



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

MONDAY, October 31, 2005

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

### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 616** offered by Representative Strachota.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 635** offered by committee on **Agriculture**.

Assembly substitute amendment 1 to **Assembly Bill 673** offered by Representative Wieckert.

Assembly amendment 1 to **Assembly Bill 787** offered by Representative J. Fitzgerald.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 05-036**

Relating to conduct, examinations, continuing education, and affecting small business.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 24, 2005.

To committee on **Health**.

Referred on October 31, 2005.

#### **Assembly Clearinghouse Rule 05-078**

Relating to prescription records and transfer of prescription order information.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 24, 2005.

To committee on **Health**.

Referred on October 31, 2005.

#### **Assembly Clearinghouse Rule 05-090**

Relating to the military funeral honors program.

Submitted by Department of Veterans Affairs.

Report received from Agency, October 25, 2005.

To committee on **Veterans Affairs**.

Referred on October 31, 2005.

#### **Assembly Clearinghouse Rule 05-091**

Relating to the veterans retraining grant program.

Submitted by Department of Veterans Affairs.

Report received from Agency, October 25, 2005.

To committee on **Veterans Affairs**.

Referred on October 31, 2005.

#### **Assembly Clearinghouse Rule 05-096**

Relating to the veterans tuition reimbursement program.

Submitted by Department of Veterans Affairs.

Report received from Agency, October 25, 2005.

To committee on **Veterans Affairs**.

Referred on October 31, 2005.

#### **Assembly Clearinghouse Rule 05-097**

Relating to the assistance to needy veterans program.

Submitted by Department of Veterans Affairs.

Report received from Agency, October 25, 2005.

To committee on **Veterans Affairs**.

Referred on October 31, 2005.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 789**

Relating to: state agency status coverage under the Volunteer Health Care Provider Program regardless of applicable health care liability insurance coverage.

By Representatives Wieckert, Wasserman, Musser, Fields, Albers, Jensen, Owens, Gunderson, McCormick, F. Lasee, Krawczyk, Lehman, Petrowski, Hahn, Hines, Hundertmark, Strachota, Vos and Ott; cosponsored by Senators Grothman, Risser, Miller, Wirch, Roessler, Lassa, A. Lasee, Darling and Erpenbach.

To committee on **Insurance**.

#### **Assembly Bill 790**

Relating to: requiring funding for bills imposing state mandates on local units of government.

By Representatives Wieckert, Bies, Pettis, Gronemus, Vrakas, Gundrum, Musser, Owens, Gunderson, F. Lasee, Petrowski, Hines, Hundertmark, LeMahieu, Vos, Davis, Strachota and Vruwink; cosponsored by Senators Leibham, Roessler and Reynolds.

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

#### **Assembly Bill 791**

Relating to: execution of a declaration to physicians, also known as a living will, by a Medical Assistance recipient.

By Representatives Wasserman, Benedict, Hundertmark, Hines, Albers, Hahn, Mursau, Vos, Cullen, Fields, Grigsby,

Lehman, Molepske, Parisi, Pocan, Pope–Roberts, Seidel, Staskunas, Turner and Vruwink; cosponsored by Senators Darling, Erpenbach, Brown, Risser and Wirch.

To committee on **Aging and Long–Term Care**.

#### **Assembly Bill 792**

Relating to: requiring a home care placement agency that places a home care worker in the residence of a home care consumer to provide notice to the consumer concerning the rights, duties, responsibilities, and liabilities of the consumer with respect to the worker and notice to the worker concerning the worker’s employment status and granting rule–making authority.

By Representatives Van Roy, Musser, Owens, Krawczyk, Hahn, Bies, Hines, Strachota, Ott and Montgomery; cosponsored by Senators Roessler, Grothman, Breske, Darling and Erpenbach.

To committee on **Aging and Long–Term Care**.

#### **Assembly Bill 793**

Relating to: the regulation, preservation, and restoration of historic buildings, the supplement to the federal historic rehabilitation tax credit and the state historic rehabilitation tax credit, requiring the certification of downtowns, promoting certain downtown areas in this state, highway projects involving business and downtown areas, the construction of major highway projects involving a bypass, granting rule–making authority, and making appropriations.

By Representatives Shilling, Vruwink, Seidel, Berceau, Boyle, Fields, Freese, Gronemus, Krawczyk, Kreibich, Lehman, McCormick, Molepske, Moulton, Pettis, Richards, Sheridan, Turner and Zepnick; cosponsored by Senators Lassa, Harsdorf, Erpenbach, Leibham, Miller, Plale and Roessler.

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

#### **Assembly Bill 794**

Relating to: making counties eligible for and requiring the selection of Clark County for participation in the State Main Street Program.

By Representatives Suder, Musser, Krawczyk, Owens, Hahn, Davis, Hines, Pettis and Petrowski; cosponsored by Senators Zien and Brown.

To committee on **Rural Development**.

#### **Assembly Bill 795**

Relating to: school district human growth and development programs; requiring a hospital to provide to a sexual assault victim, with consent, information and emergency contraception; requiring a pharmacist to dispense contraception; providing notice of abstinence only education; and providing a penalty.

By Representatives Berceau, Sinicki, Pocan, Grigsby, Benedict, Pope–Roberts, Black, Richards, Boyle, Parisi, Sheridan, Seidel and Travis; cosponsored by Senators Taylor, Robson, Miller, Risser and Erpenbach.

To committee on **Health**.

#### **Assembly Bill 796**

Relating to: school conference and activities leave.

By Representatives Black, Fields, Berceau, Grigsby, Lehman, Molepske, Pocan, Pope–Roberts, Sheridan and Zepnick; cosponsored by Senators Carpenter and Erpenbach.

To committee on **Labor**.

#### **Assembly Bill 797**

Relating to: a temporary suspension of the motor vehicle fuel tax and eliminating the automatic annual increase in the motor vehicle fuel tax rate.

By Representatives Nass, Lothian, Jeskewitz, Kreibich, Vos, F. Lasee, Vukmir, LeMahieu, Cullen and Strachota; cosponsored by Senator Lazich.

To joint committee on **Finance**.

#### **Assembly Bill 798**

Relating to: increasing the recycling fee imposed on the disposal of solid waste, the program of financial assistance for local recycling programs, and making an appropriation.

By Representatives Black, Hubler, Ainsworth, Seidel, Boyle, Kreibich, Pocan, Zepnick, Berceau, Pope–Roberts and Sheridan; cosponsored by Senators Jauch, Harsdorf, Carpenter and Risser.

To committee on **Natural Resources**.

#### **Assembly Bill 799**

Relating to: health insurance coverage of smoking cessation treatment and medications.

By Representative Black.

To committee on **Insurance**.

#### **Assembly Bill 800**

Relating to: exceptions to requirements for issuance of a certificate of accomplishment for successful completion of certain hunter education programs.

By Representatives Van Roy, Gunderson, Pettis, Krawczyk, Ott, Musser, Lothian, Ainsworth, Townsend, Bies, Petrowski, Strachota, McCormick, Hines, Gronemus, M. Williams and Hubler.

To committee on **Natural Resources**.

#### **Assembly Bill 801**

Relating to: creating an individual income tax credit for personal property taxes paid on certain mobile homes and on certain attachments to recreational mobile homes.

By Representatives Towns, Gunderson, Van Roy, Ainsworth, Petrowski, Kerkman, Molepske, Wood, Musser, Freese, Townsend, Bies, Ballweg, Vos, Hundertmark and Hines; cosponsored by Senators Olsen, Roessler, Harsdorf and Lassa.

To committee on **Ways and Means**.

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## **COMMITTEE REPORTS**

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

#### **Assembly Bill 527**

Relating to: the requirement that dogs be vaccinated against rabies.

Passage:

Ayes: 14 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Gronemus, Vruwink, Ziegelbauer, Molepske and Parisi.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 635**

Relating to: participation by certain persons who buy potatoes in the Agriculture Producer Security Program and granting rule-making authority.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 14 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Gronemus, Vruwink, Ziegelbauer, Molepske and Parisi.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 14 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Gronemus, Vruwink, Ziegelbauer, Molepske and Parisi.

Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Gronemus, Vruwink, Ziegelbauer and Molepske.

Noes: 1 – Representative Parisi.

To committee on **Rules**.

*ALVIN OTT*  
Chairperson  
Committee on Agriculture

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The committee on **Campaigns and Elections** reports and recommends:

### **Assembly Bill 707**

Relating to: voter registration for certain victims of domestic abuse, sexual assault, or stalking.

Passage:

Ayes: 6 – Representatives Freese, Gundrum, Wood, Vos, Travis and Kessler.

Noes: 0.

To committee on **Rules**.

*STEPHEN FREESE*  
Chairperson  
Committee on Campaigns and Elections

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The committee on **Criminal Justice and Homeland Security** reports and recommends:

### **Assembly Bill 666**

Relating to: penalties for sex offenses.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Suder, Friske, Owens, F. Lasee, Gundrum, Vukmir, Turner and Krusick.

Noes: 3 – Representatives Black, Kessler and Grigsby.

Passage as amended:

Ayes: 8 – Representatives Suder, Friske, Owens, F. Lasee, Gundrum, Vukmir, Turner and Krusick.

Noes: 3 – Representatives Black, Kessler and Grigsby.

To committee on **Rules**.

### **Assembly Bill 784**

Relating to: a mandatory term of confinement and the maximum term of imprisonment for certain child sex offenses and providing penalties.

Passage:

Ayes: 8 – Representatives Suder, Friske, Owens, F. Lasee, Gundrum, Vukmir, Turner and Krusick.

Noes: 3 – Representatives Black, Kessler and Grigsby.

To committee on **Rules**.

### **Senate Bill 294**

Relating to: defining certain uses of gamma-butyrolactone and 1,4-butanediol as controlled substances.

Concurrence:

Ayes: 11 – Representatives Suder, Friske, Owens, F. Lasee, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

*SCOTT SUDER*  
Chairperson  
Committee on Criminal Justice and Homeland Security

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The committee on **Energy and Utilities** reports and recommends:

### **Assembly Bill 615**

Relating to: mitigation payment agreements.

Passage:

Ayes: 10 – Representatives Montgomery, Davis, Hahn, Gottlieb, Nischke, Honadel, Nerison, Staskunas, Steinbrink and Zepnick.

Noes: 0.

To committee on **Rules**.

*PHIL MONTGOMERY*  
Chairperson  
Committee on Energy and Utilities

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The joint committee on **Finance** reports and recommends:

### **Assembly Bill 72**

Relating to: the definition of biodiesel fuel and the labeling, advertising, and promoting of biodiesel fuel and biodiesel fuel blends for sale.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

To committee on **Rules**.

### **Assembly Bill 129**

Relating to: late payments of property tax installments and providing penalties.

Assembly Substitute Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

To committee on **Rules**.

### **Assembly Bill 131**

Relating to: trapping licenses and permits issued to certain nonresidents.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

To committee on **Rules**.

### **Assembly Bill 152**

Relating to: collection of fines and forfeitures by counties.

Passage:

Ayes: 12 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen.

Noes: 4 – Representatives Pocan and Colon; Senators Decker and Taylor.

To committee on **Rules**.

### **Assembly Bill 202**

Relating to: special distinguishing registration plates for groups that are military in nature and making an appropriation.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

To committee on **Rules**.

### **Assembly Bill 298**

Relating to: tourism promotion and development under room tax law.

Assembly Substitute Amendment 1 adoption:

Ayes: 13 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Olsen and Decker.

Noes: 3 – Representative Colon; Senators Leibham and Taylor.

Passage as amended:

Ayes: 13 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Olsen and Decker.

Noes: 3 – Representative Colon; Senators Leibham and Taylor.

To committee on **Rules**.

### **Assembly Bill 486**

Relating to: the management of double-crested cormorants and granting rule-making authority.

Passage:

Ayes: 14 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Taylor.

Noes: 2 – Representative Colon; Senator Decker.

To committee on **Rules**.

### **Assembly Bill 523**

Relating to: resident hunting and fishing approvals for members of the armed forces.

Passage:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 587**

Relating to: regulation of rental-purchase agreements and granting rule-making authority.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

Assembly Amendment 3 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Darling, Leibham and Olsen.

Noes: 6 – Representatives Pocan and Colon; Senators Lazich, Cowles, Decker and Taylor.

To committee on **Rules**.

