



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0314/1
EVM:cdc

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 285**

June 12, 2019 - Offered by Representative THIESFELDT.

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

2 **1.** Page 1, line 2: delete “for highway improvements”.

3 **2.** Page 1, line 3: before that line insert:

4 “**SECTION 1c.** 59.52 (29) (a) of the statutes is renumbered 59.52 (29) (a) 1. and
5 amended to read:

6 59.52 (29) (a) 1. All public work, including any contract for the construction,
7 repair, remodeling, or improvement of any public work, building, or furnishing of
8 supplies or material of any kind where the estimated cost of such work will exceed
9 ~~\$25,000~~ \$50,000 shall be let by contract to the lowest responsible bidder.

10 **3.** Any public work, the estimated cost of which does not exceed ~~\$25,000~~
11 \$50,000, shall be let as the board may direct.

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

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

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

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

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

14 60.47 (1) (a) “Public contract” means a contract for the construction, execution,
15 repair, remodeling or improvement of any public work or building or for the
16 furnishing of materials or supplies, with an estimated cost greater than \$5,000
17 \$50,000.

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

19 60.47 (1) (am) “Public highway contract” means a contract for the construction,
20 improvement, repair, or corrective or preventative maintenance of a highway.
21 “Public highway contract” does not include a contract for routine maintenance
22 incidental to the preservation of a highway, including snow and ice removal, ditch
23 cleaning, mowing, tree trimming, sealing, crack filling, or grading.

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

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

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

6 60.47 (2) (b) No town may enter into a public contract with a value of more than
7 ~~\$25,000~~ \$50,000 unless the town board, or a town official or employee designated by
8 the town board, advertises for proposals to perform the terms of the public contract
9 by publishing a class 2 notice under ch. 985. The town board may provide for
10 additional means of advertising for bids.

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

12 60.47 (2m) PUBLIC HIGHWAY CONTRACTS. Notwithstanding sub. (2) and except
13 as provided in subs. (4) and (5), no town may enter into a public highway contract
14 with an estimated cost of more than \$5,000 but not more than \$25,000 unless the
15 town board, or a town official or employee designated by the town board, gives a class
16 1 notice under ch. 985 before execution of that public highway contract.
17 Notwithstanding sub. (2) and except as provided in subs. (4) and (5), no town may
18 enter into a public highway contract with a value of more than \$25,000, unless the
19 town board, or a town official or employee designated by the town board, advertises
20 for proposals to perform the terms of the public highway contract by publishing a
21 class 2 notice under ch. 985. The town board may provide for additional means of
22 advertising for bids.

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

24 60.47 (3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER. The town board shall let
25 a public contract or public highway contract, for which advertising for proposals is

1 required under sub. (2) (b) or (2m) to the lowest responsible bidder. Section 66.0901
2 applies to public contracts or public highway contracts let under sub. ~~subs.~~ (2) (b) and
3 (2m).

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

5 60.47 (4) CONTRACTS WITH GOVERNMENTAL ENTITIES. This section does not apply
6 to public contracts or public highway contracts, entered into by a town with a
7 municipality, as defined under s. 66.0301 (1) (a).

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

9 60.47 (5) (title) ~~EXCEPTION FOR EMERGENCIES AND DONATED MATERIALS AND LABOR~~
10 CERTAIN DONATIONS.

11 **SECTION 1L.** 60.47 (5) of the statutes is renumbered 60.47 (5) (a) and amended
12 to read:

13 60.47 (5) (a) This section is optional with respect to public contracts and public
14 highway contracts for the repair and construction of public facilities when damage
15 or threatened damage to the facility creates an emergency, as declared by resolution
16 of the town board, that endangers the public health or welfare of the town. This
17 subsection no longer applies when the town board declares that the emergency no
18 longer exists.

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

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

1 62.15 (1) (a) All public construction, the estimated cost of which exceeds
2 ~~\$25,000~~ \$50,000, shall be let by contract to the lowest responsible bidder; all other
3 public construction shall be let as the council may direct. If the estimated cost of any
4 public construction exceeds \$5,000 but is not greater than ~~\$25,000~~ \$50,000, the board
5 of public works shall give a class 1 notice, under ch. 985, of the proposed construction
6 before the contract for the construction is executed. This provision does not apply to
7 public construction if the materials for such a project are donated or if the labor for
8 such a project is provided by volunteers. The council may also by a vote of
9 three-fourths of all the members-elect provide by ordinance that any class of public
10 construction or any part thereof may be done directly by the city without submitting
11 the same for bids.

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

13 62.15 (1) (b) 1. In this paragraph, “public highway construction” means the
14 construction, improvement, repair, or corrective or preventative maintenance of a
15 highway. “Public highway construction” does not include a contract for routine
16 maintenance incidental to the preservation of a highway, including snow and ice
17 removal, ditch cleaning, mowing, tree trimming, sealing, crack filling, or regrading.

18 2. Notwithstanding par. (a), all public highway construction, the estimated cost
19 of which exceeds \$25,000, shall be let by contract to the lowest responsible bidder;
20 all other public highway construction shall be let as the council may direct.
21 Notwithstanding par. (a), if the estimated cost of any public highway construction
22 exceeds \$5,000 but is not greater than \$25,000, the board of public works shall give
23 a class 1 notice, under ch. 985, of the proposed construction before the contract for
24 the construction is executed. This provision does not apply to public highway
25 construction if the materials for such a project are donated or if the labor for such a

1 project is provided by volunteers. The council may also by a vote of three-fourths of
2 all the members-elect provide by ordinance that any class of public highway
3 construction or any part thereof may be done directly by the city without submitting
4 the same for bids.”.

5 **3.** Page 3, line 2: after that line insert:

6 “**SECTION 2g.** 86.51 of the statutes, as affected by 2017 Wisconsin Act 368, is
7 repealed and recreated to read:

8 **86.51 Requirements for local projects. (1)** In this section:

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

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

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

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

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

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

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

