## 2001 DRAFTING REQUEST

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Received: 12/07/2000  Wanted: As time permits  For: Antonio Riley (608) 266-0645				Received By: malaigm  Identical to LRB:  By/Representing: Dan Lorentz			
This file r	may be shown	to any legislate	or: NO		Drafter: malaigm		
May Contact: Subject: Employ Priv - miscellaneous			Alt. Drafters:				
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Priority o	f wage claim	lien					
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Drafting	History:			·			
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
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Instruc	ctions:														
Redraft	1999 AB 657		·												
Draftin	g History:														
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required								
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## 2001 DRAFTING REQUEST

Bill

Received: 12/07/2000			Received By: malaigm
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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:** 

Vers. Drafted Proofed Submitted Required **Jacketed** 

Reviewed Typed malaigm /?

FE Sent For:

<END>

### Malaise, Gordon

From:

Lorentz, Daniel

Sent:

Thursday, December 07, 2000 2:13 PM

To:

Malaise, Gordon

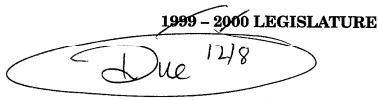
Rep. Riley would like to re-introduce AB 657 (SB 320)--the bill to re-establish the priority of wage claim liens. Could you re-draft 1999 LRB 4051 for this coming session? Thanks.

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

Email: Daniel.Loren Mailing address: Rep. Antonio Riley PO Box 8953 Madison, WI 53708



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LRB=1051/1
GMM:gjs:jf

## ~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.

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

employee

Hen. Cat.

claim lien.

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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 employer that his or her employer has not paid the employer any wages that are owed to the employer (wage claim). Currently, DWD or an employer 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 employer. 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 takes effect.

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

SECTION 1. 109.09 (2) (c) of the statutes, as affected by 1999 Wisconsin Act 9.

is amended to read:

ASSEMBLY BILL 657

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

## SECTION 2. Nonstatutory provisions.

(1) Wage claim liens. Notwithstanding section 109.09 (2) (c) of the statute as affected by 1999 Wisconsin Act a lien that exists under section 109.09 (2) (a) of the statutes on the day before the effective date of this subsection takes precedence over a lien of a financial institution, as defined in section 69.30 (1) (b) of the statutes, that originated before the lien under section 109.09 (2) (a) of the statutes took effect.

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STEPHEN R. MILLER CHIEF

# State of Misconsin

### LEGISLATIVE REFERENCE BUREAU

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

LEGAL SECTION: LEGAL FAX:

(608) 266-3561 (608) 264-6948

December 8, 2000

### **MEMORANDUM**

To:

Representative Riley

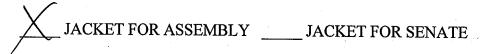
From:

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.



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.