



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

FRIDAY, July 25, 2003

The Chief Clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 178** offered by Representative Friske.

Assembly substitute amendment 1 to **Assembly Bill 198** offered by Representative Ziegelbauer.

Assembly amendment 1 to **Assembly Bill 418** offered by Representative Musser.

Assembly amendment 2 to **Assembly Bill 418** offered by Representative Musser.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 02–106

Relating to the hazardous materials transportation program and to reimbursement procedures for regional and local emergency response teams.

Submitted by Department of Military Affairs.

Report received from Agency, July 21, 2003.

To committee on **Urban and Local Affairs**.

Referred on July 25, 2003.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 444

Relating to: carrying or going armed with a concealed weapon, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

By Representatives Gunderson, Suder, Pettis, Albers, Bies, J. Fitzgerald, Freese, Grothman, Gundrum, Hahn, Hines, Huebsch, Hundertmark, Jensen, Kerkman, Kestell, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Musser, Nass, Nischke, Owens, Petrowski, Schneider, Seratti, Sherman, Stone, Towns, Van

Roy, Vrakas, Vukmir and Weber; cosponsored by Senators Zien, Welch, Brown, Panzer, A. Lasee, S. Fitzgerald, Schultz, Stepp, Reynolds, Kanavas, Leibham, Kedzie and Roessler.

To committee on **Criminal Justice**.

Assembly Bill 445

Relating to: regulating piers and boat shelters and requiring the exercise of rule-making authority.

By Representatives Gunderson, Kerkman, Ainsworth, Albers, Gronemus, Grothman, Hahn, Hines, Ladwig, D. Meyer, Olsen, Owens, Petrowski, Rhoades, Seratti, Weber and M. Williams; cosponsored by Senators Stepp and A. Lasee.

To committee on **Natural Resources**.

Assembly Bill 446

Relating to: providing written notice of reclassification of positions in the state civil service system.

By Representatives Gielow, Seratti, Owens, Townsend, Hahn and Bies.

To committee on **Labor**.

Assembly Bill 447

Relating to: authorizing a health benefit purchasing cooperative pilot project and granting rule-making authority.

By Representatives Gielow, Ladwig, Ott, Gronemus, Kestell, Musser, M. Lehman, Krawczyk, Owens, Powers, Van Roy, Gunderson, Gundrum, Hines, Zepnick, Pope–Roberts, Hahn, Plouff, Towns, Ainsworth, Loeffelholz, M. Williams, Albers, Vrakas, Staskunas, Hundertmark, Weber, Jensen, Balow and Petrowski; cosponsored by Senators Harsdorf, Erpenbach, Brown, Stepp, M. Meyer, Hansen, Risser and Roessler.

To committee on **Insurance**.

Assembly Bill 448

Relating to: confidentiality of autopsy records.

By Representatives Johnsrud, Freese, Owens, Ziegelbauer, Gunderson, Musser, Petrowski, Albers, Ainsworth, Kestell, J. Wood, Loeffelholz, Bies, Ladwig, Hahn, Krawczyk, Seratti, Ott, Plouff and Gard; cosponsored by Senators Kanavas, Schultz and Roessler.

To committee on **Government Operations and Spending Limitations**.

Assembly Bill 449

Relating to: exempting an assessor and an assessor's staff from liability for trespassing.

By Representatives Hubler, Ott, Miller, Hahn, Lothian and Seratti; cosponsored by Senator Roessler.
To committee on **Judiciary**.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

July 24, 2003

To the Honorable Members of the Assembly:

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

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
AB 123 (In part)	35	July 24, 2003
Assembly Bill 288	36	July 24, 2003

Respectfully submitted,
JAMES DOYLE
Governor

GOVERNOR'S VETO MESSAGE

July 24, 2003

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 123** as [2003 Wisconsin Act 35](#) and have deposited it in the Office of the Secretary of State. I have exercised partial vetoes in Sections 1d and 3.

Assembly Bill 123 creates an appropriation to enable the Wisconsin Elections Board to receive money from the federal Help America Vote Act (HAVA). I favor Wisconsin complying with federal initiatives that will bring increased federal dollars to Wisconsin, and provide funding to improve and strengthen the elections process in Wisconsin. The Legislature, however, included language that restricts the Elections Board in its ability to implement the federal mandates of HAVA.

Sections 1d and 3 require the Elections Board to specify, by administrative rule, each specific purpose for expenditures from the fund for each fiscal year. I am vetoing Section 1d and partially vetoing section 3 in order to give the Elections Board the flexibility to responsibly administer the HAVA funds. The administrative rule process is time consuming and may hinder the Elections Board's ability to comply with federal requirements, potentially resulting in higher costs or lost revenues for the state of Wisconsin. Federal law requires that the Elections Board submit an annual plan to the federal government outlining and updating the way that the state spends the HAVA money. The Board is also subject to the oversight of the Legislative Audit Bureau,

which conducts federal compliance audits of agencies that receive federal funds.

I am a strong supporter of strengthening election administration in Wisconsin. I also support oversight of agency spending. However, there are less costly and more efficient ways of accomplishing this goal.

Sincerely,
JAMES DOYLE
Governor

COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Jt. Res. Number</u>	<u>Enrolled Number</u>	<u>Publication Date</u>
AJR 10	12	July 30, 2003
		August 3, 2004
		September 7, 2004
		October 5, 2004

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Assembly Bill 18	32	August 4, 2003
AB 123 (In part)	35	August 7, 2003
Assembly Bill 288	36	August 7, 2003

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

GOVERNOR'S VETO MESSAGE

July 24, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 4** in its entirety. The bill expands the statutory definition of administrative costs of the Department of Natural Resources to include the costs of administering its bureaus and the costs of issuing licenses and other approvals. The bill also requires the department to submit a plan September 1 of every odd-numbered year to the Joint Committee on Finance specifying how the department will meet the 16 percent cap on administrative expenses covered by the fish and wildlife account of the conservation fund.

I support the idea of a complete assessment of the amount of fish and wildlife account expenditures used to support administration of the department. However, the bill creates an unnecessary burden on the department. Current law conforms with the federal eligibility requirement under the Wildlife Restoration Act and the Sport Fish Restoration Act. Annual audits conducted by the U.S. Fish and Wildlife Service have found the department to be in compliance.

Additionally, the bill contains no fiscal provision. However, according to estimates compiled by the Legislative

Fiscal Bureau to address a similar budget provision deliberated by the committee for the 2003-05 biennium, the inclusion of licensing and registration activities alone would require the department to identify reductions of approximately \$7.3 million over the biennium to maintain compliance with the 16 percent cap. The bill also potentially undermines the biennial budget process. By requiring the plan to be submitted September 1 of odd-numbered years, the department would potentially have to identify reductions to recently enacted appropriations.

Lastly, the department's licensing function and bureau operations are closely tied to program functions and the direct provision of services to the public. Accordingly, these expenses should be considered direct program costs and not administrative expenses.

Respectfully submitted,
JIM DOYLE
Governor

July 24, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 41** in its entirety. This bill would allow educational agencies to refuse to hire or to terminate from employment any individual, regardless of their crime, how long ago it was committed, or what job they hold, who has been convicted of a felony and has not been pardoned. Current law states that an employer can refuse to hire or can terminate from employment a person based on a conviction record that substantially relates to the job in question.

I am vetoing this bill because Wisconsin's Fair Employment Act already provides employers broad discretion to determine whether a substantial relationship exists between a person's crime and the job at hand. Consequently, current law, properly interpreted, already permits educational agencies to refuse to hire convicted

felons, as well as misdemeanants, who may pose a threat to the welfare of students.

Statistics from the Department of Workforce Development reinforce the fact that current law provides employers significant discretion to determine whether a substantial relationship exists. According to the Equal Rights Division of the Department of Workforce Development, there were 320 complaints of conviction record discrimination in 2002, including 9 complaints against educational agencies. There were 28 findings of probable cause, none of which were against educational agencies, and only 1 finding of actual discrimination based on conviction record against a retail store. These statistics show that employers can currently consider conviction records without being found to discriminate.

By unnecessarily broadening current law, this bill would also subvert the state's ongoing efforts to promote greater public safety by rehabilitating individuals convicted of a felony. If a person is a convicted child molester, that person most certainly should be denied employment in a school. Current law gives educational agencies that authority. However, if a person's conviction is unrelated to employment, the mere fact that a person has been convicted of a felony at some point in his or her life should not necessarily disqualify them from employment.

Furthermore, this bill has no time limitations built into its provisions. An educational agency could deny employment to a qualified applicant or fire a current employee based on a felony conviction that occurred twenty-five or fifty years ago, regardless of a subsequent history of reform, employment, or contribution to the community.

It is well established that employment is a key crime prevention tool. Ex-offenders are much less likely to commit a new crime if they have steady employment. This bill, if it were to become law, would increase barriers for ex-offenders to secure and maintain employment and, as a result, has the very real potential to increase crime and jeopardize public safety.

Respectfully submitted,
JIM DOYLE
Governor