

SENATE BILL 200**SECTION 62**

1 **SECTION 62.** 108.04 (2) (a) 4. of the statutes is created to read:

2 108.04 (2) (a) 4. If the claimant is claiming benefits for a week other than an
3 initial week, the claimant provides information or job application materials that are
4 requested by the department and participates in a public employment office
5 workshop or training program or in similar reemployment services that are required
6 by the department under sub. (15) (a) 2.

7 **SECTION 63.** 108.04 (2) (g) of the statutes is created to read:

8 108.04 (2) (g) 1. Each claimant shall create security credentials in order to
9 engage in transactions with the department, including the filing of an initial or
10 continued claim for benefits. The security credentials may consist of a personal
11 identification number, username, and password, or any other means prescribed by
12 the department.

13 2. If a claimant's security credentials are used in the filing of an initial or
14 continued claim for benefits or any other transaction, the individual using the
15 security credentials is presumed to have been the claimant or the claimant's
16 authorized agent. This presumption may be rebutted by a preponderance of evidence
17 showing that the claimant who created the security credentials or the claimant's
18 authorized agent was not the person who used the credentials in a given transaction.
19 If a claimant uses an agent to engage in any transaction with the department using
20 the claimant's security credentials, the claimant is responsible for the actions of the
21 agent. If a claimant who created security credentials or the claimant's authorized
22 agent divulges the credentials to another person, or fails to take adequate measures
23 to protect the credentials from being divulged to an unauthorized person, and the
24 department pays benefits to an unauthorized person because of the claimant's action
25 or inaction, the department may recover from the claimant the benefits that were

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1 paid to the unauthorized person in the same manner as provided for overpayments
2 to claimants under s. 108.22 (8) or under 108.245. If a claimant who created security
3 credentials or the claimant's authorized agent divulges the credentials to another
4 person, or fails to take adequate measures to protect the credentials from being
5 divulged to an unauthorized person, the department is not obligated to pursue
6 recovery of, or to reimburse the claimant for, benefits payable to the claimant that
7 were erroneously paid to another person.

8 **SECTION 64.** 108.04 (2) (h) of the statutes is created to read:

9 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
10 under this chapter and during each subsequent week the claimant files for benefits
11 under this chapter, inform the department whether he or she is receiving social
12 security disability insurance benefits under 42 USC ch. 7 subch. II.

13 **SECTION 65.** 108.04 (8) (a) and (c) of the statutes are amended to read:

14 108.04 (8) (a) If an employee fails, without good cause, to accept suitable work
15 when offered, the employee is ineligible to receive benefits until ~~4 weeks have~~
16 ~~elapsed since the end of the week in which the failure occurs and~~ the employee earns
17 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
18 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
19 covered by the unemployment insurance law of any state or the federal government.
20 For purposes of requalification, the employee's weekly benefit rate shall be that rate
21 which would have been paid had the failure not occurred. This paragraph does not
22 preclude an employee from establishing a benefit year during a period in which the
23 employee is ineligible to receive benefits under this paragraph if the employee
24 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
25 charge to the fund's balancing account any benefits otherwise chargeable to the

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1 account of an employer that is subject to the contribution requirements under ss.
2 108.17 and 108.18 whenever an employee of that employer fails, without good cause,
3 to accept suitable work offered by that employer.

4 (c) If an employee fails, without good cause, to return to work with a former
5 employer that recalls the employee within 52 weeks after the employee last worked
6 for that employer, the employee is ineligible to receive benefits until ~~4 weeks have~~
7 ~~elapsed since the end of the week in which the failure occurs and the employee earns~~
8 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
9 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
10 covered by the unemployment insurance law of any state or the federal government.
11 For purposes of requalification, the employee's weekly benefit rate shall be that rate
12 which would have been paid had the failure not occurred. This paragraph does not
13 preclude an employee from establishing a benefit year during a period in which the
14 employee is ineligible to receive benefits under this paragraph if the employee
15 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
16 charge to the fund's balancing account any benefits otherwise chargeable to the
17 account of any employer that is subject to the contribution requirements under ss.
18 108.17 and 108.18 whenever an employee of that employer fails, without good cause,
19 to return to work with that employer. If an employee receives actual notice of a recall
20 to work, par. (a) applies in lieu of this paragraph.

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21 **SECTION 66.** 108.04 (12) (f) of the statutes is created to read:

22 108.04 (12) (f) 1. Any individual who actually receives social security disability
23 insurance benefits under 42 USC ch. 7 subch. II in a given week is ineligible for
24 benefits paid or payable in that same week under this chapter.

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1 2. Information that the department receives or acquires from the federal social
2 security administration that an individual is receiving social security disability
3 insurance benefits under 42 USC ch. 7 subch. II in a given week is considered
4 conclusive, absent clear and convincing evidence that the information was
5 erroneous.

6 **SECTION 67.** 108.04 (15) of the statutes is created to read:

7 108.04 (15) DEPARTMENT POWERS TO ASSIST CLAIMANTS. (a) Except as provided
8 in par. (b), the department may do any of the following for the purpose of assisting
9 claimants to find or obtain work:

10 1. Use the information or materials provided under sub. (2) (a) 4. to assess a
11 claimant's efforts, skills, and ability to find or obtain work and to develop a list of
12 potential opportunities for a claimant to obtain suitable work. A claimant who
13 otherwise satisfies the requirement under sub. (2) (a) 3. is not required to apply for
14 any specific positions on the list in order to satisfy that requirement.

15 2. Require a claimant to participate in a public employment office workshop or
16 training program or in similar reemployment services that do not charge the
17 claimant a participation fee and that offer instruction to improve the claimant's
18 ability to obtain suitable work.

19 (b) This subsection does not apply with respect to a claimant who is exempt
20 from any of the requirements in sub. (2) (a) 2. or 3. in a given week.

21 **SECTION 68.** 108.05 (1) (n) to (p) of the statutes are repealed.

22 **SECTION 69.** 108.05 (1) (q) (intro.) of the statutes is amended to read:

23 108.05 (1) (q) (intro.) Each eligible employee shall be paid benefits for each
24 week of total unemployment that commences on or after January 4, 2009, and before
25 January 5, 2014, at the weekly benefit rate specified in this paragraph. Unless sub.

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1 (1m) applies, the weekly benefit rate shall equal 4 percent of the employee's base
 2 period wages that were paid during that quarter of the employee's base period in
 3 which the employee was paid the highest total wages, rounded down to the nearest
 4 whole dollar, except that, if that amount is less than the minimum amount shown
 5 in the following schedule, no benefits are payable to the employee and, if that amount
 6 is more than the maximum amount shown in the following schedule, the employee's
 7 weekly benefit rate shall be the maximum amount shown in the following schedule
 8 and except that, if the employee's benefits are exhausted during any week under s.
 9 108.06 (1), the employee shall be paid the remaining amount of benefits payable to
 10 the employee in lieu of the amount shown in the following schedule: [See Figure
 11 108.05 (1) (q) following]

12 **SECTION 70.** 108.05 (1) (q) (intro.) of the statutes, as affected by 2013 Wisconsin
 13 Acts 11 and ... (this act), is repealed and recreated to read:

14 108.05 (1) (q) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
 15 employee shall be paid benefits for each week of total unemployment that
 16 commences on or after January 4, 2009, and before January 5, 2014, at the weekly
 17 benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit
 18 rate shall equal 4 percent of the employee's base period wages that were paid during
 19 that quarter of the employee's base period in which the employee was paid the
 20 highest total wages, rounded down to the nearest whole dollar, except that, if that
 21 amount is less than the minimum amount shown in the following schedule, no
 22 benefits are payable to the employee and, if that amount is more than the maximum
 23 amount shown in the following schedule, the employee's weekly benefit rate shall be
 24 the maximum amount shown in the following schedule and except that, if the
 25 employee's benefits are exhausted during any week under s. 108.06 (1), the employee

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1 shall be paid the remaining amount of benefits payable to the employee in lieu of the
2 amount shown in the following schedule: [See Figure 108.05 (1) (q) following]

3 SECTION 71. 108.05 (1) (r) (intro.) of the statutes, as created by 2013 Wisconsin
4 Act (this act), is repealed and recreated to read:

5 108.05 (1) (r) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
6 employee shall be paid benefits for each week of total unemployment that
7 commences on or after January 5, 2014, at the weekly benefit rate specified in this
8 paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4 percent
9 of the employee's base period wages that were paid during that quarter of the
10 employee's base period in which the employee was paid the highest total wages,
11 rounded down to the nearest whole dollar, except that, if that amount is less than the
12 minimum amount shown in the following schedule, no benefits are payable to the
13 employee and, if that amount is more than the maximum amount shown in the
14 following schedule, the employee's weekly benefit rate shall be the maximum
15 amount shown in the following schedule and except that, if the employee's benefits
16 are exhausted during any week under s. 108.06 (1), the employee shall be paid the
17 remaining amount of benefits payable to the employee in lieu of the amount shown
18 in the following schedule: [See Figure 108.05 (1) (r) following]

19 SECTION 72. 108.05 (1) (r) of the statutes is created to read:

20 108.05 (1) (r) Each eligible employee shall be paid benefits for each week of total
21 unemployment that commences on or after January 5, 2014, at the weekly benefit
22 rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate
23 shall equal 4 percent of the employee's base period wages that were paid during that
24 quarter of the employee's base period in which the employee was paid the highest
25 total wages, rounded down to the nearest whole dollar, except that, if that amount

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1 is less than the minimum amount shown in the following schedule, no benefits are
 2 payable to the employee and, if that amount is more than the maximum amount
 3 shown in the following schedule, the employee’s weekly benefit rate shall be the
 4 maximum amount shown in the following schedule and except that, if the employee’s
 5 benefits are exhausted during any week under s. 108.06 (1), the employee shall be
 6 paid the remaining amount of benefits payable to the employee in lieu of the amount
 7 shown in the following schedule: [See Figure 108.05 (1) (r) following]

Figure 108.05 (1) (r):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.	Under \$1,350.00	\$ 0
2.	1,350.00 to 1,374.99	54
3.	1,375.00 to 1,399.99	55
4.	1,400.00 to 1,424.99	56
5.	1,425.00 to 1,449.99	57
6.	1,450.00 to 1,474.99	58
7.	1,475.00 to 1,499.99	59
8.	1,500.00 to 1,524.99	60
9.	1,525.00 to 1,549.99	61
10.	1,550.00 to 1,574.99	62
11.	1,575.00 to 1,599.99	63
12.	1,600.00 to 1,624.99	64
13.	1,625.00 to 1,649.99	65
14.	1,650.00 to 1,674.99	66

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15.	1,675.00	to	1,699.99	67
16.	1,700.00	to	1,724.99	68
17.	1,725.00	to	1,749.99	69
18.	1,750.00	to	1,774.99	70
19.	.....	1,775.00	to	1,799.99	.....	71
20.	.....	1,800.00	to	1,824.99	.....	72
21.	.....	1,825.00	to	1,849.99	.....	73
22.	.....	1,850.00	to	1,874.99	.....	74
23.	.....	1,875.00	to	1,899.99	.....	75
24.	.....	1,900.00	to	1,924.99	.....	76
25.	.....	1,925.00	to	1,949.99	.....	77
26.	.....	1,950.00	to	1,974.99	.....	78
27.	.....	1,975.00	to	1,999.99	.....	79
28.	.....	2,000.00	to	2,024.99	.....	80
29.	.....	2,025.00	to	2,049.99	.....	81
30.	.....	2,050.00	to	2,074.99	.....	82
31.	.....	2,075.00	to	2,099.99	.....	83
32.	.....	2,100.00	to	2,124.99	.....	84
33.	.....	2,125.00	to	2,149.99	.....	85
34.	.....	2,150.00	to	2,174.99	.....	86
35.	2,175.00	to	2,199.99	87
36.	2,200.00	to	2,224.99	88
37.	2,225.00	to	2,249.99	89
38.	2,250.00	to	2,274.99	90

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39.	2,275.00	to	2,299.99	91
40.	2,300.00	to	2,324.99	92
41.	2,325.00	to	2,349.99	93
42.	2,350.00	to	2,374.99	94
43.	.....	2,375.00	to	2,399.99	.....	95
44.	.....	2,400.00	to	2,424.99	.....	96
45.	.....	2,425.00	to	2,449.99	.....	97
46.	.....	2,450.00	to	2,474.99	.....	98
47.	.....	2,475.00	to	2,499.99	.....	99
48.	.....	2,500.00	to	2,524.99	.....	100
49.	.....	2,525.00	to	2,549.99	.....	101
50.	.....	2,550.00	to	2,574.99	.....	102
51.	.....	2,575.00	to	2,599.99	.....	103
52.	.....	2,600.00	to	2,624.99	.....	104
53.	.....	2,625.00	to	2,649.99	.....	105
54.	.....	2,650.00	to	2,674.99	.....	106
55.	.....	2,675.00	to	2,699.99	.....	107
56.	.....	2,700.00	to	2,724.99	.....	108
57.	.....	2,725.00	to	2,749.99	.....	109
58.	.....	2,750.00	to	2,774.99	.....	110
59.	2,775.00	to	2,799.99	111
60.	2,800.00	to	2,824.99	112
61.	2,825.00	to	2,849.99	113
62.	2,850.00	to	2,874.99	114

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63.	2,875.00	to	2,899.99	115
64.	2,900.00	to	2,924.99	116
65.	2,925.00	to	2,949.99	117
66.	2,950.00	to	2,974.99	118
67.	.....	2,975.00	to	2,999.99	.....	119
68.	.....	3,000.00	to	3,024.99	.....	120
69.	.....	3,025.00	to	3,049.99	.....	121
70.	.....	3,050.00	to	3,074.99	.....	122
71.	.....	3,075.00	to	3,099.99	.....	123
72.	.....	3,100.00	to	3,124.99	.....	124
73.	.....	3,125.00	to	3,149.99	.....	125
74.	.....	3,150.00	to	3,174.99	.....	126
75.	.....	3,175.00	to	3,199.99	.....	127
76.	.....	3,200.00	to	3,224.99	.....	128
77.	.....	3,225.00	to	3,249.99	.....	129
78.	.....	3,250.00	to	3,274.99	.....	130
79.	.....	3,275.00	to	3,299.99	.....	131
80.	.....	3,300.00	to	3,324.99	.....	132
81.	.....	3,325.00	to	3,349.99	.....	133
82.	.....	3,350.00	to	3,374.99	.....	134
83.	3,375.00	to	3,399.99	135
84.	3,400.00	to	3,424.99	136
85.	3,425.00	to	3,449.99	137
86.	3,450.00	to	3,474.99	138

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87.	3,475.00	to	3,499.99	139
88.	3,500.00	to	3,524.99	140
89.	3,525.00	to	3,549.99	141
90.	3,550.00	to	3,574.99	142
91.	.....	3,575.00	to	3,599.99	.....	143
92.	.....	3,600.00	to	3,624.99	.....	144
93.	.....	3,625.00	to	3,649.99	.....	145
94.	.....	3,650.00	to	3,674.99	.....	146
95.	.....	3,675.00	to	3,699.99	.....	147
96.	.....	3,700.00	to	3,724.99	.....	148
97.	.....	3,725.00	to	3,749.99	.....	149
98.	.....	3,750.00	to	3,774.99	.....	150
99.	.....	3,775.00	to	3,799.99	.....	151
100.	.....	3,800.00	to	3,824.99	.....	152
101.	.....	3,825.00	to	3,849.99	.....	153
102.	.....	3,850.00	to	3,874.99	.....	154
103.	.....	3,875.00	to	3,899.99	.....	155
104.	.....	3,900.00	to	3,924.99	.....	156
105.	.....	3,925.00	to	3,949.99	.....	157
106.	.....	3,950.00	to	3,974.99	.....	158
107.	.....	3,975.00	to	3,999.99	.....	159
108.	4,000.00	to	4,024.99	160
109.	4,025.00	to	4,049.99	161
110.	4,050.00	to	4,074.99	162

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111.	4,075.00	to	4,099.99	163
112.	4,100.00	to	4,124.99	164
113.	4,125.00	to	4,149.99	165
114.	4,150.00	to	4,174.99	166
115.	.....	4,175.00	to	4,199.99	.....	167
116.	.....	4,200.00	to	4,224.99	.....	168
117.	.....	4,225.00	to	4,249.99	.....	169
118.	.....	4,250.00	to	4,274.99	.....	170
119.	.....	4,275.00	to	4,299.99	.....	171
120.	.....	4,300.00	to	4,324.99	.....	172
121.	.....	4,325.00	to	4,349.99	.....	173
122.	.....	4,350.00	to	4,374.99	.....	174
123.	.....	4,375.00	to	4,399.99	.....	175
124.	.....	4,400.00	to	4,424.99	.....	176
125.	.....	4,425.00	to	4,449.99	.....	177
126.	.....	4,450.00	to	4,474.99	.....	178
127.	.....	4,475.00	to	4,499.99	.....	179
128.	.....	4,500.00	to	4,524.99	.....	180
129.	.....	4,525.00	to	4,549.99	.....	181
130.	.....	4,550.00	to	4,574.99	.....	182
131.	.....	4,575.00	to	4,599.99	.....	183
132.	4,600.00	to	4,624.99	184
133.	4,625.00	to	4,649.99	185
134.	4,650.00	to	4,674.99	186

