

**2007 DRAFTING REQUEST**

**Bill**

Received: **02/28/2007**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-1832**

By/Representing: **Mike Browne**

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.Lehman@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Wage claim lien priority; elimination of cap on priority

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**Instructions:**

See Attached--eliminate \$3,000 cap on wage claim lien priority. i.e., provide that a wage claim of any amount has priority

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**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>
/?	gmalaise 03/01/2007	jdye 03/08/2007		_____			
/1			rschluet 03/08/2007	_____	lparisi 03/08/2007	lparisi 03/13/2007	

FE Sent For:

<END>

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**Instructions:**

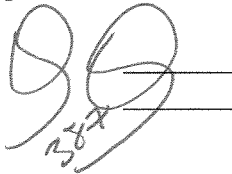
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/?	gmalaise						
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FE Sent For:

<END>

## Malaise, Gordon

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**From:** Duerst, Christina  
**Sent:** Tuesday, February 27, 2007 12:52 PM  
**To:** Malaise, Gordon  
**Subject:** FW: Message for Gordon Malaise

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**From:** Browne, Michael  
**Sent:** Tuesday, February 27, 2007 12:51 PM  
**To:** LRB.Legal  
**Subject:** Message for Gordon Malaise

Gordon,

Senator Lehman would like to have legislation drafted related to wage liens and I noticed that you were the drafter of the original legislation, 2001 SB 17. If you're no longer drafting in this area could you please forward on my request and let me know with whom I should work in the future?

I understand that 2003 WI Act 63 restored the priority of wage liens over lenders' liens but placed a cap on the amount of wages recoverable at \$3,000. Senator Lehman would like to eliminate the \$3,000 cap.

Thanks for your help on this issue, please let me know if you have any questions regarding this request.

Mike Browne  
Office of Senator John Lehman  
310 South, State Capitol  
(608) 266-1832  
michael.browne@legis.wisconsin.gov

## Malaise, Gordon

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**From:** Browne, Michael  
**Sent:** Wednesday, February 28, 2007 11:30 AM  
**To:** Malaise, Gordon  
**Subject:** RE: Message for Gordon Malaise

Thanks for getting back to me, you are correct about our intent.

---

**From:** Malaise, Gordon  
**Sent:** Wednesday, February 28, 2007 11:29 AM  
**To:** Browne, Michael  
**Subject:** FW: Message for Gordon Malaise

Michael:

Yes, I am still the drafter of wage claim lien legislation. I was out of the office yesterday, so I first got your message this morning.

It appears that what you want to accomplish by eliminating the \$3,000 cap is to restore completely the priority of wage claim liens as per Senator Robson's bill, 2001 SB 17.

Gordon

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**Sent:** Tuesday, February 27, 2007 12:52 PM  
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**Subject:** FW: Message for Gordon Malaise

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Mike Browne  
Office of Senator John Lehman  
310 South, State Capitol  
(608) 266-1832  
michael.browne@legis.wisconsin.gov



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2112/1

GMM:.....

JLD

LPS  
print  
w/line  
numbers  
↓

Gen

AN ACT ...; relating to: the priority of a wage claim lien over a prior lien of a commercial lending 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 (wage claim lien). Currently, a wage claim lien takes precedence over all other debts, judgments, decrees, liens, or mortgages against an employer, except for a lien of a commercial lending institution that originates before the wage claim lien takes effect (prior lien), regardless of whether those other debts, judgments, decrees, liens, or mortgages originated before or after the wage claim lien takes effect. Current law provides, however, that a wage claim lien takes precedence over a prior lien of a commercial lending institution as to the first \$3,000 of unpaid wages covered under the wage claim lien that are earned within the six months preceding the filing of the wage claim with DWD or the commencement of an action by the employee to recover the wages due.

This bill eliminates that \$3,000 cap and six-month time limit so that under the bill a wage claim lien covering any amount of wages earned at any time takes precedence over a lien of a commercial lending institution, regardless of whether the

lien of the commercial lending institution originated before or after the wage claim lien takes effect.

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

**SECTION 1.** 109.09 (2) (c) 1. of the statutes is repealed.

**SECTION 2.** 109.09 (2) (c) 1m. of the statutes is renumbered 109.09 (2) (c) and 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 commercial lending institution as provided in subd. 2. and 3. 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) 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.

**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; 2003 a. 63; 2005 a. 434.

**SECTION 3.** 109.09 (2) (c) 2. of the statutes is repealed.

**SECTION 4.** 109.09 (2) (c) 3. of the statutes is repealed.

**SECTION 5. Nonstatutory provisions.**

(1) WAGE CLAIM LIENS. Notwithstanding section 109.09 (2) (c), 2005 stats., a lien that exists under section 109.09 (2) (a) of the statutes on the day before the effective date of this subsection takes precedence over a lien of a commercial lending

\*

institution, as defined in section 109.09 (2) (c) 1., 2005 stats, that originated before the lien under section 109.09 (2) (a) of the statutes took effect.

(END)



**Parisi, Lori**

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**From:** Browne, Michael  
**Sent:** Tuesday, March 13, 2007 12:46 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-2112/1 Topic: Wage claim lien priority; elimination of cap on priority

Please Jacket LRB 07-2112/1 for the SENATE.