



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

WEDNESDAY, April 19, 2006

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

AMENDMENTS OFFERED

Assembly substitute amendment 2 to **Assembly Bill 603** offered by Representative Kreibich.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Joint Resolution 77** offered by Representative Albers.

Assembly amendment 1 to Assembly substitute amendment 5 to **Senate Bill 1** offered by Representative Musser.

Assembly amendment 1 to **Senate Bill 251** offered by committee on **Small Business**.

Assembly substitute amendment 2 to **Senate Bill 526** offered by Representative Gundrum.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 99

Relating to: declaring May as Manufacturing Month in Wisconsin.

By Representative Honadel; cosponsored by Senator Stepp.

To committee on **Rules**.

Assembly Joint Resolution 100

Relating to: commending the University of Wisconsin men's hockey team.

By Representatives Black, Pocan, Nischke, Mursau, Sheridan, Hebl, Nelson, Jeskewitz, Travis, Meyer, Toles, Young, Vruwink, Bies, Davis, Ward, Berceau, Lehman, Petrowski, Molepske, Boyle, Pridemore, Van Akkeren, Gunderson, Turner, Kerkman, Pope-Roberts and Ott; cosponsored by Senators Risser, Miller, Erpenbach, Roessler, Olsen, A. Lasee, Plale, Breske, Wirsch, Taylor and Coggs.

To committee on **Rules**.

Assembly Joint Resolution 101

Relating to: commending the University of Wisconsin women's hockey team.

By Representatives Black, Travis, Pocan, Vruwink, Hebl, M. Williams, Cullen, Davis, Pope-Roberts, Lehman, Molepske, Boyle, Mursau, Berceau, Turner, Hubler, Jeskewitz, McCormick, Krawczyk, Ott, Sheridan, Nass, Hundertmark, Meyer, Pridemore and Van Akkeren; cosponsored by Senators Risser, Miller, Erpenbach, Darling, Hansen, Schultz, Lazich, Roessler, Olsen, Kedzie, Cowles, Taylor and A. Lasee.

To committee on **Rules**.

COMMITTEE REPORTS

The committee on **Financial Institutions** reports and recommends:

Senate Bill 619

Relating to: mergers, conversions, and other business combinations; merger and conversion reports for real estate transfer fee purposes; the authority of the boards of directors of business corporations and corporate committees; corporate shareholder notices and meetings; the transfer of corporate property to certain affiliates; naming limited partnerships; and providing penalties.

Concurrence:

Ayes: 13 – Representatives Hundertmark, Freese, Kreibich, Wieckert, Townsend, J. Fitzgerald, Vos, Kleefisch, Richards, Sherman, Shilling, Zepnick and Molepske.

Noes: 0.

To committee on **Rules**.

JEAN HUNDERTMARK

Chairperson

Committee on Financial Institutions

The committee on **Ways and Means** reports and recommends:

Assembly Bill 968

Relating to: various duties of the Department of Revenue, including issuing declaratory judgments, conducting audits and assessments, asserting liability, allowing claims for refunds, awarding the costs of litigation to a prevailing party, imposing penalties related to a taxpayer's negligence,

calculating interest on unpaid amounts, and requiring the exercise of rule-making authority.

Passage:

Ayes: 8 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota and Pridemore.

Noes: 5 – Representatives Berceau, Ziegelbauer, Toles, Hebl and Fields.

To committee on **Rules**.

JEFFREY WOOD
Chairperson
Committee on Ways and Means

REFERENCE BUREAU CORRECTIONS

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 391**

- 1. Page 1, line 2: delete “on that line”.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

April 19, 2006

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 454	348	April 18, 2006
Assembly Bill 129	349	April 18, 2006
Assembly Bill 383	350	April 18, 2006
Assembly Bill 1012	352	April 19, 2006
Assembly Bill 248	356	April 19, 2006
Assembly Bill 156	357	April 19, 2006
Assembly Bill 345	359	April 19, 2006
Assembly Bill 21	362	April 19, 2006
Assembly Bill 315	363	April 19, 2006
Assembly Bill 510	364	April 19, 2006
Assembly Bill 556	365	April 19, 2006
Assembly Bill 646	366	April 19, 2006

Respectfully submitted,
JIM DOYLE
Governor

GOVERNOR’S VETO MESSAGE

April 18, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 84**. This bill eliminates the requirement that school be held for at least 180 days each year and the requirement that school districts include in their annual report the number of school days taught by teachers legally qualified to teach. Assembly Bill 84 retains the minimum required number of hours of direct pupil instruction in current law, but specifies that if a school has scheduled a greater number of hours for direct pupil instruction in the 2005-2006 school year than current law requires, the number of scheduled hours in the 2005-2006 school year becomes the minimum requirement for that school. Finally, Assembly Bill 84 clarifies that the annual report of the school district include the number of hours of direct pupil instruction provided “in each school” by teachers legally qualified to teach.

I am vetoing Assembly Bill 84 because I object to creating the opportunity for school districts to reduce the number of days students are actively involved in learning. Lengthening the school day by as little as ten minutes – equivalent to less than two minutes per class period – would allow school districts to take five full days off the school calendar. I do not believe the extra ten minutes a day will lead to the same amount of learning as an additional week of school. In addition, shorter school years may be impractical for working families, who would face financial and logistical challenges with respect to child care and after-school supervision. Finally, by eliminating the requirement that schools report the number of school days taught in each year, that information would not be readily available to parents and citizens.

Our citizens are competing not only against students from Minnesota and New York, but India and Indonesia and Japan. Shortening the school year would be a real disservice not only to our kids, but to our country. We need to find ways to make our students and our schools more competitive in the global marketplace. Shortening the school year will do just the opposite.

Respectfully submitted,
JIM DOYLE
Governor

April 18, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 152**. Under current law, counties retain 10 percent of fines and forfeitures for administrative expenses. This bill would increase to 20 or 30 percent the share retained by counties for collections of unpaid fines and forfeitures within 120 days and over 120 days, respectively. This change, while intended as an incentive to increase collections of unpaid fines and forfeitures, would appear to do the opposite. By waiting 120 days, counties could increase administration fees by 200 percent.

Fines and forfeitures are deposited in the Common School Fund, interest on which is used to support public school

libraries. The Common School Fund is the sole source of state funding for Wisconsin's school libraries. This significant increase in county administration fees will come at the expense of the Common School Fund. I cannot support the reduction of this program, which is critical to Wisconsin school children, with no guarantee that the funds retained by the counties would actually be used to increase collections efforts.

Respectfully submitted,
JIM DOYLE
Governor

April 18, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 327**. This bill creates a new form of corporate organization, the unincorporated cooperative association.

I agree with the intent of the legislation – to help cooperatives raise needed capital through non-patron investment partners. However, the bill creates a tax consequence that was unintended by the authors and supporters of the bill. Although unintentional, I cannot sign a bill with consequences such as these.

My administration has already begun to work with the Legislature and supporters of Assembly Bill 327 to pass a version of this bill that achieves the goals of this proposal, without the creation of this tax consequence. I am committed to signing a new version of this bill before the end of the legislative session.

Respectfully submitted,
JIM DOYLE
Governor

April 18, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 509**. This bill repeals the specific exception to the immunity provision related to litigation involving failure of local governments to repair highways.

While I know that our local governments work hard to maintain safe and high quality roads, I believe that in the few instances where individuals incur damages due to a lack of timely road repairs, citizens should not be prevented from receiving reimbursement from local governments. Additionally, the existing \$50,000 statutory cap provides a reasonable limit on these damages if they occur. I would note that Wisconsin appellate courts have only applied this statute and its predecessor in 175 cases since 1884.

All levels of government are facing budget challenges and tough funding questions, but Wisconsin drivers should be

assured that roads will be kept in good repair and that local governments will be responsible for damages when they fail to make repairs on a timely basis.

Respectfully submitted,
JIM DOYLE
Governor

April 18, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 730**. This bill modifies current law by allowing any baccalaureate or graduate degree granting institution within the University of Wisconsin (UW) System to operate or contract for the operation of an independent charter school with the approval of the Board of Regents. Specifically, the bill permits the chancellors of any UW institution besides UW-Milwaukee and UW-Parkside (to which current law would still apply) to establish or contract for the establishment of up to five independent charter schools each.

The bill requires the Department of Public Instruction (DPI) to approve the first five requests from UW institutions (other than UW-Milwaukee and UW-Parkside) and to maintain a waiting list of subsequent requests. While the bill effectively limits the number of UW institutions that may establish new independent charter schools to five, each institution is permitted to include up to five new charter schools in a single request. Thus, the bill potentially allows up to 25 new independent charter schools.

Assembly Bill 730 requires the chancellor of each approved UW institution to submit to the state superintendent a charter school plan with specific details. In the event that the chancellor from an approved UW institution does not submit this plan by the specified date, that institution is prohibited from establishing or contracting for the establishment of a charter school. Finally, the bill provides that any pupil who resides in the state may attend a new charter school established by a UW institution under the bill.

I am vetoing Assembly Bill 730 because I object to the lack of accountability measures for the new charter schools that would be established under the bill. While charter schools can be a good option for many families, this bill doesn't ensure that the new charter schools would be high-quality. The bill requires DPI to automatically approve the first five requests that it receives from UW institutions, regardless of their merit. Further, each request from a UW institution may include plans for up to five charter schools, some of which may be excellent and some of which may be inadequate. Unfortunately, the bill includes no mechanism to allow DPI to make this determination. Nor does the bill provide any requirements that UW institutions have the capacity to serve as effective and knowledgeable charter school authorizers.

While Assembly Bill 730 may benefit some of Wisconsin's students by providing additional opportunities to

learn and creative and innovative educational settings, the bill fails to provide important accountability measures.

Respectfully submitted,
JIM DOYLE
Governor

April 18, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 871**. Under current law, it is generally considered a criminal act to issue a check, while never intending to have the check paid. This bill eliminates the general exception to this sanction for post-dated checks and checks given for past consideration. However, the bill maintains an exception for a post-dated check given to a payday loan service who agrees, for a fee, to hold a check for a period of time.

A transaction paid for with a post-dated check is fundamentally different than one paid for with a check dated that day. Post-dated check payments are more akin to loan or credit transactions. Businesses understand that distinction and accept post-dated checks knowing full well that there may be additional risks involved. We shouldn't be restricting the ability of these merchants and others to use post-dated checks as a means of doing business.

Further, I am also troubled that the bill would mean that payday lenders would be the only businesses that could accept post-dated checks, which would leave people with no other option.

Respectfully submitted,
JIM DOYLE
Governor

April 18, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 969**. This bill provides that any cash deposit used as bond must first be applied to pay restitution to the victim of the crime if the defendant is convicted. Additionally, under Assembly Bill 969, a new form of payment to the victim is created, called recompense. This payment is initiated when a defendant does not meet his or her bond conditions and forfeits his or her cash deposit. A judge may order the defendant to pay a recompense amount to the victim of the crime for which bond was established, using the forfeited cash. The recompense amount is ordered before the defendant is convicted.

While I agree with the goal of the restitution provisions of this bill, which allow cash deposits for bond to be used to get additional moneys to the victims of crimes, I am vetoing Assembly Bill 969 based on the impact of the recompense portions of the bill. One of the bill's authors has actually requested that I do so because of an unintended drafting error which results in a shift of resources in cases where recompense and restitution are ordered. If the restitution

amount is less than or equal to the recompense amount already ordered, the restitution is paid entirely to the state general fund. As a result, counties may lose significant amounts of money, even as they work hard to support the circuit court system and provide victim services.

Respectfully submitted,
JIM DOYLE
Governor

April 18, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 1060**. This bill defines the term "virtual charter school" as a charter school in which instruction is provided primarily by means of the Internet, and the pupils enrolled in, and instructional staff employed by, the charter school are geographically remote from each other. Current law does not define the term virtual charter school, but also does not prohibit virtual charter schools.

Under current law, any person seeking to teach in a public school (including a charter school) must first procure a license or permit from the Department of Public Instruction (DPI). Assembly Bill 1060 defines "teaching" for the purpose of virtual charter schools to mean assigning grades or credits to pupils.

Current law requires that all "instructional staff" in independent charter schools (City of Milwaukee, Milwaukee Area Technical College, University of Wisconsin-Milwaukee and University of Wisconsin-Parkside) hold a license or permit to teach issued by DPI. Current law also requires each school board to ensure that all "instructional staff" of charter schools that are instrumentalities of the school district hold a license or permit to teach issued by DPI, which has promulgated administrative rules defining "instructional staff" for this purpose. Assembly Bill 1060 specifies that for virtual charter schools, regardless of the chartering agency, "instructional staff" means assigning grades or credits to pupils.

Current law allows regular public schools to charge tuition to non-state residents who attend these schools, but prohibits charter schools from charging tuition to non-resident students. Assembly Bill 1060 expands the authority to charge tuition to non-state residents attending any charter school, including a virtual charter school.

I am vetoing Assembly Bill 1060 because I object to allowing a lower standard for teachers and instructional staff in virtual charter schools than what the law requires for teachers and instructional staff in our public schools, including non-virtual charter schools. The effect of modifying the definition of "teaching" and "instructional staff" under this bill is that for virtual charter schools, only those persons who have responsibility for assigning grades or credits to pupils would be required to obtain a teaching license or permit from DPI. Actual pupil instruction could be delivered by persons without a state-issued license or permit.

Education is my top priority as Governor, and I strongly believe we need higher standards in our schools.

Unfortunately, this bill does just the opposite, lowering the bar on the people entrusted to educate our kids. When it comes to education, I'm a pretty basic guy, and I simply believe that teaching should be done by professional, certified teachers. We shouldn't have a lower standard for students in virtual schools than we have for students in regular schools.

Respectfully submitted,
JIM DOYLE
Governor

April 19, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 299**. This bill eliminates the requirement that a county shoreland zoning ordinance is retained on newly incorporated territory.

We can all agree that Wisconsin's many lakes and rivers are vital to our economic base and our quality of life. While I do not dispute that we need to continue to grow and develop, I believe we can do so in a way that respects our natural resources and our strong environmental legacy. It is clear that in Wisconsin economic development and a clean environment are not mutually exclusive. Wisconsin is leading the Midwest in job growth all the while maintaining our strong environmental protections.

An amendment offered on the Assembly floor would have achieved many of the bill's goals while maintaining a responsible level of stewardship. The counter proposal would have simply required that the annexing city or village have in effect a zoning ordinance, for the newly annexed area. If the city or village does not have an existing ordinance, they would have the option of enacting zoning that ensures that protections are in place and are at least as protective as the standards laid out in the Department of Natural Resources Rule, NR 115.

This would have ensured that basic minimum protections were put in place regardless of who has jurisdiction – the county, the city or village. This does not seem to be an unreasonable standard to meet but was unfortunately rejected by the Legislature.

Since the late 1960s, the shoreland management program has helped to ensure that the best interests of the state and its residents are put first when making land use decisions. Weakening it is not the right thing to do.

Respectfully submitted,
JIM DOYLE
Governor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

April 19, 2006

To the Honorable Members of the Assembly:

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

Bill Number Act Number Date Approved
AB 208 (in part) 361 April 19, 2006

Respectfully submitted,
JIM DOYLE
Governor

EXECUTIVE COMMUNICATIONS

April 19, 2006

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 208** as **2005 Wisconsin Act 361** and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in sections 1-3, 5-9, 12, 13, 16, 17, 19 and 20 (1).

Assembly Bill 208 creates a rural enterprise development zone program and refundable tax credits for businesses that are located in those zones, meet certain criteria and are certified by the Department of Commerce.

The bill provides several financial incentives for businesses to locate, invest and expand in this state and rewards businesses for creating family-supporting jobs and providing training that will make employees more productive. These types of actions by businesses improve their ability to compete with other businesses outside the state and by spurring additional development.

However, I have executed a number of partial vetoes to make the bill more equitable, more focused, and more fiscally responsible. Since all of the credits in the bill are refundable and are not capped, I believe they should be targeted to meet our goals without overburdening the taxpayers.

I am partially vetoing sections 1, 7 [as it relates to the term "rural enterprise development zone"], 9 [as it relates to the term "rural enterprise development zone"], 12 [as it relates to the term "rural enterprise development zone"], 13, 16 [as it relates to the term "rural enterprise development zone"], 17, and 19 [as it relates to the term "rural economic development zone" and s. 560.799 (3) (a) 2.] to change the name of the zones from "Rural Enterprise Development Zones" to "Enterprise Zones" and to eliminate the restriction that enterprise zones cannot contain any section of a first class city or a city with population over 200,000. As currently worded, the bill creates "rural" enterprise development zones, but it only prohibits the designation of zones that include any portion of the cities of Milwaukee and Madison. Many other urban and affluent communities are allowed to be included in designated zones, but extremely distressed areas of Milwaukee are not. This bill creates a program that the entire State of Wisconsin should be able to benefit from and, therefore, should include the entire state. My partial veto would allow the designation of zones anywhere in the state, including Milwaukee and Madison.

I am vetoing sections 2, 3, 5, 6 and 20 (1) and partially vetoing sections 8 and 9 [as it relates to the income and capital

gains credits] to delete the income credit and capital gains credit. These are refundable credits that do not necessarily encourage business development but have potentially large fiscal impacts. My partial veto focuses the enterprise zone program more squarely on worker training and creating well-paying jobs around the state.

I am partially vetoing sections 7, 12 and 16 [as they relate to supplemental claims for personal property taxes and sales taxes] to eliminate some of the supplemental claims under the jobs credit – specifically, the credits for personal property taxes paid in a zone and for sales taxes paid on personal property in a zone. As with the income and capital gains credit, I have exercised this partial veto to keep the bill fiscally responsible while still achieving the program's goals.

I am partially vetoing section 19 [as it relates to s. 560.799 (3) (a) 1.] to reduce the maximum size of an enterprise zone from 5,000 acres to 50 acres. This keeps the zones smaller and more manageable, with fiscal effects that will be more predictable in the future.

I am partially vetoing section 19 [as it relates to s. 560.799 (1) (a), (1) (b), (2), (3) (b), (3)(c) and (4) (b)] to eliminate the requirement that local governmental units submit an

application and development plan to be considered for designation as a zone. This gives the Department of Commerce the authority to designate zones while considering factors such as economic need, job losses, and existing resources in the area.

I am partially vetoing section 19 [as it relates s. 560.799 (5) (c)] so that businesses cannot simply relocate from another part of the state into an enterprise zone to claim credits. This ensures that businesses will have the incentives to expand operations, create new jobs or relocate to Wisconsin from out of state.

With my vetoes, the bill will create an enterprise zone program that focuses on creating family-supporting jobs and improving the productivity of all of Wisconsin's workers. At the same time, the bill is now more responsible to taxpayers and will help ensure that we can continue to afford to meet our other priorities of educating our children and providing health care for Wisconsin's most vulnerable citizens.

Respectfully submitted,
JIM DOYLE
Governor