

§ 14. The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employee thereof.

§ 15. This act shall not apply to nor repeal Sections 1 to 10, inclusive, of Chapter 239, Session Laws of 1919.

§ 16. The commissioner shall establish uniform tolerance or reasonable variances to take care of unavoidable shrinkage and of scale variances in handling and weighing of any of the articles mentioned in Chapter 239, Session Laws of 1919.

§ 17. Chapter 344 of the Session Laws of North Dakota for 1923, and all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1929.

WORKMEN'S COMPENSATION

CHAPTER 260

(H. B. No. 83—Cox by Request.)

COMPENSATION SCHEDULE—WORKMEN'S COMPENSATION BUREAU

An Act to amend and re-enact Section 3 of Chapter 162 of the Session Laws of the State of North Dakota for the year 1919 and acts amendatory thereof, relating to the workmen's compensation act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

SCHEDULE OF COMPENSATION—WORKMEN'S COMPENSATION FUND—AMENDMENT.] That Section 3 of Chapter 162 of the Session Laws of the State of North Dakota for the year 1919, and acts amendatory thereof, be and the same is hereby amended and re-enacted to read as follows:

§ 3. On and after July 1, 1919, it shall be the duty of the workmen's compensation bureau hereinafter created to disburse compensation from the North Dakota workmen's compensation fund to any employee subject to this act for injury arising in the course of employment in accordance with the following provisions:

A. Immediately after an injury sustained by an employee and during the resulting period of disability, the North Dakota

workmen's compensation fund, shall furnish to such employee, such medical, surgical and hospital service and supplies as the nature of the injury may require.

B. During the first seven days of disability the employee shall not be entitled to compensation, except as provided in the preceding paragraph; provided, that if the period of disability exceeds seven days, compensation shall be paid from the date of the injury.

C. If the injury cause TEMPORARY OR PERMANENT total disability, the North Dakota workmen's compensation fund shall pay to the disabled employee during such disability, a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wage, PROVIDED, HOWEVER, THAT IF THE DISABILITY BE PERMANENT TOTAL DISABILITY, THE TOTAL AMOUNT PAYABLE SHALL NOT EXCEED (\$15,000.00) FIFTEEN THOUSAND DOLLARS.

D. If the injury cause temporary partial disability, the North Dakota workmen's compensation fund shall pay to the disabled employee during such disability, a weekly compensation equal to sixty-six and two-thirds per cent of his loss in earning capacity.

E. If the injury cause permanent partial disability, the percentage which such disability bears to total disability, taking into consideration the employee's age and occupation, shall be determined, and the North Dakota workmen's compensation fund shall pay to the disabled employee a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages, for the following periods:

	Weeks
For a one per cent disability	5
For a ten per cent disability	50
For a twenty per cent disability	100
For a thirty per cent disability	150
For a forty per cent disability	200
For a fifty per cent disability	250
For a sixty per cent disability	300
For a seventy per cent disability	350
For an eighty per cent disability	400
For a ninety per cent disability	450

AND THE FOLLOWING SHALL BE THE SCHEDULE OF SPECIFIC BENEFITS TO BE ALLOWED FOR SPECIFIC INJURIES:

		Minimum	Maximum
1. For loss of arm at shoulder ..234	weeks	\$1,404.00	\$4,680.00
2. For loss of arm at or above elbow	213.5 weeks	1,281.00	4,270.00
3. For loss of hand at or above wrist	195 weeks	1,170.00	3,900.00

