

No. 329, S.]

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CHAPTER 225

AN ACT to amend 211.04 (1), 211.05 (1), 211.05 (3), 211.08 and 211.12; to repeal and recreate 211.03 and 211.05 (2); and to create 211.14 (6) of the statutes, relating to registration, annual reports and examination of employe welfare funds and annual reporting by contributing employers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 211.03 of the statutes is repealed and recreated to read:

211.03 REGISTRATION. The trustee of every employe welfare fund which covers any person employed in this state shall register such fund with the commissioner within 3 months after it becomes subject to this chapter. The registration shall be in such form and shall contain such information relating to the organization, operations and affairs of such fund as is prescribed by the commissioner.

SECTION 2. 211.04 (1) of the statutes is amended to read:

211.04 (1) The commissioner may examine into the affairs of any employe welfare fund as often as he deems it necessary, and * * * *to that end he may establish regular programs of examinations of funds at such intervals as he determines.*

SECTION 3. 211.05 (1) of the statutes is amended to read:

211.05 (1) Whenever, pursuant to this chapter, the commissioner * * * *determines* to examine the affairs of any employe welfare fund he shall make an order indicating the scope of the examination and may, without regard to the classified service, appoint as examiners one or more competent persons not employed by the trustees of such fund or interested

in such fund. A copy of such order shall, upon demand and before the examination begins, be exhibited to at least one of the trustees of the * * * fund whose affairs are to be examined. Any examiner authorized by the commissioners shall have convenient access at all reasonable hours to the books, records, files, assets, securities, and other documents of such employe welfare fund including those of any affiliated or subsidiary fund thereof, which are relevant to the examination * * *. *The commissioner and anyone designated by him may administer oaths and * * * examine under oath the trustees of such fund and their officers, agents and employes and any other persons * * * regarding any matter relevant to the examination.*

SECTION 4. 211.05 (2) of the statutes is repealed and recreated to read:

211.05 (2) In conducting an examination of any employe welfare fund, in lieu of the procedures otherwise required by this chapter, the commissioner may utilize any appropriate procedures which will safeguard the best interests of participating employes and will fulfill the policy of this chapter. To this end, he may require the trustees or sponsoring employer to furnish him with a report of examination of such fund by a certified public accountant and reports by fund consultants in such form as he requires.

SECTION 5. 211.05 (3) of the statutes is amended to read:

211.05 (3) In connection with any * * * examination, the commissioner may, without regard to the classified service, appoint one or more competent persons as appraisers with authority to appraise any real property or any interest therein which, as security or otherwise, may constitute a part of the assets of any employe welfare fund. The report of such appraiser shall be a supplement to the report of the examiner or examiners in charge.

SECTION 6. 211.08 of the statutes is amended to read:

211.08 The trustees of every employe welfare fund * * * *which covers more than 25 persons employed in this state* shall file in the office of the commissioner, annually within 5 months after the close of the fiscal year used in maintaining the records of such fund, a statement, to be known as the annual statement of such fund, verified by the oath of its trustee or, if there is more than one trustee, then by the oaths of at least 2 of such trustees, showing its condition and affairs during such fiscal year. Such statement shall be in such form and contain such substantiation by vouchers and otherwise and such other information as the commissioner from time to time prescribes. The commissioner shall cause to be prepared and furnished to the trustees of every employe welfare fund, required by law to report to him, printed forms of the statements and schedules required by him. For good cause, he may grant reasonable extensions of time for filing under this subsection, not to exceed 90 days.

SECTION 7. 211.12 of the statutes is amended to read:

211.12 * * * If the trustees of any * * * employe welfare fund have failed to register the fund in accordance with s. 211.03 or are otherwise failing to comply with any of the provisions of this chapter, the commissioner shall so notify the employer and the employer shall make no further payments to the trustees after receipt of such notification unless and until the employer receives further notification from the commissioner stating that the trustees have complied with * * * this chapter.

SECTION 8. 211.14 (6) of the statutes is created to read:

211.14 (6) If any trustee, agent or employe of an employe welfare fund fails or refuses to register such fund or to file the annual statement or any special statement required under this chapter, within the time prescribed for such filing, after 20 days' notice from the commissioner he shall be subject, at the discretion of the commissioner, to a forfeiture of \$5 per day for each and every day of default, but not to exceed \$500 for any default, and the commissioner may maintain an action in the name of the state to recover such forfeiture, and the same shall be paid into the state treasury. A forfeiture imposed under this section upon any trustee shall not be recovered from the fund.

Approved July 11, 1961.
