

1985 Senate Bill 389

Date of enactment: **November 14, 1985**  
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## 1985 Wisconsin Act 66

AN ACT to amend 893.82 (3) and (6) and 895.46 (1) (e); and to create 165.25 (8) and 893.82 (2) (d) of the statutes, relating to extending the state liability insurance program to the historic sites foundation and authorizing the department of justice to represent the foundation.

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

SECTION 1. 165.25 (8) of the statutes is created to read:

165.25 (8) HISTORICAL SOCIETY CONTRACTS. In subs. (1), (6) and (6m), treat any nonprofit corporation operating a museum under a lease agreement with the state historical society as a department of state government and any official, employe or agent of such a corporation as a state official, employe or agent.

SECTION 2. 893.82 (2) (d) of the statutes is created to read:

893.82 (2) (d) "State officer, employe or agent" includes an officer, employe or agent of any nonprofit corporation operating a museum under a lease agreement with the state historical society.

SECTION 2m. 893.82 (3) and (6) of the statutes are amended to read:

893.82 (3) No civil action or civil proceeding may be brought against any state officer, employe or agent for or on account of any act growing out of or committed in the course of the discharge of the officer's, employe's or agent's duties, and no civil action or civil proceeding may be brought against any nonprofit corporation operating a museum under a lease agreement with the state historical society, unless within 120 days of the event causing the injury, damage or death giving rise to the civil action or civil proceeding, the claimant in the action or proceeding serves upon the attorney general written notice of a claim stating the time, date, location and the circumstances of the event giving rise to the claim for the injury, damage or death and the names of persons involved, including the name of the state officer, employe or agent involved. A specific denial by the attorney general is not a con-

dition precedent to bringing the civil action or civil proceeding.

(6) The amount recoverable by any person or entity for any damages, injuries or death in any civil action or civil proceeding against a state officer, employe or agent, or against a nonprofit corporation operating a museum under a lease agreement with the state historical society, including any such action or proceeding based on contribution or indemnification, shall not exceed \$250,000. No punitive damages may be allowed or recoverable in any such action.

SECTION 3. 895.46 (1) (e) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

895.46 (1) (e) ~~All employes of any museum operated by a~~ Any nonprofit corporation operating a museum under a lease agreement with the state historical society, and all officers ~~and~~ directors, employes and agents of such a corporation, are covered by this subsection ~~as if they were state historical society employes.~~

SECTION 4. **Initial applicability.** The treatment of sections 165.25 (8), 893.82 (2) (d) and 895.46 (1) (e) of the statutes by this act first applies to actions or proceedings commencing on the effective date of this SECTION.

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