

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended, Be Printed Engrossed and Placed on the Consent Calendar

Vote: 10 - 0 - 0

Yeas: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker

Nays: 0

Exc.: 0

Prepared By: Shannon Sivell, Counsel

Meeting Dates: 1/27, 3/31, 4/17

WHAT THE MEASURE DOES: Clarifies several statutes relating to trusts and estates. Changes language “a trust” to “a trustee of a trust” and “an estate” to “personal representative of an estate.”

ISSUES DISCUSSED:

- Unintended consequences of statutory cross references within the original bill
- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: Eliminates several statutory cross-references that were added to the draft version of the bill.

BACKGROUND: Numerous statutes refer to a trust or an estate as a “legal person” and instead should refer to a trustee of a trust or a “personal representative” of an estate. A trust is an agreement, not a legal person capable of making decisions or owning assets. An estate is an entity created by the court. A personal representative is named by the court to act on behalf of an estate. Neither a trust nor an estate should be referred to as a person. These changes are intended to make the law more clear as to who needs to act on behalf of a trust or an estate.