

benefits under this section and who has been engaged in the practice of law should thereafter relinquish such practice and notify the Governor and Comptroller of the Treasury of such fact, then from and after the date of such notification, the judge shall be entitled to all the benefits provided by this section. An elected judge who because of incapacitating illness is required to resign prior to reaching the age of 60 years shall be entitled to benefits under the provisions of this section, but in no event in a sum greater than was provided in this section at the time the judge resigned; and except for a judge who has resigned or who resigns because of incapacitating illness, no other judge who has resigned or who resigns prior to reaching the age of 60 years is entitled to any benefits under the provisions of this section.

(l) The surviving spouse of every judge described in subsection (a) of this section who dies in active service shall be paid one half of the pension or salary the judge would have received if the judge's service had been terminated by retirement and for this purpose only, the age of the judge is not to be considered; the surviving spouse of any judge eligible for retirement pension who dies after retiring shall be paid one half of the pension or salary to which the judge was entitled at the time of the judge's death. In determining the amount which any surviving spouse is entitled to be paid after June 1, 1963, the pension of the deceased judge shall be calculated at the rates prescribed by subsection (a) of this section, as of that date, notwithstanding that such judge may have died prior thereto. In each instance the pension is to be paid to the surviving spouse until the surviving spouse's remarriage or death. The provisions of this section shall not apply in the case of a surviving spouse who was married to the judge for a period less than three years and to a retired judge for a period less than three years before retirement.

(m) (1) For the fiscal year beginning July 1, 1971, and for each fiscal year thereafter, each retired member's retirement allowance as hereunder defined shall be adjusted by a ratio as provided in this section.

(2) (i) Each retired member shall have a base which shall be the Consumer Price Index for the calendar year ending December 31st of the fiscal year in which the retired member was last employed.

(ii) The Consumer Price Index to be used for the fiscal year in which the retirement allowance is payable shall be the Consumer Price Index for the calendar year ending December 31st of the preceding fiscal year.

(iii) The ratio of adjustment of the retirement allowance referred to in paragraph (1) of this subsection shall be obtained by dividing the Consumer Price Index in subparagraph (ii) of this paragraph by the Consumer Price Index in subparagraph (i) of this paragraph.

(3) For the purposes of this subsection, the retirement allowance referred to in paragraph (1) of this subsection shall be that retirement allowance elected by the member under this section.

(4) For the purposes of this subsection, Consumer Price Index shall mean the Consumer Price Index (all items — United States city average), as published by the United States Department of Labor, Bureau of Labor Statistics.