



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 750

**Assembly Substitute
Amendment 1**

Memo published: February 13, 2014 *Contact:* Jessica Karls-Ruplinger, Senior Staff Attorney (266-2230)

CURRENT LAW

Under current law, a city, village, town, or county may not enact and administer an ordinance establishing a living wage. However, this prohibition does not apply to an ordinance that requires an employee of a county, city, village, or town, an employee who performs work under a contract for the provision of services to a county, city, village, or town, or an employee who performs work that is funded by financial assistance from a county, city, village, or town, to be paid at a minimum wage rate specified in the ordinance.

2013 ASSEMBLY BILL 750

The bill repeals the exemption for an ordinance that requires an employee of a county, city, village, or town, an employee who performs work under a contract for the provision of services to a county, city, village, or town, or an employee who performs work that is funded by financial assistance from a county, city, village, or town, to be paid at a minimum wage rate specified in the ordinance. Any such ordinance that is in effect on the bill's effective date is void.

In addition, the bill provides that no local governmental unit may require that any laborer, worker, mechanic, or truck driver employed on a public works project whose wages are paid, in whole or in part, with funds of this state or federal funds passing through the state treasury reside within any jurisdictional limit. If a local governmental unit has such a residency requirement that is in effect on the bill's effective date, the residency requirement does not apply and may not be enforced. This prohibition does not affect any statute that requires a person employed on a public works project to reside within the jurisdictional limit of any local governmental unit or any provision of state or local law that requires such person to reside in this state.

ASSEMBLY SUBSTITUTE AMENDMENT 1

The substitute amendment retains the bill's prohibition on residency requirements but changes the minimum wage prohibition. Specifically, the substitute amendment retains the exemption in current law, described above, but preempts an ordinance with respect to an employee who performs work that is funded, in whole or in part, with funds of this state or federal funds passing through the state treasury. Any such ordinance that is in effect on the effective date of the substitute amendment is void with respect to an employee who performs work that is funded, in whole or in part, with funds of this state or federal funds passing through the state treasury.

BILL HISTORY

Assembly Substitute Amendment 1 was offered by Representative Kapenga. On February 13, 2014, the Assembly Committee on Labor recommended adoption of the substitute amendment on a vote of Ayes, 6; Noes, 3. The committee also recommended passage of Assembly Bill 750, as amended, on a vote of Ayes, 6; Noes, 3.

JKR:jal