

LEGISLATIVE COMMITTEE MINUTES

Bill as
Introduced

HB 670-FN - AS INTRODUCED

2013 SESSION

13-0421

09/01

HOUSE BILL **670-FN**

AN ACT relative to marital masters.

SPONSORS: Rep. Coulombe, Coos 3; Rep. G. Richardson, Merr 10; Rep. Horrigan, Straf 6;
Rep. Kelleigh Murphy, Hills 7; Rep. Gale, Hills 28

COMMITTEE: Judiciary

ANALYSIS

This bill allows for the appointment of new martial masters and permits current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment. The bill also requires the appointment of a new martial master to serve in the Coos superior 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen

AN ACT relative to marital masters.

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

1 1 Circuit Court Judges; Marital Masters. RSA 490-F:7, III is repealed and reenacted to read as
2 follows:

3 III. Upon the retirement, resignation, disability, or nonrenewal of appointment of a marital
4 master, the position shall be converted to a full-time judicial position, provided that the fiscal
5 committee of the general court approves and further provided that sufficient funds have been
6 appropriated for the salary and benefits of the full-time judicial position. Once converted to a full-
7 time judicial vacancy, the governor may nominate and the council may confirm any qualified person
8 pursuant to part 2, article 46 of the New Hampshire constitution. If the fiscal committee of the
9 general court does not approve, or if there are not sufficient funds available to fund the salary and
10 benefits of the full-time judicial position, the master position shall not be eliminated, and a new
11 master may be appointed pursuant to RSA 490-D:7.

12 2 Coos Superior Court; Marital Master. A new marital master shall be appointed and assigned
13 to the Coos superior court on or before July 1, 2013.

14 3 Repeal. The following are repealed:

15 I. 2011, 272:3, relative to marital master contracts.

16 II. 2012, 66:1-7, relative to the prospective repeal of provisions relative to marital masters.

17 III. 2012, 66:8, relative to marital master contracts.

18 4 Effective Date. This act shall take effect upon its passage.

LBAO
13-0421
01/29/13

HB 670-FN - FISCAL NOTE

AN ACT relative to marital masters.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Judicial Branch. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 670 FISCAL NOTE

AN ACT relative to marital masters.

FISCAL IMPACT:

The Judicial Branch states this bill, as introduced, may decrease state general fund expenditures by \$74,804 in FY 2014, \$153,599 in FY 2015, \$391,466 in FY 2016 and \$448,603 in FY 2017. There is no fiscal impact on county and local expenditures, or state, county and local revenue.

METHODOLOGY:

The Judicial Branch states this bill would repeal and reenact RSA 490-F:7, III and would repeal Chapter 272:3, Laws of 2011 and Chapter 66:8, Laws of 2012 to allow currently serving marital masters to remain in office. Under current statute and Chapter 272:3, Laws of 2011 and Chapter 66:8, Laws of 2012 the currently serving marital masters' positions end on the expiration of their current terms. There are six marital masters whose terms expire on the following dates: May 3, 2014; May 21, 2014 (two marital masters); October 15, 2015; and April 5, 2016 (two marital masters). The Branch will no longer assume marital master positions will be converted into full-time judge positions as the marital master terms end. As a result, payouts of \$217,987 in FY 2014 and \$189,702 in FY 2016 will no longer be made. The difference between a marital master salary and benefits to a judge is \$101,674. The Branch assumes the following savings by not converting marital master positions to judges: \$305,022 in FY 2015 (three times the \$101,674 difference), \$355,859 in FY 2016 (three and half times the \$101,674 difference) and \$610,044 in FY 2017 (six times the \$101,674 difference). For each marital master position, the Branch receives approximately 2.03% of the marital master salary or \$2,270 ($\$111,826 * 2.03\%$) in federal reimbursement for time marital masters spend on child support cases (Title IV-D cases). The Branch states any potential savings will need to be offset by the federal reimbursement, which would have been lost if the marital master position had been converted. The Branch states the following federal reimbursements are \$6,810 in FY 2015, \$7,945 in FY 2016 and \$13,620 in FY 2017. RSA 490-D:9 requires all marital master orders need to be signed by a judge. The Branch has no calculation of judge time involved with reviewing and certifying marital master recommendations to determine the cost of this activity to determine the impact on the potential savings. The Branch estimates the savings, less any judge time to review and certify marital master recommendations, to be \$217,987 in FY 2014, \$298,212 in FY 2015, \$537,616 in FY 2016 and \$596,424 in FY 2017.

The Branch states the salary and benefit cost for a marital master position in Coos County is \$143,183 in FY 2014, \$144,613 in FY 2015, \$146,150 in FY 2016 and \$147,821 in FY 2017. The net savings of this bill are \$74,804 (\$217,987 - \$143,183) in FY 2014, \$153,599 (\$298,212 - \$144,613) in FY 2015, \$391,466 (\$537,616 - \$146,150) in FY 2016 and \$448,603 (\$596,424 - \$147,821) in FY 2017.

Amendments

Rep. Horrigan, Straf. 6
Rep. Woodbury, Hills. 5
Rep. Takesian, Hills. 37
Rep. Sylvia, Belk. 6
February 21, 2013
2013-0519h
09/01

Amendment to HB 670-FN

1 Amend RSA 490-F:7, III as inserted by section 1 of the bill by replacing it with the following:

2

3 III. Upon the retirement, resignation, disability, or nonrenewal of appointment of a marital
4 master, the position shall be converted to a full-time judicial position, provided that the fiscal
5 committee of the general court approves and further provided that sufficient funds have been
6 appropriated for the salary and benefits of the full-time judicial position. Once converted to a full-
7 time judicial vacancy, the governor may nominate and the council may confirm any qualified person
8 pursuant to part 2, article 46 of the New Hampshire constitution.

9

10 Amend the bill by replacing section 2 with the following:

11

12 2 Appointment of Marital Master; Court Scheduling in Coos County. A new marital master
13 shall be appointed on or before July 1, 2013. To the extent practicable, the circuit court shall
14 address court scheduling issues in Coos county.

Amendment to HB 670-FN
- Page 2 -

2013-0519h

AMENDED ANALYSIS

This bill allows for the appointment of new martial masters and permits current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment. The bill also requires the appointment of a new marital master.



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February 21, 2013
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4 master, the position shall be converted to a full-time judicial position, provided that the fiscal
5 committee of the general court approves and further provided that sufficient funds have been
6 appropriated for the salary and benefits of the full-time judicial position. Once converted to a full-
7 time judicial vacancy, the governor may nominate and the council may confirm any qualified person
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2013-0519h

AMENDED ANALYSIS

This bill allows for the appointment of new martial masters and permits current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment. The bill also requires the appointment of a new marital master.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 670

BILL TITLE: relative to marital masters.

DATE: February 12, 2013

LOB ROOM: 208 **Time Public Hearing Called to Order:** 11:51 am

Time Adjourned: 12:10 pm

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, D. Thompson, Kappler and Hagan.

Bill Sponsors: Reps. Coulombe, Coos 3; Rep. G. Richardson, Merr 10; Rep. Horrigan, Straf 6; Rep. Kelleigh Murphy, Hills 7; Rep. Gale, Hills 28

TESTIMONY

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

Rep. Gary Coulombe, prime sponsor

Introduced the bill to the committee.

Chief Justice Linda S. Dalianis, Supreme Court and Chief Robert J. Justice Lynn of Superior Court - support

On behalf of the New Hampshire Judicial Branch support the bill.

NOTE: This bill is identical to HB 648 with the addition of a specific request for a Coos County marital master designation and appointment.

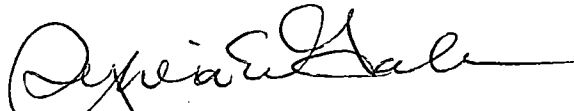
Ann Barber, Bartlett, NH - support

She is a former marital master for Coos County whose contract expired under current law. Currently Coos County is short 58 court days in the court system without any resource to fill shortfall.

Laura Jamison, Berlin, NH, representing Guardians ad Litem (GAL) - support

GAL – Coos County is in support of this bill.

Respectfully submitted,


Rep. Sylvia E. Gale, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 670

BILL TITLE: relative to marital masters.

DATE: 2/12/13

LOB ROOM: 208

Time Public Hearing Called to Order: 11:51 AM

Time Adjourned: 12:10

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Neffron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, D. Thompson, Kappler and Hagan.

Bill Sponsors: Reps. Coulombe, Coos 3; Rep. G. Richardson, Merr 10; Rep. Horrigan, Straf 6; Rep. Kelleigh Murphy, Hills 7; Rep. Gale, Hills 28

TESTIMONY

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

Rep. G. Coulombe prime sponsor -
 presented bill to Comte
 Chief Justices ^{Linda S.} Dalianis of Supreme Court and ^{Robert J.} Lynn of Superior Ct.
 - in support of this bill on behalf of the NH Judiciary

Rep. T. Horrigan - in support

Noted: This bill is identical to HB 648 with the addition of a specific request for a Coos County marital master designation and appointment.
 Respectfully submitted,
 Rep. Sylvia E. Gale, Clerk

Ann Barber former marital master for Coos County (whose contract "expired" under current law)

Con't

Currently Coos Cty
is short 58 court days
in Court system without
any resource to fulfill
requested in writing from
Administrative (Judge King)
David

Laura Jamison (gal - Coos Cty)
- in support of this bill.

Sub-Committee Actions

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON HB 670

BILL TITLE: relative to marital masters.

DATE: February 21, 2013

Subcommittee Members: Reps. Horrigan, Chair; Reps. Woodbury, Kappler, Takesian and Kappler.

Comments and Recommendations:

Howie Zibel visited; Rep. Janet Wall

Amendments:

Sponsor: Rep. Horrigan OLS Document #: 2013 0519h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Horrigan

Seconded by Rep. Woodbury

Vote: 4-0

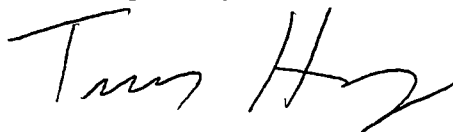
Motions: OTP, ~~OTP/A~~, ITL, Retained (Please circle one.)

Moved by Rep. Horrigan

Seconded by Rep. Woodbury

Vote: 4-0

Respectfully submitted,



Rep. Timothy O. Horrigan
Subcommittee Chairman

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON HB 670

BILL TITLE: permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment.

DATE: {Type DATE} 2-21-13

HORRIGAN (Chair)
WOODBOURG
TAKERIAN
SYLVIA (S66 for VEAPLER)

Subcommittee Members: Reps. {Type NAMES}

Comments and Recommendations:

Amendments:

Sponsor: Rep. HORRIGAN

OLS Document #: 05134 4-0

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Amnt 0574 4-0

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

Moved by Rep. Horrigan

Seconded by Rep. Woodbury

Vote: 4-0

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

Moved by Rep. Horrigan

Seconded by Rep. Woodbury

Vote: 4-0

w/ 05134 and 09772

Respectfully submitted,

Rep. {Type NAME}
Subcommittee Chairman/Clerk

Rep. Horrigan, Straf. 6
Rep. Woodbury, Hills. 5
Rep. Takesian, Hills. 37
Rep. Sylvia, Belk. 6
February 21, 2013
2013-0513h
09/04

Amendment to HB 670-FN

1 Amend the bill by replacing section 2 with the following:

2

3 2 Appointment of Marital Master; Court Scheduling in Coos County. A new marital master
4 shall be appointed on or before July 1, 2013. To the extent practicable, the circuit court shall
5 address court scheduling issues in Coos county.

2013-0513h

AMENDED ANALYSIS

This bill allows for the appointment of new martial masters and permits current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment. The bill also requires the appointment of a new martial master.

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 670

BILL TITLE: relative to marital masters.

DATE: February 26, 2013

LOB ROOM: 208

Amendments: (amendment failed)

Sponsor: Rep. Horrigan OLS Document #: 2013 0519h

Sponsor: Rep. Sullivan OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Woodbury

Seconded by Rep. Sullivan

Vote: 15-1 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

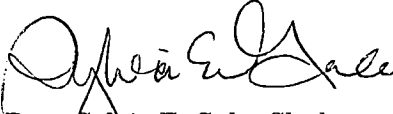
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE} YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Sylvia E. Gale, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 670

BILL TITLE: relative to marital masters.

DATE: February 26, 2013

LOB ROOM: 208

Amendments:

Sponsor: Rep. *Horrigan/Sullivan* OLS Document #: *0519h*

Sponsor: Rep. *amendment* OLS Document #:

Sponsor: Rep. *Fails* OLS Document #:

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

Moved by Rep. *Woodbury*

Seconded by Rep. *Sylvia*

Vote: (Please attach record of roll call vote.) *15-1*

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: {Type VOTE} YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk

Blurb to reflect Judiciary Branch's intent and commitment to addressing Coos County needs.



2013 SESSION

JUDICIARY

Bill #: HB 670 Title: re: marital masters Roos City

PH Date: 2/12/13 Exec Session Date: 2/26/13

Motion: 192 Amendment #: _____

MEMBER

YEAS

NAYS

Smith, Marjorie K, Chairman	15	
Wall, Janet G, V Chairman	1	
Hackel, Paul L	2	
Watrous, Rick H	3	
Sullivan, Peter M	4	
Horrigan, Timothy O		1
Berch, Paul S	5	
Gale, Sylvia E, Clerk	6	
Heffron, Frank H	7	
Phillips, Larry R	8	
Woodbury, David	9	
Rowe, Robert H,		
Hagan, Joseph M		
Peterson, Lenette M,	10	
Hopper, Gary S		
Kappler, Lawrence M	11	
Luther, Robert A	12	
Sylvia, Michael J	13	
Takesian, Charlene F		
Thompson, David H	14	
TOTAL VOTE:	15	1

Committee Report

REGULAR CALENDAR

February 26, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred

HB 670-FN,

**AN ACT relative to marital masters. Having considered
the same, report the same with the following**

**Resolution: RESOLVED, That it is INEXPEDIENT TO
LEGISLATE.**

Rep. David Woodbury

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB670-FN
Title:	relative to marital masters.
Date:	February 26, 2013
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill raises the same concerns in the same language as HB 648. However, this bill contains language mandating the appointment of a new Coos County Marital Master. Both the committee and the Judicial Branch felt that this mandate ran afoul of the roles of separate branches of government. The Committee received and accepted clear assurances from Judicial Branch personnel that it is addressing Coos County's concerns.

Vote 15-1.

Rep. David Woodbury
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB 670-FN, relative to marital masters. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for JUDICIARY. This bill raises the same concerns in the same language as HB 648. However, this bill contains language mandating the appointment of a new Coos County Marital Master. Both the committee and the Judicial Branch felt that this mandate ran afoul of the roles of separate branches of government. The Committee received and accepted clear assurances from Judicial Branch personnel that it is addressing Coos County's concerns. **Vote 15-1.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

MAJORITY REPORT

HB 670, relative to marital masters.

RECOMMENDATION: INEXPEDIENT TO LEGISLATE

VOTE: 15-1

This bill raises the same concerns in the same language as HB 648.

However, this bill contains language mandating the appointment of a new Coos County Marital Master. Both the committee and the Judicial Branch felt that this mandate ran afoul of the roles of separate branches of government. The Committee received and accepted clear assurances from Judicial Branch personnel that it is addressing Coos County's concerns.

Rep. David Woodbury

OIC
MKS

COMMITTEE REPORT

Woodbury

COMMITTEE:

Judiciary

BILL NUMBER:

670

TITLE:

re: marital masters

DATE:

2/13/13

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.

This bill raises the same concerns with the same language as HB 648. However, this bill contains language mandating the appointment of a new Coos County Marital Master, but both the Committee and the Judicial Branch felt that this mandate ran afoul of the roles of separate branches of government. The Committee received and accepted clear assurances from Judicial Branch personnel that it would address Coos County's concerns at the earliest date after passage.

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

Rep.

For the Committee