

2007 DRAFTING REQUEST

Assembly Amendment (AA-SB129)

Received: **08/30/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - abortion**

Extra Copies: **Don Dyke (Leg. Council)**

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.wisconsin.gov**

Carbon copy (CC:) to: **cathlene.hanaman@legis.wisconsin.gov**
don.dyke@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Noncompliance based on conscience

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>
/?	dkennedy 08/31/2007	bkraft 08/31/2007		_____			
/1	chanaman 09/04/2007	bkraft 09/04/2007	nmatzke 08/31/2007	_____	cduerst 08/31/2007	cduerst 08/31/2007	
/2	chanaman 09/10/2007	bkraft 09/10/2007	nmatzke 09/04/2007	_____	lparisi 09/05/2007	lparisi 09/05/2007	

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/3	chanaman 09/13/2007	bkraft 09/13/2007	nnatzke 09/10/2007	_____	cduerst 09/10/2007	cduerst 09/10/2007	
/4	chanaman 09/14/2007	kfollett 09/14/2007	rschluet 09/13/2007	_____	lparisi 09/13/2007	lparisi 09/13/2007	
/5			rschluet 09/14/2007	_____	sbasford 09/14/2007	sbasford 09/14/2007	

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1519f
4/1/4

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/4			rschluet 09/13/2007	_____	lparisi 09/13/2007	lparisi 09/13/2007	

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Topic:

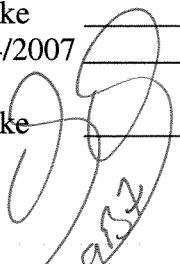
Noncompliance based on conscience

Instructions:

See Attached

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/3			nmatzke	_____	cduerst	cduerst	



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			09/10/2007 _____		09/10/2007	09/10/2007	

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1/3 bjk 9/10
nwn 9/10
nwn/rs 9/10

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Subject: Health - abortion

Extra Copies: Don Dyke (Leg. Council)

Submit via email: YES

Requester's email: Rep.Gundrum@legis.wisconsin.gov

Carbon copy (CC:) to: cathlene.hanaman@legis.wisconsin.gov

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/1		1/2 bjk 9/4	nmatzke 08/31/2007	_____	cduerst 08/31/2007	cduerst 08/31/2007	

FE Sent For:

nvn
9/4 nwn/pg
9/4

<END>

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/?	dkennedy	1 bjk 8/31	nwn 8/31	nwn 8/31			

FE Sent For:

<END>

06/14/2007

DD:ty:wu

AB 207

rel beliefs on moral convictions
moral or rel grounds

**ASSEMBLY AMENDMENT ,
TO 2007 SENATE BILL 129**

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

2 **1.** Page 3, line 16: substitute "(4) (a)" for "(4)".

3 **2.** Page 3, line 17: after that line insert:

4 "(4) (b) No hospital may be required to comply with any of the requirements of sub.
5 (2) ^{if} when compliance is contrary to a policy of the hospital based on a conscience-based
6 objection. ^{that is} ~~staff member of a hospital employee~~ or ^{an individ} ~~individual~~ ^{w/ushan} ~~individual~~ ^{if} ~~individual~~ ^{a hospital} ~~individual~~ ^{contracts} ~~individual~~

7 (4m) No ~~individual~~ ^{employee's} may be required to take any action under sub. (2) ~~when~~ ^{if} taking the
8 action is contrary to the individual's conscience.".

9 (END)

8/30

Debra-

P/S. prepare an amendment
for Rep Gundrum per attached.

Thanks,

Don Dyke

266-0292



TODAY
State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0683/1
DAK:.....

D-NOTE ←

bjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,
TO 2007 SENATE BILL 129

bill history ✓
SA ✓
X-ref ✓

LPS - Please check spelling.

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

2 1. Page 1, line 2: after "hospital" insert ", with exceptions,".

3 2. Page 2, line 14: delete "A" and substitute "Except as provided in subs. (4)
4 and (4m), a".

5 3. Page 3, line 16: after "(4)" insert "(a)".

6 4. Page 3, line 17: after that line insert:

7 (b) No hospital may be required to comply with any of the requirements of sub.
8 (2) if compliance is contrary to a policy of the hospital that is based on moral or
9 religious grounds.

10 (4m) No hospital employee or individual with whom a hospital contracts may
11 be required to take an action under sub. (2) if taking the action is contrary to the
12 employee's or individual's religious beliefs or moral convictions."

Handwritten annotations: "any" circled, "a" circled, and other scribbles.

1 **5.** Page 3, line 19: after "hospital" insert " , hospital employee, or individual
2 with whom a hospital contracts".

3 **6.** Page 4, line 5: on lines 5 and 6, delete "hospital" and substitute "hospital
4 alleged violator".

5 **7.** Page 4, line 7: after that line insert:

6 "SECTION ~~46~~. 50.38 (3) of the statutes is amended to read:

7 ✓ 50.38 (3) ~~A hospital~~ An alleged violator may contest an assessment of a
8 forfeiture by sending, within 10 days after receipt of notice under sub. (2), a written
9 request for a hearing under s. 227.44 to the division of hearings and appeals created
10 under s. 15.103 (1). The administrator of the division may designate a hearing
11 examiner to preside over the case and recommend a decision to the administrator
12 under s. 227.46. The decision of the administrator of the division shall be the final
13 administrative decision. The division shall commence the hearing within 30 days
14 after receipt of the request for a hearing and shall issue a final decision within 15
15 days after the close of the hearing. Proceedings before the division are governed by
16 ch. 227. In any petition for judicial review of a decision by the division, the party,
17 other than the petitioner, who was in the proceeding before the division shall be the
18 named respondent."

History: 1999 a. 9; 2003 a. 33.

(END)

→ [D-NOTE]

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0683/?dn

DAK:.....

Lbjk

Date

To Representative Gundrum: ✓

I have changed this amendment from the proposed material I was provided, as follows: ✓

1. Instead of using "conscience-based objection" and "contrary to the individual's conscience," I used language of 2005 Assembly Bill 207 in referring to "moral or religious grounds" and "religious beliefs or moral convictions." ✓
2. I added an "except" clause to s. 50.375 (2) (intro.). ✓
3. Instead of using "individual," I referred to "a hospital employee or individual with whom a hospital contracts." ✓
4. The changes proposed necessitated an amendment to s. 50.38 (2) and (3), stats. ✓

I unfortunately will be out of the office from September 3 to September 14. In my absence, however, Cathlene Hanaman of this office may be contacted for further amendments or changes to this amendment. ✓

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0683/1dn
DAK:hjk:nwn

August 31, 2007

To Representative Gundrum:

I have changed this amendment from the proposed material I was provided, as follows:

1. Instead of using "conscience-based objection" and "contrary to the individual's conscience," I used language of 2005 Assembly Bill 207 in referring to "moral or religious grounds" and "religious beliefs or moral convictions."
2. I added an "except" clause to s. 50.375 (2) (intro.).
3. Instead of using "individual," I referred to "a hospital employee or individual with whom a hospital contracts."
4. The changes proposed necessitated an amendment to s. 50.38 (2) and (3), stats.

I unfortunately will be out of the office from September 3 to September 14. In my absence, however, Cathlene Hanaman of this office may be contacted for further amendments or changes to this amendment.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

2

**ASSEMBLY AMENDMENT ,
TO 2007 SENATE BILL 129**

*Art I, Sec 18
conscience*
*penalties apply to
hospitals*

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

2 **1.** Page 1, line 2: after "hospital" insert ", with exceptions,".

3 **2.** Page 2, line 14: delete "A" and substitute "Except as provided in subs. (4)

4 and (4m), a". *(treat p. 3, line 8?)*

5 **3.** Page 3, line 16: after "(4)" insert "(a)".

6 **4.** Page 3, line 17: after that line insert:

7 "(b) No hospital may be required to comply with a requirement of sub. (2) if
8 compliance is contrary to a policy of the hospital that is based on moral or religious
9 grounds.

10 **(4m)** No hospital employee or individual with whom a hospital contracts may
11 be required to take an action under sub. (2) if taking the action is contrary to the
12 employee's or individual's religious beliefs or moral convictions."



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0683/2
DAK:bjk:own

TODAY 9/4
4 possible

2
stay
cmh

ASSEMBLY AMENDMENT,
TO 2007 SENATE BILL 129

bh ✓

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

2 1. Page 1, line 2: after "hospital" insert ", with exceptions,".

3 2. Page 2, line 14: delete "A" and substitute "Except as provided in sub. (4)

4 and (4m), a". stays
* Page 3 line 8 after "(4)" insert "(a)" ✓

(b)

5 3. Page 3, line 16: after "(4)" insert "(a)".

6 4. Page 3, line 17: after that line insert:

7 "(b) No hospital may be required to comply with a requirement of sub. (2) if
8 compliance is contrary to a policy of the hospital that is based on moral or religious
9 grounds.

10 (4m) No hospital employee or individual with whom a hospital contracts may
11 be required to take an action under sub. (2) if taking the action is contrary to the
12 employee's or individual's religious beliefs or moral convictions."

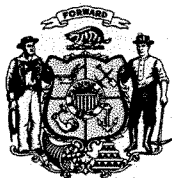
1 **5.** Page 3, line 19: after "hospital" insert ", hospital employee, or individual
2 with whom a hospital contracts".

3 **6.** Page 4, line 5: on lines 5 and 6, delete "hospital" and substitute "hospital
4 alleged violator".

5 **7.** Page 4, line 7: after that line insert:

6 "SECTION 4c. 50.38 (3) of the statutes is amended to read:

7 50.38 (3) ~~A hospital~~ An alleged violator may contest an assessment of a
8 forfeiture by sending, within 10 days after receipt of notice under sub. (2), a written
9 request for a hearing under s. 227.44 to the division of hearings and appeals created
10 under s. 15.103 (1). The administrator of the division may designate a hearing
11 examiner to preside over the case and recommend a decision to the administrator
12 under s. 227.46. The decision of the administrator of the division shall be the final
13 administrative decision. The division shall commence the hearing within 30 days
14 after receipt of the request for a hearing and shall issue a final decision within 15
15 days after the close of the hearing. Proceedings before the division are governed by
16 ch. 227. In any petition for judicial review of a decision by the division, the party,
17 other than the petitioner, who was in the proceeding before the division shall be the
18 named respondent."



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0683/2
DAK&CMH:bjk:nwn

3
Stays

ASSEMBLY AMENDMENT ,
TO 2007 SENATE BILL 129

bh ✓

- 1 At the locations indicated, amend the bill as follows: ✓
- 2 1. Page 1, line 2: after "hospital" insert ", with exceptions,". ✓
- 3 2. Page 2, line 14: delete "A" and substitute "Except as provided in sub. (4) (b),
4 a". ✓
- 5 3. Page 3, line 8: after "(4)" insert "(a)". ✓
- 6 4. Page 3, line 16: after "(4)" insert "(a)". ✓
- 7 5. Page 3, line 17: after that line insert: ✓
- 8 "(b) No hospital may be required to comply with a requirement of sub. (2) if ✓
- 9 compliance is contrary to a policy of the hospital that is based on moral or religious
- 10 grounds.



✓
(a)

1 (4m) No hospital employee or individual with whom a hospital contracts may
2 be required to take an action under sub. (2) if taking the action is contrary to the
3 employee's or individual's religious beliefs or moral convictions." ✓

4 (END) ✓

✓
(b) no hospital may discriminate against an individual with regard to hiring, firing, or contracting with or otherwise discriminate with respect to terms, conditions, or privileges of employment or contract by reason of the fact that the individual ^{refuses} to take an action under sub. (2) if the refusal is based on the individual's religious beliefs or moral convictions. ✓



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0683/3
DAK&CMH:bjk:awn

Inserts

4
se
se
stays

ASSEMBLY AMENDMENT,
TO 2007 SENATE BILL 129

bhv ✓

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

2 1. Page 1, line 2: after "hospital" insert ", with exceptions,".

3 2. Page 2, line 14: delete "A" and substitute "Except as provided in sub. (4) (b),

4 a".

5 3. Page 3, line 8: after "(4)" insert "(a)".

6 4. Page 3, line 16: after "(4)" insert "(a)".

7 5. Page 3, line 17: after that line insert:

8 (b) No hospital may be required to comply with a requirement of sub. (2) if

9 compliance is contrary to a policy of the hospital that is based on moral or religious

10 grounds.

INS 1-11

11 (4m) (a) No hospital employee or individual with whom a hospital contracts

A physician or any other person who is a member of or associated with the staff of, or any employee of a hospital,

12 may be required to take an action under sub. (2) if taking the action is contrary to

13 the employee's or individual's religious beliefs or moral convictions.

INS
1-13 ✓

INS
2-1
1

✓
✓
✓
✓
✓
✓

1 (b) No hospital may discriminate against an individual with regard to hiring,
2 firing, or contracting with or otherwise discriminate with respect to terms,
3 conditions, or privileges of employment or contract by reason of the fact that the
4 individual refuses to take an action under sub. (2) if the refusal is based on the
5 individual's religious beliefs or moral convictions." ✓

6 (END)

INS 2-5 ✓

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0683/3ins
DAK&CMH:bjk:nwp

1 Insert 1-11

2 2. No hospital may be liable for civil damages resulting from a refusal to comply
3 with a requirement of sub. (2) if the refusal is based on the hospital policy in subd.

4 1.

5 3. The receipt of any grant, contract, loan, or loan guarantee under any state
6 or federal law does not authorize any court, any public official, or other public
7 authority to require a hospital to do any of the following:

8 a. Make hospital facilities available for an action under sub. (2) if taking the
9 action in such facilities is contrary to the hospital policy in subd. 1.

10 b. Provide personnel to take an action under sub. (2) if the action under sub.
11 (2) by such personnel is contrary to the hospital policy in subd. 1.

end insert 1-11

13 Insert 1-13

14 No physician or any other individual who is a member of or associated with the
15 staff of a hospital, employee of a hospital, or individual with whom a hospital
16 contracts may be required to take an action under sub. (2) if taking the action is
17 contrary to the individual's religious beliefs or moral convictions and the individual
18 has stated in writing his or her objection to the action.

end insert 1-13

20 Insert 2-1

21 (b) No individual under par. (a) who refuses to take an action under sub. (2) may
22 be liable for civil damages resulting from the refusal if the refusal is based on the
23 individual's religious beliefs or moral convictions.

end insert 2-1

1

2

Insert 2-5

3

91

(d) The receipt of any grant, contract, loan, or loan guarantee under any state

4

or federal law does not authorize any court, any public official, or other public

5

authority to require an individual under par. (a) to take an action under sub. (2) if

6

taking the action is contrary to the individual's religious beliefs or moral convictions.

end insert 2-5



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0683/4
DAK&CMH:bjk:rs

5
+
5f

ASSEMBLY AMENDMENT,
TO 2007 SENATE BILL 129

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

2 **1.** Page 1, line 2: after "hospital" insert ", with exceptions,".

3 **2.** Page 2, line 14: delete "A" and substitute "Except as provided in sub. (4) (b),
hospital

4 a. hospital

5 **3.** Page 3, line 8: after "(4)" insert "(a)".

6 **4.** Page 3, line 16: after "(4)" insert "(a)".

7 **5.** Page 3, line 17: after that line insert:
or (3)

8 "(b) 1. No hospital may be required to comply with a requirement of sub. (2) if
9 compliance is contrary to a policy of the hospital that is based on moral or religious
10 grounds.

11 2. No hospital may be liable for civil damages resulting from a refusal to comply
12 with a requirement of sub. (2) if the refusal is based on the hospital policy in subd.

13 1. or (3)

1 3. The receipt of any grant, contract, loan, or loan guarantee under any state
2 or federal law does not authorize any court, any public official, or other public
3 authority to require a hospital to do any of the following:

4 a. Make hospital facilities available for an action under sub. (2) ^{or (3)} if taking the
5 action in such facilities is contrary to the hospital policy in subd. 1.

6 b. Provide personnel to take an action under sub. (2) ^{or (3)} if the action under sub.
7 (2) ^{or (3)} by such personnel is contrary to the hospital policy in subd. 1.

8 **(4m)** (a) No physician or any other individual who is a member of or associated
9 with the staff of a hospital, employee of a hospital, or individual with whom a hospital
10 contracts may be required to take an action under sub. (2) ^{or to help the hospital comply with sub. (3)} if taking the action is
11 contrary to the individual's religious beliefs or moral convictions and the individual
12 has stated in writing his or her objection to the action.

13 (b) No individual under par. (a) who refuses to take an action under sub. (2) may
14 be liable for civil damages resulting from the refusal if the refusal is based on the
15 individual's religious beliefs or moral convictions.

16 (c) No hospital may discriminate against an individual with regard to hiring,
17 firing, or contracting with or otherwise discriminate with respect to terms,
18 conditions, or privileges of employment or contract by reason of the fact that the
19 individual refuses to take an action under sub. (2) if the refusal is based on the
20 individual's religious beliefs or moral convictions.

21 (d) The receipt of any grant, contract, loan, or loan guarantee under any state
22 or federal law does not authorize any court, any public official, or other public
23 authority to require an individual under par. (a) to take an action under sub. (2) if

use 4 times

or to help the hospital comply with sub. (3)

Handwritten signature or initials

1 taking the action is contrary to the individual's religious beliefs or moral
2 convictions.”.

3 (END)