



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

TUESDAY, April 18, 2006

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

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 955** offered by Representative Moulton.

Assembly substitute amendment 1 to **Assembly Bill 968** offered by Representative Strachota.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Joint Resolution 77** offered by Representative Albers.

Assembly substitute amendment 1 to **Senate Bill 526** offered by Representative Strachota.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 1183

Relating to: designating and marking a bridge across the Wisconsin River in the city of Tomahawk as Veterans Memorial Bridge.

By Representatives Friske, Ainsworth, Davis, Jeskewitz, Lehman, Montgomery, Musser, Ott, Petrowski, Pridemore, Seidel, Van Roy and M. Williams; cosponsored by Senators Breske and Decker.

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

Assembly Bill 1184

Relating to: obtaining a special registration plate for disabled persons.

By Representative Nerison.

To committee on **Transportation**.

COMMITTEE REPORTS

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

Assembly Bill 1042

Relating to: grants for catastrophic damage caused to urban forests.

Passage:

Ayes: 4 – Representatives Friske, Ainsworth, M. Williams and Hubler.

Noes: 0.

To committee on **Rules**.

DONALD FRISKE

Chairperson

Committee on Forestry

The committee on **Military Affairs** reports and recommends:

Assembly Bill 1174

Relating to: termination of mobile telephone contracts by members of the military.

Assembly Amendment 1 adoption:

Ayes: 6 – Representatives Musser, Pettis, Petrowski, Loeffelholz, Schneider and Sinicki.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Musser, Pettis, Petrowski, Loeffelholz, Schneider and Sinicki.

Noes: 0.

To committee on **Rules**.

Senate Bill 182

Relating to: temporary revision of child or family support when payer is on active military duty.

Assembly Amendment 1 adoption:

Ayes: 6 – Representatives Musser, Pettis, Petrowski, Loeffelholz, Schneider and Sinicki.

Noes: 0.

Concurrence as amended:

Ayes: 6 – Representatives Musser, Pettis, Petrowski, Loeffelholz, Schneider and Sinicki.

Noes: 0.

To committee on **Rules**.

TERRY MUSSER

Chairperson

Committee on Military Affairs

Assembly Bill 449 347 April 14, 2006

Respectfully submitted,
JIM DOYLE
Governor

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:
Senate Joint Resolution 5

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 5

Relating to: providing for an advisory referendum on the question of enacting the death penalty in this state.

By Senators A. Lasee, Reynolds, S. Fitzgerald and Roessler; cosponsored by Representatives Kaufert, Gunderson, Stone, Hines, Kreibich, F. Lasee, LeMahieu, Lothian, Musser, Ott, Owens, Pettis, Pridemore, Vos and Ainsworth.

To committee on **Criminal Justice and Homeland Security**.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

April 14, 2006

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Assembly Bill 378	324	April 14, 2006
Assembly Bill 718	327	April 14, 2006
Assembly Bill 851	329	April 14, 2006
Assembly Bill 973	330	April 14, 2006
Assembly Bill 1008	331	April 14, 2006
Assembly Bill 64	333	April 14, 2006
Assembly Bill 615	337	April 14, 2006
Assembly Bill 755	338	April 14, 2006
Assembly Bill 230	339	April 14, 2006
Assembly Bill 122	340	April 14, 2006
Assembly Bill 309	341	April 14, 2006
Assembly Bill 526	342	April 14, 2006
Assembly Bill 688	343	April 14, 2006
Assembly Bill 443	344	April 14, 2006
Assembly Bill 864	345	April 14, 2006
Assembly Bill 114	346	April 14, 2006

GOVERNOR'S VETO MESSAGE

April 14, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 1071**. This bill would restrict the time allowed for medical malpractice claims to be brought against health care providers in cases where the victim is under the age of 18 and is disabled by reason of insanity, developmental disability or imprisonment. Specifically, this bill would require disabled children to file actions against health care providers under the same time constraints that apply to non-disabled children: (a) within three years of the date of injury, (b) one year from the date the injury was discovered, but not more than five years from the date of injury, or (c) by the time the child reaches the age of 10, whichever is latest.

