

1 ~~SECTION 360. 102.17 (2m) of the statutes is amended to read:~~

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

8 ~~SECTION 361. 102.17 (2s) of the statutes is amended to read:~~

9 ~~102.17 (2s) A party's attorney of record may issue a subpoena to compel the~~
10 ~~attendance of a witness or the production of evidence. A subpoena issued by an~~
11 ~~attorney must be in substantially the same form as provided in s. 805.07 (4) and must~~
12 ~~be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of~~
13 ~~issuance, send a copy of the subpoena to the appeal tribunal hearing examiner or~~
14 ~~other representative of the department division responsible for conducting the~~
15 ~~proceeding.~~

16 ~~SECTION 362. 102.17 (7) (b) of the statutes is amended to read:~~

17 ~~102.17 (7) (b) Except as provided in par. (c), the department division shall~~
18 ~~exclude from evidence testimony or certified reports from expert witnesses under~~
19 ~~par. (a) offered by the party that raises the issue of loss of earning capacity if that~~
20 ~~party failed to notify the department division and the other parties of interest, at~~
21 ~~least 60 days before the date of the hearing, of the party's intent to provide the~~
22 ~~testimony or reports and of the names of the expert witnesses involved. Except as~~
23 ~~provided in par. (c), the department division shall exclude from evidence testimony~~
24 ~~or certified reports from expert witnesses under par. (a) offered by a party of interest~~
25 ~~in response to the party that raises the issue of loss of earning capacity if the~~

1 ~~responding party failed to notify the department division and the other parties of~~
2 ~~interest, at least 45 days before the date of the hearing, of the party's intent to provide~~
3 ~~the testimony or reports and of the names of the expert witnesses involved.~~

4 **SECTION 363.** 102.17 (7) (c) of the statutes is amended to read:

5 102.17 (7) (c) Notwithstanding the notice deadlines provided in par. (b), the
6 department division may receive in evidence testimony or certified reports from
7 expert witnesses under par. (a) when the applicable notice deadline under par. (b) is
8 not met if good cause is shown for the delay in providing the notice required under
9 par. (b) and if no party is prejudiced by the delay.

10 **SECTION 364.** 102.17 (8) of the statutes is amended to read:

11 102.17 (8) Unless otherwise agreed to by all parties, an injured employee shall
12 file with the department division and serve on all parties at least 15 days before the
13 date of the hearing an itemized statement of all medical expenses and incidental
14 compensation under s. 102.42 claimed by the injured employee. The itemized
15 statement shall include, if applicable, information relating to any travel expenses
16 incurred by the injured employee in obtaining treatment including the injured
17 employee's destination, number of trips, round trip mileage, and meal and lodging
18 expenses. The department division may not admit into evidence any information
19 relating to medical expenses and incidental compensation under s. 102.42 claimed
20 by an injured employee if the injured employee failed to file with the department
21 division and serve on all parties at least 15 days before the date of the hearing an
22 itemized statement of the medical expenses and incidental compensation under s.
23 102.42 claimed by the injured employee, unless the department division is satisfied
24 that there is good cause for the failure to file and serve the itemized statement.

25 **SECTION 365.** 102.175 (2) of the statutes is amended to read:

1 ~~102.175 (2) If after a hearing or a prehearing conference the department~~
2 ~~division determines that an injured employee is entitled to compensation but that~~
3 ~~there remains in dispute only the issue of which of 2 or more parties is liable for that~~
4 ~~compensation, the department division may order one or more parties to pay~~
5 ~~compensation in an amount, time, and manner as determined by the department~~
6 ~~division. If the department division later determines that another party is liable for~~
7 ~~compensation, the department division shall order that other party to reimburse any~~
8 ~~party that was ordered to pay compensation under this subsection.~~

9 **SECTION 366.** 102.18 (1) (b) of the statutes is amended to read:

10 102.18 (1) (b) Within 90 days after the final hearing and close of the record, the
11 department division shall make and file its findings upon the ultimate facts involved
12 in the controversy, and its order, which shall state its the division's determination as
13 to the rights of the parties. Pending the final determination of any controversy before
14 it, the department ~~may in its discretion~~ division, after any hearing, ~~may, in its~~
15 discretion, make interlocutory findings, orders, and awards, which may be enforced
16 in the same manner as final awards. The department division may include in any
17 interlocutory or final award or order an order directing the employer or insurer to pay
18 for any future treatment that may be necessary to cure and relieve the employee from
19 the effects of the injury. If the department division finds that the employer or insurer
20 has not paid any amount that the employer or insurer was directed to pay in any
21 interlocutory order or award and that the nonpayment was not in good faith, the
22 department division may include in its final award a penalty not exceeding ~~25%~~ 25
23 percent of each amount that was not paid as directed. When there is a finding that
24 the employee is in fact suffering from an occupational disease caused by the
25 employment of the employer against whom the application is filed, a final award

1 dismissing the application upon the ground that the applicant has suffered no
2 disability from the disease shall not bar any claim the employee may thereafter have
3 for disability sustained after the date of the award.

4 **SECTION 367.** 102.18 (1) (bg) 1. of the statutes is amended to read:

5 102.18 (1) (bg) 1. If the department division finds under par. (b) that an insurer
6 or self-insured employer is liable under this chapter for any health services provided
7 to an injured employee by a health service provider, but that the reasonableness of
8 the fee charged by the health service provider is in dispute, the department division
9 may include in its order under par. (b) a determination as to the reasonableness of
10 the fee or the department division may notify, or direct the insurer or self-insured
11 employer to notify, the health service provider under s. 102.16 (2) (b) that the
12 reasonableness of the fee is in dispute. The department division shall deny payment
13 of a health service fee that the department division determines under this
14 subdivision to be unreasonable. An insurer or self-insured employer and a health
15 service provider that are parties to a fee dispute under this subdivision are bound by
16 the department's division's determination under this subdivision on the
17 reasonableness of the disputed fee, unless that determination is set aside, reversed,
18 or modified by the department division under sub. (3) or by the commission under
19 sub. (3) or (4) or is set aside on judicial review under s. 102.23.

20 **SECTION 368.** 102.18 (1) (bg) 2. of the statutes is amended to read:

21 102.18 (1) (bg) 2. If the department division finds under par. (b) that an
22 employer or insurance carrier is liable under this chapter for any treatment provided
23 to an injured employee by a health service provider, but that the necessity of the
24 treatment is in dispute, the department division may include in its order under par.
25 (b) a determination as to the necessity of the treatment or the department division

1 may notify, or direct the employer or insurance carrier to notify, the health service
2 provider under s. 102.16 (2m) (b) that the necessity of the treatment is in dispute.
3 Before determining under this subdivision the necessity of treatment provided to an
4 injured employee, the department division may, but is not required to, obtain the
5 opinion of an expert selected by the department division who is qualified as provided
6 in s. 102.16 (2m) (c). The standards promulgated under s. 102.16 (2m) (g) shall be
7 applied by an expert in rendering an opinion as to, and in determining, necessity of
8 treatment under this subdivision. In cases in which no standards promulgated
9 under s. 102.16 (2m) (g) apply, the department division shall find the facts regarding
10 necessity of treatment. The department division shall deny payment for any
11 treatment that the department division determines under this subdivision to be
12 unnecessary. An insurer or self-insured employer and a health service provider that
13 are parties to a dispute under this subdivision over the necessity of treatment are
14 bound by the department's division's determination under this subdivision on the
15 necessity of the disputed treatment, unless that determination is set aside, reversed,
16 or modified by the department division under sub. (3) or by the commission under
17 sub. (3) or (4) or is set aside on judicial review under s. 102.23.

