

2011 DRAFTING REQUEST

Bill

Received: 03/11/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Reference Bureau**

By/Representing: **Bruce**

May Contact:

Drafter: **chanaman**

Subject: **State Govt - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Revisor's correction bill

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 03/11/2011			_____			
/P1		csicilia 03/14/2011	rschluet 03/11/2011	_____	sbasford 03/11/2011		
/1		csicilia 08/31/2011	jfrantze 03/14/2011	_____	mbarman 03/14/2011 mbarman 03/14/2011		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2			rschluet 08/31/2011	_____	sbasford 08/31/2011	ggodwin 11/03/2011	

FE Sent For:

None

<END>

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/2			rschluet	_____	sbasford		
			08/31/2011	_____	08/31/2011		

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/?	chanaman 03/11/2011			_____	_____
/P1		csicilia 03/14/2011	rschluet 03/11/2011	_____	_____
/1			jfrantze 03/14/2011	_____	_____

Handwritten notes:
PAS -
This is a Revisor's bill on the /2 version.
Please use same procedure as you would for the /1 version.
Thanks, CJS
/2 gjs 10/31/11

FE Sent For:

<END>

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/P1		csicilia 03/14/2011	rschluet 03/11/2011	_____	sbasford 03/11/2011		
/1			jfrantze 03/14/2011	_____	mbarman 03/14/2011		
				_____	mbarman		
				_____	03/14/2011		

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<END>

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For: Legislative Reference Bureau

By/Representing: Bruce

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Drafter: chanaman

Subject: State Govt - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: NO

Pre Topic:

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Topic:

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/?	chanaman 03/11/2011						
/P1		csicilia	rschluet 03/11/2011		sbasford 03/11/2011		

FE Sent For:

1 cjs 3/14/11
Jb 3/14/11
<END>

PAs -
This is a Revisor's
Bill on the
1 version.

Thanks, CJS

Leg. Council
Laura Rose

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Drafter: **chanaman**

Subject: **State Govt - miscellaneous**

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Extra Copies:

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Pre Topic:

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Topic:

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Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

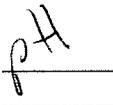
Topic:

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/?	chanaman						

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

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Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Reference Bureau**

By/Representing: **Bruce**

May Contact:

Drafter: **chanaman**

Subject: **State Govt - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **NO**

Pre Topic:

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Topic:

Revisor's correction bill

Instructions:

See attached

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1/?	chanaman	1/PI gjs 3/9 11	U Bill	==			

PA'S

FE Sent For:

<END>

This is a Revisor's
Bill on the

1/PI

version.

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...



DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: CJS) (Date: 3 / 14 / 11)

Note:

**BOTH DRAFTS SHOULD HAVE THE
SAME "REQUESTOR"**

(exception: companion bills)



Please transfer the drafting file for
2009 LRB 4008 (For: Rep. / Sen. LRB)

to the drafting file for

2011 LRB 1649 (For: Rep. / Sen. LRB)

-----OR-----



Please copy the drafting file for
2011 LRB _____ / _____ (include the version) (For: Rep. / Sen. _____)

and place it in the drafting file for

2011 LRB _____ (For: Rep. / Sen. _____)



Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history

("guts") from the original file: _____



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4008/P1
BJH:cjs:ph

- 1648/P1

from an
'09
bill

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisors' bill
Do NOT Gen Cat
Do NOT Sort

SA 09 ✓
SA 11 ✓
state compare

1
2

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

Analysis by the Legislative Reference Bureau

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. is explained in the NOTES in the body of the bill.

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

3
4
5
6
7
8
9

SECTION 1. 66.0903 (2) (intro.), (b) and (c) 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

1 s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically
2 authorizing cooperation between local governmental units.

3 (c) A project in which the completed facility is leased, purchased, lease
4 purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu
5 of the local governmental unit contracting for the erection, construction, repair,
6 remodeling, or demolition of the facility.

NOTE: Inserts "or", necessitated by the governor's partial veto.

