

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 6, 2020

1:35 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Peter Micciche, Vice Chair
Senator Shelley Hughes
Senator Lora Reinbold
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

State Board of Parole
Leitoni "Lei" Tupou - Juneau

- CONFIRMATION ADVANCED

Alaska Commission on Judicial Conduct
Jane Mores - Juneau
Robert Shelton - Anchorage

- CONFIRMATIONS ADVANCED

SENATE BILL NO. 191

"An Act relating to trusts and trustees, including trust division, the powers of trustees, delayed gifts to trusts, and community property trusts; and providing for an effective date."

- HEARD AND HELD

SENATE BILL NO. 8

"An Act restricting the release of certain records of convictions; amending Rule 37.6, Alaska Rules of Administration; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 191

SHORT TITLE: TRUSTS, TRUSTEES, COMMUNITY PROPERTY

SPONSOR(s): SENATOR(s) COGHILL

02/14/20	(S)	READ THE FIRST TIME - REFERRALS
02/14/20	(S)	JUD
02/26/20	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/26/20	(S)	Heard & Held
02/26/20	(S)	MINUTE(JUD)
02/28/20	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/28/20	(S)	Heard & Held
02/28/20	(S)	MINUTE(JUD)
03/04/20	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/04/20	(S)	Heard & Held
03/04/20	(S)	MINUTE(JUD)
03/06/20	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

LEITONI "LEI" TUPOU, Appointee
State Board of Parole
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the State Board of Parole.

JANE MORES, Attorney; Appointee
Alaska Commission on Judicial Conduct
Alaska Court System
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Commission on Judicial Conduct.

AIMEE BUSHNELL, Staff
Senator John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the changes in the committee substitute (CS) for SB 191, version M, on behalf of the sponsor.

ROBERT D. SHELDON, Appointee
Alaska Commission on Judicial Conduct
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Commission on Judicial Conduct.

JONATHAN BLATTMACHR, Attorney; Principal
ILS Management, LLC
Long Island, New York

POSITION STATEMENT: Answered questions during the hearing on SB 191.

JAMIE DELMAN, Attorney
Shaftel Delman LLC; Member
Alaska Trust & Estate Professionals
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 191.

ACTION NARRATIVE

[1:35:04 PM](#)

CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:35 p.m. Present at the call to order were Senators Reinbold, Kiehl, Hughes, and Chair Coghill. Senator Micciche joined shortly thereafter.

CONFIRMATION HEARING(S):
State Board of Parole
Commission on Judicial Conduct

[1:36:04 PM](#)

CHAIR COGHILL announced the consideration of governor appointees to the State Board of Parole and the Alaska Commission on Judicial Conduct.

[1:36:43 PM](#)

LEITONI "LEI" TUPOU, Appointee, State Board of Parole, Department of Corrections, Juneau, Alaska, said he was born and raised in Tonga in the South Pacific and came to the United States 43 years ago to attend school. He has worked for 18 years at the Department of Corrections, including serving as a correctional officer, a probation officer, and a senior parole and probation officer. During that time, he said he traveled several years with the State Board of Parole, attending hearings and providing technical supervision for board members. He later served as a special assistant to the commissioner of the Department of Correction, and as director of the Division of Institutions. He said he would like to serve on the State Board of Parole because he would like to make contributions. He brings his expertise in supervising and overseeing parolees to the board.

[1:38:39 PM](#)

CHAIR COGHILL asked how long he has served on the State Board of Parole.

MR. TUPOU answered that he just began serving this week.

CHAIR COGHILL thanked him for his service and asked whether he had attended any hearings yet.

MR. TUPOU answered that the board held approximately 52 hearings this week.

CHAIR COGHILL asked if he had any ideas related to the board's key responsibilities.

[1:40:03 PM](#)

MR. TUPOU said after attending hearings, he came to realize the impact that Senate Bill 91 had on the Board of Parole activities. He said a number of offenders have been arrested for parole violations, some of whom have committed new crimes.

CHAIR COGHILL said the legislature knew there would be a lag between passage of the bill and impacts to the system. He thanked him for his willingness to serve.

CHAIR COGHILL said public testimony would be taken after hearing from other appointees.

[1:42:04 PM](#)

JANE MORES, Attorney; Appointee, Alaska Commission on Judicial Conduct, Alaska Court System, Juneau, Alaska, said she has served as a member of the Alaska Bar for nearly 30 years. It has been a pleasure to serve on the commission this past year and she said would be honored to continue her service with a reappointment to a full four-year term. She reminded members that she gave a full statement last year but she was available to answer any questions.

She said she views her role on the commission as very important in upholding the integrity of the judiciary and holding Alaska's judges accountable to the public.

[1:43:28 PM](#)

SENATOR HUGHES asked the record to reflect that Ms. Mores is her sister. She commended her integrity and ability.

[1:44:11 PM](#)

SENATOR MICCICHE asked if the commission has been a good "fit" and whether she had any suggestions.

MS. MORES said she was impressed with the way the commission functions. She said when she became a member she was sensitive to the interplay between members since the commission is comprised of three judges, three members of the public, and three attorneys. She committed last year to ensuring that every voice carried equal weight and was heard. She said she has been very impressed with how the public members are not at all intimidated and have given valuable input. She characterized the dynamic as one of mutual respect. No one member has a greater voice than another. She said it is a highly functioning commission. The work is dependent upon complaints received by the executive director and it has been a smooth process. She said so she did not have any suggestions and she feels the public should feel very good about the commission.

[1:45:56 PM](#)

CHAIR COGHILL said he was pleased to hear the commission was functioning well. He thanked her for her willingness to serve.

SB 191-TRUSTS, TRUSTEES, COMMUNITY PROPERTY

[1:47:34 PM](#)

CHAIR COGHILL announced consideration of SENATE BILL NO. 191, "An Act relating to trusts and trustees, including trust division, the powers of trustees, delayed gifts to trusts, and community property trusts; and providing for an effective date."

CHAIR COGHILL noted that there were several amendments for the committee to consider.

[1:47:52 PM](#)

At-ease.

[1:51:57 PM](#)

CHAIR COGHILL reconvened the meeting and solicited a motion to adopt the committee substitute.

[1:52:21 PM](#)

SENATOR MICCICHE moved to adopt the committee substitute (CS) for SB 191, work order 31-LS1370\M, as the working document.

CHAIR COGHILL objected for discussion purposes.

[1:52:53 PM](#)

AIMEE BUSHNELL, Staff, Senator John Coghill, Alaska State Legislature, Juneau, Alaska, on behalf of the sponsor explained that version M incorporated the two amendments adopted in the previous committee hearing. She referred to the first change, on page 6, line 22, to delete the language "or a right accrued."

[1:53:34 PM](#)

At-ease.

[1:54:02 PM](#)

CHAIR COGHILL reconvened the meeting.

[1:54:08 PM](#)

MS. BUSHNELL said the first change in version M incorporates Amendment 1, [A.1], which was adopted at the last hearing. It read:

Page 6, line 22:
Delete "or a right accrued"

She said the second change in version M, incorporates Amendment 2, [A.2], which was adopted at the last hearing. It read:

Page 6, line 26:
Delete "Sections 5 and 8"
Insert "Sections 5, 7, and 8"

She explained that this change is in Section 9. The effect is that Section 7 will have an immediate effective date.

[1:54:52 PM](#)

CHAIR COGHILL removed his objection and Version M was adopted.

He stated he would set SB 191 aside to return to the consideration of governor appointees.

CONFIRMATION HEARING(S):
Commission on Judicial Conduct

[1:55:23 PM](#)

CHAIR COGHILL announced the consideration of Robert Sheldon, governor appointee to the Commission on Judicial Conduct.

[1:44:36 PM](#)

ROBERT D. SHELDON, Appointee, Commission on Judicial Conduct, Juneau, Alaska, said he is a third generation Alaskan. He currently serves on boards for business endeavors in Alaska and several countries. Since 2004, he has been appointed to a number

of boards, commissions, or councils in Alaska. This would be his fourth term serving on the Alaska Commission on Judicial Conduct. The commission investigates alleged judicial misconduct and ethical impropriety. Fortunately, most complaints are either unsubstantiated or non-jurisdictional in nature.

He read from a prepared statement:

We all know that rule of law is critical to the orderly functioning of an economy, but it is also priced in as a component of Alaska's cost of capital. Alaska is priced as if it's an emerging economy rather than a developed economy. It's my hope that through a continued ensuring of confidence in the judiciary, that Alaska's cost of capital would come down over time.

Serving on the Alaska Commission on Judicial Conduct has been an extremely satisfying experience, but one where it has become obvious that it is highly important that the commission have orderly continuity of service as well as institutional knowledge retention amongst the commission members.

As you are likely aware, a judge and attorney representatives are for a variety of reasons frequently unable to serve more than one four-year period. Public members help bring long-term continuity and knowledge. I hope to continue to be part of that and I really appreciate your consideration.

[1:57:51 PM](#)

CHAIR COGHILL thanked him for his service.

SB 191-TRUSTS, TRUSTEES, COMMUNITY PROPERTY

[1:59:12 PM](#)

CHAIR COGHILL returned to the hearing on SB 191. [Version M was before the committee].

[2:00:09 PM](#)

SENATOR REINBOLD expressed concern that SB 191 had just one referral and was sponsored by the chair of that committee. She noted that she just received the committee substitute and proposed amendments at the beginning of this hearing. Since she has numerous questions she recently spent an hour speaking to

the Legislative Legal Services bill drafter to better understand the bill. However, communications between the agency and bill sponsors are confidential so the legislative attorney suggested that she speak to the sponsor to ask any questions. She asked for the purpose of the bill.

CHAIR COGHILL confirmed that he was the sponsor of SB 191. He said he agreed to work with the Alaska Trust & Estate Professionals (ATEP) to improve Alaska's estate and trust laws. He highlighted three issues that SB 191 addresses: it provides improved statutory language for dividing trusts for beneficiaries; it defines community property income; and it creates a new section to allow the promise of a gift under the Alaska Gift Trust Act. This provision, which is a new concept, will allow people to take advantage of the current federal tax exemptions for estates.

2:04:04 PM

JONATHAN BLATTMACHR, Attorney; Principal, ILS Management, LLC, Long Island, New York, provided a brief explanation of how the Alaska gift trust concept was developed. In 2012, the estate and gift tax exemption was set at \$5 million but was slated to drop to \$1 million on January 1, 2013. Many people wanted to use the enhanced exemption to pass on their wealth to family members. However, retaining the right to use property until death meant it was still part of the estate for tax purposes. One of his colleagues at Milbank, LLC, a New York law firm, developed the "gift by a promise" concept. In all states, a gift is not enforceable unless the person receives some consideration for it. However, Pennsylvania common law suggested a person could make a gift by a promise, which would be enforceable if it was put in writing. Many of his colleagues suggested their clients take advantage of the tax exemption by traveling to Pennsylvania, using their lawyers to do so.

Congress kept the \$5 million exemption and increased it to \$10 million in 2017, or \$11,580,000, adjusted for inflation. This exemption will continue to be adjusted for inflation until 2026 when the exemption is expected to be cut in half.

MR. BLATTMACHR said many people would like to make gifts now. The ATEP worked on language in Alaska to bring money into the state and provide work for professionals in the state by creating a qualified gift trust. These [settlers] from Alaska or the Lower 48 would make a promise in writing, for example, for \$11.5 million, but still keep and use the assets. He offered his view that Alaska will be a leader in estate planning, that this

provision will bring work to Alaska, and it will result in significant deposits of funds to financial institutions in Alaska. He said the ATEP does not think anyone will be harmed by it.

[2:08:03 PM](#)

SENATOR REINBOLD referred to a notation on the fiscal note that stated this applied to contracts, except for contracts relating to interpretation of Janus v. AFSCME. She asked whether this bill would have any impact on union trusts, health trusts, or Native organizations.

MR. J. BLATTMACHR answered that he did not believe it would have any impact whatsoever. The case she mentioned relates to another provision of SB 191. He explained that a case pending before the Alaska Supreme Court pertains to community property. There are major tax implications when a couple makes their property community property. When one spouse dies, his or her estate receives forgiveness on capital gains as does the surviving spouse's portion. There is an historic reason for community property receiving that treatment, but other forms of commonly owned property between spouses does not. In 1998, the state adopted community property by an opt-in system. People have saved hundreds of millions of dollars because of that provision, by merely creating an Alaska Community Property Trust. An Alaskan couple can do so by contract or by trust. At the time of death of the first spouse, all of the inherent gain in the property receives a step up in basis because it is community property.

He said the case before the Alaska Supreme Court deals with the circumstance in which the couple created community property but one of the spouses indicated that it only applied to the value at the time the trust or contract was created. Any income or appreciation occurring after it was converted to community property remained separate property. He offered his view that the decision is wrong. The decision goes against the purpose of Alaska's community property statutes, which is to have all the inherent gain subject to the tax benefit.

MR. J. BLATTMACHR said the Alaska Supreme Court will make a determination on that case, but everyone else who has created community property will receive the tax benefit.

[2:12:40 PM](#)

SENATOR REINBOLD asked if it would impact people with less than \$5 million.

MR. J. BLATTMACHR stated that grantor trusts are structured such that they are ignored for income tax purposes. A person can do this alone or with his or her spouse. The person who creates the trust must pay the income tax on it, which means the trust receives its gains entirely free of taxes. The IRS allows [grantors] to sell assets to the trust without any gain or loss. When one spouse dies, the trust loses its grantor status, but the survivor may want to continue as a grantor trust. This bill will allow the trust to be divided when the first spouse dies and continue the grantor trust status.

He advised that it could affect estates of less than \$5 million. For example, if a couple has \$4 million in community property assets and the husband dies, the entire inherent gain on the estate will be forgiven by a special IRS rule. If the couple owned the property jointly or separately, only the half owned by the husband would receive that step up in basis. SB 191 will allow a spouse to use the \$11 million exemption by establishing the promise of a gift in a trust. Even if the estate is only worth \$1 million at the time of the spouse's death, the exemption will apply, and the family will have had use of the \$11 million asset.

[2:17:24 PM](#)

SENATOR REINBOLD noted the high rates of domestic violence and financial abuse in Alaska and asked whether the bill would create any unintended consequences or financial abuse.

MR. J. BLATTMACHR answered no; if a wife has \$10 million in assets, she could bequeath it to anyone without notifying her husband. He did not see this bill aggravating the situation for the spouse. He reiterated that the purpose of the bill is to allow people to use their estate tax exemption today before it is diminished. He said one benefit of the bill is that it allows people to make gifts for more than they currently own, which helps them protect their families from estate taxes.

He related that the Alaska Trust Act passed in 1997 and the same type of estate law has been adopted in 19 states. He offered his view that Alaska has the best estate laws, which has brought significant business to the state. These funds are deposited in banks in Alaska and these funds are loaned for people to purchase homes or other things.

[2:21:54 PM](#)

SENATOR REINBOLD said she has had two bad experiences with trusts, so she is not a big fan of them. She asked if his nephew was Matthew Blattmachr.

J. BLATTMACHR answered yes.

[2:22:51 PM](#)

SENATOR REINBOLD acknowledged that the bill has some good aspects for Alaska in terms of investment but reiterated her concern that it may allow abuse of community property. She asked whether it changed the definition of community property. She related her understanding that anything earned during the marriages is automatically community property.

MR. J. BLATTMACHR explained that property a married Alaskan acquires is not community property. For example, if her husband earned \$5 million it would be his money, although a judge might award some money in a divorce, and she would be entitled to a minimum share of his estate when he dies. If a couple chooses to have community property, each spouse owns half. He compared Alaska's system to Germany's system, such that spouses start with a separate regime, but they can elect into community property. He highlighted the safeguards in the Alaska Community Property Trust, such that the contract must be in writing and it must warn in large, bold type that this could have significant financial and legal ramifications. He said SB 191 is safe, provides good measures for Alaskans, and in some instances can be used by people outside the state.

[2:27:08 PM](#)

SENATOR REINBOLD expressed alarm that a mother could stay home and raise the couple's children, but have no right to the money her husband earns.

MR. J. BLATTMACHR said in Alaska and all but nine states, the spouse who stays home owns none of the property that the other spouse accumulates. The stay-at-home spouse has no say over any of property the other spouse owns including how it is spent or invested. He suggested that Alaska might consider adopting the Uniform Marital Property Act that provides an automatic 50/50 distribution of property. He recalled that Wisconsin did that in the 1980s.

[2:30:00 PM](#)

SENATOR KIEHL asked for an explanation of how community property might be treated differently in a divorce settlement.

MR. J. BLATTMACHR related his understanding that a judge in Alaska has the power to determine the division of assets that were acquired during the marriage. The judge can consider anything that is proper to make the determination, which is usually a 50:50 division in a long-term marriage. He related several scenarios to illustrate how some states handle community property. Under Alaska law, there is no claw back if the husband gives \$1 million to his girlfriend, he said.

[2:33:20 PM](#)

JAMIE DELMAN, Attorney, Shaftel Delman LLC; Member, Alaska Trust & Estate Professionals, Anchorage, Alaska, cautioned that he was not a divorce lawyer, but the judge would look at all facts and circumstances if there was no community property. He offered his view that if a gift was made shortly before a divorce, it could be considered during the equitable distribution of assets.

[2:34:05 PM](#)

SENATOR REINBOLD expressed concern and frustration that a wife who stayed home to raise the children while the husband worked would not be entitled to an equal part of assets. She described it as an insane system.

CHAIR COGHILL pointed out that Mr. J. Blattmachr said community property would be the saner system and that Alaska has an opt-in system.

[2:34:47 PM](#)

MR. J. BLATTMACHR confirmed that he said that community property that is automatic is the sanest type of marital property regime a state can offer its residents. He noted that Alaska allows that by contract.

SENATOR REINBOLD related her understanding that in Alaska parties must opt in.

J. BLATTMACHR answered yes. He said parties in subsequent marriages often will have a prenuptial agreement, but those in first marriages may decide community property offers tax benefits.

[2:36:57 PM](#)

CHAIR COGHILL stated that the committee would not take up SB 8.

SENATOR REINBOLD suggested the committee discuss opt in.

CHAIR COGHILL said common options for community property are joint checking accounts and joint registration of vehicles, but looking into the requirements of becoming a community property state would be separate from this bill.

[2:38:43 PM](#)

SENATOR REINBOLD advised that she was considering an amendment pertaining to automatic community property.

CHAIR COGHILL said changes to community property might not fit within the subject matter of SB 191. He suggested that she ask Legislative Legal Services to weigh in.

[2:39:30 PM](#)

SENATOR REINBOLD asked if the 1998 community property opt in law had anything to do with the estate taxes or trusts.

[2:39:52 PM](#)

MR. J. BLATTMACHR said he was the principal drafter of the Alaska Community Property Act in 1998. He recalled meeting with every legislator and that the bill passed the legislature unanimously. He said he was not aware of any abuse related to that law. He said outside of the hearing he would be happy to discuss whether Alaska ought to have an automatic community property system.

[2:40:57 PM](#)

CHAIR COGHILL remarked that he had been patient during this discussion, but there were several amendments to consider.

SENATOR REINBOLD said she had lots of technical questions, particularly on Sections 3 and 4, but she was willing to consider the amendments.

[2:42:37 PM](#)

CHAIR COGHILL suggested her questions might be answered offnet.

[2:43:29 PM](#)

SENATOR REINBOLD reiterated her earlier concerns about the bill.

CHAIR COGHILL suggested that the committee consider amendments, set aside the bill to a future hearing, and allow members the opportunity to research the issues related to estates and trusts.

SENATOR REINBOLD reiterated her earlier concerns about the bill.

CHAIR COGHILL said the material is complex, and he would like members to have their questions answered.

[2:45:44 PM](#)

SENATOR KIEHL moved to adopt Amendment 5, A.7, which read:

31-LS1370\A.7
Bannister
3/6/20

A M E N D M E N T 5

OFFERED IN THE SENATE
TO: SB 191

BY SENATOR KIEHL

Page 6, following line 5:

Insert a new subsection to read:

"(d) A person who sells to a third party a promise treated as a note that becomes a negotiable instrument under (c) of this section shall provide written notice to the buyer that the note was derived from a promise made under this section and that consideration was not provided. In addition, the notice must state whether the note is backed by collateral and whether the note is guaranteed by the trustee or another person."

CHAIR COGHILL objected for discussion purposes.

[2:46:02 PM](#)

SENATOR KIEHL explained that Amendment 5 is similar to one offered and withdrawn at an earlier hearing. Senator Micciche indicated it was possible that one of the notes could be guaranteed by the trustee. He worked with Mr. Blattmachr to develop this language. Amendment 5 would allow the buyer to have disclosure.

[2:46:49 PM](#)

SENATOR MICCICHE said Amendment 5 does not adversely affect the bill, but it is unnecessary.

[2:47:10 PM](#)

SENATOR REINBOLD remarked that she liked the original amendment, but she would support Amendment 5.

[2:47:35 PM](#)

CHAIR COGHILL withdrew his objection. There being no further objection, Amendment 5 was adopted.

[2:47:59 PM](#)

CHAIR COGHILL moved to adopt Amendment 6, M.1, which read:

31-LS1370\M.1
Bannister
3/6/20

A M E N D M E N T 6

OFFERED IN THE SENATE BY SENATOR COGHILL
TO: CSSB 191(JUD), Draft Version "M"

Page 6, following line 5:
Insert a new subsection to read:

"(d) If a married person makes a promise under (a) of this section, property owned as community property or as tenants by the entirety by the married person and the spouse of the married person during the life of the married person may not be used to pay the obligation represented by the promise unless the spouse has provided the spouse's express written consent to the payment."

SENATOR MICCICHE objected for discussion purposes.

[2:48:25 PM](#)

MS. BUSHNELL explained that the purpose of Amendment 6 is to achieve good practice without being too restrictive. The goal is for couples who both have a right to the property to make a gift together. If only one spouse makes the gift, it would not affect community property. She related her understanding that this is current statute, that a person cannot give what is not his or hers. This language makes it expressly clear in Section 4.

[2:49:58 PM](#)

SENATOR REINBOLD expressed concern that she just received Amendment 6. She asked for assurance that in instances in which the husband earns the income and the wife stays at home, that he cannot gift his retirement to someone else such as the university.

MS. BUSHNELL answered that a pension is personal property, which in Alaska is an equitable division. However, she understood that the division is almost never 50:50, since it depends on the lifestyle, the children, the parties work history, and spousal decisions regarding future education, which are decisions that should be made by the parties.

[2:51:16 PM](#)

CHAIR COGHILL related his understanding that income, except for retirement, can be shared.

[2:51:34 PM](#)

MR. DELMAN advised that federal law supersedes state law with respect to retirement. To change the beneficiary, the spouse would have to sign off on it. As a general rule, upon divorce, an asset in a marriage without community property would be subject to equitable disposition. However, prior to divorce, the other spouse would not have any control over an individual asset of one spouse.

[2:52:50 PM](#)

SENATOR REINBOLD said she likes Amendment 6, but she would like the document to be notarized to protect spouses. She asked if this bill needs stronger language than "express written consent."

MR. DELMAN explained that written consent is used in Alaska statutes in many places. He said he was neutral about requiring the document to be notarized but acknowledged that a notarized document would verify that the spouse signed the document. He suggested that adding "acknowledged written consent" could be added, but he did not believe the language "notarized" is typically used in statute. He referred to AS 13.12.213, which is in the context of waiving marital rights at death. He said those rights can be waived by a written waiver signed by the spouse and it does not require a notary.

[2:56:22 PM](#)

CHAIR COGHILL said Section 4, requires both spouses to sign the promise to transfer a gift. The document must be signed in writing and delivered to the trustee.

MR. DELMAN said he thinks that is right. If a spouse makes a promise using marital assets, they would want the contemporaneous consent of his or her spouse.

[2:57:24 PM](#)

SENATOR REINBOLD said she would like to help protect vulnerable spouses. She asked whether this Amendment would help close any loopholes.

MR. DELMAN answered yes. If a spouse would like to promise marital property, the other spouse has to consent in writing.

[2:58:43 PM](#)

SENATOR KIEHL offered his support for Amendment 6.

SENATOR REINBOLD asked for the difference between express written consent and the spouse's acknowledged express written consent. She wondered if it should still require a notary. She said she understood the ultimate goal of SB 191 is to take advantage of tax savings.

[2:59:47 PM](#)

CHAIR COGHILL stated that he would fold the two amendments into a new committee substitute for the committee to review.

[3:00:24 PM](#)

SENATOR MICCICHE withdrew his objection to Amendment 6.

There being no further objection, Amendment 6 was adopted.

[3:00:31 PM](#)

CHAIR COGHILL stated that SB 191 would be held in committee and public testimony would remain open.

[3:01:02 PM](#)

At-ease.

CONFIRMATION HEARING(S)

[3:01:16 PM](#)

CHAIR COGHILL reconvened the meeting and stated that in accordance with AS 39.05.080, the Senate Judiciary Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

State Board of Parole

Leitoni "Lei" Tupou - Juneau

Alaska Commission on Judicial Conduct

Jane Mores - Juneau

Robert Shelton-Anchorage

SENATOR MICCICHE reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

3:02:17 PM

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 3:02 p.m.