

# LEGISLATIVE HEARING CALENDAR

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

## COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, MARCH 7, 2005 AT 2:00 P.M.

Room 301-B, City Hall

A-89	Municipal Court; Municipal Traffic Violations
A-90	Municipal Court Judgment; Appeal
A-91	Municipal Court Order
A-12	Minimum Wage
A-35	Official Newspaper

CITY OF MILWAUKEE  
05 MAR - 3 AM 11:07  
RONALD D. LEONHARDT  
CITY CLERK

## 2005 ASSEMBLY BILL 89

February 8, 2005 – Introduced by Representatives GUNDRUM, STASKUNAS, GUNDERSON and KRAWCZYK. Referred to Committee on Judiciary.

1 AN ACT *to amend* 938.17 (2) (a) 1. and 938.17 (2) (a) 3. (intro.); and *to create*  
2 938.17 (2) (a) 1m. of the statutes; **relating to:** exclusive municipal court  
3 jurisdiction in proceedings against juveniles 12 years of age or over, but under  
4 16 years of age, for municipal traffic ordinance violations.

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### *Analysis by the Legislative Reference Bureau*

Under current law, municipal courts have concurrent jurisdiction with courts assigned to exercise jurisdiction under the Juvenile Justice Code in proceedings against juveniles 12 years of age or over for municipal ordinance violations, except that courts of civil and criminal jurisdiction have exclusive jurisdiction in proceedings against juveniles 16 years of age or over for municipal traffic violations. This bill grants exclusive jurisdiction to municipal courts in proceedings against juveniles 12 years of age or over for municipal traffic ordinance violations, subject to the grant of jurisdiction under current law for proceedings against juveniles 16 years of age or over.

The bill also requires a municipal court that finds that a juvenile has violated a municipal traffic ordinance to enter any of the dispositions that are permitted under the Juvenile Justice Code for a civil law or ordinance violation and that are authorized by the municipality. Those dispositions include the imposition of a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the violation and suspension of the juvenile's operating privilege for failure to pay the forfeiture.

## 2005 ASSEMBLY BILL 90

February 8, 2005 – Introduced by Representatives GUNDRUM, CULLEN, F. LASEE, GUNDERSON, STASKUNAS, HINES, ALBERS and VRAKAS. Referred to Committee on Judiciary.

1     **AN ACT** *to amend* 800.14 (1) and 800.14 (4) of the statutes; **relating to:** notice  
2             of appeal of a municipal court judgment and requesting a jury trial on appeal  
3             from that judgement.

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### *Analysis by the Legislative Reference Bureau*

Under current law, either party to a municipal court judgment may appeal the judgment to the circuit court by giving the municipal judge written notice of appeal within 20 days after the judgment. This bill requires the appellant to also give the other party written notice of appeal within 20 days after the judgment.

Under current law, either party to a municipal court action may request an appeal of the municipal court's decision to the circuit court, but only the appellant may request a jury trial if the circuit court orders a new trial. This bill allows either party to the municipal court action to request a jury trial. The bill also requires the party requesting a jury trial to do so within ten days after the request or order for a new trial.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 800.14 (1) of the statutes is amended to read:

## 2005 ASSEMBLY BILL 91

February 8, 2005 – Introduced by Representatives GUNDRUM, BIES, KRAWCZYK, HINES, STONE, LOTHIAN, ALBERS, PRIDEMORE and VRAKAS. Referred to Committee on Judiciary.

1 AN ACT *to amend* 800.095 (4) (b) 1. of the statutes; **relating to:** noncompliance  
2 with a municipal court order.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a person is found guilty of violating a municipal ordinance, the municipal court may order the offender to pay a forfeiture, make restitution, pay any appropriate assessment, and pay the costs of prosecution, including court fees. If the offender agrees to do so, the court may order the person to perform community service work in lieu of making these payments. If the offender fails to comply with the court's order, the court may issue a warrant for the offender's arrest and require him or her to appear in court. When the offender does appear in court, current law allows the court to modify or suspend the order, order the person to perform community service work, or order the person imprisoned until the amount ordered is paid. The maximum term of imprisonment is 90 days, and the amount of the outstanding order is reduced by \$25 for each day of imprisonment.

This bill allows the municipal court, when ordering a term of imprisonment, to make that term consecutive with or concurrent to any other imprisonment to which the offender is currently serving.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

## 2005 ASSEMBLY BILL 12

January 18, 2005 – Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Labor.

AN ACT *to renumber and amend* 104.04; and *to create* 104.04 (2) of the statutes; **relating to:** the state minimum wage.

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### *Analysis by the Legislative Reference Bureau*

Currently, the state minimum wage law requires employers to pay a living wage to their employees. Under that law, the Department of Workforce Development (DWD) has promulgated rules providing 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, agricultural employees, camp counselors, and golf caddies. DWD has also promulgated rules providing allowances against the minimum wage for employers that provide meals and lodging for their employees.

This bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objection of the Senate Committee on Labor, Small Business Development, and Consumer Affairs on July 26, 2004, and the objection of the Joint Committee for Review of Administrative Rules on September 23, 2004, to the issuance of Clearinghouse Rule 04-036 by DWD. The proposed rule increased the minimum hourly wages for employees generally, minor employees, opportunity employees, and agricultural employees as follows:

#### Employees generally

Current minimum wage

\$5.15

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Minimum wage on rule promulgation	\$5.70
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Minimum wage on October 1, 2005	\$6.50
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Minor employees

Current minimum wage	\$5.15
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Minimum wage on rule promulgation	\$5.30
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Minimum wage on October 1, 2005	\$5.90
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Opportunity employees

Current minimum wage	\$4.25
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Minimum wage on rule promulgation	\$5.30
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Minimum wage on October 1, 2005	\$5.90
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Agricultural employees

Current minimum wage	\$4.05 for adults \$3.70 for minors
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Minimum wage on rule promulgation	\$5.15 for adults \$4.25 for minors
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The proposed rules increased minimum weekly wages for camp counselors as follows:

No room and board provided

Current minimum wage	\$140 for adults \$123 for minors
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Minimum wage on rule promulgation	\$285 for adults \$265 for minors
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Minimum wage on October 1, 2005	\$315 for adults \$275 for minors
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Boards, but not room, provided

Current minimum wage	\$110 for adults \$92 for minors
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**ASSEMBLY BILL 12**

Minimum wage on rule promulgation	\$217 for adults \$202 for minors
Minimum wage on October 1, 2005	\$240 for adults \$209 for minors

*Room and board provided*

Current minimum wage	\$91 for adults \$74 for minors
Minimum wage on rule promulgation	\$171 for adults \$159 for minors
Minimum wage on October 1, 2005	\$189 for adults \$165 for minors

The proposed rules increased minimum wages for golf caddies as follows:

*Eighteen holes*

Current minimum wage	\$5.95
Minimum wage on rule promulgation	\$10.50

*Nine holes*

Current minimum wage	\$3.35
Minimum wage on rule promulgation	\$5.90

Finally, the proposed rules increased 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	\$41.20 per week or \$5.90 per day
Allowance on rule promulgation	\$45.60 per week or \$6.50 per day
Allowance on October 1, 2005	\$52 per week or \$7.40 per day

## Meals

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

Current allowance	\$34 per week or \$4.85 per day
Allowance on rule promulgation	\$42.40 per week or \$6.05 per day
Allowance on October 1, 2005	\$47.20 per week or \$6.75 per day

## Meals



**ASSEMBLY BILL 12**

Current allowance	\$51 per week or \$2.45 per meal
Allowance on rule promulgation	\$63.60 per week or \$3 per meal
Allowance on October 1, 2005	\$70.80 per week or \$3.35 per meal

*Adult agricultural employees*

## Lodging

Current allowance	\$32.40 per week or \$4.65 per day
Allowance on rule promulgation	\$41.20 per week or \$5.90 per day

## Meals

Current allowance	\$48.60 per week or \$2.30 per meal
Allowance on rule promulgation	\$61.80 per week or \$2.95 per meal

*Minor agricultural employees*

## Lodging

Current allowance	\$29.60 per week or \$4.25 per day
Allowance on rule promulgation	\$34 per week or \$4.85 per day

## Meals

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Current allowance	\$44.40 per week or \$2.10 per meal
Allowance on rule promulgation	\$51 per week or \$2.40 per meal

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 104.04 of the statutes is renumbered 104.04 (1) and amended to  
2 read:

3           104.04 (1) ~~The Subject to sub. (2), the~~ department shall investigate, ascertain,  
4 determine, and fix such reasonable classifications, and shall impose general or  
5 special orders, determining the living-wage, and shall carry out the purposes of ss.  
6 104.01 to 104.12. Such investigations, classifications, and orders shall be made as  
7 provided under s. 103.005, and the penalties specified in s. 103.005 (12) shall apply  
8 to and be imposed for any violation of ss. 104.01 to 104.12. In determining the  
9 living-wage, the department may consider the effect that an increase in the  
10 living-wage might have on the economy of the state, including the effect of a  
11 living-wage increase on job creation, retention, and expansion, on the availability  
12 of entry-level jobs, and on regional economic conditions within the state. The  
13 department may not establish a different minimum wage for men and women. Said  
14 orders shall be subject to review in the manner provided in ch. 227.

15           **SECTION 2.** 104.04 (2) of the statutes is created to read:

16           104.04 (2) The department may not increase a minimum wage specified in s.  
17 DWD 272.03 (1) (a) or (b) or (1m) (a) or (b), 272.05 (1) (a) or (b), 272.07 (3) (a) 1., 2.,  
18 or 3. or (b) 1., 2., or 3., or 272.08, Wis. Adm. Code, or increase an allowance for board  
19 and lodging under s. DWD 272.03 (3) (a) 1. or 2. or (b) 1. or 2. or (3m) (a) 1. or 2. or

## 2005 ASSEMBLY BILL 35

January 25, 2005 – Introduced by Representatives JESKEWITZ, LOEFFELHOLZ, KERKMAN, LOTHIAN, HINES, VOS and STONE, cosponsored by Senators LAZICH, STEPP, BROWN, LASSA and ROESSLER. Referred to Committee on Judiciary.

1 AN ACT *to renumber and amend* 985.03 (2); *to amend* 985.01 (5) and 985.14;  
2 *to repeal and recreate* 985.03 (1) (a); and *to create* 985.02 (3) and (4), 985.03  
3 (3) and 985.07 (5) of the statutes; **relating to:** the qualifications of newspapers  
4 permitted to publish legal notices and allowing mailing and Internet posting of  
5 legal notices instead of publishing.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a newspaper must meet certain qualifications to be eligible to receive compensation for publishing legal notices. Currently, to receive that compensation, a newspaper must have been published regularly and continuously in the city, village, or town where published for at least two of the last five years. In addition, the newspaper must have a paid circulation that is at least 50 percent of its circulation and have actual subscribers of not less than 1,000 copies if in a first or second class city, or 300 copies if in a third or fourth class city or in a village or town.

Under this bill, newspapers that have been in existence for at least two years and are published and delivered, without requiring a subscription fee, to 80 percent of the households and businesses in the newspaper's coverage area are also eligible to receive compensation for publishing legal notices for cities, villages, and towns. Also, these free newspapers are not required to publish news.

The bill also allows a second, third, or fourth class city, village, town, sewerage district, school district, drainage district, or county (municipality) to designate a newspaper as the official newspaper for publishing legal notices even if the

**ASSEMBLY BILL 35**

newspaper does not meet the other statutory requirements if the newspaper is published at least weekly and is determined, after a public hearing, to give better notice to more people affected by the notice than a newspaper that does meet the other statutory requirements. The municipality's governing body must consider certain criteria in designating the official newspaper, such as the newspaper's cost and frequency of publication.

Finally, this bill allows a municipality to mail a notice to each person affected by the notice instead of publishing the notice in a newspaper and allows a municipality of any size, including a first class city, to post the notice on the Internet instead of publishing, if the municipality enacts an ordinance allowing it to do so.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 985.01 (5) of the statutes is amended to read:

2           985.01 **(5)** A newspaper is "published" at the place ~~from which its mailing~~  
3 ~~permit is issued, except that if the place where the newspaper has its major~~  
4 ~~concentration of circulation has no primary post office, then at the place it shall~~  
5 ~~designate~~ that the newspaper designates as its place of publication in the affidavit  
6 certificate required by s. 985.03 (2), but no newspaper shall have more than one place  
7 of publication during the same period of time.

8           **SECTION 2.** 985.02 (3) and (4) of the statutes are created to read:

9           985.02 **(3)** The governing body of a municipality may elect to mail a notice to  
10 each person affected instead of publishing under this chapter.

11           **(4)** A municipality may elect to post a notice on the Internet instead of  
12 publishing under this chapter, if the municipality adopts an ordinance allowing it to  
13 do so.

14           **SECTION 3.** 985.03 (1) (a) of the statutes is repealed and recreated to read: