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House BILL NO. 521

2 INTRODUCED BY

W. P. Ryan

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE GENERAL RULES FOR DETERMINING
5 RESIDENCE; PROVIDING THAT A CLAIM OF RESIDENCE FOR ANY PURPOSE ESTABLISHES A PERSON'S
6 RESIDENCE FOR ALL PURPOSES; CLARIFYING THAT A CHANGE OF RESIDENCE MAY BE MADE ONLY
7 BY THE ACT OF REMOVAL JOINED WITH INTENT TO REMAIN IN ANOTHER PLACE; AND AMENDING
8 SECTION 1-1-215, MCA."

9

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

11

12 **Section 1.** Section 1-1-215, MCA, is amended to read:

13 **"1-1-215. Residence -- rules for determining.** Every person has, in law, a residence. In determining
14 the place of residence, the following rules are to be observed:

15 (1) It is the place where ~~one~~ a person remains when not called elsewhere for labor or other special
16 or temporary purpose and to which ~~he~~ the person returns in seasons of repose.

17 (2) There ~~can~~ may only be one residence. If a person claims a residence for any purpose, then that
18 location is the person's residence for all purposes unless there is a specific statutory exception.

19 (3) A residence cannot be lost until another is gained. A change of residence may be made only
20 by the act of removal joined with intent to remain in another place.

21 (4) The residence of ~~his~~ a minor's parents or, if one of them is deceased or they do not share the
22 same residence, the residence of the parent having legal custody or, if neither parent has legal custody,
23 the residence of the parent with whom ~~he~~ the minor customarily resides is the residence of the unmarried
24 minor ~~child~~. In case of a controversy, the district court may declare which parental residence is the
25 residence of an unmarried minor ~~child~~.

26 (5) The residence of an unmarried minor who has a parent living cannot be changed by either ~~his~~
27 the minor's own act or that of ~~his~~ the minor's guardian.

28 (6) The residence can be changed only by the union of act and intent."

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APPROVED BY COM ON
STATE ADMINISTRATION

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