

MERIT SHOP

CONTRACTOR

WISCONSIN

IMMIGRATION REFORM
NO EASY ANSWERS

BUILDING AMERICA:
MERIT SHOP SCORECARD

WISCONSINITES DESERVE
COMMUNITY SOLAR

ABC OF WI
HARD HAT AWARDS

NLRB JOINT
EMPLOYER RULE

LEGISLATIVE & POLICY
AGENDA UPDATE

POLITICS ***YOUR COMPANY*** &

**CLIMATE FOR MERIT
CONSTRUCTION IN
WISCONSIN IS 4TH BEST
IN THE NATION**
PAGE 5

**ABC Wisconsin**
Associated Builders and Contractors

ABCWI.ORG



Pictured: TMS800-2

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POLITICS & YOUR COMPANY

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FROM OUR PRESIDENT

Climate for merit construction in Wisconsin is 4th best in the nation



HAPPY NEW YEAR!

With the end of 2023 comes the new rankings for the Merit Shop Scorecard and I'm pleased to announce that Wisconsin is #4.

The Merit Shop Scorecard reviews and ranks the construction industry in each state. The scorecard is a tool to identify states that are embracing the merit shop philosophy via legislation, policies, priorities, and valuable programs. Rankings have been assigned primarily based on the core issues concerning merit shop construction, including state policies on right to work, prevailing wage and government-mandated project labor agreements.

Wisconsin's #4 ranking is a big improvement from 2015, when we were ranked 25th, and even last year when we were ranked 11th. In addition to the repeal of prevailing wage, project labor agreement neutrality and right to work, Wisconsin has eliminated the personal property tax, reformed the apprentice ratios, and invested tens of millions of dollars into getting more people into the skilled trades. While being #4 is impressive, it is even more remarkable when compared to our neighboring states.

This new ranking will be put to the test in November because the new liberal majority on the Wisconsin Supreme Court has

thrown out the legislative maps that were approved less than two years ago. That means several of our past legislative champions may be representing different voters, and some may be drawn out of their current districts.

Although this is a new challenge, the solution is the same. We need to support our legislative champions so they can get the message out about the good work they do to keep Wisconsin businesses competitive and get more people in the skilled construction trades. Please donate \$100 to the ABC of WI PAC using the safe and secure QR code below. Every dollar you



donate will be used on behalf of ABC of Wisconsin to help Wisconsin legislators who support our issues. 

“
WE NEED TO SUPPORT OUR LEGISLATIVE CHAMPIONS SO THEY CAN GET THE MESSAGE OUT ABOUT THE GOOD WORK THEY DO TO KEEP WISCONSIN BUSINESSES COMPETITIVE.



BUILDING AMERICA

THE MERIT SHOP SCORECARD

A Review & Ranking of State Construction Environments

WISCONSIN

2015 (#26)

- ◆ Sales tax exemption passed through to contractors purchasing construction materials to do work for many tax-exempt entities like municipalities and school districts
- ◆ No government mandated project labor agreement or union-only requirement on Milwaukee Bucks Arena or surrounding Deer District
- ◆ Wisconsin prevailing wage law reformed
- ◆ Right to work passed into law
- ◆ Eliminated double commercial plan review requirement for hospice and community based residential facilities
- ◆ Statewide commercial building code preempts local building codes

2017 (#15)

- ◆ Wisconsin's prevailing wage law repealed
- ◆ No Wisconsin government at any level can mandate union-only projects
- ◆ Equipment and machinery exempted from personal property tax
- ◆ Shortened the time limits for construction lawsuits from ten to seven years
- ◆ High school seniors can participate in the adult registered apprenticeship program
- ◆ Local governments prohibited from enforcing their own laws relating to hours, overtime, and benefits for public work projects
- ◆ No union-only government mandate for FoxConn Project
- ◆ State sales and use tax exemption for lump sum contracts expanded to apply to all construction contracts and to subcontractors that include personal property that is less than 10% of total project cost
- ◆ Sale tax exemption pass through extended to UW school, UW-extensions, and tech colleges
- ◆ Defeated attempt to eliminate exams for licensed plumbers, electricians, automatic fire sprinkler fitters, and automatic fire sprinkler contractors.

2019 (#8)

- ◆ Apprenticeship ratio reformed to 1 apprentice to 1 skilled worker
- ◆ EdVest/College Savings accounts can be used for apprenticeship tuition and expenses
- ◆ Defeated unnecessary fire and smoke damper inspection regulations
- ◆ Municipalities prohibited from requiring an application to submit a building permit in both paper and electronic form for one-family and two-family dwellings
- ◆ Fixed electrical youth apprentice continuing education issue
- ◆ Allow local units of government to exchange federal dollars with state of Wisconsin to eliminate federal Davis Bacon requirements on local projects

2015

2017

2019

2023 Merit Shop Scorecard

The Merit Shop Scorecard is based on state policies and programs that promote open competition and free enterprise for the construction sector and highlights states' ranking in seven criteria.

WISCONSIN OVERALL RANK 4

Project Labor Agreements

Prevailing Wage

Right to Work

Public-Private Partnerships

Workforce Development Incentives

Career & Technical Education

Job Growth Rate

A

A

A

B

B

A

C

WISCONSIN is number FOUR

and the best is yet to come!

