

2009 DRAFTING REQUEST

Bill

Received: **01/13/2009**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Scott Nelson**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - prevailing wage**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prevailing wage; not applicable to turnkey project

Instructions:

Clarify that prevailing wage law applies to a project only if a state agency or municipality is a party to the contract for the construction of the project

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 01/15/2009	jdye 02/04/2009		_____			S&L
/1			rschlue 02/04/2009	_____	sbasford 02/04/2009	cduerst 02/25/2009	

FE Sent For:

*at
intro*

<END>

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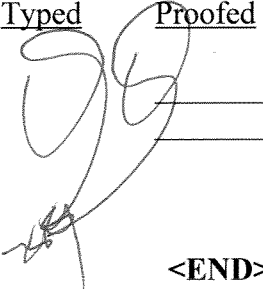
Prevailing wage; not applicable to turnkey project

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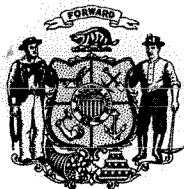
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/?	gmalaise	1 3/4 jld					
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FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1495??

GMM

①
JLD

IN 1115

X

Gen

1 AN ACT ...; relating to: the inapplicability of the prevailing wage law to projects
2 in which the construction is contracted for by a private owner or developer and
3 the completed project is acquired by a local governmental unit or state
4 agency.

Analysis by the Legislative Reference Bureau

Under the current prevailing wage 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, as determined by the Department of Workforce Development (DWD), and 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 ten hours per day and 40 hours per week, unless they are paid 1.5 times their basic rate of pay (overtime pay) for all hours worked in excess of the prevailing hours of labor.

This bill provides that the prevailing wage law does not apply to any project, including a highway, street, or bridge construction project, in which the erection, construction, remodeling, repairing, or demolition of the project is contracted for by a private owner or developer and the completed project is leased, lease purchased, or otherwise acquired by the state, a state agency, or a local governmental unit in lieu of the state, state agency, or local governmental unit contracting for the erection, construction, remodeling, repairing, or demolition of the 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 (5) of the statutes is renumbered 66.0903 (5) (a) and

(intro.)

2

amended to read:

3

66.0903 (5) (a) This section does not apply to any of the following:

(intro.)

4

1. Any single-trade public works project, including a highway, street, or bridge

5

construction project, for which the estimated project cost of completion is below

6

\$30,000 or an amount determined by the department under this subsection or to any

7

par. (b).

8

2. Any multiple-trade public works project, including a highway, street, or

9

bridge construction project, for which the estimated project cost of completion is

10

below \$150,000 or an amount determined by the department under this subsection.

11

par. (b).

STET

STET

12

(b) The department shall adjust those the dollar amounts under par. (a) 1. and

13

2. every year, the first adjustment to be made not sooner than December 1, 1997. The

14

adjustments shall be in proportion to any change in construction costs since the

15

effective date of the dollar amounts previously established under this subsection

16

paragraph.

History: 1971 c. 154, 307; 1973 c. 181; 1977 c. 29; 1985 a. 159; 1989 a. 56, 228; 1991 a. 316; 1993 a. 112, 399; 1995 a. 27 ss. 3318, 3319, 9130 (4); 1995 a. 215; 1997 a. 3, 35; 1999 a. 70; 1999 a. 150 s. 335; Stats. 1999 s. 66.0903; 1999 a. 186 ss. 60.

17

SECTION 2. 66.0903 (5) (a) 3. of the statutes is created to read:

18

66.0903 (5) (a) 3. Any project, including a highway, street, or bridge

19

construction project, in which the erection, construction, remodeling, repairing, or

20

demolition of the project is contracted for by a private owner or developer and the

1 completed project is leased, lease^{g Δ}purchased, ✓ or otherwise acquired by a local
2 governmental unit in lieu of the local governmental unit contracting for the erection,
3 construction, remodeling, repairing, or demolition of the project. ✓

4 SECTION 3. 103.49 (3g) ✓ of the statutes is renumbered 103.49 (3g) (intro.) and
5 amended to read:

6 103.49 (3g) NONAPPLICABILITY. ✓ (intro.) This section does not apply to any of the
7 following: ✓

8 (a) ✓ Any single-trade public works project for which the estimated project cost
9 of completion is less than \$30,000 or an amount determined by the department under
10 s. 66.0903 (5) ✓ or to any (b).

11 (b) ✓ Any multiple-trade public works project for which the estimated project
12 cost of completion is less than \$150,000 or an amount determined by the department
13 under s. 66.0903 (5) (b).

History: 1983 a. 27; 1985 a. 159; 1985 a. 332 ss. 141, 142, 253; 1987 a. 403 s. 256; 1989 a. 228; 1993 a. 112; 1995 a. 27, 215, 225; 1997 a. 35; 1999 a. 70; 1999 a. 150 ss. 628, 672; 1999 a. 167; 2001 a. 16, 30; 2005 a. 335.

14 SECTION 4. 103.49 (3g) (c) of the statutes is created to read:

15 103.49 (3g) (c) Any project in which the erection, construction, remodeling,
16 repairing, or demolition of the project ✓ is contracted for by a private owner or
17 developer and the completed project is leased, lease^{g Δ}purchased, or otherwise
18 acquired by the state or a state agency in lieu of the state or state agency contracting
19 for the erection, construction, remodeling, repairing, or demolition of the project. ✓

20 SECTION 5. Initial applicability.

21 (1) APPLICABILITY OF PREVAILING WAGE LAW TO PRIVATE PROJECTS. ✓ This act first
22 applies to first applies to a contract for the ✓ erection, construction, remodeling,

1
2

repairing, or demolition of ^aprivate construction project entered into, or extended,
modified or renewed, on the effective date of this subsection. ✓

3

(END)

Duerst, Christina

From: Solie, Denise
Sent: Wednesday, February 25, 2009 2:55 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1495/1 Topic: Prevailing wage; not applicable to turnkey project

Please Jacket LRB 09-1495/1 for the ASSEMBLY.