

1999 SENATE BILL 320

January 12, 2000 – Introduced by Senators ROBSON, WIRCH, ERPENBACH, BURKE, GEORGE, ROESSLER, PLACHE and BAUMGART, cosponsored by Representatives RILEY, NASS, BOCK, J. LEHMAN, RYBA, PLOUFF, POCAN, HASENOHRL, KREUSER, MILLER, TURNER, GRONEMUS, OLSEN, F. LASEE, WILLIAMS, BERCEAU, MEYERHOFER, MUSSER, ZIEGELBAUER and RICHARDS. Referred to Committee on Labor.

1 **AN ACT to amend** 109.09 (2) (c) of the statutes; **relating to:** the priority of a wage
2 claim lien.

Analysis by the Legislative Reference Bureau

Under current law, the department of workforce development (DWD) must investigate and attempt to adjust any claim by an employe that his or her employer has not paid the employe any wages that are owed to the employe (wage claim). Currently, DWD or an employe who brings a wage claim action has a lien upon all property of the employer, real and personal, located in this state for the full amount of any wages owed to the employe. Also, under current law, a wage claim lien takes precedence over all other debts, judgments, decrees, liens or mortgages against an employer except for a lien of a financial institution, such as a bank, savings and loan association or credit union, that originates before the wage claim lien takes effect and a lien of the department of natural resources for expenses incurred in cleaning up a hazardous substance discharge or other environmental pollution. This bill gives a wage claim lien precedence over a lien of a financial institution that originates before the wage claim lien takes effect.

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

3 **SECTION 1.** 109.09 (2) (c) of the statutes, as affected by 1999 Wisconsin Act 9,
4 is amended to read:

