

CHAPTER 762—H. F. No. 690

An act relating to judges; retirement and compensation allowance for district judges; and compensation and allowance for widows of district and supreme court judges; amending Minnesota Statutes 1961, Sections 490.101, Subdivisions 1 and 2; 490.102, Subdivisions 2 and 3; 490.102, Subdivision 6, as amended; and appropriating money in connection therewith.

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

Section 1. Minnesota Statutes 1961, Section 490.101, Subdivision 1, is amended to read:

490.101 **District judges; retirement.** Subdivision 1. (a) When a judge of the district court who has served for not less than 15 years as such judge, or as such judge and as judge of a court of record, arrives at the age of 70 years and makes written application to the governor for retirement, the governor shall direct his retirement by a written order.

(b) *When a judge of the district court who has served for at least 25 years as such judge, and as judge of a court of record, arrives at the age of 65 years and makes written application to the governor for retirement, the governor shall direct his retirement by a written order.*

Sec. 2. Minnesota Statutes 1961, Section 490.101, Subdivision 2, is amended to read:

Subd. 2. When a judge of the district court becomes ~~incapable of mentally or physically incapacitated~~ from performing his official duties and ~~makes written application to the governor for retirement; the governor, if he determines that the applicant is so incapacitated, shall direct his retirement by a written order~~ *has determined that such judge shall be retired either on his own application or that of his legally appointed guardian or pursuant to Minnesota Statutes 1961, Section 490.04, such judge shall receive as retirement benefits the following:*

When such judge of the district court has served for not less than 15 years as such judge, or as such judge and as a judge of a court of record, he shall receive the maximum retirement allowances provided by law for a judge of the district court pursuant to section 490.102. If such judge has served less than the number of years required for maximum retirement benefits but for a period of not less than six years, he shall receive retirement pay as that portion of the maximum retirement allowances allotted to the office for the years of service as a district court judge, or as such judge and as a judge of a court of

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record, prior to his retirement for disability, bears to the number of years required for the maximum retirement allowance of a district court judge. Years of service shall be determined by the whole year and not by any fraction thereof.

Sec. 3. Minnesota Statutes 1961, Section 490.102, Subdivision 2, is amended to read:

Subd. 2. (a) If, at the time of retirement, he has attained the age of at least 70 years and 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.

(b) *If, at the time of retirement, he has attained the age of at least 65 years and he has served for 25 years as such judge, or as such judge and as a judge of a court of record, he shall receive for the remainder of his life, one-half the compensation allotted for the office.*

Sec. 4. Minnesota Statutes 1961, Section 490.102, Subdivision 3, is amended to read:

Subd. 3. Any judge of the district court who is serving in such capacity on the effective date of sections 490.01 to 490.104 April 24, 1949 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 such judge began after the effective date of 490.101 to 490.104 April 24, 1949, after reaching his 70th birthday, shall apply for retirement within one year after such birthday or forfeit all retirement benefits hereunder. However, if a judge of the district court 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. 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.

Sec. 5. Minnesota Statutes 1961, Section 490.102, Subdivision 6, as amended by Laws 1963, Chapter 844, Section 2, is amended to read:

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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 served 15 years as such judge or as a judge of a court of record, and irrespective of whether he had previously been eligible to retire, but had not retired under the provisions of Minnesota Statutes, Section 490.101, prior to his death, provided she had been married to such judge for five years prior to his death. The widow of every judge of the district court or supreme court who dies after retiring shall be paid one-half of the retirement compensation which such judge was receiving at the date of his death.

Any judge who has heretofore retired and exercised the option previously set forth in Minnesota Statutes, Section 490.102, shall, after July 1, 1961, be paid the full retirement compensation herein provided for, and his widow shall upon his death be entitled to compensation as herein set forth.

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 ~~50~~ 40 years at the time of such judge's death, such widow will not become eligible for retirement compensation payments hereunder until her 40th birthday but shall receive such payments thereafter.

A widow who is entitled to a retirement compensation under the provisions of this subdivision and subdivision 7 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. Every judge of the district court and every judge of the supreme court shall contribute four percent of his state salary, which amount shall be deducted from his salary at least once each month and paid to the state treasurer to be deposited in a special survivor retirement account. This contribution shall be for the purpose of providing the survivor benefits established by this subdivision and subdivision 7 and such amount as may be necessary to carry out this

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purpose is hereby appropriated from such special retirement account. It is declared to be the policy of the legislature that the survivor benefits provided for herein shall be wholly paid from contributions by the judges to said special retirement account. To implement this policy the rate of contribution by the judges shall be reviewed periodically and contributions adjusted to make this account sufficient to cover all benefits.

Sec. 6. *In order to repay the special survivor retirement account in the state treasury for moneys paid therefrom to judges' widows under Laws 1963, Chapter 844, Section 1, for which no contribution had ever been made to such account by the husbands of such widows, there is appropriated from the general revenue fund in the state treasury to the special survivor retirement account in the state treasury the sum of \$87,000.*

Approved May 25, 1965.

CHAPTER 763—H. F. No. 848

[Coded]

An act relating to blind persons; prohibiting discrimination against blind persons accompanied by dog guides; providing penalties.

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

Section 1. **[327.095] Blind persons accompanied by dog guides; prohibited discrimination.** Subdivision 1. **Right of blind persons to take dog guides into public places and conveyances.** It is lawful for a blind person to take a dog guide into any and all public buildings, eating places, public conveyances, hotels, tourist cabins, public inns, public elevators, or similar places when the dog guide can be properly identified as being from a recognized school for seeing eye or guide dogs and when such dog is properly harnessed so that the blind person may maintain control of the dog.

Subd. 2. **Extra payments or charges for seeing eye dogs prohibited.** No person shall require a blind person to make any extra payment or pay any additional charge for such a dog when taken into any of the places mentioned in subdivision 1.

Subd. 3. **Penalty.** Any person or any representative of any

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