



## 2001 ASSEMBLY BILL 323

April 18, 2001 - Introduced by Representatives PETTIS, SUDER, ALBERS, JESKEWITZ, GROTHMAN, URBAN, AINSWORTH, OWENS and McCORMICK. Referred to Committee on Labor and Workforce Development.

1     **AN ACT to renumber** 59.52 (29) (a) and 60.47 (1) (a); **to renumber and amend**  
2           61.55; **to amend** 13.48 (19), 16.854 (3), 59.52 (29) (b), 66.0133 (3), 84.06 (2) (a),  
3           86.31 (2) (b), 119.04 (1), 229.44 (4) (d), 229.68 (4) (d) and 229.824 (4) (d); and **to**  
4           **create** 16.855 (14m), 20.931, 59.52 (29) (ae), 59.52 (29) (c), 60.47 (1) (ae), 60.47  
5           (5m), 61.55 (title), 61.55 (1), 61.55 (3), 62.15 (1e), 62.15 (15), 85.017, 118.265,  
6           200.01 (3s), 200.11 (5m), 200.21 (5s), 200.47 (6), 229.41 (8m), 229.46 (8), 229.65  
7           (6m), 229.682 (9), 229.821 (8m) and 229.827 (4) of the statutes; **relating to:**  
8           requirements concerning participation by labor organizations in public  
9           construction contracts and the expenditure of public grant moneys.

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### ***Analysis by the Legislative Reference Bureau***

This bill requires the department of administration, or the secretary of transportation with respect to transportation-related projects, to ensure that the specifications for bids and contracts for state construction projects and construction projects of local professional baseball park districts do not:

1. Require any bidder, contractor, or subcontractor to enter into or to adhere to an agreement with any labor organization concerning services to be performed in relation to the project or a related project.

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2. Discriminate against any bidder, contractor, or subcontractor for refusing to enter into or continue to adhere to an agreement with any labor organization concerning services to be performed in relation to the project or a related project.

3. Require any bidder, contractor, or subcontractor to enter into, continue to adhere to, or enforce any agreement that requires its employees, as a condition of employment, to become members of or become affiliated with a labor organization.

The bill also prohibits any state agency from conditioning the award of any state grant upon any agreement by the recipient:

1. To enter into or continue to adhere to an agreement with any labor organization concerning services to be funded under the grant.

2. To enter into, continue to adhere to, or enforce any agreement that requires services that are funded under the grant to be performed by employees who must become members of or become affiliated with a labor organization.

The bill also requires a school board, the governing body of a political subdivision of this state (a city, village, town, or county), a metropolitan sewerage district, a local exposition district, a local professional baseball park district, or a local professional football stadium district to ensure that the specifications for bids and contracts for public works projects conducted by the school board, political subdivision, metropolitan sewerage district, local exposition district, or local professional baseball park district, including highway projects, do not:

1. Require any bidder, contractor, or subcontractor to enter into or to adhere to an agreement with any labor organization concerning services to be performed in relation to the project or a related project.

2. Discriminate against any bidder, contractor, or subcontractor for refusing to enter into or continue to adhere to an agreement with any labor organization concerning services to be performed in relation to the project or a related project.

3. Require any bidder, contractor or subcontractor to enter into, continue to adhere to, or enforce any agreement that requires its employees, as a condition of employment, to become members of or become affiliated with a labor organization.

Under current law, state agencies have only the powers given to them by law or necessarily inferred therefrom. These powers do not include the authority to condition the award of state contracts or grants upon agreements with labor organizations, representation by labor organizations, or making of payments to labor organizations. With certain exceptions, state construction contracts are generally required to be awarded to the lowest responsible bidder. With certain exceptions, the contractor for a state building project is required to pay employees who perform work under the contract the prevailing wage for similar work in the area where the project is located. State grants are subject to the specific requirements of various laws under which the grants are made. Currently, state law prohibits any employer from entering into a contract with an employee or prospective employee concerning membership or nonmembership in a labor organization.

Currently, with certain exceptions, public works contracts with a political subdivision, metropolitan sewerage district, or local exposition district are generally required to be awarded to the lowest responsible bidder. With certain exceptions, persons who contract with a political subdivision, metropolitan sewerage district,

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local exposition district, or local professional baseball park district for public works projects are required to pay employees who perform work under such a contract the prevailing wage for similar work in the area where the project is located.

Under current law, towns and counties have only the powers given to them by law or necessarily inferred therefrom. These powers do not include the authority to condition the award of public works contracts upon agreements with labor organizations, representation by labor organizations, or making of payments to labor organizations. To the extent that the lowest responsible bidder requirements or other exceptions do not apply, cities and villages, under their current law home rule authority, could condition the award of public works contracts upon agreements with labor organizations.

For further information see the *local* 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.** 13.48 (19) of the statutes is amended to read:

2           13.48 **(19)** ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building  
3           commission determines that the use of innovative types of design and construction  
4           processes will make better use of the resources and technology available in the  
5           building industry, the building commission may waive any ~~or all~~ provision of s.  
6           16.855, except s. 16.855 (14m), if such action is in the best interest of the state and  
7           if the waiver is accomplished through formal action of the building commission. The  
8           building commission may authorize the lease, lease purchase or acquisition of such  
9           facilities constructed in the manner authorized by the building commission. The  
10          building commission may also authorize the lease, lease purchase or acquisition of  
11          existing facilities in lieu of state construction of any project enumerated in the  
12          authorized state building program.

13          **SECTION 2.** 16.854 (3) of the statutes is amended to read:

14          16.854 **(3)** It shall be a goal of the department, with regard to each of the  
15          contracts described under sub. (2) (a), (b), and (c), to award at least 25% of the dollar

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1 value of such contracts to minority businesses and at least 5% of the dollar value of  
2 such contracts to women's businesses.

3 ~~(4) Sections 16.85, 16.855 (1) to (14) and (15) to (22), and 16.87 do not apply to~~  
4 services provided or contracted by the department under this section.

5 **SECTION 3.** 16.855 (14m) of the statutes is created to read:

6 16.855 **(14m)** (a) In this subsection, "labor organization" has the meaning given  
7 in s. 5.02 (8m).

8 (b) The department shall ensure that the specifications for bids and contracts  
9 for construction projects entered into under this section do not do any of the  
10 following:

11 1. Require any bidder, contractor, or subcontractor to enter into or to adhere to  
12 an agreement with any labor organization concerning services to be performed in  
13 relation to the project or a related project.

14 2. Discriminate against any bidder, contractor, or subcontractor for refusing to  
15 enter into or continue to adhere to an agreement with any labor organization  
16 concerning services to be performed in relation to the project or a related project.

17 3. Require any bidder, contractor, or subcontractor to enter into, continue to  
18 adhere to, or enforce any agreement that requires its employees, as a condition of  
19 employment, to become members of or become affiliated with a labor organization.

20 **SECTION 4.** 20.931 of the statutes is created to read:

21 **20.931 Conditions upon state grants prohibited.** (1) In this section,  
22 "labor organization" has the meaning given in s. 5.02 (8m).

23 (2) No state agency may condition the award of any grant made by the agency  
24 from moneys appropriated under this chapter upon any agreement by the recipient  
25 to do any of the following:

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1 (a) Enter into or continue to adhere to an agreement with any labor  
2 organization concerning services to be funded under the grant.

3 (b) Enter into, continue to adhere to, or enforce any agreement that requires  
4 services that are funded under the grant to be performed by employees who must  
5 become members of or become affiliated with a labor organization.

6 **SECTION 5.** 59.52 (29) (a) of the statutes is renumbered 59.52 (29) (am).

7 **SECTION 6.** 59.52 (29) (ae) of the statutes is created to read:

8 59.52 (29) (ae) In this subsection, "labor organization" has the meaning given  
9 in s. 5.02 (8m).

10 **SECTION 7.** 59.52 (29) (b) of the statutes is amended to read:

11 59.52 (29) (b) The provisions of par. (a) (am) are not mandatory for the repair  
12 or reconstruction of public facilities when damage or threatened damage thereto  
13 creates an emergency, as determined by resolution of the board, in which the public  
14 health or welfare of the county is endangered. Whenever the board by majority vote  
15 at a regular or special meeting determines that an emergency no longer exists, this  
16 paragraph no longer applies.

17 **SECTION 8.** 59.52 (29) (c) of the statutes is created to read:

18 59.52 (29) (c) The board shall ensure that the specifications for bids and  
19 contracts for construction projects entered into under this subsection do not do any  
20 of the following:

21 1. Require any bidder, contractor, or subcontractor to enter into or to adhere to  
22 an agreement with any labor organization concerning services to be performed in  
23 relation to the project or a related project.

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1           2. Discriminate against any bidder, contractor, or subcontractor for refusing to  
2 enter into or continue to adhere to an agreement with any labor organization  
3 concerning services to be performed in relation to the project or a related project.

4           3. Require any bidder, contractor, or subcontractor to enter into, continue to  
5 adhere to, or enforce any agreement that requires its employees, as a condition of  
6 employment, to become members of or become affiliated with a labor organization.

7           **SECTION 9.** 60.47 (1) (a) of the statutes is renumbered 60.47 (1) (am).

8           **SECTION 10.** 60.47 (1) (ae) of the statutes is created to read:

9           60.47 (1) (ae) "Labor organization" has the meaning given in s. 5.02 (8m).

10          **SECTION 11.** 60.47 (5m) of the statutes is created to read:

11          60.47 (5m) **CONTRACTS WITH LABOR ORGANIZATIONS.** The town board shall ensure  
12 that the specifications for bids and contracts for construction projects entered into  
13 under this section do not do any of the following:

14           (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
15 to an agreement with any labor organization concerning services to be performed in  
16 relation to the project or a related project.

17           (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
18 to enter into or continue to adhere to an agreement with any labor organization  
19 concerning services to be performed in relation to the project or a related project.

20           (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
21 adhere to, or enforce any agreement that requires its employees, as a condition of  
22 employment, to become members of or become affiliated with a labor organization.

23          **SECTION 12.** 61.55 (title) of the statutes is created to read:

24          **61.55 (title) Public contracts and competitive bidding.**

25          **SECTION 13.** 61.55 of the statutes is renumbered 61.55 (2) and amended to read:

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1           61.55 (2) CONTRACTS INVOLVING OVER \$15,000; HOW LET; EXCEPTION. All contracts  
2 for public construction, in any such village, exceeding \$15,000, shall be let by the  
3 village board to the lowest responsible bidder in accordance with s. 66.0901 insofar  
4 as said that section may be applicable. If the estimated cost of any public  
5 construction exceeds \$5,000, but is not greater than \$15,000, the village board shall  
6 give a class 1 notice, under ch. 985, of the proposed construction before the contract  
7 for the construction is executed. This provision does not apply to public construction  
8 if the materials for such a project are donated or if the labor for such a project is  
9 provided by volunteers, and this provision and s. 281.41 are not mandatory for the  
10 repair and reconstruction of public facilities when damage or threatened damage  
11 thereto creates an emergency, as determined by resolution of the village board, in  
12 which the public health or welfare of the village is endangered. Whenever the village  
13 board by majority vote at a regular or special meeting declares that an emergency  
14 no longer exists, this exemption no longer applies.

15           **SECTION 14.** 61.55 (1) of the statutes is created to read:

16           61.55 (1) DEFINITION. In this section, "labor organization" has the meaning  
17 given in s. 5.02 (8m).

18           **SECTION 15.** 61.55 (3) of the statutes is created to read:

19           61.55 (3) CONTRACTS WITH LABOR ORGANIZATIONS. The village board shall ensure  
20 that the specifications for bids and contracts for construction projects entered into  
21 under this section do not do any of the following:

22           (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
23 to an agreement with any labor organization concerning services to be performed in  
24 relation to the project or a related project.

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1 (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
2 to enter into or continue to adhere to an agreement with any labor organization  
3 concerning services to be performed in relation to the project or a related project.

4 (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
5 adhere to, or enforce any agreement that requires its employees, as a condition of  
6 employment, to become members of or become affiliated with a labor organization.

7 **SECTION 16.** 62.15 (1e) of the statutes is created to read:

8 62.15 (1e) DEFINITION. In this section, "labor organization" has the meaning  
9 given in s. 5.02 (8m).

10 **SECTION 17.** 62.15 (15) of the statutes is created to read:

11 62.15 (15) CONTRACTS WITH LABOR ORGANIZATIONS. The common council shall  
12 ensure that the specifications for bids and contracts for construction projects entered  
13 into under this section do not do any of the following:

14 (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
15 to an agreement with any labor organization concerning services to be performed in  
16 relation to the project or a related project.

17 (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
18 to enter into or continue to adhere to an agreement with any labor organization  
19 concerning services to be performed in relation to the project or a related project.

20 (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
21 adhere to, or enforce any agreement that requires its employees, as a condition of  
22 employment, to become members of or become affiliated with a labor organization.

23 **SECTION 18.** 66.0133 (3) of the statutes is amended to read:

24 66.0133 (3) NOTICE. Notwithstanding ss. 27.065 (5) (a), 30.32, 38.18, 43.17 (9)  
25 (a), 59.52 (29) ~~(a)~~ (am), 59.70 (11), 60.47 (2) to (4), 60.77 (6) (a), 61.55, 61.56, 61.57,



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1 62.15 (1), 62.155, 66.0131 (2), 66.0923 (10), 66.0925 (10), 66.0927 (11), 66.1333 (5) (a)  
2 2., 200.11 (5) (d), and 200.47 (2), before entering into a performance contract under  
3 this section, a local governmental unit shall solicit bids or competitive sealed  
4 proposals from qualified providers. A local governmental unit may only enter into  
5 a performance contract if the contract is awarded by the governing body of the local  
6 governmental unit. The governing body shall give at least 10 days' notice of the  
7 meeting at which the body intends to award a performance contract. The notice shall  
8 include a statement of the intent of the governing body to award the performance  
9 contract, the names of all potential parties to the proposed performance contract, and  
10 a description of the energy conservation and facility improvement measures  
11 included in the performance contract. At the meeting, the governing body shall  
12 review and evaluate the bids or proposals submitted by all qualified providers and  
13 may award the performance contract to the qualified provider that best meets the  
14 needs of the local governmental unit, which need not be the lowest cost provider.

15 **SECTION 19.** 84.06 (2) (a) of the statutes is amended to read:

16 84.06 (2) (a) All such highway improvements shall be executed by contract  
17 based on bids unless the department finds that another method as provided in sub.  
18 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in  
19 the manner determined by the department. Except as provided in s. 84.075, the  
20 contract shall be awarded to the lowest competent and responsible bidder as  
21 determined by the department. If the bid of the lowest competent bidder is  
22 determined by the department to be in excess of the estimated reasonable value of  
23 the work or not in the public interest, all bids may be rejected. The department shall,  
24 so far as reasonable, follow uniform methods of advertising for bids and may  
25 prescribe and require uniform forms of bids and contracts. Except as provided in par.

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1 (b), the secretary shall enter into the contract on behalf of the state. Every such  
2 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87, and 16.89, but  
3 ss. 16.528, 16.752, and 16.754 apply to the contract. Contracts under this section are  
4 subject to s. 85.017. Any such contract involving an expenditure of \$1,000 or more  
5 shall not be valid until approved by the governor. The secretary may require the  
6 attorney general to examine any contract and any bond submitted in connection with  
7 the contract and report on its sufficiency of form and execution. The bond required  
8 by s. 779.14 (1m) is exempt from approval by the governor and shall be subject to  
9 approval by the secretary. This subsection also applies to contracts with private  
10 contractors based on bids for maintenance under s. 84.07.

11 **SECTION 20.** 85.017 of the statutes is created to read:

12 **85.017 Contracts conditioned on use of labor organizations**  
13 **prohibited.** (1) In this section, "labor organization" has the meaning given in s.  
14 5.02 (8m).

15 (2) The secretary shall ensure that the specifications for bids and contracts for  
16 construction or maintenance projects entered into by the secretary or the  
17 department do not do any of the following:

18 (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
19 to an agreement with any labor organization concerning services to be performed in  
20 relation to the project or a related project.

21 (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
22 to enter into or continue to adhere to an agreement with any labor organization  
23 concerning services to be performed in relation to the project or a related project.

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1 (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
2 adhere to, or enforce any agreement that requires its employees, as a condition of  
3 employment, to become members of or become affiliated with a labor organization.

4 **SECTION 21.** 86.31 (2) (b) of the statutes is amended to read:

5 86.31 (2) (b) Except as provided in par. (d), improvements for highway  
6 construction projects funded under the program shall be under contracts. ~~Such~~ The  
7 contracts are subject to ss. 59.52 (29) (c), 60.47 (5m), 61.55 (3), and 62.15 (15). The  
8 contracts shall be awarded on the basis of competitive bids and shall be awarded to  
9 the lowest responsible bidder. If a city or village does not receive a responsible bid  
10 for an improvement, the city or village may contract with a county for the  
11 improvement. A town may contract with a county for the improvement subject to the  
12 criteria and procedures promulgated as rules under sub. (6) (h).

13 **SECTION 22.** 118.265 of the statutes is created to read:

14 **118.265 Contracts with labor organizations. (1)** In this section, "labor  
15 organization" has the meaning given in s. 5.02 (8m).

16 **(2)** The school board shall ensure that the specifications for bids and contracts  
17 for construction projects entered into by the school board do not do any of the  
18 following:

19 (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
20 to an agreement with any labor organization concerning services to be performed in  
21 relation to the project or a related project.

22 (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
23 to enter into or continue to adhere to an agreement with any labor organization  
24 concerning services to be performed in relation to the project or a related project.

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1 (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
2 adhere to, or enforce any agreement that requires its employees, as a condition of  
3 employment, to become members of or become affiliated with a labor organization.

4 **SECTION 23.** 119.04 (1) of the statutes is amended to read:

5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
6 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
7 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to  
8 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
9 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.265,  
10 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125,  
11 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and  
12 120.25 are applicable to a 1st class city school district and board.

13 **SECTION 24.** 200.01 (3s) of the statutes is created to read:

14 200.01 (3s) "Labor organization" has the meaning given in s. 5.02 (8m).

15 **SECTION 25.** 200.11 (5m) of the statutes is created to read:

16 200.11 (5m) CONTRACTS WITH LABOR ORGANIZATIONS. The commission shall  
17 ensure that the specifications for bids and contracts for construction projects entered  
18 into under sub. (5) do not do any of the following:

19 (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
20 to an agreement with any labor organization concerning services to be performed in  
21 relation to the project or a related project.

22 (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
23 to enter into or continue to adhere to an agreement with any labor organization  
24 concerning services to be performed in relation to the project or a related project.

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1 (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
2 adhere to, or enforce any agreement that requires its employees, as a condition of  
3 employment, to become members of or become affiliated with a labor organization.

4 **SECTION 26.** 200.21 (5s) of the statutes is created to read:

5 200.21 (5s) "Labor organization" has the meaning given in s. 5.02 (8m).

6 **SECTION 27.** 200.47 (6) of the statutes is created to read:

7 200.47 (6) CONTRACTS WITH LABOR ORGANIZATIONS. The commission shall ensure  
8 that the specifications for bids and contracts for construction projects entered into  
9 under this section do not do any of the following:

10 (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
11 to an agreement with any labor organization concerning services to be performed in  
12 relation to the project or a related project.

