

sioner shall determine that there are moneys on hand in the debt service loan account or the capital loan account which will not be needed for loans to school districts, they shall certify such determination to the state auditor and state treasurer and the amounts so on hand shall be transferred to the certificate of indebtedness account.

**Sec. 13. Repeal.** *Minnesota Statutes 1957, sections 120.51 to 120.57 are hereby repealed; provided that nothing herein shall impair the validity of any bonds issued pursuant to said sections or of the appropriations therein made, or of any expenditures made pursuant to said appropriations prior to the effective date of this act, and all such bonds and expenditures are hereby legalized and validated; but the school construction loan fund created by section 120.57 shall be discontinued on the effective date of this act, and all moneys then remaining therein, and all subsequent collections of principal and interest on bonds purchased by said fund, are hereby appropriated to the fund created by this act.*

Approved April 24, 1959.

---

CHAPTER 688—S. F. No. 425

[Coded in Part]

*An act relating to district judges: providing for retirement and compensation allowance for district judges, and compensation allowance for widows of district and supreme court judges; amending Minnesota Statutes 1957, Sections 350.10; 490.101; by adding a new subdivision thereto; 490.102 and by adding a new subdivision thereto; 490.103; 490.104; and repealing Minnesota Statutes 1957, Sections 490.026, 490.03, and 490.031.*

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

Section 1. Minnesota Statutes 1957, Section 350.10, is amended to read:

**350.10 District court judges.** The yearly salaries to be paid to the judges of the district court shall be \$14,500 each from the state and \$1,500 additional from each county in their respective districts having a population of 200,000 or more. When any district judge shall preside upon the trial or hearing of any cause outside of his resident district wherein the district judge receives a larger salary he shall receive an additional compensation during the period of such trial or

hearing the difference between his fixed compensation and the compensation of the district judge of the district where he has been so engaged, to be paid by the county wherein the trial or hearing was held upon certification of the senior resident district judge thereof.

Sec. 2. Minnesota Statutes 1957, Section 490.101, is amended by adding a new subdivision to read:

*Subd. 4. When the term of any judge of the district court would expire three years or less from the time when he would become eligible to retire under the provisions of this section and section 490.102, upon written application by such judge to the governor stating his intention to retire upon eligibility, the governor shall forthwith make a written order accepting such retirement application, and extending his term of office for three years or such proportion thereof as may be necessary to make him eligible for such retirement.*

Sec. 3. Minnesota Statutes 1957, Section 490.102, is amended to read:

**490.102 Compensation allowance.** Subdivision 1. A judge who elects to retire under the provisions of section 490.101 and who has an unexpired balance of the term for which he was elected yet to run after such retirement, shall in order to receive the retirement compensation hereinafter outlined, waive in writing the compensation allotted to his office, from the date of such retirement to the date of the expiration of the term for which such judge was elected, and receive only during such period and thereafter retirement pay as hereinafter outlined. This subdivision shall not apply to any judge who has retired prior to the effective date of this act.

*Subd. 2. If, at the time of retirement, he has served for 15 years as such judge, or as such judge and as judge of a court of record, he shall receive for the remainder of his life, one-half the compensation allotted to the office immediately prior to the year 1957.*

*Subd. 3. Any judge of the district court who is serving in such capacity on the effective date of sections 490.101 to 490.104 and who has attained, or hereafter attains, the age of 73 or more years, and has completed 15 years of service, as such judge, or as such judge and as judge of a court of record, shall receive retirement pay hereunder if he applies for retirement within one year after becoming eligible, but not otherwise.*

Any judge of the district court whose initial service as a

judge of the district court begins after the effective date of sections 490.101 to 490.104, who hereafter attains the age of 70 years, and who has completed 15 years of service, as such judge or as such judge and as judge of a court of record, shall receive retirement pay hereunder, if he applies for retirement within one year after becoming eligible, but not otherwise. If a judge of the district court presently serving has not completed 15 years of service on attaining the age of 70 years, he shall receive retirement pay hereunder if he applies for retirement within six months of the date he completes 15 years of service. But in no event shall any judge whose initial service as a district judge began after January 1, 1949 serve beyond his 73rd birthday or he shall waive all pension rights and no such judge continuing to serve after his 70th birthday to become eligible for pension shall receive more compensation for his office than the retirement compensation authorized by section 490.103. Provided that any district judge past the age of 74 years still serving on the bench and for whom retirement has been allowed by a previous act passed by the 1959 Legislature shall be permitted retirement allowance if he retires during his current term of office or during an extended term of three years thereafter which extension may be granted in the same manner as provided in section 490.101, Subdivision 4.

Subd. 4. Retirement allowances, including county payments, if any, shall be paid in the same manner as the salaries of judges of the district court are paid.

Subd. 5. No retired judge shall receive retirement pay while practicing law.

Subd. 6. The widow of every judge of the district or supreme court who dies, in active service, shall be paid one-half of the retirement compensation to which such judge would have been entitled on the date of his death, if he would have been otherwise eligible for retirement under the provisions of section 490.101 or under section 490.025, and had retired on that date, irrespective of whether he shall have attained the age of retirement at the date of his death or not, and irrespective of whether he had exercised the option hereinafter given, prior to his death or not, provided she had been married to such judge for five years prior to his death. Any judge of the district or supreme court retiring subsequent to April 30, 1959, may, prior to his retirement, elect in writing, filed with the secretary of state, to take in lieu of retirement compensation otherwise provided by law, retirement compensation for himself during his lifetime, and thereafter, for his surviving widow during her lifetime as follows: (a) to the

*judge, three-fourths of the retirement compensation he would otherwise have been entitled to under the laws applicable on date of his retirement; and (b) upon his death, to his widow, as hereinafter defined, one-half of the retirement compensation which the judge would otherwise have been entitled to receive during his lifetime had he not made such election. The written election herein provided for must be filed before such retirement, and may be filed at any time within six months before such retirement. Every such written election shall specify the name and birth date of the wife of the judge and the date of their marriage; and the election once made shall be irrevocable. In the event a judge making such election shall die without leaving a surviving wife, all benefits hereunder or otherwise shall cease.*

*The term "widow" as used in this subdivision means the surviving wife of a district or supreme court judge, but only if she was married to him for a period of not less than five years immediately prior to the date of his retirement or of his death, whichever occurs first.*

*If such widow, either of a retired judge or a judge who dies in active service, who is otherwise qualified under this section, has not attained the age of 60 years at the time of such judge's death, such widow will not become eligible for retirement compensation payments hereunder until her 60th birthday, but shall receive such payments thereafter.*

*A widow who is entitled to a retirement compensation under the provisions of this subdivision shall be paid such retirement compensation for the period of her life, unless she remarries, in which event such retirement compensation is to cease and terminate.*

Sec. 4. Minnesota Statutes 1957, Section 490.103, is amended to read:

**490.103 Prior retirement.** A judge of the district court who has heretofore retired as provided by law shall hereafter receive one-half of the compensation allotted to the office from which he retired, immediately prior to the year 1957.

Sec. 5. Minnesota Statutes 1957, Section 490.104, is amended to read:

**490.104 Retirement under sections 490.04 to 490.09.** A judge of the district court retired under the provisions of Minnesota Statutes 1957, Sections 490.04 to 490.09, shall receive compensation as provided in sections 490.101 to 490.104.

Sec. 6. Minnesota Statutes 1957, Sections 490.026, 490.03, and 490.031, are repealed.

Approved April 24, 1959.

---

CHAPTER 689—H. F. No. 1489

*An act relating to fees charged and collected by sheriffs in counties of 225,000 population or less; amending Minnesota Statutes 1957, Section 357.09.*

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

Section 1. Minnesota Statutes 1957, Section 357.09, is amended to read:

357.09 **Sheriffs.** The fees to be charged and collected by the sheriff shall be as follows, and no other or greater fees shall be charged for:

(1) Serving a summons, warrant, writ, *subpoena*, or any process issued by a court of record, \$2 for each defendant served and mileage;

(2) Taking and approving a bond, \$1, and for certified copy thereof, 25 cents per folio;

(3) Copy of any paper served by him, when copy is made by him, 25 cents per folio;

(4) Collection on execution after levy, four percent on the first \$250 and two percent on the excess thereof;

(5) Advertising sale, \$1 and reasonable printer's fee paid by the sheriff for such advertisement;

(6) Posting three notices of sale, \$3;

(7) Certificate of sale of real estate \$4; copy thereof, when requested, \$1.50;

(8) Serving a writ of restitution, removing occupants, and putting the person entitled thereto into possession, \$6 and mileage;

(9) Summoning a jury upon a writ of inquiry, attending such jury, and returning the inquisition, \$2.25;

(10) Summoning a jury in obedience to the precept of an officer in special proceedings, \$3 and mileage for necessary travel in summoning the panel; attending such jury when requested, \$1.50; attending court, \$4.50 per day;