

provement of the state trunk highway system in any county. The apportionable cost is defined as that amount which may be decided upon by the highway commission, the railroad commission and the railway company as representing the financial interest of the railway company and of the public in the elimination of the crossing hazard.

SECTION 2. This act shall take effect upon passage and publication.

Approved August 6, 1927.

No. 664, A.]

[Published August 10, 1927.

## CHAPTER 517.

AN ACT to repeal paragraph (b) of subsection (4), item 27 of paragraph (e) of subsection (5), and paragraphs (b) and (c) of subsection (6) of section 102.09; and to amend paragraph (f) of subsection (4m), paragraph (a) of subsection (5), the introductory paragraph and paragraphs (a), (d), (e) and (f) of subsection (6) of section 102.09, subsection (1) of section 102.16 and section 102.18; and to create paragraph (b) of subsection (4) and paragraph (d) of subsection (7) of section 102.09 of the statutes, relating to the workmen's compensation act.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Paragraph (b) of subsection (4), item 27 of paragraph (e) of subsection (5), and paragraphs (b) and (c) of subsection (6) of section 102.09 of the statutes are repealed.

SECTION 2. Paragraph (f) of subsection (4m), paragraph (a) of subsection (5), the introductory paragraph and paragraphs (a), (d), (e) and (f) of subsection (6) of section 102.09, subsection (1) of section 102.16 and section 102.18 of the statutes are amended to read: (102.09) (4m) (f) In each case of injury resulting in death, leaving no person wholly dependent for support, the employer or insurer shall pay into the state treasury such an amount, when added to the sums paid or to be paid on account of partial dependency, as shall equal four times the deceased employe's average annual earnings, such payment to the state treasury in no event to exceed \* \* \* sixteen hun-

dred dollars. The payment into the state treasury so provided shall be made in all such cases regardless of whether the dependents or personal representatives of the deceased employe commence action against a third party as provided in subsection (2) of section 102.29.

(5) (a) The specific injuries described in the following schedule are declared to be major permanent partial injuries. The percentage assigned in such schedule shall represent the relation of the permanent disability in wage loss caused by such an injury to an employe aged thirty years when compared with an injury causing permanent total disability to an employe of the same yearly age group, namely :

**MAJOR PERMANENT PARTIAL INJURY SCHEDULE.**

1. The loss of an arm at the shoulder, fifty per cent;
2. The loss of an arm at the elbow, forty-two and one-half per cent;
3. The loss of a hand, thirty-three and one-third per cent;
4. The loss of a palm where the thumb remains, twenty-two and one-half per cent;
5. The loss of a thumb at the proximal joint, ten per cent;
6. The loss of a thumb and the metacarpal bone thereof, twelve and one-half per cent;
7. The loss of all the fingers of one hand where the thumb and palm remain, fourteen per cent;
8. The loss of a leg at the hip joint, fifty per cent;
9. The loss of a leg at the knee, forty-two and one-half per cent;
10. The loss of a foot at the ankle, twenty-five per cent;
11. The loss of the great toe with the metatarsal bone thereof, eight and one-third per cent;
12. The loss of an eye by enucleation or evisceration, \* \* \* *twenty-seven* and one-half per cent;
13. Total \* \* \* *impairment of one eye for industrial use,* \* \* \* *twenty-five* per cent;
14. Total deafness of both ears, thirty-three and one-third per cent;
15. Total deafness of one ear, five per cent;
16. \* \* \* *In case an accident causes more than one permanent injury specified in this paragraph, the disability allowance for the lesser injury shall be increased by twenty per cent, except in the case of injuries to both eyes when the disability allowance for the lesser injury shall be trebled;*

(6) (Introductory paragraph) In the following cases special indemnity shall be paid an employe only from the funds provided for in \* \* \* *paragraphs* (d), (e) and (f) of this subsection in addition to the allowance provided in subsection (5) of this section, after cessation of the payments therein prescribed:

(a) If an employe has previously incurred permanent partial disability through the loss or total impairment of a hand, arm, foot, leg, *ear* or eye, and by a subsequent accident incurs permanent \* \* \* disability through the loss or \* \* \* impairment of the other hand, or the other arm, or the other foot, or the other leg, *or the other ear*, or the other eye, or through the loss or \* \* \* impairment of another member or organ, an amount sufficient to complete \* \* \* *the payment of such indemnity as would have accrued if the injury to both members or organs had been caused by a single accident.*

(d) In each case of the loss or of the total impairment of a hand, arm, foot, leg, *ear* or eye, the employer shall be required to pay the sum of \* \* \* *seventy-five* dollars into the state treasury. The payment into the state treasury shall be made in all such cases regardless of whether the employe, his dependents or personal representatives, commence action against a third party as provided in subsection (2) of section 102.29.

(e) The moneys paid into the state treasury pursuant to the foregoing \* \* \* *paragraph*, with all accrued interest, is hereby appropriated to the industrial commission for the discharge of all liability for special additional indemnity accruing under this subsection.

(f) For the proper administration of the funds available under \* \* \* *paragraphs* (d) and (e) the commission shall, by order, set aside in the state treasury suitable reserves to carry to maturity the liability for special additional indemnity in each case, and for any contingent death benefit.

(102.16) (1) Any dispute or controversy concerning compensation under sections 102.03 to 102.34, \* \* \* including any in which the state may be a party, shall be submitted to said industrial commission in the manner and with the effect provided in sections 102.03 to 102.34 \* \* \*. Every compromise of any claim for compensation under sections 102.03 to 102.35, shall be subject to be reviewed by, and set aside, modified or confirmed by the commission within one year from the date such compromise is filed with the commission, *or from the date an award has been*

*entered, based thereon. The attorney-general shall represent the state in all cases involving payment into or payment out of the state treasury under the provisions of subsection (8) of section 20.57, subsection (4m) of section 102.09, and subsection (6) of section 102.09. He shall have the power to enter into compromises reducing the amount of such payments, such compromises to be subject to review by the industrial commission in the manner provided above.*

102.18 After final hearing by said commission, it shall make and file (1) its findings upon all the facts involved in the controversy, and (2) its award, which shall state its determination as to the rights of the parties. Pending the final determination of any controversy before it, the commission shall have power after any hearing, to make interlocutory findings, orders and awards which may be enforced in the same manner as final awards. The commission shall have the power to include in its final award, as a penalty for noncompliance with any such interlocutory order or award, if it shall find that noncompliance was not in good faith, not exceeding twenty-five per cent of each amount which shall not have been paid as directed thereby. The commission may on its own motion, *set aside*, modify or change its order, findings or award at any time within twenty days from the date thereof if it shall discover any mistake therein, *or upon the grounds of newly discovered evidence. Unless the liability under paragraph (f) of subsection (4m), paragraphs (h), (i), (j) and (k) of subsection (5), paragraph (d) of subsection (6) and subsections (7) and (8) of section 102.09, and section 102.10 is specifically mentioned, the order, findings or award shall be deemed not to affect such liability.*

SECTION 3. A new paragraph is added to subsection (4) and a new paragraph is added to subsection (7) of section 102.09 of the statutes to be numbered and to read: (102.09) (4) (b) Where the accident proximately causes permanent partial disability, the unaccrued compensation shall first be applied toward funeral expenses, not to exceed two hundred dollars, any remaining sum to be paid to dependents, as provided in subsections (4) and (4a) of this section, and there shall be no liability for any other payments. The question of dependency shall be determined in accordance with the facts, as the facts may be at the time of the accident to the employe. All computations under this paragraph shall take into consideration the present value of future payments.

(7) (d) If the amount recoverable under the above paragraphs of this subsection for temporary disability shall be less than the actual loss of wage sustained by the minor employe, then liability shall exist for such loss of wage.

SECTION 4. This act shall take effect upon passage and publication.

Approved August 6, 1927.

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No. 671, A.]

[Published August 10, 1927.

### CHAPTER 518.

AN ACT to relieve F. S. Woodard, county clerk of Barron county, from the obligation to pay over certain sums of money therein stated, on account of the failure of a depositing bank in his county and providing that any dividends paid by said bank be paid into the conservation fund.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. (1) F. S. Woodard, county clerk of Barron county, is relieved of the obligation to account for the sum of one hundred fifty-eight dollars and fifty cents, collected by him for fishing and hunting license fees and deposited in a bank that failed.

(2) Any dividends paid by such bank on the said claim shall be paid into the conservation fund by said county clerk within five days of their receipt.

SECTION 2. This act shall take effect upon passage and publication.

Approved August 6, 1927.