

2001 ASSEMBLY BILL 332

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

1 **AN ACT to amend** 20.395 (1) (ar) and 20.395 (1) (ar) of the statutes; **relating to:**
2 expenditure of \$8,420.92 from the transportation fund in payment of a claim
3 against the state made by the city of La Crosse and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill appropriates \$8,420.92 from the transportation fund in payment of a claim against the department of transportation (DOT) by the city of La Crosse. Under s. 86.303 (5) (g), stats., municipalities having a population of 25,000 or more must file annual reports with DOT and the department of revenue (DOR) for purposes of administering state aid payments to municipalities. Under s. 86.303 (5) (i), stats., state aid payments are reduced by 1% for each working day that a report is filed late, subject to certain other limitations. In 1999, the city of La Crosse filed its report on the deadline, which is July 31. The report did not contain one required form. Upon being notified by DOR that the form was missing, the city faxed and mailed the form to DOR on the next working day following the deadline. Pursuant to s. 86.303 (5) (i), stats., DOT then deducted 1% from the general transportation aids payable to the city for the 2000 calendar year and distributed this amount to other municipalities. The city asserts that its failure to file a timely report was accidental, that it complied with the spirit of the law, and should not be penalized. DOT and DOR assert that the city should not have waited until the deadline to file its report and the city should not receive a waiver while other local governmental units have been penalized for filing late. The city claimed \$16,841.83, representing the amount of the penalty that was assessed against it. The claims board recommended payment of

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\$8,420.92, representing 50% of the amount of the penalty that was assessed against the city, on March 6, 2000 (see 1999 *Senate Journal*, p. 484).

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.** 20.395 (1) (ar) of the statutes is amended to read:

2 20.395 (1) (ar) *Corrections of transportation aid payments.* A sum sufficient
3 to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and
4 to make the payment specified in 2001 Wisconsin Act (this act), section 3.

5 **SECTION 2.** 20.395 (1) (ar) of the statutes, as affected by 1999 Wisconsin Act
6 (this act), is amended to read:

7 20.395 (1) (ar) *Corrections of transportation aid payments.* A sum sufficient
8 to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and
9 to make the payment specified in 2001 Wisconsin Act (this act), section 3.

10 **SECTION 3. Claim against the state.** There is directed to be expended from
11 the appropriation under section 20.395 (1) (ar) of the statutes, as affected by the acts
12 of 1999 and 2001, \$8,420.92 in payment of a claim against the state made by the city
13 of La Crosse as partial reimbursement for the penalty that was assessed against the
14 city for tardy filing of its annual report with the departments of transportation and
15 revenue for 1999 under section 86.303 (5) (g) of the statutes. Acceptance of this
16 payment releases this state and its officers, employees, and agents from any further
17 liability relating to deduction of penalties from general transportation aids payable
18 to the city for the 2000 calendar year.

19 **SECTION 4. Effective dates.** This act takes effect on the day after publication,
20 except as follows:

