

# State of Wisconsin



2011 Senate Bill 286

Date of enactment: April 6, 2012  
Date of publication\*: April 19, 2012

## 2011 WISCONSIN ACT 259

**AN ACT relating to:** revising various provisions of the statutes for the purpose of supplying omissions and eliminating defects (Correction Bill).

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

**SECTION 1.** 66.0903 (2) (intro.) and (b) of the statutes, as created by [2009 Wisconsin Act 28](#), are amended to read:

66.0903 (2) **APPLICABILITY.** (intro.) Subject to sub. (5), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for a local governmental unit, including all of the following:

(b) A project erected, constructed, repaired, remodeled, or demolished by one local governmental unit for another local governmental unit under a contract under s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically authorizing cooperation between local governmental units.

**SECTION 2.** 66.0903 (11) (a) 1. of the statutes, as affected by [2009 Wisconsin Act 28](#), is amended to read:

66.0903 (11) (a) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as

liquidated damages as provided under subd. 2., or 3., whichever is applicable.

**SECTION 3.** 71.63 (3) (d) of the statutes, as affected by [2009 Wisconsin Acts 28](#) and [288](#), is amended to read:

71.63 (3) (d) With regard to ss. s. 71.65 (6), "employer" means a person described in s. 108.18 (2) (c) or a person engaged in the painting or drywall finishing of buildings or other structures.

**SECTION 4.** 103.49 (6m) (ag) 1. of the statutes, as created by [2009 Wisconsin Act 28](#), is amended to read:

103.49 (6m) (ag) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2., or 3., whichever is applicable.

**SECTION 5. Nonstatutory provisions; reconciliation.**

(1) The treatment of section 66.0903 (2) (intro.) and (b) of the statutes by this act is void if the partial veto of [2009 Wisconsin Act 28](#), section [1480c](#), is overridden.

\* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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(2) The treatment of section 66.0903 (11) (a) 1. of the statutes by this act is void if the partial veto of [2009 Wisconsin Act 28](#), section [1484f](#), is overridden.

(3) The treatment of section 71.63 (3) (d) of the statutes by this act is void if the partial veto of [2009 Wisconsin](#)

[Act 28](#), section [1777m](#), is overridden.

(4) The treatment of section 103.49 (6m) (ag) 1. of the statutes by this act is void if the partial veto of [2009 Wisconsin Act 28](#), section [2192f](#), is overridden.

