

1975 Senate Bill 418

Date published: June 9, 1976

**CHAPTER 397, Laws of 1975**  
(Vetoed in Part)

**Vetoed in Part** AN ACT to renumber and amend 16.007 (6); to amend ~~15.07 (2) (c)~~ 15.105 (2), 16.007 (3) and (5), 16.53 (8) and 20.505 (3) (a); and to create 16.007 (6) (b) of the statutes, relating to adjudication and payment of claims against the state, and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Vetoed in Part** SECTION 1. ~~15.07 (2) (c) of the statutes is amended to read:~~  
~~15.07 (2) (c) The representative of the department of justice shall serve as chairman. Chairmanship of the claims board shall rotate annually between the senate and assembly member and the representative of the department of administration shall serve as its secretary.~~

SECTION 2. 15.105 (2) of the statutes is amended to read:

15.105 (2) CLAIMS BOARD. There is created a claims board which is attached to the department of administration under s. 15.03. The claims board shall consist of a representative of the executive office designated by the governor, a representative of the department of administration designated by the secretary of administration, a representative of the department of justice designated by the attorney general and the chairmen of the senate and assembly committees on finance or their designees appointed at the commencement of each legislative biennium from the membership of the respective committees on finance.

SECTION 3. 16.007 (3) and (5) of the statutes are amended to read:

16.007 (3) PROCEDURE. When a claim has been referred to the claims board, ~~it shall the board may upon its own motion and shall upon request of the claimant,~~ schedule such claim for hearing, giving the claimant at least 10 days' written notice of the date, time and place thereof. ~~Those claims described under sub. (6) (b) shall not be heard or decided by the claims board.~~ The board shall keep a record of its proceedings, but such proceedings may be recorded by a permanent recording device without transcription. It may require sworn testimony and may summon and compel attendance of witnesses and the production of documents and records. Any member of the board may sign and issue a subpoena.

(5) FINDINGS. The board shall report its findings and recommendations, on all claims referred to it, to the legislature for action. If from its findings of fact the board concludes that any such claim is one on which the state is legally liable, or one which involves the causal negligence of any officer, agent or employe of the state, or one which on equitable principles the state should in good conscience assume and pay, it shall cause a bill to be drafted covering its recommendations and shall report its findings and conclusions and submit the drafted bill to the joint committee on finance at the earliest available time. A copy of its findings and conclusions shall be submitted to the claimant within ~~10~~ 20 days after the board makes its determination. ~~Findings and conclusions are not required for claims processed under s. 16.007 (6) (b).~~

SECTION 4. 16.007 (6) of the statutes is renumbered 16.007 (6) (a) and amended to read:

16.007 (6) (a) ~~Whenever~~ Except as provided in par. (b), ~~whenever~~ the claims board by unanimous vote finds that payment of ~~less than \$500 not more than \$1,000~~ to a claimant is justified, it may order the amount so found to be justified paid on its own motion without submission of the claim in bill form to the legislature. Such amounts shall be paid upon the certification of the ~~chairman~~ chairperson and secretary of the board from the appropriation made by s. 20.505 (3) (a), ~~(g) or (q).~~

SECTION 5. 16.007 (6) (b) of the statutes is created to read:

16.007 (6) (b) Whenever the representative of the department designated by the secretary pursuant to s. 15.105 (2), finds that payment of a claim described in this paragraph to a claimant is justified, the representative of the department may order the amount so found to be justified paid without approval of the claims board and without submission of the claim in the form of a bill to the legislature. Such claims shall be paid upon the certification of the representative of the department from the appropriation made by s. 20.505 (3) (a) and shall be annually reported to the board. Claims which may be paid directly by the department are:

1. Payment of the amount owed by the state under any check issued by it which has been voided for failure to present the check for payment within the prescribed period from the date of issuance.
2. Payment of a refund of state inheritance tax which has been overpaid by any taxpayer.
3. Payment of a refund due as the result of an overpayment made by mistake of the applicant in filing articles of incorporation or amendments thereto, or a certificate of authority for a foreign corporation to transact business in this state pursuant to s. 180.87.

SECTION 6. 16.53 (8) of the statutes is amended to read:

16.53 (8) CLAIMS REQUIRING LEGISLATIVE ACTION. All claims of every kind against the state requiring legislative action shall be made in duplicate, as provided in sub. (1) and shall be filed in the office of the secretary. The secretary shall examine

the same, ~~see if~~ ascertain whether ordered by competent authority and, if properly made, designate the fund to which they are chargeable. ~~The~~ Except in the case of claims described under s. 16.007 (6) (b), the secretary shall as soon as practicable refer such claims to the claims board for its findings of fact, its conclusions and its report thereon to the legislature for action. Whenever a bill appropriating money for a claim becomes a law the secretary, before drawing ~~his~~ a warrant therefor on the treasurer, shall see that the proper account on which such appropriation is based is filed in ~~his~~ the secretary's office.

SECTION 7. 20.505 (3) (a) of the statutes is amended to read:

20.505 (3) (a) *Claims board.* There is appropriated to the various state agencies from the respective funds and accounts from which their appropriations are financed, to be paid on vouchers certified by the claims board, or by the department of administration in the case of claims described under s. 16.007 (6) (b), a sum sufficient for the administration of and awards under ss. 16.007, 285.05, 285.06, and 285.11. If the claims board determines that payment from such fund and account would jeopardize the programs it supports, the award shall be paid from the general purpose revenues of the appropriate fund, but if the general purpose revenues of such fund are exhausted, the award shall be paid from the general purpose revenues of the general fund. ~~Estimated expenditures under this subsection shall appear in the schedule as pars. (a), (g) and (q) for the respective sources of revenue from which such awards are made.~~ Expenditures ~~hereunder~~ under this paragraph not attributable to a specific department shall be charged only under ~~these paragraphs~~ this paragraph.

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