

Subd. 2. 3. CITY PRIMARY ELECTION, BALLOTS. The city primary election ballot of cities of the second, third and fourth class shall conform as far as practicable with the regular municipal election ballot except that it shall be printed on white paper, and blank spaces may not be provided for writing in the names of candidates.

Subd. 4. The city of the first class nonpartisan primary election ballot shall conform as far as practicable with the regular municipal election ballot except that it shall be printed on white paper. The city of the first class partisan primary election ballot shall conform as far as practicable with the state consolidated primary election ballot.

Subd. 3. 5. CITY ELECTION, QUESTIONS, BONDS, CHARTERS. All questions relating to the adoption of a city charter or amendments thereto, or any proposition for the issuance of bonds, and all other questions and propositions relating to city affairs submitted at any election to the electors of the municipality, shall be printed on one separate blue colored ballot and shall be prepared, printed and distributed under the direction of the city clerk at the same time and in the same manner as other city ballots. The ballots, when voted, shall be deposited in a separate ballot box, painted blue, to be procured by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other city ballots, and the tally books and returns shall provide appropriate blank spaces for the counting, canvassing and returning of the results of the questions submitted on the blue ballot.

Approved May 19, 1973.

CHAPTER 388—H.F.No.1200

[Coded in Part]

An act relating to workmen's compensation; creating a division of workmen's compensation within the department of labor and industry; providing powers and responsibilities to such commission; making the commissioner of the department of labor and industry the head and administrator of such division; providing powers and responsibilities to such commissioner; amending Minnesota Statutes 1971, Sections 79.28; 121.33, Subdivision 2; 175.006, Subdivisions 1 and 4; 175.10; 175.11, Subdivision 1; 175.16; 175.17; 175.36; Chapter 175, by adding sections; 176.011, Subdivision 6; 176.021, Subdivisions

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3 and 5; 176.061, Subdivision 9; 176.081; 176.091; 176.101, Subdivisions 3, 6 and 8; 176.111, Subdivisions 5, 10, 11, 17 and 18; 176.131, Subdivisions 3, 4, 5, 6, 9, 10, 11 and 12; 176.132, Subdivision 4; 176.135, Subdivisions 1, 2, 3 and 4; 176.151; 176.155, Subdivisions 2, 3, 4 and 5; 176.161, Subdivisions 1 and 2; 176.165; 176.171; 176.181, Subdivisions 2 and 3; 176.183, Subdivision 2; 176.185, Subdivisions 1, 6 and 7; 176.191; 176.195, Subdivisions 2 and 5; 176.215, Subdivision 3; 176.221, Subdivisions 1, 2, 5 and 6; 176.225, Subdivisions 1, 2 and 3; 176.231, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10; 176.235; 176.241, Subdivisions 1, 2, 3 and 4; 176.245; 176.251; 176.261; 176.265; 176.271; 176.275; 176.281; 176.285; 176.291; 176.295, Subdivisions 1, 2 and 4; 176.301, Subdivision 1; 176.305, Subdivisions 1, 2 and 3; 176.311; 176.321, Subdivision 3; 176.331; 176.341, Subdivisions 1, 2 and 3; 176.351, Subdivisions 1, 2, 3 and 4; 176.361; 176.381, Subdivisions 1 and 2; 176.391, Subdivisions 1, 2, 3 and 4; 176.421, Subdivisions 4, 5 and 7; 176.431, Subdivision 1; 176.441, Subdivisions 1 and 2; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 2; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 1; 176.541, Subdivisions 2, 3, 4 and 6; 176.561; 176.571, Subdivisions 1, 2, 3, 4, 5, 6 and 7; 176.581, Subdivisions 1, 2 and 3; 176.591, Subdivision 3; 176.601; 176.611, Subdivisions 2, 3 and 4; 176.621, Subdivisions 1, 4 and 5; 176.631, Subdivision 1; 176.66, Subdivisions 5 and 7; 176.661; 176.662; 176.663; 176.664; 176.665; 176.666; 176.667; 176.668; 176.669, Subdivisions 1 and 2; Chapter 176, by adding a section; 251.042; 251.043, Subdivision 1; 251.052; 251.053; 352A.01, Subdivision 8; repealing Minnesota Statutes 1971, Sections 175.12 and 175.13.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 79.28, is amended to read:

79.28 LABOR AND INDUSTRY; WORKMEN'S COMPENSATION DIVISION, CREATION; LIABILITY OF INSURERS. Carriers of workmen's compensation insurance shall be liable to the extent and in the manner hereafter set forth for the payment of unpaid awards of workmen's compensation arising out of injuries sustained from and after the passage of Laws 1935, Chapter 103, while the employer was insured by a carrier and the carrier becomes insolvent. Upon the determination by the commissioner of insurance, or other competent authority of the state where the carrier is incorporated or organized, that any carrier of workmen's compensation insurance, which is or has been engaged in such business in this state, is insolvent, the workmen's compensation commission shall thereupon and thereafter from time to time certify to the rating bureau of Minnesota, as defined in sections 79.11 and 79.12, the unpaid awards of workmen's compensation for such injuries outstanding against employers insured by this carrier and as to which it is liable. The rating bureau shall thereupon

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make payment of the unpaid awards so far as funds are available at the times and in the amounts required by the awards, unless payment in a lesser number of instalments is authorized by the ~~workmen's compensation commission commissioner of the department of labor and industry~~; and, if sufficient funds to make all of the payments due and payable are not available in any one year, the available funds shall be prorated to these claims in proportion to the amounts of the awards due and payable in that year and the unpaid portion thereof shall be paid as soon as funds are available.

Sec. 2. Minnesota Statutes 1971, Section 121.33, Subdivision 2, is amended to read:

Subd. 2. When the employees of the department have knowledge relating to the nature and extent of an injury or disability or have knowledge of other relevant or material facts with respect to any claim made pursuant to chapter 176, by an injured employee, the department shall first obtain the written consent of the injured employee to the release of such information and shall then report to any party to the claim ~~before~~ under the workmen's compensation commission law and to the workmen's compensation division or the workmen's compensation commission, as the case may be, all such facts within ten days after the department has received written request for such information from the workmen's compensation division or the workmen's compensation commission, as the case may be. At a hearing before a compensation judge or the workmen's compensation commission on appeal, an employee of the department may, upon the written consent of the injured employee, disclose the facts and conclusions upon which the vocational rehabilitation evaluation of the injured employee was made.

Sec. 3. Minnesota Statutes 1971, Section 175.006, Subdivision 1, is amended to read:

175.006 DIVISION OF WORKMEN'S COMPENSATION AND WORKMEN'S COMPENSATION COMMISSION. Subdivision 1. **CREATION AND ORGANIZATION.** The division of workmen's compensation, generally administering the workmen's compensation law, is created within the department under the supervision and control of a commission to be known as the workmen's compensation commission of Minnesota, hereinafter called the commission department of labor and industry. There is created as a separate appellate tribunal for workmen's compensation, the workmen's compensation commission.

The commission shall be composed of three commissioners learned in the law, each serving in the unclassified service of the state civil service. Each commissioner shall be appointed by the governor, by and with the advice and consent of the senate, for a term of six years and until his successor is duly appointed and

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qualifies. The members of the industrial commission workmen's compensation commission as now created shall be the members of the workmen's compensation commission until the expiration of the terms for which they have been appointed and qualified. Any vacancy in the commission shall be filled by the governor by and with the advice and consent of the senate, for the unexpired portion of the term in which the vacancy occurs.

Sec. 4. Minnesota Statutes 1971, Section 175.006, Subdivision 4, is amended to read:

Subd. 4. **POWERS AND DUTIES.** The powers and duties and functions vested in or imposed upon the industrial commission immediately prior to July 1, 1967, by Minnesota Statutes 1965, Chapter 176, and other applicable laws relating to workmen's compensation and by Minnesota Statutes 1965, Sections 251.041 to 251.053 and any act amendatory thereof, except as hereinafter provided, are transferred to, vested in, and imposed upon the commissioner of the department of labor and industry, the head of the workmen's compensation ~~commission~~ division.

Sec. 5. Minnesota Statutes 1971, Chapter 175, is amended by adding a section to read:

[175.0061] POLICY. To enable the workmen's compensation commission to adequately discharge its duties and responsibilities as an appellate tribunal with decisions subject to review only by the supreme court, the legislature recognizes that the persons appointed to such commission should be experts in the workmen's compensation field. The legislature therefore declares that it is in the public interest to retain such specialists as long as they are able and qualified to perform their duties and exercise their responsibilities with the highest degree of skill and with the honor and integrity which has traditionally characterized this appellate tribunal.

Sec. 6. Minnesota Statutes 1971, Section 175.10, is amended to read:

175.10 SESSIONS TO BE PUBLIC. The department of labor and industry shall be open for the transaction of business during all business hours of each and every day, excepting Saturdays, Sundays and legal holidays. The sessions hearings of the workmen's compensation commission and the workmen's compensation division shall be open to the public and may be adjourned from time to time. All the proceedings of the commission and the division shall be shown on its their records, which shall be public records.

Sec. 7. Minnesota Statutes 1971, Chapter 175, is amended by adding a section to read:

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[175.101] DUTIES OF THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY AS HEAD OF THE WORKMEN'S COMPENSATION DIVISION. Subdivision 1. It is the legislative purpose in creating a division of workmen's compensation, and in assigning to the commissioner of the department of labor and industry specific duties and responsibilities, to:

(a) provide for a unified department of labor and industry for the limited purposes of organization and administration of common administrative functions;

(b) assure the autonomy and maximum independence of the necessary adjudicative functions and quasi-legislative administrative duties of the division, and;

(c) separate and limit the functions and responsibilities of the existing workmen's compensation commission to those appropriate to an independent appellate reviewing body.

The commissioner of the department of labor and industry as head of the workmen's compensation division is the administrator of the workmen's compensation division. He shall possess only such powers and perform only such duties as are specifically prescribed by law.

Subd. 2. The commissioner of the department of labor and industry shall keep a full and true record of all proceedings of the workmen's compensation division and the workmen's compensation commission, issue all necessary processes, writs, warrants, and notices which the division or commission are required or authorized to issue and generally act as the administrator of the division of workmen's compensation in the department of labor and industry. Notices and other documents required to be served or filed on the division of workmen's compensation or the workmen's compensation commission shall be served on the commissioner of the department of labor and industry.

Subd. 3. The commissioner of the department of labor and industry shall appoint in the manner provided by law all personnel required by the workmen's compensation commission except that each workmen's compensation commissioner may appoint a secretarial assistant and a law clerk when necessary, each of whom shall be in the classified service of the state civil service. The commissioner of the department of labor and industry shall, in addition to providing for the above personnel, furnish the commission with supplies, equipment, adequate quarters, parking facilities as available, a library, funds for the reimbursement of its expenses unless otherwise provided for by law, funds as needed for performance of duties under Minnesota Statutes, Sections 176.155 and 176.391, taking of testimony, transcripts, and the serving of subpoenas and documents, unless otherwise provided for by law.

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Sec. 8. Minnesota Statutes 1971, Section 175.11, Subdivision 1, is amended to read:

175.11 SEAL; CERTIFIED COPIES. Subdivision 1. The workmen's compensation division and the workmen's compensation commission shall each have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Workmen's Compensation Division of Minnesota" or "Workmen's Compensation Commission of Minnesota" ~~and such other design respectively,~~ as the division or commission may prescribe. The courts of this state shall take judicial notice of such seal and of the signatures of the commissioners ~~and administrator of the commission;~~ and in all cases copies of orders, proceedings, or records of the division or commission, certified by ~~the administrator or a commissioner under its~~ his seal, shall be received in evidence, with the same force and effect given to the originals.

Sec. 9. Minnesota Statutes 1971, Section 175.16, is amended to read:

175.16 DIVISIONS. The department of labor and industry shall consist of the following divisions: division of workmen's compensation, division of boiler inspection, division of accident prevention, division of statistics, division of women and children, division of employment, division of collection agencies, division of fee employment agencies, division of steamfitting standards, division of voluntary apprenticeship, and such other divisions as the commissioner of the department of labor and industry may deem necessary and establish. ~~Except for the division of workmen's compensation,~~ Each division of the department and persons in charge thereof shall be subject to the supervision of the commissioner of the department of labor and industry and, in addition to such duties as are or may be imposed on them by statute, shall perform such other duties as may be assigned to them by the said commissioner.

Sec. 10. Minnesota Statutes 1971, Section 175.17, is amended to read:

175.17 POWERS AND DUTIES, WORKMEN'S COMPENSATION COMMISSION, AND COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY. ~~The workmen's compensation commission shall have the following powers and duties:~~

(1) ~~To exercise such powers and perform such duties concerning the administration of the workmen's compensation laws of the state as may be conferred and imposed on it by such laws and by sections 251.041 to 251.053;~~

(2) ~~To adopt reasonable and proper rules and regulations relative to the exercise of its powers and duties, and proper rules to~~

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~~govern its proceedings and to regulate the mode and manner of all investigations and hearings, which shall not be effective until ten days after their adoption, and a copy of these rules and regulations shall be delivered to every citizen making application therefor;~~

~~(3) To collect, collate, and publish statistical and other information relating to the work under its jurisdiction, and to make public reports in its judgment necessary; and on or before the first of October in each even-numbered year the commission shall report its doings, conclusions, and recommendations to the governor, which report shall be printed and distributed biennially to the members of the legislature and otherwise as the commission may direct;~~

~~(4) To establish and maintain branch offices as needed for the conduct of its affairs.~~

(1) The workmen's compensation commission shall principally exercise appellate jurisdiction under the laws relating to workmen's compensation and the laws governing employees of the state, a county, or other governmental subdivision who contract tuberculosis;

(2) The commissioner of the department of labor and industry shall administer the laws relating to workmen's compensation and the laws governing employees of the state, a county, or other governmental subdivisions who contract tuberculosis;

(3) The workmen's compensation commission and the commissioner of the department of labor and industry shall jointly prescribe reasonable and proper rules and regulations governing rules of practice before the workmen's compensation division in nonappellate matters;

(4) The workmen's compensation commission shall prescribe rules of practice before it in appellate matters;

(5) The commissioner of the department of labor and industry shall collect, collate, and publish statistical and other information relating to work under its jurisdiction and make public reports in his judgment necessary, including such other reports as may be required by law;

(6) The commissioner of the department of labor and industry shall establish and maintain branch offices as needed for the conduct of the affairs of the workmen's compensation division.

Sec. 11. Minnesota Statutes 1971, Section 175.36, is amended to read:

175.36 DESTRUCTION OF FILES AND RECORDS. The department of labor and industry ~~and the workmen's compensation~~

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~~commission~~ is authorized to destroy the following files and records at the times and under the conditions herein specified:

(1) All files, records and correspondence in the ~~office of the industrial commission department~~, covering the period prior to June 1, 1921;

(2) All files and records subsequent thereto, covering the period of one year, on June first of each succeeding year;

(3) Interim receipts filed as the same are audited and have served the purpose of the commission.

Sec. 12. Minnesota Statutes 1971, Section 176.011, Subdivision 6, is amended to read:

Subd. 6. (1) "Commission" means the workmen's compensation commission of Minnesota.

(2) "Division" means the workmen's compensation division of the department of labor and industry.

(3) "Department" means the department of labor and industry.

Sec. 13. Minnesota Statutes 1971, Section 176.021, Subdivision 3, is amended to read:

Subd. 3. **COMPENSATION, COMMENCEMENT OF PAYMENT.** All employers shall commence payment of the compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the ~~commission~~ division. Except those of medical, burial, and other non-periodic benefits, payments shall be made as nearly as may be at the intervals when the wage was payable; provided, however, that payments for permanent partial disability shall be made by lump sum payment, and the provisions of section 176.165 shall not apply, without the necessity of any agreement, or order of the ~~commission~~ division, upon cessation of payments for the healing period, or as soon thereafter as such disability can be ascertained, unless, upon good cause shown, it is otherwise ordered by the ~~commission~~ division. If doubt exists at such time as to the eventual permanent partial disability, payment shall be then made for the minimum permanent partial disability ascertainable in lump sum, and further lump sum payment shall be made upon any later ascertainment of greater permanent partial disability. At the time of the tender of any such lump sum payment, the employee shall be furnished with a copy of the medical report upon which such payment is based, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. No employee shall be requested to sign any final receipt until the weeks covered by the lump sum payment shall have expired.

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Sec. 14. Minnesota Statutes 1971, Section 176.021, Subdivision 5, is amended to read:

Subd. 5. **ACCUMULATED CREDITS, ADDITIONAL PAYMENTS.** If employees of the state or a county, city, village or other political subdivision of the state who are entitled to the benefits of the workmen's compensation law have, at the time of compensable injury, accumulated credits under a vacation, sick leave or overtime plan or system maintained by the governmental agency by which they are employed, the appointing authority may provide for the payment of additional benefits to such employees from their accumulated vacation, sick leave or overtime credits. Such additional payments to an employee may not exceed the amount of the total sick leave, vacation or overtime credits accumulated by the employee and shall not result in the payment of a total weekly rate of compensation that exceeds the weekly wage of the employee. Such additional payments to any employee shall be charged against the sick leave, vacation and overtime credits accumulated by such employee. The industrial commission commissioner of the department of labor and industry for the state or the governing body of any county, city, village or other political subdivision to which the provisions of this chapter apply, may adopt rules and regulations not inconsistent with this chapter for carrying out the provisions hereof relating to payment of additional benefits to employees from accumulated sick leave, vacation or overtime credits.

Sec. 15. Minnesota Statutes 1971, Section 176.061, Subdivision 9, is amended to read:

Subd. 9. **SERVICE OF NOTICE ON ATTORNEY GENERAL.** In every case in which the state is liable to pay compensation or is subrogated to the rights of the employee or his dependents, all notices required to be given the state shall be served on the attorney general and the state workmen's compensation commission commissioner of the department of labor and industry.

Sec. 16. Minnesota Statutes 1971, Section 176.081, is amended to read:

176.081 LEGAL SERVICES OR DISBURSEMENTS; LIEN. No claim for legal services or disbursements pertaining to any demand made or suit or proceeding brought under the provisions of this chapter is an enforceable lien against the compensation or be is valid or binding in any other respect unless approved in writing by the commissioner of the department of labor and industry, compensation judge, or commission, if the claim arises out of a proceeding for compensation under this chapter, or by the judge presiding at the trial in an action for damages, or by a judge of the district court in a settlement of a claim for damages without trial.

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If the employer or his insurer or the defendant is given written notice of such claims for legal services or disbursements, the same shall be a lien against the amount paid or payable as compensation, subject to determination of the amount and approval provided by this chapter.

Sec. 17. Minnesota Statutes 1971, Section 176.091, is amended to read:

176.091 **MINOR EMPLOYEES.** A minor employee has the same power to enter into a contract, make election of remedy, make any settlement, and receive compensation as an adult employee, subject to the power of the commissioner of the department of labor and industry, compensation judge, or commission to require the appointment of a guardian for the minor employee to make such settlement and to receive moneys thereunder or under an award.

Sec. 18. Minnesota Statutes 1971, Section 176.101, Subdivision 3, is amended to read:

Subd. 3. **PERMANENT PARTIAL DISABILITY.** For the permanent partial disability from the loss of a member, the compensation for total disability during the healing period shall be as stated in subdivision 1. For partial disability during the healing period, the compensation shall be as stated in subdivision 2. The healing period shall not exceed 104 weeks. Thereafter and in addition thereto, compensation shall be that named in the following schedule, subject to a maximum compensation of \$73 per week:

(1) For the loss of a thumb, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 65 weeks;

(2) For the loss of a first finger, commonly called index finger, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 40 weeks;

(3) For the loss of a second finger, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 35 weeks;

(4) For the loss of a third finger, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 25 weeks;

(5) For the loss of a fourth finger, commonly called the little finger, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 20 weeks;

(6) The loss of the first phalange of the thumb or of any finger, is considered equal to the loss of one-half of the thumb or finger and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the thumb or finger;

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(7) The loss of one and one-half or more phalanges is considered equal to the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

(8) For the loss of a great toe, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 35 weeks;

(9) For the loss of a toe other than a great toe, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 15 weeks;

(10) The loss of the first phalange of any toe is considered equal to the loss of one-half of the toe, and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the toe;

(11) The loss of one and one-half or more phalanges is considered equal to the loss of the entire toe;

(12) For the loss of a hand, not including the wrist movement, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 195 weeks;

(13) For the loss of a hand, including wrist movement, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 220 weeks;

(14) For the loss of an arm, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 270 weeks;

(15) Amputation of the arm below the elbow is considered the loss of a hand, including wrist movement, if enough of the forearm remains to permit the use of an effective artificial member, otherwise it is considered the loss of an arm;

(16) For the loss of a foot, not including ankle movement, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 140 weeks;

(17) For the loss of a foot, including ankle movement, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 165 weeks;

(18) For the loss of a leg, if enough of the leg remains to permit the use of an effective artificial member, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 195 weeks;

(19) For the loss of a leg so close to the hip that no effective artificial member can be used, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 220 weeks;

(20) Amputation of a leg below the knee is considered as equal to the loss of a foot, including ankle movement, if enough of the lower leg remains to permit the use of an effective artificial member, otherwise it is considered as equal to the loss of a leg;

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(21) For the loss of an eye, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 160 weeks;

(22) For the complete permanent loss of hearing in one ear, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 85 weeks;

(23) For the complete permanent loss of hearing in both ears, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 170 weeks;

(24) For the loss of an eye and a leg, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 475 weeks;

(25) For the loss of an eye and an arm, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 475 weeks;

(26) For the loss of an eye and a hand, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 450 weeks;

(27) For the loss of an eye and a foot, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 400 weeks;

(28) For the loss of two arms, other than at the shoulder, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(29) For the loss of two hands, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(31) For the loss of two feet, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(32) For the loss of one arm and the other hand, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(33) For the loss of one hand and one foot, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(34) For the loss of one leg and the other foot, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(35) For the loss of one leg and one hand, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(36) For the loss of one arm and one foot, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(37) For the loss of one arm and one leg, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

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(38) For loss of the voice mechanism, 66⅔ percent of the daily wage at the time of injury during 500 weeks;

(39) For disfigurement not resulting from the loss of a member or other injury specifically compensated, affecting the employability of the injured person in the employment in which he was injured or other employment for which the employee is then qualified, 66⅔ percent of the daily wage at the time of injury during such period as the compensation judge or the commission in cases on appeal determines, not beyond 90 weeks;

(40) For permanent partial disability resulting from injury to the back, 66⅔ percent of the daily wage at the time of injury for that proportion of 350 weeks which is represented by the percentage of such permanent partial disability as is determined from competent testimony adduced at a hearing before a compensation judge, a commissioner, or the commission;

(41) When an employee sustains concurrent injuries resulting in concurrent disabilities he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this does not affect liability for disfigurement affecting the employability of the injured person or liability for the concurrent loss of more than one member, for which members compensations are provided in the specific schedule and in subdivision 5;

(42) In all cases of permanent partial disability it is considered that the permanent loss of the use of a member is equivalent to and draws the same compensation as the loss of that member, but the compensation in and by this schedule provided shall be in lieu of all other compensation in such cases, except as otherwise provided by this section;

In the event a workman has been awarded, or is entitled to receive, a compensation for loss of use of a member under any workmen's compensation law, and thereafter sustains a loss of such member under circumstances entitling him to compensation therefor under the workmen's compensation act, as amended, the amount of compensation awarded, or that he is entitled to receive, for such loss of use, is to be deducted from the compensation due under the schedules of this section for the loss of such member, provided, that the amount of compensation due for the loss of the member caused by the subsequent accident is in no case less than 25 percent of the compensation payable under the schedule of this section for the loss of such member;

(43) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of the member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the

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schedule for the total loss of the member which the extent of the injury to the member bears to its total loss;

(44) In cases of permanent partial disability caused by simultaneous injury to two or more members, the applicable schedules in this subdivision shall be increased by 15 percent. This clause shall not apply when the injuries are compensated under paragraphs 22 to 37 inclusive, of this subdivision. In cases of partial disability due to injury to both eyes resulting in less than total loss of vision in one or both eyes compensation shall be paid at the prescribed rate during that part of 450 weeks which the extent of the combined injury to both eyes bears to the complete loss of industrial vision;

(45) The commissioner of the department of labor and industry with the commission may make or revise rules for the determination of the extent of the impairment of the industrial use of one or both eyes taking into account all primary coordinate factors of vision. These rules shall be made or revised after consultation with experts on industrial vision and after public notice to and hearing of interested parties;

(46) In all cases of permanent partial disability not enumerated in this schedule the compensation shall be 66 $\frac{2}{3}$ percent of the difference between the daily wage of the worker at the time of the injury and the daily wage he is able to earn in his partially disabled condition, subject to a maximum of \$73 per week, and continue during disability, not beyond 350 weeks; and if the employer does not furnish the worker with work which he can do in his permanently partially disabled condition and he is unable to secure such work with another employer after a reasonably diligent effort, the commission may fix a rate of compensation to be paid to the worker during the period of his unemployment, not beyond 350 weeks, which is to be based upon the percentage of his general physical disability as determined from competent medical testimony adduced at a hearing before a compensation judge, ~~a commissioner,~~ or the commission in cases upon appeal.

Sec. 19. Minnesota Statutes 1971, Section 176.101, Subdivision 6, is amended to read:

Subd. 6. **PREVIOUS PAYMENTS, DEDUCTED FROM BENEFITS.** In case a worker sustains an injury arising out of and in the course of employment, and during the period of disability caused thereby death results approximately therefrom, all payments for temporary or permanent disability previously made as compensation for such injury are deducted up to a maximum of \$17,500 from any compensation due on account of the death, and accrued compensation due to the deceased prior to his death but not paid is payable to such dependent persons or legal heirs as the ~~commission~~ commissioner of the department of labor and industry.

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compensation judge, or commission in cases upon appeal may order, without probate administration.

Sec. 20. Minnesota Statutes 1971, Section 176.101, Subdivision 8, is amended to read:

Subd. 8. **COMPENSATION DURING RETRAINING.** For any injury producing permanent disability which will prevent the employee from adequately performing the duties of the occupation he held at the time of injury, or any other injury which will or is likely to produce indefinite and continuous disability in excess of 26 weeks, the commission commissioner of the department of labor and industry shall require that the injured employee be promptly referred to the division of vocational rehabilitation, department of education, or other public or private, properly accredited agency, to determine if retraining for a new occupation would significantly reduce or remove any reduction in employability caused by the injury. The employer shall pay any usual and reasonable expenses and charges for such evaluation. If the evaluating agency certifies to the commission commissioner of the department of labor and industry that a period of retraining will significantly reduce or prevent the decrease in employability resulting from the injury, and if the workmen's compensation commissioner of the department of labor and industry, compensation judge, or commission, in cases upon appeal, determines the retraining is necessary and makes an order for such compensation, the employer shall pay up to 104 weeks of additional compensation during the actual period of retraining according to the schedule of compensation for temporary total disability. However, the total additional compensation provided by this subdivision shall not be greater than an amount equal to that payable for the injury as compensation for temporary and permanent disability.

Sec. 21. Minnesota Statutes 1971, Section 176.111, Subdivision 5, is amended to read:

Subd. 5. **PAYMENTS, TO WHOM MADE.** In death cases compensation payable to dependents is computed on the following basis and shall be paid to the persons entitled thereto or to a guardian or such other person as the commissioner of the department of labor and industry, compensation judge, or commission in cases upon appeal directs for the use and benefit of the person entitled thereto.

Sec. 22. Minnesota Statutes 1971, Section 176.111, Subdivision 10, is amended to read:

Subd. 10. **ALLOCATION OF COMPENSATION.** In all cases where compensation is payable to the surviving spouse for the benefit of the surviving spouse and dependent children, the com-

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missioner of the department of labor and industry, compensation judge, or commission in cases upon appeal may determine what portion of the compensation shall be applied for the benefit of any such child and may order the same paid to a guardian.

Sec. 23. Minnesota Statutes 1971, Section 176.111, Subdivision 11, is amended to read:

Subd. 11. **REMARRIAGE OF WIDOW.** In the case of the remarriage of a widow without dependent children she shall receive a lump sum settlement equal to one-half of the amount of compensation remaining unpaid, without deduction for interest, but not to exceed two full years compensation. In case of the remarriage of a widow who has dependent children the unpaid balance of compensation which would otherwise become her due shall be payable to the mother, guardian, or such other person as the commissioner of the department of labor and industry, compensation judge, or commission in cases upon appeal, orders for the use and benefit of the children during dependency. If the dependency of the children ceases before the equivalent of two years of the mother's compensation has been paid to the children, the remainder of the two years compensation shall be payable in a lump sum to the mother without deduction for interest. The payments provided herein shall be paid within 60 days after written notice to the employer of the remarriage or that the dependency of the children has ceased. No widow who has remarried shall be held to be a widow without dependent children when the deceased employee leaves any dependent child as defined by this chapter.

Sec. 24. Minnesota Statutes 1971, Section 176.111, Subdivision 17, is amended to read:

Subd. 17. **PARTIAL DEPENDENTS.** Partial dependents are entitled to receive only that proportion of the benefits provided for actual dependents which the average amount of wages regularly contributed by the deceased to such partial dependents at the time of and for a reasonable time immediately prior to the injury bore to the total income of the dependent during the same time; and if the amount regularly contributed by the deceased to such partial dependents cannot be ascertained because of the circumstances of the case, the compensation judge or commission, in cases upon appeal, shall make a reasonable estimate thereof taking into account all pertinent factors of the case.

Sec. 25. Minnesota Statutes 1971, Section 176.111, Subdivision 18, is amended to read:

Subd. 18. **BURIAL EXPENSE.** In all cases where death results to an employee from a personal injury arising out of and in the course of employment, the employer shall pay the expense of

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burial, not exceeding in amount \$1,000. In case any dispute arises as to the reasonable value of the services rendered in connection with the burial, such reasonable value shall be determined and approved by the commissioner of the department of labor and industry, a compensation judge, or commission, in cases upon appeal, before payment, after such reasonable notice to interested parties as is required by the commissioner of the department of labor and industry. If the deceased leave no dependents, no compensation is payable, except as provided by this chapter.

Sec. 26. Minnesota Statutes 1971, Section 176.131, Subdivision 3, is amended to read:

Subd. 3. To entitle the employer to secure reimbursement from the special compensation fund, the following provisions must be complied with:

(a) Provisions of section 176.181, subdivisions 1 and 2.

(b) The employee with a pre-existing physical impairment must have been registered with the commissioner of the department of labor and industry prior to the employee's personal injury.

Sec. 27. Minnesota Statutes 1971, Section 176.131, Subdivision 4, is amended to read:

Subd. 4. Any employer who hires or retains in his employment any person who has a physical impairment shall file a formal registration for each such employee with the commissioner of the department of labor and industry in such form as the commissioner may require.

Sec. 28. Minnesota Statutes 1971, Section 176.131, Subdivision 5, is amended to read:

Subd. 5. Registration under this section may be made by the employee or any employer provided:

(a) Registration shall be accompanied by satisfactory evidence of such physical impairment;

(b) Registration shall be in effect as long as said impairment exists;

(c) Upon request, a registered employee shall be furnished by the commissioner of the department of labor and industry with a registration card evidencing the fact of registration, and such other facts as the commissioner of the department of labor and industry deems advisable.

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Sec. 29. Minnesota Statutes 1971, Section 176.131, Subdivision 6, is amended to read:

Subd. 6. When the employer claims reimbursement from the special compensation fund after paying compensation as prescribed by this section, he shall file with the commission commissioner of the department of labor and industry written notice of intention to claim reimbursement in accordance with the rules and regulations of the commission commissioner of the department of labor and industry.

Sec. 30. Minnesota Statutes 1971, Section 176.131, Subdivision 9, is amended to read:

Subd. 9. The commission commissioner of the department of labor and industry shall prescribe rules and regulations necessary for the operation of this section, except as noted in section 176.131, subdivision 8 clause (p).

Sec. 31. Minnesota Statutes 1971, Section 176.131, Subdivision 10, is amended to read:

Subd. 10. The special compensation fund is created for the purposes provided in this chapter in the following manner:

(1) In every case of death of an employee resulting from personal injury arising out of and in the course of his employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the commission commissioner of the department of labor and industry the sum of \$5,000 for the benefit of the special compensation fund; in every case of death of an employee resulting from personal injury arising out of and in the course of his employment where there are no persons entitled to at least \$5,000 in monetary benefits of dependency compensation, the employer shall pay to the commission commissioner of the department of labor and industry for the benefit of the special compensation fund the difference between the amounts actually paid for such dependency benefits and \$5,000; but in no event shall the employer pay the commission commissioner of the department of labor and industry less than \$1,000;

(2) When an employee shall suffer personal injury which results in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability or death and which entitles him or dependents to compensation under sections 176.101 or 176.111, the employer shall in addition to compensation provided therein, pay to the commission commissioner of the department of labor and industry for the benefit of the special compensation fund a lump sum without interest deduction equal to seven percent of such total compensation, as soon as the amount

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payable for the particular injury is determined by the ~~commission~~, or arrived at by agreement of the parties and such amount is approved by the ~~commission~~ commissioner of the department of labor and industry.

The provisions of clause (1) and clause (2) of this subdivision shall apply to all workmen's compensation payments, exclusive of medical costs, paid under sections 176.101 and 176.111 for all injuries or death occurring on or after June 1, 1971.

Personal injuries that occurred prior to June 1, 1971 shall be assessed at the rate in effect on the date of occurrence.

The seven percent of the total compensation required to be paid by the employer to the ~~commission~~ commissioner of the department of labor and industry for the benefit of the special compensation fund as provided in clause (2) of this subdivision shall remain fixed at said seven percent for the period from June 1, 1971, to June 1, 1972. Effective June 1, 1972, and thereafter on June 1, of each subsequent year, the rate shall be adjusted on the following basis: if the balance in the special compensation fund as of April 30 in any year is below \$1,000,000, the rate of payment shall be increased by two percent over the then prevailing rate. If the balance is at least \$1,000,000 but below \$1,500,000, the rate will be increased by one percent. If the balance is at least \$1,500,000 but below \$2,000,000, there shall be no change. If the balance is at least \$2,000,000 but less than \$2,500,000, the rate shall be decreased by one percent. If the balance is at least \$2,500,000, the rate shall be decreased by two percent.

Such sums as are paid to the ~~workmen's compensation commission~~ commissioner of the department of labor and industry pursuant to the provisions hereof, shall be by it deposited with the state treasurer for the benefit of the special compensation fund and be used to pay the benefits provided by chapter 176. All money heretofore arising from the provisions of this section or similar law shall be transferred to this special compensation fund.

The state treasurer shall be the custodian of this special fund and the workmen's compensation division and the workmen's compensation commission in cases before it shall direct the distribution thereof, the same to be paid as other payments of compensation are paid. In case deposit is or has been made under the provisions of clause (1) and dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) by mistake or inadvertence, or under such circumstances that justice requires a refund thereof, the state treasurer is hereby authorized to refund such deposit under order of the workmen's compensation division or the workmen's compensation commission. There is appropriated to the persons entitled to such refunds from the fund an amount sufficient to make the refund and payment.

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Costs within the department of labor and industry for the accounting and legal procedures necessary for administration of the programs financed by the special compensation fund shall come from the fund during each biennium commencing July 1, 1971 with the special compensation fund being reimbursed from general fund in the next regular session of the legislature.

Sec. 32. Minnesota Statutes 1971, Section 176.131, Subdivision 11, is amended to read:

Subd. 11. ~~The commission~~ commissioner of the department of labor and industry shall report biennially to the governor and to the legislature as to the financial status of such special compensation fund, which report shall include a statement of the receipts and the disbursements for the period covered.

Sec. 33. Minnesota Statutes 1971, Section 176.131, Subdivision 12, is amended to read:

Subd. 12. All employers shall make such reports to the ~~commission~~ commissioner of the department of labor and industry as shall be required for the proper administration of this section.

Sec. 34. Minnesota Statutes 1971, Section 176.132, Subdivision 4, is amended to read:

Subd. 4. **ADMINISTRATIVE PROCEDURES.** ~~The commission~~ commissioner of the department of labor and industry shall prescribe such forms and procedures as are required for the administration of this section.

Sec. 35. Minnesota Statutes 1971, Section 176.135, Subdivision 1, is amended to read:

176.135 TREATMENT; APPLIANCES; SUPPLIES. Subdivision 1. **MEDICAL, CHIROPRACTIC, SURGICAL, HOSPITAL.** The employer shall furnish such medical, chiropractic, surgical and hospital treatment, including nursing, medicines, medical, chiropractic, and surgical supplies, crutches and apparatus, including artificial members, or, at the option of the employee, if the employer has not filed notice as hereinafter provided, Christian Science treatment in lieu of medical treatment, chiropractic medicine and medical supplies, as may reasonably be required at the time of the injury and any time thereafter to cure and relieve from the effects of the injury. Such treatment shall include treatments necessary to physical rehabilitation. The employer shall furnish replacement or repair for artificial members, glasses, or spectacles, artificial eyes, dental bridge work, dentures or artificial teeth, hearing aids, canes, crutches or wheel chairs damaged by reason of an injury arising out of and in the course of the employment. In case of his inability or refusal seasonably to do so the employer shall be liable

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for the reasonable expense incurred by or on behalf of the employee in providing the same. The employer shall pay for the reasonable value of nursing services by a member of the employee's family in cases of permanent total disability. Orders of ~~the commission~~ a compensation judge with respect to this subdivision may be reviewed by the commission on petition of an aggrieved party or by writ of certiorari to the supreme court.

Sec. 36. Minnesota Statutes 1971, Section 176.135, Subdivision 2, is amended to read:

Subd. 2. **CHANGE OF PHYSICIANS OR CHIROPRACTORS.** ~~The commission~~ commissioner of the department of labor and industry shall make the necessary rules for a change of physicians or chiropractors in the case that either the employee or the employer desire a change and for the designation of a physician or chiropractor suggested by the injured employee or the ~~commission~~ commissioner of the department of labor and industry. In such case the expense thereof shall be borne by the employer upon the same terms and conditions as provided in subdivision 1 and for medical, chiropractic and surgical treatment and attendance.

Sec. 37. Minnesota Statutes 1971, Section 176.135, Subdivision 3, is amended to read:

Subd. 3. **LIMITATION OF LIABILITY.** The pecuniary liability of the employer for the treatment, articles and supplies required by this section shall be limited to such charges therefor as prevail in the same community for similar treatment, articles and supplies furnished to injured persons of a like standard of living when the same are paid for by the injured persons. On this basis the compensation judge or commission on appeal may determine the reasonable value of all such services and supplies and the liability of the employer is limited to the amount so determined.

Sec. 38. Minnesota Statutes 1971, Section 176.135, Subdivision 4, is amended to read:

Subd. 4. **CHRISTIAN SCIENCE TREATMENT.** Any employee electing to receive Christian Science treatment as provided in subdivision 1 shall notify his employer in writing of his election within 30 days after July 1, 1953, and any person hereafter accepting employment shall give such notice at the time he accepts employment. Any employer may elect not to be subject to the provisions for Christian Science treatment provided for in this section by filing a written notice of such election with the ~~commission~~ commissioner of the department of labor and industry, in which event the election of the employee shall have no force or effect whatsoever.

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Sec. 39. Minnesota Statutes 1971, Section 176.151, is amended to read:

176.151 **TIME LIMITATIONS.** The time within which the following acts shall be performed shall be limited to the following periods, respectively:

(1) Actions or proceedings by an injured employee to determine or recover compensation, two years after the employer has made written report of the injury to the ~~commission~~ commissioner of the department of labor and industry, but not to exceed six years from the date of the accident.

(2) Actions or proceedings by dependents to determine or recover compensation, two years after the receipt by the ~~commission~~ commissioner of the department of labor and industry of written notice of death, given by the employer, but not to exceed six years from the date of injury, provided, however, if the employee was paid compensation for the injury from which the death resulted, such actions or proceedings by dependents must be commenced within two years after the receipt by the ~~commission~~ commissioner of the department of labor and industry of written notice of death, given by the employer, but not to exceed six years from the date of death. In any such case, if a dependent of the deceased, or any one in his behalf, gives written notice of such death to the ~~commission~~ commissioner of the department of labor and industry, the ~~commission~~ commissioner shall forthwith give written notice to the employer of the time and place of such death. In case the deceased was a native of a foreign country and leaves no known dependent within the United States, the ~~commission~~ commissioner of the department of labor and industry shall give written notice of the death to the consul or other representative of the foreign country forthwith.

(3) Once compensation has been paid to the employee, he must bring any action for further compensation within eight years from the date compensation was last paid except in the case of lump sum payments made pursuant to section 176.021, subdivision 3, in which case any action must be commenced within eight years from what would have been the date of expiration of weekly benefits under section 176.101 had not lump sum payments been made.

(4) Clause (3) shall not apply where any existing order or award provides for further payments of compensation for recurrences of the disability from the injury to the employee; or is in an injury of a nature where in the opinion of the compensation judge or commission upon appeal there is a possibility of a future disability and the compensation judge or commission upon appeal so finds.

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(5) Clause (3) shall not apply where the employee's injury for which he has received compensation is such that as part of his medical care he is entitled to the future replacement or repair of crutches, apparatus, artificial members, glasses, spectacles, artificial eyes, dental bridge work, dentures or artificial teeth, hearing aids, canes, wheel chairs, or other prosthetic devices and his claim relates to items in this paragraph, or to future medical care as it relates to items in this paragraph.

(6) In case of physical or mental incapacity, other than minority, of the injured person or his dependents to perform or cause to be performed any act required within the time specified in this section, the period of limitation in any such case shall be extended for two years from the date when the incapacity ceases.

(7) In the case of injury caused by x-rays, radium, radioactive substances or machines, or ionizing radiation, the time limitations otherwise prescribed by Minnesota Statutes 1961, Chapter 176, and acts amendatory thereof, shall not apply, but the employee shall give notice to the employer and commence his action within two years after the employee has knowledge of the cause of such injury and the injury has resulted in disability.

Sec. 40. Minnesota Statutes 1971, Section 176.155, Subdivision 2, is amended to read:

Subd. 2. **NEUTRAL PHYSICIAN.** In each case of dispute as to the injury the ~~commission~~ commissioner of the department of labor and industry, or in case of a hearing the ~~commissioner or compensation judge conducting the hearing, or the commission if the matter is before it,~~ may upon its own or his own motion, or upon request of any interested party, made in compliance with the rules of the commissioner of the department of labor and industry and the commission regulating the proper time and forms for such request, designate a neutral physician of good standing and ability to make an examination of the injured worker and report his findings to the ~~commission, a commissioner, or commissioner of the department of labor and industry, compensation judge, or the commission~~ as the case may be. The ~~commission, commissioner, or commissioner of the department of labor and industry, compensation judge, or the commission,~~ as the case may be, may request the neutral physician to answer any particular question with reference to the medical phases of the case, including questions calling for an opinion as to the cause and occurrence of the injury insofar as medical knowledge is relevant in such answer. A copy of the signed certificate of such neutral physician shall be mailed to the parties in interest and either party, within five days from date of mailing, may demand that such physician be produced for purposes of cross-examination. Such signed certificate of a neutral physician is competent evidence of the facts stated therein. The expense

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of such examination shall be paid as ordered by the ~~commission, commissioner or commissioner of the department of labor and industry,~~ compensation judge, or the commission.

Sec. 41. Minnesota Statutes 1971, Section 176.155, Subdivision 3, is amended to read:

Subd. 3. **REFUSAL TO BE EXAMINED.** If the injured employee refuses to comply with any reasonable request for examination, his right to compensation may be suspended by order of the division, or commission in a matter before it, and no compensation shall be paid while he continues in such refusal.

Sec. 42. Minnesota Statutes 1971, Section 176.155, Subdivision 4, is amended to read:

Subd. 4. **AUTOPSIES.** In all death claims where the cause of death is obscure or disputed any interested party may request an autopsy and, if denied, the compensation judge, or commission upon appeal, upon petition and proper showing, shall order an autopsy. If any dependent claiming compensation or benefits does not consent to such autopsy within the time fixed by ~~the commission in its~~ the order, all dependents shall forfeit all rights to compensation. The party demanding an autopsy shall bear the cost thereof.

Sec. 43. Minnesota Statutes 1971, Section 176.155, Subdivision 5, is amended to read:

Subd. 5. **TESTIMONY OF EXAMINING PHYSICIANS.** Any physician designated by the ~~commission, commissioner, or commissioner of the department of labor and industry,~~ compensation judge, or commission or whose services are furnished or paid for by the employer, who treats or who makes or is present at any examination of an injured employee, may be required to testify as to any knowledge acquired by him in the course of such treatment or examination relative to the injury or disability resulting therefrom.

Sec. 44. Minnesota Statutes 1971, Section 176.161, Subdivision 1, is amended to read:

176.161 **ALIEN DEPENDENTS.** Subdivision 1. **RESIDING OUTSIDE UNITED STATES.** In case a deceased employee for whose injury or death compensation is payable leaves surviving him an alien dependent residing outside the United States the ~~commission~~ commissioner of the department of labor and industry shall direct the payment of all compensation due the dependent to be made to the duly accredited consular officer of the country of which the beneficiary is a citizen residing within the state, or to his designated representative residing within the state; or, if the ~~commission~~ commissioner of the department of labor and industry

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believes that the interests of the dependent will be better served and at any time prior to the final settlement the dependent files with the ~~commission~~ commissioner of the department of labor and industry a power of attorney designating any other suitable person residing in this state to act as attorney in fact in such proceedings, the ~~commission~~ commissioner of the department of labor and industry may appoint such person. If it appears necessary to institute proceedings to enforce payment of compensation due the dependent, the ~~commission~~ commissioner of the department of labor and industry may permit the consular officer to institute these proceedings. If during the pendency of these proceedings, such power of attorney is filed by the alien dependent, the ~~commission~~ commissioner of the department of labor and industry shall then determine whether such attorney in fact be substituted to represent such dependent or if the consular officer or his representative continue therein. The person so appointed may carry on proceedings to settle all claims for compensation and receive for distribution to such dependent all compensation arising under this chapter. The settlement and distribution of the funds shall be made only on the ~~commission's~~ written order of the commissioner of the department of labor and industry. The person so appointed shall furnish a bond satisfactory to the commission, conditioned upon the proper application of the money received by him. Before the bond is discharged, the person so appointed shall file with the ~~commission~~ commissioner of the department of labor and industry a verified account of his receipts and disbursements of such compensation.

Sec. 45. Minnesota Statutes 1971, Section 176.161, Subdivision 2, is amended to read:

Subd. 2. **LIST OF DEPENDENTS.** Before receiving the first payment of such compensation and thereafter when ordered so to do by the ~~commission~~ commissioner of the department of labor and industry, the person so appointed shall furnish to the ~~commission~~ commissioner of the department of labor and industry a sworn statement containing a list of the dependents showing the name, age, residence, extent of dependency, and relationship to the deceased of each dependent.

Sec. 46. Minnesota Statutes 1971, Section 176.165, is amended to read:

176.165 **LUMP SUM PAYMENTS.** The amounts of compensation payable periodically may be commuted to one or more lump sum payments only by order of the commissioner of the department of labor and industry, compensation judge, or commission in cases upon appeal, and on such terms and conditions as the commissioner of the department of labor and industry, compensation judge, or ~~commission~~ prescribes. ~~The commission shall not authorize any~~

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~~lump sum payment until it has received from the Bureau of Workmen's Rehabilitation a recommendation as to the advisability of granting the same, but such recommendation is not binding on the commission.~~ In making these commutations the lump sum payments shall amount, in the aggregate, to a sum equal to the present value of all future instalments of the compensation calculated on a five percent basis.

Sec. 47. Minnesota Statutes 1971, Section 176.171, is amended to read:

176.171 PAYMENT TO TRUSTEE. At any time after the amount of any award or commutation is finally determined by ~~the commission,~~ a sum equal to the present value of all future instalments of the compensation, calculated on a five percent basis, where death or the nature of the injury renders the amount of future payments certain, may be paid by the employer to any bank, mutual savings bank, savings and loan association, or trust company in this state approved and designated by the commissioner of the department of labor and industry, compensation judge, or commission in cases upon appeal. Such sum, together with all interest thereon, shall be held in trust for the employee or for the dependents of the employee, who shall have no further recourse against the employer. The employer's payment of this sum evidenced by a receipt of the trustee filed with ~~the commission~~ commissioner of the department of labor and industry, operates as a satisfaction of the compensation liability as to the employer. The trustee shall make payments from the fund in the same amounts and at the same time as are required of the employer until the fund and interest is exhausted, except when otherwise ordered by ~~the commission~~ commissioner of the department of labor and industry. In the appointment of trustee ~~the commission shall give preference shall be given~~ to the choice of the injured employee or the choice of the dependents of the deceased employee.

Sec. 48. Minnesota Statutes 1971, Section 176.181, Subdivision 2, is amended to read:

Subd. 2. COMPULSORY INSURANCE; SELF-INSURERS. Every employer, except the state and its municipal subdivisions, liable under this chapter to pay compensation shall insure payment of such compensation with some insurance carrier authorized to insure such liability in this state, or obtain a written order from ~~the commission~~ commissioner of the department of labor and industry exempting such employer from insuring his liability for compensation and permitting him to self-insure such liability. With the approval of ~~the commission~~ commissioner of the department of labor and industry, any employer may exclude medical, chiropractic and hospital benefits as required by this chapter. An employer conducting distinct operations at different locations may either

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insure or self-insure such other portion of his operations which may be determined by the ~~commission~~ commissioner of the department of labor and industry to be a distinct and separate risk. An employer desiring to be exempted from insuring his liability for compensation shall make application to the ~~commission~~ commissioner of the department of labor and industry, showing his financial ability to pay such compensation, whereupon by written order the ~~commission~~ commissioner of the department of labor and industry may make such exemption as it deems proper. The ~~commission~~ commissioner of the department of labor and industry may require further statements of financial ability of the employer to pay compensation. Upon ten days written notice the ~~commission~~ commissioner of the department of labor and industry may revoke its order granting such exemption, in which event the employer shall immediately insure his liability. As a condition for the granting of an exemption the ~~commission~~ commissioner of the department of labor and industry may require the employer to furnish such security as it considers sufficient to insure payment of all claims under this chapter. If the required security is in the form of currency or negotiable bonds, the ~~commission~~ commissioner of the department of labor and industry shall deposit same with the state treasurer. In the event of any default upon the part of a self-insurer to abide by any final order or decision of the ~~commission~~ commissioner of the department of labor and industry directing and awarding payment of compensation and benefits to any employee or the dependents of any deceased employee, then upon at least ten days notice to such self-insurer, the ~~commission~~ commissioner of the department of labor and industry may by written order to the state treasurer require him to sell the pledged and assigned securities or such part thereof as is necessary to pay the full amount of any such claim or award with interest thereon. This authority to sell may be exercised from time to time to satisfy any order or award of the ~~commission~~ commissioner of the department of labor and industry or any judgment obtained thereon. When such securities are sold the money so obtained shall be deposited in the state treasury to the credit of the ~~commission~~ commissioner of the department of labor and industry and awards made against any such self-insurer by the ~~commission~~ commissioner of the department of labor and industry shall be paid to the persons entitled thereto by the state treasurer upon warrants prepared by the ~~commission~~ commissioner of the department of labor and industry and approved by the state auditor out of the proceeds of the sale of such securities. Where the security is in the form of a surety bond or personal guaranty the ~~commission~~ commissioner of the department of labor and industry, at any time, upon at least ten days notice and opportunity to be heard, may require the surety to pay the amount of the award, the payments to be enforced in like manner as the award may be enforced.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 49. Minnesota Statutes 1971, Section 176.181, Subdivision 3, is amended to read:

Subd. 3. **FAILURE TO INSURE, PENALTY.** Any employer who fails to comply with the provisions of subdivision 2 to secure payment of compensation is liable to the state of Minnesota for a penalty of \$50, if the number of uninsured employees in his employment is less than 5 and for a penalty of \$200 if the number of such uninsured employees in his employment is 5 or more. If the employer continues his noncompliance, he is liable for five times the lawful premium for compensation insurance for such employer for the period he fails to comply with such provisions, commencing ten days after notice has been served upon him by the ~~commission~~ commissioner of the department of labor and industry by certified mail. These penalties may be recovered jointly or separately in a civil action brought in the name of the state by the attorney general in any court having jurisdiction. Whenever any such failure occurs the ~~commission~~ commissioner of the department of labor and industry shall immediately certify the fact thereof to the attorney general. Upon receipt of such certification the attorney general shall forthwith commence and prosecute such action. All penalties recovered by the state in any such action shall be paid into the state treasury and credited to the special compensation fund. If an employer fails to comply with the provisions of subdivision 2, to secure payment of compensation after having been notified of his duty, the attorney general, upon request of the ~~commission~~ commissioner of the department of labor and industry, may proceed against the employer in any court having jurisdiction for an order restraining him from having any person in his employment at any time when he is not complying with the provisions of subdivision 2.

Sec. 50. Minnesota Statutes 1971, Section 176.183, Subdivision 2, is amended to read:

Subd. 2. Upon a warrant prepared by the ~~commission~~ commissioner of the department of labor and industry and approved by the state auditor, and in accordance with the terms of the order awarding compensation, the state treasurer shall pay compensation to the employee or his dependent from the special compensation fund. The ~~workmen's compensation commission~~ commissioner of the department of labor and industry shall certify to the state treasurer and to the legislature at the end of each biennium the total amount of compensation paid from the special compensation fund under subdivision 1, including the necessary expenses and salary which the attorney general incurs in investigating, defending and in maintaining any cause of action against any employer. The state treasurer shall upon proper certification reimburse the special compensation fund from the general fund the total amount certified as paid under this section, and the funds required for the

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purpose of making such reimbursement are hereby annually appropriated.

Sec. 51. Minnesota Statutes 1971, Section 176.185, Subdivision 1, is amended to read:

176.185 POLICY OF INSURANCE. Subdivision 1. **NOTICE OF COVERAGE, TERMINATION, CANCELLATION.** Within 10 days after the issuance of a policy of insurance covering the liability to pay compensation under this chapter written by any insurer licensed to insure such liability in this state, the insurer shall file notice of coverage with the commissioner of the department of labor and industry under regulations and on forms prescribed by the commissioner of the department of labor and industry. No policy shall be canceled by the insurer within the policy period nor terminated upon expiration date until a notice in writing shall be delivered or mailed to the insured and filed with the ~~workmen's compensation commission~~ commissioner of the department of labor and industry, fixing the date on which it is proposed to cancel it, or declaring that the insurer does not intend to renew the policy upon the expiration date. Such cancellation or termination shall not become effective until 30 days after written notice has been filed with the ~~commissioner~~ commissioner of the department of labor and industry unless prior to the expiration of said 30 day period the employer obtains other insurance coverage or an order exempting him from carrying insurance as provided in section 176.181. Upon receipt of said notice the ~~commissioner~~ commissioner of the department of labor and industry shall notify the insured that he must obtain coverage from some other licensed carrier and that, if unable to do so, he shall request the Compensation Rating Bureau to designate some carrier to issue a policy as provided in section 79.25. Upon a cancellation or termination of a policy by the insurer the employer is entitled to have a policy assigned to him in accordance with sections 79.24 to 79.27. Notice of cancellation or termination by the insured shall be served upon the insurer by written statement to that effect mailed or delivered to the insurer. Upon receipt of such notice the insurer shall notify the ~~commissioner~~ commissioner of the department of labor and industry of the cancellation or termination and thereupon the ~~commissioner~~ commissioner of the department of labor and industry shall ask the employer for the reasons for his cancellation or termination and notify him of his duty under this chapter to insure his employees.

Sec. 52. Minnesota Statutes 1971, Section 176.185, Subdivision 6, is amended to read:

Subd. 6. **JOINING RISKS WITH OTHER RISKS IN POLICY.** Where the agreement has been approved by the ~~commissioner~~ commissioner of the department of labor and industry the employer

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and employee may agree to carry the risk provided for in this chapter in conjunction with other and greater risks providing other and greater benefits in the form of additional compensation, or accident, sickness, or old age insurance or benefits. This agreement may provide for appropriate contribution by the employee.

Sec. 53. Minnesota Statutes 1971, Section 176.185, Subdivision 7, is amended to read:

Subd. 7. **NOTICE, EFFECT.** Where an employer has properly insured the payment of compensation to his employee, and he posts a notice in conspicuous places about his place of business stating that he is so insured and by whom, and he files a copy of that notice with the ~~workmen's compensation commission~~ commissioner of the department of labor and industry, the employee, or his dependent, shall proceed directly against the insurer. In such case but subject to subdivision 8, the employer is released from further liability in this respect.

Sec. 54. Minnesota Statutes 1971, Section 176.191, is amended to read:

176.191 DISPUTE BETWEEN TWO OR MORE EMPLOYERS OR INSURERS REGARDING LIABILITY. Where compensation benefits are payable under this chapter, and a dispute exists between two or more employers or two or more insurers as to which is liable for payment, the ~~workmen's compensation commission~~ commissioner of the department of labor and industry, compensation judge, or commission upon appeal may direct that one or more of the employers or insurers make payment of the benefits pending a determination of liability.

When liability has been determined, ~~the commission shall order~~ the party held liable for the benefits shall be ordered to reimburse any other party for payments which the latter has made, including interest at the rate of five percent per annum. The ~~commission claimant~~ may also award the claimant be awarded a reasonable attorney fee, to be paid by the party held liable for the benefits.

An order of ~~the commission~~ directing payment of benefits pending a determination of liability may not be used as evidence before any ~~referee~~ commissioner, compensation judge, commission, or court in which the dispute is pending.

Sec. 55. Minnesota Statutes 1971, Section 176.195, Subdivision 2, is amended to read:

Subd. 2. **COMMENCEMENT OF PROCEEDINGS.** Such commissioner may act under subdivision 1 upon his own motion, the recommendation of the ~~workmen's compensation commission~~ commissioner of the department of labor and industry, or the commission, or the complaint of any interested person.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 56. Minnesota Statutes 1971, Section 176.195, Subdivision 5, is amended to read:

Subd. 5. **FINDINGS OF FACTS, ORDER.** Such commissioner shall make findings of fact and enter an appropriate order. He shall file the findings and order, and mail a copy of them to the workmen's compensation commissioner of the department of labor and industry, the complainant, and the insurer.

Sec. 57. Minnesota Statutes 1971, Section 176.215, Subdivision 3, is amended to read:

Subd. 3. **DETERMINATION OF RESPECTIVE LIABILITIES.** The workmen's compensation ~~commission~~ division may determine the respective liabilities of persons under this section.

Sec. 58. Minnesota Statutes 1971, Section 176.221, Subdivision 1, is amended to read:

176.221 **PAYMENT OF COMPENSATION, COMMENCEMENT.** Subdivision 1. **DENIAL OF LIABILITY, REQUEST FOR EXTENSION OF TIME.** Within 30 days from the date of notice to or knowledge by the employer of an injury compensable under the chapter, and unless within that 30 day period the employer or the insurer files with the ~~commission~~ commissioner of the department of labor and industry a denial of liability or a request for an extension of time within which to determine liability, the person responsible for payment of compensation shall begin payment of compensation.

Sec. 59. Minnesota Statutes 1971, Section 176.221, Subdivision 2, is amended to read:

Subd. 2. **GRANT OF EXTENSION.** Upon application made within the 30 day period referred to in subdivision 1, the ~~commission~~ commissioner of the department of labor and industry may grant an extension of time within which to determine liability. The extension shall not exceed 30 days.

Sec. 60. Minnesota Statutes 1971, Section 176.221, Subdivision 5, is amended to read:

Subd. 5. **DOUBLE PAYMENTS TO SPECIAL COMPENSATION FUND.** Where an employer or insurer has failed to make the payments required by subdivision 3 or subdivision 4 within 60 days from the end of the 30 day period or the extended period, the ~~commission~~ division may require him to pay to the special compensation fund, each day subsequent to the end of the period and until a compensation payment is made to the injured employee, a sum equal to double the total amount of compensation to which the employee is entitled because of the injury. In addition, the person

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responsible for compensation shall pay to the special compensation fund an amount equal to the total amount of compensation to which the employee is entitled.

Sec. 61. Minnesota Statutes 1971, Section 176.221, Subdivision 6, is amended to read:

Subd. 6. **ASSESSMENT OF PENALTIES.** The ~~commission division~~ shall assess the penalty payments provided for by subdivisions 3 to 5 against either the employer or the insurer depending upon to whom the delay is attributable in making payment of compensation. The insurer is not liable for a penalty payment assessed against the employer.

Sec. 62. Minnesota Statutes 1971, Section 176.225, Subdivision 1, is amended to read:

176.225 **ADDITIONAL AWARD AS PENALTY.** Subdivision 1. **GROUNDS.** Upon reasonable notice and hearing or opportunity to be heard, the ~~commission division~~ or upon appeal, the commission or the supreme court may award compensation, in addition to the total amount of compensation award, of up to 25 percent of that total amount where an employer or insurer has:

- (a) instituted a proceeding or interposed a defense which does not present a real controversy but which is frivolous or for the purpose of delay; or,
- (b) unreasonably or vexatiously delayed payment; or,
- (c) neglected or refused to pay compensation; or,
- (d) intentionally underpaid compensation.

Sec. 63. Minnesota Statutes 1971, Section 176.225, Subdivision 2, is amended to read:

Subd. 2. **EXAMINATION OF BOOKS AND RECORDS.** To determine whether an employer or insurer has become subject to the payment provided by subdivision 1, the ~~workmen's compensation commission division or the commission upon appeal~~ may examine the books and records of the person relating to the payment of compensation, and may require him to furnish any other information relating to the payment of compensation.

Sec. 64. Minnesota Statutes 1971, Section 176.225, Subdivision 3, is amended to read:

Subd. 3. **DEFIANCE OF WORKMEN'S COMPENSATION COMMISSION, COMPLAINT.** Where an insurer persists in an action or omission listed in subdivision 1, or does not permit the

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~~commission to examine~~ examination of his books and records, or fails to furnish such information as ~~the commission requires required,~~ the commission commissioner shall file a written complaint with the insurance commissioner. The complaint shall specify the facts and recommend the revocation of the license of the insurer to do business in this state. The commission may also file such written complaint.

Sec. 65. Minnesota Statutes 1971, Section 176.231, Subdivision 1, is amended to read:

176.231 REPORT OF DEATH OR INJURY TO COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY. Subdivision 1. **TIME LIMITATION.** Where death or serious injury occurs to an employee during the course of employment, the employer shall report the same to the ~~commission commissioner~~ of the department of labor and industry within 48 hours after its occurrence. Where any other injury occurs which wholly or partly incapacitates the employee from performing labor or service for three days or longer, the employer shall report the injury to the ~~commission commissioner~~ of the department of labor and industry within 15 days from its occurrence. Where an injury has once been reported but subsequently death ensues, the employer shall report the death to the ~~commission commissioner~~ of the department of labor and industry within 48 hours after he receives notice of such fact.

Sec. 66. Minnesota Statutes 1971, Section 176.231, Subdivision 2, is amended to read:

Subd. 2. **INITIAL REPORT, WRITTEN REPORT.** Where subdivision 1 requires an injury to be reported within 48 hours, the employer may make his initial report by telephone, telegraph, or personal notice, and file a written report of the injury within seven days from its occurrence or within such time as the ~~commission commissioner~~ of the department of labor and industry designates. All written reports of injuries shall be in duplicate.

Sec. 67. Minnesota Statutes 1971, Section 176.231, Subdivision 3, is amended to read:

Subd. 3. **PHYSICIANS OR SURGEONS TO REPORT INJURIES.** Where a physician or surgeon has examined, treated, or has special knowledge of an injury to an employee which may be compensable under this chapter, he shall report to the ~~commission commissioner~~ of the department of labor and industry all facts relating to the nature and extent of the injury and disability within ten days after he has received a written request for such information from the ~~commission commissioner~~ of the department of labor and industry or any member or employee thereof.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 68. Minnesota Statutes 1971, Section 176.231, Subdivision 4, is amended to read:

Subd. 4. **SUPPLEMENTARY REPORTS.** The ~~commissioner~~ commissioner of the department of labor and industry, or any member or employee thereof, may require the filing of such supplementary reports of accidents as it deems necessary to provide information required by law.

