

SB 323 INTRODUCED BY YELLOWTAIL, JR., DRISCOLL, LYNCH, ET AL.
REVISE QUALIFICATIONS FOR RESIDENT STUDENT STATUS

2/11 INTRODUCED
2/11 REFERRED TO EDUCATION & CULTURAL RESOURCES
2/11 FISCAL NOTE REQUESTED
2/16 FISCAL NOTE RECEIVED
2/18 HEARING
2/20 TABLED IN COMMITTEE

1 Senate BILL NO. 323
 2 INTRODUCED BY Yellowtail David Lynch
 3 Richard E. Manning Wednesday Blaylock W. Hanson Russell
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE IN THE
 5 DEFINITION OF RESIDENT STUDENT ANY PERSON, INCLUDING HIS
 6 DEPENDENTS, WHO PAID MONTANA STATE INCOME TAX FOR 2
 7 CONSECUTIVE YEARS ON AN INCOME OF AT LEAST \$10,000 EACH
 8 YEAR; AND AMENDING SECTION 20-25-501, 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) a member of the armed forces of the United States
14 assigned to and residing in Montana, his spouse, or his
15 dependent children; or
- 16 (iv) any person, including his dependents, who paid
17 Montana state income tax on an income of at least \$10,000
18 each year immediately preceding registration at any unit for
19 any term or session for which resident classification is
20 claimed.
- 21 (2) In the event the definition of residency or any
22 portion thereof is declared unconstitutional as it is
23 applied to payment of nonresident fees and tuition, the
24 regents of the Montana university system shall have
25 authority to make rules on what constitutes adequate



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1 evidence of residency status not inconsistent with such
2 court decisions."

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