jb), (ka) and (kd) (jc), (jd) and (je), and (8) (Lb) and (Ls), 20.395 (6) (aq) and (ar), 20.435 (2) (cc) and (3) (e) and (5) (c), 20.455 (2) (cm), 20.465 (1) (d), 20.485 (1) (f) and (3) (t) and 20.867 (1) (a), (b) and (i) and (3) (a), (b), (g) and (h) and (i) for the payment of principal and interest on public debt acquired in accordance with ch. 18.

~~SECTION 536m. 20.866 (2) (t) of the statutes is created to read: **Vetoed in Part**~~  
~~20.866 (2) (t) *Natural resources; recycling and resource recovery loan program.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide low interest loans for solid waste recycling and resource recovery facilities under the recycling and resource recovery loan program under s. 144.796. The state may contract public debt in an amount not to exceed \$44,000,000 for this purpose. Of this amount at least \$40,000,000 shall be designated for loans for the recycling and resource recovery projects in counties which were involved in negotiations with the Wisconsin solid waste recycling authority under ch. 232, 1981 stats., and are located in areas for which the authority received a federal solid waste management planning grant from the federal environmental protection agency.~~

SECTION 1555m. 144.796 of the statutes is created to read:

144.796 Recycling and resource recovery loan program. (1) The department shall develop and administer a recycling and resource recovery loan program. Vetoed in Part

(2) A county which is planning and constructing a recycling or resource recovery facility may be eligible for low-interest loans under this program. Moneys obtained from low-interest loans under this program may be used for engineering design costs on a reimbursement basis and for construction costs. The department shall establish specific project eligibility requirements.

(3) The department shall provide low-interest loans to a county for an eligible recycling or resource recovery project if the county has completed engineering design studies for the project and is prepared to begin construction within 6 months after the loan is made. The department shall provide these loans with a long-term repayment schedule and at an interest rate not to exceed 5% of the unpaid balance.

SECTION 2038. Nonstatutory provisions; natural resources.

(9) RECYCLING AND RESOURCE RECOVERY LOAN PROGRAM, LEGISLATIVE DECLARATION. For the purpose of the creation of section 144.796 of the statutes by this act and the creation of subsection (10), it is declared that: Vetoed in Part

(a) The generation of solid waste is a fact of modern society and presents a serious and increasing problem of how to dispose of this waste.

(b) The unregulated land disposal of solid waste creates an unacceptable risk to the public health, safety and welfare and causes damage to the environment and, while the disposal of solid waste at approved facilities minimizes these risks and damages, no operation for the land disposal of solid waste can eliminate these dangers. The land disposal of solid waste may create long-term risks and damages which cannot be foreseen when the facility is constructed or operated.

(c) Recycling of solid waste and recovery of resources from solid waste provides an alternative to the land disposal of solid waste, reduces the volume of solid waste which must be disposed of at landfill sites and helps to conserve resources and energy thereby fulfilling a legitimate state interest.

(d) Adequate private capital has been unable to satisfy the need for recycling and resource recovery projects.

(e) The problem of the disposal of solid waste and the encouragement of recycling and resource recovery projects are matters of statewide concern and justify the establishment of a recycling and resource recovery loan program. Vetoed in Part

(f) The establishment of a recycling and resource recovery loan program which provides low-interest loans on a long-term basis is especially appropriate for recycling and resource recovery projects because of the large capital investment required and the extended useful life of these projects.

(g) County recycling and resource recovery projects are to be encouraged to the maximum extent feasible consistent with uniform state policies.

(h) Special provisions and priorities for the recycling and resource recovery projects in counties which were involved in negotiations with the Wisconsin solid waste recycling authority under chapter 232, 1981 stats., are justified because of the advanced stage of development of those projects project and because of the impact of abolishing the solid waste recycling authority.

(10) RECYCLING AND RESOURCE RECOVERY LOAN PROGRAM, INITIAL PROJECTS. After January 1, 1985, the department of natural resources shall provide low-interest loans in an amount not less than \$40,000,000 for the solid waste recycling and resource recovery projects under section 144.796 of the statutes, as created by this act, for counties which were involved in negotiations with the Wisconsin solid waste recycling authority under chapter 232, 1981 stats., and are located in areas for which the authority received a federal solid waste management planning grant from the federal environmental protection agency if bond revenue funds are available for this purpose and if the counties are prepared to begin construction within 6 months after the loans are made.

SECTION 2204. Effective dates.

(38) NATURAL RESOURCES.

(11) ~~Recycling and resource recovery loan program.~~ The creation of section 20.860 (2) (a) of the statutes takes effect on January 1, 1985. Vetoed in Part

**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-C: Landfill Siting Process**

**Governor's written objections:**

Sections 1539b, 1539d, 1539f, 1539h, 1539j, 1539k, 1539m, 1539n, 1539p, 1539r, 1539s, 1539t, 1539v, 1539w, 1539x, 1539y, 1539z, 2202(38)(h), 2203(38)(e)

These sections make a major modification to a basic assumption in Chapter 374, Laws of 1981, the solid waste siting bill. These sections would require that "need" for a particular site be a subject for consideration in the negotiation/arbitration process. Currently, the question of need is specifically excluded from the negotiation/arbitration process, on the assumption that there is an urgent statewide need to find suitable waste disposal sites. The problems with amending Chapter 374 as proposed in these sections are:

1. A two-stage process which first considers need will increase the negotiation/arbitration process by 8-10 months. The process is already long and involved.
2. Criteria for determining need are very broad, and would be difficult to interpret consistently, particularly given the difficulty of predicting waste flow patterns.
3. The existing process is relatively new and the need for this change has not been demonstrated.

This veto preserves the consensus and compromise among waste haulers, landfill operators, municipal representatives, and other interests involved in drafting Chapter 374. It avoids further delays in critical landfill-siting in Wisconsin. However, this veto should not be a signal to those involved in the consensus that current law cannot or should not be improved. There is no veto of the increase to the Waste Facility Siting Board appropriation of \$17,000 annually for an increase of .50 GPR position.

**Cited segments of 1983 SB-83:**

~~SECTION 1539b. 144.445 (8) (a) (intro.) and 1 of the statutes are consolidated, renumbered 144.445 (8) (a) and amended to read:~~

~~144.445 (8) (a). The applicant and the local committee may negotiate with respect to any subject except -- Any any proposal to make the applicant's responsibilities under the approved feasibility report or plan of operation less stringent.~~

~~SECTION 1539d. 144.445 (8) (a) 2 of the statutes is renumbered 144.445 (8) (am) 1.~~

~~SECTION 1539f. 144.445 (8) (am) (intro.) of the statutes is created to read:~~

~~144.445 (8) (am) (intro.) Only the following items are subject to arbitration under sub. (9m).~~

~~SECTION 1539h. 144.445 (8) (b) (intro.) of the statutes is amended to read:~~

~~144.445 (8) (b) (intro.) Only the following items are subject to arbitration under this section sub. (10).~~

~~SECTION 1539j. 144.445 (8) (b) 7 of the statutes is renumbered 144.445 (8) (am) 2.~~

~~SECTION 1539k. 144.445 (9m) of the statutes is created to read:~~

~~144.445 (9m) ARBITRATION REGARDING NEED AND LOCAL APPROVALS. (a) If agreement is not reached on any items in sub. (8) (am) within 45 days after the board issues a notice under sub. (6) (b), the local committee may submit a written petition to the board to initiate arbitration under this subsection. If the local committee fails to request arbitration under this subsection within 90 days after the board issues a notice under sub. (6) (b), then the items in sub. (8) (am) are not subject to arbitration and the facility is only subject to local approvals made applicable in a negotiated agreement, notwithstanding sub. (5).~~

~~(b) Within 15 days after receipt of a petition to initiate arbitration, the board shall notify the applicant and the local committee that they are required to submit their respective final offers to the board within 45 days after the date of the notice. If the local committee fails to submit a final offer within the time limit in this paragraph, the applicant may continue to seek state approval of the facility; is not required to continue to negotiate or arbitrate under this section and the facility is not subject to any local approval, notwithstanding sub. (5). If the applicant fails to submit a final offer within the time limit in this paragraph, the applicant may not construct or operate the facility.~~

~~(c) The final offers under this subsection may include only issues subject to arbitration under sub. (8) (am).~~

~~(d) The board shall consider the following issues in evaluating the need for the facility, as well as any other issues that relate to the question of need:~~

**VETOED**

1. The present and potential capacity of existing facilities which are reasonably accessible to potential users of the proposed facility.

2. The anticipated future capacity of other waste facilities which are or will be reasonably available to potential users of the proposed facility, during the proposed period of operation of the proposed facility.

3. The extent to which the proposed facility replaces or provides a better alternative to environmentally inadequate facilities at other locations.

4. Whether the proposed facility will increase or reduce land use conflicts by replacing existing facilities at other locations.

5. The availability of or potential for recycling, source reduction or other waste handling technologies.

6. Whether a proposed solid or hazardous waste disposal facility will have an unreasonably long period of operation or will have an unreasonably short period of operation, as the result of the size of the proposed facility or the rate of expected waste disposal at the facility.

(e) If the arbitration award under this subsection permits the applicant to construct and operate the facility, the applicant and the local committee shall continue negotiating under sub. (9) after the arbitration award is issued under this subsection.

SECTION 1539m. 144.445 (10) (title) of the statutes is amended to read:

144.445 (10) (title) ARBITRATION REGARDING ISSUES OTHER THAN NEED AND LOCAL APPROVALS

SECTION 1539n. 144.445 (10) (b) of the statutes is amended to read:

144.445 (10) (b) Either the applicant or the local committee may submit an individual written petition to the board to initiate arbitration under this subsection but not earlier than +20 (20) days after the board issues a notice under sub. (6) (b), or 120 days after the final arbitration decision under sub. (9m), whichever is later.

SECTION 1539p. 144.445 (10) (c) of the statutes is amended to read:

144.445 (10) (c) Within 15 days after receipt of a petition to initiate arbitration under this subsection, the board shall notify the applicant and the local committee either that they are required to continue negotiating for at least 30 days after the date of the notice if, in the judgment of the board, arbitration can be avoided by the negotiation of any remaining issues or, otherwise, that they are required to submit their respective final offers to the board within 90 days after the date of the notice. If the board directs the applicant and the local committee to continue negotiating, the petition to initiate arbitration may be resubmitted after the extended period of negotiation. If the local committee fails to submit a final offer within the time limit in this paragraph, the applicant may continue to seek state approval of the facility, and is not required to continue to negotiate or arbitrate under this section and the facility is not subject to any local approval, notwithstanding sub. (5). If the applicant fails to submit a final offer within the time limit in this paragraph, the applicant may not construct or operate the facility.

SECTION 1539r. 144.445 (10) (d) of the statutes is renumbered 144.445 (10m) (b) and amended to read:

144.445 (10m) (b) Final offers shall contain the final terms and conditions relating to the facility proposed by the applicant and the local committee and any information or arguments in support of the proposals. Additional supporting information may be submitted at any time. The final offers may include only issues subject to arbitration under sub. (8). A final offer may include only items offered in negotiation except that a final offer may not include items settled by negotiation and approved under sub. (9) (f) by each town, city or village where all or a portion of the facility is to be located. The final offers prepared by the local committee are required to be submitted for approval by resolution of the governing body of each participating municipality before the final offer is submitted to the board. The final offers are public documents and the board shall make copies available to the public.

SECTION 1539s. 144.445 (10) (d) of the statutes is created to read:

144.445 (10) (d) The final offers under this subsection may include only issues subject to arbitration under sub. (8) (b).

SECTION 1539t. 144.445 (10) (e) of the statutes is renumbered 144.445 (10m) (c).

