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1	SENATE BILL NO. 13	1	supervisor <sub>vi</sub> <del>proforably an honorably discharged corvice man</del>
2	INTRODUCED BY BLAYLOCK	2	or-worany-whose-duty-it-shall-bo-to
3		3	(2) The veterans' burial supervisor shall cause to be
4	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL	4	decently interred the body of any <del>honorably discharged</del>
5	REVISION AND CLARIFICATION OF LAWS RELATING TO MILITARY	5	corvice-man serviceman or woman servicewomany who is a
6	AFFAIRS AND CIVIL DEFENSE; AMENDING SECTIONS 53-106.10,	6	resident of the state of Bontana shall have and either:
7	71-120, 75-8612, 77-501, 77-604, 77-707, 77-1601, 77-1606,	7	(a) served in any branch of the armed services of the
8	77-1705, 77-2102, 77-2106, 77-2305, 77-2306, AND 77-2404,	8	United States, was bonorably discharged, and who may
9	R.C.M. 1947; AWD REPEALING SECTION 77-2308, R.C.M. 1947."	9	hereafter die <del>er-asy-sorvise-mas-er-voman-vho</del> :
10		10	(b) is now serving and dies while so serving;
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTABA:	11	(c) died while in service during any declared or
12	Section 1. Section 53-106.10, R.C.M. 1947, is amended	12	andeclared war, or
13	to read as follows:	13	<u>(d) is a</u> resident of the Montana veterans' home <del>, who</del>
14	"53-106.10. <del>Feteranst from plates limited toone</del>	14	aay boreaftor die at time of death.
15	<del>automobile</del> <u>Disabled_veteran — license plates,</u> No disabled	15	(3) Such burial shall not be made in any burial
16	veteran <del>chall be</del> is entitled to free license plates for more	16	grounds or cenetery, or in any portion of any burial grounds
17	than one automobile motor vehicle."	17	or cenetery, used exclusively for the burial of pauper dead.
18	Section 2. Section 71-120, R.C.M. 1947, is amended to	18	<del>(2) <u>(4)</u> The expense of a burial shall be two hundred</del>
19	read as follows:	19	fifty-dollars (\$250), to be A sum not to exceed \$250 to
20	■71-120. Burial <del>of deceased</del> <u>allowance for</u> military	20	defer burial expense shall be paid by the county
21	corvice son servicemen and women servicevomen. (1) It- shall	21	commissioners of the county in which the deceased was an
22	be-the-duty of the <u>The</u> board of commissioners of each county	22	actual bona fide resident at the time of death.
23	in this state <del>to</del> <u>shall</u> designate <del>some proper</del> a person in the	23	<del>(3)<u>(5)</u> The benefits hereof <del>shall not be</del> are not</del>
24	county, <del>who shall be known</del> preferably an honorably	24	available in the case of any decedent whose executor,
25	<u>discharged serviceman or servicewoman</u> as veterans' burial	25	administrator, or heirs waive the benefits.
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INTRODUCED BILL

1 (4)(6) That the oppense of each Whenever burial is of 2 a resident of the Montana veterans' home, shall not encould 3 the sum of two hundred fifty dollars (\$250), to a sum not to 4 exceed \$250 to defer burial expenses shall be paid by the 5 county commissioners of the county in which the deceased 6 person resided prior to admittance to the Montana veterans' 7 home.

8 (5)-(7) In-the-event-any-such-honorably-discharged 9 persony-sale-or-feasie, who-shall-have-served-in--the-armed 10 coprises-of-the-United States, and the is a resident of the state-of Hontana,-shall-die If a person qualified under 11 12 subsection (2) (a) dies while temporarily absent from the 13 state or county of residence, then the provisions of this 14 ast-shall section apply, and the burial expenses not exceeding the amount herein specified shall be paid in the 15 16 same manner as above provided.

17 (6) (8) Whenever any such honorably discharged porson, sale-or-fesale-hereisbefore-decoribed-shall-die a person 18 19 qualified under subsection (2) (a) dies at any public 20 institution of the state of Montana, other than the state 21 Montana veterans' home, and burial for any cause shall is 22 not be made in the county of the former residence of the 23 deceased, the officers of said the state institution,-as 24 aforesaid, shall provide the proper burial herein prescribed 25 except that the. The reinbursement for the expense of each

burial shall may not erceed \$250 the sum herein allowed, which. The expense shall be paid by the county in which the decedent resided at the time of entry into such

5 (9) but no No such burial shall may be covered by any 6 special or standing contract whereby the cost of burial is 7 reduced below the maximum hereinbefore fixed, to the 8 disparagement of proper interment."

9 Section 3. Section 75-8612, R.C.H. 1947, is amended to
10 read as follows:

11 \*75-8612. #ar-opphans-attendance-to-be-without-fees-12 Fee waiver --- children of prisoners of war and persons killed in action. (1) The board of regents of higher 13 14 education may waive the charges for the matriculation, tuition. and any educational fees, at any of the units of 15 the Montana university system for the children (of members 16 17 of the armed forces of the United States who: (a) served on active duty during World War II or the 18 19 Korean or Vietnam conflicts; and who, at the time of outry

20 into the service,

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institution.

(b) had legal residence in this state at the time of
 entry into the service; and

(c) and who wore heretofore, or shall hereafter be,
 either are killed in action or shall have died die as a
 result of injury, disease, or other disability incurred

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while in the service of the armed forces of the United
 States) when attend any of the uniter of the un

4 (2) The educational assistance to which an eligible 5 person is entitled to under this ast section may be afforded 6 him during the period beginning on his eighteenth (18) 18th 7 birthday, or on the successful completion of his secondary 8 schooling, whichever first occurs, and ending on his 9 twenty third (23) 23rd birthday.

10 (3) If he serves on duty with the armed forces as an 11 eligible person after his <del>eighteenth-(18)</del> 18th birthday but 12 before his twonty-third (23) 23rd birthday, then the period 13 shall-ond fire (5) ends 5 years after his first discharge or 14 release from duty with the armed forces esoluting -- from -- the 15 five--- (5) -years all periods during which the eligible person 16 GOEFOG-OB-201140-duty-bofore-luguet-1,-1963, pursuant-to-(a) a-call-or-order-therete-issued-to-bis--as--a-resorte--after 17 18 appointmont-or-poriod-of-duty-with-tho-aracd-forces-under 19 the lave of the United States. This period may not be 20 extended beyond his thirty-first-(31) 31st birthday by 21 22 reason of this paragraph subsection.

(4) The board of regents of higher education shall
have the charges for the
matriculation, tuition, any and all educational fees for the

spouse and children of any person who is a resident of 1 2 Montana and who, either while serving in the armed forces of 3 the United States, is yas declared by the secretary of G. defense of the United States to be a prisoner of war or 5 missing in action in connection with the conflict in Southeast Asia after January 1, 1961, or while serving the 6 7 United States in a civilian capacity is was declared by the 8 secretary of state of the United States to be missing or 9 captured in connection with the conflict in Southeast Asia 10 after the same date.

11 (5) hay person who is eligible for the waiver of 12 tuition and fees, upon being accepted for enrollment in any 13 state-supported institution of higher education or 14 state-supported technical or vocational school, shall 15 continue to be eligible for such waiver until the completion 16 of the bachelor of arts or equivalent degrees or 17 certification of completion $_{T}$  as long as he remains enrolled 18 in good standing at the school or institution. Any eligible 19 person shall may not be disqualified by either the return of 20 the prisoner of war or person missing in action- or the 21 reported death of the person."

22 Section 4. Section 77-501, R.C.H. 1947, is amended to 23 read as follows:

24 "77-501. Purpose of act -- definitions -- preference.
25 (1) The purpose of this act section is to provide for

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preference of veterans, their unremarried surviving spouses,
 and dependents, and certain disabled civilians in
 appointment and employment in every public department and
 upon all public works of the state of Hontana and of any
 county and city thereof.

6 (1) (2) Definitions. Por purposes of this section. the
7 following definitions apply:

8 (a) The term "veterans" as-herein-wood, means men-and 9 women persons who served in the armed forces of the United 10 States, and who have been separated from such service upon conditions other than dishenerable, in time of war or 11 12 declared national emergency as-followse and who have been 13 separated from service upon conditions other than 14 dishonorable the Civil-War; the Spanish-Laevigan-Sar;-the 15 Philippine-Incorrection: Herld-Har-Iy-between April 6, 1917, 16 and Hoverbor 11, 1918, both dates indlusivet World -- War -- II, 17 which-tope-moans-such-service-between-September-16-1940-18 and-December-31,-1946,...both-dates-indlusive(-the-Korean-War-19 allitery-especiation, or police-action, between-June-26, 20 1950y----and-January-31,--1955,--both-datos-inglasiver-and-those 21 homorably discharged voterans or who have served on active 22 military duty for more than one hundred eighty (180) days 23 after January 31, 1955, or who were discharged or released 24 because of a service-connected disability, including, but 25 not limited to, those veterans serving because of the

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1	Vietnam <del>Confligt</del> <u>conflict</u> .
2	(b) The term "war or declared national emergency"
3	includes:
4	<u>(i) the Civil War:</u>
5	<u>(ii) the Spanish American War;</u>
6	(iii) the Philippine insurrection;
7	(iv) World War I, between April 6, 1917, and Hovember
8	11, 1918, both dates inclusive;
9	(v) Norld War II, between September 16, 1940, and
10	December 31, 1946, both dates inclusive; and
11	(vi) the Korean War, military expedition, or police
12	action, between June 26, 1950, and January 31, 1955, both
13	<u>dates inclusive.</u>
14	<del>{b}<u>(c)</u> The term "surviving spouse" <del>as herein used</del></del>
15	means an unremarried surviving spouses spouse of veterans $\underline{a}$
16	veteran.
17	<del>(c) (d)</del> The word " <del>per contam</del> <u>percent</u> " means <del>per-contam</del>
18	percent of the total aggregate points of the examination
19	hereinefter referred to.
20	(2) (3) (a) Proference to appointment and employment.
21	In every public department and upon all public works of the
22	state of Montana and of any county or city thereof, the
23	
	following shall be preferred for appointment and employment:
24	following shall be preferred for appointment and employment: weterans, their spouses and surviving spouses, and the other

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dependents of disabled veterans+ and disabled civilians

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recommended by the state -- Fehabilitation -- burgau;
 rehabilitative services division of the department of social
 and rehabilitation services.

4 (b) **provided that age** loss of limb, or other 5 physical impairment which does not in fact incapacitater 6 shall <u>does</u> not be deemed to disgualify any disabled veteran 7 or any such disabled civilian provided he or she possesses 8 the business capacity, competency, and education to 9 discharge the duties of the position involved+.

10 (c) Provided further that these These of the above 11 described above-described veterans who have disabilities admitted by the veterans administration of the United States 12 13 to have been incurred in service in any of said the wars, or military expeditions, or police actions, where 14 whenever such disabilities do not in fact incapacitate, 15 16 shall be given preference in employment over other veterans. (2) (4) (a) Gredit for examinations. When written or 17 oral examinations are required for employment as above 18 decoribod, disabled veterans and their spouses, their 19

20 unremarried surviving sponses, and other dependents of 21 disabled-vectoransy shall have added to their examination 22 ratings a credit of ten <u>10</u> pointsy. and all <u>All</u> other 23 veterans, their sponses, unremarried surviving sponses, and 24 dependents shall have added to their examination ratings a 25 credit of five pointsy. previded that 1 (b) the The fact that an applicant has claimed a 2 veterans' credit shall may not be made known to the 3 examiners until ratings of all applicants have been 4 recorded+, after which such credits shall be added to the 5 examination rating and the records shall show the 6 examination rating and the veteran's credit+, previded 7 farther-that

8 <u>(c)</u> the <u>The</u> benefits of this subsection are in 9 addition to and not in derogation of the preference in 10 appointment and <del>/or</del> employment <u>or both</u> given by subsection 11 (2) hereof.

12 (4) (a) Bligibility. That note Mone of the benefits of 13 this act section shall accrue to any person who refused to serve on active duty in the military service to which 14 attached, or to take up arms in the defense of the United 15 16 Statest. provided, however, that no person, not a citizes of 17 the-United-States, shall be capleyed by may state, -- oit -- or county -- officer -- is any capacity if compotent laterican labor 18 19 is-available; and provided, further, that no

20 (b) Wo person who has not been a resident of Montana
21 for at least one (1) year immediately preceding an
22 appointment chall be is entitled to such preference;
23 provided, further, that

24 (c) for For city or county employment, no preference
 25 will be granted unless an applicant under this act section

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is also a resident of the city or town or county in which
 employment is sought.

3 (5) Enforcement-of-proforence. That---any hay person entitled to preference in this section who has applied for 4 5 any appointment or employment upon public works of the state 6 of Hontana or of any county and city' thereof, or in any public department of said the state and who has been denied 7 8 said employment or appointment and feels that the spirit of 9 this act section has been violated and that such person is in fact qualified physically and mentally and possesses 10 11 business capacity, competency, and education to discharge the duties of the position applied for, shall have the right 12 to may petition by verified petition the district court of 13 14 the state of Montana in the county in which the work is to 15 be performed, setting The petition shall set forth the 16 facts of the application, qualifications, competency, and 17 such person's honorable discharge or other qualifications 18 warranting the applicant to preference under this act, 19 section, and upon filing of such petition, any judge in said the court shall forthwith issue an order to show cause 20 21 to the appointing authority directing said the appointing authority to appear in said the court at a specified time 22 and place, not less than five-(5)-nor or more than ton-(10)-23 24 days after the filing of said the verified petition, to show cause, if any exists, why said the veteran or person 25

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entitled to preference should not be employed by such the appointing authority. and that said The district court shall have has jurisdiction upon the proper showings to issue its order directing and ordering said the appointing authority to comply with this law in giving the preference herein provided for."

7 Section 5. Section 77-604, R.C.H. 1947, is amended to
8 read as follows:

"77-604. Procedure for enforcement of right 9 Baforcement procedure. In case any private employer refuses 10 to re-employ reemploy any person entitled to re-employment 11 reexployment under the provisions of this act 77-601 through 12 77-604, the district court of the judical judicial district, 13 in which such private employer maintains his place of 19 business shall have has power, upon the filing of a motion, 15 petition, or other appropriate pleading by the person 16 entitled to such benefits, to specifically require such 17 employer to comply with this act 77-601 through 77-604, and, 18 as an incident thereto, to compensate such person for any 19 loss of wages or benefits suffered by such employer's 20 unlawful action. Upon application to the county attorney of 21 the county in which such private employer maintains a place 22 of business, by any person claiming to be entitled to 23 redress under this-ast, 77-601 through 77-604, the county 24 attorney shall appear and act as attorney for such person in 25

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the amicable settlement of the claim or in the filing of any motion, petition, or other appropriate pleading to specifically require such employer to comply with such provisions. No fees or court costs emails may be taxed against the person applying for such benefits."

6 Section 6. Section 77-707, R.C.H. 1947, is amended to
7 read as follows:

8 "77-707. Appointment-of-"Masting"----Officers Acting officer - how appointed. The governor, in the case of 9 10 district judges and officers elected from the state at large, and the board of county commissioners, in the case of 11 sembers of either house of the legislative -assembly 12 legislature and county, township, or district officers 13 elected from such county, shall appoint as an "acting" 14 officer to temporarily replace any elected officer, 15 designated in paragraph (b) of section 77-701(b), who shall 16 enter enters military service in the manner set forth in 17 section 77-701. "Acting" officers so appointed shall be 18 appointed for a period not to exceed the unexpired term of 19 the officer whose duties he assumes, and such appointment 20 shall be subject to the right bereinbefore set forth of the 21 elected officer to the restoration of his position." 22

23 Section 7. Section 77-1601, R.C.B. 1947, is amended to read as follows:

\*77-1601. Definitions. Unless the context requires

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otherwise, in Title 77 this title: (1) "Hilitia" means all the military forces of this state, whether organized or active or inactive. (2) "National guard" means the army national guard and the air national quard. (3) "Officer" means commissioned or warrant officer. (4) "Department" means department of military affairs," Section 8. Section 77-1606, R.C.B. 1947, is amended to read as follows: "77-1606. Powers and duties of department of military affairs. Under the direction of the governor, the department shall: (1) Reop keep a roster of all officers and enlisted persons of the militia of this state whether active, inactive, or retired officers and enlisted persons of the **militia** of this state: (2) Supervise supervise, administer, and se-ordinate coordinate civil defense and disaster control activities;

21 (3) Recruit recruit, mobilize, administer, train,
22 discipline, equip, and supply the organized militia;

23 (4) **Maintain** <u>maintain</u> the archives, and keep the 24 records and documents required, by law or regulation, to be 25 filed with the United States department of defense;

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1 agtivition of the selective service system for which when 2 3 coverser is responsibles h (5) Sotablish establish and maintain the headquarters required for the militia: 5 (7) (6) Exercise exercise the powers vested in it- and 6 7 perform any other duty and function required of it by the governory and by federal and state laws and regulations." 8 9 Section 9. Section 77-1705. R.C.H. 1947, is amended to read as follows: 10 11 "77-1705. Vacating commissions or warrants. The 12 commission or warrant of an officer shall be wacated: (1) Upon upon acceptance by the governor of the 13 14 resignation of the officer; or (2) By by an order of the governor discharging the 15 officer for: 16 17 (a) Failere for failure to maintain his qualifications for federal recognition: 18 19 (b) The upon the scheduled or actual termination or 20 withdrawal of his federal recognition where federal 21 recognition is a prerequisite for continued service; 22 (c) & upon a change in federal reserve status which 23 makes him incligible to continue assigned to a unit of the 24 organized silitia;

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(d) His for his absence from duty without leave for

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1 more than three-{3} months; or

(e) Under upon the recommendation of a board of 2 3 examination or the sentence of a sourt----martial 4 court-martial."

Section 10. Section 77-2102, R.C.M. 1947, is amended 5 6 to read as follows:

"77-2102. Right of way Right-of-way while performing 7 military duty. (1) The commanding officer of a unit of the 8 9 organized militia parading or performing any military duty 10 in a street or highway say require all persons on the street or highway to yield the right of way right-of-way to troops. 11 12 Motor vehicles traveling in military convoy shall be accorded the right-of-way right-of-way on all streets and 13 14 highways.

(2) The erercise of the right-of-way right-of-way 15 provided for in this section may not interfere with the 16 17 carriage of the United States mail, or with the progress of an ambulance, or members of a police or fire department. 18

19 (3) A person who <del>wieldtes</del> fails to yield the 20 right-of-way as prescribed by this section is guilty of a misdemeanor." 21

22 Section 11. Section 77-2106, R.C.H. 1947, is amended 23 to read as follows:

"77-2106. Trespassers and disturbers may be placed in 24 25 arrest arrested. (1) The commanding officer may arrest or

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authorize the arrest of a person who trespasses upon a Camp
 or parade ground, armory, arsenal, rifle range, or any other
 place devoted to or used for military purposes.

4 (2) The commanding officer may arrest a person who 5 interrupts, molests, or disturbs the orderly discharge of 6 duty by those under arms, disturbs or prevents the passage 7 of troops going to or returning from any duty, or assaults a 8 member of the uniformed militia while that member is 9 performing any military duty.

10 (3) A person who is arrested under this section shall
11 be transferred to the civil authorities in the county where
12 the offense was committed.

13 (4) A person <del>violating this section</del> <u>committing an</u>
14 <u>offense for which an arrest may be made pursuant to this</u>
15 section is guilty of a misdemeanor.<sup>4</sup>

16 Section 12. Section 77-2305, R.C.H. 1947, is amended 17 to read as follows:

18 "77-2305. Duties of department <u>of military affairs</u>.
19 The department shall:

20 (1) Prepare prepare a comprehensive plan and program 21 for the civil defense of this state. This plan and program 22 shall be integrated into and coordinated with the civil 23 defense plans of the federal government, other states, and 24 Canada<sub>T</sub> to the fullest possible extent<sub>T1</sub> and to

25 (2) coordinate the preparation of plans and programs

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1 for civil defense by the political subdivisions of this
2 state-:

3 (2)(3) Sponsor sponsor and develop mutual aid plans 4 and agreements between the political subdivisions of the 5 state, similar to the **mutual aid** arrangements 6 with other states referred to abover:

7 (3) (4) In in accordance with the plan and program for
8 the civil defense of this state<sub>7</sub>:

9 (a) ascertain the requirements of the state or the <u>its</u> 10 political subdivisions thereof for food, or clothing, or 11 other necessities of life in the event of attack and plan 12 for the procurement of supplies, medicine, materials, and 13 equipment that may be necessary.

14 (b) It shall make surveys of the industries,
15 resources, and facilities within the state as are necessary
16 to carry out the purposes of this act.;

17 <u>(c)</u> It shall institute training programs and public
18 information programs<sub>7</sub>; and

19 (d) take all other preparatory steps, including the 20 partial or full mobilizations of civil defense organizations 21 in advance of actual disaster, to insure the furnishing of 22 adequately trained and equipped forces of civil defense 23 personnel in time of need."

24 Section 13. Section 77-2306, R.C.M. 1947, is amended 25 to read as follows:

1 "77-2306. Hetval-aid- arrangements Arrangements for mutual aid. (1) The director of each local organization of 2 civil defense may develop or cause to be developed 3 4 satual aid mutual aid arrangements, with other public and 5 private agencies within this state for reciprocal civil 6 defense aid and assistance in case of disaster too great to 7 be dealt with unassisted. These arrangements shall be consistent with the state civil defense plan and programy. 8 9 and in time of emergency, each local organization for civil defense shall render assistance in accordance with the 10 11 provisions of the actual aid autual aid arrangements.

12 (2) The director of each local organization for civil
13 defense may assist in negotiation of reciprocal *sutual-aid*14 <u>mutual aid</u> agreements between the governor and the adjoining
15 states (including foreign states or provinces) or political
16 subdivisions thereofy and shall carry out arrangements or of
17 any such agreements or agreements or agreements or agreements or agreements or agreement or any such agreement or any such

19 Section 14. Section 77-2404, R.C.M. 1947, is amended
20 to read as follows:

21 \*77-2404. Proclamation of emergency—geverner's
22 powers during emergency. (1) Following an attack, the
23 governor, if he finds such action necessary to deal with the
24 danger to the public safety caused thereby or to aid in the
25 post-attack postattack recovery or rehabilitation of the

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9 United States or any part thereof, shall declare by 9 proclamation the existence of a post-attack postattack 9 recovery and rehabilitation emergency. Any such proclamation 9 shall be ineffectual, unless the legislature is then in 9 session or the governor simultaneously issues an order 9 convening the legislature in special session within 9 forty-five (45) days.

8 (2) During the period when the proclamation issued 9 under subsection (1) of this section is in force, or during the continuance of any emergency declared by the president 10 of the United States or the congress calling for post-attack 11 postattack recovery and rehabilitation activities, subject 12 to the limitations set forth in this chapter, and in a 13 manner consistent with any rules, requisions, or orders and 14 policy guidance issued by the federal government, the 15 governor may issue, amend, and enforce rules, --- regulations, 16 17 and orders to:

(a) Control <u>control</u>, restrict, and regulate by
rationing, freezing, use of guotas, prohibitions on
shipments, price fixing, allocation, or other means, the
use, sale, or distribution of food, feed, fuel, clothing,
and other commodities, materials, goods, or services;

(b) Prescribe prescribe and direct activities in
connection with but not limited to use, conservation,
salwage, and prevention of waste of materials, services, and

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facilities, including production, transportation, power, and
communication facilities, training and supply of labor,
utilization of industrial plants, health and medical care,
nutrition, housing, including the use of existing and
private facilities, rehabilitation, education, welfare,
child care, recreation, consumer protection, and other
essential civil needs; and

8 (c) Take take such other action as may be necessary
9 for the management of resources following an attack.

10 (3) All rules, regulations, and orders issued under authority conferred by this chapter have the effect of law 11 during the continuance of a proclamation or declaration of 12 13 emergency as contemplated by this section, when a copy of the rule- regulation- or order is filed in the office of the 14 secretary of state or, if issued by a local or area 15 official, when filed in the office or offices of the county 16 clerk and recorder. If, by reason of destruction or 17 disruption attendant upon or resulting from attack, the 18 filing requirements of this subsection cannot be met, public 19 notice by such means as may be available shall be considered 20 a complete and sufficient substitute. All existing laws, 21 ordinances, rules, requisitions, and orders inconsistent with 22 the provisions of this chapter, or any rule, -- regulation or 23 order issued under the authority thereofy shall be 24 inoperative during the period of time and to the extent such 25

1 inconsistency exists.

2 (4) Any authority exercised under a proclamation of <u>of</u> 3 emergency contemplated by this section may be exercised with 4 respect to the entire territory over which the governor or 5 other official, as the case may be, has jurisdiction, or and 6 to any specified part thereof.

7 (5) The governor's power and authority to issue a 9 proclamation following an attack shall be terminated by the passage of a joint resolution of the legislature or by 9 10 declaration of the termination of the emergency by the 11 president or by the congress+, however, the proclamation 12 shall terminate automatically sig-46+ months after issuance 13 and a similar proclamation may not be issued unless concurrence is given thereto by a joint resolution of the 14 15 legislature."

Section 15. Repealer. Section 77-2308, R.C.M. 1947, is
repealed.

-End-

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HOUSE MEMBERS

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PAT MC KITTRICK

ROSE WEBER EXECUTIVE DIRECTOR PAMELA DUENSING ADMINISTRATIVE ASSISTANT ROBERTA MOODY

SUPERVISOR, ALTER SYSTEM

State Capitol Helena, 59601

1977 Legislature Code Commissioner Bill - Summary

Senate Bill No. 13

TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO MILITARY AFFAIRS AND CIVIL DEFENSE.

(this summary does not include discussion of routine form or grammatical changes.)

Section 1. 53-106.10. Changes the word "automobile" to "motor vehicle" to be consistent with related code sections and to clearly indicate that a veteran is entitled to only one set of free plates, not perhaps one for an automobile, one for a truck, etc.

Section 2. 71-120. Where the words "expense of burial" appear, rewritten so as to clarify that the \$250 is maximum amount to be reimbursed for the expense of burial, not the maximum total expense allowed. Rewrote in part to correct grammatical errors and eliminate use of "shall" except where provision is mandatory.

75-8612 inserts word "and" in subsection (1) Section 3. to correct grammatical error. Changed "greater university of Montana" to "Montana university system". Removed outdated exclusion from subsection (3).

Section 4. Delete preference for citizen over noncitizens for the reason that such provisions are unconstitutional. See Miranda v. Nelson, 413 U. S. 902.

Section 5. 77-604. Inserts the words "the county attorney" to correct grammatical error.

Substitutes "as" for "an" to Section 6. 77-707. correct obvious error.

Section 7. 77-1601. Adds definition of department to eliminate necessity of repeating "department of military affairs".



## SENATE MEMBERS

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GLEN DRAKE

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LC0020

Montana Legislative Council

Section 8. <u>77-1606</u>. Rearranges subsection (1) and adds word "or" to correct grammatical error, clarify who is covered and delete reference to selective service and duties related to the selective service act. That act has been repealed.

Section 9. 77-1705. Adds "for" to subsection (2)(a), adds "upon" to subsection (2)(b), adds "upon" to subsection (2)(c), adds "for" to subsection (2)(d), and adds "upon" to subsection (2)(e) to correct grammatical errors.

Section 10. 77-2102. In subsection (3) changes "violates" to "fails to yield the right-of-way as prescribed by " to clarify the nature of the violation.

Section 11.  $\frac{77-2106}{\text{to "committing an offense for which an}}$  arrest may be made pursuant to this section" since no actions were specifically proscribed by section as it was.

Section 12. In subsection (1) deletes "and to" to clarify that the last phrase refers to a duty of the department and is not a part of the "plan and program".

Section 13. <u>77-2306</u>. Changes "or" to "of" to correct typographical error.

Section 14. <u>77-2404</u>. Changes "or" to "of" to correct typographical error.

Section 15. <u>77-2308</u>. Repeal. Provides the state and its political subdivisions with immunity from liability for damage. Section was passed prior to 1972 Constitution. Immunity provision of Art. II, Sec. 18 renders section unconstitutional.

## 45th Legislature

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## Approved by Committee on State Administration

1	SENATE BILL NO. 13
2	INTRODUCED BY BLAYLOCK
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4	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5	REVISION AND CLARIFICATION OF LAWS RELATING TO MILITARY
Ó	AFFAIRS AND CIVIL DEFENSE; AMENDING SECTIONS 53-106.10,
7	71-120, 75-8612, 77-501, 77-604, 77-707, 77-1601, 77-1606,
ġ	77-1705, 77-2102, 77-2106, 77-2305, 77-2306, AND 77-2404,
9	R.C.M. 1947; AND REPEALING SECTION 77-2308, R.C.M. 1947."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 53-106.10, R.C.M. 1947, is amended
13	to read as follows:
14	"53-106.10. Veterans*freepłatesłimitedtoone
15	<del>outomobile <u>Disabled</u> veteran <u>- license plates</u>. No disabled</del>
15	veteran shall-be is entitled to free license plates for more
17	than one <del>automobile motor vehicle."</del>
18	Section 2. Section 71-120, R.C.M. 1947, is amended to
19	read as follows:
20	"71-120. Burial ofdeceased <u>allowance for</u> military
21	service-men servicemen and women servicewomen. (1) Itshall
22	be-the-duty-of-the <u>The</u> board of commissioners of each county
Z 3	in this state <del>to <u>shall</u> designate <del>some-proper</del> a</del> person in the
24	county, whoshallbeknown preferably an honorably
ל 2	<u>discharged serviceman or servicewomanı</u> as veterans* burial

1	supervisor <del>ypreferably-an-honorably-discharged-service-man</del>
2	or-womeny-whose-duty-it-shall-be-to
3	(2) The veterans burial supervisor shall cause to be
4	decently interred the body of any <del>honorably-discharged</del>
5	<del>service-man <u>serviceman</u> or woman <u>servicewoman</u>y who <u>is a</u></del>
6	resident of the state of Montana shall-have and either:
7	(a) served in any branch of the armed services of the
8	United States <u>, was honorably discharged</u> and <del>who</del> may
9	hereafter die <del>or-any-service-wan-or-woman-whoj</del>
10	(b) is now serving and dies while so serving:
ŧ I	<u>(c)</u> died while in service during any declared or
12	undeclared war <del>v</del> or
13	(d) is a resident of the Montana veterans" homeywho
14	may-hereafter-die <u>at time of death</u> .
15	(3) Such burial shall not be made in any burial
16	grounds or cemetery, or in any portion of any burial grounds
17	or cemetery, used exclusively for the burial of pauper dead.
18	<del>(2)<u>(4)</u> The-expense-ofburialshall-betwohundred</del>
19	fiftydollars(\$250)ytobe <u>A_Sum_not_to_exceed_\$250_to</u>
20	<u>defer burial expense shall be</u> paid by the county
21	commissioners of the county in which the deceased was an
22	actual bona fide resident at the time of death.
23	<del>(3)[5]</del> The benefits hereof <del>shallnotbe</del> <u>are not</u>
24	available in the case of any decedent whose executor,
25	administrator ${f 1}$ or neirs waive the benefits.

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SECOND READING

1 (4)16) That-the-expense-of-each Whenever burial is of 2 a resident of the Montana veterans' home, shall-not-exceed 3 the-sum-of-two-hundred-fifty-dollars-(\$250)y-to a\_sum\_not\_to 4 exceed \$250 to defer burial\_expenses shall be paid by the 5 county commissioners of the county in which the deceased 6 person resided prior to admittance to the Montana veterans' 7 home.

8 (1) In--the--event--anv--such--honorably-discharged 9 persony-mole-or-femaley-who-shall-have-served-in--the--ormed 10 services--of-the-United-Statesy-and-who-is-a-resident-of-the 11 state-of-Montanay-shall-die If a person qualified under 12 subsection [21(a) dies while temporarily absent from the 13 state or county of residence, then the provisions of this 14 act--shall :section apply, and the burial expenses not 15 exceeding the amount herein specified shall be paid in the same manner as above provided. 16

17 (6)(8) Whenever any-such-honorably-discharged-persony 18 mole-or-female-hereinbefore-described--shall--die a person 19 qualified under subsection (2)(a) dies at any public 20 institution of the state of Montana, other than the state 21 Montana veterans, home, and burial for any cause small is 22 not be made in the county of the former residence of the 23 deceased, the officers of said the state institution-as 24 aforesaidy shall provide the proper burial herein prescribed 25 except-that-the. Ine reimbursement for the expense of each

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burial shall may not exceed \$250 the-sum-herein-allowedy
 whichs. The expense shall be paid by the county in which the
 decedent resided at the time of entry into such
 institutions.

5 <u>(9)</u> but-no No such burial shall may be covered by any 6 special or standing contract whereby the cost of burial is 7 reduced below the maximum hereinbefore fixed, to the 8 disparagement of proper interment."

9 Section 3. Section 75-8612, R.C.M. 1947, is amended to
 10 read as follows:

11 \*75-8612. War--orphansi-attendance-to-be-without-feest 12 Fee waiver -- children of prisoners of war and persons 13 killed in action. (1) The board of regents of higher education may waive the charges for the matriculation, 14 tuition, and any educational fees, at any of the units of 15 the Montana university system for the children fof members 16 17 of the armed forces of the United States who: (a) served on active duty during World War II or the 18 19 Korean or Vietnam conflicts; and-whoy-at-the-time--of--entry 20 into-the-servicey

(b) had legal residence in this state at the time of
 entry into the service: and

23 (c) ond-who-were-heretoforey-or-shall--hereafter-bey
 24 . either are killed in action or shall-have-died die as a
 25 result of injury, disease, or other disability incurred

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while in the service of the armed forces of the United
 States<del>)--who--attend--any--of--the--units--of--the---greater</del>
 university-of-Montane.

4 (2) The educational assistance to which an eligible
5 person is entitled to under this act section may be afforded
6 him during the period beginning on his eighteenth-(18) 18th
7 birthday, or on the successful completion of his secondary
8 schooling, whichever first occurs, and ending on his
9 twenty-third-(23) 23rd birthday.

10 (3) If he serves on duty with the armed forces as an 11 eligible person after his eighteenth-fight 18th birthday but 12 before his twenty-third-f233 23rd birthday, then the period shall-end-five-(5) ends 5 years after his first discharge or 13 release from duty with the armed forces excluding--from--the 14 15 five--{5}-years-all-periods-during-which-the-eligible-person served-on-active-duty-before-August-1y-1963y-pursuant-to-(a) 16 17 a-call-ar-order-thereto-issued-to-him--as--a--reserve--after 18 July--38y--1961y--or--(b)--an--extension--of--an-enlistmenty 19 appointment-or-period-of-duty-with-the--armed--forcas--under 20 the--laws--of--the--United--States. This period may not be extended beyond his thirty-first-(31) 31st birthday by 21 22 reason of this peragraph subsection.

23 (4) The board of regents of higher education shall
 24 have--the--suthority--to may waive the charges for the
 25 matriculation, tuition, any and all educational fees for the

1 spouse and children of any person who is a resident of Z Montana and who, either while serving in the armed forces of 3 the United States, -is was declared by the secretary of 4 defense of the United States to be a prisoner of war or 5 missing in action in connection with the conflict in Southeast Asia after January 1, 1961, or while serving the 6 7 United States in a civilian capacity is was declared by the 8 secretary of state of the United States to be missing or 9 captured in connection with the conflict in Southeast Asia 10 after the same date.

11 (5) Any person who is eligible for the waiver of 12 tuition and fees, upon being accepted for enrollment in any 13 state-supported institution of higher education or state-supported technical or vocational school, shall 14 continue to be eligible for such waiver until the completion 15 of the bachelor of arts or equivalent degreev or 16 17 certification of completiony as long as he remains enrolled in good standing at the school or institution. Any eligible 18 19 person shall may not be disgualified by either the return of the prisoner of war or person missing in actiony or the 20 reported death of the person." 21 22 Section 4. Section 77-501, R.C.M. 1947, is amended to 23 read as follows:

24 "77-501. Purpose of-act -- definitions -- preference.
25 (1) The purpose of this act section is to provide for

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preference of veterans, their unremarried surviving spousesy
 and dependents, and certain disabled civilians in
 appointment and employment in every public department and
 upon all public works of the state of Montana and of any
 county and city thereof.

6 (1)(2) Definitions For purposes of this section. the
7 following definitions apply:

8 (a) The term "veterans" as-herein-used, means men-and 9 women persons who served in the armed forces of the United 19 Statesy and--who-have-been-separated-from-such-service-upon 11 conditions-other--than--dishonorablev in time of war or declared national emergency as-follows+ and who have been 12 13 separated from service upon conditions other than 14 dishonorable the--Civil--Wart-the-Spanish-American-Wart-the Philippine-Insurrection;-World-War-Iy-between-April-6y-1917\* 15 16 and November-Tiv-1918--both-dates-inclusives-World--War--IIv 17 which--term--means--such-service-between-September-16v-1948v 18 and-Becember-31v-1946v-both-dates-inclusivet-the-Korean-Warv military-expeditiony-or--police--actiony--between--June--269 19 1950y--and-January-31y-1955y-both-dates-inclusive;-and-those 20 21 honorably-discharged-veterans or who have served on active military duty for more than one-hundred-eighty-{180} days 22 23 after January 31, 1955, or who were discharged or released 24 because of a service-connected disability, including, but 25 not limited toy those veterans serving because of the

1 Vietnam <del>Conflict</del> conflict.

2 (b) The term "war or declared national emergency"

3 includes:

- 4 (i) the Civil War:
- 5 (ii) the Spanish American Wari
- 6 (iii) the Philippine insurrection:
- 7 (iv) World War I: between April 6: 1917: and November
- 8 <u>11. 1918. both dates inclusive:</u>
- 9 (y) World War II. between September 16: 1940, and
- 10 December 31, 1946, both dates inclusive: and
- 11 (vi) the Korean War, military expedition, or police
- 12 action, between June 26, 1950, and January 31, 1955, both 13 dates inclusive.
- 14 (b)(c) The term "surviving spouse" as-herein--used
  15 means an unremarried surviving spouses spouse of veterans a
  16 veteran.

17 (c)(d) The word "per-centum percent" means per--centum
 18 percent of the total aggregate points of the examination
 19 hereinafter referred to.

20 <u>t2)(3)</u> (a) Preference-to-appointment--and--employment\* 21 In every public department and upon all public works of the 22 state of Montana and of any county or city thereof, the 23 following shall be preferred for appointment and employment: 24 , veterans, their spouses and surviving spouses, and the other 25 dependents of disabled veteranst <u>and</u> disabled civilians

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1 recommended by the state---rehabilitation---bureaut 2 rehabilitative services division of the department of social 3 and rehabilitation services.

(b) Provided--that--age Age, loss of limb, or other 4 physical impairment which does not in fact incapacitates 5 shall does not be-desmed-to disgualify any disabled veteran 6 7 or any-such-disabled civilian provided he or she possesses 8 the business capacity, competency, and education to 9 discharge the duties of the position involvedte

10 (c) Provided-further-that-those Ihose of the above £1 described above-described veterans who have disabilities 12 admitted by the veterans administration of the United States to have been incurred in service in any of sord the wars. or 13 14 military expeditions, or police action actions, where 15 whenever such disabilities do not in fact incapacitate, 16 shall be given preference in employment over other veterans. 17 (3)(4) (a) Credit-for-examinations. When written or 18 oral examinations are required for employment as-above described, disabled veterans and their spouses, their 19 20 unremarried surviving spouses, and other dependents of disabled-veteransy shall have added to their examination 21 ratings a credit of ten 10 pointsys and-all other 22 23 veterans, their spouses, unremarried surviving spouses, and 24 dependents shall have added to their examination ratings a 25 credit of five pointsts provided-that

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(b) the The fact that an applicant has claimed a 1 veterans' credit shall may not be made known to the 2 examiners until ratings of all applicants have been 3 recordedt. after which such credits shall be added to the 4 records shall show the examination rating and the 5 examination rating and the veteran's creditt\_ provided 6 further-that 7

(c) the The benefits of this subsection are in 8 addition to and not in derogation of the preference in Q appointment and for employment or both given by subsection 10 11 (2) hereof.

(4)(5) (al Eligibility, That-none None of the benefits 12 of this act section shall accrue to any person who refused 13 to serve on active duty in the military service to which 14 attachedy or to take up arms in the defense of the United 15 Statesta providedy-howevery-that-no-persony-mot-a-citizen+of 16 the-United-Statesy-shall-be-employed-by-any-statey--city--or 17 county--officer--in-any-capacity-if-competent-American-tabor 18 is-available;-and-providedy-furthery-that-no 19

(b) No person who has not been a resident of Montana 20 for at least one---fly year immediately preceding an 21 appointment shall-be is entitled to such preferencets 22 23 providedy-furthery-that

(c) for For city or county employment, no preference 24 will be granted unless an applicant under this act section 25

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is also a resident of the city or town or county in which
 employment is sought.

3 (5)(6) Enforcement-of-preferencew That-any Any person 4 entitled to preference in this section who has applied for 5 any appointment or employment upon public works of the state of Montana or of any county and city thereofy or in any 6 7 public department of said the state and who has been denied 8 said employment or appointment and feels that the spirit of 9 this act section has been violated and that such person is 10 in fact qualified physically and mentally and possesses 11 business capacity, competency, and education to discharge 12 the duties of the position applied fory-skall-have-the-right 13 to may petition by verified petition the district court of 14 the state of Montana in the county in which the work is to be performedy, setting The petition shall set forth the 15 16 facts of the application, qualifications, competency, and 17 such person's honorable discharge or other qualifications 18 warranting the applicant to preference under this acty 19 section. and upon filing of such petition, any judge in 20 said the court shall forthwith issue an order to show cause 21 to the appointing authority directing said the appointing 22 authority to appear in maid the court at a specified time 23 and place, not less than five-(5)-nor or more than ten-(10) 24 days after the filing of said the verified petition, to show 25 cause, if any exists, why said the veteran or person

1 entitled to preference should not be employed by such the 2 appointing authority. and-that-said Inc district court shall have has jurisdiction upon the proper showings to issue its 3 4 order directing and ordering said the appointing authority to comply with this law in giving the preference herein 5 provided for." 6 7 Section 5. Section 77-604, R.C.M. 1947, is amended to 8 read as follows: 9 10 Enforcement procedure. In case any private employer refuses

11 to re-employ reemploy any person entitled to re-employment 12 reemployment under the provisions of this wet 17-601 through 13 17-606, the district court of the judical districty 14 in which such private employer maintains his place of 15 business shall-have has power, upon the filing of a motion, 16 petition, or other appropriate pleading by the person 17 entitled to such benefits to specifically require such 18 employer to comply with this-set 77-601 through 77-604, and, 19 as an incident thereto, to compensate such person for any 20 loss of wages or benefits suffered by such employer's unlawful action. Upon application to the county attorney of 21 the county in which such private employer maintains a place 22 of businessy by any person claiming to be entitled to 23 24 redress under this-acty TT-601 through 77-604, the county 25 attorney shall appear and act as attorney for such person in

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the amicable settlement of the claim or in the filing of any motion, petition, or other appropriate pleading to specifically require such employer to comply with such provisions. No fees or court costs shall may be taxed against the person applying for such benefits."

6 Section 6. Section 77-707, R.C.M. 1947, is amended to 7 read as follows:

"77-707. Appointment--of---Macting"---officers: Acting 8 9 officer -- how appointed. The governor, in the case of 10 district judges and officers elected from the state at 11 large, and the board of county commissioners, in the case of 12 members of either house of the legislative-casembly legislature and county, townships or district officers 13 elected from such county, shall appoint as an "acting" 14 15 officer to temporarily replace any elected officer, designated in paragraph-(b)-of-section 77-701(b), who shall 16 17 enter enters military service in the manner set forth in 18 section 77-701. "Acting" officers so appointed shall be 19 appointed for a period not to exceed the unexpired term of 20 the officer whose duties he assumes, and such appointment 21 shall be subject to the right hereinbefore-set-forth of the 22 elected officer to the restoration of his position."

23 Section 7. Section 77-16Dl, R.C.N. 1947, is amended to 24 read as follows:

25 "77-1601. Definitions. Unless the context requires

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otherwise, in <del>Title-77</del> <u>this title</u> :
(1) "Hilitia" means all the military forces of this
state, whether organized or active or inactive.
(2) "National guard" means the army national guard and
the air national guard.
(3) "Officer" means commissioned or warrant officer.
(4) "Department" means department of military
affairs."
Section 8. Section 77-1606, R.C.M. 1947, is amended to
read as follows:
#77-1606. Powers and duties of department of military
affairs. Under the direction of the governor, the department
ofmilitaryaffairsprovided-for-in-Title-82Ay-chapter-14
shall:
(1) Keep keep a roster of all <u>officers and enlisted</u>
persons of the militia of this state whether active,
inactive, <u>or</u> retired officers-and-enlistedpersonsofthe
# <del>ilitia-of-this-state</del> ;
(2) <del>Supervise <u>supervise</u>,</del> administer, and <del>co-ordinate</del>
coordinate civil defense and disaster control activities;
(3) <del>Recruit <u>recruit</u>, mobilize, administer, train,</del>
discipline, equip, and supply the organized militia;
(4) <del>Maintain <u>maintain</u> the archives, and keep the</del>
records and documents requiredy by law or regulationy to be

25 filed with the United States department of defense;

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1	<del>{5}Superviseyadministeryandcoordinatethe</del>
2	activities-of-the-selective-servicesystemforwhichthe
3	qovernor-is-responsible;
4	tot151 Establish establish and maintain the
5	headquarters required for the militia;
6	$\frac{7}{16}$ Exercise exercise the powers vested in ity and
7	perform any other duty and function required of it by the
8	governory and by federal and state laws and regulations."
9	
9 10	Section 9. Section 77-1705, R.C.M. 1947, is amended to read as follows:
11	
-	"77-1705. Vacating commissions or warrants. The
12	commission or warrant of an officer shall be vacated:
13	(1) <del>Upon upon</del> acceptance by the governor of the
. 14	resignation of the officer; or
15	(2) By by an order of the governor discharging the
16	officer <del>for</del> :
17	(a) Failure for failure to maintain his qualifications
18	for federal recognition;
19	(b) <del>The upon the</del> scheduled or actual termination or
20	withdrawal of his federal recognition where federal
21	recognition is a prerequisite for continued service;
22	(C). 🔺 <u>upon. a</u> change in federal reserve status which
23	makes him ineligible to continue assigned to a unit of the
24	organized militia;
25	(d) H <del>is</del> <u>for his</u> absence from duty without leave for

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1 more than three-f3; months; or

2 (e) Under upon the recommendation of a board of 3 examination or the sentence of a court---martial 4 court-martial."

5 Section 10. Section 77-2102, R.C.M. 1947, is amended 6 to read as follows:

7 "77-2102. Right--of--way Right-of-way while performing 8 military duty. (1) The commanding officer of a unit of the 9 organized militia parading or performing any military duty 10 in a street or highway may require all persons on the street 11 or highway to yield the right-of-way right-of-way to troops. 12 Motor vehicles traveling in military convoy shall be 13 accorded the right-of-way right-of-way on all streets and 14 highways.

15 (2) The exercise of the right-of-way right-of-way 16 provided for in this section may not interfere with the 17 carriage of the United States maily or with the progress of 18 an ambulancey or members of a police or fire department.

19 (3) A person who violates fails to yield the
 20 right-of-way as prescribed by this section is guilty of a
 21 misdemeanor.<sup>M</sup>

22 Section 11. Section 77-2106, R.C.M. 1947, is amended 23 to read as follows:

24 "77-2106. Trespassers and disturbers may be placed--in
 25 arrest arrested. (1) The commanding officer may arrest or

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authorize the arrest of a person who trespasses upon a camp
 or parade ground, armory, arsenal, rifle range, or any other
 place devoted to or used for military purposes.

4 (2) The commanding officer may arrest a person who 5 interrupts, molests, or disturbs the orderly discharge of 6 duty by those under arms, disturbs or prevents the passage 7 of troops going to or returning from any duty, or assaults a 8 member of the uniformed militia while that member is 9 performing any military duty.

10 (3) A person who is arrested under this section shall
11 be transferred to the civil authorities in the county where
12 the offense was committed.

13 (4) A person violating-this-section committing an
14 offense for which an arrest may be made pursuant to this
15 section is guilty of a misdemeanor."

16 Section 12. Section 77-2305, R.C.M. 1947, is amended 17 to read as follows:

18 "77-2305. Duties of department <u>of military affairs</u>.
19 The department shall:

(1) Prepare prepare a comprehensive plan and program
for the civil defense of this state. This plan and program
shall be integrated into and coordinated with the civil
defense plans of the federal government, other states, and
Canaday to the fullest possible extenty, and-to

25 (2) coordinate the preparation of plans and programs

1 for civil defense by the political subdivisions of this
2 state\*:

3 (2)(3) Sponsor sponsor and develop mutual aid plans
 and agreements between the political subdivisions of the
 5 state, similar to the mutual aid mutual aid arrangements
 6 with other states referred to abover:

7 (3)(4) In in accordance with the plan and program for
8 the civil defense of this statev:

(a) ascertain the requirements of the state or the its 9 10 political subdivisions thereof for foods or clothings or 11 other necessities of life in the event of attack and plan 12 for the procurement of supplies, medicine, materials, and 13 equipment that may be necessary=: (b) it--shall make surveys of the industries, 14 resources, and facilities within the state as are necessary 15 to carry out the purposes of this actwi 16 17 (c) It-shall institute training programs and public

<u>ICI</u> <del>IC-INSTITUTE</del> training programs and public
 information programs<u>y</u>; and
 <u>IdI</u> take all other preparatory steps, including the

20 partial or full mobilizations of civil defense organizations 21 in advance of actual disaster, to insure the furnishing of 22 adequately trained and equipped forces of civil defense 23 personnel in time of need."

24 Section 13. Section 77-2306, R.C.M. 1947, is amended 25 to read as follows:

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ı \*77-2306. Hutual-sid---arrangements Arrangements for 2 mutual aid. (1) The director of each local organization of 3 civil defense may develop or cause to be developed 4 weter-aid mutual\_aid arrangements, with other public and 5 private agencies within this state for reciprocal civil 6 defense aid and assistance in case of disaster too great to 7 be dealt with unassisted. These arrangements shall be 8 consistent with the state civil defense plan and programme 9 and--in In time of emergency, each local organization for 10 civil defense shall render assistance in accordance with the provisions of the mutual-aid mutual aid arrangements. 11

12 (2) The director of each local organization for civil 13 defense may assist in negotiation of reciprocal mutual-aid 14 mutual aid agreements between the governor and the adjoining 15 states (including foreign states or provinces) or political 16 subdivisions thereofy and shall carry out arrangements or <u>of</u> 17 any such agreements or-any-such-agreement relating to the 18 local and political subdivision."

Section 14. Section 77-2404, R.C.N. 1947, is amended
to read as follows:

21 "77-2404. Proclamation of emergency----governor\*s 22 powers-during--emergency. (1). Following an attack, the 23 governor, if he finds such action necessary to deal with the 24 danger to the public safety caused thereby or to aid in the 25 post-ottock postattack recovery or rehabilitation of the

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1 United States or any part thereof, shall declare by 2 proclamation the existence of a post-ottock postattack 3 recovery and rehabilitation emergency. Any such proclamation 4 shall be ineffectualy unless the legislature is then in 5 session or the governor simultaneously issues an order 6 convening the legislature in special session within 7 forty-five-(45) days.

(2) During the period when the proclamation issued 8 9 under subsection (1) of this section is in force, or during the continuance of any emergency declared by the president 10 of the United States or the congress calling for post-attack 11 postattack recovery and rehabilitation activities, subject 12 13 to the limitations set forth in this chaptery and in a manner consistent with any rulesy-regulationsy or orders and 14 policy quidance issued by the federal government, the 15 governor may issue, amend, and enforce rulesy--regulationsy 16 and orders to: 17

18 (a) control control, restrict, and regulate by 19 rationing, freezing, use of quotas, prohibitions on 20 shipments, price fixing, allocation, or other means, the 21 use, sale, or distribution of food, feed, fuel, clothingy 22 and other commodities, materials, goods, or services;

(b) Prescribe prescribe and direct activities in
connection with but not limited to use, conservation,
salvage, and prevention of waste of materials, services, and

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facilities, including production, transportation, power, and communication facilities, training and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, including the use of existing and private facilities, rehabilitation, education, welfare, child care, recreation, consumer protection, and other essential civil needs; and

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8 (c) Take take such other action as may be necessary
9 for the management of resources following an attack.

(3) All rulesy--regulationsy and orders issued under 10 authority conferred by this chapter have the effect of law 11 during the continuance of a proclamation or declaration of 12 13 emergency as contemplated by this section, when a copy of the rule-regulations or order is filed in the office of the 14 secretary of state or, if issued by a local or area 15 official, when filed in the office or offices of the county 16 17 clerk and recorder. If, by reason of destruction or disruption attendant upon or resulting from attack, the 18 filing requirements of this subsection cannot be met, public 19 notice by such means as may be available shall be considered 29 a complete and sufficient substitute. All existing laws, 21 ordinances, rules,-regulations, and orders inconsistent with 22 the provisions of this chaptery or any ruley--requilation or 23 order issued under the authority thereofy shall be 24 inoperative during the period of time and to the extent such 25

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1 inconsistency exists.

2 (4) Any authority exercised under a proclamation or of 3 emergency contemplated by this section may be exercised with 4 respect to the entire territory over which the governor or 5 other official, as the case may be, has jurisdiction, or as 6 to any specified part thereof.

7 (5) The governor's power and authority to issue a proclamation following an attack shall be terminated by the 8 passage of a joint resolution of the legislature or by 9 10 declaration of the termination of the emergency by the president or by the congress; however, the proclamation 11 12 shall terminate automatically six-t67 months after issuance 13 and a similar proclamation may not be issued unless concurrence is given thereto by a joint resolution of the 14 15 legislature.\*

16 Section 15. Repeater. Section 77-2308, R.C.M. 1947, is
17 repeated.

-End-

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1	SENATE BILL NO. 13	· 1	supervisor <sub>rt.</sub> <del>proferably an henorably discharged corvice aan</del>
2	INTRODUCED BY BLAYLOCK	2	or-venan, whose-duty-it-shall-be-to
3		.3	(2) The veterans' burial supervisor shall cause to be
4	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL	¢.	decently interred the body of any honorably-discharged
5	REVISION AND CLARIFICATION OF LAWS RELATING TO HILITARY	. 5	corvice ash servicegan or woman servicewoman, who is a
5	AFFAIRS AND CIVIL DEPENSE; AMENDING SECTIONS 53-106.10,	6	resident of the state of Bontana shall have and either;
7	71-120, 75-8612, 77-501, 77-604, 77-707, 77-1601, 77-1606,	7	(a) served in any branch of the armed services of the
9	77-1705, 77-2102, 77-2106, 77-2305, 77-2306, AND 77-2404,	8	United States, was bonorably discharged, and who may
9	R.C.N. 1947; AND REPEALING SECTION 77-2308, R.C.M. 1947."	9	hereafter die <del>er aly sorvige Rab er volan vho</del> :
19		10	(b) is now serving and dies while so serving:
11	BY IT PRACTED BY THE LEGISLATURE OF THE STATE OF HONTARA:	11	(c) died while in service during any declared or
12	Section 1. Section 53-106.10, R.C.H. 1947, is amended	12	undeclared wary or
13	to read as follows:	13	(d) is a resident of the Hontana veterans' home, who
14	¶53-106.10. <del>Fetorans' froe plater limited to one</del>	14	aay boreafter die at time of death.
15	automobile <u>Disabled veteran — license plates,</u> No disabled	15	(3) Such burial shall not be made in any burial
16	veteran <del>shall be is</del> entitled to free license plates for more	16	grounds or cenetery, or in any portion of any burial grounds
17	than one automobile motor vehicle."	17	or cenetery, used exclusively for the burial of pauper dead.
19	Section 2. Section 71-120, R.C.H. 1947, is amended to	18	(2) [4] The-expense of obvial shall be two bundred
19	read as follows:	19	fifty-dellars (\$250), to be A sum not to exceed \$250 to
2.0	"71-120. Burial <del>of descased</del> <u>allowance for</u> military	20	<u>defer burial expense shall be</u> paid by the county
21	corvice wer servicemen and women servicemomen. (1) It- chall	21	commissioners of the county in which the deceased was an
22	be the daty of the The board of commissioners of each county	22	actual bona fide resident at the time of death.
23	in this state <del>to</del> <u>shall</u> designate <del>some proper</del> a person in the	23	(3)(5) The benefits bereof shall not be are not
24	county, who shall be known preferably an honorably	29	available in the case of any decedent whose executor,
25	discharged serviceman or servicevoman, as veterans' burial	25	administrator, or heirs waiwe the benefits.

There are no changes in  $\underline{SBB}$ , and due to length will not be rerun. Please refer to yellow copy for complete text.

THIRD READING

-2-

1 (4) (5) That the expense of each <u>Whenever</u> burial <u>is</u> of 2 a resident of the Hontana veterans' home, <u>shall not exceed</u> 3 the one of two bundred fifty dellars (\$350), to a sum not to 4 <u>exceed \$250 to defer burial expenses shall</u> be paid by the 5 county commissioners of the county in which the deceased 6 person resided prior to admittance to the Hontana veterans' 7 home.

8 (5) (7) In the event and such benerably discharged 9 persony-sele-or-fonale,-she shall have served in ... the ... armed 10 Berviges of the United States, and the is a resident of the state of Heaten, shall die If a person qualified under 11 12 subsection (2) (a) dies while temporarily absent from the 13 state or cousty of residence, then the provisions of this 14 act shall section apply, and the burial expenses not 15 exceeding the amount herein specified shall be paid in the 16 same manner as above provided.

17 (6) (8) Whenever any such honorably discharged persons 18 sale-or female bereinbefore-described shall die a person 19 qualified under subsection (2) (a) dies at any public 20 institution of the state of Nontana, other than the state 21 Montana veterans' home, and burial for any cause shall is 22 not be made in the county of the former residence of the 23 deceased, the officers of said the state institution, as 24 aferesaid, shall provide the proper burial herein prescribed 25 ercept-that the, The reinbursement for the expense of each

burial shall may not exceed \$250 the sub-bereis allowed,
 which, The expense shall be paid by the county in which the
 decedent resided at the time of entry into such
 institutiony\_

5 (9), but no No such burial shall may be covered by any 6 special or standing contract whereby the cost of burial is 7 reduced below the maximum hereinbefore fixed, to the 8 disparagement of proper interment."

9 Section 3. Section 75-8612, R.C.H. 1947, is amended to
10 read as follows:

"75-8612. Har orphanst attendance to be without food. 11 12 Fee waiver -- children of prisoners of war and persons 13 killed in action. (1) The board of regents of higher education may waive the charges for the matriculation, 14 15 tuition, and any educational fees, at any of the units of 16 the Sontana university system for the children fof members of the armed forces of the United States who; 17 (a) served on active duty during World War II or the 18 Korean or Vietnam conflicts: and who, at the time of outry 19 20 into the service,

(b) had legal residence in this state at the time of
 entry into the service; and

(c) and the wore heretofere, or shall hereafter be,
 cither are killed in action or shall have died die as a
 result of injury, disease, or other disability incurred

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1	SENATE BILL NO. 13	1	supervisory_ preferably-an-honorably-discharged-service-man
۷	INTRODUCED BY BLAYLOCK	4	or-womany-whose-duty-it-shall-be-to
3		3	(2) The veterans' burial supervisor shall cause to be
4	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL	4	decently interred the body of any <del>honorably-discharged</del>
2	REVISION AND CLARIFICATION OF LAWS RELATING TO MILITARY	5,	service-man serviceman or woman servicewomany who is a
6	AFFAIRS AND CIVIL DEFENSE; AMENDING SECTIONS 53-106.10.	a	resident of the state of Montana shall-have and either:
7	71-120, 75-8612, 77-501, 77-604, 77-707, 77-1601, 77-1606,	7	(a) served in any branch of the armed services of the
8	77-1705, 77-2102, 77-2106, 77-2305, 77-2306, AND 77-2404,	8	United States <u>, was honorably discharged</u> , and who may
,	к.с.м. 1947; AND REPEALING SECTION 77-2308, R.с.м. 1947."	9	hereafter die <del>or-any-service-man-or-woman-whoi</del>
10		10	(b) is now serving and dies while so serving:
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	(c) died while in service during any declared or
12	Section 1. Section 53-106.10, R.C.M. 1947, is amended	12	undeclared wary or
15	to read as follows:	13	(d) is a resident of the Montana veterans' homeywho
14	#53-106.10. Veterans≛freeplateslimitedtoone	14	m <del>sy-hereafter-die</del> <u>at time of death</u> .
15	automobile <u>Disabled_veteran license plates</u> . No disabled	15	[3] Such burial shall not be made in any burial
15	veteran shall-he is entitled to free license plates for more	16	grounds or cemeteryw or in any portion of any burial grounds
17	than one <del>outomobile <u>motor</u> <u>vehicle</u>."</del>	17	or cemetaryy used exclusively for the burial of pauper dead.
13	section 2. Section 71-120, R.C.M. 1947, is emended to	13	{₴ <u>}{4</u> ] The-expense-ofburia}sha}}betwohundred
14	read as follows:	19	fiftydollars(\$250)vtobe A_sum_not_to_exceed_\$250_to
20	"71-120. Burial ofdeceased <u>allowance for</u> military	20	defer burial expense shall be paid by the county
21	service-men servicemen and women servicewomen. (1) itshall	21	commissioners of the county in which the deceased was an
22	<del>be-the-duty-of-the <u>The</u> board of commissioners of each county</del>	22	actual bona fide resident at the time of death.
23	in this state to <u>shall</u> designate <del>some proper</del> a person in the	23	<del>(3)[2]</del> The benefits hereof <del>shall-not-be</del> <u>are not</u>
24	county, whoshellbeknown preferably an bonorably	24	available in the case of any decedent whose executor.
25	d <u>ischarged serviceman or servicewoman</u> as veterans <sup>e</sup> burial REFERENCE BILL	25	administrators or heirs waive the benefits.
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L	<del>(4)[6] That-the-expense-of-each Whenever</del> burial <u>is</u> of
2	a resident of the Montana veterans' home, shall-not-exceed
з	the-sum-of-two-hundred-fifty-dollars-(\$250)y-to <u>a_sum_not_to</u>
4	exceed \$250 to defer burial expenses shall be paid by the
c	county commissioners of the county in which the deceased
6	person resided prior to admittance to the Montana veterans'
7	home.

ð (5)(1) In--the--event--any--such--honorably-discharged persony-mole-or-femaley-who-shall-have-served-in--the--armed 4 10 services--of-the-United-States--and-who-is-a-resident-of-the 11 state-of-Montonay-shall-die If a person qualified under 12 subsection [2](a) dies while temporarily absent from the 13 state or county of residence. then the provisions of this 14 act--shall section apply, and the burial expenses not exceeding the amount herein specified shall be paid in the 15 16 same manner as above provided.

