

**SENATE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 49**

May 10, 2005 – Offered by Senators CARPENTER and COGGS.

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.”.

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(END)