

1 ~~in the discretion of the department~~, be ordered paid to a bank, trust company, trustee,
2 parent, or guardian, for the use of such the employee or dependent as may be found
3 best calculated to conserve the ~~employee's or dependent's~~ interests. ~~Such of the~~
4 employee or dependent. The employee or dependent shall be entitled to receive
5 payments, in the aggregate, at a rate that is not less than that the rate applicable
6 to payments of primary compensation for total disability or death benefit as accruing
7 from the ~~employee's or dependent's~~ 18th birthday of the employee or dependent.

8 *~~0610/P3.243~~*SECTION 2958. 102.475 (1) of the statutes is amended to read:

9 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
10 officer, correctional officer, fire fighter, rescue squad member, diving team member,
11 national guard member, or state defense force member on state active duty as
12 described in s. 102.07 (9) or if a deceased person is an employee or volunteer
13 performing emergency management activities under ch. 323 during a state of
14 emergency or a circumstance described in s. 323.12 (2) (c), who sustained an
15 accidental injury while performing services growing out of and incidental to that
16 employment or volunteer activity so that benefits are payable under s. 102.46 or
17 102.47 (1), the ~~department~~ office shall voucher and pay from the appropriation under
18 s. ~~20.445 (1)~~ 20.145 (6) (aa) a sum equal to ~~75%~~ 75 percent of the primary death
19 benefit as of the date of death, but not less than \$50,000 to the persons wholly
20 dependent upon the deceased. For purposes of this subsection, dependency shall be
21 determined under ss. 102.49 and 102.51.

22 *~~0610/P3.244~~*SECTION 2959. 102.475 (6) of the statutes is amended to read:

23 102.475 (6) PROOF. In administering this section the ~~department~~ office may
24 require reasonable proof of birth, marriage, domestic partnership under ch. 770,
25 relationship, or dependency.

SECTION 2960

1 *~~0610/P3.245~~***SECTION 2960.** 102.48 (1) of the statutes is amended to read:

2 102.48 (1) An unestranged surviving parent or parents to whose support the
3 deceased has contributed less than \$500 in the 52 weeks next preceding the injury
4 causing death shall receive a death benefit of \$6,500. If the parents are not living
5 together, the ~~department~~ office shall divide this sum in such proportion as ~~it deems~~
6 the office considers to be just, considering their ages and other facts bearing on
7 dependency.

8 *~~0610/P3.246~~***SECTION 2961.** 102.48 (2) of the statutes is amended to read:

9 102.48 (2) In all other cases the death benefit shall be such sum as the
10 ~~department shall determine~~ office determines to represent fairly and justly the aid
11 to support which the dependent might reasonably have anticipated from the
12 deceased employee but for the injury. To establish anticipation of support and
13 dependency, it shall not be essential that the deceased employee made any
14 contribution to support. The aggregate benefits in ~~such~~ that case shall not exceed
15 twice the average annual earnings of the deceased; or 4 times the contributions of the
16 deceased to the support of ~~such~~ his or her dependents during the year immediately
17 preceding the deceased employee's death, whichever amount is the greater. In no
18 event shall the aggregate benefits in ~~such~~ that case exceed the amount ~~which~~ that
19 would accrue to a person who is solely and wholly dependent. ~~Where~~ When there is
20 more than one partial dependent the weekly benefit shall be apportioned according
21 to their relative dependency. The term "support" as used in ss. 102.42 to 102.63 shall
22 include contributions to the capital fund of the dependents, for their necessary
23 comfort.

24 *~~0610/P3.247~~***SECTION 2962.** 102.48 (3) of the statutes is amended to read:

1 102.48 (3) ~~A~~ Except as otherwise provided, a death benefit, other than burial
2 expenses, ~~except as otherwise provided~~, shall be paid in weekly installments
3 corresponding in amount to two-thirds of the weekly earnings of the employee, until
4 otherwise ordered by the department office.

5 *~~0610/P3.248~~***SECTION 2963.** 102.49 (3) of the statutes is amended to read:

6 102.49 (3) If the employee leaves a spouse or domestic partner under ch. 770
7 wholly dependent and also a child by a former marriage, domestic partnership under
8 ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same
9 in amount as if the child were the child of the surviving spouse or partner, and the
10 entire benefit shall be apportioned to the dependents in the amounts that the
11 department office determines to be just, considering the ages of the dependents and
12 other factors bearing on dependency. The benefit awarded to the surviving spouse
13 or partner shall not exceed 4 times the average annual earnings of the deceased
14 employee.

15 *~~0610/P3.249~~***SECTION 2964.** 102.49 (5) (d) of the statutes is amended to
16 read:

17 102.49 (5) (d) The payment into the state treasury shall be made in all such
18 cases regardless of whether the dependents or personal representatives of the
19 deceased employee commence action against a 3rd party under s. 102.29. If the
20 payment is not made within 20 days after the department ~~makes request therefor~~
21 office requests the payment to be made, any sum payable shall bear interest at the
22 rate of ~~7%~~ 7 percent per year.

23 *~~0610/P3.250~~***SECTION 2965.** 102.49 (6) of the statutes is amended to read:

24 102.49 (6) The department office may award the additional benefits payable
25 under this section to the surviving parent of the child, to the child's guardian, or to

SECTION 2965

1 such other person, bank, or trust company for the child's use as may be found best
2 calculated to conserve the ~~interest~~ interests of the child. ~~In the case of death of a child~~
3 If the child dies while benefits are still payable, there shall be paid the reasonable
4 expense for burial, not exceeding \$1,500.

5 *~~-0610/P3.251~~*SECTION 2966. 102.51 (3) of the statutes is amended to read:

6 102.51 (3) DIVISION AMONG DEPENDENTS. If there is more than one person wholly
7 or partially dependent on a deceased employee, the death benefit shall be divided
8 between ~~such~~ those dependents in such proportion as the ~~department shall~~
9 determine ~~office determines~~ to be just, considering their ages and other facts bearing
10 on ~~such~~ their dependency.

11 *~~-0610/P3.252~~*SECTION 2967. 102.51 (4) of the statutes is amended to read:

12 102.51 (4) DEPENDENCY AS OF THE DATE OF DEATH. Questions as to who is a
13 dependent and the extent of his or her dependency shall be determined as of the date
14 of the death of the employee, and the dependent's right to any death benefit becomes
15 fixed at that time, regardless of any subsequent change in conditions. The death
16 benefit shall be directly recoverable by and payable to the dependents entitled
17 ~~thereto~~ to the death benefit or their legal guardians or trustees. In case of the death
18 of a dependent whose right to a death benefit has ~~thus~~ become fixed, so much of the
19 benefit as is ~~then~~ unpaid is payable to the dependent's personal representatives in
20 gross, unless the ~~department~~ office determines that the unpaid benefit shall be
21 reassigned, under sub. (6), and paid to any other dependent who is physically or
22 mentally incapacitated or a minor. ~~A posthumous child is for the purpose~~ For
23 purposes of this subsection, a child of the employee who is born after the death of the
24 employee is considered to be a dependent as of the date of death.

25 *~~-0610/P3.253~~*SECTION 2968. 102.51 (6) of the statutes is amended to read:

1 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
2 child may be awarded to either parent in the discretion of the ~~department~~ office.
3 Notwithstanding sub. (1), the ~~department~~ office may reassign the death benefit, ~~in~~
4 ~~accordance with their respective needs for the death benefit~~ as between a surviving
5 spouse or a domestic partner under ch. 770 and any children designated specified in
6 sub. (1) and s. 102.49 in accordance with their respective needs for the death benefit.

7 *~~0610/P3.254~~*SECTION 2969. 102.55 (3) of the statutes is amended to read:

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

17 *~~0610/P3.255~~*SECTION 2970. 102.555 (12) (a) of the statutes is amended to
18 read:

19 102.555 (12) (a) An employer, ~~the office,~~ or the ~~department~~ division is not liable
20 for the expense of any examination or test for hearing loss, any evaluation of such
21 an exam or test, any medical treatment for improving or restoring hearing, or any
22 hearing aid to relieve the effect of hearing loss unless it is determined that
23 compensation for occupational deafness is payable under sub. (3), (4), or (11).

24 *~~0610/P3.256~~*SECTION 2971. 102.56 (1) of the statutes is amended to read:

SECTION 2971

1 102.56 (1) Subject to sub. (2), if an employee is so permanently disfigured as
2 to occasion potential wage loss due to the disfigurement, the department division
3 may allow such sum as the department division considers just as compensation for
4 the disfigurement, not exceeding the employee's average annual earnings. In
5 determining the potential for wage loss due to the disfigurement and the sum
6 awarded, the department division shall take into account the age, education,
7 training, and previous experience and earnings of the employee, the employee's
8 present occupation and earnings, and likelihood of future suitable occupational
9 change. Consideration for disfigurement allowance is confined to those areas of the
10 body that are exposed in the normal course of employment. The department division
11 shall also take into account the appearance of the disfigurement, its location, and the
12 likelihood of its exposure in occupations for which the employee is suited.

13 *~~0610/P3.257~~***SECTION 2972.** 102.56 (2) of the statutes is amended to read:

14 102.56 (2) If an employee who claims compensation under sub. (1) returns to
15 work for the employer who employed the employee at the time of the injury, or is
16 offered employment with that employer, at the same or a higher wage, the
17 department division may not allow that compensation unless the employee suffers
18 an actual wage loss due to the disfigurement.

19 *~~0610/P3.258~~***SECTION 2973.** 102.565 (1) of the statutes is amended to read:

20 ~~102.565 (1) When an employee working subject to this chapter, as a result of~~
21 exposure in the course of his or her employment over a period of time to toxic or
22 hazardous substances or conditions, an employee performing work that is subject to
23 this chapter develops any clinically observable abnormality or condition ~~which that,~~
24 on competent medical opinion, predisposes or renders the employ employee in any
25 manner differentially susceptible to disability to such an extent that it is inadvisable

1 for the employee to continue employment involving ~~such that~~ exposure ~~and the~~
2 ~~employee,~~ is discharged from or ceases to continue the employment, and suffers wage
3 loss by reason of ~~such that~~ discharge ~~from,~~ or ~~such cessation of, employment,~~ the
4 department division may allow such sum as it deems the division considers just as
5 compensation ~~therefor~~ for that wage loss, not exceeding \$13,000. ~~In the event~~ If a
6 nondisabling condition may also be caused by toxic or hazardous exposure not
7 related to employment, and if the employee has a history of ~~such that~~ exposure,
8 compensation as provided by under this section or any other remedy for loss of
9 earning capacity shall not be allowed ~~nor shall any other remedy for loss of earning~~
10 capacity. ~~In case of such discharge.~~ If the employee is discharged from employment
11 prior to a finding by the department division that it is inadvisable for the employee
12 to continue in ~~such that~~ employment and if it is reasonably probable that continued
13 exposure would result in disability, the liability of the employer who so discharges
14 the employee is primary, and the liability of the employer's insurer is secondary,
15 under the same procedure and to the same effect as provided by s. 102.62.

16 *~~0610/P3.259~~*SECTION 2974. 102.565 (2) of the statutes is amended to read:

17 102.565 (2) Upon application of any employer or employee the department
18 division may direct any employee of the employer or an employee who, in the course
19 of his or her employment, has been exposed to toxic or hazardous substances or
20 conditions, to submit to examination by ~~a physician or~~ one or more physicians ~~to be~~
21 appointed by the department division to determine whether the employee has
22 developed any abnormality or condition under sub. (1), and the degree ~~thereof~~ of that
23 abnormality or condition. The cost of the medical examination shall be borne by the
24 person making application. The physician conducting the examination shall submit
25 the results of the examination shall be submitted by the physician to the department

1 division, which shall submit copies of the reports to the employer and employee, who
2 shall have an opportunity to rebut the reports ~~provided request therefor~~ if a request
3 to submit a rebuttal is made to the department division within 10 days ~~from the~~
4 ~~mailing of~~ after the division mails the report to the parties. The ~~department~~ division
5 shall make its findings as to whether ~~or not~~ it is inadvisable for the employee to
6 continue in his or her employment.

7 *~~0610/P3.260~~*SECTION 2975. 102.565 (3) of the statutes is amended to read:

8 102.565 (3) ~~If an employee refuses to submit to the examination after direction~~
9 ~~by the commission, or any member thereof or the department or~~ any member of the
10 commission, the division, or an examiner thereof, an employee refuses to submit to
11 an examination or in any way obstructs the same examination, the employee's right
12 to compensation under this section shall be barred.

13 *~~0610/P3.261~~*SECTION 2976. 102.57 of the statutes is amended to read:

14 **102.57 Violations of safety provisions, penalty.** If injury is caused by the
15 failure of the employer to comply with any statute, rule, or order of the department
16 of safety and professional services, compensation and death benefits provided in this
17 chapter shall be increased ~~15%~~ by 15 percent but the total increase may not exceed
18 \$15,000. Failure of an employer reasonably to enforce compliance by employees with
19 any statute, rule, or order of the department of safety and professional services
20 constitutes failure by the employer to comply with that statute, rule, or order.

21 *~~0610/P3.262~~*SECTION 2977. 102.58 of the statutes is amended to read:

22 **102.58 Decreased compensation.** If injury is caused by the failure of the
23 employee to use safety devices that are provided in accordance with any statute, rule,
24 or order of the department of safety and professional services and that are
25 adequately maintained, and the use of which is reasonably enforced by the employer,

1 if injury results from the employee's failure to obey any reasonable rule adopted and
2 reasonably enforced by the employer for the safety of the employee and of which the
3 employee has notice, or if injury results from the intoxication of the employee by
4 alcohol beverages, as defined in s. 125.02 (1), or use of a controlled substance, as
5 defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m),
6 the compensation and death benefit provided in this chapter shall be reduced 15%
7 by 15 percent but the total reduction may not exceed \$15,000.

8 *~~0610/P3.263~~SECTION 2978. 102.60 (1m) (b) of the statutes is amended to
9 read:

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

16 *~~0610/P3.264~~SECTION 2979. 102.61 (1g) (b) of the statutes is amended to
17 read:

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

delete
space
TJD
Bop-
1300

1 ***-0610/P3.265***SECTION 2980. 102.61 (1g) (c) of the statutes is amended to
2 read:

3 102.61 (1g) (c) On receiving notice that he or she is eligible to receive vocational
4 rehabilitation services under 29 USC 701 to 797a, an employee shall provide the
5 employer with a written report from a physician, chiropractor, psychologist, or
6 podiatrist stating the employee's permanent work restrictions. Within 60 days after
7 receiving that report, the employer shall provide to the employee in writing an offer
8 of suitable employment, a statement that the employer has no suitable employment
9 for the employee, or a report from a physician, chiropractor, psychologist, or
10 podiatrist showing that the permanent work restrictions provided by the employee's
11 practitioner are in dispute and documentation showing that the difference in work
12 restrictions would materially affect either the employer's ability to provide suitable
13 employment or a vocational rehabilitation counselor's ability to recommend a
14 rehabilitative training program. If the employer and employee cannot resolve the
15 dispute within 30 days after the employee receives the employer's report and
16 documentation, the employer or employee may request a hearing before the
17 department division to determine the employee's work restrictions. Within 30 days
18 after the department division determines the employee's work restrictions, the
19 employer shall provide to the employee in writing an offer of suitable employment
20 or a statement that the employer has no suitable employment for the employee.

21 ***-0610/P3.266***SECTION 2981. 102.61 (1m) (a) of the statutes is amended to
22 read:

23 102.61 (1m) (a) If the department of workforce development has determined
24 under sub. (1) that an employee is eligible for vocational rehabilitation services
25 under 29 USC 701 to 797b, but that the department of workforce development cannot

1 provide those services for the employee, the employee may select a private
2 rehabilitation counselor certified by the ~~department~~ office to determine whether the
3 employee can return to suitable employment without rehabilitative training and, if
4 that counselor determines that rehabilitative training is necessary, to develop a
5 rehabilitative training program to restore as nearly as possible the employee to his
6 or her preinjury earning capacity and potential.

7 *~~0610/P3.267~~***SECTION 2982.** 102.61 (1m) (c) of the statutes is amended to
8 read:

9 102.61 (1m) (c) The employer or insurance carrier shall pay the reasonable cost
10 of any services provided for an employee by a private rehabilitation counselor under
11 par. (a) and, subject to the conditions and limitations specified in sub. (1r) (a) to (c)
12 and by rule, if the private rehabilitation counselor determines that rehabilitative
13 training is necessary, the reasonable cost of the rehabilitative training program
14 recommended by that counselor, including the cost of tuition, fees, books,
15 maintenance, and travel at the same rate as is provided for state officers and
16 employees under s. 20.916 (8). Notwithstanding that the ~~department~~ office may
17 authorize under s. 102.43 (5) (b) a rehabilitative training program that lasts longer
18 than 80 weeks, a rehabilitative training program that lasts 80 weeks or less is
19 presumed to be reasonable.

20 *~~0610/P3.268~~***SECTION 2983.** 102.61 (1m) (d) of the statutes is amended to
21 read:

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

1 disability benefits under s. 102.43 (5) (b) or for tuition, fee, book, travel, and
2 maintenance costs under sub. (1) that exceed what the employer or insurance carrier
3 would have been liable for under the rehabilitative training program developed by
4 the private rehabilitation counselor.

5 ***-0610/P3.269*SECTION 2984.** 102.61 (1m) (e) of the statutes is amended to
6 read:

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

11 ***-0610/P3.270*SECTION 2985.** 102.61 (1m) (f) of the statutes is amended to
12 read:

13 102.61 (1m) (f) The department office shall promulgate rules establishing
14 procedures and requirements for the private rehabilitation counseling and
15 rehabilitative training process under this subsection. Those rules shall include rules
16 specifying the procedure and requirements for certification of private rehabilitation
17 counselors.

18 ***-0610/P3.271*SECTION 2986.** 102.61 (2) of the statutes is amended to read:

19 102.61 (2) The department division, the commission, and the courts shall
20 determine the rights and liabilities of the parties under this section in like manner
21 and with like effect as the department division, the commission, and the courts
22 determine other issues under this chapter. A determination under this subsection
23 may include a determination based on the evidence regarding the cost or scope of the
24 services provided by a private rehabilitation counselor under sub. (1m) (a) or the cost
25 or reasonableness of a rehabilitative training program developed under sub. (1m) (a).

1 *~~0610/P3.272~~*SECTION 2987. 102.62 of the statutes is amended to read:

2 **102.62 Primary and secondary liability; unchangeable.** In case of
3 liability under s. 102.57 or 102.60, the liability of the employer shall be primary and
4 the liability of the insurance carrier shall be secondary. If proceedings are had before
5 the department division for the recovery of that liability, the department division
6 shall set forth in its award the amount and order of liability as provided in this
7 section. Execution shall not be issued against the insurance carrier to satisfy any
8 judgment covering that liability until execution has first been issued against the
9 employer and has been returned unsatisfied as to any part of that liability. Any
10 provision in any insurance policy undertaking to guarantee primary liability or to
11 avoid secondary liability for a liability under s. 102.57 or 102.60 is void. If the
12 employer has been adjudged bankrupt or has made an assignment for the benefit of
13 creditors, ~~or~~ if the employer, other than an individual, has gone out of business or has
14 been dissolved, or if the employer is a corporation and its charter has been forfeited
15 or revoked, the insurer shall be liable for the payment of that liability without
16 judgment or execution against the employer, but without altering the primary
17 liability of the employer.

18 *~~0610/P3.273~~*SECTION 2988. 102.63 of the statutes is amended to read:

19 **102.63 Refunds by state.** Whenever the department ~~shall certify~~ office
20 certifies to the secretary of administration that excess payment has been made under
21 s. 102.59 or under s. 102.49 (5) either because of mistake or otherwise, ~~the secretary~~
22 ~~of administration shall~~ within 5 days after receipt of such that certificate the
23 secretary of administration shall draw an order against the fund in the state
24 treasury into which such that excess was paid, reimbursing such the payor of such
25 the excess payment, ~~together with interest actually earned thereon if.~~ If the excess

SECTION 2988

1 payment has been on deposit for at least 6 months, the payor of the excess payment
2 shall also be paid interest actually earned on the excess payment.

3 ***-0610/P3.274*****SECTION 2989.** 102.64 (1) of the statutes is amended to read:

4 102.64 (1) Upon request of the department of administration, a representative
5 of the department of justice shall represent the state in cases involving payment into
6 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
7 department of justice, after giving notice to the department of administration, may
8 compromise the amount of those payments but such compromises shall be subject to
9 review by the ~~department of workforce development~~ office. If the spouse or domestic
10 partner under ch. 770 of the deceased employee compromises his or her claim for a
11 primary death benefit, the claim of the children of the employee under s. 102.49 shall
12 be compromised on the same proportional basis, subject to approval by the
13 ~~department~~ office. If the persons entitled to compensation on the basis of total
14 dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49
15 (5) (a) shall be compromised on the same proportional basis.

16 ***-0610/P3.275*****SECTION 2990.** 102.64 (2) of the statutes is amended to read:

17 102.64 (2) Upon request of the department of administration, the attorney
18 general shall appear on behalf of the state in proceedings upon claims for
19 compensation against the state. Except as provided in s. 102.65 (3), the department
20 of justice shall represent the interests of the state in proceedings under s. 102.44 (1),
21 102.49, 102.59, 102.60, or 102.66. The department of justice may compromise claims
22 in those proceedings, but the compromises are subject to review by the ~~department~~
23 ~~of workforce development~~ office. Costs incurred by the department of justice in
24 prosecuting or defending any claim for payment into or out of the work injury
25 supplemental benefit fund under s. 102.65, including expert witness and witness

1 fees but not including attorney fees or attorney travel expenses for services
2 performed under this subsection, shall be paid from the work injury supplemental
3 benefit fund.

4 ***-0610/P3.276*SECTION 2991.** 102.65 (1) of the statutes is amended to read:

5 102.65 (1) The moneys payable to the state treasury under ss. 102.35 (1),
6 102.47, 102.49, 102.59, and 102.60, together with all accrued interest on those
7 moneys, and all interest payments received under s. 102.75 (2), shall constitute a
8 separate nonlapsible fund designated as the work injury supplemental benefit fund.
9 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.145 (6) (t)
10 and may not be used for any other purpose of the state.

11 ***-0610/P3.277*SECTION 2992.** 102.65 (2) of the statutes is amended to read:

12 102.65 (2) For proper administration of the moneys available in the fund the
13 ~~department office~~ shall by order, set aside in the state treasury suitable reserves to
14 carry to maturity the liability for benefits under ss. 102.44, 102.49, 102.59, and
15 102.66. ~~Such~~ Those moneys shall be invested by the investment board in accordance
16 with s. 25.14 (5).

17 ***-0610/P3.278*SECTION 2993.** 102.65 (3) of the statutes is amended to read:

18 102.65 (3) The ~~department of workforce development~~ office may retain the
19 department of administration to process, investigate, and pay claims under ss.
20 102.44 (1), 102.49, 102.59, and 102.66. If retained by the ~~department of workforce~~
21 ~~development~~ office, the department of administration may compromise a claim
22 processed by that department, but a compromise made by that department is subject
23 to review by the ~~department of workforce development~~ office. The ~~department of~~
24 ~~workforce development~~ office shall pay for the services retained under this
25 subsection from the appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (t).

1 *~~0452/2.8~~*SECTION 2994. 102.65 (4) (intro.) of the statutes is amended to
2 read:

3 102.65 (4) (intro.) The secretary shall monitor the cash balance in, and incurred
4 losses to, the work injury supplemental benefit fund using generally accepted
5 actuarial principles. If the secretary determines that the expected ultimate losses
6 to the work injury supplemental benefit fund on known claims exceed 85 percent of
7 the cash balance in that fund, the secretary shall consult with the council on worker's
8 compensation. If the secretary, after consulting with the council on worker's
9 compensation, determines that there is a reasonable likelihood that the cash balance
10 in the work injury supplemental benefit fund may become inadequate to fund all
11 claims under ss. ~~102.44 (1) (e)~~, 102.49, 102.59, and 102.66, the secretary shall file
12 with the secretary of administration a certificate attesting that the cash balance in
13 that fund is likely to become inadequate to fund all claims under ss. ~~102.44 (1) (e)~~,
14 102.49, 102.59, and 102.66 and specifying one of the following:

15 *~~0610/P3.279~~*SECTION 2995. 102.65 (4) (intro.) of the statutes, as affected by
16 2015 Wisconsin Act (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
21 claims exceed 85 percent of the cash balance in that fund, the ~~secretary~~ commissioner
22 shall consult with the council on worker's compensation. If the ~~secretary~~, after
23 consulting with the council on worker's compensation, the commissioner determines
24 that there is a reasonable likelihood that the cash balance in the work injury
25 supplemental benefit fund may become inadequate to fund all claims under ss.

1 102.49, 102.59, and 102.66, the ~~secretary~~ commissioner shall file with the secretary
2 of administration a certificate attesting that the cash balance in that fund is likely
3 to become inadequate to fund all claims under ss. 102.49, 102.59, and 102.66 and
4 specifying one of the following:

****NOTE: This is reconciled s.102.65 (4) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: -0452/1 and -0610/P2.

5 ***-0610/P3.280*SECTION 2996.** 102.65 (4) (a) of the statutes is amended to read:
6 102.65 (4) (a) That payment of those claims will be made as provided in a
7 schedule that the ~~department~~ office shall promulgate by rule.

8 ***-0610/P3.281*SECTION 2997.** 102.66 (1) of the statutes is amended to read:
9 102.66 (1) Subject to any certificate filed under s. 102.65 (4), if there is an
10 otherwise meritorious claim for occupational disease, or for a traumatic injury
11 described in s. 102.17 (4) in which the date of injury or death or last payment of
12 compensation, other than for treatment or burial expenses, is before April 1, 2006,
13 and if the claim is barred solely by the statute of limitations under s. 102.17 (4), the
14 ~~department~~ office may, in lieu of worker's compensation benefits, direct payment
15 from the work injury supplemental benefit fund under s. 102.65 of such
16 compensation and such medical expenses as would otherwise be due, based on the
17 date of injury, to or on behalf of the injured employee. The benefits shall be
18 supplemental, to the extent of compensation liability, to any disability or medical
19 benefits payable from any group insurance policy whose premium is paid in whole
20 or in part by any employer, or under any federal insurance or benefit program
21 providing disability or medical benefits. Death benefits payable under any such
22 group policy do not limit the benefits payable under this section.

23 ***-0610/P3.282*SECTION 2998.** 102.75 (1) of the statutes is amended to read:

SECTION 2998

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

16 *~~0452/2.9~~***SECTION 2999.** 102.75 (1g) of the statutes is created to read:

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

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

9 (c) This subsection does not apply to claims for reimbursement under s. 102.44
10 (1) (c) 1. for supplemental benefits paid for injuries that occur on or after January 1,
11 2016.

12 ***-0610/P3.283*SECTION 3000.** 102.75 (1g) (a) of the statutes, as created by
13 2015 Wisconsin Act (this act), is amended to read:

14 102.75 (1g) (a) Subject to par. (b), the department office shall collect from each
15 licensed worker's compensation carrier the proportion of reimbursement approved
16 by the department office under s. 102.44 (1) (c) 1. for supplemental benefits paid in
17 the year before the previous year that the total indemnity paid or payable under this
18 chapter by the carrier in worker's compensation cases initially closed during the
19 preceding calendar year, other than for increased, double, or treble compensation,
20 bore to the total indemnity paid in cases closed the previous calendar year under this
21 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.

22 ***-0610/P3.284*SECTION 3001.** 102.75 (1g) (b) of the statutes, as created by
23 2015 Wisconsin Act (this act), is amended to read:

SECTION 3001

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

 ****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.

9 ***-0452/2.10***SECTION 3002. 102.75 (1m) of the statutes is amended to read:

10 102.75 (1m) The moneys collected under ~~sub.~~ subs. (1) and (1g) and under ss.
11 102.28 (2) and 102.31 (7), together with all accrued interest, shall constitute a
12 separate nonlapsible fund designated as the worker's compensation operations fund.
13 Moneys in the fund may be expended only as provided in s. 20.445 (1) (ra), (rb), and
14 (rp) and (2) (ra) and may not be used for any other purpose of the state.

15 ***-0610/P3.285***SECTION 3003. 102.75 (1m) of the statutes, as affected by 2015
16 Wisconsin Act (this act), is amended to read:

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

 ****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.

22 ***-0452/2.11***SECTION 3004. 102.75 (2) of the statutes is amended to read:

1 102.75 (2) The department shall require ~~that payments for costs and expenses~~
2 ~~for each fiscal year shall be made on such dates as the department prescribes by each~~
3 ~~licensed worker's compensation insurance carrier and employer exempted under s.~~
4 ~~102.28 (2) (b) from the duty to insure under s. 102.28 (2) (a) to make the payments~~
5 ~~required under sub. (1) for each fiscal year on such dates as the department~~
6 ~~prescribes. The department shall also require each licensed worker's compensation~~
7 ~~insurance carrier to make the payments required under sub. (1g) for each fiscal year~~
8 ~~on those dates.~~ Each such payment shall be a sum equal to a proportionate share of
9 the annual costs and expenses assessed upon each carrier and employer as estimated
10 by the department. Interest shall accrue on amounts not paid within 30 days after
11 the date prescribed by the department under this subsection at the rate of 1 percent
12 per month. All interest payments received under this subsection shall be deposited
13 in the fund established under s. 102.65.

14 *~~0610/P3.286~~*SECTION 3005. 102.75 (2) of the statutes, as affected by 2015
15 Wisconsin Act (this act), is amended to read:

16 102.75 (2) The department office shall require each licensed worker's
17 compensation insurance carrier and employer exempted under s. 102.28 (2) (b) from
18 the duty to insure under s. 102.28 (2) (a) to make the payments required under sub.
19 (1) for each fiscal year on such dates as the department office prescribes. The
20 ~~department~~ office shall also require each licensed worker's compensation insurance
21 carrier to make the payments required under sub. (1g) for each fiscal year on those
22 dates. Each such payment shall be a sum equal to a proportionate share of the
23 annual costs and expenses assessed upon each carrier and employer as estimated by
24 the ~~department~~ office. Interest shall accrue on amounts not paid within 30 days after
25 the date prescribed by the ~~department~~ office under this subsection at the rate of 1

1 percent per month. All interest payments received under this subsection shall be
2 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.

3 ***-0610/P3.287*SECTION 3006.** 102.75 (4) of the statutes is amended to read:

4 102.75 (4) From the appropriation under s. ~~20.445 (1)~~ 20.145 (6) (ra), the
5 department office 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 office under s. 102.28 (2) (b) and (c).

9 ***-0610/P3.288*SECTION 3007.** 102.80 (1) (e) of the statutes is amended to read:

10 102.80 (1) (e) All moneys received by the department office for the uninsured
11 employers fund from any other source.

12 ***-0452/2.12*SECTION 3008.** 102.80 (1) (f) of the statutes is created to read:

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

15 ***-0610/P3.289*SECTION 3009.** 102.80 (1) (f) of the statutes, as created by 2015

16 Wisconsin Act (this act), is amended to read:

17 102.80 (1) (f) Amounts transferred to the uninsured employers fund from the
18 appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (ra) as provided in s. 102.81 (1)
19 (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.

20 ***-0610/P3.290*SECTION 3010.** 102.80 (1m) of the statutes is amended to read:

21 102.80 (1m) The moneys collected or received under sub. (1), together with all
22 accrued interest, shall constitute a separate nonlapsible fund designated as the

1 uninsured employers fund. Moneys in the fund may be expended only as provided
2 in s. ~~20.445 (1)~~ 20.145 (6) (sm) and may not be used for any other purpose of the state.

3 ***-0610/P3.291*SECTION 3011.** 102.80 (3) (a) of the statutes is amended to read:

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

11 ***-0610/P3.292*SECTION 3012.** 102.80 (3) (ag) of the statutes is amended to
12 read:

13 102.80 (3) (ag) The ~~secretary~~ commissioner shall monitor the cash balance in,
14 and incurred losses to, the uninsured employers fund using generally accepted
15 actuarial principles. If the ~~secretary~~ commissioner determines that the expected
16 ultimate losses to the uninsured employers fund on known claims exceed 85 percent
17 of the cash balance in the uninsured employers fund, the ~~secretary~~ commissioner
18 shall consult with the council on worker's compensation. ~~If the secretary, after~~
19 ~~consulting with the council on worker's compensation,~~ the commissioner determines
20 that there is a reasonable likelihood that the cash balance in the uninsured
21 employers fund may become inadequate to fund all claims under s. 102.81 (1), the
22 ~~secretary~~ commissioner shall file with the secretary of administration a certificate
23 attesting that the cash balance in the uninsured employer's fund is likely to become
24 inadequate to fund all claims under s. 102.81 (1) and specifying a date after which
25 no new claims under s. 102.81 (1) will be paid.

SECTION 3013

1 *~~0610/P3.293~~*SECTION 3013. 102.80 (3) (am) of the statutes is amended to
2 read:

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

9 *~~0610/P3.294~~*SECTION 3014. 102.80 (3) (b) of the statutes is amended to read:
10 102.80 (3) (b) If the ~~secretary~~ commissioner does not file the certificate under
11 par. (a), the ~~department~~ office may not expend the moneys in the uninsured
12 employers fund.

13 *~~0610/P3.295~~*SECTION 3015. 102.80 (3) (c) of the statutes is amended to read:
14 102.80 (3) (c) If, after filing the certificate under par. (a), the ~~secretary~~
15 commissioner files the certificate under par. (ag), the ~~department~~ office may expend
16 the moneys in the uninsured employers fund only to make payments under s. 102.81
17 (1) to employees of uninsured employers on claims made before the date specified in
18 ~~that the~~ certificate under par. (ag) and to obtain reinsurance under s. 102.81 (2) for
19 the payment of those claims.

20 *~~0610/P3.296~~*SECTION 3016. 102.80 (4) (a) (intro.) of the statutes is amended
21 to read:

22 102.80 (4) (a) (intro.) If an uninsured employer who owes to the ~~department~~
23 office any amount under s. 102.82 or 102.85 (4) transfers his or her business assets
24 or activities, the transferee is liable for the amounts owed by the uninsured employer

1 under s. 102.82 or 102.85 (4) if the department office determines that all of the
2 following conditions are satisfied:

3 ***-0610/P3.297*SECTION 3017.** 102.80 (4) (b) of the statutes is amended to read:

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

8 ***-0610/P3.298*SECTION 3018.** 102.81 (1) (a) of the statutes is amended to read:

9 102.81 (1) (a) If an employee of an uninsured employer, other than an employee
10 who is eligible to receive alternative benefits under s. 102.28 (3), suffers an injury for
11 which the uninsured employer is liable under s. 102.03, the department office or the
12 department's office's reinsurer shall pay to or on behalf of the injured employee or
13 to the employee's dependents an amount equal to the compensation owed them by
14 the uninsured employer under this chapter except penalties and interest due under
15 ss. 102.16 (3), 102.18 (1) (b) and (bp), 102.22 (1), 102.35 (3), 102.57, and 102.60.

16 ***-0610/P3.299*SECTION 3019.** 102.81 (1) (b) of the statutes is amended to read:

17 102.81 (1) (b) The department office shall make the payments required under
18 par. (a) from the uninsured employers fund, except that if the department office has
19 obtained reinsurance under sub. (2) and is unable to make those payments from the
20 uninsured employers fund, the department's office's reinsurer shall make those
21 payments according to the terms of the contract of reinsurance.

22 ***-0452/2.13*SECTION 3020.** 102.81 (1) (c) of the statutes is created to read:

23 102.81 (1) (c) 1. The department shall pay a claim under par. (a) in excess of
24 \$1,000,000 from the uninsured employers fund in the first instance. If the claim is
25 not covered by excess or stop-loss reinsurance under sub. (2), the secretary of

SECTION 3020

1 administration shall transfer from the appropriation account under s. 20.445 (1) (ra)
2 to the uninsured employers fund as provided in subds. 2. and 3. an amount equal to
3 the amount by which payments from the uninsured employers fund on the claim are
4 in excess of \$1,000,000.

5 2. Each calendar year the department shall file with the secretary of
6 administration a certificate setting forth the number of claims in excess of
7 \$1,000,000 in the preceding year paid from the uninsured employers fund, the
8 payments made from the uninsured employers fund on each such claim in the
9 preceding year, and the total payments made from the uninsured employers fund on
10 all such claims and, based on that information, the secretary of administration shall
11 determine the amount to be transferred under subd. 1. in that calendar year.

12 3. The maximum amount that the secretary of administration may transfer
13 under subd. 1. in a calendar year is \$500,000. If the amount determined under subd.
14 2. is \$500,000 or less, the secretary of administration shall transfer the amount
15 determined under subd. 2. If the amount determined under subd. 2. exceeds
16 \$500,000, the secretary of administration shall transfer \$500,000 in the calendar
17 year in which the determination is made and, subject to the maximum transfer
18 amount of \$500,000 per calendar year, shall transfer that excess in the next calendar
19 year or in subsequent calendar years until that excess is transferred in full.

20 *-0610/P3.300*SECTION 3021. 102.81 (1) (c) 1. of the statutes, as created by
21 2015 Wisconsin Act (this act), is amended to read:

22 102.81 (1) (c) 1. The ~~department~~ office shall pay a claim under par. (a) in excess
23 of \$1,000,000 from the uninsured employers fund in the first instance. If the claim
24 is not covered by excess or stop-loss reinsurance under sub. (2), the secretary of
25 administration shall transfer from the appropriation account under s. 20.445 (1)

1 20.145 (6) (ra) to the uninsured employers fund as provided in subds. 2. and 3. an
2 amount equal to the amount by which payments from the uninsured employers fund
3 on the claim are in excess of \$1,000,000.

****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.

4 ***-0610/P3.301*SECTION 3022.** 102.81 (1) (c) 2. of the statutes, as created by
5 2015 Wisconsin Act (this act), is amended to read:

6 102.81 (1) (c) 2. Each calendar year the ~~department~~ office shall file with the
7 secretary of administration a certificate setting forth the number of claims in excess
8 of \$1,000,000 in the preceding year paid from the uninsured employers fund, the
9 payments made from the uninsured employers fund on each such claim in the
10 preceding year, and the total payments made from the uninsured employers fund on
11 all such claims and, based on that information, the secretary of administration shall
12 determine the amount to be transferred under subd. 1. in that calendar year.

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

13 ***-0610/P3.302*SECTION 3023.** 102.81 (2) of the statutes is amended to read:
14 102.81 (2) The ~~department~~ office may retain an insurance carrier or insurance
15 service organization to process, investigate, and pay claims under this section and
16 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
17 do business in this state in an amount that the ~~secretary~~ commissioner determines
18 is necessary for the sound operation of the uninsured employers fund. In cases
19 involving disputed claims, the ~~department~~ office may retain an attorney to represent
20 the interests of the uninsured employers fund and to make appearances on behalf
21 of the uninsured employers fund in proceedings under ss. 102.16 to 102.29. Section
22 20.930 and all provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an

1 attorney hired under this subsection. The charges for the services retained under
2 this subsection shall be paid from the appropriation under s. ~~20.445 (1)~~ 20.145 (6)
3 (rp). The cost of any reinsurance obtained under this subsection shall be paid from
4 the appropriation under s. ~~20.445 (1)~~ 20.145 (6) (sm).

5 *~~0610/P3.303~~*SECTION 3024. 102.81 (4) (a) of the statutes is amended to read:

6 102.81 (4) (a) If the employee or dependent begins an action to recover
7 compensation from the employee's employer or a 3rd party liable under s. 102.29,
8 provide to the ~~department~~ office a copy of all papers filed by any party in the action.

9 *~~0610/P3.304~~*SECTION 3025. 102.81 (4) (b) (intro.) of the statutes is amended
10 to read:

11 102.81 (4) (b) (intro.) If the employee or dependent receives compensation from
12 the employee's employer or a 3rd party liable under s. 102.29, pay to the ~~department~~
13 office the lesser of the following:

14 *~~0610/P3.305~~*SECTION 3026. 102.81 (6) (a) of the statutes is amended to read:

15 102.81 (6) (a) Subject to par. (b), an employee, a dependent of an employee, an
16 uninsured employer, a 3rd party who is liable under s. 102.29, or the ~~department~~
17 office may enter into an agreement to settle liabilities under this chapter.

18 *~~0610/P3.306~~*SECTION 3027. 102.81 (6) (b) of the statutes is amended to read:

19 102.81 (6) (b) A settlement under par. (a) is void without the ~~department's~~
20 written approval of the office.

21 *~~0610/P3.307~~*SECTION 3028. 102.81 (7) of the statutes is amended to read:

22 102.81 (7) This section first applies to injuries occurring on the first day of the
23 first July beginning after the day that the ~~secretary~~ commissioner files a certificate
24 under s. 102.80 (3) (a), except that if the ~~secretary~~ commissioner files a certificate

1 under s. 102.80 (3) (ag) this section does not apply to claims filed on or after the date
2 specified in that certificate.

3 ***-0610/P3.308*SECTION 3029.** 102.82 (1) of the statutes is amended to read:

4 102.82 (1) Except as provided in sub. (2) (ar), an uninsured employer shall
5 reimburse the ~~department~~ office for any payment made under s. 102.81 (1) to or on
6 behalf of an employee of the uninsured employer or to an employee's dependents and
7 for any expenses paid by the ~~department~~ office in administering the claim of the
8 employee or dependents, less amounts repaid by the employee or dependents under
9 s. 102.81 (4) (b). The reimbursement owed under this subsection is due within 30
10 days after the date on which the ~~department~~ office notifies the uninsured employer
11 that the reimbursement is owed. Interest shall accrue on amounts not paid when due
12 at the rate of ~~1%~~ 1 percent per month.

13 ***-0610/P3.309*SECTION 3030.** 102.82 (2) (a) (intro.) of the statutes is amended
14 to read:

15 102.82 (2) (a) (intro.) Except as provided in pars. (ag), (am), and (ar), all
16 uninsured employers shall pay to the ~~department~~ office the greater of the following:

17 ***-0610/P3.310*SECTION 3031.** 102.82 (2) (a) 1. of the statutes is amended to
18 read:

19 102.82 (2) (a) 1. Twice the amount determined by the ~~department~~ office to equal
20 what the uninsured employer would have paid during periods of illegal nonpayment
21 for worker's compensation insurance in the preceding 3-year period based on the
22 employer's payroll in the preceding 3 years.

23 ***-0610/P3.311*SECTION 3032.** 102.82 (2) (ag) (intro.) of the statutes is
24 amended to read:

1 102.82 (2) (ag) (intro.) An uninsured employer who is liable to the ~~department~~
2 office under par. (a) 2 shall pay to the ~~department~~ office, in lieu of the payment
3 required under par. (a) 2., \$100 per day for each day that the employer is uninsured
4 if all of the following apply:

5 *~~0610/P3.312~~*SECTION 3033. 102.82 (2) (am) of the statutes is amended to
6 read:

7 102.82 (2) (am) The ~~department~~ office may waive any payment owed under par.
8 (a) by an uninsured employer if the ~~department~~ office determines that the uninsured
9 employer is subject to this chapter only because the uninsured employer has elected
10 to become subject to this chapter under s. 102.05 (2) or 102.28 (2).

11 *~~0610/P3.313~~*SECTION 3034. 102.82 (2) (ar) of the statutes is amended to
12 read:

13 102.82 (2) (ar) The ~~department~~ office may waive any payment owed under par.
14 (a) or (ag) or sub. (1) if the ~~department~~ office determines that the sole reason for the
15 uninsured employer's failure to comply with s. 102.28 (2) is that the uninsured
16 employer was a victim of fraud, misrepresentation, or gross negligence by an
17 insurance agent or insurance broker or by a person whom a reasonable person would
18 believe is an insurance agent or insurance broker.

19 *~~0610/P3.314~~*SECTION 3035. 102.82 (2) (c) of the statutes is amended to read:

20 102.82 (2) (c) The department of justice or, if the department of justice consents,
21 the ~~department of workforce development~~ office may bring an action in circuit court
22 to recover payments and interest owed to the ~~department of workforce development~~
23 office under this section.

24 *~~0610/P3.315~~*SECTION 3036. 102.82 (3) (a) of the statutes is amended to read:

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

4 ***-0610/P3.316*SECTION 3037.** 102.83 (1) (a) 1. of the statutes is amended to
5 read:

6 102.83 (1) (a) 1. If an uninsured employer or any individual who is found
7 personally liable under sub. (8) fails to pay to the department office any amount owed
8 to the department office under s. 102.82 and no proceeding for review is pending, the
9 department office or any authorized representative may issue a warrant directed to
10 the clerk of circuit court for any county of the state.

11 ***-0610/P3.317*SECTION 3038.** 102.83 (1) (a) 3. of the statutes is amended to
12 read:

13 102.83 (1) (a) 3. A warrant entered under subd. 2. shall be considered in all
14 respects as a final judgment constituting a perfected lien on the right, title, and
15 interest of the uninsured employer or the individual in all of that person's real and
16 personal property located in the county where the warrant is entered. The lien is
17 effective when the department office issues the warrant under subd. 1. and shall
18 continue until the amount owed, including interest, costs, and other fees to the date
19 of payment, is paid.

20 ***-0610/P3.318*SECTION 3039.** 102.83 (1) (a) 4. of the statutes is amended to
21 read:

22 102.83 (1) (a) 4. After the warrant is entered in the judgment and lien docket,
23 the department office or any authorized representative may file an execution with
24 the clerk of circuit court for filing by the clerk of circuit court with the sheriff of any
25 county where real or personal property of the uninsured employer or the individual

1 is found, commanding the sheriff to levy upon and sell sufficient real and personal
2 property of the uninsured employer or the individual to pay the amount stated in the
3 warrant in the same manner as upon an execution against property issued upon the
4 judgment of a court of record, and to return the warrant to the ~~department~~ office and
5 pay to it the money collected by virtue of the warrant within 60 days after receipt of
6 the warrant.

7 *~~0610/P3.319~~*SECTION 3040. 102.83 (1) (b) of the statutes is amended to read:

8 102.83 (1) (b) The clerk of circuit court shall accept and enter the warrant in
9 the judgment and lien docket without prepayment of any fee, but the clerk of circuit
10 court shall submit a statement of the proper fee semiannually to the ~~department~~
11 office covering the periods from January 1 to June 30 and July 1 to December 31
12 unless a different billing period is agreed to between the clerk and the ~~department~~
13 office. The fees shall then be paid by the ~~department~~ office, but the fees provided by
14 s. 814.61 (5) for entering the warrants shall be added to the amount of the warrant
15 and collected from the uninsured employer or the individual when satisfaction or
16 release is presented for entry.

17 *~~0610/P3.320~~*SECTION 3041. 102.83 (2) of the statutes is amended to read:

18 102.83 (2) The ~~department~~ office may issue a warrant of like terms, force, and
19 effect to any employee or other agent of the ~~department~~ office, who may file a copy
20 of the warrant with the clerk of circuit court of any county in the state, and thereupon
21 the clerk of circuit court shall enter the warrant in the judgment and lien docket and
22 the warrant shall become a lien in the same manner, and with the same force and
23 effect, as provided in sub. (1). In the execution of the warrant, the employee or other
24 agent shall have all the powers conferred by law upon a sheriff, but may not collect
25 from the uninsured employer or the individual any fee or charge for the execution of

1 the warrant in excess of the actual expenses paid in the performance of his or her
2 duty.

3 ***-0610/P3.321*SECTION 3042.** 102.83 (3) of the statutes is amended to read:

4 102.83 (3) If a warrant is returned not satisfied in full, the department office
5 shall have the same remedies to enforce the amount due for payments, interest,
6 costs, and other fees as if the department office had recovered judgment against the
7 uninsured employer or the individual and an execution had been returned wholly or
8 partially not satisfied.

9 ***-0610/P3.322*SECTION 3043.** 102.83 (4) of the statutes is amended to read:

10 102.83 (4) When the payments, interest, costs, and other fees specified in a
11 warrant have been paid to the department office, the department office shall issue
12 a satisfaction of the warrant and file it with the clerk of circuit court. The clerk of
13 circuit court shall immediately enter the satisfaction of the judgment in the
14 judgment and lien docket. The department office shall send a copy of the satisfaction
15 to the uninsured employer or the individual.

16 ***-0610/P3.323*SECTION 3044.** 102.83 (5) of the statutes is amended to read:

17 102.83 (5) The department office, if it finds that the interests of the state will
18 not be jeopardized, and upon such conditions as it may exact, may issue a release of
19 any warrant with respect to any real or personal property upon which the warrant
20 is a lien or cloud upon title. The clerk of circuit court shall enter the release upon
21 presentation of the release to the clerk and payment of the fee for filing the release
22 and the release shall be conclusive proof that the lien or cloud upon the title of the
23 property covered by the release is extinguished.

24 ***-0610/P3.324*SECTION 3045.** 102.83 (6) of the statutes is amended to read:

1 102.83 (6) At any time after the filing of a warrant, the ~~department~~ office may
2 commence and maintain a garnishee action as provided by ch. 812 or may use the
3 remedy of attachment as provided by ch. 811 for actions to enforce a judgment. The
4 place of trial of an action under ch. 811 or 812 may be either in Dane County or the
5 county where the debtor resides and may not be changed from the county in which
6 the action is commenced, except upon consent of the parties.

7 *~~0610/P3.325~~*SECTION 3046. 102.83 (7) of the statutes is amended to read:

8 102.83 (7) If the ~~department~~ office issues an erroneous warrant, the
9 ~~department~~ office shall issue a notice of withdrawal of the warrant to the clerk of
10 circuit court for the county in which the warrant is filed. The clerk shall void the
11 warrant and any liens attached by it.

12 *~~0610/P3.326~~*SECTION 3047. 102.83 (8) of the statutes is amended to read:

13 102.83 (8) Any officer or director of an uninsured employer that is a corporation
14 and any member or manager of an uninsured employer that is a limited liability
15 company may be found individually and jointly and severally liable for the payments,
16 interest, costs and other fees specified in a warrant under this section if after proper
17 proceedings for the collection of those amounts from the corporation or limited
18 liability company, as provided in this section, the corporation or limited liability
19 company is unable to pay those amounts to the ~~department~~ office. The personal
20 liability of the officers and directors of a corporation or of the members and managers
21 of a limited liability company as provided in this subsection is an independent
22 obligation, survives dissolution, reorganization, bankruptcy, receivership,
23 assignment for the benefit of creditors, judicially confirmed extension or
24 composition, or any analogous situation of the corporation or limited liability
25 company, and shall be set forth in a determination or decision issued under s. 102.82.

1 ***-0610/P3.327***SECTION 3048. 102.835 (1) (ad) of the statutes is amended to
2 read:

3 102.835 (1) (ad) “Debtor” means an uninsured employer or an individual found
4 personally liable under s. 102.83 (8) who owes the department office a debt.

5 ***-0610/P3.328***SECTION 3049. 102.835 (1) (e) of the statutes is amended to
6 read:

7 102.835 (1) (e) “Payment” means a payment owed to the department office
8 under s. 102.82 and includes interest on that payment.

9 ***-0610/P3.329***SECTION 3050. 102.835 (2) of the statutes is amended to read:

10 102.835 (2) POWERS OF LEVY AND DISTRAINT. If any debtor who is liable for any
11 debt fails to pay that debt after the department office has made demand for payment,
12 the department office may collect that debt and the expenses of the levy by levy upon
13 any property belonging to the debtor. If the value of any property that has been levied
14 upon under this section is not sufficient to satisfy the claim of the department office,
15 the department office may levy upon any additional property of the debtor until the
16 debt and expenses of the levy are fully paid.

17 ***-0610/P3.330***SECTION 3051. 102.835 (3) of the statutes is amended to read:

18 102.835 (3) DUTIES TO SURRENDER. Any person in possession of or obligated with
19 respect to property or rights to property that is subject to levy and upon which a levy
20 has been made shall, upon demand of the department office, surrender the property
21 or rights or discharge the obligation to the department office, except that part of the
22 property or rights which is, at the time of the demand, subject to any prior
23 attachment or execution under any judicial process.

24 ***-0610/P3.331***SECTION 3052. 102.835 (4) (a) of the statutes is amended to
25 read:

1 102.835 (4) (a) Any debtor who fails to surrender any property or rights to
2 property that is subject to levy, upon demand by the department office, is subject to
3 proceedings to enforce the amount of the levy.

4 ***-0610/P3.332***SECTION 3053. 102.835 (4) (b) of the statutes is amended to
5 read:

6 102.835 (4) (b) Any 3rd party who fails to surrender any property or rights to
7 property subject to levy, upon demand of the department office, is subject to
8 proceedings to enforce the levy. The 3rd party is not liable to the department office
9 under this paragraph for more than 25% of the debt. The department office shall
10 serve a final demand as provided under sub. (13) on any 3rd party who fails to
11 surrender property. Proceedings may not be initiated by the department office until
12 5 days after service of the final demand. The department office shall issue a
13 determination under s. 102.82 to the 3rd party for the amount of the liability.

14 ***-0610/P3.333***SECTION 3054. 102.835 (4) (c) of the statutes is amended to
15 read:

16 102.835 (4) (c) When a 3rd party surrenders the property or rights to the
17 property on demand of the department office or discharges the obligation to the
18 department office for which the levy is made, the 3rd party is discharged from any
19 obligation or liability to the debtor with respect to the property or rights to the
20 property arising from the surrender or payment to the department office.

21 ***-0610/P3.334***SECTION 3055. 102.835 (5) (a) of the statutes is amended to
22 read:

23 102.835 (5) (a) If the department office has levied upon property, any person,
24 other than the debtor who is liable to pay the debt out of which the levy arose, who
25 claims an interest in or lien on that property, and who claims that that property was

1 wrongfully levied upon may bring a civil action against the state in the circuit court
2 for Dane County. That action may be brought whether or not that property has been
3 surrendered to the department office. The court may grant only the relief under par.
4 (b). No other action to question the validity of or to restrain or enjoin a levy by the
5 department office may be maintained.

6 ***-0610/P3.335*SECTION 3056.** 102.835 (5) (c) of the statutes is amended to
7 read:

8 102.835 (5) (c) For purposes of an adjudication under this subsection, the
9 determination of the debt upon which the interest or lien of the department office is
10 based is conclusively presumed to be valid.

11 ***-0610/P3.336*SECTION 3057.** 102.835 (6) of the statutes is amended to read:
12 102.835 (6) DETERMINATION OF EXPENSES. The department office shall
13 determine its costs and expenses to be paid in all cases of levy.

14 ***-0610/P3.337*SECTION 3058.** 102.835 (7) (a) of the statutes is amended to
15 read:

16 102.835 (7) (a) The department office shall apply all money obtained under this
17 section first against the expenses of the proceedings and then against the liability
18 in respect to which the levy was made and any other liability owed to the department
19 office by the debtor.

20 ***-0610/P3.338*SECTION 3059.** 102.835 (7) (b) of the statutes is amended to
21 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 ***-0610/P3.339*SECTION 3060.** 102.835 (8) of the statutes is amended to read:

SECTION 3060

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 *~~-0610/P3.340~~*SECTION 3061. 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 *~~-0610/P3.341~~*SECTION 3062. 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 *~~-0610/P3.342~~*SECTION 3063. 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 *~~0610/P3.343~~**SECTION 3064.** 102.835 (13) (a) of the statutes is amended to
4 read:

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

8 *~~0610/P3.344~~**SECTION 3065.** 102.835 (13) (c) of the statutes is amended to
9 read:

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

14 *~~0610/P3.345~~**SECTION 3066.** 102.835 (14) of the statutes is amended to read:

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

22 *~~0610/P3.346~~**SECTION 3067.** 102.835 (19) of the statutes is amended to read:

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

1 department office is proceeding against, and mistaken identity of the debtor. The
2 levy is not stayed pending the hearing in any case in which property is secured
3 through the levy.

4 ***-0610/P3.347*SECTION 3068.** 102.85 (2) (a) of the statutes is amended to read:

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

9 ***-0610/P3.348*SECTION 3069.** 102.85 (5) (a) of the statutes is amended to read:

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

18 ***-0610/P3.349*SECTION 3070.** 102.87 (1) of the statutes is renumbered 102.87
19 (1m).

20 ***-0610/P3.350*SECTION 3071.** 102.87 (1d) of the statutes is created to read:

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

1 *~~0610/P3.351~~**SECTION 3072.** 102.87 (2) (intro.) of the statutes is amended to
2 read:

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

6 *~~0610/P3.352~~**SECTION 3073.** 102.87 (2) (b) of the statutes is amended to read:

7 102.87 (2) (b) The name and office or ~~department~~
8 deputy or officer.

9 *~~0610/P3.353~~**SECTION 3074.** 102.87 (3) of the statutes is amended to read:

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

20 *~~0610/P3.354~~**SECTION 3075.** 102.87 (9) of the statutes is amended to read:

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

1 treasurer's name of office and upon the official bond of the ~~department~~ deputy or
2 officer, with interest at the rate of ~~12%~~ 12 percent per year from the time when ~~it~~ the
3 payment should have been paid made.

4 ***-0610/P3.355*SECTION 3076.** 102.88 (1) of the statutes is amended to read:

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

11 ***-0610/P3.356*SECTION 3077.** 102.89 (1) of the statutes is amended to read:

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

17 ***-1461/P2.228*SECTION 3078.** 103.001 (6) of the statutes is amended to read:

18 103.001 (6) "Employer" means any person, firm, corporation, state, county,
19 town, city, village, school district, sewer district, drainage district, ~~long-term-care~~
20 ~~district~~ and other public or quasi-public corporations as well as any agent, manager,
21 representative or other person having control or custody of any employment, place
22 of employment or of any employee.

23 ***-0971/P5.578*SECTION 3079.** 103.49 (1) (f) of the statutes is amended to read:

24 103.49 (1) (f) "State agency" means any office, department, independent
25 agency, institution of higher education, association, society or other body in state

1 government created or authorized to be created by the constitution or any law,
2 including the legislature and the courts. “State agency” also includes the University
3 of Wisconsin Hospitals and Clinics Authority, the University of Wisconsin System
4 Authority, the Fox River Navigational System Authority, and the Wisconsin
5 Aerospace Authority.

6 ***-0389/P3.6*SECTION 3080.** 103.50 (2) of the statutes is amended to read:

7 103.50 (2) PREVAILING WAGE RATES AND HOURS OF LABOR. No person performing
8 the work described in sub. (2m) in the employ of a contractor, subcontractor, agent
9 or other person performing any work on a project under a contract based on bids as
10 provided in s. 84.06 (2), or under a contract under s. 84.06 (2m) (e), to which the state
11 is a party for the construction or improvement of any highway may be permitted to
12 work a greater number of hours per day or per week than the prevailing hours of
13 labor; nor may he or she be paid a lesser rate of wages than the prevailing wage rate
14 in the area in which the work is to be done determined under sub. (3); except that any
15 such person may be permitted or required to work more than such prevailing hours
16 of labor per day and per week if he or she is paid for all hours worked in excess of the
17 prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of
18 pay.

19 ***-1241/P2.7*SECTION 3081.** 106.05 (2) (b) (intro.) of the statutes is amended
20 to read:

21 106.05 (2) (b) (intro.) Subject to par. (c) and sub. (3), from the appropriation
22 under s. 20.445 (1) (d) (b), the department shall may provide to an apprentice
23 described in par. (a) 1. or the apprentice’s sponsor a completion award equal to 25
24 percent of the cost of tuition incurred by the apprentice or sponsor or \$1,000,

1 whichever is less. If the department provides a completion award under this
2 subsection, the department shall pay the award as follows:

3 ***-1241/P2.8*SECTION 3082.** 106.05 (3) (a) of the statutes is amended to read:

4 106.05 (3) (a) If the amount of funds to be distributed under sub. (2) exceeds
5 the amount available in the appropriation under s. 20.445 (1) ~~(d)~~ (b) for completion
6 awards under sub. (2), the department may reduce the reimbursement percentage
7 or deny applications for completion awards that would otherwise qualify under sub.
8 (2). In that case, the department shall determine the reimbursement percentage and
9 eligibility on the basis of the dates on which apprentices and sponsors become eligible
10 for completion awards.

11 ***-1241/P2.9*SECTION 3083.** 106.13 (1) of the statutes is amended to read:

12 106.13 (1) The department shall may provide a youth apprenticeship program
13 that includes. If the department provides that program, the program may include
14 the grant programs under subs. (3m) and (4) program under sub. (3m).

15 ***-1241/P2.10*SECTION 3084.** 106.13 (3m) (a) of the statutes is renumbered
16 106.13 (3m) (a) (intro.) and amended to read:

17 106.13 (3m) (a) (intro.) In this subsection, “local partnership”:

18 1. “Local partnership” means one or more school districts, or any combination
19 of one or more school districts, other public agencies, ~~as defined in sub. (4) (a) 2.,~~
20 nonprofit organizations, ~~as defined in sub. (4) (a) 1r.,~~ individuals, or other persons,
21 who have agreed to be responsible for implementing and coordinating a local youth
22 apprenticeship program.

23 ***-1241/P2.11*SECTION 3085.** 106.13 (3m) (b) (intro.) of the statutes is
24 amended to read:

1 106.13 (3m) (b) (intro.) From the appropriation under s. 20.445 (1) (e) (b), the
2 department shall may award grants to applying local partnerships for the
3 implementation and coordination of local youth apprenticeship programs. A local
4 partnership shall include in its grant application the identity of each public agency,
5 nonprofit organization, individual, and other person who is a participant in the local
6 partnership, a plan to accomplish the implementation and coordination activities
7 specified in subds. 1. to 6., and the identity of a fiscal agent who shall be responsible
8 for receiving, managing, and accounting for the grant moneys received under this
9 paragraph. Subject to par. (c), a local partnership that is awarded a grant under this
10 paragraph may use the grant moneys awarded for any of the following
11 implementation and coordination activities:

12 *~~-1241/P2.12~~*SECTION 3086. 106.13 (4) (a) (intro.) of the statutes is repealed.

13 *~~-1241/P2.13~~*SECTION 3087. 106.13 (4) (a) 1d. of the statutes is repealed.

14 *~~-1241/P2.14~~*SECTION 3088. 106.13 (4) (a) 1r. of the statutes is renumbered
15 106.13 (3m) (a) 1r.

16 *~~-1241/P2.15~~*SECTION 3089. 106.13 (4) (a) 2. of the statutes is renumbered
17 106.13 (3m) (a) 2.

18 *~~-1241/P2.16~~*SECTION 3090. 106.13 (4) (b) of the statutes is repealed.

19 *~~-1241/P2.17~~*SECTION 3091. 106.13 (4) (c) of the statutes is repealed.

20 *~~-1241/P2.18~~*SECTION 3092. 106.13 (4) (d) of the statutes is repealed.

21 *~~-1215/P3.334~~*SECTION 3093. 106.16 (2) of the statutes is amended to read:

22 106.16 (2) Any company that receives a loan or grant from a state agency or
23 an authority under ch. 231 ~~or 234~~ shall notify the department and the local workforce
24 development board established under 29 USC 2832, of any position in the company
25 that is related to the project for which the grant or loan is received to be filled in this

1 state within one year after receipt of the loan or grant. The company shall provide
2 this notice at least 2 weeks prior to advertising the position.

3 ***-1215/P3.335*SECTION 3094.** 106.16 (3) of the statutes is repealed.

4 ***-0944/P1.1*SECTION 3095.** 106.27 (1) of the statutes is amended to read:

5 106.27 (1) WORKFORCE TRAINING GRANTS. From the appropriation under s.
6 20.445 (1) (b), the department shall award grants to public and private organizations
7 for the development and implementation of workforce training programs. An
8 organization that is awarded a grant under this subsection may use the grant for the
9 training of unemployed and underemployed workers and incumbent employees of
10 businesses in this state and for the hiring and training of apprentices in this state.

11 As a condition of receiving a grant under this subsection, the department may
12 require a public or private organization to provide matching funds at a percentage
13 to be determined by the department.

14 ***-1215/P3.336*SECTION 3096.** 106.27 (2m) of the statutes is amended to read:

15 106.27 (2m) CONSULTATION. The department shall consult with the technical
16 college system board and the ~~Wisconsin Economic Development Corporation~~
17 Forward Wisconsin Development Authority in implementing this section.

18 ***-0944/P1.2*SECTION 3097.** 106.27 (3) of the statutes is amended to read:

19 106.27 (3) ANNUAL REPORT. Annually, by December 31, the department shall
20 submit a report to the governor and the cochairpersons of the joint committee on
21 finance providing an account of the department's activities and expenditures under
22 this section during the preceding fiscal year. The report shall include information
23 on the number of unemployed and underemployed workers ~~and~~, incumbent
24 employees, and apprentices who participate in training programs under sub. (1); the
25 number of unemployed workers who obtain gainful employment, underemployed

1 workers who obtain new employment, and incumbent employees who receive
2 increased compensation, and apprentices who obtain gainful employment or new
3 employment or who receive increased compensation after participating in such a
4 training program; and the wages earned by those workers and, employees, and
5 apprentices both before and after participating in such a training program. The
6 report shall also include information on the extent to which waiting lists for
7 enrollment in courses and programs provided by technical colleges in high-demand
8 fields are reduced as a result of grants under sub. (1g) (a), on the number of high
9 school pupils who participate in certification programs under sub. (1g) (b), and on the
10 number of persons with disabilities who participate in employment enhancement
11 activities under sub. (1g) (c).

12 *~~1241/P2.19~~SECTION 3098. 106.273 of the statutes is created to read:

13 **106.273 Career and technical education incentive grants.** From the
14 appropriation under s. 20.445 (1) (b), the department may provide grants to school
15 districts for the development of programs that are designed to mitigate workforce
16 shortages in industries and occupations that are experiencing a workforce shortage,
17 as determined by the department, and to assist pupils in graduating with
18 industry-recognized certifications in those industries and occupations.

19 *~~1013/P2.2~~SECTION 3099. 106.32 (title) of the statutes is renumbered 45.435
20 (title).

21 *~~1013/P2.3~~SECTION 3100. 106.32 (1) (intro.) of the statutes is renumbered
22 45.435 (1) (intro.).

23 *~~1013/P2.4~~SECTION 3101. 106.32 (1) (a) of the statutes is renumbered 45.435
24 (1) (a) and amended to read:

1 45.435 (1) (a) “Disabled veteran” means a veteran who is verified by the
2 department of veterans affairs to have a service-connected disability rating of at
3 least 50 percent under 38 USC 1114 or 1134.

4 *~~1013/P2.5~~**SECTION 3102.** 106.32 (1) (b) and (c) of the statutes are
5 renumbered 45.435 (1) (b) and (c).

6 *~~1013/P2.6~~**SECTION 3103.** 106.32 (1) (d) of the statutes is repealed.

7 *~~1013/P2.7~~**SECTION 3104.** 106.32 (2) of the statutes is renumbered 45.435
8 (2), and 45.435 (2) (a) (intro.), as renumbered, is amended to read:

9 45.435 (2) (a) (intro.) ~~Beginning on July 2, 2013, from~~ From the appropriation
10 account under s. ~~20.445 (1)~~ 20.485 (2) (q), the department shall award a grant in any
11 of the following amounts to any person who hires a disabled veteran to work at a
12 business in this state:

13 *~~1013/P2.8~~**SECTION 3105.** 106.32 (3) of the statutes is renumbered 45.435
14 (3), and 45.435 (3) (b), as renumbered, is amended to read:

15 45.435 (3) (b) The department shall pay a grant under this section only for
16 hiring a disabled veteran who has received unemployment ~~compensation~~ insurance
17 benefits for at least one week prior to being hired by the applicant, who was receiving
18 such benefits at the time that he or she was hired by the applicant, and who was
19 eligible to receive such benefits at the time the benefits were paid.

20 *~~0855/2.2~~**SECTION 3106.** 106.34 of the statutes is created to read:

21 **106.34 Reports to technical college system board of high-demand**
22 **fields. (1)** In this section:

23 (a) “Board” has the meaning given in s. 38.01 (2).

24 (b) “District” has the meaning given in s. 38.01 (5).

1 (2) Not later than 30 days after the effective date of this subsection [LRB
2 inserts date], and by December 31 of each year thereafter, the department shall do
3 all of the following:

4 (a) Determine all high-demand fields during that year.

5 (b) Report to the board the information specified in par. (a).

6 *~~0602/P4.65~~***SECTION 3107.** 106.52 (1) (d) 1. of the statutes is amended to
7 read:

8 106.52 (1) (d) 1. A bed and breakfast establishment, as defined in s. ~~254.61 (1)~~
9 97.01 (1g).

10 *~~0602/P4.66~~***SECTION 3108.** 106.52 (1) (d) 2. of the statutes is amended to
11 read:

12 106.52 (1) (d) 2. A hotel, as defined in s. ~~254.61 (3)~~ 97.01 (7).

13 *~~0602/P4.67~~***SECTION 3109.** 106.52 (1) (d) 3. of the statutes is amended to
14 read:

15 106.52 (1) (d) 3. A tourist rooming house, as defined in s. ~~254.61 (6)~~ 97.01 (15k).

16 *~~0807/P6.256~~***SECTION 3110.** 107.30 (10) of the statutes is amended to read:
17 107.30 (10) “Mining damage appropriation” means the appropriation under s.
18 ~~20.165 (2)~~ 20.142 (4) (a).

19 *~~0807/P6.257~~***SECTION 3111.** 107.31 (5) (a) (intro.) of the statutes is amended
20 to read:

21 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
22 is calculated by subtracting the total amount of all mining damages awards paid
23 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
24 or paid from the appropriation under s. ~~20.165 (2)~~ 20.142 (4) (a) from the sum of:

25 *~~0999/P1.1~~***SECTION 3112.** 108.02 (24g) of the statutes is created to read:

1 108.02 (24g) SUITABLE WORK. “Suitable work” has the meaning specified by the
2 department by rule under s. 108.14 (27).

3 *–0958/P5.3*SECTION 3113. 108.04 (8) (a) of the statutes is amended to read:

4 108.04 (8) (a) If Except as provided in par. (b), if an employee fails, without good
5 cause, to accept suitable work when offered, the employee is ineligible to receive
6 benefits until the employee earns wages after the week in which the failure occurs
7 equal to at least 6 times the employee’s weekly benefit rate under s. 108.05 (1) in
8 employment or other work covered by the unemployment insurance law of any state
9 or the federal government. For purposes of requalification, the employee’s weekly
10 benefit rate shall be that rate which would have been paid had the failure not
11 occurred. This paragraph does not preclude an employee from establishing a benefit
12 year during a period in which the employee is ineligible to receive benefits under this
13 paragraph if the employee qualifies to establish a benefit year under s. 108.06 (2) (a).
14 The department shall charge to the fund’s balancing account any benefits otherwise
15 chargeable to the account of an employer that is subject to the contribution
16 requirements under ss. 108.17 and 108.18 whenever an employee of that employer
17 fails, without good cause, to accept suitable work offered by that employer.

18 *–0958/P5.4*SECTION 3114. 108.04 (8) (b) of the statutes is created to read:

19 108.04 (8) (b) There is a rebuttable presumption that an employee has failed,
20 without good cause, to accept suitable work when offered if the employee declines to
21 submit to a test for the presence of controlled substances in a test conducted on the
22 employee as preemployment screening or the employee tests positive for one or more
23 controlled substances in such a test without evidence of a valid prescription, as
24 evidenced by a report submitted to the department by an employing unit in
25 accordance with s. 108.133 (4). If the employee declines to submit to such a test, the