

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

LRB-2108/1dn
MES:wlj:pg

February 24, 2003

Representative Wieckert:

It is my understanding that in some cases, such as a situation in which an individual is hospitalized following an automobile accident, his or her organs are harvested immediately *after* the individual's death. As drafted, such an individual's estate would not be eligible to claim the subtract modification. I believe this reflects your intent, but I just want to make sure that the draft *does* reflect your intent on this point.

Under the definition of "human organ" in s. 146.345 (1) (a), it is unclear to me whether a human ova would fit the definition. It appears that it may depend on whether the Department of Health and Family Services has specified an ova as an organ under s. 146.345 (1) (a). You may want to discuss this issue with individuals in the medical profession or with DHFS. Please let me know if you would like the draft changed to be more precise on this issue or if you would like any other changes made to the draft.

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