

1 *~~0610/P3.240~~*SECTION 2954. 102.44 (5) (d) of the statutes is amended to
2 read:

3 102.44 (5) (d) The employer or insurance carrier making such a reduction
4 under this subsection shall report to the department office the reduction and, as
5 requested by the department office, furnish to the department office satisfactory
6 proof of the basis for the reduction.

7 *~~0610/P3.241~~*SECTION 2955. 102.44 (6) (b) of the statutes is amended to read:

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

14 *~~0610/P3.242~~*SECTION 2956. 102.45 of the statutes is amended to read:

15 **102.45 Benefits payable to minors; how paid.** ~~Compensation and death~~
16 ~~benefit~~ In the discretion of the office, compensation or death benefits payable to an
17 employee or dependent who was a minor when the ~~employee's or dependent's right~~
18 ~~of the employee or dependent to compensation or death benefits~~ began to accrue, may,
19 ~~in the discretion of the department,~~ be ordered paid to a bank, trust company, trustee,
20 parent, or guardian, for the use of ~~such~~ the employee or dependent as may be found
21 best calculated to conserve the ~~employee's or dependent's interests.~~ ~~Such of the~~
22 employee or dependent. The employee or dependent shall be entitled to receive
23 payments, in the aggregate, at a rate that is not less than that the rate applicable
24 to payments of primary compensation for total disability or death benefit as accruing
25 from the ~~employee's or dependent's 18th birthday~~ of the employee or dependent.

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1 *~~0610/P3.243~~*SECTION 2957. 102.475 (1) of the statutes is amended to read:

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

15 *~~0610/P3.244~~*SECTION 2958. 102.475 (6) of the statutes is amended to read:

16 102.475 (6) PROOF. In administering this section the ~~department~~ office may
17 require reasonable proof of birth, marriage, domestic partnership under ch. 770,
18 relationship, or dependency.

19 *~~0610/P3.245~~*SECTION 2959. 102.48 (1) of the statutes is amended to read:

20 102.48 (1) An unestranged surviving parent or parents to whose support the
21 deceased has contributed less than \$500 in the 52 weeks next preceding the injury
22 causing death shall receive a death benefit of \$6,500. If the parents are not living
23 together, the ~~department~~ office shall divide this sum in such proportion as ~~it deems~~
24 the office considers to be just, considering their ages and other facts bearing on
25 dependency.

1 *~~0610/P3.246~~*SECTION 2960. 102.48 (2) of the statutes is amended to read:

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

17 *~~0610/P3.247~~*SECTION 2961. 102.48 (3) of the statutes is amended to read:

18 102.48 (3) ~~A~~ Except as otherwise provided, a death benefit, other than burial
19 expenses, ~~except as otherwise provided,~~ shall be paid in weekly installments
20 corresponding in amount to two-thirds of the weekly earnings of the employee, until
21 otherwise ordered by the department office.

22 *~~0610/P3.248~~*SECTION 2962. 102.49 (3) of the statutes is amended to read:

23 102.49 (3) If the employee leaves a spouse or domestic partner under ch. 770
24 wholly dependent and also a child by a former marriage, domestic partnership under
25 ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same

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1 in amount as if the child were the child of the surviving spouse or partner, and the
2 entire benefit shall be apportioned to the dependents in the amounts that the
3 department office determines to be just, considering the ages of the dependents and
4 other factors bearing on dependency. The benefit awarded to the surviving spouse
5 or partner shall not exceed 4 times the average annual earnings of the deceased
6 employee.

7 *~~0610/P3.249~~*SECTION 2963. 102.49 (5) (d) of the statutes is amended to
8 read:

9 102.49 (5) (d) The payment into the state treasury shall be made in all such
10 cases regardless of whether the dependents or personal representatives of the
11 deceased employee commence action against a 3rd party under s. 102.29. If the
12 payment is not made within 20 days after the ~~department makes request therefor~~
13 office requests the payment to be made, any sum payable shall bear interest at the
14 rate of ~~7%~~ 7 percent per year.

15 *~~0610/P3.250~~*SECTION 2964. 102.49 (6) of the statutes is amended to read:

16 102.49 (6) The ~~department~~ office may award the additional benefits payable
17 under this section to the surviving parent of the child, to the child's guardian, or to
18 such other person, bank, or trust company for the child's use as may be found best
19 calculated to conserve the ~~interest~~ interests of the child. ~~In the case of death of a child~~
20 If the child dies while benefits are still payable, there shall be paid the reasonable
21 expense for burial, not exceeding \$1,500.

22 *~~0610/P3.251~~*SECTION 2965. 102.51 (3) of the statutes is amended to read:

23 102.51 (3) DIVISION AMONG DEPENDENTS. If there is more than one person wholly
24 or partially dependent on a deceased employee, the death benefit shall be divided
25 between ~~such~~ those dependents in such proportion as the ~~department shall~~

1 ~~determine~~ office determines to be just, considering their ages and other facts bearing
2 on ~~such~~ their dependency.

3 *~~0610/P3.252~~*SECTION 2966. 102.51 (4) of the statutes is amended to read:

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

17 *~~0610/P3.253~~*SECTION 2967. 102.51 (6) of the statutes is amended to read:

18 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
19 child may be awarded to either parent in the discretion of the department office.
20 Notwithstanding sub. (1), the department office may reassign the death benefit, ~~in~~
21 ~~accordance with their respective needs for the death benefit~~ as between a surviving
22 spouse or a domestic partner under ch. 770 and any children designated specified in
23 sub. (1) and s. 102.49 in accordance with their respective needs for the death benefit.

24 *~~0610/P3.254~~*SECTION 2968. 102.55 (3) of the statutes is amended to read:

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

10 *~~0610/P3.255~~*SECTION 2969. 102.555 (12) (a) of the statutes is amended to
11 read:

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

17 *~~0610/P3.256~~*SECTION 2970. 102.56 (1) of the statutes is amended to read:

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

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

5 *~~0610/P3.257~~*SECTION 2971. 102.56 (2) of the statutes is amended to read:

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

11 *~~0610/P3.258~~*SECTION 2972. 102.565 (1) of the statutes is amended to read:

12 102.565 (1) ~~When an employee working subject to this chapter, as a result of~~
13 ~~exposure in the course of his or her employment over a period of time to toxic or~~
14 ~~hazardous substances or conditions, an employee performing work that is subject to~~
15 ~~this chapter develops any clinically observable abnormality or condition which that,~~
16 ~~on competent medical opinion, predisposes or renders the employ~~ employee ~~in any~~
17 ~~manner differentially susceptible to disability to such an extent that it is inadvisable~~
18 ~~for the employee to continue employment involving such that exposure and the~~
19 ~~employee, is discharged from or ceases to continue the employment, and suffers wage~~
20 ~~loss by reason of such that discharge from, or such cessation of, employment, the~~
21 ~~department~~ division ~~may allow such sum as it deems the division considers just as~~
22 ~~compensation therefor for that wage loss, not exceeding \$13,000. In the event~~ If a
23 ~~nondisabling condition may also be caused by toxic or hazardous exposure not~~
24 ~~related to employment, and if the employee has a history of such that exposure,~~
25 ~~compensation as provided by under this section or any other remedy for loss of~~

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1 ~~earning capacity shall not be allowed nor shall any other remedy for loss of earning~~
2 ~~capacity. In case of such discharge. If the employee is discharged from employment~~
3 ~~prior to a finding by the department division that it is inadvisable for the employee~~
4 ~~to continue in such that employment and if it is reasonably probable that continued~~
5 ~~exposure would result in disability, the liability of the employer who so discharges~~
6 ~~the employee is primary, and the liability of the employer's insurer is secondary,~~
7 ~~under the same procedure and to the same effect as provided by s. 102.62.~~

8 *~~0610/P3.259~~SECTION 2973. 102.565 (2) of the statutes is amended to read:

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

24 *~~0610/P3.260~~SECTION 2974. 102.565 (3) of the statutes is amended to read:

1 102.565 (3) ~~If an employee refuses to submit to the examination~~ after direction
2 by the commission, ~~or any member thereof or the department~~ or any member of the
3 commission, the division, or an examiner thereof, ~~an employee refuses to submit to~~
4 an examination or in any way obstructs the ~~same examination~~, the employee's right
5 to compensation under this section shall be barred.

6 *~~-0610/P3.261~~*SECTION 2975. 102.57 of the statutes is amended to read:

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

14 *~~-0610/P3.262~~*SECTION 2976. 102.58 of the statutes is amended to read:

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

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1 ***-0610/P3.263***SECTION 2977. 102.60 (1m) (b) of the statutes is amended to
2 read:

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

9 ***-0610/P3.264***SECTION 2978. 102.61 (1g) (b) of the statutes is amended to
10 read:

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

18 ***-0610/P3.265***SECTION 2979. 102.61 (1g) (c) of the statutes is amended to
19 read:

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

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

13 *~~0610/P3.266~~*SECTION 2980. 102.61 (1m) (a) of the statutes is amended to
14 read:

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

24 *~~0610/P3.267~~*SECTION 2981. 102.61 (1m) (c) of the statutes is amended to
25 read:

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

12 *~~0610/P3.268~~*SECTION 2982. 102.61 (1m) (d) of the statutes is amended to
13 read:

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

22 *~~0610/P3.269~~*SECTION 2983. 102.61 (1m) (e) of the statutes is amended to
23 read:

24 102.61 (1m) (e) Nothing in this subsection prevents an employer or insurance
25 carrier from providing an employee with the services of a private rehabilitation

1 counselor or with rehabilitative training under sub. (3) before the department of
2 workforce development makes its determination under par. (a).

3 *-0610/P3.270*SECTION 2984. 102.61 (1m) (f) of the statutes is amended to
4 read:

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

10 *-0610/P3.271*SECTION 2985. 102.61 (2) of the statutes is amended to read:

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

18 *-0610/P3.272*SECTION 2986. 102.62 of the statutes is amended to read:

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

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

10 *~~0610/P3.273~~*SECTION 2987. 102.63 of the statutes is amended to read:

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

20 *~~0610/P3.274~~*SECTION 2988. 102.64 (1) of the statutes is amended to read:

21 102.64 (1) Upon request of the department of administration, a representative
22 of the department of justice shall represent the state in cases involving payment into
23 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
24 department of justice, after giving notice to the department of administration, may
25 compromise the amount of those payments but such compromises shall be subject to

1 review by the ~~department of workforce development~~ office. If the spouse or domestic
2 partner under ch. 770 of the deceased employee compromises his or her claim for a
3 primary death benefit, the claim of the children of the employee under s. 102.49 shall
4 be compromised on the same proportional basis, subject to approval by the
5 ~~department~~ office. If the persons entitled to compensation on the basis of total
6 dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49
7 (5) (a) shall be compromised on the same proportional basis.

8 *~~0610/P3.275~~*SECTION 2989. 102.64 (2) of the statutes is amended to read:

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

21 *~~0610/P3.276~~*SECTION 2990. 102.65 (1) of the statutes is amended to read:

22 102.65 (1) The moneys payable to the state treasury under ss. 102.35 (1),
23 102.47, 102.49, 102.59, and 102.60, together with all accrued interest on those
24 moneys, and all interest payments received under s. 102.75 (2), shall constitute a
25 separate nonlapsible fund designated as the work injury supplemental benefit fund.

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

3 ***-0610/P3.277*SECTION 2991.** 102.65 (2) of the statutes is amended to read:

4 102.65 (2) For proper administration of the moneys available in the fund the
5 department office shall by order, set aside in the state treasury suitable reserves to
6 carry to maturity the liability for benefits under ss. 102.44, 102.49, 102.59, and
7 102.66. ~~Such~~ Those moneys shall be invested by the investment board in accordance
8 with s. 25.14 (5).

9 ***-0610/P3.278*SECTION 2992.** 102.65 (3) of the statutes is amended to read:

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

18 ***-0452/2.8*SECTION 2993.** 102.65 (4) (intro.) of the statutes is amended to
19 read:

20 102.65 (4) (intro.) The secretary shall monitor the cash balance in, and incurred
21 losses to, the work injury supplemental benefit fund using generally accepted
22 actuarial principles. If the secretary determines that the expected ultimate losses
23 to the work injury supplemental benefit fund on known claims exceed 85 percent of
24 the cash balance in that fund, the secretary shall consult with the council on worker's
25 compensation. If the secretary, after consulting with the council on worker's

1 compensation, determines that there is a reasonable likelihood that the cash balance
2 in the work injury supplemental benefit fund may become inadequate to fund all
3 claims under ss. ~~102.44 (1) (e)~~, 102.49, 102.59, and 102.66, the secretary shall file
4 with the secretary of administration a certificate attesting that the cash balance in
5 that fund is likely to become inadequate to fund all claims under ss. ~~102.44 (1) (e)~~,
6 102.49, 102.59, and 102.66 and specifying one of the following:

7 *~~0610/P3.279~~**SECTION 2994.** 102.65 (4) (intro.) of the statutes, as affected by
8 2015 Wisconsin Act (this act), is amended to read:

9 102.65 (4) (intro.) The ~~secretary~~ commissioner shall monitor the cash balance
10 in, and incurred losses to, the work injury supplemental benefit fund using generally
11 accepted actuarial principles. If the ~~secretary~~ commissioner determines that the
12 expected ultimate losses to the work injury supplemental benefit fund on known
13 claims exceed 85 percent of the cash balance in that fund, the ~~secretary~~ commissioner
14 shall consult with the council on worker's compensation. If ~~the secretary~~, after
15 consulting with the council on worker's compensation, the commissioner determines
16 that there is a reasonable likelihood that the cash balance in the work injury
17 supplemental benefit fund may become inadequate to fund all claims under ss.
18 102.49, 102.59, and 102.66, the ~~secretary~~ commissioner shall file with the secretary
19 of administration a certificate attesting that the cash balance in that fund is likely
20 to become inadequate to fund all claims under ss. 102.49, 102.59, and 102.66 and
21 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.

22 *~~0610/P3.280~~**SECTION 2995.** 102.65 (4) (a) of the statutes is amended to read:

SECTION 2995

1 102.65 (4) (a) That payment of those claims will be made as provided in a
2 schedule that the department office shall promulgate by rule.

3 ***-0610/P3.281***SECTION 2996. 102.66 (1) of the statutes is amended to read:

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

18 ***-0610/P3.282***SECTION 2997. 102.75 (1) of the statutes is amended to read:

19 102.75 (1) The ~~department~~ office shall assess upon and collect from each
20 licensed worker's compensation insurance carrier and from each employer exempted
21 under s. 102.28 (2) by special order or by rule, the proportion of total costs and
22 expenses incurred by the council on worker's compensation for travel and research
23 and by the ~~department~~ office, the division, and the commission in the administration
24 of this chapter for the current fiscal year plus any deficiencies in collections and
25 anticipated costs from the previous fiscal year, that the total indemnity paid or

1 payable under this chapter by each such carrier and exempt employer in worker's
2 compensation cases initially closed during the preceding calendar year, other than
3 for increased, double, or treble compensation bore to the total indemnity paid in cases
4 closed the previous calendar year under this chapter by all carriers and exempt
5 employers other than for increased, double, or treble compensation. The council on
6 worker's compensation, the division, and the commission shall annually certify any
7 costs and expenses for worker's compensation activities to the department office at
8 such time as the secretary commissioner requires.

