

2013 DRAFTING REQUEST

Bill

Received: **9/11/2013** Received By: **gmalaise**

Wanted: **As time permits** Same as LRB:

For: **Chris Kapenga (608) 266-3007** By/Representing: **Margit Kelly (LC)**

May Contact: Drafter: **gmalaise**

Subject: **Employ Priv - minimum wage** Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Preemption of local living wage ordinances with respect to employees paid with state funds

Instructions:

Preempt local living wage ordinances with respect to employees paid, in whole or in part, with state funds or with federal funds passing through the state treasury

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 9/11/2013	wjackson 9/24/2013	rschluet 9/24/2013	_____			
/1	gmalaise 10/16/2013			_____	mbarman 9/24/2013		Local
/2		wjackson 10/29/2013	rschluet 10/30/2013	_____	lparisi 10/30/2013	mbarman 2/5/2014	Local

FE Sent For:

<END>

→ At
Intro.

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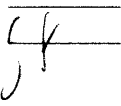


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/?	gmalaise	1 WLJ 9/24		_____	_____		

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-31397

GMM.../.....

9 Wlj

IM 911

Gen Cat

1 AN ACT ...; relating to: preemption of city, village, town, or ^{county} city living wage
2 ordinances with respect to employees paid, in whole or in part, with state funds.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town, or county may not enact and administer an ordinance establishing a living wage, which is defined under current law as compensation sufficient to enable an employee to maintain himself or herself under conditions consistent with his or her welfare. That prohibition, however, 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 (collectively, "employee") to be paid at a minimum wage rate specified in the ordinance (local living wage ordinance).

This bill provides that a local living wage ordinance is preempted with respect to an employee whose wages are paid, in whole or in part, with funds of the state or federal funds passing through the state treasury.

For further information see the **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:

3 SECTION 1. 104.001 (3) (b) of the statutes is amended to read:

Malaise, Gordon

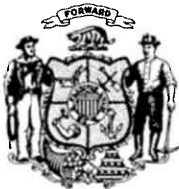
From: Koenen, Kyle
Sent: Tuesday, October 15, 2013 2:11 PM
To: Malaise, Gordon
Subject: Bill Draft

Gordon,

In reference to LRB-3139/1, we decided we would like to possibly go another route and see if you could draft up another version. First, we wanted to see if we could get something within the prevailing wage law that would prohibit municipalities from introducing a living wage ordinance, period. We basically want to say that the only change that can occur beyond the federal minimum wage is a prevailing wage. This is to ensure uniformity across the board. Second, we would like to add a provision that says that if any dollars from the state or federal government flow to a project that a municipality cannot impose a residency restriction. Let me know if you have any questions regarding this item. Thanks.

Kyle Koenen

Research Assistant
Office of Rep. Chris Kapenga
99th Assembly District
220 North, State Capitol
(608)266-3007



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3139/F
GMM/wlj/rs (2)
BWR

IN 10/16

stays

2013 BILL

Other

Insert 1-3

Repeals

- 1
- 2
- 3

AN ACT to amend 104.001 (3) (b) of the statutes; relating to: ~~preemption of city, village, town, or county living wage ordinances with respect to employees paid, in whole or in part, with state funds.~~

Current law, however, exempts from that prohibition

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town, or county may not enact and administer an ordinance establishing a living wage, which is defined under current law as compensation sufficient to enable an employee to maintain himself or herself under conditions consistent with his or her welfare. ~~That prohibition, however, 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 (~~collectively, "employee"~~) to be paid at a minimum wage rate specified in the ordinance (~~local living wage ordinance~~).

Insert A

~~This bill provides that a local living wage ordinance is preempted with respect to an employee whose wages are paid, in whole or in part, with funds of the state or federal funds passing through the state treasury.~~

For further information see the *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:

BILL

1

~~SECTION 1. 104.001 (3) (b) of the statutes is amended to read:~~

2

~~104.001 (3) (b) An ordinance that requires an employee of a county, city, village,~~

3

~~or town, an employee who performs work under a contract for the provision of~~

4

~~services to a county, city, village, or town, or an employee who performs work that is~~

5

~~funded by financial assistance from a county, city, village, or town, to be paid at a~~

6

~~minimum wage rate specified in the ordinance, except that this section preempts~~

7

~~such an ordinance with respect to an employee whose wages are paid, in whole or in~~

8

~~part, with funds of this state or federal funds passing through the state treasury. Any~~

9

~~ordinance described in this paragraph that is in effect on the effective date of this~~

10

~~paragraph [LRB inserts date], is void with respect to an employee whose wages~~

11

~~are paid, in whole or in part, with funds of this state or federal funds passing through~~

12

~~the state treasury.~~

Insert
11
2-12
12
13

13

SECTION 2. Initial applicability.

14

(1) COLLECTIVE BARGAINING AGREEMENTS.. This act first applies to an employee

15

who is affected by a collective bargaining agreement that contains provisions that

16

are inconsistent with this act on the day on which the collective bargaining

17

agreement expires or is modified, extended, or renewed, whichever occurs first.

18

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3139/2ins
GMM.....

(INSERT 1-3))

1 preemption of local ordinances that require employees of a local governmental
2 unit, employees of a contractor of a local governmental unit, or employees who
3 perform work funded by a local governmental unit to be paid at a minimum wage rate
4 specified in the ordinance and preemption of residency requirements for laborers,
5 workers, mechanics, and truck drivers employed on local projects of public works to
6 which the prevailing wage law applies.

(END OF INSERT)

(INSERT 2-12)

7 **SECTION 1.** 66.0903 (1r) of the statutes is created to read:

8 66.0903 (1r) RESIDENCY REQUIREMENTS PROHIBITED. (a) The legislature finds
9 that residency requirements for laborers, workers, mechanics, and truck drivers
10 employed on projects of public works to which this section applies whose wages are
11 paid, in whole or in part, with funds of this state or federal funds passing through
12 the state treasury are a matter of statewide concern.

13 (b) Except as provided in par. (c), no local governmental unit may require that
14 any laborer, worker, mechanic, or truck driver employed on a project of public works
15 to which this section applies whose wages are paid, in whole or in part, with funds
16 of this state or federal funds passing through the state treasury reside within any
17 jurisdictional limit. If a local governmental unit has a residency requirement
18 described in this ^{Paragraph 2} subsection that is in effect on the effective date of this paragraph
19 [lrb inserts date], the residency requirement does not apply and may not be
20 enforced.

1 (c) This subsection does not affect any statute that requires a person described
2 in par. (b) to reside within the jurisdictional limits of any local governmental unit or
3 any provision of state or local law that requires a person described in par. (b) to reside
4 in this state.

5 **SECTION 2.** 104.001 (2) of the statutes is renumbered 104.001 (2) (a) and
6 amended to read:

7 104.001 (2) (a) ~~A~~ Except as provided in sub. (3), a city, village, town, or county
8 may not enact and administer an ordinance establishing a living wage.

9 (b) Any city, village, town, or county living wage ordinance that is in effect on
10 June 16, 2005, is void.

History: 2005 a. 12; 2009 a. 28; 2011 a. 32.

11 **SECTION 3.** 104.001 (2) (c) of the statutes is created to read:

12 104.001 (2) (c) Any city, village, town, or county ordinance described in s.
13 104.001 (3) (b) 2011 stats., that is in effect on the effective date of this paragraph
14 [lrb inserts date], is void.

15 **SECTION 4.** 104.001 (3) (intro.) and (a) of the statutes are consolidated,
16 renumbered 104.001 (3) and amended to read:

17 104.001 (3) This section does not affect ~~any of the following:~~ (a) ~~The~~ the
18 requirement that employees employed on a public works project contracted for by a
19 city, village, town, or county be paid at the prevailing wage rate, as defined in s.
20 66.0903 (1) (g), as required under s. 66.0903.

History: 2005 a. 12; 2009 a. 28; 2011 a. 32.

21 **SECTION 5.** 104.001 (3) (b) of the statutes is repealed.

(END OF INSERT)

(INSERT A)

This bill eliminates that exemption, thereby prohibiting a city, village, town, or county from enacting and administering an ordinance that requires an employee of the county, city, village, or town, an employee who performs work under a contract for the provision of services to the county, city, village, or town, or an employee who performs work that is funded by financial assistance from the county, city, village, or town, to be paid at a minimum wage rate specified in the ordinance.

Under current law, no local governmental unit may require, as a condition of employment, that any employee or prospective employee reside within any jurisdictional limit.

This bill prohibits a local governmental unit from requiring ~~any~~ ^{to} laborer, worker, mechanic, or truck driver employed on a project of public works to which the prevailing wage law applies whose wages are paid, in whole or in part, with funds of this state or federal funds passing through the state treasury, ~~reside~~ ^{that} within any jurisdictional limit. Generally, the prevailing wage law applies to any single-trade project of public works for which the estimated project cost of completion is \$48,000 or more and to any multiple-trade project of public works for which the estimated project cost of completion is \$100,000 or more.

(END OF INSERT)

Barman, Mike

From: Koenen, Kyle
Sent: Wednesday, February 05, 2014 12:21 PM
To: LRB.Legal
Subject: Draft Review: LRB -3139/2 Topic: Preemption of local living wage ordinances with respect to employees paid with state funds

Please Jacket LRB -3139/2 for the ASSEMBLY.