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135.	4,675.00	to	4,699.99	187
136.	4,700.00	to	4,724.99	188
137.	4,725.00	to	4,749.99	189
138.	4,750.00	to	4,774.99	190
139.	.....	4,775.00	to	4,799.99	.....	191
140.	.....	4,800.00	to	4,824.99	.....	192
141.	.....	4,825.00	to	4,849.99	.....	193
142.	.....	4,850.00	to	4,874.99	.....	194
143.	.....	4,875.00	to	4,899.99	.....	195
144.	.....	4,900.00	to	4,924.99	.....	196
145.	.....	4,925.00	to	4,949.99	.....	197
146.	.....	4,950.00	to	4,974.99	.....	198
147.	.....	4,975.00	to	4,999.99	.....	199
148.	.....	5,000.00	to	5,024.99	.....	200
149.	.....	5,025.00	to	5,049.99	.....	201
150.	.....	5,050.00	to	5,074.99	.....	202
151.	.....	5,075.00	to	5,099.99	.....	203
152.	.....	5,100.00	to	5,124.99	.....	204
153.	.....	5,125.00	to	5,149.99	.....	205
154.	.....	5,150.00	to	5,174.99	.....	206
155.	.....	5,175.00	to	5,199.99	.....	207
156.	5,200.00	to	5,224.99	208
157.	5,225.00	to	5,249.99	209
158.	5,250.00	to	5,274.99	210

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159.	5,275.00	to	5,299.99	211
160.	5,300.00	to	5,324.99	212
161.	5,325.00	to	5,349.99	213
162.	5,350.00	to	5,374.99	214
163.	.....	5,375.00	to	5,399.99	.....	215
164.	.....	5,400.00	to	5,424.99	.....	216
165.	.....	5,425.00	to	5,449.99	.....	217
166.	.....	5,450.00	to	5,474.99	.....	218
167.	.....	5,475.00	to	5,499.99	.....	219
168.	.....	5,500.00	to	5,524.99	.....	220
169.	.....	5,525.00	to	5,549.99	.....	221
170.	.....	5,550.00	to	5,574.99	.....	222
171.	.....	5,575.00	to	5,599.99	.....	223
172.	.....	5,600.00	to	5,624.99	.....	224
173.	.....	5,625.00	to	5,649.99	.....	225
174.	.....	5,650.00	to	5,674.99	.....	226
175.	.....	5,675.00	to	5,699.99	.....	227
176.	.....	5,700.00	to	5,724.99	.....	228
177.	.....	5,725.00	to	5,749.99	.....	229
178.	.....	5,750.00	to	5,774.99	.....	230
179.	.....	5,775.00	to	5,799.99	.....	231
180.	5,800.00	to	5,824.99	232
181.	5,825.00	to	5,849.99	233
182.	5,850.00	to	5,874.99	234

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183.	5,875.00	to	5,899.99	235
184.	5,900.00	to	5,924.99	236
185.	5,925.00	to	5,949.99	237
186.	5,950.00	to	5,974.99	238
187.	.....	5,975.00	to	5,999.99	.....	239
188.	.....	6,000.00	to	6,024.99	.....	240
189.	.....	6,025.00	to	6,049.99	.....	241
190.	.....	6,050.00	to	6,074.99	.....	242
191.	.....	6,075.00	to	6,099.99	.....	243
192.	.....	6,100.00	to	6,124.99	.....	244
193.	.....	6,125.00	to	6,149.99	.....	245
194.	.....	6,150.00	to	6,174.99	.....	246
195.	.....	6,175.00	to	6,199.99	.....	247
196.	.....	6,200.00	to	6,224.99	.....	248
197.	.....	6,225.00	to	6,249.99	.....	249
198.	.....	6,250.00	to	6,274.99	.....	250
199.	.....	6,275.00	to	6,299.99	.....	251
200.	.....	6,300.00	to	6,324.99	.....	252
201.	.....	6,325.00	to	6,349.99	.....	253
202.	.....	6,350.00	to	6,374.99	.....	254
203.	.....	6,375.00	to	6,399.99	.....	255
204.	6,400.00	to	6,424.99	256
205.	6,425.00	to	6,449.99	257
206.	6,450.00	to	6,474.99	258

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207.	6,475.00	to	6,499.99	259
208.	6,500.00	to	6,524.99	260
209.	6,525.00	to	6,549.99	261
210.	6,550.00	to	6,574.99	262
211.	.....	6,575.00	to	6,599.99	.....	263
212.	.....	6,600.00	to	6,624.99	.....	264
213.	.....	6,625.00	to	6,649.99	.....	265
214.	.....	6,650.00	to	6,674.99	.....	266
215.	.....	6,675.00	to	6,699.99	.....	267
216.	.....	6,700.00	to	6,724.99	.....	268
217.	.....	6,725.00	to	6,749.99	.....	269
218.	.....	6,750.00	to	6,774.99	.....	270
219.	.....	6,775.00	to	6,799.99	.....	271
220.	.....	6,800.00	to	6,824.99	.....	272
221.	.....	6,825.00	to	6,849.99	.....	273
222.	.....	6,850.00	to	6,874.99	.....	274
223.	.....	6,875.00	to	6,899.99	.....	275
224.	.....	6,900.00	to	6,924.99	.....	276
225.	.....	6,925.00	to	6,949.99	.....	277
226.	.....	6,950.00	to	6,974.99	.....	278
227.	.....	6,975.00	to	6,999.99	.....	279
228.	7,000.00	to	7,024.99	280
229.	7,025.00	to	7,049.99	281
230.	7,050.00	to	7,074.99	282

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231.	7,075.00	to	7,099.99	283
232.	7,100.00	to	7,124.99	284
233.	7,125.00	to	7,149.99	285
234.	7,150.00	to	7,174.99	286
235.	.....	7,175.00	to	7,199.99	.....	287
236.	.....	7,200.00	to	7,224.99	.....	288
237.	.....	7,225.00	to	7,249.99	.....	289
238.	.....	7,250.00	to	7,274.99	.....	290
239.	.....	7,275.00	to	7,299.99	.....	291
240.	.....	7,300.00	to	7,324.99	.....	292
241.	.....	7,325.00	to	7,349.99	.....	293
242.	.....	7,350.00	to	7,374.99	.....	294
243.	.....	7,375.00	to	7,399.99	.....	295
244.	.....	7,400.00	to	7,424.99	.....	296
245.	.....	7,425.00	to	7,449.99	.....	297
246.	.....	7,450.00	to	7,474.99	.....	298
247.	.....	7,475.00	to	7,499.99	.....	299
248.	.....	7,500.00	to	7,524.99	.....	300
249.	.....	7,525.00	to	7,549.99	.....	301
250.	.....	7,550.00	to	7,574.99	.....	302
251.	.....	7,575.00	to	7,599.99	.....	303
252.	7,600.00	to	7,624.99	304
253.	7,625.00	to	7,649.99	305
254.	7,650.00	to	7,674.99	306

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255.	7,675.00	to	7,699.99	307
256.	7,700.00	to	7,724.99	308
257.	7,725.00	to	7,749.99	309
258.	7,750.00	to	7,774.99	310
259.	.....	7,775.00	to	7,799.99	.....	311
260.	.....	7,800.00	to	7,824.99	.....	312
261.	.....	7,825.00	to	7,849.99	.....	313
262.	.....	7,850.00	to	7,874.99	.....	314
263.	.....	7,875.00	to	7,899.99	.....	315
264.	.....	7,900.00	to	7,924.99	.....	316
265.	.....	7,925.00	to	7,949.99	.....	317
266.	.....	7,950.00	to	7,974.99	.....	318
267.	.....	7,975.00	to	7,999.99	.....	319
268.	.....	8,000.00	to	8,024.99	.....	320
269.	.....	8,025.00	to	8,049.99	.....	321
270.	.....	8,050.00	to	8,074.99	.....	322
271.	.....	8,075.00	to	8,099.99	.....	323
272.	.....	8,100.00	to	8,124.99	.....	324
273.	.....	8,125.00	to	8,149.99	.....	325
274.	.....	8,150.00	to	8,174.99	.....	326
275.	.....	8,175.00	to	8,199.99	.....	327
276.	8,200.00	to	8,224.99	328
277.	8,225.00	to	8,249.99	329
278.	8,250.00	to	8,274.99	330

