

HOUSE BILL NO. 374  
INTRODUCED BY C. GIBSON

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE RESIDENCE OF THE STUDENT THE OFFICIAL RESIDENCE FOR PUBLIC SCHOOL ENROLLMENT PURPOSES; AND AMENDING SECTION 1-1-215, MCA."

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

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

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

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

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

(3) A residence cannot be lost until another is gained.

(4) ~~The (a)~~ Except as provided in subsection (4)(b), the residence of a minor's parents or, if one of them is deceased or they do not share the same residence, the residence of the parent having legal custody or, if neither parent has legal custody, the residence of the parent with whom the minor customarily resides is the residence of the unmarried minor. In case of a controversy, the district court may declare which parental residence is the residence of an unmarried minor.

(b) For purposes of public school enrollment, the residence of an unmarried minor is the residence of the parent, guardian, or other person responsible for the care of the minor.

(5) ~~The~~ Except as provided in subsection (4)(b), the residence of an unmarried minor who has a parent living cannot be changed by either the minor's own act or that of the minor's guardian.

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

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