



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0797/1
CMH:jld:md

**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 212**

October 6, 2009 – Offered by Representatives MURSAU and HEBL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: after “statutes is” insert “renumbered 165.92 (3) and”.

3 **2.** Page 2, line 2: delete “(a)” and substitute “LIABILITY”.

4 **3.** Page 3, line 6: delete the material beginning with that line and ending with
page 4, line 7, and substitute:

5 “SECTION 2c. 165.92 (3) (b) 1. of the statutes is renumbered 165.92 (3m) (intro.)

6 and amended to read:

7 165.92 (3m) REQUIREMENTS. (intro.) No tribal law enforcement officer may
8 exercise or perform the powers or duties described under sub. (2) (a) unless all of the
9 following apply:

10 (a) 1. The governing body of the tribe that employs the officer adopts and has
11 in effect a resolution under this paragraph. Except as provided in subd. 2., a
12 resolution under this paragraph shall include that includes a statement that the

1 tribe waives its sovereign immunity to the extent necessary to allow the enforcement
2 in the courts of this state of its liability under par. (a) sub. (3) or another resolution
3 that the department of justice determines will reasonably allow the enforcement in
4 the courts of this state of the tribe's liability under sub. (3).

5 **SECTION 2g.** 165.92 (3) (b) 2. of the statutes is repealed.

6 **SECTION 2r.** 165.92 (3m) (a) (intro.) of the statutes is created to read:

7 165.92 (3m) (a) (intro.) One of the following:

8 **SECTION 3g.** 165.92 (3m) (a) 2. of the statutes is created to read:

9 165.92 (3m) (a) 2. The tribe or tribal law enforcement agency that employs the
10 officer maintains liability insurance that does all of the following:

11 a. Covers the tribal law enforcement agency for its liability under sub. (2) and
12 s. 66.0513.

13 b. Has a limit of coverage not less than \$2,000,000 for any occurrence.

14 c. Provides that the insurer, in defending a claim against the policy, may not
15 raise the defense of sovereign immunity of the insured up to the limits of the policy.

16 **SECTION 4g.** 165.92 (3m) (b) of the statutes is created to read:

17 165.92 (3m) (b) The tribe or tribal law enforcement agency that employs the
18 officer has provided to the department of justice a copy of the resolution under par.
19 (a) 1. or proof of insurance under par. (a) 2., and the department of justice has posted
20 either a copy of the document or notice of the document on the Internet site it
21 maintains for exchanging information with law enforcement agencies.”.

22 (END)