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CHAPTER 376

AN ACT to repeal 23.14 (8) (b); to renumber 23.14 (7); to amend 23.14 (8) (a) and (9a) (intro. par.), and 66.191 (section title) and (2) (intro. par.); and to create 23.14 (7) (b) of the statutes, relating to the payment of disability and death benefits to or on behalf of members of the conservation warden pension fund.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 23.14 (7) of the statutes is renumbered 23.14 (7) (a).

SECTION 2. 23.14 (7) (b) of the statutes is created to read:

23.14 (7) (b) If before attaining age 55 a member of this fund becomes unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, not arising from the performance of his duty, which can be expected to result in death, or to be of long-continued and indefinite duration, and which has been established on the basis of medical evidence satisfactory to the board, said board shall retire such disabled member from the service. Upon such retirement the board shall order monthly payment to such retired member from said fund of the lesser of the following amounts:

1. Fifty per cent of the member's average monthly compensation during the last 5 years of service; or
2. One and one-half per cent of the member's average monthly compensation during the last 5 years of service, multiplied by the number of years of service as a member of this fund, determined to the nearest full year, including assumed service during the period between the date of the occurrence of the disability and the date on which the member will attain the age of 65; provided,
3. Any amount payable under this paragraph shall, whenever the recipient could upon filing application therefor become entitled to a disability insurance benefit or a primary insurance benefit under the federal old-age and survivors insurance system, be reduced by 20 per cent of the amount payable under this paragraph.

SECTION 3. 23.14 (8) (a) of the statutes is amended to read:

23.14 (8) (a) If any conservation warden, while in the performance of his duty, is killed or dies as the result of an injury received in the line of duty as prescribed in sub. (7) (a), or if any such warden after 15 years of service in such department dies from any cause while in the service, or if any member dies from any cause after being retired upon a pension un-

der this section and leaves a widow or minor child, or children under the age of 16 years, said board shall direct the payments from said pension funds of the following sums monthly: To the widows of conservation wardens \$50; to the guardian of such minor child or children \$8 for each child until it reaches the age of 16 years, and in the case of death of the widow the amount she is entitled to under this section shall be paid to or for the benefit of such minor child or children of the deceased as are under the age of 16 years, but there shall not be paid to the family of the deceased member a total pension exceeding one-half the amount of monthly salary of such deceased member at the time of his death, or, if a retired member, a sum not exceeding one-half of the monthly salary of such retired member at the date of his retirement or disability. If the pensioner marries after his retirement from service and thereafter dies leaving a widow, such widow shall not be entitled to any relief or pension from such funds.

SECTION 4. 23.14 (8) (b) of the statutes is repealed.

SECTION 5. 23.14 (9a) (intro. par.) of the statutes is amended to read:

23.14 (9a) (intro. par.) Notwithstanding any other provisions in this section any conservation warden, or other person who is a member of the conservation warden pension fund, who is eligible to receive a pension under \* \* \* sub. (7) (a), (9) or (14) (a), which pension is to begin before the warden's or other member's sixty-fifth birthday, may elect, if he has attained fully insured status under the federal old-age and survivors insurance system, in lieu of such pension, to take the actuarial equivalent thereof based on actuarial tables in use by the Wisconsin retirement fund as:

SECTION 6. 66.191 (section title) and (2) (intro. par.) of the statutes are amended to read:

**66.191 SPECIAL DEATH AND DISABILITY BENEFITS FOR CERTAIN PUBLIC EMPLOYEES SUBJECT TO WISCONSIN RETIREMENT ACT AND CONSERVATION WARDEN FUND.**

(2) (intro. par.) If such injury or disease shall cause the death of such person, or the death of a conservation warden who is a member of the conservation warden pension fund under s. 23.14, and he \* \* \* dies leaving surviving a widow or an unmarried child under the age of 18 years, the commission shall order monthly payments as follows:

Approved September 26, 1963.

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