

Bill as Introduced

HB 310-FN - AS INTRODUCED

2009 SESSION

09-0667

09/05

HOUSE BILL **310-FN**

AN ACT relative to reimbursement of mileage for judges and marital masters.

SPONSORS: Rep. Cote, Hills 23

COMMITTEE: Judiciary

ANALYSIS

This bill establishes that judges and marital masters will be reimbursed for mileage to commute from their residences to their assigned courts only if the mileage is in excess of 50 miles each way. Currently judges and marital masters are reimbursed for mileage to commute if it is in excess of 25 miles each way.

This bill was requested by the supreme court.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [in-brackets-and-struckthrough-]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT relative to reimbursement of mileage for judges and marital masters.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Supreme Court Justices; Expenses. Amend RSA 490:18 to read as follows:

2 490:18 Expenses. The justices shall be entitled to receive their actual personal expenses when
3 absent from the court in the performance of their official duties. A justice who resides more than 50
4 miles from the court may be reimbursed for money paid for office rent. The justices shall not be
5 reimbursed for mileage to commute from the justice's residence to the court except for any mileage in
6 excess of [25] 50 miles each way. A temporary justice shall be entitled to receive the same expenses
7 and reimbursements, except for office rent, for the period of such service.

8 2 Judicial Branch Family Division; Marital Masters' Expenses. Amend RSA 490-D:5 to read as
9 follows:

10 490-D:15 Marital Masters' Expenses. The marital masters shall be entitled to receive their
11 actual personal expenses when absent from their assigned court in the performance of their official
12 duties. The marital masters shall not be reimbursed for mileage to commute from the marital
13 master's residence to their assigned court except for any mileage in excess of [25] 50 miles each way.

14 3 Superior Court Justices and Marital Masters; Expenses. Amend RSA 491:6-a to read as
15 follows:

16 491:6-a Superior Court Justices and Marital Masters; Expenses. The justices and marital
17 masters shall be entitled to receive their actual personal expenses when absent from their assigned
18 court in the performance of their official duties. The justices and marital masters shall not be
19 reimbursed for mileage to commute from the justice's or marital master's residence to their assigned
20 court except for any mileage in excess of [25] 50 miles each way.

21 4 District Court Justices' Expenses. Amend RSA 502-A:6-c to read as follows:

22 502-A:6-c District Court Justices' Expenses. The justices shall be entitled to receive their actual
23 personal expenses when absent from their assigned court in the performance of their official duties.
24 The justices shall not be reimbursed for mileage to commute from the justice's residence to their
25 assigned court except for any mileage in excess of [25] 50 miles each way.

26 5 Probate Court Judges' Expenses. Amend RSA 547:22-b to read as follows:

27 547:22-b Probate Court Judges Expenses. The judges shall be entitled to receive their actual
28 personal expenses when absent from their assigned court in the performance of their official duties.
29 The judges shall not be reimbursed for mileage to commute from the judge's residence to their
30 assigned court except for any mileage in excess of [25] 50 miles each way.

31 6 Effective Date. This act shall take effect 60 days after its passage.

LBAO
09-0667
01/07/09

HB 310-FN - FISCAL NOTE

AN ACT relative to reimbursement of mileage for judges and marital masters.

FISCAL IMPACT:

The Judicial Branch states this bill will decrease state expenditures by \$28,717 in FY 2010 and each year thereafter. There will be no fiscal impact on state, county and local revenues or county and local expenditures.

METHODOLOGY:

The Judicial Branch states this bill would amend several statutes to provide that judges and marital masters will be reimbursed for mileage to commute from their residences to their assigned court only if the mileage is in excess of 50 miles each way. Current law provides reimbursement for commuting mileage only if the mileage is in excess of 25 miles each way.

The Branch reviewed actual taxable mileage payments (at \$0.25 per mile) to judges and marital masters from July 2008 to November 2008 to estimate that \$31,908 of mileage would be paid in FY 2009. The Branch also estimates 90% of all commuting mileage payments fall under the 50 miles each way threshold. The Branch anticipates this proposed amendment will reduce the annual commuting mileage reimbursement by 90%, which translates to a cost savings of \$28,717 ($\$31,908 \times 90\%$) in FY 2010 and in each year thereafter.

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
<input type="checkbox"/> Docket	
<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: April 22, 2009

HEARINGS

Tuesday

4/28/2009

JUDICIARY

SH 103

2:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

2:00 PM	HB279-FN	relative to certain missing persons.
2:15 PM	HB291-FN	relative to a one day/one trial jury duty pilot program.
2:30 PM	HB313-FN	relative to the assignment of right of child support enforcement.
2:45 PM	HB449-FN	increasing the penalty for unlawful possession or release of criminal records.
3:00 PM	HB578-FN-L	relative to testimony by video teleconference.
3:15 PM	HB310-FN	relative to reimbursement of mileage for judges and marital masters.
3:30 PM	HB473-FN	relative to water treatment plants and penalties for safe drinking water violations.
3:45 PM	HB537-FN	relative to penalties for oil spills.

3:30

Sponsors:

HB279-FN

Rep. Peter Batula
Rep. Frank Case
Sen. Lou D'Allesandro

Rep. Cindy Rosenwald
Rep. Susan Emerson

Sen. Theodore Gatsas
Sen. Sheila Roberge

Rep. Joy Tilton
Sen. Kathleen Sgambati

HB291-FN

Rep. Anthony DiFruscia

Rep. Gary Richardson

Rep. Susi Nord

HB313-FN

Rep. Edward Moran

HB449-FN

Rep. Anthony DiFruscia

HB578-FN-L

Rep. Jordan Ulery

HB310-FN

Rep. David Cote

HB473-FN

Rep. L. Mike Kappler

Rep. Chris Christensen

HB537-FN

Rep. L. Mike Kappler

Rep. Chris Christensen

Gail Brown 271-3076

Sen. Deborah Reynolds

Chairman

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, *Senior Legislative Aide*

RE: Hearing report on **HB 310-FN – AN ACT relative to reimbursement of mileage for judges and marital masters.**

HEARING DATE: April 28, 2009

MEMBERS OF THE COMMITTEE PRESENT: Senators Reynolds, Lasky, Roberge, Letourneau and Houde

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Representative Cote

What the bill does: This bill establishes that judges and marital masters will be reimbursed for mileage to commute from their residences to their assigned courts only if the mileage is in excess of 50 miles each way. Currently judges and marital masters are reimbursed for mileage to commute if it is in excess of 25 miles each way. This bill was requested by the Supreme Court.

Who supports the bill: Representative Cote; Attorney Howard Zibel, Legal Counsel for the Judicial Branch and the Supreme Court

Who opposes the bill: No one

Summary of testimony received:

- In the absence of Representative Cote, Attorney Zibel introduced the legislation and explained that the Judicial Branch is “cutting the budget on the backs of the judges.” He explained that the policy used to be that only judges in the Supreme Court and Superior Courts were paid mileage when traveling to court. When Justice Broderick became the Chief Justice, in order to be fair, he expanded this policy to include all of the judges.
- The current policy for mileage reimbursement is that all miles in excess of 25 that a judge or master travels to court is reimbursed. This legislation changes it to 50 miles before reimbursement. This means that if a judge travels 52 miles to court, he or she would be reimbursed for 2 miles traveled – the first 50 will be traveled at his or her own expense.

- Attorney Zibel explained that these distances do occur, especially with the new judges and masters as they may start out being assigned to a court in the North Country and have to travel some distances.
- The estimated savings would be \$28,717. This has already been removed from the Judicial Branch's proposed budget that is currently before the Senate.

Fiscal Impact: See attached FN.

Action: Senator Letourneau moved "Ought to Pass." Senator Lasky seconded the motion. The Committee voted 5 to 0 in support of the OTP motion. Senator Letourneau will report the bill out of Committee.

sfd

[file: HB 310-FN]

Date: April 29, 2009

RHB

Date: April 28, 2009
Time: 3:30 p.m.
Room: State House Room 103

The Senate Committee on Judiciary held a hearing on the following:

HB 310-FN (New Title) relative to reimbursement of mileage for judges and marital masters and relative to civil marriage and civil unions.

Members of Committee present: Senator Reynolds
Senator Lasky
Senator Houde
Senator Roberge
Senator Letourneau

The Chair, Senator Deborah R. Reynolds, opened the hearing on HB 310 and, in the absence of the prime sponsor, invited Howard Zibel to speak to the legislation.

Howard Zibel, Esquire: I am going to do my best to catch you up right now.

Senator Deborah R. Reynolds, D. 2: Thank you.

Attorney Zibel: Howard Zibel, General Counsel to the Supreme Court and the Judicial Branch. This is a bill that we sought sponsorship of. It started in the House because it affects the budget and this was part of our budget reduction effort; one of those that I'm sad to say we're cutting the budget on the backs of people who work for the Judicial Branch, this time judges.

In the past, before 2005, judges received commuting mileage in the Supreme and Superior Court. One of Chief Justice Broderick's efforts was to have all judges treated alike and, in 2005, it was expanded to all judges, but limited to those who commute twenty-five miles or more each way. In an effort to reduce the budget this year, we are further limiting it to fifty miles each way. The thought at first was to limit it altogether, but actually I'm the one that

raised the point which did carry today that, in the future you may have, we don't have one now, but you may have a Supreme Court justice from the North Country. That is asking a lot to get no compensation. Also, in the Superior Court, it is common that a junior judge may get posted to some of the counties that are less well-served and tend to be up north and have a long drive. So, that may be service above and beyond the call of duty. So, that's why you have it at the fifty mile mark.

The net savings to the Judicial Branch is \$28,717, estimated. It is already taken out in our budget. So, this is a no brainer pass.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Any questions for Howard Zibel? Senator Roberge?

Senator Sheila Roberge, D. 9: Currently they get reimbursed for fifty, now you are taking it down to twenty-five?

Attorney Zibel: No, they are reimbursed now if their commute is greater than twenty-five. We are making that now only if the commute is greater than fifty.

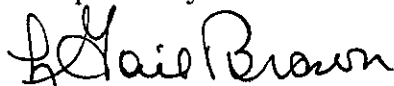
Senator Sheila Roberge, D. 9: Okay.

Attorney Zibel: Each way. So, if you live fifty-two miles from your court, you get two miles for mileage.

Senator Deborah R. Reynolds, D. 2: Any other questions? Thank you very much. Seeing no one else signed in, I am going to close the hearing on HB 310.

Hearing concluded at 3:35 p.m.

Respectfully submitted



L. Gail Brown
Secretarial Supervisor
5/12/09

Speakers

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # HB 310

Hearing date: 4/28/09

Executive session date: 4/28/09

Motion of: OTP

VOTE: 0-0

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Motion of: _____

VOTE: _____

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 29, 2009

THE COMMITTEE ON Judiciary

to which was referred House Bill 310-FN

AN ACT relative to reimbursement of mileage for judges and marital masters.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Robert J. Letourneau
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of HB310

Docket Abbreviations

Bill Title: (New Title) relative to reimbursement of mileage for judges and marital masters and relative to civil marriage and civil unions.

Official Docket of HB310:

Date	Body	Description
01/08/2009	H	Introduced and Referred to Judiciary; HJ 12 , PG.223
01/14/2009	H	Public Hearing: 1/29/2009 10:00 AM LOB 208
02/03/2009	H	Executive Session: 2/17/2009 10:00 AM LOB 208
02/18/2009	H	Committee Report: Ought to Pass for Mar 4 CC (vote 19-0); HC 16 , PG.367
03/04/2009	H	Ought to Pass: MA VV; HJ 21 , PG.588
03/04/2009	H	Referred to Finance; HJ 21 , PG.588
03/05/2009	H	==TIME CHANGE== Division I Work Session: 3/18/2009 1:30 PM LOB 212 (Orig 10:30 AM)
03/18/2009	H	Division I Work Session: 3/30/2009 9:30 AM LOB 212
03/19/2009	H	Executive Session: 3/31/2009 10:00 AM LOB 210-211 ==RECESSED==
04/01/2009	H	==CONTINUED== Executive Session: 4/1/2009 10:00 AM LOB 210-211
04/01/2009	H	Committee Report: Ought to Pass for April 8 CC (vote 23-0); HC 26 , PG.919
04/08/2009	H	Ought to Pass: MA VV; HJ 31 , PG.1280
04/08/2009	S	Introduced and Referred to Judiciary; SJ 11 , Pg.233
04/22/2009	S	Hearing; April 28, 2009, Room 103, State House, 3:15 p.m.; SC21
04/29/2009	S	Committee Report; Ought to Pass [05/06/09]; SC22
05/06/2009	S	Sen. Reynolds Floor Amendment (1523s)(New Title), RC 14Y - 10N , AA
05/06/2009	S	Sen. Bragdon Divide the Question: Sec.1-5, Sec.6-9
05/06/2009	S	Chair Ruled Question Divisible
05/06/2009	S	Sec.1-5 RC 24Y - 0N , MA
05/06/2009	S	Sec.6-9 RC 14Y - 10N , MA
05/06/2009	S	Ought to Pass with Amendment (1523s)(New Title), MA; OT3rdg;
05/06/2009	S	Passed by Third Reading Resolution
05/06/2009	H	Postpone to a Time Certain (Rep Rowe): MF RC 136-176 ; HJ 39 , PG.1559-1561
05/06/2009	H	House Concurs with Senate AM #1523s (New Title) (Rep Cote): MA RC 180-131 ; HJ 39 , PG.1561-1563
05/06/2009	H	Reconsideration (Rep Vaillancourt): MF VV; HJ 39 , PG.1563
05/06/2009	S	Enrolled Bill Amendment #1579 Adopted
05/06/2009	H	Enrolled Bill Amendment #1579 Adopted; HJ 39 , PG.1564
05/06/2009	H	Enrolled; HJ 39 , PG.1564
05/13/2009	S	Enrolled; SJ 15 , Pg.347
06/04/2009	H	Signed by the Governor 06/03/2009; Chapter 0060

06/04/2009	H	I. Section 1-5 Effective 08/02/2009
06/04/2009	H	II. Section 6-7 Effective as Provided in Section 8
06/04/2009	H	III. Remainder Effective 06/03/2009

NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems
107 North Main Street - State House Room 31, Concord NH 03301*

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 310 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE on which you have taken attendance
- HEARING REPORT (written summary of hearing testimony)
- HEARING TRANSCRIPT (verbatim transcript of hearing)
List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____
- SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

_____ - AMENDMENT # _____ _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
_____ FINAL VERSION _____ AS AMENDED BY THE SENATE

_____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/7/09

Hail Brown
COMMITTEE SECRETARY