

SB 279-FN – AS INTRODUCED

2012 SESSION

12-3010  
09/04

SENATE BILL            **279-FN**

AN ACT                establishing registers of probate as clerks of the probate division of the circuit court.

SPONSORS:            Sen. Stiles, Dist 24; Rep. Ward, Rock 13; Rep. Nevins, Rock 15; Rep. Schlachman, Rock 13; Rep. Pantelakos, Rock 16

COMMITTEE:          Judiciary

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ANALYSIS

This bill establishes that the clerks of the probate division of the circuit court shall be the elected registers of probate.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    establishing registers of probate as clerks of the probate division of the circuit court.

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

- 1            1 Circuit Court Clerks; Appointment. Amend RSA 490-F:13 to read as follows:  
2            490-F:13 Circuit Court Clerks; Appointment. The administrative judge of the circuit court shall  
3 appoint a clerk with responsibility for each ***district division and family division*** circuit court site.  
4 In the interest of the effective administration of justice, any [~~such~~] clerk ***appointed in the district***  
5 ***division and the family division*** may have responsibility for one or more circuit court locations[  
6 ~~Circuit court clerks~~] ***and*** shall have the same duties as clerks of the former district court and judicial  
7 branch family division. ***Clerks in the probate court division shall be the elected registers of***  
8 ***probate and shall perform the duties of both clerks*** and [as] registers of probate [~~with the~~  
9 ~~exception of RSA 15-B, RSA 456-B, RSA 548, RSA 653, RSA 655, and RSA 661 which shall remain as~~  
10 ~~duties of the registers of probate~~]. Circuit court clerks ***in the district division and the family***  
11 ***division*** shall hold office at the pleasure of the administrative judge of the circuit court.  
12            2 Registers of Probate; Salaries. RSA 548:17 is repealed and reenacted to read as follows:  
13            548:17 Salaries. The annual salaries of the registers of probate shall be established by the  
14 supreme court in accordance with the compensation system established by the supreme court.  
15            3 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
12-3010  
Revised 01/04/12

**SB 279 FISCAL NOTE**

AN ACT                    establishing registers of probate as clerks of the probate division of the circuit court.

**FISCAL IMPACT:**

The Judicial Branch states this bill will increase state general fund expenditures by \$937,906 in FY 2013, \$955,086 in FY 2014, \$973,966 in FY 2015, and \$994,516 in FY 2016. There is no fiscal impact on county and local expenditures, or state, county, and local revenue.

**METHODOLOGY:**

The Judicial Branch states this bill establishes that the clerks in the probate division of the circuit court shall be the elected registers of probate who shall perform the duties of both clerk and register of probate, eliminates the \$100 salary as contained in RSA 548:17 and requires the salary for the register of probate be established by the supreme court in accordance with the compensation system established by the supreme court. The Branch assumes the intent of the bill is to use the compensation system for probate registers that was in effect prior to the 2011 amendment to RSA 548:17. The Branch also assumes this bill will not take effect until FY 2013. The Branch states the salary and benefits expenditures for registers of probate will increase by \$937,906 in FY 2013, \$955,086 in FY 2014, \$973,966 in FY 2015, and \$994,516 in FY 2016.