

LEGISLATIVE HEARING CALENDAR

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, JUNE 11, 2007 AT 9:00 AM

Room 301-B City Hall

- AB-293 Exempting an assessor and an assessor's staff from liability for trespassing and creating immunity from civil liability.
- SB-178 Health insurance coverage of treatment for autism spectrum disorders.
- SB-150 Prohibiting smoking in places of employment, restaurants, taverns, and other indoor areas and providing a penalty.

Joint Finance Committee update

2007 ASSEMBLY BILL 293

April 30, 2007 – Introduced by Representatives A. OTT, MURSAU, SINICKI, BALLWEG, HUBLER, MUSSER, MOLEPSKE, HAHN, TURNER, HINES, TOWNSEND, LOTHIAN, TAUCHEN, VAN ROY, JESKEWITZ, NYGREN, STRACHOTA, FRISKE and GUNDERSON, cosponsored by Senators BRESKE, COWLES, COGGS, LASSA and LEHMAN. Referred to Committee on Rural Economic Development.

- 1 **AN ACT** *to create* 895.488, 943.13 (4m) (d) and 943.15 (1m) of the statutes;
2 **relating to:** exempting an assessor and an assessor's staff from liability for
3 trespassing and creating immunity from civil liability.

Analysis by the Legislative Reference Bureau

Generally under current trespass law, subject to a number of exceptions, a person who enters the land of another, without permission, is subject to a Class B forfeiture. The exceptions include a person authorized to enter land to remove a wild animal and a hunter entering land that is required to be open for hunting. Also under current trespass law, a person who enters the locked or posted construction site of another, without permission, is guilty of a Class A misdemeanor.

This bill creates an exception to the prohibitions against trespassing. Under this bill, the trespassing prohibitions do not apply to an assessor or an assessor's staff entering the land, or construction site, of another to make an assessment for the state or for a political subdivision (a city, village, town, or county). For the exception to apply, the bill requires the assessor or the assessor's staff to leave in a prominent place notice that the assessor or staff entered the land or construction site.

The bill also provides immunity from civil liability for the owner or person in lawful possession of premises for any injury to or death of an assessor or a member of an assessor's staff who enters the premises without permission to make an assessment. The immunity does not apply if the injury or death resulted from

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reckless, wanton, or intentional misconduct of the owner or person in lawful possession of the premises.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 895.488 of the statutes is created to read:

2 **895.488 Civil liability exemption; owner or person in lawful possession**
3 **of the premises. (1)** In this section:

4 (a) “Construction site” has the meaning given in s. 943.15 (2) (a).

5 (b) “Owner or person in lawful possession of the premises” has the meaning
6 given in s. 943.15 (2) (b).

7 **(2)** The owner or person in lawful possession of the premises and his or her
8 employees are immune from civil liability for the injury or death of an assessor or a
9 member of the staff of an assessor who enters onto a construction site without the
10 permission of the owner or person in lawful possession of the premises or his or her
11 employee to make an assessment on behalf of the state or a political subdivision.

12 **(3)** The immunity under this section does not apply if the injury or death
13 resulted from the reckless, wanton, or intentional misconduct of the owner or person
14 in lawful possession of the premises or his or her employee.

15 **SECTION 2.** 943.13 (4m) (d) of the statutes is created to read:

16 943.13 **(4m)** (d) An assessor and an assessor’s staff entering the land, other
17 than buildings, of another if all of the following apply:

18 1. The assessor or the assessor’s staff enters the land in order to make an
19 assessment on behalf of the state or a political subdivision.

