

SB 231-FN - AS INTRODUCED

2017 SESSION

17-0829

06/04

SENATE BILL ***231-FN***

AN ACT relative to status for part-time retired judges.

SPONSORS: Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. French, Dist 7; Rep. Hinch, Hills.
21; Rep. McGuire, Merr. 29

COMMITTEE: Judiciary

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to status for part-time retired judges.

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

1 1 New Hampshire Retirement System; Definitions; Part-time; Exceptions. Amend RSA 100-
2 A:1, XXXIV to read as follows:

3 XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire
4 retirement system but excepting per diem court security officers and court bailiffs ***and part-time***
5 ***circuit court judges in senior active or judicial referee status under RSA 493-A***, means
6 employment during a calendar year by one or more employers of the retired member which shall
7 not exceed 32 hours in each normal calendar week. Employment in some instances may exceed 32
8 hours in any normal calendar week provided that in such case, the part-time employment of the
9 retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time
10 employment does not occur outside of a 5-consecutive-month period in any 12-month period.

11 2 New Hampshire Retirement System; Restoration to Service; Exception Added. Amend RSA
12 100-A:7 to read as follows:

13 100-A:7 Restoration to Service. If a disability beneficiary or any other beneficiary is restored to
14 service, the beneficiary's retirement allowance shall cease, the beneficiary shall again become a
15 member of the retirement system and the beneficiary shall contribute at the percentage payable
16 pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for
17 membership service and for any prior service on the basis of which the beneficiary's creditable
18 service was computed at the time of the beneficiary's former retirement shall be restored to full
19 force and effect; upon subsequent retirement, the beneficiary shall receive a retirement allowance
20 based on the beneficiary's combined creditable service and the member's average final
21 compensation. ***The provisions of this section shall not apply to part-time circuit court***
22 ***judges retired under this chapter and serving in senior active or judicial referee status***
23 ***under RSA 493-A.***

24 3 New Section; Circuit Court; Retirement of Part-Time Circuit Court Judges. Amend RSA 490-
25 F by inserting after section 8 the following new section:

26 490-F:8-a Retirement of Part-time Circuit Court Judges. Any part-time circuit court judge
27 retired under RSA 100-A, if under 70 years of age, may elect senior active status or, if 70 years of
28 age or older, may serve as a judicial referee, pursuant to RSA 493-A.

29 4 Effective Date. This act shall take effect 60 days after its passage.

**SB 231-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to status for part-time retired judges.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

The Judicial Branch was originally contacted on January 6, 2017, with followup contacts on January 18, 2017 and January 27, 2017 for a fiscal note worksheet, which the Branch has not provided as of January 31, 2017.

METHODOLOGY:

This bill allows a part-time judge of the circuit to retire under the provisions of RSA 100-A and elect senior active or judicial referee status. The New Hampshire Retirement System's contracted actuary conducted a supplemental actuarial valuation to estimate the impact of the bill. The Judicial Branch currently employs 14 active judges who may potentially be affected by this bill. If each of these members were to accelerate retirement to twice the assumed retirement rates, the impact on the actuarial accrued liability would be approximately \$115,000, which would have a negligible impact on the funded ratios (less than 0.01 percent of the total liability) and the contribution rate (less than 0.01 percent of payroll). Given the nature of the proposed changes, it is reasonable to expect there would be minimum impact on the number of future part-time retirees and the hours they will work per year. Therefore, it is reasonable to expect there would be minimal impact on employer contribution rates resulting from this bill.

AGENCIES CONTACTED:

New Hampshire Retirement System and Judicial Branch