

HOUSE BILL NO. 596

INTRODUCED BY W. MCKAMEY

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PRIVILEGES AND BENEFITS FOR CERTAIN VETERANS; REVISING PROPERTY TAX ASSISTANCE, MOTOR VEHICLE REGISTRATION, AND HUNTING AND FISHING LICENSE PROVISIONS APPLICABLE TO CERTAIN VETERANS; AND AMENDING SECTIONS 15-6-301, 61-3-460, 87-2-815, AND 87-2-816, MCA."

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

Section 1. Section 15-6-301, MCA, is amended to read:

"15-6-301. Definitions. As used in this part, the following definitions apply:

(1) "Annual verification" means the use of a process to:

- (a) verify an applicant's income;
- (b) approve, renew, or deny benefits for the current year based upon the applicant's eligibility; and
- (c) terminate participation based upon death or loss of status as a qualified veteran or veteran's spouse.

(2) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the survey of current business by the bureau of economic analysis of the U.S. department of commerce.

(3) "PCE inflation factor" for a tax year means the PCE for April of the prior tax year before the tax year divided by the PCE for April 2015.

(4) (a) "Primary residence" is, subject to the provisions of subsection (4)(b), a dwelling:

- (i) in which a taxpayer can demonstrate the taxpayer lived for at least 7 months of the year for which benefits are claimed;
- (ii) that is the only residence for which property tax assistance is claimed; and
- (iii) determined using the indicators provided for in the rules authorized by 15-6-302(2).

(b) A primary residence may include more than one dwelling when the taxpayer resides in one dwelling for less than 7 months during the tax year and another dwelling for less than 7 months of the same tax year, but lives in the dwellings for more than 7 months of the tax year.

(5) "Qualified veteran" means a veteran:

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



1 (b) if living:

2 (i) was honorably discharged from active service in any branch of the armed services; and

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

6 (B) is currently rated at 50% disabled or is paid at the 50% disabled rate by the U.S. department of
7 veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department
8 of veterans affairs, and is the recipient of a purple heart or higher combat-related award, as verified by official
9 military documentation.

10 (6) "Qualifying income" means:

11 (a) the federal adjusted gross income excluding capital and income losses of an applicant and the
12 applicant's spouse as calculated on the Montana income tax return for the prior year;

13 (b) for assistance under 15-6-305 [15-6-311], the federal adjusted gross income excluding capital and
14 income losses of an applicant as calculated on the Montana income tax return for the prior tax year; or

15 (c) for an applicant who is not required to file a Montana income tax return, the income determined using
16 available income information.

17 (7) "Residential real property" means the land and improvements of a taxpayer's primary residence."
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19 **Section 2.** Section 61-3-460, MCA, is amended to read:

20 **"61-3-460. Motor vehicle registration fee and veterans' cemetery fee waivers.** (1) Except as
21 otherwise provided in this section, a person eligible under subsection (2) is exempt from the veterans' cemetery
22 fee provided in 61-3-459 for two sets of special veteran license plates and all motor vehicle registration fees
23 imposed by this chapter for two motor vehicles that are not used for commercial purposes.

24 (2) The following persons are eligible for the waiver provided in subsection (1):

25 (a) a veteran who was a prisoner of war who presents official documentation from the U.S. department
26 of defense verifying the veteran's status, or the veteran's surviving spouse, if the spouse has not remarried;

27 (b) a veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S.
28 department of veterans affairs for a service-connected disability, as verified by official documentation from the
29 U.S. department of veterans affairs, or the veteran's surviving spouse, if the spouse has not remarried;

30 (c) a veteran determined by the U.S. department of veterans affairs to be 50% or more disabled because

1 of a service-connected injury and who ~~has been awarded the~~ is the recipient of a purple heart or higher
 2 combat-related award, as verified by official documentation from the U.S. department of veterans affairs and the
 3 veteran's military service record issued by the U.S. department of defense, or the veteran's surviving spouse, if
 4 the spouse has not remarried, except that the veteran or the surviving spouse shall pay the veterans' cemetery
 5 fee as provided for in 61-3-459;

6 (d) the surviving spouse, if the spouse has not remarried, of a military service member killed while on
 7 active duty as verified in official documentation issued by the U.S. department of defense; and

8 (e) the surviving spouse, if the spouse has not remarried, of a military service member or veteran who
 9 died of a service-connected injury or disability as determined by and verified in official documentation from the
 10 U.S. department of veterans affairs."

11

12 **Section 3.** Section 87-2-815, MCA, is amended to read:

13 **"87-2-815. Donation of hunting licenses to disabled veterans or disabled members of the armed**
 14 **forces.** (1) The holder of any hunting license issued by the department may surrender that license and any
 15 related permit to the department for reissuance to a disabled veteran or a disabled member of the armed forces
 16 for use on an expedition arranged by a nonprofit organization that is exempt from taxation under 26 U.S.C.
 17 501(c)(3) and that uses hunting as part of the rehabilitation of disabled veterans and disabled members of the
 18 armed forces. The person surrendering the license:

19 (a) is not eligible for a refund for the cost of the surrendered license;

20 (b) may not designate to which organization, disabled veteran, or disabled member of the armed forces
 21 the license is being surrendered; and

22 (c) shall surrender the donated license and any related permit before the start of any season for which
 23 the license and permit are valid.

24 (2) In order to obtain a license and any related permit pursuant to this section, a veteran or a member
 25 of the armed forces:

26 (a) must be the recipient of a purple heart recipient or higher combat-related award;

27 (b) must, as the result of wounds or injuries received in a combat zone, be medically retired, have a 70%
 28 or greater disability rating by the United States department of veterans affairs or department of defense, or have
 29 active duty status while receiving medical treatment at a medical facility;

30 (c) is not required to be a resident;

1 (d) does not have to first obtain a wildlife conservation license; and

2 (e) is not required to pay any fee.

3 (3) A license and any related permit reissued pursuant to this section entitles the disabled veteran or
4 disabled member of the armed forces to take the same species in the same administrative region or regions,
5 hunting district or districts, or portions thereof, as allowed by the license and any related permit that was
6 surrendered.

7 (4) Any license or permit surrendered or reissued pursuant to this section may not be sold, traded,
8 auctioned, or offered for any monetary value and may not be used by any person other than a disabled veteran
9 or disabled member of the armed forces who meets the requirements of subsection (2).

10 (5) The restrictions in 87-2-702(3) and (4) do not apply to a disabled veteran or a disabled member of
11 the armed forces who obtains a license pursuant to this section.

12 (6) The department may adopt rules to implement the provisions of this section."
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14 **Section 4.** Section 87-2-816, MCA, is amended to read:

15 **"87-2-816. Licenses for legion of valor members -- purple heart and other awardees.** (1) A resident,
16 as defined in 87-2-102, or a nonresident who is a legion of valor member is entitled to fish with a wildlife
17 conservation license issued by the department.

18 (2) A resident, as defined in 87-2-102, ~~awarded~~ who is a recipient of a purple heart or higher
19 combat-related award for service in the armed forces of the United States is entitled to fish and hunt game birds,
20 not including wild turkeys, with a wildlife conservation license issued by the department.

21 (3) A nonresident ~~awarded~~ recipient of a purple heart or higher combat-related award for service in the
22 armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with a wildlife
23 conservation license issued by the department during expeditions arranged for the nonresident by a nonprofit
24 organization that uses fishing and hunting as part of the rehabilitation of disabled veterans.

25 (4) The department's general license account must be reimbursed by a quarterly transfer of funds from
26 the general fund to the general license account for license costs associated with the fishing and game bird
27 hunting privileges granted pursuant to subsections (2) and (3) during the preceding calendar quarter.
28 Reimbursement costs must be designated as license revenue."
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