



AN ACT REVISING ESTABLISHMENT OF A HOMESTEAD EXEMPTION; PROVIDING THAT A HOMESTEAD MAY BE CLAIMED FOR CERTAIN PROPERTY IN A REVOCABLE TRUST; AMENDING SECTION 70-32-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

**Section 1.** Section 70-32-103, MCA, is amended to read:

**"70-32-103. From whose property homestead may be selected -- revocable trust disregarded.**

(1) If the claimant is married, the homestead may be selected from the property of either spouse. When the claimant is not married, the homestead may be selected from any of the claimant's property.

(2) A homestead may be selected from property contributed by the settlor to a revocable trust when the property would otherwise qualify under this chapter if it were not for the transfer of property to the revocable trust. For the purpose of this chapter, the claimant is the husband, wife, or unmarried person that is the settlor of the revocable trust. All provisions of this chapter apply to the settlor claimant in the same manner as an individual claimant, regardless of trust status.

(3) For the purposes of this section, "revocable" and "settlor" have the same meaning as provided in 72-38-103."

**Section 2. Effective date.** [This act] is effective on passage and approval.

**Section 3. Applicability.** [This act] applies to homesteads claimed on or after [the effective date of this act].

- END -

I hereby certify that the within bill,  
SB 68, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

SENATE BILL NO. 68

INTRODUCED BY S. FITZPATRICK

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