13 (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
14 to enter into or continue to adhere to an agreement with any labor organization  
15 concerning services to be performed in relation to the project or a related project.

16 (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
17 adhere to, or enforce any agreement that requires its employees, as a condition of  
18 employment, to become members of or become affiliated with a labor organization.

19 **SECTION 28.** 229.41 (8m) of the statutes is created to read:

20 229.41 (8m) "Labor organization" has the meaning given in s. 5.02 (8m).

21 **SECTION 29.** 229.44 (4) (d) of the statutes is amended to read:

22 229.44 (4) (d) Enter into contracts. All contracts, the estimated costs of which  
23 exceed \$30,000, are subject to s. 229.46 (8), except contracts subject to s. 229.46 (5)  
24 and contracts for personal or professional services, The contracts shall be subject

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1 to bid and shall be awarded to the lowest qualified and competent bidder. The district  
2 may reject any bid that is submitted under this paragraph.

3 **SECTION 30.** 229.46 (8) of the statutes is created to read:

4 229.46 (8) The district shall ensure that the specifications for bids and  
5 contracts for construction projects entered into under this subchapter do not do any  
6 of the following:

7 (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
8 to an agreement with any labor organization concerning services to be performed in  
9 relation to the project or a related project.

10 (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
11 to enter into or continue to adhere to an agreement with any labor organization  
12 concerning services to be performed in relation to the project or a related project.

13 (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
14 adhere to, or enforce any agreement that requires its employees, as a condition of  
15 employment, to become members of or become affiliated with a labor organization.

16 **SECTION 31.** 229.65 (6m) of the statutes is created to read:

17 229.65 (6m) "Labor organization" has the meaning given in s. 5.02 (8m).

18 **SECTION 32.** 229.68 (4) (d) of the statutes is amended to read:

19 229.68 (4) (d) Enter into contracts, subject to s. 229.682 (9) and to such  
20 standards as may be established by the district board. The district board may award  
21 any such contract for any combination or division of work it designates and, subject  
22 to s. 229.682 (9), may consider any factors in awarding a contract, including price,  
23 time for completion of work and qualifications and past performance of a contractor.

24 **SECTION 33.** 229.682 (9) of the statutes is created to read:

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1           229.682 **(9)** CONTRACTS WITH LABOR ORGANIZATIONS. The district shall ensure  
2 that the specifications for bids and contracts for construction projects entered into  
3 under this subchapter do not do any of the following:

4           (a) Require any bidder, contractor, or subcontractor to enter into or to adhere  
5 to an agreement with any labor organization concerning services to be performed in  
6 relation to the project or a related project.

7           (b) Discriminate against any bidder, contractor, or subcontractor for refusing  
8 to enter into or continue to adhere to an agreement with any labor organization  
9 concerning services to be performed in relation to the project or a related project.

10          (c) Require any bidder, contractor, or subcontractor to enter into, continue to  
11 adhere to, or enforce any agreement that requires its employees, as a condition of  
12 employment, to become members of or become affiliated with a labor organization.

13           **SECTION 34.** 229.821 (8m) of the statutes is created to read:

14           229.821 **(8m)** "Labor organization" has the meaning given in s. 5.02 (8m).

15           **SECTION 35.** 229.824 (4) (d) of the statutes is amended to read:

16           229.824 **(4)** (d) Enter into contracts, subject to s. 229.827 (4) and to such  
17 standards as may be established by the district board. The district board may award  
18 any such contract for any combination or division of work it designates and, subject  
19 to s. 229.827 (4), may consider any factors in awarding a contract, including price,  
20 time for completion of work and qualifications and past performance of a contractor.

21           **SECTION 36.** 229.827 (4) of the statutes is created to read:

22           229.827 **(4)** The district shall ensure that the specifications for bids and  
23 contracts for construction projects entered into under this subchapter do not do any  
24 of the following:

