



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

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MONDAY, May 2, 2005

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

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### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 52** offered by Representative Pettis.

Assembly amendment 1 to **Assembly Bill 132** offered by Representative Pridemore.

Assembly substitute amendment 1 to **Assembly Bill 166** offered by committee on **Natural Resources**.

Assembly amendment 1 to **Assembly Bill 361** offered by Representative Hahn.

Assembly amendment 1 to **Assembly Joint Resolution 16** offered by Representative Hebl.

Assembly amendment 1 to **Senate Bill 124** offered by Representative Nischke.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 04-072**

Relating to equal speed of access to toilets at facilities where the public congregates.

Submitted by Department of Commerce.

Report received from Agency, April 25, 2005.

To committee on **Public Health**.

Referred on May 2, 2005.

#### **Assembly Clearinghouse Rule 04-118**

Relating to the name of the principles and practice examination for land surveyors.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 21, 2005.

To committee on **Labor**.

Referred on May 2, 2005.

#### **Assembly Clearinghouse Rule 04-119**

Relating to the barrier free design parts of the board's examinations for professional engineers.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 21, 2005.

To committee on **Labor**.  
Referred on May 2, 2005.

#### **Assembly Clearinghouse Rule 04-123**

Relating to public assistance overpayment collection and affecting small businesses.

Submitted by Department of Workforce Development.

Report received from Agency, April 21, 2005.

To committee on **Children and Families**.

Referred on May 2, 2005.

#### **Assembly Clearinghouse Rule 05-011**

Relating to licenses, certifications and registrations and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, April 25, 2005.

To committee on **Labor**.

Referred on May 2, 2005.

#### **Assembly Clearinghouse Rule 05-024**

Relating to the convenience fee for telephone vehicle registration renewal.

Submitted by Department of Transportation.

Report received from Agency, April 25, 2005.

To committee on **Transportation**.

Referred on May 2, 2005.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 395**

Relating to: the use of ethnic names, nicknames, logos, and mascots by school boards, granting rule-making authority, and providing a penalty.

By Representatives Boyle, Musser, Sherman, Ainsworth, Benedict, Berceau, Bies, Black, Colon, Fields, Grigsby, Hebl, Kessler, Krawczyk, Lehman, McCormick, Molepske, Mursau, Nelson, Parisi, Pocan, Pope-Roberts, Richards, Schneider, Seidel, Sheridan, Shilling, Sinicki, Toles, Turner, Van Roy, Wasserman and Young; cosponsored by Senators Cogg, Risser, Robson, Carpenter, Hansen, Jauch and Miller.

To committee on **State Affairs**.

#### **Assembly Bill 396**

Relating to: eliminating tax benefits for and taxing authority of a local professional baseball park district.

By Representatives Schneider and Vruwink.  
To joint committee on **Finance**.

**Assembly Bill 397**

Relating to: the 2003–05 Authorized State Building Program.

By Representative Loeffelholz; cosponsored by Senator Schultz.

To joint committee on **Finance**.

**Assembly Bill 398**

Relating to: cash discounts for retail motor vehicle fuel purchases.

By Representatives Wood, Suder, Moulton, Jensen, Hines, Jeskewitz, Krawczyk, Vos, Musser, LeMahieu, Nerison, Pridemore, Nass, Gunderson, F. Lasee, Vrakas and Mursau; cosponsored by Senators Zien, Brown, Grothman, Reynolds, Stepp and Lassa.

To committee on **Transportation**.

**Assembly Bill 399**

Relating to: the involvement of military base commanders with local zoning entities; creating a council on military and state relations; and requiring a seller of real property to disclose its proximity to the boundaries of a military installation.

By Representative Musser; cosponsored by Senator Brown.

To committee on **Military Affairs**.

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**CHIEF CLERK REPORTS**

The Chief Clerk records:

**Assembly Bill 92**  
**Assembly Bill 99**  
**Assembly Bill 140**

Presented to the Governor on Thursday, April 28.

*PATRICK E. FULLER*  
Assembly Chief Clerk

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**REFERENCE BUREAU CORRECTIONS**

**Assembly Bill 293**

1. Page 4, line 10: delete “municipality” and substitute “municipal”.

NOTE: “Municipal,” rather than “municipality,” is the correct text of the statute that is being amended (s. [66.0305\(6\)\(c\)](#)).

**GOVERNOR’S VETO MESSAGE**

April 29, 2005

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 63** in its entirety. This bill would require voters and persons registering at the polls on Election Day to show photo identification before being allowed to vote or register on Election Day. This bill would also repeal the current law that allows individuals to register by having their residence corroborated by another elector.

I am vetoing AB 63 because it places unnecessary restrictions on voting and is inconsistent with Wisconsin’s proud tradition of ensuring maximum access to the constitutionally protected right to vote. In the 2004 election, Wisconsin ranked third in the nation in voter turnout, with about 75 percent of eligible voters showing up to exercise their right to vote. AB 63 would make Wisconsin’s election laws the strictest in the country and put us on equal footing with South Carolina, a state that had only a 50 percent turnout — one of the worst voter turnouts in the nation. When it comes to voting rights and voter turnout, we shouldn’t trade our laws for South Carolina’s. While it is true that Wisconsin’s election system is in need of reform, AB 63 is not the answer.

What is particularly troubling about AB 63 is that it in no way addresses the problems that it is supposedly intended to remedy. AB 63 does not prevent felons from voting. It does not prevent individuals from voting twice or ensure that the address appearing on a photo ID card is in fact accurate and up to date. AB 63 does not make the lines at polling places any shorter or make them move any faster. And it does not make the job of poll workers any easier. In fact, AB 63 creates a host of additional administrative burdens for poll workers as they would be forced to interpret the accuracy and authenticity of each photo ID card and also determine whether individuals appearing without the required photo ID fall into one of the exemptions or whether their ballots should be marked and treated as provisional. AB 63 creates more problems than it solves.

In addition, AB 63 would disenfranchise tens of thousands of otherwise eligible, elderly voters who do not have a driver’s license or valid Wisconsin photo ID card. As I have noted before, according to the Department of Transportation, there are nearly 100,000 elderly voters in Wisconsin who would be disenfranchised by this bill. I refuse to sign into law a bill that would make it harder for Wisconsin’s senior citizens to exercise their right to vote.

What the 2004 election revealed is that to properly accommodate increasing voter turnout Wisconsin’s election system needs improvement. We ought to be focused on making it easier for legitimate voters to vote, and ensuring that every valid vote is counted. A photo ID requirement won’t achieve either objective, but it will disenfranchise tens of thousands of Wisconsin seniors who don’t have drivers’ licenses.

Three weeks ago, I proposed a comprehensive package of election reform that addresses the real problems – the understaffed and under-trained polling workforce, the lack of

statewide uniformity in election administration, and the burdens associated with our absentee voting system. The measures that I proposed will help restore integrity to our election system and give clerks and poll workers the tools and resources they need to properly administer elections in Wisconsin. Most importantly, my proposed reforms, unlike AB 63, do not undercut our proud history of ensuring maximum access to the ballot box in Wisconsin.

The protection of our citizens' fundamental rights is of utmost importance. Any legislative attempt to restrict those rights must be carefully scrutinized. Because AB 63 needlessly strips away full and unfettered access to voting for some of Wisconsin's most vulnerable citizens – including nearly 100,000 senior citizens — I cannot sign it into law.

Respectfully submitted,  
*JIM DOYLE*  
 Governor

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**REFERRAL OF VETOES**

**Assembly Bill 63**

Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

To committee on **Campaigns and Elections**.

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**COMMUNICATIONS**

State of Wisconsin  
 Joint Legislative Council  
 Madison

April 26, 2005

Mr. Patrick Fuller  
 Assembly Chief Clerk  
 P.O. Box 8952  
 Madison, WI 53708

Dear Patrick:

I am pleased to transmit to you the following reports to the 2005 Legislature on legislation introduced by the Joint Legislative Council:

- RL 2005–01 Special Committee on Recodification of Chapter 45, Veterans
- RL 2005–05 Special Committee on Recodification of Chapter 767, Stats., Actions Affecting the Family
- RL 2005–06 Special Committee on Wisconsin's Transportation Network Infrastructure

RL 2005–11 Special Committee on Improving Wisconsin's Fiscal Management

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of these reports are available in the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at <http://www.legis.state.wi.us/lc/>.

Sincerely,  
*TERRY C. ANDERSON*  
 Director

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State of Wisconsin  
 Revisor of Statutes Bureau  
 Madison

**DATE:** May 1, 2005

**TO:** Patrick E. Fuller  
 Assembly Chief Clerk

Robert Marchant  
 Senate Chief Clerk

**FROM:** Gary L. Poulson  
 Assistant Revisor of Statutes

**SUBJECT:** Rules published in the April 30, 2005, Wisconsin Administrative [Register, No. 592](#).

The following rules have been published:

Clearinghouse Rule 02–099	effective	5–1–2005
Clearinghouse Rule 04–049	effective	5–1–2005
Clearinghouse Rule 04–060	effective	5–1–2005
Clearinghouse Rule 04–062	effective	5–1–2005
Clearinghouse Rule 04–063	effective	5–1–2005
Clearinghouse Rule 04–064	effective	5–1–2005
Clearinghouse Rule 04–065	effective	5–1–2005
Clearinghouse Rule 04–066	effective	5–1–2005
Clearinghouse Rule 04–078	effective	5–1–2005
Clearinghouse Rule 04–083	part. eff.	5–1–2005
	part. eff.	7–1–2005
Clearinghouse Rule 04–084	effective	5–1–2005
Clearinghouse Rule 04–085	effective	5–1–2005
Clearinghouse Rule 04–086	effective	5–1–2005
Clearinghouse Rule 04–087	effective	5–1–2005
Clearinghouse Rule 04–090	effective	5–1–2005
Clearinghouse Rule 04–091	effective	5–1–2005
Clearinghouse Rule 04–092	part. eff.	5–1–2005
	part. eff.	8–1–2005
Clearinghouse Rule 04–114	effective	5–1–2005
Clearinghouse Rule 04–117	effective	5–1–2005
Clearinghouse Rule 04–120	effective	5–1–2005
Clearinghouse Rule 04–122	effective	5–1–2005
Clearinghouse Rule 04–130	effective	5–1–2005
Clearinghouse Rule 04–132	effective	5–1–2005

## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Madison

March 29, 2005

To the Honorable, the Legislature:

Pursuant to s. 16.75 (3m)(c)4, Wis. Stats., enclosed is the Department of Administration's Minority Business Annual Report for Fiscal Year 2004. State agencies, including the University System, reported 3d purchases and contracts with Wisconsin certified minority owned businesses totaling \$43,414,752 in FY2004.

We have begun a complete review of our business practices which will allow more minority participation in State contracting. Specifically, we are working with all agencies to implement a system that requires the regular reporting of second tier dollars on state contracts.

Thank you for your continued efforts to provide opportunities for all Wisconsinites including minority owned businesses.

Sincerely,  
*MARC MAROTTA*  
Secretary

Referred to committee on **Small Business**.

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State of Wisconsin  
Department of Revenue  
Madison

April 18, 2005

To the Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending March 31, 2005. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date revenue and expenditure information.

Total operating revenues for the year, as of the quarter ending March 31, 2005, were \$331.7 million, down \$33.9 million from the same period last year. Powerball sales alone account for \$27.9 million, or 82 percent of the decline. Powerball sales are lower than projected due to the absence of any large jackpots. Instant ticket sales, which were down the first two quarters, were up \$2.0 million for the third quarter.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,  
*MICHAEL L. MORGAN*  
Secretary of Revenue

Referred to committee on **State Affairs**.

Milwaukee Public Schools  
Division of Business Services  
Madison

April 22, 2005

To the Honorable, the Assembly:

According to Wisconsin School Law 121.87 in accordance with 13.172, the Board is required by law to submit the enclosed reports. School Law 121.87 states "...annually by May 1 the board of school directors of the school district operating under ch. 119 shall submit a report to the legislature under s. 13.172 (2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred outside their attendance area without written consent under s. 121.85 (6)(am)."

Enclosed you will find a report that meet the requirements stated above. The total number of intra-district students based under the Chapter 220 designation for the school year 2004-2005 equals 17,054. Of that number 901 either did not return a consent form or checked box indicating no consent. Students who have moved during the school year and no longer require parental consent were subtracted from the non-returned figure. The district did meet the requirement of one hundred percent (100%) parents providing consent.

Sincerely,  
*MICHAEL TURAZ, DIRECTOR*  
Division of Business Services

Referred to committee on **Education**.

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State of Wisconsin  
Department of Administration  
Madison

April 28, 2005

To the Honorable, the Legislature:

As required by s. 16.045 (5) Wis. Stats., I am submitting the fourteenth Wisconsin Gasohol and Alternative Fuel Use Report for distribution to the appropriate standing committees.

Should you or Legislative members have questions, please contact Steven K. Tryon, Assistant Administrator, Division of Energy, at 608 266-2035.

Sincerely,  
*MARC MAROTTA*  
Secretary

Referred to committee on **Rural Affairs and Renewable Energy**.