

will appreciate your consideration of this matter."

Please be advised that Section II(d), Part III of Chapter 82, Laws of 1937, provides, in part, as follows:

"For the purpose of this Act, every person who has resided one (1) year or more in any county in this state shall thereby acquire a legal residence in such county, which he shall retain until he has acquired a legal residence elsewhere, or until he has been absent voluntarily and continuously for one (1) year therefrom."

It is therefore apparent that one who has once gained a residence in a county, retains such residence, for the purposes of old age assistance, until one of two contingencies occur, viz.: (1) gains a residence elsewhere, or, (2) is absent voluntarily and continuously from the county for one year.

It is therefore my opinion, in the absence of any facts showing conclusively the establishment of a new residence outside the county, under the facts you give, a recipient of old age assistance would be entitled to continuance of the grant.

**Opinion No. 341.**

**Public Welfare—Old Age Assistance—  
Residence—Absence From State.**

HELD: A recipient of old age assistance may be absent from the county or state for any period less than one year, without losing his residence, except where facts show conclusively the establishment of a new residence.

October 19, 1938.

Mr. Fredric R. Veeder  
Director of Public Assistance  
Department of Public Welfare  
Helena, Montana

Dear Mr. Veeder:

You have requested my opinion on the following facts:

"The attention of this office has been called to the case of a person who has been receiving Old Age Assistance, but who in September, 1937, moved to Washington. He returned to Montana in August, 1938, so that he would not be gone from the state for twelve months and thereby lose his residence by being continuously and voluntarily absent from the state for a period of one year. He returned to Montana during the month of August and in September returned to Washington.

"We are wondering if by returning to the State of Montana for one month in twelve a person can retain his residence, if from all appearances he intends to return to another state for the remaining eleven months. We