

CHAPTER 106—S. F. No. 285

An act relating to the special compensation fund and payments to be made therefrom; amending Minnesota Statutes of 1941, Section 176.13.

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

Section 1. Minnesota Statutes of 1941, Section 176.13, is hereby amended to read as follows:

176.13. Disability or death resulting from accident; increase of previous disability; special compensation fund. If an employee receives an injury which of itself 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) All employees who are now receiving, or who may hereafter become entitled to receive, compensation for permanent total disability, 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 \$2,500, in the same manner and with the same limitations, except as to amounts, at the rate of one-half of the wages they were receiving at the time of the injury which rendered them permanently totally disabled, subject to a maximum of \$15.00 per week and a minimum of \$8.00 per week, but the full amount of their wages if at the time of such injury they were receiving less than \$8.00 per week. *Payments to permanently totally disabled employees from such additional sum of \$2,500 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.*

(c) *All widows with a dependent child or children who are now receiving, or who may hereafter become entitled to*

receive, compensation under section 176.12 for the death of their husbands shall, after the maximum collectible compensation has been paid and satisfactory proof thereof filed, receive from the special fund 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 \$15.00, until the youngest child attains the age of 18 years or the additional sum of \$2,500 has been fully paid. Such payments to widows from the special fund shall be made only on petition by the widow to the Industrial Commission, which shall be accompanied by birth certificates or other satisfactory proof of the ages of her living children under the age of 18 years and affidavits of two responsible persons that she is still the widow of the employee for whose death she was drawing compensation.

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 \$300.00;

(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, clause (c), the employer, or his insurer, shall, in addition to the compensation provided for in clause (c), 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 clause (c) 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. 2. This act shall take effect and be in force on and after July 1, 1945.

Approved March 16, 1945.

CHAPTER 107—S. F. No. 342

An act requiring a levying officer to make a duplicate return of levy made upon a judgment transcribed from another county, and requiring the clerk to whom such duplicate return is made to record such satisfaction upon his judgment docket in the manner provided; amending Minnesota Statutes 1941, Section 550.05.

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

Section 1. Minnesota Statutes 1941, Section 550.05, is amended to read as follows:

550.05. When returnable; inventory. *Subdivision 1.* The execution shall be made returnable, within 60 days after its receipt by the officer, to the clerk with whom the judgment roll is filed; but if the officer having such execution *levies* upon any property before the expiration of such 60 days, he may retain the execution in his hands until he *sells* such property in the manner prescribed by law. Upon demand of the judgment creditor or his attorney within such 60 days, the officer shall pay to him all moneys collected upon execution in his hands, after deducting his fees. The officer shall make a full inventory of the property levied on, and return it with the execution.