

BILL HISTORY FOR ASSEMBLY BILL 327 (LRB -2709)

An Act relating to: expenditure of \$9,296 from moneys appropriated to the department of transportation in payment of a claim against the state made by Robert and Dorothy Messner. (FE)

2001

04-18.	A.	Introduced by Representative Albers ; cosponsored by Senator Burke , by request of Claims Board.	
04-18.	A.	Read first time and referred to joint committee on Finance	194
05-08.	A.	Fiscal estimate received.	
09-05.	A.	Executive action taken.	
09-17.	A.	Report passage recommended by joint committee on Finance, Ayes 14, Noes 2	389
09-17.	A.	Referred to committee on Rules	389
11-01.	A.	Placed on calendar 11-6-2001 by committee on Rules.	
11-06.	A.	Read a second time	522
11-06.	A.	Ordered to a third reading	522
11-06.	A.	Rules suspended	522
11-06.	A.	Read a third time and passed , Ayes 85, Noes 13	522
11-06.	A.	Ordered immediately messaged	522
11-07.	S.	Received from Assembly	457
11-07.	S.	Read first time and referred to committee on Universities, Housing, and Government Operations	458
12-12.	S.	Public hearing held.	
12-12.	S.	Executive action taken.	
12-19.	S.	Report concurrence recommended by committee on Universities, Housing, and Government Operations, Ayes 6, Noes 0	481
12-19.	S.	Available for scheduling.	

2002

03-11.	S.	Placed on calendar 3-12-2002 by committee on Senate Organization.	
03-12.	S.	Read a second time.	
03-12.	S.	Ordered to a third reading.	
03-12.	S.	Rules suspended.	
03-12.	S.	Read a third time and concurred in , Ayes 31, Noes 2.	
03-12.	S.	Ordered immediately messaged.	
03-14.	A.	Received from Senate concurred in.	

2001
ENROLLED BILL

01en AB-327

ADOPTED DOCUMENTS:

Orig Engr ___ SubAmdt ___

01-27091/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Claiming bill: Robert and Dorothy Messner

3/13/02
Date

[Signature]
Enrolling Drafter

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2001 ASSEMBLY BILL 327

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 relating to:** expenditure of \$9,296 from moneys appropriated to the
2 department of transportation in payment of a claim against the state made by
3 Robert and Dorothy Messner.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$9,296 from moneys appropriated to the department of transportation (DOT) for the current fiscal biennium for maintenance and repair of state highways and certain related programs in payment of a claim against DOT by Robert and Dorothy Messner. The claimants operate an apple orchard adjacent to STH 49 near Brownsville (Dodge County). In 1998, the claimants had 136 dead, dying, or damaged apple trees near the highway, which a plant pathologist determined to be caused by salt spray. Based on average net income for the years 1994 to 1997, the claimants estimated that the damage resulted in \$9,296 in net loss of income for 1998. DOT asserts that it attempted to reduce the amount of salt applied to the highway in response to the claimants' concerns, but that it has a duty to maintain the roadway in a safe condition for the traveling public, and that discontinuing the use of salt is not a viable option. DOT also asserts that the claimants should exercise prudent planting practices in areas near the highway. On October 19, 1999, the claims board recommended payment of this claim (see 1999 *Senate Journal*, p. 307).

ASSEMBLY BILL 327

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 20.395 (3) (eq) of the statutes, as affected by the acts
3 of 1999 and 2001, \$9,296 in payment of a claim against the state made by Robert and
4 Dorothy Messner, Brownsville, Wisconsin, as reimbursement for losses incurred in
5 1998 as the result of damage to the claimants' apple orchard caused by salt spray
6 from STH 49, to which the department of transportation applied road salt.
7 Acceptance of this payment releases this state and its officers, employees, and agents
8 from any further liability resulting from damage to the claimants' property incurred
9 in 1998.

10

(END)