20 2. The assessor or the assessor’s staff leaves in a prominent place on the
21 principal building on the land, or on the land if there is not a principal building, a

2007 SENATE BILL 178

May 9, 2007 – Introduced by Senators ROBSON, WIRCH, BRESKE, COGGS, DECKER, ERPENBACH, HANSEN, JAUCH, KREITLOW, LASSA, LEHMAN, MILLER, PLALE, RISSER, SULLIVAN, TAYLOR and VINEHOUT, cosponsored by Representatives HIXSON, BENEDICT, BERCEAU, BLACK, BOYLE, CULLEN, FIELDS, GARTHWAITE, GRIGSBY, GRONEMUS, HEBL, HUBLER, JORGENSEN, KAUFERT, KREUSER, KRUSICK, MASON, NELSON, A. OTT, PARISI, POCAN, POPE-ROBERTS, RICHARDS, SEIDEL, SHERIDAN, SHILLING, SINICKI, SOLETSKI, TRAVIS, TURNER, VAN AKKEREN and YOUNG. Referred to Committee on Public Health, Senior Issues, Long Term Care and Privacy.

1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g),
2 185.981 (4t) and 185.983 (1) (intro.); and *to create* 609.87 and 632.895 (15) of
3 the statutes; **relating to:** health insurance coverage of treatment for autism
4 spectrum disorders.

Analysis by the Legislative Reference Bureau

This bill requires health insurance policies and self-insured governmental and school district health plans to cover the cost of treatment for an insured for autism, Asperger's syndrome, and pervasive developmental disorder not otherwise specified if the treatment is provided by a psychiatrist, a psychologist, a social worker who is certified or licensed to practice psychotherapy, a paraprofessional working under the supervision of any of those three types of providers, or a professional working under the supervision of an outpatient mental health clinic. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans and cooperative sickness care associations; to health care plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages, and school districts. The requirement specifically does not apply to limited-scope benefit plans, medicare replacement or supplement policies, long-term care policies, or policies covering only certain specified diseases. The coverage may be subject to any limitations or exclusions or cost-sharing provisions that apply generally under the policy or plan.

2007 SENATE BILL 150

April 18, 2007 – Introduced by Senators RISSER, ROESSLER, COGGS, MILLER and DARLING, cosponsored by Representatives WIECKERT, RICHARDS, GOTTLIEB, BOYLE, PARISI, BLACK, BENEDICT, A. OTT, BERCEAU, WASSERMAN, YOUNG, POPE-ROBERTS and TOLES. Referred to Committee on Public Health, Senior Issues, Long Term Care and Privacy.

1 AN ACT *to repeal* 101.123 (1) (br), 101.123 (1) (c), 101.123 (1) (dg), 101.123 (1)
2 (j), 101.123 (2) (a) 5., 101.123 (2) (am), 101.123 (2) (b), 101.123 (3) (a) to (gr),
3 101.123 (4), 101.123 (5), 101.123 (6) (title), 101.123 (8) (b) and 101.123 (8) (c);
4 *to renumber* 101.123 (1) (a), 101.123 (1) (dm) and 101.123 (2) (c); *to renumber*
5 *and amend* 101.123 (1) (e), 101.123 (1) (h), 101.123 (2) (a) 10., 101.123 (2) (ar),
6 101.123 (2) (bm), 101.123 (2) (br) and 101.123 (2) (bv); *to amend* 77.52 (2) (ag)
7 39. (intro.), 101.123 (1) (am), 101.123 (1) (b), 101.123 (1) (d), 101.123 (1) (f),
8 101.123 (1) (g), 101.123 (1) (i), 101.123 (2) (a) (intro.), 101.123 (3) (intro.),
9 101.123 (6), 101.123 (7), 101.123 (8) (a), 165.60, 165.755 (1) (b), 302.46 (1) (a),
10 460.01 (5), 757.05 (1) (a) and 814.63 (1) (c); *to repeal and recreate* 101.123 (2)
11 (title), 101.123 (2) (a) 1., 101.123 (2) (a) 4., 101.123 (2) (a) 6. and 101.123 (2) (a)
12 9.; and *to create* 101.123 (1) (ac), 101.123 (1) (aj), 101.123 (1) (bn), 101.123 (1)
13 (dj), 101.123 (1) (h) 2., 101.123 (1) (im), 101.123 (2) (a) 2m., 101.123 (2) (a) 2r.,
14 101.123 (2) (a) 5m., 101.123 (2) (a) 5t., 101.123 (2) (a) 7m., 101.123 (2) (a) 8g.,

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1 101.123 (2) (d) (intro.), 101.123 (2m), 101.123 (3) (h), 101.123 (3) (i), 101.123 (3)
2 (j), 101.123 (3) (k), 101.123 (3m), 101.123 (4m) (title), 101.123 (8) (d) and
3 101.123 (8) (e) of the statutes; **relating to:** prohibiting smoking in places of
4 employment, restaurants, taverns, and other indoor areas and providing a
5 penalty.

Analysis by the Legislative Reference Bureau

Prohibition against smoking

Current law prohibits smoking in most indoor areas that are accessible to the public unless there has been a specific area that has been designated a smoking area. Under this bill, designated smoking areas may no longer be permitted in any public place or place of employment with exceptions for private residences, designated rooms in lodging establishments, and certain retirement homes. The bill defines “a place of employment” to be any indoor area that employees normally frequent during the course of employment such as an office, a work area, an employee lounge, a restroom, a conference room, a meeting room, a classroom, or a hallway. Other locations where smoking areas may no longer be permitted under the bill, regardless of whether they meet the definition of “place of employment,” include the following:

1. Mass transit vehicles and school buses.
2. Schools and other educational facilities.
3. Residence halls and dormitories of colleges and universities.
4. Day care centers.
5. Inpatient health care facilities, such as community-based residential facilities and nursing homes.
6. Prisons, jails, and juvenile correctional facilities.
7. Mental health institutions and hospitals where the primary purpose is the treatment of mental illness, alcoholism, or drug abuse.
8. Centers for the developmentally disabled.
9. Restaurants and taverns, as described below.
10. Retail establishments.
11. Public waiting rooms.
12. Governmental buildings.

Current law also provides exceptions from the prohibition against smoking for bowling centers, halls used for private functions, for rooms in which the main occupants are smokers, and for areas of facilities that are used to manufacture or assemble goods, products, or merchandise. This bill eliminates these exceptions.

Current law allows smoking in any restaurant that has a seating capacity of 50 individuals or less, or that holds a liquor license, if the sale of alcohol beverages accounts for more than 50 percent of the restaurant’s receipts. This bill prohibits

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smoking in any restaurant regardless of seating capacity or the number of liquor sale receipts.

Current law allows smoking in any tavern holding a “Class B” intoxicating liquor license or Class “B” fermented malt beverages license, issued by a municipality (liquor license). This bill prohibits smoking in any tavern.

Enforcement

This bill requires that persons in charge of places where smoking is prohibited enforce the prohibitions by taking certain steps to ensure compliance, such as asking the person to leave or refusing to serve the person if the place is a restaurant or tavern. This bill imposes forfeitures on persons in charge who fail to take these measures.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 77.52 (2) (ag) 39. (intro.) of the statutes is amended to read:

2 77.52 **(2)** (ag) 39. (intro.) Equipment in offices, business facilities, schools, and
3 hospitals but not in residential facilities including personal residences, apartments,
4 long-term care facilities, as defined under s. 16.009 (1) (em), ~~state institutions, as~~
5 ~~defined under s. 101.123 (1) (i), prisons, mental health institutions, as defined in s.~~
6 ~~51.01 (12), centers for the developmentally disabled, as defined in s. 51.01 (3), Type~~
7 ~~1 secured juvenile~~ correctional facilities, as defined in s. 938.02 (19), or similar
8 facilities including, by way of illustration but not of limitation, all of the following:

9 **SECTION 2.** 101.123 (1) (a) of the statutes is renumbered 101.123 (1) (ag).

10 **SECTION 3.** 101.123 (1) (ac) of the statutes is created to read:

11 101.123 **(1)** (ac) “Correctional facility” means any prison, juvenile correctional
12 facility, or any other correctional facility that is used to incarcerate persons convicted
13 of crimes or adjudged delinquent but does not include a facility that is the private