



## 1999 SENATE BILL 510

March 24, 2000 - Introduced by Senator SHIBILSKI. Referred to Joint committee on Finance.

- 1     **AN ACT relating to:** expenditure of a sum sufficient from the general fund in  
2             payment of a claim against the state made by Terrence Bauer.

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### *Analysis by the Legislative Reference Bureau*

This bill directs expenditure of a sum sufficient from the general fund in payment of a claim against the state made by Terrence Bauer against the department of commerce. The claimant was employed by the former department of industry, labor and human relations (DILHR) as a flammable and combustible liquid system coordinator. During that employment, the claimant became the owner of a company, Central Wisconsin Inspection Service, Inc. (CWI), that began bidding on requests for bids solicited by DILHR for underground storage tank inspections. After the department of employment of relations determined that this posed a conflict of interest, DILHR entered into an agreement with the claimant and CWI on July 15, 1994, under which the claimant resigned his position with DILHR as of that date, and under which DILHR agreed that it would not discriminate against CWI in the award of any contracts for which CWI was the low bidder on a specific named bid number then pending and further agreed that if DILHR did so the claimant would be entitled to reinstatement with full wages and benefits retroactive to his date of termination. According to the claimant, DILHR and its successor, the department of commerce, have failed since July 15, 1994, to award several contracts to CWI when CWI was the low bidder or would have been the low bidder had the department of commerce properly categorized its work, and the department of commerce terminated its contracts with CWI on October 30, 1996. According to the department, its alleged failure to describe certain tanks within certain categories in

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its bid solicitations is immaterial since payments are based on the number of tanks that are registered on the date of payment and all bidders operate from the same information. The department also alleges that its agreement with the claimant does not apply to the award of contracts for which bids were due to be filed after the date of the agreement. The claimant claimed \$149,511.92, which the claimant determined is the cost of the wages and benefits that he would have received for the period from July 15, 1994, to December 31, 1996, plus the cost of wages and benefits calculated by the same methodology to his date of reinstatement. On October 30, 1997, the claims board recommended denial of this claim (see 1997 *Senate Journal*, p. 334).

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

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***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 20.505 (4) (d) of the statutes, as affected by the acts  
 3 of 1997 and 1999, a sum sufficient in payment of a claim against the state made by  
 4 Terrence Bauer, Custer, Wisconsin, equal to the cost of wages and benefits that would  
 5 have been paid to or on behalf of the claimant from July 15, 1994, to the date of his  
 6 reinstatement to his position as a state employe to compensate him for the breach  
 7 of an agreement entered into between the claimant, Central Wisconsin Inspection  
 8 Service, Inc., and the former department of industry, labor and human relations on  
 9 July 15, 1994. Acceptance of this payment releases this state and its officers,  
 10 employes and agents from any further liability resulting from this agreement.

11                                       **(END)**