



South Dakota	Alaska
State Income Tax	
None (Since 1942, constitutional)	None today; no constitutional barrier; can change by simple majority
Rule Against Perpetuities	
Abolished 1983 – first in the nation. [SDCL § 43-5-8]	Phased out 1997 to 2000; 1,000-yr vesting limit; 14+ yrs behind SD
Creditor Lookback	
2 years from transfer (or 6 months from discovery)	4 yrs from transfer (or 1 yr from discovery); twice SD exposure
DAPT Asset Protection	
Robust DAPT statute. 2-year lookback. Clear & convincing burden. [SDCL § 55-16-10]	Broader exception creditors; solvency affidavit required for new transfers
Directed Trustees	
Statute since 1997; 68% of SD trust business is directed	Statutory gaps; no coverage for director-only actions or non-exercises
Decanting	
Ranked #1 nationally (Oshin). Fully discretionary. [SDCL § 55-2-15]	Cannot remove ascertainable standards, alter mandatory income, or accelerate remainders
Quiet Trusts	
Most comprehensive in the nation. [SDCL § 55-2-13]	Ends at settlor's death or incapacity
Privacy	
Permanent, automatic seal. No petition required. [SDCL § 21-22-28]	Presumptively public; sealing requires court order for good cause
Special Purpose Entities	
Only state with statute permitting trust advisory LLCs. [SDCL § 51A-6A-66]	Not addressed by statute
Case Law Reliability	
In re Cameron (2019): SD protections upheld against out-of-state judgment	Toni 1 v. Wacker (2018): out-of-state fraudulent transfer judgments stand
Fiscal Strength	
#1 or #2 fiscal health (PEW/Mercatus). Pension 103% funded. AAA credit.	Aa2/AA/AA-; pension underfunded
Legal Modernization	
Annual update via Governor's Task Force	1997 Alaska Trust Act; slower refinement since

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