



1999 ASSEMBLY BILL 957

March 30, 2000 – Introduced by Representative JENSEN. Referred to Committee on Rules.

1 **AN ACT relating to:** expenditure of \$178,548.40 from the general fund in
2 payment of a claim against the state made by the Bank of Homewood.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$178,548.40 from the general fund in payment of a claim made by the Bank of Homewood against the department of natural resources (DNR). The claimant is a secured creditor of National Tire Services, Inc. (NTS), of South Chicago Heights, Illinois. In 1996, NTS filed for bankruptcy protection. From 1992 to 1995, NTS participated in the waste tire removal and recovery program administered by DNR under s. 159.17, 1993 stats. Under this program, certified processors were eligible for specified payments for waste tires picked up in Wisconsin and delivered to acceptable end users. The claimant asserts that NTS picked up and processed tires for the years 1992 to 1995 for which it should have qualified for payment from DNR in the amount of \$178,548.40. DNR asserts that NTS failed to file certifications from appropriate end users that the amount of material specified in NTS' applications filed with DNR was processed and delivered to those end users, that liens and setoffs to this state for unpaid taxes have not been satisfied and that legislative appropriations for the period in question are now exhausted. The claimant asserts that the state's setoff claim is invalid under bankruptcy law. On October 30, 1997, the claims board recommended denial of this claim (see 1997 *Senate Journal*, pp. 335-336).

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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:

1 **SECTION 1. Claim against the state.** There is directed to be expended from
2 the appropriation under section 20.505 (4) (d) of the statutes, as affected by the acts
3 of 1999, \$178,548.40 in payment of a claim against the state made by the Bank of
4 Homewood, Homewood, Illinois, as reimbursement for grants that were payable to
5 its creditor, National Tire Services, Inc., under the waste tire removal and recovery
6 grant program under section 157.17, 1993 stats., for the years 1992 to 1995.
7 Acceptance of this payment releases this state and its officers, employes and agents
8 from any further liability resulting from waste tires removed from this state by
9 National Tire Services, Inc., for the years 1992 to 1995.

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(END)