



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0236/1

JTK:wlj:rs

2005 SENATE BILL 47

February 8, 2005 – Introduced by Senator STEPP, cosponsored by Representatives LEHMAN and VOS. Referred to Joint Committee on Finance.

- 1 **AN ACT relating to:** expenditure of a sum sufficient equal to \$158,800 plus
2 accrued interest from the general fund in payment of a claim against the state
3 made by the Village of Sturtevant.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$158,800, plus interest calculated at the legal rate of 5 percent annually from the date of billing to the date of payment, in payment of a claim against the Department of Administration (DOA) by the village of Sturtevant. In 2001, DOA completed construction of a probation and parole holding facility, workhouse, and garage at the Racine correctional institution as a part of the authorized state building program and requested the village to connect the newly constructed buildings to the village sewage system. The village permitted the connections to be made. Per village ordinance, the village requested payment of \$158,800 in sewage connection charges. DOA declined to pay the charges, citing s. 13.48 (13) (a), stats., which exempts state construction projects from compliance with most municipal ordinances, including permit fees. The village contends that the charges are sewerage service charges, authorized under s. 66.0821 (4) (a), stats., from which the state is not exempted. On July 13, 2004, the claims board found that the state is not legally liable to pay this claim, nor should the claim be paid on the basis of equitable principles (see 2003 *Senate Journal*, p. 831).

