

**2009 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB20)**

Received: **04/28/2009**

Received By: **gmalaise**

Wanted: **Today**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing: **Russ Whitsel**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Discrimination**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.wisconsin.gov**

Carbon copy (CC:) to: **russ.whitesel@legis.wisconsin.gov**  
**jessica.karls@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Damages for employment discrimination; claims against the state

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**Instructions:**

See attached--redraft a0257, but delete cross reference to s. 893.80 as unnecessary

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**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>
/?	gmalaise 04/28/2009	kfollett 04/28/2009		_____			
/1			rschlue 04/28/2009	_____	mbarman 04/28/2009	mbarman 04/28/2009	

FE Sent For:

<END>

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FE Sent For:

<END>



State of Wisconsin  
2009 - 2010 LEGISLATURE

now!!!

00279/1  
LRB:02571  
GMM:jld:ph  
stays

SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2009 SENATE BILL 20

NOTE

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 4, line 14: delete "the state, any".

3 2. Page 4, line 15: delete "agency of the state, or".

4 3. Page 4, line 18: after "year." insert "Section 893.80 does not apply to actions  
5 commenced under this paragraph."

6 4. Page 7, line 13: after that line insert:

7 "SECTION 7r. 893.80 (8) of the statutes is amended to read:

8 893.80 (8) This section does not apply to actions commenced under s. 19.37,  
9 19.97, 111.397, or 281.99 or to claims against the interstate insurance product  
10 regulation commission."

11 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0279/1dn

GMM:...

*gf*

*Date*

Senator Hansen:

X This amendment should be introduced in lieu of LRBa0257/1. On further review, it is not necessary to cross-reference s. 893.80 or 893.82 because s. 893.80 applies only to claims against local governments, not to claims against the state, and s. 893.82 applies only to claims against state employees, not to claims against the state itself. *Miller v. Mauston School Dist.*, 222 Wis. 2d 540, 548, 554 (Ct. App. 1998). The substitute amendment, as amended by this amendment, authorizes claims only against the state and not against local governments or state employees. Therefore, neither s. 893.80 nor 893.82 apply to the bill anyway, so no cross-references are necessary. (I)

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0279/1dn  
GMM:kjf:rs

April 28, 2009

Senator Hansen:

This amendment should be introduced in lieu of LRBa0257/1. On further review, it is not necessary to cross-reference s. 893.80 or 893.82 because s. 893.80 applies only to claims against local governments, not to claims against the state, and s. 893.82 applies only to claims against state employees, not to claims against the state itself. *Miller v. Mauston School Dist.*, 222 Wis. 2d 540, 548, 554 (Ct. App. 1998). The substitute amendment, as amended by this amendment, authorizes claims only against the state and not against local governments or state employees. Therefore, neither s. 893.80 nor 893.82 apply to the bill anyway, so no cross-references are necessary.

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