

1           102.18 (5) If it ~~shall appear to the department~~ appears to the division that a  
2 mistake may have been made as to cause of injury in the findings, order, or award  
3 upon an alleged injury based on accident, when in fact the employee was suffering  
4 from an occupational disease, within 3 years after the date of the findings, order, or  
5 award the ~~department~~ division may, upon its own motion, with or without hearing,  
6 ~~within 3 years from the date of such findings, order or award,~~ set aside such the  
7 findings, order or award, or the ~~department~~ division may take ~~such~~ that action upon  
8 application made within ~~such~~ those 3 years. ~~Thereafter, and after~~ After an  
9 opportunity for hearing, the ~~department~~ division may, if in fact the employee is  
10 suffering from disease arising out of the employment, make new findings, and a new  
11 order or award, or ~~it~~ the division may reinstate the previous findings, order, or award.

12           **SECTION 130.** 102.18 (6) of the statutes is amended to read:

13           102.18 (6) In case of disease arising out of the employment, the ~~department~~  
14 division may from time to time review its findings, order, or award, and make new  
15 findings, or a new order or award, based on the facts regarding disability or otherwise  
16 as ~~they~~ those facts may ~~then~~ appear at the time of the review. This subsection shall  
17 not affect the application of the limitation in s. 102.17 (4).

18           **SECTION 131.** 102.19 of the statutes is amended to read:

19           **102.19 Alien dependents; payments through consular officers.** ~~In case~~  
20 If a deceased employee, for whose injury or death compensation is payable, leaves  
21 surviving alien dependents residing outside of the United States, the duly accredited  
22 consular officer of the country of which ~~such~~ those dependents are citizens or ~~such~~  
23 that officer's designated representative residing within the state shall, except as  
24 otherwise determined by the ~~department~~ office, be the sole representative of the  
25 deceased employee and dependents in all matters pertaining to their claims for

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1 compensation. The receipt by ~~such officer or agent~~ of compensation funds and the  
2 distribution thereof of those funds by a consular officer or representative shall be  
3 made only upon order of the ~~department~~ office, and payment to ~~such~~ the officer or  
4 ~~agent pursuant to any such~~ representative under that order shall be a full discharge  
5 of the benefits or compensation. ~~Such~~ due the deceased employee and his or her  
6 dependents. If required by the office, a consular officer or ~~such officer's~~  
7 representative shall furnish, ~~if required by the department,~~ a bond to be approved  
8 by it the office, conditioned upon the proper application of all moneys received by  
9 ~~such person~~ the consular officer or representative. Before ~~such~~ that bond is  
10 discharged, ~~such~~ the consular officer or representative shall file with the ~~department~~  
11 ~~a-~~ office an itemized and verified account of the items of his or her receipts and  
12 ~~disbursements~~ receipt and disbursement of such that compensation. ~~Such~~ The  
13 consular officer or representative shall make interim reports to the ~~department~~ office  
14 as it the office may require.

15 **SECTION 132.** 102.195 of the statutes is amended to read:

16 **102.195 Employees confined in institutions; payment of benefits.** ~~In~~  
17 ~~ease~~ If an employee is adjudged ~~insane~~ mentally ill or incompetent, or convicted of  
18 a felony, and is confined in a public institution and has wholly dependent upon the  
19 employee for support a person, whose dependency is determined as if the employee  
20 were deceased, compensation payable during the period of the employee's  
21 confinement may be paid to the employee and the employee's dependents, in such  
22 manner, for such time, and in such amount as the ~~department~~ office by order  
23 provides.

24 **SECTION 133.** 102.21 of the statutes is amended to read:

1           **102.21 Payment of awards by municipalities.** Whenever an award is made  
2 by the department under this chapter or s. 66.191, 1981 stats., against any  
3 municipality, the person in whose favor it the award is made shall file a certified copy  
4 thereof of the award with the municipal clerk. ~~Within 20 days thereafter, unless~~  
5 Unless an appeal is taken, such within 20 days after that filing, the municipal clerk  
6 shall draw an order on the municipal treasurer for the payment of the award. If upon  
7 appeal ~~such~~ the award is affirmed in whole or in part the, the municipal clerk shall  
8 draw an order for payment shall be drawn of the award within 10 days after a  
9 certified copy of ~~such~~ the judgment affirming the award is filed with ~~the proper that~~  
10 clerk. ~~If the award or judgment provides for more than one payment is provided for~~  
11 ~~in the award or judgment, orders shall be drawn, the municipal clerk shall draw~~  
12 orders for payment as the payments become due. No statute relating to the filing of  
13 claims against, ~~and or~~ the auditing, allowing, and payment of claims by  
14 ~~municipalities shall apply, a municipality applies~~ to the payment of an award or  
15 judgment under this section.

16           **SECTION 134.** 102.22 (1) of the statutes is amended to read:

17           102.22 (1) If the employer or his or her insurer inexcusably delays in making  
18 the first payment that is due an injured employee for more than 30 days after the ~~day~~  
19 date on which the employee leaves work as a result of an injury and if the amount  
20 due is \$500 or more, the payments as to which the delay is found shall be increased  
21 by ~~10%~~ 10 percent. 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 14 days after the ~~day~~  
23 date on which the employee leaves work as a result of an injury, the payments as to  
24 which the delay is found may be increased by ~~10%~~ 10 percent. If the employer or his  
25 or her insurer inexcusably delays for any length of time in making any other payment

1 that is due an injured employee, the payments as to which the delay is found may  
2 be increased by ~~10%~~. ~~Where 10 percent.~~ If the delay is chargeable to the employer  
3 and not to the insurer, s. 102.62 shall apply applies and the relative liability of the  
4 parties shall be fixed and discharged as ~~therein~~ provided in that section. The  
5 ~~department~~ division may also order the employer or insurance carrier to reimburse  
6 the employee for any finance charges, collection charges, or interest ~~which~~ that the  
7 employee paid as a result of the inexcusable delay by the employer or insurance  
8 carrier.

9 **SECTION 135.** 102.22 (2) of the statutes is amended to read:

10 102.22 (2) ~~If the sum ordered by the department~~ any sum that the division  
11 orders to be paid is not paid when due, that sum shall bear interest at the rate of ~~10%~~  
12 10 percent per year. The state is liable for ~~such~~ interest on awards issued against  
13 it under this chapter. The ~~department~~ division has jurisdiction to issue an award for  
14 payment of ~~such~~ interest under this subsection at any time within one year ~~of~~ after  
15 the date of its order, ~~or upon appeal, if the order is appealed, within one year~~ after  
16 final court determination. ~~Such interest~~ Interest awarded under this subsection  
17 becomes due from the date the examiner's order becomes final or from the date of a  
18 decision by the ~~labor and industry review~~ commission, whichever is later.

19 **SECTION 136.** 102.23 (1) (a) of the statutes is amended to read:

20 102.23 (1) (a) The findings of fact made by the commission acting within its  
21 powers shall, in the absence of fraud, be conclusive. The order or award granting or  
22 denying compensation, either interlocutory or final, whether judgment has been  
23 rendered on it the order or award or not, is subject to review only as provided in this  
24 section and not under ch. 227 or s. 801.02. Within 30 days after the date of an order  
25 or award made by the commission either originally or after the filing of a petition for

1 review with the ~~department~~ division under s. 102.18 any party aggrieved ~~thereby~~ by  
2 the order or award may by serving a complaint as provided in par. (b) and filing the  
3 summons and complaint with the clerk of the circuit court commence, in circuit court,  
4 an action against the commission for the review of the order or award, in which action  
5 the adverse party shall also be made a defendant. If the circuit court is satisfied that  
6 a party in interest has been prejudiced because of an exceptional delay in the receipt  
7 of a copy of any finding or order, ~~it~~ the circuit court may extend the time in which an  
8 action may be commenced by an additional 30 days. The proceedings shall be in the  
9 circuit court of the county where the plaintiff resides, except that if the plaintiff is  
10 a state agency, the proceedings shall be in the circuit court of the county where the  
11 defendant resides. The proceedings may be brought in any circuit court if all parties  
12 stipulate and that court agrees.

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

14 102.23 (1) (b) ~~In such~~ an action for review of an order or award a complaint shall  
15 be served with an authenticated copy of the summons. The complaint need not be  
16 verified, but shall state the grounds upon which a review is sought. Service upon a  
17 ~~commissioner or~~ member of the commission or an agent authorized by the  
18 commission to accept service constitutes complete service on all parties, but there  
19 shall be left with the person so served as many copies of the summons and complaint  
20 as there are defendants, and the commission shall electronically deliver or mail one  
21 copy to each other defendant.

22 **SECTION 138.** 102.23 (2) of the statutes is amended to read:

23 102.23 (2) Upon the trial of ~~any such~~ an action for review of an order or award  
24 the court shall disregard any irregularity or error of the commission or the

1 ~~department~~ division unless it is made to affirmatively appear that the plaintiff was  
2 damaged thereby by that irregularity or error.

3 **SECTION 139.** 102.23 (3) of the statutes is amended to read:

4 102.23 (3) The record in any case shall be transmitted to the ~~department~~  
5 division within 5 days after expiration of the time for appeal from the order or  
6 judgment of the court, unless an appeal ~~shall be~~ is taken from such ~~that~~ order or  
7 judgment.

8 **SECTION 140.** 102.23 (5) of the statutes is amended to read:

9 102.23 (5) When an action for review involves only the question of liability as  
10 between the employer and one or more insurance companies or as between several  
11 insurance companies, a party that has been ordered by the ~~department~~ division, the  
12 commission, or a court to pay compensation is not relieved from paying compensation  
13 as ordered.

14 **SECTION 141.** 102.24 (2) of the statutes is amended to read:

15 102.24 (2) After the commencement of an action to review any order or award  
16 of the commission, the parties may have the record remanded by the court for such  
17 time and under such condition as ~~they~~ the parties may provide, for the purpose of  
18 having the ~~department~~ division act upon the question of approving or disapproving  
19 any settlement or compromise that the parties may desire to have so approved. If  
20 approved, the action shall be at an end and judgment may be entered upon the  
21 approval as upon an award. If not approved, the division shall immediately return  
22 ~~the record shall forthwith be returned~~ to the circuit court and the action shall proceed  
23 as if no remand had been made.

24 **SECTION 142.** 102.25 (1) of the statutes is amended to read:

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

12           **SECTION 143.** 102.26 (2) of the statutes is amended to read:

13           102.26 (2) Unless previously authorized by the ~~department~~ division, no fee may  
14 be charged or received for the enforcement or collection of any claim for  
15 compensation, nor may any contract for that enforcement or collection be enforceable  
16 when that fee, inclusive of all taxable attorney fees paid or agreed to be paid for that  
17 enforcement or collection, exceeds 20 percent of the amount at which ~~that~~ the claim  
18 is compromised or of the amount awarded, adjudged, or collected, except that in cases  
19 of admitted liability in which there is no dispute as to the amount of compensation  
20 due and in which no hearing or appeal is necessary, the fee charged may not exceed  
21 10 percent, but not to exceed \$250, of the amount at which ~~that~~ the claim is  
22 compromised or of the amount awarded, adjudged, or collected. The limitation as to  
23 fees shall apply to the combined charges of attorneys, solicitors, representatives, and  
24 adjusters who knowingly combine their efforts toward the enforcement or collection  
25 of any compensation claim.

1           **SECTION 144.** 102.26 (3) (b) 1. of the statutes is amended to read:

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

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

7           102.26 (3) (b) 3. The claimant may request the insurer or self-insured employer  
8 to pay any compensation that is due the claimant by depositing the payment directly  
9 into an account maintained by the claimant at a financial institution. If the insurer  
10 or self-insured employer agrees to the request, the insurer or self-insured employer  
11 may deposit the payment by direct deposit, electronic funds transfer, or any other  
12 money transfer technique approved by the ~~department~~ division. The claimant may  
13 revoke a request under this subdivision at any time by providing appropriate written  
14 notice to the insurer or self-insured employer.

15           **SECTION 146.** 102.26 (4) of the statutes is amended to read:

16           102.26 (4) ~~The charging or receiving of~~ Any attorney or other person who  
17 charges or receives any fee in violation of this section ~~shall be unlawful, and the~~  
18 ~~attorney or other person guilty thereof shall~~ may be required to forfeit double the  
19 amount retained by the attorney or other person, ~~the same to~~ which forfeiture shall  
20 be collected by the state in an action in debt, upon complaint of the ~~department~~  
21 division. Out of the sum recovered the court shall direct payment to the injured party  
22 of the amount of the overcharge.

23           **SECTION 147.** 102.27 (2) (b) of the statutes is amended to read:

24           102.27 (2) (b) If a governmental unit provides public assistance under ch. 49  
25 to pay medical costs or living expenses related to a claim under this chapter and if



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

11 **SECTION 148.** 102.28 (2) (a) of the statutes is amended to read:

12 102.28 (2) (a) *Duty to insure payment for compensation.* Unless exempted by  
13 the ~~department~~ office under par. (b) or sub. (3), every employer, as described in s.  
14 102.04 (1), shall insure payment for ~~that~~ compensation in an insurer authorized to  
15 do business in this state. A joint venture may elect to be an employer under this  
16 chapter and obtain insurance for payment of compensation. If a joint venture that  
17 is subject to this chapter only because the joint venture elected to be an employer  
18 under this chapter is dissolved and cancels or terminates its contract for the  
19 insurance of compensation under this chapter, that joint venture is ~~deemed~~  
20 considered to have effected withdrawal, which shall be effective on the day after the  
21 contract is canceled or terminated.

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

23 102.28 (2) (b) *Exemption from duty to insure.* The ~~department~~ office may grant  
24 a written order of exemption to an employer who shows its financial ability to pay  
25 the amount of compensation, agrees to report faithfully all compensable injuries, and

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

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

15 102.28 (2) (c) *Revocation of exemption.* ~~The department, after~~ After seeking the  
16 advice of the self-insurers council, the office may revoke an exemption granted to an  
17 employer under par. (b), upon giving the employer 10 days' written notice, if the  
18 ~~department~~ office finds that the employer's financial condition is inadequate to pay  
19 its employees' claims for compensation, that the employer has received an excessive  
20 number of claims for compensation, or that the employer has failed to discharge  
21 faithfully its obligations according to the agreement contained in the application for  
22 exemption. ~~The employer may, within~~ Within 10 days after receipt of the notice of  
23 revocation, the employer may request in writing a review of the revocation by the  
24 ~~secretary~~ commissioner or the ~~secretary's~~ commissioner's designee and the ~~secretary~~  
25 commissioner or the ~~secretary's~~ designee shall review the revocation within 30 days

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

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

11 102.28 (2) (d) *Effect of insuring with unauthorized insurer.* An employer who  
12 ~~procures~~ after procuring an exemption under par. (b) ~~and thereafter~~ enters into any  
13 agreement for excess insurance coverage with an insurer not authorized to do  
14 business in this state shall report that agreement to the department office  
15 immediately. The placing of such ~~that~~ coverage shall not by itself be grounds for  
16 revocation of the exemption.

17 **SECTION 152.** 102.28 (3) (a) (intro.) of the statutes is amended to read:

18 102.28 (3) (a) (intro.) An employer may file with the department office an  
19 application for exemption from the duty to pay compensation under this chapter with  
20 respect to any employee who signs the waiver described in subd. 1. and the affidavit  
21 described in subd. 2. if an authorized representative of the religious sect to which the  
22 employee belongs signs the affidavit specified in subd. 3. and the agreement  
23 described in subd. 4. An application for exemption under this paragraph shall  
24 include all of the following:

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

1           102.28 (3) (b) (intro.) ~~The department~~ office shall approve an application under  
2 par. (a) if the ~~department~~ office determines that all of the following conditions are  
3 satisfied:

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

5           102.28 (3) (b) 3. The religious sect to which the employee belongs has a  
6 long-established history of providing its members who become dependent on the  
7 religious sect as a result of work-related injuries, and the dependents of those  
8 members, with a standard of living and medical treatment that are reasonable when  
9 compared to the general standard of living and medical treatment for members of the  
10 religious sect. In determining whether the religious sect has a long-standing history  
11 of providing the financial and medical assistance described in this subdivision, the  
12 ~~department~~ office shall presume that a 25-year history of providing that financial  
13 and medical assistance is long-standing for purposes of this subdivision.

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

15           102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an  
16 affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the  
17 employer would be liable for under s. 102.03, who at the time of the injury was a  
18 member of a religious sect whose authorized representative has filed an affidavit  
19 under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury  
20 becomes dependent on the religious sect for financial and medical assistance, or the  
21 employee's dependent, may request a hearing under s. 102.17 (1) to determine if the  
22 religious sect has provided the employee and his or her dependents with a standard  
23 of living and medical treatment that are reasonable when compared to the general  
24 standard of living and medical treatment for members of the religious sect. If, after  
25 hearing, the ~~department~~ division determines that the religious sect has not provided

1 that standard of living or medical treatment, or both, the ~~department~~ division may  
2 order the religious sect to provide alternative benefits to that employee or his or her  
3 dependent, or both, in an amount that is reasonable under the circumstances, but  
4 not in excess of the benefits that the employee or dependent could have received  
5 under this chapter but for the waiver under par. (a) 1.

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

7 102.28 (3) (d) The ~~department~~ office shall provide a form for the application for  
8 exemption of an employer under par. (a) (intro.), the waiver and affidavit of an  
9 employee under par. (a) 1. and 2., the affidavit of a religious sect under par. (a) 3., and  
10 the agreement of a religious sect under par. (a) 4. A properly completed form is prima  
11 facie evidence of satisfaction of the conditions under par. (b) as to the matter  
12 contained in the form.

13 **SECTION 157.** 102.28 (4) (a) of the statutes is amended to read:

14 102.28 (4) (a) When the ~~department~~ office discovers an uninsured employer,  
15 the ~~department~~ office may order the employer to cease operations until the employer  
16 complies with sub. (2).

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

18 102.28 (4) (b) If the ~~department~~ office believes that an employer may be an  
19 uninsured employer, the ~~department~~ office shall notify the employer of the alleged  
20 violation of sub. (2) and the possibility of closure under this subsection. The employer  
21 may request and shall receive a hearing under s. 102.17 on the matter if the employer  
22 applies for a hearing within 10 days after the notice of the alleged violation is served.

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

24 102.28 (4) (c) After a hearing under par. (b), or without a hearing if one is not  
25 requested, the ~~department~~ division may issue an order to an employer to cease

1 operations on a finding that the employer is an uninsured employer. If no hearing  
2 is requested, the office may issue such an order.

