

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

7           \*~~0610/P3.122~~\*SECTION 2830. 102.18 (1) (c) of the statutes is amended to read:

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

15           \*~~0610/P3.123~~\*SECTION 2831. 102.18 (1) (e) of the statutes is amended to read:

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

23           \*~~0610/P3.124~~\*SECTION 2832. 102.18 (2) of the statutes is amended to read:

24           102.18 (2) The ~~department~~ division shall have and maintain on its staff such  
25 examiners as are necessary to hear and decide disputed claims and to assist in the

1 effective ~~administration of~~ adjudication of disputes under this chapter. ~~These~~ Those  
2 examiners shall be attorneys and may be designated as administrative law judges.  
3 ~~These~~ Those examiners may make findings and orders, and may approve, review, set  
4 aside, modify, or confirm stipulations of settlement or compromises of claims for  
5 compensation.

6 \*~~0610/P3.125~~\*SECTION 2833. 102.18 (3) of the statutes is amended to read:

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

1 the taking of additional evidence. ~~This~~ The commission's action shall be based on a  
2 review of the evidence submitted.

3 ~~\*-0610/P3.126\*~~SECTION 2834. 102.18 (4) (b) of the statutes is amended to read:

4 102.18 (4) (b) Within 28 days after a decision of the commission is electronically  
5 delivered to each party in interest or mailed to the last-known address of each party  
6 in interest, the commission may, on its own motion, set aside the decision for further  
7 consideration.

8 ~~\*-0610/P3.127\*~~SECTION 2835. 102.18 (4) (c) 3. of the statutes is amended to  
9 read:

10 102.18 (4) (c) 3. Remand the case to the department division for further  
11 proceedings.

12 ~~\*-0610/P3.128\*~~SECTION 2836. 102.18 (4) (d) of the statutes is amended to  
13 read:

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

21 ~~\*-0610/P3.129\*~~SECTION 2837. 102.18 (5) of the statutes is amended to read:

22 102.18 (5) If it ~~shall appear to the department~~ appears to the division that a  
23 mistake may have been made as to cause of injury in the findings, order, or award  
24 upon an alleged injury based on accident, when in fact the employee was suffering  
25 from an occupational disease, within 3 years after the date of the findings, order, or

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1 ~~award the department~~ division may, upon its own motion, with or without hearing,  
2 ~~within 3 years from the date of such findings, order or award, set aside such the~~  
3 ~~findings, order or award, or the department~~ division may take such ~~that~~ action upon  
4 application made within such ~~those~~ 3 years. ~~Thereafter, and after~~ After an  
5 opportunity for hearing, the ~~department~~ division may, if in fact the employee is  
6 suffering from disease arising out of the employment, make new findings, and a new  
7 order or award, or ~~it the~~ division may reinstate the previous findings, order, or award.

8 \*~~0610/P3.130~~\*SECTION 2838. 102.18 (6) of the statutes is amended to read:

9 102.18 (6) In case of disease arising out of the employment, the ~~department~~  
10 division may from time to time review its findings, order, or award, and make new  
11 findings, or a new order or award, based on the facts regarding disability or otherwise  
12 as ~~they those facts~~ may ~~then~~ appear at the time of the review. This subsection shall  
13 not affect the application of the limitation in s. 102.17 (4).

14 \*~~0610/P3.131~~\*SECTION 2839. 102.19 of the statutes is amended to read:

15 **102.19 Alien dependents; payments through consular officers.** ~~In case~~  
16 If a deceased employee, for whose injury or death compensation is payable, leaves  
17 surviving alien dependents residing outside of the United States, the duly accredited  
18 consular officer of the country of which such those dependents are citizens or such  
19 that officer's designated representative residing within the state shall, except as  
20 otherwise determined by the department office, be the sole representative of the  
21 deceased employee and dependents in all matters pertaining to their claims for  
22 compensation. The receipt by such officer or agent of compensation funds and the  
23 distribution thereof of those funds by a consular officer or representative shall be  
24 made only upon order of the department office, and payment to such the officer or  
25 agent pursuant to any such representative under that order shall be a full discharge

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

11 \*~~-0610/P3.132~~\*SECTION 2840. 102.195 of the statutes is amended to read:

12 **102.195 Employees confined in institutions; payment of benefits.** ~~In~~  
13 ~~case~~ If an employee is adjudged ~~insane~~ mentally ill or incompetent, or convicted of  
14 a felony, and is confined in a public institution and has wholly dependent upon the  
15 employee for support a person, whose dependency is determined as if the employee  
16 were deceased, compensation payable during the period of the employee's  
17 confinement may be paid to the employee and the employee's dependents, in such  
18 manner, for such time, and in such amount as the ~~department~~ office by order  
19 provides.

20 \*~~-0610/P3.133~~\*SECTION 2841. 102.21 of the statutes is amended to read:

21 **102.21 Payment of awards by municipalities.** Whenever an award is made  
22 ~~by the department~~ under this chapter or s. 66.191, 1981 stats., against any  
23 municipality, the person in whose favor ~~it~~ the award is made shall file a certified copy  
24 ~~thereof of the award~~ with the municipal clerk. ~~Within 20 days thereafter, unless~~  
25 Unless an appeal is taken, ~~such~~ within 20 days after that filing, the municipal clerk

1 shall draw an order on the municipal treasurer for the payment of the award. If upon  
2 appeal such the award is affirmed in whole or in part ~~the, the municipal clerk shall~~  
3 draw an order for payment shall be drawn of the award within 10 days after a  
4 certified copy of such the judgment affirming the award is filed with ~~the proper that~~  
5 clerk. If the award or judgment provides for more than one payment is provided for  
6 ~~in the award or judgment, orders shall be drawn, the municipal clerk shall draw~~  
7 orders for payment as the payments become due. No statute relating to the filing of  
8 claims against, ~~and or~~ or the auditing, allowing, and payment of claims by  
9 ~~municipalities shall apply, a municipality applies~~ to the payment of an award or  
10 judgment under this section.

11 \*~~0610/P3.134~~SECTION 2842. 102.22 (1) of the statutes is amended to read:

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

1 the employee for any finance charges, collection charges, or interest ~~which~~ that the  
2 employee paid as a result of the inexcusable delay by the employer or insurance  
3 carrier.

4 \*~~0610/P3.135~~\*SECTION 2843. 102.22 (2) of the statutes is amended to read:

5 102.22 (2) If ~~the sum ordered by the department~~ any sum that the division  
6 orders to be paid is not paid when due, that sum shall bear interest at the rate of ~~10%~~  
7 10 percent per year. The state is liable for ~~such~~ interest on awards issued against  
8 it under this chapter. ~~The department~~ division has jurisdiction to issue an award for  
9 payment of ~~such~~ interest under this subsection at any time within one year ~~of~~ after  
10 the date of its order, ~~or upon appeal, if the order is appealed,~~ within one year after  
11 final court determination. ~~Such interest~~ Interest awarded under this subsection  
12 becomes due from the date the examiner's order becomes final or from the date of a  
13 decision by the ~~labor and industry review~~ commission, whichever is later.

14 \*~~0610/P3.136~~\*SECTION 2844. 102.23 (1) (a) of the statutes is amended to read:

15 102.23 (1) (a) The findings of fact made by the commission acting within its  
16 powers shall, in the absence of fraud, be conclusive. The order or award granting or  
17 denying compensation, either interlocutory or final, whether judgment has been  
18 rendered on ~~it~~ the order or award or not, is subject to review only as provided in this  
19 section and not under ch. 227 or s. 801.02. Within 30 days after the date of an order  
20 or award made by the commission either originally or after the filing of a petition for  
21 review with the ~~department~~ division under s. 102.18 any party aggrieved ~~thereby~~ by  
22 the order or award may by serving a complaint as provided in par. (b) and filing the  
23 summons and complaint with the clerk of the circuit court commence, in circuit court,  
24 an action against the commission for the review of the order or award, in which action  
25 the adverse party shall also be made a defendant. If the circuit court is satisfied that

1 a party in interest has been prejudiced because of an exceptional delay in the receipt  
2 of a copy of any finding or order, ~~it~~ the circuit court may extend the time in which an  
3 action may be commenced by an additional 30 days. The proceedings shall be in the  
4 circuit court of the county where the plaintiff resides, except that if the plaintiff is  
5 a state agency, the proceedings shall be in the circuit court of the county where the  
6 defendant resides. The proceedings may be brought in any circuit court if all parties  
7 stipulate and that court agrees.

8 \*~~0610/P3.137~~\*SECTION 2845. 102.23 (1) (b) of the statutes is amended to read:

9 102.23 (1) (b) ~~In such an action~~ for review of an order or award a complaint shall  
10 be served with an authenticated copy of the summons. The complaint need not be  
11 verified, but shall state the grounds upon which a review is sought. Service upon a  
12 ~~commissioner or~~ member of the commission or an agent authorized by the  
13 commission to accept service constitutes complete service on all parties, but there  
14 shall be left with the person so served as many copies of the summons and complaint  
15 as there are defendants, and the commission shall electronically deliver or mail one  
16 copy to each other defendant.

17 \*~~0610/P3.138~~\*SECTION 2846. 102.23 (2) of the statutes is amended to read:

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

22 \*~~0610/P3.139~~\*SECTION 2847. 102.23 (3) of the statutes is amended to read:

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



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

3 \*~~0610/P3.140~~\*SECTION 2848. 102.23 (5) of the statutes is amended to read:

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

9 \*~~0610/P3.141~~\*SECTION 2849. 102.24 (2) of the statutes is amended to read:

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

19 \*~~0610/P3.142~~\*SECTION 2850. 102.25 (1) of the statutes is amended to read:

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

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

6 \*~~0610/P3.143~~\*SECTION 2851. 102.26 (2) of the statutes is amended to read:

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

20 \*~~0610/P3.144~~\*SECTION 2852. 102.26 (3) (b) 1. of the statutes is amended to  
21 read:

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

1           \*~~0610/P3.145~~\*SECTION 2853. 102.26 (3) (b) 3. of the statutes is amended to  
2 read:

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

11           \*~~0610/P3.146~~\*SECTION 2854. 102.26 (4) of the statutes is amended to read:

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

19           \*~~0610/P3.147~~\*SECTION 2855. 102.27 (2) (b) of the statutes is amended to read:

20           102.27 (2) (b) If a governmental unit provides public assistance under ch. 49  
21 to pay medical costs or living expenses related to a claim under this chapter and if  
22 the governmental unit has given the parties to the claim written notice stating that  
23 the governmental unit provided the assistance and the cost of that assistance, the  
24 employer or insurance carrier owing compensation shall reimburse that  
25 governmental unit ~~any compensation awarded or paid if the governmental unit has~~

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

7 \*~~0610/P3.148~~\*SECTION 2856. 102.28 (2) (a) of the statutes is amended to read:

8 102.28 (2) (a) *Duty to insure payment for compensation.* Unless exempted by  
9 the department office under par. (b) or sub. (3), every employer, as described in s.  
10 102.04 (1), shall insure payment for that compensation in an insurer authorized to  
11 do business in this state. A joint venture may elect to be an employer under this  
12 chapter and obtain insurance for payment of compensation. If a joint venture that  
13 is subject to this chapter only because the joint venture elected to be an employer  
14 under this chapter is dissolved and cancels or terminates its contract for the  
15 insurance of compensation under this chapter, that joint venture is deemed  
16 considered to have effected withdrawal, which shall be effective on the day after the  
17 contract is canceled or terminated.

18 \*~~0610/P3.149~~\*SECTION 2857. 102.28 (2) (b) of the statutes is amended to read:

19 102.28 (2) (b) *Exemption from duty to insure.* The department office may grant  
20 a written order of exemption to an employer who shows its financial ability to pay  
21 the amount of compensation, agrees to report faithfully all compensable injuries, and  
22 agrees to comply with this chapter and the rules of the department office. The  
23 department office may condition the granting of an exemption upon the employer's  
24 furnishing of satisfactory security to guarantee payment of all claims under for  
25 compensation. The department office may require that bonds or other personal

1 guarantees be enforceable against sureties in the same manner as an award may be  
2 enforced. The ~~department~~ office may from time to time require proof of financial  
3 ability of the employer to pay compensation. Any exemption shall be void if the  
4 application for it contains a financial statement which that is false in any material  
5 respect. An employer who files an application containing a false financial statement  
6 remains subject to par. (a). The ~~department~~ office may promulgate rules establishing  
7 an amount to be charged to an initial applicant for exemption under this paragraph  
8 and an annual amount to be charged to employers that have been exempted under  
9 this paragraph.

10 \*~~0610/P3.150~~\*SECTION 2858. 102.28 (2) (c) of the statutes is amended to read:

11 102.28 (2) (c) *Revocation of exemption.* ~~The department, after~~ After seeking the  
12 advice of the self-insurers council, the office may revoke an exemption granted to an  
13 employer under par. (b), upon giving the employer 10 days' written notice, if the  
14 ~~department~~ office finds that the employer's financial condition is inadequate to pay  
15 its employees' claims for compensation, that the employer has received an excessive  
16 number of claims for compensation, or that the employer has failed to discharge  
17 faithfully its obligations according to the agreement contained in the application for  
18 exemption. ~~The employer may, within~~ Within 10 days after receipt of the notice of  
19 revocation, the employer may request in writing a review of the revocation by the  
20 ~~secretary commissioner~~ or the ~~secretary's commissioner's~~ designee and the ~~secretary~~  
21 commissioner or the ~~secretary's~~ designee shall review the revocation within 30 days  
22 after receipt of the request for review. If the employer is aggrieved by the  
23 determination of the ~~secretary commissioner~~ or the ~~secretary's commissioner's~~  
24 designee, the employer may, within 10 days after receipt of notice of that  
25 determination, request a hearing under s. 102.17. If the ~~secretary commissioner~~ or

1 the secretary's commissioner's designee determines that the employer's exemption  
2 should be revoked, the employer shall obtain insurance coverage as required under  
3 par. (a) immediately upon receipt of notice of that determination and,  
4 notwithstanding the pendency of proceedings under ss. 102.17 to 102.25, shall keep  
5 that coverage in force until another exemption under par. (b) is granted.

6 \*~~0610/P3.151~~\*SECTION 2859. 102.28 (2) (d) of the statutes is amended to  
7 read:

8 102.28 (2) (d) *Effect of insuring with unauthorized insurer.* An employer who  
9 ~~procures~~ after procuring an exemption under par. (b) and thereafter enters into any  
10 agreement for excess insurance coverage with an insurer not authorized to do  
11 business in this state shall report that agreement to the ~~department~~ office  
12 immediately. The placing of ~~such~~ that coverage shall not by itself be grounds for  
13 revocation of the exemption.

14 \*~~0610/P3.152~~\*SECTION 2860. 102.28 (3) (a) (intro.) of the statutes is amended  
15 to read:

16 102.28 (3) (a) (intro.) An employer may file with the ~~department~~ office an  
17 application for exemption from the duty to pay compensation under this chapter with  
18 respect to any employee who signs the waiver described in subd. 1. and the affidavit  
19 described in subd. 2. if an authorized representative of the religious sect to which the  
20 employee belongs signs the affidavit specified in subd. 3. and the agreement  
21 described in subd. 4. An application for exemption under this paragraph shall  
22 include all of the following:

23 \*~~0610/P3.153~~\*SECTION 2861. 102.28 (3) (b) (intro.) of the statutes is amended  
24 to read:

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

4           \*~~0610/P3.154~~\*SECTION 2862. 102.28 (3) (b) 3. of the statutes is amended to  
5 read:

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

15           \*~~0610/P3.155~~\*SECTION 2863. 102.28 (3) (c) of the statutes is amended to read:

16           102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an  
17 affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the  
18 employer would be liable for under s. 102.03, who at the time of the injury was a  
19 member of a religious sect whose authorized representative has filed an affidavit  
20 under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury  
21 becomes dependent on the religious sect for financial and medical assistance, or the  
22 employee's dependent, may request a hearing under s. 102.17 (1) to determine if the  
23 religious sect has provided the employee and his or her dependents with a standard  
24 of living and medical treatment that are reasonable when compared to the general  
25 standard of living and medical treatment for members of the religious sect. If, after

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

7 \*~~0610/P3.156~~\*SECTION 2864. 102.28 (3) (d) of the statutes is amended to  
8 read:

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

15 \*~~0610/P3.157~~\*SECTION 2865. 102.28 (4) (a) of the statutes is amended to read:

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

19 \*~~0610/P3.158~~\*SECTION 2866. 102.28 (4) (b) of the statutes is amended to read:

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

25 \*~~0610/P3.159~~\*SECTION 2867. 102.28 (4) (c) of the statutes is amended to read:



1           102.28 (4) (c) After a hearing under par. (b), or without a hearing if one is not  
2 requested, the ~~department~~ division may issue an order to an employer to cease  
3 operations on a finding that the employer is an uninsured employer. If no hearing  
4 is requested, the office may issue such an order.

5           \*~~-0610/P3.160~~\*SECTION 2868. 102.28 (4) (d) of the statutes is amended to  
6 read:

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

10          \*~~-0610/P3.161~~\*SECTION 2869. 102.28 (6) of the statutes is amended to read:

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

20          \*~~-0610/P3.162~~\*SECTION 2870. 102.28 (7) (a) of the statutes is amended to read:

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

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

11 \*~~0610/P3.163~~\*SECTION 2871. 102.28 (7) (b) of the statutes is amended to read:

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

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

7 **\*-0610/P3.164\*SECTION 2872.** 102.28 (7) (c) of the statutes is amended to read:

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

12 **\*-0610/P3.165\*SECTION 2873.** 102.28 (8) of the statutes is amended to read:

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

18 **\*-0610/P3.166\*SECTION 2874.** 102.29 (1) (a) of the statutes is amended to read:

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

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

11 **\*-0610/P3.167\*SECTION 2875.** 102.29 (1) (b) (intro.) of the statutes is amended  
12 to read:

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

24 **\*-0610/P3.168\*SECTION 2876.** 102.29 (1) (b) 2. of the statutes is amended to  
25 read:

1           102.29 (1) (b) 2. Out of the balance remaining after the deduction and payment  
2 specified in subd. 1., the employer, the insurance carrier, or, if applicable, the  
3 uninsured employers fund or the work injury supplemental benefit fund shall be  
4 reimbursed for all payments made by the employer, insurance carrier, or department  
5 office, or ~~which~~ that the employer, insurance carrier, or ~~department~~ office may be  
6 obligated to make in the future, under this chapter, except that the employer,  
7 insurance carrier, or ~~department~~ office shall not be reimbursed for any payments  
8 made or to be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57, or 102.60.

9           \*~~-0610/P3.169~~\*SECTION 2877. 102.29 (1) (c) of the statutes is amended to read:

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

16           \*~~-0610/P3.170~~\*SECTION 2878. 102.29 (1) (d) of the statutes is amended to  
17 read:

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

22           \*~~-0610/P3.171~~\*SECTION 2879. 102.29 (4) of the statutes is amended to read:

23           102.29 (4) If the employer and the 3rd party are insured by the same insurer,  
24 or by ~~the~~ insurers who are under common control, the employer's insurer shall  
25 promptly notify the parties in interest and the ~~department~~ office. If the employer has

1 assumed the liability of the 3rd party, it the employer shall give similar notice, in  
2 default of which any settlement with an injured employee or beneficiary is void. This  
3 subsection does not prevent the employer or compensation insurer from sharing in  
4 the proceeds of any 3rd-party claim or action, ~~as set forth~~ as provided in sub. (1).

5 **\*-0921/P1.5\*SECTION 2880.** 102.29 (8) of the statutes is amended to read:

6 102.29 (8) No student of a public school, ~~as described in s. 115.01 (1), or a private~~  
7 school, ~~as defined in s. 115.001 (3r), or an institution of higher education~~ who is  
8 named under s. 102.077 as an employee of the school district, private school, or  
9 institution of higher education for purposes of this chapter and who makes a claim  
10 for compensation under this chapter may make a claim or maintain an action in tort  
11 against the employer that provided the work training or work experience from which  
12 the claim arose.

13 **\*-0610/P3.172\*SECTION 2881.** 102.30 (7) (a) of the statutes is amended to read:

14 102.30 (7) (a) The ~~department~~ office may order direct reimbursement out of the  
15 proceeds payable under this chapter for payments made under a nonindustrial  
16 insurance policy covering the same disability and expenses compensable under s.  
17 102.42 when the claimant consents or when it is established that the payments under  
18 the nonindustrial insurance policy were improper. No attorney fee is due with  
19 respect to that reimbursement.

20 **\*-0610/P3.173\*SECTION 2882.** 102.31 (1) (b) of the statutes is amended to read:

21 102.31 (1) (b) Except as provided in par. (c), a contract under par. (a) shall be  
22 construed to grant full coverage of all liability of the assured under this chapter  
23 unless the department office specifically consents by written order to the issuance  
24 of a contract providing divided insurance or partial insurance.

25 **\*-0610/P3.174\*SECTION 2883.** 102.31 (2) (a) of the statutes is amended to read:

1           102.31 (2) (a) No party to a contract of insurance may cancel the contract within  
2 the contract period or terminate or ~~not renew~~ nonrenew the contract upon the  
3 expiration date of the contract until a notice in writing is given to the other party  
4 fixing the proposed date of cancellation or declaring that the party intends to  
5 terminate or ~~does not intend to renew~~ nonrenew the policy contract upon expiration.  
6 Except as provided in par. (b), when an insurance company ~~does not renew~~  
7 nonrenews a policy contract upon expiration, the nonrenewal is not effective until 60  
8 days after the insurance company has given written notice of the nonrenewal to the  
9 insured employer and the ~~department~~ office. Cancellation or termination of a policy  
10 contract by an insurance company for any reason other than nonrenewal is not  
11 effective until 30 days after the insurance company has given written notice of the  
12 cancellation or termination to the insured employer and the ~~department~~ office.  
13 Notice to the ~~department~~ office may be given by personal service of the notice upon  
14 the ~~department~~ office at its office in Madison or by sending the notice to the  
15 ~~department~~ office in a medium approved by the ~~department~~ office. The ~~department~~  
16 office may provide by rule that ~~the~~ a notice of cancellation or termination be given  
17 to the Wisconsin compensation rating bureau rather than to the ~~department~~ office  
18 in a medium approved by the ~~department~~ office after consultation with the  
19 Wisconsin compensation rating bureau. Whenever the Wisconsin compensation  
20 rating bureau receives ~~such~~ a notice of cancellation or termination it that bureau  
21 shall immediately notify the ~~department~~ office of the notice of cancellation or  
22 termination.

23           \*~~-0610/P3.175~~\*SECTION 2884. 102.31 (3) of the statutes is amended to read:

24           102.31 (3) The ~~department~~ office may examine from time to time the books and  
25 records of any insurer insuring the liability ~~or~~ for compensation ~~for~~ of an employer

1 in this state. ~~The department may require an insurer to designate one mailing~~  
2 ~~address for use by the department and to respond to correspondence from the~~  
3 ~~department within 30 days as provided in s. 601.42. Any insurer that refuses or fails~~  
4 ~~to answer correspondence from the department or to allow the department to~~  
5 ~~examine its books and records as required under s. 601.42 is subject to enforcement~~  
6 ~~proceedings under s. 601.64.~~

7 \*~~0610/P3.176~~SECTION 2885. 102.31 (4) of the statutes is amended to read:

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

19 \*~~0610/P3.177~~SECTION 2886. 102.31 (5) of the statutes is amended to read:

20 102.31 (5) If any employer whom the department office has exempted from  
21 carrying the duty to carry compensation insurance arbitrarily or unreasonably  
22 refuses employment to or discharges employees an employee because of a  
23 nondisabling physical condition, the department office shall revoke the exemption  
24 of that employer.

25 \*~~0610/P3.178~~SECTION 2887. 102.31 (6) of the statutes is repealed.



1           \*~~0610/P3.179~~\*SECTION 2888. 102.31 (7) of the statutes is amended to read:

2           102.31 (7) If the ~~department~~ office by one or more written orders specifically  
3 consents to the issuance of one or more contracts covering only the liability incurred  
4 on a construction project and if the construction project owner designates the  
5 insurance carrier and pays for each such contract, the construction project owner  
6 shall reimburse the ~~department~~ office for all costs incurred by the ~~department~~ office  
7 in issuing the written orders and in ensuring minimum confusion and maximum  
8 safety on the construction project. All moneys received under this subsection shall  
9 be deposited in the worker's compensation operations fund and credited to the  
10 appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (rb).

11           \*~~0610/P3.180~~\*SECTION 2889. 102.31 (8) of the statutes is amended to read:

12           102.31 (8) The Wisconsin compensation rating bureau shall provide the  
13 ~~department~~ office with any information that the ~~department~~ office may request  
14 relating to worker's compensation insurance coverage, including the names of  
15 employers insured and any insured employer's address, business status, type and  
16 date of coverage, manual premium code, and policy information including policy  
17 numbers, cancellations, terminations, endorsements, and reinstatement dates. The  
18 ~~department~~ office may enter into contracts with the Wisconsin compensation rating  
19 bureau to share the costs of data processing and other services. No information  
20 obtained by the ~~department~~ office under this subsection may be made public by the  
21 ~~department~~ office except as authorized by the Wisconsin compensation rating  
22 bureau.

23           \*~~0610/P3.181~~\*SECTION 2890. 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

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

16 \*~~0610/P3.182~~SECTION 2891. 102.315 (5) (b) (intro.) of the statutes is  
17 amended to read:

18 102.315 (5) (b) (intro.) Within 30 days after the effective date of an employee  
19 leasing agreement with a small client that is covered under a master policy under  
20 par. (a), the employee leasing company shall report to the department office all of the  
21 following information:

22 \*~~0610/P3.183~~SECTION 2892. 102.315 (5) (c) of the statutes is amended to  
23 read:

24 102.315 (5) (c) Within 30 days after the effective date of coverage of a small  
25 client under a master policy under par. (a), the insurer or, if authorized by the

1 insurer, the employee leasing company shall file proof of that coverage with the  
2 ~~department office~~. Coverage of a small client under a master policy becomes binding  
3 when the insurer or employee leasing company files proof of that coverage under this  
4 paragraph or provides notice of coverage to the small client, whichever occurs first.  
5 Nothing in this paragraph requires an employee leasing company or an employee of  
6 an employee leasing company to be licensed as an insurance intermediary under ch.  
7 628.

8 **\*-0610/P3.184\*SECTION 2893.** 102.315 (6) (a) of the statutes is amended to  
9 read:

10 102.315 (6) (a) If a client notifies the ~~department office~~ as provided under par.  
11 (b) of its intent to have a divided workforce, an insurer may issue a worker's  
12 compensation insurance policy covering only the leased employees of the client. An  
13 insurer that issues a policy covering only the leased employees of a client is not liable  
14 under s. 102.03 for any compensation payable under this chapter to an employee of  
15 the client who is not a leased employee unless the insurer also issues a policy covering  
16 that employee. A client that has a divided workforce shall insure its employees who  
17 are not leased employees in the voluntary market and may not insure those  
18 employees under the mandatory risk-sharing plan under s. 619.01 unless the leased  
19 employees of the client are covered under that plan.

20 **\*-0610/P3.185\*SECTION 2894.** 102.315 (6) (b) (intro.) of the statutes is  
21 amended to read:

22 102.315 (6) (b) (intro.) A client that intends to have a divided workforce shall  
23 notify the ~~department office~~ of that intent on a form prescribed by the ~~department~~  
24 ~~office~~ that includes all of the following:

1           \***-0610/P3.186**\*SECTION 2895. 102.315 (6) (b) 1. of the statutes is amended to  
2 read:

3           102.315 (6) (b) 1. The names and mailing addresses of the client and the  
4 employee leasing company, the effective date of the employee leasing agreement, a  
5 description of the employees of the client who are not leased employees, and such  
6 other information as the department office may require.

7           \***-0610/P3.187**\*SECTION 2896. 102.315 (6) (b) 3. of the statutes is amended to  
8 read:

9           102.315 (6) (b) 3. An agreement by the client to assume full responsibility to  
10 immediately pay all compensation and other payments payable under this chapter  
11 as may be required by the department office should a dispute arise between 2 or more  
12 insurers as to liability under this chapter for an injury sustained while a divided  
13 workforce plan is in effect, pending final resolution of that dispute. This subdivision  
14 does not preclude a client from insuring that responsibility in an insurer authorized  
15 to do business in this state.

16           \***-0610/P3.188**\*SECTION 2897. 102.315 (6) (d) of the statutes is amended to  
17 read:

18           102.315 (6) (d) When the department office receives a notification under par.  
19 (b), the department office shall immediately provide a copy of the notification to the  
20 bureau.

21           \***-0610/P3.189**\*SECTION 2898. 102.315 (6) (e) 1. of the statutes is amended to  
22 read:

23           102.315 (6) (e) 1. If a client intends to terminate a divided workforce plan, the  
24 client shall notify the department office of that intent on a form prescribed by the

1 department office. Termination of a divided workforce plan by a client is not effective  
2 until 10 days after notice of the termination is received by the department office.

3 **\*-0610/P3.190\*SECTION 2899.** 102.315 (6) (e) 2. of the statutes is amended to  
4 read:

5 102.315 (6) (e) 2. If an insurer cancels, terminates, or ~~does not renew~~  
6 nonrenews a worker's compensation insurance policy issued under a divided  
7 workforce plan that covers in the voluntary market the employees of a client who are  
8 not leased employees, the divided workforce plan is terminated on the effective date  
9 of the cancellation, termination, or nonrenewal of the policy, unless the client  
10 submits evidence under par. (c) that both the leased employees of the client and the  
11 employees of the client who are not leased employees are covered under a mandatory  
12 risk-sharing plan.

13 **\*-0610/P3.191\*SECTION 2900.** 102.315 (6) (e) 3. of the statutes is amended to  
14 read:

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

21 **\*-0610/P3.192\*SECTION 2901.** 102.315 (9) (a) of the statutes is amended to  
22 read:

23 102.315 (9) (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may  
24 charge a premium for coverage under that policy that complies with the applicable

1 classifications, rules, rates, and rating plans filed with and approved by the  
2 commissioner of insurance under s. 626.13.

3 \*~~0610/P3.193~~SECTION 2902. 102.315 (10) (a) 2. of the statutes is amended  
4 to read:

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

11 \*~~0610/P3.194~~SECTION 2903. 102.315 (10) (a) 3. of the statutes is amended  
12 to read:

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

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

3 **\*-0610/P3.195\*SECTION 2904.** 102.315 (10) (a) 4. of the statutes is amended  
4 to read:

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

17 **\*-0610/P3.196\*SECTION 2905.** 102.315 (10) (b) 2. of the statutes is amended  
18 to read:

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

1           \***-0610/P3.197**\***SECTION 2906.** 102.315 (10) (b) 3. of the statutes is amended  
2 to read:

3           102.315 (10) (b) 3. An insurer may cancel, terminate, or nonrenew a policy  
4 described in subd. 1., including cancellation or termination of a policy providing  
5 continued coverage under subd. 4., by providing written notice of the cancellation,  
6 termination, or nonrenewal to the insured employee leasing company and to the  
7 department office as required under s. 102.31 (2) (a) and by providing that notice to  
8 the insured client. Except as provided in s. 102.31 (2) (b), cancellation or termination  
9 of a policy under this subdivision for any reason other than nonrenewal is not  
10 effective until 30 days after the insurer has provided written notice of the  
11 cancellation or termination to the insured employee leasing company, the insured  
12 client, and the department office. Except as provided in s. 102.31 (2) (b), nonrenewal  
13 of a policy under this subdivision is not effective until 60 days after the insurer has  
14 provided written notice of the cancellation or termination to the insured employee  
15 leasing company, the insured client, and the department office.

16           \***-0610/P3.198**\***SECTION 2907.** 102.32 (1m) (intro.) of the statutes is amended  
17 to read:

18           102.32 (1m) (intro.) In any case in which compensation payments for an injury  
19 have extended or will extend over 6 months or more after the date of the injury or in  
20 any case in which death benefits are payable, any party in interest may, in the  
21 discretion of the department office, be discharged from, or compelled to guarantee,  
22 future compensation payments by doing any of the following:

23           \***-0610/P3.199**\***SECTION 2908.** 102.32 (1m) (a) of the statutes is amended to  
24 read:



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

4           \*~~-0610/P3.200~~\*SECTION 2909. 102.32 (1m) (c) of the statutes is amended to  
5 read:

6           102.32 (1m) (c) Making payment in gross upon a 5 percent interest discount  
7 basis to be approved by the ~~department~~ office.

8           \*~~-0610/P3.201~~\*SECTION 2910. 102.32 (1m) (d) of the statutes is amended to  
9 read:

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

24           \*~~-0610/P3.202~~\*SECTION 2911. 102.32 (5) of the statutes is amended to read:

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

9           \*~~-0610/P3.203~~\*SECTION 2912. 102.32 (6) (b) of the statutes is amended to read:

10           102.32 (6) (b) Subject to par. (d), if the employer or the employer's insurer  
11 concedes liability for an injury that results in permanent disability and if the extent  
12 of the permanent disability can be determined based on a minimum permanent  
13 disability rating promulgated by the ~~department office~~ by rule, compensation for  
14 permanent disability shall begin within 30 days after the end of the employee's  
15 healing period or the date on which compensation for temporary disability ends due  
16 to the employee's return to work, whichever is earlier.

17           \*~~-0610/P3.204~~\*SECTION 2913. 102.32 (6) (d) of the statutes is amended to  
18 read:

19           102.32 (6) (d) The ~~department office~~ shall promulgate rules for determining  
20 when compensation for permanent disability shall begin in cases in which the  
21 employer or the employer's insurer concedes liability, but disputes the extent of  
22 permanent disability.