9 *~~0452/2.9~~**SECTION 2998.** 102.75 (1g) of the statutes is created to read:

10 102.75 (1g) (a) Subject to par. (b), the department shall collect from each
11 licensed worker's compensation carrier the proportion of reimbursement approved
12 by the department under s. 102.44 (1) (c) 1. for supplemental benefits paid in the year
13 before the previous year that the total indemnity paid or payable under this chapter
14 by the carrier in worker's compensation cases initially closed during the preceding
15 calendar year, other than for increased, double, or treble compensation, bore to the
16 total indemnity paid in cases closed the previous calendar year under this chapter
17 by all carriers, other than for increased, double, or treble compensation.

18 (b) The maximum amount that the department may collect under par. (a) in a
19 calendar year is \$5,000,000. If the amount determined collectible under par. (a) in
20 a calendar year is \$5,000,000 or less, the department shall collect that amount. If
21 the amount determined collectible under par. (a) in a calendar year exceeds
22 \$5,000,000, the department shall collect \$5,000,000 in the year in which the
23 determination is made and, subject to the maximum amount collectible of \$5,000,000
24 per calendar year, shall collect the excess in the next calendar year or in subsequent
25 calendar years until that excess is collected in full.

SECTION 2998

1 (c) This subsection does not apply to claims for reimbursement under s. 102.44
2 (1) (c) 1. for supplemental benefits paid for injuries that occur on or after January 1,
3 2016.

4 ***-0610/P3.283*SECTION 2999.** 102.75 (1g) (a) of the statutes, as created by
5 2015 Wisconsin Act (this act), is amended to read:

6 102.75 (1g) (a) Subject to par. (b), the ~~department~~ office shall collect from each
7 licensed worker's compensation carrier the proportion of reimbursement approved
8 by the ~~department~~ office under s. 102.44 (1) (c) 1. for supplemental benefits paid in
9 the year before the previous year that the total indemnity paid or payable under this
10 chapter by the carrier in worker's compensation cases initially closed during the
11 preceding calendar year, other than for increased, double, or treble compensation,
12 bore to the total indemnity paid in cases closed the previous calendar year under this
13 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.

14 ***-0610/P3.284*SECTION 3000.** 102.75 (1g) (b) of the statutes, as created by
15 2015 Wisconsin Act (this act), is amended to read:

16 102.75 (1g) (b) The maximum amount that the ~~department~~ office may collect
17 under par. (a) in a calendar year is \$5,000,000. If the amount determined collectible
18 under par. (a) in a calendar year is \$5,000,000 or less, the ~~department~~ office shall
19 collect that amount. If the amount determined collectible under par. (a) in a calendar
20 year exceeds \$5,000,000, the ~~department~~ office shall collect \$5,000,000 in the year
21 in which the determination is made and, subject to the maximum amount collectible
22 of \$5,000,000 per calendar year, shall collect the excess in the next calendar year or
23 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.

1 ***-0452/2.10*SECTION 3001.** 102.75 (1m) of the statutes is amended to read:

2 102.75 (1m) The moneys collected under ~~sub.~~ subs. (1) and (1g) and under ss.
3 102.28 (2) and 102.31 (7), together with all accrued interest, shall constitute a
4 separate nonlapsible fund designated as the worker's compensation operations fund.
5 Moneys in the fund may be expended only as provided in s. 20.445 (1) (ra), (rb), and
6 (rp) and (2) (ra) and may not be used for any other purpose of the state.

7 ***-0610/P3.285*SECTION 3002.** 102.75 (1m) of the statutes, as affected by 2015
8 Wisconsin Act (this act), is amended to read:

9 102.75 (1m) The moneys collected under subs. (1) and (1g) and under ss. 102.28
10 (2) and 102.31 (7), together with all accrued interest, shall constitute a separate
11 nonlapsible fund designated as the worker's compensation operations fund. Moneys
12 in the fund may be expended only as provided in ~~s. 20.445 (1)~~ ss. 20.145 (6) (ra), (rb),
13 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.

14 ***-0452/2.11*SECTION 3003.** 102.75 (2) of the statutes is amended to read:

15 102.75 (2) The department shall require ~~that payments for costs and expenses~~
16 ~~for each fiscal year shall be made on such dates as the department prescribes by each~~
17 licensed worker's compensation insurance carrier and employer exempted under s.
18 102.28 (2) (b) from the duty to insure under s. 102.28 (2) (a) to make the payments
19 required under sub. (1) for each fiscal year on such dates as the department
20 prescribes. The department shall also require each licensed worker's compensation
21 insurance carrier to make the payments required under sub. (1g) for each fiscal year
22 on those dates. Each such payment shall be a sum equal to a proportionate share of

SECTION 3003

1 the annual costs and expenses assessed upon each carrier and employer as estimated
2 by the department. Interest shall accrue on amounts not paid within 30 days after
3 the date prescribed by the department under this subsection at the rate of 1 percent
4 per month. All interest payments received under this subsection shall be deposited
5 in the fund established under s. 102.65.

6 *~~0610/P3.286~~SECTION 3004. 102.75 (2) of the statutes, as affected by 2015
7 Wisconsin Act (this act), is amended to read:

8 102.75 (2) The ~~department~~ office shall require each licensed worker's
9 compensation insurance carrier and employer exempted under s. 102.28 (2) (b) from
10 the duty to insure under s. 102.28 (2) (a) to make the payments required under sub.
11 (1) for each fiscal year on such dates as the ~~department~~ office prescribes. The
12 ~~department~~ office shall also require each licensed worker's compensation insurance
13 carrier to make the payments required under sub. (1g) for each fiscal year on those
14 dates. Each such payment shall be a sum equal to a proportionate share of the
15 annual costs and expenses assessed upon each carrier and employer as estimated by
16 the ~~department~~ office. Interest shall accrue on amounts not paid within 30 days after
17 the date prescribed by the ~~department~~ office under this subsection at the rate of 1
18 percent per month. All interest payments received under this subsection shall be
19 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.

20 *~~0610/P3.287~~SECTION 3005. 102.75 (4) of the statutes is amended to read:

21 102.75 (4) From the appropriation under s. ~~20.445 (1)~~ 20.145 (6) (ra), the
22 ~~department~~ office shall allocate the amounts that it collects in application fees from
23 employers applying for exemption under s. 102.28 (2) and the annual amount that

1 it collects from employers that have been exempted under s. 102.28 (2) to fund the
2 activities of the department office under s. 102.28 (2) (b) and (c).

3 ***-0610/P3.288*SECTION 3006.** 102.80 (1) (e) of the statutes is amended to read:
4 102.80 (1) (e) All moneys received by the department office for the uninsured
5 employers fund from any other source.

6 ***-0452/2.12*SECTION 3007.** 102.80 (1) (f) of the statutes is created to read:
7 102.80 (1) (f) Amounts transferred to the uninsured employers fund from the
8 appropriation account under s. 20.445 (1) (ra) as provided in s. 102.81 (1) (c).

9 ***-0610/P3.289*SECTION 3008.** 102.80 (1) (f) of the statutes, as created by 2015
10 Wisconsin Act ... (this act), is amended to read:

11 102.80 (1) (f) Amounts transferred to the uninsured employers fund from the
12 appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (ra) as provided in s. 102.81 (1)
13 (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.

14 ***-0610/P3.290*SECTION 3009.** 102.80 (1m) of the statutes is amended to read:
15 102.80 (1m) The moneys collected or received under sub. (1), together with all
16 accrued interest, shall constitute a separate nonlapsible fund designated as the
17 uninsured employers fund. Moneys in the fund may be expended only as provided
18 in s. ~~20.445 (1)~~ 20.145 (6) (sm) and may not be used for any other purpose of the state.

19 ***-0610/P3.291*SECTION 3010.** 102.80 (3) (a) of the statutes is amended to read:
20 102.80 (3) (a) If the cash balance in the uninsured employers fund equals or
21 exceeds \$4,000,000, the ~~secretary commissioner~~ shall consult the council on worker's
22 compensation within 45 days after that cash balance equals or exceeds \$4,000,000.
23 ~~The secretary may file with the secretary of administration, within~~ Within 15 days

SECTION 3010

1 after consulting the council on worker's compensation, the commissioner may file
2 with the secretary of administration a certificate attesting that the cash balance in
3 the uninsured employers fund equals or exceeds \$4,000,000.

4 ***-0610/P3.292***SECTION 3011. 102.80 (3) (ag) of the statutes is amended to
5 read:

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

19 ***-0610/P3.293***SECTION 3012. 102.80 (3) (am) of the statutes is amended to
20 read:

21 102.80 (3) (am) If ~~the secretary commissioner~~ files the certificate under par. (a),
22 ~~the department may expend the moneys in the uninsured employers fund~~ office may,
23 beginning on the first day of the first July after the secretary commissioner files that
24 certificate, expend the moneys in the uninsured employers fund to make payments

1 under s. 102.81 (1) to employees of uninsured employers and to obtain reinsurance
2 under s. 102.81 (2).

3 ***-0610/P3.294*SECTION 3013.** 102.80 (3) (b) of the statutes is amended to read:

4 102.80 (3) (b) If the ~~secretary~~ commissioner does not file the certificate under
5 par. (a), the ~~department~~ office may not expend the moneys in the uninsured
6 employers fund.

7 ***-0610/P3.295*SECTION 3014.** 102.80 (3) (c) of the statutes is amended to read:

8 102.80 (3) (c) If, after filing the certificate under par. (a), the ~~secretary~~
9 commissioner files the certificate under par. (ag), the ~~department~~ office may expend
10 the moneys in the uninsured employers fund only to make payments under s. 102.81
11 (1) to employees of uninsured employers on claims made before the date specified in
12 ~~that~~ the certificate under par. (ag) and to obtain reinsurance under s. 102.81 (2) for
13 the payment of those claims.

14 ***-0610/P3.296*SECTION 3015.** 102.80 (4) (a) (intro.) of the statutes is amended
15 to read:

16 102.80 (4) (a) (intro.) If an uninsured employer who owes to the ~~department~~
17 office any amount under s. 102.82 or 102.85 (4) transfers his or her business assets
18 or activities, the transferee is liable for the amounts owed by the uninsured employer
19 under s. 102.82 or 102.85 (4) if the ~~department~~ office determines that all of the
20 following conditions are satisfied:

21 ***-0610/P3.297*SECTION 3016.** 102.80 (4) (b) of the statutes is amended to read:

22 102.80 (4) (b) The ~~department~~ office may collect from a transferee described in
23 par. (a) an amount owed under s. 102.82 or 102.85 (4) using the procedures specified
24 in ss. 102.83, 102.835, and 102.87 and the preference specified in s. 102.84 in the
25 same manner as the ~~department~~ office may collect from an uninsured employer.

SECTION 3017

1 ***-0610/P3.298*****SECTION 3017.** 102.81 (1) (a) of the statutes is amended to read:

2 102.81 (1) (a) If an employee of an uninsured employer, other than an employee
3 who is eligible to receive alternative benefits under s. 102.28 (3), suffers an injury for
4 which the uninsured employer is liable under s. 102.03, the ~~department~~ office or the
5 ~~department's~~ office's reinsurer shall pay to or on behalf of the injured employee or
6 to the employee's dependents an amount equal to the compensation owed them by
7 the uninsured employer under this chapter except penalties and interest due under
8 ss. 102.16 (3), 102.18 (1) (b) and (bp), 102.22 (1), 102.35 (3), 102.57, and 102.60.

9 ***-0610/P3.299*****SECTION 3018.** 102.81 (1) (b) of the statutes is amended to read:

10 102.81 (1) (b) The ~~department~~ office shall make the payments required under
11 par. (a) from the uninsured employers fund, except that if the ~~department~~ office has
12 obtained reinsurance under sub. (2) and is unable to make those payments from the
13 uninsured employers fund, the ~~department's~~ office's reinsurer shall make those
14 payments according to the terms of the contract of reinsurance.

15 ***-0452/2.13*****SECTION 3019.** 102.81 (1) (c) of the statutes is created to read:

16 102.81 (1) (c) 1. The department shall pay a claim under par. (a) in excess of
17 \$1,000,000 from the uninsured employers fund in the first instance. If the claim is
18 not covered by excess or stop-loss reinsurance under sub. (2), the secretary of
19 administration shall transfer from the appropriation account under s. 20.445 (1) (ra)
20 to the uninsured employers fund as provided in subds. 2. and 3. an amount equal to
21 the amount by which payments from the uninsured employers fund on the claim are
22 in excess of \$1,000,000.

23 2. Each calendar year the department shall file with the secretary of
24 administration a certificate setting forth the number of claims in excess of
25 \$1,000,000 in the preceding year paid from the uninsured employers fund, the

1 payments made from the uninsured employers fund on each such claim in the
2 preceding year, and the total payments made from the uninsured employers fund on
3 all such claims and, based on that information, the secretary of administration shall
4 determine the amount to be transferred under subd. 1. in that calendar year.

5 3. The maximum amount that the secretary of administration may transfer
6 under subd. 1. in a calendar year is \$500,000. If the amount determined under subd.
7 2. is \$500,000 or less, the secretary of administration shall transfer the amount
8 determined under subd. 2. If the amount determined under subd. 2. exceeds
9 \$500,000, the secretary of administration shall transfer \$500,000 in the calendar
10 year in which the determination is made and, subject to the maximum transfer
11 amount of \$500,000 per calendar year, shall transfer that excess in the next calendar
12 year or in subsequent calendar years until that excess is transferred in full.

13 ***-0610/P3.300*SECTION 3020.** 102.81 (1) (c) 1. of the statutes, as created by
14 2015 Wisconsin Act (this act), is amended to read:

15 102.81 (1) (c) 1. The ~~department~~ office shall pay a claim under par. (a) in excess
16 of \$1,000,000 from the uninsured employers fund in the first instance. If the claim
17 is not covered by excess or stop-loss reinsurance under sub. (2), the secretary of
18 administration shall transfer from the appropriation account under s. ~~20.445 (1)~~
19 20.145 (6) (ra) to the uninsured employers fund as provided in subds. 2. and 3. an
20 amount equal to the amount by which payments from the uninsured employers fund
21 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.

22 ***-0610/P3.301*SECTION 3021.** 102.81 (1) (c) 2. of the statutes, as created by
23 2015 Wisconsin Act (this act), is amended to read:

SECTION 3021

1 102.81 (1) (c) 2. Each calendar year the ~~department~~ office shall file with the
2 secretary of administration a certificate setting forth the number of claims in excess
3 of \$1,000,000 in the preceding year paid from the uninsured employers fund, the
4 payments made from the uninsured employers fund on each such claim in the
5 preceding year, and the total payments made from the uninsured employers fund on
6 all such claims and, based on that information, the secretary of administration shall
7 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.

8 *~~-0610/P3.302~~*SECTION 3022. 102.81 (2) of the statutes is amended to read:

9 102.81 (2) The ~~department~~ office may retain an insurance carrier or insurance
10 service organization to process, investigate, and pay claims under this section and
11 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
12 do business in this state in an amount that the ~~secretary~~ commissioner determines
13 is necessary for the sound operation of the uninsured employers fund. In cases
14 involving disputed claims, the ~~department~~ office may retain an attorney to represent
15 the interests of the uninsured employers fund and to make appearances on behalf
16 of the uninsured employers fund in proceedings under ss. 102.16 to 102.29. Section
17 20.930 and all provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an
18 attorney hired under this subsection. The charges for the services retained under
19 this subsection shall be paid from the appropriation under s. ~~20.445 (1)~~ 20.145 (6)
20 (rp). The cost of any reinsurance obtained under this subsection shall be paid from
21 the appropriation under s. ~~20.445 (1)~~ 20.145 (6) (sm).

22 *~~-0610/P3.303~~*SECTION 3023. 102.81 (4) (a) of the statutes is amended to read:

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

4 *~~0610/P3.304~~*SECTION 3024. 102.81 (4) (b) (intro.) of the statutes is amended
5 to read:

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

9 *~~0610/P3.305~~*SECTION 3025. 102.81 (6) (a) of the statutes is amended to read:

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

13 *~~0610/P3.306~~*SECTION 3026. 102.81 (6) (b) of the statutes is amended to read:

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

16 *~~0610/P3.307~~*SECTION 3027. 102.81 (7) of the statutes is amended to read:

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

22 *~~0610/P3.308~~*SECTION 3028. 102.82 (1) of the statutes is amended to read:

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

SECTION 3028

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

7 ***-0610/P3.309*SECTION 3029.** 102.82 (2) (a) (intro.) of the statutes is amended
8 to read:

9 102.82 (2) (a) (intro.) Except as provided in pars. (ag), (am), and (ar), all
10 uninsured employers shall pay to the ~~department~~ office the greater of the following:

11 ***-0610/P3.310*SECTION 3030.** 102.82 (2) (a) 1. of the statutes is amended to
12 read:

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

17 ***-0610/P3.311*SECTION 3031.** 102.82 (2) (ag) (intro.) of the statutes is
18 amended to read:

19 102.82 (2) (ag) (intro.) An uninsured employer who is liable to the ~~department~~
20 office under par. (a) 2 shall pay to the ~~department~~ office, in lieu of the payment
21 required under par. (a) 2., \$100 per day for each day that the employer is uninsured
22 if all of the following apply:

23 ***-0610/P3.312*SECTION 3032.** 102.82 (2) (am) of the statutes is amended to
24 read:

1 102.82 (2) (am) ~~The department~~ office may waive any payment owed under par.
2 (a) by an uninsured employer if the ~~department~~ office determines that the uninsured
3 employer is subject to this chapter only because the uninsured employer has elected
4 to become subject to this chapter under s. 102.05 (2) or 102.28 (2).

5 *~~0610/P3.313~~*SECTION 3033. 102.82 (2) (ar) of the statutes is amended to
6 read:

7 102.82 (2) (ar) ~~The department~~ office may waive any payment owed under par.
8 (a) or (ag) or sub. (1) if the ~~department~~ office determines that the sole reason for the
9 uninsured employer's failure to comply with s. 102.28 (2) is that the uninsured
10 employer was a victim of fraud, misrepresentation, or gross negligence by an
11 insurance agent or insurance broker or by a person whom a reasonable person would
12 believe is an insurance agent or insurance broker.

13 *~~0610/P3.314~~*SECTION 3034. 102.82 (2) (c) of the statutes is amended to read:

14 102.82 (2) (c) The department of justice or, if the department of justice consents,
15 the ~~department of workforce development~~ office may bring an action in circuit court
16 to recover payments and interest owed to the ~~department of workforce development~~
17 office under this section.

18 *~~0610/P3.315~~*SECTION 3035. 102.82 (3) (a) of the statutes is amended to read:

19 102.82 (3) (a) When an employee dies as a result of an injury for which an
20 uninsured employer is liable under s. 102.03, the uninsured employer shall pay
21 \$1,000 to the ~~department~~ office.

22 *~~0610/P3.316~~*SECTION 3036. 102.83 (1) (a) 1. of the statutes is amended to
23 read:

24 102.83 (1) (a) 1. If an uninsured employer or any individual who is found
25 personally liable under sub. (8) fails to pay to the ~~department~~ office any amount owed

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1 to the ~~department~~ office under s. 102.82 and no proceeding for review is pending, the
2 ~~department~~ office or any authorized representative may issue a warrant directed to
3 the clerk of circuit court for any county of the state.

4 ***-0610/P3.317*SECTION 3037.** 102.83 (1) (a) 3. of the statutes is amended to
5 read:

6 102.83 (1) (a) 3. A warrant entered under subd. 2. shall be considered in all
7 respects as a final judgment constituting a perfected lien on the right, title, and
8 interest of the uninsured employer or the individual in all of that person's real and
9 personal property located in the county where the warrant is entered. The lien is
10 effective when the ~~department~~ office issues the warrant under subd. 1. and shall
11 continue until the amount owed, including interest, costs, and other fees to the date
12 of payment, is paid.

13 ***-0610/P3.318*SECTION 3038.** 102.83 (1) (a) 4. of the statutes is amended to
14 read:

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

25 ***-0610/P3.319*SECTION 3039.** 102.83 (1) (b) of the statutes is amended to read:

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

10 *~~0610/P3.320~~*SECTION 3040. 102.83 (2) of the statutes is amended to read:

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

21 *~~0610/P3.321~~*SECTION 3041. 102.83 (3) of the statutes is amended to read:

22 102.83 (3) If a warrant is returned not satisfied in full, the department office
23 shall have the same remedies to enforce the amount due for payments, interest,
24 costs, and other fees as if the department office had recovered judgment against the

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1 uninsured employer or the individual and an execution had been returned wholly or
2 partially not satisfied.

3 ***-0610/P3.322*SECTION 3042.** 102.83 (4) of the statutes is amended to read:

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

10 ***-0610/P3.323*SECTION 3043.** 102.83 (5) of the statutes is amended to read:

11 102.83 (5) The department office, if it finds that the interests of the state will
12 not be jeopardized, and upon such conditions as it may exact, may issue a release of
13 any warrant with respect to any real or personal property upon which the warrant
14 is a lien or cloud upon title. The clerk of circuit court shall enter the release upon
15 presentation of the release to the clerk and payment of the fee for filing the release
16 and the release shall be conclusive proof that the lien or cloud upon the title of the
17 property covered by the release is extinguished.

18 ***-0610/P3.324*SECTION 3044.** 102.83 (6) of the statutes is amended to read:

19 102.83 (6) At any time after the filing of a warrant, the department office may
20 commence and maintain a garnishee action as provided by ch. 812 or may use the
21 remedy of attachment as provided by ch. 811 for actions to enforce a judgment. The
22 place of trial of an action under ch. 811 or 812 may be either in Dane County or the
23 county where the debtor resides and may not be changed from the county in which
24 the action is commenced, except upon consent of the parties.

25 ***-0610/P3.325*SECTION 3045.** 102.83 (7) of the statutes is amended to read:

1 102.83 (7) If the ~~department~~ office issues an erroneous warrant, the
2 ~~department~~ office shall issue a notice of withdrawal of the warrant to the clerk of
3 circuit court for the county in which the warrant is filed. The clerk shall void the
4 warrant and any liens attached by it.

5 *~~0610/P3.326~~*SECTION 3046. 102.83 (8) of the statutes is amended to read:

6 102.83 (8) Any officer or director of an uninsured employer that is a corporation
7 and any member or manager of an uninsured employer that is a limited liability
8 company may be found individually and jointly and severally liable for the payments,
9 interest, costs and other fees specified in a warrant under this section if after proper
10 proceedings for the collection of those amounts from the corporation or limited
11 liability company, as provided in this section, the corporation or limited liability
12 company is unable to pay those amounts to the ~~department~~ office. The personal
13 liability of the officers and directors of a corporation or of the members and managers
14 of a limited liability company as provided in this subsection is an independent
15 obligation, survives dissolution, reorganization, bankruptcy, receivership,
16 assignment for the benefit of creditors, judicially confirmed extension or
17 composition, or any analogous situation of the corporation or limited liability
18 company, and shall be set forth in a determination or decision issued under s. 102.82.

19 *~~0610/P3.327~~*SECTION 3047. 102.835 (1) (ad) of the statutes is amended to
20 read:

21 102.835 (1) (ad) "Debtor" means an uninsured employer or an individual found
22 personally liable under s. 102.83 (8) who owes the ~~department~~ office a debt.

23 *~~0610/P3.328~~*SECTION 3048. 102.835 (1) (e) of the statutes is amended to
24 read:

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1 102.835 (1) (e) "Payment" means a payment owed to the department office
2 under s. 102.82 and includes interest on that payment.

3 ***-0610/P3.329***SECTION 3049. 102.835 (2) of the statutes is amended to read:

4 102.835 (2) POWERS OF LEVY AND DISTRAINT. If any debtor who is liable for any
5 debt fails to pay that debt after the department office has made demand for payment,
6 the department office may collect that debt and the expenses of the levy by levy upon
7 any property belonging to the debtor. If the value of any property that has been levied
8 upon under this section is not sufficient to satisfy the claim of the department office,
9 the department office may levy upon any additional property of the debtor until the
10 debt and expenses of the levy are fully paid.

11 ***-0610/P3.330***SECTION 3050. 102.835 (3) of the statutes is amended to read:

12 102.835 (3) DUTIES TO SURRENDER. Any person in possession of or obligated with
13 respect to property or rights to property that is subject to levy and upon which a levy
14 has been made shall, upon demand of the department office, surrender the property
15 or rights or discharge the obligation to the department office, except that part of the
16 property or rights which is, at the time of the demand, subject to any prior
17 attachment or execution under any judicial process.

18 ***-0610/P3.331***SECTION 3051. 102.835 (4) (a) of the statutes is amended to
19 read:

20 102.835 (4) (a) Any debtor who fails to surrender any property or rights to
21 property that is subject to levy, upon demand by the department office, is subject to
22 proceedings to enforce the amount of the levy.

23 ***-0610/P3.332***SECTION 3052. 102.835 (4) (b) of the statutes is amended to
24 read:

1 102.835 (4) (b) Any 3rd party who fails to surrender any property or rights to
2 property subject to levy, upon demand of the department office, is subject to
3 proceedings to enforce the levy. The 3rd party is not liable to the department office
4 under this paragraph for more than 25% of the debt. The department office shall
5 serve a final demand as provided under sub. (13) on any 3rd party who fails to
6 surrender property. Proceedings may not be initiated by the department office until
7 5 days after service of the final demand. The department office shall issue a
8 determination under s. 102.82 to the 3rd party for the amount of the liability.

9 *~~0610/P3.333~~SECTION 3053. 102.835 (4) (c) of the statutes is amended to
10 read:

11 102.835 (4) (c) When a 3rd party surrenders the property or rights to the
12 property on demand of the department office or discharges the obligation to the
13 department office for which the levy is made, the 3rd party is discharged from any
14 obligation or liability to the debtor with respect to the property or rights to the
15 property arising from the surrender or payment to the department office.

16 *~~0610/P3.334~~SECTION 3054. 102.835 (5) (a) of the statutes is amended to
17 read:

18 102.835 (5) (a) If the department office has levied upon property, any person,
19 other than the debtor who is liable to pay the debt out of which the levy arose, who
20 claims an interest in or lien on that property, and who claims that that property was
21 wrongfully levied upon may bring a civil action against the state in the circuit court
22 for Dane County. That action may be brought whether or not that property has been
23 surrendered to the department office. The court may grant only the relief under par.
24 (b). No other action to question the validity of or to restrain or enjoin a levy by the
25 department office may be maintained.

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1 *~~0610/P3.335~~*SECTION 3055. 102.835 (5) (c) of the statutes is amended to
2 read:

3 102.835 (5) (c) For purposes of an adjudication under this subsection, the
4 determination of the debt upon which the interest or lien of the ~~department~~ office is
5 based is conclusively presumed to be valid.

6 *~~0610/P3.336~~*SECTION 3056. 102.835 (6) of the statutes is amended to read:

7 102.835 (6) DETERMINATION OF EXPENSES. The ~~department~~ office shall
8 determine its costs and expenses to be paid in all cases of levy.

9 *~~0610/P3.337~~*SECTION 3057. 102.835 (7) (a) of the statutes is amended to
10 read:

11 102.835 (7) (a) The ~~department~~ office shall apply all money obtained under this
12 section first against the expenses of the proceedings and then against the liability
13 in respect to which the levy was made and any other liability owed to the ~~department~~
14 office by the debtor.

15 *~~0610/P3.338~~*SECTION 3058. 102.835 (7) (b) of the statutes is amended to
16 read:

17 102.835 (7) (b) The ~~department~~ office may refund or credit any amount left
18 after the applications under par. (a), upon submission of a claim for a refund or credit
19 and satisfactory proof of the claim, to the person entitled to that amount.

20 *~~0610/P3.339~~*SECTION 3059. 102.835 (8) of the statutes is amended to read:

21 102.835 (8) RELEASE OF LEVY. The ~~department~~ office may release the levy upon
22 all or part of property levied upon to facilitate the collection of the liability or to grant
23 relief from a wrongful levy, but that release does not prevent any later levy.

24 *~~0610/P3.340~~*SECTION 3060. 102.835 (9) of the statutes is amended to read:

1 102.835 (9) WRONGFUL LEVY. If the ~~department~~ office determines that property
2 has been wrongfully levied upon, the ~~department~~ office may return the property at
3 any time, or may return an amount of money equal to the amount of money levied
4 upon.

5 *~~0610/P3.341~~*SECTION 3061. 102.835 (10) of the statutes is amended to read:

6 102.835 (10) PRESERVATION OF REMEDIES. The availability of the remedy under
7 this section does not abridge the right of the ~~department~~ office to pursue other
8 remedies.

9 *~~0610/P3.342~~*SECTION 3062. 102.835 (12) of the statutes is amended to read:

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

23 *~~0610/P3.343~~*SECTION 3063. 102.835 (13) (a) of the statutes is amended to
24 read:

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1 102.835 (13) (a) The ~~department~~ office shall serve the levy upon the debtor and
2 3rd party by personal service or by any type of mail service ~~which~~ that requires a
3 signature of acceptance.

4 *~~0610/P3.344~~*SECTION 3064. 102.835 (13) (c) of the statutes is amended to
5 read:

6 102.835 (13) (c) The ~~department~~ representative of the office who serves the levy
7 shall certify service of process on the notice of levy form and the person served shall
8 acknowledge receipt of the certification by signing and dating it. If service is made
9 by mail, the return receipt is the certificate of service of the levy.

10 *~~0610/P3.345~~*SECTION 3065. 102.835 (14) of the statutes is amended to read:

11 102.835 (14) ANSWER BY 3RD PARTY. Within 20 days after the service of the levy
12 upon a 3rd party, the 3rd party shall file an answer with the ~~department~~ office stating
13 whether the 3rd party is in possession of or obligated with respect to property or
14 rights to property of the debtor, including a description of the property or the rights
15 to property and the nature and dollar amount of any such obligation. If the 3rd party
16 is an insurance company, the insurance company shall file an answer with the
17 ~~department~~ office within 45 days after the service of the levy.

18 *~~0610/P3.346~~*SECTION 3066. 102.835 (19) of the statutes is amended to read:

19 102.835 (19) HEARING. Any debtor who is subject to a levy proceeding made by
20 the ~~department~~ office may request a hearing under s. 102.17 to review the levy
21 proceeding. The hearing is limited to questions of prior payment of the debt that the
22 ~~department~~ office is proceeding against, and mistaken identity of the debtor. The
23 levy is not stayed pending the hearing in any case in which property is secured
24 through the levy.

25 *~~0610/P3.347~~*SECTION 3067. 102.85 (2) (a) of the statutes is amended to read:

1 102.85 (2) (a) Gives false information about the coverage to his or her
2 employees, the department office, or any other person who contracts with the
3 employer and who requests evidence of worker's compensation coverage in relation
4 to that contract.

5 *~~0610/P3.348~~*SECTION 3068. 102.85 (5) (a) of the statutes is amended to read:

6 102.85 (5) (a) The payment of any judgment under this section may be
7 suspended or deferred for not more than 90 days in the discretion of the court. The
8 court shall suspend a judgment under this section upon the motion of the department
9 office, if the department office is satisfied that the employer's violation of s. 102.16
10 (3) or 102.28 (2) was beyond the employer's control and that the employer is no longer
11 violates in violation of s. 102.16 (3) or 102.28 (2). ~~In cases where~~ If a deposit has been
12 made, any forfeitures, surcharges, fees, and costs imposed under ch. 814 shall be
13 taken out of the deposit and the balance, if any, returned to the employer.

14 *~~0610/P3.349~~*SECTION 3069. 102.87 (1) of the statutes is renumbered 102.87
15 (1m).

16 *~~0610/P3.350~~*SECTION 3070. 102.87 (1d) of the statutes is created to read:

17 102.87 (1d) In this section, "deputy" means any person employed by the office
18 who is designated as a deputy, who possesses special, technical, scientific,
19 managerial or personal abilities or qualities in matters within the jurisdiction of the
20 office, and who may be engaged in the performance of duties under the direction of
21 the commissioner, calling for the exercise of those abilities or qualities.

22 *~~0610/P3.351~~*SECTION 3071. 102.87 (2) (intro.) of the statutes is amended to

23 read:

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

4 *~~0610/P3.352~~*SECTION 3072. 102.87 (2) (b) of the statutes is amended to read:

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

7 *~~0610/P3.353~~*SECTION 3073. 102.87 (3) of the statutes is amended to read:

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

18 *~~0610/P3.354~~*SECTION 3074. 102.87 (9) of the statutes is amended to read:

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

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

3 *~~0610/P3.355~~*SECTION 3075. 102.88 (1) of the statutes is amended to read:

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

10 *~~0610/P3.356~~*SECTION 3076. 102.89 (1) of the statutes is amended to read:

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

16 *~~1461/P2.228~~*SECTION 3077. 103.001 (6) of the statutes is amended to read:

17 103.001 (6) "Employer" means any person, firm, corporation, state, county,
18 town, city, village, school district, sewer district, drainage district, ~~long-term care~~
19 ~~district~~ and other public or quasi-public corporations as well as any agent, manager,
20 representative or other person having control or custody of any employment, place
21 of employment or of any employee.

22 *~~0971/P5.578~~*SECTION 3078. 103.49 (1) (f) of the statutes is amended to read:

23 103.49 (1) (f) "State agency" means any office, department, independent
24 agency, institution of higher education, association, society or other body in state
25 government created or authorized to be created by the constitution or any law,

1 including the legislature and the courts. "State agency" also includes the University
2 of Wisconsin Hospitals and Clinics Authority, the University of Wisconsin System
3 Authority, the Fox River Navigational System Authority, and the Wisconsin
4 Aerospace Authority.

5 *~~0389/P3.6~~**SECTION 3079.** 103.50 (2) of the statutes is amended to read:

6 103.50 (2) PREVAILING WAGE RATES AND HOURS OF LABOR. No person performing
7 the work described in sub. (2m) in the employ of a contractor, subcontractor, agent
8 or other person performing any work on a project under a contract based on bids as
9 provided in s. 84.06 (2), or under a contract under s. 84.06 (2m) (e), to which the state
10 is a party for the construction or improvement of any highway may be permitted to
11 work a greater number of hours per day or per week than the prevailing hours of
12 labor; nor may he or she be paid a lesser rate of wages than the prevailing wage rate
13 in the area in which the work is to be done determined under sub. (3); except that any
14 such person may be permitted or required to work more than such prevailing hours
15 of labor per day and per week if he or she is paid for all hours worked in excess of the
16 prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of
17 pay.

18 *~~1241/P2.7~~**SECTION 3080.** 106.05 (2) (b) (intro.) of the statutes is amended
19 to read:

20 106.05 (2) (b) (intro.) Subject to par. (c) and sub. (3), from the appropriation
21 under s. 20.445 (1) (d) (b), the department shall may provide to an apprentice
22 described in par. (a) 1. or the apprentice's sponsor a completion award equal to 25
23 percent of the cost of tuition incurred by the apprentice or sponsor or \$1,000,
24 whichever is less, If the department provides a completion award under this
25 subsection, the department shall pay the award as follows:

1 *~~1241/P2.8~~*SECTION 3081. 106.05 (3) (a) of the statutes is amended to read:

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

9 *~~1241/P2.9~~*SECTION 3082. 106.13 (1) of the statutes is amended to read:

10 106.13 (1) The department shall may provide a youth apprenticeship program
11 ~~that includes. If the department provides that program, the program may include~~
12 ~~the grant programs under subs. (3m) and (4) program under sub. (3m).~~

13 *~~1241/P2.10~~*SECTION 3083. 106.13 (3m) (a) of the statutes is renumbered

14 106.13 (3m) (a) (intro.) and amended to read:

15 106.13 (3m) (a) (intro.) In this subsection, ~~“local partnership”~~:

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

21 *~~1241/P2.11~~*SECTION 3084. 106.13 (3m) (b) (intro.) of the statutes is

22 amended to read:

23 106.13 (3m) (b) (intro.) From the appropriation under s. 20.445 (1) ~~(e)~~ (b), the
24 department shall may award grants to applying local partnerships for the
25 implementation and coordination of local youth apprenticeship programs. A local

1 partnership shall include in its grant application the identity of each public agency,
2 nonprofit organization, individual, and other person who is a participant in the local
3 partnership, a plan to accomplish the implementation and coordination activities
4 specified in subds. 1. to 6., and the identity of a fiscal agent who shall be responsible
5 for receiving, managing, and accounting for the grant moneys received under this
6 paragraph. Subject to par. (c), a local partnership that is awarded a grant under this
7 paragraph may use the grant moneys awarded for any of the following
8 implementation and coordination activities:

9 *~~1241/P2.12~~*SECTION 3085. 106.13 (4) (a) (intro.) of the statutes is repealed.

