



**SENATE AMENDMENT 29,
TO 1995 ASSEMBLY BILL 591**

March 13, 1996 – Offered by Senators CHVALA, ANDREA, DECKER, RISSER, MOEN,
BURKE, WINEKE, CLAUSING and GROBSCHMIDT.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 3, as follows:

3 **1.** Page 4, line 3: after “credit,” insert: “establishing a state minimum wage,”.

4 **2.** Page 143, line 9: after that line insert:

5 “**SECTION 223m.** 104.01 (7m) of the statutes is created to read:

6 104.01 (**7m**) “Tipped employe” means an employe who in the course of
7 employment customarily and regularly receives money or other gratuities from
8 persons other than the employe’s employer.

9 **SECTION 223p.** 104.035 of the statutes is created to read:

10 **104.035 Minimum wage.** (1) EMPLOYES GENERALLY. Except as provided in
11 subs. (2) and (3) and s. 104.07, and subject to sub. (4), the minimum wage is \$5 per
12 hour.

13 (2) TIPPED EMPLOYES. Except as provided in sub. (3) and s. 104.07, and subject
14 to this subsection and sub. (4), the minimum wage for a tipped employe is \$2.50 per
15 hour. An employer may pay the minimum wage specified in this subsection only if
16 the employer establishes by his or her payroll records that, when adding the tips

1 received by an employe to the wages under this subsection paid to that employe, the
2 employe receives not less than the applicable minimum wage specified in sub. (1).

3 **(3) MINIMUM WAGE ESTABLISHED BY DEPARTMENT.** The department shall
4 promulgate rules establishing the minimum wage for all of the following:

5 (a) A counselor employed at a seasonal recreational or educational camp,
6 including a day camp, for campers under the age of 18.

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

9 (c) A person who lives with someone who has a physical or mental disability and
10 who provides companionship, general household work and care, not including
11 practical or professional nursing as defined in s. 441.11 (3) and (4), for that disabled
12 person.

13 (d) A caddy on a golf course.

14 (e) An employe or handicapped worker covered under a license under s. 104.07.

15 **(4) DEPARTMENT MAY REVISE.** The department may promulgate rules to increase
16 a minimum wage established under sub. (1) or (2).”.

17 **3.** Page 170, line 9: after that line insert:

18 “**SECTION 272r.** 800.09 (1) (b) of the statutes is amended to read:

19 800.09 (1) (b) If the defendant agrees to perform community service work in
20 lieu of making restitution or paying the forfeiture, assessments and costs, or both,
21 the court may order that the defendant perform community service work for a public
22 agency or a nonprofit charitable organization that is designated by the court.
23 Community service work may be in lieu of restitution only if also agreed to by the
24 public agency or nonprofit charitable organization and by the person to whom

1 restitution is owed. The court may utilize any available resources, including any
2 community service work program, in ordering the defendant to perform community
3 service work. The number of hours of community service work required may not
4 exceed the number determined by dividing the amount owed on the forfeiture by the
5 minimum wage established under ~~ch. 104 for adults in nonagriculture, nontipped~~
6 ~~employment~~ s. 104.035 (1). The court shall ensure that the defendant is provided a
7 written statement of the terms of the community service order and that the
8 community service order is monitored.

9 **SECTION 272t.** 800.095 (4) (b) 3. of the statutes is amended to read:

10 800.095 (4) (b) 3. That the defendant perform community service work for a
11 public agency or a nonprofit charitable organization designated by the court, except
12 that the court may not order the defendant to perform community service work
13 unless the defendant agrees to perform community service work and, if the
14 community service work is in lieu of restitution, unless the person to whom the
15 restitution is owed agrees. The court may utilize any available resources, including
16 any community service work program, in ordering the defendant 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 forfeiture or restitution, or both, by the minimum wage established under ~~ch. 104 for~~
20 ~~adults in nonagriculture, nontipped employment~~ s. 104.035 (1). The court shall
21 ensure that the defendant is provided a written statement of the terms of the
22 community service order and that the community service order is monitored.

23 (END)