



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:

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

2 59.26 (4m) (a) The sheriff or undersheriff may depute in writing security
3 officers employed by the department of military affairs, subject to the approval of the
4 adjutant general or his or her designee, for the purpose of providing protection for
5 state and federal personnel, property, and assets that are located at or near military
6 installations and air bases in this state, including any aircraft conducting air
7 operations at or near such installations or bases. The sheriff or undersheriff shall
8 specify in writing the jurisdiction of an officer deputed under this paragraph.

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

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

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

14 102.29 (11) No security officer employed by the department of military affairs
15 who is deputed under s. 59.26 (4m), who remains an employee of the state for
16 purposes of worker's compensation coverage while providing protection for state and
17 federal personnel, property, and assets that are located at or near military
18 installations and air bases in this state, including any aircraft conducting air
19 operations at or near such installations or bases, and who makes a claim for
20 compensation under this chapter may make a claim or bring an action in tort against

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

3 **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)