

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/22/99**

Received By: **mdsida**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus 266-2257**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - jails**

Extra Copies: **jeo**

**Pre Topic:**

SDC:.....Walter - 1501

**Topic:**

Disbursement of Huber wages

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida 06/23/99	wjackson 06/24/99	hhagen 06/27/99	_____	lrb_docadmin 06/27/99		

FE Sent For:

<END>

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/1	mdsida	/1 WLj 6/24		==			

FE Sent For:

<END>

yes:

SDC

**Agency: Corrections - Adult Community Corrections**

caucus number 1501

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
FM 419	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: FM 419. Court-ordered support of a prisoner's dependents would be the second draw on Huber wages after necessary travel expenses to and from work. Third draw on wages would be board of the prisoner and 4th draw would be incidental expenses. Effect 1/1/00

**other notes**

drafting instructions: FM 419. See above.

more instructions:

caucus number 2766

duplicate flag:  
duplicate with:

Other reference numbers:	Paper 350 alt. 1, alt a2 and a3c	LFB Sum #:
bill number/amendment number:		
LRB draft #		LRB P-draft:

description: Delete alt. A1 to Paper 350, Adopt alt. A2 and A3c. Relating to Intensive Sanctions Program Recution.

**other notes**

drafting instructions: Delete alt. A1 to Paper 350, Adopt alt. A2 and A3c.

more instructions:

Agency: **Corrections - Adult Community Corrections**

Number of Amendments: 2

1501 +

**CORRECTIONS -- ADULT COMMUNITY CORRECTIONS**

**Huber Law Wages**

**Motion:**

Move to provide that court-ordered support of a prisoner's dependents would be the second draw on Huber Law wages after necessary travel expenses to and from work. Specify that the third draw on the wages would be board of the prisoner and the fourth draw would be incidental expenses of the prisoner. Provide that these provisions would take effect on January 1, 2000.

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**Note:**

Under current law, unpaid support is third draw on Huber Law wages, behind the board of the prisoner and necessary travel expenses to and from work and other incidental expenses. Under this motion, the first four draws on Huber Law prisoners' wages would be: (1) necessary travel expenses to and from work; (2) court-ordered support of the prisoner's dependents; (3) board of the prisoner; and (4) incidental expenses of the prisoner.

modify

SDC

**Agency: Corrections - Adult Community Corrections**

caucus number 1501

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
FM 419	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: FM 419. Court-ordered support of a prisoner's dependents would be the second draw on Huber wages after necessary travel expenses to and from work. Third draw on wages would be board of the prisoner and 4th draw would be incidental expenses. Effect 1/1/00

**other notes** Modify to: Change order of draw to: 1) FICA; 2) travel; 3) child support; 4) board; 5) incidental expense

drafting instructions: FM 419. See above.

more instructions:

Agency: **Corrections - Adult Community Corrections**

Number of Amendments: 1



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1136/1  
MGD:.....  
WLj

D-Note

SDC:.....Walter - 1501 Disbursement of Huber wages

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION  
CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1327, line 16: after that line insert:

3 "SECTION 2718wc. 303.08 (5) (a) of the statutes is renumbered 303.08(5)(cg).  
4

5 SECTION 2718wg. 303.08 (5) (b) of the statutes is amended to read:

6 303.08 (5) (b) Necessary travel expense to and from work and

7 ~~any~~ <sup>g</sup> ~~or~~ <sup>i</sup> ~~other~~ <sup>ff (cr)</sup> ~~Other~~ incidental expenses of the prisoner;

*insert  
section  
(should only be  
underlined)*

History: 1971 c. 92; 1975 c. 94; 1977 c. 126, 271, 449; 1981 c. 143; 1983 a. 254; 1985 a. 150, 176; 1989 a. 31 s. 1689; Stats. 1989 s. 303.08; 1989 a. 56 ss. 104, 105; 1989 a. 107 s. 153; 1991 a. 316; 1993 a. 89; 1995 a. 281; 1997 a. 39.

8 SECTION 2718wL. 303.08 (5) (c) of the statutes is amended to read:

9 303.08 (5) (c) ~~Support~~ Court-ordered support of the prisoner's dependents, if

any;

History: 1971 c. 92; 1975 c. 94; 1977 c. 126, 271, 449; 1981 c. 143; 1983 a. 254; 1985 a. 150, 176; 1989 a. 31 s. 1689; Stats. 1989 s. 303.08; 1989 a. 56 ss. 104, 105; 1989 a. 107 s. 153; 1991 a. 316; 1993 a. 89; 1995 a. 281; 1997 a. 39.

Insert ✓  
1-9 →



1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb1136/lins  
MGD:.....

1           **INSERT 1-9**

2

3           **SECTION 2718wq.** 303.08 (5m) of the statutes is amended to read:

4           **303.08 (5m)** A county may receive payments under sub. (5) ~~(a)~~ and (b), (cg) and  
5           (cr) or seek reimbursement under s. 302.372, but may not collect for the same  
6           expenses twice.”

History: 1971 c. 92; 1975 c. 94; 1977 c. 126, 271, 449; 1981 c. 143; 1983 a. 254; 1985 a. 150, 176; 1989 a. 31 s. 1689; Stats. 1989 s. 303.08; 1989 a. 56 ss. 104, 105; 1989 a. 107 s. 153; 1991 a. 316; 1993 a. 89; 1995 a. 281; 1997 a. 39.



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1136/1dn

MGD::/...  
Wlj

June 23, 1999

1. The changes <sup>to</sup> ~~in~~ the order in which Huber earnings are disbursed under this amendment also affect <sup>g</sup> ~~s~~ the order in which county work camp earnings are disbursed under s. 303.10 (8). Is this your intent?

2. Withdrawals for FICA are made before an employee <sup>g</sup> receives earnings from an employer. In other words, when the sheriff is calculating the disbursement of Huber wages, he or she will not need to set aside any money for FICA. Therefore, the draft does not incorporate any reference <sup>g</sup> to FICA. If the intent of the amendment is to ensure that self-employed individuals ~~who~~ <sup>g</sup> do not have FICA withheld from their earnings ~~pay~~ <sup>g</sup> the self-employment tax (SECA) ~~which~~ <sup>g</sup> applies to them, please let me know and we can redraft the amendment.

Michael G. Dsida  
Legislative Attorney  
Phone: (608) 266-9867

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1136/1dn  
MGD:wj:ksh

June 26, 1999

1. The changes to the order in which Huber earnings are disbursed under this amendment also affect the order in which county work camp earnings are disbursed under s. 303.10 (8). Is this your intent?

2. Withdrawals for FICA are made before an employe receives earnings from an employer. In other words, when the sheriff is calculating the disbursement of Huber wages, he or she will not need to set aside any money for FICA. Therefore, the draft does not incorporate any reference to FICA. If the intent of the amendment is to ensure that self-employed individuals, who do not have FICA withheld from their earnings, pay the self-employment tax (SECA) that applies to them, please let me know and we can redraft the amendment.

Michael G. Dsida  
Legislative Attorney  
Phone: (608) 266-9867



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1136/1  
MGD:wlj:ksh

SDC:.....Walter - 1501 Disbursement of Huber wages

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1327, line 16: after that line insert:

3 "SECTION 2718wc. 303.08 (5) (a) of the statutes is renumbered 303.08 (5) (cg).

4 SECTION 2718wg. 303.08 (5) (b) of the statutes is amended to read:

5 303.08 (5) (b) Necessary travel expense to and from work and other;

6 (cr) Other incidental expenses of the prisoner;

7 SECTION 2718wL. 303.08 (5) (c) of the statutes is amended to read:

8 303.08 (5) (c) ~~Support~~ Court-ordered support of the prisoner's dependents, if

9 any;

10 SECTION 2718wq. 303.08 (5m) of the statutes is amended to read:

