

SENATE BILL NO. 243

INTRODUCED BY B. BENNETT, C. BOLAND, E. BOLDMAN, J. COHENOUR, P. FLOWERS, M. FOX, J. GROSS, T. JACOBSON, E. MCCLAFFERTY, M. MCNALLY, S. MORIGEAU, S. O'BRIEN, J. POMNICHOWSKI, D. SANDS, M. SWEENEY, S. WEBBER, R. LYNCH, E. KERR-CARPENTER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DOMICILE PRESUMPTIONS FOR PURPOSES OF DETERMINING IN-STATE CLASSIFICATION FOR TUITION PURPOSES; ESTABLISHING A PRESUMPTION THAT A MEMBER OF THE MONTANA NATIONAL GUARD IS DOMICILED IN MONTANA; AMENDING SECTION 20-25-503, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-25-503, MCA, is amended to read:

"20-25-503. Presumptions and rules as to domicile. (1) Unless the contrary appears to the unit registering authority, it is presumed the domicile of a minor is that:

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

(b) of the minor's guardian when the court appointing the guardian certifies that the primary purpose of the appointment is not to qualify the minor as a resident of this state.

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

(3) Residence is not lost because of relocation as a member of the armed forces of the United States.

(4) A new domicile is established by a qualified person if the person is physically present in Montana with no intention to acquire a domicile outside of Montana.

(5) Domicile is not lost by absence from Montana with no intention to establish a new domicile.

(6) Montana high school graduates who are citizens or resident aliens of the United States are resident students of the system for 4 consecutive years of attendance if:

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

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

5 (7) Upon moving to Montana, an adult employed on a full-time basis within the state of Montana may  
6 apply for in-state tuition classification for the adult's spouse or any dependent minor child, or both. If the person  
7 meets the requirement of full-time employment within the state of Montana and files for the payment of Montana  
8 state income taxes or files estimates of those taxes or is subject to withholding of those taxes and renounces  
9 residency in any other state and is not in the state primarily as a student, the person's spouse or any dependent  
10 minor child, or both, may at the next registration after qualifying be classified at the in-state rate so long as the  
11 person continues a Montana domicile. In the administration of this subsection, neither the full-time employee or  
12 spouse is eligible for in-state tuition classification if the primary purpose for coming to Montana was the  
13 education of the employee or spouse.

14 (8) A member of the Montana national guard as defined in 10-1-101 is presumed to be domiciled in  
15 the state for purposes of qualifying for in-state tuition classification for a postsecondary certificate or  
16 undergraduate, postgraduate, or professional degree program."

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18 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 2021.

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