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279.	8,275.00	to	8,299.99	331
280.	8,300.00	to	8,324.99	332
281.	8,325.00	to	8,349.99	333
282.	8,350.00	to	8,374.99	334
283.	.....	8,375.00	to	8,399.99	.....	335
284.	.....	8,400.00	to	8,424.99	.....	336
285.	.....	8,425.00	to	8,449.99	.....	337
286.	.....	8,450.00	to	8,474.99	.....	338
287.	.....	8,475.00	to	8,499.99	.....	339
288.	.....	8,500.00	to	8,524.99	.....	340
289.	.....	8,525.00	to	8,549.99	.....	341
290.	.....	8,550.00	to	8,574.99	.....	342
291.	.....	8,575.00	to	8,599.99	.....	343
292.	.....	8,600.00	to	8,624.99	.....	344
293.	.....	8,625.00	to	8,649.99	.....	345
294.	.....	8,650.00	to	8,674.99	.....	346
295.	.....	8,675.00	to	8,699.99	.....	347
296.	.....	8,700.00	to	8,724.99	.....	348
297.	.....	8,725.00	to	8,749.99	.....	349
298.	.....	8,750.00	to	8,774.99	.....	350
299.	.....	8,775.00	to	8,799.99	.....	351
300.	8,800.00	to	8,824.99	352
301.	8,825.00	to	8,849.99	353
302.	8,850.00	to	8,874.99	354

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303.	8,875.00	to	8,899.99	355
304.	8,900.00	to	8,924.99	356
305.	8,925.00	to	8,949.99	357
306.	8,950.00	to	8,974.99	358
307.	.....	8,975.00	to	8,999.99	.....	359
308.	.....	9,000.00	to	9,024.99	.....	360
309.	.....	9,025.00	to	9,049.99	.....	361
310.	.....	9,050.00	to	9,074.99	.....	362
311.	.....	9,075.00	to	9,099.99	.....	363
312.	.....	9,100.00	to	9,124.99	.....	364
313.	.....	9,125.00	to	9,149.99	.....	365
314.	.....	9,150.00	to	9,174.99	.....	366
315.	.....	9,175.00	to	9,199.99	.....	367
316.	.....	9,200.00	to	9,224.99	.....	368
317.	.....	9,225.00	to	9,249.99	.....	369
318.	.....	9,250.00	and over	.....	.....	370

1 **SECTION 73.** 108.05 (2) (c) of the statutes is amended to read:

2 108.05 (2) (c) This chapter’s maximum weekly benefit rate, as to weeks of
3 unemployment in the ensuing half year, shall equal the result obtained by rounding
4 66-2/3% of the “average wages per average week” to the nearest multiple of one
5 dollar, and the minimum weekly benefit rate shall be an amount which is ~~15%~~ 14.6
6 percent of the maximum rate and adjusted, if not a multiple of one dollar, to the next
7 lower multiple of one dollar.

8

SECTION 74. 108.05 (3) (a) of the statutes is amended to read:

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SECTION 74

1 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) if an eligible employee
2 earns wages in a given week, the first \$30 of the wages shall be disregarded and the
3 employee's applicable weekly benefit payment shall be reduced by 67% of the
4 remaining amount, except that no such employee is eligible for benefits if the
5 employee's benefit payment would be less than \$5 for any week. For purposes of this
6 paragraph, "wages" includes ~~any salary reduction amounts earned that are not~~
7 ~~wages and that are deducted from the salary of a claimant by an employer pursuant~~
8 ~~to a salary reduction agreement under a cafeteria plan, within the meaning of 26~~
9 ~~USC 125, and any amount that a claimant would have earned in available work~~
10 ~~under s. 108.04 (1) (a) which is treated as wages under s. 108.04 (1) (bm), but excludes~~
11 ~~any amount that a claimant earns for services performed as a volunteer fire fighter,~~
12 ~~volunteer emergency medical technician, or volunteer first responder. In applying~~
13 ~~this paragraph, the department shall disregard discrepancies of less than \$2~~
14 ~~between wages reported by employees and employers.~~

15 **SECTION 75.** 108.05 (3) (a) of the statutes, as affected by 2013 Wisconsin Acts
16 11 and (this act), is repealed and recreated to read:

17 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) and s. 108.062, if an
18 eligible employee earns wages in a given week, the first \$30 of the wages shall be
19 disregarded and the employee's applicable weekly benefit payment shall be reduced
20 by 67% of the remaining amount, except that no such employee is eligible for benefits
21 if the employee's benefit payment would be less than \$5 for any week. For purposes
22 of this paragraph, "wages" includes any amount that a claimant would have earned
23 in available work under s. 108.04 (1) (a) which is treated as wages under s. 108.04
24 (1) (bm), but excludes any amount that a claimant earns for services performed as
25 a volunteer fire fighter, volunteer emergency medical technician, or volunteer first

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1 responder. In applying this paragraph, the department shall disregard
2 discrepancies of less than \$2 between wages reported by employees and employers.

3 **SECTION 76.** 108.06 (1) of the statutes is amended to read:

4 108.06 (1) Except as provided in subs. sub. (6) and (7) and ss. 108.141 and
5 108.142, no claimant may receive total benefits based on employment in a base
6 period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)
7 or 40% of the claimant's base period wages, whichever is lower. Except as provided
8 in subs. sub. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages
9 are reduced or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1)
10 (f), (10) (a), or (17), the claimant may not receive total benefits based on employment
11 in a base period greater than 26 times the claimant's weekly benefit rate under s.
12 108.05 (1) or 40% of the base period wages not reduced, canceled or suspended which
13 were paid or payable to the claimant, whichever is lower.

14 **SECTION 77.** 108.06 (2) (c) of the statutes is amended to read:

15 108.06 (2) (c) No benefits are payable to a claimant for any week of
16 unemployment not occurring during the claimant's benefit year except under sub. (7)
17 and ss. 108.141 and 108.142.

18 **SECTION 78.** 108.06 (2) (cm) of the statutes is amended to read:

19 108.06 (2) (cm) If an employee qualifies to receive benefits using the base period
20 described in s. 108.02 (4) (b), the wages used to compute the employee's benefit
21 entitlement are not available for use in any subsequent benefit computation for the
22 same employee, except under sub. (7) and s. 108.141 or 108.142.

23 **SECTION 79.** 108.06 (3) of the statutes is amended to read:

24 108.06 (3) There shall be payable to an employee, for weeks ending within the
25 employee's benefit year, only those benefits computed for that benefit year based on

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SENATE BILL 200**SECTION 79**

1 the wages paid to the employee in the immediately preceding base period. Wages
2 used in a given benefit computation are not available for use in any subsequent
3 benefit computation except under ~~sub. (7) and~~ s. 108.141.

4 **SECTION 80.** 108.06 (6) (intro.) of the statutes is amended to read:

5 108.06 (6) (intro.) If a claimant has established a benefit year prior to the
6 effective date of any increase in the maximum weekly benefit rate provided under
7 s. 108.05 (1), the claimant has not exhausted his or her total benefit entitlement
8 under sub. (1) for that benefit year on that effective date, and the claimant was
9 entitled to receive the maximum weekly benefit rate under s. 108.05 (1) that was in
10 effect prior to that effective date, the limitation on the total benefits authorized to
11 be paid to a claimant under sub. (1) does not apply to that claimant in that benefit
12 year. Unless ~~sub. (7) or~~ s. 108.141 or 108.142 applies, the claimant's remaining
13 benefit entitlement in that benefit year for the period beginning on that effective date
14 shall be computed by:

15 **SECTION 81.** 108.06 (7) of the statutes is repealed.

16 **SECTION 82.** 108.07 (8) of the statutes is repealed.

17 **SECTION 83.** 108.10 (intro.) of the statutes is amended to read:

18 **108.10 Settlement of issues other than benefit claims.** (intro.) ~~In~~ Except
19 as provided in s. 108.245 (3), in connection with any issue arising under this chapter
20 as to the status or liability of an employing unit in this state, for which no review is
21 provided under s. 108.09 or 108.227 (5) and whether or not a penalty is provided in
22 s. 108.24, the following procedure shall apply:

23 **SECTION 84.** 108.14 (8n) (e) of the statutes is amended to read:

24 108.14 (8n) (e) The department shall charge this state's share of any benefits
25 paid under this subsection to the account of each employer by which the employee

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1 claiming benefits was employed in the applicable base period, in proportion to the
2 total amount of wages he or she earned from each employer in the base period, except
3 that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p), (q), (s), or (t), (7m) or (8)
4 (a) or 108.07 (3), (3r), or (5) (b) or (8) would have applied to employment by such an
5 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,
6 the department shall charge the share of benefits based on employment with that
7 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)
8 would have applied to an employer that is not subject to the contribution
9 requirements of ss. 108.17 and 108.18, the department shall charge the share of
10 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The
11 department shall also charge the fund's balancing account with any other state's
12 share of such benefits pending reimbursement by that state.

13 **SECTION 85.** 108.14 (19) of the statutes is amended to read:

14 108.14 (19) ~~On or about February~~ No later than March 15 annually, the
15 department shall prepare and furnish to the council on unemployment insurance a
16 report summarizing the department's activities related to detection and prosecution
17 of unemployment insurance fraud in the preceding year. The department shall
18 include in the report information about audits conducted by the department under
19 sub. (20), including the number and results of audits performed, in the previous year.

20 **SECTION 86.** 108.14 (20) of the statutes is created to read:

21 108.14 (20) The department shall conduct random audits on claimants for
22 benefits under this chapter to assess compliance with the work search requirements
23 under s. 108.04 (2) (a) 3.

24 **SECTION 87.** 108.14 (21) of the statutes is created to read:

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SECTION 87

1 108.14 (21) The department shall maintain a portal on the Internet that allows
2 employers to log in and file with the department complaints related to the
3 administration of this chapter.

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4 **SECTION 88.** 108.14 (22) of the statutes is created to read:

5 108.14 (22) The department shall maintain a searchable, electronic database
6 of significant decisions made by the commission on matters under this chapter for
7 the use of attorneys employed by the department and other individuals employed by
8 the department whose duties necessitate use of the database.

INS SAI-14

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9 **SECTION 89.** 108.14 (23) of the statutes is created to read:

10 108.14 (23) (a) The department shall create and keep up-to-date a handbook
11 for the purpose of informing employers that are subject to this chapter about the
12 provisions and requirements of this chapter.

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13 (b) The department shall include all of the following in the handbook:

14 1. Information about the function and purpose of unemployment insurance
15 under this chapter.

16 2. A description of the rights and responsibilities of employers under this
17 chapter, including the rights and responsibilities associated with hearings to
18 determine whether claimants are eligible for benefits under this chapter.

19 3. A description of the circumstances under which workers are generally
20 eligible and ineligible for benefits under this chapter.

21 4. Disclaimers explaining that the contents of the handbook may not be relied
22 upon as legally enforceable and that adherence to the content does not guarantee a
23 particular result for a decision under this chapter.

24 5. A line to allow an individual employed by an employer to sign to acknowledge
25 that the individual is aware of the contents of the handbook.

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1 (c) The department shall make the handbook available on the Internet.

2 (d) The department shall distribute printed copies of the handbook to persons
3 who request a copy and may charge a fee as provided in s. 20.908 for the costs of
4 printing and distribution.

5 **SECTION 90.** 108.14 (24) of the statutes is created to read:

6 108.14 (24) The department shall provide information to employers concerning
7 the financing of the unemployment insurance system, including the computation of
8 reserve percentages and their effect upon the contribution and solvency rates of
9 employers, and shall post this information on the Internet. If the department
10 provided a statement of account to any employer, the department shall include the
11 same information on the statement. In addition, the department shall provide the
12 same information in writing to each employer who becomes newly subject to a
13 requirement to pay contributions or reimbursements under this chapter.

14 **SECTION 91.** 108.14 (25) of the statutes is created to read:

15 108.14 (25) (a) In this section, “appeal tribunal” includes appeal tribunals
16 under s. 108.09 (3) (a) 1., 2., and 3.

17 (b) The department shall conduct an initial training for all individuals who
18 serve as appeal tribunals to prepare them to be able to perform the duties of appeal
19 tribunals established under this chapter.

20 (c) The department shall require each individual who serves as an appeal
21 tribunal to satisfy continuing education requirements, as prescribed by the
22 department.

23 **SECTION 92.** 108.14 (26) of the statutes is created to read:

24 108.14 (26) The department shall prescribe by rule a standard affidavit form
25 that may be used by parties to appeals under ss. 108.09 and 108.10 and shall make

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1 the form available to employers and claimants. The form shall be sufficient to qualify
2 as admissible evidence in a hearing under this chapter if the authentication is
3 sufficient and the information set forth by the affiant is admissible, but its use by a
4 party does not eliminate the right of an opposing party to cross examine the affiant
5 concerning the facts asserted in the affidavit.

6 **SECTION 93.** 108.141 (7) (a) of the statutes is amended to read:

7 108.141 (7) (a) The department shall charge the state's share of each week of
8 extended benefits to each employer's account in proportion to the employer's share
9 of the total wages of the employee receiving the benefits in the employee's base
10 period, except that if the employer is subject to the contribution requirements of ss.
11 108.17 and 108.18 the department shall charge the share of extended benefits to
12 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p), (q), (s), or (t), (7m) or (8)
13 (a) or 108.07 (3), (3r), or (5) (b) ~~or~~ (8) applies to the fund's balancing account.

14 **SECTION 94.** 108.16 (2) (g) and (h) of the statutes are amended to read:

15 108.16 (2) (g) Whenever the department receives a request of 2 or more
16 partnerships ~~or limited liability companies~~ consisting of the same partners ~~or~~
17 members to be treated as separate employers prior to October 1 of any year, the
18 department shall apportion the balance in any existing account of the partnerships
19 ~~or limited liability companies~~ among the separate employers on January 1 following
20 the date of receipt of the request in proportion to the payrolls incurred in the
21 businesses operated by each of the employers in the 4 completed calendar quarters
22 ending on the computation date preceding the date of receipt of the request and shall
23 calculate the reserve percentage of each separate employer in accordance with the
24 proportion of the payroll attributable to that employer. Section 108.18 (2) is not made
25 applicable to the separate employers by reason of such treatment. For purposes of

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1 s. 108.18 (7), the department shall treat the partnerships ~~or limited liability~~
2 ~~companies~~ as separate employers on November 1 preceding that January 1. For
3 purposes of s. 108.18 (7) (b) and (c), the department shall treat the separate
4 employers as existing employers on that January 1.

5 (h) Whenever, prior to October 1 of any year, the department receives a written
6 request by all partnerships ~~or limited liability companies~~ consisting of the same
7 partners ~~or members~~ which have elected to be treated as separate employers for the
8 partnerships ~~or limited liability companies~~ to be treated as a single employer, the
9 department shall combine the balances in the existing accounts of the separate
10 employers into a new account on January 1 following the date of receipt of the request
11 and shall calculate the reserve percentage of the single employer in accordance with
12 the combined payroll attributable to each of the separate employers in the 4
13 completed calendar quarters ending on the computation date preceding that
14 January 1. Section 108.18 (2) is not made applicable to the single employer by reason
15 of such treatment. For purposes of s. 108.18 (7), the department shall treat the
16 partnerships ~~or limited liability companies~~ as a single employer on November 1
17 preceding that January 1. For purposes of s. 108.18 (7) (b) and (c), the department
18 shall treat the single employer as an existing employer on that January 1.

19 **SECTION 95.** 108.16 (3) (c) of the statutes is created to read:

20 108.16 (3) (c) Any nonrecoverable payment made without fault on the part of
21 the intended payee.

22 **SECTION 96.** 108.16 (6) (o) of the statutes is created to read:

23 108.16 (6) (o) Any erroneous payment recovered under s. 108.22 (8e).

24 **SECTION 97.** 108.16 (6m) (a) of the statutes is amended to read:

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SECTION 97

1 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
2 (7) (h), (8) (a), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), or (6), or (8), 108.14
3 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

4 **SECTION 98.** 108.16 (6m) (h) of the statutes is created to read:

5 108.16 (6m) (h) Any amount paid to correct a payment under s. 108.22 (8e) that
6 is not recovered or recoverable.

7 **SECTION 99.** 108.16 (8) (b) 4. of the statutes is amended to read:

8 108.16 (8) (b) 4. The department has received a written application from the
9 transferee requesting that it be deemed a successor. ~~Such~~ Unless the transferee
10 satisfies the department that the application was late as a result of excusable
11 neglect, the application must be received by the department on or before the
12 contribution payment due date for the first full quarter following the date of transfer.
13 The department shall not accept a late application under this subdivision more than
14 90 days after its due date.

15 **SECTION 100.** 108.205 (1) of the statutes is amended to read:

16 108.205 (1) Each employer shall file with the department, in such form as the
17 department by rule requires, a quarterly report showing the name, social security
18 number and wages paid to each employee who is employed by the employer in
19 employment with the employer during the quarter. ~~The department may also by rule~~
20 ~~require each employer to include in the report any salary reduction amounts that are~~
21 ~~not wages and that would have been paid to each such employee by the employer as~~
22 ~~salary during the quarter but for a salary reduction agreement under a cafeteria~~
23 ~~plan, within the meaning of 26 USC 125.~~ The employer shall file the report no later
24 than the last day of the month following the completion of each quarter.

25 **SECTION 101.** 108.21 (1) of the statutes is amended to read:

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

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SECTION 102. 108.22 (1) (a) of the statutes is amended to read:

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SECTION 102

1 108.22 (1) (a) ~~If Except as provided in par. (cm), if~~ any employer, other than an
 2 employer which has ceased business and has not paid or incurred a liability to pay
 3 wages in any quarter following the cessation of business, is delinquent in making by
 4 the assigned due date any payment to the department required of it under this
 5 chapter, the employer shall pay interest on the delinquent payment at that monthly
 6 rate that annualized is equal to 9 percent or to 2 percent more than the prime rate
 7 as published in the Wall Street Journal as of September 30 of the preceding year,
 8 whichever is greater, for each month or fraction thereof that the employer is
 9 delinquent from the date such payment became due. If any such employer is
 10 delinquent in ~~making~~ filing any quarterly report under s. 108.205 (1) by the assigned
 11 due date, ~~the employer shall pay~~ department may assess a tardy filing fee of \$50 to
 12 the employer for each delinquent quarterly report in the amount of \$100 or \$20 per
 13 employee, as reported on the employer's most recent quarterly report, whichever is
 14 greater, or, if the report is filed within 30 days of its due date, in the amount of \$50.
 15 If the department cannot determine the number of the employer's employees from
 16 the employer's most recent quarterly report, the department may reasonably
 17 estimate the number of the employer's employees for purposes of this paragraph.

18 **SECTION 103.** 108.22 (1) (cm) of the statutes is created to read:

19 108.22 (1) (cm) In limited circumstances as prescribed by rule of the
 20 department, the department may waive or decrease the interest charged under par.

21

(a).

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22 **SECTION 104.** 108.22 (8) (c) 1. a. of the statutes is amended to read:

23 108.22 (8) (c) 1. a. The overpayment was the result of a departmental error and
 24 was not the fault of any employer under s. 108.04 (13) (f); and

25 **SECTION 105.** 108.22 (8e) of the statutes is created to read:

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1 108.22 (8e) If the department determines a payment has been made to an
2 unintended recipient erroneously without fault on the part of the intended payee, the
3 department may issue the correct payment to the intended payee if necessary, and
4 may recover the amount of the erroneous payment from the recipient under this
5 section or s. 108.225 or 108.245.

6 SECTION 106. 108.223 of the statutes is created to read:

7 108.223 Financial record matching program. (1) DEFINITIONS. In this
8 section:

9 (a) "Account" means a demand deposit account, checking account, negotiable
10 withdrawal order account, savings account, time deposit account, or money market
11 mutual fund account.

12 (b) "Debtor" has the meaning given in s. 108.225 (1) (c).

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13 (c) "Financial institution" has the meaning given in 12 USC 3401 (1).

14 (2) MATCHING PROGRAM AND AGREEMENTS. (a) The department shall operate a
15 financial record matching program under this section for the purpose of identifying
16 the assets of debtors.

17 (b) The department shall enter into agreements with financial institutions
18 doing business in this state to operate the financial record matching program under
19 this section. An agreement shall require the financial institution to participate in
20 the financial record matching program by electing either the financial institution
21 matching option under sub. (3) or the state matching option under sub. (4). The
22 financial institution and the department may by mutual agreement make changes
23 to the agreement. A financial institution that wishes to choose a different matching
24 option shall provide the department with at least 60 days notice. The department
25 shall furnish the financial institution with a signed copy of the agreement.

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(c) The department may reimburse a financial institution up to \$125 per calendar quarter for participating in the financial record matching program under this section. The department shall make reimbursements under this paragraph from the appropriation under s. 20.445 (1) (n).

(d) To the extent feasible, the information to be exchanged under the matching program shall be provided by electronic data exchange as prescribed by the department in the agreement under par. (b).

(3) FINANCIAL INSTITUTION MATCHING OPTION. If a financial institution with which the department has an agreement under sub. (2) elects the financial institution matching option under this subsection, all of the following apply:

(a) At least once each calendar quarter, the department shall provide to the financial institution, in the manner specified in the agreement under sub. (2) (b), information regarding debtors. The information shall include names and social security or other taxpayer identification numbers.

(b) Based on the information received under par. (a), the financial institution shall take actions necessary to determine whether any debtor has an ownership interest in an account maintained at the financial institution. If the financial institution determines that a debtor has an ownership interest in an account at the financial institution, the financial institution shall provide the department with a notice containing the debtor's name, address of record, social security number or other taxpayer identification number, and account information. The account information shall include the account number, the account type, the nature of the ownership interest in the account, and the balance of the account at the time that the record match is made. The notice under this paragraph shall be provided in the

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1 manner specified in the agreement under sub. (2) (b) and, to the extent feasible, by
2 an electronic data exchange.

3 (4) STATE MATCHING OPTION. If a financial institution with which the department
4 has an agreement under sub. (2) elects the state matching option under this
5 subsection, all of the following apply:

6 (a) At least once each calendar quarter, the financial institution shall provide
7 the department with information concerning all accounts maintained at the
8 financial institution. For each account maintained at the financial institution, the
9 financial institution shall notify the department of the name and social security
10 number or other tax identification number of each person having an ownership
11 interest in the account, together with a description of each person's interest. The
12 information required under this paragraph shall be provided in the manner specified
13 in the agreement under sub. (2) (b) and, to the extent feasible, by an electronic data
14 exchange.

15 (b) The department shall take actions necessary to determine whether any
16 debtor has an ownership interest in an account maintained at the financial
17 institution providing information under par. (a). Upon the request of the
18 department, the financial institution shall provide to the department, for each
19 debtor who matches information provided by the financial institution under par. (a),
20 the address of record, the account number and account type, and the balance of the
21 account.

22 (5) USE OF INFORMATION BY FINANCIAL INSTITUTION; PENALTY. A financial
23 institution participating in the financial record matching program under this
24 section, and the employees, agents, officers, and directors of the financial institution,
25 may use information received from the department under sub. (3) only for the

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1 purpose of matching records and may use information provided by the department
2 in requesting additional information under sub. (4) only for the purpose of providing
3 the additional information. Neither the financial institution nor any employee,
4 agent, officer, or director of the financial institution may disclose or retain
5 information received from the department concerning debtors. Any person who
6 violates this subsection may be fined not less than \$50 nor more than \$1,000 or
7 imprisoned in the county jail for not less than 10 days or more than one year or both.

8 (6) USE OF INFORMATION BY DEPARTMENT. The department may use information
9 provided by a financial institution under this section only for matching records under
10 sub. (4), for administering the financial record matching program under this section,
11 and for pursuing the collection of amounts owed to the department by debtors. The
12 department may not disclose or retain information received from a financial
13 institution under this section concerning account holders who are not debtors.

14 (7) FINANCIAL INSTITUTION LIABILITY. A financial institution is not liable to any
15 person for disclosing information to the department in accordance with an
16 agreement under this section or for any other action that the financial institution
17 takes in good faith to comply with this section.

18 **SECTION 107.** 108.225 (1) (b) of the statutes is amended to read:

19 108.225 (1) (b) “Debt” means a delinquent contribution or repayment of a
20 benefit overpayment, a delinquent assessment under s. 108.04 (11) (cm) or 108.19
21 (1m), a liability incurred under s. 108.04 (11) (bh), an erroneous payment from the
22 fund recovered under s. 108.245, or any liability of a 3rd party for failure to surrender
23 to the department property or rights to property subject to levy after proceedings
24 under sub. (4) (b) and s. 108.10 to determine that liability.

25 **SECTION 108.** 108.227 of the statutes is created to read:

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1 **108.227 License denial, nonrenewal, discontinuation, suspension and**
2 **revocation based on delinquent unemployment insurance contributions.**

3 (1) DEFINITIONS. In this section:

4 (a) “Contribution” includes contributions under ss. 108.17 and 108.18, interest
5 for a nontimely payment or a fee assessed on an employer, an assessment under s.
6 108.19, any payment due for a forfeiture imposed upon an employing unit under s.
7 108.04 (11) (c), and any other penalty assessed by the department under this chapter
8 against an employing unit.

9 (b) “Credential” has the meaning given in s. 440.01 (2) (a), but does not include
10 a registration as an inactive licensee under s. 452.12 (6) (b).

11 (c) “Credentialing board” means a board, examining board or affiliated
12 credentialing board in the department of safety and professional services that grants
13 a credential.

14 (d) “Liable for delinquent contributions” means that a person has exhausted
15 all of the person’s remedies under s. 108.10 to challenge the assertion that the person
16 owes the department any contributions and the person is delinquent in the payment
17 of those contributions.

18 (e) “License” means any of the following:

19 1. An approval specified in s. 29.024 (2r) or a license specified in s. 169.35.

20 2. A license issued by the department of children and families under s. 48.66
21 (1) (a) to a child welfare agency, group home, shelter care facility, or child care center,
22 as required by s. 48.60, 48.625, 48.65, or 938.22 (7).

23 3. A license, certificate of approval, provisional license, conditional license,
24 certification, certification card, registration, permit, training permit or approval
25 specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7) (b) 11., 51.421 (3)

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1 (a), 51.45 (8), 146.40 (3) or (3m), 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2)
2 (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit for
3 operation of a campground specified in s. 254.47 (1).

4 5. A license, as defined in s. 101.02 (20) (a).

5 6. A license or certificate of registration issued by the department of financial
6 institutions, or a division of it, under ss. 138.09, 138.12, 138.14, 217.06, 218.0101 to
7 218.0163, 218.02, 218.04, 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch.
8 551.

9 7. A license described in s. 218.0114 (14) (a) and (g), a license described in s.
10 218.0114 (14) (b), (c) or (e), a license issued under s. 218.11, 218.12, 218.22, 218.32,
11 218.41, 343.61 or 343.62, a buyer identification card issued under s. 218.51 or a
12 certificate of registration issued under s. 341.51.

13 7m. A license issued under s. 562.05 or 563.24.

14 8. A license, registration or certification specified in s. 299.07 (1) (a).

15 9. A credential.

16 10. A license or permit granted by the department of public instruction.

17 11. A license to practice law.

18 12. A license issued under s. 628.04, 632.69 (2), or 633.14 or a temporary license
19 issued under s. 628.09.

20 13. A license issued by the government accountability board under s. 13.63 (1).

21 14. A permit under s. 170.12.

22 15. A certificate under s. 73.03 (50) or a certification under s. 73.09.

23 (f) "Licensing department" means the department of administration; the board
24 of commissioners of public lands; the department of children and families; the
25 government accountability board; the department of financial institutions; the

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1 department of health services; the department of natural resources; the department
2 of public instruction; the department of revenue; the department of safety and
3 professional services; the office of the commissioner of insurance; or the department
4 of transportation.

5 (g) “Nondelinquency certificate” means a certificate that the department of
6 workforce development issues to a person and that states that the person is not liable
7 for delinquent contributions.

(INS. 5A3-1) ✓

8 (2) DUTIES AND POWERS OF LICENSING DEPARTMENTS. (a) Each licensing
9 department and the supreme court, if the supreme court agrees, shall enter into a
10 memorandum of understanding with the department of workforce development
11 under sub. (4) (a) that requires the licensing department or supreme court to do all
12 of the following:

13 1. Request the department of workforce development to certify whether an
14 applicant for a license or license renewal or continuation is liable for delinquent
15 contributions. With respect to an applicant for a license granted by a credentialing
16 board, the department of safety and professional services shall make a request under
17 this subdivision. This subdivision does not apply to the department of transportation
18 with respect to licenses described in sub. (1) (e) 7.

19 2. Request the department of workforce development to certify whether a
20 license holder is liable for delinquent contributions. With respect to a holder of a
21 license granted by a credentialing board, the department of safety and professional
22 services shall make a request under this subdivision.

23 (b) Each licensing department and the supreme court, if the supreme court
24 agrees, shall do all of the following:

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1 1. a. If, after a request is made under par. (a) 1. or 2., the department of
2 workforce development certifies that the license holder or applicant for a license or
3 license renewal or continuation is liable for delinquent contributions, revoke the
4 license or deny the application for the license or license renewal or continuation. The
5 department of transportation may suspend licenses described in sub. (1) (e) 7. in lieu
6 of revoking those licenses. A suspension, revocation, or denial under this subd. 1. a.
7 is not subject to administrative review or, except as provided in sub. (6), judicial
8 review. With respect to a license granted by a credentialing board, the department
9 of safety and professional services shall make a revocation or denial under this subd.

10 1. a. With respect to a license to practice law, the department of workforce
11 development shall not submit a certification under this subd. 1. a. to the supreme
12 court until after the license holder or applicant has exhausted his or her remedies
13 under subs. (5) (a) and (6) or has failed to make use of such remedies.

14 b. Mail a notice of suspension, revocation, or denial under subd. 1. a. to the
15 license holder or applicant. The notice shall include a statement of the facts that
16 warrant the suspension, revocation, or denial and a statement that the license holder
17 or applicant may, within 30 days after the date on which the notice of suspension,
18 revocation, or denial is mailed, file a written request with the department of
19 workforce development to have the certification of contribution delinquency on
20 which the suspension, revocation, or denial is based reviewed at a hearing under sub.
21 (5) (a) and that the license holder or applicant may seek judicial review under sub.
22 (6) of an affirmation under sub. (5) (b) 2. that the person is liable for delinquent
23 contributions. With respect to a license granted by a credentialing board, the
24 department of safety and professional services shall mail a notice under this subd.

25 1. b. With respect to a license to practice law, the department of workforce

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1 development shall mail a notice under this subd. 1. b. and the notice shall indicate
2 that the license holder or applicant may request a hearing under sub. (5) (a) and may
3 request judicial review under sub. (6) and that the department of workforce
4 development will submit a certificate of delinquency to suspend, revoke, or deny a
5 license to practice law to the supreme court after the license holder or applicant has
6 exhausted his or her remedies under subs. (5) (a) and (6) or has failed to make use
7 of such remedies. A notice sent to a person who holds a license to practice law or who
8 is an applicant for a license to practice law shall also indicate that the department
9 of workforce development may not submit a certificate of delinquency to the supreme
10 court if the license holder or applicant pays the delinquent contributions in full or
11 enters into an agreement with the department of workforce development to satisfy
12 the delinquency.

13 2. Except as provided in subd. 2m., if notified by the department of workforce
14 development that the department of workforce development has affirmed a
15 certification of contribution delinquency after a hearing under sub. (5) (a), affirm a
16 suspension, revocation, or denial under subd. 1. a. With respect to a license granted
17 by a credentialing board, the department of safety and professional services shall
18 make an affirmation under this subdivision.

19 2m. With respect to a license to practice law, if notified by the department of
20 workforce development that the department of workforce development has affirmed
21 a certification of contribution delinquency after any requested review under subs. (5)
22 (a) and (6), decide whether to suspend, revoke, or deny a license to practice law.

23 3. If a person submits a nondelinquency certificate issued under sub. (5) (b) 1.,
24 reinstate the license or grant the application for the license or license renewal or
25 continuation, unless there are other grounds for suspending or revoking the license

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1 or for denying the application for the license or license renewal or continuation. If
2 reinstatement is required under this subdivision, a person is not required to submit
3 a new application or other material or to take a new test. No separate fee may be
4 charged for reinstatement of a license under this subdivision. With respect to a
5 license granted by a credentialing board, the department of safety and professional
6 services shall reinstate a license or grant an application under this subdivision.

7 4. If a person whose license has been suspended or revoked or whose
8 application for a license or license renewal or continuation has been denied under
9 subd. 1. a. submits a nondelinquency certificate issued under sub. (3) (a) 2., reinstate
10 the license or grant the person's application for the license or license renewal or
11 continuation, unless there are other grounds for not reinstating the license or for
12 denying the application for the license or license renewal or continuation. With
13 respect to a license granted by a credentialing board, the department of safety and
14 professional services shall reinstate a license or grant an application under this
15 subdivision.

16 (c) 1. Each licensing department and the supreme court may require a license
17 holder or an applicant for a license or license renewal or continuation to provide the
18 following information upon request:

19 a. If the license holder or applicant is an individual and has a social security
20 number, the license holder's or applicant's social security number.

21 am. If the license holder or applicant is an individual and does not have a social
22 security number, a statement made or subscribed under oath or affirmation that the
23 license holder or applicant does not have a social security number. The form of the
24 statement shall be prescribed by the department of children and families. A license
25 issued in reliance upon a false statement submitted under this subd. 1. am. is invalid.

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1 b. If the license holder or applicant is not an individual, the license holder's or
2 applicant's federal employer identification number.

3 2. A licensing department may not disclose any information received under
4 subd. 1. a. or b. to any person except to the department of workforce development for
5 the purpose of requesting certifications under par. (a) 1. or 2. in accordance with the
6 memorandum of understanding under sub. (4) and administering the
7 unemployment insurance program, to the department of revenue for the purpose of
8 requesting certifications under s. 73.0301 (2) (a) 1. or 2. in accordance with the
9 memorandum of understanding under s. 73.0301 (4) and administering state taxes,
10 and to the department of children and families for the purpose of administering s.
11 49.22.

12 **(3) DUTIES AND POWERS OF DEPARTMENT OF WORKFORCE DEVELOPMENT.** (a) The
13 department of workforce development shall do all of the following:

14 1. Enter into a memorandum of understanding with each licensing department
15 and the supreme court, if the supreme court agrees, under sub. (4) (a).

16 2. Upon the request of any applicant for issuance, renewal, continuation, or
17 reinstatement of a license whose license has been previously revoked or suspended
18 or whose application for a license or license renewal or continuation has been
19 previously denied under sub. (2) (b) 1. a., issue a nondelinquency certificate to the
20 applicant if the applicant is not liable for delinquent contributions.

21 3. Upon the request of any person whose license or certificate has been
22 previously revoked or denied under s. 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10) (d),
23 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), reinstate the license or certificate
24 if the applicant is not liable for delinquent contributions.

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1 (b) If a request for certification is made under sub. (2) (a) 1. or 2., the
2 department of workforce development may, in accordance with a memorandum of
3 understanding entered into under par. (a) 1., certify to the licensing department or
4 the supreme court that the applicant or license holder is liable for delinquent
5 contributions.

6 (4) MEMORANDUM OF UNDERSTANDING. (a) Each memorandum of understanding
7 shall include procedures that do all of the following:

8 1. Establish requirements for making requests under sub. (2) (a) 1. and 2.,
9 including specifying the time when a licensing department or the supreme court
10 shall make requests under sub. (2) (a) 1. and 2., and for making certifications under
11 sub. (3) (b).

12 2. Implement the requirements specified in sub. (2) (b) 3. and 4.

13 (b) The department of workforce development and the licensing department
14 shall consider all of the following factors in establishing requirements under par. (a)
15 1.:

16 1. The need to issue licenses in a timely manner.

17 2. The convenience of applicants.

18 3. The impact on collecting delinquent contributions.

19 4. The effects on program administration.

20 5. Whether a suspension, revocation, or denial under sub. (2) (b) 1. a. will have
21 an impact on public health, safety, or welfare or the environment.

22 (5) HEARING. (a) The department of workforce development shall conduct a
23 hearing requested by a license holder or applicant for a license or license renewal or
24 continuation under sub. (2) (b) 1. b., or as requested under s. 102.17 (1) (ct), 103.275
25 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), to review

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1 a certification or determination of contribution delinquency that is the basis of a
2 denial, suspension, or revocation of a license or certificate in accordance with this
3 section or an action taken under s. 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10) (d),
4 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4). A hearing under this paragraph
5 is limited to questions of mistaken identity of the license or certificate holder or
6 applicant and of prior payment of the contributions that the department of workforce
7 development certified or determined the license or certificate holder or applicant
8 owes the department. At a hearing under this paragraph, any statement filed by the
9 department of workforce development, the licensing department, or the supreme
10 court, if the supreme court agrees, may be admitted into evidence and is prima facie
11 evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to
12 a hearing under this paragraph is not entitled to any other notice, hearing, or review,
13 except as provided in sub. (6).

14 (b) After a hearing conducted under par. (a) or, in the case of a determination
15 related to a license to practice law, after a hearing under par. (a) or, if the hearing is
16 appealed, after judicial review under sub. (6), the department of workforce
17 development shall do one of the following:

18 1. Issue a nondelinquency certificate to a license holder or an applicant for a
19 license or license renewal or continuation if the department determines that the
20 license holder or applicant is not liable for delinquent contributions. For a hearing
21 requested in response to an action taken under s. 102.17 (1) (ct), 103.275 (2) (bt),
22 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), the department
23 shall grant a license or certificate or reinstate a license or certificate if the
24 department determines that the applicant for or the holder of the license or

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1 certificate is not liable for delinquent contributions, unless there are other grounds
2 for denying the application or revoking the license or certificate.

3 2. Provide notice that the department of workforce development has affirmed
4 its certification of contribution delinquency to a license holder; to an applicant for a
5 license, a license renewal, or a license continuation; and to the licensing department
6 or the supreme court, if the supreme court agrees. For a hearing requested in
7 response to an action taken under s. 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10) (d),
8 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), the department of workforce
9 development shall provide notice to the license or certificate holder or applicant that
10 the department of workforce development has affirmed its determination of
11 contribution delinquency.

12 (6) JUDICIAL REVIEW. A license holder or applicant may seek judicial review
13 under ss. 227.52 to 227.60 of an affirmation under sub. (5) (b) 2. that the person is
14 liable for delinquent contributions, except that the review shall be in the circuit court
15 for Dane County.

16 **SECTION 109.** 108.245 of the statutes is created to read:

17 **108.245 Recovery of erroneous payments from fund.** (1) The department
18 may commence an action to preserve and recover the proceeds of any payment from
19 the fund not resulting from a departmental error, including any payment to which
20 the recipient is not entitled, from any transferee or other person that receives,
21 possesses, or retains such a payment or from any account, including an account at
22 any financial institution, resulting from the transfer, use, or disbursement of such
23 a payment. The department may also commence an action to recover from a claimant
24 the amount of any benefits that were erroneously paid to another person who was
25 not entitled to receive the benefits because the claimant or the claimant's authorized

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1 agent divulged the claimant's security credentials to another person or failed to take
2 adequate measures to protect the credentials from being divulged to an
3 unauthorized person.

4 (2) The department may sue for injunctive relief to require the payee,
5 transferee, or other person, including a financial institution, in possession of the
6 proceeds from any payment from the fund to preserve the proceeds and to prevent
7 the transfer or use of the proceeds upon showing that the payee, transferee, or other
8 person that receives, possesses, or retains the proceeds is not entitled to receive,
9 possess, or retain the proceeds pending the final order of the court directing
10 disposition of the proceeds. Upon entry of a final order of the court directing the
11 proceeds to be transferred to the department, the payee, transferee, or other person
12 in possession of the proceeds shall transfer the proceeds to the department.

13 (3) The existence of an administrative or other legal remedy for recovery of a
14 payment under sub. (1) or the the failure of the department to exhaust any such
15 remedy is not a defense to an action under sub. (1). A judgment entered by a court
16 under this section may be recovered and satisfied under s. 108.225.

17 SECTION 110. 115.31 (6m) of the statutes is amended to read:

18 115.31 (6m) The department of public instruction shall, without a hearing,
19 revoke a license or permit granted by the department of public instruction if the
20 department of revenue certifies under s. 73.0301 that the licensee or permit holder
21 is liable for delinquent taxes or if the department of workforce development certifies
22 under s. 108.227 that the licensee or permit holder is liable for delinquent
23 unemployment insurance contributions.

24 SECTION 111. 118.19 (1m) (a) of the statutes is amended to read:

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Handwritten note: INS. SA 2-3 with an arrow pointing to the word "existence" in line 13.

Handwritten note: INS. SA 2-2 with an arrow pointing to the word "department" in line 12.

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1 118.19 (1m) (a) The department of public instruction may not issue or renew
2 a license or permit or revalidate a license that has no expiration date unless the
3 applicant provides the department of public instruction with his or her social
4 security number. The department of public instruction may not disclose the social
5 security number except to the department of revenue for the sole purpose of
6 requesting certifications under s. 73.0301 and to the department of workforce
7 development for the sole purpose of requesting certifications under s. 108.227.

8 **SECTION 112.** 118.19 (1m) (b) of the statutes is amended to read:

9 118.19 (1m) (b) The department of public instruction may not issue or renew
10 a license or permit or revalidate a license that has no expiration date if the
11 department of revenue certifies under s. 73.0301 that the applicant, licensee, or
12 permit holder is liable for delinquent taxes or if the department of workforce
13 development certifies under s. 108.227 that the applicant, licensee, or permit holder
14 is liable for delinquent unemployment insurance contributions.

15 **SECTION 113.** 138.09 (1m) (b) 2. a. of the statutes is amended to read:

16 138.09 (1m) (b) 2. a. The division may disclose information under subd. 1. to
17 the department of revenue for the sole purpose of requesting certifications under s.
18 73.0301 and to the department of workforce development for the sole purpose of
19 requesting certifications under s. 108.227.

20 **SECTION 114.** 138.09 (3) (am) 2. of the statutes is amended to read:

21 138.09 (3) (am) 2. The department of revenue certifies under s. 73.0301 that
22 the applicant is liable for delinquent taxes or the department of workforce
23 development certifies under s. 108.227 that the applicant is liable for delinquent
24 unemployment insurance contributions.

25 **SECTION 115.** 138.09 (4) (c) of the statutes is amended to read: