

1 Senate BILL NO. 392  
 2 INTRODUCED BY Furnage

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE VETERANS'  
 5 HIRING PREFERENCE TO CHILDREN OF VETERANS' WIDOWS; DEFINING  
 6 DEPENDENTS AND CHILDREN; AMENDING SECTION 77-501, R.C.M.  
 7 1947."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA;

10 Section 1. Section 77-501, R.C.M. 1947, is amended to  
 11 read as follows:

12 "77-501. Purpose of act--definitions--preference. The  
 13 purpose of this act is to provide for preference of  
 14 veterans, their unremarried widows, and dependents, and  
 15 certain disabled civilians in appointment and employment in  
 16 every public department and upon all public works of the  
 17 state of Montana and of any county and city thereof.

18 (1) Definitions.

19 (a) The term "veterans" as herein used, means men and  
 20 women who served in the armed forces of the United States,  
 21 and who have been separated from such service upon  
 22 conditions other than dishonorable, in time of war or  
 23 declared national emergency as follows: the Civil War; the  
 24 Spanish American War; the Philippine Insurrection; World War  
 25 I, between April 6, 1917, and November 11, 1918, both dates

1 inclusive; World War II, which term means such service  
 2 between September 16, 1940, and December 31, 1946, both  
 3 dates inclusive; the Korean War, military expedition, or  
 4 police action, between June 26, 1950, and January 31, 1955,  
 5 both dates inclusive; and those honorably discharged  
 6 veterans who have served on active military duty for more  
 7 than one hundred eighty (180) days after January 31, 1955,  
 8 or who were discharged or released because of a  
 9 service-connected disability, including, but not limited to,  
 10 those veterans serving because of the Vietnam Conflict.

11 (b) The term "widows" as herein used means unremarried  
 12 widows of veterans.

13 (c) The terms "dependent" or "child of a deceased  
 14 veteran" mean a person under twenty-two (22) years of age,  
 15 one of whose parents is or was a veteran as defined in this  
 16 section.

17 (2) Preference to appointment and employment.

18 In every public department and upon all public works of  
 19 the state of Montana and of any county or city thereof, the  
 20 following shall be preferred for appointment and employment:  
 21 veterans, their wives and widows, the children of deceased  
 22 veterans, and the other dependents of disabled veterans;  
 23 disabled civilians recommended by the state rehabilitation  
 24 bureau;

25 Provided that age, loss of limb, or other physical

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1 impairment which does not in fact incapacitate, shall not be  
 2 deemed to disqualify any disabled veteran or any such  
 3 disabled civilian provided he or she possesses the business  
 4 capacity, competency, and education to discharge the duties  
 5 of the position involved;

6 Provided further that those of the above described  
 7 veterans who have disabilities admitted by the veterans  
 8 administration of the United States to have been incurred in  
 9 service in any of said wars or military expeditions or  
 10 police action, where such disabilities do not in fact  
 11 incapacitate, shall be given preference in employment over  
 12 other veterans.

13 (3) Credit for examinations.

14 When written or oral examinations are required for  
 15 employment as above described, disabled veterans and their  
 16 wives, their unremarried widows, children of deceased  
 17 veterans, and other dependents of disabled veterans, shall  
 18 have added to their examination ratings a credit of ten  
 19 points, and all other veterans, their wives, unremarried  
 20 widows, and dependents shall have added to their examination  
 21 ratings a credit of five points; provided that the fact that  
 22 an applicant has claimed a veterans' credit shall not be  
 23 made known to the examiners until ratings of all applicants  
 24 have been recorded; after which such credits shall be added  
 25 to the examination rating and the records shall show the

1 examination rating and the veteran's credit; provided  
 2 further that the benefits of this subsection are in addition  
 3 to and not in derogation of the preference in appointment  
 4 and/or employment given by subsection (2) hereof.

5 (4) Eligibility.

6 That none of the benefits of this act shall accrue to  
 7 any person who refused to serve on active duty in the  
 8 military service to which attached, or to take up arms in  
 9 the defense of the United States; provided, however, that no  
 10 person, not a citizen of the United States, shall be  
 11 employed by any state, city or county officer in any  
 12 capacity if competent American labor is available; and  
 13 provided, further, that no person who has not been a  
 14 resident of Montana for at least one (1) year immediately  
 15 preceding an appointment shall be entitled to such  
 16 preference; provided, further, that for city or county  
 17 employment, no preference will be granted unless applicant  
 18 under this act is also a resident of the city or town or  
 19 county in which employment is sought.

20 (5) Enforcement of preference.

21 That any person entitled to preference in this section  
 22 who has applied for any appointment or employment upon  
 23 public works of the state of Montana or of any county and  
 24 city thereof, or in any public department of said state and  
 25 who has been denied said employment or appointment and feels

1 that the spirit of this act has been violated and that he is  
2 in fact qualified physically, mentally and possesses  
3 business capacity, competency and education to discharge the  
4 duties of the position applied for, shall have the right to  
5 petition by verified petition the district court of the  
6 state of Montana in the county in which the work is to be  
7 performed, setting forth the facts of his application,  
8 qualifications, competency and his honorable discharge or  
9 other qualifications warranting him to preference under this  
10 act, and upon filing of such petition any judge in said  
11 court shall forthwith issue an order to show cause to the  
12 appointing authority directing said appointing authority to  
13 appear in said court at a specified time and place, not less  
14 than five (5) nor more than ten (10) days after the filing  
15 of said verified petition, to show cause, if any he has, why  
16 said veteran or person entitled to preference should not be  
17 employed by him and that said district court shall have  
18 jurisdiction upon the proper showings to issue its order  
19 directing and ordering said appointing authority to comply  
20 with this law in giving the preference herein provided."

-End-

Approved by Committee  
on Labor & Employment  
Relations

1 SENATE BILL NO. 392

2 INTRODUCED BY TURNAGE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE VETERANS'  
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-End-