



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1448/1  
JTK:wlj:ph

DOA:.....Frederick, BB0340 – Liability resulting from MN/WI interchange  
of employees and services

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** liability, legal representation and expenses resulting from  
interchange of employees and services between this state and the state of  
Minnesota.?

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, with limited exceptions, any person who brings a civil lawsuit against a state employee on account of any act growing out of or committed in the course of the employee's duties must give the attorney general notice of the claim within 120 days of the act giving rise to the lawsuit and liability is limited to \$250,000. In addition, with certain limitations, this state must pay damages assessed against a state employee for acts committed while carrying out his or her duties as an employee within the scope of employment.

This bill provides that if this state enters into a valid agreement with the state of Minnesota providing for interchange of employees or services, any employee of the state of Minnesota who is named as a defendant in any civil lawsuit brought under Wisconsin law as a result of performing services for this state under such an agreement and any employee of this state who is named as defendant as a result of performing services for the state of Minnesota under such an agreement is

considered to have the same status as when performing the same services for this state in any civil lawsuit brought under the laws of this state for purposes of notice of claim requirements and liability limitations. In addition, the bill provides that any employee of the state of Minnesota who is named as a defendant in a civil lawsuit and who is found liable as a result of performing services for this state under such an agreement shall be indemnified by this state to the same extent as an employee of this state performing the same services for this state under Wisconsin law. The bill also directs DOJ to represent any employee of the state of Minnesota who is named as a defendant in any civil lawsuit brought under Wisconsin law as a result of performing services for this state under such an agreement and any employee of this state who is named as a defendant as a result of performing services for the state of Minnesota under such an agreement in any civil lawsuit brought under Wisconsin law. In addition, the bill permits the attorney general to compromise and settle any such lawsuit in accordance with current law permitting such compromises and settlements.

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

**SECTION 1.** 165.25 (12) of the statutes is created to read:

165.25 (12) REPRESENTATION ARISING FROM AGREEMENTS WITH MINNESOTA. Represent any employee of the state of Minnesota who is named as a defendant in any civil action brought under the laws of this state as a result of performing services for this state under a valid agreement between this state and the state of Minnesota providing for interchange of employees or services and any employee of this state who is named as a defendant as a result of performing services for the state of Minnesota under such an agreement in any action brought under the laws of this state. Witness fees in any action specified in this subsection shall be paid in the same manner as provided in s. 885.07. The attorney general may compromise and settle any action specified in this subsection to the same extent as provided in s. 165.25 (6) (a).

**SECTION 2.** 893.82 (9) of the statutes is created to read:

893.82 (9) For purposes of this section, any employee of the state of Minnesota performing services for this state pursuant to a valid agreement between this state

and the state of Minnesota providing for interchange of employees or services is considered to have the same status as an employee of this state performing the same services for this state, and any employee of this state who performs services for the state of Minnesota pursuant to such an agreement is considered to have the same status as when performing the same services for this state in any action brought under the laws of this state.

**SECTION 3.** 895.46 (10) of the statutes is created to read:

895.46 (10) Any employee of the state of Minnesota who is named as a defendant and who is found liable as a result of performing services for this state under a valid agreement between this state and the state of Minnesota providing for interchange of employees or services shall be indemnified by this state to the same extent as an employee of this state performing the same services for this state pursuant to this section.

(END)