

## The Politics of Wage Suppression: Inside ALEC's Legislative Campaign Against Low-Paid Workers

### Main Findings

- ALEC's "model legislation" includes multiple proposals to weaken or repeal wage standards that protect the earnings of low-paid workers. These proposals include measures to repeal state minimum wage laws, reduce minimum wage rates for youth and tipped workers, weaken overtime compensation policies, and block local governments from establishing living wage ordinances.
- Since January 2011, legislators from 31 states have introduced 105 bills that aim to repeal or weaken core wage standards at the state or local level. Of these 105 bills, a total of 67 were directly sponsored or co-sponsored by ALEC-affiliated legislators from 25 states.
- As conservative majorities assume power in 31 statehouses this year – including 15 statehouses under the control of veto-proof supermajorities – ALEC's "wage suppression" agenda poses a threat to the earnings and economic security of low-paid workers across the country.

### Background

The American Legislative Exchange Council – a "forum for state legislators and private sector leaders to discuss and exchange practical, state-level public policy issues"<sup>1</sup> – has been the subject of substantial criticism over the past year for its promotion of controversial voter ID legislation, "Stand Your Ground" laws, and measures to roll-back environmental protections. In recent years, however, ALEC-affiliated state legislators from across the country have also conducted a parallel effort to weaken wage and workplace standards designed to protect the earnings and economic security of the country's lowest-paid workers.

Since January 2011, legislators from 31 states have introduced 105 bills reflecting ALEC's "model" legislation designed to suppress the wages of low-paid workers in the United States -- these bills aimed to repeal state minimum wage laws, reduce minimum wage rates for youth and tipped workers, weaken overtime compensation policies, and prevent local governments from establishing living wage ordinances. Of these 105 bills, 67 were directly sponsored or co-sponsored by ALEC-affiliated legislators from 25 different states.

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While ALEC is well known for espousing a conservative economic philosophy, this report traces the concrete legislative campaign that ALEC has conducted over the past two years to translate its economic ideology into law. We find that ALEC-affiliated legislators have sponsored or co-sponsored roughly two out of every three pieces of wage suppression legislation introduced since January 2011.

While only 11 of the 67 ALEC-affiliated wage suppression bills were ultimately passed into law, the cumulative impact of the 105 bills that have been introduced over the past two years remains significant. The persistent introduction of legislation to weaken or repeal wage standards drains the political momentum behind improving wages and workplace standards for low-paid workers by forcing a defensive fight over protecting the standards that already exist. As retail and fast-food workers in New York, Chicago, and cities across the country take collective action to improve wages in the nation's fastest-growing low-wage industries – and as dozens of legislatures consider new proposals to increase minimum wages this year – ALEC's wage suppression agenda serves as a significant source of inertia undermining the current push for better wages and workplace standards.

While this study focuses on ALEC's role in promoting legislation to reduce wages for low-paid workers, it is important to note that ALEC's recent efforts unfolded in and contributed to a political environment that saw a wide range of attacks on workers, including efforts to limit collective bargaining rights, public pension funds, and union dues collection. By shedding light on ALEC's efforts to reduce wages, we hope to draw attention to some of the unappreciated political forces that are contributing not just to eroding wages and growing economic inequality in the U.S., but that are also working to roll-back protections for workers more generally.

In this report, we categorize each piece of legislation introduced by an ALEC-affiliated state legislator by reference to ALEC's "model" bills. Each section focuses on one ALEC model bill; the legislation reflecting each model bill is then identified by state, together with the final status of each bill, and the name of the ALEC-affiliated legislator who introduced it.

## **Methodology**

In this report, we identify a piece of legislation as an ALEC-affiliated bill when both of the following criteria have been satisfied:

- The legislation reflects the policy priorities of a specific "model bill" authored by ALEC.
- The legislation was also sponsored or co-sponsored by an ALEC-affiliated state legislator.

Of the 67 bills that this study identifies as ALEC-affiliated proposals, many are straight-forward translations of specific ALEC model bills. ALEC's "model bills" are draft pieces of legislation designed by the corporate leaders and state legislators that comprise ALEC's policy task forces. Bills that do not reflect the language or structure of an ALEC model bill are counted in this study only if they clearly reflect major goals or principles of one of the ALEC model bills (e.g., proposals to suspend minimum wage indexing or to exclude targeted groups of workers from coverage under minimum wage laws are treated in this report as corresponding to ALEC's model legislation seeking repeal of state minimum wage laws altogether). Given that ALEC's model bills are meant to serve as guideposts to inspire legislative action – and the fact that legislative formats vary from state to state – it is reasonable to assume that ALEC-inspired legislation will often take a range of forms. Furthermore, in light of the widespread public support for many workplace standards like the minimum wage, it is all the more likely that legislators seeking to repeal state minimum wage laws would do so using an incremental approach.

This report examines state legislation introduced since January 2011. All wage-related legislation was identified through bill tracking databases operated by StateScape and the National Conference of State

Legislatures.<sup>2</sup> This report consulted the text of ALEC model bills provided by the Center for Media and Democracy to determine which pieces of wage-related legislation introduced since January 2011 reflected the policy proposals of an ALEC model bill.<sup>3</sup>

The legislation considered in this report reflects the policy proposals of five ALEC model bills:

- “Prevailing Wage Repeal Act”
- “Living Wage Mandate Preemption Act”
- “Starting (i.e. Minimum) Wage Repeal Act”
- “Resolution in Opposition to Any Increase in the Starting (i.e. Minimum) Wage”
- “Resolution in Support of Reform of Wage and Hours Laws”

Companion bills introduced in separate houses of a state legislature are only counted as two different ALEC-affiliated bills when *each* was sponsored by an ALEC-affiliated legislator. ALEC-affiliated state legislators are identified based on primary source documentation cited in SourceWatch, a database maintained by the Center for Media and Democracy.<sup>4</sup>

### I. Living Wage and Prevailing Wage Repeal and Preemption Bills

ALEC’s wage suppress agenda rests fundamentally on a strategy of repeal and preemption. Over the past year, ALEC has promoted legislation on the state level that would either repeal living wage and prevailing wage policies altogether, limit the number of workers covered by these policies, or prevent a city or local government from establishing a living wage or prevailing wage policy in the first place. Living wage and prevailing wage policies have been the target of more ALEC-affiliated legislation over the past two years than any other wage standard considered in this report. Living wage policies require employers who receive contracts or subsidies from local governments to pay their employees wages that are consistent with the cost of living in that city; prevailing wage policies require companies receiving public contracts to pay wages consistent with standard industry wages in the region. Each of these wage requirements are significantly higher than state minimum wage levels.

**Fig. 1: Twenty-Nine ALEC-Affiliated Bills Aiming to Weaken or Repeal Living Wage and Prevailing Wage Laws**

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
AZ	SB 1403	1/28/2011	Sen. Shooter	Weakens prevailing wage contracts for public works employees	Approved
CT	HB 5088	1/5/2011	Rep. Miller	Imposes three-year moratorium on prevailing wage laws	Introduced
CT	HB 5089	1/5/2011	Rep. Miller	Exempts targeted buildings and lessees from prevailing wage laws	Introduced
CT	HB 5091	1/5/2011	Rep. Piscopo	Raises prevailing wage threshold for municipal construction projects	Introduced
CT	HB 5093	1/5/2011	Rep. Piscopo	Exempts all municipal projects that do not receive federal/state funding from prevailing wage requirements	Introduced
CT	HB 5094	1/5/2011	Rep. Piscopo	Exempts targeted municipal projects from prevailing wage requirements	Introduced
CT	HB 5249	1/11/2011	Rep. Lavielle	Increases exemption threshold for prevailing wage projects	Introduced
CT	SB 94	1/11/2011	Sen. Witkos	Increases exemption threshold for prevailing wage projects	Introduced

CT	SB 95	1/11/2011	Sen. Witkos	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5318	1/14/2011	Rep. Adinolfi	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5320	1/14/2011	Rep. Piscopo	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5774	1/20/2011	Rep. Carter	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5092	3/15/2011	Rep. Piscopo	Raises prevailing wage threshold for public works projects	Introduced
IL	HB 165	1/18/2011	Rep. Winters	Excludes construction workers from prevailing wage coverage	Introduced
KY	HB 327	2/3/2011	Rep. DeCesare	Increases exemption threshold for prevailing wage projects	Died in Committee
MD	SB 187	1/26/2011	Sen. Kittleman	Increases exemption threshold for specified prevailing wage projects	Introduced
MD	SB 222	1/27/2011	Sen. Colburn	Repeals state living wage law	Introduced
MD	HB 707	2/10/2011	Del. Krebs	Increases exemption threshold for prevailing wage projects	Died in Committee
MD	HB 688	3/25/2011	Del. Krebs	Excludes collectively bargained compensation from calculation of prevailing wages	Introduced
MD	SB 713	2/3/2012	Sen. Colburn	Repeals state living wage law	Introduced
MD	HB 840	2/9/2012	Del. Eckhardt	Repeals state living wage law	Introduced
ME	LD 1786	1/19/2012	Rep. Prescott	Repeals the requirement for Maine DOL to calculate the livable wage and report it to the legislature	Approved
MI	SB 95	2/1/2011	Rep. Meekhof	Repeals state prevailing wage law	Introduced
MI	HB 4224	2/10/2011	Rep. Price	Repeals state prevailing wage law	Introduced
OR	HB 3497	2/28/2011	Rep. Conger	Suspends prevailing wage during specified periods	Introduced
PA	HB 1135	3/21/2011	Rep. Schroder	Imposes limits on applicability of prevailing wage law	Introduced
PA	HB 1277	4/6/2011	Rep. Boyd	Repeals state prevailing wage law	Introduced
PA	HB 1329	4/25/2011	Rep. Boyd	Increases exemption threshold for prevailing wage projects	Introduced
WI	AB 183	6/16/2011	Rep. Nass	Increases exemption threshold for prevailing wage projects	Introduced

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

Figure 1 lists the 29 proposals introduced by ALEC-affiliated legislators aiming to weaken or repeal living wage and prevailing wage laws in 10 states. Bills calling for the total repeal of state living wage policies directly reflect the policy objective of ALEC's model bill titled the "Prevailing Wage Repeal Act," which states simply that "Any and all prevailing wage laws are repealed."

Figure 1 includes several bills that aim to weaken prevailing wage laws rather than repeal them altogether. Since prevailing wage laws apply only to businesses that receive above a certain amount of public funding or subsidies, these bills weaken prevailing wage requirements by increasing the threshold below which businesses are exempted from prevailing wage requirements. Several of the bills listed in Figure 1 also weaken prevailing wage laws by excluding certain types of workers from coverage. While ALEC does not specifically call for exemptions or exclusions to prevailing wage laws in any of its model bills, these proposals closely reflect the spirit of ALEC's "Prevailing Wage Repeal Act" by significantly limiting the scope of prevailing wage policies

in each affected state. As mentioned earlier, direct attempts at categorically repealing prevailing wage and living wage policies have proven widely unpopular, and so introducing exclusions and exemptions to these policies suggests an incremental approach designed to avoid public backlash while advancing an agenda aimed at gradually repealing these wage standards.<sup>5</sup>

ALEC has also attempted to prevent local governments from establishing living wage ordinances by promoting legislation that would explicitly deprive city governments of the power to set pay standards for publicly-funded projects (see Figure 2 below). ALEC has authored its own model bill, entitled the “Living Wage Mandate Preemption Act,”<sup>6</sup> which states specifically that “...no political subdivision of this state may enact, maintain, or enforce by charter, ordinance, purchase agreement, contract, regulation, rule, or resolution, either directly or indirectly, a living wage mandate in an amount greater than this state’s applicable state minimum wage...”

**Fig. 2: Six ALEC-Affiliated Bills Preempting Local Living Wage and Prevailing Wage Laws**

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
AL	HB 214	3/9/2011	Rep. Williams	Prevents state governments from adopting prevailing wage law	Passed House Committee
ID	SB 1006	1/18/2011	Sen. McGee	Prevents state and local government from adopting prevailing wage laws	Approved
KS	HB 2592	1/2/2012	Rep. Sullentrop	Prevents local minimum wage rates from exceeding state minimum wage rate	Introduced
TN	SB 630	2/14/2011	Sen. Ketron	Prevents local minimum wage rates from exceeding state minimum wage rate	Died Upon Adjournment
TN	SB 2149	1/10/2012	Sen. Kelsey	Prevents local minimum wage rates from exceeding state minimum wage rate	Died Upon Adjournment
TN	SB 3276	1/30/2012	Sen. Kelsey	Prevents local minimum wage rates from exceeding state minimum wage rate	Died Upon Adjournment

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

Living wage preemption bills reveal the contradiction behind ALEC’s ideological agenda: Despite ALEC’s putative support for limited government and local sovereignty, living wage preemption proposals would establish state-wide mandates that severely restrict the freedom that city governments have to set standards for businesses that receive public support. Indeed, ALEC’s model bills offer no intellectual justification for such extreme restrictions of local sovereignty aside from the unsupported assertion that “starting wage laws [i.e. minimum wage laws] are a matter of statewide concern, thus, units of local government shall not enact any laws with respect to minimum wages.” The inconsistency that lies at the heart of ALEC’s living wage preemption proposals speaks to the broader conflict in contemporary conservative politics between the principle of limited government and the practice among corporate interests of advocating for public policy interventions to generate higher profits.

Though not sponsored by an ALEC-affiliated legislator (and, therefore, not included in Figure 2 above), a citywide minimum wage preemption proposal reflecting the spirit of ALEC’s “Living Wage Mandate Preemption Act” was also signed into law in Indiana in May of 2011.<sup>7</sup> While this law permits local governments to establish living wage requirements for publicly-funded projects, it prohibits local governments from establishing a citywide minimum wage law that would apply to all businesses in a particular city. The passage of legislation in Indiana to preemptively prohibit local governments from establishing citywide wage floors illustrates how ALEC’s specific policy agenda can inspire new forms of legislation that aim to suppress wages for low-paid workers.

## II. Repealing, Suspending, and Weakening State Minimum Wage Laws

Figure 3 lists the eight bills introduced by ALEC-affiliated legislators aiming to repeal or suspend minimum wage laws in six states. The model bills guiding these proposals could not be more clear: ALEC authored a model bill plainly titled the “Starting (Minimum) Wage Repeal Act,” which mandates specifically that “Any and all starting (minimum) wage laws in any unit of local government are repealed.” Figure 3 also includes proposals to suspend or repeal automatic annual increases in the minimum wage based on the rising cost of living, a key policy reform known as “indexing” that 10 states have adopted.<sup>8</sup>

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
MO	HB 61	1/5/2011	Rep. Nolte	Repeals state minimum wage	Passed House, Died in Senate Upon Adjournment
NH	HB 133	1/10/2011	Rep. McGuire	Repeals state minimum wage	Approved
NV	SJR 2	1/25/2011	Sen. Hardy	Repeals state minimum wage	Introduced
OR	HB 2656	2/16/2011	Rep. Hanna	Suspends minimum wage indexing based on unemployment rate	Died Upon Adjournment
WA	SB 5968	12/1/2011	Sen. Stevens	Repeals minimum wage indexing	Died Upon Adjournment
WA	HB 2498	1/16/2012	Rep. Shea	Suspends minimum wage indexing based on unemployment rate	Introduced
WY	HB 184	1/19/2011	Rep. Pedersen	Repeals state minimum wage	Passed House
WY	SB 10	2/9/2011	Sen. Case	Repeals state minimum wage	Passed Senate Committee

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

Since Nevada’s state minimum wage is set one dollar above the federal level, the above proposal to repeal the state’s minimum wage would result in a significant reduction in wages for the state’s lowest-paid workers. In states with minimum wage rates equal to the federal level, a repeal of the state minimum wage would have a less severe impact, though still affect any workers that were covered under the state minimum wage but not already covered under the federal minimum wage (e.g. homecare workers). Furthermore, state action to raise the minimum wage has historically served as a major influence for passing national legislation to raise the federal minimum wage: the introduction – and, in the case of HB 133 in New Hampshire, passage – of legislation that works in the opposite direction by repealing state minimum wage laws altogether amounts to a significant drag on the political momentum that is crucial for raising minimum wage rates on the federal level.

In addition to repealing state wage standards as a whole, ALEC has also promoted legislation targeting the wages and protections specifically afforded to youth, tipped workers, and other categories of workers. While not explicitly reflecting the policy objectives of any ALEC model bills, these pieces of legislation again represent an incremental approach to the policy objective of repealing wage standards for low-paid workers embodied in the “Starting (Minimum) Wage Repeal Act” referenced above. Figure 4 lists 16 different bills that aim to reduce minimum wages for youth and tipped workers, exclude disabled and other categories of workers from coverage under minimum wage laws, or establish other exemptions that significantly limit the scope of state minimum wage laws.

**Fig. 4: Sixteen ALEC-Affiliated Bills Weakening State Minimum Wage Laws**

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
AZ	HCR 2056	2/2/2012	Rep. Court	Establishes lower minimum wage for youth and tipped workers	Approved
FL	HB 1175	3/3/2011	Rep. Pilon	Exempts energy workers in designated areas from min wage	Died in Committee
FL	HB 1425	3/8/2011	Rep. Tobia	Weakens state minimum wage indexing provision	Died in Committee
FL	SB 2106	2/2/2012	Sen. Lynn	Establishes optional sub-minimum wage for tipped workers	Passed Senate Committee
ME	SP 57	1/27/2011	Sen. Langley	Eliminates employee ownership of tips	Approved
ME	LD 516	2/15/2011	Sen. Plowman	Repeals limits on youth work hours	Approved
ME	HB 1279	1/4/2012	Sen. Rector	Permits sub-minimum wage for disabled workers	Approved
MN	HB 1755	5/22/2011	Rep. Zellers	Establishes sub-minimum wage for tipped workers	Died Upon Adjournment
MN	HB 2859	3/14/2012	Rep. Zellers	Establishes sub-minimum wage for tipped workers	Died Upon Adjournment
MO	HB 218	1/26/2011	Rep. Cox	Suspends minimum wage during specified periods	Introduced
MO	SB 222	2/7/2011	Sen. Cunningham	Eliminates work prohibition for children under 14	Died Upon Adjournment
NY	AB 6528	3/21/2011	Rep. Kolb	Establishes sub-minimum wage for youth workers	Introduced
PA	HB 1820	8/22/2011	Rep. Delozier	Exempts specific employers from minimum wage requirements	Approved
RI	HB 7761	2/16/2012	Rep. Brien	Repeals requirement that employers pay wages to employees who report to duty when no work is available	Introduced
SD	HB 1148	1/25/2011	Rep. Turbiville	Excludes seasonal workers from minimum wage coverage	Approved
WA	HB 1258	1/18/2011	Rep. Shea	Establishes sub-minimum wage for entry-level adult workers	Introduced

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

### III. Weakening Overtime Compensation Policies

ALEC’s agenda for weakening overtime compensation provisions is included in its broader model bill, “Resolution in Support of Reform of Wage and Hour Laws,”<sup>9</sup> which states that “private employers should be given the option of offering employees compensatory time instead of overtime pay for overtime worked.” The option to offer compensatory time rather than paying overtime grants employers an opportunity to side-step the requirement to pay time-and-a-half to their employees for all hours over 40 in a week by offering “comp” time equal only to one hour of work. Given that hourly workers are more likely to hold low-wage jobs and earn significantly less than salaried workers, the shift away from overtime in exchange for “comp time” will impact workers most in need of the extra hours paid at the higher time-and-a-half rate.<sup>10</sup> Figure 5 lists three bills introduced by ALEC-affiliated legislators in two states that would grant employers the option of offering comp time instead of overtime pay.

**Fig. 5: Three ALEC-Affiliated Bills Granting Employers the Option to Offer Comp Time Instead of Overtime**

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>ALEC Sponsor</i>	<i>Description</i>	<i>Status</i>
OH	SB 62	2/8/2011	Sen. Seitz	Grants Employers Option to Offer Comp Time in Lieu of Overtime	Introduced
OH	SB 61	1/26/2011	Rep. Thompson	Grants Employers Option to Offer Comp Time in Lieu of Overtime	Passed House Committee
MI	HB 5545	4/19/2012	Rep. McMillin	Grants Employers Option to Offer Comp Time in Lieu of Overtime	Introduced

Source: National Conference of State Legislatures, StateScape, Center for Media and Democracy (See Methodology)

In addition, there have been several bills introduced by ALEC-affiliated legislators that aim to weaken overtime compensation provisions through alternative means, such as creating exclusions for certain types of workers or making technical changes to the calculation of overtime compensation pay. Figure 6 lists these bills below.

**Fig. 6: Five ALEC-Affiliated Legislation Introducing Exclusions to Overtime Compensation Policies**

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
IL	SB 3627	2/10/2012	Sen. Althoff	Excludes unions from overtime compensation laws	Passed Senate
NV	SB 252	3/17/2011	Sen. Hardy	Excludes home care workers from overtime compensation laws	Introduced
NV	SB 332	3/21/2011	Sen. Settlemeyer	Shifts basis for determining overtime pay from 8-hr day to 40-hr week	Introduced
PA	HB 1820	8/22/2011	Rep. Delozier	Allows for shift-swapping as overtime exception in transportation industry	Approved
RI	SB 2421	2/15/2012	Sen. Fogerty	Modifies overtime pay rules for delivery drivers/sales merchandisers	Introduced

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

Again, only workers that are not already covered by the federal Fair Labor Standards Act would be affected by the exclusions to overtime compensation coverage proposed in the legislation above. However, since home care workers are not covered under federal law, the proposal to exclude these workers from overtime compensation laws (see Nevada SB 252 above) would have a significant impact, as state labor laws are the only avenues for extending overtime protections to home care workers.

## Conclusion

With job growth still tepid and wages falling during the post-recession recovery, it is important to understand the full range of challenges facing America's workers today. Legislative gridlock at the state and federal levels poses a key obstacle to action to address these trends. But less well understood is the threat of actually rolling back existing workforce protections posed by ALEC and its affiliated legislators.



## Appendix: Full List of Wage Suppression Legislation in the 2011-2012 Sessions

### I. Legislation Aiming to Weaken or Repeal Living Wage and Prevailing Wage Laws (ALEC-Affiliated Legislation Highlighted in Green by Sponsor)

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
AZ	SB 1403	1/28/2011	Sen. Shooter	Weakens prevailing wage contracts for public works employees	Approved
CA	SB 438	2/24/2011	Rep. Cannella	Limits coverage under prevailing wage law	Introduced
CA	AB 987	3/10/2011	Rep. Grove	Increases exemption threshold for prevailing wage projects	Introduced
CA	AB 988	3/10/2011	Rep. Grove	Excludes collectively bargained compensation from calculation of prevailing wages	Introduced
CA	SB 727	4/4/2011	Rep. Berryhill	Limits coverage under prevailing wage law	Introduced
CT	HB 5088	1/5/2011	Rep. Miller	Imposes three-year moratorium on prevailing wage laws	Introduced
CT	HB 5089	1/5/2011	Rep. Miller	Exempts targeted buildings and lessees from prevailing wage laws	Introduced
CT	HB 5091	1/5/2011	Rep. Piscopo	Raises prevailing wage threshold for municipal construction projects	Introduced
CT	HB 5093	1/5/2011	Rep. Piscopo	Exempts all municipal projects that do not receive federal/state funding from prevailing wage requirements	Introduced
CT	HB 5094	1/5/2011	Rep. Piscopo	Exempts targeted municipal projects from prevailing wage requirements	Introduced
CT	HB 5249	1/11/2011	Rep. Lavielle	Increases exemption threshold for prevailing wage projects	Introduced
CT	SB 94	1/11/2011	Sen. Witkos	Increases exemption threshold for prevailing wage projects	Introduced
CT	SB 95	1/11/2011	Sen. Witkos	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5318	1/14/2011	Rep. Adinolfi	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5320	1/14/2011	Rep. Piscopo	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5774	1/20/2011	Rep. Carter	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5092	3/15/2011	Rep. Piscopo	Raises prevailing wage threshold for public works projects	Introduced
CT	HB 5248	3/15/2011	Rep. Wadsworth	Raises prevailing wage threshold for public works projects	Introduced
CT	SB 75	3/15/2011	Rep. Welch	Temporarily raises prevailing wage threshold for municipal construction projects	Introduced
CT	SB 610	3/15/2011	Sen. Boucher	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5317	3/15/2011	Rep. Smith	Repeals state prevailing wage law	Introduced
CT	HB 5775	3/15/2011	Rep. Ackert	Increases exemption threshold for prevailing wage projects	Introduced
CT	HB 5776	3/15/2011	Rep. Miner	Suspends prevailing wage during periods of high	Introduced

				unemployment	
CT	HB 6243	3/15/2011	Rep. Rigby	Imposes three-year moratorium on prevailing wage laws	Introduced
CT	SB 690	3/28/2011	Sen. Markley	Increases exemption threshold for prevailing wage projects	Introduced
DE	HB 110	5/26/2011	Rep. Briggs King	Increases exemption threshold for prevailing wage projects	Introduced
IL	HB 165	1/18/2011	Rep. Winters	Excludes construction workers from prevailing wage coverage	Introduced
IL	HB 3094	3/17/2011	Rep. Tryon	Increases exemption threshold for prevailing wage projects	Introduced
IL	SB 1389	3/18/2011	Rep. Righter	Imposes fine for knowingly filing false prevailing wage violation complaint	Introduced
KY	HB 327	2/3/2011	Rep. DeCesare	Increases exemption threshold for prevailing wage projects	Died in Committee
MA	HB 2600	5/3/2011	Rep. Winslow	Repeals state prevailing wage law	Introduced
MD	SB 187	1/26/2011	Sen. Kittleman	Increases exemption threshold for specified prevailing wage projects	Introduced
MD	SB 222	1/27/2011	Sen. Colburn	Repeals state living wage law	Introduced
MD	HB 707	2/10/2011	Del. Krebs	Increases exemption threshold for prevailing wage projects	Died in Committee
MD	HB 688	3/25/2011	Del. Krebs	Excludes collectively bargained compensation from calculation of prevailing wages	Introduced
MD	SB 713	2/3/2012	Sen. Colburn	Repeals state living wage law	Introduced
MD	HB 840	2/9/2012	Del. Eckhardt	Repeals state living wage law	Introduced
ME	LD 1786	1/19/2012	Rep. Prescott	Repeals the requirement for Maine DOL to calculate the livable wage and report it to the legislature	Approved
MI	SB 95	2/1/2011	Rep. Meekhof	Repeals state prevailing wage law	Introduced
MI	HB 4224	2/10/2011	Rep. Price	Repeals state prevailing wage law	Introduced
MO	HB 138	5/10/2011	Rep. Thompson	Establishes possible exemption for specific prevailing wage projects	Introduced
NJ	SB 2692	2/7/2011	Sen. Bucco	Repeals state prevailing wage law	Introduced
OR	HB 3497	2/28/2011	Rep. Conger	Suspends prevailing wage during specified periods	Introduced
PA	HB 1135	3/21/2011	Rep. Schroder	Imposes limits on applicability of prevailing wage law	Introduced
PA	HB 1277	4/6/2011	Rep. Boyd	Repeals state prevailing wage law	Introduced
PA	HB 1329	4/25/2011	Rep. Boyd	Increases exemption threshold for prevailing wage projects	Introduced
PA	HB 1540	5/12/2011	Rep. Perry	Increases exemption threshold for prevailing wage projects	Introduced
WI	AB 91	4/12/2011	Rep. Clark	Increases exemption threshold for prevailing wage projects	Introduced
WI	AB 183	6/16/2011	Rep. Nass	Increases exemption threshold for prevailing wage projects	Introduced
WI	SB 230	10/12/2011	Sen. Shultz	Increases exemption threshold for prevailing wage projects	Introduced
WI	AB 233	10/18/2011	Rep. Marklein	Increases exemption threshold for prevailing wage projects	Introduced

WV	HB 2092	1/12/2011	Rep. Cowles	Increases exemption threshold for prevailing wage projects	Introduced
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Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

## II. Legislation Preempting Local Living Wage and Prevailing Wage Laws (ALEC-Affiliated Legislation Highlighted in Green by Sponsor)

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
AL	HB 214	3/9/2011	Rep. Williams	Prevents state governments from adopting prevailing wage law	Passed House Committee
ID	SB 1006	1/18/2011	Sen. McGee	Prevents state and local government from adopting prevailing wage laws	Approved
KS	HB 2592	1/2/2012	Rep. Sullentrop	Prevents local minimum wage rates from exceeding state minimum wage rate	Introduced
TN	SB 630	2/14/2011	Sen. Ketron	Prevents local minimum wage rates from exceeding state minimum wage rate	Died Upon Adjournment
TN	SB 1327	2/23/2011	Sen. Johnson	Prevents local minimum wage rates from exceeding state minimum wage rate	Introduced
TN	SB 2149	1/10/2012	Sen. Kelsey	Prevents local minimum wage rates from exceeding state minimum wage rate	Died Upon Adjournment
TN	SB 2593	1/12/2012	Sen. Harper	Prevents local minimum wage rates from exceeding state minimum wage rate	Introduced
TN	SB 3276	1/30/2012	Sen. Kelsey	Prevents local minimum wage rates from exceeding state minimum wage rate	Died Upon Adjournment

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

## III. Legislation Repealing/Suspending State Minimum Wage Laws (ALEC-Affiliated Legislation Highlighted in Green by Sponsor)

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
MO	HB 61	1/5/2011	Rep. Nolte	Repeals state minimum wage	Passed House, Died in Senate Upon Adjournment
NH	HB 133	1/10/2011	Rep. McGuire	Repeals state minimum wage	Approved
NV	SJR 2	1/25/2011	Sen. Hardy	Repeals state minimum wage	Introduced
OR	HB 2656	2/16/2011	Rep. Hanna	Suspends minimum wage indexing based on unemployment rate	Died Upon Adjournment
WA	SB 5968	12/1/2011	Sen. Stevens	Repeals Minimum Wage Indexing	Died Upon Adjournment
WA	HB 2498	1/16/2012	Rep. Shea	Suspends minimum wage indexing based on unemployment rate	Introduced
WY	HB 184	1/19/2011	Rep. Pedersen	Repeals state minimum wage	Passed House
WY	SB 10	2/9/2011	Sen. Case	Repeals state minimum wage	Passed Senate Committee

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

**IV. Legislation Weakening State Minimum Wage Laws  
(ALEC-Affiliated Legislation Highlighted in Green by Sponsor)**

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
AZ	HCR 2056	2/2/2012	Rep. Court	Establishes lower minimum wage for youth and tipped workers	Approved
FL	HB 1175	3/3/2011	Rep. Pilon	Exempts energy workers in designated areas from min wage	Died in Committee
FL	HB 1425	3/8/2011	Rep. Tobia	Weakens state minimum wage indexing provision	Died in Committee
FL	SB 1610	3/9/2011	Rep. Detert	Weakens state minimum wage indexing provision	Died in Committee
FL	HB 1051	5/7/2011	Rep. Brandes	Exempts specific employers from minimum wage requirements	Introduced
FL	SB 7210	1/10/2012	Rep. Detert	Establishes sub-minimum wage for tipped workers	Introduced
FL	SB 2106	2/2/2012	Sen. Lynn	Establishes optional sub-minimum wage for tipped workers	Passed Senate Committee
HI	SB 759	1/21/2011	Sen. Fukunaga	Allows for increase in tip credit	Introduced
MA	HB 2302	11/3/2011	Rep. Jones	Establishes sub-minimum wage for youth workers	Introduced
MA	HB 2313	11/3/2011	Rep. Winslow	Establishes sub-minimum wage for youth and seasonal workers	Introduced
ME	SP 57	1/27/2011	Sen. Langley	Eliminates employee ownership of tips	Approved
ME	LD 516	2/15/2011	Sen. Plowman	Repeals limits on youth work hours	Approved
ME	HB 1279	1/4/2012	Sen. Rector	Permits sub-minimum wage for disabled workers	Approved
MN	HB 1755	5/22/2011	Rep. Zellers	Establishes sub-minimum wage for tipped workers	Died Upon Adjournment
MN	SB 1701	2/1/2012	Sen. Kruse	Establishes sub-minimum wage for tipped workers	Introduced
MN	SB 2443	3/3/2012	Sen. Kruse	Establishes sub-minimum wage for tipped workers	Introduced
MN	HB 2859	3/14/2012	Rep. Zellers	Establishes sub-minimum wage for tipped workers	Died Upon Adjournment
MO	HB 218	1/26/2011	Rep. Cox	Suspends minimum wage during specified periods	Introduced
MO	SB 222	2/7/2011	Sen. Cunningham	Eliminates work prohibition for children under 14	Died Upon Adjournment
NJ	AB 1347	1/10/2012	Rep. Rible	Establishes sub-minimum wage for youth workers	Introduced
NY	SB 2399	1/19/2011	Sen. Maziarz	Excludes seasonal workers from minimum wage coverage	Introduced
NY	AB 6528	3/21/2011	Rep. Kolb	Establishes sub-minimum wage for youth workers	Introduced
OR	HB 3279	2/22/2011	Rep. Berger	Establishes sub-minimum wage for youth workers	Introduced
PA	HB 1820	8/22/2011	Rep. Delozier	Exempts specific employers from minimum wage requirements	Approved
RI	HB 7761	2/16/2012	Rep. Brien	Repeals requirement that employers pay wages to employees who report to duty when no work is available	Introduced
SD	HB 1148	1/25/2011	Rep. Turbiville	Excludes seasonal workers from minimum wage coverage	Approved

WA	HB 1258	1/18/2011	Rep. Shea	Establishes sub-minimum wage for entry-level adult workers	Introduced
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Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

**V. Legislation Granting Employers the Option to Offer Comp Time Instead of Overtime  
(ALEC-Affiliated Legislation Highlighted in Green by Sponsor)**

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
OH	SB 61	1/26/2011	Rep. Thompson	Grants Employers Option to Offer Comp Time in Lieu of Overtime	Passed House Committee
OH	SB 62	2/8/2011	Sen. Seitz	Grants Employers Option to Offer Comp Time in Lieu of Overtime	Introduced
MI	HB 5545	4/19/2012	Rep. McMillin	Grants Employers Option to Offer Comp Time in Lieu of Overtime	Introduced

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

**VI. Legislation Introducing Exclusions to Overtime Compensation Policies  
(ALEC-Affiliated Legislation Highlighted in Green by Sponsor)**

<i>State</i>	<i>Legislation</i>	<i>Intro. Date</i>	<i>Sponsor</i>	<i>Description</i>	<i>Status</i>
IL	SB 3627	2/10/2012	Sen. Althoff	Excludes unions from overtime compensation laws	Passed Senate
ME	LD 1207	6/29/2011	Rep. Crafts	Excludes specific agricultural workers from overtime compensation laws	Approved
NV	SB 252	3/17/2011	Sen. Hardy	Excludes home care workers from overtime compensation laws	Introduced
NV	SB 328	3/21/2011	Rep. Horsford	Excludes creative professionals from overtime compensation laws	Approved
NV	SB 332	3/21/2011	Sen. Settlemeyer	Shifts basis for determining overtime pay from 8-hr day to 40-hr week	Introduced
PA	HB 1820	8/22/2011	Rep. Delozier	Allows for shift-swapping as overtime exception in transportation industry	Approved
RI	SB 2421	2/15/2012	Sen. Fogerty	Modifies overtime pay rules for delivery drivers/sales merchandisers	Introduced

Source: National Conference of State Legislatures, StateScape, and Center for Media and Democracy (See Methodology)

## Citations

<sup>1</sup> “About ALEC,” American Legislative Exchange Council Homepage, available at: <http://www.alec.org/about-alec/>

<sup>2</sup> Research assistance with the StateScape database provided by Progressive States Network. Source material from the National Conference of State Legislatures listed below:

“2011 Minimum Wage Legislation,” National Conference of State Legislatures, available at: <http://www.ncsl.org/issues-research/labor/2011-minimum-wage-legislation.aspx>;

“2011 Prevailing Wage Legislation,” National Conference of State Legislatures, available at: <http://www.ncsl.org/issues-research/labor/2011-prevailing-wage-legislation.aspx>

“2012 Minimum Wage Legislation,” National Conference of State Legislatures, available at: <http://www.ncsl.org/issues-research/labor/2012-minimum-wage-bills.aspx>

<sup>3</sup> “Prevailing Wage Repeal Act Exposed,” Center for Media and Democracy, available at: [http://www.alecexposed.org/w/images/6/60/1E8-Prevailing\\_Wage\\_Repeal\\_Act\\_Exposed.pdf](http://www.alecexposed.org/w/images/6/60/1E8-Prevailing_Wage_Repeal_Act_Exposed.pdf)

“Living Wage Mandate Preemption Act Exposed,” Center for Media and Democracy, available at: [http://www.alecexposed.org/w/images/b/ba/1E6-Living\\_Wage\\_Mandate\\_Preemption\\_Act\\_Exposed.pdf](http://www.alecexposed.org/w/images/b/ba/1E6-Living_Wage_Mandate_Preemption_Act_Exposed.pdf)

“Starting (Minimum) Wage Repeal Act Exposed,” Center for Media and Democracy, available at: [http://www.alecexposed.org/w/images/3/34/1E10-Starting\\_\(Minimum\)\\_Wage\\_Repeal\\_Act\\_Exposed.pdf](http://www.alecexposed.org/w/images/3/34/1E10-Starting_(Minimum)_Wage_Repeal_Act_Exposed.pdf)

“Resolution in Opposition to Any Increase in the Starting (Minimum) Wage Exposed,” Center for Media and Democracy, available at: [http://www.alecexposed.org/w/images/1/1c/1F5-Resolution\\_in\\_Opposition\\_to\\_any\\_Increase\\_in\\_the\\_Starting\\_%28Minimum%29\\_Wage\\_Exposed.pdf](http://www.alecexposed.org/w/images/1/1c/1F5-Resolution_in_Opposition_to_any_Increase_in_the_Starting_%28Minimum%29_Wage_Exposed.pdf)

“Resolution in Support of Reform of Wage and Hour Laws,” Center for Media and Democracy, available at: [http://heartland.org/sites/all/modules/custom/heartland\\_migration/files/pdfs/6498.pdf](http://heartland.org/sites/all/modules/custom/heartland_migration/files/pdfs/6498.pdf)

<sup>4</sup> “ALEC Politicians,” Center for Media and Democracy, available at: [http://www.sourcewatch.org/index.php/ALEC\\_Politicians](http://www.sourcewatch.org/index.php/ALEC_Politicians)

<sup>5</sup> For more on conservative attacks on workers’ right and labor standards, see: Tim Judson, “PSN 2012 Workers Right Session Roundup: Surviving Another Round of Attacks and Bracing for 2013,” Progressive States Network, July 30, 2012, available at: <http://www.progressivestates.org/news/dispatch/psn-2012-workers%E2%80%99-rights-session-roundup-surviving-another-round-attacks%E2%80%A6-and-bracing->

<sup>7</sup> See H.B. 1538, available at: <http://legiscan.com/gaits/view/232193>

<sup>8</sup> The ten states that index their minimum wage rates to rise automatically with inflation include: Arizona, Colorado, Florida, Missouri, Montana, Nevada, Ohio, Oregon, Vermont, and Washington. Source: “Minimum Wage Laws in the States – January 1, 2012,” U.S. Department of Labor, available at: <http://www.dol.gov/whd/minwage/america.htm#.ULZhEOR9KoY>

<sup>10</sup> For additional background, see: Ross Eisenbrey, “The Naked Truth About Comp Time,” Economic Policy Institute, April 1, 2003, available at: [http://www.epi.org/publication/issuebriefs\\_ib190/](http://www.epi.org/publication/issuebriefs_ib190/)