SECTION 1539v. 144.445 (10) (l) of the statutes is renumbered 144.445 (10m) (d) and amended to read:

144.445 (10m) (d) Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting in a place reasonably close to the location of the facility to provide an opportunity for the applicant and the local committee to explain or present supporting arguments for their final offers. The board may conduct additional meetings with the applicant and the local committee as necessary to prepare its arbitration award. The board may administer oaths, issue subpoenas under s. 788.06 and direct the taking of depositions under s. 788.07. For the purpose of making an investigation or conducting a public meeting, the board may appoint an agent and preside

~~the duties of the agent. In the discharge of his or her duties, the agent has the powers granted to the board under this paragraph unless otherwise prescribed.~~

~~SECTION 1539w. 144.445 (10) (g) of the statutes is renumbered 144.445 (10m) (e) 1 and amended to read:~~

~~144.445 (10m) (e) 1. Within 90 days after the last day for submitting final offers under par. 9m, (b) or (10) (c), the board may issue an arbitration award with the approval of a minimum of 5 board members. If the board fails to issue an arbitration award within this period, the governor shall issue an arbitration award within 120 days after the last day for submitting final offers under par. 9e. The arbitration award shall adopt, without modification, the final offer of either the applicant or the local committee except that the arbitration award shall delete those items which are not subject to arbitration under sub. (8) or are not consistent with the legislative findings and intent under sub. (1) and (2). A copy of the arbitration award shall be served on the applicant and the local committee sub. 9m, (b) or (10) (c).~~

~~SECTION 1539x. 144.445 (10) (h) to (j) of the statutes are renumbered 144.445 (10m) (f) to (h).~~

~~SECTION 1539y. 144.445 (10m) (title) and (a) of the statutes are created to read:~~

~~144.445 (10m) (title) Arbitration procedures. (a) The procedures in this subsection apply to arbitration under subs. (9m) and (10).~~

Vetoed in Part

~~SECTION 1539z. 144.445 (10m) (e) 2 to 5 of the statutes are created to read:~~

~~144.445 (10m) (e) 2. For issues under sub. (9m), the board or the governor shall treat the need for the facility and the applicability or nonapplicability of preexisting local approvals separately. As the first part of the arbitration award, the board or the governor shall state whether there is sufficient or insufficient need for the facility. If the board or the governor determines that there is insufficient need for the facility, the applicant may not construct or operate the facility. As the 2nd part of the arbitration award, the board or the governor shall determine which, if any, preexisting local approvals are applicable to the facility.~~

~~3. For issues under sub. (10), the board or the governor shall issue an arbitration award which contains, without modification, the final offer of either the applicant or the local committee.~~

~~4. In any arbitration award under this section, the board or the governor shall delete those items which are not subject to arbitration under sub. (8) (am) or (b) or are not consistent with the legislative findings and intent under subs. (1) and (2).~~

~~5. A copy of the arbitration award shall be served on the applicant and the local committee.~~

SECTION 2202. Cross-reference changes.

(38) NATURAL RESOURCES.

<del>(h) Waste facility siting.</del>		<del>Vetoed in Part</del>	
<del>A</del>	<del>B</del>	<del>C</del>	
<del>Statute Sections</del>	<del>Old Cross-References</del>	<del>New Cross-References</del>	
<del>144.445 (3), (d)</del>	<del>sub. (10)</del>	<del>sub. (9m)</del>	

SECTION 2203. Initial applicability.

(38) NATURAL RESOURCES.

~~(c) Waste facility siting. 1. The treatment of section 144.445 (8) (a), (am) (intro.), (b) (intro.) and 7, (9m), (10) (title) and (h) to (j) and (10m) of the statutes by this act applies to a solid waste disposal facility or a hazardous waste treatment, storage and disposal facility if the waste facility siting board has not issued a notice under section 144.445 (6) (b), 1981 stats., with respect to the facility prior to July 1, 1983, or the day following publication of this act, whichever is later.~~

~~2. If the waste facility siting board has issued a notice under section 144.445 (6) (b) of the statutes, with respect to a solid waste disposal facility or a hazardous waste treatment, storage or disposal facility, but both final offers have not been submitted for the facility under section 144.445 (10) (c), 1981 stats., the local committee may submit a petition to initiate arbitration under section 144.445 (9m) of the statutes, as created by this act, notwithstanding the time limits in section 144.445 (9m) of the statutes, as created by this act. If the waste facility siting board grants the petition to arbitrate under section 144.445 (10m) of the statutes, as created by this act, any final offer received under section 144.445 (10) (c), 1981 stats., with respect to the proposed facility is void and a new final offer may be submitted notwithstanding the time limits in section 144.445 (9m) of the statutes, as created by this act.~~

~~3. If both final offers have been submitted under section 144.445 (10) (b), 1981 stats., prior to July 1, 1983, or the day following publication of this act, whichever is later, section 144.445, 1981 stats., applies with respect to that solid waste disposal facility or hazardous waste treatment, storage or disposal facility.~~

Vetoed in Part

**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-D: Inland Lakes Renewal Grant Program**

**Governor's written objections:**

Section 121 as it relates to s. 20.285(1)(ff), Sections 212m, 2053(6)  
 I am vetoing the proposed \$70,000 GPR grant program in UW-Extension to assist inland lake districts in organizing and in conducting feasibility studies. The program would authorize grants of \$2,500 each for organizing a new lake district and for lake renewal project feasibility studies.  
 Grants of \$2,500 for organizing a district are not necessary. There are several established inland lake districts which can share their organizing experiences with any new districts. Grants for feasibility studies are small enough that a new district could easily meet the costs through its taxing powers.

**Cited segments of 1983 SB-83:**

SECTION 121.

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1983-84	1984-85
20.285 University of Wisconsin system (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE			

~~XXX Inland lakes grant program GPR G 70,000~~ **Vetoed in Part**

~~SECTION 212m. 20.285 (1) (ff) of the statutes is created to read:  
 20.285 (1) (ff) *Inland lakes grant program.* As a continuing appropriation, the amounts in the schedule for inland lake grants under 1983 Wisconsin Act . . . (this act) section 2053 (6). No moneys may be expended from the appropriation under this paragraph unless the moneys are encumbered on or prior to July 1, 1988.~~ **Vetoed in Part**

SECTION 2053. Nonstatutory provisions; university of Wisconsin system.

~~(6) **INLAND LAKES GRANT PROGRAM.** (a) *Establishment.* The university of Wisconsin-extension shall establish an inland lakes grant program for fiscal years 1983-84 through 1987-88.~~

~~(b) *Formation grants.* The university of Wisconsin-extension shall provide formation grants not to exceed \$2,500 for each eligible applicant to assist the applicant in the establishment of public inland lake protection and rehabilitation districts under chapter 33 of the statutes. In order to be eligible for a formation grant, an applicant is required to be a lake association or organization which has been in existence 2 years or more on the effective date of this paragraph, is required to file an application with the university of Wisconsin-extension on a form and containing information the university of Wisconsin-extension specifies on or before January 1, 1986, and is required to meet eligibility criteria established by the university of Wisconsin-extension. The university of Wisconsin-extension shall establish procedures, criteria and priorities for providing formation grants under the inland lakes grant program.~~ **Vetoed in Part**

~~(c) *Feasibility grants for newly formed districts.* The university of Wisconsin-extension shall provide feasibility grants of up to 50% of the cost of conducting feasibility studies but not to exceed \$2,500 for each feasibility study in newly formed inland lake protection and rehabilitation districts. In order to be eligible for a feasibility grant under this program, an applicant is required to be a public inland lake protection and rehabilitation district which is established after the effective date of this paragraph, is required to file an application with the university of Wisconsin-extension on a form and containing information the university of Wisconsin-extension specifies on or before January 1, 1986, and is required to meet eligibility criteria established by the university of Wisconsin-extension. The university of Wisconsin-extension shall establish procedures, criteria and priorities for providing feasibility grants under the inland lakes grant program.~~

**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-E: Inland Lakes Renewal - UW-Extension Positions**

**Governor's written objections:**

Section 908h

My budget proposals eliminated the Inland Lakes grants and all associated positions and funding in DNR and UW-Extension. The Legislature restored \$77,200 GPR annually to fund 2.0 FTE for inland lakes technical assistance in UW-Extension.

I am vetoing this section because technical expertise continues to be available through DNR staff. Additional support could be provided by the districts through their existing taxing authority.

The funds for these positions are in a larger appropriation and cannot be vetoed directly. However, I am vetoing a new section of authorization to UW-Extension to conduct technical assistance, and instructing the Department of Administration not to allot the \$77,200 each year or authorize the positions.

**Cited segments of 1983 SB-83:**

<del>SECTION 908h. 36.25 (24) of the statute is created to read:</del>	Vetoed in Part
<del>36.25 (24) TECHNICAL ASSISTANCE FOR INLAND LAKE PROTECTION OR REHABILITATION. The extension shall provide technical assistance to public inland lake protection and rehabilitation districts engaged in any phase of lake protection or rehabilitation activity.</del>	

**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-F: Non-Resident Commercial Fishing License Fees**

**Governor's written objections:**

Sections 703, 786, 2203(38)(am)

An amendment was added which increases non-resident commercial fishing fees from a current maximum of \$900 to a maximum of \$10,000 per vessel, effective on July 1, 1984.

I am vetoing this entire item because this increase in nonresident commercial license fees is far in excess of the current resident fees (\$300 per boat).

A Task Force is being formed by the Department of Natural Resources to examine Great Lakes commercial fishery Management costs and recommend fee increases.

**Cited segments of 1983 SB-83:**

SECTION 703. 29.092 of the statutes is created to read:

**29.092 Fish and wildlife fee schedule.**

(7) COMMERCIAL FISHING AND WHOLESALE FISH DEALER LICENSES; TAGS.

- (d) ~~Nonresident outlying waters, class D. The fee for a class D commercial fishing license is \$1,500.~~
- (e) ~~Nonresident outlying waters, class E. The fee for a class E commercial fishing license is \$1,500 for each boat not exceeding 25 feet in overall length plus \$100 per foot of overall length. Vetoed in Part~~
- (f) ~~Nonresident outlying waters, class F. The fee for a class F commercial fishing license is \$4,000 for each boat exceeding 25 feet in overall length plus \$100 per foot of overall length but in no case may the fee for any boat exceed \$10,000.~~

SECTION 786. 29.33 (2) (title), (a) and (b) of the statutes are amended to read: Vetoed in Part  
29.33 (2)

~~(b) Nonresident. The following fee for classes of commercial fishing licenses shall be required from for nonresidents are:~~ Vetoed in Part

- 1. ~~Fishing without a boat or with gear set under the ice, \$400, a class D commercial fishing license.~~
- 2. ~~For each small commercial fishing boat, a class E commercial fishing license. A small commercial fishing boat is any boat 25 feet or less in overall length used in catching, killing, taking or transporting fish caught with nets, \$400, and, in addition, \$1 per foot of the overall length except a boat used only in transporting nets.~~
- 3. ~~For each large commercial fishing boat, a class F commercial fishing license. A large commercial fishing boat is any boat greater than 25 feet in length, \$800, and, in addition, \$1 per foot of the overall length. No license is required for except a boat used only in transporting nets. No nonresident person may pay less than \$400 or more than \$900 per year on any boat.~~

**SECTION 2203. Initial applicability.**

(38) NATURAL RESOURCES.

~~(am) Nonresident commercial fishing licenses, fee increase, July 1, 1984. The treatment of section 29.33 (2) (b) of the statutes and the creation of section 29.092 (7) (d) to (f) of the statutes by this act first apply to nonresident commercial fishing licenses which are issued for an effective period commencing on or after July 1, 1984. Nonresident commercial fishing licenses which are issued for an effective period commencing prior to July 1, 1984, shall be issued in compliance with these sections of the statutes as if this act were not in effect.~~ Vetoed in Part

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-G: Use of Turkey Stamp Revenues**

**Governor's written objections:**

Section 711m

My budget proposals created a new wild turkey hunting license. The Joint Finance Committee changed the proposed license to a stamp, for collectors' purposes. This language restricts the use of the revenues from this stamp to turkey program operations only. The intent of the stamp proposal was to increase sales by selling to collectors, not to restrict revenue uses. My veto removes the requirement that these wild turkey stamp fees be used only for the turkey program, saving separate accounting procedures. It will have no effect on the resources devoted to the turkey program, which may exceed turkey stamp revenues, in any event.

**Cited segments of 1983 SB-83:**

SECTION 711m. 29.103 (2) of the statutes is created to read:

29.103 (2) WILD TURKEY HUNTING STAMP.

~~(1) (a) (i) The department shall expend receipts from the sale of wild turkey hunting stamps on general program costs associated with wild turkey management activities.~~ **Vetoed in Part**

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-H: Modify Radioactive Waste Siting Provisions**

**Governor's written objections:**

Section 1556r

Language was inserted in the budget bill to establish procedures for radioactive waste siting exploration. Its intent was that exploratory efforts related to the possible siting of a radioactive waste storage facility be subject to DNR permitting procedures under the Metallic Mining Reclamation Act. I have no concern with the intent of the language, but there are several technical problems. My veto will:

1. Clarify that a hearing will be held in a county prior to exploration but that the statewide exploration license can be issued prior to hearings in individual counties.
2. Allow DNR to recover the costs of consultants hired to review environmental impact statements by depositing fees assessed to the applicants into a program revenue account.
3. Exclude the UW-Extension's Geological and Natural History Survey unit from mandated program responsibilities in this area. UW-Extension will continue to be included in the process on an as needed basis.

