

LRBb0722/1

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**2015 - 2016 LEGISLATURE****SENATE AMENDMENT 2,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 21**

July 7, 2015 - Offered by Senators LASEE, WANGGAARD, FARROW, STROEBEL,  
LEMAHIEU, VUKMIR and S. FITZGERALD.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 29, line 15: delete that line.

3 **2.** Page 40, line 12: after that line insert:

4 " **SECTION 293D.** 16.529 (1) of the statutes is repealed and recreated to  
read:

5 16.529 (1) In this section, "state agency" has the meaning given in s. 40.02  
6 (54).

7 **SECTION 293H.** 16.529 (2) of the statutes is amended to read:

8 16.529 (2) Notwithstanding ss. 20.001 (3) (a) to (c) and 25.40 (3), ~~beginning~~  
in

9 ~~the 2007-09 fiscal biennium,~~ during each fiscal biennium the secretary shall lapse  
10 to the general fund or transfer to the general fund from each state agency  
11 appropriation specified in sub. (3) an amount equal to that portion of the total  
12 amount of principal and interest to be paid on obligations issued under s. 16.527  
during the fiscal biennium that is allocable to the appropriation, as determined

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1 under sub. (3). The secretary may require that a state agency pay the amount  
2 directly to the state in lieu of lapsing or transferring the amount to the general  
3 fund.

4 **SECTION 293P.** 16.529 (3) (d) of the statutes is created to read:

5 16.529 (3) (d) For purposes of calculating the amount allocable to the  
6 University of Wisconsin Hospitals and Clinics Authority under par. (b), the  
7 secretary

8 shall include any amount allocable to the former University of Wisconsin Hospitals  
9 and Clinics Board, which was eliminated in 2011 Wisconsin Act 10, based on the  
10 number of employees at the University of Wisconsin Hospitals and Clinics Board on  
the day on which it was eliminated, as calculated by the secretary."

11 **3.** Page 65, line 3: after that line insert:

11 " **SECTION 380N.** 16.856 of the statutes is created to read:  
 12 **16.856 Prevailing wage. (1)** (f) "Prevailing wage rate" means the  
 applicable  
 13 prevailing wage rate for an area, as determined by the U.S. department of labor  
 14 under 40 USC 3142.

15 **(5)DISCLOSURE.** If a person who is not an employee of the department or  
 the  
 16 contracting state agency or who is not an employee of the department of workforce  
 17 development conducting an investigation under s. 109.09 contacts an employee  
 18 performing the work described in sub. (2m) for the purpose of investigating  
 19 compliance with this section, the person shall provide a written statement to the  
 20 employee stating that the person is not affiliated with the department, the  
 21 contracting state agency, or the department of workforce development and  
 disclosing  
 22 the principal source of funding for the investigation.

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1 **(7)RULES; ENFORCEMENT.** (a) The department shall promulgate any rules that  
 2 the department determines are necessary to implement and ensure compliance  
 with  
 3 this section.

4 (b) If requested by any person performing the work described in sub. (2m),  
 the  
 5 department shall inspect the payroll records of any contractor, subcontractor, or  
 6 agent performing work on a project of public works that is subject to this section to  
 7 ensure compliance with this section.

8 (c) Section 111.322 (2m) applies to discharge and other discriminatory acts  
 9 arising in connection with any proceeding under this section."

10 **4.** Page 73, line 15: after that line insert:

11 " **SECTION 453XM.** 19.36 (12) of the statutes is amended to read:

12 19.36 **(12)INFORMATION RELATING TO CERTAIN EMPLOYEES.** Unless access  
 is  
 13 specifically authorized or required by statute, an authority ~~shall~~ may not provide  
 14 access to a record prepared or provided by an employer performing work on a  
 project  
 15 to which s. ~~66.0903, 103.49, or 103.50~~ 16.856 or 84.062 applies, or on which the  
 16 employer is otherwise required to pay prevailing wages, if that record contains the  
 17 name or other personally identifiable information relating to an employee of that  
 18 employer, unless the employee authorizes the authority to provide access to that  
 19 information. In this subsection, "personally identifiable information" does not  
 20 include an employee's work classification, hours of work, or wage or benefit  
 payments  
 21 received for work on such a project."

22 **5.** Page 123, line 3: increase the dollar amount for fiscal year 2016-17 by  
 23 \$25,000,000 for the purpose for which the appropriation is made.

24 **6.** Page 583, line 23: delete "Mason" and substitute "Michigan".

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- 1                   **7.** Page 584, line 24: delete that line.
- 2                   **8.** Page 585, line 1: delete lines 1 to 16.
- 3                   **9.** Page 588, line 8: delete lines 8 to 12.
- 4                   **10.** Page 589, line 20: delete lines 20 to 25.
- 5                   **11.** Page 590, line 1: delete lines 1 to 2 and substitute:
- 6                   " **SECTION 1914H.** 59.52 (31) (e) of the statutes is created to read:
- 7                   59.52 **(31)** (e) With regard to any transaction to which s. 59.17 (2) (b) 3.  
applies,  
8                   such a transaction is not subject to the provisions of pars. (b), (c), and (d).".
- 9                   **12.** Page 602, line 25: after that line insert:
- 10                  " **SECTION 1948Y.** 66.0129 (5) of the statutes is amended to read:
- 11                  66.0129 **(5)**BIDS FOR CONSTRUCTION. The nonprofit corporation shall let  
all  
12                  contracts exceeding \$1,000 for the construction, maintenance or repair of hospital  
13                  facilities to the lowest responsible bidder after advertising for bids by the  
publication  
14                  of a class 2 notice under ch. 985. ~~Sections~~ Section 66.0901 ~~and 66.0903~~ apply  
applies  
15                  to bids and contracts under this subsection.".
- 16                  **13.** Page 608, line 1: delete "local".
- 17                  **14.** Page 608, line 2: delete "governmental unit" and substitute "1st class  
city".
- 18                  **15.** Page 608, line 3: delete "local governmental unit" and substitute "1st  
class  
19                  city".
- 20                  **16.** Page 611, line 9: after "**cities**" insert "**or villages**".
- 21                  **17.** Page 611, line 13: delete "conditions".
- 22                  **18.** Page 611, line 13: delete "all" and substitute "any".
- 23                  **19.** Page 611, line 14: delete "are" and substitute "is".

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- 1                   **20.** Page 611, line 15: delete that line and substitute:
- 2                   "(a) All of the following conditions apply:
- 3                   1. The most recent federal decennial census shows that the resident".
- 4                   **21.** Page 611, line 17: delete "(b)" and substitute "2".
- 5                   **22.** Page 611, line 18: delete "(c)" and substitute "3".
- 6                   **23.** Page 611, line 20: delete "(d)" and substitute "4".
- 7                   **24.** Page 611, line 23: delete "(e)" and substitute "5".
- 8                   **25.** Page 611, line 24: delete "(f)" and substitute "6".
- 9                   **26.** Page 612, line 1: delete "(g)" and substitute "7".
- 10                  **27.** Page 612, line 3: delete "(h)" and substitute "8".
- 11                  **28.** Page 612, line 4: after that line insert:

- 12                   (b) All of the following conditions apply:
- 13                   1. The most recent federal decennial census shows that the resident
- 14                   population
- 14                   of the town exceeds 2,300.
- 15                   2. The most recent data available from the department of revenue show
- 16                   that
- 16                   the equalized value for the town exceeds \$190,000,000.
- 17                   3. The area of the town exceeds 40 square miles.
- 18                   4. The town is contiguous to a village to which all of the following
- 18                   conditions
- 19                   apply:
- 20                   a. The most recent federal decennial census shows that the resident
- 21                   population
- 21                   of the village is less than 300.
- 22                   b. The area of the village is less than 2 square miles.

- 1                   c. The aggregate net tax rate of the village, as determined by the department
- 2                   of revenue under s. 70.114 (3), is greater than 36 mills.
- 3                   5. The village under subd. 4. and the town are located in a county for
- 4                   which the
- 4                   most recent federal decennial census shows that the resident population is less
- 5                   than
- 5                   150,000.".

- 6                   **29.** Page 612, line 7: delete "all of the conditions" and substitute "the
- 7                   requirements".
- 8                   **30.** Page 632, line 11: delete "2015" and substitute "2016".
- 9                   **31.** Page 632, line 14: delete "2015" and substitute "2016".
- 10                  **32.** Page 635, line 7: delete "2016" and substitute "2017".
- 11                  **33.** Page 635, line 12: delete "2016" and substitute "2017".
- 12                  **34.** Page 635, line 13: delete "2013" and substitute "2014".
- 13                  **35.** Page 635, line 14: delete "2017" and substitute "2018".
- 14                  **36.** Page 635, line 15: delete "2012" and substitute "2013".
- 15                  **37.** Page 635, line 16: delete "2018" and substitute "2019".
- 16                  **38.** Page 635, line 17: delete "2011" and substitute "2012".
- 17                  **39.** Page 635, line 18: delete "2019" and substitute "2020".
- 18                  **40.** Page 635, line 19: delete "2010" and substitute "2011".
- 19                  **41.** Page 635, line 20: delete "2020" and substitute "2021".
- 20                  **42.** Page 635, line 21: delete "2009" and substitute "2010".
- 21                  **43.** Page 635, line 25: delete the material beginning with "and" and
- 22                  ending
- 22                  with "date]," on page 636, line 1.

- 1                   **44.** Page 635, line 25: delete "2015" and substitute "2016".
- 2                   **45.** Page 636, line 10: delete "2016" and substitute "2017".
- 3                   **46.** Page 639, line 12: after "municipality" insert "in a county bordered by
- 4 Lake Michigan and the state of Illinois".
- 5                   **47.** Page 639, line 13: after "municipality" insert "in that county".
- 6                   **48.** Page 640, line 2: delete lines 2 and 3 and substitute "may appeal to
- 7 the
- 8 public service commission any decision of the municipality that owns and".
- 9                   **49.** Page 640, line 4: after "extension." insert "The public service
- 10 commission
- 11 may include in its decision conditions on the extension of service to ensure that
- 12 costs
- 13 resulting from the extension are borne by the users causing the cost and that the
- 14 connection point selected by the municipality requesting the service is reasonable.
- 15 Either municipality may appeal the decision of the public service commission to the
- 16 department of natural resources. The department shall provide a determination
- 17 within 45 days of receiving the appeal."
- 18                   **50.** Page 640, line 15: after that line insert:
- 19 " **SECTION 1991SD.** 66.0903 (title) of the statutes is repealed and recreated
- 20 to
- 21 read:
- 22                   **66.0903 (title) Prevailing wage.**
- 23                   **SECTION 1991SF.** 66.0903 (1) (a), (am), (b), (cm), (dr), (em), (hm) and (im)
- 24 of the
- statutes are repealed.
- SECTION 1991SH.** 66.0903 (1) (c) of the statutes is amended to read:
- 66.0903 (1) (c) "Hourly basic rate of pay" has the meaning given in s.
- ~~103.49~~
- 16.856 (1) (b).
- SECTION 1991SJ.** 66.0903 (1) (f) of the statutes is amended to read:
- 
- 66.0903 (1) (f) "Prevailing hours of labor" has the meaning given in s. ~~103.49~~
- 16.856 (1) ~~(e)~~ (e).
- SECTION 1991SL.** 66.0903 (1) (g) of the statutes is repealed and recreated
- to
- read:
- 66.0903 (1) (g) "Prevailing wage rate" includes the meanings given under
- s.
- 66.0903 (1) (g), 2013 stats., and s. 16.856 (1) (f).
- SECTION 1991SN.** 66.0903 (1) (j) of the statutes is amended to read:
- 66.0903 (1) (j) "Truck driver" has the meaning given in s. ~~103.49~~ 16.856 (1)
- ~~(g)~~
- (j).
- SECTION 1991SP.** 66.0903 (1m) (a) (intro.) of the statutes is renumbered
- 66.0903 (1) (h) and amended to read:

13 66.0903 (1) (h) ~~In this subsection, "publicly~~ Publicly funded private  
 14 construction project" means a construction project in which the developer, investor,  
 15 or owner of the project receives direct financial assistance from a local  
 16 governmental  
 17 unit for the erection, construction, repair, remodeling, demolition, including any  
 18 alteration, painting, decorating, or grading, of a private facility, including land, a  
 19 building, or other infrastructure. "Publicly funded private construction project"  
 20 does  
 21 not include a project of public works ~~or a housing project involving the erection,~~  
 22 ~~construction, repair, remodeling, or demolition of any of the following: \_~~

23 **SECTION 1991SR.** 66.0903 (1m) (a) 1. to 3. of the statutes are repealed.

24 **SECTION 1991ST.** 66.0903 (1m) (b) of the statutes is amended to read:

25 66.0903 (1m) (b) The legislature finds that the enactment of ordinances or  
 other enactments by local governmental units requiring laborers, workers,  
 mechanics, and truck drivers employed on projects of public works or on publicly  
 funded private construction projects to be paid the prevailing wage rate and to be

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1 paid at least 1.5 times their hourly basic rate of pay for hours worked in excess of  
 2 the  
 3 prevailing hours of labor would be logically inconsistent with, would defeat the  
 4 purpose of, and would go against the ~~spirit of this section and the repeal~~ repeals of  
 5 s. 66.0904, 2009 stats, and s. 66.0903 (2) to (12), 2013 stats. Therefore, this section  
 6 shall be construed as an enactment of statewide concern for the ~~purpose of~~  
 7 providing  
 8 uniform prevailing wage rate and prevailing hours of labor requirements  
 9 throughout  
 10 the state purposes of facilitating broader participation with respect to bidding on  
 11 projects of public works, ensuring that wages accurately reflect market conditions,  
 12 providing local governments with the flexibility to reduce costs on capital projects,  
 13 and reducing spending at all levels of government in this state.

14 **SECTION 1991SV.** 66.0903 (2) to (12) of the statutes are repealed."

15 **51.** Page 640, line 15: after that line insert:

16 " **SECTION 1991S.** 66.0901 (12) of the statutes is created to read:

17 66.0901 (12) PUBLIC BUILDING PLAN INFORMATION. (a) In this subsection:

18 1. "Public building plan information" means construction plans, designs,  
 19 specifications, and related materials for construction work undertaken, or proposed  
 20 to be undertaken, by a municipality pursuant to a public contract.

21 2. "Public plan room" means a nonprofit organization that gathers and  
 22 makes  
 23 available to the public for inspection and copying public building plan information.

(b) Notwithstanding s. 19.35 (3), if a municipality receives a request for  
 public  
 building plan information from a public plan room, the municipality shall provide  
 the requested information by electronic copy, and without charging a fee, if all of  
 the  
 following apply:

1           1. The public building plan information relates to a structure or building  
2 constructed, or proposed to be constructed, by a municipality.

3           2. The public plan room allows the public to register and inspect or copy  
4 the  
5 public building plan information that it obtains under this subsection without  
6 charging a fee.

7           (c) A municipality shall provide the requested information under par. (b)  
8 even  
9 if the municipality contracts with another person to assist the municipality with  
10 public contracts, related construction projects, or the management and storage of  
11 public building plan information."

12           **52.** Page 644, line 21: delete lines 21 to 24.

13           **53.** Page 645, line 1: delete lines 1 and 2.

14           **54.** Page 646, line 12: after that line insert:

15           " **SECTION 2037M.** 70.111 (22) of the statutes is amended to read:

16           70.111 **(22)**RENTED PERSONAL PROPERTY. (a) Except as provided in par.

17 (b),  
18 personal property held for rental for periods of one month or less to multiple users  
19 for their temporary use, if the property is not rented with an operator, if the owner  
20 is not a subsidiary or affiliate of any other enterprise ~~which is engaged in any~~  
21 ~~business other than personal property rental~~ and the owner is engaged in the  
22 rental  
23 of the property subject to the exemption to the other enterprise, if the owner is  
24 classified in group number 735, industry number 7359 of the 1987 standard  
industrial classification manual published by the U.S. office of management and  
budget and if the property is equipment, including construction equipment but not  
including automotive and computer-related equipment, television sets, video  
recorders and players, cameras, photographic equipment, audiovisual equipment,

1 photocopying equipment, sound equipment, public address systems and video  
2 tapes;  
3 party supplies; appliances; tools; dishes; silverware; tables; or banquet accessories.

4           (b) Personal property held primarily for rental for periods of 364 days or  
5 less  
6 to multiple users for their temporary use, if the property is not rented with an  
7 operator, if the owner is not a subsidiary or affiliate of any other enterprise ~~which~~  
8 ~~is~~  
9 ~~engaged in any business other than personal property rental~~ and the owner is  
10 engaged in the rental of the property subject to the exemption to the other  
11 enterprise,

12 if the owner is classified under 532412 of the North American Industry  
13 Classification  
14 System, 2012 edition, published by the U.S. bureau of the census, and if the  
15 property  
16 is heavy equipment used for construction, mining, or forestry, including bulldozers,  
17 earthmoving equipment, well-drilling machinery and equipment, or cranes."

18           **55.** Page 803, line 7: after that line insert:

19           " **SECTION 2560P.** 84.062 of the statutes is created to read:

14 **84.062 Prevailing wage.**(1)DEFINITIONS. In this section:  
 15 (a) "Hourly basic rate of pay" has the meaning given in s. 16.856 (1) (b).  
 16 (b) "Prevailing hours of labor" has the meaning given in s. 16.856 (1) (e).  
 17 (c) "Prevailing wage rate" has the meaning given in s. 16.856 (1) (f).  
 18 (d) "Truck driver" has the meaning given in s. 16.856 (1) (j).  
 19 (5)DISCLOSURE. If a person who is not an employee of the department or

20 the  
 contracting state agency contacts an employee performing the work described in  
 sub.

21 (2m) for the purpose of investigating compliance with this section, the person shall  
 22 provide a written statement to the employee stating that the person is not affiliated  
 23 with the department or the contracting state agency and disclosing the principal  
 24 source of funding for the investigation."

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1 **56.** Page 805, line 21: after that line insert:

2 " **SECTION 2569P.** 84.295 (4m) (d) of the statutes is amended to read:

3 84.295 (4m) (d) In order to be eligible for reimbursement under this  
 subsection,

4 any entry upon or occupation of state freeway right-of-way after relocation or  
 5 replacement by a metropolitan sewerage district acting under s. 200.11 (5) (b) or  
 6 200.35 (7) shall be done in a manner acceptable to the department.

7 **SECTION 2569R.** 84.295 (4m) (e) 2. of the statutes is amended to read:

8 84.295 (4m) (e) 2. "Municipal utility facilities" mean any utility facilities  
 owned

9 by any town, village, or city or any joint local water authority created under s.  
 10 66.0823 or any town sanitary district established under subch. IX of ch. 60, or  
 under

11 the jurisdiction of any metropolitan sewerage district established under ~~ss. 200.01~~  
 12 ~~to 200.15~~ ch. 200."

13 **57.** Page 805, line 21: after that line insert:

14 " **SECTION 2569P.** 84.41 (3) of the statutes is amended to read:

15 84.41 (3)EMPLOYMENT REGULATIONS. Employment regulations set forth in  
 s.

16 ~~103.50~~ 84.062 pertaining to wages and hours shall apply to all projects constructed  
 17 under s. 84.40 in the same manner as such laws apply to projects on other state  
 18 highways. Where applicable, the federal wages and hours law known as the  
 19 Davis-Bacon act shall apply."

20 **58.** Page 907, line 22: after that line insert:

21 " **SECTION 3075P.** 103.005 (12) (a) of the statutes is amended to read:

22 103.005 (12) (a) If any employer, employee, owner, or other person violates  
 chs.

23 103 to 106, or fails or refuses to perform any duty required under chs. 103 to 106,  
 24 within the time prescribed by the department, for which no penalty has been

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1 specifically provided, or fails, neglects or refuses to obey any lawful order given or  
 2 made by the department or any judgment or decree made by any court in



connection

3 with chs. 103 to 106, for each such violation, failure or refusal, the employer,  
 4 employee, owner or other person shall forfeit not less than \$10 nor more than \$100  
 5 for each offense. ~~This paragraph does not apply to any person who fails to provide~~  
 6 ~~any information to the department to assist the department in determining~~  
 7 ~~prevailing wage rates or prevailing hours of labor under s. 103.49 (3) (a) or (am) or~~  
 8 ~~103.50 (3) or (4)."~~

9 **59.** Page 909, line 11: after that line insert:

10 " **SECTION 3077B.** 103.49 (title) of the statutes is repealed.

11 **SECTION 3077BG.** 103.49 (1) (intro.), (am), (b), (bj), (br), (c), (em), (f), (fm)

and

12 (g), (1m) and (3g) of the statutes are renumbered 16.856 (1) (intro.), (a), (b), (c), (d),  
 13 (e), (g), (h), (i) and (j), (1m) and (3g).

14 **SECTION 3077BP.** 103.49 (1) (a), (bg) and (d) of the statutes are repealed.

