

2007 DRAFTING REQUEST

Bill

Received: **11/07/2007**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Terri**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Adtl. Drafters: **rnelson2**

Subject: **Local Gov't - counties
Military Affairs - nat'l guard**

Extra Copies: **GMM**

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.wisconsin.gov**

Carbon copy (CC:) to: **mhazel@tds.net
randi.milsap@wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Allow a sheriff to depute department of military affairs security officers

Instructions:

See Attached. Allow sheriff to depute security officers employed by Dept. of Military Affairs, w/ consent of adjutant general, to provide base security.

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>
/?				_____			State
/P1	mshovers 11/14/2007 rnelson2 11/19/2007	csicilia 11/20/2007	rschluet 11/20/2007	_____	lparisi 11/20/2007		State
/1	mshovers	lkunkel	rschluet	_____	lparisi	cduerst	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/26/2007	11/26/2007	11/26/2007 _____		11/26/2007	11/26/2007	

FE Sent For: "1" @ intro. 11-26-07 <END>

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11 MES 11/26/07
11/mc 11/26

Handwritten signatures and initials, including "11267" and "JF".

FE Sent For:

<END>

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*Mark Hazelbaker
mhazel@tds.net
Randy Mitsap
Randy.mitsap@wisconsin.gov*

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/?	mshovers	/p1	gjs	11/20/07			
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[Handwritten signatures and initials over the Drafting History table]

FE Sent For:

<END>

59.26(4m) (a) The sheriff or undersheriff may depute in writing security officers employed by the department of military affairs. Such action may occur only with the consent of the adjutant general or his designee and for the limited purpose of providing protection for federal personnel, property, and assets at military installations and air bases.

(b) A person appointed under the authority of sub (a) shall hold the position of deputy sheriff on good behavior. Notwithstanding the provisions of s. 59.26(8)(b), the sheriff, undersheriff may revoke such deputy status at will.

(c) A person appointed under the authority of sub (a) remains a state employee for purposes of liability to third parties, workers compensation, disability, and unemployment compensation.

Deleted: or
Deleted: , or the department of military affairs
Deleted: ¶

895.46(d)

(1) On or after March 1, 1983, all persons employed as deputy sheriffs, as defined in s. 40.02(48)(b)3., are covered by this section. The county board shall adopt written policies for payments under this subsection on behalf of any other person, provided that person has satisfied the minimum standards of the law enforcement standards board, who serves at the discretion of the sheriff as a law enforcement officer as defined in s. 165.85(2)(c), and the county may make the payments upon approval by the county board.

(2) The protection afforded by this section applies to security officers employed by the department of military affairs and who are deputized under s. 59.26(4m), while acting within the scope of their employment or agency with the department of military affairs. Any judgment for damages or costs entered against a county or sheriff for acts or omissions of a security officer employed by the department of military affairs shall be paid by the state.

Deleted: ¶
¶

*Rand
ntil sep*

*Mark Hazelbaker -
Corp Counsel for Juneau Co.
mhazel@tds.net*

663-9790

Terri - Rep. Albers



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3468/P1
MES&RPN.....

Handwritten initials and signatures:
P1
Rmk
js

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *gen*; **relating to:** authorizing a sheriff to depute certain security officers
2 who are 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 federal personnel, property, and assets that are located at military installations and air bases in this state. Such an appointee is not subject to the civil service protections that apply to other deputies, and the appointee serves at the pleasure of the appointing authority. The appointee remains a state employee for the purposes of liability to 3rd parties, workers compensation, disability.

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

3 **SECTION 1.** 59.26 (4m) of the statutes is created to read:
4 59.26 (4m) (a) The sheriff or undersheriff may depute in writing security
5 officers employed by the Department of Military Affairs, subject to the approval of
6 the adjutant general or his or her designee, for the purpose of providing protection

SECTION 1

1 for federal personnel, property, and assets that are located at military installations
2 and air bases in this state.

3 (b) The provisions of sub. (8) (b) *and 0.59.52(8)* do not apply to an individual appointed under
4 par. (a), and such a person shall serve at the pleasure of the appointing authority.

5 (c) An individual appointed under par. (a) remains a state employee for
6 purposes of liability to third parties, workers compensation, disability, and
7 unemployment compensation.

****NOTE: Who pays such a deputy's salary? Who is responsible for his or her
pension, or medical treatment if the deputy is injured?

8 (END)



11/20 pm
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3468/P1
MES&RPN.....

Handwritten signature and initials

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Handwritten notes: "benefits and unemployment compensation", "R N", "Gen Cat"

1 AN ACT...; relating to: authorizing a sheriff to depute certain security officers
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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 federal personnel, property, and assets that are located at military installations and air bases in this state. Such an appointee is not subject to the civil service protections that apply to other deputies, and the appointee serves at the pleasure of the appointing authority. The appointee remains a state employee for the purposes of liability to 3rd parties, workers compensation, disability.

The bill also allows the appointee 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 appointee is sued for any act committed while carrying out the duties of a deputy sheriff. Under the bill, the state would be responsible for those payments.

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:

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

Handwritten notes: "deputed individual", "deputing", "third", "individual", "the individual was deputed to perform"

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3468/P1dn
MES&RPN.....

7
gs

I sent a copy of this draft to Randi Milsap and Mark Hazelbaker so they can look at the language in s. 895.46.

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

LRB-3468/P1dn
MES&RPN:cjs:rs

November 20, 2007

I sent a copy of this draft to Randi Milsap and Mark Hazelbaker so they can look at the language in s. 895.46.

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

Nelson, Robert P.

From: Griffiths, Terri
Sent: Friday, November 23, 2007 1:15 PM
To: Nelson, Robert P.
Subject: LRB 3468

Importance: High

Bob,

We need the final version of this lrb right away Monday morning as a hearing has been scheduled for 10:00 Tuesday. I hope that the changes suggested in the Mark Hazelbaker email I sent to you on Wednesday will be simple and that we can have this draft out right away.

Send the draft as a regular draft so that we may jacket for introduction.

Thank you.

Terri S. Griffiths
Office of Rep. Sheryl Albers
266-8531
877-947-0050

Nelson, Robert P.

From: Griffiths, Terri
Sent: Wednesday, November 21, 2007 11:12 AM
To: Nelson, Robert P.
Subject: FW: Comments on Draft review: LRB 07-3468/P1 Topic: Allow a sheriff to depute department of military affairs security officers

Bob,

Please see Att. Hazelbaker's comment below on the compensation issue and make changes. Thank you. Terri

From: Mark Hazelbaker [mailto:mhazel57@charter.net]
Sent: Wednesday, November 21, 2007 10:27 AM
To: Griffiths, Terri; 'skalbers'
Subject: Comments on Draft review: LRB 07-3468/P1 Topic: Allow a sheriff to depute department of military affairs security officers

The provision authoriing deputization is acceptable.

Mr. Nelson added a drafter's note asking who is respond for the deputized employee's wages, pension and medical expenses if injured. The intent is that the State would be. I think the inclusion of worker's compensation and disability benefits address injuries, but perhaps the draft should also reference compensation and retirement, or else it should say "remains a state employee for all purposes including, without limitation by enumeration, liability to third parties."

Mark Hazelbaker



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3468/P1
MES&RPN:cjs:rs

stink
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

now

[Handwritten signature]

vt

1 AN ACT to create 59.26 (4m) and 895.46 (1) (dm) of the statutes; relating to:
2 authorizing a sheriff to depute certain security officers who are employed by the
3 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 federal personnel, property, and assets that are located at 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 the purposes of ~~liability to third parties, workers compensation, disability benefits, and unemployment compensation.~~ *action against the*

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.

and may not bring a

County in which the officer provides protection services or against the deputing authority

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3468/lins/MES
MES&RPN:cjs:rs

INSERT 2-11 ✓

SECTION ~~1~~ 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 federal personnel, property, and assets that are located at military installations and air bases in this state, and who makes a claim for compensation under this chapter may make a claim or bring an action in tort against the county in which the security officer is providing such protection services or against the sheriff ^{or undersheriff} who deputed the security officer.

Duerst, Christina

From: Griffiths, Terri
Sent: Monday, November 26, 2007 11:52 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-3468/1 Topic: Allow a sheriff to depute department of military affairs security officers

Please Jacket LRB 07-3468/1 for the ASSEMBLY.

CCC to AB-590

Page 1, line 3: delete "department of military affairs" and substitute "Department of Military Affairs" ☺

Page 2, line 3: on lines 3 and 12; delete "Department of Military Affairs" and substitute "department of military affairs" ☺

(END)

bjk / 11-27-08 3468/1

2007 ASSEMBLY BILL 590

November 27, 2007 – Introduced by Representative ALBERS, cosponsored by Senator SCHULTZ. Referred to Committee on Homeland Security and State Preparedness.

- 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 federal personnel, property, and assets that are located at 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.

ASSEMBLY BILL 590

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
4 the adjutant general or his or her designee, for the purpose of providing protection
5 for federal personnel, property, and assets that are located at military installations
6 and air bases in this state.

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

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

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

12 102.29 **(11)** No security officer employed by the ~~Department of Military Affairs~~
13 who is deputed under s. 59.26 (4m), who remains an employee of the state for
14 purposes of worker's compensation coverage while providing protection for federal
15 personnel, property, and assets that are located at military installations and air
16 bases in this state, and who makes a claim for compensation under this chapter may
17 make a claim or bring an action in tort against the county in which the security officer
18 is providing such protection services or against the sheriff or undersheriff who
19 deputed the security officer.

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



State of Wisconsin
2007-2008 LEGISLATURE

CORRECTIONS IN:

2007 ASSEMBLY BILL 590

Prepared by the Legislative Reference Bureau
(November 28, 2007)

1. Page 1, line 3: delete "department of military affairs" and substitute "Department of Military Affairs".
2. Page 2, line 3: on lines 3 and 12, delete "Department of Military Affairs" and substitute "department of military affairs".

(END)