

2007 DRAFTING REQUEST

Bill

Received: 07/11/2007

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Revisor of Statutes

By/Representing: Bruce

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: State Govt - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: don.dyke@legis.wisconsin.gov

Carbon copy (CC:) to: laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Revisor's bill

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>
/?	chanaman 07/16/2007	csicilia 07/24/2007		_____			
/P1		csicilia 07/27/2007	jfrantze 07/24/2007	_____	mbarman 07/24/2007		
/P2		csicilia 08/01/2007	jfrantze 07/27/2007	_____	sbasford 07/27/2007		
/1			sherritz	_____	mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			08/01/2007 _____		08/01/2007	10/26/2007	

FE Sent For: **NONE**

<END>

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/P1		csicilia 07/27/2007	jfrantze 07/24/2007		mbarman 07/24/2007		
/P2			jfrantze 07/27/2007		sbasford 07/27/2007		

FE Sent For:

1 gjs 8/1 07 Sh 8/1 Sh 8/1 <END>

PA's
This is a Revisor's bill on the /1 version. Please follow the special distribution instructions for /1 Revisor's bills.

Thanks, Chris

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/?	chanaman 07/16/2007	csicilia 07/24/2007		_____			
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/P1			jfrantze 07/24/2007	_____	mbarman 07/24/2007		
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FE Sent For:

*1 P2 gjs
7/27
07*

[Signature]
7/27

[Signature]
7/27
<END>

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/?	chanaman						
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		1/1 cjs	7/24	7/24	7/24		
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FE Sent For:

<END>



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

prepare
/P2 version
based on this

These are instructions rather than a draft

1 AN ACT relating to: renumbering and amending a provision of the statutes for
2 the purpose of eliminating ambiguities (Revisor's Correction Bill).

Analysis by the Legislative Reference Bureau

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. This bill is not intended to make any substantive changes.

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

3 SECTION 1. 895.01 (1) (intro.) and (a) to (n) of the statutes are renumbered
4 895.01 (1) (a) (intro.) and 1. to 14.

NOTE: See note following next SECTION.

~~****NOTE: I added this section and note. Please review.~~

5 SECTION 2. 895.01 (1) (o) of the statutes is renumbered 895.01 (1) (b) and
6 amended to read:

(bn)

X

(6m)

1 895.01 (1) (b) Causes of action for wrongful death, which shall survive the
2 death of the wrongdoer whether or not the death of the wrongdoer occurred before
3 or after the death of the injured person.

NOTE: 1999 Wis. Act 85, a revisor's correction bill, renumbered s. 895.01 (1) into
15 16 paragraphs for the purpose of subdividing a long provision into tabular form consistent
with current style. The first 15 of these paragraphs, s. 895.01 (1) (intro.) and (a) to (n),
had originally been an introductory clause and a list of phrases introduced by that clause
that together made up the first sentence of the subsection, while the final paragraph, s.
895.01 (1) (o), had originally stood as a separate, second sentence of the subsection. The
comma and "which" that are stricken above were added to s. 895.01 (1) (o) to allow for
proper sentence agreement with s. 895.01 (1) (intro.). The Wisconsin supreme court in
the case of *Lornson v. Siddiqui*, 2007 WI 92, found that the addition of the comma and
"which" rendered the provision ambiguous as to whether a wrongful death claim survived
both the death of the wrongdoer and that of the claimant. The court concluded, however,
that no substantive change was intended. Consistent with *Lornson* and to confirm that
no substantive change was intended by Act 85, this bill removes the comma and the word
"which" from s. 895.01 (1) (o) and renumbers the paragraphs of s. 895.01 (1) to organize
the material they contain in the same way it was organized in the two sentences that
existed prior to Act 85.

(intro.) and

(a) to (o)

***NOTE: Please review change to numbering. Please review note, which has been
changed from original version. I made most of the changes, to make the background
explanation clearer and to adjust for the renumbering of all the paragraphs rather than
just par. (o), but Debora Kennedy made a couple of changes too, to make the discussion
of the court opinion clearer. OK?

***NOTE: Bob Nelson and Debora Kennedy wondered whether it is necessary to
change the current form of the provision, seeing that the court has determined that it
means nothing different than it meant in its previous form. (However, neither of them
thought that making the change would cause any problems.)

4

(END)

People shouldn't have
to read the court
case to see the
meaning if that can
be avoided.
Seems to me the court gave
us the roadmap for
making it right.

Please return to LRB when you have completed review.

2007 - 2008 LEGISLATURE

LRB-29570 e P1

BEM
js

SAV
xref

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisors bill
Do NOT GEN CAT
Do NOT SORT

1

AN ACT ... relating to: ???

Ins A

Analysis by the Legislative Reference Bureau

Ins B

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

2

INS C

(END)

1

2

3

ORIGINAL VERSION

4

AN ACT relating to: renumbering and amending a provision of the statutes for
the purpose of eliminating ambiguities (Revisor's Correction Bill).

5

Analysis by the Legislative Reference Bureau

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. This bill is not intended to make any substantive changes.

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

6

SECTION 1. 895.01 (1) (o) of the statutes is renumbered 895.01 (1m) and

7

amended to read:

8

895.01 (1m) Causes of action for wrongful death, which shall survive the death

9

of the wrongdoer whether or not the death of the wrongdoer occurred before or after

10

the death of the injured person.

NOTE: 1999 Wis. Act 85, a revisor's correction bill, renumbered both sentences of s. 895.01 (1) into paragraphs for the purpose of subdividing a long provision into tabular form consistent with current style. In doing so, the above sentence was incorporated as one of the paragraphs of subsection (1), the remainder of which were individual clauses in the first sentence of then existing subsection (1). The comma and "which" that are stricken above were added to allow for proper sentence agreement with s. 895.01 (1) (intro.), as renumbered by Act 85. The supreme court in the case of *Lornson v. Siddiqui*, 2007 WI 92, found that the insertion of the comma and "which" rendered the provision ambiguous as to whether a substantive change had been made as a result. The court concluded that no change was intended. Consistent with *Lornson* this bill renumbers the above sentence to a separate subsection to confirm that no substantive change was intended by Act 85, restoring the language as it existed prior to Act 85 and separating the two sentences of subsection (1) as they existed prior to Act 85.

11

12

1 REVISED VERSION

INS A

2 AN ACT relating to: renumbering and amending a provision of the statutes for
3 the purpose of eliminating ambiguities (Revisor's Correction Bill).

Analysis by the Legislative Reference Bureau

INS B

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. This bill is not intended to make any substantive changes.

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

INS C

4 SECTION 2. 895.01 (1) (intro.) and (a) to (n) of the statutes are renumbered
5 895.01 (1) (a) (intro.) and 1. to 14.

NOTE: See note following next SECTION.

***NOTE: I added this section and note. Please review.

6 SECTION 3. 895.01 (1) (o) of the statutes is renumbered 895.01 (1) (b) and
7 amended to read:

8 895.01 (1) (b) Causes of action for wrongful death, ~~which~~ shall survive the
9 death of the wrongdoer whether or not the death of the wrongdoer occurred before
10 or after the death of the injured person.

NOTE: 1999 Wis. Act 85, a revisor's correction bill, renumbered s. 895.01 (1) into 16 paragraphs for the purpose of subdividing a long provision into tabular form consistent with current style. The first 15 of these paragraphs, s. 895.01 (1) (intro.) and (a) to (n), had originally been an introductory clause and a list of phrases introduced by that clause that together made up the first sentence of the subsection, while the final paragraph, s. 895.01 (1) (o), had originally stood as a separate, second sentence of the subsection. The comma and "which" that are stricken above were added to s. 895.01 (1) (o) to allow for proper sentence agreement with s. 895.01 (1) (intro.). The Wisconsin supreme court in the case of *Lornson v. Siddiqui*, 2007 WI 92, found that the insertion of the comma and "which" rendered the provision ambiguous as to whether a wrongful death claim survived both the death of the wrongdoer and that of the claimant. The court concluded, however, that no substantive change was intended. Consistent with *Lornson* and to confirm that no substantive change was intended by Act 85, this bill removes the comma and the word "which" from s. 895.01 (1) (o) and renumbers the paragraphs of s. 895.01 (1) to separate them into the two sentences that existed prior to Act 85.

addition

organize

***NOTE: Please review change to numbering. Please review note, which has been changed from original version. I made most of the changes, to make the background

the material they contain in the same way it was organized in



explanation clearer and to adjust for the renumbering of all the paragraphs rather than just par. (o), but Debora Kennedy made a couple of changes too, to make the discussion of the court opinion clearer. OK?

****NOTE: Bob Nelson and Debora Kennedy wondered whether it is necessary to change the current form of the provision, seeing that the court has determined that it means nothing different than it meant in its previous form. (However, neither of them thought that making the change would cause any problems.)

end Ins C

stays

P2
e

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisor's bill
Do NOT Gen Cat
Do NOT Sort

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2 the purpose of eliminating ambiguities (Revisor's Correction Bill).

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4 895.01 (1) (a) (intro.) and 1. to 14.

NOTE: See note following next SECTION.

****NOTE: I added this section and note. Please review.

5 SECTION 2. 895.01 (1) (o) of the statutes is renumbered 895.01 (1) (b) and
6 amended to read:

bm

bm

1 895.01 (1) (b) Causes of action for wrongful death, which shall survive the
 2 death of the wrongdoer whether or not the death of the wrongdoer occurred before
 3 or after the death of the injured person.

NOTE: 1999 Wis. Act 85, a revisor's correction bill, renumbered s. 895.01 (1) into 16 paragraphs for the purpose of subdividing a long provision into tabular form consistent with current style. The first 15 of these paragraphs, s. 895.01 (1) (intro.) and (a) to (n), had originally been an introductory clause and a list of phrases introduced by that clause that together made up the first sentence of the subsection, while the final paragraph, s. 895.01 (1) (o), had originally stood as a separate, second sentence of the subsection. The comma and "which" that are stricken above were added to s. 895.01 (1) (o) to allow for proper sentence agreement with s. 895.01 (1) (intro.). The Wisconsin supreme court in the case of *Lornson v. Siddiqui*, 2007 WI 92, found that the addition of the comma and "which" rendered the provision ambiguous as to whether a wrongful death claim survived both the death of the wrongdoer and that of the claimant. The court concluded, however, that no substantive change was intended. Consistent with *Lornson* and to confirm that no substantive change was intended by Act 85, this bill removes the comma and the word "which" from s. 895.01 (1) (o) and renumbers the paragraphs of s. 895.01 (1) to organize the material they contain in the same way it was organized in the two sentences that existed prior to Act 85.

Section

an introduction and 15

as renumbered

as renumbered

(intro.) and (a) to (o)

contained in those provisions

had been

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4

(END)

of the note

I transferred your markup to a clean copy to make it easier to read for the typists. I also made minor adjustments to your rewrite to fix some gaps in expression. Please review.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisor's bill
Do NOT Sort
Do NOT Gen Cat

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4 895.01 (1) (am) (intro.) and 1. to 14.

NOTE: See note following next SECTION.

5 SECTION 2. 895.01 (1) (o) of the statutes is renumbered 895.01 (1) (bm) and
6 amended to read:

7 895.01 (1) (bm) Causes of action for wrongful death, which shall survive the
8 death of the wrongdoer whether or not the death of the wrongdoer occurred before
9 or after the death of the injured person.

5

NOTE: 1999 Wis. Act 85, a revisor's correction bill, renumbered s. 895.01 (1) into an introduction and 15 paragraphs for the purpose of subdividing a long provision into tabular form consistent with current style. Section 895.01 (1) (intro.) and (a) to (n), as renumbered had originally been an introductory clause and a list of phrases introduced by that clause that together made up the first sentence of the subsection, while s. 895.01 (1) (o), as renumbered, had originally stood as a separate, second sentence. The comma and "which" that are stricken above were added to s. 895.01 (1) (o) to allow for proper sentence agreement with s. 895.01 (1) (intro.). The Wisconsin supreme court in the case of *Lornson v. Siddiqui*, 2007 WI 92, found that the addition of the comma and "which" rendered the provision ambiguous as to whether a wrongful death claim survived both the death of the wrongdoer and that of the claimant. The court concluded, however, that no substantive change was intended. Consistent with *Lornson* and to confirm that no substantive change was intended by Act 85, this bill removes the comma and the word "which" from s. 895.01 (1) (o) and renumbers s. 895.01 (1) (intro.) and (a) to (o) to organize the material contained in those provisions in the same way it had been organized in the two sentences that existed prior to Act 85.

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1

(END)

↑

stays



WISCONSIN LEGISLATIVE COUNCIL

PRELIMINARY AGENDA

LAW REVISION COMMITTEE

(Sen. Tim Carpenter and Rep. Scott Suder, Co-Chairs)

October 23, 2007

Room 328 Northwest
State Capitol

9:00 a.m.* CALL TO ORDER AND ROLL CALL.

9:05 a.m. INTRODUCTION OF REVISOR'S CORRECTION BILLS:

- LRB-0495/1
- LRB-0496/1
- LRB-0530/1
- LRB-2078/1
- LRB-2079/1
- LRB-2957/1

*Jacket
introduction
(call for senate)*

*per
Don Dyke
10-26-07*

REVIEW AND INTRODUCTION OF PROPOSED STATE AGENCY REMEDIAL LEGISLATION:

- Department of Health and Family Services (10 drafts)
- Department of Administration (2 drafts)
- Department of Commerce (10 drafts)
- Department of Public Instruction (1 draft)
- Department of Regulation and Licensing (1 draft)
- Office of State Employment Relations (2 drafts)

PLANS FOR FUTURE MEETINGS.

11:00 a.m. ADJOURNMENT.

Other committee members: Sens. Grothman and Sullivan; and Reps. Hubler and Roth.