

1979 Assembly Bill 1059

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CHAPTER 340, Laws of 1979

AN ACT to amend 16.75 (1) (a); and to create 16.75 (8) and 101.245 of the statutes, relating to prohibiting state purchase of the products of frequent labor law violators.

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

SECTION 1. 16.75 (1) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

16.75 (1) (a) All orders awarded or contracts made by the department for all materials, supplies, equipment and contractual services, except as otherwise provided in par. (c) and subs. (2), (6) ~~and~~ (7) and (8), shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates, the location of the institution or agency,

the quantities of the articles to be supplied, their conformity with the specifications, the purposes for which they are required and the date of delivery; but preference shall always be given to materials, supplies, equipment and contractual services of Wisconsin producers, distributors, suppliers and retailers. Bids may be received only in accordance with such specifications as are adopted by the department as provided in this subsection. Any or all bids may be rejected. Each bid, with the name of the bidder, shall be entered on a record, and each record with the successful bid indicated shall, after the award or letting of the contract, be opened to public inspection. Where a low bid is rejected, a complete written record shall be compiled and filed, giving the reason in full for such action. Any waiver of sealed, advertised bids as provided in sub. (6) shall be entered on a record kept by the department and open to public inspection.

SECTION 2. 16.75 (8) of the statutes is created to read:

16.75 (8) The department shall not purchase any product known to be manufactured or sold by any person or firm included on the list of labor law violators compiled by the department of industry, labor and human relations under s. 101.245.

SECTION 3. 101.245 of the statutes is created to read:

101.245 Labor law violators. (1) The department shall maintain a list of persons or firms that have been found by the national labor relations board, and by 3 different final decisions of a federal court within a 5-year period as determined under sub. (1m), if the 3 final decisions involved a cumulative finding of at least 3 separate violations, to have violated the national labor relations act, 29 USC 151 et. seq., and of persons or firms that have been found to be in contempt of court for failure to correct a violation of the national labor relations act on 3 or more occasions by a court within a 5-year period as determined under sub. (1m) if the 3 contempt findings involved a cumulative total of at least 3 different violations.

(1m) On or before July 1 of each year the department shall compile the list required under sub. (1) based upon the 5-year period which ended on September 30 of the year preceding.

(2) This list may be compiled from the records of the national labor relations board.

(3) Whenever a new name is added to this list the department shall send the name to the department of administration for action as provided in s. 16.75 (8).

(4) A name shall remain on the list for 3 years.

(5) If any person or firm files a written statement with the department alleging that the person's or firm's name should not be included on this list because the person or firm did not violate that national labor relations act as provided in sub. (1) or that 3 years have passed since the person's or firm's name was included on the list, the department shall hold a hearing on the matter. If the department finds that the allegations in the person's or firm's statement are correct, the department shall notify the department of administration that it should remove the person's or firm's name from the list.

SECTION 4. **Applicability.** The duty of the department of industry, labor and human relations to maintain the list of labor law violators under section 101.245 of the statutes, as created by this bill, commences on the effective date of this act. The first list shall be compiled by the department on or before the first day of July following the effective date of this act and shall encompass the 5-year period ending on the 30th day of September in the year preceding that July 1. The department is not required to maintain a list of labor law violators for any 5-year period earlier than the 5-year period ending on September 30 of the year preceding that year in which the first list is to be compiled.