



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0029/3  
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**SENATE AMENDMENT 1,  
TO 2009 SENATE BILL 2**

February 6, 2009 – Offered by Senator LEHMAN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 15: delete lines 15 to 25.

3 **2.** Page 5, line 1: delete lines 1 to 18 and substitute:

4 **“SECTION 4d.** 109.09 (2) (a) of the statutes is amended to read:

5 109.09 (2) (a) The department of workforce development, under its authority  
6 under sub. (1) to maintain actions for the benefit of employees, ~~or~~ an employee who  
7 brings an action under s. 109.03 (5), or the recognized or certified collective  
8 bargaining representative of an employee, under its authority under s. 109.03 (5) to  
9 maintain actions for the benefit of employees, shall have a lien upon all property of  
10 the employer, real or personal, located in this state for the full amount of any wage  
11 claim or wage deficiency. A lien under this paragraph is created when the services  
12 for which the wages are due are performed.

13 **SECTION 5d.** 109.09 (2) (b) 1. of the statutes is amended to read:

1           109.09 (2) (b) 1. A lien under par. (a) upon real property ~~takes effect~~ is perfected  
2 when the department of workforce development ~~or, employee, or collective~~  
3 bargaining representative files a notice of the lien with the clerk of the circuit court  
4 of the county in which the services or some part of the services were performed, pays  
5 the fee specified in s. 814.61 (5) to that clerk of circuit court, and serves a copy of ~~that~~  
6 ~~petition~~ the notice on the employer by personal service in the same manner as a  
7 summons is served under s. 801.11 or by certified mail with a return receipt  
8 requested. The clerk of circuit court shall enter the notice of the lien on the judgment  
9 and lien docket kept under s. 779.07.

10           **SECTION 6d.** 109.09 (2) (b) 2. of the statutes is amended to read:

11           109.09 (2) (b) 2. A lien under par. (a) upon personal property ~~takes effect~~ is  
12 perfected when the department of workforce development ~~or, employee, or collective~~  
13 bargaining representative files ~~a~~ notice of the lien with the department of financial  
14 institutions in the same manner, and form, ~~and place~~ as financing statements are  
15 filed ~~under subch. V of ch. 409 regarding debtors who are located in this state,~~ pays  
16 the same fee provided in s. 409.525 for filing financing statements, and serves a copy  
17 of the notice on the employer by personal service in the same manner as a summons  
18 is served under s. 801.11 or by certified mail with a return receipt requested. The  
19 department of financial institutions shall place the notice of the lien in the same file  
20 as financing statements are filed under subch. V of ch. 409.”.

21           **3.** Page 6, line 1: delete lines 1 to 17 and substitute:

22           **“SECTION 9d.** 109.09 (2) (c) 1m. of the statutes is amended to read:

23           109.09 (2) (c) 1m. A lien under par. (a) takes precedence over all other debts,  
24 judgments, decrees, liens, interests, or mortgages against the employer, except a lien

1 of a commercial lending institution as provided in subd. 2. ~~and 3.~~, a lien of a financial  
2 institution as provided in subd. 3., or a lien under s. 292.31 (8) (i) or 292.81,  
3 regardless of whether those other debts, judgments, decrees, liens, interests, or  
4 mortgages originate before or after the lien under par. (a) ~~takes effect~~ is perfected.  
5 A lien under par. (a) also takes precedence over the rights of any person that  
6 purchases any property of the employer after the lien is created, including any bona  
7 fide purchaser. A lien under par. (a) may be enforced in the manner provided in ss.  
8 779.09 to 779.12, 779.20, and 779.21, insofar as those provisions are applicable. The  
9 lien ceases to exist if the department of workforce development ~~or the~~, employee, or  
10 collective bargaining representative does not bring an action to enforce the lien  
11 within the period prescribed in s. 893.44 for the underlying wage claim.

12 **SECTION 10d.** 109.09 (2) (c) 2. of the statutes is amended to read:

13 109.09 (2) (c) 2. Except as provided in this subdivision, a lien under par. (a) does  
14 not take precedence over a lien of a commercial lending institution against the  
15 employer that is perfected as of the day before the effective date of this subdivision  
16 .... [LRB inserts date], and that originates ~~is perfected~~ before the lien under par. (a)  
17 ~~takes effect~~ is perfected or over a lien of a commercial lending institution against the  
18 employer for any amount advanced by the commercial lending institution after a lien  
19 under par. (a) is perfected under a contract entered into before the effective date of  
20 this subdivision .... [LRB inserts date], including any renewal or time extension of  
21 such a contract. Subject to subd. 3., a lien under par. (a) takes precedence over a lien  
22 of a commercial lending institution against the employer that is perfected as of the  
23 day before the effective date of this subdivision .... [LRB inserts date], and that  
24 originates ~~is perfected~~ before the lien under par. (a) ~~takes effect~~ is perfected, or over  
25 a lien of a commercial lending institution against the employer for any amount

1 advanced by the commercial lending institution after a lien under par. (a) is perfected  
2 under a contract entered into before the effective date of this subdivision .... [LRB  
3 inserts date], including any renewal or time extension of such a contract, only as to  
4 the first \$3,000 of unpaid wages covered under the lien that are earned by an  
5 employee within the 6 months preceding the date on which the employee or collective  
6 bargaining representative files the wage claim under sub. (1) or brings the action  
7 under s. 109.03 (5) or the date on which the department receives the wage claim  
8 under s. 109.10 (4) (a), whichever is applicable.

9 **SECTION 11d.** 109.09 (2) (c) 3. of the statutes is amended to read:

10 109.09 (2) (c) 3. Notwithstanding subd. 2., a lien of a financial institution that  
11 ~~exists on~~ is perfected as of November 30, 2003, and that ~~originates~~ is perfected before  
12 a lien under par. (a) ~~takes effect~~ is perfected takes precedence over the lien under par.  
13 (a), and a lien of a financial institution for any amount advanced by the financial  
14 institution after a lien under par. (a) ~~takes effect~~ is perfected under a contract entered  
15 into before December 1, 2003, including any ~~extension or renewal~~ or time extension  
16 of such a contract, takes precedence over the lien under par. (a). Notwithstanding  
17 subd. 2., a lien under par. (a) that ~~exists on~~ is perfected as of November 30, 2003,  
18 takes precedence over a lien of a commercial lending institution that is not a financial  
19 institution, regardless of whether the lien of the commercial lending institution  
20 ~~originates~~ is perfected before or after the lien under par. (a) ~~takes effect~~ is perfected.”.

21 **4.** Page 6, line 25: delete that line.

22 **5.** Page 7, line 1: delete lines 1 to 5 and substitute:

23 **“SECTION 13m. Initial applicability.**

