

HOUSE No. 6193

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 11, 1982.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 4523) of Michael F. Flaherty that provision be made for longevity increments in salaries for justices, judicial officers and all other court personnel of the Commonwealth, reports recommending that the accompanying bill (House, No. 6193) ought to pass.

For the committee,

MICHAEL F. FLAHERTY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO THE RETIREMENT OR RESIGNATION OF MEMBERS OF THE JUDICIARY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 32 of the General Laws is hereby amended by inserting
2 therein after section 64G the following section 65H:—

3 *Section 65H. Adjustment of pensions and allowances.*

4 Notwithstanding any provision of any other section of chapter
5 thirty-two of the General Laws, the pension of any judicial officer
6 who has been retired or resigned from his or her judicial office
7 pursuant to any section of said chapter thirty-two, either before or
8 after the effective date of this Act, shall be adjusted periodically so
9 that it shall be based at all times upon the then current rate of salary
10 payable to the like judicial officers of the court (or successor court)
11 from which he retired or resigned.

12 The pension of any judicial officer who has made the election as
13 provided in section 65C of chapter thirty-two of the General Laws,
14 either before or after the effective date of this Act, shall be adjusted
15 periodically so that it shall be based at all times upon the then
16 current rate of salary payable to the like judicial officers of the
17 court (or successor court) from which he retired or resigned.

18 In the event that the spouse of a judicial officer who has made the
19 election as provided in section 65C of said chapter thirty-two
20 predeceases said judicial officer, the pension of the surviving judi-
21 cial officer shall thereafter be paid in the amount which would have
22 been payable to such judicial officer had he not made the election
23 under said section 65C.

24 The pension or retirement allowance of a surviving spouse of any
25 judicial officer pursuant to any of the provisions of said section 65C
26 shall be adjusted periodically so that it shall be based at all times on
27 the then current rate of salary payable to the like judicial officers of

28 the court (or successor court) from which such predeceasing judi-
29 cial officer retired or resigned or in the case of a surviving spouse of
30 a judicial officer who was serving as such at the time of his death,
31 such payments shall be based on the then current rate of salary
32 payable to the like judicial officers of the court (or successor court)
33 on which such predeceasing judicial officer was serving at the time
34 of this death.

35 The adjusted pensions or retirement allowances provided for
36 pursuant to this section shall be paid from the same source and in
37 the same manner as the salaries of like judicial officers of his court
38 (or successor court) are paid, except that the adjusted pensions or
39 retirement allowances for those judicial officers or surviving
40 spouses subject to section 65D of chapter thirty-two shall be paid
41 from the sources and in the manner provided in said section 65D.

