

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB892)**

Received: **03/07/2002**

Received By: **malaigm**

Wanted: **03/07/2002**

Identical to LRB:

For: **Antonio Riley (608) 266-0645**

By/Representing: **Chris Gunst**

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

Drafter: **malaigm**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Riley@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Restore prior law relating to wage claim lien priority

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**Instructions:**

See Attached--restore prior law relating to the priority of wage claim liens, that is, a wage claim lien has priority over a lien of a financial institution filed before the wage claim lien. Make change retroactive to 2/1/98.

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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>
/?	malaigm 03/07/2002	csicilia 03/07/2002		_____			
/1			kfollet 03/07/2002	_____	lrb_docadmin 03/07/2002	lrb_docadmin 03/07/2002	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

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1?	malaigm	1/95 3/7 02	kl 3/7	kl/jf 3/7			

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<END>

but retain the current levy rate limit of 1.5 mills on the levy for all purposes except debt service. Delete the proposed 10% limit on increases in program fees charged students in 2002-03.

**E. Wage Claim Liens.** Modify the state wage payment and collection law to delete the requirement that a lien of a financial institution that originates before a wage claim lien takes effect takes precedence over the wage claim lien. Require that the change in precedence applies retroactively beginning with wage claim liens filed after February 1, 1998.

**F. Earned Income Tax Credit.** Utilize TANF funding for the eligible portion of the projected increase in the cost of the EITC in 2002-03 by: (a) providing \$2,960,000 in additional TANF funds in 2002-03; and (b) reducing estimated expenditures from the GPR sum sufficient EITC appropriation by \$2,960,000 in that year. [The TANF funds would be budgeted as FED in DWD and also as PR-S under Shared Revenue and Tax Relief.]

**G. Sales Factor of Apportionment Formula.** Starting with tax years beginning on or after January 1, 2004, increase the sales factor to represent 55% of the apportionment formula used under the state income and franchise tax to apportion the income of corporations (including insurance companies, financial institutions, and gas, electric and telecommunications utilities), nonresidential individuals, and estate and trusts. Decrease the payroll and property factors to each represent 22.5% of the apportionment formula. [There would be no fiscal effect in the current biennium. However, it is estimated that state income and franchise tax revenues would be reduced by \$4.0 million in 2003-04 and \$8.8 million annually thereafter.]

**H. State References to Federal Depreciation Provisions.** Delete current law provisions that permit taxpayers to compute amortization or depreciation under the federal Internal Revenue Code in effect for the tax year for which the return is filed and provide that federal amortization and depreciation provisions could be adopted for state tax purposes only after action by the Legislature.

[Change to Bill: \$134,168,700 GPR, \$200,000,000 GPR-REV, -\$200,000,000 GPR-Lapse, \$2,960,000 FED and \$2,960,000 PR]

2001

Date (time) needed

Now!!!

LRBa 1521 / 1

AMENDMENT

GMM : cjs:

See form AMENDMENTS — COMPONENTS & ITEMS.

§ A AMENDMENT

~~TO S A AMENDMENT (LRBa)~~

~~TO S A SUBSTITUTE AMENDMENT (LRBs)~~

TO 2001 SB ~~SJR SR~~ AB AJR AR 892 (LRB-)

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

#. Page 2, line 1: delete "certain".

#. Page 10, line 11: delete lines 11 to 14.

#. Page 11, line 1: delete lines 1 to 25.

#. Page 12, line 1: delete lines 1 to 8 and substitute.

#. Page \_\_\_\_\_, line \_\_\_\_\_

2d

Section #. 109.09 (2) (c) of the statutes is amended to read:

109.09 (2) (c) A lien under par. (a) takes precedence over all other debts, judgments, decrees, liens /  
 or mortgages against the employer, except a ~~lien of a financial institution, as defined in s. 69.30 (1)~~  
~~(b), that originates before the lien under par. (a) takes effect~~ or a lien under s. 292.31 (8) (i) or 292.81.  
 A lien under par. (a) may be enforced in the manner provided in ss. 779.09 to 779.12, 779.20 and (2)  
 779.21, insofar as those provisions are applicable. The lien ceases to exist if the department of work-  
 force development or the employee does not bring an action to enforce the lien within the period  
 prescribed in s. 893.44 for the underlying wage claim. »

History: 1975 c. 380; 1979 c. 32 s. 92 (9); 1985 a. 29, 220; 1989 a. 113; 1991 a. 146; 1993 a. 86, 453; 1995 a. 227;  
 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 10.

, regardless of whether those other debts, judgments,  
 decrees, liens, or mortgages originate before or  
 after the lien under par. (a) takes effect

2001

Nonstat File Sequence: **EEE**

LRB \_\_\_\_\_ / \_\_\_\_\_

**INITIAL APPLICABILITY**

# Page 44, Line 25: after that line insert:

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 45m 193 Initial applicability: none

hand number

1

WAGE CLAIM LIEN PRIORITY

The treatment of sections ..

109.09 (2) (c)

of the statutes first applies to a lien under section 109.09 (2), 1995 stat. that takes effect on the effective date of this subsection.

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # \_\_\_\_\_ . Initial applicability; .....

( #1 ) ( ) This act first applies to .....

2001

Nonstat File Sequence:

FFF

LRB \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

EFFECTIVE DATE

- Page 45, line 6: delete lines 6 to 8 and substitute:
1. In the component bar: For the action phrase, execute: ... create → action: → \*NS: → effdate  
For the text, execute: ..... create → text: → \*NS: → effdateA
  2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # \_\_\_\_ . Effective date.

( #1 ) ( ) ..... This act takes effect on .....

1. In the component bar: For the action phrase, execute: ... create → action: → \*NS: → effdateA  
For the text, execute: ..... create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # \_\_\_\_ . Effective dates; .....

..... This act takes effect on the day after publication, except as follows:

( #1 ) ( ) ..... WAGE CLAIM LIEN PRIORITTY. The treatment of sections ..... (2) (c)

of the statutes takes effect on retroactively to February 1, 1998.

1. In the component bar: For the budget action phrase, execute: ... create → action: → \*NS: → 94XX  
For the text, execute: ..... create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 \_\_\_\_ . Effective dates; .....

( #1 ) ( ) ..... The treatment of sections ..... of the statutes takes effect on .....

CS and SECTION 45m (1) & this act take (E72)