

FIRST READING

MISSING

SECOND READING

MISSING

THIRD READING

MISSING

HOUSE JOINT RESOLUTION NO. 42
INTRODUCED BY JAMES MOORE, KIMBLE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY OF THE LAWS RELATING TO RESIDENCE AND DOMICILE.

WHEREAS, a computer search of the Revised Codes of Montana has revealed over two thousand eight hundred (2,800) references to residence, domicile, and like terms; and

WHEREAS, "residence", "domicile", and like terms are defined or otherwise treated in at least one thousand two hundred (1,200) separate sections of the codes; and

WHEREAS, the Montana laws defining and relating to "residence" and "domicile" are conflicting, confusing, repetitious and highly unmanageable; and

WHEREAS, under present Montana law the status of a person's domicile or residence may depend on such person's intention, location, vocation, sex, student status, marital status, age, and other variables; and

WHEREAS, there are varying requirements for establishing a residence or domicile in Montana depending upon the circumstances relating to such residence or domicile, such as voting, attending a university, driving a motor vehicle, licensing a motor vehicle, getting married,

filing for divorce, seeking child custody, hunting and fishing, seeking welfare, registering to vote, filing for public office, paying taxes, release from institutions, determining venue, filing documents, and the like; and

WHEREAS, the terms "residence" and "domicile" are used interchangeably throughout the codes, but are defined differently and often conflict with other state and federal definitions, thus aggravating the confusion; and

WHEREAS, federal and supreme court decisions have recognized a constitutional right to freely travel and live anywhere within the United States, and have rendered questionable the constitutionality of many of Montana's laws using the terms "residence" and "domicile".

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

That the Committee on Legislative Priorities is requested to appoint the appropriate standing committee to examine the laws relating to residence and domicile and to present recommendations and proposed legislation to the 45th Legislature.

-End-

REFERENCE BILL