



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

THURSDAY, April 2, 2009

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 119** offered by Representative Smith.

Assembly amendment 1 to **Assembly Bill 136** offered by Representative Hubler.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 08–102

Relating to the application of reasonably available control technology emission limitations to sources of volatile organic compounds in ozone non-attainment counties, and affecting small business.

Submitted by Department of Natural Resources.
Report received from Agency, March 30, 2009.
To committee on **Natural Resources**.
Referred on April 2, 2009.

Assembly Clearinghouse Rule 08–104

Relating to VOC emission controls for industrial wastewater collection and treatment operations.

Submitted by Department of Natural Resources.
Report received from Agency, March 30, 2009.
To committee on **Natural Resources**.
Referred on April 2, 2009.

Assembly Clearinghouse Rule 08–107

Relating to replacement of life insurance or annuity contracts and to disclosure requirements.

Submitted by Insurance Commissioner.
Report received from Agency, March 27, 2009.
To committee on **Insurance**.
Referred on April 2, 2009.

Assembly Clearinghouse Rule 08–112

Relating to medicare supplement insurance and affecting small business.

Submitted by Insurance Commissioner.
Report received from Agency, March 30, 2009.
To committee on **Insurance**.
Referred on April 2, 2009.

Assembly Clearinghouse Rule 08–114

Relating to the application of reasonably available control technology for volatile organic compound emissions from certain operations within the synthetic organic chemical manufacturing industry.

Submitted by Department of Natural Resources.
Report received from Agency, March 30, 2009.
To committee on **Natural Resources**.
Referred on April 2, 2009.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 37

Relating to: proclaiming the Wisconsin Centennial of Flight.

By Representatives Hebl, Benedict, Schneider, Brooks, Berceau, Pope–Roberts, Townsend, Bies, Vruwink, Murtha, Spanbauer and Molepske Jr.; cosponsored by Senators Miller, Robson, Risser, Hopper, Lehman, Lassa, Taylor, Olsen, Schultz and Darling.

To committee on **Rules**.

Assembly Joint Resolution 38

Relating to: the life and military service of Sergeant Daniel James Thompson.

By Representative Clark; cosponsored by Senator Olsen.
To committee on **Rules**.

Assembly Bill 179

Relating to: notification to the state and certain public agencies regarding a medical malpractice claim and limits on liability.

By Representatives Cullen, Staskunas, Montgomery, Richards, Smith, Berceau and Spanbauer; cosponsored by Senators Risser, Lehman, Robson, Kreitlow and Grothman.

To committee on **Insurance**.

Assembly Bill 180

Relating to: changes to and extension of the Environmental Results Program, extension of the Environmental Improvement Program and the length of a compliance schedule under that program, and reporting requirements for certain environmental programs.

By Representatives Clark, Tauchen, Berceau, Bernard Schaber, Hebl, Jorgensen, Lothian, Molepske Jr., A. Ott,

Parisi, Pope–Roberts, Richards, Ripp, Roys, Sinicki, Smith and Townsend; cosponsored by Senators Miller, Kedzie, Cowles, Erpenbach, Harsdorf, Holperin, Lassa, Lehman, Olsen, Plale, Risser, Schultz and Taylor.

To committee on **Natural Resources**.

Assembly Bill 181

Relating to: operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties.

By Representatives Krusick, Gundrum, Stone, Ballweg, Cullen, Gunderson, Kaufert, Kerkman, Kleefisch, Knodl, LeMahieu, Lothian, Mursau, Nass, Nygren, A. Ott, J. Ott, Pridemore, Ripp, Spanbauer, Suder, Townsend, Turner, Zipperer and Zepnick; cosponsored by Senators Carpenter, Lazich, Darling, Grothman, Kanavas, A. Lasee, Lehman, Plale and Schultz, by request of the family of Nicholas Dams, the family of Kristy Wanek, Greendale Police Chief Rob Dams, father of Nicholas, Wisconsin Chiefs of Police Association, Wisconsin County Police Association, Milwaukee Police Association, Milwaukee County Law Enforcement Executives Association, Milwaukee Deputy Sheriffs' Association, Milwaukee County District Attorney John Chisholm.

To committee on **Judiciary and Ethics**.

Assembly Bill 182

Relating to: assignment of income, prizes, and earnings to pay a municipal court judgment.

By Representatives Krusick, Gottlieb, Richards, Sinicki, Ballweg, Townsend and Grigsby; cosponsored by Senators Plale, Darling, Carpenter, Lehman, Olsen, Schultz and Taylor.

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

Assembly Bill 183

Relating to: the immobilization or removal, impoundment, and disposal of motor vehicles for multiple nonmoving traffic violations.

By Representatives Krusick, Gottlieb, Richards, Staskunas, Zepnick, Mursau, A. Ott, Stone, Townsend and Vos; cosponsored by Senators Carpenter and Darling.

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

Assembly Bill 184

Relating to: increasing expense deductions for income and franchise tax purposes.

By Representatives Roth, Ziegelbauer, Vos, Townsend, Petrowski, A. Ott, Murtha, Mursau, LeMahieu, Kleefisch, Gunderson and Brooks; cosponsored by Senators Taylor, Olsen, Grothman and Darling.

To committee on **Jobs, the Economy and Small Business**.

Assembly Bill 185

Relating to: prohibiting the use of information in credit reports for issuing or setting premiums for motor vehicle or property insurance.

By Representatives Berceau, Vruwink, Zepnick, Schneider, Wood, Young, Black, Sinicki, Pocan, Nass, Mason, Mursau, Grigsby, Gunderson, Toles, Ballweg,

Hixson, A. Williams and Hilgenberg; cosponsored by Senators Lehman, Carpenter, Erpenbach and Plale.

To committee on **Insurance**.

Assembly Bill 186

Relating to: salvinorin A and providing a penalty.

By Representatives Cullen, Staskunas, Richards, Gunderson, Berceau, Nass, Kleefisch, Bies and Spanbauer; cosponsored by Senators Plale, Taylor and Lehman.

To committee on **Public Health**.

Assembly Bill 187

Relating to: school bus seating positions and passenger loading and unloading and providing a penalty.

By Representatives Molepske Jr., Kerkman, Pasch, Vruwink, Townsend, Berceau, Benedict, Bies, Soletski and Barca; cosponsored by Senators Lassa and Taylor.

To committee on **Transportation**.

Assembly Bill 188

Relating to: awarding grants to school districts for language immersion schools and making an appropriation.

By Representatives Kessler, Cullen, A. Williams, Zepnick, Richards, Sinicki, Grigsby and Pasch.

To committee on **Education Reform**.

Assembly Bill 189

Relating to: increasing the amount of the homestead exemption.

By Representatives Hebl, Black, Berceau, Pope–Roberts, Turner, A. Williams, Zepnick, Fields, Spanbauer and Molepske Jr.; cosponsored by Senators Taylor, Holperin, Lehman, Miller, Decker, Erpenbach, Wirch and Vinehout.

To committee on **Judiciary and Ethics**.

Assembly Bill 190

Relating to: disclosing drafts of drafting requests that did not result in legislation.

By Representatives Molepske Jr., Zepnick, Berceau and Smith.

To committee on **Assembly Organization**.

Assembly Bill 191

Relating to: drunken driving and creating a penalty.

By Representatives Hintz, Kaufert, Staskunas, Townsend, Richards, Nelson, Tauchen, Cullen, Hraychuck, Roth, A. Ott, Berceau and A. Williams; cosponsored by Senators Taylor, Hopper, Sullivan, Plale, Lehman, Schultz, Darling and Cowles.

To committee on **Public Safety**.

Assembly Bill 192

Relating to: battery to a highway construction or maintenance worker and providing a penalty.

By Representatives Vos, Kerkman, A. Ott, Turner, Zepnick and Brooks; cosponsored by Senators Lehman and A. Lasee.

To committee on **Criminal Justice**.

Assembly Bill 193

Relating to: the privilege of self–defense.

By Representatives Hraychuck, Danou, Vruwink, Mursau, Friske, Van Roy, Ballweg, Suder, Strachota,

Petrowski, Vukmir, Zipperer, Davis, Bies, Kleefisch, Gunderson, Vos, Spanbauer, Kerkman, Nerison, LeMahieu, Kestell, Honadel, Rhoades, Zigmunt, Ripp, Jorgensen, Tauchen, Roth, Kaufert and Huebsch; cosponsored by Senators Holperin, Vinehout, Decker, Plale, Schultz, Lazich, Leibham, Grothman, A. Lasee, Kanavas, Darling, Kapanke, Harsdorf and Hopper.

To committee on **Personal Privacy**.

COMMUNICATIONS

State of Wisconsin
Legislative Reference Bureau
Madison

DATE: March 31, 2009

TO: Patrick E. Fuller
Assembly Chief Clerk

Robert Marchant
Senate Chief Clerk

FROM: Bruce J. Hoesly
Code Editor

SUBJECT: Rules published in the March 31, 2009
Wisconsin Administrative [Register, No. 639](#).

The following rules have been published:

[Clearinghouse Rule 07-108](#) effective 4-1-2009
[Clearinghouse Rule 08-043](#) effective 4-1-2009
[Clearinghouse Rule 08-090](#) effective 4-1-2009
[Clearinghouse Rule 08-095](#) effective 4-1-2009

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

March 31, 2009

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 February 2009.

On February 1, 2009, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$101.1 million. This negative balance continued through February 28, 2009, when the fund’s cash balance closed at a negative \$74.3 million. The Injured Patients and Families Compensation Fund cash balance reached its intra-month low of a negative \$101.3 million on February 9, 2009. The

negative balance was due to the transfer of \$200 million to the Medical Assistance Trust Fund, as required in [2007 Wisconsin Act 20](#), and the pending liquidation of fund securities necessary to offset this shortfall.

On February 1, 2009, the Conservation Fund cash balance closed at a negative \$25.3 million (its intra-month low). This negative balance continued through February 28, 2009, when the fund’s cash balance closed at a negative \$15.7 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On February 1, 2009, the Utility Public Benefits Fund cash balance closed at a negative \$1.6 million. This negative balance continued through February 28, 2009, when the fund’s cash balance closed at a negative \$5.6 million. The Utility Public Benefits Fund cash balance reached its intra-month low of a negative \$6.7 million on February 23, 2009. The negative balance was due to a delayed transfer to the fund.

The Injured Patients and Families Compensation Fund, Conservation Fund, and Utility Public Benefits 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,
MICHAEL L. MORGAN
Secretary

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

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

March 25, 2009

To the Honorable, the Assembly:

We have completed an evaluation of mental health care services in adult correctional facilities, as requested by the Joint Legislative Audit Committee. In fiscal year (FY) 2007-08, expenditures for inmate mental health care totaled approximately \$59.8 million. In June 2008, 6,957 inmates, or 31.0 percent of all inmates incarcerated in adult correctional facilities, were identified as mentally ill, including 299 inmates at the Wisconsin Resource Center operated by the Department of Health Services (DHS). For the two-year period from June 2006 through June 2008, the inmate population increased by 3.9 percent but the number of mentally ill inmates increased by 14.3 percent.

In FY 2007-08, the Department of Corrections (DOC) had 127.35 authorized full-time equivalent positions to provide mental health services, including psychologists, crisis intervention workers, and other mental health staff. A range of mental health services and programs is provided. Psychotropic medications are prescribed by psychiatrists, who are typically limited-term employees. Because most medications are delivered by correctional officers rather than health services staff, we include a recommendation that DOC ensure all officers receive appropriate training in medication delivery.

Mentally ill inmates have a disproportionate effect on safety and discipline in adult correctional facilities. For example, during our review period they accounted for more than 90.0 percent of self-harm incidents, 80.0 percent of inmate suicides, and nearly 80.0 percent of assaults on staff. Mentally ill inmates are also overrepresented in segregation. We include recommendations for better information and training to improve safety for both inmates and staff.

DOC has taken steps to improve inmate mental health care in recent years, including at Taycheedah Correctional Institution, where a 2008 settlement agreement with the federal Department of Justice sets specific benchmarks for improving mental health care services. Setting priorities for future improvements will be important as the State seeks to improve the provision of inmate mental health services at a time of significant budget constraints.

We appreciate the courtesy and cooperation extended to us by DOC and DHS staff. Responses from both agencies follow our report.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

March 31, 2009

To the Honorable, the Assembly:

We have completed our annual financial and compliance audit of the State of Wisconsin. This audit satisfies state agencies' audit requirements under the federal Single Audit Act of 1984, as amended, and federal Office of Management and Budget Circular A-133. It also assists us in meeting audit requirements under s. 13.94, Wis. Stats.

This audit covers \$10.0 billion in federal financial assistance that state agencies administered in fiscal year 2007-08. We assessed the propriety of revenues and expenditures and tested internal controls and compliance with laws and regulations for 23 federal programs that were selected for review using risk-based assessment criteria established by the federal government.

Our report contains the auditor's reports on internal control over financial reporting and on compliance with program requirements, and our unqualified audit opinion on the State of Wisconsin Schedule of Expenditures of Federal Awards. We also discuss the results of our follow-up to prior audit findings. Overall, state agencies have complied with federal grant requirements and have taken steps to address findings included in last year's single audit report. However, we report several new and continuing internal control deficiencies and areas of federal noncompliance. The federal government will contact state agencies to resolve the findings and questioned costs included in our report.

We appreciate the courtesy and cooperation extended to us by state agency staff during our audit. Agencies' comments on individual findings, along with their corrective action plans to address our concerns, are included within the agency narratives.

Respectfully submitted,
JANICE MUELLER
State Auditor