

By Mr. Flaherty of Boston, petition of Michael F. Flaherty relative to the retirement or resignation of members of the Judiciary. Public Service.

The Commonwealth of Massachusetts

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

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 pensions 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
26 65C shall be adjusted periodically so that it shall be based at all
27 times on the then current rate of salary payable to the like judicial
28 officers of the court (or successor court) from which such prede-
29 ceasing judicial officer retired or resigned or in the case of a
30 surviving spouse of a judicial officer who was serving as such at the
31 time of his death, such payments shall be based on the then current
32 rate of salary payable to the like judicial officers of the court (or
33 successor court) on which such predeceasing judicial officer was
34 serving at the time 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.
42 Any increase in pension or retirement allowance of a judicial
43 officer or a surviving spouse as adjusted under the provision of this
44 section which pension or retirement allowance became established
45 prior to January 1, 1981 shall be limited to twenty-five percent
46 (25%) of the pension or retirement allowance he or she was receiv-
47 ing immediately prior to the effective date of this act.