

1 defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m),  
2 the compensation and death benefit provided in this chapter shall be reduced 15%  
3 by 15 percent but the total reduction may not exceed \$15,000.

4 **SECTION 263.** 102.60 (1m) (b) of the statutes is amended to read:

5 102.60 (1m) (b) An amount equal to double the amount recoverable by the  
6 injured employee, but not to exceed \$15,000, if the injured employee is a minor of  
7 permit age and if at the time of the injury the minor is employed, required, suffered,  
8 or permitted to work without a permit in any place of employment or at any  
9 employment in or for which the department of workforce development, acting under  
10 ch. 103, has adopted a written resolution providing that permits shall not be issued.

11 **SECTION 264.** 102.61 (1g) (b) of the statutes is amended to read:

12 102.61 (1g) (b) If an employer offers an employee suitable employment as  
13 provided in par. (c), the employer or the employer's insurance carrier is not liable for  
14 temporary disability benefits under s. 102.43 (5) (b) or for the cost of tuition, fees,  
15 books, travel, and maintenance under sub. (1). Ineligibility for compensation under  
16 this paragraph does not preclude an employee from receiving vocational  
17 rehabilitation services under 29 USC 701 to 797b if the department of work force  
18 development determines that the employee is eligible to receive those services.

19 **SECTION 265.** 102.61 (1g) (c) of the statutes is amended to read:

20 102.61 (1g) (c) On receiving notice that he or she is eligible to receive vocational  
21 rehabilitation services under 29 USC 701 to 797a, an employee shall provide the  
22 employer with a written report from a physician, chiropractor, psychologist, or  
23 podiatrist stating the employee's permanent work restrictions. Within 60 days after  
24 receiving that report, the employer shall provide to the employee in writing an offer  
25 of suitable employment, a statement that the employer has no suitable employment

1 for the employee, or a report from a physician, chiropractor, psychologist, or  
2 podiatrist showing that the permanent work restrictions provided by the employee's  
3 practitioner are in dispute and documentation showing that the difference in work  
4 restrictions would materially affect either the employer's ability to provide suitable  
5 employment or a vocational rehabilitation counselor's ability to recommend a  
6 rehabilitative training program. If the employer and employee cannot resolve the  
7 dispute within 30 days after the employee receives the employer's report and  
8 documentation, the employer or employee may request a hearing before the  
9 ~~department~~ division to determine the employee's work restrictions. Within 30 days  
10 after the ~~department~~ division determines the employee's work restrictions, the  
11 employer shall provide to the employee in writing an offer of suitable employment  
12 or a statement that the employer has no suitable employment for the employee.

13 **SECTION 266.** 102.61 (1m) (a) of the statutes is amended to read:

14 102.61 (1m) (a) If the department of workforce development has determined  
15 under sub. (1) that an employee is eligible for vocational rehabilitation services  
16 under 29 USC 701 to 797b, but that the department of workforce development cannot  
17 provide those services for the employee, the employee may select a private  
18 rehabilitation counselor certified by the ~~department~~ office to determine whether the  
19 employee can return to suitable employment without rehabilitative training and, if  
20 that counselor determines that rehabilitative training is necessary, to develop a  
21 rehabilitative training program to restore as nearly as possible the employee to his  
22 or her preinjury earning capacity and potential.

23 **SECTION 267.** 102.61 (1m) (c) of the statutes is amended to read:

24 102.61 (1m) (c) The employer or insurance carrier shall pay the reasonable cost  
25 of any services provided for an employee by a private rehabilitation counselor under

1 par. (a) and, subject to the conditions and limitations specified in sub. (1r) (a) to (c)  
2 and by rule, if the private rehabilitation counselor determines that rehabilitative  
3 training is necessary, the reasonable cost of the rehabilitative training program  
4 recommended by that counselor, including the cost of tuition, fees, books,  
5 maintenance, and travel at the same rate as is provided for state officers and  
6 employees under s. 20.916 (8). Notwithstanding that the department office may  
7 authorize under s. 102.43 (5) (b) a rehabilitative training program that lasts longer  
8 than 80 weeks, a rehabilitative training program that lasts 80 weeks or less is  
9 presumed to be reasonable.

10 **SECTION 268.** 102.61 (1m) (d) of the statutes is amended to read:

11 102.61 (1m) (d) If an employee receives services from a private rehabilitation  
12 counselor under par. (a) and later receives similar services from the department of  
13 workforce development under sub. (1) without the prior approval of the employer or  
14 insurance carrier, the employer or insurance carrier is not liable for temporary  
15 disability benefits under s. 102.43 (5) (b) or for tuition, fee, book, travel, and  
16 maintenance costs under sub. (1) that exceed what the employer or insurance carrier  
17 would have been liable for under the rehabilitative training program developed by  
18 the private rehabilitation counselor.

19 **SECTION 269.** 102.61 (1m) (e) of the statutes is amended to read:

20 102.61 (1m) (e) Nothing in this subsection prevents an employer or insurance  
21 carrier from providing an employee with the services of a private rehabilitation  
22 counselor or with rehabilitative training under sub. (3) before the department of  
23 workforce development makes its determination under par. (a).

24 **SECTION 270.** 102.61 (1m) (f) of the statutes is amended to read:

1           102.61 (1m) (f) The ~~department~~ office shall promulgate rules establishing  
2 procedures and requirements for the private rehabilitation counseling and  
3 rehabilitative training process under this subsection. Those rules shall include rules  
4 specifying the procedure and requirements for certification of private rehabilitation  
5 counselors.

6           **SECTION 271.** 102.61 (2) of the statutes is amended to read:

7           102.61 (2) The ~~department~~ division, the commission, and the courts shall  
8 determine the rights and liabilities of the parties under this section in like manner  
9 and with like effect as the ~~department~~ division, the commission, and the courts  
10 determine other issues under this chapter. A determination under this subsection  
11 may include a determination based on the evidence regarding the cost or scope of the  
12 services provided by a private rehabilitation counselor under sub. (1m) (a) or the cost  
13 or reasonableness of a rehabilitative training program developed under sub. (1m) (a).

14           **SECTION 272.** 102.62 of the statutes is amended to read:

15           **102.62 Primary and secondary liability; unchangeable.** In case of  
16 liability under s. 102.57 or 102.60, the liability of the employer shall be primary and  
17 the liability of the insurance carrier shall be secondary. If proceedings are had before  
18 the ~~department~~ division for the recovery of that liability, the ~~department~~ division  
19 shall set forth in its award the amount and order of liability as provided in this  
20 section. Execution shall not be issued against the insurance carrier to satisfy any  
21 judgment covering that liability until execution has first been issued against the  
22 employer and has been returned unsatisfied as to any part of that liability. Any  
23 provision in any insurance policy undertaking to guarantee primary liability or to  
24 avoid secondary liability for a liability under s. 102.57 or 102.60 is void. If the  
25 employer has been adjudged bankrupt or has made an assignment for the benefit of

1 creditors, ~~or~~ if the employer, other than an individual, has gone out of business or has  
2 been dissolved, or if the employer is a corporation and its charter has been forfeited  
3 or revoked, the insurer shall be liable for the payment of that liability without  
4 judgment or execution against the employer, but without altering the primary  
5 liability of the employer.

6 **SECTION 273.** 102.63 of the statutes is amended to read:

7 **102.63 Refunds by state.** Whenever the ~~department shall certify office~~  
8 certifies to the secretary of administration that excess payment has been made under  
9 s. 102.59 or under s. 102.49 (5) either because of mistake or otherwise, ~~the secretary~~  
10 ~~of administration shall~~ within 5 days after receipt of such that certificate the  
11 secretary of administration shall draw an order against the fund in the state  
12 treasury into which such that excess was paid, reimbursing such the payor of such  
13 the excess payment, ~~together with interest actually earned thereon if.~~ If the excess  
14 payment has been on deposit for at least 6 months, the payor of the excess payment  
15 shall also be paid interest actually earned on the excess payment.

16 **SECTION 274.** 102.64 (1) of the statutes is amended to read:

17 102.64 (1) Upon request of the department of administration, a representative  
18 of the department of justice shall represent the state in cases involving payment into  
19 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The  
20 department of justice, after giving notice to the department of administration, may  
21 compromise the amount of those payments but such compromises shall be subject to  
22 review by the ~~department of workforce development~~ office. If the spouse or domestic  
23 partner under ch. 770 of the deceased employee compromises his or her claim for a  
24 primary death benefit, the claim of the children of the employee under s. 102.49 shall  
25 be compromised on the same proportional basis, subject to approval by the

1 ~~department office~~. If the persons entitled to compensation on the basis of total  
2 dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49  
3 (5) (a) shall be compromised on the same proportional basis.

4 **SECTION 275.** 102.64 (2) of the statutes is amended to read:

5 102.64 (2) Upon request of the department of administration, the attorney  
6 general shall appear on behalf of the state in proceedings upon claims for  
7 compensation against the state. Except as provided in s. 102.65 (3), the department  
8 of justice shall represent the interests of the state in proceedings under s. 102.44 (1),  
9 102.49, 102.59, 102.60, or 102.66. The department of justice may compromise claims  
10 in those proceedings, but the compromises are subject to review by the department  
11 ~~of workforce development office~~. Costs incurred by the department of justice in  
12 prosecuting or defending any claim for payment into or out of the work injury  
13 supplemental benefit fund under s. 102.65, including expert witness and witness  
14 fees but not including attorney fees or attorney travel expenses for services  
15 performed under this subsection, shall be paid from the work injury supplemental  
16 benefit fund.

17 **SECTION 276.** 102.65 (1) of the statutes is amended to read:

18 102.65 (1) The moneys payable to the state treasury under ss. 102.35 (1),  
19 102.47, 102.49, 102.59, and 102.60, together with all accrued interest on those  
20 moneys, and all interest payments received under s. 102.75 (2), shall constitute a  
21 separate nonlapsible fund designated as the work injury supplemental benefit fund.  
22 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.145 (6) (t)  
23 and may not be used for any other purpose of the state.

24 **SECTION 277.** 102.65 (2) of the statutes is amended to read:

1           102.65 (2) For proper administration of the moneys available in the fund the  
2    ~~department office~~ shall by order, set aside in the state treasury suitable reserves to  
3    carry to maturity the liability for benefits under ss. 102.44, 102.49, 102.59, and  
4    102.66. ~~Such~~ Those moneys shall be invested by the investment board in accordance  
5    with s. 25.14 (5).

6           **SECTION 278.** 102.65 (3) of the statutes is amended to read:

7           102.65 (3) ~~The department of workforce development office~~ may retain the  
8    department of administration to process, investigate, and pay claims under ss.  
9    102.44 (1), 102.49, 102.59, and 102.66. If retained by the ~~department of workforce~~  
10   ~~development office~~, the department of administration may compromise a claim  
11   processed by that department, but a compromise made by that department is subject  
12   to review by the ~~department of workforce development office~~. The ~~department of~~  
13   ~~workforce development office~~ shall pay for the services retained under this  
14   subsection from the appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (t).

