

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0425/1dn
DAK:lmk:ch

December 30, 2005

To Representative Wieckert:

1. This substitute amendment is drafted from the December 13, 2005, memo of Dick Sweet (Dick Sweet memo), from a December 20, 2005, e-mail to Dick from Pete Christianson (Christianson e-mail) that summarizes comments received from numerous sources, and from a conference call of December 20, 2005.
2. I am drafting this material in preliminary form, to permit it to be reviewed as quickly as possible and because I have not yet received from the Wisconsin Hospitals Association confirmation on certain changes to s. 157.06 (4r) (a) that Jodi Bloch proposed in her e-mail to Scott Becher of December 15, 2005, as contained in point E. of the Christianson e-mail.
3. In s. 157.06 (4r) (b), this substitute amendment requires, for a death that occurs outside a hospital, that any referral to a tissue bank made by a coroner or medical examiner be to a tissue bank with which the coroner or medical examiner has a written agreement after having considered certain factors. Is it contemplated that each referral will require a separate agreement? If not, how do you intend that this requirement affect any current agreements that coroners or medical examiners may have with tissue banks? If you intend that those agreements be reconsidered in light of the substitute amendment's requirements, there may be an impairment of contract problem. One way to deal with such a problem would be to apply the requirement only to new contracts or to renewals of existing contracts. Please advise.
4. I drafted s. 157.06 (4m) (cm) as a response to the fourth bullet point under *Removal of Organs* of the Dick Sweet memo. If, however, this provision was intended to replace, rather than augment, any part of s. 157.06 (4m) (such as s. 157.06 (4m) (d), which is written to apply to cardiovascular tissue and not to organs), please let me know and I will redraft.

Please let me know if I may provide further assistance with this draft.

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