



2023 ASSEMBLY BILL 482

October 12, 2023 - Introduced by Representative DALLMAN. Referred to Committee on State Affairs.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT relating to:** expenditure of \$563,557.14 from the general fund in
2 payment of a claim against the state made by Payne and Dolan, Inc.

Analysis by the Legislative Reference Bureau

This bill directs the expenditure of \$563,557.14 from the general fund in payment of a claim against the Department of Transportation by Payne and Dolan, Inc. The claimant entered into a contract with DOT to perform work on a highway resurfacing project in Racine and Kenosha Counties associated with DOT projects 2818-00-73, 3723-01-70, and 3765-04-70. The claimant asserted that it incurred substantial additional expense by being required to transport asphalt and concrete from the project site to a Kenosha County dump. The claimant claimed \$563,557.14 for the cost of transporting the asphalt and concrete. DOT maintains that the claimant was required to transport the asphalt and concrete under Article 34 of the contract. On October 20, 2020, the claims board denied the claim because it concluded that the claim required interpretation of the contract that would be more appropriately evaluated by a court of law (see 2019 *Senate Journal*, p. 911).

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:

3 **SECTION 1. Claim against the state.**

ASSEMBLY BILL 482**SECTION 1**

1 (1) There is directed to be expended from the appropriation under s. 20.505 (4)
2 (d) \$563,557.14 in payment of a claim against the state brought by Payne and Dolan,
3 Inc., Waukesha, WI 53187, as reimbursement for work performed on department of
4 transportation projects 2818-00-73, 3723-01-70, and 3765-04-70. Acceptance of
5 this payment releases this state and its officers, employees, and agents from any
6 further liability resulting from work performed by the claimant on department of
7 transportation projects 2818-00-73, 3723-01-70, and 3765-04-70.

8 (END)