Sec. 69. Minnesota Statutes 1971, Section 176.231, Subdivision 5, is amended to read:

Subd. 5. **FORMS FOR REPORTS.** The ~~commissioner~~ commissioner of the department of labor and industry shall prescribe forms for use in making the reports required by this section. The form which the employer submits with reference to an accident shall include a declaration by the employer that he will pay the compensation the law requires.

Sec. 70. Minnesota Statutes 1971, Section 176.231, Subdivision 6, is amended to read:

Subd. 6. **COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY; DUTY TO KEEP INFORMED.** The ~~commissioner~~ commissioner of the department of labor and industry shall keep fully informed of the nature and extent of all injuries compensable under this chapter, their resultant disabilities, and of the rights of employees to compensation. Where a physician or surgeon has examined, treated, or has special knowledge relating to an injury which may be compensable under this chapter, the ~~commissioner~~ commissioner of the department of labor and industry or any member or employee thereof shall request in writing a report from such person of the attendant facts.

Sec. 71. Minnesota Statutes 1971, Section 176.231, Subdivision 7, is amended to read:

Subd. 7. **MEDICAL REPORTS.** If requested by the division or by the commission, or any member or employee thereof an employer, insurer, or employee shall file with the ~~commissioner~~ commissioner of the department of labor and industry the original or a verified copy of any medical report in his possession which bears upon the case.

Sec. 72. Minnesota Statutes 1971, Section 176.231, Subdivision 8, is amended to read:

Subd. 8. **NO PUBLIC INSPECTION OF REPORTS.** Subject to subdivision 9, a report or its copy which has been filed with the ~~commissioner~~ commissioner of the department of labor and industry under this section is not available to public inspection. Any person

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who has access to such a report shall not disclose its contents to anyone in any manner.

A person who unauthorizedly discloses a report or its contents to another is guilty of a misdemeanor.

Sec. 73. Minnesota Statutes 1971, Section 176.231, Subdivision 9, is amended to read:

Subd. 9. **USES WHICH MAY BE MADE OF REPORTS.** Reports filed with the ~~commission~~ commissioner of the department of labor and industry under this section may be used in hearings held under this chapter, and for the purpose of state investigations and for statistics.

The ~~commission division~~ may permit an attorney at law who represents an employer, insurer, or an employee or his dependent to examine its file in a compensation case if the attorney furnishes written authorization to do so from his client.

Sec. 74. Minnesota Statutes 1971, Section 176.231, Subdivision 10, is amended to read:

Subd. 10. **FAILURE TO FILE REQUIRED REPORT, PENALTY.** Where an employer, physician, or surgeon has failed to file with the ~~commission~~ commissioner of the department of labor and industry any report required by this section in the manner and within the time limitations prescribed, he shall forfeit to the state \$50 for each such failure.

The attorney general shall sue in a civil action to collect this penalty upon notification of the matter by the ~~commission~~ commissioner of the department of labor and industry. The ~~commission~~ commissioner of the department of labor and industry shall certify to the attorney general each failure to report immediately upon its occurrence.

Penalties collected by the state under this subdivision shall be paid into the state treasury.

Sec. 75. Minnesota Statutes 1971, Section 176.235, is amended to read:

176.235 **NOTICE TO INJURED EMPLOYEE OF HIS RIGHTS AND DUTIES.** When the ~~workmen's compensation commission~~ commissioner of the department of labor and industry has received notice or information that an employee has sustained an injury which may be compensable under this chapter, the ~~commission~~ commissioner of the department of labor and industry shall mail a form letter notice to the employee stating briefly and simply the rights and duties of the employee in such case.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

The notice:

(1) shall summarize the duty of the employer to pay compensation and to furnish medical and hospital treatment;

(2) shall invite the employee to ask the advice of the ~~commission~~ division with reference to any doubt or dispute which the employee has concerning the injury;

(3) may contain whatever other relevant information the ~~workmen's compensation commission~~ commissioner of the department of labor and industry deems necessary.

Sec. 76. Minnesota Statutes 1971, Section 176.241, Subdivision 1, is amended to read:

176.241 NOTICE TO DIVISION OF INTENTION TO DISCONTINUE COMPENSATION PAYMENTS. Subdivision 1. **NECESSITY FOR NOTICE; CONTENTS.** Where an employee claims that the right to compensation continues, or refuses to sign or objects to signing a final receipt for compensation, the employer may not discontinue payment of compensation until he notifies the ~~workmen's compensation commission~~ division in writing of his intention to do so.

The notice to the ~~commission~~ division shall state the date of intended discontinuance, the reason for such action, and the fact that the employee objects to the discontinuance. The notice shall be accompanied by whatever medical reports are in the possession of the employer bearing on the physical condition of the employee at the time of the proposed discontinuance.

Sec. 77. Minnesota Statutes 1971, Section 176.241, Subdivision 2, is amended to read:

Subd. 2. CONTINUANCE OF EMPLOYER'S LIABILITY; SUSPENSION. Except where the ~~commission~~ commissioner of the department of labor and industry orders otherwise, until the notice and reports have been filed with the ~~commission~~ division, the liability of the employer to make payments of compensation continues.

When the ~~commission~~ division has received a notice of discontinuance and available medical reports, the duty of the employer to pay compensation is suspended pending an investigation, hearing, and determination of the matter by the ~~commission~~ division as provided in the following subdivisions.

Sec. 78. Minnesota Statutes 1971, Section 176.241, Subdivision 3, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 3. **COPY OF NOTICE TO EMPLOYEE, INVESTIGATION, HEARING.** When the ~~commission~~ division has received a notice of discontinuance, it shall immediately send the employee a copy of the notice and copies of whatever medical reports have been submitted in conjunction with the notice. The ~~commission~~ commissioner of the department of labor and industry shall make an investigation to determine whether the right to compensation has terminated. If it appears from the investigation that the right to compensation may not have terminated, the ~~commission~~ commissioner of the department of labor and industry shall schedule a hearing ~~before the commission, or a commissioner or a compensation judge, to determine the right of the employee, or his dependent,~~ to further compensation.

The hearing shall be held within a reasonable time after the ~~commission~~ division has received the notice of discontinuance. The ~~commission~~ commissioner of the department of labor and industry shall give eight days notice of the hearing to interested parties.

Sec. 79. Minnesota Statutes 1971, Section 176.241, Subdivision 4, is amended to read:

Subd. 4. **ORDER.** When the hearing has been held, and he has duly considered the evidence, the person who held the hearing shall promptly enter an order directing the payment of further compensation or confirming the termination of compensation. Where the order confirms a termination of compensation, the ~~commission~~ commissioner of the department of labor and industry shall notify the employer of such action. This notification relieves the employer from further liability for compensation subject to the right of review afforded by this chapter, and to the right of the ~~commission~~ division to set aside the order at any time prior to the review and grant a new hearing pursuant to this chapter.

Sec. 80. Minnesota Statutes 1971, Section 176.245, is amended to read:

176.245 RECEIPTS FOR PAYMENT OF COMPENSATION, FILING. An employer shall promptly file with the ~~commission~~ each interim and final receipt division receipts for payment of compensation as may be required by the rules of the division.

The ~~commission~~ commissioner of the department of labor and industry shall periodically check its records in each case to determine whether these receipts have been promptly filed, and if not, shall require the employer to do so.

Sec. 81. Minnesota Statutes 1971, Section 176.251, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

176.251 DUTIES OF THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY. The ~~commission~~ commissioner of the department of labor and industry shall actually supervise and require prompt and full compliance with all provisions of this chapter relating to the payment of compensation.

Sec. 82. Minnesota Statutes 1971, Section 176.261, is amended to read:

176.261 EMPLOYEE OF COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY MAY ACT FOR AND ADVISE A PARTY TO A PROCEEDING. When requested by an employer or an employee or his dependent, the ~~workmen's compensation commission~~ commissioner of the department of labor and industry may designate one or more of ~~its own~~ the division employees to advise that party of his rights under this chapter, and as far as possible to assist in adjusting differences between the parties. The person so designated may appear in person in any proceedings under this chapter as the representative or adviser of the party. In such case, the party need not be represented by an attorney at law.

Sec. 83. Minnesota Statutes 1971, Section 176.265, is amended to read:

176.265 REPORT TO LEGISLATURE. The ~~commission~~ commissioner of the department of labor and industry shall observe in detail the operation of this chapter throughout the state. ~~It~~ He shall make a report to each session of the legislature concerning the operation of the chapter, proposing such changes as ~~it~~ he deems advisable to improve the law.

Sec. 84. Minnesota Statutes 1971, Section 176.271, is amended to read:

176.271 INITIATION OF PROCEEDINGS. Unless otherwise provided by this chapter or by the ~~commission~~ commissioner of the department of labor and industry, all proceedings before the ~~workmen's compensation commission~~ division are initiated by the filing of a written petition on a prescribed form with the ~~commission~~ commissioner of the department of labor and industry at ~~its~~ his principal office.

Sec. 85. Minnesota Statutes 1971, Section 176.275, is amended to read:

176.275 FILING OF PAPERS. The workmen's compensation division and the commission shall file any paper which has been delivered to it for filing immediately upon its receipt in the office of the commissioner of the department of labor and industry. ~~The commissioner of the department of labor and industry shall file any~~

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paper which has been delivered to him for filing immediately upon its receipt.

Sec. 86. Minnesota Statutes 1971, Section 176.281, is amended to read:

176.281 ORDERS, DECISIONS, AND AWARDS OF COMPENSATION JUDGES, COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY, OR COMMISSION; FILING; SERVICE. When a ~~commissioner~~ the commissioner of the department of labor and industry or compensation judge or the commission has rendered an order, decision, or award, ~~he shall immediately file it with the commission~~ it shall be filed immediately with the commissioner of the department of labor and industry. Where the ~~commission, a commissioner, or commissioner of the department of labor and industry, compensation judge, or commissioner~~ has rendered an order, decision, or award, the commission commissioner of the department of labor and industry shall immediately serve a copy upon every party in interest, together with a notification of the time the same was filed.

Sec. 87. Minnesota Statutes 1971, Section 176.285, is amended to read:

176.285 SERVICE OF PAPERS AND NOTICES. Service of papers and notices shall be by mail or by such other means as the ~~commission~~ commissioner of the department of labor and industry directs. Where service is by mail, service is effected at the time mailed if properly addressed and stamped. If it is so mailed, it is presumed the paper or notice reached the party to be served. However, a party may show by competent evidence that he did not receive it or that it had been delayed in transit for an unusual or unreasonable period of time. In case of such non-receipt or delay, ~~the commission~~ an allowance shall make allowance be made for the party's failure to assert a right within the prescribed time.

The commission commissioner of the department of labor and industry shall keep a careful record of each service including the time when made.

Sec. 88. Minnesota Statutes 1971, Section 176.291, is amended to read:

176.291 DISPUTES AND DEFAULTS; PROCEDURE. Where there is a dispute as to a question of law or fact in connection with a claim for compensation, or where there has been a default in the payment of compensation for a period of ten days, a party may present a verified petition to the ~~commission~~ commissioner of the department of labor and industry stating the matter in dispute or the fact of default.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

The petition shall also state:

- (1) names and residence of parties;
- (2) facts relating to the employment at the time of injury, including amount of wages received;
- (3) extent and character of injury;
- (4) notice to or knowledge by employer of injury;
- (5) facts which the commissioner of the department of labor and industry and commission by rule requires; and,
- (6) such other facts as are necessary for the information of the commissioner of the department of labor and industry and commission.

Sec. 89. Minnesota Statutes 1971, Section 176.295, Subdivision 1, is amended to read:

176.295 NONRESIDENT EMPLOYERS; FOREIGN CORPORATION. Subdivision 1. **AFFIDAVIT OF INABILITY TO OBTAIN SERVICE.** Where an employee or his dependent has filed a petition for compensation with the ~~workmen's compensation commission~~ commissioner of the department of labor and industry, and he is unable to make service of the petition and other notices on the employer because the latter is a nonresident or a foreign corporation, the petitioner may file an affidavit with the ~~commissioner~~ commissioner of the department of labor and industry stating that he is so unable to make service.

Sec. 90. Minnesota Statutes 1971, Section 176.295, Subdivision 2, is amended to read:

Subd. 2. **ACTION IN DISTRICT COURT.** When he has filed the affidavit with the ~~commissioner~~ commissioner of the department of labor and industry, the petitioner may bring an action against the employer in the district court located in the county in which the employee resided at the time of the injury or death. The action shall be brought and conducted in the same manner as are other civil actions in district court. The complaint shall state that a petition for compensation has been filed with the ~~workmen's compensation commission~~ commissioner of the department of labor and industry, and shall be accompanied by a verified copy of the affidavit. The complaint shall also state the facts upon which the right to compensation or other relief is based.

Sec. 91. Minnesota Statutes 1971, Section 176.295, Subdivision 4, is amended to read:

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Subd. 4. **GENERAL APPEARANCES; SECURITY, BOND.** Where the employer makes a general appearance in the district court action and files a bond or security approved by the ~~commission~~ commissioner of the department of labor and industry, or where an insurer appears generally in the action and assumes liability for any award which may be rendered against the employer, the district court shall dismiss the action.

Sec. 92. Minnesota Statutes 1971, Section 176.301, Subdivision 1, is amended to read:

176.301 DETERMINATION OF ISSUES. Subdivision 1. **TRIAL BY COURT; REFERENCE TO COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY.** When issue has been joined in the district court action, the court may try the action itself without a jury, or refer the matter to the ~~commission~~ commissioner of the department of labor and industry to be assigned for hearing. In the latter case, a compensation judge or the workmen's compensation commission upon appeal shall hear the case in the manner in which it hears cases originally brought before it. The ~~commission~~ commissioner of the department of labor and industry shall report ~~its~~ the findings and decision of ~~the compensation judge, or the workmen's compensation commission~~ the compensation judge, or the workmen's compensation commission to the district court. The court may approve or disapprove ~~the such decision of the commission~~ in the same manner as it approves or disapproves the report of a compensation judge referee. The court shall enter judgment upon the such decision of ~~the commission~~.

Sec. 93. Minnesota Statutes 1971, Section 176.305, Subdivision 1, is amended to read:

176.305 PETITIONS FILED WITH THE WORKMEN'S COMPENSATION DIVISION. Subdivision 1. **HEARINGS ON PETITIONS.** When any petition ~~other than one to commute further compensation~~ has been filed with the ~~commission~~ workmen's compensation division, the ~~commission~~ commissioner of the department of labor and industry shall, pursuant to ~~its~~ his general rules or those of ~~the commission~~ the commission or special order, direct that the matter presented by the petition be heard by ~~the commission itself, or by a commissioner or a compensation judge~~ or presented to the commission if it is a matter within its jurisdiction. The ~~commission itself division~~ shall hear petitions to commute further compensation.

Sec. 94. Minnesota Statutes 1971, Section 176.305, Subdivision 2, is amended to read:

Subd. 2. **SERVICE OF COPY OF PETITION.** Within ten days after a petition has been filed, the ~~commission~~ commissioner of the department of labor and industry shall serve upon each adverse party a copy of the petition and a notice stating whether

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the hearing will be held before ~~the commission, a commissioner, or a compensation judge or that the petition has been referred to the workmen's compensation commission.~~ Where the matter will be heard by a commissioner or compensation judge, the commission shall deliver to him the original petition and copies of the notices which have been served. The commissioner of the department of labor and industry shall deliver the original petition and copies of the notice which have been served, to a compensation judge or the workmen's compensation commission depending upon who will hear the matter.

Sec. 95. Minnesota Statutes 1971, Section 176.305, Subdivision 3, is amended to read:

Subd. 3. **TESTIMONY.** Unless the commission orders differently, ~~where testimony is taken before a commissioner or compensation judge, the testimony is considered as if though taken before the commission itself.~~ Where the ~~commission~~ commissioner of the department of labor and industry has substituted itself or another commissioner or compensation judge for a commissioner or compensation judge originally assigned to hear a petition, as provided in this chapter, a compensation judge originally assigned to hear a matter, the testimony taken before the original commissioner or substitute compensation judge is shall be considered as if though taken before the ~~commission or substitute commissioner or compensation judge before whom it was originally assigned.~~

Sec. 96. Minnesota Statutes 1971, Section 176.311, is amended to read:

176.311 REASSIGNMENT OF PETITION FOR HEARING. Where a petition is heard before a ~~commissioner or compensation judge, at any time before an award or order has been made in such proceeding, the ~~commission~~ commissioner of the department of labor and industry may reassign the petition for hearing before itself, or another commissioner or compensation judge.~~

Sec. 97. Minnesota Statutes 1971, Section 176.321, Subdivision 3, is amended to read:

Subd. 3. **EXTENSION OF TIME IN WHICH TO FILE ANSWER.** Upon showing of cause, the ~~commission~~ commissioner of the department of labor and industry may extend the time in which to file an answer or reply for not more than 30 additional days.

Sec. 98. Minnesota Statutes 1971, Section 176.331, is amended to read:

176.331 AWARD BY DEFAULT. Where an adverse party has failed to file and serve an answer, if the petitioner presents proof

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of such fact, the ~~commission~~ commissioner of the department of labor and industry or compensation judge shall enter whatever award or order to which petitioner is entitled on the basis of the facts alleged in the petition, but the ~~commission~~ commissioner of the department of labor and industry or compensation judge may require proof of any alleged fact. If the ~~commission~~ commissioner of the department of labor and industry requires such proof, ~~it he~~ shall summarily hear and determine the matter and promptly make its award or order assign the matter to a compensation judge to summarily hear and determine the same and to promptly make an award or order.

Where in such a default case the petition does not state facts sufficient to support an award, the ~~commission~~ commissioner of the department of labor and industry or compensation judge shall give the petitioner or his attorney written notice of such fact. The petitioner may thereupon file another petition as in the case of an original petition.

Sec. 99. Minnesota Statutes 1971, Section 176.341, Subdivision 1, is amended to read:

176.341 HEARING ON PETITION. Subdivision 1. **TIME.** When the reply has been filed or the time has expired in which to file a reply, the ~~commission~~ commissioner of the department of labor and industry shall fix a time and place for hearing the petition. The hearing shall be held not less than ten days from the time the reply is filed or the expiration of the time in which the reply could have been filed or as soon thereafter as the parties can be heard.

Sec. 100. Minnesota Statutes 1971, Section 176.341, Subdivision 2, is amended to read:

Subd. 2. PLACE. Unless otherwise ordered by the ~~commission, commissioner, or compensation judge~~ commissioner of the department of labor and industry or compensation judge, the hearing shall be held in the county where the injury or death occurred.

Sec. 101. Minnesota Statutes 1971, Section 176.341, Subdivision 3, is amended to read:

Subd. 3. NOTICE MAILED TO EACH PARTY. At least five days prior to the date of hearing, ~~the secretary of the commission (if the petition is to be heard before the commission), or the commissioner or compensation judge before whom the petition will be heard,~~ the workmen's compensation division shall mail a notice of the time and place of hearing to each interested party.

Sec. 102. Minnesota Statutes 1971, Section 176.351, Subdivision 1, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

176.351 TESTIMONIAL POWERS. Subdivision 1. OATHS. ~~A member of the workmen's compensation commission, or the commissioner or~~ The compensation judge to whom a petition has been assigned for hearing shall administer an oath to each witness. The commission shall also administer an oath to each witness appearing before it. The commissioner of the department of labor and industry may also administer an oath when required in the performance of his duties.

Sec. 103. Minnesota Statutes 1971, Section 176.351, Subdivision 2, is amended to read:

Subd. 2. **SUBPOENAS.** Upon his or its own initiative, or upon written request of an interested party, the commission, or the commissioner or compensation judge before whom a hearing is held may issue a subpoena for the attendance of a witness or the production of such books, papers, records and documents as are material in the cause and are designated in the subpoena. The commissioner of the department of labor and industry may also issue a subpoena for the attendance of a witness or the production of such books, papers, records, and documents as are material in the cause pending and are designated in the subpoena.

Sec. 104. Minnesota Statutes 1971, Section 176.351, Subdivision 3, is amended to read:

Subd. 3. **ADVANCEMENT OF FEES AND COSTS.** The person who applies for issuance of a subpoena shall advance the required service and witness fees. The commissioner of the department of labor and industry shall pay for the attendance of witnesses it subpoenas who are subpoenaed by him, or the commission, or a commissioner, or a compensation judge. The fees are the same as the service and witness fees in civil actions in district court.

Sec. 105. Minnesota Statutes 1971, Section 176.351, Subdivision 4, is amended to read:

Subd. 4. **PROCEEDINGS AS FOR CONTEMPT OF COURT.** Where a person does not comply with an order or subpoena, the commissioner of the department of labor and industry, the commission, or the commissioner or compensation judge concerned, may apply to the district court in the county in which the petition is pending for issuance of an order compelling obedience. Upon such an application, the district court shall compel obedience to the order or subpoena by attachment proceedings as for contempt in the case of disobedience of a similar order or subpoena issued by the district court.

Sec. 106. Minnesota Statutes 1971, Section 176.361, is amended to read:

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176.361 INTERVENTION. Where a person has an interest in any matter before the commission, or commissioner, or compensation judge of such a character that he may either gain or lose by an order or decision, he may intervene in the proceeding by filing an application in writing stating the facts which show such interest.

The commissioner of the department of labor and industry and commission shall adopt rules to govern the procedure for intervention.

Sec. 107. Minnesota Statutes 1971, Section 176.381, Subdivision 1, is amended to read:

176.381 REFERENCE OF QUESTIONS OF FACT. Subdivision 1. **HEARING BEFORE COMMISSION.** In the hearing of any ~~petition matter~~ before the workmen's compensation commission, ~~including a petition to commute compensation,~~ the commission may refer any question of fact to a commissioner or compensation judge either to hear evidence and report it to the commission or to hear evidence and make findings of fact and report them to the commission. The commission shall notify the commissioner of the department of labor and industry of any matter referred to a commissioner or a compensation judge under this subdivision.

Sec. 108. Minnesota Statutes 1971, Section 176.381, Subdivision 2, is amended to read:

Subd. 2. **HEARING BEFORE COMPENSATION JUDGE.** In the hearing of any petition before a ~~commissioner or~~ compensation judge, the ~~commission~~ commissioner of the department of labor and industry may refer any question of fact to another ~~commissioner or~~ compensation judge to hear evidence and report it to the original ~~commissioner or~~ compensation judge.

Sec. 109. Minnesota Statutes 1971, Section 176.391, Subdivision 1, is amended to read:

176.391 INVESTIGATIONS. Subdivision 1. **POWER TO MAKE.** Before, during, or after any hearing, the ~~commission, a commissioner, or a compensation judge~~ commissioner of the department of labor and industry, compensation judge, or commission, if the matter is before it, may make an independent investigation of the facts alleged in the petition or answer.

Sec. 110. Minnesota Statutes 1971, Section 176.391, Subdivision 2, is amended to read:

Subd. 2. **APPOINTMENT OF PHYSICIANS, SURGEONS, AND OTHER EXPERTS.** The commission, or a commissioner or

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compensation judge ~~who acts with the consent of the commission assigned to a matter, or the commissioner of the department of labor and industry,~~ may appoint one or more impartial physicians or surgeons to examine the injury of the employee and report thereon. Where necessary to determine the facts, the services of other experts may also be employed.

Sec. 111. Minnesota Statutes 1971, Section 176.391, Subdivision 3, is amended to read:

Subd. 3. **REPORTS.** The report of a physician, surgeon, or other expert shall be filed with the ~~commission commissioner of the department of labor and industry.~~ The report shall be made a part of the record of the case and be open to inspection as such.

Sec. 112. Minnesota Statutes 1971, Section 176.391, Subdivision 4, is amended to read:

Subd. 4. **COMPENSATION.** The ~~commission commissioner of the department of labor and industry, compensation judge, or commission,~~ as the case may be, shall fix the compensation of a physician, surgeon, or other expert whose services are employed under this chapter. This compensation shall be paid initially out of the funds appropriated for the maintenance of the workmen's compensation ~~commission~~ division, but shall be taxed as costs to either party, or both, or otherwise, as the ~~commission commissioner of the department of labor and industry, compensation judge, or the commission~~ directs.

Where a sum which has been taxed to a party has not been paid, it may be collected in the same manner as are costs generally.

Sec. 113. Minnesota Statutes 1971, Section 176.421, Subdivision 4, is amended to read:

Subd. 4. **SERVICE AND FILING OF NOTICE; COST OF TRANSCRIPT.** Within the 30 day period for taking an appeal, the appellants shall:

- (1) Serve a copy of the notice of appeal on each adverse party;
- (2) File the original notice, with proof of service by admission or affidavit, with the ~~commission commissioner of the department of labor and industry;~~
- (3) In order to defray the cost of the transcript of the proceedings appealed from, pay to the ~~commission commissioner of the department of labor and industry~~ the sum of \$10 or so much of that sum as is necessary to present the question raised on the appeal.

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The appellant is liable for the cost of the transcript in excess of \$10, but is entitled to a refund of any part of that sum not used to pay the cost of the transcript.

Upon a showing of cause, the ~~commission~~ commissioner of the department of labor and industry may direct that a transcript be prepared without expense to the appellant.

Sec. 114. Minnesota Statutes 1971, Section 176.421, Subdivision 5, is amended to read:

Subd. 5. **TRANSCRIPT.** When the notice of appeal has been filed with the ~~commission~~ commissioner of the department of labor and industry and the transcription fee has been paid, the ~~commission~~ commissioner of the department of labor and industry shall immediately prepare a typewritten transcript of the proceedings. The official reporter who transcribes the proceedings shall certify to their correctness.

Sec. 115. Minnesota Statutes 1971, Section 176.421, Subdivision 7, is amended to read:

Subd. 7. **RECORD OF PROCEEDINGS.** At ~~its~~ the division's own expense, the ~~commission~~ commissioner of the department of labor and industry shall make a complete record of its all proceedings before himself, the commission, a commissioner, or compensation judge. The ~~commission~~ commissioner of the department of labor and industry shall provide a stenographer to make a record of the proceedings ~~before a commissioner, compensation judge, or the commission.~~

The stenographer shall furnish a transcript of these proceedings to any person who requests it and who pays a reasonable charge. The ~~commission~~ commissioner of the department of labor and industry shall fix the amount of this charge.

Sec. 116. Minnesota Statutes 1971, Section 176.431, Subdivision 1, is amended to read:

176.431 APPEAL BASED ON ERROR OF LAW BY COMPENSATION JUDGE. Subdivision 1. **HEARING.** Where an appeal has been taken to the commission under this chapter on the ground that the ~~commissioner or~~ compensation judge has made an error of law, the commission shall grant a hearing. The commissioner of the department of labor and industry shall notify the commission promptly of the taking of any appeal.

The commission shall fix a time and place for the hearing, and notify the commissioner of the department of labor and industry who shall give each party in interest at least five days written notice.

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Sec. 117. Minnesota Statutes 1971, Section 176.441, Subdivision 1, is amended to read:

176.441 APPEAL BASED ON FRAUD OR INSUFFICIENCY OF EVIDENCE. Subdivision 1. **DISPOSITION BY COMMISSIONER.** Where an appeal has been taken to the commission under this chapter, on either the ground that the findings or order or both were unwarranted by the evidence, or were procured by fraud, coercion, or other improper conduct of a party, the commission may:

(1) grant a hearing de novo; or,

(2) assign the petition for rehearing, notify the commissioner of the department of labor and industry, who shall set the rehearing before a commissioner or compensation judge; or,

(3) sustain, reverse, or modify the order appealed from.

Sec. 118. Minnesota Statutes 1971, Section 176.441, Subdivision 2, is amended to read:

Subd. 2. **HEARING DE NOVO.** When the commission grants a hearing de novo under subdivision 1, it shall fix a time and place for the hearing, and notify the commissioner of the department of labor and industry who shall give each party in interest at least five days written notice of the hearing.

As soon after the hearing as possible, the commission shall make written findings of fact and enter an order awarding or disallowing compensation.

Sec. 119. Minnesota Statutes 1971, Chapter 176, is amended by adding a section to read:

[176.442] APPEALS FROM DECISIONS OF COMMISSIONER OF DEPARTMENT OF LABOR AND INDUSTRY. Any decision or determination of the commissioner of the department of labor and industry affecting a right, privilege, benefit, or duty which is imposed or conferred under this chapter is subject to review by the workmen's compensation commission. A person aggrieved by such determination may appeal to the commission in the same manner and within the same time as if the appeal were from an order or decision of a compensation judge to the commission.

Sec. 120. Minnesota Statutes 1971, Section 176.461, is amended to read:

176.461 SETTING ASIDE AWARD. Except where a writ of certiorari has been issued by the supreme court and the matter is

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still pending in that court or where as a matter of law the determination of the supreme court cannot be subsequently modified, the commission, for cause, at any time after an award within eight years from the date compensation was last paid, upon application of either party and not less than five days after written notice to all interested parties, may set the award aside and grant a new hearing ~~and thereon determine~~ before itself or refer the matter for a determination on its merits ~~and to a compensation judge, who shall make such findings of fact, conclusions of law, and award or disallowance of compensation or other order as the pleadings and the evidence produced before it and the provisions of this chapter shall in its judgment require.~~

Sec. 121. Minnesota Statutes 1971, Section 176.471, Subdivision 3, is amended to read:

Subd. 3. **SERVICE OF WRIT AND BOND; FILING FEE.** To effect a review upon certiorari, the party shall serve a writ of certiorari and a bond upon the ~~commission~~ commissioner of the department of labor and industry within the 30 day period referred to in subdivision 1. The party shall also at this time pay to the secretary of the ~~commission~~ commissioner of the department of labor and industry the fee prescribed by section 605.03 which shall be disposed of in the manner provided by section 605.045.

Sec. 122. Minnesota Statutes 1971, Section 176.471, Subdivision 5, is amended to read:

Subd. 5. **BOND.** The bond required by subdivision 3 shall be executed in such amount and with such sureties as the ~~commission~~ or a commissioner of the department of labor and industry directs and approves. The bond shall be conditioned to pay the cost of the review.

Sec. 123. Minnesota Statutes 1971, Section 176.471, Subdivision 6, is amended to read:

Subd. 6. **TRANSMITTAL OF FEE AND RETURN.** When the writ of certiorari has been served upon the ~~commission~~ commissioner of the department of labor and industry, the bond has been filed, and the filing fee has been paid, the ~~secretary~~ secretary commissioner of the department of labor and industry shall immediately transmit to the clerk of the supreme court that filing fee and the return to the writ of certiorari and bond.

Sec. 124. Minnesota Statutes 1971, Section 176.471, Subdivision 8, is amended to read:

Subd. 8. **RETURN OF PROCEEDINGS TRANSMITTED TO COURT.** Within 30 days after the writ of certiorari, bond, and filing fee have been filed with the ~~commission~~ commissioner of the

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~~department of labor and industry, the secretary of the commission commissioner of the department of labor and industry shall transmit to the clerk of the supreme court a true and complete return of the proceedings of the commission under review, or such part of those proceedings as is necessary to allow the supreme court to review properly the questions presented.~~

The ~~secretary~~ commissioner of the department of labor and industry shall certify the return of the proceedings under ~~the~~ his seal ~~of the commission~~. The petitioner or relator shall pay to the ~~secretary~~ commissioner of the department of labor and industry the reasonable expense of preparing the return.

Sec. 125. Minnesota Statutes 1971, Section 176.491, is amended to read:

176.491 STAY OF PROCEEDINGS PENDING DISPOSITION OF CASE. Where a writ of certiorari has been perfected under this chapter, it stays all proceedings for the enforcement of the order being reviewed until the case has been finally disposed of either in the supreme court or, where the cause has been remanded to the commission workmen's compensation division for a new hearing or further proceedings, before the commission or compensation judge.

Sec. 126. Minnesota Statutes 1971, Section 176.511, Subdivision 2, is amended to read:

Subd. 2. **DISBURSEMENTS, TAXATION.** ~~The commission, a commissioner, or a~~ compensation judge, or on appeals to the commission, the commission may award the prevailing party reimbursement for actual and necessary disbursements. These disbursements shall be taxed upon five days written notice to adverse parties.

Sec. 127. Minnesota Statutes 1971, Section 176.521, Subdivision 1, is amended to read:

176.521 SETTLEMENT OF CLAIMS. Subdivision 1. **VALIDITY.** An agreement between an employee or his dependent and the employer or insurer to settle any claim, which is not upon appeal before the commission, for compensation under this chapter is valid where it has been executed in writing and signed by the parties, and the commission division has approved the settlement and made an award thereon. If the matter is upon appeal before the commission, the commission is the approving body.

Sec. 128. Minnesota Statutes 1971, Section 176.521, Subdivision 2, is amended to read:

Subd. 2. **APPROVAL.** ~~Except for the amount of compensation, the commission~~ Settlements shall approve a settlement be approved only where ~~its~~ the terms conform with this chapter.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

The division and the commission shall exercise discretion in approving or disapproving a proposed settlement.

The parties to the agreement of settlement have the burden of proving that the settlement is reasonable, fair, and in conformity with this chapter.

Sec. 129. Minnesota Statutes 1971, Section 176.531, Subdivision 1, is amended to read:

176.531 AWARD OF COMPENSATION AGAINST A POLITICAL SUBDIVISION OR SCHOOL DISTRICT. Subdivision 1. **PREFERRED CLAIM.** ~~Where the commission or a court has ordered that an award of compensation under this chapter shall there has been an award of compensation under this chapter to be~~ paid by a political subdivision or a school district, the entitlement of a person to payment under the award is a preferred claim against the subdivision or district. The award shall be paid when and as ordered from the general fund of the subdivision or district, and from the current tax apportionment received by the subdivision or district for the credit of the general fund.

Sec. 130. Minnesota Statutes 1971, Section 176.541, Subdivision 2, is amended to read:

Subd. 2. **DEFENSE OF CLAIM AGAINST STATE.** When the ~~commission~~ commissioner of the department of labor and industry believes that a claim against the state for compensation should be contested, ~~it~~ he shall defend the state claim.

Sec. 131. Minnesota Statutes 1971, Section 176.541, Subdivision 3, is amended to read:

Subd. 3. **DUTIES OF ATTORNEY GENERAL.** At any stage in such a compensation proceeding, the attorney general may assume the duty of defending the state. When the ~~commission~~ commissioner of the department of labor and industry or a department of this state requests the attorney general to assume the defense, he shall do so.

Sec. 132. Minnesota Statutes 1971, Section 176.541, Subdivision 4, is amended to read:

Subd. 4. **MEDICAL EXAMINATION OF EMPLOYEE; WITNESSES; CONDUCT OF DEFENSE.** In conducting a defense against a claim for compensation, the ~~commission~~ commissioner of the department of labor and industry or the attorney general, as the case may be, may require that an employee submit to a medical examination, procure the attendance of expert and other witnesses at a hearing, and do any other act necessary to conduct a proper defense.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 133. Minnesota Statutes 1971, Section 176.541, Subdivision 6, is amended to read:

Subd. 6. **LEGAL AND CLERICAL HELP.** The ~~commissioner~~ commissioner of the department of labor and industry may employ such legal and clerical help as authorized by the department of administration. The salaries of these persons shall be paid from the state compensation revolving fund, but shall be apportioned among the several departments of the state in relation to the amount of compensation paid to employees of any department as against the total amount of compensation paid to employees of all departments.

Sec. 134. Minnesota Statutes 1971, Section 176.561, is amended to read:

176.561 **COMMISSION'S POWERS AND DUTIES AS TO STATE EMPLOYEES; PROCEDURE FOR DETERMINING LIABILITY.** The ~~division and the~~ commission ~~has~~ have the same powers and duties in matters relating to state employees as ~~it has~~ they have in relation to other employees.

Except as specifically provided otherwise herein, the procedure for determining the liability of the state for compensation is the same as that applicable in other cases.

Sec. 135. Minnesota Statutes 1971, Section 176.571, Subdivision 1, is amended to read:

176.571 **INVESTIGATIONS OF INJURIES TO STATE EMPLOYEES.** Subdivision 1. **PRELIMINARY INVESTIGATION.** When the head of a department has filed a report or the ~~commissioner~~ commissioner of the department of labor and industry has otherwise received information of the occurrence of an injury to a state employee for which liability to pay compensation may exist, the ~~commissioner~~ commissioner of the department of labor and industry shall make a preliminary investigation to determine the question of probable liability.

In making this investigation, the ~~commissioner~~ commissioner of the department of labor and industry may require the assistance of the head of any department or any employee of the state. The ~~commissioner~~ commissioner of the department of labor and industry may require that all facts be furnished which appear in the records of any state department bearing on the issue.

Sec. 136. Minnesota Statutes 1971, Section 176.571, Subdivision 2, is amended to read:

Subd. 2. **FINDINGS OF FACT, PROPOSED ORDER.** When the ~~commissioner~~ commissioner of the department of labor and

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industry has completed ~~its~~ his investigation, ~~it~~ he shall make findings of fact and shall enter an award or other order which ~~it~~ he proposes to make relating to the liability of the state to pay compensation.

Sec. 137. Minnesota Statutes 1971, Section 176.571, Subdivision 3, is amended to read:

Subd. 3. **COPIES OF FINDINGS AND PROPOSED ORDER, MAILING.** The ~~commission~~ commissioner of the department of labor and industry shall mail a copy of ~~its~~ his findings and proposed order to the employee, the head of the department in which he works, and the attorney general.

Sec. 138. Minnesota Statutes 1971, Section 176.571, Subdivision 4, is amended to read:

Subd. 4. **OBJECTIONS TO ORDER.** Within ten days from the date the findings and order were mailed, or within such longer period which the ~~commission~~ commissioner of the department of labor and industry may fix, the employee, or the head of the department, or the attorney general, may file an objection to the order with the ~~commission~~ commissioner of the department of labor and industry.

Sec. 139. Minnesota Statutes 1971, Section 176.571, Subdivision 5, is amended to read:

Subd. 5. **RECONSIDERATION OF ORDER.** When an objection has been filed under subdivision 4, the ~~commission~~ commissioner of the department of labor and industry shall reconsider ~~its~~ his proposed order. Subject to subdivision 6, in making this reconsideration, the ~~commission~~ commissioner of the department of labor and industry may set aside or correct any finding or order, or both, without the necessity of holding a formal hearing.

Sec. 140. Minnesota Statutes 1971, Section 176.571, Subdivision 6, is amended to read:

Subd. 6. **FORMAL HEARING ON OBJECTIONS.** The ~~commission~~ commission of the department of labor and industry shall hold a formal hearing on the objections which have been filed to the proposed order where the circumstances warrant such a hearing. The hearing shall be before a compensation judge.

Sec. 141. Minnesota Statutes 1971, Section 176.571, Subdivision 7, is amended to read:

Subd. 7. **FINALITY OF FINDINGS AND ORDER IN ABSENCE OF OBJECTION.** Where an objection has not been made to the proposed order under subdivision 4, the findings and order

Changes or additions indicated by underline, deletions by ~~strikeout~~.

are final subject to the right of the ~~commission~~ commissioner of the department of labor and industry to reform or modify it under this chapter.

The findings and order which the ~~commission~~ commissioner of the department of labor and industry makes upon a reconsideration are likewise final though subject to the same review under this chapter.

Sec. 142. Minnesota Statutes 1971, Section 176.581, Subdivision 1, is amended to read:

176.581 **FINDINGS AND FINAL ORDER.** Subdivision 1. **FILING OF CERTIFIED COPIES.** The ~~commission~~ commissioner of the department of labor and industry shall file a certified copy of ~~its~~ his findings and final order with the attorney general and the state auditor.

Sec. 143. Minnesota Statutes 1971, Section 176.581, Subdivision 2, is amended to read:

Subd. 2. **PAYMENT OF COMPENSATION.** Upon a warrant prepared by the ~~commission~~ commissioner of the department of labor and industry and approved by the state auditor, and in accordance with the terms of the order awarding compensation, the state treasurer shall pay compensation to the employee or his dependent. These payments shall be made from money appropriated for this purpose.

Sec. 144. Minnesota Statutes 1971, Section 176.581, Subdivision 3, is amended to read:

Subd. 3. **RECEIPTS FILED.** The person to whom compensation is paid shall file with the ~~commission~~ commissioner of the department of labor and industry all current interim and final receipts for such payment as is required of employers.

Sec. 145. Minnesota Statutes 1971, Section 176.591, Subdivision 3, is amended to read:

Subd. 3. **COMPENSATION PAYMENTS UPON WARRANTS.** The state treasurer shall make compensation payments from the fund only as authorized by this chapter upon warrants of the ~~commission~~ commissioner of the department of labor and industry.

Sec. 146. Minnesota Statutes 1971, Section 176.601, is amended to read:

176.601 **PAYMENTS FROM STATE COMPENSATION REVOLVING FUND.** From the state compensation revolving fund, the state treasurer shall pay in the order listed:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(1) annual cost to the ~~commission commissioner~~ of the department of labor and industry of administering this chapter in relation to state employees;

(2) necessary expenses which the ~~commission commissioner~~ of the department of labor and industry or the attorney general incurs in investigating and defending a claim against the state for compensation; and,

(3) awards of compensation, and the expenses of other benefits paid to an employee or his dependent.

Sec. 147. Minnesota Statutes 1971, Section 176.611, Subdivision 2, is amended to read:

Subd. 2. **SELF-SUSTAINING DEPARTMENTS.** Except that the state highway department shall reimburse the fund for moneys paid to its employees or their dependents at such times and in such amounts as the ~~commission commissioner~~ of the department of labor and industry orders, every self-sustaining department of the state shall pay into such fund at the end of every fiscal year such amounts as the ~~commission commissioner~~ of the department of labor and industry shall certify has been paid out of the fund for its employees or their dependents. For the purposes of this section, a "self-sustaining department" is one in which the income and revenue from its activities substantially offsets its cost of operation.

Sec. 148. Minnesota Statutes 1971, Section 176.611, Subdivision 3, is amended to read:

Subd. 3. **DEPARTMENTS NOT SELF-SUSTAINING.** A department which is not self-sustaining shall pay to the fund at the end of each biennium, such sums as the ~~commission commissioner~~ of the department of labor and industry certifies has been paid out of the fund for its employees or their dependents. The heads of the department shall anticipate these payments by including them in their budget requests to the legislature.

Sec. 149. Minnesota Statutes 1971, Section 176.611, Subdivision 4, is amended to read:

Subd. 4. **DEPARTMENTS PARTIALLY SELF-SUSTAINING.** Every department which is partially self-sustaining shall pay (1) at the end of every fiscal year such proportion of the sum which the ~~commission commissioner~~ of the department of labor and industry certifies has been paid out of the fund during the year to its employees or their dependents as the total of their income and revenue bears to their annual cost of operation, and (2) at the end of each biennium, the balance of the sums so certified. The head of the department shall anticipate these payments by including them in their budget requests to the legislature.

Changes or additions indicated by underline, deletions by strikeout.

Sec. 150. Minnesota Statutes 1971, Section 176.621, Subdivision 1, is amended to read:

176.621 DECLARATION OF POLICY; ADVISORY COUNCIL. Subdivision 1. **RESPONSIBILITY OF WORKMEN'S COMPENSATION DIVISION.** It is the policy of the state of Minnesota to restore the injured worker as soon and nearly as possible to the status of self-support as an able-bodied employee, and it is the responsibility of the workmen's compensation ~~commission~~ division to make a final award only when the above policy has been carried out to its most practical extent.

Sec. 151. Minnesota Statutes 1971, Section 176.621, Subdivision 4, is amended to read:

Subd. 4. **MEETINGS.** The council shall meet biannually or as often as it deems necessary under the direction of the ~~commission~~, which commissioner of the department of labor and industry who shall provide suitable quarters, clerical help, and give further assistance as the council deems necessary. The director of the vocational rehabilitation division of the state board of education shall attend all council meetings or designate a representative from the division to attend for him. This council is in no way under the control of the ~~commission~~ commissioner of the department of labor and industry or the state board of education.

Sec. 152. Minnesota Statutes 1971, Section 176.621, Subdivision 5, is amended to read:

Subd. 5. **DUTIES OF COUNCIL.** The council shall advise the ~~commission~~ commissioner of the department of labor and industry and the state board of education on questions concerning the administration and improvement of the workmen's compensation law as it relates to the rehabilitation of injured workers, assist in the procurement and development of adequate facilities and personnel for an effective rehabilitation program and to devise procedures which will facilitate and assure the physical and vocational rehabilitation of injured workers.

Sec. 153. Minnesota Statutes 1971, Section 176.631, Subdivision 1, is amended to read:

176.631 BUREAU OF WORKMEN'S REHABILITATION. Subdivision 1. **CREATION.** There is hereby created a bureau of workmen's rehabilitation under the control and supervision of the division of workmen's compensation and appointed by the ~~commission~~ commissioner of the department of labor and industry, to consist of personnel well versed in rehabilitation.

Sec. 154. Minnesota Statutes 1971, Section 176.66, Subdivision 5, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 5. **APPORTIONMENT OF COMPENSATION RECOVERABLE.** The total compensation due for occupational disease is recoverable from the employer who last employed the employee in the employment to the nature of which the disease was due and in which it was contracted. If such disease was contracted while such employee was in the employment of a prior employer, the employer who is made liable for the total compensation, as provided by this subdivision may appeal to the commission division for an apportionment of such compensation among the several employers who, since the contraction of such disease, employed such employee in the employment to the nature of which such disease was due. Such apportionment is to be proportioned to the time such employee was employed in the service of such employers provided, that if a prior employer has met the requirement as to minimum standards herein provided for and has been certified by the workmen's compensation commission department of labor and industry to that effect, that then the compensation judge and the commission, upon appeal, shall take into consideration in the apportionment of such liability not only the period of service of said employee with such employer, but shall likewise consider the element of exposure to which the employee was subjected while in the service of such employer maintaining minimum standards, and the apportionment determined only after a hearing, notice of the time and place of which is to be given to each employer alleged to be liable for any portion of such compensation. If the compensation judge or the commission find, upon appeal, finds that any portion of such compensation is payable by an employer prior to the employer who is made liable to the total compensation, as provided by this subdivision, ~~it~~ he shall make an award accordingly in favor of the last employer, which may be enforced in the same manner as an award for compensation.

Sec. 155. Minnesota Statutes 1971, Section 176.66, Subdivision 7, is amended to read:

Subd. 7. **INFORMATION REQUIRED TO BE FURNISHED.** The employee or his dependents, if so requested, shall furnish the last employer, or the commission division, with such information as to the names and addresses of his other employers during the periods as provided in subdivision 6, as he or they may possess. If such information is not furnished or is wilfully withheld and such last employer is for that reason unable to take proceedings against a prior employer under subdivision 5, unless it be established that the disease was contracted while the employee was in his employment, such last employer is not liable to pay compensation; or, if such information is not furnished or is not sufficient to enable such last employer to take proceedings against other employers under subdivision 5 such last employer is liable only for such part of the total compensation as, under the particular circumstances, the

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~~commission~~ division deems just; but a false statement in the information so furnished does not impair the employee's rights unless the last employer is prejudiced thereby.

Sec. 156. Minnesota Statutes 1971, Section 176.661, is amended to read:

176.661 OCCUPATIONAL DISEASE AGGRAVATED. Where an occupational disease is aggravated by any other disease or infirmity, not itself compensable, or where disease or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated, or contributed to by an occupational disease, the compensation payable is to be reduced and limited to such proportion only of the compensation that would be payable if the occupational disease were the sole cause of disease or death, as such occupational disease, as a causative factor, bears to all the causes of such disease or death. No compensation shall be payable for occupational disease where the employee refuses or wilfully fails to use standard safety appliances, ordered and provided for his protection and use, and approved by the ~~commission~~ department of labor and industry, or who wilfully refuses to obey reasonable rules prescribed, printed and posted by the ~~commission~~ department for the conduct of the work or to perform a statutory duty. Failure of an employer to maintain minimum standards of safety and healthful working conditions as provided by the orders of the ~~commission~~ department of labor and industry, or to post and order compliance with all reasonable rules prescribed and ordered by the ~~commission~~ department for the conduct of the particular work shall constitute a violation of section 182.19. The ~~commission~~ department shall each year certify any place of employment which has complied with the minimum standards for healthful working conditions as prescribed by the ~~commission~~ department.

Sec. 157. Minnesota Statutes 1971, Section 176.662, is amended to read:

176.662 EVIDENCE, PRESUMPTIONS. In the absence of conclusive evidence in favor of an employee's or a dependent's claim of disability or death from silicosis or asbestosis it shall be presumed not to be due to the nature of any occupation or employment within Laws 1943, Chapter 633, unless during the ten years immediately preceding the date of disablement the employee shall have been exposed to the inhalation of silica dust or asbestos dust over a period of not less than five years, the last three years of which exposure shall have been in this state.

In cases of silicosis or asbestosis complicated with tuberculosis of the lungs causing total disability or death compensation is payable as and for uncomplicated silicosis or asbestosis when the silicosis or asbestosis is an essential factor in causing such complica-

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tions of tuberculosis of the lungs. In cases of complications with other diseases than tuberculosis of the lungs compensation shall be proportioned as provided in section 176.661.

When an employee is afflicted with an occupational disease to such a degree that it is unduly hazardous for such employee to continue in any employment involving the hazard of exposure to such occupational disease, or where for other causes it is medically inadvisable and unduly hazardous for such employee to continue in an employment involving such hazard of occupational disease, the commissioner of the department of labor and industry, compensation judge, or commission, upon appeal, shall order the removal of such employee from such hazardous employment.

An employee so removed is eligible for retraining for a new occupation and compensation during such retraining, as provided by the workmen's compensation law. In the event retraining benefits are not accepted by such employee, he is to be compensated during his period of unemployment following such removal as though he were wholly or partially disabled by reason of compensable injury, but such compensation shall not exceed a period of 104 weeks following the date of the order so removing such employee. In the event an employee is disabled, by reason of compensable injury, at the time an order for his removal is issued, the benefits provided by this section attach and begin at the termination of such period of compensable disability and constitute additional benefits. In the event retraining of the employee is undertaken during the period of such partial disability compensation is not to continue beyond 104 weeks from the date when such retraining is begun.

If an employee, after being so removed from hazardous employment, returns to such hazardous employment exposing him to any occupational disease, without the consent of the commissioner of the department of labor and industry, neither he nor his dependents are entitled to compensation for the disablement or death of such employee caused by occupational disease.

An employee so removed from employment is entitled to compensation for disability, or his dependents to compensation for his death, from occupational disease, if such disablement of the employee occurs within three years, in case of silicosis or asbestosis, or within one year, in case of other occupational diseases, from the date of such employee's last exposure to the hazards of such occupational diseases prior to such removal.

Whenever any employee is employed as a nurse and in the scope of such employment comes or has come in contact with persons who are afflicted with tuberculosis or with tuberculosis contaminated material and subsequently contracts tuberculosis, it shall be presumed that the tuberculosis is an occupational disease

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arising out of and in the course of such employment. "Contracts tuberculosis" shall be construed to mean the development of demonstrable lesions of tuberculosis or the demonstration of the germs of tuberculosis in that person's secretions or excretions. When a nurse has contracted tuberculosis within the meaning of this section, the limitations of time specified in section 176.66 and in section 176.664 shall not apply, and the periods of time specified in section 176.141 shall be computed from the date that a confirmed diagnosis of tuberculosis is first communicated to the nurse.

Sec. 158. Minnesota Statutes 1971, Section 176.663, is amended to read:

176.663 EMPLOYEE MAY WAIVE FULL COMPENSATION. Subject to the approval of the ~~commission~~ commissioner of the department of labor and industry, an employee affected by occupational disease, as an alternative to a forced change of occupation, may waive, in writing, full compensation for any aggravation of his condition resulting from his continuing in hazardous employment. A waiver so permitted shall remain effective for the trade, occupation, process or employment for which executed, notwithstanding a change or changes of employer. In such cases compensation and medical benefits for later resulting disability or death from such disease is not to continue beyond 100 weeks.

Sec. 159. Minnesota Statutes 1971, Section 176.664, is amended to read:

176.664 NOTICE, TIME LIMIT FOR SERVICE. In all cases except silicosis or asbestosis unless the employer shall have actual notice of the injury any claim for occupational disease is barred unless within 90 days after disablement of an employee as defined in section 176.66, subdivision 1, notice thereof in accordance with section 176.141 shall have been given to the employer, and unless the claim is filed with the ~~commission~~ division within the period specified in section 176.151, except that in case of silicosis or asbestosis the claim may be filed with the ~~commission~~ division within three years after the date of employee's last exposure or within three years of the date of the last payment of compensation by the employer, or his default in payment. If disablement occurs within the last 90 days allowed by this section for filing claim with the ~~commission~~ division, then the employee or his dependents shall be allowed a period of 90 days from the happening of such disablement to comply with the provisions of this section.

Compensation is not payable for partial disability from silicosis or asbestosis, except where such partial disability follows a compensable period of total disability.

Sec. 160. Minnesota Statutes 1971, Section 176.665, is amended to read:

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176.665 **HEARINGS.** Upon the filing with the ~~commission~~ division of a claim petition by an employee or his dependents, claiming and demanding compensation and benefits as for occupational disease, if such claim petition and the answer thereto, filed with the ~~commission~~ division, presents or raises a controverted medical question and in addition other questions of liability, the commissioner of the department of labor and industry shall cause the petition and answer to be heard by ~~the commission, a commissioner or a~~ compensation judge, according to established practice, and permit all interested parties an opportunity to produce evidence relating to any issue involved.

Sec. 161. Minnesota Statutes 1971, Section 176.666, is amended to read:

176.666 **INVESTIGATIONS.** When it appears to the state board of health that conditions exist which require investigation in order to determine the advisability of allowing or permitting an employee to continue in his hazardous employment, it shall file with the ~~commission~~ commissioner of the department of labor and industry a petition demanding that the ~~commission~~ commissioner of the department of labor and industry proceed to make such investigation and hold such hearings as may be necessary to such determination. Such investigation may also be initiated by the ~~commission~~ commissioner of the department of labor and industry, or by petition of any employee or employer. The ~~commission~~ commissioner of the department of labor and industry shall proceed promptly, after the filing of such petition or upon its own motion, with such investigation.

Sec. 162. Minnesota Statutes 1971, Section 176.667, is amended to read:

176.667 **EMPLOYEES, MEDICAL EXAMINATION.** Each employee, hereafter entering the service of an employer whose business is one in which the hazard of silicosis or asbestosis is involved, who will be exposed to such hazard because of such employment, shall, at the request of the employer, submit to a medical examination for the purpose of determining whether such employee can safely be employed in such hazardous employment. The cost of such medical examination shall be borne by the employer.

Within one year after the effective date of Laws 1943, Chapter 633, and annually, thereafter, each employee engaged in employment which exposes him to the hazards of silicosis or asbestosis shall submit to a medical examination for the purpose of determining whether he is affected in any degree by silicosis or asbestosis, or peculiarly or especially susceptible to either of such diseases. The cost of such examination shall be paid by the employer. The findings and reports of the doctor making each such examination,

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together with X-ray films and other original exhibits, shall be filed in the office of the ~~commission~~ commissioner of the department of labor and industry, and available to the department of health, provided that the ~~commission~~ commissioner of the department of labor and industry shall be empowered to order, in such cases as it shall deem advisable, that the X-ray films be filed in any other suitable depository which the ~~commission~~ commissioner of the department of labor and industry may designate, such films to be available to the department of health. Any such report is a public record, but may be used only for the purposes of Laws 1943, Chapter 633, as amended. A copy of such findings and report shall be furnished the employee's physician on request.

Upon the termination of an employee's service the employer may request employee to submit to a final medical examination by giving the employee leaving his service ten days notice in writing of the time and place that the medical examination is to be made, which notice may be delivered to such employee personally or mailed to his last known address. Any employee who wilfully fails or refuses to submit to such medical examination upon leaving the service of an employer, shall thereby waive any right to compensation from such employer for such occupational disease which later develops. The employer shall forthwith notify the ~~commission~~ commissioner of the department of labor and industry in writing, of the employee's failure to submit to such medical examination, and such notice shall be filed in the office of the ~~commission~~ commissioner of the department of labor and industry as in the case of medical reports, and shall serve as notice of termination of liability of such employer arising out of any claim by such individual, or by a subsequent employer because of the claim of such individual. The cost of such examination shall be borne by the employer.

Sec. 163. Minnesota Statutes 1971, Section 176.668, is amended to read:

176.668 REGULAR INSPECTION. The department of labor and industry shall keep a record of employments and regularly inspect places of employment in any industry in which the hazard of an occupational disease may exist. It shall establish reasonable minimum standards of safety and healthful working conditions in such places of employment and shall furnish such employers with written rules and regulations governing the maintenance of such minimum standards of working conditions. The ~~commission~~ department in preparing such rules, regulations or standards, relating to health, or in evaluating industrial health hazards, shall consult with the state department of health through its division of industrial health.

Sec. 164. Minnesota Statutes 1971, Section 176.669, Subdivision 1, is amended to read:

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176.669 EXPENSES; RULES. Subdivision 1. **PAYMENT OF EXPENSES.** Any expense incurred by the ~~commission or the~~ department of labor and industry in carrying out the purposes of Laws 1943, Chapter 633, shall be paid out of the general fund for the department of labor and industry.

Sec. 165. Minnesota Statutes 1971, Section 176.669, Subdivision 2, is amended to read:

Subd. 2. **MAKING OF RULES.** The ~~commission~~ department shall make such rules, regulations, and orders with reference to procedure as it deems necessary not inconsistent with Laws 1943, Chapter 633.

Sec. 166. Minnesota Statutes 1971, Section 251.042, is amended to read:

251.042 REPORT OF ILLNESS OF EMPLOYEE, HEARING ON CLAIM. Whenever the superintendent of any state, county, city or village sanatorium, medical laboratories or other institution, or the head of any department of the state or of any county, city, village, nursing district or other subdivision of the state employing licensed nurses, learns that any employee of such institution or department whose duties bring him in contact with patients or inmates therein or who works in and around any tuberculosis contaminated material, has contracted tuberculosis while employed in such institution or department, such superintendent or department head shall report such illness to the workmen's compensation ~~commission~~ division. Copies of such report shall be sent to the commissioner of public welfare if a state institution; to the head of the department if a department of the state; to the county board if a county institution or department; or to the governing body of the city, village or other subdivision of the state which employs the afflicted person. The ~~workmen's compensation commission~~ commissioner of the department of labor and industry upon receiving such report, shall mail to the superintendent of such institution or the head of such department blank forms to be filled out by such employee claiming the medical and sanatorium treatment and compensation hereinafter provided for. The ~~workmen's compensation commission~~ commissioner of the department of labor and industry shall thereupon set the claim on for hearing and determination in the same manner as claims of other public employees under the workmen's compensation law are heard and determined.

Sec. 167. Minnesota Statutes 1971, Section 251.043, Subdivision 1, is amended to read:

251.043 FINDINGS, PAYMENT OF MEDICAL CARE AND COMPENSATION. Subdivision 1. If upon the evidence mentioned in the preceding section, the workmen's compensation ~~commission~~

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division finds that such employee is suffering from tuberculosis contracted in the institution or department by contact with inmates or patients therein or by contact with tuberculosis contaminated material therein, it shall order the superintendent of such institution or head of such department to apply for the admission of the employee to the Minnesota State Sanatorium or any county tuberculosis sanatorium. There shall be paid to the institution where such employee may be received, the same fee for the maintenance and care of such person as is received by such institution for the maintenance and care of a non-resident patient. If the employee worked in a state tuberculosis sanatorium or in a county tuberculosis sanatorium, payment for such care shall be made by the department of social security out of funds heretofore or hereafter appropriated for aid to or maintenance of county tuberculosis sanatoria. If employed in any other institution or department such payment shall be made from funds allocated or appropriated for the operation of such institution or department, or in such other manner as the appropriate county board or city or village or other governing body may determine. Such employee shall receive full hospital care and medical care, without cost, for the duration of his illness, or any recurrence thereof or any disability resulting therefrom. The workmen's compensation ~~commission~~ division shall order payment to such employee of two-thirds of his salary during the period of disability and until the employee is able to resume his previous position or until the medical board of the institution where the employee is or has been hospitalized shall certify that such employee is able to pursue, without injury, some other normal work or occupation. If such employee dies leaving dependents, as defined by the workmen's compensation law of the state, there shall be paid to such dependents the sum of \$7,500, if tuberculosis was the authentic cause of death. Such compensation for death shall be paid to such dependents in installments of two-thirds of the employee's wage at intervals when the wage was payable, as nearly as may be. The ~~workmen's compensation commission~~ commissioner of the department of labor and industry shall certify and supervise the payment of such compensation.

Sec. 168. Minnesota Statutes 1971, Section 251.052, is amended to read:

251.052 REPORT OF ILLNESS. Whenever the head of any state, county, city, or village police department learns that any police officer employed by such department whose duties bring or did bring him in contact with any person suffering from tuberculosis while said police officer was in discharge of his duties within the scope of his employment, has contracted or become ill from tuberculosis while employed in such department, such head of the police department shall report such illness to the workmen's compensation ~~commission~~ division. Copies of such report shall be sent

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to the commissioner of the department of public welfare if a state police officer, to the county board if a county police officer, and to the governing body of the city or village if a municipal or village officer. The ~~workmen's compensation commission~~ commissioner of the department of labor and industry, upon receiving such report shall mail to the head of the department blank forms to be filled out by such employee claiming the medical and sanatorium treatment and compensation hereinafter provided for. The ~~workmen's compensation commission~~ commissioner of the department of labor and industry shall thereupon set the claim on for hearing and determination in the same manner as claims of other public employees under the workmen's compensation law are heard and determined.

Sec. 169. Minnesota Statutes 1971, Section 251.053, is amended to read:

251.053 OFFICERS ADMITTED TO SANATORIUM; PAYMENTS. If upon the evidence mentioned in section 251.052, the workmen's compensation ~~commission~~ division finds that such police officer is suffering from tuberculosis contracted by contact with persons suffering from tuberculosis while said police officer was working within the scope of his employment, it shall order the head of the police department in which said police officer is engaged, to apply for the admission of the said police officer to the Minnesota State Sanatorium or some county tuberculosis sanatorium. There shall be paid to the institution where such employee may be received the same fee for the maintenance and care of such persons as is received by such institution for the maintenance and care of a nonresident patient, and such fees shall be paid by the state, county, city or village in whose employment the said police officer was hired and working at the time said police officer contracted the tuberculosis. Such police officer shall receive full hospital care and medical care without cost for the duration of the infection of tuberculosis or any recurrence thereof or any disability resulting therefrom. Further, the workmen's compensation ~~commission~~ division shall order payment to such police officer by the state, county, city, or village concerned, of the compensation provided for under the general provisions of the workmen's compensation law, including benefits to dependents as defined by the workmen's compensation law, if said police officer dies from the effects of the disease of tuberculosis and if the tuberculosis was the primary infection and the authentic cause of death.

Sec. 170. Minnesota Statutes 1971, Section 352A.01, Subdivision 8, is amended to read:

Subd. 8. **TEMPORARY DISABILITY.** Members who are absent from their duties because of temporary disability resulting from injuries for which the state is liable under the workmen's

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compensation law shall have the period of such absence for which compensation is paid under the workmen's compensation law included in determining the period of service for the state unless they are receiving a disability allowance from the retirement fund. The workmen's compensation ~~commission~~ division shall furnish the retirement board with a copy of each abstract submitted to the state auditor and to be charged to the state compensation revolving fund which shall be construed as notice to the retirement board that the employees listed thereon have sustained injury arising out of and in the course of employment by the state of Minnesota and are entitled to credit for service on the records of the association during the time compensation is received for temporary disability resulting from such injury, but shall not be used for any other purpose.

Sec. 171. Minnesota Statutes 1971, Sections 175.12 and 175.13 are repealed.

Approved May 19, 1973.

CHAPTER 389—H.F.No.2173

[Coded in Part]

An act relating to taxation; levy limitations; amending Minnesota Statutes 1971, Sections 275.11, by adding a subdivision; and 412.251.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 275.11, is amended by adding a subdivision to read:

Subd. 3. TAXATION; LEVY LIMITATIONS. Nothing in this section shall be construed to reduce levies of any municipality below the per capita levy spread in 1970.

Sec. 2. Minnesota Statutes 1971, Section 412.251, is amended to read:

412.251 ANNUAL TAX LEVY. The council shall make its annual tax levy by resolution within the per capita limits established by statute. The amount of taxes levied for general village purposes shall not exceed 35 mills on each dollar of the assessed valuation of the property taxable in the village in villages having an assessed valuation of less than \$500,000 and 30 mills on each

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