

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB126)

Received: 07/26/2007

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Fred Risser (608) 266-1627

By/Representing: Sarah

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies:

Submit via email: YES

Requester's email: Sen.Risser@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notice of claim, medical malpractice

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>
/?							
/P1	rnelson2 07/26/2007	jdyer 07/27/2007	jfrantze 07/27/2007	_____	sbasford 07/27/2007		
/1	rnelson2 08/15/2007	jdyer 08/16/2007	nmatzke 08/16/2007	_____	cduerst 08/16/2007	cduerst 08/16/2007	

FE Sent For:

<END>

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB126)

Received: 07/26/2007

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Fred Risser (608) 266-1627

By/Representing: Sarah

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies: Ron St. Castry, LC
BAB

Submit via email: YES

Requester's email: Sen.Risser@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notice of claim, medical malpractice

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?		1/8/16 jld	nwn 8/16	nwn/cd 8/16			
/P1	rnelson2 07/26/2007	jdyer 07/27/2007	jfrantze 07/27/2007		sbasford 07/27/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB126)

Received: 07/26/2007

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Fred Risser (608) 266-1627

By/Representing: Sarah

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies: BAB

Submit via email: YES

Requester's email: Sen.Risser@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notice of claim, medical malpractice

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>
/?	rnelson2	/P1 7/27 jld		J. Bell 7/27			

FE Sent For:

<END>

Nelson, Robert P.

From: Briganti, Sarah
Sent: Thursday, July 26, 2007 11:08 AM
To: Nelson, Robert P.
Subject: SB 126 Amendment Request

Attachments: Amendment to SB 126.doc

Bob,

Senator Risser would like to have the attached languaged drafted as an amendment to Senate Bill 126. Please let me know if you have any questions.

Thanks,

Sarah Briganti
Office of Senator Risser



Amendment to SB
126.doc (27 KB...

Amendment to SB 126

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

SECTION 1. 893.82 (5m) of the statutes is amended to read:

893.82 **(5m)** With regard to a claim to recover damages for medical malpractice, the time periods under subs. (3), (3m), and (4) ~~shall be 180 days after discovery of the injury or the date on which, in the exercise of reasonable diligence, the injury should have been discovered, rather than 120 days after the event causing the injury for serving a notice of a claim upon the attorney general do not apply.~~ The time periods that apply to commencing an action against a state officer, employee, or agent for damages for medical malpractice are the time periods under s. 893.55 (1m), (2), ~~3~~ and s. 893.56.

Section 2. 893.80 **(1m)** With regard to a claim to recover damages for medical malpractice, the time period under sub. (1) (a) ~~shall be 180 days after discovery of the injury or the date on which, in the exercise of reasonable diligence, the injury should have been discovered, rather than 120 days after the happening of the event giving rise to the claim.~~ for serving a notice of claim upon the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11 do not apply. The time periods that apply to commencing an action against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment for damages for medical malpractice are the time periods under s. 893.55 (1m), (2), ~~3~~ and s. 893.56.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBs0118/z
RPN:.....

PI

v Note

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO 2007 SENATE BILL 126

Gen

1 AN ACT ...; relating to: notification to the state and certain public agencies
2 regarding a medical malpractice claim. ✓

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

3 SECTION 1. 893.80 (1m) ✓ of the statutes is amended to read:
4 893.80 (1m) With regard to a claim to recover damages for medical malpractice,
5 the time period under sub. (1) (a) shall be 180 days after discovery of the injury or
6 the date on which, in the exercise of reasonable diligence, the injury should have been
7 discovered, rather than 120 days after the happening of the event giving rise to the
8 claim for serving a claim under s. 801.11 ✓ do not apply. The time periods that apply
9 for commencing an action under this section ✓ for damages for medical malpractice are
10 the time periods under ss. 893.55 (1m), (2), ✓ and (3) ✓ and 893.56. ✓

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 218; 1977 c. 285, 447; 1979 c. 34; 1979 c. 323 s. 29; Stats. 1979 s. 893.80; 1981 c. 63; 1985 a. 340; 1987 a. 377; 1993 a. 139; 1995 a. 6, 158, 267; 1997 a. 27; 2005 a. 281.

1
2
3
4
5
6
7
8
9
10
11
12

SECTION 2. 893.82 (5m) of the statutes is amended to read:

893.82 (5m) With regard to a claim to recover damages for medical malpractice, the time periods under subs. (3), (3m) and (4) shall be 180 days after discovery of the injury or the date on which, in the exercise of reasonable diligence, the injury should have been discovered, rather than 120 days after the event causing the injury for servicing a notice of claim upon the attorney general do not apply. The time periods for commencing an action under this section for damages for medical malpractice are the time periods under ss. 893.55 (1m), (2) and (3) and 893.56.

