

**ASSEMBLY AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 544**

November 2, 1999 – Offered by Representatives TRAVIS, WALKER, MEYER, VRAKAS,  
BALOW and SYKORA.

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

2 **1.** Page 1, line 4: before that line insert:

3 “**SECTION 1g.** 13.48 (19) of the statutes is amended to read:

4 13.48 **(19)** Whenever the building commission determines that the use of  
5 innovative types of design and construction processes will make better use of the  
6 resources and technology available in the building industry, the building commission  
7 may waive any or all of s. 16.855 if such action is in the best interest of the state and  
8 if the waiver is accomplished through formal action of the building commission. ~~The~~  
9 Subject to the requirements of s. 20.924 (1) (i), the building commission may  
10 authorize the lease, lease purchase or acquisition of such facilities constructed in the  
11 manner authorized by the building commission. ~~The~~ Subject to the requirements of  
12 s. 20.924 (1) (i), the building commission may also authorize the lease, lease purchase

1 or acquisition of existing facilities in lieu of state construction of any project  
2 enumerated in the authorized state building program.

3 **SECTION 1m.** 13.48 (27) of the statutes is amended to read:

4 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to s. 20.924 (1) (i).  
5 the building commission may lease any facility for use of the department of  
6 corrections as a part of the authorized state building program, with an option to  
7 purchase the facility by the state. Any lease shall provide for the facility to be  
8 constructed in accordance with requirements and specifications approved by the  
9 department of administration and shall permit inspection of the site and facility by  
10 agents of the department.”.

11 **2.** Page 1, line 4: delete “**SECTION 1**” and substitute “**SECTION 1t**”.

12 **3.** Page 2, line 6: after that line insert:

13 “**SECTION 2c.** 20.924 (1) (i) of the statutes is created to read:

14 20.924 (1) (i) Shall not lease or authorize the leasing of any building, structure  
15 or facility, or portion thereof for initial occupancy by the department of corrections  
16 for the purpose of confining persons serving a sentence of imprisonment to the  
17 Wisconsin state prisons under ch. 973 unless the construction of the building,  
18 structure or facility or its conversion into a correctional facility began before October  
19 1, 1999, or unless the lessor has done all of the following:

20 1. Not permit any employe working on the building, structure or facility, or  
21 portion thereof, who would be entitled to receive the prevailing wage rate under s.  
22 103.49 and who would not be required or permitted to work more than the prevailing  
23 hours of labor, if the building, structure or facility, or portion thereof, were a project  
24 of public works subject to s. 103.49, to be paid less than the prevailing wage rate or

1 to be required or permitted to work more than the prevailing hours of labor, except  
2 as permitted under s. 103.49 (2).

3 2. Require any contractor, subcontractor or agent thereof performing work on  
4 the building, structure or facility, or portion thereof, to keep and permit inspection  
5 of records in the same manner as a contractor, subcontractor or agent thereof  
6 performing work on a project of public works that is subject to s. 103.49 is required  
7 to keep and permit inspection of records under s. 103.49 (5).

8 3. Otherwise comply with s. 103.49 in the same manner as a state agency  
9 contracting for the erection, construction, remodeling, repairing or demolition of a  
10 project of public works is required to comply with s. 103.49 and to require any  
11 contractor, subcontractor or agent thereof performing work on the building,  
12 structure or facility, or portion thereof, to comply with s. 103.49 in the same manner  
13 as a contractor, subcontractor or agent thereof performing work on a project of public  
14 works that is subject to s. 103.49 is required to comply with s. 103.49.

15 **SECTION 2g.** 109.09 (1) of the statutes is amended to read:

16 109.09 (1) The department shall investigate and attempt equitably to adjust  
17 controversies between employers and employees as to alleged wage claims. The  
18 department may receive and investigate any wage claim which is filed with the  
19 department, or received by the department under s. 109.10 (4), no later than 2 years  
20 after the date the wages are due. The department may, after receiving a wage claim,  
21 investigate any wages due from the employer against whom the claim is filed to any  
22 employe during the period commencing 2 years before the date the claim is filed. The  
23 department shall enforce this chapter and ss. 20.924 (1) (i) 1., 2. and 3., 66.293,  
24 103.02, 103.49, 103.82 and 104.12. In pursuance of this duty, the department may  
25 sue the employer on behalf of the employe to collect any wage claim or wage

1 deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except  
2 for actions under s. 109.10, the department may refer such an action to the district  
3 attorney of the county in which the violation occurs for prosecution and collection and  
4 the district attorney shall commence an action in the circuit court having appropriate  
5 jurisdiction. Any number of wage claims or wage deficiencies against the same  
6 employer may be joined in a single proceeding, but the court may order separate  
7 trials or hearings. In actions that are referred to a district attorney under this  
8 subsection, any taxable costs recovered by the district attorney shall be paid into the  
9 general fund of the county in which the violation occurs and used by that county to  
10 meet its financial responsibility under s. 978.13 (2) for the operation of the office of  
11 the district attorney who prosecuted the action.

12 **SECTION 2k.** 111.322 (2m) (c) of the statutes is amended to read:

13 111.322 (2m) (c) The individual files a complaint or attempts to enforce a right  
14 under s. 20.924 (1) (i) 1., 2. or 3., 66.293 or 103.49 or testifies or assists in any action  
15 or proceeding under s. 20.924 (1) (i) 1., 2. or 3., 66.293 or 103.49.

16 **SECTION 2r.** 227.01 (13) (t) of the statutes is amended to read:

17 227.01 (13) (t) Ascertains and determines prevailing wage rates and prevailing  
18 hours of labor under ~~ss. s. 20.924 (1) (i), 66.293, 103.49 and or 103.50~~, except that any  
19 action or inaction which ascertains and determines prevailing wage rates and  
20 prevailing hours of labor under ~~ss. s. 20.924 (1) (i), 66.293, 103.49 and or 103.50~~ is  
21 subject to judicial review under s. 227.40.

22 **SECTION 2x.** 301.235 (2) (dm) of the statutes is created to read:

23 301.235 (2) (dm) The department may not lease any building or any portion of  
24 a building under this section unless the construction of the building or its conversion  
25 into a correctional facility began before October 1, 1999, or unless the lessor has met

1 the requirements of s. 20.924 (1) (i) that would apply if the building or the portion  
2 of the building were being leased by the building commission.”.

3 **4.** Page 3, line 2: after that line insert:

4 **“SECTION 3d.** 946.15 (1) of the statutes is amended to read:

5 946.15 (1) Any employer, or any agent or employe of an employer, who induces  
6 any person who seeks to be or is employed pursuant to a public contract as defined  
7 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing  
8 wage rate determination has been issued by the department of workforce  
9 development under s. 20.924 (1) (i), 66.293 (3), 103.49 (3) or 103.50 (3) or by a local  
10 governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive  
11 or return any part of the compensation to which that person is entitled under his or  
12 her contract of employment or under the prevailing wage rate determination issued  
13 by the department or local governmental unit, or who reduces the hourly basic rate  
14 of pay normally paid to an employe for work on a project on which a prevailing wage  
15 rate determination has not been issued under s. 20.924 (1) (i), 66.293 (3) or (6), 103.49  
16 (3) or 103.50 (3) during a week in which the employe works both on a project on which  
17 a prevailing wage rate determination has been issued and on a project on which a  
18 prevailing wage rate determination has not been issued, is guilty of a Class E felony.

19 **SECTION 3e.** 946.15 (2) of the statutes is amended to read:

20 946.15 (2) Any person employed pursuant to a public contract as defined in s.  
21 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination  
22 has been issued by the department of workforce development under s. 20.924 (1) (i),  
23 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s.  
24 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer or

1 agent of the employer any part of the compensation to which the employe is entitled  
2 under his or her contract of employment or under the prevailing wage determination  
3 issued by the department or local governmental unit, or who gives up any part of the  
4 compensation to which he or she is normally entitled for work on a project on which  
5 a prevailing wage rate determination has not been issued under s. 20.924 (1) (i),  
6 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the person works  
7 part-time on a project on which a prevailing wage rate determination has been  
8 issued and part-time on a project on which a prevailing wage rate determination has  
9 not been issued, is guilty of a Class C misdemeanor.

10 **SECTION 3f.** 946.15 (3) of the statutes is amended to read:

11 946.15 (3) Any employer or labor organization, or any agent or employe of an  
12 employer or labor organization, who induces any person who seeks to be or is  
13 employed on a project on which a prevailing wage rate determination has been issued  
14 by the department of workforce development under s. 20.924 (1) (i), 66.293 (3), 103.49  
15 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under  
16 s. 66.293 (6) to permit any part of the wages to which that person is entitled under  
17 the prevailing wage rate determination issued by the department or local  
18 governmental unit to be deducted from the person's pay is guilty of a Class E felony,  
19 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who  
20 is working on a project that is subject to 40 USC 276c.

21 **SECTION 3g.** 946.15 (4) of the statutes is amended to read:

22 946.15 (4) Any person employed on a project on which a prevailing wage rate  
23 determination has been issued by the department of workforce development under  
24 s. 20.924 (1) (i), 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit,  
25 as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the wages

1 to which that person is entitled under the prevailing wage rate determination issued  
2 by the department or local governmental unit to be deducted from his or her pay is  
3 guilty of a Class C misdemeanor, unless the deduction would be permitted under 29  
4 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC  
5 276c.”.

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**(END)**