

# State of Wisconsin



1997 Senate Bill 327

Date of enactment: **December 12, 1997**  
Date of publication\*: **December 30, 1997**

## 1997 WISCONSIN ACT 39

**AN ACT to repeal** 106.21 (9) (d), 106.215 (10) (d), 108.02 (15) (gm) and 108.05 (1) (f) and (g); **to renumber** 108.05 (3) (b) 2.; **to renumber and amend** 108.09 (2) (c) and 108.09 (4) (f) 2.; **to amend** 6.10 (9), 15.227 (3), 16.48 (1) (a) (intro.), 16.48 (1) (a) 1., 2. and 6. and (b), 16.48 (2) and (3), 19.85 (1) (ee), 20.445 (1) (gd), 20.445 (1) (gd), 20.445 (1) (gf), 20.445 (1) (n), 40.02 (22) (b) 3., 40.65 (5) (b) 2., 45.71 (9) (a), 46.27 (5) (i), 47.035 (1), 49.19 (4) (dm) 4., 59.40 (2) (e), 59.57 (2) (b), 66.30 (6) (c) 1., 66.30 (6) (h), 66.521 (1) (a), 71.05 (6) (a) 12., 71.52 (6), 71.67 (7) (title), 71.67 (7) (a), 71.67 (7) (b) 2., 71.80 (16) (a), 71.80 (16) (a), 71.80 (16) (b), 101.654 (2) (c), 102.28 (7) (b), 106.11 (2) (a) 1. b., chapter 108 (title), 108.01 (1), 108.02 (4m) (a), 108.02 (12) (b) (intro.), 108.02 (12) (c) (intro.), 108.02 (15) (c) 1., 108.02 (15) (dm) 1., 108.02 (15) (e), 108.02 (15) (i) 2., 108.02 (15) (k) 5., 108.02 (15) (k) 9., 108.02 (15) (k) 10., 108.02 (15) (k) 14., 108.02 (15) (k) 19. b., 108.02 (21) (a) 2., 108.02 (21) (b), 108.04 (4) (a), 108.04 (4) (c), 108.04 (5), 108.04 (7) (a), 108.04 (7) (e), 108.04 (7) (L) (intro.), 108.04 (7) (p), 108.04 (8) (a), 108.04 (8) (c), 108.04 (8) (d), 108.04 (12) (c), 108.04 (12) (d), 108.05 (1) (h) (intro.), 108.05 (2) (c), 108.05 (3) (a), 108.05 (3) (b) 1. a. and b., 108.06 (2) (d), 108.06 (5) (a), 108.065 (1), 108.07 (3m), 108.07 (5m), 108.09 (4) (f) 3., 108.09 (6) (c), 108.13 (2), 108.13 (4) (a) 4., 108.13 (4) (b), 108.13 (4) (c) (intro.), 108.13 (4) (e), 108.13 (4) (f), 108.135 (1) (intro.), 108.135 (1) (a), 108.14 (5) (a), 108.14 (5) (ag), 108.14 (5) (ar), 108.14 (6), 108.14 (7) (a), 108.14 (8) (a), 108.14 (8m) (a), 108.14 (8n) (a), 108.14 (8n) (b), 108.14 (8s) (a), 108.14 (8s) (b), 108.14 (8t), 108.14 (9), 108.14 (13), 108.14 (14), 108.141 (1) (b) 3., 108.141 (1) (h), 108.141 (3g) (a) 1., 108.141 (3g) (a) 2., 108.141 (3g) (a) 3. a., 108.141 (3g) (a) 3. b., 108.141 (3g) (a) 3. d., 108.141 (3g) (c), 108.141 (3g) (d), 108.141 (3g) (e), 108.142 (1) (h) 3., 108.142 (1) (i), 108.16 (5) (b), 108.16 (7m), 108.161 (3), 108.162 (1), 108.162 (3), 108.18 (3m) (b), 108.18 (3m) (c), 108.18 (7) (a) 1. and (h), 108.18 (9) (intro.), 108.19 (3), 108.19 (4), 108.20 (2m), 108.20 (2m), 108.205 (1), 108.21 (1), 108.22 (9), 109.01 (3), 116.03 (4), 175.46 (5) (a), 230.26 (4), 303.08 (3), 303.08 (4), 303.08 (5) (intro.), 560.71 (1) (e) 4. c., 560.797 (2) (a) 4. c., 779.14 (1m) (a), 779.15 (1), 815.18 (13) (j), 859.02 (2) (a) and 949.06 (3) (b); **and to create** 20.445 (1) (gg), 20.445 (1) (gh), 20.445 (1) (nh), 108.02 (4m) (g), 108.02 (18m), 108.02 (25e), 108.05 (1) (i) and (j), 108.05 (3) (b) 1. c., 108.05 (3) (b) 2., 108.09 (2) (c) 1. and 2., 108.09 (2) (cm), 108.09 (4) (f) 2. b., 108.14 (18), 108.18 (3m) (d), 108.18 (4) (figure) Schedule D, 108.18 (9) (figure) Schedule D, 108.18 (9c) and 108.19 (1e) of the statutes; **relating to**: various changes in the unemployment compensation law and related provisions, granting rule-making authority and making appropriations.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

**SECTION 1.** 6.10 (9) of the statutes is amended to read:

6.10 (9) No person loses the right to vote at the person's place of residence while receiving public assistance or unemployment ~~compensation~~ insurance even if the legal settlement for assistance is elsewhere.

**SECTION 2.** 15.227 (3) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

15.227 (3) (title) COUNCIL ON UNEMPLOYMENT ~~COMPENSATION~~ INSURANCE. There is created in the department of workforce development a council on unemployment ~~compensation~~ insurance appointed by the secretary of workforce development to consist of 5 representatives of employers and 5 representatives of employees appointed to serve for 6-year terms and a permanent classified employe of the department of workforce development who shall serve as nonvoting chairperson. In making appointments to the council, the secretary shall give due consideration to achieving balanced representation of the industrial, commercial, construction, nonprofit and public sectors of the state's economy. One of the employer representatives shall be an owner of a small business or a representative of an association primarily composed of small businesses. In this subsection, "small business" means an independently owned and operated business which is not dominant in its field and which has had less than \$2,000,000 in gross annual sales for each of the previous 2 calendar years or has 25 or fewer employees. A member vacates his or her office if the member loses the status upon which his or her appointment is based.

**SECTION 3.** 16.48 (1) (a) (intro.) of the statutes is amended to read:

16.48 (1) (a) (intro.) A statement of unemployment ~~compensation~~ insurance financial outlook, which shall contain the following, together with the secretary's recommendations and an explanation for such recommendations:

**SECTION 4.** 16.48 (1) (a) 1., 2. and 6. and (b) of the statutes are amended to read:

16.48 (1) (a) 1. Projections of unemployment ~~compensation~~ insurance operations under current law

**SECTION 7.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

			1997-98	1998-99
<b>20.445</b>	<b>Workforce development, department of</b>			
(1)	WORKFORCE DEVELOPMENT			
(gg)	Unemployment information technology systems; interest and penalties	PR C	1,000,000	-0-
(nb)	Unemployment information technology systems; federal moneys	PR-F A	450,000	-0-

through at least the 2nd year following the close of the biennium, including benefit payments, tax collections, borrowing or debt repayments and amounts of interest charges, if any.

2. Specific proposed changes in the laws relating to unemployment ~~compensation~~ insurance financing, benefits and administration.

6. If unemployment ~~compensation~~ insurance program debt is projected at the end of the forecast period, the reasons why it is not proposed to liquidate the debt.

(b) A report summarizing the deliberations of the council on unemployment ~~compensation~~ insurance and the position of the council, if any, concerning each proposed change in the unemployment ~~compensation~~ insurance laws submitted under par. (a).

**SECTION 5.** 16.48 (2) and (3) of the statutes, as affected by 1997 Wisconsin Act 3, are amended to read:

16.48 (2) Upon receipt of the statement and report under sub. (1), the governor may convene a special committee consisting of the secretary of workforce development and the legislative leaders specified in sub. (1) to review the statement and report. Upon request of 2 or more of the legislative leaders specified in sub. (1), the governor shall convene such a committee. The committee shall attempt to reach a consensus concerning proposed changes to the unemployment ~~compensation~~ insurance laws and shall submit its recommendations to the governor and legislature concurrently with the statement furnished under sub. (3).

(3) On or about February 15 of each odd-numbered year, the secretary of workforce development, under the direction of the governor, shall submit to each member of the legislature an updated statement of unemployment ~~compensation~~ insurance financial outlook which shall contain the information specified in sub. (1) (a), together with the governor's recommendations and an explanation for such recommendations, and a copy of the report required under sub. (1) (b).

**SECTION 6.** 19.85 (1) (ee) of the statutes is amended to read:

19.85 (1) (ee) Deliberating by the council on unemployment ~~compensation~~ insurance in a meeting at which all employer members of the council or all employe members of the council are excluded.

**SECTION 8.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act 27, section 612, is amended to read:

20.445 (1) (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and 108.22 and assessments under s. 108.19 (1m), all moneys not appropriated under pars. (ge) ~~and (gf) and (gg) and all moneys transferred to this appropriation account from the appropriation account under par. (gh)~~ for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m) ~~and~~ for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20, and for the payment of career counseling center grants under s. 106.14.

**SECTION 9.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act 27, section 612m, is amended to read:

20.445 (1) (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and 108.22, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all moneys not appropriated under par. (ge) ~~and (gf) and (gg) and all moneys transferred to this appropriation account from the appropriation account under par. (gh)~~ for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m) ~~and~~ for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20, and for payment of career counseling center grants under s. 106.14.

**SECTION 10.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act 27, section 613, is amended to read:

20.445 (1) (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and 108.22, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all moneys not appropriated under par. (ge) ~~and (gf) and (gg) and all moneys transferred to this appropriation account from the appropriation account under par. (gh)~~ for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m) ~~and~~ for the payment of interest due on ad-

vances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20.

**SECTION 11.** 20.445 (1) (gf) of the statutes is amended to read:

20.445 (1) (gf) *Employment security administration.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (13) (c) and 108.22, the amounts in the schedule for the administration of employment service programs and unemployment ~~compensation~~ insurance programs under ch. 108 and s. 106.09 and federal or state unemployment ~~compensation~~ insurance programs authorized by the governor under s. 16.54; and for payments to satisfy any federal audit exception concerning a payment from the unemployment reserve fund or any federal aid disallowance involving the unemployment ~~compensation~~ insurance program.

**SECTION 12.** 20.445 (1) (gg) of the statutes is created to read:

20.445 (1) (gg) *Unemployment information technology systems; interest and penalties.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (13) (c) and 108.22, as a continuing appropriation, the amounts in the schedule for the purpose specified in s. 108.19 (1e).

**SECTION 13.** 20.445 (1) (gh) of the statutes is created to read:

20.445 (1) (gh) *Unemployment information technology systems; assessments.* All moneys received from assessments levied under s. 108.19 (1e) and 1997 Wisconsin Act ... (this act), section 164 (2), for the purpose specified in s. 108.19 (1e). The treasurer of the unemployment reserve fund may transfer moneys from this appropriation account to the appropriation account under par. (gd).

**SECTION 14.** 20.445 (1) (n) of the statutes is amended to read:

20.445 (1) (n) *Unemployment administration; federal moneys.* All federal moneys received for the employment service under s. 106.09 (4) to (6) ~~or~~ for the administration of unemployment ~~compensation under ch. 108, and any federal moneys paid to the department~~ insurance or for the performance of ~~its~~ the department's functions under ch. 108, ~~and for its conduct of public employment offices consistent with s. 106.09 (4) to (6), and for its other efforts to regularize employment,~~ to pay the compensation and expenses of appeal tribunals and of councils; and to pay allowances stimulating education during unemployment, ~~to be used for such purposes, and to transfer to par. (nb) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb).~~

**SECTION 15.** 20.445 (1) (nb) of the statutes is created to read:

20.445 (1) (nb) *Unemployment information technology systems; federal moneys.* The amounts in the schedule, as authorized by the governor for this purpose under s. 16.54, for the purpose specified in s. 108.19 (1e). All moneys transferred from par. (n) for this purpose shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the treasurer of the unemployment reserve fund shall transfer any unencumbered balance in this appropriation account that is not needed or available to carry out the purpose of this appropriation to the appropriation account under par. (n). No moneys may be expended from this appropriation unless the treasurer of the unemployment reserve fund determines that such expenditure is currently needed for the purpose specified in s. 108.19 (1e). No moneys may be encumbered from this appropriation account after the beginning of the 3rd 12-month period beginning after the effective date of this paragraph .... [revisor inserts date].

**SECTION 16.** 40.02 (22) (b) 3. of the statutes is amended to read:

40.02 (22) (b) 3. Unemployment ~~compensation~~ insurance benefits.

**SECTION 17.** 40.65 (5) (b) 2. of the statutes is amended to read:

40.65 (5) (b) 2. Any unemployment ~~compensation~~ insurance benefit payable to the participant because of his or her work record.

**SECTION 18.** 45.71 (9) (a) of the statutes is amended to read:

45.71 (9) (a) Part-time or overtime pay, unemployment ~~compensation~~ insurance and income of the veteran's spouse are considered income only if the department or authorized lender deems such sources of income to be regular and dependable.

**SECTION 19.** 46.27 (5) (i) of the statutes is amended to read:

46.27 (5) (i) In the instances in which an individual who is provided long-term community support services under par. (b) for which the individual receives direct funding, serve directly as a fiscal agent or contract with a fiscal intermediary to serve as a fiscal agent for that individual for the purposes of performing the responsibilities and protecting the interests of the individual under the unemployment ~~compensation~~ insurance law. The county department or aging unit may elect to act as a fiscal agent or contract with a fiscal intermediary to serve as a fiscal agent for an individual who is provided long-term support services under s. 46.275, 46.277, 46.278, 46.495, 51.42 or 51.437. The fiscal agent under this paragraph is responsible for remitting any federal unemployment compensation taxes or state unemployment ~~compensation~~ insurance contributions owed by the individual, including any interest and penalties which are owed by the individual; for serving as the representative

of the individual in any investigation, meeting, hearing or appeal involving ch. 108 or the federal unemployment tax act (26 USC 3301 to 3311) in which the individual is a party; and for receiving, reviewing, completing and returning all forms, reports and other documents required under ch. 108 or the federal unemployment tax act on behalf of the individual. An individual may make an informed, knowing and voluntary election to waive the right to a fiscal agent. The waiver may be as to all or any portion of the fiscal agent's responsibilities. The waiver may be rescinded in whole or in part at any time.

**SECTION 20.** 47.035 (1) of the statutes is amended to read:

47.035 (1) Except as authorized in sub. (2) if an individual receives direct funding for personal assistance services that are provided to the individual under s. 47.02 (4) (c), and the services are provided through a county department of human services or social services or an aging unit, the county department or aging unit through which the services are provided shall serve directly as a fiscal agent or contract with a fiscal intermediary to serve as a fiscal agent for that individual for the purposes of performing the responsibilities and protecting the interests of the individual under the unemployment ~~compensation~~ insurance law. The fiscal agent under this subsection is responsible for remitting any federal unemployment compensation taxes or state unemployment ~~compensation~~ insurance contributions owed by the individual, including any interest and penalties which are owed by the individual; for serving as the representative of the individual in any investigation, meeting, hearing or appeal involving ch. 108 or the federal unemployment tax act (26 USC 3301 to 3311) in which the individual is a party; and for receiving, reviewing, completing and returning all forms, reports and other documents required under ch. 108 or the federal unemployment tax act on behalf of the individual.

**SECTION 21.** 49.19 (4) (dm) 4. of the statutes is amended to read:

49.19 (4) (dm) 4. Qualifies for unemployment ~~compensation~~ insurance but refuses to apply for or accept unemployment ~~compensation~~ insurance; or

**SECTION 22.** 59.40 (2) (e) of the statutes is amended to read:

59.40 (2) (e) Keep a judgment and lien docket of all money judgments of the court, transcripts from judgment and lien dockets of other Wisconsin courts and of federal courts, warrants for unemployment ~~compensation~~ insurance and warrants for delinquent Wisconsin income or franchise taxes.

**SECTION 23.** 59.57 (2) (b) of the statutes is amended to read:

59.57 (2) (b) *Findings.* It is found and declared that industries located in this state have been induced to move their operations in whole or in part to, or to expand their operations in, other states to the detriment of state, county

and municipal revenue arising through the loss or reduction of income and franchise taxes, real estate and other local taxes, and thereby causing an increase in unemployment; that such conditions now exist in certain areas of the state and may well arise in other areas; that economic insecurity due to unemployment is a serious menace to the general welfare of not only the people of the affected areas but of the people of the entire state; that such unemployment results in obligations to grant public assistance and in the payment of unemployment ~~compensation~~ insurance; that the absence of new economic opportunities has caused workers and their families to migrate elsewhere to find work and establish homes, which has resulted in a reduction of the tax base of counties, cities and other local governmental jurisdictions impairing their financial ability to support education and other local governmental services; that security against unemployment and the preservation and enhancement of the tax base can best be provided by the promotion, attraction, stimulation, rehabilitation and revitalization of commerce, industry and manufacturing; that there is a need to stimulate a larger flow of private investment funds from banks, investment houses, insurers and other financial institutions; that means are necessary under which counties so desiring may create instrumentalities to promote industrial development and such purpose requires and deserves support from counties as a means of preserving the tax base and preventing unemployment. It is therefore declared to be the policy of this state to promote the right to gainful employment, business opportunities and general welfare of the inhabitants thereof and to preserve and enhance the tax base in counties and municipalities by the creation of bodies, corporate and politic, which shall exist and operate for the purpose of fulfilling the aims of this subsection and such purposes are hereby declared to be public purposes for which public money may be spent and the necessity in the public interest for the provisions herein enacted is declared a matter of legislative determination.

**SECTION 24.** 66.30 (6) (c) 1. of the statutes is amended to read:

66.30 (6) (c) 1. Provide for acquisition, construction, operation and administration of a facility, and establish the functions, projects and services to be provided in the facility, including, without limitation because of enumeration, proration of all expenses involved, operational and fiscal management including deposit and disbursement of funds appropriated, designation of the municipal employer for purposes of compliance with s. 111.70, teacher retirement, worker's compensation and unemployment ~~compensation~~ insurance.

**SECTION 25.** 66.30 (6) (h) of the statutes is amended to read:

66.30 (6) (h) School district boards entering into a contract under this subsection shall designate for each employe providing services under the contract either a

school district entering into the contract or a cooperative educational service agency under ch. 116 as the employer for purposes of compliance with s. 111.70, teacher's retirement, worker's compensation and unemployment ~~compensation~~ insurance.

**SECTION 26.** 66.521 (1) (a) of the statutes is amended to read:

66.521 (1) (a) It is found and declared that industries located in this state have been induced to move their operations in whole or in part to, or to expand their operations in, other states to the detriment of state, county and municipal revenue raising through the loss or reduction of income and franchise taxes, real estate and other local taxes, and thereby causing an increase in unemployment; that such conditions now exist in certain areas of the state and may well arise in other areas; that economic insecurity due to unemployment is a serious menace to the general welfare of not only the people of the affected areas but of the people of the entire state; that unemployment results in obligations to grant public assistance and in the payment of unemployment ~~compensation~~ insurance; that the absence of new economic opportunities has caused workers and their families to migrate elsewhere to find work and establish homes, which has resulted in a reduction of the tax base of counties, cities and other local governmental jurisdictions impairing their financial ability to support education and other local governmental services; that security against unemployment and the preservation and enhancement of the tax base can best be provided by the promotion, attraction, stimulation, rehabilitation and revitalization of commerce, industry and manufacturing; that there is a need to stimulate a larger flow of private investment funds from banks, investment houses, insurance companies and other financial institutions. It is therefore declared to be the policy of this state to promote the right to gainful employment, business opportunities and general welfare of the inhabitants thereof and to preserve and enhance the tax base by authorizing municipalities to acquire industrial buildings and to finance such acquisition through the issuance of revenue bonds for the purpose of fulfilling the aims of this section and such purposes are hereby declared to be public purposes for which public money may be spent and the necessity in the public interest for the provisions herein enacted is declared a matter of legislative determination.

**SECTION 27.** 71.05 (6) (a) 12. of the statutes is amended to read:

71.05 (6) (a) 12. All alimony deducted for federal income tax purposes and paid while the individual paying the alimony was a nonresident of this state; all penalties for early withdrawals from time savings accounts and deposits deducted for federal income tax purposes and paid while the individual charged with the penalty was a nonresident of this state; all repayments of supplemental unemployment ~~compensation benefits~~ benefit plan pay-

ments deducted for federal income tax purposes and made while the individual making the repayment was a nonresident of this state; all reforestation expenses related to property not in this state, deducted for federal income tax purposes and paid while the individual paying the expense was not a resident of this state; all contributions to individual retirement accounts, simplified employee pension plans and self-employment retirement plans and all deductible employee contributions, deducted for federal income tax purposes and in excess of that amount multiplied by a fraction the numerator of which is the individual's wages and net earnings from a trade or business taxable by this state and the denominator of which is the individual's total wages and net earnings from a trade or business; the contributions to a Keogh plan deducted for federal income tax purposes and in excess of that amount multiplied by a fraction the numerator of which is the individual's net earnings from a trade or business, taxable by this state, and the denominator of which is the individual's total net earnings from a trade or business; the amount of health insurance costs of self-employed individuals deducted under section 162 (L) of the internal revenue code for federal income tax purposes and in excess of that amount multiplied by a fraction the numerator of which is the individual's net earnings from a trade or business, taxable by this state, and the denominator of which is the individual's total net earnings from a trade or business; and the amount of self-employment taxes deducted under section 164 (f) of the internal revenue code for federal income tax purposes and in excess of that amount multiplied by a fraction the numerator of which is the individual's net earnings from a trade or business, taxable by this state, and the denominator of which is the individual's total net earnings from a trade or a business.

**SECTION 28.** 71.52 (6) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

71.52 (6) "Income" means the sum of Wisconsin adjusted gross income and the following amounts, to the extent not included in Wisconsin adjusted gross income: maintenance payments (except foster care maintenance and supplementary payments excludable under section 131 of the internal revenue code), support money, cash public assistance (not including credit granted under this subchapter and amounts under s. 46.27), cash benefits paid by counties under s. 59.53 (21), the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act and veterans disability pensions), nontaxable interest received from the federal government or any of its instrumentalities, nontaxable interest received on state or municipal bonds, worker's compensation, unemployment ~~compensation~~ insurance, the gross amount of "loss of time" insurance, compensation and other cash benefits received from the United States for past or present service in the armed forces, scholarship and fellowship gifts

or income, capital gains, gain on the sale of a personal residence excluded under section 121 of the internal revenue code, dividends, income of a nonresident or part-year resident who is married to a full-year resident, housing allowances provided to members of the clergy, the amount by which a resident manager's rent is reduced, nontaxable income of an American Indian, nontaxable income from sources outside this state and nontaxable deferred compensation. Intangible drilling costs, depletion allowances and depreciation, including first-year depreciation allowances under section 179 of the internal revenue code, amortization, contributions to individual retirement accounts under section 219 of the internal revenue code, contributions to Keogh plans, net operating loss carry-forwards and capital loss carry-forwards deducted in determining Wisconsin adjusted gross income shall be added to "income". "Income" does not include gifts from natural persons, cash reimbursement payments made under title XX of the federal social security act, surplus food or other relief in kind supplied by a governmental agency, the gain on the sale of a personal residence deferred under section 1034 of the internal revenue code or nonrecognized gain from involuntary conversions under section 1033 of the internal revenue code. Amounts not included in adjusted gross income but added to "income" under this subsection in a previous year and repaid may be subtracted from income for the year during which they are repaid. Scholarship and fellowship gifts or income that are included in Wisconsin adjusted gross income and that were added to household income for purposes of determining the credit under this subchapter in a previous year may be subtracted from income for the current year in determining the credit under this subchapter. A marital property agreement or unilateral statement under ch. 766 has no effect in computing "income" for a person whose homestead is not the same as the homestead of that person's spouse.

**SECTION 29.** 71.67 (7) (title) of the statutes is amended to read:

71.67 (7) (title) WITHHOLDING FROM UNEMPLOYMENT COMPENSATION INSURANCE.

**SECTION 30.** 71.67 (7) (a) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

71.67 (7) (a) The department of workforce development may, in accordance with s. 108.135, deduct and withhold from any unemployment ~~compensation~~ insurance payment, on a form prepared by the department of workforce development, a portion of the payment as Wisconsin income tax. The department of workforce development shall deposit the amounts withheld, on a monthly basis, as provided in s. 108.135 (6).

**SECTION 31.** 71.67 (7) (b) 2. of the statutes is amended to read:

71.67 (7) (b) 2. The gross amount of unemployment ~~compensation~~ insurance that is subject to withholding under par. (a).

**SECTION 32.** 71.80 (16) (a) of the statutes is amended to read:

71.80 (16) (a) All nonresident persons, whether incorporated or not, engaging in construction contracting in this state as contractor or subcontractor and not otherwise regularly engaged in business in this state, shall file a surety bond with the department, payable to the department of revenue, to guarantee the payment of income or franchise taxes, required unemployment ~~compensation~~ insurance contributions, sales and use taxes and income taxes withheld from wages of employes, together with any penalties and interest thereon. The department shall approve the form and contents of such bond. The amount of the bond shall be 3% of the contract or subcontract price on all contracts of \$50,000 or more or 3% of contractor's or subcontractor's estimated cost-and-profit under a cost-plus contract of \$50,000 or more. When the aggregate of 2 or more contracts in one calendar year is \$50,000 or more the amount of the bond or bonds shall be 3% of the aggregate amount of such contracts. Such surety bond must be filed within 60 days after construction is begun in this state by any such contractor or subcontractor on any contract the price of which is \$50,000 or more (or the estimated cost-and-profit of which is \$50,000 or more), or within 60 days after construction is begun in this state on any contract for less than \$50,000, when the amount of such contract, when aggregated with any other contracts, construction on which was begun in this state in the same calendar year, equals or exceeds \$50,000. If the department concludes that no bond is necessary to protect the tax revenues of the state, including contributions under ch. 108, the requirements under this subsection may be waived by the secretary of revenue or the secretary's designated departmental representative. The bond shall remain in force until the liability thereunder is released by the secretary or the secretary's designated departmental representative.

**SECTION 33.** 71.80 (16) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

71.80 (16) (a) All nonresident persons, whether incorporated or not, engaging in construction contracting in this state as contractor or subcontractor and not otherwise regularly engaged in business in this state, shall file a surety bond with the department, payable to the department, to guarantee the payment of income or franchise taxes, required unemployment ~~compensation~~ insurance contributions, sales and use taxes and income taxes withheld from wages of employes, together with any penalties and interest thereon. The department shall approve the form and contents of such bond. The amount of the bond shall be 3% of the contract or subcontract price on all contracts of \$50,000 or more or 3% of contractor's or subcontractor's estimated cost-and-profit under a cost-plus contract of \$50,000 or more. When the aggregate of 2 or more contracts in one calendar year is \$50,000 or more the amount of the bond or bonds shall be 3% of the

aggregate amount of such contracts. Such surety bond must be filed within 60 days after construction is begun in this state by any such contractor or subcontractor on any contract the price of which is \$50,000 or more (or the estimated cost-and-profit of which is \$50,000 or more), or within 60 days after construction is begun in this state on any contract for less than \$50,000, when the amount of such contract, when aggregated with any other contracts, construction on which was begun in this state in the same calendar year, equals or exceeds \$50,000. If the department concludes that no bond is necessary to protect the tax revenues of the state, including contributions under ch. 108, the requirements under this subsection may be waived by the secretary of revenue or the secretary's designated departmental representative. The bond shall remain in force until the liability thereunder is released by the secretary or the secretary's designated departmental representative.

**SECTION 34.** 71.80 (16) (b) of the statutes is amended to read:

71.80 (16) (b) A construction contractor required to file a surety bond under par. (a) may, in lieu of such requirement, but subject to approval by the department, deposit with the state treasurer an amount of cash equal to the face of the bond that would otherwise be required. If an offer to deposit is made the department shall issue a certificate to the state treasurer authorizing said treasurer to accept payment of such moneys and to give his or her receipt therefor. A copy of such certificate shall be mailed to the contractor who shall, within the time fixed by the department, pay such amount to said treasurer. A copy of the receipt of the state treasurer shall be filed with the department. Upon final determination by the department of such contractor's liability for state income or franchise taxes, required unemployment ~~compensation~~ insurance contributions, sales and use taxes and income taxes withheld from wages of employes, interest and penalties, by reason of such contract or contracts, the department shall certify to the state treasurer the amount of taxes, penalties and interest as finally determined, shall instruct the treasurer as to the proper distribution of such amount, and shall state the amount, if any, to be refunded to such contractor. The state treasurer shall make the payments directed by such certificate within 30 days after receipt thereof. Amounts refunded to the contractor shall be without interest.

**SECTION 35.** 101.654 (2) (c) of the statutes is amended to read:

101.654 (2) (c) If the applicant is required to make state unemployment ~~compensation~~ insurance contributions under ch. 108 or is required to pay federal unemployment compensation taxes under 26 USC 3301 to 3311, that the applicant is making those contributions or paying those taxes as required.

**SECTION 36.** 102.28 (7) (b) of the statutes is amended to read:

102.28 (7) (b) Each employer exempted by written order of the department under sub. (2) shall pay into the fund established by sub. (8) a sum equal to that assessed against each of the other such exempt employers upon the issuance of an initial order. The order shall provide for a sum sufficient to secure estimated payments of the insolvent exempt employer due for the period up to the date of the order and for one year following the date of the order and to pay the estimated cost of insurance carrier or insurance service organization services under par. (c). Payments ordered to be made to the fund shall be paid to the department within 30 days. If additional moneys are required, further assessments shall be made based on orders of the department with assessment prorated on the basis of the gross payroll for this state of the exempt employer, reported to the department for the previous calendar year for unemployment ~~compensation~~ insurance purposes under ch. 108. If the exempt employer is not covered under ch. 108, then the department shall determine the comparable gross payroll for the exempt employer. If payment of any assessment made under this subsection is not made within 30 days of the order of the department, the attorney general may appear on behalf of the state to collect the assessment.

**SECTION 37.** 106.11 (2) (a) 1. b. of the statutes is amended to read:

106.11 (2) (a) 1. b. The individual has, or is a member of a family which has, received a total family income for the 6-month period prior to application for the program involved, excluding unemployment ~~compensation~~ insurance, child support payments and welfare payments, which in relation to family size did not exceed the higher of the poverty level determined in accordance with criteria established by the director of the federal office of management and budget or 70% of the lower living standard income level.

**SECTION 38.** 106.21 (9) (d) of the statutes is repealed.

**SECTION 39.** 106.215 (10) (d) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

**SECTION 40.** Chapter 108 (title) of the statutes is amended to read:

**CHAPTER 108**  
**UNEMPLOYMENT INSURANCE AND**  
**RESERVES AND COMPENSATION**

**SECTION 41.** 108.01 (1) of the statutes is amended to read:

108.01 (1) Unemployment in Wisconsin is recognized as an urgent public problem, gravely affecting the health, morals and welfare of the people of this state. The burdens resulting from irregular employment and reduced annual earnings fall directly on the unemployed worker and his or her family. The decreased and irregular purchasing power of wage earners in turn vitally affects the livelihood of farmers, merchants and manufacturers, results in a decreased demand for their products, and thus tends partially to paralyze the economic life of the entire

state. In good times and in bad times unemployment is a heavy social cost, directly affecting many thousands of wage earners. Each employing unit in Wisconsin should pay at least a part of this social cost, connected with its own irregular operations, by financing compensation benefits for its own unemployed workers. Each employer's contribution rate should vary in accordance with its own unemployment costs, as shown by experience under this chapter. Whether or not a given employing unit can provide steadier work and wages for its own employees, it can reasonably be required to build up a limited reserve for unemployment, out of which benefits shall be paid to its eligible unemployed workers, as a matter of right, based on their respective wages and lengths of service.

**SECTION 42.** 108.02 (4m) (a) of the statutes is amended to read:

108.02 (4m) (a) All ~~payments~~ earnings for wage-earning service ~~made~~ which are paid to an employee during his or her base period as a result of employment for an employer;

**SECTION 43.** 108.02 (4m) (g) of the statutes is created to read:

108.02 (4m) (g) All salary reduction amounts that are not wages and that would have been paid to an employee by an employer as salary during the employee's base period but for a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125.

**SECTION 44.** 108.02 (12) (b) (intro.) of the statutes is amended to read:

108.02 (12) (b) (intro.) Paragraph (a) does not apply to an individual performing services for an employing unit other than a government unit or nonprofit organization in a capacity other than as a ~~contract operator with a carrier or as a skidding operator or piece-cutter with a forest products manufacturer or a logging contractor~~ logger or trucker, if the employing unit satisfies the department that:

**SECTION 45.** 108.02 (12) (c) (intro.) of the statutes is amended to read:

108.02 (12) (c) (intro.) Paragraph (a) does not apply to an individual performing services for a government unit or nonprofit organization, or for an any other employing unit in a capacity as a ~~contract operator with a carrier or as a skidding operator or piece-cutter with a forest products manufacturer or a logging contractor~~ logger or trucker if the employing unit satisfies the department:

**SECTION 46.** 108.02 (15) (c) 1. of the statutes is amended to read:

108.02 (15) (c) 1. Such service is deemed "employment" covered by this chapter pursuant to a reciprocal arrangement between the department and each agency administering the unemployment ~~compensation~~ insurance law of a jurisdiction in which part of such service is performed; or no contributions are required with respect to any of such service under any other unemployment ~~compensation~~ insurance law; and



**SECTION 47.** 108.02 (15) (dm) 1. of the statutes is amended to read:

108.02 (15) (dm) 1. Such service is not covered under the unemployment ~~compensation~~ insurance law of any other state or Canada; and

**SECTION 48.** 108.02 (15) (e) of the statutes is amended to read:

108.02 (15) (e) In determining whether an individual's entire services shall be deemed "employment" subject to this chapter, under pars. (b), (c), (d), (dm) and (dn), the department may determine and redetermine the individual's status hereunder for such reasonable periods as it deems advisable, and may refund (as paid by mistake) any contributions which have been paid hereunder with respect to services duly covered under any other unemployment ~~compensation~~ insurance law.

**SECTION 49.** 108.02 (15) (gm) of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

**SECTION 50.** 108.02 (15) (i) 2. of the statutes is amended to read:

108.02 (15) (i) 2. By the spouse of such a student, if given written notice at the start of such service, that the work is under a program to provide financial assistance to the student and that the work will not be covered by any program of unemployment ~~compensation~~ insurance.

**SECTION 51.** 108.02 (15) (k) 5. of the statutes is amended to read:

108.02 (15) (k) 5. With respect to which unemployment ~~compensation~~ insurance is payable under the federal railroad unemployment insurance act (52 Stat. 1094);

**SECTION 52.** 108.02 (15) (k) 9. of the statutes is amended to read:

108.02 (15) (k) 9. Covered by any other unemployment ~~compensation~~ insurance law pursuant to a reciprocal arrangement made by the department under s. 108.14 (8m);

**SECTION 53.** 108.02 (15) (k) 10. of the statutes is amended to read:

108.02 (15) (k) 10. For an employer who would otherwise be subject to this chapter solely because of sub. (13) (f), if and while the employer, with written notice to and approval by the department, duly covers under the unemployment ~~compensation~~ insurance law of another jurisdiction all services for such employer which would otherwise be covered under this chapter;

**SECTION 54.** 108.02 (15) (k) 14. of the statutes is amended to read:

108.02 (15) (k) 14. By an individual for an employer which is engaged in the processing of fresh perishable fruits or vegetables within a given calendar year if the individual has been employed by the employer solely within the active processing season or seasons, as determined by the department, of the establishment in which the individual has been employed by the employer, and the individual's base period wages with the employer are less than the wages required to start a benefit year under s.

108.04 (4) (a), unless the individual was paid wages of \$200 or more for services performed in employment or other work covered by the unemployment ~~compensation~~ insurance law of any state or the federal government, other than work performed for the processing employer, during the 4 most recently completed quarters preceding the individual's first week of employment by the processing employer within that year;

**SECTION 55.** 108.02 (15) (k) 19. b. of the statutes is amended to read:

108.02 (15) (k) 19. b. The individual has been paid or is treated as having been paid wages or other remuneration of \$500 or more during his or her base period for services performed for at least one employer other than the seasonal employer which is subject to the unemployment ~~compensation~~ insurance law of any state or the federal government.

**SECTION 56.** 108.02 (18m) of the statutes is created to read:

108.02 (18m) **LOGGER.** "Logger" means a skidding operator or piece cutter with a forest products manufacturer or a logging contractor.

**SECTION 57.** 108.02 (21) (a) 2. of the statutes is amended to read:

108.02 (21) (a) 2. Are not subject to contributions under another unemployment ~~compensation~~ insurance law.

**SECTION 58.** 108.02 (21) (b) of the statutes is amended to read:

108.02 (21) (b) Notwithstanding par. (a), an employer's payroll includes only the first \$10,500 of wages paid by an employer to an individual during a calendar year, including any wages paid for any work covered by the unemployment ~~compensation~~ insurance law of any other state, except as authorized in s. 108.17 (5).

**SECTION 59.** 108.02 (25e) of the statutes is created to read:

108.02 (25e) **TRUCKER.** "Trucker" means a contract operator with a trucking carrier.

**SECTION 60.** 108.04 (4) (a) of the statutes is amended to read:

108.04 (4) (a) A claimant is not eligible to start a benefit year unless the claimant has combined base period wages equal to at least 30 times the claimant's weekly benefit rate under s. 108.05 (1), including combined base period wages equal to at least  $7\frac{1}{4}$  times the claimant's weekly benefit rate under s. 108.05 (1) in one or more quarters outside of the quarter within the claimant's base period in which the claimant has the highest base period wages.

**SECTION 61.** 108.04 (4) (c) of the statutes is amended to read:

108.04 (4) (c) An employe is not eligible to start a new benefit year unless, subsequent to the start of the employe's most recent benefit year in which benefits were paid to the employe, the employe has performed services and earned wages for those services equal to at least 8

times the employee's latest weekly benefit rate under s. 108.05 (1) that was payable to the employee in the employee's most recent benefit year in employment or other work covered by the unemployment compensation insurance law of any state or the federal government.

**SECTION 62.** 108.04 (5) of the statutes is amended to read:

108.04 (5) **DISCHARGE FOR MISCONDUCT.** An employee whose work is terminated by an employing unit for misconduct connected with the employee's work is ineligible to receive benefits until 7 weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment compensation insurance law of any state or the federal government. For purposes of requalification, the employee's weekly benefit rate shall be that rate which would have been paid had the discharge not occurred. The wages paid to an employee by an employer which terminates employment of the employee for misconduct connected with the employee's employment shall be excluded from the employee's base period wages under s. 108.06 (1) for purposes of benefit entitlement. The department shall, by rule, prescribe the conditions under which an employee's possession, use or impairment due to use of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), or an employee's violation of a work rule relating to controlled substances testing constitutes misconduct. This subsection does not preclude an employee who has employment with an employer other than the employer which terminated the employee for misconduct from establishing a benefit year using the base period wages excluded under this subsection if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall charge to the fund's balancing account any benefits otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 from which base period wages are excluded under this subsection.

**SECTION 63.** 108.04 (7) (a) of the statutes is amended to read:

108.04 (7) (a) If an employee terminates work with an employing unit, the employee is ineligible to receive benefits until 4 weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least 4 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment compensation insurance law of any state or the federal government. For purposes of requalification, the employee's weekly benefit rate shall be that rate which would have been paid had the termination not occurred. This paragraph does not preclude an em-

ployee from establishing a benefit year by using the base period wages paid by the employer from which the employee voluntarily terminated, if the employee is qualified to establish a benefit year under s. 108.06 (2) (a).

**SECTION 64.** 108.04 (7) (e) of the statutes is amended to read:

108.04 (7) (e) Paragraph (a) does not apply if the department determines that the employee accepted work which the employee could have ~~refused~~ failed to accept with good cause under sub. (8) and terminated such work with the same good cause and within the first 10 weeks after starting the work, or that the employee accepted work which the employee could have refused under sub. (9) and terminated such work within the first 10 weeks after starting the work. For purposes of this paragraph, an employee has the same good cause for voluntarily terminating work if the employee could have failed to accept the work under sub. (8) (d) when it was offered, regardless of the reason articulated by the employee for the termination.

**SECTION 65.** 108.04 (7) (L) (intro.) of the statutes is amended to read:

108.04 (7) (L) (intro.) Paragraph (a) does not apply if the department determines that the employee terminated work to accept employment or other work covered by the unemployment compensation insurance law of any state or the federal government, and earned wages in the subsequent work equal to at least 4 times the employee's weekly benefit rate under s. 108.05 (1) if the work:

**SECTION 66.** 108.04 (7) (p) of the statutes is amended to read:

108.04 (7) (p) Paragraph (a) does not apply if the department determines that an employee, while claiming benefits for partial unemployment, terminated work to accept employment or other work covered by the unemployment compensation insurance law of any state or the federal government, if that work offered an average weekly wage greater than the average weekly wage earned in the work terminated.

**SECTION 67.** 108.04 (8) (a) of the statutes is amended to read:

108.04 (8) (a) If an employee fails, without good cause, to accept suitable work when offered, the employee is ineligible to receive benefits until 4 weeks have elapsed since the end of the week in which the failure occurs and the employee earns wages after the week in which the failure occurs equal to at least 4 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment compensation insurance law of any state or the federal government. For purposes of requalification, the employee's weekly benefit rate shall be that rate which would have been paid had the failure not occurred. This paragraph does not preclude an employee from establishing a benefit year during a period in which the employee is ineligible to receive benefits under this paragraph if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall

charge to the fund's balancing account any benefits otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 whenever an employe of that employer fails, without good cause, to accept suitable work offered by that employer.

**SECTION 68.** 108.04 (8) (c) of the statutes is amended to read:

108.04 (8) (c) If an employe fails, without good cause, to return to work with a former employer that recalls the employe within 52 weeks after the employe last worked for that employer, the employe is ineligible to receive benefits until 4 weeks have elapsed since the end of the week in which the failure occurs and the employe earns wages after the week in which the failure occurs equal to at least 4 times the employe's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment ~~compensation~~ insurance law of any state or the federal government. For purposes of re-qualification, the employe's weekly benefit rate shall be that rate which would have been paid had the failure not occurred. This paragraph does not preclude an employe from establishing a benefit year during a period in which the employe is ineligible to receive benefits under this paragraph if the employe qualifies to establish a benefit year under s. 108.06 (2) (a). If an employe receives actual notice of a recall to work, par. (a) applies in lieu of this paragraph.

**SECTION 69.** 108.04 (8) (d) of the statutes is amended to read:

108.04 (8) (d) An employe shall have good cause under par. (a) or (c), regardless of the reason articulated by the employe for the failure, if the department determines that the failure ~~related to~~ involved work at a lower grade of skill or significantly lower rate of pay than applied to the employe on one or more recent jobs, and that the employe had not yet had a reasonable opportunity, in view of labor market conditions and the employe's degree of skill, but not to exceed 6 weeks after the employe became unemployed, to seek a new job substantially in line with the employe's prior job skill and rate of pay.

**SECTION 70.** 108.04 (12) (c) of the statutes is amended to read:

108.04 (12) (c) Any individual who receives unemployment ~~compensation~~ insurance for a given week under any federal law through any federal agency shall be ineligible for benefits paid or payable for that same week under this chapter.

**SECTION 71.** 108.04 (12) (d) of the statutes is amended to read:

108.04 (12) (d) Any individual who receives unemployment ~~compensation~~ insurance for a given week un-

der the law of any other state (with no use of benefit credits earned under this chapter) shall be ineligible for benefits paid or payable for that same week under this chapter.

**SECTION 72.** 108.05 (1) (f) and (g) of the statutes are repealed.

**SECTION 73.** 108.05 (1) (h) (intro.) of the statutes is amended to read:

108.05 (1) (h) (intro.) Each eligible employe shall be paid benefits for each week of total unemployment which commences on or after January 5, 1997, and before January 4, 1998, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employe's base period wages which were paid during that quarter of the employe's base period in which the employe was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employe and if that amount is more than the maximum amount shown in the following schedule, the employe's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employe's benefits are exhausted during any week under s. 108.06 (1), the employe shall be paid the remaining amount of benefits payable to the employe in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (h) following]

**SECTION 74.** 108.05 (1) (i) and (j) of the statutes are created to read:

108.05 (1) (i) Each eligible employe shall be paid benefits for each week of total unemployment which commences on or after January 4, 1998, and before January 3, 1999, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employe's base period wages which were paid during that quarter of the employe's base period in which the employe was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employe and if that amount is more than the maximum amount shown in the following schedule, the employe's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employe's benefits are exhausted during any week under s. 108.06 (1), the employe shall be paid the remaining amount of benefits payable to the employe in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (i) following]

Figure 108.05 (1) (i):

Line	Highest Quarterly Wages Paid		Weekly Benefit Rate
1. ....	Under	\$1,075.00	\$ 0
2. ....	1,075.00	to 1,099.99	43
3. ....	1,100.00	to 1,124.99	44
4. ....	1,125.00	to 1,149.99	45
5. ....	1,150.00	to 1,174.99	46
6. ....	1,175.00	to 1,199.99	47
7. ....	1,200.00	to 1,224.99	48
8. ....	1,225.00	to 1,249.99	49
9. ....	1,250.00	to 1,274.99	50
10. ....	1,275.00	to 1,299.99	51
11. ....	1,300.00	to 1,324.99	52
12. ....	1,325.00	to 1,349.99	53
13. ....	1,350.00	to 1,374.99	54
14. ....	1,375.00	to 1,399.99	55
15. ....	1,400.00	to 1,424.99	56
16. ....	1,425.00	to 1,449.99	57
17. ....	1,450.00	to 1,474.99	58
18. ....	1,475.00	to 1,499.99	59
19. ....	1,500.00	to 1,524.99	60
20. ....	1,525.00	to 1,549.99	61
21. ....	1,550.00	to 1,574.99	62
22. ....	1,575.00	to 1,599.99	63
23. ....	1,600.00	to 1,624.99	64
24. ....	1,625.00	to 1,649.99	65
25. ....	1,650.00	to 1,674.99	66
26. ....	1,675.00	to 1,699.99	67
27. ....	1,700.00	to 1,724.99	68
28. ....	1,725.00	to 1,749.99	69
29. ....	1,750.00	to 1,774.99	70
30. ....	1,775.00	to 1,799.99	71
31. ....	1,800.00	to 1,824.99	72
32. ....	1,825.00	to 1,849.99	73
33. ....	1,850.00	to 1,874.99	74
34. ....	1,875.00	to 1,899.99	75
35. ....	1,900.00	to 1,924.99	76
36. ....	1,925.00	to 1,949.99	77
37. ....	1,950.00	to 1,974.99	78
38. ....	1,975.00	to 1,999.99	79
39. ....	2,000.00	to 2,024.99	80
40. ....	2,025.00	to 2,049.99	81
41. ....	2,050.00	to 2,074.99	82
42. ....	2,075.00	to 2,099.99	83
43. ....	2,100.00	to 2,124.99	84
44. ....	2,125.00	to 2,149.99	85

45. ....	2,150.00	to	2,174.99	.....	86
46. ....	2,175.00	to	2,199.99	.....	87
47. ....	2,200.00	to	2,224.99	.....	88
48. ....	2,225.00	to	2,249.99	.....	89
49. ....	2,250.00	to	2,274.99	.....	90
50. ....	2,275.00	to	2,299.99	.....	91
51. ....	2,300.00	to	2,324.99	.....	92
52. ....	2,325.00	to	2,349.99	.....	93
53. ....	2,350.00	to	2,374.99	.....	94
54. ....	2,375.00	to	2,399.99	.....	95
55. ....	2,400.00	to	2,424.99	.....	96
56. ....	2,425.00	to	2,449.99	.....	97
57. ....	2,450.00	to	2,474.99	.....	98
58. ....	2,475.00	to	2,499.99	.....	99
59. ....	2,500.00	to	2,524.99	.....	100
60. ....	2,525.00	to	2,549.99	.....	101
61. ....	2,550.00	to	2,574.99	.....	102
62. ....	2,575.00	to	2,599.99	.....	103
63. ....	2,600.00	to	2,624.99	.....	104
64. ....	2,625.00	to	2,649.99	.....	105
65. ....	2,650.00	to	2,674.99	.....	106
66. ....	2,675.00	to	2,699.99	.....	107
67. ....	2,700.00	to	2,724.99	.....	108
68. ....	2,725.00	to	2,749.99	.....	109
69. ....	2,750.00	to	2,774.99	.....	110
70. ....	2,775.00	to	2,799.99	.....	111
71. ....	2,800.00	to	2,824.99	.....	112
72. ....	2,825.00	to	2,849.99	.....	113
73. ....	2,850.00	to	2,874.99	.....	114
74. ....	2,875.00	to	2,899.99	.....	115
75. ....	2,900.00	to	2,924.99	.....	116
76. ....	2,925.00	to	2,949.99	.....	117
77. ....	2,950.00	to	2,974.99	.....	118
78. ....	2,975.00	to	2,999.99	.....	119
79. ....	3,000.00	to	3,024.99	.....	120
80. ....	3,025.00	to	3,049.99	.....	121
81. ....	3,050.00	to	3,074.99	.....	122
82. ....	3,075.00	to	3,099.99	.....	123
83. ....	3,100.00	to	3,124.99	.....	124
84. ....	3,125.00	to	3,149.99	.....	125
85. ....	3,150.00	to	3,174.99	.....	126
86. ....	3,175.00	to	3,199.99	.....	127
87. ....	3,200.00	to	3,224.99	.....	128
88. ....	3,225.00	to	3,249.99	.....	129
89. ....	3,250.00	to	3,274.99	.....	130
90. ....	3,275.00	to	3,299.99	.....	131
91. ....	3,300.00	to	3,324.99	.....	132
92. ....	3,325.00	to	3,349.99	.....	133
93. ....	3,350.00	to	3,374.99	.....	134
94. ....	3,375.00	to	3,399.99	.....	135
95. ....	3,400.00	to	3,424.99	.....	136

96.	3,425.00	to	3,449.99	137
97.	3,450.00	to	3,474.99	138
98.	3,475.00	to	3,499.99	139
99.	3,500.00	to	3,524.99	140
100.	3,525.00	to	3,549.99	141
101.	3,550.00	to	3,574.99	142
102.	3,575.00	to	3,599.99	143
103.	3,600.00	to	3,624.99	144
104.	3,625.00	to	3,649.99	145
105.	3,650.00	to	3,674.99	146
106.	3,675.00	to	3,699.99	147
107.	3,700.00	to	3,724.99	148
108.	3,725.00	to	3,749.99	149
109.	3,750.00	to	3,774.99	150
110.	3,775.00	to	3,799.99	151
111.	3,800.00	to	3,824.99	152
112.	3,825.00	to	3,849.99	153
113.	3,850.00	to	3,874.99	154
114.	3,875.00	to	3,899.99	155
115.	3,900.00	to	3,924.99	156
116.	3,925.00	to	3,949.99	157
117.	3,950.00	to	3,974.99	158
118.	3,975.00	to	3,999.99	159
119.	4,000.00	to	4,024.99	160
120.	4,025.00	to	4,049.99	161
121.	4,050.00	to	4,074.99	162
122.	4,075.00	to	4,099.99	163
123.	4,100.00	to	4,124.99	164
124.	4,125.00	to	4,149.99	165
125.	4,150.00	to	4,174.99	166
126.	4,175.00	to	4,199.99	167
127.	4,200.00	to	4,224.99	168
128.	4,225.00	to	4,249.99	169
129.	4,250.00	to	4,274.99	170
130.	4,275.00	to	4,299.99	171
131.	4,300.00	to	4,324.99	172
132.	4,325.00	to	4,349.99	173
133.	4,350.00	to	4,374.99	174
134.	4,375.00	to	4,399.99	175
135.	4,400.00	to	4,424.99	176
136.	4,425.00	to	4,449.99	177
137.	4,450.00	to	4,474.99	178
138.	4,475.00	to	4,499.99	179
139.	4,500.00	to	4,524.99	180
140.	4,525.00	to	4,549.99	181
141.	4,550.00	to	4,574.99	182
142.	4,575.00	to	4,599.99	183
143.	4,600.00	to	4,624.99	184
144.	4,625.00	to	4,649.99	185
145.	4,650.00	to	4,674.99	186
146.	4,675.00	to	4,699.99	187

147.	4,700.00	to	4,724.99	188
148.	4,725.00	to	4,749.99	189
149.	4,750.00	to	4,774.99	190
150.	4,775.00	to	4,799.99	191
151.	4,800.00	to	4,824.99	192
152.	4,825.00	to	4,849.99	193
153.	4,850.00	to	4,874.99	194
154.	4,875.00	to	4,899.99	195
155.	4,900.00	to	4,924.99	196
156.	4,925.00	to	4,949.99	197
157.	4,950.00	to	4,974.99	198
158.	4,975.00	to	4,999.99	199
159.	5,000.00	to	5,024.99	200
160.	5,025.00	to	5,049.99	201
161.	5,050.00	to	5,074.99	202
162.	5,075.00	to	5,099.99	203
163.	5,100.00	to	5,124.99	204
164.	5,125.00	to	5,149.99	205
165.	5,150.00	to	5,174.99	206
166.	5,175.00	to	5,199.99	207
167.	5,200.00	to	5,224.99	208
168.	5,225.00	to	5,249.99	209
169.	5,250.00	to	5,274.99	210
170.	5,275.00	to	5,299.99	211
171.	5,300.00	to	5,324.99	212
172.	5,325.00	to	5,349.99	213
173.	5,350.00	to	5,374.99	214
174.	5,375.00	to	5,399.99	215
175.	5,400.00	to	5,424.99	216
176.	5,425.00	to	5,449.99	217
177.	5,450.00	to	5,474.99	218
178.	5,475.00	to	5,499.99	219
179.	5,500.00	to	5,524.99	220
180.	5,525.00	to	5,549.99	221
181.	5,550.00	to	5,574.99	222
182.	5,575.00	to	5,599.99	223
183.	5,600.00	to	5,624.99	224
184.	5,625.00	to	5,649.99	225
185.	5,650.00	to	5,674.99	226
186.	5,675.00	to	5,699.99	227
187.	5,700.00	to	5,724.99	228
188.	5,725.00	to	5,749.99	229
189.	5,750.00	to	5,774.99	230
190.	5,775.00	to	5,799.99	231
191.	5,800.00	to	5,824.99	232
192.	5,825.00	to	5,849.99	233
193.	5,850.00	to	5,874.99	234
194.	5,875.00	to	5,899.99	235
195.	5,900.00	to	5,924.99	236
196.	5,925.00	to	5,949.99	237
197.	5,950.00	to	5,974.99	238

198.	5,975.00	to	5,999.99	239
199.	6,000.00	to	6,024.99	240
200.	6,025.00	to	6,049.99	241
201.	6,050.00	to	6,074.99	242
202.	6,075.00	to	6,099.99	243
203.	6,100.00	to	6,124.99	244
204.	6,125.00	to	6,149.99	245
205.	6,150.00	to	6,174.99	246
206.	6,175.00	to	6,199.99	247
207.	6,200.00	to	6,224.99	248
208.	6,225.00	to	6,249.99	249
209.	6,250.00	to	6,274.99	250
210.	6,275.00	to	6,299.99	251
211.	6,300.00	to	6,324.99	252
212.	6,325.00	to	6,349.99	253
213.	6,350.00	to	6,374.99	254
214.	6,375.00	to	6,399.99	255
215.	6,400.00	to	6,424.99	256
216.	6,425.00	to	6,449.99	257
217.	6,450.00	to	6,474.99	258
218.	6,475.00	to	6,499.99	259
219.	6,500.00	to	6,524.99	260
220.	6,525.00	to	6,549.99	261
221.	6,550.00	to	6,574.99	262
222.	6,575.00	to	6,599.99	263
223.	6,600.00	to	6,624.99	264
224.	6,625.00	to	6,649.99	265
225.	6,650.00	to	6,674.99	266
226.	6,675.00	to	6,699.99	267
227.	6,700.00	to	6,724.99	268
228.	6,725.00	to	6,749.99	269
229.	6,750.00	to	6,774.99	270
230.	6,775.00	to	6,799.99	271
231.	6,800.00	to	6,824.99	272
232.	6,825.00	to	6,849.99	273
233.	6,850.00	to	6,874.99	274
234.	6,875.00	to	6,899.99	275
235.	6,900.00	to	6,924.99	276
236.	6,925.00	to	6,949.99	277
237.	6,950.00	to	6,974.99	278
238.	6,975.00	to	6,999.99	279
239.	7,000.00	to	7,024.99	280
240.	7,025.00	to	7,049.99	281
241.	7,050.00	to	7,074.99	282
242.	7,075.00	to	7,099.99	283
243.	7,100.00	to	7,124.99	284
244.	7,125.00	to	7,149.99	285
245.	7,150.00	to	7,174.99	286
246.	7,175.00	to	7,199.99	287
247.	7,200.00	to	7,224.99	288



248. ....	7,225.00	to	7,249.99 .....	289
249. ....	7,250.00		and over .....	290

(j) Each eligible employe shall be paid benefits for each week of total unemployment which commences on or after January 3, 1999, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employe's base period wages which were paid during that quarter of the employe's base period in which the employe was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are

payable to the employe and if that amount is more than the maximum amount shown in the following schedule, the employe's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employe's benefits are exhausted during any week under s. 108.06 (1), the employe shall be paid the remaining amount of benefits payable to the employe in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (j) following]

**Figure 108.05 (1) (j):**

Line	Highest Quarterly Wages Paid		Weekly Benefit Rate
1. ....	Under	\$1,100.00 .....	\$ 0
2. ....	1,100.00	to 1,124.99 .....	44
3. ....	1,125.00	to 1,149.99 .....	45
4. ....	1,150.00	to 1,174.99 .....	46
5. ....	1,175.00	to 1,199.99 .....	47
6. ....	1,200.00	to 1,224.99 .....	48
7. ....	1,225.00	to 1,249.99 .....	49
8. ....	1,250.00	to 1,274.99 .....	50
9. ....	1,275.00	to 1,299.99 .....	51
10. ....	1,300.00	to 1,324.99 .....	52
11. ....	1,325.00	to 1,349.99 .....	53
12. ....	1,350.00	to 1,374.99 .....	54
13. ....	1,375.00	to 1,399.99 .....	55
14. ....	1,400.00	to 1,424.99 .....	56
15. ....	1,425.00	to 1,449.99 .....	57
16. ....	1,450.00	to 1,474.99 .....	58
17. ....	1,475.00	to 1,499.99 .....	59
18. ....	1,500.00	to 1,524.99 .....	60
19. ....	1,525.00	to 1,549.99 .....	61
20. ....	1,550.00	to 1,574.99 .....	62
21. ....	1,575.00	to 1,599.99 .....	63
22. ....	1,600.00	to 1,624.99 .....	64
23. ....	1,625.00	to 1,649.99 .....	65
24. ....	1,650.00	to 1,674.99 .....	66
25. ....	1,675.00	to 1,699.99 .....	67
26. ....	1,700.00	to 1,724.99 .....	68
27. ....	1,725.00	to 1,749.99 .....	69
28. ....	1,750.00	to 1,774.99 .....	70
29. ....	1,775.00	to 1,799.99 .....	71
30. ....	1,800.00	to 1,824.99 .....	72
31. ....	1,825.00	to 1,849.99 .....	73
32. ....	1,850.00	to 1,874.99 .....	74

33. ....	1,875.00	to	1,899.99	75
34. ....	1,900.00	to	1,924.99	76
35. ....	1,925.00	to	1,949.99	77
36. ....	1,950.00	to	1,974.99	78
37. ....	1,975.00	to	1,999.99	79
38. ....	2,000.00	to	2,024.99	80
39. ....	2,025.00	to	2,049.99	81
40. ....	2,050.00	to	2,074.99	82
41. ....	2,075.00	to	2,099.99	83
42. ....	2,100.00	to	2,124.99	84
43. ....	2,125.00	to	2,149.99	85
44. ....	2,150.00	to	2,174.99	86
45. ....	2,175.00	to	2,199.99	87
46. ....	2,200.00	to	2,224.99	88
47. ....	2,225.00	to	2,249.99	89
48. ....	2,250.00	to	2,274.99	90
49. ....	2,275.00	to	2,299.99	91
50. ....	2,300.00	to	2,324.99	92
51. ....	2,325.00	to	2,349.99	93
52. ....	2,350.00	to	2,374.99	94
53. ....	2,375.00	to	2,399.99	95
54. ....	2,400.00	to	2,424.99	96
55. ....	2,425.00	to	2,449.99	97
56. ....	2,450.00	to	2,474.99	98
57. ....	2,475.00	to	2,499.99	99
58. ....	2,500.00	to	2,524.99	100
59. ....	2,525.00	to	2,549.99	101
60. ....	2,550.00	to	2,574.99	102
61. ....	2,575.00	to	2,599.99	103
62. ....	2,600.00	to	2,624.99	104
63. ....	2,625.00	to	2,649.99	105
64. ....	2,650.00	to	2,674.99	106
65. ....	2,675.00	to	2,699.99	107
66. ....	2,700.00	to	2,724.99	108
67. ....	2,725.00	to	2,749.99	109
68. ....	2,750.00	to	2,774.99	110
69. ....	2,775.00	to	2,799.99	111
70. ....	2,800.00	to	2,824.99	112
71. ....	2,825.00	to	2,849.99	113
72. ....	2,850.00	to	2,874.99	114
73. ....	2,875.00	to	2,899.99	115
74. ....	2,900.00	to	2,924.99	116
75. ....	2,925.00	to	2,949.99	117
76. ....	2,950.00	to	2,974.99	118
77. ....	2,975.00	to	2,999.99	119
78. ....	3,000.00	to	3,024.99	120
79. ....	3,025.00	to	3,049.99	121
80. ....	3,050.00	to	3,074.99	122
81. ....	3,075.00	to	3,099.99	123
82. ....	3,100.00	to	3,124.99	124
83. ....	3,125.00	to	3,149.99	125

84. ....	3,150.00	to	3,174.99	.....	126
85. ....	3,175.00	to	3,199.99	.....	127
86. ....	3,200.00	to	3,224.99	.....	128
87. ....	3,225.00	to	3,249.99	.....	129
88. ....	3,250.00	to	3,274.99	.....	130
89. ....	3,275.00	to	3,299.99	.....	131
90. ....	3,300.00	to	3,324.99	.....	132
91. ....	3,325.00	to	3,349.99	.....	133
92. ....	3,350.00	to	3,374.99	.....	134
93. ....	3,375.00	to	3,399.99	.....	135
94. ....	3,400.00	to	3,424.99	.....	136
95. ....	3,425.00	to	3,449.99	.....	137
96. ....	3,450.00	to	3,474.99	.....	138
97. ....	3,475.00	to	3,499.99	.....	139
98. ....	3,500.00	to	3,524.99	.....	140
99. ....	3,525.00	to	3,549.99	.....	141
100. ....	3,550.00	to	3,574.99	.....	142
101. ....	3,575.00	to	3,599.99	.....	143
102. ....	3,600.00	to	3,624.99	.....	144
103. ....	3,625.00	to	3,649.99	.....	145
104. ....	3,650.00	to	3,674.99	.....	146
105. ....	3,675.00	to	3,699.99	.....	147
106. ....	3,700.00	to	3,724.99	.....	148
107. ....	3,725.00	to	3,749.99	.....	149
108. ....	3,750.00	to	3,774.99	.....	150
109. ....	3,775.00	to	3,799.99	.....	151
110. ....	3,800.00	to	3,824.99	.....	152
111. ....	3,825.00	to	3,849.99	.....	153
112. ....	3,850.00	to	3,874.99	.....	154
113. ....	3,875.00	to	3,899.99	.....	155
114. ....	3,900.00	to	3,924.99	.....	156
115. ....	3,925.00	to	3,949.99	.....	157
116. ....	3,950.00	to	3,974.99	.....	158
117. ....	3,975.00	to	3,999.99	.....	159
118. ....	4,000.00	to	4,024.99	.....	160
119. ....	4,025.00	to	4,049.99	.....	161
120. ....	4,050.00	to	4,074.99	.....	162
121. ....	4,075.00	to	4,099.99	.....	163
122. ....	4,100.00	to	4,124.99	.....	164
123. ....	4,125.00	to	4,149.99	.....	165
124. ....	4,150.00	to	4,174.99	.....	166
125. ....	4,175.00	to	4,199.99	.....	167
126. ....	4,200.00	to	4,224.99	.....	168
127. ....	4,225.00	to	4,249.99	.....	169
128. ....	4,250.00	to	4,274.99	.....	170
129. ....	4,275.00	to	4,299.99	.....	171
130. ....	4,300.00	to	4,324.99	.....	172
131. ....	4,325.00	to	4,349.99	.....	173
132. ....	4,350.00	to	4,374.99	.....	174
133. ....	4,375.00	to	4,399.99	.....	175
134. ....	4,400.00	to	4,424.99	.....	176

135.	4,425.00	to	4,449.99	177
136.	4,450.00	to	4,474.99	178
137.	4,475.00	to	4,499.99	179
138.	4,500.00	to	4,524.99	180
139.	4,525.00	to	4,549.99	181
140.	4,550.00	to	4,574.99	182
141.	4,575.00	to	4,599.99	183
142.	4,600.00	to	4,624.99	184
143.	4,625.00	to	4,649.99	185
144.	4,650.00	to	4,674.99	186
145.	4,675.00	to	4,699.99	187
146.	4,700.00	to	4,724.99	188
147.	4,725.00	to	4,749.99	189
148.	4,750.00	to	4,774.99	190
149.	4,775.00	to	4,799.99	191
150.	4,800.00	to	4,824.99	192
151.	4,825.00	to	4,849.99	193
152.	4,850.00	to	4,874.99	194
153.	4,875.00	to	4,899.99	195
154.	4,900.00	to	4,924.99	196
155.	4,925.00	to	4,949.99	197
156.	4,950.00	to	4,974.99	198
157.	4,975.00	to	4,999.99	199
158.	5,000.00	to	5,024.99	200
159.	5,025.00	to	5,049.99	201
160.	5,050.00	to	5,074.99	202
161.	5,075.00	to	5,099.99	203
162.	5,100.00	to	5,124.99	204
163.	5,125.00	to	5,149.99	205
164.	5,150.00	to	5,174.99	206
165.	5,175.00	to	5,199.99	207
166.	5,200.00	to	5,224.99	208
167.	5,225.00	to	5,249.99	209
168.	5,250.00	to	5,274.99	210
169.	5,275.00	to	5,299.99	211
170.	5,300.00	to	5,324.99	212
171.	5,325.00	to	5,349.99	213
172.	5,350.00	to	5,374.99	214
173.	5,375.00	to	5,399.99	215
174.	5,400.00	to	5,424.99	216
175.	5,425.00	to	5,449.99	217
176.	5,450.00	to	5,474.99	218
177.	5,475.00	to	5,499.99	219
178.	5,500.00	to	5,524.99	220
179.	5,525.00	to	5,549.99	221
180.	5,550.00	to	5,574.99	222
181.	5,575.00	to	5,599.99	223
182.	5,600.00	to	5,624.99	224
183.	5,625.00	to	5,649.99	225
184.	5,650.00	to	5,674.99	226
185.	5,675.00	to	5,699.99	227

186. ....	5,700.00	to	5,724.99	.....	228
187. ....	5,725.00	to	5,749.99	.....	229
188. ....	5,750.00	to	5,774.99	.....	230
189. ....	5,775.00	to	5,799.99	.....	231
190. ....	5,800.00	to	5,824.99	.....	232
191. ....	5,825.00	to	5,849.99	.....	233
192. ....	5,850.00	to	5,874.99	.....	234
193. ....	5,875.00	to	5,899.99	.....	235
194. ....	5,900.00	to	5,924.99	.....	236
195. ....	5,925.00	to	5,949.99	.....	237
196. ....	5,950.00	to	5,974.99	.....	238
197. ....	5,975.00	to	5,999.99	.....	239
198. ....	6,000.00	to	6,024.99	.....	240
199. ....	6,025.00	to	6,049.99	.....	241
200. ....	6,050.00	to	6,074.99	.....	242
201. ....	6,075.00	to	6,099.99	.....	243
202. ....	6,100.00	to	6,124.99	.....	244
203. ....	6,125.00	to	6,149.99	.....	245
204. ....	6,150.00	to	6,174.99	.....	246
205. ....	6,175.00	to	6,199.99	.....	247
206. ....	6,200.00	to	6,224.99	.....	248
207. ....	6,225.00	to	6,249.99	.....	249
208. ....	6,250.00	to	6,274.99	.....	250
209. ....	6,275.00	to	6,299.99	.....	251
210. ....	6,300.00	to	6,324.99	.....	252
211. ....	6,325.00	to	6,349.99	.....	253
212. ....	6,350.00	to	6,374.99	.....	254
213. ....	6,375.00	to	6,399.99	.....	255
214. ....	6,400.00	to	6,424.99	.....	256
215. ....	6,425.00	to	6,449.99	.....	257
216. ....	6,450.00	to	6,474.99	.....	258
217. ....	6,475.00	to	6,499.99	.....	259
218. ....	6,500.00	to	6,524.99	.....	260
219. ....	6,525.00	to	6,549.99	.....	261
220. ....	6,550.00	to	6,574.99	.....	262
221. ....	6,575.00	to	6,599.99	.....	263
222. ....	6,600.00	to	6,624.99	.....	264
223. ....	6,625.00	to	6,649.99	.....	265
224. ....	6,650.00	to	6,674.99	.....	266
225. ....	6,675.00	to	6,699.99	.....	267
226. ....	6,700.00	to	6,724.99	.....	268
227. ....	6,725.00	to	6,749.99	.....	269
228. ....	6,750.00	to	6,774.99	.....	270
229. ....	6,775.00	to	6,799.99	.....	271
230. ....	6,800.00	to	6,824.99	.....	272
231. ....	6,825.00	to	6,849.99	.....	273
232. ....	6,850.00	to	6,874.99	.....	274
233. ....	6,875.00	to	6,899.99	.....	275
234. ....	6,900.00	to	6,924.99	.....	276
235. ....	6,925.00	to	6,949.99	.....	277
236. ....	6,950.00	to	6,974.99	.....	278

237.	6,975.00	to	6,999.99	279
238.	7,000.00	to	7,024.99	280
239.	7,025.00	to	7,049.99	281
240.	7,050.00	to	7,074.99	282
241.	7,075.00	to	7,099.99	283
242.	7,100.00	to	7,124.99	284
243.	7,125.00	to	7,149.99	285
244.	7,150.00	to	7,174.99	286
245.	7,175.00	to	7,199.99	287
246.	7,200.00	to	7,224.99	288
247.	7,225.00	to	7,249.99	289
248.	7,250.00	to	7,274.99	290
249.	7,275.00	to	7,299.99	291
250.	7,300.00	to	7,324.99	292
251.	7,325.00	to	7,349.99	293
252.	7,350.00	to	7,374.99	294
253.	7,375.00	to	7,399.99	295
254.	7,400.00	to	7,424.99	296
255.	7,425.00	and over		297

**SECTION 75.** 108.05 (2) (c) of the statutes is amended to read:

108.05 (2) (c) This chapter’s maximum weekly benefit rate, as to weeks of unemployment in the ensuing half year, shall equal the result obtained by rounding 66-2/3% of the “average wages per average week” to the nearest multiple of one dollar, and the minimum weekly benefit rate shall be an amount which is 15% of the maximum rate and adjusted, if not a multiple of one dollar, to the next lower multiple of one dollar.

**SECTION 76.** 108.05 (3) (a) of the statutes is amended to read:

108.05 (3) (a) Except as provided in par. (b), if an eligible employe earns wages in a given week, the first \$30 of the wages shall be disregarded and the employe’s applicable weekly benefit payment shall be reduced by 67% of the remaining amount, except that no such employe is eligible for benefits if the employe’s benefit payment would be less than \$5 for any week. For purposes of this paragraph, “wages” includes any salary reduction amounts earned that are not wages and that are deducted from the salary of a claimant by an employer pursuant to a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125, and any amount that the a claimant would have earned in available work which is treated as wages under s. 108.04 (1) (a), but excludes any amount that the a claimant earned earns for services performed as a volunteer fire fighter or volunteer emergency medical technician. In applying this paragraph, the department shall disregard discrepancies of less than \$2 between wages reported by employes and employers.

**SECTION 77.** 108.05 (3) (b) 1. a. and b. of the statutes are amended to read:

108.05 (3) (b) 1. a. The claimant works for that employer at least 35 hours in that week at the same or a greater rate of pay, excluding bonuses, incentives, overtime or any other supplement to the earnings, as the claimant was paid by that employer in that quarter of the claimant’s base period in which the claimant was paid his or her highest wages ~~or any amount that the claimant would have earned from that employer in available work which is treated as wages under s. 108.04 (1) (a) within that week, by itself or in combination with wages earned for that week, is equivalent to pay for at least 35 hours of work at that same or a greater rate of pay;~~ or:

b. The claimant receives from that employer sick pay, holiday pay, vacation pay or termination pay which, by itself or in combination with wages earned for work performed in that week for that employer ~~or any amount that the claimant would have earned from that employer in available work which is treated as wages under s. 108.04 (1) (a) within that week, is equivalent to pay for at least 35 hours of work at that same or a greater rate of pay;~~ or

**SECTION 78.** 108.05 (3) (b) 1. c. of the statutes is created to read:

108.05 (3) (b) 1. c. The amount that the claimant would have earned within that week from that employer in available work which is treated as wages under s. 108.04 (1) (a), by itself or in combination with the wages earned for work performed in that week for that employer and the pay received under subd. 1. b., is equivalent to pay for at least 35 hours of work at that same or a greater rate of pay.

**SECTION 79.** 108.05 (3) (b) 2. of the statutes is renumbered 108.05 (3) (b) 3.

**SECTION 80.** 108.05 (3) (b) 2. of the statutes is created to read:

108.05 (3) (b) 2. For the purposes of this paragraph, “wages” includes any salary reduction amounts earned that are not wages and that are deducted from the salary of a claimant by an employer pursuant to a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125.

**SECTION 81.** 108.06 (2) (d) of the statutes is amended to read:

108.06 (2) (d) A claimant may, ~~in writing,~~ request that the department to set aside a benefit year by filing a written, verbal or electronic request in the manner that the department prescribes by rule. The department shall grant the request and cancel the benefit year if the request is voluntary, benefits have not been paid to the claimant and at the time the department acts upon the request for that benefit year the claimant’s benefit eligibility is not suspended. If the claimant does not meet these requirements, the department shall not set aside the benefit year unless the department defines by rule exceptional circumstances in which a claimant may be permitted to set aside a request to establish a benefit year and the claimant qualifies to make such a request under the circumstances described in the rule.

**SECTION 82.** 108.06 (5) (a) of the statutes is amended to read:

108.06 (5) (a) The week is not within an unexpired benefit year or similar period of eligibility for unemployment ~~compensation~~ insurance in another state unless the employee’s eligibility for ~~compensation~~ unemployment insurance in the other state is exhausted, terminated, indefinitely postponed or affected by application of a seasonal restriction.

**SECTION 83.** 108.065 (1) of the statutes is amended to read:

108.065 (1) An employe service company is the employer of an individual who ~~is engaged the company engages~~ in employment ~~performing to perform~~ services for a client or customer of the employe service company if ~~the employe service company is taxed under the federal unemployment tax act (26 USC 3301 to 3311) on the basis of that employment.~~

**SECTION 84.** 108.07 (3m) of the statutes is amended to read:

108.07 (3m) If a claimant has base period wages with an employer constituting less than 5% of the claimant’s total base period wages, the department shall not charge the benefits to the account of that employer. If benefits are otherwise chargeable to the account of any employer whose share of a claimant’s total base period wages is less than 5%, the department shall charge the benefits to the remaining employers with which the claimant has base period wages. The department shall distribute such charges in the same proportion that the claimant’s base period wages from such employers bear to the claimant’s

total base period wages from all such employers. This subsection does not apply to claims for benefits based in whole or in part on employment as federal civilian employes or former military personnel under 5 USC ch. 85, or work covered by the unemployment ~~compensation~~ insurance laws of 2 or more jurisdictions under s. 108.14 (8n).

**SECTION 85.** 108.07 (5m) of the statutes is amended to read:

108.07 (5m) Whenever benefits are paid to a claimant based in part on employment by a seasonal employer by which the claimant was employed for a period of less than 90 days during the season of the seasonal employer, as determined under s. 108.066 (4), and that season includes any portion of the claimant’s base period, and the claimant has been paid or is treated as having been paid base period wages or other remuneration of \$500 or more during his or her base period for services performed for at least one employer other than the seasonal employer which is subject to the unemployment ~~compensation~~ insurance law of any state or the federal government, the department shall charge to the fund’s balancing account the benefits which would otherwise be chargeable to the account of the seasonal employer.

**SECTION 86.** 108.09 (2) (c) of the statutes is renumbered 108.09 (2) (c) (intro.) and amended to read:

108.09 (2) (c) (intro.) ~~The~~ Unless a party has filed a timely request for hearing as to the determination, the department may set aside or amend a determination within ~~one year~~ 2 years of the date of the determination on the basis of subsequent information or to correct a mistake, including an error of law, ~~or at any time if the department finds that fraud or concealment occurred, unless,~~ Unless a party has filed a timely request for hearing as to the determination, the department may set aside or amend a determination at any time if the department finds that:

**SECTION 87.** 108.09 (2) (c) 1. and 2. of the statutes are created to read:

108.09 (2) (c) 1. Fraud or concealment occurred; or

2. The benefits paid or payable to a claimant have been affected by wages earned by the claimant which have not been paid, and the department is provided with notice from the appropriate state or federal court or agency that a wage claim for those wages will not be paid in whole or in part.

**SECTION 88.** 108.09 (2) (cm) of the statutes is created to read:

108.09 (2) (cm) Unless a party has filed a timely request for review of the decision of an appeal tribunal by the commission or has commenced a timely action for the judicial review of the decision of the commission, the department may set aside or amend any appeal tribunal decision adverse to a claimant that has been issued under s. 108.09, 1995 stats., within the 4-year period immediately preceding the effective date of this paragraph .... [revisor inserts date], or may reverse, modify or set aside any

decision of the commission adverse to a claimant that has been issued under s. 108.09, 1995 stats., within the 4-year period immediately preceding the effective date of this paragraph .... [revisor inserts date], if the department finds that the benefits paid or payable to the claimant have been affected by wages earned by the claimant which have not been paid, and the department is provided with notice from the appropriate state or federal court or agency that a wage claim for those wages will not be paid in whole or in part.

**SECTION 89.** 108.09 (4) (f) 2. of the statutes is renumbered 108.09 (4) (f) 2. (intro.) and amended to read:

108.09 (4) (f) 2. (intro.) The Unless a party has filed a timely petition for review of the appeal tribunal decision by the commission, the appeal tribunal may set aside or amend an appeal tribunal decision, or portion thereof, at any time to correct a if the appeal tribunal finds that:

a. A technical or clerical mistake unless a party has filed a timely petition for review of the appeal tribunal decision by the commission. has occurred; or

**SECTION 90.** 108.09 (4) (f) 2. b. of the statutes is created to read:

108.09 (4) (f) 2. b. The benefits paid or payable to a claimant have been affected by wages earned by the claimant which have not been paid, and the appeal tribunal is provided with notice from the appropriate state or federal court or agency that a wage claim for those wages will not be paid in whole or in part.

**SECTION 91.** 108.09 (4) (f) 3. of the statutes is amended to read:

108.09 (4) (f) 3. Unless a party has filed a timely petition for review of the appeal tribunal decision by the commission, the appeal tribunal may, within ~~one year~~ 2 years after the date of the decision, reopen its decision if it has reason to believe that a party offered false evidence or a witness gave false testimony on an issue material to its decision. Thereafter, and after receiving additional evidence or taking additional testimony, the same or another appeal tribunal may set aside its original decision, make new findings and issue a decision.

**SECTION 92.** 108.09 (6) (c) of the statutes is amended to read:

108.09 (6) (c) On its own motion, for reasons it deems sufficient, the commission may set aside any final determination of the department or appeal tribunal or commission decision within ~~one year~~ 2 years from the date thereof upon grounds of mistake or newly discovered evidence, and take action under par. (d). The commission may set aside any final determination of the department or any decision of an appeal tribunal or of the commission at any time, and take action under par. (d), if the benefits paid or payable to a claimant have been affected by wages earned by the claimant which have not been paid, and the commission is provided with notice from the appropriate state or federal court or agency that

a wage claim for those wages will not be paid in whole or in part.

**SECTION 93.** 108.13 (2) of the statutes is amended to read:

108.13 (2) LIABILITY OF CLAIMANT. Except as provided in subs. (4) and (5), no claim for benefits awarded, adjudged or paid or any interest in the fund may be taken on account of any liability incurred by the party entitled thereto. This subsection does not apply to liability incurred as the result of an overpayment of unemployment ~~compensation~~ insurance benefits under the law of any state or the federal government.

**SECTION 94.** 108.13 (4) (a) 4. of the statutes is amended to read:

108.13 (4) (a) 4. “Unemployment ~~compensation~~ insurance” means any compensation payable under this chapter, including amounts payable by the department pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

**SECTION 95.** 108.13 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

108.13 (4) (b) A claimant filing a new claim for unemployment ~~compensation~~ insurance shall, at the time of filing the claim, disclose whether or not he or she owes child support obligations. If any such claimant discloses that he or she owes child support obligations and is determined to be eligible for unemployment ~~compensation~~ insurance, the department of workforce development shall notify the local child support enforcement agency enforcing the obligations that the claimant has been determined to be eligible for unemployment ~~compensation~~ insurance.

**SECTION 96.** 108.13 (4) (c) (intro.) of the statutes is amended to read:

108.13 (4) (c) (intro.) The department shall deduct and withhold from any unemployment ~~compensation~~ insurance payable to a claimant who owes child support obligations:

**SECTION 97.** 108.13 (4) (e) of the statutes is amended to read:

108.13 (4) (e) Any amount deducted and withheld under par. (c) shall, for all purposes, be treated as if it were paid to the claimant as unemployment ~~compensation~~ insurance and paid by the claimant to the state or local child support enforcement agency in satisfaction of his or her child support obligations.

**SECTION 98.** 108.13 (4) (f) of the statutes is amended to read:

108.13 (4) (f) This subsection applies only if appropriate arrangements are made for the local child support enforcement agency to reimburse the department for administrative costs incurred by the department that are attributable to the interception of unemployment ~~compensation~~ insurance for child support obligations.



**SECTION 99.** 108.135 (1) (intro.) of the statutes is amended to read:

108.135 (1) (intro.) The department shall advise each claimant filing a new claim for unemployment ~~compensation~~ insurance, at the time of filing the claim, that:

**SECTION 100.** 108.135 (1) (a) of the statutes is amended to read:

108.135 (1) (a) Unemployment ~~compensation~~ insurance is subject to federal and Wisconsin income taxes.

**SECTION 101.** 108.14 (5) (a) of the statutes is amended to read:

108.14 (5) (a) The council on unemployment ~~compensation~~ insurance shall advise the department in carrying out the purposes of this chapter. The council shall submit its recommendations with respect to amendments of this chapter to each regular session of the legislature, and shall report its views on any pending bill relating to this chapter to the proper legislative committee.

**SECTION 102.** 108.14 (5) (ag) of the statutes is amended to read:

108.14 (5) (ag) The vote of 7 of the voting members of the council on unemployment ~~compensation~~ insurance is required for the council to act on a matter before it.

**SECTION 103.** 108.14 (5) (ar) of the statutes is amended to read:

108.14 (5) (ar) The department shall present to the council on unemployment ~~compensation~~ insurance every proposal initiated by the department for changes in this chapter and shall seek the council's concurrence with the proposal. The department shall give careful consideration to every proposal submitted by the council for legislative or administrative action and shall review each legislative proposal for possible incorporation into departmental recommendations.

**SECTION 104.** 108.14 (6) of the statutes is amended to read:

108.14 (6) It shall be one of the purposes of this chapter to promote the regularization of employment in enterprises, localities, industries and the state. The department, with the advice and aid of any employment councils appointed under sub. (5) (b) and the council on unemployment ~~compensation~~ insurance, shall take all appropriate steps within its means to reduce and prevent unemployment. The department shall also conduct continuing research relating to the current and anticipated condition of the fund to ensure the continued availability of benefits to unemployed individuals under this chapter. To these ends the department may employ experts, and may carry on and publish the results of any investigations and research which it deems relevant, whether or not directly related to the other purposes and specific provisions of this chapter. At least once a year the department shall compile and publish a summary report stating the experience of employer accounts, without naming any employer, and covering such other material as it deems

significant in connection with the operations and purposes of this chapter.

**SECTION 105.** 108.14 (7) (a) of the statutes is amended to read:

108.14 (7) (a) The records made or maintained by the department or commission in connection with the administration of this chapter are confidential and shall be open to public inspection or disclosure only to the extent that the department or commission permits in the interest of the unemployment ~~compensation~~ insurance program. No person may permit inspection or disclosure of any record provided to it by the department or commission unless the department or commission authorizes the inspection or disclosure.

**SECTION 106.** 108.14 (8) (a) of the statutes is amended to read:

108.14 (8) (a) The department may enter into administrative arrangements with any agency similarly charged with the administration of any other unemployment ~~compensation~~ insurance law, for the purpose of assisting the department and such agencies in paying benefits under the several laws to employees while outside their territorial jurisdictions. Such arrangements may provide that the respective agencies shall, for and on behalf of each other, act as agents in effecting registration for work, notices of unemployment, and any other certifications or statements relating to an employee's claim for benefits, in making investigations, taking depositions, holding hearings, or otherwise securing information relating to coverage or contribution liability or benefit eligibility and payments; and in such other matters as the department may consider suitable in effecting the purpose of these administrative arrangements.

**SECTION 107.** 108.14 (8m) (a) of the statutes is amended to read:

108.14 (8m) (a) The department may enter into reciprocal arrangements, with any agency administering another unemployment ~~compensation~~ insurance law, whereby all the services performed by an individual for a single employing unit, which services are customarily performed in more than one state or jurisdiction, shall be deemed to be employment covered by the law of a specified state or jurisdiction in which a part of such services are performed, or in which such individual has residence, or in which such employing unit maintains a place of business; provided there is in effect, as to such services, an election by such employing unit, approved by the agency administering the specified law, pursuant to which all the services performed by such individual for such employing unit are deemed to be employment covered by such law.

**SECTION 108.** 108.14 (8n) (a) of the statutes is amended to read:

108.14 (8n) (a) The department shall enter into a reciprocal arrangement which is approved by the U.S. sec-

retary of labor pursuant to section 3304 (a) (9) (B) of the internal revenue code, to provide more equitable benefit coverage for individuals whose recent work has been covered by the unemployment ~~compensation~~ insurance laws of 2 or more jurisdictions.

**SECTION 109.** 108.14 (8n) (b) of the statutes is amended to read:

108.14 (8n) (b) Such arrangements may provide, as to any individual whose employment has been covered by this chapter and by the unemployment ~~compensation~~ insurance law of one or more other participating jurisdictions, for transfer by the department to another agency of relevant records or information, and the acceptance and use thereof, in combination with similar data from other jurisdictions, by such other agency, as a basis for computing and paying benefits under the law administered by such other agency. Reciprocally, such arrangements may provide for similar acceptance, combination and use by the department of data received from other jurisdictions to compute and pay benefits under this chapter.

**SECTION 110.** 108.14 (8s) (a) of the statutes is amended to read:

108.14 (8s) (a) Overpayments of unemployment ~~compensation~~ insurance benefits as determined under this chapter may be recovered by offset from unemployment ~~compensation~~ insurance benefits otherwise payable under the unemployment ~~compensation~~ insurance law of another state, and overpayments of unemployment ~~compensation~~ insurance benefits as determined under the unemployment ~~compensation~~ insurance law of that other state may be recovered by offset from unemployment ~~compensation~~ insurance benefits otherwise payable under this chapter; and

**SECTION 111.** 108.14 (8s) (b) of the statutes is amended to read:

108.14 (8s) (b) Overpayments of unemployment ~~compensation~~ insurance benefits as determined under applicable federal law, with respect to benefits or allowances for unemployment provided under a federal program administered by this state under an agreement with the U.S. secretary of labor, may be recovered by offset from unemployment ~~compensation~~ insurance benefits otherwise payable under that program, or under the unemployment ~~compensation~~ insurance law of this state or of another state or any such federal unemployment benefit or allowance program administered by the other state under an agreement with the U.S. secretary of labor if the other state has in effect a reciprocal agreement with the U.S. secretary of labor as authorized by 42 USC 503 (g) (2), if the United States agrees, as provided in the reciprocal agreement with this state entered into under 42 USC 503 (g) (2), that overpayments of unemployment ~~compensation~~ insurance benefits as determined under this chapter, and overpayments as determined under the unemployment ~~compensation~~ insurance law of another state which has in effect a reciprocal agreement with the

U.S. secretary of labor as authorized by 42 USC 503 (g) (2), may be recovered by offset from benefits or allowances for unemployment otherwise payable under a federal program administered by this state or the other state under an agreement with the U.S. secretary of labor.

**SECTION 112.** 108.14 (8t) of the statutes is amended to read:

108.14 (8t) If the agency administering another unemployment ~~compensation~~ insurance law has overpaid benefits to an individual located in Wisconsin, and certifies to the department the facts involved and that the individual is liable, under such law, to repay such benefits, and requests the department to recover such overpayment, and agrees to reimburse the department for any court costs incurred by it in such recovery efforts, the department may in its own name, but acting as agent for such other agency, collect such overpayment by civil action, and shall pay the net amount recovered to such other agency.

**SECTION 113.** 108.14 (9) of the statutes is amended to read:

108.14 (9) The department may make its records relating to the administration of this chapter available to the Railroad Retirement Board, and may furnish the Railroad Retirement Board, at the expense of said board, such copies thereof as said board deems necessary for its purposes. The department may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment ~~compensation~~ insurance law. The department may make arrangements or agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment ~~compensation~~ insurance law, with respect to the establishment, maintenance and use of free employment service facilities, the taking and certifying of claims, the making of investigations, and the supplying of other information or services related to unemployment ~~compensation~~ insurance, but the department may not make or renew any such arrangement or agreement unless it finds that its resulting administrative costs are approximately covered or offset by the facilities, services and payments to be made available thereunder by such federal agency. Any moneys received by the department under this subsection shall be paid into the federal administrative financing account under s. 108.161.

