

☞ **05hr_SC-JCEDCA_CRule_05-067_pt01**



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Job Creation, Economic
Development and Consumer Affairs (SC-JCEDCA)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**afr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sfr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

**Committee on Job Creation, Economic Development and
Consumer Affairs**

Clearinghouse Rule 05-067

Relating to garnishment.

Submitted by Department of Workforce Development.

January 06, 2006 Referred to Committee on Job Creation, Economic Development
and Consumer Affairs.

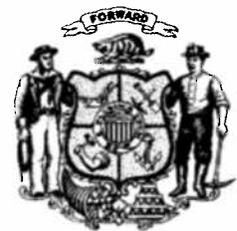
February 6, 2006 No action taken.



James Michel
Committee Clerk



WISCONSIN STATE LEGISLATURE





TED KANAVAS

STATE SENATOR

DATE: January 25, 2006

TO: Senate Committee on Job Creation, Economic Development, and
Consumer Affairs Members

FROM: The Office of State Senator Ted Kanavas

RE: Clearinghouse Rule 05-067 – relating to garnishment

Our office has received a clearinghouse rule:

CHR 05-067 – relating to garnishments

The Department of Workforce Development proposes to repeal a rule that computed wages exempt from garnishment for periods other than a week. The Department's authority for the existing rule was repealed by 1993 Wisconsin Act 80.

There is not an electronic version of this bill available. Please see attached information pertaining to the clearinghouse rule.

Please inform our office of any action you would like to see taken by Monday, January 30th.

Thank you,

James T. Michel
Office of Senator Ted Kanavas
608-266-9174

Jim Doyle
Governor

Roberta Gassman
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY

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Rule Analysis for Legislative Review

Proposed rules relating to garnishment
DWD 278
CR 05-067

Basis and Purpose of the Proposed Rule

The Department proposes to repeal an obsolete rule that computed wages exempt from garnishment for periods other than a week. The Department's authority for the existing rule was repealed by 1993 Wisconsin Act 80.

Public Hearing Summary

A public hearing was not required because the proposed rule brings an existing rule into conformity with a statute that has been changed.

Response to Legislative Council staff Recommendations

All comments were accepted.

Changes to the Rulemaking Order Analysis

Information required under 2003 Wisconsin Acts 118 and 145 was added to the analysis.

Final Regulatory Flexibility Analysis

The proposed rule does not affect small businesses.

Department Contacts

Robert Anderson, Bureau Director
Labor Standards Bureau
Equal Rights Division
266-3345

Elaine S. Pridgen
Administrative Rules Coordinator
Office of Legal Counsel
267-9403

State of Wisconsin
Department of Workforce Development
Equal Rights Division

Chapter DWD 278

Garnishment

The Wisconsin Department of Workforce Development proposes an order to repeal Chapter DWD 278, relating to garnishment.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Section 812.18 (2)(a)3., 1991-92 Stats., as repealed by 1993 Wisconsin Act 80, and 227.11 (2), Stats.

Statutes interpreted: Section 812.18 (2)(a)3., 1991-92 Stats., as repealed by 1993 Wisconsin Act 80

Related statute: Section 812.34, Stats.

Explanation of agency authority. Section 812.18 (2)(a)2., 1991-92 Stats., provided a subsistence allowance that was exempt from garnishment of an amount equal to 30 times the federal minimum wage for each full week of the debtor's pay period. Section 812.18 (2)(a)3., 1991-92 Stats., directed DWD's predecessor agency, the Department of Industry, Labor and Human Relations, to prescribe by rule a subsistence allowance computed so that it was the equivalent of subd. 2. for earnings for a period other than a week. 1993 Wisconsin Act 80 repealed s. 812.18 (2), 1991-92 Stats., and earnings exempt from garnishment are now computed pursuant to s. 812.34, Stats.

Summary of the proposed changes. The Department no longer has any statutory authority regarding garnishment and proposes to repeal this obsolete rule.

Comparison with federal law. 15 USC 1673(a) sets the maximum allowable garnishment for earnings for a week and directs the Secretary of Labor to prescribe a multiple of the minimum wage that is equivalent to that amount for pay periods other than a week. The Department of Labor regulations are at 29 CFR Part 870.

Comparison with adjacent states. Minnesota specifies limitations on garnishment for pay periods other than a week in statute; Illinois does not appear to specify limitations for pay periods other than a week; and Iowa and Michigan do not appear to have this type of state limitation on wage garnishment.

Summary of factual data and analytical methodologies. None

Effect on small business. None

Agency contact. Elaine Pridgen, (608) 267-9403, elaine.pridgen@dwd.state.wi.us

SECTION 1. DWD 278 is repealed.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **05-067**

AN ORDER to repeal chapter DWD 578, relating to garnishment.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

06-23-2005 RECEIVED BY LEGISLATIVE COUNCIL.

07-15-2005 REPORT SENT TO AGENCY.

RS:RJC

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-067

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

- a. As a result of 2003 Wisconsin Acts 118 and 145, the required content of administrative rules analyses has changed. [See s. 1.02 (2), Manual.]
- b. The word "chapter" in SECTION 1 of the rule is unneeded and should be deleted.

LRB or Bill No./Adm. Rule No.

DWD 278

Amendment No. if Applicable

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R03/97)

Subject

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

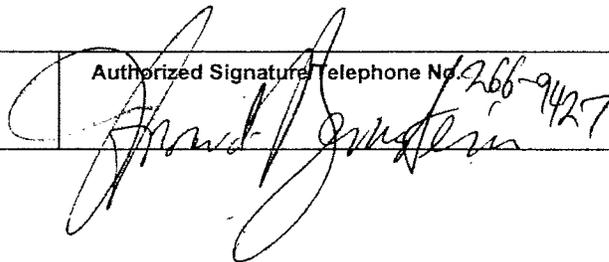
The Department proposes to repeal an obsolete rule to conform with a statute that has been repealed.

Long-Range Fiscal Implications

none

Agency/Prepared by: (Name & Phone No.)
Elaine Pridden 267-9403

Authorized Signature Telephone No. 267-9427



Date

6/23/05