

LEGISLATIVE COMMITTEE MINUTES

**SB385**

# Bill as Introduced

SB 385-FN-LOCAL - AS INTRODUCED

2016 SESSION

16-2781  
09/10

SENATE BILL            ***385-FN-LOCAL***

AN ACT                requiring a full-time circuit court judge in Coos county.

SPONSORS:            Sen. Woodburn, Dist 1; Rep. Rappaport, Coos 1; Rep. Theberge, Coos 3; Rep. Y. Thomas, Coos 3; Rep. Froburg, Coos 3; Rep. Richardson, Coos 4; Rep. Tholl, Coos 5

COMMITTEE:          Judiciary

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ANALYSIS

This bill requires a full-time circuit court judge in Coos county.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring a full-time circuit court judge in Coos county.

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

1 1 Full-Time Circuit Court Judge in Coos County. Amend RSA 490-F:5, II to read as follows:  
2 490-F:5 Circuit Court Judges and Masters; Appointment; Tenure.

3 II. Judicial and master appointments to fill vacancies which exist on the effective date of  
4 this chapter in the former probate and district courts and in the former judicial branch family  
5 division shall be to the New Hampshire circuit court. *Except for the full-time judge appointed*  
6 *to the Coos county first circuit court pursuant to RSA 490-F:7, IV*, no judicial officer appointed  
7 to the circuit court shall be appointed to a particular location; however, the assignment of a circuit  
8 court judge to a particular location shall be within the discretion of the administrative judge of the  
9 circuit court who shall take into account the weighted caseload and judicial need of that location.

10 2 Full-Time Circuit Court Judge in Coos County. Amend RSA 490-F:7, IV to read as follows:

11 IV. *The governor and council shall appoint a full-time judge to the Coos county*  
12 *first circuit court. For all other judicial positions*, the supreme court, after reviewing  
13 population, caseload, judicial time, and efficiency, available judicial resources, the needs of the  
14 circuit court, and other relevant criteria may request the governor and council to designate a sitting  
15 part-time judge as a full-time judge. The court may recommend certain judges; however, the  
16 governor and council shall not be bound by that recommendation. Upon designation, that judge  
17 shall become full-time. Prior to making its request, the supreme court shall receive the approval of  
18 the fiscal committee of the general court and there shall be funds in the court's budget specifically  
19 appropriated for the salary and benefits of an additional full-time circuit court judge.

20 3 Effective Date. This act shall take effect July 1, 2017.

LBAO  
16-2781  
12/15/15

**SB 385-FN-LOCAL- FISCAL NOTE**

AN ACT requiring a full-time circuit court judge in Coos County.

**FISCAL IMPACT:**

The Judicial Branch states this bill will, as introduced, will increase state expenditures by \$280,346 in FY 2018, \$281,701 in FY 2019 and \$283,157 in FY 2020. There will be no impact on state revenue or on county and local revenue or expenditures.

**METHODOLOGY:**

The Judicial Branch states the proposed bill amends RSA 490-F:7 to provide that the Governor and Executive Council shall appoint a full-time judge to the Coos County Circuit Court. The Branch assumes the intent is for the new judge to be appointed to sit solely within the Coos County Circuit Court and that the only fiscal impact will be the cost of the judge. The Branch states the annual cost of a judge would be \$280,346 in FY 2018, \$281,701 in FY 2019, and \$283,157 in FY 2020.

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Judiciary**

Sen Sharon Carson; Chair  
Sen Sam Cataldo; Vice Chair  
Sen Gary Daniels; Member  
Sen Bette Lasky; Member  
Sen David Pierce; Member

Date: January 5, 2016

**HEARINGS**

	Tuesday	01/19/2016
	(Day)	(Date)
Judiciary	100	9:00 a.m.
(Name of Committee)		(Place) (Time)

**EXECUTIVE SESSION MAY FOLLOW**

9:00 a.m.	SB 339-FN	relative to required DNA analysis for certain offenses.
9:20 a.m.	SB 385-FN-LOCAL	requiring a full-time circuit court judge in Coos County.
9:35 a.m.	SB 435	requiring the reporting of the unauthorized diversion of controlled drugs.
10:05 a.m.	SB 387	relative to the disposition of ward accounts.
10:15 a.m.	SB 389-FN	relative to the penalty for possession of multiple firearms.

**Sponsors:**

**SB 389-FN**

Sen. Feltes

Sen. Carson

Sen. Reagan

Rep. Cushing

**SB 339-FN**

Sen. D'Allesandro

Sen. Feltes

Sen. Fuller Clark

Sen. Hosmer

Sen. Kelly

Sen. Lasky

Sen. Pierce

Sen. Soucy

Sen. Watters

Sen. Woodburn

**SB 385-FN-LOCAL**

Sen. Woodburn

Rep. Rappaport

Rep. Fothergill

Rep. Moynihan

Rep. Theberge

Rep. Y. Thomas

Rep. Froborg

Rep. Richardson

Rep. Tholl

Rep. Hatch

Rep. Rideout

**SB 435**

Sen. Carson

Sen. Avard

Sen. Bradley

Sen. Fuller Clark

Rep. Rouillard

Rep. Packard

Rep. Hopper

Rep. Sherman

Rep. Rosenwald

Rep. Kotowski

**SB 387**

Sen. Feltes

Sen. Pierce

Sen. Stiles

Sen. Fuller Clark

Sen. Sanborn

**SB 389-FN**

Sen. Feltes

Sen. Carson

Sen. Reagan

Rep. Cushing

Susan Duncan 271-3076

Sharon M Carson  
Chairman



## Senate Judiciary Committee

*Susan Duncan 271-3076*

**SB 385-FN-L, requiring a full-time circuit court judge in Coos County.**

**Hearing Date:** January 19, 2016

**Time Opened:** 9:26 a.m.

**Time Closed:** 9:41 a.m.

**Members of the Committee Present:** Senators Carson, Cataldo, Daniels, Lasky and Pierce

**Members of the Committee Absent:** No one

**Bill Analysis:** This bill requires a full-time Circuit Court judge in Coos County.

**Sponsors:**

Sen. Woodburn

Rep. Rappaport

Rep. Theberge

Rep. Y. Thomas

Rep. Froburg

Rep. Richardson

Rep. Tholl

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**Who supports the bill:** Senator Woodburn; Representative Horrigan

**Who opposes the bill:** The Honorable Ed Kelly, NH Circuit Courts

**Who is neutral on the bill:** No one

**Summary of testimony presented in support:**

Senator Woodburn explained that he introduced this bill in order to create a dialogue and solution to the problem we have in our current judicial per diem system whereby these judges receive no benefits and no job security.

Senator Woodburn provided a diagram of the State if it were drawn based on population and spoke of the much smaller population in Coos County. He noted that there are Courts in Berlin, Lancaster and Colebrook and spoke of the past when the district court tradition was to have local judges serve. He said that too many of our judges are coming from the southern part of the state. He acknowledged that our Division of Motor Vehicles acknowledges the distances that folks must travel and they have sub-stations scattered around. He noted that the number of licensed attorneys in the north country has dwindled over the last twenty years and spoke of the importance of understanding the local culture, noting that local considerations do need to be taken into account. He asked the Committee's guidance and thought in providing someone who both lives and serves locally in their Circuit Court. Regarding the attached fiscal

note, he explained that there already is someone sitting in these courts, so it would not be for an extra judge, they just want a full-time judge.

**Summary of testimony presented in opposition:**

Judge Kelly appeared and explained that he has three points to make regarding the bill. He wanted the Committee first to know that they used the Weighted Caseload System to set assignments based on the types of cases and the number of cases that each court has. This is required by statute and Judge Kelly feels that this system is working very well. Secondly, he noted that today two out of the three judges who are assigned there were born or have lived there over 40 years and the third judge comes from Littleton. Even if this bill passed, there is no guarantee that it would continue. Thirdly, he said that creating this exception for Coos County opens the door for numerous other possible special requests. Right now, the Circuit Court system is working very well and is saving the state money because of the efficiencies they have been able to achieve. He acknowledged that they have been trying to move away from the part-time judge system and reminded everyone that it is entirely up to the Governor and Executive Council as to who is appointed and confirmed to the bench. He expressed that they feel lucky that they have been able to keep judges in Coos County who are fairly close. Senator Daniels asked about video arraignments and whether they are used more frequently in Coos County. Judge Kelly responded that they are used in all of our courts and added that electronic search warrants can be issued by any judge. In response to a comment by Senator Lasky, Judge Kelly clarified that Judge Desjardins works around 200 judicial days each year. When police have an emergency or need a warrant, they have a listing of judges whom they can contact.

**Neutral Information Presented:** None

**Fiscal Note:** See Fiscal Note

**Action:** Senator Daniels moved Inexpedient to Legislate. Senator Cataldo seconded the Motion. The Committee voted 5 to 0 in support of the ITL Motion as well as to put the bill on the Consent Calendar. Senator Daniels will report the bill out of Committee.

# Speakers



# Committee Report



## New Hampshire General Court - Bill Status System

**Docket of SB385**

Docket Abbreviations

**Bill Title:** requiring a full-time circuit court judge in Coos County.*Official Docket of SB385:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/29/2015	S	To Be <b>Introduced</b> 01/06/2016 and Referred to Judiciary; <b>SJ 1</b>
1/6/2016	S	Hearing: 01/19/2016, Room 100, SH, 09:20 am; <b>SC1</b>
1/22/2016	S	Committee Report: Inexpedient to Legislate, 02/04/2016; Vote 5-0; CC; <b>SC4</b>
2/4/2016	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 02/04/2016; <b>SJ 4</b>

NH House

NH Senate

# Other Referrals



SB 385 - Requiring a full-time circuit court judge in Coos County

## COMMITTEE REPORT FILE INVENTORY

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

PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

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

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

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK

8/2/16

By:

Susan J. Duncan  
COMMITTEE AIDE