

SB

54

COMMITTEE REPORT
SENATE

FURTHER:

1/17/79

Date: 3/4/80

Mr. President:

The Committee on JUDICIARY has had SB 54
international wills under the Uniform Probate Code

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

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ALASKA STATE LEGISLATURE
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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EXECUTIVE SECRETARY
BILLY G. BERRIER

December 5, 1978

MEMORANDUM

SUBJECT: International Wills Act

TO: Representative Mike Miller, Chairman
Alaska Legislative Council

FROM: John W. Abbott, Chairman
Code Revision Commission

Pursuant to the authority granted in AS 24.20.075(c), the Code Revision Commission has prepared the attached International Wills Act for introduction at the next session of the legislature. The Act was drafted by the National Conference of Commissions on Uniform State Laws in 1977, and is intended to be a part of the Uniform Probate Code, AS 13.06. - 13.36. It is intended to prescribe the form a will must take in order to be valid in all countries that are party to the "Convention Providing a Uniform Law on the Form of an International Will", to which the United States is a party. At the present time, only North Dakota has enacted the International Wills Act.

JWA/bb/jms

Attachment

STATE OF ALASKA THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 29, 1979

SUBJECT: SB 54 -- International Wills under the Uniform
Probate Code -- Sectional Analysis
(Work order No. 6160)

TO: Senator Robert H. Ziegler, Sr.

FROM: Kenneth M. Rosenstein, Legislative Counsel *KMR*

The Uniform International Wills Act is an addition to the Uniform Probate Code (UPC) and is intended to prescribe the form that a will must have in order to be valid in all countries signatory to the Washington Convention of 1963. The U.S. Senate has not yet ratified this international agreement.

Sec. 13.11.350 (UPC §2-1002) provides that a will executed in compliance with Secs. 13.11.350 -- 13.11.440 is valid as an international will, i.e., without regard to the place where the will is executed, the location of the testator's assets, or his nationality, domicile, or residence. A will that is invalid as an international will may still be valid as some other type of will so long as it conforms to the requirements of that type of will. Lastly, a joint will may not be an international will.

Sec. 13.11.360 (UPC §2-1003) prescribes the formal requirements of an international will. To be valid as an international will it must be (1) in writing; (2) declared by the testator, before two witnesses and a person authorized to supervise the execution of international wills, to be his will (he must also acknowledge its contents); (3) signed by the testator, and (4) attested to by the witnesses and by the authorized person.

Sec. 13.11.370 (UPC §2-1004) prescribes additional formal requirements. The testator must sign each page and at the end of the will. The signatures of the witnesses and authorized person must be at the end of the will. The will must be dated with the date it was signed by the authorized person. The authorized person must ask the testator if he wishes to make a declaration concerning the safekeeping of the will, and if so, the place where he intends to keep it.

Sec. 13.11.380 (UPC §2-1005) provides that the authorized person shall attach to the will a certificate signed by him that establishes that the will has been executed in accordance with the requirements of an international will.

Sec. 13.11.390 (UPC §2-1006) provides that the certificate issued under sec. 380 shall presumptively establish the validity of the will to which it is attached as an international will. Absence of or a defect in the certificate does not affect the validity of the will as an international will.

Sec. 13.11.400 (UPC §2-1007) provides that an international will is subject to the ordinary rules relating to revocation of wills.

Sec. 13.11.410 (UPC §2-1008) cites the source of the previous section: as the Annex to the Washington Convention of 1973. This is intended to avoid an interpretation of the International Wills Act solely in terms of the internal law of the interpreting jurisdiction, since this would prejudice the international unification sought by the act.

Sec. 13.11.420 (UPC §2-1009) establishes who may act as authorized persons with regard to the execution of international wills.

Sec. 13.11.430 (UPC §2-1010) requires the lieutenant governor to establish a registry in which authorized persons may submit information regarding the execution of international wills. Such information is limited to the name, address, place and date of birth, and individual identification number of the testator, and the intended place of safe-keeping of the will, if any. This information is to be kept strictly confidential until the time of testator's death. It may then be released to any person desiring information about any will upon the presentation of a death certificate or other satisfactory evidence of the testator's death.

Sec. 13.11.440 (UPC §2-1020) defines the terms "authorized person" and "international will." An authorized person is a person who, under sec. 420 or a provision of federal law, is authorized to supervise the execution of international wills. An international will is a will executed under the provisions of the act.

CODE REVISION COMMISSION



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EXECUTIVE SECRETARY
BILLY G. BERRIER

March 5, 1980

MEMORANDUM

TO: Senator Patrick M. Rodey

FROM: *JMSR* Joyce M. Roloff, Secretary
Code Revision Commission

RE: SB 54 -- International Wills Act (UPC)
SB 58 -- Uniform Disposition of Community Property
Rights at Death Act

This is in further reference to the exchange of correspondence between Senator Ziegler and I regarding the above bills. Another copy of that exchange is enclosed for speedy reference.

The Senate Judiciary Committee reported out these two bills yesterday. Art Peterson, former commissioner, testified on behalf of the commission. As a favor to the commission, Chairman Ziegler signed do-pass on both of these bills. However, as the enclosed communication reflects and further discussion with Chairman Ziegler confirms, he has not committed himself to support the bills once they reach the Senate floor. Adversely, he has several problems with the bills that Art was not able to respond to at the time and we anticipate that these questions might possibly be raised during floor debate.

It was suggested that you, on whom the fate of the bill now lies, get in touch with Senator Colletta requesting that he withhold scheduling these bills until I can get further information to you from the National Conference of Commissioners on Uniform State Laws concerning the problem areas. [A request for this information has already been made.]

This resistance does come as a surprise to the commission as the bills were considered to be noncontroversial at the time of introduction. Hopefully, by the time these bills reach the Senate floor you will have enough ammunition to defend them.

JMSR/s
Enclosures

cc: Code Revision Commission
Senator Robert Ziegler