

Senate Judiciary Committee

Jennifer Horgan 271-3092

SB 231-FN, relative to status for part-time retired judges.

Hearing Date: February 14, 2017

Time Opened: 9:21 a.m.

Time Closed: 9:32 a.m.

Members of the Committee Present: Senators Carson, Lasky, French, Gannon and Hennessey

Members of the Committee Absent : None

Bill Analysis: This bill allows a part-time judge of the circuit court to retire under the provisions of RSA 100-A and elect senior active or judicial referee status. This bill is a request of the supreme court.

Sponsors :

Sen. Carson

Sen. Lasky

Sen. French

Rep. Hinch

Rep. McGuire

Who supports the bill: Senator Lasky; Senator Carson; Howard Zibel (NH Judicial Branch)

Who opposes the bill: No one

Summary of testimony presented in support:

Howard Zibel (NH Judicial Branch)

- The circuit court is the only place where there are still part-time judges.
- This will allow part-time circuit court judges to work as senior active status judges or judicial referees, just as full-time retired judges do.
- These part-time judges are the only part-time employees allowed in the NH Retirement System.
- This is not talking about the Judicial Retirement System, which is only for full-time judges.
- In 1984, many of the judges were part-time and they petitioned the NH Retirement System to allow them to be members and for the past 30 years they have been members.
- RSA 100-A:7 deals with 'restoration of service', which says that if an individual goes back to work after to being retired, they lose their pension while they are working.
- However, there are rules that allow retirees to come back to work for up to 32 hours a week and still receive their pension.
- Unfortunately, with these part-time judges, the Retirement System has taken the position that the 'restoration of service' applies the moment a retired part-time judge puts on his robe because they were part-time to begin with.
- This bill will exempt part-time circuit court judges from that provision by exempting part-time judges from the definition of part-time, where the 32 hour rule comes into play.
- These two sections have been vetted for technicality by the Retirement System.

- Met with the Retirement System and they did not have any great objections to this, but felt that they needed statutory guidance to do this.
- The final part of the bill puts in a new section to allow part-time circuit court judges to elect for senior active status if they are under 70 years of age and judicial referee status if they are 70 or older.
- These are the same categories as full-time judges.
- The senior active status judges can do everything a judge can do because they have not reached the constitutional age limit for retirement.
- Judicial referees can do the same duties but, their orders have to be signed and approved by a judge under 70.
- There is a shortage of judge time in the circuit court, which this bill is trying to address.
- There are seven part-time judges who are members of the Retirement System and they are getting phased out, so this is not a big lift.
- Senator Gannon asked what a retired judge gets paid per hour.
 - They are per diem and get about \$500 a day.
- Senator Gannon asked if they still get the pension on those days.
 - The highest paid part-time judge made \$72,000 a year, so this is not talking about any huge pensions.
- Senator Gannon asked when judges can retire.
 - They can retire at any time, but is not sure when they can enter the Retirement System. Thinks it is 60, but the pension is smaller the earlier they retire.

Summary of testimony presented in opposition :
None

Future Action: Pending

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Date Hearing Report completed: February 15, 2017