



Wisconsin Briefs

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EXECUTIVE VETOES OF BILLS PASSED BY THE 1979 WISCONSIN LEGISLATURE THROUGH NOVEMBER 2, 1979

I. INTRODUCTION

This bulletin contains, with one exception, all the veto messages of Governor Lee Sherman Dreyfus affecting legislation passed by the 1979 Wisconsin Legislature during Floorperiods I, II and III (January 23 — March 2, April 17 — June 29, and October 2 — November 2, 1979). The one exception is the partial veto message on 1979 Senate Bill 79 (Chapter 34, Laws of 1979), the "Executive Budget Act", which was reviewed by the Legislature between October 18 and October 23, 1979.

Legislative action is pending on all of the following vetoes shown in this bulletin: first, Senate bills in numerical sequence and, second, Assembly bills in numerical sequence.

Entire Bill Vetoed (7)

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SB-23.....	4	AB-64.....	7
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Bill Vetoed in Part (1)

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Any veto which the 1979 Legislature fails to override, or on which it does not take any action, is sustained.

For each veto, the report includes:

1. A brief identification of each vetoed bill.
2. The vote on final passage in each house and the page number of the loose-leaf legislative journals referring to the vote. ("S.J." stands for Senate Journal; "A.J." stands for Assembly Journal).
3. The text of each veto message. Following the text of each partial veto message is a proof copy of every numerically identifiable segment of each session law on which a partial veto occurred, with the material vetoed indicated by a distinguishing overlay (~~like this~~).

During the 1979 Legislative Session (including the 1979 September Special Session) from January 3, 1979 through January 19, 1980, there were 1,679 bills (529 Senate and 1,150 Assembly bills) introduced in the 1979 Wisconsin Legislature, of which 115 bills were concurred in by both houses. Governor Dreyfus has taken official action on all 115 bills, approving 108 bills (including the partial veto of 2 bills: SB-79 and AB-40) and vetoing 7 bills (3 Senate and 4 Assembly bills). Legislative action is pending on the 7 vetoed bills and one partially vetoed bill (AB-40).

II. 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. For a statistical table showing gubernatorial use of the veto — both full and partial — on legislation enacted by the 1931 through 1977 Legislatures, see the 1979-1980 *Wisconsin Blue Book* at page 374. In addition, the table below shows the legislative action, from 1931 through 1979, with regard to those partial vetoes which were overridden by the Legislature either whole or 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 1977 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*.

Governor's veto of inseparable part of section 3 of Senate Bill 598 constitutes an objection to all of section 3 within the meaning of sec. 10 and the entire section 3 is returned to the legislature for reconsideration. Art. V, sec. 10 discussed. 63 *Atty. Gen. 313*.

OVERRIDDEN PARTIAL EXECUTIVE VETOES 1931-1979 (THROUGH FLOORPERIOD III)

Session/ No. of	Session Law	Gubernatorial/ Legislative Action	Publication Date
Overridden Vetoes			
1943 (1)	Ch. 530, L. 1943 (AB-62)	Partially vetoed by Acting Governor on 6/ 25; override on 7/13.	7/16
1945 (1)	Ch. 585, L. 1945 (SB-268)	Partially vetoed by Gov. on 9/5; override on 9/6.	9/14
1949 (1)	Ch. 478, L. 1949 (AB-236)	Partially vetoed by Gov. on 7/13; override on 9/ 12.	7/18; republished on 9/ 16
1973 (1 part)	Ch. 90, L. 1973 (AB- 300)	Partially vetoed by Gov. on 8/2/73; override of part of veto by Assembly on 10/26 and by Senate on 11/19.	8/4/73; supplement on 11/27/74
1974 S.S. (2 part)	Ch. 333, L. 1973 (April '74 S.S. AB-1)	Partially vetoed by Gov. on 6/27/74; override of part of veto on 11/19/74 by the Assembly and on 11/20/74 by the Senate.	6/28/74; supplement on 11/27/74
	Ch. 335, L. 1973 (April '74 S.S. SB-2)	Partially vetoed by Gov. on 7/3/74; override of part of veto on 11/19/74 by the Assembly and the Senate.	7/8/74; supplement on 11/27/74
1975 (4 part)	Ch. 37, L. 1975 (AB- 725)	Partially vetoed by Gov. on 7/21/75; override of part of veto on 9/23/75 by the Assembly and the Senate on 9/26/75.	7/23/75; supplement on 10/3/75

