

2001 ASSEMBLY BILL 34

January 19, 2001 – Introduced by Representatives RILEY, SCHOOFF, OLSEN, RICHARDS, MEYERHOFER, GRONEMUS, PLOUFF, SINICKI, BOCK, COGGS, CARPENTER, WILLIAMS, MILLER, POWERS, SYKORA, PETTIS, STASKUNAS, TURNER, NASS, MUSSER, WOOD, BLACK, BALOW, YOUNG, POCAN, CULLEN, F. LASEE, J. LEHMAN, RYBA, KREUSER and BERCEAU, cosponsored by Senators ROBSON, DECKER, ERPENBACH, HANSEN, MOEN, MOORE, PLACHE, RISSER, WIRCH, BAUMGART and GROBSCHMIDT. Referred to Committee on Labor and Workforce Development.

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 employee that his or her employer has not paid the employee any wages that are owed to the employee (wage claim). Currently, DWD or an employee 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 employee. 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 is amended to read:

