

ORIGINAL SENATE
FILE NO. SF0097

ENROLLED ACT NO. 66, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to the uniform trust code; clarifying the definition of "qualified trustee"; specifying who is required to receive notice for judicial proceedings related to trusts; specifying that no rule of perpetuities applies to noncharitable purpose trusts; specifying when a trustee can reimburse a person for certain tax costs attributable to the trust; specifying applicability; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 4-10-103(a)(xxxv)(intro), (B)(intro) and (C), 4-10-109 by creating a new subsection (e), 4-10-410(a)(iv) and 4-10-816(a)(xxxi), (xxxii) and by creating a new paragraph (xxxiii) and (b) are amended to read:

4-10-103. Definitions.

(a) As used in this act:

(xxxv) "Qualified trustee", as used in article 5 of this act, means:

(B) A person authorized by the law of this state to act as a trustee or a regulated financial institution ~~which~~ that conducts one (1) or more of the following activities within this state:

(C) Neither the settlor, either directly or indirectly through an entity, unless discretionary distributions by the entity require the consent or approval of one (1) or more disinterested persons who are not a related or subordinate party with respect to the settlor within the meaning of 26 U.S.C. § 672(c), nor any other

ORIGINAL SENATE
FILE NO. SF0097

ENROLLED ACT NO. 66, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

natural person who is a nonresident of this state, nor an entity that is not authorized by the law of this state to act as a trustee or is not a regulated financial institution, may serve as a qualified trustee.

4-10-109. Methods and waiver of notice.

(e) For any judicial action or proceeding concerning a trust under this act, notice shall only be required to be provided to interested persons as defined in W.S. 4-10-201(d).

4-10-410. Noncharitable trust without ascertainable beneficiary.

(a) Except as otherwise provided in W.S. 4-10-409 or by another statute, the following rules apply:

(iv) No common law rule limiting the duration of noncharitable purpose trusts is in force in this state, and no common law rule of perpetuities that is otherwise in force in this state shall apply to noncharitable purpose trusts.

4-10-816. Specific powers of trustee.

(a) Without limiting the authority conferred by W.S. 4-10-815, a trustee may:

(xxxi) Exercise elections with respect to federal, state and local taxes; ~~and~~

(xxxii) Decide each trust taxable year whether principal distributions made from a trust to a beneficiary include net realized capital gains and losses in section

ORIGINAL SENATE
FILE NO. SF0097

ENROLLED ACT NO. 66, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

643(a) of the Internal Revenue Code distributable net income ~~i-~~ and

(xxxiii) Except as otherwise provided under this paragraph or under the terms of a trust, if all or any portion of the trust is treated as being owned by a person under 26 U.S.C. § 671 or any similar federal, state or other tax law, the trustee may, in the trustee's sole discretion, reimburse or pay on behalf of the person being treated as the owner any amount of the person's personal federal, state or other income tax liability that is attributable to the inclusion of the trust's income, capital gains, deductions or credits in the calculation of the person's taxable income. This paragraph shall not apply to a trustee who is the settlor or a person who is a related or subordinate party to the settlor within the meaning of 26 U.S.C. § 672(c). Neither the power authorized under this paragraph or the exercise of the power under this paragraph shall cause the settlor to be treated as a beneficiary of the trust, the trust property to be includable in the estate of the settlor or otherwise entitle a creditor of the settlor to compel, attach or otherwise encumber a payment authorized under this paragraph. The provisions of this paragraph apply to all trusts governed by the laws of this state unless an independent trustee of the trust irrevocably elects otherwise in writing.

(b) The ~~power~~ powers provided in ~~paragraph~~ paragraphs (a)(xxviii) and (xxxiii) of this section shall not be exercised in any manner that would prevent qualification for a federal estate or gift tax marital deduction, federal estate or gift tax charitable deduction, or other federal income, estate, gift or generation-skipping transfer tax benefit claimed for the trust from which the distribution

ORIGINAL SENATE
FILE NO. SF0097

ENROLLED ACT NO. 66, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

in further trust is made. If the trustee making a distribution in further trust under paragraph (a)(xxviii) of this section is a beneficiary of the trust from which the distribution in further trust is made, the distribution in further trust may not change the trustee's interest as a beneficiary in the trust. A trustee shall not be liable for exercising the ~~power~~powers permitted under ~~paragraph~~paragraphs (a)(xxviii) ~~or (xxxiii)~~ of this section if the power is exercised in good faith.

Section 2. This act shall apply to all trusts created or that become subject to the uniform trust code on or after July 1, 2025.

ORIGINAL SENATE
FILE NO. SF0097

ENROLLED ACT NO. 66, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

Section 3. This act is effective July 1, 2025.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk