

**2005 DRAFTING REQUEST**

**Assembly Amendment (AA-AB5)**

Received: 01/26/2005

Received By: **gmalaise**

Wanted: 01/27/2005

Identical to LRB:

For: **James Kreuser (608) 266-5504**

By/Representing: **A.J. Wilson**

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.Kreuser@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Minimum wage

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**Instructions:**

See Attached--draft as amendment governor's proposed minimum wage increase

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**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 01/26/2005	kfollett 01/26/2005		_____			
/1			jfrantze 01/27/2005	_____	sbasford 01/27/2005	sbasford 01/27/2005	

FE Sent For:

<END>

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/?	gmalaise	1/kjl 1/26	1/27	1/27			

FE Sent For:

<END>

## **Malaise, Gordon**

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**From:** Wilson, A.J.  
**Sent:** Wednesday, January 26, 2005 5:10 PM  
**To:** Malaise, Gordon  
**Subject:** amendments

Gordon,

Marc Shovers is going to be contacting you about drafting LRB 1719 (minimum wage) as an amendment to AB 4 and AB 5.

I'm sorry about the late notice.

Thanks,

AJ

**A.J. Wilson, Esq.**  
**Office of State Representative Jim Kreuser**  
**Assembly Democratic Leader**  
**201 West State Capitol**  
**Madison, WI 53708**  
**(608)266-5504**

2005

Date (time) needed

TH 1/27

9:30 am

LRBa 0280 / 1

GMM : kjf :  
Wlj

AMENDMENT

See form AMENDMENTS — COMPONENTS & ITEMS.

S A [AMENDMENT]

~~TO S A AMENDMENT (LRBa / ),~~  
~~TO S A SUBSTITUTE AMENDMENT (LRBs / ),~~  
~~TO 2005 SB SJR SR (AB) AJR AR 5 (LRB- / )~~

At the locations indicated, amend the & bill as follows:

(fill ONLY if "engrossed ..." or "as shown by .....")

#. Page 1..., line 2: after "cooperatives cooperatives" insert oe

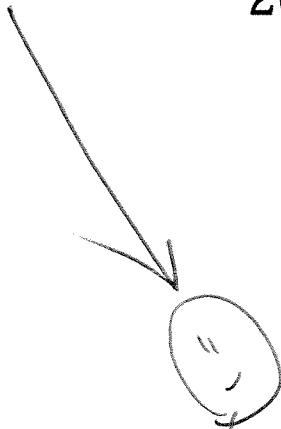
#. Page ..., line ...:

#. Page ..., line ...:

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#. Page ..., line ...:

2005 BILL



1 ~~AN ACT to renumber 104.01 (1); to renumber and amend 104.045, 104.08 (1),~~  
 2 ~~104.08 (2) and 104.08 (3); to amend 49.141 (1) (g), 104.01 (intro.), 104.01 (5),~~  
 3 ~~104.01 (8), 104.02, 104.03, 104.04, 104.05, 104.06, 104.07 (1), 104.07 (2), 104.10,~~  
 4 ~~104.11, 104.12, 234.94 (5), 234.94 (8), 800.09 (1) (b), 800.095 (4) (b) 3. and~~  
 5 ~~895.035 (2m) (c); and to create 104.01 (1d), 104.01 (5g), 104.01 (5m), 104.01~~  
 6 ~~(7m), 104.035, 104.045 (2) and (3), 104.08 (1m) (b) and 104.08 (3) (a) of the~~  
 7 ~~statutes; relating to:~~ a state minimum wage, granting rule-making authority,  
 8 and providing a penalty. 11

***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; golf caddies; students employed at independent colleges and universities for less than 20 hours per week; student learners employed in bona fide school training programs; and individuals who are unable to earn the standard minimum wage

**BILL**

because of a disability. DWD has exempted, by rule, from the minimum wage law employees who perform less than 15 hours per week of casual employment, such as baby-sitting or lawn mowing, in and around an employer's home; employees who provide companionship services to elderly or infirm individuals; and elementary and secondary school students performing work-like activities in their schools. DWD has also promulgated rules providing allowances against the minimum wage for employers that provide meals or lodging for their employees.

Under this bill, DWD will continue to provide the exemptions listed above and separate minimum wages for students employed at independent colleges and universities for less than 20 hours per week, student learners employed in bona fide school training programs, and individuals who are unable to earn the standard minimum wages because of a disability. For other employees, however, the bill sets the minimum wages as follows:

*Employees generally*

Current minimum wage	\$5.15 per hour
Minimum wage on enactment	\$5.70 per hour
Minimum wage on October 1, 2005	\$6.50 per hour

*Minor employees*

Current minimum wage	\$5.15 per hour
Minimum wage on enactment	\$5.30 per hour
Minimum wage on October 1, 2005	\$5.90 per hour

*Opportunity employees*

Current minimum wage	\$4.25 per hour
Minimum wage on enactment	\$5.30 per hour
Minimum wage on October 1, 2005	\$5.90 per hour

*Tipped employees*

Current minimum wage	\$2.33 per hour for nonopportunity employees \$2.13 per hour for opportunity employees
Minimum wage on enactment	No change

**BILL***Agricultural employees*

Current minimum wage	\$4.05 per hour for adults \$3.70 per hour for minors
Minimum wage on enactment	\$5.15 per hour for adults \$4.25 per hour for minors

*Adult camp counselors*

Current minimum wage	\$140 per week if meals and lodging not furnished \$110 per week if meals, but not lodging, furnished \$91 per week if meals and lodging furnished
Minimum wage on enactment	\$215 per week if meals and lodging not furnished \$164 per week if meals, but not lodging, furnished \$129 per week if meals and lodging furnished
Minimum wage on October 1, 2005	\$270 per week if meals and lodging not furnished \$217 per week if meals, but not lodging, furnished \$171 per week if meals and lodging furnished
Minimum wage on October 1, 2006	\$315 per week if meals and lodging not furnished \$240 per week if meals, but not lodging, furnished \$189 per week if meals and lodging furnished

*Minor camp counselors*

**BILL**

Current minimum wage	\$123 per week if meals and lodging not furnished \$92 per week if meals, but not lodging, furnished \$74 per week if meals and lodging furnished
Minimum wage on enactment	\$175 per week if meals and lodging not furnished \$133 per week if meals, but not lodging, furnished \$105 per week if meals and lodging furnished
Minimum wage on October 1, 2005	\$225 per week if meals and lodging not furnished \$171 per week if meals, but not lodging, furnished \$135 per week if meals and lodging furnished
Minimum wage on October 1, 2006	\$275 per week if meals and lodging not furnished \$209 per week if meals, but not lodging, furnished \$165 per week if meals and lodging furnished

Golf caddies

Current minimum wage	\$5.95 for 18 holes \$3.35 for nine holes
Minimum wage on enactment	\$10.50 for 18 holes \$5.90 for nine holes

The bill also increases the allowance against the minimum wage that an employer who provides room and board for an employee may take, as follows:

Employees generally

Lodging



**BILL**

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

## Meals

Current allowance	\$61.80 per week or \$2.95 per meal
Allowance on enactment	\$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 enactment	\$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 enactment	\$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

**BILL**

Current allowance	\$34 per week or \$4.85 per day
Allowance on enactment	\$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	\$51 per week or \$2.45 per meal
Allowance on enactment	\$63.60 per week or \$3 per meal
Allowance on October 1, 2005	\$70.80 per week or \$3.35 per meal
<i>Adult agricultural employees</i>	
Lodging	
Current allowance	\$32.40 per week or \$4.65 per day
Allowance on enactment	\$41.20 per week or \$5.90 per day
Meals	
Current allowance	\$48.60 per week or \$2.30 per meal
Allowance on enactment	\$61.80 per week or \$2.95 per meal
<i>Minor agricultural employees</i>	
Lodging	
Current allowance	\$29.60 per week or \$4.25 per day
Allowance on enactment	\$34 per week or \$4.85 per day

# Page 2, line 1: delete that line and substitute:

**BILL**

Meals

Current allowance \$44.40 per week or \$2.10 per meal

Allowance on enactment \$51 per week or \$2.40 per meal

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. 49.141 (1) (g) of the statutes is amended to read:

2 49.141 (1) (g) "Minimum wage" means the state minimum hourly wage under  
3 ~~ch. 104 s. 104.035 (1)~~ or the federal minimum hourly wage under 29 USC 206 (a) (1),  
4 whichever is applicable.

⑤ SECTION 2. 104.01 (intro.) of the statutes is amended to read:

6 **104.01 Definitions.** (intro.) ~~The following terms as used in ss. 104.01 to~~  
7 ~~104.12 shall be construed as follows~~ In this chapter:

⑧ SECTION 3. 104.01 (1) of the statutes is renumbered 104.01 (1m).

⑨ SECTION 4. 104.01 (1d) of the statutes is created to read:

10 104.01 (1d) "Agricultural employee" means an employee who is employed in  
11 farming, as defined in s. 102.04 (3).

⑫ SECTION 5. 104.01 (5) of the statutes is amended to read:

13 104.01 (5) ~~The term "living wage" shall mean~~ "Living wage" means  
14 compensation for labor paid, whether by time, piecework, or otherwise, sufficient to  
15 enable the employee receiving it to maintain himself or herself under conditions  
16 consistent with his or her welfare.

⑰ SECTION 6. 104.01 (5g) of the statutes is created to read:

## BILL

1           104.01 (5g) “Minor employee” means a minor who is paid at the applicable  
2 minimum wage rate for minors.

3           <sup>With</sup> SECTION 7. 104.01 (5m) of the statutes is created to read:

4           104.01 (5m) “Opportunity employee” means a person under 20 years of age who  
5 is in the first 90 consecutive days of employment with his or her employer.

6           <sup>(1)</sup> SECTION 8. 104.01 (7m) of the statutes is created to read:

7           104.01 (7m) “Tipped employee” means an employee who in the course of  
8 employment customarily and regularly receives money or other gratuities from  
9 persons other than the employee’s employer.

10          <sup>(1)</sup> SECTION 9. 104.01 (8) of the statutes is amended to read:

11          104.01 (8) ~~The term “wage” and the term “wages” shall each mean “Wage”~~  
12 means any compensation for labor measured by time, piece, or otherwise.

13          <sup>(1)</sup> SECTION 10. 104.02 of the statutes is amended to read:

14          **104.02 Living-wage prescribed Living wage required.** Every wage paid  
15 or agreed to be paid by any employer to any employee, except as otherwise provided  
16 in s. 104.07, shall be not less than a living-wage living wage.

17          <sup>(1)</sup> SECTION 11. 104.03 of the statutes is amended to read:

18          **104.03 Unlawful wages.** Any employer paying, offering to pay, or agreeing  
19 to pay any employee a wage lower or less in value than a living-wage living wage is  
20 guilty of a violation of ss. 104.01 to 104.12 this chapter.

21          <sup>(1)</sup> SECTION 12. 104.035 of the statutes is created to read:

22          **104.035 Minimum wage. (1) EMPLOYEES GENERALLY. (a) Minimum rates.**  
23 Except as provided in subs. (2) to (8), the minimum wage is as follows:

- 24           1. For wages earned before October 1, 2005, \$5.70 per hour.  
25           2. For wages earned beginning on October 1, 2005, \$6.50 per hour.

**BILL**

1           (b) *Allowances for meals and lodging.* Except as provided in subs. (2) (b) and  
2           (4) (b), if an employer furnishes an employee with meals or lodging in accordance  
3           with rules promulgated by the department under s. 104.045 (2), the employer may  
4           deduct the following amounts from the wages of the employee:

5           1. For lodging furnished before October 1, 2005, \$45.60 per week or \$6.50 per  
6           day and for meals furnished before October 1, 2005, \$68.40 per week or \$3.25 per  
7           meal.

8           2. For lodging furnished beginning on October 1, 2005, \$52 per week or \$7.40  
9           per day and for meals furnished beginning on October 1, 2005, \$78 per week or \$3.70  
10          per meal.

11          **(2) MINOR AND OPPORTUNITY EMPLOYEES.** (a) *Minimum rates.* Except as provided  
12          in subs. (3) to (8), the minimum wage for a minor employee or an opportunity  
13          employee is as follows:

14          1. For wages earned before October 1, 2005, \$5.30 per hour.

15          2. For wages earned beginning on October 1, 2005, \$5.90 per hour.

16          (b) *Allowances for meals and lodging.* Except as provided in sub. (4) (b), if an  
17          employer furnishes a minor employee or an opportunity employee with meals or  
18          lodging in accordance with rules promulgated by the department under s. 104.045  
19          (2), the employer may deduct the following amounts from the wages of the employee:

20          1. For lodging furnished before October 1, 2005, \$42.40 per week or \$6.05 per  
21          day and for meals furnished before October 1, 2005, \$63.60 per week or \$3 per meal.

22          2. For lodging furnished beginning on October 1, 2005, \$47.20 per week or \$6.75  
23          per day and for meals furnished beginning on October 1, 2005, \$70.80 per week or  
24          \$3.35 per meal.

**BILL**

1           **(3) TIPPED EMPLOYEES.** (a) *Minimum rates.* Except as provided in subs. (4) to  
2 (8), if an employer of a tipped employee establishes by the employer's payroll records  
3 that, when adding the tips received by the tipped employee in a week to the wages  
4 paid to the tipped employee in that week, the tipped employee receives not less than  
5 the applicable minimum wage specified in sub. (1) or (2), the minimum wage for the  
6 tipped employee is as follows:

7           1. For wages earned by a tipped employee who is not an opportunity employee,  
8 \$2.33 per hour.

9           2. For wages earned by a tipped employee who is an opportunity employee,  
10 \$2.13 per hour.

11           (b) *Allowances for meals and lodging.* If an employer furnishes a tipped  
12 employee with meals or lodging in accordance with rules promulgated by the  
13 department under s. 104.045 (2), the employer may deduct the applicable amounts  
14 specified in subs. (1) (b) or (2) (b) from the wages of the tipped employee.

15           **(4) AGRICULTURAL EMPLOYEES.** (a) *Minimum rates.* Except as provided in subs.  
16 (7) and (8), the minimum wage for an agricultural employee is as follows:

17           1. For wages earned by an adult agricultural employee, \$5.15 per hour.

18           2. For wages earned by a minor agricultural employee, \$4.25 per hour.

19           (b) *Allowances for meals and lodging.* If an employer furnishes an agricultural  
20 employee with meals or lodging in accordance with rules promulgated by the  
21 department under s. 104.045 (2), the employer may deduct the following amounts  
22 from the wages of the employee:

23           1. For lodging furnished to an adult agricultural employee, \$41.20 per week or  
24 \$5.90 per day and for meals furnished to an adult agricultural employee, \$61.80 per  
25 week or \$2.95 per meal.

**BILL**

1           2. For lodging furnished to a minor agricultural employee, \$34 per week or  
2           \$4.85 per day and for meals furnished to a minor agricultural employee, \$51 per week  
3           or \$2.40 per meal.

4           **(5) CAMP COUNSELORS.** (a) *Minimum rates for adult counselors.* The minimum  
5           wage for a counselor at a seasonal recreational or educational camp, including a day  
6           camp, who is an adult is as follows:

7           1. For wages earned before October 1, 2005, \$215 per week if meals and lodging  
8           are not furnished, \$164 per week if only meals are furnished, and \$129 per week if  
9           both meals and lodging are furnished.

10          2. For wages earned beginning on October 1, 2005, \$270 per week if meals and  
11          lodging are not furnished, \$217 per week if only meals are furnished, and \$171 per  
12          week if both meals and lodging are furnished.

13          3. For wages earned beginning on October 1, 2006, \$315 per week if meals and  
14          lodging are not furnished, \$240 per week if only meals are furnished, and \$189 per  
15          week if both meals and lodging are furnished.

16          (b) *Minimum rates for minor counselors.* The minimum wage for a counselor  
17          at a seasonal recreational or educational camp, including a day camp, who is a minor  
18          is as follows:

19          1. For wages earned before October 1, 2005, \$175 per week if meals and lodging  
20          are not furnished, \$133 per week if only meals are furnished, and \$105 per week if  
21          both meals and lodging are furnished.

22          2. For wages earned beginning on October 1, 2005, \$225 per week if meals and  
23          lodging are not furnished, \$171 per week if only meals are furnished, and \$135 per  
24          week if both meals and lodging are furnished.

**BILL**

1           3. For wages earned beginning on October 1, 2006, \$275 per week if meals and  
2 lodging are not furnished, \$209 per week if only meals are furnished, and \$165 per  
3 week if both meals and lodging are furnished.

4           **(6) GOLF CADDIES.** The minimum wage for a golf caddy is as follows:

5           (a) For 18 holes, \$10.50.

6           (b) For 9 holes, \$5.90.

7           **(7) MINIMUM WAGE ESTABLISHED BY DEPARTMENT.** The department shall  
8 promulgate rules providing the minimum wage for all of the following:

9           (a) An employee or worker with a disability covered under a license under s.  
10 104.07.

11          (b) A student learner.

12          (c) A student employed by an independent college or university for less than  
13 20 hours per week.

14          **(8) EMPLOYMENT EXEMPTED BY DEPARTMENT.** The department shall promulgate  
15 rules exempting from the minimum wage requirements under subs. (1) to (7) all of  
16 the following:

17          (a) A person engaged in casual employment in and around an employer's home  
18 on an irregular or intermittent basis for not more than 15 hours per week.

19          (b) A person who resides with and who provides companionship and care, not  
20 including practical or professional nursing, as defined in s. 441.001 (3) and (4), and  
21 not more than 15 hours per week of general household work for an employer who, due  
22 to advanced age or physical or mental disability, cannot care for his or her own needs.

23          (c) An elementary or secondary school student performing student work-like  
24 activities in the student's school.



**BILL**

1           (9) DEPARTMENT MAY REVISE. The department may promulgate rules to increase  
2 a minimum wage or an allowance for meals and lodging provided under subs. (1) to  
3 (7).

4           (10) SECTION 13. 104.04 of the statutes is amended to read:

5           **104.04 Classifications; department's authority.** The department shall  
6 investigate, ascertain, determine, and fix such reasonable classifications, and shall  
7 impose general or special orders, determining the ~~living-wage~~ living wage, and shall  
8 carry out the purposes of ss. ~~104.01 to 104.12.~~ Such this chapter. Those  
9 investigations, classifications, and orders shall be made as provided under s.  
10 103.005, and the penalties specified in s. 103.005 (12) shall apply to and be imposed  
11 for any violation of ss. ~~104.01 to 104.12~~ this chapter. In determining the ~~living-wage~~  
12 living wage, the department may consider the effect that an increase in the  
13 ~~living-wage~~ living wage might have on the economy of the state, including the effect  
14 of a ~~living-wage~~ living wage increase on job creation, retention, and expansion, on  
15 the availability of entry-level jobs, and on regional economic conditions within the  
16 state. The department may not establish a different minimum wage for men and  
17 women. Said Those orders shall be subject to review in the manner provided in ch.  
18 227.

19           (11) SECTION 14. 104.045 of the statutes is renumbered 104.045 (intro.) and  
20 amended to read:

21           **104.045 Tipped employees Tips, meals, lodging, and hours worked.**  
22 (intro.) The department shall ~~by rule determine what amount of~~ promulgate rules  
23 governing all of the following:

24           (1) The counting of tips or similar gratuities may be counted toward fulfillment  
25 of the employer's obligation under this chapter.

## BILL

1 SECTION ~~15~~<sup>18</sup>. 104.045 (2) and (3) of the statutes are created to read:

2 104.045 (2) The deduction of meals or lodging provided by an employer to an  
3 employee from the employer's obligation under this chapter.

4 (3) The determination of hours worked by an employee during which the  
5 employee is entitled to a living wage under this chapter.

6 SECTION ~~16~~<sup>19</sup>. 104.05 of the statutes is amended to read:

7 **104.05 Complaints; investigation.** The department shall, within 20 days  
8 after the filing of a verified complaint of any person setting forth alleging that the  
9 wages paid to any employee ~~in any occupation~~ are not sufficient to enable the  
10 employee to maintain himself or herself under conditions consistent with his or her  
11 welfare, investigate and determine whether there is reasonable cause to believe that  
12 the wage paid to any the employee is not a ~~living-wage~~ living wage.

13 SECTION ~~17~~<sup>18</sup>. 104.06 of the statutes is amended to read:

14 **104.06 Wage council; determination.** If, upon investigation, the  
15 department finds that there is reasonable cause to believe that the wages paid to any  
16 employee are not a ~~living-wage~~, it living wage, the department shall appoint a wage  
17 council, selected so as fairly to represent employers, employees, and the public, to  
18 assist in its investigations and determinations. The ~~living-wage~~ department may  
19 use the results of an investigation under this section to establish a living wage. A  
20 living wage so determined ~~upon~~ shall be the ~~living-wage~~ living wage for all  
21 employees within the same class as established by the ~~classification of the~~  
22 department under s. 104.04.

23 SECTION ~~18~~<sup>19</sup>. 104.07 (1) of the statutes is amended to read:

24 104.07 (1) The department shall ~~make~~ promulgate rules and, except as  
25 provided under subs. (5) and (6), grant licenses, to any employer who employs any

**BILL**

1 employee ~~who is~~ unable to earn the living wage theretofore determined upon,  
2 ~~permitting such person to a living wage so that the employee may work for a wage~~  
3 ~~which shall be that is~~ commensurate with ~~the employee's~~ ability and each. Each  
4 license so granted shall establish a wage for the licensee ~~employees of the licensee~~  
5 ~~who are unable to earn a living wage.~~

6 **SECTION 19.** 104.07 (2) of the statutes is amended to read:

7 104.07 (2) The department shall make promulgate rules and, except as  
8 provided under subs. (5) and (6), grant licenses to sheltered workshops to permit the  
9 employment of workers with disabilities who are unable to earn ~~the living wage at~~  
10 ~~a living wage so that those workers may work for~~ a wage that is commensurate with  
11 their ability abilities and productivity. A license granted to a sheltered workshop  
12 under this section may be issued for the entire workshop or a department of the  
13 workshop.

14 **SECTION 20.** 104.08 (1) of the statutes is renumbered 104.08 (2m) and amended  
15 to read:

16 104.08 (2m) ~~All persons~~ Any person working in an occupation a trade industry  
17 for which a ~~living wage~~ living wage has been established for minors, and who shall  
18 have has no trade, shall, if employed in an occupation which is a trade industry, be  
19 indentured under the provisions of s. 106.01.

20 **SECTION 21.** 104.08 (1m) (b) of the statutes is created to read:

21 104.08 (1m) (b) "Trade industry" means an industry involving physical labor  
22 and characterized by mechanical skill and training such as render a period of  
23 instruction reasonably necessary.

24 **SECTION 22.** 104.08 (2) of the statutes is renumbered 104.08 (1m) (intro.) and  
25 amended to read:

## BILL

1           104.08 **(1m)** (intro.) A “trade” or a “trade industry” within the meaning of ss.  
2           104.01 to 104.12 shall be a trade or In this section:

3           (a) “Trade” means an industry occupation involving physical labor and  
4           characterized by mechanical skill and training such as render a period of instruction  
5           reasonably necessary. ~~The department shall investigate, determine and declare~~  
6           ~~what occupations and industries are included within the phrase a “trade” or a “trade~~  
7           ~~industry”.~~ (1x)

8           ~~SECTION 23.~~ 104.08 (3) of the statutes is renumbered 104.08 (3) (b) and  
9           amended to read:

10           104.08 **(3)** (b) The department may make exceptions to the operation of subs.  
11           (1) and (2) ~~(1m) and (2m)~~ where conditions make their application unreasonable.

12           ~~SECTION 24.~~ 104.08 (3) (a) of the statutes is created to read:

13           104.08 **(3)** (a) The department shall investigate, determine, and declare what  
14           occupations and industries are included within a trade or a trade industry.

15           ~~SECTION 25.~~ 104.10 of the statutes is amended to read:

16           **104.10 Penalty for intimidating witness.** Any employer who discharges or  
17           threatens to discharge, or who in any way discriminates, or threatens to  
18           discriminate, against any employee because the employee has testified or is about  
19           to testify, or because the employer believes that the employee may testify, in any  
20           investigation or proceeding relative to the enforcement of ss. 104.01 to 104.12, is  
21           guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of  
22           ~~\$25~~ this chapter may be fined \$500 for each offense.

23           ~~SECTION 26.~~ 104.11 of the statutes is amended to read:

24           **104.11 Definition of violation.** Each day during which any an employer  
25           ~~shall employ~~ employs a person for whom a ~~living wage~~ living wage has been fixed

BILL SEC 12r. AM; 185.99 (2)(a)";

# Page 2, Line 12: after that line insert:

1 established at a wage less than the living-wage ~~fixed~~ established living wage shall  
2 constitute a separate and distinct violation of ss. ~~104.01 to 104.12~~ this chapter.

3 SECTION ~~27~~ <sup>129</sup> 104.12 of the statutes is amended to read:

4 **104.12 Complaints.** Any person may register with the department a  
5 complaint that the wages paid to employees for whom a ~~living-wage~~ living wage has  
6 been established are less than that rate, and the department shall investigate the  
7 matter and take all proceedings necessary to enforce the payment of a wage not less  
8 than the ~~living-wage~~ a living wage. Section 111.322 (2m) applies to discharge and  
9 other discriminatory acts arising in connection with any proceeding under this  
10 section.

11 SECTION ~~28~~ <sup>4m</sup> 234.94 (5) of the statutes is amended to read:

12 234.94 (5) "Primary employment" means work which that pays at least the  
13 minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ or under federal law,  
14 whichever is greater, offers adequate fringe benefits, including health insurance,  
15 and is not seasonal or part time.

16 SECTION ~~29~~ <sup>5m</sup> 234.94 (8) of the statutes is amended to read:

17 234.94 (8) "Target group" means a population group for which the  
18 unemployment level is at least 25% higher than the statewide unemployment level,  
19 or a population group for which the average wage received is less than 1.2 times the  
20 minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ or under federal law,  
21 whichever is greater. No population group is required to be located within a  
22 contiguous geographic area to be considered a target group.

23 SECTION ~~30~~ <sup>6m</sup> 800.09 (1) (b) of the statutes is amended to read:

24 800.09 (1) (b) If the defendant agrees to perform community service work in  
25 lieu of making restitution or paying the forfeiture, assessments, and costs, or both,

**BILL**

1 the court may order that the defendant perform community service work for a public  
2 agency or a nonprofit charitable organization that is designated by the court.  
3 Community service work may be in lieu of restitution only if also agreed to by the  
4 public agency or nonprofit charitable organization and by the person to whom  
5 restitution is owed. The court may utilize any available resources, including any  
6 community service work program, in ordering the defendant to perform community  
7 service work. The number of hours of community service work required may not  
8 exceed the number determined by dividing the amount owed on the forfeiture by the  
9 minimum wage established under ~~ch. 104 for adults in nonagriculture, nontipped~~  
10 ~~employment s. 104.035 (1)~~. The court shall ensure that the defendant is provided a  
11 written statement of the terms of the community service order and that the  
12 community service order is monitored.

13 <sup>7m</sup> SECTION 31. 800.095 (4) (b) 3. of the statutes is amended to read:

14 800.095 (4) (b) 3. That the defendant perform community service work for a  
15 public agency or a nonprofit charitable organization designated by the court, except  
16 that the court may not order the defendant to perform community service work  
17 unless the defendant agrees to perform community service work and, if the  
18 community service work is in lieu of restitution, unless the person to whom the  
19 restitution is owed agrees. The court may utilize any available resources, including  
20 any community service work program, in ordering the defendant to perform  
21 community service work. The number of hours of community service work required  
22 may not exceed the number determined by dividing the amount owed on the  
23 forfeiture, or restitution, or both, by the minimum wage established under ~~ch. 104~~  
24 ~~for adults in nonagriculture, nontipped employment s. 104.035 (1)~~. The court shall

**BILL**

1 ensure that the defendant is provided a written statement of the terms of the  
2 community service order and that the community service order is monitored.

3 **SECTION 32.** 895.035 (2m) (c) of the statutes is amended to read:

4 895.035 (2m) (c) The court assigned to exercise jurisdiction under chs. 48 and  
5 938 may order that the juvenile perform community service work for a public agency  
6 or nonprofit charitable organization that is designated by the court in lieu of making  
7 restitution or paying the forfeiture or surcharge. If the parent agrees to perform  
8 community service work in lieu of making restitution or paying the forfeiture or  
9 surcharge, the court may order that the parent perform community service work for  
10 a public agency or a nonprofit charitable organization that is designated by the court.  
11 Community service work may be in lieu of restitution only if also agreed to by the  
12 public agency or nonprofit charitable organization and by the person to whom  
13 restitution is owed. The court may utilize any available resources, including any  
14 community service work program, in ordering the juvenile or parent to perform  
15 community service work. The number of hours of community service work required  
16 may not exceed the number determined by dividing the amount owed on the  
17 restitution, forfeiture, or surcharge by the minimum wage established under ch. 104  
18 for adults in nonagriculture, nontipped employment s. 104.035 (1). The court shall  
19 ensure that the juvenile or parent is provided with a written statement of the terms  
20 of the community service order and that the community service order is monitored.

21 **SECTION 33. Effective date.**

22 (1) MINIMUM WAGE. This act takes effect on the first day of the 3rd month  
23 beginning after publication.

24 (END)

1 ~~restitution, forfeiture, or surcharge by the minimum wage established under ch. 104~~  
2 ~~for adults in nonagriculture, nontipped employment s. 104.035 (1).~~ The court shall  
3 ensure that the juvenile or parent is provided with a written statement of the terms  
4 of the community service order and that the community service order is monitored.

5 ~~SECTION 36m. Effective date.~~

6 (1) MINIMUM WAGE. The treatment of sections 49.141 (1g), 104.01 (intro.), (1),  
7 (1d), (5), (5g), (5m), (7m), and (8), 104.02, 104.03, 104.035, 104.04, 104.05, 104.06,  
8 104.07 (1) and (2), 104.08 (1), (1m) (b), and (2), 104.10, 104.11, 104.12, 234.94 (5) and  
9 (8), 800.09 (1) (b), 800.095 (4) (b) 3., and 895.035 (2m) (c) of the statutes, the  
10 renumbering and amendment of sections 104.045 and 104.08 (3) of the statutes, and  
11 the creation of sections 104.045 (2) and (3) and 104.08 (3) (a) of the statutes take effect  
12 on the first day of the 3rd month beginning after publication.”

13 (END)