



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

1:30 P.M.

THURSDAY, January 20, 2005

The Assembly met in the Assembly Chamber located in the State Capitol.

Representative Freese in the chair.

The Assembly dispensed with the call of the roll.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 02-099

Relating to department standards for erosion control of inland lakes and impoundments.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 03-066

Relating to ambient air quality standards.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 03-087

Relating to specific application documentation for applicants by comity and applicants for initial licensure.

Submitted by Department of Regulation and Licensing.
Report received from Agency, January 11, 2005.
To committee on **Small Business**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-049

Relating to electronic funds transfer.

Submitted by Department of Revenue.
Report received from Agency, January 12, 2005.
To committee on **Ways and Means**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-062

Relating to miscellaneous structures in navigable waterways.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-063

Relating to boathouses and fixed houseboats in navigable waterways.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-064

Relating to fish and wildlife habitat structures in navigable waterways.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-065

Relating to timelines and procedures for exemptions, general permits, and individual permits for activities in navigable waters.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-066

Relating to natural resources board policies on protection and management of public waters.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-084

Relating to the regulation of bridges and culverts in or over navigable waterways.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-085

Relating to regulation of grading on the bank of a navigable waterway.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04-086

Relating to regulation of construction, dredging, and enlargement of an artificial water body.

Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04–087

Relating to dredging in navigable waterways.
Submitted by Department of Natural Resources.
Report received from Agency, January 11, 2005.
To committee on **Natural Resources**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04–115

Relating to the dairy investment credit.
Submitted by Department of Revenue.
Report received from Agency, January 12, 2005.
To committee on **Ways and Means**.
Referred on January 20, 2005.

Assembly Clearinghouse Rule 04–116

Relating to the subtraction from income allowed for military pay received by members of a reserve component of the armed forces.
Submitted by Department of Revenue.
Report received from Agency, January 12, 2005.
To committee on **Ways and Means**.
Referred on January 20, 2005.

**INTRODUCTION AND REFERENCE
OF PROPOSALS**

Read first time and referred:

Assembly Bill 16

Relating to: exempting amounts claimed for depreciation of farm equipment for purposes of calculating farm income under the Badger Care health care program.

By Representatives Loeffelholz, Suder, Hahn, Albers, Hines, Krawczyk, Gronemus, Musser, Ainsworth, Hundertmark, Wood, Hubler, Gunderson, Pope–Roberts, Petrowski, Van Roy, Owens, Lothian, Freese, Towns, Nelson, Ott and Davis; cosponsored by Senators Harsdorf, Olsen, Roessler, Erpenbach, Zien, A. Lasee, Lassa and Kapanke.
To committee on **Health**.

Assembly Bill 17

Relating to: increasing the amount of the individual income tax subtract modification for social security benefits.

By Representatives Loeffelholz, Suder, Hahn, Albers, Hines, Nass, Wieckert, Krawczyk, Musser, Stone, Bies, Gundrum, Hundertmark, Wood, Jeskewitz, J. Fitzgerald, Rhoades, Van Roy, Lothian, Freese, Towns, Vos, Townsend, Honadel, Kestell, LeMahieu, Vrakas, Owens, Pettis, Nelson and Vruwink; cosponsored by Senators Leibham, Kanavas, Wirth, Roessler, Lazich, Lassa, Kapanke and Darling.

To committee on **Ways and Means**.
To joint survey committee on **Tax Exemptions**.

Assembly Bill 18

Relating to: the use of a flashing or rotating amber light on certain motor trucks.

By Representatives Ainsworth, Albers, Gunderson, Hines, Hundertmark, Mursau, Musser, Ott, Owens, Parisi, Petrowski, Townsend and Van Roy; cosponsored by Senators Olsen, Grothman, A. Lasee, Lassa and Cowles.

To committee on **Highway Safety**.

Assembly Bill 19

Relating to: modifying the definition of income under the homestead tax credit.

