



2011 SENATE BILL 286

November 8, 2011 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT relating to:** revising various provisions of the statutes for the purpose
2 of supplying omissions and eliminating defects (Correction Bill).

Analysis by the Legislative Reference Bureau

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. is explained in the NOTES in the body of the bill.

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

3 **SECTION 1.** 66.0903 (2) (intro.) and (b) of the statutes, as created by 2009
4 Wisconsin Act 28, are amended to read:

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

8 (b) A project erected, constructed, repaired, remodeled, or demolished by one
9 local governmental unit for another local governmental unit under a contract under

SENATE BILL 286**SECTION 1**

1 s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically
2 authorizing cooperation between local governmental units.

NOTE: Inserts "or" necessitated by the governor's partial veto.

3 **SECTION 2.** 66.0903 (11) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
4 28, is amended to read:

5 66.0903 **(11)** (a) 1. Any contractor, subcontractor, or contractor's or
6 subcontractor's agent who fails to pay the prevailing wage rate determined by the
7 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
8 pay for all hours worked in excess of the prevailing hours of labor is liable to any
9 affected employee in the amount of his or her unpaid wages or his or her unpaid
10 overtime compensation and in an additional amount as liquidated damages as
11 provided under subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

12 **SECTION 3.** 71.63 (3) (d) of the statutes, as affected by 2009 Wisconsin Acts 28
13 and 288, is amended to read:

14 71.63 **(3)** (d) With regard to ~~ss.~~ s. 71.65 (6), "employer" means a person
15 described in s. 108.18 (2) (c) or a person engaged in the painting or drywall finishing
16 of buildings or other structures.

NOTE: Inserts correct citation form necessitated by the governor's partial veto.

17 **SECTION 4.** 103.49 (6m) (ag) 1. of the statutes, as created by 2009 Wisconsin Act
18 28, is amended to read:

19 103.49 **(6m)** (ag) 1. Any contractor, subcontractor, or contractor's or
20 subcontractor's agent who fails to pay the prevailing wage rate determined by the
21 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
22 pay for all hours worked in excess of the prevailing hours of labor is liable to any

SENATE BILL 286

1 affected employee in the amount of his or her unpaid wages or his or her unpaid
2 overtime compensation and in an additional amount as liquidated damages as
3 provided in subd. 2., or 3., whichever is applicable.

NOTE: Replaces comma with "or" to make correction to list structure necessitated
by the governor's partial veto.

4 **SECTION 5. Nonstatutory provisions; reconciliation.**

5 (1) The treatment of section 66.0903 (2) (intro.) and (b) of the statutes by this
6 act is void if the partial veto of 2009 Wisconsin Act 28, section 1480c, is overridden.

7 (2) The treatment of section 66.0903 (11) (a) 1. of the statutes by this act is void
8 if the partial veto of 2009 Wisconsin Act 28, section 1484f, is overridden.

9 (3) The treatment of section 71.63 (3) (d) of the statutes by this act is void if the
10 partial veto of 2009 Wisconsin Act 28, section 1777m, is overridden.

11 (4) The treatment of section 103.49 (6m) (ag) 1. of the statutes by this act is void
12 if the partial veto of 2009 Wisconsin Act 28, section 2192f, is overridden.

13 (END)