

State of Wisconsin



2017 Senate Bill 3

Date of enactment: April 17, 2017
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2017 WISCONSIN ACT 3

AN ACT *to renumber* 66.0901 (1) (a); *to amend* 16.971 (4) (c) 2., 66.0901 (6) and 66.0901 (9) (a); and *to create* 16.75 (1p), 16.855 (1p), 66.0901 (1) (ae), 66.0901 (1) (am), 66.0901 (6m) and 66.0901 (6s) of the statutes; **relating to:** project labor agreements and public contracts.

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

SECTION 1. 16.75 (1p) of the statutes is created to read:

16.75 (1p) (a) In this subsection:

1. "Agreement with a labor organization" means any agreement with a labor organization, including a collective bargaining agreement, a project labor agreement, or a community workforce agreement.

2. "Bidder" means a person that is submitting a bid or a competitive sealed proposal or that is seeking an award under this section in a procedure established under sub. (1) (c).

3. "Labor organization" has the meaning given in s. 5.02 (8m).

(b) The department may not do any of the following in a solicitation for bids or competitive sealed proposals or in a procedure established under sub. (1) (c):

1. Require that a bidder enter into or adhere to an agreement with a labor organization.

2. Consider as a factor in making an award under this section whether any bidder has or has not entered into an agreement with a labor organization.

3. Require that a bidder enter into, adhere to, or enforce any agreement that requires, as a condition of employment, that the bidder or bidder's employees

become or remain members of, or be affiliated with, a labor organization or pay any dues, fees, assessments, or other charges or expenses of any kind or amount, or provide anything of value, to a labor organization or a labor organization's health, welfare, retirement, or other benefit plan or program.

(c) Nothing in this subsection prohibits employers or employees from entering into agreements or engaging in any other activity protected by the National Labor Relations Act, [29 USC 151 to 169](#).

SECTION 2. 16.855 (1p) of the statutes is created to read:

16.855 (1p) (a) In this subsection:

1. "Agreement with a labor organization" has the meaning given in s. 16.75 (1p) (a) 1.

2. "Labor organization" has the meaning given in s. 5.02 (8m).

(b) The department may not do any of the following in a solicitation for bids under this section:

1. Require that a bidder enter into or adhere to an agreement with a labor organization.

2. Consider as a factor in making an award under this section whether any bidder has or has not entered into an agreement with a labor organization.

3. Require that a bidder enter into, adhere to, or enforce any agreement that requires, as a condition of employment, that the bidder or bidder's employees

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

become or remain members of, or be affiliated with, a labor organization or pay any dues, fees, assessments, or other charges or expenses of any kind or amount, or provide anything of value, to a labor organization or a labor organization's health, welfare, retirement, or other benefit plan or program.

(c) Nothing in this subsection prohibits employers or employees from entering into agreements or engaging in any other activity protected by the National Labor Relations Act, [29 USC 151 to 169](#).

SECTION 3. 16.971 (4) (c) 2. of the statutes is amended to read:

16.971 (4) (c) 2. "Municipality" has the meaning designated in s. 66.0901 (1) ~~(a)~~ (as).

SECTION 4. 66.0901 (1) (a) of the statutes is renumbered 66.0901 (1) (as).

SECTION 5. 66.0901 (1) (ae) of the statutes is created to read:

66.0901 (1) (ae) "Agreement with a labor organization" means any agreement with a labor organization, including a collective bargaining agreement, a project labor agreement, or a community workforce agreement.

SECTION 6. 66.0901 (1) (am) of the statutes is created to read:

66.0901 (1) (am) "Labor organization" has the meaning given in s. 5.02 (8m).

SECTION 7. 66.0901 (6) of the statutes is amended to read:

66.0901 (6) **SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS.** In public contracts for the construction, repair, remodeling or improvement of a public building or structure, other than highway structures and facilities, a municipality may bid projects based on a single or multiple division of the work. Public contracts shall be awarded according to the division of work selected for bidding. The ~~Except as provided in sub. (6m),~~ the municipality may set out in any public contract reasonable and lawful conditions as to the hours of labor, wages, residence, character and classification of workers to be employed by any contractor, classify contractors as

to their financial responsibility, competency and ability to perform work and set up a classified list of contractors. The municipality may reject the bid of any person, if the person has not been classified for the kind or amount of work in the bid.

SECTION 8. 66.0901 (6m) of the statutes is created to read:

66.0901 (6m) **PROHIBITED PRACTICES.** A municipality may not do any of the following in a specification for bids for a public contract under this section:

(a) Require that a bidder enter into or adhere to an agreement with a labor organization.

(b) Consider as a factor in making an award under this section whether any bidder has or has not entered into an agreement with a labor organization.

(c) Require that a bidder enter into, adhere to, or enforce any agreement that requires, as a condition of employment, that the bidder or bidder's employees become or remain members of, or be affiliated with, a labor organization or pay any dues, fees, assessments, or other charges or expenses of any kind or amount, or provide anything of value, to a labor organization or a labor organization's health, welfare, retirement, or other benefit plan or program.

SECTION 9. 66.0901 (6s) of the statutes is created to read:

66.0901 (6s) **PROTECTED ACTIVITY.** Nothing in this section prohibits employers or employees from entering into agreements or engaging in any other activity protected by the National Labor Relations Act, [29 USC 151 to 169](#).

SECTION 10. 66.0901 (9) (a) of the statutes is amended to read:

66.0901 (9) (a) Notwithstanding sub. (1) ~~(a)~~ (as), in this subsection, "municipality" does not include the department of transportation.

SECTION 11. Initial applicability.

(1) This act first applies to bids or proposals solicited on the effective date of this subsection.