



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/06/2015 (Per: CMH & MPG)

☞ **Compile Draft – Appendix E** **... Part V**

Appendix A ☞ The 2015 drafting file for LRB–0797

Appendix B ☞ The 2015 drafting file for LRB–0799

Appendix C ☞ The 2015 drafting file for LRB–0800

Appendix D ☞ The 2015 drafting file for LRB–0852

Appendix E ☞ The 2015 drafting file for LRB–0872

Appendix F ☞ The 2015 drafting file for LRB–0906

Appendix G ☞ The 2015 drafting file for LRB–0941

has been copied/added to the drafting file for

2015 LRB–0807

1 102.28 (7) (b) ~~Each~~ Upon the issuance of an initial order exempting an
2 employer under sub. (2), the employer exempted by written order of the department
3 under sub. (2) shall pay into the fund established by under sub. (8) a sum equal to
4 that the amount assessed against each of the other ~~such exempt~~ employers ~~upon the~~
5 ~~issuance of an initial order~~ that are exempt under sub. (2). The order shall provide
6 for a sum that is sufficient to secure estimated payments of the insolvent exempt
7 employer due for the period up to the date of the order and for one year following the
8 date of the order and to pay the estimated cost of insurance carrier or insurance
9 service organization services under par. (c). Payments ordered to be made to the fund
10 shall be paid to the department within 30 days after the date of the order. If
11 additional moneys are required, further assessments shall be made based on orders
12 of the department with ~~assessment~~ those assessments to be prorated on the basis of
13 the gross payroll for this state of the exempt employer, as reported to the department
14 of workforce development for the previous calendar year for unemployment
15 insurance purposes under ch. 108. If the exempt employer is not covered under ch.
16 108, ~~then~~ the department shall determine the comparable gross payroll for the
17 exempt employer. If payment of any assessment made under this ~~subsection~~
18 paragraph is not made within 30 days of after the date of the order of the department,
19 the attorney general may appear on behalf of the state to collect the assessment.

20 **SECTION 124.** 102.28 (8) of the statutes is amended to read:

21 102.28 (8) SELF-INSURED EMPLOYERS LIABILITY FUND. The moneys paid into the
22 state treasury under sub. (7), together with all accrued interest, shall constitute a
23 separate nonlapsible fund designated as the self-insured employers liability fund.
24 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.142 (3) (s)
25 and may not be used for ~~an~~ any other purpose of the state.

1 **SECTION 125.** 102.29 (1) (b) (intro.) of the statutes is amended to read:

2 102.29 (1) (b) (intro.) If a party entitled to notice cannot be found, the
3 department shall become the agent of that party for the giving of a notice as required
4 in par. (a) and the notice, when given to the department, shall include an affidavit
5 setting forth the facts, including the steps taken to locate that party. Each party shall
6 have an equal voice in the prosecution of the claim, and any disputes arising shall
7 be passed upon by the court before whom the case is pending, and if no action is
8 pending, then by a court of record or by the ~~department~~ division. If notice is given
9 as provided in par. (a), the liability of the tort-feasor shall be determined as to all
10 parties having a right to make claim and, irrespective of whether ~~or not~~ all parties
11 join in prosecuting the claim, the proceeds of the claim shall be divided as follows:

12 **SECTION 126.** 102.29 (1) (c) of the statutes is amended to read:

13 102.29 (1) (c) If both the employee or the employee's personal representative
14 or other person entitled to bring action, and the employer, compensation insurer, or
15 department, join in the pressing of said claim and are represented by counsel, the
16 attorney fees allowed as a part of the costs of collection shall be, unless otherwise
17 agreed upon, divided between the attorneys for those parties as directed by the court
18 or by the ~~department~~ division.

19 **SECTION 127.** 102.29 (1) (d) of the statutes is amended to read:

20 102.29 (1) (d) A settlement of a 3rd-party claim shall be void unless the
21 settlement and the distribution of the proceeds of the settlement are approved by the
22 court before whom the action is pending or, if no action is pending, then by a court
23 of record or by the ~~department~~ division.

24 **SECTION 128.** 102.31 (4) of the statutes is amended to read:

1 102.31 (4) If any insurer authorized to transact worker's compensation
2 insurance in this state fails to promptly pay claims for compensation for which it is
3 liable or fails to make reports to the department required by under s. 102.38, the
4 department may recommend to the ~~commissioner of insurance~~ secretary, with
5 detailed reasons, that enforcement proceedings under s. 601.64 be invoked. The
6 ~~commissioner~~ secretary shall furnish a copy of the recommendation to the insurer
7 and shall set a date for a hearing, at which both the insurer and the department shall
8 be afforded an opportunity to present evidence. If after the hearing the ~~commissioner~~
9 secretary finds that the insurer has failed to carry out its obligations under this
10 chapter, the ~~commissioner~~ secretary shall institute enforcement proceedings under
11 s. 601.64. If the ~~commissioner~~ secretary does not so find, the ~~commissioner~~ secretary
12 shall dismiss the complaint.

13 **SECTION 129.** 102.31 (7) of the statutes is amended to read:

14 102.31 (7) If the department by one or more written orders specifically consents
15 to the issuance of one or more contracts covering only the liability incurred on a
16 construction project and if the construction project owner designates the insurance
17 carrier and pays for each such contract, the construction project owner shall
18 reimburse the department for all costs incurred by the department in issuing the
19 written orders and in ensuring minimum confusion and maximum safety on the
20 construction project. All moneys received under this subsection shall be deposited
21 in the worker's compensation operations fund and credited to the appropriation
22 account under s. ~~20.445 (1)~~ 20.142 (3) (rb).

23 **SECTION 130.** 102.315 (4) of the statutes is amended to read:

24 102.315 (4) ~~MASTER POLICY; APPROVAL REQUIRED.~~ An employee leasing company
25 may insure its liability under sub. (2) by obtaining a master policy that has been

1 approved by the ~~commissioner of insurance~~ secretary as provided in this subsection.
2 The ~~commissioner of insurance~~ secretary may approve the issuance of a master
3 policy if the insurer proposing to issue the master policy submits a filing to the
4 bureau showing that the insurer has the technological capacity and operation
5 capability to provide to the bureau information, including unit statistical data,
6 information concerning proof of coverage and cancellation, termination, and
7 nonrenewal of coverage, and any other information that the bureau may require, at
8 the client level and in a format required by the bureau and the bureau submits the
9 filing to the ~~commissioner of insurance~~ secretary for approval under s. 626.13. A
10 master policy filing under this subsection shall also establish basic manual rules
11 governing the issuance of an insurance policy covering the leased employees of a
12 divided workforce that are consistent with sub. (6) and the cancellation, termination,
13 and nonrenewal of policies that are consistent with sub. (10). On approval by the
14 ~~commissioner of insurance~~ secretary of a master policy filing, an insurer may issue
15 a master policy to an employee leasing company insuring the liability of the employee
16 leasing company under sub. (2).

17 **SECTION 131.** 102.315 (9) (a) of the statutes is amended to read:

18 102.315 (9) (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may
19 charge a premium for coverage under that policy that complies with the applicable
20 classifications, rules, rates, and rating plans filed with and approved by the
21 ~~commissioner of insurance~~ secretary under s. 626.13.

22 **SECTION 132.** 102.32 (7) of the statutes is amended to read:

23 102.32 (7) No lump sum settlement shall be allowed in any case of permanent
24 total disability upon an estimated life expectancy, except upon consent of all parties,

1 after hearing and finding by the ~~department~~ division that the interests of the injured
2 employee will be conserved ~~thereby~~ by the lump sum settlement.

3 SECTION 133. 102.33 (title) of the statutes is amended to read:

4 102.33 (title) ~~Department forms~~ Forms and records; public access.

5 SECTION 134. 102.33 (1) of the statutes is amended to read:

6 102.33 (1) The department and the division shall print and furnish free to any
7 employer or employee any blank forms that ~~the department considers~~ are necessary
8 to facilitate efficient administration of this chapter. The department and the division
9 shall keep any record books or records that ~~the department considers~~ are necessary
10 for the proper and efficient administration of this chapter.

11 SECTION 135. 102.33 (2) (a) of the statutes is amended to read:

12 102.33 (2) (a) Except as provided in pars. (b) and (c), ~~the records of the~~
13 ~~department, and the records of the commission, the department, and the division~~
14 related to the administration of this chapter are subject to inspection and copying
15 under s. 19.35 (1).

16 SECTION 136. 102.33 (2) (b) (intro.) of the statutes is amended to read:

17 102.33 (2) (b) (intro.) Except as provided in this paragraph and par. (d), a record
18 maintained ~~by the department or by the commission, by the department, or by the~~
19 division that reveals the identity of an employee who claims worker's compensation
20 benefits, the nature of the employee's claimed injury, the employee's past or present
21 medical condition, the extent of the employee's disability, or the amount, type, or
22 duration of benefits paid to the employee and a record maintained by the department
23 that reveals any financial information provided to the department by a self-insured
24 employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and
25 not open to public inspection or copying under s. 19.35 (1). ~~The department or~~

1 ~~commission, the department, or the division~~ may deny a request made under s. 19.35
2 (1) or, subject to s. 102.17 (2m) and (2s), refuse to honor a subpoena issued by an
3 attorney of record in a civil or criminal action or special proceeding to inspect and
4 copy a record that is confidential under this paragraph, unless ~~one~~ any of the
5 following applies:

6 **SECTION 137.** 102.33 (2) (b) 1. of the statutes is amended to read:

7 102.33 (2) (b) 1. The requester is the employee who is the subject of the record
8 or an attorney or authorized agent of that employee. An attorney or authorized agent
9 of an employee who is the subject of a record shall provide a written authorization
10 for inspection and copying from the employee if requested by the ~~department or the~~
11 ~~commission, the department, or the division.~~

12 **SECTION 138.** 102.33 (2) (b) 2. of the statutes is amended to read:

13 102.33 (2) (b) 2. The record that is requested contains confidential information
14 concerning a worker's compensation claim and the requester is an insurance carrier
15 or employer that is a party to any worker's compensation claim involving the same
16 employee or an attorney or authorized agent of that insurance carrier or employer,
17 except that the ~~department or the commission, the department, or the division~~ is not
18 required to do a random search of its records and may require the requester to
19 provide the approximate date of the injury and any other relevant information that
20 would assist the ~~department or the commission, the department, or the division~~ in
21 finding the record requested. An attorney or authorized agent of an insurance
22 carrier or employer that is a party to an employee's worker's compensation claim
23 shall provide a written authorization for inspection and copying from the insurance
24 carrier or employer if requested by the ~~department or the commission, the~~
25 ~~department, or the division.~~

1 **SECTION 139.** 102.33 (2) (b) 4. of the statutes is amended to read:

2 102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the
3 ~~department or the commission, the department, or the division~~ to release the record.

4 **SECTION 140.** 102.33 (2) (c) of the statutes is amended to read:

5 102.33 (2) (c) A record maintained by the ~~department or the commission, the~~
6 ~~department, or the division~~ that contains employer or insurer information obtained
7 from the Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a)
8 is confidential and not open to public inspection or copying under s. 19.35 (1) unless
9 the Wisconsin compensation rating bureau authorizes public inspection or copying
10 of that information.

11 **SECTION 141.** 102.33 (2) (d) 2. of the statutes is amended to read:

12 102.33 (2) (d) 2. The ~~department or the commission, the department, or the~~
13 ~~division~~ may release information that is confidential under par. (b) to a government
14 unit, an institution of higher education, or a nonprofit research organization for
15 purposes of research and may release information that is confidential under par. (c)
16 to those persons for that purpose if the Wisconsin compensation rating bureau
17 authorizes that release. A government unit, institution of higher education, or
18 nonprofit research organization may not permit inspection or disclosure of any
19 information released to it under this subdivision that is confidential under par. (b)
20 unless the ~~department or commission, the department, or the division~~ authorizes
21 that inspection or disclosure and may not permit inspection or disclosure of any
22 information released to it under this subdivision that is confidential under par. (c)
23 unless the ~~department or commission, the department, or the division~~, and the
24 Wisconsin compensation rating bureau, authorize the inspection or disclosure. A
25 government unit, institution of higher education, or nonprofit research organization

1 that obtains any confidential information under this subdivision for purposes of
2 research shall provide the results of that research free of charge to the person that
3 released or authorized the release of that information.

4 **SECTION 142.** 102.35 (3) of the statutes is amended to read:

5 102.35 (3) Any employer who without reasonable cause refuses to rehire an
6 employee who is injured in the course of employment, ~~where~~ when suitable
7 employment is available within the employee's physical and mental limitations,
8 upon order of the ~~department and in addition to other benefits~~ division, has exclusive
9 liability to pay to the employee, in addition to other benefits, the wages lost during
10 the period of ~~such~~ that refusal, not exceeding one year's wages. In determining the
11 availability of suitable employment, the continuance in business of the employer
12 shall be considered and any written rules promulgated by the employer with respect
13 to seniority or the provisions of any collective bargaining agreement with respect to
14 seniority shall govern.

15 **SECTION 143.** 102.39 of the statutes is amended to read:

16 **102.39 Rules and general orders; application of statutes.** The provisions
17 of s. 103.005 relating to the adoption, publication, modification, and court review of
18 rules or general orders of the department ~~shall of workforce development~~ apply to all
19 rules promulgated or general orders adopted by the department under this chapter
20 in the same manner as those provisions apply to rules promulgated or general orders
21 adopted by the department of workforce development.

22 **SECTION 144.** 102.42 (1m) of the statutes is amended to read:

23 102.42 (1m) LIABILITY FOR UNNECESSARY TREATMENT. If an employee who has
24 sustained a compensable injury undertakes in good faith invasive treatment that is
25 generally medically acceptable, but that is unnecessary, the employer shall pay

1 disability indemnity for all disability incurred as a result of that treatment. An
2 employer is not liable for disability indemnity for any disability incurred as a result
3 of any unnecessary treatment undertaken in good faith that is noninvasive or not
4 medically acceptable. This subsection applies to all findings that an employee has
5 sustained a compensable injury, whether the finding results from a hearing, the
6 default of a party, or a compromise or stipulation confirmed by the department
7 division.

8 SECTION 145. 102.42 (6) of the statutes is amended to read:

9 102.42 (6) TREATMENT REJECTED BY EMPLOYEE. Unless the employee ~~shall have~~
10 has elected Christian Science treatment in lieu of medical, surgical, dental, or
11 hospital treatment, no compensation shall be payable for the death or disability of
12 an employee, if the death ~~be is~~ caused, or insofar as the disability may be aggravated,
13 caused, or continued, by an unreasonable refusal or neglect to submit to or follow any
14 competent and reasonable medical, surgical, or dental treatment or, in the case of
15 tuberculosis, by refusal or neglect to submit to or follow hospital or medical
16 treatment when found by the ~~department~~ division to be necessary. The right to
17 compensation accruing during a period of refusal or neglect to submit to or follow
18 hospital or medical treatment when found by the ~~department~~ division to be
19 necessary in the case of tuberculosis shall be barred, irrespective of whether
20 disability was aggravated, caused, or continued ~~thereby by that refusal or neglect~~.

21 SECTION 146. 102.42 (8) of the statutes is amended to read:

22 102.42 (8) AWARD TO STATE EMPLOYEE. Whenever the division makes an award
23 ~~is made by the department in~~ on behalf of a state employee, the ~~department of~~
24 ~~workforce development~~ division shall file duplicate copies of the award with the
25 subunit of the the department of administration responsible for risk management.

1 Upon receipt of the copies of the award, the department of administration shall
2 promptly issue a voucher in payment of the award from the proper appropriation
3 under s. 20.865 (1) (fm), (kr), or (ur), and shall transmit one copy of the voucher and
4 the award to the officer, department, or agency by whom the affected employee is
5 employed.

6 **SECTION 147.** 102.425 (4m) (a) of the statutes is amended to read:

7 102.425 (4m) (a) The ~~department~~ division has jurisdiction under this
8 subsection and s. 102.16 (1m) (c) and s. 102.17 to resolve a dispute between a
9 pharmacist or practitioner and an employer or insurer over the reasonableness of the
10 amount charged for a prescription drug dispensed under sub. (2) for outpatient use
11 by an injured employee who claims benefits under this chapter.

12 **SECTION 148.** 102.425 (4m) (b) of the statutes is amended to read:

13 102.425 (4m) (b) An employer or insurer that disputes the reasonableness of
14 the amount charged for a prescription drug dispensed under sub. (2) for outpatient
15 use by an injured employee or the ~~department~~ division under sub. (4) (b) or s. 102.16
16 (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a completed
17 bill for the prescription drug, reasonable written notice to the pharmacist or
18 practitioner that the charge is being disputed. After receiving reasonable written
19 notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1)
20 (bg) 1. that a prescription drug charge is being disputed, a pharmacist or practitioner
21 may not collect the disputed charge from, or bring an action for collection of the
22 disputed charge against, the employee who received the prescription drug.

23 **SECTION 149.** 102.425 (4m) (c) of the statutes is amended to read:

24 102.425 (4m) (c) A pharmacist or practitioner that receives notice under par.
25 (b) that the reasonableness of the amount charged for a prescription drug dispensed

1 under sub. (2) for outpatient use by an injured employee is in dispute shall file the
2 dispute with the ~~department~~ division within 6 months after receiving that notice.

3 **SECTION 150.** 102.425 (4m) (d) of the statutes is amended to read:

4 102.425 (4m) (d) The ~~department~~ division shall deny payment of a prescription
5 drug charge that the ~~department~~ division determines under this subsection to be
6 unreasonable. A pharmacist or practitioner and an employer or insurer that are
7 parties to a dispute under this subsection over the reasonableness of a prescription
8 drug charge are bound by the ~~department's~~ division's determination under this
9 subsection on the reasonableness of the disputed charge, unless that determination
10 is set aside on judicial review as provided in par. (e).

11 **SECTION 151.** 102.425 (4m) (e) of the statutes is amended to read:

12 102.425 (4m) (e) Within 30 days after a determination under this subsection,
13 the ~~department~~ division may set aside, reverse, or modify the determination for any
14 reason that the ~~department~~ division considers sufficient. Within 60 days after a
15 determination under this subsection, the ~~department~~ division may set aside,
16 reverse, or modify the determination on grounds of mistake. A pharmacist,
17 practitioner, employer, or insurer that is aggrieved by a determination of the
18 ~~department~~ division under this subsection may seek judicial review of that
19 determination in the same manner that compensation claims are reviewed under s.
20 102.23.

21 **SECTION 152.** 102.44 (2) of the statutes is amended to read:

22 102.44 (2) In case of permanent total disability, aggregate indemnity shall be
23 weekly indemnity for the period that the employee may live. Total impairment for
24 industrial use of both eyes, ~~or the loss of both arms at or near the shoulder, or the loss~~
25 of both legs at or near the hip, ~~or the loss~~ of one arm at the shoulder and one leg at

1 the hip, constitutes permanent total disability. This enumeration is not exclusive,
2 but in other cases the ~~department~~ division shall find the facts.

3 **SECTION 153.** 102.44 (6) (b) of the statutes is amended to read:

4 102.44 (6) (b) If, during the period set forth in s. 102.17 (4) the employment
5 relationship is terminated by the employer at the time of the injury, or by the
6 employee because his or her physical or mental limitations prevent his or her
7 continuing in such employment, or if during ~~such~~ that period a wage loss of ~~15%~~ 15
8 percent or more occurs, the ~~department~~ division may reopen any award and make
9 a redetermination taking into account loss of earning capacity.

10 **SECTION 154.** 102.475 (1) of the statutes is amended to read:

11 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
12 officer, correctional officer, fire fighter, rescue squad member, diving team member,
13 national guard member, or state defense force member on state active duty as
14 described in s. 102.07 (9) or if a deceased person is an employee or volunteer
15 performing emergency management activities under ch. 323 during a state of
16 emergency or a circumstance described in s. 323.12 (2) (c), who sustained an
17 accidental injury while performing services growing out of and incidental to that
18 employment or volunteer activity so that benefits are payable under s. 102.46 or
19 102.47 (1), the department shall voucher and pay from the appropriation under s.
20 ~~20.445 (1)~~ 20.142 (3) (aa) a sum equal to ~~75%~~ 75 percent of the primary death benefit
21 as of the date of death, but not less than \$50,000 to the persons wholly dependent
22 upon the deceased. For purposes of this subsection, dependency shall be determined
23 under ss. 102.49 and 102.51.

24 **SECTION 155.** 102.55 (3) of the statutes is amended to read:

1 102.55 (3) For all other injuries to the members of the body or its faculties
2 which ~~that~~ are specified in ~~this~~ the schedule under s. 102.52 resulting in permanent
3 disability, though the member ~~be~~ is not actually severed or the faculty ~~is not~~ totally
4 lost, compensation shall bear such relation to ~~that~~ the compensation named in ~~this~~
5 the schedule as ~~disabilities bear~~ the disability bears to the ~~disabilities~~ disability
6 named in ~~this~~ the schedule. Indemnity in ~~such~~ those cases shall be determined by
7 allowing weekly indemnity during the healing period resulting from the injury and
8 the percentage of permanent disability resulting ~~thereafter~~ after the healing period
9 as found by the ~~department~~ division.

10 **SECTION 156.** 102.555 (12) (a) of the statutes is amended to read:

11 102.555 (12) (a) An employer, the department, or the ~~department~~ division is
12 not liable for the expense of any examination or test for hearing loss, any evaluation
13 of such an exam or test, any medical treatment for improving or restoring hearing,
14 or any hearing aid to relieve the effect of hearing loss unless it is determined that
15 compensation for occupational deafness is payable under sub. (3), (4), or (11).

16 **SECTION 157.** 102.56 (1) of the statutes is amended to read:

17 102.56 (1) Subject to sub. (2), if an employee is so permanently disfigured as
18 to occasion potential wage loss due to the disfigurement, the ~~department~~ division
19 may allow such sum as the ~~department~~ division considers just as compensation for
20 the disfigurement, not exceeding the employee's average annual earnings. In
21 determining the potential for wage loss due to the disfigurement and the sum
22 awarded, the ~~department~~ division shall take into account the age, education,
23 training, and previous experience and earnings of the employee, the employee's
24 present occupation and earnings, and likelihood of future suitable occupational
25 change. Consideration for disfigurement allowance is confined to those areas of the

1 body that are exposed in the normal course of employment. The ~~department~~ division
2 shall also take into account the appearance of the disfigurement, its location, and the
3 likelihood of its exposure in occupations for which the employee is suited.

4 **SECTION 158.** 102.56 (2) of the statutes is amended to read:

5 102.56 (2) If an employee who claims compensation under sub. (1) returns to
6 work for the employer who employed the employee at the time of the injury, or is
7 offered employment with that employer, at the same or a higher wage, the
8 ~~department~~ division may not allow that compensation unless the employee suffers
9 an actual wage loss due to the disfigurement.

10 **SECTION 159.** 102.565 (1) of the statutes is amended to read:

11 102.565 (1) When ~~an employee working subject to this chapter~~, as a result of
12 exposure in the course of ~~his or her~~ employment over a period of time to toxic or
13 hazardous substances or conditions, an employee performing work that is subject to
14 this chapter develops any clinically observable abnormality or condition ~~which that,~~
15 on competent medical opinion, predisposes or renders the ~~employ~~ employee in any
16 manner differentially susceptible to disability to such an extent that it is inadvisable
17 for the employee to continue employment involving ~~such that~~ exposure ~~and the~~
18 ~~employee,~~ is discharged from or ceases to continue the employment, and suffers wage
19 loss by reason of ~~such that~~ discharge from, or ~~such~~ cessation of, employment, the
20 ~~department~~ division may allow such sum as ~~it deems~~ the division considers just as
21 compensation ~~therefor~~ for that wage loss, not exceeding \$13,000. ~~In the event~~ If a
22 nondisabling condition may also be caused by toxic or hazardous exposure not
23 related to employment, and if the employee has a history of ~~such that~~ exposure,
24 compensation as provided by under this section or any other remedy for loss of
25 earning capacity shall not be allowed ~~nor shall any other remedy for loss of earning~~

1 ~~capacity. In case of such discharge. If the employee is discharged from employment~~
2 ~~prior to a finding by the department division that it is inadvisable for the employee~~
3 ~~to continue in such that employment and if it is reasonably probable that continued~~
4 ~~exposure would result in disability, the liability of the employer who ~~se~~ discharges~~
5 ~~the employee is primary, and the liability of the employer's insurer is secondary,~~
6 ~~under the same procedure and to the same effect as provided by s. 102.62.~~

7 **SECTION 160.** 102.565 (2) of the statutes is amended to read:

8 102.565 (2) Upon application of any employer or employee the ~~department~~
9 ~~division~~ may direct any employee of the employer or an employee who, in the course
10 of his or her employment, has been exposed to toxic or hazardous substances or
11 conditions, to submit to examination by ~~a physician or~~ one or more physicians ~~to be~~
12 appointed by the ~~department~~ division to determine whether the employee has
13 developed any abnormality or condition under sub. (1), and the degree ~~thereof of that~~
14 ~~abnormality or condition~~. The cost of the medical examination shall be borne by the
15 person making application. ~~The physician conducting the examination shall submit~~
16 ~~the results of the examination shall be submitted by the physician to the department~~
17 ~~division~~, which shall submit copies of the reports to the employer and employee, who
18 shall have an opportunity to rebut the reports ~~provided request therefor if a request~~
19 ~~to submit a rebuttal~~ is made to the ~~department~~ division within 10 days ~~from the~~
20 ~~mailing of~~ after the division mails the report to the parties. ~~The department~~ division
21 shall make its findings as to whether ~~or not~~ it is inadvisable for the employee to
22 continue in his or her employment.

23 **SECTION 161.** 102.565 (3) of the statutes is amended to read:

24 102.565 (3) ~~If an employee refuses to submit to the examination,~~ after direction
25 by the commission, ~~or any member thereof or the department or any commissioner,~~

1 the division, or an examiner thereof, an employee refuses to submit to an
2 examination or in any way obstructs the same examination, the employee's right to
3 compensation under this section shall be barred.

4 **SECTION 162.** 102.57 of the statutes is amended to read:

5 **102.57 Violations of safety provisions, penalty.** If injury is caused by the
6 failure of the employer to comply with any statute, rule, or order of the department
7 of workforce development, compensation and death benefits provided in this chapter
8 shall be increased 15% by 15 percent but the total increase may not exceed \$15,000.
9 Failure of an employer reasonably to enforce compliance by employees with any
10 statute, rule, or order of the department of workforce development constitutes failure
11 by the employer to comply with that statute, rule, or order.

12 **SECTION 163.** 102.58 of the statutes is amended to read:

13 **102.58 Decreased compensation.** If injury is caused by the failure of the
14 employee to use safety devices that are provided in accordance with any statute, rule,
15 or order of the department of workforce development and that are adequately
16 maintained, and the use of which is reasonably enforced by the employer, if injury
17 results from the employee's failure to obey any reasonable rule adopted and
18 reasonably enforced by the employer for the safety of the employee and of which the
19 employee has notice, or if injury results from the intoxication of the employee by
20 alcohol beverages, as defined in s. 125.02 (1), or use of a controlled substance, as
21 defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m),
22 the compensation and death benefit provided in this chapter shall be reduced 15%
23 by 15 percent but the total reduction may not exceed \$15,000.

24 **SECTION 164.** 102.60 (1m) (b) of the statutes is amended to read:

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

7 **SECTION 165.** 102.61 (1g) (b) of the statutes is amended to read:

8 102.61 (1g) (b) If an employer offers an employee suitable employment as
9 provided in par. (c), the employer or the employer's insurance carrier is not liable for
10 temporary disability benefits under s. 102.43 (5) (b) or for the cost of tuition, fees,
11 books, travel, and maintenance under sub. (1). Ineligibility for compensation under
12 this paragraph does not preclude an employee from receiving vocational
13 rehabilitation services under 29 USC 701 to 797b if the department of workforce
14 development determines that the employee is eligible to receive those services.

15 **SECTION 166.** 102.61 (1g) (c) of the statutes is amended to read:

16 102.61 (1g) (c) On receiving notice that he or she is eligible to receive vocational
17 rehabilitation services under 29 USC 701 to 797a, an employee shall provide the
18 employer with a written report from a physician, chiropractor, psychologist, or
19 podiatrist stating the employee's permanent work restrictions. Within 60 days after
20 receiving that report, the employer shall provide to the employee in writing an offer
21 of suitable employment, a statement that the employer has no suitable employment
22 for the employee, or a report from a physician, chiropractor, psychologist, or
23 podiatrist showing that the permanent work restrictions provided by the employee's
24 practitioner are in dispute and documentation showing that the difference in work
25 restrictions would materially affect either the employer's ability to provide suitable

1 employment or a vocational rehabilitation counselor's ability to recommend a
2 rehabilitative training program. If the employer and employee cannot resolve the
3 dispute within 30 days after the employee receives the employer's report and
4 documentation, the employer or employee may request a hearing before the
5 department division to determine the employee's work restrictions. Within 30 days
6 after the department division determines the employee's work restrictions, the
7 employer shall provide to the employee in writing an offer of suitable employment
8 or a statement that the employer has no suitable employment for the employee.

9 **SECTION 167.** 102.61 (1m) (a) of the statutes is amended to read:

10 102.61 (1m) (a) If the department of workforce development has determined
11 under sub. (1) that an employee is eligible for vocational rehabilitation services
12 under 29 USC 701 to 797b, but that the department of workforce development cannot
13 provide those services for the employee, the employee may select a private
14 rehabilitation counselor certified by the department of financial institutions,
15 insurance, and professional standards to determine whether the employee can
16 return to suitable employment without rehabilitative training and, if that counselor
17 determines that rehabilitative training is necessary, to develop a rehabilitative
18 training program to restore as nearly as possible the employee to his or her preinjury
19 earning capacity and potential.

20 **SECTION 168.** 102.61 (1m) (d) of the statutes is amended to read:

21 102.61 (1m) (d) If an employee receives services from a private rehabilitation
22 counselor under par. (a) and later receives similar services from the department of
23 workforce development under sub. (1) without the prior approval of the employer or
24 insurance carrier, the employer or insurance carrier is not liable for temporary
25 disability benefits under s. 102.43 (5) (b) or for tuition, fee, book, travel, and

1 maintenance costs under sub. (1) that exceed what the employer or insurance carrier
2 would have been liable for under the rehabilitative training program developed by
3 the private rehabilitation counselor.

4 **SECTION 169.** 102.61 (1m) (e) of the statutes is amended to read:

5 102.61 (1m) (e) Nothing in this subsection prevents an employer or insurance
6 carrier from providing an employee with the services of a private rehabilitation
7 counselor or with rehabilitative training under sub. (3) before the department of
8 workforce development makes its determination under par. (a).

9 **SECTION 170.** 102.61 (2) of the statutes is amended to read:

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

17 **SECTION 171.** 102.62 of the statutes is amended to read:

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

1 provision in any insurance policy undertaking to guarantee primary liability or to
2 avoid secondary liability for a liability under s. 102.57 or 102.60 is void. If the
3 employer has been adjudged bankrupt or has made an assignment for the benefit of
4 creditors, or if the employer, other than an individual, has gone out of business or has
5 been dissolved, or if the employer is a corporation and its charter has been forfeited
6 or revoked, the insurer shall be liable for the payment of that liability without
7 judgment or execution against the employer, but without altering the primary
8 liability of the employer.

9 **SECTION 172.** 102.64 (1) of the statutes is amended to read:

10 102.64 (1) Upon request of the department of administration, a representative
11 of the department of justice shall represent the state in cases involving payment into
12 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
13 department of justice, after giving notice to the department of administration, may
14 compromise the amount of those payments but such compromises shall be subject to
15 review by the department of ~~workforce development~~ financial institutions,
16 insurance, and professional standards. If the spouse or domestic partner under ch.
17 770 of the deceased employee compromises his or her claim for a primary death
18 benefit, the claim of the children of the employee under s. 102.49 shall be
19 compromised on the same proportional basis, subject to approval by the department.
20 If the persons entitled to compensation on the basis of total dependency under s.
21 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be
22 compromised on the same proportional basis.

23 **SECTION 173.** 102.64 (2) of the statutes is amended to read:

24 102.64 (2) Upon request of the department of administration, the attorney
25 general shall appear on behalf of the state in proceedings upon claims for

1 compensation against the state. Except as provided in s. 102.65 (3), the department
2 of justice shall represent the interests of the state in proceedings under s. 102.44 (1),
3 102.49, 102.59, 102.60, or 102.66. The department of justice may compromise claims
4 in those proceedings, but the compromises are subject to review by the department
5 of ~~workforce development~~ financial institutions, insurance, and professional
6 standards. Costs incurred by the department of justice in prosecuting or defending
7 any claim for payment into or out of the work injury supplemental benefit fund under
8 s. 102.65, including expert witness and witness fees but not including attorney fees
9 or attorney travel expenses for services performed under this subsection, shall be
10 paid from the work injury supplemental benefit fund.

11 **SECTION 174.** 102.65 (1) of the statutes is amended to read:

12 102.65 (1) The moneys payable to the state treasury under ss. 102.35 (1),
13 102.47, 102.49, 102.59, and 102.60, together with all accrued interest on those
14 moneys, and all interest payments received under s. 102.75 (2), shall constitute a
15 separate nonlapsible fund designated as the work injury supplemental benefit fund.
16 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.142 (3) (t)
17 and may not be used for any other purpose of the state.

18 **SECTION 175.** 102.65 (3) of the statutes is amended to read:

19 102.65 (3) The department of ~~workforce development~~ financial institutions,
20 insurance, and professional standards may retain the department of administration
21 to process, investigate, and pay claims under ss. 102.44 (1), 102.49, 102.59, and
22 102.66. If retained by the department of ~~workforce development~~ financial
23 institutions, insurance, and professional standards, the department of
24 administration may compromise a claim processed by that department, but a
25 compromise made by that department is subject to review by the department of

1 ~~workforce development~~ financial institutions, insurance, and professional
2 standards. The department of ~~workforce development~~ financial institutions,
3 insurance, and professional standards shall pay for the services retained under this
4 subsection from the appropriation account under s. ~~20.445 (1)~~ 20.142 (3) (t).

5 **SECTION 176.** 102.75 (1) of the statutes is amended to read:

6 102.75 (1) The department shall assess upon and collect from each licensed
7 worker's compensation insurance carrier and from each employer exempted under
8 s. 102.28 (2) by special order or by rule, the proportion of total costs and expenses
9 incurred by the council on worker's compensation for travel and research and by the
10 department, the division, and the commission in the administration of this chapter
11 for the current fiscal year plus any deficiencies in collections and anticipated costs
12 from the previous fiscal year, that the total indemnity paid or payable under this
13 chapter by each such carrier and exempt employer in worker's compensation cases
14 initially closed during the preceding calendar year, other than for increased, double,
15 or treble compensation bore to the total indemnity paid in cases closed the previous
16 calendar year under this chapter by all carriers and exempt employers other than
17 for increased, double, or treble compensation. The council on worker's compensation,
18 the division, and the commission shall annually certify any costs and expenses for
19 worker's compensation activities to the department at such time as the secretary
20 requires.

21 **SECTION 177.** 102.75 (1m) of the statutes is amended to read:

22 102.75 (1m) The moneys collected under sub. (1) and under ss. 102.28 (2) and
23 102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible
24 fund designated as the worker's compensation operations fund. Moneys in the fund
25 may be expended only as provided in ~~s. 20.445 (1)~~ ss. 20.142 (3) (ra), (rb), and (rp).

1 ~~20.445 (2) (ra)~~, and ~~(2) 20.505 (4) (ra)~~ and may not be used for any other purpose of
2 the state.

3 **SECTION 178.** 102.75 (4) of the statutes is amended to read:

4 102.75 (4) From the appropriation under s. ~~20.445 (1) 20.142 (3) (ra)~~, the
5 department shall allocate the amounts that it collects in application fees from
6 employers applying for exemption under s. 102.28 (2) and the annual amount that
7 it collects from employers that have been exempted under s. 102.28 (2) to fund the
8 activities of the department under s. 102.28 (2) (b) and (c).

9 **SECTION 179.** 102.80 (1m) of the statutes is amended to read:

10 102.80 (1m) The moneys collected or received under sub. (1), together with all
11 accrued interest, shall constitute a separate nonlapsible fund designated as the
12 uninsured employers fund. Moneys in the fund may be expended only as provided
13 in s. ~~20.445 (1) 20.142 (3) (sm)~~ and may not be used for any other purpose of the state.

14 **SECTION 180.** 102.81 (2) of the statutes is amended to read:

15 102.81 (2) The department may retain an insurance carrier or insurance
16 service organization to process, investigate, and pay claims under this section and
17 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
18 do business in this state in an amount that the secretary determines is necessary for
19 the sound operation of the uninsured employers fund. In cases involving disputed
20 claims, the department may retain an attorney to represent the interests of the
21 uninsured employers fund and to make appearances on behalf of the uninsured
22 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.930 and all
23 provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an attorney hired
24 under this subsection. The charges for the services retained under this subsection
25 shall be paid from the appropriation under s. ~~20.445 (1) 20.143 (3) (rp)~~. The cost of

1 any reinsurance obtained under this subsection shall be paid from the appropriation
2 under s. ~~20.445 (1)~~ 20.142 (3) (sm).

3 **SECTION 181.** 102.82 (2) (c) of the statutes is amended to read:

4 102.82 (2) (c) The department of justice or, if the department of justice consents,
5 the department of ~~workforce development~~ financial institutions, insurance, and
6 professional standards may bring an action in circuit court to recover payments and
7 interest owed to the department of ~~workforce development~~ financial institutions,
8 insurance, and professional standards under this section.

9 **SECTION 182.** 102.87 (1) of the statutes is renumbered 102.87 (1m).

10 **SECTION 183.** 102.87 (1d) of the statutes is created to read:

11 102.87 (1d) In this section, “deputy” means any person employed by the
12 department who is designated as a deputy, who possesses special, technical,
13 scientific, managerial or personal abilities or qualities in matters within the
14 jurisdiction of the department, and who may be engaged in the performance of duties
15 under the direction of the secretary, calling for the exercise of those abilities or
16 qualities.

17 **SECTION 184.** 102.87 (2) (intro.) of the statutes is amended to read:

18 102.87 (2) (intro.) A citation under this section shall be signed by a ~~department~~
19 deputy, or by an officer who has authority to make arrests for the violation, and shall
20 contain substantially the following information:

21 **SECTION 185.** 102.87 (2) (b) of the statutes is amended to read:

22 102.87 (2) (b) The name and department of the issuing ~~department~~ deputy or
23 officer.

24 **SECTION 186.** 102.87 (3) of the statutes is amended to read:

1 102.87 (3) A defendant issued a citation under this section may deposit the
2 amount of money that the issuing ~~department~~ deputy or officer directs by mailing or
3 delivering the deposit and a copy of the citation before the court appearance date to
4 the clerk of the circuit court in the county where the violation occurred, to the
5 department, or to the sheriff's office or police headquarters of the officer who issued
6 the citation. The basic amount of the deposit shall be determined under a deposit
7 schedule established by the judicial conference. The judicial conference shall
8 annually review and revise the schedule. In addition to the basic amount determined
9 by the schedule, the deposit shall include the costs, fees, and surcharges imposed
10 under ch. 814.

11 **SECTION 187.** 102.87 (9) of the statutes is amended to read:

12 102.87 (9) A ~~department~~ deputy or an officer who collects under this section a
13 forfeiture and costs, fees, and surcharges imposed under ch. 814 ~~under this section~~
14 shall pay the money to the county treasurer within 20 days after its receipt. If the
15 ~~department~~ deputy or officer fails to make timely payment, the county treasurer may
16 collect the payment from the ~~department~~ deputy or officer by an action in the
17 treasurer's name of office and upon the official bond of the ~~department~~ deputy or
18 officer, with interest at the rate of ~~12%~~ 12 percent per year from the time when ~~it the~~
19 payment should have been ~~paid~~ made.

20 **SECTION 188.** 102.88 (1) of the statutes is amended to read:

21 102.88 (1) When a person is convicted of any violation of this chapter or of any
22 ~~department~~ rule or order of the department, and it is alleged in the indictment,
23 information, or complaint, and proved or admitted on trial or ascertained by the court
24 after conviction that the person was previously subjected to a fine or forfeiture within

1 a period of 5 years under s. 102.85, the person may be fined not more than \$2,000 or
2 imprisoned for not more than 90 days or both.

3 **SECTION 189.** 102.89 (1) of the statutes is amended to read:

4 102.89 (1) Whoever is concerned in the commission of a violation of this chapter
5 or of any ~~department~~ rule or order of the department under this chapter for which
6 a forfeiture is imposed is a principal and may be charged with and convicted of the
7 violation although he or she did not directly commit it the violation and although the
8 person who directly committed it the violation has not been convicted of the violation.

9 **SECTION 190.** 108.10 (4) of the statutes is amended to read:

10 108.10 (4) The department or the employing unit may commence action for the
11 judicial review of a commission decision under this section, provided the department,
12 or the employing unit, after exhausting the remedies provided under this section, has
13 commenced such action within 30 days after such decision was mailed to the
14 employing unit's last-known address. The scope of judicial review, and the manner
15 thereof insofar as applicable, shall be the same as that provided in s. 108.09 (7). In
16 an action commenced by an employing unit under this section, the department shall
17 be an adverse party ~~under s. 102.23 (1) (a)~~ and shall be named as a party in the
18 complaint commencing the action.

19 **SECTION 191.** 108.227 (1) (e) 16. of the statutes is created to read:

20 108.227 (1) (e) 16. A license issued by the division of hearings and appeals in
21 the department of administration under s. 102.17 (1) (c).

22 **SECTION 192.** 108.227 (1m) (intro.) of the statutes is amended to read:

23 108.227 (1m) GENERAL PROVISIONS. (intro.) The department shall promulgate
24 rules specifying procedures to be used before taking action under sub. (3) (b) or s.
25 ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7),

1 or 105.13 (4) with respect to a person whose license or credential is to be denied, not
2 renewed, discontinued, suspended, or revoked, including rules with respect to all of
3 the following:

4 **SECTION 193.** 108.227 (3) (a) 3. of the statutes is amended to read:

5 108.227 (3) (a) 3. Upon the request of any person whose license or certificate
6 has been previously revoked or denied under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34
7 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), reinstate the license or
8 certificate if the applicant is not liable for delinquent contributions.

9 **SECTION 194.** 108.227 (5) (a) of the statutes is amended to read:

10 108.227 (5) (a) The department of workforce development shall conduct a
11 hearing requested by a license holder or applicant for a license or license renewal or
12 continuation under sub. (2) (b) 1. b., or as requested under s. ~~102.17 (1) (et)~~, 103.275
13 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), to review
14 a certification or determination of contribution delinquency that is the basis of a
15 denial, suspension, or revocation of a license or certificate in accordance with this
16 section or an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d),
17 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4). A hearing under this paragraph
18 is limited to questions of mistaken identity of the license or certificate holder or
19 applicant and of prior payment of the contributions that the department of workforce
20 development certified or determined the license or certificate holder or applicant
21 owes the department. At a hearing under this paragraph, any statement filed by the
22 department of workforce development, the licensing department, or the supreme
23 court, if the supreme court agrees, may be admitted into evidence and is prima facie
24 evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to

1 a hearing under this paragraph is not entitled to any other notice, hearing, or review,
2 except as provided in sub. (6).

3 **SECTION 195.** 108.227 (5) (b) 1. of the statutes is amended to read:

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

13 **SECTION 196.** 108.227 (5) (b) 2. of the statutes is amended to read:

14 108.227 (5) (b) 2. Provide notice that the department of workforce development
15 has affirmed its certification of contribution delinquency to a license holder; to an
16 applicant for a license, a license renewal, or a license continuation; and to the
17 licensing department or the supreme court, if the supreme court agrees. For a
18 hearing requested in response to an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2)
19 (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), the department
20 of workforce development shall provide notice to the license or certificate holder or
21 applicant that the department of workforce development has affirmed its
22 determination of contribution delinquency.

23 **SECTION 197.** 227.43 (1) (bm) of the statutes is created to read:

24 227.43 (1) (bm) Assign a hearing examiner to preside over any hearing or
25 review of a worker's compensation claim or other dispute under ch. 102.

1 **SECTION 198.** 227.43 (2) (am) of the statutes is created to read:

2 227.43 (2) (am) The department of financial institutions, insurance, and
3 professional standards shall notify the division of hearings and appeals of every
4 pending hearing to which the administrator of the division is required to assign a
5 hearing examiner under sub. (1) (bm) after that department is notified that a hearing
6 on the matter is required.

7 **SECTION 199.** 227.43 (3) (bm) of the statutes is created to read:

8 227.43 (3) (bm) The administrator of the division of hearings and appeals may
9 set the fees to be charged for any services rendered to the department of financial
10 institutions, insurance, and professional standards by a hearing examiner under
11 this section. The fee shall cover the total cost of the services less any costs covered
12 by the appropriation under s. 20.505 (4) (f).

13 **SECTION 200.** 227.43 (4) (bm) of the statutes is created to read:

14 227.43 (4) (bm) The department of financial institutions, insurance, and
15 professional standards shall pay all costs of the services of a hearing examiner
16 assigned under sub. (1) (bm), according to the fees set under sub. (3) (bm).

17 **SECTION 201.** 230.08 (2) (e) 6. of the statutes is amended to read:

18 230.08 (2) (e) 6. Workforce development — ~~9~~ 8.

19 **SECTION 202.** 303.07 (7) of the statutes is amended to read:

20 303.07 (7) If any inmate of a reforestation camp, in the performance of work
21 in connection with the maintenance of the camp, is injured so as to be permanently
22 incapacitated, or to have materially reduced earning power, the inmate may upon
23 discharge be allowed and paid such compensation as the department of ~~workforce~~
24 ~~development~~ financial institutions, insurance, and professional standards finds the
25 inmate entitled to. The inmate shall be compensated on the same basis as if the

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1 injury had been covered by ch. 102, except that the total paid to ~~any such~~ the inmate
2 shall not exceed \$1,000 and may be paid in installments. If the inmate is from an
3 adjoining county ~~such that~~ county shall pay ~~such~~ the compensation. In case of
4 dispute the procedure for hearing, award, and appeal shall be as set forth in ss.
5 102.16 to 102.26.

6 **SECTION 203.** 303.21 (1) (a) of the statutes is amended to read:

7 303.21 (1) (a) If an inmate of a state institution, in the performance of assigned
8 work is injured so as to be permanently incapacitated or to have materially reduced
9 earning power, the inmate may, upon being released from such institution, either
10 upon release on parole or extended supervision or upon final discharge, be allowed
11 and paid such compensation as the department of ~~workforce development~~ financial
12 institutions, insurance, and professional standards finds the inmate entitled to. The
13 inmate shall be compensated on the same basis as if the injury had been covered by
14 ch. 102, except that the total paid to any inmate may not exceed \$10,000 and may be
15 paid in installments. If the injury results from employment in a prison industry, the
16 payment shall be made from the revolving appropriation for its operation. If there
17 is no revolving appropriation, payment shall be made from the general fund. In case
18 of dispute, the procedure for hearing, award, and appeal shall be as set forth in ss.
19 102.16 to 102.26.

20 **SECTION 204.** 626.12 (3) of the statutes is amended to read:

21 626.12 (3) PHYSICAL IMPAIRMENT. Rates or rating plans may not take into
22 account the physical impairment of employees. Any employer who applies or
23 promotes any oppressive plan of physical examination and rejection of employees or
24 applicants for employment shall forfeit the right to experience rating. If the
25 department of ~~workforce development~~ financial institutions, insurance, and

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

9 **SECTION 205.** 626.32 (1) (a) of the statutes is amended to read:

10 626.32 (1) (a) *General.* Every insurer writing any insurance specified under
11 s. 626.03 shall report its insurance in this state to the bureau at least annually, on
12 forms and under rules prescribed by the bureau. The bureau shall file, under rules
13 promulgated by the department of ~~workforce development~~, a record of such reports
14 with ~~that the~~ the department. No ~~such~~ information contained in those reports may be
15 made public by the bureau or any of its employees except as required by law and in
16 accordance with its rules. No ~~such~~ information contained in those reports may be
17 made public by the department of ~~workforce development~~ or any of its employees
18 except as authorized by the bureau.

19 **SECTION 206.** 645.47 (1) (a) of the statutes is amended to read:

20 645.47 (1) (a) *General requirements.* The liquidator shall give notice of the
21 liquidation order as soon as possible by first class mail and either by telegram or
22 telephone to the insurance commissioner of each jurisdiction in which the insurer is
23 licensed to do business, by first class mail and by telephone to the department of
24 ~~workforce development of this state~~ if the insurer is or has been an insurer of
25 worker's compensation, by first class mail to all insurance agents having a duty

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

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

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

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

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

23 (c) *Employee status.* Employees transferred under paragraph (b) have all the
24 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
25 statutes in the department of financial institutions, insurance, and professional

1 standards that they enjoyed in the department of workforce development
2 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
3 no employee so transferred who has attained permanent status in class is required
4 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 department of financial institutions, insurance,
10 and professional standards.

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

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

1 professional standards shall carry out any obligations under those contracts unless
2 modified or rescinded by that department to the extent allowed under the contract.

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

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

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

22 (b) *Positions and employees.* On the effective date of this paragraph, all
23 positions and all incumbent employees holding those positions in the department of
24 workforce development performing duties that are primarily related to the
25 adjudicatory functions of the division of worker's compensation in that department,

1 as determined by the secretary of administration, are transferred to the division of
2 hearings and appeals in the department of administration.

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

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

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

24 (f) *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 adjudicatory functions of the division of worker's compensation in that
2 department, as determined by the secretary of administration, remain in effect and
3 are transferred to the division of hearings and appeals in the department of
4 administration. The division of hearings and appeals in the department of
5 administration shall carry out any obligations under those contracts unless modified
6 or rescinded by the division of hearings and appeals in the department of
7 administration to the extent allowed under the contract.

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

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

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

1 (b) *Contracts*. All contracts entered into by the department of workforce
2 development in effect on the effective date of this paragraph that are primarily
3 related to the functions of the council on worker's compensation, as determined by
4 the secretary of administration, remain in effect and are transferred to the office of
5 the department of financial institutions, insurance, and professional standards. The
6 office of the department of financial institutions, insurance, and professional
7 standards shall carry out any obligations under those contracts unless modified or
8 rescinded by that department to the extent allowed under the contract.

9 (4) TRANSFER OF SELF-INSURERS COUNCIL.

10 (a) *Tangible personal property*. On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of workforce
12 development that is primarily related to the functions of the self-insurers council,
13 as determined by the secretary of administration, is transferred to the office of the
14 department of financial institutions, insurance, and professional standards.

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

23

(END)