

Sec. 4. [Subd. 4.] **Powers additional.** The powers granted in this act are in addition to all powers granted by charter or other laws.

Sec. 5. This act shall take effect July 1, 1958.

Approved April 29, 1957.

CHAPTER 881—H. F. No. 1022

[Coded]

An act relating to game wardens retirement fund; amending Laws 1955, Chapter 679, Sections 2, 4, 6, 7, 12.

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

Section 1. Laws of 1955, Chapter 679, Section 2, is amended to read:

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 *be* a member of the association so long as *actively employed in such capacity*. Each game warden while in the service of the department of conservation shall pay a sum equal to *seven* percent of his monthly salary, *not to exceed a deduction of \$28 per month*, 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 Wardens' 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. 2. Laws of 1955, Chapter 679, Section 4, is amended to read:

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 *any game warden, employed as such on December 31, 1956, has* heretofore paid into the state employee's retirement fund, *whether as a game warden or otherwise,* is hereby appropriated therefrom and credited to the fund hereby created and *any such game warden shall be allowed service credit hereunder for any such previous service including other state service.* 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. 3. Laws of 1955, Chapter 679, Section 6, is amended to read:

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 employee's 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, *except a game warden employed as such on July 1, 1955, who continues his service until he reaches the compulsory retirement age and has not completed 20 years of service, shall 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's retirement fund, and into the fund created by this act, or either fund, *the amount required by law,* 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 *nor in any event a total annuity of \$200 a month*, to be paid to him after retirement.

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. 4. Laws of 1955, Chapter 679, Section 6, is amended by adding a new subdivision to read:

[Subd. 4.] *A member of the association not eligible for a service annuity who while an employee of the state becomes diseased or sustains an injury which renders him permanently unfit for the performance of his duties shall be entitled to a disability retirement annuity as hereinafter provided. Such annuity shall begin to accrue upon the expiration of 90 days following the commencement of such disability. Disability as used in this subdivision means total and permanent disability as certified to by at least two licensed and practicing physicians selected by the officers of the association. The member shall submit to an examination by such physicians prior to the determination by the officers of his eligibility for disability benefits and at such intervals thereafter as determined by the officers of the association. If any examination indicates that the annuitant is no longer physically or mentally incapacitated, or is able to engage in a gainful occupation but refuses to work, payments of the disability annuity shall be discontinued.*

Should any disability annuitant refuse to submit to a medical examination as herein provided, payments from the fund shall thereupon be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all rights of the member to any disability annuity shall be terminated.

Any member who, after not less than five years of service, becomes disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render him physically or mentally unable to perform his duties as such game warden, shall receive disability benefits during the period of such disability equal to 50 percent of the salary of the highest paid game warden, to be paid to such game warden in monthly payments not to exceed \$150 per month.

Said disability benefits shall be adjusted July 1 of each year to correspond with the salary of game wardens then in effect.

Any member who shall after not less than five years of service become diseased or injured not in the line of duty and not engaged in game warden work, and the retirement is necessary because the member is unable to perform state game warden duties, the amount of disability retirement annuity shall be equal to 1/45th of the average salary upon which deductions for the retirement fund have been based for the five years preceding such retirement times his years of service, subject to a minimum of 25 percent of such average salary.

Any disability annuitant who is restored to active service shall thereafter have deductions taken from his salary for the retirement fund covering the period of disability and upon subsequent retirement have his retirement allowance based upon all his allowable service including the time he was so disabled.

No member shall receive any disability benefit payments when there remains to his credit unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of his salary. If, during the period of disability, the game warden receives compensation benefits, the amount so received shall be deducted from the benefits payable under this section.

Should the annuitant become able to resume other gainful employment and his earnings therefrom be less than \$200, the association shall continue the disability allowance in an amount which when added to his earnings from such employment equals the sum of \$200.

Sec. 5. Laws of 1955, Chapter 679, Section 7, is amended to read:

[97.67] Annuities or benefits; widows, children. 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 25 percent of the member's salary at the time of his death; in the case of the death of an annuitant, his widow shall receive one-half of the regular service annuity provided in section 6, subdivision 1, but in either case the amount shall not exceed the sum of \$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, to be paid to the widow, if living, for the benefit of the child.

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

Sec. 6. Laws of 1955, Chapter 679, Section 12, is amended to read:

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 no game warden shall be eligible to membership in the state employees' retirement association, and the provisions of said law shall not apply to game wardens.

Sec. 7. [97.73] Reimbursement for deductions. All members who have paid deductions on that part of their salary which exceeded \$400 per month between the dates of July 1, 1955, and July 1, 1957, shall be reimbursed from the retirement fund for all such deductions.

Approved April 29, 1957.

CHAPTER 882—H. F. No. 1050

An act relating to the powers and duties of the commissioner of iron range resources and rehabilitation commission; amending Minnesota Statutes 1953, Section 298.22, by adding three new subdivisions thereto.

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

Section 1. Minnesota Statutes 1953, Section 298.22, is amended by adding three new subdivisions to read: