

CHAPTER 35

AN ACT

Relating to establishment of highway widths; and providing for an effective date.

(S.B. 165)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 19.10 is amended by adding a new section to read:

Sec. 19.10.015. **Establishment of Highway Widths.** It is declared that all officially proposed and existing highways

on public lands not reserved for public uses are 100 feet wide. This section shall not apply to highways which are specifically designated to be wider than 100 feet.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 6, 1963

CHAPTER 36

AN ACT

Relating to inheritance tax rates.

(H.B. 13)

Be it enacted by the Legislature of the State of Alaska:

Section. 1. AS 43.30.030(a)(1) is amended to read:

(1) if the person entitled to a beneficial interest in the property is the wife, husband, lineal issue, or a child adopted under the laws of this state, or a child to whom the decedent for not less than 10 years before the transfer stood in mutually acknowledged relation of a parent, if the relationship began at or

before the child's fifteenth birthday and was continuous for 10 years, or the lineal issue of the adopted or mutually acknowledged child, at the rate of one per cent of the clear value of the interest in the property;

Sec. 2. AS 43.30.030(a)(2) is amended to read:

(2) if the person entitled to a beneficial interest in the property is the lineal ancestor of the decedent, at the rate of one and one-half per cent of the clear value of the interest in the property;

Approved April 6, 1963

CHAPTER 37

AN ACT

Relating to liens created as a result of unpaid employment security contributions; and providing for an effective date.

(H.B. 100)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 23.20.200(a) is amended to read:

(a) A claim for contributions, including interest and penalties, not paid when due is a lien in favor of the state against all the real and personal property of the employer.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 6, 1963

CHAPTER 38

AN ACT

Relating to decedents' estates; and providing for an effective date.

(C.S.S.B. 39)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 13.05.010 is amended to read:

Sec. 13.05.010. **Who May Make.** Every person of sound mind who is 19 or more years of age may devise by last will all his property, real or personal, under the rules and limitations provided by law.

Sec. 2. AS 13.05 is amended by adding a new section to read:

Sec. 13.05.105. **Election to Surviving Husband or Wife.** (a) If a testator or testatrix leaving a surviving wife or husband bequeaths or devises away from the surviving wife or husband more than two-thirds of his or her net estate, the surviving wife or husband, in his or her option and notwithstanding the will, may take and receive one-third of the net estate of the testator or testatrix. The right to receive one-third of the net estate may be waived in writing in a premarital or submarital agreement.

(b) The surviving wife or husband must exercise the option by filing in the court in which the will is admitted to probate, within three months, his or her election, in writing, to take and receive one-third of the net estate unless election has been waived by a premarital or submarital agreement. Upon the filing of the election within that time, the will is inoperative as to that one-third of the net estate. The failure to make and file the election within the three-month period is conclusive evidence of the consent of the surviving wife or husband to the provisions of the will.

(c) If the surviving spouse is incompetent, the guardian of the spouse or, if there is no guardian, the court shall

make the election for the spouse which is considered more advantageous to the spouse, and the election is considered as effectual as if made by a competent spouse.

(d) The election set out in this section may be made and filed within three months from the admission to probate of any will admitted to probate before the effective date of this section. Failure to make and file the election within the period of three months is conclusive evidence of the consent of the surviving wife or husband to the provisions of the will.

Sec. 3. AS 13.05.120 is repealed and re-enacted to read:

Sec. 13.05.120. **Subsequent Marriage or Divorce.** (a) A will made by an unmarried person is revoked by his or her subsequent marriage unless provision has been made for the spouse by some settlement or prenuptial agreement, or unless the spouse is provided for by name in the will.

(b) A divorce subsequent to the making of a will revokes the will as to the divorced spouse.

Sec. 4. AS 13.15.130 is amended to read:

Sec. 13.15.130. **Limitation on Contest of Wills.** (a) When a will has been admitted to probate, any person interested may, at any time within three months after the entry of the order of probate, contest the will or its validity.

(b) If a person entitled to contest the probate of a will or its validity is laboring under any legal disability, the time in which he may institute the contest is extended three months from and after the removal of the disability or three