



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

WEDNESDAY, February 11, 2004

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

### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 359** offered by Representative Wieckert.

Assembly substitute amendment 1 to **Assembly Bill 480** offered by Representative LeMahieu.

Assembly substitute amendment 1 to **Assembly Bill 499** offered by Representatives Schooff and Shilling.

Assembly amendment 1 to **Assembly Bill 640** offered by committee on **Education**.

Assembly amendment 1 to **Assembly Bill 652** offered by Representative Suder.

Assembly amendment 1 to **Assembly Bill 831** offered by Representatives Petrowski and Friske.

Assembly substitute amendment 1 to **Senate Bill 113** offered by Representative Jensen.

By Representatives Ainsworth, Kestell, Hines, Montgomery, Albers, Nass, Ott, Hundertmark, Taylor and Townsend; cosponsored by Senators Leibham, Kanavas, Reynolds, A. Lasee and S. Fitzgerald.

To committee on **Transportation**.

### Assembly Bill 834

Relating to: submittal of an annual account by a guardian of the estate of a married ward.

By Representatives Hebl, Albers, Bies, Staskunas, Sinicki, Shilling and Berceau.

To committee on **Judiciary**.

### Assembly Bill 835

Relating to: written policies on the use of recording devices in locker rooms.

By Representative Schneider.

To committee on **Small Business**.

### Assembly Bill 836

Relating to: the Milwaukee Parental Choice Program and granting rule-making authority.

By Representatives Jensen, Nischke, Ladwig, Krawczyk, Hundertmark, Honadel, Ainsworth, Owens, Nass, Stone, Jeskewitz and McCormick; cosponsored by Senators Plale, Darling, Stepp, Kanavas, Welch and Leibham.

To committee on **Education Reform**.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### Assembly Bill 832

Relating to: motor vehicle emission inspections.

By Representatives Kerkman, Kestell, Ainsworth, Gottlieb, Gundrum, Hahn, Jensen, Jeskewitz, Krawczyk, Ladwig, M. Lehman, LeMahieu, McCormick, Nass, Nischke, Ott, Van Akkeren, Vukmir, Vrakas, Gunderson and Staskunas; cosponsored by Senators Leibham, Lazich, Kanavas, Reynolds, Welch and Stepp.

To committee on **Transportation**.

#### Assembly Bill 833

Relating to: permitting third-party testers to administer driving skills tests for certain noncommercial motor vehicle drivers.

### COMMITTEE REPORTS

The committee on **Tourism** reports and recommends:

#### Assembly Bill 596

Relating to: intoxicated operation of all-terrain vehicles, registration fees for all-terrain vehicles, nonresident trail passes for all-terrain vehicles, safety training for operating all-terrain vehicles, a study concerning the recreational operation of all-terrain vehicles, noise level requirements for all-terrain vehicles, the formula used for calculating the all-terrain vehicle gas tax payment, granting rule-making authority, making appropriations, and providing penalties.

Assembly Substitute Amendment 1 adoption:

Ayes: 10 – Representatives Pettis, Bies, Gunderson, Hines, M. Williams, Van Roy, Ziegelbauer, Van Akkeren, Young and Taylor.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Pettis, Bies, Gunderson, Hines,  
M. Williams, Van Roy, Van Akkeren, Young and Taylor.  
Noes: 1 – Representative Ziegelbauer.

To joint committee on **Finance**.

*MARK PETTIS*  
Chairperson  
Committee on Tourism

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## COMMUNICATIONS

February 10, 2004

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

Dear Patrick:

I request that you add my name as a co-sponsor of **Assembly Joint Resolution 66**. Please record this information in the next Assembly Journal. Please call Ellen Nowak of my office if you have any questions.

Sincerely,  
*JOHN G. GARD*  
Speaker

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February 11, 2004

Patrick Fuller  
Assembly Chief Clerk  
208 RJC

Dear Chief Clerk Fuller:

I am writing to you to be removed as a co-sponsor of two Assembly Bills. I would like to be removed from:

**Assembly Bill 814** relating to: self-funded employer groups for providing health care coverage.

**Assembly Bill 815** relating to: adopting federal law as it relates to health savings accounts for state income and franchise tax purposes.

Thank you for your time.

Sincerely,  
*ROB KREIBICH*  
State Representative  
93rd Assembly District

February 11, 2004

Patrick Fuller  
Assembly Chief Clerk  
208 RJC

Dear Chief Clerk Fuller:

On Monday afternoon, I mistakenly left Representative Albers off the list of co-sponsors of **Assembly Joint Resolution 66**. Since it was my error, I would appreciate it if you could add her as an original co-sponsor of this constitutional amendment.

Thank you.

Sincerely,  
*JOLENE R. CHURCHILL*  
Assistant

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## REFERENCE BUREAU CORRECTIONS

### Assembly Bill 818

1. Page 3, line 10: delete “misdemeanor” and substitute “felony”.

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Madison

January 30, 2004

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 December 2003.

On December 1, 2003, the **General Fund** cash balance closed at a negative \$185.0 million. The negative balance continued until December 15, 2003, when the balance closed at a positive \$35.2 million. The General Fund cash balance reached its monthly low of a negative \$200.3 million on December 11, 2003. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2003, the **Agricultural Chemical Cleanup Fund** cash balance closed at its monthly low of a negative \$115.0 thousand. The negative balance continued until December 10, 2003, when the balance closed at a positive \$9.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 23, 2003, the **Historic Preservation Partnership Fund** cash balance closed at its monthly low of

a negative \$6.0 thousand. The negative balance continued until December 29, 2003, when the balance closed at a positive \$36.0 thousand. The negative balance was due to the startup of the fund and a difference in the timing of revenues and expenditures.

The General Fund, Agricultural Chemical Cleanup Fund, and the Historic Preservation Partnership 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**.

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State of Wisconsin  
Department of Administration  
Madison

February 10, 2004

To the Honorable, the Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the second quarter of fiscal year 2004 (October 1, 2003 through December 31, 2003). As required by s. [562.02 \(1\)\(g\)](#), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming, Bingo and Indian Gaming.

If you have any questions or comments regarding the report, please do not hesitate to contact Rachel Meek at (608) 270-2535.

Sincerely,  
*LINDA MINASH*  
Acting Division Administrator

Referred to committee on **State Affairs**.

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## AGENCY REPORTS

State of Wisconsin  
Investment Board  
Madison

February 2004

To the Honorable, the Legislature:

I am pleased to present the Annual Financial Report on behalf of the State of Wisconsin Investment Board for the fiscal year ending June 30, 2003. Total assets under management at fiscal year end were \$61.2 billion, with 90% or \$55.3 billion, in the Wisconsin Retirement System (WRS).

The US equity market has begun to show signs of recovery; however, there has been a substantial weakening in the US bond market. As a result, the Fixed (balanced) Trust Fund reported a 4.6% return for the fiscal year. On a ten-year basis, the 8.5% average annual rate of return for the Fixed Fund is ahead of the 8% actuarial benchmark. The Variable Trust Fund returned -1.9% for the year compared to -0.4% for the benchmark.

Annually, the Board reviews the asset allocation for both retirement funds and considers changes based upon expected returns under a variety of possible economic conditions. Given the large size of the WRS trust funds, it is not possible to effectively "time the markets" based on possible geopolitical events or short-term economic developments.

Our asset allocation process determines how investments are divided among broad asset classes, such as stocks, bonds and other types of investments. It is the starting point and key element for achieving successful investment returns. With the help of outside consultants, each year the Board and staff conduct a formal asset allocation review that results in policy and funding recommendations. In 2003, this review concluded that stocks and other equities are likely to outperform most other forms of investments over the next several market cycles.

The asset allocation process is a fundamental way in which SWIB works to ensure that the WRS will continue to meet participants' pension needs. By following this disciplined approach we are more likely to achieve success in difficult and changing market conditions.

Sincerely,  
*PATRICIA LIPTON*  
Executive Director