



REP. KARL VAN ROY • 90TH ASSEMBLY DISTRICT

VAN ROY'S VIEWS

LEGISLATIVE E-UPDATE

Friday, December 14, 2007

Ending Raids on Segregated Funds

Since coming to Madison as your State Representative, one thing that has always bothered me is the practice of raiding segregated funds to pay for other items unrelated to the original purpose or intent of the fund. An example of a segregated fund is the money we pay annually to "Registration Fee Trust" for our license plate renewals. The money is set aside in a trust so that it can only be used for the purpose of the fund: state transportation expenses. At least that's how it is supposed to work.

One of the most well-known raids occurred with the 2005-2007 budget. Governor Doyle used his Frankenstein Veto pen (more on that later) to raid \$427 million from the transportation fund to pay for other things unrelated to transportation. At the time, the Secretary of Transportation stated that the raid would have no effect on the stability of the fund or the timing of planned road projects. As a former business owner, this sounded like nonsense. That's why I wasn't surprised when, several months later, the Secretary drastically changed his story and told the legislature that there was a massive deficit in the transportation fund which required fee hikes and project delays.

I have always fought against these raids because I believe it is fiscally unsound policy. Robbing Peter to pay Paul to fill a hole in the state budget is merely a temporary fix. Not only does it pass the problem onto the next budget, but it can also worsen the problem in the long run. Furthermore, citizens pay their hard-earned money into these funds expecting that their dollars will be used for the intended purposes. Raiding these funds is a violation of the public trust.

That's why I am very pleased to tell you about Assembly Joint Resolution 34 which would create a constitutional amendment prohibiting the practice of raiding segregated funds to pay for items unrelated to the purpose of the fund. I am a co-sponsor of this legislation which passed the Assembly this week with a strong bi-partisan vote of 91-6.

AJR 34 now moves to the Senate for consideration. However, all constitutional amendments have to pass the legislature in two consecutive sessions before going to the public for statewide approval.

Slaying the Frankenstein Veto

Fate rests with the voters on the April 1, 2008 ballot

In past issues of *Van Roy's Views* I've talked about Governor Doyle's use of the Frankenstein Veto. I'm pleased to report that the Senate, after months of delay, finally voted unanimously this week in support of a constitutional amendment to slay this ugly beast. Now all that remains is for you, the voting public, to give the final approval in a statewide referendum. When the legislature reconvenes in January, the Assembly will agree to the Senate's timeline to have the measure appear on the April 1, 2008 ballot.

You may recall that in the 2005-2007 budget, Governor Jim Doyle used his veto pen to erase 752 individual words, letters, and numbers over a couple of pages of text having to do with state legal services. He left behind a sprinkling of over 30 words and numbers transferring \$427 million from the segregated transportation fund into the general fund and giving the Secretary of Administration (an unelected political appointee of the Governor) the power to spend that money at his own discretion. Also, for the first time in state history, the veto was used to increase state government spending. (To view this veto online, go to: www.madison.com/wsj/uploads/dir/veto.pdf)

This proposed constitutional amendment was introduced early in January in the hope of stopping Governor Doyle from using the Frankenstein veto again when considering the 2007-09 state budget. Unfortunately, the leadership of the Democrat-controlled Senate intentionally delayed the vote in the Senate until *after* the budget was passed so that Doyle would retain the power for one more budget. Sure enough, when the bi-partisan compromise budget landed on his desk, Governor Doyle used his Frankenstein Veto pen to weaken the Property Tax Freeze, creatively increasing the levy limit from 2% to 3.86% which translates into an additional \$41.4 million in property taxes.

Governing is about checks and balances. The constitution gives the legislature the power to write laws and spend money and the governor the power to approve or reject those proposals. No single elected official should have the ability to re-write laws, increase taxes, or change spending priorities without any oversight.

I hope you will join me on April 1, 2008 to slay the Frankenstein Veto. Doing so will ensure adherence to the democratic principle of "separation of powers" and restore integrity and accountability to the Governor's office. This good government reform is long overdue.

Protecting Our Second Amendment Rights

When Hurricane Katrina devastated the Louisiana Gulf Coast, the television news broadcasted many images of looters and arsonists and stories of people being robbed or assaulted. Modern communications were knocked out for most residents who were left with no way to call the police for help. For those that were able to get through, the police were most often unable to respond. Therefore, many residents legally armed themselves to protect their lives and property from the lawlessness and civil disorder around them.

Just when law-abiding citizens needed their firearms the most for self-protection, the New Orleans Police Superintendent ordered the confiscation of all firearms, allegedly under a state emergency powers law. Fortunately, a lawsuit brought an end to the seizures, and a U.S. District Court held New Orleans Mayor Ray Nagin and Police Chief Warren Riley in contempt. The Louisiana legislature then amended their emergency powers law to prevent any future denial of Second Amendment rights.

Since then, thirteen additional states have joined Louisiana in passing laws to protect the rights of law-abiding gun owners by prohibiting the confiscation of firearms during a time of emergency. Currently, Wisconsin citizens are vulnerable to the same denial of their second amendment rights under our emergency powers law.

That's why I am a proud co-sponsor of Assembly Bill 581 which will clarify that no state or local governmental or law enforcement agency can restrict the *legal* possession, transfer, sale, transport, storage, display, or use of firearms or ammunition during an emergency resulting from enemy action or natural or man-made disaster. This bill mirrors legislation adopted by the federal government in 2006 with bi-partisan support.

As a supporter of the Second Amendment, I'm pleased to report that AB 581 passed on the Assembly floor this week with a bi-partisan vote of 84-13. The bill now moves to the Senate where I hope it will receive prompt approval so it can be signed into law this session.

Video Competition Act Clears the Legislature Fate of bill for cable consumers rests in the hands of Governor Doyle

Many of you have contacted my office throughout the year concerning your cable bills and voicing your support for greater competition in the cable television industry. I am pleased to report that on Tuesday, cable subscribers throughout Wisconsin were awarded a major victory by the Wisconsin State Assembly with the final passage of Assembly Bill 207, also known as the *Video Competition Act*. With my support, AB 207 successfully passed the Assembly by a vote of 94-3, and is anticipating Governor Doyle's signature by the end of this year or early into next year.

Under the *Video Competition Act*, a new streamlined statewide video franchising process will replace the current antiquated process of individual municipal cable franchise agreements. To address the concerns of local elected officials and consumer protection advocates, amendments were added to require video service providers to remit up to 5% of their gross receipts to the municipalities they serve, and comply with federal customer service standards.

Nationally, states experiencing competition within the cable television market have seen their rates decrease by an average of 23%. Eleven states that have passed legislation similar to Wisconsin's *Video Competition Act* have had billions of dollars in new business injected into their local economies, benefiting significantly from the influx of new jobs and new investments.

Because of consumers like you across the state, much focus was placed on the *Video*

Competition Act, and it became a very successful piece of legislation. But the process is not yet over. If you would like to ensure this bill is signed into law, you should contact Governor Jim Doyle and let him know of your support. He can be reached by telephone at 608-266-1212 or by email at governor@wisconsin.gov.

Strengthening Our Child Protection Laws

Keeping our children out of harm's way is one of the most important responsibilities our government has – both at the state and federal levels. The job of a state legislator is not only about making new laws, but also making sure that our current laws are working the way they're supposed to, which is the purpose behind Assembly Bill 209. This bill passed the Assembly unanimously by a voice vote on Tuesday, paving the way for major changes that will strengthen and enhance our current state laws against sex offenders and other criminals who either prey on or neglect our children. Some of the provisions include:

- Changing the penalty for intentionally causing great bodily harm to a child from a Class E felony to a Class C felony, which could be the difference between a 15-year/\$50,000 sentence and a 40-year/\$100,00 sentence
- Clarifying the GPS tracking laws to include those offenders convicted of first-degree sexual assault of a child, even if they were not charged with causing great bodily harm
- Requiring courts to order a pre-sentence investigation report that includes an assessment of the risk the defendant poses in potentially committing another sex-related crime against a child
- Creating a separate penalty class against those who neglect a child or leave a child unattended in a child care vehicle when bodily harm could result

It is my hope that the Senate will act quickly with this proposal so that we can we can close the loopholes within our judicial system and ensure that anyone found guilty of inflicting harm upon a child is punished to the fullest extent of the law. Wisconsin must send the message that deviant behavior against children will not be tolerated in our state. Every child deserves a happy, memorable childhood untouched by the lasting, painful scars that result from abuse and neglect. AB 209 will help make this a reality.

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