

HOUSE BILL NO. 271

INTRODUCED BY R. COOK, J. SESSO

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA HONOR AND REMEMBER ACT
5 FOR FAMILY MEMBERS OF MILITARY SERVICE MEMBERS WHO HAVE BEEN KILLED OR DECLARED
6 MISSING IN ACTION; PROVIDING DEFINITIONS; REQUIRING THE DEPARTMENT OF MILITARY AFFAIRS
7 TO ADMINISTER THE PROGRAM; ESTABLISHING ELIGIBILITY CRITERIA; ESTABLISHING A SPECIAL
8 REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; PROVIDING FOR A TRANSITION
9 FROM THE MONTANA AWARD FOR VALOROUS SERVICE AND A SUNSET DATE FOR THE AWARD;
10 AMENDING SECTIONS 1-1-522 AND 17-7-502, MCA; REPEALING SECTION 1-1-522, MCA; AND PROVIDING
11 EFFECTIVE DATES."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14

15 NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Montana Honor and
16 Remember Act".
17

18 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 7], the following definitions
19 apply:

20 (1) "Eligible service member" means a service member who meets the criteria established in [section
21 4(2)].

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

24 (3) "United States armed forces" means the active and reserve components of the United States army,
25 marine corps, navy, air force, and coast guard.
26

27 NEW SECTION. **Section 3. Honor and remember medallion.** There is an honor and remember
28 medallion for family members of eligible service members. To the extent that funding is available for the purposes
29 of [sections 1 through 7], the department shall administer the provisions of [sections 1 through 7] and provide for
30 the design and production of the medallion and for its distribution, along with the joint resolution under [section



1 6], to eligible family members.

2

3 **NEW SECTION. Section 4. Family member application -- eligibility determination.** (1) A family
4 member of an eligible service member may apply for the honor and remember medallion using a form and in a
5 manner prescribed by the department, including providing the documentation requested by the department.

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

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

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

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

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

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

14 (iii) was a legal resident of Montana at the time.

15 (b) The department shall determine how the criteria described in subsection (2)(a) is to be defined and
16 documented for the purposes of [sections 1 through 7].

17 (3) Upon receipt of an application, the department shall determine whether the family member is eligible
18 to receive the medallion and notify the family member of the determination.

19

20 **NEW SECTION. Section 5. First and subsequent medallions -- cost.** (1) The first medallion and the
21 first copy of the joint resolution under [section 6] provided to a family member of an eligible service member must
22 be provided without cost to the family member.

23 (2) After the first medallion has been provided to a family member, additional family members of the
24 eligible service member may, in a manner prescribed by the department, purchase additional medallions and
25 copies of the joint resolution for an amount that may not exceed the actual cost to the department for providing
26 the additional medallions and joint resolutions.

27 (3) A family member may receive only one medallion and resolution.

28 (4) Payments received pursuant to this section must be deposited to the account established in [section
29 7].

30

1 **NEW SECTION. Section 6. Joint resolution -- award provided.** (1) During a regular legislative
2 session, the department shall notify the president of the senate of the eligible service members for which a first
3 medallion has been requested.

4 (2) The president of the senate shall request and introduce a joint resolution naming each eligible service
5 member for which a first medallion has been requested. The resolution is exempt from any bill request limits
6 established by legislative rule.

7 (3) If the joint resolution passes the legislature, the department shall send a copy of the signed joint
8 resolution naming the eligible service member to the family member who has applied for and has been
9 determined to be eligible to receive the medallion honoring and remembering that service member.

10
11 **NEW SECTION. Section 7. Account established -- statutory appropriation.** (1) There is an account
12 in the state special revenue fund provided for in 17-2-102 to the credit of the department.

13 (2) Gifts, grants, and donations provided for the purposes of [sections 1 through 7] and payments
14 received under [section 5] must be deposited to this account.

15 (3) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department and may
16 be used only for the purposes of [sections 1 through 7].

17
18 **Section 8.** Section 1-1-522, MCA, is amended to read:

19 **"1-1-522. Montana award of valorous service to honor Montana's fallen heroes -- administration**
20 **by department of military affairs.** (1) There is a Montana award of valorous service. The award is to honor
21 members of the United States armed forces who were legal residents of the state of Montana or were stationed
22 in or deployed from Montana and who were, on or after December 7, 1941, killed in the line of duty or were
23 classified as missing in action while:

24 (a) engaged in military operations against an enemy of the United States;

25 (b) serving with a friendly foreign military force engaged in an armed conflict in which the United States
26 is not a belligerent party; or

27 (c) serving in a combat zone designated by presidential order.

28 (2) (a) The president of the senate shall request the drafting of and shall introduce during each regular
29 legislative session a joint resolution naming each person to be a recipient of the Montana award of valorous
30 service.

1 (b) If both houses of the legislature pass the joint resolution, the Montana award of valorous service must
 2 be presented by the governor, the president of the senate, and the speaker of the house of representatives to
 3 a surviving family member, as designated by the award recipient in the defense enrollment eligibility reporting
 4 system or by law, during a special joint floor session of the senate and the house of representatives. If the
 5 surviving family member of an award recipient cannot be present to accept the award, the award may be mailed
 6 to the surviving family member.

7 (3) (a) The department of military affairs shall administer the provisions of this section, determine award
 8 recipients, including the appropriate surviving family member, and coordinate with the surviving family members
 9 and representatives who will be accepting the awards on behalf of the recipients.

10 (b) Surviving family members or service organizations shall notify the department of military affairs if the
 11 surviving family member believes a deceased relative is eligible or if a service organization is aware of possible
 12 award recipients.

13 (4) For purposes of this section, "United States armed forces" means the regular and reserve
 14 components of the United States army, navy, air force, marine corps, coast guard, and the merchant marine.

15 (5) A family member who is eligible to receive the valorous service award under this section AND WHO
 16 HAS NOTIFIED THE DEPARTMENT AND REQUESTED THE AWARD but has not yet received the award as of the effective
 17 date of this act] must instead receive the honor and remember medallion and joint resolution provided for in
 18 [sections 1 through 7]. AN ELIGIBLE FAMILY MEMBER WHO HAS REQUESTED THE AWARD ON OR BEFORE [THE EFFECTIVE
 19 DATE OF THIS ACT] MUST RECEIVE THE HONOR AND REMEMBER MEDALLION BY AUGUST 1, 2017."

20
 21 **Section 9.** Section 17-7-502, MCA, is amended to read:
 22 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
 23 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
 24 need for a biennial legislative appropriation or budget amendment.

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

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

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

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

1 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; [section 7]; 10-3-203; 10-3-310;
 2 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;
 3 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;
 4 17-7-215; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305;
 5 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905;
 6 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612;
 7 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101;
 8 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415;
 9 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222;
 10 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603;
 11 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

12 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 13 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 14 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 15 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 16 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 17 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 18 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
 19 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and
 20 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
 21 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
 22 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion
 23 of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004
 24 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30,
 25 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017;
 26 pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency;
 27 pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch.
 28 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.
 29 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,
 30 the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of

1 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of
2 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
3 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates
4 September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December
5 31, 2023.)"

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7 **NEW SECTION. Section 10. Repealer.** The following section of the Montana Code Annotated is
8 repealed:

9 1-1-522. Montana award of valorous service to honor Montana's fallen heroes -- administration by
10 department of military affairs.

11
12 **NEW SECTION. Section 11. Codification instruction.** [Sections 1 through 7] are intended to be
13 codified as an integral part of Title 10, chapter 2, and the provisions of Title 10, chapter 2, apply to [sections 1
14 through 7].

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16 **NEW SECTION. Section 12. Effective dates.** (1) Except as provided in subsection (2), [this act] is
17 effective on passage and approval.

18 (2) [Section 10] is effective January 1, 2018.

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