**Assembly Bill 618**

Relating to: child safety restraint systems, safety belt use requirements in motor vehicles, and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 14 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Darling, Cowles, Olsen, Decker and Taylor.  
Noes: 2 – Senators Lazich and Leibham.

Assembly Amendment 3 adoption:

Ayes: 14 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Darling, Cowles, Olsen, Decker and Taylor.  
Noes: 2 – Senators Lazich and Leibham.

Passage as amended:

Ayes: 14 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Darling, Cowles, Olsen, Decker and Taylor.  
Noes: 2 – Senators Lazich and Leibham.

To committee on **Rules**.

*DEAN KAUFERT*  
Assembly Chairperson  
Joint Committee on Finance

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The committee on **Financial Institutions** reports and recommends:

**Assembly Bill 456**

Relating to: prepayment penalties on variable rate residential mortgage loans.

Assembly Substitute Amendment 1 adoption:

Ayes: 13 – Representatives Hundertmark, Freese, Kreibich, Wieckert, Townsend, J. Fitzgerald, Vos, Kleefisch, Richards, Sherman, Shilling, Zepnick and Molepske.  
Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Hundertmark, Freese, Kreibich, Wieckert, Townsend, J. Fitzgerald, Vos, Kleefisch, Richards, Sherman, Shilling, Zepnick and Molepske.  
Noes: 0.

To committee on **Rules**.

**Assembly Bill 496**

Relating to: defaults in consumer credit transactions involving motor vehicle consumer leases or credit sales of motor vehicles.

Passage:

Ayes: 12 – Representatives Hundertmark, Freese, Kreibich, Wieckert, Townsend, J. Fitzgerald, Vos, Kleefisch, Sherman, Shilling, Zepnick and Molepske.  
Noes: 1 – Representative Richards.

To committee on **Rules**.

*JEAN HUNDERTMARK*  
Chairperson  
Committee on Financial Institutions

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

**Senate Bill 138**

Relating to: voluntary and informed consent for abortions.

Concurrence:

Ayes: 7 – Representatives Underheim, Gielow, Wieckert, Krawczyk, Hundertmark, Strachota and Moulton.  
Noes: 3 – Representatives Wasserman, Benedict and Nelson.

To committee on **Rules**.

**Senate Bill 167**

Relating to: creating an individual income tax checkoff for multiple sclerosis programs.

Concurrence:

Ayes: 11 – Representatives Underheim, Vukmir, Gielow, Wieckert, Krawczyk, Hundertmark, Strachota, Moulton, Wasserman, Benedict and Nelson.  
Noes: 0.

To committee on **Rules**.

*GREGG UNDERHEIM*  
Chairperson  
Committee on Health

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

**Assembly Bill 717**

Relating to: felony murder and amending cross-references to felony murder for the purpose of correcting errors and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Gundrum, McCormick, Pridemore, Kerkman, Kleefisch, Staskunas, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Gundrum, McCormick, Pridemore, Kerkman, Kleefisch, Staskunas and Turner.

Noes: 1 – Representative Kessler.

To committee on **Rules**.

*MARK GUNDRUM*  
Chairperson  
Committee on Judiciary

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

**Assembly Bill 655**

Relating to: a certain highway improvement project related to STH 21 in Winnebago County.

Passage:

Ayes: 7 – Representatives Ainsworth, Petrowski, Hahn, Suder, Lamb, Van Roy and Davis.

Noes: 5 – Representatives Steinbrink, Sherman, Vruwink, Molepske and Nelson.

To joint committee on **Finance**.

*JOHN AINSWORTH*  
Chairperson  
Committee on Transportation

**MESSAGE FROM THE SENATE**

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

**Senate Joint Resolution 46**

Passed and asks concurrence in:

**Senate Bill 145**  
**Senate Bill 174**  
**Senate Bill 180**

**ACTION ON THE SENATE MESSAGE**

**Senate Joint Resolution 46**

Relating to: the life and service of United States Army Specialist Eric Poelman, who lost his life during Operation Iraqi Freedom.

By Senator Stepp; cosponsored by Representatives Vos, Lehman and Turner.

To committee on **Rules**.

