

1 *Senate* BILL NO. *398*  
 2 INTRODUCED BY *Turnage Murray Roberts*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 91A-2-401, R.C.M. 1947, TO MAKE UNIFORM THE APPLICATION OF  
 6 THE HOMESTEAD ALLOWANCE AND TO REMEDY CERTAIN TITLE PROBLEMS  
 7 INHERENT IN THE PRESENT HOMESTEAD ALLOWANCE."  
 8

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

10 Section 1. Section 91A-2-401, R.C.M. 1947, is amended  
 11 to read as follows:

12 "91A-2-401. Homestead allowance. ~~(1)~~ A surviving  
 13 spouse of a decedent who was domiciled in this state is  
 14 entitled to a homestead allowance ~~as provided in sections~~  
 15 ~~33-101 through 33-129, R.C.M. 1947~~ of \$5,000. If there is no  
 16 surviving spouse, each minor child and each dependent child  
 17 of the decedent is entitled to a homestead allowance as  
 18 ~~provided in sections 33-101 through 33-129, R.C.M. 1947~~  
 19 ~~amounting to \$5,000~~, divided by the number of minor and  
 20 dependent children of the decedent. The homestead allowance  
 21 is exempt from and has priority over all claims against the  
 22 estate. Homestead allowance is in addition to any share  
 23 passing to the surviving spouse or minor or dependent child  
 24 by the will of the decedent unless otherwise provided, by  
 25 intestate succession or by way of elective share.

1 ~~(2) If no homestead has been selected, designated and~~  
 2 ~~recorded prior to the decedent's death, the personal~~  
 3 ~~representative shall select, designate, set apart and cause~~  
 4 ~~to be recorded a homestead for the use of the surviving~~  
 5 ~~spouse and minor children and this section shall take effect~~  
 6 ~~as if the homestead had been declared before the decedent's~~  
 7 ~~death"~~

-End-

INTRODUCED BILL

*SB 398*

STATE OF MONTANA

REQUEST NO. 628-77

FISCAL NOTE

Form BD-15

In compliance with a written request received March 16, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 398 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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

This bill is an act to make uniform the application of the Homestead Allowance and to remedy certain title problems inherent in the present Homestead Allowance.

ASSUMPTIONS

The exemption allowed by this bill is from creditors, not inheritance tax. Therefore, the bill will have no impact on state revenues.

PREPARED BY DEPARTMENT OF REVENUE

*Richard L. Drayton*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-17-77

SECOND READING

MISSING

SENATE BILL NO. 398

INTRODUCED BY TURNAGE, MURRAY, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 91A-2-401, R.C.M. 1947, TO MAKE UNIFORM THE APPLICATION OF THE HOMESTEAD ALLOWANCE AND TO REMEDY CERTAIN TITLE PROBLEMS INHERENT IN THE PRESENT HOMESTEAD ALLOWANCE."

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

Section 1. Section 91A-2-401, R.C.M. 1947, is amended to read as follows:

"91A-2-401. Homestead allowance. (1) A surviving spouse of a decedent who was domiciled in this state is entitled to a homestead allowance as provided in sections 33-101 through 33-129, R.C.M. 1947 of \$5,000 \$20,000. If there is no surviving spouse, each minor child and each dependent child of the decedent is entitled to a homestead allowance as provided in sections 33-101 through 33-129, R.C.M. 1947 amounting to \$5,000 \$20,000, divided by the number of minor and dependent children of the decedent. The homestead allowance is exempt from and has priority over all claims against the estate. Homestead allowance is in addition to any share passing to the surviving spouse or minor or dependent child by the will of the decedent unless otherwise provided, by intestate succession or by way of

elective share.

(2) If no homestead has been selected, designated and recorded prior to the decedent's death, the person representative shall select, designate, set apart and cause to be recorded a homestead for the use of the surviving spouse and minor children and this section shall take effect as if the homestead had been declared before the decedent's death"

-End-

1                   SENATE BILL NO. 398  
2                   INTRODUCED BY TURNAGE, MURRAY, ROBERTS  
3  
4   A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
5   91A-2-401, R.C.M. 1947, TO MAKE UNIFORM THE APPLICATION OF  
6   THE HOMESTEAD ALLOWANCE AND TO REMEDY CERTAIN TITLE PROBLEMS  
7   INHERENT IN THE PRESENT HOMESTEAD ALLOWANCE."  
8  
9   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10       Section 1. Section 91A-2-401, R.C.M. 1947, is amended  
11   to read as follows:  
12       "91A-2-401. Homestead allowance. ~~(1)~~ A surviving  
13   spouse of a decedent who was domiciled in this state is  
14   entitled to a homestead allowance ~~as provided in sections~~  
15   ~~33-101 through 33-129, R.C.M. 1947~~ of ~~\$5,000~~ \$20,000. If  
16   there is no surviving spouse, each minor child and each  
17   dependent child of the decedent is entitled to a homestead  
18   allowance ~~as provided in sections 33-101 through 33-129,~~  
19   ~~R.C.M. 1947~~ amounting to ~~\$5,000~~ \$20,000, divided by the  
20   number of minor and dependent children of the decedent. The  
21   homestead allowance is exempt from and has priority over all  
22   claims against the estate. Homestead allowance is in  
23   addition to any share passing to the surviving spouse or  
24   minor or dependent child by the will of the decedent unless  
25   otherwise provided, by intestate succession or by way of

REFERENCE BILL

1   elective share.  
2       ~~(2) If no homestead has been selected, designated and~~  
3   ~~recorded prior to the decedent's death, the personal~~  
4   ~~representative shall select, designate, set apart and cause~~  
5   ~~to be recorded a homestead for the use of the surviving~~  
6   ~~spouse and minor children and this section shall take effect~~  
7   ~~as if the homestead had been declared before the decedent's~~  
8   ~~death."~~

-End-