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STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees' Retirement System
Teachers' Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees' Voluntary Dental-Vision-Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

Bill Sheffield, Governor

(907) 465-4460

April 22, 1983

Honorable Mitchell Abood, Jr.
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Abood.

As requested, I am providing information on judicial retirement plans in other states which I gathered in 1979. The attached compilation of summary information for 46 states was completed by the American Judicature Society in December, 1975.

The following ten plans are among the most attractive in terms of basic benefits provided. The selection process was necessarily somewhat subjective since there is a lack of comparability among the various plans, but concentrating attention on those ten plans should be a useful point of departure. I relied on the information in the compilation except in cases where I felt clarification was needed.

The ten plans chosen with some brief summary comments on their basic benefit provisions are as follows.

- 1) Alabama. Provides benefits for judges of higher courts that closely approximate those provided in Alaska. Retirement at age 60 with 17 years' service yields a benefit of 75 percent of the current salary for the office. Contributions are 4.5 percent of salary.
- 2) Alaska. Full benefits available at age 60. Benefit is 5 percent of current salary of the office for each year of service to a maximum of 75 percent. Contributions are 7 percent of salary for judges appointed after July 1, 1978.
- 3) Georgia. Optional benefit program for higher court judges provides 75 percent of current salary of office at age 65 with 10 years' service. Contributions are 7.5 percent of salary.
- 4) Illinois. Judges of courts of record are eligible to receive benefits at age 60 with 10 years' service or at age 62 with 6 years' service. Benefit is based on final salary; credit is 3.5 percent for the first 10 years of service and 5 percent

per year thereafter to a maximum of 85 percent. An automatic post-retirement adjustment of 2 percent of the basic benefit per year is provided. Contributions are 8.5 percent or, if married, 11 percent.

- 5) Kentucky. Judges' benefit is 5 percent of average salary for the last five years for each year of service to a maximum of 100 percent. Full benefits are available at age 65 with 8 years of service. Contributions are 3 percent of salary per year.
- 6) Maine. Judges may retire at 70 with 7 years' service or at 65 with 12 years' service. Benefit is 75 percent of current salary of office. No contributions required of judges.
- 7) Massachusetts. Judges may retire with 75 percent of salary at the time of retirement with 15 years' continuous service or at age 70 with 7.5 percent of final salary per year of service to a maximum of 75 percent. Contributions are 7 percent. If the cost of living increases by at least 3 percent, a court determines an appropriate pension adjustment, but the adjustment applies to a maximum of \$6,000 of the pension.
- 8) Rhode Island. Full pay at the time of retirement for life is provided to judges with 20 years' service at age 65 or 15 years' service at age 70. Seventy-five percent salary is provided for early retirement. No contributions are required.
- 9) South Carolina. Provides two-thirds of the current salary of the office to judges at age 70 with 15 years of service, at age 65 with 20 years, or at any age with 25 years' service. Judges' contributions are set at 4 percent.
- 10) Tennessee. Judges may retire at age 54 with 8 years' service or at age 65 with less service. Benefit is 3.75 percent of the current salary of the office per year of service to a maximum of 75 percent. Contributions by judges are 8 percent of salary.

An actuarial consideration in evaluating benefits is the age at which they become available. At the time this information was compiled typical costs for providing an annuity of \$1 per month at various ages were

age 55	-	\$141.33
age 60	-	127.10
age 65	-	111.22
age 70	-	94.75

This means that, other factors being equal, a 75 percent benefit available at age 65 (as in Georgia) would be worth only 88 percent as much as a 75 percent benefit at age 60 (as in Alaska).

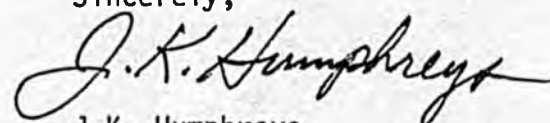
Another consideration is the level of the salary upon which the benefit is

Representative Abood
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based. For example, at the time this information was compiled, Supreme Court justices received \$33,500 in Alabama and \$52,992 in Alaska (see attached table on judicial compensation). So, while the benefit structures are otherwise quite similar, a Supreme Court justice retired in Alabama would be receiving \$25,125 and his Alaskan counterpart \$39,744 -- 58 percent more. This difference might be approximately offset by differences in the cost of living provided the retired Alaskan judge chooses to remain in Alaska.

Clearly the Alaska Judicial Retirement System provides a basic benefit structure which is generous when compared with the vast majority of other states.

Sincerely,



J.K. Humphreys
Director

JKH/sd

cc: Members of the House State Affairs Committee
Eleanor Andrews
Rebecca Burch

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ALABAMA

RETIREMENT PLAN

Judges Covered: A. Justices and judges of the supreme court, courts of civil or criminal appeal and circuit court (effective September 18, 1973).

B. and C. District and probate court judges (provisions herein effective January 1, 1977).

D. Probate court supernumerary system. (Old supernumerary system for : supreme court, courts of either criminal or civil appeals and circuit court still in effect but not reported here. See Recompiled Code of Alabama, Tit. 13, art. 2. Supernumerary Justices, §§31, 33; ch. 3A Court of Criminal Appeals and Court of Civil Appeals, §§11(22) - (23); Tit. 13, art. 4A Supernumerary Circuit Court Judges, §§195(1) - (9). (1973 Supp.).

Age and Service Requirements: A., B. and C. 1) 12 years service and age 65; 2) 15 years and 62 less one year for each year's service over 15; 3) 10 years service (must be continuous for circuit, district and probate court judges), age 70; 4) 18 years or three full terms or time equal to three full terms (for district and probate, at least age 60). Mandatory retirement at end of term in which judge turns 70, or forfeiture of benefits, not including return of contributions. Credit for military service.

D. 15 years and age 65, or if continuous service in excess of 15 years, less one year for each year over 15; 2) 18 years service as county official, the last 10 years continuously as probate judge, and age 60.

Contribution to Retirement Fund: A., B. and C. Individual judges contribute 4.5 percent of salary.

D. 4.5 percent of state-paid salary.

Effective February 1977, contribution will be 6 percent. State contributes 38.5 percent of each judge's salary. Relative contributions to retirement fund from judges and state: 10% / 90%. Total yearly contribution from all judges--\$85,823; from state--\$771,773.

Retirement Benefits: A. 75 percent current state-paid salary of office from which retired.

B. 90 percent of retirement benefits payable by state to circuit judges on date of retirement.

C. 65 percent current salary.

D. \$450 per month.

ALABAMA

Continued

Death Benefits: A. If judge had 5 years service, surviving spouse entitled to 3 percent current salary, times years of service, to maximum of 30 percent, for life or until remarriage.

B. and C. If judge had 5 years service, surviving spouse receives. (B) \$550 or (C) \$480, times number of years service, not to exceed 10, for life or until remarriage.

D. 50 percent contributions returned to estate.

Disability Benefits: A., B. and C. With 10 years, 75 percent current state-paid salary; with 5 years, 25 percent, plus 10 percent for each year over 5; in no case (excluding probate judges) less than 30 percent.

D. 50 percent contributions returned if not qualified for normal retirement.

Service after Retirement: A. Retired judges serve at request of governor, chief justice, presiding judge of either court of appeals. Serving supreme court or a court of appeals, judge shall perform duties prescribed by presiding judge. Appellate judge's salary is difference between benefits and \$250 less than monthly salary of office from which retired. Circuit judges serving on higher court receive current salary of office from which retired; if serving on a circuit court, may receive current salary of office from which retired, or of office to which appointed, whichever greater, not to exceed \$1,000 less than salary of an active judge in office from which retired.

B. May be called by chief justice to temporary active duty in any court. Salary is that of office from which retired or to which assigned whichever greater.

C. May be called to active duty status as probate judge. Reimbursement for expenses.

D. If vacancy occurs in office of judge of probate in county in which supernumerary probate judge holds commission, he presides until successor appointed.

Citation: Recompiled Code of Alabama, Tit. 13, art. 2 Supernumerary Probate Judges, §§312(1)-312(7), and ch. 10, Judicial Retirement §§522-530 (1973 Supp.).

ALASKA

RETIREMENT PLAN

Judges Covered: Supreme, superior and district judges.

Age and Service Requirements: Vested after five years service; retirement pay deferred to age 60, except actuarially equivalent retirement pay may commence at age 55 or after serving 20 years as justice or judge. Retirement mandatory at age 70.

Contribution to Retirement Fund: State totally funds program. Judges do not contribute.

Retirement Benefits: Five percent per year of service to a maximum of 75 percent of current salary (at time each retirement payment made) of office from which retired.

Death Benefits: If deceased served two years, widow receives 50 percent of benefits deceased judge would have been entitled to had deceased retired at time of death; minimum death benefit is 30 percent of current salary of office. Surviving spouse must have been married at least two years immediately prior to deceased's death; benefits continue until remarriage. If no eligible surviving spouse, or upon remarriage or death of spouse, surviving dependent children of deceased receive, in equal shares 50 percent of available benefits. Dependent is defined as a minor under the laws of Alaska, or under the age of 23 and a full-time student, or someone incapable of self-care. If both an eligible spouse and surviving dependent children living in separate households exist, they share benefits equally.

Disability Retirement: After two years service, normal retirement benefits if supreme court justice is retired for disability by governor or if other judges are retired for disability by supreme court. After five years service, judge may request a disability retirement and be granted regular retirement benefits by the governor on recommendation of a three-member commission.

Service after Retirement: Special assignments by court rule, such as ch. 15. §22.15.170, "The presiding judge of the superior court in each judicial district may appoint acting district judges as needed to serve at his pleasure for a term of no longer than 12 months or until succeeded by (a permanent) appointment."

Citation: Alaska Stat., 1962 ch. 25 Retirement and Death Benefits, art. 1 Justices and Judges, §§22.25.010-.030, 22.25.045 as amended (1973 Supp.) and Const., art. IV, §11.

ARIZONA

RETIREMENT PLAN

Judges Covered: Judges of supreme court, court of appeals and superior court.

Age and Service Requirements: Minimum is 65 with 20 years experience; with 12 years service, deferred benefits at 65.

Contribution to Retirement Fund: Individual judge contributes 5.5 percent of salary. State's contribution includes 25 percent of filing fees from supreme court, court of appeals and superior courts. Relative percentage and dollar contributions of judges and state not available.

Retirement Benefits: Normal benefits: 66 percent of salary at time of retirement; if 12-20 years, ratio of years served divided by 20, times salary at time of retirement, to a maximum of 66 percent salary at time of retirement.

Death Benefits: If deceased served 12 years, 33 percent of retirement benefits, calculated as though judge had served to age 65, to surviving spouse if age 62 or was married to deceased for 10 years.

Disability Benefits: Any age with 10 years service, 66 percent of salary at time of retirement; with 5 years service, 33 percent salary at time of retirement; between 5 and 10 years, proportionate amount.

Service after Retirement: Subject to call of supreme court, any retired judge may assist any of three courts, supreme, court of appeals and superior, in all duties prior to final disposition. Receives retirement pay plus differential to equal salary of active judge.

Citation: 12 Ariz. Rev. Stat. Ann. 1974, Tit. 38, ch. 5, art. 3, "Retirement of Judges," §§38-801 through 38-807, pp. 269-277.

ARKANSAS

RETIREMENT PLAN

Judges Covered: A. Supreme, circuit and chancery courts.

B. Municipal courts.

Age and Service Requirements: A. 65 or over after 10 years service and still serving; 65 with 14; any age after 20.

B. 68 after 7 years service and still serving; 50 with 16; any age after 20. Constitution forbids compulsory retirement but judge or justice forfeits all benefits if he doesn't retire at age 70 (Act 407).

Contribution to Retirement Fund: Individual judge contributes 4 percent of salary. Relative contributions of judges and state: 26% / 74%. Total yearly contribution from all judges: \$77,000; from state: \$215,000. (FY 1975).

Retirement Benefits: A. Supreme court chief justice--\$16,125 (fiscal 1976), \$17,012 (1977); associate justices--\$14,781 (1976), \$15,595 (1977); circuit and chancery judges--\$13,750 (1976), \$14,502 (1977). Retirement benefits are 50 percent of current salary at time of retirement.

B. 50 percent of salary at time of retirement.

Death Benefits: 50 percent of retirement pay to widow, if married to judge at least 5 years prior to death and living together at the time of death; paid until remarriage or to minor children if there is no widow. If both widow and minor children, each get half the death benefit.

Disability Benefits: A. A judge may retire for disability regardless of age or length of service if disability occurs during term to which elected. Benefits the same as retirement benefits (above).

B. 50 percent of last salary if incapacitating illness occurs during term to which elected.

Service after Retirement: A. Chief justice may recall any retired judge, except those retired for disability, for temporary service with the consent of the judge, who is paid the salary of the office in addition to the recalled judge's retirement benefits.

B. No provision.

Citation: 3 Ark. Stat. Ann., 1947, Tit. 22 §§22-901 through 22-913 (1975 Supp.).

B. Tit. 22 §22-914 through 22-948 (1975 Supp.).

CALIFORNIA

RETIREMENT PLAN

Judges Covered: Supreme court, court of appeal, superior courts, municipal courts.

Age and Service Requirements: 70 after 10 years of service within the preceding 15, 69 with 12, 68 with 14, 67 with 16, 66 with 18, or 65 with 20; all with maximum service interruptions of 4 years; 70 with 20 years service, the last 5 of which immediately precede retirement, or 60 after 20 years of service. With 5 years, deferred benefits available at eligible retirement age; not earlier than 63, except after 20 years service, payments may begin at 60. Credit is granted for service in courts not included under the plan, provided back contributions are paid and for service in the armed forces during war or national emergency. Benefits reduced if judge or justice does not retire at 70, unless in office on September 18, 1959, in which case age provisions differ (§§75070-75072).

Contribution to Retirement Fund: Individual judge contributes 8 percent of salary. Relative contributions to fund: judges--29.7% / state--46.3% / filing fees, investment income, and miscellaneous--24%. Total yearly contribution from all judges--\$3,329,980; from state--\$5,184,351 (includes appropriation of \$1,750,000 from general fund to make up deficit); from filing fees, investments and miscellaneous--\$2,685,692.

Retirement Benefits: 65 percent or 75 percent of current salary of office from which retired depending on plan chosen if judge retires before age 70; otherwise, 50 percent. Four optional, supplemental plans available. If removed from office, loses all benefits. Early retirement allowance; with 12 or more years service, 3.75 percent current salary of office from which retired times years service, not exceeding 20; but if 5-12 years service, 3.75 percent base is reduced by .25 percent for each year less than 12, this new base times years service.

Death Benefits: Early retirement provisions: if judge dies after eligible for retirement, surviving spouse receives 50 percent available benefits; if dies before eligible for retirement, surviving spouse receives 50 percent deferred benefits. Normal provisions: (A) If judge dies in active service while eligible for retirement or dies retired, widow receives 25 percent of current salary of deceased's office. Div. 4, §3201 Labor Code death benefits deducted from allowance. (B) If dies in office with 10 years service and less than 20, but before he is eligible to retire, widow may receive 1.625 percent of current salary times years of service to a maximum of 37.5 percent of current salary. This is contingent upon the judge paying \$2 per month to the retirement fund. The above widow benefits terminate upon remarriage. Alternatively, if a judge dies in office before eligible to retire, widow may elect to receive 25 percent of current salary. Surviving children under 18 or under 22 and full-time students (if no surviving spouse or if surviving spouse dies) receive

CALIFORNIA

Continued

benefits (A) or (B) depending on whether death before or after retirement. These benefits also contingent upon judge paying \$2 per month to the retirement fund. If the judge dies before retired and is not survived by a widow, heirs may receive an amount up to 50 percent his annual salary and refund of his contributions.

Disability Benefits: A judge retired for disability is entitled to the same allowances provided in case of retirement for age and service. No minimum service required. Judge does not forfeit his disability retirement benefits on conviction and suspension or removal from office. Willens v. Commission on Judicial Qualifications (1973) 110 Cal. Reprtr. 713, 516 P. 2d 1, 10 C. 3d 451.

Service after Retirement: May be assigned with consent to any court. He is paid the difference between retirement benefits and the compensation of an active judge. When serving in a county outside his residence, he receives necessary expenses.

Citation: West's Annotated California Codes, Government Code, Vol. 37A, Tit. 8, ch. 11, §§75000-75110 and 1973 Supp. Deering's California Codes, Government Code Annotated, Cal. Const., art. VI, §§6, 18 and 20.

COLORADO

RETIREMENT PLAN

Judges Covered: Supreme court, court of appeals, district court, county court.

Age and Service Requirements: 65 with 5 years' service; mandatory retirement at 72.

Contribution to Retirement Fund: Individual judge contributes 7 percent of salary. Relative contributions of judges and state: 37% / 63%. Total yearly contribution from all judges-- \$325,508; from state--\$558,014.

Retirement Benefits: A. 65 with 10-16 years service: 40 percent of average of highest 5 consecutive years' salary.

B. 65 with 16 or more years; 50 percent of average of highest 5 consecutive years salary.

C. 60 with 20 years; 50 percent of average of highest 5 consecutive years salary.

D. One percent more for each additional year after 20 years, to maximum of 70 percent.

Death Benefits: A. Widow receives 25 percent of average of highest 5 consecutive years salary of judge, age 60, 1-10 years service; age 55, 10-15 years service; age 50, 15 or more years service.

B. Widow with one minor child (18-23) attending accredited school, or with two minor children attending accredited schools, receives 40 percent, and 50 percent, respectively, of average of highest 5 consecutive years' salary.

Disability Benefits: A. Judge with less than 10 years service, 2.5 percent for each year of service at 65.

B. 10 years' service, 40 percent of average salary for last 5 years.

C. 16 or more years service, 50 percent of average salary for last 5 years.

Service after Retirement: Chief justice may assign any retired, willing judge to perform judicial duties in any court. Receives same salary, for each day's service, as judge being replaced, plus expenses.

Citation: Court of record: Colo. Rev. Stat. Ann. 1963, ch. 111, §111-6-1 through §111-6-13. Supreme court: id., ch. 37, §37-2-14, Colo. Const., art. VI, §5(3).

CONNECTICUT

RETIREMENT PLAN

Judges Covered: A. Judges of supreme, superior, common pleas, (former) circuit and juvenile courts.

B. Probate.

Age and Service Requirements: A. Minimum is 65 after no minimum length of service, but proportional reduction of benefits if fewer than 10 years' service; no age with 25 years.

B. 65 or 12 years, whichever is later; with 12 years service, actuarial equivalent.

Contribution to Retirement Fund: Individual judge contributes 5 percent of salary if appointed after May 20, 1967; those appointed earlier make no contribution. Relative contributions of judges and state: 9% / 91%. Total yearly contribution from all judges--\$85,926; from state--\$845,161.

Retirement Benefits: For judges or justices who retired while holding judicial office, 66 percent of current salary at time of retirement.

B. If ineligible for Old Age and Survivors Insurance System, 1/12 of 2 percent of average final salary for each year of credited service; if eligible, 1/12 of 1 percent of average final salary up to \$4,800 and 2 percent of average final salary in excess of \$4,800--maximum of 66 percent final salary, minimum of \$360 annually. If re-employed after retirement for more than 90 days, no retirement allowance.

Disability Benefits: A. Normal benefits.

B. With 12 years, normal benefits.

Death Benefits: A. Widow receives 33 percent of current salary of the office the judge held. If the judge is not survived by a widow, the pension is payable to the judge's children until they reach age 18.

B. Husband and wife retirement income option; or refund of contributions to beneficiaries or executors or administrators.

Service after Retirement: Senior judges of supreme, superior and common pleas courts and circuit and juvenile courts, who have not reached the age of 70 may be assigned by the chief justice or court administrator such judicial duties as the senior judge is willing to undertake. Senior judges who have reached age 70 shall become state referee for life.

B. If judge accepts appointment after retirement for services for more than 90 working days in any year, no retirement allowance is dispensed while so employed.

CONNECTICUT

Continued

Citation: 21 Conn. Gen. Stat., Tit. 45, ch. 774, Probate Courts and Procedure, §§45-29a through 45-29t (1975-76 Supp.); 51 Conn. Gen. Stat., Tit. 51, ch. 872, Judges, §§51-49 through 51-51 (1975-76 Supp.).

DELAWARE

RETIREMENT PLAN

Judges Covered: A. Judges of supreme, superior, chancery courts, common pleas, and family court.

B. Justices of the peace.

Age and Service Requirements: A. Any age with 24 years service, or 65 with 12 years service.

B. 65 with 5 years, 60 with 15 years, any age with 30 years service.

Contribution to Retirement Fund: A. Individual judge contributes \$500 per year; state contributes balance required. Relative percentage and dollar contributions of judges and state not available.

B. 5 percent of salary above \$500 monthly; maximum annual contribution \$900; no contributions required after \$1,000 monthly pension has accrued.

Retirement Benefits: A. 3 percent of average final salary (highest paid 5 consecutive years) times total number of years service; maximum, 75 percent average final salary, minimum 50 percent average final salary.

B. 1/60 of the average final salary (average compensation paid per month, up to a maximum of \$2,000, during the period of 70 consecutive months in which the compensation was highest) times years service; maximum pension is \$1,000 per month, minimum depends on years served and whether any service prior to June 1970.

Death Benefits: A. Death in office or after 12 years service, widow receives 66 percent of pension payable to judge (as though had lived to 65) until widow's death or remarriage, then to each dependent child, until he becomes independent or dies.

B. With 15 years service eligible survivor receives 50 percent of pension received at time of death or 50 percent of pension calculated as though judge had been 60.

Disability Benefits: A. Any age with no minimum service requirement, same as retirement benefit.

B. Eligible with 15 years service, normal benefits, but if disability ceases before his 60th birthday, he is no longer eligible for benefits.

Service after Retirement: A. Any judge retired from a statutorily created court and receiving a judicial pension may be designated by the chief justice of the supreme court to perform such judicial duties in any court where such retired judge could serve if he still held the judicial position

DELAWARE

Continued

from which he retired; retired judge must consent and must not be actively engaged in the practice of law; compensation is \$100 per day, but per diem compensation plus retirement benefits not to exceed the then current annual salary of the judicial position from which such judge has retired.

B. Limited to \$2,000 annually for temporary employment or complete waiver of pension if fully employed by state or state agency.

Citation: 12 Del. Code Ann., Tit. 29, ch. 56, "Pensions for Members of the State Judiciary." §§5601 through 5611; id., ch. 55, "State Employees' Pension Plan," §§5501 et. seq.

DISTRICT OF COLUMBIA

RETIREMENT PLAN

Judges Covered: Any judge of the District of Columbia Court of Appeals, the Superior Court of the District of Columbia; the former Juvenile Court of the District of Columbia; District of Columbia Tax Court, police court, municipal court, Municipal Court of Appeals, District of Columbia Court of General Sessions.

Age and Service Requirements: 10 years of service whether continuous or not, or upon mandatory retirement at age 70.

Contribution to Retirement Plan: Individual judge contributes 3.5 percent of salary. Relative contributions of judges and states not available.

Retirement Benefits: Retirement salary paid annually in equal monthly installments during remainder of life; bears ratio to basic salary immediately prior to date of retirement.

Death Benefits: Survivor annuity may be elected; contribution is equal to 3 percent of salary.

Disability Benefits: Retirement salary shall not be reduced because of age at the time of retirement for disability; in no event is retirement salary less than 50 percent or more than 80 percent of basic salary immediately prior to date of retirement.

Service after Retirement: A judge, retired for reasons other than disability may perform, upon designation of a chief judge, those judicial duties which he is willing and able to undertake.

Citation: District of Columbia Code, §11-1501 through 1571.

FLORIDA
RETIREMENT PLAN

Judges Covered: Supreme court, district court of appeal, and circuit court judges assuming office after July 1, 1972, and county court judges assuming office after October 1, 1974. (Old retirement systems under ch. 122 and 123 in effect for those assuming duties prior to July 1, 1972).

Age and Service Requirements: 60 after 10 years' service, or 55 after 10 with reduced benefits; 72 after 8 for judges assuming office or wishing to transfer to public employees' retirement system after July 1, 1972. Credit for military service and service as state or county officer. Mandatory retirement at 70 for all judges of state except those in office on November 1, 1956.

Contribution to Retirement Fund: Individual judge contributes 8 percent of salary. Relative contributions of judges and state: 50% / 50%. Judge and state each contribute \$2,720 per year per judge.

Retirement Benefits: 2 percent (1.5 percent with Social Security benefits) of average final compensation (best 5 of last 10 years) for each year of service; for judges assuming office after July 1, 1972, 3.3 percent of average final compensation times years of service, not to exceed final average salary. Cost-of-living adjustment (1974 Laws, ch. 74-302; 121.101(s)).

Death Benefits: With 10 years service, optional reduced annuities provide pension for surviving spouse or other dependent; alternatively, return of contributions.

Disability Benefits: Any age with 10 years service, last 5 of which are continuous; minimum benefits are 50 percent of average final compensation, but do not apply if judge is 60 or receives Social Security disability benefits; with 10 years service, for all but county judges, minimum benefit is 66 percent of monthly compensation as of disability retirement date.

Service after Retirement: Any retired justice or judge may be assigned, with consent, to any court by chief justice; compensation equates difference between retirement benefits and salary of the office.

Citation: Fla. Stat. Ann. 971, ch. 121, Florida Retirement System, §§121.011 through 121.191. 1974 Laws: 74-215, 74-302, 74-328.

GEORGIA
RETIREMENT PLAN

Judges Covered: A. Supreme Court.

B. Court of appeals.

C. Supreme court and court of appeals judges who elect optional benefits under Ga. Code Ann. §40-2535.

D. Superior court.

E. Ordinaries (probate jurisdiction).

F. Supreme court and court of appeals judges elected after April 1, 1964, who do not select special optional benefits.

G. Trial judges elected after June 30, 1968, and juvenile court judges included pursuant to Act of March 27, 1972.

Age and Service Requirements: A. 70 with 10 consecutive years on appellate and trial courts of general jurisdiction, or 65 with 20 consecutive years, additionally including service as district attorney or attorney general.

B. 70 with 10 years on appellate courts or trial courts of general jurisdiction, or 65 with 20 years on appellate courts, trial courts of general jurisdiction, or city courts.

C. 65 with 10 years as appellate judge, retiring prior to 70 (each 2 years' service on trial courts of general jurisdiction may substitute for one year appellate service.)

D. Any age after 18 years service, at least 4 on superior court; credit for military and certain state offices; judge must be 60 to retire if elects to extend benefits to spouse.

E. 60 with 4 years service.

F. 60 with 30 years service, or any age with 35 years.

G. 65 with 10 years, including inferior courts.

Contribution to Retirement Fund: Individual contributions: A and B. None.

C. 7.5 percent of salary.

D. 5 percent of salary up to \$12,000, additional 2 percent if spouse's benefits selected.

GEORGIA

Continued

E. 20 percent of all marriage license charges.

F. 3 percent first \$350 of monthly earnings, plus 5 percent of that in excess of \$350.

G. 10 percent monthly salary up to \$1,200.

Relative contributions of judges and state: 50% / 50%. Total yearly contributions from all judges--\$173,550; from state-- \$173,550.

Retirement Benefits: A. and B. 66 percent current salary, limited to \$12,000 per year.

C. 75 percent current salary.

D. 66 percent current salary; if retiring at 70 after 10 years' service, benefits are 50 percent of current salary.

E. 10 percent average monthly earnings first 4 years, plus 2.5 percent average monthly earnings each additional year not to exceed 20 years.

F. Actuarially computed based on age and contributions.

G. Actuarial equivalent of contributions.

Death Benefits: A. and B. No specific provisions.

C. Group term life insurance protection.

D. Contributions refunded to estate; if widow's benefits selected, 2/3 current salary continues to widow.

E. May choose monthly benefit to continue to spouse. (Ga. Code Ann., §24-1710a as amended.)

F. Based actuarially on age and contributions, subject to options with payment to spouse.

G. Death before retirement, contributions and interest paid to beneficiary or member's estate. After retirement, depends on option elected under B. Code Ann., ch. 78-13.

GEORGIA

Continued

Disability Benefits: A. and B. No specific provision.

C. 10 percent full service retirement benefits of each year of service as appellate court judge.

D. 50 percent current salary, if 62 and 10 years service.

E. No specific provisions.

F. Equivalent of service retirement if 60; 75 percent service retirement if 15 years service; if 20 years service, full retirement allowance payable at 60; if 25 years service, full retirement payable at 65.

G. After 10 years service, actuarial equivalent of accumulated contributions, plus employer matching contributions at time of disability.

Service after Retirement: A. and B. Serve as member of advisory appellate council.

C. No specific provisions.

D. Serve on judicial council, consult with appellate court judges and attorney general, and called to sit on some cases as judge of superior court.

E., F. and G. No specific provisions.

Citation: A. Ga. Code Ann., §§4601-4613 as amended.

B. Ga. Code Ann., §§3601A-3610A as amended.

C. Ga. Code Ann., §40-2535 as amended.

D. Ga. Code Ann., ch. 24-26A as amended.

E. Ga. Code Ann., ch. 24-17A as amended.

F. Ga. Code Ann., ch. 40-25 as amended.

G. Ga. Code Ann., ch. 78-13 as amended.

HAWAII

RETIREMENT PLAN

Judges Covered: Supreme, circuit and district court judges under public employees retirement system.

Age and Service Requirements: 55 with 5 years service, or any age after 25 years creditable service, or 10 years of credited service if that service included service as a circuit judge or supreme court justice. Retirement compulsory at age 70. Credit for other state service.

Contribution to Retirement Fund: Individual judge contributes 7.8 percent of salary. Relative contributions to fund: judges, 48% / state, 40% / county, 12%. Total yearly contribution of all judges--\$123,030; from state--\$102,517; from counties--\$30,755.

Retirement Benefits: Supreme and circuit court judges: for each year credited service as judge or elective officer, 3.5 percent average final salary; in addition to annuity which is actuarial equivalent of accumulated contributions allocable to period of such service. Other credited service can supplement base benefit to maximum of 75 percent average final compensation.

District court judges: If at least age 55, 1/50 average final compensation times years credited service. If under 55, allowance computed as though age 55, reduced in accordance with factors of actuarial equivalence.

Death Benefits: Non-occupational death, accumulated contributions plus, if one year service completed, 50 percent salary for year preceding death, that amount increased by 5 percent for each full year of service in excess of 10 years. Occupational death, accumulated benefits plus pension of 50 percent average final compensation paid to widow.

Disability Benefits: Non-occupational, retirement benefits if age 55; otherwise benefits equal 25 percent of average final salary plus one percent for each year of service above 15. Occupational, actuarial equivalent of accumulated contributions plus pension of 66 percent average final salary.

Service after Retirement: Retired supreme court justices may serve on supreme court whenever a sitting judge disqualifies self, if the retired judge is not 70 and not actively engaged in the practice of law.

Citation: Hawaii Revised Statutes, ch. 88, "Pension and Retirement Systems," §§45-84, pp. 97-110 (1973 Supp.).

IDAHO
RETIREMENT PLAN

Judges Covered: A. Supreme court justices and district court judges.

B. Magistrates under public employees' retirement system.

Age and Service Requirements: A. 65 with 4 years service; any age after 20. Retirement mandatory at age 70 or at end of current term.

B. 65 with 5 years service; early retirement, 55 with 5 years. Mandatory retirement at age 70.

Contribution to Retirement Program: A. Individual judge contributes 6 percent of salary.

B. 4.5 percent of salary.

Relative contributions: judges - 17% / state - 20% / civil case filing fees - 63%. Total yearly contribution from all judges--\$52,200; from state--\$60,900; from filing fees--\$195,711.

Retirement Benefits: A. 2.5 percent times current compensation of office, times years service, up to 25 years.

B. 1.66 percent of average monthly salary. (Average monthly salary: 1/60 of salary during any base period in which salary is the greatest. Base period 60 consecutive months during which member makes like number of contributions according to law.) Early retirement allowance is actuarial equivalent of contributions, or accrued retirement allowance at age 60 with 30 years service. Cost-of-living adjustment: H.B. #409, 1974 Laws, ch. 57ss 59-1319A.

Death Benefits: A. If judge dies before retirement, widow receives 30 percent of allowance judge would have received at 65; if judge dies after retirement, widow receives 30 percent of allowance.

B. Optional retirement allowance, if ineligible for retirement allowance but has 10 years service.

Service after Retirement: A. Retired judge may act as supreme court justice or district court judge at request of chief justice; any retired district judge, on request of a district judge with approval of chief justice, may hear and determine civil actions.

B. Member who is eligible for retirement may serve thereafter with approval of the chief justice.

Citation: Idaho Code 1947, Vol. 2, Tit. 1, §§2001-2008;

B. Idaho Session Laws 1974, ch. 57, H.B. #409 as amended.

ILLINOIS

RETIREMENT PLAN

Judges Covered: All judges of courts of record and the administrative director of the courts if previously a participant as a judge.

Age and Service Requirements: 60 with 10 years service; 62 with 6 years; or any age with permanent disability. Credit for legislative service.

Contribution to Retirement Fund: Individual judge contributes 8 1/2 percent of salary if unmarried; 11 percent if married, to cover survivor's pension. Relative contributions to fund (FY - 1975): judges--38% / state--37% / investment income--25%. Total yearly contribution (FY - 1975) from all judges--\$2,517,474; from state--\$2,465,500; from investment income--\$1,619,419.

Retirement Benefits: 3.5 percent for each year of first 10 years, plus 5 percent for each year over 10 based on final salary; maximum of 85 percent of final salary. Automatic increase in retirement annuity of 2 percent per year of base annuity.

Death Benefits: If judge dies after retirement, spouse receives 66 percent of pension. If judge served 1.5 years, spouse receives 66 percent of pension judge would have received, or 7.5 percent of last salary, whichever is greater. If spouse has minor children, benefit is greater of 75 percent of pension or 20 percent of salary. With minor children, benefits paid regardless of age of spouse; otherwise when spouse reaches 50.

Disability Benefits: Judge may be retired after 10 years service with full retirement benefits for disability.

Service after Retirement: Retired judges may be assigned with their consent. Paid applicable salary and pension is suspended.

Citation: Smith-Hurd Ill. Ann. Stat., "Pensions", ch. 108.5, §§18-101 to 18-166 (1974 Supp.), as amended 1975; Const., art. VI, §18.

INDIANA
RETIREMENT PLAN

Judges Covered: Judges of all courts except city court, county court, mar's-
trate court and justices of the peace.

Age and Service Requirements: 65 after 12 years service; reduced benefits
after 8 years (2/3 normal benefit), provided contributions to fund are
continued to reach equivalent 16 years' contribution.

Contribution to Retirement Fund: Individual judge contributes 5 percent of
monthly salary up to \$500. State's contribution to fund varies according
to fluctuations of other resources including docket fees and interest.
1974-75 allotment of state--\$280,000. Relative contributions: 1974-75,
judges, 16% / state, 55% / other resources, 29%.

Retirement Benefits: 50 percent current state-paid salary up to \$10,000.
(State pays \$17,000 of judges' salaries for circuit, superior, probate,
criminal, juvenile and municipal courts, remainder paid by county).

Death Benefits: Widow receives 50 percent of amount to which judge would
have been entitled.

Disability Benefits: Judges must have donated equivalent of 16 years' con-
tributions if served less than 16 years; otherwise full retirement bene-
fits for disability.

Service after Retirement: No specific provisions.

Citation: Burns' Ann. Ind. Stat., 1933, 1968 Replacement, Vol. 2, Part 4,
Tit. 4, ch. 70, §§4-7001 to 4-7024.

IOWA

RETIREMENT PLAN

Judges Covered: Supreme court, district court and district associate judges.

Age and Service Requirements: 65 after 6 years' service, any age after 25 consecutive years. Mandatory retirement at 72 for supreme and district court judges appointed after July 1, 1965; otherwise at 75. District judges and magistrates mandatory at 72.

Contribution to Retirement Fund: Individual judge contributes 4 percent of salary. Relative contributions: Judges, 35% / state, 65%. Total yearly contribution from all judges--\$132,106; from state--\$245,112. Magistrates covered by Iowa Public Employees' Retirement System: employee contribution 3.5 percent; employer contribution 4.75 percent on first \$20,000 annual wage.

Retirement Benefits: 3 percent average annual salary for last three years times service as judge, not to exceed 50 percent salary at retirement.

Death Benefits: If judge dies while eligible for retirement, or while retired, survivor receives 50 percent annuity judge entitled to or receiving; or if dies before 65, then 50 percent annuity judge would have been entitled to at 65 based on years of service. Survivor's annuity begins on date judge dies, or date judge would have been 65, or when survivor reaches 60, whichever later; continues until remarriage; must have been married at least 5 years. If no survivor estate receives credit in retirement fund. Amount remaining on survivor's death is paid to survivor's estate.

Disability Benefits: Receives retirement benefits based on years of service, if served aggregate of 6 years prior to disability.

Service after Retirement: Retired judge subject to temporary assignment, with judge's consent, in any court except supreme court; retired supreme court justices may be assigned to supreme court. Receive compensation, no retirement benefits.

Citation: 605A Iowa Code Ann. (1974-75 Supp.); Laws 65th GA, ch. 282.

KANSAS

RETIREMENT PLAN

Judges Covered: Justices, commissioners, and judges of the supreme and district courts.

Age and Service Requirements: No minimum length of service. Retirement mandatory at 70 or at end of current term. May retire at 65 or 62 with actuarially reduced benefits.

Contribution to Retirement Fund: Individual judge contributes 6 percent of salary. Relative contributions of judges and state, 24% / 76%. Total yearly contribution from all judges--\$122,913; from state--\$399,468 (FY-1976).

Retirement Benefits: 3.33 percent of last monthly salary, times number of years of service. Total benefits not to exceed 65 percent of last monthly salary without diminution by Social Security benefits.

Death Benefits: Judge may elect to receive reduced benefits to provide benefits to joint annuitant. 50 percent of reduced benefits option available to widow of judge who died in office who was eligible for retirement.

Disability Retirement: Judge permanently disabled may retire with full benefits.

Service after Retirement: Retired supreme court justice or district judge may sit as judge pro tem of district court, commissioner of the supreme court, or in any pending original action by request of chief justice of supreme court, or by departmental justice in relevant judicial district. Judge acts in advisory capacity only in supreme court matters. Reimbursement for expenses only, no compensation.

Citation: 2 Kan. Stat., ch. 20, §§2610-2617 as amended.

KENTUCKY

RETIREMENT PLAN

Judges Covered: A. Judges of the supreme court, court of appeals, circuit court, and present incumbant supreme court commissioners and court administrators.

B. Police court judges, under local individual city plans (if city enacts such legislation).

Age and Service Requirements: A. 8 years service. Actuarially reduced benefits on retirement under age 65.

B. 55 with 8 years service.

Contribution to Retirement Fund: Individual judge contributes (A) 3 percent and (B) 5 percent of salary (1974-75). Relative contributions of judges and state: 6% / 94%. Total yearly contributions (1974-75) from all judges--\$77,000; from the state--\$1,166,000.

Retirement Benefits: A. 5 percent of average salary for preceeding 5 years, times years of service; up to 100 percent of final compensation.

B. \$200 per year times years of service.

Death Benefits: A. 50 percent of member's potential or actual retirement benefit to widow or dependent children.

B. 50 percent potential or actual retirement or disability benefits to widow or dependent children.

Disability Benefits: A. No minimum age or service requirement. Disabled judge receives 50 percent of normal retirement allowance at age 65.

B. None.

Service after Retirement: No specific provisions.

Citation: 2, 3, Ky. Rev. Stat., ch. 21, 26 (1972 Supp.).

LOUISIANA

RETIREMENT PLAN

Judges Covered: Judges of record and juvenile and family courts, and the judicial administrator.

Age and Service Requirements: A. 70 with 20 years service, 65 with 25 consecutive years.

B. 75 with 20 years, or any age with 23, with reduced benefits.

Retirement mandatory at 75 with 20 years service; but if 75 without 20 years service, judge may serve until age 80 or until 20 years service, whichever comes first. Credit for service on any court of record.

Contribution to Retirement Fund: State funds 100 percent of retirement program; total yearly contribution--\$1,500,000. Judge does not make contribution.

Retirement Benefits: A. Full salary (last salary received) if 70 with 20 years service, or if appellate judge age 65 with 25 consecutive years.

B. If 75 with 20 years, or any age with 23 years, benefits are 66 percent of last salary. Proportionate reduction if 65 with less than 20 years, or 70 with less than 20.

Death Benefits: 33 percent of last salary, or 50 percent of eligible retirement benefits to widow, whichever is greater.

Disability Benefits: Any age with no minimum service; receives retirement benefits entitled to at age 70; minimum 66 percent last salary.

Service after Retirement: May sit on any court of record by assignment of supreme court; additional compensation to equate benefits with judicial salary in that court plus expenses.

Citation: La. Rev. Stat., Const., Vol. 2, art. 7, §8; La. Rev. Stat., Tit. 13, "Judicial Officers--Employees", §§5, 6.

MAINE

RETIREMENT PLAN

Judges Covered: A. Judges of supreme, superior and district courts.

B. Probate (assuming county selects State Employees Retirement System).

Age and Service Requirements: A. 70 with 7 years' service; 65 with 12 years.
Benefits forfeited if judge does not retire by 71.

B. 60 with 10 years' service.

Contribution to Retirement Fund: A. State funds 100 percent of retirement program; total yearly contribution--\$250,607.50. (Judge does not contribute.)

B. Judge contributes 5 percent of salary plus .25 percent to survivor fund.

Retirement Benefits: A. 75 percent of current salary if "active retired justice" (maximum of 14 years in such status); otherwise, 75 percent of salary at time of retirement.

B. 50 percent of average for highest salaried 5 years.

Death Benefits: A. 3/8 current salary, to widow until death or remarriage, then to children until age 18. If judge retired, 50 percent benefits to spouse at age 60.

B. Formula at Tit. 5, §1001 et. seq.

Disability Benefits: A. Any age, no minimum service, same as retirement.

B. Maximum: 90 percent of 1/50 average final compensation, times number of years creditable if judge had served to age 60. Minimum: 25 percent average final compensation.

Service after Retirement: May be appointed by governor for 7-year term as "active retired judge" to serve on any court by assignment of chief justice; 7-year term renewable.

Citation: 2 Me. Rev. Stat. Ann., Tit. 4, §§5, 6, 103, 104, 157 as amended; P. & S., 1974, ch. 209; Public Laws 1974, ch. 724, 788; Tit. 5, §1001 et. seq.

MASSACHUSETTS

RETIREMENT PLAN

Judges Covered: All judges except judges of Housing Court of City of Boston.

Age and Service Requirements: 65 with 15 continuous years service. Credit for war-time service.

Contributions to Retirement Fund: Individual judges appointed after January 1, 1975, contribute 7 percent of salary; judges appointed prior to that date make no contribution. FY - 1974, state funded entire program: \$812,791.

Retirement Benefits: 75 percent salary at time of retirement. For judges who do not meet age and service requirements, 10 percent of 75 percent of salary at time of retirement times number of years service. Supplemented by a cost-of-living clause, §102.

Death Benefits: Judge may choose alternative pension at a reduced rate which will give his widow an annuity of 66 percent the alternative pension after his death. If a judge age 45 or over who had not retired but was eligible to do so or would have been had he lived to 65, dies, the widow (must be living with spouse or separated for justifiable cause) receives 66 percent of the alternative pension, reduced by 1 percent per year for each year under minimum service. Contributions plus interest returned if above provisions inapplicable.

Disability Benefits: No age or service requirement; same as retirement benefits.

Service after Retirement: Probate judge recall: ch. 820, Acts of 1975 (amending G.L. c. §65; G.L. c. 217 §3A; G.L. c. 32, §91(a)). Superior court judge recall: ch. 361, Acts of 1975 (amending G.L. c. 32, §65E; G.L. c. 212, §14F).

Citation: Ann. Laws of Mass., Tit. 4, Ch. 32, §§3, 65A-D, 102; Const., pt. 2, ch. 3, art. 1, Amendments, art. XCVIII; ch. 1211, Acts of 1973.

MICHIGAN
RETIREMENT PLAN

Judges Covered: A. Judges of the supreme court, court of appeals, circuit court, district court, recorder's court and common pleas court of Detroit, and the court administrator.

B. Judges of the probate court.

Age and Service Requirements: A. Age 60 with 16 years' service; 65 with 12 years; 25 with no age requirement.

B. Age 60 with 8 years' service credit, of which last 6 continuous.

Contribution to Retirement Fund: A. Individual judge contributes 3.5 percent of salary. Trial court filing fees contribute 80 percent of program. Total yearly contribution from all judges--\$342,947; from trial court filing fees, \$1,360,805 (FY 1974-75); relative contributions from judges and filing fees: 20% / 80%.

B. Judge contributes 7 percent salary, \$980 maximum.

Retirement Benefits: A. 50 percent of salary at time of retirement for first 12 years service plus 2 1/2 percent for each year up to 4 additional years, maximum of 70 percent of salary.

B. 3 percent of final salary times the number of years, not to exceed 24 years. Maximum annuity not to exceed \$12,500 per year.

Death Benefits: A. If judge has served 8 years, spouse eligible for 1/2 judge's annuity for life. If no spouse, children under 19 eligible; benefit until age 22 if school attendance full-time.

B. Spouse of member who dies in office or in retirement with 8 or more years' service, has been spouse of judge for at least 8 years during judicial service, and has reached age 55, entitled to 50 percent of annuity provided judge, until remarriage. If less than 55 but otherwise entitled, may receive 50 percent of annuity as long as dependent children under 19.

Disability Benefits: A. With 8 years' service, same as regular retirement.

B. Regular retirement for members with 8 or more years' service who becomes totally and permanently incapacitated, physically or mentally, to perform judicial duties.

Service after Retirement: Supreme court may authorize performance of judicial duties for limited periods or specific assignments. Const., art. VI, §23, as amended.

MICHIGAN

Continued

Citation: A. Mich. Compiled Laws Ann., 1967 Revised, Vol. §§38.801-38.830
(1974 Supp.).

B. Id., §§38.901 et. seq.

MINNESOTA

RETIREMENT PLAN

Judges Covered: A. Supreme court has option of plan A or B if held office on or before January 1, 1974.

B. All others except justices of the peace.

Age and Service Requirements: A. 70 years (or disability) with 2 terms as supreme court justice or as judge of district court for 15 years.

B. 65 with 10 years; early retirement at 62 with 10; deferred benefits available. Retirement mandatory at 70 with limited exceptions, \$490.125.

Contribution to Retirement Fund: A. None.

B. Sum equal to individual's salary multiplied by rate of employee tax under Federal Insurance Contributions Act, §355.01, sub. 9. Relative percentage contributions and dollar amounts, of judges and state are not available.

Retirement Benefits: A. Full pay to end of term, then 50 percent current salary, plus 2.5 percent current salary for each year in excess of minimum (maximum 10).

B. 2.5 percent judge's average final salary (average of 5 highest salaries) times years' service; maximum 60 percent judge's annual salary immediately preceding retirement. Early retirement: normal benefits reduced by 1/15 for each year or fraction of year from normal retirement date.

Death Benefits: A. 50 percent allowance judge received, or would have received, if widow is 40 and married 3 years.

B. Death before retirement: spouse or dependent children receive annuity equal to 70 percent of normal benefits computed as though date of death were normal retirement date; minimum of 25 percent judge's final average salary. Death after retirement: lifetime or joint and survivor annuities available; or refund of contributions with interest.

Disability Benefits: A. Any age plus two terms service, full pay to end of term, same as retirement thereafter; any age plus one term receives full pay to end of term.

B. Full salary for two full years, thereafter a disability retirement annuity computed according to normal retirement benefits; minimum benefit of 25 percent final average salary.

Service after Retirement: Chief justice may assign retired judge, with judge's consent, to act as judge of any court of which jurisdiction not greater

MISSISSIPPI

RETIREMENT PLAN

Judges Covered: All judges.

Age and Service Requirements: 65 with 10 years service, any age with 30, or any age with benefits deferred to 60, except benefits commence at 55 with 30 years service; service credit for state and military service. Retirement is voluntary for judges elected to constitutional office. For others it is mandatory at 65 unless continued service is authorized by retirement board for one year periods to 70.

Contribution to Retirement Fund: Individual judges contribute 5 percent of salary. Relative contributions of judges and state: 46% / 54%. Total yearly contribution from all judges--\$112,105; from state--\$131,169.

Retirement Benefits: 1 5/8 percent of highest average salary (not to exceed \$35,000) for 5 years of service times years of membership, plus 1 5/8 percent of average salary for each year prior to membership. 3 percent reduction for each year less than age 65, except for those qualifying under provisions of no age with 30.

Death Benefits: Options to provide benefits to widows or designated heirs available with reduced retirement allowance, widow (married to member 5 years immediately prior to death) of judge who dies in office after 20 years or 60 with 10, presumed to have chosen option to provide benefits from age 45 (until she becomes eligible for social security at 62); alternatively, refund of contributions with interest.

Disability Benefits: 60 with 10 years service, same as retirement; any age with 10, 75 percent of retirement benefits he would receive at 60 plus actuarial equivalent of members' contributions reduced by workmen's compensation benefits.

Service after Retirement: Any retired judge under age 70 may be employed on an emergency basis for 60 days and continue to draw retirement benefits.

Citation: 7 Miss. Code Ann. 1972, Tit. 25, ch. 11, Social Security and Public Employees Retirement and Disability Benefits, §§25-11-1 through 25-11-139.

MINNESOTA

Continued

than that which retired from. \$50 per diem plus expenses.

Citation: Minn. Stat. Ann., Vol. 27, ch. 490, pp. 1114-1121, (1974 Supp.),
1974 Acts, ch. 417.

MISSOURI

RETIREMENT PLAN

Two plans: Plan A open to judges and commissioners listed below. Plan B open to those in office on or after September 3, 1970. To retire under Plan A, judge eligible under Plan B must have filed irrevocable election of Plan A, with State Controller before November 27, 1971.

Judges Covered: Judges of supreme court, court of appeals, circuit courts, courts of criminal corrections, courts of common pleas, probate and magistrate's courts and commissioners of the supreme courts and justices of the peace.

Age and Service Requirements: Plan A and B: 65 with 12 years' service. Mandatory retirement at 70 for judges under non-partisan merit plan; no mandatory age for other judges. Early retirement at 65 with no service requirement.

Contribution to Retirement Fund: Plan A: no contribution by judges. Plan B; individual judge contributes 5 percent of salary. Relative contributions of judges and state: 36% / 64%. Total yearly contributions from all judges--\$374,400; from state--\$659,777 (FY-1976 estimate).

Retirement Benefits: A. 33 percent current salary.

B. 50 percent salary of highest office held, serving full-time. Proportional reduction of benefits with early retirement.

Death Benefits: A. None.

B. Surviving, unremarried spouse or minor children receive 25 percent of salary of highest office held.

Disability Benefits: Plans A and B. 50 percent current salary of office until end of term of office.

Service after Retirement: A. Subject to assignment by supreme court to temporary duty as special commissioner or referee.

B. None.

Citation: 27 Vernon's Mo. Ann. Stat., Tit. 32, ch. 476, §§476.400 through 476.510, 476.515 through 476.570 (1971); Const. art. 5, §§25, 27, 30.

MONTANA

RETIREMENT PLAN

Judges Covered: A. Supreme court justices, district court judges.

B. Judges of courts of limited jurisdiction.

Age and Service Requirements: A. Minimum is age 65 with 5 years' service, with proportional benefits. Compulsory retirement at age 70. Benefits forfeited if judge does not retire at age 70.

B. Minimum is age 55 with 10 years' service with reduced benefits. Normal is age 70 with 10; but 65 with no minimum service or any age with 30.

Contribution to Retirement Fund: Individual judge contributes (A) 6 percent or (B) 5.75 percent of salary. Relative contributions: judges, 12% / state, 12% / district court fees, 76%. Total yearly contributions from all judges--\$14,471; from state--\$14,471; from court fees--\$95,543.

Retirement Benefits: A. 3.3 percent of annual salary times first 15 years and 1 percent for each additional year of service.

B. 1/65 of average of three highest consecutive years salary for each year of service. Minimum guarantee at age 70 is 50 percent final compensation or \$480 per month, whichever is less. Early retirement: actuarial equivalent of service retirement at 60.

Death Benefits: A. Before retirement the beneficiary has choice of a lump sum payment consisting of the judges' contributions with interest, or an actuarially determined monthly allowance which is based on the age, service and salary of the judge at the time of death. After retirement the beneficiary will receive any balance remaining of the present value of his retirement.

B. Before retirement with less than 10 years of service the beneficiary will receive a lump sum payment consisting of the member's contributions with interest and an amount equal to one month of salary for each year of service up to and including 6 years. Before retirement with 10 or more years of service the beneficiary will have a choice of the lump sum defined above or an actuarially determined monthly allowance based on the member's age, service and salary. After retirement the amount the beneficiary receives is determined by the option elected by the member at the time of retirement.

Disability Benefits: A. If permanent and duty-related: a minimum of 50 percent of final salary or the normal retirement benefits, whichever is greater. If not duty-related: benefits deferred to age 60, when the maximum monthly payment is the normal retirement allowance. If involuntary retirement

MONTANA

Continued

after 5 years' service: actuarial equivalent of judge's and the state's contributions or full return of contributions.

B. If duty-related; no minimum service, benefits are 50 percent of final compensation (i.e., highest 3-year salary average), but only 25 percent while receiving workmen's compensation; all benefits reduced by earnings if disability is not permanent and member is working in addition to receiving benefits. If non-duty related: with 10 years service, the lesser of: 1. 25 percent of final compensation; or 2. 90 percent of 1/65 of final compensation times years service.

Service after Retirement: Subject to call for service on supreme and district courts, reimbursement for expenses.

Citation: Rev. Code Mont., 1947, 93-1107-93 through 1132; 68-1501 et. seq., (1975 Supp.).

NEBRASKA

RETIREMENT PLAN

Judges Covered: Judges of supreme, district, workmen's compensation, county, separate juvenile and municipal courts, and full-time associate judges of county courts.

Age and Service Requirements: 65 with no minimum service. Mandatory retirement at 72, except any judge holding office on September 2, 1973, may complete his term. Credit for service in any of the above courts or armed forces during war.

Contributions to Retirement Fund: Individual judge contributes 4 percent of salary, or 6 percent of salary if assumed office after December 25, 1969. Relative contributions (FY - 1974-75): judges--27% / state--18% / court fees--52% / municipal appropriations--3%. Total yearly contributions: judges--\$189,494; state--\$129,264; court fees--\$358,180; municipalities--\$19,026.

Retirement Benefits: Two plans, original member plan covering judges currently serving and future member plan covering judges taking office after December 25, 1969. Original member's plan benefits equal 3 1/3 percent of final average salary over last 4 years of service times his years of service. Total benefits received by judge cannot exceed 65 percent of final average salary. Future member's monthly benefits is 1/12 of 2.5 percent total salary earned by judge for performance of his duties between the time he started making contributions to the fund and the date of his retirement.

Death Benefits: In event of death of judge before or after retirement, his beneficiary is repaid total or balance of his contributions to the fund if judge has not elected to participate in beneficiary annuity program.

Disability Benefits: No minimum age or service requirement, same as retirement benefits.

Service after Retirement: Retired supreme and district court judges, with their consent, may be assigned by supreme court to serve any court on a temporary basis; in addition to retirement benefits, they are paid a per diem equivalent to 1/20 the regular monthly salary of the judge of the court which they are temporarily serving.

Citation: 2 Neb. Rev. Stat., ch. 24, art. 7, as amended, Judges Retirement.

NEVADA
RETIREMENT PLAN

Judges Covered: A. Supreme and district court judges.

B. All courts under Public Employees Retirement System.

Age and Service Requirements: A. Minimum age 60 with 12 to 20 years service at different rates of benefits. Credit for federal service and military service.

B. 60 after 10 years' service, 55 after 30 years' continuous service. Deferred benefits available.

Contribution to Retirement Fund: A. Judges do not contribute.

B. Judges individually contribute 8-12 percent of salary, depending on age and time of entering system. Relative contributions of judges and state not available.

Retirement Benefits: A. Age 60 and 20 years or more, 66 percent final salary; age 60 and 12-20 years, 33 percent final salary plus 4.1 percent of last salary for each year beyond 12, up to 20.

B. With 20 years, 50 percent average salary for 3 consecutive highest salaried years during last 10 years service. More than 20 years, additional 1.5 percent of average salary for each additional year up to 10. Minimum guarantee \$125 month. At 60 with 10-20 years, proportional benefits; minimum guarantee \$75 month. Additional post-retirement allowances of 1.5 percent for those receiving service or disability allowances on or after June 30, 1963. \$286.575.

Death Benefits: A. Spouse of any judge eligible for pension receives, at age 65, \$400 per month.

B. Members may select one of five optional plans. If member dies in office, contributions to fund returned to heirs. With 2 years contributions: \$75 per month to each dependent child, \$210 maximum. Surviving spouse with one or more children under 18 may receive \$100 monthly unless earns more than \$5,000 annually. If judge leaves service before retirement, may withdraw contribution; but if judge is a member of 25 years, may leave contribution in fund and receive benefits when minimum age reached; 20-year member may do same and receive proportionately smaller benefits.

Disability Benefits: A. No specific provision.

B. Any age, 10 years' service, same as retirement.

NEVADA

Continued

Service after Retirement: No specific provision.

Citation: 1 Nev. Rev. Stat., Tit. 1, ch. 2, §§2.060, 2.070; ch. 3, §§3.090, 3.095 as amended; ch. 286, §§286.10 through 286.80.

NEW HAMPSHIRE
RETIREMENT PLAN

Judges Covered: A. All courts under State Employee's Retirement System.

B. Supreme and superior court judges.

Age and Service Requirements: A. 60 with no minimum length of service.
Mandatory retirement at 70.

B. None.

Contribution to Retirement Fund: A. Actuarially determined.

B. Judge does not contribute. State funds entire program. Total yearly dollar amount is unavailable; it varies according to number in retirement.

Retirement Benefits: A. $1/60$ average final salary (average 3 highest salaried years) times number of years of service under 30, plus $1/120$ of additional years. Guaranteed 50 percent average final salary, or if less than 30 years completed a proportionate amount. Reduced compensation on reaching age 65.

B. Age 70 and 7 years' service, or 65 and 10, 75 percent final salary.

Death Benefits: A. Annuity of 50 percent of average final salary to widow.

B. Annuity of 50 percent of last salary to widow until remarriage or death, then to children under 18.

Disability Benefits: If 60 years old with 10 years service, regular retirement allowance. Under 60, maximum 90 percent regular retirement, minimum 20 percent average final salary. If ineligible for retirement, \$3,600 or annuable earnable compensation, whichever greater.

B. Permanent disability: any age, same benefits as if reached full retirement age.

Service after Retirement: Retired judges must perform such duties as may be assigned by chief justice. Supreme and superior court judges with 10 years' service become judicial referees at 75 percent of current salary.

Citation: N.H. Const., Pt. II, art. 78; R.S.A. 100-A; 491:2, 493-A:1 to 493-A:2 (1975 Supp.).

NEW JERSEY

RETIREMENT PLAN

Judges Covered: Supreme, superior, county court, juvenile and domestic relations courts, and county district courts.

Age and Service Requirements: A. 70 with 10 years' judicial service; 65 with 15; or 60 with 20.

B. 65 with 5 years' judicial service and 15 years aggregate N.J. public service; 60 with 5 judicial and 20 aggregate. (Deferred benefits available, but no death benefit if dies before 60.)

C. 60 with 5 judicial and 15 aggregate.

D. Age 60.

E. Early retirement with 5 judicial and 15 aggregate, but actuarially reduced to age 60. Mandatory retirement at 70.

Contribution to Retirement Fund: Judges do not contribute. Relative contributions of state and county, 62.95% / 37.05%. Total yearly contribution from state--\$2,743,727; from county--\$1,614,692.

Retirement Benefits: A. 75 percent final salary (average of last 12 months).

B. 50 percent of final salary.

C. 2 percent final salary times number of years service up to 25, plus one percent final salary times number of years service over 25.

D. 2 percent final salary times years judicial service up to 25, plus 1 percent years of judicial service over 25.

Disability Benefits: 75 percent final salary. If member on disability dies before age 60, beneficiary receives group insurance in one sum, equal to 1.5 percent times final salary; if dies after 60, 25 percent of final salary paid in one sum.

Death Benefits: Before retirement: Surviving spouse receives pension of 25 percent of salary, plus 10 percent for one surviving child, 15 percent for 2 or more. If no spouse, or spouse remarries or dies, 15 percent of salary paid to one surviving child, 20 percent to two, 30 percent to three or more. If no surviving spouse or children, 20 percent final salary payable to one surviving dependent parent, 30 percent to two dependent parents. Beneficiary also receives group insurance in one sum, equal to 1.5 times judge's final salary.

After retirement: Surviving spouse receives 25 percent final salary, plus

NEW JERSEY

Continued

10 percent for one surviving child, 15 percent for two or more. If no spouse, or spouse remarries or dies, 15 percent final salary paid to one surviving child, 20 percent to two, 30 percent to three or more. Beneficiary of all retired members, except those on deferred retirement plans, receives group insurance in one sum equal to 25 percent final salary.

Service after Retirement: Judges, except municipal judges, may with their consent, serve at the request of the chief justice and receive a per diem allowance (\$75 plus reasonable expenses). Benefits plus per diem not to exceed current salary of office from which retired. Ch. 14, P.L. 1975.

Citation: Laws of 1973, ch. 140, as supplemented by ch. 304; 43 New Jersey Stat. Ann., ch. 6A, Judicial Retirement System (New), §§43:6A-1 et. seq. (1974 Supp.), P.L. 1974, ch. 14, P.L. 1975.

NEW YORK

RETIREMENT PLAN

Judges Covered: A. Judges paid by state.

B. Judges paid by city of New York.

Age and Service Requirements: A. Age 55, no minimum service. Post - July 1, 1973 member, 5-year minimum service. Mandatory retirement at 70.

B. No minimum age or service. Mandatory retirement at 70.

Contribution to Retirement Fund: A. State contributes 100 percent of retirement program; judge does not contribute.

B. Contributions by judges actuarially determined according to New Career Pension Plan.

Retirement Benefits: A. 1/50 - 1/60 of final average salary (average of 3 highest consecutive years) per year of service. Post - July 1, 1973, members: full benefits at age 62, reduced benefits at 55-62; if 20 years or more service, full pension of 1/50 of final average salary per year of service; 1/60 of final average salary per year of service if less than 20 years. Maximum pension of 60 percent of first \$12,000 of final average salary, and 50 percent of any final average salary over \$12,000.

B. Selection of Option A (25 or more years' service) or Option B (less than 25 years) upon joining system. Benefits under Option A, 55 percent salary after 25 years plus 1.7 percent salary and annuity for each additional year. Option B benefits are 1.2 percent of final year's salary for each year service plus annuity.

Death Benefits: A. If occupational: no minimum service; 50 percent final average salary annually to widow until death or remarriage; if no widow, to children until 18. If neither widow nor children, to dependent parent for life. If non-occupational: beneficiary receives benefits according to plan selected, usually not to exceed 3 years' salary.

B. If occupational, same as A, except pension based on average of last 5 years' salary. If non-occupational, 6-month minimum, many benefit plans.

Disability Benefits: A. If occupational before age 60, no minimum service: If member before July 1, 1973, 75 percent final average salary plus annuity. Post - July 1, 1973, members, 60 percent of first \$12,000 final average salary, 50 percent of that is excess of \$12,000. If non-occupational, 10-year minimum: if in government service before 40, 1/60 final average salary for each year service plus annuity, minimum 1/3 final average salary. If entered government service after 40, 1/60 final average salary for each year member would have worked before 60, plus annuity.

NEW YORK

Continued

B. If occupational, under 60, 75 percent final 5-year average; no minimum service. If non-occupational, 10-year minimum, benefits according to various factors.

Service after Retirement: Judges of court of appeals and supreme court who reach age 70 may serve as retired justices of supreme court for up to three 2-year terms; certification by administrative board of judicial conference. Compensated as supreme court justice, but retirement benefits suspended. If certificated, subject to assignment by appellate division of the supreme court of the judicial department in which judge resides. If supreme court justice served in appellate division immediately prior to reaching 70, eligible for designation by governor as temporary or additional justice of appellate divisions.

Citation: A. McKinney's Consol. Laws of N.Y., Book 50 1/2, "Retirement and Social Security Laws", §§2-119, pp. 4-260. Service after retirement: N.Y. Const., art. 6, §25b; McKinney's Consol. Laws of N.Y., Book 29, "Judiciary Law", §§114-115, pp. 260-263.

B. New York City Charter and Administrative Code Ann., Tit. B., §§B3-1.0 to B3-71.0.

NORTH CAROLINA

RETIREMENT PLAN

Judges Covered: All justices and judges of the general court of justice.

Age and Service Requirements: 50 with 5 years' service, any age with 24, or 65 with no minimum. If early retirement, benefits reduced by .025 percent per month for each month prior to meeting the relevant minimum requirement. Retirement mandatory for appellate judges at 72, trial judges at 70.

Contribution to Retirement Fund: Individual judge contributes 6 percent of salary. Relative contributions of judges and state: 16% / 84%. Total yearly contribution of all judges--\$312,120; state--\$1,560,600.

Retirement Benefits: Retiring judge receives percentage of final annual compensation rate most recently applicable, based upon 4 percent per year for each year's service in appellate division; 3.5 percent per year for each year's service as superior or court judge or court administrative officer, and 3 percent per year for each year's service as a district court judge. Maximum allowance 75 percent final annual compensation. Post-retirement increases. (§135-65).

Death Benefits: Before retirement, surviving spouse receives one year's salary and benefits for life or until remarriage (about 50 percent retirement benefits deceased would have been entitled to). After retirement, no salary, but spouse receives 50 percent retirement benefits deceased was receiving.

Disability Benefits: With 5 years' service, normal retirement benefits as one reaching 65 in present court division.

Service after Retirement: Appellate judges up to age 72, and superior court judges up to 70, subject to recall for temporary service on bench which previously served. Receives retirement benefits, expenses and \$100 per week.

Citation: N.C. Gen. Stat., ch. 7A, art. 6 and 8, 7A-39.1 through 7A-39.12 7A-50 through 7A;56; ch. 135, Uniform Judicial Retirement Act of 1973, art. 4, §§135-50 through 135-71.

NORTH DAKOTA

RETIREMENT PLAN

Judges Covered: A. Supreme and district court judges.

B. All judges appointed or elected after July 1, 1973.

Age and Service Requirements: A. 65 with 20, 66 with 18, 67 with 16, 68 with 14, 69 with 12, 70 with 10.

B. 100 percent vested at 65, or with 20 years, or with permanent disability. Partial vesting after 3 years. Mandatory forfeiture of benefits (except salary contributions plus interest) at 73 if continuing to hold office, unless served less than 10 years and retires at end of term.

Contribution to Retirement Fund: Individual judge contributes 5 percent of salary. Relative contributions of judges and state not available.

Retirement Benefits: A. 50 percent current salary, or 3 options listed under death benefits.

B. Upon voluntary or involuntary termination of employment, percentage of employee's vested interest in "vesting fund" is determined by number of years of service ranging from 0 percent for 0 through 3 years, to 100 percent plus credited earnings for over 20 years. Latter (100 percent vesting) shall be vested and nonforfeitable when employee reaches 65, or is permanently disabled; shall be vested in beneficiary of employee in case of employee's death. At age 65, or less, as determined by the board, all interests vested in an employee shall be available to him for payment of retirement benefits.

Death Benefits: A. 75 percent retirement benefits until judge dies, then 50 percent to unmarried widow until 62; 2/3 retirement benefits until judge dies, then 2/3 to widow until 62; or 50 percent retirement until judge dies and 50 percent to wife at 62 even if judge is alive.

B. Vested at death, depending on years served.

Disability Benefits: A. and B. May be appointed commissioner by supreme court; eligible to serve as referee in civil action in any court, or as legal counsel in any state agency; no provision regarding payment.

Citation: A. 5A N.D. Century Code Ann. 1960, Tit. 27, §§27-17-01 through 27-17-06;

B. N.D. Century Code Ann. 1960. Tit. 54. §§54-32-01 through 54-52-11 (1973 Supp.).

OHIO

RETIREMENT PLAN

Judges Covered: All judges, at their option.

Age and Service Requirements: 60 with 5 years service, 55 with 25, or any age with 32. Credit for military service, elective office and comparable service out of state.

Contribution to Retirement Fund: Individual judge contributes 8 percent of salary. State contributes 12 percent of each judge's salary. Relative percentage and dollar contributions of judges and state not available.

Retirement Benefits: Allowance up to 90 percent of average salary for highest 3 years of service. Formula is 2 percent times average final salary times years served. Additional allowance tied to consumer price index.

Death Benefits: Widow with dependent children or heirs of a member; with 18 months service may receive monthly allowance up to 60 percent of highest average salary. Widow alone receives 25 percent of final salary.

Disability Benefits: Up to age 70 with 5 years minimum service, benefits include annuity equal to contribution plus normal pension based on projected service credit; maximum of 75 percent of average salary for highest 3 years of service.

Service after Retirement: May serve and draw per diem in addition to retirement benefits. Any voluntarily retired judge, or one retired under Ohio Constitution Article IV, §6, may be assigned with his consent by the chief justice or acting chief justice of supreme court to active duty as judge. Receives retirement benefits plus compensation of temporary office computed on a per diem basis.

Citation: Baldwin's Ohio Rev. Code and Service 1971, Vol. 1, Tit. 1, §§145.01 through 145.99 (1973 Supp.).

OKLAHOMA

RETIREMENT PLAN

Judges Covered: Supreme court, court of criminal appeals, industrial, intermediate appellate and district courts, and administrative director.

Age and Service Requirements: 60 after 20 years' service, 65 after 10, 70 after 8, disability at 55 with 15 continuous years. Credit for prior service in courts of record. Retirement mandatory at end of term in which requirements met.

Contribution to Retirement Fund: Individual judge contributes 4 percent of first 75 percent of salary; if opts to provide for surviving spouse, 7 percent of first 75 percent of salary (salary based on June 1971 compensation levels). Relative contributions of judges and state, 24.3% / 75.7%. Total yearly (1974-75) contribution from judges--\$160,612; from state--\$500,000.

Retirement Benefits: 4.5 percent final salary times years of service up to 75 percent of salary based on June 1971 compensation levels.

Death Benefits: If deceased judge served 10 years, surviving spouse at age 60 paid 50 percent benefits judge receiving at death, or 40 percent benefits judge would have been receiving at death whether or not at minimum retirement age. Spouse disqualified if remarriage before 60. Surviving spouse must have been married to deceased at time of, and year prior to judge's death.

Disability Benefits: Disabled judge must be 55 with 15 continuous years of service. Receives 4.5 percent highest monthly salary times number of years served, benefits not to exceed 75 percent of highest salary earned.

Service after Retirement: May serve by assignment of supreme court, provided such assignment does not constitute creation of a public office.

Citation: 20 Okla. Stat., Uniform Retirement System for Justices and Judges, ch. 16, §§1101-1109 (1975 Supp.).

OREGON

RETIREMENT PLAN

Judges Covered: Judges of supreme court, court of appeals, circuit and tax court; and district court judges appointed after June 4, 1969.

Age and Service Requirements: 65 after 16 years service or 70 after 12. Retirement compulsory at 75. Any judge who holds office for 12 years and contributes to fund for 16 years will receive benefits at 65 even though he ceases to hold office before 65. No judge has to contribute for more than 16 years.

Contribution to Retirement Fund: Individual judge contributes 7 percent of salary. Relative contributions of judges and state: 32% / 68%. Total yearly contribution for all judges--\$275,000; from state--\$572,000.

Retirement Benefits: 45 percent of highest average salary for 5 out of last 10 years.

Death Benefits: Widow's pension is determined by percent of basic amount (22.5 percent of final average pay of judge) scaled from 100 percent to 20 percent depending upon years of service of judge. If, prior to death, they have been married 10 years, no adjustment is made in widow's pension, but if married less than 10 years and more than 3 years younger, she receives an actuarial amount.

Disability Benefits: A judge who is involuntarily retired because of disability, receives regular retirement allowance if otherwise fully qualified. A judge who voluntarily retires because of permanent incapacity after 6 years service receives regular retirement allowance.

Service after Retirement: Retired judges may be appointed by the supreme court to sit temporarily as senior judges on the courts from which they retired.

Citation: 1 Ore. Rev. Stat., Retirement of Judges, ch. 1, §§1.310-1.390, pp. 8-14 (1972); Const., art. VII, §1a (amend. November 8, 1960).

PENNSYLVANIA

RETIREMENT PLAN

Judges Covered: All judges who are paid by the state.

Age and Service Requirements: If elected or appointed before October 7, 1975: age 60 or 10 years of state service at any age. If under age 60, reduction factor applied based upon age and service at retirement. If elected or appointed on or after October 7, 1975: age 60 with 3 years of state service or 10 years of state service at any age. If under age 60, reduction factor applied based upon age and service at retirement. (This reduction factor is waived if member has more than 35 years of state service.) Up to a maximum of 5 years credit allowed for military service.

Contribution to Retirement Fund: Individual judge in office before March 1, 1974, contributes 7.5 percent salary for first 10 years service, 5.6 percent for years over 10; in office after March 1, 1974, 5 percent of salary. Relative contribution (FY - 1975) from judges and state: 37% / 63%. Total yearly contribution from all judges--\$1,261,910; from state--\$2,147,287.

Retirement Benefits: If elected or appointed before March 1, 1974: 3 percent of final average salary (average of three highest non-overlapping groups of four consecutive calendar quarters) times first 10 years of service plus 2.25 percent of final average salary for each subsequent year of judicial service. Additional 2 percent of average non-covered state-paid earnings since 1956 (earnings which exceeded Social Security Wage Base) times years of participation in this optional program. If elected or appointed on or after March 1, 1974: 2 percent of final average salary times all years of state service. Optional program allowing additional contributions for earnings over the Social Security Wage Base not available to members joining system after March 1, 1974. If applicable, 2 percent of final average salary for each year of military service purchased. Annual retirement annuity cannot exceed highest annual compensation received as an active member. Retirement allowance and payments to beneficiaries may be modified by one of four pre-designed options. Members may, at retirement, withdraw in lump sum all of their contributions plus earned interest. (Interest earned at 4 percent per annum, compounded annually) or any lesser amount. Such withdrawal will require an actuarial reduction of annuity proportional to the amount withdrawn. Individual retirement plan can be designed by the member; acceptance of such plan requires approval of actuary.

Death Benefits: Death in office while ineligible for retirement: payment to beneficiary of member's contributions plus earned interest. Death in office while eligible for retirement: payment to beneficiary of the present value of member's retirement account. (Present value is the total value of a lifetime annuity, combining the member's accumulated deductions and the state reserves required to pay such an annuity.) Additional death benefits for active members available through fully state-paid life insurance program: \$20,000 if under age 65; \$10,000 if over age 65.

PENNSYLVANIA

Continued

Disability Benefits: Minimum of 5 years of service to qualify. Military service may be purchased to reach minimum service requirement. Member receives lesser of: 1) 1/3 final average salary, or 2) 2 percent per year of service projected to age 60 times final average salary times multiplier applicable to member's class and years of service; plus additional benefits from optional programs elected prior to disability.

Citation: Act 31 of 1974 (Purdon's Pennsylvania Legislative Service, No. 1, pp. 94-133.) Act 101 of 1975 (Purdon's Pennsylvania Legislative Service, No. 2, pp. 265-279.)

RHODE ISLAND

RETIREMENT PLAN

Judges Covered: Supreme, superior, family and district court judges.

Age and Service Requirements: 65 after 20 years' service, 70 after 15. If justice of supreme, superior or family court on May 15, 1969, may retire at any age after 25 years' service. Early retirement at 65 with 10 years' service, any age with 20.

Contribution to Retirement Fund: State funds program entirely as needed to pay benefits. Total yearly dollar amount not available. Judges do not contribute.

Retirement Benefits: Salary at time of retirement. Early retirement, 75 percent salary at time of retirement.

Death Benefits: Death after retirement or during active service while eligible for retirement: widow receives 1/3 judge's salary at time of death until remarriage. If judge ineligible for retirement but served at least 10 years, widow receives 25 percent salary at time of death. Any judge may elect to draw only 75 percent retirement pay, thus increasing widow's benefit to 50 percent judge's retirement pay.

Disability Benefits: No specific provision.

Service after Retirement: Chief justice may assign retired judges to temporary duty as associate justice of superior court or judge of family or district court. Judge retired on full pay has obligation to serve; judge on 75 percent may decline. Service after retirement is without additional pay.

Citation: 8 General Laws of Rhode Island 1956 (1969 Reenactment), Justice of Supreme and Superior Court, ch. 3, §§8-3-7, 8-3-8, 8-3-9, 8-3-11, (1973 Supp.).

SOUTH CAROLINA

RETIREMENT PLAN

Judges Covered: A. Mandatory judicial retirement plan for supreme and circuit court judges.

B. Limited and special court judges may participate in South Carolina Retirement System.

Age and Service Requirements: A. 70 with 15 years' service, 65 with 20, or any age with 25; mandatory at 72, or if elected prior to July 1, 1945, on expiration of that term.

B. 65 with no maximum service or 35 years of service at any age; mandatory at 72, unless elected to judicial office.

Contribution to Retirement Fund: Individual judge contributes 4 percent of salary. Relative contributions (FY-1975-76) of judges and state: 18% / 82%. Total yearly amount contributed (FY-1975-76) from judges--\$31,942; from state--\$143,863.

Retirement Benefits: A. 2/3 current active salary of office.

B. Definitions: Class 1, those electing to stay in retirement program effective prior to June 30, 1964 (B1); Class 2, those electing coverage under the amended July 1, 1964, system (B2); Average Final Salary (applies to those retiring after July 1, 1970): average annual earnable compensation during the 3 consecutive fiscal years producing the highest such average. B1 - actuarial equivalent of employee contributions plus employer annuity equal to employee annuity at age 65 or age of retirement, whichever is less; B2 - 65 or after 35 years, 1.25 percent of average final salary below \$4,800 plus 1.65 percent average final salary above \$4,800 times number of years service; if before 65 or before 35 years, computed as in B1 above but reduced by 14 percent times number of months short of 65; if service began before July 1, 1964, minimum benefits = B1 above; options available for reduced benefits/death benefits package; supplemental payments available if retired after 65 or after 35 years service so that minimum monthly payment is \$150 plus \$1 month for each month over 20 years service; Consumer Price index adjustments; increases allowed if retired before July 1, 1966, or July 1, 1967.

Disability Benefits: A. Any age with 7 years service, same as retirement.

B. Any age with 5 years; service benefits as follows: B1 - if 65, as in B1 retirement benefits above; if not employee actuarial equivalent of accumulated contributions plus employer annuity as though member had retired at 65; B2 - If 65, as in B2 retirement above; if not, B2 retirement above reduced by actuarial equivalent of contributions he would have made until age 65.

SOUTH CAROLINA

Continued

Service after Retirement: Any retired judge or justice may serve as associate justice or special circuit judge at the request of the chief justice, reimbursement for expenses only, except difference between full pay and retirement pay awarded to those retired judges performing full judicial duties for at least three consecutive months.

Citation: 12 S.C. Code Ann., Tit. 71, ch. 5, Retirement of Supreme Court Justices and Circuit Court Judges, §§251-258; Tit. 61, ch. 1, art. 7, Retirement and Retirement Benefits (under South Carolina Retirement System), §§61-03 to 71-128; Tit. 61, ch. 2, Supplemental Allowances for Certain Members of South Carolina Retirement System, §§61-211 to 71-213; pp. 150-166 (1973 Supp.).

SOUTH DAKOTA

RETIREMENT PLAN

Judges Covered: All justices, judges and law-trained magistrates.

Age and Service Requirements: 65; reduced benefits at 55. Retirement mandatory at 70.

Contribution to Retirement Fund: Individual member contributes 6 percent of salary; state matches that amount. Total (FY - 1976) contributions from all judges--\$61,000; from state--\$6

Retirement Benefits: 50 percent average final salary (highest average paid in consecutive 3-year period) times ratio of years served to 15; ratio not to exceed 15/15; plus 2 percent average final salary times years in excess of 15; plus 2 percent increase per year (improvement factor).

Death Benefits: Benefits base: highest compensation earned by member in any of last 3 years. Spouse with children receives 50 percent benefit base, plus 10 percent of such base for each child up to a maximum of 5 children. If no spouse, guardian receives 10 percent of benefit base on behalf of each child to a maximum of 5 children. If more than 5 children, benefits are divided equally among the children. Unremarried spouse, without children, at age 65, receives 50 percent deceased's benefits based on projected service and projected compensation; benefits increased by improvement factor. (See retirement benefits sections above.)

Disability Benefits: Must have 3 years service immediately prior to disability, be ineligible for early retirement and have at least 1 year of anticipated disability. Allowance amounts to 50 percent of highest annual compensation earned in any of the 3 years immediately preceding disability, increased by 10 percent of such salary for each child to a maximum of 4 such children.

Service after Retirement: Retired justices and judges, with their consent, may be authorized by chief justice to act in place of disqualified justices or to preside over any circuit court action. Expenses reimbursed.

Citation: 2 S.D. Compiled Laws Ann., ch. 3-12, South Dakota Retirement Systems, §§3-12-46 through 3-12-128 (Special 1974 Supp.), pp. 81-112; 7 S.D. Compiled Laws Ann., ch. 16-1, the Supreme Court, §§16-1-4.1 and 16-1-5, and ch. 16-6, Circuit Courts, §§16-6-32, (1974 Supp.).

TENNESSEE

RETIREMENT PLAN

Judges Covered: A. All judges of courts of record.

B. Limited and special courts, excluding municipal courts' judges.

Age and Service Requirements: A. Minimum age 54 with 8 years' service, or 65 with less than 8. Credit for up to 4 years in armed forces or certain elected offices if continued contributions to fund.

B. 65, no minimum service; or 55 with 24 years. Credit for military service. Early retirement with reduced benefits at 55 with no minimum service.

Contribution to Retirement Fund: Individual judge contributes 8 percent of salary. State apportions balance, including portion of court filing fees, sufficient to pay benefits. Relative percentage and dollar contributions of judges and state not available.

Retirement Benefits: Benefit base: current salary of office from which retired.

A. With 20 years' service, 75 percent benefit base; otherwise, 3.75 percent benefit base times years served; not to exceed 75 percent benefit base.

B. 2.5 percent average final salary (average 5 highest salaried years, or all years if fewer than 5) times years service, reduced by Social Security factor; not to exceed 75 percent average final salary. Consumer price index augmentation.

Death Benefits: A. Options to provide for continuation of reduced benefits to surviving beneficiary.

B. Options as in A; or 70 with 10 years or no age with 30, spouse receives 50 percent benefits entitled had deceased retired at time of death; or contributions returned to estate.

Disability Benefits: A. Any age with 5 years' service, normal retirement benefits.

B. With 8 years service, normal retirement benefits, reduced by percentage of Social Security disability payments if applicable.

Service after Retirement: May be assigned by chief justice to sit to relieve congestion or to act as substitute. Receives benefits, plus amount to equal active judge's salary.

Citation: Tenn. Code Ann., Tit. 8, ch. 39, Consolidated Retirement System, §§8-3901 through 8-3944 (1973 Supp.).

TEXAS
RETIREMENT PLAN

Judges Covered: Judges of supreme court, criminal, civil appeals and district courts.

Age and Service Requirements: Any age with 12 years' service, with benefits deferred to age 65; or 65 with 10; or 60 with reduced benefits (40 percent base salary). Credit for legislative and military service.

Contribution to Retirement Fund: Individual judge contributes 6 percent of state salary. State apportions revenue sufficient to operate system; yearly sum total from state--\$2,100,000.

Retirement Benefits: Judges who retire at or before 70 receive 50 percent current salary of office plus annuity of 10 percent of pay.

Death Benefits: Prior to retirement, contributing member with 10 years' service and non-contributing member with 12 years, may name person to receive reduced monthly annuity either for life or a 10-year guaranteed period upon member's death, in lieu of refunded contributions. Plan void upon member's retirement. Upon retirement member may take reduced annuity and provide for benefits to widow on actuarial basis. If no such election, balance of contributions refunded at death.

Disability Benefits: Any age after 7 years' service. Same as regular retirement allowance including option for reduced benefits/death benefits package.

Service after Retirement: Supreme court may assign retired judge, with judge's consent, to sit on any court of same or lower jurisdiction than that which retired from; receives difference between pension and active judge's salary.

Citation: 17.5 Vernon's Ann. Civ. Stat., art. 6227b, Retirement of Justices, Judges and Commissioners of Appellate and District Court, §§1-10 as amended (1974 Supp.).

UTAH
RETIREMENT PLAN

Judges Covered: Supreme, district, full-time city courts and juvenile court judges.

Age and Service Requirements: 70 with 6 years' service; 65 with 10. Mandatory retirement for trial judges at 70, supreme court justices at 72; except, any judges serving on a term on May 13, 1969 may complete the term.

Contribution to Retirement Fund: Judges of supreme, district and juvenile courts do not contribute; state makes entire contribution. Cities may contribute on behalf of their city-court judges. All contribute 2 percent to cover one-half of cost-of-living increment. Total state contribution figure not available.

Retirement Benefits: 1. If 65 with 10 years of judicial service, 3 percent of average final salary (computed from highest 3-year period) times years' service (limited to 10) plus 2 percent average final salary times years greater than 10 but less than 20 plus 1 percent of average final salary times years greater than 20, with actuarial reduction.

2. If 70 with 6, same but no actuarial reduction. In either case, reduced by Social Security payments, limited to a maximum reduction of \$120 per month, with 2 percent average final salary minimum allowance safeguard if number of years served is less than 10. Cost-of-living adjustment to a maximum of 4 percent; can be reduced if index falls; base: July 1, 1973.

3. In lieu of the above benefits, if a judge has reached age 65 and has 10 or more years of judicial service credit, may elect to receive a monthly retirement allowance equal to 2.5 percent of final average monthly salary times the number of years of judicial service credit (not to exceed 10 years) plus 2 percent of his final average monthly salary times the number of years of judicial service credited over 20 years.

Death Benefits: Prior to retirement either 1. A refund of contributions, including interest, plus 50 percent average final salary (see Retirement Benefits).

2. Monthly widow's allowance equal to 50 percent normal retirement benefits, not to exceed amount paid had judge lived to be 70; after retirement widow receives 50 percent judge's pension unless she is younger than the judge, then annuity shall be an actuarial equivalent.

Disability Benefits: Line-of-duty: 50 percent average final salary (see Retirement Benefits), less 50 percent Social Security disability payments; Ordinary: Service retirement formula - disregarding minimum years and early retirement deductions - less 50 percent any Social Security disability

UTAH

Continued

payments; with at least 5 years' service, then benefits shall not be less than 20 percent average final salary less Social Security disability payments.

Service after Retirement: Chief justice, assignment justice of supreme court, or presiding judge of city court may request service on supreme court, district court and city court; respectively on a case by case basis, from retired members with 10 years' service; reimbursement is an active judge's per diem rate less pension, plus travel and subsistence allowances. The court administrator, with the consent of the chief judge and with the consent of retired justices of the supreme court, or retired judges of the district, juvenile or city courts, may call judge to serve temporarily as a district judge. The supreme court also possesses the power to call a retired district judge to sit on the supreme court to hear a particular case.

Citation: 5B Utah Code Ann., Tit. 49, ch. 7a, Utah Judge's Retirement Act, §§1-30, (1973 Supp. and 1974 Interim Supp.); Court Administrator Act (78-3-18); House Bill #19.

VERMONT

RETIREMENT PLAN

Judges Covered: All judges whose salaries are paid by state.

Age and Service Requirements: Normal; 65 with any length service or 62 with 30 years service. Early retirement, with reduced benefits: 55 with 13 or any age after 30 years. Credit given for military and state service. Mandatory retirement at 70.

Contribution to Retirement Fund: Individual judge contributes 5 percent salary. Relative contributions of judges and state: 40% / 60%. Total yearly contribution from all judges--\$40,170; from state--\$58,808.

Retirement Benefits: Supreme, superior, district, and probate judges receive allowance according to their years of service: from 40 percent of salary at retirement to full salary, with 12 to 30 years' service respectively. For each year of service after 12, 3.3 percent of salary at retirement is added. With less than 12, 1.66 percent times average final salary (i.e., average of 5 highest salaries years) times years' service.

Death Benefits: A choice of 4 optional modifications is available with additional benefits accruing to designated heirs. If death occurs before retirement and after judge has completed 12 years' service, dependent beneficiary is entitled to a monthly benefit for life.

Disability Benefits: Accidental and occupationally related disability retirement: normal retirement allowance if normal retirement reached. Otherwise, computed on basis of compensation at time of retirement and number years would have completed had he remained in service to normal retirement, times ratio of years served to years would have served. Minimum of 25 percent of average final compensation, or, if larger, the benefit accrued to date of disability plus the additional allowance in the case of supreme, superior, district and probate judges.

Service after Retirement: No specific provision.

Citation: 1 Vt. Stat. Ann., Tit. 3, ch. 16, Vermont Employees Retirement System, §§455-477, (1973 Supp.).

VIRGINIA

RETIREMENT PLAN

Judges Covered: Justices and judges of courts of record, district court judges, and executive secretary of the supreme court (if such secretary assumed position after July 1, 1974).

Age and Service Requirements: Normal retirement at 65; early retirement at 60. Deferred retirement after 5 years' service for members honorably terminating service. Credit for legislative, military, and in some cases, service as substitute district judge. Mandatory retirement for judges is age 70.

Contribution to Retirement Fund: Individual judge contributes 5 percent of salary (effective July 1, 1974). If member of another system prior to July 1, 1970, contribution rate of that system applicable. Relative contributions from judges and state: 9.6% / 90.4%. Total yearly contribution from all judges--\$355,070; from state--\$3,122,864.

Retirement Benefits: Definition. Average Final Salary: average annual creditable compensation of member during his 36 highest consecutive months of actual service. Benefits are the larger of:

1. 1.5 percent average final salary times number of years' service, or
2. 1.65 percent average final salary minus \$1,200 times number of years' service; maximum provisos: 1) for those retiring after July 1, 1974, benefits (i.e., retirement plus 50 percent primary Social Security benefits at 65) not to exceed average final salary and 2) total benefits not to exceed 75 percent average final salary.

Early retirement: same as normal retirement (years and compensation computed on basis of date of retirement) except actuarially reduced if under 30 years' service, maximum 75 percent average final salary. Options available: straight life, actuarial equivalent, Social Security and joint and last survivor. Cost-of-living increases approved in relation to consumer price movements and are reviewed biannually.

Death Benefits: Before retirement and compensation under Virginia's Workmen's Compensation Act: Total benefits (includes death allowance, 50 percent Social Security allowance and Workmen's Compensation) must equal 50 percent average final salary; payable to widow, children under 18 or to surviving parents. Before retirement but not covered by Workmen's Compensation:

1. Benefits payable to spouse or parent.
- 2a. If 30 years' service or age 60, 50 percent eligible benefits (if dies before 65) to spouse, mother or father for their lifetime.

VIRGINIA

Continued

2b. If dies before 60 and with 30 years' service, benefits are actuarially reduced and payable to spouse or parents.

2c. If dies before 60 without 30 years' service, contributions refunded to beneficiaries.

2d. If dies after 65, spouse or parents eligible for 100 percent survivor annuity; death after retirement: excess of contributions returned to designated person or to estate unless relevant survivor option was elected.

Disability Benefits: With 5 years' service, the larger of 1) 1.5 percent average final salary or 2) 1.65 percent minus \$1,200, times the smaller of 1) twice number of years of service or 2) the number of year's service had disabled member worked to age 60; reduced by amount of Workmen's Compensation benefits. Minimum guarantee for normal disability, benefits (allowance plus 50 percent primary Social Security) must equal 25 percent average final salary; minimum guarantee for Workmen's Compensation disability, benefits (allowance plus 50 percent primary Social Security) must equal 2/3 average final salary.

Service after Retirement: Chief justice may authorize retired judge to undertake judicial duties, with judge's consent, in court of record for period not greater than 90 days at any one time. Reimbursed for expense, plus per diem of \$75.

Citation: 7A Code of Virginia, ch. 7, §§51-160 through 51-180.

WASHINGTON

RETIREMENT PLAN

Judges Covered: All judges of courts of record.

Age and Service Requirements: Normal retirement, age 60 with 15 years service; early retirement with 10 years. Reduced benefits after involuntary retirement with 12 years service. Benefits do not commence until age 60 and 15 years after beginning judicial service. Mandatory retirement at 75.

Contribution to Retirement Fund: Individual judge contributes 7.5 percent of salary. Relative contributions from judges and state: 50% / 50%. Total yearly contribution from all judges--\$275,736; from state--\$275,736.

Retirement Benefits: With 15 years service, 3.5 percent average final salary times years' service; with 10 years, 3 percent average final salary times years of service. Maximum 75 percent average final salary excepting cost-of-living increase. (Average final salary: 1) for judge in same court minimum 2 consecutive months preceding retirement, judge's salary at retirement; 2) for other judges, average monthly salary over highest 24-month period in last 10 years service.) Must serve 12 years for partial retirement: ratio of years served per 18, times normal retirement allowance. Cost-of-living adjustments. Judges who serve more than 18 years receive additional 1/18 salary for each year over 18, maximum 75 percent of salary at time of retirement.

Death Benefits: Death before retirement: If 10 years service, 50 percent benefits entitled to as if retired at time of death; minimum guarantee 25 percent average final salary. Death after retirement: 50 percent retirement allowance. If spouse works and earns more than 50 percent of allowance, benefits reduced by excess. Benefits cease if spouse remarries.

Disability Benefits: Any age with 10 years' service; benefits 50 percent average final salary.

Service after Retirement: Majority of supreme court may appoint retired judge as judge pro tem of supreme court. Compensation: travel costs and allowance plus salary of last court served reduced by retirement benefits. Chief justice of supreme court may appoint retired judge as judge pro tem of court of appeals, not to serve more than 90 days per year. Compensation: travel and living expenses, plus 60 percent of 1/250 salary of court of appeals judge; salary and retirement benefits not to exceed annual salary of full-time judge. Retired judges pro tem of superior court receive 60 percent of 1/250 salary of superior court judge.

Citation: Revised Code of Wash., Tit. 2, ch. 2.10, Judicial Retirement System, §§2.10-2.10220 (1973 Supp.).

WISCONSIN

RETIREMENT PLAN

Judges Covered: Supreme circuit and county courts.

Age and Service Requirements: Minimum age is 55 provided member has enough credits to provide an annuity of \$10 per month. Normal retirement date is 62. Compulsory retirement for supreme, circuit and county court judges is no later than July 31 following attainment of age 70. Credit for service as elected official; all service for which retirement contributions have been made; plus creditable service not to exceed four years for service in the armed forces for any participant with creditable state service of more than 20 years, exclusive of period in the armed forces.

Contributions to Retirement Fund: Individual judge contributes 5.5 percent of salary. Relative contributions for the fund by judges and state: 12% / 88%. Total yearly contribution from all judges--\$59,700; from state--\$431,282.

Retirement Benefits: Definition. Formula final earnings: average of three highest salaried years; or 1/12 of the annual salary payable to participant during last completed month is not prohibited by law from receiving an increase in such salary during his term of office. Normal benefits, if judge elected by vote of the people, 1.6 percent of formula final rate of earnings times years' service, plus .2 percent of his final excess OASDHI earnings times years' service. Cost-of-living retirement-benefits-increase-study report to be made to 1975 legislature. (Ch. 336, §9).

Death Benefits: Option for 75 percent of deceased's annuity to be payable to judge's widow or minor children if the amount of the benefit is sufficient to provide an annuity of \$25 per month; payable as annuity or single sum payment.

Disability Benefits: Any age prior to age 62 with 5 years participation in the retirement program or immediately if disability is occupationally incurred. Benefits are greater if:

1. Disability annuity computed like normal retirement benefit except service credit computed as though disabled member had served until age 62.
2. Less of 50 percent of average monthly earnings during the 3 highest salaried years or 1.8 percent of formula final rate of earnings times years creditable service computed as though member has reached age 72. Disable may receive Social Security benefits if he does not earn more than \$2,000 annually.

Service after Retirement: Retired supreme, circuit and county judges may serve as circuit judges upon assignment by chief justice; compensation is \$90 per day plus expenses.

WISCONSIN

Continued

Citation: 6 West's Wis. Stat. Ann., Tit. VI-A, §§41.01-41-47 (1974-75 Supp.);
ch. 337 1973-75 Biennial Session Law; ch. 288, 1973-75 Biennial Session Laws.

WYOMING
RETIREMENT PLAN

Judges Covered: Supreme and district court.

Age and Service Requirements: A. 18 years; service.

B. Age 65 with 15.

C. Age 70 with 12.

D. 65 with 6 consecutive years on either or both supreme court and district courts at reduced pension. Benefits void if judge doesn't resign at 70.

Contribution to Retirement Fund: Retirement benefits paid wholly from state's general fund. Judges do not contribute.

Retirement Benefits: 50 percent current salary of office from which judge retires, except that judges retiring pursuant to D above will receive a pension computed by multiplying 1/2 their salary times a ratio of number of years service to 18.

Death Benefits: None.

Disability Benefits: None.

Service after Retirement: Any retired justice or retired district judge not practicing law may, with his consent, be assigned by a district court judge to serve on any court.

Citation: Wyo. Stat. 1957, Tit. 5, ch. 1, §5-4 as amended through laws 1973, ch. 5, §5-47.

Personal

On HB 279 -- "An Act authorizing participation by magistrates in the judicial retirement system; and providing for an effective date."

FOR REP. MITCH ABOOD, Chairman, State Affairs, ONLY

1--Attached to your copy (not to others) is a letter to Rep. Bussell from Barbara McFarland, Magistrate at Healy for many years and now also a magistrate at Nenana, giving her full-time status.

She points out some favorable reasons, in a very general way.

2--Next is fiscal note prepared by Rick Barrier, fiscal officer for court system. Seems to me \$625,000 is a bit high, but then I did not prepare it--and considering medical and insurance benefits plus what state pays into system--I won't quibble with it.

3--Next is letter from Linda Hartshorn, a full-time Magistrate at Wrangell, until recently the secretary-treasurer of the Magistrates Association, I think.

She wrote Senator Zeigler, who introduced SB 20, companion to HB 279. Her delineation is good, of case law, statutes and rules showing Magistrates have equal jurisdiction with District Court Judges, with the exception of the final statute that excludes them from participation in retirement system.

Of course, there are sometimes "bad apples" appointed, but that's true in any system and if a Magistrate just doesn't work out he/she is fired. Unlike all other judicial officers, the 53 or so Magistrates are NOT appointed by the Governor, but by the presiding judge of the judicial district, in each of the four judicial districts (That's Superior Court Judges Tom Schultz, Ketchikan, 1st District; Chas. Tunley, Nome, 2nd Dist.; Mark Rowland, Anchorage, 3rd Dist. and Gerald J. VanHoomisen, Fairbanks, Fourth District).

4--Next is a Supreme Court order of 1982 setting forth Magistrate pay levels.

5--Next, letter from Linda Hartshorn to all Magistrates, seeking support.

6--Next is a couple of pages naming magistrates (I think it's all there).

7--Finally, a list of current (?) officers of Association of Alaska Magistrates.

all in all, I think it's a good bill. There are about 20 full-time Magistrates in the State and about 33 part-time. These latter would surely not constitute much of an impact. Even the full-time ones are hardly over-paid.

Their duties are about the same as District Court judges, in all respects as to criminal law...as to civil (Jurisdiction up to \$10,000 they have jurisdiction in Small Claims (up to \$2,000) and in claims larger (generally cited as "large claims") if the parties litigant in court permit the magistrate to hear the case. The parties litigant can request a District Judge instead, if they choose.

Reason for this is that Magistrates generally are not graduates of

Bill - on part time full time pay & benefits

some law school. However, they do participate in periodic training conferences, or seminars, somewhere in the state, like the one just finished in Anchorage, when the Senate Judiciary held a teleconference on SB20.

Historically, the Court System has been opposed, for only two reasons I've ever run across:

- (1) It would be too costly; (??) and
- (2) They aren't really "judges"--

As to (2), well, if one wears a black robe like a judge, walks like a judge, talks like judge, marries people like a judge does, sends criminals to jail like a judge does, conducts court like a judge, settles disputes like a judge---chances are, that one is a judge, even if the Court System doesn't like to admit it!!!
(Specifically, even if the Magistrate has NOT attended law school)

Actually, many of the Magistrates, particularly the full-time ones, do as good a job as do some of the District Judges who have been to law school! They DO do their homework and know what they're about when interpreting, administering and working with the laws they have to work with.

In later years, there have been a number of persons appointed as Magistrates, who are graduates of law school. (All five in Anchorage, for example==particularly Paul Crowe, not a member of the Alaska Bar, but practiced law in Oklahoma for 30 years as a District Attorney and sent quite a number of convicts to the electric chair!. Then there are law graduates as Magistrates in Seward and Palmer at Least, I think in Kotzebue, in Kodiak (Brigitta McBride there went to law school in Germany before coming here, I understand).

As Linda's letter points out, Magistrates in one-judge locations are Masters of the Superior Court. (The Magistrate is the only judge in that location). As such, they hear children's proceedings, family court matters including divorces, and can be assigned other Superior Court functions. When that happens, the Magistrate does not make a formal decision, but rather, draw up tentative Findings of Fact and Conclusions of Law (just like any trial "judge" of other designation), and then the Superior Court Judge does the formal signature on the paperwork. That's a fairly heavy responsibility...In the days before so many created judgeships, when I traveled a lot, I've sat as a Master for the Superior Court in Kodiak, Cordova, and a few other places...I know from experience what Magistrates do when they are so assigned..I did it, and I was not a Magistrate, but a District Judge.

Magistrates are just as subject to harrassment and/or public approbation or dissatisfaction as are District Judges and Superior Court Judges. (Except they don't have to run for re-election; they just have to keep the Presiding Judge from getting angry enough at 'em to fire 'em!!)--Of course, Magistrates are responsible for filing land transactions (in recording districts), not all locations are recording districts), serving as coroner, issuing death certificates, marrying people or even issuing birth certificates or terminating parental relationship(as a Special Master of Superior Court), if required.--A GOOD bill !!x

Judiciary
Referral



District Court
State of Alaska



Healy, ALASKA

April 4, 1983

Representative Charlie Bussell, Chairperson
House Judiciary
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Bussell:

Thank you for your time and efforts with reference to our tele-conference hearing on March 25th in Anchorage on Senate Bill 20 and House Bill 279, Judicial Retirement for Magistrates.

As you are well aware, we are all concerned and anxious for this bill to pass. We outlined a number of reasons at this hearing and I wish to again reiterate several items.

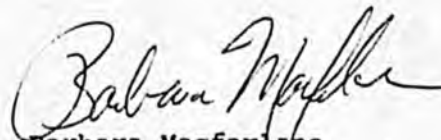
- #1. We are Judicial Officers of the Alaska Court System, I don't believe anyone can deny that.
- #2. We are dedicated to the State of Alaska and the Court System in that we work all hours of the day or night, meaning we are on call 24 hours of the day. No other State employee has this requirement, to my knowledge.
- #3. Because of our Judicial positions and the areas we serve, we and our families are set apart from others, meaning that we (and our families) are threatened, expected to be different and are not allowed in many cases the normal family life other people are able to enjoy.

Page 2
April 4, 1983

I am sure that each of you are familiar with the Magistrate duties. However, if you haven't taken time to know at least one personally, I recommend you get to know them and how the system works and then you will be more aware of our situations.

Again, thank you for hearing us and hopefully you will support these bills.

Sincerely yours,



Barbara Macfarlane
Magistrate
Healy and Nenana

BM/mh

cc: Rep. John J. Liska, Vice-Chair
Rep. Joe L. Hayes
Rep. Ramona L. Barnes
Rep. Hugh Malone
Rep. Donald E. Clocksin
Rep. Ron Wendte

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 279
 Title: Magistrate Retirement
 Sponsor: _____
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Alaska Court System

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		625.2	625.2	625.2	625.2	625.2
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		625.2	625.2	625.2	625.2	625.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		625.2	625.2	625.2	625.2	625.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard P. Barrier, Deputy Admin. Director Phone: 264-0545
 Division: Alaska Court System, Administration Date: 3/22/83
 Approved by Commissioner: _____ Date: _____
 Department: _____

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

ANALYSIS: HB 279

TITLE: Magistrate Retirement

The estimated fiscal impact of this bill was developed by the Division of Retirement & Benefits. While the Court System does not have the actuarial expertise to closely estimate the cost of this bill, the estimated costs appear reasonable based upon our experience with similar retirement programs. Furthermore, the Court System provided the information on the magistrates on which the actuarial computations were based.



Trial Courts

State of Alaska

FIRST JUDICIAL DISTRICT
P. O. BOX 869
WRANGELL, ALASKA
99929

March 10, 1983

Senator Robert H. Ziegler, Sr.
pouch V
Juneau, Alaska 99811

Dear Senator Ziegler:

Enclosed are copies of a letter and Senate Bill 20 which were sent to each magistrate in the state. I am also enclosing copies of the information received from Alaska Court System fiscal officer Bob Fisher and Supreme Court Order No. 544 relating to magistrate salaries.

It seems the lack of enthusiasm for this bill is based on the thought that magistrates are not judges, per se, and an aversion to the administrative paperwork which would inevitably follow passage of the bill. We feel we are judges and would hazard a guess that most persons who have come before us would be of the same opinion. In support of our stand we offer the following:

Buckalew v Holloway 604 P2d 240 (1979)

Alaska Supreme Court determination that magistrates are "judges" within the meaning of Article IV, Section 4 of the Alaska Constitution.

AS 22.15.020

Number of district court judges and magistrates listed for the district court of each judicial district.

AS 22.15.100 and 22.15.110

Lists functions, powers and additional duties of district court judges and magistrates.

AS 22.15.120

Limitations on proceedings which a magistrate may hear.

AS 22.15.220(c)

Requirement that district judges and magistrates must file an affidavit monthly to receive salary.

AS 22.15.240

Appeals from magistrate judgments are handled the same as those from a district court judge judgment.

Senator Robert H. Ziegler, Sr.
March 10, 1983
Page Two

AS 22.20.010

Judicial officer defined. "The term 'judicial officer' means a supreme court justice, including the chief justice, a judge of the court of appeals, a judge of the superior court, a district court judge and a magistrate."

Criminal Rule 56(b)

Definitions. "Magistrate" includes magistrates, district court judges, superior court judges and any other judicial officer authorized by law to conduct a preliminary examination of a person accused of a crime.

Administrative Rule 21(b)

Requirement of magistrate to wear black judicial robe as do all other judges.

Administrative Rule 24(f)

Assignment of Judicial Officer. "In this rule, 'judicial officer' means a superior court judge, district court judge or magistrate."

Administrative Rule 28(b)

Judicial vacations and leave outlined for district court judges and magistrates.

AS 22.25.010(g)

Magistrates not included as "judges" under the judicial retirement system.

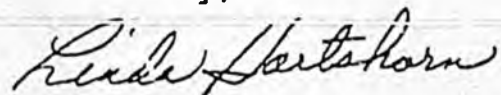
The last citation is the only one which excludes magistrates as judges. We feel the duties we perform are those of a district court judge with some jurisdictional limitations. We are on 24-hour call, as required by statute and rule, to perform "judicial" functions. Many of us sit as masters in superior court matters and are standing masters in children's cases.

I have copied those sections of the statutes and rules pertaining to jurisdiction, duties, etc., and would make these available to you if you so desire.

Mr. Van Doran has agreed to supply me with a copy of the fiscal note on this bill as soon as your office receives it. I spoke with Bob Fisher yesterday and he said the fiscal note should be in Juneau by tomorrow.

Thank you for your continued support of the magistrates.

Sincerely,



Linda Hartshorn
Magistrate

THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 544

Relating to Magistrate
Salaries.

IT IS ORDERED:

Supreme Court Order No. 451 is rescinded and the following is adopted as the magistrate salary schedule:

1. There are established six salary levels for magistrate posts. The base annual salary for each level is as follows:

Magistrate I	\$10,161
Magistrate II	\$14,335
Magistrate III	\$20,430
Magistrate IV	\$31,291
Magistrate V	\$39,832
Magistrate VI	\$46,476

Geographic cost of living adjustments shall be provided in accordance with applicable statutes.

2. Each magistrate location has been assigned to a salary level based on the number of hours which the court system expects the magistrate at that location to work in order to accomplish the estimated court workload at that location. The minimum number of hours of work required of the magistrates in each salary level are as follows:

<u>Salary Level</u>	<u>Hours Per Week (annual average)</u>
Magistrate I	15
Magistrate II	20
Magistrate III	27.5
Magistrate IV	37.5
Magistrate V	37.5
Magistrate VI	37.5

This is an annual average of the weekly work hours. Seasonal variations in workload at certain locations will require the magistrates at those locations to work longer hours during some parts of the year and shorter hours during other parts of the year.

The salaries listed in section 1. above are for the number of hours per week listed in section 2. plus 24-hour on-call availability for emergencies. These salaries also include compensation for full-time attendance at all required training courses.

3. Magistrate positions are allocated to the salary levels as follows:

<u>Magistrate VI</u>		
Kenai	Kodiak	Palmer
<u>Magistrate V</u>		
Glennallen	Seward	Sitka

Magistrate IV

Barrow	Haines	Tok
Bethel	Kotzebue	Unalaska
Cordova	Nenana/Healy	Wrangell
Craig	Nome	
Dillingham	Petersburg	

Magistrate III

Cold Bay	Hoonah
Ft. Yukon	Naknek
Galena	Yakutat

Magistrate II

Aniak	Selawik	Skagway
Delta Jct.	Soldovia	

Magistrate I

Angoon	Kiana	Pt. Hope	Shungnak
Emmonak	McGrath	Sand Point	Tununak
Gambell	Mekoryuk	Savoonga	Unalakleet
Hooper Lay	Mt. Village	St. Mary	Whittier
Kake	Noo	St. Paul Island	

4. Step increases.

A. Frequency and amount.

All magistrates are eligible for step increases of 3.5% annually for the first five years of their service. The procedure for granting step increases shall be patterned after that which applies to classified employees except that part-time magistrates will not be required to work 1,950 hours before being eligible to receive an annual raise. There will be a total of five steps of annual increases followed by longevity steps after the seventh, ninth, fourteenth and eighteenth years of continuous employment at one salary level.

If a magistrate's salary level is raised, the magistrate's salary step within the higher level will be determined by the same method used for classified employees (see Personnel Rule 6.02.03).

B. Criteria for receiving step increases.

1. Tenure - one year.
2. Written approval by presiding judge stating that the magistrate is performing adequately.
3. Passing scores on all correspondence courses required for that level in that region of the state (required by either the presiding judge or the administrative director).

4. For Magistrates I through V: written verification by the presiding judge that the following are being adequately maintained:
 - a. dockets
 - b. indexes
 - c. library books (that is, that the Statutes, Administrative Code and Rules are kept up to date)
 - d. case files and the case numbering system
 - e. tape recordings of formal hearings and the binder for duplicate copies of all log notus
 - f. accounting records (receipts, revenue deposits, trust deposits, trust checks and proper recording of all accounting data on the case dockets)

C. Implementation.

All magistrates who are in office on January 1, 1981 will start at Step A of their designated salary level. The anniversary date for all such magistrates will be January 16. The anniversary date of all magistrates hired or promoted after January 1, 1981 will be the 16th of the month following their date of hire or promotion.

5. Review of Classification.

All magistrate positions shall be reviewed annually by the director of personnel to assure correct classification. These reviews shall be based on statistical evaluation of duties accomplished by each magistrate. The magistrate salary at every location must be re-evaluated by the director of personnel whenever a vacancy occurs. Vacancies may not be advertised until the salary for that position has been re-evaluated and any recommended changes for reclassification of the position have been approved by the chief justice.

6. Change in Classification.

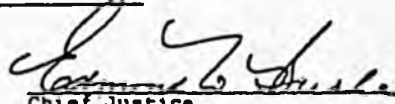
The director of personnel shall recommend to the chief justice salary increases based upon reclassification of magistrate positions after first conferring with the area court administrator and the presiding judge of the judicial district in which the magistrate is located. The director of personnel shall recommend to the chief justice that a magistrate position be refilled at a lower level upon the position becoming vacant, after first conferring with the area court administrator and presiding judge for that judicial district.

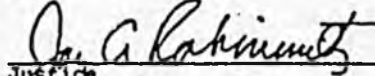
7. Compensation for part-time magistrates asked to do extra work.

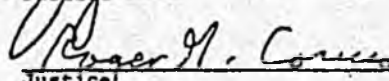
If a part-time magistrate (Levels I, II and III) is asked to serve in another court location to replace another magistrate or a district court judge for a period of time, the part-time magistrate must receive compensation for the additional hours worked.

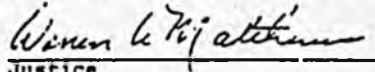
DATED: September 24, 1982

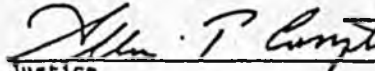
EFFECTIVE DATE: March 16, 1982


Chief Justice


Justice


Justice


Justice


Justice

March 9, 1983

Dear Fellow Magistrates:

As most of you know, the Association of Alaska Magistrates has had a bill in the legislature the past several years to include magistrates in the Judicial Retirement System. Senator Robert Ziegler has introduced Senate Bill 20 in the thirteenth legislature on our behalf. A copy of that bill is enclosed for your information.

The contribution rate under the Judicial Retirement System (JRS) is 7% as compared to the 4.25% we currently pay under the Public Employees Retirement System (PERS). Under SB 20, to receive credit for service as a magistrate prior to July 1, 1983, the magistrate must:

- 1) withdraw from PERS
- 2) receive a refund of contributions under PERS
- 3) elect to receive credit for service prior to July 1, 1983, and
- 4) make retroactive contributions for service as a magistrate after January 3, 1959.

Retroactive contributions may be set up as a payroll deduction over a reasonable period of time.

Following is my understanding of the differences between PERS as outlined in AS 39.35 and JRS as outlined in AS 22.25:

PERS - Contribution rate is 4.25% of base salary

Benefits paid:

- 1) Age 55 with 5 years of service; or
- 2) 30 years of service; or
- 3) Early retirement at 50 years of age and 5 years of service with adjustment for early retirement

Computation of benefits:

2% of average monthly wage for 3 high years times years of service
PLUS COLA (if remain in Alaska) of \$50.00 or 10% of the benefit, whichever is greater
PLUS medical insurance coverage

JRS - Contribution rate is 7% of base salary

Benefits paid:

- 1) Mandatory retirement at 70 years of age
- 2) Age 60 with 5 years of service
- 3) Early retirement at 55 years of age or 20 years of service with adjustment for early retirement

Computation of benefits:

5% for each year of service (up to 15 years or 75%) times base monthly wage paid incumbents at the time of the benefit payment
PLUS medical insurance coverage

Please read the statutes cited above for further information on the two plans.

Examples of approximate monthly retirement benefits based on 5 years of service and current base monthly salaries are:

		PEIS	JRS
Magistrate I	(15 hours/week)	\$ 84.60	\$211.50
Magistrate II	(20 hours/week)	119.40	298.50
Magistrate III	(27.5 hours/week)	170.20	425.50
Magistrate IV	(37.5 hours/week)	260.70	651.75
Magistrate V	(37.5 hours/week)	331.90	829.75
Magistrate VI	(37.5 hours/week)	387.30	968.25

The information provided to me indicates that the average age of the magistrates is 42 years with an average length of service of 6.83 years. There are 49 positions authorized by Supreme Court Order No. 544 and they are distributed as follows:

Magistrate I	19
Magistrate II	5
Magistrate III	6
Magistrate IV	13
Magistrate V	3
Magistrate VI	3

The Senate Judiciary Committee has set up a teleconference with the magistrates at 11:30 A.M. on March 25, 1983 in Anchorage. They will hear testimony at that time from one or two magistrates but we ask that everyone attend, if possible. This was coordinated at our request and will determine if Senate Bill 20 goes from the Judiciary to the Finance Committee with a "do pass" recommendation.

We will have a meeting of the Association of Alaska Magistrates in the early part of the conference week and can discuss the issue further at that time. Please jot down any other issues you wish to discuss.

I look forward to seeing all of you at the conference. It promises to be a good experience with varied topics and beneficial discussion periods.

Sincerely,

Linda Hartshorn
Secretary/Treasurer
Association of Alaska Magistrates

Case No.	Class	Code	Magistrate	Magistrate Name	Rate	Amount	Amount	Notes
418109	XL17	AKA	MAGISTRATE IV	HANSON	2,793	33,516	9.50	
418111	XU14	AKB	MAGISTRATE IV	HARTSHORN	2,793	33,516	10.00	
418110	XL17	AKA	MAGISTRATE IV	REDEKER	2,793	33,516	5.70	
418101	XU10	AEA	MAGISTRATE III	DENNIS	1,762	21,144	4.50	
418102	XU14	CRB	MAGISTRATE IV	HEINMILLER	2,687	34,644	14.70	
418103	XU10	AWA	MAGISTRATE III	SAVLAND	1,885	22,020	11.00	
418104	XU10	AKR	MAGISTRATE I	CHENEY	907	10,884	2.50	
418105	XU10	ARK	MAGISTRATE I	VACANT	907	10,884		
418106	XU17	CKA	MAGISTRATE II	WURLEY	1,322	15,864	3.10	
418107	XU17	CJA	MAGISTRATE II	GALLAGHER	1,322	15,864	4.30	
418108	XU10	ARD	MAGISTRATE I	HOWARD	907	10,884	2.10	
412015	XU17	HIA	MAGISTRATE IV	VACANT	3,105	37,260		
418201	XU14	MEA	MAGISTRATE IV	KRUSS	3,429	41,148	5.50	
418202	XU14	KA A	MAGISTRATE IV	SINKEY	3,429	41,148		
418203	XU10	JWB	MAGISTRATE I	VACANT	1,152	13,824		
418204	XU10	EWG	MAGISTRATE I	KAMERUFF	1,121	13,452	11.70	
418205	XU10	MSA	MAGISTRATE I	APANGALOOK	1,152	13,824	15.10	
418206	XU10	ESA	MAGISTRATE I	NAPULET <i>Naney</i>	1,152	13,824	7.00	
418207	XU10	KBU	MAGISTRATE I	HENRY	1,113	13,356	1.10	
418208	XU10	KBC	MAGISTRATE I	HARVEY	1,113	13,356	2.40	
418209	XU10	KYA	MAGISTRATE I	LISHOURNE	1,152	13,824	2.30	
418210	XU10	EWG	MAGISTRATE I	ANDREWS	1,121	13,452	5.90	
418211	XU10	HSS	MAGISTRATE I	GOLGERGEN	1,152	13,824	4.50	
418212	XU17	KBA	MAGISTRATE II	BALLOT	1,570	18,840	9.00	
418214	XU10	HUA	MAGISTRATE I	ANAGICK	1,152	13,824	5.30	
418215	XU10	AXA	MAGISTRATE I	VACANT <i>Arrest</i>	1,152	13,824		
418217	XU15	EWU	MAGISTRATE I	BEANS	1,121	13,452	11.20	
418218	XU10	KCA	MAGISTRATE I	DOUGLAS	1,152	13,824	1.10	
418310	XU15	CAA	MAGISTRATE VI	MCCBRIDE	4,289	51,468	1.90	
418302	XU15	UQA	MAGISTRATE VI	NICHOLAS	4,289	51,468	23.80	
418303	XU15	ECF	MAGISTRATE VI	JOHNSON	4,148	49,776	3.70	
418304	XU20	USA	MAGISTRATE V	PECK	3,070	44,122	7.50	
418309	XU14	DAA	MAGISTRATE IV	ASHMAN	3,246	39,952	9.00	
418307	XU10	DIA	MAGISTRATE III	HEIKER	2,193	26,316	10.50	
418308	XU15	DWA	MAGISTRATE IV	WENTWORTH	3,070	36,912	7.00	
418310	XU20	HCE	MAGISTRATE V	SPRECKER	3,916	46,992	11.90	
418312	XU10	LKA	MAGISTRATE III	SHANBACK	2,193	26,316	2.40	
418313	XU10	LEC	MAGISTRATE I	RUKUVISHNIKUFF	1,091	13,092	6.30	
418314	XU15	HSD	MAGISTRATE IV	HAKALA	1,091	13,092	4.30	
418315	XU10	CYA	MAGISTRATE I	KASHEVAROFF	1,332	15,984	2.10	
418317	XU10	DSH	MAGISTRATE I	HARRIS <i>Vacant</i>	905	11,580		
418319	XU20	DBC	MAGISTRATE I	VACANT	1,091	13,092		
418316	XU10	USA	MAGISTRATE III	<i>Dozier</i>	3,360	40,320	2.50	

CN	CLASS	COURT	TITLE	INCUMBENT	RANGE/ STEP	MONTHLY SALARY	ANNUAL SALARY	SERVICE
402	X010	HJI	MAGISTRATE IV	MACFARLANE		3,429	41,148	8.50
414	X019	HIB	MAGISTRATE IV	LATHROP		3,076	36,912	9.40
404	X010	KJA	MAGISTRATE III	SMYTH		2,317	27,804	3.50
405	X010	HYC	MAGISTRATE III	JACKSON		2,238	26,856	1.40
403	X017	JJB	MAGISTRATE II	HARDING		2,518	30,216	9.50
8401	X017	EJB	MAGISTRATE II	MCMAHON		1,625	19,500	5.00
8406	X010	JRC	MAGISTRATE I	VACANT		1,113	13,356	
8407	X010	EZA	MAGISTRATE I	VACANT		1,113	13,356	
8408	X010	DHB	MAGISTRATE I	SMITH		1,121	13,452	5.50
8411	X010	UJA	MAGISTRATE I	VACANT		1,083	12,996	
8412	X010	JRU	MAGISTRATE I	VACANT		1,113	13,356	
8413	X010	LHU	MAGISTRATE I	LINCOLN		1,121	13,452	11.20
8423	X010	JKA	MAGISTRATE I	VACANT		1,113	13,356	

* 1,315,424 6.82 year average

Average age - 42 ye

ASSOCIATION OF ALASKA MAGISTRATES

BOARD MEMBERS

First District

Linda Hartshorn, Secretary/Treasurer
Box 869
Wrangell, Alaska 99929

874-2311 or 874-3989

Marilyn Hanson
P.O. Box 910
Sitka, Alaska 99835

747-6271

Second District

Marie Beans
Box 211
Mt. Village, Alaska 99672

591-2149

Lowell Magick
Box 185
Unalakleet, Alaska 99684

624-3015

Third District

Jess Nicholas
Pouch I
Kenai, Alaska 99611

283-3110

Sheldon Sprecker, President
Box 86
Glennallen, Alaska 99588

822-3405 or 822-3726

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Palmer, Alaska 99645

745-4284

Fourth District

Alice Lathrop
Box 187
Tok, Alaska 99780

883-5171

Barbara Macfarlane
Box 41
Healy, Alaska 99743

683-2213 or 683-2589

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill, Resolution No. HB 279
Title An Act Authorizing Participation by Magistrates in the Judicial Retirement System
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Alaska Court System
Program Category Affected _____
BRU, Program, or Subprogram(s) Affected _____
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS		781.7	844.2	911.7	984.6	1,063.3
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
700 STATE TRS MATCHING						
TOTAL		781.7	844.2	911.7	984.6	1,063.3

FUNDING (Thousands of Dollars)

GENERAL FUND		781.7	844.2	911.7	984.6	1,063.3
FEDERAL FUNDS						
*OTHER FUNDS:						
PERS						
TRS						

* 4% Veterans; 12% Fish & Game; 26% Highway; 58% Airport

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

- To fund this bill, the state cost would be 65.82% of the FY 84 covered payroll for magistrates.
- Estimate the FY 84 covered payroll of magistrates to be \$1,187,720.
- Estimate 46 magistrates with an average of 6.5 years service per member would be affected.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 279

Title An Act Authorizing Participation by Magistrates in the Judicial Retirement System

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Alaska Court System

Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS		(156.5)	(169.0)	(182.5)	(197.1)	(212.9)
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
700 STATE TRS MATCHING						
TOTAL		(156.5)	(169.0)	(182.5)	(197.1)	(212.9)

FUNDING (Thousands of Dollars)

GENERAL FUND	(156.5)	(169.0)	(182.5)	(197.1)	(212.9)
FEDERAL FUNDS					
*OTHER FUNDS:					
PERS					
TRS					

* 4% Veterans; 12% Fish & Game; 26% Highway; 58% Airport

POSITIONS

FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. This bill would reduce the state cost to PERS by 13.18% of covered payroll for magistrates.
2. Estimate the FY 84 covered payroll of magistrates to be \$1,187,720.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees' Retirement System
Teachers' Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees' Voluntary Dental-Vision-Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

Bill Sheffield, Governor

(907) 465-4460

April 20, 1983

Honorable Mitchell Abood, Jr.
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Abood:

You have asked that I present an overview of the Public Employees' Retirement System (PERS) and the Judicial Retirement System (JRS) to the House State Affairs Committee on Thursday, April 21. I am writing this letter to provide some information to the committee in advance and to serve as a reference at the meeting. The attached chart shows the major differences between the two systems but some discussion is in order.

General Overview

The PERS and JRS are both "defined benefit" plans; that is, the benefits to be provided are defined in statute and do not directly depend on the amount of contributions made by or on behalf of the employee. This is in contrast to a "defined contribution" plan such as the state's Supplemental Annuity Program (SBS) where the amount of the benefit an employee may receive at any given time is completely dependent on the balance in that employee's individual benefit account.

Both the PERS and the JRS are actuarially funded. Each year the actuary computes the amount, in addition to employee contributions, that will be required from the state to pay for benefits in the system. This is in contrast to pay-as-you-go systems such as social security where no real attempt is made to balance assets and liabilities; current benefits are paid out of current revenues on a year to year basis. Even if pay-as-you-go systems do not find themselves in real financial difficulty because of accumulating unfunded liabilities, they certainly pass the buck to future generations and often present a misleading picture of the costs. The object of actuarial funding is to pay for benefits as they accrue at a stable percentage of payroll and avoid the necessity of cutting benefits for future members or, in some cases, a bankrupt system which defaults on obligations.

The most significant differences between the PERS and JRS from a cost standpoint lie in post-retirement pension adjustments and benefit multipliers.

Benefit Multiplier

The application of a benefit multiplier in determining a benefit is fairly straightforward. In the case of an "all other" member of the PERS, the monetary benefit is found by multiplying average monthly compensation times the number of years of credited service times 2%. For JRS members the multiplier is 5% instead of 2%, credited service is limited to 15 years, and, instead of a retiree's own average compensation, the benefit is based upon the current salary of office. For example, a PERS retiree with 10 years credited service would receive a monetary benefit equal to 20 percent of his average compensation and a JRS retiree with that same service would receive 50 percent of the current judicial salary.

Vesting

Vesting describes the amount of service required to gain entitlement to a benefit. The vesting requirement in both the JRS and PERS is 5 years.

Normal Retirement

PERS "all other" members who are vested may begin receiving normal retirement benefits at age 55 or at any age with 30 years of service. Vested JRS members must be 60 years old for normal retirement. In the PERS, a vested member may elect to receive an early retirement benefit at age 50; in the JRS a vested member may also elect to receive an early retirement benefit at age 55 or upon completing 20 years service as a justice or judge. In all of these cases, the benefit is actuarially reduced to reflect the longer period it will be received.

Employee Contributions

Statutes require that PERS members contribute 4.25% (5% for police and fire) of their compensation to the retirement fund. JRS members hired after July 1, 1978 contribute 7% while those hired before that date are not required to contribute at all. Employee contributions earn a modest (4.5%) interest and are refundable to terminated employees.

Employer Contributions

In FY 83 the state is contributing 104.78% of payroll to fund the JRS, 22.36% for PERS police and fire members, and 12.71% for "all other" PERS members. As mentioned earlier, this rate is determined by our actuary based on the assets, liabilities, membership and assumptions in each system. This is the amount required in addition to employee contributions to fund the benefits in the system. These rates are designed to fund not only the benefits of existing employees as they accrue, but also to amortize any unfunded liability in the system. Ideally, a system would be 100% funded and the assets would cover the liabilities if the system were discontinued. The high contribution rate in the JRS is a result of very generous benefits and also the fact that, prior to FY 82, the system was not actuarially funded.

Nonmembership Service

Up to five years of military service may be claimed in the PERS (not in JRS) if the employee is vested and makes contributions of 6% of his current annual salary for each year claimed. JRS members are entitled to credit for service as a magistrate prior to July 1, 1967; contributions are not required for this service.

Post-retirement Pension Adjustments (PRPA's)

In the JRS, PRPA's are automatic; any time judicial salaries are increased, the benefits of retired judges increase. In the PERS, adjustments are granted when the cost of living has increased and the condition of the fund permits. PRPA's in the PERS may not exceed the lesser of the increase in the cost of living or 4%.

Granting full, automatic cost of living increases is very expensive and, as mentioned before, is one of the main reasons the JRS is so much more costly than the PERS.

Health Insurance

Both PERS and JRS benefit recipients automatically receive major medical coverage for themselves and their dependents. This is an important benefit which will cost the systems \$156.07 per month for each benefit recipient in FY 84. In addition, both PERS and JRS benefit recipients may elect group audio, visual and dental insurance on a self-pay basis.

Summary

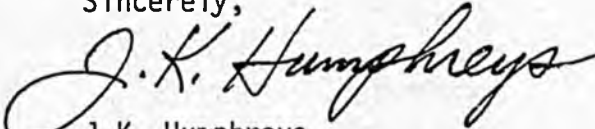
The benefits provided in the PERS are outstanding; however, as you can see, JRS benefits are far more generous and costly. The cost to the state for benefits that are accruing in the JRS is four to five times as great as it is in the PERS as a percentage of payroll. If one considers that average salaries in the JRS are more than double those in the PERS, the dollar cost for the average JRS member is at least eight to ten times as high.

There is no question that generous retirement benefits are desirable from an employee's viewpoint. They are a key element in total compensation. But it is important to strike a balance, realizing that the state as an employer must achieve its objectives of attracting and retaining qualified employees and be able to justify the cost.

Representative Abood
April 20, 1983
Page 4

I look forward to our meeting and will attempt to answer any questions you or the members of your committee may have at that time.

Sincerely,

A handwritten signature in cursive script that reads "J.K. Humphreys". The signature is written in dark ink and is positioned above the typed name and title.

J.K. Humphreys
Director

JKH/sd

Attachment

cc: Members of the House State Affairs Committee
Eleanor Andrews
Rebecca Burch

State of Alaska
 Public Employees' Retirement System/Judicial Retirement System
 A Comparison - April, 1983

	PERS		JRS
	PO/F	All Other	
Benefit Multiplier	2% on years 1-10 2½% on years over 10	2%	5%
Vesting	5 years	5 years	5 years
Normal Retirement Age	55 w/5 years Service or 20 years PO/F	55 w/5 years Service Or 30 years	60 w/5 years Service
Employee Contributions	5%	4½%	7% for Judges Hired After 07/01/78 0% Judges Hired Before 7/01/78
Employer Contributions FY 83	22.36%	12.71%	104.78%
Nonmembership Service	Military (Max of 5 years)	Military (Max of 5 years)	Magistrate Pre-7/01/67
Post Retirement Pension Adjustments	Ad Hoc	Ad Hoc	Benefits Increase With Salaries
Health Insurance Coverage After Retirement	Yes	Yes	Yes



HB 279

Alaska Public
Employees Association **APEA**
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

RECEIVED
APR 13 1983

TO: Representative Mitch Abood, Chairman
House State Affairs Committee

FROM: Cherie Shelley, Executive Director
Alaska Public Employees Association

Jean Krause, President
National Education Association-Alaska

SUBJECT: SB 20

DATE: April 11, 1983

At a time when the cost of the various state-sponsored retirement systems is being closely scrutinized, the Alaska Public Employees Association and the National Education Association-Alaska cannot support legislation which will add another group of employees to the most lucrative retirement system available.

Unlike judges, magistrates seldom leave a high paying professional practice to serve in the courts. In fact, the qualifications of magistrates are quite simple:

A magistrate shall be a citizen of the United States and of the state, at least 21 years of age, and a resident of the state for at least six months immediately preceding appointment. The supreme court may prescribe additional qualifications. (AS.22.15.160.(b))

This bill is particularly expensive as the employer's rate of contribution will rise to 109.14% of covered payroll. The estimated additional cost of this legislation is \$625,000 in FY 84, \$675,000 in FY 85, and \$729,000 in FY 86.

Not only are the mandatory contributions to this system particularly high, the retirement benefits are equally generous.

A retired justice or judge eligible for retirement pay shall receive from the date of eligibility until death monthly compensation equal to five percent per year of service, to a maximum of 75 percent, of the monthly salary authorized for justices and judges respectively, at the time each retirement payment is made. (AS 22.25.020)

William M. Mercer, Inc., in an actuarial valuation of the Public Employees' Retirement System, estimated the unfunded liability owed by the State of Alaska to be \$75,563,548. as of June 30, 1981.

The inclusion of a small group of individuals in JRS at such high cost cannot be justified when other retirement systems have very large, unfunded liabilities.

CS/rb

HB279--"An Act authorizing participation by magistrates in the judicial retirement system; and providing for an effective date."

ANALYSIS

Sections 1 & 2--Simply add magistrates to the list that exists in those statutes now (Supreme Court Justice, Superior Court Judge and District Court Judge).

Section 3-----Permits magistrates to withdraw from present retirement system that covers all state employees (Title 39) and be reimbursed for what they've paid in, to date.

Section 4-----IF the magistrate then withdraws and receives such reimbursement, the magistrate can then get credit for all time previously served and come under the judicial retirement system PROVIDED the magistrate pays fully--that is, makes retroactive contribution to the system at the going rate. (Would pay 7% rather than 4.2% under Title 39). So, while the magistrate would receive a better retirement, he/she would have to pay the going rate of contributions.

(It would appear a magistrate could opt to continue under the regular state employees retirement system as set forth in Title 39).

The magistrate would have until June 30, 1984 to make that decision.

Section 5-----It appears the magistrate could opt to not receive the reimbursement by withdrawing and then coming under judicial retirement; rather he/she could choose to have the regular retirement under which magistrates are now covered, up to July 1, 1983, and then come under the judicial retirement system.

(Some magistrates may not want to pay for back years at the higher contribution rate, presumably).

Section 6-----Does not permit Magistrates who have already retired or who retire before June 30th of this year to come under the judicial retirement system.

Section 7-----Effective date clause.

(from Judge Brewer)

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 279
 Title: Magistrate Retirement
 Sponsor: _____
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Alaska Court System

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		625.2	625.2	625.2	625.2	625.2
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		625.2	625.2	625.2	625.2	625.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		625.2	625.2	625.2	625.2	625.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard P. Barrier, Deputy Admin. Director Phone: 264-0545
 Division: Alaska Court System, Administration Date: 3/22/83
 Approved by Commissioner: _____ Date: _____
 Department: _____

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

ANALYSIS: HB 279

TITLE: Magistrate Retirement

The estimated fiscal impact of this bill was developed by the Division of Retirement & Benefits. While the Court System does not have the actuarial expertise to closely estimate the cost of this bill, the estimated costs appear reasonable based upon our experience with similar retirement programs. Furthermore, the Court System provided the information on the magistrates on which the actuarial computations were based.

22.15.100 DOCUMENT= 1 OF 1 PAGE = 1 OF 3
CHAPTER = 22.15
SECTION = 22.15.100
TITLE = 22

HEADINGS TITLE 22.
JUDICIARY.
CHAPTER 15.
DISTRICT COURTS.
ARTICLE 1.
DISTRICT JUDGES AND MAGISTRATES.

CITATION SEC. 22.15.100.

ATCH LINE

FUNCTIONS AND POWERS OF DISTRICT JUDGE AND MAGISTRATE.

EXT EACH DISTRICT JUDGE AND MAGISTRATE HAS THE POWER

(1) TO ISSUE WRITS OF HABEAS CORPUS FOR THE PURPOSE OF INQUIRING INTO THE CAUSE OF RESTRAINT OF LIBERTY, RETURNABLE BEFORE A JUDGE OF THE SUPERIOR COURT, AND THE SAME PROCEEDINGS SHALL BE HAD ON THE WRIT AS IF IT HAD BEEN GRANTED BY THE SUPERIOR COURT JUDGE UNDER THE LAWS OF THE STATE IN SUCH CASES;

(2) OF A NOTARY PUBLIC;

22.15.100 DOCUMENT= 1 OF 1 PAGE = 2 OF 3

(3) TO ISSUE MARRIAGE LICENSES AND TO SOLEMNIZE MARRIAGES;

(4) TO ISSUE WARRANTS OF ARREST, SUMMONS AND SEARCH WARRANTS ACCORDING TO MANNER AND PROCEDURE PRESCRIBED BY LAW AND THE SUPREME COURT;

(5) TO ACT AS AN EXAMINING JUDGE OR MAGISTRATE IN PRELIMINARY EXAMINATIONS IN CRIMINAL PROCEEDINGS; TO SET, RECEIVE AND FORFEIT BAIL AND TO ORDER THE RELEASE OF DEFENDANTS UNDER BAIL;

(6) TO ACT AS A REFEREE IN MATTERS AND ACTIONS REFERRED TO THE JUDGE OR MAGISTRATE BY THE SUPERIOR COURT, WITH ALL POWERS CONFERRED UPON REFEREES BY LAWS;

(7) OF THE SUPERIOR COURT IN ALL RESPECTS INCLUDING BUT NOT LIMITED TO CONTEMPTS, ATTENDANCE OF WITNESSES AND BENCH WARRANTS;

(8) TO ORDER THE TEMPORARY DETENTION OF A MINOR, OR TAKE OTHER ACTION AUTHORIZED BY LAW OR RULES OF PROCEDURE, IN CASES ARISING UNDER AS 47.10, WHEN THE MINOR IS IN A CONDITION OR SURROUNDING DANGEROUS OR INJURIOUS TO THE WELFARE OF THE MINOR OR OTHERS WHICH REQUIRES IMMEDIATE

22.15.100 DOCUMENT= 1 OF 1 PAGE = 3 OF 3

ACTION; THE ACTION MAY BE CONTINUED IN EFFECT UNTIL REVIEWED BY THE SUPERIOR COURT IN ACCORDANCE WITH RULES OF PROCEDURE GOVERNING THESE CASES.

(9) TO ISSUE A TEMPORARY ORDER FOR EMERGENCY INJUNCTIVE RELIEF IN CASES INVOLVING DOMESTIC VIOLENCE AS PROVIDED IN AS 09.55.610.

STORY (SEC. 8(1) CH 184 SLA 1959; AM SEC. 1 CH 5 SLA 1960; AM SEC. 3 CH 24 SLA 1966; AM SEC. 6 CH 110 SLA 1967; AM SEC. 4 CH 139 SLA 1980)

601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

22.15.110 DOCUMENT= 1 OF 1 PAGE = 1 OF 2
CHAPTER = 22.15
SECTION = 22.15.110
TITLE = 22

READINGS TITLE 22.
JUDICIARY.
CHAPTER 15.
DISTRICT COURTS.
ARTICLE 1.
DISTRICT JUDGES AND MAGISTRATES.

CITATION SEC. 22.15.110.
MATCH LINE

ADDITIONAL DUTIES OF DISTRICT JUDGE AND MAGISTRATE.
EACH DISTRICT JUDGE AND MAGISTRATE SHALL

- (1) PERFORM THE DUTIES AND EXERCISE THE AUTHORITY OF CORONER AS PRESCRIBED BY LAW;
- (2) RECORD BIRTH, DEATH AND MARRIAGE CERTIFICATES PRESENTED TO THEM FOR RECORD IN THE MANNER PRESCRIBED BY LAW;
- (3) TAKE CUSTODY AND CONTROL OF AND PRESERVE THE PROPERTY AND ESTATE OF DECEASED PERSONS UNTIL A LEGAL CUSTODIAN IS APPOINTED;

22.15.110 DOCUMENT= 1 OF 1 PAGE = 2 OF 2

- (4) FILE WITH THE COMMISSIONER OF COMMERCE AND ECONOMIC DEVELOPMENT A COPY OF EACH CONVEYANCE RECORDED WHICH CONTAINS A STATEMENT THAT PROPERTY IS CONVEYED TO A NONRESIDENT ALIEN OR FOR THE BENEFIT OF A NONRESIDENT ALIEN.

HISTORY (SEC. 8(2) CH 184 SLA 1959; AM SEC. 4 CH 5 SLA 1960; AM SEC. 3 CH 24 SLA 1966; AM SEC. 8 CH 145 SLA 1975)

0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

22.15.120 DOCUMENT= 1 OF 1 PAGE = 1 OF 3
CHAPTER = 22.15
SECTION = 22.15.120
TITLE = 22

READINGS TITLE 22.
JUDICIARY.
CHAPTER 15.
DISTRICT COURTS.
ARTICLE 1.
DISTRICT JUDGES AND MAGISTRATES.

STATION SEC. 22.15.120.

HATCH LINE

LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY HEAR.

EXT A MAGISTRATE SHALL PRESIDE ONLY IN CASES AND PROCEEDINGS UNDER AS
22.15.040, 22.15.100, AND 22.15.110, AND AS FOLLOWS,

(1) FOR THE RECOVERY OF MONEY OR DAMAGES ONLY WHEN THE
AMOUNT CLAIMED, EXCLUSIVE OF COSTS, INTEREST, AND ATTORNEY
FEES, DOES NOT EXCEED \$1,000;

(2) FOR THE RECOVERY OF SPECIFIC PERSONAL PROPERTY WHEN
THE VALUE OF THE PROPERTY CLAIMED AND THE DAMAGES FOR THE
DETENTION DO NOT EXCEED \$1,000;

22.15.120 DOCUMENT= 1 OF 1 PAGE = 2 OF 3

(3) FOR THE RECOVERY OF A PENALTY OR FORFEITURE,
WHETHER GIVEN BY STATUTE OR ARISING OUT OF CONTRACT, NOT
EXCEEDING \$1,000;

(4) TO GIVE JUDGMENT WITHOUT ACTION UPON THE CONFESSION
OF THE DEFENDANT FOR ANY OF THE CASES SPECIFIED IN THIS
SECTION, EXCEPT FOR A PENALTY OR FORFEITURE IMPOSED BY
STATUTE;

(5) TO GIVE JUDGMENT OF CONVICTION UPON A PLEA OF
GUILTY BY THE DEFENDANT IN A CRIMINAL PROCEEDING WITHIN THE
JURISDICTION OF THE DISTRICT COURT;

(6) TO HEAR, TRY, AND ENTER JUDGMENTS IN ALL CASES
INVOLVING MISDEMEANORS, IF THE DEFENDANT CONSENTS IN WRITING
THAT THE MAGISTRATE MAY TRY THE CASE;

(7) TO HEAR, TRY AND ENTER JUDGMENTS IN ALL CASES
INVOLVING INFRACTIONS UNDER AS 28 AND VIOLATIONS OF
ORDINANCES OF POLITICAL SUBDIVISIONS;

(8) REPEALED BY SEC. 8 CH 110 SLA 1967.

ISTORY (SEC. 19 CH 184 SLA 1959; AM SEC. 5 CH 5 SLA 1960; AM SEC. 1 CH
85 SLA 1961; AM SEC. 2 CH 91 SLA 1961; AM SEC. 12 CH 70 SLA 1961;
AM SEC. 3 CH 24 SLA 1966; AM SEC. 8 CH 110 SLA 1967; AM SECS. 18

22.15.120 DOCUMENT= 1 OF 1 PAGE = 3 OF 3
- 20 CH 71 SLA 1972; AM SEC. 1 CH 65 SLA 1978)

END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

22.20.010 DOCUMENT= 1 OF 1 PAGE = 1 OF 1
CHAPTER = 22.20
SECTION = 22.20.010
TITLE = 22

HEADINGS TITLE 22.
JUDICIARY.
CHAPTER 20.
OFFICERS AND EMPLOYEES.
ARTICLE 1.
JUDICIAL OFFICERS.

CITATION SEC. 22.20.010.

CATCH LINE JUDICIAL OFFICER DEFINED.

TEXT THE TERM "JUDICIAL OFFICER" MEANS A SUPREME COURT JUSTICE,
INCLUDING THE CHIEF JUSTICE, A JUDGE OF THE COURT OF APPEALS, A
JUDGE OF THE SUPERIOR COURT, A DISTRICT JUDGE AND A MAGISTRATE.

HISTORY (SEC. 54-2-1 ACLA 1949; AM SEC. 3 CH 24 SLA 1966; AM SEC. 16 CH
12 SLA 1980)

RO601 * END OF DOCUML TS IN LIST - ENTER RETURN OR ANOTHER COMMAND.



Trial Courts

State of Alaska

FIRST JUDICIAL DISTRICT

P. O. BOX 869

WRANGELL, ALASKA

99929

March 10, 1983

Senator Robert H. Ziegler, Sr.
pouch V
Juneau, Alaska 99811

Dear Senator Ziegler:

Enclosed are copies of a letter and Senate Bill 20 which were sent to each magistrate in the state. I am also enclosing copies of the information received from Alaska Court System fiscal officer Bob Fisher and Supreme Court Order No. 544 relating to magistrate salaries.

It seems the lack of enthusiasm for this bill is based on the thought that magistrates are not judges, per se, and an aversion to the administrative paperwork which would inevitably follow passage of the bill. We feel we are judges and would hazard a guess that most persons who have come before us would be of the same opinion. In support of our stand we offer the following:

Buckalew v Holloway 604 P2d 240 (1979)

Alaska Supreme Court determination that magistrates are "judges" within the meaning of Article IV, Section 4 of the Alaska Constitution.

AS 22.15.020

Number of district court judges and magistrates listed for the district court of each judicial district.

AS 22.15.100 and 22.15.110

Lists functions, powers and additional duties of district court judges and magistrates.

AS 22.15.120

Limitations on proceedings which a magistrate may hear.

AS 22.15.220(c)

Requirement that district judges and magistrates must file an affidavit monthly to receive salary.

AS 22.15.240

Appeals from magistrate judgments are handled the same as those from a district court judge judgment.

Senator Robert H. Ziegler, Sr.
March 10, 1983
Page Two

AS 22.20.010

Judicial officer defined. "The term 'judicial officer' means a supreme court justice, including the chief justice, a judge of the court of appeals, a judge of the superior court, a district court judge and a magistrate."

Criminal Rule 56(b)

Definitions. "Magistrate" includes magistrates, district court judges, superior court judges and any other judicial officer authorized by law to conduct a preliminary examination of a person accused of a crime.

Administrative Rule 21(b)

Requirement of magistrate to wear black judicial robe as do all other judges.

Administrative Rule 24(f)

Assignment of Judicial Officer. "In this rule, 'judicial officer' means a superior court judge, district court judge or magistrate."

Administrative Rule 28(b)

Judicial vacations and leave outlined for district court judges and magistrates.

AS 22.25.010(g)

Magistrates not included as "judges" under the judicial retirement system.

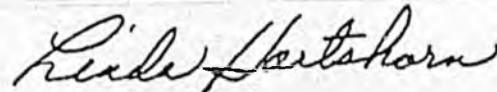
The last citation is the only one which excludes magistrates as judges. We feel the duties we perform are those of a district court judge with some jurisdictional limitations. We are on 24-hour call, as required by statute and rule, to perform "judicial" functions. Many of us sit as masters in superior court matters and are standing masters in children's cases.

I have copied those sections of the statutes and rules pertaining to jurisdiction, duties, etc., and would make these available to you if you so desire.

Mr. Van Doran has agreed to supply me with a copy of the fiscal note on this bill as soon as your office receives it. I spoke with Bob Fisher yesterday and he said the fiscal note should be in Juneau by tomorrow.

Thank you for your continued support of the magistrates.

Sincerely,



Linda Hartshorn
Magistrate

THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 544

Relating to Magistrate
Salaries.

IT IS ORDERED:

Supreme Court Order No. 451 is rescinded and the following is adopted as the magistrate salary schedule:

1. There are established six salary levels for magistrate posts. The base annual salary for each level is as follows:

Magistrate I	\$10,161
Magistrate II	\$14,335
Magistrate III	\$20,430
Magistrate IV	\$31,291
Magistrate V	\$39,832
Magistrate VI	\$46,476

Geographic cost of living adjustments shall be provided in accordance with applicable statutes.

2. Each magistrate location has been assigned to a salary level based on the number of hours which the court system expects the magistrate at that location to work in order to accomplish the estimated court workload at that location. The minimum number of hours of work required of the magistrates in each salary level are as follows:

<u>Salary Level</u>	<u>Hours Per Week (annual average)</u>
Magistrate I	15
Magistrate II	20
Magistrate III	27.5
Magistrate IV	37.5
Magistrate V	37.5
Magistrate VI	37.5

This is an annual average of the weekly work hours. Seasonal variations in workload at certain locations will require the magistrates at those locations to work longer hours during some parts of the year and shorter hours during other parts of the year.

The salaries listed in section 1. above are for the number of hours per week listed in section 2. plus 24-hour on-call availability for emergencies. These salaries also include compensation for full-time attendance at all required training courses.

3. Magistrate positions are allocated to the salary levels as follows:

<u>Magistrate V</u>		
Kenai	Kodiak	Palmer
<u>Magistrate V</u>		
Glennallen	Sevard	Sitka

Magistrate IV

Barrow	Haines	Tok
Bethel	Kotzebue	Unalaska
Cordova	Nenana/Healy	Wrangell
Craig	Nome	
Dillingham	Petersburg	

Magistrate III

Cold Bay	Hoonah
Ft. Yukon	Naknek
Galena	Yakutat

Magistrate II

Aniak	Selawik	Skagway
Delta Jct.	Seldovia	

Magistrate I

Angoon	Kiana	Pt. Hope	Shungnak
Emmonak	McGrath	Sand Point	Tununak
Gambell	Hekoryuk	Savoonga	Unalakleet
Hooper Lay	Mt. Village	St. Mary	Whittier
Kaka	Noorvik	St. Paul Island	

4. Step increases.

A. Frequency and amount.

All magistrates are eligible for step increases of 3.5% annually for the first five years of their service. The procedure for granting step increases shall be patterned after that which applies to classified employees except that part-time magistrates will not be required to work 1,950 hours before being eligible to receive an annual raise. There will be a total of five steps of annual increases followed by longevity steps after the seventh, ninth, fourteenth and eighteenth years of continuous employment at one salary level.

If a magistrate's salary level is raised, the magistrate's salary step within the higher level will be determined by the same method used for classified employees (see Personnel Rule 6.02.03).

B. Criteria for receiving step increases.

1. Tenure - one year.
2. Written approval by presiding judge stating that the magistrate is performing adequately.
3. Passing scores on all correspondence courses required, for that level in that region of the state (required by either the presiding judge or the administrative director).

4. For Magistrates I through V: written verification by the presiding judge that the following are being adequately maintained:
 - a. dockets
 - b. indexes
 - c. library books (that is, that the Statutes, Administrative Code and Rules are kept up to date)
 - d. case files and the case numbering system
 - e. tape recordings of formal hearings and the binder for duplicate copies of all log notes
 - f. accounting records (receipts, revenue deposits, trust deposits, trust checks and proper recording of all accounting data on the case dockets)

C. Implementation.

All magistrates who are in office on January 1, 1981 will start at Step A of their designated salary level. The anniversary date for all such magistrates will be January 16. The anniversary date of all magistrates hired or promoted after January 1, 1981 will be the 16th of the month following their date of hire or promotion.

5. Review of Classification.

All magistrate positions shall be reviewed annually by the director of personnel to assure correct classification. These reviews shall be based on statistical evaluation of duties accomplished by each magistrate. The magistrate salary at every location must be re-evaluated by the director of personnel whenever a vacancy occurs. Vacancies may not be advertised until the salary for that position has been re-evaluated and any recommended changes for reclassification of the position have been approved by the chief justice.

6. Change in Classification.

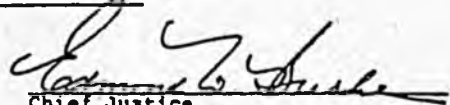
The director of personnel shall recommend to the chief justice salary increases based upon reclassification of magistrate positions after first conferring with the area court administrator and the presiding judge of the judicial district in which the magistrate is located. The director of personnel shall recommend to the chief justice that a magistrate position be refilled at a lower level upon the position becoming vacant, after first conferring with the area court administrator and presiding judge for that judicial district.

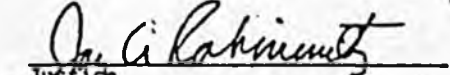
7. Compensation for part-time magistrates asked to do extra work.

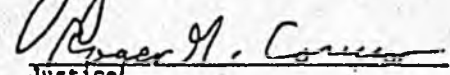
If a part-time magistrate (Levels I, II and III) is asked to serve in another court location to replace another magistrate or a district court judge for a period of time, the part-time magistrate must receive compensation for the additional hours worked.

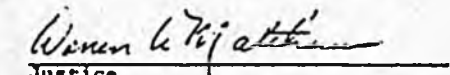
DATED: September 24, 1982

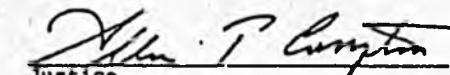
EFFECTIVE DATE: March 16, 1982


Chief Justice


Justice


Justice


Justice


Justice

March 9, 1983

Dear Fellow Magistrates:

As most of you know, the Association of Alaska Magistrates has had a bill in the legislature the past several years to include magistrates in the Judicial Retirement System. Senator Robert Ziegler has introduced Senate Bill 20 in the thirteenth legislature on our behalf. A copy of that bill is enclosed for your information.

The contribution rate under the Judicial Retirement System (JRS) is 7% as compared to the 4.25% we currently pay under the Public Employees Retirement System (PERS). Under SB 20, to receive credit for service as a magistrate prior to July 1, 1983, the magistrate must:

- 1) withdraw from PERS
- 2) receive a refund of contributions under PERS
- 3) elect to receive credit for service prior to July 1, 1983, and
- 4) make retroactive contributions for service as a magistrate after January 3, 1959.

Retroactive contributions may be set up as a payroll deduction over a reasonable period of time.

Following is my understanding of the differences between PERS as outlined in AS 39.35 and JRS as outlined in AS 22.25:

PERS - Contribution rate is 4.25% of base salary

Benefits paid:

- 1) Age 55 with 5 years of service; or
- 2) 30 years of service; or
- 3) Early retirement at 50 years of age and 5 years of service with adjustment for early retirement

Computation of benefits:

2% of average monthly wage for 3 high years times years of service
PLUS COLA (if remain in Alaska) of \$50.00 or 10% of the benefit, whichever is greater
PLUS medical insurance coverage

JRS - Contribution rate is 7% of base salary

Benefits paid:

- 1) Mandatory retirement at 70 years of age
- 2) Age 60 with 5 years of service
- 3) Early retirement at 55 years of age or 20 years of service with adjustment for early retirement

Computation of benefits:

5% for each year of service (up to 15 years or 75%) times base monthly wage paid incumbents at the time of the benefit payment
PLUS medical insurance coverage

Please read the statutes cited above for further information on the two plans.

Examples of approximate monthly retirement benefits based on 5 years of service and current base monthly salaries are:

		<u>PERS</u>	<u>JRS</u>
Magistrate I	(15 hours/week)	\$ 84.60	\$211.50
Magistrate II	(20 hours/week)	119.40	298.50
Magistrate III	(27.5 hours, eek)	170.20	425.50
Magistrate IV	(37.5 hours/week)	260.70	651.75
Magistrate V	(37.5 hours/week)	331.90	829.75
Magistrate VI	(37.5 hours/week)	387.30	968.25

The information provided to me indicates that the average age of the magistrates is 42 years with an average length of service of 6.83 years. There are 49 positions authorized by Supreme Court Order No. 544 and they are distributed as follows:

Magistrate I	19
Magistrate II	5
Magistrate III	6
Magistrate IV	13
Magistrate V	3
Magistrate VI	3

The Senate Judiciary Committee has set up a teleconference with the magistrates at 11:30 A.M. on March 25, 1983 in Anchorage. They will hear testimony at that time from one or two magistrates but we ask that everyone attend, if possible. This was coordinated at our request and will determine if Senate Bill 20 goes from the Judiciary to the Finance Committee with a "do pass" recommendation.

We will have a meeting of the Association of Alaska Magistrates in the early part of the conference week and can discuss the issue further at that time. Please jot down any other issues you wish to discuss.

I look forward to seeing all of you at the conference. It promises to be a good experience with varied topics and beneficial discussion periods.

Sincerely,



Linda Hartshorn
Secretary/Treasurer
Association of Alaska Magistrates

Case No.	Class	Code	Magistrate	Level	Name	Rate	Salary	Other
418109	X017	AKA	MAGISTRATE	IV	HANSON	2,793	33,510	9.50
418111	X014	AKB	MAGISTRATE	IV	HARTSHORN	2,793	33,510	10.00
418110	X017	AKA	MAGISTRATE	IV	REDCEK	2,793	33,510	5.70
418101	X010	AEA	MAGISTRATE	III	DENNIS	1,702	21,144	4.50
418102	X019	CRB	MAGISTRATE	IV	HEINMILLER	2,687	31,644	14.70
418103	X010	AWA	MAGISTRATE	III	SAVLAND	1,885	23,020	11.50
418104	X010	AKR	MAGISTRATE	I	CHENEY	907	11,084	2.50
418105	X010	ARK	MAGISTRATE	I	VACANT	907	10,864	
418106	X017	CKA	MAGISTRATE	II	WORLEY	1,322	15,864	3.10
418107	X017	CDA	MAGISTRATE	II	GALLAGHER	1,322	15,864	4.30
418108	X010	ARD	MAGISTRATE	I	HWARD	907	10,884	2.30
412015	X017	HIA	MAGISTRATE	IV	VACANT	3,105	37,260	
418201	X014	MEA	MAGISTRATE	IV	KRUSS	3,429	41,148	5.50
418202	X014	KAA	MAGISTRATE	IV	SINKEY	3,429	41,148	5.50
418203	X010	JWB	MAGISTRATE	I	VACANT	1,152	13,624	
418204	X010	EWC	MAGISTRATE	I	KAMEROFF	1,121	13,452	11.50
418205	X010	MSA	MAGISTRATE	I	APANGALOOK	1,152	13,824	15.10
418206	X010	ESA	MAGISTRATE	I	NAPLEON	1,152	13,824	7.50
418207	X010	KBU	MAGISTRATE	I	HENRY	1,113	13,356	1.10
418208	X010	KBC	MAGISTRATE	I	HARVEY	1,113	13,356	2.40
418209	X010	KYA	MAGISTRATE	I	LISBOURNE	1,152	13,824	3.30
418210	X010	EWG	MAGISTRATE	I	ANDREWS	1,121	13,452	3.90
418211	X010	HSJ	MAGISTRATE	I	GOLOGERGEN	1,152	13,824	4.50
418212	X017	KBA	MAGISTRATE	II	BALLOT	1,570	18,840	9.00
418214	X010	HUA	MAGISTRATE	I	ANAGICK	1,152	13,824	15.30
418215	X010	LXA	MAGISTRATE	I	VACANT	1,152	13,824	
418217	X015	EWD	MAGISTRATE	I	JEANS	1,121	13,452	11.20
418218	X010	KCA	MAGISTRATE	I	DOUGLAS	1,152	13,824	1.10
418310	X015	CAA	MAGISTRATE	VI	MCBRIDE	4,209	51,468	1.90
418302	X015	UQA	MAGISTRATE	VI	NICHOLAS	4,269	51,768	21.80
418303	X015	ECF	MAGISTRATE	VI	JONSON	4,148	49,776	3.70
418304	X020	USA	MAGISTRATE	V	PECK	3,070	44,132	7.50
418309	X014	DAA	MAGISTRATE	IV	ASHMAN	3,246	39,952	9.00
418307	X010	BIA	MAGISTRATE	III	HEIKER	2,173	26,316	10.50
418306	X015	DWA	MAGISTRATE	IV	WENTWORTH	3,070	36,912	7.10
418310	X020	HCE	MAGISTRATE	V	SPECKER	3,916	46,992	11.90
418312	X010	LKA	MAGISTRATE	III	SHANBACK	2,193	26,315	2.40
418313	X010	LEC	MAGISTRATE	I	RUKUVISHNIKOFF	1,091	13,092	6.30
418314	X015	HSU	MAGISTRATE	IV	HAKALA	1,091	13,092	4.30
418315	X010	CYA	MAGISTRATE	I	KASHEVAKOFF	1,332	15,984	2.10
418317	X010	DSH	MAGISTRATE	I	HARRIS	905	11,580	
418319	X020	DBC	MAGISTRATE	I	VACANT	1,091	13,092	
418316	X010	MEA	MAGISTRATE	III	DOZIER	3,360	40,320	5.50

ASSOCIATION OF ALASKA MAGISTRATES

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