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*House* BILL NO. *616*  
INTRODUCED BY *Richard Schuyler Anthony Brand*

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 77-2502, 77-2506, AND 77-2507, R.C.M. 1947, TO PROVIDE AN HONORARIUM TO MONTANANS WHO SERVED IN THE MILITARY OUTSIDE THE UNITED STATES DURING THE VIETNAM WAR."

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

Section 1. Section 77-2502, R.C.M. 1947, is amended to read as follows:

"77-2502. Purpose--honorarium granted. (1) In recognition and appreciation of the valor and devotion of the persons who by their military service discharged the obligation of the state of Montana to contribute from its manpower to the defense of the republic in the prosecution of the Vietnam War, and in partial adjustment for the economic detriment suffered by them by reason of their service, the state of Montana hereby grants to each such person an honorarium, or adjusted compensation, in a sum to be computed as provided in this section.

(2) Each resident of Montana who was in military service at any time during the Vietnam War, and during part or all of the period of such service was in the Vietnam area, is granted the sum of eighteen dollars and

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seventy-five cents (\$18.75) for each month and major fraction of a month of such service in the Vietnam area. For the purpose of this subdivision:

(a) any serviceman who, while on active duty in the Vietnam area during the Vietnam War, suffered disease or injury from any cause whatsoever, including injury from exposure to weather conditions, and in line of duty, and is hospitalized therefor by any of the military forces, shall be deemed to have been in military service in the Vietnam area as long as he shall be or was continuously hospitalized in any hospital or similar institution under the control of or employed by the United States, wherever situated;

(b) any serviceman who was taken prisoner by the enemy in the Vietnam area, and who was classified by the department of defense as a prisoner of war, shall be deemed to have been in military service in the Vietnam area as long as he shall be or was continuously so classified; but

(c) each such prisoner of war shall be paid not less than seven hundred fifty dollars (\$750), and no serviceman shall be paid, under any of the provisions of this subdivision, more than seven hundred fifty dollars (\$750).

(3) Each resident of Montana who was in military service at any time during the Vietnam War and who served outside the United States, but not in the Vietnam area, is granted the sum of twelve dollars and fifty cents (\$12.50)

1 for each month and major fraction of a month of such service  
 2 outside the United States during the Vietnam war.

3 ~~(3)~~ (4) The surviving spouse, children, or parents, as  
 4 the case may be, of any serviceman who shall have died in  
 5 line of duty while in military service in the Vietnam area  
 6 during the Vietnam War, or who shall have died from any  
 7 cause attributable to his military service, in the Vietnam  
 8 area in line of duty, as shown by the records of the United  
 9 States veterans administration, prior to receiving a payment  
 10 under this section, or who is officially listed as missing  
 11 in action, shall be paid the amount to which such deceased  
 12 or missing serviceman would have been entitled had he  
 13 received such payment, or if that amount is less than seven  
 14 hundred fifty dollars (\$750), then such surviving spouse,  
 15 children, or parents, as the case may be, shall be paid the  
 16 sum of seven hundred fifty dollars (\$750) and no more.

17 ~~(4)~~ (5) Notwithstanding any other provisions of this  
 18 law:

19 (a) a person who has received or is entitled to receive  
 20 from any other state or territory of the United States a  
 21 gratuity, bonus, honorarium, adjusted compensation, or  
 22 similar payment for military service in the military forces  
 23 in the Vietnam War, shall be paid by the state of Montana  
 24 only the excess, if any, of the aggregate amount to which he  
 25 would otherwise be entitled hereunder, over and above the

1 amount he receives or is entitled to receive from such other  
 2 state or territory; and

3 (b) no payment shall be made under this law to any  
 4 person who has been dishonorably discharged from military  
 5 service and has not been restored by proper authority to an  
 6 honorable status, or to any person still in service who is  
 7 in a dishonorable status and has not been restored by proper  
 8 authority to an honorable status at the time of payment."

