

DELEGATE HARDWICKE: Delegate Grant, the problem is that you have a number of peoples' court judges who are full-time judges who will be continued in office as district court judges. We have the same principle with regard to this problem as we have with the upper three tiers.

Therefore, we want to prevent the inflationary factor with regard to the lowest tier also.

DELEGATE GRANT: My problem is simply, whether it is considered that although they are now sitting as peoples' court judges, that they are, in fact, sitting as district court judges, and, therefore, even though this section does not become effective until 1970, they are in the term of office, and, therefore, could not have this salary scale changed?

(At this point, Second Vice-President William James assumed the Chair.)

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: That is an interesting argument. I do not think that would be the way it would be treated. I just feel very certain that they would not be district court judges until that court comes into existence, until they assume that new role.

DELEGATE JAMES (presiding): Delegate Grant.

DELEGATE GRANT: This being the case, then the General Assembly could modify section D.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: Yes.

DELEGATE JAMES (presiding): Delegate Taylor.

DELEGATE L. TAYLOR: Delegate Hardwicke, this pertains to section 22. At the present time if a judge is in service, when you calculate his pension at the rate of \$1,300 per annum, when do you start calculating his pension? Would you start in 1970 or would you start prior to 1970, if he is in service at this time?

DELEGATE HARDWICKE: You take the total years of service and you calculate. It does not make any difference when you start. It is the total time he has been in service, but there is a maximum cut off you will see concerning the \$1,300 at the amount of \$23,333. Under the old legisla-

tion, instead of a figure cut off we have a number of years, which multiplies out to the same figure. If you are talking about a judge that is in a court as of now, and is continued over to another court, you use both services. That is to say, he gets credit for both judicial offices.

DELEGATE L. TAYLOR: I see.

Also, is this a contributory pension or noncontributory pension? Are any of the judges' salaries deducted for the amount of the pension?

DELEGATE HARDWICKE: No. This is not a contributory pension plan. It is strictly borne by the State.

DELEGATE JAMES (presiding): Delegate Taylor.

DELEGATE L. TAYLOR: Also, it says that the pension is calculated at the rate of \$1,300 per annum for each year. If the judge is ill, do you consider it as part of his service?

DELEGATE HARDWICKE: Yes.

DELEGATE L. TAYLOR: For instance, if he was ill for say, five years, continuously, three months out of the year, would that still be included in his pension calculation?

DELEGATE HARDWICKE: If during such period of time he held the office of judge, it would be.

DELEGATE L. TAYLOR: During the time that a judge is disabled, do you provide a means of compensating a judge for his period of illness? Is he compensated for his illness?

DELEGATE HARDWICKE: When a judge is ill, if he is not totally disabled, he continues to receive his regular pay.

DELEGATE L. TAYLOR: Also, is the fact that a judge does not have to contribute to his pension an exception concerning state employees?

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: Yes.

DELEGATE L. TAYLOR: One other question.

Suppose that two lawyers, who happen to be man and wife, happen to be appointed to a judgeship. One of them dies. Would the widow or the widower receive her pension or his pension and the pension of the dead spouse?