

No. 11, S.]

[Published March 28, 1959.

CHAPTER 10

AN ACT to repeal and recreate 102.49 (5) of the statutes, relating to the maintenance of a fund for the payment of benefits to the minor dependents of victims of industrial accidents.

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

SECTION 1. 102.49 (5) of the statutes is repealed and recreated to read:

102.49 (5) (a) In each case of injury resulting in death, leaving one or more persons wholly dependent for support, the employer or insurer shall pay into the state treasury the sum of \$2,500.

(b) In each case of injury resulting in death leaving no person dependent for support, the employer or insurer shall pay into the state treasury the sum of \$11,000.

(c) In each case of injury resulting in death, leaving one or more persons partially dependent for support, the employer or insurer shall pay into the state treasury an amount which, when added to the sums paid or to be paid on account of partial dependency, shall equal the death benefit

payable to a person wholly dependent, plus the amount payable into the state treasury under this subsection where there is a person wholly dependent, such payment to the state treasury in no event to exceed \$11,000.

(d) The payment into the state treasury 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 under s. 102.29. If such payment is not made within 20 days after the commission makes request therefor, any sum payable shall bear interest at the rate of 6 per cent per annum.

(e) If the balance in the fund provided by this subsection on any June 30 equals or exceeds $1\frac{1}{2}$ times the amount paid out of the fund during the fiscal year ending on said June 30, then the amount of the payment into the state treasury, where one or more persons is wholly dependent for support, shall be \$2,000 instead of \$2,500 for injuries occurring on or after the following October 1. If the balance is 2 times the amount paid out, the amount of the payment shall be \$1,500 instead of \$2,500. If the balance is $2\frac{1}{2}$ times the amount paid out, the payment shall be \$1,000. If the balance is 3 times the amount paid out, the payment shall be \$500. If the balance is $3\frac{1}{2}$ times the amount paid out, no payment shall be required. Any provision for payment of less than \$2,500 shall be valid for a period of one year commencing on said October 1. The commission shall by findings and order annually before October 1 determine the amount to be paid into the fund; such findings and order shall set forth the balance in the fund as of June 30, and the amount paid out during such fiscal year.

SECTION 2. This act shall take effect March 1, 1959 or on the first day of the first month next succeeding the date of publication, whichever is later.

SECTION 3. This bill is declared to be an emergency executive budget bill in accordance with the provisions of s. 15.11 (2).

Approved March 26, 1959.