9 Section 2. Section 77-2506, R.C.M. 1947, is amended to  
 10 read as follows:

11 "77-2506. Deadline for applications. All applications  
 12 for the payment of grants under this law shall be filed on  
 13 or before July 1, ~~1976~~ 1977, with the board of examiners or  
 14 with a county clerk and recorder of any county of this  
 15 state. Upon receiving any such application, the clerk and  
 16 recorder shall give the applicant a receipt therefor,  
 17 stating therein the exact time of such filing, and shall  
 18 immediately endorse the fact and time of filing upon the  
 19 application, over his signature and seal, and immediately  
 20 transmit the application to the board of examiners. Any  
 21 filing at a place and within the time specified in this  
 22 section shall preserve the rights of the applicant to the  
 23 grant, notwithstanding any defect in his application,  
 24 provided that any such defects are later corrected under  
 25 reasonable rules to be adopted by the board of examiners."

1 Section 3. Section 77-2507, R.C.M. 1947, is amended to  
2 read as follows:

3 "77-2507. Contents of application. (1) All  
4 applications by servicemen shall contain:

5 (a) the full name of the applicant;

6 (b) the then address of the applicant;

7 (c) the date and place of birth of the applicant;

8 (d) the name under which the applicant served in the  
9 military forces;

10 (e) the date of beginning and the date of ending  
11 military service;

12 (f) the date of beginning and the date of ending  
13 military service in the Vietnam area, or outside the  
14 United States;

15 (g) the date and place where applicant was discharged  
16 from active service, or if still on active duty, the name of  
17 the organization in which he is then serving;

18 (h) applicant's residence at the time of entry into  
19 military service;

20 (i) the selective service office in which applicant was  
21 registered;

22 (j) whether applicant has received or is entitled to  
23 receive an honorarium or similar payment from any other  
24 state or territory of the United States, and if so, the  
25 amount thereof; and

1 (k) such reasonable documentation as the board shall  
2 require.

3 (2) Applications by children or parents of a deceased  
4 serviceman shall contain all the information concerning such  
5 serviceman as required in an application by such serviceman,  
6 so far as obtainable by such applicant, and the necessary  
7 facts upon which the applicant claims the right to such  
8 payment.

9 (3) The board of examiners shall cause to be printed an  
10 ample supply of application forms, and shall furnish to each  
11 clerk and recorder in Montana an adequate supply of such  
12 application forms.

13 (4) Any person who, with intent to defraud, subscribes  
14 to any false oath or makes any false representation, either  
15 in the application herein provided for or in the proof  
16 offered in support thereof, for the purpose of obtaining  
17 payment hereunder when he is in fact not entitled to such  
18 payment, shall be guilty of the offense of false swearing  
19 and punishable accordingly."

-End-

## STATE OF MONTANA

REQUEST NO. 247-75

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 21, 19 75, there is hereby submitted a Fiscal Note for House Bill 616 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 616 provides an honorarium to Montanans who served in the military outside the United States during the Vietnam War.

## ASSUMPTIONS:

1. There were approximately 35,000 Montana citizens serving in non-Vietnam areas during the Vietnam war. There were approximately 10,300 Montanans who served in Vietnam. Assume that approximately half or 22,000 citizens are eligible for the additional honorariums outlined in the bill.
2. The average honorarium paid to Vietnam veterans under previous legislation was \$265. Although the per month allowance is lower under the proposed legislation, the period of service covered in each case is likely to be higher; therefore, the same figure is used as the basis for projecting benefits.
3. Additional office space and equipment expenses, operating expenses and personal services expenses will be incurred in administering the proposed legislation.

## FISCAL IMPACT:

	FY 76	FY 77
Estimated increase in administrative expenditures	\$ 250,000	\$ 158,100
Estimated increase in benefits	<u>2,915,000</u>	<u>2,915,000</u>
Total estimated increase in expenditures	<u>\$3,165,000</u>	<u>\$3,073,100</u>

## CONCLUSIONS:

Precise information regarding those eligible for military honorarium under the proposed legislation, is not available. However, it is estimated that enactment of House Bill 616 would require expenditures of a \$6.2 million during the 1975-77 biennium.

*Michael Ballings*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 22, 1975