

1 H BILL NO. 399  
 2 INTRODUCED BY Sully Ramsey  
 3 BY REQUEST OF

4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES  
 5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 7 71-247, R.C.M. 1947, TREATING TRANSFERS OF PROPERTY IN  
 8 CONTEMPLATION OF DEATH AS ASSETS OF THE DECEDENT'S ESTATE  
 9 AND SUBJECT TO CLAIMS BY THE DEPARTMENT OF SOCIAL AND  
 10 REHABILITATION SERVICES."

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 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Section 71-247, R.C.M. 1947, is amended to  
 14 read as follows:

15 "71-247. Recovery from the estate of a decedent --  
 16 claim for assistance paid. Upon the death of any recipient  
 17 of public assistance other than aid to dependent children,  
 18 or general relief, the state department shall execute and  
 19 present a claim against the estate of such person within the  
 20 time specified in the published notice to creditors in the  
 21 estate matter for the total amount of assistance paid under  
 22 this act, separately stating therein the amount of all  
 23 assistance paid from and after the 1st day of July, 1953.

24 The state department shall not assert its claim during  
 25 the lifetime and continued occupancy of any real estate of a

1 deceased recipient's estate by the surviving spouse or  
 2 dependent as a home or residence unless other claimants or  
 3 persons shall have instituted proceedings for the probate of  
 4 the estate of the deceased recipient, in which case the  
 5 state department shall file its claim hereunder.

6 Property transferred in contemplation of death as  
 7 defined in 91-4402 is an asset of the decedent's estate and  
 8 is subject to a claim against the estate by the department  
 9 as provided in this section. The date of transfer shall be  
 10 established in accordance with 91-4408."

11 Section 2. Severability. If a part of this act is  
 12 invalid, all valid parts that are severable from the invalid  
 13 part remain in effect. If a part of this act is invalid in  
 14 one or more of its applications, the part remains in effect  
 15 in all valid applications that are severable from the  
 16 invalid applications.

-End-

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