

undertaking establishment or contract by assignment or otherwise to pay such insurance or its benefits or any part of either to any funeral director or undertaking establishment predetermined or designated by it so as to deprive the family or representatives of the deceased policyholder from, or in any way to control them in, obtaining for his funeral and burial, funeral services and supplies in the open market.

Provided, that nothing herein contained shall apply, nor shall it be construed to apply in any way to any co-operative burial association.

Approved March 9, 1933.

CHAPTER 74—H. F. No. 420

An act to amend Mason's Minnesota Statutes of 1927, Section 4295, relating to the discontinuance of compensation payment under the workmen's compensation act.

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

Section 1. Employer to notify commission of discontinuance of payments.—That Mason's Minnesota Statutes of 1927, Section 4295, be and the same hereby is amended to read as follows:

"4295. Before discontinuing the payment of compensation in any case coming under part 2 of this act, the employer shall, if it is claimed by or on behalf of the injured person or his dependents that his right to compensation still continues, or if such employee or his dependents shall refuse to sign or object to signing a final receipt, notify the Industrial Commission, in writing, of such proposed discontinuance of payment, with the date of discontinuance and the reason therefor; and that the employee or dependent, as the case may be, objects thereto, and such employer shall also file with such notice of discontinuance any medical reports in his possession bearing upon the physical condition of the injured employee at or about the time of the discontinuance of the compensation, or duly verified copies of such reports in lieu of the originals; and until such notice is given, and such reports filed, as aforesaid, the liability for and the making of such payments shall continue unless otherwise ordered by the Commission; provided, that the receipt of any such notice of discontinuance, together with such reports, by the Commission, as herein provided, shall operate as a suspension of payment of compensation until the right thereto can be investigated, heard and determined, as herein provided. It is hereby made the duty of the Industrial Commission forthwith, upon receipt of any such notices of discontinuance, to notify the

employee of the receipt thereof and mail him a copy of the same, together with copies of the reports filed with such notice, at his last known place of residence, and to make such investigations and inquiries as may be necessary to ascertain and determine whether the right to compensation in any such case has terminated in accordance with law, and if upon investigation it shall appear that the right to compensation in any such case has not terminated or will not terminate upon the date specified in any such notice of discontinuance, the Industrial Commission shall set down for hearing before the Commission, or some commissioner or referee, the question of the right of the employee, or dependent, as the case may be, to further compensation, such hearing to be held within 25 days of the receipt by the Commission of any such notice of discontinuance, and 8 days notice of such hearing shall be given by the Commission to the interested parties.

After the hearing by the Commission, commissioner or referee, and due consideration of all the evidence submitted, the Commission, commissioner or referee, shall promptly enter an order or award for such further amount of compensation to be paid by the employer, if any, as may be due and payable. If upon investigation it shall appear that the right to compensation in any such case has terminated, the Commission shall forthwith notify the employer in writing of such fact and the receipt of such notice by the employer shall operate to relieve him and the insurance carrier, as of the date when payment of compensation became suspended as provided by this section, from any further liability for payment of compensation in such case, subject to the right of review provided by this act, *and subject to the right of the Commission, at any time prior to said review, to set aside its decision, or that of the referee, and grant a new hearing pursuant to Section 4319, General Statutes 1923.*

In addition to the filing of the reports required by law, all employers subject to part 2 of this act shall promptly file or cause to be filed with the Industrial Commission all current interim and final receipts for the payments of compensation made, and it is hereby made the duty of the Industrial Commission periodically to check the records of such commission in each case, and require such employers to file or cause to be filed all such receipts for compensation payments as and when due, it being the intention of this section that the Industrial Commission shall definitely supervise and require prompt and full compliance with all provisions for the payment of compensation as required by law. Any insurance carrier insuring any employer in this State against liability imposed by this Act shall be and hereby is authorized and empowered for and on behalf of said employer to perform any and all acts required

of the employer under the provisions of this Act; provided, that the employer shall be responsible for all authorized acts of an insurer in his behalf and for any omission or delay or any failure, refusal or neglect of any such insurer to perform any such act, and nothing herein contained shall be construed to relieve the employer from any penalty or forfeiture provided by this act.

Sec. 2. This Act shall be in force from and after its passage. Approved March 9, 1933.

CHAPTER 75—H. F. No. 421

An act to amend Mason's Minnesota Statutes of 1927, Section 4276, relating to the amount which the employer shall pay into the special compensation fund in case of death of an employe when there are no persons entitled to compensation.

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

Section 1. **Injury increasing disability.**—That Mason's Minnesota Statutes of 1927, Section 4276, be and the same is hereby amended to read as follows :

4276. If an employe receive an injury which of itself would cause only permanent partial disability, but which, combined with a previous disability, does in fact cause permanent total disability, the employer shall only be liable for the permanent partial disability caused by the subsequent injury.

Provided, however, that in addition to compensation for such permanent partial disability and after the cessation of the payments for the prescribed period of weeks, the employe shall be paid by the state the remainder of the compensation that would be due for permanent total disability, out of a special fund known as the Special Compensation Fund, and created for such purpose in the following manner :

Every employer shall pay to the State Treasurer for every case of injury occurring in his employ and causing death in which there are no persons entitled to compensation the sum of *three hundred (\$300.00)* dollars, which is to be placed into this Special Compensation Fund and to be used to pay the benefits provided by this section. All moneys heretofore arising from the provisions of this section shall be transferred to this Special Compensation Fund. All penalties collected for violation of any of the provisions of this Act shall be credited to this Special Compensation Fund.

The State Treasurer shall be the custodian of this special fund and the Industrial Commission shall direct the distribution thereof,