FE Sent For:

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 This file may be shown to any legislator: NO May Contact:					By/Representing: Keckhaver Drafter: malaigm Addl. Drafters:												
									Subject: Employ Priv - minimum wage					Extra Copies:			
									Submit vi	a email: NO							
Requester	's email:																
Pre Topic	C:																
SDC:1	Keckhaver - C	N1097,															
Topic:				······································													
Wage clai	m lien priorit	y															
Instruction	ons:																
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Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required										
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SDC:Keckhaver - CN1097,				
Topic:				
Wage claim lien priority				
Instructions:				
See Attached				
Drafting History:				
Vers. Drafted Reviewed Typed Proofed 19 malaigm Reviewed Typed Proofed Self Left	Submitted Jacketed Required			
FE Sent For:				

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Agency: Workforce Development

V		•		caucus number 1097	
duplicate flag: y duplicate with: 8514	Other reference numbers:	ers:		LFB Sum #:	
		bill number/a	mendment 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

CWM

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

WIDAY

AMDT TO BUDGET SUB AMDT

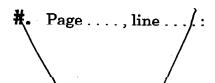
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See form AMENDMENTS — COMPONENTS & ITEMS.

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

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

#. Page !!?., line!!..: after that line insert:



- #. Page ..., line ...:
- #. Page, line:

#. Page, line:



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

claim lien over a prior lien of a financial institution.

1

 $\mathbf{2}$

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 anywages 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:



Page 1414, line 2: after that line insert:

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

At the locations indicated,	amend the substitute am	endment as follows:

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

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"Section 2604q. 109.09 (2) (c) of the statutes is amended to read:

109.09 (2) (c) —A Except as provided in this paragraph, 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, regardless of whether those other debts, judgments, decrees, liens, or mortgages originate before or after the lien under par. (a) takes effect. A lien under par. (a) takes precedence over a lien of a financial institution, as defined in s.

69.30 (1) (b), that originates before the lien under par. (a) takes effect only to the extent that the lien under par. (a) does not exceed \$6,000 per employee, except that this \$6,000 limit does not apply to a lien for a payment due under s. 109.07 (3) or 109.075 (3). 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 employee does not bring an action to enforce the lien within the period prescribed in s. 893.44 for the underlying wage claim."

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

"(8e) Wage Claim Liens. Notwithstanding section 109.09 (2) (c), 1999 stats., the treatment of section 109.09 (2) (c) of the statutes first applies to a lien under section 109.09 (2) (a) of the statutes for wages earned on the effective date of this subsection.".