

HOUSE No.

The Commonwealth of Massachusetts

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: Eugene L. O'Flaherty	DISTRICT/ADDRESS: 2nd Suffolk
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[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1555 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE 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:

1 SECTION 1. CHAPTER 211B, SECTION 10A IS HEREBY AMENDED BY STRIKING LINE 1 THROUGH 13
2 AND INSERTING IN ITS PLACE THE FOLLOWING:
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5 A FIRST JUSTICE, IN ADDITION TO HIS JUDICIAL POWERS AND
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7 DUTIES AS A JUSTICE OF THE TRIAL COURT AND IN ADDITION TO
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9 HIS GENERAL POWERS OF SUPERINTENDENCE AS FIRST JUSTICE OF
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11 A PARTICULAR COURT WITHIN THE TRIAL COURT, SHALL, SUBJECT
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13 TO THE SUPERINTENDENCE OF THE SUPREME JUDICIAL COURT AS
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15 PROVIDED IN SECTION 3 OF CHAPTER 211 AND THE
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17 ADMINISTRATIVE AUTHORITY OF THE CHIEF JUSTICE OF THE FIRST
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19 JUSTICE'S DEPARTMENT OF THE TRIAL COURT, BE THE
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21 ADMINISTRATIVE HEAD OF HIS COURT; PROVIDED, HOWEVER, EACH
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23 CLERK, RECORDER AND REGISTER SHALL HAVE THE EXCLUSIVE
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25 AND SOLE AUTHORITY FOR THE PREPARATION AND EXPENDITURE
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27 OF SUCH MONIES AS THE GENERAL COURT MAY ANNUALLY
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29 APPROPRIATE FOR THEIR RESPECTIVE OFFICES AND SHALL HAVE
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31 THE REPSONSIBILITY FOR THE ADMINISTRATION OF THEIR SAID
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33 OFFICES, INCLUDING, BUT NOT LIMITED TO, THE HIRING AND
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35 SUPERVISION OF PERSONNEL, BUDGETING, SUPPLIES, EQUIPMENT,
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37 STAFF SERVICES AND RECORD KEEPING, SAID RECORD KEEPING
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39 SHALL INCLUDE THE KEEPING OF PERSONNEL RECORDS AND TIME
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41 ATTENDANCE RECORDS. EACH CLERK, RECORDER AND REGISTER
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43 SHALL BE THE SOLE AND EXCLUSIVE APPOINTING AUTHORITY OF
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45 PERSONNEL IN THEIR RESPECTIVE OFFICES AND FURTHER
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47 PROVIDED, SUBJECT TO AVAILABLE FUNDING, SAID HIRING AND OR
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49 APPOINTMENT OF PERSONNEL, SHALL NOT BE WITHELD BY THE
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51 FIRST JUSTICE. A FIRST JUSTICE OR CLERK, RECORDER OR
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53 REGISTER OF THE COURT MAY SUBMIT ANY DISPUTE THAT ARISES
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55 BETWEEN SAID FIRST JUSTICE AND SAID CLERK, RECORDER OR
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57 REGISTER CONCERNING THE MANANGEMENT AND
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59 ADMINISTRATION OF THE OFFICE OF CLERK, RECORDER, OR
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61 REGISTER, THE DUTIES, POWERS AND OBLIGATIONS OF THE CLERK,
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63 RECORDER, OR REGISTER, OR A MEMBER OF THEIR STAFF, OR THE
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65 INTERPRETATION OF THE PERSONNEL STANDARDS PROVIDED FOR
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67 UNDER SECTION 8 OF CHAPTER 211B, TO THE CHIEF OF THE JUSTICE
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69 DEPARTMENT.

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