

CHAPTER 34—H. F. No. 284

An act relating to workmen's compensation, amending Minnesota Statutes 1953, Section 176.662.

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

Section 1. Minnesota Statutes 1953, Section 176.662, is amended to read:

176.662 Evidence, presumptions. In the absence of conclusive evidence in favor of an employee's or a dependent's claim of disability or death from silicosis or asbestosis it shall be presumed not to be due to the nature of any occupation or employment within Laws 1943, Chapter 633, unless during the ten years immediately preceding the date of disablement the employee shall have been exposed to the inhalation of silica dust or asbestos dust over a period of not less than five years, the last three years of which exposure shall have been in this state.

In cases of silicosis or asbestosis complicated with tuberculosis of the lungs causing total disability or death compensation is payable as and for uncomplicated silicosis or abestosis when the silicosis or asbestosis is an essential factor in causing such complications of tuberculosis of the lungs. In cases of complications with other diseases than tuberculosis of the lungs compensation shall be proportioned as provided in section 176.661.

When an employee is afflicted with an occupational disease to such a degree that it is unduly hazardous for such employee to continue in any employment involving the hazard of exposure to such occupational disease, or where for other causes it is medically inadvisable and unduly hazardous for such employee to continue in an employment involving such hazard of occupational disease, the commission shall order the removal of such employee from such hazardous employment.

An employee so removed is eligible for retraining for a new occupation and compensation during such retraining, as provided by the workmen's compensation law. In the event retraining benefits are not accepted by such employee, he is to be compensated during his period of unemployment following such removal as though he were wholly or partially disabled by reason of compensable injury, but such compensation shall not exceed a period of 25 weeks following the date of the order so removing such employee. In the event an employee is disabled, by reason of compensable injury, at the time an order for his removal is issued, the benefits provided by this section attach and begin at the termination of such period of compensable disability and constitute additional benefits. In the event retraining of the employee is undertaken during the period

of such partial disability compensation is not to continue beyond the 25 weeks from the date when such retraining is begun.

If an employee, after being so removed from hazardous employment, returns to such hazardous employment exposing him to any occupational disease, without the consent of the commission, neither he nor his dependents are entitled to compensation for the disablement or death of such employee caused by occupational disease.

An employee so removed from employment is entitled to compensation for disability, or his dependents to compensation for his death, from occupational disease, if such disablement of the employee occurs within three years, in case of silicosis or asbestosis, or within one year, in case of other occupational diseases, from the date of such employee's last exposure to the hazards of such occupational diseases prior to such removal.

Whenever any employee is employed as a nurse and in the scope of such employment comes or has come in contact with persons who are afflicted with tuberculosis or with tuberculosis contaminated material and subsequently contracts tuberculosis, it shall be presumed that the tuberculosis is an occupational disease arising out of and in the course of such employment, "Contracts tuberculosis" shall be construed to mean the development of demonstrable lesions of tuberculosis or the demonstration of the germs of tuberculosis in that person's secretions or excretions. When a nurse has contracted tuberculosis within the meaning of this section, the limitations of time specified in section 176.66 and in section 176.664 shall not apply, and the periods of time specified in section 176.141 shall be computed from the date that a confirmed diagnosis of tuberculosis is first communicated to the nurse.

Approved February 21, 1957.

CHAPTER 35—H. F. No. 322

[Not Coded]

An act authorizing the conveyance of certain real estate owned by the state to the county of Becker.

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

Section 1. **Sale of certain lands by state.** Notwithstanding any law to the contrary, the Governor, upon recommendation of the Commissioner of Highways, shall transfer