

Fiscal Note

State of Alaska
2020 Legislative Session

Bill Version: SB 191
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB191-LAW-CIV-2-21-20
Title: TRUSTS, TRUSTEES, COMMUNITY PROPERTY
Sponsor: COGHILL
Requester: (S) Judiciary

Department: Department of Law
Appropriation: Civil Division Except Contracts Relating to
Interpretation of Janus v AFSCME
Allocation: Commercial and Fair Business
OMB Component Number: 2717

Expenditures/Revenues

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

	FY2021 Appropriation Requested	Included in Governor's FY2021 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2021	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2020) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2021) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - 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If yes, by what date are the regulations to be adopted, amended or repealed?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/comments:

Not applicable. Initial version.

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Agency: Office of Management and Budget

Phone: (907)465-1042
Date: 02/21/2020
Date: 02/21/20

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2020 LEGISLATIVE SESSION

BILL NO. SB 191

Analysis

SB 191 would amend AS 13.36, laws relating to trust administration and the power of trustees. First, this bill would add a new section AS 13.36.108 to provide that a trustee may, at any time, divide a trust into two or more separate trusts that operate and are treated independently, unless the governing document explicitly provides otherwise. Second, this bill would amend AS 13.36.109, the specific powers of trustees, by adding the power to insure the trustee against liability with respect to trust beneficiaries and the power to treat discretionary distributions as being made first from capital gains realized during the year. The bill would then add subsection (b) to AS 13.36.109 to allow a trustee to pay the costs incurred from performing a specific, authorized power.

This bill would create a new section AS 13.36.305, promise to transfer money to a trust. This section would make the promise to transfer money to a trust enforceable without consideration of other terms or conditions of the trust. This section would also define what qualifies as a trust for the purpose of this section.

This bill would also amend AS 34.77.030, classification of property of spouses, to provide that appreciation and income of property in a community property trust are community property unless they are explicitly declared separate property.

SB 191 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 trusts, and the retroactive effect of the amendment to AS 34.77.

The Department of Law anticipates no fiscal impact should this bill become law.