

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB579)

Received: 10/29/2001

Received By: kahlepj

Wanted: Today

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: herself

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Addl. Drafters: mdsida

Subject: Econ. Development - bus. dev.

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit qualified businesses from destroying human embryos

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 10/29/2001	hhagen 10/29/2001		_____			
	mdsida 10/29/2001			_____			
	kahlepj 10/29/2001			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida 10/30/2001	jdyer 10/30/2001	pgreensl 10/29/2001	_____	lrb_docadmin 10/29/2001	lrb_docadmin 10/29/2001	
/2			jfrantze 10/30/2001	_____	lrb_docadmin 10/30/2001	lrb_docadmin 10/30/2001	

FE Sent For:

<END>

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/?	kahlepj	hhagen					
	10/29/2001	10/29/2001					
	mdsida						
	10/29/2001	1/2 10/30 jw					
	kahlepj						
	10/29/2001						

7/10/30 f/ch
10/30

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			pgreensl 10/29/2001	_____	lrb_docadmin 10/29/2001	lrb_docadmin 10/29/2001	

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Pre Topic:

No specific pre topic given

Topic:

Prohibit certified capital companies and qualified businesses from destroying human embryos

Instructions:

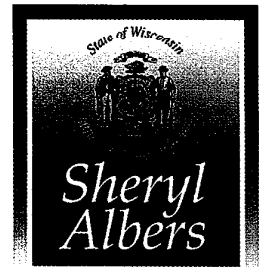
See Attached

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1?	kahlepj	1, hmk 10/29/01	10/ 29 pg	10/29 sub			

FE Sent For:

<END>



To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: October 26, 2001
Subject: Amendment to 2001 AB 579

On Tuesday, October 30, 2001 AB 579 (Ward) will come to the floor of the Assembly.

Although I support more investment in Wisconsin, I do not want to encourage investments in biotechnology companies that engage in the destruction of human embryos, or that utilize the stem cells taken from them – notably since the investors get tax breaks from the state. Thus, I would like a simple amendment to the bill that specifies that a “certified capital company” [§560.30 (2)] does NOT include any company that destroys living human embryos or uses the stem cells taken from living human embryos. Likewise, I believe I will need to modify §560.37(3) to ensure decertification of any company currently certified by the department that is engaging in these activities.

Please add to or modify the amendment in any way necessary to accomplish my intent. Thank you.

*per Scott - applies to
qualified businesses -
not CAPCO's*



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0856/1
PJK&MGD:hmh

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 579

Tues
9am

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 5: before "qualified" insert "decertification of a certified capital
3 company,".

4 2. Page 3, line 1: before that line insert:

5 "SECTION 1c. 560.30 (5g) of the statutes is created to read:

6 560.30 (5g) "Human embryo" means a living human organism, including a
7 single-cell human organism, derived by any means from one or more human
8 gametes but does not include a human organism at or beyond the stage of
9 development at which the major body structures are present.

10 SECTION 1g. 560.30 (7g) of the statutes is created to read:

11 560.30 (7g) "In vitro human embryo" means a human embryo, regardless of
12 whether cryopreserved, located outside of a woman's body."

1 **3.** Page 3, line 1: delete “SECTION 1” and substitute “SECTION 1r”.

2 **4.** Page 4, line 10: after that line insert:

3 “SECTION 7m. 560.33 (1) (h) of the statutes is created to read:

4 560.33 (1) (h) The business does not do any of the following:

5 1. Intentionally cause the death of an in vitro human embryo.

6 2. For any purpose, intentionally use living cells that the person knows were
7 obtained as a direct or indirect result of another person intentionally causing the
8 death of an in vitro human embryo, including through cryopreservation. This
9 subdivision does not apply to cells obtained as a result of another causing the death
10 of an in vitro human embryo based on a physician’s determination that the embryo,
11 in all likelihood, could not successfully be implanted in a woman’s uterus or develop
12 to term after implantation because of developmental abnormalities in the embryo.”.

13 **5.** Page 5, line 16: after that line insert:

14 “SECTION 12m. 560.37 (3) of the statutes is renumbered 560.37 (3) (a).

15 SECTION 13m. 560.37 (3) (b) of the statutes is created to read:

16 560.37 (3) (b) Notwithstanding s. 560.33 (1) (intro.), the department shall
17 decertify any certified capital company that made an investment under this
18 subchapter before the effective date of this paragraph [revisor inserts date], in a
19 business that is in violation of s. 560.33 (1) (h), regardless of whether the business
20 was a qualified business and the investment was a qualified investment when the
21 investment was made. The department shall send notice of the decertification to the
22 certified capital company and to the commissioner of insurance.

23 **6.** Page 5, line 16: after that line insert:

24 SECTION 14m. Initial applicability.

1 (1m) The treatment of section 560.33 (1) (h) [✓]2. of the statutes first applies to
2 the use of a cell obtained as a direct or indirect result of another person intentionally
3 causing the death of an in vitro human embryo occurring on the effective date of this
4 ~~subdivision~~ ^{subsection}, regardless of the date on which the death of the in vitro human embryo
5 occurred.”

6

(END)

no

D-note

Dsida, Michael

From: Southworth, Scott
Sent: Monday, October 29, 2001 6:45 PM
To: Dsida, Michael
Subject: RE: Non-viable embryos

No, we will need to remove that exception to the prohibition - it's a loophole that the businesses will use to make the amendment worthless - we can't have any exceptions to the living human embryo provision. Also, the definition for "human embryo" is different from those I've seen in the past; also, have not seen "in vitro human embryo" ever used..... Checking with pro-life expert on these - we don't want to have definitions that are different from other areas of the statutes..... Will let you know ASAP on Tuesday morning if we need definitional changes..... I'm pretty sure we will consolidate the two and go with the definition we used in the budget provision relating to human embryonic stem cell research..... however, certainly open to suggestions on modifying language..... Will talk to you tomorrow morning.....thanks for your work on this.

Scott

-----Original Message-----

From: Dsida, Michael
Sent: Monday, October 29, 2001 4:29 PM
To: Southworth, Scott
Subject: Non-viable embryos

I added a provision so that the prohibition doesn't apply if the cells were derived from embryos that cannot be implanted because of a developmental abnormality. Is that okay?

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us

Dsida, Michael

From: Dsida, Michael
Sent: Tuesday, October 30, 2001 11:02 AM
To: Southworth, Scott
Subject: Amdt requests

The definition of "human embryo" is gramatically unsound. Here's what I propose: "Human embryo" means a living human being, including a zygote, derived by any means..." That would include any stage from fertilization to the stage at which the major body structures are present. Is that okay?

In addition, as you may be aware, defining the term "human embryo" in this statute to mean a "human being" may have implications with respect to other statutes.

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us

Handwritten initials and a circled number 2.

ASSEMBLY AMENDMENT ,
TO 2001 ASSEMBLY BILL 579

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 5: before "qualified" insert "decertification of a certified capital
3 company,".

4 2. Page 3, line 1: before that line insert:

5 "SECTION 1c. 560.30 (5g) of the statutes is created to read:

6 560.30 (5g) "Human embryo" means a living human organism, *including a zygote,*
7 *fertilization, including the single-cell state,* *from the point of*
8 ~~single-cell human organism,~~ derived by any means from one or more human
9 gametes but does not include a human organism at or beyond the stage of
10 development at which the major body structures are present. " ✓

~~10 SECTION 1g. 560.30 (7g) of the statutes is created to read:
11 560.30 (7g) "in vitro human embryo" means a human embryo, regardless of
12 whether cryopreserved, located outside of a woman's body."~~

13 3. Page 3, line 1: delete "SECTION 1" and substitute "SECTION 1r".

if the death occurred

1 **4.** Page 4, line 10: after that line insert:

2 "SECTION 7m. 560.33 (1) (h) of the statutes is created to read:

3 560.33 (1) (h) The business does not do any of the following:

4 1. Intentionally cause the death of ~~an in vitro~~ ^{fresh} human embryo.

5 2. For any purpose, intentionally use living cells that the person knows were
6 obtained as a direct or indirect result of another person intentionally causing the

7 death of ~~an in vitro~~ ^{after August 9, 2001,} human embryo, ~~including through cryopreservation. This~~

8 ~~subdivision does not apply to cells obtained as a result of another causing the death~~

9 ~~of an in vitro human embryo based on a physician's determination that the embryo~~

10 ~~in all likelihood, could not successfully be implanted in a woman's uterus or develop~~

11 ~~to term after implantation because of developmental abnormalities in the embryo."~~

12 **5.** Page 5, line 16: after that line insert:

13 "SECTION 12m. 560.37 (3) of the statutes is renumbered 560.37 (3) (a).

14 SECTION 13m. 560.37 (3) (b) of the statutes is created to read:

15 560.37 (3) (b) Notwithstanding s. 560.33 (1) (intro.), the department shall
16 decertify any certified capital company that ~~made~~ ^{makes or maintains} an investment under this

17 subchapter ~~before~~ ^{after} the effective date of this paragraph..... [revisor inserts date], in a

18 business that is in violation of s. 560.33 (1) (h), regardless of whether the business

19 was ^{previously designated as} a qualified business and the investment was ^{previously designated as} a qualified investment when the

20 investment was made. The department shall send notice of the decertification to the

21 certified capital company and to the commissioner of insurance.

22 ~~SECTION 14m. Initial applicability~~

23 ~~(4m) The treatment of section 560.33 (1) (h) 2 of the statutes first applies to~~

24 ~~the use of a cell obtained as a direct or indirect result of another person intentionally~~

(Inset
PJK

1 ~~causing the death of an in vitro human embryo occurring on the effective date of this~~
2 ~~subsection, regardless of the date on which the death of the in vitro human embryo~~
3 ~~occurred."~~

4 (END) ✓

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0856/lins
PJK&MGD:hmh:pg

INSERT PJK

1 **1.** Page 5, line 16: after that line insert:

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3 **SECTION 13m.** 560.37 (3) (b) of the statutes is created to read:

4 560.37 (3) (b) Notwithstanding s. 560.33 (1) (intro.), the department shall

5 decertify any certified capital company that makes or holds an investment under this

6 subchapter after the effective date of this paragraph [revisor inserts date], in a

7 business that is in violation of s. 560.33 (1) (h), regardless of whether the business

8 was a qualified business when the certified capital company, or any affiliate of the

9 certified capital company, made ~~its~~ ^{the investment or any} investment in the business. The department

10 shall send notice of the decertification to the certified capital company and to the

11 commissioner of insurance.”

(END OF INSERT PJK)