

IN THE SENATE

SENATE BILL NO. 1045

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO TRUSTS AND FIDUCIARIES; AMENDING CHAPTER 1, TITLE 68, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 68-106A, IDAHO CODE, TO PROVIDE  
3 FOR THE FIDUCIARY DUTY OF TRUSTEES TO DETERMINE EQUIVALENT VALUE OF SUB-  
4 STITUTED PROPERTY.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 1, Title 68, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 68-106A, Idaho Code, and to read as follows:

10 68-106A. FIDUCIARY DUTY TO DETERMINE EQUIVALENT VALUE OF SUBSTITUTED  
11 PROPERTY. Notwithstanding the terms of a trust instrument, if a grantor has  
12 the power to substitute property of equivalent value, a trustee has a fidu-  
13 ciary duty to determine that the substitute property is of equivalent value,  
14 prior to allowing the substitution.