

HOUSE BILL NO. 619

INTRODUCED BY KEMMIS

IN THE HOUSE

February 7, 1979	Introduced and referred to Committee on Taxation.
February 16, 1979	Committee recommend bill do pass as amended. Report adopted.
February 17, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Taxation.
March 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 16, 1979	Returned from second house. Concurred in as amended.
March 17, 1979	Second reading, amendments adopted.

March 19, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

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3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR GIFTS AND  
 5 DEVISES TO ESTATES AND FOR THE CREATION AND EXERCISE OF  
 6 POWERS TO APPOINT TO ESTATES; AND DEFINING "ESTATES"."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Purpose. It is the of purpose [this act] to  
 10 declare that a gift or devise may be made to the estate of a  
 11 named or otherwise designated person and that a power to  
 12 appoint to the estate of such a person may be created and  
 13 exercised in order to ensure that persons who make inter  
 14 vivos or testamentary conveyances that are subject to the  
 15 law of Montana can effectively use forms of conveyances that  
 16 are commonly used in other states to qualify for the federal  
 17 estate and gift tax marital deductions.

18 Section 2. Conveyances to an estate. Unless a contrary  
 19 intention appears, a devise, as defined in 72-1-103(8), or  
 20 an inter vivos conveyance of a property interest to the  
 21 estate of a named or otherwise designated person passes the  
 22 interest as if the interest had been owned by that person.  
 23 The interest may pass to the heirs of that person, may be  
 24 used to satisfy devises made in his will, or may be used to  
 25 satisfy claims for debts or taxes.

1 Section 3. Creation or exercise of a power to appoint  
 2 to an estate. A person may be given a power to appoint a  
 3 legal or equitable interest in property to his own estate by  
 4 will or deed. The donee of such a power is considered to  
 5 have a general power of appointment exercisable in favor of  
 6 any person. Permissible exercise of the power as created may  
 7 include but is not limited to direction to the personal  
 8 representative of the donee to administer the interest as if  
 9 it were an interest in the property of the donee, direction  
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 11 satisfy the donee's devises or claims for debts and taxes,  
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 13 donee might give or devise his own property.

14 Section 4. Estate defined. The word "estate" as used  
 15 in [this act] means persons who may take interests in  
 16 property.

17 Section 5. Severability. If a part of this act is  
 18 invalid, all valid parts that are severable from the invalid  
 19 part remain in effect. If a part of this act is invalid in  
 20 one or more of its applications, the part remains in effect  
 21 in all valid applications that are severable from the  
 22 invalid applications.

-End-

Approved by Committee  
on Taxation

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HB 0619/03

1        SECTION 6. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON  
2        PASSAGE AND APPROVAL.

-End-

March 9, 1979

SENATE STANDING COMMITTEE REPORT  
(Taxation)

That House Bill No. 619 be amended as follows:

1. Title, line 6.

Following: "ESTATES;"

Strike: "AND"

Following: " 'ESTATES' "

Insert: ", AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, line 7.

Following: "limited to"

Insert: ";

(1)"

3. Page 2, line 10.

Following: "donee"

Strike: ", "

Insert: ";

(2)"

4. Page 2, line 12.

Following: "taxes"

Strike: ", "

Insert: ";

(3)"

5. Page 2, line 23.

Following: line 22

Insert: "Section 6. THERE IS A NEW MCA SECTION THAT READS:  
Effective date. This act is effective on passage and approval."