

**HOUSE . . . . . No. 1324**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Cory Atkins*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to judicial survivor benefits.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/19/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/1/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/27/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	

**HOUSE . . . . . No. 1324**

By Ms. Atkins of Concord, a petition (accompanied by bill, House, No. 1324) of Cory Atkins and others relative to judicial survivor benefits. Public Service.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to judicial survivor benefits.

*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 65C of chapter 32 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words “spouse who was  
3 his spouse at the time of his retirement or resignation” and inserting in place thereof the  
4 following words:- eligible beneficiary, defined for purposes of this section as a spouse, former  
5 spouse who has not remarried, child, father, mother, sister or brother of the judge, as such judge  
6 shall have designated in their written election of this option.

7 SECTION 2. Said section 65C of said chapter 32, as so appearing, is hereby further  
8 amended by striking out the word “spouse” in lines 11, 17 and 25, each time it appears, and  
9 inserting in place thereof, in each instance, the following words:- eligible beneficiary.

10 SECTION 3. The first paragraph of said section 65C of said chapter 32, as so appearing,  
11 is hereby further amended by inserting after the first sentence the following sentence:- If such  
12 eligible beneficiary dies before the date the retirement allowance becomes effective, the member

13 may submit a written notice prior to the effective date, on a form prescribed by the  
14 Massachusetts State Retirement Board, designating a new eligible beneficiary; provided, that if  
15 the member does not request to designate a new beneficiary, the member shall be paid a full  
16 retirement allowance.

17 SECTION 4. Said section 65C of said chapter 32, as so appearing, is hereby further  
18 amended by striking out the word “spouse” in lines 39 and 57, each time it appears, and  
19 inserting in place thereof, in each instance, the following words:- eligible beneficiary, or, if no  
20 beneficiary has been designated, the judge’s surviving spouse.

21 SECTION 5. Said section 65C of said chapter 32, as so appearing, is hereby further  
22 amended by inserting after the third paragraph the following paragraph:-

23 At any time a judge may, upon written notice on a form prescribed by the Massachusetts  
24 State Retirement Board filed with the board prior to the judge’s death, designate an eligible  
25 beneficiary who, if the judge dies prior to retirement or resignation, shall receive a pension or  
26 retirement allowance in accordance with this section. A judge may, at any time, cancel or change  
27 the appointment of an eligible beneficiary by a written notice filed with the board prior to the  
28 judge’s death. A surviving spouse shall not be eligible to receive a pension or retirement  
29 allowance pursuant to the second or third paragraph unless the surviving spouse and the deceased  
30 member were living together at the time of death of such member, or if the board finds that they  
31 had been living apart for justifiable cause other than desertion or moral turpitude on the part of  
32 the spouse.

33 SECTION 6. Said section 65C of said chapter 32, as so appearing, is hereby further  
34 amended by striking out the word “spouses” in lines 68 and 73, each time it appears, and

35 inserting in place thereof, in each instance, the following words:- eligible beneficiaries or  
36 surviving spouses.

37 SECTION 7. Said section 65C of said chapter 32, as so appearing, is hereby further  
38 amended by inserting after the fourth paragraph the following paragraph:- If a surviving spouse,  
39 or a spouse or former spouse designated as an eligible beneficiary receiving an allowance  
40 pursuant to this section dies, leaving any children of the deceased member and of such spouse or  
41 former spouse who are under the age of 18, the amount that would have been paid to such spouse  
42 or former spouse shall be divided into a number of equal shares as there are children under the  
43 age of 18, and each share shall be paid to a guardian for the benefit of each child until the child  
44 reaches the age of 18.

45 SECTION 8. Said section 65C of said chapter 32, as so appearing, is hereby further  
46 amended by striking out the fifth paragraph.

47 SECTION 9. Said section 65C of said chapter 32, as so appearing, is hereby further  
48 amended by striking out the eighth paragraph and inserting in place thereof the following  
49 paragraph:-

50 If a judge subject to the provisions of paragraphs (a) and (b) of section 65D dies before  
51 resigning or retiring and there is no designated eligible beneficiary or surviving spouse entitled to  
52 a pension or retirement allowance pursuant to this section, all funds previously withheld and  
53 deducted under paragraph (b) of section 65D plus interest shall be returned to the estate of the  
54 deceased.

55 SECTION 10. Section 65D of said chapter 32, as so appearing, is hereby amended by  
56 inserting after the word “surviving”, in lines 116 and 117, the following words:- eligible  
57 beneficiaries or surviving.

58 SECTION 11. Section 65E of said chapter 32, as so appearing, is hereby amended by  
59 striking out, in lines 9 and 11, each time it appears, the word “spouse” and inserting in place  
60 thereof, in each instance, the following words:- eligible beneficiary.

61 SECTION 12. Section 65F of said chapter 32, as so appearing, is hereby amended by  
62 striking out, in lines 9 and 11, each time it appears, the word “spouse”, and inserting in place  
63 thereof, in each instance, the following words:- eligible beneficiary.

64 SECTION 13. Section 65G of said chapter 32, as so appearing, is hereby amended by  
65 striking out, in lines 8 and 10, each time it appears, the word “spouse”, and inserting in place  
66 thereof, in each instance, the following words:- eligible beneficiary.

67 SECTION 14. A chief justice, justice, associate justice, judge, associate judge, or special  
68 judge, hereinafter called a judge, who: (1) has retired or resigned and is receiving a pension or  
69 retirement allowance for life pursuant to section 65A, 65B, 65D, 65F, or 65I of chapter 32 of the  
70 General Laws; and (2) elected, prior to the effective date of this act, to receive a pension or  
71 retirement allowance at a lesser annual rate with a provision that upon their death, two-thirds of  
72 such pension or retirement allowance shall be paid to their surviving spouse pursuant to section  
73 65C of said chapter 32; and (3) whose surviving spouse at the time of retirement or resignation  
74 subsequently became ineligible to receive survivor benefits pursuant to said section 65C of said  
75 chapter 32, may, within 1 year after the effective date of this act, designate a surviving eligible  
76 beneficiary pursuant to said section 65C of said chapter 32, as amended by this act, to receive

- 77 survivor benefits upon the judge's death. The designation shall be in writing on a form that the
- 78 Massachusetts State Retirement Board shall prescribe.