**SECTION 114.** 108.14 (13) of the statutes is amended to read:

108.14 (13) The department may, with the advice of the council on unemployment ~~compensation~~ insurance, by general rule modify or suspend any provision of this chapter if and to the extent necessary to permit continued certification of this chapter for grants to this state under Title III of the federal social security act and for maximum credit allowances to employers under the federal unemployment tax act.

**SECTION 115.** 108.14 (14) of the statutes is amended to read:

108.14 (14) The department shall fully cooperate with the agencies of other states, and shall make every proper effort within its means, to oppose and prevent any further action which would in its judgment tend to effect complete or substantial federalization of state unemployment ~~compensation~~ insurance funds or state employment security programs.

**SECTION 116.** 108.14 (18) of the statutes is created to read:

108.14 (18) No later than the end of the month following each quarter in which the department expends moneys derived from assessments levied under s. 108.19 (1e), the department shall submit a report to the council on unemployment insurance describing the use of the moneys expended and the status at the end of the quarter of any project for which moneys were expended.

**SECTION 117.** 108.141 (1) (b) 3. of the statutes is amended to read:

108.141 (1) (b) 3. Has no right to unemployment benefits or allowances, as the case may be, under the railroad unemployment insurance act or such other federal laws as are specified in regulations issued by the U.S. secretary of labor, and has not received and is not seeking unemployment benefits under the unemployment ~~compensation~~ insurance law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under such law he or she is an exhaustee.

**SECTION 118.** 108.141 (1) (h) of the statutes is amended to read:

108.141 (1) (h) "State law" means the unemployment ~~compensation~~ insurance law of any state, approved by the U.S. secretary of labor under section 3304 of the internal revenue code.

**SECTION 119.** 108.141 (3g) (a) 1. of the statutes is amended to read:

108.141 (3g) (a) 1. If ~~an individual~~ a claimant fails to provide sufficient evidence that his or her prospects for obtaining work in his or her customary occupation within a period of time not exceeding 4 weeks, beginning with the first week of eligibility for extended benefits, are good, this paragraph, rather than s. 108.04 (8), applies.

**SECTION 120.** 108.141 (3g) (a) 2. of the statutes is amended to read:

108.141 (3g) (a) 2. ~~An individual~~ A claimant who, ~~during or after the first week following the week that the department notifies the claimant in writing of the requirements to apply for and accept suitable work,~~ fails either to apply for suitable work when notified by a public employment office or to accept suitable work when offered is ineligible to receive extended benefits ~~beginning with the first week following the week that the department notifies the individual in writing of the requirements to apply for and accept such work~~ for the week in which such

a the failure occurs and for the weeks following each week thereafter until the individual claimant has again worked within been employed during at least 4 subsequent weeks in employment or other work covered by the unemployment insurance law of any state or the federal government and earned wages for such work equal to at least 4 times his or her extended weekly benefit rate.

**SECTION 121.** 108.141 (3g) (a) 3. a. of the statutes is amended to read:

108.141 (3g) (a) 3. a. It is any work within the ~~individual's~~ claimant's capabilities;

**SECTION 122.** 108.141 (3g) (a) 3. b. of the statutes is amended to read:

108.141 (3g) (a) 3. b. The gross average weekly remuneration for the work exceeds the ~~individual's~~ claimant's weekly benefit rate plus any supplemental unemployment benefits, as defined in section 501 (c) (17) (D) of the internal revenue code, then payable to the ~~individual~~ claimant;

**SECTION 123.** 108.141 (3g) (a) 3. d. of the statutes is amended to read:

108.141 (3g) (a) 3. d. The offer of work to the ~~individual~~ claimant was in writing or the position was listed with a public employment office.

**SECTION 124.** 108.141 (3g) (c) of the statutes is amended to read:

108.141 (3g) (c) A claimant shall make a systematic and sustained effort to obtain work ~~shall be made~~ and provide tangible evidence thereof ~~provided to the department in each week by a claimant~~ for each week for which the claimant files a claim for extended benefits. If a claimant fails to make the required effort to obtain work or to provide tangible evidence thereof, on a weekly basis, he or she is ineligible ~~for to receive~~ extended benefits for the week in which the failure occurs and for each week thereafter until he or she has again worked within been employed during at least 4 subsequent weeks in employment or other work covered by the unemployment insurance law of any state or the federal government and has earned wages for such work equal to at least 4 times his or her weekly extended benefit rate.

**SECTION 125.** 108.141 (3g) (d) of the statutes is amended to read:

108.141 (3g) (d) Notwithstanding s. 108.04 (6) and (7), ~~an individual~~ a claimant who was disqualified from receipt of benefits because of voluntarily terminating employment or incurring a disciplinary suspension for ~~misconduct or other~~ good cause is ineligible to receive extended benefits ~~unless the individual has, since the date of that disqualification,~~ for the week in which the termination occurs or the suspension begins and for each week thereafter until he or she has again been employed during at least 4 subsequent weeks in employment or other work covered by the unemployment insurance law of any state or the federal government and earned wages for

such work equal to at least 4 times his or her weekly extended benefit rate.

**SECTION 126.** 108.141 (3g) (e) of the statutes is amended to read:

108.141 (3g) (e) Extended benefits shall not be denied under par. (a) 2. to ~~an individual~~ a claimant for any week if the failure would not result in a denial of benefits under the law of the state governing eligibility for such benefits to the extent that the law is not inconsistent with this subsection.

**SECTION 127.** 108.142 (1) (h) 3. of the statutes is amended to read:

108.142 (1) (h) 3. Has no right to unemployment benefits or allowances under the railroad unemployment insurance act or such other federal laws as are specified in regulations issued by the U.S. secretary of labor, and has not received and is not seeking unemployment benefits under the unemployment ~~compensation~~ insurance law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under that law, the individual is an “exhaustee”.

**SECTION 128.** 108.142 (1) (i) of the statutes is amended to read:

108.142 (1) (i) “State law” means the unemployment ~~compensation~~ insurance law of any state, approved by the U.S. secretary of labor under section 3304 of the internal revenue code.

**SECTION 129.** 108.16 (5) (b) of the statutes is amended to read:

108.16 (5) (b) The department shall requisition from this state’s account in the “Unemployment Trust Fund” necessary amounts from time to time, shall hold such amounts consistently with any applicable federal regulations, and shall make withdrawals therefrom solely for benefits and for such other unemployment ~~compensation~~ insurance payments or employment security expenditures as are expressly authorized by this chapter and consistent with any relevant federal requirements.

**SECTION 130.** 108.16 (7m) of the statutes is amended to read:

108.16 (7m) The fund’s treasurer may write off, by charging to the fund’s balancing account, any delinquent ~~unemployment compensation~~ contribution, reimbursement in lieu of contribution, tardy payment or filing fee, or interest for which the employer’s liability to the fund was established under s. 108.10, upon receipt of certification by the department that reasonable efforts have been

made to recover the delinquency and that the delinquency is uncollectible.

**SECTION 131.** 108.161 (3) of the statutes is amended to read:

108.161 (3) Consistently with this chapter and said section 903, such moneys shall be used solely for benefits or employment security administration, including unemployment ~~compensation~~ insurance, employment service and related statistical operations.

**SECTION 132.** 108.162 (1) of the statutes is amended to read:

108.162 (1) The amounts appropriated under s. 20.445 (1) (na) shall be used for employment security administration, including unemployment ~~compensation~~ insurance, employment service and related statistical operations; for capital outlay to buy suitable parcels of land for buildings designed for employment security operations; and to finance the designing and construction of such buildings, and for such equipment, facilities, paving, landscaping and other improvements as are required for the proper use and operation of buildings occupied by the department for employment security administration.

**SECTION 133.** 108.162 (3) of the statutes is amended to read:

108.162 (3) The amount obligated under this section during any fiscal year may not exceed the aggregate of all amounts credited under s. 108.161 (1), including amounts credited under s. 108.161 (8), reduced by the amount obligated under s. 20.445 (1) (nb) and further reduced at the time of any obligation by the sum of the moneys obligated and charged against any of the amounts thus credited.

**SECTION 134.** 108.18 (3m) (b) of the statutes is amended to read:

108.18 (3m) (b) “Schedule B” is in effect for any calendar year whenever, as of the preceding June 30, the fund has a cash balance of at least \$300,000,000 but less than ~~\$1,000,000,000~~ \$900,000,000.

**SECTION 135.** 108.18 (3m) (c) of the statutes is amended to read:

108.18 (3m) (c) “Schedule C” is in effect for any calendar year whenever, as of the preceding June 30, the fund has a cash balance of at least ~~\$1,000,000,000~~ \$900,000,000 but less than \$1,200,000,000.

**SECTION 136.** 108.18 (3m) (d) of the statutes is created to read:

108.18 (3m) (d) “Schedule D” is in effect for any calendar year whenever, as of the preceding June 30, the fund has a cash balance of at least \$1,200,000,000.

SECTION 137. 108.18 (4) (figure) Schedule D of the statutes is created to read:

**Figure: 108.18 (4) Schedule D:**

Line	Reserve Percentage	Contribution Rate Schedule D
1.	15.0% or more . . . . .	0.00
2.	At least 10.0% but under 15.0% . . . . .	0.10
3.	At least 9.5% but under 10.0% . . . . .	0.25
4.	At least 9.0% but under 9.5% . . . . .	0.35
5.	At least 8.5% but under 9.0% . . . . .	0.55
6.	At least 8.0% but under 8.5% . . . . .	0.70
7.	At least 7.5% but under 8.0% . . . . .	0.80
8.	At least 7.0% but under 7.5% . . . . .	0.95
9.	At least 6.5% but under 7.0% . . . . .	1.20
10.	At least 6.0% but under 6.5% . . . . .	1.50
11.	At least 5.5% but under 6.0% . . . . .	1.85
12.	At least 5.0% but under 5.5% . . . . .	2.20
13.	At least 4.5% but under 5.0% . . . . .	2.55
14.	At least 4.0% but under 4.5% . . . . .	2.90
15.	At least 3.5 but under 4.0% . . . . .	3.35
16.	At least 0 but under 3.5% . . . . .	3.90
17.	Overdrawn by less than 1.0% . . . . .	5.70
18.	Overdrawn by at least 1.0% but under 2.0% . . . . .	6.20
19.	Overdrawn by at least 2.0% but under 3.0% . . . . .	6.70
20.	Overdrawn by at least 3.0% but under 4.0% . . . . .	7.20
21.	Overdrawn by at least 4.0% but under 5.0% . . . . .	7.70
22.	Overdrawn by at least 5.0% but under 6.0% . . . . .	8.20
23.	Overdrawn by 6.0% or more . . . . .	8.90

SECTION 138. 108.18 (7) (a) 1. and (h) of the statutes are amended to read:

108.18 (7) (a) 1. Except as provided in pars. (b) to (h), any employer may make payments to the fund during the month of November in excess of those required by this section and s. 108.19 (1) and (1e). Each payment shall be credited to the employer’s account for the purpose of computing the employer’s reserve percentage as of the immediately preceding computation date.

(h) The department shall establish contributions other than those required by this section and s. 108.19 (1) and (1e) and contributions other than those submitted during the month of November or authorized under par. (f) as a credit against future contributions payable by the em-

ployer or shall refund the contributions at the employer’s option.

SECTION 139. 108.18 (9) (intro.) of the statutes is amended to read:

108.18 (9) SOLVENCY RATES. (intro.) Except as provided in ~~sub. subs. (9c) and (9e)~~, an employer’s solvency rate on its payroll for a given calendar year shall be based solely on the contribution rate of its account for the calendar year under this section. For purposes of rate determination under this subsection, an employer’s payroll shall be calculated for the 12-month period ending with the computation date preceding the calendar year ~~for to~~ which the rate applies. [See Figure 108.18 (9) following]

SECTION 140. 108.18 (9) (figure) Schedule D of the statutes is created to read:

**Figure: 108.18 (9) Schedule D:**

Schedule D			
Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
1 .....	0.00 .....	0.02 .....	0.05
2 .....	0.10 .....	0.02 .....	0.05
3 .....	0.25 .....	0.02 .....	0.05
4 .....	0.35 .....	0.02 .....	0.05
5 .....	0.55 .....	0.10 .....	0.15
6 .....	0.70 .....	0.10 .....	0.20
7 .....	0.80 .....	0.10 .....	0.25
8 .....	0.95 .....	0.15 .....	0.30
9 .....	1.20 .....	0.15 .....	0.35
10 .....	1.50 .....	0.20 .....	0.40
11 .....	1.85 .....	0.25 .....	0.45
12 .....	2.20 .....	0.30 .....	0.50
13 .....	2.55 .....	0.35 .....	0.55
14 .....	2.70 .....	0.35 .....	0.55
15 .....	2.90 .....	0.40 .....	0.55
16 .....	3.35 .....	0.40 .....	0.55
17 .....	3.90 .....	0.40 .....	0.55
18 .....	5.70 .....	0.70 .....	0.70
19 .....	6.20 .....	0.70 .....	0.70
20 .....	6.70 .....	0.70 .....	0.70
21 .....	7.20 .....	0.70 .....	0.70
22 .....	7.70 .....	0.80 .....	0.80
23 .....	8.20 .....	0.85 .....	0.85
24 .....	8.90 .....	0.85 .....	0.85

**SECTION 141.** 108.18 (9c) of the statutes is created to read:

108.18 (9c) **REDUCTION OF SOLVENCY RATE.** The department shall reduce the solvency rate payable under sub. (9) by each employer for each year by the rate payable by that employer under s. 108.19 (1e) (a) for that year.

**SECTION 142.** 108.19 (1e) of the statutes is created to read:

108.19 (1e) (a) Except as provided in par. (b), each employer, other than an employer which finances bene-

fits under s. 108.15 or 108.151 shall, in addition to other contributions payable under s. 108.18 and this section, pay an assessment to the administrative account for each year prior to the year 2000 equal to the lesser of 0.01% of its payroll for that year or the solvency contribution that would otherwise be payable by the employer under s. 108.18 (9) for that year.

(b) The levy prescribed under par. (a) is not effective for any year unless the department, no later than the November 30 preceding that year, publishes a class 1 notice

under ch. 985 giving notice that the levy is in effect for the ensuing year.

(c) Notwithstanding par. (a), the department may, if it finds that the full amount of the levy is not required to effect the purposes specified in par. (d) for any year, prescribe a reduced levy for that year and in such case shall publish in the notice under par. (b) the rate of the reduced levy.

(d) The department may expend the moneys received from assessments levied under this subsection for the design or development of unemployment insurance information technology systems.

**SECTION 143.** 108.19 (3) of the statutes is amended to read:

108.19 (3) If the federal unemployment tax act is amended to permit a maximum rate of credit against the federal tax higher than the 90% maximum rate of credit permitted under section 3302 (c) (1) of the internal revenue code on May 23, 1943, to an employer with respect to any state unemployment ~~compensation~~ insurance law whose standard contribution rate on payroll under that law is more than 2.7%, then the standard contribution rate as to all employers under this chapter shall, by a rule of the department, be increased from 2.7% of payroll to that percentage of payroll which corresponds to the higher maximum rate of credit thus permitted against the federal unemployment tax; and such increase shall become effective on the same date as such higher maximum rate of credit becomes permissible under the federal amendment.

**SECTION 144.** 108.19 (4) of the statutes is amended to read:

108.19 (4) If section 303 (a) (5) of title III of the social security act and section 3304 (a) (4) of the internal revenue code are amended to permit a state agency to use, in financing administrative expenditures incurred in carrying out its employment security functions, some part of the moneys collected or to be collected under the state unemployment ~~compensation~~ insurance law, in partial or complete substitution for grants under title III, then this chapter shall, by rule of the department, be modified in the manner and to the extent and within the limits necessary to permit such use by the department under this chapter; and the modifications shall become effective on the same date as such use becomes permissible under the federal amendments.

**SECTION 145.** 108.20 (2m) of the statutes, as affected by 1997 Wisconsin Act 27, section 2688, is amended to read:

108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge) and (gf) and (gg) which are received by the administrative account as interest and penalties under this chapter, the department shall pay the benefits chargeable to the administrative account under s. 108.07 (5) and the interest payable to employers under s. 108.17 (3m) and may pay interest due on advances to

the unemployment reserve fund from the federal unemployment account under title XII of the social security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit exception concerning a payment from the fund or any federal aid disallowance involving the unemployment ~~compensation~~ insurance program, or may make payments to the fund if such action is necessary to obtain a lower interest rate or deferral of interest payments on advances from the federal unemployment account under title XII of the social security act or may provide career counseling center grants under s. 106.14, except that any interest earned pending disbursement of federal employment security grants under s. 20.445 (1) (n) shall be credited to the general fund. Any moneys reverting to the administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided in this subsection.

**SECTION 146.** 108.20 (2m) of the statutes, as affected by 1997 Wisconsin Act 27, section 2689, is amended to read:

108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge) and (gf) and (gg) which are received by the administrative account as interest and penalties under this chapter, the department shall pay the benefits chargeable to the administrative account under s. 108.07 (5) and the interest payable to employers under s. 108.17 (3m) and may pay interest due on advances to the unemployment reserve fund from the federal unemployment account under title XII of the social security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit exception concerning a payment from the fund or any federal aid disallowance involving the unemployment ~~compensation~~ insurance program, or may make payments to the fund if such action is necessary to obtain a lower interest rate or deferral of interest payments on advances from the federal unemployment account under title XII of the social security act, except that any interest earned pending disbursement of federal employment security grants under s. 20.445 (1) (n) shall be credited to the general fund. Any moneys reverting to the administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided in this subsection.

**SECTION 147.** 108.205 (1) of the statutes is amended to read:

108.205 (1) Each employer shall file with the department, in such form as the department by rule requires, a quarterly report showing the name, social security number and wages paid to each employe who is employed by the employer in employment with the employer during the quarter. The department may also by rule require each employer to include in the report any salary reduction amounts that are not wages and that would have been paid to each such employe by the employer as salary during the quarter but for a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125. The

employer shall file the report no later than the last day of the month following the completion of each quarter.

**SECTION 148.** 108.21 (1) of the statutes is amended to read:

108.21 (1) Every employing unit which employs one or more individuals to perform work in this state shall keep an accurate work record for each individual employed by it, including full name, address and social security number, which will permit determination of the weekly wages earned by each such individual ~~and~~, the wages paid within each quarter to that individual and the salary reduction amounts that are not wages and that would have been paid by the employing unit to that individual as salary but for a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125. Each such employing unit shall permit any authorized representative of the department to examine, at any reasonable time, the work record and any other records which may show any wages paid by the employing unit, or any salary reduction amounts that are not wages and that would have been paid by the employing unit as salary but for a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125, regardless of the format in which such a record is maintained. If such a record is maintained by an employing unit in machine-readable format, the employing unit shall provide the department with information necessary to retrieve the record. If the department determines that the employing unit is unable to provide access to such a record or that the retrieval capability at the site where the record is maintained is not adequate for efficient examination, the employing unit shall provide a copy of the record to the department and shall allow the department to remove the copy from that site for such period as will permit examination at another location. Each such employing unit shall furnish to the department upon demand a sworn statement of the information contained in any such record.

**SECTION 149.** 108.22 (9) of the statutes is amended to read:

108.22 (9) ~~Any~~ An individual who is an officer or employe ~~or any~~, member or manager holding at least 20% of the ownership interest of a corporation or of a limited liability company subject to this chapter, and who has control or supervision of or responsibility for filing contribution reports or making payment of contributions, and who wilfully fails to file such reports or to make such payments to the department, or to ensure that such reports are filed or that such payments are made, may be found personally liable for such amounts, including interest, tardy payment or filing fees, costs and other fees, in the event that after proper proceedings for the collection of such amounts, as provided in this chapter, the corporation or limited liability company is unable to pay such amounts to the department. Ownership interest of a corporation or limited liability company includes ownership

or control, directly or indirectly, by legally enforceable means or otherwise, by the individual, by the individual's spouse or child, by the individual's parent if the individual is under age 18, or by a combination of 2 or more of them, and such ownership interest of a parent corporation or limited liability company of which the corporation or limited liability company unable to pay such amounts is a wholly owned subsidiary. The personal liability of such officer, employe, member or manager as provided in this subsection survives dissolution, reorganization, bankruptcy, receivership, assignment for the benefit of creditors, judicially confirmed extension or composition, or any analogous situation of the corporation or limited liability company and shall be set forth in a determination or decision issued under s. 108.10.

**SECTION 150.** 109.01 (3) of the statutes is amended to read:

109.01 (3) "Wage" or "wages" mean remuneration payable to an employe for personal services, including salaries, commissions, holiday and vacation pay, overtime pay, severance pay or dismissal pay, supplemental unemployment ~~compensation benefits~~ benefit plan payments when required under a binding collective bargaining agreement, bonuses and any other similar advantages agreed upon between the employer and the employe or provided by the employer to the employes as an established policy.

**SECTION 151.** 116.03 (4) of the statutes is amended to read:

116.03 (4) Determine each participating local unit's prorated share of the cost of cooperative programs and assess the costs of each program against each unit participating in the program including, without limitation because of enumeration, unemployment ~~compensation~~ insurance, litigation expense, collective bargaining and monetary awards by courts and agencies, but no board of control may levy any taxes. No cost may be assessed against a unit for a cooperative program unless the unit enters into a contract for the service.

**SECTION 152.** 175.46 (5) (a) of the statutes is amended to read:

175.46 (5) (a) Except as provided in par. (b), any agreement under this section shall provide that any Wisconsin law enforcement officer, acting under the agreement in another state, shall continue to be covered by his or her employing agency for purposes of worker's compensation, unemployment ~~compensation~~ insurance, benefits under ch. 40 and civil liability and any officer of another state acting in Wisconsin under the agreement shall continue to be covered for worker's compensation, unemployment ~~compensation~~ insurance, disability and other employe benefits and civil liability purposes by his or her employing agency in his or her home state. Any Wisconsin officer acting within an adjoining state, under the agreement, is considered while so acting to be in the



ordinary course of his or her employment with his or her employing Wisconsin law enforcement agency.

**SECTION 153.** 230.26 (4) of the statutes is amended to read:

230.26 (4) Fringe benefits specifically authorized by statutes, with the exception of worker's compensation, unemployment ~~compensation~~ insurance, group insurance, retirement and social security coverage, shall be denied employes hired under this section. Such employes may not be considered permanent employes and do not qualify for tenure, vacation, paid holidays, sick leave, performance awards or the right to compete in promotional examinations.

**SECTION 154.** 303.08 (3) of the statutes is amended to read:

303.08 (3) The sheriff shall endeavor to secure employment or employment training for unemployed prisoners under this section. If a prisoner is employed for wages or salary or receives unemployment ~~compensation~~ insurance or employment training benefits while in custody in the jail, the sheriff shall collect the wages or salary or require the prisoner to turn over the wages, salary or benefits in full when received. The sheriff shall deposit the wages, salary or benefits in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to garnishment in the hands of either the employer or the sheriff during the prisoner's term, and shall be disbursed only as provided in this section; but for tax purposes they are income of the prisoner.

**SECTION 155.** 303.08 (4) of the statutes is amended to read:

303.08 (4) Every prisoner who is gainfully employed or who receives unemployment ~~compensation~~ insurance or employment training benefits while in custody in the jail, shall be liable for charges not to exceed the full per person maintenance and cost of the prisoner's board in the jail as fixed by the county board after passage of an appropriate county ordinance. If necessarily absent from jail at a meal time the prisoner shall at the prisoner's request be furnished with an adequate nourishing lunch to carry. The sheriff shall charge the prisoner's account for such board. If the prisoner is gainfully self-employed the prisoner shall pay the sheriff for such board, in default of which the prisoner's privilege under this section is automatically forfeited. If the jail food is furnished directly by the county, the sheriff shall account for and pay over such board payments to the county treasurer. The county board may, by ordinance, provide that the county furnish or pay for the transportation of prisoners employed or receiving training under this section to and from the place of employment or training.

**SECTION 156.** 303.08 (5) (intro.) of the statutes is amended to read:

303.08 (5) (intro.) By order of the court, the wages, salary and unemployment ~~compensation~~ insurance and

employment training benefits received by prisoners shall be disbursed by the sheriff for the following purposes, in the order stated:

**SECTION 157.** 560.71 (1) (e) 4. c. of the statutes is amended to read:

560.71 (1) (e) 4. c. The percentage of households in the area receiving unemployment ~~compensation~~ insurance under ch. 108, relief funded by a relief block grant under ch. 49 or aid to families with dependent children under s. 49.19 is higher than the state average.

**SECTION 158.** 560.797 (2) (a) 4. c. of the statutes is amended to read:

560.797 (2) (a) 4. c. The percentage of households in the area receiving unemployment ~~compensation~~ insurance under ch. 108, relief funded by a relief block grant under ch. 49 or aid to families with dependent children under s. 49.19 is higher than the state average.

**SECTION 159.** 779.14 (1m) (a) of the statutes is amended to read:

779.14 (1m) (a) All contracts with the state involving \$2,500 or more and all other contracts involving \$500 or more for the performance of labor or furnishing materials when the same pertains to any public improvement or public work shall contain a provision for the payment by the prime contractor of all claims for labor performed and materials furnished, used or consumed in making the public improvement or performing the public work, including, without limitation because of enumeration, fuel, lumber, building materials, machinery, vehicles, tractors, equipment, fixtures, apparatus, tools, appliances, supplies, electric energy, gasoline, motor oil, lubricating oil, greases, state imposed taxes, premiums for worker's compensation insurance and contributions for unemployment ~~compensation~~ insurance.

**SECTION 160.** 779.15 (1) of the statutes is amended to read:

779.15 (1) Any person furnishing labor or materials to be used or consumed in making public improvements or performing public work, including fuel, lumber, machinery, vehicles, tractors, equipment, fixtures, apparatus, tools, appliances, supplies, electrical energy, gasoline, motor oil, lubricating oil, greases, state imposed taxes, premiums for worker's compensation insurance and contributions for unemployment ~~compensation~~ insurance, to any prime contractor, except in cities of the 1st class, shall have a lien on the money or bonds or warrants due or to become due the prime contractor therefor, if the lienor, before payment is made to the prime contractor, gives written notice to the debtor state, county, town or municipality of the claim. The debtor shall withhold a sufficient amount to pay the claim and, when it is admitted by the prime contractor or established under sub. (3), shall pay the claim and charge it to the prime contractor. Any officer violating the duty hereby imposed shall be liable on his or her official bond to the claimant for the

damages resulting from the violation. There shall be no preference between the lienors serving the notices.

**SECTION 161.** 815.18 (13) (j) of the statutes is amended to read:

815.18 (13) (j) Unemployment ~~compensation insurance~~ benefits exempt under s. 108.13.

**SECTION 162.** 859.02 (2) (a) of the statutes is amended to read:

859.02 (2) (a) It is a claim based on tort, on a marital property agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income, franchise, sales, withholding, gift or death taxes, or on unemployment ~~compensation insurance~~ contributions due or benefits overpaid, a claim for funeral or administrative expenses, a claim of this state under s. 46.27 (7g), 49.496 or 49.682 or a claim of the United States; or

**SECTION 163.** 949.06 (3) (b) of the statutes is amended to read:

949.06 (3) (b) From insurance payments or program, including worker's compensation and unemployment ~~compensation insurance~~.

**SECTION 164. Nonstatutory provisions; transitional provisions.**

(1) DEFINITIONS. In this SECTION:

(a) "Department" means the department of workforce development.

(b) "Employer" has the meaning given in section 108.02 (13) of the statutes.

(2) LEVY IN YEAR IN WHICH THIS SUBSECTION TAKES EFFECT. Notwithstanding section 108.19 (1e) (b) of the statutes, as created by this act, if this subsection takes effect in any year before April 1, the department may, no later than the 14th day commencing after the effective date of this subsection, publish a notice under that paragraph of an assessment to be levied against employers under section 108.19 (1e) of the statutes, as created by this act, in the year in which this subsection takes effect.

(3) LEVY IN YEAR AFTER THIS SUBSECTION TAKES EFFECT. Notwithstanding section 108.19 (1e) (b) of the statutes, as created by this act, if this subsection takes effect in any year after November 30, the department may, no later than the 14th day commencing after the effective date of this subsection, publish a notice under that paragraph of an assessment to be levied against employers under section 108.19 (1e) of the statutes, as created by this act, in the year following the year in which this subsection takes effect.

**SECTION 165. Initial applicability.**

(1) The treatment of section 108.05 (2) (c) of the statutes first applies with respect to weeks of unemployment beginning on January 4, 1998.

(2) The treatment of section 108.02 (12) (b) (intro.) and (c) (intro.) of the statutes first applies with respect to services performed after December 31, 1997.

(3) The treatment of section 108.04 (4) (a) of the statutes first applies with respect to benefit years which begin on the effective date of this subsection.

(4) The treatment of section 108.05 (3) (a) and (b) 1. a. and b. of the statutes, the renumbering of section 108.05 (3) (b) 2. of the statutes and the creation of section 108.05 (3) (b) 1. c. and 2. of the statutes first apply with respect to weeks of unemployment beginning on the effective date of this subsection.

(5) The treatment of section 108.065 (1) of the statutes first applies with respect to determinations issued under sections 108.09 and 108.10 of the statutes on the effective date of this subsection or, in relation to determinations that are appealed, to decisions issued under sections 108.09 and 108.10 of the statutes on the effective date of this subsection.

(6) The treatment of section 108.18 (3m) (b), (c) and (d), (4) (figure) Schedule D and (9) (figure) Schedule D of the statutes first applies with respect to payrolls beginning on January 1, 1998.

(7) The treatment of section 108.21 (1) of the statutes first applies with respect to amounts earned during the week which begins on the effective date of this subsection.

(8) The treatment of section 108.22 (9) of the statutes first applies with respect to determinations issued under section 108.10 of the statutes on the effective date of this subsection.

**SECTION 166. Effective dates.** This act takes effect on the first Sunday after publication, except as follows:

(1) The treatment of section 20.445 (1) (gd) (by SECTION 9) of the statutes takes effect on the date specified in 1997 Wisconsin Act 27, section 9246 (1h).

(2) The treatment of section 20.445 (1) (gd) (by SECTION 10) of the statutes takes effect on July 1, 1999.

(3) The treatment of section 71.80 (16) (a) (by SECTION 33) of the statutes takes effect on January 1, 1998.

(4) The treatment of section 108.20 (2m) (by SECTION 146) of the statutes takes effect on July 1, 1999.