15           **SECTION 279.** 102.65 (4) (intro.) of the statutes is amended to read:

16           102.65 (4) (intro.) The ~~secretary commissioner~~ shall monitor the cash balance  
17    in, and incurred losses to, the work injury supplemental benefit fund using generally  
18    accepted actuarial principles. If the ~~secretary commissioner~~ determines that the  
19    expected ultimate losses to the work injury supplemental benefit fund on known  
20    claims exceed 85 percent of the cash balance in that fund, the ~~secretary commissioner~~  
21    shall consult with the council on worker's compensation. If the ~~secretary~~, after  
22    consulting with the council on worker's compensation, ~~the commissioner~~ determines  
23    that there is a reasonable likelihood that the cash balance in the work injury  
24    supplemental benefit fund may become inadequate to fund all claims under ss.  
25    102.44 (1) (c), 102.49, 102.59, and 102.66, the ~~secretary commissioner~~ shall file with

1 the secretary of administration a certificate attesting that the cash balance in that  
2 fund is likely to become inadequate to fund all claims under ss. 102.44 (1) (c), 102.49,  
3 102.59, and 102.66 and specifying one of the following:

4 **SECTION 280.** 102.65 (4) (a) of the statutes is amended to read:

5 102.65 (4) (a) That payment of those claims will be made as provided in a  
6 schedule that the department office shall promulgate by rule.

7 **SECTION 281.** 102.66 (1) of the statutes is amended to read:

8 102.66 (1) Subject to any certificate filed under s. 102.65 (4), if there is an  
9 otherwise meritorious claim for occupational disease, or for a traumatic injury  
10 described in s. 102.17 (4) in which the date of injury or death or last payment of  
11 compensation, other than for treatment or burial expenses, is before April 1, 2006,  
12 and if the claim is barred solely by the statute of limitations under s. 102.17 (4), the  
13 department office may, in lieu of worker's compensation benefits, direct payment  
14 from the work injury supplemental benefit fund under s. 102.65 of such  
15 compensation and such medical expenses as would otherwise be due, based on the  
16 date of injury, to or on behalf of the injured employee. The benefits shall be  
17 supplemental, to the extent of compensation liability, to any disability or medical  
18 benefits payable from any group insurance policy whose premium is paid in whole  
19 or in part by any employer, or under any federal insurance or benefit program  
20 providing disability or medical benefits. Death benefits payable under any such  
21 group policy do not limit the benefits payable under this section.

22 **SECTION 282.** 102.75 (1) of the statutes is amended to read:

23 102.75 (1) The department office shall assess upon and collect from each  
24 licensed worker's compensation insurance carrier and from each employer exempted  
25 under s. 102.28 (2) by special order or by rule, the proportion of total costs and



1 expenses incurred by the council on worker's compensation for travel and research  
2 and by the ~~department office, the division,~~ and the commission in the administration  
3 of this chapter for the current fiscal year plus any deficiencies in collections and  
4 anticipated costs from the previous fiscal year, that the total indemnity paid or  
5 payable under this chapter by each such carrier and exempt employer in worker's  
6 compensation cases initially closed during the preceding calendar year, other than  
7 for increased, double, or treble compensation bore to the total indemnity paid in cases  
8 closed the previous calendar year under this chapter by all carriers and exempt  
9 employers other than for increased, double, or treble compensation. The council on  
10 worker's compensation, ~~the division,~~ and the commission shall annually certify any  
11 costs and expenses for worker's compensation activities to the ~~department office~~  
12 at such time as the secretary commissioner requires.

13 **SECTION 283.** ~~102.75 (1m) of the statutes is amended to read:~~

14 102.75 (1m) The moneys collected under sub. (1) and under ss. 102.28 (2) and  
15 102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible  
16 fund designated as the worker's compensation operations fund. Moneys in the fund  
17 may be expended only as provided in ~~s. 20.445 (1)~~ ss. 20.145 (6) (ra), (rb), and (rp) and  
18 (2) (ra) and may not be used for any other purpose of the state.

19 **SECTION 284.** ~~102.75 (2) of the statutes is amended to read:~~

20 102.75 (2) The ~~department office~~ shall require that payments for costs and  
21 expenses for each fiscal year shall be made on such dates as the ~~department office~~  
22 prescribes by each licensed worker's compensation insurance carrier and employer  
23 exempted under s. 102.28 (2). Each such payment shall be a sum equal to a  
24 proportionate share of the annual costs and expenses assessed upon each carrier and  
25 employer as estimated by the ~~department office~~. Interest shall accrue on amounts

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not paid within 30 days after the date prescribed by the department office under this subsection at the rate of 1 percent per month. All interest payments received under this subsection shall be deposited in the fund established under s. 102.65.

**SECTION 285.** 102.75 (4) of the statutes is amended to read:

102.75 (4) From the appropriation under s. ~~20.445 (1)~~ 20.145 (6) (ra), the department office shall allocate the amounts that it collects in application fees from employers applying for exemption under s. 102.28 (2) and the annual amount that it collects from employers that have been exempted under s. 102.28 (2) to fund the activities of the department office under s. 102.28 (2) (b) and (c).

**SECTION 286.** 102.80 (1) (e) of the statutes is amended to read:

102.80 (1) (e) All moneys received by the department office for the uninsured employers fund from any other source.

**SECTION 287.** 102.80 (1m) of the statutes is amended to read:

102.80 (1m) The moneys collected or received under sub. (1), together with all accrued interest, shall constitute a separate nonlapsible fund designated as the uninsured employers fund. Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.145 (6) (sm) and may not be used for any other purpose of the state.

**SECTION 288.** 102.80 (3) (a) of the statutes is amended to read:

102.80 (3) (a) If the cash balance in the uninsured employers fund equals or exceeds \$4,000,000, the ~~secretary~~ commissioner shall consult the council on worker's compensation within 45 days after that cash balance equals or exceeds \$4,000,000. ~~The secretary may file with the secretary of administration, within~~ Within 15 days after consulting the council on worker's compensation, the commissioner may file with the secretary of administration a certificate attesting that the cash balance in the uninsured employers fund equals or exceeds \$4,000,000.

1           **SECTION 289.** 102.80 (3) (ag) of the statutes is amended to read:

2           102.80 (3) (ag) The ~~secretary~~ commissioner shall monitor the cash balance in,  
3           and incurred losses to, the uninsured employers fund using generally accepted  
4           actuarial principles. If the ~~secretary~~ commissioner determines that the expected  
5           ultimate losses to the uninsured employers fund on known claims exceed 85 percent  
6           of the cash balance in the uninsured employers fund, the ~~secretary~~ commissioner  
7           shall consult with the council on worker's compensation. If ~~the secretary~~, after  
8           consulting with the council on worker's compensation, the commissioner determines  
9           that there is a reasonable likelihood that the cash balance in the uninsured  
10          employers fund may become inadequate to fund all claims under s. 102.81 (1), the  
11          ~~secretary~~ commissioner shall file with the secretary of administration a certificate  
12          attesting that the cash balance in the uninsured employer's fund is likely to become  
13          inadequate to fund all claims under s. 102.81 (1) and specifying a date after which  
14          no new claims under s. 102.81 (1) will be paid.

15          **SECTION 290.** 102.80 (3) (am) of the statutes is amended to read:

16          102.80 (3) (am) If the ~~secretary~~ commissioner files the certificate under par. (a),  
17          the ~~department may expend the moneys in the uninsured employers fund~~ office may,  
18          beginning on the first day of the first July after the ~~secretary~~ commissioner files that  
19          certificate, expend the moneys in the uninsured employers fund to make payments  
20          under s. 102.81 (1) to employees of uninsured employers and to obtain reinsurance  
21          under s. 102.81 (2).

22          **SECTION 291.** 102.80 (3) (b) of the statutes is amended to read:

23          102.80 (3) (b) If the ~~secretary~~ commissioner does not file the certificate under  
24          par. (a), the ~~department~~ office may not expend the moneys in the uninsured  
25          employers fund.

1           **SECTION 292.** 102.80 (3) (c) of the statutes is amended to read:

2           102.80 (3) (c) If, after filing the certificate under par. (a), the ~~secretary~~  
3           commissioner files the certificate under par. (ag), the ~~department~~ office may expend  
4           the moneys in the uninsured employers fund only to make payments under s. 102.81  
5           (1) to employees of uninsured employers on claims made before the date specified in  
6           ~~that~~ the certificate under par. (ag) and to obtain reinsurance under s. 102.81 (2) for  
7           the payment of those claims.

8           **SECTION 293.** 102.80 (4) (a) (intro.) of the statutes is amended to read:

9           102.80 (4) (a) (intro.) If an uninsured employer who owes to the ~~department~~  
10           office any amount under s. 102.82 or 102.85 (4) transfers his or her business assets  
11           or activities, the transferee is liable for the amounts owed by the uninsured employer  
12           under s. 102.82 or 102.85 (4) if the ~~department~~ office determines that all of the  
13           following conditions are satisfied:

14           **SECTION 294.** 102.80 (4) (b) of the statutes is amended to read:

15           102.80 (4) (b) The ~~department~~ office may collect from a transferee described in  
16           par. (a) an amount owed under s. 102.82 or 102.85 (4) using the procedures specified  
17           in ss. 102.83, 102.835, and 102.87 and the preference specified in s. 102.84 in the  
18           same manner as the ~~department~~ office may collect from an uninsured employer.

19           **SECTION 295.** 102.81 (1) (a) of the statutes is amended to read:

20           102.81 (1) (a) If an employee of an uninsured employer, other than an employee  
21           who is eligible to receive alternative benefits under s. 102.28 (3), suffers an injury for  
22           which the uninsured employer is liable under s. 102.03, the ~~department~~ office or the  
23           ~~department's~~ office's reinsurer shall pay to or on behalf of the injured employee or  
24           to the employee's dependents an amount equal to the compensation owed them by

1 the uninsured employer under this chapter except penalties and interest due under  
2 ss. 102.16 (3), 102.18 (1) (b) and (bp), 102.22 (1), 102.35 (3), 102.57, and 102.60.

3 **SECTION 296.** 102.81 (1) (b) of the statutes is amended to read:

4 102.81 (1) (b) The ~~department~~ office shall make the payments required under  
5 par. (a) from the uninsured employers fund, except that if the ~~department~~ office has  
6 obtained reinsurance under sub. (2) and is unable to make those payments from the  
7 uninsured employers fund, the ~~department's~~ office's reinsurer shall make those  
8 payments according to the terms of the contract of reinsurance.

9 **SECTION 297.** 102.81 (2) of the statutes is amended to read:

10 102.81 (2) The ~~department~~ office may retain an insurance carrier or insurance  
11 service organization to process, investigate, and pay claims under this section and  
12 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to  
13 do business in this state in an amount that the ~~secretary~~ commissioner determines  
14 is necessary for the sound operation of the uninsured employers fund. In cases  
15 involving disputed claims, the ~~department~~ office may retain an attorney to represent  
16 the interests of the uninsured employers fund and to make appearances on behalf  
17 of the uninsured employers fund in proceedings under ss. 102.16 to 102.29. Section  
18 20.930 and all provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an  
19 attorney hired under this subsection. The charges for the services retained under  
20 this subsection shall be paid from the appropriation under s. ~~20.445 (1)~~ 20.145 (6)  
21 (rp). The cost of any reinsurance obtained under this subsection shall be paid from  
22 the appropriation under s. ~~20.445 (1)~~ 20.145 (6) (sm).

23 **SECTION 298.** 102.81 (4) (a) of the statutes is amended to read:

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1           102.81 (4) (a) If the employee or dependent begins an action to recover  
2 compensation from the employee's employer or a 3rd party liable under s. 102.29,  
3 provide to the department office a copy of all papers filed by any party in the action.

4           **SECTION 299.** 102.81 (4) (b) (intro.) of the statutes is amended to read:

5           102.81 (4) (b) (intro.) If the employee or dependent receives compensation from  
6 the employee's employer or a 3rd party liable under s. 102.29, pay to the department  
7 office the lesser of the following:

8           **SECTION 300.** 102.81 (6) (a) of the statutes is amended to read:

9           102.81 (6) (a) Subject to par. (b), an employee, a dependent of an employee, an  
10 uninsured employer, a 3rd party who is liable under s. 102.29, or the department  
11 office may enter into an agreement to settle liabilities under this chapter.

12           **SECTION 301.** 102.81 (6) (b) of the statutes is amended to read:

13           102.81 (6) (b) A settlement under par. (a) is void without the department's  
14 written approval of the office.

15           **SECTION 302.** 102.81 (7) of the statutes is amended to read:

16           102.81 (7) This section first applies to injuries occurring on the first day of the  
17 first July beginning after the day that the secretary commissioner files a certificate  
18 under s. 102.80 (3) (a), except that if the secretary commissioner files a certificate  
19 under s. 102.80 (3) (ag) this section does not apply to claims filed on or after the date  
20 specified in that certificate.

21           **SECTION 303.** 102.82 (1) of the statutes is amended to read:

22           102.82 (1) Except as provided in sub. (2) (ar), an uninsured employer shall  
23 reimburse the department office for any payment made under s. 102.81 (1) to or on  
24 behalf of an employee of the uninsured employer or to an employee's dependents and  
25 for any expenses paid by the department office in administering the claim of the

1 employee or dependents, less amounts repaid by the employee or dependents under  
2 s. 102.81 (4) (b). The reimbursement owed under this subsection is due within 30  
3 days after the date on which the ~~department~~ office notifies the uninsured employer  
4 that the reimbursement is owed. Interest shall accrue on amounts not paid when due  
5 at the rate of ~~1%~~ 1 percent per month.

6 **SECTION 304.** 102.82 (2) (a) (intro.) of the statutes is amended to read:

7 102.82 (2) (a) (intro.) Except as provided in pars. (ag), (am), and (ar), all  
8 uninsured employers shall pay to the ~~department~~ office the greater of the following:

9 **SECTION 305.** 102.82 (2) (a) 1. of the statutes is amended to read:

10 102.82 (2) (a) 1. Twice the amount determined by the ~~department~~ office to equal  
11 what the uninsured employer would have paid during periods of illegal nonpayment  
12 for worker's compensation insurance in the preceding 3-year period based on the  
13 employer's payroll in the preceding 3 years.

14 **SECTION 306.** 102.82 (2) (ag) (intro.) of the statutes is amended to read:

15 102.82 (2) (ag) (intro.) An uninsured employer who is liable to the ~~department~~  
16 office under par. (a) 2 shall pay to the ~~department~~ office, in lieu of the payment  
17 required under par. (a) 2., \$100 per day for each day that the employer is uninsured  
18 if all of the following apply:

19 **SECTION 307.** 102.82 (2) (am) of the statutes is amended to read:

20 102.82 (2) (am) The ~~department~~ office may waive any payment owed under par.  
21 (a) by an uninsured employer if the ~~department~~ office determines that the uninsured  
22 employer is subject to this chapter only because the uninsured employer has elected  
23 to become subject to this chapter under s. 102.05 (2) or 102.28 (2).

24 **SECTION 308.** 102.82 (2) (ar) of the statutes is amended to read:

1           102.82 (2) (ar) The ~~department~~ office may waive any payment owed under par.  
2 (a) or (ag) or sub. (1) if the ~~department~~ office determines that the sole reason for the  
3 uninsured employer's failure to comply with s. 102.28 (2) is that the uninsured  
4 employer was a victim of fraud, misrepresentation, or gross negligence by an  
5 insurance agent or insurance broker or by a person whom a reasonable person would  
6 believe is an insurance agent or insurance broker.

7           **SECTION 309.** 102.82 (2) (c) of the statutes is amended to read:

8           102.82 (2) (c) The department of justice or, if the department of justice consents,  
9 the ~~department of workforce development~~ office may bring an action in circuit court  
10 to recover payments and interest owed to the ~~department of workforce development~~  
11 office under this section.

12           **SECTION 310.** 102.82 (3) (a) of the statutes is amended to read:

13           102.82 (3) (a) When an employee dies as a result of an injury for which an  
14 uninsured employer is liable under s. 102.03, the uninsured employer shall pay  
15 \$1,000 to the ~~department~~ office.

16           **SECTION 311.** 102.83 (1) (a) 1. of the statutes is amended to read:

17           102.83 (1) (a) 1. If an uninsured employer or any individual who is found  
18 personally liable under sub. (8) fails to pay to the ~~department~~ office any amount owed  
19 to the ~~department~~ office under s. 102.82 and no proceeding for review is pending, the  
20 ~~department~~ office or any authorized representative may issue a warrant directed to  
21 the clerk of circuit court for any county of the state.

22           **SECTION 312.** 102.83 (1) (a) 3. of the statutes is amended to read:

23           102.83 (1) (a) 3. A warrant entered under subd. 2. shall be considered in all  
24 respects as a final judgment constituting a perfected lien on the right, title, and  
25 interest of the uninsured employer or the individual in all of that person's real and



1 personal property located in the county where the warrant is entered. The lien is  
2 effective when the ~~department~~ office issues the warrant under subd. 1. and shall  
3 continue until the amount owed, including interest, costs, and other fees to the date  
4 of payment, is paid.

5 **SECTION 313.** 102.83 (1) (a) 4. of the statutes is amended to read:

6 102.83 (1) (a) 4. After the warrant is entered in the judgment and lien docket,  
7 the ~~department~~ office or any authorized representative may file an execution with  
8 the clerk of circuit court for filing by the clerk of circuit court with the sheriff of any  
9 county where real or personal property of the uninsured employer or the individual  
10 is found, commanding the sheriff to levy upon and sell sufficient real and personal  
11 property of the uninsured employer or the individual to pay the amount stated in the  
12 warrant in the same manner as upon an execution against property issued upon the  
13 judgment of a court of record, and to return the warrant to the ~~department~~ office and  
14 pay to it the money collected by virtue of the warrant within 60 days after receipt of  
15 the warrant.

16 **SECTION 314.** 102.83 (1) (b) of the statutes is amended to read:

17 102.83 (1) (b) The clerk of circuit court shall accept and enter the warrant in  
18 the judgment and lien docket without prepayment of any fee, but the clerk of circuit  
19 court shall submit a statement of the proper fee semiannually to the ~~department~~  
20 office covering the periods from January 1 to June 30 and July 1 to December 31  
21 unless a different billing period is agreed to between the clerk and the ~~department~~  
22 office. The fees shall then be paid by the ~~department~~ office, but the fees provided by  
23 s. 814.61 (5) for entering the warrants shall be added to the amount of the warrant  
24 and collected from the uninsured employer or the individual when satisfaction or  
25 release is presented for entry.

1           **SECTION 315.** 102.83 (2) of the statutes is amended to read:

2           102.83 (2) The ~~department~~ office may issue a warrant of like terms, force, and  
3 effect to any employee or other agent of the ~~department~~ office, who may file a copy  
4 of the warrant with the clerk of circuit court of any county in the state, and thereupon  
5 the clerk of circuit court shall enter the warrant in the judgment and lien docket and  
6 the warrant shall become a lien in the same manner, and with the same force and  
7 effect, as provided in sub. (1). In the execution of the warrant, the employee or other  
8 agent shall have all the powers conferred by law upon a sheriff, but may not collect  
9 from the uninsured employer or the individual any fee or charge for the execution of  
10 the warrant in excess of the actual expenses paid in the performance of his or her  
11 duty.

12           **SECTION 316.** 102.83 (3) of the statutes is amended to read:

13           102.83 (3) If a warrant is returned not satisfied in full, the ~~department~~ office  
14 shall have the same remedies to enforce the amount due for payments, interest,  
15 costs, and other fees as if the ~~department~~ office had recovered judgment against the  
16 uninsured employer or the individual and an execution had been returned wholly or  
17 partially not satisfied.

18           **SECTION 317.** 102.83 (4) of the statutes is amended to read:

19           102.83 (4) When the payments, interest, costs, and other fees specified in a  
20 warrant have been paid to the ~~department~~ office, the ~~department~~ office shall issue  
21 a satisfaction of the warrant and file it with the clerk of circuit court. The clerk of  
22 circuit court shall immediately enter the satisfaction of the judgment in the  
23 judgment and lien docket. The ~~department~~ office shall send a copy of the satisfaction  
24 to the uninsured employer or the individual.

25           **SECTION 318.** 102.83 (5) of the statutes is amended to read:

1           102.83 (5) The ~~department~~ office, if it finds that the interests of the state will  
2 not be jeopardized, and upon such conditions as it may exact, may issue a release of  
3 any warrant with respect to any real or personal property upon which the warrant  
4 is a lien or cloud upon title. The clerk of circuit court shall enter the release upon  
5 presentation of the release to the clerk and payment of the fee for filing the release  
6 and the release shall be conclusive proof that the lien or cloud upon the title of the  
7 property covered by the release is extinguished.

8           **SECTION 319.** 102.83 (6) of the statutes is amended to read:

9           102.83 (6) At any time after the filing of a warrant, the ~~department~~ office may  
10 commence and maintain a garnishee action as provided by ch. 812 or may use the  
11 remedy of attachment as provided by ch. 811 for actions to enforce a judgment. The  
12 place of trial of an action under ch. 811 or 812 may be either in Dane County or the  
13 county where the debtor resides and may not be changed from the county in which  
14 the action is commenced, except upon consent of the parties.

15           **SECTION 320.** 102.83 (7) of the statutes is amended to read:

16           102.83 (7) If the ~~department~~ office issues an erroneous warrant, the  
17 ~~department~~ office shall issue a notice of withdrawal of the warrant to the clerk of  
18 circuit court for the county in which the warrant is filed. The clerk shall void the  
19 warrant and any liens attached by it.

20           **SECTION 321.** 102.83 (8) of the statutes is amended to read:

21           102.83 (8) Any officer or director of an uninsured employer that is a corporation  
22 and any member or manager of an uninsured employer that is a limited liability  
23 company may be found individually and jointly and severally liable for the payments,  
24 interest, costs and other fees specified in a warrant under this section if after proper  
25 proceedings for the collection of those amounts from the corporation or limited

1 liability company, as provided in this section, the corporation or limited liability  
2 company is unable to pay those amounts to the ~~department~~ office. The personal  
3 liability of the officers and directors of a corporation or of the members and managers  
4 of a limited liability company as provided in this subsection is an independent  
5 obligation, survives dissolution, reorganization, bankruptcy, receivership,  
6 assignment for the benefit of creditors, judicially confirmed extension or  
7 composition, or any analogous situation of the corporation or limited liability  
8 company, and shall be set forth in a determination or decision issued under s. 102.82.

9 **SECTION 322.** 102.835 (1) (ad) of the statutes is amended to read:

10 102.835 (1) (ad) “Debtor” means an uninsured employer or an individual found  
11 personally liable under s. 102.83 (8) who owes the ~~department~~ office a debt.

12 **SECTION 323.** 102.835 (1) (e) of the statutes is amended to read:

13 102.835 (1) (e) “Payment” means a payment owed to the ~~department~~ office  
14 under s. 102.82 and includes interest on that payment.

15 **SECTION 324.** 102.835 (2) of the statutes is amended to read:

16 102.835 (2) POWERS OF LEVY AND DISTRAINT. If any debtor who is liable for any  
17 debt fails to pay that debt after the ~~department~~ office has made demand for payment,  
18 the ~~department~~ office may collect that debt and the expenses of the levy by levy upon  
19 any property belonging to the debtor. If the value of any property that has been levied  
20 upon under this section is not sufficient to satisfy the claim of the ~~department~~ office,  
21 the ~~department~~ office may levy upon any additional property of the debtor until the  
22 debt and expenses of the levy are fully paid.

23 **SECTION 325.** 102.835 (3) of the statutes is amended to read:

24 102.835 (3) DUTIES TO SURRENDER. Any person in possession of or obligated with  
25 respect to property or rights to property that is subject to levy and upon which a levy

1 has been made shall, upon demand of the ~~department~~ office, surrender the property  
2 or rights or discharge the obligation to the ~~department~~ office, except that part of the  
3 property or rights which is, at the time of the demand, subject to any prior  
4 attachment or execution under any judicial process.

5 **SECTION 326.** 102.835 (4) (a) of the statutes is amended to read:

6 102.835 (4) (a) Any debtor who fails to surrender any property or rights to  
7 property that is subject to levy, upon demand by the ~~department~~ office, is subject to  
8 proceedings to enforce the amount of the levy.

9 **SECTION 327.** 102.835 (4) (b) of the statutes is amended to read:

10 102.835 (4) (b) Any 3rd party who fails to surrender any property or rights to  
11 property subject to levy, upon demand of the ~~department~~ office, is subject to  
12 proceedings to enforce the levy. The 3rd party is not liable to the ~~department~~ office  
13 under this paragraph for more than 25% of the debt. The ~~department~~ office shall  
14 serve a final demand as provided under sub. (13) on any 3rd party who fails to  
15 surrender property. Proceedings may not be initiated by the ~~department~~ office until  
16 5 days after service of the final demand. The ~~department~~ office shall issue a  
17 determination under s. 102.82 to the 3rd party for the amount of the liability.

18 **SECTION 328.** 102.835 (4) (c) of the statutes is amended to read:

19 102.835 (4) (c) When a 3rd party surrenders the property or rights to the  
20 property on demand of the ~~department~~ office or discharges the obligation to the  
21 ~~department~~ office for which the levy is made, the 3rd party is discharged from any  
22 obligation or liability to the debtor with respect to the property or rights to the  
23 property arising from the surrender or payment to the ~~department~~ office.

24 **SECTION 329.** 102.835 (5) (a) of the statutes is amended to read:

1           102.835 (5) (a) If the ~~department~~ office has levied upon property, any person,  
2 other than the debtor who is liable to pay the debt out of which the levy arose, who  
3 claims an interest in or lien on that property, and who claims that that property was  
4 wrongfully levied upon may bring a civil action against the state in the circuit court  
5 for Dane County. That action may be brought whether or not that property has been  
6 surrendered to the ~~department~~ office. The court may grant only the relief under par.  
7 (b). No other action to question the validity of or to restrain or enjoin a levy by the  
8 ~~department~~ office may be maintained.

9           **SECTION 330.** 102.835 (5) (c) of the statutes is amended to read:

10           102.835 (5) (c) For purposes of an adjudication under this subsection, the  
11 determination of the debt upon which the interest or lien of the ~~department~~ office is  
12 based is conclusively presumed to be valid.

13           **SECTION 331.** 102.835 (6) of the statutes is amended to read:

14           102.835 (6) DETERMINATION OF EXPENSES. The ~~department~~ office shall  
15 determine its costs and expenses to be paid in all cases of levy.

16           **SECTION 332.** 102.835 (7) (a) of the statutes is amended to read:

17           102.835 (7) (a) The ~~department~~ office shall apply all money obtained under this  
18 section first against the expenses of the proceedings and then against the liability  
19 in respect to which the levy was made and any other liability owed to the ~~department~~  
20 office by the debtor.

21           **SECTION 333.** 102.835 (7) (b) of the statutes is amended to read:

22           102.835 (7) (b) The ~~department~~ office may refund or credit any amount left  
23 after the applications under par. (a), upon submission of a claim for a refund or credit  
24 and satisfactory proof of the claim, to the person entitled to that amount.

25           **SECTION 334.** 102.835 (8) of the statutes is amended to read:

1           102.835 (8) RELEASE OF LEVY. The ~~department~~ office may release the levy upon  
2 all or part of property levied upon to facilitate the collection of the liability or to grant  
3 relief from a wrongful levy, but that release does not prevent any later levy.

4           **SECTION 335.** 102.835 (9) of the statutes is amended to read:

5           102.835 (9) WRONGFUL LEVY. If the ~~department~~ office determines that property  
6 has been wrongfully levied upon, the ~~department~~ office may return the property at  
7 any time, or may return an amount of money equal to the amount of money levied  
8 upon.

9           **SECTION 336.** 102.835 (10) of the statutes is amended to read:

10           102.835 (10) PRESERVATION OF REMEDIES. The availability of the remedy under  
11 this section does not abridge the right of the ~~department~~ office to pursue other  
12 remedies.

13           **SECTION 337.** 102.835 (12) of the statutes is amended to read:

14           102.835 (12) NOTICE BEFORE LEVY. If no proceeding for review permitted by law  
15 is pending, the ~~department~~ office shall make a demand to the debtor for payment of  
16 the debt ~~which~~ that is subject to levy and give notice that the ~~department~~ office may  
17 pursue legal action for collection of the debt against the debtor. The ~~department~~  
18 office shall make the demand for payment and give the notice at least 10 days prior  
19 to the levy, personally or by any type of mail service ~~which~~ that requires a signature  
20 of acceptance, at the address of the debtor as it appears on the records of the  
21 ~~department~~ office. The demand for payment and notice shall include a statement of  
22 the amount of the debt, including costs and fees, and the name of the debtor who is  
23 liable for the debt. The debtor's failure to accept or receive the notice does not prevent  
24 the ~~department~~ office from making the levy. Notice prior to levy is not required for

1 a subsequent levy on any debt of the same debtor within one year after the date of  
2 service of the original levy.

3 **SECTION 338.** 102.835 (13) (a) of the statutes is amended to read:

4 102.835 (13) (a) The ~~department~~ office shall serve the levy upon the debtor and  
5 3rd party by personal service or by any type of mail service ~~which~~ that requires a  
6 signature of acceptance.

7 **SECTION 339.** 102.835 (13) (c) of the statutes is amended to read:

8 102.835 (13) (c) The ~~department~~ representative of the office who serves the levy  
9 shall certify service of process on the notice of levy form and the person served shall  
10 acknowledge receipt of the certification by signing and dating it. If service is made  
11 by mail, the return receipt is the certificate of service of the levy.

12 **SECTION 340.** 102.835 (14) of the statutes is amended to read:

13 102.835 (14) ANSWER BY 3RD PARTY. Within 20 days after the service of the levy  
14 upon a 3rd party, the 3rd party shall file an answer with the ~~department~~ office stating  
15 whether the 3rd party is in possession of or obligated with respect to property or  
16 rights to property of the debtor, including a description of the property or the rights  
17 to property and the nature and dollar amount of any such obligation. If the 3rd party  
18 is an insurance company, the insurance company shall file an answer with the  
19 ~~department~~ office within 45 days after the service of the levy.

20 **SECTION 341.** 102.835 (19) of the statutes is amended to read:

21 102.835 (19) HEARING. Any debtor who is subject to a levy proceeding made by  
22 the ~~department~~ office may request a hearing under s. 102.17 to review the levy  
23 proceeding. The hearing is limited to questions of prior payment of the debt that the  
24 ~~department~~ office is proceeding against, and mistaken identity of the debtor. The



1 levy is not stayed pending the hearing in any case in which property is secured  
2 through the levy.

3 **SECTION 342.** 102.85 (2) (a) of the statutes is amended to read:

4 102.85 (2) (a) Gives false information about the coverage to his or her  
5 employees, the ~~department~~ office, or any other person who contracts with the  
6 employer and who requests evidence of worker's compensation coverage in relation  
7 to that contract.

8 **SECTION 343.** 102.85 (5) (a) of the statutes is amended to read:

9 102.85 (5) (a) The payment of any judgment under this section may be  
10 suspended or deferred for not more than 90 days in the discretion of the court. The  
11 court shall suspend a judgment under this section upon the motion of the ~~department~~  
12 office, if the ~~department~~ office is satisfied that the employer's violation of s. 102.16  
13 (3) or 102.28 (2) was beyond the employer's control and that the employer is no longer  
14 violates in violation of s. 102.16 (3) or 102.28 (2). ~~In cases where~~ If a deposit has been  
15 made, any forfeitures, surcharges, fees, and costs imposed under ch. 814 shall be  
16 taken out of the deposit and the balance, if any, returned to the employer.

17 **SECTION 344.** 102.87 (1) of the statutes is renumbered 102.87 (1m).

18 **SECTION 345.** 102.87 (1d) of the statutes is created to read:

19 102.87 (1d) In this section, "deputy" means any person employed by the office  
20 who is designated as a deputy, who possesses special, technical, scientific,  
21 managerial or personal abilities or qualities in matters within the jurisdiction of the  
22 office, and who may be engaged in the performance of duties under the direction of  
23 the commissioner, calling for the exercise of those abilities or qualities.

24 **SECTION 346.** 102.87 (2) (intro.) of the statutes is amended to read:

1           102.87 (2) (intro.) A citation under this section shall be signed by a ~~department~~  
2           deputy, or by an officer who has authority to make arrests for the violation, and shall  
3           contain substantially the following information:

4           **SECTION 347.** 102.87 (2) (b) of the statutes is amended to read:

5           102.87 (2) (b) The name and office or ~~department~~ of the issuing ~~department~~  
6           deputy or officer.

7           **SECTION 348.** 102.87 (3) of the statutes is amended to read:

8           102.87 (3) A defendant issued a citation under this section may deposit the  
9           amount of money that the issuing ~~department~~ deputy or officer directs by mailing or  
10          delivering the deposit and a copy of the citation before the court appearance date to  
11          the clerk of the circuit court in the county where the violation occurred, to the  
12          ~~department~~ office, or to the sheriff's office or police headquarters of the officer who  
13          issued the citation. The basic amount of the deposit shall be determined under a  
14          deposit schedule established by the judicial conference. The judicial conference shall  
15          annually review and revise the schedule. In addition to the basic amount determined  
16          by the schedule, the deposit shall include the costs, fees, and surcharges imposed  
17          under ch. 814.

18          **SECTION 349.** 102.87 (9) of the statutes is amended to read:

19          102.87 (9) A ~~department~~ deputy or an officer who collects under this section a  
20          forfeiture and costs, fees, and surcharges imposed under ch. 814 ~~under this section~~  
21          shall pay the money to the county treasurer within 20 days after its receipt. If the  
22          ~~department~~ deputy or officer fails to make timely payment, the county treasurer may  
23          collect the payment from the ~~department~~ deputy or officer by an action in the  
24          treasurer's name of office and upon the official bond of the ~~department~~ deputy or

1 officer, with interest at the rate of ~~12%~~ 12 percent per year from the time when ~~it the~~  
2 payment should have been ~~paid~~ made.

3 **SECTION 350.** 102.88 (1) of the statutes is amended to read:

4 102.88 (1) When a person is convicted of any violation of this chapter or of any  
5 department rule or order of the office, and it is alleged in the indictment, information,  
6 or complaint, and proved or admitted on trial or ascertained by the court after  
7 conviction that the person was previously subjected to a fine or forfeiture within a  
8 period of 5 years under s. 102.85, the person may be fined not more than \$2,000 or  
9 imprisoned for not more than 90 days or both.

10 **SECTION 351.** 102.89 (1) of the statutes is amended to read:

11 102.89 (1) Whoever is concerned in the commission of a violation of this chapter  
12 or of any ~~department~~ rule or order of the office under this chapter for which a  
13 forfeiture is imposed is a principal and may be charged with and convicted of the  
14 violation although he or she did not directly commit ~~it the violation~~ and although the  
15 person who directly committed ~~it the violation~~ has not been convicted of the violation.

16 **SECTION 352.** 108.10 (4) of the statutes is amended to read:

17 108.10 (4) The department or the employing unit may commence action for the  
18 judicial review of a commission decision under this section, provided the department,  
19 or the employing unit, after exhausting the remedies provided under this section, has  
20 commenced such action within 30 days after such decision was mailed to the  
21 employing unit's last-known address. The scope of judicial review, and the manner  
22 thereof insofar as applicable, shall be the same as that provided in s. 108.09 (7). In  
23 an action commenced by an employing unit under this section, the department shall  
24 be an adverse party ~~under s. 102.23 (1) (a)~~ and shall be named as a party in the  
25 complaint commencing the action.

1           **SECTION 353.** 108.227 (1) (e) 12. of the statutes is amended to read:

2           108.227 (1) (e) 12. A license issued under s. 102.17 (1) (c), 628.04, 628.92 (1),  
3           632.69 (2), or 633.14, a registration under s. 628.92 (2), or a temporary license issued  
4           under s. 628.09.

5           **SECTION 354.** 108.227 (1m) (intro.) of the statutes is amended to read:

6           108.227 (1m) GENERAL PROVISIONS. (intro.) The department shall promulgate  
7           rules specifying procedures to be used before taking action under sub. (3) (b) or s.  
8           ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7),  
9           or 105.13 (4) with respect to a person whose license or credential is to be denied, not  
10          renewed, discontinued, suspended, or revoked, including rules with respect to all of  
11          the following:

12          **SECTION 355.** 108.227 (3) (a) 3. of the statutes is amended to read:

13          108.227 (3) (a) 3. Upon the request of any person whose license or certificate  
14          has been previously revoked or denied under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34  
15          (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), reinstate the license or  
16          certificate if the applicant is not liable for delinquent contributions.

17          **SECTION 356.** 108.227 (5) (a) of the statutes is amended to read:

18          108.227 (5) (a) The department of workforce development shall conduct a  
19          hearing requested by a license holder or applicant for a license or license renewal or  
20          continuation under sub. (2) (b) 1. b., or as requested under s. ~~102.17 (1) (et)~~, 103.275  
21          (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), to review  
22          a certification or determination of contribution delinquency that is the basis of a  
23          denial, suspension, or revocation of a license or certificate in accordance with this  
24          section or an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d),  
25          103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4). A hearing under this paragraph

1 is limited to questions of mistaken identity of the license or certificate holder or  
2 applicant and of prior payment of the contributions that the department of workforce  
3 development certified or determined the license or certificate holder or applicant  
4 owes the department. At a hearing under this paragraph, any statement filed by the  
5 department of workforce development, the licensing department, or the supreme  
6 court, if the supreme court agrees, may be admitted into evidence and is prima facie  
7 evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to  
8 a hearing under this paragraph is not entitled to any other notice, hearing, or review,  
9 except as provided in sub. (6).

10 **SECTION 357.** 108.227 (5) (b) 1. of the statutes is amended to read:

11 108.227 (5) (b) 1. Issue a nondelinquency certificate to a license holder or an  
12 applicant for a license or license renewal or continuation if the department  
13 determines that the license holder or applicant is not liable for delinquent  
14 contributions. For a hearing requested in response to an action taken under s. ~~102.17~~  
15 ~~(1)(et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13  
16 (4), the department shall grant a license or certificate or reinstate a license or  
17 certificate if the department determines that the applicant for or the holder of the  
18 license or certificate is not liable for delinquent contributions, unless there are other  
19 grounds for denying the application or revoking the license or certificate.

20 **SECTION 358.** 108.227 (5) (b) 2. of the statutes is amended to read:

21 108.227 (5) (b) 2. Provide notice that the department of workforce development  
22 has affirmed its certification of contribution delinquency to a license holder; to an  
23 applicant for a license, a license renewal, or a license continuation; and to the  
24 licensing department or the supreme court, if the supreme court agrees. For a  
25 hearing requested in response to an action taken under s. ~~102.17 (1)(et)~~, 103.275 (2)

1 (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), the department  
2 of workforce development shall provide notice to the license or certificate holder or  
3 applicant that the department of workforce development has affirmed its  
4 determination of contribution delinquency.

5 **SECTION 359.** 227.43 (1) (bm) of the statutes is created to read:

6 227.43 (1) (bm) Assign a hearing examiner to preside over any hearing or  
7 review of a worker's compensation claim or other dispute under ch. 102.

8 **SECTION 360.** 227.43 (2) (am) of the statutes is created to read:

9 227.43 (2) (am) The office of the commissioner of insurance shall notify the  
10 division of hearings and appeals of every pending hearing to which the administrator  
11 of the division is required to assign a hearing examiner under sub. (1) (bm) after the  
12 office of the commissioner of insurance is notified that a hearing on the matter is  
13 required.

14 **SECTION 361.** 227.43 (3) (bm) of the statutes is created to read:

15 227.43 (3) (bm) The administrator of the division of hearings and appeals may  
16 set the fees to be charged for any services rendered to the office of the commissioner  
17 of insurance by a hearing examiner under this section. The fee shall cover the total  
18 cost of the services less any costs covered by the appropriation under s. 20.505 (4) (f).

19 **SECTION 362.** 227.43 (4) (bm) of the statutes is created to read:

20 227.43 (4) (bm) The office of the commissioner of insurance shall pay all costs  
21 of the services of a hearing examiner assigned under sub. (1) (bm), according to the  
22 fees set under sub. (3) (bm).

23 **SECTION 363.** 230.08 (2) (e) 6. of the statutes is amended to read:

24 230.08 (2) (e) 6. Workforce development — ~~9~~ 8.

25 **SECTION 364.** 303.07 (7) of the statutes is amended to read:

Insert  
130-18  
F

1           303.07 (7) If any inmate of a reforestation camp, in the performance of work  
2 in connection with the maintenance of the camp, is injured so as to be permanently  
3 incapacitated, or to have materially reduced earning power, the inmate may upon  
4 discharge be allowed and paid such compensation as the ~~department of workforce~~  
5 ~~development~~ office of the commissioner of insurance finds the inmate entitled to. The  
6 inmate shall be compensated on the same basis as if the injury had been covered by  
7 ch. 102, except that the total paid to ~~any such~~ the inmate shall not exceed \$1,000 and  
8 may be paid in installments. If the inmate is from an adjoining county ~~such that~~  
9 county shall pay ~~such~~ the compensation. In case of dispute the procedure for hearing,  
10 award, and appeal shall be as set forth in ss. 102.16 to 102.26.

11           **SECTION 365.** 303.21 (1) (a) of the statutes is amended to read:

12           303.21 (1) (a) If an inmate of a state institution, in the performance of assigned  
13 work is injured so as to be permanently incapacitated or to have materially reduced  
14 earning power, the inmate may, upon being released from such institution, either  
15 upon release on parole or extended supervision or upon final discharge, be allowed  
16 and paid such compensation as the ~~department of workforce development~~ office of  
17 the commissioner of insurance finds the inmate entitled to. The inmate shall be  
18 compensated on the same basis as if the injury had been covered by ch. 102, except  
19 that the total paid to any inmate may not exceed \$10,000 and may be paid in  
20 installments. If the injury results from employment in a prison industry, the  
21 payment shall be made from the revolving appropriation for its operation. If there  
22 is no revolving appropriation, payment shall be made from the general fund. In case  
23 of dispute, the procedure for hearing, award, and appeal shall be as set forth in ss.  
24 102.16 to 102.26.

25           **SECTION 366.** 321.60 (1) (a) 8. of the statutes is amended to read:

1           321.60 (1) (a) 8. A license issued under s. ~~102.17 (1) (e)~~, 104.07, or 105.05.

2           **SECTION 367.** 321.60 (1) (a) 20. of the statutes is amended to read:

3           321.60 (1) (a) 20. A license issued under s. 102.17 (1) (c), 628.04, 632.69 (2), or  
4           633.14 or a temporary license issued under s. 628.09.

5           **SECTION 368.** 601.41 (1) of the statutes is amended to read:

6           601.41 (1) DUTIES. The commissioner shall administer and enforce chs. 102 and  
7           600 to 655 and ss. 59.52 (11) (c), 66.0137 (4) and (4m), 100.203, and 120.13 (2) (b) to  
8           (g) and shall act as promptly as possible under the circumstances on all matters  
9           placed before the commissioner.

10          **SECTION 369.** 601.42 (1g) (intro.) of the statutes is amended to read:

11          601.42 (1g) REPORTS. (intro.) The commissioner may require any of the  
12          following from any person subject to regulation under chs. 102 and 600 to 655:

13          **SECTION 370.** 601.64 (3) (c) of the statutes is amended to read:

14          601.64 (3) (c) *Forfeiture for violation of statute or rule.* Whoever violates an  
15          insurance statute or rule, s. 102.35 (2), or s. 149.13, 2011 stats., intentionally aids a  
16          person in violating an insurance statute or rule, s. 102.35 (2), or s. 149.13, 2011 stats.,  
17          or knowingly permits a person over whom he or she has authority to violate an  
18          insurance statute or rule, s. 102.35 (2), or s. 149.13, 2011 stats., shall forfeit to the  
19          state not more than \$1,000 for each violation. If the statute or rule imposes a duty  
20          to make a report to the commissioner, each week of delay in complying with the duty  
21          is a new violation.

22          **SECTION 371.** 626.12 (3) of the statutes is amended to read:

23          626.12 (3) PHYSICAL IMPAIRMENT. Rates or rating plans may not take into  
24          account the physical impairment of employees. Any employer who applies or  
25          promotes any oppressive plan of physical examination and rejection of employees or



1 applicants for employment shall forfeit the right to experience rating. If the  
2 ~~department of workforce development office~~ determines that grounds exist for such  
3 forfeiture ~~it shall file with the commissioner~~ the office shall provide the employer  
4 with a certified copy of its findings, which shall automatically suspend any  
5 experience rating credit for the employer. The ~~department~~ office shall make the  
6 determination ~~as prescribed in the same manner as the department of workforce~~  
7 development makes determinations under ss. 103.005 (5) (b) to (f), (6) to (11), (13) (b)  
8 to (d), and (16), so far as ~~such subsections~~ those provisions are applicable, subject to  
9 review under ch. 227. Restoration of an employer to the advantages of experience  
10 rating shall be by the same procedure.

11 **SECTION 372.** 626.32 (1) (a) of the statutes is amended to read:

12 626.32 (1) (a) *General.* Every insurer writing any insurance specified under  
13 s. 626.03 shall report its insurance in this state to the bureau at least annually, on  
14 forms and under rules prescribed by the bureau. The bureau shall file, under rules  
15 promulgated by the ~~department of workforce development office~~, a record of such  
16 reports with ~~that department~~ the office. No ~~such~~ information contained in those  
17 reports may be made public by the bureau or any of its employees except as required  
18 by law and in accordance with its rules. No ~~such~~ information contained in those  
19 reports may be made public by the ~~department of workforce development office~~ or  
20 any of its employees except as authorized by the bureau.

21 **SECTION 373.** 645.47 (1) (a) of the statutes is amended to read:

22 645.47 (1) (a) *General requirements.* The liquidator shall give notice of the  
23 liquidation order as soon as possible by first class mail and either by telegram or  
24 telephone to the insurance commissioner of each jurisdiction in which the insurer is  
25 licensed to do business, ~~by first class mail and by telephone to the department of~~

1 ~~workforce development of this state if the insurer is or has been an insurer of~~  
2 ~~worker's compensation,~~ by first class mail to all insurance agents having a duty  
3 under s. 645.48, by first class mail to the director of state courts under s. 601.53 (1),  
4 if the insurer does a surety business, and by first class mail at the last-known  
5 address to all persons known or reasonably expected from the insurer's records to  
6 have claims against the insurer, including all policyholders. The liquidator also shall  
7 publish a class 3 notice, under ch. 985, in a newspaper of general circulation in the  
8 county in which the liquidation is pending or in Dane County, the last publication to  
9 be not less than 3 months before the earliest deadline specified in the notice under  
10 sub. (2).

11 **SECTION 9151. Nonstatutory provisions; Workforce Development.**

12 (1) TRANSFER OF WORKER'S COMPENSATION ADMINISTRATIVE FUNCTIONS.

13 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
14 liabilities of the department of workforce development that are primarily related to  
15 the administrative functions of the division of worker's compensation in that  
16 department, as determined by the secretary of administration, shall become the  
17 assets and liabilities of the office of the commissioner of insurance.

18 (b) *Positions and employees.* On the effective date of this paragraph, all  
19 positions and all incumbent employees holding those positions in the department of  
20 workforce development performing duties that are primarily related to the  
21 administrative functions of the division of worker's compensation in that  
22 department, as determined by the secretary of administration, are transferred to the  
23 office of the commissioner of insurance.

24 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
25 rights and the same status under subchapter V of chapter 111 and chapter 230 of the

1 statutes in the office of the commissioner of insurance that they enjoyed in the  
2 department of workforce development immediately before the transfer.  
3 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
4 has attained permanent status in class is required to serve a probationary period.

5 (d) *Tangible personal property.* On the effective date of this paragraph, all  
6 tangible personal property, including records, of the department of workforce  
7 development that is primarily related to the administrative functions of the division  
8 of worker's compensation in that department, as determined by the secretary of  
9 administration, is transferred to the office of the commissioner of insurance.

10 (e) *Pending matters.* Any matter pending with the department of workforce  
11 development on the effective date of this paragraph that is primarily related to the  
12 administrative functions of the division of worker's compensation in that  
13 department, as determined by the secretary of administration, is transferred to the  
14 office of the commissioner of insurance. All materials submitted to or actions taken  
15 by the department of workforce development with respect to the pending matter are  
16 considered as having been submitted to or taken by the office of the commissioner  
17 of insurance.

18 (f) *Contracts.* All contracts entered into by the department of workforce  
19 development in effect on the effective date of this paragraph that are primarily  
20 related to the administrative functions of the division of worker's compensation in  
21 that department, as determined by the secretary of administration, remain in effect  
22 and are transferred to the office of the commissioner of insurance. The office of the  
23 commissioner of insurance shall carry out any obligations under those contracts  
24 unless modified or rescinded by the office of the commissioner of insurance to the  
25 extent allowed under the contract.

1           (g) *Rules and orders.* All rules promulgated by the department of workforce  
2 development in effect on the effective date of this paragraph that are primarily  
3 related to the administrative functions of the division of worker's compensation in  
4 that department, as determined by the secretary of administration, remain in effect  
5 until their specified expiration dates or until amended or repealed by the office of the  
6 commissioner of insurance. All orders issued by the department of workforce  
7 development in effect on the effective date of this paragraph that are primarily  
8 related to the administrative functions of the division of worker's compensation in  
9 that department, as determined by the secretary of administration, remain in effect  
10 until their specified expiration dates or until modified or rescinded by the office of  
11 the commissioner of insurance.

12           (2) TRANSFER OF WORKER'S COMPENSATION ADJUDICATORY FUNCTIONS.

13           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
14 liabilities of the department of workforce development that are primarily related to  
15 the adjudicatory functions of the division of worker's compensation in that  
16 department, as determined by the secretary of administration, shall become the  
17 assets and liabilities of the division of hearings and appeals in the department of  
18 administration.

19           (b) *Positions and employees.* On the effective date of this paragraph, all  
20 positions and all incumbent employees holding those positions in the department of  
21 workforce development performing duties that are primarily related to the  
22 adjudicatory functions of the division of worker's compensation in that department,  
23 as determined by the secretary of administration, are transferred to the division of  
24 hearings and appeals in the department of administration.

1           (c) *Employee status.* Employees transferred under paragraph (b) have all the  
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
3 statutes in the division of hearings and appeals in the department of administration  
4 that they enjoyed in the department of workforce development immediately before  
5 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so  
6 transferred who has attained permanent status in class is required to serve a  
7 probationary period.

8           (d) *Tangible personal property.* On the effective date of this paragraph, all  
9 tangible personal property, including records, of the department of workforce  
10 development that is primarily related to the adjudicatory functions of the division  
11 of worker's compensation in that department, as determined by the secretary of  
12 administration, is transferred to the division of hearings and appeals in the  
13 department of administration.

14           (e) *Pending matters.* Any matter pending with the department of workforce  
15 development on the effective date of this paragraph that is primarily related to the  
16 adjudicatory functions of the division of worker's compensation in that department,  
17 as determined by the secretary of administration, is transferred to the division of  
18 hearings and appeals in the department of administration. All materials submitted  
19 to or actions taken by the department of workforce development with respect to the  
20 pending matter are considered as having been submitted to or taken by the division  
21 of hearings and appeals in the department of administration.

22           (f) *Contracts.* All contracts entered into by the department of workforce  
23 development in effect on the effective date of this paragraph that are primarily  
24 related to the adjudicatory functions of the division of worker's compensation in that  
25 department, as determined by the secretary of administration, remain in effect and

1 are transferred to the division of hearings and appeals in the department of  
2 administration. The division of hearings and appeals in the department of  
3 administration shall carry out any obligations under those contracts unless modified  
4 or rescinded by the division of hearings and appeals in the department of  
5 administration to the extent allowed under the contract.

6 (g) *Rules and orders.* All rules promulgated by the department of workforce  
7 development in effect on the effective date of this paragraph that are primarily  
8 related to the adjudicatory functions of the division of worker's compensation in that  
9 department, as determined by the secretary of administration, remain in effect until  
10 their specified expiration dates or until amended or repealed by the administrator  
11 of the division of hearings and appeals in the department of administration. All  
12 orders issued by the department of workforce development in effect on the effective  
13 date of this paragraph that are primarily related to the adjudicatory functions of the  
14 division of worker's compensation in that department, as determined by the  
15 secretary of administration, remain in effect until their specified expiration dates or  
16 until modified or rescinded by the administrator of the division of hearings and  
17 appeals in the department of administration.

18 (3) TRANSFER OF COUNCIL ON WORKER'S COMPENSATION.

19 (a) *Tangible personal property.* On the effective date of this paragraph, all  
20 tangible personal property, including records, of the department of workforce  
21 development that is primarily related to the functions of the council on worker's  
22 compensation, as determined by the secretary of administration, is transferred to the  
23 office of the commissioner of insurance.

24 (b) *Contracts.* All contracts entered into by the department of workforce  
25 development in effect on the effective date of this paragraph that are primarily

1 related to the functions of the council on worker's compensation, as determined by  
2 the secretary of administration, remain in effect and are transferred to the office of  
3 the commissioner of insurance. The office of the commissioner of insurance shall  
4 carry out any obligations under those contracts unless modified or rescinded by the  
5 office of the commissioner of insurance to the extent allowed under the contract.

6 (4) TRANSFER OF SELF-INSURERS COUNCIL.

7 (a) *Tangible personal property.* On the effective date of this paragraph, all  
8 tangible personal property, including records, of the department of workforce  
9 development that is primarily related to the functions of the self-insurers council,  
10 as determined by the secretary of administration, is transferred to the office of the  
11 commissioner of insurance.

12 (b) *Contracts.* All contracts entered into by the department of workforce  
13 development in effect on the effective date of this paragraph that are primarily  
14 related to the functions of the self-insurers council, as determined by the secretary  
15 of administration, remain in effect and are transferred to the office of the  
16 commissioner of insurance. The office of the commissioner of insurance shall carry  
17 out any obligations under those contracts unless modified or rescinded by the office  
18 of the commissioner of insurance to the extent allowed under the contract.

19 **SECTION 9451. Effective dates; Workforce Development.**

20 (1) TRANSFER OF WORKER'S COMPENSATION FUNCTIONS. The treatment of sections  
21 15.227 (4) and (11), 15.737 (title), 16.865 (4), 20.145 (6) (title), (ga), (gb), (ka), and (lc),  
22 20.445 (1) (aa), (ga), (p), (ra), (rb), (rp), (s), (sm), and (t), ~~20.505 (4) (lp)~~ 40.63 (6),  
23 40.65 (2) (a) and (b) 3. and 4., 49.857 (1) (d) 8. and 20., 73.0301 (1) (d) 3m. and 12.,  
24 102.01 (2) (a), (ad), (ag), (ap), (ar), (bm), (dg), (dm), and (em), 102.05 (1) and (3),  
25 102.06, 102.07 (1) (a) and (b), (7) (b), (8) (c), and (11), 102.076 (2), 102.077 (1) and (2),

and (2) (ra)

and

and (lc)

~~20.505 (4) (lp)~~

keep comma

(by SECTION \* )  
AD [A]

(by SECTION \* )  
CS  
AD [B]

SECTION 9451

1 102.08, 102.11 (1) (am) 1., 102.12, 102.125, 102.13 (1) (c), (d) 2., and 3., and (f), (2) (a)  
 2 and (c), (3), (4), and (5), 102.14 (title), (1), and (2), 102.15 (1), (2), and (3), 102.16 (1),  
 3 (1m) (a), (b), and (c), (2) (a), (am), (b), (c), (d), (e) 1. and 2., (f), and (h), (2m) (a), (am),  
 4 (b), (c), (d), (e), (f), and (g), and (4), 102.17 (1) (a) 1., 2., 3., and 4., (b), (c), (cg) 1., 2.,  
 5 2m., and 3., (cm), (cr), (ct), (d) 1., 2., 3., and 4., (e), (f), (g), and (h), (2), (2m), (2s), (7)  
 6 (b) and (c), and (8), 102.175 (2), 102.18 (1) (b), (bg) 1., 2., and 3., (bp), (bw), (c), and  
 7 (e), (2), (3), (4) (b), (c) 3., and (d), (5), and (6), 102.19, 102.195, 102.21, 102.22 (1) and  
 8 (2), 102.23 (1) (a) and (b), (2), (3), and (5), 102.24 (2), 102.25 (1), 102.26 (2), (3) (b) 1.  
 9 and 3., and (4), 102.27 (2) (b), 102.28 (2) (a), (b), (c), and (d), (3) (a) (intro.), (b) (intro.)  
 10 and 3., (c), and (d), (4) (a), (b), (c), and (d), (6), (7) (a), (b), and (c), and (8), 102.29 (1)  
 11 (a), (b) (intro.) and 2., (c), and (d) and (4), 102.30 (7) (a), 102.31 (1) (b), (2) (a), (3), (4),  
 12 (5), (6), (7), and (8), 102.315 (4), (5) (b) (intro.) and (c), (6) (a), (b) (intro.), 1., and 3.,  
 13 (d), (e) 1., 2., and 3., (9) (a), and (10) (a) 2., 3., and 4. and (b) 2. and 3., 102.32 (1m)  
 14 (intro.), (a), (c), and (d), (5), (6) (b), (d), and (e), (6m), and (7), 102.33 (title), (1), (2) (a),  
 15 (b) (intro.), 1., 2., 3., and 4., (c), and (d) 2., 102.35 (1), (2), and (3), 102.37, 102.38,  
 16 102.39, 102.40, 102.42 (1m), (6), (8), and (9) (a) and (b), 102.425 (4m) (a), (b), (c), (d),  
 17 and (e), 102.43 (5) (b), 102.44 (1) (ag) and (c), (2), (5) (d), and (6) (b), 102.45, 102.475  
 18 (1) and (6), 102.48 (1), (2), and (3), 102.49 (3), (5) (d), and (6), 102.51 (3), (4), and (6),  
 19 102.55 (3), 102.555 (12) (a), 102.56 (1) and (2), 102.565 (1), (2), and (3), 102.57, 102.58,  
 20 102.60 (1m) (b), 102.61 (1g) (b) and (c), (1m) (a), (c), (d), (e), and (f) and (2), 102.62,  
 21 102.63, 102.64 (1) and (2), 102.65 (1), (2), (3), and (4) (intro.) and (a), 102.66 (1), 102.75  
 22 (1), (1m), (2), and (4), 102.80 (1) (e), (1m), (3) (a), (ag), (am), (b), and (c), and (4) (a)  
 23 (intro.) and (b), 102.81 (1) (a) and (b), (2), (4) (a) and (b) (intro.), (6) (a) and (b), and  
 24 (7), 102.82 (1), (2) (a) (intro.) and 1., (ag) (intro.), (am), (ar), and (c), and (3) (a), 102.83  
 25 (1) (a) 1., 3., and 4. and (b), (2), (3), (4), (5), (6), (7), and (8), 102.835 (1) (ad) and (e),

(by <sup>CS</sup> SECTION \* )  
 use AR[D]

(by <sup>CS</sup> SECTION \* )  
 use AR[F]

(by <sup>CS</sup> SECTION \* )  
 use AR[C]



1 (2), (3), (4) (a), (b), and (c), (5) (a) and (c), (6), (7) (a) and (b), (8), (9), (10), (12), (13) (a)  
 2 and (c), (14), and (19), 102.85 (2) (a) and (5) (a), 102.87 (1) and (1d), (2) (intro.) and  
 3 (b), (3), and (9), 102.88 (1), 102.89 (1), 108.10 (4), 108.227 (1) (e) 12., (1m) (intro.), (3)  
 4 (a) 3., (5) (a) and (b) 1. and 2., 227.43 (1) (bm), (2) (am), (3) (bm), and (4) (bm), 230.08  
 5 (2) (e) 6., 303.07 (7), 303.21 (1) (a), 321.60 (1) (a) 8. and 20., 601.41 (1), 601.42 (1g)  
 6 (intro.), 601.64 (3) (c), 626.12 (3), 626.32 (1) (a), and 645.47 (1) (a) of the statutes, and  
 7 SECTION 9151 (1), (2), (3), and (4) of this act take effect on January 1, 2016.

(END)

, the renumbering and amendment of section 20.445 <sup>(ra)</sup> (1)(a) of  
 the statutes, the amendment of sections 102.44 (1)(c) 1, 2,  
 and 3. ~~102.44 (1)(c) 1, 2, and 3.~~ 102.75 (1g) (a) and (b),  
 102.80 (1) (f), and 102.81 (1) (c) 1. and 2.  
 of the statute,

d-note

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0610/P3ins  
GMM.....

(INSERT 5-11)

1 SECTION 1. 20.445 (1) (ra) of the statutes, as affected by 2015 Wisconsin Act ....  
2 (this act), is renumbered 20.145 (6) (ra) and amended to read:  
3 20.145 (6) (ra) *Worker's compensation operations fund; administration.* From  
4 the worker's compensation operations fund, the amounts in the schedule for the  
5 administration of the worker's compensation program by the department office, for  
6 transfer to the uninsured employers fund under s. 102.81 (1) (c), and for transfer to  
7 the appropriation accounts under par. (rp) and sub. s. 20.445 (2) (ra). All moneys  
8 received under ss. 102.28 (2) (b) and 102.75 shall be credited to this appropriation  
9 account. From this appropriation, an amount not to exceed \$5,000 may be expended  
10 each fiscal year for payment of expenses for travel and research by the council on  
11 worker's compensation, an amount not to exceed \$500,000 may be transferred in  
12 each fiscal year to the uninsured employers fund under s. 102.81 (1) (c), the amount  
13 in the schedule under par. (rp) shall be transferred to the appropriation account  
14 under par. (rp), and the amount in the schedule under sub. (2) (ra) shall be  
15 transferred to the appropriation account under sub. (2) (ra).

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109; 2003 a. 33, 197; 2005 a. 25, 86, 172; 2005 a. 443 s. 265; 2007 a. 20, 59; 2009 a. 28, 180; 2011 a. 32, 123, 183, 198; 2013 a. 9, 20; 2013 a. 36 ss. 6p to 7, 236m; 2013 a. 57, 139.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This is reconciled s.20.445 (1) (6). This SECTION has been affected by drafts with the following LRB numbers: -0452/1 and -0610/P2.

(END OF INSERT)

16 SECTION 2. 20.445 (2) (ra) of the statutes is amended to read:  
17 20.445 (2) (ra) *Worker's compensation operations fund; worker's compensation*  
18 *activities.* From the worker's compensation operations fund, the amounts in the

INS  
6-12



(6)

(1)

1 schedule for the worker's compensation activities of the labor and industry review  
2 commission. All moneys transferred from the appropriation account under sub. s.  
3 20.145 (1) (ra) shall be credited to this appropriation account.

**History:** 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109; 2003 a. 33, 197; 2005 a. 25, 86, 172; 2005 a. 443 s. 265; 2007 a. 20, 59; 2009 a. 28, 180; 2011 a. 32, 123, 183, 198; 2013 a. 9, 20; 2013 a. 36 ss. 6p to 7, 236m; 2013 a. 57, 139.

(INSERT 14-8)

create AR [A]

4 **SECTION 3.** 102.077 (1) of the statutes, as affected by 2015 Wisconsin Act... (this  
5 act), is amended to read:

Anto ref

6 102.077 (1) A school district, private school, or institution of higher education  
7 may elect to name as its employee for purposes of this chapter a student described  
8 in s. 102.07 (12m) (b) by an endorsement on its policy of worker's compensation  
9 insurance or, if the school district, private school, or institution of higher education  
10 is exempt from the duty to insure under s. 102.28 (2) (a), by filing a declaration with  
11 the department office in the manner provided in s. 102.31 (2) (a) naming the student  
12 as an employee of the school district, private school, or institution of higher education  
13 for purposes of this chapter. A declaration under this subsection shall list the name  
14 of the student to be covered under this chapter, the name and address of the employer  
15 that is providing the work training or work experience for that student, and the title,  
16 if any, of the work training, work experience, or work study program in which the  
17 student is participating.

**History:** 1995 a. 117; 1997 a. 38; 1999 a. 14; 2001 a. 37.

\*\*\*\*NOTE: This is reconciled s. 102.077 (1). This SECTION has been affected by drafts with the following LRB numbers: -0610/P2 and LRB-0921/P1.

✓

✓

18 Anto ref  
19

**SECTION 4.** 102.077 (2) of the statutes, as affected by 2015 Wisconsin Act... (this  
act), is amended to read:

create AR [B]

1           102.077 (2) A school district, private school, or institution of higher education  
 2 may revoke a declaration under sub. (1) by providing written notice to the  
 3 department office in the manner provided in s. 102.31 (2) (a), the student, and the  
 4 employer who is providing the work training or work experience for that student.  
 5 A revocation under this subsection is effective 30 days after the department office  
 6 receives notice of that revocation.

102.077 (2)

History: 1995 a. 117; 1997 a. 38; 1999 a. 14; 2001 a. 37.

\*\*\*\*NOTE: This is reconciled s. ~~10.445 (1) (a)~~. This SECTION has been affected by drafts with the following LRB numbers: -0610/P2 and LRB-0921/P1.

(END OF INSERT)

(INSERT 33-5)

7           **SECTION 5.** 102.17 (1) (a) 2. of the statutes is amended to read:  
 8           102.17 (1) (a) 2. Subject to subd. 3., the department division shall cause notice  
 9 of hearing on the application to be given to each interested party, by service of that  
 10 notice on the interested party personally, by electronically delivering a copy of that  
 11 notice to the interested party, or by mailing a copy of that notice to the interested  
 12 party's last-known address at least 10 days before the hearing. If a party in interest  
 13 is located without this state, and has no post-office address within this state, the  
 14 copy of the application and copies of all notices shall be filed with the department  
 15 of financial institutions and professional standards and shall also be sent by  
 16 registered or certified mail to the last-known post-office address of the party. Such  
 17 filing and mailing shall constitute sufficient service, with the same effect as if served  
 18 upon a party located within this state.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

\*\*\*\*NOTE: This is reconciled s.102.17 (1) (a) 2. This SECTION has been affected by drafts with the following LRB numbers: -0610/P2 and LRB-0807/P5.

(END OF INSERT)

(INSERT 91-24)

1           **SECTION 6.** 102.44 (1) (c) 1. of the statutes, as affected by 2015 Wisconsin Act

2           ⋮... (this act), is amended to read:

3           102.44 (1) (c) 1. An insurance carrier paying the supplemental benefits  
4           required under this subsection shall be entitled to reimbursement for each such case  
5           from the worker's compensation operations fund, commencing one year after the  
6           date of the first payment of those benefits and annually thereafter while those  
7           payments continue. To receive reimbursement under this paragraph, an insurance  
8           carrier must file a claim for that reimbursement with the department office by no  
9           later than 12 months after the end of the year in which the supplemental benefits  
10          were paid and the claim must be approved by the department office.

\*\*\*\*NOTE: This is reconciled s.102.44 (1) (c) 1. This SECTION has been affected by drafts with the following LRB numbers: -0452/1 and -0610/P2.

11          **SECTION 7.** 102.44 (1) (c) 2. of the statutes, as created by 2015 Wisconsin Act

12          ⋮... (this act), is amended to read:

13          102.44 (1) (c) 2. After the expiration of the deadline for filing a claim under  
14          subd. 1., the department office shall determine the total amount of all claims filed  
15          by that deadline and shall use that total to determine the amount to be collected  
16          under s. 102.75 (1g) from each licensed worker's compensation insurance carrier,  
17          deposited in the worker's compensation operations fund, and used to provide  
18          reimbursement to insurance carriers paying supplemental benefits under this  
19          subsection. Subject to subd. 3., the department office shall pay a claim for

1 reimbursement approved by the department office by no later than 16 months after  
2 the end of the year in which the claim was received by the department office.

\*\*\*\*NOTE: This is reconciled s.102.44 (1) (c) 2. This SECTION has been affected by  
drafts with the following LRB numbers: -0452/1 and -0610/P2.

3 **SECTION 8.** 102.44 (1) (c) 3. of the statutes, as created by 2015 Wisconsin Act

4 *⓪*... (this act), is amended to read:

5 102.44 (1) (c) 3. The maximum amount that the department office may pay  
6 under subd. 2. in a calendar year is \$5,000,000. If the amount determined payable  
7 under subd. 2. in a calendar year is \$5,000,000 or less, the department office shall  
8 pay that amount. If the amount determined payable under subd. 2. in a calendar  
9 year exceeds \$5,000,000, the department office shall pay \$5,000,000 in the year in  
10 which the determination is made and, subject to the maximum amount payable of  
11 \$5,000,000 per calendar year, shall pay the excess in the next calendar year or in  
12 subsequent calendar years until that excess is paid in full. The department office  
13 shall pay claims for reimbursement under subd. 2. in the chronological order in  
14 which those claims are received.

\*\*\*\*NOTE: This is reconciled s.102.44 (1) (c) 3. This SECTION has been affected by  
drafts with the following LRB numbers: -0452/1 and -0610/P2.

(END OF INSERT)

(INSERT 108-3))

*Autorref*

*create AR* 

15 **SECTION 9.** 102.65 (4) (intro.) of the statutes, as affected by 2015 Wisconsin Act

16 *⓪*... (this act), is amended to read:

17 102.65 (4) (intro.) The secretary commissioner shall monitor the cash balance  
18 in, and incurred losses to, the work injury supplemental benefit fund using generally  
19 accepted actuarial principles. If the secretary commissioner determines that the  
20 expected ultimate losses to the work injury supplemental benefit fund on known

1 claims exceed 85 percent of the cash balance in that fund, the ~~secretary~~ commissioner  
 2 shall consult with the council on worker's compensation. If ~~the secretary~~, after  
 3 consulting with the council on worker's compensation, the commissioner determines  
 4 that there is a reasonable likelihood that the cash balance in the work injury  
 5 supplemental benefit fund may become inadequate to fund all claims under ss.  
 6 102.49, 102.59, and 102.66, the ~~secretary~~ commissioner shall file with the secretary ✓  
 7 of administration a certificate attesting that the cash balance in that fund is likely  
 8 to become inadequate to fund all claims under ss. 102.49, 102.59, and 102.66 and ✓  
 9 specifying one of the following:

e 5  
 \*\*\*\*NOTE: This is reconciled s.102.64 (4) (intro.). This SECTION has been affected  
 by drafts with the following LRB numbers: -0452/1 and -0610/P2.

**History:** 1975 c. 147; 1977 c. 29; 1981 c. 20 s. 2202 (28) (a); 1983 a. 98 s. 31; 1989 a. 64; 1991 a. 174; 1995 a. 117; 2005 a. 172; 2007 a. 185; 2011 a. 183.

(END OF INSERT)

(INSERT 110-3)

10 **SECTION 10.** 102.75 (1g) (a) of the statutes, as created by 2015 Wisconsin Act ✓  
 11 .... (this act), is amended to read:

12 102.75 (1g) (a) Subject to par. (b), the ~~department~~ office shall collect from each  
 13 licensed worker's compensation carrier the proportion of reimbursement approved  
 14 by the ~~department~~ office under s. 102.44 (1) (c) 1. for supplemental benefits paid in  
 15 the year before the previous year that the total indemnity paid or payable under this  
 16 chapter by the carrier in worker's compensation cases initially closed during the  
 17 preceding calendar year, other than for increased, double, or treble compensation,  
 18 bore to the total indemnity paid in cases closed the previous calendar year under this  
 19 chapter by all carriers, other than for increased, double, or treble compensation.

\*\*\*\*NOTE: This is reconciled s.102.75 (1g) (a) This SECTION has been affected by  
 drafts with the following LRB numbers: -0452/1 and -0610/P2. ✓

1           **SECTION 11.** 102.75 (1g) (b) of the statutes, as created by 2015 Wisconsin Act  
2       ... (this act), is amended to read:

3           102.75 (1g) (b) The maximum amount that the department office may collect  
4       under par. (a) in a calendar year is \$5,000,000. If the amount determined collectible  
5       under par. (a) in a calendar year is \$5,000,000 or less, the department office shall  
6       collect that amount. If the amount determined collectible under par. (a) in a calendar  
7       year exceeds \$5,000,000, the department office shall collect \$5,000,000 in the year  
8       in which the determination is made and, subject to the maximum amount collectible  
9       of \$5,000,000 per calendar year, shall collect the excess in the next calendar year or  
10      in subsequent calendar years until that excess is collected in full.

create AR

Ant for **D**

\*\*\*\*NOTE: This is reconciled s.102.75 (1g) (b). This SECTION has been affected by drafts with the following LRB numbers: -0452/1 and -0610/P2.

11           **SECTION 12.** 102.75 (1m) of the statutes, as affected by 2015 Wisconsin Act ...  
12      (this act), is amended to read:

13           102.75 (1m) The moneys collected under subs. (1) and (1g) and under ss. 102.28  
14      (2) and 102.31 (7), together with all accrued interest, shall constitute a separate  
15      nonlapsible fund designated as the worker's compensation operations fund. Moneys  
16      in the fund may be expended only as provided in s. ~~20.445 (1)~~ ss. 20.145 (6) (ra), (rb),  
17      and (rp) and 20.445 (2) (ra) and may not be used for any other purpose of the state.

create AR **E**

History: 1975 c. 39; 1975 c. 147 s. 54; 1977 c. 195, 418; 1981 c. 20, 92; 1987 a. 27; 1991 a. 85; 1995 a. 117; 2005 a. 172; 2009 a. 206; 2013 a. 20.

\*\*\*\*NOTE: This is reconciled s.102.75 (1m). This SECTION has been affected by drafts with the following LRB numbers: -0452/1 and -0610/P2.

Ant for **E**

18           **SECTION 13.** 102.75 (2) of the statutes, as affected by 2015 Wisconsin Act ... (this  
19      act), is amended to read:

20           102.75 (2) The department office shall require each licensed worker's  
21      compensation insurance carrier and employer exempted under s. 102.28 (2) (b) from  
22      the duty to insure under s. 102.28 (2) (a) to make the payments required under sub.



1 (1) for each fiscal year on such dates as the ~~department~~ office prescribes. The  
 2 ~~department~~ office shall also require each licensed worker's compensation insurance  
 3 carrier to make the payments required under sub. (1g) for each fiscal year on those  
 4 dates. Each such payment shall be a sum equal to a proportionate share of the  
 5 annual costs and expenses assessed upon each carrier and employer as estimated by  
 6 the ~~department~~ office. Interest shall accrue on amounts not paid within 30 days after  
 7 the date prescribed by the ~~department~~ office under this subsection at the rate of 1  
 8 percent per month. All interest payments received under this subsection shall be  
 9 deposited in the fund established under s. 102.65.

\*\*\*\*NOTE: This is reconciled s.102.75 (2). This SECTION has been affected by drafts  
 with the following LRB numbers: -0452/1 and -0610/P2.

(END OF INSERT)

(INSERT 110-~~8~~<sup>12</sup>)

10 SECTION 14. 102.80 (1) (f) of the statutes, as created by 2015 Wisconsin Act ...

11 (this act), is amended to read:

12 102.80 (1) (f) Amounts transferred to the uninsured employers fund from the  
 13 appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (ra) as provided in s. 102.81 (1)  
 14 (c). ✓

\*\*\*\*NOTE: This is reconciled s.102.80 (1) (f). This SECTION has been affected by  
 drafts with the following LRB numbers: -0452/1 and -0610/P2.

(END OF INSERT)

(INSERT 113-8)

15 SECTION 15. 102.81 (1) (c) 1. of the statutes, as created by 2015 Wisconsin Act

16 ... (this act), is amended to read:

17 102.81 (1) (c) 1. The ~~department~~ office shall pay a claim under par. (a) in excess  
 18 of \$1,000,000 from the uninsured employers fund in the first instance. If the claim

① \*\*\*\*NOTE: This is reconciled s.102.81

(1)(c)1. This SECTION has been affected by drafts with the following LRB numbers: -0452/1 and -0610/P2.

1 is not covered by excess or stop-loss reinsurance under sub. (2), the secretary of  
2 administration shall transfer from the appropriation account under s. 20.445 (1)  
3 20.145 (6) (ra) to the uninsured employers fund as provided in subs. 2. and 3. an  
4 amount equal to the amount by which payments from the uninsured employers fund  
5 on the claim are in excess of \$1,000,000.

6 SECTION 16. 102.81 (1) (c) 2. of the statutes, as created by 2015 Wisconsin Act  
7 (this act), is amended to read:

8 102.81 (1) (c) 2. Each calendar year the department office shall file with the  
9 secretary of administration a certificate setting forth the number of claims in excess  
10 of \$1,000,000 in the preceding year paid from the uninsured employers fund, the  
11 payments made from the uninsured employers fund on each such claim in the  
12 preceding year, and the total payments made from the uninsured employers fund on  
13 all such claims and, based on that information, the secretary of administration shall  
14 determine the amount to be transferred under subd. 1. in that calendar year.

① \*\*\*\*NOTE: This is reconciled s.102.81 (END OF INSERT)  
(1)(c) 2. This SECTION has been affected by drafts with the following LRB numbers: -0452/1 and -0610/P2.

(INSERT 130-18)

15 SECTION 17. 227.43 (3) (bm) of the statutes is created to read:  
16 227.43 (3) (bm) The administrator of the division of hearings and appeals may  
17 set the fees to be charged for any services rendered to the office of the commissioner  
18 of insurance by a hearing examiner under this section. The fee shall cover the total  
19 cost of the services.

\*\*\*NOTE: This is reconciled s.227.43 (3) (bm). This SECTION has been affected by drafts with the following LRB numbers: -0610/P2 and LRB-1045/P1.

(END OF INSERT) ✓ ✓

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

LRB-0610/P3dn

GMM.....

*g L cjs*

*- date -*

Bryan:

*✓*

*✓*

*✓*

*✓*

This draft reconciles LRB-0610/P2, LRB-0452/1, LRB-0807/P5, LRB-0921/1, and LRB-1045/P1. All of these drafts should continue to appear in the compiled bill.

*✓*

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

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

LRB-0610/P3dn  
GMM:cjs:jm

January 29, 2015

Bryan:

This draft reconciles LRB-0610/P2, LRB-0452/1, LRB-0807/P5, LRB-0921/1, and LRB-1045/P1. All of these drafts should continue to appear in the compiled bill.

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