

HOUSE BILL NO. 737

Introduced: 02/12/83

Referred to Committee on Fish & Game: 02/12/83

Hearing: 2/17/83

Died in Committee

1 House BILL NO. 737  
 2 INTRODUCED BY Don Brown

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONSIDER AS  
 5 RESIDENTS FOR CERTAIN PURPOSES THOSE NONRESIDENTS WHO ARE  
 6 EMPLOYED IN MONTANA FOR AT LEAST 6 MONTHS A YEAR AND PAY  
 7 TAXES IN MONTANA; AMENDING SECTIONS 20-25-501 AND 87-2-102,  
 8 MCA."

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

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

12 "20-25-501. Definitions. (1) Terms used in this part  
 13 are defined as follows:

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

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

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

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

25 (e) "Resident student" means:

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

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

13 ~~(iii) if the state of residency has laws substantially~~  
 14 ~~similar to this subsection (iii), a student whose parent or~~  
 15 ~~guardian:~~

16 ~~(A) has his principal employment within the state and~~  
 17 ~~the principal employment is the principal source of family~~  
 18 ~~income;~~

19 ~~(B) is required to and has paid Montana income tax in~~  
 20 ~~a timely manner and proper amount;~~

21 ~~(C) has been employed within this state on a full-time~~  
 22 ~~basis for at least 6 months of the 1-year period immediately~~  
 23 ~~preceding the student's application for admission to a~~  
 24 ~~college or university in this state;~~

25 ~~(D) resides within 50 air miles of a boundary of this~~

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1 state: or

2 ~~++++~~(ix) a member of the armed forces of the United  
3 States assigned to and residing in Montana, his spouse, or  
4 his dependent children.

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

12 Section 2. Section 87-2-102, MCA, is amended to read:

13 "87-2-102. Resident defined. In determining a resident  
14 for the purpose of issuing resident fishing, hunting, and  
15 trapping licenses, the following provisions shall apply:

16 (1) Members of the armed forces of the United States  
17 or members of the armed forces of foreign governments  
18 attached to the armed forces of the United States who are  
19 assigned to duty in Montana and members of their immediate  
20 families after a period of 30 days within Montana, upon  
21 presenting assignment orders emanating from the proper unit  
22 commander, shall be considered residents for the purpose of  
23 this chapter. The 30-day residence requirement is waived in  
24 time of war.

25 (2) Any person who has been a resident of the state of

1 Montana, as defined in 1-1-215, for a period of 6 months  
2 immediately prior to making application for said license  
3 shall be eligible to receive a resident hunting, fishing, or  
4 trapping license.

5 (3) Any enrollee of a job corps camp located within  
6 the state of Montana shall, after a period of 30 days within  
7 Montana, be considered a resident for the purpose of making  
8 application for a fishing license as long as he remains an  
9 enrollee in a Montana camp.

10 ~~(4) A person meeting all of the following requirements~~  
11 ~~is a resident for purposes of obtaining hunting and fishing~~  
12 ~~licenses:~~

13 ~~(a) He resides within 50 air miles of a boundary of~~  
14 ~~this state.~~

15 ~~(b) He has his principal employment within this state.~~

16 ~~(c) The employment within this state is the principal~~  
17 ~~source of the applicant's family income.~~

18 ~~(d) He is required to and has paid Montana income tax~~  
19 ~~in a timely manner and proper amount.~~

20 ~~(e) He has been employed within this state on a~~  
21 ~~full-time basis for at least 6 months of the 1-year period~~  
22 ~~immediately preceding application.~~

23 ~~(f) His state of residency has laws substantially~~  
24 ~~similar to this subsection (4)."~~

-End-