

county treasurer for the benefit of the Pennington county law library.

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

Section 1. **PENNINGTON COUNTY; LAW LIBRARY; IMPOSITION OF FEE.** Notwithstanding any law or statute to the contrary the clerk of municipal court in Thief River Falls, Pennington county, or in the event the clerk of the Pennington county probate court at any time acts as clerk of such municipal court then such probate court clerk, shall pay over to the county treasurer for deposit in the county treasury to the credit of the Pennington county law library fund to be established by such county treasurer, the first \$1,500 in fines and other penalties received by such clerk in each calendar year. The said first \$1,500 to be paid by the clerk to the county treasurer does not include those portions of the fines and penalties otherwise required by law to be transmitted to the state treasurer. The sums so paid over shall be used for the operation of the Pennington county law library.

Sec. 2. This act shall be in effect upon approval of the governing body of Pennington county and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 20, 1971.

CHAPTER 422—H.F.No.1868

An act relating to workmen's compensation; increasing the compensation for certain injuries; prescribing compensation for minors; prescribing methods of payment; requiring certain reports; allowing employees of the workmen's compensation commission to perform certain acts; amending Minnesota Statutes 1969, Sections 176.101, Subdivisions 3 and 7; 176.171; 176.231, Subdivisions 1, 3, 4, 5, 6, and 7; 176.541, Subdivision 6; and 176.662.

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

Section 1. Minnesota Statutes 1969, Section 176.101, Subdivision 3, is amended to read:

Subd. 3. **WORKMEN'S COMPENSATION; COMPENSATION MODIFICATIONS; PERMANENT PARTIAL DISABILITY.** For the permanent partial disability from the loss of a member the

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

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 \$63 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;

(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;

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

(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;

(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 55 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 ~~400~~ 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 ~~400~~ 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;

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

(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;

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

~~(38)~~ (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, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during such period as the commission determines, not beyond 90 weeks;

~~(39)~~ (40) For permanent partial disability resulting from injury to the back, 66 $\frac{2}{3}$ 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;

~~(40)~~ (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;

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

~~(41)~~ (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;

~~(42)~~ (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 schedule for the total loss of the member which the extent of the injury to the member bears to its total loss;

~~(43)~~ (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 24 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;

~~(44)~~ (45) 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;

~~(45)~~ (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 \$63 per week, and continue during disability, not beyond 350 weeks; and if the employer

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

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.

Sec. 2. Minnesota Statutes 1969, Section 176.101, Subdivision 7, is amended to read:

Subd. 7. **MINORS.** If any employee entitled to the benefits of this chapter is a minor or is an apprentice of any age and sustains injuries due to an accident a personal injury arising out of and in the course of employment resulting in permanent total or permanent partial disability, for the purpose of computing the compensation to which he is entitled, ~~the weekly earnings shall be the weekly earnings which such minor or apprentice would probably earn after arriving at legal age or completing the apprenticeship, if uninjured, which probable earnings shall be approximately the average earnings of adult journeymen workers of the same sex below the rank of superintendent or general foremen in the department of the plant or industry in which the minor or apprentice was employed at the time of injury.~~ for said injury the compensation rate shall be the maximum weekly compensation rate payable under Minnesota Statutes, Chapter 176.

Sec. 3. Minnesota Statutes 1969, 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 ~~a savings~~ any bank, mutual savings bank, savings and loan association, or trust company in this state approved and designated by the commission. 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, 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. In the appointment of trustee the commission shall give preference to the choice of the injured employee or the choice of the dependents of the deceased employee.

Changes or additions indicated by underline, deletions by strikeout.

Sec. 4. Minnesota Statutes 1969, Section 176.231, Subdivision 1, is amended to read:

176.231 REPORT OF DEATH OR INJURY TO COMMISSION.
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 within 48 hours after its occurrence. Where any other injury occurs which wholly or partly incapacitates the employee from performing labor or service for ~~longer than the remainder of the day or shift during which the injury occurred three days or longer~~, the employer shall report the injury to the commission within ~~seven~~ 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 within 48 hours after he receives notice of such fact.

Sec. 5. Minnesota Statutes 1969, 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 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 or any member or employee thereof.

Sec. 6. Minnesota Statutes 1969, Section 176.231, Subdivision 4, is amended to read:

Subd. 4. **SUPPLEMENTARY REPORTS.** The commission, 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. 7. Minnesota Statutes 1969, Section 176.231, Subdivision 5, is amended to read:

Subd. 5. **FORMS FOR REPORTS.** The commission 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. ~~The form shall also include a statement in which the employer admits liability for compensation in the particular case which is the subject of the report. Where the employer does in fact admit liability, he shall sign this statement.~~

Sec. 8. Minnesota Statutes 1969, Section 176.231, Subdivision 6, is amended to read:

Changes or additions indicated by underline, deletions by strikeout.

Subd. 6. **WORKMEN'S COMPENSATION COMMISSION, DUTY TO KEEP INFORMED.** The commission 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 commission or any member or employee thereof shall request in writing a report from such person of the attendant facts.

Sec. 9. Minnesota Statutes 1969, Section 176.231, Subdivision 7, is amended to read:

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

Sec. 10. Minnesota Statutes 1969, Section 176.541, Subdivision 6, is amended to read:

Subd. 6. **LEGAL AND CLERICAL HELP.** The commission may employ such legal and clerical help as authorized by the legislature 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. 11. Minnesota Statutes 1969, 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 complications 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.

Changes or additions indicated by underline, deletions by strikeout.

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 commission 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 ~~25~~ 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 ~~25~~ 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 commission, 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 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,

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

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. 12. The provisions of this act will become effective September 1, 1971.

Approved May 20, 1971.

CHAPTER 423—H.F.No.2089

[Not Coded]

An act relating to the village of Deer River and the county of Itasca; authorizing the acquisition, construction, financing and leasing of nursing home facilities in the village.

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

Section 1. DEER RIVER, VILLAGE OF; ACQUISITION AND CONSTRUCTION OF NURSING HOME FACILITIES. The village of Deer River is hereby authorized to construct and furnish nursing home facilities in the village, and is further authorized to acquire by lease, gift, devise, purchase, condemnation or otherwise any property necessary or desirable and suitable for such purpose.

Sec. 2. REVENUE BONDS. The village may issue one or more series of revenue bonds of the village in a total amount not to exceed \$500,000 to finance the acquisition and betterment of such nursing home facilities, including but without limitation the payment of interest during construction and for a reasonable period thereafter, the establishment of an initial reserve to secure the payment of the bonds and a reserve for working capital. The village may pledge and appropriate revenues to be derived from its operation of the facilities, or the rentals to be derived from leasing such facilities to the county of Itasca or to a nonprofit or public corporation as hereinafter provided, to pay the principal and interest on the bonds when due and to create and maintain reserves as herein described. Such pledge and appropriation shall be a first and prior lien on all such revenues or rentals, or, if so provided in the bond resolution, as a lien thereon subordinate to all or a fixed percentage of the costs of the operation, administration, and maintenance of the facilities, subject to such parity lien provisions as are provided for in the bond resolution. The full faith and credit of the village may also be pledged to the payment of the bonds, but only as herein provided.

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