



State of Wisconsin
2011 - 2012 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 233**

October 14, 2011 – Offered by Representative MARKLEIN.

1 **AN ACT to create** 66.0903 (5) (h) and 103.49 (3g) (i) of the statutes; **relating to:**
2 an exemption from the prevailing wage law for a public works project, the cost
3 of which is less than \$5,000,000 and not less than 85 percent privately funded,
4 in which the completed facility is dedicated to the state or a local governmental
5 unit for conservation, recreational, or educational 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

\$5,000,000, in which not less than 85 percent of that cost is privately funded, in which 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 in which 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, in which not less than 85 percent of that cost is
4 privately funded, in which the completed facility is dedicated to a local governmental
5 unit without compensation for ownership by the local governmental unit, and in
6 which the completed facility is used for conservation, recreational, or educational
7 purposes. For purposes of this paragraph, moneys derived from program revenue
8 supported borrowing or from segregated fund supported borrowing are considered
9 to be public 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, in which not less than 85 percent of that cost is
13 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
15 for conservation, recreational, or educational purposes. For purposes of this
16 paragraph, moneys derived from program revenue supported borrowing or from
17 segregated fund supported borrowing are considered to be public funds.

18 **SECTION 3. Initial applicability.**

1 (1) EXEMPTION FROM PREVAILING WAGE LAW. This act first applies, with respect
2 to a project of public works that is subject to bidding, to a project for which the request
3 for bids is issued on the effective date of this subsection and, with respect to a project
4 of public works that is not subject to bidding, to a project the contract for which is
5 entered into on the effective date of this subsection.

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(END)