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

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

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

8 102.28 (6) REPORTS BY EMPLOYER. ~~Every employer shall upon~~ Upon request of  
9 the department office, an employer shall report to it the office the number of  
10 employees ~~and employed by the employer,~~ the nature of their work ~~and also,~~ the  
11 name of the insurance company with whom which the employer has insured its  
12 liability under this chapter, and the policy number and date of expiration of ~~such the~~  
13 policy insuring that liability. Failure to furnish ~~such a report requested under this~~  
14 subsection within 10 days ~~from the making of a request after the request is sent to~~  
15 the employer by certified mail ~~shall constitute~~ constitutes presumptive evidence that  
16 the ~~delinquent~~ employer is ~~violating~~ in violation of sub. (2).

17 **SECTION 162.** 102.28 (7) (a) of the statutes is amended to read:

18 102.28 (7) (a) If an employer who is currently or was formerly exempted by  
19 ~~written order of the department~~ under sub. (2) is unable to pay an award, judgment  
20 is rendered in accordance with s. 102.20 against that employer, and execution is  
21 levied and returned unsatisfied in whole or in part, payments for the employer's  
22 liability shall be made from the fund established under sub. (8). If a currently or  
23 formerly exempted employer files for bankruptcy and if not less than 60 days after  
24 that filing the department office has reason to believe that compensation payments  
25 due are not being paid, the ~~department~~ office in its discretion may make payment for

1 the employer's liability from the fund established under sub. (8). The secretary of  
2 administration shall proceed to recover ~~such~~ those payments from the employer or  
3 the employer's receiver or trustee in bankruptcy, and may commence an action or  
4 proceeding or file a claim ~~therefor~~ to recover those payments. The attorney general  
5 shall appear on behalf of the secretary of administration in any such action or  
6 proceeding. All moneys recovered in any such action or proceeding shall be paid into  
7 the fund established under sub. (8).

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

9 102.28 (7) (b) ~~Each~~ Upon the issuance of an initial order exempting an  
10 employer under sub. (2), the employer exempted by written order of the department  
11 under sub. (2) shall pay into the fund established by under sub. (8) a sum equal to  
12 ~~that~~ the amount assessed against each of the other ~~such exempt~~ employers ~~upon the~~  
13 ~~issuance of an initial order~~ that are exempt under sub. (2). The order shall provide  
14 for a sum that is sufficient to secure estimated payments of the insolvent exempt  
15 employer due for the period up to the date of the order and for one year following the  
16 date of the order and to pay the estimated cost of insurance carrier or insurance  
17 service organization services under par. (c). Payments ordered to be made to the fund  
18 shall be paid to the ~~department~~ office within 30 days after the date of the order. If  
19 additional moneys are required, further assessments shall be made based on orders  
20 of the ~~department~~ office with ~~assessment~~ those assessments to be prorated on the  
21 basis of the gross payroll for this state of the exempt employer, as reported to the  
22 department of workforce development for the previous calendar year for  
23 unemployment insurance purposes under ch. 108. If the exempt employer is not  
24 covered under ch. 108, ~~then~~ the ~~department~~ office shall determine the comparable  
25 gross payroll for the exempt employer. If payment of any assessment made under

1 this subsection ~~paragraph~~ is not made within 30 days of after the date of the order  
2 of the ~~department~~ office, the attorney general may appear on behalf of the state to  
3 collect the assessment.

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

5 102.28 (7) (c) The ~~department~~ office may retain an insurance carrier or  
6 insurance service organization to process, investigate, and pay valid claims. The  
7 charge for ~~such service~~ those services shall be paid from the fund as provided under  
8 par. (b).

9 **SECTION 165.** 102.28 (8) of the statutes is amended to read:

10 102.28 (8) SELF-INSURED EMPLOYERS LIABILITY FUND. The moneys paid into the  
11 state treasury under sub. (7), together with all accrued interest, shall constitute a  
12 separate nonlapsible fund designated as the self-insured employers liability fund.  
13 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.145 (6) (s)  
14 and may not be used for ~~an~~ any other purpose of the state.

15 **SECTION 166.** 102.29 (1) (a) of the statutes is amended to read:

16 102.29 (1) (a) The making of a claim for compensation against an employer or  
17 compensation insurer for the injury or death of an employee ~~shall~~ does not affect the  
18 right of the employee, the employee's personal representative, or other person  
19 entitled to bring action to make a claim or maintain an action in tort against any  
20 other party for ~~such~~ that injury or death, hereinafter referred to as a 3rd party; nor  
21 ~~shall~~ does the making of a claim by any such person against a 3rd party for damages  
22 by reason of an injury to which ss. 102.03 to 102.66 are applicable, or the adjustment  
23 of any such claim, affect the right of the injured employee or the employee's  
24 dependents to recover compensation. An employer or compensation insurer that has  
25 paid or is obligated to pay a lawful claim under this chapter shall have the same right



1 to make a claim or maintain an action in tort against any other party for such ~~that~~ that  
2 injury or death. If the ~~department~~ office pays or is obligated to pay a claim under s.  
3 102.66 (1) or 102.81 (1), the ~~department~~ office shall also have the right to make a  
4 claim or maintain an action in tort against any other party for the employee's injury  
5 or death. However, each party shall give to the other parties reasonable notice ~~and,~~  
6 the opportunity to join in the making of such a claim or the instituting of such an  
7 action, and the opportunity to be represented by counsel.

8 **SECTION 167.** 102.29 (1) (b) (intro.) of the statutes is amended to read:

9 102.29 (1) (b) (intro.) If a party entitled to notice cannot be found, the  
10 ~~department~~ office shall become the agent of that party for the giving of a notice as  
11 required in par. (a) and the notice, when given to the ~~department~~ office, shall include  
12 an affidavit setting forth the facts, including the steps taken to locate that party.  
13 Each party shall have an equal voice in the prosecution of the claim, and any disputes  
14 arising shall be passed upon by the court before whom the case is pending, and if no  
15 action is pending, then by a court of record or by the ~~department~~ division. If notice  
16 is given as provided in par. (a), the liability of the tort-feasor shall be determined as  
17 to all parties having a right to make claim and, irrespective of whether ~~or not~~ all  
18 parties join in prosecuting the claim, the proceeds of the claim shall be divided as  
19 follows:

20 **SECTION 168.** 102.29 (1) (b) 2. of the statutes is amended to read:

21 102.29 (1) (b) 2. Out of the balance remaining after the deduction and payment  
22 specified in subd. 1., the employer, the insurance carrier, or, if applicable, the  
23 uninsured employers fund or the work injury supplemental benefit fund shall be  
24 reimbursed for all payments made by the employer, insurance carrier, or ~~department~~  
25 office, or ~~which that~~ the employer, insurance carrier, or department office may be

1 obligated to make in the future, under this chapter, except that the employer,  
2 insurance carrier, or ~~department~~ office shall not be reimbursed for any payments  
3 made or to be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57, or 102.60.

4 **SECTION 169.** 102.29 (1) (c) of the statutes is amended to read:

5 102.29 (1) (c) If both the employee or the employee's personal representative  
6 or other person entitled to bring action, and the employer, compensation insurer, or  
7 ~~department~~ office, join in the pressing of said claim and are represented by counsel,  
8 the attorney fees allowed as a part of the costs of collection shall be, unless otherwise  
9 agreed upon, divided between the attorneys for those parties as directed by the court  
10 or by the ~~department~~ division.

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

12 102.29 (1) (d) A settlement of a 3rd-party claim shall be void unless the  
13 settlement and the distribution of the proceeds of the settlement are approved by the  
14 court before whom the action is pending or, if no action is pending, then by a court  
15 of record or by the ~~department~~ division.

16 **SECTION 171.** 102.29 (4) of the statutes is amended to read:

17 102.29 (4) If the employer and the 3rd party are insured by the same insurer,  
18 or by the insurers who are under common control, the employer's insurer shall  
19 promptly notify the parties in interest and the ~~department~~ office. If the employer has  
20 assumed the liability of the 3rd party, it the employer shall give similar notice, in  
21 default of which any settlement with an injured employee or beneficiary is void. This  
22 subsection does not prevent the employer or compensation insurer from sharing in  
23 the proceeds of any 3rd-party claim or action, ~~as set forth~~ as provided in sub. (1).

24 **SECTION 172.** 102.30 (7) (a) of the statutes is amended to read:

1           102.30 (7) (a) The ~~department~~ office may order direct reimbursement out of the  
2           proceeds payable under this chapter for payments made under a nonindustrial  
3           insurance policy covering the same disability and expenses compensable under s.  
4           102.42 when the claimant consents or when it is established that the payments under  
5           the nonindustrial insurance policy were improper. No attorney fee is due with  
6           respect to that reimbursement.

7           **SECTION 173.** 102.31 (1) (b) of the statutes is amended to read:

8           102.31 (1) (b) Except as provided in par. (c), a contract under par. (a) shall be  
9           construed to grant full coverage of all liability of the assured under this chapter  
10          unless the ~~department~~ office specifically consents by written order to the issuance  
11          of a contract providing divided insurance or partial insurance.

12          **SECTION 174.** 102.31 (2) (a) of the statutes is amended to read:

13          102.31 (2) (a) No party to a contract of insurance may cancel the contract within  
14          the contract period or terminate or ~~not-renew~~ nonrenew the contract upon the  
15          expiration date of the contract until a notice in writing is given to the other party  
16          fixing the proposed date of cancellation or declaring that the party intends to  
17          terminate or ~~does not intend to renew~~ nonrenew the ~~policy~~ contract upon expiration.  
18          Except as provided in par. (b), when an insurance company ~~does not-renew~~  
19          nonrenews a ~~policy~~ contract upon expiration, the nonrenewal is not effective until 60  
20          days after the insurance company has given written notice of the nonrenewal to the  
21          insured employer and the ~~department~~ office. Cancellation or termination of a ~~policy~~  
22          contract by an insurance company for any reason other than nonrenewal is not  
23          effective until 30 days after the insurance company has given written notice of the  
24          cancellation or termination to the insured employer and the ~~department~~ office.  
25          Notice to the ~~department~~ office may be given by personal service of the notice upon

1 the department office at its office in Madison or by sending the notice to the  
2 department office in a medium approved by the department office. The department  
3 office may provide by rule that ~~the~~ a notice of cancellation or termination be given  
4 to the Wisconsin compensation rating bureau rather than to the department office  
5 in a medium approved by the department office after consultation with the  
6 Wisconsin compensation rating bureau. Whenever the Wisconsin compensation  
7 rating bureau receives ~~such~~ a notice of cancellation or termination it that bureau  
8 shall immediately notify the department office of the notice of cancellation or  
9 termination.

10 **SECTION 175.** 102.31 (3) of the statutes is amended to read:

11 102.31 (3) The department office may examine from time to time the books and  
12 records of any insurer insuring the liability or for compensation for of an employer  
13 in this state. ~~The department may require an insurer to designate one mailing~~  
14 ~~address for use by the department and to respond to correspondence from the~~  
15 ~~department within 30 days as provided in s. 601.42.~~ Any insurer that refuses or fails  
16 to answer correspondence from the department or to allow the department to  
17 examine its books and records as required under s. 601.42 is subject to enforcement  
18 proceedings under s. 601.64.

19 **SECTION 176.** 102.31 (4) of the statutes is amended to read:

20 102.31 (4) If any insurer authorized to transact worker's compensation  
21 insurance in this state fails to promptly pay claims for compensation for which it the  
22 insurer is liable or fails to make reports to the department office required by under  
23 s. 102.38, ~~the department may recommend to the commissioner of insurance, with~~  
24 ~~detailed reasons, that enforcement proceedings under s. 601.64 be invoked.~~ The  
25 ~~commissioner shall furnish a copy of the recommendation to the insurer and shall~~

1 set a date for a hearing, at which both the insurer and the department shall be  
2 afforded an opportunity to present evidence. If after the hearing the commissioner  
3 finds that the insurer has failed to carry out its obligations under this chapter, the  
4 commissioner shall may institute enforcement proceedings under s. 601.64. If the  
5 commissioner does not so find, the commissioner shall dismiss the complaint.

6 **SECTION 177.** 102.31 (5) of the statutes is amended to read:

7 102.31 (5) If any employer whom the department office has exempted from  
8 carrying the duty to carry compensation insurance arbitrarily or unreasonably  
9 refuses employment to or discharges employees an employee because of a  
10 nondisabling physical condition, the department office shall revoke the exemption  
11 of that employer.

12 **SECTION 178.** 102.31 (6) of the statutes is repealed.

13 **SECTION 179.** 102.31 (7) of the statutes is amended to read:

14 102.31 (7) If the department office by one or more written orders specifically  
15 consents to the issuance of one or more contracts covering only the liability incurred  
16 on a construction project and if the construction project owner designates the  
17 insurance carrier and pays for each such contract, the construction project owner  
18 shall reimburse the department office for all costs incurred by the department office  
19 in issuing the written orders and in ensuring minimum confusion and maximum  
20 safety on the construction project. All moneys received under this subsection shall  
21 be deposited in the worker's compensation operations fund and credited to the  
22 appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (rb).

23 **SECTION 180.** 102.31 (8) of the statutes is amended to read:

24 102.31 (8) The Wisconsin compensation rating bureau shall provide the  
25 department office with any information that the department office may request

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

10 **SECTION 181.** 102.315 (4) of the statutes is amended to read:

11 102.315 (4) MASTER POLICY; APPROVAL REQUIRED. An employee leasing company  
12 may insure its liability under sub. (2) by obtaining a master policy that has been  
13 approved by the commissioner of insurance as provided in this subsection. The  
14 commissioner of insurance may approve the issuance of a master policy if the insurer  
15 proposing to issue the master policy submits a filing to the bureau showing that the  
16 insurer has the technological capacity and operation capability to provide to the  
17 bureau information, including unit statistical data, information concerning proof of  
18 coverage and cancellation, termination, and nonrenewal of coverage, and any other  
19 information that the bureau may require, at the client level and in a format required  
20 by the bureau and the bureau submits the filing to the commissioner of insurance for  
21 approval under s. 626.13. A master policy filing under this subsection shall also  
22 establish basic manual rules governing the issuance of an insurance policy covering  
23 the leased employees of a divided workforce that are consistent with sub. (6) and the  
24 cancellation, termination, and nonrenewal of policies that are consistent with sub.  
25 (10). On approval by the commissioner of insurance of a master policy filing, an

1 insurer may issue a master policy to an employee leasing company insuring the  
2 liability of the employee leasing company under sub. (2).

3 **SECTION 182.** 102.315 (5) (b) (intro.) of the statutes is amended to read:

4 102.315 (5) (b) (intro.) Within 30 days after the effective date of an employee  
5 leasing agreement with a small client that is covered under a master policy under  
6 par. (a), the employee leasing company shall report to the ~~department~~ office all of the  
7 following information:

8 **SECTION 183.** 102.315 (5) (c) of the statutes is amended to read:

9 102.315 (5) (c) Within 30 days after the effective date of coverage of a small  
10 client under a master policy under par. (a), the insurer or, if authorized by the  
11 insurer, the employee leasing company shall file proof of that coverage with the  
12 ~~department~~ office. Coverage of a small client under a master policy becomes binding  
13 when the insurer or employee leasing company files proof of that coverage under this  
14 paragraph or provides notice of coverage to the small client, whichever occurs first.  
15 Nothing in this paragraph requires an employee leasing company or an employee of  
16 an employee leasing company to be licensed as an insurance intermediary under ch.  
17 628.

18 **SECTION 184.** 102.315 (6) (a) of the statutes is amended to read:

19 102.315 (6) (a) If a client notifies the ~~department~~ office as provided under par.  
20 (b) of its intent to have a divided workforce, an insurer may issue a worker's  
21 compensation insurance policy covering only the leased employees of the client. An  
22 insurer that issues a policy covering only the leased employees of a client is not liable  
23 under s. 102.03 for any compensation payable under this chapter to an employee of  
24 the client who is not a leased employee unless the insurer also issues a policy covering  
25 that employee. A client that has a divided workforce shall insure its employees who

1 are not leased employees in the voluntary market and may not insure those  
2 employees under the mandatory risk-sharing plan under s. 619.01 unless the leased  
3 employees of the client are covered under that plan.

4 **SECTION 185.** 102.315 (6) (b) (intro.) of the statutes is amended to read:

5 102.315 (6) (b) (intro.) A client that intends to have a divided workforce shall  
6 notify the ~~department~~ office of that intent on a form prescribed by the ~~department~~  
7 office that includes all of the following:

8 **SECTION 186.** 102.315 (6) (b) 1. of the statutes is amended to read:

9 102.315 (6) (b) 1. The names and mailing addresses of the client and the  
10 employee leasing company, the effective date of the employee leasing agreement, a  
11 description of the employees of the client who are not leased employees, and such  
12 other information as the ~~department~~ office may require.

13 **SECTION 187.** 102.315 (6) (b) 3. of the statutes is amended to read:

14 102.315 (6) (b) 3. An agreement by the client to assume full responsibility to  
15 immediately pay all compensation and other payments payable under this chapter  
16 as may be required by the ~~department~~ office should a dispute arise between 2 or more  
17 insurers as to liability under this chapter for an injury sustained while a divided  
18 workforce plan is in effect, pending final resolution of that dispute. This subdivision  
19 does not preclude a client from insuring that responsibility in an insurer authorized  
20 to do business in this state.

21 **SECTION 188.** 102.315 (6) (d) of the statutes is amended to read:

22 102.315 (6) (d) When the ~~department~~ office receives a notification under par.  
23 (b), the ~~department~~ office shall immediately provide a copy of the notification to the  
24 bureau.

25 **SECTION 189.** 102.315 (6) (e) 1. of the statutes is amended to read:



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

5           **SECTION 190.** 102.315 (6) (e) 2. of the statutes is amended to read:

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

14           **SECTION 191.** 102.315 (6) (e) 3. of the statutes is amended to read:

15           102.315 (6) (e) 3. If an insurer cancels, terminates, or ~~does not renew~~  
16 nonrenews a worker's compensation insurance policy issued under a divided  
17 workforce plan that covers under the mandatory risk-sharing plan under s. 619.01  
18 the employees of a client who are not leased employees, the divided workforce plan  
19 is terminated on the effective date of the cancellation, termination, or nonrenewal  
20 of the policy.

21           **SECTION 192.** 102.315 (9) (a) of the statutes is amended to read:

22           102.315 (9) (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may  
23 charge a premium for coverage under that policy that complies with the applicable  
24 classifications, rules, rates, and rating plans filed with and approved by the  
25 commissioner ~~of insurance~~ under s. 626.13.

1           **SECTION 193.** 102.315 (10) (a) 2. of the statutes is amended to read:

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

8           **SECTION 194.** 102.315 (10) (a) 3. of the statutes is amended to read:

9           102.315 (10) (a) 3. Subject to subd. 4., an insurer may cancel, terminate, or  
10 nonrenew a policy described in subd. 1. by providing written notice of the  
11 cancellation, termination, or nonrenewal to the insured employee leasing company  
12 and to the ~~department~~ office as required under s. 102.31 (2) (a) and by providing that  
13 notice to the insured client. The insurer is not required to state in the notice to the  
14 insured client the facts on which the decision to cancel, terminate, or nonrenew the  
15 policy is based. Except as provided in s. 102.31 (2) (b), cancellation or termination  
16 of a policy under this subdivision for any reason other than nonrenewal is not  
17 effective until 30 days after the insurer has provided written notice of the  
18 cancellation or termination to the insured employee leasing company, the insured  
19 client, and the ~~department~~ office. Except as provided in s. 102.31 (2) (b), nonrenewal  
20 of a policy under this subdivision is not effective until 60 days after the insurer has  
21 provided written notice of the cancellation or termination to the insured employee  
22 leasing company, the insured client, and the ~~department~~ office.

23           **SECTION 195.** 102.315 (10) (a) 4. of the statutes is amended to read:

24           102.315 (10) (a) 4. If an employee leasing company terminates an employee  
25 leasing agreement with a client in its entirety, an insurer may cancel or terminate

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

11 **SECTION 196.** 102.315 (10) (b) 2. of the statutes is amended to read:

12 102.315 (10) (b) 2. The insureds under a policy described in subd. 1. may cancel  
13 the policy during the policy period if both the employee leasing company and the  
14 client agree to the cancellation, the cancellation is confirmed by the employee leasing  
15 company promptly providing written confirmation of the cancellation to the client or  
16 by the client agreeing to the cancellation in writing, and the insurer provides written  
17 notice of the cancellation to the ~~department~~ office as required under s. 102.31 (2) (a).

18 **SECTION 197.** 102.315 (10) (b) 3. of the statutes is amended to read:

19 102.315 (10) (b) 3. An insurer may cancel, terminate, or nonrenew a policy  
20 described in subd. 1., including cancellation or termination of a policy providing  
21 continued coverage under subd. 4., by providing written notice of the cancellation,  
22 termination, or nonrenewal to the insured employee leasing company and to the  
23 ~~department~~ office as required under s. 102.31 (2) (a) and by providing that notice to  
24 the insured client. Except as provided in s. 102.31 (2) (b), cancellation or termination  
25 of a policy under this subdivision for any reason other than nonrenewal is not

1 effective until 30 days after the insurer has provided written notice of the  
2 cancellation or termination to the insured employee leasing company, the insured  
3 client, and the department office. Except as provided in s. 102.31 (2) (b), nonrenewal  
4 of a policy under this subdivision is not effective until 60 days after the insurer has  
5 provided written notice of the cancellation or termination to the insured employee  
6 leasing company, the insured client, and the department office.

7 **SECTION 198.** 102.32 (1m) (intro.) of the statutes is amended to read:

8 102.32 (1m) (intro.) In any case in which compensation payments for an injury  
9 have extended or will extend over 6 months or more after the date of the injury or in  
10 any case in which death benefits are payable, any party in interest may, in the  
11 discretion of the department office, be discharged from, or compelled to guarantee,  
12 future compensation payments by doing any of the following:

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

14 102.32 (1m) (a) Depositing the present value of the total unpaid compensation  
15 upon a 5 percent interest discount basis with a credit union, savings bank, savings  
16 and loan association, bank, or trust company designated by the department office.

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

18 102.32 (1m) (c) Making payment in gross upon a 5 percent interest discount  
19 basis to be approved by the department office.

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

21 102.32 (1m) (d) In cases in which the time for making payments or the amounts  
22 of payments cannot be definitely determined, furnishing a bond, or other security,  
23 satisfactory to the department office for the payment of compensation as may be due  
24 or become due. The acceptance of the bond, or other security, and the form and  
25 sufficiency of the bond or other security, shall be subject to the approval of the

1 ~~department office.~~ If the employer or insurer is unable or fails to immediately  
2 procure the bond, ~~then, the employer or insurer,~~ in lieu of procuring the bond, shall  
3 ~~deposit shall be made~~ with a credit union, savings bank, savings and loan  
4 association, bank, or trust company designated by the ~~department,~~ of office the  
5 maximum amount that may reasonably become payable in ~~these~~ those cases, to be  
6 determined by the ~~department~~ office at amounts consistent with the extent of the  
7 injuries and the law. The bonds and deposits ~~are to~~ may be reduced only to satisfy  
8 claims and may be withdrawn only after the claims which they are to guarantee are  
9 fully satisfied or liquidated under par. (a), (b), or (c).

10 **SECTION 202.** 102.32 (5) of the statutes is amended to read:

11 102.32 (5) Any insured employer may, ~~within~~ in the discretion of the  
12 ~~department office,~~ compel the insurer to discharge, or to guarantee payment of, the  
13 employer's liabilities in any case described in sub. (1m) and ~~thereby by that discharge~~  
14 or guarantee release the employer from ~~compensation~~ liability for compensation in  
15 that case, ~~but~~ except that if for any reason a bond furnished or deposit made under  
16 sub. (1m) (d) does not fully protect the beneficiary of the bond or deposit, the  
17 compensation insurer or insured employer, as the case may be, shall still be liable  
18 to ~~the~~ that beneficiary ~~of the bond or deposit.~~

19 **SECTION 203.** 102.32 (6) (b) of the statutes is amended to read:

20 102.32 (6) (b) Subject to par. (d), if the employer or the employer's insurer  
21 concedes liability for an injury that results in permanent disability and if the extent  
22 of the permanent disability can be determined based on a minimum permanent  
23 disability rating promulgated by the ~~department~~ office by rule, compensation for  
24 permanent disability shall begin within 30 days after the end of the employee's

1 healing period or the date on which compensation for temporary disability ends due  
2 to the employee's return to work, whichever is earlier.

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

4 102.32 (6) (d) The ~~department~~ office shall promulgate rules for determining  
5 when compensation for permanent disability shall begin in cases in which the  
6 employer or the employer's insurer concedes liability, but disputes the extent of  
7 permanent disability.

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

9 102.32 (6) (e) Payments for permanent disability, including payments based on  
10 minimum permanent disability ratings promulgated by the ~~department~~ office by  
11 rule, shall continue on a monthly basis and shall accrue and be payable between  
12 intermittent periods of temporary disability so long as the employer or insurer knows  
13 the nature of the permanent disability.

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

15 102.32 (6m) The ~~department~~ office may direct an advance on a payment of  
16 unaccrued compensation for permanent disability or death benefits if the  
17 ~~department~~ office determines that the advance payment is in the best interest of the  
18 injured employee or the employee's dependents. In directing the advance, the  
19 ~~department~~ office shall give the employer or the employer's insurer an interest credit  
20 against its liability. The credit shall be computed at 5 percent. An injured employee  
21 or dependent may receive no more than 3 advance payments per calendar year.

22 **SECTION 207.** 102.32 (7) of the statutes is amended to read:

23 102.32 (7) No lump sum settlement shall be allowed in any case of permanent  
24 total disability upon an estimated life expectancy, except upon consent of all parties,

1 after hearing and finding by the ~~department~~ division that the interests of the injured  
2 employee will be conserved ~~thereby~~ by the lump sum settlement.

3 **SECTION 208.** 102.33 (title) of the statutes is amended to read:

4 **102.33 (title) ~~Department forms~~ Forms and records; public access.**

5 **SECTION 209.** 102.33 (1) of the statutes is amended to read:

6 102.33 (1) The ~~department~~ office and the division shall print and furnish free  
7 to any employer or employee any blank forms that ~~the department considers~~ are  
8 necessary to facilitate efficient administration of this chapter. ~~The department office~~  
9 and the division shall keep any record books or records that ~~the department~~  
10 considers are necessary for the proper and efficient administration of this chapter.

11 **SECTION 210.** 102.33 (2) (a) of the statutes is amended to read:

12 102.33 (2) (a) Except as provided in pars. (b) and (c), ~~the records of the~~  
13 ~~department,~~ and the records of the commission, the office, and the division related  
14 to the administration of this chapter are subject to inspection and copying under s.  
15 19.35 (1).

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

17 102.33 (2) (b) (intro.) Except as provided in this paragraph and par. (d), a record  
18 maintained ~~by the department or~~ by the commission, by the office, or by the division  
19 that reveals the identity of an employee who claims worker's compensation benefits,  
20 the nature of the employee's claimed injury, the employee's past or present medical  
21 condition, the extent of the employee's disability, or the amount, type, or duration of  
22 benefits paid to the employee and a record maintained by the ~~department~~ office that  
23 reveals any financial information provided to the ~~department~~ office by a self-insured  
24 employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and  
25 not open to public inspection or copying under s. 19.35 (1). ~~The department or~~

1 commission, the office, or the division may deny a request made under s. 19.35 (1)  
2 or, subject to s. 102.17 (2m) and (2s), refuse to honor a subpoena issued by an attorney  
3 of record in a civil or criminal action or special proceeding to inspect and copy a record  
4 that is confidential under this paragraph, unless ~~one~~ any of the following applies:

5 **SECTION 212.** 102.33 (2) (b) 1. of the statutes is amended to read:

6 102.33 (2) (b) 1. The requester is the employee who is the subject of the record  
7 or an attorney or authorized agent of that employee. An attorney or authorized agent  
8 of an employee who is the subject of a record shall provide a written authorization  
9 for inspection and copying from the employee if requested by the ~~department or the~~  
10 commission, the office, or the division.

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

12 102.33 (2) (b) 2. The record that is requested contains confidential information  
13 concerning a worker's compensation claim and the requester is an insurance carrier  
14 or employer that is a party to any worker's compensation claim involving the same  
15 employee or an attorney or authorized agent of that insurance carrier or employer,  
16 except that the ~~department or the~~ commission, the office, or the division is not  
17 required to do a random search of its records and may require the requester to  
18 provide the approximate date of the injury and any other relevant information that  
19 would assist the ~~department or the~~ commission, the office, or the division in finding  
20 the record requested. An attorney or authorized agent of an insurance carrier or  
21 employer that is a party to an employee's worker's compensation claim shall provide  
22 a written authorization for inspection and copying from the insurance carrier or  
23 employer if requested by the ~~department or the~~ commission, the office, or the  
24 division.

25 **SECTION 214.** 102.33 (2) (b) 3. of the statutes is amended to read:



1           102.33 (2) (b) 3. The record that is requested contains financial information  
2 provided by a self-insured employer or by an applicant for exemption under s. 102.28  
3 (2) (b) and the requester is the self-insured employer or applicant for exemption or  
4 an attorney or authorized agent of the self-insured employer or applicant for  
5 exemption. An attorney or authorized agent of the self-insured employer or of the  
6 applicant for exemption shall provide a written authorization for inspection and  
7 copying from the self-insured employer or applicant for exemption if requested by  
8 the department office.

9           **SECTION 215.** 102.33 (2) (b) 4. of the statutes is amended to read:

10           102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the  
11 department or the commission, the office, or the division to release the record.

12           **SECTION 216.** 102.33 (2) (c) of the statutes is amended to read:

13           102.33 (2) (c) A record maintained by the ~~department or the commission, the~~  
14 office, or the division that contains employer or insurer information obtained from  
15 the Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a) is  
16 confidential and not open to public inspection or copying under s. 19.35 (1) unless the  
17 Wisconsin compensation rating bureau authorizes public inspection or copying of  
18 that information.

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

20           102.33 (2) (d) 2. The ~~department or the commission, the office, or the division~~  
21 may release information that is confidential under par. (b) to a government unit, an  
22 institution of higher education, or a nonprofit research organization for purposes of  
23 research and may release information that is confidential under par. (c) to those  
24 persons for that purpose if the Wisconsin compensation rating bureau authorizes  
25 that release. A government unit, institution of higher education, or nonprofit

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

12 **SECTION 218.** 102.35 (1) of the statutes is amended to read:

13 102.35 (1) Every employer and every insurance company that fails to keep the  
14 records or to make the reports required by this chapter or that knowingly falsifies  
15 ~~such~~ those records or makes false reports shall pay a work injury supplemental  
16 benefit surcharge to the state of not less than \$10 nor more than \$100 for each  
17 offense. ~~The department office~~ may waive or reduce a surcharge imposed under this  
18 subsection if the employer or insurance company that violated this subsection  
19 requests a waiver or reduction of the surcharge within 45 days after the date on  
20 which notice of the surcharge is mailed to the employer or insurance company and  
21 shows that the violation was due to mistake or an absence of information. A  
22 surcharge imposed under this subsection is due within 30 days after the date on  
23 which notice of the surcharge is mailed to the employer or insurance company.  
24 Interest shall accrue on amounts that are not paid when due at the rate of 1 percent

1 per month. All surcharges and interest payments received under this subsection  
2 shall be deposited in the fund established under s. 102.65.

3 **SECTION 219.** 102.35 (2) of the statutes is amended to read:

4 102.35 (2) Any employer, or duly authorized agent ~~thereof~~ of an employer, who,  
5 without reasonable cause, refuses to rehire an employee injured in the course of  
6 employment, or who, because of a claim or attempt to claim compensation benefits  
7 from such ~~that~~ that employer, discriminates or threatens to discriminate against an  
8 employee as to the employee's employment, shall ~~forfeit to the state not less than \$50~~  
9 ~~nor more than \$500~~ be subject to a forfeiture under s. 601.64 (3) (c) for each offense.

10 No action under this subsection may be commenced except upon request of the  
11 department office.

12 **SECTION 220.** 102.35 (3) of the statutes is amended to read:

13 102.35 (3) Any employer who without reasonable cause refuses to rehire an  
14 employee who is injured in the course of employment, ~~where~~ when suitable  
15 employment is available within the employee's physical and mental limitations,  
16 upon order of the ~~department and in addition to other benefits~~ division, has exclusive  
17 liability to pay to the employee, in addition to other benefits, the wages lost during  
18 the period of such ~~that~~ that refusal, not exceeding one year's wages. In determining the  
19 availability of suitable employment, the continuance in business of the employer  
20 shall be considered and any written rules promulgated by the employer with respect  
21 to seniority or the provisions of any collective bargaining agreement with respect to  
22 seniority shall govern.

23 **SECTION 221.** 102.37 of the statutes is amended to read:

24 **102.37 Employers' records.** Every employer of 3 or more persons and every  
25 employer who is subject to this chapter shall keep a record of all accidents causing

1 death or disability of any employee while performing services growing out of and  
2 incidental to the employment. ~~This~~ That record shall give the name, address, age,  
3 and wages of the deceased or injured employee, the time and causes of the accident,  
4 the nature and extent of the injury, and any other information the ~~department~~ office  
5 may require by rule or general order. Reports based upon ~~this~~ that record shall be  
6 furnished to the ~~department~~ office at such times and in such manner as the  
7 ~~department~~ office may require by rule or general order, in a format approved by the  
8 ~~department~~ office.

9 **SECTION 222.** 102.38 of the statutes is amended to read:

10 **102.38 Records and reports of payments.** Every insurance company that  
11 transacts the business of compensation insurance, and every employer who is subject  
12 to this chapter, but whose liability is not insured, shall keep a record of all payments  
13 made under this chapter and of the time and manner of making the payments and  
14 shall furnish reports based upon these records and any other information to the  
15 ~~department~~ office as the ~~department~~ office may require by rule or general order, in  
16 a format approved by the ~~department~~ office.

17 **SECTION 223.** 102.39 of the statutes is amended to read:

18 **102.39 Rules and general orders; application of statutes.** The provisions  
19 of s. 103.005 relating to the adoption, publication, modification, and court review of  
20 rules or general orders of the department ~~shall~~ of workforce development apply to all  
21 rules promulgated or general orders adopted by the office under this chapter in the  
22 same manner as those provisions apply to rules promulgated or general orders  
23 adopted by the department of workforce development.

24 **SECTION 224.** 102.40 of the statutes is amended to read:

1           **102.40 Reports not evidence in actions.** Reports furnished to the  
2 department pursuant to office under ss. 102.37 and 102.38 shall not be are not  
3 admissible as evidence in any action or proceeding arising out of the death or accident  
4 reported.

5           **SECTION 225.** 102.42 (1m) of the statutes is amended to read:

6           **102.42 (1m) LIABILITY FOR UNNECESSARY TREATMENT.** If an employee who has  
7 sustained a compensable injury undertakes in good faith invasive treatment that is  
8 generally medically acceptable, but that is unnecessary, the employer shall pay  
9 disability indemnity for all disability incurred as a result of that treatment. An  
10 employer is not liable for disability indemnity for any disability incurred as a result  
11 of any unnecessary treatment undertaken in good faith that is noninvasive or not  
12 medically acceptable. This subsection applies to all findings that an employee has  
13 sustained a compensable injury, whether the finding results from a hearing, the  
14 default of a party, or a compromise or stipulation confirmed by the department  
15 division.

16           **SECTION 226.** 102.42 (6) of the statutes is amended to read:

17           **102.42 (6) TREATMENT REJECTED BY EMPLOYEE.** Unless the employee ~~shall have~~  
18 has elected Christian Science treatment in lieu of medical, surgical, dental, or  
19 hospital treatment, no compensation shall be payable for the death or disability of  
20 an employee, if the death ~~be~~ is caused, or insofar as the disability may be aggravated,  
21 caused, or continued, by an unreasonable refusal or neglect to submit to or follow any  
22 competent and reasonable medical, surgical, or dental treatment or, in the case of  
23 tuberculosis, by refusal or neglect to submit to or follow hospital or medical  
24 treatment when found by the department division to be necessary. The right to  
25 compensation accruing during a period of refusal or neglect to submit to or follow

1 hospital or medical treatment when found by the department division to be  
2 necessary in the case of tuberculosis shall be barred, irrespective of whether  
3 disability was aggravated, caused, or continued thereby by that refusal or neglect.

4 **SECTION 227.** 102.42 (8) of the statutes is amended to read:

5 102.42 (8) AWARD TO STATE EMPLOYEE. Whenever the division makes an award  
6 ~~is made by the department in~~ on behalf of a state employee, the ~~department of~~  
7 ~~workforce development~~ division shall file duplicate copies of the award with the  
8 subunit of the the department of administration responsible for risk management.

9 Upon receipt of the copies of the award, the department of administration shall  
10 promptly issue a voucher in payment of the award from the proper appropriation  
11 under s. 20.865 (1) (fm), (kr), or (ur), and shall transmit one copy of the voucher and  
12 the award to the officer, department, or agency by whom the affected employee is  
13 employed.

14 **SECTION 228.** 102.42 (9) (a) of the statutes is amended to read:

15 102.42 (9) (a) One of the primary purposes of this chapter is restoration of an  
16 injured employee to gainful employment. To this end, the ~~department~~ office shall  
17 employ a specialist in physical, medical, and vocational rehabilitation.

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

19 102.42 (9) (b) ~~Such~~ The specialist employed under par. (a) shall study the  
20 problems of rehabilitation, both physical and vocational and shall refer suitable  
21 cases to the ~~department~~ office for vocational evaluation and training. The specialist  
22 shall investigate and maintain a directory of such rehabilitation facilities, private  
23 and public, as are capable of rendering competent rehabilitation service to seriously  
24 injured employees.

25 **SECTION 230.** 102.425 (4m) (a) of the statutes is amended to read:

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

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

7           102.425 (4m) (b) An employer or insurer that disputes the reasonableness of  
8           the amount charged for a prescription drug dispensed under sub. (2) for outpatient  
9           use by an injured employee or the department division under sub. (4) (b) or s. 102.16  
10          (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a completed  
11          bill for the prescription drug, reasonable written notice to the pharmacist or  
12          practitioner that the charge is being disputed. After receiving reasonable written  
13          notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1)  
14          (bg) 1. that a prescription drug charge is being disputed, a pharmacist or practitioner  
15          may not collect the disputed charge from, or bring an action for collection of the  
16          disputed charge against, the employee who received the prescription drug.

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

18          102.425 (4m) (c) A pharmacist or practitioner that receives notice under par.  
19          (b) that the reasonableness of the amount charged for a prescription drug dispensed  
20          under sub. (2) for outpatient use by an injured employee is in dispute shall file the  
21          dispute with the department office within 6 months after receiving that notice.

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

23          102.425 (4m) (d) The department office shall deny payment of a prescription  
24          drug charge that the department office determines under this subsection to be  
25          unreasonable. A pharmacist or practitioner and an employer or insurer that are

1 parties to a dispute under this subsection over the reasonableness of a prescription  
2 drug charge are bound by the department's office's determination under this  
3 subsection on the reasonableness of the disputed charge, unless that determination  
4 is set aside on judicial review as provided in par. (e).

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

6 102.425 (4m) (e) Within 30 days after a determination under this subsection,  
7 the department office may set aside, reverse, or modify the determination for any  
8 reason that the department office considers sufficient. Within 60 days after a  
9 determination under this subsection, the department office may set aside, reverse,  
10 or modify the determination on grounds of mistake. A pharmacist, practitioner,  
11 employer, or insurer that is aggrieved by a determination of the department office  
12 under this subsection may seek judicial review of that determination in the same  
13 manner that compensation claims are reviewed under s. 102.23.

14 **SECTION 235.** 102.43 (5) (b) of the statutes is amended to read:

15 102.43 (5) (b) Except as provided in s. 102.61 (1g), temporary disability shall  
16 also include such period as the employee may be receiving instruction under s. 102.61  
17 (1) or (1m). Temporary disability on account of receiving instruction under s. 102.61  
18 (1) or (1m), and not otherwise resulting from the injury, shall not be in excess of 80  
19 weeks. ~~Such~~ That 80-week limitation does not apply to temporary disability benefits  
20 under this section, the cost of tuition, fees, books, travel, or maintenance under s.  
21 102.61 (1), or the cost of private rehabilitation counseling or rehabilitative training  
22 under s. 102.61 (1m) if the department office determines that additional training is  
23 warranted. The necessity for additional training as authorized by the department  
24 office for any employee shall be subject to periodic review and reevaluation.



1           **SECTION 236.** 102.44 (1) (c) 1. of the statutes, as affected by 2015 Wisconsin Act  
2           .... (this act), is amended to read:

3           102.44 (1) (c) 1. An insurance carrier paying the supplemental benefits  
4           required under this subsection shall be entitled to reimbursement for each such case  
5           from the worker's compensation operations fund, commencing one year after the  
6           date of the first payment of those benefits and annually thereafter while those  
7           payments continue. To receive reimbursement under this paragraph, an insurance  
8           carrier must file a claim for that reimbursement with the ~~department~~ office by no  
9           later than 12 months after the end of the year in which the supplemental benefits  
10          were paid and the claim must be approved by the ~~department~~ office.

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

11          **SECTION 237.** 102.44 (1) (c) 2. of the statutes, as created by 2015 Wisconsin Act  
12          .... (this act), is amended to read:

13          102.44 (1) (c) 2. After the expiration of the deadline for filing a claim under  
14          subd. 1., the ~~department~~ office shall determine the total amount of all claims filed  
15          by that deadline and shall use that total to determine the amount to be collected  
16          under s. 102.75 (1g) from each licensed worker's compensation insurance carrier,  
17          deposited in the worker's compensation operations fund, and used to provide  
18          reimbursement to insurance carriers paying supplemental benefits under this  
19          subsection. Subject to subd. 3., the ~~department~~ office shall pay a claim for  
20          reimbursement approved by the ~~department~~ office by no later than 16 months after  
21          the end of the year in which the claim was received by the ~~department~~ office.

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

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

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

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

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

14           102.44 (2) In case of permanent total disability, aggregate indemnity shall be  
15      weekly indemnity for the period that the employee may live. Total impairment for  
16      industrial use of both eyes, ~~or~~ the loss of both arms at or near the shoulder, ~~or~~ the loss  
17      of both legs at or near the hip, or the loss of one arm at the shoulder and one leg at  
18      the hip, constitutes permanent total disability. This enumeration is not exclusive,  
19      but in other cases the ~~department~~ division shall find the facts.

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

21           102.44 (5) (d) The employer or insurance carrier making such a reduction  
22      under this subsection shall report to the ~~department~~ office the reduction and, as

1 requested by the ~~department~~ office, furnish to the ~~department~~ office satisfactory  
2 proof of the basis for the reduction.

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

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

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

11 **102.45 Benefits payable to minors; how paid.** ~~Compensation and death~~  
12 ~~benefit~~ In the discretion of the office, compensation or death benefits payable to an  
13 employee or dependent who was a minor when the ~~employee's or dependent's right~~  
14 of the employee or dependent to compensation or death benefits began to accrue; may,  
15 ~~in the discretion of the department,~~ be ordered paid to a bank, trust company, trustee,  
16 parent, or guardian, for the use of ~~such~~ the employee or dependent as may be found  
17 best calculated to conserve the ~~employee's or dependent's interests.~~ ~~Such~~ of the  
18 employee or dependent. The employee or dependent shall be entitled to receive  
19 payments, in the aggregate, at a rate that is not less than ~~that~~ the rate applicable  
20 to payments of primary compensation for total disability or death benefit as accruing  
21 from the ~~employee's or dependent's 18th birthday~~ of the employee or dependent.

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

23 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement  
24 officer, correctional officer, fire fighter, rescue squad member, diving team member,  
25 national guard member, or state defense force member on state active duty as

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1 described in s. 102.07 (9) or if a deceased person is an employee or volunteer  
2 performing emergency management activities under ch. 323 during a state of  
3 emergency or a circumstance described in s. 323.12 (2) (c), who sustained an  
4 accidental injury while performing services growing out of and incidental to that  
5 employment or volunteer activity so that benefits are payable under s. 102.46 or  
6 102.47 (1), the ~~department~~ office shall voucher and pay from the appropriation under  
7 s. ~~20.445 (1)~~ 20.145 (6) (aa) a sum equal to ~~75%~~ 75 percent of the primary death  
8 benefit as of the date of death, but not less than \$50,000 to the persons wholly  
9 dependent upon the deceased. For purposes of this subsection, dependency shall be  
10 determined under ss. 102.49 and 102.51.

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

12 102.475 (6) **PROOF.** In administering this section the ~~department~~ office may  
13 require reasonable proof of birth, marriage, domestic partnership under ch. 770,  
14 relationship, or dependency.

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

16 102.48 (1) An unestranged surviving parent or parents to whose support the  
17 deceased has contributed less than \$500 in the 52 weeks next preceding the injury  
18 causing death shall receive a death benefit of \$6,500. If the parents are not living  
19 together, the ~~department~~ office shall divide this sum in such proportion as ~~it deems~~  
20 the office considers to be just, considering their ages and other facts bearing on  
21 dependency.

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

23 102.48 (2) In all other cases the death benefit shall be such sum as the  
24 ~~department shall determine~~ office determines to represent fairly and justly the aid  
25 to support which the dependent might reasonably have anticipated from the

1 deceased employee but for the injury. To establish anticipation of support and  
2 dependency, it shall not be essential that the deceased employee made any  
3 contribution to support. The aggregate benefits in ~~such~~ that case shall not exceed  
4 twice the average annual earnings of the deceased; or 4 times the contributions of the  
5 deceased to the support of ~~such~~ his or her dependents during the year immediately  
6 preceding the deceased employee's death, whichever amount is the greater. In no  
7 event shall the aggregate benefits in ~~such~~ that case exceed the amount ~~which~~ that  
8 would accrue to a person who is solely and wholly dependent. ~~Where~~ When there is  
9 more than one partial dependent the weekly benefit shall be apportioned according  
10 to their relative dependency. The term "support" as used in ss. 102.42 to 102.63 shall  
11 include contributions to the capital fund of the dependents, for their necessary  
12 comfort.

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

14 102.48 (3) ~~A~~ Except as otherwise provided, a death benefit, other than burial  
15 expenses, except as otherwise provided, shall be paid in weekly installments  
16 corresponding in amount to two-thirds of the weekly earnings of the employee, until  
17 otherwise ordered by the ~~department~~ office.

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

19 102.49 (3) If the employee leaves a spouse or domestic partner under ch. 770  
20 wholly dependent and also a child by a former marriage, domestic partnership under  
21 ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same  
22 in amount as if the child were the child of the surviving spouse or partner, and the  
23 entire benefit shall be apportioned to the dependents in the amounts that the  
24 ~~department~~ office determines to be just, considering the ages of the dependents and  
25 other factors bearing on dependency. The benefit awarded to the surviving spouse

1 or partner shall not exceed 4 times the average annual earnings of the deceased  
2 employee.

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

4 102.49 (5) (d) The payment into the state treasury shall be made in all such  
5 cases regardless of whether the dependents or personal representatives of the  
6 deceased employee commence action against a 3rd party under s. 102.29. If the  
7 payment is not made within 20 days after the ~~department makes request therefor~~  
8 office requests the payment to be made, any sum payable shall bear interest at the  
9 rate of ~~7%~~ 7 percent per year.

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

11 102.49 (6) The ~~department~~ office may award the additional benefits payable  
12 under this section to the surviving parent of the child, to the child's guardian, or to  
13 such other person, bank, or trust company for the child's use as may be found best  
14 calculated to conserve the ~~interest~~ interests of the child. ~~In the case of death of a child~~  
15 If the child dies while benefits are still payable, there shall be paid the reasonable  
16 expense for burial, not exceeding \$1,500.

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

18 102.51 (3) DIVISION AMONG DEPENDENTS. If there is more than one person wholly  
19 or partially dependent on a deceased employee, the death benefit shall be divided  
20 between ~~such~~ those dependents in such proportion as the ~~department shall~~  
21 determine ~~office determines~~ to be just, considering their ages and other facts bearing  
22 on ~~such~~ their dependency.

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

24 102.51 (4) DEPENDENCY AS OF THE DATE OF DEATH. Questions as to who is a  
25 dependent and the extent of his or her dependency shall be determined as of the date

1 of the death of the employee, and the dependent's right to any death benefit becomes  
2 fixed at that time, regardless of any subsequent change in conditions. The death  
3 benefit shall be directly recoverable by and payable to the dependents entitled  
4 ~~thereto~~ to the death benefit or their legal guardians or trustees. In case of the death  
5 of a dependent whose right to a death benefit has thus become fixed, so much of the  
6 benefit as is ~~then~~ unpaid is payable to the dependent's personal representatives in  
7 gross, unless the ~~department~~ office determines that the unpaid benefit shall be  
8 reassigned, under sub. (6), and paid to any other dependent who is physically or  
9 mentally incapacitated or a minor. ~~A posthumous child is for the purpose~~ For  
10 purposes of this subsection, a child of the employee who is born after the death of the  
11 employee is considered to be a dependent as of the date of death.

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

13 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent  
14 child may be awarded to either parent in the discretion of the ~~department~~ office.  
15 Notwithstanding sub. (1), the ~~department~~ office may reassign the death benefit, ~~in~~  
16 ~~accordance with their respective needs for the death benefit~~ as between a surviving  
17 spouse or a domestic partner under ch. 770 and any children designated specified in  
18 sub. (1) and s. 102.49 in accordance with their respective needs for the death benefit.

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

20 102.55 (3) For all other injuries to the members of the body or its faculties  
21 ~~which~~ that are specified in ~~this~~ the schedule under s. 102.52 resulting in permanent  
22 disability, though the member ~~be~~ is not actually severed or the faculty is not totally  
23 lost, compensation shall bear such relation to ~~that~~ the compensation named in ~~this~~  
24 the schedule as ~~disabilities bear~~ the disability bears to the ~~disabilities~~ disability  
25 named in ~~this~~ the schedule. Indemnity in such ~~those~~ cases shall be determined by

1 allowing weekly indemnity during the healing period resulting from the injury and  
2 the percentage of permanent disability resulting ~~thereafter~~ after the healing period  
3 as found by the ~~department~~ division.

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

5 102.555 (12) (a) An employer, ~~the office~~, or the ~~department~~ division is not liable  
6 for the expense of any examination or test for hearing loss, any evaluation of such  
7 an exam or test, any medical treatment for improving or restoring hearing, or any  
8 hearing aid to relieve the effect of hearing loss unless it is determined that  
9 compensation for occupational deafness is payable under sub. (3), (4), or (11).

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

11 102.56 (1) Subject to sub. (2), if an employee is so permanently disfigured as  
12 to occasion potential wage loss due to the disfigurement, the ~~department~~ division  
13 may allow such sum as the ~~department~~ division considers just as compensation for  
14 the disfigurement, not exceeding the employee's average annual earnings. In  
15 determining the potential for wage loss due to the disfigurement and the sum  
16 awarded, the ~~department~~ division shall take into account the age, education,  
17 training, and previous experience and earnings of the employee, the employee's  
18 present occupation and earnings, and likelihood of future suitable occupational  
19 change. Consideration for disfigurement allowance is confined to those areas of the  
20 body that are exposed in the normal course of employment. The ~~department~~ division  
21 shall also take into account the appearance of the disfigurement, its location, and the  
22 likelihood of its exposure in occupations for which the employee is suited.

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

24 102.56 (2) If an employee who claims compensation under sub. (1) returns to  
25 work for the employer who employed the employee at the time of the injury, or is



1 offered employment with that employer, at the same or a higher wage, the  
2 department division may not allow that compensation unless the employee suffers  
3 an actual wage loss due to the disfigurement.

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

5 102.565 (1) When ~~an employee working subject to this chapter~~, as a result of  
6 exposure in the course of ~~his or her~~ employment over a period of time to toxic or  
7 hazardous substances or conditions, an employee performing work that is subject to  
8 this chapter develops any clinically observable abnormality or condition ~~which that~~,  
9 on competent medical opinion, predisposes or renders the ~~employ~~ employee in any  
10 manner differentially susceptible to disability to such an extent that it is inadvisable  
11 for the employee to continue employment involving ~~such that~~ exposure ~~and the~~  
12 ~~employee~~, is discharged from or ceases to continue the employment, and suffers wage  
13 loss by reason of ~~such that~~ discharge from, or ~~such~~ cessation of, employment, the  
14 department division may allow such sum as ~~it deems~~ the division considers just as  
15 compensation ~~therefor~~ for that wage loss, not exceeding \$13,000. ~~In the event~~ If a  
16 nondisabling condition may also be caused by toxic or hazardous exposure not  
17 related to employment, and if the employee has a history of ~~such that~~ exposure,  
18 compensation as provided by under this section or any other remedy for loss of  
19 earning capacity shall not be allowed ~~nor shall any other remedy for loss of earning~~  
20 ~~capacity. In case of such discharge. If the employee is discharged from employment~~  
21 prior to a finding by the department division that it is inadvisable for the employee  
22 to continue in ~~such that~~ employment and if it is reasonably probable that continued  
23 exposure would result in disability, the liability of the employer who so discharges  
24 the employee is primary, and the liability of the employer's insurer is secondary,  
25 under the same procedure and to the same effect as provided by s. 102.62.

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

2           102.565 (2) Upon application of any employer or employee the department  
3 division may direct any employee of the employer or an employee who, in the course  
4 of his or her employment, has been exposed to toxic or hazardous substances or  
5 conditions, to submit to examination by ~~a physician or~~ one or more physicians ~~to be~~  
6 appointed by the ~~department~~ division to determine whether the employee has  
7 developed any abnormality or condition under sub. (1), and the degree ~~thereof of that~~  
8 abnormality or condition. The cost of the medical examination shall be borne by the  
9 person making application. The physician conducting the examination shall submit  
10 the results of the examination shall be submitted by the physician to the department  
11 division, which shall submit copies of the reports to the employer and employee, who  
12 shall have an opportunity to rebut the reports ~~provided request therefor~~ if a request  
13 to submit a rebuttal is made to the ~~department~~ division within 10 days ~~from the~~  
14 ~~mailing of~~ after the division mails the report to the parties. ~~The department~~ division  
15 shall make its findings as to whether ~~or not~~ it is inadvisable for the employee to  
16 continue in his or her employment.

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

18           102.565 (3) ~~If an employee refuses to submit to the examination after direction~~  
19 ~~by the commission, or any member thereof or the department or~~ any member of the  
20 commission, the division, or an examiner thereof,, an employee refuses to submit to  
21 an examination or in any way obstructs the same examination, the employee's right  
22 to compensation under this section shall be barred.

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

24           **102.57 Violations of safety provisions, penalty.** If injury is caused by the  
25 failure of the employer to comply with any statute, rule, or order of the department