



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

WEDNESDAY, March 17, 2004

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

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 03-028

Relating to storm water discharge permits.
Submitted by Department of Natural Resources.
Report received from Agency, March 8, 2004.
To committee on **Natural Resources**.
Referred on March 17, 2004.

Assembly Clearinghouse Rule 03-106

Relating to commercial fishing in Lake Michigan.
Submitted by Department of Natural Resources.
Report received from Agency, March 8, 2004.
To committee on **Natural Resources**.
Referred on March 17, 2004.

Assembly Clearinghouse Rule 04-003

Relating to the recovery of erroneous payments made under the tuition and fee reimbursement, part-time study, and retraining grant programs.
Submitted by Department of Veterans Affairs.
Report received from Agency, March 8, 2004.
To committee on **Veterans and Military Affairs**.
Referred on March 17, 2004.

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Bill 665

REFERENCE BUREAU CORRECTIONS

Assembly Bill 925

In enrolling, the following correction was made:

1. Page 1, line 1: delete "on" and substitute "of".

ENROLLED BILLS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

Assembly Bill 633
Assembly Bill 728
Assembly Bill 925

PATRICK E. FULLER
Assembly Chief Clerk

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 595
Assembly Bill 633

Presented to the Governor on Tuesday, March 16.

PATRICK E. FULLER
Assembly Chief Clerk

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

March 17, 2004

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>
Assembly Bill 669 144	March 15, 2004
Assembly Bill 757 146	March 15, 2004

Assembly Bill 771 147 March 15, 2004
Assembly Bill 403 150 March 15, 2004
Assembly Bill 843 152 March 15, 2004
Assembly Bill 847 155 March 16, 2004
Assembly Bill 747 156 March 16, 2004
Assembly Bill 417 157 March 16, 2004
Assembly Bill 570 159 March 16, 2004
Assembly Bill 642 160 March 16, 2004
Assembly Bill 354 161 March 16, 2004
Assembly Bill 418 162 March 17, 2004
Assembly Bill 409 163 March 17, 2004

Respectfully submitted,
JAMES DOYLE
 Governor

income level. The proposal enjoyed the widespread support of labor, business and community leaders on the council, but it still must make its way through the administrative rules process to become a reality for Wisconsin workers.

I still believe an adequate statewide minimum wage is the best policy. Substantial minimum wage disparities between communities may adversely impact economic development and foster uncertainty among businesses trying to plan investments and create jobs. However, with a minimum wage of \$5.15 an hour, I can understand why localities believe that they need to raise the minimum wage. Until the Republicans in the legislature join with the consensus of business, labor and community leaders and support raising Wisconsin's minimum wage, I see no reason to sign this bill.

Respectfully submitted,
JIM DOYLE
 Governor

COMMUNICATIONS

State of Wisconsin
 Office of the Secretary of State
 Madison

March 16, 2004

To Whom It May Concern:

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

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Assembly Bill 669	144	March 29, 2004
Assembly Bill 757	146	March 29, 2004
Assembly Bill 771	147	March 29, 2004
Assembly Bill 403	150	March 29, 2004
Assembly Bill 843	152	March 29, 2004

Sincerely,
DOUGLAS LA FOLLETTE
 Secretary of State

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 746** in its entirety. This bill expands eligibility to attend independent Milwaukee and Racine charter schools in several ways. The bill allows students who previously attended schools that convert from private schools participating in the Milwaukee Parental Choice Program to independent charter schools to continue to attend such schools if they live outside of MPS. It then goes further by generally opening independent Milwaukee and Racine charter schools to nonresidents once resident students are accommodated. The bill also eliminates the existing prior year enrollment requirements to attend a Milwaukee charter school.

I am vetoing the bill because I object to such a broad expansion of the charter program. The original and still valid intent of this program was to allow the City of Milwaukee, the University of Wisconsin-Milwaukee, and the Milwaukee Area Technical College to create charter schools in order to provide educational options for students residing in the Milwaukee Public Schools attendance area. Expanding this program to include students who do not reside in the City of Milwaukee does not serve the interests of Milwaukee students and may, in fact, create incentives for these charter schools to focus their efforts on attracting non-Milwaukee residents, rather than improving educational programs for Milwaukee children.

GOVERNOR'S VETO MESSAGE

March 16, 2004

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 633**. This bill preempts, with certain exceptions, county, city, village, or town minimum wage ordinances.

Last fall I called for the Department of Workforce Development to convene a wage council to consider raising Wisconsin's minimum wage. The current minimum wage of \$5.15 an hour had not been raised in seven years. On March 1st, the Minimum Wage Advisory Council voted 16-2 to increase the state's minimum wage to \$6.50 an hour over the next two years. Those increases will benefit more than 100,000 individuals in the first year and 150,000 in the second. Almost two-thirds of those earning the minimum wage are women, often single parents, and I am confident that the Council's recommendations, once implemented, will enhance the lives of those who must make ends meet at this

Furthermore, since the Milwaukee charter school program is funded by reallocating general school aids from the state's 426 school districts, a greatly expanded charter school program will reduce state resources available to all public school districts at the expense of increased property taxes, including even for those who live outside of Milwaukee.

Finally, modifications to charter school law should not be considered in isolation, but as a part of a comprehensive reform effort that benefits all of Milwaukee's school children. Any sweeping changes to the charter program should be

accompanied with efforts to improve the education of all our children.

Respectfully submitted,
JIM DOYLE
Governor

March 16, 2004

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 836** in its entirety. The bill requires that criminal background checks be conducted for all employees of voucher schools. Further, the bill mirrors the teacher licensure law in prohibiting voucher schools from employing persons found guilty of certain crimes against children and crimes against life and bodily security for six years after their conviction. Finally, the bill allows a school participating in the Milwaukee Parental Choice Program to refuse to employ or terminate the employment of a person convicted of any felony, regardless of when the crime was committed.

While I strongly support the background check requirements in the bill and the provisions mirroring the state's teacher licensing law, I am vetoing the bill because the exemptions it creates to the Fair Employment Act are unnecessarily broad.

The authority that the bill provides to choice schools to refuse to hire or terminate from employment a person convicted of any felony potentially creates never-ending discrimination against someone who has been rehabilitated. Under the bill, a person can continue to be punished for a crime decades after he or she has served a prison sentence or paid a penalty. Anyone a choice school might employ, from teachers to janitors to lunchroom workers to secretaries to groundskeepers, would be affected.

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 voucher schools to refuse to hire convicted felons, as well as misdemeanants, who may pose a threat to the welfare of students. As a result, this provision is unneeded and unnecessarily restrictive.

Since I vetoed substantially similar legislation earlier this session, it is unfortunate that these divisive provisions were combined with other provisions that have strong merit. The background check provisions of this bill are important protections that should be adopted. Further, the provisions in the bill that mirror the state's teacher licensure law have merit and should be adopted, as well. Under current law, the DPI

may not grant a teaching license to any person who has been convicted of certain crimes against children and crimes against life and bodily security within six years of the conviction. Since private schools do not require teachers to be licensed, the bill would prohibit those same individuals who would be ineligible to teach in public and independent charter schools from teaching in voucher schools. These provisions would go a long way to protecting our children, but should not be adopted at the expense of civil rights protected under our state's Fair Employment Act.

Instead of passing provisions that have already been vetoed and successfully sustained, the Legislature should focus on passing sensible provisions – like the background checks and employment prohibitions mirroring the state's teacher licensure law – that will be signed into law.

Respectfully submitted,
JIM DOYLE
Governor

March 17, 2004

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 595** in its entirety. This bill provides, with certain exceptions, a civil liability exemption for the food industry from lawsuits relating to a person's weight gain, obesity, or weight-related health condition as the result of food consumption.

This legislation is a solution in search of a problem, and is not needed. There have been only a handful of lawsuits nationwide, all dismissed, and none in Wisconsin. As a former District Attorney and Attorney General, I have great confidence that our judges and juries will respect the law and apply common sense and quickly dismiss any frivolous litigation.

Exemptions to liability should be granted rarely, and only on matters where sound public policy reasons support a grant. For example, immunities exist for liability resulting from food donations, donations to schools, and a citizen's provision of emergency care. Providing the food industry with an exemption from a remote chance of liability does not fit the norm, and does not further any pressing societal need.

Finally, there is already a statutory remedy for the rare food business that faces a meritless case. Wisconsin law provides for attorney fees and costs to any party that prevails against a frivolous lawsuit. That remedy will ensure that baseless actions of this type will not go unpunished.

Respectfully submitted,
JIM DOYLE
Governor