4. For loss of thumb	45	weeks	270.00	900.00
5. For loss of second or distal phalange of thumb	22.5	weeks	135.00	450.00
6. For loss of first finger	29.25	weeks	175.50	585.00
7. For loss of middle or second phalange of first finger	19.5	weeks	117.00	390.00
8. For loss of third or distal phalange of first finger	9.75	weeks	58.50	195.00
9. For loss of second finger	24.75	weeks	148.50	495.00
10. For loss of middle or second phalange of second finger	16.5	weeks	99.00	330.00
11. For loss of third or distal phalange of second finger	8.25	weeks	49.50	165.00
12. For loss of third finger	15.75	weeks	94.50	315.00
13. For loss of middle or second phalange of third finger	10.5	weeks	63.00	210.00
14. For loss of third or distal phalange of third finger	5.25	weeks	31.50	105.00
15. For loss of fourth finger	13.5	weeks	81.00	270.00
16. For loss of middle or second phalange of fourth finger	9.0	weeks	54.00	180.00
17. For loss of third or distal phalange of fourth finger	4.5	weeks	27.00	90.00
18. For loss of leg at hip	234.0	weeks	1,404.00	4,680.00
19. For loss of leg at or above the knee	195.0	weeks	1,170.00	3,900.00
20. For loss of foot at or above the ankle	136.5	weeks	819.00	2,730.00
21. For loss of great toe	19.5	weeks	117.00	390.00
22. For loss of first phalange of great toe	9.75	weeks	58.50	195.00
23. For loss of any other toe	7.5	weeks	45.00	150.00
24. For loss of first phalange of any other toe	3.75	weeks	22.50	75.00
25. For loss of sight of an eye	100.	weeks	600.00	2,000.00
26. For loss of hearing in one ear	29.25	weeks	175.50	585.00
27. For loss of hearing in both ears	156.00	weeks	936.00	3,120.00
28. In no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.				

29. For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, finger, or fingers as above, add 10 weeks to the number of weeks as above.
30. Loss of use. Permanent loss of use of a thumb, finger, toe, arm, hand, foot, leg, or eye shall be considered as the equivalent of the loss of such thumb, finger, toe, arm, hand, foot, leg or eye.
31. For the permanent partial loss of use of a member or sight of an eye, 66 2-3 per cent of the average weekly wage during that portion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye which the partial loss of use thereof bears to the total loss of use of such member or sight of an eye.

F. The weekly compensation for total disability shall not be more than twenty dollars, (\$20.00) nor less than six dollars, (\$6.00) unless the employee's weekly wages are less than six dollars (\$6.00) in which case his weekly compensation shall be the actual amount of his weekly wages. The weekly compensation for partial disability shall not be more than twenty dollars, (\$20.00). If the injured person was, at the time of the injury, a minor or employed in a learner's capacity, and not physically or mentally defective, the bureau shall, from time to time determine the probable increase in weekly earning capacity of such person if such injury had not occurred and shall base its award for compensation upon such probable weekly wage-earning capacity.

G. If death results from an injury within six years, the North Dakota workmen's compensation fund shall pay to the following persons, for the periods specified, a weekly compensation equal to the following percentages of the deceased employee's weekly wages; provided, however, that no compensation shall be paid where death takes place more than one year after the cessation of disability resulting from the injury, or, if there has been no disability preceding death, if death takes place more than one year after the injury, AND PROVIDED, FURTHER, THAT THE TOTAL AMOUNT PAYABLE SHALL NOT EXCEED THE SUM OF \$15,000.00. IN ADDITION TO THE AMOUNTS PAID FOR COMPENSATION AND MEDICAL AND HOSPITAL EXPENSES DURING TEMPORARY DISABILITY.

(a) To the widow, if there is no child, thirty-five per cent. Such compensation shall be paid until her death or marriage. In case of marriage, there shall be paid to her a lump sum equal to 156 weeks' compensation.

(b) To the widower, if there is no child, thirty-five per cent if wholly dependent for support upon the deceased employee at the time of her death. Such compensation shall be paid until his death or marriage.

(c) To the widow or widower if there is a child, or children, the compensation payable under clause (a) or (b), and in addition thereto ten per cent for each child, not exceeding, however, a total of sixty-six and two-thirds per cent for the widow or widower and the children. The compensation payable on account of any child shall cease when such child dies, marries or reaches the age of eighteen, or, if over eighteen and incapable of self support, becomes capable of self support.

(d) To the children, if there is no widow or widower, twenty-five per cent for one child and ten per cent additional for each additional child, not exceeding, however, a total of sixty-six and two-thirds per cent, the compensation hereunder not to be for the specific children but to be divided share and share alike. Compensation for each child shall be paid until such child dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self support becomes capable of self support. Compensation for a child under legal age shall be paid to its guardian.

(e) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per cent; if both are wholly dependent twenty per cent to each; if one or both are partially dependent, a proportionate amount in the discretion of the bureau. The foregoing percentages shall be paid only if there is no widow, widower, or child. If there is a widower, widow or child, there shall be paid only so much of the foregoing percentages as, when added to the total of the percentages payable to the widow, widower and children, shall not exceed the total of sixty-six and two-thirds per cent; PROVIDED, THAT ANY COMPENSATION SO PAYABLE TO THE PARENTS, IF THERE IS A WIDOW, WIDOWER OR CHILD, SHALL NOT BE INCLUDED IN THE LIMITATION OF \$15,000.00 REFERRED TO IN PARAGRAPH C.

(f) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per cent to such dependent; if more than one are wholly dependent, thirty per cent, divided among such dependents, share and share alike; if none of them are wholly dependent but one or more are partly dependent, ten per cent divided among such dependents, share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent there shall be paid only so much of the foregoing percentages as, when added to the total percentages payable to the widow, widower, children and dependent parents, shall not exceed a total of sixty-six and two-thirds per cent; PROVIDED, THAT ANY COMPENSATION PAYABLE TO ANY DEPENDENTS UNDER THIS PARAGRAPH, IF

THERE IS A WIDOW, WIDOWER, CHILD OR DEPENDENT PARENT, SHALL NOT BE INCLUDED IN THE LIMITATION OF \$15,000.00 REFERRED TO IN PARAGRAPH C.

(g) The compensation of each beneficiary under clause (e) may continue until such dependent parent dies, marries, or ceases to be dependent, and the compensation of each beneficiary under clause (f) shall be paid for a period of eight years from the time of the death of the employee, unless before that time, he, if a grandparent, dies, marries or ceases to be dependent, or if a brother, sister or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support becomes capable of self-support. The compensation of a brother, sister or grandchild under legal age shall be paid to his or her guardian.

(h) Upon the cessation of compensation under this section to or on account of any person the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable, shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death; provided, however, that nothing herein contained shall be construed to increase the compensation of the children of a widow or widower upon his or her remarriage.

(i) In case there are two or more classes of persons entitled to compensation under this section, and the apportionment of such compensation, hereinbefore provided would result in injustice, the bureau may, in its discretion, modify the apportionment to meet the requirements of the case.

(j) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments or compensation after his marriage, he or she shall be guilty of a misdemeanor.

(k) In computing compensation in case of death, the weekly wages of the deceased shall be considered to have been not more than thirty dollars, (\$30.00) nor less than eighteen dollars (\$18.00), but the total weekly compensation shall not exceed the weekly wages of the deceased.

(l) In case of death or of permanent, total, or of permanent partial disability, and if the bureau determines that it is for the best interest of the beneficiary, the liability for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per cent discount, compounded annually. The probability of the beneficiary's death before the expiration of the period

during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 416 weeks' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(m) If death results from the injury within six years the North Dakota workmen's compensation fund shall pay to the personal representative of the deceased employee burial expenses not to exceed two hundred dollars (\$200.00).

(n) The provisions of this section shall be retroactive and the workmen's compensation bureau upon application, or upon its own motion may adjust compensation previously awarded, or if compensation has been refused may award compensation in accordance with the terms hereof.

EMERGENCY.] Whereas an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1929.

CONCURRENT RESOLUTIONS

(H. B. No. 180—Thatcher and Svingen.)

INVESTIGATION TERMINAL MARKETS

A Concurrent Resolution petitioning the Congress of the United States to cause an investigation to be made at the terminal grain markets of the country to determine the amount of futures handled and the effect such dealing has upon the market price of grain; further petitioning congress to either appoint a special investigating committee, or that the federal trade commission be instructed to investigate the dealings upon the board of trade at the large grain terminals of the country.

Be It Resolved by the House of Representatives, the Senate Concurring:

WHEREAS, from information available, the dealing in grain futures at the large terminal markets of the United States is assuming greater and greater proportions, and

WHEREAS, from information available we learn that between July 1st and December 31st, 1928, there were grain futures sold upon the following Boards of Trade in the amount of 5,128,802,000 bushels; that the futures so sold were at the Chicago Board of