

the compensation of a judge shall not be reduced during his continuance in office, does this statutory provision in effect, freeze the hands of the General Assembly to provide for judges appointed under the system thereafter, a lower uniform compensation?

I am not sure I make my point clear. I am concerned that we are taking away from the General Assembly the few prerogatives they have left.

DELEGATE HARDWICKE: In this schedule of salaries that we are setting up in the legislation, we are not reducing any salaries because we are picking the high salary across the board.

If the legislature wanted after this schedule goes into effect, to reduce the salary of any judge, I think it would be as a practical matter totally impossible to do, because you could not reduce any without running afoul of the constitutional mandate against reduction of the salary. If you tried to do it across the line, you would hit at least one such judge, it seems to me. If you tried to hit one judge, you would then run afoul of your requirement that there be a uniform salary across the board, so I do think you have affected the power of the General Assembly to decrease the salary of the new judge.

THE CHAIRMAN: I am not sure that I followed clearly all the implications of the question, but there is, is there not, Delegate Hardwicke, a provision in the constitution that would authorize the General Assembly to reduce the salaries of judges applicable to judges thereafter appointed?

DELEGATE HARDWICKE: Yes, but as I understand it, in keeping your salary level uniform throughout the four-tier system, it occurs to me that if you changed one salary at any point, you would have to change every other salary.

THE CHAIRMAN: Except for the specific provision that I have in mind that I think was finally adopted.

Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, I think section 5.24 of the judicial article, particularly sentence 3, answers Delegate Gleason's question.

THE CHAIRMAN: Yes, that is the section that I have in mind. It reads, Delegate Gleason: "Judges of the same courts shall be paid the same compensation including any pension based upon length of

service, except that a uniform reduction in compensation may be made applicable to all judges of the same court appointed after the effective date of the reduction."

Are there any further questions as to section 30? Section 31? Section 32? Section 33? Section 34? Section 35? Section 36? Section 37? Section 38? Section 39? Section 40? Section 41? Section 42?

*(There was no response to these questions.)*

That brings us to the schedule of legislation beginning on page 15.

Delegate Rybczynski.

DELEGATE RYBCZYNSKI: I was out of the room in legislative reference while you were on section 28. Did anyone make clear that the present fifteen-year terms of present judges will not be affected? Is that clear in the reading of this section 28 on page 9?

DELEGATE HARDWICKE: That is our intention, Delegate Rybczynski.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: The way it says "at the expiration of his term pursuant to and for the term prescribed by section 5.22—". It would be disastrous if someone were to interpret that as meaning the present terms pursuant to the new section.

DELEGATE HARDWICKE: I think he is referring probably to section 20.

THE CHAIRMAN: No. I think his problem is one of grammar, or language. And this may be a matter that should be clarified. In section 28, the first four lines read: "Any judge of any court continued in office pursuant to this schedule shall stand for retention in office at the expiration of his term pursuant to and for the term prescribed by section 5.22." The word "pursuant to" in line 40 is not referring to the phrase "expiration of his term", but refers instead to his retention in office, so perhaps it should be rearranged. The sentence means shall stand for retention in office pursuant to section 5.22 upon the expiration of his term.

DELEGATE HARDWICKE: Thank you. That is a good point of it, Mr. Chairman.

THE CHAIRMAN: Delegate Penniman, can your secretary make a note of it? She has it.