

SB 145-FN – AS INTRODUCED

2013 SESSION

13-0951

01/09

SENATE BILL        ***145-FN***

AN ACT            allowing publication by electronic means by the probate division.

SPONSORS:        Sen. Boutin, Dist 16; Sen. Rausch, Dist 19; Sen. Larsen, Dist 15; Sen. Watters,  
Dist 4; Rep. Duarte, Rock 2; Rep. Campbell, Hills 33; Rep. Suzanne Smith, Graf 8

COMMITTEE:      Judiciary

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ANALYSIS

This bill allows publication of notice by electronic means by the probate division.

This bill is a request of 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen*

AN ACT allowing publication by electronic means 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 RSA 550:10 is repealed and  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 published 2 weeks successively in a newspaper which circulates in the town or city  
7 in which the person whose estate is involved last resided, or in the county whose court has  
8 jurisdiction, or shall cause such notice to be made available to the public by electronic media for no  
9 less than 2 weeks, or otherwise as ordered by the judge.

10 II. The clerk may select the newspaper or electronic media for publication, provided that it is  
11 a newspaper or electronic media in the English language, unless the judge shall otherwise order.  
12 The clerk may publish a notice in a newspaper or electronic media in other than the English  
13 language, provided that the same notice is published in the English language at the same time. If in  
14 a newspaper, the first publication shall be at least 2 weeks before the day or thing of which notice is  
15 given and the second publication shall be at least 7 days before the day or thing of which notice is  
16 given, unless otherwise ordered by the judge. If published by electronic media, such publication  
17 shall commence no later than 2 weeks before the day or thing of which notice is given, unless  
18 otherwise ordered by the judge.

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

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

27 2 Effective Date. This act shall take effect January 1, 2014.

**SB 145 FISCAL NOTE**

AN ACT allowing publication by electronic means by the probate division.

**FISCAL IMPACT:**

The Judicial Branch states this bill, **as introduced**, may decrease state expenditures by \$6,910 in FY 2014, \$14,206 in FY 2015, \$14,617 in FY 2016, and \$15,059 in FY 2017. There will be no impact on state, county, and local revenue, or county and local expenditures.

**METHODOLOGY:**

The Judicial Branch states this bill would repeal and reenact RSA 550:10 to allow for electronic publication of notices required to be published by the probate division of the circuit court. The Branch estimates that, because employees will spend less time addressing publication issues, the bill will save an average of one hour per week per court. Over ten circuits, this amounts to 520 hours per year of staff time saved. The Branch states that, while it currently has no plans to reduce full or part-time staff as a result of this bill, it is possible the bill may result in a reduction of part-time hours in the future. Accordingly, the Branch states the bill may result in the following cost savings should part-time hours be reduced. For the purpose of estimating savings, the branch uses the hourly wage of a court assistant III. The first fiscal year reflects a savings of 260 hours because the bill states it will take effect January 1, 2014. Subsequent fiscal years reflect a savings of 520 hours.

<b>Fiscal Year</b>	<b>Hourly Wage</b>	<b>Projected Cost Savings</b>
2014	\$26.58	\$6,910.80
2015	\$27.32	\$14,206.40
2016	\$28.11	\$14,617.20
2017	\$28.96	\$15,059.20