

# State of Wisconsin



2013 Assembly Bill 684

Date of enactment: **April 16, 2014**  
Date of publication\*: **April 17, 2014**

## 2013 WISCONSIN ACT 276

AN ACT *to amend* 93.135 (title), 93.135 (4), 108.04 (1) (hm), 108.22 (1) (a), 108.227 (1) (e) 6., 108.227 (1) (e) 12., 108.227 (1) (f), 108.245 (1), 202.02 (4) (c), 202.03, 628.097 (2m), 628.10 (2) (cm) and 628.93 (2) (title); and *to create* 108.227 (1) (e) 6m. of the statutes; **relating to**: various changes in the unemployment insurance law.

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

**SECTION 1.** 93.135 (title) of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

**93.135 (title) License denial, nonrenewal, suspension or restriction based on failure to pay support or taxes, or unemployment insurance contributions.**

**SECTION 2.** 93.135 (4) of the statutes, as created by [2013 Wisconsin Act 20](#), is amended to read:

93.135 (4) The department shall deny an application for the issuance or renewal of certification or registration under s. 168.23 (3), or shall suspend or restrict such a certification or registration, if the department of revenue certifies under s. 73.0301 that the holder of the certification or registration is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the holder of the certification or registration is liable for delinquent unemployment insurance contributions.

**SECTION 3.** 108.04 (1) (hm) of the statutes, as affected by [2013 Wisconsin Act 36](#), is amended to read:

108.04 (1) (hm) The department may require any claimant to appear before it and to answer truthfully, orally or in writing, any questions relating to the claimant's eligibility for benefits or to provide such demo-

graphic information as may be necessary to permit the department to conduct a statistically valid sample audit of compliance with this chapter. A claimant is not eligible to receive benefits for any week in which the claimant fails to comply with a request by the department to provide the information required under this paragraph, or any subsequent week, until the claimant complies ~~or satisfies the department that he or she had good cause for failure to comply with~~ a the request of the department under this paragraph. Except as provided in sub. (2) (e) and (f), if a claimant later complies with a request by the department within the period specified in s. 108.09 (2) (c), the claimant is eligible to receive benefits as of the week in which the failure occurred, if otherwise qualified.

**SECTION 4.** 108.22 (1) (a) of the statutes, as affected by [2013 Wisconsin Act 36](#), is amended to read:

108.22 (1) (a) Except as provided in par. (cm), if any employer, other than an employer which has ceased business and has not paid or incurred a liability to pay wages in any quarter following the cessation of business, is delinquent in making by the assigned due date any payment to the department required of it under this chapter, the employer shall pay interest on the delinquent payment at that monthly rate that annualized is equal to 9 percent or to 2 percent more than the prime rate as published in the Wall Street Journal as of September 30 of the pre-

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

ceding year, whichever is greater, for each month or fraction thereof that the employer is delinquent from the date such payment became due. If any such employer is delinquent in filing any quarterly report under s. 108.205 (1) by the assigned due date, the department may assess a tardy filing fee to the employer for each delinquent quarterly report in the amount of \$100 or \$20 per employee, as reported on the employer's most recent quarterly report, whichever is greater, or, if the report is filed within 30 days of its due date after the date that the department assesses a tardy filing fee, in the amount of \$50. If the department cannot determine the number of the employer's employees from the employer's most recent quarterly report, the department may reasonably estimate the number of the employer's employees for purposes of this paragraph.

**SECTION 5.** 108.227 (1) (e) 6. of the statutes, as created by [2013 Wisconsin Act 36](#), is amended to read:

108.227 (1) (e) 6. A license or certificate of registration issued by the department of financial institutions, or a division of it, under ss. 138.09, 138.12, 138.14, 202.12 to 202.14, 202.22, 217.06, 218.0101 to 218.0163, 218.02, 218.04, 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch. 551.

**SECTION 6.** 108.227 (1) (e) 6m. of the statutes is created to read:

108.227 (1) (e) 6m. A certificate or registration issued under s. 168.23 (3).

**SECTION 7.** 108.227 (1) (e) 12. of the statutes, as created by [2013 Wisconsin Act 36](#), is amended to read:

108.227 (1) (e) 12. A license issued under s. 628.04, 628.92 (1), 632.69 (2), or 633.14, a registration under s. 628.92 (2), or a temporary license issued under s. 628.09.

**SECTION 8.** 108.227 (1) (f) of the statutes, as created by [2013 Wisconsin Act 36](#), is amended to read:

108.227 (1) (f) "Licensing department" means the department of administration; the department of agriculture, trade and consumer protection; the board of commissioners of public lands; the department of children and families; the government accountability board; the department of financial institutions; the department of health services; the department of natural resources; the department of public instruction; the department of revenue; the department of safety and professional services; the office of the commissioner of insurance; or the department of transportation.

**SECTION 9.** 108.245 (1) of the statutes, as created by [2013 Wisconsin Act 36](#), is amended to read:

108.245 (1) The Except as provided in sub. (2m), the department may commence an action to preserve and recover the proceeds of any payment from the fund not resulting from a departmental error, including any payment to which the recipient is not entitled, from any transferee or other person that receives, possesses, or retains such a payment or from any account, including an account at any financial institution, resulting from the

transfer, use, or disbursement of such a payment. The department may also commence an action to recover from a claimant the amount of any benefits that were erroneously paid to another person who was not entitled to receive the benefits because the claimant or the claimant's authorized agent divulged the claimant's security credentials to another person or failed to take adequate measures to protect the credentials from being divulged to an unauthorized person.

**SECTION 10.** 202.02 (4) (c) of the statutes, as created by [2013 Wisconsin Act 20](#), is amended to read:

202.02 (4) (c) The department may not disclose a social security number obtained under par. (a) to any person except the department of children and families to administer s. 49.22 ~~and~~, the department of revenue to request certifications under s. 73.0301 and administer state taxes, and the department of workforce development to request certifications under s. 108.227.

**SECTION 11.** 202.03 of the statutes, as created by [2013 Wisconsin Act 20](#), is amended to read:

**202.03 Registration denial, nonrenewal, or revocation based on tax delinquency delinquent taxes or unemployment insurance contributions.** Notwithstanding ss. 202.12 to 202.14 and 202.22, the department shall deny an application for an initial registration or for registration renewal, or revoke a registration, if the department of revenue certifies under s. 73.0301 that the applicant or registrant is liable for delinquent taxes, ~~as defined in s. 73.0301 (1) (e) or~~ if the department of workforce development certifies under s. 108.227 that the applicant or registrant is liable for delinquent unemployment insurance contributions.

**SECTION 12.** 628.097 (2m) of the statutes, as affected by [2013 Wisconsin Acts 20](#) and [36](#), is amended to read:

628.097 (2m) FOR LIABILITY FOR DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS. The commissioner shall refuse to issue a license, including a temporary license, under this subchapter or subch. V, or to register a navigator entity under subch. V, if the department of revenue certifies under s. 73.0301 that the applicant for the license or registration is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the applicant for the license or registration is liable for delinquent unemployment insurance contributions.

**SECTION 13.** 628.10 (2) (cm) of the statutes, as affected by [2013 Wisconsin Acts 20](#) and [36](#), is amended to read:

628.10 (2) (cm) *For liability for delinquent taxes or unemployment insurance contributions.* The commissioner shall revoke the license of an intermediary or individual navigator, including a temporary license under s. 628.09, if the department of revenue certifies under s. 73.0301 that the intermediary or navigator is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the intermediary or

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navigator is liable for delinquent unemployment insurance contributions. An intermediary who is a natural person, or an individual navigator, whose license is revoked under this paragraph may have his or her license reinstated, or may be relicensed, as provided in sub. (5).

**SECTION 14.** 628.93 (2) (title) of the statutes, as created by [2013 Wisconsin Act 20](#), is amended to read:

628.93 (2) (title) REFUSAL TO ISSUE LICENSE; FAILURE TO PAY SUPPORT OR TO COMPLY WITH SUBPOENA OR WARRANT; ~~TAX DELINQUENCY DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS.~~

**SECTION 15. Initial applicability.**

(1) The treatment of sections 93.135 (title) and (4), 108.227 (1) (e) 6., 6m., and 12. and (f), 202.02 (4) (c), 202.03, 628.097 (2m), 628.10 (2) (cm), and 628.93 (2)

(title) of the statutes first applies to contributions, as defined in section 108.227 (1) (a) of the statutes, that are delinquent on the effective date of this subsection.

(2) The treatment of section 108.04 (1) (hm) of the statutes first applies with respect to determinations issued under section 108.09 of the statutes on the effective date of this subsection.

(3) The treatment of section 108.22 (1) (a) of the statutes first applies with respect to quarterly wage reports required to be filed for wages earned on the effective date of this subsection.

**SECTION 16. Effective date.**

(1) This act takes effect on the first Sunday after publication.

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