

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-Five.

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 The pension or retirement allowance of a surviving spouse of any
19 judicial officer pursuant to any of the provisions of said section
20 65C shall be adjusted periodically so that it shall be based at all
21 times on the then current rate of salary payable to the like judicial
22 officers of the court (or successor court) from which such prede-
23 ceasing judicial officer retired or resigned or in the case of a

24 surviving spouse of a judicial officer who was serving as such at the
25 time of his death, such payments shall be based on the then current
26 rate of salary payable to the like judicial officers of the court (or
27 successor court) on which such predeceasing judicial officer was
28 serving at the time of this death.

29 The adjusted pensions or retirement allowances provided for pur-
30 suant to this section shall be paid from the same source and in the
31 same manner as the salaries of like judicial officers of his court (or
32 successor court) are paid, except that the adjusted pensions or
33 retirement allowances for those judicial officers or surviving
34 spouses subject to section 65D of chapter thirty-two shall be paid
35 from the sources and in the manner provided in said section 65D.
36 Any increase in pension or retirement allowances of a judicial
37 officer or a surviving spouse as adjusted under the provision of this
38 section which pension or retirement allowance became established
39 prior to January 1, 1981 shall be limited to twenty-five percent
40 (25%) of the pension or retirement allowance he or she was receiv-
41 ing immediately prior to the effective date of this act.