

CHAPTER 499—H. F. No. 161

[Coded as Section 387.29]

An act relating to mileage to be paid sheriffs and deputy sheriffs as reimbursement for the use of their own automobiles; amending Laws 1947, Chapter 88, Section 1, and repealing Laws 1947, Chapter 88, Section 2.

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

Section 1. Laws 1947, Chapter 88, Section 1, is amended to read :

[387.29] Section 1. **Sheriff reimbursement for use of his private automobile.** As reimbursement for use of his own private automobile by a sheriff or deputy, in the performance of his official duties, he may be paid by the county a sum not to exceed ten cents per mile for every mile so traveled.

Sec. 2. **In force until June 30, 1951.** This act shall be and remain in force until June 30, 1951.

Approved April 20, 1949.

CHAPTER 500—H. F. No. 168

An act relating to workmen's compensation, defining and regulating occupational diseases; amending Minnesota Statutes 1945, Section 176.66, Subdivisions 3, 6 and 7; Section 176.661; and Sections 176.662, 176.664 and 176.667 as amended.

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

Section 1. Minnesota Statutes 1945, Section 176.66 Subdivision 3, is amended to read :

176.66. Occupational disease. Subd. 3. Contracted within 12 months; exceptions. Neither the employee nor his dependents are entitled to compensation for disability or death resulting from occupational disease, unless such disease is due to the nature of his employment as defined in Section 176.-

01, Subdivision 15, and was contracted therein within twelve months previous to the date of disablement; except in the case of silicosis or asbestosis, in which cases *disablement of the employee must occur within three years from the date of such employee's last exposure with an employer in an employment to the nature of which the disease may have been a hazard.*

Sec. 2. Minnesota Statutes 1945, Section 176.66, Subdivision 6, is amended to read:

Subd. 6. Notice of death or disability; to whom given. The employer to whom notice of death or disability is to be given or against whom [whom] claim is to be made by the employee or his dependents is the employer who last employed the employee during the 12 months in the employment to the nature of which the disease was due and in which it was contracted except in cases of silicosis or asbestosis, in which case the period shall be three years, and such notice is effective as against prior employers.

Sec. 3. Minnesota Statutes 1945, 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, 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 commission 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. 4. Minnesota Statutes 1945, Section 176.661, is amended to read:

176.661. **Occupational diseases 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, or who wilfully refuses to obey reasonable rules prescribed, printed and posted by the commission 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, or to post and order compliance with all reasonable rules prescribed and ordered by the commission for the conduct of the particular work shall constitute a violation of section 182.19. The commission shall each year certify any place of employment which has complied with the minimum standards for healthful working conditions as prescribed by the commission.

Sec. 5. Minnesota Statutes 1945, Section 176.662, as amended by Laws 1947, Chapter 612, Section 2, 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 proceeding [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.

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 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 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.

Sec. 6. Minnesota Statutes 1945, Section 176.664, as amended by Laws 1947, Chapter 612, Section 3, is amended to read:

176.664. Serves notice within 90 days. 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 176.16 shall have been given to the employer, and unless the claim is filed with the commission within one year after the date of the employee's last exposure or within one year after the date of the last payment of compensation by the employer, or default in payment of compensation for occupational disease, except that in case of silicosis or asbestosis the claim may be filed with the commission 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, 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. After the effective date of Laws 1943, Chapter 633, in the event of total disability or death from silicosis or asbestosis, compensation is to be paid during a transition period according to the following formula; if such total disability or death results during the first calendar month after the effective date of Laws 1943, Chapter 633, the total compensation payable for such disability or death, or both shall not exceed \$500, thereafter, the limit on the total compensation payable for total disability or death increases at the rate of \$75.00 per month, in each case such total is limited, pursuant to such formula, according to the month in which incapacity or death occurs. Such progressive increase in the limits to the aggregate compensation and benefits for disability or death continue until the limits upon such benefits, as provided in the workmen's compensation act, is reached.

Sec. 7. Minnesota Statutes 1945, Section 176.667, as amended by Laws 1947, Chapter 612, Section 5, is amended to read:

176.667. Employees to submit to 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, together with x-ray films and other original exhibits, shall be filed in the office of the commission, and available to the department of health, provided that the commission 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 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 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 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.

Approved April 20, 1949.