I am vetoing Assembly Bill 1071 because it fails to recognize the added difficulty associated with detecting malpractice injuries in disabled children. Parents of disabled children shouldn't be forced to prematurely initiate litigation, by the time a child reaches the age of 10, for example, where it isn't yet clear to what extent that child's disability may be developing. While there may be a reasonable statute of limitations that should apply to disabled minors, this bill ignores the complexity inherent in detecting medical malpractice injuries in disabled children. I therefore must veto this bill.

Respectfully submitted,
JIM DOYLE
Governor

April 14, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 1072**. This bill would allow courts in medical malpractice cases to reduce the amount of damages awarded to an injured claimant, by the amount an injured claimant receives from other "collateral sources" in compensation for injuries sustained as a result of medical malpractice.

I am vetoing Assembly Bill 1072 for the same reasons that I vetoed the virtually identical AB 764 in December of 2005. Like AB 764, this bill is fundamentally unfair. Injured claimants should not be penalized for having obtained health care coverage. Similarly, as I have said before, those responsible for medical malpractice should not be relieved of their obligation to pay for damages simply because certain patients had the foresight to obtain health care benefits. Our laws governing medical malpractice should be structured to deter, not relieve, wrongful and harmful conduct. Quite simply, this bill has the potential to put patients at risk.

Moreover, Assembly Bill 1072 solves nothing. Injured claimants very rarely benefit from "double payments." The

fact is, most health insurers require claimants to repay benefits they receive from their insurer when they also receive a medical malpractice damages award. This legislation is unnecessary and unfair, and I cannot sign it.

Respectfully submitted,
JIM DOYLE
Governor

April 14, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 1074**. This bill would reduce the caps on attorney fees and prohibit the recovery of support staff and overhead costs in medical malpractice cases handled on a contingency fee basis.

I am vetoing this bill because it is unnecessary and it would limit access to the civil justice system for low-income and middle-income plaintiffs. Current law already caps contingency fees at one-third of the first \$1,000,000 recovered and 20% in excess of that amount. This bill substantially reduces the existing caps and would seriously undermine the existing contingency fee system in Wisconsin. While not perfect, contingency fee arrangements are often useful in helping to provide access to the legal system for injured consumers and patients.

Just because a low-income or middle-income person doesn't have thousands of dollars to put a lawyer on retainer doesn't mean they shouldn't have access to our system of justice. Unfortunately, this bill is a step toward reserving the justice system for the privileged, a step I cannot support.

Respectfully submitted,
JIM DOYLE
Governor

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 378	324	April 28, 2006
Assembly Bill 718	327	April 28, 2006

Assembly Bill 851	329	April 28, 2006
Assembly Bill 973	330	April 28, 2006
Assembly Bill 1008	331	April 28, 2006
Assembly Bill 64	333	April 28, 2006
Assembly Bill 615	337	April 28, 2006
Assembly Bill 755	338	April 28, 2006
Assembly Bill 230	339	April 28, 2006
Assembly Bill 122	340	April 28, 2006
Assembly Bill 309	341	April 28, 2006
Assembly Bill 526	342	April 28, 2006
Assembly Bill 688	343	April 28, 2006
Assembly Bill 443	344	April 28, 2006
Assembly Bill 864	345	April 28, 2006
Assembly Bill 114	346	April 28, 2006
Assembly Bill 449	347	April 28, 2006

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

April 14, 2006

To the Honorable, the Legislature:

As required by s. 14.065, and on behalf of the Governor, I am transmitting a recommended Stripper XXI Oil Overcharge Plan, and requesting the Joint Committee on Finance consider this plan at their next s. 13.10, Wis. Stats., meeting.

This plan allocates \$862,299.80 of oil overcharge monies (\$152,899.22 of new Stripper monies plus all accrued and future accruing interest, \$40,099 of direct state restitution monies, \$434,679.24 reprogrammed Stripper monies, and \$234,622.34 of reprogrammed Exxon monies). The Plan is designed to reduce the State's dependence on petroleum based motor fuels and increase the use of renewable energy.

I appreciate your support in helping Wisconsin increase its energy efficiency and increase its use of renewable energies. If you have any questions or need additional details regarding the proposed program modification, please contact Kimberly R. Walker, Administrator for the Division of Energy, at 261-6357.

Sincerely,
STEPHEN E. BABLITCH
Secretary

Referred to committee on **Energy and Utilities**.