**Cited segments of 1983 SB-83:**

SECTION 1556r. 144.833 of the statutes is created to read:

**Vetoed in Part**

**144.833 Radioactive waste site exploration.** (1) DEFINITIONS. As used in this section and for the purposes of determining the applicability of ss. ~~144.83, 144.832, 144.88 and 144.93~~ to 144.94:

(2) EXPLORATION LICENSE AND RELATED PROVISIONS.

(c) *Hearing.* The department shall conduct a public hearing in the county where radioactive waste site exploration is to occur prior to ~~granting any exploration license under s. 144.832 for radioactive waste site~~ exploration.

**Vetoed in Part**

**Vetoed in Part**

(6) ENVIRONMENTAL IMPACT. Radioactive waste site exploration may constitute a major action significantly affecting the quality of the human environment. No person may engage in radioactive waste site exploration unless the person complies with the requirements under s. 1.11. Notwithstanding s. 23.40, the state may charge actual and reasonable costs associated with field investigation, verification, monitoring, preapplication services and preparation of an environmental impact statement. ~~Any fees or charges collected under this subsection shall be deposited into the general fund.~~

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-I: Waste Flow Control - Exemptions**

**Governor's written objections:**

Section 1553p

The bill currently allows an exemption from any waste flow control ordinance for business or industrial waste if the party has an approved waste site or use. This blanket exemption may exempt some wastes that would be in the best public interest to recycle. If no demand or benefit exists for these wastes, they would be excluded from the waste flow ordinance anyway. This veto eliminates these exemptions.

I am establishing, by executive order, a Recycling Council to review waste flow control language modifications that should be made before January, 1984, when waste flow delegation takes effect. This Commission, to be chaired by the author of this provision, will explicitly address how flow control authority should be handled.

**Cited segments of 1983 SB-83:**

SECTION 1553p. 144.794 of the statutes is created to read:

**144.794. Municipal waste flow control; required use of recycling or resource recovery facility. (1)**

(5) EXEMPTION FOR CERTAIN SOLID WASTES.

~~(e) Solid waste produced by a commercial business or industry which is disposed of or held for disposal in an approved facility, as defined under s. 144.441 (2) (a) 1, owned by the generator and designed and constructed for the purpose of accepting that type of solid waste.~~

**Vetoed in Part**

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-J: Waste Flow Control - Financial Responsibility**

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**Governor's written objections:**

Section 1553p

I am vetoing a portion of a requirement for recycling facilities to prove financial responsibility which is worded in such a way as to imply that other hazardous waste facilities would no longer need proof of financial responsibility. The phrase "other than a hazardous waste facility" is removed so that such facilities do not inadvertently receive an exemption.

**Cited segments of 1983 SB-83:**

SECTION 1553p. 144.794 of the statutes is created to read:

**144.794 Municipal waste flow control; required use of recycling or resource recovery facility. (1)**

(16) PERMITS, LICENSE AND APPROVALS; REPORT REVIEW AND FEES; PROOF OF FINANCIAL RESPONSIBILITY.

(c) The department may require a municipality to maintain proof of financial responsibility to ensure the availability of funds necessary for closure costs associated with the closing of a facility for the recycling of solid waste or for the recovery of resources from solid waste, ~~other than a hazardous waste facility~~ and to remedy, abate or prevent hazards to public health or the environment.

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-K: Waste Flow Control - PSC Role**

**Governor's written objections:**

Sections 1553p, 2043(3), 2201(43)(bn)

I am vetoing some of those portions of the bill affecting the role of the Public Service Commission in waste flow delegation. Specifically, this veto eliminates: a) PSC review of the "best public interest" determination by municipalities; b) an appeal to PSC, after passage of a municipal flow control ordinance, for those individuals requesting to be exempted from the ordinance; c) a requirement that PSC reallocate half of a program revenue position for recycling reviews. PSC review of various environmental criteria for "best public interest" assumes that PSC will make judgments involving appropriate solid waste management practices. My veto will provide for a judicial review on municipal determinations under s. 68.13. Similarly, determination of suitable exemptions from an enacted ordinance is a waste management issue beyond PSC expertise. This category of ordinance is automatically eligible for judicial review under Chapter 68. PSC will continue to review and approve recycling facility rates and tipping fee charges. The bill reallocates half of an existing PSC program revenue funded engineer's time for recycling related reviews. This is inappropriate because I am removing PSC's role in exemption appeals and sufficient program revenue is unlikely to be available.

**Cited segments of 1983 SB-83:**

SECTION 1553p. 144.794 of the statutes is created to read:

**144.794 Municipal waste flow control; required use of recycling or resource recovery facility.**

(9) BEST PUBLIC INTEREST; HEARING; APPEALS.

**Vetoed in Part**

~~(b) Any person adversely affected by the municipality's determination concerning best public interest under sub. (8) may appeal the determination to the commission. The commission shall investigate the matter and if there appears grounds for the appeal, the commission shall conduct a review hearing after at least 10 days' notice to the person and the municipality. After the review hearing, the commission shall issue a decision on the validity of the municipal determination concerning best public interest. In issuing this decision, the commission shall decide if there is sufficient evidence on the record to support the municipal determination under sub. (8). The commission shall bill any expense attributable to investigations and proceedings under this paragraph to the municipality under s. 196.85(1).~~

(12) NEGOTIATION.

~~(c) The municipality shall provide procedures so that any person adversely affected by the issuance of a special enforcement order may appeal that decision to the commission. The commission shall investigate the matter and if there appears grounds for the appeal, the commission shall conduct a review hearing after at least 10 days' notice to the person and the municipality. After the review hearing, the commission shall determine if the special enforcement order is reasonable and just and may affirm the special adjustment order, may adjust or modify the order so that it is reasonable and just or may void the order. The commission shall bill any expense attributable to investigations and proceedings under this paragraph to the municipality under s. 196.85(1).~~

**Vetoed in Part**

**SECTION 2043. Nonstatutory provisions; public service commission.**

~~(1) POSITION REALLOCATION. On January 1, 1984, there is reallocated 0.5 FTE PR engineering position for the public service commission to provide services for the commission under section 144.794 (9) (b), (14) (c) and (15) of the statutes, as created by this act, from the public service commission's general position authorizations.~~

**Vetoed in Part**

**SECTION 2201. Program responsibility changes.**

(43) PUBLIC SERVICE COMMISSION.

(bn) *Municipal waste flow control.*

**Vetoed in Part**

A	B	C
Statute Sections	References Deleted	References Inserted
15. 791	none	144. 794 <del>(9) (b)</del> (14) (e) and (15)

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### Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES

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#### Item 3-L: Wild Ginseng Regulation - Technical Adjustments

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##### Governor's written objections:

Sections 807m, 811r, 1364s

These sections were introduced to implement federal requirements for packaging, shipping and purchase of wild ginseng. Wild ginseng is on the federal endangered species list and Wisconsin has been considered too lax in its regulatory efforts. To clarify some passages and remove potential conflict with the federal program, three changes are being made by veto:

1. The current statutory definition of a wild ginseng dealer is restored. The amendment would have exempted from reporting and license requirements anyone who buys wild ginseng solely for resale.
2. The word "planted" is removed from the definition of wild ginseng, since ginseng deliberately planted and grown is not wild.
3. The term "dealer" is removed from the requirement that purchases of wild ginseng include "dealer license number of the vendor," since purchases may come from dealers or harvesters, and both should be documented.

These changes allow Wisconsin to meet federal requirements for strict regulation, and avoid a threatened U.S. Fish & Wildlife service 1983 ban on Wisconsin wild or domestic ginseng export.

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##### Cited segments of 1983 SB-83:

SECTION 807m. 29.547 (1) of the statutes is repealed and recreated to read:

29.547 (1) DEFINITIONS.

(a) "Dealer" means a person who buys at least 8 ounces of wild ginseng annually ~~for the purpose of resale, except that it does not include a person who buys wild ginseng solely for the purpose of final retail sale to consumers.~~

**Vetoed in Part**

(b) "Wild ginseng" means ginseng that is not ~~planted~~, grown or nurtured by a person.

**Vetoed in Part**

SECTION 811r. 29.547 (9) and (10) of the statutes are created to read:

**Vetoed in Part**

29.547 (9) RECORDS; REPORTS; INSPECTIONS. (a) *Purchases*. A dealer who purchases wild ginseng shall maintain records of the quantity purchased, the name and wild ginseng ~~dealer~~ license number of the vendor and other information required by the department.

SECTION 1364s. 94.50 of the statutes is created to read:

**94.50 Cultivated ginseng.** (1) DEFINITIONS.

**Vetoed in Part**

(a) "Cultivated ginseng" means ginseng that is ~~planted~~, grown or nurtured by a person.

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### Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES

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#### Item 3-M: Deferred or "Phantom" Taxes

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##### Governor's written objections:

###### Section 1591m

The budget bill prohibits utilities from collecting federal and state taxes not actually paid in a particular year. This is the so-called "phantom" or deferred tax issue. The practice is presently allowed by both the state and federal government to enable utilities to build capital replacement and expansion reserves. Although there are good arguments on both sides of the issue, I fear that the broad prohibition in the bill may hurt rather than help ratepayers in the long run. Neither the proponents nor the opponents of this change can, with any degree of certainty, show the effect on the ratepayer. This concern is particularly relevant four to five years in the future. Separate legislation concerning phantom taxes has been introduced earlier in the session. If its proponents can demonstrate that its enactment will have significant positive impact on ratepayers, I will support its enactment.

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##### Cited segments of 1983 SB-83:

SECTION 1591m, 196-03 (7) of the statutes is created to read:

196-03 (7) The commission may not authorize a public utility to include in rates to consumers, directly or indirectly, any federal and state deferred income taxes resulting from timing differences between the amounts recorded for tax purposes and the amounts recorded for book purposes in the year in which rates are calculated, except for the following:

Vetoed in Part

(a) Deferred income taxes expressly required as a condition of receiving a tax benefit under sections 46, 167 and 168 of the internal revenue code, as amended to December 31, 1982.

(b) Deferred income taxes related to nuclear plant decommissioning expense.

(c) Deferred income taxes not expressly required by sections 46, 167 and 168 of the internal revenue code nor related to nuclear plant decommissioning expense which were accumulated by the utility prior to the effective date of this subsection (1983) and which shall be restored to the consumers by debiting the accumulated deferred income tax account and crediting the cost of service to the utility after the amount recorded for book purposes exceeds the amount recorded for tax purposes for the original specific timing difference until the amount in such account is reduced to zero.

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-N: Fuel Adjustment Clause - Rule Specifications****Governor's written objections:**

## Section 1591r

The budget prohibits the use of an automatic adjustment clause to increase rates for utility fuel cost increases. I agree with this elimination of the automatic fuel adjustment clause. In place of automatic adjustments the language requires the Public Service Commission to promulgate rules which provide for a periodic review and hearing on the costs of fuel, and rate adjustments to recognize those costs. I fear that this language eliminates much of the benefit of prohibiting the automatic adjustment clause. Accordingly, I have vetoed the language in a manner that enables the PSC to develop a mechanism to address increased fuel costs without a mandate for periodic reviews, hearings and rate adjustments.

**Cited segments of 1983 SB-83:**

SECTION 1591r. 196.20 (4) of the statutes is created to read:

196.20 (4)

**Vetoed in Part**

(d) The commission shall promulgate a rule which provides for a periodic review, including a hearing, of the costs of fuel and purchased power incurred by electric utilities and adjustments in rates which recognize the change in such costs.

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-O: Indexed Motor Fuel Tax Sunset**

**Governor's written objections:**

Sections 1288, 1292

I have vetoed the language in these sections which sunsets the indexed motor fuel tax in 1989. A sunset is contrary to the goal of providing a predictable source of transportation revenue.

**Cited segments of 1983 SB-83:**

SECTION 1288. 78.015 of the statutes is created to read:

**Vetoed in Part**

**78.015 Annual adjustment of tax rate.** (1) Beginning in 1985 ~~and ending in 1989~~, on or before April 1 the department shall recompute and publish the rate for the tax imposed under s. 78.01 (1) and the rate under s. 78.14. The new rate per gallon shall be calculated by multiplying the rate in effect at the time of the calculation by an amount obtained by multiplying the amount under sub. (2) by the amount under sub. (3).

SECTION 1292. 78.405 of the statutes is created to read:

**Vetoed in Part**

**78.405 Annual adjustment of tax rate.** Beginning in 1985 ~~and ending in 1989~~, on or before April 1 the department shall adjust and publish the rate in s. 78.40 using the calculations under s. 78.015. The adjusted rate is effective on the April 1 after it is calculated ~~in 1985 and on the 1st after the calculation in 1986 and thereafter.~~ **Vetoed in Part**

**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-P: April Motor Fuel Tax Indexing**

**Governor's written objections:**

Sections 1288, 1292

Under the current provisions of SB 83, indexing the motor fuel tax rate is to occur beginning on April 1, 1985, and on July 1 in 1986 and on July 1 each year thereafter. Indexing on July 1st of each year produces about \$8 million less revenue annually than if indexing were effective on April 1 of each year.

Throughout the budget process, I strongly supported the concept of indexing the motor fuel tax to provide the Transportation Fund with a stable revenue source for the next four years. My budget projected positive ending balances in the Transportation Fund through the end of the 1985-87 biennium. However, in subsequent action in the Senate, costs of Pupil Transportation Aids, formerly GPR funded, were converted to Transportation SEG funding for 1983-84. This expenditure modification jeopardizes the stability of the Transportation Fund balance. Accordingly, I have vetoed part of these sections so that the indexed tax rate, initially implemented on April 1, 1985, will continue to be adjusted on April 1 of each year thereafter. This change would generate an additional \$16.0 million SEG in 1985-87 and partially offset the impact of the 1983-84 Pupil Transportation Aids transfer on future years' balances.

**Cited segments of 1983 SB-83:**

SECTION 1288. 78.015 of the statutes is created to read:

**78.015 Annual adjustment of tax rate.**

(5) The rate calculated under this section is effective on the April 1 after the calculation ~~in 1985 and on the July 1 after the calculation in 1986 and thereafter.~~ **Vetoed in Part**

SECTION 1292. 78.405 of the statutes is created to read:

**78.405 Annual adjustment of tax rate.** Beginning in 1985 ~~and ending in 1989,~~ **Vetoed in Part** on or before April 1 the department shall adjust and publish the rate in s. 78.40 using the calculations under s. 78.015. The adjusted rate is effective on the April 1 after it is calculated ~~in 1985 and on the July 1 after the calculation in 1986 and thereafter.~~ **Vetoed in Part**

**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**Item 3-Q: DPI Services for Driver**

**Governor's written objections:**

Section 121 as it relates to s. 20.255(1)(hm)

This section appropriates \$250,000 PRO annually from the drunk driving surcharge to familiarize school children with the problems caused by drunk driving. My veto eliminates funding for the program in the first year of the biennium, but allows second year funding to remain. My decision to eliminate first year funding is based on the concern that three existing state programs in the Department of Transportation, Department of Health and Social Services, and at the State Lab of Hygiene are currently projected to utilize all available surcharge revenues during 1983-85. Without this veto, funding for the three existing programs and the proposed Department of Public Instruction program would have to be modified or prorated. These modifications would result in reducing existing services.

Current projections of the drunk driving surcharge fund, including funding for DPI programs, would put the fund in a \$60,000 deficit at the end of 1983-84, and -\$275,000 by 1984-85. It is my hope that the veto of first year funding for this program will avoid a 1983-84 deficit and allow time for legislative action to provide sufficient revenues for the fund prior to 1984-85 to avoid reductions in existing programming.

**Cited segments of 1983 SB-83:**

SECTION 121.

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1983-84	1984-85
20.255 Public instruction, department of			
(1) EDUCATIONAL LEADERSHIP			
(hm) Services for drivers	PR A	<del>250,000</del>	250,000 <b>Vetoed in Part</b>

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-R: I-90 Rock County Interchange**

**Governor's written objections:**

Section 2051(8)

This section specifies that DOT conduct preliminary engineering and design work for an interchange on I-90 adjacent to Avalon Road in Rock County. This direction of a specific location hinders state and local planning processes and forecloses options before they have been evaluated. Since two or more reasonable locations exist for the interchange, I have vetoed the specific location for the project. I have also vetoed reference to design work because it presupposes that one interchange project has been chosen for construction.

**Cited segments of 1983 SB-83:**

**SECTION 2051. Nonstatutory provisions; transportation.**

(8) INTERSTATE INTERCHANGE. From the appropriation under section 20.395 (3) (gq) of the statutes, the department of transportation shall expend not to exceed \$600,000 in the 1983-85 biennium to perform the preliminary engineering and design work associated with development of an interchange off of I 90 adjacent to Avalon Road south of STH 11 in Rock county. **Vetoed in Part**

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-S: Major Highways Plans and Specifications**

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**Governor's written objections:**

Section 12p

The budget directs the Department of Transportation to provide assistance to the Transportation Projects Commission's review of major highway projects. Among items specified as part of this assistance is preparation of preliminary plans and specifications for proposed projects. These are architectural terms, which, when used in highway design, include all design work to prepare a project for construction, such as detailed plans, estimates and specifications. This detail is unnecessary for review of project concept and scope by the Transportation Projects Commission and would be extremely costly. Accordingly, I have vetoed this language.

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**Cited segments of 1983 SB-83:**

SECTION 12p. 13.489 of the statutes is created to read:

**13.489 Transportation projects commission.**

(3) ASSISTANCE TO COMMISSION. The department of transportation shall assist the commission in the performance of its duties. The department of transportation shall, when requested by the commission, make or cause to be made such studies, ~~preliminary plans and specifications~~ and cost estimates with respect to any proposed project as are necessary to permit the commission to consider the project. The costs of such studies shall be charged to the appropriate program appropriation under s. 20.395.

**Vetoed in Part**

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-T: Stadium Freeway South Reimbursement**

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**Governor's written objections:**

Section 2051(7m)(b)4

This section prohibits the Department of Transportation from demanding reimbursement from local units of government that might receive property as a result of the disposal of Stadium Freeway South lands. These properties were purchased with state transportation revenues and a diversion of these revenues to any other local purpose would be inappropriate.

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**Cited segments of 1983 SB-83:****SECTION 2051. Nonstatutory provisions; transportation.**

(7m) STADIUM FREEWAY SOUTH.

(b)

~~4. The department of transportation may not demand reimbursement from any municipality or Milwaukee county for lands or property conveyed under subdivision 2.~~ **Vetoed in Part**

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**Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

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**Item 3-U: Stadium Freeway South Study Deadline**

**Governor's written objections:**

Section 2051(7m)(b)1f

The budget requires the Department of Development to complete by January 1, 1984, a study and disposition plan relating to lands originally acquired by the state for construction of a Stadium Freeway South in Milwaukee County. The timeframe provided by the date reference is insufficient to do a complete and thorough study. Accordingly, I have vetoed this deadline but I am directing the Department of Development to have the study and plan completed by July 1, 1984.

**Cited segments of 1983 SB-83:**

SECTION 2051. Nonstatutory provisions; transportation.

(7m) STADIUM FREEWAY SOUTH.

(b) 1.

f. The secretary of development shall submit the study results and disposition plan required under this paragraph to the presiding officer of each house of the legislature, the governor, the county of Milwaukee and the municipalities in which the lands and properties are located ~~no later than January 1, 1984.~~ **Vetoed in Part**

**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-A: Energy Development and Demonstration Fund**

**Governor's written objections:**

Section 121 as it relates to s. 20.505(1)(d)

I am utilizing my partial veto authority to delete \$112,500 GPR in 1984-85 of funding for the Energy Development and Demonstration Fund in the Department of Administration. While the fund's objectives are important, the relative priority of this program is lower than other priorities for general purpose revenues. As the enabling statutory authority for this program remains intact, the funding level can be further debated during deliberations on the 1985-87 biennial budget.

During the interim period it is likely that a \$100,000 federally-funded Energy Development and Demonstration Fund will be established. I am also directing the Division of State Energy to work with Wisconsin utilities to encourage their continued sponsorship of demonstration projects on renewable energy sources and energy conservation technologies.

**Cited segments of 1983 SB-83:**

SECTION 121. 20.005 (3) of the statutes is created to read:

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1983-84	1984-85
<b>20.505 Administration, department of</b>			
(1) SUPERVISION AND MANAGEMENT			
(d) Energy development and demonstration fund	GPR A	112,500	<b>Vetoed in Part</b> <del>112,500</del>

**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-B: Robert L. Borum Claim**

**Governor's written objections:**

Section 2057(11)

This section authorizes a \$75,000 GPR payment to Robert L. Borum to compensate him for permanent partial disability. I am vetoing this section because resolution of claims against the state should follow established statutory procedures and not be delineated in a session law. Mr. Borum's claim was reviewed by the State Claims Board which recommended on July 31, 1974 that the claim be denied.

**Cited segments of 1983 SB-83:**

**SECTION 2057. Nonstatutory provisions; other.**

~~(11) ROBERT L. BORUM CLAIM. There is authorized and directed to be expended from the appropriation under section 20.505 (4) (d) of the statutes, as affected by the acts of 1983, \$75,000 to Robert L. Borum, Milwaukee, Wisconsin, to compensate him for permanent partial disability and years of suffering. His disability results from an industrial accident which occurred in Kenasha on March 21, 1955, and has not been recompensed due to the state industrial commission's November 30, 1955, denial of his claim of permanent injuries, and the operation of chapter 102 of the statutes which binds the claimant to a single cause of action even though there was insufficient knowledge of the extent of his injuries at the time of the original hearing. Acceptance of this payment operates as a full and complete release to the state of any further claim by Mr. Borum arising out of his injury and the consideration thereof by the industrial commission.~~ Vetoed in Part

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**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**


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**Item 4-C: Reapportionment****Governor's written objections:**

Sections 1b, 1f, 1jd, 1jh, 1jp, 1jt, 15m, 108d, 108m, 1136t, 1152p, 1152r, 2033(4), 2203(33)(c) I am vetoing the reapportionment plan. While I find the substance of the redistricting effort to be acceptable, objections to the process of including the plan in the budget make it impossible for it to be judged on its merits. I will call a special session of the Legislature to assure a full public hearing for the proposed plan.

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**Cited segments of 1983 SB-83:**

SECTION 1b. 3.002 of the statutes is amended to read:

3.002 Description of boundaries. Wherever in this chapter territory is described by geographic boundaries, such boundaries follow the conventions set forth in s. 4.002-4.003.

SECTION 1f. Chapter 4 of the statutes is repealed and recreated to read:

CHAPTER 4  
SENATE AND ASSEMBLY DISTRICTS  
SUBCHAPTER I  
GENERAL PROVISIONS

4.001 Legislative redistricting; equal population. (1) Based on the certified official results of the 1980 census of population of Wisconsin, as received by this state from the U.S. bureau of the census on March 23, 1981, under P.L. 94-171, the state is divided into 33 senate districts each composed of 3 assembly districts. Each senate district shall be entitled to elect one member of the senate. Each assembly district shall be entitled to elect one representative to the assembly.

(2) All senate districts, and all assembly districts, are as equal in the number of inhabitants as practicable within the guidelines further set forth in this section. Because the certified total number of inhabitants of this state on the 1980 census data was 4,705,521, each of the 33 senate districts contains approximately 142,592 inhabitants and each of the 99 assembly districts contains approximately 47,311 inhabitants.

(3) In enacting the 1980 redistricting, the legislature assigned the highest priority to achieving substantial population equality among districts. Thereafter, it considered the following factors as coequal in precedence: compactness, contiguity of area, and community of interest. Island territory (territory belonging to a city, town or village but not contiguous to the main part thereof) is considered a contiguous part of its municipality.

(4) County lines have been observed to the extent consistent with sub. (2).

4.002 Municipal wards. (1) DEFINITION. Except as further provided in this section, in this chapter "ward" means the municipal wards created under s. 5.15 based on the results of the 1980 federal census of population, and in effect on January 1, 1982.

(2) MILWAUKEE, CITY OF. Any reference to a ward of the city of Milwaukee means the wards created by ordinance 142 dated November 17, 1981 (file number 80-1517-D), as affected by the elections commission adjustments of August 1982.

(3) OSHKOSH, CITY OF. Ward 42 of the city of Oshkosh includes the annexation from the town of Algoma.

4.003 Description of boundaries. Wherever in this chapter territory is described by geographic boundaries, the following conventions are used:

(1) Each bound continues to the intersection with the bound next named, or to the intersection with a straight-line extension of such bound.

(2) If the bound is a street, it follows the centerline of such street or the centerline of such street extended.

(3) If the bound is a railroad right-of-way, it follows the centerline of such railroad right-of-way.

- (4) If the bound is a river or stream, it follows the center of the main channel of such river or stream.
- (5) If the bound follows a municipal boundary, it coincides with such boundary.

**4.004 Elections to the legislature.** Any special election to the legislature called to fill a vacancy for the balance of an unexpired term on or after July 1, 1983, and any regular election to the legislature held after July 1, 1983, shall be from the districts as described in ss. 4.009 and 4.01 to 4.99.

**4.005 Territory omitted from legislative redistricting.** (1) In case any town, village or ward in existence on the effective date of a legislative redistricting act has not been included in any assembly district, such town, village or ward shall be a part of the assembly district by which it is surrounded or, if it falls on the boundary between 2 or more districts, of the adjacent assembly district having the lowest population according to the federal census upon which the redistricting act is based.

(2) The boundaries of legislative districts established by this chapter are not altered by any change in the county boundaries under ch. 2, by the creation of any town, village, city or ward or by any municipal annexation, consolidation or detachment.

SUBCHAPTER II  
SENATE DISTRICTS

**4.009 Senate districts.** (1) **FIRST SENATE DISTRICT.** The combination of the 1st, 2nd and 3rd assembly districts shall constitute the first senate district.

(2) **SECOND SENATE DISTRICT.** The combination of the 4th, 5th and 6th assembly districts shall constitute the 2nd senate district.

(3) **THIRD SENATE DISTRICT.** The combination of the 7th, 8th and 9th assembly districts shall constitute the 3rd senate district.

(4) **FOURTH SENATE DISTRICT.** The combination of the 10th, 11th and 12th assembly districts shall constitute the 4th senate district.

(5) **FIFTH SENATE DISTRICT.** The combination of the 13th, 14th and 15th assembly districts shall constitute the 5th senate district.

(6) **SIXTH SENATE DISTRICT.** The combination of the 16th, 17th and 18th assembly districts shall constitute the 6th senate district.

(7) **SEVENTH SENATE DISTRICT.** The combination of the 19th, 20th and 21st assembly districts shall constitute the 7th senate district.

(8) **EIGHTH SENATE DISTRICT.** The combination of the 22nd, 23rd and 24th assembly districts shall constitute the 8th senate district.

(9) **NINTH SENATE DISTRICT.** The combination of the 25th, 26th and 27th assembly districts shall constitute the 9th senate district.

(10) **TENTH SENATE DISTRICT.** The combination of the 28th, 29th and 30th assembly districts shall constitute the 10th senate district.

(11) **ELEVENTH SENATE DISTRICT.** The combination of the 31st, 32nd and 33rd assembly districts shall constitute the 11th senate district.

(12) **TWENTH SENATE DISTRICT.** The combination of the 34th, 35th and 36th assembly districts shall constitute the 12th senate district.

(13) **THIRTEENTH SENATE DISTRICT.** The combination of the 37th, 38th and 39th assembly districts shall constitute the 13th senate district.

(14) **FOURTEENTH SENATE DISTRICT.** The combination of the 40th, 41st and 42nd assembly districts shall constitute the 14th senate district.

(15) **FIFTEENTH SENATE DISTRICT.** The combination of the 43rd, 44th and 45th assembly districts shall constitute the 15th senate district.

(16) **SIXTEENTH SENATE DISTRICT.** The combination of the 46th, 47th and 48th assembly districts shall constitute the 16th senate district.

(17) **SEVENTEENTH SENATE DISTRICT.** The combination of the 49th, 50th and 51st assembly districts shall constitute the 17th senate district.

(18) **EIGHTEENTH SENATE DISTRICT.** The combination of the 52nd, 53rd and 54th assembly districts shall constitute the 18th senate district.

(19) **NINETEENTH SENATE DISTRICT.** The combination of the 55th, 56th and 57th assembly districts shall constitute the 19th senate district.

(20) **TWENTIETH SENATE DISTRICT.** The combination of the 58th, 59th and 60th assembly districts shall constitute the 20th senate district.

(21) **TWENTY-FIRST SENATE DISTRICT.** The combination of the 61st, 62nd and 63rd assembly districts shall constitute the 21st senate district.

(22) **TWENTY-SECOND SENATE DISTRICT.** The combination of the 64th, 65th and 66th assembly districts shall constitute the 22nd senate district.

**VETOED**

- (23) TWENTY-THIRD SENATE DISTRICT. The combination of the 67th, 68th and 69th assembly districts shall constitute the 23rd senate district.
- (24) TWENTY-FOURTH SENATE DISTRICT. The combination of the 70th, 71st and 72nd assembly districts shall constitute the 24th senate district.
- (25) TWENTY-FIFTH SENATE DISTRICT. The combination of the 73rd, 74th and 75th assembly districts shall constitute the 25th senate district.
- (26) TWENTY-SIXTH SENATE DISTRICT. The combination of the 76th, 77th and 78th assembly districts shall constitute the 26th senate district.
- (27) TWENTY-SEVENTH SENATE DISTRICT. The combination of the 79th, 80th and 81st assembly districts shall constitute the 27th senate district.
- (28) TWENTY-EIGHTH SENATE DISTRICT. The combination of the 82nd, 83rd and 84th assembly districts shall constitute the 28th senate district.
- (29) TWENTY-NINTH SENATE DISTRICT. The combination of the 85th, 86th and 87th assembly districts shall constitute the 29th senate district.
- (30) THIRTIETH SENATE DISTRICT. The combination of the 88th, 89th and 90th assembly districts shall constitute the 30th senate district.
- (31) THIRTY-FIRST SENATE DISTRICT. The combination of the 91st, 92nd and 93rd assembly districts shall constitute the 31st senate district.
- (32) THIRTY-SECOND SENATE DISTRICT. The combination of the 94th, 95th and 96th assembly districts shall constitute the 32nd senate district.
- (33) THIRTY-THIRD SENATE DISTRICT. The combination of the 97th, 98th and 99th assembly districts shall constitute the 33rd senate district.

VETOED

SUBCHAPTER III  
ASSEMBLY DISTRICTS

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Note: The description of the territory contained in each assembly district is omitted in this bulletin. See statute sections 4.01 to 4.99 as shown in 1983 Wisconsin Act 27 on pages 3 to 15.  
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SECTION 1j. 5.15 (N) (d) of the statutes is created to read:  
 5.15 (N) (d) Every ward shall be wholly contained within a single county. Vetoed in Part  
 SECTION 1j. 5.15 (4) (a) of the statutes is amended to read:  
 5.15 (4) (a) The division ordinance or resolution shall number all wards in the municipality in whole numbers in consecutive order, beginning with the number one, shall designate the polling place for each ward, and shall describe the boundaries of each ward consistent with the conventions set forth in s. 4.002-4.003.  
 SECTION 1j. 8.15 (9) of the statutes is created to read:  
 8.15 (9) Upon filing of nomination papers by any candidate for representative in congress, state senator or representative to the assembly under this section or upon appointment or re-nomination of such a candidate by write-in vote, the board shall provide to the candidate a copy of the map or maps, received under s. 16.96 (3) (b), required to show the boundaries of the district which the candidate seeks to represent.

SECTION 11. 8.20 (10) of the statutes is created to read:  
 8.20 (10) Upon filing of nomination papers by any candidate for representative in congress, state senator or representative to the assembly under this section or upon appointment of such a candidate, the board shall provide to the candidate a copy of the map or maps, received under s. 16.96 (3) (b), required to show the boundaries of the district which the candidate seeks to represent.

SECTION 15m. 13.92 (1) (4) 6 of the statutes is created to read:  
 13.92 (1) (a) 6. Beginning with the date of the decennial federal census of population and ending on December 1 of the 2nd year commencing after such census, prepare and publish such street and ward maps of the municipalities in this state as are required to show the boundary lines of congressional and legislative districts based on that census. Following the final approval of the redistricting plans, the bureau shall transfer the maps used to show the district boundaries contained in such plans to the department of administration under s. 16.96 (3) (b). **Vetoed in Part.**

SECTION 108d. 16.96 (3) of the statutes is renumbered 16.96 (3) (a). **Vetoed in Part**

SECTION 108m. 16.96 (3) (b) of the statutes is created to read:  
 16.96 (3) (b) Maintain and keep current throughout the decade the maps of congressional and legislative district boundaries received from the legislative reference bureau under s. 13.92 (1) (a) 6 and provide copies thereof to the elections board.

SECTION 1136f. 59.03 (2) (a) and (3) (b) 1 of the statutes are amended to read. **Vetoed in Part**  
 59.03 (2) (a) *Composition, supervisory districts.* Within 60 days after the population count by enumeration district or block, established in the decennial federal census of population, becomes available in printed form from the federal government or is published for distribution by an agency of this state, the board shall adopt and transmit to the governing body of each city and village in the county a tentative county supervisory district plan to be considered by the cities and villages when dividing into wards. The plan shall specify the number of supervisors to be elected and shall divide the county into a number of districts equal to the number of supervisors, with each district substantially equal in population and consisting of whole wards. Except as otherwise provided in this paragraph, the board shall develop and adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a final plan by ordinance in accordance with sub. (3) (b) 2 to 4.

(3) (b) 1. Within 60 days after the population count by enumeration district or block, established in the decennial federal census of population, becomes available in printed form from the federal government or is published for distribution by an agency of this state, each board shall adopt and transmit to each municipal governing body in the county a tentative county supervisory district plan. The plan shall divide the county into districts setting forth the number of supervisory districts and tentative boundaries or a description of boundary requirements. Each district shall consist of whole wards or municipalities and shall be designated to be represented by one or 2 supervisors; however, no supervisory district for the election of 2 supervisors may include territory for which the U.S. bureau of the census has provided block statistics. All districts designated to be represented by one supervisor shall be substantially equal in population. All districts designated to be represented by 2 supervisors shall be substantially equal in population, which population shall be approximately twice the population of each district in the county designated to be represented by one supervisor, if any. The board shall solicit suggestions from municipalities concerning development of an appropriate plan. In the tentative plan, the board shall, whenever possible, give first preference to placing whole contiguous municipalities or parts of the same municipality within the same district and 2nd preference to placing whole contiguous enumeration districts within the same district. In the event that a division of a municipality or enumeration district is sought by the board, the board shall provide with the plan a written statement to the municipality affected by each proposed division specifying the approximate location of the territory from which a ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division. **Vetoed in Part**

SECTION 1132p. 66.021 (16) of the statutes is created to read:  
 66.021 (16) *EFFECTIVE DATE OF ANNEXATIONS.* Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any annexation action taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on July 31 of the 2nd year commencing after that census is effective on August 1 of the 2nd year commencing after that census or at such later date as may be specified in the annexation ordinance. This subsection first applies to annexations effective after March 31, 1991.

~~SECTION 11.52r. 66.022 (6) of the statutes is created to read:~~ Vetoed in Part  
~~66.022 (6) Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any detachment action taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on July 31 of the 2nd year commencing after that census is effective on August 1 of the 2nd year commencing after that census or at such later date as may be specified in the detachment ordinance. This subsection first applies to detachments effective after March 31, 1991.~~

**SECTION 2033. Nonstatutory provisions; legislature.**

~~(4) MAPS TO BE PRINTED, LEGISLATURE. In preparing that portion of this act relating to redistricting the senate and assembly for publication in the bound volumes of the session laws the legislative reference bureau shall, and in preparing such for incorporation into the statutes the revisor of statutes shall, in cooperation with the department of administration procure suitable maps to illustrate the configuration of each senate district under subsections (1) to (33) of section 4.069 of the statutes as affected by this act and of each assembly district under sections 4.01 to 4.09 of the statutes as affected by this act.~~ Vetoed in Part

**SECTION 2203. Initial applicability.**

**(33) LEGISLATURE.**

~~(c) Redistricting, legislature. Sections 8.15 (9) and 8.20 (10) of the statutes, as affected by this act, first apply to the regular 1984 September primary and November general elections for representative in congress, and for members of the senate and assembly.~~ Vetoed in Part

**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-D: Quit Benefit for Out-of-State Work**

**Governor's written objections:**

Sections 1399q, 2203(25)(g)

These sections provide that workers who accept employment out of state and terminate that employment with good cause can return to the state and receive benefits after 26 weeks of work, rather than being limited to only 10 weeks as current law provides. I am vetoing this provision because it establishes unequal and disparate treatment under the Unemployment Compensation law. If enacted, a worker laid off from a job who accepts work in another state is subject to less stringent requirements than a worker who accepts a job within the state. This is a substantial benefit to workers in border areas, but much less useful to workers in the central areas of the state.

**Cited segments of 1983 SB-83:**

~~SECTION 1399q. 198-04 (7) (em) of the statutes is created to read: Vetoed in Part  
198-04 (7) (em) Paragraph (a) does not apply if the department determines that a resident of this state who was unemployed accepted employment outside this state which he or she could have refused with good cause under sub. (8) and terminated that employment with the same good cause and within the first 26 weeks after starting work at that employment.~~

**SECTION 2203. Initial applicability.**

(25) INDUSTRY, LABOR AND HUMAN RELATIONS.

~~(g) O.K. (none for any exception). The creation of section 198-04 (7) (em) of the statutes by this act applies commencing with benefit years beginning on or after the first Monday after the effective date of this act. Vetoed in Part~~

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**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**


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**Item 4-E: JOCER Approval of Class Changes**


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**Governor's written objections:**

Section 1609dm, 1611am

I have vetoed the requirement that the Joint Committee on Employment Relations review any proposal of the DER Secretary to assign an existing class of employes to a higher pay range or create a new class which would result in a higher pay range. This requirement is contrary to the thrust of the DER reorganization which recognized that this and other agency functions should appropriately be placed under the purview of the DER Secretary. In addition, JOCER approval of class changes could create potentially excessive delays in the process. In the past, some approvals have been delayed because JOCER meetings have been held irregularly.

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**Cited segments of 1983 SB-83:**

SECTION 1609dm. 230.09 (2) (b) of the statutes is amended to read:

230.09 (2) (b) To accommodate and effectuate the continuing changes in the classification plan as a result of the classification survey program and otherwise, the administrator with approval of the board secretary shall, upon initial establishment of a classification, assign that class to the appropriate pay rate or range, and may, upon subsequent review, the administrator with approval of the board may reassign classes to different pay rates or ranges. The administrator secretary shall apply the principle of equal pay for work of equivalent skills and responsibilities when assigning a classification to a pay range. The administrator secretary shall give notice to appointing authorities and the personnel board in order that they may to permit them to make recommendations prior to before final action being is taken on any such assignment or reassignment of classes. ~~Any proposal by the secretary to reassign an existing class to a higher pay range or to create a new class which would result in existing positions being assigned to a higher pay range shall be submitted in writing to the joint committee on employment relations. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal within 14 working days after the date of the secretary's notification, the secretary may proceed with the proposed action. If within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the secretary's proposal, the secretary may not proceed with the proposed action until after the meeting is held and the committee approves or modifies the secretary's proposal. The governor may disapprove any modification of the secretary's proposal within 10 calendar days of that modification. A vote of 6 members of the joint committee on employment relations is required to set aside the governor's disapproval.~~

Vetoed in Part

SECTION 1611am. 230.12 (1) (a) of the statutes is amended to read:

Vetoed in Part

230.12 (1) (a) *General provision.* The compensation plan is the listing of the dollar values of the pay rates and ranges and the within range pay steps of the separate pay schedules to which the classes and grade levels for positions in the classified service established under the classification plan are assigned. In addition, the compensation plan may, when applicable, include provisions for supplemental pay and pay adjustments, and other provisions required to implement the plan or amendments thereto. Provisions for administration of the compensation plan and salary transactions shall be provided in either the rules of the administrator secretary or the compensation plan. ~~Any proposal by the secretary to raise the minimum pay rate for more than one position in a class above the minimum pay rate established in the approved compensation plan shall be submitted in writing to the joint committee on employment relations. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal within 14 working days after the date of the secretary's notification, the secretary may proceed with the proposed action. If within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the secretary's proposal, the secretary may not proceed with the proposed action until after the meeting is held and the committee approves or modifies the secretary's proposal. The governor may disapprove any modification of the secretary's proposal within 10 calendar days of that modification. A vote of 6 members of the joint committee on employment relations is required to set aside the governor's disapproval.~~

Vetoed in Part

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**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

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**Item 4-F: Deadline for PIC Hearings**

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**Governor's written objections:**

Section 2057(10)

This provision sets an August 15, 1983 deadline for Private Industry Council public hearings for Job Training plans. I am vetoing this section because the date is arbitrary and will be impossible for some local governments to meet. My veto retains the requirement that a public hearing must be held before the plan is submitted to me.

.....  
**Cited segments of 1983 SB-83:**

SECTION 2057. Nonstatutory provisions; other.

~~(10) Private Industry Council Hearings. Each private industry council shall hold at least one public hearing under section 14.281 of the statutes no later than August 15, 1983. Vetoed in Part~~

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**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-G: Canadian Physician Licensing**

**Governor's written objections:**

Section 1718r

This section requires the State Medical Examining Board to issue non-restrictive licenses to a very narrow category of Canadian physicians. In fact, it specifically contemplates the licensing of a particular physician who has failed three times the examination necessary for licensure in Wisconsin. Legislating exemptions to licensing requirements of general application subverts the regulatory process.

**Cited segments of 1983 SB-83:**

<del>SECTION 1718r. 448.075 of the statutes is created to read:</del>	<b>Vetoed in Part</b>
<del>448.075 Licensure of physicians with Canadian licensure. The board shall license, without restriction, further examination or any requirement of reciprocity, any person who is registered on the Canadian medical register as a licentiate of the medical council of Canada and who has practiced medicine and surgery in this state for at least 4 years under any class of license issued under this chapter.</del>	

**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-H: Sales Tax Exemption for Personal Products**

**Governor's written objections:**

Sections 1284p, 2204(45)(rm)

I have vetoed the sections that create a sales tax exemption for toilet tissue and toothpaste sold in retail food stores. The proposed exemptions are unfair in that other types of paper products and non-prescription hygiene products would remain subject to tax. Also, the exemption of goods sold by a particular type of retail store discriminates against other retail establishments that sell the same products but that are not exempt from the sales tax. Without this veto state tax revenues would be reduced by \$2.5 million annually during the 1985-87 biennium when the provision goes into full effect.

**Cited segments of 1983 SB-83:**

~~SECTION 1284p. 77.54 (31) of the statutes is created to read:  
77.54 (31) The gross receipts from the sales of and the storage, use or other consumption of toilet tissue and toothpaste if those products are sold by a retail food store of the type included in industry number 541 of the standard industrial classification manual prepared by the federal office of management and budget.~~ **Vetoed in Part**

SECTION 2204. **Effective dates.**  
(45) REVENUE.

~~(rm) Sales tax exemption for household products. The treatment of section 77.54 (31) of the statutes by this act takes effect on July 1, 1985.~~ **Vetoed in Part**

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## Subject Area 4. GENERAL GOVERNMENT OPERATIONS

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### Item 4-I: Liquor Sales Territory Restrictions

#### Governor's written objections:

Sections 1489d, 1489h, 1489t

These sections would restrict sales between alcohol beverage wholesalers and retail licensees so that the retailer would be required to purchase from only those wholesalers operating in the geographic area of the state in which the retailer is located.

I have vetoed these sections because they would place unjustified restrictions on sales transactions between alcohol beverage wholesalers and retailers. The Department of Justice has indicated that these sections may conflict with federal antitrust laws. Enforcement of these provisions would be an unnecessary intrusion into business transactions of some of the state's small businesses.

#### Cited segments of 1983 SB-83:

SECTION 1489d. 125.52 (6) of the statutes is repealed and recreated to read:

125.52 (6) SALES TERRITORY. (a) Before selling any brand of intoxicating liquor to a wholesaler in this state, a manufacturer or rectifier holding a permit under this section shall designate the wholesalers to whom it has granted the right to sell that brand and the territory within which each wholesaler may sell it. More than one wholesaler may be designated in a territory. Chapter 135 applies to this paragraph. Vetoed in Part

(b) The manufacturer or rectifier shall provide the department with the information specified under par. (a) on a form prescribed by the department. A copy of the completed form shall be provided to each wholesaler designated under par. (a) at the same time the form is provided to the department.

(c) The manufacturer or rectifier shall notify the department and each affected wholesaler of any change in the information provided under par. (a) within 7 days after the effective date of the change.

SECTION 1489h. 125.54 (5) of the statutes is repealed and recreated to read:

125.54 (5) SALES TERRITORY. (a) *Retail sales.* A wholesaler shall sell or deliver a brand of intoxicating liquor only to a retailer who holds a license or permit for the operation of premises within the territory designated for the wholesaler under s. 125.52 (6) (a) or 125.58 (4) (a).

(b) *Wholesale sales.* A wholesaler may sell a brand of intoxicating liquor to another wholesaler. The wholesaler making the purchase may resell the intoxicating liquor only to a retailer within the territory designated for the wholesaler from whom the purchase was made.

SECTION 1489t. 125.58 (4) of the statutes is created to read:

125.58 (4) (a) Before selling or shipping any brand of intoxicating liquor to any wholesaler in this state, a permittee under this section shall designate the wholesalers to whom it has granted the right to sell that brand and the territory within which each wholesaler may sell it. More than one wholesaler may be designated in a territory. Chapter 135 applies to this paragraph. Vetoed in Part

(b) The permittee shall provide the department with the information specified under par. (a) on a form prescribed by the department. A copy of the completed form shall be provided to each wholesaler designated under par. (a) at the same time the form is provided to the department.

(c) The permittee shall notify the department and each affected wholesaler of any change in the information provided under par. (a) within 7 days after the effective date of the change.

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Subject Area 4. GENERAL GOVERNMENT OPERATIONS

Item 4-J: Home Improvement Tax Credit

Governor's written objections:

Sections 121 as it relates to s. 20.835(2)(cm), 489n, 1232m, 1255m, 2201(1)(i), 2202(45)(m)

While I recognize the potential disincentive for home rehabilitation caused by home improvements being subject to assessment increases, I have vetoed the creation of a new home improvements income tax credit. In developing the 1983-85 budget, I have emphasized the importance of balancing revenues and expenditures. I have strongly opposed tax reduction proposals with delayed effective dates. It is estimated that the program would cost \$3.5 million in FY 1986 and \$6.8 million in FY 1987 for a total 1985-87 biennial cost of \$10.3 million. The annual cost is estimated to be \$15.5 million when fully implemented in 1990. No mention was made about funding these expenditures.

This program is not effectively targeted because it has no income test. Lack of an income test creates questions about the constitutionality of the program because it resembles a property tax offset rather than an income maintenance program.

Cited segments of 1983 SB-83:

SECTION 121.

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1983-84	1984-85
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20.835 Shared revenue and tax relief

(2) TAX RELIEF

~~(cm) Home rehabilitation credit. 000 5 0 Vetoed in Part 0~~

~~SECTION 489n. 20.835(2)(cm) of the statutes is created to read: Vetoed in Part  
20.835(2)(cm) Home rehabilitation credit. A sum sufficient to pay the claims approved under s. 71.09(12p).~~

~~SECTION 1232m. 71.09(12p) of the statutes is created to read:~~

~~71.09(12p)(a) The purpose of this subsection is to promote the health, safety and welfare of this state's residents by encouraging the rehabilitation and improvement of the housing of this state's low income persons through the creation of an income tax credit that is available only for housing that has a low or moderate value and is at least 10 years old, that is based on rehabilitation expenses only and that is available even to persons who have little or no income tax liability.~~

~~(b) In this subsection:~~

- ~~1. "Department" means the department of revenue. Vetoed in Part~~
- ~~2. "Eligible rehabilitation" has the meaning under s. 560.06(1)(d).~~
- ~~3. "Full valuation" for any property means the assessed value of the property divided by the assessment ratio for that class of property within the taxation district as determined from the taxation district's equalized value under s. 70.57.~~
- ~~4. "Home" means a one- or 2-family dwelling in this state and appurtenant land which has a full valuation of \$50,000 or less and is the principal residence of the occupants.~~
- ~~5. "Rental unit" means any dwelling in this state with 3 or more living units, one of which is the principal residence of the claimant, and appurtenant land that has a full valuation of \$75,000 or less.~~

~~(c) Beginning with taxable year 1985, a person who improves a home or rental unit owned by that person may credit against Wisconsin income taxes otherwise due an amount equal to 3.33% of the first \$1,000 in costs for the improvements incurred during the taxable year. If more than one person owns the home or rental unit, the credit under this subsection may be divided among them according to their proportionate interest in the property.~~

~~(d) In each of the 4 years immediately following a claim allowed under par. (c), the claimant may claim as a credit the same amount that the claimant was allowed for those improvements for that prior year if the claimant is, at the end of the current taxable year, the owner of the home or rental unit. This amount shall be in addition to any new credit claimed for costs of improvements incurred during the current taxable year. However, the total credit allowed in any year under this subsection may not exceed \$100.~~

~~(e) If the allowable amount of the claim under this subsection exceeds the income taxes otherwise due on the claimant's income or if there are no Wisconsin income taxes due on the claimant's income,~~

the amount of the claim not used as an offset against income taxes shall be certified by the department to the department of administration for payment to the claimant by check from the appropriation under s. 20.835 (2) (cm), except as provided in par. (h). No interest may be allowed on any payment made to a claimant under this paragraph.

(f) This subsection does not apply to the owner of a new home or rental unit for which the original building permit was issued within the 10 years preceding the end of the taxable year for which the credit is first claimed or, if no original building permit was issued, which was first entered on the local tax roll within the 10 years preceding the end of the taxable year for which the credit is first claimed.

(g) Beginning with taxable year 1986, the department shall adjust the dollar amounts in par. (b), 4 and 5 annually to reflect the percentage of increase, not less than zero, in the average equalized valuation of all homes and rental units, respectively, in this state as determined by the department.

(h) Subsection (7) (dm) and (e) as it applies to the homestead credit applies to the credit under this subsection.

(i) Amounts allowed as credits under this subsection are not income for income and franchise tax purposes.

SECTION 1255m. 71.65 of the statutes is created to read:

71.65 Order of computations. (1)

Vetoed in Part

(dm) Home rehabilitation credit under s. 71.09 (12p).

SECTION 2201. Program responsibility changes.

(1) ADMINISTRATION.

Vetoed in Part

(1) Home rehabilitation credit

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (intro.)	none	71.09 (12p) (e)

Vetoed in Part

SECTION 2202. Cross-reference changes.

(45) REVENUE.

Vetoed in Part

A	B	C
Statute Sections	Old Cross-References	New Cross-References
71.09 (13) (a), (b) and (d)	sub. (7), (11), (12) or (12m)	sub. (7), (11), (12), (12m) or (12p)
71.09 (13) (cm)	sub. (7), (11) or (12)	sub. (7), (11), (12), (12m) or (12p)

Subject Area 4. GENERAL GOVERNMENT OPERATIONS

Item 4-K: Wisconsin State Property Tax Relief Credit Formula

Governor's written objections:

Sections 1305, 1306c, 1316m, 1316n, 1319m, 1322m, 1324, 1325m, 2202(45)(f), 2204(45)(f)

I have vetoed the sections of the WSPTR distribution formula language that relate to school aids and aidable revenue in 1986 and thereafter. This veto will return the WSPTR distribution to an all levies basis, which is the distribution formula I originally recommended. My veto of the 1986 distribution language will leave intact the compromises reached by the Legislature regarding the 1983-85 funding levels and distribution. The distribution for 1984 will be 66% all levies, 34% school aids; and for 1985 80% all levies, 20% school aids. The 1986 tax credits will be paid out in proportion to each individual taxpayer's share of the total statewide property tax burden, regardless of where that individual lives or owns property in the state.

Unlike the old General Property Tax Relief (GPTR) formula which favored urban areas and the school-based WSPTR formula which favored rural areas, the all-levies distribution is neutral as shown in the table:

	POPULATION %	WSPTR %
Town	31.6%	32%
Village	10.9%	11%
City	57.5%	57%

Cited segments of 1983 SB-83:

**Vetoed in Part**

SECTION 1305. 79.10 (1) of the statutes, as affected by 1983 Wisconsin Act 2, is amended to read:  
 79.10 (1) DISTRIBUTION. On the first 4th Monday in March July of each year, commencing in 1982 1984, the amount appropriated under s. 20.835 (2) (a) shall be distributed by the department of administration to towns, villages and cities as determined under subs. (2) ~~and~~ [and] (6), except that total payments under sub. (2) (a) in 1982 and total payments under sub. (2) (a) in 1983 shall be distributed on the 4th Monday in July, and except that a percentage of payments under sub. (6) in 1983 shall be distributed on the 4th Monday in July. The percentage of payments under sub. (6) that is distributed in July 1983 shall equal the quotient of \$2,500,000 divided by \$142,500,000. A percentage of payments under sub. (2) (a) in 1984 and thereafter shall be distributed on the 4th Monday in July. The percentage of payments under sub. (2) (a) that is distributed in July in 1984 and in July thereafter shall equal the quotient of total payments under sub. (2) (a) in 1983 plus \$2,500,000 divided by total payments under sub. (2) (a) in the current year ~~and (7).~~

SECTION 1306e. 79.10 (2) (a) and (am) of the statutes, as affected by 1983 Wisconsin Act 2, are repealed and recreated to read:  
 79.10 (2) (a)  
 1. In 1986 and thereafter, the amount distributed under this subsection in the preceding year, plus an amount equal to 45% of the difference between the amount distributed under sub. (5) in the current year minus the amount distributed under this subchapter in the preceding year. **Vetoed in Part**

SECTION 1316m. 79.10 (6) of the statutes, as affected by 1983 Wisconsin Act 2, is repealed and recreated to read:  
 79.10 (6) PROPORTIONAL DISTRIBUTIONS. **Vetoed in Part**  
 (c) In 1986 and thereafter, the amount distributed under this subsection in the preceding year plus an amount equal to 45% of the difference between the amount distributed under sub. (5) in the current year minus the amount distributed under this subchapter in the preceding year.

SECTION 1316n. 79.10 (7) of the statutes is created to read:  
 79.10 (7) AIDABLE REVENUES CREDITS. (a) From the appropriation under s. 20.835 (2) (a), the total amount of credits to be distributed under this subsection is:  
 1. In 1986, an amount equal to 10% of the difference between the amount distributed under sub. (5) in the current year minus the amount distributed under this subchapter in the preceding year.  
 2. In 1987 and thereafter, the amount distributed under this subsection in the preceding year, plus an amount equal to 10% of the difference between the amount distributed under sub. (5) in the current year minus the amount distributed under this subchapter in the preceding year. **Vetoed in Part**  
 (b) In this subsection:  
 1. Additional county aidable revenue entitlements means the difference generated by subtracting:  
 a. Aidable revenue payments to each county under s. 79.03 (3) for the current year, from

- b. Aidable revenue payments to each county under s. 79.03 (3) for the current year if the funding level under s. 79.03 (4) were increased by the amount to be distributed under par. (a).
- 2. "Additional municipal aidable revenue entitlement" means the difference generated by subtracting:
  - a. Aidable revenue payments to each municipality under s. 79.03 (3) for the current year, from
  - b. Aidable revenue payments to each municipality under s. 79.03 (3) for the current year if the funding level under s. 79.03 (4) were increased by the amount to be distributed under par. (a).
- (c) Each municipality shall receive its additional municipal aidable revenue entitlement, plus a portion of the additional county aidable revenue entitlement for each county in which it is located. This portion equals the amount generated by:
  - 1. Dividing the municipality's full value of taxable property that is located in the county, by
  - 2. The county's full value of taxable property; and multiplying this amount by
  - 3. The additional county aidable revenue entitlement for the county.

SECTION 1319m. 79.105 (1) (a) 2 of the statutes is amended to read: **Vetoed in Part**  
 79.105 (1) (a) 2. If the combined payments to any municipality under s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ in 1983 1985 or any year thereafter are less than 90% of the combined payments to the municipality under this section and s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ in 1982 the previous year, the municipality has a credits deficiency for 1983 that year. The amount of the credits deficiency is the amount by which 90% of the combined payments to the municipality in 1982 the previous year under this section and s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ exceed the combined payments to the municipality under s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ in 1983 the current year.

SECTION 1322m. 79.105 (2) (a) 1 of the statutes is renumbered 79.105 (2) (a) and amended to read:  
 79.105 (2) (a) If Beginning in 1984, if the combined payments to a municipality in 1982 the current year under s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ exceed the sum of its combined payments in 1981 under s. 79.10 (2), 1979 stats., plus the amount of the payments to the municipality in 1981 under s. 79.17 (1), 1979 stats., that was used to relieve taxes on real estate and line B personal property, as reported on the municipal treasurer's settlements sheet for the 1980 tax roll, by more than the maximum allowable increase for 1982 the previous year under this section and s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ multiplied by the maximum payment percentage for the current year, the excess shall be withheld to fund minimum payments in 1982 under sub. (1) (b) 4. **Vetoed in Part**

SECTION 1324. 79.105 (2) (b) of the statutes is repealed and recreated to read: **Vetoed in Part**  
 79.105 (2) (b) In this subsection, "maximum payment percentage" means that percentage such that the sum for all municipalities of the amount by which the current year payments, as determined under s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ exceed an amount equal to the sum of the previous year's combined payments under this section and s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ multiplied by the maximum payment percentage is equal to the sum of the credits deficiencies under sub. (1) for the current year.

SECTION 1325m. 79.105 (3) of the statutes is amended to read: **Vetoed in Part**  
 79.105 (3) ADJUSTMENTS. Notwithstanding sub. (1) (b), if payments under sub. (1) and s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ exceed the municipality's average school property tax levies, as defined in s. 79.10 (4) (d) (b), then that municipality's payments for the current year under sub. (1) and s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ shall be reduced by the amount that payments under sub. (1) and s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~ exceed average school property tax levies, as defined under s. 79.10 (4) (d) (b). These reductions shall be distributed among only those municipalities whose average school property tax levies exceed their payments under sub. (1) and s. 79.10 (2) ~~and~~ [and] (6) ~~and~~ ~~(7)~~, and shall be distributed proportionately according to each municipality's share of payments under s. 79.10 (6).

SECTION 2202. Cross-reference changes.

(45) REVENUE.  
 (f) State property tax relief.

A  
 Statute Sections  
 20.835 (2) (a), as  
 affected by 1983  
 Wis. Act 2

B  
 Old Cross-References  
 79.10 (5)

C  
 New Cross-References  
 79.10 (2), (5) and (6)

~~20.835 (2) (a), as affected by 1983 Wis. Act 2~~

~~79.10 (2) and (5)~~

~~79.10 (2), (6) and (7)~~

**Vetoed in Part**

SECTION 2204. **Effective dates.**

(45) REVENUE.

**Vetoed in Part**  
(f) *State property tax relief.* The treatment of sections 79.10 (1), (2) (a), (am), (b) and (d), (3) (intro.) and (a), (4) (intro.), (a), (b) and (d), (5) (a), (6) and (7) and 79.105 of the statutes and of SECTION 2202 (45) (f) of this act takes effect on August 1, 1983, or the day following publication of this act, whichever is later.

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**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

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**Item 4-L: R & D Tax Credit for Capital Expenditures**

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**Governor's written objections:**

Section 1233m  
 Senate Bill 83 includes a 5% income tax credit to encourage additional investment in research and development activities in Wisconsin. The research and development credit (R&D) will encourage the diversification of the Wisconsin economy into high-growth industries and the development of new products by our established industries. The credit is intended to apply to increases in noncapital R&D expenditures and to new or expanded R&D facilities and equipment. However, the final version of the budget bill provides that the 5% R&D credit for capital equipment apply incrementally, i.e., to the increase in capital expenditures over a base period. This method would prevent firms that make multi-year investments from receiving the credit even though a substantial investment has been made. This veto would change the method of determining the credit so that the credit could be claimed on all qualified expenditures.

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**Cited segments of 1983 SB-83:**

SECTION 1233m. 71.09 (12rf) of the statutes is created to read:

**Vetoed in Part**

71.09 (12rf) (a) *Credit*. Any person may credit against taxes otherwise due under this chapter an amount equal to 5% of the amount obtained by subtracting from the amount paid or incurred by that person during the taxable year to construct and equip new facilities or expand existing facilities used in this state for qualified research, as defined in section 44F of the internal revenue code, the amount paid or incurred in the "base period" by that person to construct and equip new facilities or expand existing facilities used in this state for qualified research, as defined in section 44F of the internal revenue code. Eligible amounts include only amounts paid or incurred for tangible, depreciable property but do not include amounts paid or incurred for replacement property. For taxable year 1984 "base period" means the average for taxable years 1982 and 1983, and for taxable year 1985 "base period" means the average for taxable years 1982 to 1984. For taxable years 1986 and thereafter, "base period" means the average for the 3 taxable years immediately preceding the taxable year for which the determination is being made.

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**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-M: Secondary Mortgage Loan Program**

**Governor's written objections:**

Sections 949r and 949x

I have vetoed these provisions which would broaden the eligibility for second mortgage loans by permitting the issuance of loans to veterans who already have second mortgages issued by the federal government. I am concerned about allowing third-priority mortgages under the secondary mortgage loan program at a time when the Veterans Trust Fund is projected to face deficits in the next several years. Under these provisions, the Department of Veterans Affairs could grant a \$5,000 second mortgage at 3% for up to 30 years to a veteran who already has received a below-market interest rate on a HUD-issued second mortgage.

My vetoes would restore the requirement that second mortgage loans under this program cannot be issued if the mortgage is subject to more than one prior mortgage.

**Cited segments of 1983 SB-83:**

~~SECTION 949r. 45.80 (4) (a) 1 of the statutes is amended to read:~~  
~~45.80 (4) (a) 1. Each loan made under this section shall be evidenced by a promissory installment note and, unless otherwise provided under subd. 2, secured by a mortgage on the real estate in respect to which the loan is granted. Such Except as provided in subd. 1m, the mortgage may be junior and subject to not more than one prior mortgage, and, except for any such prior mortgage, must have priority over all liens upon the mortgaged premises and the buildings and improvements thereon, except tax and special assessment liens filed after the recording of the mortgage.~~ Vetoed in Part

~~SECTION 949x. 45.80 (4) (a) 1m of the statutes is created to read:~~  
~~45.80 (4) (a) 1m. A loan under this section for a purpose under s. 45.76 (2) (a) or (b) may be secured by a mortgage on the real estate for which the loan was made which is junior and subject to 2 prior mortgages, if one of the prior mortgages is a 2nd mortgage to the secretary of the federal department of housing and urban development for the purpose of subsidizing payments on the first mortgage on the real estate. No loan may be made under this subdivision after June 30, 1987.~~ Vetoed in Part

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**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

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**Item 4-N: Specific School Aid Payment Date**

**Governor's written objections:**

Section 1483r  
Under current law, general school aid payments may be paid any time within a scheduled month. The section requires these payments to be paid on the second Monday of the month.  
I am vetoing this section since it reduces cash management flexibility. The general fund will face recurring cash shortages. The veto will restore current law permitting school aid payments to be moved within a month to accomodate state cash needs for vendor payments, payrolls, and other expenses.

**Cited segments of 1983 SB-83:**

~~SECTION 1483r. 121.1571 (a) of the statutes is amended to read:  
121.1571 (a) Each school district shall receive 10% of its total aid entitlement in each month from August to February and 30% of its total aid entitlement in June. Payment shall be made on the 2nd Monday of each month.~~ **Vetoed in Part**

**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-O: Program and Segregated Revenue Sufficiency**

**Governor's written objections:**

Section 72s, 2201(18)(b)

I am vetoing part of this section because it imposes the unnecessary requirement that the Governor approve plans developed by agencies for dealing with temporary cash problems in certain revolving appropriations. This new law, as vetoed, will have such approval rest with the Secretary of Administration, and therefore be consistent with other similar approval procedures of Chapter 16.

**Cited segments of 1983 SB-83:**

SECTION 72s. 16.513 of the statutes is created to read:

**16.513 Program and segregated revenue sufficiency.**

(3) If there are insufficient moneys, assets or accounts receivable, as determined under s. 20.903 (2), that are projected by an agency or projected by the department under s. 16.40 (7) to cover anticipated expenditures under a program revenue appropriation or appropriation of segregated revenues from program receipts, the agency shall propose and submit to the department a plan to assure that there are sufficient moneys, assets or accounts receivable to meet projected expenditures under the appropriation. The department may approve, disapprove or approve with modifications each plan submitted by an agency. If the department approves a plan, or approves a plan with modifications, the department shall forward the plan to the governor for his or her approval or disapproval. Upon approval of a plan by the governor, the secretary shall forward the proposed plan to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan within 14 working days after the date of the secretary's submittal, any portion of the plan which does not require the action of the legislature or the action of the committee under another law may be implemented. If, within 14 working days after the date of the secretary's submittal, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, no part of the plan may be implemented without the approval of the committee in accordance with applicable law, or without the approval of the legislature if legislative approval is required.

**Vetoed in Part**

**SECTION 2201. Program responsibility changes.**

(18) GOVERNOR.

<del>(b) Revenue supplementation</del>		<b>Vetoed in Part</b>	
<del>A</del>	<del>B</del>	<del>C</del>	
<del>Statute Sections</del>	<del>References Deleted</del>	<del>References Inserted</del>	
<del>14, 011 (Intro.)</del>	<del>none</del>	<del>16, 513 (3)</del>	

**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-P: Continuing and Sum Sufficient Appropriations**

**Governor's written objections:**

Sections 118m, 118n

These sections would require that any amendment to an executive budget bill and all other legislative proposals, which affect a sum sufficient or continuing appropriation specify for each such appropriation the amount of the increase or decrease. I have vetoed these sections because the Legislative Reference Bureau attorneys are not trained to make fiscal estimates; drafting time will be slowed down because of the provision; and thirdly, the confidentiality of the draft will be breached when the LRB has to consult with the agencies in making their fiscal estimates. I am proposing that the Legislative Reference Bureau, Legislative Fiscal Bureau and the Department of Administration work out an acceptable solution to address the concerns of the Legislature.

**Cited segments of 1983 SB-83:**

SECTION 118m. 20.004 (2) of the statutes is renumbered 20.004 (3).	<b>Vetoed in Part</b>
SECTION 118n. 20.004 (2) of the statutes is created to read:	
20.004 (2) Any amendment to an executive budget bill, as defined in s. 16.47, and all other legislative proposals except executive budget bills shall specify the amount by which any continuing or sum sufficient appropriation, as defined in s. 20.001 (3) (c) and (d), which is affected by the amendment or legislative proposal is to be increased or decreased. In drafting such proposals, the legislative reference bureau shall specify for each such appropriation which will be affected by the amendment or legislative proposal the amount of the increase or decrease unless the requester of the amendment or other legislative proposal specifies that no increase or decrease in the affected appropriations is to occur as a result of the amendment or proposal, in which case the amendment or proposal shall so specify and shall include any necessary statutory provision to so limit the affected appropriations.	

**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-Q: Listing of Subcontractors**

**Governor's written objections:**

Sections 104j and 1155m

These partial vetoes delete the requirement that all subcontractors and the amounts of their bids be delineated with the bid for state and local government construction projects. This requirement would have made the implementation of statutory language authorizing the use of general contractors cumbersome and unworkable by requiring the listing of bids for many small subcontractors and suppliers at the time of bidding. My veto retains the current law which specifies that a list of subcontractors need not be submitted with construction bids.

**Cited segments of 1983 SB-83:**

~~SECTION 104j. 16.855 (13) (a) of the statutes is amended to read:~~ Vetoed in Part  
~~16.855 (13) (a) A list of subcontractors and the amounts of their bids shall not be required to be submitted with the bid. The department may require the successful bidder to submit in writing the names of proposed subcontractors for the department's approval before the award of a contract to the prime contractor.~~

SECTION 1155m. 66.29 (6) and (7) of the statutes are amended to read:  
66.29

~~(7) Bidder's certificate. On all contracts the bidder shall incorporate and make a part of his proposal for the doing of any work or labor or the furnishing of any material in or about any public work or contract of the municipality a sworn statement by himself or if not an individual by one authorized that he has examined and carefully prepared said proposal from the plans and specifications and has checked the same in detail before submitting said proposal or bid to the municipality board, department or officer charged with the letting of bids and also at the same time as a part of said proposal, submit a list of the subcontractors he proposes to contract with, and amounts of their bids and the class of work to be performed by each, provided that to qualify for such listing such subcontractor must first submit his bid in writing, to the general contractor at least 48 hours prior to the time of the bid closing, which list shall not be added to nor altered without the written consent of the municipality. A proposal of a bidder shall not be invalid if any subcontractor and the class of work to be performed by such subcontractor has been omitted from a proposal, such omission shall be considered as inadvertent, or that the bidder will perform the work himself.~~ Vetoed in Part

**Subject Area 4. GENERAL GOVERNMENT OPERATIONS**

**Item 4-R: Property Tax Exemption for Rented Personal Property**

**Governor's written objections:**

Sections 1179n, 2204(45)(s)

This section would exempt various types of rented property and equipment from the property tax. I have several reasons for vetoing this provision. First, it fails to afford equal treatment to similar types of businesses since property rented from the neighborhood hardware store would be taxable whereas the same property, if rented from a rental company, would be exempt. In addition, this provision would create opportunities for restructuring existing rental and service agreements so as to bring additional property under the exemption. The Department of Revenue feels that such a restructuring could add several hundred million dollars to the exemption. Finally, I am concerned with protecting the local property tax base; a reduction of \$3 million or more in the taxes paid by owners of rental property would be shifted to other property owners if this provision were left intact.

**Cited segments of 1983 SB-83:**

~~SECTION 1179n. 70.111 (2b) of the statutes is created to read:  
70.111 (2b) RENTED PERSONAL PROPERTY. All personal property held for rental for nonconsecutive periods of one month or less to multiple users for their temporary and occasional use, if the property is not rented with an operator and if this type of short-term rental is the major source of income for the business that rents the property.~~ **Vetoed in Part**

SECTION 2204. **Effective dates.**  
(45) REVENUE.

~~(c) Rented personal property. The treatment of section 70.111 (2b) of the statutes by this act takes effect on January 1, 1984.~~ **Vetoed in Part**

ITEM VETO TABLE OF CONTENTS

	Page		Page
<b>Subject Area 1. EDUCATION</b>			
A. Funding VTAE Public Television .....	6	C. Landfill Siting Process.....	50
B. Wisconsin Higher Education Corporation Advisory Council .....	7	D. Inland Lakes Renewal Grant Program.....	53
C. Joint Finance Committee Approval of Federal Expenditures .....	8	E. Inland Lakes Renewal - UW-Extension Positions.....	54
D. UW System Animal Treatment Rules.....	9	F. Non-resident Commercial Fishing License Fees .....	55
E. Historical Society Fiscal Limitations.....	10	G. Use of Turkey Stamp Revenues.....	56
F. Restriction on Medical Capitation Funding .....	11	H. Modify Radioactive Waste Siting Provisions.....	57
G. Legislative Council School Aid Study.....	12	I. Waste Flow Control - Exemptions.....	58
H. CESA Data Processing Centers .....	13	J. Waste Flow Control - Financial Responsibility.....	59
I. School Levy on TIF Value .....	14	K. Waste Flow Control - PSC Role.....	60
<b>Subject Area 2. HUMAN RESOURCES</b>			
A. Patients Compensation Fund - Podiatrist Exemption .....	15	L. Wild Ginseng Regulation - Technical Adjustments .....	61
B. Preferred Provider Organizations - Provider Groups .....	16	M. Deferred or "Phantom" Taxes .....	62
C. Preferred-Provider Organizations - Cost Sharing and Rules.....	17	N. Fuel Adjustment Clause - Rule Specifications .....	63
D. Chiropractic Coverage - Health Insurance.....	19	O. Indexed Motor Fuel Tax Sunset .....	64
E. Chiropractic Coverage - General Relief .....	22	P. April Motor Fuel Tax Indexing.....	65
F. Youth Aids to Private Providers .....	23	Q. DPI Services for Driver.....	66
G. Day Care Set-Aside.....	24	R. I-90 Rock County Interchange.....	67
H. Inpatient Psychiatric Care Gatekeeper Carryover .....	25	S. Major Highways Plans and Specifications .....	68
I. County Liability for Outpatient Services.....	27	T. Stadium Freeway South Reimbursement .....	69
J. Children's Trust Fund/Child Abuse and Neglect Prevention Board .....	28	U. Stadium Freeway South Study Deadline .....	70
K. Probation and Parole Hold Reimbursement .....	31	<b>Subject Area 4. GENERAL GOVERNMENT OPERATIONS</b>	
L. D. D. Center Employee Retraining.....	32	A. Energy Development and Demonstration Fund.....	71
M. General Relief - State Aid .....	33	B. Robert L. Borum Claim .....	72
N. Community Action Agencies - Eliminate Funding Restrictions.....	38	C. Reapportionment .....	73
O. Shelter Proration.....	39	D. Quit Benefit for Out-of-State Work.....	78
P. Child Support - Hearing Requirement .....	40	E. JOCER Approval of Class Changes.....	79
Q. SSI - Department Waiver.....	41	F. Deadline for PIC Hearings.....	80
R. Federal Oil Overcharge Funds.....	42	G. Canadian Physician Licensing.....	81
S. Approval of the Transfer of Federal Funds Between Block Grants.....	43	H. Sales Tax Exemption for Personal Products .....	82
T. Approval of Federal Low Income Energy Assistance Plan (LIEAP) by the Joint Finance Committee .....	44	I. Liquor Sales Territory Restrictions .....	83
U. Federal Audit Disallowances .....	45	J. Home Improvement Tax Credit .....	84
V. Second Veterans Home .....	46	K. Wisconsin State Property Tax Relief Credit Formula .....	86
<b>Subject Area 3. ENVIRONMENTAL AND COMMERCIAL RESOURCES</b>			
A. MMSD - Capital Cost Recovery .....	47	L. R & D Tax Credit for Capital Expenditures .....	89
B. Recycling and Resource Recovery Loan Program .....	48	M. Secondary Mortgage Loan Program .....	90
		N. Specific School Aid Payment Date .....	91
		O. Program and Segregated Revenue Sufficiency .....	92
		P. Continuing and Sum Sufficient Appropriations.....	93
		Q. Listing of Subcontractors.....	94
		R. Property Tax Exemption for Rented Personal Property.....	95