

State of Wisconsin



2007 Senate Bill 305

Date of enactment: **March 13, 2008**

Date of publication*: **March 27, 2008**

2007 WISCONSIN ACT 101

AN ACT relating to: renumbering and amending a provision of the statutes for the purpose of eliminating ambiguities (Revisor's Correction Bill).

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

SECTION 1. 895.01 (1) (intro.) and (a) to (n) of the statutes are renumbered 895.01 (1) (am) (intro.) and 1. to 14.

NOTE: See note following next SECTION.

SECTION 2. 895.01 (1) (o) of the statutes is renumbered 895.01 (1) (bm) and amended to read:

895.01 (1) (bm) Causes of action for wrongful death, ~~which~~ shall survive the death of the wrongdoer whether or not the death of the wrongdoer occurred before or after the death of the injured person.

NOTE: 1999 Wis. Act 85, a revisor's correction bill, renumbered s. 895.01 (1) into an introduction and 15 paragraphs for the purpose of subdividing a long provision into tabular form consistent with current style. Section 895.01 (1)

(intro.) and (a) to (n), as renumbered, had originally been an introductory clause and a list of phrases introduced by that clause that together made up the first sentence of the subsection, while s. 895.01 (1) (o), as renumbered, had originally stood as a separate, second sentence. The comma and "which" that are stricken above were added to s. 895.01 (1) (o) to allow for proper sentence agreement with s. 895.01 (1) (intro.). The Wisconsin supreme court in the case of *Lornson v. Siddiqui*, 2007 WI 92, found that the addition of the comma and "which" rendered the provision ambiguous as to whether a wrongful death claim survived both the death of the wrongdoer and that of the claimant. The court concluded, however, that no substantive change was intended. Consistent with *Lornson* and to confirm that no substantive change was intended by Act 85, this bill removes the comma and the word "which" from s. 895.01 (1) (o) and renumbers s. 895.01 (1) (intro.) and (a) to (o) to organize the material contained in those provisions in the same way it had been organized in the two sentences that existed prior to Act 85.

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].