

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: **06/15/2001**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Keckhaver**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - minimum wage**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1097,

Topic:

Wage claim lien priority

Instructions:

See Attached

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 06/16/2001	jdye 06/16/2001		_____			
/1			jfrantze 06/16/2001	_____	lrb_docadmin 06/16/2001		

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1/?	malaigm	1/6/18 jld	6/6/16	Self 6/16			

FE Sent For:

<END>

Agency: Workforce Development

caucus number 1097

duplicate flag: y
duplicate with: 8514

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # LRB-2037/1	LRB P-draft:

other notes

Description2: Adopt the provisions of LRB-2037/2, related to wage claim liens.

drafting instructions:

more instructions:

Agency: Workforce Development

Number of Amendments: 1

Gmm

60942

Adopt the provisions of LRB-2037/1, as amended per instructions from Doug Burnett to Gordon Malaise, related to wage claim liens.

CN1097

2001

Date (time) needed soon

LRB b 0942 / 1

AMDT TO BUDGET SUB AMDT

GMM: jld:

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
~~TO SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment [~~Amendment~~] as follows:

#. Page 912, line 11...: alter that line insert:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

~~2001 BILL~~

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

~~*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, but only to the extent that the wage claim lien does not exceed \$6,000 per employee. That \$6,000 limit, however, does not apply to a lien for a payment due under the laws that require notice of a plant closing or a cessation of health care benefits.~~

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

~~↙~~

BILL

26049 (B) 9

1

SECTION 1. 109.09 (2) (c) of the statutes is amended to read:

2

109.09 (2) (c) ~~A- Except as provided in this paragraph,~~ a lien under par. (a)

3

takes precedence over all other debts, judgments, decrees, liens, or mortgages

4

against the employer, except a ~~lien of a financial institution, as defined in s. 69.30~~

5

~~(1) (b), that originates before the lien under par. (a) takes effect or a lien under s.~~

6

292.31 (8) (i) or 292.81, regardless of whether those other debts, judgments, decrees,

7

liens, or mortgages originate before or after the lien under par. (a) takes effect. A lien

8

under par. (a) takes precedence over a lien of a financial institution, as defined in s.

9

69.30 (1) (b), that originates before the lien under par. (a) takes effect only to the

10

extent that the lien under par. (a) does not exceed \$6,000 per employee, except that

11

this \$6,000 limit does not apply to a lien for a payment due under s. 109.07 (3) or

12

109.075 (3). A lien under par. (a) may be enforced in the manner provided in ss.

13

779.09 to 779.12, 779.20, and 779.21, insofar as those provisions are applicable. The

14

lien ceases to exist if the department of workforce development or the employee does

15

not bring an action to enforce the lien within the period prescribed in s. 893.44 for

16

the underlying wage claim."

1999 stats. ✓

17

SECTION 2. Initial applicability

18

~~(1) WAGE CLAIM LIENS. Notwithstanding section 109.09 (2) (c) of the statutes,~~

19

~~as affected by 1999 Wisconsin Act 9,~~ the treatment of section 109.09 (2) (c) of the

20

statutes first applies to a lien under section 109.09 (2) (a) of the statutes for wages

21

earned on the effective date of this subsection."

22

(END)

Page 1414, line 2: after that line insert:
"(87)"

SDC:.....Keckhaver – CN1097, Wage claim lien priority

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 912, line 11: after that line insert:

3 “**SECTION 2604q.** 109.09 (2) (c) of the statutes is amended to read:

4 109.09 (2) (c) ~~A~~ Except as provided in this paragraph, a lien under par. (a)
5 takes precedence over all other debts, judgments, decrees, liens, or mortgages
6 against the employer, except a lien of a financial institution, as defined in s. 69.30
7 (1) (b), that originates before the lien under par. (a) takes effect or a lien under s.
8 292.31 (8) (i) or 292.81, regardless of whether those other debts, judgments, decrees,
9 liens, or mortgages originate before or after the lien under par. (a) takes effect. A lien
10 under par. (a) takes precedence over a lien of a financial institution, as defined in s.

1 69.30 (1) (b), that originates before the lien under par. (a) takes effect only to the
2 extent that the lien under par. (a) does not exceed \$6,000 per employee, except that
3 this \$6,000 limit does not apply to a lien for a payment due under s. 109.07 (3) or
4 109.075 (3). A lien under par. (a) may be enforced in the manner provided in ss.
5 779.09 to 779.12, 779.20, and 779.21, insofar as those provisions are applicable. The
6 lien ceases to exist if the department of workforce development or the employee does
7 not bring an action to enforce the lien within the period prescribed in s. 893.44 for
8 the underlying wage claim.”.

9 **2.** Page 1414, line 2: after that line insert:

10 “(8e) WAGE CLAIM LIENS. Notwithstanding section 109.09 (2) (c), 1999 stats., the
11 treatment of section 109.09 (2) (c) of the statutes first applies to a lien under section
12 109.09 (2) (a) of the statutes for wages earned on the effective date of this
13 subsection.”.

14 (END)