



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

THURSDAY, May 12, 2005

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

AMENDMENTS OFFERED

Assembly amendment 2 to **Assembly Bill 141** offered by Representatives Suder, Musser and Pettis.

Assembly amendment 1 to **Assembly Bill 201** offered by Representative Van Roy.

Assembly substitute amendment 1 to **Assembly Bill 272** offered by Representative Friske.

Assembly amendment 1 to **Assembly Bill 317** offered by Representative Loeffelholz.

Assembly amendment 1 to **Assembly Bill 318** offered by Representative Loeffelholz.

Assembly amendment 1 to **Assembly Bill 319** offered by Representative Loeffelholz.

Assembly substitute amendment 1 to **Assembly Bill 384** offered by Representative Gunderson.

Assembly amendment 1 to **Assembly Joint Resolution 4** offered by Representative Nischke.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 04–109

Relating to the definition of “dental school.”
Submitted by Department of Regulation and Licensing.
Report received from Agency, May 6, 2005.
To committee on **Health**.
Referred on May 12, 2005.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 41

Relating to: standards for redistricting assembly and senate districts (first consideration).

By Representative Kessler; cosponsored by Senator Risser.

To committee on **Campaigns and Elections**.

Assembly Bill 416

Relating to: prohibitions against certain telephone solicitations, authorizing a private cause of action, and providing a penalty.

By Representatives Shilling, Ainsworth, Albers, Benedict, Berceau, Black, Boyle, Cullen, Grigsby, Gronemus, Gunderson, Hebl, Hines, Jeskewitz, Krusick, Lehman, Loeffelholz, Molepske, Nelson, Nerison, Ott, Owens, Parisi, Petrowski, Pocan, Pope–Roberts, Pridemore, Schneider, Seidel, Sheridan, Sherman, Sinicki, Staskunas, Toles, Travis, Turner and Van Akkeren; cosponsored by Senators Erpenbach, Breske, Carpenter, Coggs, Darling, Hansen, Kanavas, Lassa, Miller, Olsen, Risser and Taylor.

To committee on **Energy and Utilities**.

Assembly Bill 417

Relating to: providing additional state aid to certain large–area, declining enrollment school districts, granting rule–making authority, and making an appropriation.

By Representative Mursau.

To joint committee on **Finance**.

Assembly Bill 418

Relating to: providing state aid to certain large–area, declining enrollment school districts and granting rule–making authority.

By Representative Mursau.

To joint committee on **Finance**.

Assembly Bill 419

Relating to: claiming the development zones capital investment tax credit, development zones credit, development opportunity zones credit, or technology zones credit.

By Representatives Davis, Towns, Sheridan, Hundertmark, Vrakas, Freese, Pridemore, Gronemus, Montgomery, Musser, Lothian, Fields, Friske, Kestell, Hahn, Gunderson, Moulton, Owens, Petrowski, Vos, Nass, Loeffelholz, Berceau and Lamb; cosponsored by Senators Kedzie, Kanavas, Robson, Darling, Olsen, Stepp and Erpenbach.

To joint committee on **Finance**.

Assembly Bill 420

Relating to: fencing of farm–raised deer and granting rule–making authority.

By Representatives Gunderson, Pettis, Ballweg, Bies, Freese, Gronemus, Hines, Mursau, Musser, Nass, Nerison, Owens, Van Roy, M. Williams and Kestell; cosponsored by Senator Olsen.

To committee on **Natural Resources**.

Assembly Bill 421

Relating to: authorizing cities, villages, towns, and counties to solicit bids for certain contracts by using the Internet.

By Representatives Musser, Albers, Hines, Kreibich, LeMahieu, Lothian, McCormick, Ott, Owens and Vos; cosponsored by Senators Roessler, Darling and Reynolds.

To committee on **Urban and Local Affairs**.

Assembly Bill 422

Relating to: the treatment of similar drafting requests submitted to the Legislative Reference Bureau.

By Representatives Lothian, Hahn, Jeskewitz, Gottlieb, Schneider, Pettis, Gielow, Gronemus, Shilling, Wood, Pridemore, Ainsworth, Staskunas, Owens, McCormick, Bies, Molepske and Townsend; cosponsored by Senator Reynolds.

To committee on **State Affairs**.

Assembly Bill 423

Relating to: conveying real property for real estate transfer fee purposes and providing a penalty.

By Representatives Berceau, Albers, Hahn, Black and Lehman; cosponsored by Senator Lassa.

To committee on **Financial Institutions**.

Assembly Bill 424

Relating to: seizure of computers used in cases of crimes against children and providing a penalty.

By Representatives Cullen, Kaufert, Ainsworth, Turner, Fields, Musser, Ziegelbauer, Sinicki and Lehman; cosponsored by Senators Roessler, Lassa, Kanavas, Olsen and Brown.

To committee on **Criminal Justice and Homeland Security**.

Assembly Bill 425

Relating to: school and school district performance reports.

By Representatives Petrowski, Towns, Albers, Ballweg, Bies, Davis, Friske, Gunderson, Hahn, Hines, Jeskewitz, Kerkman, F. Lasee, Lehman, LeMahieu, Lothian, Montgomery, Musser, Nerison, Nischke, Ott, Pridemore, Pettis, Seidel, Stone, Townsend, Vos and M. Williams; cosponsored by Senators Harsdorf, Leibham, Roessler and Stepp.

To committee on **Education**.

Assembly Bill 426

Relating to: the Specialized Transportation Assistance Program.

By Representatives Ainsworth, Ballweg, Freese, Hines, Kerkman, Kestell, Ott, Owens, Petrowski, Townsend and Molepske; cosponsored by Senators Zien, Breske, Hansen, Risser and Roessler.

To committee on **Transportation**.

Assembly Bill 427

Relating to: requiring circuit courts to use the circuit court automated information systems.

By Representative Schneider.

To committee on **Corrections and the Courts**.

COMMITTEE REPORTS

The committee on **Family Law** reports and recommends:

Assembly Bill 50

Relating to: prohibiting consideration of veterans disability payments when ordering maintenance.

Passage:

Ayes: 4 – Representatives Owens, Kestell, Albers and Ballweg.

Noes: 2 – Representatives Cullen and Krusick.

To committee on **Rules**.

Assembly Bill 213

Relating to: termination of parental rights on the grounds of manufacturing methamphetamine with a child of the person whose parental rights are sought to be terminated present.

Assembly Substitute Amendment 1 adoption:

Ayes: 6 – Representatives Owens, Kestell, Albers, Ballweg, Cullen and Krusick.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Owens, Kestell, Albers, Ballweg, Cullen and Krusick.

Noes: 0.

To committee on **Rules**.

CAROL OWENS

Chairperson

Committee on Family Law

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

Assembly Bill 378

Relating to: college reenrollment of persons called into active military service.

Passage:

Ayes: 8 – Representatives Musser, Pettis, Petrowski, Townsend, Loeffelholz, Schneider, Boyle and Sinicki.

Noes: 0.

To committee on **Rules**.

TERRY MUSSER

Chairperson

Committee on Military Affairs

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 51
Senate Bill 58
Senate Bill 61
Senate Bill 109
Senate Bill 121
Senate Bill 193

Concurred in:

Assembly Bill 49
Assembly Bill 197
Assembly Bill 261
Assembly Joint Resolution 33
Assembly Joint Resolution 35
Assembly Joint Resolution 37
Assembly amendment 1 to **Senate Bill 124**

ACTION ON THE SENATE MESSAGE

Senate Bill 51

Relating to: the cutoff time for receipt of documents for filing and recording with a register of deeds, federal tax lien forms, and maintenance of county highway registers.

By Senators Olsen, Breske, Grothman, Kedzie, Lassa, Risser and Roessler; cosponsored by Representatives Wood, Kreibich, Albers, Bies, Gielow, Gunderson, Hahn, Hines, Kerkman, Kessler, Kestell, Krawczyk, LeMahieu, F. Lasee, Musser, Ott, Parisi, Towns, Townsend, Van Roy, Vos, Vrakas, Ward, M. Williams, Freese and Gronemus.

To committee on **Rules**.

Senate Bill 58

Relating to: product liability of manufacturers, distributors, and sellers.

By Senators Kanavas, Grothman, Stepp, Kapanke, Roessler and Reynolds; cosponsored by Representatives Huebsch, Nischke, Gundrum, Van Roy, Kestell, Hahn, Nerison, Gielow, Vos, Nass, Kreibich, Vrakas, Pettis, Ott, Petrowski, Gunderson, Hines, McCormick, F. Lasee and Musser.

To committee on **Rules**.

Senate Bill 61

Relating to: consecutive monthly registration of certain vehicles used exclusively to transport calcium chloride liquid.

By Senators Breske and A. Lasee; cosponsored by Representatives Hines, Albers, Van Roy, Sheridan, Gronemus, Hahn and Musser.

To committee on **Transportation**.

Senate Bill 109

Relating to: expanding the cancer drug repository program to include prescription drugs and supplies for chronic disease and requiring the exercise of rule-making authority.

By Senators Roessler, Stepp, Brown, Cowles, Kanavas, A. Lasee, Lazich, Kedzie and Wirch; cosponsored by Representatives Vukmir, Underheim, Albers, Bies, Gard, Benedict, Gronemus, Gunderson, Hahn, Hines, Hundertmark, Jeskewitz, Kerkman, Lehman, Montgomery, Mursau, Nass, Seidel, Ott, Petrowski, Pettis, Vrakas, Vruwink and M. Williams.

To committee on **Rules**.

Senate Bill 121

Relating to: appointment of student members of the Board of Regents of the University of Wisconsin System.

By Senators Harsdorf, Lassa, Olsen and Erpenbach; cosponsored by Representatives Lamb, Kreibich, Moulton, Gronemus, Gielow, Shilling, Vos, Cullen, Musser, Kerkman, Pocan, Krawczyk, Rhoades, Lothian, Black, Van Roy, Towns, Hines, Pridemore, Townsend, Stone, Seidel and Albers.

To committee on **Rules**.

Senate Bill 193

Relating to: establishing a Gulf War Illnesses Recognition Day.

By Senators Brown, Kapanke, Wirch, S. Fitzgerald, Zien, Decker, Coggs, Lassa, Schultz, A. Lasee and Grothman; cosponsored by Representatives Loeffelholz, Gronemus, Musser, Sinicki, Rhoades, Kestell, Bies, Pridemore, Boyle, Kerkman, Hines, Turner, Nass, Hundertmark, Albers, Gundrum, McCormick, Pettis, Kreibich, Petrowski, Townsend and Lamb.

To committee on **Veterans Affairs**.

ENROLLED BILLS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

Assembly Bill 18
Assembly Bill 61
Assembly Bill 62
Assembly Bill 169
Assembly Bill 209

PATRICK E. FULLER
Assembly Chief Clerk

ENROLLED JOINT RESOLUTIONS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

Assembly Joint Resolution 16

Assembly Joint Resolution 33
Assembly Joint Resolution 34
Assembly Joint Resolution 35
Assembly Joint Resolution 37

PATRICK E. FULLER
Assembly Chief Clerk

May 11, 2005

Patrick Fuller, Assembly Chief Clerk
208 RJC
Hand Delivered

Dear Assembly Chief Clerk Fuller:

I co-sponsored Assembly Bill 63 and I regret that I had to miss the Assembly's floor session on Tuesday, May 3, 2005 due to my recent knee replacement surgery. I would like to go on the record that had I been able to be present I would have voted to override the Governor's veto of Assembly Bill 63.

Sincerely,
SUZANNE JESKEWITZ
State Representative
24th Assembly District

SPEAKER'S COMMUNICATIONS

May 12, 2005

Mr. Patrick Fuller
Chief Clerk, Wisconsin State Assembly
Room 208, Risser Justice Center
17 West Main Street
Madison, Wisconsin 53708

Dear Patrick:

Pursuant to Assembly Rule 23 (4), please message Enrolled Assembly Bill 169 to the Office of the Governor. If your office is unable to deliver the enrolled bill today, please notify me as soon as possible.

Sincerely,
JOHN G. GARD
Speaker

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 169
Presented to the Governor on Thursday, May 12.

PATRICK E. FULLER
Assembly Chief Clerk

COMMUNICATIONS

May 10, 2005

Patrick Fuller
Assembly Chief Clerk
208 RJC

Dear Patrick:

Could you please add my name to the list of co-sponsors for Representative Gielow's Assembly Bill 280? Representative Gielow knows that I am making this request.

Sincerely,
ROB KREIBICH
State Representative
93rd Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

April 29, 2005

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of March 2005.

On March 1, 2005, the **Medical Assistance Trust Fund** cash balance closed at its intramonth low of a negative \$158.3 million. The fund's negative cash balance continued through March 31, 2005, when the fund's cash balance closed at a negative \$149.8 million. The deficit is due to federal revenues falling short of estimates included in **2003 Wisconsin Act 33**. This deficit will decline by \$50.0 million in June when revenue is transferred from the general fund to the Medical Assistance Trust Fund as required by **2005 Wisconsin Act 2**.

On March 1, 2005, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at a negative \$1 thousand. This negative balance continued until March 9, 2005, when the fund cash balance closed at a positive \$1 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On March 31, 2005, the **Lottery Fund** cash balance closed at a negative \$1.7 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The Medical Assistance Trust Fund, Wisconsin Health Education Loan Repayment Fund, and the Lottery Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,
MARC J. MAROTTA
Secretary

Referred to committee on **Ways and Means**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

May 11, 2005

To the Honorable, the Legislature:

As required by s. [13.94\(1\)\(em\)](#), Wis. Stats., we have completed our annual financial audit and biennial program evaluation of the Wisconsin Lottery, which is administered by the Department of Revenue. We have issued an unqualified opinion on the Wisconsin Lottery's fiscal year (FY) 2002-03 and FY 2003-04 financial statements.

