

DELEGATE HARDWICKE: I yield to Chairman Mudd, Chairman of the Judicial Branch Committee.

DELEGATE JAMES (presiding): The Chair believes there are some provisions in the pension system law that put some barriers against that type situation.

Chairman Mudd.

DELEGATE MUDD: I hope so, Mr. Chairman.

I think the best thing to do is dissuade the government from creating that sort of situation.

DELEGATE DELLA: Mr. President.

DELEGATE JAMES (presiding): Delegate Della.

DELEGATE DELLA: Delegate Hardwicke, with reference to the pensions of the district court —

DELEGATE HARDWICKE: Are you talking about section 22?

DELEGATE DELLA: In section 22, subsection B, are you taking into consideration the pension that the municipal court judges are now receiving and will that be transferred over to the pension fund?

DELEGATE HARDWICKE: If they are full-time and they are full-time.

DELEGATE DELLA: Are they full-time?

DELEGATE HARDWICKE: Yes.

DELEGATE DELLA: I think they get a pension now. Will we need legislation to carry that over?

DELEGATE HARDWICKE: I do not think so.

DELEGATE DELLA: It is a different rate from what you have. It is a question of whether they get the number of years of service.

DELEGATE HARDWICKE: We have a general provision that there is a credit carried over from any court to the other court.

DELEGATE DELLA: Can you tell me where that is?

DELEGATE HARDWICKE: It is subparagraph 2, page 24, under section D, Delegate Della.

DELEGATE JAMES (presiding): Delegate Hargrove.

DELEGATE HARGROVE: Delegate Hardwicke, under the present system, a judge or a person appointed judge who serves a period of time and is not elected, does not receive a pension. Does this provide for such a contingency if, for example, you serve close to three years, and then not be retained in office, I believe, you would get a pension under this provision when you reach sixty for at least those three years? Is there any provision for such a situation?

DELEGATE HARDWICKE: Delegate Hargrove, he is entitled to the pension as soon as he commences actual service. The pension is not paid, however, until he reaches the age of sixty. That is in these provisions.

DELEGATE HARGROVE: This is somewhat different from the provisions. Is that correct? I understand under the present provision you do not receive a pension unless you are elected?

DELEGATE HARDWICKE: That is correct.

DELEGATE JAMES (presiding): Delegate Gill.

DELEGATE GILL: Mr. Chairman, Delegate Hardwicke, I would like to address my question to three sections, 22, 23, and 24, since they all refer to the judicial pension, and pensions of spouses, and pensions of former judges. I understand that about the same system exists that you have in the schedule of legislation.

DELEGATE HARDWICKE: In general, that is correct.

DELEGATE GILL: Would they be affected? Would any of them stop if you did not include this in the schedule of legislation? Would they be affected in any way if we did not write this all out in the legislation?

DELEGATE HARDWICKE: It has been our purpose to make uniform throughout the state pension plans which are not now uniform, and, in general, we have followed the provisions of the Legislative Council bill which was designed to do that very thing, regardless of whether this constitution goes into effect. If we fail to put this legislation in and if the Legislative Council bill failed to go through, you would pick up the hodgepodge of things you now have.

DELEGATE JAMES (presiding): Delegate Gill.