



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:

**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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- END -

I hereby certify that the within bill,  
SB 66, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

SENATE BILL NO. 66

INTRODUCED BY M. FOX

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

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