



STATE OF WISCONSIN

Assembly Journal

Ninety-Seventh Regular Session

FRIDAY, May 26, 2006

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

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

May 26, 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 538	..... 454	May 25, 2006
Assembly Bill 715	..... 455	May 25, 2006
Assembly Bill 447	..... 456	May 25, 2006
Assembly Bill 574	..... 458	May 25, 2006
Assembly Bill 958	..... 459	May 25, 2006
Assembly Bill 1087	.... 460	May 25, 2006
Assembly Bill 1065	.... 461	May 25, 2006
Assembly Bill 639	..... 463	May 25, 2006
Assembly Bill 967	..... 465	May 25, 2006

Respectfully submitted,
JIM DOYLE
Governor

GOVERNOR'S VETO MESSAGE

May 26, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 55** in its entirety. The bill provides immunity from civil liability to private campground owners, operators, and their employees or agents for property damage, personal injury and death if the damage, injury or death is the proximate result of the act or omission of a person other than the owner, operator, employee or agent.

I strongly support Wisconsin's tourism industry and recognize the importance of the businesses – including private campgrounds – that provide recreational opportunities in this

state. Assembly Bill 55, however, is simply unnecessary. Granting immunity from all civil liability, including reckless and malicious conduct, is a very serious step. I am aware of no evidence suggesting that private campgrounds are the targets of unfair lawsuits, and there is simply no justification for granting blanket immunity to this special class of businesses.

Moreover, Assembly Bill 55 appears to immunize private campground owners whose negligent or reckless conduct contributes to an injury. That's not fair. Wisconsin's visitors and residents expect to stay at fun, relaxing and safe lodging facilities, whether they're hotels, resorts or campgrounds. We shouldn't be enacting laws that remove existing incentives to provide the safest, most enjoyable experience for visitors. And we shouldn't be statutorily immunizing negligent and reckless conduct for a special class of businesses.

Wisconsin is a wonderful place to vacation, and we have a responsibility to ensure that all visitors and residents have a safe and enjoyable stay.

Respectfully submitted,
JIM DOYLE
Governor

May 26, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 461** in its entirety. Under federal law, the Secretary of Interior must first obtain the Governor's concurrence before allowing gaming on land not owned by a tribe prior to when the Indian Gaming Regulatory Act went into effect. This bill provides that the Governor may not concur with the Secretary of the Interior, unless the state legislature first concurs by joint resolution.

Assembly Bill 461 is an attempt to circumvent federal law regarding the approval of off-reservation gaming. Federal law is clear: the concurrence of off-reservation gaming has been exclusively provided to the Governor, and to the Governor alone. Congress recognized the inherent practical difficulties in involving multiple parties in the concurrence process and made a reasoned decision in selecting governors as the state's representative. Moreover, Congress clearly understood the difference between granting authority to a state versus granting authority specifically to a Governor. In fact, Congress granted the power to negotiate gaming compacts to the state, but named the Governor, specifically,

with respect to off-reservation gaming concurrence. This bill negates that determination made by Congress.

Lastly, the federal approval process is not without significant procedural and substantive safeguards. The Indian Gaming Regulatory Act provides for a rigorous and lengthy process that includes extensive study and an opportunity for significant community involvement. If the federal government were to ever approve an off-reservation casino and a decision came before me – which is by no means certain – I would of course take the views of the community into account.

Respectfully submitted,
JIM DOYLE
Governor

May 26, 2006

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 1021** in its entirety. The bill makes any statement, gesture or conduct that expresses apology, benevolence, compassion, condolence, fault, liability, responsibility or sympathy made by a health care provider to a patient or the patient’s relative or representative inadmissible as evidence of liability.

I am vetoing Assembly Bill 1021 because it is entirely too broad. Encouraging health care providers to openly communicate with their patients, and express apologies and condolences, may well be a legitimate public policy objective, but this bill goes far beyond that. Assembly Bill 1021 would make inadmissible statements and conduct that express fault or liability. For example, if a doctor were to admit to a patient

that he or she has committed malpractice, those statements would not be admissible under this bill. Further, Assembly Bill 1021 also applies to “conduct” that expresses fault–conduct that could include the act of malpractice itself. This bill goes far beyond protecting statements of apology or condolence, and I cannot sign it into law.

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 784	430	June 5, 2006
Assembly Bill 942	433	June 5, 2006
Assembly Bill 426	438	June 5, 2006
Assembly Bill 432	439	June 5, 2006
Assembly Bill 856	440	June 5, 2006
Assembly Bill 1186	441	June 5, 2006
May 25, 2006 Republication Date		

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State