

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING VETERANS WITH OTHER THAN HONORABLE
5 DISCHARGES TO RECEIVE CERTAIN STATE VETERANS' BENEFITS; ESTABLISHING PROCEDURES;
6 PROVIDING CONFIDENTIALITY; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS
7 2-6-401, 7-4-2614, 10-2-111, 10-2-112, 10-2-401, 10-2-403, 10-2-501, 10-2-503, 10-2-504, 15-6-211, 20-3-109,
8 20-25-421, 39-29-101, 53-1-601, 53-1-602, 61-3-458, 87-2-803, AND 90-6-602, MCA."

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

11
12 **NEW SECTION. Section 1. Individuals with other than honorable discharges eligible for certain**
13 **state benefits -- certification of eligibility -- confidentiality.** (1) An individual who was discharged from military
14 service under other than honorable conditions is eligible for veterans' benefits as allowed by state law if the
15 individual:

- 16 (a) is diagnosed with service-related:
 - 17 (i) traumatic brain injury as defined in 53-6-501; or
 - 18 (ii) posttraumatic stress disorder based on the diagnostic criteria established in the most recent edition
- 19 of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association;
- 20 (b) was discharged from service for offenses related to the use of alcohol or drugs; and
- 21 (c) the use of alcohol or drugs occurred while the individual was determined to be suffering from a
- 22 traumatic brain injury or posttraumatic stress disorder.

- 23 (2) An individual may seek certification of eligibility for state veterans' benefits under this section if:
 - 24 (a) the individual was diagnosed with service-related traumatic brain injury or posttraumatic stress
 - 25 disorder while serving in the military; or
 - 26 (b) after discharge, the individual:
 - 27 (i) is diagnosed by a physician licensed pursuant to Title 37 with traumatic brain injury or posttraumatic
 - 28 stress disorder resulting from the individual's military service;
 - 29 (ii) applies through the department for a review and confirmation of the diagnosis by the U.S. department
 - 30 of veterans affairs; and

1 (iii) receives confirmation of the diagnosis from the U.S. department of veterans affairs.

2 (3) An individual who meets the requirements of this section may apply to the department for certification
3 that the individual is eligible for state veterans' benefits as allowed by law. The department shall provide the
4 individual with a document that may be used as proof of eligibility for purposes of applying for and obtaining the
5 benefits if the individual provides:

6 (a) a copy of the U.S. department of veterans affairs confirmation of the disability; and

7 (b) proof as determined by the department by rule that:

8 (i) the individual's discharge was related to the use of alcohol or drugs; and

9 (ii) the use of alcohol or drugs occurred during the time the individual was determined to have a
10 service-related traumatic brain injury or posttraumatic stress disorder.

11 (4) An individual applying for certification of eligibility for benefits shall redact from any official documents
12 submitted as part of the application any information that is related to national security concerns or that would
13 violate the privacy rights of a person other than the applicant.

14 (5) Documents submitted with an application for certification are confidential and may be used only to
15 determine whether the applicant qualifies for certification of eligibility for benefits. A person who releases a
16 document provided as part of an application or discloses information contained in the application or supporting
17 documents in violation of this subsection is subject to a civil penalty of up to \$500. Fines collected pursuant to
18 this subsection must be deposited in the veterans' services special revenue account provided for in 10-2-112.

19

20 **Section 2.** Section 2-6-401, MCA, is amended to read:

21 **"2-6-401. Definitions.** For the purposes of this part, the following definitions apply:

22 (1) "Local government" means:

23 (a) any city, town, county, consolidated city-county, or school district; and

24 (b) any subdivision of an entity named in subsection (1)(a).

25 (2) (a) "Public records" includes:

26 (i) any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage
27 media, map, drawing, or other document, including copies of the record required by law to be kept as part of the
28 official record, regardless of physical form or characteristics, that:

29 (A) has been made or received by any local government to document the transaction of official business;

30 (B) is a public writing of the local government pursuant to 2-6-101(2)(a); and

1 (C) is designated for retention by the local government records committee established in 2-6-402; and
2 (ii) all other records or documents required by law to be filed with or kept by any local government in the
3 state of Montana, except military discharge certificates and certifications of eligibility for state benefits filed under
4 7-4-2614.

5 (b) The term includes electronic mail sent or received in connection with the transaction of official duties.

6 (c) The term does not include any paper, correspondence, form, book, photograph, microfilm, magnetic
7 tape, computer storage media, map, drawing, or other type of document that is for reference purposes only, a
8 preliminary draft, a telephone messaging slip, a routing slip, part of a stock of publications or of preprinted forms,
9 or a superseded publication.

10 (3) "Records custodian" means any individual responsible for the proper filing, storage, or safekeeping
11 of any public records."
12

13 **Section 3.** Section 7-4-2614, MCA, is amended to read:

14 **"7-4-2614. Records of certificates of discharge from military service.** (1) (a) It is the duty of the
15 county clerk of any county of this state to record upon request, without charge and in a book kept for that purpose,
16 the:

17 (i) certificate of discharge of an honorably discharged person who served with the United States forces
18 ~~upon that person's request; or~~

19 (ii) certification of eligibility for benefits issued pursuant to [section 1].

20 (b) It is not the clerk's duty to file the certificate or certification.

