

A bill for an act

relating to judges; creating judicial election districts; amending the mandatory retirement date for judges; creating optional retirement dates; imposing partial forfeiture of annuity under certain circumstances; amending Minnesota Statutes 2010, sections 2.722, subdivision 1; 10A.09, subdivision 1; 204B.06, subdivision 6; 490.121, subdivision 21d, by adding subdivisions; 490.124, subdivisions 1, 3, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 480B.

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

Section 1. Minnesota Statutes 2010, section 2.722, subdivision 1, is amended to read:

Subdivision 1. **Description of judicial districts and election districts.** (a)

Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 36 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 26 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 23 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 60 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 16 judges; and

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permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; 28 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 23 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 45 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

(b) In all districts except the Second and Fourth Judicial Districts, a candidate for district court judge shall be elected by voters residing in the county in which the judge is chambered. If no judge is chambered in a county, the Commission on Judicial Selection shall assign a judgeship to a contiguous group of counties for an election at least 30 days prior to a general election.

In the Second and Fourth Judicial Districts, a candidate for district court judge shall be elected by voters residing in the judge's judicial election precinct. By October 1, 2011, and thereafter, 30 days prior to a general election following the addition of a judgeship, the Commission on Judicial Selection shall establish boundaries of judicial election precincts and assign a judgeship to each precinct in the Second and Fourth Judicial districts. The boundaries of judicial election precincts must follow visible, clearly recognizable physical features, be composed of compact, contiguous territory, and be substantially equal in population based on the results of the most recent decennial census.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 2. Minnesota Statutes 2010, section 10A.09, subdivision 1, is amended to read:

Subdivision 1. **Time for filing.** ~~Except for a candidate for elective office in the judicial branch,~~ An individual must file a statement of economic interest with the board:

(1) within 60 days of accepting employment as a public official or a local official in a metropolitan governmental unit;

(2) within 14 days after filing an affidavit of candidacy or petition to appear on the ballot for an elective state office or an elective local office in a metropolitan governmental unit;

(3) in the case of a public official requiring the advice and consent of the senate, within 14 days after undertaking the duties of office; or

(4) in the case of members of the Minnesota Racing Commission, the director of the Minnesota Racing Commission, chief of security, medical officer, inspector of pari-mutuels, and stewards employed or approved by the commission or persons who fulfill those duties under contract, within 60 days of accepting or assuming duties.

Sec. 3. Minnesota Statutes 2010, section 204B.06, subdivision 6, is amended to read:

Subd. 6. **Judicial candidates; designation of term.** (a) An individual who files as a candidate for the office of chief justice or associate justice of the Supreme Court, judge of the Court of Appeals, or judge of the district court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the affidavit. Each justice of the Supreme Court and each Court of Appeals and district court judge is deemed to hold a separate nonpartisan office.

(b) An incumbent justice or judge shall not be named on the ballot unless the justice or judge has filed a commitment in writing to the secretary of state by May 1 of the year of the expiration of the term of office of such judge. The commitment shall provide that the justice or judge will serve the office identified in the affidavit for candidacy until the expiration of the term of office, the mandatory retirement date, the optional retirement date, or the disability date, or until appointed to another office of government, or is unable to serve due to a compelling physical or personal reason, as defined in section 490.121, subdivision 7d.

(c) When a judge or justice reaches the age of 70, the office of the judge shall be placed on the ballot in the general election year of the judge's mandatory retirement date, as defined in section 490.121, subdivision 21d, if the judge is serving in office 30 days prior to the general election.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 4. **[480B.02] ELECTION OF JUDGES TO FILL VACANCIES.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Placeholder" means a qualified person who has been appointed by the governor to a judicial office. A placeholder who has been appointed to judicial office is not a prior office holder or the successor of a prior office holder, unless later elected to that position.

(c) "Prior office holder" means a person who had been elected to judicial office and held the position until death, resignation, or removal from office created a vacancy in the judicial office.

(d) "Qualified person" is a person who is learned in the law, is a resident of the district in which the person will serve, and meets all other requirements for holding judicial office as provided in law.

(e) "Successor" means a person who is elected to a judicial office to fill a vacancy which was created by a prior office holder through death, resignation, or removal from office.

(f) "Vacancy" means an unfilled judicial office created when the prior office holder dies, resigns, or is removed from office. The mere announcement of an intention to resign does not create a vacancy.

Subd. 2. Filling a judicial vacancy. (a) Whenever there is a vacancy in the office of judge, the governor shall appoint a placeholder to fill the vacancy until a successor is elected and qualified. A successor shall be elected at the next general election occurring more than one year after the date of appointment of the placeholder.

(b) The death, resignation, or removal of a placeholder from office prior to an election shall not alter the date of the election of a successor. Should the placeholder fail to serve, for any reason, in the judicial office until the successor is elected, then:

(1) if the election is less than 12 months away, the position shall be filled when a successor is elected; or

(2) if the election is more than 12 months away, the governor shall appoint a qualified person who shall serve only until a successor is elected and qualified.

Sec. 5. Minnesota Statutes 2010, section 490.121, is amended by adding a subdivision to read:

Subd. 7d. Compelling physical or personal reason. "Compelling physical or personal reason" means a physical condition that renders the judge unable to perform the duties of judicial office or the need to care for a member of the judge's immediate family.

EFFECTIVE DATE. This section is effective July 1, 2011, and applies to vacancies occurring on or after that date.

Sec. 6. Minnesota Statutes 2010, section 490.121, subdivision 21d, is amended to read:

Subd. 21d. **Mandatory retirement date.** "Mandatory retirement date" means ~~the last day of the month in which~~ December 31 of the year of a general election after a judge has attained 70 years of age.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 7. Minnesota Statutes 2010, section 490.121, is amended by adding a subdivision to read:

Subd. 21g. **Optional retirement date.** "Optional retirement date" means December 31 of a general election year.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 8. Minnesota Statutes 2010, section 490.124, subdivision 1, is amended to read:

Subdivision 1. **Basic retirement annuity.** (a) Except as qualified hereinafter from and after the mandatory retirement date, the normal retirement date, the early retirement date, the optional retirement date, or one year from the disability retirement date or date approved by the Court of Appeals under subdivision 4a, as the case may be, a retiring judge is eligible to receive a retirement annuity from the judges' retirement fund.

(b) The retirement annuity is an amount equal to: (1) the percent specified in section 356.315, subdivision 7, multiplied by the judge's final average compensation with that result then multiplied by the number of years and fractions of years of allowable service rendered before July 1, 1980; plus (2) the percent specified in section 356.315, subdivision 8, multiplied by the judge's final average compensation with that result then multiplied by the number of years and fractions of years of allowable service rendered after June 30, 1980.

(c) Service that exceeds the service credit limit in section 490.121, subdivision 22, must be excluded in calculating the retirement annuity, but the compensation earned by the judge during this period of judicial service must be used in determining a judge's final average compensation and calculating the retirement annuity.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 9. Minnesota Statutes 2010, section 490.124, subdivision 3, is amended to read:

Subd. 3. **Early reduced retirement.** Except as provided in subdivision 3a, the retirement annuity under subdivision 1 of any judge who elects to retire at an early retirement date that does not qualify as an optional retirement date must be reduced by one-half of one percent per month from the retirement date to the normal retirement date.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 10. Minnesota Statutes 2010, section 490.124, is amended by adding a subdivision to read:

Subd. 3a. Partial forfeiture of retirement annuity. The retirement annuity under subdivision 1 of any judge who elects to retire at any date that results in the appointment of a successor by the governor must be reduced by 25 percent. This subdivision shall not apply if the judge is appointed to serve on another court, the judge retires due to a disability, or the judge retires for compelling physical or personal reasons.

EFFECTIVE DATE. This section is effective July 1, 2011, and applies to judges elected or appointed to a new term of office on or after that date.

Sec. 11. Minnesota Statutes 2010, section 490.124, is amended by adding a subdivision to read:

Subd. 4a. Compelling physical or personal reason retirement. (a) An incumbent judge may retire at any time if unable to continue to serve as a judge for a compelling physical or personal reason, as approved by the Court of Appeals. When the Court of Appeals determines that a judge is unable to serve under this subdivision, notice of the court's determination must be sent to the judge, to the chief justice of the Supreme Court, to the state court administrator, and to the executive director of the Minnesota State Retirement System.

(b) From and after this retirement date, the judge is entitled to continuation of the judge's full salary payable by the judge's employer, as if the judge's office were not vacated by retirement, for a period of up to one full year, but in no event beyond the judge's mandatory retirement date. During this year, the judge is entitled to earn additional service credit in the judges' retirement plan. The salary payable to a judge is subject to retirement deductions and must be included in computing final average compensation of the judge.

(c) At the conclusion of the year of continued salary following retirement under this subdivision or upon the judge's mandatory retirement date, whichever is earlier, the judge is entitled to a retirement annuity computed as provided in subdivision 1.

EFFECTIVE DATE. This section is effective July 1, 2011.