HOUSE DOCKET, NO. FILED ON: 1/15/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Eugene L. O'Flaherty**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 passage of the accompanying bill:

An Act relative to te authority of clerks magistrates.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Eugene L. O'Flaherty | 2nd Suffolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1555 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act relative to te authority of clerks magistrates.

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

SECTION 1. CHAPTER 211B, SECTION 10A IS HEREBY AMENDED BY STRIKING LINE 1 THROUGH 13 AND INSERTING IN ITS PLACE THE FOLLOWING:

A FIRST JUSTICE, IN ADDITION TO HIS JUDICIAL POWERS AND

DUTIES AS A JUSTICE OF THE TRIAL COURT AND IN ADDITION TO

HIS GENERAL POWERS OF SUPERINTENDENCE AS FIRST JUSTICE OF

A PARTICULAR COURT WITHIN THE TRIAL COURT, SHALL, SUBJECT

TO THE SUPERINTENDENCE OF THE SUPREME JUDICIAL COURT AS

PROVIDED IN SECTION 3 OF CHAPTER 211 AND THE

ADMINISTRATIVE AUTHORITY OF THE CHIEF JUSTICE OF THE FIRST

JUSTICE’S DEPARTMENT OF THE TRIAL COURT, BE THE

ADMINISTRATIVE HEAD OF HIS COURT; PROVIDED, HOWEVER, EACH

CLERK, RECORDER AND REGISTER SHALL HAVE THE EXCLUSIVE

AND SOLE AUTHORITY FOR THE PREPARATION AND EXPENDITURE

OF SUCH MONIES AS THE GENERAL COURT MAY ANNUALLY

APPROPRIATE FOR THEIR RESPECTIVE OFFICES AND SHALL HAVE

THE REPSONSIBILITY FOR THE ADMINISTRATION OF THEIR SAID

OFFICES, INCLUDING, BUT NOT LIMITED TO, THE HIRING AND

SUPERVISION OF PERSONNEL, BUDGETING, SUPPLIES, EQUIPMENT,

STAFF SERVICES AND RECORD KEEPING, SAID RECORD KEEPING

SHALL INCLUDE THE KEEPING OF PERSONNEL RECORDS AND TIME

ATTENDANCE RECORDS.  EACH CLERK, RECORDER AND REGISTER

SHALL BE THE SOLE AND EXCLUSIVE APPOINTING AUTHORITY OF

PERSONNEL IN THEIR RESPECTIVE OFFICES AND FURTHER

PROVIDED, SUBJECT TO AVAILABLE FUNDING, SAID HIRING AND OR

APPOINTMENT OF PERSONNEL, SHALL NOT BE WITHELD BY THE

FIRST JUSTICE.  A FIRST JUSTICE OR CLERK, RECORDER OR

REGISTER OF THE COURT MAY SUBMIT ANY DISPUTE THAT ARISES

BETWEEN SAID FIRST JUSTICE AND SAID CLERK, RECORDER OR

REGISTER CONCERNING THE MANANGEMENT AND

ADMINISTRATION OF THE OFFICE OF CLERK, RECORDER, OR

REGISTER, THE DUTIES, POWERS AND OBLIGATIONS OF THE CLERK,

RECORDER, OR REGISTER, OR A MEMBER OF THEIR STAFF, OR THE

INTERPRETATION OF THE PERSONNEL STANDARDS PROVIDED FOR

UNDER SECTION 8 OF CHAPTER 211B, TO THE CHIEF OF THE JUSTICE

DEPARTMENT.