

LEGISLATIVE COMMITTEE MINUTES

SB33

Bill as Introduced

SB 33 - AS INTRODUCED

2013 SESSION

13-0945

10/09

SENATE BILL **33**

AN ACT making technical changes to the judicial retirement plan.

SPONSORS: Sen. Cataldo, Dist 6

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes technical changes to the judicial retirement plan due to the establishment of the circuit courts.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen

AN ACT making technical changes to the judicial retirement plan.

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

1 1 Judicial Retirement Plan; Definition of Member; Circuit Court. Amend RSA 100-C:1, IX to
2 read as follows:

3 IX. "Member" means any full-time supreme court, superior court, [~~district court, or~~
4 ~~probate]~~**or circuit** court judge.

5 2 Administration; Appointment. Amend RSA 100-C:11, II to read as follows:

6 II. The board of trustees of the judicial retirement plan shall consist of 7 members. The
7 governor and council shall appoint 2 trustees, one of whom the governor shall designate to serve as
8 chairman of the board of trustees, and who shall be qualified persons with business experience and
9 not members of the judicial retirement plan, and who shall serve for a term of 3 years and until such
10 trustee's successor is appointed and qualified, except that the original appointment of one of the
11 trustees shall be for a term of one year. The chief justice of the state supreme court, with the advice
12 and consent of the [~~chief justice of the superior court and the administrative justices of the district~~
13 ~~and probate courts]~~ **administrative council**, shall appoint 3 trustees, at least 2 of whom shall be
14 active members of the judicial retirement plan and one of whom may be a retired member, and who
15 shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except
16 that the original appointment of one of the trustees shall be for a term of one year, and the original
17 appointment of another of the trustees shall be for a term of 2 years. One member of the state senate
18 shall be appointed biennially by the senate president as a trustee of the board, and one member of
19 the house of representatives shall be appointed biennially by the speaker of the house as a trustee of
20 the board.

21 3 Effective Date. This act shall take effect 60 days after its passage.

SB 33 - AS AMENDED BY THE SENATE

02/14/13 0115s

2013 SESSION

13-0945

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21 3 Effective Date. This act shall take effect upon its passage.

SB 33 – AS AMENDED BY THE HOUSE

02/14/13 0115s

24Apr2013... 1255h

2013 SESSION

13-0945

10/09

SENATE BILL 33

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02/14/13 0115s

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2 Administration; Appointment. Amend RSA 100-C:11, II to read as follows:

II. The board of trustees of the judicial retirement plan shall consist of 7 members. The governor and council shall appoint 2 trustees, one of whom the governor shall designate to serve as chairman of the board of trustees, and who shall be qualified persons with business experience and not members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year. The chief justice of the state supreme court, with the advice and consent of the chief justice of the superior court, [~~and~~] the administrative [~~justices of the district and probate courts~~] *judge and deputy administrative judge of the circuit court, and the director of the administrative office of the courts*, shall appoint 3 trustees, at least 2 of whom shall be active members of the judicial retirement plan and one of whom may be a retired member, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year, and the original appointment of another of the trustees shall be for a term of 2 years. One member of the state senate shall be appointed biennially by the senate president as a trustee of the board, and one member of the house of representatives shall be appointed biennially by the speaker of the house as a trustee of the board.

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SB 33 - FINAL VERSION

02/14/13 0115s
24Apr2013... 1255h

2013 SESSION

13-0945
10/09

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02/14/13 0115s
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13 ~~and probate courts~~] *judge and deputy administrative judge of the circuit court, and the*
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20 and one member of the house of representatives shall be appointed biennially by the speaker of the
21 house as a trustee of the board.

22 3 Effective Date. This act shall take effect upon its passage.

Amendments

Sen. Carson, Dist. 14
January 25, 2013
2013-0063s
10/04



Amendment to SB 33

- 1 Amend the bill by replacing section 3 with the following:
- 2
- 3 3 Effective Date. This act shall take effect upon its passage.

Senate Executive Departments and Administration
January 30, 2013
2013-0115s
10/04

Amendment to SB 33

- 1 Amend the bill by replacing section 3 with the following:
- 2
- 3 3 Effective Date. This act shall take effect upon its passage.

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE

Printed: 01/17/2013 at 12:38 pm

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

✓ Senator Sharon Carson Chairman
✓ Senator Sam Cataldo V Chairman
✓ Senator John Reagan
✓ Senator Donna Soucy
✓ Senator David Watters

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: January 17, 2013

close 9:28 AM

HEARINGS

Wednesday

1/23/2013

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Please note the ADDITION of SB 26-FN which is being scheduled for 9:50 a.m.

9:00 AM	SB24	relative to Medicaid rates.
9:20 AM	SB33	making technical changes to the judicial retirement plan.
9:30 AM	SB37	relative to management rights under collective bargaining.
9:50 AM	SB26-FN	authorizing state agencies to enter into audit/cost recovery contracts or shared savings agreements for wireless telecommunications services.

Sponsors:

SB24

Sen. John Reagan

✓ **SB33**

Sen. Sam Cataldo

SB37

Sen. Peter Bragdon

SB26-FN

Sen. Chuck Morse

Sen. Jim Rausch

Deborah Chroniak 271-1403

Sen. Sharon Carson

Chairman

**SENATE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION
COMMITTEE**

Deb Chroniak, Legislative Aide

SB 33 – making technical changes to the judicial retirement plan.

Hearing Date: January 23, 2013

Time Opened: 9:22 a.m.

Time Closed: 9:28 a.m.

Members of the Committee Present: Senators Carson, Cataldo, Reagan, Soucy, Watters

Members of the Committee Absent: No one

Bill Analysis: This bill makes technical changes to the judicial retirement plan due to the establishment of the circuit courts.

This bill was requested by the supreme court.

Sponsors: Senator Cataldo

Who supports the bill: Howard Zibel, General Counsel for the Supreme Court, Judicial Branch, Chuck Douglas, NH Judicial Retirement Plan

Who opposes the bill: No one.

Who took no position on the bill: Senator Cataldo

Summary of testimony presented in support:

Senator Cataldo:

- Opened and referred questions to Howard Zibel.

Howard Zibel, General Counsel to the Supreme Court:

- Stated this was a technical correction bill.
- 2011 legislation passed, HB 609, combining the previous district court, the probate court, and family division in to the Circuit Court.

- Retirement Board of Trustees stated that changes, which are included in this bill, need to be made with their highest concern regarding the definition of "member" because it referred to the district or probate court.
- In order to avoid confusion the first change requested is the insertion of "circuit court" by amending RSA 100-C:1, IX.
- Under the Administration; Appointment request to amend RSA 100-C:11, II is the provision that the appointments of trustees made by the Judicial Branch (3 appointees of 7 trustees) be made with advice and consent of the Chief Justice of the State Supreme Court and the administrative justices of the probate court.
- Administrative Council was established by the Supreme Court Rule 54 which exists in statute. This is not the first reference in statute to the Administrative Council.
- Was there reason for the effective date to be 60 days after passage? Why not upon passage? There was no particular "reason".

Charles Douglas, Concord, Executive Director, NH Judicial Retirement Plan:

- Housekeeping measure and has worked with the court to have legislation introduced in this session.

Summary of testimony presented in opposition: N/A

Fiscal Note: N/A

Future Action: Pending

dac
Date hearing report completed: 1-24-13-F
[file: SB 33 report]

Speakers

Testimony

#1

W. ed
©
9/20

Madam Chair; members of the committee; For the record, my name is Senator Sam Cataldo, representing Senate district 6.

This Senate Bill ~~33~~ makes technical changes to the judicial retirement plan due to the establishment of the circuit courts and amends RSA 100-C:1, para. IX.

By changing "Member" I.e. means any full-time supreme court, superior court, and deleting [~~district court, or probate~~] and adding "*or circuit* court judge".

And, inclusive,...

Amend RSA 100-C:11, II remove [~~chief justice of the superior court and the administrative justices of the district and probate courts~~] and add *administrative council*,

Thank you, Madam Chair...I will refer all questions to Mr. ZIBEL.



Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: January 30, 2013

THE COMMITTEE ON Executive Departments and Administration
to which was referred Senate Bill 33

AN ACT making technical changes to the judicial retirement plan.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0115 s

CONSENT CALENDAR VOTE: 5-0

Senator Sharon M. Carson for the Committee

This bill makes technical changes to the judicial retirement plan due to the establishment of the circuit courts and was requested by the supreme court. The amendment changes the effective date to upon passage.

Deb Chroniak 271-1403

New Hampshire General Court - Bill Status System

Docket of SB33

Docket Abbreviations

Bill Title: making technical changes to the judicial retirement plan.*Official Docket of SB33:*

Date	Body	Description
1/3/2013	S	Introduced and Referred to Executive Dept. & Admin.; SJ 4
1/17/2013	S	Hearing: 1/23/13, Room 100, SH, 9:20 a.m.; SC5
1/31/2013	S	Committee Report: Ought to Pass with Amendment # 2013-0115s , 2/14/13; Vote 5-0; CC; SC8
2/14/2013	S	Committee Amendment 0115s, AA, VV
2/14/2013	S	Ought to Pass with Amendment 0115s, MA, VV; OT3rdg; SJ 5
3/27/2013	H	Introduced and Referred to Executive Departments and Administration; HJ31 , PG.1073
4/3/2013	H	Public Hearing: 4/10/2013 10:30 AM LOB 306
4/10/2013	H	Executive Session: 4/16/2013 1:30 PM LOB 306
4/17/2013	H	Committee Report: Ought to Pass with Amendment #1255h for April 24 (Vote 17-0; CC); HC33 , PG.1092-1093
4/17/2013	H	Proposed Committee Amendment # 2013-1255h ; HC33 , PG.1111
4/24/2013	H	Amendment #1255h: AA VV; HJ38 , PG.1240
4/24/2013	H	Ought to Pass with Amendment #1255h: MA VV; HJ38 , PG.1240
6/6/2013	S	Sen. Carson Moved Concur with House Amendment 1255h, MA, VV
6/12/2013	H	Enrolled, 6/5/13
6/12/2013	S	Enrolled
7/3/2013	S	Signed by the Governor on 07/02/2013; Chapter 0177; Effective 07/02/2013

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 33 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 00635 _____ - AMENDMENT # _____

- AMENDMENT # 00155 _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE

FINAL VERSION AS AMENDED BY THE SENATE

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

DATE DELIVERED TO SENATE CLERK

7-24-13



BY COMMITTEE AIDE