

Introduced: 3/7/63
Referred: Commerce and
Judiciary

BY MESSRS. SANDERS,
BAKER, AND TAYLOR

1 IN THE HOUSE

2 HOUSE BILL NO. 174

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to common trust funds; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 06 is amended by adding a new chapter to read:

10 CHAPTER 35. UNIFORM COMMON TRUST FUND ACT.

11 Sec. 06.35.010. COMMON TRUST FUNDS. (a) A bank or
12 trust company qualified to act as fiduciary in the state may
13 establish common trust funds to furnish investments to itself
14 as fiduciary or to itself and others as co-fiduciaries.

15 (b) A bank or trust company may, as a fiduciary or co-
16 fiduciary, invest funds which it lawfully holds for invest-
17 ment in interests in common trust funds it establishes under
18 (a) of this section if the investment is not prohibited by
19 the instrument, judgment, decree, or order creating the
20 fiduciary relationship, and if, in the case of co-fiduciaries
21 the bank or trust company procures the consent of its co-
22 fiduciaries to the investment.

23 Sec. 06.35.020. COURT ACCOUNTING. Unless ordered by a
24 court of competent jurisdiction a bank or trust company
25 operating a common trust fund is not required to render a
26 court accounting with regard to the fund. A bank or trust
27 company may, by application to the superior court, secure
28 approval of an accounting it makes with regard to a common
29 trust fund on the conditions the court establishes.

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1 Sec. 06.35.030. PROCEDURE FOR COURT ACCOUNTING. When
2 an accounting of a common trust fund is presented to the
3 superior court under sec. 20 of this chapter for approval,
4 the court shall assign a time and place for hearing and
5 order notice of the hearing by (1) publication once a week
6 for three weeks, the first publication to be not less than
7 20 days before the date of the hearing, of a notice in a
8 newspaper having a circulation in the judicial district in
9 which the bank or trust company or branch thereof operating
10 the common trust fund is located, and (2) mailing not less
11 than 14 days before the date of the hearing a copy of the
12 notice to all beneficiaries of the trusts participating in
13 the common trust fund whose names are known to the bank or
14 trust company from the records kept by it in the regular
15 course of business in the administration of the participating
16 trusts, directed to them at the addresses shown by the
17 records, and (3) such further notice as the court may
18 order.

19 Sec. 06.35.040. UNIFORMITY OF INTERPRETATION. This
20 Act shall be so interpreted and construed as to effectuate
21 its general purpose to make uniform the law of those states
22 which enact it.

23 Sec. 06.35.050. SHORT TITLE. This chapter may be cited
24 as the Uniform Common Trust Fund Act.

25 * Sec. 2. Under Rule 4 of the Rules of Civil Procedure pro-
26 mulgated by the supreme court a procedure is provided for the
27 service of process in civil actions. Sec. 1 of this bill changes
28 this rule by establishing a special notice procedure for an
29 accounting of a common trust fund.

1 * Sec. 3. This Act takes effect on July 1, 1963, and applies
2 to fiduciary relationships existing on that date or established
3 after that date.

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