

1 judicial review, the commission shall remand any compromise presented to it to the
2 ~~department~~ division for consideration and approval or rejection pursuant to under
3 s. 102.16 (1). Presentation of a compromise does not affect the period in which to
4 commence an action for judicial review.

5 **SECTION 130.** 102.18 (5) of the statutes is amended to read:

6 102.18 (5) If it shall ~~appear to the department~~ appears to the division that a
7 mistake may have been made as to cause of injury in the findings, order, or award
8 upon an alleged injury based on accident, when in fact the employee was suffering
9 from an occupational disease, within 3 years after the date of the findings, order, or
10 award the ~~department~~ division may, upon its own motion, with or without hearing,
11 ~~within 3 years from the date of such findings, order or award,~~ set aside such the
12 findings, order or award, or the ~~department~~ division may take such that action upon
13 application made within such those 3 years. ~~Thereafter, and after~~ After an
14 opportunity for hearing, the ~~department~~ division may, if in fact the employee is
15 suffering from disease arising out of the employment, make new findings, and a new
16 order or award, or ~~it the division~~ may reinstate the previous findings, order, or award.

17 **SECTION 131.** 102.18 (6) of the statutes is amended to read:

18 102.18 (6) In case of disease arising out of the employment, the ~~department~~
19 division may from time to time review its findings, order, or award, and make new
20 findings, or a new order or award, based on the facts regarding disability or otherwise
21 as ~~they~~ those facts may ~~then~~ appear at the time of the review. This subsection shall
22 not affect the application of the limitation in s. 102.17 (4).

23 **SECTION 132.** 102.19 of the statutes is amended to read:

24 **102.19 Alien dependents; payments through consular officers.** ~~In case~~
25 If a deceased employee, for whose injury or death compensation is payable, leaves

1 surviving alien dependents residing outside of the United States, the duly accredited
2 consular officer of the country of which ~~such~~ those dependents are citizens or ~~such~~
3 that officer's designated representative residing within the state shall, except as
4 otherwise determined by the department office, be the sole representative of the
5 deceased employee and dependents in all matters pertaining to their claims for
6 compensation. The receipt ~~by such officer or agent~~ of compensation funds and the
7 distribution ~~thereof~~ of those funds by a consular officer or representative shall be
8 made only upon order of the department office, and payment to ~~such~~ the officer or
9 agent ~~pursuant to any such representative under that~~ order shall be a full discharge
10 of the benefits or compensation. ~~Such~~ due the deceased employee and his or her
11 dependents. If required by the office, a consular officer or ~~such~~ officer's
12 representative shall furnish, ~~if required by the department,~~ a bond to be approved
13 by ~~it~~ the office, conditioned upon the proper application of all moneys received by
14 ~~such person~~ the consular officer or representative. Before ~~such~~ that bond is
15 discharged, ~~such~~ the consular officer or representative shall file with the department
16 ~~a~~ office an itemized and verified account ~~of the items~~ of his or her receipts and
17 ~~disbursements~~ receipt and disbursement of ~~such~~ that compensation. ~~Such~~ The
18 consular officer or representative shall make interim reports to the department office
19 as ~~it~~ the office may require.

20 SECTION 133. 102.195 of the statutes is amended to read:

21 **102.195 Employees confined in institutions; payment of benefits.** ~~In~~
22 ~~case~~ If an employee is adjudged insane mentally ill or incompetent, or convicted of
23 a felony, and is confined in a public institution and has wholly dependent upon the
24 employee for support a person, whose dependency is determined as if the employee
25 were deceased, compensation payable during the period of the employee's

1 confinement may be paid to the employee and the employee's dependents, in such
2 manner, for such time, and in such amount as the department office by order
3 provides.

4 **SECTION 134.** 102.21 of the statutes is amended to read:

5 **102.21 Payment of awards by municipalities.** Whenever an award is made
6 ~~by the department~~ under this chapter or s. 66.191, 1981 stats., against any
7 municipality, the person in whose favor ~~it~~ the award is made shall file a certified copy
8 ~~thereof~~ of the award with the municipal clerk. ~~Within 20 days thereafter, unless~~
9 Unless an appeal is taken, ~~such~~ within 20 days after that filing, the municipal clerk
10 shall draw an order on the municipal treasurer for the payment of the award. If upon
11 appeal ~~such~~ the award is affirmed in whole or in part ~~the~~, the municipal clerk shall
12 draw an order for payment shall be drawn of the award within 10 days after a
13 certified copy of ~~such~~ the judgment affirming the award is filed with ~~the proper~~ that
14 clerk. If the award or judgment provides for more than one payment ~~is provided for~~
15 ~~in the award or judgment, orders shall be drawn,~~ the municipal clerk shall draw
16 orders for payment as the payments become due. No statute relating to the filing of
17 claims against, ~~and~~ or the auditing, allowing, and payment of claims by
18 ~~municipalities shall apply,~~ a municipality applies to the payment of an award or
19 judgment under this section.

20 **SECTION 135.** 102.22 (1) of the statutes is amended to read:

21 102.22 (1) If the employer or his or her insurer inexcusably delays in making
22 the first payment that is due an injured employee for more than 30 days after the ~~day~~
23 date on which the employee leaves work as a result of an injury and if the amount
24 due is \$500 or more, the payments as to which the delay is found shall be increased
25 by ~~10%~~ 10 percent. If the employer or his or her insurer inexcusably delays in making

1 the first payment that is due an injured employee for more than 14 days after the day
2 date on which the employee leaves work as a result of an injury, the payments as to
3 which the delay is found may be increased by ~~10%~~ 10 percent. If the employer or his
4 or her insurer inexcusably delays for any length of time in making any other payment
5 that is due an injured employee, the payments as to which the delay is found may
6 be increased by ~~10%~~. ~~Where 10 percent.~~ If the delay is chargeable to the employer
7 and not to the insurer, s. 102.62 shall apply applies and the relative liability of the
8 parties shall be fixed and discharged as ~~therein~~ provided in that section. The
9 department division may also order the employer or insurance carrier to reimburse
10 the employee for any finance charges, collection charges, or interest ~~which that~~ the
11 employee paid as a result of the inexcusable delay by the employer or insurance
12 carrier.

13 **SECTION 136.** 102.22 (2) of the statutes is amended to read:

14 102.22 (2) ~~If the sum ordered by the department~~ any sum that the division
15 orders to be paid is not paid when due, that sum shall bear interest at the rate of ~~10%~~
16 10 percent per year. The state is liable for ~~such~~ interest on awards issued against
17 it under this chapter. ~~The department~~ division has jurisdiction to issue an award for
18 payment of ~~such~~ interest under this subsection at any time within one year ~~of~~ after
19 the date of its order; ~~or upon appeal, if the order is appealed, within one year~~ after
20 final court determination. ~~Such interest~~ Interest awarded under this subsection
21 becomes due from the date the examiner's order becomes final or from the date of a
22 decision by the ~~labor and industry review~~ commission, whichever is later.

23 **SECTION 137.** 102.23 (1) (a) of the statutes is amended to read:

24 102.23 (1) (a) The findings of fact made by the commission acting within its
25 powers shall, in the absence of fraud, be conclusive. The order or award granting or

1 denying compensation, either interlocutory or final, whether judgment has been
2 rendered on it the order or award or not, is subject to review only as provided in this
3 section and not under ch. 227 or s. 801.02. Within 30 days after the date of an order
4 or award made by the commission either originally or after the filing of a petition for
5 review with the ~~department~~ division under s. 102.18 any party aggrieved ~~thereby~~ by
6 the order or award may by serving a complaint as provided in par. (b) and filing the
7 summons and complaint with the clerk of the circuit court commence, in circuit court,
8 an action against the commission for the review of the order or award, in which action
9 the adverse party shall also be made a defendant. If the circuit court is satisfied that
10 a party in interest has been prejudiced because of an exceptional delay in the receipt
11 of a copy of any finding or order, ~~it~~ the circuit court may extend the time in which an
12 action may be commenced by an additional 30 days. The proceedings shall be in the
13 circuit court of the county where the plaintiff resides, except that if the plaintiff is
14 a state agency, the proceedings shall be in the circuit court of the county where the
15 defendant resides. The proceedings may be brought in any circuit court if all parties
16 stipulate and that court agrees.

17 **SECTION 138.** 102.23 (1) (b) of the statutes is amended to read:

18 102.23 (1) (b) ~~In such~~ an action for review of an order or award a complaint shall
19 be served with an authenticated copy of the summons. The complaint need not be
20 verified, but shall state the grounds upon which a review is sought. Service upon a
21 ~~commissioner or~~ member of the commission or an agent authorized by the
22 commission to accept service constitutes complete service on all parties, but there
23 shall be left with the person so served as many copies of the summons and complaint
24 as there are defendants, and the commission shall electronically deliver or mail one
25 copy to each other defendant.

1 **SECTION 139.** 102.23 (2) of the statutes is amended to read:

2 102.23 (2) Upon the trial of ~~any such~~ an action for review of an order or award
3 the court shall disregard any irregularity or error of the commission or the
4 ~~department~~ division unless it is made to affirmatively appear that the plaintiff was
5 damaged ~~thereby~~ by that irregularity or error.

6 **SECTION 140.** 102.23 (3) of the statutes is amended to read:

7 102.23 (3) The record in any case shall be transmitted to the ~~department~~
8 division within 5 days after expiration of the time for appeal from the order or
9 judgment of the court, unless an appeal ~~shall be~~ is taken from ~~such~~ that order or
10 judgment.

11 **SECTION 141.** 102.23 (5) of the statutes is amended to read:

12 102.23 (5) When an action for review involves only the question of liability as
13 between the employer and one or more insurance companies or as between several
14 insurance companies, a party that has been ordered by the ~~department~~ division, the
15 commission, or a court to pay compensation is not relieved from paying compensation
16 as ordered.

17 **SECTION 142.** 102.24 (2) of the statutes is amended to read:

18 102.24 (2) After the commencement of an action to review any order or award
19 of the commission, the parties may have the record remanded by the court for such
20 time and under such condition as ~~they~~ the parties may provide, for the purpose of
21 having the ~~department~~ division act upon the question of approving or disapproving
22 any settlement or compromise that the parties may desire to have so approved. If
23 approved, the action shall be at an end and judgment may be entered upon the
24 approval as upon an award. If not approved, the division shall immediately return

1 the record ~~shall forthwith be returned~~ to the circuit court and the action shall proceed
2 as if no remand had been made.

3 **SECTION 143.** 102.25 (1) of the statutes is amended to read:

4 102.25 (1) Any party aggrieved by a judgment entered upon the review of any
5 order or award may appeal ~~therefrom~~ the judgment within the time period specified
6 in s. 808.04 (1). A trial court ~~shall~~ may not require the commission or any party to
7 the action to execute, serve, or file an undertaking under s. 808.07 or to serve, or
8 secure approval of, a transcript of the notes of the stenographic reporter or the tape
9 of the recording machine. The state is a party aggrieved under this subsection if a
10 judgment is entered upon the review confirming any order or award against ~~it~~ the
11 state. At any time before the case is set down for hearing in the court of appeals or
12 the supreme court, the parties may have the record remanded by the court to the
13 ~~department~~ division in the same manner and for the same purposes as provided for
14 remanding from the circuit court to the ~~department~~ division under s. 102.24 (2).

15 **SECTION 144.** 102.26 (2) of the statutes is amended to read:

16 102.26 (2) Unless previously authorized by the ~~department~~ division, no fee may
17 be charged or received for the enforcement or collection of any claim for
18 compensation, nor may any contract for that enforcement or collection be enforceable
19 when that fee, inclusive of all taxable attorney fees paid or agreed to be paid for that
20 enforcement or collection, exceeds 20 percent of the amount at which ~~that~~ the claim
21 is compromised or of the amount awarded, adjudged, or collected, except that in cases
22 of admitted liability in which there is no dispute as to the amount of compensation
23 due and in which no hearing or appeal is necessary, the fee charged may not exceed
24 10 percent, but not to exceed \$250, of the amount at which ~~that~~ the claim is
25 compromised or of the amount awarded, adjudged, or collected. The limitation as to

1 fees shall apply to the combined charges of attorneys, solicitors, representatives, and
2 adjusters who knowingly combine their efforts toward the enforcement or collection
3 of any compensation claim.

4 **SECTION 145.** 102.26 (3) (b) 1. of the statutes is amended to read:

5 102.26 (3) (b) 1. ~~The department may~~ Subject to sub. (2), upon application of
6 any interested party ~~and subject to sub. (2), the division may~~ fix the fee of the
7 claimant's attorney or representative and provide in the award for that fee to be paid
8 directly to the attorney or representative.

9 **SECTION 146.** 102.26 (3) (b) 3. of the statutes is amended to read:

10 102.26 (3) (b) 3. The claimant may request the insurer or self-insured employer
11 to pay any compensation that is due the claimant by depositing the payment directly
12 into an account maintained by the claimant at a financial institution. If the insurer
13 or self-insured employer agrees to the request, the insurer or self-insured employer
14 may deposit the payment by direct deposit, electronic funds transfer, or any other
15 money transfer technique approved by the ~~department~~ division. The claimant may
16 revoke a request under this subdivision at any time by providing appropriate written
17 notice to the insurer or self-insured employer.

18 **SECTION 147.** 102.26 (4) of the statutes is amended to read:

19 102.26 (4) ~~The charging or receiving of~~ Any attorney or other person who
20 charges or receives any fee in violation of this section ~~shall be unlawful, and the~~
21 ~~attorney or other person guilty thereof shall~~ may be required to forfeit double the
22 amount retained by the attorney or other person, ~~the same to~~ which forfeiture shall
23 be collected by the state in an action in debt, upon complaint of the department
24 division. Out of the sum recovered the court shall direct payment to the injured party
25 of the amount of the overcharge.

1 **SECTION 148.** 102.27 (2) (b) of the statutes is amended to read:

2 102.27 (2) (b) If a governmental unit provides public assistance under ch. 49
3 to pay medical costs or living expenses related to a claim under this chapter and if
4 the governmental unit has given the parties to the claim written notice stating that
5 the governmental unit provided the assistance and the cost of that assistance, the
6 employer or insurance carrier owing compensation shall reimburse that
7 governmental unit ~~any compensation awarded or paid if the governmental unit has~~
8 ~~given the parties to the claim written notice stating that it provided the assistance~~
9 ~~and the cost of the assistance provided. Reimbursement shall equal the lesser of~~
10 ~~either~~ for the amount of assistance the governmental unit provided or two-thirds of
11 the amount of the award or payment remaining after deduction of attorney fees and
12 any other fees or costs chargeable under ch. 102, whichever is less. The department
13 office shall comply with this paragraph when making payments under s. 102.81.

14 **SECTION 149.** 102.28 (2) (a) of the statutes is amended to read:

15 102.28 (2) (a) *Duty to insure payment for compensation.* Unless exempted by
16 the department office under par. (b) or sub. (3), every employer, as described in s.
17 102.04 (1), shall insure payment for ~~that~~ compensation in an insurer authorized to
18 do business in this state. A joint venture may elect to be an employer under this
19 chapter and obtain insurance for payment of compensation. If a joint venture that
20 is subject to this chapter only because the joint venture elected to be an employer
21 under this chapter is dissolved and cancels or terminates its contract for the
22 insurance of compensation under this chapter, that joint venture is ~~deemed~~
23 considered to have effected withdrawal, which shall be effective on the day after the
24 contract is canceled or terminated.

25 **SECTION 150.** 102.28 (2) (b) of the statutes is amended to read:

1 102.28 (2) (b) *Exemption from duty to insure.* The ~~department~~ office may grant
2 a written order of exemption to an employer who shows its financial ability to pay
3 the amount of compensation, agrees to report faithfully all compensable injuries, and
4 agrees to comply with this chapter and the rules of the ~~department~~ office. The
5 ~~department~~ office may condition the granting of an exemption upon the employer's
6 furnishing of satisfactory security to guarantee payment of all claims ~~under~~ for
7 compensation. The ~~department~~ office may require that bonds or other personal
8 guarantees be enforceable against sureties in the same manner as an award may be
9 enforced. The ~~department~~ office may from time to time require proof of financial
10 ability of the employer to pay compensation. Any exemption shall be void if the
11 application for it contains a financial statement ~~which~~ that is false in any material
12 respect. An employer who files an application containing a false financial statement
13 remains subject to par. (a). The ~~department~~ office may promulgate rules establishing
14 an amount to be charged to an initial applicant for exemption under this paragraph
15 and an annual amount to be charged to employers that have been exempted under
16 this paragraph.

17 **SECTION 151.** 102.28 (2) (c) of the statutes is amended to read:

18 102.28 (2) (c) *Revocation of exemption.* ~~The department, after~~ After seeking the
19 advice of the self-insurers council, the office may revoke an exemption granted to an
20 employer under par. (b), upon giving the employer 10 days' written notice, if the
21 ~~department~~ office finds that the employer's financial condition is inadequate to pay
22 its employees' claims for compensation, that the employer has received an excessive
23 number of claims for compensation, or that the employer has failed to discharge
24 faithfully its obligations according to the agreement contained in the application for
25 exemption. ~~The employer may, within~~ Within 10 days after receipt of the notice of

1 revocation, the employer may request in writing a review of the revocation by the
2 secretary commissioner or the ~~secretary's~~ commissioner's designee and the ~~secretary~~
3 commissioner or the ~~secretary's~~ designee shall review the revocation within 30 days
4 after receipt of the request for review. If the employer is aggrieved by the
5 determination of the ~~secretary~~ commissioner or the ~~secretary's~~ commissioner's
6 designee, the employer may, within 10 days after receipt of notice of that
7 determination, request a hearing under s. 102.17. If the ~~secretary~~ commissioner or
8 the ~~secretary's~~ commissioner's designee determines that the employer's exemption
9 should be revoked, the employer shall obtain insurance coverage as required under
10 par. (a) immediately upon receipt of notice of that determination and,
11 notwithstanding the pendency of proceedings under ss. 102.17 to 102.25, shall keep
12 that coverage in force until another exemption under par. (b) is granted.

13 **SECTION 152.** 102.28 (2) (d) of the statutes is amended to read:

14 102.28 (2) (d) *Effect of insuring with unauthorized insurer.* An employer who
15 ~~procures~~ after procuring an exemption under par. (b) ~~and thereafter~~ enters into any
16 agreement for excess insurance coverage with an insurer not authorized to do
17 business in this state shall report that agreement to the ~~department~~ office
18 immediately. The placing of such ~~that~~ coverage shall not by itself be grounds for
19 revocation of the exemption.

20 **SECTION 153.** 102.28 (3) (a) (intro.) of the statutes is amended to read:

21 102.28 (3) (a) (intro.) An employer may file with the ~~department~~ office an
22 application for exemption from the duty to pay compensation under this chapter with
23 respect to any employee who signs the waiver described in subd. 1. and the affidavit
24 described in subd. 2. if an authorized representative of the religious sect to which the
25 employee belongs signs the affidavit specified in subd. 3. and the agreement

1 described in subd. 4. An application for exemption under this paragraph shall
2 include all of the following:

3 **SECTION 154.** 102.28 (3) (b) (intro.) of the statutes is amended to read:

4 102.28 (3) (b) (intro.) The ~~department~~ office shall approve an application under
5 par. (a) if the ~~department~~ office determines that all of the following conditions are
6 satisfied:

7 **SECTION 155.** 102.28 (3) (b) 3. of the statutes is amended to read:

8 102.28 (3) (b) 3. The religious sect to which the employee belongs has a
9 long-established history of providing its members who become dependent on the
10 religious sect as a result of work-related injuries, and the dependents of those
11 members, with a standard of living and medical treatment that are reasonable when
12 compared to the general standard of living and medical treatment for members of the
13 religious sect. In determining whether the religious sect has a long-standing history
14 of providing the financial and medical assistance described in this subdivision, the
15 ~~department~~ office shall presume that a 25-year history of providing that financial
16 and medical assistance is long-standing for purposes of this subdivision.

17 **SECTION 156.** 102.28 (3) (c) of the statutes is amended to read:

18 102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an
19 affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the
20 employer would be liable for under s. 102.03, who at the time of the injury was a
21 member of a religious sect whose authorized representative has filed an affidavit
22 under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury
23 becomes dependent on the religious sect for financial and medical assistance, or the
24 employee's dependent, may request a hearing under s. 102.17 (1) to determine if the
25 religious sect has provided the employee and his or her dependents with a standard

1 of living and medical treatment that are reasonable when compared to the general
2 standard of living and medical treatment for members of the religious sect. If, after
3 hearing, the ~~department~~ division determines that the religious sect has not provided
4 that standard of living or medical treatment, or both, the ~~department~~ division may
5 order the religious sect to provide alternative benefits to that employee or his or her
6 dependent, or both, in an amount that is reasonable under the circumstances, but
7 not in excess of the benefits that the employee or dependent could have received
8 under this chapter but for the waiver under par. (a) 1.

9 **SECTION 157.** 102.28 (3) (d) of the statutes is amended to read:

10 102.28 (3) (d) The ~~department~~ office shall provide a form for the application for
11 exemption of an employer under par. (a) (intro.), the waiver and affidavit of an
12 employee under par. (a) 1. and 2., the affidavit of a religious sect under par. (a) 3., and
13 the agreement of a religious sect under par. (a) 4. A properly completed form is prima
14 facie evidence of satisfaction of the conditions under par. (b) as to the matter
15 contained in the form.

16 **SECTION 158.** 102.28 (4) (a) of the statutes is amended to read:

17 102.28 (4) (a) When the ~~department~~ office discovers an uninsured employer,
18 the ~~department~~ office may order the employer to cease operations until the employer
19 complies with sub. (2).

20 **SECTION 159.** 102.28 (4) (b) of the statutes is amended to read:

21 102.28 (4) (b) If the ~~department~~ office believes that an employer may be an
22 uninsured employer, the ~~department~~ office shall notify the employer of the alleged
23 violation of sub. (2) and the possibility of closure under this subsection. The employer
24 may request and shall receive a hearing under s. 102.17 on the matter if the employer
25 applies for a hearing within 10 days after the notice of the alleged violation is served.

1 **SECTION 160.** 102.28 (4) (c) of the statutes is amended to read:

2 102.28 (4) (c) After a hearing under par. (b), or without a hearing if one is not
3 requested, the department division may issue an order to an employer to cease
4 operations on a finding that the employer is an uninsured employer. If no hearing
5 is requested, the office may issue such an order.

6 **SECTION 161.** 102.28 (4) (d) of the statutes is amended to read:

7 102.28 (4) (d) The department of justice may bring an action in any court of
8 competent jurisdiction for an injunction or other remedy to enforce ~~the department's~~
9 an order to cease operations under par. (c).

10 **SECTION 162.** 102.28 (6) of the statutes is amended to read:

11 102.28 (6) **REPORTS BY EMPLOYER.** ~~Every employer shall upon~~ Upon request of
12 the department office, an employer shall report to ~~it~~ the office the number of
13 employees and employed by the employer, the nature of their work and ~~also,~~ the
14 name of the insurance company with whom which the employer has insured its
15 liability under this chapter, and the policy number and date of expiration of ~~such~~ the
16 policy insuring that liability. Failure to furnish ~~such a report requested under this~~
17 subsection within 10 days ~~from the making of a request after the request is sent to~~
18 the employer by certified mail ~~shall constitute~~ constitutes presumptive evidence that
19 the delinquent employer is ~~violating~~ in violation of sub. (2).

20 **SECTION 163.** 102.28 (7) (a) of the statutes is amended to read:

21 102.28 (7) (a) If an employer who is currently or was formerly exempted by
22 ~~written order of the department~~ under sub. (2) is unable to pay an award, judgment
23 is rendered in accordance with s. 102.20 against that employer, and execution is
24 levied and returned unsatisfied in whole or in part, payments for the employer's
25 liability shall be made from the fund established under sub. (8). If a currently or

1 formerly exempted employer files for bankruptcy and if not less than 60 days after
2 that filing the ~~department~~ office has reason to believe that compensation payments
3 due are not being paid, the ~~department~~ office in its discretion may make payment for
4 the employer's liability from the fund established under sub. (8). The secretary of
5 administration shall proceed to recover ~~such~~ those payments from the employer or
6 the employer's receiver or trustee in bankruptcy, and may commence an action or
7 proceeding or file a claim ~~therefor~~ to recover those payments. The attorney general
8 shall appear on behalf of the secretary of administration in any such action or
9 proceeding. All moneys recovered in any such action or proceeding shall be paid into
10 the fund established under sub. (8).

11 **SECTION 164.** 102.28 (7) (b) of the statutes is amended to read:

12 102.28 (7) (b) ~~Each~~ Upon the issuance of an initial order exempting an
13 employer under sub. (2), the employer exempted by ~~written order of the department~~
14 under sub. (2) shall pay into the fund established by under sub. (8) a sum equal to
15 ~~that~~ the amount assessed against each of the other ~~such exempt~~ employers ~~upon the~~
16 ~~issuance of an initial order~~ that are exempt under sub. (2). The order shall provide
17 for a sum that is sufficient to secure estimated payments of the insolvent exempt
18 employer due for the period up to the date of the order and for one year following the
19 date of the order and to pay the estimated cost of insurance carrier or insurance
20 service organization services under par. (c). Payments ordered to be made to the fund
21 shall be paid to the ~~department~~ office within 30 days after the date of the order. If
22 additional moneys are required, further assessments shall be made based on orders
23 of the ~~department~~ office with ~~assessment~~ those assessments to be prorated on the
24 basis of the gross payroll for this state of the exempt employer, as reported to the
25 department of workforce development for the previous calendar year for

1 unemployment insurance purposes under ch. 108. If the exempt employer is not
2 covered under ch. 108, ~~then the department~~ office shall determine the comparable
3 gross payroll for the exempt employer. If payment of any assessment made under
4 this ~~subsection~~ paragraph is not made within 30 days of after the date of the order
5 of the ~~department~~ office, the attorney general may appear on behalf of the state to
6 collect the assessment.

7 **SECTION 165.** 102.28 (7) (c) of the statutes is amended to read:

8 102.28 (7) (c) The ~~department~~ office may retain an insurance carrier or
9 insurance service organization to process, investigate, and pay valid claims. The
10 charge for ~~such service~~ those services shall be paid from the fund as provided under
11 par. (b).

12 **SECTION 166.** 102.28 (8) of the statutes is amended to read:

13 102.28 (8) SELF-INSURED EMPLOYERS LIABILITY FUND. The moneys paid into the
14 state treasury under sub. (7), together with all accrued interest, shall constitute a
15 separate nonlapsible fund designated as the self-insured employers liability fund.
16 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.145 (6) (s)
17 and may not be used for ~~an~~ any other purpose of the state.

18 **SECTION 167.** 102.29 (1) (a) of the statutes is amended to read:

19 102.29 (1) (a) The making of a claim for compensation against an employer or
20 compensation insurer for the injury or death of an employee ~~shall~~ does not affect the
21 right of the employee, the employee's personal representative, or other person
22 entitled to bring action to make a claim or maintain an action in tort against any
23 other party for ~~such~~ that injury or death, hereinafter referred to as a 3rd party; nor
24 ~~shall~~ does the making of a claim by any such person against a 3rd party for damages
25 by reason of an injury to which ss. 102.03 to 102.66 are applicable, or the adjustment

1 of any such claim, affect the right of the injured employee or the employee's
2 dependents to recover compensation. An employer or compensation insurer that has
3 paid or is obligated to pay a lawful claim under this chapter shall have the same right
4 to make a claim or maintain an action in tort against any other party for such that
5 injury or death. If the ~~department~~ office pays or is obligated to pay a claim under s.
6 102.66 (1) or 102.81 (1), the ~~department~~ office shall also have the right to make a
7 claim or maintain an action in tort against any other party for the employee's injury
8 or death. However, each party shall give to the other parties reasonable notice and,
9 the opportunity to join in the making of such a claim or the instituting of such an
10 action, and the opportunity to be represented by counsel.

11 **SECTION 168.** 102.29 (1) (b) (intro.) of the statutes is amended to read:

12 102.29 (1) (b) (intro.) If a party entitled to notice cannot be found, the
13 ~~department~~ office shall become the agent of that party for the giving of a notice as
14 required in par. (a) and the notice, when given to the ~~department~~ office, shall include
15 an affidavit setting forth the facts, including the steps taken to locate that party.
16 Each party shall have an equal voice in the prosecution of the claim, and any disputes
17 arising shall be passed upon by the court before whom the case is pending, and if no
18 action is pending, then by a court of record or by the ~~department~~ division. If notice
19 is given as provided in par. (a), the liability of the tort-feasor shall be determined as
20 to all parties having a right to make claim and, irrespective of whether ~~or not~~ all
21 parties join in prosecuting the claim, the proceeds of the claim shall be divided as
22 follows:

23 **SECTION 169.** 102.29 (1) (b) 2. of the statutes is amended to read:

24 102.29 (1) (b) 2. Out of the balance remaining after the deduction and payment
25 specified in subd. 1., the employer, the insurance carrier, or, if applicable, the

1 uninsured employers fund or the work injury supplemental benefit fund shall be
2 reimbursed for all payments made by the employer, insurance carrier, or ~~department~~
3 office, or ~~which~~ that the employer, insurance carrier, or ~~department~~ office may be
4 obligated to make in the future, under this chapter, except that the employer,
5 insurance carrier, or ~~department~~ office shall not be reimbursed for any payments
6 made or to be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57, or 102.60.

7 **SECTION 170.** 102.29 (1) (c) of the statutes is amended to read:

8 102.29 (1) (c) If both the employee or the employee's personal representative
9 or other person entitled to bring action, and the employer, compensation insurer, or
10 ~~department~~ office, join in the pressing of said claim and are represented by counsel,
11 the attorney fees allowed as a part of the costs of collection shall be, unless otherwise
12 agreed upon, divided between the attorneys for those parties as directed by the court
13 or by the ~~department~~ division.

14 **SECTION 171.** 102.29 (1) (d) of the statutes is amended to read:

15 102.29 (1) (d) A settlement of a 3rd-party claim shall be void unless the
16 settlement and the distribution of the proceeds of the settlement are approved by the
17 court before whom the action is pending or, if no action is pending, then by a court
18 of record or by the ~~department~~ division.

19 **SECTION 172.** 102.29 (4) of the statutes is amended to read:

20 102.29 (4) If the employer and the 3rd party are insured by the same insurer,
21 or by the insurers who are under common control, the employer's insurer shall
22 promptly notify the parties in interest and the ~~department~~ office. If the employer has
23 assumed the liability of the 3rd party, ~~it~~ the employer shall give similar notice, in
24 default of which any settlement with an injured employee or beneficiary is void. This

1 subsection does not prevent the employer or compensation insurer from sharing in
2 the proceeds of any 3rd-party claim or action, ~~as set forth~~ as provided in sub. (1).

3 **SECTION 173.** 102.30 (7) (a) of the statutes is amended to read:

4 102.30 (7) (a) The ~~department~~ office may order direct reimbursement out of the
5 proceeds payable under this chapter for payments made under a nonindustrial
6 insurance policy covering the same disability and expenses compensable under s.
7 102.42 when the claimant consents or when it is established that the payments under
8 the nonindustrial insurance policy were improper. No attorney fee is due with
9 respect to that reimbursement.

10 **SECTION 174.** 102.31 (1) (b) of the statutes is amended to read:

11 102.31 (1) (b) Except as provided in par. (c), a contract under par. (a) shall be
12 construed to grant full coverage of all liability of the assured under this chapter
13 unless the ~~department~~ office specifically consents by written order to the issuance
14 of a contract providing divided insurance or partial insurance.

15 **SECTION 175.** 102.31 (2) (a) of the statutes is amended to read:

16 102.31 (2) (a) No party to a contract of insurance may cancel the contract within
17 the contract period or terminate or ~~not renew~~ nonrenew the contract upon the
18 expiration date of the contract until a notice in writing is given to the other party
19 fixing the proposed date of cancellation or declaring that the party intends to
20 terminate or ~~does not intend to renew~~ nonrenew the ~~policy contract~~ upon expiration.
21 Except as provided in par. (b), when an insurance company ~~does not renew~~
22 nonrenews a ~~policy contract~~ upon expiration, the nonrenewal is not effective until 60
23 days after the insurance company has given written notice of the nonrenewal to the
24 insured employer and the ~~department~~ office. Cancellation or termination of a ~~policy~~
25 contract by an insurance company for any reason other than nonrenewal is not

1 effective until 30 days after the insurance company has given written notice of the
2 cancellation or termination to the insured employer and the department office.
3 Notice to the department office may be given by personal service of the notice upon
4 the department office at its office in Madison or by sending the notice to the
5 department office in a medium approved by the department office. The department
6 office may provide by rule that ~~the a~~ notice of cancellation or termination be given
7 to the Wisconsin compensation rating bureau rather than to the department office
8 in a medium approved by the department office after consultation with the
9 Wisconsin compensation rating bureau. Whenever the Wisconsin compensation
10 rating bureau receives such a notice of cancellation or termination ~~it that bureau~~
11 shall immediately notify the department office of the notice of cancellation or
12 termination.

13 **SECTION 176.** 102.31 (3) of the statutes is amended to read:

14 102.31 (3) The department office may examine from time to time the books and
15 records of any insurer insuring the liability or for compensation for of an employer
16 in this state. ~~The department may require an insurer to designate one mailing~~
17 ~~address for use by the department and to respond to correspondence from the~~
18 ~~department within 30 days as provided in s. 601.42.~~ Any insurer that refuses or fails
19 to answer correspondence from the department or to allow the department to
20 examine its books and records as required under s. 601.42 is subject to enforcement
21 proceedings under s. 601.64.

22 **SECTION 177.** 102.31 (4) of the statutes is amended to read:

23 102.31 (4) If any insurer authorized to transact worker's compensation
24 insurance in this state fails to promptly pay claims for compensation for which ~~it the~~
25 insurer is liable or fails to make reports to the department office required by under

1 s. 102.38, ~~the department may recommend to the commissioner of insurance, with~~
2 ~~detailed reasons, that enforcement proceedings under s. 601.64 be invoked. The~~
3 ~~commissioner shall furnish a copy of the recommendation to the insurer and shall~~
4 ~~set a date for a hearing, at which both the insurer and the department shall be~~
5 ~~afforded an opportunity to present evidence. If after the hearing the commissioner~~
6 ~~finds that the insurer has failed to carry out its obligations under this chapter, the~~
7 ~~commissioner shall may institute enforcement proceedings under s. 601.64. If the~~
8 ~~commissioner does not so find, the commissioner shall dismiss the complaint.~~

9 **SECTION 178.** 102.31 (5) of the statutes is amended to read:

10 102.31 (5) If any employer whom the department office has exempted from
11 carrying the duty to carry compensation insurance arbitrarily or unreasonably
12 refuses employment to or discharges employees an employee because of a
13 nondisabling physical condition, the department office shall revoke the exemption
14 of that employer.

15 **SECTION 179.** 102.31 (6) of the statutes is repealed.

16 **SECTION 180.** 102.31 (7) of the statutes is amended to read:

17 102.31 (7) If the department office by one or more written orders specifically
18 consents to the issuance of one or more contracts covering only the liability incurred
19 on a construction project and if the construction project owner designates the
20 insurance carrier and pays for each such contract, the construction project owner
21 shall reimburse the department office for all costs incurred by the department office
22 in issuing the written orders and in ensuring minimum confusion and maximum
23 safety on the construction project. All moneys received under this subsection shall
24 be deposited in the worker's compensation operations fund and credited to the
25 appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (rb).

1 **SECTION 181.** 102.31 (8) of the statutes is amended to read:

2 102.31 (8) The Wisconsin compensation rating bureau shall provide the
3 department office with any information that the department office may request
4 relating to worker's compensation insurance coverage, including the names of
5 employers insured and any insured employer's address, business status, type and
6 date of coverage, manual premium code, and policy information including policy
7 numbers, cancellations, terminations, endorsements, and reinstatement dates. The
8 department office may enter into contracts with the Wisconsin compensation rating
9 bureau to share the costs of data processing and other services. No information
10 obtained by the department office under this subsection may be made public by the
11 department office except as authorized by the Wisconsin compensation rating
12 bureau.

13 **SECTION 182.** 102.315 (4) of the statutes is amended to read:

14 102.315 (4) **MASTER POLICY; APPROVAL REQUIRED.** An employee leasing company
15 may insure its liability under sub. (2) by obtaining a master policy that has been
16 approved by the commissioner of ~~insurance~~ as provided in this subsection. The
17 commissioner of ~~insurance~~ may approve the issuance of a master policy if the insurer
18 proposing to issue the master policy submits a filing to the bureau showing that the
19 insurer has the technological capacity and operation capability to provide to the
20 bureau information, including unit statistical data, information concerning proof of
21 coverage and cancellation, termination, and nonrenewal of coverage, and any other
22 information that the bureau may require, at the client level and in a format required
23 by the bureau and the bureau submits the filing to the commissioner of ~~insurance~~ for
24 approval under s. 626.13. A master policy filing under this subsection shall also
25 establish basic manual rules governing the issuance of an insurance policy covering

1 the leased employees of a divided workforce that are consistent with sub. (6) and the
2 cancellation, termination, and nonrenewal of policies that are consistent with sub.
3 (10). On approval by the commissioner of insurance of a master policy filing, an
4 insurer may issue a master policy to an employee leasing company insuring the
5 liability of the employee leasing company under sub. (2).

6 **SECTION 183.** 102.315 (5) (b) (intro.) of the statutes is amended to read:

7 102.315 (5) (b) (intro.) Within 30 days after the effective date of an employee
8 leasing agreement with a small client that is covered under a master policy under
9 par. (a), the employee leasing company shall report to the department office all of the
10 following information:

11 **SECTION 184.** 102.315 (5) (c) of the statutes is amended to read:

12 102.315 (5) (c) Within 30 days after the effective date of coverage of a small
13 client under a master policy under par. (a), the insurer or, if authorized by the
14 insurer, the employee leasing company shall file proof of that coverage with the
15 department office. Coverage of a small client under a master policy becomes binding
16 when the insurer or employee leasing company files proof of that coverage under this
17 paragraph or provides notice of coverage to the small client, whichever occurs first.
18 Nothing in this paragraph requires an employee leasing company or an employee of
19 an employee leasing company to be licensed as an insurance intermediary under ch.
20 628.

21 **SECTION 185.** 102.315 (6) (a) of the statutes is amended to read:

22 102.315 (6) (a) If a client notifies the department office as provided under par.
23 (b) of its intent to have a divided workforce, an insurer may issue a worker's
24 compensation insurance policy covering only the leased employees of the client. An
25 insurer that issues a policy covering only the leased employees of a client is not liable

1 under s. 102.03 for any compensation payable under this chapter to an employee of
2 the client who is not a leased employee unless the insurer also issues a policy covering
3 that employee. A client that has a divided workforce shall insure its employees who
4 are not leased employees in the voluntary market and may not insure those
5 employees under the mandatory risk-sharing plan under s. 619.01 unless the leased
6 employees of the client are covered under that plan.

7 **SECTION 186.** 102.315 (6) (b) (intro.) of the statutes is amended to read:

8 102.315 (6) (b) (intro.) A client that intends to have a divided workforce shall
9 notify the ~~department~~ office of that intent on a form prescribed by the ~~department~~
10 office that includes all of the following:

11 **SECTION 187.** 102.315 (6) (b) 1. of the statutes is amended to read:

12 102.315 (6) (b) 1. The names and mailing addresses of the client and the
13 employee leasing company, the effective date of the employee leasing agreement, a
14 description of the employees of the client who are not leased employees, and such
15 other information as the ~~department~~ office may require.

16 **SECTION 188.** 102.315 (6) (b) 3. of the statutes is amended to read:

17 102.315 (6) (b) 3. An agreement by the client to assume full responsibility to
18 immediately pay all compensation and other payments payable under this chapter
19 as may be required by the ~~department~~ office should a dispute arise between 2 or more
20 insurers as to liability under this chapter for an injury sustained while a divided
21 workforce plan is in effect, pending final resolution of that dispute. This subdivision
22 does not preclude a client from insuring that responsibility in an insurer authorized
23 to do business in this state.

24 **SECTION 189.** 102.315 (6) (d) of the statutes is amended to read:

1 102.315 (6) (d) When the ~~department~~ office receives a notification under par.
2 (b), the ~~department~~ office shall immediately provide a copy of the notification to the
3 bureau.

4 **SECTION 190.** 102.315 (6) (e) 1. of the statutes is amended to read:

5 102.315 (6) (e) 1. If a client intends to terminate a divided workforce plan, the
6 client shall notify the ~~department~~ office of that intent on a form prescribed by the
7 ~~department~~ office. Termination of a divided workforce plan by a client is not effective
8 until 10 days after notice of the termination is received by the ~~department~~ office.

9 **SECTION 191.** 102.315 (6) (e) 2. of the statutes is amended to read:

10 102.315 (6) (e) 2. If an insurer cancels, terminates, or ~~does not renew~~
11 nonrenews a worker's compensation insurance policy issued under a divided
12 workforce plan that covers in the voluntary market the employees of a client who are
13 not leased employees, the divided workforce plan is terminated on the effective date
14 of the cancellation, termination, or nonrenewal of the policy, unless the client
15 submits evidence under par. (c) that both the leased employees of the client and the
16 employees of the client who are not leased employees are covered under a mandatory
17 risk-sharing plan.

18 **SECTION 192.** 102.315 (6) (e) 3. of the statutes is amended to read:

19 102.315 (6) (e) 3. If an insurer cancels, terminates, or ~~does not renew~~
20 nonrenews a worker's compensation insurance policy issued under a divided
21 workforce plan that covers under the mandatory risk-sharing plan under s. 619.01
22 the employees of a client who are not leased employees, the divided workforce plan
23 is terminated on the effective date of the cancellation, termination, or nonrenewal
24 of the policy.

25 **SECTION 193.** 102.315 (9) (a) of the statutes is amended to read:

1 102.315 (9) (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may
2 charge a premium for coverage under that policy that complies with the applicable
3 classifications, rules, rates, and rating plans filed with and approved by the
4 commissioner of insurance under s. 626.13.

5 **SECTION 194.** 102.315 (10) (a) 2. of the statutes is amended to read:

6 102.315 (10) (a) 2. The insureds under a policy described in subd. 1. may cancel
7 the policy during the policy period if both the employee leasing company and the
8 client agree to the cancellation, the cancellation is confirmed by the employee leasing
9 company promptly providing written confirmation of the cancellation to the client or
10 by the client agreeing to the cancellation in writing, and the insurer provides written
11 notice of the cancellation to the ~~department~~ office as required under s. 102.31 (2) (a).

12 **SECTION 195.** 102.315 (10) (a) 3. of the statutes is amended to read:

13 102.315 (10) (a) 3. Subject to subd. 4., an insurer may cancel, terminate, or
14 nonrenew a policy described in subd. 1. by providing written notice of the
15 cancellation, termination, or nonrenewal to the insured employee leasing company
16 and to the ~~department~~ office as required under s. 102.31 (2) (a) and by providing that
17 notice to the insured client. The insurer is not required to state in the notice to the
18 insured client the facts on which the decision to cancel, terminate, or nonrenew the
19 policy is based. Except as provided in s. 102.31 (2) (b), cancellation or termination
20 of a policy under this subdivision for any reason other than nonrenewal is not
21 effective until 30 days after the insurer has provided written notice of the
22 cancellation or termination to the insured employee leasing company, the insured
23 client, and the ~~department~~ office. Except as provided in s. 102.31 (2) (b), nonrenewal
24 of a policy under this subdivision is not effective until 60 days after the insurer has

1 provided written notice of the cancellation or termination to the insured employee
2 leasing company, the insured client, and the ~~department~~ office.

3 **SECTION 196.** 102.315 (10) (a) 4. of the statutes is amended to read:

4 102.315 (10) (a) 4. If an employee leasing company terminates an employee
5 leasing agreement with a client in its entirety, an insurer may cancel or terminate
6 a policy described in subd. 1. covering that client during the policy period by
7 providing written notice of the cancellation or termination to the insured employee
8 leasing company and the ~~department~~ office as required under s. 102.31 (2) (a) and
9 by providing that notice to the insured client. The insurer shall state in the notice
10 to the insured client that the policy is being cancelled or terminated due to the
11 termination of the employee leasing agreement. Except as provided in s. 102.31 (2)
12 (b), cancellation or termination of a policy under this subdivision is not effective until
13 30 days after the insurer has provided written notice of the cancellation or
14 termination to the insured employee leasing company, the insured client, and the
15 ~~department~~ office.

16 **SECTION 197.** 102.315 (10) (b) 2. of the statutes is amended to read:

17 102.315 (10) (b) 2. The insureds under a policy described in subd. 1. may cancel
18 the policy during the policy period if both the employee leasing company and the
19 client agree to the cancellation, the cancellation is confirmed by the employee leasing
20 company promptly providing written confirmation of the cancellation to the client or
21 by the client agreeing to the cancellation in writing, and the insurer provides written
22 notice of the cancellation to the ~~department~~ office as required under s. 102.31 (2) (a).

23 **SECTION 198.** 102.315 (10) (b) 3. of the statutes is amended to read:

24 102.315 (10) (b) 3. An insurer may cancel, terminate, or nonrenew a policy
25 described in subd. 1., including cancellation or termination of a policy providing

1 continued coverage under subd. 4., by providing written notice of the cancellation,
2 termination, or nonrenewal to the insured employee leasing company and to the
3 ~~department~~ office as required under s. 102.31 (2) (a) and by providing that notice to
4 the insured client. Except as provided in s. 102.31 (2) (b), cancellation or termination
5 of a policy under this subdivision for any reason other than nonrenewal is not
6 effective until 30 days after the insurer has provided written notice of the
7 cancellation or termination to the insured employee leasing company, the insured
8 client, and the ~~department~~ office. Except as provided in s. 102.31 (2) (b), nonrenewal
9 of a policy under this subdivision is not effective until 60 days after the insurer has
10 provided written notice of the cancellation or termination to the insured employee
11 leasing company, the insured client, and the ~~department~~ office.

12 **SECTION 199.** 102.32 (1m) (intro.) of the statutes is amended to read:

13 102.32 (1m) (intro.) In any case in which compensation payments for an injury
14 have extended or will extend over 6 months or more after the date of the injury or in
15 any case in which death benefits are payable, any party in interest may, in the
16 discretion of the ~~department~~ office, be discharged from, or compelled to guarantee,
17 future compensation payments by doing any of the following:

18 **SECTION 200.** 102.32 (1m) (a) of the statutes is amended to read:

19 102.32 (1m) (a) Depositing the present value of the total unpaid compensation
20 upon a 5 percent interest discount basis with a credit union, savings bank, savings
21 and loan association, bank, or trust company designated by the ~~department~~ office.

22 **SECTION 201.** 102.32 (1m) (c) of the statutes is amended to read:

23 102.32 (1m) (c) Making payment in gross upon a 5 percent interest discount
24 basis to be approved by the ~~department~~ office.

25 **SECTION 202.** 102.32 (1m) (d) of the statutes is amended to read:

1 102.32 (1m) (d) In cases in which the time for making payments or the amounts
2 of payments cannot be definitely determined, furnishing a bond, or other security,
3 satisfactory to the ~~department~~ office for the payment of compensation as may be due
4 or become due. The acceptance of the bond, or other security, and the form and
5 sufficiency of the bond or other security, shall be subject to the approval of the
6 ~~department~~ office. If the employer or insurer is unable or fails to immediately
7 procure the bond, ~~then, the employer or insurer,~~ in lieu of procuring the bond, shall
8 ~~deposit shall be made~~ with a credit union, savings bank, savings and loan
9 association, bank, or trust company designated by the ~~department,~~ of office the
10 maximum amount that may reasonably become payable in ~~these~~ those cases, to be
11 determined by the ~~department~~ office at amounts consistent with the extent of the
12 injuries and the law. The bonds and deposits ~~are to~~ may be reduced only to satisfy
13 claims and may be withdrawn only after the claims which they are to guarantee are
14 fully satisfied or liquidated under par. (a), (b), or (c).

15 **SECTION 203.** 102.32 (5) of the statutes is amended to read:

16 102.32 (5) Any insured employer may, ~~within~~ in the discretion of the
17 ~~department~~ office, compel the insurer to discharge, or to guarantee payment of, the
18 employer's liabilities in any case described in sub. (1m) and ~~thereby~~ by that discharge
19 or guarantee release the employer from ~~compensation~~ liability for compensation in
20 that case, but except that if for any reason a bond furnished or deposit made under
21 sub. (1m) (d) does not fully protect the beneficiary of the bond or deposit, the
22 compensation insurer or insured employer, as the case may be, shall still be liable
23 to the that beneficiary of the ~~bond or deposit~~.

24 **SECTION 204.** 102.32 (6) (b) of the statutes is amended to read:

1 102.32 (6) (b) Subject to par. (d), if the employer or the employer's insurer
2 concedes liability for an injury that results in permanent disability and if the extent
3 of the permanent disability can be determined based on a minimum permanent
4 disability rating promulgated by the department office by rule, compensation for
5 permanent disability shall begin within 30 days after the end of the employee's
6 healing period or the date on which compensation for temporary disability ends due
7 to the employee's return to work, whichever is earlier.

8 **SECTION 205.** 102.32 (6) (d) of the statutes is amended to read:

9 102.32 (6) (d) The department office shall promulgate rules for determining
10 when compensation for permanent disability shall begin in cases in which the
11 employer or the employer's insurer concedes liability, but disputes the extent of
12 permanent disability.

13 **SECTION 206.** 102.32 (6) (e) of the statutes is amended to read:

14 102.32 (6) (e) Payments for permanent disability, including payments based on
15 minimum permanent disability ratings promulgated by the department office by
16 rule, shall continue on a monthly basis and shall accrue and be payable between
17 intermittent periods of temporary disability so long as the employer or insurer knows
18 the nature of the permanent disability.

19 **SECTION 207.** 102.32 (6m) of the statutes is amended to read:

20 102.32 (6m) The department office may direct an advance on a payment of
21 unaccrued compensation for permanent disability or death benefits if the
22 department office determines that the advance payment is in the best interest of the
23 injured employee or the employee's dependents. In directing the advance, the
24 department office shall give the employer or the employer's insurer an interest credit

1 against its liability. The credit shall be computed at 5 percent. An injured employee
2 or dependent may receive no more than 3 advance payments per calendar year.

3 **SECTION 208.** 102.32 (7) of the statutes is amended to read:

4 102.32 (7) No lump sum settlement shall be allowed in any case of permanent
5 total disability upon an estimated life expectancy, except upon consent of all parties,
6 after hearing and finding by the ~~department~~ division that the interests of the injured
7 employee will be conserved ~~thereby~~ by the lump sum settlement.

8 **SECTION 209.** 102.33 (title) of the statutes is amended to read:

9 **102.33 (title) ~~Department forms~~ Forms and records; public access.**

10 **SECTION 210.** 102.33 (1) of the statutes is amended to read:

11 102.33 (1) The ~~department~~ office and the division shall print and furnish free
12 to any employer or employee any blank forms that ~~the department considers~~ are
13 necessary to facilitate efficient administration of this chapter. The ~~department~~ office
14 and the division shall keep any record books or records that ~~the department~~
15 ~~considers~~ are necessary for the proper and efficient administration of this chapter.

16 **SECTION 211.** 102.33 (2) (a) of the statutes is amended to read:

17 102.33 (2) (a) Except as provided in pars. (b) and (c), ~~the records of the~~
18 ~~department,~~ and the records of the commission, the office, and the division related
19 to the administration of this chapter are subject to inspection and copying under s.
20 19.35 (1).

21 **SECTION 212.** 102.33 (2) (b) (intro.) of the statutes is amended to read:

22 102.33 (2) (b) (intro.) Except as provided in this paragraph and par. (d), a record
23 maintained ~~by the department or by the commission,~~ by the office, or by the division
24 that reveals the identity of an employee who claims worker's compensation benefits,
25 the nature of the employee's claimed injury, the employee's past or present medical

1 condition, the extent of the employee's disability, or the amount, type, or duration of
2 benefits paid to the employee and a record maintained by the ~~department~~ office that
3 reveals any financial information provided to the ~~department~~ office by a self-insured
4 employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and
5 not open to public inspection or copying under s. 19.35 (1). The ~~department or~~
6 ~~commission, the office, or the division~~ may deny a request made under s. 19.35 (1)
7 or, subject to s. 102.17 (2m) and (2s), refuse to honor a subpoena issued by an attorney
8 of record in a civil or criminal action or special proceeding to inspect and copy a record
9 that is confidential under this paragraph, unless ~~one~~ any of the following applies:

10 **SECTION 213.** 102.33 (2) (b) 1. of the statutes is amended to read:

11 102.33 (2) (b) 1. The requester is the employee who is the subject of the record
12 or an attorney or authorized agent of that employee. An attorney or authorized agent
13 of an employee who is the subject of a record shall provide a written authorization
14 for inspection and copying from the employee if requested by the ~~department or the~~
15 ~~commission, the office, or the division~~.

16 **SECTION 214.** 102.33 (2) (b) 2. of the statutes is amended to read:

17 102.33 (2) (b) 2. The record that is requested contains confidential information
18 concerning a worker's compensation claim and the requester is an insurance carrier
19 or employer that is a party to any worker's compensation claim involving the same
20 employee or an attorney or authorized agent of that insurance carrier or employer,
21 except that the ~~department or the~~ commission, the office, or the division is not
22 required to do a random search of its records and may require the requester to
23 provide the approximate date of the injury and any other relevant information that
24 would assist the ~~department or the~~ commission, the office, or the division in finding
25 the record requested. An attorney or authorized agent of an insurance carrier or

1 employer that is a party to an employee's worker's compensation claim shall provide
2 a written authorization for inspection and copying from the insurance carrier or
3 employer if requested by the ~~department or the commission, the office, or the~~
4 division.

5 **SECTION 215.** 102.33 (2) (b) 3. of the statutes is amended to read:

6 102.33 (2) (b) 3. The record that is requested contains financial information
7 provided by a self-insured employer or by an applicant for exemption under s. 102.28
8 (2) (b) and the requester is the self-insured employer or applicant for exemption or
9 an attorney or authorized agent of the self-insured employer or applicant for
10 exemption. An attorney or authorized agent of the self-insured employer or of the
11 applicant for exemption shall provide a written authorization for inspection and
12 copying from the self-insured employer or applicant for exemption if requested by
13 the ~~department~~ office.

14 **SECTION 216.** 102.33 (2) (b) 4. of the statutes is amended to read:

15 102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the
16 ~~department or the commission, the office, or the division~~ to release the record.

17 **SECTION 217.** 102.33 (2) (c) of the statutes is amended to read:

18 102.33 (2) (c) A record maintained by the ~~department or the commission, the~~
19 office, or the division that contains employer or insurer information obtained from
20 the Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a) is
21 confidential and not open to public inspection or copying under s. 19.35 (1) unless the
22 Wisconsin compensation rating bureau authorizes public inspection or copying of
23 that information.

24 **SECTION 218.** 102.33 (2) (d) 2. of the statutes is amended to read:

1 102.33 (2) (d) 2. ~~The department or the commission, the office, or the division~~
2 may release information that is confidential under par. (b) to a government unit, an
3 institution of higher education, or a nonprofit research organization for purposes of
4 research and may release information that is confidential under par. (c) to those
5 persons for that purpose if the Wisconsin compensation rating bureau authorizes
6 that release. A government unit, institution of higher education, or nonprofit
7 research organization may not permit inspection or disclosure of any information
8 released to it under this subdivision that is confidential under par. (b) unless the
9 ~~department or commission, the office, or the division~~ authorizes that inspection or
10 disclosure and may not permit inspection or disclosure of any information released
11 to it under this subdivision that is confidential under par. (c) unless the ~~department~~
12 ~~or commission, the office, or the division,~~ and the Wisconsin compensation rating
13 bureau, authorize the inspection or disclosure. A government unit, institution of
14 higher education, or nonprofit research organization that obtains any confidential
15 information under this subdivision for purposes of research shall provide the results
16 of that research free of charge to the person that released or authorized the release
17 of that information.

18 **SECTION 219.** 102.35 (1) of the statutes is amended to read:

19 102.35 (1) Every employer and every insurance company that fails to keep the
20 records or to make the reports required by this chapter or that knowingly falsifies
21 such those records or makes false reports shall pay a work injury supplemental
22 benefit surcharge to the state of not less than \$10 nor more than \$100 for each
23 offense. The ~~department~~ office may waive or reduce a surcharge imposed under this
24 subsection if the employer or insurance company that violated this subsection
25 requests a waiver or reduction of the surcharge within 45 days after the date on

1 which notice of the surcharge is mailed to the employer or insurance company and
2 shows that the violation was due to mistake or an absence of information. A
3 surcharge imposed under this subsection is due within 30 days after the date on
4 which notice of the surcharge is mailed to the employer or insurance company.
5 Interest shall accrue on amounts that are not paid when due at the rate of 1 percent
6 per month. All surcharges and interest payments received under this subsection
7 shall be deposited in the fund established under s. 102.65.

8 **SECTION 220.** 102.35 (2) of the statutes is amended to read:

9 102.35 (2) Any employer, or duly authorized agent thereof of an employer, who,
10 without reasonable cause, refuses to rehire an employee injured in the course of
11 employment, or who, because of a claim or attempt to claim compensation benefits
12 from ~~such~~ that employer, discriminates or threatens to discriminate against an
13 employee as to the employee's employment, shall ~~forfeit to the state not less than \$50~~
14 ~~nor more than \$500~~ be subject to a forfeiture under s. 601.64 (3) (c) for each offense.
15 No action under this subsection may be commenced except upon request of the
16 department office.

17 **SECTION 221.** 102.35 (3) of the statutes is amended to read:

18 102.35 (3) Any employer who without reasonable cause refuses to rehire an
19 employee who is injured in the course of employment, ~~where~~ when suitable
20 employment is available within the employee's physical and mental limitations,
21 upon order of the ~~department and in addition to other benefits~~ division, has exclusive
22 liability to pay to the employee, in addition to other benefits, the wages lost during
23 the period of ~~such~~ that refusal, not exceeding one year's wages. In determining the
24 availability of suitable employment, the continuance in business of the employer
25 shall be considered and any written rules promulgated by the employer with respect

1 to seniority or the provisions of any collective bargaining agreement with respect to
2 seniority shall govern.

3 **SECTION 222.** 102.37 of the statutes is amended to read:

4 **102.37 Employers' records.** Every employer of 3 or more persons and every
5 employer who is subject to this chapter shall keep a record of all accidents causing
6 death or disability of any employee while performing services growing out of and
7 incidental to the employment. ~~This~~ That record shall give the name, address, age,
8 and wages of the deceased or injured employee, the time and causes of the accident,
9 the nature and extent of the injury, and any other information the ~~department~~ office
10 may require by rule or general order. Reports based upon ~~this~~ that record shall be
11 furnished to the ~~department~~ office at such times and in such manner as the
12 ~~department~~ office may require by rule or general order, in a format approved by the
13 ~~department~~ office.

14 **SECTION 223.** 102.38 of the statutes is amended to read:

15 **102.38 Records and reports of payments.** Every insurance company that
16 transacts the business of compensation insurance, and every employer who is subject
17 to this chapter, but whose liability is not insured, shall keep a record of all payments
18 made under this chapter and of the time and manner of making the payments and
19 shall furnish reports based upon these records and any other information to the
20 ~~department~~ office as the ~~department~~ office may require by rule or general order, in
21 a format approved by the ~~department~~ office.

22 **SECTION 224.** 102.39 of the statutes is amended to read:

23 **102.39 Rules and general orders; application of statutes.** The provisions
24 of s. 103.005 relating to the adoption, publication, modification, and court review of
25 rules or general orders of the department ~~shall~~ of workforce development apply to all

1 rules promulgated or general orders adopted by the office under this chapter in the
2 same manner as those provisions apply to rules promulgated or general orders
3 adopted by the department of workforce development.

4 **SECTION 225.** 102.40 of the statutes is amended to read:

5 **102.40 Reports not evidence in actions.** Reports furnished to the
6 department ~~pursuant to office under~~ ss. 102.37 and 102.38 ~~shall not be~~ are not
7 admissible as evidence in any action or proceeding arising out of the death or accident
8 reported.

9 **SECTION 226.** 102.42 (1m) of the statutes is amended to read:

10 **102.42 (1m) LIABILITY FOR UNNECESSARY TREATMENT.** If an employee who has
11 sustained a compensable injury undertakes in good faith invasive treatment that is
12 generally medically acceptable, but that is unnecessary, the employer shall pay
13 disability indemnity for all disability incurred as a result of that treatment. An
14 employer is not liable for disability indemnity for any disability incurred as a result
15 of any unnecessary treatment undertaken in good faith that is noninvasive or not
16 medically acceptable. This subsection applies to all findings that an employee has
17 sustained a compensable injury, whether the finding results from a hearing, the
18 default of a party, or a compromise or stipulation confirmed by the ~~department~~
19 division.

20 **SECTION 227.** 102.42 (6) of the statutes is amended to read:

21 **102.42 (6) TREATMENT REJECTED BY EMPLOYEE.** Unless the employee ~~shall have~~
22 has elected Christian Science treatment in lieu of medical, surgical, dental, or
23 hospital treatment, no compensation shall be payable for the death or disability of
24 an employee, if the death ~~be~~ is caused, or insofar as the disability may be aggravated,
25 caused, or continued, by an unreasonable refusal or neglect to submit to or follow any

1 competent and reasonable medical, surgical, or dental treatment or, in the case of
2 tuberculosis, by refusal or neglect to submit to or follow hospital or medical
3 treatment when found by the department division to be necessary. The right to
4 compensation accruing during a period of refusal or neglect to submit to or follow
5 hospital or medical treatment when found by the department division to be
6 necessary in the case of tuberculosis shall be barred, irrespective of whether
7 disability was aggravated, caused, or continued ~~thereby~~ by that refusal or neglect.

8 **SECTION 228.** 102.42 (8) of the statutes is amended to read:

9 102.42 (8) AWARD TO STATE EMPLOYEE. Whenever the division makes an award
10 ~~is made by the department in~~ on behalf of a state employee, the ~~department of~~
11 ~~workforce development~~ division shall file duplicate copies of the award with the
12 subunit of the the department of administration responsible for risk management.
13 Upon receipt of the copies of the award, the department of administration shall
14 promptly issue a voucher in payment of the award from the proper appropriation
15 under s. 20.865 (1) (fm), (kr), or (ur), and shall transmit one copy of the voucher and
16 the award to the officer, department, or agency by whom the affected employee is
17 employed.

18 **SECTION 229.** 102.42 (9) (a) of the statutes is amended to read:

19 102.42 (9) (a) One of the primary purposes of this chapter is restoration of an
20 injured employee to gainful employment. To this end, the ~~department~~ office shall
21 employ a specialist in physical, medical, and vocational rehabilitation.

22 **SECTION 230.** 102.42 (9) (b) of the statutes is amended to read:

23 102.42 (9) (b) ~~Such~~ The specialist employed under par. (a) shall study the
24 problems of rehabilitation, both physical and vocational and shall refer suitable
25 cases to the ~~department~~ office for vocational evaluation and training. The specialist

1 shall investigate and maintain a directory of such rehabilitation facilities, private
2 and public, as are capable of rendering competent rehabilitation service to seriously
3 injured employees.

4 **SECTION 231.** 102.425 (4m) (a) of the statutes is amended to read:

5 102.425 (4m) (a) The ~~department~~ office has jurisdiction ~~under this subsection~~
6 ~~and s. 102.16 (1m) (c) and s. 102.17~~ to resolve a dispute between a pharmacist or
7 practitioner and an employer or insurer over the reasonableness of the amount
8 charged for a prescription drug dispensed under sub. (2) for outpatient use by an
9 injured employee who claims benefits under this chapter.

10 **SECTION 232.** 102.425 (4m) (b) of the statutes is amended to read:

11 102.425 (4m) (b) An employer or insurer that disputes the reasonableness of
12 the amount charged for a prescription drug dispensed under sub. (2) for outpatient
13 use by an injured employee or the ~~department~~ division under sub. (4) (b) or s. 102.16
14 (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a completed
15 bill for the prescription drug, reasonable written notice to the pharmacist or
16 practitioner that the charge is being disputed. After receiving reasonable written
17 notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1)
18 (bg) 1. that a prescription drug charge is being disputed, a pharmacist or practitioner
19 may not collect the disputed charge from, or bring an action for collection of the
20 disputed charge against, the employee who received the prescription drug.

21 **SECTION 233.** 102.425 (4m) (c) of the statutes is amended to read:

22 102.425 (4m) (c) A pharmacist or practitioner that receives notice under par.
23 (b) that the reasonableness of the amount charged for a prescription drug dispensed
24 under sub. (2) for outpatient use by an injured employee is in dispute shall file the
25 dispute with the ~~department~~ office within 6 months after receiving that notice.

1 **SECTION 234.** 102.425 (4m) (d) of the statutes is amended to read:

2 102.425 (4m) (d) The department office shall deny payment of a prescription
3 drug charge that the department office determines under this subsection to be
4 unreasonable. A pharmacist or practitioner and an employer or insurer that are
5 parties to a dispute under this subsection over the reasonableness of a prescription
6 drug charge are bound by the department's office's determination under this
7 subsection on the reasonableness of the disputed charge, unless that determination
8 is set aside on judicial review as provided in par. (e).

9 **SECTION 235.** 102.425 (4m) (e) of the statutes is amended to read:

10 102.425 (4m) (e) Within 30 days after a determination under this subsection,
11 the department office may set aside, reverse, or modify the determination for any
12 reason that the department office considers sufficient. Within 60 days after a
13 determination under this subsection, the department office may set aside, reverse,
14 or modify the determination on grounds of mistake. A pharmacist, practitioner,
15 employer, or insurer that is aggrieved by a determination of the department office
16 under this subsection may seek judicial review of that determination in the same
17 manner that compensation claims are reviewed under s. 102.23.

18 **SECTION 236.** 102.43 (5) (b) of the statutes is amended to read:

19 102.43 (5) (b) Except as provided in s. 102.61 (1g), temporary disability shall
20 also include such period as the employee may be receiving instruction under s. 102.61
21 (1) or (1m). Temporary disability on account of receiving instruction under s. 102.61
22 (1) or (1m), and not otherwise resulting from the injury, shall not be in excess of 80
23 weeks. ~~Such~~ That 80-week limitation does not apply to temporary disability benefits
24 under this section, the cost of tuition, fees, books, travel, or maintenance under s.
25 102.61 (1), or the cost of private rehabilitation counseling or rehabilitative training

1 under s. 102.61 (1m) if the department office determines that additional training is
2 warranted. The necessity for additional training as authorized by the department
3 office for any employee shall be subject to periodic review and reevaluation.

4 ~~SECTION 237. 102.44 (1) (ag) of the statutes is amended to read:~~

5 102.44 (1) (ag) Notwithstanding any other provision of this chapter, ~~every an~~
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 in the first instance by the
10 employer or the employer's insurance carrier, or in the case of benefits payable to an
11 employee under s. 102.66, shall be paid by the department office out of the fund
12 created under s. 102.65. Those supplemental benefits shall be paid only for weeks
13 of total disability occurring after January 1, 2003, and shall continue during the
14 period of such total disability subsequent to that date.

15 ~~SECTION 238. 102.44 (1) (c) of the statutes is amended to read:~~

16 102.44 (1) (c) Subject to any certificate filed under s. 102.65 (4), an employer
17 or insurance carrier paying the supplemental benefits required under this
18 subsection shall be entitled to reimbursement for each such case from the fund
19 established by s. 102.65, commencing one year after the date of the first payment of
20 those benefits and annually thereafter while those payments continue. To receive
21 reimbursement under this paragraph, an employer or insurance carrier must file a
22 claim for that reimbursement with the department office by no later than 12 months
23 after the end of the year in which the supplemental benefits were paid and the claim
24 must be approved by the department office.

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25 SECTION 239. 102.44 (2) of the statutes is amended to read:

1 102.44 (2) In case of permanent total disability, aggregate indemnity shall be
2 weekly indemnity for the period that the employee may live. Total impairment for
3 industrial use of both eyes, ~~or~~ the loss of both arms at or near the shoulder, ~~or~~ the loss
4 of both legs at or near the hip, or the loss of one arm at the shoulder and one leg at
5 the hip, constitutes permanent total disability. This enumeration is not exclusive,
6 but in other cases the ~~department~~ division shall find the facts.

7 **SECTION 240.** 102.44 (5) (d) of the statutes is amended to read:

8 102.44 (5) (d) The employer or insurance carrier making ~~such a~~ reduction
9 under this subsection shall report to the ~~department~~ office the reduction and, as
10 requested by the ~~department~~ office, furnish to the ~~department~~ office satisfactory
11 proof of the basis for the reduction.

12 **SECTION 241.** 102.44 (6) (b) of the statutes is amended to read:

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

19 **SECTION 242.** 102.45 of the statutes is amended to read:

20 **102.45 Benefits payable to minors; how paid.** ~~Compensation and death~~
21 ~~benefit~~ In the discretion of the office, compensation or death benefits payable to an
22 employee or dependent who was a minor when the ~~employee's or dependent's~~ right
23 of the employee or dependent to compensation or death benefits began to accrue, may,
24 ~~in the discretion of the department,~~ be ordered paid to a bank, trust company, trustee,
25 parent, or guardian, for the use of ~~such~~ the employee or dependent as may be found

1 best calculated to conserve the ~~employee's or dependent's~~ interests.—Such of the
2 employee or dependent. The employee or dependent shall be entitled to receive
3 payments, in the aggregate, at a rate that is not less than that the rate applicable
4 to payments of primary compensation for total disability or death benefit as accruing
5 from the ~~employee's or dependent's~~ 18th birthday of the employee or dependent.

6 **SECTION 243.** 102.475 (1) of the statutes is amended to read:

7 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
8 officer, correctional officer, fire fighter, rescue squad member, diving team member,
9 national guard member, or state defense force member on state active duty as
10 described in s. 102.07 (9) or if a deceased person is an employee or volunteer
11 performing emergency management activities under ch. 323 during a state of
12 emergency or a circumstance described in s. 323.12 (2) (c), who sustained an
13 accidental injury while performing services growing out of and incidental to that
14 employment or volunteer activity so that benefits are payable under s. 102.46 or
15 102.47 (1), the ~~department~~ office shall voucher and pay from the appropriation under
16 s. ~~20.445 (1)~~ 20.145 (6) (aa) a sum equal to ~~75%~~ 75 percent of the primary death
17 benefit as of the date of death, but not less than \$50,000 to the persons wholly
18 dependent upon the deceased. For purposes of this subsection, dependency shall be
19 determined under ss. 102.49 and 102.51.

20 **SECTION 244.** 102.475 (6) of the statutes is amended to read:

21 102.475 (6) PROOF. In administering this section the ~~department~~ office may
22 require reasonable proof of birth, marriage, domestic partnership under ch. 770,
23 relationship, or dependency.

24 **SECTION 245.** 102.48 (1) of the statutes is amended to read:

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

7 **SECTION 246.** 102.48 (2) of the statutes is amended to read:

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

23 **SECTION 247.** 102.48 (3) of the statutes is amended to read:

24 102.48 (3) ~~A~~ Except as otherwise provided, a death benefit, other than burial
25 expenses, ~~except as otherwise provided,~~ shall be paid in weekly installments

1 corresponding in amount to two-thirds of the weekly earnings of the employee, until
2 otherwise ordered by the ~~department~~ office.

3 **SECTION 248.** 102.49 (3) of the statutes is amended to read:

4 102.49 (3) If the employee leaves a spouse or domestic partner under ch. 770
5 wholly dependent and also a child by a former marriage, domestic partnership under
6 ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same
7 in amount as if the child were the child of the surviving spouse or partner, and the
8 entire benefit shall be apportioned to the dependents in the amounts that the
9 ~~department~~ office determines to be just, considering the ages of the dependents and
10 other factors bearing on dependency. The benefit awarded to the surviving spouse
11 or partner shall not exceed 4 times the average annual earnings of the deceased
12 employee.

13 **SECTION 249.** 102.49 (5) (d) of the statutes is amended to read:

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

20 **SECTION 250.** 102.49 (6) of the statutes is amended to read:

21 102.49 (6) The ~~department~~ office may award the additional benefits payable
22 under this section to the surviving parent of the child, to the child's guardian, or to
23 such other person, bank, or trust company for the child's use as may be found best
24 calculated to conserve the ~~interest~~ interests of the child. ~~In the case of death of a child~~

1 If the child dies while benefits are still payable, there shall be paid the reasonable
2 expense for burial, not exceeding \$1,500.

3 **SECTION 251.** 102.51 (3) of the statutes is amended to read:

4 102.51 (3) DIVISION AMONG DEPENDENTS. If there is more than one person wholly
5 or partially dependent on a deceased employee, the death benefit shall be divided
6 between ~~such~~ those dependents in such proportion as the ~~department shall~~
7 determine ~~office determines~~ to be just, considering their ages and other facts bearing
8 on ~~such~~ their dependency.

9 **SECTION 252.** 102.51 (4) of the statutes is amended to read:

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

23 **SECTION 253.** 102.51 (6) of the statutes is amended to read:

24 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
25 child may be awarded to either parent in the discretion of the ~~department~~ office.

1 Notwithstanding sub. (1), the department office may reassign the death benefit, ~~in~~
2 ~~accordance with their respective needs for the death benefit~~ as between a surviving
3 spouse or a domestic partner under ch. 770 and any children designated specified in
4 sub. (1) and s. 102.49 in accordance with their respective needs for the death benefit.

5 **SECTION 254.** 102.55 (3) of the statutes is amended to read:

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

15 **SECTION 255.** 102.555 (12) (a) of the statutes is amended to read:

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

21 **SECTION 256.** 102.56 (1) of the statutes is amended to read:

22 102.56 (1) Subject to sub. (2), if an employee is so permanently disfigured as
23 to occasion potential wage loss due to the disfigurement, the department division
24 may allow such sum as the ~~department~~ division considers just as compensation for
25 the disfigurement, not exceeding the employee's average annual earnings. In

1 determining the potential for wage loss due to the disfigurement and the sum
2 awarded, the ~~department~~ division shall take into account the age, education,
3 training, and previous experience and earnings of the employee, the employee's
4 present occupation and earnings, and likelihood of future suitable occupational
5 change. Consideration for disfigurement allowance is confined to those areas of the
6 body that are exposed in the normal course of employment. The ~~department~~ division
7 shall also take into account the appearance of the disfigurement, its location, and the
8 likelihood of its exposure in occupations for which the employee is suited.

9 **SECTION 257.** 102.56 (2) of the statutes is amended to read:

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

15 **SECTION 258.** 102.565 (1) of the statutes is amended to read:

16 102.565 (1) When ~~an employee working subject to this chapter~~, as a result of
17 exposure in the course of ~~his or her~~ employment over a period of time to toxic or
18 hazardous substances or conditions, an employee performing work that is subject to
19 this chapter develops any clinically observable abnormality or condition ~~which that~~,
20 on competent medical opinion, predisposes or renders the employ employee in any
21 manner differentially susceptible to disability to such an extent that it is inadvisable
22 for the employee to continue employment involving ~~such that~~ exposure and the
23 employee, is discharged from or ceases to continue the employment, and suffers wage
24 loss by reason of ~~such that~~ discharge from, or ~~such~~ cessation of, employment, the
25 ~~department~~ division may allow such sum as ~~it deems~~ the division considers just as

1 compensation ~~therefor~~ for that wage loss, not exceeding \$13,000. ~~In the event~~ If a
2 nondisabling condition may also be caused by toxic or hazardous exposure not
3 related to employment, and if the employee has a history of ~~such~~ that exposure,
4 compensation as provided by under this section or any other remedy for loss of
5 earning capacity shall not be allowed ~~nor shall any other remedy for loss of earning~~
6 capacity. In case of such discharge. If the employee is discharged from employment
7 prior to a finding by the department division that it is inadvisable for the employee
8 to continue in ~~such~~ that employment and if it is reasonably probable that continued
9 exposure would result in disability, the liability of the employer who ~~so~~ discharges
10 the employee is primary, and the liability of the employer's insurer is secondary,
11 under the same procedure and to the same effect as provided by s. 102.62.

12 **SECTION 259.** 102.565 (2) of the statutes is amended to read:

13 102.565 (2) Upon application of any employer or employee the ~~department~~
14 division may direct any employee of the employer or an employee who, in the course
15 of his or her employment, has been exposed to toxic or hazardous substances or
16 conditions, to submit to examination by ~~a physician or~~ one or more physicians ~~to be~~
17 appointed by the ~~department~~ division to determine whether the employee has
18 developed any abnormality or condition under sub. (1), and the degree ~~thereof~~ of that
19 abnormality or condition. The cost of the medical examination shall be borne by the
20 person making application. The physician conducting the examination shall submit
21 the results of the examination ~~shall be submitted by the physician~~ to the ~~department~~
22 division, which shall submit copies of the reports to the employer and employee, who
23 shall have an opportunity to rebut the reports ~~provided request therefor~~ if a request
24 to submit a rebuttal is made to the ~~department~~ division within 10 days ~~from the~~
25 mailing of after the division mails the report to the parties. ~~The department division~~

1 shall make its findings as to whether ~~or not~~ it is inadvisable for the employee to
2 continue in his or her employment.

3 **SECTION 260.** 102.565 (3) of the statutes is amended to read:

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

9 **SECTION 261.** 102.57 of the statutes is amended to read:

10 **102.57 Violations of safety provisions, penalty.** If injury is caused by the
11 failure of the employer to comply with any statute, rule, or order of the department
12 of safety and professional services, compensation and death benefits provided in this
13 chapter shall be increased ~~15%~~ by 15 percent but the total increase may not exceed
14 \$15,000. Failure of an employer reasonably to enforce compliance by employees with
15 any statute, rule, or order of the department of safety and professional services
16 constitutes failure by the employer to comply with that statute, rule, or order.

17 **SECTION 262.** 102.58 of the statutes is amended to read:

18 **102.58 Decreased compensation.** If injury is caused by the failure of the
19 employee to use safety devices that are provided in accordance with any statute, rule,
20 or order of the department of safety and professional services and that are
21 adequately maintained, and the use of which is reasonably enforced by the employer,
22 if injury results from the employee's failure to obey any reasonable rule adopted and
23 reasonably enforced by the employer for the safety of the employee and of which the
24 employee has notice, or if injury results from the intoxication of the employee by
25 alcohol beverages, as defined in s. 125.02 (1), or use of a controlled substance, as