

House Bill 443

In The House

January 23, 1981	Introduced and referred to Committee on Judiciary
January 26, 1981	Fiscal note requested.
January 29, 1981	Fiscal note returned.
February 2, 1981	Committee recommend bill do not pass. Objection. On motion postponed consideration of adverse committee report until 32nd legislative day.
February 10, 1981	Committee recommend bill do not pass. Objection. Report adopted.

HOUSE BILL NO. 443

INTRODUCED BY *Bruce Meyer* *Senator* *Menahar*
Assembly *Harrington* *Duffy* *Vincent* *Richard* *Manning*
McBride *Kessler* *Hooper* *Johnson*

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ATTORNEY GENERAL TO PREPARE INSTRUCTIONS ON HOW TO PROBATE A WILL OR SETTLE AN ESTATE, TO PREPARE FORMS NECESSARY TO PROBATE A WILL AND ADMINISTER AN ESTATE, AND TO DISTRIBUTE THE INSTRUCTIONS AND FORMS TO THE PUBLIC."

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

Section 1. Purpose. The purpose of [this act] is to make instructions available to the public, in easily understood language, on how to probate a will or administer an estate and to make available the forms necessary for those purposes. Not all probates or administrations require extensive legal expertise and [this act] is intended to provide for assistance to personal representatives of those estates not involving significant legal aspects and which are capable of being settled with a minimal amount of expertise.

Section 2. Attorney general to prepare instructions and forms. The attorney general shall prepare general instructions, in easily understood language, on how to probate a will and administer an estate. The attorney general shall also prepare forms for the documents that are

generally necessary in the administration of an estate. The attorney general shall review and revise the instructions and forms to insure they are consistent with changing statutory provisions.

Section 3. Distribution of probate instructions and forms. The attorney general shall distribute the probate and administration instructions and forms to the clerk of the district court in each county. The clerk of the district court shall then make the instructions and forms available to the public at no charge.

Section 4. Cost to prepare, publish, and distribute instructions and forms. The cost incurred by the attorney general to prepare, publish, and distribute the instructions and forms provided for in [section 2] shall be reimbursed from the proceeds of the Montana estate and inheritance tax.

-End-

INTRODUCED BILL
HB 443

STATE OF MONTANA

REQUEST NO. 217-81

FISCAL NOTE

Form BD-15

In compliance with a written request received 1-27, 19 81, there is hereby submitted a Fiscal Note for HB 443 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

House bill 443 is an act to require the Attorney General to prepare instructions on how to probate a will or settle an estate and prepare necessary forms to distribute to the public.

ASSUMPTIONS:

- 1. Preparation of forms will require the expertise of a probate attorney. It will be necessary to contract with private counsel to develop instructions and forms.
2. Approximately 20,000 sets of instructions and forms will be required annually.
3. A training session will be required for clerks of court to answer general questions from the public.
4. The Attorney General's staff will direct and review work of the contracted probate attorney.

FISCAL IMPACT:

Contracted Attorney, including clerical services, 8 weeks at 6 billable hours/day = 240 billable hours at \$75/ hour = \$18,000
Publishing and distribution costs; 20,000 sets of instructions and forms/year at \$1.90/set = 38,000
Training sessions, 6 locations around the state = 1,000
FY 82 costs \$57,000
FY 83 costs 38,000

Total Biennium costs \$95,000 (General Fund)

Handwritten signature of Daniel M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-29-81