

# Committee Report

**REGULAR CALENDAR**

**October 18, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Judiciary to which was referred HB  
248-FN,**

**AN ACT relative to the judicial retirement plan. Having  
considered the same, report the same: NOT  
RECOMMENDED FOR FUTURE LEGISLATION.**

**Rep. Edward Gordon**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Judiciary</b>
Bill Number:	<b>HB 248-FN</b>
Title:	<b>relative to the judicial retirement plan.</b>
Date:	<b>October 18, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>NOT RECOMMENDED FOR FUTURE LEGISLATION</b>

### **STATEMENT OF INTENT**

This bill would revise the calculation for benefits for judges under the Judicial Retirement Plan. It would have increased the time that judges are required to sit in order to obtain full retirement benefits. The intent would be to reduce the contribution to be made to the plan by the court system. After completing an amortization study, there did not appear to be a substantial financial benefit and no further effort need be made to amend the Judicial Retirement Plan.

Vote 19-0.

Rep. Edward Gordon  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Judiciary

**HB 248-FN**, relative to the judicial retirement plan.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Edward Gordon for Judiciary. This bill would revise the calculation for benefits for judges under the Judicial Retirement Plan. It would have increased the time that judges are required to sit in order to obtain full retirement benefits. The intent would be to reduce the contribution to be made to the plan by the court system. After completing an amortization study, there did not appear to be a substantial financial benefit and no further effort need be made to amend the Judicial Retirement Plan. **Vote 19-0.**

**CONSENT CALENDAR**

**September 28, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Judiciary to which was referred HB  
248-FN,**

**AN ACT relative to the judicial retirement plan. Having  
considered the same, report the same with the  
recommendation that the bill be REFERRED FOR  
INTERIM STUDY.**

**Rep. Mark McLean**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Judiciary</b>
Bill Number:	<b>HB 248-FN</b>
Title:	<b>relative to the judicial retirement plan.</b>
Date:	<b>September 28, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>REFER FOR INTERIM STUDY</b>

### **STATEMENT OF INTENT**

This bill revises the minimum age for retirement and the calculation for benefits for judges under the Judicial Retirement Plan. At this time, the judicial branch is considering the results of follow-up amortization studies. The Judiciary Committee felt that it was wise to evaluate the effects of the proposed changes before moving on to a final decision on this bill and is recommending Interim Study to allow time for a full assessment.

Vote 21-0.

Rep. Mark McLean  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Judiciary

**HB 248-FN**, relative to the judicial retirement plan. **REFER FOR INTERIM STUDY.**

Rep. Mark McLean for Judiciary. This bill revises the minimum age for retirement and the calculation for benefits for judges under the Judicial Retirement Plan. At this time, the judicial branch is considering the results of follow-up amortization studies. The Judiciary Committee felt that it was wise to evaluate the effects of the proposed changes before moving on to a final decision on this bill and is recommending Interim Study to allow time for a full assessment. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

**HOUSE COMMITTEE ON JUDICIARY**

**EXECUTIVE SESSION on HB 248-FN**

**BILL TITLE:** relative to the judicial retirement plan.

**DATE:** September 28, 2021

**LOB ROOM:** 206-208

**MOTIONS: REFER FOR INTERIM STUDY**

Moved by Rep. McLean

Seconded by Rep. Greene

Vote: 21-0

**CONSENT CALENDAR: YES**

**Statement of Intent: Refer to Committee Report**

Respectfully submitted,

Rep Kurt Wuelper, Clerk







STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/22/2021 10:07:24 AM  
Roll Call Committee  
Registers Report

2021 SESSION

Judiciary

Bill #: HB248 Motion: FS AM #: \_\_\_\_\_ Exec Session Date: 9-28-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	21		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.	4		
<del>Rice, Kimberly A.</del> <u>ANDRUS, Louise</u>	5		
<del>Silber, Norman J.</del> <u>MERNER, TROY</u>	6		
Greene, Bob J.	7		
Kelley, Diane E.	8		
<del>Tausch, Lindsay</del> <u>NOTTER, JEANIN</u>	9		
<del>Trottier, Douglas R.</del> <u>McGUIRE, CAROL</u>	10		
Smith, Marjorie K.	11		
Berch, Paul S.	12		
Horrigan, Timothy O.	13		
DiLorenzo, Charlotte I.	14		
Chase, Wendy	15		
<del>Kenney, Cam-E.</del> <u>QUERY, JOSH</u>	16		
Langley, Diane M.	17		
McBeath, Rebecca Susan	18		
Paige, Mark	19		
Simpson, Alexis	20		
<b>TOTAL VOTE:</b>	<b>21</b>	<b>0</b>	

*Kurt Wuelper*

**HOUSE COMMITTEE ON Judiciary**

**BILL NUMBER:** HB 248-FN

**BILL TITLE:** relative to the judicial retirement plan.

**DATE:** February 16, 2021

**THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.**

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**Rep. Gordon, Chair**

# Voting Sheets

**HOUSE COMMITTEE ON JUDICIARY**

**EXECUTIVE SESSION on HB 248-FN**

**BILL TITLE:** relative to the judicial retirement plan.

**DATE:** September 28, 2021

**LOB ROOM:** 206-208

**MOTIONS: REFER FOR INTERIM STUDY**

Moved by Rep. McLean

Seconded by Rep. Greene

Vote: 21-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Kurt Wuelper, Clerk



2022 SESSION

Judiciary

Bill #: HB248 Motion: NOT Recommended AM #: \_\_\_\_\_ Exec Session Date: 10-10-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	✓		
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.	✓		
Wuelper, Kurt F. Clerk	✓		
Alexander, Joe H. <i>Johnson, D</i>	✓		
<del>Greene, Bob J.</del>			
Notter, Jeanine M.	✓		
Merner, Troy E.	✓		
Kelley, Diane E.	✓		
<del>Trottier, Douglas R.</del>			
Andrus, Louise	✓		
Smith, Marjorie K.	✓		
Berch, Paul S. <i>Rung, R</i>	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
Chase, Wendy	✓		
<del>Kenney, Cam E.</del> <i>Chretien</i>	✓		
Langley, Diane M.	✓		
McBeath, Rebecca Susan	✓		
Paige, Mark	✓		
Simpson, Alexis	✓		

19 0

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:07:24 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Judiciary

Bill #: HB 248 Motion: Y111 AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	17		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.		1	
Rice, Kimberly A.	4		
Silber, Norman J.	5		
Greene, Bob J.	6		
Kelley, Diane E.	7		
Tausch, Lindsay	8		
Trottier, Douglas R.	9		
Smith, Marjorie K.	10		
Berch, Paul S.	11		
Horrigan, Timothy O.		2	
DiLorenzo, Charlotte I.	12		
Chase, Wendy	13		
Kenney, Cam E.	14		
Langley, Diane M.	15		
McBeath, Rebecca Susan			NV
Paige, Mark	16		
Simpson, Alexis		3	

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:07:24 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Judiciary

Bill #: HB 248 Motion: Y111 AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_

<b>TOTAL VOTE:</b>			
	17	3	



# Public Hearing

# House Remote Testify

## Judiciary Committee Testify List for Bill HB248 on 2021-01-26

Support: 3 Oppose: 0 Neutral: 1 Total to Testify: 2

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Lynn, Bob	rjlynn4@gmail.com	An Elected Official	Myself as sponsor of the bill	Support	Yes (0m)	No	1/24/2021 12:48 PM
Head, Richard	rhead@courts.state.nh.us	State Agency Staff	Judicial Branch	Neutral	Yes (0m)	No	1/23/2021 7:50 PM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2021 7:13 PM
ploszaj, tom	tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/25/2021 9:01 PM

# Testimony

Bill as  
Introduced

HB 248-FN - AS INTRODUCED

2021 SESSION

21-0254  
10/11

HOUSE BILL **248-FN**

AN ACT relative to the judicial retirement plan.

SPONSORS: Rep. Lynn, Rock. 7

COMMITTEE: Judiciary

ANALYSIS

This bill revises the minimum age for retirement and the calculation of retirement benefits for judges under the judicial retirement plan, RSA 100-C. The changes are applicable to new judges who become members of the judicial retirement plan.

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.

21-0254  
10/11

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the judicial retirement plan.

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

1 Judicial Retirement Plan; Benefits. RSA 100-C:5 through RSA 100-C:7 are repealed and reenacted to read as follows:

100-C:5 Service Retirement Benefits.

I. Any member who has 15 years of creditable service and is at least 62 years of age, or who has 10 years or creditable service and is at least 67 years of age, or who has 7 years of creditable service and is 70 years of age may retire on a service retirement allowance, upon written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to be retired.

During such period of notification, the member may have separated from service.

II. A member who meets the age and years of service requirements specified in paragraph I may retire on a service retirement allowance equal to 4 percent of the member's final year's salary multiplied by the number of years of the member's creditable service; provided, however, that under no circumstances shall any service retirement allowance exceed 75 percent of the member's final year's salary.

III. A member who has a minimum of 5 years of creditable service and who is not eligible for a retirement service allowance under this section may retire without a retirement service allowance at any time. Election to retire under this section shall terminate the judge's membership in the judicial retirement plan and shall irrevocably extinguish the judge's rights under RSA 491-A:1 and under RSA 100-C:6 and RSA 100-C:7. Election to retire under this section

shall entitle the judge to payment of his or her accumulated contributions to the member annuity savings fund, together with any interest that may have accrued at rates determined by the board of trustees.

#### 100-C:6 Disability Retirement Benefits.

I. Regardless of a member's length of service, any member who becomes permanently and totally disabled may apply to the board of trustees to retire on a disability retirement allowance not less than 30 days nor more than 90 days subsequent to the filing of such application. Such application shall be granted provided that a physician or physicians designated by the board of trustees, after a medical examination of such member, certifies that the member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such person should be retired. A member's disability retirement allowance shall be 70 percent of the member's final year salary for the period from the date of the member's disability through the date when the member reaches age 70, at which time the allowance converts to the amount the member would have received if the member had remained in regular service until age 70 at a final year's salary equal to the member's final year's salary on the date of the member's disability.

II. Unless the member and, if the member is married, the member's spouse elects to waive this provision, which waiver must be executed in writing, a member who is married or who has children under the age of 18 at the time of the member's disability retirement shall receive the following disability retirement benefit, which shall be of equivalent actuarial value to the benefit payable if this section were not applicable to such member: a reduced disability retirement allowance payable during the member's life, with the provision that, upon the member's death, the member's surviving spouse, so long as he or she remains unmarried, or, if the member leaves no spouse, or at the surviving spouse's death or remarriage, the member's child or children under 18 years of age until they respectively reach their eighteenth birthday, shall be paid a disability retirement allowance equal to 50 percent of the disability retirement allowance payable to the member at the time of the member's death; provided that, if the member dies before age 70, said amount shall be paid for the period from the date of the member's death until the date the member would have reached age 70, at which time the benefit converts to 50 percent of the amount the member would have received if the member had remained in regular service to age 70 at a final year's salary equal to the member's final year's salary on the date of the member's disability. In case there is more than one child, the compensation shall be divided equally among them.

#### 100-C:7 Death, Spousal and Dependent Benefits.

I. Unless the member and, if the member is married, the member's spouse elects to waive this provision, which waiver shall be executed in writing, a member who is married or who has children under the age of 18 at the time of the member's retirement shall receive the following service retirement benefit, which shall be of equivalent actuarial value to the benefit payable if this section were not applicable to such member: a reduced retirement allowance payable during the retired member's life, with the provision that, upon the member's death, the member's surviving spouse, so long as he or she remains unmarried, or, if the member leaves no spouse, or at the surviving spouse's death or remarriage, the member's child or children under 18 years of age until they respectively reach their eighteenth birthday, shall be paid a retirement allowance equal to 50 percent of the retirement allowance payable to the member at the time of the member's death. In case there is more than one child, the compensation shall be divided equally among them.

II. If a member dies in office, his or her surviving spouse, as long as he or she remains unmarried, or, if the member leaves no spouse, or at the surviving spouse's death or remarriage, then the member's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall be entitled to the following benefit: 70 percent of the member's yearly salary at the time of death for the period from the date of the member's death through the date when the member would have reached age 70, at which time the benefit shall be reduced to 50 percent of the benefit the member would have received if the member had remained in service until age 70 and had a final year's salary equal to the yearly salary of the member on the date of the member's death. In case there is more than one child, the compensation shall be divided equally among them.

2 New Section; Judicial Retirement Plan; Applicability. Amend RSA 100-C by inserting after section 3 the following new section:

100-C:3-a Applicability. Notwithstanding any other provision of law, a judge shall remain subject to the provisions of this chapter that are in effect at the time the judge becomes a member of the judicial retirement plan.

3 Judicial Retirement Plan; Member Contributions. Amend RSA 100-C:14, I to read as follows:

I. All member contributions to the judicial retirement plan shall be payable only with respect to membership service, and picked up by the state by means of payroll deduction and shall be treated as employer contributions for purposes of Section 414(h) of the Internal Revenue Code of 1986, as amended. The member contribution rate shall be fixed biennially by the board of trustees and shall be calculated so that the rate percent of earnable compensation deducted is one-half of the annual contribution requirements of the judicial retirement plan as determined in RSA 100-C:13, I. In no year shall the member contribution rate exceed 10 percent of a member's earnable compensation. ~~[Once a member attains eligibility for a service retirement allowance equal to 75 percent of the member's final year's salary pursuant to RSA 100-C:5, said member shall not be required to have deductions made from earnable compensation for purposes of this section provided that the state contributions for such member under RSA 100-C:13, IV shall continue until the member's retirement.]~~

4 Reference Corrected; Retired Judges; Judicial Referees. Amend RSA 493-A:1, IV to read as follows:

IV. In the case of a retired full-time justice, in good standing, of the New Hampshire supreme, superior, district, or probate court who forgoes a retirement service allowance pursuant to RSA 100-C:5, ~~[VH] III~~ and who elects to take senior active status under paragraph I, the justice may serve as provided in paragraph II with compensation under RSA 493-A:1-b limited to per diem payment and expenses. No person who retires under the provisions of this paragraph shall be considered a "retired employee," as defined in RSA 21-I:30, for purposes of eligibility for state-paid medical and surgical benefits.

5 Effective Date. This act shall take effect July 1, 2021.

LBA  
21-0254  
12/31/20

**HB 248-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to the judicial retirement plan.

**FISCAL IMPACT:**     State                     County                     Local                     None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	(\$710,000)
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Retirement Plan <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Judicial			

**METHODOLOGY:**

The New Hampshire Judicial Retirement Plan reports this bill would reduce State expenditures beginning in FY 2024. The bill would only affect judges hired after the effective date of July 1, 2021. The estimated amount in FY 2024 is based on an actuarial estimate from November 2018 and a projected payroll amount of \$11,365,147 in FY 2024. No savings will occur before FY 2024 as there will be no adjustment to the employer contribution rate until then. The savings will be greater in future years as more judges are hired after the effective date of the bill.

**AGENCIES CONTACTED:**

New Hampshire Judicial Retirement Plan