

**1999 DRAFTING REQUEST**

**Bill**

Received: 11/12/1999

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Judy Robson (608) 266-2253

By/Representing: David Austin

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Wage claim priority

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**Instructions:**

See Attached--give wage claim liens priority over prior liens of financial institutions.

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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 11/12/1999	csicilia 11/16/1999		_____			
/1			mclark 11/16/1999	_____	lrb_docadmin 11/16/1999	lrb_docadmin 01/07/2000	

FE Sent For:

<END>

*Not Needed*  
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/1			mclark 11/16/1999	_____	lrb_docadmin 11/16/1999		

FE Sent For:

<END>



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBf147/  
GMM:jlj:ki

SENATE AMENDMENT 37,  
TO 1997 ASSEMBLY BILL 768

May 7, 1998 - Offered by Senator WIRCH.

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

- 3 *Lettered* — 1. Page 276, line 11: delete "up to a maximum of \$1,000".
- 4 2. Page 277, line 2: delete "that originate after the".
- 5 *Affected* } 3. Page 277, line 3: delete "lien takes effect as provided in par. (b) 1. or 2.".
- 6 *by 1999 Act 9*

(END)

304/1  
g:ch

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Act

(2)

plus

ding

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/?	malaigm	/1 gjs 11/15 99	mre 11/14	mre/KJF 11/14			

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Austin, David  
**Sent:** Friday, November 12, 1999 9:01 AM  
**To:** Malaise, Gordon  
**Subject:** Sen. Robson - drafting request

Gordon:

Senator Robson would like to revise chap. 109.19 Stats. The intent she wants to achieve is to give liens for wage claims priority over other liens. I think SA 37 to 1997 AB 768 would achieve this purpose.

David Austin  
Senator Robson's Office

1           (c) A lien shall take under par. (a) takes precedence over all other debts,  
2 judgments, decrees, liens or mortgages against the employer that originate after the  
3 lien takes effect as provided in par. (b) 1. or 2., except a lien under s. 292.31 (8) (i) or  
4 292.81, and may be enforced in the manner provided in ss. 779.09 to 779.12, 779.20  
5 and 779.21, insofar as such those provisions are applicable. The lien ceases to exist  
6 if the department of workforce development or the employe does not bring an action  
7 to enforce the lien within the period prescribed in s. 893.44 for the underlying wage  
8 claim.

9           **SECTION 354t.** 109.09 (2) (b) 2. of the statutes is created to read:

10           109.09 (2) (b) 2. A lien under par. (a) upon personal property takes effect when  
11 the department of workforce development or employe files a notice of the lien with  
12 the department of financial institutions, pays the fee specified in s. 409.403 (5) (b)  
13 to the department of financial institutions and serves a copy of the notice on the  
14 employer by personal service in the same manner as a summons is served under s.  
15 801.11 or by certified mail with a return receipt requested. The department of  
16 financial institutions shall place the notice of the lien in the same file as financing  
17 statements are filed under ss. 409.401 and 409.402.

18           **SECTION 354u.** 109.12 (1) (a) of the statutes is amended to read:

19           109.12 (1) (a) Aid the administration of this chapter, including the enforcement  
20 of ~~s. ss.~~ ss. 109.07 and 109.075 and criteria for exceptions under ~~s. ss.~~ ss. 109.07 (5) and (6)  
21 and 109.075 (5) and (6).

22           **SECTION 354v.** 109.12 (1) (b) of the statutes is amended to read:

23           109.12 (1) (b) Establish the form and content of the record required under s.  
24 109.07 (5) (b) and the record required under s. 109.075 (5) (b) and specify the  
25 documents that must contain notarized signatures.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3952/P  
GMM...:....

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1 AN ACT .;. relating to: the priority of a wage 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:**

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

4 109.09 (2) (c) A lien under par. (a) takes precedence over all other debts,  
5 judgments, decrees, liens or mortgages against the employer, except a lien of a

strike-dont change  
Strike-dont change

1 ~~financial institution, as defined in s. 69.30 (1) (b), that originates before the lien~~  
 2 ~~under par. (a) takes effect or~~ a lien under s. 292.31 (8) (i) or 292.81. A lien under par.  
 3 (a) may be enforced in the manner provided in ss. 779.09 to 779.12, 779.20 and  
 4 779.21, insofar as those provisions are applicable. The lien ceases to exist if the  
 5 department of workforce development or the employe does not bring an action to  
 6 enforce the lien within the period prescribed in s. 893.44 for the underlying wage  
 7 claim.

History: 1999 a. 9.

8 **SECTION 2. Nonstatutory provisions.**

9 (1) WAGE CLAIM LIENS. Notwithstanding section 109.09 (2) (c) of the statutes,  
 10 as affected by 1999 Wisconsin Act 9, a lien that exists under section 109.09 (2) (a) of  
 11 the statutes on the day before the effective date of this subsection takes precedence  
 12 over a lien of a financial institution, as defined in section 69.30 (1) (b) of the statutes,  
 13 that originated before the lien under section 109.09 (2) (a) of the statutes took effect.

14 (END)



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 11/16/1999

**To:** Senator Robson

**Relating to LRB drafting number:** LRB-3952

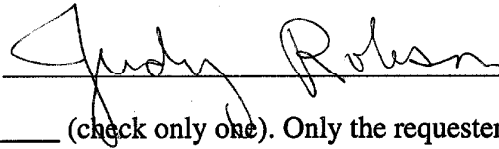
**Topic**

Wage claim priority

**Subject(s)**

Employ Priv - miscellaneous

1. **JACKET** the draft for introduction



in the Senate  or the Assembly  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney  
Telephone: (608) 266-9738