

## 2013 DRAFTING REQUEST

### Assembly Substitute Amendment (ASA-AB750)

Received: 2/11/2014 Received By: gmalaise  
Wanted: Today Same as LRB:  
For: Chris Kapenga (608) 266-3007 By/Representing: Kyle Koenen  
May Contact: Drafter: gmalaise  
Subject: Employ Priv - minimum wage Addl. Drafters:  
Employ Priv - prevailing wage 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 and preemption of residency requirements for workers employed on local prevailing wage projects

---

#### Instructions:

Provide for preemption of local living wage ordinances with respect to employees paid with state 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 2/11/2014	wjackson 2/11/2014		_____			
/1	gmalaise 2/11/2014		rschluet 2/11/2014	_____	lparisi 2/11/2014	lparisi 2/11/2014	
/2		wjackson 2/11/2014	jfrantze 2/11/2014	_____	lparisi 2/11/2014	lparisi 2/11/2014	

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB750)**

Received:	2/11/2014	Received By:	gmalaise
Wanted:	Today	Same as LRB:	
For:	Chris Kapenga (608) 266-3007	By/Representing:	Kyle Koenen
May Contact:		Drafter:	gmalaise
Subject:	Employ Priv - minimum wage Employ Priv - prevailing 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 and preemption of residency requirements for workers employed on local prevailing wage projects

**Instructions:**

Provide for preemption of local living wage ordinances with respect to employees paid with state 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 2/11/2014	wjackson 2/11/2014		_____			
/1			rschluet 2/11/2014	_____	lparisi 2/11/2014	lparisi 2/11/2014	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB750)

Received: 2/11/2014 Received By: gmalaise
Wanted: Today Same as LRB:
For: Chris Kapenga (608) 266-3007 By/Representing: Kyle Koenen
May Contact: Drafter: gmalaise
Subject: Employ Priv - minimum wage Addl. Drafters:
Employ Priv - prevailing wage 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 and
preemption of residency requirements for workers employed on local prevailing wage projects
OK
residency
residency

Instructions:

Provide for preemption of local living wage ordinances with respect to employees paid with state
funds

Drafting History:

Table with columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Includes handwritten entries like '1 wly 2/11' and 'RS 2/11'.

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2130/2 50291/1

GMM:wlj:rs

Stays

ASSEMBLY SUBSTITUTE AMENDMENT TO  
**2013 ASSEMBLY BILL 750**

February 11, 2014 - Introduced by Representative KAPENGA, cosponsored by Senator GROTHMAN. Referred to Committee on Labor.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

Inset 1-7

1 AN ACT *to repeal* 104.001 (3) (b); *to renumber and amend* 104.001 (2); *to*  
2 *consolidate, renumber and amend* 104.001 (3) (intro.) and (a); and *to create*  
3 66.0903 (1r) and 104.001 (2) (c) of the statutes; **relating to:** ~~preemption of local~~  
4 ~~ordinances that require employees of a local governmental unit, employees of~~  
5 ~~a contractor of a local governmental unit, or employees who perform work~~  
6 ~~funded by a local governmental unit to be paid at a minimum wage rate~~  
7 ~~specified in the ordinance~~ and preemption of residency requirements for  
8 laborers, workers, mechanics, and truck drivers employed on local projects of  
9 public works to which the prevailing wage law applies.

(local living wage ordinance)

***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. Current law, however, exempts from that prohibition 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

**ASSEMBLY BILL 750**

*(local living wage ordinance)*

by financial assistance from a county, city, village, or town to be paid at a minimum wage rate specified in the ordinance.

~~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.~~

Insert  
A

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.

Subchapter  
Government

This bill prohibits a local governmental unit from requiring that any 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 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.

~~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:***

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

2 66.0903 (1r) RESIDENCY REQUIREMENTS PROHIBITED. (a) The legislature finds  
3 that residency requirements for laborers, workers, mechanics, and truck drivers  
4 employed on projects of public works to which this section applies whose wages are  
5 paid, in whole or in part, with funds of this state or federal funds passing through  
6 the state treasury are a matter of statewide concern.

7 (b) Except as provided in par. (c), no local governmental unit may require that  
8 any laborer, worker, mechanic, or truck driver employed on a project of public works  
9 to which this section applies whose wages are paid, in whole or in part, with funds  
10 of this state or federal funds passing through the state treasury reside within any  
11 jurisdictional limit. If a local governmental unit has a residency requirement

**ASSEMBLY BILL 750**

1 described in this paragraph that is in effect on the effective date of this paragraph  
2 ... [LRB inserts date], the residency requirement does not apply and may not be  
3 enforced.

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

8 **SECTION 2.** 104.001 (2) of the statutes is renumbered 104.001 (2) (a) and,  
9 amended to read:

10 104.001 (2) (a) ~~A~~ Except as provided in sub. (3), a city, village, town, or county  
11 may not enact and administer an ordinance establishing a living wage.

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

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

15 104.001 (2) (c) Any city, village, town, or county ordinance described in s.  
16 104.001 (3) (b), 2011 stats., that is in effect on the effective date of this paragraph ...  
17 [LRB inserts date], is void.

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

20 104.001 (3) This section does not affect any of the following: (a) ~~The~~ the  
21 requirement that employees employed on a public works project contracted for by a  
22 city, village, town, or county be paid at the prevailing wage rate, as defined in s.  
23 66.0903 (1) (g), as required under s. 66.0903.

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

**SECTION 6. Initial applicability.**

25  
insert  
3-24







# 2013 BILL

*What exemption does not apply*

*Insert 17*

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

*substitute amendment*

### **Analysis by the Legislative Reference Bureau**

*Insert A*

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:**

*5)07*

**BILL**

*insert 3-24*

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.

**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.

(END)

*(ed of int)*

Kyle

broader applicability beyond "wages paid" w/ state

leads to "work funded" w/ state funds



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0291/1

GMM:wlj:rs

Sr 2/11

Kodj

Now

Stays

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO ASSEMBLY BILL 750

Regen

who perform work that is funded

1 AN ACT *to amend* 104.001 (3) (b); and *to create* 66.0903 (1r) of the statutes;  
2 relating to: preemption of city, village, town, or county living wage ordinances  
3 with respect to employees ~~paid~~, in whole or in part, with state funds and  
4 preemption of residency requirements for laborers, workers, mechanics, and  
5 truck drivers employed on local projects of public works to which the prevailing  
6 wage law applies.

who perform work that is funded 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 (local living wage ordinance), 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. Current law, however, exempts from that prohibition 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.

who performs work that is funded — use twice

This substitute amendment 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.

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 substitute amendment prohibits a local governmental unit from requiring that any 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 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.

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

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

2 66.0903 (1r) RESIDENCY REQUIREMENTS PROHIBITED. (a) The legislature finds  
3 that residency requirements for laborers, workers, mechanics, and truck drivers  
4 employed on projects of public works to which this section applies ~~whose wages are~~  
5 ~~paid~~, in whole or in part, with funds of this state or federal funds passing through  
6 the state treasury are a matter of statewide concern.

that who performs work that is funded

7 (b) Except as provided in par. (c), no local governmental unit may require that  
8 any laborer, worker, mechanic, or truck driver employed on a project of public works  
9 to which this section applies ~~whose wages are paid~~, in whole or in part, with funds  
10 of this state or federal funds passing through the state treasury reside within any  
11 jurisdictional limit. If a local governmental unit has a residency requirement  
12 described in this paragraph that is in effect on the effective date of this paragraph  
13 .... [LRB inserts date], the residency requirement does not apply and may not be  
14 enforced.

1 (c) This subsection does not affect any statute that requires a person described  
2 in par. (b) to reside within the jurisdictional limit 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. who performs work that is funded (wrt/wid)

5 **SECTION 2.** 104.001 (3) (b) of the statutes is amended to read:

6 104.001 (3) (b) An ordinance that requires an employee of a county, city, village,  
7 or town, an employee who performs work under a contract for the provision of  
8 services to a county, city, village, or town, or an employee who performs work that is  
9 funded by financial assistance from a county, city, village, or town, to be paid at a  
10 minimum wage rate specified in the ordinance, except that this section preempts  
11 such an ordinance with respect to an employee whose wages are paid, in whole or in  
12 part, with funds of this state or federal funds passing through the state treasury. Any  
13 ordinance described in this paragraph that is in effect on the effective date of this  
14 paragraph .... [LRB inserts date], is void with respect to an employee whose wages  
15 are paid, in whole or in part, with funds of this state or federal funds passing through  
16 the state treasury.

17 **SECTION 3. Initial applicability.**

18 (1) COLLECTIVE BARGAINING AGREEMENTS. This act first applies to an employee  
19 who is affected by a collective bargaining agreement that contains provisions that  
20 are inconsistent with this act on the day on which the collective bargaining  
21 agreement expires or is modified, extended, or renewed, whichever occurs first.

22 (END)