

Bill as Introduced

HB 677-FN - AS INTRODUCED

2009 SESSION

09-0671
09/10

HOUSE BILL **677-FN**

AN ACT allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

SPONSORS: Rep. Cote, Hills 23; Sen. Reynolds, Dist 2

COMMITTEE: Judiciary

ANALYSIS

This bill allows part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

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

1 1 New Paragraph: Senior Active Status; Retired Status. Amend RSA 493-A:1 by inserting after
2 paragraph IV the following new paragraph:

3 V. Any part-time justice of the district or probate court who is at least 60 years of age with
4 15 years of service as a part-time justice, or at least 65 years of age with 10 years of service as a part-
5 time justice, may retire from regular active part-time service and may elect to take either senior
6 active status or retired status in accordance with the provisions of paragraph I.

7 2 Compensation. Amend RSA 493-A:1-b to read as follows:

8 493-A:1-b Compensation.

9 I. Any retired full-time justice of the supreme, superior, district, or probate court who serves
10 after retirement as a senior active status justice [~~or a judicial referee~~] shall be allowed his or her
11 expenses and a per diem compensation determined by the supreme court upon recommendation by
12 the judicial branch administrative council and based on the daily equivalent of the annual salary the
13 retired justice would then be earning pursuant to RSA 491-A:1; provided however, that in any
14 calendar year the total of the [~~service~~] retirement benefits that the retired justice receives pursuant
15 to RSA [~~100-C:5~~] 100-C plus the compensation provided by this section shall not exceed the annual
16 salary the retired justice would then be earning pursuant to RSA 491-A:1.

17 II. Any retired part-time justice of the district or probate court who serves after
18 retirement as a senior active status justice shall be allowed his or her expenses and a per
19 diem compensation determined by the supreme court upon recommendation by the judicial
20 branch administrative council and based upon the taxable salary of a full-time district
21 court or probate court justice pursuant to RSA 491-A:1; provided, however, that in any
22 calendar year the total of the retirement benefits that the retired part-time justice receives
23 pursuant to RSA 100-A plus the compensation provided by this section shall not exceed the
24 annual salary that a full-time justice of the district or probate court would then be earning
25 pursuant to RSA 491-A:1.

26 3 Judicial Referees. Any retired part-time justice of the district or probate court who is serving
27 as a judicial referee on the effective date of this act may elect senior active status not later than 30
28 days after the effective date of this act.

1 4 Repeal. The following are repealed:

2 I. RSA 493-A:1-a, relative to judicial referees.

3 II. RSA 502-A:6-b, relative to retired justices of the district courts.

4 III. RSA 547:19-c, relative to retired judges of probate.

5 5 Contingency. Paragraph I of section 4 of this act shall take effect only if an act extending
6 senior active status to judges over 70 years of age is enacted in the 2009 legislative session.

7 6 Effective Date. This act shall take effect 60 days after its passage.

LBAO
09-0671
01/23/09

HB 677-FN - FISCAL NOTE

AN ACT allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Committee Minutes

HOUSE COMMITTEE ON JUDICIARY

BILL NUMBER: HB 677 FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement..

DATE: March 5, 2009

THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.



David E. Cote, Chairman

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 677 FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

DATE: FEB 11, 2009

LOB ROOM: 208 **Time Public Hearing Called to Order:** 11:35A

Time Adjourned: 11:45A

(please circle if present)

Committee Members Reps. D. Cote, Wall, Potter, Hackel, P. Preston, G. Richardson, L. Weber, B. Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins, Silva, W. Smith and Mead

Bill Sponsors: Rep. Cote, Hills 23; Sen. Reynolds, Dist 2

TESTIMONY

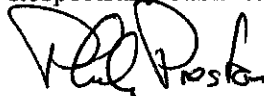
* Use asterisk if written testimony and/or amendments are submitted.

Rep. Weber-introduced for Cote.

Howard Zibel, NH Supreme Court-supports.

Part-time District Court and Probate Court cannot be a judicial referee if they retire before age 70. This allows them to retire early and still provide their services on a limited basis. Election as a senior active status is up to the judge, but his selection as a senior active judge is up to the Judicial Branch.

Respectfully submitted,



Rep. Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 677 FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

DATE: 2/11

LOB ROOM: 208

Time Public Hearing Called to Order: 11:35

Time Adjourned: 11:45

(please circle if present)

Committee Members: Reps. D. Cote, ~~Wal~~, ~~Poster~~, ~~Heckel~~, P. ~~Pre~~on, G. ~~Richardson~~, L. ~~Weber~~, B. ~~Bro~~ne, Nixon, ~~Thom~~son, ~~Watrous~~, ~~R~~owe, N. ~~Ed~~tt, DiFruscia, W. O'Brien, ~~H~~agan, L. ~~Per~~ns, ~~S~~iva and W. ~~Smith~~.

mead

Bill Sponsors: Rep. Cote, Hills 23; Sen. Reynolds, Dist 2

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Respectfully submitted,

Rep. Philip Preston, Clerk

635
677

#1 Weber - introduced for Cote

#2 Zibel

Part-Time Dist. Court + Probate cannot be a

Judicial referee if they retire before age 70.

This allows them to retire early and still

provide their services on a limited basis.

~~Pay~~ Election as a Senior ^{active} status is up to

the judge, but his selection as a ^{senior active} SA judge

is up to the Judicial Branch.

Sub-Committee Actions

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON HB 677-FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

DATE: October 20, 2009

Subcommittee Members: Reps. Wall, Richardson, Watrous, Smith, Rowe, and Hagan

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Smith

Seconded by Rep. Watrous

Vote: 4-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Janet Wall
Subcommittee Chairman/Clerk

Judiciary
HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW
SUBCOMMITTEE WORK SESSION ON HB 677-FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

DATE: October 20, 2009

Subcommittee Members: Reps. *Wall*, Richardson, *Watrous*, *Smith* and Hagan, *Rowe*

Comments and Recommendations: -

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, *ITL*, Retained (Please circle one.)

Moved by Rep. *Rep. Will Smith*

Seconded by Rep. *Rep. Rick Watrous*

Vote: *4-0*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,
Rep. *Janet Wall*
Subcommittee Chairman/Clerk

(2)

Oct. 20, 2009

Retained HB 677 subcommittee work session
Subcommittee

Rep. Gary Richardson - A
Rep. William Smith - here
Rep. Joseph Hagen - A
Rep. Janet Wall - Chair - here
Rep. Rick Watsons here - clerk
Rep. Robert ~~Wall~~ Rowe here

Testimony

11:30 - open meeting

Review March 3, 2009 retirement letter ~~report~~
from E. D. Richard Ingram

Howard Zibel - We decided it up to p/t district
court judges to determine this
Up until 2003 up to judges to hire own counsel to
explore this

- I talked to Judge Kelly

No district court judges have looked into
letter allegations

Bill purpose is good but retirement system
is a concern.

Smith + Wall expressed concerns about retirement letter
Rep. Rowe - ^{N+HRS} Retired judges should volunteer +
be appointed on a pro bono record

General discussion about retirement age.

Zibel limited testimony assignment.

Rowe on Subcommittee

2

Rowe Would judges do it on a pro bono basis?

W. Smith - made motion to ITL
Watrous - 2nd

11:52 4-0

11:53 Adjourning

Testimony



NHRS

New Hampshire Retirement System

March 3, 2009

Representative David Cote
Chair, House Judiciary Committee
Legislative Office Building
North Main St.
Concord, NH 03301

Dear Chairman Cote,

This letter is to let you and the Judiciary Committee know of a potential conflict involving House Bill 677, which seeks to allow retired part time justices who receive a pension from the New Hampshire Retirement System (NHRS) to return to work part-time as senior active status justices and be paid per diem while continuing to receive their NHRS pension. Under this scenario, the reemployment or continued employment constitutes a Restoration to Service under RSA 100-A:7, which requires that the pension cease until such time as the member subsequently retires.

