

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2009 LRB-4008 (For: LRB - Revisor)

has been transferred to the drafting file for


2011 LRB-1649 (For: LRB - Revisor)



RESEARCH APPENDIX -

PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: CJS (Per: 03/14/2011)

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2009 DRAFTING REQUEST

Bill

Received: **12/16/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing: **Bruce Hoesly**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Revisor's bill

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>
/?	chanaman 12/16/2009	csicilia 12/17/2009		_____			
/P1			phenry 12/17/2009	_____	sbasford 12/17/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 12/16/2009

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing: **Bruce Hoesly**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

09 RBG

Topic:

Revisor's bill

Instructions:

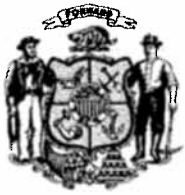
See attached

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>
1?	chanaman	/P1 js 12/17 09		km 12 J 17			
FE Sent For:		vawn 12/17 P					

PAs —
This is a
Revisor's Bill on
the /P1 version.

<END>



RM not R
LRB-4008/P1
BJH
js

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisor's Bill
Do NOT Gen Cat
Do NOT Sort

1 AN ACT (circled) relating to: (circled) [INS R]

Analysis by the Legislative Reference Bureau

[INS A]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

(END)

← [INS BILL]

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4008/P1ins
BJH:.....

CA ✓
all checked ✓

INS R

AN ACT relating to: revising various provisions of the statutes for the purpose of supplying omissions and eliminating defects (Correction Bill).

Analysis by the Legislative Reference Bureau

INS A

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. is explained in the NOTES in the body of the bill.

INS
BILL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.0903 (2) (intro.), (b) and (c) of the statutes, as created by 2009 Wisconsin Act 28, are amended to read:

66.0903 (2) (intro.) (APPLICABILITY.) Subject to sub. (5), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for a local governmental unit, including all of the following:

(b) A project erected, constructed, repaired, remodeled, or demolished by one local governmental unit for another local governmental unit under a contract under s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically authorizing cooperation between local governmental units.

(c) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu of the local governmental unit contracting for the erection, construction, repair, remodeling, or demolition of the facility.

NOTE: Inserts "or" necessitated by the governor's partial veto.



Replaces comma with "or" to make correction to list structure

SECTION 2. 66.0903 (11) (a) 1. of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

66.0903 (11) (a) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided under subd. 2. or 3., whichever is applicable.

NOTE: Inserts "or" and deletes comma necessitated by the governor's partial veto.

SECTION 3. 66.0904 (1) (c) (intro.) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

B 66.0904 (1) (c) (intro.) "Direct financial assistance" means moneys, in the form of a grant or other agreement or included as part of a contract, cooperative agreement, or any other arrangement, including a redevelopment agreement under s. 66.1333 (5), economic development agreement, contract under s. 66.1105 (3), or assistance provided under s. 66.1109, that a local governmental unit directly provides or otherwise directly makes available to assist in the erection, construction, repair, remodeling, or demolition of a private facility. "Direct financial assistance" does not include any of the following:

NOTE: Inserts "or" necessitated by the governor's partial veto.

SECTION 4. 66.0904 (1) (h) 1. and 2. of the statutes, as created by 2009 Wisconsin Act 28, are amended to read:

B 66.0904 (1) (h) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, or



demolition of any publicly funded private construction project in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation on projects in the area.

2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, or demolition of any publicly funded private construction project in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation on projects in that area.

NOTE: Inserts "or" necessitated by the governor's partial veto.

SECTION 5. 66.0904 (1) (i) (intro.) and 1. of the statutes, as created by 2009 Wisconsin Act 28, are amended to read:

B 66.0904 (1) (i) (intro.) "Publicly funded private construction project" means a construction project in which the developer, investor, or owner of the project receives direct financial assistance from a local governmental unit for the erection, construction, repair, remodeling, or demolition, including any alteration, painting, decorating, or grading, of a private facility, including land, a building, or other infrastructure. "Publicly funded private construction project" does not include a



project of public works or a housing project involving the erection, construction, repair, remodeling, or demolition of any of the following:

1. An A residential property, if the project is supported by affordable housing grants, home improvement grants, or grants from a local housing trust fund.

NOTE: Inserts "or" and replaces "An" with "A" necessitated by the governor's partial veto.

SECTION 6. 66.0904 (2) (a) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

ⓑ 66.0904 (2) (a) Any owner or developer of real property who enters into a contract for the erection, construction, remodeling, repairing, or demolition of any publicly funded private construction project on that real property shall include in the contract a stipulation that no person performing the work described in sub. (3) may be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, except that any such person may be permitted or required to work more than the prevailing hours of labor per day and per week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the prevailing wage rate determined under sub. (4) in the same or most similar trade or occupation in the area in which the publicly funded private construction project is situated.

NOTE: Inserts "or" necessitated by the governor's partial veto.

SECTION 7. 66.0904 (3) (a) 1. of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

ⓑ 66.0904 (3) (a) 1. All laborers, workers, mechanics, and truck drivers employed on the site of a publicly funded private construction project that is subject to this



section in the performance of erection, construction, remodeling, repair, or demolition activities for which direct financial assistance is received.

NOTE: Inserts "or" necessitated by the governor's partial veto.

SECTION 8. 66.0904 (9) (a) 1. of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

B

66.0904 (9) (a) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (4) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2., or 3., whichever is applicable.

Replaces comma with "or" to make correction to list structure

NOTE: Inserts "or" and deletes comma necessitated by the governor's partial veto.

SECTION 9. 71.63 (3) (d) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

71.63 (3) (d) With regard to ~~ss. s.~~ 71.65 (6), "employer" means a person described in s. 108.18 (2) (c).

NOTE: Inserts correct citation form necessitated by the governor's partial veto.

SECTION 10. 103.49 (1m) (intro.), (a) and (b) of the statutes, as created by 2009 Wisconsin Act 28, are amended to read:

103.49 (1m) APPLICABILITY. (intro.) Subject to sub. (3g), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for the state or a state agency, other than a highway, street, or bridge construction or maintenance project, including all of the following:



(a) A project erected, constructed, repaired, remodeled, or demolished by one state agency for another state agency under any contract or under any statute specifically authorizing cooperation between state agencies.

(b) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or a state agency contracting for the erection, construction, repair, remodeling, or demolition of the facility.

NOTE: Inserts "or" necessitated by the governor's partial veto.

SECTION 11. 103.49 (6m) (ag) 1. of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

103.49 **(6m)** (ag) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2., or 3., whichever is applicable.

Replaces comma with "or" to make correction to list structure

NOTE: Inserts "or" and deletes comma necessitated by the governor's partial veto.

SECTION 12. Effective dates. This act takes effect on the day after publication, except as follows:
(1) The treatments of section 66.0903 (2) (intro.), (b), and (c) and (11) (a) 1., 66.0904 (1) (c) (intro.), (h) 1., and 2., (i) (intro.) and 1., (2) (a), (3) (a) 1., and (9) (a) 1., 71.63 (3) (d), and 103.49 (1m) (intro.), (a), and (b) and (6m) (ag) 1. of the statutes take effect on January 1, 2010.

SECTION 13. Nonstatutory provisions; reconciliation.

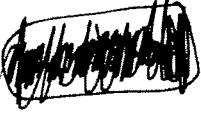


Section

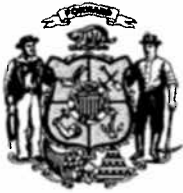
of the
statutes

- (1) The treatment of 66.0903 (2) (intro.), (b), and (c) by this act is void if the partial veto of 2009 Wisconsin Act 28, section 1480c, is overridden.
- (2) The treatment of 66.0903 (11) (a) 1. by this act is void if the partial veto of 2009 Wisconsin Act 28, section 1484f, is overridden.
- (3) The treatment of 66.0904 (1) (c) (intro.), (h) 1., and 2., (i) (intro.) and 1., (2) (a), (3) (a) 1., and (9) (a) 1. by this act is void if the partial veto of 2009 Wisconsin Act 28, section 1487, is overridden.
- (4) The treatment of 71.63 (3) (d) by this act is void if the partial veto of 2009 Wisconsin Act 28, section 1777m, is overridden.
- (5) The treatment of 103.49 (1m) (intro.), (a), and (b) by this act is void if the partial veto of 2009 Wisconsin Act 28, section 2188g, is overridden.
- (6) The treatment of 103.49 (6m) (ag) 1. by this act is void if the partial veto of 2009 Wisconsin Act 28, section 2192f, is overridden.

and



end INS BILL



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** revising various provisions of the statutes for the purpose
2 of supplying omissions and eliminating defects (Correction Bill).

Analysis by the Legislative Reference Bureau

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. is explained in the NOTES in the body of the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 66.0903 (2) (intro.), (b) and (c) of the statutes, as created by 2009
4 Wisconsin Act 28, are amended to read:

5 **66.0903 (2) APPLICABILITY.** (intro.) Subject to sub. (5), this section applies to any
6 project of public works erected, constructed, repaired, remodeled, or demolished for
7 a local governmental unit, including all of the following:

8 (b) A project erected, constructed, repaired, remodeled, or demolished by one
9 local governmental unit for another local governmental unit under a contract under

1 s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically
2 authorizing cooperation between local governmental units.

3 (c) A project in which the completed facility is leased, purchased, lease
4 purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu
5 of the local governmental unit contracting for the erection, construction, repair,
6 remodeling, or demolition of the facility.

NOTE: Inserts "or" necessitated by the governor's partial veto.

7 **SECTION 2.** 66.0903 (11) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
8 28, is amended to read:

9 66.0903 (11) (a) 1. Any contractor, subcontractor, or contractor's or
10 subcontractor's agent who fails to pay the prevailing wage rate determined by the
11 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
12 pay for all hours worked in excess of the prevailing hours of labor is liable to any
13 affected employee in the amount of his or her unpaid wages or his or her unpaid
14 overtime compensation and in an additional amount as liquidated damages as
15 provided under subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

16 **SECTION 3.** 66.0904 (1) (c) (intro.) of the statutes, as created by 2009 Wisconsin
17 Act 28, is amended to read:

18 66.0904 (1) (c) (intro.) "Direct financial assistance" means moneys, in the form
19 of a grant or other agreement or included as part of a contract, cooperative
20 agreement, or any other arrangement, including a redevelopment agreement under
21 s. 66.1333 (5), economic development agreement, contract under s. 66.1105 (3), or
22 assistance provided under s. 66.1109, that a local governmental unit directly
23 provides or otherwise directly makes available to assist in the erection, construction,

1 repair, remodeling, or demolition of a private facility. "Direct financial assistance"
2 does not include any of the following:

NOTE: Inserts "or" necessitated by the governor's partial veto.

3 **SECTION 4.** 66.0904 (1) (h) 1. and 2. of the statutes, as created by 2009 Wisconsin
4 Act 28, are amended to read:

5 66.0904 (1) (h) 1. Except as provided in subd. 2., "prevailing wage rate" for any
6 trade or occupation engaged in the erection, construction, remodeling, repairing, or
7 demolition of any publicly funded private construction project in any area means the
8 hourly basic rate of pay, plus the hourly contribution for health insurance benefits,
9 vacation benefits, pension benefits, and any other bona fide economic benefit, paid
10 directly or indirectly, for a majority of the hours worked in the trade or occupation
11 on projects in the area.

12 2. If there is no rate at which a majority of the hours worked in the trade or
13 occupation on projects in the area is paid, "prevailing wage rate" for any trade or
14 occupation engaged in the erection, construction, remodeling, repairing, or
15 demolition of any publicly funded private construction project in any area means the
16 average hourly basic rate of pay, weighted by the number of hours worked, plus the
17 average hourly contribution, weighted by the number of hours worked, for health
18 insurance benefits, vacation benefits, pension benefits, and any other bona fide
19 economic benefit, paid directly or indirectly for all hours worked at the hourly basic
20 rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation
21 on projects in that area.

NOTE: Inserts "or" necessitated by the governor's partial veto.

22 **SECTION 5.** 66.0904 (1) (i) (intro.) and 1. of the statutes, as created by 2009
23 Wisconsin Act 28, are amended to read:

1 66.0904 (1) (i) (intro.) "Publicly funded private construction project" means a
2 construction project in which the developer, investor, or owner of the project receives
3 direct financial assistance from a local governmental unit for the erection,
4 construction, repair, remodeling, or demolition, including any alteration, painting,
5 decorating, or grading, of a private facility, including land, a building, or other
6 infrastructure. "Publicly funded private construction project" does not include a
7 project of public works or a housing project involving the erection, construction,
8 repair, remodeling, or demolition of any of the following:

9 1. ~~An~~ A residential property, if the project is supported by affordable housing
10 grants, home improvement grants, or grants from a local housing trust fund.

