

2001 ASSEMBLY BILL 527

October 8, 2001 – Introduced by Representatives MEYERHOFER, SINICKI, BLACK, CARPENTER, J. LEHMAN, BOCK, RICHARDS, POCAN, LA FAVE, GRONEMUS, M. LEHMAN, TURNER, RYBA, BALOW, MUSSER, SHILLING, COGGS, KAUFERT and KREUSER, cosponsored by Senators BURKE, HANSEN, WIRCH, BAUMGART, DECKER and PLACHE. Referred to Committee on Labor and Workforce Development.

1 **AN ACT to amend** 66.0903 (3) (av) and 103.49 (3) (ar) of the statutes; **relating**
2 **to:** the use of data from public works projects that are subject to the prevailing
3 wage law in determining the wage rates that must be paid to workers employed
4 on those projects.

Analysis by the Legislative Reference Bureau

Under current law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works 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 (prevailing wage law). This bill makes certain changes relating to the data that may be used in determining the wage rates that must be paid under the prevailing wage law.

Specifically, under current law, the department of workforce development (DWD) must, by January 1 of each year, determine the prevailing wage rate for each trade or occupation in each area of the state. In determining prevailing wage rates for state public works projects, other than highway projects, and local public works projects, DWD may not use data from projects that are subject to the prevailing wage law or its federal counterpart, the Davis-Bacon Act, unless there is insufficient wage data in an area to determine the prevailing wage rates for that area. In determining prevailing wage rates for state highway projects, DWD must use data from projects that are subject to the prevailing wage law or the Davis-Bacon Act. This bill permits DWD to use data from a project that is subject to the prevailing wage law or the Davis-Bacon Act in determining prevailing wage rates for state public works

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projects, other than highway projects, and local public works projects if DWD determines that the wage rate paid on that project is higher than the prevailing wage rate determined for that project.

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 (3) (av) of the statutes is amended to read:

2 66.0903 (3) (av) In determining prevailing wage rates under par. (am) or (ar),
3 the department may not use data from projects that are subject to this section, s.
4 103.49 or 103.50, or 40 USC 276a unless the department determines that there is
5 insufficient wage data in the area to determine those prevailing wage rates, in which
6 case the department may use data from projects that are subject to this section, s.
7 103.49 or 103.50, or 40 USC 276a. The department may also use data from a project
8 that is subject to this section, s. 103.49 or 103.50, or 40 USC 276a in determining
9 prevailing wage rates under par. (am) or (ar) if the department determines that the
10 wage rate paid on that project is higher than the prevailing wage rate determined
11 for that project.

12 **SECTION 2.** 103.49 (3) (ar) of the statutes is amended to read:

13 103.49 (3) (ar) In determining prevailing wage rates under par. (a) or (am), the
14 department may not use data from projects that are subject to this section, s. 66.0903,
15 103.50, or 229.8275, or 40 USC 276a unless the department determines that there
16 is insufficient wage data in the area to determine those prevailing wage rates, in
17 which case the department may use data from projects that are subject to this
18 section, s. 66.0903, 103.50, or 229.8275, or 40 USC 276a. The department may also
19 use data from a project that is subject to this section, s. 66.0903, 103.50, or 229.8275,

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1 or 40 USC 276a in determining prevailing wage rates under par. (a) or (am) if the
2 department determines that the wage rate paid on that project is higher than the
3 prevailing wage rate determined for that project.

4 (END)