

CHAPTER 281

AN ACT to amend 102.01 (2), 102.11 (1), 102.17 (4), 102.195, 102.26 (3), 102.49 (7), and 102.50; and to create 102.05 (4), 102.14 (1), and 102.30 (3) of the statutes, relating to adjustments in the workmen's compensation act recommended by the workmen's compensation advisory committee and creating an advisory committee on workmen's compensation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 102.01 (2) of the statutes is amended to read:

102.01 (2) "Act" as used in this chapter means "chapter"; "compensation" means workmen's compensation; "primary compensation and death benefit" * * * means compensation or indemnity for disability, or death benefit, other than increased, double or treble compensation or death benefit; "injury" is mental or physical harm to an employe caused by accident or disease, and also damage to or destruction of artificial members, dental appliances, teeth, *hearing aids*, and eyeglasses, but, in the case of *hearing aids or eyeglasses*, only if such damage or destruction resulted from accident which also caused personal injury entitling the employe to compensation therefor (either for disability or treatment); "municipality" includes county, city, town, village, school district, sewer district, drainage district, and other public or quasi-public corporations; "examiner" includes the director of workmen's compensation; and "commission" means the industrial commission of Wisconsin. "Time of injury," "occurrence of injury," or "date of injury" is the date of the accident which caused the injury, or in the case of disease, the last day of work for the last employer whose employment caused disability, except that in case of occupational deafness the definition in s. 102.555 * * * controls.

SECTION 2. 102.05 (4) of the statutes is created to read:

102.05 (4) Any person engaged in farming who has become subject to this chapter may withdraw by filing with the commission a notice of withdrawal, providing he has not employed 6 or more employes as defined by s. 102.07 (5) on 20 or more days during the current or previous calendar year. Such withdrawal shall be effective 30 days after the date of receipt by the commission, or at such later date as is specified in the notice. Such person may again become subject to this chapter as provided by s. 102.04 (1) (c) and (d).

SECTION 3. 102.11 (1) of the statutes is amended to read:

102.11 (1) The average weekly earnings for temporary disability shall be taken at not less than \$12.50 nor more than * * * \$91.43; for permanent total disability or death at not less than \$20 nor more than * * * \$91.43; and for permanent partial disability at not less than \$20 nor more than * * * \$63.57. Between said limits the average weekly earnings shall be determined as follows:

SECTION 4. 102.14 (1) of the statutes is created to read:

102.14 (1) The commission shall appoint an advisory committee on workmen's compensation which shall consist of a member of the industrial commission or someone designated by the commission, who shall serve as chairman, with 5 representatives of employers and 5 representatives of em-

ployes. Such committee shall submit its recommendations with respect to amendments to this chapter to each regular session of the legislature and shall report its views upon any pending bill relating to this chapter to the proper legislative committee. The commission shall also appoint 3 nonvoting representatives of casualty insurance companies to sit with the committee in an advisory capacity.

SECTION 5. 102.17 (4) of the statutes is amended to read:

102.17 (4) The right of an employe, his legal representative or dependent to proceed under this section shall not extend beyond 6 years from the date of the injury or death or from the date that compensation (other than medical treatment or burial expenses) was last paid, or would have been last payable if no advancement were made, whichever date is latest, except that in case of injury or death caused by exposure to ionized radiation the right to proceed hereunder shall * * * *be subject to no time limitations.*

SECTION 6. 102.195 of the statutes is amended to read:

102.195 In case an employe * * * is adjudged insane or incompetent, or convicted of a felony, and is confined in a public institution and * * * has wholly dependent * * * upon him for support a person * * *, whose dependency * * * is determined as if the employe were deceased, compensation payable during the period of his confinement may be paid to the employe and his dependents, in such manner, for such time and in such amount as the commission * * * by order * * * provides.

SECTION 7. 102.26 (3) of the statutes is amended to read:

102.26 (3) Compensation in favor of any claimant, which exceeds \$100, shall be made payable to such claimant in person; * * * however, * * * in any award the commission shall upon application of any interested party and subject to the provisions of sub. (2) fix the fee of his attorney or representative and provide in the award for payment of such fee direct to the person entitled thereto. *At the request of the claimant medical expense, witness fees and other charges associated with the claim may be ordered paid out of the amount awarded.* Payment according to the directions of the award shall protect the employer and his insurer from any claim of attorney's lien.

SECTION 8. 102.30 (3) of the statutes is created to read:

102.30 (3) The commission may order direct reimbursement out of the proceeds payable under this chapter for payments made under a non-industrial insurance policy covering the same disability and medical expense when the claimant consents, or when it is established that such payments under the nonindustrial insurance policy were improper.

SECTION 9. 102.49 (7) of the statutes is amended to read:

102.49 (7) The additional benefits for account of each child shall accrue at the rate of 13 per cent of the surviving parent's weekly indemnity. The commission * * * may award such benefits to the surviving parent of such child, to his guardian or to such other person, bank or trust company for his use as may be found best calculated to conserve the interest of the child. In the case of death of a child while benefits are still payable there shall be paid the reasonable expense for burial not exceeding * * * \$300.

SECTION 10. 102.50 of the statutes is amended to read:

102.50 In all cases where death of an employe proximately results from the injury the employer or insurer shall pay the reasonable expense for burial, not exceeding * * * \$500.

SECTION 10m. This bill is declared to be an emergency appropriation bill, recommended by the joint committee on finance, in accordance with the requirements of section 16.47 (2) of the statutes.

SECTION 11. This act shall take effect on July 1, 1963, or if not published by that date on the first of any subsequent month following publication.

Approved August 28, 1963.