NOTE: Inserts "or" and replaces "An" with "A" necessitated by the governor's partial
veto.

11 **SECTION 6.** 66.0904 (2) (a) of the statutes, as created by 2009 Wisconsin Act 28,
12 is amended to read:

13 66.0904 (2) (a) Any owner or developer of real property who enters into a
14 contract for the erection, construction, remodeling, repairing, or demolition of any
15 publicly funded private construction project on that real property shall include in the
16 contract a stipulation that no person performing the work described in sub. (3) may
17 be permitted to work a greater number of hours per day or per week than the
18 prevailing hours of labor, except that any such person may be permitted or required
19 to work more than the prevailing hours of labor per day and per week if he or she is
20 paid for all hours worked in excess of the prevailing hours of labor at a rate of at least
21 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the
22 prevailing wage rate determined under sub. (4) in the same or most similar trade or

1 occupation in the area in which the publicly funded private construction project is
2 situated.

NOTE: Inserts "or" necessitated by the governor's partial veto.

3 **SECTION 7.** 66.0904 (3) (a) 1. of the statutes, as created by 2009 Wisconsin Act
4 28, is amended to read:

5 66.0904 (3) (a) 1. All laborers, workers, mechanics, and truck drivers employed
6 on the site of a publicly funded private construction project that is subject to this
7 section in the performance of erection, construction, remodeling, repair, or
8 demolition activities for which direct financial assistance is received.

NOTE: Inserts "or" necessitated by the governor's partial veto.

9 **SECTION 8.** 66.0904 (9) (a) 1. of the statutes, as created by 2009 Wisconsin Act
10 28, is amended to read:

11 66.0904 (9) (a) 1. Any contractor, subcontractor, or contractor's or
12 subcontractor's agent who fails to pay the prevailing wage rate determined by the
13 department under sub. (4) or who pays less than 1.5 times the hourly basic rate of
14 pay for all hours worked in excess of the prevailing hours of labor is liable to any
15 affected employee in the amount of his or her unpaid wages or his or her unpaid
16 overtime compensation and in an additional amount as liquidated damages as
17 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

18 **SECTION 9.** 71.63 (3) (d) of the statutes, as created by 2009 Wisconsin Act 28,
19 is amended to read:

20 71.63 (3) (d) With regard to ~~ss.~~ s. 71.65 (6), "employer" means a person
21 described in s. 108.18 (2) (c).

NOTE: Inserts correct citation form necessitated by the governor's partial veto.

1 **SECTION 10.** 103.49 (1m) (intro.), (a) and (b) of the statutes, as created by 2009
2 Wisconsin Act 28, are amended to read:

3 103.49 **(1m)** APPLICABILITY. (intro.) Subject to sub. (3g), this section applies to
4 any project of public works erected, constructed, repaired, remodeled, or demolished
5 for the state or a state agency, other than a highway, street, or bridge construction
6 or maintenance project, including all of the following:

7 (a) A project erected, constructed, repaired, remodeled, or demolished by one
8 state agency for another state agency under any contract or under any statute
9 specifically authorizing cooperation between state agencies.

10 (b) A project in which the completed facility is leased, purchased, lease
11 purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or
12 a state agency contracting for the erection, construction, repair, remodeling, or
13 demolition of the facility.

NOTE: Inserts "or" necessitated by the governor's partial veto.

14 **SECTION 11.** 103.49 (6m) (ag) 1. of the statutes, as created by 2009 Wisconsin
15 Act 28, is amended to read:

16 103.49 **(6m)** (ag) 1. Any contractor, subcontractor, or contractor's or
17 subcontractor's agent who fails to pay the prevailing wage rate determined by the
18 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
19 pay for all hours worked in excess of the prevailing hours of labor is liable to any
20 affected employee in the amount of his or her unpaid wages or his or her unpaid
21 overtime compensation and in an additional amount as liquidated damages as
22 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

23 **SECTION 12. Nonstatutory provisions; reconciliation.**