History: 1973 c. 333; 1977 c. 29; 1979 c. 221; 1979 c. 323 s. 30; 1979 c. 355; Stats. 1979 s. 893.82; 1983 a. 27; 1985 a. 66, 340; 1987 a. 342; 1987 a. 403 s. 256; 1989 a. 187, 206, 359; 1991 a. 39, 269; 1993 a. 27, 28; 1995 a. 158, 201; 1997 a. 133; 2003 a. 111; 2005 a. 96.

SECTION 3. Initial applicability.

(1) This act first applies to acts or omissions that occur on the effective date of this subsection.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0118/dn

RPN:.....

date

A
JK

I rewrote the language, hopefully to clarify the meaning without making any change in the policy of your request. Is the language okay? ✓

I added an initial applicability section. ✓

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

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

LRBs0118/P1dn
RPN:jld:jf

July 27, 2007

I rewrote the language, hopefully to clarify the meaning without making any change in the policy of your request. Is the language okay?

I added an initial applicability section.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

Nelson, Robert P.

From: Briganti, Sarah
Sent: Wednesday, August 15, 2007 11:42 AM
To: Nelson, Robert P.
Subject: SA to SB 126

Attachments: Amendment to SA to SB126.pdf

Bob,

Thank you for drafting the SA to SB 126 (LRB s0118/P1).

After sharing the sub with the parties involved, we have decided to make additional changes. I have attached the suggested changes.

Please let me know if you have any questions.

Sarah



Amendment to SA
to SB126.pdf (...)

Sarah Briganti
Legislative Assistant
Office of State Senator Fred Risser
220 South, State Capitol
PO Box 7882
Madison, WI 53707
(608)266-1627

Sub And
SB 126

Sen Kisser
Ron Stlausty

AN ACT to amend 893.80 (1m) and 893.82 (5m) of the statutes; relating to: notification to the state and certain public agencies regarding a medical malpractice claim.

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

SECTION 1. 893.80 (1m) of the statutes is amended to read:

With regard to a claim to recover damages for medical malpractice, the provisions of subsections (1)(a) and (1)(b) do not apply. the time period under sub. (1) (a) shall be 180 days after discovery of the injury or the date on which, in the exercise of reasonable diligence, the injury should have been discovered, rather than 120 days after the happening of the event giving rise to the claim. The time periods that apply for commencing an action under this section for damages for medical malpractice are the time periods under ss. 893.55 (1m), (2), and (3) and 893.56.

SECTION 2. 893.82 (5m) of the statutes is amended to read:

893.82 (5m) With regard to a claim to recover damages for medical malpractice, the provisions of subs. (3), (3m), and (4) do not apply. shall be 180 days after discovery of the injury or the date on which, in the exercise of reasonable diligence, the injury should have been discovered, rather than 120 days after the event causing the injury. The time periods for commencing an action under this section for damages for medical malpractice are the time periods under ss. 893.55 (1m), (2), and (3) and 893.56.

SECTION 3. Initial applicability.

(1) This act first applies to acts or omissions that occur on the effective date of this subsection.

(END)



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**SENATE SUBSTITUTE AMENDMENT ,
TO 2007 SENATE BILL 126**

Reger

1 AN ACT *to amend* 893.80 (1m) and 893.82 (5m) of the statutes; **relating to:**
2 notification to the state and certain public agencies regarding a medical
3 malpractice claim.

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

4 SECTION 1. 893.80 (1m) of the statutes is amended to read:

5 893.80 (1m) With regard to a claim to recover damages for medical malpractice,
6 the ~~time period under~~ ^{provisions of} sub. (1) (a) shall be 180 days after discovery of the injury or
7 the date on which, in the exercise of reasonable diligence, the injury should have been
8 discovered, rather than 120 days after the happening of the event giving rise to the
9 claim ~~for serving a claim under s. 801.10~~ do not apply. The time periods that apply
10 for commencing an action under this section for damages for medical malpractice are
11 the time periods under ss. 893.55 (1m), (2), and (3) and 893.56.

1 SECTION 2. 893.82 (5m) of the statutes is amended to read:

2 893.82 (5m) With regard to a claim to recover damages for medical malpractice,
 3 the [✓]time periods ^{provisions of} under subs. (3), (3m), and (4) shall be 180 days after discovery of the
 4 injury or the date on which, in the exercise of reasonable diligence, the injury should
 5 have been discovered, rather than 120 days after the event causing the injury for
 6 ✓ serving a notice of claim upon the attorney general do not apply. The time periods
 7 for commencing an action under this section for damages for medical malpractice are
 8 the time periods under ss. 893.55 (1m), (2), and (3) and 893.56.

9 SECTION 3. Initial applicability.

10 (1) This act first applies to acts or omissions that occur on the effective date of
 11 this subsection.

12 (END)