18 **SECTION 369.** 102.18 (1) (bg) 3. of the statutes is amended to read:

19 102.18 (1) (bg) 3. If the department division finds under par. (b) that an insurer
20 or self-insured employer is liable under this chapter for the cost of a prescription
21 drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but
22 that the reasonableness of the amount charged for that prescription drug is in
23 dispute, the department division may include in its order under par. (b) a
24 determination as to the reasonableness of the prescription drug charge or the
25 ~~department division may notify, or direct the insurer or self-insured employer to~~

1 ~~notify, the pharmacist or practitioner dispensing the prescription drug under s.~~
2 ~~102.425 (4m) (b) that the reasonableness of the prescription drug charge is in~~
3 ~~dispute. The department division shall deny payment of a prescription drug charge~~
4 ~~that the department division determines under this subdivision to be unreasonable.~~
5 ~~An insurer or self-insured employer and a pharmacist or practitioner that are~~
6 ~~parties to a dispute under this subdivision over the reasonableness of a prescription~~
7 ~~drug charge are bound by the department's division's determination under par. (b)~~
8 ~~on the reasonableness of the disputed prescription drug charge, unless that~~
9 ~~determination is set aside, reversed, or modified by the department division under~~
10 ~~sub. (3) or by the commission under sub. (3) or (4) or is set aside on judicial review~~
11 ~~under s. 102.23.~~

12 **SECTION 370.** 102.18 (1) (bp) of the statutes is amended to read:

13 102.18 (1) (bp) If the department division determines that the employer or
14 insurance carrier suspended, terminated, or failed to make payments or failed to
15 report an injury as a result of malice or bad faith, the department division may
16 include a penalty in an award to an employee for each event or occurrence of malice
17 or bad faith. ~~This~~ That penalty is the exclusive remedy against an employer or
18 insurance carrier for malice or bad faith. ~~If this~~ the penalty is imposed for an event
19 or occurrence of malice or bad faith that causes a payment that is due an injured
20 employee to be delayed in violation of s. 102.22 (1) or overdue in violation of s. 628.46
21 (1), the department division may not also order an increased payment under s.
22 102.22 (1) or the payment of interest under s. 628.46 (1). The department division
23 may award an amount that ~~it~~ the division considers just, not to exceed the lesser of
24 200 percent of total compensation due or \$30,000 for each event or occurrence of
25 ~~malice or bad faith. The department division may assess the penalty against the~~

1 employer, the insurance carrier, or both. Neither the employer nor the insurance
2 carrier is liable to reimburse the other for the penalty amount. The department
3 division may, by rule, define actions ~~which~~ that demonstrate malice or bad faith.

4 **SECTION 371.** 102.18 (1) (bw) of the statutes is amended to read:

5 102.18 (1) (bw) If an insurer, a self-insured employer, or, if applicable, the
6 uninsured employers fund pays compensation to an employee in excess of its liability
7 and another insurer is liable for all or part of the excess payment, the department
8 division may order the insurer ~~or self-insured employer~~ that is liable for that excess
9 payment to reimburse the insurer or self-insured employer that made the excess
10 payment or, if applicable, the uninsured employers fund.

11 **SECTION 372.** 102.18 (1) (c) of the statutes is amended to read:

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

19 **SECTION 373.** 102.18 (1) (e) of the statutes is amended to read:

20 102.18 (1) (e) Except as provided in s. 102.21, if the department division orders
21 a party to pay an award of compensation, the party shall pay the award no later than
22 21 days after the date on which the order is mailed to the last-known address of the
23 party, unless the party files a petition for review under sub. (3). This paragraph
24 applies to all awards of compensation ordered by the department division, whether

1 the award results from a hearing, the default of a party, or a compromise or
2 stipulation confirmed by the department division.

3 **SECTION 374.** 102.18 (2) of the statutes is amended to read:

4 102.18 (2) The department division shall have and maintain on its staff such
5 examiners as are necessary to hear and decide disputed claims and to assist in the
6 effective ~~administration of~~ adjudication of disputes under this chapter. ~~These~~ Those
7 examiners shall be attorneys and may be designated as administrative law judges.
8 ~~These~~ Those examiners may make findings and orders, and may approve, review, set
9 aside, modify, or confirm stipulations of settlement or compromises of claims for
10 compensation.

11 **SECTION 375.** 102.18 (3) of the statutes is amended to read:

12 102.18 (3) A party in interest may petition the commission for review of an
13 examiner's decision awarding or denying compensation if the department division
14 or commission receives the petition within 21 days after the department division
15 mailed a copy of the examiner's findings and order to the party's last-known address
16 addresses of the parties in interest. The commission shall dismiss a petition ~~which~~
17 ~~that~~ is not timely filed unless the petitioner shows probable good cause that the
18 reason for failure to timely file was beyond the petitioner's control. If no petition is
19 filed within 21 days ~~from~~ after the date ~~that~~ on which a copy of the findings or order
20 of the examiner is mailed to the last-known address addresses of the parties in
21 interest, the findings or order shall be considered final unless set aside, reversed, or
22 modified by the examiner within that time. If the findings or order are set aside by
23 the examiner, the status shall be the same as prior to the setting aside of the findings
24 or order ~~set aside~~. If the findings or order are reversed or modified by the examiner,
25 the time for filing a petition ~~commences with~~ on the date that on which notice of

1 reversal or modification is mailed to the last-known address addresses of the parties
2 in interest. The commission shall either affirm, reverse, set aside, or modify the
3 findings or order, in whole or in part, or direct the taking of additional evidence. ~~This~~
4 The commission's action shall be based on a review of the evidence submitted.

5 **SECTION 376.** 102.18 (4) (c) 3. of the statutes is amended to read:

6 102.18 (4) (c) 3. Remand the case to the department division for further
7 proceedings.

8 **SECTION 377.** 102.18 (4) (d) of the statutes is amended to read:

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

16 **SECTION 378.** 102.18 (5) of the statutes is amended to read:

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

1 ~~suffering from disease arising out of the employment, make new findings, and a new~~
2 ~~order or award, or if the division may reinstate the previous findings, order, or award.~~

3 **SECTION 379.** 102.18 (6) of the statutes is amended to read:

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

9 **SECTION 380.** 102.21 of the statutes is amended to read:

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

25 **SECTION 381.** 102.22 (1) of the statutes is amended to read:

1 ~~102.22 (1) If the employer or his or her insurer inexcusably delays in making~~
2 ~~the first payment that is due an injured employee for more than 30 days after the day~~
3 ~~date on which the employee leaves work as a result of an injury and if the amount~~
4 ~~due is \$500 or more, the payments as to which the delay is found shall be increased~~
5 ~~by 10% 10 percent. If the employer or his or her insurer inexcusably delays in making~~
6 ~~the first payment that is due an injured employee for more than 14 days after the day~~
7 ~~date on which the employee leaves work as a result of an injury, the payments as to~~
8 ~~which the delay is found may be increased by 10% 10 percent. If the employer or his~~
9 ~~or her insurer inexcusably delays for any length of time in making any other payment~~
10 ~~that is due an injured employee, the payments as to which the delay is found may~~
11 ~~be increased by 10%. Where 10 percent. If the delay is chargeable to the employer~~
12 ~~and not to the insurer, s. 102.62 shall apply applies and the relative liability of the~~
13 ~~parties shall be fixed and discharged as therein provided in that section. The~~
14 ~~department division may also order the employer or insurance carrier to reimburse~~
15 ~~the employee for any finance charges, collection charges, or interest which that the~~
16 ~~employee paid as a result of the inexcusable delay by the employer or insurance~~
17 ~~carrier.~~

18 SECTION 382. 102.22 (2) of the statutes is amended to read:

19 ~~102.22 (2) If the sum ordered by the department any sum that the division~~
20 ~~orders to be paid is not paid when due, that sum shall bear interest at the rate of 10%~~
21 ~~10 percent per year. The state is liable for such interest on awards issued against~~
22 ~~it under this chapter. The department division has jurisdiction to issue an award for~~
23 ~~payment of such interest under this subsection at any time within one year of after~~
24 ~~the date of its order, or upon appeal, if the order is appealed, within one year after~~
25 ~~final court determination. Such interest Interest awarded under this subsection~~

1 ~~becomes due from the date the examiner's order becomes final or from the date of a~~
2 ~~decision by the labor and industry review commission, whichever is later.~~

3 **SECTION 383.** 102.23 (1) (a) of the statutes is amended to read:

4 102.23 (1) (a) The findings of fact made by the commission acting within its
5 powers shall, in the absence of fraud, be conclusive. The order or award granting or
6 denying compensation, either interlocutory or final, whether judgment has been
7 rendered on ~~it~~ the order or award or not, is subject to review only as provided in this
8 section and not under ch. 227 or s. 801.02. Within 30 days after the date of an order
9 or award made by the commission either originally or after the filing of a petition for
10 review with the ~~department~~ division under s. 102.18 any party aggrieved ~~thereby by~~
11 the order or award may by serving a complaint as provided in par. (b) and filing the
12 summons and complaint with the clerk of the circuit court commence, in circuit court,
13 an action against the commission for the review of the order or award, in which action
14 the adverse party shall also be made a defendant. If the circuit court is satisfied that
15 a party in interest has been prejudiced because of an exceptional delay in the receipt
16 of a copy of any finding or order, ~~it~~ the circuit court may extend the time in which an
17 action may be commenced by an additional 30 days. The proceedings shall be in the
18 circuit court of the county where the plaintiff resides, except that if the plaintiff is
19 a state agency, the proceedings shall be in the circuit court of the county where the
20 defendant resides. The proceedings may be brought in any circuit court if all parties
21 stipulate and that court agrees.

22 **SECTION 384.** 102.23 (2) of the statutes is amended to read:

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

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

3 **SECTION 385.** 102.23 (3) of the statutes is amended to read:

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

8 **SECTION 386.** 102.23 (5) of the statutes is amended to read:

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

14 **SECTION 387.** 102.24 (2) of the statutes is amended to read:

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

24 **SECTION 388.** 102.25 (1) of the statutes is amended to read:

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

12 **SECTION 389.** 102.26 (2) of the statutes is amended to read:

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

1 **SECTION 390.** 102.26 (3) (b) 1. of the statutes is amended to read:

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

6 **SECTION 391.** 102.26 (3) (b) 3. of the statutes is amended to read:

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

15 **SECTION 392.** 102.26 (4) of the statutes is amended to read:

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

23 **SECTION 393.** 102.28 (3) (c) of the statutes is amended to read:

24 102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an
25 ~~affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the~~

1 employer would be liable for under s. 102.03, who at the time of the injury was a
2 member of a religious sect whose authorized representative has filed an affidavit
3 under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury
4 becomes dependent on the religious sect for financial and medical assistance, or the
5 employee's dependent, may request a hearing under s. 102.17 (1) to determine if the
6 religious sect has provided the employee and his or her dependents with a standard
7 of living and medical treatment that are reasonable when compared to the general
8 standard of living and medical treatment for members of the religious sect. If, after
9 hearing, the ~~department~~ division determines that the religious sect has not provided
10 that standard of living or medical treatment, or both, the ~~department~~ division may
11 order the religious sect to provide alternative benefits to that employee or his or her
12 dependent, or both, in an amount that is reasonable under the circumstances, but
13 not in excess of the benefits that the employee or dependent could have received
14 under this chapter but for the waiver under par. (a) 1.

15 **SECTION 394.** 102.28 (4) (c) of the statutes is amended to read:

16 102.28 (4) (c) After a hearing under par. (b), or without a hearing if one is not
17 requested, the ~~department~~ division may issue an order to an employer to cease
18 operations on a finding that the employer is an uninsured employer. If no hearing
19 is requested, the department may issue such an order.

20 **SECTION 395.** 102.28 (4) (d) of the statutes is amended to read:

21 102.28 (4) (d) The department of justice may bring an action in any court of
22 competent jurisdiction for an injunction or other remedy to enforce ~~the department's~~
23 an order to cease operations under par. (c).

24 **SECTION 396.** 102.28 (7) (b) of the statutes is amended to read:

1 ~~102.28 (7) (b) Each~~ Upon the issuance of an initial order exempting an
2 ~~employer under sub. (2), the employer exempted by written order of the department~~
3 under sub. (2) shall pay into the fund established by under sub. (8) a sum equal to
4 that ~~the amount~~ assessed against each of the other such exempt employers upon the
5 issuance of an initial order that are exempt under sub. (2). The order shall provide
6 for a sum that is sufficient to secure estimated payments of the insolvent exempt
7 employer due for the period up to the date of the order and for one year following the
8 date of the order and to pay the estimated cost of insurance carrier or insurance
9 service organization services under par. (c). Payments ordered to be made to the fund
10 shall be paid to the department within 30 days after the date of the order. If
11 additional moneys are required, further assessments shall be made based on orders
12 of the department with ~~assessment~~ those assessments to be prorated on the basis of
13 the gross payroll for this state of the exempt employer, as reported to the department
14 of workforce development for the previous calendar year for unemployment
15 insurance purposes under ch. 108. If the exempt employer is not covered under ch.
16 108, ~~then~~ the department shall determine the comparable gross payroll for the
17 exempt employer. If payment of any assessment made under this subsection
18 paragraph is not made within 30 days of after the date of the order of the department,
19 the attorney general may appear on behalf of the state to collect the assessment.

20 **SECTION 397.** 102.28 (8) of the statutes is amended to read:

21 102.28 (8) SELF-INSURED EMPLOYERS LIABILITY FUND. The moneys paid into the
22 state treasury under sub. (7), together with all accrued interest, shall constitute a
23 separate nonlapsible fund designated as the self-insured employers liability fund.
24 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.142 (3) (s)
25 and may not be used for ~~an~~ any other purpose of the state.

SECTION 398

1 ~~SECTION 398.~~ 102.29 (1) (b) (intro.) of the statutes is amended to read:

2 102.29 (1) (b) (intro.) If a party entitled to notice cannot be found, the
3 department shall become the agent of that party for the giving of a notice as required
4 in par. (a) and the notice, when given to the department, shall include an affidavit
5 setting forth the facts, including the steps taken to locate that party. Each party shall
6 have an equal voice in the prosecution of the claim, and any disputes arising shall
7 be passed upon by the court before whom the case is pending, and if no action is
8 pending, then by a court of record or by the ~~department~~ division. If notice is given
9 as provided in par. (a), the liability of the tort-feasor shall be determined as to all
10 parties having a right to make claim and, irrespective of whether or not all parties
11 join in prosecuting the claim, the proceeds of the claim shall be divided as follows:

12 **SECTION 399.** 102.29 (1) (c) of the statutes is amended to read:

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

19 **SECTION 400.** 102.29 (1) (d) of the statutes is amended to read:

20 102.29 (1) (d) A settlement of a 3rd-party claim shall be void unless the
21 settlement and the distribution of the proceeds of the settlement are approved by the
22 court before whom the action is pending or, if no action is pending, then by a court
23 of record or by the ~~department~~ division.

24 ~~SECTION 401.~~ 102.31 (4) of the statutes is amended to read:

1 ~~102.31 (4) If any insurer authorized to transact worker's compensation~~
2 ~~insurance in this state fails to promptly pay claims for compensation for which it is~~
3 ~~liable or fails to make reports to the department required by under s. 102.38, the~~
4 ~~department may recommend to the commissioner of insurance secretary, with~~
5 ~~detailed reasons, that enforcement proceedings under s. 601.64 be invoked. The~~
6 ~~commissioner secretary shall furnish a copy of the recommendation to the insurer~~
7 ~~and shall set a date for a hearing, at which both the insurer and the department shall~~
8 ~~be afforded an opportunity to present evidence. If after the hearing the commissioner~~
9 ~~secretary finds that the insurer has failed to carry out its obligations under this~~
10 ~~chapter, the commissioner secretary shall institute enforcement proceedings under~~
11 ~~s. 601.64. If the commissioner secretary does not so find, the commissioner secretary~~
12 ~~shall dismiss the complaint.~~

13 **SECTION 402.** 102.31 (7) of the statutes is amended to read:

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

23 **SECTION 403.** 102.315 (4) of the statutes is amended to read:

24 102.315 (4) MASTER POLICY; APPROVAL REQUIRED. An employee leasing company
25 may insure its liability under sub. (2) by obtaining a master policy that has been

1 ~~approved by the commissioner of insurance secretary as provided in this subsection.~~

2 ~~The commissioner of insurance secretary may approve the issuance of a master~~
3 ~~policy if the insurer proposing to issue the master policy submits a filing to the~~
4 ~~bureau showing that the insurer has the technological capacity and operation~~
5 ~~capability to provide to the bureau information, including unit statistical data,~~
6 ~~information concerning proof of coverage and cancellation, termination, and~~
7 ~~nonrenewal of coverage, and any other information that the bureau may require, at~~
8 ~~the client level and in a format required by the bureau and the bureau submits the~~
9 ~~filing to the commissioner of insurance secretary for approval under s. 626.13. A~~
10 ~~master policy filing under this subsection shall also establish basic manual rules~~
11 ~~governing the issuance of an insurance policy covering the leased employees of a~~
12 ~~divided workforce that are consistent with sub. (6) and the cancellation, termination,~~
13 ~~and nonrenewal of policies that are consistent with sub. (10). On approval by the~~
14 ~~commissioner of insurance secretary of a master policy filing, an insurer may issue~~
15 ~~a master policy to an employee leasing company insuring the liability of the employee~~
16 ~~leasing company under sub. (2).~~

17 **SECTION 404.** 102.315 (9) (a) of the statutes is amended to read:

18 102.315 (9) (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may
19 charge a premium for coverage under that policy that complies with the applicable
20 classifications, rules, rates, and rating plans filed with and approved by the
21 commissioner of insurance secretary under s. 626.13.

22 **SECTION 405.** 102.32 (7) of the statutes is amended to read:

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

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

3 **SECTION 406.** 102.33 (title) of the statutes is amended to read:

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

5 **SECTION 407.** 102.33 (1) of the statutes is amended to read:

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

11 **SECTION 408.** 102.33 (2) (a) of the statutes is amended to read:

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

16 **SECTION 409.** 102.33 (2) (b) (intro.) of the statutes is amended to read:

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

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

6 **SECTION 410.** 102.33 (2) (b) 1. of the statutes is amended to read:

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

12 **SECTION 411.** 102.33 (2) (b) 2. of the statutes is amended to read:

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

1 ~~SECTION 412.~~ 102.33 (2) (b) 4. of the statutes is amended to read:

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

4 ~~SECTION 413.~~ 102.33 (2) (c) of the statutes is amended to read:

5 102.33 (2) (c) A record maintained by the ~~department or the commission, the~~
6 ~~department, or the division~~ that contains employer or insurer information obtained
7 from the Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a)
8 is confidential and not open to public inspection or copying under s. 19.35 (1) unless
9 the Wisconsin compensation rating bureau authorizes public inspection or copying
10 of that information.

11 ~~SECTION 414.~~ 102.33 (2) (d) 2. of the statutes is amended to read:

12 102.33 (2) (d) 2. The ~~department or the commission, the department, or the~~
13 ~~division~~ may release information that is confidential under par. (b) to a government
14 unit, an institution of higher education, or a nonprofit research organization for
15 purposes of research and may release information that is confidential under par. (c)
16 to those persons for that purpose if the Wisconsin compensation rating bureau
17 authorizes that release. A government unit, institution of higher education, or
18 nonprofit research organization may not permit inspection or disclosure of any
19 information released to it under this subdivision that is confidential under par. (b)
20 unless the ~~department or commission, the department, or the division~~ authorizes
21 that inspection or disclosure and may not permit inspection or disclosure of any
22 information released to it under this subdivision that is confidential under par. (c)
23 unless the ~~department or commission, the department, or the division,~~ and the
24 Wisconsin compensation rating bureau, authorize the inspection or disclosure. A
25 ~~government unit, institution of higher education, or nonprofit research organization~~

1 that obtains any confidential information under this subdivision for purposes of
2 research shall provide the results of that research free of charge to the person that
3 released or authorized the release of that information.

4 **SECTION 415.** 102.35 (3) of the statutes is amended to read:

5 102.35 (3) Any employer who without reasonable cause refuses to rehire an
6 employee who is injured in the course of employment, where when suitable
7 employment is available within the employee's physical and mental limitations,
8 upon order of the department and in addition to other benefits division, has exclusive
9 liability to pay to the employee, in addition to other benefits, the wages lost during
10 the period of such that refusal, not exceeding one year's wages. In determining the
11 availability of suitable employment, the continuance in business of the employer
12 shall be considered and any written rules promulgated by the employer with respect
13 to seniority or the provisions of any collective bargaining agreement with respect to
14 seniority shall govern.

15 **SECTION 416.** 102.39 of the statutes is amended to read:

16 **102.39 Rules and general orders; application of statutes.** The provisions
17 of s. 103.005 relating to the adoption, publication, modification, and court review of
18 rules or general orders of the department shall of workforce development apply to all
19 rules promulgated or general orders adopted by the department under this chapter
20 in the same manner as those provisions apply to rules promulgated or general orders
21 adopted by the department of workforce development.

22 **SECTION 417.** 102.42 (1m) of the statutes is amended to read:

23 102.42 (1m) LIABILITY FOR UNNECESSARY TREATMENT. If an employee who has
24 sustained a compensable injury undertakes in good faith invasive treatment that is
25 generally medically acceptable, but that is unnecessary, the employer shall pay

1 ~~disability indemnity for all disability incurred as a result of that treatment. An~~
2 ~~employer is not liable for disability indemnity for any disability incurred as a result~~
3 ~~of any unnecessary treatment undertaken in good faith that is noninvasive or not~~
4 ~~medically acceptable. This subsection applies to all findings that an employee has~~
5 ~~sustained a compensable injury, whether the finding results from a hearing, the~~
6 ~~default of a party, or a compromise or stipulation confirmed by the department~~
7 ~~division.~~

8 **SECTION 418.** 102.42 (6) of the statutes is amended to read:

9 102.42 (6) TREATMENT REJECTED BY EMPLOYEE. Unless the employee shall have
10 ~~has~~ elected Christian Science treatment in lieu of medical, surgical, dental, or
11 hospital treatment, no compensation shall be payable for the death or disability of
12 an employee, if the death ~~be~~ is caused, or insofar as the disability may be aggravated,
13 caused, or continued, by an unreasonable refusal or neglect to submit to or follow any
14 competent and reasonable medical, surgical, or dental treatment or, in the case of
15 tuberculosis, by refusal or neglect to submit to or follow hospital or medical
16 treatment when found by the department division to be necessary. The right to
17 compensation accruing during a period of refusal or neglect to submit to or follow
18 hospital or medical treatment when found by the department division to be
19 necessary in the case of tuberculosis shall be barred, irrespective of whether
20 disability was aggravated, caused, or continued ~~thereby~~ by that refusal or neglect.

21 **SECTION 419.** 102.42 (8) of the statutes is amended to read:

22 102.42 (8) AWARD TO STATE EMPLOYEE. Whenever the division makes an award
23 ~~is made by the department in~~ on behalf of a state employee, the department of
24 ~~workforce development~~ division shall file duplicate copies of the award with the
25 ~~subunit of the the department of administration responsible for risk management.~~

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

6 **SECTION 420.** 102.425 (4m) (a) of the statutes is amended to read:

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

12 **SECTION 421.** 102.425 (4m) (b) of the statutes is amended to read:

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

23 **SECTION 422.** 102.425 (4m) (c) of the statutes is amended to read:

24 102.425 (4m) (c) A pharmacist or practitioner that receives notice under par.
25 (b) that the reasonableness of the amount charged for a prescription drug dispensed

1 under sub. (2) for outpatient use by an injured employee is in dispute shall file the
2 dispute with the department division within 6 months after receiving that notice.

3 **SECTION 423.** 102.425 (4m) (d) of the statutes is amended to read:

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

11 **SECTION 424.** 102.425 (4m) (e) of the statutes is amended to read:

12 102.425 (4m) (e) Within 30 days after a determination under this subsection,
13 the department division may set aside, reverse, or modify the determination for any
14 reason that the department division considers sufficient. Within 60 days after a
15 determination under this subsection, the department division may set aside,
16 reverse, or modify the determination on grounds of mistake. A pharmacist,
17 practitioner, employer, or insurer that is aggrieved by a determination of the
18 department division under this subsection may seek judicial review of that
19 determination in the same manner that compensation claims are reviewed under s.
20 102.23.

21 **SECTION 425.** 102.44 (2) of the statutes is amended to read:

22 102.44 (2) In case of permanent total disability, aggregate indemnity shall be
23 weekly indemnity for the period that the employee may live. Total impairment for
24 industrial use of both eyes, or the loss of both arms at or near the shoulder, or the loss
25 of both legs at or near the hip, or the loss of one arm at the shoulder and one leg at

1 the hip, constitutes permanent total disability. This enumeration is not exclusive,
2 but in other cases the department division shall find the facts.

3 **SECTION 426.** 102.44 (6) (b) of the statutes is amended to read:

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

10 **SECTION 427.** 102.475 (1) of the statutes is amended to read:

11 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
12 officer, correctional officer, fire fighter, rescue squad member, diving team member,
13 national guard member, or state defense force member on state active duty as
14 described in s. 102.07 (9) or if a deceased person is an employee or volunteer
15 performing emergency management activities under ch. 323 during a state of
16 emergency or a circumstance described in s. 323.12 (2) (c), who sustained an
17 accidental injury while performing services growing out of and incidental to that
18 employment or volunteer activity so that benefits are payable under s. 102.46 or
19 102.47 (1), the department shall voucher and pay from the appropriation under s.
20 ~~20.445 (1)~~ 20.142 (3) (aa) a sum equal to ~~75%~~ 75 percent of the primary death benefit
21 as of the date of death, but not less than \$50,000 to the persons wholly dependent
22 upon the deceased. For purposes of this subsection, dependency shall be determined
23 under ss. 102.49 and 102.51.

24 **SECTION 428.** 102.55 (3) of the statutes is amended to read:

1 ~~102.55 (3) For all other injuries to the members of the body or its faculties~~
2 ~~which that are specified in this the schedule under s. 102.52 resulting in permanent~~
3 ~~disability, though the member be is not actually severed or the faculty is not totally~~
4 ~~lost, compensation shall bear such relation to that the compensation named in this~~
5 ~~the schedule as disabilities bear the disability bears to the disabilities disability~~
6 ~~named in this the schedule. Indemnity in such those cases shall be determined by~~
7 ~~allowing weekly indemnity during the healing period resulting from the injury and~~
8 ~~the percentage of permanent disability resulting thereafter after the healing period~~
9 ~~as found by the department division.~~

10 **SECTION 429.** 102.555 (12) (a) of the statutes is amended to read:

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

16 **SECTION 430.** 102.56 (1) of the statutes is amended to read:

17 102.56 (1) Subject to sub. (2), if an employee is so permanently disfigured as
18 to occasion potential wage loss due to the disfigurement, the department division
19 may allow such sum as the department division considers just as compensation for
20 the disfigurement, not exceeding the employee's average annual earnings. In
21 determining the potential for wage loss due to the disfigurement and the sum
22 awarded, the department division shall take into account the age, education,
23 training, and previous experience and earnings of the employee, the employee's
24 present occupation and earnings, and likelihood of future suitable occupational
25 change. ~~Consideration for disfigurement allowance is confined to those areas of the~~

1 body that are exposed in the normal course of employment. The department division
2 shall also take into account the appearance of the disfigurement, its location, and the
3 likelihood of its exposure in occupations for which the employee is suited.

4 **SECTION 431.** 102.56 (2) of the statutes is amended to read:

5 102.56 (2) If an employee who claims compensation under sub. (1) returns to
6 work for the employer who employed the employee at the time of the injury, or is
7 offered employment with that employer, at the same or a higher wage, the
8 department division may not allow that compensation unless the employee suffers
9 an actual wage loss due to the disfigurement.

10 **SECTION 432.** 102.565 (1) of the statutes is amended to read:

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

1 ~~capacity. In case of such discharge. If the employee is discharged from employment~~
2 ~~prior to a finding by the department division that it is inadvisable for the employee~~
3 ~~to continue in such that employment and if it is reasonably probable that continued~~
4 ~~exposure would result in disability, the liability of the employer who so discharges~~
5 ~~the employee is primary, and the liability of the employer's insurer is secondary,~~
6 ~~under the same procedure and to the same effect as provided by s. 102.62.~~

7 **SECTION 433.** 102.565 (2) of the statutes is amended to read:

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

23 **SECTION 434.** 102.565 (3) of the statutes is amended to read:

24 102.565 (3) ~~If an employee refuses to submit to the examination, after direction~~
25 ~~by the commission, or any member thereof or the department or any commissioner,~~

1 ~~the division, or an examiner thereof, an employee refuses to submit to an~~
2 ~~examination or in any way obstructs the same examination, the employee's right to~~
3 ~~compensation under this section shall be barred.~~

4 SECTION 435. 102.57 of the statutes is amended to read:

5 **102.57 Violations of safety provisions, penalty.** If injury is caused by the
6 failure of the employer to comply with any statute, rule, or order of the department
7 of workforce development, compensation and death benefits provided in this chapter
8 shall be increased ~~15%~~ by 15 percent but the total increase may not exceed \$15,000.
9 Failure of an employer reasonably to enforce compliance by employees with any
10 statute, rule, or order of the department of workforce development constitutes failure
11 by the employer to comply with that statute, rule, or order.

12 SECTION 436. 102.58 of the statutes is amended to read:

13 **102.58 Decreased compensation.** If injury is caused by the failure of the
14 employee to use safety devices that are provided in accordance with any statute, rule,
15 or order of the department of workforce development and that are adequately
16 maintained, and the use of which is reasonably enforced by the employer, if injury
17 results from the employee's failure to obey any reasonable rule adopted and
18 reasonably enforced by the employer for the safety of the employee and of which the
19 employee has notice, or if injury results from the intoxication of the employee by
20 alcohol beverages, as defined in s. 125.02 (1), or use of a controlled substance, as
21 defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m),
22 the compensation and death benefit provided in this chapter shall be reduced ~~15%~~
23 by 15 percent but the total reduction may not exceed \$15,000.

24 SECTION 437. 102.60 (1m) (b) of the statutes is amended to read:

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

7 **SECTION 438.** 102.61 (1g) (b) of the statutes is amended to read:

8 102.61 (1g) (b) If an employer offers an employee suitable employment as
9 provided in par. (c), the employer or the employer's insurance carrier is not liable for
10 temporary disability benefits under s. 102.43 (5) (b) or for the cost of tuition, fees,
11 books, travel, and maintenance under sub. (1). Ineligibility for compensation under
12 this paragraph does not preclude an employee from receiving vocational
13 rehabilitation services under 29 USC 701 to 797b if the department of workforce
14 development determines that the employee is eligible to receive those services.

15 **SECTION 439.** 102.61 (1g) (c) of the statutes is amended to read:

16 102.61 (1g) (c) On receiving notice that he or she is eligible to receive vocational
17 rehabilitation services under 29 USC 701 to 797a, an employee shall provide the
18 employer with a written report from a physician, chiropractor, psychologist, or
19 podiatrist stating the employee's permanent work restrictions. Within 60 days after
20 receiving that report, the employer shall provide to the employee in writing an offer
21 of suitable employment, a statement that the employer has no suitable employment
22 for the employee, or a report from a physician, chiropractor, psychologist, or
23 podiatrist showing that the permanent work restrictions provided by the employee's
24 practitioner are in dispute and documentation showing that the difference in work
25 restrictions would materially affect either the employer's ability to provide suitable

1 employment or a vocational rehabilitation counselor's ability to recommend a
2 rehabilitative training program. If the employer and employee cannot resolve the
3 dispute within 30 days after the employee receives the employer's report and
4 documentation, the employer or employee may request a hearing before the
5 department division to determine the employee's work restrictions. Within 30 days
6 after the department division determines the employee's work restrictions, the
7 employer shall provide to the employee in writing an offer of suitable employment
8 or a statement that the employer has no suitable employment for the employee.

9 **SECTION 440.** 102.61 (1m) (a) of the statutes is amended to read:

10 102.61 (1m) (a) If the department of workforce development has determined
11 under sub. (1) that an employee is eligible for vocational rehabilitation services
12 under 29 USC 701 to 797b, but that the department of workforce development cannot
13 provide those services for the employee, the employee may select a private
14 rehabilitation counselor certified by the department of financial institutions,
15 insurance, and professional standards to determine whether the employee can
16 return to suitable employment without rehabilitative training and, if that counselor
17 determines that rehabilitative training is necessary, to develop a rehabilitative
18 training program to restore as nearly as possible the employee to his or her preinjury
19 earning capacity and potential.

20 **SECTION 441.** 102.61 (1m) (d) of the statutes is amended to read:

21 102.61 (1m) (d) If an employee receives services from a private rehabilitation
22 counselor under par. (a) and later receives similar services from the department of
23 workforce development under sub. (1) without the prior approval of the employer or
24 insurance carrier, the employer or insurance carrier is not liable for temporary
25 disability benefits under s. 102.43 (5) (b) or for tuition, fee, book, travel, and

1 maintenance costs under sub. (1) that exceed what the employer or insurance carrier
2 would have been liable for under the rehabilitative training program developed by
3 the private rehabilitation counselor.

4 **SECTION 442.** 102.61 (1m) (e) of the statutes is amended to read:

5 102.61 (1m) (e) Nothing in this subsection prevents an employer or insurance
6 carrier from providing an employee with the services of a private rehabilitation
7 counselor or with rehabilitative training under sub. (3) before the department of
8 workforce development makes its determination under par. (a).

9 **SECTION 443.** 102.61 (2) of the statutes is amended to read:

10 102.61 (2) The ~~department~~ division, the commission, and the courts shall
11 determine the rights and liabilities of the parties under this section in like manner
12 and with like effect as the ~~department~~ division, the commission, and the courts
13 determine other issues under this chapter. A determination under this subsection
14 may include a determination based on the evidence regarding the cost or scope of the
15 services provided by a private rehabilitation counselor under sub. (1m) (a) or the cost
16 or reasonableness of a rehabilitative training program developed under sub. (1m) (a).

17 **SECTION 444.** 102.62 of the statutes is amended to read:

18 **102.62 Primary and secondary liability; unchangeable.** In case of
19 liability under s. 102.57 or 102.60, the liability of the employer shall be primary and
20 the liability of the insurance carrier shall be secondary. If proceedings are had before
21 the ~~department~~ division for the recovery of that liability, the ~~department~~ division
22 shall set forth in its award the amount and order of liability as provided in this
23 section. Execution shall not be issued against the insurance carrier to satisfy any
24 judgment covering that liability until execution has first been issued against the
25 ~~employer and has been returned unsatisfied as to any part of that liability. Any~~

1 ~~provision in any insurance policy undertaking to guarantee primary liability or to~~
2 ~~avoid secondary liability for a liability under s. 102.57 or 102.60 is void. If the~~
3 ~~employer has been adjudged bankrupt or has made an assignment for the benefit of~~
4 ~~creditors, or if the employer, other than an individual, has gone out of business or has~~
5 ~~been dissolved, or if the employer is a corporation and its charter has been forfeited~~
6 ~~or revoked, the insurer shall be liable for the payment of that liability without~~
7 ~~judgment or execution against the employer, but without altering the primary~~
8 ~~liability of the employer.~~

9 **SECTION 445.** 102.64 (1) of the statutes is amended to read:

10 102.64 (1) Upon request of the department of administration, a representative
11 of the department of justice shall represent the state in cases involving payment into
12 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
13 department of justice, after giving notice to the department of administration, may
14 compromise the amount of those payments but such compromises shall be subject to
15 review by the department of ~~workforce development~~ financial institutions,
16 insurance, and professional standards. If the spouse or domestic partner under ch.
17 770 of the deceased employee compromises his or her claim for a primary death
18 benefit, the claim of the children of the employee under s. 102.49 shall be
19 compromised on the same proportional basis, subject to approval by the department.
20 If the persons entitled to compensation on the basis of total dependency under s.
21 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be
22 compromised on the same proportional basis.

23 **SECTION 446.** 102.64 (2) of the statutes is amended to read:

24 102.64 (2) Upon request of the department of administration, the attorney
25 ~~general shall appear on behalf of the state in proceedings upon claims for~~

1 compensation against the state. Except as provided in s. 102.65 (3), the department
2 of justice shall represent the interests of the state in proceedings under s. 102.44 (1),
3 102.49, 102.59, 102.60, or 102.66. The department of justice may compromise claims
4 in those proceedings, but the compromises are subject to review by the department
5 of ~~workforce development~~ financial institutions, insurance, and professional
6 standards. Costs incurred by the department of justice in prosecuting or defending
7 any claim for payment into or out of the work injury supplemental benefit fund under
8 s. 102.65, including expert witness and witness fees but not including attorney fees
9 or attorney travel expenses for services performed under this subsection, shall be
10 paid from the work injury supplemental benefit fund.

11 **SECTION 447.** 102.65 (1) of the statutes is amended to read:

12 102.65 (1) The moneys payable to the state treasury under ss. 102.35 (1),
13 102.47, 102.49, 102.59, and 102.60, together with all accrued interest on those
14 moneys, and all interest payments received under s. 102.75 (2), shall constitute a
15 separate nonlapsible fund designated as the work injury supplemental benefit fund.
16 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.142 (3) (t)
17 and may not be used for any other purpose of the state.

18 **SECTION 448.** 102.65 (3) of the statutes is amended to read:

19 102.65 (3) The department of ~~workforce development~~ financial institutions,
20 insurance, and professional standards may retain the department of administration
21 to process, investigate, and pay claims under ss. 102.44 (1), 102.49, 102.59, and
22 102.66. If retained by the department of ~~workforce development~~ financial
23 institutions, insurance, and professional standards, the department of
24 administration may compromise a claim processed by that department, but a
25 compromise made by that department is subject to review by the department of

1 ~~workforce development financial institutions, insurance, and professional~~
2 ~~standards. The department of workforce development financial institutions,~~
3 ~~insurance, and professional standards shall pay for the services retained under this~~
4 ~~subsection from the appropriation account under s. 20.445 (1) 20.142 (3) (t).~~

5 **SECTION 449.** 102.75 (1) of the statutes is amended to read:

6 102.75 (1) The department shall assess upon and collect from each licensed
7 worker's compensation insurance carrier and from each employer exempted under
8 s. 102.28 (2) by special order or by rule, the proportion of total costs and expenses
9 incurred by the council on worker's compensation for travel and research and by the
10 department, ~~the division,~~ and the commission in the administration of this chapter
11 for the current fiscal year plus any deficiencies in collections and anticipated costs
12 from the previous fiscal year, that the total indemnity paid or payable under this
13 chapter by each such carrier and exempt employer in worker's compensation cases
14 initially closed during the preceding calendar year, other than for increased, double,
15 or treble compensation bore to the total indemnity paid in cases closed the previous
16 calendar year under this chapter by all carriers and exempt employers other than
17 for increased, double, or treble compensation. The council on worker's compensation,
18 ~~the division,~~ and the commission shall annually certify any costs and expenses for
19 worker's compensation activities to the department at such time as the secretary
20 requires.

21 **SECTION 450.** 102.75 (1m) of the statutes is amended to read:

22 102.75 (1m) The moneys collected under sub. (1) and under ss. 102.28 (2) and
23 102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible
24 fund designated as the worker's compensation operations fund. Moneys in the fund
25 may be expended only as provided in s. ~~20.445 (1) ss. 20.142 (3) (ra), (rb), and (rp).~~

1 ~~20.445 (2) (ra), and (2) 20.505 (4) (ra) and may not be used for any other purpose of~~
2 ~~the state.~~

3 **SECTION 451.** 102.75 (4) of the statutes is amended to read:

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

9 **SECTION 452.** 102.80 (1m) of the statutes is amended to read:

10 102.80 (1m) The moneys collected or received under sub. (1), together with all
11 accrued interest, shall constitute a separate nonlapsible fund designated as the
12 uninsured employers fund. Moneys in the fund may be expended only as provided
13 in s. ~~20.445 (1)~~ 20.142 (3) (sm) and may not be used for any other purpose of the state.

14 **SECTION 453.** 102.81 (2) of the statutes is amended to read:

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

1 ~~any reinsurance obtained under this subsection shall be paid from the appropriation~~
2 ~~under s. ~~20.445 (1)~~ 20.142 (3) (sm).~~

3 **SECTION 454.** 102.82 (2) (c) of the statutes is amended to read:

4 102.82 (2) (c) The department of justice or, if the department of justice consents,
5 the department of ~~workforce development~~ financial institutions, insurance, and
6 professional standards may bring an action in circuit court to recover payments and
7 interest owed to the department of ~~workforce development~~ financial institutions,
8 insurance, and professional standards under this section.

9 **SECTION 455.** 102.87 (1) of the statutes is renumbered 102.87 (1m).

10 **SECTION 456.** 102.87 (1d) of the statutes is created to read:

11 102.87 (1d) In this section, “deputy” means any person employed by the
12 department who is designated as a deputy, who possesses special, technical,
13 scientific, managerial or personal abilities or qualities in matters within the
14 jurisdiction of the department, and who may be engaged in the performance of duties
15 under the direction of the secretary, calling for the exercise of those abilities or
16 qualities.

17 **SECTION 457.** 102.87 (2) (intro.) of the statutes is amended to read:

18 102.87 (2) (intro.) A citation under this section shall be signed by a department
19 deputy, or by an officer who has authority to make arrests for the violation, and shall
20 contain substantially the following information:

21 **SECTION 458.** 102.87 (2) (b) of the statutes is amended to read:

22 102.87 (2) (b) The name and department of the issuing ~~department~~ deputy or
23 officer.

24 **SECTION 459.** ~~102.87 (3) of the statutes is amended to read:~~

1 ~~102.87 (3) A defendant issued a citation under this section may deposit the~~
2 ~~amount of money that the issuing department deputy or officer directs by mailing or~~
3 ~~delivering the deposit and a copy of the citation before the court appearance date to~~
4 ~~the clerk of the circuit court in the county where the violation occurred, to the~~
5 ~~department, or to the sheriff's office or police headquarters of the officer who issued~~
6 ~~the citation. The basic amount of the deposit shall be determined under a deposit~~
7 ~~schedule established by the judicial conference. The judicial conference shall~~
8 ~~annually review and revise the schedule. In addition to the basic amount determined~~
9 ~~by the schedule, the deposit shall include the costs, fees, and surcharges imposed~~
10 ~~under ch. 814.~~

11 **SECTION 460.** 102.87 (9) of the statutes is amended to read:

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

20 **SECTION 461.** 102.88 (1) of the statutes is amended to read:

21 ~~102.88 (1) When a person is convicted of any violation of this chapter or of any~~
22 ~~department rule or order of the department, and it is alleged in the indictment,~~
23 ~~information, or complaint, and proved or admitted on trial or ascertained by the court~~
24 ~~after conviction that the person was previously subjected to a fine or forfeiture within~~

1 a period of 5 years under s. 102.85, the person may be fined not more than \$2,000 or
2 imprisoned for not more than 90 days or both.

3 **SECTION 462.** 102.89 (1) of the statutes is amended to read:

4 102.89 (1) Whoever is concerned in the commission of a violation of this chapter
5 or of any department rule or order of the department under this chapter for which
6 a forfeiture is imposed is a principal and may be charged with and convicted of the
7 violation although he or she did not directly commit ~~it the violation~~ and although the
8 person who directly committed ~~it the violation~~ has not been convicted of the violation.

9 **SECTION 463.** 107.30 (10) of the statutes is amended to read:

10 107.30 (10) "Mining damage appropriation" means the appropriation under s.

11 ~~20.165 (2)~~ 20.142 (8) (a).

12 **SECTION 464.** 107.31 (5) (a) (intro.) of the statutes is amended to read:

13 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
14 is calculated by subtracting the total amount of all mining damages awards paid
15 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
16 or paid from the appropriation under s. ~~20.165 (2)~~ 20.142 (8) (a) from the sum of:

17 **SECTION 465.** ~~108.10 (4)~~ of the statutes is amended to read:

18 108.10 (4) The department or the employing unit may commence action for the
19 judicial review of a commission decision under this section, provided the department,
20 or the employing unit, after exhausting the remedies provided under this section, has
21 commenced such action within 30 days after such decision was mailed to the
22 employing unit's last-known address. The scope of judicial review, and the manner
23 thereof insofar as applicable, shall be the same as that provided in s. 108.09 (7). In
24 an action commenced by an employing unit under this section, the department shall

1 ~~be an adverse party under s. 102.23 (1) (a) and shall be named as a party in the~~
2 ~~complaint commencing the action.~~

3 **SECTION 466.** 108.227 (1) (e) 3. of the statutes is amended to read:

4 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
5 conditional license, certification, certification card, registration, permit, training
6 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
7 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), ~~252.23 (2), 252.24 (2),~~
8 254.176, 254.20 (3), ~~255.08 (2) (a),~~ 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or
9 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

10 **SECTION 467.** 108.227 (1) (e) 6. of the statutes is amended to read:

11 108.227 (1) (e) 6. A license or certificate of registration issued by the
12 ~~department of financial institutions, or a division of it,~~ under ss. 138.09, 138.12,
13 138.14, 202.12 to 202.14, 202.22, 217.06, 218.0101 to 218.0163, 218.02, 218.04,
14 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch. 551.

15 ~~**SECTION 468.** 108.227 (1) (e) 16. of the statutes is created to read:~~

16 ~~108.227 (1) (e) 16. A license issued by the division of hearings and appeals in~~
17 ~~the department of administration under s. 102.17 (1) (c).~~

18 **SECTION 469.** 108.227 (1) (f) of the statutes is amended to read:

19 108.227 (1) (f) “Licensing department” means the department of
20 administration; the department of agriculture, trade and consumer protection; the
21 board of commissioners of public lands; the department of children and families; the
22 government accountability board; the department of financial institutions;
23 ~~insurance~~ and professional standards; the department of health services; the
24 department of natural resources; the department of public instruction; the

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1 department of revenue; the department of safety and professional services; the office
2 of the commissioner of insurance; or the department of transportation.

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3 ~~SECTION 470. 108.227 (1m) (intro.) of the statutes is amended to read:~~

4 ~~108.227 (1m) GENERAL PROVISIONS. (intro.) The department shall promulgate~~
5 ~~rules specifying procedures to be used before taking action under sub. (3) (b) or s.~~
6 ~~102.17 (1) (et), 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7),~~
7 ~~or 105.13 (4) with respect to a person whose license or credential is to be denied, not~~
8 ~~renewed, discontinued, suspended, or revoked, including rules with respect to all of~~
9 ~~the following:~~

10 ~~SECTION 471. 108.227 (3) (a) 3. of the statutes is amended to read:~~

11 ~~108.227 (3) (a) 3. Upon the request of any person whose license or certificate~~
12 ~~has been previously revoked or denied under s. 102.17 (1) (et), 103.275 (2) (bt), 103.34~~
13 ~~(10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), reinstate the license or~~
14 ~~certificate if the applicant is not liable for delinquent contributions.~~

15 ~~SECTION 472. 108.227 (5) (a) of the statutes is amended to read:~~

16 ~~108.227 (5) (a) The department of workforce development shall conduct a~~
17 ~~hearing requested by a license holder or applicant for a license or license renewal or~~
18 ~~continuation under sub. (2) (b) 1. b., or as requested under s. 102.17 (1) (et), 103.275~~
19 ~~(2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), to review~~
20 ~~a certification or determination of contribution delinquency that is the basis of a~~
21 ~~denial, suspension, or revocation of a license or certificate in accordance with this~~
22 ~~section or an action taken under s. 102.17 (1) (et), 103.275 (2) (bt), 103.34 (10) (d),~~
23 ~~103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4). A hearing under this paragraph~~
24 ~~is limited to questions of mistaken identity of the license or certificate holder or~~
25 ~~applicant and of prior payment of the contributions that the department of workforce~~

1 development certified or determined the license or certificate holder or applicant
2 owes the department. At a hearing under this paragraph, any statement filed by the
3 department of workforce development, the licensing department, or the supreme
4 court, if the supreme court agrees, may be admitted into evidence and is prima facie
5 evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to
6 a hearing under this paragraph is not entitled to any other notice, hearing, or review,
7 except as provided in sub. (6).

8 **SECTION 473.** 108.227 (5) (b) 1. of the statutes is amended to read:

9 108.227 (5) (b) 1. Issue a nondelinquency certificate to a license holder or an
10 applicant for a license or license renewal or continuation if the department
11 determines that the license holder or applicant is not liable for delinquent
12 contributions. For a hearing requested in response to an action taken under s. ~~102.17~~
13 ~~(1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13
14 (4), the department shall grant a license or certificate or reinstate a license or
15 certificate if the department determines that the applicant for or the holder of the
16 license or certificate is not liable for delinquent contributions, unless there are other
17 grounds for denying the application or revoking the license or certificate.

18 **SECTION 474.** 108.227 (5) (b) 2. of the statutes is amended to read:

19 108.227 (5) (b) 2. Provide notice that the department of workforce development
20 has affirmed its certification of contribution delinquency to a license holder; to an
21 applicant for a license, a license renewal, or a license continuation; and to the
22 licensing department or the supreme court, if the supreme court agrees. For a
23 hearing requested in response to an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2)
24 ~~(bt)~~, 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), the department
25 of workforce development shall provide notice to the license or certificate holder or

1 applicant that the department of workforce development has affirmed its
2 determination of contribution delinquency.

3 SECTION 475. 109.07 (1m) (b) of the statutes is amended to read:

4 109.07 (1m) (b) The department of workforce development shall promptly
5 provide a copy of the notice required under par. (a) to the office of the commissioner
6 of insurance department of financial institutions, insurance, and professional
7 standards and shall cooperate with the office of the commissioner of insurance
8 department of financial institutions, insurance, and professional standards in the
9 performance of its responsibilities under s. 601.41 (7).

10 SECTION 476. 112.07 (1) of the statutes is amended to read:

11 112.07 (1) Notwithstanding any other provision of the statutes, any fiduciary,
12 as defined in s. 112.01 (1) (b), who is holding securities in a fiduciary capacity, any
13 bank or trust company holding securities as a custodian or managing agent, and any
14 bank or trust company holding securities as custodian for a fiduciary may deposit or
15 arrange for the deposit of such securities in a clearing corporation as defined in s.
16 408.102 (1) (e). When the securities are so deposited, certificates representing
17 securities of the same class of the same issuer may be merged and held in bulk in the
18 name of the nominee of the clearing corporation with any other such securities
19 deposited in that clearing corporation by any person regardless of the ownership of
20 the securities, and certificates of small denomination may be merged into one or more
21 certificates of larger denomination. The records of the fiduciary and the records of
22 the bank or trust company acting as custodian, as managing agent or as custodian
23 for a fiduciary shall at all times show the name of the party for whose account the
24 securities are so deposited. Ownership of, and other interests in, the securities may
25 be transferred by bookkeeping entry on the books of the clearing corporation without

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1 physical delivery of certificates representing the securities. A bank or trust company
2 which deposits securities pursuant to this section shall be subject to such rules and
3 regulations as, in the case of state chartered institutions, the ~~division of banking~~
4 department of financial institutions, insurance, and professional standards and, in
5 the case of national banking associations, the comptroller of the currency may from
6 time to time issue. A bank or trust company acting as custodian for a fiduciary shall,
7 on demand by the fiduciary, certify in writing to the fiduciary the securities deposited
8 by the bank or trust company in a clearing corporation pursuant to this section for
9 the account of the fiduciary. A fiduciary shall, on demand by any party to a judicial
10 proceeding for the settlement of the fiduciary's account or on demand by the attorney
11 for such a party, certify in writing to the party the securities deposited by the
12 fiduciary in the clearing corporation for its account as such fiduciary.

13 **SECTION 477.** 119.495 (2) of the statutes is amended to read:

14 119.495 (2) The board shall include in its budget transmitted to the common
15 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing
16 to be authorized in the budget for the ensuing year. The common council shall issue
17 the notes and levy a direct annual irrevocable tax sufficient to pay the principal and
18 interest on the notes as they become due. The common council may issue the notes
19 by private sale. The common council shall make every effort to involve a minority
20 investment firm certified under s. ~~16.287~~ 203.07 as managing underwriter of the
21 notes or to engage a minority financial adviser certified under s. ~~16.287~~ 203.07 to
22 advise the city regarding any public sale of the notes.

23 **SECTION 478.** 119.496 (2) of the statutes is amended to read:

24 119.496 (2) The board shall include in its budget transmitted to the common
25 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing

1 to be authorized in the budget for the ensuing year. The common council shall issue
2 the notes and levy a direct annual irrevocable tax sufficient to pay the principal and
3 interest on the notes as they become due. The common council may issue the notes
4 by private sale. The common council shall establish goals of involving minority
5 investment firms certified under s. ~~16.287~~ 203.07 as managing underwriters for at
6 least 50% of the total amount financed by the notes and of engaging a minority
7 financial adviser certified under s. ~~16.287~~ 203.07 to advise the city regarding any
8 public sale of the notes.

9 **SECTION 479.** 120.13 (2) (d) of the statutes is amended to read:

10 120.13 (2) (d) The ~~commissioner of insurance~~ department of financial
11 institutions, insurance, and professional standards may prescribe detailed
12 requirements for reinsurance under par. (c) by rule or by order. The ~~commissioner~~
13 ~~of insurance~~ department of financial institutions, insurance, and professional
14 standards may promulgate rules governing self-insurance plans under pars. (b) to
15 (g) to ensure that they comply with all applicable provisions of chs. 600 to 647.

16 **SECTION 480.** 120.14 (1) of the statutes is amended to read:

17 120.14 (1) At the close of each fiscal year, the school board of each school district
18 shall employ a licensed accountant to audit the school district accounts and certify
19 the audit. The audit shall include information concerning the school district's
20 self-insurance plan under s. 120.13 (2) (b), as specified by the ~~commissioner of~~
21 ~~insurance~~ department of financial institutions, insurance, and professional
22 standards, and information about expenditures for community programs and
23 services under s. 120.13 (19). If required by the state superintendent under s. 115.28
24 (18), the audit shall include an audit of the number of pupils reported for
25 membership purposes under s. 121.004 (5). The cost of the audit shall be paid from

1 school district funds. Annually by September 15, the school district clerk shall file
2 a financial audit statement with the state superintendent.

3 **SECTION 481.** 138.055 (4) (c) of the statutes is repealed.

4 **SECTION 482.** 138.055 (4) (d) of the statutes is amended to read:

5 138.055 (4) (d) The division of banking department of financial institutions,

6 insurance, and professional standards for all other lenders.

7 **SECTION 483.** 138.056 (1) (a) 4. c. of the statutes is repealed.

8 **SECTION 484.** 138.056 (1) (a) 4. d. of the statutes is amended to read:

9 138.056 (1) (a) 4. d. The division of banking department of financial

10 institutions/insurance, and professional standards for all other lenders.

11 **SECTION 485.** 138.09 (1d) of the statutes is amended to read:

12 138.09 (1d) In this section, "~~division~~" "department" means the ~~division of~~

13 banking department of financial institutions/insurance, and professional
14 standards.

15 **SECTION 486.** 138.12 (1) (a) of the statutes is repealed.

16 **SECTION 487.** 138.12 (1) (am) of the statutes is created to read:

17 138.12 (1) (am) "Department" means the department of financial institutions,

18 insurance, and professional standards.

19 **SECTION 488.** 138.14 (1) (f) of the statutes is repealed.

20 **SECTION 489.** 138.14 (9r) (f) of the statutes is amended to read:

21 138.14 (9r) (f) ~~The division~~ department shall make copies of the informational
22 materials under par. (a) available, upon request, to licensees and to the public,
23 including making these informational materials available on the department's
24 Internet site of the ~~department of financial institutions.~~ department

1 may charge licensees a reasonable fee for printed copies of informational materials
2 supplied under this paragraph.

3 **SECTION 490.** 138.16 (1) (a) of the statutes is amended to read:

4 138.16 (1) (a) ~~“Division”~~ Department means the division of banking attached
5 to the department of financial institutions, insurance, and professional standards.

6 **SECTION 491.** 145.01 (4m) of the statutes is renumbered 145.01 (4m) (intro.)
7 and amended to read:

8 145.01 (4m) FAILING PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM. (intro.)

9 “Failing private on-site wastewater treatment system” ~~has the meaning specified~~
10 ~~under s. 145.245 (4).~~ means a private on-site wastewater treatment system that
11 causes or results in any of the following conditions:

12 **SECTION 492.** 145.01 (4m) (a) of the statutes is created to read:

13 145.01 (4m) (a) The discharge of sewage into surface water or groundwater.

14 **SECTION 493.** 145.01 (4m) (b) of the statutes is created to read:

15 145.01 (4m) (b) The introduction of sewage into zones of saturation which
16 adversely affects the operation of a private on-site wastewater treatment system.

17 **SECTION 494.** 145.01 (4m) (c) of the statutes is created to read:

18 145.01 (4m) (c) The discharge of sewage to a drain tile or into zones of bedrock.

19 **SECTION 495.** 145.01 (4m) (d) of the statutes is created to read:

20 145.01 (4m) (d) The discharge of sewage to the surface of the ground.

21 **SECTION 496.** 145.01 (4m) (e) of the statutes is created to read:

22 145.01 (4m) (e) The failure to accept sewage discharges and backup of sewage
23 into the structure served by the private on-site wastewater treatment system.

24 **SECTION 497.** 145.01 (12) of the statutes is amended to read: