

By Mr. Benson of Leverett, petition of William D. Benson and John W. Olver relative to the retirement allowances of justices appointed on or after January second, nineteen hundred and seventy-five. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RELATIVE TO THE RETIREMENT ALLOWANCES OF JUSTICES APPOINTED ON OR AFTER JANUARY SECOND, NINETEEN HUNDRED AND SEVENTY-FIVE.

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

1 Paragraph (c) of section 65D of chapter 32 of the General Laws,
2 as appearing in section 14 of chapter 478 of the acts of 1978, is
3 hereby amended by striking out said paragraph (c) and inserting in
4 place thereof the following paragraph: —

5 (c) Each such Judge first appointed to judicial office on or after
6 January second, nineteen hundred and seventy-five and who

7 1. shall be retired under Article LVIII of the amendments to the
8 constitution or

9 2. shall have served in such office for at least 15 years continu-
10 ously or

11 3. has attained the age of 65 but not having attained the age of 70,
12 and shall resign his office, shall be entitled to received a retirement
13 allowance for life at the time of such retirement or resignation
14 according to the following schedule: —

15 The amount of the allowance under paragraph C(1) (2) shall be
16 at an annual rate equal to three-fourths the annual rate of salary
17 payable to him at the time of such retirement or resignation.

18 The amount of the allowance under paragraph C-3 shall be a
19 retirement allowance for life at an annual rate equal to 6.67 percent
20 of three-fourths of the annual salary of the office for which he
21 retired at the time of such retirement, multiplied by the number of
22 years of full time service, not to exceed 15.

23 For the purpose of C(2) (3), a year of service as a Special Justice
24 shall be computed by dividing the number of days of actual sittings
25 in such capacity by two hundred and sixty, whether or not such
26 sittings occurred in one calendar or fiscal year, provided that such
27 judge deposits into the Judges' retirement fund an amount equal to
28 seven per cent of the compensation received by him during such
29 period of service as a Special Justice plus regular interest to the
30 date of such deposit. A Judge shall be deemed to have served
31 continuously, although a period not in excess of thirty days shall
32 have intervened between the holding of one judicial office and the
33 holding of another judicial office.

1 SECTION 2. In the event of the death of any such justice,
2 appointed under this section, prior to qualifying for a pension
3 under any other section, his or her surviving spouse and/or
4 dependent children shall be entitled to receive a pension as follows:

5 1. any justice under this section who has two years of actual
6 service or two years of creditable service as computed under para-
7 graph D of this section leaving a surviving spouse, said surviving
8 spouse shall receive a pension for life in the amount of \$1,000 per
9 month. In addition an amount of \$300 per month shall be paid to
10 each dependent child under 18 years of age.

11 Provisions of this section shall not apply unless such surviving
12 spouse and such deceased judge were living together at the time of
13 such judge's death or, if living apart were living apart, in the
14 opinion of the retiring authority for justifiable cause other than
15 desertion or moral turpitude. Payments on behalf of any depend-
16 ent children shall be paid in the amounts under this section in any
17 case.