



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

FRIDAY, December 21, 2007

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

AMENDMENTS OFFERED

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 371** offered by Representatives Albers, Wood and Hubler.

Assembly amendment 2 to **Assembly Bill 540** offered by Representative Honadel.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 85

Relating to: the life and military service of United States Army Captain Christian Skoglund.

By Representatives Mason, Turner and Vos; cosponsored by Senator Lehman.

To committee on **Rules**.

Assembly Bill 634

Relating to: minimum harvesting requirements for Great Lakes fish.

By Representatives Van Roy, F. Lasee, Soletski, Bies and Nygren; cosponsored by Senators Hansen, Taylor and Grothman.

To committee on **Natural Resources**.

Assembly Bill 635

Relating to: creating an income and franchise tax credit for expenses related to nanotechnology and providing an exemption from emergency rule-making procedures.

By Representatives Moulton, Murtha, Strachota, Wood, Ballweg, Albers, Townsend, Nass, Van Roy and Hraychuck; cosponsored by Senators Kanavas, Harsdorf, Plale, Roessler, Schultz, Kreitlow and Leibham.

To committee on **Jobs and The Economy**.

Assembly Bill 636

Relating to: adding a member to the Council on Veterans Programs.

By Representatives Musser, Kerkman, Turner, Hahn, Townsend, Albers, A. Ott, Berceau, Cullen and Bies; cosponsored by Senators Sullivan, Taylor, Schultz, Lazich, Hansen, Lehman, Roessler, Kedzie, Grothman and Breske.

To committee on **Veterans and Military Affairs**.

Assembly Bill 637

Relating to: allowing certain private schools located outside the city of Milwaukee to participate in the Milwaukee Parental Choice Program.

By Representatives Pridemore, Jeskewitz, Ziegelbauer, Zipperer, Vos, LeMahieu, Vukmir, Honadel, Lothian, Kleefisch and Strachota; cosponsored by Senators Darling and Grothman.

To committee on **Education Reform**.

Assembly Bill 638

Relating to: bottling of water provided by a local governmental unit.

By Representative Schneider.

To committee on **Natural Resources**.

Assembly Bill 639

Relating to: electronic access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards.

By Representatives Rhoades, Ballweg, Hahn, Hraychuck, LeMahieu, Montgomery, Musser, Petrowski, Seidel, Sheridan, Vos and A. Ott; cosponsored by Senators Lassa, Darling, Harsdorf, Olsen, Roessler and Schultz.

To committee on **Transportation**.

Assembly Bill 640

Relating to: powersports vehicle manufacturers, distributors, and dealers and providing a penalty.

By Representatives Kaufert, Musser, A. Ott, Mursau, Soletski, Townsend, Sherman, Sheridan and Vruwink; cosponsored by Senators Hansen, Cowles, Olsen, Leibham, Ellis, Roessler, A. Lasee and Breske.

To committee on **Transportation**.

Assembly Bill 641

Relating to: requiring the Department of Natural Resources to grant easements over certain lands.

By Representatives Friske, Gunderson, Gronemus, Mursau, Meyer, Nerison, M. Williams, Bies, Townsend, Hahn, Ballweg, LeMahieu, Musser and Montgomery; cosponsored by Senator Roessler.

To committee on **Natural Resources**.

Assembly Bill 642

Relating to: an ineligible person claiming and receiving the lottery and gaming property tax credit and providing a penalty.

By Representatives Friske, Gronemus, Montgomery, Jeskewitz, Townsend, A. Ott, Hahn, Albers, Nass and Musser; cosponsored by Senators Olsen and Roessler.

To committee on **Ways and Means**.

Assembly Bill 643

Relating to: grants for master logger certification and for logger safety training.

By Representatives Friske, Mursau, Hubler, M. Williams, Gronemus, Montgomery, A. Ott, Hahn, Townsend and Musser; cosponsored by Senator Cowles.

To committee on **Forestry**.

Assembly Bill 644

Relating to: vehicle inspections of school buses and alternative vehicles, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority, and making an appropriation.

By Representatives Friske, A. Williams, Ballweg, Gronemus, Montgomery and Albers; cosponsored by Senators Lehman and Roessler.

To committee on **Transportation**.

Assembly Bill 645

Relating to: providing a penalty for failure of a person to disclose his or her name upon the demand of a law enforcement officer during an investigatory stop.

By Representatives Friske, Bies, Montgomery, Jeskewitz, Gronemus, A. Ott, Meyer, Mursau, LeMahieu and Musser; cosponsored by Senators Roessler and Lazich.

To committee on **Criminal Justice**.

Assembly Bill 646

Relating to: the University of Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals and Clinics Authority.

By Representatives Rhoades and Black; cosponsored by Senators Risser and Olsen.

To committee on **State Affairs**.

COMMITTEE REPORTS

The committee on **Veterans and Military Affairs** reports and recommends:

Assembly Bill 555

Relating to: the veterans tuition reimbursement program.

Passage:

Ayes: 8 – Representatives Musser, Townsend, Petrowski, Bies, Petersen, Sherman, Hubler and Boyle.

Noes: 0.

To joint committee on **Finance**.

TERRY MUSSER

Chairperson

Committee on Veterans and Military Affairs

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 207

Presented to the Governor on Thursday, December 20.

PATRICK E. FULLER

Assembly Chief Clerk

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

December 21, 2007

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:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
AB 207 (in part)	42	December 21, 2007

Respectfully submitted,

JIM DOYLE

Governor

GOVERNOR'S VETO MESSAGE

December 21, 2007

To the Honorable Members of the Assembly:

I have approved Assembly Bill 207 as [2007 Wisconsin Act 42](#) and have deposited it in the Office of the Secretary of State. I have exercised the partial veto to ensure that consumer protection and customer service standards are protected and to provide for the fair treatment of municipalities and their taxpayers while supporting the right of Wisconsin citizens to cable competition. In particular, I have thoroughly reviewed the measure as it relates to customer service standards and consumer rights to ensure that Wisconsin continues as a leader in protecting the consumer.

Assembly Bill 207 establishes a state process, in lieu of the current process at the municipal level, for granting franchises for the provision of video services to the public. The bill establishes certain requirements related to the following: the relationship between the state franchise agreement and

federal telecommunications law; the interaction of franchisees with municipalities on issues such as compensation for video services access and use of rights of way and support for public, educational and government access channels; and the provision of customer service standards and consumer rights.

I am partially vetoing section 8 as it relates to the expiration of a franchise. The intent of my veto is to allow the Department of Financial Institutions (DFI) to promulgate an administrative rule setting the renewal term for the franchise. By allowing franchises to expire and establishing a renewal process and criteria, the public is served by providing more accountability of the service provider and the state.

I am partially vetoing section 8 as it relates to the 15-day requirement for processing the franchise application. First, I am partially vetoing the requirement that DFI has 15 days to review the application. Second, I am partially vetoing the provision that if no determination is made within 15 days, the application is automatically approved. I object to the timeline for approval being written into the law. Placing a time limit on the process pre-judges that all applications will be similar and that investigation of facts may not, in some cases, take additional time. This veto will allow the department to serve both the public and the providers by allowing for both a complete and timely review of applications.

I am partially vetoing section 8 as it relates to the automatic approval of a franchise for large video service providers. I believe that all applicants for a franchise should work through a common application process. As such, all providers would be required to prove that they are legally, financially and technically able to provide service in the designated service area. Much of the discussion surrounding this legislation centered on allowing greater competition in the video service market. This partial veto ensures that all entrants into the market go through the same process, thus leveling the playing field, which furthers the goal of increased competition.

I am partially vetoing section 8 as it relates to the revocation of a franchise. The veto is designed to allow DFI to more completely define the requirements for franchise revocation through the administrative rule process. A more thorough definition of the revocation requirement will better serve both consumers and providers by adding clarity to these standards.

I am partially vetoing section 8 as it relates to the prohibition on municipalities from charging a fee for the use of or occupation on public rights-of-way. I object to this prohibition directed toward municipalities which provides special treatment to one industry and does not recognize and thus compensate the public for the cost of establishing and maintaining public rights-of-way.

I am partially vetoing section 8 as it relates to the 3-year limit on the review of the financial records of the service provider to allow municipalities to review records as needed. If there is a dispute on the amount of funding being provided, it is in the best interest of all parties to have that dispute settled in a timely manner.

I am partially vetoing section 8 as it relates to the prohibition on DFI and the Department of Agriculture, Trade and Consumer Protection from promulgating rules. It is imperative that the state agencies responsible for

implementing the state franchise and enforcing anti-discrimination provisions have the ability to interpret these statutes through administrative rule.

I am partially vetoing section 8 as it relates to a video service provider's defense against not meeting the prohibition for income discrimination by establishing statutory standards of service provisions to low-income households. The intent of the veto is to raise the standard to be achieved more quickly. This veto will allow service providers to use a defense against allegations of discrimination based on income by showing that 30 percent of subscribers are low-income households within 3 years, two years earlier than originally provided in the bill. The effect of the veto will be to accelerate the provision of service to low-income households.

I am partially vetoing section 8 as it relates to the definition of a low-income household. The effect is to allow DFI to define low-income household through administrative rule. As written, the bill provides a definition that does not take into account factors such as inflation or household size. Such a definition is inconsistent with the definition of low-income in other programs.

I am partially vetoing section 8 as it relates to the definition of public, educational and government channel usage. As written, the bill states that such channels are defined as noncommercial. By striking noncommercial, I am giving public, educational and governmental channels the ability to air revenue-generating commercial programming.

I am partially vetoing section 8 as it relates to the application and annual fees. The effect is to allow DFI to set the fees through rule which allows the fees to better fit the scope of the specific conditions of an application.

I am partially vetoing section 27p as it relates to credit for service outage. My intent is that the bill reflects the current law standard that if service is interrupted for more than 4 hours in any one day, the video service provider must give subscribers credit for that outage. As passed, the bill would have allowed interruptions of up to 24 hours without providing credit and would have eroded one of the primary statutory consumer protections.

I am partially vetoing section 35 as it relates to Public Service Commission review of municipal regulation of the occupation and use of public rights-of-way. The provision prohibits the Commission from finding unreasonable any municipal regulation on aesthetics of a network under certain conditions. The intent of this partial veto is to delete this prohibition and allow the Commission to review the regulation and make a determination based on the merits.

I also carefully reviewed Assembly Bill 207 as it relates to public, educational and governmental channels in light of the concerns raised by interested parties on this matter. The bill requires that these channels continue as long as minimum criteria are met. Financial support of these channels by video service providers ends after three years under the bill. The intent of the bill is that the payment to the municipalities by video service providers of up to five percent of their gross receipts provides sufficient compensation for this access right.

While I did not exercise my partial veto authority in this part of the bill, I remain concerned about maintaining balance between the interests served by public, educational and governmental channels and video service providers. I urge

the Legislature to review this issue and consider follow-up legislation to address any remaining concerns.

I believe the partial vetoes I have made to AB 207 help to make it a stronger bill for consumers while promoting competition in Wisconsin.

Respectfully submitted,
JIM DOYLE
Governor

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Revenue
Madison

November 21, 2007

The Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending September 30, 2007. As required by s. [565.37\(3\)](#), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year-to-date Revenue and Expenditure information.

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,
ROGER M. ERVIN
Secretary of Revenue

Referred to committee on **State Affairs**.

State of Wisconsin
Department of Corrections
Milwaukee

November 29, 2007

The Honorable, the Legislature:

Attached is the annual report on Prison Industries for the fiscal year ending June 30, 2007 as required by s. [303.018](#) of the Wisconsin Statutes. The report includes the cash balances of each industry. Private sector joint venture balances are reported separately from the remainder of Prison Industries.

Traditional Prison Industries

Traditional Industries gross revenue for the period July 1, 2006 through June 30, 2007 were \$17,551,422. Cash

expenditures for the same time period are \$17,540,802. Through the end of this fiscal year, revenues exceeded expenditures by \$10,620. Traditional Industries ended fiscal 2007 with an accumulated cash balance of \$350,214.

Private Sector Ventures

For the period July 1, 2006 through June 30, 2007 there were no receipts or cash expenditures in Private Sector Ventures. There was no cash balance at the end of fiscal year 2007 and no future revenues or expenditures are anticipated for Private Sector Ventures.

The Department of Corrections would be happy to respond to any questions you may have on this matter.

Sincerely,
RICK RAEMISCH
Secretary, Department of Corrections
MICHAEL MORGAN
Secretary, Department of Administration

Referred to committee on **Corrections and the Courts**.

State of Wisconsin
Groundwater Advisory Committee
Madison

December 14, 2007

To the Honorable, the Legislature:

On behalf of the Groundwater Advisory Committee, we are pleased to submit this report to the Senate Committee on Environment & Natural Resources and the Assembly Committee on Natural Resources in fulfillment of its charge under [2003 Wisconsin Act 310](#). We appreciate the opportunity to serve on this important Committee and recognize the significance of Act 310. This report is the second of two reports called for under Act 310.

We would be pleased to discuss the enclosed report at a joint meeting of the standing committees. Such a meeting might be valuable for the Committees to enhance their understanding of the recommendations made by the Groundwater Advisory Committee.

Sincerely,
RON KUEHN
Co-Chair, Groundwater Advisory
Committee
M. CAROL MCCARTNEY
Co-Chair, Groundwater Advisory
Committee

Referred to committee on **Natural Resources**.