

1 division shall follow the procedure provided in a memorandum of understanding
2 entered into under s. 49.857. ~~The license and certificate of authority shall, unless~~

3 3. Unless otherwise suspended or revoked, a license issued under subd. 1. shall
4 be in force from the date of issuance until the June 30 following the date of issuance
5 and may be renewed by the ~~department~~ division from time to time, but each renewed
6 license shall expire on the June 30 following the issuance of the renewed license.

7 ***-0872/P1.71*SECTION 354.** 102.17 (1) (cg) 1. of the statutes is amended to
8 read:

9 102.17 (1) (cg) 1. Except as provided in subd. 2m., ~~the department~~ division shall
10 require each applicant for a license under par. (c) who is an individual to provide the
11 ~~department~~ division with the applicant's social security number, and shall require
12 each applicant for a license under par. (c) who is not an individual to provide the
13 ~~department~~ division with the applicant's federal employer identification number,
14 when initially applying for or applying to renew the license.

15 ***-0872/P1.72*SECTION 355.** 102.17 (1) (cg) 2. of the statutes is amended to
16 read:

17 102.17 (1) (cg) 2. If an applicant who is an individual fails to provide the
18 applicant's social security number to the ~~department~~ division or if an applicant who
19 is not an individual fails to provide the applicant's federal employer identification
20 number to the ~~department~~ division, the ~~department~~ division may not issue or renew
21 a license under par. (c) to or for the applicant unless the applicant is an individual
22 who does not have a social security number and the applicant submits a statement
23 made or subscribed under oath or affirmation as required under subd. 2m.

24 ***-0872/P1.73*SECTION 356.** 102.17 (1) (cg) 2m. of the statutes is amended to
25 read:

1 102.17 (1) (cg) 2m. If an applicant who is an individual does not have a social
2 security number, the applicant shall submit a statement made or subscribed under
3 oath or affirmation to the ~~department~~ division that the applicant does not have a
4 social security number. The form of the statement shall be prescribed by the
5 ~~department~~ division. A license issued in reliance upon a false statement submitted
6 under this subdivision is invalid.

7 *~~0872/P1.74~~*SECTION 357. 102.17 (1) (cg) 3. of the statutes is amended to
8 read:

9 102.17 (1) (cg) 3. The ~~department of workforce development~~ division may not
10 disclose any information received under subd. 1. to any person except to the
11 department of revenue for the sole purpose of requesting certifications under s.
12 73.0301, the department of workforce development for the sole purpose of requesting
13 certifications under s. 108.227, or the department of children and families for
14 purposes of administering s. 49.22.

15 *~~0872/P1.75~~*SECTION 358. 102.17 (1) (cm) of the statutes is amended to read:

16 102.17 (1) (cm) The ~~department of workforce development~~ division shall deny,
17 suspend, restrict, refuse to renew, or otherwise withhold a license under par. (c) for
18 failure of the applicant or agent to pay court-ordered payments of child or family
19 support, maintenance, birth expenses, medical expenses, or other expenses related
20 to the support of a child or former spouse or for failure of the applicant or agent to
21 comply, after appropriate notice, with a subpoena or warrant issued by the
22 department of children and families or a county child support agency under s. 59.53
23 (5) and related to paternity or child support proceedings, as provided in a
24 memorandum of understanding entered into under s. 49.857. Notwithstanding par.
25 (c), an action taken under this paragraph is subject to review only as provided in the

1 memorandum of understanding entered into under s. 49.857 and not as provided in
2 ch. 227.

3 ***-0872/P1.76*SECTION 359.** 102.17 (1) (cr) of the statutes is amended to read:

4 102.17 (1) (cr) The department division shall deny an application for the
5 issuance or renewal of a license under par. (c), or revoke such a license already issued,
6 if the department of revenue certifies under s. 73.0301 that the applicant or licensee
7 is liable for delinquent taxes. Notwithstanding par. (c), an action taken under this
8 paragraph is subject to review only as provided under s. 73.0301 (5) and not as
9 provided in ch. 227.

10 ***-0872/P1.77*SECTION 360.** 102.17 (1) (ct) of the statutes is repealed and
11 recreated to read:

12 102.17 (1) (ct) The division shall deny an application for the issuance or
13 renewal of a license under par. (c), or revoke such a license already issued, if the
14 department of workforce development certifies under s. 108.227 that the applicant
15 or licensee is liable for delinquent unemployment insurance contributions.
16 Notwithstanding par. (c), an action taken under this paragraph is subject to review
17 only as provided under s. 108.227 (5) and not as provided in ch. 227.

18 ***-0872/P1.78*SECTION 361.** 102.17 (1) (d) 1. of the statutes is amended to read:

19 102.17 (1) (d) 1. The contents of certified medical and surgical reports by
20 physicians, podiatrists, surgeons, dentists, psychologists, physician assistants,
21 advanced practice nurse prescribers, and chiropractors licensed in and practicing in
22 this state, and of certified reports by experts concerning loss of earning capacity
23 under s. 102.44 (2) and (3), presented by a party for compensation constitute prima
24 facie evidence as to the matter contained in those reports, subject to any rules and
25 limitations the department division prescribes. Certified reports of physicians,

SECTION 361

1 podiatrists, surgeons, dentists, psychologists, physician assistants, advanced
2 practice nurse prescribers, and chiropractors, wherever licensed and practicing, who
3 have examined or treated the claimant, and of experts, if the practitioner or expert
4 consents to being subjected to cross-examination, also constitute prima facie
5 evidence as to the matter contained in those reports. Certified reports of physicians,
6 podiatrists, surgeons, psychologists, and chiropractors are admissible as evidence of
7 the diagnosis, necessity of the treatment, and cause and extent of the disability.
8 Certified reports by doctors of dentistry, physician assistants, and advanced practice
9 nurse prescribers are admissible as evidence of the diagnosis and necessity of
10 treatment but not of the cause and extent of disability. Any physician, podiatrist,
11 surgeon, dentist, psychologist, chiropractor, physician assistant, advanced practice
12 nurse prescriber, or expert who knowingly makes a false statement of fact or opinion
13 in such a certified report may be fined or imprisoned, or both, under s. 943.395.

14 ***-0872/P1.79*SECTION 362.** 102.17 (1) (d) 2. of the statutes is amended to read:

15 102.17 (1) (d) 2. The record of a hospital or sanatorium in this state that is
16 satisfactory to the ~~department~~ division, established by certificate, affidavit, or
17 testimony of the supervising officer of the hospital or sanatorium, any other person
18 having charge of the record, or a physician, podiatrist, surgeon, dentist, psychologist,
19 physician assistant, advanced practice nurse prescriber, or chiropractor to be the
20 record of the patient in question, and made in the regular course of examination or
21 treatment of the patient, constitutes prima facie evidence as to the matter contained
22 in the record, to the extent that the record is otherwise competent and relevant.

23 ***-0872/P1.80*SECTION 363.** 102.17 (1) (d) 3. of the statutes is amended to read:

24 102.17 (1) (d) 3. The ~~department~~ division may, by rule, establish the
25 qualifications of and the form used for certified reports submitted by experts who

1 provide information concerning loss of earning capacity under s. 102.44 (2) and (3).
2 The ~~department~~ division may not admit into evidence a certified report of a
3 practitioner or other expert or a record of a hospital or sanatorium that was not filed
4 with the ~~department~~ division and all parties in interest at least 15 days before the
5 date of the hearing, unless the ~~department~~ division is satisfied that there is good
6 cause for the failure to file the report.

7 ***-0872/P1.81*SECTION 364.** 102.17 (1) (d) 4. of the statutes is amended to read:

8 102.17 (1) (d) 4. A report or record described in subd. 1., 2., or 3. that is admitted
9 or received into evidence by the ~~department~~ division constitutes substantial
10 evidence under s. 102.23 (6) as to the matter contained in the report or record.

11 ***-0872/P1.82*SECTION 365.** 102.17 (1) (e) of the statutes is amended to read:

12 102.17 (1) (e) The ~~department~~ division may, with or without notice to any party,
13 cause testimony to be taken, an inspection of the premises where the injury occurred
14 to be made, or the time books and payrolls of the employer to be examined by any
15 examiner, and may direct any employee claiming compensation to be examined by
16 a physician, chiropractor, psychologist, dentist, or podiatrist. The testimony so
17 taken, and the results of any such inspection or examination, shall be reported to the
18 ~~department~~ division for its consideration upon final hearing. All ex parte testimony
19 taken by the ~~department~~ division shall be reduced to writing, and any party shall
20 have opportunity to rebut that testimony on final hearing.

21 ***-0872/P1.83*SECTION 366.** 102.17 (1) (f) of the statutes is amended to read:

22 102.17 (1) (f) Sections 804.05 and 804.07 shall not apply to proceedings under
23 this chapter, except as to a witness who is any of the following:

24 1. ~~Who is beyond~~ Beyond reach of the subpoena of the ~~department~~; or division.

