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SENATE BILL NO. 66  
INTRODUCED BY M. FOX  
BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MONTANA NATIONAL GUARD BENEFITS AND RIGHTS; ADDING CONTRACT TERMINATION PROTECTIONS FOR SERVICE MEMBERS ON ACTIVE DUTY; REVISING DEFINITIONS; CLARIFYING NEEDS-BASED GRANTS FOR SERVICE MEMBERS AND THEIR FAMILY MEMBERS; AND AMENDING SECTIONS 10-1-902, 10-1-1302, 10-1-1304, AND 10-1-1305, MCA."

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

**NEW SECTION. Section 1. Termination of residential leases and telephone, internet access, and multichannel video programming service contracts.** (1) A service member on active duty may terminate any residential lease when ordered to a permanent duty station that is more than 60 miles away from the member's current residence.

(2) A service member on active duty who is ordered to a new permanent duty station may terminate a service contract if the service contract:

(a) was entered into before the service member was ordered to the new permanent duty station; and

(b) is not available from the service provider at the same quality or at the same cost at the service member's new permanent duty station.

(3) A service member who terminates a residential lease or a service contract under this section is not liable for early termination fees or other damages arising from early termination.

(4) (a) Termination of a residential lease or a service contract under this section must be made by delivering written notice of termination and a copy of the service member's military orders to the residential lessor or consumer services provider.

(b) Notice may be made by hand delivery, United States mail, or electronic means.

1 (c) Termination of the residential lease or service contract is not effective until 45 days after  
2 delivery of the notice.

3 (5) As used in this section, "service contract" means a contract for cellular phone service,  
4 telephone exchange service, internet access service, or multichannel video programming service.

5

6 **Section 2.** Section 10-1-902, MCA, is amended to read:

7 **"10-1-902. Definitions.** As used in this part, the following definitions apply:

8 (1) "Active duty" means at least 14 consecutive days of full-time state military duty, as defined in  
9 10-1-1003, or full-time national guard duty, as defined in 32 U.S.C. 101.

10 (2) "Dependent" means the spouse or minor child of a service member or any other person legally  
11 dependent on the service member for support.

12 (3) "Military service" means active duty with a Montana army or air national guard military unit.

13 (4) "Permanent duty station" means a service member's official permanent workplace as depicted  
14 in the member's written military order.

15 ~~(4)(5)~~ "Service member" means any member of the Montana army or air national guard serving on  
16 active duty."

17

18 **Section 3.** Section 10-1-1302, MCA, is amended to read:

19 **"10-1-1302. Montana military family relief fund -- purpose -- administration.** (1) There is a  
20 Montana military family relief fund.

21 (2) The purpose of the fund is to aid members ~~of the Montana national guard or reserve~~  
22 ~~component who have been activated for federal service in a contingency operation and the families of members~~  
23 and their family members through the hardships of military service.

24 (3) The department shall administer the fund as provided in this part."

25

26 **Section 4.** Section 10-1-1304, MCA, is amended to read:

27 **"10-1-1304. Definitions.** As used in this part, the following definitions apply:

28 (1) "Account" means the Montana military family relief fund account established in 10-1-1303.

1 (2) "Contingency operation" means an assignment within the provisions of 10 U.S.C. 101(a)(13).

2 (3) "Family member" means a person who has been approved as a dependent of a member and is  
3 enrolled as a dependent of the member in the defense enrollment eligibility reporting system of the United  
4 States department of defense.

5 (4) "Fund" means the Montana military family relief fund established in 10-1-1302.

6 (5) ~~"Member" means a Montana resident who is a member of the Montana national guard or~~  
7 ~~reserve component, as defined in 38 U.S.C. 101, and who on or after July 1, 2007, is on active duty for federal~~  
8 ~~service in a contingency operation~~ "Member" means:

9 (a) a member of the Montana army national guard;

10 (b) a member of the Montana air national guard; or

11 (c) a Montana resident who is a member of the reserve component, as defined in 38 U.S.C. 101,  
12 and who, beginning July 1, 2007, or after, is on active duty for federal service in a contingency operation."

13

14 **Section 5.** Section 10-1-1305, MCA, is amended to read:

15 **"10-1-1305. Allowable uses of account.** Subject to the availability of money in the account and 10-1-  
16 1306, the department shall use the money in the account to make the following grants to members and to  
17 family members:

18 (1) a status-based grant of \$250 to each family member of a member who is activated for federal  
19 service in a contingency operation for a period of more than 30 days;

20 (2) a needs-based grant of not more than \$2,000 to a member or ~~to a family member of a member~~  
21 ~~who is activated for federal service in a contingency operation for a period of more than 30 days and: if the~~  
22 member or family member is experiencing a significant emergency that, in the discretion of the department,  
23 warrants financial assistance; and

24 (a) ~~the member's monthly military pay and allowances, combined, are at least 30% less than the~~  
25 ~~member's monthly civilian wages or salary; or~~

26 (b) ~~the member or a family member is experiencing a significant emergency that warrants financial~~  
27 ~~assistance; and~~

28 (3) a casualty-based grant of \$2,000 to a member who at any time after activation for federal

1 service in a contingency operation sustained a nonfatal injury in the course of or related to combat as a direct  
2 result of hostile action. A member may receive only one casualty-based grant for injuries sustained during or  
3 arising out of the same contingency operation."

4  
5 NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an  
6 integral part of Title 10, chapter 1, part 9, and the provisions of Title 10, chapter 1, part 9, apply to [section 1].

7 - END -