By Representatives Ainsworth, Albers, Gielow, Hahn, Hines, Jeskewitz, Krawczyk, Lothian, Musser, Owens, Pettis, Townsend and Wood; cosponsored by Senator Olsen.

To committee on **Ways and Means**.

Assembly Bill 20

Relating to: displaying attractions on highway specific information signs.

By Representatives Ainsworth, Hundertmark, Ballweg, Gielow, Hahn, Jeskewitz, Kerkman, Krawczyk, F. Lasee, LeMahieu, Lothian, McCormick, Mursau, Musser, Ott, Petrowski, Pettis, Steinbrink, Stone, Townsend, Vos and Vrakas; cosponsored by Senators Zien, Grothman, Kedzie, A. Lasee, Lassa and Olsen.

To committee on **Transportation**.

Assembly Bill 21

Relating to: computing expense deductions and amortization and depreciation on property used in farming for income and franchise tax purposes.

By Representatives Towns, LeMahieu, Ott, Nass, Kestell, Petrowski, Hines, Hahn, Gronemus, Ainsworth, McCormick, Hundertmark, Freese, Gunderson, Vrakas, Stone, Musser, Suder, F. Lasee, Kreibich, Wood, Pettis, Albers, Bies, Van Roy, Vos, Nelson and Davis; cosponsored by Senators Kedzie, Harsdorf, Olsen, Zien, Kanavas, Roessler and Brown.

To committee on **Agriculture**.

To joint survey committee on **Tax Exemptions**.

Assembly Bill 22

Relating to: carrying forward a school district's unused revenue limit authority to the succeeding school year.

By Representatives Towns, Underheim, Kestell, Townsend, Hines, Davis, Lehman, Pope–Roberts, Van Akkeren, Petrowski, McCormick, Gottlieb, Ainsworth, Gunderson, Krawczyk, Gronemus, Kerkman, Musser, Hahn, Pettis, Freese, Jeskewitz, Gielow, Sheridan, Albers, Zepnick, Ott, Benedict, Bies, Owens, Wasserman, Van Roy, Nelson, Honadel and Mursau; cosponsored by Senators Olsen, Harsdorf, Plale, Roessler, Kanavas, Robson, Miller, Erpenbach and Lassa.

To committee on **Education**.

Assembly Bill 23

Relating to: termination of parental rights on the grounds of continuing denial of visitation under a delinquency dispositional order.

By Representatives Albers, Ainsworth, Hahn, Hines, Kreibich, Musser, Townsend and Vos; cosponsored by Senator Lassa.

To committee on **Family Law**.

Assembly Bill 24

Relating to: quorum requirements for a zoning board of appeals or adjustment.

By Representatives Albers, Owens, Ainsworth and Musser; cosponsored by Senators Olsen and Lassa.

To committee on **Property Rights and Land Management**.

Assembly Bill 25

Relating to: regional emergency response team requirements.

By Representatives Gunderson, Kerkman, Berceau, Gielow, Gronemus, Hines, Jeskewitz, Krawczyk, Lehman, LeMahieu, Kaufert, Lothian, Ott, Petrowski and Townsend; cosponsored by Senators Brown, Cowles, Olsen and Lassa.

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

Assembly Bill 26

Relating to: entering into the wildlife violator compact.

By Representatives Gunderson, Pettis, Suder, Ainsworth, Albers, Bies, Freese, Gronemus, Hahn, Hines, Hundertmark, Kerkman, Kestell, F. Lasee, Lehman, Lothian, Montgomery, Musser, Ott, Townsend, Underheim, Van Roy, Vos, Vruwink and Wood; cosponsored by Senators Leibham, Harsdorf, Cowles, Decker, Grothman, A. Lasee, Lassa, Olsen, Wirch and Roessler.

To committee on **Natural Resources**.

Assembly Bill 27

Relating to: authorizing a program for tuition gift certificates at the University of Wisconsin System.

By Representatives Gottlieb, Kreibich, Ainsworth, Albers, Gard, Gielow, Gunderson, Hines, Jensen, Kaufert, Kerkman, Krawczyk, Loeffelholz, Lothian, Molepske, Musser, Nass, Nischke, Ott, Petrowski, Pettis, Pridemore, Rhoades, Stone, Towns, Underheim and Vos; cosponsored by Senators Leibham, Brown, Kedzie, Miller, Roessler and Stepp.

To committee on **Colleges and Universities**.

Assembly Bill 28

Relating to: special distinguishing registration plates for motorcycles owned or leased by fire fighters, rescue squad members, or emergency medical technicians.

By Representatives Gottlieb, Gard, Gielow, Hahn, Hines, Kerkman, Krawczyk, Lothian, Ott, Pettis, Pridemore, Rhoades, Stone and Van Roy; cosponsored by Senator Brown.

To committee on **Transportation**.

Assembly Bill 29

Relating to: registration of vehicles operated exclusively by volunteer fire departments.

By Representatives Gottlieb, Mursau, Albers, Freese, Hahn, Hines, Jeskewitz, Kerkman, Musser, Nass, Nischke,

Ott, Pridemore and Vos; cosponsored by Senators Brown, Kedzie and Lassa.

To committee on **Transportation**.

COMMITTEE REPORTS

The committee on **Education Reform** reports and recommends:

Assembly Bill 3

Relating to: the number of pupils eligible to participate in the Milwaukee Parental Choice Program.

Passage:

Ayes: 5 – Representatives Vukmir, Towns, Wood, Nischke and Pridemore.

Noes: 2 – Representatives A. Williams and Lehman.

To committee on **Rules**.

LEAH VUKMIR

Chairperson

Committee on Education Reform

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

Assembly Bill 5

Relating to: health benefit purchasing cooperatives.

Passage:

Ayes: 13 – Representatives Underheim, Vukmir, Gielow, Wieckert, Krawczyk, Hundertmark, Strachota, Moulton, Wasserman, Shilling, Vruwink, Benedict and Nelson.

Noes: 0.

To committee on **Rules**.

GREGG UNDERHEIM

Chairperson

Committee on Health

SPEAKER'S APPOINTMENTS

January 18, 2005

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

Dear Mr. Fuller:

Pursuant to Wisconsin Statute Section [15.465 \(2\)](#), Representative John Ainsworth, as chairman of the Assembly Committee on Transportation, is a member of the Rustic Roads Board.

Sincerely,

JOHN G. GARD

Speaker

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Revenue
Madison

January 14, 2005

To the Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31, 2004. As required by § 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Revenue and Expenditure information.

Total operating revenues for the quarter ending December 31, 2004 were \$224.3 million, down from \$249.4 million for the same quarter last year. This year has seen a \$24.3 million decline in Powerball sales, which are driven by large jackpots. At this time last year, there had been four jackpots in excess of \$125 million. This year there have been two jackpots in excess of \$125 million.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,
MICHAEL L. MORGAN
Secretary

Referred to committee on **State Affairs**.

State of Wisconsin
Department of Administration
Madison

January 18, 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 December 2004.

On December 6, 2004, the **General Fund** cash balance closed at a negative \$247.2 million. The fund’s negative cash

balance continued until December 20, 2004, when the fund’s cash balance closed at a positive \$171.2 million. The General Fund cash balance reached its intramonth low of a negative \$351.8 million on December 9, 2004. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2004, the **Medical Assistance Trust Fund** cash balance closed at its intramonth low of a negative \$187.6 million. The fund’s negative cash balance continued through December 31, 2004, when the fund’s cash balance closed at a negative \$184.0 million. The deficit is due to federal revenues falling short of estimates included in [2003 Wisconsin Act 33](#).

On December 1, 2004, the **Tuition Trust Fund** cash balance closed at a negative \$14.0 thousand. The fund’s negative cash balance continued through December 31, 2004, when the fund’s cash balance closed at a negative \$11.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, the Medical Assistance Trust Fund, and the Tuition Trust 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**.

ADJOURNMENT

Representative Owens moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, January 25.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

1:31 P.M.