



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBb0103/3
ALL:cdc

**ASSEMBLY AMENDMENT 6,
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 68**

June 29, 2021 - Offered by Representatives HAYWOOD, MCGUIRE, ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HEBL, HESSELBEIN, HINTZ, HONG, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK.

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

2 **1.** Page 6, line 7: after that line insert:

3 **“SECTION 5m.** 13.48 (33v) of the statutes is created to read:

4 13.48 (**33v**) KENOSHA STEM INNOVATION CENTER. (a) The legislature finds and
5 determines that meeting this state’s workforce needs, providing opportunities for
6 residents of this state to learn new job skills, and supporting innovation and
7 entrepreneurship in this state are of vital importance in expanding industries in this
8 state, creating jobs, and improving the municipal, regional, and state economies and
9 are statewide responsibilities of statewide dimension. It is therefore in the public
10 interest, and it is the public policy of this state, to assist the city of Kenosha in the
11 construction of a science, technology, engineering, and mathematics innovation
12 center located in the city of Kenosha.

1 (b) The building commission may authorize up to \$9,750,000 in general fund
2 supported borrowing to assist the city of Kenosha in the construction of a science,
3 technology, engineering, and mathematics innovation center at the site previously
4 occupied by the Chrysler facility in the city. The state funding commitment shall be
5 in the form of a grant to the city of Kenosha. Before approving any state funding
6 commitment for the construction of the innovation center, the building commission
7 shall determine that city of Kenosha has secured additional funding for the project
8 of at least \$9,750,000 from nonstate revenue sources.

9 (c) If the building commission authorizes a grant to the city of Kenosha under
10 par. (b), and if, for any reason, the center that is constructed with funds from the
11 grant is not used as a science, technology, engineering, and mathematics innovation
12 center, the state shall retain an ownership interest in the center equal to the amount
13 of the state's grant.”.

14 **2.** Page 10, line 3: after that line insert:

15 “**SECTION 18b.** 16.5185 (1m) of the statutes is created to read:

16 16.5185 (1m) In fiscal year 2021-22, in addition to the amount under sub. (1),
17 the secretary shall transfer from the general fund to the transportation fund
18 \$22,350,000. In fiscal year 2022-23, in addition to the amount under sub. (1), the
19 secretary shall transfer from the general fund to the transportation fund
20 \$44,700,000.

21 **SECTION 18c.** 16.75 (1p) of the statutes is repealed.

22 **SECTION 18e.** 16.855 (1p) of the statutes is repealed.”.

23 **3.** Page 10, line 3: after that line insert:

24 “**SECTION 18h.** 18.04 (3) of the statutes is amended to read:

1 18.04 (3) Each purpose enumerated in sub. (1) shall be construed to include any
2 premium payable with respect thereto and the expenses of funding, refunding and
3 acquiring public debt. Each purpose specified by the legislature under subs. (1) and
4 (2) shall be construed to include the expenses of contracting and administering
5 public debt.

6 **SECTION 18i.** 18.08 (1) (a) 3. of the statutes is amended to read:

7 18.08 (1) (a) 3. Premiums required for deposit in reserve funds or those
8 necessary to pay expenses incurred in contracting and administering public debt or
9 to make cost of issuance and other ancillary payments may be credited to one or more
10 of the sinking funds of the bond security and redemption fund or to the capital
11 improvement fund, as determined by the commission.

12 **SECTION 18j.** 18.08 (1) (b) of the statutes is amended to read:

13 18.08 (1) (b) Moneys within the capital improvement fund shall be segregated
14 into separate and distinct accounts according to the program purposes defined under
15 ch. 20 for which public debt has been authorized by the legislature or for the payment
16 of expenses incurred in contracting and administering public debt.

17 **SECTION 18k.** 18.08 (1m) (a) of the statutes is renumbered 18.08 (1m) (am) and
18 amended to read:

19 18.08 (1m) (am) Premium proceeds not used under par. (ag) shall first be used
20 for the purposes for which the bonds were issued in proportion to the par value of the
21 bond issue. If the premiums are used for the purposes, the authorized bonding
22 authorization for those purposes is reduced by the amount of premiums that are
23 used.

24 **SECTION 18L.** 18.08 (1m) (ag) of the statutes is created to read:

1 18.08 (1m) (ag) Premium proceeds may be used for the payment of expenses
2 incurred in contracting and administering public debt, as determined by the
3 commission. The authorized bonding authorization is not reduced by the amount of
4 premiums that are used for those expenses.

5 **SECTION 18m.** 18.08 (1m) (b) of the statutes is amended to read:

6 18.08 (1m) (b) Any ~~premiums~~ premium proceeds not used for the purposes for
7 ~~which bonding was authorized~~ under pars. (ag) and (am) may be used for other
8 purposes, as determined by the commission. If the premiums are used for any other
9 purposes, the authorized bonding authorization for those purposes is reduced by the
10 amount of premiums that are used.

11 **SECTION 18n.** 18.08 (2) of the statutes is amended to read:

12 18.08 (2) The capital improvement fund may be expended, pursuant to
13 appropriations, only for the purposes and in the amounts for which the public debts
14 have been contracted, for the payment of principal and interest on loans or on notes,
15 for the payment due, if any, under an agreement or ancillary arrangement entered
16 into under s. 18.06 (8) (a) with respect to any such public debt, for the purposes
17 identified under s. 20.867 (2) (v) and (4) (q), and for expenses incurred in contracting
18 and administering public debt.”.

19 **4.** Page 10, line 3: after that line insert:

20 **“SECTION 18p.** 19.36 (12) of the statutes is created to read:

21 19.36 (12) INFORMATION RELATING TO CERTAIN EMPLOYEES. Unless access is
22 specifically authorized or required by statute, an authority may not provide access
23 to a record prepared or provided by an employer performing work on a project to
24 which s. 66.0903, 103.49, or 103.50 applies, or on which the employer is otherwise

1 required to pay prevailing wages, if that record contains the name or other personally
 2 identifiable information relating to an employee of that employer, unless the
 3 employee authorizes the authority to provide access to that information. In this
 4 subsection, “personally identifiable information” does not include an employee’s
 5 work classification, hours of work, or wage or benefit payments received for work on
 6 such a project.”.

7 **5.** Page 38, line 14: after that line insert:

8 “(a) State broadband office GPR A 956,900 1,059,000”.

9 **6.** Page 40, line 8: after that line insert:

10 “(a) Broadband grants; expansion;
 11 planning; line extension GPR A 76,843,100 76,741,000”.

12 **7.** Page 45, line 3: after that line insert:

13 “(ar) Small business pandemic
 14 recovery program GPR B 200,000,000 -0-”.

15 **8.** Page 45, line 5: after that line insert:

16 “(c) Venture capital fund of
 17 funds program GPR C 100,000,000 -0-”.

18 **9.** Page 45, line 7: after that line insert:

19 “(km) Tribal economic develop-
 20 ment PR-S A 390,000 390,000”.

21 **10.** Page 45, line 10: increase the dollar amount for fiscal year 2021-22 by
 22 \$4,300,000 and increase the dollar amount for fiscal year 2022-23 by \$5,900,000 for
 23 the purposes for which the appropriation is made.

1 for the purpose of increasing the amount allocated for direct child care services in s.
2 49.175 (1) (p).

3 **19.** Page 160, line 15: after that line insert:

4 “(ar) Unemployment insurance; infor-

5 mation technology systems; gen-

6 eral purpose revenue

GPR C

-0-

\$79,486,000

”.

7 **20.** Page 217, line 12: delete lines 12 and 13.

8 **21.** Page 240, line 21: after that line insert:

9 “**SECTION 28d.** 20.155 (1) (a) of the statutes is created to read:

10 20.155 (1) (a) *State broadband office.* The amounts in the schedule for the
11 operations of the state broadband office within the public service commission.

12 **SECTION 28e.** 20.155 (3) (a) of the statutes is created to read:

13 20.155 (3) (a) *Broadband grants; expansion; planning; line extension.* The
14 amounts in the schedule for broadband expansion grants under s. 196.504 (2), for
15 broadband planning grants under s. 196.504 (2g), and for financial assistance grants
16 for broadband line extension under s. 196.504 (2r).

17 **SECTION 28f.** 20.155 (3) (r) of the statutes is amended to read:

18 20.155 (3) (r) *Broadband expansion grants; transfers.* From the universal
19 service fund, all moneys transferred under s. 196.218 (3) (a) 2s. a., 2015 Wisconsin
20 Act 55, section 9236 (1v), 2017 Wisconsin Act 59, section 9237 (1) and (2) (a), and 2019
21 Wisconsin Act 9, section 9201 (1), for broadband expansion grants under s. 196.504
22 (2).

23 **SECTION 28g.** 20.155 (3) (rm) of the statutes is amended to read:

1 20.155 (3) (rm) *Broadband grants; other funding*. From the universal service
2 fund, as a continuing appropriation, all moneys transferred under s. 196.218 (3) (a)
3 2s. b., for broadband expansion grants under s. 196.504 (2).”.

4 **22.** Page 240, line 21: after that line insert:

5 “**SECTION 28m.** 20.192 (1) (a) of the statutes is amended to read:

6 20.192 (1) (a) *Operations and programs*. A sum sufficient in each fiscal year
7 equal to the amount obtained by subtracting from \$56,550,700 in fiscal year
8 2021-22, \$51,550,700 in fiscal year 2022-23, and \$41,550,700 in each fiscal year
9 thereafter an amount equal to the sum of the amounts expended in that fiscal year
10 from the appropriations under pars. (r) and (s), for the operations of the Wisconsin
11 Economic Development Corporation and for funding economic development
12 programs developed and implemented under s. 238.03. No more than \$16,512,500
13 may be expended from this appropriation in any fiscal year, except that no more than
14 \$25,012,500 may be expended from this appropriation in fiscal year 2021-22 and no
15 more than \$20,012,500 may be expended from this appropriation in fiscal year
16 2022-23, and moneys may be expended from this appropriation only if there are no
17 unencumbered moneys available in the appropriation account under par. (r).”.

18 **23.** Page 240, line 21: after that line insert:

19 “**SECTION 28n.** 20.192 (1) (ar) of the statutes is created to read:

20 20.192 (1) (ar) *Small business pandemic recovery program*. Biennially, the
21 amounts in the schedule for the program under s. 238.137 to assist small businesses
22 in recovery from the COVID-19 global pandemic.”.

23 **24.** Page 240, line 21: after that line insert:

24 “**SECTION 28o.** 20.192 (1) (c) of the statutes is created to read:

1 20.192 (1) (c) *Venture capital fund of funds program*. As a continuing
2 appropriation, the amounts in the schedule to meet the financial needs of the venture
3 capital fund of funds program established under s. 238.145 (2), including
4 management fees and the amounts necessary to make investments through the
5 program.”.

6 **25.** Page 240, line 21: after that line insert:

7 “**SECTION 28p.** 20.192 (1) (km) of the statutes is created to read:

8 20.192 (1) (km) *Tribal economic development*. The amounts in the schedule for
9 the purpose of promoting small business economic development benefiting American
10 Indian tribes or bands in this state under s. 238.29. All moneys transferred from the
11 appropriation account under s. 20.505 (8) (hm) 28. shall be credited to this
12 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
13 balance on June 30 of each year shall revert to the appropriation account under s.
14 20.505 (8) (hm).”.

15 **26.** Page 245, line 12: after that line insert:

16 “**SECTION 57m.** 20.395 (1) (bt) of the statutes is created to read:

17 20.395 (1) (bt) *Transit capital assistance grants*. As a continuing
18 appropriation, the amounts in the schedule for transit capital assistance grants
19 under s. 85.203.”.

20 **27.** Page 246, line 25: after that line insert:

21 “**SECTION 60p.** 20.425 (1) (i) of the statutes is amended to read:

22 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals*.
23 The amounts in the schedule for the performance of fact-finding, mediation,
24 certification, and arbitration functions, for the provision of copies of transcripts, for

1 the cost of operating training programs under ss. 111.09 (3), 111.71 (5m), and 111.94
2 (3), for the preparation of publications, transcripts, reports, and other copied
3 material, and for costs related to conducting appeals under s. 230.45. All moneys
4 received under ss. 111.09 (1) and (2), ~~111.70 (4) (d) 3. b.,~~ 111.71 (1) and (2), ~~111.83 (3)~~
5 ~~(b),~~ 111.94 (1) and (2), and 230.45 (3), all moneys received from arbitrators and
6 arbitration panel members, and individuals who are interested in serving in such
7 positions, and from individuals and organizations who participate in other collective
8 bargaining training programs conducted by the commission, and all moneys received
9 from the sale of publications, transcripts, reports, and other copied material shall be
10 credited to this appropriation account.”.

11 **28.** Page 248, line 3: after that line insert:

12 “**SECTION 65f.** 20.437 (2) (eg) of the statutes is created to read:

13 20.437 (2) (eg) *Internet assistance program.* The amounts in the schedule for
14 the Internet assistance program under s. 49.168.”.

15 **29.** Page 248, line 3: after that line insert:

16 “**SECTION 65m.** 20.437 (2) (c) of the statutes is created to read:

17 20.437 (2) (c) *Child care quality improvement program.* The amounts in the
18 schedule for the program under s. 49.133.”.

19 **30.** Page 248, line 3: after that line insert:

20 “**SECTION 65r.** 20.445 (1) (ar) of the statutes is created to read:

21 20.445 (1) (ar) *Unemployment insurance; information technology systems;*
22 *general purpose revenue.* As a continuing appropriation, the amounts in the schedule
23 for the project under s. 108.14 (27).”.

24 **31.** Page 248, line 10: after that line insert:

1 **“SECTION 67n.** 20.445 (1) (n) of the statutes is amended to read:

2 20.445 (1) (n) *Employment assistance and unemployment insurance*
3 *administration; federal moneys.* All federal moneys received, as authorized by the
4 governor under s. 16.54, for the administration of employment assistance and
5 unemployment insurance programs of the department, for the performance of the
6 department's other functions under subch. I of ch. 106 and ch. 108, and to pay the
7 compensation and expenses of appeal tribunals and of employment councils
8 appointed under s. 108.14, to be used for such purposes, except as provided in s.
9 108.161 (3e), and, from the moneys received by this state under section 903 (d) of the
10 federal Social Security Act, as amended, to transfer to the appropriation account
11 under par. (nb) an amount determined by the treasurer of the unemployment reserve
12 fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the
13 amounts in the schedule under par. (nb), to transfer to the appropriation account
14 under par. (nd) an amount determined by the treasurer of the unemployment reserve
15 fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the
16 amounts in the schedule under par. (nd), to transfer to the appropriation account
17 under par. (ne) an amount not exceeding the lesser of the amount specified in s.
18 108.161 (4) (d) or the sum of the amounts in the schedule under par. (ne) and the
19 amount determined by the treasurer of the unemployment reserve fund that is
20 required to pay for the cost of banking services incurred by the unemployment
21 reserve fund, and, from any other federal moneys received by this state for the project
22 under s. 108.14 (27), to transfer to the appropriation account under par. (nc) an
23 amount determined by the treasurer of the unemployment reserve fund, and to
24 transfer to the appropriation account under s. 20.427 (1) (k) an amount determined
25 by the treasurer of the unemployment reserve fund.

1 **SECTION 67r.** 20.445 (1) (nb) (title) of the statutes is amended to read:

2 20.445 (1) (nb) (title) *Unemployment administration; information technology*
3 *systems; other federal moneys.*

4 **SECTION 67w.** 20.445 (1) (nc) of the statutes is created to read:

5 20.445 (1) (nc) *Unemployment administration; information technology*
6 *systems; federal moneys.* All moneys transferred from par. (n), for the project under
7 s. 108.14 (27).”.

8 **32.** Page 251, line 16: after that line insert:

9 “**SECTION 80g.** 20.505 (1) (ks) of the statutes is amended to read:

10 20.505 (1) (ks) *Collective bargaining grievance arbitrations.* The amounts in
11 the schedule for the payment of the state’s share of costs related to collective
12 bargaining grievance arbitrations under s. 111.86. All moneys received from state
13 agencies or authorities for the purpose of reimbursing the state’s share of the costs
14 related to grievance arbitrations under s. 111.86 and to reimburse the state’s share
15 of costs for training related to grievance arbitrations shall be credited to this
16 appropriation account.”.

17 **33.** Page 253, line 16: delete lines 16 to 21.

18 **34.** Page 254, line 8: before “(cz),” insert “(cy)”.

19 **35.** Page 254, line 20: increase the underscored dollar amount by
20 \$337,261,000.

21 **36.** Page 255, line 4: increase the underscored dollar amount by \$71,087,000.

22 **37.** Page 260, line 7: increase the underscored dollar amount by \$35,496,000.

23 **38.** Page 260, line 13: increase the underscored dollar amount by \$41,791,000.

1 **39.** Page 260, line 22: increase the underscored dollar amount by \$64,941,200.

2 **40.** Page 261, line 14: increase the underscored dollar amount by \$75,000,000.

3 **41.** Page 262, line 11: increase the underscored dollar amount by
4 \$113,629,000.

5 **42.** Page 262, line 20: increase the underscored dollar amount by \$12,100,000.

6 **43.** Page 263, line 17: after that line insert:

7 “**SECTION 119m.** 20.866 (2) (zcy) of the statutes is created to read:

8 20.866 (2) (zcy) *Kenosha STEM innovation center.* From the capital
9 improvement fund, a sum sufficient for the building commission to provide a grant
10 to the city of Kenosha for the construction of the science, technology, engineering, and
11 mathematics innovation center specified in s. 13.48 (33v). The state may contract
12 public debt in an amount not to exceed \$9,750,000 for this purpose.”.

13 **44.** Page 264, line 5: increase the underscored dollar amount by \$1,340,000.

14 **45.** Page 264, line 23: increase the underscored dollar amount by \$10,556,400.

15 **46.** Page 265, line 7: increase the underscored dollar amount by \$2,528,000.

16 **47.** Page 266, line 15: after that line insert:

17 “**SECTION 128m.** 20.867 (3) (cy) of the statutes is created to read:

18 20.867 (3) (cy) *Kenosha STEM innovation center.* A sum sufficient to reimburse
19 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
20 the construction of the science, technology, engineering, and mathematics
21 innovation center specified in s. 13.48 (33v), to make the payments determined by
22 the building commission under s. 13.488 (1) (m) that are attributable to the proceeds

1 of obligations incurred in financing the project, and to make payments under an
2 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).”.

3 **48.** Page 267, line 3: after that line insert:

4 “**SECTION 130n.** 20.921 (1) (a) 2. of the statutes is amended to read:

5 20.921 (1) (a) 2. If the state employee is a public safety employee under s. 111.81
6 (15r) or is in a collective bargaining unit containing a frontline worker under s. 111.81
7 (9b), payment of dues to employee organizations.”.

8 **49.** Page 278, line 15: after that line insert:

9 “**SECTION 180g.** 40.51 (7) (a) of the statutes is amended to read:

10 40.51 (7) (a) Any employer, other than the state, including an employer that
11 is not a participating employer, may offer to all of its employees a health care
12 coverage plan through a program offered by the group insurance board.
13 Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule
14 establish different eligibility standards or contribution requirements for such
15 employees and employers. Beginning on January 1, 2012, except as otherwise
16 provided in a collective bargaining agreement under subch. IV of ch. 111 that covers
17 public safety employees or transit employees and except as provided in par. (b), an
18 employer may not offer a health care coverage plan to its employees under this
19 subsection if the employer pays more than 88 percent of the average premium cost
20 of plans offered in any tier with the lowest employee premium cost under this
21 subsection.”.

22 **50.** Page 281, line 12: after that line insert:

23 “**SECTION 189n.** 46.2895 (8) (a) 1. of the statutes is amended to read:

1 46.2895 (8) (a) 1. If the long-term care district offers employment to any
2 individual who was previously employed by a county, which participated in creating
3 the district and at the time of the offer had not withdrawn or been removed from the
4 district under sub. (14), and who while employed by the county performed duties
5 relating to the same or a substantially similar function for which the individual is
6 offered employment by the district and ~~whose wages were established in who was~~
7 ~~covered by~~ a collective bargaining agreement with the county under subch. IV of ch.
8 111 that is in effect on the date that the individual commences employment with the
9 district, with respect to that individual, abide by the terms of the collective
10 bargaining agreement ~~concerning the individual's wages~~ until the time of the
11 expiration of that collective bargaining agreement or adoption of a collective
12 bargaining agreement with the district under subch. IV of ch. 111 covering the
13 individual as an employee of the district, whichever occurs first.”.

14 **51.** Page 286, line 17: after that line insert:

15 “**SECTION 207e.** 49.133 of the statutes is created to read:

16 **49.133 Child care quality improvement program.** (1) The department
17 may establish a program under which it may, from the appropriation under s. 20.437
18 (2) (c) and under s. 49.175 (1) (qm), make monthly payments and monthly per-child
19 payments to child care providers certified under s. 48.651, child care centers licensed
20 under s. 48.65, and child care programs established or contracted for by a school
21 board under s. 120.13 (14). Of the amounts from the appropriation under s. 20.437
22 (2) (c), the department may award 10 percent to child care providers, child care
23 centers, and child care programs located in child care deserts, as defined by the
24 department.

1 **(2)** The department may promulgate rules to implement the program under
2 this section, including establishing eligibility requirements and payment amounts
3 and setting requirements for how recipients may use the payments.

4 **SECTION 207g.** 49.155 (1m) (c) 4. of the statutes is created to read:

5 49.155 **(1m)** (c) 4. If the individual is a direct care worker serving seniors or
6 people with chronic medical conditions or disabilities, \$10,000 of the individual's
7 gross income from caregiving shall be disregarded when determining the
8 individual's eligibility under this paragraph.

9 **SECTION 207h.** 49.155 (6) (e) of the statutes is repealed.”.

10 **52.** Page 286, line 17: after that line insert:

11 **“SECTION 207m.** 49.168 of the statutes is created to read:

12 **49.168 Internet assistance program. (1)** The department shall establish
13 an Internet assistance program under which it shall, from the appropriation under
14 s. 20.437 (2) (eg) and the allocation under s. 49.175 (1) (x), make payments to internet
15 service providers on behalf of low-income individuals to assist with paying for
16 Internet service. Assistance under this program may be provided only after other
17 assistance program options have been exhausted. The department may contract for
18 the administration of the program.

19 **(2)** The department shall promulgate rules to implement the program under
20 this section and shall include a financial eligibility requirement that the family
21 income of a recipient not exceed 200 percent of the poverty line.”.

22 **53.** Page 288, line 8: delete lines 8 to 11 and substitute:

23 **“SECTION 216m.** 49.175 (1) (p) of the statutes is amended to read:

1 49.175 (1) (p) *Direct child care services*. For direct child care services under s.
2 49.155 or 49.257, ~~\$357,097,500 in fiscal year 2019-20 and \$365,700,400~~
3 \$385,490,000 in each fiscal year 2020-21.”.

4 **54.** Page 288, line 17: delete lines 17 to 20 and substitute:

5 “**SECTION 218m.** 49.175 (1) (qm) of the statutes is amended to read:

6 49.175 (1) (qm) *Quality care for quality kids*. For the child care quality
7 improvement activities specified in ss. 49.133, 49.155 (1g), and 49.257, ~~\$16,532,900~~
8 \$33,847,900 in fiscal year ~~2019-20~~ 2021-22 and ~~\$16,683,700~~ \$34,484,700 in fiscal
9 year ~~2020-21~~ 2022-23.”.

10 **55.** Page 290, line 2: after that line insert:

11 “**SECTION 223m.** 49.175 (1) (x) of the statutes is created to read:

12 49.175 (1) (x) *Internet assistance program*. For the Internet assistance
13 program under s. 49.168, \$10,000,000 in each fiscal year.”.

14 **56.** Page 295, line 17: after that line insert:

15 “**SECTION 238b.** 66.0422 (1) (cg) of the statutes is created to read:

16 66.0422 (1) (cg) “Underserved area” means an area of this state that is
17 designated as an underserved area by the public service commission under s. 196.504
18 (2) (d).

19 **SECTION 238c.** 66.0422 (1) (cr) of the statutes is created to read:

20 66.0422 (1) (cr) “Unserved area” means an area of this state that is designated
21 as an unserved area by the public service commission under s. 196.504 (2) (e).

22 **SECTION 238d.** 66.0422 (2) (c) of the statutes is amended to read:

23 66.0422 (2) (c) No less than 30 days before the public hearing, the local
24 government prepares and makes available for public inspection a report estimating

1 the total costs of, and revenues derived from, constructing, owning, or operating the
2 facility and including a cost-benefit analysis of the facility for a period of at least 3
3 years. The costs that are subject to this paragraph include personnel costs and costs
4 of acquiring, installing, maintaining, repairing, or operating any plant or
5 equipment, and include an appropriate allocated portion of costs of personnel, plant,
6 or equipment that are used to provide jointly both telecommunications services and
7 other services. This paragraph does not apply to a broadband facility that is intended
8 to serve an underserved or unserved area.

9 **SECTION 238e.** 66.0422 (3d) (intro.) of the statutes is amended to read:

10 66.0422 (3d) (intro.) Subsection (2) does not apply to a facility for providing
11 broadband service to an area within the boundaries of a local government if the local
12 government asks, in writing, each person that provides broadband service within the
13 boundaries of the local government whether the person currently provides
14 broadband service to the area and, if the area is not an underserved or unserved area,
15 whether the person intends to provide broadband service to the area within 9
16 months, or, if the area is an underserved or unserved area, whether the person
17 actively plans to provide broadband service to the area within 3 months and any of
18 the following are satisfied:

19 **SECTION 238f.** 66.0422 (3d) (a) of the statutes is amended to read:

20 66.0422 (3d) (a) ~~The local government asks, in writing, each person that~~
21 ~~provides broadband service within the boundaries of the local government whether~~
22 ~~the person currently provides broadband service to the area or intends to provide~~
23 ~~broadband service within 9 months to the area and within 60 days after receiving the~~
24 ~~written request no person responds in writing to the~~ The local government does not
25 receive a response in writing that the a person currently provides broadband service

1 to the area or intends or actively plans to provide broadband service to the area
2 within ~~9 months~~ the relevant time period.

3 **SECTION 238g.** 66.0422 (3d) (b) of the statutes is amended to read:

4 66.0422 **(3d)** (b) The local government determines that a person who responded
5 ~~to a written request under par. (a)~~ that the person currently provides broadband
6 service to the area did not actually provide broadband service to the area and no other
7 person ~~makes the response~~ responds to the local government ~~described in par. (a)~~.

8 **SECTION 238h.** 66.0422 (3d) (c) of the statutes is amended to read:

9 66.0422 **(3d)** (c) The local government determines that a person who responded
10 ~~to a written request under par. (a)~~ that the person intended or actively planned to
11 provide broadband service to the area within ~~9 months~~ the relevant time period did
12 not actually provide broadband service to the area within ~~9 months~~ the relevant time
13 period and no other person ~~makes the response~~ responds to the local government
14 described in par. (a).

15 **SECTION 238i.** 66.0422 (3m) (b) of the statutes is amended to read:

16 66.0422 **(3m)** (b) The municipality itself does not use the facility to provide
17 broadband service to end users. This paragraph does not apply to a facility that is
18 intended to serve an underserved or unserved area.

19 **SECTION 238j.** 66.0422 (3m) (c) of the statutes is amended to read:

20 66.0422 **(3m)** (c) The municipality determines that, at the time that the
21 municipality authorizes the construction, ownership, or operation of the facility,
22 whichever occurs first, the facility does not compete with more than one provider of
23 broadband service. This paragraph does not apply to a facility that is intended to
24 serve an underserved or unserved area.”.

1 **57.** Page 295, line 17: after that line insert:

2 “**SECTION 238k.** 66.0602 (2m) (a) of the statutes is renumbered 66.0602 (2m).

3 **SECTION 238L.** 66.0602 (2m) (b) of the statutes is repealed.”.

4 **58.** Page 295, line 17: after that line insert:

5 “**SECTION 238m.** 66.0901 (1) (ae) of the statutes is repealed.

6 **SECTION 238n.** 66.0901 (1) (am) of the statutes is repealed.

7 **SECTION 238o.** 66.0901 (6) of the statutes is amended to read:

8 66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public
9 contracts for the construction, repair, remodeling or improvement of a public
10 building or structure, other than highway structures and facilities, a municipality
11 may bid projects based on a single or multiple division of the work. Public contracts
12 shall be awarded according to the division of work selected for bidding. ~~Except as~~
13 ~~provided in sub. (6m), the~~ The municipality may set out in any public contract
14 reasonable and lawful conditions as to the hours of labor, wages, residence, character
15 and classification of workers to be employed by any contractor, classify contractors
16 as to their financial responsibility, competency and ability to perform work and set
17 up a classified list of contractors. The municipality may reject the bid of any person,
18 if the person has not been classified for the kind or amount of work in the bid.

19 **SECTION 238p.** 66.0901 (6m) of the statutes is repealed.

20 **SECTION 238q.** 66.0901 (6s) of the statutes is repealed.”.

21 **59.** Page 295, line 17: after that line insert:

22 “**SECTION 238a.** 66.0129 (5) of the statutes is amended to read:

23 66.0129 (5) BIDS FOR CONSTRUCTION. The nonprofit corporation shall let all
24 contracts exceeding \$1,000 for the construction, maintenance or repair of hospital

1 facilities to the lowest responsible bidder after advertising for bids by the publication
2 of a class 2 notice under ch. 985. ~~Section~~ Sections 66.0901 applies and 66.0903 apply
3 to bids and contracts under this subsection.

4 **SECTION 238r.** 66.0903 (1) (a), (am), (b), (cm), (dr), (em), (hm) and (im) of the
5 statutes are created to read:

6 66.0903 (1) (a) “Area” means the county in which a proposed project of public
7 works that is subject to this section is located or, if the department determines that
8 there is insufficient wage data in that county, “area” means those counties that are
9 contiguous to that county or, if the department determines that there is insufficient
10 wage data in those counties, “area” means those counties that are contiguous to those
11 counties or, if the department determines that there is insufficient wage data in those
12 counties, “area” means the entire state or, if the department is requested to review
13 a determination under sub. (3) (br), “area” means the city, village, or town in which
14 a proposed project of public works that is subject to this section is located.

15 (am) “Bona fide economic benefit” has the meaning given in s. 103.49 (1) (am).

16 (b) “Department” means the department of workforce development.

17 (cm) “Insufficient wage data” has the meaning given in s. 103.49 (1) (bg).

18 (dr) “Minor service or maintenance work” means a project of public works that
19 is limited to minor crack filling, chip or slurry sealing, or other minor pavement
20 patching, not including overlays, that has a projected life span of no longer than 5
21 years or that is performed for a town and is not funded under s. 86.31, regardless of
22 projected life span; the depositing of gravel on an existing gravel road applied solely
23 to maintain the road; road shoulder maintenance; cleaning of drainage or sewer
24 ditches or structures; or any other limited, minor work on public facilities or
25 equipment that is routinely performed to prevent breakdown or deterioration.

1 (em) “Multiple-trade project of public works” has the meaning given in s.
2 103.49 (1) (br).

3 (hm) “Single-trade project of public works” has the meaning given in s. 103.49
4 (1) (em).

5 (im) “Supply and installation contract” has the meaning given in s. 103.49 (1)
6 (fm).

7 **SECTION 238s.** 66.0903 (1) (c) of the statutes is amended to read:

8 66.0903 (1) (c) “Hourly basic rate of pay” has the meaning given in s. ~~16.856~~
9 103.49 (1) (b), ~~2015 stats.~~

10 **SECTION 238t.** 66.0903 (1) (f) of the statutes is amended to read:

11 66.0903 (1) (f) “Prevailing hours of labor” has the meaning given in s. ~~16.856~~
12 103.49 (1) (e), ~~2015 stats. (c).~~

13 **SECTION 238u.** 66.0903 (1) (g) of the statutes is repealed and recreated to read:

14 66.0903 (1) (g) “Prevailing wage rate” has the meaning given in s. 103.49 (1)
15 (d).

16 **SECTION 238v.** 66.0903 (1) (j) of the statutes is amended to read:

17 66.0903 (1) (j) “Truck driver” ~~includes an owner-operator of a truck~~ has the
18 meaning given in s. 103.49 (1) (g).

19 **SECTION 238w.** 66.0903 (1m) (b) of the statutes is amended to read:

20 66.0903 (1m) (b) The legislature finds that the enactment of ordinances or
21 other enactments by local governmental units requiring laborers, workers,
22 mechanics, and truck drivers employed on projects of public works or on publicly
23 funded private construction projects to be paid the prevailing wage rate and to be
24 paid at least 1.5 times their hourly basic rate of pay for hours worked in excess of the
25 prevailing hours of labor would be logically inconsistent with, would defeat the

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

10 **SECTION 238x.** 66.0903 (2) to (12) of the statutes are created to read:

11 66.0903 (2) APPLICABILITY. Subject to sub. (5), this section applies to any project
12 of public works erected, constructed, repaired, remodeled, or demolished for a local
13 governmental unit, including all of the following:

14 (a) A highway, street, bridge, building, or other infrastructure project.

15 (b) A project erected, constructed, repaired, remodeled, or demolished by one
16 local governmental unit for another local governmental unit under a contract under
17 s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically
18 authorizing cooperation between local governmental units.

19 (c) A project in which the completed facility is leased, purchased, lease
20 purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu
21 of the local governmental unit contracting for the erection, construction, repair,
22 remodeling, or demolition of the facility.

23 (d) A road, street, bridge, sanitary sewer, or water main project in which the
24 completed road, street, bridge, sanitary sewer, or water main is acquired by, or

1 dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership
2 or maintenance by the local governmental unit.

3 **(3) PREVAILING WAGE RATES AND HOURS OF LABOR.** (am) A local governmental unit,
4 before making a contract by direct negotiation or soliciting bids on a contract for the
5 erection, construction, remodeling, repairing, or demolition of any project of public
6 works, shall apply to the department to determine the prevailing wage rate for each
7 trade or occupation required in the work contemplated. The department shall
8 conduct investigations and hold public hearings as necessary to define the trades or
9 occupations that are commonly employed on projects of public works that are subject
10 to this section and to inform itself of the prevailing wage rates in all areas of the state
11 for those trades or occupations, in order to determine the prevailing wage rate for
12 each trade or occupation. The department shall issue its determination within 30
13 days after receiving the request and shall file the determination with the requesting
14 local governmental unit.

15 (ar) The department shall, by January 1 of each year, compile the prevailing
16 wage rates for each trade or occupation in each area. The compilation shall, in
17 addition to the current prevailing wage rates, include future prevailing wage rates
18 when those prevailing wage rates can be determined for any trade or occupation in
19 any area and shall specify the effective date of those future prevailing wage rates.
20 If a project of public works extends into more than one area, the department shall
21 determine only one standard of prevailing wage rates for the entire project.

22 (av) In determining prevailing wage rates under par. (am) or (ar), the
23 department may not use data from projects that are subject to this section, s. 103.49
24 or 103.50, or 40 USC 3142 unless the department determines that there is
25 insufficient wage data in the area to determine those prevailing wage rates, in which

1 case the department may use data from projects that are subject to this section, s.
2 103.49 or 103.50, or 40 USC 3142. In determining prevailing wage rates under par.
3 (am) or (ar), the department may not use data from any construction work that is
4 performed by a local governmental unit or a state agency.

5 (bm) Any person may request a recalculation of any portion of an initial
6 determination within 30 days after the initial determination date if the person
7 submits evidence with the request showing that the prevailing wage rate for any
8 given trade or occupation included in the initial determination does not represent the
9 prevailing wage rate for that trade or occupation in the area. The evidence shall
10 include wage rate information reflecting work performed by individuals working in
11 the contested trade or occupation in the area during the current survey period. The
12 department shall affirm or modify the initial determination within 15 days after the
13 date on which the department receives the request for recalculation.

14 (br) In addition to the recalculation under par. (bm), the local governmental
15 unit that requested the determination under this subsection may request a review
16 of any portion of a determination within 30 days after the date of issuance of the
17 determination if the local governmental unit submits evidence with the request
18 showing that the prevailing wage rate for any given trade or occupation included in
19 the determination does not represent the prevailing wage rate for that trade or
20 occupation in the city, village, or town in which the proposed project of public works
21 is located. That evidence shall include wage rate information for the contested trade
22 or occupation on at least 3 similar projects located in the city, village, or town where
23 the proposed project of public works is located and on which some work has been
24 performed during the current survey period and which were considered by the
25 department in issuing its most recent compilation under par. (ar). The department

1 shall affirm or modify the determination within 15 days after the date on which the
2 department receives the request for review.

3 (dm) A local governmental unit that is subject to this section shall include a
4 reference to the prevailing wage rates determined by the department and to the
5 prevailing hours of labor in the notice published for the purpose of securing bids for
6 the project of public works. Except as otherwise provided in this paragraph, if any
7 contract or subcontract for a project of public works is entered into, the prevailing
8 wage rates determined by the department and the prevailing hours of labor shall be
9 physically incorporated into and made a part of the contract or subcontract. For a
10 minor subcontract, as determined by the department, the department shall
11 prescribe by rule the method of notifying the minor subcontractor of the prevailing
12 wage rates and prevailing hours of labor applicable to the minor subcontract. The
13 prevailing wage rates and prevailing hours of labor applicable to a contract or
14 subcontract may not be changed during the time that the contract or subcontract is
15 in force.

16 (e) No contractor, subcontractor, or contractor or subcontractor's agent that is
17 subject to this section may do any of the following:

18 1. Pay an individual performing the work described in sub. (4) less than the
19 prevailing wage rate in the same or most similar trade or occupation determined
20 under this subsection.

21 2. Allow an individual performing the work described in sub. (4) to work a
22 greater number of hours per day or per week than the prevailing hours of labor,
23 unless the contractor, subcontractor, or contractor or subcontractor's agent pays the
24 individual for all hours worked in excess of the prevailing hours of labor at a rate of
25 at least 1.5 times the individual's hourly basic rate of pay.

1 **(4) COVERED EMPLOYEES.** (a) Subject to par. (b), any person subject to this
2 section shall pay all of the following employees the prevailing wage rate determined
3 under sub. (3) and may not allow such employees to work a greater number of hours
4 per day or per week than the prevailing hours of labor, unless the person pays the
5 employee for all hours worked in excess of the prevailing hours of labor at a rate of
6 at least 1.5 times the employee's hourly basic rate of pay:

7 1. All laborers, workers, mechanics, and truck drivers employed on the site of
8 a project of public works that is subject to this section.

9 2. All laborers, workers, mechanics, and truck drivers employed in the
10 manufacturing or furnishing of materials, articles, supplies, or equipment on the site
11 of a project of public works that is subject to this section or from a facility dedicated
12 exclusively, or nearly so, to a project of public works that is subject to this section by
13 a contractor, subcontractor, agent, or other person performing any work on the site
14 of the project.

15 (b) A laborer, worker, mechanic, or truck driver who is employed to process,
16 manufacture, pick up, or deliver materials or products from a commercial
17 establishment that has a fixed place of business from which the establishment
18 supplies processed or manufactured materials or products or from a facility that is
19 not dedicated exclusively, or nearly so, to a project of public works that is subject to
20 this section is not entitled to receive the prevailing wage rate determined under sub.
21 (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours
22 worked in excess of the prevailing hours of labor unless any of the following applies:

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

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

3 2. The laborer, worker, mechanic, or truck driver is employed to go to the site
4 of a project of public works that is subject to this section, pick up excavated material
5 or spoil from the site of the project, and transport that excavated material or spoil
6 away from the site of the project.

7 (c) A person subject to this section shall pay a truck driver who is an
8 owner-operator of a truck separately for his or her work and for the use of his or her
9 truck.

10 **(5) NONAPPLICABILITY.** This section does not apply to any of the following:

11 (a) A single-trade project of public works for which the estimated project cost
12 of completion is less than \$48,000, a multiple-trade project of public works for which
13 the estimated project cost of completion is less than \$100,000, or, in the case of a
14 multiple-trade project of public works erected, constructed, repaired, remodeled, or
15 demolished by a private contractor for a city or village having a population of less
16 than 2,500 or for a town, a multiple-trade project of public works for which the
17 estimated project cost of completion is less than \$234,000.

18 (b) Work performed on a project of public works for which the local
19 governmental unit contracting for the project is not required to compensate any
20 contractor, subcontractor, contractor's or subcontractor's agent, or individual for
21 performing the work.

22 (c) Minor service or maintenance work, warranty work, or work under a supply
23 and installation contract.

1 (f) A project of public works involving the erection, construction, repair,
2 remodeling, or demolition of a residential property containing 2 dwelling units or
3 less.

4 (g) A road, street, bridge, sanitary sewer, or water main project that is a part
5 of a development in which not less than 90 percent of the lots contain or will contain
6 2 dwelling units or less, as determined by the local governmental unit at the time of
7 approval of the development, and that, on completion, is acquired by, or dedicated to,
8 a local governmental unit, including under s. 236.13 (2), for ownership or
9 maintenance by the local governmental unit.

10 **(8) POSTING.** A local governmental unit that has contracted for a project of
11 public works shall post the prevailing wage rates determined by the department, the
12 prevailing hours of labor, and the provisions of subs. (10) (a) and (11) (a) in at least
13 one conspicuous place on the site of the project that is easily accessible by employees
14 working on the project, or, if there is no common site on the project, at the place
15 normally used by the local governmental unit to post public notices.

16 **(9) COMPLIANCE.** (a) When the department finds that a local governmental unit
17 has not requested a determination under sub. (3) (am) or that a local governmental
18 unit, contractor, or subcontractor has not physically incorporated a determination
19 into a contract or subcontract as required under this section or has not notified a
20 minor subcontractor of a determination in the manner prescribed by the department
21 by rule promulgated under sub. (3) (dm), the department shall notify the local
22 governmental unit, contractor, or subcontractor of the noncompliance and shall file
23 the determination with the local governmental unit, contractor, or subcontractor
24 within 30 days after the notice.

1 (b) Upon completion of a project of public works and before receiving final
2 payment for his or her work on the project, each agent or subcontractor shall furnish
3 the contractor with an affidavit stating that the agent or subcontractor has complied
4 fully with the requirements of this section. A contractor may not authorize final
5 payment until the affidavit is filed in proper form and order.

6 (c) Upon completion of a project of public works and before receiving final
7 payment for his or her work on the project, each contractor shall file with the local
8 governmental unit authorizing the work an affidavit stating that the contractor has
9 complied fully with the requirements of this section and that the contractor has
10 received an affidavit under par. (b) from each of the contractor's agents and
11 subcontractors. A local governmental unit may not authorize a final payment until
12 the affidavit is filed in proper form and order. If a local governmental unit authorizes
13 a final payment before an affidavit is filed in proper form and order or if the
14 department determines, based on the greater weight of the credible evidence, that
15 any person performing the work specified in sub. (4) has been or may have been paid
16 less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay
17 for all hours worked in excess of the prevailing hours of labor and requests that the
18 local governmental unit withhold all or part of the final payment, but the local
19 governmental unit fails to do so, the local governmental unit is liable for all back
20 wages payable up to the amount of the final payment.

21 **(10) RECORDS; INSPECTION; ENFORCEMENT.** (a) Each contractor, subcontractor, or
22 contractor's or subcontractor's agent that performs work on a project of public works
23 that is subject to this section shall keep full and accurate records clearly indicating
24 the name and trade or occupation of every individual performing the work described

1 in sub. (4) and an accurate record of the number of hours worked by each of those
2 individuals and the actual wages paid for the hours worked.

3 (b) The department or the contracting local governmental unit may demand
4 and examine, and every contractor, subcontractor, and contractor's or
5 subcontractor's agent shall keep, and furnish upon request by the department or
6 local governmental unit, copies of payrolls and other records and information
7 relating to the wages paid to individuals performing the work described in sub. (4)
8 for work to which this section applies. The department may inspect records in the
9 manner provided in ch. 103. Every contractor, subcontractor, or agent performing
10 work on a project of public works that is subject to this section is subject to the
11 requirements of ch. 103 relating to the examination of records.

12 (c) If requested by any person, the department shall inspect the payroll records
13 of any contractor, subcontractor, or agent performing work on a project of public
14 works that is subject to this section as provided in this paragraph to ensure
15 compliance with this section. On receipt of such a request, the department shall
16 request that the contractor, subcontractor, or agent submit to the department a
17 certified record of the information specified in par. (a), other than personally
18 identifiable information relating to an employee of the contractor, subcontractor, or
19 agent, for no longer than a 4-week period. The department may request that a
20 contractor, subcontractor, or agent submit those records no more than once per
21 calendar quarter for each project of public works on which the contractor,
22 subcontractor, or agent is performing work. The department may not charge a
23 requester a fee for obtaining that information. Certified records submitted to the
24 department under this paragraph are open for public inspection and copying under
25 s. 19.35 (1).

1 (d) Section 103.005 (5) (f), (11), (12), and (13) applies to this section, except that
2 s. 103.005 (12) (a) does not apply to a person who fails to provide any information to
3 the department to assist the department in determining prevailing wage rates under
4 sub. (3) (am) or (ar). Section 111.322 (2m) applies to discharge and other
5 discriminatory acts arising in connection with any proceeding under this section,
6 including proceedings under sub. (11) (a).

7 **(11) LIABILITY AND PENALTIES.** (a) 1. A contractor, subcontractor, or contractor's
8 or subcontractor's agent who fails to pay the prevailing wage rate determined by the
9 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
10 pay for all hours worked in excess of the prevailing hours of labor is liable to any
11 affected employee in the amount of his or her unpaid wages or his or her unpaid
12 overtime compensation and in an additional amount as liquidated damages as
13 provided under subd. 2. or 3., whichever is applicable.

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

23 3. In addition to or in lieu of recovering the liability specified in subd. 1. as
24 provided in subd. 2., any employee for and on behalf of that employee and other
25 employees similarly situated may commence an action to recover that liability in any

1 court of competent jurisdiction. If the court finds that a contractor, subcontractor,
2 or contractor's or subcontractor's agent has failed to pay the prevailing wage rate
3 determined by the department under sub. (3) or has paid less than 1.5 times the
4 hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor,
5 the court shall order the contractor, subcontractor, or agent to pay to any affected
6 employee the amount of his or her unpaid wages or his or her unpaid overtime
7 compensation and an additional amount equal to 100 percent of the amount of those
8 unpaid wages or that unpaid overtime compensation as liquidated damages.

9 5. No employee may be a party plaintiff to an action under subd. 3. unless the
10 employee consents in writing to become a party and the consent is filed in the court
11 in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in
12 addition to any judgment awarded to the plaintiff, allow reasonable attorney fees
13 and costs to be paid by the defendant.

14 (b) 1. Except as provided in subs. 2., 4., and 6., any contractor, subcontractor,
15 or contractor's or subcontractor's agent who violates this section may be fined not
16 more than \$200 or imprisoned for not more than 6 months or both. Each day that
17 any violation continues is a separate offense.

18 2. Whoever induces any individual who seeks to be or is employed on any
19 project of public works that is subject to this section to give up, waive, or return any
20 part of the wages to which the individual is entitled under the contract governing the
21 project, or who reduces the hourly basic rate of pay normally paid to an individual
22 for work on a project that is not subject to this section during a week in which the
23 individual works both on a project of public works that is subject to this section and
24 on a project that is not subject to this section, by threat not to employ, by threat of

1 dismissal from employment, or by any other means is guilty of an offense under s.
2 946.15 (1).

3 3. Any individual employed on a project of public works that is subject to this
4 section who knowingly allows a contractor, subcontractor, or contractor's or
5 subcontractor's agent to pay him or her less than the prevailing wage rate set forth
6 in the contract governing the project, who gives up, waives, or returns any part of the
7 compensation to which he or she is entitled under the contract, or who gives up,
8 waives, or returns any part of the compensation to which he or she is normally
9 entitled for work on a project that is not subject to this section during a week in which
10 the individual works both on a project of public works that is subject to this section
11 and on a project that is not subject to this section, is guilty of an offense under s.
12 946.15 (2).

13 4. Whoever induces any individual who seeks to be or is employed on any
14 project of public works that is subject to this section to allow any part of the wages
15 to which the individual is entitled under the contract governing the project to be
16 deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless
17 the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is
18 working on a project that is subject to 40 USC 3142.

19 5. Any individual who is employed on a project of public works that is subject
20 to this section who knowingly allows any part of the wages to which he or she is
21 entitled under the contract governing the project to be deducted from his or her pay
22 is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed
23 under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject
24 to 40 USC 3142.

1 6. Subdivision 1. does not apply to any person who fails to provide any
2 information to the department to assist the department in determining prevailing
3 wage rates under sub. (3) (am) or (ar).

4 **(12) DEBARMENT.** (a) Except as provided under pars. (b) and (c), the department
5 shall notify any local governmental unit applying for a determination under sub. (3)
6 of the names of all persons that the department has found to have failed to pay the
7 prevailing wage rate determined under sub. (3) or has found to have paid less than
8 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing
9 hours of labor at any time in the preceding 3 years. The department shall include
10 with each name the address of the person and shall specify when the person failed
11 to pay the prevailing wage rate and when the person paid less than 1.5 times the
12 hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.
13 A local governmental unit may not award any contract to the person unless otherwise
14 recommended by the department or unless 3 years have elapsed from the date the
15 department issued its findings or the date of final determination by a court of
16 competent jurisdiction, whichever is later.

17 (b) The department may not include in a notification under par. (a) the name
18 of any person on the basis of having subcontracted a contract for a project of public
19 works to a person that the department has found to have failed to pay the prevailing
20 wage rate determined under sub. (3) or has found to have paid less than 1.5 times
21 the hourly basic rate of pay for all hours worked in excess of the prevailing hours of
22 labor.

23 (c) This subsection does not apply to any contractor, subcontractor, or agent
24 who in good faith commits a minor violation of this section, as determined on a

1 case-by-case basis through administrative hearings with all rights to due process
2 afforded to all parties or who has not exhausted or waived all appeals.

3 (d) Any person submitting a bid or negotiating a contract on a project of public
4 works that is subject to this section shall, on the date the person submits the bid or
5 negotiates the contract, identify any construction business in which the person, or
6 a shareholder, officer, or partner of the person, if the person is a business, owns, or
7 has owned at least a 25 percent interest on the date the person submits the bid or
8 negotiates the contract or at any other time within 3 years preceding the date the
9 person submits the bid or negotiates the contract, if the business has been found to
10 have failed to pay the prevailing wage rate determined under sub. (3) or to have paid
11 less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the
12 prevailing hours of labor.

13 (e) The department shall promulgate rules to administer this subsection.”.

14 **60.** Page 295, line 17: after that line insert:

15 “**SECTION 238y.** 70.03 (1) of the statutes is amended to read:

16 70.03 (1) In chs. 70 to 76, 78, and 79, “real property,” “real estate,” and “land”
17 include not only the land itself but all buildings ~~and, fixtures,~~ improvements thereon,
18 ~~and all fixtures and, leases,~~ rights, and privileges appertaining thereto, including
19 assets that cannot be taxed separately as real property, but are inextricably
20 intertwined with the real property, enable the real property to achieve its highest and
21 best use, and are transferable to future owners, except as provided in sub. (2) and
22 except that for the purpose of time-share property, as defined in s. 707.02 (32), real
23 property does not include recurrent exclusive use and occupancy on a periodic basis
24 or other rights, including, but not limited to, membership rights, vacation services,

1 and club memberships. In this subsection, “lease” means a right in real estate that
2 is related primarily to the property and not to the labor, skill, or business acumen of
3 the property owner or tenant. In this subsection, “highest and best use” has the
4 meaning given in s. 70.32 (1).”.

