

SB 198-FN - AS INTRODUCED

2017 SESSION

17-0918

09/06

SENATE BILL            ***198-FN***

AN ACT                relative to electronic publication by the probate division.

SPONSORS:            Sen. Gannon, Dist 23; Sen. Gray, Dist 6; Sen. French, Dist 7; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Sen. Birdsell, Dist 19; Sen. Innis, Dist 24; Rep. Vose, Rock. 9

COMMITTEE:          Judiciary

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ANALYSIS

This bill requires the clerk of the applicable circuit court to publish probate court notices on the judicial branch website or by other electronic media. The clerk may also cause such notice to be published in a newspaper in the town or city in which the person whose estate is involved last resided.

This bill was requested by the supreme court.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to electronic publication by the probate division.

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

1            1    Publication of Notice in Newspaper or Electronic Media.    RSA 550:10 is repealed and  
2    reenacted to read as follows:

3            550:10    Publication of Notice in Newspaper or Electronic Media.

4            I.    Notwithstanding any other provision of law, whenever notice is required to be published  
5    by the probate court, the clerk of the applicable circuit court established in RSA 490-F shall cause  
6    such notice to be made available to the public on the New Hampshire judicial branch website or by  
7    other electronic media for no less than 2 weeks beginning no later than 2 weeks before the day or  
8    thing of which notice is given, unless otherwise ordered by the judge.

9            II.   The clerk may cause such notice to be published in a newspaper which circulates in the  
10   town or city in which the person whose estate is involved last resided, or in the county whose court  
11   has jurisdiction, or otherwise as ordered by the judge.    If published in a newspaper, the first such  
12   publication shall be at least 2 weeks before the day or thing of which notice is given, and the second  
13   publication shall be at least 7 days before the day or thing of which notice is given, unless otherwise  
14   ordered by the judge.

15           III.   Notice shall be published in English, and may be published in a language other than  
16   English, if ordered by the judge.

17           IV.   The clerk may publish in one notice the necessary information pertaining to more than  
18   one estate, provided, however, that each separate subject matter such as the appointment of a  
19   fiduciary, a hearing on an account, a hearing on a license to sell real estate, or any other designated  
20   subject matter shall have a specific designation within each such notice.

21           V.    Prior to such publication, the fiduciary of the estate concerned shall advance and pay to  
22   the clerk the cost of such publication as determined by the clerk, and a fee to the clerk as  
23   established by the supreme court under RSA 490:27.    The fiduciary shall be allowed said sums so  
24   paid to the clerk in the account.

25           2    Effective Date.    This act shall take effect January 1, 2018.

**SB 198-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to electronic publication by the probate division.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☐ Local                    ☐ None

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

**METHODOLOGY:**

This bill requires the electronic publication of notices required to be published by the probate division of the circuit court. The Judicial Branch estimates this bill will save an average of one hour per week per court in dealing with publication issues. The following table estimates the annual potential cost savings resulting from this bill:

	FY 2018	FY 2019	FY 2020	FY 2021
Number of Circuit Courts	10			
Hours Saved Per Year (52 weeks in a year)	26*	52	52	52
Hourly Clerical Cost	\$28.94	\$29.56	\$30.20	\$30.88
<b>Estimated Annual Savings</b>	<b>\$7,524</b>	<b>\$15,371</b>	<b>\$15,704</b>	<b>\$16,058</b>
Note: * The effective date of the bill is January 1, 2018, which is halfway through FY 2018.				

**AGENCIES CONTACTED:**

Judicial Branch