S T A T E O F N E W Y O R K

7182

I N S E N A T E

May 1, 2012

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the estates, powers and trusts law, in relation to the prudent investor act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph 5 of paragraph (b) of section 11-2.3 of the estates, powers and trusts law is amended by adding a new clause (G) to read as follows:

(G) ANY EXERCISE OF THE POWER TO ADJUST UNDER THIS SUBPARAGRAPH, WHETHER FROM INCOME TO PRINCIPAL OR FROM PRINCIPAL TO INCOME, SHALL CONSTITUTE A RE-CHARACTERIZATION OF THE TRANSFERRED AMOUNT FROM INCOME TO PRINCIPAL OR FROM PRINCIPAL TO INCOME, AS THE CASE MAY BE, FOR PURPOSES OF CALCULATING COMMISSIONS UNDER ARTICLE TWENTY-THREE OF THE SURROGATE'S COURT PROCEDURE ACT.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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