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HOUSE BILL NO. 545

INTRODUCED BY E. BUTTREY, J. CARLSON, S. KERNS, M. BERTOGLIO, R. MARSHALL, G.

NIKOLAKAKOS, P. GREEN, B. BARKER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATE LAW TO RECOGNIZE THE UNITED STATES SPACE FORCE AS A COMPONENT OF THE UNITED STATES ARMED FORCES; STANDARDIZING THE ORDER IN WHICH ARMED FORCES COMPONENTS ARE LISTED; AND AMENDING SECTIONS 10-2-802, 13-21-102, 20-7-134, 39-29-101, AND 61-3-458, MCA."

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

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

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

- (1) "Eligible service member" means a service member who meets the criteria established in 10-2-804(2).
- (2) "Family member" means the spouse of an eligible service member or a person who is a parent, child, brother, sister, or grandparent of an eligible service member by lineage, adoption, legal guardianship, or marriage.
- (3) "United States armed forces" means the active and reserve components of the United States army, marine corps, navy, air force, space force, and coast guard."

Section 2. Section 13-21-102, MCA, is amended to read:

"13-21-102. Definitions. As used in this chapter, the following definitions apply:

- (1) "Covered voter" means:
 - (a) a uniformed-service voter or an overseas voter who is registered to vote in Montana;
 - (b) a uniformed-service voter whose voting residence is in Montana and who otherwise satisfies Montana's voter eligibility requirements;
 - (c) an overseas voter who, before leaving the United States, was last eligible to vote in Montana

1 and, except for a state residency requirement, otherwise satisfies Montana's voter eligibility requirements;

2 (d) an overseas voter who, before leaving the United States, would have been last eligible to vote
3 in Montana had the voter then been of voting age and, except for a state residency requirement, otherwise
4 satisfies Montana's voter eligibility requirements.

5 (2) "Dependent" means an individual recognized as a dependent by a uniformed service.

6 (3) "Digital signature" means the certificate-based digital identification code issued to qualified
7 personnel by the U.S. department of defense as part of the common access card or its successor.

8 (4) "Federal postcard application" means the application prescribed under section 101(b)(2) of the
9 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301(b)(2).

10 (5) "Federal write-in absentee ballot" means the ballot described in section 103 of the Uniformed
11 and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20303.

12 (6) "Military-overseas ballot" means:

13 (a) a federal write-in absentee ballot;

14 (b) an absentee ballot specifically prepared or distributed for use by a covered voter in accordance
15 with this chapter; or

16 (c) a ballot cast by a covered voter in accordance with this chapter.

17 (7) "Overseas voter" means a United States citizen who resides outside the United States who
18 would otherwise be qualified to vote in the last place in which the person was domiciled before leaving the
19 United States.

20 (8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United
21 States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

22 (9) "Uniformed service" means:

23 (a) active and reserve components of the army, marine corps, navy, air force, ~~marine corps~~ space
24 force, or coast guard of the United States;

25 (b) the merchant marine, the commissioned corps of the public health service, or the
26 commissioned corps of the national oceanic and atmospheric administration of the United States; or

27 (c) the national guard and state militia.

28 (10) "Uniformed-service voter" means an individual who is qualified to vote and is:

1 (a) a member of the active or reserve components of the army, marine corps, navy, air force,
2 ~~marine corps~~ space force, or coast guard of the United States who is on active duty;

3 (b) a member of the merchant marine, the commissioned corps of the public health service, or the
4 commissioned corps of the national oceanic and atmospheric administration of the United States;

5 (c) a member of the national guard or state militia in activated status; or

6 (d) a spouse or dependent of a member referred to in this subsection (10).

7 (11) "United States", used in the territorial sense, means the several states, the District of Columbia,
8 Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction
9 of the United States.

10 (12) "Voter registration application" means the form approved by the secretary of state that an
11 elector may use to register to vote in Montana."
12

13 **Section 3.** Section 20-7-134, MCA, is amended to read:

14 **"20-7-134. Access to public high school campuses -- definition.** (1) The access provided to
15 recruiters for the United States armed forces by a public high school must be equal to the access granted to
16 other recruiting groups and organizations. The access must include any directory information that may be
17 released about students pursuant to the Family Educational Rights and Privacy Act of 1974. Parents or legal
18 guardians have the right to inform the high school that they do not wish to have an armed forces recruiter speak
19 to their children.

20 (2) For purposes of this section, "armed forces" means the United States army, ~~air force~~ marine
21 corps, navy, ~~marines~~ air force, space force, coast guard, and merchant marine, including the United States
22 military reserves of these services, the Montana national guard, and the service academies and training
23 programs for these services."
24

25 **Section 4.** Section 39-29-101, MCA, is amended to read:

26 **"39-29-101. Definitions.** For the purposes of this chapter, the following definitions apply:

27 (1) "Armed forces" means the:

28 (a) United States army, marine corps, navy, air force, ~~marine corps~~ space force, and coast guard;

1 (b) merchant marine for service recognized by the United States department of defense as active
2 military service for the purpose of laws administered by the department of veterans affairs; and

3 (c) Montana army and air national guard.

4 (2) "Disabled veteran" means a person:

5 (a) whether or not the person is a veteran who was separated under honorable conditions from
6 military duty in the armed forces and has established the present existence of a service-connected disability or
7 is receiving compensation, disability retirement benefits, or a pension because of a law administered by the
8 department of veterans affairs, a military department, or the state of Montana; or

9 (b) who has received a purple heart medal.

10 (3) "Eligible relative" means:

11 (a) the unmarried surviving spouse of a veteran or disabled veteran;

12 (b) the spouse of a disabled veteran who is unable to qualify for appointment to a position;

13 (c) the mother of a veteran who died under honorable conditions while serving in the armed forces

14 if:

15 (i) the mother's spouse is totally and permanently disabled; or

16 (ii) the mother is the widow of the father of the veteran and has not remarried;

17 (d) the mother of a service-connected permanently and totally disabled veteran if:

18 (i) the mother's spouse is totally and permanently disabled; or

19 (ii) the mother is the widow of the father of the veteran and has not remarried.

20 (4) "Military duty" means duty with military pay and allowances in the armed forces.

21 (5) (a) "Position" means a position occupied by a permanent, temporary, or seasonal employee, as
22 defined in 2-18-101, for the state or a similar permanent, temporary, or seasonal employee with a public
23 employer other than the state.

24 (b) The term does not include:

25 (i) a state or local elected office;

26 (ii) appointment by an elected official to a body, such as a board, commission, committee, or
27 council;

28 (iii) appointment by an elected official to a public office if the appointment is provided for by law;

1 (iv) a department head appointment by the governor or an executive department head appointment
2 by a mayor, city manager, county commissioner, or other chief administrative or executive officer of a local
3 government;

4 (v) engagement as an independent contractor or employment by an independent contractor; or

5 (vi) a position occupied by a student intern, as defined in 2-18-101.

6 (6) "Public employer" means:

7 (a) a department, office, board, bureau, commission, agency, or other instrumentality of the
8 executive, legislative, or judicial branches of the government of this state;

9 (b) a unit of the Montana university system;

10 (c) a school district or community college; and

11 (d) a county, city, or town.

12 (7) "Scored procedure" means a written test, structured oral interview, performance test, or other
13 selection procedure or a combination of these procedures that results in a numerical score to which percentage
14 points may be added.

15 (8) (a) "Under honorable conditions" means a discharge or separation from military duty
16 characterized by the armed forces as under honorable conditions. The term includes honorable discharges and
17 general discharges.

18 (b) The term does not include dishonorable discharges or other administrative discharges
19 characterized as other than honorable.

20 (9) "Veteran" means a person who:

21 (a) was separated under honorable conditions from active federal military duty in the armed forces
22 after having served more than 180 consecutive days, other than for training;

23 (b) as a member of a reserve component under an order of federal duty pursuant to 10 U.S.C.
24 12301(a), (d), or (g), 10 U.S.C. 12302, or 10 U.S.C. 12304 served on active duty during a period of war or in a
25 campaign or expedition for which a campaign badge is authorized and was discharged or released from duty
26 under honorable conditions; or

27 (c) is or has been a member of the Montana army or air national guard and who has satisfactorily
28 completed a minimum of 6 years of service in the armed forces, the last 3 years of which have been served in

1 the Montana army or air national guard."

2

3 **Section 5.** Section 61-3-458, MCA, is amended to read:

4 **"61-3-458. Special plates for military personnel, veterans, spouses, and gold star families.** (1)

5 (a) Active military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not
6 remarried, may be issued special military or veteran license plates as provided in this section.

7 (b) As provided in subsection (3), family members of a member of the U.S. armed forces who are
8 eligible for or who have received:

9 (i) a "Gold Star Lapel Button" may be issued special gold star family license plates; and

10 (ii) a "Next-of-Kin of Deceased Personnel Lapel Button" may be issued special next-of-kin license
11 plates.

12 (c) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special
13 license plates issued pursuant to this section must be numbered in sets of two with a different number on each
14 set and must be properly displayed as provided in 61-3-301. Special military, veteran, gold star family, or next-
15 of-kin license plates may not be issued for a quadricycle, semitrailer, or pole trailer. Special military, veteran,
16 gold star family, or next-of-kin license plates bearing a wheelchair as the symbol of a person with a disability
17 may be issued to a person who meets the qualifications under 61-3-332(9) and this section. Special military or
18 veteran license plates may be issued for a motorcycle pursuant to 61-3-414.

19 (2) (a) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer
20 registration fees and special license plate fees and providing an official certificate from the applicant's unit
21 commander verifying the individual's eligibility and authorizing the department to issue the plates to the
22 individual, eligible military personnel may be issued one set of special military license plates as provided in this
23 subsection (2).

24 (b) A member of the Montana national guard who is a state resident may be issued special license
25 plates with a design or decal displaying the letters "NG". However, the member shall surrender the plates to the
26 department when the member becomes ineligible.

27 (c) A member of the reserve armed forces of the United States who is a state resident may be
28 issued special license plates according to the member's branch of service verified in the application with a

1 design or decal displaying one of the following: United States army reserve, AR (symbol); United States naval
2 reserve, NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve,
3 MCR (globe and anchor). However, the member shall surrender the plates to the department when the member
4 becomes ineligible.

5 (d) An active member of the regular armed forces of the United States who is a state resident may
6 be issued special license plates inscribed with a symbol signifying the United States army, United States
7 marine corps, United States navy, United States air force, ~~United States marine corps~~ United States space
8 force, or United States coast guard, according to the member's branch of service verified in the application.
9 However, the member shall surrender the plates to the department upon becoming ineligible.

10 (3) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer
11 registration fees and special license plate fees and:

12 (a) providing a department of defense form 3 (DD Form 3) or its successor or documents showing
13 the person's eligibility for a "Gold Star Lapel Button", a family member of a member of the U.S. armed services
14 who is eligible to receive or who has received a "Gold Star Lapel Button" as provided in Public Law 534, 89th
15 congress, may be issued special license plates inscribed with a blue-bordered gold star with the words "Gold
16 Star Family" inscribed beneath the registration number; or

17 (b) providing a department of defense form 1300 (DD Form 1300) or its successor or documents
18 showing the person's eligibility for a "Next-of-Kin of Deceased Personnel Lapel Button", a family member of a
19 member of the U.S. armed services who is eligible to receive or who has received a "Next-of-Kin of Deceased
20 Personnel Lapel Button" as provided in 32 CFR 578.63 may be issued special next-of-kin license plates
21 inscribed as determined by the department in consultation with the Montana department of military affairs.

22 (4) (a) Upon application, after presenting proper identification and a department of defense form
23 214 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment
24 verifying the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable
25 motor vehicle, trailer, semitrailer, or pole trailer registration fees under this chapter, subject to the provisions of
26 61-3-460, an eligible veteran must be issued any set and more than one set of the special license plates
27 provided for in this subsection (4) that the member requests and is eligible to receive.

28 (b) A veteran may be issued special license plates displaying the letters "DV", which entitles the

1 veteran to the parking privileges allowed to a person with a special parking permit issued under Title 49,
2 chapter 4, part 3, if the veteran:

3 (i) has been awarded the purple heart and has been rated by the U.S. department of veterans
4 affairs as 50% or more disabled because of a service-connected injury; or

5 (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of
6 veterans affairs for a service-connected disability.

7 (c) A veteran who has been awarded the purple heart may be issued special license plates with
8 the purple heart decal displaying the words "combat wounded".

9 (d) A veteran who was captured and held prisoner by the military force of a foreign nation may be
10 issued special license plates with a design or decal displaying the words "ex-prisoner of war" or an abbreviation
11 that the department considers appropriate.

12 (e) If the veteran was a member of the United States armed forces on December 7, 1941, and
13 during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or
14 was offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special
15 license plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

16 (f) A person who is a member of the legion of valor may be issued special plates displaying a
17 design or decal depicting the recognized legion of valor medallion.

18 (g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol
19 signifying the United States army, United States marine corps, United States navy, United States air force,
20 ~~United States marine corps~~ United States space force, or United States coast guard, according to the veteran's
21 service record verified in the application.

22 (h) A member or a former member of the Montana national guard eligible to receive a military
23 retirement may be issued special license plates displaying the Montana national guard insignia and the words
24 "National Guard veteran".

25 (i) A veteran who qualifies under subsections (4)(b) and (4)(c) may be issued special combination
26 license plates displaying the letters "DV" and displaying a purple heart decal with the words "combat wounded".
27 A person who receives the combination plates is entitled to the same parking privileges as provided in
28 subsection (4)(b).

