

CHAPTER NO. 424

SENATE BILL NO. 355

INTRODUCED BY STIMATZ

BY REQUEST OF THE ATTORNEY GENERAL

IN THE SENATE

February 3, 1979	Introduced and referred to Committee on Judiciary.
February 12, 1979	Committee recommend bill do pass. Report adopted.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Motion pass consideration.
February 15, 1979	Second reading, do pass.
February 16, 1979	Considered correctly engrossed.
February 17, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 19, 1979	Introduced and referred to Committee on Judiciary.
March 15, 1979	Committee recommend bill be concurred in. Report adopted.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE SENATE

March 20, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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Senate BILL NO. 355

1 2 INTRODUCED BY Senate
3 4 BY REQUEST OF THE ATTORNEY GENERAL

5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A MINIMUM
7 8 COMPENSATION FOR PERSONAL REPRESENTATIVES OF ESTATES;
9 10 AMENDING SECTIONS 72-3-631 AND 72-15-301, MCA."

11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 14 Section 1. Section 72-3-631, MCA, is amended to read:
15 16 "72-3-631. Compensation of personal representative.
17 18 (1) A personal representative is entitled to reasonable
19 20 compensation for his services. Such compensation shall not
21 22 exceed 3% of the first \$40,000 of the value of the estate as
23 24 reported for federal estate tax or state inheritance tax
25 26 purposes, whichever is larger, and 2% of the value of the
estate in excess of \$40,000 as reported for federal estate
tax or state inheritance tax purposes, whichever is larger.
however, a personal representative is entitled to a minimum
compensation of the lesser of \$100 or the value of the gross
estate.

27 28 (2) In proceedings conducted for the termination of
29 30 joint tenancies, the compensation of the personal
31 32 representative shall not exceed 2% of the interest passing.

33 34 (3) In proceedings conducted for the termination of a

1 2 life estates, the compensation allowed the personal
3 4 representative shall not exceed 2% of the value of the life
5 6 estate if it is terminated in connection with a probate or
6 7 joint tenancy termination. If a life estate is terminated
7 8 separately, the personal representative's compensation shall
8 9 not exceed 2% of the value of the estate, except that it
9 10 shall not be less than \$100.

11 12 (4) If there is more than one personal representative,
13 14 only one compensation is allowed.

15 16 (5) The court may allow additional compensation for
17 18 extraordinary services. Such additional compensation shall
18 19 not be greater than the amount which is allowed for the
19 20 original compensation.

21 22 (6) If the will provides for the compensation of the
22 23 personal representative and there is no contract with the
23 24 decedent regarding compensation, the personal representative
24 25 may renounce the provision before qualifying and be entitled
25 26 to compensation under the terms of this section. A personal
26 27 representative also may renounce his right to all or any
27 28 part of the compensation. A written renunciation of fee may
28 29 be filed with the court."

30 31 Section 2. Section 72-15-301, MCA, is amended to read:
31 32 "72-15-301. Compensation of public administrator. The
32 33 public administrator shall receive and collect for his own
33 34 use as full compensation for his services, including

1 attorney's fees, the amounts provided for in 72-3-631 and
2 72-3-633†-provided†-that-in-no-case-shall--the--compensation
3 be-less-than-\$25.¶

-End-

Approved by Committee
on Judiciary

1 Sease BILL NO. 353
2 INTRODUCED BY Strain
3 BY REQUEST OF THE ATTORNEY GENERAL

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A MINIMUM
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13 compensation for his services. Such compensation shall not
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15 reported for federal estate tax or state inheritance tax
16 purposes, whichever is larger, and 2% of the value of the
17 estate in excess of \$40,000 as reported for federal estate
18 tax or state inheritance tax purposes, whichever is larger.
19 However, a personal representative is entitled to a minimum
20 compensation of the lesser of \$100 or the value of the gross
21 estate.

22 (2) In proceedings conducted for the termination of
23 joint tenancies, the compensation of the personal
24 representative shall not exceed 2% of the interest passing.

25 (3) In proceedings conducted for the termination of a

1 life estate, the compensation allowed the personal
2 representative shall not exceed 2% of the value of the life
3 estate if it is terminated in connection with a probate or
4 joint tenancy termination. If a life estate is terminated
5 separately, the personal representative's compensation shall
6 not exceed 2% of the value of the estate, except that it
7 shall not be less than \$100.

8 (4) If there is more than one personal representative,
9 only one compensation is allowed.

10 (5) The court may allow additional compensation for
11 extraordinary services. Such additional compensation shall
12 not be greater than the amount which is allowed for the
13 original compensation.

14 (6) If the will provides for the compensation of the
15 personal representative and there is no contract with the
16 decedent regarding compensation, the personal representative
17 may renounce the provision before qualifying and be entitled
18 to compensation under the terms of this section. A personal
19 representative also may renounce his right to all or any
20 part of the compensation. A written renunciation of fee may
21 be filed with the court.*

22 Section 2. Section 72-15-301, MCA, is amended to read:
23 ~~72-15-301. Compensation of public administrator. The~~
24 ~~public administrator shall receive and collect for his own~~
25 ~~use as full compensation for his services, including~~

1 attorney's fees, the amounts provided for in 72-3-631 and
2 72-3-633~~t~~-provided~~v~~-that-in-no-case-shall--the--compensation
3 be-less-than-925.-"

-End-

Sease BILL NO. 355

1 2 INTRODUCED BY Stewart
3 4
5 6 BY REQUEST OF THE ATTORNEY GENERAL

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27 28 purposes, whichever is larger, and 2% of the value of the
29 30 estate in excess of \$40,000 as reported for federal estate
31 32 tax or state inheritance tax purposes, whichever is larger.
33 34 However, a personal representative is entitled to a minimum
35 36 compensation of the lesser of \$100 or the value of the gross
37 38 estate."

39 40 (2) In proceedings conducted for the termination of
41 42 joint tenancies, the compensation of the personal
43 44 representative shall not exceed 2% of the interest passing.

45 46 (3) In proceedings conducted for the termination of a

47 48 life estate, the compensation allowed the personal
49 50 representative shall not exceed 2% of the value of the life
51 52 estate if it is terminated in connection with a probate or
53 54 joint tenancy termination. If a life estate is terminated
55 56 separately, the personal representative's compensation shall
56 57 not exceed 2% of the value of the estate, except that it
57 58 shall not be less than \$100.

59 60 (4) If there is more than one personal representative,
61 62 only one compensation is allowed.

63 64 (5) The court may allow additional compensation for
65 66 extraordinary services. Such additional compensation shall
67 68 not be greater than the amount which is allowed for the
69 70 original compensation.

71 72 (6) If the will provides for the compensation of the
73 74 personal representative and there is no contract with the
75 76 decedent regarding compensation, the personal representative
77 78 may renounce the provision before qualifying and be entitled
79 80 to compensation under the terms of this section. A personal
81 82 representative also may renounce his right to all or any
83 84 part of the compensation. A written renunciation of fee may
85 86 be filed with the court."

87 88 Section 2. Section 72-15-301, MCA, is amended to read:
89 90 "72-15-301. Compensation of public administrator. The
91 92 public administrator shall receive and collect for his own
93 94 use as full compensation for his services, including

1 attorney's fees, the amounts provided for in 72-3-631 and
2 72-3-633+provided,+that+in+no+case+shall+the+compensation
3 be+less+than+\$25.+"

-End-

SB 383

1 SENATE BILL NO. 355

2 INTRODUCED BY STIMATZ

3 BY REQUEST OF THE ATTORNEY GENERAL

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A MINIMUM
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17 estate in excess of \$40,000 as reported for federal estate
18 tax or state inheritance tax purposes, whichever is larger.
19 However, a personal representative is entitled to a minimum
20 compensation of the lesser of \$100 or the value of the gross
21 estate.22 (2) In proceedings conducted for the termination of
23 joint tenancies, the compensation of the personal
24 representative shall not exceed 2% of the interest passing.

25 (3) In proceedings conducted for the termination of a

1 life estate, the compensation allowed the personal
2 representative shall not exceed 2% of the value of the life
3 estate if it is terminated in connection with a probate or
4 joint tenancy termination. If a life estate is terminated
5 separately, the personal representative's compensation shall
6 not exceed 2% of the value of the estate, except that it
7 shall not be less than \$100.8 (4) If there is more than one personal representative,
9 only one compensation is allowed.10 (5) The court may allow additional compensation for
11 extraordinary services. Such additional compensation shall
12 not be greater than the amount which is allowed for the
13 original compensation.14 (6) If the will provides for the compensation of the
15 personal representative and there is no contract with the
16 decedent regarding compensation, the personal representative
17 may renounce the provision before qualifying and be entitled
18 to compensation under the terms of this section. A personal
19 representative also may renounce his right to all or any
20 part of the compensation. A written renunciation of fee may
21 be filed with the court."22 Section 2. Section 72-15-301, MCA, is amended to read:
23 "72-15-301. Compensation of public administrator. The
24 public administrator shall receive and collect for his own
25 use as full compensation for his services, including

SB 0355/02

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2 72-3-633+provided+that+in+no+case+shall+the+compensation
3 be+less+than+\$25.00

-End-