

*1999 DRAFTING REQUEST***Bill**Received: **10/25/1999**Received By: **nelsorpl**Wanted: **As time permits**

Identical to LRB:

For: **Tom Sykora (608) 266-1194**By/Representing: **Don Dyke**

This file may be shown to any legislator: NO

Drafter: **nelsorpl**

May Contact:

Alt. Drafters:

Subject: **Courts - immunity liability**Extra Copies: **Don Dyke, LC****Pre Topic:**

No specific pre topic given

**Topic:**

Noneconomic damages in wrongful death actions

**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>Reauired</u>
/1	nelsorp 1 11/02/1999	jpgeller 11/04/1999	martykr 11/04/1999	_____	lrb-docadmin 11/04/1999		S&L
/2	nelsorp 1 11/04/1999	jpgeller 11/04/1999	mclark 11/05/1999	_____	lrb-docadmin 11/05/1999		S&L
/3	nelsorp 1 11/05/1999	jpgeller 11/05/1999	martykr 11/05/1999	_____	lrb-docadmin 11/05/1999	lrb_docadmin	S&L 11/23/1999

FE Sent For: **11/23/1999.** (1/3)

&lt;END&gt;

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*11/23  
(9/3 on version)*

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*13 11/5 jg* *dm 11/5* *dm 11/5*

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11/4 Don Dyke - limit to loss of society & companionship & to actions commenced on the effective date.

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1/2 11/4 jlg

MRC  
11/4

MRC/JF  
11/5  
<END>

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/?	nelsorp 1	11/3 jlg	10/21/4	11/11/4 KM			

FE Sent For:

<END>

Loss of Sec. ~~of~~ <sup>parent</sup> danger  
not economic danger

Stefora - wrongful death  
is not wrongful

- Adult child  
re-parent to sue

- Adult parent to sue  
re: ~~the~~ adult child

SEP 655.016

Wants an <sup>extra</sup> app

parent to <sup>look at</sup> app  
ACR pg

Actions commenced on effective  
date



The following information is provided for your reference. It is intended to be a general overview of the project and does not constitute a contract. The actual terms and conditions of the project will be set forth in the contract documents.

The project is a multi-phase initiative designed to improve the efficiency and effectiveness of our operations. It will involve the implementation of new technology, the restructuring of our organizational chart, and the hiring of additional staff.

The project is currently in the planning phase. We have identified the key areas that need to be addressed and have developed a preliminary budget. We are now seeking qualified individuals to lead the project and manage the implementation.

The successful candidate will be responsible for the following tasks:

- Developing a detailed project plan and timeline.
- Identifying and securing the necessary resources.
- Managing the project budget and ensuring that it is within the approved limits.
- Communicating the project status and progress to the relevant stakeholders.
- Monitoring the project progress and making adjustments as needed.

We are looking for someone who is highly organized, detail-oriented, and has a proven track record in project management. If you are interested in this position, please submit your resume and cover letter to the Human Resources Department.

We are an equal opportunity employer. We do not discriminate on the basis of race, gender, age, or any other protected characteristics.

If you have any questions about this position or the project, please contact the Human Resources Department at [phone number] or [email address].

Thank you for your interest in this opportunity.



*JLg*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

*gen cat*

1 AN ACT . . . relating to: claims for noneconomic damages in medical malpractice  
2 cases.

***Analysis by the Legislative Reference Bureau***

Under current law, as stated in *In re Wells*, 174 Wis. 2d 503 (Ct. App. 1993), a parent does not have the right to recover for the loss of society and companionship of an adult child who died as the result of medical malpractice. This bill provides that a parent does have the right to recover for noneconomic damages (which include&he loss of society and companionship) if the parent's adult child is injured or dies as the result of medical malpractice.

Under current law, as stated in *Dzidosz v. Zirneski*, 177 Wis. 2d 59 (Ct. App. 1993), an adult child does not have the right to recover for the loss of society and companionship of a parent who died as the result of medical malpractice. This bill provides that an adult child does have the right to recover for noneconomic damages (which include&he loss of society and companionship) if the adult child's parent is injured or dies as the result of medical malpractice.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 655.018 of the statutes is created to read:





58 on (u)4)

# 1999 BILL

Regen

1  
2

**AN ACT to create** 655.018 of the statutes; **relating to:** claims for ~~noneconomic~~ *loss of society and companionship* damages in medical malpractice cases.

### ***Analysis by the Legislative Reference Bureau***

Under current law, as stated in *In re Wells*, 174 Wis. 2d 503 (Ct. App. 1993), a parent does not have the right to recover for the loss of society and companionship of an adult child who died as the result of medical malpractice. This bill provides that a parent does have the right to recover for ~~noneconomic damages (which include the~~ loss of society and companionship if the parent's adult child is injured or dies as the result of medical malpractice.

Under current law, as stated in *Dziadosz v. Zirneski*, 177 Wis. 2d 59 (Ct. App. 1993), an adult child does not have the right to recover for the loss of society and companionship of a parent who died as the result of medical malpractice. This bill provides that an adult child does have the right to recover for ~~noneconomic damages (which include the~~ loss of society and companionship if the adult child's parent is injured or dies as the result of medical malpractice.

For further information **see** the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

**3** - **SECTION 1.** 655.018 of the statutes is created to read:

BILL

*by parent or adult child*

SECTION 1

*loss of society and companionship*

*(B)*

1 **655.018 Claim for ~~noneconomic~~ damages.** *(1) In this section "noneconomic*  
2 *damages" has the meaning given in s. 893.55(4)(a).* *No TP*

3 ~~If~~ *If* a parent is injured or dies as the result of medical malpractice, the adult  
4 child of that parent has a cause of action for ~~noneconomic~~ *for loss of society and companionship* damages against the person  
5 who committed the medical malpractice. If an adult child is injured or dies as the  
6 result of medical malpractice, the parent of that adult child has a cause of action for  
7 ~~noneconomic~~ *for loss of society and companionship* damages against the person who committed the medical malpractice.

8 The amount recoverable under this section is subject to the limit under s. 893.55 (4)

9 (d). This section does not affect any other claim available under this chapter.

10 (END)

*insert 2-9*

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3806/2ins  
RPN:jlg:km

1 *insert 2-9*

2 SECTION **1. Initial applicability.**

3 (1) This act first applies to actions commenced on the effective date of this  
4 subsection. ✓



# 1999 BILL

Regen

1 AN ACT to **create** 655.018 of the statutes; **relating to:** claims for loss of society  
2 and companionship in medical malpractice cases.

---

### **Analysis by the Legislative Reference Bureau**

X Under current law, as stated in *In re Wells*, 174 Wis. 2d 503 (Ct. App. 1993), a parent does not have the right to recover for the loss of society and companionship of an adult child who died as the result of medical malpractice. This bill provides that a parent does have the right to recover for loss of society and companionship if the parent's adult child ~~is injured or~~ dies as the result of medical malpractice.

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For further information see the **state and** local fiscal estimate, which will be printed as an appendix to this bill.

---

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

3 SECTION 1. 655.018 of the statutes is created to read:



## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Friday, November 05, 1999 12:02 PM  
**To:** Dyke, Don  
**cc:** Nelson, Robert P.  
**Subject:** 99-3806/3



99 3806/3

*Mike Barman*

Mike Barman - Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau • Legal Section • Front Office  
100 N. Hamilton Street • 5th Floor  
Madison, WI 53703

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 11/05/1999

**To:** Representative Sykora

**Relating to LRB drafting number:** LRB-3806

**Topic**

Noneconomic damages in wrongful death actions

**Subject(s)**

Courts - immunity liability

1. **JACKET** the draft for introduction Tom Sykora  
in the Senate or the Assembly  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Tom Sykora 11/23 sent

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney  
Telephone: (608) 267-75 11