

2001 DRAFTING REQUEST

Bill

Received: 03/04/2001

Received By: kuesejt

Wanted: Soon

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: her

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Addl. Drafters:

Subject: State Finance - claims agnst st

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Jerome and Theresa Wagner claim

Instructions:

Per 1999 AB-932.

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 03/04/2001	jdyer 03/05/2001		_____			State
/1			jfrantze 03/05/2001	_____	lrb_docadmin 03/05/2001	lrb_docadmin 03/23/2001	

FE Sent For:

<END>

↳ AT Intro.

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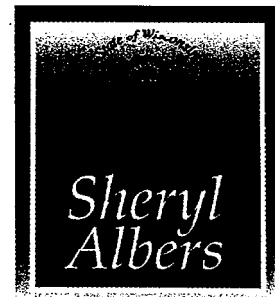
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/?	kuesejt	1 3/5 jd	7/63/b	3 ell 3/6			

FE Sent For:

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To: Attorney Jeff Kuesel
LRB – Drafting

From: Representative Sheryl K. Albers

Date: March 1, 2001

Subject: Claims Board Approvals

Please re-draft the following 1999 Assembly Bills as 2001 Assembly Bills. Each constitute claims recommended for legislation by the Claims Board in 1998 and 1999, but which failed to pass during the 1999-2000 biennium:

1999 AB 151
1999 AB 650
1999 AB 651
1999 AB 652
1999 AB 653
1999 AB 932
1999 AB 933

Thank you.

Wanted soon

1999 ASSEMBLY BILL 932

March 28, 2000 - Introduced by Representative ALBERS, cosponsored by Senator BURKE. Referred to Committee on Rules.

Regen

- 1 AN ACT relating to: expenditure of \$23,053.80[✓] from the general fund in payment
- 2 of a claim against the state made by Jerome and Theresa Wagner.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$23,053.80[✓] from the general fund in payment of a claim made by Jerome and Theresa Wagner against the department of agriculture, trade and consumer protection (DATCP).[✓] The claimants shipped milk on credit to a plant operated by Ryser Brothers Dairy of Wisconsin, Inc., in the village of Mount Horeb.[✓] On or about April 16, 1991, the plant closed and subsequently, its parent corporation filed for bankruptcy protection. At the time of the closing, the claimants assert that the plant owed them \$69,860. The records of the plant confirmed this figure. The claimants were unable to recover any of this amount in the bankruptcy settlement. The claimants assert that DATCP did not properly monitor the financial condition of the plant under s. 100.06, 1989 stats. (the dairy plant security law). DATCP asserts that, while it initially allowed the plant to operate based on its financial statements, when the financial position of the plant deteriorated, it required security to be posted. Ryser Brothers Dairy of Wisconsin, Inc., was unable to post the required security. DATCP also asserts that the dairy plant security law is not designed to insure against losses but rather to provide some level of assurance that dairy plants are operated in a financially responsible manner, and that it acted appropriately to carry out its responsibilities under the law. In addition, DATCP asserts that the claimants provided no itemized documentation of their claim. On March 6, 2000, the claims board recommended payment of \$23,053.80, representing [✓]one-third of the amount claimed by the claimants, on the basis of equitable principles (see *Senate Journal*, pp. 483-484).

1999

ASSEMBLY BILL 932

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, ^{and 2001} \$23,053.80 in payment of a claim against the state made by Jerome and
4 Theresa Wagner, Middleton, Wisconsin, to compensate them for the value of milk
5 that they shipped to a plant operated by Ryser Brothers Dairy of Wisconsin, Inc.,
6 prior to April 16, 1991, for which they have not been paid as a result of bankruptcy
7 proceedings, and the alleged failure of the department of agriculture, trade and
8 consumer protection to properly monitor the financial condition of the plant under
9 section [✓] 100.06, 1989 stats. Acceptance of this payment releases this state and its
10 officers, employe^es, and agents from any further liability resulting from losses
11 incurred by the claimants for milk shipped to this plant.

12

(END)



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

March 5, 2001

MEMORANDUM

To: Representative Albers

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-2714 Jerome and Theresa Wagner claim

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

X JACKET FOR ASSEMBLY _____ JACKET FOR SENATE
23 March 01

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-6778 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.