

(o) In the counties of Martin, McLeod, Morrison, Nobles, Norman, and Scott, the sum of \$9500.

(p) In the counties of Freeborn, Goodhue, Itasca, Ottertail, and Polk, the sum of \$10,000.

(q) In the counties of Blue Earth, Mower, Rice, and Stearns, the sum of \$12,500.

(r) In the counties of Anoka, Clay, Dakota, Olmsted, Washington, and Winona, the sum of \$13,000.

Subd. 2. Payment; fees. The salary herein provided shall be paid by the county in equal monthly installments and be in full compensation for all services rendered by him as judge of both probate and juvenile court and in lieu of all fees and emoluments provided by law for official services, except fees for performing marriages and except compensation for services as a member of the youth conservation commission. All fees collectible by and paid to the probate court, except as herein provided, shall be turned over to the general revenue fund of the county.

Subd. 3. Practice of law. No judge of the probate court in any county having a population of 40,000 or more, shall practice as an attorney or counselor at law, nor shall he be a partner of any practicing attorney in the business of his profession.

Subd. 4. Practice of law, probate matters. No judge of the probate court shall practice law in any probate court in the state of Minnesota.

Subd. 5. Effective date. The effective date of this act shall be July 1, 1961.

Subd. 6. Repealer. Laws 1959, Chapter 539, and all other laws relating to the salary and fees of probate judges in such counties inconsistent herewith are hereby repealed.

Approved April 20, 1961.

CHAPTER 597—H. F. No. 866

An act relating to disability benefits paid to members of the teachers retirement association; amending Minnesota Statutes Sections 135.01, Subdivision 14, as amended, 135.37 as amended, 135.48, as amended.

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

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

Section 1. Minnesota Statutes 1957, Section 135.01, Subdivision 14, as amended by Extra Session Laws 1959, Chapter 50, Section 4, is amended to read:

Subd. 14. **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 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 medical determinable physical or mental impairment which can be expected to result in death or to be of long continued and indefinite duration.*

Sec. 2. Minnesota Statutes 1957, Section 135.37, as amended by Extra Session Laws 1959, Chapter 50, Section 31, is amended to read:

135.37 Disability benefits coordinated with social security. The disability benefit shall be computed in the manner provided in section 135.48, and in addition, the member shall be paid \$50 per month until he becomes eligible to receive either the primary benefit or the disability benefit under the Federal Social Security Act. Upon becoming eligible to receive a benefit under the Federal Social Security Act, the \$50 a month payment terminates. The total disability benefit paid including the \$50 monthly, as aforesaid, from the retirement fund shall be limited to 50 percent of the salary upon which it is based. The disability benefit shall be the normal annuity computed as though the member were age 65 at the time of disability. The optional annuities and the provision in section 135.48, ~~subdivision 1,~~ that “benefits computed under subdivision 2 of this act shall be reduced by the amount of disability benefits paid under the federal act” do not apply to this section. Provided, however, that ~~the provisions of this section shall be operative only through June 30, 1961,~~ but members whose total and permanent disability shall have been established prior to July 1, 1961, shall continue to receive the disability benefits provided herein *by the law then in effect* so long as the total and permanent disability continues.

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

Sec. 3. Minnesota Statutes 1957, Section 135.48, as amended by Extra Session Laws 1959, Chapter 50, Section 15, is amended to read:

135.48 Permanent disability benefits. Subdivision 1. **Age, service and salary requirements.** Where any member became totally and permanently disabled after at least 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 teaching 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 provisions of the federal Social Security Act, his benefits computed under subdivision 2 of this section 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 disability benefits.~~

Subd. 2. Applications. 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. 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 said 30-day period, payments shall accrue from the date salary ceases.

Subd. 3. Computation of benefits. The amount of the disability benefit is an amount equal to double the annuity which could be purchased by the member's accumulated deductions plus interest thereon computed as though the teacher were age 65 at the time of disability.

The benefit granted shall be determined by the following:

- (a) The amount of the accumulated deductions;
- (b) Interest actually earned on these accumulated deductions to the date of disability;
- (c) Interest for the years from the date of disability

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to the date such member attains age 65 at the rate which is the average rate credited for the five years prior to disability;

(d) Annuity purchase rates based on the 1937 standard annuity table of mortality set back two years and calculated separately as to sex with interest assumption of three percent.

In addition a supplementary monthly benefit shall be paid in accordance with the following table:

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

For the purposes of computing a retirement annuity when the member becomes eligible, the amounts paid for disability benefits shall not be deducted from the individual member's accumulated deductions but instead these benefits shall be financed from the turnover gain provided in section 24. 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 average salary. Any member who began to receive disability benefits between July 1, 1957, and June 30, 1959, shall receive the supplementary monthly benefit provided in accordance with the foregoing table and such supplementary monthly benefit shall begin to accrue after June 30, 1959, and shall continue as long as disability benefits are paid to such member.

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 or not the member is permanently and totally disabled within the meaning of Minnesota Statutes 1957, Section 135.01, Subdivision 14, and acts amendatory thereof. A member shall be con-*

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sidered 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 last 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 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 disability benefit.

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 examinations.** 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 disability beneficiary 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 *permanently and totally disabled physically or mentally incapacitated for service*, 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

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

Subd. 6- 7. Partial re-employment. Should the 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 teaching service. Any person receiving a disability benefit who is restored to active teaching service shall have deductions taken for the retirement fund.

Subd. 10. 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 benefit 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 he may at his option be paid either a straight life retirement annuity as provided in section 135.44 or a straight life retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever amount is greater. If his disability benefit was computed pursuant to section 135.37, at age 65 he may at his option be paid either a straight life retirement annuity as provided in section 135.33 or a straight life retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever is greater. He may instead of taking the straight life annuity provided herein, however, select an optional retirement annuity as provided in section 135.45 or 135.34, whichever is applicable.*

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Sec. 4. *This act takes effect July 1, 1961.*

Approved April 20, 1961.

CHAPTER 598—H. F. No. 881

[Not Coded]

An act relating to tax levies for library purposes in the village of Hibbing.

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

Section 1. **Hibbing, village of; library tax levy.** This act applies to the village of Hibbing.

Sec. 2. In addition to the levy of five mills for library purposes as authorized by Minnesota Statutes 1957, Sections 412.251 and 134.07, the village council of the village of Hibbing may annually levy an amount equal to 2 percent of the per capita amount authorized under the provisions of Minnesota Statutes 1957, Section 275.11, which amount, together with the five mills, shall be used for library purposes only.

Sec. 3. This act shall be effective upon its approval by a majority of the members of the village council of the village of Hibbing and upon compliance with Laws 1959, Chapter 368.

Approved April 20, 1961.

CHAPTER 599—H. F. No. 889

[Not Coded]

An act authorizing the transfer of certain lands from the state to the state armory building commission.

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

Section 1. **Transfer of land to armory building commission.** The governor in behalf of the state upon the recommendation of the adjutant general shall quit claim and convey the lands hereinafter described to the Minnesota state armory building commission:

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