

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

Pre Topic:

No specific pre topic given

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>
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FE Sent For:

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RN134

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<END>

Assembly Democrat Budget Amendment Requests..

Request Number:
(not LRB number)

134

Agency:

general / DWP / labor / bankruptcy

Description : wage claim liens

Attachments:

Contact person: Susan McMurray, 266-7521, Representative Black's Office

Please prepare an amendment to establish a wage claim lien, identical to the Senate's package.
See LFB summary p 19

b0942

RE: 1

Piley

7. 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. Instead, the wage claim lien would take precedence over all other debts, judgments, decrees, liens, or mortgages against an employer except a lien of the Department of Natural Resources for expenses incurred in cleaning up a hazardous substance discharge or other environmental pollution, but only to the extent that the wage claim lien does not exceed \$6,000 per employee. However, the \$6,000 per employee limit would not apply to a lien for a wage claim payment due under the state plant closing or cessation of health care benefits law. These provisions would first apply to liens for wages earned on the effective date of the bill.

8. DIVISION OF VOCATIONAL REHABILITATION REPORT

Require DWD's Division of Vocational Rehabilitation (DVR) to issue a report, within nine months of the effective date of the bill, that would include information on the elimination of prior client waiting lists, the status of personnel, and the current and future capacity of DVR to handle client caseloads. The report would be submitted to all standing committees of the Legislature and the Joint Committee on Finance.

Under current law, DVR is required to submit a quarterly report to Joint Finance that includes projected revenues, expenses and caseload in DVR and an estimate of when vocational rehabilitation services can be provided to new participants. In addition, DVR is required to submit a quarterly report to Joint Finance on the development, implementation, and assessment of vocational rehabilitation policies and procedures that will better ensure that services are consistently provided to clients on a statewide basis and that all vocational rehabilitation service funds are spent appropriately. DWD submitted the first quarterly reports to Joint Finance in March, 2001.

9. W-2 AGENCY CONTRACTS

Make several changes to the W-2 contracting process regarding: (a) right of first selection for the 2002-2003 W-2 agency contracts; (b) performance standards for the 2002-2003 W-2 contracts; and (c) future audit requirements for the W-2 program.

Right of First Selection. Specify that if a private W-2 agency relinquishes its right of first selection, then the county would have the right of first refusal, effective for the 2002-2003 W-2 contracting process. As under current law, if the agency relinquishing its right of first selection is a county agency, then the geographic area would be open to competition under a request for proposals process.

Employment Solutions, Inc. (ESI) in Milwaukee County, relinquished its right of first selection for two regions in Milwaukee County. This action would give Milwaukee County the

2001

Date (time) needed soon

LRB b 1533 / 1

**ADC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

GMM : js : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

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



61533/1

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:~~

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

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)