

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB417)

Received: 02/20/2004

Received By: jkuesel

Wanted: Soon

Identical to LRB:

For: Luther Olsen (608) 266-8077

By/Representing: Dan Schmidt - LCS

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters: mshovers

Subject: Counties - miscellaneous
Munis - miscellaneous
State Govt - state bldg proj

Extra Copies: Dan Schmidt - LCS (EM)

Submit via email: YES

Requester's email: Rep.Olsen@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

AA to AB-417 (Retainage reduction changes)

Instructions:

Up to 5% of the value of the work completed may be retained until 50% of project is completed. After that, up to 10% of the value of the work completed may be retained if architect or engineer certifies that work is not proceeding satisfactorily.

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>
/?	jkuesel 02/20/2004	kgilfoy 02/23/2004		_____			
	mshovers 02/20/2004			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			pgreensl _____ 02/24/2004 _____		sbasford 02/24/2004	sbasford 02/24/2004	
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FE Sent For:

<END>

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1?	jkuesel	1-2/23 Kmg 2/20/04	JK	JK			
	JTKMEG						

FE Sent For:

<END>

2003

Date (time) needed

SOON

LRBa 2286, 1

AMENDMENT

JJZ + MES
KMG

See form AMENDMENTS — COMPONENTS & ITEMS.

S (A) AMENDMENT

~~TO S A AMENDMENT~~ (LRBa /),

~~TO S A SUBSTITUTE AMENDMENT~~ (LRBs /),

TO 2003 SB ~~SJR SR~~ (AB) ~~AJR AR~~ 417 (LRB /)

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed ..." or "as shown by")

✓ #. Page 2, line 7: delete "50% 100%" and substitute "50%".

✓ #. Page 2, line 7: delete the material beginning with "At" and ending with "completed." X on line 13 and substitute INS A ✓ ON

✓ #. Page 3, line 3: delete "50%" and substitute "100%" and substitute 50%.

✓ #. Page 3, line 3: delete the material beginning with "At" and ending with "completed." and substitute INS B ✓

on line 9

#. Page ..., line ...:

(END)

INSAL

Section #. 16.855 (19) of the statutes is amended to read:

16.855 (19) As the work progresses under any contract for construction the department, from time to time, shall grant to the contractor an estimate of the amount and proportionate value of the work done, which shall entitle the contractor to receive the amount thereof, less the retainage, from the proper fund. On all construction projects, the retainage shall be an amount equal to 10% of said estimate until 50% of the work has been completed. At 50% completion, no additional amounts shall be retained, and partial payments shall be made in full to the contractor unless the architect or engineer certifies that the job is not proceeding satisfactorily. At 50% completion or any time thereafter when the progress of the work is not satisfactory, additional amounts may be retained but in no event shall the total retainage be more than 10% of the value of the work completed. Upon substantial completion of the work, an amount retained may be paid to the contractor. For the purposes of this section, estimates may include any fabricated or manufactured materials and components specified, previously paid for by contractor and delivered to the work or properly stored and suitable for incorporation in the work embraced in the contract. This subsection does not apply to contracts awarded under s. 16.858.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33.

FNS B

Section # 66.0901 (9) (b) of the statutes is amended to read:

66.0901 (9) (b) *Retained percentages.* As the work progresses under a contract involving \$1,000 or more for the construction, execution, repair, remodeling or improvement of a public work or building or for the furnishing of supplies or materials, regardless of whether proposals for the contract are required to be advertised by law, the municipality, from time to time, shall grant to the contractor an estimate of the amount and proportionate value of the work done, which entitles the contractor to receive the amount of the estimate, less the retainage, from the proper fund. The retainage shall be an amount equal to 10% of the estimate until 50% of the work has been completed. At 50% completion, further partial payments shall be made in full to the contractor and no additional amounts may be retained unless the architect or engineer certifies that the job is not proceeding satisfactorily, but amounts previously retained shall not be paid to the contractor. At 50% completion or any time after 50% completion when the progress of the work is not satisfactory, additional amounts may be retained but the total retainage may not be more than 10% of the value of the work completed. Upon substantial completion of the work, an amount retained may be paid to the contractor. When the work has been substantially completed except for work which cannot be completed because of weather conditions, lack of materials or other reasons which in the judgment of the municipality are valid reasons for noncompletion, the municipality may make additional payments, retaining at all times an amount sufficient to cover the estimated cost of the work still to be completed or may pay out the entire amount retained and receive from the contractor guarantees in the form of a bond or other collateral sufficient to ensure completion of the job. For the purposes of this section, estimates may include any fabricated or manufactured materials and components specified, previously paid for by the contractor and delivered to the work or properly stored and suitable for incorporation in the work embraced in the contract.

No P

plain

History: 1971 c. 154; 1975 c. 390; 1983 a. 27; 1991 a. 316; 1993 a. 112, 399, 490, 491; 1999 a. 150 ss. 257, 258, 328 to 334; Stats. 1999 s. 66.0901; 1999 a. 186 s. 50; 2001 a. 103.

CCC to AAI to AB-417

Page 1; line 4; delete lines 4 and 5 and substitute
"completed." on line 13 and substitute "At 50% completion,
no additional amounts shall be retained; and partial"

Page 1; line 13; delete the material beginning with that
line and ending with page 2; line 1; and substitute
"completed." on line 9 and substitute "At 50% completion;
further partial payments shall be made in full to the"

In enrolling; the following corrections were made:

(END)

WLj / 3-15-04



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 417**

Prepared by the Legislative Reference Bureau
(March 15, 2004)

In enrolling, the following corrections were made:

1. Page 1, line 4: delete lines 4 and 5 and substitute "~~completed.~~" on line 13 and substitute "At 50% completion, no additional amounts shall be retained, and partial".
2. Page 1, line 13: delete the material beginning with that line and ending with page 2, line 1, and substitute "~~completed.~~" on line 9 and substitute "At 50% completion, further partial payments shall be made in full to the".

(END)