

Bill as Introduced

HB 314 - AS INTRODUCED

2011 SESSION

11-0774
09/01

HOUSE BILL **314**
AN ACT relative to judicially appointed officials.
SPONSORS: Rep. Soltani, Merr 8
COMMITTEE: Judiciary

ANALYSIS

This bill adopts a procedure for courts to follow in appointments of officials by the courts.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to judicially appointed officials.

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

1 1 New Chapter; Court Appointed Officials. Amend RSA by inserting after chapter 493-A the
2 following new chapter:

3 CHAPTER 493-B

4 COURT APPOINTED OFFICIALS

5 493-B:1 Definitions. In this chapter:

6 I.(a) "Appointed official" means an administrator, an administrator de bonis non, a special
7 administrator, a guardian ad litem except as provided in subparagraph (b)(2), an auditor, an
8 appraiser, a referee, a master, or any other person appointed by a court; part or all of whose
9 compensation is to be paid by one or more parties to an action pending before the court.

10 (b) "Appointed official" shall not include:

11 (1) An executor nominated by a decedent or an appraiser nominated by such
12 executor.

13 (2) A marital master duly appointed under the marital master program.

14 II. "Court" means the supreme, superior, district, and probate courts and judicial branch
15 family division of this state and any judge acting on behalf of or under the authority of one of such
16 courts.

17 493-B:2 Procedure for Appointment.

18 I. Except as provided in paragraph II, no court may select, designate, or appoint appointed
19 officials, except under the procedure provided in paragraph III.

20 II. If the court finds that exigent circumstances exist that may result in imminent harm or
21 irremediable loss to any person or property, the court may immediately appoint an appointed official
22 without complying with the procedure provided in paragraph III. Upon the motion of any interested
23 party and when such exigency has been eliminated, the court shall follow the procedure provided in
24 paragraph III.

25 III. When any court, on its own initiative or at the request of a party to an action pending
26 before the court, contemplates the selection of any appointed official, it shall notify all parties to the
27 action and afford all such parties the opportunity to object to the person proposed or contemplated.
28 If any party objects within 15 days of the issuance of the notice by the court, such person shall not be
29 selected and the following procedure shall be used:

30 (a) Each party may submit up to 5 proposed appointed officials along with their rates of
31 compensation and qualifications.

1 (b) The court shall appoint any person who is proposed by both parties.

2 (c) If the parties' respective lists have no person in common, the court shall so inform the
3 parties and shall allow the parties 15 days from the date of the issuance of notice to agree on the
4 selection of the appointed official.

5 (d) If the parties fail to agree, the court shall select the appointed official by lot from
6 those submitted by the parties.

7 IV. A knowing violation of this section shall constitute an impeachable offense.

8 493-B:3 Rules. The supreme court may adopt rules, not inconsistent with statute, to achieve the
9 objectives of this chapter.

10 2 Effective Date. This act shall take effect January 1, 2012.

Amendments

Rep. Sorg, Graf. 3
February 8, 2011
2011-0224h
09/01

Amendment to HB 314

1 Amend RSA 493-B:1, I(b) by inserting after subparagraph (2) the following new subparagraph:

2

3

(3) A child support referee duly appointed pursuant to RSA 490-D:10.

4

5 Amend RSA 493-B:2, IV as inserted by section 1 of the bill by replacing it with the following:

6

7

IV. A knowing violation of this section shall constitute maladministration.

*Amendment
not offered*

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON HOUSE BILL 314

BILL TITLE: relative to judicially appointed officials.
DATE: February 3, 2011
LOB ROOM: 208 **Time Public Hearing Called to Order:** 1:00 pm
Time Adjourned: 1:20 pm

(please circle if present)

Committee Members: Reps. Rowe, Sorg, Souza, Hagan, Silva, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Wall, Potter, Weber and Watrous.

Bill Sponsors: Rep. Soltani, Merr 8

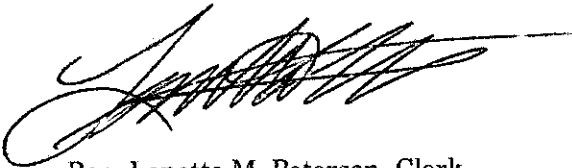
TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Soltani, sponsor

Introduced the bill and submitted an amendment. Judicial officers can appoint personnel, i.e. ,masters, receivers Guardian ad Litem (GAL), all level of courts. Most judicial officers offer litigants to shop around. New Hampshire gives lawyers the choice to take the better price. Some judges take whom they want at high costs. Lawyers will offer names; judge throws out choices, and takes his own at higher cost.

Respectfully submitted,



Rep. Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY

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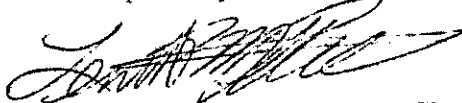
Bill Sponsors: Rep. Soltani, Merr 8

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Submitted an amendment
Rep. Soltani - Relative to appointed Officials & Judicial Officers
can appoint personal ic, masters, receivers & AL, all levels of
courts. most judicial officers offer litigants to shop around
NH gives lawyers the choice to take the better price. Some Judges
take who they want at high costs. Lawyers will offer names,
judge throws out choices, takes his own at higher cost.

Respectfully Submitted,



Rep. Lenette M. Peterson, Clerk

Testimony

DHHS Proposed Amendment to HB 314

Dated February 3, 2011

Respectfully submitted by Attorney John L. Williams, DHHS Legislative Coordinator

Proposed new language in *bold italicized* text below:

(b) "Appointed official" shall not include:

(1) An executor nominated by a decedent or an appraiser nominated by such executor.

(2) A marital master duly appointed under the marital master program.

(3) A child support referee duly appointed under the child support referee program.

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on HOUSE BILL 314

BILL TITLE: relative to judicially appointed officials.
DATE: March 3, 2011
LOB ROOM: 208

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study, RETAIN (Please circle one.)

Moved by Rep. B. Giuda

Seconded by Rep. G. Sorg

Vote: 11-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study, RECONSIDERATION (Please circle one.)

Moved by Rep. B. Giuda

Seconded by Rep. L. Weber

Vote: 12-3 (show of hands)

Motions: OTP, OTP/A, ITL, Interim Study, RETAIN (Please circle one.)

Moved by Rep. G. Sorg

Seconded by Rep. P. LaCasse

Vote: 7-9 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. D. Andolina

Seconded by Rep. R. Watrous

Vote: 11-5 (show of hands)

Motions: OTP, OTP/A, ITL, Interim Study, RECONSIDERATION (Please circle one.)

Moved by Rep. P. Silva

Seconded by Rep. P. LaCasse

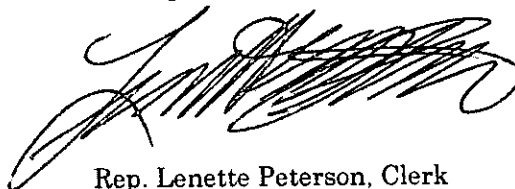
Vote: 4-12 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE : YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Lenette Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 314

BILL TITLE: relative to judicially appointed officials.

DATE: {Type DATE} 3/3/11

LOB ROOM: 208

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: #1 ^{Retain} OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ciuda

Seconded by Rep. Sorg

Vote: 11-4 (Please attach record of roll call vote.)

Motions: ^{Reconsideration #2} OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ciuda

Seconded by Rep. Weber

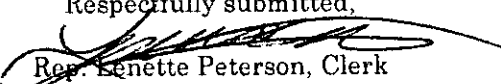
Vote: 12-3 (Please attach record of roll call vote.) ^(show of hands)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Kenette Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 314

BILL TITLE: relative to judicially appointed officials.

DATE: {Type DATE} 3/3/11

LOB ROOM: 208

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

#3 Retain

#5

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Song

Seconded by Rep. ~~Watrovs~~ LaCasse

Vote: 7-9 (Please attach record of roll call vote.)

Reconsideration
Motion: Silva
Second: LaCasse
4-12 No

Motions: #4 OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Andolina

Seconded by Rep. Watrous

Vote: 11-5 (Please attach record of roll call vote.)

No

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Lenette Peterson, Clerk

JUDICIARY

Bill #: HB 314 Title: _____ #1

PH Date: 2/3/11 Exec Session Date: 3/3/11

Motion: Retain Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman		
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	✓	—
Hagan, Joseph M	✓	
Silva, Peter L	✓	
Andolina, Donald C	✓	
Giuda, J. Brandon	✓	
LaCasse, Paul D	✓	
McClarren, Donald B	✓	
Murphy, Brian JX	—	—
Palmer, Barry J	✓	
Peterson, Lenette M	✓	
Tregenza, Norman A	✓	
Wheaton, Gary W	✓	
Wall, Janet G	.	✓
Potter, Frances D		✓
Weber, Lucy M		✓
Watrous, Rick H		✓
	11	4
TOTAL VOTE:		

JUDICIARY

#3

Bill #: NB 314

Title: _____

PH Date: 2, 3, 11

Exec Session Date: 3, 3, 11

Motion: Retain

Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman		✓
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	—	—
Hagan, Joseph M	✓	
Silva, Peter L	✓	
Andolina, Donald C		✓
Giuda, J. Brandon		✓
LaCasse, Paul D	✓	
McClarren, Donald B	✓	
Murphy, Brian JX	—	—
Palmer, Barry J	✓	
Peterson, Lenette M		✓
Tregenza, Norman A		✓
Wheaton, Gary W	✓	
Wall, Janet G		✓
Potter, Frances D		✓
Weber, Lucy M		✓
Watrous, Rick H		✓
	7	9
TOTAL VOTE:		

JUDICIARY

Bill #: HB 314 Title: _____ #4

PH Date: 2, 3, 11 Exec Session Date: 3, 3, 11

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman		✓
Souza, Kathleen F	—	—
Hagan, Joseph M		✓
Silva, Peter L	✓	
Andolina, Donald C	✓	
Giuda, J. Brandon	✓	
LaCasse, Paul D		✓
McClarren, Donald B		✓
Murphy, Brian JX	—	—
Palmer, Barry J	✓	
Peterson, Lenette M	✓	
Tregenza, Norman A	✓	
Wheaton, Gary W		✓
Wall, Janet G	✓	
Potter, Frances D	✓	
Weber, Lucy M	✓	
Watrous, Rick H	✓	
	11	5
TOTAL VOTE:		

JUDICIARY

Bill #: HB314

Title: _____ #5

PH Date: 1/1/11

Exec Session Date: 3/3/11

Motion: Reconsi

Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman		✓
Sorg, Gregory M, V Chairman		✓
Souza, Kathleen F	—	—
Hagan, Joseph M		✓
Silva, Peter L	✓	.
Andolina, Donald C		✓
Giuda, J. Brandon	✓	
LaCasse, Paul D	✓	
McClarren, Donald B		✓
Murphy, Brian JX	✓	✓
Palmer, Barry J		✓
Peterson, Lenette M		✓
Tregenza, Norman A		✓
Wheaton, Gary W	✓	.
Wall, Janet G		✓
Potter, Frances D		✓
Weber, Lucy M		✓
Watrous, Rick H		✓
	4	12
TOTAL VOTE:		

Committee Report

REGULAR CALENDAR

March 9, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred

HB 314,

AN ACT relative to judicially appointed officials.

Having considered the same, report the same with the

following Resolution: RESOLVED, That it is

INEXPEDIENT TO LEGISLATE.

Rep. Donald C. Andolina

FOR THE COMMITTEE

COMMITTEE REPORT

Committee: **JUDICIARY**
Bill Number: **HB 314**
Title: **relative to judicially appointed officials.**
Date: **March 9, 2011**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill adopts a procedure for courts to follow in appointments of officials by the courts. The committee voted that the bill was inexpedient to legislate because there were no reported problems. Though the committee did see possible merit in the purpose of the bill, the consensus of the committee was that there was no pressing need at present.

Vote 11-5

Rep. Donald C. Andolina

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB 314, relative to judicially appointed officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald C. Andolina for JUDICIARY. This bill adopts a procedure for courts to follow in appointments of officials by the courts. The committee voted that the bill was inexpedient to legislate because there were no reported problems. Though the committee did see possible merit in the purpose of the bill, the consensus of the committee was that there was no pressing need at present.

Vote 11-5.

Original: House Clerk
Cc: Committee Bill File

Committee: Judiciary
Bill Number: HB314
Title: Relative to judicially appointed officials

Date: March 3, 2011 Consent Calendar: NO

INEXPEDIENT TO LEGISLATE

Statement:

HB 314, Relative to judicially appointed officials. INEXPEDIENT TO LEGISLATE. This bill adopts a procedure for courts to follow in appointments of officials by the courts. The committee voted that the bill was inexpedient to legislate because there were no reported problems. Though the committee did see possible merit in the purpose of the bill, the consensus of the committee was that there was no pressing need at present.

Committee Vote: 11 – 4

Respectfully Submitted,
Representative Donald C. Andolina
For the committee