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2

CONTENTS OF HB 2 COMMITTEE FILE

1. HB 2
2. Max Memo
3. '87 sectional analysis
4. '87 zero fiscal note
5. List of states that have adopted the Uniform Simultaneous Death Act and Prefatory note
6. Bill history of HB 408 with Journal pages for House Judiciary. Committee vote, House floor vote and Senate Judiciary Committee vote
7. House Judiciary Committee minutes referencing the bill 10/25/85 and 1/17/86
8. Senate Judiciary Committee minutes referencing the bill 4/15/86 and 5/9/86
9. Letter from Anchorage Estate Planning Council
10. Letter from Alaska Bar Association Probate section
11. Letter from Richard S. Thawtes, Alaska Bar Probate & Tax section

## UNIFORM SIMULTANEOUS DEATH ACT

*Table of Jurisdictions Wherein Act Has Been Adopted*

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama .....	1949, p. 852	9-7-1949	Code 1975, §§ 43-7-1 to 43-7-8.
Arizona .....	1959, c. 77	6-20-1959	A.R.S. §§ 14-2804 to 14-2810.
Arkansas .....	1941, Act 15	1-30-1941*	Ark.Stats. §§ 61-124 to 61-130.
California .....	1945, p. 1885	9-15-1945	West's Ann.Cal.Prob.Code, §§ 296 to 296.8.
Colorado .....	1967, p. 104	3-14-1967	C.R.S.1973, 15-11-613.
Connecticut .....	1943, c. 266, p. 272	10-1-1943	C.G.S.A. § 45-287.
Delaware .....	1945, c. 234	4-18-1945*	12 Del.C. §§ 701 to 707.
Dist. of Columbia ...	1965, 79 Stat. 700	1-1-1966	D.C.Code 1981, §§ 19-501 to 19-506.
Florida .....	1941, c. 20884	6-12-1941	West's F.S.A. § 732.601.
Georgia .....	1966, p. 606	7-1-1966	O.C.G.A. §§ 53-11-1 to 53-11-6.
Hawaii .....	1941, Act 74	4-22-1941	HRS §§ 534-1 to 534-5.
Idaho .....	1943, c. 83	2-23-1943*	I.C. § 15-2-613.
Illinois .....	1941, vol. 1, p. 6	7-16-1941	S.H.A. ch. 110½, ¶¶ 3-1, 3-2.
Indiana .....	1941, c. 49	2-24-1941*	West's A.I.C. 29-2-14-1 to 29-2-14-8.
Iowa .....	1963, c. 326	1-1-1964	I.C.A. §§ 633.523 to 633.528.
Kansas .....	1947, c. 239	6-30-1947*	K.S.A. 58-701 to 58-707.
Kentucky .....	1942, c. 79	3-5-1942	KRS 397.010 to 397.080.
Maine .....	1941, c. 111	3-29-1941	18-A M.R.S.A. § 2-805.
Maryland .....	1941, c. 191	6-1-1941	Code, Courts and Judicial Proceedings, §§ 10-801 to 10-807.
Massachusetts .....	1941, c. 549	7-29-1941	M.G.L.A. c. 190A, §§ 1 to 8.
Michigan .....	1941, No. 73	1-10-1942	M.C.L.A. §§ 720.101 to 720.104.
Minnesota .....	1943, c. 248	4-2-1943*	M.S.A. § 525.90.
Mississippi .....	1956, c. 214	7-1-1956	Code 1972, §§ 91-3-1 to 91-3-15.
Missouri .....	1947, Vol. 1, p. 13	9-10-1947	V.A.M.S. §§ 471.010 to 471.080.
Nebraska .....	1947, c. 112	3-6-1947	R.R.S.1943, §§ 30-121 to 30-128.
Nevada .....	1949, c. 44	3-9-1949*	N.R.S. 135.010 to 135.090.
New Hampshire .....	1941, c. 55	4-8-1941	RSA 563:1 to 563:9.
New Jersey .....	1947, c. 384	7-3-1947	N.J.S.A. 3B:6-1 to 3B:6-7.
New Mexico .....	1959, c. 172	3-31-1959	NMSA 1978, §§ 45-8-1 to 45-8-8.
New York .....	1966, c. 952	9-1-1967	McKinney's EPTL 2-1.6.
North Carolina .....	1947, c. 1016	4-5-1947	G.S. §§ 28A-24-1 to 28A-24-7.
North Dakota .....	1943, c. 211	3-17-1943	NDCC 31-12-01 to 31-12-06.
Oklahoma .....	1959, c. 385	10-2-1959	58 Okl.St. Ann. §§ 1001 to 1008.
Oregon .....	1947, c. 555	4-21-1947	ORS 112.575 to 112.645.
Pennsylvania .....	1972, No. 164	7-1-1972	20 Pa.C.S.A. §§ 8501 to 8505.
Rhode Island .....	1947, c. 1871	4-28-1947	Gen.Laws 1956, §§ 33-2-1 to 33-2-9.
South Carolina .....	1948, p. 1753	4-3-1948	Code 1976, §§ 21-9-10 to 21-9-80.
South Dakota .....	1941, c. 332	3-4-1941	SDCL 29-8-1 to 29-8-8.
Tennessee .....	1941, c. 59	2-10-1941	T.C.A. §§ 31-501 to 31-508.
Texas .....	1955, c. 55	1-1-1956	V.A.T.S.Probate Code, § 47.
Utah .....	1953, c. 78	5-12-1953	U.C.A.1953, 75-2-1001 to 75-2-1009.
Vermont .....	1941, No. 41	3-21-1941	14 V.S.A. §§ 621 to 627.
Virgin Islands .....	1957, c. 3	9-1-1957	15 V.I.C. § 88.
Virginia .....	1942, c. 63	2-25-1942	Code 1950, §§ 64.1-97 to 64.1-104.
Washington .....	1943, c. 113	3-16-1943	West's RCWA 11.05.010 to 11.05.910.
West Virginia .....	1953, c. 66	2-18-1953	Code, 42-5-1 to 42-5-10.
Wisconsin .....	1941, c. 284	6-25-1941	W.S.A. 851.55.
Wyoming .....	1941, c. 94	2-21-1941	W.S.1977, §§ 2-13-101 to 2-13-107.

\* Date of approval.

Index

## SIMULTANEOUS DEATH

### Historical Note

The Uniform Simultaneous Death Bar Association, in 1940. The Act was approved by the National Conference of Commissioners on Uniform State Laws, and the American Bar Association, in 1940. The Act was subsequently amended in 1953 and similarly approved.

### PREFATORY NOTE

After more than five years study a Uniform Simultaneous Death Act has been approved by the National Conference of Commissioners on Uniform State Laws and recommended to the various legislatures for adoption. Two considerations justify the hope that the Act which is presented herewith will be received favorably by the legislative bodies of the various States. It may be a sad commentary, but the pace of modern living with its multiple forms of transportation has caused the instances of simultaneous death to occur with much greater frequency than in the past. More and more therefore courts will be called upon to administer the estates of persons who have died under circumstances that there is no evidence of survivorship and it is desirable to have a workable and uniform rule to apply in such instances. The second consideration which should recommend this Act to the various legislative bodies is the unsatisfactory variety of methods that have been devised either as a result of jurisprudence or the result of legislation to administer this troublesome legal situation. Some States have set arbitrary presumptions which are employed by the courts to determine the devolution of property. In other States there is the "common law rule" which indulges no presumption one way or the other and leaves the matter to the respective claimants to prove survivorship. Both situations seem to be unrealistic. Prescribed presumptions frequently ignore the facts of life. For instance in some States it is presumed (conclusively) that an adult in good health survives a minor child or infant. If the minor happened to be the son or daughter of the adult it is more reasonable to suppose that the adult would have used every expedient to protect the child even at the sacrifice of his own life. In those States where there is no presumption whatever indulged courts are faced with an anachronism. The reason for the difficulty of administration is that it is impossible to know which of the persons has survived. Yet the "common law rule" in effect says that the person who claims by virtue of an alleged survivorship must prove the survivorship which is tantamount to demanding the impossible.

The theory of the present Act makes no effort whatever to resolve the un-resolvable. The formula is a simple one and easily applied. The theory of the present Act is that as to the property of each person he is presumed to be the survivor and it is administered accordingly.

Perhaps a word ought to be said with respect to Section four which deals with contracts of insurance. The Act provides that when the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise

## SIMULTANEOUS DEATH

than simultaneously the proceeds of the policy shall be distributed as if the insured had survived. Obviously this section creates a conclusive presumption. The special circumstances seem to justify the creation of a presumption relative to the survivorship of the insured or beneficiary. By providing that the insured presumably survived it is thought that the result will most nearly approximate the intention of the real party in interest. If it does not, he is at liberty to provide otherwise in the contract of insurance.

### General Statutory Notes

**Alaska.** L.1972, c. 78, repealed former title 13 of the Alaska Statutes and enacted a new title 13 in lieu thereof. While the new title 13 contains provisions relating to simultaneous deaths (see A.S. §§ 13.06.035 and 13.11.020), they are not in substantial conformity with the uniform act. Accordingly, Alaska has been deleted from the table of jurisdictions wherein the uniform act has been adopted.

**California.** Adds sections as follows:

"§ 296.41. Proceeding to determine simultaneous death; petition; notice of hearing; service. When it is claimed that, in accordance with the provisions of this chapter, any persons have died under circumstances where there is no sufficient evidence that they have died otherwise than simultaneously, the executor or administrator of any such person, or any other person interested in the estate of any such person, may file a petition, in the estate proceeding where he received his appointment, or in which he claims an interest, seeking to have it determined that such persons died under circumstances where there is no sufficient evidence that they died otherwise than simultaneously. The clerk shall set the petition for hearing by the court and cause notice thereof to be personally served at least 10 days before the date of the hearing upon the executor or administrator of each other person claimed to have so died. If the representative of any such other person is also the petitioner then, in lieu of personal service upon him, such notice shall be mailed to the heirs and devisees of such other person, so far as they are known to

the petitioner, at least 10 days before the date of hearing."

"§ 296.42. Proceeding by executor or administrator to determine simultaneous death; hearing; determination of order of death; jurisdiction. At the time appointed, the court, upon proof that due notice of the hearing has been given, shall proceed to hear the petition and any objections thereto that may have been filed or presented; and if, after a full hearing, the court is satisfied that the named persons are dead and that there is no sufficient evidence that they died other than simultaneously, it shall make an order to that effect. If the court is satisfied that the named persons are dead and that they did not die simultaneously then the court shall make an order setting forth the order in which such persons died. Such order when it becomes final shall be a binding determination of the facts therein set forth and conclusive as against the personal representatives of the deceased persons named in the order and against all persons claiming by, through or under any such deceased persons. The probate court which first acquires jurisdiction under Section 296.41 shall have exclusive jurisdiction to determine, by its order, that there is no sufficient evidence that the named persons died otherwise than simultaneously or to determine the order in which the named persons died."

**Florida.** L.1974, c. 74-106 repealed West's F.S.A. § 736.05, which formerly constituted the Uniform Simultaneous Death Act, and reenacted said Uniform Act as part of the Florida Probate Code in West's F.S.A. § 732.601.

04/10/86 (S)	2298	SA RPT SDP
05/07/86 (S)	2651	FIN RPT SCS 6DP
05/08/86 (S)	2708	RULES RPT CALENDAR 5/9
05/09/86 (S)	2722	RETURN TO RLS COMMITTEE
05/10/86 (S)	2756	RULES RPT SUPPLEMENTAL CALENDAR 5/10
05/10/86 (S)	2775	HELD TO 5/11
05/11/86 (S)	2805	READ THE SECOND TIME
05/11/86 (S)	2805	FIN SCS ADOPTED UNAN CONSENT
05/11/86 (S)	2805	ADVANCED TO THIRD READING UNAN CONSENT
05/11/86 (S)	2805	READ THE THIRD TIME SCS HB 406 FIN
05/11/86 (S)	2806	PASSED Y18 N- A2
05/11/86 (S)	2836	TRANSMITTED TO (H) AS AMENDED
05/12/86 (H)	3414	HELD UNDER UNFINISHED BUSINESS
05/12/86 (H)	3456	CONCUR AM OF (S) Y40 N-
05/21/86 (H)	3540	10:45 AM 5/21/86 TRANSMITTED TO GOVERNOR
06/08/86 (H)	3587	SIGNED INTO LAW CHAPTER 125 SLA 86
06/08/86 (H)		EFFECTIVE DATE OF LAW 9/6/86

HB 407  
SCS CSHB 407 RES  
AN ACT RELATING TO THE USE OF, AND CERTAIN REPORTS AND RECORDS  
CONCERNING GAME ANIMALS.

PRIME SPONSOR: SHULTZ  
CO-SPONSORS: MARROU, THOMPSON

CURRENT STATUS: VETOED BY GOVERNOR

DATE	PAGE	ACTION
04/29/85 (H)	1159	READ THE FIRST TIME - REFERRAL(S)
02/03/86 (H)	1961	RES RPT CS(RES) NEW TITLE 5DP 4NR
02/19/86 (H)	2176	ZERO FISCAL NOTE RECEIVED FROM RULES
02/22/86 (H)	2194	CORRECTION: ZERO FISCAL NOTE FROM RES
02/28/86 (H)	2247	RLS RPT CS(RLS) NEW TITLE 1DP 3NR 1DNP
02/28/86 (H)	2247	ZERO FISCAL NOTE
03/07/86 (H)		RULES TO CALENDAR 3/10/86
03/10/86 (H)	2323	READ THE SECOND TIME
03/10/86 (H)	2323	RLS CS ADOPTED Y32 N6 X2
03/10/86 (H)	2323	AM NO 1 ADOPTED UNAN CONSENT
03/10/86 (H)	2324	AM NO 2 FAILED Y12 N27 X1
03/10/86 (H)	2324	ADVANCED TO THIRD READING UNAN CONSENT
03/10/86 (H)	2325	READ THE THIRD TIME CSHB 407 RLS AM
03/10/86 (H)	2325	PASSED Y28 N10 X1 A1
03/10/86 (H)	2325	HILLER, HM NOTICE OF RECONSIDERATION
03/12/86 (H)	2362	RECON TAKEN UP - IN THIRD READING
03/12/86 (H)	2362	AM 4 TO TITLE ADOPTED UNAN CONSENT
03/12/86 (H)	2363	PASSED ON RECONSIDERATION Y22 N11 X2 AS
03/12/86 (H)	2363	TRANSMITTED TO (S)
03/13/86 (S)	2060	READ THE FIRST TIME - REFERRAL(S)
05/04/86 (S)	2595	RES RPT SCS 3DP 3NR
05/07/86 (S)	2681	RULES RPT CALENDAR 5/8
05/08/86 (S)	2686	READ THE SECOND TIME
05/08/86 (S)	2686	RES SCS ADOPTED UNAN CONSENT
05/08/86 (S)	2686	ADVANCED TO THIRD READING UNAN CONSENT
05/08/86 (S)	2686	READ THE THIRD TIME SCS CSHB 407 RES
05/08/86 (S)	2686	PASSED Y16 N3 A1
05/08/86 (S)	2697	TRANSMITTED TO (H) AS AMENDED
05/09/86 (H)	3254	HELD UNDER UNFINISHED BUSINESS
05/10/86 (H)	3336	CONCUR AM OF (S) Y35 N2 A3
05/12/86 (H)	3523	6:09 PM 5/12/86 TRANSMITTED TO GOVERNOR
06/03/86 (H)	3567	GOVERNOR VETOED

HB 408

CSHB 408 JUD  
AN ACT PROVIDING FOR THE ADOPTION OF THE UNIFORM SIMULTANEOUS DEATH ACT.

PRIME SPONSOR: GRUENBERG

CO-SPONSORS: TAYLOR, CLOCKSIN, HILLER, HM, PETTY, JOHN, SUND, PHILLIPS

CURRENT STATUS: (S) RLS

DATE	PAGE	ACTION
04/29/85 (H)	1159	READ THE FIRST TIME - REFERRAL(S)
01/20/86 (H)	1828	JUD RPT CS(JUD) 7DP
01/20/86 (H)	1828	ZERO FISCAL NOTE
01/21/86 (H)		RULES TO CALENDAR 1/22/86
01/22/86 (H)	1854	READ THE SECOND TIME
01/22/86 (H)	1854	JUD CS ADOPTED UNAN CONSENT
01/22/86 (H)	1854	ADVANCED TO THIRD READING UNAN CONSENT
01/22/86 (H)	1855	READ THE THIRD TIME
01/22/86 (H)	1855	PASSED Y40 N-
01/22/86 (H)	1857	TRANSMITTED TO (S)
01/23/86 (S)	1614	READ THE FIRST TIME - REFERRAL(S)
05/10/86 (S)	2738	JUD RPT SDP 2NR RULES

HB 409

CSHB 409 TRSP

AN ACT RELATING TO TRAINING AND LICENSING OF SCHOOL BUS DRIVERS; AND  
PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: JENKINS

CO-SPONSORS: LARSON, HURLEY, HANLEY, COLLINS, PEARCE, PHILLIPS, RIEGER, THOMPSON  
UEHLING, COTTEN, FURNACE, BOUCHER, GRUENBERG

CURRENT STATUS: CHAPTER 19 SLA 86

DATE	PAGE	ACTION
04/29/85 (H)	1159	READ THE FIRST TIME - REFERRAL(S)
01/29/86 (H)	1916	TRSP RPT CS(TRSP) NEW TITLE 3DP 2NR 1DNP
01/29/86 (H)	1916	2 FISCAL NOTES HSE SUPPL 78
02/05/86 (H)	1900	SA RPT CS(TRSP) 6DP 1NR
02/05/86 (H)	1980	FIN REFERRAL ADDED
03/03/86 (H)	2265	FIN RPT CS(TRSP) 8DP
03/03/86 (H)	2265	ZERO FISCAL NOTE
03/03/86 (H)	2265	RULES TO CALENDAR 3/3/86
03/03/86 (H)	2266	READ THE SECOND TIME
03/03/86 (H)	2266	TRSP CS ADOPTED UNAN CONSENT
03/03/86 (H)	2266	ADVANCED TO THIRD READING UNAN CONSENT
03/03/86 (H)	2266	READ THE THIRD TIME CSHB 409 (TRSP)
03/03/86 (H)	2266	PASSED Y34 N2 X3 A1
03/03/86 (H)	2267	EFFECTIVE DATE SAME AS PASSAGE
03/03/86 (H)	2267	DAVIS NOTICE OF RECONSIDERATION
03/05/86 (H)	2287	RECON TAKEN UP - IN THIRD READING
03/05/86 (H)	2287	RETURN TO SECOND FOR AM 1 Y28 N8 X3 A1
03/05/86 (H)	2288	AM NO 1 FAILED Y17 N19 X3 A1
03/05/86 (H)	2288	PASSED ON RECONSIDERATION Y36 N1 X3
03/05/86 (H)	2289	EFFECTIVE DATE SAME AS PASSAGE
03/05/86 (H)	2292	TRANSMITTED TO (S)
03/06/86 (S)	1993	READ THE FIRST TIME - REFERRAL(S)
03/20/86 (S)	2119	TRSP RPT 4DP
04/11/86 (S)	2315	RULES RPT CALENDAR 4/14
04/14/86 (S)	2340	HELD TO 4/16
04/16/86 (S)	2368	READ THE SECOND TIME
04/16/86 (S)	2369	AM NO 1 FAILED Y5 N14 X1
04/16/86 (S)	2369	ADVANCED TO THIRD READING UNAN CONSENT
04/16/86 (S)	2369	READ THE THIRD TIME CSHB 409 TRSP
04/16/86 (S)	2369	PASSED Y19 N- X1

HB 408

The Judiciary Committee considered CS FOR HOUSE BILL NO. 408 (JUD) (providing for the adoption of the Uniform Simultaneous Death Act) and a majority of the committee recommended do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Kelly and Ziegler. Senators Halford and Faiks signed "no recommendation".

CS FOR HOUSE BILL NO. 408 (JUD) was referred to the Rules Committee.

HB 440

The Finance Committee considered CS FOR HOUSE BILL NO. 440 (FIN) (recreation management plan implementing the Bristol Bay Area Plan; efd) and recommended the Resources Senate Committee Substitute be adopted. Senator Faiks, Co-Chairman, signed "do not pass unless amended". Senator Kerttula signed "do pass". Senator Halford signed "do not pass". Senator Paul Fischer signed "no recommendation".

CS FOR HOUSE BILL NO. 440 (FIN) was referred to the Rules Committee.

HB 454

The Finance Committee considered CS FOR HOUSE BILL NO. 454 (FIN) (compensation of state officers; establishing a commission on compensation of state officers; efd) and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 454 (FIN)

and a majority do pass. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Kerttula, Halford, Eliason and Paul Fischer. Senator Ferguson signed "do pass if amended".

One fiscal note from the Senate Finance Committee is zero.

Three additional fiscal notes are in Senate Supplement No. 80.

CS FOR HOUSE BILL NO. 454 (FIN) was referred to the Rules Committee.

HB 456

The Judiciary Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (JUD) (registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; efd) and a majority of the committee recommended do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Halford, Ziegler and Faiks.

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (JUD) was referred to the Rules Committee.

HB 471

The Judiciary Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471 (JUD) (abuse and exploitation of children) and the committee recommended do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Kelly, Ziegler, Halford and Faiks.

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471 (JUD) was referred to the Rules Committee.

HB 476

The Judiciary Committee considered CS FOR HOUSE BILL NO. 476 (JUD) (automobile insurance premiums) and a majority of the committee recommended do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Halford and Faiks. Senator Ziegler signed "no recommendation".

CS FOR HOUSE BILL NO. 476 (JUD) was referred to the Rules Committee.

HB 497

The Judiciary Committee considered CS FOR HOUSE BILL NO. 497 (JUD) am (custody, support, visitation, and birth certificates of children) and a majority of the committee recommended the Health, Education and Social Services Senate Committee Substitute be adopted and do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Halford, Ziegler and Faiks.

CS FOR HOUSE BILL NO. 497 (JUD) am was referred to the Rules Committee.

REPORTS OF STANDING COMMITTEESHB 356

The Judiciary Committee has considered HOUSE BILL NO. 356 (relating to assignment of group life policies of insurance) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor, Pettyjohn, Phillips and Clocksin recommend do pass.

HB 356 was referred to the Rules Committee for placement on the calendar.

HB 408

The Judiciary Committee has considered HOUSE BILL NO. 408 (providing for the adoption of the Uniform Simultaneous Death Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 408 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor, Pettyjohn, Phillips and Clocksin recommend do pass. A zero fiscal note was attached.

HB 408 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

The following citations were received:

Honoring - Rose Palmquist  
by Representatives Clocksin, Szymanski,  
Uehling, Pearce, Rieger, Collins, Furnace,  
Hurley, Larson, Cato, Pignalberi and  
Martin and Senator V. Fischer

Honoring - East High School "Thunderbirds"  
Football Team  
by Representatives Martin and Pourchot

Honoring - Juneau Eagle Scouts  
by Representatives Duncan and M.M. Miller  
and Senator Ray

In Memoriam - Betty J. Alexander  
by Representative Fuller

The citations were referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE RESOLUTIONSHJR 61

HOUSE JOINT RESOLUTION NO. 61 by Fuller by request, entitled:

Proposing amendments to the Constitution of the State of Alaska creating a fish and wildlife management fund.

was read the first time and referred to the Resources, Judiciary and Finance Committees.

INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE BILLSSSHB 475

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 475 by Clocksin, Uehling, Koponen, M.M. Miller, Collins, Gruenberg and Duncan, entitled:

"An Act making January 15, Martin Luther King Day, a legal holiday."

was read the first time and referred to the State Affairs and Finance Committees.

HB 486

HOUSE BILL NO. 486 by Ringstad by request, entitled:

"An Act relating to financing expansion of the power plant on the Fairbanks campus of the University of Alaska; and providing for an effective date."

was read the first time and referred to the House Special Committee on State Loans and the Finance Committee.

HB 487

HOUSE BILL NO. 487 by Davis, Koponen, Hurley, Goll and Marrou, entitled:

"An Act relating to projected operating and maintenance costs of capital improvements."

was read the first time and referred to the Community & Regional Affairs and Finance Committees.

HB 322

HB 322 was read the third time.

The question being: "Shall HB 322 pass the House?" The roll was taken with the following result:

HB 322

Yeas:	36	Adams, Binkley, Boucher, Cato, Collins, Cotten, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Taylor, Thompson, Uehling, Wallis
Nays:	4	Clocksins, Davis, Marrou, Szymanski
Excused:	0	
Absent:	0	

And so, HB 322 passed the House.

Representative Goll gave notice of reconsideration of his vote on HB 322.

HB 408

HOUSE BILL NO. 408 (providing for the adoption of the Uniform Simultaneous Death Act) was read the second time with the Judiciary Committee report (page 1828).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 408 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 408(Jud)

Representative Clocksin moved and asked unanimous consent that CSHB 408(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 408(Jud)

CSHB 408(Jud) was read the third time.

The question being: "Shall CSHB 408(Jud) pass the House?" The roll was taken with the following result:

CSHB 408(JUD)

Yeas:	40	Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Marrou, Martin, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis
Nays:	0	
Excused:	0	
Absent:	0	

And so, CSHB 408(Jud) passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Clocksin moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the House approved the following citations:

Honoring - East Anchorage High School  
"Thunderbirds" Football Team

Honoring - Rose Palmquist

Honoring - Juneau Eagle Scouts

In Memoriam - Betty J. Alexander

which were referred to the Chief Clerk for transmittal to the Senate; and

In Memoriam - Marvin Mitchell

In Memoriam - Joseph P. Wiley

which were sent to enrolling.

# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	10 - 25 - 86
H. JUD	1 - 17 - 86
S. JUD	4 - 15 - 86
S. JUD	5 - 9 - 86



# Anchorage Estate Planning Council

March 19, 1986

Representative Max F. Gruenberg, Jr.  
1024 West Sixth Avenue, Suite 201D  
Anchorage, Alaska 99501

Dear Representative Gruenberg:

The Estate Planning Council of Anchorage is an affiliate of a national organization comprised of certified public accountants, attorneys, certified life underwriters and trust officers who specialize in estate planning.

A number of bills which impact the estate planning process have been submitted this session. Consequently, the Estate Planning Council has created a committee to evaluate and comment upon those bills.

I hope you will find the attached comments enlightening as these bills come up for consideration.

If you desire further information, please feel free to contact me.

Yours very truly,

*Kathryn A. Black*

Kathryn A. Black,  
Estate Planning Council President  
1127 West Seventh Avenue  
Anchorage, Alaska 99501

KAB/jy

HOUSE BILL 408

An Act providing for the adoption of the Uniform Simultaneous Death Act.

RECOMMENDATION:

The Estate Planning Council recommends adoption of this Bill in its current form.



# ALASKA BAR ASSOCIATION

P.O. BOX 279, ANCHORAGE, ALASKA 99510, (907) 272-7469

## PROBATE LAW SECTION

March 11, 1985

Representative Max Gruenberg  
Pouch V  
Juneau, AK 99811

RE: Prospective Amendments to Uniform Probate  
Code deemed desirable by Probate Law Section  
and Taxation Law Section of Alaska Bar  
Association

Dear Mr. Gruenberg:

In response to your letter to the Alaska Bar Association, I have talked with David Shaftel and Rodney Kleedehn of the Alaska Bar Association's Taxation Law Section and with members of the Probate Law Section and offer the following as amendments to the Uniform Probate Code as enacted in Alaska.

Please note that the provisions under the letter from Mr. Goerig referring to the Uniform Simultaneous Death Act were essentially to be part of the Uniform Probate Code but were inadvertently eliminated when the Code was adopted in 1973. Alaska happens to be one of the few remaining states which does not have a specific provision in this regard.

Trigg Davis has advised me he would be willing to meet with you regarding these modifications to the statute as well as the proposed modification under the Taxation Law Section's letterhead as proposed by Dave Shaftel and Rodney Kleedehn.


Both committees are currently working on more extensive proposals; however, those proposals will probably be pursued through the Code Revision Commission some time this Fall. These provisions were considered by all to be relatively non-controversial and fairly straightforward.

Mr. Max Gruenberg  
March 11, 1985  
Page 2

Your assistance in enacting these statutes will do much to bring Alaska residents up to par with the residents of other states in the area of estate and gift tax planning.

Your cooperation in this regard is greatly appreciated. If I can be of any assistance, please feel free to contact me.

Sincerely,



Richard S. Thwaites, Jr.

RST:lj

Enclosures

cc: David G. Shaftel, Esq.  
G. Rodney Kleedehn, Esq.  
George E. Goerig, Jr., Esq.  
Trigg T. Davis, Esq.

LAW OFFICES  
**DAVIS & GOERIG**  
A PROFESSIONAL CORPORATION  
405 WEST 36<sup>TH</sup> AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99503

TRIGG T. DAVIS  
GEORGE E. GOERIG, JR.

TELEPHONE 581-4420  
AREA CODE 907

February 25, 1985

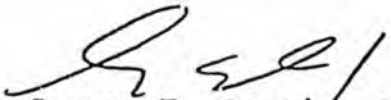
Richard S. Thwaites, Jr.  
Chairman of the Alaska Bar Association  
Probate Law Section  
1031 West 4th Ave., Suite 500  
Anchorage, AK 99501

Re: Introduction of the Uniform Simultaneous  
Death Act in Alaska

Dear Dick:

Enclosed is a proposed statute relating to the Uniform Simultaneous Death Act. The statute provides for the disposition of non-probate property where there is no sufficient evidence that persons have died otherwise than simultaneously. I have left the provision regarding community property in the act because of the new statute which allows for community property status here in Alaska. The taxation law section supports enactment of this proposed statute.

Very truly yours,

  
George E. Goerig, Jr.  
Attorney At Law

GEG/dvs

Enclosure

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.

1-27-87

1:30p.m.

# HOUSE COMMITTEE REPORT

(7)

Date referred: 1/19/87

FURTHER REFERRALS:

DATE: 1/27/87

The Judiciary Committee has considered HB 2

"An Act providing for the adoption of the Uniform Simultaneous Death Act."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*[Signature]*  
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*[Signature]*  
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*[Signature]*  
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**SIGNING OTHER RECOMMENDATIONS:**

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*[Signature]*  
 \_\_\_\_\_  
 Chairman's signature

# State of Alaska

## House Majority Leader

### COMMITTEES

HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES  
HOUSE JUDICIARY  
HOUSE RULES



**Representative Max F. Gruenberg, Jr.**  
District 11  
Spenard, Upper Midtown Anchorage

P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3718  
465-4968/4986

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

### MEMORANDUM

DATE: January 23, 1987  
TO: Members of the House Judiciary Committee  
FROM: Representative Max Gruenberg *MFG*  
RE: HB 2, An Act providing for the adoption of the  
Uniform Simultaneous Death Act

The Uniform Simultaneous Death Act has been adopted in forty-eight states. Only the State of Louisiana has failed to adopt it.

Alaska adopted it but repealed it by mistake when it adopted the Uniform Probate Code.

The Uniform Simultaneous Death Act provides for each person's estate to be settled as though that person had survived the others in a case of simultaneous deaths. This avoids costly court disputes to establish the sequence of death when there is not enough evidence to determine who, in fact, died first.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99801  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 19, 1987

SUBJECT: HB 2 - Uniform Simultaneous Death Act

TO: Representative John Sund, Chair  
House Judiciary Committee

FROM: Michael F. Ford *M.F.*  
Legislative Counsel

The following is a section by section analysis of HB 2:

Section 1 Provides that certain general rules of evidence in determining death and status are applicable in proceedings under the Uniform Simultaneous Death Act, unless specifically displaced.

Section 2

13.43.010 - States the general rule, that in cases of simultaneous death the property of each person shall be disposed of as if that person had survived. This is a legal presumption that is simple, and avoids the difficulty of proving survivorship.

13.43.020 - Applies the same presumption of survivorship to a beneficiary or beneficiaries in simultaneous death situations.

13.43.030 - Provides for distribution of property held by joint tenants or tenants by the entirety in simultaneous death cases.

13.43.040 - Provides for distribution of community property in cases of simultaneous death of a husband and wife.

13.43.050 - Subsection (a) creates a conclusive presumption that when an insured and beneficiary die simultaneously, proceeds shall be distributed as if the insured had survived. This is presumed to be the intention of the insured, but the insured would be able to provide otherwise in the contract

of insurance, if it does not. Subsection (b) provides that when insurance is community property and an alternative beneficiary is not selected, proceeds are distributed as community property under 13.43.040.

13.43.060 - Allows a person to provide for a different kind of distribution of property than is provided in this chapter.

13.43.070 - Uniformity provision.

13.43.080 - Citation section.

Section 3 - This Act will not apply to distribution of property of those persons dying before the effective date of the Act.

MFF:mkr  
M8/023

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version : HB 2  
Publish Date : \_\_\_\_\_

Revision Date: 1/24/87  
Title: An Act providing for the adoption  
of the Uniform Simultaneous Death Act  
Sponsor: Gruenberg, et al  
Requestor: Rep. Gruenberg

Agency Affected : None  
BRU : \_\_\_\_\_  
Components : \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

No fiscal impact.

Prepared by: John Hartle, <sup>JH</sup> Committee Aide,  
Division: House Judiciary Committee

Phone: 465-4990  
Date: 1/24/87

Approved by Commissioner: Rep. John Sund, Chair  
Agency: House Judiciary Committee

Date: 1/24/87

**Distribution (by preparer):**

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- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary