

Sec. 2. Effective June 2, 1971, the chief accountant shall assume the duties and responsibilities of the city comptroller in addition to his existing duties and responsibilities. He shall serve at the salary rate prescribed for the classified position of chief accountant and shall retain all existing rights, privileges and benefits presently in such classified position and shall be entitled to all further rights, privileges and benefits which may accrue to such position of chief accountant in the classified service.

Sec. 3. This act shall become effective only after its approval by a majority of the governing body of the city of Saint Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.-021.

Approved May 21, 1971.

---

CHAPTER 475—S.F.No.565

*An act relating to workmen's compensation; increasing maximum benefits for partial and total disability, burial, and death; amending Minnesota Statutes 1969, Section 176.101, Subdivisions 1, 2, 3, 4; and 176.111, Subdivisions 18, 19, and 20.*

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

Section 1. Minnesota Statutes 1969, Section 176.101, Subdivision 1, is amended to read:

**176.101 WORKMEN'S COMPENSATION; BENEFITS; COMPENSATION SCHEDULE.** Subdivision 1. **TEMPORARY TOTAL DISABILITY.** For injury producing temporary total disability, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury subject to a maximum compensation of ~~\$70~~ \$80 per week and a minimum compensation of \$17.50 per week. This compensation shall be paid during the period of disability, but not exceeding 350 weeks, payment to be made at the intervals when the wage was payable, as nearly as may be.

Sec. 2. Minnesota Statutes 1969, Section 176.101, Subdivision 2, is amended to read:

Subd. 2. **TEMPORARY PARTIAL DISABILITY.** In all cases of temporary partial disability the compensation shall be 66  $\frac{2}{3}$  percent of the difference between the daily wage of the worker at the time of injury and the wage he is able to earn in his partially disabled

Changes or additions indicated by underline, deletions by ~~strikeout~~.

condition. This compensation shall be paid during the period of disability, but not beyond 350 weeks, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to a maximum compensation of ~~\$63~~ \$73 per week. If the employer does not furnish the worker with work which he can do in his temporary partially disabled condition and he is unable to procure such work with another employer, after reasonably diligent effort, the commission may fix a rate of compensation to be paid to the worker during the period of disability and unemployment, but not beyond 350 weeks; which shall be based upon the percentage of his general physical disability as determined from competent medical testimony adduced at a hearing before a compensation judge, a commissioner, or the commission.

Sec. 3. Minnesota Statutes 1969, Section 176.101, Subdivision 3, is amended to read:

Subd. 3. **PERMANENT PARTIAL DISABILITY.** For the permanent partial disability from the loss of a member the compensation for total disability during the healing period shall be as stated in subdivision 1. For partial disability during the healing period the compensation shall be as stated in subdivision 2. The healing period shall not exceed 104 weeks. Thereafter and in addition thereto, compensation shall be that named in the following schedule, subject to a maximum compensation of ~~\$63~~ \$73 per week:

(1) For the loss of a thumb, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 65 weeks;

(2) For the loss of a first finger, commonly called index finger, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 40 weeks;

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

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

(7) The loss of one and one-half or more phalanges is considered equal to the loss of the entire finger or thumb; but 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;

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

(8) For the loss of a great toe, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 35 weeks;

(9) For the loss of a toe other than a great toe, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 15 weeks;

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

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

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

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

(14) For the loss of an arm, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 270 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 ankle movement, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 140 weeks;

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

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

(21) For the loss of an eye, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 160 weeks;

(22) For the complete permanent loss of hearing in one ear, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 55 ~~85~~ weeks;

Changes or additions indicated by underline, deletions by ~~strikeout~~.

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

(24) For the loss of an eye and a leg, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 400 weeks;

(25) For the loss of an eye and an arm, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 400 weeks;

(26) For the loss of an eye and a hand, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 450 weeks;

(27) For the loss of an eye and a foot, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 400 weeks;

(28) For the loss of two arms, other than at the shoulder, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(29) For the loss of two hands, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(31) For the loss of two feet, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(32) For the loss of one arm and the other hand, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(33) For the loss of one hand and one foot, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(34) For the loss of one leg and the other foot, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(35) For the loss of one leg and one hand, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(36) For the loss of one arm and one foot, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(37) For the loss of one arm and one leg, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 500 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  $\frac{2}{3}$  percent of the daily wage at the time of injury during such period as the commission determines, not beyond 90 weeks;

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

(39) For permanent partial disability resulting from injury to the back, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury for that proportion of 350 weeks which is represented by the percentage of such permanent partial disability as is determined from competent testimony adduced at a hearing before a compensation judge, a commissioner, or the commission;

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

(41) 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 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 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 percent of the compensation payable under the schedule of this section for the loss of such member;

(42) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of the member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the member which the extent of the injury to the member bears to its total loss;

(43) In cases of permanent partial disability caused by simultaneous injury to two or more members, the applicable schedules in this subdivision shall be increased by 15 percent. This clause shall not apply when the injuries are compensated under paragraphs ~~24~~ 22 to 37 inclusive, of this subdivision. In cases of partial disability due to injury to both eyes resulting in less than total loss of vision in one or both eyes compensation shall be paid at the prescribed rate during that part of 450 weeks which the extent of the combined injury to both eyes bears to the complete loss of industrial vision;

**Changes or additions indicated by underline, deletions by strikeout.**

(44) The commission may make or revise rules for the determination of the extent of the impairment of the industrial use of one or both eyes taking into account all primary coordinate factors of vision. These rules shall be made or revised after consultation with experts on industrial vision and after public notice to and hearing of interested parties;

(45) In all cases of permanent partial disability not enumerated in this schedule the compensation shall be 66  $\frac{2}{3}$  percent of the difference between the daily wage of the worker 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 ~~\$63~~ \$73 per week, and continue during disability, not beyond 350 weeks; and if the employer does not furnish the worker with work which he can do in his permanently partially disabled condition and he is unable to secure such work with another employer after a reasonably diligent effort, the commission may fix a rate of compensation to be paid to the worker during the period of his unemployment, not beyond 350 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 compensation judge, a commissioner, or the commission.

Sec. 4. Minnesota Statutes 1969, Section 176.101, Subdivision 4, is amended to read:

Subd. 4. **PERMANENT TOTAL DISABILITY.** For permanent total disability, as defined in subdivision 5, the compensation shall be 66  $\frac{2}{3}$  percent of the daily wage at the time of the injury, subject to a maximum compensation of ~~\$70~~ \$80 per week and a minimum compensation of \$17.50 per week. If the wages of the employee at the time of the injury are \$17.50 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 employee but after a total of \$25,000 of weekly compensation has been paid, the amount of the weekly compensation benefits being paid by the employer shall be reduced by the amount of any disability benefits being paid by any government disability benefit program if such disability benefits are occasioned by the same injury or injuries which give rise to payments under this subdivision. Such reduction shall also apply to any old age and survivor insurance benefits. 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 176.111, subdivisions 1, 2 or 3, in which case the compensation provided for in section 176.111, during the period of such confinement, shall be paid for the benefits of such dependent person during dependency. The dependency of such persons shall be determined as though the employee were deceased.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 5. Minnesota Statutes 1969, Section 176.111, Subdivision 18, is amended to read:

Subd. 18. **BURIAL EXPENSE.** In all cases where death results to an employee from a personal injury arising out of and in the course of employment, the employer shall pay the expense of burial, not exceeding in amount ~~\$750~~ \$1,000. In case any dispute arises as to the reasonable value of the services rendered in connection with the burial such reasonable value shall be determined and approved by the commission before payment, after such reasonable notice to interested parties as is required by the commission. If the deceased leave no dependents, no compensation is payable, except as provided by this chapter.

Sec. 6. Minnesota Statutes 1969, Section 176.111, Subdivision 19, is amended to read:

Subd. 19. **COMPENSATION; MAXIMUM, MINIMUM.** The compensation payable in case of death to persons wholly dependent is subject to a maximum compensation of ~~\$70~~ \$80 per week and a minimum of \$17.50 per week. If at the time of injury the employee receives wages of \$17.50 or less per week, then the compensation shall be the full amount of the wages per week. The compensation payable to partial dependents is subject to a maximum of ~~\$70~~ \$80 per week and a minimum of \$17.50 per week. If the income loss of partial dependents by such death is \$17.50 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 ~~\$25,000~~ \$35,000 in case of a dependent wife, child, 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. 7. Minnesota Statutes 1969, Section 176.111, Subdivision 20, is amended to read:

Subd. 20. **ACTUAL DEPENDENTS, COMPENSATION.** Actual dependents are entitled to take compensation in the order named in subdivision 3 during dependency until  $66\frac{2}{3}$  percent of the daily wage of the deceased at the time of injury is exhausted. This compensation shall not exceed ~~\$25,000~~ \$35,000 in case of a dependent wife, child, or orphan or continue beyond 300 weeks in case of any other dependent. The total compensation to be paid to full actual dependents of a deceased employee shall not exceed in the aggregate ~~\$70~~ \$80 per week.

Sec. 8. **EFFECTIVE DATE.** This act is effective on September 1, 1971.

Approved May 22, 1971.

Changes or additions indicated by underline, deletions by ~~strikeout~~.