21 (2) A record of a military discharge certificate or certification of eligibility is confidential and exempt from
22 the provisions of Title 2, chapter 6. A military discharge certificate or certification of eligibility may be disclosed
23 only to:

24 (a) the service member for whom the certificate or certification was recorded;

25 (b) if the service member is deceased, the next of kin of the service member or a mortuary, as defined
26 in 10-2-111, for the purposes of securing the burial benefits to which the service member is entitled;

27 (c) a veterans' service officer or a veterans' service organization, as defined in 10-2-111;

28 (d) the veterans' affairs division of the Montana department of military affairs; or

29 (e) any person with written authorization from the service member or from the next of kin of the service
30 member, if the service member is deceased.

1 (3) If an original discharge certificate or certification was inadvertently filed and the county clerk still
 2 retains the ~~certificate document~~ in its original form, upon the written request of the service member or of the
 3 service member's next of kin if the service member is deceased, the clerk shall return the filed ~~certificate~~
 4 document to the service member or to the service member's next of kin if the service member is deceased.

5 (4) For purposes of this section:

6 (a) "file" means to store in original form; and

7 (b) "record" means to make and keep a copy from which a certified original copy can be reproduced."
 8

9 **Section 4.** Section 10-2-111, MCA, is amended to read:

10 **"10-2-111. Disposal of unclaimed ~~veterans'~~ remains -- limits on liability of mortuaries and**
 11 **veterans' service organizations -- notice -- definitions.** (1) A mortuary is not liable for simple negligence in
 12 the disposition of the human remains or cremated remains of a veteran or a person who received a certification
 13 of eligibility for state benefits pursuant to [section 1] to a veterans' service organization for the purposes of
 14 interment by that organization if:

15 (a) the remains have been in the possession of the mortuary for a period of at least 20 years, all or any
 16 part of which period may occur or may have occurred before or after October 1, 2001;

17 (b) the mortuary has given notice, as provided in subsection (2)(a) or (2)(b), to the ~~veteran's~~ individual's
 18 next of kin of the matters provided in subsection (3); and

19 (c) the remains have not been claimed by the next of kin ~~of the veteran~~ within the period of time provided
 20 for in subsection (3) following notice to the next of kin.

21 (2) In order for the immunity provided in subsection (1) to apply, a mortuary shall take the following
 22 action, alone or in conjunction with a veterans' service organization, to provide notice to the next of kin of the
 23 deceased ~~veteran~~ individual:

24 (a) give written notice by mail to the next of kin ~~of the veteran~~ for whom the address ~~of the next of kin~~
 25 is known or can reasonably be ascertained by the mortuary giving the notice; or

26 (b) if the address of the next of kin is not known or cannot reasonably be ascertained, give notice to the
 27 next of kin by publication once each week for 3 successive weeks in a newspaper of general circulation:

28 (i) in the county of the ~~veteran's~~ deceased individual's residence; or

29 (ii) if the residence ~~of the veteran~~ is unknown, in the county in which the ~~veteran~~ individual died; or

30 (iii) if the county in which the ~~veteran~~ individual died is unknown, in the county in which the mortuary

1 giving notice is located.

2 (3) The notice required by subsection (2) must include a statement to the effect that the individual's
3 remains ~~of the veteran~~ must be claimed by the ~~veteran's~~ individual's next of kin within 30 days after the date of
4 mailing of the written notice provided for in subsection (2)(a) or within 4 months of the date of the first publication
5 of the notice provided for in subsection (2)(b), as applicable, and that if the remains are not claimed, the remains
6 may be given to a veterans' service organization for interment.

7 (4) A veterans' service organization receiving human remains or cremated remains of ~~a veteran~~ an
8 individual from a mortuary for the purposes of interment under this section is not liable for simple negligence in
9 the custody or interment of the remains if the veterans' service organization interments and does not scatter the
10 remains and does not know and has no reason to know that the remains do not satisfy the requirements of
11 subsection (1)(a) or (1)(c) or that the mortuary has not complied with the notice requirements of subsection (2)(a)
12 or (2)(b), as applicable.

13 (5) By accepting the remains of ~~a veteran~~ an individual for interment under this section, a veterans'
14 service organization does not agree to pay storage or other charges applied by the mortuary for the keeping or
15 preservation of the remains.

16 (6) A veterans' service organization accepting remains of a veteran pursuant to this section shall take
17 all reasonable steps to inter the remains in a veterans' cemetery. However, the organization is not liable for any
18 additional expense for interment in a veterans' cemetery and interment in a veterans' cemetery is not a condition
19 for immunity under this section.

20 (7) (a) As used in this section, the following definitions apply:

21 (i) "Mortuary" includes a mortuary as defined in 37-19-101, a funeral home, a funeral director, a
22 mortician, an undertaker, or an employee of any of the individuals or entities.

23 (ii) "Veterans' service organization" means an association or other entity organized for the benefit of
24 veterans that has been recognized or chartered by the United States congress, including the disabled American
25 veterans, veterans of foreign wars, the American legion, the legion of honor, and the Vietnam veterans of
26 America. The term includes a member or employee of any of those associations or entities.

27 (b) Terms not defined in this subsection (7) have the meaning given them in 37-19-101."
28

29 **Section 5.** Section 10-2-112, MCA, is amended to read:

30 **"10-2-112. Veterans' services special revenue account -- sources of funds -- designated uses. (1)**

1 There is a veterans' services account in the state special revenue fund, established pursuant to 17-2-102(1)(b),
2 to the credit of the board.

3 ~~(2) Money transferred pursuant to 15-1-122(2)(d) from license plate sales as described in 10-2-114 and~~
4 ~~from gifts, grants, or donations~~ There must be deposited in the veterans' services account:

5 (a) money transferred pursuant to 15-1-122(2)(d) from license plate sales as described in 10-2-114;

6 (b) fines collected pursuant to [section 1]; and

7 (c) money received from gifts, grants, or donations.

