

House Bill 170

In The House

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| January 12, 1981 | Introduced and referred to Committee on Education. |
| January 26, 1981 | Committee recommend bill do not pass. |

1 HOUSE BILL NO. 170
 2 INTRODUCED BY *Richard E. Manning League*
 3 *Mayor Lemt*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW AS EVIDENCE OF
 5 A UNIVERSITY STUDENT'S DOMICILIARY INTENT THE MONTANA
 6 DOMICILE OF CERTAIN FAMILY MEMBERS; AMENDING SECTION
 7 20-25-504, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 20-25-504, MCA, is amended to read:

11 "20-25-504. Evidence as to domiciliary intent --
 12 changes in status. (1) To determine the domicile of a
 13 person, the units of the system shall apply the following
 14 rules:

15 (a) Nonpayment of Montana income tax by a person whose
 16 income is sufficient to be taxed is highly persuasive
 17 evidence of non-Montana domicile.

18 (b) A person must intend to establish a domicile in
 19 Montana.

20 ~~(c) The fact that a student's parent, grandparent,~~
 21 ~~or sibling is domiciled in Montana is persuasive~~
 22 ~~evidence of a student's Montana domicile.~~

23 (2) After registration, a student's classification for
 24 tuition and fee purposes remains unchanged in the absence of
 25 evidence to the contrary. A written statement of the

1 evidence shall be filed with the registering authority of
 2 the unit. Changes in classification shall be in writing
 3 signed by the registering authority and shall take effect at
 4 the student's next registration.

5 (3) A minor shall qualify for a change in status only
 6 if his parents or the parent having legal custody or, if
 7 neither parent has legal custody, the parent with whom he
 8 customarily resides or legal guardian or person having legal
 9 custody completes the requirements for establishing domicile
 10 heretofore set forth.

11 (4) It is presumed a minor or adult registered as a
 12 full-time student at any unit is not qualified for a change
 13 in his or his dependent's classification for tuition and fee
 14 purposes unless he completes 12 continuous months of
 15 residence while not attending a unit of the system or other
 16 institution of higher learning or while serving in the armed
 17 forces.

18 (5) Any student whose request for classification as a
 19 resident student is denied has the right of appeal to the
 20 executive secretary of the Montana university system.
 21 Immediately upon rejection and at the request of the
 22 student, the registering authority shall forward a copy of
 23 his decision and a complete file on the student to the
 24 executive secretary. The executive secretary may accept
 25 other evidence of residence from either the student, the

LC 0859/01

1 registering authority, or other interested persons. Within
2 30 days of the receipt of the decision of the registering
3 authority, the executive secretary shall determine the
4 resident status of the student and shall notify the student
5 and the registering authority of his decision. The executive
6 secretary's decision may be appealed to the regents if the
7 regents agree to entertain such an appeal."

-End-

Approved by Comm.
on Local Government

1 SENATE BILL NO. 170
2 INTRODUCED BY TOWE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE FILING
5 FEE FOR FILING THE COMPLETE CORNER RECORD UNDER THE CORNER
6 RECORDATION ACT; AMENDING SECTION 70-22-109, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 70-22-109, MCA, is amended to read:

10 "70-22-109. Duties of county clerk ---fee. (1) The
11 county clerk and recorder of the county containing the
12 corner shall receive the completed corner record and
13 preserve it in a hardbound book. The books shall be numbered
14 in numerical order as filled.

15 (2) The clerk shall number the forms in numerical
16 order as they are filed.

17 (3) The book and page number in which the corner
18 record is filed shall be placed by the clerk near that same
19 corner on a cross-index plat which the clerk shall provide
20 for such a purpose.

21 (4) The county clerk and recorder shall make these
22 records available for public inspection during all usual
23 office hours.

24 (5) ~~For purposes of determining the filing fee~~
25 ~~hereunder, the corner record shall be considered as a~~

1 ~~similar service to recording a townsite map of one lot~~
2 ~~(5) THERE IS NO FILING FEE."~~

-End-

SECOND READING