

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/16/2001

Received By: kuesejt

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Addl. Drafters:

Subject: State Finance - claims agnst st

Extra Copies: TNF - 1

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN2731,

Topic:

City of La Crosse claim

Instructions:

See Attached.

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 06/16/2001	csicilia 06/17/2001		_____			
/1			pgreensl 06/17/2001	_____	lrb docadmin 06/17/2001		

FE Sent For:

<END>

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17/1	kuesejt 6/16	1 cjs 6/17 01	6/17 pgz	6/17 pgz			

FE Sent For:

<END>

CN 2731

Subject or Agency	Description	Source / connection	Fiscal effect /positions if known
DOA Claims Board	Pay claim for \$8,420 SEG (Transportation Fund) for claim made by City of LaCrosse	AB 332	\$8,420 GPR

JTK

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

ASSEMBLY BILL 332

\$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:

Fiscal Estimate Narratives
DOT 05/07/2001

LRB Number 01-2715/1	Introduction Number AB-332	Estimate Type Original
Subject City of La Crosse claim		

Assumptions Used in Arriving at Fiscal Estimate

One-time lump sum payment.

Claims and findings by State Claims Board.

Long-Range Fiscal Implications

None.

Fiscal Estimate Worksheet - 2001 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 01-2715/1		Introduction Number AB-332	
Subject			
City of La Crosse claim			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
One time lump sum payment of \$8,420.92 of SEG funds to the city of La Crosse to resolve claim.			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	
DOT/ Ramona Yee (608) 267-7224		Carol Buckmaster (608) 267-6979	
		Date	
		05/07/2001	

JTK

CLAIM AGAINST DOT BY THE CITY OF LA CROSSE

This amendment 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 \$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).

CN 4507

LOCATION/STATUS: Assembly Bill 332

DEPARTMENT(S): DEPARTMENT OF TRANSPORTATION

FISCAL IMPACT: \$8,420.92

FUNDING SOURCE(S): GPR

INTRODUCTION: SDC

POLITICAL: -

AB332

AB332


LRB-2715/1
JTK::jld::jf

2001 - 2002 LEGISLATURE

2001 ASSEMBLY BILL 332 [Link to Bill History](#)

April 18, 2001 - Introduced by Representative Albers, cosponsored by Senator Burke, by request of Claims Board. Referred to Joint committee on Finance.


Pg1Ln1 **An Act to amend 20.395 (1) (ar) and 20.395 (1) (ar) of the statutes; relating to:**
Pg1Ln2 **expenditure of \$8,420.92 from the transportation fund in payment of a claim**
Pg1Ln3 **against the state made by the city of La Crosse and making an appropriation.**

Analysis by the Legislative Reference BureauAB332 


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 \$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:


AB332, s. 1 

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

AB332, s. 1 - continued 

Document


Pg2Ln2 20.395 (1) (ar) Corrections of transportation aid payments. A sum sufficient
Pg2Ln3 to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and
Pg2Ln4 to make the payment specified in 2001 Wisconsin Act (this act), section 3.

AB332, s. 2 


Pg2Ln5 Section 2. 20.395 (1) (ar) of the statutes, as affected by 1999 Wisconsin Act
n6 (this act), is amended to read:

AB332, s. 2 - continued 

Pg2Ln7 20.395 (1) (ar) Corrections of transportation aid payments. A sum sufficient
Pg2Ln8 to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and
Pg2Ln9 to make the payment specified in 2001 Wisconsin Act (this act), section 3.

AB332, s. 3 

Pg2Ln10 Section 3. Claim against the state. There is directed to be expended from
Pg2Ln11 the appropriation under section 20.395 (1) (ar) of the statutes, as affected by the acts
Pg2Ln12 of 1999 and 2001, \$8,420.92 in payment of a claim against the state made by the city
Pg2Ln13 of La Crosse as partial reimbursement for the penalty that was assessed against the
Pg2Ln14 city for tardy filing of its annual report with the departments of transportation and
Pg2Ln15 revenue for 1999 under section 86.303 (5) (g) of the statutes. Acceptance of this
Pg2Ln16 payment releases this state and its officers, employees, and agents from any further
Pg2Ln17 liability relating to deduction of penalties from general transportation aids payable
Pg2Ln18 to the city for the 2000 calendar year.

AB332, s. 4 

Pg2Ln19 Section 4. Effective dates. This act takes effect on the day after publication,
Pg2Ln20 except as follows:

AB332, s. 4 - continued 

Pg3Ln1 (1) The treatment of section 20.395 (1) (ar) (by Section 2) of the statutes takes
Pg3Ln2 effect on January 1, 2003.
Pg3Ln3 (End)

AB333

LRB-0238/2
JTK::kmg::km

2001 - 2002 LEGISLATURE

2001 ASSEMBLY BILL 333 

[Link to Bill History](#)


April 18, 2001 - Introduced by Representative Albers, cosponsored by Senator Shibilski, by request of Claims Board. Referred to Joint committee on Finance.

Pg1Ln1 An Act relating to: expenditure of \$10,097.23 from moneys appropriated to the
Pg1Ln2 department of administration in payment of a claim against the state made by
Pg1Ln3 Jodi Dabson Bollendorf.

Analysis by the Legislative Reference Bureau

AB333 


This bill directs expenditure of \$10,097.23 from moneys appropriated to the department of administration (DOA) for the 1999-2001 fiscal biennium to pay the salaries and fringe benefits of district attorneys and state employees in the offices of district attorneys and certain other related costs in payment of a claim against DOA made by Jodi Dabson Bollendorf. The claimant is employed by the state as an assistant district attorney in Rock County. In January 1999, the claimant received notice from the Board of Attorneys Professional Responsibility (BAPR) that an ethics grievance had been filed against her relating to alleged false statements that she made to the circuit court at a sentencing hearing. The claimant retained private legal counsel to represent her during an investigation of the complaint conducted by BAPR. In November 1999, the administrator of BAPR found no violation by the claimant of the rules of professional responsibility and dismissed the complaint. The claimant claimed reimbursement for \$10,097.23 in attorney fees which she incurred in the matter.

AB333 

Under s. 895.46 (1), stats., the state must either provide representation or pay attorney fees for a state employee who is a defendant in an action or proceeding arising with respect to a matter within the scope of employment, if the employee gives timely notice to his or her department head. Under s. 165.25 (6) (a), stats., the attorney general may appear for any state employee in a matter brought before an administrative agency at the request of the employee's department head. In the instant case, the claimant did not notify DOA and DOA did not request representation by the attorney general. However, the claims board recommended payment of this claim on July 13, 2000, based upon equitable principles. See 1999 Senate Journal, pp. 704-705.

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:

AB333, s. 1 

Pg2Ln1 **Section 1.** Claim against the state. There is directed to be expended from
Pg2Ln2 the appropriation under section 20.475 (1) (d) of the statutes, as affected by the acts
Pg2Ln3 of 1999 and 2001, \$10,097.23 in payment of a claim against the state made by Jodi
Pg2Ln4 Dabson Bollendorf, Janesville, Wisconsin, as reimbursement for attorney fees
Pg2Ln5 incurred in defending herself in the investigation of an ethics grievance filed against
Pg2Ln6 her with the Board of Attorneys Professional Responsibility in 1999. Acceptance of
Pg2Ln7 this payment releases this state and its officers, employees, and agents from any
Pg2Ln8 further liability resulting from expenses incurred by the claimant in defending
Pg2Ln9 herself in this investigation.

Pg2Ln10 **(End)**

AB334

LRB-3031/1
JTK::kmg::ch

2001 - 2002 LEGISLATURE

2001 ASSEMBLY BILL 334 

[Link to Bill History](#)

April 18, 2001 - Introduced by Representative Albers, cosponsored by Senator Shibilski, by request of Claims Board. Referred to Joint committee on Finance.

Pg1Ln1 , An Act Relating to: expenditure of \$50,119 from the general fund in payment
Pg1Ln2 of a claim against the state made by Milwaukee County.

Analysis by the Legislative Reference Bureau

AB334



This bill directs expenditure of \$50,119 from the general fund in payment of a claim made by Milwaukee County against the state. Under s. 5.72 (1), 1987 stats., county and municipal clerks and boards of election commissioners preparing ballots were directed to submit copies of the ballots, or proof copies, to the state elections board for review of possible errors. The board was directed to notify the clerk or board of election commissioners of any errors that it discovered within seven days after submittal. At the 1988 general election, the Milwaukee County board of election commissioners did not submit ballots or proof copies. On October 12, 1988, the state elections board issued an order finding that the county's ballots for the 1988 general election did not comply with s. 5.64 (3), 1987 stats., which required a separate presidential ballot, or with s. 5.64 (1) (a) and (3) (a), 1987 stats., which required specific voting instructions in plain, legible type, and required ballot titles to appear in lettering at least three-eighths inch high. The elections board ordered the county to reprint its ballots for the city of Milwaukee and village of Shorewood. The county incurred costs of \$62,438 and claimed this amount. On February 5, 1990, the claims board recommended approval of the county's claim in the amount of \$50,119, representing the cost of the ballots that were destroyed as a result of the order of the elections board (see 1989 Senate Journal, pp. 683-684).

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

2001

Date (time) needed

Done 12/15/01
SOON

LRB b 1087,1

AMDT TO BUDGET SUB AMDT

JTK : CJS : _____

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
~~TO SENATE AMENDMENT _____,~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment ~~amendment~~ as follows:

#. Page 341, line 15: *after that line insert:*

#. ~~Page~~ _____, line _____:

#. Page _____, line _____:

#. Page _____, line _____:

#. Page _____, line _____:

#. Page _____, line _____:

ASSEMBLY BILL 332

\$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 → ^{632M} SECTION 2. 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 9.

9159(39)

5 ^{632M} SECTION 3. 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 9.

9159(39)

page 1378, line 9: after that line insert:

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.

non stat

page 1426, line 15: after that line insert:

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

ASSEMBLY BILL 332

SECTION 4

¶ (10g) (e) CORRECTION OF TRANSPORTATION AID PAYMENTS.

1
2
3

(1) The treatment of section 20.395 (1) (ar) (by SECTION *2*) of the statutes takes effect on January 1, 2003. *!!*

632h

EFF
DATE

(END)

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

610871/dn
LRBb0791/tdn
JTK:cmh:km

June 22, 1999

gjs

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1087/1dn
JTK:cjs:pg

June 17, 2001

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

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

SDC:.....Keckhaver – CN2731, City of La Crosse claim

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 341, line 15: after that line insert:

3 “**SECTION 632m.** 20.395 (1) (ar) of the statutes is amended to read:

4 20.395 (1) (ar) *Corrections of transportation aid payments.* A sum sufficient
5 to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and
6 to make the payment specified in 2001 Wisconsin Act ... (this act), section 9159 (3g).

7 **SECTION 632n.** 20.395 (1) (ar) of the statutes, as affected by 1999 Wisconsin Act
8 (this act), is amended to read:

