

1993 Assembly Bill 915

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1993 WISCONSIN ACT 365

AN ACT *to amend* 801.09 (2) (a); and *to create* 165.25 (3r) and 165.25 (6) (e) of the statutes, **relating to:** the department of justice and the contents of the summons in special proceedings involving certain claims.

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

SECTION 2. 165.25 (3r) of the statutes is created to read:

165.25 (3r) AVOID CONFLICT OF INTEREST. Require that attorneys in different organizational subunits in the department prosecute violations of chs. 561 to 569 or Indian gaming compacts entered into under s. 14.035 and defend any department, agency, official, employe or agent under subs. (1), (4) (a) and (6).

SECTION 3. 165.25 (6) (e) of the statutes is created to read:

165.25 (6) (e) The department of justice may appear for and defend the state or any state department, agency, official or employe in any civil action arising out of or relating to the assessment or collection of costs concerning environmental cleanup or natural resources damages including actions brought under 42 USC 9607. The action may be compromised and settled in the same manner as provided in par. (a). At the request of the depart-

ment of natural resources, the department of justice may provide legal representation to the state or to the department of natural resources in the same matter in which the department of justice provides defense counsel, if the attorneys representing those interests are assigned from different organizational units within the department of justice. This paragraph may not be construed as a consent to sue the state or any department, agency, official or employe of the state or as a waiver of sovereign immunity.

SECTION 5. 801.09 (2) (a) of the statutes is amended to read:

801.09 (2) (a) Within 20 days, or within 45 days if the defendant is the state or an officer, agent, employe or agency of the state in an action or special proceeding brought within the purview of s. 893.82 or 895.46, exclusive of the day of service, after the summons has been served personally upon the defendant or served by substitution personally upon another authorized to accept service of the summons for him; or