

1 HOUSE JOINT RESOLUTION NO. 27

2 INTRODUCED BY C. HARRIS

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY ON THE ADVISABILITY OF AUTHORIZING EXTENDED OR
6 PERPETUAL TRUSTS IN MONTANA.

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8 WHEREAS, the rule against perpetuities is a common law concept that has been elevated to
9 constitutional status in Article XIII, section 6, of the Montana Constitution; and

10 WHEREAS, many other states have enacted statutes that provide for extended or perpetual trusts that
11 allow individuals and families to create lasting legacies; and

12 WHEREAS, the corporate ownership of property has largely eroded one of the primary purposes for the
13 rule against perpetuities; and

14 WHEREAS, the use of extended or perpetual trusts for estate planning, family legacy, and uses
15 permitted in other states may provide insight into the advisability of retaining the rule against perpetuities.

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17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
18 THE STATE OF MONTANA:

19 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
20 section 5-5-217, MCA, or direct sufficient staff resources to review laws of other states to determine if the
21 constitutional rules against perpetuities is impeding the ability of Montanans to provide for the appropriate use
22 of the property accumulated over their lifetimes.

23 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
24 presented to and reviewed by an appropriate committee designated by the Legislative Council.

25 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
26 requirements, be concluded prior to September 15, 2006.

27 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
28 comments, or recommendations of the appropriate committee, be reported to the 60th Legislature.

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