

2005 DRAFTING REQUEST

Senate Amendment (SA-AB15)

Received: **03/01/2006**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Pat Walsh**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Adl. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Decker@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requirements for builders of ethanol plants

Instructions:

See Attached

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> |
|--------------|---|------------------------|------------------------|----------------|------------------------|------------------------|-----------------|
| /? | rkite 03/01/2006 gmalaise 03/01/2006 | kfollett 03/02/2006 | | _____ | | | |
| /1 | | | jfrantze 03/03/2006 | _____ | sbasford 03/03/2006 | sbasford 03/03/2006 | |

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|--------------|----------------|-----------------------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | rkite | <i>1/1/gf</i> <i>3/2</i> | <i>3/3</i> | <i>3/3</i> | | | |

FE Sent For:

<END>

Malaise, Gordon

From: Kite, Robin
Sent: Wednesday, March 01, 2006 1:37 PM
To: Malaise, Gordon
Cc: Gibson-Glass, Mary
Subject: Amendment to AB 15

Gordon:

After looking at Sen. Decker's amendment request for AB 15 (ethanol) more carefully, I now see that the amendment request falls entirely in the area of employment and there are no issues relating to the area of buildings and safety. Consequently, I am passing this request on to you for drafting. Pat Walsh from Decker's office thinks that this bill will be on the floor tomorrow although I have received no confirmation of this. They want the amendment for the floor tomorrow.

Here is the request, generally:

When a plant that produces ethanol is being built, all of the following must occur:

1. At least 50% of the contractor's employees and of the subcontractors' employees must be Wisconsin residents.
2. All employees working on the project must receive the prevailing wage rate.
3. The contractor and all the subcontractors must participate in a state certified apprenticeship program.
4. The contractor and all subcontractors must provide health insurance coverage for their employees.

Pat Walsh is sending me more information by interdepartmental mail. You will want to check my inbox on my desk for an envelope from Pat later this afternoon. I have entered the request and forwarded it electronically to your inbox. I put the request sheet in your inbox on your desk. Pat Walsh knows that the amendment is probably not germane. Note that ASA 3 and AA 4 to ASA 3 were adopted in the Assembly.

If you have any questions this afternoon, please talk to Mary.

Thanks.

Robin

Robin Kite, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-7291



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2588/9

GMM: [Signature]

[Signature]
313

**SENATE AMENDMENT ,
TO 2005 ASSEMBLY BILL 15**

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 3, as follows:

3 **1.** Page 2, line 1: after "gasoline," insert "grants for the construction of ethanol
4 production facilities,".

5 **2.** Page 2, line 3: delete "a penalty" and substitute "penalties".

6 **3.** Page 2, line 4: delete that line and substitute:

7 "SECTION 1c. 84.185 (8r) of the statutes, as created by 2005 Wisconsin Act 25,
8 is renumbered 84.185 (8r) (intro.) and amended to read:

9 84.185 (8r) ETHANOL PRODUCTION FACILITIES. (intro.) The department may not
10 make a grant under this section after July 27, 2005, for an improvement related to
11 an economic development project that involves the construction of an ethanol
12 production facility, unless the department determines that a competitive bidding
13 process is used for the construction of the ethanol production facility: and that all

1 contractors, subcontractors, and agents of a contractor or subcontractor performing
2 work on the construction of the facility have agreed to all of the following conditions:

History: 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1997 a. 237; 2001 a. 109; 2005 a. 25.

3 **SECTION 1d.** 84.185 (4r) (a) to (d) of the statutes are created to read:

4 84.185 (4r) (a) To employ residents of this state in not less than 50 percent of
5 the positions of the contractor, subcontractor, or agent working on the construction
6 of the facility.

7 (b) 1. To pay all employees working on the construction of the facility who would
8 be entitled to receive the prevailing wage rate under s. 66.0903, if the construction
9 of the facility were a project of public works subject to s. 66.0903, not less than the
10 prevailing wage rate.

11 2. Not to require or permit any employee who would not be required or
12 permitted to work more than the prevailing hours of labor, if the construction of the
13 facility were a project of public works subject to s. 66.0903, to work more than the
14 prevailing hours of labor, except as permitted under s. 66.0903 (4) (a).

15 3. To keep and permit inspection of records in the same manner as a contractor,
16 subcontractor, or agent of a contractor or subcontractor performing work on a project
17 of public works that is subject to s. 66.0903 is required to keep and permit inspection
18 of records under s. 66.0903 (10).

19 4. Otherwise to comply with s. 66.0903 in the same manner as a contractor,
20 subcontractor, or agent of a contractor or subcontractor performing work on a project
21 of public works that is subject to s. 66.0903 is required to comply with s. 66.0903. The
22 person soliciting bids for the construction of the facility shall also agree to comply
23 with s. 66.0903 in the same manner as a local governmental unit contracting for the

1 erection, construction, remodeling, repairing, or demolition of a project of public
2 works is required to comply with s. 66.0903.

3 (c) To participate in an apprenticeship program under subch. I of ch. 106.

4 (d) To provide employer-subsidized health care coverage, as defined in s. 49.665
5 (1) (c), to all employees working on the construction of the facility.

6 **SECTION 1f.** 93.46 (4) of the statutes, as created by 2005 Wisconsin Act 25, is
7 renumbered 93.46 (4) (intro.) and amended to read:

8 93.46 (4) (intro.) The department may not make a grant under this section for
9 an ethanol production facility on which construction begins after July 27, 2005,
10 unless a competitive bidding process is used for the construction of the ethanol
11 production facility. and the department determines that all contractors,
12 subcontractors, and agents of a contractor or subcontractor performing work on the
13 construction of the facility have agreed to all of the following conditions:

14 **History:** 1989 a. 31; 1991 a. 39; 1993 a. 403, 414; 1995 a. 27 s. 9116 (5); 2005 a. 25.

15 **SECTION 1g.** 93.46 (4) (a) to (d) of the statutes are created to read:

16 93.46 (4) (a) To employ residents of this state in not less than 50 percent of the
17 positions of the contractor, subcontractor, or agent working on the construction of the
18 facility.

19 (b) 1. To pay all employees working on the construction of the facility who would
20 be entitled to receive the prevailing wage rate under s. 66.0903, if the construction
21 of the facility were a project of public works subject to s. 66.0903, not less than the
22 prevailing wage rate.

23 2. Not to require or permit any employee who would not be required or
permitted to work more than the prevailing hours of labor, if the construction of the

1 facility were a project of public works subject to s. 66.0903, to work more than the
2 prevailing hours of labor, except as permitted under s. 66.0903 (4) (a).

3 3. To keep and permit inspection of records in the same manner as a contractor,
4 subcontractor, or agent of a contractor or subcontractor performing work on a project
5 of public works that is subject to s. 66.0903 is required to keep and permit inspection
6 of records under s. 66.0903 (10).

7 4. Otherwise to comply with s. 66.0903 in the same manner as a contractor,
8 subcontractor, or agent of a contractor or subcontractor performing work on a project
9 of public works that is subject to s. 66.0903 is required to comply with s. 66.0903. The
10 person soliciting bids for the construction of the facility shall also agree to comply
11 with s. 66.0903 in the same manner as a local governmental unit contracting for the
12 erection, construction, remodeling, repairing, or demolition of a project of public
13 works is required to comply with s. 66.0903.

14 (c) To participate in an apprenticeship program under subch. I of ch. 106.

15 (d) To provide employer-subsidized health care coverage, as defined in s. 49.665
16 (1) (c), to all employees working on the construction of the facility.

17 **SECTION 1j.** 93.75 (1) (d) of the statutes, as created by 2005 Wisconsin Act 25,
18 is renumbered 93.75 (1) (d) (intro.) and amended to read:

19 93.75 (1) (d) (intro.) If construction of the ethanol production facility begins
20 after July 27, 2005, a competitive bidding process is used for the construction of the
21 ethanol production facility. and the department determines that all contractors,
22 subcontractors, and agents of a contractor or subcontractor performing work on the
23 construction of the facility have agreed to all of the following conditions:

History: 1999 a. 55; 2005 a. 25.

24 **SECTION 1k.** 93.75 (1) (d) 1. to 4. of the statutes are created to read:

1 93.75 (1) (d) 1. To employ residents of this state in not less than 50 percent of
2 the positions of the contractor, subcontractor, or agent working on the construction
3 of the facility.

4 2. a. To pay all employees working on the construction of the facility who would
5 be entitled to receive the prevailing wage rate under s. 66.0903, if the construction
6 of the facility were a project of public works subject to s. 66.0903, not less than the
7 prevailing wage rate.

8 b. Not to require or permit any employee who would not be required or
9 permitted to work more than the prevailing hours of labor, if the construction of the
10 facility were a project of public works subject to s. 66.0903, to work more than the
11 prevailing hours of labor, except as permitted under s. 66.0903 (4) (a).

12 c. To keep and permit inspection of records in the same manner as a contractor,
13 subcontractor, or agent of a contractor or subcontractor performing work on a project
14 of public works that is subject to s. 66.0903 is required to keep and permit inspection
15 of records under s. 66.0903 (10).

16 d. Otherwise to comply with s. 66.0903 in the same manner as a contractor,
17 subcontractor, or agent of a contractor or subcontractor performing work on a project
18 of public works that is subject to s. 66.0903 is required to comply with s. 66.0903. The
19 person soliciting bids for the construction of the facility shall also agree to comply
20 with s. 66.0903 in the same manner as a local governmental unit contracting for the
21 erection, construction, remodeling, repairing, or demolition of a project of public
22 works is required to comply with s. 66.0903.

23 3. To participate in an apprenticeship program under subch. I of ch. 106.

24 4. To provide employer-subsidized health care coverage, as defined in s. 49.665
25 (1) (c), to all employees working on the construction of the facility.

1 **SECTION 1m.** 103.49 (3) (ar) of the statutes is amended to read:

2 103.49 (3) (ar) In determining prevailing wage rates under par. (a) or (am), the
3 department may not use data from projects that are subject to this section, s. 66.0903,
4 84.185 (8r) (b), 93.46 (4) (b), 93.75 (1) (d) 2., 103.50 or, 229.8275, 560.031 (2), or
5 560.605 (1) (p) 2. or 40 USC 276a unless the department determines that there is
6 insufficient wage data in the area to determine those prevailing wage rates, in which
7 case the department may use data from projects that are subject to this section, s.
8 66.0903, 103.50 or 229.8275 or 40 USC 276a.

History: 1983 a. 27; 1985 a. 159; 1985 a. 332 ss. 141, 142, 253; 1987 a. 403 s. 256; 1989 a. 228; 1993 a. 112; 1995 a. 27, 215, 225; 1997 a. 35; 1999 a. 70; 1999 a. 150 ss. 628, 672; 1999 a. 167; 2001 a. 16, 30.

9 **SECTION 1p.** 109.09 (1) of the statutes is amended to read:

10 109.09 (1) The department shall investigate and attempt equitably to adjust
11 controversies between employers and employees as to alleged wage claims. The
12 department may receive and investigate any wage claim which is filed with the
13 department, or received by the department under s. 109.10 (4), no later than 2 years
14 after the date the wages are due. The department may, after receiving a wage claim,
15 investigate any wages due from the employer against whom the claim is filed to any
16 employee during the period commencing 2 years before the date the claim is filed.
17 The department shall enforce this chapter and ss. 66.0903, 84.185 (8r) (b), 93.46 (4)
18 (b), 93.75 (1) (d) 2., 103.02, 103.49, 103.82, 104.12 and, 229.8275, 560.031 (2), and
19 560.605 (1) (p) 2. In pursuance of this duty, the department may sue the employer
20 on behalf of the employee to collect any wage claim or wage deficiency and ss. 109.03
21 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions under s.
22 109.10, the department may refer such an action to the district attorney of the county
23 in which the violation occurs for prosecution and collection and the district attorney
24 shall commence an action in the circuit court having appropriate jurisdiction. Any

1 number of wage claims or wage deficiencies against the same employer may be joined
 2 in a single proceeding, but the court may order separate trials or hearings. In actions
 3 that are referred to a district attorney under this subsection, any taxable costs
 4 recovered by the district attorney shall be paid into the general fund of the county
 5 in which the violation occurs and used by that county to meet its financial
 6 responsibility under s. 978.13 (2) for the operation of the office of the district attorney
 7 who prosecuted the action.

History: 1975 c. 380; 1979 c. 32 s. 92 (9); 1985 a. 29, 220; 1989 a. 113; 1991 a. 146; 1993 a. 86, 453; 1995 a. 227; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 10; 2003 a. 63.

8 **SECTION 1r.** 111.322 (2m) (c) of the statutes is amended to read:

9 111.322 (2m) (c) The individual files a complaint or attempts to enforce a right
 10 under s. 66.0903, 84.185 (8r) (b), 93.46 (4) (b), 93.75 (1) (d) 2., 103.49 ~~or~~, 229.8275,
 11 560.031 (2), or 560.605 (1) (p) 2. or testifies or assists in any action or proceeding
 12 under s. 66.0903, 84.185 (8r) (b), 93.46 (4) (b), 93.75 (1) (d) 2., 103.49 ~~or~~, 229.8275,
 13 560.031 (2), or 560.605 (1) (p) 2.

History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176.

14 **SECTION 1t.** 168.04 (2m) and (2r) of the statutes are created to read:”

15 **4.** Page 3, line 8: after that line insert:

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

17 227.01 (13) (t) Ascertains and determines prevailing wage rates under ss.
 18 66.0903, 84.185 (8r) (b), 93.46 (4) (b), 93.75 (1) (d) 2., 103.49, 103.50 and, 229.8275,
 19 560.031 (2), and 560.605 (1) (p) 2., except that any action or inaction which ascertains
 20 and determines prevailing wage rates under ss. 66.0903, 84.185 (8r) (b), 93.46 (4) (b),
 21 93.75 (1) (d) 2., 103.49, 103.50 and, 229.8275, 560.031 (2), and 560.605 (1) (p) 2. is
 22 subject to judicial review under s. 227.40.”

History: 1985 a. 182; 1987 a. 27, 119, 395, 399, 403; 1989 a. 31, 56, 335, 341; 1991 a. 39, 254, 269, 309, 315; 1993 a. 16, 123, 237, 349, 364, 419, 442, 481, 491; 1995 a. 27, 215, 227, 289, 363; 1997 a. 27, 35, 231, 237; 1999 a. 9, 70; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 38, 109; 2003 a. 33 ss. 2364, 2813.

1 5. Page 4, line 4: after that line, before the material inserted by assembly
2 amendment 4, insert: *to assembly substitute amendment 3*

3 “SECTION 3m. 560.031 of the statutes, as created by 2005 Wisconsin Act 25, is
4 renumbered 560.031 (intro.) and amended to read:

5 **560.031 Grants for ethanol production facilities.** (intro.)

6 Notwithstanding ss. 560.135 (2), 560.138 (2) (a), and 560.17 (3), the department may
7 not make a grant for an ethanol production facility on which construction begins
8 after July 27, 2005, unless a competitive bidding process is used for the construction
9 of the ethanol production facility: and all contractors, subcontractors, and agents of
10 a contractor or subcontractor performing work on the construction of the facility have
11 agreed to all of the following conditions:

History: 2005 a. 25.

12 **SECTION 3h.** 560.031(1) to (4) of the statutes are created to read:

13 560.031 (1) To employ residents of this state in not less than 50 percent of the
14 positions of the contractor, subcontractor, or agent working on the construction of the
15 facility.

16 (2) (a) To pay all employees working on the construction of the facility who
17 would be entitled to receive the prevailing wage rate under s. 66.0903, if the
18 construction of the facility were a project of public works subject to s. 66.0903, not
19 less than the prevailing wage rate.

20 (b) Not to require or permit any employee who would not be required or
21 permitted to work more than the prevailing hours of labor, if the construction of the
22 facility were a project of public works subject to s. 66.0903, to work more than the
23 prevailing hours of labor, except as permitted under s. 66.0903 (4) (a).

1 (c) To keep and permit inspection of records in the same manner as a contractor,
2 subcontractor, or agent of a contractor or subcontractor performing work on a project
3 of public works that is subject to s. 66.0903 is required to keep and permit inspection
4 of records under s. 66.0903 (10).

5 (d) Otherwise to comply with s. 66.0903 in the same manner as a contractor,
6 subcontractor, or agent of a contractor or subcontractor performing work on a project
7 of public works that is subject to s. 66.0903 is required to comply with s. 66.0903. The
8 person soliciting bids for the construction of the facility shall also agree to comply
9 with s. 66.0903 in the same manner as a local governmental unit contracting for the
10 erection, construction, remodeling, repairing, or demolition of a project of public
11 works is required to comply with s. 66.0903.

12 (3) To participate in an apprenticeship program under subch. I of ch. 106.

13 (4) To provide employer–subsidized health care coverage, as defined in s. 49^a.

14 665 (1) (c), to all employees working on the construction of the facility.

15 **SECTION 3p.** 560.605 (1) (p) of the statutes, as created by 2005 Wisconsin Act
16 25, is renumbered 560.605 (1) (p) (intro.) and amended to read:

17 560.605 (1) (p) (intro.) For an ethanol production facility on which construction begins
18 after July 27, 2005, a competitive bidding process is used for the construction of the
19 ethanol production facility: and all contractors, subcontractors, and agents of a
20 contractor or subcontractor performing work on the construction of the facility have
21 agreed to all of the following conditions:

22 **History:** 1987 a. 27, 399; 1989 a. 31, 335; 1991 a. 39, 269; 1993 a. 16, 75, 243; 1995 a. 27; 1997 a. 27, 237; 1999 a. 9; 2005 a. 25.

SECTION 3r. 560.605 (1) (p) 1. to 4. of the statutes are created to read:

1 560.605 (1) (p) 1. To employ residents of this state in not less than 50 percent
2 of the positions of the contractor, subcontractor, or agent working on the construction
3 of the facility.

4 2. a. To pay all employees working on the construction of the facility who would
5 be entitled to receive the prevailing wage rate under s. 66.0903, if the construction
6 of the facility were a project of public works subject to s. 66.0903, not less than the
7 prevailing wage rate.

8 b. Not to require or permit any employee who would not be required or
9 permitted to work more than the prevailing hours of labor, if the construction of the
10 facility were a project of public works subject to s. 66.0903, to work more than the
11 prevailing hours of labor, except as permitted under s. 66.0903 (4) (a).

12 c. To keep and permit inspection of records in the same manner as a contractor,
13 subcontractor, or agent of a contractor or subcontractor performing work on a project
14 of public works that is subject to s. 66.0903 is required to keep and permit inspection
15 of records under s. 66.0903 (10).

16 d. Otherwise to comply with s. 66.0903 in the same manner as a contractor,
17 subcontractor, or agent of a contractor or subcontractor performing work on a project
18 of public works that is subject to s. 66.0903 is required to comply with s. 66.0903. The
19 person soliciting bids for the construction of the facility shall also agree to comply
20 with s. 66.0903 in the same manner as a local governmental unit contracting for the
21 erection, construction, remodeling, repairing, or demolition of a project of public
22 works is required to comply with s. 66.0903.

23 3. To participate in an apprenticeship program under subch. I of ch. 106.

24 4. To provide employer-subsidized health care coverage, as defined in s. 49.665
25 (1) (c), to all employees working on the construction of the facility.

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

2 ^{no (B)}**946.15 (1)** Any employer, or any agent or employee 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. 66.0901 (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. 66.0903 (3), 84.185 (8r) (b) 4., 93.46 (4) (b) 4., 93.75 (1) (d) 2.
 7 d., 103.49 (3), 103.50 (3) or, 229.8275 (3), 560.031 (2) (d), or 560.605 (1) (p) 2. d. or by
 8 a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give
 9 up, waive or return any part of the compensation to which that person is entitled
 10 under his or her contract of employment or under the prevailing wage rate
 11 determination issued by the department or local governmental unit, or who reduces
 12 the hourly basic rate of pay normally paid to an employee for work on a project on
 13 which a prevailing wage rate determination has not been issued under s. 66.0903 (3)
 14 or (6), 84.185 (8r) (b) 4., 93.46 (4) (b) 4., 93.75 (1) (d) 2. d., 103.49 (3), 103.50 (3) or,
 15 229.8275 (3), 560.031 (2) (d), or 560.605 (1) (p) 2. d. during a week in which the
 16 employee works both on a project on which a prevailing wage rate determination has
 17 been issued and on a project on which a prevailing wage rate determination has not
 18 been issued, is guilty of a Class I felony.

History: 1979 c. 269; 1995 a. 27 s. 9130 (4); 1995 a. 215; 1997 a. 3; 1999 a. 150, 167; 2001 a. 30, 109.

19 **SECTION 4e.** 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 66.0901 (1) (c) or employed on a project on which a prevailing wage rate
 22 determination has been issued by the department of workforce development under
 23 s. 66.0903 (3), 84.185 (8r) (b) 4., 93.46 (4) (b) 4., 93.75 (1) (d) 2. d., 103.49 (3), 103.50
 24 (3) or, 229.8275 (3), 560.031 (2) (d), or 560.605 (1) (p) 2. d. or by a local governmental

1 unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) who gives up, waives or
 2 returns to the employer or agent of the employer any part of the compensation to
 3 which the employee is entitled under his or her contract of employment or under the
 4 prevailing wage determination issued by the department or local governmental unit,
 5 or who gives up any part of the compensation to which he or she is normally entitled
 6 for work on a project on which a prevailing wage rate determination has not been
 7 issued under s. 66.0903 (3) or (6), 84.185 (8r) (b) 4., 93.46 (4) (b) 4., 93.75 (1) (d) 2. d.,
 8 103.49 (3), 103.50 (3) or, 229.8275 (3), 560.031 (2) (d), or 560.605 (1) (p) 2. d. during
 9 a week in which the person works part-time on a project on which a prevailing wage
 10 rate determination has been issued and part-time on a project on which a prevailing
 11 wage rate determination has not been issued, is guilty of a Class C misdemeanor.

History: 1979 c. 269; 1995 a. 27 s. 9130 (4); 1995 a. 215; 1997 a. 3; 1999 a. 150, 167; 2001 a. 30, 109.

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

13 946.15 (3) Any employer or labor organization, or any agent or employee of an
 14 employer or labor organization, who induces any person who seeks to be or is
 15 employed on a project on which a prevailing wage rate determination has been issued
 16 by the department of workforce development under s. 66.0903 (3), 84.185 (8r) (b) 4.,
 17 93.46 (4) (b) 4., 93.75 (1) (d) 2. d., 103.49 (3), 103.50 (3) or, 229.8275 (3), 560.031 (2)
 18 (d), or 560.605 (1) (p) 2. d. or by a local governmental unit, as defined in s. 66.0903
 19 (1) (d), under s. 66.0903 (6) to permit any part of the wages to which that person is
 20 entitled under the prevailing wage rate determination issued by the department or
 21 local governmental unit to be deducted from the person's pay is guilty of a Class I
 22 felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a
 23 person who is working on a project that is subject to 40 USC 276c.

History: 1979 c. 269; 1995 a. 27 s. 9130 (4); 1995 a. 215; 1997 a. 3; 1999 a. 150, 167; 2001 a. 30, 109.

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

1 946.15 (4) Any person employed on a project on which a prevailing wage rate
2 determination has been issued by the department of workforce development under
3 s. 66.0903 (3), 84.185 (8r) (b) 4., 93.46 (4) (b) 4., 93.75 (1) (d) 2. d., 103.49 (3), 103.50
4 (3) or, 229.8275 (3), 560.031 (2) (d), or 560.605 (1) (p) 2. d. or by a local governmental
5 unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) who permits any part of the
6 wages to which that person is entitled under the prevailing wage rate determination
7 issued by the department or local governmental unit to be deducted from his or her
8 pay is guilty of a Class C misdemeanor, unless the deduction would be permitted
9 under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to
10 40 USC 276c.”.

11 **History:** 1979 c. 269; 1995 a. 27 s. 9130 (4); 1995 a. 215; 1997 a. 3; 1999 a. 150, 167; 2001 a. 30, 109.

(END)

Barman, Mike

From: Barman, Mike
Sent: Monday, March 06, 2006 8:46 AM
To: Walsh, Patrick; Sen.Decker
Subject: Requested PDF (requested by Pat)

Attachments: 05a2588/1



05a25881.pdf (43
KB)

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