

area of more than 15,000 square miles from the counties comprising such judicial district in such proportion as the assessed valuation of each county bears to the total assessed valuation of such judicial district in the preceding year; provided, that when any district judge shall preside upon the trial or hearing of any cause outside of his resident judicial district, wherein the district judge receives a larger salary, he shall receive an additional compensation during the period of such trial or hearing the difference between his fixed compensation and the compensation of the district judge of the district where he has been so engaged, the same to be paid by the county wherein the trial or hearing was held upon certification of the senior resident district judge thereof.

*The retirement compensation for judges of the district court now in effect for such judges who have heretofore or shall hereafter retire shall not be increased by reason of the change in salaries provided for in this act, but shall be governed by the provisions of law and based upon salaries in force immediately prior to the passage of this act.*

Approved April 18, 1951.

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CHAPTER 457—S. F. No. 211

*An act relating to benefits under the workmen's compensation law; amending Minnesota Statutes 1949, Section 176.11, Subdivisions 1, 2, 3 and 4; Section 176.12, Subdivisions 19 and 20; Section 176.13 and Section 176.14.*

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

Section 1. Minnesota Statutes 1949, Section 176.11, Subdivision 1, is amended to read:

176.11. **Schedule of compensation.** Subdivision 1. **Temporary total disability.** For injury producing temporary total disability, 66 $\frac{2}{3}$  per cent of the daily wage at the time of injury, subject to a maximum compensation of \$32 per week and a minimum of \$15 per week; provided, that if at the time of injury the employee receives wages of \$15 or less per week, he shall receive the full amount of such wages per week; this

compensation shall be paid during the period of such disability, not to exceed 310 weeks of compensation, payment to be made at the intervals when the wage was payable, as nearly as may be.

Section 2. Minnesota Statutes 1949, Section 176.11, Subdivision 2, is amended to read:

176.11. Subd. 2. **Temporary partial disability.** In all cases of temporary partial disability the compensation shall be 66⅔ per cent of the difference between the daily wage of the workman at the time of injury and the wage he is able to earn in his partially disabled condition; this compensation shall be paid during the period of such disability, not beyond 310 weeks, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to the maximum stated in subdivision 1; and, if the employer does not furnish the workman with work which he can do in his temporary partially disabled condition and, after a reasonably diligent effort, he is unable to procure such work with another employer, the commission may fix a rate of compensation to be paid to the workman during the period of such disability and unemployment, not beyond 300 weeks, which shall be based upon the percentage of his general physical disability as may be determined from competent medical testimony adduced at a hearing before a referee, a commissioner, or the commission.

Sec. 3. Minnesota Statutes 1949, Section 176.11, Subdivision 3, is amended to read:

176.11. Subd. 3. **Permanent partial disability.** For the permanent partial disability from the loss of a member the compensation during the healing period, but not exceeding 104 weeks, shall be 66⅔ per cent of the difference between the daily wage of the workman at the time of injury and the wages he is able to earn, if any, in his partially disabled condition; and thereafter and in addition thereto, compensation shall be that named in the following schedule:

(1) For the loss of a thumb, 66⅔ per cent of the daily wage at the time of injury during 65 weeks;

(2) For the loss of a first finger, commonly called index finger, 66⅔ per cent of the daily wage at the time of injury during 40 weeks;

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

(4) For the loss of a third finger,  $66\frac{2}{3}$  per cent 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,  $66\frac{2}{3}$  per cent 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 such thumb or finger, and compensation shall be paid at the prescribed rate during one-half the time specified for such thumb or finger;

(7) The loss of one and one-half or more phalanges is considered as the loss of the entire finger or thumb; provided, that 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,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 35 weeks;

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

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

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

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

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

(14) For the loss of an arm,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 230 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 the ankle movement,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 140 weeks;

(17) For the loss of a foot, including the ankle movement,  $66\frac{2}{3}$  per cent 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,  $66\frac{2}{3}$  per cent 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,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 220 weeks;

(20) Amputation of the leg below the knee is considered 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 the loss of a leg;

(21) For the loss of an eye,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 110 weeks;

(22) For the complete permanent loss of hearing in one ear,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 55 weeks;

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

(24) For the loss of an eye and a leg,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 385 weeks;

(25) For the loss of an eye and an arm,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 385 weeks;

(26) For the loss of an eye and a hand,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 360 weeks;

(27) For the loss of an eye and a foot,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 330 weeks;

(28) For the loss of two arms, other than at the shoulder,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(29) For the loss of two hands,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(31) For the loss of two feet,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(32) For the loss of one arm and the other hand,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(33) For the loss of one hand and one foot,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(34) For the loss of one leg and the other foot,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(35) For the loss of one leg and one hand,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(36) For the loss of one arm and one foot,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(37) For the loss of one arm and one leg,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 440 weeks;

(38) 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,  $66\frac{2}{3}$  per cent of the daily wage at the

time of injury during such period as the commission may determine, not beyond 85 weeks;

(38½) For permanent partial disability resulting from injury to the back, 66⅔ per cent of the daily wage at the time of injury for that proportion of 330 weeks which is represented by the percentage of such percentage of such permanent partial disability as may be determined from competent medical or other testimony adduced at a hearing before a referee, a commissioner, or the commission.

(39) When an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which entitles 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;

(40) 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 workman's [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 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 per cent of the compensation payable under the schedule of this section for the loss of such member;

(41) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of such member, not otherwise compensated in this schedule, compen-

sation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the respective member which the extent of injury to the member bears to its total loss;

(42) All the compensation provided in this clause for loss of members or loss of the use of members are subject to the limitations as to maximum and minimum stated in subdivision 1;

(43) In addition to the compensation provided in this schedule for loss or loss of the use of a member, the compensation during the period of retraining for a new occupation, as certified by the division of re-education, operating under Laws 1919, Chapter 365, shall be  $66\frac{2}{3}$  per cent of the daily wage at the time of the injury, not beyond 25 weeks, provided the injury is such as to entitle the workman to compensation for at least 75 weeks in the schedule of indemnities for permanent impairments, and provided the commission, on application thereto, finds that such retraining is necessary and makes an order for such compensation;

(44) In all cases of permanent partial disability not enumerated in this schedule, the compensation shall be  $66\frac{2}{3}$  per cent of the difference between the daily wage of the workman 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 \$32 per week; and continue during disability, not beyond 310 weeks, and if the employer does not furnish the workman with work which he can do in his permanently partially disabled condition and, after a reasonably diligent effort, he is unable to procure such work with another employer, the commission may fix a rate of compensation to be paid to the workman during the period of his unemployment, not beyond 310 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 referee, a commissioner, or the commission.

Sec. 4. Minnesota Statutes 1949, Section 176.11, Subdivision 4, is amended to read:

176.11. Subd. 4. Total disability. For permanent total disability, as defined in subdivision 5,  $66\frac{2}{3}$  per cent of the daily wage at the time of the injury, subject to a maximum

compensation of \$32 per week and a minimum compensation of \$15 per week. If, at the time of the injury, the employee receives wages of \$15 or less per week, he shall receive the full amount of his wages per week. This compensation shall be paid during the permanent total disability of the injured person, but the total amount payable under this subdivision shall not exceed \$18,000 in any case. Payments shall be made at the intervals when the wage was payable as nearly as may be. In case an employee who is permanently and totally disabled becomes an inmate of a public institution, no compensation shall be payable during the period of his confinement in such institution, unless he has wholly dependent on him for support some person named in Section 176.12, Subdivisions 1, 2, or 3 (whose dependency shall be determined as if the employee were deceased), in which case the compensation provided for in section 176.12, during the period of such confinement, shall be paid for the benefit of persons so dependent during dependency.

Sec. 5. Minnesota Statutes 1949, Section 176.12, Subdivision 19, is amended to read:

176.12. Subd. 19. **Compensation; rate; limitation.** The compensation payable in case of death to persons wholly dependent shall be subject to a maximum compensation of \$32 per week and a minimum of \$15 per week; provided, that if at the time of injury the employee receives wages of \$15 or less per week, then the compensation shall be the full amount of such wages per week; the compensation payable to partial dependents shall be subject to a maximum of \$32 per week and a minimum of \$15 per week; provided, that if the income loss of the said partial dependents by such death is \$15 or less per week, then the dependents shall receive the full amount of their income loss; this compensation shall be paid during dependency, but shall not exceed \$10,000 in case of a dependent wife, child, children, or orphan, and shall not exceed 300 weeks in case of any other dependent, payments to be made at the intervals when the wage was payable, as nearly as may be.

Sec. 6. Minnesota Statutes 1949, Section 176.12, Subdivision 20, is amended to read:

176.12. Subd. 20. **Order of payment.** Actual dependents shall be entitled to take compensation in the order named



in subdivision 3 above, during dependency, until 66⅔ per cent of the daily wage of the deceased at the time of injury shall have been exhausted; provided, that such compensation shall not exceed \$10,000 in case of a dependent wife, child, children, or orphan, or continue beyond 300 weeks in case of any other dependent; but the total compensation to be paid to full actual dependents of a deceased employee shall not exceed in the aggregate \$32 per week.

*All widows with a dependent child or children, or with a child or children over 18 years of age physically or mentally incapacitated from earning, and all such children who are orphans, who are now receiving, or who may hereafter become entitled to receive, compensation under section 176.12 for the death of their husband or parent shall, after \$10,000 has been paid and satisfactory proof thereof filed, receive additional compensation, not exceeding \$2,500, in the same manner and with the same limitations as is prescribed by section 176.12, except that the maximum weekly compensation shall not exceed \$20, until the youngest dependent child attains the age of 18 years or, if over 18 years of age, becomes physically and mentally able to earn, or the additional sum of \$2,500 has been fully paid. Such payments to widows or orphans shall be made only on petition by the widow or orphans to the industrial commission, which petition by the widow shall be accompanied by birth certificates or other satisfactory proof of the ages of her living children under the age of 18 years and an affidavit of a reputable physician that any child or children over 18 years of age is of the date thereof physically or mentally incapacitated from earning, together with the affidavit of two responsible persons that she is still the widow of the employee for whose death she was drawing compensation. Such payments to an orphan shall be made only on petition of the orphan, the next of kin, or a legal guardian of the person or property of the orphan to the industrial commission accompanied by a birth certificate or satisfactory proof that the orphan is under the age of 18 years or, if over the age of 18 years, by the affidavit of a reputable physician that the orphan was physically or mentally incapacitated from earning at the date thereof.*

Sec. 7. Minnesota Statutes 1949, Section 176.13, is amended to read:

**176.13. Increase of previous disability; special compensation fund.** If an employee receives an injury which of it-

self 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.

(a) In addition to compensation for such permanent partial disability and after the cessation of the payments for the prescribed period of weeks, the employee shall be paid by the state the remainder of the compensation that would be due for permanent total disability, as provided for by section 176.11, clause (d), out of a special fund known as the special compensation fund.

(b) *Following the effective date of this act, no compensation shall be paid for permanent total disability from the special fund for injuries occurring after said date, except for second injury cases as provided in clause (a) of this section.* All employees who are now receiving, or who may hereafter become entitled to receive, compensation for permanent total disability, as a result of injuries occurring before the effective date of this act, whether from the employer or from the special fund, after receiving the full amount of \$10,000 for such disability, shall be paid from the fund an additional sum of not to exceed \$5,000, in the same manner and with the same limitations, except as to amounts, at the rate of two-thirds of the wages they were receiving at the time of the injury which rendered them permanently totally disabled, subject to a maximum of \$20 per week and a minimum of \$13.50 per week, but the full amount of their wages if at the time of such injury they were receiving less than \$13.50 per week. Payments to permanently totally disabled employees from such additional sum of \$5,000 shall be made only upon petition by the injured employee to the industrial commission for the same, stating that the full amount of \$10,000 has been received, or is due to be paid within 30 days, which petition shall be accompanied by an affidavit of a reputable physician stating that he has examined the employee and found him to be still permanently totally disabled.

This fund shall be created for such purposes in the following manner:

(1) In every case of death of an employee resulting from an accident arising out of and in the course of his employment where there are no persons entitled to compensation,

except as provided by section 176.12, subdivision 14, the employer shall pay to the industrial commission the sum of \$300;

(2) When an employee shall suffer a compensable injury, which results in permanent partial disability by reason of the total loss of a member or members, or injury to a member or members resulting in less than a total loss of such member, and which injury entitles him to compensation pursuant to section 176.11, *subdivision (3)*, the employer, or his insurer, shall, in addition to the compensation provided for in *said subdivision (3)*, pay to the industrial commission, for the benefit of the special compensation fund, a lump sum, without interest deductions, equal to two per cent of the total compensation to which the employee is entitled under *said subdivision (3)* for the permanent partial disability, this sum to be paid to the industrial commission as soon as the total amount of the permanent partial disability payable for the particular injury is determined by the industrial commission, or arrived at by the agreement of the parties and such amount is approved by the industrial commission.

Such sums as are paid to the industrial commission 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 this chapter. All money 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 chapter 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, 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) of this section, and dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) hereof by mistake or inadvertence, or under such circumstances that justice requires a refund thereof, the state treasurer is hereby authorized to refund such deposit upon order of the industrial commission.

Sec. 8. Minnesota Statutes 1949, Section 176.14, is amended to read:

**176.14 Compensation, when to begin.** In cases of tem-

porary total or temporary partial disability, no compensation shall be allowed for the first week after the disability commenced, except as provided by section 176.15, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in section 176.16. If such disability continues for *three* weeks or longer, such compensation shall be computed from the commencement of such disability.

Sec. 9. This act shall become effective July 1, 1951.

Approved April 18, 1951.

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CHAPTER 458—S. F. No. 346

*An act relating to wild animals and to the use of snares in the taking thereof, amending Minnesota Statutes 1949, Section 100.29, Subdivision 13.*

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

Section 1. Minnesota Statutes 1949, Section 100.29, Subdivision 13, is amended to read as follows:

100.29. Subd. 13. It shall be unlawful to *take* wolves, bobcat, lynx, fox, or bear with the aid of any snare, except under a permit from the commissioner and under such regulations as he shall prescribe.

Approved April 18, 1951.

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CHAPTER 459—S. F. No. 540

*An act relating to the youth conservation commission and cost of care of children incurred by the director of social welfare; amending Minnesota Statutes 1949, Section 260.125, Subdivisions 16, 22, and Section 260.13.*

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

Section 1. Minnesota Statutes 1949, Section 260.125, Subdivision 16, is amended to read: