

By Mr. Koczera of New Bedford, petition of Robert M. Koczera, Marc R. Pacheco and William G. Greene, Jr., for legislation to regulate the terms of office of administrative judges of the Division of Industrial Accidents. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO INDUSTRIAL ACCIDENT ADMINISTRATIVE JUDGES.

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 4 of chapter 23E of the General Laws, as
2 appearing in the 2000 Official Edition, shall be amended to strike,
3 in lines six through twelve inclusive, the following sentence:—

4 Upon the expiration of the term of office of a member, such
5 member or his successor shall be appointed or reappointed, as the
6 case may be, for a term of six years by the governor with the
7 advice and consent of the council, except that any member
8 appointed to fill a vacancy occurring prior to the expiration of the
9 term of his predecessor shall be appointed for the unexpired por-
10 tion of such term.

11 The following sentences shall be substituted in its place:

12 The initial appointment of all members shall be for a term of
13 six years; subsequent reappointments of sitting members shall be
14 for an additional term of six years which shall commence on the
15 date of expiration of the initial or subsequent term. The appoint-
16 ment or reappointment of members shall be made by the governor
17 with the advice and consent of the council.

1 SECTION 2. Section 4 of chapter 23E of the General Laws, as
2 appearing in the 2000 Official Edition, is further amended by
3 inserting in line 17 after the word "commissioner." the following
4 paragraph:—

5 Notwithstanding the provisions of any special or general law to
6 the contrary, any newly appointed member as established by
7 section 4 of chapter 23E of the General Laws, as appearing in the
8 2000 Official Edition, who has never previously served on the
9 industrial accident board, shall be reviewed for performance by
10 the senior judge during initial term between 21st and the 24th
11 month of said term. The performance review will be subject to cri-
12 teria established by the senior judge. If the performance review
13 supports continuation of said appointed term, that administrative
14 judge shall continue to serve the remainder of said appointed
15 term. If the performance review recommends against a continua-
16 tion of said appointed term, said performance review shall be sub-
17 mitted to the governor for appropriate action pursuant to section 8
18 of chapter 23E of the General Laws, as appearing in the 2000
19 Official Edition.