5 **61.** Page 296, line 11: after that line insert:

6 “**SECTION 242d.** 70.32 (1) of the statutes is amended to read:

7 70.32 (1) Real property shall be valued by the assessor in the manner specified
8 in the Wisconsin property assessment manual provided under s. 73.03 (2a) at its
9 highest and best use from actual view or from the best information that the assessor
10 can practicably obtain, at the full value which could ordinarily be obtained therefor
11 at private sale. In determining the value, the assessor shall consider recent
12 arm’s-length sales of the property to be assessed if according to professionally
13 acceptable appraisal practices those sales conform to recent arm’s-length sales of
14 reasonably comparable property; recent arm’s-length sales of reasonably
15 comparable property; and all factors that, according to professionally acceptable
16 appraisal practices, affect the value of the property to be assessed. In this subsection,
17 “arm’s-length sale” means a sale between a willing buyer and willing seller, neither
18 being under compulsion to buy or sell and each being familiar with the attributes of
19 the property sold. In this subsection, “highest and best use” means the specific
20 current use of the property or a higher use for which the property may be used as of
21 the current assessment date, if the property is marketable for that use and the use
22 is legally permissible, physically possible, not highly speculative, and financially
23 feasible and provides the highest net return. When the current use of a property is
24 the highest and best use of that property, value in the current use equals full market

1 value. In this subsection, “legally permissible” does not include a conditional use
2 that has not been granted as of the assessment date or any use that has not received
3 as of the assessment date all federal, state, or local government approvals, permits,
4 or licenses that are necessary for the use to occur.

5 **SECTION 242e.** 70.32 (1b) of the statutes is created to read:

6 70.32 **(1b)** In determining the value of real property under sub. (1), the assessor
7 may consider, as part of the valuation under sub. (1), any lease provisions and actual
8 rent pertaining to a property and affecting its value, including the lease provisions
9 and rent associated with a sale and leaseback of the property, if all such lease
10 provisions and rent are the result of an arm’s-length transaction involving persons
11 who are not related, as provided under section 267 of the Internal Revenue Code for
12 the year of the transaction. The assessor shall reconcile the results of such
13 consideration with the professionally acceptable appraisal practices regarding
14 reasonably comparable sales, the cost approach, and other methods specified in the
15 Wisconsin property assessment manual provided under s. 73.03 (2a). In this
16 subsection, an “arm’s-length transaction” means an agreement between willing
17 parties, neither being under compulsion to act and each being familiar with the
18 attributes of the property.

19 **SECTION 242f.** 70.32 (1d) of the statutes is created to read:

20 70.32 **(1d)** (a) To determine the value of property using generally accepted
21 appraisal methods, the assessor shall consider all of the following as comparable to
22 the property being assessed:

23 1. Sales or rentals of properties exhibiting the same or a similar highest and
24 best use with placement in the same real estate market segment.

1 2. Sales or rentals of properties that are similar to the property being assessed
2 with regard to age, condition, use, type of construction, location, design, physical
3 features, and economic characteristics, including similarities in occupancy and the
4 the potential to generate rental income. For purposes of this subdivision, such
5 properties may be found locally, regionally, or nationally.

6 (b) For purposes of par. (a), a property is not comparable if any of the following
7 applies:

8 1. At or before the time of sale, the seller places any deed restriction on the
9 property that changes the highest and best use of the property, or prohibits
10 competition, so that it no longer qualifies as a comparable property under par. (a) 1.
11 or 2. and the property being assessed lacks such a restriction.

12 2. The property is dark property and the property being assessed is not dark
13 property. In this subdivision, “dark property” means property that is vacant or
14 unoccupied beyond the normal period for property in the same real estate market
15 segment. For purposes of this subdivision, what is considered vacant or unoccupied
16 beyond the normal period may vary depending on the property location.

17 (c) For purposes of par. (a), “highest and best use” has the meaning given in s.
18 70.32 (1).

19 (d) For purposes of par. (a), “real estate market segment” means a pool of
20 potential buyers and sellers that typically buy or sell properties similar to the
21 property being assessed, including potential buyers who are investors or
22 owner-occupants. For purposes of this paragraph, and depending on the type of
23 property being assessed, the pool of potential buyers and sellers may be found locally,
24 regionally, nationally, or internationally.”

1 **62.** Page 310, line 17: after that line insert:

2 “**SECTION 279a.** 79.01 (2d) of the statutes is renumbered 79.01 (2d) (intro.) and
3 amended to read:

4 79.01 (2d) (intro.) There is established an account in the general fund entitled
5 the “County and Municipal Aid Account.” The total amount to be distributed in 2011
6 to counties and municipalities from the county and municipal aid account is as
7 follows:

8 (a) In 2011, \$824,825,715 and the total amount to be distributed to counties and
9 municipalities in,

10 (b) Beginning in 2012, and in each year thereafter, from the county and
11 municipal aid account is and ending in 2020, \$748,075,715.

12 **SECTION 279b.** 79.01 (2d) (c) of the statutes is created to read:

13 79.01 (2d) (c) In 2021, \$763,137,215.

14 **SECTION 279c.** 79.01 (2d) (d) of the statutes is created to read:

15 79.01 (2d) (d) In 2022, and in each year thereafter, \$778,500,015.

16 **SECTION 279d.** 79.035 (5) of the statutes is renumbered 79.035 (5) (a) and
17 amended to read:

18 79.035 (5) (a) Except as provided in subs. (6), (7), and (8), for the ~~distribution~~
19 distributions beginning in 2013 and subsequent years ending in 2020, each county
20 and municipality shall receive a payment under this section that is equal to the
21 amount of the payment determined for the county or municipality under this section
22 for 2012.

23 **SECTION 279e.** 79.035 (5) (a) of the statutes, as affected by 2019 Wisconsin Act
24 19, section 18, and 2021 Wisconsin Act ... (this act), is repealed and recreated to read:

1 79.035 (5) (a) Except as provided in subs. (7) and (8), for the distributions
2 beginning in 2013 and ending in 2020, each county and municipality shall receive
3 a payment under this section that is equal to the amount of the payment determined
4 for the county or municipality under this section for 2012.

5 **SECTION 279f.** 79.035 (5) (b) of the statutes is created to read:

6 79.035 (5) (b) 1. Except as provided in subs. (6), (7), and (8), for the distribution
7 in 2021, each county and municipality shall receive a payment under this section
8 that is equal to the amount of the payment determined for the county or municipality
9 under this section for 2020, increased by 2 percent.

10 2. Except as provided in subs. (6), (7), and (8), for the distribution in 2022, each
11 county and municipality shall receive a payment under this section that is equal to
12 the amount of the payment determined for the county or municipality under this
13 section for 2021, increased by 2 percent.

14 **SECTION 279g.** 79.035 (5) (b) of the statutes, as affected by 2021 Wisconsin Act
15 (this act), is repealed and recreated to read:

16 79.035 (5) (b) 1. Except as provided in subs. (7) and (8), for the distribution in
17 2021, each county and municipality shall receive a payment under this section that
18 is equal to the amount of the payment determined for the county or municipality
19 under this section for 2020, increased by 2 percent.

20 2. Except as provided in subs. (7) and (8), for the distribution in 2022, each
21 county and municipality shall receive a payment under this section that is equal to
22 the amount of the payment determined for the county or municipality under this
23 section for 2021, increased by 2 percent.”.

24 **63.** Page 310, line 17: after that line insert:

1 **“SECTION 279h.** 79.096 (1) of the statutes is renumbered 79.096 (1) (a).

2 **SECTION 279i.** 79.096 (1) (b) of the statutes is created to read:

3 79.096 (1) (b) Beginning in 2022, if the personal property tax imposed under
4 ch. 70 is eliminated in any legislation enacted during the 2021-22 legislative session,
5 effective with the January 1, 2022, assessments, the department of administration
6 shall pay to each taxing jurisdiction, as defined in s. 79.095 (1) (c), an amount equal
7 to the property taxes levied on all items of personal property for the assessments as
8 of January 1, 2020. Beginning in 2023, and in each year thereafter, each taxing
9 jurisdiction shall receive a payment under this paragraph equal to the payment it
10 received in the previous year, multiplied by the inflation factor under s. 79.05 (1)
11 (am).

12 **SECTION 279j.** 79.096 (2) (a) of the statutes is renumbered 79.096 (2) (a) (intro.)
13 and amended to read:

14 79.096 (2) (a) (intro.) Each municipality shall report to the department of
15 revenue, in the time and manner determined by the department, the amount of the
16 property taxes levied on the items following on behalf of the municipality and on
17 behalf of other taxing jurisdictions:

18 1. All items of personal property described under s. 70.111 (27) (b) for the
19 property tax assessments as of January 1, 2017, ~~on behalf of the municipality and~~
20 ~~on behalf of other taxing jurisdictions.~~

21 **SECTION 279k.** 79.096 (2) (a) 2. of the statutes is created to read:

22 79.096 (2) (a) 2. All items of personal property described under s. 70.111 (28)
23 (a) for the property tax assessments as of January 1, 2020.”.

24 **64.** Page 328, line 15: after that line insert:

1 **“SECTION 319m.** 84.41 (3) of the statutes is created to read:

2 84.41 (3) EMPLOYMENT REGULATIONS. Employment regulations set forth in s.
3 103.50 pertaining to wages and hours shall apply to all projects constructed under
4 s. 84.40 in the same manner as such laws apply to projects on other state highways.
5 Where applicable, the federal wages and hours law known as the Davis-Bacon act
6 shall apply.

7 **SECTION 319s.** 84.54 of the statutes is repealed.”.

8 **65.** Page 330, line 16: delete the material beginning with that line and ending
9 with page 331, line 13, and substitute:

10 **“SECTION 324a.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

11 85.20 (4m) (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the
12 department shall pay ~~\$64,193,900 for aid payable for calendar years 2015 to 2019~~
13 and ~~\$65,477,800 for aid payable for calendar year years 2020 and 2021,~~ \$67,114,700
14 for calendar year 2022, and \$68,792,600 for calendar year 2023 and thereafter, to the
15 eligible applicant that pays the local contribution required under par. (b) 1. for an
16 urban mass transit system that has annual operating expenses of \$80,000,000 or
17 more. If the eligible applicant that receives aid under this subd. 6. cm. is served by
18 more than one urban mass transit system, the eligible applicant may allocate the aid
19 between the urban mass transit systems in any manner the eligible applicant
20 considers desirable.

21 **SECTION 325a.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

22 85.20 (4m) (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the
23 department shall pay ~~\$16,868,000 for aid payable for calendar years 2015 to 2019~~
24 and ~~\$17,205,400 for aid payable for calendar year years 2020 and 2021,~~ \$17,635,500

1 for calendar year 2022, and \$18,076,400 for calendar year 2023 and thereafter, to the
2 eligible applicant that pays the local contribution required under par. (b) 1. for an
3 urban mass transit system that has annual operating expenses in excess of
4 \$20,000,000 but less than \$80,000,000. If the eligible applicant that receives aid
5 under this subd. 6. d. is served by more than one urban mass transit system, the
6 eligible applicant may allocate the aid between the urban mass transit systems in
7 any manner the eligible applicant considers desirable.

8 **SECTION 325o.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

9 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
10 amounts for aids are ~~\$24,486,700 in calendar years 2015 to 2019 and \$24,976,400 in~~
11 calendar year years 2020 and 2021, \$25,600,800 in calendar year 2022, and
12 \$26,240,800 in calendar year 2023 and thereafter. These amounts, to the extent
13 practicable, shall be used to determine the uniform percentage in the particular
14 calendar year.

15 **SECTION 325p.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

16 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
17 amounts for aids are ~~\$5,188,900 in calendar years 2015 to 2019 and \$5,292,700 in~~
18 calendar year years 2020 and 2021, \$5,425,000 in calendar year 2022, and
19 \$5,560,600 in calendar year 2023 and thereafter. These amounts, to the extent
20 practicable, shall be used to determine the uniform percentage in the particular
21 calendar year.

22 **SECTION 325r.** 85.203 of the statutes is created to read:

23 **85.203 Transit capital assistance grants. (1)** In this section:

24 (a) "Eligible applicant" has the meaning given in s. 85.20 (1) (b).

1 (b) “Public transit vehicle” means any vehicle used for providing transportation
2 service to the general public that is eligible for replacement under settlement
3 guidelines, as defined in s. 16.047 (1) (b).

4 (2) The department shall administer a transit capital assistance grant
5 program. From the appropriation under s. 20.395 (1) (bt), the department shall
6 award grants to eligible applicants for the replacement of public transit vehicles.
7 The department shall establish criteria for awarding grants under this section.”.

8 **66.** Page 334, line 6: after that line insert:

9 “SECTION 334m. 86.51 of the statutes is repealed.”.

10 **67.** Page 334, line 18: after that line insert:

11 “SECTION 336g. 100.2091 of the statutes is created to read:

12 **100.2091 Broadband; discrimination prohibited.** (1) No broadband
13 service provider may deny access to broadband service to any group of potential
14 residential customers because of the race or income of the residents in the area in
15 which the group resides.

16 (2) It is a defense to an alleged violation of sub. (1) based on income if, no later
17 than 3 years after the date on which the broadband service provider began providing
18 broadband service in this state, at least 30 percent of the households with access to
19 the broadband service provider’s broadband service in the area in which a group of
20 potential residential customers resides are low-income households.

21 (3) The department may enforce this section and may promulgate rules to
22 implement and administer this section. The department of justice may represent the
23 department in an action to enforce this section. If the court finds that a broadband
24 service provider has not complied with this section, the court shall order the

1 broadband service provider to comply with this section within a reasonable amount
2 of time and, notwithstanding s. 814.14 (1), shall award costs, including reasonable
3 attorney fees, to the department of justice.

4 (4) Any person that is affected by a failure to comply with this section may bring
5 an action to enforce this section. If a court finds that a broadband service provider
6 has not complied with this section, the court shall order the broadband service
7 provider to comply with this section within a reasonable amount of time and,
8 notwithstanding s. 814.14 (1), shall award costs, including reasonable attorney fees,
9 to the person affected.

10 **SECTION 336r.** 100.2092 of the statutes is created to read:

11 **100.2092 Broadband service subscriber rights. (1) RIGHTS.** (a) A
12 broadband service provider shall repair broadband service within 72 hours after a
13 subscriber reports a service interruption or requests the repair if the service
14 interruption is not the result of a major system-wide or large area emergency, such
15 as a natural disaster.

16 (b) Upon notification by a subscriber of a service interruption, a broadband
17 service provider shall give the subscriber a credit for one day of broadband service
18 if broadband service is interrupted for more than 4 hours in one day and the
19 interruption is caused by the broadband service provider.

20 (c) Upon notification by a subscriber of a service interruption, a broadband
21 service provider shall give the subscriber a credit for each hour that broadband
22 service is interrupted if broadband service is interrupted for more than 4 hours in
23 one day and the interruption is not caused by the broadband service provider.

1 (d) Prior to entering into a service agreement with a subscriber, a broadband
2 service provider shall disclose that a subscriber has a right to a credit for notifying
3 the broadband service provider of a service interruption.

4 (e) A broadband service provider shall provide broadband service that satisfies
5 minimum standards established by the department by rule.

6 (f) A broadband service provider shall give a subscriber at least 30 days'
7 advance written notice before instituting a rate increase.

8 (g) A broadband service provider shall give a subscriber at least 7 days' advance
9 written notice of any scheduled routine maintenance that causes a service slowdown,
10 interruption, or outage.

11 (h) A broadband service provider shall give a subscriber at least 10 days'
12 advance written notice of disconnecting service, unless the disconnection is
13 requested by the subscriber.

14 (i) Prior to entering into a service agreement with a subscriber, a broadband
15 service provider shall disclose the factors that may cause the actual broadband speed
16 experience to vary, including the number of users and device limitations.

17 (j) A broadband service provider shall provide broadband service to a
18 subscriber as described in point of sale advertisements and representations made to
19 the subscriber.

20 (k) A broadband service provider shall give a subscriber at least 10 days'
21 advance written notice of a change in a factor that might cause the originally
22 disclosed speed experience to vary.

23 (L) A broadband service provider shall allow a subscriber to terminate a
24 contract and receive a full refund without fees if the provider sells a service that does
25 not satisfy the requirements established under par. (e) and the broadband service

1 provider does not satisfy the requirements established under par. (e) within one
2 month of written notification from the subscriber.

3 (2) ADVERTISING. A broadband service provider shall disclose the factors that
4 may cause the actual broadband speed experience of a subscriber to vary, including
5 the number of users and device limitations, in each advertisement of the speed of the
6 provider's service, including in all of the following types of advertisements:

7 (a) Television and other commercials.

8 (b) Internet and email advertisements.

9 (c) Print advertisements and bill inserts.

10 (d) Any other advertising method or solicitation for the sale of new or upgraded
11 broadband service.

12 (3) RULES. The department may promulgate rules to implement and
13 administer this section.

14 (4) PENALTY; ENFORCEMENT. (a) A person who violates this section may be
15 required to forfeit not more than \$1,000 for each violation and not more than \$10,000
16 for each occurrence. Failure to give a notice required under sub. (1) (f) to more than
17 one subscriber shall be considered one violation.

18 (b) The department or a district attorney may institute civil proceedings under
19 this section.”.

20 **68.** Page 334, line 18: after that line insert:

21 “**SECTION 336b.** 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

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 that 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 **SECTION 336d.** 103.49 of the statutes is created to read:

10 **103.49 Wage rate on state work. (1) DEFINITIONS.** In this section:

11 (a) “Area” means the county in which a proposed project of public works that
12 is subject to this section is located or, if the department determines that there is
13 insufficient wage data in that county, “area” means those counties that are
14 contiguous to that county or, if the department determines that there is insufficient
15 wage data in those counties, “area” means those counties that are contiguous to those
16 counties or, if the department determines that there is insufficient wage data in those
17 counties, “area” means the entire state or, if the department is requested to review
18 a determination under sub. (3) (c), “area” means the city, village, or town in which
19 a proposed project of public works that is subject to this section is located.

20 (am) “Bona fide economic benefit” means an economic benefit for which an
21 employer makes irrevocable contributions to a trust or fund created under 29 USC
22 186 (c) or to any other bona fide plan, trust, program, or fund no less often than
23 quarterly or, if an employer makes annual contributions to such a bona fide plan,
24 trust, program, or fund, for which the employer irrevocably escrows moneys at least
25 quarterly based on the employer’s expected annual contribution.

1 (b) “Hourly basic rate of pay” means the hourly wage paid to any employee,
2 excluding any contributions or payments for health insurance benefits, vacation
3 benefits, pension benefits, and any other bona fide economic benefits, whether paid
4 directly or indirectly.

5 (bg) “Insufficient wage data” means less than 500 hours of work performed in
6 a particular trade or occupation on projects that are similar to a proposed project of
7 public works that is subject to this section.

8 (bj) “Minor service or maintenance work” means a project of public works that
9 is limited to minor crack filling, chip or slurry sealing, or other minor pavement
10 patching, not including overlays, that has a projected life span of no longer than 5
11 years; cleaning of drainage or sewer ditches or structures; or any other limited, minor
12 work on public facilities or equipment that is routinely performed to prevent
13 breakdown or deterioration.

14 (br) “Multiple-trade project of public works” means a project of public works
15 in which no single trade accounts for 85 percent or more of the total labor cost of the
16 project.

17 (c) “Prevailing hours of labor” for any trade or occupation in any area means
18 10 hours per day and 40 hours per week and may not include any hours worked on
19 a Saturday or Sunday or on any of the following holidays:

- 20 1. January 1.
- 21 2. The last Monday in May.
- 22 3. July 4.
- 23 4. The first Monday in September.
- 24 5. The 4th Thursday in November.
- 25 6. December 25.

1 7. The day before if January 1, July 4, or December 25 falls on a Saturday.

2 8. The day following if January 1, July 4, or December 25 falls on a Sunday.

3 (d) 1. Except as provided in subd. 2., “prevailing wage rate” for any trade or
4 occupation engaged in the erection, construction, remodeling, repairing, or
5 demolition of any project of public works in any area means the hourly basic rate of
6 pay, plus the hourly contribution for health insurance benefits, vacation benefits,
7 pension benefits, and any other bona fide economic benefit, paid directly or indirectly
8 for a majority of the hours worked in the trade or occupation on projects in the area.

9 2. If there is no rate at which a majority of the hours worked in the trade or
10 occupation on projects in the area is paid, “prevailing wage rate” for any trade or
11 occupation engaged in the erection, construction, remodeling, repairing, or
12 demolition of any project of public works in any area means the average hourly basic
13 rate of pay, weighted by the number of hours worked, plus the average hourly
14 contribution, weighted by the number of hours worked, for health insurance benefits,
15 vacation benefits, pension benefits, and any other bona fide economic benefit, paid
16 directly or indirectly for all hours worked at the hourly basic rate of pay of the
17 highest-paid 51 percent of hours worked in that trade or occupation on projects in
18 that area.

19 (em) “Single-trade project of public works” means a project of public works in
20 which a single trade accounts for 85 percent or more of the total labor cost of the
21 project.

22 (f) “State agency” means any office, department, independent agency,
23 institution of higher education, association, society, or other body in state
24 government created or authorized to be created by the constitution or any law,
25 including the legislature and the courts. “State agency” also includes the University

1 of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System
2 Authority, and the Wisconsin Aerospace Authority.

3 (fm) "Supply and installation contract" means a contract under which the
4 material is installed by the supplier, the material is installed by means of simple
5 fasteners or connectors such as screws or nuts and bolts, and no other work is
6 performed on the site of the project of public works, and the total labor cost to install
7 the material does not exceed 20 percent of the total cost of the contract.

8 (g) "Truck driver" includes an owner-operator of a truck.

9 **(1m)** APPLICABILITY. Subject to sub. (3g), this section applies to any project of
10 public works erected, constructed, repaired, remodeled, or demolished for the state
11 or a state agency, including all of the following:

12 (a) A project erected, constructed, repaired, remodeled, or demolished by one
13 state agency for another state agency under any contract or under any statute
14 specifically authorizing cooperation between state agencies.

15 (b) A project in which the completed facility is leased, purchased, lease
16 purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or
17 a state agency contracting for the erection, construction, repair, remodeling, or
18 demolition of the facility.

19 (c) A sanitary sewer or water main project in which the completed sanitary
20 sewer or water main is acquired by, or dedicated to, the state for ownership or
21 maintenance by the state.

22 **(2)** PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract made for the
23 erection, construction, remodeling, repairing, or demolition of any project of public
24 works to which the state or any state agency is a party shall contain a stipulation that
25 no individual performing the work described in sub. (2m) may be allowed to work a

1 greater number of hours per day or per week than the prevailing hours of labor,
2 except that any such individual may be allowed or required to work more than such
3 prevailing hours of labor per day and per week if he or she is paid for all hours worked
4 in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly
5 basic rate of pay; nor may he or she be paid less than the prevailing wage rate
6 determined under sub. (3) in the same or most similar trade or occupation in the area
7 in which the project of public works is situated. The notice published for the purpose
8 of securing bids for the project must contain a reference to the prevailing wage rates
9 determined under sub. (3) and the prevailing hours of labor. Except as otherwise
10 provided in this subsection, if any contract or subcontract for a project of public works
11 that is subject to this section is entered into, the prevailing wage rates determined
12 under sub. (3) and the prevailing hours of labor shall be physically incorporated into
13 and made a part of the contract or subcontract. For a minor subcontract, as
14 determined by the department, the department shall prescribe by rule the method
15 of notifying the minor subcontractor of the prevailing wage rates and prevailing
16 hours of labor applicable to the minor subcontract. The prevailing wage rates and
17 prevailing hours of labor applicable to a contract or subcontract may not be changed
18 during the time that the contract or subcontract is in force.

19 **(2m) COVERED EMPLOYEES.** (a) Subject to par. (b), any person subject to this
20 section shall pay all of the following employees the prevailing wage rate determined
21 under sub. (3) and may not allow such employees to work a greater number of hours
22 per day or per week than the prevailing hours of labor, unless the person pays for all
23 hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times
24 the employees' hourly basic rate of pay:

1 1. All laborers, workers, mechanics, and truck drivers employed on the site of
2 a project of public works that is subject to this section.

3 2. All laborers, workers, mechanics, and truck drivers employed in the
4 manufacturing or furnishing of materials, articles, supplies, or equipment on the site
5 of a project of public works that is subject to this section or from a facility dedicated
6 exclusively, or nearly so, to a project of public works that is subject to this section by
7 a contractor, subcontractor, agent, or other person performing any work on the site
8 of the project.

9 (b) A laborer, worker, mechanic, or truck driver who is employed to process,
10 manufacture, pick up, or deliver materials or products from a commercial
11 establishment that has a fixed place of business from which the establishment
12 supplies processed or manufactured materials or products or from a facility that is
13 not dedicated exclusively, or nearly so, to a project of public works that is subject to
14 this section is not entitled to receive the prevailing wage rate determined under sub.
15 (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours
16 worked in excess of the prevailing hours of labor unless any of the following applies:

17 1. The laborer, worker, mechanic, or truck driver is employed to go to the source
18 of mineral aggregate such as sand, gravel, or stone and deliver that mineral
19 aggregate to the site of a project of public works that is subject to this section by
20 depositing the material directly in final place, from the transporting vehicle or
21 through spreaders from the transporting vehicle.

22 2. The laborer, worker, mechanic, or truck driver is employed to go to the site
23 of a project that is subject to this section, pick up excavated material or spoil from
24 the site of the project of public works, and transport that excavated material or spoil
25 away from the site of the project.

1 (c) A person that is subject to this section shall pay a truck driver who is an
2 owner-operator of a truck separately for his or her work and for the use of his or her
3 truck.

4 **(3) INVESTIGATION; DETERMINATION.** (a) Before a state agency issues a request
5 for bids for any work to which this section applies, the state agency having the
6 authority to prescribe the specifications shall apply to the department to determine
7 the prevailing wage rate for each trade or occupation required in the work under
8 contemplation in the area in which the work is to be done. The department shall
9 conduct investigations and hold public hearings as necessary to define the trades or
10 occupations that are commonly employed on projects that are subject to this section
11 and to inform itself of the prevailing wage rates in all areas of the state for those
12 trades or occupations, in order to determine the prevailing wage rate for each trade
13 or occupation. The department shall issue its determination within 30 days after
14 receiving the request and shall file the determination with the requesting state
15 agency. A state agency that has contracted for a project of public works subject to this
16 section shall post the prevailing wage rates determined by the department, the
17 prevailing hours of labor, and the provisions of subs. (2) and (6m) in at least one
18 conspicuous place on the site of the project that is easily accessible by employees
19 working on the project.

20 (am) The department shall, by January 1 of each year, compile the prevailing
21 wage rates for each trade or occupation in each area. The compilation shall, in
22 addition to the current prevailing wage rates, include future prevailing wage rates
23 when those prevailing wage rates can be determined for any trade or occupation in
24 any area and shall specify the effective date of those future prevailing wage rates.

1 If a project of public works extends into more than one area, the department shall
2 determine only one standard of prevailing wage rates for the entire project.

3 (ar) In determining prevailing wage rates under par. (a) or (am), the
4 department may not use data from projects that are subject to this section, s. 66.0903,
5 103.50, or 229.8275, or 40 USC 3142 unless the department determines that there
6 is insufficient wage data in the area to determine those prevailing wage rates, in
7 which case the department may use data from projects that are subject to this
8 section, s. 66.0903, 103.50, or 229.8275, or 40 USC 3142. In determining prevailing
9 wage rates under par. (a) or (am), the department may not use data from any
10 construction work performed by a state agency or a local governmental unit, as
11 defined in s. 66.0903 (1) (d).

12 (b) Any person may request a recalculation of any portion of an initial
13 determination within 30 days after the initial determination date if the person
14 submits evidence with the request showing that the prevailing wage rate for any
15 given trade or occupation included in the initial determination does not represent the
16 prevailing wage rate for that trade or occupation in the area. The evidence shall
17 include wage rate information reflecting work performed by individuals working in
18 the contested trade or occupation in the area during the current survey period. The
19 department shall affirm or modify the initial determination within 15 days after the
20 date on which the department receives the request for recalculation.

21 (c) In addition to the recalculation under par. (b), the state agency that
22 requested the determination under this subsection may request a review of any
23 portion of a determination within 30 days after the date of issuance of the
24 determination if the state agency submits evidence with the request showing that
25 the prevailing wage rate for any given trade or occupation included in the

1 determination does not represent the prevailing wage rate for that trade or
2 occupation in the city, village, or town in which the proposed project of public works
3 is located. That evidence shall include wage rate information for the contested trade
4 or occupation on at least 3 similar projects located in the city, village, or town where
5 the proposed project of public works is located on which some work has been
6 performed during the current survey period and that were considered by the
7 department in issuing its most recent compilation under par. (am). The department
8 shall affirm or modify the determination within 15 days after the date on which the
9 department receives the request for review.

10 **(3g) NONAPPLICABILITY.** This section does not apply to any of the following:

11 (a) A single-trade project of public works for which the estimated project cost
12 of completion is less than \$48,000 or a multiple-trade project of public works for
13 which the estimated project cost of completion is less than \$100,000.

14 (b) Work performed on a project of public works for which the state or the state
15 agency contracting for the project is not required to compensate any contractor,
16 subcontractor, contractor's or subcontractor's agent, or individual for performing the
17 work.

18 (c) Minor service or maintenance work, warranty work, or work under a supply
19 and installation contract.

20 (f) A public highway, street, or bridge project.

21 (g) A project of public works involving the erection, construction, repair,
22 remodeling, or demolition of a residential property containing 2 dwelling units or
23 less.

24 (h) A road, street, bridge, sanitary sewer, or water main project that is a part
25 of a development in which not less than 90 percent of the lots contain or will contain

1 2 dwelling units or less, as determined by the local governmental unit at the time of
2 approval of the development, and that, on completion, is acquired by, or dedicated to,
3 the state for ownership or maintenance by the state.

4 (4r) COMPLIANCE. (a) When the department finds that a state agency has not
5 requested a determination under sub. (3) (a) or that a state agency, contractor, or
6 subcontractor has not physically incorporated a determination into a contract or
7 subcontract as required under sub. (2) or has not notified a minor subcontractor of
8 a determination in the manner prescribed by the department by rule promulgated
9 under sub. (2), the department shall notify the state agency, contractor or
10 subcontractor of the noncompliance and shall file the determination with the state
11 agency, contractor, or subcontractor within 30 days after the notice.

12 (b) Upon completion of a project of public works and before receiving final
13 payment for his or her work on the project, each agent or subcontractor shall furnish
14 the contractor with an affidavit stating that the agent or subcontractor has complied
15 fully with the requirements of this section. A contractor may not authorize final
16 payment until the affidavit is filed in proper form and order.

17 (c) Upon completion of a project of public works and before receiving final
18 payment for his or her work on the project, each contractor shall file with the state
19 agency authorizing the work an affidavit stating that the contractor has complied
20 fully with the requirements of this section and that the contractor has received an
21 affidavit under par. (b) from each of the contractor's agents and subcontractors. A
22 state agency may not authorize a final payment until the affidavit is filed in proper
23 form and order. If a state agency authorizes a final payment before an affidavit is
24 filed in proper form and order or if the department determines, based on the greater
25 weight of the credible evidence, that any person performing the work specified in sub.

1 (2m) has been or may have been paid less than the prevailing wage rate or less than
2 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing
3 hours of labor and requests that the state agency withhold all or part of the final
4 payment, but the state agency fails to do so, the state agency is liable for all back
5 wages payable up to the amount of the final payment.

6 **(5) RECORDS; INSPECTION; ENFORCEMENT.** (a) Each contractor, subcontractor, or
7 contractor's or subcontractor's agent that performs work on a project of public works
8 that is subject to this section shall keep full and accurate records clearly indicating
9 the name and trade or occupation of every individual performing the work described
10 in sub. (2m) and an accurate record of the number of hours worked by each of those
11 individuals and the actual wages paid for the hours worked.

12 (b) The department shall enforce this section. The department may demand
13 and examine, and every contractor, subcontractor, and contractor's and
14 subcontractor's agent shall keep, and furnish upon request by the department,
15 copies of payrolls and other records and information relating to the wages paid to
16 individuals performing the work described in sub. (2m) for work to which this section
17 applies. The department may inspect records in the manner provided in this chapter.
18 Every contractor, subcontractor, or agent performing work on a project of public
19 works that is subject to this section is subject to the requirements of this chapter
20 relating to the examination of records. Section 111.322 (2m) applies to discharge and
21 other discriminatory acts arising in connection with any proceeding under this
22 section.

23 (c) If requested by any person, the department shall inspect the payroll records
24 of any contractor, subcontractor, or agent performing work on a project of public
25 works that is subject to this section as provided in this paragraph to ensure

1 compliance with this section. On receipt of such a request, the department shall
2 request that the contractor, subcontractor, or agent submit to the department a
3 certified record of the information specified in par. (a), other than personally
4 identifiable information relating to an employee of the contractor, subcontractor, or
5 agent, for no longer than a 4-week period. The department may request a contractor,
6 subcontractor, or agent to submit those records no more than once per calendar
7 quarter for each project of public works on which the contractor, subcontractor, or
8 agent is performing work. The department may not charge a requester a fee for
9 obtaining that information. Certified records submitted to the department under
10 this paragraph are open for public inspection and copying under s. 19.35 (1).

11 **(6m)** LIABILITY AND PENALTIES. (ag) 1. A contractor, subcontractor, or
12 contractor's or subcontractor's agent who fails to pay the prevailing wage rate
13 determined by the department under sub. (3) or who pays less than 1.5 times the
14 hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor
15 is liable to any affected employee in the amount of his or her unpaid wages or his or
16 her unpaid overtime compensation and in an additional amount as liquidated
17 damages as provided in subd. 2. or 3., whichever is applicable.

18 2. If the department determines upon inspection under sub. (5) (b) or (c) that
19 a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay
20 the prevailing wage rate determined by the department under sub. (3) or has paid
21 less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the
22 prevailing hours of labor, the department shall order the contractor to pay to any
23 affected employee the amount of his or her unpaid wages or his or her unpaid
24 overtime compensation and an additional amount equal to 100 percent of the amount

1 of those unpaid wages or that unpaid overtime compensation as liquidated damages
2 within a period specified by the department in the order.

3 3. In addition to or in lieu of recovering the liability specified in subd. 1. as
4 provided in subd. 2., any employee for and on behalf of that employee and other
5 employees similarly situated may commence an action to recover that liability in any
6 court of competent jurisdiction. If the court finds that a contractor, subcontractor,
7 or contractor's or subcontractor's agent has failed to pay the prevailing wage rate
8 determined by the department under sub. (3) or has paid less than 1.5 times the
9 hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor,
10 the court shall order the contractor, subcontractor, or agent to pay to any affected
11 employee the amount of his or her unpaid wages or his or her unpaid overtime
12 compensation and an additional amount equal to 100 percent of the amount of those
13 unpaid wages or that unpaid overtime compensation as liquidated damages.

14 5. No employee may be a party plaintiff to an action under subd. 3. unless the
15 employee consents in writing to become a party and the consent is filed in the court
16 in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in
17 addition to any judgment awarded to the plaintiff, allow reasonable attorney fees
18 and costs to be paid by the defendant.

19 (am) Except as provided in pars. (b), (d), and (f), any contractor, subcontractor,
20 or contractor's or subcontractor's agent who violates this section may be fined not
21 more than \$200 or imprisoned for not more than 6 months or both. Each day that
22 a violation continues is a separate offense.

23 (b) Whoever induces an individual who seeks to be or is employed on any project
24 of public works that is subject to this section to give up, waive, or return any part of
25 the wages to which the individual is entitled under the contract governing the

1 project, or who reduces the hourly basic rate of pay normally paid to an individual
2 for work on a project that is not subject to this section during a week in which the
3 individual works both on a project of public works that is subject to this section and
4 on a project that is not subject to this section, by threat not to employ, by threat of
5 dismissal from employment, or by any other means is guilty of an offense under s.
6 946.15 (1).

7 (c) Any individual who is employed on a project of public works that is subject
8 to this section who knowingly allows a contractor, subcontractor, or contractor's or
9 subcontractor's agent to pay him or her less than the prevailing wage rate set forth
10 in the contract governing the project, who gives up, waives, or returns any part of the
11 compensation to which he or she is entitled under the contract, or who gives up,
12 waives, or returns any part of the compensation to which he or she is normally
13 entitled for work on a project that is not subject to this section during a week in which
14 the individual works both on a project of public works that is subject to this section
15 and on a project that is not subject to this section, is guilty of an offense under s.
16 946.15 (2).

17 (d) Whoever induces any individual who seeks to be or is employed on any
18 project of public works that is subject to this section to allow any part of the wages
19 to which the individual is entitled under the contract governing the project to be
20 deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless
21 the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is
22 working on a project that is subject to 40 USC 3142.

23 (e) Any individual who is employed on a project of public works that is subject
24 to this section who knowingly allows any part of the wages to which he or she is
25 entitled under the contract governing the project to be deducted from his or her pay

1 is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed
2 under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject
3 to 40 USC 3142.

4 (f) Paragraph (am) does not apply to any person who fails to provide any
5 information to the department to assist the department in determining prevailing
6 wage rates under sub. (3) (a) or (am).

7 **(7) DEPARTMENT.** (a) Except as provided under pars. (b) and (c), the department
8 shall distribute to all state agencies a list of all persons that the department has
9 found to have failed to pay the prevailing wage rate determined under sub. (3) or has
10 found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked
11 in excess of the prevailing hours of labor at any time in the preceding 3 years. The
12 department shall include with any name the address of the person and shall specify
13 when the person failed to pay the prevailing wage rate and when the person paid less
14 than 1.5 times the hourly basic rate of pay for all hours worked in excess of the
15 prevailing hours of labor. A state agency may not award any contract to the person
16 unless otherwise recommended by the department or unless 3 years have elapsed
17 from the date the department issued its findings or date of final determination by a
18 court of competent jurisdiction, whichever is later.

19 (b) The department may not include in a notification under par. (a) the name
20 of any person on the basis of having subcontracted a contract for a project of public
21 works to a person that the department has found to have failed to pay the prevailing
22 wage rate determined under sub. (3) or has found to have paid less than 1.5 times
23 the hourly basic rate of pay for all hours worked in excess of the prevailing hours of
24 labor.

1 (c) This subsection does not apply to any contractor, subcontractor, or agent
2 who in good faith commits a minor violation of this section, as determined on a
3 case-by-case basis through administrative hearings with all rights to due process
4 afforded to all parties or who has not exhausted or waived all appeals.

5 (d) Any person submitting a bid on a project of public works that is subject to
6 this section shall, on the date the person submits the bid, identify any construction
7 business in which the person, or a shareholder, officer, or partner of the person if the
8 person is a business, owns or has owned at least a 25 percent interest on the date the
9 person submits the bid or at any other time within 3 years preceding the date the
10 person submits the bid, if the business has been found to have failed to pay the
11 prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times
12 the hourly basic rate of pay for all hours worked in excess of the prevailing hours of
13 labor.

14 (e) The department shall promulgate rules to administer this subsection.

15 **SECTION 336f.** 103.50 of the statutes is created to read:

16 **103.50 Highway contracts. (1) DEFINITIONS.** In this section:

17 (a) "Area" means the county in which a proposed project that is subject to this
18 section is located or, if the department determines that there is insufficient wage
19 data in that county, "area" means those counties that are contiguous to that county
20 or, if the department determines that there is insufficient wage data in those
21 counties, "area" means those counties that are contiguous to those counties or, if the
22 department determines that there is insufficient wage data in those counties, "area"
23 means the entire state.

24 (b) "Hourly basic rate of pay" has the meaning given in s. 103.49 (1) (b).

25 (bg) "Insufficient wage data" has the meaning given in s. 103.49 (1) (bg).

1 (c) “Prevailing hours of labor” has the meaning given in s. 103.49 (1) (c).

2 (d) 1. Except as provided in subd. 2., “prevailing wage rate” for any trade or
3 occupation in any area means the hourly basic rate of pay, plus the hourly
4 contribution for health insurance benefits, vacation benefits, pension benefits, and
5 any other bona fide economic benefit, paid directly or indirectly, for a majority of the
6 hours worked in the trade or occupation in the area.

7 2. If there is no rate at which a majority of the hours worked in the trade or
8 occupation in the area is paid, “prevailing wage rate” means the average hourly basic
9 rate of pay, weighted by the number of hours worked, plus the average hourly
10 contribution, weighted by the number of hours worked, for health insurance benefits,
11 vacation benefits, pension benefits, and any other bona fide economic benefit, paid
12 directly or indirectly for all hours worked at the hourly basic rate of pay of the
13 highest-paid 51 percent of hours worked in that trade or occupation in that area.

14 (e) “Truck driver” has the meaning given in s. 103.49 (1) (g).

15 **(2) PREVAILING WAGE RATES AND HOURS OF LABOR.** No contractor, subcontractor,
16 agent, or other person performing any work on a project under a contract based on
17 bids as provided in s. 84.06 (2) to which the state is a party for the construction or
18 improvement of any highway may do any of the following:

19 (a) Pay an individual performing the work described in sub. (2m) less than the
20 prevailing wage rate in the area in which the work is to be done determined under
21 sub. (3).

22 (b) Allow an individual performing the work described in sub. (2m) to work a
23 greater number of hours per day or per week than the prevailing hours of labor,
24 unless the contractor, subcontractor, or contractor or subcontractor’s agent pays the

1 individual for all hours worked in excess of the prevailing hours of labor at a rate of
2 at least 1.5 times the individual's hourly basic rate of pay.

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

8 **(2m) COVERED EMPLOYEES.** (a) Subject to par. (b), any person subject to this
9 section shall pay all of the following employees the prevailing wage rate determined
10 under sub. (3) and may not allow such employees to work a greater number of hours
11 per day or per week than the prevailing hours of labor, unless the person pays for all
12 hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times
13 the employees' hourly basic rate of pay:

14 1. All laborers, workers, mechanics, and truck drivers employed on the site of
15 a project that is subject to this section.

16 2. All laborers, workers, mechanics, and truck drivers employed in the
17 manufacturing or furnishing of materials, articles, supplies, or equipment on the site
18 of a project that is subject to this section or from a facility dedicated exclusively, or
19 nearly so, to a project that is subject to this section by a contractor, subcontractor,
20 agent, or other person performing any work on the site of the project.

21 (b) A laborer, worker, mechanic, or truck driver who is employed to process,
22 manufacture, pick up, or deliver materials or products from a commercial
23 establishment that has a fixed place of business from which the establishment
24 supplies processed or manufactured materials or products or from a facility that is
25 not dedicated exclusively, or nearly so, to a project that is subject to this section is not

1 entitled to receive the prevailing wage rate determined under sub. (3) or to receive
2 at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess
3 of the prevailing hours of labor unless any of the following applies:

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

9 2. The laborer, worker, mechanic, or truck driver is employed to go to the site
10 of a project that is subject to this section, pick up excavated material or spoil from
11 the site of the project, and transport that excavated material or spoil away from the
12 site of the project and return to the site of the project.

13 (c) A contractor, subcontractor, agent, or other person performing work on a
14 project subject to this section shall pay a truck driver who is an owner-operator of
15 a truck separately for his or her work and for the use of his or her truck.

16 **(3) INVESTIGATIONS; DETERMINATIONS.** The department shall conduct
17 investigations and hold public hearings necessary to define the trades or occupations
18 that are commonly employed in the highway construction industry and to inform the
19 department of the prevailing wage rates in all areas of the state for those trades or
20 occupations, in order to ascertain and determine the prevailing wage rates
21 accordingly.

22 **(4) CERTIFICATION OF PREVAILING WAGE RATES.** The department of workforce
23 development shall, by May 1 of each year, certify to the department of transportation
24 the prevailing wage rates in each area for all trades or occupations commonly
25 employed in the highway construction industry. The certification shall, in addition

1 to the current prevailing wage rates, include future prevailing wage rates when such
2 prevailing wage rates can be determined for any such trade or occupation in any area
3 and shall specify the effective date of those future prevailing wage rates. The
4 certification shall also include wage rates for work performed on Sundays or the
5 holidays specified in s. 103.49 (1) (c) and shift differentials based on the time of day
6 or night when work is performed. If a construction project extends into more than
7 one area, the department shall determine only one standard of prevailing wage rates
8 for the entire project.

9 **(4m) WAGE RATE DATA.** In determining prevailing wage rates for projects that
10 are subject to this section, the department shall use data from projects that are
11 subject to this section, s. 66.0903 or 103.49, or 40 USC 3142. In determining
12 prevailing wage rates for those projects, the department may not use data from any
13 construction work that is performed by a state agency or a local governmental unit,
14 as defined in s. 66.0903 (1) (d).

15 **(5) APPEALS TO GOVERNOR.** If the department of transportation considers any
16 determination of the department of workforce development of the prevailing wage
17 rates in an area to be incorrect, it may appeal to the governor, whose determination
18 is final.

19 **(6) CONTENTS OF CONTRACTS.** The department of transportation shall include
20 a reference to the prevailing wage rates determined under sub. (3) and the prevailing
21 hours of labor in the notice published for the purpose of securing bids for a project.
22 Except as otherwise provided in this subsection, if any contract or subcontract for a
23 project that is subject to this section is entered into, the prevailing wage rates
24 determined under sub. (3) and the prevailing hours of labor shall be physically
25 incorporated into and made a part of the contract or subcontract. For a minor

1 subcontract, as determined by the department of workforce development, that
2 department shall prescribe by rule the method of notifying the minor subcontractor
3 of the prevailing wage rates and prevailing hours of labor applicable to the minor
4 subcontract. The prevailing wage rates and prevailing hours of labor applicable to
5 a contract or subcontract may not be changed during the time that the contract or
6 subcontract is in force. The department of transportation shall post the prevailing
7 wage rates determined by the department, the prevailing hours of labor, and the
8 provisions of subs. (2) and (7) in at least one conspicuous place that is easily
9 accessible to the employees on the site of the project.

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

14 (b) Whoever induces any individual who seeks to be or is employed on any
15 project that is subject to this section to give up, waive, or return any part of the wages
16 to which the individual is entitled under the contract governing the project, or who
17 reduces the hourly basic rate of pay normally paid to an individual for work on a
18 project that is not subject to this section during a week in which the individual works
19 both on a project that is subject to this section and on a project that is not subject to
20 this section, by threat not to employ, by threat of dismissal from employment, or by
21 any other means is guilty of an offense under s. 946.15 (1).

22 (c) Any individual employed on a project that is subject to this section who
23 knowingly allows a contractor, subcontractor, or contractor's or subcontractor's
24 agent to pay him or her less than the prevailing wage rate set forth in the contract
25 governing the project, who gives up, waives, or returns any part of the compensation

1 to which he or she is entitled under the contract, or who gives up, waives, or returns
2 any part of the compensation to which he or she is normally entitled for work on a
3 project that is not subject to this section during a week in which the individual works
4 both on a project that is subject to this section and on a project that is not subject to
5 this section, is guilty of an offense under s. 946.15 (2).

6 (d) Whoever induces any individual who seeks to be or is employed on any
7 project that is subject to this section to allow any part of the wages to which the
8 individual is entitled under the contract governing the project to be deducted from
9 the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction
10 would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a
11 project that is subject to 40 USC 3142.

12 (e) Any individual employed on a project that is subject to this section who
13 knowingly allows any part of the wages to which he or she is entitled under the
14 contract governing the project to be deducted from his or her pay is guilty of an
15 offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5
16 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

17 (f) Paragraph (a) does not apply to any individual who fails to provide any
18 information to the department to assist the department in determining prevailing
19 wage rates under sub. (3) or (4).

20 **(8) ENFORCEMENT AND PROSECUTION.** The department of transportation shall
21 require adherence to subs. (2), (2m), and (6). The department of transportation may
22 demand and examine, and every contractor, subcontractor, and contractor's or
23 subcontractor's agent shall keep and furnish upon request by the department of
24 transportation, copies of payrolls and other records and information relating to
25 compliance with this section. Upon request of the department of transportation or

1 upon complaint of alleged violation, the district attorney of the county in which the
2 work is located shall investigate as necessary and prosecute violations in a court of
3 competent jurisdiction. Section 111.322 (2m) applies to discharge and other
4 discriminatory acts arising in connection with any proceeding under this section.

5 **SECTION 336h.** 103.503 (1) (a) of the statutes is amended to read:

6 103.503 (1) (a) "Accident" means an incident caused, contributed to, or
7 otherwise involving an employee that resulted or could have resulted in death,
8 personal injury, or property damage and that occurred while the employee was
9 performing the work described in s. 66.0903 (4), ~~2013 stats.~~, or s. ~~16.856~~ 103.49 (2m),
10 ~~2015 stats.~~, on a project of public works or while the employee was performing work
11 on a public utility project.

12 **SECTION 336i.** 103.503 (1) (e) of the statutes is amended to read:

13 103.503 (1) (e) "Employee" means a laborer, worker, mechanic, or truck driver
14 who performs the work described in s. 66.0903 (4), ~~2013 stats.~~, or s. ~~16.856~~ 103.49
15 (2m), ~~2015 stats.~~, on a project of public works or on a public utility project.

16 **SECTION 336j.** 103.503 (1) (g) of the statutes is repealed and recreated to read:

17 103.503 (1) (g) "Project of public works" means a project of public works that
18 is subject to s. 66.0903 or 103.49.

19 **SECTION 336k.** 103.503 (2) of the statutes is amended to read:

20 103.503 (2) SUBSTANCE ABUSE PROHIBITED. No employee may use, possess,
21 attempt to possess, distribute, deliver, or be under the influence of a drug, or use or
22 be under the influence of alcohol, while performing the work described in s. 66.0903
23 (4), ~~2013 stats.~~, or s. ~~16.856~~ 103.49 (2m), ~~2015 stats.~~, on a project of public works or
24 while performing work on a public utility project. An employee is considered to be
25 under the influence of alcohol for purposes of this subsection if he or she has an

1 alcohol concentration that is equal to or greater than the amount specified in s.
2 885.235 (1g) (d).

3 **SECTION 336L.** 103.503 (3) (a) 2. of the statutes is amended to read:

4 103.503 (3) (a) 2. A requirement that employees performing the work described
5 in s. 66.0903 (4), ~~2013 stats.~~, or s. ~~16.856~~ 103.49 (2m), ~~2015 stats.~~, on a project of
6 public works or performing work on a public utility project submit to random,
7 reasonable suspicion, and post-accident drug and alcohol testing and to drug and
8 alcohol testing before commencing work on the project, except that testing of an
9 employee before commencing work on a project is not required if the employee has
10 been participating in a random testing program during the 90 days preceding the
11 date on which the employee commenced work on the project.

12 **SECTION 336m.** 104.001 (4) of the statutes is created to read:

13 104.001 (4) This section does not affect the requirement that employees
14 employed on a public works project contracted for by a city, village, town, or county
15 be paid at the prevailing wage rate, as defined in s. 66.0903 (1) (g), as required under
16 s. 66.0903.

17 **SECTION 336r.** 106.04 of the statutes is created to read:

18 **106.04 Employment of apprentices on state public works projects. (1)**

19 DEFINITION. In this section, “project” means a project of public works that is subject
20 to s. 103.49 or 103.50 in which work is performed by employees employed in trades
21 that are apprenticeable under this subchapter.

22 (2) WAIVER. If the department grants an exception or modification to any
23 requirement in any contract for the performance of work on a project relating to the
24 employment and training of apprentices, the department shall post that information

1 on its Internet site, together with a detailed explanation for granting the exception
2 or modification.”.

3 **69.** Page 335, line 15: after that line insert:

4 “**SECTION 341a.** 108.14 (27) (dg) and (dr) of the statutes are created to read:

5 108.14 (27) (dg) The department shall allocate all available federal funding for
6 the project under par. (a) before allocating any general purpose revenue for that
7 purpose.

8 (dr) If federal funding is received for the project under par. (a) prior to July 1,
9 2023, the secretary of administration may, to the extent permitted under federal law,
10 lapse from the appropriation under s. 20.445 (1) (nc) to the general fund an amount
11 not to exceed the amounts in the schedule under s. 20.445 (1) (ar) or the amount of
12 federal funding received, whichever is less. This paragraph does not apply with
13 respect to amounts received as administrative grants by the state under 42 USC 502
14 or to amounts received by this state under section 903 (d) of the federal Social
15 Security Act, as amended, 42 USC 1103.”.

16 **70.** Page 335, line 15: after that line insert:

17 “**SECTION 341ac.** 111.01 of the statutes is created to read:

18 **111.01 Declaration of policy.** The public policy of the state as to employment
19 relations and collective bargaining, in the furtherance of which this subchapter is
20 enacted, is declared to be as follows:

21 (1) It recognizes that there are 3 major interests involved, namely: the public,
22 the employee, and the employer. These 3 interests are to a considerable extent
23 interrelated. It is the policy of the state to protect and promote each of these interests
24 with due regard to the situation and to the rights of the others.

1 **(2)** Industrial peace, regular and adequate income for the employee, and
2 uninterrupted production of goods and services are promotive of all of these
3 interests. They are largely dependent upon the maintenance of fair, friendly, and
4 mutually satisfactory employment relations and the availability of suitable
5 machinery for the peaceful adjustment of whatever controversies may arise. It is
6 recognized that certain employers, including farmers, farmer cooperatives, and
7 unincorporated farmer cooperative associations, in addition to their general
8 employer problems, face special problems arising from perishable commodities and
9 seasonal production that require adequate consideration. It is also recognized that
10 whatever may be the rights of disputants with respect to each other in any
11 controversy regarding employment relations, they should not be permitted, in the
12 conduct of their controversy, to intrude directly into the primary rights of 3rd parties
13 to earn a livelihood, transact business, and engage in the ordinary affairs of life by
14 any lawful means and free from molestation, interference, restraint, or coercion.

15 **(3)** Negotiations of terms and conditions of work should result from voluntary
16 agreement between employer and employee. For the purpose of such negotiation an
17 employee has the right, if the employee desires, to associate with others in organizing
18 and bargaining collectively through representatives of the employee's own choosing,
19 without intimidation or coercion from any source.

20 **(4)** It is the policy of the state, in order to preserve and promote the interests
21 of the public, the employee, and the employer alike, to establish standards of fair
22 conduct in employment relations and to provide a convenient, expeditious, and
23 impartial tribunal by which these interests may have their respective rights and
24 obligations adjudicated. While limiting individual and group rights of aggression

1 and defense, the state substitutes processes of justice for the more primitive methods
2 of trial by combat.

3 **SECTION 341ad.** 111.04 (1) and (2) of the statutes are consolidated, renumbered
4 111.04 and amended to read:

5 **111.04 Rights of employees.** Employees shall have the right of
6 self-organization and the right to form, join or assist labor organizations, to bargain
7 collectively through representatives of their own choosing, and to engage in lawful,
8 concerted activities for the purpose of collective bargaining or other mutual aid or
9 protection. ~~(2) Employees shall also have the right to refrain from self-organization;~~
10 ~~forming, joining, or assisting labor organizations; bargaining collectively through~~
11 ~~representatives; or engaging in activities for the purpose of collective bargaining or~~
12 ~~other mutual aid or protection such activities.~~

13 **SECTION 341ae.** 111.04 (3) of the statutes is repealed.

14 **SECTION 341af.** 111.06 (1) (c) of the statutes is amended to read:

15 111.06 (1) (c) To encourage or discourage membership in any labor
16 organization, employee agency, committee, association, or representation plan by
17 discrimination in regard to hiring, tenure, or other terms or conditions of
18 employment except in a collective bargaining unit where an all-union agreement is
19 in effect. An employer may enter into an all-union agreement with the voluntarily
20 recognized representative of the employees in a collective bargaining unit, where at
21 least a majority of such employees voting have voted affirmatively, by secret ballot,
22 in favor of the all-union agreement in a referendum conducted by the commission,
23 except that where the bargaining representative has been certified by either the
24 commission or the national labor relations board as the result of a representation
25 election, no referendum is required to authorize the entry into an all-union

1 agreement. An authorization of an all-union agreement continues, subject to the
2 right of either party to the all-union agreement to petition the commission to conduct
3 a new referendum on the subject. Upon receipt of the petition, if the commission
4 determines there is reasonable ground to believe that the employees concerned have
5 changed their attitude toward the all-union agreement, the commission shall
6 conduct a referendum. If the continuance of the all-union agreement is supported
7 on a referendum by a vote at least equal to that provided in this paragraph for its
8 initial authorization, it may continue, subject to the right to petition for a further
9 vote by the procedure under this paragraph. If the continuance of the all-union
10 agreement is not supported on a referendum, it terminates at the expiration of the
11 contract of which it is then a part or at the end of one year from the date of the
12 announcement by the commission of the result of the referendum, whichever is
13 earlier. The commission shall declare any all-union agreement terminated
14 whenever it finds that the labor organization involved has unreasonably refused to
15 receive as a member any employee of such employer. An interested person may, as
16 provided in s. 111.07, request the commission to perform this duty.

17 **SECTION 341ag.** 111.06 (1) (e) of the statutes is amended to read:

18 111.06 (1) (e) To bargain collectively with the representatives of less than a
19 majority of the employer's employees in a collective bargaining unit, or to enter into
20 an all-union agreement except in the manner provided in par. (c).

21 **SECTION 341ah.** 111.06 (1) (i) of the statutes is amended to read:

22 111.06 (1) (i) To deduct labor organization dues or assessments from an
23 employee's earnings, unless the employer has been presented with an individual
24 order therefor, signed by the employee personally, and terminable at the end of any
25 year of its life by the employee giving to the employer at least 30 days' written notice

1 of the termination. ~~This paragraph applies to the extent permitted under federal law~~
2 unless there is an all-union agreement in effect. The employer shall give notice to
3 the labor organization of receipt of a notice of termination.”.

4 **71.** Page 335, line 15: after that line insert:

5 “**SECTION 341ab.** 109.09 (1) of the statutes is amended to read:

6 109.09 (1) The department shall investigate and attempt equitably to adjust
7 controversies between employers and employees as to regarding alleged wage
8 claims. The department may receive and investigate any wage claim that is filed
9 with the department, or received by the department under s. 109.10 (4), no later than
10 2 years after the date the wages are due. The department may, after receiving a wage
11 claim, investigate any wages due from the employer against whom the claim is filed
12 to any employee during the period commencing 2 years before the date the claim is
13 filed. The department shall enforce this chapter and s. ss. 66.0903, 2013 stats., s.
14 103.49, 2013 stats., s. 229.8275, 2013 stats., and s. 16.856, 2015 stats., and ss. 103.02,
15 103.49, 103.82, and 104.12, and 229.8275. In pursuance of this duty, the department
16 may sue the employer on behalf of the employee to collect any wage claim or wage
17 deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except
18 for actions under s. 109.10, the department may refer such an action to the district
19 attorney of the county in which the violation occurs for prosecution and collection and
20 the district attorney shall commence an action in the circuit court having appropriate
21 jurisdiction. Any number of wage claims or wage deficiencies against the same
22 employer may be joined in a single proceeding, but the court may order separate
23 trials or hearings. In actions that are referred to a district attorney under this
24 subsection, any taxable costs recovered by the district attorney shall be paid into the

1 general fund of the county in which the violation occurs and used by that county to
2 meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office
3 of the district attorney who prosecuted the action.

4 **SECTION 341ai.** 111.322 (2m) (a) of the statutes is amended to read:

5 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
6 right under s. 103.02, 103.10, 103.11, 103.13, 103.28, 103.32, 103.34, 103.455,
7 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599
8 or 103.64 to 103.82.

9 **SECTION 341aj.** 111.322 (2m) (b) of the statutes is amended to read:

10 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
11 held under or to enforce any right under s. 103.02, 103.10, 103.11, 103.13, 103.28,
12 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55,
13 or ss. 101.58 to 101.599 or 103.64 to 103.82.

14 **SECTION 341ak.** 111.322 (2m) (c) of the statutes is created to read:

15 111.322 (2m) (c) The individual files a complaint or attempts to enforce a right
16 under s. 66.0903, 103.49, or 229.8275 or testifies or assists in any action or
17 proceeding under s. 66.0903, 103.49, or 229.8275.”.

18 **72.** Page 335, line 15: after that line insert:

19 “**SECTION 341aa.** 109.03 (1) (b) of the statutes is amended to read:

20 109.03 (1) (b) School district and private school employees who voluntarily
21 request payment over a 12-month period for personal services performed during the
22 school year, unless, ~~with respect to private school employees,~~ the employees are
23 covered under a valid collective bargaining agreement which precludes this method
24 of payment.

1 **SECTION 341aL.** 111.70 (1) (a) of the statutes is amended to read:

2 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
3 obligation of a municipal employer, through its officers and agents, and the
4 representative of its municipal employees in a collective bargaining unit, to meet and
5 confer at reasonable times, in good faith, with the intention of reaching an
6 agreement, or to resolve questions arising under such an agreement, with respect to
7 wages, hours, and conditions of employment for public safety employees ~~or, for~~
8 transit employees and, or for municipal employees in a collective bargaining unit
9 that contains a frontline worker; with respect to wages for general municipal
10 employees, who are in a collective bargaining unit that does not contain a frontline
11 worker; and with respect to a requirement of the municipal employer for a municipal
12 employee to perform law enforcement and fire fighting services under s. 60.553,
13 61.66, or 62.13 (2e), except as provided in sub. (4) (mb) and (mc) and s. 40.81 (3) and
14 except that a municipal employer shall not meet and confer with respect to any
15 proposal to diminish or abridge the rights guaranteed to any public safety employees
16 under ch. 164. Collective bargaining includes the reduction of any agreement
17 reached to a written and signed document.

18 **SECTION 341am.** 111.70 (1) (f) of the statutes is amended to read:

19 111.70 (1) (f) “Fair-share agreement” means an agreement between a
20 municipal employer and a labor organization that represents public safety
21 employees ~~or, transit employees, or a frontline worker~~ under which all or any of the
22 public safety employees or transit employees in the collective bargaining unit or all
23 or any of the employees in a collective bargaining unit containing a frontline worker
24 are required to pay their proportionate share of the cost of the collective bargaining

1 process and contract administration measured by the amount of dues uniformly
2 required of all members.

3 **SECTION 341an.** 111.70 (1) (fd) of the statutes is created to read:

4 111.70 (1) (fd) “Frontline worker” means a municipal employee who is
5 determined to be a frontline worker under sub. (4) (bm) 2.

6 **SECTION 341ao.** 111.70 (1) (fm) of the statutes is amended to read:

7 111.70 (1) (fm) “General municipal employee” means a municipal employee
8 who is not a public safety employee ~~or~~, a transit employee, or a frontline worker.

9 **SECTION 341ap.** 111.70 (1) (n) of the statutes is amended to read:

10 111.70 (1) (n) “Referendum” means a proceeding conducted by the commission
11 in which public safety employees or transit employees in a collective bargaining unit
12 or municipal employees in a collective bargaining unit containing a frontline worker
13 may cast a secret ballot on the question of authorizing a labor organization and the
14 employer to continue a fair-share agreement.

15 **SECTION 341aq.** 111.70 (1) (p) of the statutes is amended to read:

16 111.70 (1) (p) “Transit employee” means a municipal employee who is
17 determined to be a transit employee under sub. (4) (bm) 1.

18 **SECTION 341ar.** 111.70 (2) of the statutes is renumbered 111.70 (2) (a) and
19 amended to read:

20 111.70 (2) (a) Municipal employees have the right of self-organization, and the
21 right to form, join, or assist labor organizations, to bargain collectively through
22 representatives of their own choosing, and to engage in lawful, concerted activities
23 for the purpose of collective bargaining or other mutual aid or protection. Municipal
24 employees have the right to refrain from any and all such activities. A general
25 municipal employee may not be covered by a fair-share agreement unless the

1 general municipal employee is in a collective bargaining unit containing a frontline
2 worker. Unless the general municipal employee is covered by a fair-share
3 agreement, a general municipal employee has the right to refrain from paying dues
4 while remaining a member of a collective bargaining unit. A public safety employee
5 ~~or, a transit employee, however,~~ or a municipal employee in a collective bargaining
6 unit containing a frontline worker may be covered by a fair-share agreement and be
7 required to pay dues in the manner provided in ~~a~~ the fair-share agreement; a
8 fair-share agreement covering a public safety employee ~~or a transit employee~~ must
9 contain a provision requiring the municipal employer to deduct the amount of dues
10 as certified by the labor organization from the earnings of the employee affected by
11 the fair-share agreement and to pay the amount deducted to the labor organization.
12 A fair-share agreement covering a public safety employee ~~or transit employee~~ is
13 subject to the right of the municipal employer or a labor organization to petition the
14 commission to conduct a referendum. Such petition must be supported by proof that
15 at least 30 percent of the employees in the collective bargaining unit desire that the
16 fair-share agreement be terminated. Upon so finding, the commission shall conduct
17 a referendum. If the continuation of the agreement is not supported by at least the
18 majority of the eligible employees, it shall terminate. The commission shall declare
19 any fair-share agreement suspended upon such conditions and for such time as the
20 commission decides whenever it finds that the labor organization involved has
21 refused on the basis of race, color, sexual orientation, creed, or sex to receive as a
22 member any ~~public safety employee or transit~~ eligible municipal employee of the
23 ~~municipal employer~~ in the bargaining unit involved, and such agreement is subject
24 to this duty of the commission. Any of the parties to such agreement or any public

1 ~~safety employee or transit~~ municipal employee covered by the agreement may come
2 before the commission, as provided in s. 111.07, and ask the performance of this duty.

3 **SECTION 341as.** 111.70 (2) (b) of the statutes is created to read:

4 111.70 (2) (b) General municipal employees who are not in a collective
5 bargaining unit containing a frontline worker have the right to have their municipal
6 employer consult with them, through a representative of their own choosing, with no
7 intention of reaching an agreement, with respect to wages, hours, and conditions of
8 employment. The right may be exercised when the municipal employer proposes or
9 implements policy changes affecting wages, hours, or conditions of employment or,
10 if no policy changes are proposed or implemented, at least quarterly.

11 **SECTION 341at.** 111.70 (3) (a) 3. of the statutes is amended to read:

12 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
13 organization by discrimination in regard to hiring, tenure, or other terms or
14 conditions of employment; but the prohibition shall not apply to a fair-share
15 agreement ~~that covers public safety employees or transit employees.~~

16 **SECTION 341au.** 111.70 (3) (a) 5. of the statutes is amended to read:

17 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
18 agreed upon by the parties with respect to wages, hours, and conditions of
19 employment affecting public safety employees ~~or~~, transit employees, or municipal
20 employees in a collective bargaining unit containing a frontline worker, including an
21 agreement to arbitrate questions arising as to the meaning or application of the
22 terms of a collective bargaining agreement or to accept the terms of such arbitration
23 award, where previously the parties have agreed to accept such award as final and
24 binding upon them or to violate any collective bargaining agreement affecting a

1 collective bargaining unit containing only general municipal employees, that was
2 previously agreed upon by the parties with respect to wages.

3 **SECTION 341av.** 111.70 (3) (a) 6. of the statutes is amended to read:

4 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public
5 safety employee ~~or~~, a transit employee, or a municipal employee who is in a collective
6 bargaining unit containing a frontline worker unless the municipal employer has
7 been presented with an individual order therefor, signed by the employee personally,
8 and terminable by at least the end of any year of its life or earlier by the ~~public safety~~
9 ~~employee or transit~~ municipal employee giving at least 30 days' written notice of such
10 termination to the municipal employer and to the representative organization,
11 except when a fair-share agreement is in effect.

12 **SECTION 341aw.** 111.70 (3) (a) 9. of the statutes is amended to read:

13 111.70 (3) (a) 9. If the collective bargaining unit contains a public safety
14 employee ~~or~~, transit employee, or frontline worker, after a collective bargaining
15 agreement expires and before another collective bargaining agreement takes effect,
16 to fail to follow any fair-share agreement in the expired collective bargaining
17 agreement.

18 **SECTION 341ax.** 111.70 (3g) of the statutes is amended to read:

19 111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not
20 deduct labor organization dues from the earnings of a general municipal employee,
21 unless the general municipal employee is in a collective bargaining unit that
22 contains a frontline worker, or from the earnings of a supervisor.

23 **SECTION 341ay.** 111.70 (4) (bm) (title) of the statutes is amended to read:

24 111.70 (4) (bm) (title) *Transit employee or frontline worker determination.*

1 **SECTION 341az.** 111.70 (4) (bm) of the statutes is renumbered 111.70 (4) (bm)

2 1.

3 **SECTION 341bb.** 111.70 (4) (bm) 2. of the statutes is created to read:

4 111.70 (4) (bm) 2. The commission shall determine that a municipal employee
5 is a frontline worker if the commission finds that the municipal employee has regular
6 job duties that include interacting with members of the public or with large
7 populations of people or that directly involve the maintenance of public works. The
8 commission may not determine that a public safety employee or a transit employee
9 is a frontline worker.

10 **SECTION 341bc.** 111.70 (4) (cg) (title), 1., 2., 3., 4. and 5. of the statutes are
11 amended to read:

12 111.70 (4) (cg) (title) *Methods for peaceful settlement of disputes; transit*
13 *employees and municipal employees in a collective bargaining unit containing a*
14 *frontline worker.* 1. 'Notice of commencement of contract negotiations.' To advise the
15 commission of the commencement of contract negotiations involving a collective
16 bargaining unit containing transit employees or a collective bargaining unit
17 containing a frontline worker, whenever either party requests the other to reopen
18 negotiations under a binding collective bargaining agreement, or the parties
19 otherwise commence negotiations if no collective bargaining agreement exists, the
20 party requesting negotiations shall immediately notify the commission in writing.
21 Upon failure of the requesting party to provide notice, the other party may provide
22 notice to the commission. The notice shall specify the expiration date of the existing
23 collective bargaining agreement, if any, and shall provide any additional information
24 the commission may require on a form provided by the commission.

1 2. ‘Presentation of initial proposals; open meetings.’ The meetings between
2 parties to a collective bargaining agreement or proposed collective bargaining
3 agreement under this subchapter that involve a collective bargaining unit
4 containing a transit employee or a frontline worker and that are held to present
5 initial bargaining proposals, along with supporting rationale, are open to the public.
6 Each party shall submit its initial bargaining proposals to the other party in writing.
7 Failure to comply with this subdivision does not invalidate a collective bargaining
8 agreement under this subchapter.

9 3. ‘Mediation.’ The commission or its designee shall function as mediator in
10 labor disputes involving transit employees or municipal employees in a collective
11 bargaining unit containing a frontline worker upon request of one or both of the
12 parties, or upon initiation of the commission. The function of the mediator is to
13 encourage voluntary settlement by the parties. No mediator has the power of
14 compulsion.

15 4. ‘Grievance arbitration.’ Parties to a dispute pertaining to the meaning or
16 application of the terms of a written collective bargaining agreement involving a
17 collective bargaining unit containing a transit employee or a frontline worker may
18 agree in writing to have the commission or any other appropriate agency serve as
19 arbitrator or may designate any other competent, impartial, and disinterested
20 person to serve as an arbitrator.

21 5. ‘Voluntary impasse resolution procedures.’ In addition to the other impasse
22 resolution procedures provided in this paragraph, a municipal employer that
23 employs a transit employee or a municipal employee in a collective bargaining unit
24 containing a frontline worker and a labor organization may at any time, as a
25 permissive subject of bargaining, agree in writing to a dispute settlement procedure,

1 including binding interest arbitration, which is acceptable to the parties for
2 resolving an impasse over terms of any collective bargaining agreement under this
3 subchapter. The parties shall file a copy of the agreement with the commission. If
4 the parties agree to any form of binding interest arbitration, the arbitrator shall give
5 weight to the factors enumerated under subds. 7. and 7g.

6 **SECTION 341bd.** 111.70 (4) (cg) 6. a. of the statutes is amended to read:

7 111.70 (4) (cg) 6. a. If, in any collective bargaining unit containing transit
8 employees or a frontline worker, a dispute has not been settled after a reasonable
9 period of negotiation and after mediation by the commission under subd. 3. and other
10 settlement procedures, if any, established by the parties have been exhausted, and
11 the parties are deadlocked with respect to any dispute between them over wages,
12 hours, or conditions of employment to be included in a new collective bargaining
13 agreement, either party, or the parties jointly, may petition the commission, in
14 writing, to initiate compulsory, final, and binding arbitration, as provided in this
15 paragraph. At the time the petition is filed, the petitioning party shall submit in
16 writing to the other party and the commission its preliminary final offer containing
17 its latest proposals on all issues in dispute. Within 14 calendar days after the date
18 of that submission, the other party shall submit in writing its preliminary final offer
19 on all disputed issues to the petitioning party and the commission. If a petition is
20 filed jointly, both parties shall exchange their preliminary final offers in writing and
21 submit copies to the commission when the petition is filed.

22 **SECTION 341be.** 111.70 (4) (cg) 7r. d., e. and f. of the statutes are amended to
23 read:

24 111.70 (4) (cg) 7r. d. Comparison of wages, hours, and conditions of employment
25 of the transit municipal employees involved in the arbitration proceedings with the

1 wages, hours, and conditions of employment of other employees performing similar
2 services.

3 e. Comparison of the wages, hours, and conditions of employment of the ~~transit~~
4 municipal employees involved in the arbitration proceedings with the wages, hours,
5 and conditions of employment of other employees generally in public employment in
6 the same community and in comparable communities.

7 f. Comparison of the wages, hours, and conditions of employment of the ~~transit~~
8 municipal employees involved in the arbitration proceedings with the wages, hours,
9 and conditions of employment of other employees in private employment in the same
10 community and in comparable communities.

11 **SECTION 341bf.** 111.70 (4) (cg) 7r. h. of the statutes is amended to read:

12 111.70 (4) (cg) 7r. h. The overall compensation presently received by the ~~transit~~
13 municipal employees involved in the arbitration proceedings, including direct wage
14 compensation, vacation, holidays, and excused time, insurance and pensions,
15 medical and hospitalization benefits, the continuity and stability of employment,
16 and all other benefits received.

17 **SECTION 341bg.** 111.70 (4) (cg) 8m. of the statutes is amended to read:

18 111.70 (4) (cg) 8m. 'Term of agreement; reopening of negotiations.' Except for
19 the initial collective bargaining agreement between the parties and except as the
20 parties otherwise agree, every collective bargaining agreement covering transit
21 employees or a frontline worker shall be for a term of 2 years, but in no case may a
22 collective bargaining agreement for any collective bargaining unit ~~consisting of~~
23 ~~transit employees~~ subject to this paragraph be for a term exceeding 3 years. No
24 arbitration award involving transit employees or a frontline worker may contain a
25 provision for reopening of negotiations during the term of a collective bargaining

1 agreement, unless both parties agree to such a provision. The requirement for
2 agreement by both parties does not apply to a provision for reopening of negotiations
3 with respect to any portion of an agreement that is declared invalid by a court or
4 administrative agency or rendered invalid by the enactment of a law or promulgation
5 of a federal regulation.

6 **SECTION 341bh.** 111.70 (4) (d) 1. of the statutes is amended to read:

7 111.70 (4) (d) 1. A representative chosen for the purposes of collective
8 bargaining by a majority of the ~~public safety employees or transit~~ municipal
9 employees voting in a collective bargaining unit shall be the exclusive representative
10 of all employees in the unit for the purpose of collective bargaining. ~~A representative~~
11 ~~chosen for the purposes of collective bargaining by at least 51 percent of the general~~
12 ~~municipal employees in a collective bargaining unit shall be the exclusive~~
13 ~~representative of all employees in the unit for the purpose of collective bargaining.~~
14 Any individual employee, or any minority group of employees in any collective
15 bargaining unit, shall have the right to present grievances to the municipal employer
16 in person or through representatives of their own choosing, and the municipal
17 employer shall confer with the employee in relation thereto, if the majority
18 representative has been afforded the opportunity to be present at the conferences.
19 Any adjustment resulting from these conferences may not be inconsistent with the
20 conditions of employment established by the majority representative and the
21 municipal employer.

22 **SECTION 341bi.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

23 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
24 bargaining unit for the purpose of collective bargaining and shall whenever possible
25 avoid fragmentation by maintaining as few collective bargaining units as practicable

1 in keeping with the size of the total municipal workforce. The commission may
2 decide whether, in a particular case, the municipal employees in the same or several
3 departments, divisions, institutions, crafts, professions, or other occupational
4 groupings constitute a collective bargaining unit. Before making its determination,
5 the commission may provide an opportunity for the municipal employees concerned
6 to determine, by secret ballot, whether they desire to be established as a separate
7 collective bargaining unit. The commission may not decide, however, that any group
8 of municipal employees constitutes an appropriate collective bargaining unit if the
9 group includes both professional employees and nonprofessional employees, unless
10 a majority of the professional employees vote for inclusion in the unit. The
11 commission may not decide that any group of municipal employees constitutes an
12 appropriate collective bargaining unit if the group includes both school district
13 employees and general municipal employees who are not school district employees.
14 ~~The commission may not decide that any group of municipal employees constitutes~~
15 ~~an appropriate collective bargaining unit if the group includes both public safety~~
16 ~~employees and general municipal employees, if the group includes both transit~~
17 ~~employees and general municipal employees, or if the group includes both transit~~
18 ~~employees and public safety employees~~ place public safety employees in a collective
19 bargaining unit with employees who are not public safety employees or place transit
20 employees in a collective bargaining unit with employees who are not transit
21 employees. The commission may place frontline workers in a collective bargaining
22 unit with municipal employees who are not frontline workers if the commission
23 determines it is appropriate; if the commission places in a collective bargaining unit
24 frontline workers and municipal employees who are not frontline workers, the
25 collective bargaining unit is treated as if all employees in the collective bargaining

1 unit are frontline workers. The commission may not decide that any group of
2 municipal employees constitutes an appropriate collective bargaining unit if the
3 group includes both craft employees and noncraft employees unless a majority of the
4 craft employees vote for inclusion in the unit. The commission shall place the
5 professional employees who are assigned to perform any services at a charter school,
6 as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that
7 includes any other professional employees whenever at least 30 percent of those
8 professional employees request an election to be held to determine that issue and a
9 majority of the professional employees at the charter school who cast votes in the
10 election decide to be represented in a separate collective bargaining unit.

11 **SECTION 341bj.** 111.70 (4) (d) 3. a. and c. of the statutes are consolidated and
12 renumbered 111.70 (4) (d) 3.

13 **SECTION 341bk.** 111.70 (4) (d) 3. b. of the statutes is repealed.

14 **SECTION 341bL.** 111.70 (4) (mb) (intro.) of the statutes is amended to read:

15 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*
16 (intro.) The municipal employer is prohibited from bargaining collectively with a
17 collective bargaining unit containing ~~a~~ only general municipal employee employees
18 with respect to any of the following:

19 **SECTION 341bm.** 111.70 (4) (mbb) of the statutes is amended to read:

20 111.70 (4) (mbb) *Consumer price index change.* For purposes of determining
21 compliance with par. (mb), the commission shall provide, upon request, to a
22 municipal employer or to any representative of a collective bargaining unit
23 containing ~~a~~ only general municipal employee employees, the consumer price index
24 change during any 12-month period. The commission may get the information from
25 the department of revenue.

1 **SECTION 341bn.** 111.70 (4) (p) of the statutes is amended to read:

2 111.70 (4) (p) *Permissive subjects of collective bargaining; public safety and*
3 *employees, transit employees, and municipal employees in a collective bargaining*
4 *unit containing a frontline worker.* A municipal employer is not required to bargain
5 with public safety employees ~~or~~, transit employees, or municipal employees in a
6 collective bargaining unit containing a frontline worker on subjects reserved to
7 management and direction of the governmental unit except insofar as the manner
8 of exercise of such functions affects the wages, hours, and conditions of employment
9 of the public safety employees ~~or~~ in a collective bargaining unit, of the transit
10 employees in a collective bargaining unit, or of the municipal employees in the
11 collective bargaining unit containing a frontline worker, whichever is appropriate.

12 **SECTION 341bo.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

13 111.70 (7m) (c) 1. a. Any labor organization that represents public safety
14 employees ~~or~~, transit employees, or a frontline worker which violates sub. (4) (L) may
15 not collect any dues under a collective bargaining agreement or under a fair-share
16 agreement from any employee covered by either agreement for a period of one year.
17 At the end of the period of suspension, any such agreement shall be reinstated unless
18 the labor organization is no longer authorized to represent the ~~public safety~~
19 ~~employees or transit~~ municipal employees covered by the collective bargaining
20 agreement or fair-share agreement or the agreement is no longer in effect.

21 **SECTION 341bp.** 111.81 (1) of the statutes is renumbered 111.81 (1s) and
22 amended to read:

23 111.81 (1s) “Collective bargaining” means the performance of the mutual
24 obligation of the state as an employer, by its officers and agents, and the
25 representatives of its employees, to meet and confer at reasonable times, in good

1 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), ~~with respect~~
2 ~~to~~ for public safety employees, with respect to the subjects of bargaining provided in
3 s. 111.91 (1w) for employees in a collective bargaining unit containing a frontline
4 worker, and with respect to the subjects of bargaining provided in s. 111.91 (3), ~~with~~
5 ~~respect to~~ for general employees who are in a collective bargaining unit that does not
6 contain a frontline worker, with the intention of reaching an agreement, or to resolve
7 questions arising under such an agreement. The duty to bargain, however, does not
8 compel either party to agree to a proposal or require the making of a concession.
9 Collective bargaining includes the reduction of any agreement reached to a written
10 and signed document.

11 **SECTION 341bq.** 111.81 (1d) of the statutes is created to read:

12 111.81 (1d) “Authority” means a body created under subch. II of ch. 114 or ch.
13 231, 232, 233, 234, 237, 238, or 279.

14 **SECTION 341br.** 111.81 (7) (ag) of the statutes is created to read:

15 111.81 (7) (ag) An employee of an authority.

16 **SECTION 341bs.** 111.81 (8) of the statutes is amended to read:

17 111.81 (8) “Employer” means the state of Wisconsin and includes an authority.

18 **SECTION 341bt.** 111.81 (9) of the statutes is amended to read:

19 111.81 (9) “Fair-share agreement” means an agreement between the employer
20 and a labor organization representing public safety employees or a frontline worker
21 under which all of the public safety employees in the collective bargaining unit or all
22 of the employees in a collective bargaining unit containing a frontline worker are
23 required to pay their proportionate share of the cost of the collective bargaining
24 process and contract administration measured by the amount of dues uniformly
25 required of all members.

1 **SECTION 341bu.** 111.81 (9b) of the statutes is created to read:

2 111.81 (9b) “Frontline worker” means an employee who is determined to be a
3 frontline worker under s. 111.817.

4 **SECTION 341bv.** 111.81 (9g) of the statutes is amended to read:

5 111.81 (9g) “General employee” means an employee who is not a public safety
6 employee or a frontline worker.

7 **SECTION 341bw.** 111.81 (12) (intro.) of the statutes is amended to read:

8 111.81 (12) (intro.) “Labor organization” means any employee organization
9 whose purpose is to represent employees in collective bargaining with the employer,
10 or its agents, on matters that are subject to collective bargaining under s. 111.91 (1),
11 (1w), or (3), whichever is applicable; but the term shall not include any organization:

12 **SECTION 341bx.** 111.81 (12m) of the statutes is amended to read:

13 111.81 (12m) “Maintenance of membership agreement” means an agreement
14 between the employer and a labor organization representing public safety employees
15 or a frontline worker which requires that all of the public safety employees or
16 employees who are in a collective bargaining unit containing a frontline worker
17 whose dues are being deducted from earnings under s. 20.921 (1) or 111.84 (1) (f) at
18 the time the agreement takes effect shall continue to have dues deducted for the
19 duration of the agreement, and that dues shall be deducted from the earnings of all
20 ~~public safety~~ such employees who are hired on or after the effective date of the
21 agreement.

22 **SECTION 341by.** 111.81 (16) of the statutes is amended to read:

23 111.81 (16) “Referendum” means a proceeding conducted by the commission in
24 which public safety employees in a collective bargaining unit or all employees in a
25 collective bargaining unit containing a frontline worker may cast a secret ballot on

1 the question of directing the labor organization and the employer to enter into a
2 fair-share or maintenance of membership agreement or to terminate such an
3 agreement.

4 **SECTION 341bz.** 111.815 (1) of the statutes is amended to read:

5 111.815 (1) In the furtherance of this subchapter, the state shall be considered
6 as a single employer and employment relations policies and practices throughout the
7 state service shall be as consistent as practicable. The division shall negotiate and
8 administer collective bargaining agreements. To coordinate the employer position
9 in the negotiation of agreements, the division shall maintain close liaison with the
10 legislature relative to the negotiation of agreements and the fiscal ramifications of
11 those agreements. Except with respect to the collective bargaining units specified
12 in s. 111.825 (1r) and (1t), the division is responsible for the employer functions of the
13 executive branch under this subchapter, and shall coordinate its collective
14 bargaining activities with operating state agencies on matters of agency concern and
15 with operating authorities on matters of authority concern. The legislative branch
16 shall act upon those portions of tentative agreements negotiated by the division that
17 require legislative action. With respect to the collective bargaining units specified
18 in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is
19 responsible for the employer functions under this subchapter. With respect to the
20 collective bargaining units specified in s. 111.825 (1t), the chancellor of the
21 University of Wisconsin-Madison is responsible for the employer functions under
22 this subchapter. With respect to the collective bargaining unit specified in s. 111.825
23 (1r) (ef), the governing board of the charter school established by contract under s.
24 118.40 (2r) (cm), 2013 stats., is responsible for the employer functions under this
25 subchapter.

1 **SECTION 341cb.** 111.817 of the statutes is created to read:

2 **111.817 Duty of commission; determination of frontline workers.** The
3 commission shall determine that an employee is a frontline worker if the commission
4 finds that the employee has regular job duties that include interacting with members
5 of the public or with large populations of people or that directly involve the
6 maintenance of public works. The commission may not determine that a public
7 safety employee is a frontline worker.

8 **SECTION 341cc.** 111.82 of the statutes is renumbered 111.82 (1) and amended
9 to read:

10 111.82 (1) Employees have the right of self-organization and the right to form,
11 join, or assist labor organizations, to bargain collectively through representatives of
12 their own choosing under this subchapter, and to engage in lawful, concerted
13 activities for the purpose of collective bargaining or other mutual aid or protection.
14 Employees also have the right to refrain from any or all of such activities. A general
15 employee may not be covered by a fair-share agreement unless the general employee
16 is in a collective bargaining unit containing a frontline worker. Unless the general
17 employee is covered by a fair-share agreement, a general employee has the right to
18 refrain from paying dues while remaining a member of a collective bargaining unit.

19 **SECTION 341cd.** 111.82 (2) of the statutes is created to read:

20 111.82 (2) General employees who are not in a collective bargaining unit
21 containing a frontline worker have the right to have their employer consult with
22 them, through a representative of their own choosing, with no intention of reaching
23 an agreement, with respect to wages, hours, and conditions of employment. The
24 right may be exercised when the employer proposes or implements policy changes

1 affecting wages, hours, or conditions of employment or, if no policy changes are
2 proposed or implemented, at least quarterly.

3 **SECTION 341ce.** 111.825 (1) (intro.) of the statutes is amended to read:

4 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
5 collective bargaining, units must be structured in such a way as to avoid excessive
6 fragmentation whenever possible. In accordance with this policy, collective
7 bargaining units for employees in the classified service of the state and for employees
8 of authorities are structured on a statewide basis with one collective bargaining unit
9 for each of the following occupational groups:

10 **SECTION 341cf.** 111.825 (3) of the statutes is amended to read:

11 111.825 (3) The commission shall assign employees to the appropriate
12 collective bargaining units set forth in subs. (1), (1r), (1t), and (2). The commission
13 may place frontline workers in a collective bargaining unit with employees who are
14 not frontline workers if the commission determines it is appropriate; if the
15 commission places in a collective bargaining unit frontline workers and employees
16 who are not frontline workers, the collective bargaining unit is treated as if all
17 employees in the collective bargaining unit are frontline workers and may bargain
18 as provided in s. 111.91 (1w).

19 **SECTION 341cg.** 111.825 (5) of the statutes is amended to read:

20 111.825 (5) Although supervisors are not considered employees for purposes
21 of this subchapter, the commission may consider a petition for a statewide collective
22 bargaining unit of professional supervisors or a statewide unit of nonprofessional
23 supervisors in the classified service, but the representative of supervisors may not
24 be affiliated with any labor organization representing employees. For purposes of
25 this subsection, affiliation does not include membership in a national, state, county

1 or municipal federation of national or international labor organizations. The
2 certified representative of supervisors who are not public safety employees or
3 frontline workers may not bargain collectively with respect to any matter other than
4 wages as provided in s. 111.91 (3), ~~and the certified representative of supervisors who~~
5 ~~are public safety employees may not bargain collectively with respect to any matter~~
6 ~~other than wages and fringe benefits as provided in s. 111.91 (1), and the certified~~
7 ~~representative of supervisors who are frontline workers may bargain as provided in~~
8 ~~s. 111.91 (1w).~~

9 **SECTION 341ch.** 111.83 (1) of the statutes is amended to read:

10 111.83 (1) ~~Except as provided in sub. (5), a representative chosen for the~~
11 ~~purposes of collective bargaining by at least 51 percent of the general employees in~~
12 ~~a collective bargaining unit shall be the exclusive representative of all of the~~
13 ~~employees in such unit for the purposes of collective bargaining. A representative~~
14 chosen for the purposes of collective bargaining by a majority of the public safety
15 employees voting in a collective bargaining unit shall be the exclusive representative
16 of all of the employees in such unit for the purposes of collective bargaining. Any
17 individual employee, or any minority group of employees in any collective bargaining
18 unit, may present grievances to the employer in person, or through representatives
19 of their own choosing, and the employer shall confer with the employee or group of
20 employees in relation thereto if the majority representative has been afforded the
21 opportunity to be present at the conference. Any adjustment resulting from such a
22 conference may not be inconsistent with the conditions of employment established
23 by the majority representative and the employer.

24 **SECTION 341ci.** 111.83 (3) (a) of the statutes is renumbered 111.83 (3).

25 **SECTION 341cj.** 111.83 (3) (b) of the statutes is repealed.

1 **SECTION 341ck.** 111.83 (4) of the statutes is amended to read:

2 111.83 (4) Whenever an election has been conducted under sub. (3) ~~(a)~~ in which
3 the name of more than one proposed representative appears on the ballot and results
4 in no conclusion, the commission may, if requested by any party to the proceeding
5 within 30 days from the date of the certification of the results of the election, conduct
6 a runoff election. In that runoff election, the commission shall drop from the ballot
7 the name of the representative who received the least number of votes at the original
8 election. The commission shall drop from the ballot the privilege of voting against
9 any representative if the least number of votes cast at the first election was against
10 representation by any named representative.

11 **SECTION 341cL.** 111.84 (1) (d) of the statutes is amended to read:

12 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91
13 (1), (1w), or (3), whichever is appropriate, with a representative of a majority of its
14 employees in an appropriate collective bargaining unit. Where the employer has a
15 good faith doubt as to whether a labor organization claiming the support of a majority
16 of its employees in appropriate collective bargaining unit does in fact have that
17 support, it may file with the commission a petition requesting an election as to that
18 claim. It is not deemed to have refused to bargain until an election has been held and
19 the results thereof certified to it by the commission. A violation of this paragraph
20 includes, but is not limited to, the refusal to execute a collective bargaining
21 agreement previously orally agreed upon.

22 **SECTION 341cm.** 111.84 (1) (f) of the statutes is amended to read:

23 111.84 (1) (f) To deduct labor organization dues from the earnings of a public
24 safety employee or an employee who is in a collective bargaining unit containing a
25 frontline worker, unless the employer has been presented with an individual order

1 therefor, signed by the ~~public safety~~ employee personally, and terminable by at least
2 the end of any year of its life or earlier by the ~~public safety~~ employee giving at least
3 30 but not more than 120 days' written notice of such termination to the employer
4 and to the representative labor organization, except if there is a fair-share or
5 maintenance of membership agreement in effect. The employer shall give notice to
6 the labor organization of receipt of such notice of termination.

7 **SECTION 341cn.** 111.84 (2) (c) of the statutes is amended to read:

8 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
9 (1), (1w), or (3), whichever is appropriate, with the duly authorized officer or agent
10 of the employer which is the recognized or certified exclusive collective bargaining
11 representative of employees specified in s. 111.81 (7) (a) or (ag) in an appropriate
12 collective bargaining unit or with the certified exclusive collective bargaining
13 representative of employees specified in s. 111.81 (7) (ar) to (f) in an appropriate
14 collective bargaining unit. Such refusal to bargain shall include, but not be limited
15 to, the refusal to execute a collective bargaining agreement previously orally agreed
16 upon.

17 **SECTION 341co.** 111.85 (1) of the statutes is amended to read:

18 111.85 (1) (a) No fair-share or maintenance of membership agreement
19 ~~covering public safety employees~~ under this subchapter may become effective unless
20 authorized by a referendum. The commission shall order a referendum whenever it
21 receives a petition supported by proof that at least 30 percent of the public safety
22 employees in a collective bargaining unit or at least 30 percent of the employees in
23 a collective bargaining unit containing a frontline worker desire that a fair-share or
24 maintenance of membership agreement be entered into between the employer and
25 a labor organization. A petition may specify that a referendum is requested on a

1 maintenance of membership agreement only, in which case the ballot shall be limited
2 to that question.

3 (b) For a fair-share agreement to be authorized, at least two-thirds of the
4 eligible public safety employees voting in a referendum shall vote in favor of the
5 agreement or at least two-thirds of the employees in a collective bargaining unit
6 containing a frontline worker shall vote in favor of the agreement. For a
7 maintenance of membership agreement to be authorized, at least a majority of the
8 eligible public safety employees voting in a referendum shall vote in favor of the
9 agreement or at least a majority of the employees in a collective bargaining unit
10 containing a frontline worker shall vote in favor of the agreement. In a referendum
11 on a fair-share agreement, if less than two-thirds but more than one-half of the
12 eligible public safety employees vote in favor of the agreement, a maintenance of
13 membership agreement is authorized.

14 (c) If a fair-share or maintenance of membership agreement is authorized in
15 a referendum ordered under par. (a), the employer shall enter into such an
16 agreement with the labor organization named on the ballot in the referendum. Each
17 fair-share or maintenance of membership agreement shall contain a provision
18 requiring the employer to deduct the amount of dues as certified by the labor
19 organization from the earnings of the ~~public safety~~ employees affected by the
20 agreement and to pay the amount so deducted to the labor organization. Unless the
21 parties agree to an earlier date, the agreement shall take effect 60 days after
22 certification by the commission that the referendum vote authorized the agreement.
23 The employer shall be held harmless against any claims, demands, suits and other
24 forms of liability made by ~~public safety~~ the employees affected by the agreement or
25 by local labor organizations which may arise for actions taken by the employer in

1 compliance with this section. All such lawful claims, demands, suits, and other forms
2 of liability are the responsibility of the labor organization entering into the
3 agreement.

4 (d) Under each fair-share or maintenance of membership agreement, ~~a public~~
5 ~~safety~~ an employee affected by the agreement who has religious convictions against
6 dues payments to a labor organization based on teachings or tenets of a church or
7 religious body of which he or she is a member shall, on request to the labor
8 organization, have his or her dues paid to a charity mutually agreed upon by the
9 ~~public safety~~ employee and the labor organization. Any dispute concerning this
10 paragraph may be submitted to the commission for adjudication.

11 **SECTION 341cp.** 111.85 (2) of the statutes is amended to read:

12 111.85 (2) (a) Once authorized under sub. (1), a fair-share or maintenance of
13 membership agreement ~~covering public safety employees~~ shall continue in effect,
14 subject to the right of the employer or labor organization concerned to petition the
15 commission to conduct a new referendum. Such petition must be supported by proof
16 that at least 30 percent of the public safety employees in the collective bargaining
17 unit or at least 30 percent of the employees in a collective bargaining unit containing
18 a frontline worker desire that the fair-share or maintenance of membership
19 agreement be discontinued. Upon so finding, the commission shall conduct a new
20 referendum. If the continuance of the fair-share or maintenance of membership
21 agreement is approved in the referendum by at least the percentage of eligible voting
22 ~~public safety~~ employees required for its initial authorization, it shall be continued
23 in effect, subject to the right of the employer or labor organization to later initiate a
24 further vote following the procedure prescribed in this subsection. If the
25 continuation of the agreement is not supported in any referendum, it is ~~deemed~~

1 ~~terminated~~ terminates at the termination of the collective bargaining agreement, or
2 one year from the date of the certification of the result of the referendum, whichever
3 is earlier.

4 (b) The commission shall declare any fair-share or maintenance of
5 membership agreement suspended upon such conditions and for such time as the
6 commission decides whenever it finds that the labor organization involved has
7 refused on the basis of race, color, sexual orientation or creed to receive as a member
8 any ~~public safety~~ employee in the collective bargaining unit involved, and the
9 agreement shall be made subject to the findings and orders of the commission. Any
10 of the parties to the agreement, or any ~~public safety~~ employee covered thereby, may
11 come before the commission, as provided in s. 111.07, and petition the commission
12 to make such a finding.

13 **SECTION 341cq.** 111.85 (4) of the statutes is amended to read:

14 111.85 (4) The commission may, under rules adopted for that purpose, appoint
15 as its agent an official of a state agency or authority whose ~~public safety~~ employees
16 are entitled to vote in a referendum to conduct a referendum ~~provided for herein~~
17 under this section.

18 **SECTION 341cr.** 111.86 (2) of the statutes is amended to read:

19 111.86 (2) The division shall charge a state department ~~or~~, agency, or authority
20 the employer's share of the cost related to grievance arbitration under sub. (1) for any
21 arbitration that involves one or more employees of the state department ~~or~~, agency,
22 or authority. Each state department ~~or~~, agency, or authority so charged shall pay the
23 amount that the division charges from the appropriation account or accounts used
24 to pay the salary of the grievant. Funds received under this subsection shall be
25 credited to the appropriation account under s. 20.505 (1) (ks).

1 **SECTION 341cs.** 111.88 (1) of the statutes is amended to read:

2 111.88 (1) If a dispute has not been settled after a reasonable period of
3 negotiation and after the settlement procedures, if any, established by the parties
4 have been exhausted, the representative which has been certified by the commission
5 after an election, or, in the case of a representative of employees specified in s. 111.81
6 (7) (a) or (ag), has been duly recognized by the employer, as the exclusive
7 representative of employees in an appropriate collective bargaining unit, and the
8 employer, its officers and agents, after a reasonable period of negotiation, are
9 deadlocked with respect to any dispute between them arising in the collective
10 bargaining process, the parties jointly, may petition the commission, in writing, to
11 initiate fact-finding under this section, and to make recommendations to resolve the
12 deadlock.

13 **SECTION 341ct.** 111.90 (1) of the statutes is amended to read:

14 111.90 (1) Carry out the statutory mandate and goals assigned to a state agency
15 or authority by the most appropriate and efficient methods and means and utilize
16 personnel in the most appropriate and efficient manner possible.

17 **SECTION 341cu.** 111.90 (2) of the statutes is amended to read:

18 111.90 (2) Manage the employees of a state agency or authority; hire, promote,
19 transfer, assign or retain employees in positions within the agency or authority; and
20 in that regard establish reasonable work rules.

21 **SECTION 341cv.** 111.91 (1w) of the statutes is created to read:

22 111.91 (1w) (a) Except as provided in pars. (b) and (c), with regard to a collective
23 bargaining unit that contains at least one frontline worker, matters subject to
24 collective bargaining to the point of impasse are wage rates, consistent with sub. (2),
25 the assignment and reassignment of classifications to pay ranges, determination of

1 an incumbent's pay status resulting from position reallocation or reclassification,
2 and pay adjustments upon temporary assignment of classified employees to duties
3 of a higher classification or downward reallocations of a classified employee's
4 position; fringe benefits consistent with sub. (2); hours and conditions of
5 employment.

6 (b) With regard to a collective bargaining unit that contains at least one
7 frontline worker, the employer is not required to bargain on management rights
8 under s. 111.90, except that procedures for the adjustment or settlement of
9 grievances or disputes arising out of any type of disciplinary action referred to in s.
10 111.90 (3) shall be a subject of bargaining.

11 (c) The employer is prohibited from bargaining on matters contained in sub. (2)
12 with a collective bargaining unit that contains at least one frontline worker.

13 **SECTION 341cw.** 111.91 (2) (intro.) of the statutes is amended to read:

14 111.91 (2) (intro.) The employer is prohibited from bargaining with a collective
15 bargaining unit under s. 111.825 (1) (g) or with a collective bargaining unit that
16 contains a frontline worker with respect to all of the following:

17 **SECTION 341cx.** 111.91 (3) (intro.) of the statutes is amended to read:

18 111.91 (3) (intro.) The employer is prohibited from bargaining with a collective
19 bargaining unit containing ~~a~~ only general employee employees with respect to any
20 of the following:

21 **SECTION 341cy.** 111.91 (3q) of the statutes is amended to read:

22 111.91 (3q) For purposes of determining compliance with sub. (3), the
23 commission shall provide, upon request, to the employer or to any representative of
24 a collective bargaining unit containing ~~a~~ only general employee employees, the

1 consumer price index change during any 12-month period. The commission may get
2 the information from the department of revenue.

3 **SECTION 341cz.** 111.91 (4) of the statutes is amended to read:

4 111.91 (4) The administrator of the division, in connection with the
5 development of tentative collective bargaining agreements to be submitted under s.
6 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each recognized
7 or certified labor organization representing employees or supervisors of employees
8 specified in s. 111.81 (7) (a) or (ag) and with each certified labor organization
9 representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any
10 provision for the payment to any employee of a cumulative or noncumulative amount
11 of compensation in recognition of or based on the period of time an employee has been
12 employed by the state.

13 **SECTION 341db.** 111.92 (3) (a) of the statutes is amended to read:

14 111.92 (3) (a) Agreements covering a collective bargaining unit specified under
15 s. 111.825 (1) (g) or a collective bargaining unit containing a frontline worker shall
16 coincide with the fiscal year or biennium.

17 **SECTION 341dc.** 111.92 (3) (b) of the statutes is amended to read:

18 111.92 (3) (b) No agreements covering a collective bargaining unit containing
19 ~~a~~ only general employee employees may be for a period that exceeds one year, and
20 each agreement must coincide with the fiscal year. Agreements covering a collective
21 bargaining unit containing ~~a~~ only general employee employees may not be extended.

22 **SECTION 341dd.** 111.93 (3) (a) of the statutes is amended to read:

23 111.93 (3) (a) If a collective bargaining agreement exists between the employer
24 and a labor organization representing employees in a collective bargaining unit
25 under s. 111.825 (1) (g) or in a collective bargaining unit containing a frontline

1 worker, the provisions of that agreement shall supersede the provisions of civil
2 service and other applicable statutes, as well as rules and policies of the University
3 of Wisconsin-Madison and the board of regents of the University of Wisconsin
4 System, and policies or determinations of an authority, that are related to wages,
5 fringe benefits, hours, and conditions of employment, whether or not the matters
6 contained in those statutes, rules, and policies, and determinations are set forth in
7 the collective bargaining agreement.

8 **SECTION 341d.** 111.93 (3) (b) of the statutes is amended to read:

9 111.93 (3) (b) If a collective bargaining agreement exists between the employer
10 and a labor organization representing only general employees in a collective
11 bargaining unit, the provisions of that agreement shall supersede the provisions of
12 civil service and other applicable statutes, as well as rules and policies of the board
13 of regents of the University of Wisconsin System, related to wages, whether or not
14 the matters contained in those statutes, rules, and policies are set forth in the
15 collective bargaining agreement.”.

16 **73.** Page 337, line 10: after that line insert:

17 **“SECTION 351b.** 118.22 (4) of the statutes is created to read:

18 118.22 (4) A collective bargaining agreement under subch. IV of ch. 111 may
19 modify, waive, or replace any of the provisions of this section as they apply to teachers
20 in the collective bargaining unit, but neither the employer nor the bargaining agent
21 for the employees is required to bargain such modification, waiver, or replacement.

22 **SECTION 351d.** 118.245 (1) of the statutes is amended to read:

23 118.245 (1) If a school board wishes to increase the total base wages of its
24 general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that

1 exceeds the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution
2 to that effect. The resolution shall specify the amount by which the proposed total
3 base wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution
4 may not take effect unless it is approved in a referendum called for that purpose. The
5 referendum shall occur in April for collective bargaining agreements that begin in
6 July of that year. The results of a referendum apply to the total base wages only in
7 the next collective bargaining agreement.

8 **SECTION 351f.** 118.42 (3) (a) 4. of the statutes is amended to read:

9 118.42 (3) (a) 4. Implement changes in administrative and personnel
10 structures that are consistent with applicable collective bargaining agreements
11 under subch. IV of ch. 111.

12 **SECTION 351h.** 118.42 (5) of the statutes is amended to read:

13 118.42 (5) Nothing in this section alters or otherwise affects the rights or
14 remedies afforded school districts and school district employees under federal or
15 state law or under the terms of any applicable collective bargaining agreement under
16 subch. IV of ch. 111.

17 **SECTION 351L.** 120.12 (15) of the statutes is amended to read:

18 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
19 school day. The school board may differentiate between the various elementary and
20 high school grades in scheduling the school day. This subsection does not eliminate
21 a school district's duty under subch. IV of ch. 111 to bargain with its employees'
22 collective bargaining representative over any calendaring proposal which is
23 primarily related to wages, hours, or conditions of employment.

24 **SECTION 351p.** 120.18 (1) (gm) of the statutes is amended to read:

1 120.18 (1) (gm) Payroll and related benefit costs for all school district
2 employees in the previous school year. ~~Payroll costs~~ Costs for represented employees
3 shall be based upon the costs of wages of any collective bargaining agreements
4 covering such employees for the previous school year. If, as of the time specified by
5 the department for filing the report, the school district has not entered into a
6 collective bargaining agreement for any portion of the previous school year with the
7 recognized or certified representative of any of its employees, increased costs of
8 wages reflected in the report shall be equal to the maximum wage expenditure that
9 ~~is subject to collective bargaining under s. 111.70 (4) (mb) 2. for the employees~~ limited
10 to the lower of the school district's offer or the representative's offer. The school
11 district shall amend the annual report to reflect any change in such costs as a result
12 of any collective bargaining agreement entered into between the date of filing the
13 report and October 1. Any such amendment shall be concurred in by the certified
14 public accountant licensed or certified under ch. 442 certifying the school district
15 audit.”.

16 **74.** Page 340, line 9: after that line insert:

17 “**SECTION 362m.** 165.25 (4) (ar) of the statutes is amended to read:

18 165.25 (4) (ar) The department of justice shall furnish all legal services
19 required by the department of agriculture, trade and consumer protection relating
20 to the enforcement of ss. 91.68, 93.73, 100.171, 100.173, 100.174, 100.175, 100.177,
21 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.2091, 100.2092,
22 100.21, 100.28, 100.37, 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136,
23 344, 704, 707, and 779, together with any other services as are necessarily connected
24 to the legal services.”.

1 **75.** Page 340, line 12: delete lines 12 to 17 and substitute:

2 “**SECTION 364b.** 196.218 (5) (a) 10. of the statutes is amended to read:

3 196.218 **(5)** (a) 10. To make broadband expansion grants and administer the
4 program under s. 196.504 (2).

5 **SECTION 364c.** 196.504 (1) (ac) 4. of the statutes is created to read:

6 196.504 **(1)** (ac) 4. A political subdivision that is underserved or that is located
7 in an unserved area.

8 **SECTION 364d.** 196.504 (2) (a) of the statutes is amended to read:

9 196.504 **(2)** (a) To make broadband expansion grants to eligible applicants for
10 the purpose of constructing broadband infrastructure in underserved areas
11 designated under par. (d). Grants awarded under this ~~section~~ subsection shall be
12 paid from the appropriations under s. ~~ss.~~ 20.155 (3) (a), (r), and (rm) and 20.866 (2)
13 (z), in the amount allocated under s. 20.866 (2) (z) 5.

14 **SECTION 364e.** 196.504 (2) (b) of the statutes is amended to read:

15 196.504 **(2)** (b) To prescribe the form, nature, and extent of the information that
16 shall be contained in an application for a grant under this ~~section~~ subsection. The
17 application shall require the applicant to identify the area of the state that will be
18 affected by the proposed project and explain how the proposed project will increase
19 broadband access.

20 **SECTION 364f.** 196.504 (2) (c) of the statutes is amended to read:

21 196.504 **(2)** (c) To establish criteria for evaluating applications and awarding
22 grants under this ~~section~~ subsection. The criteria shall prohibit grants that have the
23 effect of subsidizing the expenses of a provider of telecommunications service, as
24 defined in s. 182.017 (1g) (cq), or the monthly bills of customers of those providers.

1 The criteria shall give priority to projects that include matching funds, that involve
2 public-private partnerships, that affect unserved areas, that are scalable, that
3 promote economic development, that will not result in delaying the provision of
4 broadband service to areas neighboring areas to be served by the proposed project,
5 or that affect a large geographic area or a large number of underserved individuals
6 or communities. When evaluating grant applications under this ~~section~~ subsection,
7 the commission shall consider the degree to which the proposed projects would
8 duplicate existing broadband infrastructure, information about the presence of
9 which is provided to the commission by the applicant or another person within a time
10 period designated by the commission; the impacts of the proposed projects on the
11 ability of individuals to access health care services from home and the cost of those
12 services; and the impacts of the proposed projects on the ability of students to access
13 educational opportunities from home.

14 **SECTION 364g.** 196.504 (2g) of the statutes is created to read:

15 196.504 (2g) The commission shall administer the broadband connector
16 program and shall have the following powers:

17 (a) To make broadband planning grants to political subdivisions, school
18 districts, tribal governments, regional planning commissions, nonprofit
19 organizations, and local economic development organizations for broadband
20 planning, feasibility engineering related to broadband infrastructure construction,
21 broadband adoption planning, and digital inclusion activities. The amount of a
22 broadband planning grant under this subsection may not exceed \$50,000. Grants
23 awarded under this subsection shall be paid from the appropriation under s. 20.155
24 (3) (a).

1 (b) To provide training, technical assistance, and information on broadband
2 infrastructure construction, broadband adoption, and digital inclusion.

3 **SECTION 364h.** 196.504 (2r) of the statutes is created to read:

4 196.504 (2r) The commission shall administer the line extension assistance
5 program and shall have the following powers:

6 (a) To make financial assistance grants to residents of properties that are not
7 served by a broadband service provider to assist in paying the customer costs
8 associated with line extension necessary to connect broadband service to the
9 properties. The amount of a financial assistance grant under this subsection may
10 not exceed \$4,000. Grants awarded under this subsection shall be paid from the
11 appropriations under s. 20.155 (3) (a).

12 (b) To establish criteria for evaluating applications and awarding financial
13 assistance grants under this subsection. The criteria shall give priority to properties
14 that serve as a primary residence.

15 **SECTION 364i.** 196.504 (3) (d) of the statutes is created to read:

16 196.504 (3) (d) Require each Internet service provider to disclose to the
17 commission by April 1 of each year the properties it serves, the average minimum
18 download and upload speeds at which it provides residential and business Internet
19 service to those properties, and a description of its existing service area in a format
20 determined by the commission.”.

21 **76.** Page 340, line 17: after that line insert:

22 “**SECTION 364j.** 227.01 (13) (t) of the statutes is created to read:

23 227.01 (13) (t) Ascertains and determines prevailing wage rates under ss.
24 66.0903, 103.49, 103.50, and 229.8275, except that any action or inaction which

1 ascertains and determines prevailing wage rates under ss. 66.0903, 103.49, 103.50,
2 and 229.8275 is subject to judicial review under s. 227.40.

3 **SECTION 364k.** 229.682 (2) of the statutes is created to read:

4 229.682 (2) **PREVAILING WAGE.** The construction of a baseball park facility that
5 is financed in whole or in part by a district is subject to s. 66.0903.

6 **SECTION 364L.** 229.8275 of the statutes is created to read:

7 **229.8275 Prevailing wage.** A district may not enter into a contract under s.
8 229.827 with a professional football team, as described in s. 229.823, or a related
9 party that requires the team or related party to acquire and construct or renovate
10 football stadium facilities that are part of any facilities that are leased by the district
11 to the team or to a related party unless the professional football team or related party
12 agrees to all of the following:

13 **(1)** Not to allow any employee working on the football stadium facilities who
14 would be entitled to receive the prevailing wage rate under s. 66.0903 and who would
15 not be required or allowed to work more than the prevailing hours of labor, if the
16 football stadium facilities were a project of public works subject to s. 66.0903, to be
17 paid less than the prevailing wage rate or to be required or allowed to work more than
18 the prevailing hours of labor, except as allowed under s. 66.0903 (4) (a).

19 **(2)** To require any contractor, subcontractor, or agent of a contractor or
20 subcontractor performing work on the football stadium facilities to keep and allow
21 inspection of records in the same manner as a contractor, subcontractor, or agent of
22 a contractor or subcontractor performing work on a project of public works that is
23 subject to s. 66.0903 is required to keep and allow inspection of records under s.
24 66.0903 (10).

1 **(3)** To comply with s. 66.0903 in the same manner as a local governmental unit
2 contracting for the erection, construction, remodeling, repairing, or demolition of a
3 project of public works is required to comply with s. 66.0903 and to require any
4 contractor, subcontractor, or agent of a contractor or subcontractor performing work
5 on the football stadium facilities to comply with s. 66.0903 in the same manner as
6 a contractor, subcontractor, or agent of a contractor or subcontractor performing
7 work on a project of public works that is subject to s. 66.0903 is required to comply
8 with s. 66.0903.”.

9 **77.** Page 340, line 17: after that line insert:

10 **“SECTION 364m.** 230.10 (2) of the statutes is amended to read:

11 230.10 **(2)** The compensation plan in effect at the time that a representative
12 is recognized or certified to represent employees in a collective bargaining unit and
13 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time
14 that a representative is certified to represent employees in a collective bargaining
15 unit under subch. V of ch. 111 constitute the compensation plan or employee salary
16 and benefit provisions for employees in the collective bargaining unit until a
17 collective bargaining agreement becomes effective for that unit. If a collective
18 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of
19 a subsequent agreement, and a representative continues to be recognized or certified
20 to represent employees specified in s. 111.81 (7) (a) or (ag) or certified to represent
21 employees specified in s. 111.81 (7) (ar) to (f) in that collective bargaining unit, the
22 wage rates of the employees in such a unit shall be frozen until a subsequent
23 agreement becomes effective, and the compensation plan under s. 230.12 and salary

1 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the
2 unit.”.

3 **78.** Page 340, line 17: after that line insert:

4 “**SECTION 364o.** 238.137 of the statutes is created to read:

5 **238.137 Small business pandemic recovery program.** The corporation
6 shall aid in the state’s economic recovery from the COVID-19 global pandemic by
7 providing financial assistance to small businesses adversely affected by the
8 pandemic, including for the retention of current employees and the rehiring of former
9 employees. The corporation shall, as necessary, coordinate with the department of
10 revenue in the administration of the program under this section.”.

11 **79.** Page 340, line 17: after that line insert:

12 “**SECTION 364p.** 238.139 of the statutes is created to read:

13 **238.139 Financial assistance for underserved communities.** The
14 corporation shall expend \$5,000,000 annually to provide grants, loans, and other
15 assistance to underserved communities in this state, including members of minority
16 groups, woman-owned businesses, and individuals and businesses in rural areas.”.

17 **80.** Page 340, line 17: after that line insert:

18 “**SECTION 364q.** 238.145 of the statutes is created to read:

19 **238.145 Venture capital fund of funds program. (1) DEFINITIONS.** In this
20 section:

21 (a) “Investment manager” means the person with whom the oversight board
22 enters into a contract under sub. (4).

23 (b) “Oversight board” means the oversight board created under sub. (2) (c).

1 **(2) ESTABLISHMENT OF PROGRAM.** The corporation shall establish and administer
2 a fund of funds program to invest moneys in venture capital funds that invest in
3 businesses located in this state, subject to the requirements of this section. In
4 establishing the program, the corporation shall do all of the following:

5 (a) Create a fund of funds.

6 (b) Provide that the fund of funds will continuously reinvest its assets.

7 (c) Create an oversight board to conduct any activity as required by this section
8 or as directed by the corporation.

9 **(3) INVESTMENTS IN VENTURE CAPITAL FUNDS.** (a) The investment manager shall
10 request from the corporation monies to make investments through the program
11 established under sub. (2) and to pay the investment manager's management fee,
12 and the corporation shall, subject to the approval of the secretary of the department
13 of administration, pay the monies to the investment manager from the appropriation
14 under s. 20.192 (1) (c).

15 (b) The oversight board shall establish investment policies for the program
16 established under sub. (2), subject to all of the following conditions:

17 1. All moneys paid to the investment manager under par. (a) to make
18 investments shall be committed for investment to venture capital funds, subject to
19 the requirements of this section, no later than 60 months after the creation of the
20 fund of funds under sub. (2) (a).

21 2. No more than \$25,000,000 of the total moneys paid to the investment
22 manager under par. (a) to make investments may be invested in any single venture
23 capital fund.

24 3. At least 20 percent of the investments made through the program shall be
25 directed to any combination of the following:

1 a. Businesses located in parts of this state that typically do not receive
2 significant investment from venture capital funds.

3 b. Businesses that are at least 51 percent owned by one or more members of a
4 racial minority group and the management and daily business operations of which
5 are controlled by one or more members of a racial minority group.

6 c. Businesses that are at least 51 percent owned by one or more women and the
7 management and daily business operations of which are controlled by one or more
8 women.

9 (c) No investment may be made through the program in a lobbying or law firm.

10 **(4) INVESTMENT MANAGER.** The oversight board shall contract with an
11 investment manager who meets the qualifications established by the corporation.
12 The contract shall establish the investment manager's compensation, including any
13 management fee. A management fee may not annually exceed 1 percent of the total
14 assets under management in the program established under sub. (2).

15 **(5) VENTURE CAPITAL FUND REQUIREMENTS.** The investment manager shall
16 contract with each venture capital fund that receives moneys through the program
17 established under sub. (2). Each contract shall require the venture capital fund to
18 do all of the following:

19 (a) Make new investments in an amount equal to the amount of moneys it
20 receives through the program in one or more businesses who are headquartered in
21 this state and whose operations are primarily in this state.

22 (b) At least match any moneys it receives through the program and invests in
23 a business described in par. (a) with an investment in that business of moneys the
24 venture capital fund has raised from sources other than the program. The
25 investment manager shall ensure that, on average, for every \$1 a venture capital

1 fund receives through the program and invests in a business described in par. (a), the
2 venture capital fund invests \$2 in that business from sources other than the
3 program.

4 (c) Provide to the investment manager the information necessary for the
5 investment manager to complete the reports under sub. (6) (a) and (c).

6 **(6) REPORTS OF THE INVESTMENT MANAGER; PUBLIC DISCLOSURES.** (a) Annually, no
7 later than 120 days after the end of the investment manager's fiscal year, the
8 investment manager shall submit to the corporation a report for that fiscal year that
9 includes all of the following:

10 1. An audit of the investment manager's financial statements performed by an
11 independent certified public accountant.

12 2. The investment manager's internal rate of return from investments made
13 through the program established under sub. (2).

14 3. For each venture capital fund that contracts with the investment manager
15 under sub. (5), all of the following:

16 a. The name and address of the venture capital fund.

17 b. The amounts invested in the venture capital fund through the program
18 established under sub. (2).

19 c. An accounting of any fee the venture capital fund paid to itself or any
20 principal or manager of the venture capital fund.

21 d. The venture capital fund's average internal rate of return on its investments
22 of the moneys it received through the program established under sub. (2).

23 4. For each business in which a venture capital fund held an investment of
24 moneys received through the program established under sub. (2), all of the following:

25 a. The name and address of the business.

1 b. A description of the nature of the business.

2 c. The identification of the venture capital fund.

3 d. The amount of the investment and the amount invested by the venture
4 capital fund from funding sources other than the program.

5 e. The internal rate of return realized by the venture capital fund upon the
6 venture capital fund's exit from the investment in the business.

7 f. A statement of the number of employees the business employed when the
8 venture capital fund first invested moneys received through the program and the
9 number of employees the business employed on the first day and last day of the
10 investment manager's fiscal year.

11 (b) No later than 10 days after it receives the investment manager's report
12 under par. (a), the corporation shall submit the report to the chief clerk of each house
13 of the legislature, for distribution to the legislature under s. 13.172 (2).

14 (c) Quarterly, the investment manager shall submit to the oversight board a
15 report for the preceding quarter that includes all of the following:

16 1. An identification of each venture capital fund under contract with the
17 investment manager under sub. (5).

18 2. An identification of each business in which a venture capital fund held an
19 investment of moneys received through the program established under sub. (2) and
20 a statement of the amount of the investment in each business.

21 3. A statement of the number of employees the business employed when the
22 venture capital fund first invested moneys received through the program established
23 under sub. (2) and the number of employees the business employed on the last day
24 of the quarter.

1 (d) The oversight board shall make the reports under par. (c) readily accessible
2 to the public on the corporation's Internet site.

3 (7) POLICIES AND PROCEDURES. The corporation shall establish policies and
4 procedures to administer this section.”.

5 **81.** Page 340, line 17: after that line insert:

6 “SECTION 364r. 238.29 of the statutes is created to read:

7 **238.29 Tribal economic development.** The corporation shall establish and
8 administer economic development programs to promote small business economic
9 development benefitting American Indian tribes or bands in this state.”.

10 **82.** Page 355, line 11: after that line insert:

11 “SECTION 416h. 946.15 of the statutes is created to read:

12 **946.15 Public construction contracts at less than full rate.** (1) Any
13 employer, or any agent or employee of an employer, who induces any individual who
14 seeks to be or is employed pursuant to a public contract, as defined in s. 66.0901 (1)
15 (c), or who seeks to be or is employed on a project on which a prevailing wage rate
16 determination has been issued by the department of workforce development under
17 s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) to give up, waive, or return any
18 part of the compensation to which that individual is entitled under his or her contract
19 of employment or under the prevailing wage rate determination issued by the
20 department, or who reduces the hourly basic rate of pay normally paid to an
21 employee for work on a project on which a prevailing wage rate determination has
22 not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during a
23 week in which the employee works both on a project on which a prevailing wage rate

1 determination has been issued and on a project on which a prevailing wage rate
2 determination has not been issued, is guilty of a Class I felony.

3 **(2)** Any individual employed pursuant to a public contract, as defined in s.
4 66.0901 (1) (c), or employed on a project on which a prevailing wage rate
5 determination has been issued by the department of workforce development under
6 s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who gives up, waives, or returns
7 to the employer or agent of the employer any part of the compensation to which the
8 employee is entitled under his or her contract of employment or under the prevailing
9 wage determination issued by the department, or who gives up any part of the
10 compensation to which he or she is normally entitled for work on a project on which
11 a prevailing wage rate determination has not been issued under s. 66.0903 (3),
12 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the individual works
13 part-time on a project on which a prevailing wage rate determination has been
14 issued and part-time on a project on which a prevailing wage rate determination has
15 not been issued, is guilty of a Class C misdemeanor.

16 **(3)** Any employer or labor organization, or any agent or employee of an
17 employer or labor organization, who induces any individual who seeks to be or is
18 employed on a project on which a prevailing wage rate determination has been issued
19 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
20 (3), or 229.8275 (3) to allow any part of the wages to which that individual is entitled
21 under the prevailing wage rate determination issued by the department or local
22 governmental unit to be deducted from the individual's pay is guilty of a Class I
23 felony, unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an
24 individual who is working on a project that is subject to 40 USC 3142.

1 (4) Any individual employed on a project on which a prevailing wage rate
2 determination has been issued by the department of workforce development under
3 s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who allows any part of the wages
4 to which that individual is entitled under the prevailing wage rate determination
5 issued by the department or local governmental unit to be deducted from his or her
6 pay is guilty of a Class C misdemeanor, unless the deduction would be allowed under
7 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to
8 40 USC 3142.”.

9 **83.** Page 355, line 11: after that line insert:

10 “**SECTION 416m.** 947.20 of the statutes is repealed.”.

11 **84.** Page 355, line 20: after that line insert:

12 “**SECTION 417m.** 978.05 (6) (a) of the statutes is amended to read:

13 978.05 (6) (a) Institute, commence, or appear in all civil actions or special
14 proceedings under and perform the duties set forth for the district attorney under ch.
15 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),
16 103.92 (4), 109.09, 343.305 (9) (a), 806.05, 938.09, 938.18, 938.355 (6) (b) and (6g) (a),
17 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties in
18 connection with court proceedings in a court assigned to exercise jurisdiction under
19 chs. 48 and 938 as the judge may request and perform all appropriate duties and
20 appear if the district attorney is designated in specific statutes, including matters
21 within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph limits
22 the authority of the county board to designate, under s. 48.09 (5), that the corporation
23 counsel provide representation as specified in s. 48.09 (5) or to designate, under s.

1 48.09 (6) or 938.09 (6), the district attorney as an appropriate person to represent the
2 interests of the public under s. 48.14 or 938.14.”.

3 **85.** Page 358, line 16: delete the material beginning with that line and ending
4 on page 379, line 1, and substitute:

5 “(1) AUTHORIZED STATE BUILDING PROGRAM. For the fiscal years beginning on
6 July 1, 2021, and ending on June 30, 2023, the Authorized State Building Program
7 is as follows:

(a) BUILDING COMMISSION

1. *Projects financed by general fund supported
borrowing:*

a. Grants for local projects — statewide \$ 10,000,000

2. *Agency totals:*

General fund supported borrowing 10,000,000

Total — All sources of funds \$ 10,000,000

(am) DEPARTMENT OF ADMINISTRATION

1. *Projects financed by program revenue supported
borrowing:*

a. New state office building — Milwaukee \$ 163,629,000

2. *Agency totals:*

Program revenue supported borrowing 163,629,000

Total — All sources of funds \$ 163,629,000

(b) DEPARTMENT OF CORRECTIONS

1. *Projects financed by general fund supported**borrowing:*

a. Central generating plant — water system infrastructure projects — Waupun	\$ 7,114,900
b. Oshkosh Correctional Institution — secure residential treatment and diversion unit — Oshkosh	2,580,000
c. Juvenile corrections facility — Milwaukee County	45,791,000
d. Wisconsin Secure Program Facility — new health services unit — Boscobel	7,792,000
e. Dodge Correctional Institution — new health services unit — Waupun	18,596,000
f. Green Bay Correctional Institution — new health services unit — Green Bay	12,500,000
g. Jackson Correctional Institution — health services unit expansion and remodel — Black River Falls	4,400,000
h. Taycheedah Correctional Institution — security improvements — Fond du Lac	6,209,000

2. *Agency totals:*

General fund supported borrowing	<u>104,982,900</u>
Total — All sources of funds	\$ 104,982,900

(c) DEPARTMENT OF HEALTH SERVICES

1. *Projects financed by general fund supported**borrowing:*

a. Winnebago Mental Health Institute — patient admissions area — Oshkosh	\$	16,795,000
b. Sand Ridge Secure Treatment Center — skilled care unit remodel — Mauston		12,612,000
c. Central Wisconsin Center — food service building renovation — Madison		23,873,000
d. Mendota Mental Health Institute — water system improvements — Madison		11,200,000
e. Mendota Mental Health Institute — heating plant renovation — Madison		19,107,000
f. Mendota Mental Health Institute — utility improvements — Madison		14,920,000

2. *Agency totals:*

General fund supported borrowing		98,507,000
Total — All sources of funds	\$	98,507,000

(d) DEPARTMENT OF MILITARY AFFAIRS

1. *Projects financed by general fund supported**borrowing:*

a. New readiness center — Viroqua	\$	6,928,000
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(Total project all funding sources \$23,994,000)

- | | |
|---|------------|
| b. Tower updates — statewide | 21,112,800 |
| c. National Guard Readiness Center — remodel,
phase IV — Milwaukee | 3,247,000 |
| (Total project all funding sources \$6,494,000) | |
| d. New motor vehicle storage buildings —
Marinette and Waupaca | 720,900 |
| (Total project all funding sources \$2,561,000) | |
| e. Fort McCoy — WIARNG Physical Fitness
Facility — Monroe County | 40,000 |
| (Total project all funding sources \$2,068,000) | |
| f. New facility maintenance building —
Chippewa Falls | 333,000 |
| (Total project all funding sources \$1,330,000) | |

2. Projects financed by federal funds:

- | | |
|---|------------|
| a. New readiness center — Viroqua | 17,066,000 |
| (Total project all funding sources \$23,994,000) | |
| b. National Guard Readiness Center — remodel,
phase IV — Milwaukee | 3,247,000 |
| (Total project all funding sources \$6,494,000) | |
| c. New motor vehicle storage buildings —
Marinette and Waupaca | 1,840,100 |
| (Total project all funding sources \$2,561,000) | |

d. Fort McCoy — WIARNG Physical Fitness
Facility — Monroe County 2,028,000

(Total project all funding sources \$2,068,000)

e. New facility maintenance building —
Chippewa Falls 997,000

(Total project all funding sources \$1,330,000)

3. *Agency totals:*

General fund supported borrowing 32,381,700

Federal funds 25,178,100

Total — All sources of funds \$ 57,559,800

(e) DEPARTMENT OF NATURAL RESOURCES

1. *Projects financed by general fund supported
borrowing:*

a. Rock Island State Park — historic boathouse
exterior repair/restoration — Door County \$ 1,441,900

b. Lake Wissota State Park — campground
toilet/shower building and vault toilet
replacement — Chippewa County 3,497,700

c. Pattison State Park — campground
toilet/shower building replacement — Douglas
County 1,458,900

d. Potawatomi State Park — visitors station public entrance replacement — Door County	2,532,500
e. Peninsula State Park — Welcker's Point Campground toilet/shower replacement — Door County	2,091,400
f. Hartman Creek State Park — campground toilet/shower building replacement — Waupaca County	2,239,300
<i>2. Projects financed by segregated fund supported borrowing authority:</i>	
a. Vernon Wildlife Area — consolidated CWD field operations facility — Waukesha County (Total project all funding sources \$1,970,900)	1,395,300
b. Collins Marsh Wildlife Area — new field station — Manitowoc County	1,688,400
c. Richard Bong State Recreation Area — consolidated field operations facility — Kenosha County (Total project all funding sources \$1,576,300)	1,340,000
d. Fisheries operations headquarters — fishery and water quality field operations facility replacement — Fitchburg	2,503,800

e. Horicon Marsh Wildlife Area — centralized field equipment facility — Dodge County	1,214,700
f. Grantsburg ranger station — fire equipment maintenance facility replacement — Burnett County	3,319,200
g. Washburn — fire response ranger station replacement — Bayfield County	3,591,900
h. Wisconsin Rapids Service Center — consolidated equipment storage facility — Wisconsin Rapids	2,040,300
i. Dodgeville Service Center — multifunctional field support building — Dodgeville	3,432,900
3. <i>Projects financed by existing segregated fund supported borrowing:</i>	
a. Vernon Wildlife Area — consolidated CWD field operations facility — Waukesha County	575,600
(Total project all funding sources \$1,970,900)	
4. <i>Projects financed by general fund supported borrowing authority — stewardship property development and local assistance funds:</i>	
a. Richard Bong State Recreation Area — consolidated field operations facility — Kenosha County	236,300

(Total project all funding sources \$1,576,300)

b. Mirror Lake State Park — Cliffwood

Campground toilet/shower building

replacement — Sauk County

1,462,200

5. *Agency totals:*

General fund supported borrowing

13,261,700

Segregated fund supported borrowing

20,526,500

Existing segregated fund supported borrowing

575,600

General fund supported borrowing — stewardship

property development and local assistance

funds

1,698,500

Total — All sources of funds

\$

36,062,300

(f) STATE HISTORICAL SOCIETY

1. *Projects financed by general fund supported borrowing:*

a. Old World Wisconsin — immersive welcome

experience, phase II — Waukesha County

\$

9,661,000

(Total project all funding sources \$14,321,000)

2. *Projects financed by gifts, grants, and other receipts:*

a. Old World Wisconsin — immersive welcome

experience, phase II — Waukesha County

4,660,000

(Total project all funding sources \$14,321,000)

3. *Agency totals:*

General fund supported borrowing		9,661,000
Gifts, grants, and other receipts		<u>4,660,000</u>
Total — All sources of funds	\$	14,321,000

(g) DEPARTMENT OF VETERANS AFFAIRS

1. *Projects financed by general fund supported**borrowing:*

a. Wisconsin Veterans Home at Union Grove — Maurer Hall kitchen remodel	\$	1,228,200
(Total project all funding sources \$3,508,900)		
b. Wisconsin Veterans Home at King — chiller modifications		1,609,800
(Total project all funding sources \$4,599,300)		
c. Wisconsin Veterans Home at King — HVAC and controls upgrades		1,316,000
(Total project all funding sources \$3,760,000)		
d. Southern Wisconsin Veterans Memorial Cemetery — unheated storage building		1,264,000
e. Central Wisconsin Veterans Memorial Cemetery — unheated storage building		1,264,000

2. *Projects financed by program revenue supported**borrowing:*

a. Wisconsin Veterans Home at Union Grove — Maurer Hall kitchen remodel		2,280,700
(Total project all funding sources \$3,508,900)		
b. Wisconsin Veterans Home at King — chiller modifications		2,989,500
(Total project all funding sources \$4,599,300)		
c. Wisconsin Veterans Home at King — HVAC and controls upgrades		2,444,000
(Total project all funding sources \$3,760,000)		
<i>3. Agency totals:</i>		
General fund supported borrowing		6,682,000
Program revenue supported borrowing		<u>7,714,200</u>
Total — All sources of funds	\$	14,396,200
<i>(h) UNIVERSITY OF WISCONSIN SYSTEM</i>		
<i>1. Projects financed by general fund supported borrowing:</i>		
a. Systemwide — instructional space projects program, Group 1	\$	15,217,000
b. Systemwide — minor facilities renewal projects program, Group 1		55,216,000
(Total project all funding sources \$56,629,000)		
c. Stevens Point — Albertson Hall Replacement		96,000,000

d. Madison — Music Hall restoration	26,368,000
e. Oshkosh — Clow Hall/nursing education renovation, phase II	26,974,000
f. Systemwide — instructional space projects program, Group 2	16,658,000
g. Systemwide — minor facilities renewal projects program, Group 2	36,457,000
(Total project all funding sources \$43,798,000)	
h. Whitewater — Winther Hall/Heide Hall entry additions and renovations	59,445,000
i. La Crosse — Mitchell Hall HVAC system replacement	26,329,000
j. Madison — Engineering Drive utilities replacement and renovation	50,467,000
(Total project all funding sources \$73,141,000)	
k. River Falls — Science and Technology Innovation Center	116,730,000
l. Green Bay — Cofrin Technology and Innovation Center	93,850,000
(Total project all funding sources \$96,267,000)	
m. La Crosse — Prairie Springs Science Center, phase II	92,799,000

n. Madison — Engineering Building replacement, phase I	100,000,000
(Total project all funding sources \$150,000,000)	
o. Madison — College of Letters and Science Academic Building	65,363,000
(Total project all funding sources \$88,441,000)	
2. <i>Projects financed by program revenue supported borrowing:</i>	
a. Systemwide — minor facilities renewal projects program, Group 1	1,413,000
(Total project all funding sources \$56,629,000)	
b. Milwaukee — Sandburg Hall west tower renovation	11,445,000
c. La Crosse — Residence halls elevator tower additions	9,642,000
d. Systemwide — minor facilities renewal projects program, Group 2	7,341,000
(Total project all funding sources \$43,798,000)	
e. Madison — Engineering Drive utilities replacement and renovation	22,674,000
(Total project all funding sources \$73,141,000)	

f. Green Bay — Cofrin Technology and Innovation Center	2,447,000
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(Total project all funding sources \$96,267,000)

3. *Projects financed by gifts, grants, and other receipts:*

a. Madison — Engineering Building replacement, phase I	50,000,000
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(Total project all funding sources
\$150,000,000)

b. Madison — College of Letters and Science Academic Building	23,078,000
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(Total project all funding sources \$88,441,000)

4. *Agency totals:*

General fund supported borrowing	877,873,000
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Program revenue supported borrowing	54,962,000
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Gifts, grants, and other receipts	<u>73,078,000</u>
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Total — All sources of funds	\$ 1,005,913,000
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(i) WISCRAFT, INC., DBA BEYOND VISION — VISABILITY
CENTER — MILWAUKEE

1. *Projects financed by general fund supported
borrowing:*

a. Wiscraft, Inc., Dba Beyond Vision — Visability Center — Milwaukee	\$ 5,000,000
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(Total project all funding sources \$19,000,000)

2. *Projects financed by gifts, grants, and other receipts:*

a. Wiscraft, Inc., Dba Beyond Vision — Visability

Center — Milwaukee

14,000,000

(Total project all funding sources \$19,000,000)

3. *Agency totals:*

General fund supported borrowing

5,000,000

Gifts, grants, and other receipts

14,000,000

Total — All sources of funds

\$

19,000,000

(im) KENOSHA STEM INNOVATION CENTER — KENOSHA

1. *Projects financed by general fund supported*

borrowing:

a. Kenosha STEM Innovation Center — Kenosha

\$

9,750,000

(Total project all funding sources \$19,500,000)

2. *Projects financed by gifts, grants, and other receipts:*

a. Kenosha STEM Innovation Center — Kenosha

9,750,000

(Total project all funding sources \$19,500,000)

3. *Agency totals:*

General fund supported borrowing

9,750,000

Gifts, grants, and other receipts

9,750,000

Total — All sources of funds

\$

19,500,000

(j) WISCONSIN MUSEUM OF NATURE AND CULTURE —
MILWAUKEE1. *Projects financed by general fund supported**borrowing:*

a. Wisconsin Museum of Nature and Culture —

Milwaukee	\$	40,000,000
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(Total project all funding sources
\$170,000,000)

2. *Projects financed by gifts, grants, and other receipts:*

a. Wisconsin Museum of Nature and Culture —

Milwaukee	130,000,000
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(Total project all funding sources
\$170,000,000)

3. *Agency totals:*

General fund supported borrowing	40,000,000
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Gifts, grants, and other receipts	<u>130,000,000</u>
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Total — All sources of funds	\$ 170,000,000
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(k) PSYCHIATRIC AND BEHAVIORAL HEALTH BEDS

1. *Projects financed by general fund supported**borrowing:*

a. Psychiatric and behavioral health beds —

Marathon County	\$	\$5,000,000
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2. *Agency totals:*

General fund supported borrowing		<u>5,000,000</u>
Total — All sources of funds	\$	5,000,000

(L) ALL AGENCY PROJECT FUNDING

1. *Projects financed by general fund supported
borrowing:*

a. Facility maintenance and repair	\$	130,871,700
(Total program all funding sources \$211,632,300)		
b. Utilities repair and renovation		64,594,300
(Total program all funding sources \$113,926,700)		
c. Health, safety, and environmental protection		37,042,200
(Total program all funding sources \$45,736,600)		
d. Preventive maintenance		50,000
(Total program all funding sources \$375,000)		
e. Programmatic remodeling and renovation		5,387,500
(Total program all funding sources \$31,525,400)		
f. Capital equipment acquisition		7,142,000

(Total program all funding sources

\$10,270,100)

2. *Projects financed by general fund supported*

borrowing authority — stewardship property

development and local assistance funds:

a. Facility maintenance and repair 4,432,800

(Total program all funding sources

\$211,632,300)

b. Utilities repair and renovation 1,902,000

(Total program all funding sources

\$113,926,700)

c. Health, safety, and environmental protection 161,400

(Total program all funding sources

\$45,736,600)

d. Programmatic remodeling and renovation 259,400

(Total program all funding sources

\$31,525,400)

e. Capital equipment acquisition 508,100

(Total program all funding sources

\$10,270,400)

3. *Projects financed by program revenue supported*

borrowing:

a. Facility maintenance and repair	41,261,100
(Total program all funding sources \$211,632,300)	
b. Utilities repair and renovation	29,469,500
(Total program all funding sources \$113,926,700)	
c. Health, safety, and environmental protection	1,589,900
(Total program all funding sources \$45,736,600)	
d. Programmatic remodeling and renovation	1,765,500
(Total program all funding sources \$31,525,400)	
e. Energy conservation	100,000,000
(Total program all funding sources \$100,358,400)	
<i>4. Projects financed by segregated fund supported borrowing:</i>	
a. Facility maintenance and repair	9,315,200
(Total program all funding sources \$211,632,300)	
b. Utilities repair and renovation	1,121,000

(Total program all funding sources

\$113,926,700)

c. Health, safety, and environmental protection 2,306,400

(Total program all funding sources

\$45,736,600)

d. Programmatic remodeling and renovation 314,400

(Total program all funding sources

\$31,525,400)

5. *Projects financed by segregated fund supported*

revenue borrowing:

a. Facility maintenance and repair 8,444,000

(Total program all funding sources

\$211,632,300)

b. Utilities repair and renovation 4,556,000

(Total program all funding sources

\$113,926,700)

6. *Projects financed by program revenue:*

a. Facility maintenance and repair 5,908,000

(Total program all funding sources

\$211,632,300)

b. Utilities repair and renovation 4,632,300

(Total program all funding sources

\$113,926,700)

c. Health, safety, and environmental protection 177,800

(Total program all funding sources

\$45,736,600)

d. Preventative maintenance 325,000

(Total program all funding sources \$375,000)

e. Programmatic remodeling and renovation 19,579,000

(Total program all funding sources

\$31,525,400)

f. Land and property acquisition 11,700,000

(Total program all funding sources

\$11,700,000)

g. Energy conservation 358,400

(Total program all funding sources

\$100,358,400)

7. Projects financed by federal funds:

a. Facility maintenance and repair 5,380,500

(Total program all funding sources

\$211,632,300)

b. Utilities repair and renovation 7,651,600

(Total program all funding sources

\$113,926,700)

c. Health, safety, and environmental protection 4,458,900

(Total program all funding sources

\$45,736,600)

d. Programmatic remodeling and renovation 2,446,600

(Total program all funding sources

\$31,525,400)

e. Capital equipment acquisition 2,072,800

(Total program all funding sources

\$10,270,100)

8. *Gifts, grants, and other receipts:*

a. Facility maintenance and repair 5,619,000

(Total program all funding sources

\$211,632,300)

b. Programmatic remodeling and renovation 1,773,000

(Total program all funding sources

\$31,525,400)

c. Capital equipment acquisition 467,000

(Total program all funding sources

\$10,270,100)

9. *Projects financed by building trust funds:*

a. Facility maintenance and repair	400,000
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(Total program all funding sources
\$211,632,300)

10. *All agency totals:*

General fund supported borrowing	245,087,700
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General fund supported borrowing authority — stewardship property development and local assistance funds	7,263,700
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Program revenue supported borrowing	174,086,000
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Segregated fund supported borrowing	13,057,000
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Segregated fund supported revenue borrowing	13,000,000
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Program revenue	42,760,700
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Federal funds	22,010,400
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Gifts, grants, and other receipts	7,859,000
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Building trust funds	<u>400,000</u>
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Total — All sources of funds	\$ 525,524,500
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(m) SUMMARY

Total general fund supported borrowing	\$ 1,453,187,000
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Total general fund supported borrowing — stewardship property development and local assistance funds	8,962,200
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Total program revenue supported borrowing	400,391,200
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Total segregated fund supported borrowing	33,583,500
Total existing segregated fund supported borrowing	575,600
Total segregated fund supported revenue borrowing	13,000,000
Total program revenue	42,760,700
Total federal funds	47,188,500
Total gifts, grants, and other receipts	239,347,000
Building trust funds	<u>400,000</u>
Total — All sources of funds	\$ 2,239,395,700

1 (2) PROGRAMS PREVIOUSLY AUTHORIZED. In addition to the projects and
2 financing”.

3 **86.** Page 382, line 1: delete “1. a.” and substitute “1. b.”.

4 **87.** Page 382, line 14: delete “1. d. and 2. b.” and substitute “1. g. and 2. d.”.

5 **88.** Page 382, line 25: after that line insert:

6 “(7r) UNIVERSITY OF WISCONSIN SYSTEM INSTRUCTIONAL SPACE PROJECTS PROGRAM;
7 GROUPS 1 AND 2 PROJECTS.

8 (a) *Group 1.* The amounts specified under sub. (1) (h) 1. a. shall be expended
9 for the following projects:

10 1. UW–Eau Claire — Haas Fine Arts art and design studio renovation.

11 2. UW–Green Bay — studio arts visual arts laboratory renovation.

12 3. UW–River Falls — Agricultural Science Plant and Earth Science Laboratory
13 renovation.

- 1 4. UW–Whitewater — Center of the Arts Metals Laboratory renovation.
- 2 5. UW–La Crosse — Wing Technology Center computer science laboratory
3 renovation.
- 4 6. UW–Oshkosh — Arts and Communication Center Music Hall renovation.
- 5 7. UW–Milwaukee — Engelmann Hall hybrid active learning/lecture hall
6 renovation.
- 7 (b) *Group 2.* The amounts specified under sub. (1) (h) 1. f. shall be expended
8 for the following projects:
- 9 1. UW–Parkside — Greenquist Hall Laboratory 363/365 renovation.
- 10 2. UW–Whitewater — Center of the Arts 3D Design Laboratory renovation.
- 11 3. UW–Madison — Van Hise Hall first floor classroom renovations.
- 12 4. UW–Madison — Brogden Psychology Lecture Hall 105 renovation.
- 13 5. UW–Madison — Animal Science Lecture Hall 212 renovation.
- 14 6. UW–Green Bay — Mary Ann Cofrin Hall/Wood Hall health care skills and
15 simulation laboratory renovation.
- 16 7. UW–Stevens Point — Science Building D–Wing Clinical Laboratory science
17 and medical technology renovation.

18 (7s) STATE HISTORICAL SOCIETY HEADQUARTERS; PHASE II. From the appropriation
19 under s. 20.867 (2) (r), the building commission shall allocate \$4,000,000 to develop
20 preliminary plans and specifications for phase II of the renovation of the state
21 historical society headquarters in the city of Madison.”.

22 **89.** Page 386, line 15: after that line insert:

23 “(14r) KENOSHA STEM INNOVATION CENTER. Notwithstanding s. 13.48 (33v) (b),
24 the building commission may not make a grant to the city of Kenosha for the

1 construction of the science, technology, engineering, and mathematics innovation
2 center, as enumerated in sub. (1) (im), under s. 13.48 (33v), unless the department
3 of administration has reviewed and approved plans for the project. Notwithstanding
4 ss. 16.85 (1) and 16.855 (1m), the department of administration may not supervise
5 any services or work or let any contract for the project. Section 16.87 does not apply
6 to the project.”.

7 **90.** Page 386, line 22: after that line insert:

8 “(2a) INTERNET ASSISTANCE PROGRAM.

9 (a) Using the procedure under s. 227.24, the department of children and
10 families may promulgate the rules authorized under s. 49.168 (2) as emergency
11 rules. Notwithstanding s. 227.24 (1) (a) and (3), the department of children and
12 families is not required to provide evidence that promulgating a rule under this
13 subsection as an emergency rule is necessary for the preservation of the public peace,
14 health, safety, or welfare and is not required to provide a finding of emergency for a
15 rule promulgated under this subsection.

16 (b) The authorized FTE positions for the department of children and families
17 are increased by 0.5 GPR positions to be funded from the appropriation under s.
18 20.437 (2) (eg) for the purpose of administering the Internet assistance program
19 under s. 49.168.”.

20 **91.** Page 386, line 22: after that line insert:

21 “(2u) CHILD CARE QUALITY IMPROVEMENT PROGRAM. Using the procedure under
22 s. 227.24, the department of children and families may promulgate the rules
23 authorized under s. 49.133 (2) as emergency rules. Notwithstanding s. 227.24 (1) (a)
24 and (3), the department of children and families is not required to provide evidence

1 that promulgating a rule under this subsection as an emergency rule is necessary for
2 the preservation of the public peace, health, safety, or welfare and is not required to
3 provide a finding of emergency for a rule promulgated under this subsection.”.

4 **92.** Page 389, line 11: delete lines 11 to 18.

5 **93.** Page 394, line 21: after that line insert:

6 “(3a) REGIONAL ECONOMIC DEVELOPMENT FUNDING. In the 2021-22 fiscal year, the
7 Wisconsin Economic Development Corporation shall expend up to \$8,000,000 from
8 the appropriation under s. 20.192 (1) (a) to provide funding to organizations focused
9 on local or regional economic development in this state for the purpose of assisting
10 businesses and nonprofit organizations in this state in their recovery from the
11 COVID-19 global pandemic. The moneys appropriated under this subsection are not
12 subject to the limitations specified in s. 20.192 (1) (a).

13 (4u) COOPERATIVE FEASIBILITY STUDIES. From the appropriation under s. 20.192
14 (1) (a) or (r), the Wisconsin Economic Development Corporation shall, during each
15 year of the 2021-23 fiscal biennium, award up to \$200,000 in grants for cooperative
16 feasibility studies. The Wisconsin Economic Development Corporation shall consult
17 with the Cooperative Network when making awards under this subsection.”.

18 **94.** Page 397, line 9: after that line insert:

19 **“SECTION 9302. Initial applicability; Agriculture, Trade and Consumer**
20 **Protection.**

21 (1a) SUBSCRIBERS TERMINATING BROADBAND CONTRACTS. The treatment of s.
22 100.2092 (1) (L) first applies to a contract that is entered into, renewed, or modified
23 on the effective date of this subsection.”.

24 **95.** Page 397, line 22: after that line insert:

1 “(2u) DARK STORES; COMPARABLE SALES. The treatment of ss. 70.03 (1) and 70.32
2 (1), (1b), and (1d) first applies to the property tax assessments as of January 1, 2022.”.

3 **96.** Page 398, line 7: after that line insert:

4 **“SECTION 9350. Initial applicability; Workforce Development.**

5 (1a) PREVAILING WAGE. The appropriate provisions regarding prevailing wage
6 first apply, with respect to a project of public works that is subject to bidding, to a
7 project for which the request for bids is issued on the effective date of this subsection
8 and, with respect to a project of public works that is not subject to bidding, to a project
9 the contract for which is entered into on the effective date of this subsection.

10 (2a) DISCRIMINATION. The treatment of ss. 66.0903 (10) (d), 111.322 (2m) (c), and
11 229.8275 first applies to acts of discrimination that occur on the effective date of this
12 subsection.”.

13 **97.** Page 398, line 7: after that line insert:

14 **“SECTION 9351. Initial applicability; Other.**

15 (1a) COLLECTIVE BARGAINING; EMPLOYEE RIGHTS. The treatment of ss. 20.425 (1)
16 (i), 20.505 (1) (ks), 20.921 (1) (a) 2., 40.51 (7) (a), 46.2895 (8) (a) 1., 109.03 (1) (b),
17 111.70 (1) (a), (f), (fd), (fm), (n), and (p), (3) (a) 3., 5., 6., and 9., (3g), (4) (bm) (title),
18 (cg) (title), 1., 2., 3., 4., 5., 6. a., 7r. d., e., f., and h., and 8m., (d) 1., 2. a., and 3. a., b.,
19 and c., (mb) (intro.), (mbb), and (p), and (7m) (c) 1. a., 111.81 (1), (1d), (7) (ag), (8), (9),
20 (9b), (9g), (12) (intro.), (12m), and (16), 111.815 (1), 111.817, 111.825 (1) (intro.), (3),
21 and (5), 111.83 (1), (3) (a) and (b), and (4), 111.84 (1) (d) and (f) and (2) (c), 111.85 (1),
22 (2), and (4), 111.86 (2), 111.88 (1), 111.90 (1) and (2), 111.91 (1w), (2) (intro.), (3)
23 (intro.), (3q), and (4), 111.92 (3) (a) and (b), 111.93 (3) (a) and (b), 118.22 (4), 118.245
24 (1), 118.42 (3) (a) 4. and (5), 120.12 (15), 120.18 (1) (gm), and 230.10 (2), the

1 renumbering of s. 111.70 (4) (bm), the renumbering and amendment of ss. 111.70 (2)
2 and 111.82, and the creation of ss. 111.70 (2) (b) and (4) (bm) 2. and 111.82 (2) first
3 apply to employees who are covered by a collective bargaining agreement under ch.
4 111 that contains provisions inconsistent with those sections on the day on which the
5 agreement expires or is terminated, extended, modified, or renewed, whichever
6 occurs first.”.

7 **98.** Page 399, line 24: after that line insert:

8 “(2e) COUNTY AND MUNICIPAL AID INCREASE. The repeal and recreation of s. 79.035
9 (5) (a) and (b) takes effect on June 30, 2036.”.

10 (END)