



1999 DRAFTING REQUEST

Bill

Received: 11/4/98

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Agriculture - pesticides  
Employ Priv - worker's comp

Extra Copies:

Topic:

Public access to worker's compensaiton records

Instructions:

Redraft 97-LRB-1329/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
/?	malaigm 11/4/98	wjackson 11/20/98		_____			State
/1			lpaasch 11/20/98	_____	lrb-docadmin 11/20/98	lrb-docadmin 11/25/98	- - I -
				_____		- - I -	
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FE Sent For:

01-14-99

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I?	malaigm	I-11-19-98 JLG	11/20 L.P.	11/20 <del>L.P.</del> JLG			

FE Sent For:

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State of Wisconsin  
1997 - 1998 LEGISLATURE

LRB-1629/1  
GMM & ~~EPK~~:lmj/ajw:kat

077/1  
wjj + jlg

9

1997 BILL

record ~~XXXX~~ requested contains confidential information concerning a worker's compensation claim and the

Regenerate

Page no rate

AN ACT to **repeal** 102.33 (2) (a); to **renumber** 102.33 (2) (b) 1., 102.33 (2) (b) 2.,  
2 102.33 (2) (b) 3. and 102.33 (2) (b) 4.; and to **renumber and amend** 102.33 (2)  
3 (b) (intro.) of the statutes; **relating to:** public access to worker's compensation records.

workforce ✓

(DWD) ✓

**Analysis by the Legislative Reference Bureau**

Under current law, subject to certain exceptions, the records of the department of industry, labor and job development (~~DILJD~~) relating to the administration of the worker's compensation law are subject to inspection and copying under the open records law. Current law provides, however, that a record maintained by ~~DILJD~~ that reveals the identity of an employe who claims worker's compensation benefits; the nature of the employe's claimed injury; the employe's medical condition; the extent of the employe's disability; the amount, type or duration of the employe's worker's compensation benefits; or any financial information provided to ~~DILJD~~ by a self-insured employer or an applicant for self-insurer status, is confidential and not open to inspection or copying under the open records law, unless one of the following applies:

(use twice)  
DWD

1. The requester is the employe who is the subject of the record.
2. The requester is an insurance carrier or employer that is a party to a worker's compensation claim involving the employe who is the subject of the record.
3. The requester is the self-insured employer or applicant for self-insurer status whose financial information is contained in the record.

any

record ~~XXXX~~ requested contains financial information provided by a self-insured employer or applicant for self-insurer status and the

**BILL**

- 2 -

open records

SIX

DWD

Insert  
A

4. A court of competent jurisdiction in this state orders ~~DILSD~~ to release the record.

This bill provides that the records of ~~DILSD~~ relating to the administration of the worker's compensation law are *not* subject to inspection or copying under the ~~worker's compensation~~ law, unless one of the 4 situations described above applies.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 102.33 (2) (a) <sup>x</sup> of the statutes is repealed.

2 SECTION 2. 102.33 (2) (b) (intro.) <sup>x</sup> of the statutes is renumbered 102.33 (2)

3 (intro.) and amended to read:

4 (F) 102.33 (2) (intro.) <sup>x</sup> ~~Notwithstanding par. (a),~~ <sup>x</sup> Except as provided in pars. (a) to

5 ~~(a),~~ the records of the department relating to the administration of this chapter,

6 including a record maintained by the department that reveals the identity of an

7 employe who claims worker's compensation benefits, the nature of the employe's

8 claimed injury, the employe's past or present medical condition, the extent of the

9 employe's disability, the amount, type or duration of benefits paid to the employe or

10 any financial information provided to the department by a self-insured employer or

11 by an applicant for exemption under s. 102.28 (2) (b) ~~is, are~~ confidential and not open

12 to public inspection or copying under s. 19.35 (1). The department may deny a

13 request made under s. 19.35 (1) or, subject to s. 102.17 (2m) and (2s), refuse to honor

14 a subpoena issued by an attorney of record in a civil or criminal action or special

15 proceeding to inspect and copy a record that is confidential under this <sup>x</sup> paragraph

16 subsection, unless one of the following applies:

17 SECTION 3. 102.33 (2) (b) 1. of the statutes is renumbered 102.33 (2) (a).

18 SECTION 4. 102.33 (2) (b) 2. of the statutes is renumbered 102.33 (2) (b).

Proof w/stats

**BILL**

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SECTION 5. 102.33 (2) (b) 3. of the statutes is renumbered 102.33 (2) (c).

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SECTION 6. 102.33 (2) (b) 4. of the statutes is renumbered 102.33 (2) (d).

3

(END)

~~SEC 5.~~ RN; 102.33 (2)(b) ~~3.~~<sup>5</sup>; 102.33 (2)(e).

~~SEC 6.~~ RN; 102.33 (2)(b) ~~4.~~<sup>6</sup>; 102.33 (2)(f).



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the information is appropriate and necessary for the administration of the child and spousal support, estate

¶ 5. The requester is the subunit of DWD that administers child and spousal support or a county child support agency ~~the request is for~~ and the request is limited to the name and address of the employee who is the subject of the record, the name and address of the employee's employer and any financial information about the employee contained in the record.

¶ 6. The department of revenue requests the record for ~~tax collection~~ purposes related to the collection of delinquent taxes.

(end of insert)

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**SUBMITTAL  
FORM ,**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 11/20/98

**To:** Representative Schneider

**Relating to LRB drafting number:** LRB-07 17

**Topic**

Public access to worker's compensaiton records

**Subject(s)**

Agriculture - pesticides, Employ Priv - worker's comp

1. **JACKET** the draft for introduction

*MSL*

in the **Senate** or **the Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney  
Telephone: (608) 266-9738

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