

1           102.33 (2) (b) (intro.) Except as provided in this paragraph and par. (d), a record  
2 maintained by ~~the department or by the commission, by the office, or by the division~~  
3 that reveals the identity of an employee who claims worker’s compensation benefits,  
4 the nature of the employee’s claimed injury, the employee’s past or present medical  
5 condition, the extent of the employee’s disability, or the amount, type, or duration of  
6 benefits paid to the employee and a record maintained by the ~~department~~ office that  
7 reveals any financial information provided to the ~~department~~ office by a self-insured  
8 employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and  
9 not open to public inspection or copying under s. 19.35 (1). The ~~department or~~  
10 ~~commission, the office, or the division~~ may deny a request made under s. 19.35 (1)  
11 or, subject to s. 102.17 (2m) and (2s), refuse to honor a subpoena issued by an attorney  
12 of record in a civil or criminal action or special proceeding to inspect and copy a record  
13 that is confidential under this paragraph, unless ~~one~~ any of the following applies:

14           \*~~0610/P3.212~~\*SECTION 2919. 102.33 (2) (b) 1. of the statutes is amended to  
15 read:

16           102.33 (2) (b) 1. The requester is the employee who is the subject of the record  
17 or an attorney or authorized agent of that employee. An attorney or authorized agent  
18 of an employee who is the subject of a record shall provide a written authorization  
19 for inspection and copying from the employee if requested by the ~~department or the~~  
20 ~~commission, the office, or the division.~~

21           \*~~0610/P3.213~~\*SECTION 2920. 102.33 (2) (b) 2. of the statutes is amended to  
22 read:

23           102.33 (2) (b) 2. The record that is requested contains confidential information  
24 concerning a worker’s compensation claim and the requester is an insurance carrier  
25 or employer that is a party to any worker’s compensation claim involving the same

**SECTION 2920**

1 employee or an attorney or authorized agent of that insurance carrier or employer,  
2 except that the ~~department or the commission, the office, or the division~~ is not  
3 required to do a random search of its records and may require the requester to  
4 provide the approximate date of the injury and any other relevant information that  
5 would assist the ~~department or the commission, the office, or the division~~ in finding  
6 the record requested. An attorney or authorized agent of an insurance carrier or  
7 employer that is a party to an employee's worker's compensation claim shall provide  
8 a written authorization for inspection and copying from the insurance carrier or  
9 employer if requested by the ~~department or the commission, the office, or the~~  
10 division.

11 \***-0610/P3.214**\***SECTION 2921.** 102.33 (2) (b) 3. of the statutes is amended to  
12 read:

13 102.33 (2) (b) 3. The record that is requested contains financial information  
14 provided by a self-insured employer or by an applicant for exemption under s. 102.28  
15 (2) (b) and the requester is the self-insured employer or applicant for exemption or  
16 an attorney or authorized agent of the self-insured employer or applicant for  
17 exemption. An attorney or authorized agent of the self-insured employer or of the  
18 applicant for exemption shall provide a written authorization for inspection and  
19 copying from the self-insured employer or applicant for exemption if requested by  
20 the ~~department~~ office.

21 \***-0610/P3.215**\***SECTION 2922.** 102.33 (2) (b) 4. of the statutes is amended to  
22 read:

23 102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the  
24 ~~department or the commission, the office, or the division~~ to release the record.

25 \***-0610/P3.216**\***SECTION 2923.** 102.33 (2) (c) of the statutes is amended to read:

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

7           \*~~-0610/P3.217~~\*SECTION 2924. 102.33 (2) (d) 2. of the statutes is amended to  
8           read:

9           102.33 (2) (d) 2. ~~The department or the commission,~~ the office, or the division  
10          may release information that is confidential under par. (b) to a government unit, an  
11          institution of higher education, or a nonprofit research organization for purposes of  
12          research and may release information that is confidential under par. (c) to those  
13          persons for that purpose if the Wisconsin compensation rating bureau authorizes  
14          that release. A government unit, institution of higher education, or nonprofit  
15          research organization may not permit inspection or disclosure of any information  
16          released to it under this subdivision that is confidential under par. (b) unless the  
17          ~~department or commission,~~ the office, or the division authorizes that inspection or  
18          disclosure and may not permit inspection or disclosure of any information released  
19          to it under this subdivision that is confidential under par. (c) unless the ~~department~~  
20          ~~or commission,~~ the office, or the division, and the Wisconsin compensation rating  
21          bureau, authorize the inspection or disclosure. A government unit, institution of  
22          higher education, or nonprofit research organization that obtains any confidential  
23          information under this subdivision for purposes of research shall provide the results  
24          of that research free of charge to the person that released or authorized the release  
25          of that information.

1           \*~~0610/P3.218~~\*SECTION 2925. 102.35 (1) of the statutes is amended to read:

2           102.35 (1) Every employer and every insurance company that fails to keep the  
3 records or to make the reports required by this chapter or that knowingly falsifies  
4 such those records or makes false reports shall pay a work injury supplemental  
5 benefit surcharge to the state of not less than \$10 nor more than \$100 for each  
6 offense. The ~~department~~ office may waive or reduce a surcharge imposed under this  
7 subsection if the employer or insurance company that violated this subsection  
8 requests a waiver or reduction of the surcharge within 45 days after the date on  
9 which notice of the surcharge is mailed to the employer or insurance company and  
10 shows that the violation was due to mistake or an absence of information. A  
11 surcharge imposed under this subsection is due within 30 days after the date on  
12 which notice of the surcharge is mailed to the employer or insurance company.  
13 Interest shall accrue on amounts that are not paid when due at the rate of 1 percent  
14 per month. All surcharges and interest payments received under this subsection  
15 shall be deposited in the fund established under s. 102.65.

16           \*~~0610/P3.219~~\*SECTION 2926. 102.35 (2) of the statutes is amended to read:

17           102.35 (2) Any employer, or duly authorized agent ~~thereof~~ of an employer, who,  
18 without reasonable cause, refuses to rehire an employee injured in the course of  
19 employment, or who, because of a claim or attempt to claim compensation benefits  
20 from such that employer, discriminates or threatens to discriminate against an  
21 employee as to the employee's employment, shall ~~forfeit to the state not less than \$50~~  
22 ~~nor more than \$500~~ be subject to a forfeiture under s. 601.64 (3) (c) for each offense.  
23 No action under this subsection may be commenced except upon request of the  
24 ~~department~~ office.

25           \*~~0610/P3.220~~\*SECTION 2927. 102.35 (3) of the statutes is amended to read:

1           102.35 (3) Any employer who without reasonable cause refuses to rehire an  
2 employee who is injured in the course of employment, ~~where~~ when suitable  
3 employment is available within the employee's physical and mental limitations,  
4 upon order of the ~~department and in addition to other benefits~~ division, has exclusive  
5 liability to pay to the employee, in addition to other benefits, the wages lost during  
6 the period of such that refusal, not exceeding one year's wages. In determining the  
7 availability of suitable employment, the continuance in business of the employer  
8 shall be considered and any written rules promulgated by the employer with respect  
9 to seniority or the provisions of any collective bargaining agreement with respect to  
10 seniority shall govern.

11           \*~~-0610/P3.221~~\*SECTION 2928. 102.37 of the statutes is amended to read:

12           **102.37 Employers' records.** Every employer of 3 or more persons and every  
13 employer who is subject to this chapter shall keep a record of all accidents causing  
14 death or disability of any employee while performing services growing out of and  
15 incidental to the employment. ~~This~~ That record shall give the name, address, age,  
16 and wages of the deceased or injured employee, the time and causes of the accident,  
17 the nature and extent of the injury, and any other information the ~~department~~ office  
18 may require by rule or general order. Reports based upon ~~this~~ that record shall be  
19 furnished to the ~~department~~ office at such times and in such manner as the  
20 ~~department~~ office may require by rule or general order, in a format approved by the  
21 ~~department~~ office.

22           \*~~-0610/P3.222~~\*SECTION 2929. 102.38 of the statutes is amended to read:

23           **102.38 Records and reports of payments.** Every insurance company that  
24 transacts the business of compensation insurance, and every employer who is subject  
25 to this chapter, but whose liability is not insured, shall keep a record of all payments

**SECTION 2929**

1 made under this chapter and of the time and manner of making the payments and  
2 shall furnish reports based upon these records and any other information to the  
3 department office as the department office may require by rule or general order, in  
4 a format approved by the department office.

5 **\*-0610/P3.223\*SECTION 2930.** 102.39 of the statutes is amended to read:

6 **102.39 Rules and general orders; application of statutes.** The provisions  
7 of s. 103.005 relating to the adoption, publication, modification, and court review of  
8 rules or general orders of the department ~~shall~~ of workforce development apply to all  
9 rules promulgated or general orders adopted by the office under this chapter in the  
10 same manner as those provisions apply to rules promulgated or general orders  
11 adopted by the department of workforce development.

12 **\*-0610/P3.224\*SECTION 2931.** 102.40 of the statutes is amended to read:

13 **102.40 Reports not evidence in actions.** Reports furnished to the  
14 ~~department pursuant to office under~~ ss. 102.37 and 102.38 ~~shall not be~~ are not  
15 admissible as evidence in any action or proceeding arising out of the death or accident  
16 reported.

17 **\*-0610/P3.225\*SECTION 2932.** 102.42 (1m) of the statutes is amended to read:

18 **102.42 (1m) LIABILITY FOR UNNECESSARY TREATMENT.** If an employee who has  
19 sustained a compensable injury undertakes in good faith invasive treatment that is  
20 generally medically acceptable, but that is unnecessary, the employer shall pay  
21 disability indemnity for all disability incurred as a result of that treatment. An  
22 employer is not liable for disability indemnity for any disability incurred as a result  
23 of any unnecessary treatment undertaken in good faith that is noninvasive or not  
24 medically acceptable. This subsection applies to all findings that an employee has  
25 sustained a compensable injury, whether the finding results from a hearing, the

1 default of a party, or a compromise or stipulation confirmed by the department  
2 division.

3 \*~~0610/P3.226~~**SECTION 2933.** 102.42 (6) of the statutes is amended to read:

4 102.42 (6) TREATMENT REJECTED BY EMPLOYEE. Unless the employee ~~shall have~~  
5 has elected Christian Science treatment in lieu of medical, surgical, dental, or  
6 hospital treatment, no compensation shall be payable for the death or disability of  
7 an employee, if the death ~~be~~ is caused, or insofar as the disability may be aggravated,  
8 caused, or continued, by an unreasonable refusal or neglect to submit to or follow any  
9 competent and reasonable medical, surgical, or dental treatment or, in the case of  
10 tuberculosis, by refusal or neglect to submit to or follow hospital or medical  
11 treatment when found by the ~~department~~ division to be necessary. The right to  
12 compensation accruing during a period of refusal or neglect to submit to or follow  
13 hospital or medical treatment when found by the ~~department~~ division to be  
14 necessary in the case of tuberculosis shall be barred, irrespective of whether  
15 disability was aggravated, caused, or continued ~~thereby~~ by that refusal or neglect.

16 \*~~0610/P3.227~~**SECTION 2934.** 102.42 (8) of the statutes is amended to read:

17 102.42 (8) AWARD TO STATE EMPLOYEE. Whenever the division makes an award  
18 ~~is made by the department in~~ on behalf of a state employee, the ~~department of~~  
19 ~~workforce development~~ division shall file duplicate copies of the award with the  
20 subunit of the the department of administration responsible for risk management.  
21 Upon receipt of the copies of the award, the department of administration shall  
22 promptly issue a voucher in payment of the award from the proper appropriation  
23 under s. 20.865 (1) (fm), (kr), or (ur), and shall transmit one copy of the voucher and  
24 the award to the officer, department, or agency by whom the affected employee is  
25 employed.

## SECTION 2935

1           \*~~0610/P3.228~~\*SECTION 2935. 102.42 (9) (a) of the statutes is amended to read:

2           102.42 (9) (a) One of the primary purposes of this chapter is restoration of an  
3 injured employee to gainful employment. To this end, the department office shall  
4 employ a specialist in physical, medical, and vocational rehabilitation.

5           \*~~0610/P3.229~~\*SECTION 2936. 102.42 (9) (b) of the statutes is amended to read:

6           102.42 (9) (b) ~~Such~~ The specialist employed under par. (a) shall study the  
7 problems of rehabilitation, both physical and vocational and shall refer suitable  
8 cases to the department office for vocational evaluation and training. The specialist  
9 shall investigate and maintain a directory of such rehabilitation facilities, private  
10 and public, as are capable of rendering competent rehabilitation service to seriously  
11 injured employees.

12           \*~~0610/P3.230~~\*SECTION 2937. 102.425 (4m) (a) of the statutes is amended to  
13 read:

14           102.425 (4m) (a) ~~The department office has jurisdiction under this subsection~~  
15 ~~and s. 102.16 (1m) (c) and s. 102.17~~ to resolve a dispute between a pharmacist or  
16 practitioner and an employer or insurer over the reasonableness of the amount  
17 charged for a prescription drug dispensed under sub. (2) for outpatient use by an  
18 injured employee who claims benefits under this chapter.

19           \*~~0610/P3.231~~\*SECTION 2938. 102.425 (4m) (b) of the statutes is amended to  
20 read:

21           102.425 (4m) (b) An employer or insurer that disputes the reasonableness of  
22 the amount charged for a prescription drug dispensed under sub. (2) for outpatient  
23 use by an injured employee or the department division under sub. (4) (b) or s. 102.16  
24 (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a completed  
25 bill for the prescription drug, reasonable written notice to the pharmacist or

1 practitioner that the charge is being disputed. After receiving reasonable written  
2 notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1)  
3 (bg) 1. that a prescription drug charge is being disputed, a pharmacist or practitioner  
4 may not collect the disputed charge from, or bring an action for collection of the  
5 disputed charge against, the employee who received the prescription drug.

6 \*~~0610/P3.232~~SECTION 2939. 102.425 (4m) (c) of the statutes is amended to  
7 read:

8 102.425 (4m) (c) A pharmacist or practitioner that receives notice under par.  
9 (b) that the reasonableness of the amount charged for a prescription drug dispensed  
10 under sub. (2) for outpatient use by an injured employee is in dispute shall file the  
11 dispute with the ~~department~~ office within 6 months after receiving that notice.

12 \*~~0610/P3.233~~SECTION 2940. 102.425 (4m) (d) of the statutes is amended to  
13 read:

14 102.425 (4m) (d) The ~~department~~ office shall deny payment of a prescription  
15 drug charge that the ~~department~~ office determines under this subsection to be  
16 unreasonable. A pharmacist or practitioner and an employer or insurer that are  
17 parties to a dispute under this subsection over the reasonableness of a prescription  
18 drug charge are bound by the ~~department's~~ office's determination under this  
19 subsection on the reasonableness of the disputed charge, unless that determination  
20 is set aside on judicial review as provided in par. (e).

21 \*~~0610/P3.234~~SECTION 2941. 102.425 (4m) (e) of the statutes is amended to  
22 read:

23 102.425 (4m) (e) Within 30 days after a determination under this subsection,  
24 the ~~department~~ office may set aside, reverse, or modify the determination for any  
25 reason that the ~~department~~ office considers sufficient. Within 60 days after a

**SECTION 2941**

1 determination under this subsection, the ~~department~~ office may set aside, reverse,  
2 or modify the determination on grounds of mistake. A pharmacist, practitioner,  
3 employer, or insurer that is aggrieved by a determination of the ~~department~~ office  
4 under this subsection may seek judicial review of that determination in the same  
5 manner that compensation claims are reviewed under s. 102.23.

6 **\*-0610/P3.235\*SECTION 2942.** 102.43 (5) (b) of the statutes is amended to read:

7 102.43 (5) (b) Except as provided in s. 102.61 (1g), temporary disability shall  
8 also include such period as the employee may be receiving instruction under s. 102.61  
9 (1) or (1m). Temporary disability on account of receiving instruction under s. 102.61  
10 (1) or (1m), and not otherwise resulting from the injury, shall not be in excess of 80  
11 weeks. ~~Such~~ That 80-week limitation does not apply to temporary disability benefits  
12 under this section, the cost of tuition, fees, books, travel, or maintenance under s.  
13 102.61 (1), or the cost of private rehabilitation counseling or rehabilitative training  
14 under s. 102.61 (1m) if the ~~department~~ office determines that additional training is  
15 warranted. The necessity for additional training as authorized by the ~~department~~  
16 office for any employee shall be subject to periodic review and reevaluation.

17 **\*-0452/2.2\*SECTION 2943.** 102.44 (1) (ag) of the statutes is amended to read:

18 102.44 (1) (ag) Notwithstanding any other provision of this chapter, every  
19 employee who is receiving compensation under this chapter for permanent total  
20 disability or continuous temporary total disability more than 24 months after the  
21 date of injury resulting from an injury that occurred prior to January 1, 2001, shall  
22 receive supplemental benefits that shall be payable ~~in the first instance~~ by the  
23 employer or, subject to par. (c), the employer's insurance carrier, or in the case of  
24 benefits payable to an employee under s. 102.66, shall be paid by the department out  
25 of the fund created under s. 102.65. Those supplemental benefits shall be paid only

1 for weeks of disability occurring after January 1, 2003, and shall continue during the  
2 period of such total disability subsequent to that date.

3 **\*-0452/2.3\*SECTION 2944.** 102.44 (1) (ag) of the statutes, as affected by 2015  
4 Wisconsin Act .... (this act), is amended to read:

5 102.44 (1) (ag) Notwithstanding any other provision of this chapter, every  
6 employee who is receiving compensation under this chapter for permanent total  
7 disability or continuous temporary total disability more than 24 months after the  
8 date of injury resulting from an injury that occurred prior to January 1, 2001, shall  
9 receive supplemental benefits that shall be payable by the employer or, ~~subject to par-~~  
10 ~~(e),~~ the employer's insurance carrier, or in the case of benefits payable to an employee  
11 under s. 102.66, shall be paid by the ~~department~~ office out of the fund created under  
12 s. 102.65. Those supplemental benefits shall be paid only for weeks of disability  
13 occurring after January 1, 2003, and shall continue during the period of such total  
14 disability subsequent to that date.

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

15 **\*-0452/2.4\*SECTION 2945.** 102.44 (1) (c) of the statutes is renumbered 102.44  
16 (1) (c) 1. and amended to read:

17 102.44 (1) (c) 1. ~~Subject to any certificate filed under s. 102.65 (4), an employer~~  
18 ~~or~~ An insurance carrier paying the supplemental benefits required under this  
19 subsection shall be entitled to reimbursement for each such case from the ~~fund~~  
20 ~~established by s. 102.65~~ worker's compensation operations fund, commencing one  
21 year after the date of the first payment of those benefits and annually thereafter  
22 while those payments continue. To receive reimbursement under this paragraph, an  
23 ~~employer or~~ insurance carrier must file a claim for that reimbursement with the

**SECTION 2945**

1 department by no later than 12 months after the end of the year in which the  
2 supplemental benefits were paid and the claim must be approved by the department.

3 **\*-0610/P3.236\*SECTION 2946.** 102.44 (1) (c) 1. of the statutes, as affected by  
4 2015 Wisconsin Act .... (this act), is amended to read:

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

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

13 **\*-0452/2.5\*SECTION 2947.** 102.44 (1) (c) 2. of the statutes is created to read:

14 102.44 (1) (c) 2. After the expiration of the deadline for filing a claim under  
15 subd. 1., the department shall determine the total amount of all claims filed by that  
16 deadline and shall use that total to determine the amount to be collected under s.  
17 102.75 (1g) from each licensed worker's compensation insurance carrier, deposited  
18 in the worker's compensation operations fund, and used to provide reimbursement  
19 to insurance carriers paying supplemental benefits under this subsection. Subject  
20 to subd. 3., the department shall pay a claim for reimbursement approved by the  
21 department by no later than 16 months after the end of the year in which the claim  
22 was received by the department.

1           \***-0610/P3.237**\*SECTION 2948. 102.44 (1) (c) 2. of the statutes, as created by  
2           2015 Wisconsin Act .... (this act), is amended to read:

3           102.44 (1) (c) 2. After the expiration of the deadline for filing a claim under  
4           subd. 1., the department office shall determine the total amount of all claims filed  
5           by that deadline and shall use that total to determine the amount to be collected  
6           under s. 102.75 (1g) from each licensed worker's compensation insurance carrier,  
7           deposited in the worker's compensation operations fund, and used to provide  
8           reimbursement to insurance carriers paying supplemental benefits under this  
9           subsection. Subject to subd. 3., the department office shall pay a claim for  
10          reimbursement approved by the department office by no later than 16 months after  
11          the end of the year in which the claim was received by the department office.

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

12          \***-0452/2.6**\*SECTION 2949. 102.44 (1) (c) 3. of the statutes is created to read:

13          102.44 (1) (c) 3. The maximum amount that the department may pay under  
14          subd. 2. in a calendar year is \$5,000,000. If the amount determined payable under  
15          subd. 2. in a calendar year is \$5,000,000 or less, the department shall pay that  
16          amount. If the amount determined payable under subd. 2. in a calendar year exceeds  
17          \$5,000,000, the department shall pay \$5,000,000 in the year in which the  
18          determination is made and, subject to the maximum amount payable of \$5,000,000  
19          per calendar year, shall pay the excess in the next calendar year or in subsequent  
20          calendar years until that excess is paid in full. The department shall pay claims for  
21          reimbursement under subd. 2. in the chronological order in which those claims are  
22          received.

**SECTION 2950**

1           \***-0610/P3.238**\***SECTION 2950.** 102.44 (1) (c) 3. of the statutes, as created by  
2 2015 Wisconsin Act .... (this act), is amended to read:

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

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

13           \***-0452/2.7**\***SECTION 2951.** 102.44 (1) (c) 4. of the statutes is created to read:

14           102.44 (1) (c) 4. This paragraph does not apply to supplemental benefits paid  
15 for an injury that occurs on or after January 1, 2016.

16           \***-0610/P3.239**\***SECTION 2952.** 102.44 (2) of the statutes is amended to read:

17           102.44 (2) In case of permanent total disability, aggregate indemnity shall be  
18 weekly indemnity for the period that the employee may live. Total impairment for  
19 industrial use of both eyes, ~~or~~ the loss of both arms at or near the shoulder, ~~or~~ the loss  
20 of both legs at or near the hip, or the loss of one arm at the shoulder and one leg at  
21 the hip, constitutes permanent total disability. This enumeration is not exclusive,  
22 but in other cases the ~~department~~ division shall find the facts.

1           \*~~0610/P3.240~~\*SECTION 2953. 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 2954. 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 2955. 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 ~~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.

## SECTION 2956

1           \*~~0610/P3.243~~\*SECTION 2956. 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 2957. 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 2958. 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 2959. 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 ~~sueh~~ 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 ~~sueh~~ 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 ~~sueh~~ 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 2960. 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 2961. 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

## SECTION 2961

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 2962. 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 2963. 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 2964. 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 2965. 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 2966. 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 2967. 102.55 (3) of the statutes is amended to read:

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

10           \*~~-0610/P3.255~~\***SECTION 2968.** 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 2969.** 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 2970. 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 2971. 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

## SECTION 2971

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 2972. 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 2973. 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 2974. 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 2975. 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.

**SECTION 2976**

1           \***-0610/P3.263**\***SECTION 2976.** 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 2977.** 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 2978.** 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 2979. 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 2980. 102.61 (1m) (c) of the statutes is amended to  
25 read:

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 2981. 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 workforce development  
16 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 2982. 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 workforce development makes its determination under par. (a).

3 \*~~0610/P3.270~~\*SECTION 2983. 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 2984. 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 2985. 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

## SECTION 2985

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 2986. 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 2987. 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 2988.** 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 2989.** 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.

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 2990.** 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 2991.** 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 2992.** 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 2993.** 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 2994.** 102.65 (4) (a) of the statutes is amended to read:

**SECTION 2994**

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 2995.** 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 2996.** 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 2997.** 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 2997

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 2998.** 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 2999.** 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 3000. 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 3001. 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 3002. 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 3002

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 3003. 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 3004. 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 3005.** 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 3006.** 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 3007.** 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 3008.** 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 3009.** 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 3009

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 3010. 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 3011. 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 3012. 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 3013. 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 3014. 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 3015. 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 3016**

1           \***-0610/P3.298**\***SECTION 3016.** 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 3017.** 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 3018.** 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 3019.** 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 subs. 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 3020.** 102.81 (1) (c) 2. of the statutes, as created by  
23 2015 Wisconsin Act .... (this act), is amended to read:

## SECTION 3020

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 3021. 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 3022. 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 3023.** 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 3024.** 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 3025.** 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 3026.** 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 3027.** 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 3027

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 3028.** 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 3029.** 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 3030.** 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 3031.** 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 3032.** 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 3033.** 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 3034.** 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 3035.** 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

## SECTION 3035

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 3036.** 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 3037.** 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 3038.** 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 3039.** 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 3040.** 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

**SECTION 3040**

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

3 **\*-0610/P3.322\*SECTION 3041.** 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 3042.** 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 3043.** 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 3044.** 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 3045. 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 3046. 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 3047. 102.835 (1) (e) of the statutes is amended to  
24   read:

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 3048. 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 3049. 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 3050. 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 3051. 102.835 (4) (b) of the statutes is amended to  
24 read: