



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 1104

PRINTERS NO. 1896

PRIME SPONSOR: Greenleaf

COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	See "Fiscal Impact" below.	

SUMMARY:

Senate Bill 1104 makes a series of amendments to Title 20, Decedents, Estates, and Fiduciaries. Effective dates vary by provision.

ANALYSIS:

This legislation makes numerous changes to various sections of Title 20 concerning powers of attorney, trusts, and powers of appointment. Sections impacted include:

- Section 3163, Submission to Jurisdiction
- Section 3314, Continuation of Business
- Section 3546, Determination of Title to Decedent's Interest in Real Estate
- Section 5456, Authority of Health Care Agent
- Section 5460, Relation of Health Care Agent to Court-Appointed Guardian and Other Agents
- Section 5602, Form of Power of Attorney
- Section 5603, Implementation of Power of Attorney
- Section 5604, Durable Powers of Attorney
- Section 6103.1, Release or Disclaimer of Powers or Interests

Senate Bill 1104 creates a new chapter in Title 20, Chapter 76 entitled Powers of Appointment. It codifies rules concerning powers of appointment in the Commonwealth, rules that are currently based in Pennsylvania case law. A power of appointment is used when a person wants someone else to decide how to distribute their property after death.

In the Uniform Trust Act, with respect to non-judicial settlement agreements, the bill makes a change to the standard by which the validity of the agreement is judged. The bill also makes clarifications concerning the representative of beneficiaries of a trust, and deletes the word "two" in that provision which allows a court to authorize the division of a trust into separate trusts, thereby allowing the division of a trust into more than two trusts.

Senate Bill 1104 repeals the Charitable Instruments Act (Act 23 of 1971) and places its provisions, including some language updates, into Title 20. There are no substantive differences between the provisions found in SB 1104 and the unconsolidated act.

FISCAL IMPACT:

Enactment of this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: June 14, 2016

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.