

1 of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c),
2 or (d), or services.

3 **SECTION 1037.** 77.51 (13b) of the statutes is repealed.

4 **SECTION 1038.** 77.51 (14) (n) 7. of the statutes is created to read:

5 77.51 (14) (n) 7. Whether the seller sells on the seller's own behalf or on behalf
6 of another person.

7 **SECTION 1039.** 77.51 (17) (g) of the statutes is created to read:

8 77.51 (17) (g) Whether the seller sells on the seller's own behalf or on behalf
9 of another person.

10 **SECTION 1040.** 77.52 (3m) of the statutes is created to read:

11 77.52 (3m) A marketplace provider is liable for the tax imposed under this
12 section on the sales price the marketplace provider charges to the purchaser of
13 tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d),
14 or services under sub. (2), including any charges for facilitating the sale of the
15 property, items, goods, or services.

16 **SECTION 1041.** 77.52 (14) (c) of the statutes is created to read:

17 77.52 (14) (c) A marketplace provider shall obtain and maintain each
18 exemption certificate from a purchaser claiming an exemption for a sale facilitated
19 by the marketplace provider on behalf of a marketplace seller.

20 **SECTION 1042.** 77.523 of the statutes is created to read:

21 **77.523 Liability of marketplace providers and sellers.** (1) A marketplace
22 provider shall collect and remit tax on a sale facilitated on behalf of a marketplace
23 seller.

24 (2) A marketplace provider who collects and remits tax on a sale under sub. (1)
25 shall notify the marketplace seller that the marketplace provider is collecting and

SECTION 1042

1 remitting the tax. Upon notification, only the marketplace provider may be audited
2 and held liable for tax on the sale. If notification is not provided, the marketplace
3 provider and marketplace seller may be audited and held liable for tax on the sale.

4 (3) Upon examination by the department and subject to the limitations in subs.
5 (4) to (6), a marketplace provider is relieved of liability under this subchapter for the
6 failure to collect and remit tax on a sale if the marketplace provider can show all of
7 the following to the department's satisfaction:

8 (a) The sale was made solely on behalf of a marketplace seller.

9 (b) The marketplace provider notified the marketplace seller under sub. (2).

10 (c) The retail sale was properly sourced to this state under s. 77.522.

11 (4) The relief from liability under sub. (3) may not exceed 5 percent of the tax
12 due for the sale.

13 (5) Subsection (3) does not apply if the failure to collect and remit tax was due
14 to an error in sourcing the sale under s. 77.522.

15 (6) Subsection (3) does not apply to a sale occurring after December 31, 2020.

16 (7) Nothing in this section affects the obligations of a purchaser to remit use
17 tax on a transaction for which the marketplace provider and marketplace seller did
18 not collect and remit the tax.

19 **SECTION 1043.** 77.54 (14) (intro.) of the statutes is amended to read:

20 77.54 (14) (intro.) The sales price from the sales of and the storage, use, or other
21 consumption in this state of drugs that are any of the following, not including
22 cannabis and tetrahydrocannabinols procured from dispensary, as defined in s. 94.57

23 (1) (a):

24 **SECTION 1044.** 77.54 (47) of the statutes is repealed.

25 **SECTION 1045.** 77.54 (62) of the statutes is repealed.

1 **SECTION 1046.** 77.585 (1g) of the statutes is created to read:

2 77.585 (1g) A marketplace provider who collects and remits tax on behalf of a
3 marketplace seller under s. 77.523 may claim a bad debt deduction under this
4 subsection if either the marketplace provider or marketplace seller may claim a
5 deduction under section 166 of the Internal Revenue Code for the sales transaction.
6 A marketplace seller may not claim a deduction under this subsection for the same
7 transaction.

8 **SECTION 1047.** 77.585 (11) of the statutes is created to read:

9 77.585 (11) A marketplace seller may claim as a deduction on a return under
10 s. 77.58 the amount of the sales price for which the marketplace seller received
11 notification under s. 77.523 (2).

12 **SECTION 1048.** 77.59 (5) of the statutes is amended to read:

13 77.59 (5) The department may offset the amount of any refund for a period,
14 together with interest on the refund, against deficiencies for another period, and
15 against penalties and interest on the deficiencies, or against any amount of whatever
16 kind, due and owing on the books of the department from the person who is entitled
17 to the refund. If the refund is to be paid to a buyer, the department may also set off
18 amounts in the manner in which it sets off income tax and franchise tax refunds
19 under s. 71.93 and may set off amounts for child support or maintenance or both in
20 the manner in which it sets off income taxes under ss. 49.855 and 71.93 (3), ~~(6)~~ and
21 ~~(7)~~. No person has any right to, or interest in, any refund under this chapter until
22 setoff under ss. 49.855, 71.93, and 71.935 has been completed.

23 **SECTION 1049.** 77.982 (2) of the statutes is amended to read:

24 77.982 (2) Sections 77.51 (1f), (3pf), (9p), (12m), ~~(13)~~, (14), (14g), (15a), and
25 (15b), ~~and (17)~~, 77.52 (1b), (3), (5), (13), (14), and (18) to (23), 77.522, ~~77.523~~, 77.54

1 (51) and (52), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5),
2 (6), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch.
3 III, apply to the tax under this subchapter. Section 77.73, as it applies to the taxes
4 under subch. V, applies to the tax under this subchapter.

5 **SECTION 1050.** 77.991 (2) of the statutes is amended to read:

6 77.991 (2) Sections 77.51 (12m), (13), (14), (14g), (15a), ~~and (15b), and (17)~~,
7 77.52 (1b), (3), (5), (13), (14), (18), and (19), 77.522, 77.523, 77.58 (1) to (5), (6m), and
8 (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (6), (8), (9), (12) to (15), and (19m), and
9 77.62, as they apply to the taxes under subch. III, apply to the tax under this
10 subchapter. Section 77.73, as it applies to the taxes under subch. V, applies to the
11 tax under this subchapter. The renter shall collect the tax under this subchapter
12 from the person to whom the passenger car is rented.

13 **SECTION 1051.** 77.9951 (2) of the statutes is amended to read:

14 77.9951 (2) Sections 77.51 (3r), (12m), (13), (14), (14g), (15a), ~~and (15b), and~~
15 (17), 77.52 (1b), (3), (5), (13), (14), (18), and (19), 77.522, 77.523, 77.58 (1) to (5), (6m),
16 and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (6), (8), (9), (12) to (15), and (19m),
17 and 77.62, as they apply to the taxes under subch. III, apply to the fee under this
18 subchapter. The renter shall collect the fee under this subchapter from the person
19 to whom the vehicle is rented.

20 **SECTION 1052.** 78.01 (1) of the statutes is amended to read:

21 78.01 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
22 determined under ss. 78.015 and ~~78.017~~ 78.018 is imposed on all motor vehicle fuel
23 received by a supplier for sale in this state, for sale for export to this state or for export
24 to this state except as otherwise provided in this chapter. The motor vehicle fuel tax
25 is to be computed and paid as provided in this chapter. Except as otherwise provided

1 in this chapter, a person who receives motor vehicle fuel under s. 78.07 shall collect
2 from the purchaser of the motor vehicle fuel that is received, and the purchaser shall
3 pay to the person who receives the motor vehicle fuel under s. 78.07, the tax imposed
4 by this section on each sale of motor vehicle fuel at the time of the sale, irrespective
5 of whether the sale is for cash or on credit. In each subsequent sale or distribution
6 of motor vehicle fuel on which the tax has been collected as provided in this
7 subsection, the tax collected shall be added to the selling price so that the tax is paid
8 ultimately by the user of the motor vehicle fuel.

9 **SECTION 1053.** 78.015 (1) of the statutes is amended to read:

10 78.015 (1) Before April 1 the department shall recompute and publish the rate
11 for the tax imposed under s. 78.01 (1). The new rate per gallon shall be calculated
12 by multiplying the rate in effect at the time of the calculation by the amount obtained
13 under sub. (2). ~~After the calculation of the rate that takes effect on April 1, 2006, the~~
14 ~~department shall make no further calculation under this subsection and sub. (2).~~
15 This subsection first applies to the rate that takes effect on April 1, 2020.

16 **SECTION 1054.** 78.017 of the statutes is repealed.

17 **SECTION 1055.** 78.018 of the statutes is created to read:

18 **78.018 Rate adjustment.** On October 1, 2019, the rate of the tax imposed
19 under s. 78.01 (1) is increased by 8 cents.

20 **SECTION 1056.** 78.12 (4) (a) 4. of the statutes is amended to read:

21 78.12 (4) (a) 4. Multiply the number of gallons under subd. 3. by the rate
22 published under s. 78.015 as increased under s. ~~78.017~~ 78.018.

23 **SECTION 1057.** 78.12 (4) (b) 2. of the statutes is amended to read:

24 78.12 (4) (b) 2. Multiply the number of gallons under subd. 1. by the rate
25 published under s. 78.015 as increased under s. ~~78.017~~ 78.018.

1 **SECTION 1058.** 79.01 (2d) of the statutes is renumbered 79.01 (2d) (intro.) and
2 amended to read:

3 79.01 **(2d)** (intro.) There is established an account in the general fund entitled
4 the "County and Municipal Aid Account." The total amount to be distributed in 2011
5 to counties and municipalities from the county and municipal aid account is as
6 follows:

7 ~~(a) In 2011, \$824,825,715 and the total amount to be distributed to counties and~~
8 ~~municipalities in.~~

9 ~~(b) Beginning in 2012, and in each year thereafter, from the county and~~
10 ~~municipal aid account is and ending in 2019, \$748,075,715.~~

11 **SECTION 1059.** 79.01 (2d) (c) of the statutes is created to read:

12 79.01 **(2d)** (c) In 2020, and in each year thereafter, \$763,137,229.

13 **SECTION 1060.** 79.035 (5) of the statutes is renumbered 79.035 (5) (a) and
14 amended to read:

15 79.035 **(5)** (a) Except as provided in sub. (6), for the ~~distribution~~ distributions
16 beginning in 2013 and subsequent years ending in 2019, each county and
17 municipality shall receive a payment under this section that is equal to the amount
18 of the payment determined for the county or municipality under this section for 2012.

19 **SECTION 1061.** 79.035 (5) (b) of the statutes is created to read:

20 79.035 (5) (b) Except as provided in sub. (6), for the distribution in 2020 and
21 subsequent years, each county and municipality shall receive a payment under this
22 section that is equal to the amount of the payment determined for the county or
23 municipality under this section for 2012, increased by 2 percent.

24 **SECTION 1062.** 79.035 (7) (a) 1. of the statutes is amended to read:

1 79.035 (7) (a) 1. For an urban mass transit system that is eligible to receive
2 state aid under s. 85.20 (4m) (a) 6. cm. or d. and serving a population exceeding
3 200,000, 75 20 percent of the total amount of grants received under s. 16.047 (4m).

4 **SECTION 1063.** 79.05 (2) (c) of the statutes is amended to read:

5 79.05 (2) (c) Its municipal budget; exclusive of principal and interest on
6 long-term debt and exclusive of revenue sharing payments under s. 66.0305, levy
7 limit adjustments under s. 66.0602 (3) (e) 10., recycling fee payments under s.
8 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed
9 expenses related to an emergency declared under s. 323.10, expenditures from
10 moneys received pursuant to P.L. 111-5, and expenditures made pursuant to a
11 purchasing agreement with a school district whereby the municipality makes
12 purchases on behalf of the school district; for the year of the statement under s.
13 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of
14 principal and interest on long-term debt and exclusive of revenue sharing payments
15 under s. 66.0305, levy limit adjustments under s. 66.0602 (3) (e) 10., recycling fee
16 payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m),
17 unreimbursed expenses related to an emergency declared under s. 323.10,
18 expenditures from moneys received pursuant to P.L. 111-5, and expenditures made
19 pursuant to a purchasing agreement with a school district whereby the municipality
20 makes purchases on behalf of the school district; for the year before that year by less
21 than the sum of the inflation factor and the valuation factor, rounded to the nearest
22 0.10 percent.

23 **SECTION 1064.** 79.10 (4) of the statutes is amended to read:

24 79.10 (4) SCHOOL LEVY TAX CREDIT. Except as provided in sub. (5m), the amount
25 appropriated under s. 20.835 (3) (b) shall be distributed to municipalities in

1 proportion to their share of the sum of average school tax levies for all municipalities.

2 No municipality shall receive a payment under this subsection after 2020.

3 **SECTION 1065.** 79.10 (5m) of the statutes is amended to read:

4 **79.10 (5m) FIRST DOLLAR CREDIT.** Each municipality shall receive, from the
5 appropriation under s. 20.835 (3) (b), an amount determined by multiplying the
6 school tax rate by the estimated fair market value, not exceeding the value
7 determined under sub. (11) (d), of every parcel of real property with improvements
8 that is located in the municipality. No municipality shall receive a payment under
9 this subsection after 2020.

10 **SECTION 1066.** 79.14 of the statutes is amended to read:

11 **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b), for
12 the payments under s. 79.10 (4), is \$319,305,000 in 1994, 1995, and 1996;
13 \$469,305,000 beginning in 1997 and ending in 2006; \$593,050,000 in 2007;
14 \$672,400,000 in 2008; \$747,400,000 in 2009; \$732,550,000 in 2010, 2011, and 2012;
15 \$747,400,000 in 2013, 2014, and 2015; \$853,000,000 in 2016 and 2017; and
16 \$940,000,000 in 2018, 2019, and ~~in each year thereafter~~ 2020.

17 **SECTION 1067.** 79.15 of the statutes is amended to read:

18 **79.15 Improvements credit.** The total amount paid each year to
19 municipalities from the appropriation account under s. 20.835 (3) (b) for the
20 payments under s. 79.10 (5m) is \$75,000,000 in 2009, \$145,000,000 in 2010, and
21 \$150,000,000 in each year beginning in 2011 and in each year thereafter ending in
22 2020.

23 **SECTION 1068.** 84.013 (3) (af) of the statutes is created to read:

1 84.013 (3) (af) I 43 extending approximately 14.3 miles between Silver Spring
2 Drive in the city of Glendale and STH 60 in the village of Grafton, in Milwaukee and
3 Ozaukee counties.

4 **SECTION 1069.** 84.016 (2) of the statutes is amended to read:

5 84.016 (2) Notwithstanding ss. 84.013, 84.51, 84.52, 84.53, 84.555, and 84.95,
6 but subject to s. 86.255, this state's share of costs for any major interstate bridge
7 project, ~~including preliminary design work for the project,~~ may be funded only from
8 the appropriations under ss. 20.395 (3) (dq), (dv), and (dx) and 20.866 (2) (ugm).

9 **SECTION 1070.** 84.41 (3) of the statutes is created to read:

10 84.41 (3) EMPLOYMENT REGULATIONS. Employment regulations set forth in s.
11 103.50 pertaining to wages and hours shall apply to all projects constructed under
12 s. 84.40 in the same manner as such laws apply to projects on other state highways.
13 Where applicable, the federal wages and hours law known as the Davis-Bacon act
14 shall apply.

15 **SECTION 1071.** 84.54 of the statutes, as created by 2017 Wisconsin Act 368, is
16 repealed.

17 **SECTION 1072.** 84.59 (6) of the statutes is amended to read:

18 84.59 (6) The building commission may contract revenue obligations when it
19 reasonably appears to the building commission that all obligations incurred under
20 this section can be fully paid from moneys received or anticipated and pledged to be
21 received on a timely basis. Except as provided in this subsection, the principal
22 amount of revenue obligations issued under this section may not exceed
23 ~~\$4,055,372,900~~ \$4,197,627,500, excluding any obligations that have been defeased
24 under a cash optimization program administered by the building commission, to be
25 used for transportation facilities under s. 84.01 (28) and major highway projects for

1 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
2 amount, the building commission may contract revenue obligations under this
3 section as the building commission determines is desirable to refund outstanding
4 revenue obligations contracted under this section, to make payments under
5 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect
6 to revenue obligations issued under this section, and to pay expenses associated with
7 revenue obligations contracted under this section.

8 **SECTION 1073.** 85.09 (2) (a) of the statutes is amended to read:

9 85.09 (2) (a) The department of transportation shall have the first right to
10 acquire, for present or future transportational or recreational purposes, any
11 property used in operating a railroad or railway, including land and rails, ties,
12 switches, trestles, bridges, and the like located on that property, that has been
13 abandoned. The department of transportation may, in connection with abandoned
14 rail property, assign this right to a state agency, the board of regents of the University
15 of Wisconsin System, any county or municipality, or any transit commission.
16 Acquisition by the department of transportation may be by gift, purchase, or
17 condemnation in accordance with the procedure under s. 32.05, ~~except that the power~~
18 ~~of condemnation may not be used to acquire property for the purpose of establishing~~
19 ~~or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle~~
20 ~~lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~
21 In addition to its property management authority under s. 85.15, the department of
22 transportation may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),
23 lease and collect rents and fees for any use of rail property pending discharge of the
24 department's duty to convey property that is not necessary for a public purpose. No
25 person owning abandoned rail property, including any person to whom ownership

1 reverts upon abandonment, may convey or dispose of any abandoned rail property
2 without first obtaining a written release from the department of transportation
3 indicating that the first right of acquisition under this subsection will not be
4 exercised or assigned. No railroad or railway may convey any rail property prior to
5 abandonment if the rail property is part of a rail line shown on the railroad's system
6 map as in the process of abandonment, expected to be abandoned, or under study for
7 possible abandonment unless the conveyance or disposal is for the purpose of
8 providing continued rail service under another company or agency. Any conveyance
9 made without obtaining such release is void. The first right of acquisition of the
10 department of transportation under this subsection does not apply to any rail
11 property declared by the department to be abandoned before January 1, 1977. The
12 department of transportation may acquire any abandoned rail property under this
13 section regardless of the date of its abandonment.

14 **SECTION 1074.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

15 85.20 (4m) (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the
16 department shall pay ~~\$61,724,900 for aid payable for calendar years 2012 to 2014~~
17 ~~and \$64,193,900 for aid payable for calendar year years 2015 to 2019 and~~
18 \$70,613,300 for calendar year 2020 and thereafter, to the eligible applicant that pays
19 the local contribution required under par. (b) 1. for an urban mass transit system that
20 has annual operating expenses of \$80,000,000 or more. If the eligible applicant that
21 receives aid under this subd. 6. cm. is served by more than one urban mass transit
22 system, the eligible applicant may allocate the aid between the urban mass transit
23 systems in any manner the eligible applicant considers desirable.

24 **SECTION 1075.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

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SECTION 1075

1 85.20 (4m) (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the
2 department shall pay ~~\$16,219,200 for aid payable for calendar years 2012 to 2014~~
3 ~~and \$16,868,000 for aid payable for calendar year years 2015 to 2019 and~~
4 ~~\$18,554,800 for calendar year 2020~~ and thereafter, to the eligible applicant that pays
5 the local contribution required under par. (b) 1. for an urban mass transit system that
6 has annual operating expenses in excess of \$20,000,000 but less than \$80,000,000.
7 ~~If the eligible applicant that receives aid under this subd. 6. d. is served by more than~~
8 ~~one urban mass transit system, the eligible applicant may allocate the aid between~~
9 ~~the urban mass transit systems in any manner the eligible applicant considers~~
10 ~~desirable.~~

11 **SECTION 1076.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

12 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
13 amounts for aids are ~~\$23,267,200 in calendar years 2012 and 2013, \$23,544,900 in~~
14 ~~calendar year 2014, and \$24,486,700 in calendar year years 2015 to 2019 and~~
15 ~~\$26,935,400 in calendar year 2020~~ and thereafter. These amounts, to the extent
16 practicable, shall be used to determine the uniform percentage in the particular
17 calendar year.

18 **SECTION 1077.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

19 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
20 amounts for aids are ~~\$5,267,000 in calendar years 2012 and 2013, \$4,989,300 in~~
21 ~~calendar year 2014, and \$5,188,900 in calendar year years 2015 to 2019 and~~
22 ~~\$5,707,800 in calendar year 2020~~ and thereafter. These amounts, to the extent
23 practicable, shall be used to determine the uniform percentage in the particular
24 calendar year.

25 **SECTION 1078.** 85.203 of the statutes is created to read:

1 **85.203 Transit capital assistance grants. (1)** In this section:

2 (a) "Eligible applicant" has the meaning given in s. 85.20 (1) (b).

3 (b) "Public transit vehicle" means any vehicle used for providing transportation
4 service to the general public that is eligible for replacement under settlement
5 guidelines, as defined in s. 16.047 (1) (b).

6 (2) The department shall administer a transit capital assistance grant
7 program. From the appropriation under s. 20.395 (1) (bt), the department shall
8 award grants to eligible applicants for the replacement of public transit vehicles.
9 The department shall establish criteria for awarding grants under this section.

10 **SECTION 1079.** 85.61 (1) of the statutes is amended to read:

11 85.61 (1) The secretary of transportation and the administrator of the elections
12 commission shall enter into an agreement to match personally identifiable
13 information on the official registration list maintained by the commission under s.
14 6.36 (1) and the information specified in s. ss. 6.256 (2) and 6.34 (2m) with personally
15 identifiable information in the operating record file database under ch. 343 and
16 vehicle registration records under ch. 341 to the extent required to enable the
17 secretary of transportation and the administrator of the elections commission to
18 verify the accuracy of the information provided for the purpose of voter registration.
19 Notwithstanding ss. 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), but subject to s.
20 343.14 (2p) (b), the agreement shall provide for the transfer of electronic information
21 under s. 6.256 (2) to the commission on a continuous basis, no less often than
22 monthly.

23 **SECTION 1080.** 86.30 (2) (a) 3. of the statutes is amended to read:

24 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
25 municipality as determined under s. 86.302, the mileage aid payment shall be \$2,202

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1 \$2,389 in calendar year ~~2017~~ 2019 and ~~\$2,389~~ \$2,628 in calendar year ~~2018~~ 2020 and
2 thereafter.

3 **SECTION 1081.** 86.30 (9) (b) of the statutes is amended to read:

4 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
5 the amounts for aids to counties are ~~\$98,400,200~~ \$111,093,800 in calendar year ~~2017~~
6 2019 and ~~\$111,093,800~~ \$122,203,200 in calendar year ~~2018~~ 2020 and thereafter.
7 These amounts, to the extent practicable, shall be used to determine the statewide
8 county average cost-sharing percentage in the particular calendar year.

9 **SECTION 1082.** 86.30 (9) (c) of the statutes is amended to read:

10 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
11 the amounts for aids to municipalities are ~~\$321,260,500~~ \$348,639,300 in calendar
12 year ~~2017~~ 2019 and ~~\$348,639,300~~ \$383,503,200 in calendar year ~~2018~~ 2020 and
13 thereafter. These amounts, to the extent practicable, shall be used to determine the
14 statewide municipal average cost-sharing percentage in the particular calendar
15 year.

16 **SECTION 1083.** 86.31 (3g) of the statutes is amended to read:

17 86.31 (3g) COUNTY TRUNK HIGHWAY IMPROVEMENTS — DISCRETIONARY GRANTS.
18 From the appropriation under s. 20.395 (2) (ft), the department shall allocate
19 ~~\$5,127,000 in fiscal years 2014-15 to 2016-17~~ and ~~\$5,393,400 in fiscal year~~ years
20 2017-2018 and 2018-19, \$5,569,400 in fiscal year 2019-20, and \$5,688,400 in fiscal
21 year 2020-21 and each fiscal year thereafter, to fund county trunk highway
22 improvements with eligible costs totaling more than \$250,000. The funding of
23 improvements under this subsection is in addition to the allocation of funds for
24 entitlements under sub. (3).

25 **SECTION 1084.** 86.31 (3m) of the statutes is amended to read:

1 86.31 (3m) TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the
2 appropriation under s. 20.395 (2) (ft), the department shall allocate ~~\$5,732,500 in~~
3 ~~fiscal years 2011-12 to 2016-17~~ and \$5,923,600 in fiscal year years 2017-18 and
4 2018-19, \$6,033,600 in fiscal year 2019-20, and \$6,162,400 in fiscal year 2020-21
5 and each fiscal year thereafter, to fund town road improvements with eligible costs
6 totaling \$100,000 or more. The funding of improvements under this subsection is in
7 addition to the allocation of funds for entitlements under sub. (3).

8 **SECTION 1085.** 86.31 (3r) of the statutes is amended to read:

9 86.31 (3r) MUNICIPAL STREET IMPROVEMENTS — DISCRETIONARY GRANTS. From the
10 appropriation under s. 20.395 (2) (ft), the department shall allocate ~~\$976,500 in fiscal~~
11 ~~years 2009-10 to 2016-17~~ and \$3,850,400 in fiscal year years 2017-18 and 2018-19,
12 \$3,867,700 in fiscal year 2019-20, and \$3,950,300 in fiscal year 2020-21 and each
13 fiscal year thereafter, to fund municipal street improvement projects having total
14 estimated costs of \$250,000 or more. The funding of improvements under this
15 subsection is in addition to the allocation of funds for entitlements under sub. (3).

16 **SECTION 1086.** 86.51 of the statutes, as created by 2017 Wisconsin Act 368, is
17 repealed.

18 **SECTION 1087.** 93.06 (16) of the statutes is created to read:

19 93.06 (16) FARMER MENTAL HEALTH ASSISTANCE. Provide mental health
20 assistance to farmers and farm families.

21 **SECTION 1088.** 93.40 (1) (g) of the statutes is amended to read:

22 93.40 (1) (g) Promote the growth of the dairy industry through research,
23 planning, and assistance, including grants and loans to dairy producers, grants to
24 local organizations that coordinate grazing, and grants to persons operating

1 processing plants. In awarding grants to persons operating processing plants, the
2 department shall give preference to persons operating small processing plants.

****NOTE: This is reconciled s. 93.40 (1) (g). This SECTION has been affected by drafts
with the following LRB numbers: -1993/P1 and -2015/P1.

3 **SECTION 1089.** 93.49 (3) (a) of the statutes is renumbered 93.49 (3) (a) (intro.)
4 and amended to read:

5 93.49 (3) (a) (intro.) From the appropriation under s. 20.115 (4) (as), the
6 department shall provide grants to school districts, in coordination with the
7 department of public instruction, and to nonprofit organizations, farmers, and any
8 other entities for the creation and expansion of farm to school programs. The
9 department shall give preference to the following types of proposals:

10 2. Proposals that are innovative or that provide models that other school
11 districts can adopt.

12 **SECTION 1090.** 93.49 (3) (a) 1. of the statutes is created to read:

13 93.49 (3) (a) 1. Proposals from school districts in which a high percentage of
14 pupils satisfy the income eligibility criteria under 42 USC 1758 (b) (1) for a free or
15 reduced-price lunch.

16 **SECTION 1091.** 94.57 of the statutes is created to read:

17 **94.57 Medical cannabis. (1) DEFINITIONS.** In this section:

18 (a) "Dispensary" means an entity licensed under this section that cultivates,
19 acquires, manufactures, possesses, delivers, transfers, transports, sells, or dispenses
20 cannabis, tetrahydrocannabinols, paraphernalia, or related supplies and
21 educational materials to treatment teams and other dispensaries.

22 (b) "Maximum authorized amount" has the meaning given in s. 961.01 (14c).

1 (c) "Medication with tetrahydrocannabinols" has the meaning given in s.
2 146.44 (1) (c).

3 (d) "Qualifying patient" has the meaning given in s. 146.44 (1) (e).

4 (e) "Registry identification card" has the meaning given in s. 146.44 (1) (g).

5 (f) "Treatment team" has the meaning given in s. 961.01 (20t).

6 (g) "Usable cannabis" has the meaning given in s. 961.01 (21f).

7 (h) "Written certification" has the meaning given in s. 146.44 (1) (h).

8 **(2) DEPARTMENTAL POWERS AND DUTIES.** (a) The department shall provide
9 licensing, regulation, record keeping, and security for dispensaries.

10 (b) The department shall determine policies allowing entities to grow cannabis
11 and distribute cannabis and tetrahydrocannabinols to dispensaries, shall develop
12 security guidelines for the entities, and shall regulate such entities.

13 **(3) LICENSING.** The department shall issue licenses to operate as a dispensary
14 and shall decide which and how many applicants receive a license on the basis of all
15 of the following:

16 (a) Convenience to treatment teams and the preferences of treatment teams.

17 (b) The ability of an applicant to provide to treatment teams a sufficient amount
18 of tetrahydrocannabinols.

19 (c) The experience the applicant has running a nonprofit organization or a
20 business.

21 (d) The preferences of the governing bodies with jurisdiction over the area in
22 which the applicants are located.

23 (e) The ability of the applicant to keep records confidential and maintain a safe
24 and secure facility.

25 (f) The ability of the applicant to abide by the prohibitions under sub. (4).

.....
SECTION 1091

1 **(4) PROHIBITIONS.** The department may issue a license under this section to an
2 applicant only if the applicant has been a resident of this state for at least the 2 years
3 immediately preceding the application. The department may not issue a license to,
4 and must revoke a license of, any entity to which any of the following applies:

5 (a) The entity is located within 500 feet of a public or private elementary or
6 secondary school, including a charter school.

7 (b) The dispensary distributes to a treatment team a number of cannabis plants
8 or an amount of usable cannabis that, in the period of distribution, results in the
9 treatment team possessing more than the maximum authorized amount.

10 (c) The dispensary possesses a number of cannabis plants or an amount of
11 usable cannabis that exceeds the combined maximum authorized amount for all of
12 the treatment teams that use the dispensary by a number or an amount determined
13 by the department by rule to be unacceptable.

14 **(5) LICENSING PROCEDURE; FEES; LICENSE TERM.** (a) An application for a license
15 under this section shall be in writing on a form provided by the department and
16 include the licensing application fee under par. (b) 1.

17 (b) 1. A licensing application fee shall be an amount determined by the
18 department but not less than \$250.

19 2. The annual fee for a dispensary shall be an amount determined by the
20 department but not less than \$5,000.

21 (c) A dispensary license is valid unless revoked. Each license shall be issued
22 only for the applicant named in the application and may not be transferred or
23 assigned.

24 (d) The department shall approve or deny an application for a dispensary
25 license within 60 days after receiving it.

1 **(6) DISTRIBUTION OF MEDICAL TETRAHYDROCANNABINOLS.** (a) A dispensary may
2 deliver or distribute tetrahydrocannabinols and drug paraphernalia to a member of
3 a treatment team only if done in a face-to-face transaction, if the dispensary receives
4 a copy of the qualifying patient's written certification or registry identification card,
5 and if the tetrahydrocannabinols are contained in or derived from cannabis grown
6 in this state under par. (f).

7 (b) A dispensary may possess or manufacture tetrahydrocannabinols and drug
8 paraphernalia with the intent to deliver or distribute under par. (a).

9 (c) An entity operating under policies determined under sub. (2) and rules
10 promulgated under sub. (9) may possess tetrahydrocannabinols, possess or
11 manufacture tetrahydrocannabinols with the intent to deliver or distribute to a
12 dispensary, or deliver or distribute tetrahydrocannabinols to a dispensary.

13 (d) A dispensary may have 2 locations, one for cultivation or production and one
14 for distribution.

15 (e) A dispensary shall have all tetrahydrocannabinols and cannabis tested for
16 mold, fungus, pesticides, and other contaminants and may not distribute
17 tetrahydrocannabinols or cannabis that test positive for mold, fungus, pesticides, or
18 other contaminants if the contaminants, or level of contaminants, are identified by
19 the testing laboratories under sub. (7) to be potentially unsafe to a qualifying
20 patient's health.

21 (f) A dispensary or an entity operating under policies determined under sub.
22 (2) and rules promulgated under sub. (9) may cultivate cannabis, including
23 cultivating cannabis outdoors.

24 **(7) TESTING LABORATORIES.** The department shall register entities as
25 tetrahydrocannabinols-testing laboratories. The laboratories may possess or

1 manufacture tetrahydrocannabinols and drug paraphernalia and shall perform the
2 following services:

3 (a) Test cannabis and tetrahydrocannabinols produced for dispensaries for
4 potency and for mold, fungus, pesticides, and other contaminants.

5 (b) Research findings related to medication with tetrahydrocannabinols,
6 including findings that identify potentially unsafe levels of contaminants.

7 (c) Provide training to persons who hold registry identification cards,
8 treatment teams, persons employed by dispensaries, and entities that grow cannabis
9 and distribute to dispensaries cannabis and tetrahydrocannabinols, as provided by
10 policies determined under sub. (2) and rules promulgated under sub. (9), on the
11 following:

12 1. The safe and efficient cultivation, harvesting, packaging, labeling, and
13 distribution of cannabis and tetrahydrocannabinols.

14 2. Security and inventory accountability procedures.

15 3. The most recent research on medication with tetrahydrocannabinols.

16 (8) CONFIDENTIALITY. The department may disclose to a law enforcement
17 agency only information necessary to verify that a dispensary has a license issued
18 under this section, an entity is complying with policies determined under sub. (2) and
19 rules promulgated under sub. (9), or an entity is registered under sub. (7).

20 (9) RULES. The department may promulgate rules to administer and enforce
21 this section. The department may use the procedure under s. 227.24 to promulgate
22 rules under this section. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules
23 promulgated under this subsection remain in effect until January 1, 2023, or the date
24 on which permanent rules take effect, whichever is sooner. Notwithstanding s.
25 227.24 (1) (a) and (3), the department is not required to provide evidence that

1 promulgating a rule under this subsection as an emergency rule is necessary for the
2 preservation of the public peace, health, safety, or welfare and is not required to
3 provide a finding of emergency for a rule promulgated under this subsection.

4 **SECTION 1092.** 100.30 (2) (am) 1m. a., b., c., d. and e. and (c) 1g. and 1r. of the
5 statutes are amended to read:

6 100.30 (2) (am) 1m. a. In the case of the retail sale of motor vehicle fuel by a
7 refiner at a retail station owned or operated either directly or indirectly by the
8 refiner, the refiner's lowest selling price to other retailers or to wholesalers of motor
9 vehicle fuel on the date of the refiner's retail sale, less all trade discounts except
10 customary discounts for cash, plus any excise, sales or use taxes imposed on the
11 motor vehicle fuel or on its sale and any cost incurred for transportation and any
12 other charges not otherwise included in the invoice cost of the motor vehicle fuel, plus
13 a markup of 9.18 percent of that amount to cover a proportionate part of the cost of
14 doing business; or the average posted terminal price at the terminal located closest
15 to the retail station plus a markup of 9.18 percent of the average posted terminal
16 price to cover a proportionate part of the cost of doing business; whichever is greater.

17 b. In the case of the retail sale of motor vehicle fuel by a wholesaler of motor
18 vehicle fuel, who is not a refiner, at a retail station owned or operated either directly
19 or indirectly by the wholesaler of motor vehicle fuel, the invoice cost of the motor
20 vehicle fuel to the wholesaler of motor vehicle fuel within 10 days prior to the date
21 of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less all
22 trade discounts except customary discounts for cash, plus any excise, sales or use
23 taxes imposed on the motor vehicle fuel or on its sale, and any cost incurred for
24 transportation and any other charges not otherwise included in the invoice cost or
25 replacement cost of the motor vehicle fuel, plus a markup of 9.18 percent of that

1 ~~amount to cover a proportionate part of the cost of doing business; or the average~~
2 ~~posted terminal price at the terminal located closest to the retail station plus a~~
3 ~~markup of 9.18 percent of the average posted terminal price to cover a proportionate~~
4 ~~part of the cost of doing business; whichever is greater.~~

5 c. In the case of the retail sale of motor vehicle fuel by a person other than a
6 refiner or a wholesaler of motor vehicle fuel at a retail station, the invoice cost of the
7 motor vehicle fuel to the retailer within 10 days prior to the date of sale, or the
8 replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts
9 except customary discounts for cash, plus any excise, sales or use taxes imposed on
10 the motor vehicle fuel or on its sale and any cost incurred for transportation and any
11 other charges not otherwise included in the invoice cost or the replacement cost of
12 the motor vehicle fuel, ~~plus a markup of 6 percent of that amount to cover a~~
13 ~~proportionate part of the cost of doing business; or the average posted terminal price~~
14 ~~at the terminal located closest to the retailer plus a markup of 9.18 percent of the~~
15 ~~average posted terminal price to cover a proportionate part of the cost of doing~~
16 ~~business; whichever is greater.~~

17 d. In the case of a retail sale of motor vehicle fuel by a refiner at a place other
18 than a retail station, the refiner's lowest selling price to other retailers or to
19 wholesalers of motor vehicle fuel on the date of the refiner's retail sale, less all trade
20 discounts except customary discounts for cash, plus any excise, sales or use taxes
21 imposed on the motor vehicle fuel or on its sale and any cost incurred for
22 transportation and any other charges not otherwise included in the invoice cost of
23 the motor vehicle fuel ~~to which shall be added a markup to cover a proportionate part~~
24 ~~of the cost of doing business, which markup, in the absence of proof of a lesser cost,~~
25 ~~shall be 3 percent of the cost to the retailer as set forth in this subd. 1m. d.~~

1 e. In the case of a retail sale of motor vehicle fuel by a person other than a refiner
2 at a place other than a retail station, the invoice cost of the motor vehicle fuel to the
3 retailer within 10 days prior to the date of the sale, or the replacement cost of the
4 motor vehicle fuel, whichever is lower, less all trade discounts except customary
5 discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle
6 fuel or on its sale and any cost incurred for transportation and any other charges not
7 otherwise included in the invoice cost or the replacement cost of the motor vehicle
8 fuel to which shall be added a markup to cover a proportionate part of the cost of doing
9 business, which markup, in the absence of proof of a lesser cost, shall be 3 percent
10 of the cost to the retailer as set forth in this subd. 1m. e.

11 (c) 1g. With respect to the wholesale sale of motor vehicle fuel by a refiner, "cost
12 to wholesaler" means the refiner's lowest selling price to other retailers or to
13 wholesalers of motor vehicle fuel on the date of the refiner's wholesale sale, less all
14 trade discounts except customary discounts for cash, plus any excise, sales or use
15 taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for
16 transportation and any other charges not otherwise included in the invoice cost of
17 the motor vehicle fuel, to which shall be added a markup to cover a proportionate part
18 of the cost of doing business, which markup, in the absence of proof of a lesser cost,
19 shall be 3 percent of the cost to the wholesaler as set forth in this subdivision.

20 1r. With respect to the wholesale sale of motor vehicle fuel by a person other
21 than a refiner, "cost to wholesaler" means the invoice cost of the motor vehicle fuel
22 to the wholesaler of motor vehicle fuel within 10 days prior to the date of the sale or
23 the replacement cost of the motor vehicle fuel, whichever is lower, less all trade
24 discounts except customary discounts for cash, plus any excise, sales or use taxes
25 imposed on the motor vehicle fuel or on its sale and any cost incurred for

1 transportation and any other charges not otherwise included in the invoice cost or
2 the replacement cost of the motor vehicle fuel ~~to which shall be added a markup to~~
3 ~~cover a proportionate part of the cost of doing business, which markup, in the absence~~
4 ~~of proof of a lesser cost, shall be 3 percent of the cost to the wholesaler as set forth~~
5 ~~in this subdivision.~~

6 **SECTION 1093.** 102.01 (2) (ad) of the statutes is repealed.

7 **SECTION 1094.** 102.01 (2) (ar) of the statutes is repealed.

8 **SECTION 1095.** 102.01 (2) (dm) of the statutes is amended to read:

9 102.01 (2) (dm) "Order" means any decision, rule, regulation, direction,
10 requirement, or standard of the department ~~or the division~~, or any other
11 determination arrived at or decision made by the department ~~or the division~~.

12 **SECTION 1096.** 102.04 (2r) (b) of the statutes is amended to read:

13 102.04 (2r) (b) The franchisor has been found by the department ~~or the division~~
14 to have exercised a type or degree of control over the franchisee or the franchisee's
15 employees that is not customarily exercised by a franchisor for the purpose of
16 protecting the franchisor's trademarks and brand.

17 **SECTION 1097.** 102.07 (8) (c) of the statutes is amended to read:

18 102.07 (8) (c) The ~~division~~ department may not admit in evidence any state or
19 federal law, regulation, or document granting operating authority, or a license when
20 determining whether an independent contractor meets the conditions specified in
21 par. (b) 1. or 3.

22 **SECTION 1098.** 102.07 (17m) of the statutes is amended to read:

23 102.07 (17m) A participant in a ~~trial employment match program job~~
24 subsidized employment placement under s. 49.147 (3) is an employee of any

1 employer under this chapter for whom the participant is performing service at the
2 time of the injury.

3 **SECTION 1099.** 102.07 (20) of the statutes is amended to read:

4 102.07 (20) An individual who is performing services for a person participating
5 in the self-directed services option, as defined in s. 46.2897 (1), for a person receiving
6 long-term care benefits under s. 46.27, 46.275, or 46.277 or under any children's
7 long-term support waiver program on a self-directed basis, or for a person receiving
8 the Family Care benefit, as defined in s. 46.2805 (4), or benefits under the Family
9 Care Partnership program, as described in s. 49.496 (1) (bk) 3., on a self-directed
10 basis and who does not otherwise have worker's compensation coverage for those
11 services is considered to be an employee of the entity that is providing financial
12 management services for that person.

13 **SECTION 1100.** 102.11 (1) (am) 1. of the statutes is amended to read:

14 102.11 (1) (am) 1. The employee is a member of a class of employees that does
15 the same type of work at the same location and, in the case of an employee in the
16 service of the state, is employed in the same office, department, independent agency,
17 authority, institution, association, society, or other body in state government or, if the
18 department or the division determines appropriate, in the same subunit of an office,
19 department, independent agency, authority, institution, association, society, or other
20 body in state government.

21 **SECTION 1101.** 102.12 of the statutes is amended to read:

22 **102.12 Notice of injury, exception, laches.** No claim for compensation may
23 be maintained unless, within 30 days after the occurrence of the injury or within 30
24 days after the employee knew or ought to have known the nature of his or her
25 disability and its relation to the employment, actual notice was received by the

.....
SECTION 1101

1 employer or by an officer, manager or designated representative of an employer. If
2 no representative has been designated by posters placed in one or more conspicuous
3 places where notices to employees are customarily posted, then notice received by
4 any superior is sufficient. Absence of notice does not bar recovery if it is found that
5 the employer was not misled by that absence. Regardless of whether notice was
6 received, if no payment of compensation, other than medical treatment or burial
7 expense, is made, and if no application is filed with the department within 2 years
8 after the date of the injury or death or the date the employee or his or her dependent
9 knew or ought to have known the nature of the disability and its relation to the
10 employment, the right to compensation for the injury or death is barred, except that
11 the right to compensation is not barred if the employer knew or should have known,
12 within the 2-year period, that the employee had sustained the injury on which the
13 claim is based. Issuance of notice of a hearing on the motion of the department or
14 ~~the division~~ has the same effect for the purposes of this section as the filing of an
15 application. This section does not affect any claim barred under s. 102.17 (4).

16 **SECTION 1102.** 102.13 (1) (c) of the statutes is amended to read:

17 102.13 (1) (c) So long as the employee, after a written request of the employer
18 or insurer that complies with par. (b), refuses to submit to or in any way obstructs
19 the examination, the employee's right to begin or maintain any proceeding for the
20 collection of compensation is suspended, except as provided in sub. (4). If the
21 employee refuses to submit to the examination after direction by the department, ~~the~~
22 ~~division~~, or an examiner, or in any way obstructs the examination, the employee's
23 right to the weekly indemnity that accrues and becomes payable during the period
24 of that refusal or obstruction, is barred, except as provided in sub. (4).

25 **SECTION 1103.** 102.13 (1) (d) 2. of the statutes is amended to read:

1 102.13 (1) (d) 2. Any physician, chiropractor, psychologist, dentist, physician
2 assistant, advanced practice nurse prescriber, or podiatrist who attended a worker's
3 compensation claimant for any condition or complaint reasonably related to the
4 condition for which the claimant claims compensation may be required to testify
5 before the ~~division~~ department when the ~~division~~ department so directs.

6 **SECTION 1104.** 102.13 (1) (d) 3. of the statutes is amended to read:

7 102.13 (1) (d) 3. Notwithstanding any statutory provisions except par. (e), any
8 physician, chiropractor, psychologist, dentist, physician assistant, advanced
9 practice nurse prescriber, or podiatrist attending a worker's compensation claimant
10 for any condition or complaint reasonably related to the condition for which the
11 claimant claims compensation may furnish to the employee, employer, worker's
12 compensation insurer, or department, ~~or division~~ information and reports relative to
13 a compensation claim.

14 **SECTION 1105.** 102.13 (1) (f) of the statutes is amended to read:

15 102.13 (1) (f) If an employee claims compensation under s. 102.81 (1), the
16 department ~~or the division~~ may require the employee to submit to physical or
17 vocational examinations under this subsection.

18 **SECTION 1106.** 102.13 (2) (a) of the statutes is amended to read:

19 102.13 (2) (a) An employee who reports an injury alleged to be work-related
20 or files an application for hearing waives any physician-patient,
21 psychologist-patient, or chiropractor-patient privilege with respect to any condition
22 or complaint reasonably related to the condition for which the employee claims
23 compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any
24 physician, chiropractor, psychologist, dentist, podiatrist, physician assistant,
25 advanced practice nurse prescriber, hospital, or health care provider shall, within a

1 reasonable time after written request by the employee, employer, worker's
2 compensation insurer, or department, ~~or division~~, or its representative, provide that
3 person with any information or written material reasonably related to any injury for
4 which the employee claims compensation.

5 **SECTION 1107.** 102.13 (3) of the statutes is amended to read:

6 102.13 (3) If 2 or more physicians, chiropractors, psychologists, dentists, or
7 podiatrists disagree as to the extent of an injured employee's temporary disability,
8 the end of an employee's healing period, an employee's ability to return to work at
9 suitable available employment or the necessity for further treatment or for a
10 particular type of treatment, the department ~~or the division~~ may appoint another
11 physician, chiropractor, psychologist, dentist, or podiatrist to examine the employee
12 and render an opinion as soon as possible. The department ~~or the division~~ shall
13 promptly notify the parties of this appointment. If the employee has not returned
14 to work, payment for temporary disability shall continue until the department ~~or the~~
15 ~~division~~ receives the opinion. The employer or its insurance carrier, or both, shall
16 pay for the examination and opinion. The employer or insurance carrier, or both,
17 shall receive appropriate credit for any overpayment to the employee determined by
18 the department ~~or the division~~ after receipt of the opinion.

19 **SECTION 1108.** 102.13 (4) of the statutes is amended to read:

20 102.13 (4) The right of an employee to begin or maintain proceedings for the
21 collection of compensation and to receive weekly indemnities that accrue and become
22 payable shall not be suspended or barred under sub. (1) when an employee refuses
23 to submit to a physical examination, upon the request of the employer or worker's
24 compensation insurer or at the direction of the department, ~~the division~~, or an
25 examiner, that would require the employee to travel a distance of 100 miles or more

1 from his or her place of residence, unless the employee has claimed compensation for
2 treatment from a practitioner whose office is located 100 miles or more from the
3 employee's place of residence or the department, ~~division~~, or examiner determines
4 that any other circumstances warrant the examination. If the employee has claimed
5 compensation for treatment from a practitioner whose office is located 100 miles or
6 more from the employee's place of residence, the employer or insurer may request,
7 or the department, ~~the division~~, or an examiner may direct, the employee to submit
8 to a physical examination in the area where the employee's treatment practitioner
9 is located.

