

1 **SECTION 65.** 102.18 (2) of the statutes is repealed and recreated to read:

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

8 **SECTION 66.** 102.18 (3) of the statutes is amended to read:

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

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

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55, 180.

Cross-reference: See also LIRC and s. HA 4.04, Wis. adm. code.

****NOTE: This SECTION contains an additional change (see the striking of "setting aside of" and scoring of "that was set aside") to fix a drafting error from 2015 Act 55.

3 **SECTION 67.** 102.18 (4) (c) 3. of the statutes is amended to read:

4 102.18 (4) (c) 3. Remand the case to the department ~~or the division~~ for further
5 proceedings.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55, 180.

Cross-reference: See also LIRC and s. HA 4.04, Wis. adm. code.

6 **SECTION 68.** 102.18 (4) (d) of the statutes is amended to read:

7 102.18 (4) (d) While a petition for review by the commission is pending or after
8 entry of an order or award by the commission but before commencement of an action
9 for judicial review or expiration of the period in which to commence an action for
10 judicial review, the commission shall remand any compromise presented to it to the
11 department ~~or the division~~ for consideration and approval or rejection under s.
12 102.16 (1). Presentation of a compromise does not affect the period in which to
13 commence an action for judicial review.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55, 180.

Cross-reference: See also LIRC and s. HA 4.04, Wis. adm. code.

14 **SECTION 69.** 102.18 (5) of the statutes is amended to read:

15 102.18 (5) If it appears to the ~~division~~ department that a mistake may have
16 been made as to cause of injury in the findings, order, or award upon an alleged injury
17 based on accident, when in fact the employee was suffering from an occupational
18 disease, within 3 years after the date of the findings, order, or award the ~~division~~
19 department may, upon its own motion, with or without hearing, set aside the
20 findings, order or award, or the ~~division~~ department may take that action upon

1 application made within those 3 years. After an opportunity for hearing, the ~~division~~
2 department may, if in fact the employee is suffering from disease arising out of the
3 employment, make new findings, and a new order or award, or the ~~division~~
4 department may reinstate the previous findings, order, or award.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55, 180.

Cross-reference: See also LIRC and s. HA 4.04, Wis. adm. code.

5 **SECTION 70.** 102.18 (6) of the statutes is amended to read:

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

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55, 180.

Cross-reference: See also LIRC and s. HA 4.04, Wis. adm. code.

11 **SECTION 71.** 102.195 of the statutes is amended to read:

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

History: 1993 a. 492; 2015 a. 55.

19 **SECTION 72.** 102.22 (1) of the statutes is amended to read:

20 102.22 (1) If the employer or his or her insurer inexcusably delays in making
21 the first payment that is due an injured employee for more than 30 days after the date
22 on which the employee leaves work as a result of an injury and if the amount due is

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

History: 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1993 a. 81; 2015 a. 55.

14 **SECTION 73.** 102.22 (2) of the statutes is amended to read:

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

History: 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1993 a. 81; 2015 a. 55.

23 **SECTION 74.** 102.23 (2) of the statutes is amended to read:

1 102.23 (2) Upon the trial of an action for review of an order or award, the court
2 shall disregard any irregularity or error of the commission, or the the department,
3 ~~or the division~~ unless it is made to affirmatively appear that the plaintiff was
4 damaged by that irregularity or error.

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 c. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187; 2001 a. 37; 2005 a. 172, 442; 2015 a. 55, 180.

Judicial Council Committee's Note, 1976: The procedure for initiating a petition for judicial review under ch. 102 is governed by the provisions of s. 102.23 rather than the provisions for initiating a civil action under s. 801.02. [Re Order effective Jan. 1, 1977]

5 **SECTION 75.** 102.23 (3) of the statutes is amended to read:

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

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 c. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187; 2001 a. 37; 2005 a. 172, 442; 2015 a. 55, 180.

Judicial Council Committee's Note, 1976: The procedure for initiating a petition for judicial review under ch. 102 is governed by the provisions of s. 102.23 rather than the provisions for initiating a civil action under s. 801.02. [Re Order effective Jan. 1, 1977]

9 **SECTION 76.** 102.23 (5) of the statutes is amended to read:

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

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 c. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187; 2001 a. 37; 2005 a. 172, 442; 2015 a. 55, 180.

Judicial Council Committee's Note, 1976: The procedure for initiating a petition for judicial review under ch. 102 is governed by the provisions of s. 102.23 rather than the provisions for initiating a civil action under s. 801.02. [Re Order effective Jan. 1, 1977]

15 **SECTION 77.** 102.24 (2) of the statutes is amended to read:

16 102.24 (2) After the commencement of an action to review any order or award
17 of the commission, the parties may have the record remanded by the court for such
18 time and under such condition as the parties may provide, for the purpose of having
19 the department ~~or the division~~ act upon the question of approving or disapproving
20 any settlement or compromise that the parties may desire to have so approved. If

1 approved, the action shall be at an end and judgment may be entered upon the
2 approval as upon an award. If not approved, the department ~~or the division~~ shall
3 immediately return the record to the circuit court and the action shall proceed as if
4 no remand had been made.

History: 1975 c. 147; 1977 c. 29; 1979 c. 278; 1995 a. 224; 2015 a. 55.

5 **SECTION 78.** 102.25 (1) of the statutes is amended to read:

6 102.25 (1) Any party aggrieved by a judgment entered upon the review of any
7 order or award may appeal the judgment within the period specified in s. 808.04 (1).
8 A trial court may not require the commission or any party to the action to execute,
9 serve, or file an undertaking under s. 808.07 or to serve, or secure approval of, a
10 transcript of the notes of the stenographic reporter or the tape of the recording
11 machine. The state is a party aggrieved under this subsection if a judgment is
12 entered upon the review confirming any order or award against the state. At any
13 time before the case is set down for hearing in the court of appeals or the supreme
14 court, the parties may have the record remanded by the court to the department ~~or~~
15 ~~the division~~ in the same manner and for the same purposes as provided for
16 remanding from the circuit court to the department ~~or the division~~ under s. 102.24
17 (2).

History: 1971 c. 148; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1977 c. 29, 187, 195, 418; 1979 c. 278; 1983 a. 219; 2015 a. 55.

Judicial Council Note, 1983: Sub. (1) is amended to replace the appeal deadline of 30 days after service of notice of entry of judgment or award by the standard time specified in s. 808.04 (1), ~~stats.~~, for greater uniformity. The subsection is further amended to eliminate the superfluous provisions for calendaring and hearing the appeal. [Bill 151-S]

18 **SECTION 79.** 102.26 (2) of the statutes is amended to read:

19 102.26 (2) Unless previously authorized by the department ~~or the division~~, no
20 fee may be charged or received for the enforcement or collection of any claim for
21 compensation nor may any contract for that enforcement or collection be enforceable
22 when that fee, inclusive of all taxable attorney fees paid or agreed to be paid for that
23 enforcement or collection, exceeds 20 percent of the amount at which the claim is

1 compromised or of the amount awarded, adjudged, or collected, except that in cases
2 of admitted liability in which there is no dispute as to the amount of compensation
3 due and in which no hearing or appeal is necessary, the fee charged may not exceed
4 10 percent, but not to exceed \$250, of the amount at which the claim is compromised
5 or of the amount awarded, adjudged, or collected. The limitation as to fees shall
6 apply to the combined charges of attorneys, solicitors, representatives, and adjusters
7 who knowingly combine their efforts toward the enforcement or collection of any
8 compensation claim.

History: 1971 c. 148; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29; 1979 c. 278; 1985 a. 83; 1989 a. 64; 1993 a. 490, 492; 1995 a. 224; 1999 a. 9; 2001 a. 37; 2007 a. 185; 2015 a. 55.

Cross-reference: See also s. DWD 80.43, Wis. adm. code.

9 **SECTION 80. 102.26 (3) (b) 1.** of the statutes is amended to read:

10 102.26 (3) (b) 1. Subject to sub. (2), upon application of any interested party,
11 the department ~~or the division~~ may fix the fee of the claimant's attorney or
12 representative and provide in the award for that fee to be paid directly to the attorney
13 or representative.

History: 1971 c. 148; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29; 1979 c. 278; 1985 a. 83; 1989 a. 64; 1993 a. 490, 492; 1995 a. 224; 1999 a. 9; 2001 a. 37; 2007 a. 185; 2015 a. 55.

Cross-reference: See also s. DWD 80.43, Wis. adm. code.

14 **SECTION 81. 102.26 (3) (b) 3.** of the statutes is amended to read:

15 102.26 (3) (b) 3. The claimant may request the insurer or self-insured employer
16 to pay any compensation that is due the claimant by depositing the payment directly
17 into an account maintained by the claimant at a financial institution. If the insurer
18 or self-insured employer agrees to the request, the insurer or self-insured employer
19 may deposit the payment by direct deposit, electronic funds transfer, or any other
20 money transfer technique approved by the department ~~or the division~~. The claimant

1 may revoke a request under this subdivision at any time by providing appropriate
2 written notice to the insurer or self-insured employer.

History: 1971 ~~a. 148~~; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29; 1979 c. 278; 1985 a. 83; 1989 a. 64; 1993 a. 490, 492; 1995 a. 224; 1999 a. 9; 2001 a. 37; 2007 a. 185; 2015 a. 55.

Cross-reference: See also s. DWD 80.43, Wis. adm. code. ✓

3 **SECTION 82. 102.26 (4)** of the statutes is amended to read:

4 102.26 (4) Any attorney or other person who charges or receives any fee in
5 violation of this section may be required to forfeit double the amount retained by the
6 attorney or other person, which forfeiture shall be collected by the state in an action
7 in debt upon complaint of the department ~~or the division~~. Out of the sum recovered
8 the court shall direct payment to the injured party of the amount of the overcharge.

History: 1971 ~~a. 148~~; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29; 1979 c. 278; 1985 a. 83; 1989 a. 64; 1993 a. 490, 492; 1995 a. 224; 1999 a. 9; 2001 a. 37; 2007 a. 185; 2015 a. 55.

Cross-reference: See also s. DWD 80.43, Wis. adm. code. ✓

9 **SECTION 83. 102.27 (2) (b)** of the statutes is amended to read:

10 102.27 (2) (b) If a governmental unit provides public assistance under ch. 49
11 to pay medical costs or living expenses related to a claim under this chapter and if
12 the governmental unit has given the parties to the claim written notice stating that
13 the governmental unit provided the assistance and the cost of that assistance, the
14 department ~~or the division~~ shall order the employer or insurance carrier owing
15 compensation to reimburse that governmental unit for the amount of assistance the
16 governmental unit provided or two-thirds of the amount of the award or payment
17 remaining after deduction of attorney fees and any other fees or costs chargeable
18 under ch. 102, whichever is less. The department shall comply with this paragraph
19 when making payments under s. 102.81.

History: 1981 c. 20, 391; 1983 a. 27, 192; 1985 a. 83; 1989 a. 64; 1993 a. 481; 1997 a. 191, 237; 1999 a. 9; 2005 a. 443 s. 265; 2007 a. 20; 2015 a. 55.

20 **SECTION 84. 102.28 (3) (c)** of the statutes is amended to read:

21 102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an
22 affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the

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

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172; 2015 a. 55, 180.

Cross-reference: See also ss. DWD 80.40 and 80.60, Wis. adm. code.

15 **SECTION 85.** 102.28 (4) (c) of the statutes is amended to read:

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

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172; 2015 a. 55, 180.

Cross-reference: See also ss. DWD 80.40 and 80.60, Wis. adm. code.

20 **SECTION 86.** 102.29 (1) (b) (intro.) of the statutes is amended to read:

21 102.29 (1) (b) (intro.) If a party entitled to notice cannot be found, the
 22 department shall become the agent of that party for the giving of a notice as required

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

History: 1975 ~~e. 147~~ ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114; 2015 a. 55, 180; 2017 a. 139.

NOTE: See cases annotated under s. 102.03 as to the right to bring a 3rd-party action against a coemployee.

10 **SECTION 87.** 102.29 (1) (c) of the statutes is amended to read:

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

History: 1975 ~~e. 147~~ ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114; 2015 a. 55, 180; 2017 a. 139.

NOTE: See cases annotated under s. 102.03 as to the right to bring a 3rd-party action against a coemployee.

17 **SECTION 88.** 102.29 (1) (d) of the statutes is amended to 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

1 court before whom the action is pending or, if no action is pending, then by a court
2 of record or by the department ~~or the division~~.

History: 1978 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114; 2015 a. 55, 180; 2017 a. 139.

NOTE: See cases annotated under s. 102.03 as to the right to bring a 3rd-party action against a coemployee.

3 **SECTION 89.** 102.30 (7) (a) of the statutes is amended to read:

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

History: 1973 c. 150; 1975 c. 147 ss. 25, 54; 1975 c. 199; 1985 a. 83; 1987 a. 179; 2015 a. 55.

10 **SECTION 90.** 102.32 (1m) (intro.) of the statutes is amended to read:

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

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

Cross-reference: See also ss. DWD 80.32, 80.33, 80.39, and 80.50, Wis. adm. code.

16 **SECTION 91.** 102.32 (1m) (a) of the statutes is amended to read:

17 102.32 (1m) (a) Depositing the present value of the total unpaid compensation
18 upon a 5 percent interest discount basis with a credit union, savings bank, savings
19 and loan association, bank, or trust company designated by the department ~~or the~~
20 ~~division~~.

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

Cross-reference: See also ss. DWD 80.32, 80.33, 80.39, and 80.50, Wis. adm. code.

21 **SECTION 92.** 102.32 (1m) (c) of the statutes is amended to read:

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

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

Cross-reference: See also ss. DWD 80.32, 80.33, 80.39, and 80.50, Wis. adm. code.

3 **SECTION 93.** 102.32 (1m) (d) of the statutes is amended to read:

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

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

Cross-reference: See also ss. DWD 80.32, 80.33, 80.39, and 80.50, Wis. adm. code.

18 **SECTION 94.** 102.32 (5) of the statutes is amended to read:

19 102.32 (5) Any insured employer may, in the discretion of the department ~~or~~
20 ~~the division~~, compel the insurer to discharge, or to guarantee payment of, the
21 employer's liabilities in any case described in sub. (1m) and by that discharge or
22 guarantee release the employer from liability for compensation in that case, except
23 that if for any reason a bond furnished or deposit made under sub. (1m) (d) does not

1 fully protect the beneficiary of the bond or deposit, the compensation insurer or
2 insured employer, as the case may be, shall still be liable to that beneficiary.

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

Cross-reference: See also ss. DWD 80.32, 80.33, 80.39, and 80.50, Wis. adm. code.

3 **SECTION 95.** 102.32 (6m) of the statutes is amended to read:

4 102.32 (6m) The department ~~or the division~~ may direct an advance on a
5 payment of unaccrued compensation for permanent disability or death benefits if the
6 department ~~or the division~~ determines that the advance payment is in the best
7 interest of the injured employee or the employee's dependents. In directing the
8 advance, the department ~~or the division~~ shall give the employer or the employer's
9 insurer an interest credit against its liability. The credit shall be computed at 5
10 percent. An injured employee or dependent may receive no more than 3 advance
11 payments per calendar year.

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

Cross-reference: See also ss. DWD 80.32, 80.33, 80.39, and 80.50, Wis. adm. code.

12 **SECTION 96.** 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 ~~division~~ department that the interests of the injured
16 employee will be conserved by the lump sum settlement.

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

Cross-reference: See also ss. DWD 80.32, 80.33, 80.39, and 80.50, Wis. adm. code.

17 **SECTION 97.** 102.33 (1) of the statutes is amended to read:

18 102.33 (1) The department ~~and the division~~ shall print and furnish free to any
19 employer or employee any blank forms that are necessary to facilitate efficient
20 administration of this chapter. The department ~~and the division~~ shall keep any

1 record books or records that are necessary for the proper and efficient administration
2 of this chapter.

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180; 2015 a. 55.

3 **SECTION 98.** 102.33 (2) (a) of the statutes is amended to read:

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

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180; 2015 a. 55.

7 **SECTION 99.** 102.33 (2) (b) (intro.) of the statutes is amended to read:

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

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180; 2015 a. 55.

21 **SECTION 100.** 102.33 (2) (b) 1. of the statutes is amended to 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

1 of an employee who is the subject of a record shall provide a written authorization
2 for inspection and copying from the employee if requested by the department, ~~the~~
3 ~~division,~~ or the commission.

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180; 2015 a. 55.

4 **SECTION 101.** 102.33 (2) (b) 2. of the statutes is amended to 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, ~~the division,~~ or the commission is not required to do a
10 random search of its records and may require the requester to provide the
11 approximate date of the injury and any other relevant information that would assist
12 the department, ~~the division,~~ or the commission in finding the record requested. An
13 attorney or authorized agent of an insurance carrier or employer that is a party to
14 an employee's worker's compensation claim shall provide a written authorization for
15 inspection and copying from the insurance carrier or employer if requested by the
16 department, ~~the division,~~ or the commission.

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180; 2015 a. 55.

17 **SECTION 102.** 102.33 (2) (b) 4. of the statutes is amended to read:

18 102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the
19 department, ~~the division,~~ or the commission to release the record.

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180; 2015 a. 55.

20 **SECTION 103.** 102.33 (2) (c) of the statutes is amended to read:

21 102.33 (2) (c) A record maintained by the department, ~~the division,~~ or the
22 commission that contains employer or insurer information obtained from the
23 Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a) is

1 confidential and not open to public inspection or copying under s. 19.35 (1) unless the
2 Wisconsin compensation rating bureau authorizes public inspection or copying of
3 that information.

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180; 2015 a. 55.

4 **SECTION 104.** 102.33 (2) (d) 2. of the statutes is amended to read:

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

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180; 2015 a. 55.

21 **SECTION 105.** 102.35 (3) of the statutes is amended to read:

22 102.35 (3) Any employer who without reasonable cause refuses to rehire an
23 employee who is injured in the course of employment, when suitable employment is

1 available within the employee's physical and mental limitations, upon order of the
2 department ~~or the division~~, has exclusive liability to pay to the employee, in addition
3 to other benefits, the wages lost during the period of such refusal, not exceeding one
4 year's wages. In determining the availability of suitable employment the
5 continuance in business of the employer shall be considered and any written rules
6 promulgated by the employer with respect to seniority or the provisions of any
7 collective bargaining agreement with respect to seniority shall govern.

History: 1975 c. 147; 1977 c. 29, 195; 2003 a. 144; 2005 a. 172; 2011 a. 183; 2015 a. 55.

8 **SECTION 106.** 102.42 (1m) of the statutes is amended to read:

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

History: 1971 c. 61; 1973 c. 150, 282; 1975 c. 147; 1977 c. 195 ss. 24 to 28, 45; 1977 c. 273; 1979 c. 278; 1981 c. 20; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3743m, 3744, 9130 (4); 1997 a. 3, 38; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

19 **SECTION 107.** 102.42 (6) of the statutes is amended to read:

20 102.42 (6) TREATMENT REJECTED BY EMPLOYEE. Unless the employee has elected
21 Christian Science treatment in lieu of medical, surgical, dental, or hospital
22 treatment, no compensation shall be payable for the death or disability of an
23 employee, if the death is caused, or insofar as the disability may be aggravated,

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

History: 1971 c. 61; 1973 c. 150, 282; 1975 c. 147; 1977 c. 195 ss. 24 to 28, 45; 1977 c. 273; 1979 c. 278; 1981 c. 20; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3743m, 3744, 9130 (4); 1997 a. 3, 38; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

9 **SECTION 108.** 102.42 (8) of the statutes is amended to read:

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

History: 1971 c. 61; 1973 c. 150, 282; 1975 c. 147; 1977 c. 195 ss. 24 to 28, 45; 1977 c. 273; 1979 c. 278; 1981 c. 20; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3743m, 3744, 9130 (4); 1997 a. 3, 38; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2015 a. 55.

18 **SECTION 109.** 102.425 (4m) (a) of the statutes is amended to read:

19 102.425 (4m) (a) The department has jurisdiction under this subsection, ~~the~~
20 ~~department and the division have jurisdiction under s. and ss. 102.16 (1m) (c), and~~
21 ~~the division has jurisdiction under s. 102.17~~ to resolve a dispute between a
22 pharmacist or practitioner and an employer or insurer over the reasonableness of the

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

History: 2005 a. 172; 2007 a. 185; 2009 a. 206; 2015 a. 55, 180; 2017 a. 149.

3 **SECTION 110.** 102.425 (4m) (b) of the statutes is amended to read:

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

History: 2005 a. 172; 2007 a. 185; 2009 a. 206; 2015 a. 55, 180; 2017 a. 149.

14 **SECTION 111.** 102.43 (5) (b) of the statutes is amended to read:

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

1 department ~~or the division~~ for any employee shall be subject to periodic review and
2 reevaluation.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 195; 1979 c. 278; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1993 a. 370, 492; 1995 a. 225, 413; 2001 a. 37; 2005 a. 172; 2009 a. 206; 2011 a. 183; 2015 a. 55, 180.

3 **SECTION 112.** 102.44 (2) of the statutes is amended to read:

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

History: 1971 c. 148; 1973 c. 150; 1975 c. 147 ss. 33, 54, 57; 1975 c. 199; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1991 a. 85; 1995 a. 117; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 177, 206; 2011 a. 183, 257; 2015 a. 55, 180.

Cross-reference: See also ss. DWD 80.32, 80.34, and 80.50, Wis. adm. code.

10 **SECTION 113.** 102.44 (6) (b) of the statutes is amended to read:

11 102.44 (6) (b) If during the period set forth in s. 102.17 (4) the employment
12 relationship is terminated by the employer at the time of the injury or by the
13 employee because his or her physical or mental limitations prevent his or her
14 continuing in such employment, or if during that period a wage loss of 15 percent or
15 more occurs, the ~~division~~ department may reopen any award and make a
16 redetermination taking into account loss of earning capacity.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147 ss. 33, 54, 57; 1975 c. 199; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1991 a. 85; 1995 a. 117; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 177, 206; 2011 a. 183, 257; 2015 a. 55, 180.

Cross-reference: See also ss. DWD 80.32, 80.34, and 80.50, Wis. adm. code.

17 **SECTION 114.** 102.475 (6) of the statutes is amended to read:

18 102.475 (6) **PROOF.** In administering this section the department ~~or the division~~
19 may require reasonable proof of birth, marriage, domestic partnership under ch. 770,
20 relationship, or dependency.

History: 1975 c. 274, 421; 1977 c. 29 ss. 1029m to 1029s, 1650; 1977 c. 48, 203, 418; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 325; 1983 a. 98, 189; 1985 a. 29; 1987 a. 63; 1991 a. 85; 1993 a. 81; 1995 a. 247; 1999 a. 14; 2009 a. 28, 42; 2015 a. 55; 2017 a. 274.

21 **SECTION 115.** 102.48 (1) of the statutes is amended to read:

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

History: 1975 c. 147; 1979 c. 278; 1989 a. 64; 1993 a. 492; 2015 a. 55.

Cross-reference: See also s. DWD 80.46, Wis. adm. code.

7 **SECTION 116.** 102.48 (2) of the statutes is amended to read:

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

History: 1975 c. 147; 1979 c. 278; 1989 a. 64; 1993 a. 492; 2015 a. 55.

Cross-reference: See also s. DWD 80.46, Wis. adm. code.

22 **SECTION 117.** 102.48 (3) of the statutes is amended to read:

1 102.48 (3) Except as otherwise provided, a death benefit, other than burial
2 expenses, shall be paid in weekly installments corresponding in amount to
3 two-thirds of the weekly earnings of the employee, until otherwise ordered by the
4 department ~~or the division~~.

History: 1975 c. 147; 1979 c. 278; 1989 a. 64; 1993 a. 492; 2015 a. 55.

Cross-reference: See also s. DWD 80.46, Wis. adm. code.

5 **SECTION 118.** 102.49 (3) of the statutes is amended to read:

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

History: 1977 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253; 2003 a. 144; 2005 a. 172; 2009 a. 28; 2011 a. 183; 2015 a. 55.

Cross-reference: See also s. DWD 80.48, Wis. adm. code.

15 **SECTION 119.** 102.49 (6) of the statutes is amended to read:

16 102.49 (6) The department ~~or the division~~ may award the additional benefits
17 payable under this section to the surviving parent of the child, to the child's guardian,
18 or to such other person, bank, or trust company for the child's use as may be found
19 best calculated to conserve the interests of the child. If the child dies while benefits
20 are still payable, there shall be paid the reasonable expense for burial, not exceeding
21 \$1,500.

History: 1977 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253; 2003 a. 144; 2005 a. 172; 2009 a. 28; 2011 a. 183; 2015 a. 55.

Cross-reference: See also s. DWD 80.48, Wis. adm. code.

1 **SECTION 120.** 102.51 (3) of the statutes is amended to read:

2 **102.51 (3) DIVISION AMONG DEPENDENTS.** If there is more than one person wholly
3 or partially dependent on a deceased employee, the death benefit shall be divided
4 between those dependents in such proportion as the department ~~or the division~~
5 determines to be just, considering their ages and other facts bearing on their
6 dependency.

History: 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162; 2009 a. 28; 2015 a. 55.

Cross-reference: See also s. DWD 80.48, Wis. adm. code.

7 **SECTION 121.** 102.51 (4) of the statutes is amended to read:

8 **102.51 (4) DEPENDENCY AS OF THE DATE OF DEATH.** Questions as to who is a
9 dependent and the extent of his or her dependency shall be determined as of the date
10 of the death of the employee, and the dependent's right to any death benefit becomes
11 fixed at that time, regardless of any subsequent change in conditions. The death
12 benefit shall be directly recoverable by and payable to the dependents entitled to the
13 death benefit or their legal guardians or trustees. In case of the death of a dependent
14 whose right to a death benefit has become fixed, so much of the benefit as is unpaid
15 is payable to the dependent's personal representatives in gross, unless the
16 department ~~or the division~~ determines that the unpaid benefit shall be reassigned
17 under sub. (6) and paid to any other dependent who is physically or mentally
18 incapacitated or a minor. For purposes of this subsection, a child of the employee who
19 is born after the death of the employee is considered to be a dependent as of the date
20 of death.

History: 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162; 2009 a. 28; 2015 a. 55.

Cross-reference: See also s. DWD 80.48, Wis. adm. code.

21 **SECTION 122.** 102.51 (6) of the statutes is amended to read:

22 **102.51 (6) DIVISION AMONG DEPENDENTS.** Benefits accruing to a minor dependent
23 child may be awarded to either parent in the discretion of the department ~~or the~~

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

History: 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162; 2009 a. 28; 2015 a. 55.

Cross-reference: See also s. DWD 80.48, Wis. adm. code.

5 **SECTION 123.** 102.55 (3) of the statutes is amended to read:

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

History: 2015 a. 55.

14 **SECTION 124.** 102.555 (12) (a) of the statutes is amended to read:

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

History: 1971 c. 148; 1973 c. 150; 1975 c. 147, 199, 200; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1991 a. 85; 2007 a. 185; 2009 a. 206; 2015 a. 55.

Cross-reference: See also s. DWD 80.25, Wis. adm. code.

20 **SECTION 125.** 102.56 (1) of the statutes is amended to read:

21 102.56 (1) Subject to sub. (2), if an employee is so permanently disfigured as
22 to occasion potential wage loss due to the disfigurement, the department ~~or the~~

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

History 1971 c. 148; 1977 c. 195; 1987 a. 179; 2011 a. 183; 2015 a. 55.

12 **SECTION 126.** 102.56 (2) of the statutes is amended to read:

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

History 1971 c. 148; 1977 c. 195; 1987 a. 179; 2011 a. 183; 2015 a. 55.

18 **SECTION 127.** 102.565 (1) of the statutes is amended to read:

19 102.565 (1) When, as a result of exposure in the course of employment over a
20 period of time to toxic or hazardous substances or conditions, an employee
21 performing work that is subject to this chapter develops any clinically observable
22 abnormality or condition that, on competent medical opinion, predisposes or renders
23 the employee in any manner differentially susceptible to disability to such an extent

1 that it is inadvisable for the employee to continue employment involving that
2 exposure, is discharged from or ceases to continue the employment, and suffers wage
3 loss by reason of that discharge from, or cessation of, employment, the department
4 ~~or the division~~ may allow such sum as the department ~~or the division~~ considers just
5 as compensation for that wage loss, not exceeding \$13,000. If a nondisabling
6 condition may also be caused by toxic or hazardous exposure not related to
7 employment and if the employee has a history of that exposure, compensation as
8 provided under this section or any other remedy for loss of earning capacity shall not
9 be allowed. If the employee is discharged from employment prior to a finding by the
10 department ~~or the division~~ that it is inadvisable for the employee to continue in that
11 employment and if it is reasonably probable that continued exposure would result
12 in disability, the liability of the employer who discharges the employee is primary,
13 and the liability of the employer's insurer is secondary, under the same procedure
14 and to the same effect as provided by s. 102.62.

History: 1977 c. 29, 195; 1979 c. 278; 2015 a. 55.

