

Subd. 12. If the board provides access to persons or groups which make pupils aware of occupational or educational options, the board shall provide access on the same basis to official recruiting representatives of the military forces of the state or the United States for the purpose of informing students on educational and career opportunities available in the military.

Approved May 31, 1979.

**CHAPTER 296—H.F.No.907**

*An act relating to retirement; judges retirement fund; including the conciliation court of the city of Duluth in certain provisions governing judicial retirement; transferring the obligations and assets of the county and probate court judges survivors' account to the judges retirement fund; mandatory retirement requirements for correctional officers; amending Minnesota Statutes 1978, Sections 43.051, Subdivision 3; 490.121, Subdivision 2; and 490.124, Subdivision 8; repealing Minnesota Statutes 1978, Section 490.12, Subdivisions 7 and 8.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 43.051, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in section 352.91, who is a member of the special retirement program for correctional personnel defined in chapter 352 established pursuant to sections 352.90 to 352.95, must shall retire from such employment in the covered classification correctional position upon having reached or upon reaching the mandatory retirement age as of the effective dates established herein:

Effective Date	Mandatory Retirement Age
July 1, 1974	65
January 1, 1975	62
July 1, 1975	59
January 1, 1976	57
July 1, 1976	55

55 years, unless the person applies for and receives from the commissioner of corrections, or the commissioner of public welfare if the appointing authority is the Minnesota security hospital an extension beyond the conditional mandatory retirement age.

A covered correctional employee may be employed beyond the mandatory retirement age for a period not to extend beyond July 1, 1980, but in no event not beyond the age of 62, subject to an annual medical examination and the written approval of the commissioner of corrections, whose decision shall be final 65 years. A correctional employee desiring employment beyond mandatory retirement age shall be examined at his

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own expense and the results and findings of the medical examination shall be transmitted to the commissioner of corrections prior to the date the employee would otherwise have to retire pursuant to this subdivision; , prior to the date of reaching the conditional mandatory retirement age, and annually thereafter, request in writing to the person's appointing authority that he be authorized to continue in employment. Upon receiving the request, the appointing authority shall have a medical examination made of the employee. The results of the medical examination, together with the determination and certification of the appointing authority as to the mental and physical ability of the employee to continue to fulfill the duties of his employment for the following year, shall be transmitted to the commissioner of corrections or the commissioner of public welfare if the appointing authority is the Minnesota security hospital. If the determination of the appointing authority relating to an employee is adverse, the disposition of the matter shall be decided by the commissioner of corrections or of public welfare, whichever is applicable, based on the information provided to him. The decision of the applicable commissioner shall be made in writing and shall be final.

Sec. 2. Minnesota Statutes 1978, Section 490.121, Subdivision 2, is amended to read:

Subd. 2. "Court" means any court of this state established by the Minnesota Constitution and any municipal, county or probate court of record, and shall include the conciliation court of the city of Duluth.

Sec. 3. Minnesota Statutes 1978, Section 490.124, Subdivision 8, is amended to read:

Subd. 8. **EXCLUSIVE NORMAL RETIREMENT BENEFITS.** Any judge who retires after December 31, 1973, shall be entitled to a retirement pension, retirement compensation or other retirement payment under statutes applicable solely to judges pursuant to this section only, except that any such judge in office prior to January 1, 1974, who retires at or after normal retirement age may then elect to receive during his lifetime a normal retirement annuity computed on the basis of retirement compensation provided for such judge under statutes in effect on December 31, 1973, in lieu of the amount of normal retirement annuity otherwise computed under sections 490.121 to 490.132. For purposes of this subdivision, the conciliation court of the city of Duluth shall be deemed to have been a court of record by the statutes in effect on December 31, 1973.

Sec. 4. **[490.108] TRANSFER OF THE COUNTY AND PROBATE COURT JUDGES SURVIVORS' ACCOUNT TO THE JUDGES RETIREMENT FUND.** As of the effective date of sections 4 to 7, the liability for the payment of any retirement benefits to the surviving spouses of deceased county and probate court judges payable and the liability for the retirement benefit coverage provided from and after the effective date of sections 4 to 7 to the spouses of county and probate court judges pursuant to Minnesota Statutes 1978, Section 490.12, Subdivision 7 shall be transferred from the county and probate court judges survivors' account established pursuant to Minnesota Statutes 1978, Section 490.12, Subdivisions 7 and 8 to the judges retirement fund established pursuant to Minnesota Statutes, Sections 490.121 to 490.132. On the effective date of sections 4 to 7, the executive director of the Minnesota state retirement system

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shall transfer the entire assets, including all accounts payable, of the county and probate court judges survivors' account to the judges retirement fund. Any accounts payable on the effective date of sections 4 to 7 shall also be transferred to the judges retirement fund. The judges retirement fund shall be the successor in interest to all claims for and against the county and probate court judges survivors' account. Upon the transfer of the assets of the county and probate court judges survivors' account to the judges retirement fund, the county and probate court judges survivors' account shall cease to exist as a legal entity.

Sec. 5. **[490.109] SURVIVOR BENEFIT CONTRIBUTION BY JUDGES.** From and after the effective date of sections 4 to 7, each judge who is required on the effective date of sections 4 to 7 to make a contribution pursuant to Minnesota Statutes 1978, Section 490.12, Subdivision 8 shall continue to be obligated to make an employee contribution for purposes of financing retirement benefits for the prospective surviving spouse of the judge. The employee contribution shall be at the rate of four percent of the salary of the judge and shall be made by salary deduction periodically by the employer. All amounts received under this section shall be paid to the executive director of the Minnesota state retirement system and shall be deposited to the credit of the judges retirement fund.

Sec. 6. **[490.1091] SURVIVOR BENEFITS; AMOUNT.** The amount of the retirement benefit which shall be payable after the effective date of sections 4 to 7 to each surviving spouse of a deceased county or probate court judge receiving a retirement benefit from the county and probate court judges survivors' account on the effective date of sections 4 to 7 and to each surviving spouse of a county or probate court judge who has made contributions to the county and probate court judges survivors' account pursuant to Minnesota Statutes 1978, Section 490.12, Subdivision 8 and dies after the effective date of sections 4 to 7 shall be calculated pursuant to Minnesota Statutes 1978, Section 490.12, Subdivision 7.

Sec. 7. Minnesota Statutes 1978, Section 490.12, Subdivisions 7 and 8, are repealed.

Sec. 8. Section 1 is effective May 1, 1979. The remainder of this act is effective the day following final enactment.

Approved May 31, 1979.

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#### CHAPTER 297—H.F.No.1167

*An act relating to taxation; lowering the excise tax on natural and artificial sparkling wines on a temporary basis.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[340.47] [Subd. 1b.] EXCISE TAX ON SPARKLING WINES.** Notwithstanding Minnesota Statutes, Section 340.47, Subdivisions 1 and 1a, the excise tax on all natural and artificial sparkling wines containing alcohol shall be levied and

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