

Introduced: 2/3/67  
Referred: Judiciary

1 IN THE SENATE

BY HARRIS

2 SENATE BILL NO. 63

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to testamentary additions to trusts."

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

8 \* Section 1. AS 13.05 is amended by adding a new section to read:

9       Sec. 13.05.240. TESTAMENTARY ADDITIONS TO TRUSTS. (a) A devise  
10 or bequest, the validity of which is determinable by the law of this  
11 state, may be made by a will to the trustee or trustees of a trust  
12 established or to be established by the testator or by the testator  
13 and some other person or persons or by some other person or persons  
14 (including a funded or unfunded life insurance trust, although the  
15 trustor has reserved any or all rights of ownership of the insurance  
16 contracts) if the trust is identified in the testator's will and its  
17 terms are set forth in a written instrument (other than a will) executed  
18 before or concurrently with the execution of the testator's will or in  
19 the valid last will of a person who has predeceased the testator  
20 (regardless of the existence, size, or character of the corpus of the  
21 trust). The devise or bequest shall not be invalid because the trust  
22 is amendable or revocable, or both, or because the trust was amended  
23 after the execution of the will or after the death of the testator.  
24 Unless the testator's will provides otherwise, the property so devised  
25 or bequeathed

26       (1) shall not be considered to be held under a testamentary  
27 trust of the testator but shall become a part of the trust to which it  
28 is given and

29       (2) shall be administered and disposed of in accordance with

1 the provisions of the instrument or will setting forth the terms of  
2 the trust, including any amendments thereto made before the death  
3 of the testator (regardless of whether made before or after the  
4 execution of the testator's will) and, if the testator's will so  
5 provides, including any amendments to the trust made after the death  
6 of the testator.

7 (b) A revocation or termination of the trust before the death  
8 of the testator shall cause the devise or bequest to lapse.

9 \* Sec. 2. EFFECT ON PRIOR WILLS. This Act shall have no effect upon  
10 a devise or bequest made by a will executed before the effective date of  
11 this Act.

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