

June 8, 2021
2021-1893-EBA
04/06

Enrolled Bill Amendment to SB 49

The Committee on Enrolled Bills to which was referred SB 49

AN ACT relative to the New Hampshire trust code.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 49

This enrolled bill amendment makes a technical correction to section 1 of the bill.

Enrolled Bill Amendment to SB 49

Amend section 1 of the bill by replacing it with the following:

1 New Hampshire Trust Code; Representation by Fiduciaries and Parents. Amend RSA 564-B:3-303(6)-(7) to read as follows:

(6) a personal representative of a decedent's estate may represent and bind persons interested in the estate except as to matters relating to the administration or distribution of the estate; ~~and~~

(7) a parent may represent and bind (i) the parent's minor, incapacitated or unborn child if neither a guardian of the estate nor guardian of the person for the child has been appointed and (ii) a minor, incapacitated or unborn descendent of such child if neither a guardian of the estate of the descendent nor a guardian of the person of the descendent has been appointed; **and**

(8) a representative who is expressly appointed under the terms of the governing trust instrument, either directly or by appointment of one or more persons who are expressly authorized under the terms of the trust instrument to do so, may represent and bind one or more beneficiaries of the trust as to any matter involving the trust. A representative appointed pursuant to this paragraph shall be presumed to be a fiduciary and, unless otherwise provided under the terms of the trust, must deliver to the trustee a written acceptance of appointment as representative. A representative may not be

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appointed pursuant to this paragraph to represent the interests of a charitable beneficiary subject to the authority of the director of charitable trusts, as provided in statute and common law.