



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1148/2
CMH&MES:jld&ahe

2017 SENATE BILL 3

January 13, 2017 - Introduced by Senators VUKMIR, OLSEN, CRAIG, DARLING, KAPENGA, LEMAHIEU, NASS, STROEBEL and WANGGAARD, cosponsored by Representatives HUTTON, KITCHENS, ALLEN, BERNIER, BORN, BRANDTJEN, E. BROOKS, R. BROOKS, DUCHOW, FELZKOWSKI, GANNON, HORLACHER, JACQUE, JAGLER, JARCHOW, KLEEFISCH, KNODL, KOOYENGA, KREMER, KUGLITSCH, MACCO, MURPHY, NEYLON, OTT, PETERSEN, QUINN, RODRIGUEZ, ROHRKASTE, SANFELIPPO, SCHRAA, SKOWRONSKI, STEFFEN, SWEARINGEN, THIESFELDT, VORPAGEL and ZIMMERMAN. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT** *to renumber* 66.0901 (1) (a); *to amend* 16.971 (4) (c) 2., 66.0901 (6) and
2 66.0901 (9) (a); and *to create* 16.75 (1p), 16.855 (1p), 66.0901 (1) (ae), 66.0901
3 (1) (am), 66.0901 (6m) and 66.0901 (6s) of the statutes; **relating to:** project
4 labor agreements and public contracts.

Analysis by the Legislative Reference Bureau

Under this bill, the state and local units of government are prohibited from engaging in certain practices in letting bids for state procurement or public works contracts. Under the bill, the state and local governments may not do any of the following in specifications for bids for the contracts: 1) require that a bidder enter into an agreement with a labor organization; 2) consider, when awarding a contract, whether a bidder has or has not entered into an agreement with a labor organization; or 3) require that a bidder enter into an agreement that requires that the bidder or bidder's employees become or remain members of a labor organization or pay any dues or fees to a labor organization.

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

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

5 **SECTION 1.** 16.75 (1p) of the statutes is created to read:

SENATE BILL 3

1 16.75 (1p) (a) In this subsection:

2 1. “Agreement with a labor organization” means any agreement with a labor
3 organization, including a collective bargaining agreement, a project labor
4 agreement, or a community workforce agreement.

5 2. “Bidder” means a person that is submitting a bid or a competitive sealed
6 proposal or that is seeking an award under this section in a procedure established
7 under sub. (1) (c).

8 3. “Labor organization” has the meaning given in s. 5.02 (8m).

9 (b) The department may not do any of the following in a solicitation for bids or
10 competitive sealed proposals or in a procedure established under sub. (1) (c):

11 1. Require that a bidder enter into or adhere to an agreement with a labor
12 organization.

13 2. Consider as a factor in making an award under this section whether any
14 bidder has or has not entered into an agreement with a labor organization.

15 3. Require that a bidder enter into, adhere to, or enforce any agreement that
16 requires, as a condition of employment, that the bidder or bidder’s employees become
17 or remain members of, or be affiliated with, a labor organization or pay any dues,
18 fees, assessments, or other charges or expenses of any kind or amount, or provide
19 anything of value, to a labor organization or a labor organization’s health, welfare,
20 retirement, or other benefit plan or program.

21 (c) Nothing in this subsection prohibits employers or employees from entering
22 into agreements or engaging in any other activity protected by the National Labor
23 Relations Act, 29 USC 151 to 169.

24 **SECTION 2.** 16.855 (1p) of the statutes is created to read:

25 16.855 (1p) (a) In this subsection:

SENATE BILL 3

1 1. “Agreement with a labor organization” has the meaning given in s. 16.75 (1p)

2 (a) 1.

3 2. “Labor organization” has the meaning given in s. 5.02 (8m).

4 (b) The department may not do any of the following in a solicitation for bids
5 under this section:

6 1. Require that a bidder enter into or adhere to an agreement with a labor
7 organization.

8 2. Consider as a factor in making an award under this section whether any
9 bidder has or has not entered into an agreement with a labor organization.

10 3. Require that a bidder enter into, adhere to, or enforce any agreement that
11 requires, as a condition of employment, that the bidder or bidder’s employees become
12 or remain members of, or be affiliated with, a labor organization or pay any dues,
13 fees, assessments, or other charges or expenses of any kind or amount, or provide
14 anything of value, to a labor organization or a labor organization’s health, welfare,
15 retirement, or other benefit plan or program.

16 (c) Nothing in this subsection prohibits employers or employees from entering
17 into agreements or engaging in any other activity protected by the National Labor
18 Relations Act, 29 USC 151 to 169.

19 **SECTION 3.** 16.971 (4) (c) 2. of the statutes is amended to read:

20 16.971 (4) (c) 2. “Municipality” has the meaning designated in s. 66.0901 (1)
21 ~~(a)~~ (as).

22 **SECTION 4.** 66.0901 (1) (a) of the statutes is renumbered 66.0901 (1) (as).

23 **SECTION 5.** 66.0901 (1) (ae) of the statutes is created to read:

SENATE BILL 3

1 66.0901 (1) (ae) “Agreement with a labor organization” means any agreement
2 with a labor organization, including a collective bargaining agreement, a project
3 labor agreement, or a community workforce agreement.

4 **SECTION 6.** 66.0901 (1) (am) of the statutes is created to read:

5 66.0901 (1) (am) “Labor organization” has the meaning given in s. 5.02 (8m).

6 **SECTION 7.** 66.0901 (6) of the statutes is amended to read:

7 66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public
8 contracts for the construction, repair, remodeling or improvement of a public
9 building or structure, other than highway structures and facilities, a municipality
10 may bid projects based on a single or multiple division of the work. Public contracts
11 shall be awarded according to the division of work selected for bidding. The Except
12 as provided in sub. (6m), the municipality may set out in any public contract
13 reasonable and lawful conditions as to the hours of labor, wages, residence, character
14 and classification of workers to be employed by any contractor, classify contractors
15 as to their financial responsibility, competency and ability to perform work and set
16 up a classified list of contractors. The municipality may reject the bid of any person,
17 if the person has not been classified for the kind or amount of work in the bid.

18 **SECTION 8.** 66.0901 (6m) of the statutes is created to read:

19 66.0901 (6m) PROHIBITED PRACTICES. A municipality may not do any of the
20 following in a specification for bids for a public contract under this section:

21 (a) Require that a bidder enter into or adhere to an agreement with a labor
22 organization.

23 (b) Consider as a factor in making an award under this section whether any
24 bidder has or has not entered into an agreement with a labor organization.

SENATE BILL 3

1 (c) Require that a bidder enter into, adhere to, or enforce any agreement that
 2 requires, as a condition of employment, that the bidder or bidder’s employees become
 3 or remain members of, or be affiliated with, a labor organization or pay any dues,
 4 fees, assessments, or other charges or expenses of any kind or amount, or provide
 5 anything of value, to a labor organization or a labor organization’s health, welfare,
 6 retirement, or other benefit plan or program.

7 **SECTION 9.** 66.0901 (6s) of the statutes is created to read:

8 66.0901 **(6s)** PROTECTED ACTIVITY. Nothing in this section prohibits employers
 9 or employees from entering into agreements or engaging in any other activity
 10 protected by the National Labor Relations Act, 29 USC 151 to 169.

11 **SECTION 10.** 66.0901 (9) (a) of the statutes is amended to read:

12 66.0901 **(9)** (a) Notwithstanding sub. (1) ~~(a)~~ (as), in this subsection,
 13 “municipality” does not include the department of transportation.

14 **SECTION 11. Initial applicability.**

15 (1) This act first applies to bids or proposals solicited on the effective date of this
 16 subsection.

17 **(END)**