



2013 SENATE BILL 244

August 7, 2013 – Introduced by Senators GROTHMAN and FARROW, cosponsored by Representatives JACQUE, SANFELIPPO, BIES, BROOKS, BORN, CRAIG, KNODL, T. LARSON, NASS, NEYLON, PRIDEMORE, RIPP, SCHRAA, STROEBEL, THIESFELDT and TITTL. Referred to Committee on Workforce Development, Forestry, Mining, and Revenue.

1 **AN ACT** *to renumber and amend* 103.50 (2g); and *to create* 66.0903 (5) (am),
2 103.49 (3g) (am) and 103.50 (2g) (b) of the statutes; **relating to:** exempting from
3 the prevailing wage law a public works project that is subject to the federal
4 Davis–Bacon Act.

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 area 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, which 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 (commonly referred to as “overtime pay”) for all hours worked in excess of the prevailing hours of labor (prevailing wage law).

This bill exempts from the prevailing wage law a project of public works that is subject to the federal Davis–Bacon Act, which requires mechanics and laborers employed on the site of a project of public works under a contract in excess of \$2,000 to which the federal government is a party to be paid the prevailing wage, as determined by the federal secretary of labor, for projects of similar character in the

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civil subdivision of the state in which the work is performed and to be paid any overtime pay to which the laborer or mechanic is entitled under federal law.

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) (am) of the statutes is created to read:

2 66.0903 (5) (am) A project of public works that is subject to the federal
3 Davis–Bacon Act, 40 USC 3141 to 3148.

4 **SECTION 2.** 103.49 (3g) (am) of the statutes is created to read:

5 103.49 (3g) (am) A project of public works that is subject to the federal
6 Davis–Bacon Act, 40 USC 3141 to 3148.

7 **SECTION 3.** 103.50 (2g) of the statutes is renumbered 103.50 (2g) (intro.) and
8 amended to read:

9 103.50 (2g) NONAPPLICABILITY. (intro.) This section does not apply to ~~a~~ any
10 of the following:

11 (a) A single–trade project of public works, as defined in s. 103.49 (1) (em), for
12 which the estimated project cost of completion is less than \$48,000 or a
13 multiple–trade project of public works, as defined in s. 103.49 (1) (br), for which the
14 estimated project cost of completion is less than \$100,000.

15 **SECTION 4.** 103.50 (2g) (b) of the statutes is created to read:

16 103.50 (2g) (b) A project of public works that is subject to the federal
17 Davis–Bacon Act, 40 USC 3141 to 3148.

18 **SECTION 5. Initial applicability.**

19 (1) EXEMPTION FROM PREVAILING WAGE LAW. This act first applies, with respect
20 to a project of public works that is subject to bidding, to a project for which the request

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1 for bids is issued on the effective date of this subsection and, with respect to a project
2 of public works that is not subject to bidding, to a project the contract for which is
3 entered into on the effective date of this subsection.

4 (END)