

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, April 28, 1992

The senate met.

The senate was called to order by Fred A. Risser, President of the Senate.

The Chair, with unanimous consent, asked that the calling of the roll be dispensed with.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Audit Bureau

April 22, 1992

To the Honorable the Legislature:

Upon request of the Wisconsin Arts Board, we have completed a review of the Board's general fiscal procedures and management of the Arts challenge Initiative (ACI) program. In fiscal year 1992-93, the ACI program will provide \$1 million in grants to arts organizations throughout the state, making it the Board's largest single grant program.

Overall, we found the general fiscal procedures used by the Board to be sound. We also found grants have been made appropriately under the ACI program. To assist the Board's ongoing efforts to increase accountability over funds distributed, we suggest several options which the Board could use to verify financial information submitted by local arts organizations.

The audit report includes no major findings, conclusions, or recommendations, and in our judgment, is not likely to be of interest to most members of the Legislature.

Copies of the audit report have been distributed to members of the Joint Audit Committee and those required by law to receive copies. If you are interested in receiving a copy of this report, please contact our office and request report number 92-14.

Sincerely,
Dale Cattanach
State Auditor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

April 24, 1992

To the Honorable, the Senate:

I am vetoing **Senate Bill 578** which has attempted to redistrict Assembly and State Senate Districts on the basis of new population data received from the Federal

Bureau of the Census following the 1990 decennial census population. The reapportionment plan embodied in **Senate Bill 578** simply does not meet federal and state constitutional standards and contains an unacceptable level of partisan gerrymandering.

Most importantly, the plan submitted in **Senate Bill 578** does not meet the one person one vote mandate of the Federal and Wisconsin constitutions.

Senate Bill 578 also unnecessarily splits numerous cities and villages which could be wholly contained in one legislative district. Maintenance of our cities and villages in a single district is important because these municipalities are the primary units of political identification and delivery of government services to our people. I do not believe **Senate Bill 578** represents the best attempt by the Legislature to achieve this goal.

The legislative districts contained in **Senate Bill 578** do not maintain communities of interest and are not compact as required by the Wisconsin Constitution. The maintenance of communities of interest has been recognized by court decisions as an important part of the redistricting process. For example, the cities of Madison and Middleton are unnecessarily split three ways, diminishing the effectiveness of communities of interest and unnecessarily enlarging the size of districts.

Recent advances in computer technology have been so significant that, by the use of relatively simple computer programs which were made available to the legislature, it is now practicable to draw a legislative redistricting map with zero population deviations among election districts. Yet, the range of deviation in the Assembly is 379, with comparable Senate range of 776. The aggregate deviations for both the Assembly and Senate Districts are 9,123 in the Assembly and 5,362 in the Senate. Disenfranchisement of the number of Wisconsin citizens is wholly unacceptable.

Further, **Senate Bill 578** violates our State Constitution by creating legislative districts that are not comprised of contiguous territory. Rectifying this error would significantly increase the unequal population distribution among districts.

The bill also relies upon wards established by municipalities which have split the smallest reliable unit of population - census blocks. Reliance upon measures which regularly split census blocks between districts increases the potential inequality of district population quite significantly.

Based upon these factors, the plan has not maintained the one-person, one-vote standard required

under both federal and state law. There certainly was no need to begin with unequal population in legislative districts and compound this flaw with districts which are not contiguous and split census blocks, potentially increasing the problem. Zero deviation is the basic requirement, and this plan falls far short. Within the limits of the census, our people deserve equal representation and it is practical in 1992 to meet that requirement. **Senate Bill 578** does not.

I also am unconvinced that **Senate Bill 578** goes far enough in complying with the Federal Voting Rights Act. The essential principle embodied in the Act is that minority groups should have an equal opportunity to participate in the electoral process and elect a candidate of their choice. While **Senate Bill 578** creates five African-American effective majority Assembly Districts, it also pairs each present minority Representative in the Assembly to another incumbent; hardly a good faith effort to meet the Act's requirements. I am not convinced that this plan creates opportunities for minorities which they deserve and the Voting Rights Act mandates.

There are Senate Districts which appear to have been drawn not to preserve communities of interest, but rather, to protect certain Democratic incumbents. Moreover, this plan combines two odd-numbered (1994 election cycle) Senators in the 11th and 33rd Senate Districts so that those districts are clearly invalid as there would be a Senate District with neither an upcoming election nor a resident State Senator. Of course, in this Democrate-passed plan, both those Senators are Republicans.

Finally, a few remarks about process. As I have indicated in a number of prior veto messages, I am increasingly concerned with legislation that is drafted without adequate consultation and input from members of the minority party in the Legislature. In September 1991, I said I would support a bi-partisan redistricting panel made up of six Democrats, six Republicans and six voting public members who would be responsible for recommending a redistricting plan to both houses of the Legislature. I felt this panel could maximize public participation, including input from minorities, and ensure that fair legislative lines were drawn. I stated that I would support whatever plan the panel was able to agree upon. Unfortunately, Democrats refused to set up the bi-partisan panel, despite numerous attempts by Republicans. Instead, Democrats passed this plan in extraordinary session in April 1992, without input from the public or the minority party.

The Legislature should set aside partisan gamesmanship and produce a product which achieves true per-capita equality of population among districts, meets the requirements of the Voting Rights Act, preserves the integrity of cities and villages across our state, contains compact and contiguous legislative districts, and preserves communities of interest. Because **Senate Bill 578** is a far cry from these principles, I cannot

accept it. I am therefore compelled to veto **Senate Bill 578**.

Respectfully,
TOMMY G. THOMPSON
Governor
State of Wisconsin
Office of the Governor

April 23, 1992

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
563-----	235-----	April 23, 1992

Respectfully,
TOMMY G. THOMPSON
Governor

SENATE CLEARINGHOUSE ORDERS

The committee on Aging, Banking, Communications and Taxation reports and recommends:

Senate Clearinghouse Rule 91-79

Relating to sales and use taxes.
No action taken.

Senate Clearinghouse Rule 91-109

Relating to adjustment service companies.
No action taken.

Russell D. Feingold
Chair

The committee on Transportation and Utilities reports and recommends:

Senate Clearinghouse Rule 92-34

Relating to the urban mass transit operating assistance program.
No action taken.

Senate Clearinghouse Rule 92-35

Relating to the urban mass transit operating assistance program.
No action taken.

Thomas Barrett
Chair

Senate Clearinghouse Rule 91-181

Relating to laboratory certification.
Submitted by Department of Health and Social Services.

Report received from agency, April 24, 1992.
Referred to committee on Agriculture, Corrections, Health and Human Services, April 28, 1992.

Senate Clearinghouse Rule 92-14

Relating to the Canada goose hunting regulations.
Submitted by Department of Natural Resources.
Report received from agency, April 23, 1992.

Referred to committee on Urban Affairs, Environmental Resources and Elections, April 28, 1992.

Senate Clearinghouse Rule 91-174

Relating to approved forms for use by real estate brokers and salespersons.

Submitted by Department of Regulation and Licensing.

Report received from agency, April 27, 1992.

Referred to committee on Housing, Government Operations and Cultural Affairs, April 28, 1992.

Senate Clearinghouse Rule 92-24

Relating to the licensing of, and requirements for, distributors of prescription drugs and devices.

Submitted by Department of Regulation and Licensing.

Report received from agency, April 24, 1992.

Referred to committee on Agriculture, Corrections, Health and Human Services, April 28, 1992.

Senator Risser, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, April 30.
10:01 A.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 89.
Senate Bill 92.
Senate Bill 102.
Senate Bill 197.
Senate Bill 203.

Senate Bill 217.
Senate Bill 231.
Senate Bill 232.
Senate Bill 236.
Senate Bill 237.
Senate Bill 238.
Senate Bill 240.
Senate Bill 262.
Senate Bill 281.
Senate Bill 292.
Senate Bill 308.
Senate Bill 312.
Senate Bill 366.
Senate Bill 378.
Senate Bill 397.
Senate Bill 399.
Senate Bill 402.
Senate Bill 404.
Senate Bill 414.
Senate Bill 415.
Senate Bill 426.
Senate Bill 443.
Senate Bill 450.
Senate Bill 470.
Senate Bill 476.
Senate Bill 483.
Senate Bill 485.
Senate Bill 486.
Senate Bill 511.
Senate Bill 532.

Correctly enrolled and presented to the Governor on April 24, 1992.