

1 HOUSE BILL NO. 82

2 INTRODUCED BY G. NIKOLAKAKOS

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MONTANA NATIONAL GUARD ENLISTMENT  
6 INCENTIVE PROGRAM; PROVIDING FOR INCENTIVE PAYMENTS; PROVIDING FOR A VOLUNTARY  
7 CONTRIBUTION TO THE PROGRAM ON AN INDIVIDUAL INCOME TAX RETURN; PROVIDING A  
8 ~~STATUTORY AN~~ APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING ~~SECTIONS~~  
9 SECTION 15-30-2392 AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION  
10 DATE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
14 NEW SECTION. **Section 1. Montana national guard enlistment incentive program.** (1) There is a  
15 Montana national guard enlistment incentive program to encourage enlistment into the Montana national guard.

16 (2) Except as provided in subsection (3), the enlistment program authorizes an incentive payment  
17 of up to \$500 to current members of the Montana national guard in the pay grades of E-1 to O-5 or any ~~former~~  
18 ~~member of the Montana national guard~~ HONORABLY DISCHARGED VETERAN for each new or prior service recruit  
19 that a service member refers to the Montana national guard.

20 (3) The following personnel are ineligible for enlistment incentive program payments:

21 (a) Montana national guard soldiers and aircrews who are currently assigned or attached or have  
22 been assigned or attached in the previous 6 months to either the Montana air national guard recruiting and  
23 retention section or the Montana army national guard recruiting and retention battalion;

24 (b) current federal or civilian employees of the Montana air national guard recruiting and retention  
25 section or the Montana army national guard recruiting and retention battalion; and

26 (c) contractor employers and contractor employees for the Montana air national guard recruiting  
27 and retention section or the Montana army national guard recruiting and retention battalion.

28

1            NEW SECTION. Section 2. Oversight and administration -- rulemaking. The adjutant general  
2 shall adopt rules pursuant to 10-1-105 to administer the enlistment incentive program and oversee its execution  
3 by the Montana national guard recruiting offices in coordination with the department of military affairs.  
4

5            NEW SECTION. Section 3. Montana national guard enlistment incentive account -- statutory  
6 appropriation. (1) There is a Montana national guard enlistment incentive account in the state special revenue  
7 fund established in 17-2-102 CREDITED TO THE DEPARTMENT OF MILITARY AFFAIRS.

8            (2) The fund must contain money appropriated by the legislature, monetary gifts, grants donated to  
9 the fund, and all contributions made to the fund pursuant to 15-30-2392.

10           (3) The adjutant general shall oversee expenditures from the account.

11           (4) Money in the account ~~is statutorily appropriated, as provided in, to~~ IS CREDITED TO the  
12 department for the purposes of [section 1] and may not be used for any purpose other than encouraging  
13 enlistment in the Montana national guard.  
14

15           **Section 4.** Section 15-30-2392, MCA, is amended to read:

16           **"15-30-2392. Voluntary checkoff for Montana military relief fund and Montana national guard**  
17 **enlistment incentive program.** (1) (a) Each individual taxpayer who is required to file an income tax return  
18 under Title 15, chapter 30, may contribute to the Montana military family relief fund established in 10-1-1302 by  
19 marking the appropriate box on the state income tax return.

20           ~~(2)(b)~~ (b) The department shall include on each Montana state individual income tax return form a clear  
21 and conspicuous provision by which the taxpayer may indicate a contribution to the Montana military family  
22 relief fund. The contribution may be made from the amount to be refunded to the taxpayer or, if no refund is  
23 due, must be in addition to the amount of tax required to be paid. The ~~provision~~ provisions must be in  
24 substantially the following form:

25           Montana military family relief fund. Check the appropriate blank if you wish to contribute, in addition to  
26 your existing tax liability, \_\_\_ \$5, \_\_\_ \$10, or \_\_\_ (specify an amount) to support the Montana military family  
27 relief fund. If a joint return, check the appropriate blank if your spouse wishes to contribute, in addition to your  
28 existing tax liability, \_\_\_ \$5, \_\_\_ \$10, or \_\_\_ (specify an amount) for the same purpose.

1           ~~(3)~~(c) Money received under this section must be deposited ~~into~~in the account established in 10-1-  
2 1303 after the department has deducted the administrative charge provided for in 15-30-2386."

3           (2) (a) Each individual taxpayer who is required to file an income tax return under Title 15, chapter  
4 30, may contribute to the Montana national guard enlistment incentive program established in [section 1] by  
5 marking the appropriate box on the state income tax return.

6           (b) The department shall include on each Montana state individual income tax return form a clear  
7 and conspicuous provision by which the taxpayer may indicate a contribution to the Montana national guard  
8 enlistment incentive program. The contribution may be made from the amount to be refunded to the taxpayer  
9 or, if no refund is due, must be in addition to the amount of tax required to be paid. The provisions must be in  
10 substantially the following form:

11           Montana national guard enlistment incentive program. Check the appropriate blank if you wish to  
12 contribute, in addition to your existing tax liability, \$5, \$10, or (specify an amount) to support the  
13 Montana national guard enlistment incentive program. If a joint return, check the appropriate blank if your  
14 spouse wishes to contribute, in addition to your existing tax liability, \$5, \$10, or (specify an  
15 amount) for the same purpose.

16           (c) Money received under this section must be deposited in the account established in [section 3]  
17 after the department has deducted the administrative charge provided for in 15-30-2386."

18

19           **Section 5.** Section 17-7-502, MCA, is amended to read:

20           ~~"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory~~  
21 ~~appropriation is an appropriation made by permanent law that authorizes spending by a state agency without~~  
22 ~~the need for a biennial legislative appropriation or budget amendment.~~

23           ~~(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with~~  
24 ~~both of the following provisions:~~

25           ~~(a) The law containing the statutory authority must be listed in subsection (3).~~

26           ~~(b) The law or portion of the law making a statutory appropriation must specifically state that a~~  
27 ~~statutory appropriation is made as provided in this section.~~

28           ~~(3) The following laws are the only laws containing statutory appropriations: 2-17-105 ; 5-11-120 ;~~

1 ~~5- 11-407 ; 5-13-403 ; 5-13-404 ; 7-4-2502 ; 7-4-2924 ; 7-32-236 ; 10-1-108 ; [section 3]; 10-1-1202 ; 10-1-1303~~  
2  ~~; 10-2- 603 ; 10-2-807 ; 10-3-203 ; 10-3-310 ; 10-3-312 ; 10-3-314 ; 10-3-802 ; 10-3-1304 ; 10-4-304 ; 10-4-310~~  
3  ~~; 15-1-121 ; 15-1-218 ; 15-31-165 ; 15-31-1004 ; 15-31-1005 ; 15-35-108 ; 15-36-332 ; 15-37-117 ; 15-39-110 ;~~  
4  ~~15-65-121 ; 15- 70-101 ; 15-70-130 ; 15-70-433 ; 16-11-119 ; 16-11-509 ; 17-3-106 ; 17-3-212 ; 17-3-222 ; 17-~~  
5 ~~3-241 ; 17-6-101 ; 17-7- 215 ; 18-11-112 ; 19-3-319 ; 19-3-320 ; 19-6-404 ; 19-6-410 ; 19-9-702 ; 19-13-604 ;~~  
6 ~~19-17-301 ; 19-18-512 ; 19-19- 305 ; 19-19-506 ; 19-20-604 ; 19-20-607 ; 19-21-203 ; 20-8-107 ; 20-9-534 ; 20-~~  
7 ~~9-622 ; [ 20-15-328 ] ; 20-26-617 ; 20- 26-1503 ; 22-1-327 ; 22-3-116 ; 22-3-117 ; [ 22-3-1004 ] ; 23-4-105 ; 23-5-~~  
8 ~~306 ; 23-5-409 ; 23-5-612 ; 23-7-301 ; 23-7- 402 ; 30-10-1004 ; 37-43-204 ; 37-50-209 ; 37-54-113 ; 39-71-503 ;~~  
9 ~~41-5-2011 ; 42-2-105 ; 44-4-1101 ; 44-12-213 ; 44-13-102 ; 46-32-108 ; 50-1-115 ; 53-1-109 ; 53-6-148 ; 53-9-~~  
10 ~~113 ; 53-24-108 ; 53-24-206 ; 60-5-530 ; 60-11-115 ; 61-3-321 ; 61-3-415 ; 67-1-309 ; 69-3-870 ; 69-4-527 ; 75-~~  
11 ~~1-1101 ; 75-5-1108 ; 75-6-214 ; 75-11-313 ; 75-26-308 ; 76- 13-150 ; 76-13-151 ; 76-13-417 ; 76-17-103 ; 77-1-~~  
12 ~~108 ; 77-2-362 ; 80-2-222 ; 80-4-416 ; 80-11-518 ; 80-11-1006 ; 81-1-112 ; 81-1-113 ; 81-7-106 ; 81-7-123 ; 81-~~  
13 ~~10-103 ; 82-11-161 ; 85-2-526 ; 85-20-1504 ; 85-20-1505 ; [ 85-25- 102 ] ; 87-1-603 ; 87-5-909 ; 90-1-115 ; 90-~~  
14 ~~1-205 ; 90-1-504 ; 90-6-331 ; and 90-9-306.~~

15 (4) ~~There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,~~  
16 ~~paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued~~  
17 ~~pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of~~  
18 ~~Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined~~  
19 ~~by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have~~  
20 ~~statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the~~  
21 ~~inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement~~  
22 ~~system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410~~  
23 ~~terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental~~  
24 ~~benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on~~  
25 ~~occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117~~  
26 ~~terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30,~~  
27 ~~2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025;~~  
28 ~~pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8,~~

1 Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec.  
2 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017,  
3 the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-  
4 209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates  
5 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June  
6 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to  
7 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,  
8 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion  
9 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004  
10 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,  
11 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and  
12 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.) "

13

14 NEW SECTION. SECTION 5. TRANSFER OF FUNDS. BY AUGUST 1, 2023, THE STATE TREASURER SHALL  
15 TRANSFER \$250,000 INTO THE ACCOUNT ESTABLISHED IN [SECTION 3].

16

17 NEW SECTION. Section 6. Appropriation. ~~(4) There is appropriated \$250,000 from the general fund~~  
18 ~~to the Montana national guard enlistment incentive account provided for in [section 3]~~ TO THE DEPARTMENT OF  
19 MILITARY AFFAIRS ~~for the biennium beginning July 1, 2023, for the purpose of encouraging enlistment in the~~  
20 ~~Montana national guard~~ PURPOSES SET FORTH IN [SECTION 1].

21 (2) — The legislature intends that the appropriation in this section be considered part of the ongoing  
22 base for the next legislative session.

23

24 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 3] are intended to be  
25 codified as an integral part of Title 10, chapter 1, and the provisions of Title 10, chapter 1, apply to [sections 1  
26 through 3].

27

28 NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2023.

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2            NEW SECTION. SECTION 9. TERMINATION. [SECTIONS 1 THROUGH ~~5~~ 3] TERMINATE JUNE 30, 2029.

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- END -