

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version: SB 94  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB094-LAW-CIV-03-24-17  
Title: TRUSTS;COMM PROP TRUSTS; POWERS OF APPT  
Sponsor: COSTELLO  
Requester: Senate Labor & Commerce

Department: Department of Law  
Appropriation: Civil Division  
Allocation: Commercial and Fair Business  
OMB Component Number: 2717

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>OPERATING EXPENDITURES</b>	<b>FY 2018</b>	<b>FY 2018</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2018) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

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Division:	Administrative Services Division	Date:	03/24/2017 09:10 AM
Approved By:	Jahna Lindemuth, Attorney General	Date:	03/24/17
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2017 LEGISLATIVE SESSION

BILL NO. SB 94

**Analysis**

SB 94 amends AS 13.12.704 (Power of appointment; meaning of specific reference requirements) under AS 13.12 (rules of construction applicable to wills and other governing instruments), by adding provisions related to non-fiduciary power of appointments.

SB 94 amends certain sections under AS 13.36 (trustees). AS 13.36.109 (specific powers of trustees) is amended to allow a trustee to insure against liability with respect to beneficiaries of the trust, and pay as a charge against trust property the cost incurred to perform an authorized action. SB 94 also amends: AS 13.36.157 (exercise of power of appointment), AS 13.36.158 (additional provisions relating to exercise of a power of appointment), AS 13.36.159 (Implementation of power of appointment), and AS 13.36.215 (definitions). New sections are added to AS 13.36 dealing with a standard in a governing instrument, and the distribution of trust principal. SB 94 also repeals certain sections of AS 13.36.

SB 94 amends certain sections under AS 34.27 (rule against perpetuities). AS 34.27.051 (statutory rule against perpetuities) is repealed and reenacted. AS 34.27.053 (savings provision) and AS 34.27.070 (application) are amended.

SB 94 provides an effective date, and adds new sections to the uncodified law of the State of Alaska dealing with the applicability of the bill to powers of appointment and trusts, and the retroactive effect of amendments to AS 34.27.

The bill affects trusts and the powers of appointment among private parties.

The Department of Law does not anticipate a fiscal impact to the department should this bill become law.