

2011 DRAFTING REQUEST

Bill

Received: 07/07/2011

Received By: gmalaise

Wanted: As time permits

Companion to LRB:

For: Howard Marklein (608) 266-7502

By/Representing: Crystal Lee

May Contact:

Drafter: gmalaise

Subject: Employ Priv - prevailing wage

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Marklein@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

prevailing wage; exemption for privately funded projects erected on public land

Instructions:

Exempt privately funded projects erected on public land, e.g., shelter constructed in state park by "friends of" group

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 07/15/2011	kfollett 07/15/2011		_____			S&L
/1			rschluet 07/18/2011	_____	sbasford 07/18/2011		S&L
/2	gmalaise 07/19/2011	kfollett 07/20/2011	rschluet 07/20/2011	_____	lparisi 07/20/2011	ggodwin 07/26/2011	

FE Sent For: 12
7-26-11
requested by
Crystal

<END>

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/2	gmalaise 07/19/2011	kfollett 07/20/2011	rschluet 07/20/2011	_____	lparisi 07/20/2011		

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/?	gmalaise 07/15/2011	kfollett 07/15/2011		_____			S&L
/1		12kf 7/20	rschlue 07/18/2011	_____	sbasford 07/18/2011		

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1?	gmalaise	1/15 2/15		_____	_____		

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2347E

GMM...:kf

IN 7/15

Wanted Mon 7/18

Gen

- 1 **AN ACT ...; relating to:** an exemption from the prevailing wage law for a public
2 works project funded wholly by a nonprofit, tax-exempt corporation that is
3 organized to raise funds for a public property that is used for conservation or
4 recreational 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 that is funded wholly by a nonprofit, tax-exempt corporation that is organized to raise funds for a property owned by the state or a local governmental unit that is used for conservation or recreational purposes.

Malaise, Gordon

From: Lee, Crystal
Sent: Tuesday, July 19, 2011 1:32 PM
To: Malaise, Gordon
Subject: RE: Status on Prevailing Wage Legislation

Actually, a tweak was made by the representative:

"This bill exempts from the prevailing wage law a project of public works that is 85% funded by private funds for a property to be dedicated to and owned by the state or a local governmental unit that is used for conservation, recreational, or educational purposes."

Crystal Lee

Legislative Assistant
Office of State Representative Howard Marklein
51st Assembly District
608-266-7502
Crystal.Lee@legis.wi.gov

From: Malaise, Gordon
Sent: Friday, July 15, 2011 10:52 AM
To: Lee, Crystal
Subject: RE: Status on Prevailing Wage Legislation

Crystal:

I will work on the draft today and we'll get it to you early next week.

Gordon

From: Lee, Crystal
Sent: Thursday, July 14, 2011 1:20 PM
To: Malaise, Gordon
Subject: Status on Prevailing Wage Legislation

Gordon,

I hope you're doing well.

Rep. Marklein would like me to check in on the status of this legislation.

Please let us know if we can be of further assistance or answer any questions you may have.

Thanks!

Sincerely,

Crystal Lee

Legislative Assistant
Office of State Representative Howard Marklein
51st Assembly District
608-266-7502
Crystal.Lee@legis.wi.gov

Malaise, Gordon

From: Lee, Crystal
Sent: Tuesday, July 19, 2011 12:00 PM
To: Malaise, Gordon
Subject: RE: Status on Prevailing Wage Legislation

Gordon,

Thank you for the draft, the representative has only a few changes.

In the analysis by LRB, if you could reflect the following in the statutory language, it would be much appreciated.

“This bill exempts from the prevailing wage law a project of public works that is **85%** funded by **private funds** for a property owned by the state or a local governmental unit that is used for **conservation, recreational, or educational purposes.**”

Please let me know if you have any additional questions. I appreciate your help.

Sincerely,

Crystal Lee
Legislative Assistant
Office of State Representative Howard Marklein
51st Assembly District
608-266-7502
Crystal.Lee@legis.wi.gov

From: Malaise, Gordon
Sent: Friday, July 15, 2011 10:52 AM
To: Lee, Crystal
Subject: RE: Status on Prevailing Wage Legislation

Crystal:

I will work on the draft today and we'll get it to you early next week.

Gordon

From: Lee, Crystal
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To: Malaise, Gordon
Subject: Status on Prevailing Wage Legislation

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Rep. Marklein would like me to check in on the status of this legislation.

Please let us know if we can be of further assistance or answer any questions you may have.

Thanks!

Sincerely,

Crystal Lee

Legislative Assistant
Office of State Representative Howard Marklein
51st Assembly District
608-266-7502
Crystal.Lee@legis.wi.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2347/1
GMM:kjf:rs

2
RM2

IN 7119
Went to 7126

2011 BILL

that is
~~In which~~ not less than 85 percent of the cost of the
privately funded ^{in which} the completed facility is
dedicated to the state or a local governmental unit
~~and the completed facility is used for conservation,~~
~~recreational, or educational purposes~~

Regen

- 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 funded
- 3 wholly by a nonprofit, tax-exempt corporation that is organized to raise funds
- 4 for a public property that is used for conservation or recreational 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 that is funded wholly by a nonprofit, tax-exempt corporation that is organized to raise funds for a property owned by the state or a local governmental unit that is used for conservation or recreational purposes.

Tracy
A

BILL

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:

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

66.0903 (5) (h) A project of public works that is funded wholly by a nonstock, nonprofit corporation described in section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation under section 501 (a) of the Internal Revenue Code that is organized to raise funds for a property owned by the local governmental unit that is used for conservation or recreational purposes.

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

103.49 (3g) (i) A project of public works that is funded wholly by a nonstock, nonprofit corporation described in section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation under section 501 (a) of the Internal Revenue Code that is organized to raise funds for a property owned by the state that is used for conservation or recreational purposes.

SECTION 3. Initial applicability.

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

(END)

Insert
2-12

O-Note

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2347/2ins
GMM.....

(INSERT 2-12)

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.

(END OF INSERT)

(INSERT A)

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.

(END OF INSERT)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2347/2dn

GMM...
kjf

Date

Representative Marklein:

This redraft includes the qualification that the completed ^{facility} is dedicated to the state or local governmental unit *without compensation* to distinguish donated projects from turnkey projects that are expressly covered under the prevailing wage law. See s. 66.0903 (2) (c), which provides that a project dedicated to a local governmental unit in lieu of that unit contracting for the project itself ^{is} are subject to the prevailing wage law.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2347/2dn
GMM:kjf:rs

July 20, 2011

Representative Marklein:

This redraft includes the qualification that the completed facility is dedicated to the state or local governmental unit *without compensation* to distinguish donated projects from turnkey projects that are expressly covered under the prevailing wage law. See s. 66.0903 (2) (c), which provides that a project dedicated to a local governmental unit in lieu of that unit contracting for the project itself is subject to the prevailing wage law.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

Godwin, Gigi

From: Rep.Marklein
Sent: Tuesday, July 26, 2011 3:37 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2347/2 Topic: prevailing wage; exemption for privately funded projects erected on public land

Please Jacket LRB 11-2347/2 for the ASSEMBLY.

Parisi, Lori

From: Rep.Marklein
Sent: Tuesday, July 26, 2011 3:38 PM
To: LRB.Legal
Subject: Submitted: LRB 11-2347/2 Topic: prevailing wage; exemption for privately funded projects erected on public land?body=

I would like to request a fiscal estimate for LRB 11-2347/2 relating to prevailing wage; exemption for privately funded projects erected on public land.

Please let me know if you have any further questions.

Thank you.

Crystal Lee

Legislative Assistant
Office of State Representative Howard Marklein
51st Assembly District
608-266-7502
Crystal.Lee@legis.wi.gov

Memo

To: Representative

Marklein

(The Draft's Requester)

Per your request ... the attached fiscal estimate was prepared for your un-introduced 2011 session draft.

LRB Number: LRB-2347

Version: " /2 "

Fiscal Estimate Prepared By: (agency abbr.) DWD

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 08 / 08 / 2011

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Un-introduced Draft*

> **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file "guts" ... after the draft's old version (the version that this fiscal estimate was based on), and just before re-draft of the updated version.

> **If introduced** ... please make sure the attached fiscal estimate is for the **current version** ... write the draft's new introduction number below and give this packet to Mike (or Lori) to re-process the fiscal estimate (w/intro. number included).

THIS DRAFT WAS INTRODUCED AS: 2011

AB 233

Parisi, Lori

From: Parisi, Lori
Sent: Monday, August 08, 2011 3:48 PM
To: Rep.Marklein
Subject: LRB 2347/2 (un-introduced) (FE by DWD attached for your review)

Attachments: FE-2347_DWD.PDF



FE-2347_DWD.PD
F (149 KB)

E-2347_DWD.PDF



2011 ASSEMBLY BILL 233

Before
changes

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 GALLOWAY, COWLES, GROTHMAN, KEDZIE and SCHULTZ. 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.

REVISION REPORT

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Under Assembly Rule 17d,

Monday, August 29, 2011 at 4:47 PM

is considered the official date and time of introduction for the proposals listed in this document.

ASSEMBLY BILL 233 (LRB -2347)

Relating to: an exemption from the prevailing wage law for a public works project that is not less than 85 percent privately funded in which the completed facility is dedicated to the state or a local governmental unit for conservation, recreational, or educational purposes.

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.

Corrected copy requested by Jeryn (Acc office)
09-15-2011

Sponsor Order changed



09-15-2011
MB

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.

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Barman, Mike

From: Barman, Mike
Sent: Thursday, September 15, 2011 11:28 AM
To: Martin, Dick
Cc: Fitch, Dan
Subject: Corrected Copy

"Corrected Copy" on AB 233 published.

Thanks,

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov