

limitation upon the general transfer of powers herein contained.

Approved April 25, 1949.

CHAPTER 705—S. F. No. 128

An act relating to the special compensation fund and payments to be made therefrom; amending Minnesota Statutes 1945, Section 176.13, as amended.

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

Section 1. Minnesota Statutes 1945, Section 176.13, as amended by Laws 1947, Chapter 90, is amended to read :

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 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 \$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 employe 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 employe and found him to be still permanently totally disabled.

(c) 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 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 \$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 from the special fund 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 employe 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.

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, 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. **Effective date.** This act shall take effect July 1, 1949.

Approved April 25, 1949.

CHAPTER 706—S. F. No. 240

[Not Coded]

An act relating to county tuberculosis sanatoriums, their construction, improvement, equipment, enlargement and maintenance in each county now or hereafter having a population of 500,000 or more; repealing Laws 1923, Chapter 101, and amendatory acts.

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

Section 1. Tuberculosis sanatorium; tax levy. The county board in each county of this state now or hereafter having a population of 500,000 or more, which has heretofore established, or shall hereafter establish a tuberculosis sanatorium, may annually levy a tax on all taxable property in the county of not to exceed one mill on the dollar, for the construction, improvement, equipment and enlargement of such sanatorium, and the improving and enlarging of the site thereof, but in no case shall an annual levy in excess of such one mill be made therefor without authority conferred by a vote of the voters of said county.

Sec. 2. Commission determined by resolution; amount of money necessary; certified copy to county board; limitation. The county sanatorium commission shall determine by resolution each year prior to July first, the amount of money necessary for the maintenance of such sanatorium during the following year, and a certified copy of such resolution shall be forthwith forwarded to the board of county commissioners for approval, and such board shall, at the regular meeting in July, include the amount which it approved in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed 4.75 mills on the dollar of assessed valuation.

Sec. 3. Total tax levy. In no case shall the total levy made for all purposes as expressed in Sections 1 and 2 in any