

CHAPTER NO. 435

HOUSE BILL NO. 473

INTRODUCED BY ROSENTHAL, NORDTVEDT, FABREGA, TROPILA

IN THE HOUSE

January 30, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 14, 1979	Committee recommend bill do pass as amended. Report adopted.
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed.
February 20, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 21, 1979	Introduced and referred to Committee on Education.
March 17, 1979	Committee recommend bill be concurred in. Report adopted.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in.

IN THE HOUSE

March 24, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 473
 2 INTRODUCED BY Ronald Kenneth Zepke
 3 Dupile

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE RESIDENCY
 5 STATUS OF MILITARY PERSONNEL, THEIR SPOUSES, AND THEIR
 6 DEPENDENT CHILDREN FOR PURPOSES OF IN-STATE TUITION FOR
 7 POSTSECONDARY VOCATIONAL AND TECHNICAL EDUCATION AND FOR THE
 8 UNIVERSITY SYSTEM; AMENDING SECTIONS 20-25-501 AND
 9 20-25-503, MCA."

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

12 Section 1. Section 20-25-501, MCA, is amended to read:
 13 "20-25-501. Definitions. (1) Terms used in this part
 14 are defined as follows:

15 (a) "Domicile" means a person's true, fixed, and
 16 permanent home and place of habitation.

17 (b) "Emancipated minor" means a person under the age
 18 of 18 years who supports himself from his own earnings or is
 19 married. A person who received more than 25% of the cost of
 20 supporting himself from any person other than an agency of
 21 the government shall not be considered an emancipated minor.

22 (c) "Minor" means a male or female person who has not
 23 obtained the age of 16 years.

24 (d) "Qualified person" means a person legally
 25 qualified to determine his own domicile.

1 (e) "Resident student" means:
 2 (i) a student who has been domiciled in Montana for 1
 3 year immediately preceding registration at any unit for any
 4 term or session for which resident classification is
 5 claimed. Attendance as a full-time student at any college,
 6 university, or other institution of higher education shall
 7 not alone be sufficient to qualify for residence in Montana.

8 (ii) any graduate of a Montana high school whose
 9 parents, parent, or guardian have resided in Montana at
 10 least 1 full year of the 2 years immediately preceding his
 11 graduation from high school. Such classification shall
 12 continue for not more than 4 academic years if the student
 13 remains in continuous attendance at a unit; or

14 (iii) a member of the armed forces of the United States
 15 assigned to and residing in Montana, his spouse, or his
 16 dependent children.

17 (2) In the event the definition of residency or any
 18 portion thereof is declared unconstitutional as it is
 19 applied to payment of nonresident fees and tuition, the
 20 regents of the Montana university system shall have
 21 authority to make rules on what constitutes adequate
 22 evidence of residency status not inconsistent with such
 23 court decisions."

24 Section 2. Section 20-25-503, MCA, is amended to read:
 25 "20-25-503. Presumptions and rules as to domicile. (1)

1 Unless the contrary appears to the unit registering
2 authority, it is presumed the domicile of a minor is that:

3 (a) of the parents or, if one of them is deceased or
4 they do not share the same domicile, of the parent having
5 legal custody or, if neither parent has legal custody, the
6 parent with whom the minor customarily resides; or

7 (b) of his guardian when the court appointing the
8 guardian certifies that the primary purpose of the
9 appointment is not to qualify the minor as a resident of
10 this state.

11 (2) A resident student who marries a nonresident does
12 not by that fact alone lose resident status for tuition and
13 fee purposes for a period of 4 years after marriage.

14 ~~(3) Except as provided in the next subsection,~~
15 residence Residence is not gained or lost because of
16 relocation as a member of the armed forces of the United
17 States.

18 ~~(4) Residence may be gained by a member of the armed~~
19 ~~forces of the United States, his spouse, or his children by~~
20 ~~living in Montana for 1 year and complying with the~~
21 ~~provisions of this section.~~

22 ~~(5)(4)~~ A new domicile is established by a qualified
23 person if he is physically present in Montana with no
24 intention to acquire a domicile outside of Montana.

25 ~~(6)(5)~~ Domicile is not lost by absence from Montana

1 with no intention to establish a new domicile.

2 ~~(7)(6)~~ Montana high school graduates are resident
3 students of the system for 4 consecutive years of attendance
4 if:

5 (a) they apply for admittance to the system within 1
6 year after graduation; or

7 (b) their parents or the parent having legal custody
8 or, if neither parent has legal custody, the parent with
9 whom they customarily reside has resided in Montana in one
10 of the 2 years immediately preceding the graduation.

11 ~~(8)(7)~~ Upon moving to Montana, an adult employed on a
12 full-time basis within the state of Montana may apply for
13 in-state tuition classification for his spouse or any
14 dependent minor child, or both. If such person meets the
15 requirement of full-time employment within the state of
16 Montana and files for the payment of Montana state income
17 taxes or files estimates of those taxes or is subject to
18 withholding of those taxes and renounces his residency in
19 any other state and is not himself in the state primarily as
20 a student, his spouse or any dependent minor child, or both,
21 may at the next registration after qualifying be classified
22 at the in-state rate so long as he continues his Montana
23 domicile. In the administration of this subsection, neither
24 the full-time employee or spouse shall be eligible for
25 in-state tuition classification if the primary purpose for

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1 coming to Montana was the education of the employee or
2 spouse."

-End-

APPROVED BY COMM. ON
EDUCATION & CULTURAL RESOURCES

HOUSE BILL NO. 473

INTRODUCED BY ROSENTHAL, NORDTVEDT, FABREGA, TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE RESIDENCY STATUS OF MILITARY PERSONNEL, THEIR SPOUSES, AND THEIR DEPENDENT CHILDREN FOR PURPOSES OF IN-STATE TUITION FOR POSTSECONDARY ~~VOCATIONAL-AND-TECHNICAL~~ VOCATIONAL-TECHNICAL EDUCATION AND FOR THE UNIVERSITY SYSTEM; AMENDING SECTIONS 20-25-501 AND 20-25-503, MCA."

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

Section 1. Section 20-25-501, MCA, is amended to read:

"20-25-501. Definitions. (1) Terms used in this part are defined as follows:

(a) "Domicile" means a person's true, fixed, and permanent home and place of habitation.

(b) "Emancipated minor" means a person under the age of 18 years who supports himself from his own earnings or is married. A person who received more than 25% of the cost of supporting himself from any person other than an agency of the government shall not be considered an emancipated minor.

(c) "Minor" means a male or female person who has not obtained the age of 18 years.

(d) "Qualified person" means a person legally qualified to determine his own domicile.

(e) "Resident student" means:

(i) a student who has been domiciled in Montana for 1 year immediately preceding registration at any unit for any term or session for which resident classification is claimed. Attendance as a full-time student at any college, university, or other institution of higher education shall not alone be sufficient to qualify for residence in Montana.

(ii) any graduate of a Montana high school whose parents, parent, or guardian have resided in Montana at least 1 full year of the 2 years immediately preceding his graduation from high school. Such classification shall continue for not more than 4 academic years if the student remains in continuous attendance at a unit; or

(iii) a member of the armed forces of the United States assigned to and residing in Montana, his spouse, or his dependent children.

(2) In the event the definition of residency or any portion thereof is declared unconstitutional as it is applied to payment of nonresident fees and tuition, the regents of the Montana university system shall have authority to make rules on what constitutes adequate evidence of residency status not inconsistent with such court decisions."

Section 2. Section 20-25-503, MCA, is amended to read:

"20-25-503. Presumptions and rules as to domicile. (1)

1 Unless the contrary appears to the unit registering
2 authority, it is presumed the domicile of a minor is that:

3 (a) of the parents or, if one of them is deceased or
4 they do not share the same domicile, of the parent having
5 legal custody or, if neither parent has legal custody, the
6 parent with whom the minor customarily resides; or

7 (b) of his guardian when the court appointing the
8 guardian certifies that the primary purpose of the
9 appointment is not to qualify the minor as a resident of
10 this state.

11 (2) A resident student who marries a nonresident does
12 not by that fact alone lose resident status for tuition and
13 fee purposes for a period of 4 years after marriage.

14 (3) ~~Except as provided in the next subsection,~~
15 residence ~~Residence~~ is not gained or lost because of
16 relocation as a member of the armed forces of the United
17 States.

18 ~~Residence may be gained by a member of the armed~~
19 ~~forces of the United States, his spouse, or his children, by~~
20 ~~living in Montana for a year and complying with the~~
21 ~~provisions of this section.~~

22 (5)(1) A new domicile is established by a qualified
23 person if he is physically present in Montana with no
24 intention to acquire a domicile outside of Montana.

25 (6)(1) Domicile is not lost by absence from Montana

1 with no intention to establish a new domicile.

2 (7)(1) Montana high school graduates are resident
3 students of the system for 4 consecutive years of attendance
4 if:

5 (a) they apply for admittance to the system within 1
6 year after graduation; or

7 (b) their parents or the parent having legal custody
8 or, if neither parent has legal custody, the parent with
9 whom they customarily reside has resided in Montana in one
10 of the 2 years immediately preceding the graduation.

11 (8)(1) Upon moving to Montana, an adult employed on a
12 full-time basis within the state of Montana may apply for
13 in-state tuition classification for his spouse or any
14 dependent minor child, or both. If such person meets the
15 requirement of full-time employment within the state of
16 Montana and files for the payment of Montana state income
17 taxes or files estimates of those taxes or is subject to
18 withholding of those taxes and renounces his residency in
19 any other state and is not himself in the state primarily as
20 a student, his spouse or any dependent minor child, or both,
21 may at the next registration after qualifying be classified
22 at the in-state rate so long as he continues his Montana
23 domicile. In the administration of this subsection, neither
24 the full-time employee or spouse shall be eligible for
25 in-state tuition classification if the primary purpose for

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1 coming to Montana was the education of the employee or
2 spouse."

-End-

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18 of 18 years who supports himself from his own earnings or is
19 married. A person who received more than 25% of the cost of
20 supporting himself from any person other than an agency of
21 the government shall not be considered an emancipated minor.22 (c) "Minor" means a male or female person who has not
23 obtained the age of 18 years.24 (d) "Qualified person" means a person legally
25 qualified to determine his own domicile.

1 (e) "Resident student" means:

2 (i) a student who has been domiciled in Montana for 1
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-End-