

ASSEMBLY BILL 128 (LRB -0916)

An Act to create 59.26 (4m), 102.29 (11) and 895.46 (1) (dm) of the statutes; relating to: authorizing a sheriff to depute certain security officers who are employed by the Department of Military Affairs. (FE)

2009

03-09. A. Introduced by Representatives **Brooks, Vruwink, Ballweg, Schneider, Pridemore, M. Williams, Nerison, A. Ott, Vos, Townsend, Spanbauer and Petrowski**; cosponsored by Senators **Lassa, Schultz, Taylor, Vinehout and Kedzie**.

03-09. A. Read first time and referred to committee on Veterans and Military Affairs 97

03-11. A. Fiscal estimate received.

04-15. A. Public hearing held.

08-26. A. Assembly amendment 1 offered by Representative Brooks (**LRB a0612**) 352

08-31. A. Assembly amendment 2 offered by Representative Brooks (**LRB a0636**) 356

09-01. A. Executive action taken.

09-04. A. Report Assembly Amendment 2 adoption recommended by committee on Veterans and Military Affairs, Ayes 10, Noes 0 361

09-04. A. Report passage as amended recommended by committee on Veterans and Military Affairs, Ayes 10, Noes 0 361

09-04. A. Referred to committee on Rules 361

09-10. A. Placed on calendar 9-16-2009 by committee on Rules.

09-16. A. Read a second time 383

09-16. A. **Assembly amendment 2 adopted** 383

09-16. A. Ordered to a third reading 383

09-16. A. Rules suspended 383

09-16. A. Read a third time and **passed** 383

09-16. A. Ordered immediately messaged 383

09-17. S. Received from Assembly 312

09-23. S. Read first time and referred to committee on Veterans and Military Affairs, Biotechnology, and Financial Institutions 334

11-04. S. Public hearing held.

2010

01-20. S. Executive action taken.

01-27. S. Report concurrence recommended by committee on Veterans and Military Affairs, Biotechnology, and Financial Institutions, Ayes 5, Noes 0 519

01-27. S. Available for scheduling.

02-25. S. Placed on calendar 3-2-2010 pursuant to Senate Rule 18(1) 591

03-02. S. Senator Miller added as a cosponsor.

03-02. S. Read a second time.

03-02. S. Ordered to a third reading.

03-02. S. Rules suspended.

03-02. S. Read a third time and **concurred in**.

03-02. S. Ordered immediately messaged.

03-02. A. Received from Senate concurred in 715

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

09-0916 1

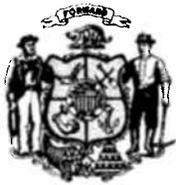
Amendments to above (if none, write "NONE"): AA2 - 20636/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-3-10
Date

JRM
Enrolling Drafter



2009 ASSEMBLY BILL 128

March 9, 2009 – Introduced by Representatives BROOKS, VRUWINK, BALLWEG, SCHNEIDER, PRIDEMORE, M. WILLIAMS, NERISON, A. OTT, VOS, TOWNSEND, SPANBAUER and PETROWSKI, cosponsored by Senators LASSA, SCHULTZ, TAYLOR, VINEHOUT and KEDZIE. Referred to Committee on Veterans and Military Affairs.

1 AN ACT *to create* 59.26 (4m), 102.29 (11) and 895.46 (1) (dm) of the statutes;
2 **relating to:** authorizing a sheriff to depute certain security officers who are
3 employed by the Department of Military Affairs.

Analysis by the Legislative Reference Bureau

Subject to the approval of the adjutant general, or his or her designee, this bill authorizes a sheriff or undersheriff to depute a security officer employed by the Department of Military Affairs to provide protection for state and federal personnel, property, and assets that are located at or near military installations and air bases in this state. Such a deputed individual is not subject to the civil service protections that apply to other deputies, and the deputed individual serves at the pleasure of the deputing authority. The deputed individual remains a state employee for all purposes and may not bring a workers compensation action against the county in which the officer provides protection services or against the deputing authority.

The bill also allows the deputed individual to be treated as a state employee for the purposes of the payment of any judgment or the payment of attorney fees and costs if the individual is sued for any act committed while carrying out the duties the individual was deputed to perform. Under the bill, the state would be responsible for those payments.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 59.26 (4m) of the statutes is created to read:

59.26 (4m) (a) The sheriff or undersheriff may depute in writing security officers employed by the department of military affairs, subject to the approval of the adjutant general or his or her designee, for the purpose of ~~providing protection for state and federal personnel, property, and assets that are located at or near military installations and air bases in this state, including any aircraft conducting air operations at or near such installations or bases.~~ The sheriff or undersheriff shall specify in writing the jurisdiction of an officer deputed under this paragraph.

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(b) The provisions of sub. (8) (b) do not apply to an individual deputed under par. (a), and such a person shall serve at the pleasure of the deputing authority.

(c) An individual deputed under par. (a) remains a state employee for all purposes.

SECTION 2. 102.29 (11) of the statutes is created to read:

102.29 (11) No security officer employed by the department of military affairs who is deputed under s. 59.26 (4m), who remains an employee of the state for purposes of worker's compensation coverage while ~~providing protection for state and federal personnel, property, and assets that are located at or near military installations and air bases in this state, including any aircraft conducting air operations at or near such installations or bases,~~ and who makes a claim for compensation under this chapter may make a claim or bring an action in tort against

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the county in which the security officer is ~~providing such protection services~~ or
2 against the sheriff or undersheriff who deputed the security officer.

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SECTION 3. 895.46 (1) (dm) of the statutes is created to read:

4

895.46 (1) (dm) All security officers employed by the department of military
5 affairs who are deputed under s. 59.26 (4m) are covered by this section while acting
6 within the scope of their duties assigned under s. 59.26 (4m), as if they were state
7 employees acting within the scope of their state employment.

8

(END)



**ASSEMBLY AMENDMENT 2,
TO 2009 ASSEMBLY BILL 128**

August 31, 2009 - Offered by Representative BROOKS.

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

2 **1.** Page 2, line 4: delete "providing protection for".

3 **2.** Page 2, line 5: delete lines 5 to 7 and substitute "conducting routine external
4 security checks around military installations in this state. The sheriff or
5 undersheriff shall".

6 **3.** Page 2, line 8: after "paragraph." insert "In this paragraph, "external
7 security checks" means a security check of areas immediately adjacent to a military
8 installation, or of critical concern to the installation's commander as determined by
9 the commander, for the sole purpose of protecting the installation's state and federal
10 personnel, assets, and equipment."

11 **4.** Page 2, line 16: delete "providing protection for state and".

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5. Page 2, line 17: delete lines 17 to 19 and substitute "conducting routine external security checks around military installations in this state, and who makes a claim for".

6. Page 3, line 1: delete "providing such protection services" and substitute "conducting routine external security checks".

(END)

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