

**1999 DRAFTING REQUEST****Bill**Received: **01/5/99**Received By: **kuesejt**Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers 6-1743**By/Representing: **Patricia Reardon - Claims Board**This file may be shown to any legislator: **NO**Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **State Finance - claims agnst st**

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Alan and Marlene Sieker claim

---

**Instructions:**

Per board recommendation, 12/17/98.

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 02/17/99	jgeller 02/17/99		_____			State
/1			ismith 02/18/99	_____	lrb_docadmin 02/18/99	lrb_docadminState 02/19/99	
/2	kuesejt 02/22/99	jgeller 02/22/99	hhagen 02/22/99	_____	lrb_docadmin 02/22/99	lrb_docadmin 02/22/99	

FE Sent For:

*03-04-99*

&lt;END&gt;

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/5/99**

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers 6-1743**

By/Representing: **Patricia Reardon - Claims Board**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **State Finance - claims agnst st**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Alan and Marlene Sieker claim

**Instructions:**

Per board recommendation, 12/17/98.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 02/17/99	kgeller 02/17/99		_____			State
/1 /2	kuesejt 2/22	12 2/22 jg	ismith 02/18/99	_____	lrb_docadmin 02/18/99	lrb_docadmin 02/19/99	

FE Sent For:

<END>

**1999 DRAFTING REQUEST****Bill**Received: **01/5/99**Received By: **kuesejt**Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers 6-1743**By/Representing: **Patricia Reardon - Claims Board**This file may be shown to any legislator: **NO**Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **State Finance - claims agnst st**

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Alan and Marlene Sieker claim

---

**Instructions:**

Per board recommendation, 12/17/98.

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 02/17/99	jgeller 02/17/99		_____			State
/1			ismith 02/18/99	_____	lrb_docadmin 02/18/99		

FE Sent For:

&lt;END&gt;

1999 DRAFTING REQUEST

Bill

Received: 01/5/99

Received By: kuesejt

Wanted: Soon

Identical to LRB:

For: Sheryl Albers 6-1743

By/Representing: Patricia Reardon - Claims Board

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters:

Subject: State Finance - claims agnst st

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Alan and Marlene Sieker claim

Instructions:

Per board recommendation, 12/17/98.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1? / 1	kuesejt 2/17	1 2/17 jcg	IS 2/18/99	IS/LP 2/18/99			

FE Sent For:

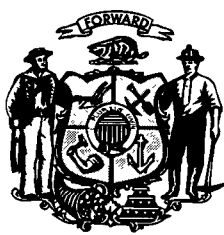
<END>

**STATE OF WISCONSIN**

**CLAIMS BOARD**

101 East Wilson Street, Madison, Wisconsin

**TOMMY G. THOMPSON**  
GOVERNOR



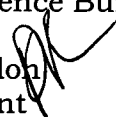
Mailing Address:  
Post Office Box 7864  
Madison, WI 53707-7864

Voice: (608) 264-9595  
TDD: (608) 267-9629  
E-mail: [Patricia.Reardon@doa.state.wi.us](mailto:Patricia.Reardon@doa.state.wi.us)

---

DATE: December 29, 1998

TO: Jeffrey Kuesel  
Legislative Reference Bureau

FROM: Patricia A. Reardon   
Program Assistant

RE: Drafting of Claims Legislation

Attached, please find a copy of the proceedings from the meeting held by the State Claims Board on December 9, 1998. At that time, the Board recommended that the following claims be paid:

Alan & Marlene Sieker	\$12,600.00
-----------------------	-------------

The Claims Board members would appreciate it if you would draft the necessary legislation for this claim. Representative Sheryl Albers will sponsor the bill. Thank you for your assistance in this matter.

returns for the years 1991 and 1992. Section 71.75 (5), Stats., prohibits the DOR from refunding the amount that was applied to the original assessment, since no refund was claimed within the prescribed two-year time period. The Board concludes the claim should be paid in the reduced amount of \$5,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Claims Board appropriation s. 20.505 (4)(d), Stats.

17. Alan & Marlene Sieker of Manitowoc, Wisconsin claim \$12,600.00 for increased indemnity value for 14 elk that were destroyed because they tested as reactors for tuberculosis. The destruction of the animals was performed in conjunction with the Department of Agriculture, Trade & Consumer Protection. The claimants received a statutorily mandated indemnity from the state to cover part of the value of the animals. Less than two months after the animals were destroyed, the state indemnity amount was raised substantially by legislation. The claimants cooperated fully with DATCP in destroying the animals. They feel that they are bearing a substantial burden for a benefit accruing to the entire state. The total appraised value of the destroyed animals was \$71,200 and the claimants have only recovered \$18,900 in state and federal indemnities. The claimants request that the Board award them the difference between the state indemnity already paid and that which would have been allowed pursuant to the terms of the revised statute, namely \$900 per animal, for a total claim of \$12,600. The Department of Agriculture, Trade & Consumer Protection recommends payment of this claim. In June 1996 Wisconsin enacted 1995 Wisconsin Act 450, which changed the maximum allowable indemnity payment for animals condemned and slaughtered under the bovine tuberculosis program from \$600 to \$1500. The act was published July 8, 1996. The act created a delayed effective date for provisions related to indemnity changes, in that it specified that the change would take effect "on the first day of the 16<sup>th</sup> month beginning after publication." Therefore, the change from \$600 to \$1500 was effective November 1, 1997. The claimants' animals were condemned and slaughtered in September 1997 as part of the bovine TB control program. The Board recommends that the claim be paid in the amount of \$12,600.00 based on equitable principles.

**The Board concludes:**

**1. The claims of the following claimants should be denied:**

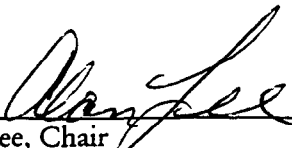
Mary Sawatske	Marcus Gumz
Dale Breggeman	David L. Canedy
Steven E. Janecek	Ronald D. Retrum
Laurence Marton	


**2. Payment of the following amounts to the following claimants is justified under s. 16.007, Stats:**

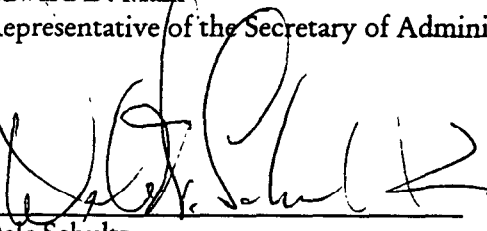
William & Cynthia Haack	\$5,000.00
Paul G. Roehrig	\$5,000.00
Lonie Wise	\$250.00
William Niebuhr	\$5,000.00
Thomas Wall	\$1,300.00
Cletus Alsteen	\$185.00
John P. Cejka	\$1,140.07
Michael D. Vogtman	\$2,129.43
Jan Nowlen & Richard Martin	\$5,000.00

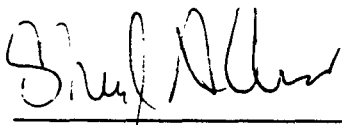
3. The Board recommends payment of \$12,600.00 to Alan & Marlene Sieker for 14 destroyed elk.

Dated at Madison, Wisconsin this 17th day of December 1998.

  
\_\_\_\_\_  
Alan Lee, Chair  
Representative of the Attorney General

  
\_\_\_\_\_  
Edward D. Main  
Representative of the Secretary of Administration

  
\_\_\_\_\_  
Dale Schultz  
Senate Finance Committee

  
\_\_\_\_\_  
Sheryl Albers  
Assembly Finance Committee





1999

Date (time) needed DNO RE

LRB - 1557, 1

BILL

WANTED THU 2/18 STK : jlq : \_\_\_\_\_

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: expenditure of \$12,600 from the general fund in payment of a claim against the state made by Alan and Marlene Sicker.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

- For the 3 titles used in an analysis, in the component bar:
- For the main heading [old =M], execute: . . . . . create → anal: → title: → head
- For the subheading [old =S], execute: . . . . . create → anal: → title: → sub
- For the sub-subheading [old =P], execute: . . . . . create → anal: → title: → sub-sub

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

SECTION #.



1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1557/lins  
JTK.....

bill

This ~~act~~ bill directs expenditure of \$12,600 from the general fund in payment of a claim made by Alan and Marlene Sieker against the department of agriculture, trade and consumer protection (DATCP). In September 1997, DATCP condemned and ordered the claimants to destroy 14 elk which they owned as a part of the bovine tuberculosis control program under s. 95.25, stats. Under s. 95.25 (5), 1995 stats., DATCP compensated persons whose animals were condemned at the rate of two-thirds of the difference between the net salvage value and the appraised or agreed value of the animals, but not more than \$600 per animal. In this case the claimants received \$600 per animal for a total of \$8,400. In 1995 Wisconsin Act 450, the legislature increased the maximum rate of reimbursement to \$1,500 per animal. Act 450 was enacted on June 24, 1996, but did not take effect until November 1, 1997. The claimants assert that if Act 450 had been in effect at the time that their animals were condemned, they would have been paid \$1,500 per animal. They claim the difference between the amount they were paid (\$8,400) and the maximum amount they could have been paid had Act 450 been in effect (\$21,000), for a total of \$12,600. The claims board recommended payment of this claim on December 17, 1998 (see 1997 *Senate Journal*, p.813).

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

1995  
Wisconsin

is

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1557/lins2  
JTK.....

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

SECTION 1. **Claim against the state.** There is directed to be expended from the appropriation under section 20.505 (4)(d) of the statutes, as affected by the acts of 1997 and 1999, \$12,600 in payment of a claim against the state made by Alan and Marlene Sieker, Manitowoc, Wisconsin, to compensate them for a portion of the value of 14 elk which they owned that were condemned by the department of agriculture, trade and consumer protection in September 1997. Acceptance of this payment releases this state and its officers, employes and agents from any further liability resulting from this condemnation action.

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1557/1dn

JTK...A.....

JTK

In this case, the claims board did not specify an appropriation from which the board wanted this claim to be paid. The draft provides for the claim to be paid from the claims board appropriation under s. 20.505 (4) (d), stats. The only other alternative would be to make payment from the appropriation to DATCP under s. 20.115 (7)(b), stats. In this case, however, both appropriations are sum sufficient appropriations of general purpose revenue. Therefore, the result is identical in either case.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1557/1dn  
JTK:jl:ijs

February 18, 1999

In this case, the claims board did not specify an appropriation from which the board wanted this claim to be paid. The draft provides for the claim to be paid from the claims board appropriation under s. 20.505 (4) (d), stats. The only other alternative would be to make payment from the appropriation to DATCP under s. 20.115 (2) (b), stats. In this case, however, both appropriations are sum sufficient appropriations of general purpose revenue. Therefore, the result is identical in either case.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

---

u  
s  
e  
r  
r  
o  
r

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 2/18/99

**To:** Representative Albers

**Relating to LRB drafting number:** LRB-1557

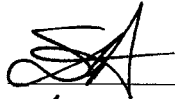
**Topic**

Alan and Marlene Sieker claim

**Subject(s)**

State Finance - claims agnst st

1. **JACKET** the draft for introduction

 (LRB 1557/1)

in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Managing Attorney  
Telephone: (608) 266-6778





Wanted money/22  
NOON

## 1999 BILL

Regen

- 1 **AN ACT relating to:** expenditure of \$12,600 from the general fund in payment  
2 of a claim against the state made by Alan and Marlene Sieker.

---

### *Analysis by the Legislative Reference Bureau*

This bill directs expenditure of \$12,600 from the general fund in payment of a claim made by Alan and Marlene Sieker against the department of agriculture, trade and consumer protection (DATCP). In September 1997, DATCP condemned and ordered the claimants to destroy 14 elk which they owned as a part of the bovine tuberculosis control program under s. 95.25, stats. Under s. 95.25 (5), 1995 stats., DATCP compensated persons whose animals were condemned at the rate of two-thirds of the difference between the net salvage value and the appraised or agreed value of the animals, but not more than \$600 per animal. In this case the claimants received \$600 per animal for a total of \$8,400. In 1995 Wisconsin Act 450, the legislature increased the maximum rate of reimbursement to \$1,500 per animal. 1995 Wisconsin Act 450 was enacted on June 24, 1996, but did not take effect until November 1, 1997. The claimants assert that if 1995 Wisconsin Act 450 had been in effect at the time that their animals were condemned, they would have been paid \$1,500 per animal. They claim the difference between the amount they were paid (\$8,400) and the maximum amount they could have been paid had 1995 Wisconsin Act 450 been in effect (\$21,000), is a total of \$12,600. The claims board recommended payment of this claim on December 17, 1998 (see 1997 *Senate Journal*, p.813).

for ✓

**BILL**

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 1997 and 1999, \$12,600 in payment of a claim against the state made by Alan and  
4 Marlene Sieker, Manitowoc, Wisconsin, to compensate them for a portion of the value  
5 of 14 elk which they owned that were condemned by the department of agriculture,  
6 trade and consumer protection in September 1997. Acceptance of this payment  
7 releases this state and its officers, employes and agents from any further liability  
8 resulting from this condemnation action.

9

(END)



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1557/1da <sup>2du</sup>  
JTK:jl:ijs  
~

February 18, 1999 3 new date

In this case, the claims board did not specify an appropriation from which the board wanted this claim to be paid. The draft provides for the claim to be paid from the claims board appropriation under s. 20.505 (4) (d), stats. The only other alternative would be to make payment from the appropriation to DATCP under s. 20.115 (2) (b), stats. In this case, however, both appropriations are sum sufficient appropriations of general purpose revenue. Therefore, the result is identical in either case.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1557/2dn  
JTK;jlg:hmh

February 22, 1999

In this case, the claims board did not specify an appropriation from which the board wanted this claim to be paid. The draft provides for the claim to be paid from the claims board appropriation under s. 20.505 (4) (d), stats. The only other alternative would be to make payment from the appropriation to DATCP under s. 20.115 (2) (b), stats. In this case, however, both appropriations are sum sufficient appropriations of general purpose revenue. Therefore, the result is identical in either case.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778