



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0586/4
GMM:jld:rs

5
RM2

DMORE

2009 BILL

IN S/21

X

payment of a percentage of that reimbursement

Regen

1 AN ACT to renumber and amend 102.27 (2) (b); and to create 102.27 (2) (b) 1.
 2 and 102.27 (2) (c) of the statutes; relating to: reimbursement of a
 3 governmental unit that provides public assistance to pay medical costs
 4 occasioned by an injury for which worker's compensation is claimed and an
 5 award to an injured employee's attorney who obtains public assistance
 6 reimbursement in worker's compensation proceeding for that injury

Analysis by the Legislative Reference Bureau

Under current law, if a governmental unit provides public assistance to pay medical costs or living expenses related to a claim for worker's compensation and if the governmental unit has given the parties to the claim written notice stating that it provided the assistance and the amount of the assistance provided, the employer or insurance carrier owing the worker's compensation is required to reimburse the governmental unit for the amount of the assistance provided or for two-thirds of the amount of the worker's compensation award remaining after deduction of attorney fees and other fees and costs payable under the worker's compensation law (costs and attorney fees), whichever is less.

This bill requires an employer or insurance carrier owing worker's compensation to reimburse a governmental unit that provides public assistance to pay medical costs occasioned by an injury for which worker's compensation is claimed, and that provides a party to the claim written notice stating that it provided

BILL

a governmental unit that receives reimbursement

to pay

to any

the assistance and an itemized statement of the amount of assistance provided, as follows:

from which the reimbursement is made

1. For the amount of public assistance the governmental unit provided or for the amount of the worker's compensation award (without deducting costs and attorney fees), whichever is less, if the award or payment results from a hearing on the claim.

who obtained the worker's compensation award

2. For the amount of public assistance the governmental unit provided, for two-thirds of the amount of the worker's compensation award (without deducting costs and attorney fees), or for an amount agreed to by the governmental unit, whichever is less, if the award or payment results from a compromise, stipulation, agreement, or default, without a hearing of the claim.

The bill also requires the Department of Workforce Development to award to an attorney or other representative of an injured employee 20 percent of the amount of reimbursement collected for a governmental unit that has provided public assistance for medical costs, if the reimbursement is obtained by the attorney or other representative.

the

For further information see the state and local 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. 102.27 (2) (b) of the statutes is renumbered 102.27 (2) (b) (intro.)
2 and amended to read:

3 102.27 (2) (b) (intro.) If a governmental unit provides public assistance under
4 ch. 49 to pay medical costs or living expenses related to a claim occasioned by an
5 injury for which compensation is claimed under this chapter and provides a party to
6 the claim with written notice stating that the governmental unit has provided the
7 assistance and an itemized statement of the cost of the assistance provided, the
8 employer or insurance carrier owing compensation or the department owing
9 payments under s. 102.81 shall reimburse that governmental unit any compensation
10 awarded or paid if the governmental unit has given the parties to the claim written
11 notice stating that it provided the assistance and the cost of the assistance provided.
12 Reimbursement shall equal the lesser of either as follows:

BILL

1 2. For the amount of assistance the governmental unit provided or, for
 2 two-thirds of the amount of the award or payment ~~remaining after deduction of~~
 3 ~~attorney fees and any other fees or costs chargeable under ch. 102.~~ The department
 4 ~~shall comply with this paragraph when making payments under s. 102.81, or for an~~
 5 amount agreed to by the governmental unit, whichever is less, if the award or
 6 payment results from a compromise, stipulation, agreement, or default, without a
 7 hearing of the claim.

8 **SECTION 2.** 102.27 (2) (b) 1. of the statutes is created to read:

9 102.27 (2) (b) 1. For the amount of assistance the governmental unit provided
 10 or for the amount of the award or payment, whichever is less, if the award or payment
 11 results from a hearing on the claim.

s. DWD 80.43 (2), Wis. Adm. Code

12 **SECTION 3.** 102.27 (2) (c) of the statutes is created to read:

13 102.27 (2) (c) Notwithstanding ~~102.26 (2)~~ that receives reimbursement if the reimbursement owed to a
 14 governmental unit under par. (b) shall pay to any is obtained by the attorney or other representative
 15 of an injured employee, ~~the department shall order the governmental unit to pay to~~
 16 ~~the attorney or representative~~ 20 percent of the amount of reimbursement collected.

17 ~~Any amount awarded under this paragraph shall be paid out of the amount of~~
 18 ~~reimbursement collected.~~

(END)

for that
for that governmental unit

d-note
↓

NO who obtained the compensation
awarded or paid

DN 57E

Attorney Edmondson:

Our Drafting Manual advises us to try not to refer to an administrative rule in the statutes because ^{code} code references can easily become, and remain, inaccurate. That ~~admonition~~ ^{admonition} ✓

however, does not ^{apply} apply when it is not practicable not to make a

code reference. Accordingly, this redraft includes a cross-reference to ^{s.} DWS 80.43(2), as requested. ✓

~~DN 57E~~

¶ The redraft also refers to a governmental unit that receives reimbursement, thereby clarifying that DHS first receives reimbursement, then pays the 20 percent fee to the claimant's attorney. ✓

GMY

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0586/5dn
GMM:jld:ph

May 22, 2009

Attorney Edmondson:

Our Drafting Manual advises us to try not to refer to an administrative rule in the statutes because code references can easily become, and remain, inaccurate. That admonition, however, does not apply when it is not practicable not to make a code reference. Accordingly, this redraft includes includes a cross-reference to s. DWD 80.43 (2), as requested.

The redraft also refers to a governmental unit that *receives* reimbursement, thereby clarifying that DHS first receives reimbursement, then pays the 20 percent fee to the claimant's attorney.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

Malaise, Gordon

From: Tribys, Eleanora
Sent: Wednesday, July 22, 2009 10:48 AM
To: Malaise, Gordon
Subject: LRB-0586 Relating to Worker's Compensation

Attachments: Edmondson suggested amend 7-09.doc

Good Morning,

We have received another suggested amendment to this bill from Atty. Edmondson (attached). It appears they are all technical but Gary wants to make sure you agree that they will work. He said the double strikeouts are his and the bolds are his additions.



Edmondson
uggested amend 7-09

Thanks,

Nora Tribys
Office of Rep. Gary Sherman
74th Assembly District

3 102.27 (2) (b) (~~intro.~~) If a governmental unit provides public assistance under
4 ch. 49 to pay medical costs ~~or living expenses related to a claim~~ occasioned by an
5 injury for which compensation is claimed under this chapter and provides a party to
6 the claim with written notice stating that the governmental unit has provided the
7 assistance and an itemized statement of the cost of the assistance provided, the
8 employer or insurance carrier owing compensation or the department owing
9 payments under s. 102.81 shall reimburse that governmental unit any compensation
10 awarded or paid ~~if the governmental unit has given the parties to the claim written~~
11 ~~notice stating that it provided the assistance and the cost of the assistance provided.~~
12 ~~Reimbursement shall equal the lesser of either~~ as follows:

1 2. For the amount of assistance the governmental unit provided ~~or, for~~
2 ~~two-thirds of the amount of the award or payment remaining after deduction of~~
3 ~~attorney fees and any other fees or costs chargeable under ch. 102. The department~~
4 ~~shall comply with this paragraph when making payments under s. 102.81, or for an~~
5 amount agreed to by the governmental unit, whichever is less, if the award or
6 payment results from a **hearing**, compromise, stipulation, agreement, or default.
7 ~~without a~~
~~hearing of the claim.~~

SECTION 3. 102.27 (2) (c) of the statutes is created to read:

13 102.27 (2) (c) Notwithstanding s. DWD 80.43 (2). Wis. Adm. Code, a
14 governmental unit that receives reimbursement under par. (b) shall pay to any
15 attorney or other representative of an injured employee who obtained the
16 compensation awarded or paid 20 percent of the amount of reimbursement collected
17 for that governmental unit.



State of Wisconsin
2009 - 2010 LEGISLATURE

DMVE

LRB-0586/5 (6)
GMM:jld:ph (PWR)
↓
E:GF

2009 BILL

TH 816

Repeals to

1 AN ACT to renumber and amend 102.27 (2) (b); and to create 102.27 (2) (b) 1.
2 and 102.27 (2) (c) of the statutes; relating to: reimbursement of a
3 governmental unit that provides public assistance to pay medical costs
4 occasioned by an injury for which worker's compensation is claimed and
5 payment of a percentage of that reimbursement to an injured employee's
6 attorney who obtains an award of worker's compensation for that injury.

Analysis by the Legislative Reference Bureau

Under current law, if a governmental unit provides public assistance to pay medical costs or living expenses related to a claim for worker's compensation and if the governmental unit has given the parties to the claim written notice stating that it provided the assistance and the amount of the assistance provided, the employer or insurance carrier owing the worker's compensation is required to reimburse the governmental unit for the amount of the assistance provided or for two-thirds of the amount of the worker's compensation award remaining after deduction of attorney fees and other fees and costs payable under the worker's compensation law (costs and attorney fees), whichever is less.

This bill requires an employer or insurance carrier owing worker's compensation to reimburse a governmental unit that provides public assistance to pay medical costs occasioned by an injury for which worker's compensation is claimed, and that provides a party to the claim written notice stating that it provided

BILL

no #
Under the bill, reimbursement shall equal

the assistance and *an itemized statement* of the amount of assistance provided, as follows.

1. For ~~the amount of public assistance the governmental unit provided or for the amount of the worker's compensation award (without deducting costs and attorney fees), whichever is less, if the award or payment results from a hearing on the claim.~~

2. For the amount of public assistance the governmental unit provided, ~~for two-thirds of the amount of the worker's compensation award (without deducting costs and attorney fees), or for an amount agreed to by the governmental unit, whichever is less, if the award or payment results from a compromise, stipulation, agreement, or default, without a hearing of the claim.~~

The bill also requires a governmental unit that receives reimbursement as provided in the bill to pay to any attorney or other representative of an injured employee who obtained the worker's compensation award from which the reimbursement is made 20 percent of the amount of reimbursement collected for the governmental unit.

For further information see the *state and local* 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. 102.27 (2) (b) of the statutes is ~~renumbered 102.27 (2) (b) (intro.)~~

2 ~~and~~ amended to read:

3 102.27 (2) (b) ~~(intro.)~~ If a governmental unit provides public assistance under
4 ch. 49 to pay medical costs ~~or living expenses related to a claim~~ occasioned by an
5 injury for which compensation is claimed under this chapter and provides a party to
6 the claim with written notice stating that the governmental unit has provided the
7 assistance and an itemized statement of the cost of the assistance provided, the
8 employer or insurance carrier owing compensation or the department owing
9 payments under s. 102.81 shall reimburse that governmental unit any compensation
10 awarded or paid if the governmental unit has given the parties to the claim written
11 notice stating that it provided the assistance and the cost of the assistance provided. *(plan)*

12 Reimbursement shall equal the lesser of either ~~as follows~~

(plan)

BILL

1

no ~~2. For~~

~~For the amount of assistance the governmental unit provided or, ~~for~~
two-thirds of the amount of the award or payment remaining after deduction of
attorney fees and any other fees or costs chargeable under ch. 102. The department
shall comply with this paragraph when making payments under s. 102.81, or ~~for~~ an
amount agreed to by the governmental unit, whichever is less, if the award or
payment results from a compromise, stipulation, agreement, or default, without a
hearing of the claim.~~

8

~~SECTION 2. 102.27 (2) (b) 1. of the statutes is created to read:~~

9

~~102.27 (2) (b) 1. For the amount of assistance the governmental unit provided
or for the amount of the award or payment, whichever is less, if the award or payment
results from a hearing on the claim.~~

12

~~SECTION 3. 102.27 (2) (c) of the statutes is created to read:~~

13

~~102.27 (2) (c) Notwithstanding s. DWD 80.43 (2), Wis. Adm. Code, a
governmental unit that receives reimbursement under par. (b) shall pay to any
attorney or other representative of an injured employee who obtained the
compensation awarded or paid 20 percent of the amount of reimbursement collected
for that governmental unit.~~

18

(END)

D-Note

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Date

LRB-0586/6dn
Gmm:kjf

D-NOTE

Representative Sherman:

Because the redraft no longer distinguishes between awards from awards resulting from a hearing and awards from a compromise, there is no reason to say "if the award results from a hearing, compromise, etc." An award cannot result from anything else. Also, it is misleading to say that the reimbursement may be an amount agreed to if the award results from a hearing. If an award results from a hearing, it is not agreed to, it is ordered.

Accordingly, this redraft simply eliminates the phrase, "if the award results from a hearing, compromise, etc."

GMM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0586/6dn
GMM:kjf:ph

August 5, 2009

Representative Sherman:

Because the redraft no longer distinguishes between awards resulting from a hearing and awards resulting from a compromise, there is no reason to say “if the award results from a hearing, compromise, etc.” An award cannot result from anything else. Also, it is misleading to say that the reimbursement may be an amount agreed to if the award results from a hearing. If an award results from a hearing, it is not agreed to, it is ordered. Accordingly, this redraft simply eliminates the phrase, “if the award results from a hearing, compromise”

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

Malaise, Gordon

From: john edmondson [je@ntd.net]
Sent: Tuesday, September 15, 2009 2:44 PM
To: Malaise, Gordon; Tribys, Eleanora
Cc: Sherman, Gary; Hoey, Joseph; 'Raymond clausen severson'
Subject: WC bill LRB 0586

9/15/2009

Gordon and Nora:

Here is the problem with the latest draft; It assumes that hearing orders are simply laid out as a lump sum award... (e.g., "Applicant wins and is hereby awarded \$12,535.00.") That is **not** the way hearing Orders read. Hearing Orders always specify in detail who gets what; i.e., **money** to applicant, to unpaid medical providers, to subrogated carriers, to attorney for fees. The formula that we have that can be used for a compromise (which are almost always done just as a lump sum), can't be used for hearing orders.

Here is what fixes that problem:

b) If a governmental unit provides public assistance under ~~ch~~ Chapter 49 to pay medical costs occasioned by an injury claimed under this chapter, the employer or insurance carrier owing compensation shall reimburse that governmental unit any compensation awarded or paid if the governmental unit has given a party to the claim written notice stating that it provided the assistance and an itemization of the assistance provided. Reimbursement shall equal:

1. Upon a Hearing and award, the amount paid by the unit, to the extent of the respondents' liability **for medical costs** under this chapter, or

2. Upon a settlement, the lesser of either the amount of assistance the governmental unit provided or two-thirds of the settlement amount, unless the unit consents to a different sum.

In either case, the governmental unit shall pay the attorney who obtained the award or settlement, a fee of 20% of the amount recovered for it, **notwithstanding s. DWD 80.43 (2), Wis. Adm. Code.**

09/15/2009

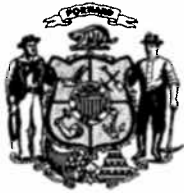
.....

We used the language: *to the extent of the respondents' liability **for medical costs** under this chapter...* because it recognizes that the ALJ will **find** what Medicaid is entitled to receive. If the ALJ finds that some of the medical expenses paid by the governmental unit were not related to the industrial injury (or there was some other barr to an award, such as applicant exceeding his choice of physician, or the failure of the applicant's attorney to adequately prove up the liability for that care) then the award to the unit won't have those expenses included.

Please let me know if anyone has any questions.

john

Edmondson Law Office
1415 W. Kamps Ave., Ste. #2
Appleton, WI 54914
(920) 993-9050
je@ntd.net



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0586/6
GMM:jld&kjf:ph
7
RMR

SN 9118
Soon

2009 BILL

Regen

✓
Report to

4
1
2
3
4
5
6

AN ACT to amend 102.27 (2) (b); and to create 102.27 (2) (c) of the statutes;
relating to: reimbursement of a governmental unit that provides public
assistance to pay medical costs occasioned by an injury for which worker's
compensation is claimed and payment of a percentage of that reimbursement
to an injured employee's attorney who obtains an award of worker's
compensation for that injury.

Analysis by the Legislative Reference Bureau

Under current law, if a governmental unit provides public assistance to pay medical costs or living expenses related to a claim for worker's compensation and if the governmental unit has given the parties to the claim written notice stating that it provided the assistance and the amount of the assistance provided, the employer or insurance carrier owing the worker's compensation is required to reimburse the governmental unit for the amount of the assistance provided or for two-thirds of the amount of the worker's compensation award remaining after deduction of attorney fees and other fees and costs payable under the worker's compensation law (costs and attorney fees), whichever is less.

This bill requires an employer or insurance carrier owing worker's compensation to reimburse a governmental unit that provides public assistance to pay medical costs occasioned by an injury for which worker's compensation is claimed, and that provides a party to the claim written notice stating that it provided

BILL

as follows:

① ~~§ 2.~~ ~~For~~

Insert A ✓

the assistance and an itemized statement of the amount of assistance provided.
~~Under the bill, reimbursement shall equal~~ the amount of public assistance the governmental unit provided, two-thirds of the amount of the worker's compensation award (without deducting costs and attorney fees), or an amount agreed to by the governmental unit, whichever is less, ~~if the award or payment results from a compromise~~

*

The bill also requires a governmental unit that receives reimbursement as provided in the bill to pay to any attorney or other representative of an injured employee who obtained the worker's compensation award from which the reimbursement is made 20 percent of the amount of reimbursement ~~collected~~ recovered for the governmental unit.

stipulation, agreement, or default, without a hearing on the claim ✓

For further information see the **state and local** 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:

renumbered 102.27 (2) (b) (intro) and ✓

① Fix Component ✓

SECTION 1. 102.27 (2) (b) of the statutes is amended to read:

②

102.27 (2) (b) ~~If~~ a governmental unit provides public assistance under ch. 49

to pay medical costs or living expenses related to a claim occasioned by an injury for

which compensation is claimed under this chapter and provides a party to the claim

with written notice stating that the governmental unit has provided the assistance

and an itemized statement of the cost of the assistance provided, the employer or

insurance carrier owing compensation or the department owing payments under s.

102.81 shall reimburse that governmental unit any compensation awarded or paid

if the governmental unit has given the parties to the claim written notice stating that

it provided the assistance and the cost of the assistance provided. ~~Reimbursement~~ ^{strike}

~~shall equal~~ the lesser of either, the amount of assistance the governmental unit

provided ~~or~~ ^{for} two-thirds of the amount of the award or payment remaining after

deduction of attorney fees and any other fees or costs chargeable under ch. 102. The

department shall comply with this paragraph when making payments under s.

102.81, ^{for} or an amount agreed to by the governmental unit, whichever is less

, if the award or payment results from a compromise, stipulation, agreement, or default, without a hearing on the claim

BILL

✓ recovered

1 SECTION 2. 102.27 (2) (c) of the statutes is created to read:

2 102.27 (2) (c) Notwithstanding s. DWD 80.43 (2), Wis. Adm. Code, a
3 governmental unit that receives reimbursement under par. (b) shall pay to any
4 attorney or other representative of an injured employee who obtained the
5 compensation awarded or paid 20 percent of the amount of reimbursement ~~collected~~
6 for that governmental unit.

7 (END)

SEC.#.CR.; 102.27 (2)(b) 1.

102.27 (2)(b)1. For the amount of assistance provided

the governmental unit provided or for the amount of the liability under this chapter for medical costs under this chapter of the employer, insurance carrier, or department, whichever is less, if the award or payment results from a hearing on the claim.

Inset A ↑

provided, as follows:

¶ 1. For the amount of public assistance the governmental
 unit[✓] provided or for the amount of the liability of the
 carrier of the employer or insurance carrier for medical costs under
 (without deducting costs and attorney's fees)[✓]
 the worker's ~~worker's~~ compensation law, whichever is less, if the
 award or payment results from a hearing on the claim.

¶ 2. For ~~NO~~ ~~¶~~

~~worker's~~ (end ins)

Malaise, Gordon

From: john edmondson [je@ntd.net]
Sent: Friday, October 02, 2009 6:10 PM
To: Malaise, Gordon
Cc: Raymond clausen severson; Tribys, Eleanora
Subject: RE: LRB09-0586/7
Attachments: 102.27(2) revision Oct 2 09.doc

10/2/2009

Gordon:

Thanks!!

I think we are giving you our final (minor) suggested changes!

We took out the term "agreement" because the only such animal is either a compromise or stipulation and by definition they don't involve hearings so that reference was also removed.

We then pushed default into same grouping/section as Hearings in (2)(b)1., because both result from the ruling/finding of an ALJ, and need/should have the same treatment.

That's it!

Let us know if you see any problem with suggestions. Thanks!

john

John Edmondson
Edmondson Law Office
1415 W. Kamps Ave., Ste. #2
Appleton, WI 54914
(920) 993-9050
je@ntd.net

-----Original Message-----

From: Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]
Sent: Wednesday, September 30, 2009 2:50 PM
To: john edmondson
Subject: LRB09-0586/7

<<09-0586/7>>

John:

Attached is the latest version. At page 3, lines 10 and 11 the draft specifies that the reimbursement is the amount of liability *for medical costs* if the award results from a hearing on the claim.

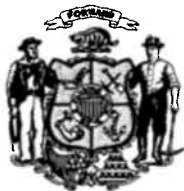
Gordon

10/03/2009

2. For the amount of assistance the governmental unit provided or, for two-thirds of the amount of the award or payment remaining after deduction of attorney fees and any other fees or costs chargeable under ch. 102. The department shall comply with this paragraph when making payments under s. 102.81, or for an amount agreed to by the governmental unit, whichever is less, if the award or payment results from a compromise or stipulation, ~~agreement, or default, without a hearing on the claim.~~

SECTION 2. 102.27 (2) (b) 1. of the statutes is created to read:

102.27 **(2)** (b) 1. For the amount of assistance the governmental unit provided or for the amount of the liability of the employer, insurance carrier, or department for medical costs under this chapter, whichever is less, if the award or payment results from a hearing on the claim, or from a default.



State of Wisconsin
2009-2010 LEGISLATURE

LRB-0586/7
GMM:jld&kjf:ph
8
RMR

KN 1013
Wanted Mon 10/5

2009 BILL

✓

Regen

1 AN ACT *to renumber and amend* 102.27 (2) (b); and *to create* 102.27 (2) (b) 1.
2 and 102.27 (2) (c) of the statutes; **relating to:** reimbursement of a
3 governmental unit that provides public assistance to pay medical costs
4 occasioned by an injury for which worker's compensation is claimed and
5 payment of a percentage of that reimbursement to an injured employee's
6 attorney who obtains an award of worker's compensation for that injury. ✓

Analysis by the Legislative Reference Bureau

Under current law, if a governmental unit provides public assistance to pay medical costs or living expenses related to a claim for worker's compensation and if the governmental unit has given the parties to the claim written notice stating that it provided the assistance and the amount of the assistance provided, the employer or insurance carrier owing the worker's compensation is required to reimburse the governmental unit for the amount of the assistance provided or for two-thirds of the amount of the worker's compensation award remaining after deduction of attorney fees and other fees and costs payable under the worker's compensation law (costs and attorney fees), whichever is less.

This bill requires an employer or insurance carrier owing worker's compensation to reimburse a governmental unit that provides public assistance to pay medical costs occasioned by an injury for which worker's compensation is claimed, and that provides a party to the claim written notice stating that it provided

BILL

or from a default ✓

the assistance and *an itemized statement* of the amount of assistance provided, as follows:

1. For the amount of public assistance the governmental unit provided or for the amount of the liability of the employer or insurance carrier for medical costs under the worker's compensation law (without deducting costs and attorney fees), whichever is less, if the award or payment results from a hearing on the claim.

2. For the amount of public assistance the governmental unit provided, for two-thirds of the amount of the worker's compensation award (without deducting costs and attorney fees), or for an amount agreed to by the governmental unit, whichever is less, if the award or payment results from a compromise, stipulation, agreement, or default, without a hearing on the claim. ✓

The bill also requires a governmental unit that receives reimbursement as provided in the bill to pay to any attorney or other representative of an injured employee who obtained the worker's compensation award from which the reimbursement is made 20 percent of the amount of reimbursement recovered for the governmental unit.

For further information see the *state and local* 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. 102.27 (2) (b) of the statutes is renumbered 102.27 (2) (b) (intro.)
2 and amended to read:
3 102.27 (2) (b) (intro.) If a governmental unit provides public assistance under
4 ch. 49 to pay medical costs ~~or living expenses related to a claim occasioned by an~~
5 injury for which compensation is claimed under this chapter and provides a party to
6 the claim with written notice stating that the governmental unit has provided the
7 assistance and an itemized statement of the cost of the assistance provided, the
8 employer or insurance carrier owing compensation or the department owing
9 payments under s. 102.81 shall reimburse that governmental unit any compensation
10 awarded or paid if ~~the governmental unit has given the parties to the claim written~~
11 ~~notice stating that it provided the assistance and the cost of the assistance provided.~~
12 ~~Reimbursement shall equal the lesser of either~~ as follows:

Duerst, Christina

From: Sherman, Gary
Sent: Friday, October 16, 2009 3:24 PM
To: LRB.Legal
Cc: Tribys, Eleanora; Hoey, Joseph
Subject: Draft Review: LRB 09-0586/8 Topic: Award for worker's compensation attorney who collects public assistance reimbursement

Please Jacket LRB 09-0586/8 for the ASSEMBLY.