

LRBa0038/1
2009 – 2010 LEGISLATURE
GMM:jld:md

SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 1

February 10, 2009 – Offered by Senator DECKER

1 At the locations indicated, amend the substitute amendment as follows:

1. Page 7, line 21: delete “June” and substitute “September”.
2. Page 7, line 22: delete “June” and substitute “September”.
3. Page 8, line 3: delete “June” and substitute “September”.
4. Page 8, line 4: delete “June” and substitute “September”.
5. Page 8, line 5: delete “June” and substitute “September”.
6. Page 8, line 9: delete “June” and substitute “September”.
7. Page 8, line 10: delete “June” and substitute “September”.
8. Page 8, line 16: delete “June” and substitute “September”.
9. Page 8, line 17: delete “June” and substitute “September”.
10. Page 8, line 18: delete “June” and substitute “September”.

LRBa0038/1

2009 – 2010 Legislature

–2–

GMM:jld:md

11. Page 8, line 22: delete “June” and substitute “September”.
12. Page 8, line 23: delete “June” and substitute “September”.
13. Page 9, line 5: delete “June” and substitute “September”.
14. Page 9, line 6: delete “June” and substitute “September”.
15. Page 9, line 7: delete “June” and substitute “September”.
16. Page 9, line 15: delete “June” and substitute “September”.
17. Page 9, line 17: delete “June” and substitute “September”.
18. Page 9, line 19: delete “June” and substitute “September”.
19. Page 10, line 3: delete “June” and substitute “September”.
20. Page 10, line 4: delete “June” and substitute “September”.
- 21.

- 11 Page 10, line 10: delete “June” and substitute “September”.
 22.
 12 Page 10, line 11: delete “June” and substitute “September”.
 23.
 13 Page 10, line 12: delete “June” and substitute “September”.
 24.
 14 Page 10, line 16: delete “June” and substitute “September”.
 25.
 15 Page 10, line 19: delete “June” and substitute “September”.
 26.
 16 Page 10, line 22: delete “June” and substitute “September”.
 27.
 17 Page 10, line 23: delete “June” and substitute “September”.
 28.
 18 Page 10, line 24: delete “June” and substitute “September”.
 29.
 19 Page 11, line 19: delete “June” and substitute “September”.
 30.
 20 Page 11, line 24: delete “the last day of February” and substitute “May 31”.
 31.
 21 Page 11, line 25: delete “the last day”.

LRBa0038/1

2009 – 2010 Legislature -3- GMM:jld:md

32.
 1 Page 12, line 1: delete “of February” and substitute “May 31”.
 33.
 2 Page 12, line 2: delete “May” and substitute “August”.
 34.
 3 Page 12, line 10: delete “June” and substitute “September”.
 35.
 4 Page 12, line 13: delete “the last day of February” and substitute “May 31”.
 36.
 5 Page 12, line 14: delete “the last day of February” and substitute “May 31”.
 6 (END)

LRBs0001/2

2009 – 2010 LEGISLATURE

GMM:bjk:rs

SENATE SUBSTITUTE AMENDMENT 1,
 TO 2009 SENATE BILL 1

January 23, 2009 – Offered by Senator DECKER.

AN ACT to repeal 104.001; to renumber 104.01 (1); to renumber and amend

- 1 104.045; to amend 49.141 (1)(g), 104.01 (intro.), 104.01 (8), 104.05, 104.07 (1),
 2 104.07 (2), 104.10, 104.11, 234.94 (5), 234.94 (8), 800.09 (1)(b), 800.095 (4)(b)
 3 3. and 895.035 (2m)(c); and to create 104.01 (1d), 104.01 (1g), 104.01 (5g),
 4 104.01 (5m), 104.01 (7m), 104.035 and 104.045 (2) and (3) of the statutes;
 5 relating to: a state minimum wage, permitting the enactment of local living

wage ordinances, and granting 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; minor employees; 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

LRBs0001/2

2009 – 2010 Legislature

–2–

GMM:bjk:rs

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 substitute amendment, 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 substitute amendment sets the minimum wages, effective on June 1, 2009, or on the day after publication of the substitute amendment, whichever is later, as follows:

Employees generally

| | |
|--------------------------------|-----------------|
| Current minimum wage | \$6.50 per hour |
| Minimum wage on effective date | \$7.60 per hour |

Minor employees

| | |
|--------------------------------|-----------------|
| Current minimum wage | \$5.90 per hour |
| Minimum wage on effective date | \$7.25 per hour |

Opportunity employees

| | |
|--------------------------------|-----------------|
| Current minimum wage | \$5.90 per hour |
| Minimum wage on effective date | \$6.90 per hour |

Tipped employees

| | |
|--------------------------------|---|
| Current minimum wage | \$2.33 per hour for nonop- portunity employees \$2.13 per hour for opportu- nity employees |
| Minimum wage on effective date | \$2.75 per hour for nonop- portunity employees \$2.50 per hour for opportu- nity employees |

LRBs0001/2

2009 – 2010 Legislature

–3–

GMM:bjk:rs

Agricultural employees

Current minimum wage \$5.15 per hour for adults
 \$4.25 per hour for minors
 Minimum wage on effective date \$7.25 per hour for adults
 \$7.25 per hour for minors

Adult camp counselors

Current minimum wage \$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
 Minimum wage on effective date \$350 per week if meals and
 lodging not furnished
 \$265 per week if meals, but
 not lodging, furnished
 \$210 per week if meals and
 lodging furnished

Minor camp counselors

Current minimum wage \$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
 Minimum wage on effective date \$350 per week if meals and
 lodging not furnished
 \$265 per week if meals, but
 not lodging, furnished
 \$210 per week if meals and
 lodging furnished

LRBs0001/2

2009 – 2010 Legislature -4- GMM:bjk:rs

Golf caddies

Current minimum wage \$10.50 for 18 holes
 \$5.90 for 9 holes
 Minimum wage on effective date \$12.30 for 18 holes
 \$6.90 for 9 holes

The substitute amendment 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

Current allowance \$52 per week or \$7.40 per
 day
 Allowance on effective date \$61 per week or \$8.65 per
 day

Meals

Current allowance \$78 per week or \$3.70 per
 meal
 Allowance on effective date \$91 per week or \$4.35 per
 meal

Minor employees

| | | |
|-----------------------------|----------|-----------------------------|
| Lodging | | |
| Current allowance | | \$47.20 per week or \$6.75 |
| | per day | |
| Allowance on effective date | | \$58 per week or \$8.30 per |
| | day | |
| Meals | | |
| Current allowance | | \$70.80 per week or \$3.35 |
| | per meal | |
| Allowance on effective date | | \$87 per week or \$4.15 per |
| | meal | |

LRBs0001/2

2009 – 2010 Legislature –5– GMM:bjk:rs

Opportunity employees

| | | |
|-----------------------------|----------|----------------------------|
| Lodging | | |
| Current allowance | | \$47.20 per week or \$6.75 |
| | per day | |
| Allowance on effective date | | \$55.20 per week or \$7.90 |
| | per day | |
| Meals | | |
| Current allowance | | \$70.80 per week or \$3.35 |
| | per meal | |
| Allowance on effective date | | \$82.85 per week or \$3.90 |
| | per meal | |

Adult agricultural employees

| | | |
|-----------------------------|----------|-----------------------------|
| Lodging | | |
| Current allowance | | \$41.20 per week or \$5.90 |
| | per day | |
| Allowance on effective date | | \$58 per week or \$8.30 per |
| | day | |
| Meals | | |
| Current allowance | | \$61.80 per week or \$2.95 |
| | per meal | |
| Allowance on effective date | | \$87 per week or \$4.15 per |
| | meal | |