10 **SECTION 1109.** 102.13 (5) of the statutes is amended to read:

11 102.13 (5) The department ~~or the division~~ may refuse to receive testimony as
12 to conditions determined from an autopsy if it appears that the party offering the
13 testimony had procured the autopsy and had failed to make reasonable effort to
14 notify at least one party in adverse interest or the department ~~or the division~~ at least
15 12 hours before the autopsy of the time and place at which the autopsy would be
16 performed, or that the autopsy was performed by or at the direction of the coroner
17 or medical examiner or at the direction of the district attorney for purposes not
18 authorized under ch. 979. The department ~~or the division~~ may withhold findings
19 until an autopsy is held in accordance with its directions.

20 **SECTION 1110.** 102.14 (title) of the statutes is amended to read:

21 **102.14 (title) Jurisdiction of department and ~~division~~; advisory**
22 **committee council.**

23 **SECTION 1111.** 102.14 (1) of the statutes is amended to read:

24 102.14 (1) Except as otherwise provided, this chapter shall be administered by
25 the department ~~and the division~~.

1 **SECTION 1112.** 102.14 (2) of the statutes is amended to read:

2 102.14 (2) The council on worker's compensation shall advise the department
3 ~~and the division~~ in carrying out the purposes of this chapter, shall submit its
4 recommendations with respect to amendments to this chapter to each regular
5 session of the legislature, and shall report its views upon any pending bill relating
6 to this chapter to the proper legislative committee. At the request of the chairpersons
7 of the senate and assembly committees on labor, the department shall schedule a
8 meeting of the council with the members of the senate and assembly committees on
9 labor to review and discuss matters of legislative concern arising under this chapter.

10 **SECTION 1113.** 102.15 (1) of the statutes is amended to read:

11 102.15 (1) Subject to this chapter, the ~~division~~ department may ~~adopt its own~~
12 promulgate rules of procedure ~~and may change the same from time to time.~~

13 **SECTION 1114.** 102.15 (2) of the statutes is amended to read:

14 102.15 (2) The ~~division~~ department may provide by rule the conditions under
15 which transcripts of testimony and proceedings shall be furnished.

16 **SECTION 1115.** 102.16 (1) of the statutes is repealed and recreated to read:

17 102.16 (1) Any controversy concerning compensation or a violation of sub. (3),
18 including a controversy in which the state may be a party, shall be submitted to the
19 department in the manner and with the effect provided in this chapter. Every
20 compromise of any claim for compensation may be reviewed and set aside, modified,
21 or confirmed by the department within one year after the date on which the
22 compromise is filed with the department, the date on which an award has been
23 entered based on the compromise, or the date on which an application for the
24 department to take any of those actions is filed with the department. Unless the
25 word "compromise" appears in a stipulation of settlement, the settlement shall not

1 be considered a compromise, and further claim is not barred except as provided in
2 s. 102.17 (4) regardless of whether an award is made. The employer, insurer or
3 dependent under s. 102.51 (5) shall have equal rights with the employee to have a
4 compromise or any other stipulation of settlement reviewed under this subsection.
5 Upon petition filed with the department under this subsection, the department may
6 set aside the award or otherwise determine the rights of the parties.

7 **SECTION 1116.** 102.16 (1m) (a) of the statutes is amended to read:

8 102.16 (1m) (a) If an insurer or self-insured employer concedes by compromise
9 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured
10 employer is liable under this chapter for any health services provided to an injured
11 employee by a health service provider, but disputes the reasonableness of the fee
12 charged by the health service provider, the department ~~or the division~~ may include
13 in its order confirming the compromise or stipulation a determination made by the
14 department under sub. (2) as to the reasonableness of the fee or, if such a
15 determination has not yet been made, the department ~~or the division~~ may notify, or
16 direct the insurer or self-insured employer to notify, the health service provider
17 under sub. (2) (b) that the reasonableness of the fee is in dispute. The department
18 ~~or the division~~ shall deny payment of a health service fee that the department
19 determines under sub. (2) to be unreasonable. A health service provider and an
20 insurer or self-insured employer that are parties to a fee dispute under this
21 paragraph are bound by the department's determination under sub. (2) on the
22 reasonableness of the disputed fee, unless that determination is set aside, reversed,
23 or modified by the department under sub. (2) (f) or is set aside on judicial review as
24 provided in sub. (2) (f).

25 **SECTION 1117.** 102.16 (1m) (b) of the statutes is amended to read:

1 102.16 (1m) (b) If an insurer or self-insured employer concedes by compromise
2 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured
3 employer is liable under this chapter for any treatment provided to an injured
4 employee by a health service provider, but disputes the necessity of the treatment,
5 the department ~~or the division~~ may include in its order confirming the compromise
6 or stipulation a determination made by the department under sub. (2m) as to the
7 necessity of the treatment or, if such a determination has not yet been made, the
8 department ~~or the division~~ may notify, or direct the insurer or self-insured employer
9 to notify, the health service provider under sub. (2m) (b) that the necessity of the
10 treatment is in dispute. Before determining under sub. (2m) the necessity of
11 treatment provided to an injured employee, the department may, but is not required
12 to, obtain the opinion of an expert selected by the department who is qualified as
13 provided in sub. (2m) (c). The standards promulgated under sub. (2m) (g) shall be
14 applied by an expert and by the department in rendering an opinion as to, and in
15 determining, necessity of treatment under this paragraph. In cases in which no
16 standards promulgated under sub. (2m) (g) apply, the department shall find the facts
17 regarding necessity of treatment. The department ~~or the division~~ shall deny
18 payment for any treatment that the department determines under sub. (2m) to be
19 unnecessary. A health service provider and an insurer or self-insured employer that
20 are parties to a dispute under this paragraph over the necessity of treatment are
21 bound by the department's determination under sub. (2m) on the necessity of the
22 disputed treatment, unless that determination is set aside, reversed, or modified by
23 the department under sub. (2m) (e) or is set aside on judicial review as provided in
24 sub. (2m) (e).

25 **SECTION 1118.** 102.16 (1m) (c) of the statutes is amended to read:

1 102.16 (1m) (c) If an insurer or self-insured employer concedes by compromise
2 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured
3 employer is liable under this chapter for the cost of a prescription drug dispensed
4 under s. 102.425 (2) for outpatient use by an injured employee, but disputes the
5 reasonableness of the amount charged for the prescription drug, the department ~~or~~
6 ~~the division~~ may include in its order confirming the compromise or stipulation a
7 determination made by the department under s. 102.425 (4m) as to the
8 reasonableness of the prescription drug charge or, if such a determination has not
9 yet been made, the department ~~or the division~~ may notify, or direct the insurer or
10 self-insured employer to notify, the pharmacist or practitioner dispensing the
11 prescription drug under s. 102.425 (4m) (b) that the reasonableness of the
12 prescription drug charge is in dispute. The department ~~or the division~~ shall deny
13 payment of a prescription drug charge that the department determines under s.
14 102.425 (4m) to be unreasonable. A pharmacist or practitioner and an insurer or
15 self-insured employer that are parties to a dispute under this paragraph over the
16 reasonableness of a prescription drug charge are bound by the department's
17 determination under s. 102.425 (4m) on the reasonableness of the disputed
18 prescription drug charge, unless that determination is set aside, reversed, or
19 modified by the department under s. 102.425 (4m) (e) or is set aside on judicial review
20 as provided in s. 102.425 (4m) (e).

21 **SECTION 1119.** 102.16 (2) (a) of the statutes is amended to read:

22 102.16 (2) (a) Except as provided in this paragraph, the department has
23 jurisdiction under this subsection, ~~the department and the division have jurisdiction~~
24 ~~under sub. (1m) (a), and the division has jurisdiction under s. 102.17 to resolve a~~
25 dispute between a health service provider and an insurer or self-insured employer

1 over the reasonableness of a fee charged by the health service provider for health
2 services provided to an injured employee who claims benefits under this chapter. A
3 health service provider may not submit a fee dispute to the department under this
4 subsection before all treatment by the health service provider of the employee's
5 injury has ended if the amount in controversy, whether based on a single charge or
6 a combination of charges for one or more days of service, is less than \$25. After all
7 treatment by a health service provider of an employee's injury has ended, the health
8 service provider may submit any fee dispute to the department, regardless of the
9 amount in controversy. The department shall deny payment of a health service fee
10 that the department determines under this subsection to be unreasonable.

11 **SECTION 1120.** 102.16 (2) (b) of the statutes is amended to read:

12 102.16 (2) (b) An insurer or self-insured employer that disputes the
13 reasonableness of a fee charged by a health service provider or the department or the
14 division under sub. (1m) (a) or s. 102.18 (1) (bg) 1. shall provide reasonable written
15 notice to the health service provider that the fee is being disputed. After receiving
16 reasonable written notice under this paragraph or under sub. (1m) (a) or s. 102.18
17 (1) (bg) 1. that a health service fee is being disputed, a health service provider may
18 not collect the disputed fee from, or bring an action for collection of the disputed fee
19 against, the employee who received the services for which the fee was charged.

20 **SECTION 1121.** 102.16 (2m) (a) of the statutes is amended to read:

21 102.16 (2m) (a) Except as provided in this paragraph, the department has
22 jurisdiction under this subsection, ~~the department and the division have jurisdiction~~
23 ~~under sub. (1m) (b), and the division has jurisdiction under s. 102.17 to resolve a~~
24 dispute between a health service provider and an insurer or self-insured employer
25 over the necessity of treatment provided for an injured employee who claims benefits

1 under this chapter. A health service provider may not submit a dispute over
2 necessity of treatment to the department under this subsection before all treatment
3 by the health service provider of the employee's injury has ended if the amount in
4 controversy, whether based on a single charge or a combination of charges for one or
5 more days of service, is less than \$25. After all treatment by a health service provider
6 of an employee's injury has ended, the health service provider may submit any
7 dispute over necessity of treatment to the department, regardless of the amount in
8 controversy. The department shall deny payment for any treatment that the
9 department determines under this subsection to be unnecessary.

10 **SECTION 1122.** 102.16 (2m) (b) of the statutes is amended to read:

11 102.16 (2m) (b) An insurer or self-insured employer that disputes the
12 necessity of treatment provided by a health service provider or the department or the
13 ~~division~~ under sub. (1m) (b) or s. 102.18 (1) (bg) 2. shall provide reasonable written
14 notice to the health service provider that the necessity of that treatment is being
15 disputed. After receiving reasonable written notice under this paragraph or under
16 sub. (1m) (b) or s. 102.18 (1) (bg) 2. that the necessity of treatment is being disputed,
17 a health service provider may not collect a fee for that disputed treatment from, or
18 bring an action for collection of the fee for that disputed treatment against, the
19 employee who received the treatment.

20 **SECTION 1123.** 102.16 (4) of the statutes is amended to read:

21 102.16 (4) The department ~~and the division have~~ has jurisdiction to pass on any
22 question arising out of sub. (3) and to order the employer to reimburse an employee
23 or other person for any sum deducted from wages or paid by him or her in violation
24 of that subsection. In addition to the penalty provided in s. 102.85 (1), any employer
25 violating sub. (3) shall be liable to an injured employee for the reasonable value of

1 the necessary services rendered to that employee under any arrangement made in
2 violation of sub. (3) without regard to that employee's actual disbursements for those
3 services.

4 **SECTION 1124.** 102.17 (1) (a) 1. of the statutes is amended to read:

5 102.17 (1) (a) 1. Upon the filing with the department by any party in interest
6 of any application in writing stating the general nature of any claim as to which any
7 dispute or controversy may have arisen, the department shall mail a copy of the
8 application to all other parties in interest, and the insurance carrier shall be
9 considered a party in interest. The department ~~or the division~~ may bring in
10 additional parties by service of a copy of the application.

11 **SECTION 1125.** 102.17 (1) (a) 2. of the statutes is amended to read:

12 102.17 (1) (a) 2. Subject to subd. 3., the ~~division~~ department shall cause notice
13 of hearing on the application to be given to each interested party by service of that
14 notice on the interested party personally or by mailing a copy of that notice to the
15 interested party's last-known address at least 10 days before the hearing. If a party
16 in interest is located without this state, and has no post-office address within this
17 state, the copy of the application and copies of all notices shall be filed with the
18 department of financial institutions and shall also be sent by registered or certified
19 mail to the last-known post-office address of the party. Such filing and mailing shall
20 constitute sufficient service, with the same effect as if served upon a party located
21 within this state.

22 **SECTION 1126.** 102.17 (1) (a) 3. of the statutes is amended to read:

23 102.17 (1) (a) 3. If a party in interest claims that the employer or insurer has
24 acted with malice or bad faith as described in s. 102.18 (1) (b) 3. or (bp), that party
25 shall provide written notice stating with reasonable specificity the basis for the claim

1 to the employer, the insurer, and the department, ~~and the division~~ before the ~~division~~
2 department schedules a hearing on the claim of malice or bad faith.

3 **SECTION 1127.** 102.17 (1) (a) 4. of the statutes is amended to read:

4 102.17 (1) (a) 4. The hearing may be adjourned in the discretion of the ~~division~~
5 department, and hearings may be held at such places as the ~~division~~ department
6 designates, within or without the state. The ~~division~~ department may also arrange
7 to have hearings held by the commission, officer, or tribunal having authority to hear
8 cases arising under the worker's compensation law of any other state, of the District
9 of Columbia, or of any territory of the United States, with the testimony and
10 proceedings at any such hearing to be reported to the ~~division~~ department and to be
11 made part of the record in the case. Any evidence so taken shall be subject to rebuttal
12 upon final hearing before the ~~division~~ department.

13 **SECTION 1128.** 102.17 (1) (b) of the statutes is amended to read:

14 102.17 (1) (b) In any dispute or controversy pending before the ~~division~~
15 department, the ~~division~~ department may direct the parties to appear before an
16 examiner for a conference to consider the clarification of issues, the joining of
17 additional parties, the necessity or desirability of amendments to the pleadings, the
18 obtaining of admissions of fact or of documents, records, reports, and bills that may
19 avoid unnecessary proof, and such other matters as may aid in disposition of the
20 dispute or controversy. After that conference the ~~division~~ department may issue an
21 order requiring disclosure or exchange of any information or written material that
22 the ~~division~~ department considers material to the timely and orderly disposition of
23 the dispute or controversy. If a party fails to disclose or exchange that information
24 within the time stated in the order, the ~~division~~ department may issue an order
25 dismissing the claim without prejudice or excluding evidence or testimony relating

1 to the information or written material. The ~~division~~ department shall provide each
2 party with a copy of any order issued under this paragraph.

3 **SECTION 1129.** 102.17 (1) (c) 1. of the statutes is amended to read:

4 102.17 (1) (c) 1. Any party shall have the right to be present at any hearing,
5 in person or by attorney or any other agent, and to present such testimony as may
6 be pertinent to the controversy before the ~~division~~ department. No person, firm, or
7 corporation, other than an attorney at law who is licensed to practice law in the state,
8 may appear on behalf of any party in interest before the ~~division~~ department or any
9 member or employee of the ~~division~~ department assigned to conduct any hearing,
10 investigation, or inquiry relative to a claim for compensation or benefits under this
11 chapter, unless the person is 18 years of age or older, does not have an arrest or
12 conviction record, subject to ss. 111.321, 111.322 and 111.335, is otherwise qualified,
13 and has obtained from the department a license with authorization to appear in
14 matters or proceedings before the ~~division~~ department. Except as provided under
15 pars. (cm), (cr), and (ct), the license shall be issued by the department under rules
16 promulgated by the department. The department shall maintain in its office a
17 current list of persons to whom licenses have been issued.

18 **SECTION 1130.** 102.17 (1) (d) 1. of the statutes is amended to read:

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

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

14 **SECTION 1131.** 102.17 (1) (d) 2. of the statutes is amended to read:

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

23 **SECTION 1132.** 102.17 (1) (d) 3. of the statutes is amended to read:

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

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

7 **SECTION 1133.** 102.17 (1) (d) 4. of the statutes is amended to read:

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

11 **SECTION 1134.** 102.17 (1) (e) of the statutes is amended to read:

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

21 **SECTION 1135.** 102.17 (1) (f) 1. of the statutes is amended to read:

22 102.17 (1) (f) 1. Beyond reach of the subpoena of the ~~division~~ department.

23 **SECTION 1136.** 102.17 (1) (g) of the statutes is amended to read:

24 102.17 (1) (g) Whenever the testimony presented at any hearing indicates a
25 dispute or creates a doubt as to the extent or cause of disability or death, the ~~division~~

1 department may direct that the injured employee be examined, that an autopsy be
2 performed, or that an opinion be obtained without examination or autopsy, by or from
3 an impartial, competent physician, chiropractor, dentist, psychologist or podiatrist
4 designated by the ~~division~~ department who is not under contract with or regularly
5 employed by a compensation insurance carrier or self-insured employer. The
6 expense of the examination, autopsy, or opinion shall be paid by the employer or, if
7 the employee claims compensation under s. 102.81, from the uninsured employers
8 fund. The report of the examination, autopsy, or opinion shall be transmitted in
9 writing to the ~~division~~ department and a copy of the report shall be furnished by the
10 ~~division~~ department to each party, who shall have an opportunity to rebut the report
11 on further hearing.

12 **SECTION 1137.** 102.17 (1) (h) of the statutes is amended to read:

13 102.17 (1) (h) - The contents of certified reports of investigation made by
14 industrial safety specialists who are employed, contracted, or otherwise secured by
15 the department ~~or the division~~ and who are available for cross-examination, if
16 served upon the parties 15 days prior to hearing, shall constitute prima facie
17 evidence as to matter contained in those reports. A report described in this
18 paragraph that is admitted or received into evidence by the ~~division~~ department
19 constitutes substantial evidence under s. 102.23 (6) as to the matter contained in the
20 report.

21 **SECTION 1138.** 102.17 (2) of the statutes is amended to read:

22 102.17 (2) If the ~~division~~ department has reason to believe that the payment
23 of compensation has not been made, the ~~division~~ department may on its own motion
24 give notice to the parties, in the manner provided for the service of an application,
25 of a time and place when a hearing will be held for the purpose of determining the

.....
SECTION 1138

1 facts. The notice shall contain a statement of the matter to be considered. All
2 provisions of this chapter governing proceedings on an application shall apply,
3 insofar as applicable, to a proceeding under this subsection. When the ~~division~~
4 department schedules a hearing on its own motion, the ~~division~~ department does not
5 become a party in interest and is not required to appear at the hearing.

6 **SECTION 1139.** 102.17 (2m) of the statutes is amended to read:

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

13 **SECTION 1140.** 102.17 (2s) of the statutes is amended to read:

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

20 **SECTION 1141.** 102.17 (7) (b) of the statutes is amended to read:

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

1 testimony or reports and of the names of the expert witnesses involved. Except as
2 provided in par. (c), the ~~division~~ department shall exclude from evidence testimony
3 or certified reports from expert witnesses under par. (a) offered by a party of interest
4 in response to the party that raises the issue of loss of earning capacity if the
5 responding party failed to notify the ~~division~~ department and the other parties of
6 interest, at least 45 days before the date of the hearing, of the party's intent to provide
7 the testimony or reports and of the names of the expert witnesses involved.

8 **SECTION 1142.** 102.17 (7) (c) of the statutes is amended to read:

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

14 **SECTION 1143.** 102.17 (8) of the statutes is amended to read:

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

SECTION 1143

1 an itemized statement of the medical expenses and incidental compensation under
2 s. 102.42 claimed by the injured employee, unless the ~~division~~ department is satisfied
3 that there is good cause for the failure to file and serve the itemized statement.

4 **SECTION 1144.** 102.175 (2) of the statutes is amended to read:

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

13 **SECTION 1145.** 102.175 (3) (c) of the statutes is amended to read:

14 102.175 (3) (c) Upon request of the department, ~~the division~~, the employer, or
15 the employer's worker's compensation insurer, an injured employee who claims
16 compensation for an injury causing permanent disability shall disclose all previous
17 findings of permanent disability or other impairments that are relevant to that
18 injury.

19 **SECTION 1146.** 102.18 (1) (b) 1. of the statutes is amended to read:

20 102.18 (1) (b) 1. Within 90 days after the final hearing and close of the record,
21 the ~~division~~ department shall make and file its findings upon the ultimate facts
22 involved in the controversy, and its order, which shall state the ~~division's~~
23 department's determination as to the rights of the parties. Pending the final
24 determination of any controversy before it, the ~~division~~ department, after any

1 hearing, may, in its discretion, make interlocutory findings, orders, and awards,
2 which may be enforced in the same manner as final awards.

3 **SECTION 1147.** 102.18 (1) (b) 2. of the statutes is amended to read:

4 102.18 (1) (b) 2. The ~~division~~ department may include in any interlocutory or
5 final award or order an order directing the employer or insurer to pay for any future
6 treatment that may be necessary to cure and relieve the employee from the effects
7 of the injury or to pay for a future course of instruction or other rehabilitation
8 training services provided under a rehabilitation training program developed under
9 s. 102.61 (1) or (1m).

10 **SECTION 1148.** 102.18 (1) (b) 3. of the statutes is amended to read:

11 102.18 (1) (b) 3. If the ~~division~~ department finds that the employer or insurer
12 has not paid any amount that the employer or insurer was directed to pay in any
13 interlocutory order or award and that the nonpayment was not in good faith, the
14 ~~division~~ department may include in its final award a penalty not exceeding 25
15 percent of each amount that was not paid as directed.

16 **SECTION 1149.** 102.18 (1) (bg) 1. of the statutes is amended to read:

17 102.18 (1) (bg) 1. If the ~~division~~ department finds under par. (b) that an insurer
18 or self-insured employer is liable under this chapter for any health services provided
19 to an injured employee by a health service provider, but that the reasonableness of
20 the fee charged by the health service provider is in dispute, the ~~division~~ department
21 may include in its order under par. (b) a determination made by the department
22 under s. 102.16 (2) as to the reasonableness of the fee or, if such a determination has
23 not yet been made, the ~~division~~ department may notify, or direct the insurer or
24 self-insured employer to notify, the health service provider under s. 102.16 (2) (b)
25 that the reasonableness of the fee is in dispute.

1 **SECTION 1150.** 102.18 (1) (bg) 2. of the statutes is amended to read:

2 102.18 (1) (bg) 2. If the ~~division~~ department finds under par. (b) that an
3 employer or insurance carrier is liable under this chapter for any treatment provided
4 to an injured employee by a health service provider, but that the necessity of the
5 treatment is in dispute, the ~~division~~ department may include in its order under par.
6 (b) a determination made by the department under s. 102.16 (2m) as to the necessity
7 of the treatment or, if such a determination has not yet been made, the ~~division~~
8 department may notify, or direct the employer or insurance carrier to notify, the
9 health service provider under s. 102.16 (2m) (b) that the necessity of the treatment
10 is in dispute.

11 **SECTION 1151.** 102.18 (1) (bg) 3. of the statutes is amended to read:

12 102.18 (1) (bg) 3. If the ~~division~~ department finds under par. (b) that an insurer
13 or self-insured employer is liable under this chapter for the cost of a prescription
14 drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but
15 that the reasonableness of the amount charged for that prescription drug is in
16 dispute, the ~~division~~ department may include in its order under par. (b) a
17 determination made by the department under s. 102.425 (4m) as to the
18 reasonableness of the prescription drug charge or, if such a determination has not
19 yet been made, the ~~division~~ department may notify, or direct the insurer or
20 self-insured employer to notify, the pharmacist or practitioner dispensing the
21 prescription drug under s. 102.425 (4m) (b) that the reasonableness of the
22 prescription drug charge is in dispute.

23 **SECTION 1152.** 102.18 (1) (bp) of the statutes is amended to read:

24 102.18 (1) (bp) If the ~~division~~ department determines that the employer or
25 insurance carrier suspended, terminated, or failed to make payments or failed to

1 report an injury as a result of malice or bad faith, the ~~division~~ department may
2 include a penalty in an award to an employee for each event or occurrence of malice
3 or bad faith. That penalty is the exclusive remedy against an employer or insurance
4 carrier for malice or bad faith. If the penalty is imposed for an event or occurrence
5 of malice or bad faith that causes a payment that is due an injured employee to be
6 delayed in violation of s. 102.22 (1) or overdue in violation of s. 628.46 (1), the ~~division~~
7 department may not also order an increased payment under s. 102.22 (1) or the
8 payment of interest under s. 628.46 (1). The ~~division~~ department may award an
9 amount that the ~~division~~ department considers just, not to exceed the lesser of 200
10 percent of total compensation due or \$30,000 for each event or occurrence of malice
11 or bad faith. The ~~division~~ department may assess the penalty against the employer,
12 the insurance carrier, or both. Neither the employer nor the insurance carrier is
13 liable to reimburse the other for the penalty amount. The ~~division~~ department may,
14 by rule, define actions that demonstrate malice or bad faith.

15 **SECTION 1153.** 102.18 (1) (bw) of the statutes is amended to read:

16 102.18 (1) (bw) If an insurer, a self-insured employer, or, if applicable, the
17 uninsured employers fund pays compensation to an employee in excess of its liability
18 and another insurer or self-insured employer is liable for all or part of the excess
19 payment, the department ~~or the division~~ may order the insurer or self-insured
20 employer that is liable for that excess payment to reimburse the insurer or
21 self-insured employer that made the excess payment or, if applicable, the uninsured
22 employers fund.

23 **SECTION 1154.** 102.18 (1) (c) of the statutes is amended to read:

24 102.18 (1) (c) If 2 or more examiners have conducted a formal hearing on a claim
25 and are unable to agree on the order or award to be issued, the decision shall be the

1 decision of the majority. If the examiners are equally divided on the decision, the
2 ~~division~~ department may appoint an additional examiner who shall review the
3 record and consult with the other examiners concerning their impressions of the
4 credibility of the evidence. Findings of fact and an order or award may then be issued
5 by a majority of the examiners.

6 **SECTION 1155.** 102.18 (1) (e) of the statutes is amended to read:

7 102.18 (1) (e) Except as provided in s. 102.21, if the department ~~or the division~~
8 orders a party to pay an award of compensation, the party shall pay the award no
9 later than 21 days after the date on which the order is mailed to the last-known
10 address of the party, unless the party files a petition for review under sub. (3). This
11 paragraph applies to all awards of compensation ordered by the department ~~or the~~
12 ~~division~~, whether the award results from a hearing, the default of a party, or a
13 compromise or stipulation confirmed by the department ~~or the division~~.

14 **SECTION 1156.** 102.18 (2) of the statutes is repealed and recreated to read:

15 102.18 (2) The department shall have and maintain on its staff such examiners
16 as are necessary to hear and decide claims and to assist in the effective
17 administration of this chapter. Those examiners shall be attorneys and may be
18 designated as administrative law judges. Those examiners may make findings and
19 orders and may approve, review, set aside, modify, or confirm stipulations of
20 settlement or compromises of claims for compensation.

21 **SECTION 1157.** 102.18 (3) of the statutes is amended to read:

22 102.18 (3) A party in interest may petition the commission for review of an
23 examiner's decision awarding or denying compensation if the department, ~~the~~
24 ~~division~~, or the commission receives the petition within 21 days after the department
25 ~~or the division~~ mailed a copy of the examiner's findings and order to the last-known

1 addresses of the parties in interest. The commission shall dismiss a petition that is
2 not filed within those 21 days unless the petitioner shows that the petition was filed
3 late for a reason that was beyond the petitioner's control. If no petition is filed within
4 those 21 days, the findings or order shall be considered final unless set aside,
5 reversed, or modified by the examiner within that time. If the findings or order are
6 set aside by the examiner, the status shall be the same as prior to the ~~setting aside~~
7 of the findings or order that were set aside. If the findings or order are reversed or
8 modified by the examiner, the time for filing a petition commences on the date on
9 which notice of the reversal or modification is mailed to the last-known addresses
10 of the parties in interest. The commission shall either affirm, reverse, set aside, or
11 modify the findings or order, in whole or in part, or direct the taking of additional
12 evidence. The commission's action shall be based on a review of the evidence
13 submitted.

14 **SECTION 1158.** 102.18 (4) (c) 3. of the statutes is amended to read:

15 102.18 (4) (c) 3. Remand the case to the department ~~or the division~~ for further
16 proceedings.

17 **SECTION 1159.** 102.18 (4) (d) of the statutes is amended to read:

18 102.18 (4) (d) While a petition for review by the commission is pending or after
19 entry of an order or award by the commission but before commencement of an action
20 for judicial review or expiration of the period in which to commence an action for
21 judicial review, the commission shall remand any compromise presented to it to the
22 department ~~or the division~~ for consideration and approval or rejection under s.
23 102.16 (1). Presentation of a compromise does not affect the period in which to
24 commence an action for judicial review.

25 **SECTION 1160.** 102.18 (5) of the statutes is amended to read:

SECTION 1160

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

11 **SECTION 1161.** 102.18 (6) of the statutes is amended to read:

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

17 **SECTION 1162.** 102.195 of the statutes is amended to read:

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

25 **SECTION 1163.** 102.22 (1) of the statutes is amended to read: