



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa2342/1
PJH:jld

**ASSEMBLY AMENDMENT 3,
TO ASSEMBLY BILL 403**

February 18, 2016 – Offered by Representatives BARCA, C. TAYLOR and SHANKLAND.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 20: after that line insert:

3 “**SECTION 1d.** 946.10 (intro.) of the statutes is amended to read:

4 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
5 either of the following is guilty of a Class H felony and, notwithstanding s. 939.50 (3)
6 (h), may be subject to a fine not to exceed \$10,000 or imprisonment not to exceed 9
7 years, or both:

8 **SECTION 1h.** 946.11 (1) (intro.) of the statutes is amended to read:

9 946.11 (1) (intro.) Whoever does the following is guilty of a Class I felony and,
10 notwithstanding s. 939.50 (3) (i), may be subject to a fine not to exceed \$10,000 or
11 imprisonment not to exceed 6 years and 6 months, or both:

12 **SECTION 1k.** 946.12 (intro.) of the statutes is amended to read:

1 **946.12 Misconduct in public office.** (intro.) Any public officer or public
2 employee who does any of the following is guilty of a Class I felony and,
3 notwithstanding s. 939.50 (3) (i), may be subject to a fine not to exceed \$10,000 or
4 imprisonment not to exceed 6 years and 6 months, or both:

5 **SECTION 1n.** 946.13 (1) (intro.) of the statutes is amended to read:

6 946.13 (1) (intro.) Any public officer or public employee who does any of the
7 following is guilty of a Class I felony and, notwithstanding s. 939.50 (3) (i), may be
8 subject to a fine not to exceed \$10,000 or imprisonment not to exceed 6 years and 6
9 months, or both:

10 **SECTION 1q.** 946.14 of the statutes is amended to read:

11 **946.14 Purchasing claims at less than full value.** Any public officer or
12 public employee who in a private capacity directly or indirectly intentionally
13 purchases for less than full value or discounts any claim held by another against the
14 state or a political subdivision thereof or against any public fund is guilty of a Class
15 I felony and, notwithstanding s. 939.50 (3) (i), may be subject to a fine not to exceed
16 \$10,000 or imprisonment not to exceed 6 years and 6 months, or both.

17 **SECTION 1r.** 946.15 (1), (2), (3) and (4) of the statutes are amended to read:

18 946.15 (1) Any employer, or any agent or employee of an employer, who induces
19 any person who seeks to be or is employed pursuant to a public contract as defined
20 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing
21 wage rate determination has been issued by the department of workforce
22 development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) to give up,
23 waive, or return any part of the compensation to which that person is entitled under
24 his or her contract of employment or under the prevailing wage rate determination
25 issued by the department, or who reduces the hourly basic rate of pay normally paid

1 to an employee for work on a project on which a prevailing wage rate determination
2 has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during
3 a week in which the employee works both on a project on which a prevailing wage
4 rate determination has been issued and on a project on which a prevailing wage rate
5 determination has not been issued, is guilty of a Class I felony and, notwithstanding
6 s. 939.50 (3) (i), may be subject to a fine not to exceed \$10,000 or imprisonment not
7 to exceed 6 years and 6 months, or both.

8 (2) Any person employed pursuant to a public contract as defined in s. 66.0901
9 (1) (c) or employed on a project on which a prevailing wage rate determination has
10 been issued by the department of workforce development under s. 66.0903 (3), 103.49
11 (3), 103.50 (3), or 229.8275 (3) who gives up, waives, or returns to the employer or
12 agent of the employer any part of the compensation to which the employee is entitled
13 under his or her contract of employment or under the prevailing wage determination
14 issued by the department, or who gives up any part of the compensation to which he
15 or she is normally entitled for work on a project on which a prevailing wage rate
16 determination has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or
17 229.8275 (3) during a week in which the person works part-time on a project on
18 which a prevailing wage rate determination has been issued and part-time on a
19 project on which a prevailing wage rate determination has not been issued, is guilty
20 of a Class C misdemeanor and, notwithstanding s. 939.51 (3) (c), may be subject to
21 a fine not to exceed \$500 or imprisonment not to exceed 7 months, or both.

22 (3) Any employer or labor organization, or any agent or employee of an
23 employer or labor organization, who induces any person who seeks to be or is
24 employed on a project on which a prevailing wage rate determination has been issued
25 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50

1 (3), or 229.8275 (3) to permit any part of the wages to which that person is entitled
2 under the prevailing wage rate determination issued by the department or local
3 governmental unit to be deducted from the person's pay is guilty of a Class I felony
4 and, notwithstanding s. 939.50 (3) (i), may be subject to a fine not to exceed \$10,000
5 or imprisonment not to exceed 6 years and 6 months, or both, unless the deduction
6 would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project
7 that is subject to 40 USC 3142.

8 (4) Any person employed on a project on which a prevailing wage rate
9 determination has been issued by the department of workforce development under
10 s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who permits any part of the
11 wages to which that person is entitled under the prevailing wage rate determination
12 issued by the department or local governmental unit to be deducted from his or her
13 pay is guilty of a Class C misdemeanor and, notwithstanding s. 939.51 (3) (c), may
14 be subject to a fine not to exceed \$500, or imprisonment not to exceed 7 months, or
15 both, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person
16 who is working on a project that is subject to 40 USC 3142.

17 **SECTION 1u.** 946.16 of the statutes is amended to read:

18 **946.16 Judicial officer collecting claims.** Any judicial officer who causes
19 to be brought in a court over which the officer presides any action or proceeding upon
20 a claim placed with the officer as agent or attorney for collection is guilty of a Class
21 B misdemeanor and, notwithstanding s. 939.51 (3) (b), may be subject to a fine not
22 to exceed \$500 or imprisonment not to exceed 9 months, or both.

23 **SECTION 1x.** 946.17 of the statutes is amended to read:

24 **946.17 Corrupt means to influence legislation; disclosure of interest.**
25 Any person who gives or agrees or offers to give anything of value to any person, for

1 the service of such person or of any other person in procuring the passage or defeat
2 of any measure before the legislature or before either house or any committee
3 thereof, upon the contingency or condition of the passage or defeat of the measure,
4 or who receives, or agrees to receive anything of value for such service, upon any such
5 contingency or condition, or who, having a pecuniary or other interest, or acting as
6 the agent or attorney of any person in procuring or attempting to procure the passage
7 or defeat of any measure before the legislature or before either house or any
8 committee thereof, attempts in any manner to influence any member of the
9 legislature for or against the measure, without first making known to the member
10 the real and true interest he or she has in the measure, either personally or as such
11 agent or attorney, is guilty of a class A misdemeanor and, notwithstanding s. 939.51
12 (3) (a), may be subject to a fine not to exceed \$500 or imprisonment not to exceed one
13 year in a county jail, or both.”

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(END)