

1 HOUSE BILL NO. 852

2 INTRODUCED BY J. COHENOUR, T. WELCH, C. KEOGH, J. HAMILTON, J. WINDY BOY, S. GIST, P.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE HONOR AND REMEMBER ACT; INCLUDING  
6 THE SPACE FORCE AS A COMPONENT OF THE UNITED STATES ARMED FORCES; PROVIDING FOR  
7 THE CREATION OF A COMMEMORATIVE MEMORIAL COIN FOR FAMILY MEMBERS OF ELIGIBLE  
8 VETERANS; PROVIDING FOR DISTRIBUTION OF MEMORIAL COINS TO FAMILY MEMBERS; PROVIDING  
9 A DEFINITION; AND AMENDING SECTIONS 10-2-802, 10-2-803, 10-2-804, 10-2-805, AND 10-2-807, MCA."

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

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13 **Section 1.** Section 10-2-802, MCA, is amended to read:

14 **"10-2-802. Definitions.** As used in this part, the following definitions apply:

15 (1) "Eligible service member" means a service member who meets the criteria established in 10-2-  
16 804(2).

17 (2) "Eligible veteran" means a veteran of the United States armed forces who was a citizen of  
18 Montana at any time during the veteran's military service AND IS AUTHORIZED BY THE U.S. DEPARTMENT OF  
19 VETERANS AFFAIRS FOR MILITARY HONORS.

20 ~~(2)(3)~~ "Family member" means the spouse of an eligible service member or a person who is a parent,  
21 child, brother, sister, or grandparent of an eligible service member by lineage, adoption, legal guardianship, or  
22 marriage.

23 ~~(3)(4)~~ "United States armed forces" means the active and reserve components of the United States  
24 army, marine corps, navy, air force, ~~and coast guard, and space force,~~ COAST GUARD, AND NATIONAL GUARD."

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26 **Section 2.** Section 10-2-803, MCA, is amended to read:

27 **"10-2-803. Honor and remember medallion -- commemorative memorial coin.** (1) There is an  
28 honor and remember medallion for family members of eligible service members.

1           (2) There is a commemorative memorial coin for family members of eligible veterans.

2           (3) To the extent that funding is available for the purposes of this part, the department shall  
3 administer the provisions of this part and provide for the design and production of the medallion and coin and  
4 for ~~its~~ their distribution, along with the joint resolution under 10-2-806, to eligible family members."

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6           **Section 3.** Section 10-2-804, MCA, is amended to read:

7           **"10-2-804. Family member application -- eligibility determination.** (1) A family member of an  
8 eligible service member may apply for the honor and remember medallion and a family member of an eligible  
9 veteran may apply for the commemorative memorial coin using a form and in a manner prescribed by the  
10 department, including providing the documentation requested by the department.

11           (2) (a) An eligible service member is a member of the United States armed forces who:

12           (i) was killed in action or classified by the United States as missing in action on or after September  
13 8, 1939, while:

14           (A) engaged in an action against an enemy of the United States;

15           (B) serving with friendly foreign forces engaged in an armed conflict in which the United States was  
16 not a belligerent party against an opposing armed force; or

17           (C) engaged in military operations involving conflict with an opposing foreign force;

18           (ii) was serving on federal military active duty orders; and

19           (iii) was a legal resident of Montana at the time AND IS AUTHORIZED BY THE U.S. DEPARTMENT OF  
20 VETERANS AFFAIRS FOR MILITARY HONORS.

21           (B) AN ELIGIBLE VETERAN IS A MEMBER OF THE UNITED STATES ARMED FORCES WHO:

22           (I) SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE AND WHO WAS DISCHARGED OR RELEASED  
23 UNDER CONDITIONS OTHER THAN DISHONORABLE; AND

24           (II) WAS A LEGAL RESIDENT OF MONTANA AT THE TIME AND IS AUTHORIZED BY THE U.S. DEPARTMENT OF  
25 VETERANS AFFAIRS FOR MILITARY HONORS.

26           ~~(b)(c)~~ The department shall determine how the criteria described in subsection (2)(a) is to be defined  
27 and documented for the purposes of this part.

28           (3) ~~Upon~~On receipt of an application, the department shall determine whether the family member

1 is eligible to receive the medallion or coin and notify the family member of the determination."

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3 **Section 4.** Section 10-2-805, MCA, is amended to read:

4 **"10-2-805. First and subsequent medallions -- cost.** (1) The first medallion and the first copy of the  
5 joint resolution under 10-2-806 provided to a family member of an eligible service member or the first  
6 commemorative memorial coin provided to a family member of an eligible veteran must be provided without  
7 cost to the family member.

8 (2) After the first medallion or coin has been provided to a family member, additional family  
9 members of the eligible service member or the eligible veteran may, in a manner prescribed by the department,  
10 purchase additional medallions and copies of the joint resolution or coins for an amount that may not exceed  
11 the actual cost to the department for providing the additional medallions and joint resolutions or coins.

12 (3) A family member may receive only one medallion and resolution or coin.

13 (4) Payments received pursuant to this section must be deposited to the account established in  
14 10-2-807."

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16 **Section 5.** Section 10-2-807, MCA, is amended to read:

17 **"10-2-807. ~~Account~~ Accounts established -- statutory appropriation.** (1) (a) There is an account  
18 in the state special revenue fund provided for in 17-2-102 to the credit of the department for the honor and  
19 remember medallion program.

20 ~~(2)(b)~~ Gifts, grants, and donations provided for the purposes of this part and payments received  
21 under 10-2-805 must be deposited to this account.

22 ~~(3)(c)~~ Money in the account is statutorily appropriated, as provided in 17-7-502, to the department  
23 and may be used only for the purposes of this part.

24 (2) (a) There is an account in the state special revenue fund provided for in 17-2-102 to the credit  
25 of the department for the commemorative memorial coin program.

26 (b) Gifts, grants, and donations provided for the purposes of this part and payments received  
27 under 10-2-805 must be deposited to this account.

28 (c) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department

1 and may be used only for the purposes of this part."

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