

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB2)

Received: 09/30/2003

Received By: **gmalaise**

Wanted: 09/30/2003

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Barb Worcester**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - wage claims**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Decker@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wage claim lien priority; complete priority without dollar limit or time frame

Instructions:

Restore law prior to 1997 Act 237, i.e., a wage claim lien takes priority over all preexisting liens, other than environmental remediation liens, without dollar limit and regardless of time frame.

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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/?	gmalaise	1-9/30 Kmp	ch 9/30	ch 9/30 ps			

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State of Wisconsin
2003 - 2004 LEGISLATURE

Now!!!
Floor!!!

LRBa10377

GMM.....

SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 2

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

2

✓ 1. Page 2, line 5: delete that line and substitute ^g "priority of a wage claim lien over a prior lien of a financial".

3

✓ 2. Page 2, line 18: delete lines 18 to 23.

4

✓ 3. Page 3, line 1: delete lines 1 to 24.

5

✓ 4. Page 4, line 1: delete lines 1 to 16 and substitute:

6

✓ "SECTION 3m. 109.09 (2) (c) of the statutes is amended to read:

7

8 109.09 (2) (c) A lien under par. (a) takes precedence over all other debts,
9 judgments, decrees, liens, or mortgages against the employer, except ^g a lien of a
10 ~~financial institution, as defined in s. 69.30 (1) (b), that originates before the lien~~
11 ~~under par. (a) takes effect or a lien under s. 292.31 (8) (i) or 292.81. A lien under par.~~
12 (a) may be enforced in the manner provided in ss. 779.09 to 779.12, 779.20, and

8

9

10

11

12

109.01
(H)
(2)(c)
(2)(c) 2.13

✓

✓

✓

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

5 ✓ 5. Page 40, line 18: delete lines 18 to 25. *stet*

6 *stet* 6. Page 41, line 1: delete lines 1 and 2 and substitute:

7 “~~(2)~~ ^X WAGE CLAIM LIENS. Notwithstanding section 109.09 (2) (c), 2001 stats., a
8 lien that exists under section 109.09 (2) (a) of the statutes on the day before the
9 effective date of this subsection takes precedence over a lien of a financial institution,
10 as defined in section 69.30 (1) (b) of the statutes, that originated before the lien under
11 section 109.09 (2) (a) of the statutes took effect.”

12 ✓ 7. Page 41, line 8: delete lines 8 to 11.

13 (END)

nonstat.