

2019 Assembly Bill 58 (LRB -1338)

An Act to amend 893.82 (5) of the statutes; relating to: service of notice of claim against state officer, employee, or agent.

2019

03-07.	A.	Introduced by Representatives Tusler, C. Taylor, Brooks, Horlacher, Kulp, Ramthun, Rohrkaste, Spiros, Spreitzer and Vruwink ; cosponsored by Senators Risser, Stroebel, Jacque, Marklein, Nass and Olsen.	62
03-07.	A.	Read first time and referred to Committee on Judiciary	62
03-14.	A.	Public hearing held	
04-11.	A.	Executive action taken	
05-08.	A.	Report passage recommended by Committee on Judiciary, Ayes 9, Noes 0	122
05-08.	A.	Referred to committee on Rules	122
06-18.	A.	Placed on calendar 6-20-2019 by Committee on Rules	
06-20.	A.	Read a second time	194
06-20.	A.	Ordered to a third reading	194
06-20.	A.	Rules suspended	194
06-20.	A.	Read a third time and passed	194
06-20.	A.	Ordered immediately messaged	194
06-20.	S.	Received from Assembly	267
06-24.	S.	Read first time and referred to committee on Insurance, Financial Services, Government Oversight and Courts	277
07-16.	S.	Public hearing held	
09-19.	S.	Executive action taken	
09-19.	S.	Report concurrence recommended by Committee on Insurance, Financial Services, Government Oversight and Courts, Ayes 5, Noes 0	386
09-19.	S.	Available for scheduling	
11-01.	S.	Placed on calendar 11-5-2019 pursuant to Senate Rule 18(1)	473
11-05.	S.	Read a second time	
11-05.	S.	Ordered to a third reading	
11-05.	S.	Rules suspended	
11-05.	S.	Read a third time and concurrred in	
11-05.	S.	Ordered immediately messaged	
11-06.	A.	Received from Senate concurred in	362

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ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19-1338 / 1

Amendments: None or Listed below.

Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

11/11/19

Date

Enrolling Drafter



2019 ASSEMBLY BILL 58

March 7, 2019 - Introduced by Representatives TUSLER, C. TAYLOR, BROOKS, HORLACHER, KULP, RAMTHUN, ROHRKASTE, SPIROS, SPREITZER and VRUWINK, cosponsored by Senators RISSER, STROEBEL, JACQUE, MARKLEIN, NASS and OLSEN. Referred to Committee on Judiciary.

1 **AN ACT to amend** 893.82 (5) of the statutes; **relating to:** service of notice of claim
2 against state officer, employee, or agent.

Analysis by the Legislative Reference Bureau

This bill changes the requirements for service of a notice of claim against a state officer, employee, or agent. Under current law, with certain exceptions, in order to bring an action against a state officer, employee, or agent, a person must serve on the attorney general a written notice of claim within 120 days at his or her office in the capitol by certified mail. In *Sorenson v. Batchelder*, 2016 WI 34, 368 Wis. 2d 140, 885 N.W.2d 362, the Wisconsin Supreme Court held that the notice of claim statute requires strict and literal compliance and that personal service of a notice of claim does not comply with the statute. This bill changes the requirements for service of a notice of claim against a state officer, employee, or agent to allow personal service or service by certified mail upon the attorney general at the attorney general's office either in the capitol or at the Department of Justice.

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

3 **SECTION 1.** 893.82 (5) of the statutes is amended to read:
4 893.82 (5) The notice under sub. (3) shall be sworn to by the claimant and shall
5 be served upon the attorney general at his or her office in the capitol or at the

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SECTION 1

1 department of justice by personal service or by certified mail. Notice If served by
2 certified mail, notice shall be considered to be given upon mailing for the purpose of
3 computing the time of giving notice.

4 (END)