



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

TUESDAY, February 9, 2010

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

AMENDMENTS OFFERED

Assembly substitute amendment 2 to **Assembly Bill 207** offered by Representative Benedict.

Assembly substitute amendment 1 to **Assembly Bill 447** offered by Representatives Fields, Hintz, Jorgensen, Seidel, Smith and Zepnick.

Assembly amendment 3 to **Assembly Bill 480** offered by Representative Berceau.

Assembly amendment 4 to **Assembly Bill 480** offered by Representatives Van Roy and Berceau.

Assembly amendment 5 to **Assembly Bill 480** offered by Representative Berceau.

Assembly amendment 2 to **Assembly Bill 558** offered by Representative Staskunas.

Assembly amendment 1 to **Assembly Bill 559** offered by Representatives Van Roy and Bernard Schaber.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 614** offered by Representative Richards.

Assembly substitute amendment 2 to **Assembly Bill 620** offered by Representative Benedict.

Assembly substitute amendment 1 to **Assembly Bill 642** offered by Representative Barca.

Assembly amendment 1 to **Assembly Bill 686** offered by Representative Cullen.

Assembly amendment 1 to **Assembly Bill 696** offered by Representative Zepnick.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 09-047

Relating to legal counsel advising the boards that are attached to the department while a board considers a final decision pertaining to an appeal.

Submitted by Department of Employee Trust Funds.
Report received from Agency, February 2, 2010.
To committee on **Judiciary and Ethics**.
Referred on February 8, 2010.

Assembly Clearinghouse Rule 09-048

Relating to the agent for service of process upon the boards that are attached to the department.

Submitted by Department of Employee Trust Funds.
Report received from Agency, February 2, 2010.
To committee on **Judiciary and Ethics**.
Referred on February 8, 2010.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 708

Relating to: creating a food animal veterinarian loan assistance program, granting rule-making authority, and making an appropriation.

By Representatives Tauchen, Vruwink, Molepske Jr., Benedict, Clark, Gunderson, Montgomery, Nerison, A. Ott, Ripp, Smith, Spanbauer, Steinbrink, Suder, Townsend, Zepnick and Zigmunt; cosponsored by Senators Lassa, Olsen, Harsdorf and Taylor.

To committee on **Colleges and Universities**.

Assembly Bill 709

Relating to: requiring access to toilet facilities in a retail establishment, immunity from civil liability related to use of the toilet facilities, and providing penalties.

By Representatives Van Roy, Soletski, Townsend, Berceau, Montgomery, Spanbauer, Knodl, Vos, A. Ott, Brooks, Turner, Pasch, Zigmunt, Roys, Jorgensen, Smith and A. Williams; cosponsored by Senators Lehman, Hansen, Taylor, Coggs and Plale.

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

Assembly Bill 710

Relating to: inadmissibility of a statement, a gesture, or conduct expressing apology or condolence by a health care provider.

By Representatives Benedict, Nygren, Jorgensen, Vos, Berceau, Van Roy, A. Ott, Knodl, Zepnick, Townsend, Ballweg, Steinbrink, Bies and Pasch; cosponsored by

Senators Taylor, Lehman, Schultz, Holperin, Vinehout, Darling and Olsen.

To committee on **Judiciary and Ethics**.

Assembly Bill 711

Relating to: vehicle towing and storage liens.

By Representative Smith; cosponsored by Senator Plale.

To committee on **Transportation**.

Assembly Bill 712

Relating to: a sales and use tax exemption for extended-range electric vehicles; a property tax exemption for tangible personal property used to recharge electric vehicles; the motor vehicle emission inspection and maintenance program, extended-range electric vehicle grants; an income and franchise tax credit for research conducted in this state by a corporation; a property and sales and use tax exemption for certain machinery and tangible personal property used to conduct research; granting rule-making authority; and making appropriations.

By Representatives Stone, Richards, Vos, Pasch, Honadel, Fields, Gottlieb, Roys, Huebsch, Turner, Davis, Gunderson, Montgomery, Roth, Strachota, Zipperer, Townsend, Bies, Steinbrink and Knodl; cosponsored by Senators Plale, Darling and Schultz.

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

Assembly Bill 713

Relating to: mutual assistance between tribal and county or municipal law enforcement agencies.

By Representatives Hraychuck, Turner, Sherman, Pasch, Hubler, Berceau, Ballweg, Mursau, Molepske Jr. and Vos; cosponsored by Senators Jauch, Coggs, Taylor, Harsdorf, Holperin, Vinehout, Schultz, Lehman, Miller and Grothman.

To committee on **Criminal Justice**.

Assembly Bill 714

Relating to: creating an individual income tax deduction for amounts paid to process certain meat that is donated to a charitable organization and exempting from taxation certain meat processing fees.

By Representatives Ripp, Knodl, Townsend, Gunderson, Brooks, Suder, Kestell, Zigmunt, Vos, Lothian, Mursau, Petrowski, A. Ott, Ballweg, Spanbauer and Tauchen; cosponsored by Senators Lazich, Schultz and Hansen.

To committee on **Fish and Wildlife**.

Assembly Bill 715

Relating to: certain areas of land subject to managed forest land orders that were part of parcels of land that exceeded 1,000 acres in size.

By Representatives Clark, Milroy, Danou, Molepske Jr., Hubler and Roys; cosponsored by Senators Holperin, Lehman, Taylor and Hansen.

To committee on **Forestry**.

Assembly Bill 716

Relating to: professional employer organizations.

By Representatives Hilgenberg and Newcomer; cosponsored by Senator Wirch.

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

Assembly Bill 717

Relating to: the agricultural producer security program, providing an exemption from emergency rule procedures, and granting rule-making authority.

By Representatives Vruwink, Jorgensen, Garthwaite, Smith, Hraychuck, Danou, Tauchen, Ripp, Dexter, Molepske Jr. and A. Ott; cosponsored by Senators Vinehout, Miller, Taylor and Harsdorf.

To committee on **Agriculture**.

Assembly Bill 718

Relating to: operation of low-speed vehicles on highways and providing a penalty.

By Representatives Steinbrink, Zigmunt, A. Ott, Benedict, Turner, Sinicki, Bies and Pope-Roberts; cosponsored by Senator Lehman.

To committee on **Transportation**.

Assembly Bill 719

Relating to: motor vehicle emission inspections and requiring the exercise of rule-making authority.

By Representatives Steinbrink, Gottlieb, Honadel, Pasch and Sinicki; cosponsored by Senators Wirch and Taylor.

To committee on **Transportation**.

COMMITTEE REPORTS

The committee on **Jobs, the Economy and Small Business** reports and recommends:

Assembly Bill 648

Relating to: adopting Internal Revenue Code provisions related to individual retirement accounts and adopting provisions of the Heroes Earnings Assistance and Relief Tax Act of 2008 for state income and franchise tax purposes.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Molepske Jr., Bernard Schaber, Fields, Barca, Krusick, Benedict, Toles, Zipperer, Friske and Van Roy.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 10 – Representatives Molepske Jr., Bernard Schaber, Fields, Barca, Krusick, Benedict, Toles, Zipperer, Friske and Van Roy.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Molepske Jr., Bernard Schaber, Fields, Barca, Krusick, Benedict, Toles, Zipperer, Friske and Van Roy.

Noes: 0.

To joint committee on **Finance**.

LOUIS MOLEPSKE JR

Chairperson

Committee on Jobs, the Economy and Small Business

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

Assembly Bill 609

Relating to: vacating an award following arbitration pursuant to a collective bargaining agreement.

Passage:

Ayes: 6 – Representatives Sinicki, Van Akkeren, Jorgensen, Parisi, Toles and Soletski.

Noes: 3 – Representatives Honadel, Nass and Knodl.

To committee on **Rules**.

Assembly Bill 644

Relating to: establishing a presumption for employment-connected communicable diseases for fire fighters, emergency medical service providers, law enforcement officers, and certain correctional employees.

Passage:

Ayes: 9 – Representatives Sinicki, Van Akkeren, Jorgensen, Parisi, Toles, Soletski, Honadel, Nass and Knodl.

Noes: 0.

To committee on **Rules**.

CHRISTINE SINICKI
Chairperson
Committee on Labor

CHIEF CLERK REPORTS

The Chief Clerk records:

- Assembly Bill 142**
- Assembly Bill 236**
- Assembly Bill 332**
- Assembly Bill 400**
- Assembly Bill 456**

Presented to the Governor on Tuesday, February 9.

PATRICK E. FULLER
Assembly Chief Clerk

REFERENCE BUREAU CORRECTIONS

Assembly Amendment 1 to **Assembly Bill 558**

1. Page 1, line 8: delete “relationship.” and substitute “relationship”.

SPEAKER’S COMMUNICATIONS

February 9, 2010

Representative Hubler
Co-Chair, Joint Survey Committee on Tax Exemptions
Room 119 North, State Capitol
Madison, WI 53708

Dear Representative Hubler:

I am writing in my capacity as Assembly Speaker to request that the Joint Survey Committee on Retirement Systems prepare a report under Assembly Rule [42 \(1\)\(am\)](#) on Assembly Bill 644.

If you have any questions, please do not hesitate to contact me.

Sincerely,
MICHAEL J. SHERIDAN
Assembly Speaker

COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

| <u>Bill Number</u> | <u>Act Number</u> | <u>Publication Date</u> |
|--|------------------------|-------------------------|
| Assembly Bill 229 | 101 | February 18, 2010 |
| Assembly Bill 177 | 102 | February 18, 2010 |
| Assembly Bill 178 | 103 | February 18, 2010 |
| Assembly Bill 364 | 104 | February 18, 2010 |
| Assembly Bill 376 | 105 | February 18, 2010 |
| Assembly Bill 325 | 107 | February 18, 2010 |
| Assembly Bill 418 | 108 | February 18, 2010 |
| Assembly Bill 83 | 109 | February 18, 2010 |
| Assembly Bill 202 | 110 | February 18, 2010 |
| <u>Jt. Res. Number</u> | <u>Enrolled Number</u> | <u>Publication Date</u> |
| Assembly Joint Res. 104 | 25 | Not Published |
| Assembly Joint Res. 105 | 26 | Not Published |

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Corrections
Madison

February 2, 2010

To the Honorable, the Legislature:

The following information is provided for your consideration and review pursuant to §[301.03 \(6m\)](#), Wisconsin Statutes. The figures below pertain to calendar year 2009.

1). There were ninety-two Chapter 51 mental health commitments within the Department of Corrections. Of these, forty-six were initial commitments and forty-six were extensions of commitments from previous years.

Eighty-two of the ninety-two commitments were obtained at the Wisconsin Resource Center (male inmates). Of these, forty-one were initial commitments and forty-one were renewals of commitments from previous years.

Ten of the ninety-two commitments were obtained at Taycheedah Correctional Institution (female inmates). Of these, five were initial commitments and five were recommitments from previous years.

After a Chapter 51 commitment, male inmates returned to the Wisconsin Resource Center (WRC) for further treatment. Average length of stay for WRC inmates was 428 days. Three male inmates were transferred from WRC to Mendota Mental Health Institute on an involuntary basis.

After a chapter 51 initial commitment, females were transferred to Winnebago Mental Health Institute (WMHI). For recommitments, females remained at TCI. In addition, three females were transferred to WMHI and received treatment on a voluntary basis. Average length of stay for committed individuals was 13 days.

2). The total number of inmates who were treated with psychotropic medication in 2009 was 8,051. This number includes inmates who were incarcerated for short-term stays as well as long-term stays. The number of inmates who were treated with psychotropic medication on any specific date is estimated at approximately 4,750. Of these, the number treated on an involuntary basis was the same as the number of involuntary commitments (ninety-two). Major classes of medication included antidepressants, antipsychotics, and mood stabilizers.

3). Mental Health Services are available at all of the major institutions. Services include crisis intervention, individual counseling, and group therapy. Specific programs include sex offender treatment, anger management, domestic violence, substance abuse treatment, and cognitive interventions. Psychiatrists are available at all major institutions to provide evaluations for psychotropic medication and management of these medications. In addition, consultation is available from both psychologists and psychiatrists to evaluate competency to consent to psychotropic medication and/or medical treatment.

If you have any questions or need any further information, please let me know.

Sincerely,
RICK RAEMISCH
Secretary

Referred to committee on **Corrections and the Courts**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

February 9, 2010

To the Honorable, the Assembly:

As required by [2007 Wisconsin Act 222](#), we have completed an evaluation of virtual charter schools. Pupils enrolled in these nonsectarian public schools typically attend from their homes and take a majority of their classes online. In the 2007-08 school year, 15 virtual charter schools enrolled 2,951 full-time pupils. We found that 7.6 percent of pupils attended virtual schools that were chartered by their school district of residence, while 91.1 percent attended through open enrollment, which requires payment from the district of residence (the "sending district") to the district chartering the virtual school (the "receiving district").

Virtual charter schools spent an estimated \$17.8 million in the 2007-08 school year. They were funded by a mix of federal charter school grants; fees; general district revenue, including property tax revenue; and \$14.2 million in state aid, which represented 79.0 percent of their total revenue. The availability of state aid affects both sending and receiving districts, and receiving districts have a financial incentive to attract additional virtual charter school pupils through open enrollment. We found that in the 2007-08 school year, 8 of the 15 virtual charter schools' per pupil expenditures were less than the \$6,007 payment per full-time open enrollment pupil.

[2007 Wisconsin Act 222](#) established a virtual charter school open enrollment limit of 5,250. This limit will likely be reached within the next few years, which will prompt continued legislative debate. We make a number of recommendations for the Department of Public Instruction (DPI) to provide information that can inform this debate and enhance compliance with program rules.

We appreciate the courtesy and cooperation extended to us by DPI; the teachers, high school pupils, and parents and guardians who spoke with us and responded to our surveys; and the virtual charter school administrators who responded to our requests for information. A response from DPI follows the appendices.

Respectfully submitted,
JANICE MUELLER
State Auditor