Minor agricultural employees

| | | |
|-----------------------------|-----|-----------------------------|
| Lodging | | |
| Current allowance | | \$34 per week or \$4.85 per |
| | day | |
| Allowance on effective date | | \$58 per week or \$8.30 per |
| | day | |

Meals

LRBs0001/2

| | | |
|-----------------------------|------|-----------------------------|
| 2009 – 2010 Legislature | –6– | GMM:bjk:rs |
| Current allowance | | \$51 per week or \$2.40 per |
| | meal | |
| Allowance on effective date | | \$87 per week or \$4.15 per |
| | meal | |

Beginning on June 1, 2010, the substitute amendment requires DWD annually to promulgate rules revising the minimum wages and allowances for meals and lodging established under the substitute amendment 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 or, in the case of a camp counselor, the nearest dollar. This requirement does not apply, however, if the consumer price index for the current year has not increased over the consumer price index for the preceding year.

Finally, current law prohibits a city, village, town, or county from enacting and administering an ordinance establishing a living wage. This substitute amendment eliminates that prohibition.

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.** 104.001 of the statutes is repealed.

6 **SECTION 3.** 104.01 (intro.) of the statutes is amended to read:

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

9 **SECTION 4.** 104.01 (1) of the statutes is renumbered 104.01 (1m).

10 **SECTION 5.** 104.01 (1d) of the statutes is created to read:

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

LRBs0001/2

2009 – 2010 Legislature

–7–

GMM:bjk:rs

SECTION 6

SECTION 6. 104.01 (1g) of the statutes is created to read:

1

104.01 (1g) “Consumer price index” means the average of the consumer price

2

3 index over each 12–month period for all urban consumers, U.S. city average, as
4 determined by the bureau of labor statistics of the U.S. department of labor.

5 **SECTION 7.** 104.01 (5g) of the statutes is created to read:

104.01 (5g) “Minor employee” means a minor who is paid at the applicable

6

minimum wage rate for minors.

7

SECTION 8. 104.01 (5m) of the statutes is created to read:

8

104.01 (5m) “Opportunity employee” means a person under 20 years of age who

9

is in the first 90 consecutive days of employment with his or her employer.

11 **SECTION 9.** 104.01 (7m) of the statutes is created to read:

12 104.01 (7m) “Tipped employee” means an employee who in the course of
employment customarily and regularly receives money or other gratuities from

13

persons other than the employee’s employer.

14

SECTION 10. 104.01 (8) of the statutes is amended to read:

15

104.01 (8) The term “wage” and the term “wages” shall each mean “Wage”

16

17 means any compensation for labor measured by time, piece, or otherwise.

18 **SECTION 11.** 104.035 of the statutes is created to read:

19

(a) Minimum rates.

104.035 Minimum wage. (1) EMPLOYEES GENERALLY.

Except as provided in subs. (2) to (8), the minimum wage is as follows:

20

1. For wages earned before June 1, 2010, \$7.60 per hour.

21

2. For wages earned beginning on June 1, 2010, the amount determined by the

22

department by rule promulgated under sub. (9).

23

24 (b) Allowances for meals and lodging. Except as provided in subs. (2)(b) and

25 (4) (b), if an employer furnishes an employee with meals or lodging in accordance

LRBs0001/2

2009 – 2010 Legislature

–8–

GMM:bjk:rs

SECTION 11

1 with rules promulgated by the department under s. 104.045 (2), the employer may
2 deduct the following amounts from the wages of the employee:

3 1. For lodging furnished before June 1, 2010, \$61 per week or \$8.65 per day and
4 for meals furnished before June 1, 2010, \$91 per week or \$4.35 per meal.

5 2. For meals and lodging furnished beginning on June 1, 2010, the amounts
6 determined by the department by rule promulgated under sub.(9).

7 **(2) MINOR EMPLOYEES.** (a) *Minimum rates.* Except as provided in subs. (2m)
8 to (8), the minimum wage for a minor employee is as follows:

9 1. For wages earned before June 1, 2010, \$7.25 per hour.

10 2. For wages earned beginning on June 1, 2010, the amount determined by the
11 department by rule promulgated under sub. (9).

12 (b) *Allowances for meals and lodging.* Except as provided in sub. (4) (b), if an
13 employer furnishes a minor employee or an opportunity employee with meals or

14 lodging in accordance with rules promulgated by the department under s. 104.045
15 (2), the employer may deduct the following amounts from the wages of the employee:

16 1. For lodging furnished before June 1, 2010, \$58 per week or \$8.30 per day and
17 for meals furnished before June 1, 2010, \$87 per week or \$4.15 per meal.

18 2. For meals and lodging furnished beginning on June 1, 2010, the amounts
19 determined by the department by rule promulgated under sub. (9).

20 **(2m) OPPORTUNITY EMPLOYEES.** (a) *Minimum rates.* Except as provided in subs.
21 (3) to (8), the minimum wage for an opportunity employee is as follows:

22 1. For wages earned before June 1, 2010, \$6.90 per hour.

23 2. For wages earned beginning on June 1, 2010, the amount determined by the
24 department by rule promulgated under sub.(9).

LRBs0001/2

2009 – 2010 Legislature

–9–

GMM:bjk:rs

SECTION 11

1 (b) *Allowances for meals and lodging.* Except as provided in sub. (4) (b), if an
2 employer furnishes an opportunity 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 June 1, 2010, \$55.20 per week or \$7.90 per day

6 and for meals furnished before June 1, 2010, \$82.85 per week or \$3.90 per meal.

7 2. For meals and lodging furnished beginning on June 1, 2010, the amounts
8 determined by the department by rule promulgated under sub. (9).

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

15 1. For wages earned before June 1, 2010, by a tipped employee who is not an
16 opportunity employee, \$2.75 per hour.

17 2. For wages earned before June 1, 2010, by a tipped employee who is an
18 opportunity employee, \$2.50 per hour.

19 3. For wages earned beginning on June 1, 2010, the amounts determined by the
20 department by rule promulgated under sub. (9).

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

LRBs0001/2

2009 – 2010 Legislature

– 10 –

GMM:bjk:rs

SECTION 11

(4) AGRICULTURAL EMPLOYEES. (a) *Minimum rates.* Except as provided in subs.

1 (7) and (8), the minimum wage for an agricultural employee is as follows:

2
3 1. For wages earned before June 1, 2010, \$7.25 per hour.

4 2. For wages earned beginning on June 1, 2010, the amounts determined by the
5 department by rule promulgated under sub. (9).

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

10 1. For lodging furnished before June 1, 2010, \$58 per week or \$8.30 per day and
11 for meals furnished before June 1, 2010, \$87 per week or \$4.15 per meal.

12 2. For meals and lodging furnished beginning on June 1, 2010, the amounts
13 determined by the department by rule promulgated under sub. (9).

The minimum wage for a counselor at a seasonal

(5) CAMP

COUNSELORS.

14 recreational or educational camp, including a day camp, is as follows:

15 (a) For wages earned before June 1, 2010, \$350 per week if meals and lodging

16 are not furnished, \$265 per week if only meals are furnished, and \$210 per week if
17 both meals and lodging are furnished.
18

19 (b) For wages earned beginning on June 1, 2010, the amounts determined by
the department by rule promulgated undersub. (9).

20

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

21

(a) For wages earned before June 1, 2010, \$12.30 for caddying 18 holes.

22

(b) For wages earned before June 1, 2010, \$6.90 for caddying 9 holes.

23

24 (c) For wages earned beginning on June 1, 2010, the amounts determined by
25 the department by rule promulgated under sub.(9).

LRBs0001/2

2009 – 2010 Legislature

– 11 –

GMM:bjk:rs

SECTION 11

The department shall

(7) MINIMUM

1

WAGE ESTABLISHED BY DEPARTMENT.

promulgate rules providing the minimum wage for all of the following:

2

3 (a) An employee or worker with a disability covered under a license under s.
4 104.07.

5 (b) A student learner.

(c) A student employed by an independent college or university for less than

6

20 hours per week.

7

(8) EMPLOYMENT EXEMPTED BY DEPARTMENT. The department shall promulgate

8

rules exempting from the minimum wage requirements under subs. (1) to (7) all of

9

10 the following:

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

(b) A person who resides in the home of an employer who, due to advanced age

13

or physical or mental disability, cannot care for his or her own needs, for the purpose

14

of companionship and who spends not more than 15 hours per week on general

15

household work for the employer.

16

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

19 (9) DEPARTMENT TO REVISE. (a) Subject to pars. (b) and (c), by June 1 of each year,
the department, using the procedures under s. 227.24, shall promulgate rules to

20

revise the minimum wages and allowances for meals and lodging established under

21

subs. (1) to (7). The department shall determine those revised minimum wages and

22

allowances by calculating the percentage difference between the consumer price

23

24 index for the 12-month period ending on the last day of February of the preceding
25 year and the consumer price index for the 12-month period ending on the last day
LRBs0001/2

2009 – 2010 Legislature – 12 – GMM:bjk:rs

SECTION 11

of February of the current year, adjusting the minimum wages and allowances in

1

effect on May 31 of the current year by that percentage difference, and rounding that

2

3 result to the nearest multiple of 5 cents, except that for a minimum wage under sub.

4 (5), the department shall round the result to the nearest dollar. Notwithstanding s.

5 227.24 (1) (a), (2) (b), and (3), the department may promulgate an emergency rule
under s. 227.24 revising the minimum wages and allowances established under subs.

6

(1) to (7) without providing evidence that the emergency rule is necessary to preserve

7

the public peace, health, safety, or welfare and without a finding of emergency. A

8

revised minimum wage or allowance determined under this paragraph shall first

9

10 apply to wages earned or meals or lodging furnished on June 1 of the year in which
11 the wage or allowance is revised.

12 (b) Paragraph (a) does not apply if the consumer price index for the 12-month
period ending on the last day of February of the current year has not increased over

13

the consumer price index for the 12-month period ending on the last day of February

14

of the preceding year.

15

(c) Paragraph (a) does not preclude the department from promulgating rules

16

17 to increase a minimum wage provided under subs. (1) to (7).

18 **SECTION 12.** 104.045 of the statutes is renumbered 104.045 (intro.) and
19 amended to read:

104.045 Tipped employees Tips, meals, lodging, and hours worked.

20

(intro.) The department shall ~~by rule determine what amount of~~ promulgate rules

21

governing all of the following:

22

(1) The counting of tips or similar gratuities may be counted toward fulfillment

23

24 of the employer's obligation under this chapter.

25 **SECTION 13.** 104.045 (2) and (3) of the statutes are created to read:

LRBs0001/2

2009 – 2010 Legislature – 13 – GMM:bjk:rs

SECTION 13

104.045 (2) The deduction of meals or lodging provided by an employer to an

1

employee from the employer's obligation under this chapter.

2
3 (3) The determination of hours worked by an employee during which the
4 employee is entitled to a living wage under this chapter.
5 SECTION 14. 104.05 of the statutes is amended to read:
6 **104.05 Complaints; investigation.** ~~The department shall, within~~ Within 20
7 days after the filing of a verified complaint of any person ~~setting forth~~ alleging that
8 the wages paid to any employee in any occupation are not sufficient to enable the
9 employee to maintain himself or herself under conditions consistent with his or her
10 welfare, the department shall investigate and determine whether there is
11 reasonable cause to believe that the wage paid to any employee is not a living wage.

12 SECTION 15. 104.07 (1) of the statutes is amended to read:
13 104.07 (1) The department shall make promulgate rules, and, except as
14 provided under subs. (5) and (6), grant licenses to any employer who employs any
15 employee who is unable to earn the living wage determined by the department,
16 permitting the employee to work for a wage that is commensurate with the
17 employee's ability. Each license so granted shall establish a wage for the licensee
18 employees of the licensee who are unable to earn a living wage.

19 SECTION 16. 104.07 (2) of the statutes is amended to read:
20 104.07 (2) The department shall make promulgate rules, and, except as
21 provided under subs. (5) and (6), grant licenses to sheltered workshops, to permit the
22 employment of workers with disabilities who are unable to earn the living wage at
23 a wage that is commensurate with their ability and productivity. A license granted
24 to a sheltered workshop under this subsection may be issued for the entire workshop
25 or a department of the workshop.

2009 – 2010 Legislature – 14 – LRBs0001/2 GMM:bjk:rs
SECTION 17

SECTION 17. 104.10 of the statutes is amended to read:

1
2 **104.10 Penalty for intimidating witness.** Any employer who discharges or
3 threatens to discharge, or who in any way discriminates, or threatens to discriminate
4 against, any employee because the employee has testified or is about to testify, or
5 because the employer believes that the employee may testify, in any investigation or
6 proceeding relative to the enforcement of this chapter, is guilty of a misdemeanor,
7 and upon conviction thereof shall be punished by a fine of may be fined \$25 for each
8 offense.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 18. 104.11 of the statutes is amended to read:

104.11 Definition of violation. Each day during which any employer shall employ a person for whom a living wage has been fixed at a wage that is less than the living wage fixed shall constitute a separate and distinct violation of this chapter.

SECTION 19. 234.94 (5) of the statutes is amended to read:

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

SECTION 20. 234.94 (8) of the statutes is amended to read:

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

LRBs0001/2

2009 – 2010 Legislature – 15 – GMM:bjk:rs

SECTION 21

SECTION 21. 800.09 (1) (b) of the statutes is amended to read:

800.09 (1) (b) If the defendant agrees to perform community service work in lieu of making restitution or paying the forfeiture, assessments, and costs, or both, the court may order that the defendant perform community service work for a public agency or a nonprofit charitable organization that is designated by the court. Community service work may be in lieu of restitution only if also agreed to by the public agency or nonprofit charitable organization and by the person to whom restitution is owed. The court may utilize any available resources, including any community service work program, in ordering the defendant to perform community service work. The number of hours of community service work required may not exceed the number determined by dividing the amount owed on the forfeiture by the minimum wage established under ~~ch. 104 for adults in nonagriculture, nontipped employment s. 104.035 (1).~~ The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the

14 community service order is monitored.

15

SECTION 22. 800.095 (4) (b) 3. of the statutes is amended to read:

16

17 800.095 (4) (b) 3. That the defendant perform community service work for a
18 public agency or a nonprofit charitable organization designated by the court, except
19 that the court may not order the defendant to perform community service work
unless the defendant agrees to perform community service work and, if the

20

community service work is in lieu of restitution, unless the person to whom the

21

restitution is owed agrees. The court may utilize any available resources, including

22

any community service work program, in ordering the defendant to perform

23

24 community service work. The number of hours of community service work required

25 may not exceed the number determined by dividing the amount owed on the

LRBs0001/2

2009 – 2010 Legislature

– 16 –

GMM:bjk:rs

SECTION 22

1 forfeiture, or restitution, or both, 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 defendant is provided a written statement of the terms of the
4 community service order and that the community service order is monitored.

5 **SECTION 23.** 895.035 (2m) (c) of the statutes is amended to read:

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

23 **SECTION 24. Effective date.**

LRBs0001/2

2009 – 2010 Legislature

– 17 –

GMM:bjk:rs

SECTION 24

1 This act takes effect on June 1, 2009, or on the day after

(1) MINIMUM WAGE.

2 publication, whichever is later.

3

(END)

