

Minnesota Statutes 1953, Section 182.05, is amended to read:

182.05 **Dangerous machinery to be guarded.** When practicable the points of danger in any machine or mechanism shall be securely guarded by the maker, and the manufacture, sale, *loaning or leasing* of any machine or mechanism not so guarded is hereby prohibited.

Approved April 22, 1955.

CHAPTER 679—S. F. No. 479

[Coded]

An act relating to game wardens, providing for the creation, administration, and maintaining of a retirement fund therefor.

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

Section 1. [97.61] **Game warden.** Whenever used in this chapter "Game Warden" means the persons referred to and employed pursuant to the provisions of Minnesota Statutes 1953, Section 97.50, and all acts amendatory thereof and supplemental thereto, their chief supervisor and all assistant supervisors, whose salaries or compensation is paid out of funds of the state of Minnesota.

Sec. 2. [97.62] **Game wardens retirement association.** There is hereby established a Game Wardens Retirement Association, the membership of which shall consist of game wardens. Every game warden who is employed by the state of Minnesota, as such, on July 1, 1955, and every person employed in that capacity thereafter, shall become a member of the association. Each game warden while in the service of the department of conservation shall pay a sum equal to six percent of his monthly salary which amount shall be deducted monthly by the commissioner of conservation who shall cause the total amount of said monthly deductions to be paid to the state treasurer, and shall cause a detailed report of all monthly deductions to be made each month to the secretary of the association. In addition thereto, there shall be paid out of game and fish funds, monthly, by the commissioner of conservation a sum equal to one percent of the total amounts received from licenses as referred to in the provisions of Minnesota Statutes 1953, section 97.49, subdivision 1, the same to be credited to the fund created by this act. All moneys received by said association shall be deposited by the state treasurer in the Game

Warden's Retirement Fund created by this act. Out of said fund shall be paid the benefits and annuities hereinafter provided, and the expenses in connection with the administration, maintenance, and protection of said fund.

Sec. 3. [97.63] Officers retirement fund contributions. Subdivision 1. The officers of this association shall consist of the Chief Warden of the division of game and fish, who shall be president, the state treasurer, who shall be ex-officio treasurer, and a secretary, who shall be a member of the association, to be chosen by the membership thereof for a term of two years. These officers shall administer the provisions of this act, and may make such rules and regulations therefor, not inconsistent herewith, as may be necessary for such purposes. The general bond of the state treasurer at the time of the passage of this act shall cover all liability for his acts as treasurer, and no additional bond shall be required.

Subd. 2. All moneys of the association received by the treasurer pursuant to the provisions of this act shall be set aside by him in the state treasury and credited to the game warden's retirement fund. He shall transmit, monthly, to the secretary of the association, a detailed statement showing all credits to and disbursements from said fund. He shall disburse moneys from such fund only on warrants issued by the state auditor upon vouchers by the secretary of the association.

Subd. 3. The secretary of this association shall keep a record of all the acts and proceedings taken by the officers, and he shall keep a complete record of the names of all of the members, their ages and length of service, the salary of each member, together with such other facts as may be necessary in the administration of the provisions of this act, and for the purpose of obtaining such facts, he shall have access to the records of the various departments of the state. A certified copy of birth certificate or delayed birth certificate shall be prima facie evidence of the age of the person named therein. The secretary may receive such salary for his services as is determined by the association not to exceed \$600 per year.

Sec. 4. [97.64] Retirement fund. There is hereby created the game warden's retirement fund and all moneys received under the provisions of this act shall be credited to said fund. In addition thereto, all moneys heretofore paid by any game warden into the state employees retirement fund is hereby appropriated therefrom and credited to the fund hereby created. The state treasurer shall, upon the passage of this act, ascertain the amount heretofore paid by game wardens as aforesaid and transfer the amount so paid to the fund hereby

created. The public examiner shall audit the fund in the course of his examination of department of conservation records.

Sec. 5. [97.65] Investment of funds. The state board of investment is hereby authorized to invest such funds of the association as in the judgment of the officers of this association are not needed for immediate purposes, in such securities as are duly authorized or legal investments for savings bank and trust companies, and shall sell any such securities upon request from the officers of the association so as to provide money for the payment of benefits or annuities.

Sec. 6. [97.66] Eligibility to retirement. Subdivision 1. Each game warden who shall have been in the employ of the state as such for 25 years or more and during such time shall have paid by salary deductions into the state employees retirement fund, the amount required by law and into the fund hereby created, or into either fund, shall be entitled upon reaching the age of 55 years and separation from state service, to a life annuity of an amount equal to one-half of the highest salary which he received for five consecutive years, except as hereinafter provided, which life annuity shall be paid in monthly instalments during the remainder of his life. A game warden who has completed 20 years of service or more, but less than 25 years, may separate himself from state employment and upon reaching the age of 55 years may receive that proportionate part of his annuity that his years of service bears to 25.

Subd. 2. A member of this association whose employment with the state has been 25 years or more, and during such time has paid, by salary deductions, into the state employee retirement fund, the amount required by law, and/or into the fund created by this act, or into either fund and who shall have attained the age of 55 years and who continues to serve as a game warden or has served one or more years in excess of 25 years before reaching the age of 55 years shall be entitled to receive upon retirement an additional sum of \$3 per month for every year of service in excess of 25 years, not exceeding in all, however, 30 years of service, to be paid to him after retirement concurrently with retirement benefit otherwise provided in this chapter.

Subd. 3. A member of the association who has completed 25 years of service or more prior to reaching the age of 55 years may separate himself from the department with the status of a deferred pensioner, and upon his written application after reaching the age of 55 years shall be eligible to receive the annuity provided in subdivision 1.

Sec. 7. [97.67] Annuities or benefits; widows, chil-

dren. The association shall grant annuities or benefits payable from the retirement fund to any member or to any widow or to any child under 18 years of age of such member from the time and for the following purposes:

When a service annuitant, disability annuitant, or deferred pensioner, or an active member dies, leaving (1) a widow, who was his legally married wife, residing with him, and who was married to him while or prior to the time he was an active member of the association; and, who, in case the deceased member was a service annuitant or deferred pensioner, was legally married to the member at least one year before his retirement; or (2) a child or children, who were living while the deceased was an active member of the association or born within nine months after the decedent had retired.

The widow and child, or children, shall be entitled to an annuity as follows:

(a) To the widow an amount equal to one-half of the regular service annuity provided in section 6, subdivision 1, but not to exceed \$75 per month for her natural life; but if she remarry the annuity shall cease as of the date of the remarriage.

(b) To each child the amount of \$20 per month until the child reaches the age of 18 years.

The total amount of the annuity for the widow and children of a deceased member shall not exceed \$150 per month.

Sec. 8. [97.68] Members separated from service, rights. If a member of the association is separated from the service after having completed not less than five years of service, under such circumstances that no annuity or other benefits are payable to him or to his widow or to his children, the state treasurer shall return him the sum of \$500, with an additional \$150 for each year of completed service in excess of five. In the event the member is reinstated to duty all moneys paid him shall be returned to the retirement fund within six months from the date of his reinstatement. Failure to do so relieves the association from any liability as to prior years of service credit as to reinstatement date. In case of death of the member any such sums shall be paid to his heirs, executors, or administrators.

Sec. 9. [97.69] Annuities or benefits not subject to process. All annuities or benefits which any person shall be entitled to receive under the provisions of this act shall not be subject to garnishment, attachment, or levy, and the same shall at all times be exempt.

Sec. 10. [97.70] Suability of association. The as-

sociation may sue or be sued in the name of the association, and in all actions brought by or against it, the association shall be represented by the attorney general who shall also be the legal advisor for the association.

Sec. 11. [97.71] **Restrictions on bringing of actions.** No person shall sue for any benefits provided in section 6, subdivision 4, unless he shall post a bond in a sufficient amount to defray the cost to the association of defending the action. In the event that the association is sustained the portion of he bond necessary to defray these costs shall be forfeited.

Sec. 12. [97.72] **State employees retirement association, ineligible to membership.** Each game warden shall, after June 30, 1955, become a member of this association, and thereafter such wardens shall not be eligible to membership in the state employees' retirement association, and the provisions of said law shall not apply to the game wardens.

Approved April 22, 1955.

CHAPTER 680—S. F. No. 522

[Coded]

An act relating to wild animals; amending Minnesota Statutes, 1953, Section 99.26.

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

Section 1. Minnesota Statutes 1953, Section 99.26, is hereby amended by adding the following new Subdivision:

Subd. 4. Whenever a petition, signed by ten residents, asserting that they are licensed Minnesota hunters and that any duly established game refuge or any portion thereof is primarily a migratory water fowl refuge, shall be presented to the commissioner, the commissioner, upon finding the correctness of the facts so asserted, shall, by order, designate such game refuge or any portion thereof as a migratory water fowl refuge, and such refuge or portion thereof shall thereupon be duly posted as a migratory water fowl refuge. When so posted, it shall be unlawful for any person to enter upon any such migratory water fowl refuge during the open season for the taking of migratory water fowl, unless accompanied by a state game warden or refuge patrolman.

Approved April 22, 1955.