15 **SECTION 3077C.** 103.49 (2) of the statutes is renumbered 16.856 (2) and  
 16 amended to read:

17 16.856 (2) **PREVAILING WAGE RATES AND HOURS OF LABOR.** Any contract  
 made for

18 the erection, construction, remodeling, repairing, or demolition of any project of  
 19 public works to which the state or any state agency is a party shall contain a  
 20 stipulation that no person performing the work described in sub. (2m) may be  
 21 permitted to work a greater number of hours per day or per week than the  
 prevailing

22 hours of labor, except that any such person may be permitted or required to work  
 23 more than such prevailing hours of labor per day and per week if he or she is paid  
 24 for all hours worked in excess of the prevailing hours of labor at a rate of at least  
 1.5

1 times his or her hourly basic rate of pay; nor may he or she be paid less than the  
 2 prevailing wage rate ~~determined under sub. (3)~~ in the same or most similar trade  
 or

3 occupation in the area in which the project of public works is situated. A reference  
 4 to the prevailing wage rates ~~determined under sub. (3)~~ and the prevailing hours of  
 5 labor shall be published in the notice issued for the purpose of securing bids for the  
 6 project. If any contract or subcontract for a project of public works that is subject to  
 7 this section is entered into, the prevailing wage rates ~~determined under sub. (3)~~  
 and

8 the prevailing hours of labor shall be physically incorporated into and made a part  
 9 of the contract or subcontract, except that for a minor subcontract, as determined  
 by

10 the department, the department shall prescribe by rule the method of notifying the  
 11 minor subcontractor of the prevailing wage rates and prevailing hours of labor  
 12 applicable to the minor subcontract. The prevailing wage rates and prevailing  
 hours

13 of labor applicable to a contract or subcontract may not be changed during the time  
 14 that the contract or subcontract is in force.

15 **SECTION 3077CP.** 103.49 (2m) of the statutes is renumbered 16.856 (2m),  
 and

16 16.856 (2m) (a) (intro.) and (b), as renumbered, are amended to read:

17                   16.856 (2m) (a) (intro.) Subject to par. (b), all of the following employees  
 shall  
 18 be paid the prevailing wage rate ~~determined under sub. (3)~~ and may not be  
 permitted  
 19 to work a greater number of hours per day or per week than the prevailing hours of  
 20 labor, unless they are paid for all hours worked in excess of the prevailing hours of  
 21 labor at a rate of at least 1.5 times their hourly basic rate of pay:

22                   (b) A laborer, worker, mechanic, or truck driver who is employed to  
 process,  
 23 manufacture, pick up, or deliver materials or products from a commercial  
 24 establishment that has a fixed place of business from which the establishment  
 25 supplies processed or manufactured materials or products or from a facility that is

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1 not dedicated exclusively, or nearly so, to a project of public works that is subject to  
 2 this section, including any of the following, is not entitled to receive the prevailing  
 3 wage rate ~~determined under sub. (3)~~ or to receive at least 1.5 times his or her  
 hourly  
 4 basic rate of pay for all hours worked in excess of the prevailing hours of labor  
 unless  
 5 any of the following applies:

6                   1. ~~The~~ A laborer, worker, mechanic, or truck driver who is employed to go  
 to the  
 7 source of mineral aggregate such as sand, gravel, or stone and deliver that mineral  
 8 aggregate to the site of a project of public works that is subject to this section ~~by~~  
 9 ~~depositing the material directly in final place, from the transporting vehicle or~~  
 10 ~~through spreaders from the transporting vehicle.~~

11                   2. ~~The~~ A laborer, worker, mechanic, or truck driver who is employed to go  
 to the  
 12 site of a project that is subject to this section, pick up excavated material or spoil  
 from  
 13 the site of the project of public works, and transport that excavated material or  
 spoil  
 14 away from the site of the project.

15                   **SECTION 3077D.** 103.49 (3), (4r) and (5) of the statutes are repealed.

16                   **SECTION 3077DP.** 103.49 (6m) (title) of the statutes is renumbered 16.856  
 (6m)  
 17 (title).

18                   **SECTION 3077E.** 103.49 (6m) (ag) of the statutes is renumbered 16.856  
 (6m)

19 (ag), and 16.856 (6m) (ag) 1., 2. and 3., as renumbered, are amended to read:

20                   16.856 (6m) (ag) 1. Any contractor, subcontractor, or contractor's or  
 21 subcontractor's agent who fails to pay the prevailing wage rate ~~determined by the~~  
 22 ~~department under sub. (3)~~ or who pays less than 1.5 times the hourly basic rate of  
 23 pay for all hours worked in excess of the prevailing hours of labor is liable to any  
 24 affected employee in the amount of his or her unpaid wages or his or her unpaid

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1 overtime compensation ~~and in an additional amount as liquidated damages~~ as  
 2 provided in subd. 2. or 3., whichever is applicable.

3                   2. If the department determines ~~upon inspection under sub. (5) (b) or (c)~~  
 4                   that  
 5                   a contractor, subcontractor, or contractor's or subcontractor's agent has failed to  
 6                   pay  
 7                   the prevailing wage rate ~~determined by the department under sub. (3)~~ or has paid  
 8                   less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the  
 9                   prevailing hours of labor, the department shall order the contractor to pay to any  
 10                  affected employee the amount of his or her unpaid wages or his or her unpaid  
 11                  overtime compensation ~~and an additional amount equal to 100 percent of the~~  
 12                  ~~amount~~  
 13                  ~~of those unpaid wages or that unpaid overtime compensation as liquidated~~  
 14                  ~~damages~~  
 15                  within a period specified by the department in the order.

16                   3. In addition to or in lieu of recovering the liability specified in subd. 1. as  
 17                   provided in subd. 2., any employee for and in behalf of that employee and other  
 18                   employees similarly situated may commence an action to recover that liability in  
 19                   any  
 20                   court of competent jurisdiction. If the court finds that a contractor, subcontractor,  
 21                   or contractor's or subcontractor's agent has failed to pay the prevailing wage rate  
 22                   ~~determined by the department under sub. (3)~~ or has paid less than 1.5 times the  
 23                   hourly basic rate of pay for all hours worked in excess of the prevailing hours of  
 24                   labor,  
 25                   the court shall order the contractor, subcontractor, or agent to pay to any affected  
 26                   employee the amount of his or her unpaid wages or his or her unpaid overtime  
 27                   compensation ~~and an additional amount equal to 100 percent of the amount of~~  
 28                   ~~those~~  
 29                   ~~unpaid wages or that unpaid overtime compensation as liquidated damages.~~

30                   **SECTION 3077EP.** 103.49 (6m) (am) of the statutes is renumbered 16.856  
 31                   (6m)  
 32                   (am) and amended to read:

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33                   16.856 **(6m)** (am) Except as provided in pars. (b); and (d) ~~and (f)~~, any contractor,  
 34                   subcontractor or contractor's or subcontractor's agent who violates this section may  
 35                   be fined not more than \$200 or imprisoned for not more than 6 months or both.  
 36                   Each  
 37                   day that a violation continues is a separate offense.

38                   **SECTION 3077F.** 103.49 (6m) (b) to (e) of the statutes are renumbered  
 39                   16.856  
 40                   (6m) (b) to (e).

41                   **SECTION 3077FP.** 103.49 (6m) (f) of the statutes is repealed.

42                   **SECTION 3077G.** 103.49 (7) of the statutes is repealed.

43                   **SECTION 3077GP.** 103.50 (title) and (1) of the statutes are repealed.

44                   **SECTION 3077H.** 103.50 (2) of the statutes is renumbered 84.062 (2) and  
 45                   amended to read:

46                   84.062 **(2)**PREVAILING WAGE RATES AND HOURS OF LABOR. No person  
 47                   performing  
 48                   the work described in sub. (2m) in the employ of a contractor, subcontractor, agent  
 49                   or other person performing any work on a project under a contract based on bids as  
 50                   provided in s. 84.06 (2) to which the state is a party for the construction or

16 improvement of any highway may be permitted to work a greater number of hours  
 17 per day or per week than the prevailing hours of labor; nor may he or she be paid a  
 18 lesser rate of wages than the prevailing wage rate in the area in which the work is  
 19 to be done ~~determined under sub. (3)~~; except that any such person may be  
 permitted  
 20 or required to work more than such prevailing hours of labor per day and per week  
 21 if he or she is paid for all hours worked in excess of the prevailing hours of labor at  
 22 a rate of at least 1.5 times his or her hourly basic rate of pay.

23 **SECTION 3077HP.** 103.50 (2g) of the statutes is renumbered 84.062 (2g)  
 and  
 24 amended to read:

---

1 84.062 **(2g)**NONAPPLICABILITY. This section does not apply to a single-trade  
 2 project of public works, as defined in s. ~~103.49~~ 16.856 (1) ~~(em)~~ (g), for which the  
 3 estimated project cost of completion is less than \$48,000 or a multiple-trade project  
 4 of public works, as defined in s. ~~103.49~~ 16.856 (1) ~~(br)~~ (d), for which the estimated  
 5 project cost of completion is less than \$100,000.

6 **SECTION 3077I.** 103.50 (2m) of the statutes is renumbered 84.062 (2m),  
 and  
 7 84.062 (2m) (a) (intro.) and (b), as renumbered, are amended to read:

8 84.062 **(2m)** (a) (intro.) Subject to par. (b), all of the following employees  
 shall

9 be paid the prevailing wage rate ~~determined under sub. (3)~~ and may not be  
 permitted

10 to work a greater number of hours per day or per week than the prevailing hours of  
 11 labor, unless they are paid for all hours worked in excess of the prevailing hours of  
 12 labor at a rate of at least 1.5 times their hourly basic rate of pay:

13 (b) A laborer, worker, mechanic, or truck driver who is employed to  
 process,

14 manufacture, pick up, or deliver materials or products from a commercial  
 15 establishment that has a fixed place of business from which the establishment  
 16 supplies processed or manufactured materials or products or from a facility that is  
 17 not dedicated exclusively, or nearly so, to a project that is subject to this section,  
 18 including any of the following, is not entitled to receive the prevailing wage rate  
 19 ~~determined under sub. (3)~~ or to receive at least 1.5 times his or her hourly basic  
 rate

20 of pay for all hours worked in excess of the prevailing hours of labor ~~unless any of~~  
~~the~~  
 21 ~~following applies:~~

22 1. The A laborer, worker, mechanic or truck driver who is employed to go  
 to the  
 23 source of mineral aggregate such as sand, gravel or stone and deliver that mineral  
 24 aggregate to the site of a project that is subject to this section ~~by depositing the~~

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1 ~~material directly in final place, from the transporting vehicle or through spreaders~~  
 2 ~~from the transporting vehicle.~~

3 2. The A laborer, worker, mechanic or truck driver who is employed to go  
 to the

4 site of a project that is subject to this section, pick up excavated material or spoil  
 5 from  
 6 the site of the project, and transport that excavated material or spoil away from the  
 7 site of the project and return to the site of the project.

8 **SECTION 3077IP.** 103.50 (3) to (5) of the statutes are repealed.

9 **SECTION 3077J.** 103.50 (6) of the statutes is renumbered 84.062 (6) and  
 10 amended to read:

11 84.062 (6) **CONTENTS OF CONTRACTS; NOTIFICATION.** A reference to the  
 12 prevailing  
 13 wage rates ~~determined under sub. (3)~~ and the prevailing hours of labor shall be  
 14 published in the notice issued for the purpose of securing bids for a project. If any  
 15 contract or subcontract for a project that is subject to this section is entered into,  
 16 the  
 17 prevailing wage rates ~~determined under sub. (3)~~ and the prevailing hours of labor  
 18 shall be physically incorporated into and made a part of the contract or  
 19 subcontract,  
 20 except that for a minor subcontract, ~~as determined by the department of workforce~~  
 21 ~~development, that department~~ the department of administration shall prescribe ~~by~~  
 22 ~~rule under s. 16.856 (2)~~ the method of notifying the minor subcontractor of the  
 23 prevailing wage rates and prevailing hours of labor applicable to the minor  
 24 subcontract. The prevailing wage rates and prevailing hours of labor applicable to  
 a contract or subcontract may not be changed during the time that the contract or  
 subcontract is in force. For the information of the employees working on the  
 project,  
 the prevailing wage rates ~~determined by the department~~, the prevailing hours of  
 labor, and the provisions of subs. (2) and (7) shall be kept posted by the department

1 ~~of transportation~~ in at least one conspicuous and easily accessible place on the site  
 2 of the project.

3 **SECTION 3077JP.** 103.50 (7) (title) and (a) to (e) of the statutes are  
 4 renumbered

5 84.062 (7) (title) and (a) to (e), and 84.062 (7) (a), as renumbered, is amended to  
 6 read:

7 84.062 (7) (a) Except as provided in pars. (b), and (d) and (f), any  
 8 contractor,  
 9 subcontractor, or contractor's or subcontractor's agent who violates this section  
 10 may  
 11 be fined not more than \$200 or imprisoned for not more than 6 months or both.  
 12 Each  
 13 day that a violation continues is a separate offense.

14 **SECTION 3077K.** 103.50 (7) (f) of the statutes is repealed.

15 **SECTION 3077KP.** 103.50 (8) of the statutes is renumbered 84.062 (8) and  
 amended to read:

16 84.062 (8) **ENFORCEMENT AND PROSECUTION.** The department ~~of~~  
 17 ~~transportation~~  
 18 shall require adherence to subs. (2), (2m), and (6). The department ~~of~~  
 19 ~~transportation~~  
 20 may demand and examine, and every contractor, subcontractor, and contractor's or  
 21 subcontractor's agent shall keep and furnish upon request by the department ~~of~~

16 ~~transportation~~, copies of payrolls and other records and information relating to  
 17 compliance with this section. If requested by any person performing the work  
 18 described in sub. (2m), the department shall conduct an investigation to ensure  
 19 compliance with this section. Upon request of the department of ~~transportation~~ or  
 20 upon complaint of alleged violation, the district attorney of the county in which the  
 21 work is located shall investigate as necessary and prosecute violations in a court of  
 22 competent jurisdiction. Section 111.322 (2m) applies to discharge and other  
 23 discriminatory acts arising in connection with any proceeding under this section.

24 **SECTION 3077L.** 103.503 (1) (a) of the statutes is amended to read:

1 103.503 (1) (a) "Accident" means an incident caused, contributed to, or  
 2 otherwise involving an employee that resulted or could have resulted in death,  
 3 personal injury, or property damage and that occurred while the employee was  
 4 performing the work described in s. 66.0903 (4), 2013 stats., or ~~103.49 s. 16.856~~  
 (2m)  
 5 on a project of public works or while the employee was performing work on a public  
 6 utility project.

7 **SECTION 3077LP.** 103.503 (1) (c) of the statutes is amended to read:

8 103.503 (1) (c) "Contracting agency" means a local governmental unit, as  
 9 defined in s. 66.0903 (1) (d), or a state agency, as defined in s. ~~103.49 16.856~~ (1) ~~(f)~~  
 10 (h), that has contracted for the performance of work on a project of public works or  
 11 a public utility that has contracted for the performance of work on a public utility  
 12 project.

13 **SECTION 3077M.** 103.503 (1) (e) of the statutes is amended to read:

14 103.503 (1) (e) "Employee" means a laborer, worker, mechanic, or truck  
 driver  
 15 who performs the work described in s. 66.0903 (4), 2013 stats., or ~~103.49 s. 16.856~~  
 16 (2m) on a project of public works or on a public utility project.

17 **SECTION 3077MP.** 103.503 (1) (g) of the statutes is amended to read:

18 103.503 (1) (g) "Project of public works" means a project of public works  
 that  
 19 is subject to s. 16.856 or that would be subject to s. 66.0903 or 103.49, 2013 stats., if  
 20 the project were erected, constructed, repaired, remodeled, or demolished prior to  
the  
 21 effective date of this paragraph .... [LRB inserts date].

22 **SECTION 3077N.** 103.503 (2) of the statutes is amended to read:

23 103.503 (2) **SUBSTANCE ABUSE PROHIBITED.** No employee may use, possess,  
 24 attempt to possess, distribute, deliver, or be under the influence of a drug, or use or  
 25 be under the influence of alcohol, while performing the work described in s. 66.0903

1 (4), 2013 stats., or ~~103.49 s. 16.856~~ (2m) on a project of public works or while  
 2 performing work on a public utility project. An employee is considered to be under  
 3 the influence of alcohol for purposes of this subsection if he or she has an alcohol  
 4 concentration that is equal to or greater than the amount specified in s. 885.235  
 (1g)  
 5 (d).

6 **SECTION 3077NP.** 103.503 (3) (a) 2. of the statutes is amended to read:

7           103.503 (3) (a) 2. A requirement that employees performing the work  
 8 described  
 9 in s. 66.0903 (4), 2013 stats., or ~~103.49 s. 16.856~~ (2m) on a project of public works or  
 10 performing work on a public utility project submit to random, reasonable suspicion,  
 11 and post-accident drug and alcohol testing and to drug and alcohol testing before  
 12 commencing work on the project, except that testing of an employee before  
 13 commencing work on a project is not required if the employee has been  
 14 participating  
 15 in a random testing program during the 90 days preceding the date on which the  
 16 employee commenced work on the project."

15           **60.** Page 910, line 7: after that line insert:

16           " **SECTION 3078CD.** 104.001 (3) (intro.) and (b) of the statutes are  
 17 consolidated,  
 18 renumbered 104.001 (3) and amended to read:

19           104.001 (3) This section does not affect ~~any of the following: (b) An an~~  
 20 ordinance that, subject to s. 66.0903, requires an employee of a county, city, village,  
 21 or town, an employee who performs work under a contract for the provision of  
 22 services to a county, city, village, or town, or an employee who performs work that  
 23 is  
 24 funded by financial assistance from a county, city, village, or town, to be paid at a  
 minimum wage rate specified in the ordinance.

**SECTION 3078CH.** 104.001 (3) (a) of the statutes is repealed."

1           **61.** Page 917, line 2: after that line insert:

2           " **SECTION 3080P.** 106.04 (1) (d) of the statutes is amended to read:

3           106.04 (1) (d) "Project" means a project of public works that is subject to s.  
 4 ~~103.49 or 103.50 16.856 or 84.062~~ in which work is performed by employees  
 5 employed  
 6 in trades that are apprenticeable under this subchapter."

6           **62.** Page 930, line 17: after that line insert:

7           " **SECTION 3135C.** 109.09 (1) of the statutes is amended to read:

8           109.09 (1) The department shall investigate and attempt equitably to  
 9 adjust  
 10 controversies between employers and employees as to alleged wage claims. The  
 11 department may receive and investigate any wage claim ~~which that~~ is filed with  
 12 the  
 13 department, or received by the department under s. 109.10 (4), no later than 2  
 14 years  
 15 after the date the wages are due. The department may, after receiving a wage  
 16 claim,  
 17 investigate any wages due from the employer against whom the claim is filed to  
 18 any  
 employee during the period commencing 2 years before the date the claim is filed.  
 The department shall enforce this chapter and ~~ss. s. 66.0903, 2013 stats., s. 103.49,~~  
2013 stats., and s. 229.8275, 2013 stats., and ss. 16.856, 103.02, 103.49, 103.82, and  
~~104.12, and 229.8275.~~ In pursuance of this duty, the department may sue the  
 employer on behalf of the employee to collect any wage claim or wage deficiency  
 and

19 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions  
 20 under s. 109.10, the department may refer such an action to the district attorney of  
 21 the county in which the violation occurs for prosecution and collection and the  
 22 district attorney shall commence an action in the circuit court having appropriate  
 23 jurisdiction. Any number of wage claims or wage deficiencies against the same  
 24 employer may be joined in a single proceeding, but the court may order separate

1 trials or hearings. In actions that are referred to a district attorney under this  
 2 subsection, any taxable costs recovered by the district attorney shall be paid into  
 the  
 3 general fund of the county in which the violation occurs and used by that county to  
 4 meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office  
 5 of the district attorney who prosecuted the action.

6 **SECTION 3135E.** 111.322 (2m) (a) of the statutes is amended to read:

7 111.322 (2m) (a) The individual files a complaint or attempts to enforce  
 any  
 8 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, ~~103.50,~~  
 9 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599 or  
 103.64  
 10 to 103.82.

11 **SECTION 3135G.** 111.322 (2m) (b) of the statutes is amended to read:

12 111.322 (2m) (b) The individual testifies or assists in any action or  
 proceeding  
 13 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,  
 14 103.34, 103.455, ~~103.50,~~ 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss.  
 15 101.58 to 101.599 or 103.64 to 103.82.

16 **SECTION 3135I.** 111.322 (2m) (c) of the statutes is amended to read:

17 111.322 (2m) (c) The individual files a complaint or attempts to enforce a  
 right  
 18 under s. ~~66.0903, 103.49, or 229.8275~~ 16.856 or 84.062 or testifies or assists in any  
 19 action or proceeding under s. ~~66.0903, 103.49, or 229.8275~~ 16.856 or 84.062."

20 **63.** Page 989, line 23: delete the material beginning with that line and  
 ending  
 21 with page 991, line 21.

22 **64.** Page 1043, line 2: delete "~~In the 2013-14 and 2014-15 school years, a~~  
~~A~~"  
 23 and substitute "In the ~~2013-14 and 2014-15~~ 2015-16 and 2016-17 school years, a".

24 **65.** Page 1044, line 16: delete "2015" and substitute "2016".

1 **66.** Page 1045, line 3: delete that line and substitute:

2 "a. For applications for the 2016-17 and 2017-18 school years, if the total  
 3 number of applicants does not exceed the school district's pupil participation limit  
 4 under sub. (2) (be), the department shall determine which applications each private  
 5 school may accept on a random basis, except that the department shall give  
 6 preference to the applications of pupils described in s. 118.60 (3) (a) 1m. to 5., in the  
 7 order of preference listed in that paragraph.



8 am. For applications for the 2018-19 school year and each school year  
9 thereafter, if the total number of applicants does not exceed the school district's  
10 pupil".

11 **67.** Page 1045, line 7: delete "If" and substitute "Annually, if".

12 **68.** Page 1055, line 2: delete "(6), (6m), (8)" and substitute "(6), (8)".

13 **69.** Page 1069, line 24: delete "at least one charter school under s. 118.40  
14 (2r)  
15 or" and substitute "a charter school".

16 **70.** Page 1069, line 25: delete "(2x)".

17 **71.** Page 1094, line 23: delete "under s. 118.40 (2r) or (2x)".

18 **72.** Page 1138, line 6: delete lines 6 to 20.

19 **73.** Page 1144, line 15: delete the material beginning with that line and  
20 ending with page 1145, line 8.

21 **74.** Page 1148, line 10: delete lines 10 to 16.

22 **75.** Page 1152, line 8: after that line insert:

23 " **SECTION 3511D.** 165.77 (4) (am) (intro.) of the statutes, as affected by  
2013  
Wisconsin Act 20, is amended to read:

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1 165.77 (4) (am) (intro.) A person whose deoxyribonucleic acid analysis data  
2 have been included in the data bank under sub. (3) may request expungement on  
3 the  
4 grounds that ~~all~~ any of the following conditions that apply to the person are  
5 satisfied:".

6 **76.** Page 1152, line 16: delete the material beginning with that line and  
7 ending with page 1153, line 3.

8 **77.** Page 1166, line 24: after that line insert:

9 " **SECTION 3539M.** 200.35 (7) of the statutes is amended to read:

10 200.35 (7)ROAD ALTERATIONS AND TRAFFIC CONTROL. The commission  
11 may, in a  
12 manner acceptable to the department of transportation, excavate in or otherwise  
13 alter any state, county or municipal street, road, alley or public highway in the  
14 district for the purpose of constructing, maintaining and operating the sewerage  
15 system or to construct in the street, road, alley or public highway an interceptor or  
16 district sewer or any appurtenance thereof, without providing a bond. The  
17 commission shall notify the public authority that controls the street, road, alley or  
18 public highway at least 45 days prior to the date the commission intends to  
19 advertise  
20 for bids as to the location where the excavation or alteration will take place. The  
21 public authority shall prepare a reasonable traffic control plan and provide the  
22 plan  
to the commission within 30 days after receiving the notice. The commission shall  
pay a reasonable fee for development of the plan and shall include the plan in its  
bidding documents. The commission shall pay the costs of implementing the traffic  
control plan during the period of construction. Upon completing the work the

23 commission shall restore the street, road, alley or public highway at its own  
expense

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1 to a condition as good as or better than existed before the commencement of the  
2 work.".

3 **78.** Page 1169, line 12: after that line insert:

4 " **SECTION 3579P.** 227.01 (13) (t) of the statutes is repealed."

5 **79.** Page 1172, line 4: after that line insert:

6 " **SECTION 3621P.** 229.682 (2) of the statutes is repealed.

7 **SECTION 3621V.** 229.8275 of the statutes is repealed."

8 **80.** Page 1348, line 19: delete the material beginning with that line and  
9 ending with page 1350, line 10.

10 **81.** Page 1446, line 23: after that line insert:

11 " **SECTION 4726C.** 946.15 (1) of the statutes is amended to read:

12 946.15 (1) Any employer, or any agent or employee of an employer, who  
induces

13 any person who seeks to be or is employed pursuant to a public contract, as defined  
14 in s. 66.0901 (1) (c), or who seeks to be or is employed on a project ~~on which a~~  
15 ~~prevailing wage rate determination has been issued by the department of~~  
~~workforce~~

16 ~~development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) that is~~  
17 subject to s. 16.856 or 84.062 to give up, waive, or return any part of the  
compensation

18 to which that person is entitled under his or her contract of employment or under  
~~the~~

19 ~~prevailing wage rate determination issued by the department~~ s. 16.856 or 84.062,  
or

20 who reduces the hourly basic rate of pay normally paid to an employee for work on  
21 a project ~~on which a prevailing wage rate determination has not been issued under~~  
22 ~~s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) that is not subject to s. 16.856~~  
23 or 84.062 during a week in which the employee works both on a project ~~on which a~~  
24 ~~prevailing wage rate determination has been issued~~ that is subject to s. 16.856 or

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1 84.062 and on a project ~~on which a prevailing wage rate determination has not~~  
~~been~~

2 ~~issued~~ that is not subject to s. 16.856 or 84.062, is guilty of a Class I felony.

3 **SECTION 4726F.** 946.15 (2) of the statutes is amended to read:

4 946.15 (2) Any person employed pursuant to a public contract, as defined  
in s.

5 66.0901 (1) (c), or employed on a project ~~on which a prevailing wage rate~~  
6 ~~determination has been issued by the department of workforce development under~~

7 ~~s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) that is subject to s. 16.856 or~~  
8 84.062 who gives up, waives, or returns to the employer or agent of the employer

any

9 part of the compensation to which the employee is entitled under his or her  
contract

10 of employment or under ~~the prevailing wage determination issued by the~~  
 11 ~~department s. 16.856 or 84.062~~, or who gives up any part of the compensation to  
 12 which he or she is normally entitled for work on a project ~~on which a prevailing~~  
 13 ~~wage~~  
 14 ~~rate determination has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3),~~  
 15 ~~or 229.8275 (3) that is not subject to s. 16.856 or 84.062~~ during a week in which the  
 16 person works part-time on a project ~~on which a prevailing wage rate determination~~  
 17 ~~has been issued that is subject to s. 16.856 or 84.062~~ and part-time on a project ~~on~~  
 18 ~~which a prevailing wage rate determination has not been issued that is not subject~~  
 19 ~~to s. 16.856 or 84.062~~, is guilty of a Class C misdemeanor.

19 **SECTION 4726P.** 946.15 (3) of the statutes is amended to read:

20 946.15 (3) Any employer or labor organization, or any agent or employee of  
 21 an  
 22 employer or labor organization, who induces any person who seeks to be or is  
 23 employed on a project ~~on which a prevailing wage rate determination has been~~  
 24 ~~issued~~  
 25 ~~by the department of workforce development under s. 66.0903 (3), 103.49 (3),~~  
 26 ~~103.50~~  
 27 ~~(3), or 229.8275 (3) that is subject to s. 16.856 or 84.062~~ to permit any part of the  
 28 wages to which that person is entitled under ~~the prevailing wage rate~~  
 29 ~~determination~~

1 ~~issued by the department or local governmental unit s. 16.856 or 84.062~~ to be  
 2 deducted from the person's pay is guilty of a Class I felony, unless the deduction  
 3 would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a  
 4 project  
 5 that is subject to 40 USC 3142.

5 **SECTION 4726W.** 946.15 (4) of the statutes is amended to read:

6 946.15 (4) Any person employed on a project ~~on which a prevailing wage~~  
 7 ~~rate~~  
 8 ~~determination has been issued by the department of workforce development under~~  
 9 ~~s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) that is subject to s. 16.856 or~~  
 10 ~~84.062~~ who permits any part of the wages to which that person is entitled under  
 11 ~~the~~  
 12 ~~prevailing wage rate determination issued by the department or local~~  
 13 ~~governmental~~  
 14 ~~unit s. 16.856 or 84.062~~ to be deducted from his or her pay is guilty of a Class C  
 15 misdemeanor, unless the deduction would be permitted under 29 CFR 3.5 or 3.6  
 16 from  
 17 a person who is working on a project that is subject to 40 USC 3142."

14 **82.** Page 1452, line 2: after that line insert:

15 " **SECTION 4740B.** 978.05 (6) (a) of the statutes, as affected by 2015  
 16 Wisconsin  
 17 Act .... (this act), is amended to read:

18 978.05 (6) (a) Institute, commence or appear in all civil actions or special  
 19 proceedings under and perform the duties set forth for the district attorney under  
 20 ch.  
 21 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, ~~103.50~~  
 22 ~~84.062~~

20 (8), 103.92 (4), 109.09, 343.305 (9) (a), 806.05, 938.09, 938.18, 938.355 (6) (b) and  
 21 (6g)  
 22 (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties in  
 23 connection with court proceedings in a court assigned to exercise jurisdiction under  
 24 chs. 48 and 938 as the judge may request and perform all appropriate duties and  
 appear if the district attorney is designated in specific statutes, including matters

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1 within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph  
 2 limits  
 3 the authority of the county board to designate, under s. 48.09 (5), that the  
 4 corporation  
 5 counsel provide representation as specified in s. 48.09 (5) or to designate, under s.  
 6 48.09 (6) or 938.09 (6), the district attorney as an appropriate person to represent  
 7 the  
 8 interests of the public under s. 48.14 or 938.14."

9 **83.** Page 1455, line 14: delete "the technical college system board;"

10 **84.** Page 1507, line 10: delete "2016" and substitute "2017".

11 **85.** Page 1533, line 6: after that line insert:

12 "(1q) PREVAILING WAGE; EMERGENCY RULES. Using the procedure under  
 13 section  
 14 227.24 of the statutes, the department of administration may promulgate rules  
 15 under section 16.856 (7) of the statutes, as created by this act, for the period before  
 16 the effective date of any corresponding permanent rules, but not to exceed the  
 17 period  
 18 authorized under section 227.24 (1) (c) of the statutes, subject to extension under  
 19 section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b),  
 20 and  
 21 (3) of the statutes, the department is not required to provide evidence that  
 22 promulgating a rule under this subsection as an emergency rule is necessary for  
 23 the  
 24 preservation of the public peace, health, safety, or welfare and is not required to  
 provide a finding of emergency for a rule promulgated under this subsection."

1 **86.** Page 1545, line 3: after that line insert:

2 "(1q) GENERAL PROGRAM OPERATIONS LAPSE. Notwithstanding section  
 3 20.001 (3)  
 4 (b) of the statutes, on July 1, 2016, there is lapsed to the general fund \$25,000,000  
 5 from the appropriation account under section 20.285 (1) (a) of the statutes, as  
 6 affected by this act."

7 **87.** Page 1550, line 9: delete "2016" and substitute "2017".

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1 **88.** Page 1554, line 2: after that line insert:

2 "(5k) RENTED PERSONAL PROPERTY. The treatment of section 70.111 (22) of  
 3 the  
 4 statutes first applies retroactively to the property tax assessments as of January 1,  
 2014."

5                   **89.** Page 1555, line 21: after that line insert:  
6                   "(7j)MUNICIPAL UTILITY FACILITIES. The treatment of sections 84.295 (4m)  
7                   (d)  
8                   and (e) 2. and 200.35 (7) of the statutes first applies to utility facility owners  
9                   notified  
10                   by the department of transportation under section 84.063 (2) (a) of the statutes on  
11                   January 1, 2016."  
12                   **90.** Page 1556, line 19: after that line insert:  
13                   "(3q) PREVAILING WAGE.  
14                   (a) The treatment of sections 16.856, 19.36 (12), 66.0129 (5), 66.0903 (title),  
15                   (1)  
16                   (a), (am), (b), (c), (cm), (dr), (em), (f), (g), (hm), (im), and (j), (1m) (a) (intro.) and 1. to  
17                   3. and (b), and (2) to (12), 84.062, 84.41 (3), 103.005 (12) (a), 103.49 (title), (1)  
18                   (intro.),  
19                   (a), (am) (b), (bg), (bj), (br), (c), (d), (em), (f), (fm), and (g), (1m), (2), (2m), (3), (3g),  
20                   (4r),  
21                   (5), (6m) (title), (ag), (am), (b) to (e), and (f), and (7), 103.50 (title), (1), (2), (2g),  
22                   (2m),  
23                   (3) to (5), (6), (7) (title), (a) to (e), and (f), and (8), 103.503 (1) (a), (c), (e), and (g), (2),  
24                   and (3) (a) 2., 104.001 (3) (intro.), (a), and (b), 106.04 (1) (d), 109.09 (1), 111.322  
                 (2m)  
                 (a), (b), and (c), 227.01 (13) (t), 229.682 (2), 229.8275, 946.15 (1), (2), (3), and (4),  
                 and  
                 978.05 (6) (a) (by SECTION 4740b) of the statutes first applies, with respect to a  
                 project  
                 of public works that is subject to bidding, to a project for which the request for bids  
                 is issued on the effective date of this paragraph and, with respect to a project of  
                 public  
                 works that is not subject to bidding, to a project the contract for which is entered  
                 into  
                 on the effective date of this paragraph.

1                   (b) The treatment of sections 66.0903 (10) (d), 111.322 (2m) (c), and 229.8275  
2                   of the statutes first applies to acts of discrimination that occur on the effective date  
3                   of this paragraph."

4                   **91.** Page 1567, line 5: after that line insert:  
5                   "(5k)RENTED PERSONAL PROPERTY. The treatment of section 70.111 (22) of  
6                   the  
7                   statutes takes effect retroactively to January 1, 2014."

8                   **92.** Page 1570, line 2: after that line insert:  
9                   "(3q) PREVAILING WAGE. The treatment of sections 116.856, 19.36 (12),  
10                   66.0129  
11                   (5), 66.0903 (title), (1) (a), (am), (b), (c), (cm), (dr), (em), (f), (g), (hm), (im), and (j),  
                 (1m)  
                 (a) (intro.) and 1. to 3. and (b), and (2) to (12), 84.062, 84.41 (3), 103.005 (12) (a),  
                 103.49  
                 (title), (1) (intro.), (a), (am) (b), (bg), (bj), (br), (c), (d), (em), (f), (fm), and (g), (1m),  
                 (2),

12 (2m), (3), (3g), (4r), (5), (6m) (title), (ag), (am), (b) to (e), and (f), and (7), 103.50  
(title),  
13 (1), (2), (2g), (2m), (3) to (5), (6), (7) (title), (a) to (e), and (f), and (8), 103.503 (1) (a),  
14 (c), (e), and (g), (2), and (3) (a) 2., 104.001 (3) (intro.), (a), and (b), 106.04 (1) (d),  
109.09  
15 (1), 111.322 (2m) (a), (b), and (c), 227.01 (13) (t), 229.682 (2), 229.8275, 946.15 (1),  
(2),  
16 (3), and (4), and 978.05 (6) (a) (by SECTION 4740b) of the statutes and SECTIONS  
9151  
17 (1q) and 9351 (3q) of this act take effect on January 1, 2017."  
18 **(END)**

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