

LRB-3139/2

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## 2013 - 2014 LEGISLATURE

**2013 ASSEMBLY BILL 750**

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

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

truck drivers

employed on projects of public works to which this section applies  
whose wages are  
paid, in whole or in part, with funds of this state or federal funds  
passing through  
the state treasury are a matter of statewide concern.

(b) Except as provided in par. (c), no local governmental unit  
may require that  
any laborer, worker, mechanic, or truck driver employed on a project  
of public works  
to which this section 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. If a local governmental unit has a residency  
requirement

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

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

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

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

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

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

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

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

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  
22 contracted for by a  
23 city, village, town, or county be paid at the prevailing wage rate, as  
24 defined in s.  
25 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.

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1 (1) COLLECTIVE BARGAINING AGREEMENTS.. This act first  
2 applies to an employee  
3 who is affected by a collective bargaining agreement that contains  
4 provisions that  
5 are inconsistent with this act on the day on which the collective  
6 bargaining  
7 agreement expires or is modified, extended, or renewed, whichever  
8 occurs first.

(END)