10 *~~1241/P2.13~~*SECTION 3086. 106.13 (4) (a) 1d. of the statutes is repealed.

11 *~~1241/P2.14~~*SECTION 3087. 106.13 (4) (a) 1r. of the statutes is renumbered
12 106.13 (3m) (a) 1r.

13 *~~1241/P2.15~~*SECTION 3088. 106.13 (4) (a) 2. of the statutes is renumbered
14 106.13 (3m) (a) 2.

15 *~~1241/P2.16~~*SECTION 3089. 106.13 (4) (b) of the statutes is repealed.

16 *~~1241/P2.17~~*SECTION 3090. 106.13 (4) (c) of the statutes is repealed.

17 *~~1241/P2.18~~*SECTION 3091. 106.13 (4) (d) of the statutes is repealed.

18 *~~1215/P3.334~~*SECTION 3092. 106.16 (2) of the statutes is amended to read:
19 106.16 (2) Any company that receives a loan or grant from a state agency or
20 an authority under ch. 231 ~~or 234~~ shall notify the department and the local workforce
21 development board established under 29 USC 2832, of any position in the company
22 that is related to the project for which the grant or loan is received to be filled in this
23 state within one year after receipt of the loan or grant. The company shall provide
24 this notice at least 2 weeks prior to advertising the position.

25 *~~1215/P3.335~~*SECTION 3093. 106.16 (3) of the statutes is repealed.

1 ***-0944/P1.1***SECTION 3094. 106.27 (1) of the statutes is amended to read:

2 106.27 (1) WORKFORCE TRAINING GRANTS. From the appropriation under s.
3 20.445 (1) (b), the department shall award grants to public and private organizations
4 for the development and implementation of workforce training programs. An
5 organization that is awarded a grant under this subsection may use the grant for the
6 training of unemployed and underemployed workers and incumbent employees of
7 businesses in this state and for the hiring and training of apprentices in this state.
8 As a condition of receiving a grant under this subsection, the department may
9 require a public or private organization to provide matching funds at a percentage
10 to be determined by the department.

11 ***-1215/P3.336***SECTION 3095. 106.27 (2m) of the statutes is amended to read:

12 106.27 (2m) CONSULTATION. The department shall consult with the technical
13 college system board and the ~~Wisconsin Economic Development Corporation~~
14 Forward Wisconsin Development Authority in implementing this section.

15 ***-0944/P1.2***SECTION 3096. 106.27 (3) of the statutes is amended to read:

16 106.27 (3) ANNUAL REPORT. Annually, by December 31, the department shall
17 submit a report to the governor and the cochairpersons of the joint committee on
18 finance providing an account of the department's activities and expenditures under
19 this section during the preceding fiscal year. The report shall include information
20 on the number of unemployed and underemployed workers ~~and~~, incumbent
21 employees, and apprentices who participate in training programs under sub. (1); the
22 number of unemployed workers who obtain gainful employment, underemployed
23 workers who obtain new employment, ~~and~~ incumbent employees who receive
24 increased compensation, and apprentices who obtain gainful employment or new
25 employment or who receive increased compensation after participating in such a

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

9 *~~1241/P2.19~~**SECTION 3097.** 106.273 of the statutes is created to read:

10 **106.273 Career and technical education incentive grants.** From the
11 appropriation under s. 20.445 (1) (b), the department may provide grants to school
12 districts for the development of programs that are designed to mitigate workforce
13 shortages in industries and occupations that are experiencing a workforce shortage,
14 as determined by the department, and to assist pupils in graduating with
15 industry-recognized certifications in those industries and occupations.

16 *~~1013/P2.2~~**SECTION 3098.** 106.32 (title) of the statutes is renumbered 45.435
17 (title).

18 *~~1013/P2.3~~**SECTION 3099.** 106.32 (1) (intro.) of the statutes is renumbered
19 45.435 (1) (intro.).

20 *~~1013/P2.4~~**SECTION 3100.** 106.32 (1) (a) of the statutes is renumbered 45.435
21 (1) (a) and amended to read:

22 45.435 (1) (a) "Disabled veteran" means a veteran who is verified by the
23 department of veterans affairs to have a service-connected disability rating of at
24 least 50 percent under 38 USC 1114 or 1134.

1 *~~1013/P2.5~~**SECTION 3101.** 106.32 (1) (b) and (c) of the statutes are
2 renumbered 45.435 (1) (b) and (c).

3 *~~1013/P2.6~~**SECTION 3102.** 106.32 (1) (d) of the statutes is repealed.

4 *~~1013/P2.7~~**SECTION 3103.** 106.32 (2) of the statutes is renumbered 45.435
5 (2), and 45.435 (2) (a) (intro.), as renumbered, is amended to read:

6 45.435 (2) (a) (intro.) ~~Beginning on July 2, 2013, from~~ From the appropriation
7 account under s. ~~20.445 (1)~~ 20.485 (2) (q), the department shall award a grant in any
8 of the following amounts to any person who hires a disabled veteran to work at a
9 business in this state:

10 *~~1013/P2.8~~**SECTION 3104.** 106.32 (3) of the statutes is renumbered 45.435
11 (3), and 45.435 (3) (b), as renumbered, is amended to read:

12 45.435 (3) (b) The department shall pay a grant under this section only for
13 hiring a disabled veteran who has received unemployment ~~compensation~~ insurance
14 benefits for at least one week prior to being hired by the applicant, who was receiving
15 such benefits at the time that he or she was hired by the applicant, and who was
16 eligible to receive such benefits at the time the benefits were paid.

17 *~~0855/2.2~~**SECTION 3105.** 106.34 of the statutes is created to read:

18 **106.34 Reports to technical college system board of high-demand**
19 **fields.** (1) In this section:

20 (a) "Board" has the meaning given in s. 38.01 (2).

21 (b) "District" has the meaning given in s. 38.01 (5).

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

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

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

2 ~~*-0602/P4.65~~ SECTION 3106. 106.52 (1) (d) 1. of the statutes is amended to
3 read:

4 106.52 (1) (d) 1. A bed and breakfast establishment, as defined in s. ~~254.61 (1)~~
5 97.01 (1g).

6 ~~*-0602/P4.66~~ SECTION 3107. 106.52 (1) (d) 2. of the statutes is amended to
7 read:

8 106.52 (1) (d) 2. A hotel, as defined in s. ~~254.61 (3)~~ 97.01 (7).

9 ~~*-0602/P4.67~~ SECTION 3108. 106.52 (1) (d) 3. of the statutes is amended to
10 read:

11 106.52 (1) (d) 3. A tourist rooming house, as defined in s. ~~254.61 (6)~~ 97.01 (15k).

12 ~~*-0807/P6.256~~ SECTION 3109. 107.30 (10) of the statutes is amended to read:
13 107.30 (10) "Mining damage appropriation" means the appropriation under s.
14 ~~20.165 (2)~~ 20.142 (4) (a).

15 ~~*-0807/P6.257~~ SECTION 3110. 107.31 (5) (a) (intro.) of the statutes is amended
16 to read:

17 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
18 is calculated by subtracting the total amount of all mining damages awards paid
19 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
20 or paid from the appropriation under s. ~~20.165 (2)~~ 20.142 (4) (a) from the sum of:

21 ~~*-0999/P1.1~~ SECTION 3111. 108.02 (24g) of the statutes is created to read:
22 108.02 (24g) SUITABLE WORK. "Suitable work" has the meaning specified by the
23 department by rule under s. 108.14 (27).

24 ~~*-0958/P5.3~~ SECTION 3112. 108.04 (8) (a) of the statutes is amended to read: