

DELEGATE WEIDEMEYER: Delegate Marion.

THE CHAIRMAN: Delegate Marion, do you understand the question?

DELEGATE MARION: I think I understand the question. I am not sure I have the answer, but I refer back again to section 5.23. If it can be permitted under the language of section 5.23, which says "each judge shall be compensated for his judicial service solely by the State," I see that this sentence adds nothing more and makes that sentence no clearer.

THE CHAIRMAN: I think it would be well for the record if the Committee's views were stated with respect to the provision in section 5.23, and also in 5.24.

Was it the Committee's intention that the language used would prevent a county from paying a judge on active service an expense allowance, as well as supplementing his salary? Delegate Mudd.

DELEGATE MUDD: The answer to that is yes.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 48 to Committee Recommendation JB-1.

A vote Aye is a vote in favor of Amendment No. 48. A vote No is a vote against. Sound the quorum bell, please.

Cast your vote.

Have all delegates voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 57 votes in the affirmative and 60 in the negative, the motion is lost. The amendment is rejected.

Delegate Bamberger, do you still desire to offer your amendment BR?

DELEGATE BAMBERGER: No, sir.

THE CHAIRMAN: Thank you.

Delegate Burdette, for what purpose do you rise?

DELEGATE BURDETTE: Mr. Chairman, to ask when it would be appropriate

to ask a question about the meaning of another section of the language in 5.24. I have no amendment to offer.

THE CHAIRMAN: The meaning of another—

DELEGATE BURDETTE: — another sentence.

THE CHAIRMAN: Delegate Mudd, do you yield to a question from Delegate Burdette?

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: State your inquiry, Delegate Burdette.

DELEGATE BURDETTE: I should like to inquire, Delegate Mudd, whether the distinction which I understood Delegate Marion to make between a judge and a retired judge holds true in such a fashion that when a retired judge is serving temporarily, as permitted by this language, that he is not a judge. I do not mean to malign Delegate Marion, but I so understood that distinction, and I wanted to get it in the record officially one way or the other.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Well, I do not know that I understood your question, but if a retired judge is recalled, then obviously he is performing a judicial service and presumably could then be put back on salary. I assume he would no longer be retired, temporarily; so he would be temporarily out of retirement.

THE CHAIRMAN: Delegate Burdette.

DELEGATE BURDETTE: That was my own understanding. I would ask for the record another interpretation, that if he were recalled, would his pension be suspended during the period of that being recalled under the last sentence in section 5.24?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: My interpretation of that would be that he could not draw his pension as a retired judge and also receive a salary as an active judge; one or the other, but not both.

THE CHAIRMAN: The Chair would like to observe in connection with those several questions and the answers that in all probability the answers would be furnished by the legislation prescribing the salaries of judges on active service, retired judges recalled to active service and pensions.