

## 2013 DRAFTING REQUEST

### Bill

Received: **3/6/2013** Received By: **gmalaise**  
Wanted: **As time permits** Same as LRB:  
For: **André Jacque (608) 266-9870** By/Representing: **Jamie Julian**  
May Contact: Drafter: **gmalaise**  
Subject: **Employ Priv - prevailing wage** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Rep.Jacque@legis.wisconsin.gov**  
Carbon copy (CC) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Prevailing wage; exception for projects covered under federal Davis-Bacon Act

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### Instructions:

See attached--exempt from state prevailing wage law projects that are covered under federal Davis-Bacon Act

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### 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 3/6/2013	kfollett 3/22/2013	jmurphy 3/25/2013	_____			
/1				_____	mbarman 3/25/2013	sbasford 6/27/2013	State S&L

FE Sent For:

at  
intro

<END>

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/?	gmalaise	11kf 3/25	jm 3/25	self			

FE Sent For:

<END>

**Malaise, Gordon**

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**From:** Julian, Jamie  
**Sent:** Wednesday, March 06, 2013 3:00 PM  
**To:** Malaise, Gordon  
**Subject:** Prevailing wage requests

Hi,

Rep. Jacque would like two additional bills related to prevailing wage drafted.

~~\_\_\_\_\_~~

2 – WI PW does not apply where contracts/projects are covered by Davis-Bacon

Thank you,

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870



State of Wisconsin  
2013 - 2014 LEGISLATURE

IN 316



LRB-1821/7  
GMM...

Handwritten initials

PWF  
3/25  
Jm ✓

Gen ✓

- 1 AN ACT ...; relating to: exempting from the prevailing wage law a public works
- 2 project that is subject to the federal Davis-Bacon Act.

***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 area 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, which is no more than ten 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 subject to the federal Davis-Bacon Act, which requires mechanics and laborers employed on the site of a project of public works under a contract in excess of \$2,000 to which the federal government is a party to be paid the prevailing wage, as determined by the federal secretary of labor, for projects of similar character in the civil subdivision of the state in which the work is performed and to be paid any overtime pay to which the laborer or mechanic is entitled under federal law.

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) (am) of the statutes is created to read:

2           66.0903 (5) (am) A project of public works that is subject to the federal  
3 Davis-Bacon Act, 40 USC 3141 to 3148.

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

5           103.49 (3g) (am) A project of public works that is subject to the federal  
6 Davis-Bacon Act, 40 USC 3141 to 3148.

7           **SECTION 3.** 103.50 (2g) of the statutes, as created by 2011 Wisconsin Act 32, is  
8 renumbered 103.50 (2g) (intro.) and amended to read:

9           103.50 (2g) NONAPPLICABILITY. (intro.) This section does not apply to ~~a~~ any  
10 of the following:

11           (a) A single-trade project of public works, as defined in s. 103.49 (1) (em), for  
12 which the estimated project cost of completion is less than \$48,000 or a  
13 multiple-trade project of public works, as defined in s. 103.49 (1) (br), for which the  
14 estimated project cost of completion is less than \$100,000.

15           **SECTION 4.** 103.50 (2g) (b) of the statutes is created to read:

16           103.50 (2g) (b) A project of public works that is subject to the federal  
17 Davis-Bacon Act, 40 USC 3141 to 3148.

18           **SECTION 5. Initial applicability.**

19           (1) **EXEMPTION FROM PREVAILING WAGE LAW.** This act first applies, with respect  
20 to a project of public works that is subject to bidding, to a project for which the request  
21 for bids is issued on the effective date of this subsection and, with respect to a project

1 of public works that is not subject to bidding, to a project the contract for which is  
2 entered into on the effective date of this subsection. ✓

3 (END)

## Rose, Stefanie

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**From:** Julian, Jamie  
**Sent:** Wednesday, June 26, 2013 1:06 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1821/1 Topic: Prevailing wage; exception for projects covered under federal Davis-Bacon Act

Please Jacket LRB -1821/1 for the ASSEMBLY.