

section of each bill revises paragraph (1) of subsection (a) of section 11-1701 to permit the retirement at age sixty of a judge with less than 20 years service, instead of at age sixty-two, as at present. Under both existing laws and the proposed amendment, a retiring judge with less than twenty years service can elect to receive retirement compensation beginning at age 55, but under existing law, a judge retiring at age 55 would have his retirement compensation reduced by one-half of one percent for each month that he is under 62 years of age. Under the proposed new subparagraph (A) of section 11-1701(a) (1), the judge's retirement compensation would be reduced by one-twelfth of one percent for each month that the judge is under age 60. The new subparagraph (A) also permits a judge with 20 or more years of service to retire at age fifty without reduction of his retirement compensation for age.

Under both existing law and the bills, the basic retirement compensation of a judge is to be a sum equal to such proportion of the salary received by such judge at the date of his retirement as the total of his aggregate years of service bears to the period of thirty years. However, the bills add to section 11-1701 (a) (1) a subparagraph (B) permitting judges to claim toward their retirement as judges, service in a military or civilian capacity, and providing that a judge's retirement salary shall be increased by an annual amount based on any such military or civilian service.

The bills also make changes in existing law relating to the retirement of judges for permanent disability. At present, a judge may retire on permanent disability with five years or more service, and receive retirement income computed on the number of years spent in service proportionate to thirty years, with a ceiling of 80 percent of total salary. Under H.R. 15679 and H.R. 14202, a judge could also receive an annuity based on civilian or military service.

Section 2 of the bills amends paragraph (5) of subsection (a) of section 11-1701 of the District of Columbia Code to require the deposit in the District of Columbia Judicial Retirement and Survivors Annuity Fund of a sum equal to 3½ per centum of the salary received by a judge for any civilian service within the purview of section 8332 of title 5, United States Code, which the judge may have performed. The judge could elect to pay such deposit in installments during his judicial service. Should he fail to make such deposit or any part of it, his retirement pay would be reduced by 10 percent of the deposit remaining unpaid.

Section 3 of the bills amends paragraph (3) of subsection (b) of section 11-1701 to provide that a judge may elect to make his periodic payments into the retirement fund whether continuously a judge or not. The law as presently written does not require payments into the fund during a period when a judge is separated from service.

Finally, paragraph (5) of subsection (b) of section 11-1701 would be amended to provide that notwithstanding existing law, under which any benefits payable to a surviving child of a judge terminate at age 18 years, such benefits shall continue to be payable to a surviving child until he reaches 22 years of age, so long as he is "regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institution, junior college, college, university, or comparable recognized institution."

The Government of the District of Columbia supports amendments in the Judges Retirement Act to improve the retirement benefits of the city's judges consistent with retirement benefits for District teachers and other District employees covered by the civil service retirement system. The District therefore supports the provisions of sections 1 and 5 of the bills.

However, sections 2, 3, and 6 of the bills would serve to give the judges certain benefits which are not enjoyed by most other District employees. Sections 2 and 3 would permit judges to deposit in the judges' fund any retirement monies they accumulated during prior government service without also having to deposit the interest these monies would have earned in the judges' fund. By contrast, civil service retirement and the D. C. teachers retirement legislation require employees to include interest with all deposits made to retirement funds. Section 6 of the bills provides for the refund of interest on deposits paid by judges prior to the enactment of these amendments.

The bills deal only with interest provisions as they relate to deposits. The District believes that they could be improved by expanding them to also include provisions for interest on refunds, making these compatible with similar provisions in civil service retirement legislation. The present Judges Retirement Act, in paragraph (b) (4) of section 11-1701, D. C. Code, provides for refunds of all deposits with interest should a judge resign from office regardless of length of