

2001 ASSEMBLY BILL 326

April 18, 2001 – Introduced by Representatives ALBERS and ZIEGELBAUER, cosponsored by Senator BURKE, by request of Claims Board. Referred to Joint committee on Finance.

- 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 that 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), for a total of \$12,600. The claims board recommended payment of this claim on December 17, 1998 (see 1997 *Senate Journal*, p.813).