7 **SECTION 2.** 66.0903 (11) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
8 28, is amended to read:

9 66.0903 **(11)** (a) 1. Any contractor, subcontractor, or contractor's or
10 subcontractor's agent who fails to pay the prevailing wage rate determined by the
11 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
12 pay for all hours worked in excess of the prevailing hours of labor is liable to any
13 affected employee in the amount of his or her unpaid wages or his or her unpaid
14 overtime compensation and in an additional amount as liquidated damages as
15 provided under subd. 2. or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

16 **SECTION 3.** 66.0904 (1) (c) (intro.) of the statutes, as created by 2009 Wisconsin
17 Act 28, is amended to read:

18 66.0904 **(1)** (c) (intro.) "Direct financial assistance" means moneys, in the form
19 of a grant or other agreement or included as part of a contract, cooperative
20 agreement, or any other arrangement, including a redevelopment agreement under
21 s. 66.1333 (5), economic development agreement, contract under s. 66.1105 (3), or
22 assistance provided under s. 66.1109, that a local governmental unit directly
23 provides or otherwise directly makes available to assist in the erection, construction,

*Fix
veto
mark*

1

repair, remodeling, or demolition of a private facility. "Direct financial assistance"

2 does not include any of the following:

NOTE: Inserts "or" necessitated by the governor's partial veto.

3 SECTION 4. 66.0904 (1) (h) 1. and 2. of the statutes, as created by 2009 Wisconsin
4 Act 28, are amended to read:

5 66.0904 (1) (h) 1. Except as provided in subd. 2., "prevailing wage rate" for any
6 trade or occupation engaged in the erection, construction, remodeling, repairing, or
7 demolition of any publicly funded private construction project in any area means the
8 hourly basic rate of pay, plus the hourly contribution for health insurance benefits,
9 vacation benefits, pension benefits, and any other bona fide economic benefit, paid
10 directly or indirectly, for a majority of the hours worked in the trade or occupation
11 on projects in the area.

12 2. If there is no rate at which a majority of the hours worked in the trade or
13 occupation on projects in the area is paid, "prevailing wage rate" for any trade or
14 occupation engaged in the erection, construction, remodeling, repairing, or
15 demolition of any publicly funded private construction project in any area means the
16 average hourly basic rate of pay, weighted by the number of hours worked, plus the
17 average hourly contribution, weighted by the number of hours worked, for health
18 insurance benefits, vacation benefits, pension benefits, and any other bona fide
19 economic benefit, paid directly or indirectly for all hours worked at the hourly basic
20 rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation
21 on projects in that area.

NOTE: Inserts "or" necessitated by the governor's partial veto.

22 SECTION 5. 66.0904 (1) (i) (intro.) and 1. of the statutes, as created by 2009
23 Wisconsin Act 28, are amended to read:

1 66.0904 (1) (i) (intro.) “Publicly funded private construction project” means a
2 construction project in which the developer, investor, or owner of the project receives
3 direct financial assistance from a local governmental unit for the erection,
4 construction, repair, remodeling, or demolition, including any alteration, painting,
5 decorating, or grading, of a private facility, including land, a building, or other
6 infrastructure. “Publicly funded private construction project” does not include a
7 project of public works or a housing project involving the erection, construction,
8 repair, remodeling, or demolition of any of the following:

9 1. An A residential property, if the project is supported by affordable housing
10 grants, home improvement grants, or grants from a local housing trust fund.

NOTE: Inserts “or” and replaces “An” with “A” necessitated by the governor’s partial
veto.

11 **SECTION 6.** 66.0904 (2) (a) of the statutes, as created by 2009 Wisconsin Act 28,
12 is amended to read:

13 66.0904 (2) (a) Any owner or developer of real property who enters into a
14 contract for the erection, construction, remodeling, repairing, or demolition of any
15 publicly funded private construction project on that real property shall include in the
16 contract a stipulation that no person performing the work described in sub. (3) may
17 be permitted to work a greater number of hours per day or per week than the
18 prevailing hours of labor, except that any such person may be permitted or required
19 to work more than the prevailing hours of labor per day and per week if he or she is
20 paid for all hours worked in excess of the prevailing hours of labor at a rate of at least
21 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the
22 prevailing wage rate determined under sub. (4) in the same or most similar trade or

1 occupation in the area in which the publicly funded private construction project is
2 situated.

NOTE: Inserts "or" necessitated by the governor's partial veto.

3 SECTION 7. 66.0904 (3) (a) 1. of the statutes, as created by 2009 Wisconsin Act
4 28, is amended to read:

5 66.0904 (3) (a) 1. All laborers, workers, mechanics, and truck drivers employed
6 on the site of a publicly funded private construction project that is subject to this
7 section in the performance of erection, construction, remodeling, repair, or
8 demolition activities for which direct financial assistance is received.

NOTE: Inserts "or" necessitated by the governor's partial veto.

9 SECTION 8. 66.0904 (9) (a) 1. of the statutes, as created by 2009 Wisconsin Act
10 28, is amended to read:

11 66.0904 (9) (a) 1. Any contractor, subcontractor, or contractor's or
12 subcontractor's agent who fails to pay the prevailing wage rate determined by the
13 department under sub. (4) or who pays less than 1.5 times the hourly basic rate of
14 pay for all hours worked in excess of the prevailing hours of labor is liable to any
15 affected employee in the amount of his or her unpaid wages or his or her unpaid
16 overtime compensation and in an additional amount as liquidated damages as
17 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

18 SECTION 9. 71.63 (3) (d) of the statutes, as created by 2009 Wisconsin Act 28,
19 is amended to read:

20 71.63 (3) (d) With regard to ss. s. 71.65 (6), "employer" means a person
21 described in s. 108.18 (2) (c) or a person engaged in the painting or drywall finishing

NOTE: Inserts correct citation form necessitated by the governor's partial veto.

Handwritten notes: "affected" with a line pointing to "or" in Section 8; "and 288" in a circle pointing to "28"; "drywall finishing of buildings or other structures" in a large circle pointing to the underlined text in Section 9.

1 **SECTION 10.** 103.49 (1m) (intro.), (a) and (b) of the statutes, as created by 2009
2 Wisconsin Act 28, are amended to read:

3 **103.49 (1m) APPLICABILITY.** (intro.) Subject to sub. (3g), this section applies to
4 any project of public works erected, constructed, repaired, remodeled, or demolished
5 for the state or a state agency, other than a highway, street, or bridge construction
6 or maintenance project, including all of the following:

7 (a) A project erected, constructed, repaired, remodeled, or demolished by one
8 state agency for another state agency under any contract or under any statute
9 specifically authorizing cooperation between state agencies.

10 (b) A project in which the completed facility is leased, purchased, lease
11 purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or
12 a state agency contracting for the erection, construction, repair, remodeling, or
13 demolition of the facility.

NOTE: Inserts "or" necessitated by the governor's partial veto.

14 **SECTION 11.** 103.49 (6m) (ag) 1. of the statutes, as created by 2009 Wisconsin
15 Act 28, is amended to read:

16 **103.49 (6m) (ag) 1.** Any contractor, subcontractor, or contractor's or
17 subcontractor's agent who fails to pay the prevailing wage rate determined by the
18 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
19 pay for all hours worked in excess of the prevailing hours of labor is liable to any
20 affected employee in the amount of his or her unpaid wages or his or her unpaid
21 overtime compensation and in an additional amount as liquidated damages as
22 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

23 **SECTION 12. Nonstatutory provisions; reconciliation.**



oe/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



//

Revisors' Bill
Do NOT Gen
Do NOT SORT

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

Analysis by the Legislative Reference Bureau

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. is explained in the NOTES in the body of the bill.

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

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

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

8 (b) A project erected, constructed, repaired, remodeled, or demolished by one
9 local governmental unit for another local governmental unit under a contract under

1 s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically
2 authorizing cooperation between local governmental units.

3 (c) A project in which the completed facility is leased, purchased, lease
4 purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu
5 of the local governmental unit contracting for the erection, construction, repair,
6 remodeling, or demolition of the facility.

NOTE: Inserts "or" necessitated by the governor's partial veto.

7 **SECTION 2.** 66.0903 (11) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
8 28, is amended to read:

9 66.0903 (11) (a) 1. Any contractor, subcontractor, or contractor's or
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19 of a grant or other agreement or included as part of a contract, cooperative
20 agreement, or any other arrangement, including a redevelopment agreement under
21 s. 66.1333 (5), economic development agreement, contract under s. 66.1105 (3), or
22 assistance provided under s. 66.1109, that a local governmental unit directly
23 provides or otherwise directly makes available to assist in the erection, construction,

1 repair, remodeling, or demolition of a private facility. "Direct financial assistance"
2 does not include any of the following:

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5 66.0904 (1) (h) 1. Except as provided in subd. 2., "prevailing wage rate" for any
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7 demolition of any publicly funded private construction project in any area means the
8 hourly basic rate of pay, plus the hourly contribution for health insurance benefits,
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10 directly or indirectly, for a majority of the hours worked in the trade or occupation
11 on projects in the area.

12 2. If there is no rate at which a majority of the hours worked in the trade or
13 occupation on projects in the area is paid, "prevailing wage rate" for any trade or
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NOTE: Inserts "or" necessitated by the governor's partial veto.

22 **SECTION 5.** 66.0904 (1) (i) (intro.) and 1. of the statutes, as created by 2009
23 Wisconsin Act 28, are amended to read:

1 66.0904 (1) (i) (intro.) “Publicly funded private construction project” means a
2 construction project in which the developer, investor, or owner of the project receives
3 direct financial assistance from a local governmental unit for the erection,
4 construction, repair, remodeling, or demolition, including any alteration, painting,
5 decorating, or grading, of a private facility, including land, a building, or other
6 infrastructure. “Publicly funded private construction project” does not include a
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15 affected employee in the amount of his or her unpaid wages or his or her unpaid
16 overtime compensation and in an additional amount as liquidated damages as
17 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

18 **SECTION 9.** 71.63 (3) (d) of the statutes, as affected by 2009 Wisconsin Acts 28
19 and 288, is amended to read:

20 71.63 (3) (d) With regard to ~~ss.~~ s. 71.65 (6), "employer" means a person
21 described in s. 108.18 (2) (c) or a person engaged in the painting or drywall finishing
22 of buildings or other structures.

NOTE: Inserts correct citation form necessitated by the governor's partial veto.

1 **SECTION 10.** 103.49 (1m) (intro.), (a) and (b) of the statutes, as created by 2009
2 Wisconsin Act 28, are amended to read:

3 103.49 **(1m)** APPLICABILITY. (intro.) Subject to sub. (3g), this section applies to
4 any project of public works erected, constructed, repaired, remodeled, or demolished
5 for the state or a state agency, other than a highway, street, or bridge construction
6 or maintenance project, including all of the following:

7 (a) A project erected, constructed, repaired, remodeled, or demolished by one
8 state agency for another state agency under any contract or under any statute
9 specifically authorizing cooperation between state agencies.

10 (b) A project in which the completed facility is leased, purchased, lease
11 purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or
12 a state agency contracting for the erection, construction, repair, remodeling, or
13 demolition of the facility.

NOTE: Inserts "or" necessitated by the governor's partial veto.

14 **SECTION 11.** 103.49 (6m) (ag) 1. of the statutes, as created by 2009 Wisconsin
15 Act 28, is amended to read:

16 103.49 **(6m)** (ag) 1. Any contractor, subcontractor, or contractor's or
17 subcontractor's agent who fails to pay the prevailing wage rate determined by the
18 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
19 pay for all hours worked in excess of the prevailing hours of labor is liable to any
20 affected employee in the amount of his or her unpaid wages or his or her unpaid
21 overtime compensation and in an additional amount as liquidated damages as
22 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.



500N
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1649/0

BJH:cjs:jf

2
slays

2011 BILL

RBC

Revisor's Bill
Do NOT Gen
Do NOT Sort

SA ✓

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

Analysis by the Legislative Reference Bureau

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. is explained in the NOTES in the body of the bill.

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

3 SECTION 1. 66.0903 (2) (intro.) ~~(b)~~ ^{and} ~~(c)~~ ^e of the statutes, as created by 2009
4 Wisconsin Act 28, are amended to read:

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

8 (b) A project erected, constructed, repaired, remodeled, or demolished by one
9 local governmental unit for another local governmental unit under a contract under

BILL

1 s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically
2 authorizing cooperation between local governmental units.

3 (c) A project in which the completed facility is leased, purchased, lease
4 purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu
5 of the local governmental unit contracting for the erection, construction, repair,
6 remodeling, or demolition of the facility.

NOTE: Inserts "or" necessitated by the governor's partial veto.

7 **SECTION 2.** 66.0903 (11) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
8 28, is amended to read:

9 66.0903 (11) (a) 1. Any contractor, subcontractor, or contractor's or
10 subcontractor's agent who fails to pay the prevailing wage rate determined by the
11 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
12 pay for all hours worked in excess of the prevailing hours of labor is liable to any
13 affected employee in the amount of his or her unpaid wages or his or her unpaid
14 overtime compensation and in an additional amount as liquidated damages as
15 provided under subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

16 ~~**SECTION 3.** 66.0904 (1) (c) (intro.) of the statutes, as created by 2009 Wisconsin
17 Act 28, is amended to read:~~

18 66.0904 (1) (c) (intro.) "Direct financial assistance" means moneys, in the form
19 of a grant or other agreement or included as part of a contract, cooperative
20 agreement, or any other arrangement, including a redevelopment agreement under
21 s. 66.1333 (5), economic development agreement, contract under s. 66.1105 (3), or
22 assistance provided under s. 66.1109, that a local governmental unit directly
23 provides or otherwise directly makes available to assist in the erection, construction,

BILL

1 repair, remodeling, or demolition of a private facility. "Direct financial assistance"
2 does not include any of the following:

NOTE: Inserts "or" necessitated by the governor's partial veto.

3 **SECTION 4.** 66.0904 (1) (h) 1. and 2. of the statutes, as created by 2009 Wisconsin
4 Act 28, are amended to read:

5 66.0904 (1) (h) 1. Except as provided in subd. 2., "prevailing wage rate" for any
6 trade or occupation engaged in the erection, construction, remodeling, repairing, or
7 demolition of any publicly funded private construction project in any area means the
8 hourly basic rate of pay, plus the hourly contribution for health insurance benefits,
9 vacation benefits, pension benefits, and any other bona fide economic benefit, paid
10 directly or indirectly, for a majority of the hours worked in the trade or occupation
11 on projects in the area.

12 2. If there is no rate at which a majority of the hours worked in the trade or
13 occupation on projects in the area is paid, "prevailing wage rate" for any trade or
14 occupation engaged in the erection, construction, remodeling, repairing, or
15 demolition of any publicly funded private construction project in any area means the
16 average hourly basic rate of pay, weighted by the number of hours worked, plus the
17 average hourly contribution, weighted by the number of hours worked, for health
18 insurance benefits, vacation benefits, pension benefits, and any other bona fide
19 economic benefit, paid directly or indirectly for all hours worked at the hourly basic
20 rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation
21 on projects in that area.

NOTE: Inserts "or" necessitated by the governor's partial veto.

22 **SECTION 5.** 66.0904 (1) (i) (intro.) and 1. of the statutes, as created by 2009
23 Wisconsin Act 28, are amended to read:

BILL

1 66.0904 (1) (i) (intro.) "Publicly funded private construction project" means a
2 construction project in which the developer, investor, or owner of the project receives
3 direct financial assistance from a local governmental unit for the erection,
4 construction, repair, remodeling, or demolition, including any alteration, painting,
5 decorating, or grading, of a private facility, including land, a building, or other
6 infrastructure. "Publicly funded private construction project" does not include a
7 project of public works or a housing project involving the erection, construction,
8 repair, remodeling, or demolition of any of the following:

9 1. ~~An~~ A residential property, if the project is supported by affordable housing
10 grants, home improvement grants, or grants from a local housing trust fund.

NOTE: Inserts "or" and replaces "An" with "A" necessitated by the governor's partial
veto.

✓
11 SECTION 6. 66.0904 (2) (a) of the statutes, as created by 2009 Wisconsin Act 28,
12 is amended to read:

13 66.0904 (2) (a) Any owner or developer of real property who enters into a
14 contract for the erection, construction, remodeling, repairing, or demolition of any
15 publicly funded private construction project on that real property shall include in the
16 contract a stipulation that no person performing the work described in sub. (3) may
17 be permitted to work a greater number of hours per day or per week than the
18 prevailing hours of labor, except that any such person may be permitted or required
19 to work more than the prevailing hours of labor per day and per week if he or she is
20 paid for all hours worked in excess of the prevailing hours of labor at a rate of at least
21 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the
22 prevailing wage rate determined under sub. (4) in the same or most similar trade or

BILL

1 occupation in the area in which the publicly funded private construction project is
2 situated.

NOTE: Inserts "or" necessitated by the governor's partial veto.

3 SECTION 7. 66.0904 (3) (a) 1. of the statutes, as created by 2009 Wisconsin Act
4 28, is amended to read:

5 66.0904 (3) (a) 1. All laborers, workers, mechanics, and truck drivers employed
6 on the site of a publicly funded private construction project that is subject to this
7 section in the performance of erection, construction, remodeling, repair, or
8 demolition activities for which direct financial assistance is received.

NOTE: Inserts "or" necessitated by the governor's partial veto.

9 SECTION 8. 66.0904 (9) (a) 1. of the statutes, as created by 2009 Wisconsin Act
10 28, is amended to read:

11 66.0904 (9) (a) 1. Any contractor, subcontractor, or contractor's or
12 subcontractor's agent who fails to pay the prevailing wage rate determined by the
13 department under sub. (4) or who pays less than 1.5 times the hourly basic rate of
14 pay for all hours worked in excess of the prevailing hours of labor is liable to any
15 affected employee in the amount of his or her unpaid wages or his or her unpaid
16 overtime compensation and in an additional amount as liquidated damages as
17 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

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19 and 288, is amended to read:

20 71.63 (3) (d) With regard to ~~ss. s.~~ s. 71.65 (6), "employer" means a person
21 described in s. 108.18 (2) (c) or a person engaged in the painting or drywall finishing
22 of buildings or other structures.

BILL

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8 state agency for another state agency under any contract or under any statute
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10 (b) A project in which the completed facility is leased, purchased, lease
11 purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or
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18 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
19 pay for all hours worked in excess of the prevailing hours of labor is liable to any
20 affected employee in the amount of his or her unpaid wages or his or her unpaid
21 overtime compensation and in an additional amount as liquidated damages as
22 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

BILL

and

SECTION 12. Nonstatutory provisions; reconciliation.

1

2

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

5

(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.

7

(3) The treatment of section 66.0904 (1) (c) (intro.), (h) 1., and 2., and (i) (intro.) and 1., (2) (a), (3) (a) 1., and (9) (a) 1. of the statutes by this act is void if the partial veto of 2009 Wisconsin Act 28, section 1487, is overridden.

10

(4) 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.

12

(5) The treatment of section 103.49 (1m) (intro.), (a), and (b) of the statutes by this act is void if the partial veto of 2009 Wisconsin Act 28, section 2188g, is overridden.

15

(6) 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.

17

(END)

Godwin, Gigi

From: Rose, Laura
Sent: Thursday, November 03, 2011 1:49 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1649/2 Topic: Revisor's correction bill

Please Jacket LRB 11-1649/2 for the SENATE.