

By Mr. Cavanaugh of Medford, petition of Paul P. Cavanaugh for legislation to make certain members of the judiciary subject to the contributory retirement system for public employees. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT MAKING MEMBERS OF THE JUDICIARY SUBJECT TO THE CONTRIBUTORY RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES.

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

1 SECTION 1. Section 1 of paragraph 32 of the General Laws
2 is hereby amended by striking out the paragraph defining
3 "Employee", as most recently amended by section 1 of chap-
4 ter 597 of the acts of 1967, and inserting in place thereof the
5 following paragraph:—

6 "Employee" as applied to persons whose regular compen-
7 sation, except in the case of any register of probate, is paid
8 by any political subdivision of the commonwealth, except the
9 metropolitan district commission, shall mean any person who
10 is regularly employed in the service of any such political sub-
11 division, including members of the police and fire departments,
12 teachers and employees of any free public library or any pub-
13 lic museum maintained in any city or town, to the support
14 of which said city or town contributes not less than one half
15 of the cost, employees of a school lunch program as authorized
16 under the provisions of chapter five hundred and forty-eight
17 of the acts of nineteen hundred and forty-eight, employees
18 of mosquito control project authorized under the provisions
19 of section five A of chapter two hundred and fifty-two, mem-
20 bers of the judiciary, and also including officials and public
21 officers so paid whether employed, appointed or elected by
22 popular vote for stated terms or otherwise.

23 “Employee”, as applied to persons whose regular compen-
24 sation is paid by the commonwealth or the metropolitan dis-
25 trict commission, as the case may be, shall mean any person
26 whether employed or appointed for a stated term or otherwise,
27 who is engaged in duties which require that his time be devoted
28 to the service of either such governmental unit in each year
29 during the ordinary working hours of regular and permanent
30 employees, and who is regularly and permanently employed
31 in such service, including employees of the general court, mem-
32 bers of the judiciary, state officials, constitutional officers,
33 members of the general court or other persons elected by pop-
34 ular vote, but excluding members of the judiciary who were
35 appointed thereto prior to January first, nineteen hundred and
36 sixty-seven.

37 “Employee”, as applied to persons whose regular com-
38 pensation is paid by the United States from funds allocated
39 to the Massachusetts National Guard, shall mean any person
40 who is regularly and permanently employed under the con-
41 trol of the military department of the commonwealth and
42 whose duties in such employment require substantially all
43 normal working hours.

44 “Employee”, as applied to persons whose regular compen-
45 sation is paid by the Massachusetts Turnpike Authority, shall
46 mean any person, including members of the authority, whether
47 employed for a stated term or otherwise, who is engaged in
48 duties which require that his time be devoted to the service
49 of the authority in each year during the ordinary working
50 hours of regular and permanent employees, but shall not
51 include any member of the state police force assigned to the
52 Massachusetts Turnpike Authority under section nine H of
53 chapter twenty-two.

1 SECTION 2. Paragraph (a) of subdivision (2) of section 3
2 of said chapter 32 is hereby amended by inserting after clause
3 (xii) the following clause:—

4 (xiii) Any person who is appointed as a member of the
5 judiciary, if under age sixty on the date of his appointment,
6 who files with the board on a prescribed form a written ap-
7 plication for membership within ninety days after the date of
8 qualification.

1 SECTION 3. Any person, who on the effective date of this
2 act, is a member of the judiciary may, within one year of
3 said effective date, elect to become a member of the retire-
4 ment system established for the employees of the government
5 unit from which he receives regular compensation, subject to
6 the provisions of subdivision (2) of section twenty-five of
7 chapter thirty-two of the General Laws; and provided, in the
8 case of any member who is not subject to the provisions of
9 said subdivision (2) of section twenty-five, that any such per-
10 son who so elects to become a member, may establish credit
11 for previous service as a member of the judiciary or for other
12 service which may be established as creditable service in ac-
13 cordance with the provisions of section three or section four
14 of said chapter thirty-two.

1 SECTION 4. The provisions of sections sixty-five A, sixty-
2 five B and sixty-five C of chapter thirty-two of The General
3 Laws shall not apply in any case where a member of the ju-
4 diciary is appointed thereto on or after January first, nine-
5 teen and sixty-five or to his widow, or to any such member
6 appointed prior to said date and who elects to become a mem-
7 ber of the appropriate retirement system, as provided by
8 section three of this act, or to his widow.

1 SECTION 5. Subdivision (1) of section 5 of chapter 32 of the
2 General Laws is hereby amended by inserting after paragraph
3 (i) the following paragraph:—
4 ((j) Any member who is a member of the judiciary may,
5 upon attaining age seventy, whether or not he is then entitled
6 to a superannuation retirement allowance, continue to serve
7 as a member of the judiciary; provided that no deductions
8 shall be made from his regular compensation after he has
9 attained age seventy and when he is eligible for retirement
10 he shall receive a superannuation retirement allowance equal
11 to that to which he would have been entitled had he retired
12 at age seventy.

1 SECTION 6. This act shall take effect on January first, nine-
2 teen hundred and sixty-

