



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

November 3, 2005

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing Assembly Bill 499. This bill would criminalize some of the most promising scientific techniques used by stem cell researchers, not only potentially delaying cures to some of humanity's oldest and deadliest diseases but also costing Wisconsin jobs in the future.

While we can all agree that human cloning is not acceptable, it has already been prohibited by the federal Food and Drug Administration. The real purpose of this bill is to restrict stem cell research, which holds enormous potential for our state as well as the promise of curing juvenile diabetes, spinal cord injuries, and Parkinson's disease. Allowing our scientists to search for cures to diseases isn't about being liberal or conservative. It's about being compassionate. And respect for human life means you don't turn your back on cures that can save lives.

It is a sad irony that a bill criminalizing promising scientific research comes to my desk one month after Wisconsin was designated as the nation's Stem Cell Bank by the National Institutes of Health. This bill sends the wrong signal to the nation about Wisconsin. Wisconsin should continue to recruit and welcome the nation's best scientists, not treat them like criminals.

Finally, this bill would undo all of our efforts to expand biomedical and medical technology businesses. Wisconsin biotech firms already employ approximately 22,000 people and contribute \$6.9 billion annually to the state economy.

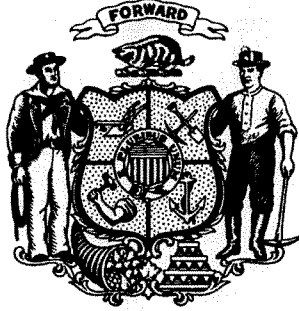
It is unfortunate that the United States Congress has so far turned its back on stem cell research, refusing to support important legislation to accelerate stem cell research. We should not follow their example in Wisconsin.

I hope that this veto will send a clear message to the Legislature, the scientific community, and to families who are hoping and praying for cures: Wisconsin will remain at the forefront of stem cell research.

Respectfully submitted,

JIM DOYLE
Governor

State of Wisconsin



2005 Assembly Bill 499

Date of enactment:
Date of publication*:

2005 WISCONSIN ACT

AN ACT *to create* 146.347 of the statutes; **relating to:** human cloning and providing penalties.

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

SECTION 1. 146.347 of the statutes is created to read:
146.347 Human cloning. (1) In this section:

(a) "Asexual reproduction" means reproduction not initiated by the union of an oocyte and a sperm.

(b) "Enucleated oocyte" means a fertilized or unfertilized oocyte, the nuclear material of which has been removed or inactivated.

(c) "Human cloning" means asexual reproduction accomplished by introducing nuclear material from one or more human somatic cells into an enucleated oocyte so as to produce a living organism having genetic material that is virtually identical to the genetic material of an existing or previously existing human organism.

(d) "Human embryo" means a human organism derived by fertilization, cloning, or any other means from one or more human gametes or human diploid cells. "Human embryo" includes a zygote but does not include a human organism at or beyond the stage of development at which the major body structures are present.

(f) "Living organism" includes a human embryo.

(g) "Somatic cell" means a cell that has a complete set of chromosomes and that is obtained or derived from a living or dead human organism at any stage of development.

(2) No person may knowingly do any of the following:

(a) Perform or attempt to perform human cloning.

(b) Transfer or acquire for any purpose a human embryo produced by human cloning or any embryo, cell, tissue, or product derived from a human embryo produced by human cloning. For purposes of this paragraph, a person does not acquire an embryo, cell, tissue, or product if the embryo, cell, tissue, or product is implanted in the person's body.

(3) (a) Any person who violates sub. (2) is guilty of a Class G felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (g), the person may be fined under par. (b).

(b) 1. The maximum fine for a person other than an individual who violates sub. (2) is \$500,000 or, if the person derives a pecuniary gain from the violation, an amount equal to twice the gross amount of the person's pecuniary gain, whichever is greater.

2. The maximum fine for an individual who violates sub. (2) is \$250,000 or, if the individual derives a pecuniary gain from the violation, an amount equal to twice the gross amount of the individual's pecuniary gain, whichever is greater.

(4) (a) Except as provided in par. (b), any person who violates sub. (2) and who derives a pecuniary gain from the violation shall be required to forfeit \$1,000,000.

(b) Any person who violates sub. (2) and who derives a pecuniary gain of more than \$500,000 from the violation shall be required to forfeit not less than \$1,000,000

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

2005 Wisconsin Act

2005 Assembly Bill 499

nor more than an amount equal to twice the gross amount of the person's pecuniary gain.

(5) Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other

cloning techniques to produce molecules, deoxyribonucleic acid, cells other than human embryos, tissues, organs, plants, or animals other than humans.

SECTION 2. Effective date.

(1) This act takes effect on the day after publication.

Barman, Mike

From: Koeller, Mara - Office of Governor Jim Doyle
Sent: Thursday, November 03, 2005 3:44 PM
To: Koeller, Mara - Office of Governor Jim Doyle
Subject: Notice of Executive Action - AB 499

Attachments: AB 499 11.3.05.pdf

The Governor will act on AB 499 today. If anyone has any questions, please contact Nate Zolik.

Thanks,

Mara Koeller

Legal Assistant

Office of the Governor

115 East, State Capitol

Madison, WI 53702



AB 499 11.3.05.pdf
(12 KB)

STATE OF WISCONSIN
OFFICE OF THE GOVERNOR

November 3, 2005

NOTICE

The Governor will act on the following bill today, **Thursday, November 3, 2005**:

AB 499 **Relating to:** human cloning and parthenogenesis and providing penalties.