

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB62)

Received: 03/08/2005

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

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

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

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

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:

Pre Topic:

No specific pre topic given

Topic:

Minimum wage amendment

Instructions:

See Attached

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> |
|--------------|------------------------|------------------------|------------------------|----------------|------------------------|------------------------|-----------------|
| /? | chanaman 03/08/2005 | wjackson 03/08/2005 | | _____ | | | |
| /1 | | | pgreensl 03/08/2005 | _____ | sbasford 03/08/2005 | sbasford 03/08/2005 | |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | chanaman | 11 wly 3/8 | 3/8 p8 | 3/8 p8/15 | | | |

FE Sent For:

<END>

Nelson, Robert P.

From: Wilson, A.J.
Sent: Tuesday, March 08, 2005 8:44 AM
To: Nelson, Robert P.
Subject: amendments for Assembly floor today

Bob, Here are the bills on the calendar today that we would like LRB 1719 (also AB 77) drafted to as an amendment.

Thanks a ton for your help. Please call me with any questions 6-5504. AJ

Bill Drafter

AB 36 Dsida, Michael
AB 37 Ryan, Robin
AB 38 Gary, Aaron
AB 62 Hanaman, Cathlene
AB 89 Malaise, Gordon (Bob Nelson)
AB 90 Grant, Peter
AB 91 Nelson, Robert
AB 99 Gibson-Glass, Mary

90282/

2005

Date (time) needed

Noon

LRBa 0282 / 1

AMENDMENT

CM # : WLj :

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 62 (LRB- /)

At the locations indicated, amend the bill as follows:
(fill ONLY if "engrossed" or "as shown by")

1 #. Page 1, line 2: delete and providing a penalty and substitute a state minimum wage, granting rule-making authority, and providing penalties

2 #. Page 2, line 1: before that line insert INS - 1719/1

3 #. Page 2, line 1: delete section and substitute section 1

4 #. Page 2, line 17: after that line insert INS a0284/1

#. Page X, line X

2005 ASSEMBLY BILL 77

February 3, 2005 - Introduced by Representatives SHERIDAN, SINICKI, TURNER, SHERMAN, KREUSER, RICHARDS, POCAN, KESSLER, BOYLE, BLACK, HEBL, MOLEPSKE, NELSON, VRUWINK, BERCEAU, SCHNEIDER, YOUNG, PARISI, SHILLING, TOLES, VAN AKKEREN, FIELDS, COLON, A. WILLIAMS, ZEPNICK, POPE-ROBERTS, GRIGSBY, BENEDICT, SEIDEL, KRUSICK, STEINBRINK and LEHMAN, cosponsored by Senators HANSEN, ROBSON, BRESKE, CARPENTER, COGGS, DECKER, ERPENBACH, JAUCH, LASSA, MILLER, PLALE, RISSER, TAYLOR and WIRCH. Referred to Committee on Labor.

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.

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

ASSEMBLY BILL 77

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:

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

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

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

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

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

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

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

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

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

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

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

3 SECTION ^{ⓑ ldg} ~~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 SECTION ^{ⓑ ldh} ~~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 SECTION ^{ⓑ ldi} ~~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 SECTION ^{ⓑ ldk} ~~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 SECTION ^{ⓑ ldl} ~~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 SECTION ^{ⓑ ldm} ~~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.

ASSEMBLY BILL 77

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.

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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.

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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.

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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.

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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 SECTION 13^{(B) idn} 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 SECTION 14^{(B) idn} 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.

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1 ^{Ⓟ idp}
SECTION 15 104.045 (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 ^{Ⓟ idg}
SECTION 16 104.05 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 ^{Ⓟ idr}
SECTION 17 104.06 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 ^{Ⓟ ids}
SECTION 18 104.07 (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

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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^{1dr} 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^{1dv} 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^{1dw} 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^{1dx} 104.08 (2) of the statutes is renumbered 104.08 (1m) (intro.) and
 25 amended to read:

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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".~~

8 SECTION ~~23~~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~~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~~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~~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

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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^{eh} 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^{lg} 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^{lh} 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^{lm} 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,

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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 SECTION 31ⁱⁿ 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

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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.**~~

end of ins. 1719/1

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

24 (END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0282/ins
CMH:.....

INS
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3m

1 "SECTION 27. Effective dates. This act takes effect on the day after
2 publication, except as follows:

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

end of insert