

2003 DRAFTING REQUEST

Senate Amendment (SA-SB336)

Received: 02/25/2004

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Charles Chvala (608) 266-9170

By/Representing: Maribeth (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - decisionmaking

Extra Copies:

Submit via email: YES

Requester's email: Sen.Chvala@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Views of family members may override living will and anatomical gift

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>
/?							
/1	dkennedy 02/26/2004	csicilia 02/26/2004	jfrantze 02/26/2004	_____	sbasford 02/26/2004	sbasford 02/26/2004	

FE Sent For:

<END>

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FE Sent For:

<END>

DAK

Amendment Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

to Senate Bill 336

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 2-25-04

Legislator, agency, or other person requesting this draft Senator Chvala

Person submitting request (name and phone number) Maribeth Witzel-Behl 266-9170

Persons to contact for questions about this draft (names and phone numbers) Maribeth 266-9170

Describe the problem, including any helpful examples. How do you want to solve the problem?

Add a check-off box to the Living Will that says "Notwithstanding the views of my family members." Allow the individual to specify on the living will that it may be overridden by their spouse, parents, siblings, children, and/or a specifically named individual.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why Needed for Session Thursday

Should we give this request priority over any pending request of this legislator, agency, or person? YES NO



NOW
State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2352/1

DAK.....

js

**SENATE AMENDMENT,
TO 2003 SENATE BILL 336**

bill list ✓

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

2 **1.** Page 1, line 2: after "will" insert "and authorizing the overriding of a living
3 will and anatomical gift".

4 **2.** Page 3, line 14: after that line insert:

plain quote →

5 "4. REGARDLESS OF ANY OTHER PROVISION IN THIS LIVING WILL,
6 ANY OF THE FOLLOWING PERSONS FOR WHOM I HAVE CHECKED ANY OF
7 THE FOLLOWING BOXES MAY, IN THE ORDER OF THE FOLLOWING BOXES,
8 OVERRIDE ANY OF THE DIRECTIONS THAT I HAVE MADE IN THIS LIVING
9 WILL:

10 (Name of the person).

11 My spouse, if any.

12 My children, if any, in order of age, oldest first.

13 My parents, if any, my mother first.

*score
all
except
where
otherwise
noted*

1 My siblings, if any, in order of age, oldest first.

2 My niece or nephew, if any, in order of age, oldest first.

3 IF I HAVE NOT CHECKED ANY OF THE ABOVE BOXES IN THIS
4 SECTION, NO ONE MAY OVERRIDE ANY OF THE DIRECTIONS THAT I HAVE
5 MADE IN THIS LIVING WILL.

6 3. Page 6, line 24: after that line insert:

plain quote ->

7 "REGARDLESS OF ANY OTHER PROVISION IN THIS DOCUMENT
8 REGARDING AN ANATOMICAL GIFT, ANY OF THE FOLLOWING PERSONS
9 FOR WHOM I HAVE CHECKED ANY OF THE FOLLOWING BOXES MAY, IN THE
10 ORDER OF THE FOLLOWING BOXES, OVERRIDE ANY OF THE DIRECTIONS
11 THAT I HAVE MADE REGARDING AN ANATOMICAL GIFT BY THIS
12 DOCUMENT:

13 (Name of the person).

14 My spouse, if any.

15 My children, if any, in order of age, oldest first.

16 My parents, if any, my mother first.

17 My siblings, if any, in order of age, oldest first.

18 My niece or nephew, if any, in order of age, oldest first.

19 IF I HAVE NOT CHECKED ANY OF THE ABOVE BOXES IN THIS
20 SECTION, NO ONE MAY OVERRIDE ANY OF THE DIRECTIONS THAT I HAVE
21 MADE REGARDING AN ANATOMICAL GIFT BY THIS DOCUMENT.

22 4. Page 6, line 1: delete "immediately above" and substitute "regarding an
23 anatomical gift".

24 5. Page 6, line 3: after that line insert:

Score all except where otherwise noted

Score all except where otherwise indicated

lines

lines or boxes

← plain quote
← plain period

STET: leave as typed

← plain quote
← plain period

score period

the overriding

1
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9

“SECTION 1m. 154.05 (1) (e) of the statutes is created to read:

154.05 (1) (e) By ~~authorizing~~ ^{of} in the declaration ^{by} an individual to override any of the directions made by the declarant in the declaration.”

authorized
~~in the declaration~~
in the declaration

6. Page 7, line 4: after that line insert:

“SECTION 3m. 157.06 (2) (h) of the statutes is amended to read:

157.06 (2) (h) ~~An~~ Except as specifically provided in a declaration under s. 154.03, an anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor’s death.”

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305; 1999 a. 83; 2001 a. 103.

10

(END)