

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-AB1)

Received: 03/07/2002

Received By: malaigm

Wanted: 03/07/2002

Identical to LRB:

For: Legislative Fiscal Bureau 6-8849

By/Representing: Shanovich (RR)

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

Submit via email: NO

Pre Topic:

LFB:.....Shanovich (RR) -

Topic:

Restore prior law relating to wage claim lien priority

Instructions:

See Attached--restore prior law relating to the priority of wage claim liens, that is, a wage claim lien has priority over a lien of a financial institution filed before the wage claim lien. Make change retroactive to 2/1/98.

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 03/07/2002	hhagen 03/07/2002		_____			
/1			kfollet 03/07/2002	_____	lrb_docadmin 03/07/2002		

FE Sent For:

<END>

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1/?	malaigm	lhmh 3/7/02	kl 3/7	self 3/7			

FE Sent For:

<END>

but retain the current levy rate limit of 1.5 mills on the levy for all purposes except debt service. Delete the proposed 10% limit on increases in program fees charged students in 2002-03.

E. Wage Claim Liens. Modify the state wage payment and collection law to delete the requirement that a lien of a financial institution that originates before a wage claim lien takes effect takes precedence over the wage claim lien. Require that the change in precedence applies retroactively beginning with wage claim liens filed after February 1, 1998.

F. Earned Income Tax Credit. Utilize TANF funding for the eligible portion of the projected increase in the cost of the EITC in 2002-03 by: (a) providing \$2,960,000 in additional TANF funds in 2002-03; and (b) reducing estimated expenditures from the GPR sum sufficient EITC appropriation by \$2,960,000 in that year. [The TANF funds would be budgeted as FED in DWD and also as PR-S under Shared Revenue and Tax Relief.]

G. Sales Factor of Apportionment Formula. Starting with tax years beginning on or after January 1, 2004, increase the sales factor to represent 55% of the apportionment formula used under the state income and franchise tax to apportion the income of corporations (including insurance companies, financial institutions, and gas, electric and telecommunications utilities), nonresidential individuals, and estate and trusts. Decrease the payroll and property factors to each represent 22.5% of the apportionment formula. [There would be no fiscal effect in the current biennium. However, it is estimated that state income and franchise tax revenues would be reduced by \$4.0 million in 2003-04 and \$8.8 million annually thereafter.]

H. State References to Federal Depreciation Provisions. Delete current law provisions that permit taxpayers to compute amortization or depreciation under the federal Internal Revenue Code in effect for the tax year for which the return is filed and provide that federal amortization and depreciation provisions could be adopted for state tax purposes only after action by the Legislature.

[Change to Bill: \$134,168,700 GPR, \$200,000,000 GPR-REV, -\$200,000,000 GPR-Lapse, \$2,960,000 FED and \$2,960,000 PR]

2001

Date (time) needed

soon

LRB b 2330 / 1

LFB BDGT ADJSTMNT AMDMNT
[ONLY FOR LFB]

Gmm : hnh :

See form AMENDMENTS — COMPONENTS & ITEMS.

LFB ADJUSTMENT AMENDMENT
TO 2001 SPECIAL SESSION ASSEMBLY BILL 1

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 1, line 3: after "expenditures" insert ", and the priority of a wage claim lien",

#. Page 174, line 11: after that line insert:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

276m

X

" Section #. 109.09 (2) (c) of the statutes is amended to read:

109.09 (2) (c) A lien 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 work-force development or the employee does not bring an action to enforce the lien within the period prescribed in s. 893.44 for the underlying wage claim. "

History: 1975 c. 380; 1979 c. 32 s. 92 (9); 1985 a. 29, 220; 1989 a. 113; 1991 a. 146; 1993 a. 86, 453; 1995 a. 227; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 10.

, regardless of whether those other debts, judgments, decrees, liens, or mortgages originate before or after the lien under par. (a) takes effect

2001

Nonstat File Sequence: **EEE**

LRB _____ / _____

_____ : _____ : _____

INITIAL APPLICABILITY

→ # Page 459, line 2: after that line insert:

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 **Initial applicability;**

.....
 (#1) () (1) (f) (m) WAGE CLAIM LIEN PRIORITY.....

..... The treatment of sections ..

109.09 (2) (c)

..... of the statutes
 first applies to a lien under section 109.09 (2), 1995
 Stats., that takes effect on the effective date
 of this subsection."

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # _____ **Initial applicability;**

.....
 (#1) () This act first
 applies to

Nonstat File Sequence:

FFF

- # Page 469, line 20: after that line insert: _____: _____

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ . Effective date.

(#1) () This act takes effect on

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ . Effective dates;

..... This act takes effect on the day after publication, except as follows:

(#1) () (1) WAGE CLAIM LIAISON PRESORRY,
sections 109.09 (2)(4)

of the statutes takes effect on and SECTION 9359 (1) of this act take effect retroactively to February 1, 1998.

1. In the component bar: For the budget action phrase, execute:.. **create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 _____ . Effective dates;

(#1) () The treatment of sections
of the statutes takes effect on

(E 2)



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2330/1
GMM:hmh:kjf

LFB:.....Shanovich (RR) – Restore prior law relating to wage claim lien
priority

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: after “expenditures” insert “, and the priority of a wage claim
3 lien”.

4 **2.** Page 174, line 11: after that line insert:

5 “SECTION 276m. 109.09 (2) (c) of the statutes is amended to read:

6 109.09 (2) (c) A lien under par. (a) takes precedence over all other debts,
7 judgments, decrees, liens, or mortgages against the employer, except ~~a lien of a~~
8 ~~financial institution, as defined in s. 69.30 (1) (b), that originates before the lien~~
9 ~~under par. (a) takes effect~~ or a lien under s. 292.31 (8) (i) or 292.81, regardless of
10 whether those other debts, judgments, decrees, liens, or mortgages originate before
11 or after the lien under par. (a) takes effect. A lien under par. (a) may be enforced in

1 the manner provided in ss. 779.09 to 779.12, 779.20, and 779.21, insofar as those
2 provisions are applicable. The lien ceases to exist if the department of workforce
3 development or the employee does not bring an action to enforce the lien within the
4 period prescribed in s. 893.44 for the underlying wage claim.”.

5 **3.** Page 459, line 2: after that line insert:

6 “(1f) WAGE CLAIM LIEN PRIORITY. The treatment of section 109.09 (2) (c) of the
7 statutes first applies to a lien under section 109.09 (2), 1995 stats., that takes effect
8 on the effective date of this subsection.”.

9 **4.** Page 469, line 20: after that line insert:

10 “(1f) WAGE CLAIM LIEN PRIORITY. The treatment of section 109.09 (2) (c) of the
11 statutes and SECTION 9358 (1f) of this act take effect retroactively to February 1,
12 1998.”.

13 (END)