

HOUSE BILL NO. 379

Introduced: 01/19/83

Referred to Committee on Judiciary: 01/19/83

Hearing: 1/28/83

Report: 02/07/83, Do Not Pass

Bill Killed: 02/08/83

1 *House* BILL NO. *379*  
2 INTRODUCED BY *Boyd, Daily, Mendham, Carbril*  
3 *J. Jensen, Clarke, Eugene, Miller, O'Brien*  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ATTORNEY  
5 GENERAL TO PREPARE INSTRUCTIONS ON HOW TO PROBATE A WILL OR  
6 SETTLE AN ESTATE, TO PREPARE FORMS NECESSARY TO PROBATE A  
7 WILL AND ADMINISTER AN ESTATE, AND TO DISTRIBUTE THE  
8 INSTRUCTIONS AND FORMS TO THE PUBLIC."

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

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

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

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

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

11 Section 4. Cost to prepare, publish, and distribute  
12 instructions and forms. The cost incurred by the attorney  
13 general in preparation, publication, and distribution of the  
14 instructions and forms provided for in [sections 2 and 3]  
15 shall be reimbursed from the proceeds of the Montana estate  
16 and inheritance tax.

-End-

## STATE OF MONTANA

REQUEST NO. 189-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 21, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 379 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 OF PROPOSED LEGISLATION:

House Bill 379 requires 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 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:

	<u>FY 84</u>	<u>FY 85</u>	<u>Total Biennium</u>
Expenditures by Category:			
Personal Services	\$18,000	-0-	\$18,000
Publishing & Distribution Costs	38,000	38,000	76,000
Training Sessions	1,000	-0-	1,000
Total Cost	<u>\$57,000</u>	<u>\$38,000</u>	<u>\$95,000</u>

FISCAL NOTE 7:CC/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-26-83