	Ch. 39, L. 1975 (AB-222)	Partially vetoed by Gov. on 7/29/75; override of part of veto on 9/17/75 by the Assembly and the Senate on 9/23/75.	7/30/75; supplement on 10/3/75
	Ch. 224, L. 1975 (SB-755)	Partially vetoed by Gov. on 4/29/76; override of part of veto on 6/15/76 by Senate and Assembly.	5/4/76; supplement on 6/22/76
	Ch. 408, L. 1975 (AB-355)	Partially vetoed by Gov. on 5/28/76; override of part of veto on 6/15/76 by the Assembly and the Senate on 6/16/76.	6/8/76; supplement on 6/25/76
1977 (3 part)	Ch. 29, L. 1977 (SB-77)	Partially vetoed by Gov. on 6/29/77; override of part of veto on 6/30/77 by Senate and Assembly.	6/29/77; supplement on 7/9/77
	Ch. 377, L. 1977 (AB-1024)	Partially vetoed by Gov. on 5/11/78; override of part of veto on 6/13/78 by the Assembly and the Senate on 6/14/78.	5/20/78; supplement on 6/26/78
	Ch. 418, L. 1977 (AB-1220)	Partially vetoed by Gov. on 5/12/78; override of part of veto by the Assembly on 6/14/78 and the Senate on 6/15/78.	5/18/78; supplement on 6/26/78
1979 (1 part)	Ch. 34, L. 1979 (SB-79)	Partially vetoed by Gov. on 7/25/79; override of part of veto by Senate on 10/18/79 and the Assembly on 10/23/78.	7/28/79; supplement on 11/1/79

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 (~~like this~~).

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 1979 act as follows:

1979 *BILL* was approved by the governor "in part" and has become Chapter *NUMBER*, Laws of 1979. The parts objected to by the Governor ("item veto") were reviewed by the legislature on *DATE*, 1979. This supplement to Chapter *NUMBER*, Laws of 1979, 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 *NUMBER*, Laws of 1979, by the following type coding:

(1) ADDITIONAL CHANGE. In some cases, Chapter *NUMBER*, Laws of 1979, created a new law or made a change in 1977 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 Chapter *NUMBER*, Laws of 1979, 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 Chapter *NUMBER*, Laws of 1979, or to delete the act's proposed treatment of an entire segment — numerically identifiable — of a 1977 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 1977 statute or other existing law.

(b) Strike-through (~~strike-through~~) indicates a deletion from a 1977 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.

III. SENATE BILLS

1979 Senate Bill 23: Revision of Insurance Security Fund

(Entire Bill Vetoed)

Legislative Action on Senate Bill 23

The Senate passed Senate Bill 23 (as amended by Senate Amendment 2) on a voice vote, S.J. 5/22/79, p. 380. The Assembly concurred in SB-23, 99 to 0, A.J. 11/1/79, p. 1732. The Governor vetoed SB-23 on 12/7/79.

Text of Veto Message

To the Honorable Members of the Senate:

I am returning Senate Bill 23 without my approval.

Although this bill does provide for some positive and desirable changes in insurance company liquidation procedures, it also creates an elaborate superstructure to administer a rather small program and excludes a significant portion of the insurance market from coverage under the bill. The bill would set up a security fund board without clearly defining the limits of the board's authority and without imposing appropriate controls on the board's budget. The bill would also establish a separate administrative rule procedure applicable only to rules proposed by the Board. I see no rationale for removing such rule-making authority from the Insurance Commissioner and I strongly oppose any measure which would make more complex the already complicated administrative rules procedure which was passed over my veto. Finally, this bill, by excluding surety bonds from coverage by the fund, appears to run counter to the stated purpose of the Wisconsin Insurance Security Fund to continue coverage for all insurance losses due to liquidation.

The Legislative Council, which introduced and sponsored the bill, also recognizes the bill's failure to adequately address this area of insurance law — their preliminary note to the bill states that "no effort has been made to produce a bill that now can be regarded as a final solution," and the "development of such a law at this point would have unduly extended the life" of the Insurance Laws Revision Committee. I urge further consideration and study of this area so that a final solution can be achieved.

1979 Senate Bill 99: Insurance Investments

(Entire Bill Vetoed)

Legislative Action on Senate Bill 99

The Senate passed Senate Bill 99 on a voice vote, S.J. 5/1/79, p. 312. The Assembly concurred in SB-99, 97 to 0, A.J. 10/3/79, p. 1196. The Governor vetoed SB-99 on 12/5/79.

Text of Veto Message

To the Honorable Members of the Senate:

I am returning Senate Bill 99 without my approval.

The Wisconsin Housing Finance Authority and the chair of the Senate Insurance and Utilities Committee have requested that this bill be sent back to the Legislature for reconsideration.

They have identified in Section 6 of the bill a potential technical breach of the state's covenant in Section 234.19 of the Statutes not to "limit or alter...or in any way impair the rights and remedies" of Wisconsin Housing Finance bond or note holders. Prompt legislative reconsideration of this bill will insure maximum marketability of WHFA debt and in turn the state's instrumentalities.

1979 Senate Bill 144: Insurance Claims Adjustment Practices

(Entire Bill Vetoed)

Legislative Action on Senate Bill 144

The Senate passed Senate Bill 144 (as amended by Senate Amendment 1), 29 to 3, S.J. 5/1/79, p. 314. The Assembly concurred in SB-144, 60 to 38, A.J. 10/9/79, p. 1230. The Governor vetoed SB-144 on 12/5/79.

Text of Veto Message

To the Honorable Members of the Senate:

I am returning Senate Bill 144 without my approval.

This bill is almost a classic case of government getting into regulation and licensing without a need being clearly shown.

This bill would accomplish two things I not only campaigned against, but have instructed my own administration to guard against, namely unnecessary regulation and the proliferation of advisory boards and councils.

The bill's requirement that all claims adjusters be licensed is clearly not a reaction to any current pattern of consumer abuse on the part of the insurance adjusters. The Insurance Commissioner indicates that there is no apparent problem. Even the Legislative Council admits that the licensing requirement was introduced just in case a need to regulate adjusters arose in the future. I do not support increased government regulation "just in case"; the problem must be real and even then review is required to determine if state involvement is the better approach.

The bill also creates a Claims Adjustment Advisory Council and requires that no administrative rules regarding claims adjustment could be promulgated without prior consultation with the council. The administrative rules review procedure recently established over my veto is complicated enough without adding another layer of bureaucracy to contribute delay and additional confusion.

For these reasons, I have vetoed this bill.

IV. ASSEMBLY BILLS**1979 Assembly Bill 40: Restricting the Pay of Public Employes Receiving Benefits From a Public Employe Retirement System**

(Vetoed in Part; Chapter 38)

Legislative Action on Assembly Bill 40

The Assembly adopted Assembly Substitute Amendment 1 (as amended by Assembly Amendments 1, 1 to 3 and 3) to Assembly Bill 40, by a voice vote, A.J. 4/26/79, p. 458, and passed AB-40, as amended, by a vote of 92 to 2, A.J. 4/26/79, p. 458. The Senate, in turn, concurred in AB-40, by a vote of 31 to 0, S.J. 6/19/79, p. 540. The bill was approved in part and vetoed in part. The part approved became Chapter 38, Laws of 1979, and was published in the *Wisconsin State Journal* on September 14, 1979.

Text of Veto Message

To the Honorable Members of the Assembly:

I have approved Assembly Bill 40 as Chapter 38, Laws of 1979, and deposited it in the Office of the Secretary of State.

Though I am firmly committed to making agencies accountable and acknowledge the necessity for broad participation in the rule review process by both the Legislature and the public, I am vetoing that portion of Assembly Bill 40 which changes the administrative rule-making process.

I do not believe in a piecemeal approach to reform. Changes in the administrative rule-making process should not be tacked on to individual and unrelated bills. Similar review procedures should not be detailed in many sections of the statutes, but rather should be made at one time, in a comprehensive manner, and relate directly to the administrative rule sections of the statutes in Chapter 227.

I am also concerned that there be a constitutional role for each branch of government in the rule suspension process. Rules have the force of law, so the rule suspension procedure should closely parallel the law-making procedure, including involvement by the full Legislature and the Governor. I have grave concern about delegating to a few the power that constitutionally belongs to the many.

As I have previously indicated, I am convinced that working together with the Legislature, we can develop rule review procedures that (1) avoid unnecessary delay, (2) involve greater public participation, (3) provide for selective review of rules, (4) do not overburden the Legislature or

Legislative Council, (5) do not result in more unnecessary rules, (6) eliminate obsolete rules already on the books, and (7) avoid constitutional problems.

SECTION 1m. Legislative council staff.

SECTION 1m. 13.91 (1) (c) of the statutes is created to read: Vetoed in Part
13.91 (1) (c) Perform the functions prescribed in s. 40.95 for the review of administrative rules.

SECTION 5. Rules on employment of retired employees.

SECTION 5. 40.95 of the statutes created.

40.95 Review and disapproval of rules. (1) **DEFINITIONS.** In this section:

- (a) "Proposed rule" means any rule to be created, amended, renumbered or repealed.
- (b) "Working day" means each day except Saturday, Sunday and those holidays designated in s. 230.35 (4) (a).

Vetoed in Part
(2) **SUBMISSION TO LEGISLATIVE COUNCIL STAFF.** Prior to any public hearing on a proposed rule under this subchapter or if no public hearing is required, prior to notification under s. 227.018 (2), the secretary shall submit the proposed rule to the legislative council staff for review.

(3) **ROLE OF LEGISLATIVE COUNCIL STAFF.** The legislative council staff shall act as a clearinghouse for rule drafting under this subchapter. The council staff shall issue a report on each proposed rule which is referred to it under this section no later than the end of the 20th working day following the day on which the proposed rule is referred, unless an extension, not to exceed another 20 work days, is granted by the chairman of the council. The council staff shall cooperate with the secretary and the revisor of statutes to:

- (a) Review the statutory authority under which the secretary intends to adopt the rule.
- (b) Ensure that the procedures for the promulgation of a rule required by ch. 227 are followed.
- (c) Review proposed rules for form, style and placement in the administrative code.
- (d) Review proposed rules to avoid conflict with or duplication of existing rules.
- (e) Review proposed rules to provide adequate references to related statutes, related rules and forms.
- (f) Review proposed rules for clarity, grammar and punctuation and to ensure plain language.
- (g) Review proposed rules to determine potential conflicts and to make comparisons with related federal regulations.
- (h) Streamline and simplify the rule-making process.

(4) **ASSISTANCE TO STANDING COMMITTEES.** The legislative council staff shall work with and assist the appropriate standing committees throughout the rule-making process under this subchapter. The legislative council staff may issue recommendations concerning proposed rules which the secretary shall submit with the notice required under s. 227.018 (2).

(5) **NOTIFICATION OF STANDING COMMITTEES.** The secretary shall notify the presiding officer of each house of the legislature when any proposed rule under this subchapter is in final draft form by submitting a notice to the presiding officer to this effect. Each presiding officer shall refer the notice to one standing committee by the end of the 2nd working day following the day on which the notice is received. The secretary may withdraw a proposed rule at any time by notifying the presiding officer of his or her intention not to promulgate the rule. The secretary shall cause a notice that a proposed rule is referred to the presiding officers to appear in the Wisconsin administrative register. Each presiding officer shall cause a similar notice to appear in the journal of the house.

(6) **FORM OF NOTICE.** The notice shall include the proposed rule in the form specified in s. 227.024 (1), an analysis, any recommendations of the legislative council staff and a report. The report shall include findings of fact, conclusions and recommendations which demonstrate the need for the proposed rule and its reasonableness.

(7) **STANDING COMMITTEE REVIEW.** (a) *Standing committee meeting.* A committee may be convened upon the call of its chairperson or a majority of its members to review a proposed rule. A committee may meet separately or jointly with the other committee to which

the notice is referred, direct the secretary to dispatch a representative to attend the meeting and hold a public hearing to review the proposed rule.

(b) *Standing committee review period.* The standing committee review period extends for 30 days after the notice is published under sub. (5) and if within the 30-day period a standing committee directs the secretary to meet with it to review the draft, the standing committee review period is continued for 30 days from the date of that request.

(c) *Secretary not to promulgate rule pending standing committee review.* The secretary may not promulgate a proposed rule under this subchapter during the standing committee review period unless both committees waive their authority to disapprove the proposed rule prior to the expiration of that period.

Vetoed in Part

(d) *Standing committee action.* Either standing committee may disapprove the proposed rule or part of the proposed rule by taking action in executive session to disapprove the rule within the standing committee review period. If both committees fail to take this action, the proposed rule is not disapproved and the secretary may promulgate the rule.

(e) *Rereferral.* If a proposed rule is referred to standing committees and the review period under par. (b) has not expired and the committees have not waived their authority to disapprove the proposed rule under par. (c) at the time of final adjournment of the legislature, the presiding officer of each house may rerefer the proposed rule to a different standing committee. In this case, the presiding officers shall publish a revised notice under sub. (2) and the standing committee review period begins on the date of rereferral.

(8) **JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES.** (a) *Referral.* If either standing committee disapproves a proposed rule or part of a proposed rule, the committee shall refer the proposed rule or the part disapproved to the joint committee for the review of administrative rules.

(b) *Joint committee review period.* The joint committee review period extends for 30 days after a proposed rule is referred to it. The joint committee shall meet and take action in executive session during that period.

(c) *Secretary not to promulgate rule pending joint committee review.* The secretary may not promulgate a proposed rule or any part thereof which is disapproved by a standing committee under this subchapter unless the action of the standing committee is reversed by the joint committee for the review of administrative rules under par. (d) or until the bill introduced under par. (e) fails of enactment. The secretary may promulgate any portion of a rule which is not disapproved.

(d) *Joint committee action.* The joint committee for the review of administrative rules may reverse the disapproval of a proposed rule or portion thereof by a standing committee by taking action to authorize adoption of the rule or portion thereof within the joint committee review period. The joint committee may uphold the disapproval of a proposed rule or portion thereof by a standing committee by taking action to disapprove the rule or portion thereof within the joint committee review period. The joint committee may remand the proposed rule or disapproved portion once only to the secretary for further consideration or a public hearing, or both. If the joint committee disapproves a proposed rule or portion of a rule, the secretary may not promulgate the proposed rule or portion thereof until the bill introduced under par. (e) fails of enactment.

(e) *Bill to support disapproval.* When the joint committee for the review of administrative rules disapproves a proposed rule or portion of a proposed rule under this subchapter, the committee shall as soon as possible place before the legislature a bill to support the disapproval. If the bill is defeated, or fails of enactment in any other manner, the proposed rule or disapproved portion thereof may be promulgated. If the bill becomes law, the proposed rule or disapproved portion thereof may not be promulgated unless a properly enacted law specifically authorizes the adoption of that rule or disapproved portion.

(9) **NONAPPLICATION.** This section does not apply to emergency rules adopted under s. 227.027.

1979 Assembly Bill 64: Motor Vehicle Insurance Policy — Limitation of the Defense of Noncooperation of the Insured

(Entire Bill Vetoed)

Legislative Action on Assembly Bill 64

The Assembly passed Assembly Bill 64, 87 to 7, A.J. 4/17/79, p. 360. The Senate concurred in AB-64 on a voice vote, S.J. 10/2/79, p. 728. The Governor vetoed AB-64 on 12/5/79.

Text of Veto Message

To the Honorable Members of the Assembly:

I am returning Assembly Bill 64 without my approval.

The issue addressed in this bill was also incorporated in Senate Bill 146, the comprehensive insurance revision bill, which I have signed into law. Senate Bill 146 treats the issue in a more desirable and comprehensive fashion. Assembly Bill 64 would be duplicative.

1979 Assembly Bill 243: Health or Disability Insurance Form Completion Fees

(Entire Bill Vetoed)

Legislative Action on Assembly Bill 243

The Assembly adopted Assembly Substitute Amendment 1 to Assembly Bill 243 on a voice vote, A.J. 5/10/79, p. 589, and passed AB-243 as amended, 68 to 27, A.J. 5/10/79, p. 590. The Senate adopted Senate Amendments 1 and 2 to AB-243 on voice votes, S.J. 10/2/79, pp. 729 and 730, and concurred in AB-243 as amended on a voice vote, S.J. 10/2/79, p. 730. In turn, the Assembly concurred in Senate Amendments 1 and 2 to AB-243 on voice votes, A.J. 10/9/79, p. 1225. The Governor vetoed AB-243 on 12/5/79.

Text of Veto Message

To the Honorable Members of the Assembly:

I am returning Assembly Bill 243 without my approval. This bill attempts to address in a small way the rapidly rising costs of health services by prohibiting the charging of fees for the completion of any health or disability insurance claim form. In principle, it is a difficult bill to oppose. Some providers apparently charge exorbitant fees for this necessary part of processing insurance claims. I call on the State Medical Society to look carefully at this issue.

However, while I applaud legislative efforts to curb rising health care costs, I have vetoed this bill because I believe the mechanism falls short of achieving that goal. The assumption is questionable that providers will cease incorporating that cost in their fees just because the state says fees may not be charged. A more likely result is that additional costs will be spread across the board. I do not see costs going down from this, they may only be more difficult to discern.

In addition, the Insurance Commissioner is charged with enforcing this prohibition. That office currently has almost no contact with the health care providers affected by this proposal and lacks the resources in personnel and funding to start up now. The benefit derived from this bill is only marginal at best and does not outweigh the cost of enforcement.

For these reasons, I have vetoed this bill.

1979 Assembly Bill 275: Authorization of Wisconsin Credit Unions to do Business in Other States and Foreign Credit Unions to do Business in Wisconsin

(Entire Bill Vetoed)

Legislative Action on Assembly Bill 275

The Assembly adopted Assembly Substitute Amendment 1 (as amended by Assembly Amendments 1 to 1 and 1) to Assembly Bill 275 on a voice vote, A.J. 6/5/79, p. 704, and passed AB-275 as amended, 94 to 3, A.J. 6/28/79, p. 1025. The Senate concurred in AB-275 on a voice vote, S.J. 10/16/79, p. 839. The Governor vetoed AB-275 on 12/7/79.

Text of Veto Message

To the Honorable Members of the Assembly:

I am returning Assembly Bill 275 without my signature.

I have no quarrel with substance of the bill. There is included, however, an administrative rule review procedure separate from the one enacted in Chapter 34 over my veto. Because I believe this state should have one consistent rule review procedure, I have vetoed this bill.

Since there appears to be no urgency to the substance of this bill, the legislature has sufficient time to deal with this issue again in the next session.

1979 Assembly Bill 312: Multicounty Mosquito Control Districts

(Entire Bill Vetoed)

Legislative Action on Assembly 312

The Assembly adopted Assembly Substitute Amendment 1 to Assembly Bill 312 on a voice vote, A.J. 10/2/79, p. 1171, and passed AB-312 as amended, 66 to 31, A.J. 10/2/79, p. 1173. The Senate concurred in AB-312 on a voice vote, S.J. 10/30/79, p. 942. The Governor vetoed AB-312 on 12/7/79.

Text of Veto Message

To the Honorable Members of the Assembly:

I am returning Assembly Bill 312 without my approval.

The bill is designed to address a potentially serious problem of mosquito control by allowing counties to join together to form mosquito control districts.

I recognize the problem, particularly in the Mississippi River Area. My objection relates only to the mechanism. As a basic principle, problems should be dealt with within the regular governmental structure. Special purpose districts should be kept to a minimum because they confuse lines of responsibility for people and remove certain issues from the normal scrutiny of the political process.

This proposal sets up a commission at county option, details a funding formula, and lists extensive powers and duties. It effectively creates a super governmental structure overlaying counties on a regional level.

Counties currently have authority to enter into cooperative agreements with other counties, and with towns or municipalities to the extent of their power. If counties do not now have the authority to address the health and safety concerns posed by the lack of effective mosquito control, I believe the better approach is to simply give counties that authority, then let counties decide how to deal with it if they choose to do so.

The Legislature has sufficient time to deal with this question in the next session.