



2005 SENATE BILL 12

January 18, 2005 – Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, by request of 2003–2004 Rule Objection. Referred to Committee on Labor and Election Process Reform.

1 **AN ACT** *to renumber and amend* 104.04; and *to create* 104.04 (2) of the
2 statutes; **relating to:** the state minimum wage.

Analysis by the Legislative Reference Bureau

Currently, the state minimum wage law requires employers to pay a living wage to their employees. Under that law, the Department of Workforce Development (DWD) has promulgated rules providing minimum wages for various types of employees, including employees generally, opportunity employees, which are defined as employees under 20 years of age in their first 90 days of employment with a particular employer, agricultural employees, camp counselors, and golf caddies. DWD has also promulgated rules providing allowances against the minimum wage for employers that provide meals and lodging for their employees.

This bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objection of the Senate Committee on Labor, Small Business Development, and Consumer Affairs on July 26, 2004, and the objection of the Joint Committee for Review of Administrative Rules on September 23, 2004, to the issuance of Clearinghouse Rule 04–036 by DWD. The proposed rule increased the minimum hourly wages for employees generally, minor employees, opportunity employees, and agricultural employees as follows:

Employees generally

Current minimum wage	\$5.15
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Minimum wage on rule promulgation	\$5.70
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Minimum wage on October 1, 2005	\$6.50
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Minor employees

Current minimum wage	\$5.15
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Minimum wage on rule promulgation	\$5.30
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Minimum wage on October 1, 2005	\$5.90
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Opportunity employees

Current minimum wage	\$4.25
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Minimum wage on rule promulgation	\$5.30
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Minimum wage on October 1, 2005	\$5.90
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Agricultural employees

Current minimum wage	\$4.05 for adults \$3.70 for minors
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Minimum wage on rule promulgation	\$5.15 for adults \$4.25 for minors
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The proposed rules increased minimum weekly wages for camp counselors as follows:

No room and board provided

Current minimum wage	\$140 for adults \$123 for minors
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Minimum wage on rule promulgation	\$285 for adults \$265 for minors
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Minimum wage on October 1, 2005	\$315 for adults \$275 for minors
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Boards, but not room, provided

Current minimum wage	\$110 for adults \$92 for minors
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Minimum wage on rule promulgation	\$217 for adults \$202 for minors
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Minimum wage on October 1, 2005	\$240 for adults \$209 for minors
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Room and board provided

Current minimum wage	\$91 for adults \$74 for minors
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Minimum wage on rule promulgation	\$171 for adults \$159 for minors
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Minimum wage on October 1, 2005	\$189 for adults \$165 for minors
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The proposed rules increased minimum wages for golf caddies as follows:

Eighteen holes

Current minimum wage	\$5.95
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Minimum wage on rule promulgation	\$10.50
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Nine holes

Current minimum wage	\$3.35
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Minimum wage on rule promulgation	\$5.90
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Finally, the proposed rules increased the allowance against the minimum wage that an employer who provides room and board for an employee may take as follows:

Employees generally

Lodging

Current allowance	\$41.20 per week or \$5.90 per day
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Allowance on rule promulgation	\$45.60 per week or \$6.50 per day
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Allowance on October 1, 2005	\$52 per week or \$7.40 per day
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Meals

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Current allowance	\$61.80 per week or \$2.95 per meal
Allowance on rule promulgation	\$68.40 per week or \$3.25 per meal
Allowance on October 1, 2005	\$78 per week or \$3.70 per meal

Minor employees

Lodging

Current allowance	\$41.20 per week or \$5.90 per day
Allowance on rule promulgation	\$42.40 per week or \$6.05 per day
Allowance on October 1, 2005	\$47.20 per week or \$6.75 per day

Meals

Current allowance	\$61.80 per week or \$2.95 per meal
Allowance on rule promulgation	\$63.60 per week or \$3 per meal
Allowance on October 1, 2005	\$70.80 per week or \$3.35 per meal

Opportunity employees

Lodging

Current allowance	\$34 per week or \$4.85 per day
Allowance on rule promulgation	\$42.40 per week or \$6.05 per day
Allowance on October 1, 2005	\$47.20 per week or \$6.75 per day

Meals

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Current allowance	\$51 per week or \$2.45 per meal
Allowance on rule promulgation	\$63.60 per week or \$3 per meal
Allowance on October 1, 2005	\$70.80 per week or \$3.35 per meal

Adult agricultural employees

Lodging

Current allowance	\$32.40 per week or \$4.65 per day
Allowance on rule promulgation	\$41.20 per week or \$5.90 per day

Meals

Current allowance	\$48.60 per week or \$2.30 per meal
Allowance on rule promulgation	\$61.80 per week or \$2.95 per meal

Minor agricultural employees

Lodging

Current allowance	\$29.60 per week or \$4.25 per day
Allowance on rule promulgation	\$34 per week or \$4.85 per day

Meals

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Current allowance	\$44.40 per week or \$2.10 per meal
Allowance on rule promulgation	\$51 per week or \$2.40 per meal

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 104.04 of the statutes is renumbered 104.04 (1) and amended to
2 read:

3 104.04 (1) The Subject to sub. (2), the department shall investigate, ascertain,
4 determine, and fix such reasonable classifications, and shall impose general or
5 special orders, determining the living-wage, and shall carry out the purposes of ss.
6 104.01 to 104.12. Such investigations, classifications, and orders shall be made as
7 provided under s. 103.005, and the penalties specified in s. 103.005 (12) shall apply
8 to and be imposed for any violation of ss. 104.01 to 104.12. In determining the
9 living-wage, the department may consider the effect that an increase in the
10 living-wage might have on the economy of the state, including the effect of a
11 living-wage increase on job creation, retention, and expansion, on the availability
12 of entry-level jobs, and on regional economic conditions within the state. The
13 department may not establish a different minimum wage for men and women. Said
14 orders shall be subject to review in the manner provided in ch. 227.

15 **SECTION 2.** 104.04 (2) of the statutes is created to read:

16 104.04 (2) The department may not increase a minimum wage specified in s.
17 DWD 272.03 (1) (a) or (b) or (1m) (a) or (b), 272.05 (1) (a) or (b), 272.07 (3) (a) 1., 2.,
18 or 3. or (b) 1., 2., or 3., or 272.08, Wis. Adm. Code, or increase an allowance for board
19 and lodging under s. DWD 272.03 (3) (a) 1. or 2. or (b) 1. or 2. or (3m) (a) 1. or 2. or

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1 (b) 1. or 2., or 272.05 (2) (a) or (b), Wis. Adm. Code, after the effective date of this
2 subsection [revisor inserts date].

3 (END)