

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:

Robert and Dorothy Messner claim

Instructions:

Per 1999 AB-650.

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			martykr 03/05/2001	_____	lrb_docadmin 03/05/2001	lrb_docadmin 03/23/2001	

FE Sent For:

↳ AT Intro.

<END>

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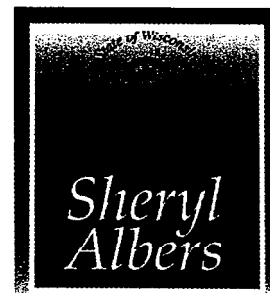
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/?	kuesejt	1 3/5 jld	1 3/5	RS 3 Am 5			

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.

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 650**

March 2, 2000 - Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 1: delete "\$9,926" and substitute "\$9,296".

3 **2.** Page 2, line 3: delete "\$9,926" and substitute "\$9,296".

4 (END)

(DNOPE)

2001
1999-2000 LEGISLATURE

2709/11

LRB-4852/1

JTK:MA:km

Wanted soon

jld

1999 ASSEMBLY BILL 650

January 11, 2000 - Introduced by Representative ALBERS, cosponsored by Senator BURKE, by request of The Claims Board. Referred to Joint committee on Finance.

1

Regen

#9,296 ✓

2
3

AN ACT relating to: expenditure of \$9,926 from moneys appropriated to the department of transportation in payment of a claim against the state made by Robert and Dorothy Messner.

Analysis by the Legislative Reference Bureau

#9,296

current

This bill directs expenditure of \$9,926 from moneys appropriated to the department of transportation (DOT) for the 1999-2001 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 \$9,926 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 Senate Journal, p. 307).

\$9,296

*

1999

ASSEMBLY BILL 650

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 and 2001[✓] #9,296 of 1999[✓] #9,926 in payment of a claim against the state made by Robert and Dorothy
4 Messner, Brownsville, Wisconsin, as reimbursement for losses incurred in 1998 as
5 the result of damage to the claimants' apple orchard caused by salt spray from STH
6 49, to which the department of transportation applied road salt. Acceptance of this
7 payment releases this state and its officers, employe^es and agents from any further
8 liability resulting from damage to the claimants' property incurred in 1998.[✓]

9

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2709/1dn

JTK.....

↑
jld

Representative Albers:

The original claims board report of this claim incorporated a typographical error in the amount of the claim that was reflected in 1999 AB~~6~~50. This draft corrects the amount of the claim to reflect the actual amount claimed by the claimants, as shown on the form they filed with the department of administration.

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



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-2709 Robert and Dorothy Mcssner 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.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2709/1dn
JTK:jld:km

March 5, 2001

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