The part-time judges are in a unique category of members in that the NHRS Board of Trustees has allowed elective membership in spite of the part-time nature of the employment. Generally, NHRS membership is available only to those employed on a full time basis. Part-time judges accrue service credit regardless of how much time is worked in any given month. The NHRS Board of Trustees has permitted salaried, as well as per diem part-time, justices to become members and in certain cases allowed the purchase of service credit based on the wages.

To reiterate, HB 677 as currently drafted conflicts with RSA 100-A:7 because that statutory provision would not allow retired part-time justices who are receiving an NHRS pension to return to work as senior active status justices who are compensated on either a salaried or per diem basis while simultaneously receiving their NHRS pension.

It is our understanding that an amendment to HB 677 may be proposed which would provide that the service of a retired part-time justice of a district or probate court as a senior active status justice would not be considered a restoration to service under RSA 100-A:7. While such an amendment appears to resolve the statutory conflict between HB 677 and RSA 100-A:7, it creates a conflict with Internal Revenue Code (Code) requirements applicable to retirement plans intended to be qualified under Code Section 401(a).

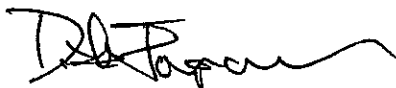
The election of senior active status by a part-time justice who has retired under the NHRS is also an election not to participate (accrue additional benefits) under the NHRS if the retired justice is not restored to service. Internal Revenue Regulations provide that except in the case of a one-time irrevocable election made no later than an employee's first becoming eligible to participate under a plan, any election made by an employee to elect no benefit accruals under a defined benefit plan constitutes a cash or deferred election. A defined benefit plan which includes a cash or deferred election can not be qualified under Code section 401(a). Therefore, any amendment to the NH RSAs which would negate the restoration to service provisions of RSA 100-A:7 would jeopardize the NHRS' qualified status under the Code. **If NHRS loses its qualified pension trust status, major consequences would include:**

- The NHRS multi-billion dollar trust fund, currently exempt from federal income taxation under Code Section 501(a), would be subject to federal taxes as a taxable trust; and

- Favorable federal income tax treatment currently applicable to distributions made to NHRS retirees, terminated members and beneficiaries would not longer apply.

Unless all present and future active and senior active part-time justices are excluded from participating in the NHRS on a prospective basis, it appears that all part-time justices who retired under the NHRS must be restored to service upon electing senior active status.

Respectfully Submitted,



Richard W. Ingram
Executive Director

cc: Representative Janet Wall
Howard J. Zibel, Esq., General Counsel, NH Supreme Court

-----Original Message-----

From: O'Connor, Merelise [<mailto:merelise.oconnor@nhrs.org>]

Sent: Wed 3/4/2009 9:07 AM

To: Cote, David

Cc: HZibel@Courts.State.NH.US

Subject: Re: HB 677

<<7077.pdf>>

Dear Chairman Cote,

The attached letter respectfully submitted by the Executive Director of the NH Retirement System raises concerns with the proposed legislation that may jeopardize the NHRS tax qualified status with the Internal Revenue Service. Originals are being delivered to your office today.

Please consider these concerns in your deliberations on the bill. If you have questions, I will be happy to be of assistance and will be available at the scheduled Executive Session tomorrow. Thank you.

Mel

Merelise O'Connor

Deputy Director

Chief Member Services Officer

New Hampshire Retirement System

54 Regional Drive

Concord, NH 03301

603-410-3600

toll free 877-600-0158

merelise.oconnor@nhrs.org

**STATE OF NEW HAMPSHIRE
OFFICE OF LEGISLATIVE BUDGET ASSISTANT
FISCAL NOTE WORKSHEET**

Date Sent to Judicial Branch: 12/10/08

LSR #: 09-0671.0

Judicial Branch _____

Bill #: _____

Due to LBAO: 12/23/08

Amendment #(s): _____

Correction to prior response? (Y/N): N

State Fund(s) Affected:

General: _____ Federal: _____ Other: _____

	FIRST BIENNIUM			SECOND BIENNIUM	
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
State Revenue					
State Expenditure					
Net State Impact					

County Revenue					
County Expenditure					
Net County Impact					

Local Revenue					
Local Expenditure					
Net Local Impact					

- NOTE: (1) List only the amount of change in the appropriate column.
 (2) Place all negative numbers in parenthesis.
 (3) You may replicate this worksheet.
 (4) Refer to Guidelines for Fiscal Note Worksheets for further information.

- (A) **ASSUMPTIONS:** Explain how estimate was derived. Describe costs that can be absorbed without additional funding. If no estimate can be prepared, **explain why in detail.** If no fiscal impact, **explain why in detail.**

The proposed bill would add RSA 493-A:1, V to allow part-time district and probate court judges to retire before age seventy and serve as senior active status judges pursuant to RSA 493-A:1, I. Presiding justices in the district court who are part-time and the three part-time judges in the probate court are paid annual salaries based on weighted case units pursuant to RSA 491-A:3 and :4, respectively. The weighted case unit annual salaries are based on the time needed for the judge to decide the cases in his or her court. As such, those annual salaries should approximate the per diem salary of a judge times the number of days needed to decide the cases. Part-time judges who are not presiding judges or presiding judges who sit for a day in another court receive a per diem based on the annual salary of a full-time judge.

Since the intent of the proposed bill is that part-time judges who retire before age seventy and serve as senior active status judges will be paid a per diem for each day of service based on the salary of a full-time judge, the proposed bill should have no fiscal impact on the judicial branch. The retired part-time judge would be paid a per diem which was either the same as or on the same basis as the judge was paid before he or she retired. The same number of cases will still be in the system. The impact of the proposed bill is to give the administrative judges more flexibility in assigning judges. The cost of those judges, however, should remain the same. In fact, the proposed bill may result in a small savings to the judicial branch because part-time judges are eligible to join the New Hampshire Retirement System (RSA chapter 100-A). The judicial branch pays the employer's percentage contribution for those part-time judges. After a part-time judge has retired pursuant to the proposed bill, the judicial branch will no longer be paying that employer contribution so the cost to the judicial branch for a retired part-time judge will be less than that cost before the part-time judge retired and took senior active status pursuant to the proposed bill.

- (B) **METHOD:** Show calculations used to determine fiscal impact. **Calculations must agree with and explain totals on first page.**

- (C) **ESTIMATED FISCAL IMPACT (from A and B):** **Estimated Fiscal Impact must agree with the totals on first page.**

(D) **ADDITIONAL COUNTY, LOCAL OR LONG-RANGE EFFECTS:**

(E) **TECHNICAL OR MECHANICAL DEFECTS:** Note any conflicts with existing law. Do not comment on the merits of the legislation.

(F) **OTHER COMMENTS:** Include tax variables, federal mandates, etc.

JUDICIAL BRANCH REPRESENTATIVE PREPARING WORKSHEET:

Name/Signature: Howard J. Zibel

Title and Phone Number: General Counsel to the New Hampshire Supreme Court, 513-5438

December 30, 2008

Date

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 677 FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

DATE: MARCH 5, 2009

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study **RETAINED**

Moved by Rep. NIXON

Seconded by Rep. RICHARDSON

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 677 FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

DATE: 3/5/09

LOB ROOM: 208

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: ^{Retain} OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Nixon

Seconded by Rep. Richardson

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

JUDICIARY

Bill #: HB 677 EN Title: allowing part time district court justices and probate court judges to sit as senior circuit status judges upon retirement.
 PH Date: 2 / 11 / 09 Exec Session Date: 3 / 5 / 09

Motion: Retain Amendment #: _____

MEMBER	YEAS	NAYS
Cote, David E, Chairman	Y	
Wall, Janet G, V Chairman	abs	
Potter, Frances D	Y	
Hackel, Paul L	Y	
Preston, Philip, Clerk	Y	
Richardson, Gary B	Y	
Weber, Lucy M	Y	
Browne, Brendon S	Y	
Dixon, David L	Y	
Thompson, Robert B	Y	
Watrous, Rick H	Y	
Dowe, Robert H	*	N
Llriott, Nancy J		N
DiFruscia, Anthony R	Y	
Brien, William L		N
Magan, Joseph M		N
Marlins, Lawrence B		N
Quiva, Peter L		N
Smith, William B	Y	
Meed	abs	
TOTAL VOTE:		
dated: 1/15/2009		
	12	6

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 677-FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

DATE: November 17, 2009

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Wall

Seconded by Rep. Hagan

Vote: 19-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 19-0 - YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 677-FN

BILL TITLE: allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.

DATE: November 17, 2009

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Wall

Seconded by Rep. Hagan

Vote: 19/0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

Philip Preston

JUDICIARY

Bill #: HB 677-FN Title: allowing part-time district court justices

PH Date: / /

Exec Session Date: 11 / 17 / 09

Motion: RTL

Amendment #:

MEMBER	YEAS	NAYS
Cote, David E, Chairman	Y	
Wall, Janet G, V. Chairman	Y	
Potter, Frances D	Y	
Hackel, Paul L	Y	
Preston, Philip, Clerk	Y	
Richardson, Gary B	Y	
Weber, Lucy M	Y	
Browne, Brendon S	Y	
Nixon, David L	Y	
Thompson, Robert B	Y	
Watrous, Rick H	Y	
Rowe, Robert H	Y	
Elliott, Nancy J	Y	
DiFruscia, Anthony R	<i>abs</i>	
Mead, Robert D	Y	
O'Brien, William L	Y	
Hagan, Joseph M	Y	
Perkins, Lawrence B	Y	
Silva, Peter L	Y	
Smith, William B / <i>Bates, David</i>	Y	
TOTAL VOTE:	19	0
Printed: 2/11/2009		

Committee Report

CONSENT CALENDAR

November 20, 2009

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on JUDICIARY to which was referred
HB677-FN,**

**AN ACT allowing part-time district court justices and
probate court judges to sit as senior active status judges
upon retirement. Having considered the same, report
the same with the following Resolution: RESOLVED,
That it is INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB677-FN
Title:	allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement.
Date:	November 20, 2009
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would allow part-time district court justices as well as probate court judges to sit as senior active status judges after their retirement. The committee received compelling evidence from the New Hampshire Retirement System that passage of this bill would create unintended consequences negatively impacting the retirement system's tax exempt status. Based on the information from the retirement system together with the lack of a strong reason to alter the status of retired judges, the committee voted unanimously to find this bill inexpedient to legislate.

Vote 19-0.

Rep. Janet G Wall
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

HB677-FN, allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall for JUDICIARY. This bill would allow part-time district court justices as well as probate court judges to sit as senior active status judges after their retirement. The committee received compelling evidence from the New Hampshire Retirement System that passage of this bill would create unintended consequences negatively impacting the retirement system's tax exempt status. Based on the information from the retirement system together with the lack of a strong reason to alter the status of retired judges, the committee voted unanimously to find this bill inexpedient to legislate. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

HB 677-FN

ITL

This bill would allow part-time district court justices as well as probate court judges to sit as senior active status judges after their retirement. The committee received compelling evidence from the New Hampshire Retirement System that passage of this bill would create unintended consequences negatively impacting the retirement system's tax exempt status. Based on the information from the retirement system together with the lack of a strong reason to alter the status of retired judges, the committee voted unanimously to find this bill inexpedient to legislate.

Janet Wall

OK-

COMMITTEE REPORT

COMMITTEE: Judiciary

BILL NUMBER: HB 677

TITLE: Allowing part-time district court justices and probate court judges to sit as senior active judges upon retirement.

DATE: November 17, 2009 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This bill would allow part-time district court justices as well as probate court judges to sit as senior active status judges after their retirement. The committee received compelling evidence from the N.H. Retirement System that passage of this bill would create unintended consequences negatively impacting the retirement system's tax exempt status. Based on the information from the retirement system together with the lack of a strong reason to alter the status of retired judges, the committee voted unanimously to find this bill inexpedient to legislate.

COMMITTEE VOTE: 19-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Janet Wall
For the Committee

DX-10