

guardian or trustee shall fail to file his account as required by law or ordered by the court, the court may, upon its own motion or upon the petition of any party interested, issue a citation directed to the sheriff ordering and directing the executor, administrator, guardian or trustee to show cause before the court why he should not immediately make and file his reports or accounts. Should any executor, administrator, guardian or trustee fail, neglect, or refuse to make and file any report or account after having been cited by the court so to do, or if he fails to appear in court as directed by a citation issued under direction and by authority of the court, the court may, upon its own motion or upon the petition of any interested party, issue a warrant directed to the sheriff ordering that the executor, administrator, guardian or trustee be brought before the court to show cause why he should not be punished for contempt for such failure, refusal, or neglect. If the court finds that such failure, refusal or neglect is wilful or inexcusable, the executor, administrator, guardian or trustee may be punished for contempt by a fine not to exceed \$50 or by imprisonment not to exceed 10 days, or both.

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CHAPTER 537.

AN ACT to amend 20.07 (3), 56.21 (2), 102.01 (2), 102.11 (1) (f), 102.42 (1), 102.47 (2), 102.50, 102.58 and 102.60 (1), (2) and (5); and to create 102.03 (1) (f), 102.07 (9), 102.45 and 102.51 (7) of the statutes, relating to workmen's compensation.

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

SECTION 1. 20.07 (3) of the statutes is amended to read:

20.07 (3) COMPENSATION CLAIMS * * * AGAINST THE STATE. Annually, * * * such sums as may be necessary, for * * * payments as provided in chapter 102, and * * * under section 56.21, except * * * that payments of \$200 or less in each case, * * * and all increased compensation payable under * * * sections 102.57 and 102.60 shall be paid from the appropriation covering the salary or maintenance of the person injured, provided such appropriation has not been

exhausted; otherwise * * * *payments* shall be * * * *made* from the general fund.

SECTION 2. 56.21 (2) of the statutes is amended to read:

56.21 (2) In the case of penal institutions where injury results from employment in a prison industry, such payment shall be made from the revolving appropriation for the operation of such industry. *If there is no revolving appropriation, or if it has been exhausted, payment shall be made from the general fund.*

SECTION 3. 102.01 (2) of the statutes is amended to read:

102.01 (2) "Act" as used in this chapter means "chapter"; "compensation" means workmen's compensation; "*primary compensation and death benefit*" mean *compensation or indemnity for disability, or death benefit, other than increased, double, or treble compensation or death benefit*; "injury" is mental or physical harm to an employe caused by accident or disease, and also damage to or destruction of artificial members, dental appliances and teeth; and "municipality" includes county, city, town, village, school district, sewer district, drainage district and other public or quasi public corporations; and "commission" means the industrial commission of Wisconsin. "Time of injury," "occurrence of injury," "date of injury" is the date of the accident which caused the injury or in the case of disease, the last day of work for the last employer whose employment caused disability.

SECTION 4. 102.03 (1) (f) of the statutes is created to read:

102.03 (1) (f) Every employe whose employment requires him to travel shall be deemed to be performing service growing out of and incidental to his employment at all times while on a trip, and any injury occurring during such employment shall be deemed to arise out of his employment except when engaged in a deviation for a private or personal purpose. Acts reasonably necessary for living shall not be regarded as such deviation.

SECTION 5. 102.07 (9) of the statutes is created to read:

102.07 (9) Members of the national and state guards, when in state service.

SECTION 6. 102.11 (1) (f) of the statutes is amended to read:

102.11 (1) (f) Average weekly earnings shall in no case be less than 30 times the normal hourly earnings, at the time of injury, *provided that for injury occurring before September 1, 1947, they shall not be less than 40 times such earnings.*

SECTION 7. 102.42 (1) of the statutes is amended to read:

102.42 (1) The employer shall supply such medical, surgical and hospital treatment, medicines, medical and surgical supplies, crutches, artificial members and appliances, or, at the option of the employe, if the employer has not filed notice as hereinafter provided, Christian Science treatment in lieu of medical treatment, medicines and medical supplies, as may be reasonably required to cure and relieve from the effects of the injury, and in case of his neglect or refusal seasonably to do so, *or in emergency until it is practicable for the employe to give notice of injury*, the employer shall be liable for the reasonable expense incurred by or on behalf of the employe in providing the same. The employer shall also be liable for reasonable expense incurred by the employe for necessary treatment to cure and relieve him from the effects of occupational disease prior to the time that the employe knew or should have known the nature of his disability and its relation to employment, and as to such treatment the provisions of section 102.42 (2) and (3) shall not apply.

SECTION 8. 102.45 of the statutes is created to read:

102.45 BENEFITS PAYABLE TO MINORS; HOW PAID. Compensation and death benefit payable to an employe or dependent who was a minor when his right began to accrue, may, in the discretion of the commission, be ordered paid to a bank, trust company, trustee, parent, or guardian, for the use of such employe or dependent as may be found best calculated to conserve his interests. Such employe or dependent shall be entitled to receive payments, in the aggregate, at a rate not less than that applicable to payments of primary compensation for total disability or death benefit as accruing from his twenty-first birthday.

SECTION 9. 102.47 (2) of the statutes is amended to read:

102.47 (2) Where the injury proximately causes permanent partial disability, the unaccrued compensation shall first be applied toward funeral expenses, not to exceed * * * \$300, any remaining sum to be paid to dependents, as provided in this section and sections 102.46 and 102.48 and there shall be no liability for any other payments. All computations under this subsection shall take into consideration the present value of future payments.

SECTION 10. 102.50 of the statutes is amended to read:

102.50 In all cases where death of an employe proximately

results from the injury the employer or insurer shall pay the reasonable expense for burial not exceeding * * * \$300.

SECTION 11. 102.51 (7) of the statutes is created to read:

102.51 (7) CERTAIN DEFENSE BARRED. In proceedings for the collection of primary death benefit or burial expense it shall not be a defense that the applicant, either individually or as a partner, was an employer of the deceased.

SECTION 12. 102.58 of the statutes is amended to read:

102.58 Where injury is caused by the failure of the employe to use safety devices where provided and adequately maintained, *and their use is reasonably enforced*, by the employer, or where injury results from the employe's wilful failure to obey any reasonable rule adopted by the employer for the safety of the employe and of which the employe had notice, or where injury results from the intoxication of the employe, the compensation, and death benefit provided herein shall be reduced 15 per cent.

SECTION 13. 102.60 (1), (2) and (5) of the statutes are amended to read:

102.60 (1) Double the amount otherwise recoverable, if the injured employe is a minor of permit age, and at the time of the injury is employed, required, suffered or permitted to work without a written permit issued pursuant to * * * *chapter 103*, except as provided in subsection (2).

(2) Treble the amount otherwise recoverable, if the injured employe is a minor of permit age, and at the time of the injury is employed, required, suffered, or permitted to work without a permit in any place of employment or at any employment in or for which the commission acting under authority of * * * *chapter 103*, has adopted a written resolution providing that permits shall not be issued.

(5) A permit unlawfully issued by an officer specified in * * * *chapter 103*, or unlawfully altered after issuance, without fraud on the part of the employer, shall be deemed a permit within the provisions of this section.

Approved August 17, 1945.