Total sales increased from \$406.7 million in FY 1999-2000 to \$482.9 million in FY 2003-04, or 18.7 percent. Both instant game and on-line ticket sales increased during this period. Approximately \$2.2 billion in property tax relief has been provided through gaming-related proceeds since the Wisconsin Lottery's inception in 1988.

Because instant game ticket sales account for the majority of the Wisconsin Lottery's revenues, we reviewed the process used to develop instant games, including those affiliated with copyrighted or trademarked properties. We include a recommendation to formalize game development and management practices and analyses. We also found that a loss of approximately \$212,000 was incurred in 2003 when participation in a Super Bowl prize drawing tied to the Powerball game was cancelled. We include a recommendation that the Wisconsin Lottery protect itself by ensuring that its contracts require a performance bond or similar guarantees.

We appreciate the courtesy and cooperation extended to us by Wisconsin Lottery staff in the Department of Revenue. The Department's response follows the appendices.

Respectfully submitted,
JANICE MUELLER
State Audit

State of Wisconsin
Legislative Audit Bureau
Madison

May 12, 2005

To the Honorable, the Legislature:

In March 2005, we completed our fiscal year (FY) 2003-04 single audit of the State of Wisconsin and issued our report (report 05-5). During the course of our audit and subsequent follow-up, we identified \$4.5 million available to the General Fund from other funds and accounts that the Legislature may wish to consider during the current biennial budget deliberations. In addition, we identified an error in the State Historical Society of Wisconsin's internal accounting records that understated the balance in its endowment fund by \$1.1 million.

First, in FY 2003-04, the Department of Workforce Development (DWD) received \$3.0 million in federal funds as reimbursement for costs incurred in prior years by local governments as well as expenditures charged to a prior-year general purpose revenue appropriation. However, rather than accounting for these funds as general purpose revenue of the General Fund, as required by statute, DWD deposited these funds in an unrelated federal appropriation. Alternatives include either lapsing these funds to the General Fund or allowing DWD to retain all or a portion of the funds but requiring the agency to seek legislative authority before expending them.

Second, we identified a bank account holding \$906,000 related to Wisconsin Health Education Assistance Loan (WHEAL) revenue bonds. This bank account is no longer needed because the related revenue bonds have been fully repaid. If desired, the Legislature could direct the Higher Educational Aids Board, which administers the loan program, to close the account and transfer the balance, as well as any future student loan repayments, to the General Fund for general appropriation.

Third, the Department of Commerce administers the Wisconsin Development Fund, which was established to provide loans and grants for economic development. At the time a loan or grant is awarded, Commerce encumbers either general purpose revenues or program revenues. However, we identified several inactive loans and grants for which it had previously encumbered funds. If desired, the Legislature could direct the Department of Commerce to liquidate and lapse to the General Fund \$337,000 in inactive encumbrances related to general purpose revenue appropriations. In addition, we have identified a total of \$7.3 million in inactive encumbrances and additional balances related to a Department of Commerce program revenue appropriation for loans and grants.

Fourth, [2001 Wisconsin Act 109](#) directed the Department of Administration (DOA) to offer for sale 21 aircraft and to deposit the sales proceeds, less any related liabilities, to the General Fund. As of March 31, 2005, DOA had sold 11 of those aircraft. However, it deposited all sales proceeds to one of its own program revenue appropriations. If the Legislature believes that DOA should instead have lapsed funds at the end of each fiscal year, it could direct DOA to immediately lapse net sales proceeds for FYs 2002-03 and 2003-04, which total

to approximately \$241,000, as general purpose revenue of the General Fund.

Finally, the State Historical Society of Wisconsin accounts for certain donations in the Historical Society Trust Fund, the Society's endowment fund. However, we found that the Society has not taken into consideration an additional \$1.1 million that has been available in the Trust Fund since FY 1997-98. The majority of these funds are restricted for purposes specified by the donors, and the Society's current policy is to spend up to 5 percent of its balances each year. The

Legislature may wish to direct that the Society's Board of Curators take into consideration the additional \$1.1 million in trust fund balances when developing future expenditure plans.

A more detailed explanation of these available funds is attached. We hope that you find this information useful. If you have any questions or comments, please contact me.

Sincerely,
JANICE MUELLER
State Audit