8 (3) Legislative appropriations of money in the veterans' services account must be used for the purposes
9 identified in 10-2-102 or other functions authorized by the board.

10 (4) There is a veterans' services federal account in the federal special revenue fund established for
11 federal funds received under 10-2-106."
12

13 **Section 6.** Section 10-2-401, MCA, is amended to read:

14 **"10-2-401. Location and function of homes -- persons admitted.** The institutions at Columbia Falls,
15 in eastern Montana, and in southwestern Montana are the Montana veterans' homes, and their primary function
16 is to provide a home and subsistence for veterans and, subject to the provisions of 10-2-403, individuals who
17 have received certification of eligibility for benefits pursuant to [section 1]. The department of public health and
18 human services may also admit spouses or surviving spouses of veterans to the homes if space allows."
19

20 **Section 7.** Section 10-2-403, MCA, is amended to read:

21 **"10-2-403. Eligibility for residence in home.** (1) To be eligible for residence in a Montana veterans'
22 home under rules prescribed by the department of public health and human services, a person must be:

23 (a) a veteran or;

24 (b) the spouse or surviving spouse of a veteran; or

25 (c) subject to subsection (3), an individual who has received certification of eligibility for benefits pursuant
26 to [section 1].

27 (2) Consideration must also be given to:

28 ~~(+)~~(a) the person's age;

29 ~~(-)~~(b) the person's physical and mental status;

30 ~~(-)~~(c) the person's ability or inability to locate suitable alternative accommodations;

- 1 ~~(4)~~(d) the person's term of residence in Montana;
- 2 ~~(5)~~(e) the person's gender as it relates to availability of appropriate living space;
- 3 ~~(6)~~(f) the ability of the Montana veterans' home to meet the person's needs; and
- 4 ~~(7)~~(g) other admission requirements established by the department.

5 (3) The department may deny admission to an individual who has received certification of eligibility for
6 benefits if the individual's admission does not qualify for reimbursement under the U.S. department of veterans
7 affairs state veterans home per diem program."

8

9 **Section 8.** Section 10-2-501, MCA, is amended to read:

10 **"10-2-501. Interment allowance ~~for veterans~~ -- payment by county of residence -- veterans'**
11 **interment supervisor -- definitions.** (1) The board of commissioners of each county in this state shall designate
12 a person in the county, preferably a veteran, as veterans' interment supervisor.

13 (2) The veterans' interment supervisor shall cause to be decently interred the body or cremated remains
14 of any veteran ~~who~~ or person who received certification of eligibility for benefits pursuant to [section 1] if the
15 individual was a resident of the state of Montana at the time of death. In performing this duty, the veterans'
16 interment supervisor shall ensure that the desires of the ~~veteran's~~ deceased individual's personal representative
17 or heirs are not violated. The veterans' interment supervisor may not receive any compensation for duties
18 performed in compliance with this part.

19 (3) The interment may not be made in a burial ground or cemetery or in a portion of a burial ground or
20 cemetery used exclusively for the interment of pauper dead.

21 (4) A sum not to exceed \$500 to defer interment expenses must be paid by the ~~veteran's~~ deceased
22 individual's county of residence.

23 (5) The interment benefits are not available in the case of ~~a veteran~~ an individual whose personal
24 representative or heirs waive the benefits.

25 (6) Whenever interment is of a resident of a Montana veterans' home, a sum not to exceed \$500 to defer
26 interment expenses must be paid by the ~~veteran's~~ individual's county of residence.

27 (7) If ~~a veteran~~ an individual covered by this section dies while temporarily absent from the state or
28 county of residence, the provisions of this section apply and the interment expenses not exceeding the amount
29 specified in this section must be paid in the same manner as provided in this section.

30 (8) When ~~a veteran~~ an individual covered by this section dies at an institution of the state of Montana,

1 other than a Montana veterans' home, at a federal institution, or at a private facility and interment for any cause
 2 is not made in the ~~veteran's~~ individual's county of residence, the officers of the institution or facility shall provide
 3 the proper interment prescribed in this section. The reimbursement for the expense of each interment may not
 4 exceed \$500. The expense must be paid by the ~~veteran's~~ individual's county of residence.

5 (9) An interment may not be covered by any special or standing contract under which the cost of
 6 interment is reduced below the maximum amount fixed in this section, to the disparagement of proper interment.

7 (10) The veterans' interment supervisor shall, upon request of ~~the a~~ deceased veteran's personal
 8 representative or heirs, assist in applying to the proper authority for a suitable headstone, as provided by act of
 9 congress, and in placing the headstone on the veteran's grave. The reimbursement costs for the shipping and
 10 raising of the headstone may not exceed an amount equal to the actual cost paid, up to \$100, and must be paid
 11 by the veteran's county of residence at the time of death. The expense must be audited and paid as provided in
 12 this section for interment expenses.

13 (11) As used in this part, the following definitions apply:

14 (a) "Interment" has the meaning provided in 37-19-101.

15 (b) "Residence" is determined as provided in 13-1-112. If the intent of the ~~veteran~~ individual regarding
 16 residence cannot be determined under 13-1-112, the costs of interment must be paid by the ~~veteran's~~ individual's
 17 county of residence at the time of admittance into a Montana veterans' home, a state or federal institution, or a
 18 private facility."

