



## 2009 ASSEMBLY BILL 167

March 24, 2009 – Introduced by Representatives GOTTLIEB, ZIEGELBAUER, BROOKS, FRISKE, GUNDERSON, HONADEL, HUEBSCH, KESTELL, KNODL, LEMAHIEU, MEYER, MONTGOMERY, MURTHA, NERISON, A. OTT, PETERSEN, SUDER, STONE, STRACHOTA, TAUCHEN, TOWNSEND, VOS, ROTH and NYGREN, cosponsored by Senators HARS DORF, SCHULTZ, KEDZIE, OLSEN and S. FITZGERALD. Referred to Committee on Labor.

1     **AN ACT to renumber and amend** 66.0903 (5) and 103.49 (3g); and **to create**  
2             66.0903 (5) (a) 3. and 103.49 (3g) (c) of the statutes; **relating to:** the  
3             inapplicability of the prevailing wage law to projects in which the construction  
4             is contracted for by a private owner or developer and the completed projected  
5             is acquired by a local governmental unit or state agency.

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### *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.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*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) (intro.) and  
2 amended to read:

3           66.0903 **(5)** (a) (intro.) This section does not apply to any of the following:

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).

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.

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  
21 completed project is leased, lease purchased, or otherwise acquired by a local

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1 governmental unit in lieu of the local governmental unit contracting for the erection,  
2 construction, remodeling, repairing, or demolition of the project.

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

5 103.49 (3g) NONAPPLICABILITY. (intro.) This section does not apply to any of the  
6 following:

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

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

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

14 103.49 (3g) (c) Any project in which the erection, construction, remodeling,  
15 repairing, or demolition of the project is contracted for by a private owner or  
16 developer and the completed project is leased, lease purchased, or otherwise  
17 acquired by the state or a state agency in lieu of the state or state agency contracting  
18 for the erection, construction, remodeling, repairing, or demolition of the project.

19 **SECTION 5. Initial applicability.**

20 (1) APPLICABILITY OF PREVAILING WAGE LAW TO PRIVATE PROJECTS. This act first  
21 applies to first applies to a contract for the erection, construction, remodeling,  
22 repairing, or demolition of a private construction project entered into, or extended,  
23 modified or renewed, on the effective date of this subsection.

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(END)