



1995 SENATE BILL 263

June 28, 1995 - Introduced by Senators A. LASEE, RUDE and BRESKE, cosponsored by Representatives HUTCHISON, MUSSER, LAZICH, HAHN, DOBYNS, MORRIS-TATUM, GOETSCH, OLSEN, BRANDEMUEHL, ZIEGELBAUER, SCHNEIDERS, SERATTI, KELSO and VRAKAS. Referred to Committee on State Government Operations and Corrections.

1 **AN ACT to create** 227.425 and 801.65 of the statutes; **relating to:** claims between
2 state agencies.

Analysis by the Legislative Reference Bureau

Under current law, if a dispute arises between state agencies, those agencies have the option of commencing a lawsuit to resolve the dispute. This bill requires state agencies that have disputes regarding civil matters to submit that dispute to a hearing before the division of hearings and appeals in the department of administration. The administrative hearing procedures apply to the hearing between the agencies. The bill requires a court to dismiss an action involving a civil claim involving state agencies that has not been subject to an administrative hearing.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 227.425 of the statutes is created to read:
4 **227.425 Disputes between state agencies.** (1) If a state agency has a claim
5 under civil law against another state agency, that state agency shall file a request
6 for a contested case hearing with the division of hearings and appeals created under
7 s. 15.103 (1). A hearing examiner with the division of hearings and appeals created

1 under s. 15.103 (1) shall preside over the hearing requested under this section in the
2 same manner as in other contested case hearings under this chapter.

3 (2) The procedures in ss. 227.44 to 227.58 apply to hearings under this section.

4 (3) No action may be commenced in a court of law regarding any claim under
5 civil law of a state agency against another state agency until the state agency has
6 exhausted the administrative hearing process under this chapter.

7 **SECTION 2.** 801.65 of the statutes is created to read:

8 **801.65 Dismissal of proceeding.** If a court, on its own motion or motion of
9 any party to an action pending before the court, determines that all or part of the
10 action involves a claim under civil law by one state agency against another state
11 agency, the court shall dismiss that part of the action that involves a claim between
12 state agencies if that claim has not been adjudicated in a contested case hearing
13 under s. 227.425.

14 **SECTION 3. Initial applicability.**

15 (1) This act first applies to actions commenced on the effective date of this
16 subsection.

17 **SECTION 4. Effective date.**

18 (1) This act takes effect on first day of the 6th month following publication.

19 (END)