15 **SECTION 128.** 102.565 (2) of the statutes is amended to read:

16 102.565 (2) Upon application of any employer or employee, the department ~~or~~
17 ~~the division~~ may direct any employee of the employer or an employee who, in the
18 course of his or her employment, has been exposed to toxic or hazardous substances
19 or conditions to submit to examination by one or more physicians appointed by the
20 department ~~or the division~~ to determine whether the employee has developed any
21 abnormality or condition under sub. (1), and the degree of that abnormality or
22 condition. The cost of the medical examination shall be borne by the person making
23 application. The physician conducting the examination shall submit the results of
24 the examination to the department ~~or the division~~, which shall submit copies of the

1 reports to the employer and employee, who shall have an opportunity to rebut the
2 reports if a request to submit a rebuttal is made to the department ~~or the division~~
3 within 10 days after the department ~~or the division~~ mails the report to the parties.
4 The department ~~or the division~~ shall make its findings as to whether it is inadvisable
5 for the employee to continue in his or her employment.

History: 1977 c. 29, 195; 1979 c. 278; 2015 a. 55.

6 **SECTION 129.** 102.565 (3) of the statutes is amended to read:

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

History: 1977 c. 29, 195; 1979 c. 278; 2015 a. 55.

11 **SECTION 130.** 102.61 (1g) (c) of the statutes is amended to read:

12 102.61 (1g) (c) On receiving notice that he or she is eligible to receive vocational
13 rehabilitation services under 29 USC 701 to 797a, an employee shall provide the
14 employer with a written report from a physician, chiropractor, psychologist, or
15 podiatrist stating the employee's permanent work restrictions. Within 60 days after
16 receiving that report, the employer shall provide to the employee in writing an offer
17 of suitable employment, a statement that the employer has no suitable employment
18 for the employee, or a report from a physician, chiropractor, psychologist, or
19 podiatrist showing that the permanent work restrictions provided by the employee's
20 practitioner are in dispute and documentation showing that the difference in work
21 restrictions would materially affect either the employer's ability to provide suitable
22 employment or a vocational rehabilitation counselor's ability to recommend a
23 rehabilitative training program. If the employer and employee cannot resolve the

1 dispute within 30 days after the employee receives the employer's report and
2 documentation, the employer or employee may request a hearing before the ~~division~~
3 department to determine the employee's work restrictions. Within 30 days after the
4 ~~division~~ department determines the employee's work restrictions, the employer shall
5 provide to the employee in writing an offer of suitable employment or a statement
6 that the employer has no suitable employment for the employee.

History: 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183; 2015 a. 55.

Cross-reference: See also s. DWD 80.49, Wis. adm. code.

7 **SECTION 131.** 102.61 (1m) (c) of the statutes is amended to read:

8 102.61 (1m) (c) The employer or insurance carrier shall pay the reasonable cost
9 of any services provided for an employee by a private rehabilitation counselor under
10 par. (a) and, subject to the conditions and limitations specified in sub. (1r) (a) to (c)
11 and by rule, if the private rehabilitation counselor determines that rehabilitative
12 training is necessary, the reasonable cost of the rehabilitative training program
13 recommended by that counselor, including the cost of tuition, fees, books,
14 maintenance, and travel at the same rate as is provided for state officers and
15 employees under s. 20.916 (8). Notwithstanding that the department ~~or the division~~
16 may authorize under s. 102.43 (5) (b) a rehabilitative training program that lasts
17 longer than 80 weeks, a rehabilitative training program that lasts 80 weeks or less
18 is presumed to be reasonable.

History: 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183; 2015 a. 55.

Cross-reference: See also s. DWD 80.49, Wis. adm. code.

19 **SECTION 132.** 102.61 (2) of the statutes is amended to read:

20 102.61 (2) The ~~division~~ department, the commission, and the courts shall
21 determine the rights and liabilities of the parties under this section in like manner
22 and with like effect as the ~~division~~ department, the commission, and the courts
23 determine other issues under this chapter. A determination under this subsection

SECTION 132

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

History: 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183; 2015 a. 55.

Cross-reference: See also s. DWD 80.49, Wis. adm. code. ✓

4 **SECTION 133.** 102.62 of the statutes is amended to read:

5 **102.62 Primary and secondary liability; unchangeable.** In case of
6 liability under s. 102.57 or 102.60, the liability of the employer shall be primary and
7 the liability of the insurance carrier shall be secondary. If proceedings are had before
8 the ~~division~~ department for the recovery of that liability, the ~~division~~ department
9 shall set forth in its award the amount and order of liability as provided in this
10 section. Execution shall not be issued against the insurance carrier to satisfy any
11 judgment covering that liability until execution has first been issued against the
12 employer and has been returned unsatisfied as to any part of that liability. Any
13 provision in any insurance policy undertaking to guarantee primary liability or to
14 avoid secondary liability for a liability under s. 102.57 or 102.60 is void. If the
15 employer has been adjudged bankrupt or has made an assignment for the benefit of
16 creditors, if the employer, other than an individual, has gone out of business or has
17 been dissolved, or if the employer is a corporation and its charter has been forfeited
18 or revoked, the insurer shall be liable for the payment of that liability without
19 judgment or execution against the employer, but without altering the primary
20 liability of the employer.

History: 2005 a. 172; 2015 a. 55.

21 **SECTION 134.** 102.64 (1) of the statutes is amended to read:

22 102.64 (1) Upon request of the department of administration, a representative
23 of the department of justice shall represent the state in cases involving payment into

1 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
2 department of justice, after giving notice to the department of administration, may
3 compromise the amount of those payments but such compromises shall be subject to
4 review by the department ~~or the division~~. If the spouse or domestic partner under
5 ch. 770 of the deceased employee compromises his or her claim for a primary death
6 benefit, the claim of the children of the employee under s. 102.49 shall be
7 compromised on the same proportional basis, subject to approval by the department
8 ~~or the division~~. If the persons entitled to compensation on the basis of total
9 dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49
10 (5) (a) shall be compromised on the same proportional basis.

History: 1975 c. 147; 1977 c. 187 s. 134; 1977 c. 195; 1979 c. 110 s. 60 (11); 1981 c. 20; 1983 a. 98; 1995 a. 27 ss. 3745g, 9130 (4); 1997 a. 3; 2007 a. 185; 2009 a. 28; 2011 a. 183; 2015 a. 55.

11 **SECTION 135.** 102.64 (2) of the statutes is amended to read:

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

History: 1975 c. 147; 1977 c. 187 s. 134; 1977 c. 195; 1979 c. 110 s. 60 (11); 1981 c. 20; 1983 a. 98; 1995 a. 27 ss. 3745g, 9130 (4); 1997 a. 3; 2007 a. 185; 2009 a. 28; 2011 a. 183; 2015 a. 55.

23 **SECTION 136.** 102.65 (3) of the statutes is amended to read:

SECTION 136

1 102.65 (3) The department of workforce development may retain the
2 department of administration to process, investigate, and pay claims under ss.
3 102.44 (1), 102.49, 102.59, and 102.66. If retained by the department of workforce
4 development, the department of administration may compromise a claim processed
5 by that department, but a compromise made by that department is subject to review
6 by the department of workforce development ~~or the division~~. The department of
7 workforce development shall pay for the services retained under this subsection from
8 the appropriation account under s. 20.445 (1) (t).

History: 1975 c. 147; 1977 c. 29; 1981 c. 20 s. 2202 (28) (a); 1983 a. 98 s. 31; 1989 a. 64; 1991 a. 174; 1995 a. 117; 2005 a. 172; 2007 a. 185; 2011 a. 183; 2015 a. 55.

9 **SECTION 137.** 102.66 (1) of the statutes is amended to read:

10 102.66 (1) Subject to any certificate filed under s. 102.65 (4), if there is an
11 otherwise meritorious claim for occupational disease, or for a traumatic injury
12 described in s. 102.17 (4) in which the date of injury or death or last payment of
13 compensation, other than for treatment or burial expenses, is before April 1, 2006,
14 and if the claim is barred solely by the statute of limitations under s. 102.17 (4), the
15 department ~~or the division~~ may, in lieu of worker's compensation benefits, direct
16 payment from the work injury supplemental benefit fund under s. 102.65 of such
17 compensation and such medical expenses as would otherwise be due, based on the
18 date of injury, to or on behalf of the injured employee. The benefits shall be
19 supplemental, to the extent of compensation liability, to any disability or medical
20 benefits payable from any group insurance policy whose premium is paid in whole
21 or in part by any employer, or under any federal insurance or benefit program
22 providing disability or medical benefits. Death benefits payable under any such
23 group policy do not limit the benefits payable under this section.

History: 1975 c. 147; 1979 c. 278; 2001 a. 37; 2005 a. 172; 2011 a. 183; 2015 a. 55.

Cross-reference: See also s. DWD 80.06, Wis. adm. code.

1 **SECTION 138.** 102.75 (1) of the statutes is amended to read:

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

History: 1975 c. 39; 1975 c. 147 s. 54; 1977 c. 195, 418; 1981 c. 20, 92; 1987 a. 27; 1991 a. 85; 1995 a. 117; 2005 a. 172; 2009 a. 206; 2013 a. 20; 2015 a. 55, 180.

Cross-reference: See also s. DWD 80.38, Wis. adm. code.

17 **SECTION 139.** 227.43 (1) (bm) of the statutes is repealed.

18 **SECTION 140.** 227.43 (2) (am) of the statutes is repealed.

19 **SECTION 141.** 227.43 (3) (bm) of the statutes is repealed.

20 **SECTION 142.** 227.43 (4) (bm) of the statutes is repealed.

21 **SECTION 9150. Nonstatutory provisions; Workforce Development.**

22 (1) **TRANSFER OF WORKER'S COMPENSATION ADJUDICATORY FUNCTIONS.**

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
24 liabilities of the division of hearings and appeals in the department of administration

SECTION 9150

1 that are primarily related to worker's compensation matters, as determined by the
2 secretary of administration, shall become the assets and liabilities of the department
3 of workforce development.

4 (b) *Positions and employees.* On the effective date of this paragraph, all
5 positions and all incumbent employees holding those positions in the division of
6 hearings and appeals in the department of administration performing duties that
7 are primarily related to worker's compensation matters, as determined by the
8 secretary of administration, are transferred to the department of workforce
9 development.

10 (c) *Employee status.* Employees transferred under par. (b) have all the rights
11 and the same status under subch. V of ch. 111 and ch. 230 in the department of
12 workforce development that they enjoyed in the division of hearings and appeals in
13 the department of administration immediately before the transfer. Notwithstanding
14 s. 230.28 (4), no employee so transferred who has attained permanent status in class
15 is required to serve a probationary period.

16 (d) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the the division of hearings and
18 appeals in the department of administration that is primarily related to worker's
19 compensation matters, as determined by the secretary of administration, is
20 transferred to the department of workforce development.

21 (e) *Pending matters.* Any worker's compensation matter pending with the
22 division of hearings and appeals in the department of administration on the effective
23 date of this paragraph, as determined by the secretary of administration, is
24 transferred to the department of workforce development. All materials submitted
25 to or actions taken by the division of hearings and appeals in the department of

1 administration with respect to the pending matter are considered as having been
2 submitted to or taken by the department of workforce development.

3 (f) *Contracts*. All contracts entered into by the division of hearings and appeals
4 in the department of administration in effect on the effective date of this paragraph
5 that are primarily related to worker's compensation matters, as determined by the
6 secretary of administration, remain in effect and are transferred to the department
7 of workforce development. The department of workforce development shall carry out
8 any obligations under those contracts unless modified or rescinded by the
9 department of workforce development to the extent allowed under the contract.

10 (g) *Rules and orders*. All rules promulgated by the division of hearings and
11 appeals in the department of administration in effect on the effective date of this
12 paragraph that are primarily related to worker's compensation matters, as
13 determined by the secretary of administration, remain in effect until their specified
14 expiration dates or until amended or repealed by the department of workforce
15 development. All orders issued by the division of hearings and appeals in the
16 department of administration in effect on the effective date of this paragraph that
17 are primarily related to worker's compensation matters, as determined by the
18 secretary of administration, remain in effect until their specified expiration dates or
19 until modified or rescinded by the department of workforce development.

20 **SECTION 9450. Effective dates; Workforce Development.**

21 (1) TRANSFER OF WORKER'S COMPENSATION FUNCTIONS. The treatment of ss. **40.65**
22 (2) (a) and (b) 3. and 4., 102.01 (2) (a), (ad), (ar), and (dm), 102.04 (2r) (b), 102.07
23 (8) (c), 102.11 (1) (am) 1., 102.12, 102.13 (1) (c), (d) 2., and 3., and (f), (2) (a), (3), (4),
24 and (5), 102.14 (title), (1), and (2), 102.15 (1) and (2), 102.16 (1), (1m) (a), (b), and (c),
25 (2) (a) and (b), (2m) (a) and (b), and (4), 102.17 (1) (a) 1., 2., 3., and 4., (b), (c) 1., (d)

unbold
x

SECTION 9450

1 1., 2., 3., and 4., (e), (f) 1., (g), and (h), (2), (2m), (2s), (7) (b) and (c), and (8), 102.175
2 (2) and (3) (c), 102.18 (1) (b) 1., 2., and 3., (bg) 1., 2., and 3., (bp), (bw), (c), and (e), (2),
3 (3), (4) (c) 3. and (d), (5), and (6), 102.195, 102.22 (1) and (2), 102.23 (2), (3), and (5),
4 102.24 (2), 102.25 (1), 102.26 (2), (3) (b) 1. and 3., and (4), 102.27 (2) (b), 102.28 (3)
5 (c) and (4) (c), 102.29 (1) (b) (intro.), (c), and (d), 102.30 (7) (a), 102.32 (1m) (intro.),
6 (a), and (c), and (d), (5), (6m), and (7), 102.33 (1), (2) (a), (b) (intro.), 1., 2., and 4., (c),
7 and (d) 2., 102.35 (3), 102.42 (1m), (6), and (8), 102.425 (4m) (a) and (b), 102.43 (5)
8 (b), 102.44 (2) and (6) (b), 102.475 (6), 102.48 (1), (2), and (3), 102.49 (3) and (6), 102.51
9 (3), (4), and (6), 102.55 (3), 102.555 (12) (a), 102.56 (1) and (2), 102.565 (1), (2), and
10 (3), 102.61 (1g) (c), (1m) (c), and (2), 102.62, 102.64 (1) and (2), 102.65 (3), 102.66 (1),
11 102.75 (1), and 227.43 (1) (bm), (2) (am), (3) (bm), and (4) (bm) and SECTION 9150 (1)
12 of this act take effect on January 1, 2020.

13

(END)

Duchek, Michael

From: Hynek, Sara - DOA
Sent: Thursday, February 14, 2019 10:26 AM
To: Duchek, Michael
Cc: Kraus, Jennifer - DOA; Bork, Matthew - DOA
Subject: RE: LRB Draft Number 19-1323_P1

That's all I had!

From: Duchek, Mike - LEGIS <michael.duchek@legis.wisconsin.gov>
Sent: Wednesday, February 13, 2019 4:33 PM
To: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>
Cc: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>
Subject: RE: LRB Draft Number 19-1323_P1

Sara,

Can you confirm this is the only change you need on this one?

-Mike

From: Duchek, Michael
Sent: Wednesday, February 06, 2019 1:41 PM
To: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>
Cc: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>
Subject: RE: LRB Draft Number 19-1323_P1

I'm honestly not sure, but you're right that s. 108.09 (4s) is more clear and says what you say and probably is a good statute to reference off of. So in that case, the comma after "authority" should be stricken and "a" should be added after the second "or" (and then the first "or" would be un-stricken). So it would read "The department may not admit in evidence any state or federal law, regulation, or document granting operating authority or a license..."

If so I can make that change but obviously I'd rather make sure you didn't have any further changes before making that small change.

-Mike

From: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>
Sent: Wednesday, February 06, 2019 1:31 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Cc: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>
Subject: FW: LRB Draft Number 19-1323_P1

Hi Mike – in response to your note on page 3 after line 14, I'm wondering if in fact the original language was correct. If you look at 108.09(4s), it appears to me the chapter 102 language should be "or document granting authority or license" – "document granting" describes authority AND license, not that there is a separate concept of license at the end of the sentence. Thoughts?

From: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>
Sent: Friday, January 25, 2019 1:26 PM
To: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>
Cc: Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>
Subject: FW: LRB Draft Number 19-1323_P1

From: christopher.connor@wisconsin.gov <christopher.connor@wisconsin.gov>
Sent: Friday, January 25, 2019 1:01 PM
To: Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>
Cc: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Connor, Christopher B - DOA <Christopher.Connor@wisconsin.gov>; Connor, Christopher B - DOA <Christopher.Connor@wisconsin.gov>
Subject: LRB Draft Number 19-1323_P1

We have received an LRB draft for DOA Tracking Code BB0196

LRB Topic: Transfer of Worker's Compensation Functions from DHA to DWD

LRB Draft Number: 19-1323_P1

Drafter: MED

Drafting Attorney: Michael E. Duchek
Phone: (608) 266-0130
E-mail: Michael.Duchek@legis.wisconsin.gov

The document can be found in the Stat Language site on SharePoint:
https://doa.sbo.wisconsin.gov/statutes/Shared%20Documents/19-1323_P1.pdf

Please Note: All new drafts are marked "OUT" and Final = "No" by default. Please update these fields in this record and related drafts as soon as you know if they are "IN" or Final.

Thanks,

Chris