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EXECUTIVE VETOES OF BILLS PASSED BY THE 2003 WISCONSIN LEGISLATURE FROM APRIL 26, 2003 THROUGH AUGUST 31, 2003 (EXCEPT THE 2003 EXECUTIVE BUDGET BILL)

I. INTRODUCTION

This brief contains the veto messages of Governor Jim Doyle affecting all legislation passed by the 2003 Wisconsin Legislature from April 26, 2003, through August 31, 2003, except the 2003 Executive Budget Bill.

Complete Vetoes	Page	Complete Vetoes	Page
2003 Senate Bill 15	2	2003 Assembly Bill 41	4
2003 Senate Bill 206	2	2003 Assembly Bill 111	4
2003 Assembly Bill 4	3		

Partial Vetoes	Page
2003 Wisconsin Act 31 (AB-378)	7
2003 Wisconsin Act 35 (AB-123)	9
2003 Wisconsin Act 48 (AB-61)	10

Veto Brief Format

This brief provides the following information:

- 1) The legislative action for each completely vetoed or partially vetoed bill, including the vote for final passage in each house and the page number of the loose-leaf journals in each house referring to the vote (“S.J.” stands for Senate Journal; “A.J.” stands for Assembly Journal).
- 2) The text of the governor’s veto message for each bill.
- 3) For partially vetoed bills, the sections of the act in which the veto occurred (with the vetoed material indicated by a distinguishing shading — **like this**, and the write downs indicated by a distinguishing reverse shading of white numerals on black background — **like this**).

II. COMPLETELY VETOED BILLS

2003 Senate Bill 15: Creation of a Joint Committee on State Mandates

On February 20, 2003, the senate adopted Senate Substitute Amendment 1 [as amended by Senate Amendment 1] to Senate Bill 15 on a voice vote, S.J. 02/20/03, p. 88, and passed Senate Bill 15, as amended, on a voice vote, S.J. 02/20/03, p. 88.

On June 24, 2003, the assembly concurred in Senate Bill 15 on a voice vote, A.J. 06/24/03, p. 280.

On July 24, 2003, the Governor vetoed Senate Bill 15, S.J. 07/30/03, p. 277.

TEXT OF GOVERNOR'S VETO MESSAGE

July 24, 2003

To the Honorable Members of the Senate:

I am vetoing **Senate Bill 15** in its entirety. This bill does the following:

- Creates a legislative Joint Survey Committee on State Mandates. The committee will consist of three majority and two minority party senators and three majority and two minority party representatives.
- Provides the Legislature a report concerning each bill that would impose a mandate as well as to review existing mandates and evaluate their desirability as a matter of public policy, cost-effectiveness and financial responsibility.
- Requires the Legislative Fiscal Bureau to identify all mandates, other than mandates that have a minimal fiscal effect, existing on the effective date of the bill and submit that information to the committee by May 15, 2005. The committee shall then introduce a bill in each house repealing each identified mandate that is wholly state-imposed and, according to the committee, has a negative uncompensated effect on local government units.

- Additionally, Senate Bill 15 stipulated that if a bill containing a mandate is enacted after the effective date of this bill and does not provide funding or method of reimbursement to local units of government, the bill may not be enforced until the required appropriation is provided.

Senate Bill 15 is unnecessary. It duplicates existing efforts and processes that the Legislature possesses to review existing laws and new proposals. The bill creates another layer of bureaucracy at a time when state government needs to become more efficient.

While the intent of this bill may have been to provide relief to local units of government, this bill neither provides aid nor repeals any mandates. I look forward to working with the Legislature on legislation that would repeal specific mandates and provide real relief to local units of government.

Respectfully submitted,

JIM DOYLE

Governor

2003 Senate Bill 206: Changes to levy limits related to towns, certain cities or villages, and 1st class cities

On June 24, 2003, the senate passed Senate Bill 206 by a vote of 22 to 11, S.J. 06/24/03, p. 253.

On June 25, 2003, the assembly concurred in Senate Bill 206 by a vote of 81 to 11, A.J. 06/25/03, p. 290.

On July 24, 2003, the Governor vetoed Senate Bill 206, S.J. 07/30/03, p. 326.

TEXT OF GOVERNOR'S VETO MESSAGE

July 24, 2003

To the Honorable Members of the Senate:

I am vetoing **Senate Bill 206** in its entirety. This bill is a trailer bill to Senate Bill 44 (the 2003-05 biennial budget bill) and makes several modifications to the municipal levy limits proposed under Senate Bill 44. The modifications include exempting from the limits any levy imposed by the City of Milwaukee on behalf of Milwaukee Public Schools; authorizing cities and villages to increase their levies for property newly annexed from a town only if the city or village has provided services for a fee to that property for at least 10 years; and authorizing towns with populations below 2,000 to exceed the levy limits by adopting a resolution to that effect at a special town meeting.

After the Legislature passed Senate Bill 44, it immediately passed this bill to address problems with its levy limit proposal in that bill. I expect that had I not vetoed the levy limit proposal on Senate Bill 44 that Senate Bill 206 would have been the first of many similar bills to address issues not considered by the Legislature when it crafted its levy limit proposal in Senate Bill 44. I object to this bill because it is indicative of the numerous problems associated with the levy limit I vetoed in Senate Bill 44.

Respectfully submitted,

JIM DOYLE

Governor

2003 Assembly Bill 4: The administrative costs of the Department of Natural Resources concerning the management of fish and wildlife resources

On January 30, 2003, the assembly adopted Assembly Substitute Amendment 1 to Assembly Bill 4 on a voice vote, A.J. 01/30/03, p. 42, and passed Assembly Bill 4, as amended, by a vote of 92 to 4, A.J. 01/30/03, p. 42.

On May 6, 2003, the senate concurred in Assembly Bill 4 by a vote of 18 to 12, S.J. 05/06/03, p. 174.

On July 24, 2003, the Governor vetoed Assembly Bill 4, A.J. 07/25/03, p. 312.

TEXT OF GOVERNOR'S VETO MESSAGE

July 24, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 4** in its entirety. The bill expands the statutory definition of administrative costs of the Department of Natural Resources to include the costs of administering its bureaus and the costs of issuing licenses and other approvals. The bill also requires the department to submit a plan September 1 of every odd-numbered year to the Joint Committee on Finance specifying how the department will meet the 16 percent cap on administrative expenses covered by the fish and wildlife account of the conservation fund.

I support the idea of a complete assessment of the amount of fish and wildlife account expenditures used to support administration of the department. However, the bill creates an unnecessary burden on the department. Current law conforms with the federal eligibility requirement under the Wildlife Restoration Act and the Sport Fish Restoration Act. Annual audits conducted by the

U.S. Fish and Wildlife Service have found the department to be in compliance.

Additionally, the bill contains no fiscal provision. However, according to estimates compiled by the Legislative Fiscal Bureau to address a similar budget provision deliberated by the committee for the 2003-05 biennium, the inclusion of licensing and registration activities alone would require the department to identify reductions of approximately \$7.3 million over the biennium to maintain compliance with the 16 percent cap. The bill also potentially undermines the biennial budget process. By requiring the plan to be submitted September 1 of odd-numbered years, the department would potentially have to identify reductions to recently enacted appropriations.

Lastly, the department's licensing function and bureau operations are closely tied to program functions and the direct provision of services to the public. Accordingly,

these expenses should be considered direct program costs and not administrative expenses.

Respectfully submitted,

JIM DOYLE

Governor

2003 Assembly Bill 41: Permitting an educational agency to refuse to employ or to terminate from employment an unpardoned felon

On March 18, 2003, the assembly passed Assembly Bill 41 by a vote of 69 to 29, A.J. 03/18/03, p. 135.

On June 4, 2003, the senate concurred in Assembly Bill 41 by a vote of 25 to 8, S.J. 06/04/03, p. 213.

On July 24, 2003, the Governor vetoed Assembly Bill 41, A.J. 07/25/03, p. 313.

TEXT OF GOVERNOR'S VETO MESSAGE

July 24, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 41** in its entirety. This bill would allow educational agencies to refuse to hire or to terminate from employment any individual, regardless of their crime, how long ago it was committed, or what job they hold, who has been convicted of a felony and has not been pardoned. Current law states that an employer can refuse to hire or can terminate from employment a person based on a conviction record that substantially relates to the job in question.

I am vetoing this bill because 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 educational agencies to refuse to hire convicted felons, as well as misdemeanants, who may pose a threat to the welfare of students.

Statistics from the Department of Workforce Development reinforce the fact that current law provides employers significant discretion to determine whether a substantial relationship exists. According to the Equal Rights Division of the Department of Workforce Development, there were 320 complaints of conviction record discrimination in 2002, including 9 complaints against educational agencies. There were 28 findings of probable cause, none of which were against educational agencies, and only 1 finding of actual discrimination based on conviction record against a retail store. These statistics show

that employers can currently consider conviction records without being found to discriminate.

By unnecessarily broadening current law, this bill would also subvert the state's ongoing efforts to promote greater public safety by rehabilitating individuals convicted of a felony. If a person is a convicted child molester, that person most certainly should be denied employment in a school. Current law gives educational agencies that authority. However, if a person's conviction is unrelated to employment, the mere fact that a person has been convicted of a felony at some point in his or her life should not necessarily disqualify them from employment.

Furthermore, this bill has no time limitations built into its provisions. An educational agency could deny employment to a qualified applicant or fire a current employee based on a felony conviction that occurred twenty-five or fifty years ago, regardless of a subsequent history of reform, employment, or contribution to the community.

It is well established that employment is a key crime prevention tool. Ex-offenders are much less likely to commit a new crime if they have steady employment. This bill, if it were to become law, would increase barriers for ex-offenders to secure and maintain employment and, as a result, has the very real potential to increase crime and jeopardize public safety.

Respectfully submitted,

JIM DOYLE

Governor

2003 Assembly Bill 111: Requiring identification in order to vote at a polling place or obtain an absentee ballot and the fee for an identification card issued by the Department of Transportation

On March 13, 2003, the assembly passed Assembly Bill 111 [as amended by Assembly Amendments 1, 2, 3, 4, 7, 9 and 11] by a vote of 60 to 34, Paired 4, A.J. 03/13/03, p. 121.

On June 4, 2003, the senate adopted Senate Amendment 1 to Assembly Bill 111 on a voice vote, S.J. 06/04/03, p. 213, and concurred in Assembly Bill 111, as amended, by a vote of 19 to 14, S.J. 06/04/03, p. 214.

On June 24, 2003, the assembly concurred in Senate Amendment 1 to Assembly Bill 111 on a voice vote, A.J. 06/24/03, p. 277.

On August 5, 2003, the Governor vetoed Assembly Bill 111, A.J. 08/07/03, p. 319.

TEXT OF GOVERNOR'S VETO MESSAGE

August 5, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 111** in its entirety. This bill would require all individuals registering to vote or registered voters attempting to cast a ballot to present a valid Wisconsin driver's license or identification card issued by the Department of Transportation (DOT), or a valid, current military identification card or be denied the right to vote.

Wisconsin has a long and proud tradition of promoting laws that provide all qualified citizens maximum access to their constitutional right to vote. As a result of our state's open election laws, including same-day registration, Wisconsin is a national leader in voter turnout. Despite these successes, we should always be seeking ways to reduce barriers to voting and make it easier for individuals to vote. Assembly Bill 111 would retreat from this heritage by making it harder for Wisconsin residents, including some of our most vulnerable citizens, to exercise their franchise.

According to the Wisconsin Department of Transportation, approximately 123,000 Wisconsin residents of voting age do not have a valid DOT-issued driver's license or photo identification card. Nearly 70 percent of these individuals, or 85,000 Wisconsin residents, are elderly voters that would be disenfranchised by Assembly Bill 111. Many others are young people, often students, who have never had a driver's license or valid Wisconsin photo identification card. Furthermore, many of the individuals who would be disenfranchised by this bill live in poverty, are members of minority communities, frequently change address, or are disabled. I will not sign into law a piece of legislation that would strip the right to vote away from the elderly, minorities, students, the disabled, the transient, and the poor.

Furthermore, this legislation is unnecessary and overly burdensome. Most states are actually precluded by state statute from asking for voter identification at the polls. According to the Federal Elections Commission, thirty states do not require voters to present any kind of identification on Election Day. Only eight states mandate voter identification at the polls for all voters, and of these eight states, only South Carolina makes no provision for a voter without identification to cast a vote. Consequently,

Assembly Bill 111 would make Wisconsin the second state in the union to mandate a photo identification card for all voters or deny them their right to vote.

Even the federal government, when presented the opportunity, refused to implement a restrictive photo identification requirement. Congress adopted, and the President signed into law, a voter identification that is arguably more lax than Wisconsin's current voter identification standard. The Help America Vote Act of 2002 requires only absentee voters to provide identification if they register by mail and have not voted previously in a federal election in their state of residence. Under federal law, this identification is a governmental or non-governmental photo identification card or a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the individual's current name and address. Wisconsin law requires all voters registering on the day of election to provide proof of residence which includes a current and complete name and residential address. Under state law, this identification includes a driver's license or photo identification card, any other official identification card issued by a governmental entity, a credit card, a library card, a residential lease, a telephone bill, or a utility bill. If a voter cannot supply acceptable proof of residence, the voter's registration form can be corroborated and signed by one other elector who resides in the same municipality. The corroborator must then provide acceptable proof of residence. Wisconsin law, therefore, is consistent and possibly more precautionary than federal law.

What is more, Assembly Bill 111 would cost the state scarce resources in order to disenfranchise voters. According to the Department of Transportation, Assembly Bill 111 would result in an annual revenue loss of \$726,900 to pay for the provision of the bill that would require DOT for issuing IDs at no charge. In addition, DOT estimates that \$120,000 and 3 FTE will be needed for ongoing DMV workload increases as a result of the bill. Furthermore, because Assembly Bill 111 would create a fundamental change in voting procedure, extensive outreach to voters and local election officials would be required. This activity is not funded and will require planning and coordination among state and local election officials. As a result, the Elections Board and local elec-

tion officials will incur costs for poll worker training, voter education and form revision.

In conclusion, it is a primary responsibility of government to protect the right of all citizens to vote, and not make the process unduly burdensome. Assembly Bill 111, which would disenfranchise thousands of our most

vulnerable voters, is simply not in the best interest of the people of Wisconsin.

Respectfully submitted,

JIM DOYLE

Governor

III. PARTIALLY VETOED BILLS

2003 Wisconsin Act 31 (Assembly Bill 378): Payments to local governments for public utilities

On June 24, 2003, the assembly adopted Assembly Substitute Amendment 1 [as amended by Assembly Amendments 1 and 2] to Assembly Bill 378 on a voice vote, A.J. 06/24/03, p. 276, and passed Assembly Bill 378, as amended, by a vote of 94 to 3, A.J. 06/24/03, p. 276.

On June 24, 2003, the senate concurred in Assembly Bill 378 by a vote of 33 to 0, S.J. 06/24/03, p. 253.

On July 15, 2003, the Governor approved in part and vetoed in part Assembly Bill 378, and the part approved became 2003 Wisconsin Act 31, A.J. 07/15/03, p. 305. The date of enactment is July 15, 2003, and the date of publication is July 29, 2003, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is July 30, 2003, except those provisions for which the act expressly provides a different date.

TEXT OF GOVERNOR'S VETO MESSAGE

July 15, 2003

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 378** as 2003 Wisconsin Act 31 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in Sections 22 and 23.

Assembly Bill 378 makes a significant down payment on future economic growth by helping Wisconsin meet its future energy needs. It will compensate communities that agree to site baseload power plants for the increased demand on its local infrastructure. These additional costs -- in road construction, improved safety and environmental mitigation -- often follow after a community agrees to host the new generation facility.

Assembly Bill 378 marks a significant improvement in the state's effort to provide the energy necessary to enhance Wisconsin's economic growth.

I am however making several technical changes that create either inappropriate limitations or inequitable treatment of localities. With my partial veto of these sections, a more comprehensive, flexible and balanced energy strategy is established.

Respectfully submitted,

JIM DOYLE

Governor

Item -1. Section 22

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Governor's written objections

Section 22

Section 22 [as it relates to municipalities contiguous to baseload plants] provides a payment to a municipality that is contiguous to the location of a baseload electric generating facility. I am partially vetoing this provision because it creates inequities and may ultimately lead to unnecessary and substantially higher state costs. Before the state begins making incentive payments to localities that do not host a plant, but are instead near a plant, it needs to both consider both the fiscal consequences and develop an evenhanded payment methodology. This provision was crafted to specifically benefit one municipality. A number of other municipalities, however, could likewise be considered to have impacts from nearby power plants yet these local governments would not receive payments. This construct is unfair. As a result of this partial veto, the bill's incentive payments will be limited to localities that host power plants. If payments to neighboring localities are to be considered, this concern should be addressed more broadly and equitably.

Section 22 [as it relates to incentive payments for the location of cogeneration plants] provides an incentive payment to a municipality and county in which a cogeneration plant is located if the plant is completed after December 31, 2003 and before December 31, 2006. I am partially vetoing this provision to eliminate the requirement that a cogeneration plant be completed before December 31, 2006 to receive this payment because this provision is unnecessarily restrictive and may hinder the development of other cogeneration facilities. Since cogeneration makes effective use of what other-

wise would be waste heat to increase the benefits provided from the fuels used in producing power, it is prudent to provide this incentive payment to plants completed after December 31, 2006. Under my partial veto of this provision, all localities in which eligible cogeneration plants are completed after December 31, 2003 will receive these incentive payments.

Cited segments of 2003 Assembly Bill 378:

SECTION 22. 79.04 (7) of the statutes is created to read:

79.04 (7) (b)

**Vetoed
In Part**

2. If a baseload electric generating facility as described in subd. 1. is located on a site that is contiguous to a municipality in which the facility is not located, the contiguous municipality shall receive annually from the public utility account a payment in an amount that is equal to the number of megawatts that represents the production plant's name-plate capacity, multiplied by \$100. A municipality that receives a payment under this subdivision may not receive a mitigation payment as defined in s. 196.20 (7) (a).

(c) 1m. Beginning with payments in 2005, if a cogeneration production plant, as described in sub. (6) (a), is built and completed after December 31, 2003, and before December 31, 2006, and has a name-plate capacity of at least one megawatt, each municipality and county in which such a cogeneration production plant is located shall receive annually from the public utility account a payment in an amount that is equal to the number of megawatts that represents the cogeneration production plant's name-plate capacity, multiplied by \$1,000. Any municipality or county that receives a payment under this subdivision in any year may not receive a payment under subd. 1. in that year.

**Vetoed
In Part**

Item -2. Section 23

Governor's written objections

Section 23

Section 23 prohibits an electric public utility from recovering through its rates the cost of mitigation payments to a locality hosting a power plant except if the mitigation payment agreement is received by the Public Service Commission by June 10, 2003 and the commission finds the agreement to be reasonable. I am vetoing this section because circumstances may still exist in which mitigation payments would be both prudent and constructive. While the incentive payments provided by the bill greatly diminish the need for mitigation payments, extraordinary or unique circumstances may still occur that cannot be anticipated by legislation. Consequently, an avenue for these payments must be available. I am also vetoing this section because it creates an unnecessarily broad restriction on the Public Service Commission's authority that may have unintended consequences. As a result of my veto, the Public Service Commission will be able to employ its current discretion in determining when mitigation payments are appropriate. These payments are expected, however, to be increasingly rare once the incentive payments provided by this bill become effective.

Cited segments of 2003 Assembly Bill 378:

SECTION 23. 196.20 (7) of the statutes is created to read:

**Vetoed
In Part**

196.20 (7) (a) In this subsection, "mitigation payment" means, as approved by the commission, an unrestricted or recurring monetary payment to a local unit of government in which an electric generating facility is located to mitigate the impact of the electric generating facility on the local unit of government. "Mitigation payment" does not include payments made

or in-kind contributions for restricted purposes to directly address health or safety impacts of the electric generating facility on the local unit of government.

**Vetoed
In Part**

(b) Except as provided in par. (c), an electric public utility may not recover in rates any of the following:

1. The cost of mitigation payments paid by the utility.
2. The cost of mitigation payments paid by the owner or operator of an electric generating facility that the owner or operator recovers from the utility by selling

**Vetoed
In Part**

electricity to the utility, by leasing the facility to the utility, or by any agreement between the owner or operator of the electric generating facility and the public utility.
(c) The commission shall only approve a mitigation

payment agreement that is received by the commission before June 10, 2003, and, if the commission finds the agreement to be reasonable, shall not subsequently modify the agreement.

**Vetoed
In Part**

2003 Wisconsin Act 35 (Assembly Bill 123): Financing of election administration costs

On March 12, 2003, the assembly passed Assembly Bill 123 by a vote of 97 to 0, A.J. 03/12/03, p. 111.

On May 6, 2003, the senate adopted Senate Amendment 1 to Assembly Bill 123 on a voice vote, S.J. 05/06/03, p. 174, and concurred in Assembly Bill 123, as amended, by a vote of 31 to 0, S.J. 05/06/03, p. 174.

On May 6, 2003, the assembly concurred in Senate Amendment 1 to Assembly Bill 123 on a voice vote, A.J. 05/06/03, p. 198.

On July 24, 2003, the Governor approved in part and vetoed in part Assembly Bill 123, and the part approved became 2003 Wisconsin Act 35, A.J. 07/25/03, p. 312. The date of enactment is July 24, 2003, and the date of publication is August 7, 2003, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is August 8, 2003, except those provisions for which the act expressly provides a different date.

TEXT OF GOVERNOR'S VETO MESSAGE

July 24, 2003

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 123** as 2003 Wisconsin Act 35 and have deposited it in the Office of the Secretary of State. I have exercised partial vetoes in Sections 1d and 3.

Assembly Bill 123 creates an appropriation to enable the Wisconsin Elections Board to receive money from the federal Help America Vote Act (HAVA). I favor Wisconsin complying with federal initiatives that will bring

increased federal dollars to Wisconsin, and provide funding to improve and strengthen the elections process in Wisconsin. The Legislature, however, included language that restricts the Elections Board in its ability to implement the federal mandates of HAVA.

Respectfully submitted,

JIM DOYLE

Governor

Item -1. Sections 1d and 3

Governor's written objections

Sections 1d and 3

Sections 1d and 3 require the Elections Board to specify, by administrative rule, each specific purpose for expenditures from the fund for each fiscal year. I am vetoing Section 1d and partially vetoing section 3 in order to give the Elections Board the flexibility to responsibly administer the HAVA funds. The administrative rule process is time consuming and may hinder the Elections Board's ability to comply with federal requirements, potentially resulting in higher costs or lost revenues for the state of Wisconsin. Federal law requires that the Elections Board submit an annual plan to the federal government outlining and updating the way that the state spends the HAVA money. The Board is also subject to the oversight of the Legislative Audit Bureau, which conducts federal compliance audits of agencies that receive federal funds.

I am a strong supporter of strengthening election administration in Wisconsin. I also support oversight of agency spending. However, there are less costly and more efficient ways of accomplishing this goal.

Cited segments of 2003 Assembly Bill 123:

Vetoed
In Part

SECTION 1d. 5.05 (10m) of the statutes is created to read:

5.05 (10m) ALLOCATION OF EXPENDITURES FROM ELECTION ADMINISTRATION FUND. Prior to expending any moneys from the election administration fund in any fiscal year, the board shall, by rule, specify the moneys to be allocated for each specific purpose from the fund for that fiscal year. The board may promulgate rules under this subsection as emergency rules under s. 227.24, except that any proposed emergency rule shall be filed under s. 227.19 before promulgation. Notwithstanding s. 227.24 (1) (c) and (2), the emergency rules may remain in effect for 180 days or until the date on which permanent rules take effect. Notwithstanding s. 227.24

(1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Vetoed
In Part

SECTION 3. 20.510 (1) (x) of the statutes is created to read:

20.510 (1) (x) Federal aid. From the election administration fund, all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252 in accordance with rules promulgated under s. 5.05 (1m) .

Vetoed
In Part

2003 Wisconsin Act 48 (Assembly Bill 61): Creating a wireless 911 fund

On March 18, 2003, the assembly adopted Assembly Substitute Amendment 2 [as amended by Assembly Amendment 2 (as amended by Assembly Amendment 1)] to Assembly Bill 61 on a voice vote, A.J. 03/18/03, p. 132, and passed Assembly Bill 61, as amended, by a vote of 67 to 31, A.J. 03/18/03, p. 132.

On June 4, 2003, the senate adopted Senate Substitute Amendment 2 [as amended by Senate Amendment 1] to Assembly Bill 61 on a voice vote, S.J. 06/04/03, p. 214, and concurred in Assembly Bill 61, as amended, by a vote of 32 to 0, S.J. 06/04/03, p. 214.

On June 24, 2003, the assembly adopted Assembly Amendment 1 to Senate Substitute Amendment 2 to Assembly Bill 61 on a voice vote, A.J. 06/24/03, p. 277, and concurred in Senate Substitute Amendment 2 to Assembly Bill 61, as amended, on a voice vote, A.J. 06/24/03, p. 277.

On June 24, 2003, the senate concurred in Assembly Amendment 1 to Senate Substitute Amendment 2 to Assembly Bill 61 by a vote of 19 to 14, S.J. 06/24/03, p. 254.

On August 18, 2003, the Governor approved in part and vetoed in part Assembly Bill 61, and the part approved became 2003 Wisconsin Act 48, A.J. 08/19/03, p. 335. The date of enactment is August 18, 2003, and the date of publication is September 2, 2003, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is September 3, 2003, except those provisions for which the act expressly provides a different date.

TEXT OF GOVERNOR'S VETO MESSAGE

August 18, 2003

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 61** as 2003 Wisconsin Act 48 and have deposited it in the Office of the Secretary of State. I have vetoed Section 2 and exercised the partial veto in Section 7.

Assembly Bill 61 addresses a significant public safety need by encouraging the development of enhanced 911 service for wireless phones. Enhanced 911 service allows 911 "public safety answering points," facilities to which 911 calls are initially routed, to pinpoint the location of a 911 call. While most 911 answering points in the state already provide enhanced service for calls originat-

ing from landlines, this public safety tool is not available for most wireless callers.

Assembly Bill 61 creates a three-year grant program administered by the Public Service Commission to reimburse local governments and wireless telephone service providers for certain costs related to enhanced wireless 911 service. The program will encourage the consolidation and efficient provision of 911 services by funding a single public safety answering point in each county. However, the bill limits the amount of grant funding that may be provided to link effectively local emergency call centers with the public safety answering point. Without

equipment upgrades, calls relayed from the initial answering point to a local emergency call center will lack the locational information necessary to pinpoint the call.

Respectfully submitted,

JIM DOYLE

Governor

Item -1. Section 7

Governor's written objections

Section 7

Section 7 [as it relates to s. 146.70 (3m) (d) 4m.] allows the Public Service Commission to provide grants to local governments for costs associated with relaying messages regarding wireless 911 calls from public safety answering points to existing emergency call centers only if the commission determines: (a) the costs will equal no more than five percent of the overall costs of the statewide wireless 911 system; (b) reimbursement is in the public interest and promotes public health and safety; and (c) reimbursement is not a disincentive to consolidation of dispatch functions by local government emergency call centers.

I am partially vetoing Section 7 [as it relates to s. 146.70 (3m) (d) 4m.] to remove the requirements that the commission determine that costs will equal no more than five percent of overall costs and that reimbursement not be a disincentive to consolidation of dispatch functions because I object to the arbitrary five percent limitation on reimbursements for essential relay functions and because I object to the harm to public safety that could occur if existing emergency call centers are unable to make necessary equipment upgrades. As a result of this partial veto, the commission will still need to determine that reimbursement of these costs is in the public interest and promotes public health and safety.

Cited segments of 2003 Assembly Bill 61:

SECTION 7. 146.70 (3m) of the statutes is created to read:

146.70 (3m) WIRELESS PROVIDERS.

(d) *Grants; commission approval and rules.*

4m. The rules promulgated under subd. 4. may allow local governments to receive grants for reimbursement of the costs described in par. (c) 1. e., but only if the commission collects information regarding the expected amount of such costs and the commission determines that the expected amount of the costs is no more than 5% of the overall cost of the statewide system for responding to

wireless emergency 911 telephone costs and that reimbursement of such costs is in the public interest, promotes public health and safety, and is not a disincentive to consolidation of dispatch functions by local government emergency call centers. If the rules promulgated under subd. 4. allow for reimbursement of the costs described in par. (c) 1. e., the commission shall include the information that the commission is required to collect under this subdivision in the report required for the rules under s. 227.19 (3) .

**Vetoed
In Part
Vetoed
In Part**

**Vetoed
In Part
Vetoed
In Part**

**Vetoed
In Part**

Item -2. Sections 2 and 7

Governor's written objections

Sections 2 and 7

Section 2 requires the Department of Electronic Government, now the Department of Administration, to administer a program to facilitate purchases, leases and service contracts by local governments that operate wireless public safety answering points. Section 7 [as it relates to s. 146.70 (3m) (d) 5.] limits reimbursements to a local government that purchases outside of the department's program to the actual costs under the program unless the local government has no practicable option under the program.

I am vetoing Section 2 and partially vetoing Section 7 [as it relates to s. 146.70 (3m) (d) 5.] to remove the purchasing program requirements because they are unnecessary and because requiring local governments to make purchases related to enhanced wireless 911 through the department’s purchasing program could reduce local governments’ abilities to negotiate favorable pricing on other telecommunications services.

Cited segments of 2003 Assembly Bill 61:

Vetoed
In Part

SECTION 2. 22.07 (3m) of the statutes is created to read:

22.07 (3m) Administer a program to facilitate purchases, leases, and service contracts by local governments that operate wireless public safety answering points, as defined in s. 146.70 (3m) (a) 7. In administering the program under this subsection, the department shall, to the greatest extent practicable, ensure that such wireless public safety answering points are compatible with existing public safety answering points, as defined in s. 146.70 (1) (gm).

SECTION 7. 146.70 (3m) of the statutes is created to read:

146.70 (3m) WIRELESS PROVIDERS.

(d) *Grants; commission approval and rules.*

Vetoed
In Part

5. To the greatest extent practicable, a local government that receives a grant under this paragraph shall make all purchases, leases, and service contracts

under the grant through the program under s. 22.07 (3m). If a local government makes a purchase, lease, or service contract outside the program under s. 22.07 (3m) when a practicable option for that purchase, lease, or service contract is available at a lower price under the program under s. 22.07 (3m), the commission shall reduce the amount of the local government’s grant that is related to that purchase, lease, or service contract to reflect the lower price. If a local government has made a purchase, lease, or service contract outside the program under s. 22.07 (3m) when a practicable option for that purchase, lease, or service contract subsequently becomes available at a lower price under the program under s. 22.07 (3m), the commission shall reduce the amount of the local government’s grant that is related to that purchase, lease, or service contract to reflect the lower price.

Vetoed
In Part