



2013 ASSEMBLY BILL 750

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

AUTHORS SUBJECT TO CHANGE

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.

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

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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.

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 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

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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.

25 **SECTION 6. Initial applicability.**

