



2011 ASSEMBLY BILL 233

August 29, 2011 - Introduced by Representatives MARKLEIN, KNODL, AUGUST, BERNIER, BIES, BROOKS, CRAIG, JACQUE, KAPENGA, KESTELL, KLENKE, KOOYENGA, T. LARSON, MURSAU, MURTHA, NASS, NYGREN, A. OTT, PETROWSKI, PETRYK, RIPP, RIVARD, SEVERSON, SPANBAUER, STEINEKE, STRACHOTA, THIESFELDT, TIFFANY, VAN ROY, WILLIAMS, WYNN, ZAMARRIPA and ENDSLEY, cosponsored by Senators SCHULTZ, GALLOWAY, COWLES, GROTHMAN and KEDZIE. Referred to Committee on Jobs, Economy and Small Business.

1 **AN ACT** *to create* 66.0903 (5) (h) and 103.49 (3g) (i) of the statutes; **relating to:**
2 an exemption from the prevailing wage law for a public works project that is not
3 less than 85 percent privately funded in which the completed facility is
4 dedicated to the state or a local governmental unit for conservation,
5 recreational, or educational purposes.

Analysis by the Legislative Reference Bureau

Under current law, laborers, workers, mechanics, and truck drivers employed on the site of certain state or local projects of public works (generally single-trade projects whose estimated cost of completion is \$48,000 or more and multiple-trade projects whose estimated cost of completion is \$100,000 or more): 1) must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development; and 2) may not be required or permitted to work a greater number of hours per day and per week than the prevailing hours of labor, that is, no more than 10 hours per day and 40 hours per week, unless they are paid 1.5 times their basic rate of pay (commonly referred to as "overtime pay") for all hours worked in excess of the prevailing hours of labor (prevailing wage law).

This bill exempts from the prevailing wage law a project of public works in which not less than 85 percent of the estimated cost of project completion is privately funded, the completed facility is dedicated to the state or a local governmental unit without compensation for ownership by the state or local governmental unit, and the completed facility is used for conservation, recreational, or educational purposes.

ASSEMBLY BILL 233

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.0903 (5) (h) of the statutes is created to read:

2 66.0903 **(5)** (h) A project of public works in which not less than 85 percent of
3 the estimated cost of project completion is privately funded, the completed facility
4 is dedicated to a local governmental unit without compensation for ownership by the
5 local governmental unit, and the completed facility is used for conservation,
6 recreational, or educational purposes.

7 **SECTION 2.** 103.49 (3g) (i) of the statutes is created to read:

8 103.49 **(3g)** (i) A project of public works in which not less than 85 percent of the
9 estimated cost of project completion is privately funded, the completed facility is
10 dedicated to the state without compensation for ownership by the state, and the
11 completed facility is used for conservation, recreational, or educational purposes.

12 **SECTION 3. Initial applicability.**

13 (1) EXEMPTION FROM PREVAILING WAGE LAW. This act first applies, with respect
14 to a project of public works that is subject to bidding, to a project for which the request
15 for bids is issued on the effective date of this subsection and, with respect to a project
16 of public works that is not subject to bidding, to a project the contract for which is
17 entered into on the effective date of this subsection.

18 **(END)**