

**1999 DRAFTING REQUEST****Bill**Received: **02/07/2000**Received By: **shoveme**Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-0634**By/Representing: **Joanna**

This file may be shown to any legislator: NO

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous  
Education - libraries  
Higher Education - tech. college**Extra Copies: **PG, MJL**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Publishing requirement for certain public works contracts

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**Instructions:**

See attached. Munis "may", instead of "shall" give a class one notice for contracts between \$5,000 and \$15,000

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**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>
/1	shoveme 03/11/2000	csicilia 03/13/2000	hhagen 03/13/2000	_____	lrb-docadmin 03/14/2000		S&L
/2	shoveme 03/ 18/2000	csicilia 03/20/2000	martykr 03/21/2000	_____	lrb-docadmin 03/21/2000	lrb_docadmin	S&L 03/23/2000

FE Sent For: **3/28/00**

&lt;END&gt;

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/1	shoveme 03/1 1/2000	csicilia 03/13/2000	hhagen 03/13/2000	_____	lrb-docadmin 03/14/2000		S&L
/2	shoveme 03/1 8/2000	csicilia 03/20/2000	martykr 03/21/2000	_____	lrb-docadmin 03/21/2000		S&L

FE Sent For:

&lt;END&gt;

6999 DRAFTING REQUEST

**Bill**

Received: **02/07/2000**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-0634**

By/Representing: **Joanna**

This file may be shown to any legislator: NO

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous  
Education - libraries  
Higher Education - tech. college**

Extra Copies: **PG, MJL**

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**Pre Topic:**

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/1	shoveme 03/11/2000	csicilia 03/13/2000	hhagen 03/13/2000	_____	lrb_docadmin 03/14/2000		S&L

12 MES 3/18/00  
 FE Sent For: 12 cjs 3/20  
 xm 3/21 Seb 3/21  
 <END>

1999 DRAFTING REQUEST

Bill

Received: 02/07/2000

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-0634

By/Representing: Joanna

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters:

Subject: Munis - miscellaneous  
Education - libraries  
Higher Education - tech. college

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Pre Topic:

No specific pre topic given

Topic:

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Instructions:

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1/?	shoveme	1 cjs 3/13	hh 3/13	hh 3/13			
11 MES 3/11							

FE Sent For:

<END>

**Shovers, Marc**

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**From:** Stoll, Joanna  
**Sent:** Monday, February 07, 2000 10:29 AM  
**To:** Shovers, Marc  
**Subject:** Follow-up to our conversation last Thursday

February 7, 2000

Hi Marc,

Last Thursday we talked about drafting a change to Section 62.15 (l), Wis. Stats. relating to removing the publishing requirement for contracts between \$5,000 - \$15,000.

John would like you to go ahead and draft an amendment to the statute to read: "... the board of public works **may** give a class 1 notice, under ch.985 ..."

Thanks! Give me a call if you have any questions.

Jo **Stoll**  
Aide to Rep. John Lehman  
6-0634

02/07/2000



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-4566  
MES.

*Handwritten initials and scribbles, including 'BMR' in a circle and 'js' below it.*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*D-note*

*SOON*

*gen* *gen*

1 AN ACT ... relating to: changing the notice that must be given by certain local  
2 units of government before a public <sup>construction</sup> contract may be let.

**Analysis by the Legislative Reference Bureau**

In general, under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$15,000 may be let by a municipality (2nd, 3rd or 4th class city, or a village or town), a class 1 notice of the proposed construction must be given by the municipality's governing body. Also under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$25,000 may be let by a county, a class 1 notice of the proposed construction must be given by the county board. Before a contract for public construction with a value that exceeds \$15,000 may be let by a municipality, or exceeds \$25,000 in the case of a county, certain other requirements, such as a lowest responsible bidder requirement, must be met.

*that*

The common council of a city, by a three-fourths vote of its membership, may also authorize the city itself to perform any class of public construction without asking for the submission of bids. A county board, by a three-fourths vote of its membership, may also authorize the county itself to perform any class of public work if the estimated cost of the work exceeds \$25,000.

Generally under current law, the public construction contracting requirements that apply to a city also apply to a technical college district board and a federated public library system.

Under this bill, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$15,000 may be let by a city, a technical college

*but is not required to be,*

district or a federated public library system, a class 1 notice of the proposed construction may be given by the governing body of the city, technical college district or a federated public library system.

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:**

**SECTION 1.** 62.15 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

62.15 (1) **CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR.** All public construction, the estimated cost of which exceeds \$15,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the council may direct. If the estimated cost of any public construction exceeds \$5,000 but is not greater than \$15,000, the board of public works shall may give a class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed. This provision does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. The council may also by a vote of three-fourths of all the members-elect provide by ordinance that any class of public construction or any part thereof may be done directly by the city without submitting the same for bids.

History: 1975 c. 244, 390, 421; 1985 a. 183; 1987 a. 378; 1991 a. 316; 1995 a. 225,227; 1999 a. 9.

**(END)**

**DRAFTERS NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4566/?dn  
MES.....

9  
jgs

*Typed  
all  
not  
in folder*

*Jo* → *to*

This bill only applies to cities and technical college districts and federated public library systems which let public construction contracts via a cross-reference to the procedures used by cities. See ss. 38.18 and 43.17 (9) (a). The bill does not apply to villages, towns or counties. Is this OK? I think I discussed this with Jo, but I just wanted to make sure that the bill as drafted is consistent with your intent.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: Marc.Shovers@legis.state.wi.us



**DRAFTER'S NOTE**  
FROM THE  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4566/1dn  
MES:cjs:hmh

March 13, 2000

This bill only applies to cities and to technical college districts and federated public library systems which let public construction contracts via a cross-reference to the procedures used by cities. See ss. 38.18 and 43.17 (9) (a). The bill does not apply to villages, towns or counties. Is this OK? I think I discussed this with Jo, but I just wanted to make sure that the bill as drafted is consistent with your intent.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: [Marc.Shovers@legis.state.wi.us](mailto:Marc.Shovers@legis.state.wi.us)

**Shovers, Marc**

---

**From:** Stoll, Joanna  
**Sent:** Friday, March 17, 2000 9:57 AM  
**To:** Shovers, Marc  
**Subject:** FW: Public Construction Notice Requirements

March 17, 2000

Mark,

Below is a letter from Curt Witynski, attorney for the League of Municipalities. Would you please redraft LRB4566 to include villages as well as cities in the optional noticing of bids?

Thanks much. Give me or Jo a call in my office if you have any questions.

Sincerely,

John

State Representative John Lehman  
62nd Assembly District

-----Original Message-----

**From:** Curt Witynski [mailto:witynski@lwm-info.org]

**Sent:** Thursday, March 16, 2000 4:03 PM

**To:** [Rep.LehmanJ@legis.state.wi.us](mailto:Rep.LehmanJ@legis.state.wi.us)

**Cc:** Dan Wright

**Subject:** Public Construction Notice Requirements

Dear Representative Lehman:

Thank you for sending me a copy of the bill draft amending sec. 62.15(1), Stats., relating to the public notice requirement for public construction contracts between \$5,000 -- \$15,000. The League strongly supports your efforts to make the public notice requirements for public construction contracts between \$5,000 -- \$15,000 optional rather than mandatory. We think such a change is sensible and will reduce expenses while enhancing efficiency.

In fact, we think the change makes so much sense that we urge you to apply it to villages as well as cities. I can think of no reason to distinguish between cities and villages on this matter.

Thanks again for the opportunity to comment on the bill draft.

Sincerely,

Curt Witynski  
League of Wisconsin Municipalities

03/17/2000



2  
RMR

# 1999 BILL

Other

Other

1 **AN ACT** to *amend* 62.15 (1) of the statutes; **relating** to: changing the notice that  
2 must be given by certain local units of government before a public construction  
3 contract may be let.

---

### ***Analysis by the Legislative Reference Bureau***

In general, under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$15,000 may be let by a municipality (2nd, 3rd or 4th class city, or a village or town), a class 1 notice of the proposed construction must be given by the municipality's governing body. Also under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$25,000 may be let by a county, a class 1 notice of the proposed construction must be given by the county board. Before a contract for public construction with a value that exceeds \$15,000 may be let by a municipality, or that exceeds \$25,000 in the case of a county, certain other requirements, such as a lowest responsible bidder requirement, must be met.

The common council of a city, by a three-fourths vote of its membership, may also authorize the city itself to perform any class of public construction without asking for the submission of bids. A county board, by a three-fourths vote of its membership, may also authorize the county itself to perform any class of public work if the estimated cost of the work exceeds \$25,000.

Generally under current law, the public construction contracting requirements that apply to a city also apply to a technical college district board and a federated public library system.

**BILL**

Under this bill, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$15,000 may be let by a city, a technical college district or a federated public library system, a class 1 notice of the proposed construction may be, but is not required to be, given by the governing body of the city, technical college district or federated public library system.

a village,  
village,

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:*

XNS. 2-1

SECTION ~~#~~ 62.15 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

**62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR.** All public construction, the estimated cost of which exceeds \$15,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the council may direct. If the estimated cost of any public construction exceeds \$5,000 but is not greater than \$15,000, the board of public works shall ~~may~~ give a class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed. This provision does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. The council may also by a vote of three-fourths of all the members-elect provide by ordinance that any class of public construction or any part thereof may be done directly by the city without submitting the same for bids.

(END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4566/2ins  
MES:cjs:hmh

INS 2-1

1           SECTION ~~A~~ 61.55 of the statutes, as affected by 1999 Wisconsin Act 9, is  
2 amended to read:

3           **61.55 Contracts involving over \$15,000; how let; exception.** All contracts  
4 for public construction, in any such village, exceeding \$15,000, shall be let by the  
5 village board to the lowest responsible bidder in accordance with s. 66.29 insofar as  
6 said section may be applicable. If the estimated cost of any public construction  
7 exceeds \$5,000, but is not greater than \$15,000, the village board shall may give a  
8 class 1 notice, under ch. 985, of the proposed construction before the contract for the  
9 construction is executed. This provision does not apply to public construction if the  
10 materials for such a project are donated or if the labor for such a project is provided  
11 by volunteers, and this provision and s. 281.41 are not mandatory for the repair and  
12 reconstruction of public facilities when damage or threatened damage thereto  
13 creates an emergency, as determined by resolution of the village board, in which the  
14 public health or welfare of the village is endangered. Whenever the village board by  
15 majority vote at a regular or special meeting declares that an emergency no longer  
16 exists, this exemption no longer applies.

History: 1975 c. 244; 1985 a. 183; 1995 a. 221; 1999 a. 9.

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 03/21/2000

**To:** Representative J. Lehman

**Relating to LRB drafting number:** LRB-4566

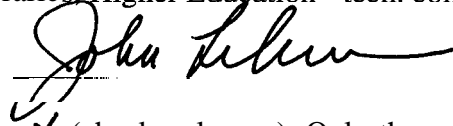
**Topic**

Publishing requirement for certain public works contracts

**Subject(s)**

Munis - miscellaneous, Education - libraries, Higher Education - tech. college

1. **JACKET** the draft for introduction \_\_\_\_\_



in the **Senate** or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney  
Telephone: (608) 266-0129





STEPHEN R MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P O BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION (608) 266-3561  
LEGAL FAX (608) 264-8522  
REFERENCE SECTION (608) 266-0341  
REFERENCE FAX (608) 266-5646

# ***FISCAL ESTIMATES***

BILL NUMBER:

ASSEMBLY BILL 931

Note: The analysis of this bill states that a fiscal estimate was required for this bill. A request was made through the department of administration to have a fiscal estimate prepared. The agency(s) assigned to prepare a fiscal estimate for this bill did not return an estimate for this bill so none are included in this file.