2021 (#5)

- ◆ Construction deemed essential under COVID restrictions
- ◆ Forgiven PPP loans exempt from Wisconsin income tax
- ◆ COVID liability protection for employers
- ◆ ABC members exempted from COVID vaccine mandate
- ◆ Unemployment Insurance work search waived for extended time due to COVID
- ◆ Defeated upstream liability for worker misclassification
- ◆ Defeated increased fines for companies that accidentally misclassify workers
- ◆ Construction materials sales tax exemption pass through extended to public authorities

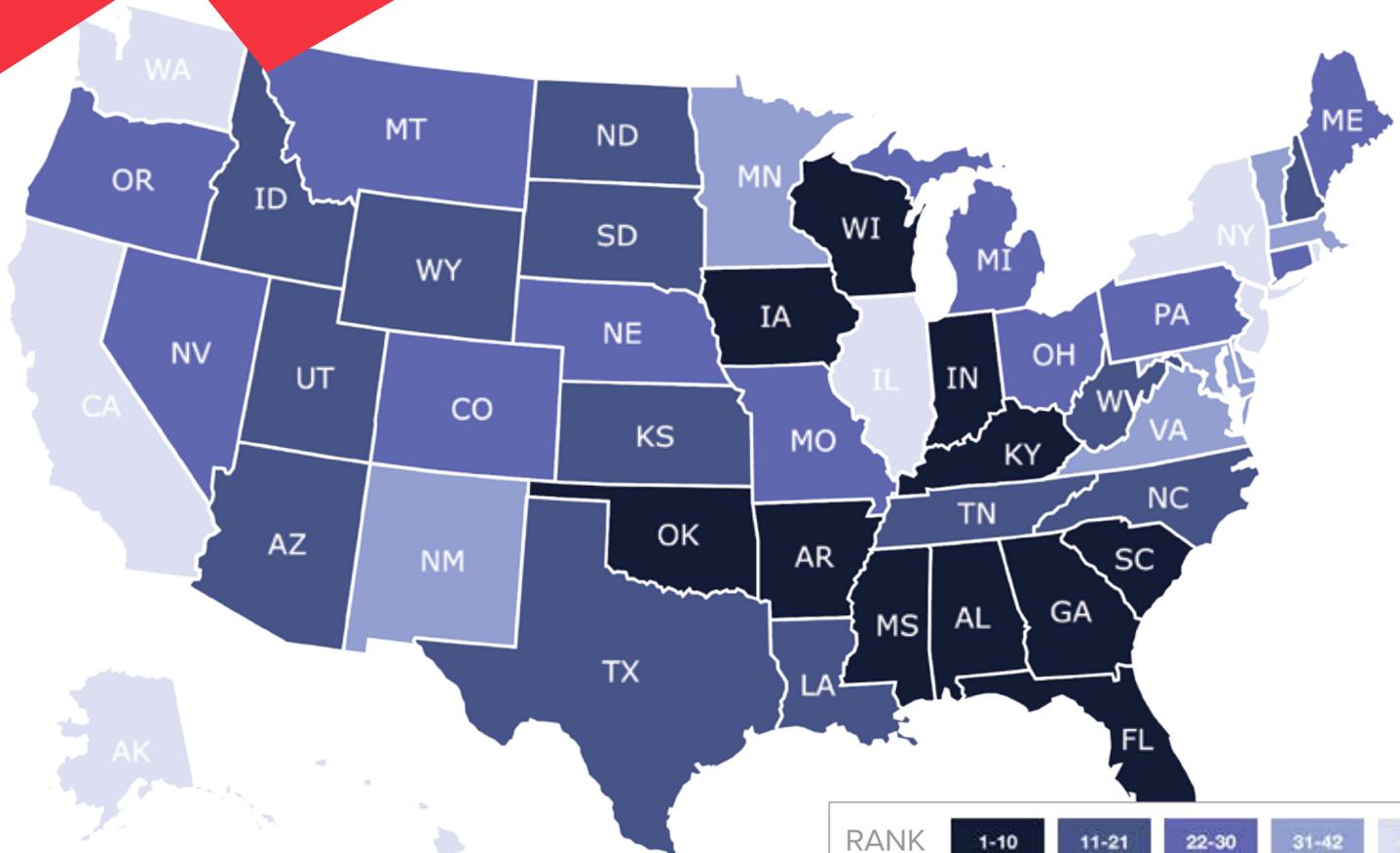
2023 (#4)

- ◆ Defeated contractor registration program that would have included fines for nonparticipation
- ◆ Defeated proposed new commercial building code that would have significantly increased construction costs and regulations in an effort to “green” commercial construction
- ◆ Supported legislation to create a claims and payment process for contractors harmed by delays in utility work.

2023

- ◆ Brewer stadium improvements will require an RFP
- ◆ Personal property tax eliminated
- ◆ New state plumbing code in effect
- ◆ Local governments prevented from restricting a quarry’s hours of operating and blasting
- ◆ Trade exams being offered in Spanish
- ◆ \$3.5 million a year for local youth apprenticeship grants, and \$8 million annually for career and technical education incentive grants.

2021



RANK

1-10

11-21

22-30

31-42

43-51

BEST

WORST



I CONSISTENTLY TELL OUR TEAM THAT A SHORTAGE OF SKILLED WORKERS IS THE #1 CHALLENGE FOR THE REST OF OUR CAREERS.

IMMIGRATION

THERE ARE NO EASY ANSWERS FOR THE CONSTRUCTION INDUSTRY

REFORM

By Greg Jones
CEO, Forgewell Building Group

Late last year, Associated Builders and Contractors of Wisconsin organized a workforce immigration roundtable with Wisconsin's senior U.S. Sen. Ron Johnson. About three dozen business leaders from construction, hospitality, manufacturing, technology, and finance met at Dave Jones Training & Development Center on the south side of Madison to share their thoughts about this critical issue.

We started with the premise that this is not the economy that any of us grew up in, and we need to stop pretending that it is. I consistently tell our team that a shortage of skilled workers will be the #1 challenge for the rest of our careers. We are at an inflection point. Our demographics in America have shifted, and our policies must shift with them.

We must not have barriers to recruiting skilled workers from around the world. We are now transitioning from globalization to deglobalization, as businesses have learned it is better to have their supply chain at home in America. With deglobalization and a shortage of workers comes inflation. Getting inflation back to the Fed's 2% benchmark and keep-



Former ABC of Wisconsin apprentice Greg Jones and US Senator Ron Johnson.

ing it there will require a new way of thinking about workforce and immigration policies.

We need Americans to understand that there is a difference between legal immigration and illegal immigration. We must also understand that these policies are tied together in lockstep, and we cannot solve one without

solving the other at the same time. The ongoing border crisis is placing an undue burden on communities, and the lack of immigration reform is hurting the U.S. economy. There is a need for a strong southern border to prevent unlawful entry. There is also a need to recruit the best and the brightest who would like to

WORKERS WILL BE THE #1 CHALLENGE FOR THE REST OF OUR CAREERS.

CONSTRUCTION REFORM



ABC of WI chapter President John Mielke explains that legislation being introduced by US Senators Graham (R-SC) and Padilla (D-CA) regarding work visas would disadvantage open shop contractors and favor union-only contractors.

come work here either permanently or temporarily. Both can be true, and they are.

We need to embrace the reality of the current situation and find a path forward. We cannot undo what has already been done. Continuing to complain about what has happened in the past will only extend the problem. There is no benefit of deporting everyone who is in the U.S. illegally, and there should be a path to citizenship for those who are abiding by our laws. Let's make them productive members of our society and our workforce.

As a group, we encouraged Sen. Johnson to support federal legislation introduced by contractor-turned Pennsylvania Congressman Lloyd Smucker that would establish a new nonimmigrant visa for temporary nonagricultural workers (like construction) to fill jobs that have remained open for a certain amount of time and located in areas with very low unemployment.

As expected, Sen. Johnson did not nod and smile. He asked tough questions and gave blunt answers, which is exactly what the attendees wanted. Sen. Johnson's focus is on border security, and he believes that issue must be solved before any compromise on workforce immigration can be discussed. In

his mind, illegal immigration reform must be done before a legal immigration reform deal is made.

The business leaders in attendance appreciated Sen. Johnson's straight talk and many did not disagree that there is a need for a strong southern border to prevent unlawful entry. There were many good ideas that came out of the conversation, and that is okay. Healthy debate is something we should embrace.

While immigration is mostly a federal issue, Wisconsin legislators are also doing what they can to develop a solution. State Rep. John Macco from Brown County has introduced legislation that ABC of WI is supporting. It specifically addresses those in the Deferred Action for Childhood Arrivals (DACA) program. In 2012, the DACA program was created, and although it has been closed since then, there are approximately 6,000 DACA recipients that call Wisconsin home. DACA recipients are a finite group of people in our communities that were brought to the U.S. when they were children and continuously resided here since 2007. They must not have been convicted of a felony, significant misdemeanor, or multiple misdemeanor offenses. These people are

now 16-40 years old today – with the average age 29 years old – and have driver's license, Social Security cards, are required to sign up for the U.S. military draft, and have work authorization. DACA recipients must also submit to a background check every two years, performed by Homeland Security, where they must provide numerous items.

Wisconsin law currently bars DACA recipients from working in any profession that requires professional licensure. The Macco legislation (AB 822) will open up the opportunity for DACA recipients to obtain professional licenses as is allowed in 16 other states, for example, electrician, HVAC contractor, or plumber.

The ongoing border crisis is placing an undue burden on communities, and the lack of immigration reform is hurting the U.S. economy. There is a need for a strong southern border to prevent unlawful entry. There is also no benefit to deporting everyone who is in the U.S. illegally. A path to citizenship for those who call America home today, in combination with border security and a more robust legal immigration system, is a compromise Republicans and Democrats should make together, and soon. [abc.wisconsin](#)

EVENT REMINDERS



- **MEMBER LUNCHEON**
January 16, Sheboygan
- **BLUEBEAM BASICS MATERIALS TAKEOFFS & ESTIMATES**
January 17, Live-online
- **BLUEBEAM ADVANCED MATERIALS TAKEOFFS & ESTIMATES**
January 18, Live-online
- **BLUEBEAM FOR ADMINISTRATIVE PROFESSIONALS**
January 23, Live-online
- **HAPPY HOUR & BUCKS GAME**
January 24, Milwaukee
- **PROJECT SUPERVISION SERIES**
Begins January 24, Madison
- **READING CONSTRUCTION DOCUMENTS**
January 24, Live-online
- **APPRENTICESHIP SKILL COMPETITION**
January 26, West Bend
- **SUPERCON 2024**
February 6, 7, & 8, Wisconsin Dells
- **FA/CPR TRAINING**
February 16, West Bend
- **FA/CPR TRAINING**
February 19, Green Bay
- **NETWORKING SOCIAL**
February 22, Slinger



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* Federal law prohibits ABC of Wisconsin from providing specific legal advice for free, but this service enables members to better understand their legal issue and potential solutions.

NLRB: JOINT EMPLOYER RULE MUST BE WITHDRAWN OR OVERTURNED

By U.S. Rep. Scott Fitzgerald (R)

In a regulatory development set to drastically change the environment for small businesses in America, the National Labor Relations Board (NLRB) will implement a new rule on February 26, 2024, that gives unions and workers the authority to attribute alleged labor violations to multiple employers, even in the absence of direct workforce control. In stark opposition to the current framework, the rule extends the 'joint employer' definition to include businesses with indirect control over employment terms and conditions. This implies that a business may be held responsible for labor violations committed by its contractors, franchisees, or affiliated entities. To ensure future prosperity for workers and business owners, this harmful rule must be withdrawn or overturned.

For small businesses, particularly those engaged in franchising, contracting, or complex supply chains, the NLRB's forthcoming rule also likely introduces legal difficulties. Small businesses may find themselves held accountable for the labor practices of unrelated employers, such as a franchisee facing legal actions for the actions of the franchisor or a contractor involved in labor disputes with a subcontractor. This monumental shift exposes small businesses to potential litigation, regula-



When he was State Senate majority leader, Scott Fitzgerald was awarded the Champion of Merit wrestling belt by Associated Builders and Contractors of Wisconsin for his efforts on behalf of merit contractors.

tory challenges, and the prospect of increased unionization, amplifying the costs associated with conducting business.

Beyond legal ramifications, the NLRB's decision poses additional consequences for the employment landscape. Workers may lose flexibility enjoyed in independent contractor or franchise arrangements. Higher taxes, fees, and paycheck deductions may loom on the horizon, and the classification as joint employees may eliminate their ability to negotiate directly with their primary employer, as unions step in to advocate on their behalf.

The absence of a legal or economic foundation in the NLRB's new rule speaks volumes. It contradicts the common law definition of an employer, which traditionally

requires actual control over the workforce, rather than indirect influence. The rule also does not align with the realities of the modern economy, which relies on broad and dynamic business relationships to foster innovation and value creation. In essence, the rule has the potential to impede entrepreneurship, stifle competition, and slow growth, impacting both small businesses and workers.

One thing is clear: if the NLRB fails to change its approach in favor of implementing standards that support America's small businesses, Congress must act to enact legislation that protects small businesses from the adverse effects of this regulatory shift. H.J. Res. 98, of which I am proud to be an original cosponsor, would do just that. This joint resolution, which would nullify the NLRB's new rule and reinstate a traditional joint employer standard, was reported favorably out of the Education and Workforce Committee on December 12, 2023. It now awaits further consideration on the House floor. In addition, I joined more than sixty of my colleagues in Congress, including U.S. Sen. Ron Johnson (R), in sending a letter to NLRB Chairwoman Lauren McFerran urging the board not to move forward with its proposed rule.

Small businesses are the driving force of the American economy and deserve a measured and fair regulatory environment. Congress should act decisively and pass H.J. Res 98 to protect the rights and interests of small businesses and workers nationwide. I will work with my colleagues to ensure urgent action is taken to stop the potential harm to the economic vitality of our nation. 



Congressman Fitzgerald presents a congressional citation recognizing electrical apprentice Hayden Oesetrich of Lyons Electric representing Wisconsin at the national skills competition in 2023.

SOME HARD HAT AWARD RECIPIENTS



State Senator Mary Felzkowski with Brian Pitlik at Pitlik and Wick in Eagle River



State Senator Rob Stafsholt with Kessie LaVenture of LaVenture Crane and Rigging in New Richmond



State Representative Loren Oldenburg with Mark Miller of Miller Electric in Reedsburg



State Representative Bard Dittrich with the team from Pioneer Roofing in Johnson Creek



State Senator Andre Jacque, State Representatives Shae Sortwell and John Macco at Peters Concrete in Green Bay



State Representative Shannon Zimmerman posing with the Champion of Merit award at Ross and Associates in River Falls

**WHO WILL BE 2024 BUILDING WISCONSIN?
AWARD WINNERS AND THE CHAMPION OF MERIT ?**





Senate Majority Leader Devin LeMahieu and then-state Representative Tyler Vorpapel present Arch Electric with a proclamation celebrating their ranking as a national leader in solar.

WISCONSIN DESERVE COMMUNITY SOLAR

By JD Smith
Arch Electric

Rising energy prices are one of many financial pressures that Wisconsin families are dealing with in recent years. As electrical usage has become ever more vital for modern work and life, Wisconsin residents are left with no options but to pay the constantly increasing rates imposed by utility companies or invest in producing their own power through solar, wind, or other renewable sources.

Unfortunately, those alternatives are not always an option for everyone. Many residents cannot take advantage of home solar because they rent their home, lack adequate financing or because their roof is not structurally sound or is partially shaded. Wind power is challenging at residential sizes and is often

cost prohibitive for many Wisconsinites. This means a huge segment of our community is essentially left out in the cold during this energy crisis; unable to access alternative energy sources due to practical limitations and facing continually rising rates by the utilities on the other side.

As a lifelong Wisconsin resident, I find this situation difficult to accept when a tried and tested solution is right in front of us: Community Solar. Community Solar is a solar project that interconnects into the distribution system (usually 25-35 acres in size). These projects are located near communities where residents can subscribe to the project and receive a credit on their utility bills for their share of the

power that is produced just as if the panels were on their own roof tops. The benefits are multifold; subscribers save 10% on average, are creating private investments in local renewable energy infrastructure, financially supporting local communities and are actively contributing to a cleaner, healthier Wisconsin.

Typically, a community solar project will be located on unproductive farmland, a vacant lot in an industrial park or on a large roof top of a school, church, business, or government building. This is in contrast to utility scale projects that are usually hundreds or thousands of acres in size, take vast swaths of prime farmland out of production and are financially subsidized by ratepayers. Farmers who have



WISCONSIN IS CHOOSING TO BE LEFT BEHIND RATHER THAN DEVELOPING OUR OWN WORKFORCE AND ENERGY ECONOMY.

community solar projects built on their unsuitable land can earn up to \$30,000 a year in lease payments, which will help keep more generational family farms profitable. Also, Community Solar projects require a two-thirds vote in support of the project by the local governing body in order to be built.

In addition to the direct benefits for the subscribers, allowing Community Solar access would be an immediate and significant boost in economic development for the local Wisconsin energy industry. As a leading

solar contractor in the region, Arch Electric has employed dozens of Wisconsin workers, electricians, designers, and other energy professionals to build Community Solar projects. Just not in Wisconsin. As those projects are currently not allowed in our state, we have to send our crews to these projects in Illinois. This year alone we have employed more than 40 Wisconsinites to build a project portfolio that is located eight hours away from our headquarters in Plymouth. We want to build projects in Wisconsin, with a local workforce for the local economy.

Growing a strong workforce at home is challenging in these circumstances, especially when they could build these exact type of projects right here at home. There is a whole new generation of energy professionals entering the workforce across the nation, and right now. Wisconsin is choosing to be left behind rather than developing our own workforce and energy economy.

The time has come to pass the needed reforms in the State Legislature to allow community solar to grow and thrive. Senator Duey Stroebel and Representatives Scott Krug and Robert Brooks are leading the fight through legislation to establish third-party community solar in Wisconsin. Their legislation—Senate Bill 226 and the Assembly companion—enables the development of community solar and supports energy freedom, expands customer choice and can help us save money on our utility bills.

So far, 21 states, including Minnesota and Illinois, have already enacted policies that expand community solar. Wisconsin is far behind, and households are needlessly paying more because of it.

As Wisconsin residents tighten their budgets and look for relief from rising prices, lawmakers in Madison must give them every option to put money back in their pockets. Call your legislator today at 1-800-362-9472 and tell them to support Senate Bill 226. [ABC Wisconsin](#)

WISCONSINITES

COMMUNITY SOLAR



State Rep. Amy Binsfeld with Arch's Mike Cornell at the company headquarters in Plymouth.



Congress Glenn Grothman and JD Smith of Arch Electric discuss community solar.



LIKE A CHILD THAT NEVER GREW UP, THE PPT DEMANDED ATTENTION, RESOURCES, AND OCCASIONALLY A BIT OF FRUSTRATION.

RIP, PPT

WISCONSIN'S PERSONAL PROPERTY TAX WON'T BE MISSED

By State Sen. Dan Knodl

It is with "heavy hearts" that we bid farewell to an old companion, the Personal Property Tax in the state of Wisconsin, which employers will miss about as much as a mosquito bite. The Personal Property Tax, known affectionately to loved ones as "PPT," passed away at the age of 186 on January 1, 2024. Official cause of death was ruled 2023 Act 12, which was enacted last June following years of effort by myself, my legislative colleagues, and the support of Associated Builders and Contractors of Wisconsin's government relations team.

Born in 1837 while Wisconsin was still a territory, the PPT enjoyed its youth as a primary source of revenue for the state. Both households and businesses paid property taxes on their clothing, jewelry, furniture, and other valuable items. Following the birth of its younger siblings, particularly the Income Tax in 1911 and the State Sales Tax in 1962, the PPT became an increasingly inefficient and complicated way to collect revenue. Its condition worsened over the subsequent decades; first came the repeal of the household PPT, and then the remaining tax became increasingly riddled with exemptions as conservative legislators attempted to use 1,000 cuts to repeal the tax gradually. For contractors, the most recent relief came in 2017 when equipment and machinery were exempted from the PPT.

By the end of its long life, the tax only constituted a small part of the state's revenue, but its complexity still created an annual headache for small businesses and local governments alike in the form of assessments and audits.

For those who navigated its complicated labyrinth of

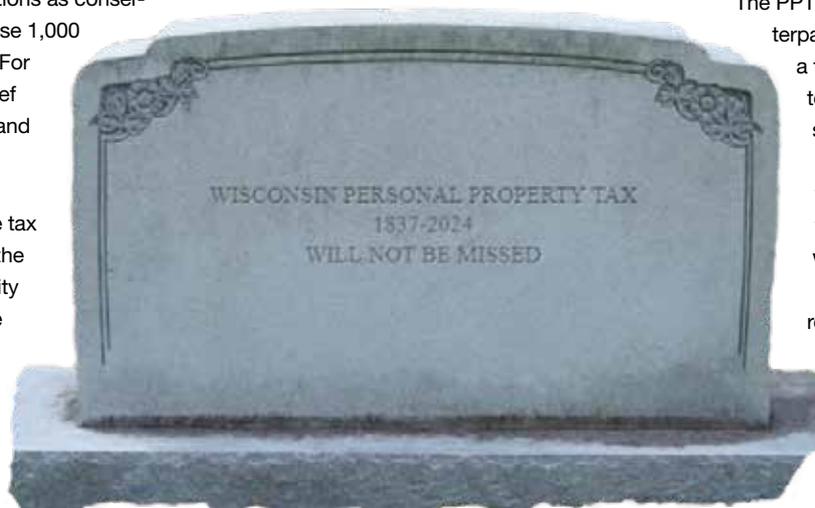
paperwork, deadlines, and assessments, the PPT was a constant unwelcome companion. Like a child that never grew up, the PPT demanded attention, resources, and occasionally a bit of frustration. However, it still played a small role in supporting our local governments. To make up for these future losses, Act 12 increased state aid to our counties and municipalities. Consequently, the PPT will not be missed by anyone. Even the accountants that businesses hired to deal with the PPT were not sad to see it go.

As we "mourn" the loss of the PPT, we honor its memory and the role it once played. We also celebrate the void it leaves behind, which will be filled with new opportunities for employers to thrive unencumbered and focus on what they do best: creating jobs and growing our economy.

To those who knew it best, the PPT always knew how to brighten up a room; and that was by leaving it. As the final PPT payments for the 2023 assessment year leave mailboxes this month, the Wisconsin economy will be a little brighter and more welcoming to small businesses.

The PPT is preceded in death by its counterparts in all our neighboring states; a testament to its stubborn will to survive. The PPT tax remains survived by its relatives and loved ones, including the Income Tax, the Sales Tax, and its twin sibling, the Real Property Tax, all of which are still too high.

May the Personal Property Tax rest in peace, and may our state continue to move toward a more streamlined, business-friendly environment that fosters growth and innovation. On Wisconsin! 



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BUILD

Perspective changes everything.

WIPFLI

ISSUES THAT AFFECT YOUR BUSINESS: OUR LEGISLATIVE AND POLICY AGENDA UPDATE

By John Schulze
ABC of WI Director of
Legal and Government Affairs

The 2023-2024 legislative session started like 2021-2022 legislative session ended, with Democrat Governor Evers, large Republican majorities in both the Wisconsin state Senate and Wisconsin state Assembly, and a \$4 billion state budget surplus. This stalemate has resulted in a near record-number of vetoes by the Governor and the record budget surplus growing because Republican legislators won't vote for Evers' repeated attempts to increase state spending, and Evers vetoing Republicans attempt to cut the income tax. In addition, Republican legislators have ignored Evers' thirteen attempts to call the legislature into special session to spend more money.

Despite this stalemate, your ABC of WI government affairs team was able to work with Wisconsin elected officials of both parties to both pass legislation that will help you and defeat bad ideas that will hurt you.

2023-2025 Wisconsin State Budget

ROADS & BRIDGES

- 1.55 billion invested in roads
- Targeted investments in local roads and bridges and agricultural roads
- Kept all projects on track
- 2% increase in general transportation aids
- Using one-time cash in lieu of borrowing

For the first half of odd-numbered years, everyone involved in Wisconsin government is focused on the state budget, and rightly so because it is the largest piece of legislation that spends the most taxpayer dollars. The version Governor Evers signed into law removed his attempts to re-create a state prevailing wage, and repeal right-to-work and project labor agreement neutrality. The State Budget is primarily a fiscal document, so most of the provisions relate to taxing and spending. In all, this budget spends nearly \$7 billion less than what Governor Evers proposed. Here are some other important highlights:

- \$7 million for local youth apprenticeship grants, and \$16 million annually for career and technical education incentive grants.

- \$555.5 million investment to fund transportation projects underway or under development, reducing future transportation fund debt service payments and saving Wisconsin taxpayers money.

- A 2% increase in general transportation aids (GTAs) for municipalities and counties in both calendar year 2024 and calendar year 2025.

- \$100 million in one-time funding for the Local Roads Improvement Program (LRIP). LRIP assists local communities in paying for up to 50% of local projects that improve deteriorating county highways, town roads, and city and village streets

- \$150 million for the new Agricultural Road Improvement Program (ARIP) to enable local communities to make targeted investments in eligible projects that support agriculture that would likely otherwise not receive funding from other state aid programs.

- Provides bonding authority and funding levels adequate to keep high-priority projects on schedule, including the Blatnik Bridge replacement project in Superior in partnership with the Minnesota Department of Transportation, the replacement of the I-94/90/39 bridges over the Wisconsin River, and the expansions of I-41 in the Fox River Valley, I-43 in Southeast Wisconsin, and I-94 in the city of Milwaukee; and,

- 2% increase for transit funding. Going forward, funding for buses and other mass transit systems will come from the general state budget, not specifically earmarked to come out of the state's transportation fund.

Wisconsin governors have one of the most powerful budget line-item veto pens in the nation, and Governor Evers used it to the fullest. Of note,

- He created a 400-year tax increase by extending what was intended to be a two-year temporary property tax increase by changing the end date to 2425.

- Evers also vetoed a reduction in the top income tax rate of 7.65% to 6.5% and the second highest rate of 5.3% to 4.4%, while leaving in place income tax cuts for the two lowest rates. As a result, single Wisconsinites making as little as \$27,630 a year will not get an income tax reduction.

Other Signed Legislation / Vetoed

Governor Evers has signed 85 bills into law since January 2023, in addition to the state budget. Of note are the following that your ABC of WI government affairs team has made a priority because they affect you and your business.

- Another Tax Axed. Wisconsin's Personal Property Tax will sunset beginning with January 1, 2024 property tax assessments. Going forward, you will no longer need to file Wisconsin Form M-P (Wisconsin Manufacturing Personal Property Tax Return) with the Department of Revenue. You will no longer need to file Wisconsin Form PA-003 (Statement of Personal Property) filed with the local jurisdictions. You will need to continue to file Wisconsin Form M-R (Wisconsin Manufacturing Real Estate Return) with the Department of Revenue.

- Brewer Bill ends in a tie for ABC of WI. Thanks to your willingness to invest in elected officials and candidates by supporting them financially, inviting them to tour your facilities, and taking the time to explain the merit shop philosophy, ABC of WI has been able to cultivate a key number of state legislative champions. These legislators make tough decisions regardless of the political ramifications because both they and we agree in less government regulations, getting more people into the skilled construction trades regardless of union affiliation, and the elimination of favoritism in awarding public projects. ABC of WI's government affairs team spent the last several months advocating for a hard bid requirement for the hundreds of millions of dollars in construction additions to AMFAM Field, similar to the bidding requirements that were in the legislation that built the Bucks' Arena. Unfortunately, too many of our legislative champions voted against the Brewer bill for various reasons. As a result, Democrat votes were needed, and they and Democratic Governor Tony Evers were opposed to competitive bidding requirements for the Brewer stadium improvements. As a result, the best we were able to negotiate was a requirement that the Brewers issue Requests for Proposals for contracts that exceeding \$200,000, and will award the contracts based on Price, Time for completion of work; Contractor's qualifications & past performance; Contractor responsiveness; Contractor eligibility in accordance with the RFP; Results of applicable inspections &

2023 INCOME TAX RATE FOR MARRIED JOINT	2023 INCOME TAX RATE FOR MARRIED JOINT	GOV. EVERS TAX RATES GOING FORWARD
\$0-\$18,420: 3.54%	Income up to \$18,420 would have paid 3.5%	Income up to \$18,420 will pay 3.5%
\$18,841-\$36,840: 4.65%	\$18,421 to \$36,840 would have paid 4.4%	\$18,421 to \$36,840 will pay 4.4%
\$36,841-\$405,550: 5.3%	\$35,841 to \$405,550 would have paid 4.4%	\$35,841 to \$405,550 will pay 5.3%
>\$405,550: 7.65%	>\$405,550 would have paid 6.5%	>\$405,550 will still pay 7.65%

tests; Performance standards established by the Brewers. While this is not what we wanted, this construction procurement process is a half measure and a drastic improvement from current law that allowed the Brewers to hire whomever they wanted to do their construction work without any public bidding or notice requirements. All in all, the \$650 million deal negotiated by state Sen. Dan Feyen and state Rep. Rob Brooks, and supported by several Democratic legislators, is a better deal for Wisconsin taxpayers. The version signed into law boosts non-baseball ticket fees, reduces that state contribution to \$366 million (down from \$411 million), raises team rent, and requires biennial financial audits.

- Quarry Reforms. Local governments are prevented from restricting hours of operation and blasting from adding zoning or permitting requirements.
- Creation of a claims and payment process for contractors harmed by delays in utility work. This new law streamlines utility delay compensation for contractors, guaranteeing they'll be made whole in a timely manner directly through WisDOT, and establishes a clear appeals process.
- Changes and increases in local government revenue. The most recent proposal essentially directs one penny of the state's five-cent sales tax to local governments. This \$750 million over the next two years favors rural and suburban areas over populous cities.
- Save Milwaukee from itself. Past bad financial and policy decisions finally caught up to the city and county of Milwaukee, and both turned to the statewide taxpayers for help. Milwaukee city and county are increasing their local sales tax by a combined 2.375% this year, but requires reforms for both to protect those two municipalities from having this problem again and prevent either from cutting police or fire protection staffing levels, or using property taxes to pay for former Mayor Barrett's trolley folly. The new money would be required to be

spent on the city and county's unfunded pension liabilities. Going forward, new employees would be in the fully-funded Wisconsin Retirement System that serves as a national model.

Outside of the Legislative Process

- Racing against a 120-day clock, ABC led a coalition of businesses to block a proposed new commercial building code that would have significantly increased construction costs and regulations for the sake of "greening" commercial construction. The current Wisconsin code is based on 2015 IBC, with several cost-saving exceptions that do not affect safety ("Wisconsinisms"). The defeated code was the 2021 IBC without any Wisconsinisms, skipping over the 2018 IBC code. Subsequently, ABC and the Wisconsin home builders' association have been working with the DSPS to develop a future commercial building code that is more cost neutral and incorporates the reforms and efficiencies from the IBC codes.

- Update on Bird Glass lawsuit. As a reminder, the city of Madison mandated expensive and unaesthetic requirements for new commercial construction to "save birds." We believed that this was not allowed due to the statewide commercial building code preemption. So, we sued Madison. Both the circuit court and court of appeals ruled against us and found that the ordinance was zoning-related, and therefore within Madison's power. As W.C. Fields says, "If at first you don't succeed, try, try again. Then quit. There's no point in being a damn fool about it." It is with this in mind that ABC of WI decided to not spend the time and effort to take the case to the Wisconsin Supreme Court, especially considering the new liberal-majority could decide to throw out the entire state preemption. While it is disappointing that we did not get a win in the courts, there were several municipalities who were going to follow Madison's lead that have reconsidered because of the lawsuit.

Going Forward

The Wisconsin Legislative Session will likely wrap up before April 2024. Until then, your

ABC of WI government relations team will try to get these ideas signed into law:

- **Competitive bidding on schools / changes to public thresholds.** AB 723 / SB 688 would require public schools to be competitively bid and raise the public bidding threshold for all local government public projects from \$25,000 to \$50,000. Legislative committees are currently taking public testimony on the proposal.

- **Reforms to the state's commercial plan review process.** Last session, ABC of WI championed legislation that would have significantly streamlined the Department of Safety and Professional Services' (DSPS) review of commercial building plans. Unfortunately, it was vetoed by Governor Evers. Last summer Senator Ducey Stroebel gathered Democrats, Republicans, and construction stakeholders to come up with a series of compromise bills that would help get commercial plans approved quicker. SB 186, SB 187, and SB 188 are currently being reviewed by the legislative committees.

- **Creating construction crane air easement.** SB 589/AB 621 would allow construction crane booms to have a temporary limited easement over adjacent real property at such an altitude as to not affect the property. A compromise is being developed that would balance property rights with the need to use a construction crane in dense urban areas.

- **Protecting construction design professionals from indemnification requirements.** AB514/SB491 would prevent the common practice of making engineers, architects and other design professionals who work on public projects from being forced to indemnify, hold harmless, and defend the government against all losses and expenses, including claims or losses they did not cause and cannot insure against. This legislation passed the state Assembly on a voice vote and is currently awaiting action in the state Senate. Local municipalities oppose this legislation. 

WHY I'M RUNNING FOR WISCONSIN SUPREME COURT

By Judge Brad Schimel

Thank you for the chance to share a glimpse into who I am and why I am running for the Wisconsin Supreme Court.

I've been a public servant for my entire career. My legal career began in the Waukesha County District Attorney's (DA) Office in 1989. After 17 years as an assistant DA, I was elected district attorney. After eight years as DA, I was elected Wisconsin Attorney General in 2014. For the past five years, I have been a circuit court judge in Waukesha County.

I have lived my entire life in Wisconsin. Sandi and I have been married for 27 years and live in western Waukesha County. We have two adult daughters, a rescue dog, and two rescue cats. I've been riding Harley-Davidsons for more than 30 years and have been playing bass in rock bands since I was a teenager. I serve as a lector and musician at St. Anthony Parish in Pewaukee.

My career has given me many amazing opportunities, and I am so grateful to have been entrusted with such important responsibilities over the years. The past five years as a judge have brought a stability I hadn't known since before I announced I was running for DA. Since taking the bench, I've enjoyed a short drive to work, dinner at home most nights and the chance to re-engage in hobbies and social relationships that I had to set aside for years. This personal stability has been great, but our state is in trouble. With the reckless liberal majority at the helm of our highest court, stability for millions of Wisconsinites is at risk.

So, I am in the fight to take back the Wisconsin Supreme Court.

I know that for the next 16 months, there will be little stability for my family. But I cannot sit on the sidelines. Things are a mess, and our state and nation are in many ways in decline. Our state supreme court has gone rogue. Things are about to get worse, and someone has to do something. We must take action to preserve for our children the freedoms and opportunities we hold dear. The behavior of the new liberal majority on the supreme court demonstrates they will destroy our state's



Brad Schimel is law enforcements' choice.

stability. To me, the stability of our state is more important than stability in my life.

I announced my campaign at Weldall Manufacturing in Waukesha. Why there? The story of Weldall is a perfect metaphor for why I am running. 50 years ago, Dave Bahl started welding in his garage in West Allis. He worked hard, valued quality and customer service, risked his own hard-earned resources and kept his promises. As his business grew, he surrounded himself with an ethical, hard-working team. Today, Weldall ships their products all over the world. Most importantly, over the decades, Weldall has provided stable jobs from which countless families have prospered.

That is the American Dream I am running to protect. A success story like Weldall is only possible when the justice system is fair, impartial, predictable, and respects the rule of law. Those things are not true of our current supreme court majority, and that puts everything we value at risk.

I know all too well how liberal policies can have hard consequences for families. As I was growing up, my dad worked for the Heil Company. He went to night school when I

was a baby, got hired at Heil and worked his way up into management over the years. Heil was founded in Milwaukee in 1903, and once had two large manufacturing facilities in Milwaukee. The company is still thriving, just not in Wisconsin. Liberal policies and instability in the 1970s and 80s drove the company out of Wisconsin and took my parents with them.

I fear we are entering another dark period of liberal leadership in Wisconsin. Liberals have not been able to gain control of the legislature, so instead they invested tens of millions of dollars, mostly from out of state, to gain control of the supreme court last April. The four justices on the new liberal majority have demonstrated through their actions that they will implement their will, rather than the law, which will undermine the stability of our state and will devastate jobs and families.

You don't need to take my word for it. They have openly promised it and have already begun to keep their promises. The ideological balance on the court officially shifted on August 1, but they began imposing their will before their newest member was even sworn in. They met in secret and before they could

even act officially, decided to terminate the longtime director of state courts, who they saw as an impediment to their power. Then, in a raw power grab, they stripped the chief justice of her constitutional authority. They feel unconstrained by the rule of law, precedent, or the constitution.

We have had divided government in Wisconsin for five years now. The governor and legislature have been checks on each other, which is how government is designed to work. No one has gotten everything they wanted, and that's okay, because sometimes the less government does, the better.

Normally, the supreme court is held in check by respect for the law and the constitutional limitations on their power. But when the majority feels above the law, there is no check on the supreme court. The new majority has declared that they can do whatever they want, and the only way to stop them is to take back the majority.

At least two liberal justices were caught openly campaigning on how they will rule on cases, from undoing the legislative redistricting maps to striking down an array of conservative reforms. They claim that they were only expressing their "values," but they have outright promised how they will rule on cases. Prejudging cases is not a "value" we desire from jurists. In fact, our justice system demands the opposite.

One justice declared repeatedly that the legislative maps are "rigged." To no one's surprise, the day after she was sworn in, a lawsuit was filed challenging the maps that were already approved by both the Wisconsin and United States supreme courts. The liberal majority took the case directly, bypassing the trial court, and at 3:00 p.m. on the Friday before Christmas, the liberals issued their legally indefensible and self-contradictory decision striking down the legislative maps, which is exactly what their donors paid for.

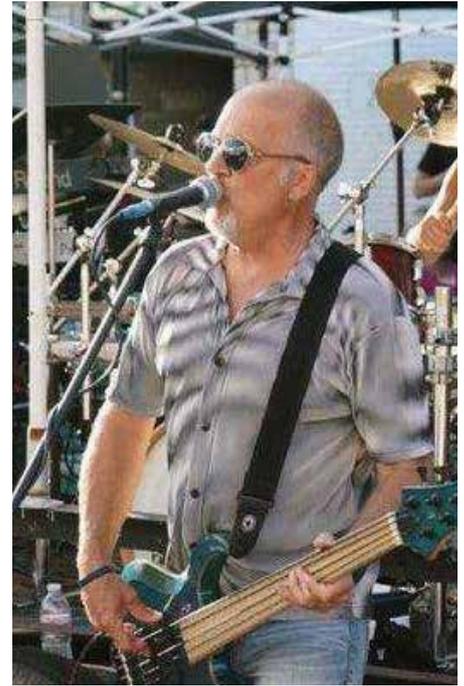
It is a judicial cardinal sin for a judge to commit to how he/she will rule on a case before it's heard. We warn every jury that they may not discuss the case with anyone nor make their final decision until they have heard all of the evidence, arguments, and law in the case. That would be unfair to the parties and would violate their oath as jurors. No party should come to court knowing that they have already lost before their case is heard. Jurors must follow these basic rules, but members of our highest court now violate them with impunity. So much for judicial objectivity, precedent, and separation of powers.

The day I announced my candidacy, a lawsuit was filed seeking to invalidate Act 10. More than one member of the new majority publicly campaigned that they would do just that. School choice has also been challenged. What is next? Will the new majority give fair consideration to any law that does not align with their personal "values?"

Wisconsinites of all ideological persuasions should be outraged. We all have opinions, but for an ethical jurist, personal opinions must yield to the constitution and the law. Are any of our rights ultimately safe from a high court that puts the opinions of the justices above the law?

My opponent seeks a fourth decade on the supreme court. If re-elected, she'll be 75 years old. Will she commit to staying in office for another full ten-year term? She wrote the dissent that would have kept in place the draconian COVID "emergency rules" that locked down our state. She was the sole dissenting voice who would end constitutionally balanced rights for crime victims.

When liberals last held the majority 16 years ago, she joined in countless decisions which undermined the stability of our state. One stark example is the "lead paint decision," which drastically and unfairly expanded liability against companies that produce the products we use every day without requiring a plaintiff to prove the company's product was even involved in the claimed harm. These are just



Brad Schimmel judges hard, but rocks harder.

a few examples of troubling positions that my opponent has taken in cases.

If we do not make the reign of the liberal majority as short as possible, there will be devastating impacts on our liberty and the stability and prosperity of our state. We must win the majority back. I am in this to win and will not be outworked. I need your support. 

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Description: Contractor Member

Sponsor: Troy Carlson, Risk Strategies

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Michael Blum

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Description: Supplier Member

Sponsor: Jessica Cannizzaro, Milestone Plumbing

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Description: Associate Member

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Kai O'Day

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Shyla Gunderson

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Sponsor: Brian Bessinger, Royal Construction, Inc.

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Joe Fuerst

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414-255-4975

Description: Contractor Member

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Dan Mass

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La Crosse, WI 54601
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Sponsor: Adam Wieser, Wieser Brothers General Contractor, Inc.

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• Powell Construction, Inc.

Sami Powell

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• Twine In Design, LLC

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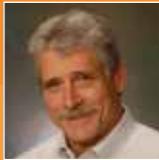


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