**Senate Bill 145**

Relating to: deferred prosecution agreements for persons charged with issuing a worthless check or other order for payment and allowing a district attorney to collect money owed to others.

By Senators Harsdorf, Robson, Olsen, Roessler, Grothman, Darling and Lazich; cosponsored by Representatives Kaufert, Boyle, Pettis, Ziegelbauer, Young, Berceau, Ainsworth, Wood, Musser, Staskunas, Hines, Molepske, Vruwink, Ott and Albers.

To committee on **Rules**.

**Senate Bill 174**

Relating to: the use of wine in a religious service in a prison, jail, or house of correction.

By Senators Grothman, Leibham and Olsen; cosponsored by Representatives Gundrum, Strachota, Bies, Davis, Gronemus, Gunderson, Hahn, Hines, Jensen, Jeskewitz, Krawczyk, Pridemore, Pettis, Van Roy and Vos.

To committee on **Rules**.

**Senate Bill 180**

Relating to: cash discounts for retail motor vehicle fuel purchases.

By Senators Zien, Brown, Grothman, Reynolds, Stepp and Lassa; cosponsored by Representatives Wood, Suder, Moulton, Jensen, Hines, Jeskewitz, Krawczyk, Vos, Musser, LeMahieu, Nerison, Pridemore, Nass, Gunderson, F. Lasee, Vrakas and Mursau.

To committee on **Rules**.

**ENROLLED BILLS AND  
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 Bill 105**  
**Assembly Bill 684**  
**Assembly Joint Resolution 39**  
**Assembly Joint Resolution 46**

*PATRICK E. FULLER*  
Assembly Chief Clerk

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**SPEAKER'S COMMUNICATIONS**

October 28, 2005

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Patrick:

Pursuant to Assembly Rule 42(3)c, I am removing Assembly Bill 85 from the Committee on Housing and re-referring it to the Committee on Criminal Justice and Homeland Security. I have the consent of Representative Wieckert, chair of the committee on Housing, to take this action.

Sincerely,  
*JOHN G. GARD*  
Speaker

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**COMMUNICATIONS**

October 27, 2005

The Honorable Jim Doyle  
Governor, State of Wisconsin  
115 East State Capitol  
Madison, WI 53708

Dear Governor Doyle:

Please accept my resignation from the Wisconsin State Assembly, effective October 31, 2005, upon the assumption of the office of Waukesha County Executive.

It has been my pleasure to serve the people of this great state in the Wisconsin State Assembly.

Sincerely,  
*DANIEL P. VRAKAS*  
State Representative  
33rd Assembly District

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October 27, 2005

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Chief Clerk Fuller,

As you are aware, I recently gave birth. Due to my maternity leave, I missed two session days, September 20th and 27th. Per our previous conversation, I would appreciate if you would submit my hours for those days as sick leave.

Finally, I would like to submit that I would have voted in favor of Assembly Bill 727 in the Assembly Judiciary Committee had I been present for the vote on October 25th. Again, due

to my maternity leave, I was unable to attend the Executive Session.

Thank you for your assistance with these requests. Please feel free to contact me with any questions.

Sincerely,  
*SAMANTHA J. KERKMAN*  
State Representative  
66th Assembly District

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October 27, 2005

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Chief Clerk Fuller:

I would like to request that my name be added as a co-author of Assembly Bill 778.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,  
*RON BROWN*  
State Senator  
31st Senate District

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October 31, 2005

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Chief Clerk Fuller:

With my recent election as Assembly Republican Majority Caucus Chairman, I wanted to let you know I will be sitting in seat number 19 that was recently vacated by Representative Dan Vrakas starting with tomorrow's Floor Session.

Sincerely,  
*MARK D. GUNDRUM*  
Republican Caucus Chair

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**AGENCY REPORTS**

State of Wisconsin  
Department of Administration  
Madison

October 15, 2005

To the Honorable, the Legislature:

This report presents statements of fund condition and operations (budgetary basis) of the State of Wisconsin for the fiscal year ended June 30, 2005. This satisfies the requirements of s. 16.40(3), Wisconsin Statutes. Displayed are major sources of revenues and major categories of

expenditures for the General Fund and other funds compared to the prior year.

The 2003-05 biennium began with a fiscal year 2003 deficit of \$282 million. This quickly increased to \$3.2 billion due to the use of one-time measures to balance the 2001-03 budget combined with increasing costs. Wisconsin's \$3.2 billion budget deficit was one of the largest in the country on a per capita basis. This report confirms that the difficult decisions made by the Governor and Legislature, combined with an improving economy, have erased the deficit and left the state with a \$4.1 million surplus.

The opening General Fund balance has been reduced due to improvements in the state's revenue accounting methodology used in years prior to fiscal year 2005, which required an adjustment to fiscal year 2004 accrued revenues. The result of this adjustment is a reduction in the fiscal year 2005 opening balance of \$27.4 million.

The General Fund has an undesignated balance of \$4.1 million as of the end of the fiscal year. This is \$123.6 million lower than the balance of \$127.7 million projected by the Legislative Fiscal Bureau in its most recent fund condition for the 2003-05 biennium published in January 2005. The change in the ending balance is the net result of a number of modifications since January 2005, including subsequent revenue reestimates by the Legislative Fiscal Bureau; lower tax collections and changes in non-tax revenues; separate legislation to increase appropriations (particularly for Medical Assistance); and higher payments for income tax credits. The undesignated ending balance of \$4.1 million is \$1.7 million lower than the fiscal year 2005 ending balance projected by the Legislative Fiscal Bureau in August 2005 in its fund condition for [2005 Wisconsin Act 25](#) (the 2005-07 biennial budget).

General-purpose revenue taxes were \$11.397 billion compared to \$10.739 billion in the prior year, an increase of \$658 million or 6.1 percent. This increase was \$52 million, or 0.5%, below the Legislative Fiscal Bureau May 2005 estimate of \$11.449 billion. General-purpose revenue expenditures, excluding fund transfers, were \$11.860 billion compared to \$10.661 billion in the prior year, an increase of \$1.199 billion or 11.2 percent.

In fiscal year 2005, the State of Wisconsin continued to devote the major share of state tax collections to assistance to local school districts, municipalities and counties. Local assistance accounted for 56.3 percent of total general purpose revenue spending. Aid payments to individuals and organizations represented 21.3 percent of total general purpose revenue

expenditures. The University of Wisconsin accounted for 8.3 percent of total general purpose revenue spending and state operations spending for all other state agencies accounted for 14.1 percent of the total.

Wisconsin, along with many other states, continues to struggle with Medicaid costs and insufficient federal revenues. Under [2005 Wisconsin Act 15](#), the Legislature directed that a transfer of \$75 million be made from the General Fund to the Medical Assistance Trust Fund. This amount was in addition to \$123.5 million transferred in fiscal year 2004 and \$50 million transferred in fiscal year 2005 under prior legislation.

Due to limited General Fund resources resulting from the revenue accounting adjustments and the slightly slower growth in general fund revenues in fiscal year 2005, this transfer has been divided between fiscal year 2005 and fiscal year 2006 pursuant to the authority under s. [16.52 \(12\)](#), Wisconsin Statutes. In fiscal year 2005, \$20 million was transferred from the General Fund to the Medical Assistance Trust Fund. The remaining \$55 million was transferred in July 2005 (fiscal year 2006). For this reason, the Medical Assistance Trust Fund continues to carry a \$53.9 million deficit at the end of fiscal year 2005. The July 2005 transfer will fully address the 2003-05 deficit in the Medical Assistance Trust Fund. Given the fiscal year 2005 closing balance of \$4.1 million, the transfer of the entire \$75 million prior to June 30, 2005, would have left the general fund with a \$50 million deficit.

In the absence of any revisions to the Legislative Fiscal Bureau's May 2005 revenue estimates, the slightly lower than anticipated revenues combined with the adjustment to the fiscal year 2005 opening balance, reduce by \$56.7 million the projected general fund ending balance for both fiscal years 2006 and 2007 under [2005 Wisconsin Act 25](#) (the 2005-07 biennial budget), as reported by the Legislative Fiscal Bureau. While still positive, these estimated fund balances are extremely small relative to the overall general fund budget.

The State of Wisconsin expects to publish its comprehensive annual financial report in December of 2005. The report will be prepared under generally accepted accounting principles.

Respectfully submitted,  
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