



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa0365/1  
EVM:cdc

**SENATE AMENDMENT 1,  
TO SENATE BILL 284**

June 21, 2019 - Offered by Senator PETROWSKI.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) The project is conducted by a political subdivision with no expenditure of  
2 federal money.

3 (4) Any local project funded in whole or in part with state funds under the  
4 surface transportation urban program, the surface transportation rural program, or  
5 the local bridge program shall be let through competitive bidding and by contract to  
6 the lowest responsible bidder as provided in s. 84.06 (2).

7 **SECTION 2s.** 200.47 (2) (a) of the statutes is amended to read:

8 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases  
9 of supplies and materials by the commission shall be by contract awarded to the  
10 lowest responsible bidder complying with the invitation to bid, if the work or  
11 purchase involves an expenditure of ~~\$20,000~~ \$50,000 or more. If the commission  
12 decides to proceed with construction of any sewer after plans and specifications for  
13 the sewer are completed and approved by the commission and by the department of  
14 natural resources under ch. 281, the commission shall advertise by a class 2 notice  
15 under ch. 985 for construction bids. All contracts and the awarding of contracts are  
16 subject to s. 66.0901.”.

17 (END)