

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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1 *Spice* BILL NO. *355*
 2 INTRODUCED BY *Stimpy*
 3 BY REQUEST OF THE ATTORNEY GENERAL

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A MINIMUM
 6 COMPENSATION FOR PERSONAL REPRESENTATIVES OF ESTATES;
 7 AMENDING SECTIONS 72-3-631 AND 72-15-301, MCA."

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

10 Section 1. Section 72-3-631, MCA, is amended to read:

11 "72-3-631. Compensation of personal representative.

12 (1) A personal representative is entitled to reasonable
 13 compensation for his services. Such compensation shall not
 14 exceed 3% of the first \$40,000 of the value of the estate as
 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

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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

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SB 355

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