1 2. ~~Who is about~~ About to go out of the state, not intending to return in time for
2 the hearing; ~~or~~ hearing.

3 3. ~~Who is so~~ So sick, infirm, or aged as to make it probable that the witness will
4 not be able to attend the hearing; ~~or~~ hearing.

5 4. ~~Who is a~~ A member of the legislature, if any committee of the same ~~or~~
6 legislature or of the house of which the witness is a member, is in session, ~~provided~~
7 and the witness waives his or her privilege.

8 *~~0872/P1.84~~*SECTION 367. 102.17 (1) (g) of the statutes is amended to read:

9 102.17 (1) (g) Whenever the testimony presented at any hearing indicates a
10 dispute or creates a doubt as to the extent or cause of disability or death, the
11 ~~department~~ division may direct that the injured employee be examined, that an
12 autopsy be performed, or that an opinion be obtained without examination or
13 autopsy, by or from an impartial, competent physician, chiropractor, dentist,
14 psychologist or podiatrist designated by the ~~department~~ division who is not under
15 contract with or regularly employed by a compensation insurance carrier or
16 self-insured employer. The expense of the examination, autopsy, or opinion shall be
17 paid by the employer or, if the employee claims compensation under s. 102.81, from
18 the uninsured employers fund. The report of the examination, autopsy, or opinion
19 shall be transmitted in writing to the ~~department~~ division and a copy of the report
20 shall be furnished by the ~~department~~ division to each party, who shall have an
21 opportunity to rebut ~~such~~ the report on further hearing.

22 *~~0872/P1.85~~*SECTION 368. 102.17 (1) (h) of the statutes is amended to read:

23 102.17 (1) (h) The contents of certified reports of investigation, made by
24 industrial safety specialists who are employed, contracted, or otherwise secured by
25 the ~~department~~ division and who are available for cross-examination, if served upon

1 the parties 15 days prior to hearing, shall constitute prima facie evidence as to
2 matter contained in those reports. A report described in this paragraph that is
3 admitted or received into evidence by the department division constitutes
4 substantial evidence under s. 102.23 (6) as to the matter contained in the report.

5 ***-0872/P1.86*SECTION 369.** 102.17 (2) of the statutes is amended to read:

6 102.17 (2) If the ~~department shall have~~ division has reason to believe that the
7 payment of compensation has not been made, it ~~the~~ the division may on its own motion
8 give notice to the parties, in the manner provided for the service of an application,
9 of a time and place when a hearing will be held for the purpose of determining the
10 facts. ~~Such~~ The notice shall contain a statement of the matter to be considered.
11 ~~Thereafter all other~~ All provisions of this chapter governing proceedings on an
12 application shall ~~attach~~ apply, insofar as ~~the same may be~~ applicable, to a proceeding
13 under this subsection. When the ~~department~~ division schedules a hearing on its own
14 motion, the ~~department~~ division does not become a party in interest and is not
15 required to appear at the hearing.

16 ***-0872/P1.87*SECTION 370.** 102.17 (2m) of the statutes is amended to read:

17 102.17 (2m) ~~Any~~ The division or any party, including the department, may
18 require any person to produce books, papers, and records at the hearing by personal
19 service of a subpoena upon the person along with a tender of witness fees as provided
20 in ss. 814.67 and 885.06. Except as provided in sub. (2s), the subpoena shall be on
21 a form provided by the ~~department~~ division and shall give the name and address of
22 the party requesting the subpoena.

23 ***-0872/P1.88*SECTION 371.** 102.17 (2s) of the statutes is amended to read:

24 102.17 (2s) A party's attorney of record may issue a subpoena to compel the
25 attendance of a witness or the production of evidence. A subpoena issued by an

1 attorney must be in substantially the same form as provided in s. 805.07 (4) and must
2 be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of
3 issuance, send a copy of the subpoena to the ~~appeal tribunal~~ hearing examiner or
4 other representative of the ~~department~~ division responsible for conducting the
5 proceeding.

6 *~~0872/P1.89~~*SECTION 372. 102.17 (7) (b) of the statutes is amended to read:

7 102.17 (7) (b) Except as provided in par. (c), the ~~department~~ division shall
8 exclude from evidence testimony or certified reports from expert witnesses under
9 par. (a) offered by the party that raises the issue of loss of earning capacity if that
10 party failed to notify the ~~department~~ division and the other parties of interest, at
11 least 60 days before the date of the hearing, of the party's intent to provide the
12 testimony or reports and of the names of the expert witnesses involved. Except as
13 provided in par. (c), the ~~department~~ division shall exclude from evidence testimony
14 or certified reports from expert witnesses under par. (a) offered by a party of interest
15 in response to the party that raises the issue of loss of earning capacity if the
16 responding party failed to notify the ~~department~~ division and the other parties of
17 interest, at least 45 days before the date of the hearing, of the party's intent to provide
18 the testimony or reports and of the names of the expert witnesses involved.

19 *~~0872/P1.90~~*SECTION 373. 102.17 (7) (c) of the statutes is amended to read:

20 102.17 (7) (c) Notwithstanding the notice deadlines provided in par. (b), the
21 ~~department~~ division may receive in evidence testimony or certified reports from
22 expert witnesses under par. (a) when the applicable notice deadline under par. (b) is
23 not met if good cause is shown for the delay in providing the notice required under
24 par. (b) and if no party is prejudiced by the delay.

25 *~~0872/P1.91~~*SECTION 374. 102.17 (8) of the statutes is amended to read:

1 102.17 (8) Unless otherwise agreed to by all parties, an injured employee shall
2 file with the ~~department~~ division and serve on all parties at least 15 days before the
3 date of the hearing an itemized statement of all medical expenses and incidental
4 compensation under s. 102.42 claimed by the injured employee. The itemized
5 statement shall include, if applicable, information relating to any travel expenses
6 incurred by the injured employee in obtaining treatment including the injured
7 employee's destination, number of trips, round trip mileage, and meal and lodging
8 expenses. The ~~department~~ division may not admit into evidence any information
9 relating to medical expenses and incidental compensation under s. 102.42 claimed
10 by an injured employee if the injured employee failed to file with the ~~department~~
11 division and serve on all parties at least 15 days before the date of the hearing an
12 itemized statement of the medical expenses and incidental compensation under s.
13 102.42 claimed by the injured employee, unless the ~~department~~ division is satisfied
14 that there is good cause for the failure to file and serve the itemized statement.

15 ***-0872/P1.92***SECTION 375. 102.175 (2) of the statutes is amended to read:

16 102.175 (2) If after a hearing or a prehearing conference the ~~department~~
17 division determines that an injured employee is entitled to compensation but that
18 there remains in dispute only the issue of which of 2 or more parties is liable for that
19 compensation, the ~~department~~ division may order one or more parties to pay
20 compensation in an amount, time, and manner as determined by the ~~department~~
21 division. If the ~~department~~ division later determines that another party is liable for
22 compensation, the ~~department~~ division shall order that other party to reimburse any
23 party that was ordered to pay compensation under this subsection.

24 ***-0872/P1.93***SECTION 376. 102.18 (1) (b) of the statutes is amended to read:

1 102.18 (1) (b) Within 90 days after the final hearing and close of the record, the
2 ~~department~~ division shall make and file its findings upon the ultimate facts involved
3 in the controversy, and its order, which shall state ~~its~~ the division's determination as
4 to the rights of the parties. Pending the final determination of any controversy before
5 it, the ~~department may in its discretion~~ division, after any hearing, may, in its
6 discretion, make interlocutory findings, orders, and awards, which may be enforced
7 in the same manner as final awards. The ~~department~~ division may include in any
8 interlocutory or final award or order an order directing the employer or insurer to pay
9 for any future treatment that may be necessary to cure and relieve the employee from
10 the effects of the injury. If the ~~department~~ division finds that the employer or insurer
11 has not paid any amount that the employer or insurer was directed to pay in any
12 interlocutory order or award and that the nonpayment was not in good faith, the
13 ~~department~~ division may include in its final award a penalty not exceeding ~~25%~~ 25
14 percent of each amount that was not paid as directed. When there is a finding that
15 the employee is in fact suffering from an occupational disease caused by the
16 employment of the employer against whom the application is filed, a final award
17 dismissing the application upon the ground that the applicant has suffered no
18 disability from the disease shall not bar any claim the employee may ~~thereafter~~ have
19 for disability sustained after the date of the award.

20 *~~0872/P1.94~~*SECTION 377. 102.18 (1) (bg) 1. of the statutes is amended to
21 read:

22 102.18 (1) (bg) 1. If the ~~department~~ division finds under par. (b) that an insurer
23 or self-insured employer is liable under this chapter for any health services provided
24 to an injured employee by a health service provider, but that the reasonableness of
25 the fee charged by the health service provider is in dispute, the ~~department~~ division

1 may include in its order under par. (b) a determination as to the reasonableness of
2 the fee or the ~~department~~ division may notify, or direct the insurer or self-insured
3 employer to notify, the health service provider under s. 102.16 (2) (b) that the
4 reasonableness of the fee is in dispute. The ~~department~~ division shall deny payment
5 of a health service fee that the ~~department~~ division determines under this
6 subdivision to be unreasonable. An insurer or self-insured employer and a health
7 service provider that are parties to a fee dispute under this subdivision are bound by
8 the ~~department's~~ division's determination under this subdivision on the
9 reasonableness of the disputed fee, unless that determination is set aside, reversed,
10 or modified by the ~~department~~ division under sub. (3) or by the commission under
11 sub. (3) or (4) or is set aside on judicial review under s. 102.23.

12 *~~-0872/P1.95~~*SECTION 378. 102.18 (1) (bg) 2. of the statutes is amended to
13 read:

14 102.18 (1) (bg) 2. If the ~~department~~ division finds under par. (b) that an
15 employer or insurance carrier is liable under this chapter for any treatment provided
16 to an injured employee by a health service provider, but that the necessity of the
17 treatment is in dispute, the ~~department~~ division may include in its order under par.
18 (b) a determination as to the necessity of the treatment or the ~~department~~ division
19 may notify, or direct the employer or insurance carrier to notify, the health service
20 provider under s. 102.16 (2m) (b) that the necessity of the treatment is in dispute.
21 Before determining under this subdivision the necessity of treatment provided to an
22 injured employee, the ~~department~~ division may, but is not required to, obtain the
23 opinion of an expert selected by the ~~department~~ division who is qualified as provided
24 in s. 102.16 (2m) (c). The standards promulgated under s. 102.16 (2m) (g) shall be
25 applied by an expert in rendering an opinion as to, and in determining, necessity of

1 treatment under this subdivision. In cases in which no standards promulgated
2 under s. 102.16 (2m) (g) apply, the ~~department~~ division shall find the facts regarding
3 necessity of treatment. The ~~department~~ division shall deny payment for any
4 treatment that the ~~department~~ division determines under this subdivision to be
5 unnecessary. An insurer or self-insured employer and a health service provider that
6 are parties to a dispute under this subdivision over the necessity of treatment are
7 bound by the ~~department's~~ division's determination under this subdivision on the
8 necessity of the disputed treatment, unless that determination is set aside, reversed,
9 or modified by the ~~department~~ division under sub. (3) or by the commission under
10 sub. (3) or (4) or is set aside on judicial review under s. 102.23.

11 *~~-0872/P1.96~~*SECTION 379. 102.18 (1) (bg) 3. of the statutes is amended to
12 read:

13 102.18 (1) (bg) 3. If the ~~department~~ division finds under par. (b) that an insurer
14 or self-insured employer is liable under this chapter for the cost of a prescription
15 drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but
16 that the reasonableness of the amount charged for that prescription drug is in
17 dispute, the ~~department~~ division may include in its order under par. (b) a
18 determination as to the reasonableness of the prescription drug charge or the
19 ~~department~~ division may notify, or direct the insurer or self-insured employer to
20 notify, the pharmacist or practitioner dispensing the prescription drug under s.
21 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in
22 dispute. The ~~department~~ division shall deny payment of a prescription drug charge
23 that the ~~department~~ division determines under this subdivision to be unreasonable.
24 An insurer or self-insured employer and a pharmacist or practitioner that are
25 parties to a dispute under this subdivision over the reasonableness of a prescription

1 drug charge are bound by the department's division's determination under par. (b)
2 on the reasonableness of the disputed prescription drug charge, unless that
3 determination is set aside, reversed, or modified by the department division under
4 sub. (3) or by the commission under sub. (3) or (4) or is set aside on judicial review
5 under s. 102.23.

6 *~~0872/P1.97~~***SECTION 380.** 102.18 (1) (bp) of the statutes is amended to read:

7 102.18 (1) (bp) If the department division determines that the employer or
8 insurance carrier suspended, terminated, or failed to make payments or failed to
9 report an injury as a result of malice or bad faith, the department division may
10 include a penalty in an award to an employee for each event or occurrence of malice
11 or bad faith. ~~This~~ That penalty is the exclusive remedy against an employer or
12 insurance carrier for malice or bad faith. If ~~this~~ the penalty is imposed for an event
13 or occurrence of malice or bad faith that causes a payment that is due an injured
14 employee to be delayed in violation of s. 102.22 (1) or overdue in violation of s. 628.46
15 (1), the department division may not also order an increased payment under s.
16 102.22 (1) or the payment of interest under s. 628.46 (1). The department division
17 may award an amount that ~~it~~ the division considers just, not to exceed the lesser of
18 200 percent of total compensation due or \$30,000 for each event or occurrence of
19 malice or bad faith. The department division may assess the penalty against the
20 employer, the insurance carrier, or both. Neither the employer nor the insurance
21 carrier is liable to reimburse the other for the penalty amount. The department
22 division may, by rule, define actions ~~which~~ that demonstrate malice or bad faith.

23 *~~0872/P1.98~~***SECTION 381.** 102.18 (1) (bw) of the statutes is amended to read:

24 102.18 (1) (bw) If an insurer, a self-insured employer, or, if applicable, the
25 uninsured employers fund pays compensation to an employee in excess of its liability

1 and another insurer is liable for all or part of the excess payment, the department
2 division may order the insurer ~~or self-insured employer~~ that is liable for that excess
3 payment to reimburse the insurer or self-insured employer that made the excess
4 payment or, if applicable, the uninsured employers fund.

5 *~~0872/P1.99~~*SECTION 382. 102.18 (1) (c) of the statutes is amended to read:

6 102.18 (1) (c) If 2 or more examiners have conducted a formal hearing on a claim
7 and are unable to agree on the order or award to be issued, the decision shall be the
8 decision of the majority. If the examiners are equally divided on the decision, the
9 department division may appoint an additional examiner who shall review the
10 record and consult with the other examiners concerning their ~~personal~~ impressions
11 of the credibility of the evidence. Findings of fact and an order or award may then
12 be issued by a majority of the examiners.

13 *~~0872/P1.100~~*SECTION 383. 102.18 (1) (e) of the statutes is amended to read:

14 102.18 (1) (e) Except as provided in s. 102.21, if the department division orders
15 a party to pay an award of compensation, the party shall pay the award no later than
16 21 days after the date on which the order is mailed to the last-known address of the
17 party, unless the party files a petition for review under sub. (3). This paragraph
18 applies to all awards of compensation ordered by the department division, whether
19 the award results from a hearing, the default of a party, or a compromise or
20 stipulation confirmed by the department division.

21 *~~0872/P1.101~~*SECTION 384. 102.18 (2) of the statutes is amended to read:

22 102.18 (2) The department division shall have and maintain on its staff such
23 examiners as are necessary to hear and decide disputed claims and to assist in the
24 effective ~~administration of adjudication of disputes under~~ this chapter. ~~These~~ Those
25 examiners shall be attorneys and may be designated as administrative law judges.

1 ~~These~~ Those examiners may make findings and orders, and may approve, review, set
2 aside, modify, or confirm stipulations of settlement or compromises of claims for
3 compensation.

4 *~~0872/P1.102~~*SECTION 385. 102.18 (3) of the statutes is amended to read:

5 102.18 (3) A party in interest may petition the commission for review of an
6 examiner's decision awarding or denying compensation if the ~~department~~ division
7 or commission receives the petition within 21 days after the ~~department~~ division
8 mailed a copy of the examiner's findings and order to the ~~party's~~ last-known address
9 addresses of the parties in interest. The commission shall dismiss a petition ~~which~~
10 that is not timely filed unless the petitioner shows probable good cause that the
11 reason for failure to timely file was beyond the petitioner's control. If no petition is
12 filed within 21 days ~~from~~ after the date ~~that~~ on which a copy of the findings or order
13 of the examiner is mailed to the last-known address addresses of the parties in
14 interest, the findings or order shall be considered final unless set aside, reversed, or
15 modified by the examiner within that time. If the findings or order are set aside by
16 the examiner, the status shall be the same as prior to the setting aside of the findings
17 or order ~~set aside~~. If the findings or order are reversed or modified by the examiner,
18 the time for filing a petition commences ~~with~~ on the date ~~that~~ on which notice of
19 reversal or modification is mailed to the last-known address addresses of the parties
20 in interest. The commission shall either affirm, reverse, set aside, or modify the
21 findings or order, in whole or in part, or direct the taking of additional evidence. ~~This~~
22 The commission's action shall be based on a review of the evidence submitted.

23 *~~0872/P1.103~~*SECTION 386. 102.18 (4) (c) 3. of the statutes is amended to
24 read:

1 102.18 (4) (c) 3. Remand the case to the department division for further
2 proceedings.

3 *~~-0872/P1.104~~*SECTION 387. 102.18 (4) (d) of the statutes is amended to read:

4 102.18 (4) (d) While a petition for review by the commission is pending or after
5 entry of an order or award by the commission, but before commencement of an action
6 for judicial review or expiration of the period in which to commence an action for
7 judicial review, the commission shall remand any compromise presented to it to the
8 department division for consideration and approval or rejection pursuant to under
9 s. 102.16 (1). Presentation of a compromise does not affect the period in which to
10 commence an action for judicial review.

11 *~~-0872/P1.105~~*SECTION 388. 102.18 (5) of the statutes is amended to read:

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

23 *~~-0872/P1.106~~*SECTION 389. 102.18 (6) of the statutes is amended to read:

24 102.18 (6) In case of disease arising out of the employment, the department
25 division may from time to time review its findings, order, or award, and make new

1 findings, or a new order or award, based on the facts regarding disability or otherwise
2 as ~~they~~ those facts may ~~then~~ appear at the time of the review. This subsection shall
3 not affect the application of the limitation in s. 102.17 (4).

4 *~~-0872/P1.107~~***SECTION 390.** 102.21 of the statutes is amended to read:

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

20 *~~-0872/P1.108~~***SECTION 391.** 102.22 (1) of the statutes is amended to read:

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

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

13 ~~*-0872/P1.109*~~**SECTION 392.** 102.22 (2) of the statutes is amended to read:

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

23 ~~*-0872/P1.110*~~**SECTION 393.** 102.23 (1) (a) of the statutes is amended to read:

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

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

17 *~~0872/P1.111~~***SECTION 394.** 102.23 (2) of the statutes is amended to read:

18 102.23 (2) Upon the trial of ~~any such~~ an action for review of an order or award
19 the court shall disregard any irregularity or error of the commission or the
20 ~~department~~ division unless it is made to affirmatively appear that the plaintiff was
21 damaged ~~thereby~~ by that irregularity or error.

22 *~~0872/P1.112~~***SECTION 395.** 102.23 (3) of the statutes is amended to read:

23 102.23 (3) The record in any case shall be transmitted to the ~~department~~
24 division within 5 days after expiration of the time for appeal from the order or

1 judgment of the court, unless an appeal ~~shall be~~ is taken from ~~such~~ that order or
2 judgment.

3 *~~0872/P1.113~~*SECTION 396. 102.23 (5) of the statutes is amended to read:

4 102.23 (5) When an action for review involves only the question of liability as
5 between the employer and one or more insurance companies or as between several
6 insurance companies, a party that has been ordered by the ~~department~~ division, the
7 commission, or a court to pay compensation is not relieved from paying compensation
8 as ordered.

9 *~~0872/P1.114~~*SECTION 397. 102.24 (2) of the statutes is amended to read:

10 102.24 (2) After the commencement of an action to review any order or award
11 of the commission, the parties may have the record remanded by the court for such
12 time and under such condition as ~~they~~ the parties may provide, for the purpose of
13 having the ~~department~~ division act upon the question of approving or disapproving
14 any settlement or compromise that the parties may desire to have so approved. If
15 approved, the action shall be at an end and judgment may be entered upon the
16 approval as upon an award. If not approved, the division shall immediately return
17 ~~the record shall forthwith be returned~~ to the circuit court and the action shall proceed
18 as if no remand had been made.

19 *~~0872/P1.115~~*SECTION 398. 102.25 (1) of the statutes is amended to read:

20 102.25 (1) Any party aggrieved by a judgment entered upon the review of any
21 order or award may appeal ~~therefrom~~ the judgment within the time period specified
22 in s. 808.04 (1). A trial court ~~shall~~ may not require the commission or any party to
23 the action to execute, serve, or file an undertaking under s. 808.07 or to serve, or
24 secure approval of, a transcript of the notes of the stenographic reporter or the tape
25 of the recording machine. The state is a party aggrieved under this subsection if a

1 judgment is entered upon the review confirming any order or award against ~~it~~ the
2 state. At any time before the case is set down for hearing in the court of appeals or
3 the supreme court, the parties may have the record remanded by the court to the
4 department division in the same manner and for the same purposes as provided for
5 remanding from the circuit court to the ~~department~~ division under s. 102.24 (2).

6 *~~0872/P1.116~~***SECTION 399.** 102.26 (2) of the statutes is amended to read:

7 102.26 (2) Unless previously authorized by the ~~department~~ division, no fee may
8 be charged or received for the enforcement or collection of any claim for
9 compensation, nor may any contract for that enforcement or collection be enforceable
10 when that fee, inclusive of all taxable attorney fees paid or agreed to be paid for that
11 enforcement or collection, exceeds 20 percent of the amount at which ~~that~~ the claim
12 is compromised or of the amount awarded, adjudged, or collected, except that in cases
13 of admitted liability in which there is no dispute as to the amount of compensation
14 due and in which no hearing or appeal is necessary, the fee charged may not exceed
15 10 percent, but not to exceed \$250, of the amount at which ~~that~~ the claim is
16 compromised or of the amount awarded, adjudged, or collected. The limitation as to
17 fees shall apply to the combined charges of attorneys, solicitors, representatives, and
18 adjusters who knowingly combine their efforts toward the enforcement or collection
19 of any compensation claim.

20 *~~0872/P1.117~~***SECTION 400.** 102.26 (3) (b) 1. of the statutes is amended to
21 read:

22 102.26 (3) (b) 1. ~~The department may~~ Subject to sub. (2), upon application of
23 any interested party ~~and subject to sub. (2)~~, the division may fix the fee of the
24 claimant's attorney or representative and provide in the award for that fee to be paid
25 directly to the attorney or representative.

1 *~~0872/P1.118~~*SECTION 401. 102.26 (3) (b) 3. of the statutes is amended to
2 read:

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

11 *~~0872/P1.119~~*SECTION 402. 102.26 (4) of the statutes is amended to read:

12 102.26 (4) ~~The charging or receiving of Any attorney or other person who~~
13 ~~charges or receives~~ any fee in violation of this section shall be unlawful, and the
14 ~~attorney or other person guilty thereof shall~~ may be required to forfeit double the
15 amount retained by the attorney or other person, ~~the same to~~ which forfeiture shall
16 be collected by the state in an action in debt, upon complaint of the department
17 division. Out of the sum recovered the court shall direct payment to the injured party
18 of the amount of the overcharge.

19 *~~0872/P1.120~~*SECTION 403. 102.28 (3) (c) of the statutes is amended to read:

20 102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an
21 affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the
22 employer would be liable for under s. 102.03, who at the time of the injury was a
23 member of a religious sect whose authorized representative has filed an affidavit
24 under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury
25 becomes dependent on the religious sect for financial and medical assistance, or the

1 employee's dependent, may request a hearing under s. 102.17 (1) to determine if the
2 religious sect has provided the employee and his or her dependents with a standard
3 of living and medical treatment that are reasonable when compared to the general
4 standard of living and medical treatment for members of the religious sect. If, after
5 hearing, the ~~department~~ division determines that the religious sect has not provided
6 that standard of living or medical treatment, or both, the ~~department~~ division may
7 order the religious sect to provide alternative benefits to that employee or his or her
8 dependent, or both, in an amount that is reasonable under the circumstances, but
9 not in excess of the benefits that the employee or dependent could have received
10 under this chapter but for the waiver under par. (a) 1.

11 *~~0872/P1.121~~*SECTION 404. 102.28 (4) (c) of the statutes is amended to read:

12 102.28 (4) (c) After a hearing under par. (b), or without a hearing if one is not
13 requested, the ~~department~~ division may issue an order to an employer to cease
14 operations on a finding that the employer is an uninsured employer. If no hearing
15 is requested, the department may issue such an order.

16 *~~0872/P1.122~~*SECTION 405. 102.28 (4) (d) of the statutes is amended to read:

17 102.28 (4) (d) The department of justice may bring an action in any court of
18 competent jurisdiction for an injunction or other remedy to enforce ~~the department's~~
19 an order to cease operations under par. (c).

20 *~~0872/P1.123~~*SECTION 406. 102.28 (7) (b) of the statutes is amended to read:

21 102.28 (7) (b) ~~Each~~ Upon the issuance of an initial order exempting an
22 employer under sub. (2), the employer exempted by written order of the department
23 under sub. (2) shall pay into the fund established by under sub. (8) a sum equal to
24 ~~that the amount~~ assessed against each of the other such exempt employers ~~upon the~~
25 ~~issuance of an initial order~~ that are exempt under sub. (2). The order shall provide

1 for a sum that is sufficient to secure estimated payments of the insolvent exempt
2 employer due for the period up to the date of the order and for one year following the
3 date of the order and to pay the estimated cost of insurance carrier or insurance
4 service organization services under par. (c). Payments ordered to be made to the fund
5 shall be paid to the department within 30 days after the date of the order. If
6 additional moneys are required, further assessments shall be made based on orders
7 of the department with ~~assessment~~ those assessments to be prorated on the basis of
8 the gross payroll for this state of the exempt employer, as reported to the department
9 of workforce development for the previous calendar year for unemployment
10 insurance purposes under ch. 108. If the exempt employer is not covered under ch.
11 108, ~~then~~ the department shall determine the comparable gross payroll for the
12 exempt employer. If payment of any assessment made under this ~~subsection~~
13 paragraph is not made within 30 days of after the date of the order of the department,
14 the attorney general may appear on behalf of the state to collect the assessment.

15 *~~0872/P1.124~~*SECTION 407. 102.28 (8) of the statutes is amended to read:

16 102.28 (8) SELF-INSURED EMPLOYERS LIABILITY FUND. The moneys paid into the
17 state treasury under sub. (7), together with all accrued interest, shall constitute a
18 separate nonlapsible fund designated as the self-insured employers liability fund.
19 Moneys in the fund may be expended only as provided in s. ~~20.445(1)~~ 20.142 (3) (s)
20 and may not be used for ~~an~~ any other purpose of the state.

21 *~~0872/P1.125~~*SECTION 408. 102.29 (1) (b) (intro.) of the statutes is amended
22 to read:

23 102.29 (1) (b) (intro.) If a party entitled to notice cannot be found, the
24 department shall become the agent of that party for the giving of a notice as required
25 in par. (a) and the notice, when given to the department, shall include an affidavit

1 setting forth the facts, including the steps taken to locate that party. Each party shall
2 have an equal voice in the prosecution of the claim, and any disputes arising shall
3 be passed upon by the court before whom the case is pending, and if no action is
4 pending, then by a court of record or by the department division. If notice is given
5 as provided in par. (a), the liability of the tort-feasor shall be determined as to all
6 parties having a right to make claim and, irrespective of whether ~~or not~~ all parties
7 join in prosecuting the claim, the proceeds of the claim shall be divided as follows:

8 *~~0872/P1.126~~*SECTION 409. 102.29 (1) (c) of the statutes is amended to read:

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

15 *~~0872/P1.127~~*SECTION 410. 102.29 (1) (d) of the statutes is amended to read:

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

20 *~~0872/P1.128~~*SECTION 411. 102.31 (4) of the statutes is amended to read:

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

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

8 *~~0872/P1.129~~*SECTION 412. 102.31 (7) of the statutes is amended to read:

9 102.31 (7) If the department by one or more written orders specifically consents
10 to the issuance of one or more contracts covering only the liability incurred on a
11 construction project and if the construction project owner designates the insurance
12 carrier and pays for each such contract, the construction project owner shall
13 reimburse the department for all costs incurred by the department in issuing the
14 written orders and in ensuring minimum confusion and maximum safety on the
15 construction project. All moneys received under this subsection shall be deposited
16 in the worker's compensation operations fund and credited to the appropriation
17 account under s. ~~20.445 (1)~~ 20.142 (3) (rb).

18 *~~0872/P1.130~~*SECTION 413. 102.315 (4) of the statutes is amended to read:

19 102.315 (4) MASTER POLICY; APPROVAL REQUIRED. An employee leasing company
20 may insure its liability under sub. (2) by obtaining a master policy that has been
21 approved by the ~~commissioner of insurance~~ secretary as provided in this subsection.
22 The ~~commissioner of insurance~~ secretary may approve the issuance of a master
23 policy if the insurer proposing to issue the master policy submits a filing to the
24 bureau showing that the insurer has the technological capacity and operation
25 capability to provide to the bureau information, including unit statistical data,

1 information concerning proof of coverage and cancellation, termination, and
2 nonrenewal of coverage, and any other information that the bureau may require, at
3 the client level and in a format required by the bureau and the bureau submits the
4 filing to the ~~commissioner of insurance~~ secretary for approval under s. 626.13. A
5 master policy filing under this subsection shall also establish basic manual rules
6 governing the issuance of an insurance policy covering the leased employees of a
7 divided workforce that are consistent with sub. (6) and the cancellation, termination,
8 and nonrenewal of policies that are consistent with sub. (10). On approval by the
9 ~~commissioner of insurance~~ secretary of a master policy filing, an insurer may issue
10 a master policy to an employee leasing company insuring the liability of the employee
11 leasing company under sub. (2).

12 *~~0872/P1.131~~***SECTION 414.** 102.315 (9) (a) of the statutes is amended to read:

13 102.315 (9) (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may
14 charge a premium for coverage under that policy that complies with the applicable
15 classifications, rules, rates, and rating plans filed with and approved by the
16 ~~commissioner of insurance~~ secretary under s. 626.13.

17 *~~0872/P1.132~~***SECTION 415.** 102.32 (7) of the statutes is amended to read:

18 102.32 (7) No lump sum settlement shall be allowed in any case of permanent
19 total disability upon an estimated life expectancy, except upon consent of all parties,
20 after hearing and finding by the ~~department~~ division that the interests of the injured
21 employee will be conserved ~~thereby~~ by the lump sum settlement.

22 *~~0872/P1.133~~***SECTION 416.** 102.33 (title) of the statutes is amended to read:

23 **102.33 (title) Department forms Forms and records; public access.**

24 *~~0872/P1.134~~***SECTION 417.** 102.33 (1) of the statutes is amended to read:

1 102.33 (1) The department and the division shall print and furnish free to any
2 employer or employee any blank forms that ~~the department considers~~ are necessary
3 to facilitate efficient administration of this chapter. The department and the division
4 shall keep any record books or records that ~~the department considers~~ are necessary
5 for the proper and efficient administration of this chapter.

6 *–0872/P1.135*SECTION 418. 102.33 (2) (a) of the statutes is amended to read:

7 102.33 (2) (a) Except as provided in pars. (b) and (c), ~~the records of the~~
8 ~~department, and the records of the commission,~~ the department, and the division
9 related to the administration of this chapter are subject to inspection and copying
10 under s. 19.35 (1).

11 *–0872/P1.136*SECTION 419. 102.33 (2) (b) (intro.) of the statutes is amended
12 to read:

13 102.33 (2) (b) (intro.) Except as provided in this paragraph and par. (d), a record
14 maintained by ~~the department or by the commission,~~ by the department, or by the
15 division that reveals the identity of an employee who claims worker's compensation
16 benefits, the nature of the employee's claimed injury, the employee's past or present
17 medical condition, the extent of the employee's disability, or the amount, type, or
18 duration of benefits paid to the employee and a record maintained by the department
19 that reveals any financial information provided to the department by a self-insured
20 employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and
21 not open to public inspection or copying under s. 19.35 (1). ~~The department or~~
22 ~~commission,~~ the department, or the division may deny a request made under s. 19.35
23 (1) or, subject to s. 102.17 (2m) and (2s), refuse to honor a subpoena issued by an
24 attorney of record in a civil or criminal action or special proceeding to inspect and

1 copy a record that is confidential under this paragraph, unless ~~one~~ any of the
2 following applies:

3 *~~0872/P1.137~~***SECTION 420.** 102.33 (2) (b) 1. of the statutes is amended to
4 read:

5 102.33 (2) (b) 1. The requester is the employee who is the subject of the record
6 or an attorney or authorized agent of that employee. An attorney or authorized agent
7 of an employee who is the subject of a record shall provide a written authorization
8 for inspection and copying from the employee if requested by the ~~department or the~~
9 commission, the department, or the division.

10 *~~0872/P1.138~~***SECTION 421.** 102.33 (2) (b) 2. of the statutes is amended to
11 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 department, 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 department, or the division in
20 finding the record requested. An attorney or authorized agent of an insurance
21 carrier or employer that is a party to an employee's worker's compensation claim
22 shall provide a written authorization for inspection and copying from the insurance
23 carrier or employer if requested by the ~~department or the commission,~~ the
24 department, or the division.

1 *~~0872/P1.139~~*SECTION 422. 102.33 (2) (b) 4. of the statutes is amended to
2 read:

3 102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the
4 ~~department or the commission, the department, or the division~~ to release the record.

5 *~~0872/P1.140~~*SECTION 423. 102.33 (2) (c) of the statutes is amended to read:

6 102.33 (2) (c) A record maintained by the ~~department or the commission, the~~
7 ~~department, or the division~~ that contains employer or insurer information obtained
8 from the Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a)
9 is confidential and not open to public inspection or copying under s. 19.35 (1) unless
10 the Wisconsin compensation rating bureau authorizes public inspection or copying
11 of that information.

12 *~~0872/P1.141~~*SECTION 424. 102.33 (2) (d) 2. of the statutes is amended to
13 read:

14 102.33 (2) (d) 2. The ~~department or the commission, the department, or the~~
15 ~~division~~ may release information that is confidential under par. (b) to a government
16 unit, an institution of higher education, or a nonprofit research organization for
17 purposes of research and may release information that is confidential under par. (c)
18 to those persons for that purpose if the Wisconsin compensation rating bureau
19 authorizes that release. A government unit, institution of higher education, or
20 nonprofit research organization may not permit inspection or disclosure of any
21 information released to it under this subdivision that is confidential under par. (b)
22 unless the ~~department or commission, the department, or the division~~ authorizes
23 that inspection or disclosure and may not permit inspection or disclosure of any
24 information released to it under this subdivision that is confidential under par. (c)
25 unless the ~~department or commission, the department, or the division, and the~~

1 Wisconsin compensation rating bureau, authorize the inspection or disclosure. A
2 government unit, institution of higher education, or nonprofit research organization
3 that obtains any confidential information under this subdivision for purposes of
4 research shall provide the results of that research free of charge to the person that
5 released or authorized the release of that information.

6 *~~0872/P1.142~~**SECTION 425.** 102.35 (3) of the statutes is amended to read:

7 102.35 (3) Any employer who without reasonable cause refuses to rehire an
8 employee who is injured in the course of employment, ~~where~~ when suitable
9 employment is available within the employee's physical and mental limitations,
10 upon order of the department ~~and in addition to other benefits~~ division, has exclusive
11 liability to pay to the employee, in addition to other benefits, the wages lost during
12 the period of ~~such~~ that refusal, not exceeding one year's wages. In determining the
13 availability of suitable employment, the continuance in business of the employer
14 shall be considered and any written rules promulgated by the employer with respect
15 to seniority or the provisions of any collective bargaining agreement with respect to
16 seniority shall govern.

17 *~~0872/P1.143~~**SECTION 426.** 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 department under this chapter
22 in the same manner as those provisions apply to rules promulgated or general orders
23 adopted by the department of workforce development.

24 *~~0872/P1.144~~**SECTION 427.** 102.42 (1m) of the statutes is amended to read:

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

11 *~~0872/P1.145~~*SECTION 428. 102.42 (6) of the statutes is amended to read:

12 102.42 (6) TREATMENT REJECTED BY EMPLOYEE. Unless the employee ~~shall have~~
13 has elected Christian Science treatment in lieu of medical, surgical, dental, or
14 hospital treatment, no compensation shall be payable for the death or disability of
15 an employee, if the death ~~be~~ is caused, or insofar as the disability may be aggravated,
16 caused, or continued, by an unreasonable refusal or neglect to submit to or follow any
17 competent and reasonable medical, surgical, or dental treatment or, in the case of
18 tuberculosis, by refusal or neglect to submit to or follow hospital or medical
19 treatment when found by the ~~department~~ division to be necessary. The right to
20 compensation accruing during a period of refusal or neglect to submit to or follow
21 hospital or medical treatment when found by the ~~department~~ division to be
22 necessary in the case of tuberculosis shall be barred, irrespective of whether
23 disability was aggravated, caused, or continued ~~thereby~~ by that refusal or neglect.

24 *~~0872/P1.146~~*SECTION 429. 102.42 (8) of the statutes is amended to read:

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

10 *~~0872/P1.147~~*SECTION 430. 102.425 (4m) (a) of the statutes is amended to
11 read:

12 102.425 (4m) (a) The ~~department~~ division has jurisdiction under this
13 subsection and s. 102.16 (1m) (c) and s. 102.17 to resolve a dispute between a
14 pharmacist or practitioner and an employer or insurer over the reasonableness of the
15 amount charged for a prescription drug dispensed under sub. (2) for outpatient use
16 by an injured employee who claims benefits under this chapter.

17 *~~0872/P1.148~~*SECTION 431. 102.425 (4m) (b) of the statutes is amended to
18 read:

19 102.425 (4m) (b) An employer or insurer that disputes the reasonableness of
20 the amount charged for a prescription drug dispensed under sub. (2) for outpatient
21 use by an injured employee or the ~~department~~ division under sub. (4) (b) or s. 102.16
22 (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a completed
23 bill for the prescription drug, reasonable written notice to the pharmacist or
24 practitioner that the charge is being disputed. After receiving reasonable written
25 notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1)

1 (bg) 1. that a prescription drug charge is being disputed, a pharmacist or practitioner
2 may not collect the disputed charge from, or bring an action for collection of the
3 disputed charge against, the employee who received the prescription drug.

4 *~~0872/P1.149~~SECTION 432. 102.425 (4m) (c) of the statutes is amended to
5 read:

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

10 *~~0872/P1.150~~SECTION 433. 102.425 (4m) (d) of the statutes is amended to
11 read:

12 102.425 (4m) (d) The ~~department~~ division shall deny payment of a prescription
13 drug charge that the ~~department~~ division determines under this subsection to be
14 unreasonable. A pharmacist or practitioner and an employer or insurer that are
15 parties to a dispute under this subsection over the reasonableness of a prescription
16 drug charge are bound by the ~~department's~~ division's determination under this
17 subsection on the reasonableness of the disputed charge, unless that determination
18 is set aside on judicial review as provided in par. (e).

19 *~~0872/P1.151~~SECTION 434. 102.425 (4m) (e) of the statutes is amended to
20 read:

21 102.425 (4m) (e) Within 30 days after a determination under this subsection,
22 the ~~department~~ division may set aside, reverse, or modify the determination for any
23 reason that the ~~department~~ division considers sufficient. Within 60 days after a
24 determination under this subsection, the ~~department~~ division may set aside,
25 reverse, or modify the determination on grounds of mistake. A pharmacist,

1 practitioner, employer, or insurer that is aggrieved by a determination of the
2 department division under this subsection may seek judicial review of that
3 determination in the same manner that compensation claims are reviewed under s.
4 102.23.

5 ~~*-0872/P1.152~~*SECTION 435. 102.44 (2) of the statutes is amended to read:

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

12 ~~*-0872/P1.153~~*SECTION 436. 102.44 (6) (b) of the statutes is amended to read:

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

19 ~~*-0872/P1.154~~*SECTION 437. 102.475 (1) of the statutes is amended to read:

20 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
21 officer, correctional officer, fire fighter, rescue squad member, diving team member,
22 national guard member, or state defense force member on state active duty as
23 described in s. 102.07 (9) or if a deceased person is an employee or volunteer
24 performing emergency management activities under ch. 323 during a state of
25 emergency or a circumstance described in s. 323.12 (2) (c), who sustained an

1 accidental injury while performing services growing out of and incidental to that
2 employment or volunteer activity so that benefits are payable under s. 102.46 or
3 102.47 (1), the department shall voucher and pay from the appropriation under s.
4 ~~20.445 (1)~~ 20.142 (3) (aa) a sum equal to ~~75%~~ 75 percent of the primary death benefit
5 as of the date of death, but not less than \$50,000 to the persons wholly dependent
6 upon the deceased. For purposes of this subsection, dependency shall be determined
7 under ss. 102.49 and 102.51.

8 *~~0872/P1.155~~*SECTION 438. 102.55 (3) of the statutes is amended to read:

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

18 *~~0872/P1.156~~*SECTION 439. 102.555 (12) (a) of the statutes is amended to
19 read:

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

25 *~~0872/P1.157~~*SECTION 440. 102.56 (1) of the statutes is amended to read:

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

13 *~~0872/P1.158~~*SECTION 441. 102.56 (2) of the statutes is amended to read:

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

19 *~~0872/P1.159~~*SECTION 442. 102.565 (1) of the statutes is amended to read:

20 102.565 (1) When ~~an employee working subject to this chapter~~, as a result of
21 exposure in the course of ~~his or her~~ employment over a period of time to toxic or
22 hazardous substances or conditions, an employee performing work that is subject to
23 this chapter develops any clinically observable abnormality or condition ~~which that~~,
24 on competent medical opinion, predisposes or renders the ~~employ~~ employee in any
25 manner differentially susceptible to disability to such an extent that it is inadvisable

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

16 ***-0872/P1.160*SECTION 443.** 102.565 (2) of the statutes is amended to read:

17 102.565 (2) Upon application of any employer or employee the department
18 division may direct any employee of the employer or an employee who, in the course
19 of his or her employment, has been exposed to toxic or hazardous substances or
20 conditions, to submit to examination by ~~a physician or~~ one or more physicians ~~to be~~
21 appointed by the department division to determine whether the employee has
22 developed any abnormality or condition under sub. (1), and the degree ~~thereof~~ of that
23 abnormality or condition. The cost of the medical examination shall be borne by the
24 person making application. The physician conducting the examination shall submit
25 the results of the examination shall be submitted by the physician to the department

1 division, which shall submit copies of the reports to the employer and employee, who
2 shall have an opportunity to rebut the reports ~~provided request therefor~~ if a request
3 to submit a rebuttal is made to the department division within 10 days from the
4 ~~mailing of~~ after the division mails the report to the parties. The department division
5 shall make its findings as to whether ~~or not~~ it is inadvisable for the employee to
6 continue in his or her employment.

7 *~~-0872/P1.161~~*SECTION 444. 102.565 (3) of the statutes is amended to read:

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

13 *~~-0872/P1.162~~*SECTION 445. 102.57 of the statutes is amended to read:

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

21 *~~-0872/P1.163~~*SECTION 446. 102.58 of the statutes is amended to read:

22 **102.58 Decreased compensation.** If injury is caused by the failure of the
23 employee to use safety devices that are provided in accordance with any statute, rule,
24 or order of the department of workforce development and that are adequately
25 maintained, and the use of which is reasonably enforced by the employer, if injury

1 results from the employee's failure to obey any reasonable rule adopted and
2 reasonably enforced by the employer for the safety of the employee and of which the
3 employee has notice, or if injury results from the intoxication of the employee by
4 alcohol beverages, as defined in s. 125.02 (1), or use of a controlled substance, as
5 defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m),
6 the compensation and death benefit provided in this chapter shall be reduced ~~15%~~
7 by 15 percent but the total reduction may not exceed \$15,000.

8 *~~0872/P1.164~~*SECTION 447. 102.60 (1m) (b) of the statutes is amended to
9 read:

10 102.60 (1m) (b) An amount equal to double the amount recoverable by the
11 injured employee, but not to exceed \$15,000, if the injured employee is a minor of
12 permit age and if at the time of the injury the minor is employed, required, suffered,
13 or permitted to work without a permit in any place of employment or at any
14 employment in or for which the department of workforce development, acting under
15 ch. 103, has adopted a written resolution providing that permits shall not be issued.

16 *~~0872/P1.165~~*SECTION 448. 102.61 (1g) (b) of the statutes is amended to read:

17 102.61 (1g) (b) If an employer offers an employee suitable employment as
18 provided in par. (c), the employer or the employer's insurance carrier is not liable for
19 temporary disability benefits under s. 102.43 (5) (b) or for the cost of tuition, fees,
20 books, travel, and maintenance under sub. (1). Ineligibility for compensation under
21 this paragraph does not preclude an employee from receiving vocational
22 rehabilitation services under 29 USC 701 to 797b if the department of workforce
23 development determines that the employee is eligible to receive those services.

24 *~~0872/P1.166~~*SECTION 449. 102.61 (1g) (c) of the statutes is amended to read:

1 102.61 (1g) (c) On receiving notice that he or she is eligible to receive vocational
2 rehabilitation services under 29 USC 701 to 797a, an employee shall provide the
3 employer with a written report from a physician, chiropractor, psychologist, or
4 podiatrist stating the employee's permanent work restrictions. Within 60 days after
5 receiving that report, the employer shall provide to the employee in writing an offer
6 of suitable employment, a statement that the employer has no suitable employment
7 for the employee, or a report from a physician, chiropractor, psychologist, or
8 podiatrist showing that the permanent work restrictions provided by the employee's
9 practitioner are in dispute and documentation showing that the difference in work
10 restrictions would materially affect either the employer's ability to provide suitable
11 employment or a vocational rehabilitation counselor's ability to recommend a
12 rehabilitative training program. If the employer and employee cannot resolve the
13 dispute within 30 days after the employee receives the employer's report and
14 documentation, the employer or employee may request a hearing before the
15 ~~department~~ division to determine the employee's work restrictions. Within 30 days
16 after the ~~department~~ division determines the employee's work restrictions, the
17 employer shall provide to the employee in writing an offer of suitable employment
18 or a statement that the employer has no suitable employment for the employee.

19 *~~0872/P1.167~~*SECTION 450. 102.61 (1m) (a) of the statutes is amended to
20 read:

21 102.61 (1m) (a) If the department of workforce development has determined
22 under sub. (1) that an employee is eligible for vocational rehabilitation services
23 under 29 USC 701 to 797b, but that the department of workforce development cannot
24 provide those services for the employee, the employee may select a private
25 rehabilitation counselor certified by the department of financial institutions,

1 insurance, and professional standards to determine whether the employee can
2 return to suitable employment without rehabilitative training and, if that counselor
3 determines that rehabilitative training is necessary, to develop a rehabilitative
4 training program to restore as nearly as possible the employee to his or her preinjury
5 earning capacity and potential.

6 ***-0872/P1.168***SECTION 451. 102.61 (1m) (d) of the statutes is amended to
7 read:

8 102.61 (1m) (d) If an employee receives services from a private rehabilitation
9 counselor under par. (a) and later receives similar services from the department of
10 workforce development under sub. (1) without the prior approval of the employer or
11 insurance carrier, the employer or insurance carrier is not liable for temporary
12 disability benefits under s. 102.43 (5) (b) or for tuition, fee, book, travel, and
13 maintenance costs under sub. (1) that exceed what the employer or insurance carrier
14 would have been liable for under the rehabilitative training program developed by
15 the private rehabilitation counselor.

16 ***-0872/P1.169***SECTION 452. 102.61 (1m) (e) of the statutes is amended to
17 read:

18 102.61 (1m) (e) Nothing in this subsection prevents an employer or insurance
19 carrier from providing an employee with the services of a private rehabilitation
20 counselor or with rehabilitative training under sub. (3) before the department of
21 workforce development makes its determination under par. (a).

22 ***-0872/P1.170***SECTION 453. 102.61 (2) of the statutes is amended to read:

23 102.61 (2) The ~~department~~ division, the commission, and the courts shall
24 determine the rights and liabilities of the parties under this section in like manner
25 and with like effect as the ~~department~~ division, the commission, and the courts

1 determine other issues under this chapter. A determination under this subsection
2 may include a determination based on the evidence regarding the cost or scope of the
3 services provided by a private rehabilitation counselor under sub. (1m) (a) or the cost
4 or reasonableness of a rehabilitative training program developed under sub. (1m) (a).

5 *~~0872/P1.171~~*SECTION 454. 102.62 of the statutes is amended to read:

6 **102.62 Primary and secondary liability; unchangeable.** In case of
7 liability under s. 102.57 or 102.60, the liability of the employer shall be primary and
8 the liability of the insurance carrier shall be secondary. If proceedings are had before
9 the department division for the recovery of that liability, the department division
10 shall set forth in its award the amount and order of liability as provided in this
11 section. Execution shall not be issued against the insurance carrier to satisfy any
12 judgment covering that liability until execution has first been issued against the
13 employer and has been returned unsatisfied as to any part of that liability. Any
14 provision in any insurance policy undertaking to guarantee primary liability or to
15 avoid secondary liability for a liability under s. 102.57 or 102.60 is void. If the
16 employer has been adjudged bankrupt or has made an assignment for the benefit of
17 creditors, ~~or~~ if the employer, other than an individual, has gone out of business or has
18 been dissolved, or if the employer is a corporation and its charter has been forfeited
19 or revoked, the insurer shall be liable for the payment of that liability without
20 judgment or execution against the employer, but without altering the primary
21 liability of the employer.

22 *~~0872/P1.172~~*SECTION 455. 102.64 (1) of the statutes is amended to read:

23 102.64 (1) Upon request of the department of administration, a representative
24 of the department of justice shall represent the state in cases involving payment into
25 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The

1 department of justice, after giving notice to the department of administration, may
2 compromise the amount of those payments but such compromises shall be subject to
3 review by the department of ~~workforce development~~ financial institutions,
4 insurance, and professional standards. If the spouse or domestic partner under ch.
5 770 of the deceased employee compromises his or her claim for a primary death
6 benefit, the claim of the children of the employee under s. 102.49 shall be
7 compromised on the same proportional basis, subject to approval by the department.
8 If the persons entitled to compensation on the basis of total dependency under s.
9 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be
10 compromised on the same proportional basis.

11 *~~0872/P1.173~~*SECTION 456. 102.64 (2) of the statutes is amended to read:

12 102.64 (2) Upon request of the department of administration, the attorney
13 general shall appear on behalf of the state in proceedings upon claims for
14 compensation against the state. Except as provided in s. 102.65 (3), the department
15 of justice shall represent the interests of the state in proceedings under s. 102.44 (1),
16 102.49, 102.59, 102.60, or 102.66. The department of justice may compromise claims
17 in those proceedings, but the compromises are subject to review by the department
18 of ~~workforce development~~ financial institutions, insurance, and professional
19 standards. Costs incurred by the department of justice in prosecuting or defending
20 any claim for payment into or out of the work injury supplemental benefit fund under
21 s. 102.65, including expert witness and witness fees but not including attorney fees
22 or attorney travel expenses for services performed under this subsection, shall be
23 paid from the work injury supplemental benefit fund.

24 *~~0872/P1.174~~*SECTION 457. 102.65 (1) of the statutes is amended to read:

1 102.65 (1) The moneys payable to the state treasury under ss. 102.35 (1),
2 102.47, 102.49, 102.59, and 102.60, together with all accrued interest on those
3 moneys, and all interest payments received under s. 102.75 (2), shall constitute a
4 separate nonlapsible fund designated as the work injury supplemental benefit fund.
5 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.142 (3) (t)
6 and may not be used for any other purpose of the state.

7 *~~0872/P1.175~~***SECTION 458.** 102.65 (3) of the statutes is amended to read:

8 102.65 (3) The department of ~~workforce development~~ financial institutions,
9 insurance, and professional standards may retain the department of administration
10 to process, investigate, and pay claims under ss. 102.44 (1), 102.49, 102.59, and
11 102.66. If retained by the department of ~~workforce development~~ financial
12 institutions, insurance, and professional standards, the department of
13 administration may compromise a claim processed by that department, but a
14 compromise made by that department is subject to review by the department of
15 ~~workforce development~~ financial institutions, insurance, and professional
16 standards. The department of ~~workforce development~~ financial institutions,
17 insurance, and professional standards shall pay for the services retained under this
18 subsection from the appropriation account under s. ~~20.445 (1)~~ 20.142 (3) (t).

19 *~~0872/P1.176~~***SECTION 459.** 102.75 (1) of the statutes is amended to read:

20 102.75 (1) The department shall assess upon and collect from each licensed
21 worker's compensation insurance carrier and from each employer exempted under
22 s. 102.28 (2) by special order or by rule, the proportion of total costs and expenses
23 incurred by the council on worker's compensation for travel and research and by the
24 department, the division, and the commission in the administration of this chapter
25 for the current fiscal year plus any deficiencies in collections and anticipated costs

1 from the previous fiscal year, that the total indemnity paid or payable under this
2 chapter by each such carrier and exempt employer in worker's compensation cases
3 initially closed during the preceding calendar year, other than for increased, double,
4 or treble compensation bore to the total indemnity paid in cases closed the previous
5 calendar year under this chapter by all carriers and exempt employers other than
6 for increased, double, or treble compensation. The council on worker's compensation,
7 the division, and the commission shall annually certify any costs and expenses for
8 worker's compensation activities to the department at such time as the secretary
9 requires.

10 *~~0872/P1.177~~*SECTION 460. 102.75 (1m) of the statutes is amended to read:

11 102.75 (1m) The moneys collected under sub. (1) and under ss. 102.28 (2) and
12 102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible
13 fund designated as the worker's compensation operations fund. Moneys in the fund
14 may be expended only as provided in ~~s. 20.445 (1)~~ ss. 20.142 (3) (ra), (rb), and (rp),
15 20.445 (2) (ra), and (2) 20.505 (4) (ra) and may not be used for any other purpose of
16 the state.

17 *~~0872/P1.178~~*SECTION 461. 102.75 (4) of the statutes is amended to read:

18 102.75 (4) From the appropriation under s. ~~20.445 (1)~~ 20.142 (3) (ra), the
19 department shall allocate the amounts that it collects in application fees from
20 employers applying for exemption under s. 102.28 (2) and the annual amount that
21 it collects from employers that have been exempted under s. 102.28 (2) to fund the
22 activities of the department under s. 102.28 (2) (b) and (c).

23 *~~0872/P1.179~~*SECTION 462. 102.80 (1m) of the statutes is amended to read:

24 102.80 (1m) The moneys collected or received under sub. (1), together with all
25 accrued interest, shall constitute a separate nonlapsible fund designated as the

1 uninsured employers fund. Moneys in the fund may be expended only as provided
2 in s. ~~20.445 (1)~~ 20.142 (3) (sm) and may not be used for any other purpose of the state.

3 *~~0872/P1.180~~*SECTION 463. 102.81 (2) of the statutes is amended to read:

4 102.81 (2) The department may retain an insurance carrier or insurance
5 service organization to process, investigate, and pay claims under this section and
6 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
7 do business in this state in an amount that the secretary determines is necessary for
8 the sound operation of the uninsured employers fund. In cases involving disputed
9 claims, the department may retain an attorney to represent the interests of the
10 uninsured employers fund and to make appearances on behalf of the uninsured
11 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.930 and all
12 provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an attorney hired
13 under this subsection. The charges for the services retained under this subsection
14 shall be paid from the appropriation under s. ~~20.445 (1)~~ 20.143 (3) (rp). The cost of
15 any reinsurance obtained under this subsection shall be paid from the appropriation
16 under s. ~~20.445 (1)~~ 20.142 (3) (sm).

17 *~~0872/P1.181~~*SECTION 464. 102.82 (2) (c) of the statutes is amended to read:

18 102.82 (2) (c) The department of justice or, if the department of justice consents,
19 the department of ~~workforce development~~ financial institutions, insurance, and
20 professional standards may bring an action in circuit court to recover payments and
21 interest owed to the department of ~~workforce development~~ financial institutions,
22 insurance, and professional standards under this section.

23 *~~0872/P1.182~~*SECTION 465. 102.87 (1) of the statutes is renumbered 102.87

24 (1m).

25 *~~0872/P1.183~~*SECTION 466. 102.87 (1d) of the statutes is created to read:

1 102.87 (1d) In this section, "deputy" means any person employed by the
2 department who is designated as a deputy, who possesses special, technical,
3 scientific, managerial or personal abilities or qualities in matters within the
4 jurisdiction of the department, and who may be engaged in the performance of duties
5 under the direction of the secretary, calling for the exercise of those abilities or
6 qualities.

7 *~~0872/P1.184~~**SECTION 467.** 102.87 (2) (intro.) of the statutes is amended to
8 read:

9 102.87 (2) (intro.) A citation under this section shall be signed by a ~~department~~
10 deputy, or by an officer who has authority to make arrests for the violation, and shall
11 contain substantially the following information:

12 *~~0872/P1.185~~**SECTION 468.** 102.87 (2) (b) of the statutes is amended to read:

13 102.87 (2) (b) The name and department of the issuing ~~department~~ deputy or
14 officer.

15 *~~0872/P1.186~~**SECTION 469.** 102.87 (3) of the statutes is amended to read:

16 102.87 (3) A defendant issued a citation under this section may deposit the
17 amount of money that the issuing ~~department~~ deputy or officer directs by mailing or
18 delivering the deposit and a copy of the citation before the court appearance date to
19 the clerk of the circuit court in the county where the violation occurred, to the
20 department, or to the sheriff's office or police headquarters of the officer who issued
21 the citation. The basic amount of the deposit shall be determined under a deposit
22 schedule established by the judicial conference. The judicial conference shall
23 annually review and revise the schedule. In addition to the basic amount determined
24 by the schedule, the deposit shall include the costs, fees, and surcharges imposed
25 under ch. 814.

1 *~~0872/P1.187~~*SECTION 470. 102.87 (9) of the statutes is amended to read:

2 102.87 (9) A ~~department~~ deputy or an officer who collects under this section a
3 forfeiture and costs, fees, and surcharges imposed under ch. 814 ~~under this section~~
4 shall pay the money to the county treasurer within 20 days after its receipt. If the
5 ~~department~~ deputy or officer fails to make timely payment, the county treasurer may
6 collect the payment from the ~~department~~ deputy or officer by an action in the
7 treasurer's name of office and upon the official bond of the ~~department~~ deputy or
8 officer, with interest at the rate of ~~12%~~ 12 percent per year from the time when ~~it~~ the
9 payment should have been ~~paid~~ made.

10 *~~0872/P1.188~~*SECTION 471. 102.88 (1) of the statutes is amended to read:

11 102.88 (1) When a person is convicted of any violation of this chapter or of any
12 ~~department~~ rule or order of the department, and it is alleged in the indictment,
13 information, or complaint, and proved or admitted on trial or ascertained by the court
14 after conviction that the person was previously subjected to a fine or forfeiture within
15 a period of 5 years under s. 102.85, the person may be fined not more than \$2,000 or
16 imprisoned for not more than 90 days or both.

17 *~~0872/P1.189~~*SECTION 472. 102.89 (1) of the statutes is amended to read:

18 102.89 (1) Whoever is concerned in the commission of a violation of this chapter
19 or of any ~~department~~ rule or order of the department under this chapter for which
20 a forfeiture is imposed is a principal and may be charged with and convicted of the
21 violation although he or she did not directly commit ~~it~~ the violation and although the
22 person who directly committed ~~it~~ the violation has not been convicted of the violation.

23 *~~0800/P1.134~~*SECTION 473. 107.30 (10) of the statutes is amended to read:

24 107.30 (10) "Mining damage appropriation" means the appropriation under s.
25 ~~20.165 (2)~~ 20.142 (8) (a).

1 *~~0800/P1.135~~**SECTION 474.** 107.31 (5) (a) (intro.) of the statutes is amended
2 to read:

3 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
4 is calculated by subtracting the total amount of all mining damages awards paid
5 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
6 or paid from the appropriation under s. ~~20.165 (2)~~ 20.142 (8) (a) from the sum of:

7 *~~0872/P1.190~~**SECTION 475.** 108.10 (4) of the statutes is amended to read:

8 108.10 (4) The department or the employing unit may commence action for the
9 judicial review of a commission decision under this section, provided the department,
10 or the employing unit, after exhausting the remedies provided under this section, has
11 commenced such action within 30 days after such decision was mailed to the
12 employing unit's last-known address. The scope of judicial review, and the manner
13 thereof insofar as applicable, shall be the same as that provided in s. 108.09 (7). In
14 an action commenced by an employing unit under this section, the department shall
15 be an adverse party under s. ~~102.23 (1) (a)~~ and shall be named as a party in the
16 complaint commencing the action.

17 *~~0797/P1.54~~**SECTION 476.** 108.227 (1) (e) 3. of the statutes is amended to
18 read:

19 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
20 conditional license, certification, certification card, registration, permit, training
21 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
22 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), ~~252.23 (2), 252.24 (2),~~
23 254.176, 254.20 (3), ~~255.08 (2) (a),~~ 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or
24 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).