

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB233)

Received: 10/14/2011

Received By: gmalaise

Wanted: 10/17/2011

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; exception for privately funded projects; threshold

Instructions:

See attached--cap exception at \$5M and clarify that moneys derived fro program revenue support borrowing and from segregated fund supported borrowing are considered to be public funds

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 10/14/2011	kfollett 10/14/2011		_____			
/1			jfrantze 10/14/2011	_____	ggodwin 10/14/2011	ggodwin 10/14/2011	

FE Sent For:

<END>

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/?	gmalaise	11/5/10/14	to 10/14				

FE Sent For:

<END>

Malaise, Gordon

From: Lee, Crystal
Sent: Wednesday, October 12, 2011 5:29 PM
To: Malaise, Gordon
Cc: Hein, Tanya
Subject: Substitute Amendment to AB 233

Hi, Gordon:

Thank you for all the work you've been doing with AB 233, our office really appreciates it.

Here are the following changes that have been approved by Rep. Marklein, we are still working on getting final approval from Senator Schultz for the Senate side.

We would like a SUBSTITUTE AMENDMENT with the following:

1. The amendment that addressed PRSB and specified that it was public funding
2. An amendment that would address segregated funds as well (in somewhat of the same fashion as PRSB)
3. A cap that would cap these projects at \$5 million to close any further "loopholes"

I will be out of the office tomorrow in district with Howard, but I will receive email on my phone. Let me know if you have any additional questions.

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



LRBs0211/??
GMM... kja

IN 10/14
Wanted Mon 10/17

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2011 ASSEMBLY BILL 233**

Gen

1 **AN ACT ...; relating to:** an exemption from the prevailing wage law for a public
2 works project, the cost of which is less than \$5,000,000 and not less than 85
3 percent privately funded, in which the completed facility is dedicated to the
4 state or a local governmental unit for conservation, recreational, or educational
5 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 substitute amendment exempts from the prevailing wage law a project of public works for which the estimated cost of project completion is less than

in which

* \$5,000,000 and in which not less than 85 percent of that cost 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. For purposes of this exemption, moneys derived from program revenue supported borrowing or from segregated fund supported borrowing are considered to be public funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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

2 66.0903 (5) (h) A project of public works for which the estimated cost of project
3 completion is less than \$5,000,000, and in which not less than 85 percent of that cost
4 is privately funded, in which the completed facility is dedicated to a local governmental unit
5 without compensation for ownership by the local governmental unit, and in which the
6 completed facility is used for conservation, recreational, or educational purposes.
7 For purposes of this paragraph, moneys derived from program revenue supported
8 borrowing or from segregated fund supported borrowing are considered to be public
9 funds.

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

11 103.49 (3g) (i) A project of public works for which the estimated cost of project
12 completion is less than \$5,000,000, and in which not less than 85 percent of that cost
13 is privately funded, in which the completed facility is dedicated to the state without
14 compensation for ownership by the state, and in which the completed facility is used for
15 conservation, recreational, or educational purposes. For purposes of this paragraph,
16 moneys derived from program revenue supported borrowing or from segregated fund
17 supported borrowing are considered to be public funds.

18 SECTION 3. Initial applicability.

