



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0533/2
JTK&GMM:kmg&jlg:mrc



LFB:.....Runde (DL) – Purchase of department of revenue building

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 **1.** Page 122, line 2: after that line insert:

3 “SECTION 2t. 13.48 (15) of the statutes is amended to read:

4 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
5 requirements of s. 20.924 (1) (i) and (j), the building commission shall have the
6 authority to acquire leasehold interests in land and buildings where such authority
7 is not otherwise provided to an agency by law.”

8 **2.** Page 122, line 10: after that line insert:

9 “SECTION 3f. 13.48 (19) of the statutes is amended to read:

10 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
11 commission determines that the use of innovative types of design and construction

1 processes will make better use of the resources and technology available in the
2 building industry, the building commission may waive any or all of s. 16.855 if such
3 action is in the best interest of the state and if the waiver is accomplished through
4 formal action of the building commission. The building commission may authorize
5 the lease, lease purchase or acquisition of such facilities constructed in the manner
6 authorized by the building commission. The Subject to the requirements of s. 20.924
7 (1) (i) and (j), the building commission may also authorize the lease, lease purchase
8 or acquisition of existing facilities in lieu of state construction of any project
9 enumerated in the authorized state building program.

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

11 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
12 of s. 20.924 (1) (i) and (j), the building commission may lease any facility for use of
13 the department of corrections as a part of the authorized state building program,
14 with an option to purchase the facility by the state. Any lease shall provide for the
15 facility to be constructed in accordance with requirements and specifications
16 approved by the department of administration and shall permit inspection of the site
17 and facility by agents of the department.”.

18 **3.** Page 481, line 8: after that line insert:

19 “**SECTION 649m.** 20.924 (1) (i) of the statutes is created to read:

20 20.924 (1) (i) Shall not enter into any lease or other contract that provides for
21 the construction of any building, structure or facility, or portion thereof, for initial
22 occupancy by the state and that contains an option for the state to purchase the
23 building, structure or facility unless the construction and purchase of the building,

1 structure or facility is enumerated in the authorized state building program prior to
2 entering into the lease or other contract.

3 **SECTION 649n.** 20.924 (1) (j) of the statutes is created to read:

4 20.924 (1) (j) Shall not enter into any lease or other contract that provides for
5 the construction of any building, structure or facility, or portion thereof, for initial
6 occupancy by the state and that contains an option for the state to purchase the
7 building, structure or facility unless the seller or lessor agrees to all of the following
8 requirements:

9 1. Bids or competitive sealed proposals will be submitted to the seller or lessor
10 in accordance with the procedure for soliciting and submitting bids or competitive
11 sealed proposals to the department of administration for contracts entered into by
12 the state.

13 2. The contractor or contractors who construct the building, structure or facility
14 will ensure that at least 5% of the total amount expended for construction of the
15 building, structure or facility is awarded to contractors or subcontractors who are
16 minority businesses, as defined in s. 16.75 (3m) (a), and that the department of
17 administration is empowered to enforce this requirement.

18 3. The seller or lessor will do all of the following:

19 a. Not permit any employe working on the building, structure or facility, or
20 portion thereof, who would be entitled to receive the prevailing wage rate under s.
21 103.49 and who would not be required or permitted to work more than the prevailing
22 hours of labor, if the building, structure or facility, or portion thereof, were a project
23 of public works subject to s. 103.49, to be paid less than the prevailing wage rate or
24 to be required or permitted to work more than the prevailing hours of labor, except
25 as permitted under s. 103.49 (2).

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

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

13 **4.** Page 979, line 6: after that line insert:

14 “**SECTION 2030m.** 109.09 (1) of the statutes is amended to read:

15 109.09 (1) The department shall investigate and attempt equitably to adjust
16 controversies between employers and employees as to alleged wage claims. The
17 department may receive and investigate any wage claim which is filed with the
18 department, or received by the department under s. 109.10 (4), no later than 2 years
19 after the date the wages are due. The department may, after receiving a wage claim,
20 investigate any wages due from the employer against whom the claim is filed to any
21 employe during the period commencing 2 years before the date the claim is filed. The
22 department shall enforce this chapter and ss. 20.924 (1)(j)3., 66.293, 103.02, 103.49,
23 103.82 and 104.12. In pursuance of this duty, the department may sue the employer
24 on behalf of the employe to collect any wage claim or wage deficiency and ss. 109.03

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

12 **5.** Page 980, line 7: after that line insert:

13 “SECTION 2033m. 111.322 (2m) (c) of the statutes is amended to read:

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

17 **6.** Page 1102, line 15: after that line insert:

18 “SECTION 2353m. 227.01 (13) (t) of the statutes is amended to read:

19 *plain* 227.01 (13) (t) Ascertains and determines prevailing wage rates *and prevailing*
 20 *hours of labor* under ss. s. 20.924 (1) (j) 3. c., 66.293, 103.49 *and or* 103.50, except that
 21 any action or inaction which ascertains and determines prevailing wage rates *and*
 22 *prevailing hours of labor* under ss. s. 20.924 (1) (j) 3. c., 66.293, 103.49 *and or* 103.50
 23 is subject to judicial review under s. 227.40.”

24 **7.** Page 1353, line 18: after that line insert:

1 **“SECTION 3191d.** 946.15 (1) of the statutes is amended to read:

2 946.15 (1) Any employer, or any agent or employe of an employer, who induces
3 any person who seeks to be or is employed pursuant to a public contract as defined
4 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
5 wage rate determination has been issued by the department of workforce
6 development under s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a
7 local governmental unit, as defined in s. 20.924 (1) (j) 3. c., 66.293 (1) (d), under s.
8 66.293 (6) to give up, waive or return any part of the compensation to which that
9 person is entitled under his or her contract of employment or under the prevailing
10 wage rate determination issued by the department or local governmental unit, or
11 who reduces the hourly basic rate of pay normally paid to an employe for work on a
12 project on which a prevailing wage rate determination has not been issued under s.
13 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
14 the employe works both on a project on which a prevailing wage rate determination
15 has been issued and on a project on which a prevailing wage rate determination has
16 not been issued, is guilty of a Class E felony.

17 **SECTION 3191e.** 946.15 (2) of the statutes is amended to read:

18 946.15 (2) Any person employed pursuant to a public contract as defined in s.
19 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
20 has been issued by the department of workforce development under s. 20.924 (1) (j)
21 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined
22 in s. 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer
23 or agent of the employer any part of the compensation to which the employe is
24 entitled under his or her contract of employment or under the prevailing wage
25 determination issued by the department or local governmental unit, or who gives up

1 any part of the compensation to which he or she is normally entitled for work on a
2 project on which a prevailing wage rate determination has not been issued under s.
3 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
4 the person works part-time on a project on which a prevailing wage rate
5 determination has been issued and part-time on a project on which a prevailing
6 wage rate determination has not been issued, is guilty of a Class C misdemeanor.

7 **SECTION 3191f.** 946.15 (3) of the statutes is amended to read:

8 946.15 (3) Any employer or labor organization, or any agent or employe of an
9 employer or labor organization, who induces any person who seeks to be or is
10 employed on a project on which a prevailing wage rate determination has been issued
11 by the department of workforce development under s. 20.924 (1) (j) 3. c., 66.293 (3),
12 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d),
13 under s. 66.293 (6) to permit any part of the wages to which that person is entitled
14 under the prevailing wage rate determination issued by the department or local
15 governmental unit to be deducted from the person's pay is guilty of a Class E felony,
16 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
17 is working on a project that is subject to 40 USC 276c.

18 **SECTION 3191g.** 946.15 (4) of the statutes is amended to read:

19 946.15 (4) Any person employed on a project on which a prevailing wage rate
20 determination has been issued by the department of workforce development under
21 s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental
22 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the
23 wages to which that person is entitled under the prevailing wage rate determination
24 issued by the department or local governmental unit to be deducted from his or her
25 pay is guilty of a Class C misdemeanor, unless the deduction would be permitted

1 under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to
2 40 USC 276c.”.

3 **8.** Page 1398, line 24: after that line insert:

4 “(18v) DEPARTMENT OF REVENUE BUILDING CONSTRUCTION REQUIREMENTS. The
5 department of administration shall, to the extent practicable, ensure that the
6 department of revenue building enumerated under SECTION 9107 (1) (a) of this act
7 is constructed in a manner that is consistent with the requirements imposed under
8 section 20.924 (1) (j) 2. and 3. of the statutes, as created by this act.”.

9 **9.** Page 1447, line 17: after that line insert:

10 “(1x) LEASE/PURCHASE OF STATE BUILDINGS. The treatment of sections 13.48 (15),
11 (19) and (27), 20.924 (1) (i) and (j), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t) and
12 946.15 (1), (2), (3) and (4) of the statutes first applies to contracts for the construction
13 of any building, structure or facility, or portion thereof, for initial occupancy by the
14 state that contain an option for the state to purchase the building, structure or
15 facility entered into, or extended, modified or renewed, on the effective date of this
16 subsection.”.

17 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0533/24
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Wanted Wed 6/15 - pm

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TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 1. Page 122, line 2: after that line insert:

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4 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
5 requirements of s. 20.924 (1) (i) and (j), the building commission shall have the
6 authority to acquire leasehold interests in land and buildings where such authority
7 is not otherwise provided to an agency by law."

8 2. Page 122, line 10: after that line insert:

9 "SECTION 3f. 13.48 (19) of the statutes is amended to read:

10 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
11 commission determines that the use of innovative types of design and construction

1 processes will make better use of the resources and technology available in the
2 building industry, the building commission may waive any or all of s. 16.855 if such
3 action is in the best interest of the state and if the waiver is accomplished through
4 formal action of the building commission. The building commission may authorize
5 the lease, lease purchase or acquisition of such facilities constructed in the manner
6 authorized by the building commission. The Subject to the requirements of s. 20.924
7 (1) (i) and (j), the building commission may also authorize the lease, lease purchase
8 or acquisition of existing facilities in lieu of state construction of any project
9 enumerated in the authorized state building program.

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

11 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
12 of s. 20.924 (1) (i) and (j), the building commission may lease any facility for use of
13 the department of corrections as a part of the authorized state building program,
14 with an option to purchase the facility by the state. Any lease shall provide for the
15 facility to be constructed in accordance with requirements and specifications
16 approved by the department of administration and shall permit inspection of the site
17 and facility by agents of the department.”.

18 **3.** Page 481, line 8: after that line insert:

19 **“SECTION 649m.** 20.924 (1) (i) of the statutes is created to read:

20 20.924 (1) (i) Shall not enter into any lease or other contract that provides for
21 the construction of any building, structure or facility, or portion thereof, for initial
22 occupancy by the state and that contains an option for the state to purchase the
23 building, structure or facility unless the construction and purchase of the building,

1 structure or facility is enumerated in the authorized state building program prior to
2 entering into the lease or other contract.

3 **SECTION 649n.** 20.924 (1) (j) of the statutes is created to read:

4 20.924 (1) (j) Shall not enter into any lease or other contract that provides for
5 the construction of any building, structure or facility, or portion thereof, for initial
6 occupancy by the state and that contains an option for the state to purchase the
7 building, structure or facility unless the seller or lessor agrees to all of the following
8 requirements:

9 1. Bids or competitive sealed proposals will be submitted to the seller or lessor
10 in accordance with the procedure for soliciting and submitting bids or competitive
11 sealed proposals to the department of administration for contracts entered into by
12 the state.

13 2. The contractor or contractors who construct the building, structure or facility
14 will ensure that at least 5% of the total amount expended for construction of the
15 building, structure or facility is awarded to contractors or subcontractors who are
16 minority businesses, as defined in s. 16.75 (3m) (a), and that the department of
17 administration is empowered to enforce this requirement.

18 3. The seller or lessor will do all of the following:

19 a. Not permit any employe working on the building, structure or facility, or
20 portion thereof, who would be entitled to receive the prevailing wage rate under s.
21 103.49 and who would not be required or permitted to work more than the prevailing
22 hours of labor, if the building, structure or facility, or portion thereof, were a project
23 of public works subject to s. 103.49, to be paid less than the prevailing wage rate or
24 to be required or permitted to work more than the prevailing hours of labor, except
25 as permitted under s. 103.49 (2).

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

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

13 **4.** Page 979, line 6: after that line insert:

14 “**SECTION 2030m.** 109.09 (1) of the statutes is amended to read:

15 109.09 (1) The department shall investigate and attempt equitably to adjust
16 controversies between employers and employees as to alleged wage claims. The
17 department may receive and investigate any wage claim which is filed with the
18 department, or received by the department under s. 109.10 (4), no later than 2 years
19 after the date the wages are due. The department may, after receiving a wage claim,
20 investigate any wages due from the employer against whom the claim is filed to any
21 employe during the period commencing 2 years before the date the claim is filed. The
22 department shall enforce this chapter and ss. 20.924(1)(i)3., 66.293, 103.02, 103.49,
23 103.82 and 104.12. In pursuance of this duty, the department may sue the employer
24 on behalf of the employe to collect any wage claim or wage deficiency and ss. 109.03

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

12 **5.** Page 980, line 7: after that line insert:

13 “SECTION 2033m. 111.322 (2m) (c) of the statutes is amended to read:

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

17 **6.** Page 1102, line 15: after that line insert:

18 “SECTION 2353m. 227.01 (13) (t) of the statutes is amended to read:

19 227.01 (13) (t) Ascertain and determines prevailing wage rates and prevailing
20 hours of labor under ~~ss. s. 20.924 (1) (j) 3. c.~~, 66.293, 103.49 ~~and or~~ 103.50, except that
21 any action or inaction which ascertain and determines prevailing wage rates and
22 prevailing hours of labor under ~~ss. s. 20.924 (1) (j) 3. c.~~, 66.293, 103.49 ~~and or~~ 103.50
23 is subject to judicial review under s. 227.40.”.

24 **7.** Page 1353, line 18: after that line insert:

1 **SECTION 3191d.** 946.15 (1) of the statutes is amended to read:

2 946.15 (1) Any employer, or any agent or employe of an employer, who induces
3 any person who seeks to be or is employed pursuant to a public contract as defined
4 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
5 wage rate determination has been issued by the department of workforce
6 development under s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a
7 local governmental unit, as defined in s. 20.924 (1) (j) 3. c., 66.293 (1) (d), under s.
8 66.293 (6) to give up, waive or return any part of the compensation to which that
9 person is entitled under his or her contract of employment or under the prevailing
10 wage rate determination issued by the department or local governmental unit, or
11 who reduces the hourly basic rate of pay normally paid to an employe for work on a
12 project on which a prevailing wage rate determination has not been issued under s.
13 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
14 the employe works both on a project on which a prevailing wage rate determination
15 has been issued and on a project on which a prevailing wage rate determination has
16 not been issued, is guilty of a Class E felony.

17 **SECTION 3191e.** 946.15 (2) of the statutes is amended to read:

18 946.15 (2) Any person employed pursuant to a public contract as defined in s.
19 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
20 has been issued by the department of workforce development under s. 20.924 (1) (j)
21 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined
22 in s. 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer
23 or agent of the employer any part of the compensation to which the employe is
24 entitled under his or her contract of employment or under the prevailing wage
25 determination issued by the department or local governmental unit, or who gives up

1 any part of the compensation to which he or she is normally entitled for work on a
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3 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
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5 determination has been issued and part-time on a project on which a prevailing
6 wage rate determination has not been issued, is guilty of a Class C misdemeanor.

7 **SECTION 3191f.** 946.15 (3) of the statutes is amended to read:

8 946.15 (3) Any employer or labor organization, or any agent or employe of an
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10 employed on a project on which a prevailing wage rate determination has been issued
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12 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d),
13 under s. 66.293 (6) to permit any part of the wages to which that person is entitled
14 under the prevailing wage rate determination issued by the department or local
15 governmental unit to be deducted from the person's pay is guilty of a Class E felony,
16 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
17 is working on a project that is subject to 40 USC 276c.

18 **SECTION 3191g.** 946.15 (4) of the statutes is amended to read:

19 946.15 (4) Any person employed on a project on which a prevailing wage rate
20 determination has been issued by the department of workforce development under
21 s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental
22 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the
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5 department of administration shall, to the extent practicable, ensure that the
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7 is constructed in a manner that is consistent with the requirements imposed under
8 section 20.924 (1) (j) 2. and 3. of the statutes, as created by this act.”.

9 **9.** Page 1447, line 17: after that line insert:

10 “(1x) LEASE/PURCHASE OF STATE BUILDINGS. The treatment of sections 13.48 (15),
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13 of any building, structure or facility, or portion thereof, for initial occupancy by the
14 state that contain an option for the state to purchase the building, structure or
15 facility entered into, or extended, modified or renewed, on the effective date of this
16 subsection.”.

17

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1999 - 2000 LEGISLATURE

(Draft)

LRBb0533/ (S)
JTK&GMM:kmg&jlg:ksh RMR

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15 facility to be constructed in accordance with requirements and specifications
16 approved by the department of administration and shall permit inspection of the site
17 and facility by agents of the department.”.

18 **3.** Page 481, line 8: after that line insert:

19 “**SECTION 649m.** 20.924 (1) (i) of the statutes is created to read:

20 20.924 (1) (i) Shall not enter into any lease or other contract that provides for
21 the construction of any building, structure or facility, or portion thereof, for initial
22 occupancy by the state and that contains an option for the state to purchase the
23 building, structure or facility unless the construction and purchase of the building,

1 structure or facility is enumerated in the authorized state building program prior to
2 entering into the lease or other contract.

3 **SECTION 649n.** 20.924 (1) (j) of the statutes is created to read:

4 20.924 (1) (j) Shall not enter into any lease or other contract that provides for
5 the construction of any building, structure or facility, or portion thereof, for initial
6 occupancy by the state and that contains an option for the state to purchase the
7 building, structure or facility unless the seller or lessor agrees to all of the following
8 requirements:

9 1. Bids or competitive sealed proposals will be submitted to the seller or lessor
10 in accordance with the procedure for soliciting and submitting bids or competitive
11 sealed proposals to the department of administration for contracts entered into by
12 the state.

13 2. The contractor or contractors who construct the building, structure or facility
14 will ensure that at least 5% of the total amount expended for construction of the
15 building, structure or facility is awarded to contractors or subcontractors who are
16 minority businesses, as defined in s. 16.75 (3m) (a), and that the department of
17 administration is empowered to enforce this requirement.

18 3. The seller or lessor will do all of the following:

19 a. Not permit any employe working on the building, structure or facility, or
20 portion thereof, who would be entitled to receive the prevailing wage rate under s.
21 103.49 and who would not be required or permitted to work more than the prevailing
22 hours of labor, if the building, structure or facility, or portion thereof, were a project
23 of public works subject to s. 103.49, to be paid less than the prevailing wage rate or
24 to be required or permitted to work more than the prevailing hours of labor, except
25 as permitted under s. 103.49 (2).

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

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

13 **4.** Page 979, line 6: after that line insert:

14 “**SECTION 2030m.** 109.09 (1) of the statutes is amended to read:

15 109.09 (1) The department shall investigate and attempt equitably to adjust
16 controversies between employers and employes as to alleged wage claims. The
17 department may receive and investigate any wage claim which is filed with the
18 department, or received by the department under s. 109.10 (4), no later than 2 years
19 after the date the wages are due. The department may, after receiving a wage claim,
20 investigate any wages due from the employer against whom the claim is filed to any
21 employe during the period commencing 2 years before the date the claim is filed. The
22 department shall enforce this chapter and ss. 20.924 (1) (j) 3., 66.293, 103.02, 103.49,
23 103.82 and 104.12. In pursuance of this duty, the department may sue the employer
24 on behalf of the employe to collect any wage claim or wage deficiency and ss. 109.03

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

12 **5.** Page 980, line 7: after that line insert:

13 “SECTION 2033m. 111.322 (2m) (c) of the statutes is amended to read:

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

17 **6.** Page 1102, line 15: after that line insert:

18 “SECTION 2353m. 227.01 (13) (t) of the statutes is amended to read:

19 227.01 (13) (t) Ascertains and determines prevailing wage rates and prevailing
20 hours of labor under ~~ss. s. 20.924 (1) (j) 3. c., 66.293, 103.49 and or 103.50~~, except that
21 any action or inaction which ascertains and determines prevailing wage rates and
22 prevailing hours of labor under ~~ss. s. 20.924 (1) (j) 3. c., 66.293, 103.49 and or 103.50~~
23 is subject to judicial review under s. 227.40.”.

24 **7.** Page 1353, line 18: after that line insert:

1 **SECTION 3191d.** 946.15 (1) of the statutes is amended to read:

2 946.15 (1) Any employer, or any agent or employe of an employer, who induces
3 any person who seeks to be or is employed pursuant to a public contract as defined
4 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
5 wage rate determination has been issued by the department of workforce
6 development under s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a
7 local governmental unit, as defined in s. 20.924 (1) (j) 3. c., 66.293 (1) (d), under s.
8 66.293 (6) to give up, waive or return any part of the compensation to which that
9 person is entitled under his or her contract of employment or under the prevailing
10 wage rate determination issued by the department or local governmental unit, or
11 who reduces the hourly basic rate of pay normally paid to an employe for work on a
12 project on which a prevailing wage rate determination has not been issued under s.
13 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
14 the employe works both on a project on which a prevailing wage rate determination
15 has been issued and on a project on which a prevailing wage rate determination has
16 not been issued, is guilty of a Class E felony.

17 **SECTION 3191e.** 946.15 (2) of the statutes is amended to read:

18 946.15 (2) Any person employed pursuant to a public contract as defined in s.
19 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
20 has been issued by the department of workforce development under s. 20.924 (1) (j)
21 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined
22 in s. 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer
23 or agent of the employer any part of the compensation to which the employe is
24 entitled under his or her contract of employment or under the prevailing wage
25 determination issued by the department or local governmental unit, or who gives up

1 any part of the compensation to which he or she is normally entitled for work on a
2 project on which a prevailing wage rate determination has not been issued under s.
3 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
4 the person works part-time on a project on which a prevailing wage rate
5 determination has been issued and part-time on a project on which a prevailing
6 wage rate determination has not been issued, is guilty of a Class C misdemeanor.

7 **SECTION 3191f.** 946.15 (3) of the statutes is amended to read:

8 946.15 (3) Any employer or labor organization, or any agent or employe of an
9 employer or labor organization, who induces any person who seeks to be or is
10 employed on a project on which a prevailing wage rate determination has been issued
11 by the department of workforce development under s. 20.924 (1) (j) 3. c., 66.293 (3),
12 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d),
13 under s. 66.293 (6) to permit any part of the wages to which that person is entitled
14 under the prevailing wage rate determination issued by the department or local
15 governmental unit to be deducted from the person's pay is guilty of a Class E felony,
16 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
17 is working on a project that is subject to 40 USC 276c.

18 **SECTION 3191g.** 946.15 (4) of the statutes is amended to read:

19 946.15 (4) Any person employed on a project on which a prevailing wage rate
20 determination has been issued by the department of workforce development under
21 s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental
22 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the
23 wages to which that person is entitled under the prevailing wage rate determination
24 issued by the department or local governmental unit to be deducted from his or her
25 pay is guilty of a Class C misdemeanor, unless the deduction would be permitted

1 under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to
2 40 USC 276c.”

3 8. Page 1398, line 24: after that line insert:

4 “(18v) DEPARTMENT OF REVENUE BUILDING CONSTRUCTION REQUIREMENTS. The
5 department of administration shall, to the extent practicable, ensure that the
6 department of revenue building enumerated under SECTION 9107 (1) (a) of this act
7 is constructed in a manner that is consistent with the requirements imposed under
8 section 20.924 (1) (j) 2. and 3. of the statutes, as created by this act.”

9 9. Page 1447, line 17: after that line insert:

10 “(1x) LEASE/PURCHASE OF STATE BUILDINGS. The treatment of sections 13.48 (15),
11 (19) and (27), 20.924 (1) (i) and (j), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t) and
12 946.15 (1), (2), (3) and (4) of the statutes first applies to contracts for the construction
13 of any building, structure or facility, or portion thereof, for initial occupancy by the
14 state that contain an option for the state to purchase the building, structure or
15 facility entered into, or extended, modified or renewed, on the effective date of this
16 subsection.”

to conform this draft to a change
(END) made on the master substitute
amendment. That change is
necessary to conform s. 20.924 (1)(j) 2.

D Note

⌘ This redraft inserts “, or portion thereof,” in s. 20.924 (1)(j) 2.
after “building, structure or facility” ~~for conformity~~ with s.
20.924 (j) (intro.) and 3. a., b. and c.

GMY

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

LRBb0533/5dn
GMM:kmg&jlg:mrc

June 21, 1999

This redraft inserts “, or portion thereof,” in s. 20.924 (1) (j) 2. after “building, structure or facility” to conform this draft to a change made on the master substitute amendment. That change is necessary to conform s. 20.924 (1) (j) 2. with s. 20.924 (j) (intro.) and 3. a., b. and c.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0533/5
JTK&GMM:kmg&jlg:mrc

LFB:.....Runde (DL) - Purchase of department of revenue building

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 **1.** Page 122, line 2: after that line insert:

3 "SECTION 2t. 13.48 (15) of the statutes is amended to read:

4 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
5 requirements of s. 20.924 (1) (i) and (j), the building commission shall have the
6 authority to acquire leasehold interests in land and buildings where such authority
7 is not otherwise provided to an agency by law."

8 **2.** Page 122, line 10: after that line insert:

9 "SECTION 3f. 13.48 (19) of the statutes is amended to read:

10 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
11 commission determines that the use of innovative types of design and construction

1 processes will make better use of the resources and technology available in the
2 building industry, the building commission may waive any or all of s. 16.855 if such
3 action is in the best interest of the state and if the waiver is accomplished through
4 formal action of the building commission. The building commission may authorize
5 the lease, lease purchase or acquisition of such facilities constructed in the manner
6 authorized by the building commission. The Subject to the requirements of s. 20.924
7 (1) (j), the building commission may also authorize the lease, lease purchase or
8 acquisition of existing facilities in lieu of state construction of any project
9 enumerated in the authorized state building program.

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

11 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
12 of s. 20.924 (1) (i) and (j), the building commission may lease any facility for use of
13 the department of corrections as a part of the authorized state building program,
14 with an option to purchase the facility by the state. Any lease shall provide for the
15 facility to be constructed in accordance with requirements and specifications
16 approved by the department of administration and shall permit inspection of the site
17 and facility by agents of the department.”.

18 **3.** Page 481, line 8: after that line insert:

19 “**SECTION 649m.** 20.924 (1) (i) of the statutes is created to read:

20 20.924 (1) (i) Shall not enter into any lease or other contract that provides for
21 the construction of any building, structure or facility, or portion thereof, for initial
22 occupancy by the state and that contains an option for the state to purchase the
23 building, structure or facility unless the construction and purchase of the building,

1 structure or facility is enumerated in the authorized state building program prior to
2 entering into the lease or other contract.

3 **SECTION 649n.** 20.924 (1) (j) of the statutes is created to read:

4 20.924 (1) (j) Shall not enter into any lease or other contract that provides for
5 the construction of any building, structure or facility, or portion thereof, for initial
6 occupancy by the state and that contains an option for the state to purchase the
7 building, structure or facility unless the seller or lessor agrees to all of the following
8 requirements:

9 1. Bids or competitive sealed proposals will be submitted to the seller or lessor
10 in accordance with the procedure for soliciting and submitting bids or competitive
11 sealed proposals to the department of administration for contracts entered into by
12 the state.

13 2. The contractor or contractors who construct the building, structure or facility
14 will ensure that at least 5% of the total amount expended for construction of the
15 building, structure or facility, or portion thereof, is awarded to contractors or
16 subcontractors who are minority businesses, as defined in s. 16.75 (3m) (a), and that
17 the department of administration is empowered to enforce this requirement.

18 3. The seller or lessor will do all of the following:

19 a. Not permit any employe working on the building, structure or facility, or
20 portion thereof, who would be entitled to receive the prevailing wage rate under s.
21 103.49 and who would not be required or permitted to work more than the prevailing
22 hours of labor, if the building, structure or facility, or portion thereof, were a project
23 of public works subject to s. 103.49, to be paid less than the prevailing wage rate or
24 to be required or permitted to work more than the prevailing hours of labor, except
25 as permitted under s. 103.49 (2).

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

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

13 **4.** Page 979, line 6: after that line insert:

14 “**SECTION 2030m.** 109.09 (1) of the statutes is amended to read:

15 109.09 (1) The department shall investigate and attempt equitably to adjust
16 controversies between employers and employees as to alleged wage claims. The
17 department may receive and investigate any wage claim which is filed with the
18 department, or received by the department under s. 109.10 (4), no later than 2 years
19 after the date the wages are due. The department may, after receiving a wage claim,
20 investigate any wages due from the employer against whom the claim is filed to any
21 employe during the period commencing 2 years before the date the claim is filed. The
22 department shall enforce this chapter and ss. 20.924 (1) (j) 3., 66.293, 103.02, 103.49,
23 103.82 and 104.12. In pursuance of this duty, the department may sue the employer
24 on behalf of the employe to collect any wage claim or wage deficiency and ss. 109.03

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

12 **5.** Page 980, line 7: after that line insert:

13 “**SECTION 2033m.** 111.322 (2m) (c) of the statutes is amended to read:

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

17 **6.** Page 1102, line 15: after that line insert:

18 “**SECTION 2353m.** 227.01 (13) (t) of the statutes is amended to read:

19 227.01 (13) (t) Ascertains and determines prevailing wage rates and prevailing
20 hours of labor under ~~ss. s.~~ s. 20.924 (1) (j) 3. c., 66.293, 103.49 ~~and or~~ 103.50, except that
21 any action or inaction which ascertains and determines prevailing wage rates and
22 prevailing hours of labor under ~~ss. s.~~ s. 20.924 (1) (j) 3. c., 66.293, 103.49 ~~and or~~ 103.50
23 is subject to judicial review under s. 227.40.”.

24 **7.** Page 1353, line 18: after that line insert:

1 **SECTION 3191d.** 946.15 (1) of the statutes is amended to read:

2 946.15 (1) Any employer, or any agent or employe of an employer, who induces
3 any person who seeks to be or is employed pursuant to a public contract as defined
4 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
5 wage rate determination has been issued by the department of workforce
6 development under s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a
7 local governmental unit, as defined in s. 20.924 (1) (j) 3. c., 66.293 (1) (d), under s.
8 66.293 (6) to give up, waive or return any part of the compensation to which that
9 person is entitled under his or her contract of employment or under the prevailing
10 wage rate determination issued by the department or local governmental unit, or
11 who reduces the hourly basic rate of pay normally paid to an employe for work on a
12 project on which a prevailing wage rate determination has not been issued under s.
13 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
14 the employe works both on a project on which a prevailing wage rate determination
15 has been issued and on a project on which a prevailing wage rate determination has
16 not been issued, is guilty of a Class E felony.

17 **SECTION 3191e.** 946.15 (2) of the statutes is amended to read:

18 946.15 (2) Any person employed pursuant to a public contract as defined in s.
19 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
20 has been issued by the department of workforce development under s. 20.924 (1) (j)
21 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined
22 in s. 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer
23 or agent of the employer any part of the compensation to which the employe is
24 entitled under his or her contract of employment or under the prevailing wage
25 determination issued by the department or local governmental unit, or who gives up

1 any part of the compensation to which he or she is normally entitled for work on a
2 project on which a prevailing wage rate determination has not been issued under s.
3 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
4 the person works part-time on a project on which a prevailing wage rate
5 determination has been issued and part-time on a project on which a prevailing
6 wage rate determination has not been issued, is guilty of a Class C misdemeanor.

7 **SECTION 3191f.** 946.15 (3) of the statutes is amended to read:

8 946.15 (3) Any employer or labor organization, or any agent or employe of an
9 employer or labor organization, who induces any person who seeks to be or is
10 employed on a project on which a prevailing wage rate determination has been issued
11 by the department of workforce development under s. 20.924 (1) (j) 3. c., 66.293 (3),
12 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d),
13 under s. 66.293 (6) to permit any part of the wages to which that person is entitled
14 under the prevailing wage rate determination issued by the department or local
15 governmental unit to be deducted from the person's pay is guilty of a Class E felony,
16 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
17 is working on a project that is subject to 40 USC 276c.

18 **SECTION 3191g.** 946.15 (4) of the statutes is amended to read:

19 946.15 (4) Any person employed on a project on which a prevailing wage rate
20 determination has been issued by the department of workforce development under
21 s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental
22 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the
23 wages to which that person is entitled under the prevailing wage rate determination
24 issued by the department or local governmental unit to be deducted from his or her
25 pay is guilty of a Class C misdemeanor, unless the deduction would be permitted

1 under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to
2 40 USC 276c.”.

3 **8.** Page 1398, line 24: after that line insert:

4 “(18v) DEPARTMENT OF REVENUE BUILDING CONSTRUCTION REQUIREMENTS. The
5 department of administration shall, to the extent practicable, ensure that the
6 department of revenue building enumerated under SECTION 9107 (1) (a) of this act
7 is constructed in a manner that is consistent with the requirements imposed under
8 section 20.924 (1) (j) 2. and 3. of the statutes, as created by this act.”.

9 **9.** Page 1447, line 17: after that line insert:

10 “(1x) LEASE/PURCHASE OF STATE BUILDINGS. The treatment of sections 13.48 (15),
11 (19) and (27), 20.924 (1) (i) and (j), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t) and
12 946.15 (1), (2), (3) and (4) of the statutes first applies to contracts for the construction
13 of any building, structure or facility, or portion thereof, for initial occupancy by the
14 state that contain an option for the state to purchase the building, structure or
15 facility entered into, or extended, modified or renewed, on the effective date of this
16 subsection.”.

17

(END)