

326.27 Additional fees. Every applicant for a master electrician's license who passes the examination shall pay an additional fee of \$25 before such license is issued, which fee shall keep his license in force for one year; and shall pay a renewal fee of \$25 each year. *Every applicant for a class B master's license who passes the examination shall pay an additional fee of \$15 before such license is issued, which shall keep his license in force for one year, and shall pay a renewal fee of \$15 each year.* Every applicant for a journeyman electrician's license who passes the examination shall pay an additional fee of \$5 before such license is issued, which fee shall keep his license in force for one year; and shall pay a renewal fee of \$5 each year. Every applicant for a limited electrician's license who passes the examination shall pay an additional fee of \$5 before such license is issued, which shall keep his license in force for one year; and shall pay a renewal fee of \$5 each year.

Sec. 12. From and after the effective date of this act, no license may be issued pursuant to the provisions of Laws 1955, Chapter 790.

Approved April 29, 1957.

CHAPTER 908—H. F. No. 1949

An act relating to workmen's compensation second injury fund; amending Minnesota Statutes 1953, Section 176.13.

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

Section 1. Minnesota Statutes 1953, Section 176.13, is amended to read:

176.13 Subsequent disability, special fund. (a) *If an employee who has a physical impairment from any cause or origin incurs a subsequent disability by injury arising out of and in the course of his employment resulting in compensation liability for permanent or temporary partial or total disability that is substantially greater by reason of the combined effects of the pre-existing impairment and subsequent injury than that which would have resulted from the subsequent injury alone in the absence of the pre-existing impairment, the employer or his insurance carrier shall in the first instance pay all compensation provided by this act, but such employer or his insurance carrier shall be reimbursed from the special compensation fund for all compensation subsequent to those payable for the first 104 weeks of disability, except that if the subsequent injury alone results in permanent partial dis-*

ability the employer or his insurer shall not be reimbursed for that part of the compensation payable therefor as may be in excess of the first 104 weeks as provided by section 176.101, subdivision 3 (sections 1-42).

(b) If the subsequent injury of such an employee shall result in the death or permanent partial or total disability of the employee and it shall be determined that either the injury, death or disability would not have occurred except from pre-existing physical impairment, the employer or his insurance carrier shall in the first instance pay the compensation prescribed by this act, but he or his insurance carrier shall be reimbursed from the special compensation fund for all compensation payable in excess of 104 weeks.

(c) In order to qualify under this section for reimbursement from the special compensation fund, the employer must have qualified with the provisions of this chapter as to insurance or self-insurance as provided for by Section 176.181, subdivisions 1 and 2, and except as to an employee whose pre-existing physical impairment is a permanent partial disability as scheduled in Section 176.101, subdivision 3 (Section 1-38), must register with the industrial commission, in advance of any subsequent injury, under rules prescribed by the industrial commission, the names of his employees with a pre-existing physical impairment, together with satisfactory evidence of such impairment, and for whom he may want to claim reimbursement for any compensation paid in event of a subsequent injury or death. At their option, the employer, employee or the commission may make application to the director, division of vocational rehabilitation of the department of education who shall then certify to the industrial commission declaring the existence or non-existence of a physical impairment, and if the director shall certify to the existence of a physical impairment, that certification shall be acceptable as evidence of such impairment but shall not be determinative thereof. In the event of a subsequent injury or death for which reimbursement is claimed, the employer or his insurer shall file with the industrial commission written notice of intention to claim reimbursement within 52 weeks after the occurrence of the subsequent injury in accordance with rules and regulations to be established by the industrial commission. Upon finally determining that an employer or his insurer is entitled to reimbursement hereunder, compensation shall thereafter be payable out of the special compensation fund.

(d) As used in this section "physical impairment" means any physical or mental condition which is or is likely to be a hindrance or obstacle to obtaining employment.

(e) Following July 1, 1953, no compensation shall be paid for permanent total disability from the special fund for injuries occurring after said date, except as provided *herein*. 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 July 1, 1953, 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, 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, and which injury entitles him to compensation pursuant to section 176.101, subdivision 3 (1-42 inclusive), the employer, or his insurer, shall, in addition to the compensation provided for in subdivision 3 (1-42 inclusive), pay to the industrial commission, for the benefit of a special compensation fund, a lump sum, without interest deductions, equal to six percent 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), and dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) by mistake or inadvertence, or under such circumstances that justice requires a refund thereof, the state treasurer is hereby authorized to refund such deposit under order of the industrial commission.

(3) There is hereby appropriated out of the general revenue fund to the industrial commission for credit to the special compensation fund the sum of \$125,000 for the period ending June 30, 1955, which appropriation is hereby made available in such amounts and at such times as may be deemed necessary by the industrial commission to discharge its obligation for the payment of benefits out of said special compensation fund. Any and all amounts so appropriated and credited to the special compensation fund shall be repaid from said fund without interest, at such times and in such amounts as may be determined by the industrial commission; provided that in any event the entire amount so appropriated and credited shall be repaid to said fund on or before July 1, 1959.

(4) On and after July 1, 1962, payments to the fund based upon permanent partial disability as provided by clause (2) shall be reduced to two percent effective as to accidents occurring on and after July 1, 1962. The industrial commission shall report biennially to the governor and to the legislature as to the financial status of said special compensation fund, which report shall include a statement of the receipts and disbursements for the period covered.

(5) *All employers and insurers shall make such reports to the industrial commission as may be required for the proper administration of this act.*

Approved April 29, 1957.