

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:

City of La Crosse claim

Instructions:

Per 1999 AB-933.

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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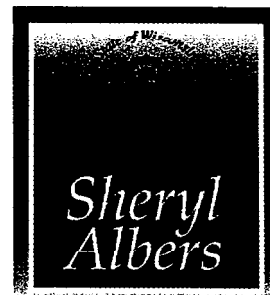
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FE Sent For:

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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.

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

LRB-4712/1dn
JTK:cmh:km

March 17, 2000

Representative Albers:

This draft provides for payment of this claim from the unappropriated balance of the transportation fund, using the appropriation account for transportation aid corrections under s. 20.395 (1) (ar), stats. If the aid had been paid at the originally scheduled time, it would have been paid from the appropriation under s. 20.395 (1) (at), stats. We could pay this claim from that appropriation at this point, instead of from the unappropriated balance, but the department of transportation accountants preferred the option of making the payment from the unappropriated balance because counties and municipalities have already been notified of their anticipated aid payments and if we made this payment from the appropriation under s. 20.395 (1) (at), stats., they would all have to be renotified that their payments were being reduced slightly.

Please let me know if this is not in accord with your intent.

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

Wanted 5000

1999 ASSEMBLY BILL 933

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

LPS - check
auto refs

Regen

- 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 ~~one percent~~ 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 ~~one percent~~ 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

ASSEMBLY BILL 933

1999

(X)

board recommended payment of \$8,420.92, representing 50% of the amount of the penalty that was assessed against the city, on March 6, 2000 (see *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:

PWF

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

20.395 (1) (ar) *Corrections of transportation aid payments.* A sum sufficient to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and to make the payment specified in ~~1999~~ ²⁰⁰¹ Wisconsin Act.... (this act), section 3. ^{a.c.}

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

20.395 (1) (ar) *Corrections of transportation aid payments.* A sum sufficient to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and to make the payment specified in ~~1999~~ ²⁰⁰¹ Wisconsin Act.... (this act), section 3. ^{a.c.}

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

NO
STRIKE

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ASSEMBLY BILL 933

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

3 (1) The treatment of section 20.395 (1) (ar) (by SECTION 2) of the statutes takes
4 effect on January 1, ~~2001~~ ²⁰⁰³. ^{a.r.}

(END)



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

STEPHEN R. MILLER
CHIEF

March 5, 2001

MEMORANDUM

To: Representative Albers

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-2715 City of La Crosse 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 Mar 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.