Assembly

Record of Committee Proceedings

Committee on Judiciary and Ethics

January 2011 Special Session Assembly Bill 1

Relating to: limiting noneconomic damages awarded in actions against long-term care providers; actions against manufacturers, distributors, sellers, and promoters of certain products; confidentiality of health care services reviews; use as evidence of information regarding health care providers; reporting of quality indicators identifying individual hospitals; homicide or injury by negligent handling of a dangerous weapon, explosives, or fire; criminal abuse of individuals at risk; criminal abuse and neglect of patients and residents; evidence of lay and expert witnesses; damages for frivolous claims; and punitive damage awards.

By Committee on Assembly Organization, by request of Governor Scott Walker, Representative J. Ott, and Senator Zipperer.

January 04, 2011 Referred to Committee on Judiciary and Ethics.

January 11, 2011 PUBLIC HEARING HELD

Present:	(8)	Representatives J. Ott, T. Larson, Kestell,
		Kerkman, Jacque, Hebl, Staskunas and D.
		Cullen.
Absent:	(0)	None.
Excused:	(0)	None.

Appearances For

- Robert Fassbender lobbyist
- Tom Moore & Brian Purtell WI Health Care Assoc. & WI Center for Asst. Living
- Tom Ramsey WI Assoc. of Homes & Services for the Aging
- James Buchen WMC
- Michael Brennan
- Jim Murray WI Defense Counsel
- Gary Silverman American Tort Reform Assoc.
- James J. Mathie Wisconsin Defense Counsel
- Andrew Cook Wiscosnin Defense Council
- Peter Thillman WEDA & WCJC
- Cap Wulf Wulf Brothers, Inc.
- Bill Smith NFIB and Wis. Civil Justice Council
- James Buchen WMC
- Tony Drissen Theda Driessen

- Christenson Pam WI Petroleum Markerters
- Laurie Fischer Dairy Business Assoc
- Jim Boullion AGC of WI
- Michelle Mettner Children Hosp. of WI
- Gene Qualmann WI Industries, Inc.
- Thomas Shorter self
- Ralph Topinka self
- Guy DuBeau WI Medical Society
- Mark Grapentine WI Medical Society
- Sharon Kostroski Ministy Health Care
- Brian Hagedorn Governor Walker's Chief Legal Counsel
- Kelly Court WI Hospital Assoc
- Laura Leitch WI Hospital Assoc
- Edward Lump WI Resturant Assco.
- Ryan Natzke WI Academy of Family Physicians

Appearances Against

- Tony Gilbart WI Coalition Against Domestic Violence
- Jay Urban Consumers
- John Hendrick CWAG
- J Michael End WI Assoc. for Justice
- Yvonne Lewandowski-Moss self
- Dawn Kallnet self
- James Studenski self
- Terri Lins self
- Nancy Rottier State Courts, director
- Joanne Ricca WI State AFL-CIO
- Lori Enzenroth self
- Merrie Felden
- Julie Paasch Anderson self
- Robert Kunig Citizen Action of Wisconsin
- Richard Witt self
- Terri Schuck self
- Marybeth Nuestinen self and estate of Charles Nuestinen
- Daniel Rottier self/WAS
- Terri Lee Estate of Jean Vandermayer
- Jill Rakowski Wis. Assoc. Trust
- Robert Jaskulski WI Association for Justice
- Robert McCoy Cascino, Vaugh Law Offices
- Bonnie Grabert Mary Spiegl
- Mark Warhus Brain Injury Assoc. of WI
- Monica Murphy Disability Rights WI
- Heidi & Joan Laabs selves
- Rick Orechovsky self

- Rick Orechvosky self
- Paul Jenkins self
- Christine Larson self
- Jacqui Callari Robinson WCASA
- Ann Jacobs WI Associ. for Justice
- John Keckhaver WI Coalition Against Sexual Assault
- Jeffrey Pitman W.A.J.
- Ian Henderson WCASA

Appearances for Information Only

• None.

Registrations For

- Brian Dake WI Indept. Businesses
- Christine Bremer WAJ
- Monra Groves Batiza American Family Insurance
- Andy Franken WI Insurance Alliance
- Misha Lee Sentry Insurance
- Nick George Midwest Food Processor Assoc
- Mary Ann Gerard WI Auto & Truck Dealers
- Ross Kinzler WI Housing Alliance
- Michael Heifetz Dean Clinic & SSM Health Care
- Scott Tyre WHA
- Steve Baas MMAC
- Eric Borgerding WI Hospital Assoc.
- Mark Hazelbaker WI Assoc, of Campground Owners
- Patrick Stevens Wis. Builders Assoc.
- Karla Ashenhurst Ministry Health Care
- Roger Nacker WEDA
- Jim Murphy WI Assisted Living Assoc
- Anne Foester Residental Services Assoc. of WI
- Mark Hagen Bethesda Lutheran Communites
- Robert Phillips, MD Marshfield Clinic
- Ron Kuehn Professional Insurance Agents of WI
- Tony Driessen WI Association of Nurse Anesthetists
- Kathryn Kuhn Meidcal College of WI
- Katie Walby Eli Lilly
- Paul Westrick Columbia St. Mary's
- Gina Dennick-Champion
- Bob Steitz Wis. Utility Investors, Inc.
- William Skewes WI Utilities Assoc
- Paul Merline WI Hospital Assoc,
- Ryan Natzke WI Academy of Family Physicians
- Tom Moore Pharma

- Tom Engels Pharmacy Society of Wisconsin
- Jeremy Levin Rural WI Health Cooperative
- Maureen McNally Froetert Health
- Lisa Maroney UW Hospital & Clinics
- Rebecca Larson Xcel Energy
- Scott Newcomer Independent Business Assoc. of WI

Registrations Against

- Kenneth Greening self
- Beata Kalies Cooperative Newtwork
- Charles Pietowski self
- Patrice England
- Al Majkrzak AARP
- Antonetta Smith
- Rosie Caradinelewis self
- Christopher Stombaugh self
- Marcia Roenspies self
- Terese Halfmann self
- Howard Sicula self
- William Donalson Board on Aging and Long Term Care
- Paul Golueke Alzheimer's Assoc.
- Aimee Bleyer self
- Heather Bruemmer Board on Aging and Long Term Care
- Paul Sicula self
- Brian Rothgery
- Sabrina Gentile WI Council on Children and Families
- George Brown State Bar of WI
- Barbara Moubry self
- Patricia Ballhorn
- Jane Garrott self
- Ruth Simpson self
- Aron Swanum self
- Roderick Caesar Organized Growth in the Community

Registrations for Information Only

- Andrew Phillips WI Counties Assoc
- Winn Collins & Emily Thompson WI Distict Attorney Assoc.
- John Walsh self

January 18, 2011 EXECUTIVE SESSION HELD

Present: (7) Representatives J. Ott, T. Larson, Kestell, Kerkman, Jacque, Staskunas and D. Cullen. Absent:(0)None.Excused:(1)Representative Hebl.

Moved by Representative Staskunas, seconded by Representative D. Cullen that **Assembly Amendment 1** be recommended for adoption.

Ayes:	(2)	Representatives Staskunas and D. Cullen.
Noes:	(5)	Representatives J. Ott, T. Larson, Kestell,
		Kerkman and Jacque.
Absent:	(1)	Representative Hebl.

ASSEMBLY AMENDMENT 1 ADOPTION NOT RECOMMENDED, Ayes 2, Noes 5

Moved by Representative Staskunas, seconded by Representative D. Cullen that **Assembly Amendment 2** be recommended for adoption.

Ayes:	(2)	Representatives Staskunas and D. Cullen.
Noes:	(5)	Representatives J. Ott, T. Larson, Kestell,
		Kerkman and Jacque.

Absent: (1) Representative Hebl.

ASSEMBLY AMENDMENT 2 ADOPTION NOT RECOMMENDED, Ayes 2, Noes 5

Moved by Representative Staskunas, seconded by Representative D. Cullen that **Assembly Amendment 3** be recommended for adoption.

Ayes:	(2)	Representatives Staskunas and D. Cullen.
Noes:	(5)	Representatives J. Ott, T. Larson, Kestell,
		Kerkman and Jacque.
Absent:	(1)	Representative Hebl.

ASSEMBLY AMENDMENT 3 ADOPTION NOT RECOMMENDED, Ayes 2, Noes 5

Moved by Representative Staskunas, seconded by Representative D. Cullen that **Assembly Amendment 4** be recommended for adoption.

- Ayes: (2) Representatives Staskunas and D. Cullen.
- Noes: (5) Representatives J. Ott, T. Larson, Kestell, Kerkman and Jacque.

Absent: (1) Representative Hebl.

ASSEMBLY AMENDMENT 4 ADOPTION NOT RECOMMENDED, Ayes 2, Noes 5

Moved by Representative Staskunas, seconded by Representative D. Cullen that **Assembly Amendment 5** be recommended for adoption.

- Ayes: (2) Representatives Staskunas and D. Cullen.
- Noes: (5) Representatives J. Ott, T. Larson, Kestell, Kerkman and Jacque.
- Absent: (1) Representative Hebl.

ASSEMBLY AMENDMENT 5 ADOPTION NOT RECOMMENDED, Ayes 2, Noes 5

Moved by Representative D. Cullen, seconded by Representative Staskunas that **Assembly Amendment 6** be recommended for adoption.

Ayes:	(2)	Representatives Staskunas and D. Cullen.
Noes:	(5)	Representatives J. Ott, T. Larson, Kestell,
		Kerkman and Jacque.
Absent:	(1)	Representative Hebl.

ASSEMBLY AMENDMENT 6 ADOPTION NOT RECOMMENDED, Ayes 2, Noes 5

Moved by Representative Staskunas, seconded by Representative D. Cullen that **Assembly Amendment 7** be recommended for adoption.

- Ayes: (2) Representatives Staskunas and D. Cullen.
- Noes: (5) Representatives J. Ott, T. Larson, Kestell, Kerkman and Jacque.

Absent: (1) Representative Hebl.

ASSEMBLY AMENDMENT 7 ADOPTION NOT RECOMMENDED, Ayes 2, Noes 5

Moved by Representative Kerkman, seconded by Representative Kestell that **Assembly Amendment 8** be recommended for introduction and adoption.

Ayes:	(7)	Representatives J. Ott, T. Larson, Kestell,
		Kerkman, Jacque, Staskunas and D. Cullen.
Noes:	(0)	None.
Absent:	(1)	Representative Hebl.

INTRODUCTION AND ADOPTION OF ASSEMBLY AMENDMENT 8 RECOMMENDED, Ayes 7, Noes 0

Moved by Representative Kerkman, seconded by Representative T. Larson that **Assembly Amendment 9** be recommended for introduction.

Ayes:	(7)	Representatives J. Ott, T. Larson, Kestell,
		Kerkman, Jacque, Staskunas and D. Cullen.
Noes:	(0)	None.
Absent:	(1)	Representative Hebl.

INTRODUCTION OF ASSEMBLY AMENDMENT 9 RECOMMENDED, Ayes 7, Noes 0

Moved by Representative Kerkman, seconded by Representative T. Larson that **Assembly Amendment 9** be recommended for adoption.

- Ayes: (5) Representatives J. Ott, T. Larson, Kestell, Kerkman and Jacque.
- Noes: (2) Representatives Staskunas and D. Cullen.
- Absent: (1) Representative Hebl.

ASSEMBLY AMENDMENT 9 ADOPTION RECOMMENDED, Ayes 5, Noes 2

Moved by Representative D. Cullen, seconded by Representative Staskunas that **Assembly Amendment 10** be recommended for introduction.

Ayes:	(7)	Representatives J. Ott, T. Larson, Kestell,
		Kerkman, Jacque, Staskunas and D. Cullen.
Noes:	(0)	None.

Absent: (1) Representative Hebl.

INTRODUCTION OF ASSEMBLY AMENDMENT 10 RECOMMENDED, Ayes 7, Noes 0 Moved by Representative D. Cullen, seconded by Representative Staskunas that **Assembly Amendment 10** be recommended for adoption.

- Ayes: (2) Representatives Staskunas and D. Cullen.
- Noes: (5) Representatives J. Ott, T. Larson, Kestell, Kerkman and Jacque.
- Absent: (1) Representative Hebl.

ASSEMBLY AMENDMENT 10 ADOPTION NOT RECOMMENDED, Ayes 2, Noes 5

Moved by Representative Kerkman, seconded by Representative Kestell that **January 2011 Special Session Assembly Bill 1** be recommended for passage as amended.

Ayes: (5) Representatives J. Ott, T. Larson, Kestell, Kerkman and Jacque.
Noes: (2) Representatives Staskunas and D. Cullen.
Absent: (1) Representative Hebl.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 2

Virginia Mueller Committee Clerk