23           \*~~-0610/P3.205~~\*SECTION 2914. 102.32 (6) (e) of the statutes is amended to read:

24           102.32 (6) (e) Payments for permanent disability, including payments based on  
25 minimum permanent disability ratings promulgated by the ~~department office~~ by

1 rule, shall continue on a monthly basis and shall accrue and be payable between  
2 intermittent periods of temporary disability so long as the employer or insurer knows  
3 the nature of the permanent disability.

4 \*~~0610/P3.206~~\*SECTION 2915. 102.32 (6m) of the statutes is amended to read:

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

12 \*~~0610/P3.207~~\*SECTION 2916. 102.32 (7) of the statutes is amended to read:

13 102.32 (7) No lump sum settlement shall be allowed in any case of permanent  
14 total disability upon an estimated life expectancy, except upon consent of all parties,  
15 after hearing and finding by the ~~department~~ division that the interests of the injured  
16 employee will be conserved ~~thereby by the lump sum settlement.~~

17 \*~~0610/P3.208~~\*SECTION 2917. 102.33 (title) of the statutes is amended to read:

18 102.33 (title) ~~Department forms~~ Forms and records; public access.

19 \*~~0610/P3.209~~\*SECTION 2918. 102.33 (1) of the statutes is amended to read:

20 102.33 (1) The ~~department~~ office and the division shall print and furnish free  
21 to any employer or employee any blank forms that ~~the department considers~~ are  
22 necessary to facilitate efficient administration of this chapter. The ~~department~~ office  
23 and the division shall keep any record books or records that ~~the department~~  
24 considers are necessary for the proper and efficient administration of this chapter.

25 \*~~0610/P3.210~~\*SECTION 2919. 102.33 (2) (a) of the statutes is amended to read:

1           102.33 (2) (a) Except as provided in pars. (b) and (c), ~~the records of the~~  
2 ~~department, and the records of the commission, the office, and the division~~ related  
3 to the administration of this chapter are subject to inspection and copying under s.  
4 19.35 (1).

5           \*~~0610/P3.211~~\*SECTION 2920. 102.33 (2) (b) (intro.) of the statutes is amended  
6 to read:

7           102.33 (2) (b) (intro.) Except as provided in this paragraph and par. (d), a record  
8 maintained ~~by the department or by the commission, by the office, or by the division~~  
9 that reveals the identity of an employee who claims worker's compensation benefits,  
10 the nature of the employee's claimed injury, the employee's past or present medical  
11 condition, the extent of the employee's disability, or the amount, type, or duration of  
12 benefits paid to the employee and a record maintained by the ~~department~~ office that  
13 reveals any financial information provided to the ~~department~~ office by a self-insured  
14 employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and  
15 not open to public inspection or copying under s. 19.35 (1). The ~~department or~~  
16 ~~commission, the office, or the division~~ may deny a request made under s. 19.35 (1)  
17 or, subject to s. 102.17 (2m) and (2s), refuse to honor a subpoena issued by an attorney  
18 of record in a civil or criminal action or special proceeding to inspect and copy a record  
19 that is confidential under this paragraph, unless ~~one~~ any of the following applies:

20           \*~~0610/P3.212~~\*SECTION 2921. 102.33 (2) (b) 1. of the statutes is amended to  
21 read:

22           102.33 (2) (b) 1. The requester is the employee who is the subject of the record  
23 or an attorney or authorized agent of that employee. An attorney or authorized agent  
24 of an employee who is the subject of a record shall provide a written authorization

1 for inspection and copying from the employee if requested by the ~~department or the~~  
2 commission, the office, or the division.

3 \*~~0610/P3.213~~\*SECTION 2922. 102.33 (2) (b) 2. of the statutes is amended to  
4 read:

5 102.33 (2) (b) 2. The record that is requested contains confidential information  
6 concerning a worker's compensation claim and the requester is an insurance carrier  
7 or employer that is a party to any worker's compensation claim involving the same  
8 employee or an attorney or authorized agent of that insurance carrier or employer,  
9 except that the ~~department or the~~ commission, the office, or the division is not  
10 required to do a random search of its records and may require the requester to  
11 provide the approximate date of the injury and any other relevant information that  
12 would assist the ~~department or the~~ commission, the office, or the division in finding  
13 the record requested. An attorney or authorized agent of an insurance carrier or  
14 employer that is a party to an employee's worker's compensation claim shall provide  
15 a written authorization for inspection and copying from the insurance carrier or  
16 employer if requested by the ~~department or the~~ commission, the office, or the  
17 division.

18 \*~~0610/P3.214~~\*SECTION 2923. 102.33 (2) (b) 3. of the statutes is amended to  
19 read:

20 102.33 (2) (b) 3. The record that is requested contains financial information  
21 provided by a self-insured employer or by an applicant for exemption under s. 102.28  
22 (2) (b) and the requester is the self-insured employer or applicant for exemption or  
23 an attorney or authorized agent of the self-insured employer or applicant for  
24 exemption. An attorney or authorized agent of the self-insured employer or of the  
25 applicant for exemption shall provide a written authorization for inspection and

1 copying from the self-insured employer or applicant for exemption if requested by  
2 the department office.

3 \*~~0610/P3.215~~\*SECTION 2924. 102.33 (2) (b) 4. of the statutes is amended to  
4 read:

5 102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the  
6 ~~department or the commission, the office, or the division~~ to release the record.

7 \*~~0610/P3.216~~\*SECTION 2925. 102.33 (2) (c) of the statutes is amended to read:

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

14 \*~~0610/P3.217~~\*SECTION 2926. 102.33 (2) (d) 2. of the statutes is amended to  
15 read:

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

1 to it under this subdivision that is confidential under par. (c) unless the ~~department~~  
2 ~~or~~ commission, the office, or the division, and the Wisconsin compensation rating  
3 bureau, authorize the inspection or disclosure. A government unit, institution of  
4 higher education, or nonprofit research organization that obtains any confidential  
5 information under this subdivision for purposes of research shall provide the results  
6 of that research free of charge to the person that released or authorized the release  
7 of that information.

8 \*~~0610/P3.218~~\*SECTION 2927. 102.35 (1) of the statutes is amended to read:

9 102.35 (1) Every employer and every insurance company that fails to keep the  
10 records or to make the reports required by this chapter or that knowingly falsifies  
11 ~~such~~ those records or makes false reports shall pay a work injury supplemental  
12 benefit surcharge to the state of not less than \$10 nor more than \$100 for each  
13 offense. The ~~department~~ office may waive or reduce a surcharge imposed under this  
14 subsection if the employer or insurance company that violated this subsection  
15 requests a waiver or reduction of the surcharge within 45 days after the date on  
16 which notice of the surcharge is mailed to the employer or insurance company and  
17 shows that the violation was due to mistake or an absence of information. A  
18 surcharge imposed under this subsection is due within 30 days after the date on  
19 which notice of the surcharge is mailed to the employer or insurance company.  
20 Interest shall accrue on amounts that are not paid when due at the rate of 1 percent  
21 per month. All surcharges and interest payments received under this subsection  
22 shall be deposited in the fund established under s. 102.65.

23 \*~~0610/P3.219~~\*SECTION 2928. 102.35 (2) of the statutes is amended to read:

24 102.35 (2) Any employer, or duly authorized agent ~~thereof~~ of an employer, who,  
25 without reasonable cause, refuses to rehire an employee injured in the course of

**SECTION 2928**

1 employment, or who, because of a claim or attempt to claim compensation benefits  
2 from such that employer, discriminates or threatens to discriminate against an  
3 employee as to the employee's employment, shall ~~forfeit to the state not less than \$50~~  
4 ~~nor more than \$500~~ be subject to a forfeiture under s. 601.64 (3) (c) for each offense.  
5 No action under this subsection may be commenced except upon request of the  
6 department office.

7 **\*-0610/P3.220\*SECTION 2929.** 102.35 (3) of the statutes is amended to read:

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

18 **\*-0610/P3.221\*SECTION 2930.** 102.37 of the statutes is amended to read:

19 **102.37 Employers' records.** Every employer of 3 or more persons and every  
20 employer who is subject to this chapter shall keep a record of all accidents causing  
21 death or disability of any employee while performing services growing out of and  
22 incidental to the employment. ~~This~~ That record shall give the name, address, age,  
23 and wages of the deceased or injured employee, the time and causes of the accident,  
24 the nature and extent of the injury, and any other information the ~~department~~ office  
25 may require by rule or general order. Reports based upon ~~this~~ that record shall be



1 furnished to the ~~department~~ office at such times and in such manner as the  
2 ~~department~~ office may require by rule or general order, in a format approved by the  
3 ~~department~~ office.

4 \*~~0610/P3.222~~\*SECTION 2931. 102.38 of the statutes is amended to read:

5 **102.38 Records and reports of payments.** Every insurance company that  
6 transacts the business of compensation insurance, and every employer who is subject  
7 to this chapter, but whose liability is not insured, shall keep a record of all payments  
8 made under this chapter and of the time and manner of making the payments and  
9 shall furnish reports based upon these records and any other information to the  
10 ~~department~~ office as the ~~department~~ office may require by rule or general order, in  
11 a format approved by the ~~department~~ office.

12 \*~~0610/P3.223~~\*SECTION 2932. 102.39 of the statutes is amended to read:

13 **102.39 Rules and general orders; application of statutes.** The provisions  
14 of s. 103.005 relating to the adoption, publication, modification, and court review of  
15 rules or general orders of the department ~~shall~~ of workforce development apply to all  
16 rules promulgated or general orders adopted by the office under this chapter in the  
17 same manner as those provisions apply to rules promulgated or general orders  
18 adopted by the department of workforce development.

19 \*~~0610/P3.224~~\*SECTION 2933. 102.40 of the statutes is amended to read:

20 **102.40 Reports not evidence in actions.** Reports furnished to the  
21 ~~department pursuant to~~ office under ss. 102.37 and 102.38 ~~shall not be~~ are not  
22 admissible as evidence in any action or proceeding arising out of the death or accident  
23 reported.

24 \*~~0610/P3.225~~\*SECTION 2934. 102.42 (1m) of the statutes is amended to read:

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

11           \*-0610/P3.226\*SECTION 2935. 102.42 (6) of the statutes is amended to read:

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

24           \*-0610/P3.227\*SECTION 2936. 102.42 (8) of the statutes is amended to read:

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

10           \*~~0610/P3.228~~\*SECTION 2937. 102.42 (9) (a) of the statutes is amended to read:

11           102.42 (9) (a) One of the primary purposes of this chapter is restoration of an  
12 injured employee to gainful employment. To this end, the ~~department~~ office shall  
13 employ a specialist in physical, medical, and vocational rehabilitation.

14           \*~~0610/P3.229~~\*SECTION 2938. 102.42 (9) (b) of the statutes is amended to read:

15           102.42 (9) (b) ~~Such~~ The specialist employed under par. (a) shall study the  
16 problems of rehabilitation, both physical and vocational and shall refer suitable  
17 cases to the ~~department~~ office for vocational evaluation and training. The specialist  
18 shall investigate and maintain a directory of such rehabilitation facilities, private  
19 and public, as are capable of rendering competent rehabilitation service to seriously  
20 injured employees.

21           \*~~0610/P3.230~~\*SECTION 2939. 102.425 (4m) (a) of the statutes is amended to  
22 read:

23           102.425 (4m) (a) The ~~department~~ office has jurisdiction ~~under this subsection~~  
24 ~~and s. 102.16 (1m) (e) and s. 102.17~~ to resolve a dispute between a pharmacist or  
25 practitioner and an employer or insurer over the reasonableness of the amount

1 charged for a prescription drug dispensed under sub. (2) for outpatient use by an  
2 injured employee who claims benefits under this chapter.

3 \***-0610/P3.231**\*SECTION 2940. 102.425 (4m) (b) of the statutes is amended to  
4 read:

5 102.425 (4m) (b) An employer or insurer that disputes the reasonableness of  
6 the amount charged for a prescription drug dispensed under sub. (2) for outpatient  
7 use by an injured employee or the ~~department~~ division under sub. (4) (b) or s. 102.16  
8 (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a completed  
9 bill for the prescription drug, reasonable written notice to the pharmacist or  
10 practitioner that the charge is being disputed. After receiving reasonable written  
11 notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1)  
12 (bg) 1. that a prescription drug charge is being disputed, a pharmacist or practitioner  
13 may not collect the disputed charge from, or bring an action for collection of the  
14 disputed charge against, the employee who received the prescription drug.

15 \***-0610/P3.232**\*SECTION 2941. 102.425 (4m) (c) of the statutes is amended to  
16 read:

17 102.425 (4m) (c) A pharmacist or practitioner that receives notice under par.  
18 (b) that the reasonableness of the amount charged for a prescription drug dispensed  
19 under sub. (2) for outpatient use by an injured employee is in dispute shall file the  
20 dispute with the ~~department~~ office within 6 months after receiving that notice.

21 \***-0610/P3.233**\*SECTION 2942. 102.425 (4m) (d) of the statutes is amended to  
22 read:

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

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

5 \*~~0610/P3.234~~SECTION 2943. 102.425 (4m) (e) of the statutes is amended to  
6 read:

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

15 \*~~0610/P3.235~~SECTION 2944. 102.43 (5) (b) of the statutes is amended to read:

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

**SECTION 2945**

1           \*~~0452/2.2~~**SECTION 2945.** 102.44 (1) (ag) of the statutes is amended to read:

2           102.44 (1) (ag) Notwithstanding any other provision of this chapter, every  
3           employee who is receiving compensation under this chapter for permanent total  
4           disability or continuous temporary total disability more than 24 months after the  
5           date of injury resulting from an injury that occurred prior to January 1, 2001, shall  
6           receive supplemental benefits that shall be payable ~~in the first instance~~ by the  
7           employer or, subject to par. (c), the employer's insurance carrier, or in the case of  
8           benefits payable to an employee under s. 102.66, shall be paid by the department out  
9           of the fund created under s. 102.65. Those supplemental benefits shall be paid only  
10          for weeks of disability occurring after January 1, 2003, and shall continue during the  
11          period of such total disability subsequent to that date.

12          \*~~0452/2.3~~**SECTION 2946.** 102.44 (1) (ag) of the statutes, as affected by 2015  
13          Wisconsin Act .... (this act), is amended to read:

14          102.44 (1) (ag) Notwithstanding any other provision of this chapter, every  
15          employee who is receiving compensation under this chapter for permanent total  
16          disability or continuous temporary total disability more than 24 months after the  
17          date of injury resulting from an injury that occurred prior to January 1, 2001, shall  
18          receive supplemental benefits that shall be payable by the employer or, ~~subject to par.~~  
19          (e), the employer's insurance carrier, or in the case of benefits payable to an employee  
20          under s. 102.66, shall be paid by the department office out of the fund created under  
21          s. 102.65. Those supplemental benefits shall be paid only for weeks of disability  
22          occurring after January 1, 2003, and shall continue during the period of such total  
23          disability subsequent to that date.

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

1           \*~~0452/2.4~~**SECTION 2947.** 102.44 (1) (c) of the statutes is renumbered 102.44  
2 (1) (c) 1. and amended to read:

3           102.44 (1) (c) 1. ~~Subject to any certificate filed under s. 102.65 (4), an employer~~  
4 ~~or~~ An insurance carrier paying the supplemental benefits required under this  
5 subsection shall be entitled to reimbursement for each such case from the fund  
6 established by s. 102.65 worker's compensation operations fund, commencing one  
7 year after the date of the first payment of those benefits and annually thereafter  
8 while those payments continue. To receive reimbursement under this paragraph, an  
9 ~~employer or~~ insurance carrier must file a claim for that reimbursement with the  
10 department by no later than 12 months after the end of the year in which the  
11 supplemental benefits were paid and the claim must be approved by the department.

12           \*~~0610/P3.236~~**SECTION 2948.** 102.44 (1) (c) 1. of the statutes, as affected by  
13 2015 Wisconsin Act .... (this act), is amended to read:

14           102.44 (1) (c) 1. An insurance carrier paying the supplemental benefits  
15 required under this subsection shall be entitled to reimbursement for each such case  
16 from the worker's compensation operations fund, commencing one year after the  
17 date of the first payment of those benefits and annually thereafter while those  
18 payments continue. To receive reimbursement under this paragraph, an insurance  
19 carrier must file a claim for that reimbursement with the ~~department~~ office by no  
20 later than 12 months after the end of the year in which the supplemental benefits  
21 were paid and the claim must be approved by the ~~department~~ office.

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

22           \*~~0452/2.5~~**SECTION 2949.** 102.44 (1) (c) 2. of the statutes is created to read:

**SECTION 2949**

1           102.44 (1) (c) 2. After the expiration of the deadline for filing a claim under  
2           subd. 1., the department shall determine the total amount of all claims filed by that  
3           deadline and shall use that total to determine the amount to be collected under s.  
4           102.75 (1g) from each licensed worker's compensation insurance carrier, deposited  
5           in the worker's compensation operations fund, and used to provide reimbursement  
6           to insurance carriers paying supplemental benefits under this subsection. Subject  
7           to subd. 3., the department shall pay a claim for reimbursement approved by the  
8           department by no later than 16 months after the end of the year in which the claim  
9           was received by the department.

10           \***-0610/P3.237\*SECTION 2950.** 102.44 (1) (c) 2. of the statutes, as created by  
11           2015 Wisconsin Act .... (this act), is amended to read:

12           102.44 (1) (c) 2. After the expiration of the deadline for filing a claim under  
13           subd. 1., the department office shall determine the total amount of all claims filed  
14           by that deadline and shall use that total to determine the amount to be collected  
15           under s. 102.75 (1g) from each licensed worker's compensation insurance carrier,  
16           deposited in the worker's compensation operations fund, and used to provide  
17           reimbursement to insurance carriers paying supplemental benefits under this  
18           subsection. Subject to subd. 3., the department office shall pay a claim for  
19           reimbursement approved by the ~~department~~ office by no later than 16 months after  
20           the end of the year in which the claim was received by the ~~department~~ office.

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

21           \***-0452/2.6\*SECTION 2951.** 102.44 (1) (c) 3. of the statutes is created to read:

22           102.44 (1) (c) 3. The maximum amount that the department may pay under  
23           subd. 2. in a calendar year is \$5,000,000. If the amount determined payable under



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

9 **\*-0610/P3.238\*SECTION 2952.** 102.44 (1) (c) 3. of the statutes, as created by  
10 2015 Wisconsin Act .... (this act), is amended to read:

11 102.44 (1) (c) 3. The maximum amount that the ~~department~~ office may pay  
12 under subd. 2. in a calendar year is \$5,000,000. If the amount determined payable  
13 under subd. 2. in a calendar year is \$5,000,000 or less, the ~~department~~ office shall  
14 pay that amount. If the amount determined payable under subd. 2. in a calendar  
15 year exceeds \$5,000,000, the ~~department~~ office shall pay \$5,000,000 in the year in  
16 which the determination is made and, subject to the maximum amount payable of  
17 \$5,000,000 per calendar year, shall pay the excess in the next calendar year or in  
18 subsequent calendar years until that excess is paid in full. The ~~department~~ office  
19 shall pay claims for reimbursement under subd. 2. in the chronological order in  
20 which those claims are received.

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

21 **\*-0452/2.7\*SECTION 2953.** 102.44 (1) (c) 4. of the statutes is created to read:

22 102.44 (1) (c) 4. This paragraph does not apply to supplemental benefits paid  
23 for an injury that occurs on or after January 1, 2016.

## SECTION 2954

1           \***-0610/P3.239**\*SECTION 2954. 102.44 (2) of the statutes is amended to read:

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

8           \***-0610/P3.240**\*SECTION 2955. 102.44 (5) (d) of the statutes is amended to  
9 read:

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

14           \***-0610/P3.241**\*SECTION 2956. 102.44 (6) (b) of the statutes is amended to read:

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

21           \***-0610/P3.242**\*SECTION 2957. 102.45 of the statutes is amended to read:

22           **102.45 Benefits payable to minors; how paid.** ~~Compensation and death~~  
23 ~~benefit~~ In the discretion of the office, compensation or death benefits payable to an  
24 employee or dependent who was a minor when the ~~employee's or dependent's~~ right  
25 of the employee or dependent to compensation or death benefits began to accrue, may,