

portion of the term cut off by such cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county. The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon such conditions and for such consideration and for such period of time, not exceeding 15 years, as the county board may determine; said permits, licenses, or leases to be subject to approval by the commissioner of conservation. The county auditor may, with the approval of the county board and the commissioner of conservation, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat from tax-forfeited lands upon such terms and conditions as the county board may prescribe.

Provided, however, that no lease for the removal of peat shall be made by the county auditor pursuant to this section without first holding a public hearing on his intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the court house at least 20 days before the hearing shall be given of the hearing.

Approved April 20, 1961.

CHAPTER 595—H. F. No. 822

An act relating to disability benefits for members of the public employees retirement association; amending Minnesota Statutes 1957, Section 353.01, Subdivision 19, as amended; and Section 353.33, as amended.

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

Section 1. Minnesota Statutes 1957, Section 353.01, Subdivision 19, as amended by Laws 1959, Chapter 650, Section 7, is amended to read:

Subd. 19. **Total and permanent disability.** *“Total and permanent disability” means a disability which results from some impairment of mind or body that substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or*

Changes or additions indicated by italics, deletions by strikeout.

occupation that he would be competent to perform were it not for that impairment, and whose impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to be of long-continued and indefinite duration.

Sec. 2. Minnesota Statutes 1957, Section 353.33, as amended by Laws 1959, Chapter 650, Section 21 and Section 41, is amended to read:

353.33 Permanent disability benefits. Subdivision 1. Age, service and salary requirements. Where any member becomes totally and permanently disabled after 10 years of allowable service or after age 50 with five years of allowable service, whichever is sooner, he shall be entitled to a disability benefit in an amount provided in subdivision 2 ~~3~~. If such disabled person's public service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. ~~If a disabled person receives disability benefits under the provision of the federal Social Security Act, his benefits computed under subdivision 2 shall be reduced by the amount of disability benefits paid under the federal act. Any member whose average salary is less than \$75 per month shall not be entitled to a disability benefit.~~

Subd. 2. Applications. If written application for disability benefit has not been filed with the board within 90 days from the commencement of disability, the disability benefit shall begin to accrue as of the day 30 days prior to the receipt of such application. If salary is being received for either annual or sick leave during the said 30-day period, payments shall accrue from the date salary ceases. This benefit shall begin to accrue upon the expiration of 90 days following the commencement of disability unless the member is receiving salary for either annual or sick leave for a period of more than 90 days in which event payment shall accrue from the date salary ceased.

Subd. 3. Computation of benefits. This disability benefit is an amount equal to the normal annuity payable to a member who has reached 65 with the same number of years of allowable service and the same average salary, as provided in section 353.29 plus a supplementary monthly benefit computed in accordance with the following table:

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

Age when Disabled	Supplementary benefit
Under 56	\$50
56	45
57	40
58	35
59	30
60	25
61	20
62	15
63	10
64	5

If the disability benefits provided in this subdivision exceed the monthly average salary of the disabled member, the disability benefits shall be reduced to an amount equal to the disabled member's monthly average salary.

Subd. 3 4. Determination by the board. *The board shall have the member examined by at least two licensed physicians selected by the board. These physicians shall make written reports to the board concerning the member's disability including medical opinions as to whether the member is permanently and totally disabled within the meaning of section 352.01, subdivision 19. A member shall be considered totally and permanently disabled after the board has received written certification by at least two licensed physicians selected by the board, that the member is totally and likely to be permanently disabled for further performance of the duties of any assigned position in the service of the employer, and The board shall also obtain written certification from the employer stating whether or not the member was separated from service because of a disability which would reasonably prevent further service to the employer and as a consequence the member is not entitled to compensation from the employer. If upon the consideration ~~on~~ of the ~~report~~ reports of ~~such~~ the physicians and such other evidence as shall have been presented to it by the member or others interested therein, the board finds the member to be totally and permanently disabled it shall grant him a disability benefit upon written certification from the employer that the member has been separated from the service of the employer because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the employer. The fact that an employee is placed on leave of absence without compensation because of disability shall not bar him from receiving a*

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disability benefit. Any person receiving a disability benefit shall not be required to undergo a medical examination after reaching the age of 65.

Subd. 4 5. Benefits paid under other laws. The disability benefit shall be reduced by any amounts received or receivable by a member from the employer under applicable workmen's laws. *If a disabled person receives disability benefits under the provisions of the federal Social Security Act, his benefits computed under this section shall be reduced by the amount of disability benefits paid under the federal act.*

Subd. 5 6. Regular physical examination. At least once each year during the first five years following the allowance of a disability benefit to any member, and at least once in every three-year period thereafter, the board shall require the person disabled to undergo a medical examination to be made at the place of residence of such person, or at any other place mutually agreed upon, by a physician or physicians engaged by the board. If any examination indicates that he is no longer ~~physically and mentally incapacitated for service permanently and totally disabled~~ or that he is engaged or is able to engage in a gainful occupation, payments of the disability benefit by the fund shall be discontinued. *The payments shall discontinue as soon as he is reinstated to the payroll following sick leave, but in no case shall payment be made for more than 60 days after physicians engaged by the board find that such person is no longer incapacitated for service permanently and totally disabled.*

Subd. 6 7. Partial re-employment. Should such disabled person resume a gainful occupation and his earnings are less than his salary at the date of disability or the salary currently paid for similar positions, the board shall continue the disability benefit in an amount which when added to such earnings does not exceed his salary at the date of disability or the salary currently paid for similar positions, whichever is lower, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

Subd. 7 8. Refusal of examination. Should any such disabled person refuse to submit to a medical examination as herein provided, payments by the fund shall be discontinued, and all rights of the member in any disability benefit shall be revoked by the board.

Subd. 8 9. Return to public service. Any person receiving a disability benefit who is restored to active public

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service shall have deductions taken for the retirement fund and upon subsequent retirement have his retirement annuity based upon all allowable service including that upon which the disability benefits were based. ~~No person shall be entitled to receive disability benefits and a retirement annuity at the same time.~~

Subd. 9 10. Disability in special cases. Any member, other than a non-employee member, who on June 30, 1957 (1) was totally and permanently disabled, (2) had contributed to the retirement fund, either by salary deductions or assessments to and including June 30, 1957, or who was on authorized leave on June 30, 1957, (3) had made application for disability benefits, and who (4) met the allowable service or age requirements of this subdivision, as of June 30, 1957, shall be entitled to the benefits provided by this section retroactive to July 1, 1957.

Subd. 11. Retirement status at age 65. *No person shall be entitled to receive disability benefits and a public retirement annuity at the same time. The disability benefits paid to a person hereunder shall terminate when he reaches age 65, if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status and may at his option be paid either a straight life retirement annuity as provided in section 553.29 or straight life retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever amount is greater. He may instead of taking the straight life annuity provided herein, however, select an optional retirement annuity as provided in section 553.30, subdivision 3.*

Sec. 3. *This act takes effect July 1, 1961.*

Approved April 20, 1961.

CHAPTER 596—H. F. No. 830

[Coded]

An act relating to the salary and fees of probate and juvenile courts in certain counties; repealing Laws 1959, Chapter 539.

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

Section 1. [525.081] Judges salaries. Subdivision

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