

CHAPTER 490

JUDGES RETIREMENT, JUDICIAL STANDARDS

490.102 Compensation allowance.

490.123 Judges' retirement fund.

490.102 COMPENSATION ALLOWANCE.*[For text of subds 1 to 4, see M.S.2002]*

Subd. 6. The spouse 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 the judge would have been entitled on the date of death, if the judge 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 the judge attained the age of retirement at the date of death or not and irrespective of whether the judge had served 15 years as district judge or as a judge of a court of record, and irrespective of whether the judge had previously been eligible to retire, but had not retired under the provisions of section 490.101, prior to death, provided the spouse had been married to the judge for three years prior to the judge's death. The spouse of every judge of the district court or Supreme Court who dies after retiring shall be paid one-half of the retirement compensation which the judge was receiving at the date of death.

Any judge who has heretofore retired and exercised the option previously set forth in section 490.102, shall, after July 1, 1961, be paid the full retirement compensation herein provided for, and the judge's spouse shall upon the judge's death be entitled to compensation as herein set forth.

The term "spouse" as used in this subdivision means the surviving spouse of a district or Supreme Court judge, but only if the spouse was married to the judge for a period of not less than three years immediately prior to the date of the judge's retirement or death, whichever occurs first.

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

A spouse who is entitled to a retirement compensation under the provisions of this subdivision and subdivision 7 shall be paid the retirement compensation for the period of the spouse's life, unless the spouse remarries, in which event the retirement compensation is to cease and terminate. All judges of the district court and of the Supreme Court shall contribute four percent of their state salaries, which amount shall be deducted from their salaries at least once each month and paid to the commissioner of finance 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 purpose is hereby appropriated from the 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 the 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.

*[For text of subds 7 and 8, see M.S.2002]***History:** 2003 c 112 art 2 s 50**490.123 JUDGES' RETIREMENT FUND.***[For text of subds 1 to 1e, see M.S.2002]*

Subd. 2. **Commissioner of finance.** The commissioner of finance shall be ex officio treasurer of the judges' retirement fund and the commissioner's general bond to the

state shall be so conditioned as to cover all liability for acting as treasurer of this fund. All moneys received by the commissioner pursuant to this section shall be set aside in the state treasury to the credit of the judges' retirement fund. The commissioner shall transmit monthly to the executive director described in section 352.03, subdivision 5, a detailed statement of all amounts so received and credited to the fund. The commissioner shall pay out the fund only upon vouchers signed by said executive director; provided that vouchers for investment may be signed by the secretary of the State Board of Investment.

[For text of subd 3, see M.S.2002]

History: 2003 c 112 art 2 s 47