



# Wisconsin Briefs

from the Legislative Reference Bureau



Brief 14-5

May 5, 2014

## EXECUTIVE VETOES OF BILLS PASSED BY THE 2013 WISCONSIN LEGISLATURE (EXCEPT THE 2013 EXECUTIVE BUDGET BILL)

### I. INTRODUCTION

This brief contains the veto messages of Governor Scott Walker affecting all legislation, except 2013 Wisconsin Act 20, as passed by the 2013 Wisconsin Legislature. See Wisconsin Brief 13-6 for the partial vetoes of 2013 Wisconsin Act 20 (the executive budget act).

#### *Status of Legislation*

During the 2013 regular legislative session there were 1,627 bills introduced, of which 373 were passed by both houses, one was vetoed, and four were partially vetoed. During the October 2013 Special Session, there were eight bills introduced, of which four were passed by both houses and none was partially vetoed. During the December 2013 Special Session, there were two bills introduced, of which one was passed by both houses and none was vetoed. During the January 2014 Special Session, there were four bills introduced, of which two were passed by both houses and none was vetoed.

Complete Vetoes	Page
2013 Senate Bill 628 .....	2

  

Partial Vetoes	Page
2013 Wisconsin Act 36 (SB-200) .....	3
2013 Wisconsin Act 41 (AB-181) .....	5
2013 Wisconsin Act 146 (SB-324) .....	6

#### *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.

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## II. COMPLETELY VETOED BILLS

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### Senate Bill 628: The regulation of raffles

On March 11, 2014, the senate adopted Senate Substitute Amendment 1 to Senate Bill 628 on a voice vote, S.J. 03/11/14, p. 758, and passed Senate Bill 628, as amended, on a voice vote, S.J. 03/11/14, p. 758.

On March 18, 2014, the assembly concurred in Senate Bill 628 on a voice vote, A.J. 03/18/14, p. 762.

On March 27, 2014, the Governor vetoed Senate Bill 628, S.J. 03/27/14, p. 816.

### TEXT OF GOVERNOR'S VETO MESSAGE

March 27, 2014

To the Honorable Members of the Senate:

I am vetoing **Senate Bill 628** in its entirety and am returning it to the Senate because I object to the bill's expansion of what constitutes a raffle as it could threaten the exclusive rights of the Indian tribes to conduct Class III gaming in return for making revenue-sharing payments to the state, which is reflected in the compacts signed by the tribes and the state. The exclusivity clauses prohibit the state from: 1) substantively altering the charitable games authorized under state law, 2) allowing the operation of electronic games of chance and 3) allowing the operation of an additional Class III game not authorized by current law.

The bill makes many changes to the way that raffles are conducted and regulated. In particular, the bill expands the definitions of key concepts, including the definitions of raffle, drawing and ticket, and limits the Departments of Administration's ability to promulgate rules relating to the conduct of raffles. The bill would allow any raffle

where the winner is determined by a random process, with all tickets or instruments entitling a purchaser to an entry into a raffle having an equal opportunity to win. The bill also includes language that could allow games of chance in which electronic entries appear permissible and the winners are determined by any method of random selection, including non-traditional electronic random number generators.

Because these changes could expand the selection of winners to any random mechanism and allow non-traditional raffles, such as electronic raffles, this bill may constitute a violation of the exclusivity provisions of compacts between the state and the tribes and may consequently result in a significant loss of past, current and future gaming revenue to the state.

Respectfully submitted,

SCOTT WALKER

Governor

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### III. PARTIALLY VETOED BILLS

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#### **2013 Wisconsin Act 36 (Senate Bill 200): Various changes in the unemployment insurance law and license revocations based on delinquency in payment of unemployment insurance contributions**

On June 11, 2013, the senate adopted Senate Amendments 1 [as amended by Senate Amendment 1], 2, and 3 to Senate Bill 200 on a voice vote, S.J. 06/11/13, p. 265, and passed Senate Bill 200, as amended, by a vote of 17 to 15, S.J. 06/11/13, p. 265.

On June 12, 2013, the assembly concurred in Senate Bill 200 by a vote of 61 to 35, Paired 2, A.J. 06/12/13, p. 223.

On July 5, 2013, the Governor approved in part and vetoed in part Senate Bill 200, and the part approved became 2013 Wisconsin Act 36, S.J. 07/08/13, p. 315. The date of enactment is July 5, 2013, and the date of publication is July 6, 2013, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is July 7, 2013, except those provisions for which the act expressly provides a different date.

#### **TEXT OF GOVERNOR'S VETO MESSAGE**

July 8, 2013

To the Honorable Members of the Senate:

I have approved **Senate Bill 200** as 2013 Wisconsin Act 36 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in Sections 24, 25, 26, 108 as it relates to certificates under s. 73.03 (5) [(50)], and 238 as it relates to ss. 73.0302 (title), 73.0302 (5) and 73.0302 (6).

Senate Bill 200 contains a number of reforms to the unemployment insurance law (UI) that will reduce fraud and waste, provide more clarity for employers and result in savings to the unemployment reserve fund. Among the many significant policies in this bill are provisions that require various state departments to revoke or deny

licenses or certificates for licenses or applicants that are delinquent to UI contributions upon request of the Department of Workforce Development (DWD). These provisions are an important mechanism for recouping delinquent UI contributions and ensuring the health of the unemployment reserve fund. This partial veto protects the integrity of these important provisions. However, the bill includes Business Tax Registration (BTR) certificates among those that may be revoked or denied for unemployment insurance delinquency.

Respectfully submitted,

SCOTT WALKER

Governor

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#### **Sections 24, 25, 26, 108, and 238**

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#### **Governor's written objections**

I have exercised the partial veto in Sections 24, 25, 26, 109 [108] as it relates to certificates under s. 73.03 (50), and 238 as it relates to ss. 73.0302 (title), 73.0302 (5) and 73.0302 (6) because the inclusion of BTR certificates in the licensure revocation and denial for UI contribution delinquency provisions of the bill is unnecessarily broad.

All businesses in the state are required to hold BTR certificates in order to operate and as such, inclusion of this certificate is excessively far-reaching. Further, a revocation of a BTR certificate requires the business to close and lay off any employees. If DWD pursues revocation of a BTR certificate, the Department of Revenue could be required to shut down a business for unemployment insurance issues. If a business is closed due to revocation of a BTR certificate, the business would no longer be able to pay its debts to DOR or any other state agency.

Although UI delinquency is a serious issue, there are other tools available to DWD that would bring an employer into compliance without jeopardizing the business' entire operation.

Cited segments of 2013 Senate Bill 200:

Vetoed  
In Part

SECTION 24. 73.0302 (title) of the statutes is amended to read:

73.0302 (title) **Liability for delinquent taxes or unemployment insurance contributions.**

SECTION 25. 73.0302 (5) of the statutes is created to read:

73.0302 (5) If the department of workforce development certifies under s. 108.227 that an applicant for certification or recertification under s. 73.03 (50) or a person who holds a certificate issued under s. 73.03 (50) is liable for delinquent unemployment insurance contributions, the department of revenue shall deny the application or revoke the certificate. A person subject to a denial or revocation under this subsection for delinquent unemployment insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing under this chapter.

SECTION 26. 73.0302 (6) of the statutes is created to read:

73.0302 (6) The department of revenue may disclose a social security number obtained under s. 73.03 (50) (c) to the department of workforce development for the purpose of requesting certifications under s. 108.227.

SECTION 108. 108.227 of the statutes is created to read:

**108.227 License denial, nonrenewal, discontinuation, suspension and revocation based on delinquent unemployment insurance contributions.** (1) DEFINITIONS. In this section:

(e) "License" means any of the following:

15. A certificate under s. 73.03 (50) or a certification under s. 73.09.

Vetoed  
In Part

**SECTION 238. Initial applicability.**

(1) The renumbering of section 50.498 (4) of the statutes, the renumbering and amendment of section 440.12 of the statutes, the amendment of sections 13.63 (1) (b), 13.63 (1) (c), 19.55 (2) (d), 29.024 (2r) (title), 29.024 (2r) (c), 29.024 (2r) (d) 1., 48.66 (2m) (c), 48.715 (7), 50.498 (title), 50.498 (2), 50.498 (5), 51.032 (title), 51.032 (2), 51.032 (4), 51.032 (5), 71.78 (4) (o), 73.0301 (2) (c) 2., 73.0302 (title), 73.09 (6m), 101.02 (20) (b), 101.02 (20) (c), 101.02 (20) (d), 102.17 (1) (c), 103.005 (10), 103.275 (2) (b) (intro.), 103.275 (7) (b), 103.275 (7) (c), 103.34 (3) (c), 103.34 (10) (title), 103.92 (3), 104.07 (1) and (2), 105.13 (1), 108.10 (intro.) (with respect to

Vetoed  
In Part

license revocations based upon delinquency in payment of unemployment insurance contributions), 115.31 (6m), 118.19 (1m) (a), 118.19 (1m) (b), 138.09 (1m) (b) 2. a., 138.09 (3) (am) 2., 138.09 (4) (c), 138.12 (3) (d) 2. a., 138.12 (5) (am) 1. b., 138.12 (5) (am) 3., 138.14 (4) (a) 2. a., 138.14 (9) (d), 146.40 (4d) (b), 146.40 (4d) (d), 146.40 (4d) (e), 169.35 (title), 169.35 (2), 169.35 (3), 170.12 (3m) (b) 1., 217.05 (1m) (b) 1., 217.09 (4), 217.09 (6), 218.0114 (21e) (a), 218.0114 (21g) (b) 1., 218.0116 (1g) (b), 218.02 (2) (a) 2. a., 218.04 (3) (a) 2. a., 218.04 (5) (b), 218.05 (3) (am) 2. a., 218.05 (12) (b), 218.05 (12) (e), 218.11 (2) (am) 3., 218.12 (2) (am) 2., 218.21 (2m) (b), 218.31 (1m) (b), 218.41 (2) (am) 2., 218.51 (3) (am) 2., 224.72 (2) (c) 2. a., 224.725 (2) (b) 1. a., 224.927 (1), 227.53 (1) (a) 3., 252.241 (title), 252.241 (2), 254.115 (title), 254.115 (2), 254.176 (5), 254.20 (7), 256.18 (title), 256.18 (2), 256.18 (5), 299.07 (title), 299.07 (1) (b) 1., 299.08 (1) (b) 2., 341.51 (4g) (b) (with respect to requesting certifications under section 108.227 of the statutes, as created by this act), 343.305 (6) (e) 3. b., 343.61 (2) (b), 343.62 (2) (b), 343.69 (1), 440.03 (11m) (c), 452.18, 551.412 (4g) (a) 1., 551.605 (2), 562.05 (8m) (a), 562.05 (8m) (b), 563.285 (title), 563.285 (2) (a), 563.285 (2) (b), 628.095 (4) (b), 628.097 (title), 628.097 (2m), 628.10 (2) (cm), 632.69 (2) (c), 632.69 (2) (d) 2., 632.69 (4) (d), 633.14 (2c) (b), 633.14 (2m) (b), 633.15 (2) (d), 751.155 (title), 751.155 (1), 751.155 (2), and 751.155 (3) of the statutes, and the creation of sections 50.498 (4) (b), 73.0302 (5), 73.0302 (6), 73.09 (8), 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), 105.13 (4), 108.227, 138.12 (4) (a) 1m., 138.12 (4) (b) 5m., 138.14 (5) (b) 2m., 138.14 (9) (cm), 170.12 (8) (b) 1. bm., 170.12 (8) (b) 4., 217.06 (5m), 217.09 (1t), 218.0116 (1m) (a) 2m., 218.0116 (1m) (d), 218.02 (3) (dm), 218.02 (6) (d), 218.02 (9) (a) 1m., 218.04 (4) (am) 2m., 218.04 (5) (at), 218.05 (4) (c) 2m., 218.05 (11) (bm), 218.05 (12) (at), 218.11 (6m) (c), 218.12 (3m) (c), 218.22 (3m) (c), 218.32 (3m) (c), 218.41 (3m) (b) 3., 218.51 (4m) (b) 3., 224.72 (7m) (bm), 224.725 (6) (bm), 224.77 (2m) (e), 224.95 (1) (bm), 252.241 (5), 254.115 (5), 256.18 (4m), 299.07 (3), 341.51 (4m) (c), 343.305 (6) (e) 6., 343.66 (3m), 440.12 (2), 551.406 (6) (a) 1m., 551.412 (4g) (a) 2m., 551.412 (4g) (d), 562.05 (5) (a) 11., 562.05 (8) (f), and 563.285 (1m) of the statutes first apply to contributions, as defined

Vetoed  
In Part

in section 108.227 (1) (a) of the statutes, as created by this act, that are delinquent on January 1, 2014.

**2013 Wisconsin Act 41 (Assembly Bill 181): Venture capital investment program**

On June 6, 2013, the assembly adopted Assembly Substitute Amendment 1 to Assembly Bill 181 on a voice vote, A.J. 06/06/2013, p. 207, and passed Assembly Bill 181, as amended, by a vote of 91 to 2, Paired 4, A.J. 6/06/13, p. 207.

On June 18, 2013, the senate adopted Senate Amendment 1 to Assembly Bill 181, S.J. 06/18/2013, p. 284, and concurred in Assembly Bill 181, as amended, by a vote of 29 to 3, S.J. 6/18/13, p. 285.

On June 18, 2013, the assembly concurred in Senate Amendment 1 to Assembly Bill 181 on a voice vote, A.J. 06/18/13, p. 241.

On July 18, 2013, the Governor approved in part and vetoed in part Assembly Bill 181, and the part approved became 2013 Wisconsin Act 41, A.J. 07/23/13, p. 280. The date of enactment is July 18, 2013, and the date of publication is July 19, 2013, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is July 20, 2013, except those provisions for which the act expressly provides a different date.

**TEXT OF GOVERNOR’S VETO MESSAGE**

July 19, 2013

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 181** as 2013 Wisconsin Act 41 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in Section 2.

Assembly Bill 181 creates a venture capital program which will stimulate investment, economic development, and job creation in the state. The bill includes investment and payment parameters as well as contract and matching fund requirements that will maximize the

impact of the state’s resources and result in a diverse investment portfolio. The bill also includes reporting requirements that will ensure program accountability and transparency. I fully support Assembly Bill 181 and the creation of a state venture capital investment program.

Respectfully submitted,

SCOTT WALKER

Governor

**Section 2**

**Governor’s written objections**

Section 2 provides \$25,000,000 GPR in fiscal year 2013–14 for the fund of funds investment program under a new appropriation (s. 20.505(1)(fm)). I am striking out all of the digits in the appropriation amount under s. 20.505(1)(fm) except for the last zero because I object to inclusion of funding in the bill when 2013 Wisconsin Act 20 already appropriates \$25,000,000 in the Joint Committee on Finance supplemental appropriation for a capital investment program developed under separate legislation. The funding can be transferred to the Department of Administration’s new appropriation upon approval of the Committee.

**Cited segments of 2013 Assembly Bill 181:**

**SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2013-14	2014-15	
<b>20.505</b>	<b>Administration, department of</b>					
(1)	SUPERVISION AND MANAGEMENT					
(fm)	Fund of funds investment program	GPR	A	25,000,000	-0-	<b>Vetoed In Part</b>

**2013 Wisconsin Act 146 (Senate Bill 324): Limiting the times for voting by absentee ballots in person**

On March 11, 2014, the senate adopted Senate Amendment 1 (as amended by Senate Amendment 2) to Senate Bill 324 by a vote of 18 to 15, S.J. 03/11/14, p. 762.

On March 12, 2014, the senate passed Senate Bill 324, as amended, by a vote of 17 to 16, S.J. 03/12/14, p. 769.

On March 20, 2014, the assembly concurred in Senate Bill 324, as amended, by a vote of 56 to 38, A.J. 3/20/14, p. 793.

On March 27, 2014, the Governor approved in part and vetoed in part Senate Bill 324, and the part approved became 2013 Wisconsin Act 146, S.J. 03/27/14, p. 815. The date of enactment is March 27, 2014, and the date of publication is March 28, 2014, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is March 29, 2014, except those provisions for which the act expressly provides a different date.

**TEXT OF GOVERNOR’S VETO MESSAGE**

March 27, 2014

To the Honorable Members of the Senate:

I have approved **Senate Bill 324** as 2013 Wisconsin Act 146 and deposited it in the Office of the Secretary of State. In addition, I exercised the partial veto in Sections 1, 2d and 2m.

Senate Bill 324 establishes when in-person absentee voting may occur. Current law allows in-person absentee voting to occur between the third Monday preceding the election and the Friday preceding the election. This bill

establishes the days and hours that in-person absentee voting may occur during that period to Monday through Friday, 8:00 A.M to 7:00 P.M, excluding legal holidays. This bill also limits a municipality to 45 total hours of in-person absentee voting per week for statewide elections.

Respectfully submitted,

SCOTT WALKER

Governor

**Sections 1, 2d, and 2m**

**Governor’s written objections**

It is important to put in place measures that ensure the integrity of the voting process. I am partially vetoing Section 1 because I object to limiting municipalities to 45 total hours of in-person absentee voting per week for statewide elections, as this limitation is overly restrictive. I am approving the language allowing in-person absentee voting between Monday and Friday from 8:00 A.M to 7:00 P.M and the language prohibiting in-person absentee voting on legal holidays. Such measures will help ensure consistency of the voting process throughout the state.

I am also vetoing Section 2d, which would allow municipalities to hire individuals to assist with in-person absentee voting, and require municipalities to provide compensation for such individuals. In addition, I am vetoing Section 2m, which creates a state appropriation for the purpose of reimbursing municipalities 50 percent of the costs incurred for hiring individuals to assist with in-person voting during the 2014-12 [15] fiscal year. I object to these provisions, as they result in a new state expenditure for a function traditionally performed by local governments.

Wisconsin needs laws that create uniform, predicable procedures in order to make voting east [easy] and accessible to all. This bill, as partially vetoed, creates a framework for municipalities throughout the state to maintain uniform voting hours without narrowly restricting access to voting. I would further encourage a future legislature to take another step towards uniformity and align in-person absentee voting hours with the hours that polls are open on Election Day: 7:00

A.M. to 8:00 P.M. We should all be focused on making it easier to vote, but also ensuring the integrity of the voting process by making it harder to cheat, and I fully support all efforts to do so.

**Cited segments of 2013 Senate Bill 324:**

**SECTION 1.** 6.86 (1) (b) of the statutes is amended to read:

6.86 (1) (b) Except as provided in this section, if application is made by mail, the application shall be received no later than 5 p.m. on the 5th day immediately preceding the election. If application is made in person, the application shall be made no earlier than the opening of business on the 3rd Monday preceding the election and no later than ~~5 p.m. or the close of business, whichever is later,~~ 7 p.m. on the Friday preceding the election. No application may be received on a legal holiday. An application made in person may only be received Monday to Friday between the hours of 8 a.m. and 7 p.m. each day. A municipality may make available no more than 45 hours each week for in-person absentee voting for any statewide election and shall specify the hours in the notice under s. 10.01 (2) (e). The municipal clerk or an election official shall witness the certificate for any in-person absentee ballot cast. Except as provided in par. (c), if the elector is making written application for an absentee ballot at the partisan primary, the general election, the presidential preference primary, or a special election for national office, and the application indicates that the elector is a military elector, as defined in s. 6.34 (1), the application shall be received by the municipal clerk no later than 5 p.m. on election day. If the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall

Vetoed  
In Part

recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

**SECTION 2d.** 6.86 (1) (bb) of the statutes is created to read:

6.86 (1) (bb) A municipality may hire individuals to assist in receiving absentee ballots in person for any statewide election during the period described under par. (b) and shall compensate the individuals as provided under s. 7.03 (1) (a), except that the state shall reimburse the municipality for 50 percent of the compensation paid to such individuals during the 2014-15 fiscal year, not to exceed compensation of 45 hours a week for each such individual. A municipality may receive compensation under this paragraph if it notifies the department of revenue, in the manner prescribed by the department, no later than July 1, 2015, of the amount of compensation paid to individuals to assist in receiving absentee ballots in person in the municipality for a statewide election. The department of revenue shall make payments under this paragraph from the appropriation account under s. 20.566 (2) (c).

**SECTION 2m.** 20.566 (2) (c) of the statutes is created to read:

20.566 (2) (c) *Absentee ballots in person.* A sum sufficient to reimburse municipalities for compensation paid to individuals to assist in receiving absentee ballots in person, as provided under s. 6.86 (1) (bb).

Vetoed  
In Part