

2001 DRAFTING REQUEST

Bill

Received: 12/07/2000

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Antonio Riley (608) 266-0645

By/Representing: Dan Lorentz

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Priority of wage claim lien

Instructions:

Redraft 1999 AB 657

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 12/07/2000	gilfokm 12/07/2000		_____			
/1			martykr 12/08/2000	_____	gretskl 12/08/2000	lrb docadmin 01/05/2001	

FE Sent For:

<END>

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1/?	malaigm	11-12/17 Km9	12/8	2/13/8 Km			

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<END>

Malaise, Gordon

From: Lorentz, Daniel
Sent: Thursday, December 07, 2000 2:13 PM
To: Malaise, Gordon

Rep. Riley would like to re-introduce AB 657 (SB 320)--the bill to re-establish the priority of wage claim liens. Could you re-draft 1999 LRB 4051 for this coming session?

Thanks.

Any questions, please call me.

Daniel Lorentz
Aide to Rep. Antonio R. Riley
Phone: 608.266.0645
Toll-free (for Wisconsin residents only): 1.888.534.0018
Email: Daniel.Lorentz@legis.state.wi.us
Mailing address:
Rep. Antonio Riley
PO Box 8953
Madison, WI 53708

-1385/1

LRB-4051/1

GMM:giojf

King

Due 12/8

1999 ASSEMBLY BILL 657

~~January 19, 2000 - Introduced by Representatives RILEY, NASS, KREUSER, BOCK, MUSSER, HASENOHRL, POCAN, OLSEN, TURNER, ZIEGELBAUER, RYBA, J. LEHMAN, RICHARDS, MILLER, PLOUFF, GRONEMUS, F. LASEE, WILLIAMS, BERCEAU and MEYERHOFER, cosponsored by Senators ROBSON, GEORGE, WIRCH, PLACHE, ERPENBACH, BURKE, ROESSLER and BAUMGART. Referred to Committee on Labor and Employment.~~

Gen. Cat.

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

employee

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, as affected by 1999 Wisconsin Act 9,
4 is amended to read:

ASSEMBLY BILL 657

1

1 109.09 (2) (c) A lien under par. (a) takes precedence over all other debts,
 2 judgments, decrees, liens or mortgages against the employer, except a lien of a
 3 financial institution, as defined in s. 69.30 (1) (b), that originates before the lien
 4 under par. (a) takes effect or a lien under s. 292.31 (8) (i) or 292.81. A lien under par.
 5 (a) may be enforced in the manner provided in ss. 779.09 to 779.12, 779.20 and
 6 779.21, insofar as those provisions are applicable. The lien ceases to exist if the
 7 department of workforce development or the employe^e (plan) does not bring an action to
 8 enforce the lien within the period prescribed in s. 893.44 for the underlying wage
 9 claim.

P.W.F.

SECTION 2. Nonstatutory provisions.

10 (1) WAGE CLAIM LIENS. Notwithstanding section 109.09 (2) (c) of the statutes,
 11 as affected by 1999 Wisconsin Act 9, a lien that exists under section 109.09 (2) (a) of
 12 the statutes on the day before the effective date of this subsection takes precedence
 13 over a lien of a financial institution, as defined in section 69.30 (1) (b) of the statutes,
 14 that originated before the lien under section 109.09 (2) (a) of the statutes took effect.
 15

(END)

1999 stats.

1999 stats.

stat comma



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 8, 2000

MEMORANDUM

To: Representative Riley

From: Gordon M. Malaise, Senior Legislative Attorney

Re: LRB-1385 Priority of wage claim lien

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9738 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.