

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 8, 2021

SUBJECT: Amendment to SB 11 relating to community property trusts
(SB 11; Work Order No. 32-LS0132\I.1)

TO: Senator Jesse Kiehl
Attn: Cathy Schlingheyde
JB

FROM: Theresa Bannister
Legislative Counsel

This memo accompanies the amendment described above.

The amendment removes "or a right accrued before the effective date of sec. 1 of this Act" from the saving clause in bill sec. 3. The saving clause was inserted because sec. 1 of the bill is retroactive under bill sec. 4. The state's enactment of legislation having retrospective effect may be found to violate constitutional guarantees of due process if the statute's retrospective application affects a party's "vested" or "accrued" right.¹

If I may be of further assistance, please advise.

TLB:mjt
21-287.mjt

Attachment

¹ Vested property rights are protected against state action by the provision of the Fourteenth Amendment of the Constitution of the United States and by art. I, sec. 7, Constitution of the State of Alaska, which provides that "No person shall be deprived of life, liberty, or property, without due process of law." *Bidwell v. Scheele*, 355 P.2d 584, 586 (Alaska 1960).