19

20 **Section 9.** Section 10-2-503, MCA, is amended to read:

21 **"10-2-503. Report of actions and expenses by veterans' interment supervisor.** ~~It is the duty of the~~

22 (1) The person appointed as provided in 10-2-501 to cause the veteran to be interred as provided in this part, and
 23 the shall arrange for the interment as provided in this part of:

24 (a) a veteran; or

25 (b) an individual who received certification of eligibility for benefits pursuant to [section 1].

26 (2) The veterans' interment supervisor shall immediately report the action the interment to the clerk of
 27 the board of county commissioners, setting forth all the facts, together with The report must contain the veteran's
 28 individual's name and rank, the last command to which the ~~veteran~~ individual belonged, so far as if the information
 29 is known, the date of death, the exact place of interment, and an itemized statement of the expenses incurred
 30 by reason of the interment. The board of county commissioners may direct that additional information be kept in

1 the book required to be kept by the clerk of the board of county commissioners by 10-2-504."

2

3 **Section 10.** Section 10-2-504, MCA, is amended to read:

4 **"10-2-504. Duty of clerk.** It is the duty of the clerk of the board of county commissioners, upon receiving
 5 the report and statement of expenses, to transcribe in a book to be kept for that purpose all the facts contained
 6 in the report concerning ~~the veteran~~ an individual interred pursuant to this part."

7

8 **Section 11.** Section 15-6-211, MCA, is amended to read:

9 **"15-6-211. Certain disabled or deceased veterans' residences exempt.** (1) Subject to subsection
 10 (7), a residence and appurtenant land, not to exceed 5 acres, on which it is built that is owned and occupied by
 11 a veteran or a veteran's spouse is exempt from property taxation as provided in this section if the veteran:

12 (a) was killed while on active duty or died as a result of a service-connected disability; or

13 (b) if living:

14 (i) was honorably discharged from active service in any branch of the armed services or received
 15 certification of eligibility for benefits pursuant to [section 1]; and

16 (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of
 17 veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department
 18 of veterans affairs.

19 (2) Property qualifying under subsection (1) is taxed at the rate provided in 15-6-134(2)(a) multiplied by
 20 a percentage figure based on income and determined from the following table:

21	Income	Income	Percentage
22	Single Person	Married Couple	Multiplier
23		Head of Household	
24	\$0 - \$30,000	\$0 - \$36,000	0%
25	\$30,001 - \$33,000	\$36,001 - \$39,000	20%
26	\$33,001 - \$36,000	\$39,001 - \$42,000	30%
27	\$36,001 - \$39,000	\$42,001 - \$45,000	50%

28 (3) The property tax exemption under this section remains in effect as long as the property is the primary
 29 residence owned and occupied by the veteran or, if the veteran is deceased, by the veteran's spouse and the
 30 spouse:

- 1 (a) is the owner and occupant of the house;
- 2 (b) is unmarried; and
- 3 (c) has obtained from the U.S. department of veterans affairs a letter indicating that the veteran was
- 4 rated 100% disabled or was paid at the 100% disabled rate by the U.S. department of veterans affairs for a
- 5 service-connected disability at the time of death or that the veteran died while on active duty or as a result of a
- 6 service-connected disability.

7 (4) Property qualifying under subsection (3) is taxed at the rate provided in 15-6-134(2)(a) multiplied by
 8 a percentage figure based on income and determined from the following table:

Income	Percentage
Surviving Spouse	Multiplier
\$0 - \$25,000	0%
\$25,001 - \$28,000	20%
\$28,001 - \$31,000	30%
\$31,001 - \$34,000	50%

15 (5) For the purposes of the exemption under this section, the income referred to in subsections (2) and
 16 (4) is the taxpayer's federal adjusted gross income for the preceding calendar year, as reported on the taxpayer's
 17 federal income tax return. A taxpayer who is not required to file a federal income tax return for the preceding
 18 calendar year shall determine the taxpayer's federal adjusted gross income as if the taxpayer had filed a return
 19 and shall provide other evidence of income as required by the department.

20 (6) (a) The income levels contained in the tables in subsections (2) and (4) must be adjusted for inflation
 21 annually by the department. The adjustment to the income levels is determined by:

- 22 (i) multiplying the appropriate dollar amount from the table by the ratio of the PCE for the second quarter
- 23 of the year prior to the year of application to the PCE for the second quarter of 2002; and
- 24 (ii) rounding the product obtained in subsection (6)(a)(i) to the nearest dollar amount.

25 (b) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly
 26 in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

27 (7) A claim for exemption on a form prescribed by the department must be filed with the department on
 28 or before April 15 of the year for which the exemption is claimed."

29

30 **Section 12.** Section 20-3-109, MCA, is amended to read:

- 1 **"20-3-109. Honorary high school diploma for certain veterans.** (1) The superintendent of public
2 instruction may award an honorary high school diploma to a current or former Montana resident who:
- 3 (a) did not receive a high school diploma; and
- 4 (b) actively served in the United States armed services during World War II from 1939 through 1947,
5 during the Korean war from 1950 through 1953, or during the Vietnam conflict from 1961 through 1975; and
- 6 (i) died in active service;
- 7 (ii) was honorably discharged; ~~or~~
- 8 (iii) was released from active duty because of a service-related disability; or
- 9 (iv) received certification of eligibility for benefits pursuant to [section 1].
- 10 (2) (a) The superintendent shall identify acceptable documentation of eligibility and establish procedures
11 for applying for an honorary diploma.
- 12 (b) The superintendent may accept an affidavit to support the award if acceptable documentation is not
13 readily available from the military or other sources.
- 14 (3) An eligible person shall apply for the diploma on a form provided by the superintendent. If an eligible
15 person is deceased or incapacitated, an immediate family member may apply on the person's behalf."

- 16
- 17 **Section 13.** Section 20-25-421, MCA, is amended to read:
- 18 **"20-25-421. Charges for tuition -- waivers.** (1) The regents may prescribe tuition rates, matriculation
19 charges, and incidental fees for students in institutions under their jurisdiction.
- 20 (2) The regents may:
- 21 (a) waive nonresident tuition for selected and approved nonresident students, not to exceed at any unit
22 2% of the full-time equivalent enrollment at that unit during the preceding year; however, when necessary, tuition
23 may be waived in excess of 2% of unit enrollment for nonresident students who enroll under provisions of any
24 WICHE-sponsored state reciprocal agreements that provide for the payment, when required, of the student
25 support fee by the reciprocal state;
- 26 (b) waive resident tuition for students at least 62 years of age;
- 27 (c) waive tuition and fees for:
- 28 (i) persons of one-fourth Indian blood or more who have been bona fide residents of Montana for at least
29 1 year prior to enrollment in the Montana university system;
- 30 (ii) persons designated by the department of corrections pursuant to 52-5-112 or 53-1-214;

1 (iii) residents of Montana who served with the armed forces of the United States in any of its wars and
2 who were honorably discharged from military service or who received certification of eligibility for benefits
3 pursuant to [section 1];

4 (iv) children of residents of Montana who served with the armed forces of the United States in any of its
5 wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the
6 service of the armed forces of the United States;

7 (v) the spouses or children of residents of Montana who have been declared to be prisoners of war or
8 missing in action; or

9 (vi) the spouse or children of a Montana national guard member who was killed or died as a result of
10 injury, disease, or other disability incurred in the line of duty while serving on state active duty;

11 (d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the
12 course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets
13 the entrance requirements at the state university or college of the person's choice and is the surviving spouse
14 or child of any of the following who were killed in the course and scope of employment:

15 (i) a paid or volunteer member of a municipal or rural fire department;

16 (ii) a law enforcement officer as defined in 7-32-201; or

17 (iii) a full-time highway patrol officer.

18 (3) If funds are available after the waivers provided for in subsection (2), the regents may waive tuition
19 for up to 5,000 credits each academic year."

20

21 **Section 14.** Section 39-29-101, MCA, is amended to read:

22 **"39-29-101. Definitions.** For the purposes of this chapter, the following definitions apply:

23 (1) "Armed forces" means the:

24 (a) United States army, navy, air force, marine corps, and coast guard;

25 (b) merchant marine for service recognized by the United States department of defense as active military
26 service for the purpose of laws administered by the department of veterans affairs; and

27 (c) Montana army and air national guard.

28 (2) "Disabled veteran" means a person:

29 (a) whether or not the person is a veteran who was separated under honorable conditions from military
30 duty in the armed forces and has established the present existence of a service-connected disability or is

- 1 receiving compensation, disability retirement benefits, or a pension because of a law administered by the
2 department of veterans affairs, a military department, or the state of Montana; or
- 3 (b) who has received a purple heart medal.
- 4 (3) "Eligible relative" means:
- 5 (a) the unmarried surviving spouse of a veteran or disabled veteran;
- 6 (b) the spouse of a disabled veteran who is unable to qualify for appointment to a position;
- 7 (c) the mother of a veteran who died under honorable conditions while serving in the armed forces if:
- 8 (i) the mother's spouse is totally and permanently disabled; or
- 9 (ii) the mother is the widow of the father of the veteran and has not remarried;
- 10 (d) the mother of a service-connected permanently and totally disabled veteran if:
- 11 (i) the mother's spouse is totally and permanently disabled; or
- 12 (ii) the mother is the widow of the father of the veteran and has not remarried.
- 13 (4) "Military duty" means duty with military pay and allowances in the armed forces.
- 14 (5) (a) "Position" means a position occupied by a permanent, temporary, or seasonal employee, as
15 defined in 2-18-101, for the state or a similar permanent, temporary, or seasonal employee with a public employer
16 other than the state.
- 17 (b) The term does not include:
- 18 (i) a state or local elected office;
- 19 (ii) appointment by an elected official to a body, such as a board, commission, committee, or council;
- 20 (iii) appointment by an elected official to a public office if the appointment is provided for by law;
- 21 (iv) a department head appointment by the governor or an executive department head appointment by
22 a mayor, city manager, county commissioner, or other chief administrative or executive officer of a local
23 government;
- 24 (v) engagement as an independent contractor or employment by an independent contractor; or
- 25 (vi) a position occupied by a student intern, as defined in 2-18-101.
- 26 (6) "Public employer" means:
- 27 (a) a department, office, board, bureau, commission, agency, or other instrumentality of the executive,
28 legislative, or judicial branches of the government of this state;
- 29 (b) a unit of the Montana university system;
- 30 (c) a school district or community college; and

1 (d) a county, city, or town.

2 (7) "Scored procedure" means a written test, structured oral interview, performance test, or other
3 selection procedure or a combination of these procedures that results in a numerical score to which percentage
4 points may be added.

5 (8) (a) "Under honorable conditions" means a discharge or separation from military duty characterized
6 by the armed forces as under honorable conditions. The term includes honorable discharges and general
7 discharges.

8 (b) The term does not include dishonorable discharges or other administrative discharges characterized
9 as other than honorable.

10 (9) "Veteran" means a person who:

11 (a) was separated under honorable conditions from active federal military duty in the armed forces after
12 having served more than 180 consecutive days, other than for training;

13 (b) as a member of a reserve component under an order of federal duty pursuant to 10 U.S.C. 12301(a),
14 (d), or (g), 10 U.S.C. 12302, or 10 U.S.C. 12304 served on active duty during a period of war or in a campaign
15 or expedition for which a campaign badge is authorized and was discharged or released from duty under
16 honorable conditions; ~~or~~

17 (c) is or has been a member of the Montana army or air national guard and who has satisfactorily
18 completed a minimum of 6 years of service in the armed forces, the last 3 years of which have been served in
19 the Montana army or air national guard; or

20 (d) has received certification of eligibility for benefits pursuant to [section 1]."

21

22 **Section 15.** Section 53-1-601, MCA, is amended to read:

23 **"53-1-601. Purpose of department of public health and human services.** The department of public
24 health and human services shall use to maximum efficiency the resources of state government in a coordinated
25 effort to:

26 (1) develop and maintain comprehensive services and programs in the fields of:

27 (a) mental health; and

28 (b) chemical dependency;

29 (2) provide, according to the requirements of Title 53, chapter 20, inpatient institutional care for persons
30 with developmental disabilities who require institutional care; and

1 (3) provide nursing home care as provided by law for honorably discharged veterans ~~as provided by law~~
 2 and individuals who have received certification of eligibility for benefits pursuant to [section 1]."

3
 4 **Section 16.** Section 53-1-602, MCA, is amended to read:

5 **"53-1-602. Department of public health and human services.** (1) The following components are in
 6 the department of public health and human services to carry out the purposes of the department:

7 (a) mental health services, consisting of the following institutional components for care and treatment
 8 of the mentally ill pursuant to Title 53, chapter 21:

9 (i) the Montana state hospital; and

10 (ii) the Montana mental health nursing care center;

11 (b) a community services component, consisting of appropriate services for the care and treatment of
 12 the mentally ill pursuant to Title 53, chapter 21, part 10;

13 (c) chemical dependency services, consisting of appropriate detoxification, inpatient, intensive outpatient,
 14 outpatient, prevention, education, and other necessary chemical dependency services pursuant to Title 53,
 15 chapter 24;

16 (d) an institutional and residential component of the developmental disabilities system for those persons
 17 with developmental disabilities who require institutional or residential care according to Title 53, chapter 20, which
 18 component consists of the Montana developmental center; and

19 (e) the veterans' nursing homes for the nursing home and domiciliary care as provided by law of
 20 honorably discharged veterans ~~as provided by law~~ and individuals who have received certification of eligibility
 21 for benefits pursuant to [section 1], consisting of:

22 (i) the Montana veterans' home;

23 (ii) the eastern Montana veterans' home at Glendive; and

24 (iii) the southwestern Montana veterans' home.

25 (2) A state institution may not be moved, discontinued, or abandoned without the consent of the
 26 legislature."

27
 28 **Section 17.** Section 61-3-458, MCA, is amended to read:

29 **"61-3-458. Special plates for military personnel, veterans, spouses, and gold star families.** (1) (a)
 30 Active military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried,

1 may be issued special military or veteran license plates as provided in this section.

2 (b) Family members of a member of the U.S. armed forces who are eligible for a "Gold Star Lapel Button"
3 may be issued special gold star family license plates as provided in subsection (3).

4 (c) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special license
5 plates issued pursuant to this section must be numbered in sets of two with a different number on each set and
6 must be properly displayed as provided in 61-3-301. Special military, veteran, or gold star family license plates
7 may not be issued for a quadricycle, semitrailer, or pole trailer. Special military, veteran, or gold star family license
8 plates bearing a wheelchair as the symbol of a person with a disability may be issued to a person who meets the
9 qualifications under 61-3-332(9) and this section. Special military or veteran license plates may be issued for a
10 motorcycle pursuant to 61-3-414.

11 (2) (a) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer
12 registration fees and special license plate fees and providing an official certificate from the applicant's unit
13 commander verifying the individual's eligibility and authorizing the department to issue the plates to the individual,
14 eligible military personnel may be issued one set of special military license plates as provided in this subsection
15 (2).

16 (b) A member of the Montana national guard who is a state resident may be issued special license plates
17 with a design or decal displaying the letters "NG". However, the member shall surrender the plates to the
18 department when the member becomes ineligible.

19 (c) A member of the reserve armed forces of the United States who is a state resident may be issued
20 special license plates according to the member's branch of service verified in the application with a design or
21 decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve, NR
22 (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe and
23 anchor). However, the member shall surrender the plates to the department when the member becomes
24 ineligible.

25 (d) An active member of the regular armed forces of the United States who is a state resident may be
26 issued special license plates inscribed with a symbol signifying the United States army, United States navy,
27 United States air force, United States marine corps, or United States coast guard, according to the member's
28 branch of service verified in the application. However, the member shall surrender the plates to the department
29 upon becoming ineligible.

30 (3) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer

1 registration fees and special license plate fees and providing a department of defense form 3 (DD Form 3) or its
 2 successor or documents showing the person's eligibility for a "Gold Star Lapel Button", a family member of a
 3 member of the U.S. armed services who is eligible to receive a "Gold Star Lapel Button" as provided in Public
 4 Law 534, 89th congress, may be issued special license plates inscribed with a blue-bordered gold star with the
 5 words "Gold Star Family" inscribed beneath the registration number.

6 (4) (a) ~~Upon application, after presenting proper identification and a department of defense form 214~~
 7 ~~(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying~~
 8 ~~the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable motor~~
 9 ~~vehicle, trailer, semitrailer, or pole trailer registration fees under this chapter, subject to the provisions of 61-3-460;~~
 10 ~~an~~ An eligible veteran must be issued any set and more than one set of the special license plates provided for
 11 in this subsection (4) that the ~~member~~ veteran requests and is eligible to receive if upon application the veteran
 12 pays the veterans' cemetery fee specified in 61-3-459 and all applicable motor vehicle, trailer, semitrailer, or pole
 13 trailer registration fees under this chapter, subject to the provisions of 61-3-460, and presents proper identification
 14 and:

15 (i) a department of defense form 214 (DD-214) or its successor;

16 (ii) documents showing an other-than-dishonorable discharge;

17 (iii) a reenlistment verifying the applicant's eligibility; or

18 (iv) certification of eligibility for benefits issued pursuant to [section 1].

19 (b) A veteran may be issued special license plates displaying the letters "DV", which entitles the veteran
 20 to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part
 21 3, if the veteran:

22 (i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as
 23 50% or more disabled because of a service-connected injury; or

24 (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of
 25 veterans affairs for a service-connected disability.

26 (c) A veteran who has been awarded the purple heart may be issued special license plates with the
 27 purple heart decal displaying the words "combat wounded".

28 (d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued
 29 special license plates with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the
 30 department considers appropriate.

1 (e) If the veteran was a member of the United States armed forces on December 7, 1941, and during
 2 the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was
 3 offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special license
 4 plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

5 (f) A person who is a member of the legion of valor may be issued special plates displaying a design or
 6 decal depicting the recognized legion of valor medallion.

7 (g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol
 8 signifying the United States army, United States navy, United States air force, United States marine corps, or
 9 United States coast guard, according to the veteran's service record verified in the application.

10 (h) A member or a former member of the Montana national guard eligible to receive a military retirement
 11 may be issued special license plates displaying the Montana national guard insignia and the words "National
 12 Guard veteran".

13 (i) A veteran who qualifies under subsections (4)(b) and (4)(c) may be issued special combination license
 14 plates displaying the letters "DV" and displaying a purple heart decal with the words "combat wounded". A person
 15 who receives the combination plates is entitled to the same parking privileges as provided in subsection (4)(b).

16 (5) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle
 17 registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible
 18 veteran, if the spouse has not remarried, may retain the special license plates issued to the deceased veteran,
 19 except the special "DV" plates provided for under subsection (4)(b) or the combination plates provided for in
 20 subsection (4)(i).

21 (6) For purposes of this section, "veteran":

22 (a) has the meaning provided in 10-2-101; or

23 (b) means an individual who has received certification of eligibility for benefits pursuant to [section 1]."

24

25 **Section 18.** Section 87-2-803, MCA, is amended to read:

26 **"87-2-803. Persons with disabilities -- service members -- definitions.** (1) Persons with disabilities
 27 are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are
 28 residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental
 29 rule. A person who has purchased a conservation license and a resident fishing license or game bird license for
 30 a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license

1 or game bird license previously purchased for that license year. A person who is certified as disabled pursuant
2 to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent
3 license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria
4 for obtaining a permit does not change.

5 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an
6 institution may purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8. A person who has
7 purchased a conservation license and a resident deer license or resident elk license for a particular license year
8 and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously
9 purchased and reissuance of the license for that license year at the rate established in this subsection.

10 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,
11 on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to
12 subsection (9).

13 (4) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection
14 (4) as a permitholder, may hunt by shooting a firearm from:

15 (i) the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in 61-1-101, except a
16 state or federal highway;

17 (ii) within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way
18 in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway,
19 where hunting is permitted; or

20 (iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is permitted
21 and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway vehicle or
22 snowmobile is marked as described in subsection (4)(d) of this section.

23 (b) This subsection (4) does not allow a permitholder to shoot across the roadway of any public highway
24 or to hunt on private property without permission of the landowner.

25 (c) A permitholder must have a companion to assist in immediately dressing any killed game animal. The
26 companion may also assist the permitholder by hunting a game animal that has been wounded by the
27 permitholder when the permitholder is unable to pursue and kill the wounded game animal.

28 (d) Any vehicle from which a permitholder is hunting must be conspicuously marked with an
29 orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle,
30 or as prescribed by the department.

1 (5) (a) A veteran who meets the qualifications in subsection (9) as a result of a combat-connected injury
2 may apply at a fish, wildlife, and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class
3 B-7 deer A tag, a Class B-8 deer B tag, and a special antelope license at one-half the license fee. Fifty licenses
4 of each license type must be made available annually. Licenses issued to veterans under this part do not count
5 against the number of special antelope licenses reserved for people with permanent disabilities, as provided in
6 87-2-706.

7 (b) This subsection (5) applies to a veteran who has received certification of eligibility for benefits
8 pursuant to [section 1].

9 (6) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined
10 in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of \$10. The
11 license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department
12 rule. An applicant for a license under this subsection need not obtain a wildlife conservation license as a
13 prerequisite to licensure.

14 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
15 be issued regular resident deer and elk licenses, in the manner provided in subsection (2) of this section, and
16 must be accompanied by a companion, as provided in subsection (4)(c) of this section.

17 (7) The department shall adopt rules to establish the qualifications that a person must meet to be a
18 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
19 person.

20 (8) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers
21 to a person experiencing a condition medically determined to be permanent and substantial and resulting in
22 significant impairment of the person's functional ability.

23 (9) A person is entitled to a permit to hunt from a vehicle if the person:

24 (a) is certified by a licensed physician, a licensed chiropractor, an advanced practice registered nurse,
25 or a licensed physician assistant to be dependent on an oxygen device or dependent on a wheelchair, crutch,
26 or cane for mobility;

27 (b) is an amputee above the wrist or ankle; or

28 (c) is certified by a licensed physician, a licensed chiropractor, an advanced practice registered nurse,
29 or a licensed physician assistant to be unable to walk, unassisted, 600 yards over rough and broken ground while
30 carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25 pounds.

1 (10) Certification by a licensed physician, a licensed chiropractor, an advanced practice registered nurse,
2 or a licensed physician assistant under subsection (9) must be on a form provided by the department.

3 (11) The department or a person who disagrees with a determination of disability or eligibility for a permit
4 to hunt from a vehicle may request a review by the board of medical examiners pursuant to 37-3-203.

5 (12) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as
6 provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency
7 operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the
8 state, upon request and upon presentation of the documentation described in subsection (12)(b), must be issued
9 a free resident wildlife conservation license or a Class AAA resident combination sports license, which may not
10 include a bear license, upon payment of the resident hunting access enhancement fee provided for in
11 87-2-202(3)(c), in the license year that the member returns from military service or in the year following the
12 member's return, based on the member's election, and in any of the 4 years after the member's election. A
13 member who participated in a contingency operation after September 11, 2001, that required the member to
14 serve at least 2 months outside of the state may make an election in 2007 or in the year following the member's
15 return, based on the member's election, and in any of the 4 years after the member's election and be entitled to
16 a free resident wildlife conservation license or a free Class AAA resident combination sports license in the year
17 of election and in any of the 4 years after the member's election.

18 (b) (i) To be eligible for the free resident wildlife conservation license or free Class AAA resident
19 combination sports license provided for in subsection (12)(a), an applicant shall, in addition to the written
20 application and proof of residency required in 87-2-202(1), provide to any regional department office or to the
21 department headquarters in Helena, by mail or in person;

22 (A) the member's DD form 214 verifying the member's release or discharge from active duty; or

23 (B) certification of eligibility for benefits received pursuant to [section 1].

24 (ii) The applicant is responsible for providing documentation showing that the applicant participated in
25 a contingency operation as provided in 10 U.S.C. 101(a)(13).

26 (c) A Montana resident who meets the service qualifications of subsection (12)(a) and the documentation
27 required in subsection (12)(b) is entitled to a free Class A resident fishing license in the license year that the
28 member returns from military service or in the year following the member's return, based on the member's
29 election, and in any of the 4 years after the member's election.

30 (d) The department's general license account must be reimbursed by a quarterly transfer of funds from

1 the general fund to the general license account for costs associated with the free licenses granted pursuant to
 2 this subsection (12) during the preceding calendar quarter. Reimbursement costs must be designated as license
 3 revenue.

4 (13) A member of the armed forces who forfeited a license or permit issued through a drawing as a result
 5 of deployment outside of the continental United States in support of a contingency operation as provided in 10
 6 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the year
 7 of the member's return from deployment or in the first year that the license or permit is made available after the
 8 member's return."

9

10 **Section 19.** Section 90-6-602 , MCA, is amended to read:

11 **"90-6-602. Definitions.** As used in this part, the following definitions apply:

12 (1) "Board" means the board of housing provided for in 2-15-1814.

13 (2) "Coal tax trust fund" or "trust fund" means the trust fund created pursuant to Article IX, section 5, of
 14 the Montana constitution.

15 (3) "Eligible veteran" means an individual who is a Montana resident and who:

16 (a) is or has been a member of the Montana national guard;

17 (b) is or has been a member of the federal reserve forces of the armed forces of the United States,
 18 serving pursuant to Title 10 of the United States Code;

19 (c) is serving or has served on federal active duty pursuant to Title 10 of the United States Code;

20 (d) is an unremarried spouse of an individual who was otherwise an eligible veteran and was killed in
 21 the line of duty;

22 (e) is an eligible veteran as defined by the board pursuant to 90-6-605(2); ~~or~~

23 (f) if previously a member of the armed forces, was discharged under honorable conditions; or

24 (g) has received certification of eligibility for benefits pursuant to [section 1].

25 (4) "First-time home buyer" means an individual determined by the board to be a first-time home buyer
 26 pursuant to rules adopted by the board.

27 (5) "Mortgage loan" means a loan for the purchase of real property with any improvements located within
 28 this state that is to be used for residential purposes and that is based upon a written instrument approved by a
 29 federal agency and that is written in the form of a trust indenture.

30 (6) "Participating financial institution" means a corporate lender or other loan originator approved by the

1 board for originating and servicing loans pursuant to this part.

2 (7) "Resident" means an individual who maintains a permanent place of abode within Montana and who
3 has not established a residence elsewhere even though the individual may be temporarily absent from the state.

4 (8) "Trust indenture" has the meaning provided in 71-1-303.

5 (9) (a) "Under honorable conditions" means a discharge or separation from military duty characterized
6 by the armed forces as under honorable conditions. The term includes honorable discharge and general
7 discharge.

8 (b) The term does not include a dishonorable discharge or another administrative discharge
9 characterized by military regulation as other than honorable.

10 (10) "Veterans' home loan mortgage program" or "program" means the program created in 90-6-603."

11

12 NEW SECTION. **Section 20. Codification instruction.** [Section 1] is intended to be codified as an
13 integral part of Title 10, chapter 2, and the provisions of Title 10 apply to [section 1].

14

- END -