



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1228/1
ZDW:kjf/amn/cdc

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 820**

February 18, 2020 - Offered by Representative STEINEKE.

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

2 **1.** Page 1, line 8: delete the material beginning with “requirements” and
3 ending with “authority” on line 10 and substitute “state and local contracting
4 requirements; changes to the fuel suppliers administrative allowance; local bridge
5 strengthening; the use of law enforcement officers in highway construction sites;
6 annual permits for local operation of oversize and overweight vehicles and
7 equipment; providing an exemption from emergency rule procedures; and granting
8 rule-making authority”.

9 **2.** Page 2, line 1: before that line insert:

10 “**SECTION 1b.** 59.52 (29) (a) of the statutes is renumbered 59.52 (29) (a) 1. and
11 amended to read:

12 59.52 (29) (a) 1. All public work, including any contract for the construction,
13 repair, remodeling, or improvement of any public work, building, or furnishing of

1 supplies or material of any kind where the estimated cost of such work will exceed
2 ~~\$25,000~~ \$50,000 shall be let by contract to the lowest responsible bidder.

3 3. Any public work, the estimated cost of which does not exceed ~~\$25,000~~
4 \$50,000, shall be let as the board may direct.

5 4. If the estimated cost of any public work is between \$5,000 and ~~\$25,000~~
6 \$50,000, the board shall give a class 1 notice under ch. 985 before it contracts for the
7 work or shall contract with a person qualified as a bidder under s. 66.0901 (2).

8 2. A contract, the estimated cost of which exceeds ~~\$25,000~~ \$50,000, shall be let
9 and entered into under s. 66.0901, except that the board may by a three-fourths vote
10 of all the members entitled to a seat provide that any class of public work or any part
11 thereof may be done directly by the county without submitting the same for bids.

12 (c) This subsection does not apply to public construction if the materials for
13 such a project are donated or if the labor for such a project is provided by volunteers.

14 (d) This subsection does not apply to highway contracts which the county
15 highway committee or the county highway commissioner is authorized by law to let
16 or make.

17 **SECTION 1c.** 60.47 (1) (a) of the statutes is amended to read:

18 60.47 (1) (a) "Public contract" means a contract for the construction, execution,
19 repair, remodeling or improvement of any public work or building or for the
20 furnishing of materials or supplies, with an estimated cost greater than ~~\$5,000~~
21 \$50,000.

22 **SECTION 1d.** 60.47 (1) (am) of the statutes is created to read:

23 60.47 (1) (am) "Public highway contract" means a contract for the construction,
24 improvement, repair, or corrective or preventative maintenance of a highway.
25 "Public highway contract" does not include a contract for routine maintenance

1 incidental to the preservation of a highway, including snow and ice removal, ditch
2 cleaning, mowing, tree trimming, sealing, crack filling, or grading.

3 **SECTION 1e.** 60.47 (2) (a) of the statutes is amended to read:

4 60.47 (2) (a) No town may enter into a public contract with an estimated cost
5 of more than \$5,000 but not more than ~~\$25,000~~ \$50,000 unless the town board, or a
6 town official or employee designated by the town board, gives a class 1 notice under
7 ch. 985 before execution of that public contract.

8 **SECTION 1f.** 60.47 (2) (b) of the statutes is amended to read:

9 60.47 (2) (b) No town may enter into a public contract with a value of more than
10 ~~\$25,000~~ \$50,000 unless the town board, or a town official or employee designated by
11 the town board, advertises for proposals to perform the terms of the public contract
12 by publishing a class 2 notice under ch. 985. The town board may provide for
13 additional means of advertising for bids.

14 **SECTION 1g.** 60.47 (2m) of the statutes is created to read:

15 60.47 (2m) PUBLIC HIGHWAY CONTRACTS. Notwithstanding sub. (2) and except
16 as provided in subs. (4) and (5), no town may enter into a public highway contract
17 with an estimated cost of more than \$5,000 but not more than \$25,000 unless the
18 town board, or a town official or employee designated by the town board, gives a class
19 1 notice under ch. 985 before execution of that public highway contract.
20 Notwithstanding sub. (2) and except as provided in subs. (4) and (5), no town may
21 enter into a public highway contract with a value of more than \$25,000, unless the
22 town board, or a town official or employee designated by the town board, advertises
23 for proposals to perform the terms of the public highway contract by publishing a
24 class 2 notice under ch. 985. The town board may provide for additional means of
25 advertising for bids.

1 **SECTION 1h.** 60.47 (3) of the statutes is amended to read:

2 60.47 (3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER. The town board shall let
3 a public contract or public highway contract, for which advertising for proposals is
4 required under sub. (2) (b) or (2m) to the lowest responsible bidder. Section 66.0901
5 applies to public contracts or public highway contracts let under ~~sub.~~ subs. (2) (b) and
6 (2m).

7 **SECTION 1i.** 60.47 (4) of the statutes is amended to read:

8 60.47 (4) CONTRACTS WITH GOVERNMENTAL ENTITIES. This section does not apply
9 to public contracts or public highway contracts, entered into by a town with a
10 municipality, as defined under s. 66.0301 (1) (a).

11 **SECTION 1j.** 60.47 (5) (title) of the statutes is amended to read:

12 60.47 (5) (title) EXCEPTION FOR EMERGENCIES AND ~~DONATED MATERIALS AND LABOR~~
13 CERTAIN DONATIONS.

14 **SECTION 1k.** 60.47 (5) of the statutes is renumbered 60.47 (5) (a) and amended
15 to read:

16 60.47 (5) (a) This section is optional with respect to public contracts and public
17 highway contracts for the repair and construction of public facilities when damage
18 or threatened damage to the facility creates an emergency, as declared by resolution
19 of the town board, that endangers the public health or welfare of the town. This
20 subsection no longer applies when the town board declares that the emergency no
21 longer exists.

22 (b) This section is optional with respect to a public contract or public highway
23 contract if the materials related to the contract are donated or if the labor that is
24 necessary to execute the public contract or public highway contract is provided by
25 volunteers.

1 **SECTION 1L.** 62.131 of the statutes is created to read:

2 **62.131 Temporary traffic control.** If construction, maintenance, or repair
3 work is performed on a highway under the jurisdiction of a city, the chief of police may
4 assign uniformed law enforcement officers to the area if a request is made to the
5 board of public works by a contractor for the purpose of increasing the safety of the
6 public and construction personnel in accordance with the manual adopted by the
7 department of transportation under s. 84.02 (4) (e). The board of public works and
8 the chief of police shall enter into a memorandum of understanding to specify
9 procedures for the submission and review of requests and a system for a contractor
10 to pay for the actual costs incurred by the police department when overtime
11 compensation is paid to officers assigned or when the assignment of officers
12 otherwise results in increased labor costs.

13 **SECTION 1m.** 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and amended
14 to read:

15 62.15 (1) (a) All public construction, the estimated cost of which exceeds
16 ~~\$25,000~~ \$50,000, shall be let by contract to the lowest responsible bidder; all other
17 public construction shall be let as the council may direct. If the estimated cost of any
18 public construction exceeds \$5,000 but is not greater than ~~\$25,000~~ \$50,000, the board
19 of public works shall give a class 1 notice, under ch. 985, of the proposed construction
20 before the contract for the construction is executed. This provision does not apply to
21 public construction if the materials for such a project are donated or if the labor for
22 such a project is provided by volunteers. The council may also by a vote of
23 three-fourths of all the members-elect provide by ordinance that any class of public
24 construction or any part thereof may be done directly by the city without submitting
25 the same for bids.

1 **SECTION 1n.** 62.15 (1) (b) of the statutes is created to read:

2 62.15 (1) (b) 1. In this paragraph, “public highway construction” means the
3 construction, improvement, repair, or corrective or preventative maintenance of a
4 highway. “Public highway construction” does not include routine maintenance
5 incidental to the preservation of a highway, including snow and ice removal, ditch
6 cleaning, mowing, tree trimming, sealing, crack filling, or grading.

7 2. Notwithstanding par. (a), all public highway construction, the estimated cost
8 of which exceeds \$25,000, shall be let by contract to the lowest responsible bidder;
9 all other public highway construction shall be let as the council may direct.
10 Notwithstanding par. (a), if the estimated cost of any public highway construction
11 exceeds \$5,000 but is not greater than \$25,000, the board of public works shall give
12 a class 1 notice, under ch. 985, of the proposed construction before the contract for
13 the construction is executed. This provision does not apply to public highway
14 construction if the materials for such a project are donated or if the labor for such a
15 project is provided by volunteers. The council may also by a vote of three-fourths of
16 all the members-elect provide by ordinance that any class of public highway
17 construction or any part thereof may be done directly by the city without submitting
18 the same for bids.

19 **SECTION 1p.** 83.21 of the statutes is created to read:

20 **83.21 Temporary traffic control.** When construction, maintenance, or
21 repair work is performed on a highway under a county’s jurisdiction, the sheriff of
22 the county may assign uniformed law enforcement officers to the area when a request
23 is made to the county highway commissioner by a contractor for the purpose of
24 increasing the safety of the public and construction personnel in accordance with the
25 manual adopted by the department under s. 84.02 (4) (e). The highway commissioner

1 and the sheriff shall enter into a memorandum of understanding to specify
2 procedures for the submission and review of requests and a system for the contractor
3 to pay for the actual costs incurred by the sheriff's department when overtime
4 compensation is paid to officers assigned or when the assignment of officers
5 otherwise results in increased labor costs.

6 **SECTION 1q.** 84.02 (4) (e) of the statutes is amended to read:

7 84.02 (4) (e) The department shall adopt a manual establishing a uniform
8 system of traffic control devices for use upon the highways of this state. The system
9 shall be consistent with and, so far as practicable, conform to current nationally
10 recognized standards for traffic control devices. The manual shall allow a contractor
11 conducting highway construction, repair, or maintenance to request assignment of
12 uniformed law enforcement officers, including state patrol officers, to a highway
13 maintenance, repair, or construction area to increase the safety of the public and
14 construction personnel and shall establish a system for the contractor to pay for the
15 actual costs incurred by the assigning agency when overtime compensation is paid
16 to those officers or when the assignment of officers otherwise results in increased
17 labor costs.”.

18 **3.** Page 3, line 22: delete “\$25,000,000” and substitute “\$50,000,000”.

19 **4.** Page 8, line 9: delete “60” and substitute “55”.

20 **5.** Page 10, line 8: delete “40” and substitute “45”.

21 **6.** Page 16, line 4: after that line insert:

22 “**SECTION 33a.** 84.183 of the statutes is created to read:

23 **84.183 Local bridge strengthening program. (1) DEFINITIONS.** In this
24 section:

1 (a) “Bridge strengthening project” means a project for the repair of a local
2 bridge that is ineligible for the local bridge program under s. 84.18 and that the
3 department determines contributes to the general economic welfare of the state.

4 (b) “Local bridge” means a bridge that is not on the state trunk highway system
5 or on marked routes of the state trunk highway system designated as connecting
6 highways.

7 **(2) ADMINISTRATION.** The department shall administer a program to provide
8 funding to local units of government for low-cost repairs, as determined by the
9 department, to local bridge projects that are ineligible for the local bridge program
10 under s. 84.18.

11 **(3) PROJECT IDENTIFICATION.** The department shall identify local bridges eligible
12 for funding under this section, prioritizing bridge strengthening projects based on
13 average daily traffic and specific impact to freight and commerce. Notwithstanding
14 s. 84.06 (2) and subject to s. 84.06 (3), bridge strengthening projects under this
15 section are exempt from competitive bidding requirements and shall be contracted
16 to local units of government.

17 **(4) PROJECT FUNDING.** The department shall determine the amount of funding
18 for each bridge strengthening project in a manner that best meets the needs of the
19 traveling public, encourages economic development, and promotes the general
20 welfare. The department shall provide the funding amount established in the project
21 agreement, but not to exceed the percentage the department provides for a project
22 under s. 84.18 (3).

23 **(5) EXECUTION AND CONTROL OF WORK.** Subject to s. 30.2022 and the control
24 exercised by the United States, any bridge strengthening project shall be conducted

1 by the labor force of a local unit of government having jurisdiction over the local
2 bridge.

3 (6) EXCEPTIONS. Nothing in this section prevents construction or rehabilitation
4 projects under other bridge programs if applicable.

5 SECTION 33b. 86.51 of the statutes, as created by 2017 Wisconsin Act 368, is
6 repealed and recreated to read:

7 **86.51 Requirements for local projects. (1)** In this section:

8 (a) “Local bridge” means a bridge that is not on the state trunk highway system
9 or on marked routes of the state trunk highway system designated as connecting
10 highways.

11 (b) “Local roads” means streets under the authority of cities or villages, county
12 trunk highways, or town roads.

13 (c) “Political subdivision” means a county, city, village, or town.

14 (d) “Project” means the development, construction, repair, or improvement of
15 a local road or a local bridge.

16 (2) If the department disburses aid to a political subdivision for a project, the
17 department shall notify the political subdivision whether the aid includes federal
18 moneys and which project components must be paid for with federal moneys, if any.

19 (3) For any project meeting all of the following criteria, the department may
20 not require a political subdivision to comply with any portion of the department’s
21 facilities development manual other than design standards:

22 (a) The project proposal is reviewed and approved by a professional engineer
23 or by the highway commissioner for the county in which the project will be located.

24 (b) The project is conducted by a political subdivision with no expenditure of
25 federal money.

1 (4) Any local project funded in whole or in part with state funds under the
2 surface transportation urban program, the surface transportation rural program, or
3 the local bridge program shall be let through competitive bidding and by contract to
4 the lowest responsible bidder as provided in s. 84.06 (2).

5 **SECTION 33c.** 200.47 (2) (a) of the statutes is amended to read:

6 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases
7 of supplies and materials by the commission shall be by contract awarded to the
8 lowest responsible bidder complying with the invitation to bid, if the work or
9 purchase involves an expenditure of ~~\$20,000~~ \$50,000 or more. If the commission
10 decides to proceed with construction of any sewer after plans and specifications for
11 the sewer are completed and approved by the commission and by the department of
12 natural resources under ch. 281, the commission shall advertise by a class 2 notice
13 under ch. 985 for construction bids. All contracts and the awarding of contracts are
14 subject to s. 66.0901.

15 **SECTION 33d.** 348.25 (1) of the statutes is amended to read:

16 348.25 (1) No person shall operate a vehicle on or transport an article over a
17 highway without first obtaining a permit therefor as provided in s. 348.26, 348.265,
18 or 348.27 if such vehicle or article exceeds the maximum limitations on size, weight,
19 or projection of load imposed by this chapter.

20 **SECTION 33e.** 348.25 (2) (b) of the statutes is amended to read:

21 348.25 (2) (b) If an overweight permit has been obtained under s. 348.26,
22 348.265, or 348.27, and the vehicle exceeds the weight stated in the permit, any
23 overweight violation shall be computed on the basis of the weight authorized in the
24 permit. The amount of the forfeiture for overweight violations determined under this

1 paragraph shall be calculated as provided in s. 348.21 (3) to (3r). This paragraph does
2 not apply if any other conditions of an overweight permit are violated.

3 **SECTION 33f.** 348.25 (3) of the statutes is amended to read:

4 348.25 (3) The department shall prescribe forms for applications for all single
5 trip permits the granting of which is authorized by s. 348.26 (2) to (7) and for those
6 annual, consecutive month, or multiple trip permits the granting of which is
7 authorized by s. 348.265 or 348.27 (2) and (4) to (15). The department shall prescribe
8 an electronic application process for permits the granting of which is authorized by
9 ss. 348.26 (8) and 348.27 (17). The department shall prescribe an electronic
10 application process for permits the granting of which is authorized by s. 348.27 (16).
11 The department shall prescribe an electronic application process for permits the
12 granting of which is authorized by s. 348.27 (18). The department may impose such
13 reasonable conditions prerequisite to the granting of any permit authorized by s.
14 348.26, 348.265, or 348.27 and adopt such reasonable rules for the operation of a
15 permittee thereunder as it deems necessary for the safety of travel and protection of
16 the highways. The department may limit use of the highways under any permit
17 issued to specified hours of the day or days of the week. Local officials granting
18 permits may impose such additional reasonable conditions as they deem necessary
19 in view of local conditions.

20 **SECTION 33g.** 348.25 (4) (intro.) of the statutes is amended to read:

21 348.25 (4) (intro.) Except as provided under s. 348.26 (4), (6), or (7), 348.265,
22 or 348.27 (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (15), (16), (18), or (19), permits
23 shall be issued only for the transporting of a single article or vehicle which exceeds
24 statutory size, weight or load limitations and which cannot reasonably be divided or
25 reduced to comply with statutory size, weight or load limitations, except that:

1 **SECTION 33h.** 348.25 (5) of the statutes is amended to read:

2 348.25 (5) The officer or agency authorized by s. 348.26, 348.265, or 348.27 to
3 issue permits may require the permittee to file a bond, certificate of insurance or
4 certified check which, to the satisfaction of such officer or agency, saves the state and
5 any county, city, village or town through which the vehicle or article will be operated
6 or transported harmless from any claim, loss or damage that may result from the
7 granting of such permit or that may arise from or on account of any act done pursuant
8 thereto and conditioned to require the permittee to pay for restoration to a condition
9 satisfactory to the officer in charge of the maintenance of any such highway any
10 pavement, bridge, culvert, sewer pipe or other improvement that may be injured by
11 reason of the use of the highways by the permittee. If a permittee refuses to pay for
12 damage caused, the officer or agency who required the filing of a bond may maintain
13 an action upon such bond.

14 **SECTION 33i.** 348.25 (6) of the statutes is amended to read:

15 348.25 (6) The officer or agency authorized by s. 348.26, 348.265, or 348.27 to
16 issue permits may require the permittee to file proof satisfactory to such officer or
17 agency that personal injury and property damage insurance in an amount
18 considered sufficient by such officer or agency will be in force to cover any claim for
19 bodily injury or property damage which may occur in connection with operation
20 under the permit and for which the permittee is legally responsible.

21 **SECTION 33j.** 348.25 (9) of the statutes is amended to read:

22 348.25 (9) If a permit under s. 348.26, 348.265, or 348.27 is denied, suspended
23 or revoked, the permit applicant or holder may petition the division of hearings and
24 appeals for a hearing on the matter within 30 days after the denial, suspension or
25 revocation.

1 **SECTION 33k.** 348.265 of the statutes is created to read:

2 **348.265 Annual oversize or overweight permit for vehicles and**

3 **equipment. (1)** The local official in charge of maintenance of a highway may issue

4 an annual permit for the operation of oversize or overweight vehicles and equipment

5 identified in the permit between job sites, storage facilities, material supply sites,

6 and other locations on a designated highway route identified in the permit. Local

7 officials may issue such permits for use of state trunk highways within the county

8 or municipality that they represent.

9 **(2)** A permit issued under this section may be issued only to a company

10 operating oversize or overweight vehicles or equipment within the county or

11 requiring the use of highways within the county to operate oversize or overweight

12 vehicles or equipment to locations in another county.

13 **(3)** An application for a permit under this subsection shall be made on the form

14 prescribed by the department and shall be submitted to the officer in charge of

15 maintenance of the highway to be used. An application for use of a state trunk

16 highway shall be submitted to the officer in charge of maintenance of highways in

17 the county or municipality where the state trunk highway is located.

18 **(4)** An application for a permit under this section shall identify:

19 (a) The location of identified or anticipated job sites, storage or maintenance

20 facilities, material supply sites, or other locations within the county or municipality

21 for which the permit will be valid.

22 (b) All oversize and overweight vehicles or equipment covered by the permit.

23 (c) The designated routes that oversize or overweight equipment will travel

24 between locations identified in par. (a).

1 (d) The expiration date of the permit, which may not be later than December
2 31 of the year in which it is issued.

3 **(5)** An application for a permit under this section shall be made no later than
4 February 1 of the year in which the permit is issued. No later than 30 days after
5 receipt of an application for a permit under this section, the officer in charge of
6 maintenance of the highway to be used shall review the application and issue the
7 permit, deny the permit, or approve the permit subject to modifications agreed to by
8 the permit applicant.

9 **(6)** The officer issuing a permit under this section may include requirements
10 or conditions consistent with s. Trans 254 or 255, Wis. Adm. Code.

11 **(7)** (a) A permit issued under this section is valid only for the vehicles, routes,
12 and activities described in the application and permit.

13 (b) The officer issuing a permit under this section may suspend a permit or any
14 of its conditions because of seasonal highway conditions.

15 (c) A condition of a permit issued under this section may not modify any law
16 or regulation limiting loads because of local conditions, including load limits on
17 bridges and highways, seasonal weight restrictions, or load limits imposed because
18 of construction.

19 (d) A permit issued under this section is not valid during periods when adverse
20 weather or road conditions, such as fog, smoke, heavy rain, snow, ice, or wind velocity
21 impair the safety of a movement under the permit.

22 (e) The operation authorized by a permit issued under this section includes the
23 movement of an empty vehicle to and from the place of pickup or delivery of the
24 permitted load.

1 (f) The operator of a vehicle that is covered by a permit issued under this section
2 and that exceeds height limitations shall ensure that the vehicle is clear of all
3 overhead structures along the route by not less than 3 inches. If the vehicle strikes
4 an overhead structure, the permit issued under this section is invalid effective at the
5 time that the overhead structure is struck.

6 (8) Prior to issuing a permit under this section, the issuing authority may
7 require payment of a fee not to exceed the estimated cost of filing the individual
8 permit applications under s. 348.26 that would be necessary to authorize the activity
9 covered by a permit issued under this section.

10 (9) A company may obtain additional permits under s. 348.26 or 348.27 for
11 vehicles or equipment identified in a permit issued under this section to authorize
12 activities not authorized by the permit issued under this section.

13 **SECTION 33L.** 2019 Wisconsin Act 9, section 9437 (5f) is amended to read:

14 [2019 Wisconsin Act 9] Section 9437 (5f) The treatment of s. 78.12 (4) (a) 2., 3.,
15 and 4. and (5) takes effect on the first day of the year that occurs after the effective
16 date of this subsection January 1, 2024.”.

17 **7.** Page 16, line 17: after that line insert:

18 “(2) **OVERSIZE OR OVERWEIGHT PERMIT FORM.** The department of transportation
19 shall make available the form required under s. 348.265 (3) no later than the first
20 day of the 3rd month following the effective date of this subsection.

21 **SECTION 34m. Initial applicability.**

22 (1) This act first applies to a contract advertised for bids on the effective date
23 of this subsection.”.

24 (END)