

CHAPTER 443—H. F. No. 1344

An act relating to workmen's compensation; amending Minnesota Statutes 1949, Section 176.01, Subdivision 8; and providing and regulating compensation benefits for voluntary uncompensated workers in the division of public institutions authorized by Minnesota Statutes 1949, Section 246.36 in the event of their injury in the course and scope of their employment.

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

Section 1. Minnesota Statutes 1949, Section 176.01, Subdivision 8, is amended to read:

Subd. 8. **Employee.** The terms "employee" and "workman" are used interchangeably and have the same meaning throughout this chapter and shall be construed to mean:

(1) Every person in the service of the state, or any county, city, town, village, borough, or school district therein, under any appointment or contract of hire, expressed or implied, oral or written, but shall not include any official of the state or of any county, city, town, village, borough, or school district therein, who shall have been elected or appointed for a regular term of office or to complete the unexpired portion of any regular term; sheriffs, deputy sheriffs, constables, marshals, policemen and firemen shall be deemed employees within the meaning of this section; where, in any city operating under a home rule charter, a mode and manner of compensation is provided by the charter which is different from that provided by this chapter, and the amount of compensation provided by the charter would, if taken thereunder, exceed the amount the employee is entitled to under this chapter for the same period, he shall, in addition to his compensation under this chapter, receive under the charter an amount equal to the excess in compensation provided by the charter over what he is entitled to by this chapter; if the amount of compensation provided by the charter would, if taken thereunder, be equal to or less than the amount of compensation the employee is entitled to under this chapter for the same period, he shall take only under this chapter; any peace officer, other than a sheriff, deputy sheriff, marshal or policeman shall be considered an employee while engaged in the enforcement of peace or in and about the pursuit and capture of any person charged with or suspected of crime. 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 [a] charge against the sick leave, vacation and overtime credits accumulated by such employee. The industrial commission for the state or the governing body of any county, city, village or other political subdivision to which the provisions of this act apply, may adopt rules and regulations not inconsistent with this act for carrying out the provisions hereof relating to payment of additional benefits to employees from accumulated sick leave, vacation or overtime credits. *Voluntary uncompensated workers other than inmates, rendering services in state institutions under the control of the director of public institutions similar to those of officers and employees of such institutions, and whose services have been accepted or contracted for by the director of public institutions under authority of Minnesota Statutes 1949, Section 246.36, shall be employees within the meaning of this section. In the event of injury or death of any such voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services in institutions where such services are performed by paid employees.*

(2) Every person in service of another under any contract of hire, expressed or implied, oral or written, including aliens, and also including minors, who, for the purpose of making election of remedy under this chapter, shall be construed the same, and have the same power of contracting and electing as adult employees.

(3) Every executive officer of a corporation.

Approved April 18, 1953.

CHAPTER 444—H. F. No. 1546

An act relating to county road and bridge tax levy; amending Minnesota Statutes 1949, Section 162.01, Subdivision 5, as amended.

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