Bill as Introduced

HB 186 – AS INTRODUCED

2003 SESSION

03-0671
01/09

HOUSE BILL ***186***

AN ACT relative to the effect of divorce or annulment upon trusts.

SPONSORS: Rep. J. Pratt, Ches 24; Rep. Craig, Hills 50; Rep. Rowe, Hills 47; Sen. Foster, Dist 13; Sen. Peterson, Dist 11

COMMITTEE: Judiciary

ANALYSIS

This bill clarifies the effect that a divorce or annulment has upon a trust.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 186 - AS INTRODUCED

03-0671
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to the effect of divorce or annulment upon trusts.

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

1 New Paragraph; Revocation; Divorce or Annulment. Amend RSA 551:13 by inserting after paragraph II the following new paragraph:

III. If after executing a trust instrument in which a sole grantor reserves a power to alter, amend, revoke or terminate the provisions of the trust, the grantor is divorced or the marriage is annulled, the divorce or annulment revokes any disposition or appointment of property made by the trust to the former spouse, any provision conferring a general or special power of appointment to the former spouse, and any nomination of the former spouse as trustee, unless the trust expressly provides otherwise. Property prevented from passing to a former spouse because of revocation by divorce or annulment passes as if the former spouse and all heirs in the descending line of such former spouse who are not also heirs at law of the decedent failed to survive the decedent, and other provisions conferring some power or office on the former spouse are interpreted as if the spouse and all heirs in the descending line of such former spouse who are not also heirs at law of the decedent failed to survive the decedent. Any devise or distribution to any such heirs in the descending line of such former spouse that is contingent upon such spouse predeceasing the grantor is revoked by this section, unless the trust expressly provides otherwise. If provisions are revoked solely by this paragraph, they are revived by the grantor's remarriage to the former spouse. A decree of separation which does not terminate the status of husband and wife is not a divorce for the purposes of this paragraph. No change of circumstances other than as described in this paragraph revokes a trust.

2 Effective Date. This act shall take effect January 1, 2004.

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 186

BILL TITLE: relative to the effect of divorce or annulment upon trusts.

DATE: Jan. 23, 2003

LOB ROOM: 208 **Time Public Hearing Called to Order:** 11:42 a.m.

Time Adjourned: 11:55 a.m.

(please circle if present)

Committee Members: Reps. Mock, Rowe, Jacobson, Ford, Dudley, Soltani, Woods, Rice, Souza, Desmarais, Haytayan, Mooney, Morris, Sorg, J. Wheeler, Wall, J. Pratt, Craig, Lasky, Potter, and Franklin.

Bill Sponsors: Rep. J. Pratt, Rep. Craig, Rep. Rowe, Sen. Foster, Sen. Peterson

TESTIMONY

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

Rep. Pratt, prime sponsor- Supports. Opens hearings.

Judge Maher, Probate Court- Supports. Addresses divorce re: trust- does same thing as bill which addressed divorce after will was written. This bill was presented and passed 2 years ago.

Questions:
Rep. Woods
Rep. Ford

Pink Cards:

- Sen. Andrew K. Peterson, Co-Sponsor,District 11, 63 Pine St., Peterborough, 03458, 924-3321 x. 12, supports.
- Judge John Maher, Probate Court, supports.

Respectfully Submitted,

Terri C Dudley

Rep. Terri C. Dudley, Clerk

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 186

BILL TITLE: **relative to the effect of divorce or annulment upon trusts.**

DATE: Jan. 23, 2003

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. John M. Pratt

Seconded by Rep. Alf E. Jacobson

Vote: 18-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: 18-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Terri C. Dudley, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

JUDICIARY

Bill #: HB186 Title: Relative to effect of decision or amendment upon trusts

PH Date: 01/23/03 Exec Session Date: 01/23/03

Motion: OTP Amendment #: —

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Rowe, Robert H, V Chairman	✓	
Jacobson, Alf E	✓	
Ford, Nancy M	✓	
Dudley, Terri C, Clerk	✓	
Soltani, Tony F		
Woods, Phyllis L	✓	
Rice, Thomas E P	✓	
Souza, Kathleen F	✓	
Desmarais, Vivian J	✓	
Haytayan, Harry M		
Mooney, Maureen C	✓	
Morris, Richard W		
Sorg, Gregory M	✓	
Wheeler, James E	✓	
Wall, Janet G	✓	
Pratt, John	✓	
Craig, James W	✓	
Potter, Frances D	✓	
Franklin, Peter E	✓	
Lasky, Bette R	✓	
TOTAL VOTE:	18	0

Printed: 1/16/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 186**

TITLE: relative to the effect of divorce or annulment upon trusts.

DATE: Jan. 23, 2003 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill amends the section of law on the revocation of wills by inserting a new section which makes it plain that a divorce or annulment terminates any inheritance claim made by the former spouse made under the provisions of a trust established before the divorce unless the trust expressly provides otherwise.

Vote 18-0.

Rep. John M. Pratt
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Judiciary

HB 186, relative to the effect of divorce or annulment upon trusts. **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill amends the section of law on the revocation of wills by inserting a new section which makes it plain that a divorce or annulment terminates any inheritance claim made by the former spouse made under the provisions of a trust established before the divorce unless the trust expressly provides otherwise. **Vote 18-0.**