

2005 DRAFTING REQUEST

Bill

Received: 05/12/2005

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Josh Zepnick (608) 266-1707

By/Representing: Stuart Ewy

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Employ Priv - minimum wage

Extra Copies:

Submit via email: YES

Requester's email: Rep.Zepnick@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Minimum wage; index to changes in consumer price index

Instructions:

See Attached--redraft as a bill LRB05a0563/1, which requires DWD annually to revise the minimum wage by the percentage change in the consumer price index,

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>
/?	gmalaise 05/12/2005	csicilia 06/09/2005		_____			S&L
/1			rschluet 06/09/2005	_____	lemery 06/09/2005	lnorthro 06/22/2005	

FE Sent For:

<END>

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/?	gmalaise	↑ gjs 6/9 05					
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FE Sent For:

<END>

Malaise, Gordon

From: Ewy, Stuart
Sent: Thursday, May 12, 2005 4:29 PM
To: Malaise, Gordon
Subject: Drafting amendment as stand alone bill

Hi Gordon-

Please take Chris Sinicki off of the Assembly bill. Please leave Josh Zepnick on. I apologize for the mix up. Thank you very much.
Let me know if you have any questions.

Stuart Ewy

-----Original Message-----

From: Ewy, Stuart
Sent: Wednesday, May 11, 2005 3:37 PM
To: Malaise, Gordon
Subject: RE: Drafting amendment as stand alone bill

Reps Josh Zepnick and Chris Sinicki

-----Original Message-----

From: Malaise, Gordon
Sent: Wednesday, May 11, 2005 12:27 PM
To: Ewy, Stuart
Subject: RE: Drafting amendment as stand alone bill

Stuart:

Who should I draft it for in the assembly?

Gordon

-----Original Message-----

From: Ewy, Stuart
Sent: Wednesday, May 11, 2005 11:49 AM
To: Malaise, Gordon
Cc: Sen.Carpenter
Subject: Drafting amendment as stand alone bill

Gordon Malaise

Hi Gordon:

Can you please redraft the amendment indexing minimum wage to CPI as a stand alone bill? Amendment is attached << File: 05a05631.pdf >>
We'll need it for both Senate and Assembly.
Thank you!!

Regards,

G. Stuart Ewy
Chief of Staff
Office of Senator Tim Carpenter
State Capitol 126 S
608.266.8535

**SENATE AMENDMENT ,
TO 2005 ASSEMBLY BILL 49**

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 1, line 5: after “ordinances” insert “, indexing the living wage to the
4 change in the consumer price index, providing an exemption from emergency rule
5 procedures, providing an exemption from rule-making procedures, and granting
6 rule-making authority”.

7 **2.** Page 3, line 3: after that line insert:

8 “**SECTION 2g.** 104.01 (1) of the statutes is renumbered 104.01 (1m).

9 **SECTION 2m.** 104.01 (1g) of the statutes is created to read:

10 104.01 (**1g**) “Consumer price index” means the average of the consumer price
11 index over each 12-month period, all items, U.S. city average, as determined by the
12 bureau of labor statistics of the U.S. department of labor.”.

13 **3.** Page 3, line 17: delete lines 17 to 25.

1 **4.** Page 4, line 1: delete lines 1 to 5 and substitute:

2 “**SECTION 6d.** 104.04 of the statutes is renumbered 104.04 (1) and amended to
3 read:

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

17 **SECTION 6g.** 104.04 (2) of the statutes is created to read:

18 104.04 (2) (a) Subject to par. (b), by May 1 of each year, the department, using
19 the procedures under s. 227.24, shall promulgate rules to revise the living wage
20 determined under sub. (1). The department shall determine the revised living wage
21 by calculating the percentage difference between the consumer price index for the
22 12-month period ending on January 31 of the preceding year and the consumer price
23 index for the 12-month period ending on January 31 of the current year, adjusting
24 the living wage in effect on April 30 of the current year by that percentage difference,

1 and rounding that result to the nearest multiple of 5 cents. Notwithstanding s.
2 227.24 (1) (a), (2) (b), and (3), the department may promulgate an emergency rule
3 under s. 227.24 revising the living wage determined under sub. (1) without providing
4 evidence that the emergency rule is necessary to preserve the public peace, health,
5 safety, or welfare and without a finding of emergency. A revised living wage
6 determined under this paragraph shall first apply to wages earned on May 1 of the
7 year in which the living wage is revised.

8 (b) Paragraph (a) does not preclude the department from promulgating rules
9 to increase the living wage as provided in s. 104.06.”.

10

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3029/??

GMM.....

[Handwritten signature]
g's

Gen cat

1 **AN ACT**...; **relating to:** indexing the living wage to the change in the consumer
2 price index, providing an exemption from emergency rule procedures,
3 providing an exemption from rule-making procedures, and granting
4 rule-making authority

Analysis by the Legislative Reference Bureau

Currently, the state minimum wage law requires that employers pay a living wage to their employees. Under that law, the Department of Workforce Development (DWD) has provided, by rule, 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; tipped employees; agricultural employees; camp counselors; and golf caddies.

This bill requires DWD, by June 1 of each year, to promulgate rules revising the minimum wages provided by DWD by determining the percentage difference between the consumer price index for the preceding year and the consumer price index for the current year, adjusting the minimum wages and allowances in effect on May 31 of the current year by that percentage difference, and rounding that result to the nearest multiple of five cents.

For further information see the ***state and 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. 104.01 (1) of the statutes is renumbered 104.01 (1m).

2 SECTION 2. 104.01 (1g) of the statutes is created to read:

3 104.01 (1g) "Consumer price index" means the average of the consumer price
4 index over each 12-month period, all items, U.S. city average, as determined by the
5 bureau of labor statistics of the U.S. department of labor.

6 SECTION 3. 104.04 of the statutes is renumbered 104.04 (1) and amended to
7 read:

as affected by 2005 Wisconsin Act 12

8 104.04 (1) The Subject to sub. (2), the department shall investigate, ascertain,
9 determine, and fix such reasonable classifications, and shall impose general or
10 special orders, determining the living wage, and shall carry out the purposes of ss.

PLAIN

replace hyphen with space

PLAIN

11 104.01 to 104.12 this chapter. Such investigations, classifications, and orders shall
12 be made as provided under s. 103.005, and the penalties specified in s. 103.005 (12)
13 shall apply to and be imposed for any violation of ss. 104.01 to 104.12 this chapter.

PLAIN

PLAIN

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PLAIN

PLAIN

14 In determining the living wage, the department may consider the effect that an
15 increase in the living wage might have on the economy of the state, including the
16 effect of a living wage increase on job creation, retention, and expansion, on the
17 availability of entry-level jobs, and on regional economic conditions within the state.

18 The department may not establish a different minimum wage for men and women.
19 Said orders shall be subject to review in the manner provided in ch. 227.

↓
Proof with 2005 Wis Act 12, § 6
↑

History: 1971 c. 228 s. 43; 1975 c. 94; 1995 a. 27.

20 SECTION 4. 104.04 (2) of the statutes is created to read:

21 104.04 (2) (a) Subject to par. (b), by June 1 of each year, the department, using
22 the procedures under s. 227.24, shall promulgate rules to revise the living wage
23 determined under sub. (1). The department shall determine the revised living wage
24 by calculating the percentage difference between the consumer price index for the

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1 12-month period ending on the last day of February of the preceding year and the
2 consumer price index for the 12-month period ending on the last day of February of
3 the current year, adjusting the living wage in effect on May 31 of the current year
4 by that percentage difference, and rounding that result to the nearest multiple of 5
5 cents. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department may
6 promulgate an emergency rule under s. 227.24 revising the living wage determined
7 under sub. (1) without providing evidence that the emergency rule is necessary to
8 preserve the public peace, health, safety, or welfare and without a finding of
9 emergency. A revised living wage determined under this paragraph shall first apply
10 to wages earned on June 1 of the year in which the living wage is revised.

11 (b) Paragraph (a) does not preclude the department from promulgating rules
12 to increase the living wage as provided in s. 104.06.

13

(END)

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with space

Northrop, Lori

From: Sabatino, Connor
Sent: Wednesday, June 22, 2005 2:39 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3029/1 Topic: Minimum wage; index to changes in consumer price index

It has been requested by <Sabatino, Connor> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3029/1 Topic: Minimum wage; index to changes in consumer price index