17 (6)18) Whenever any-such-honorably-discharged-persony mate-or-female-hereinbefore-described--shall--die a\_\_person 18 19 qualified under subsection (2)(a) dies at any public 20 institution of the state of Montana, other than the state 21 <u>Hontana</u> veterans<sup>1</sup> home, and burial for any cause shall is not be made in the county of the former residence of the 22 deceased, the officers of said the state institution-as 23 aforesaidy shall provide the proper burial herein prescribed 24 25 except-that-the. The reimbursement for the expense of each

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L. burial shall may not exceed \$250 the-sum-herein-allowedy which. Ine expense shall be paid by the county in which the decedent resided at the time of entry into such 3 4 institution y\_ (9) but-no No such burial sholl may be covered by any 5

special or standing contract whereby the cost of burial is 6 reduced below the maximum hereinbefore fixed, to the 7 disparagement of proper interment." н

Section 3. Section 75-8612, R.C.M. 1947, is amended to 3 read as follows: 10

11 "75-8612. War--orphanst-attendance-to-be-without-fees-12 Fee waiver -- children of prisoners of war and persons 13 killed in action (1) The board of regents of higher 14 education may waive the charges for the matriculation, tuition, and any educational fees, at any of the units of 15 the Montana university system for the children tof members 15 17 of the armed forces of the United States who: 18 (a) served on active duty during World War II or the 19 Korean or Vietnam conflicts: and-whoy-at-the-time--of--entry 20 into-the-servicey

21 (b) had legal residence in this state at the time\_of

#### 22 entry into the service: and

23 (c) and-who-were-heretoforey-or--shall--hereafter--bey 24 eitner are killed in action or shall-have-died die as a 25 result of injury, disease, or other disability incurred

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wnile in the service of the armed forces of the United

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States;--who--attend--any--of--the--units--of--the---greater
university-of-Montana.

4 (2) The educational assistance to which an eligible 5 person is entitled to under this act <u>section</u> may be afforded 6 nim during the period beginning on his <u>eighteenth-(10)</u> <u>18th</u> 7 birthuayy or on the successful completion of his secondary 8 schooling, whichever first occurs, and ending on his 9 twenty-third-(23) 23rd birthday.

# 10 (3) If he serves on duty with the armed forces as an

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11 eligible person after his eighteenth-(18) 18th birthday but 12 before his twenty-third-f23; 23rd birthday, then the period 13 shall-end-five-(5) ends 5 years after his first discharge or 14 release from duty with the armed forces excluding--from--the 15 five--(5)-vears-all-periods-during-which-the-eligible-person served-on-active-duty-before-August-1y-1963y-pursuant-to-fat 15 a-call-or-order-thereto-issued-to-him--ns--a--reserve--after 17 10 duty--s0y--t96ty--or--(b)--an--extension--of--an-entistmenty 19 appointment-or-period-of-duty-with-the-armed--forces--under 29 the--laws--of--the--United--States. This period may not be 21 extended beyond his thirty-first--(31) 31st birthday by 22 reason of this peregraph subsection.

(4) The board of regents of higher education shall
 have--tne--outhority--to may waive the charges for the
 matriculation, tuition, ony and all educational fees for the

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spouse and children of any person who is a resident of 1 2 Montana and who, either while serving in the armed forces of the United States-is was declared by the secretary of 3 defense of the United States to be a prisoner of war or 4 5 missing in action in connection with the conflict in 6 Southeast Asia after January 1, 1961, or while serving the 7 United States in a civilian capacity is was declared by the 8 secretary of state of the United States to be missing or 9 captured in connection with the conflict in Southeast Asia 10 after the same date.

11 (5) Any person who is eligible for the waiver of 12 tuition and fees, upon being accepted for enrollment in any 13 state-supported institution of higher education or 14 state-supported technical or vocational school, shall 15 continue to be eligible for such waiver until the completion 15 of the bachelor of arts or equivalent degreev or certification of completion, as long as he remains enrolled 17 18 in good standing at the school or institution. Any eligible 19 person shall may not be disgualified by either the return of 20 the prisoner of war or person missing in actiony or the 21 reported death of the person." 22 Section 4. Section 77-501, R.C.M. 1947, is amended to

23 read as follows:

24 "77-501. Purpose of-act -- definitions -- preference.
25 (11) The purpose of this act section is to provide for

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preference of veterans, their unremarried surviving spouses, and dependents, and certain disabled civilians in appointment and employment in every public department and upon all public works of the state of Montana and of any county and city thereof.

6 (1)(2) Definitions for purposes of this section. the
7 following definitions apply:

(a) The term "veterans" as-herein-usedy means men-and ä 9 women persons who served in the armed forces of the United 10 Statesy and--who-have-been-separated-from-such-service-upon 11 conditions-other--than--dishonorable, in time of war or 12 declared national emergency as followst and who have been 13 separated from service upon conditions other than 14 dishonorable the--Eivil--Wart-the-Spanish-American-Wart-the 15 Philippine-Insurrectiont-World-War-ly-between-April-6y-1917y and-November-11v-1918v-both-dates-inclusivet-World--War--iiv 16 17 which--term--means--such-service-between-September-16y-1940y 18 and-becember-31y-1946y-both-dates-inclusive1-the-Korean-Wary 19 military-expeditiony-or--police--actiony--between--june--26y 20 1950y--and-danuary-31y-1955y-both-dates-inclusivet-and-those 21 honorably-discharged-veterans or who have served on active 22 military duty for more than one-hundred-eighty-f180; days 23 after January 31, 1955, or who were discharged or released 24 because of a service-connected disability, including, but 25 not limited toy those veterans serving because of the

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Vietnam <del>Conflict</del> conflict.
<pre>(b)Iheterm"warordeclarednational_emergency"</pre>
iacludes:
(i)_tbe_Civil_War:
(ii) the Spanish American War:
(iii) the Philippine insurrection:
(iv) World War I, between April 6, 1917, and November
11. 1918. both dates inclusive:
(v) World War II, between September 16, 1940, and
Decemper 31, 1946, both dates inclusive: and
(vi) the Korean War, military expedition, or police
action, between June 26, 1950, and January 31, 1955, both
dates_inclusive.
<del>(b)<u>(c)</u> The term "surviving spouse" <del>as-hereinused</del></del>
means <u>an</u> unremarried surviving <del>spouses spouse</del> of <del>veterons</del> <u>a</u>
<b>AGTEL 3D</b> •

tetidi The word "percentum percent" means percentum
 percent of the total aggregate points of the examination
 hereinafter referred to.
 tal Preference-to-appointment--and--employmenty
 In every public department and upon all public works of the
 state or Montana and of any county or city thereof, the

- 23 following shall be preferred for appointment and employment:
- 24 veterans, their spouses and surviving spouses, and the other
- 25 dependents of disabled veteranst and disabled civilians

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(2) hereof.

1 recommended by the state----rehabilitation----bureaut renabilitative services division of the department of social 2 3 and rehabilitation services. (b) Provided-that-age Age, loss of limb, or other 4 5 physical impairment which does not in fact incapacitatey shall does not be-deemed-to disqualify any disabled veteran 6 7 or any-such-disabled civilian provided he or she possesses pusiness capacity, competency, and education to н the 9 discharge the duties of the position involvedt. 10 (c) Provided-further-that-those Those of the above described above-described veterans who have disabilities 11 admitted by the veterans administration of the United States 12 13 to have been incurred in service in any of said the wars, or military expeditions, or police action actions, 14 where whenever such disabilities do not in fact incapacitate, 15 shall be given preference in employment over other veterans. 16 17 +3+1(4) (a) Gredit-for-examinations. When written or 16 oral examinations are required for employment as-shove 19 described, disabled veterans and their spouses, their unremarried surviving spouses, and other dependents of 20 21 disabled-veteransy shall have added to their examination 22 ratings a credit of ten 10 pointsy, and-all All other 23 veterans, their spouses, unremarried surviving spouses, and 24 dependents shall have added to their examination ratings a 25 credit of five pointsts provided-that

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(b) the lbc fact that an applicant has claimed a veterans' credit shall may not be made known to the 1 3 examiners until ratings of all applicants have been 4 recordedry after which such credits shall be added to the 5 examination rating and the records shall show the examination rating and the veteran's creditt. provided 6 1 further-that 8 (c) the benefits of this subsection are in 9 addition to and not in derogation of the preference in appointment and /or employment or both given by subsection 10

12 (4)(5) (a) Eligibility That none None of the benefits 13 of this act section shall accrue to any person who refused to serve on active duty in the military service to which 14 15 attachedy or to take up arms in the defense of the United 16 Statest providedy-howevery-that-no-persony-not-a-citizen-of 17 tne-United-Statesy-shall-be-employed-by-eny-statey--city--or 18 county--officer--in-any-capacity-if-competent-American-labor 19 is-availablet-and-providedy-furthery-that-no 20 (b) No person who has not been a resident of Montana for at least one--(1) year immediately preceding an 21 appointment shall--be is entitled to such preferencet. 22 provided-furthery-that 23 24 (c) for For city or county employment, no preference 25 will be granted unless an applicant under this act section

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1 is also a resident of the city or town or county in which 2 employment is sought.

3 (>)(6) Enforcement-of-preferences That-any Any person 4 entitled to preference in this section who has applied for 5 any appointment or employment upon public works of the state 6 of Montana or of any county and city thereofy or in any 7 public department of said the state and who has been denied ð. said employment or appointment and feels that the spirit of 9 this ect section has been violated and that such person is 10 in fact qualified physically, and mentally and possesses 11 business capacity, competency, and education to discharge 12 the duties of the position applied for -- shall-have-the-right 13 to may petition by verified petition the district court of 14 the state of Montana in the county in which the work is to 15 be performedys setting The petition shall set forth the 16 facts of the application, qualifications, competency, and 17 such person's honorable discharge or other qualifications 18 warranting the applicant to preference under this act, 19 section, and-upon Upon filing of such petition, any judge in 20 said the court shall forthwith issue an order to show cause 21 to the appointing authority directing said the appointing 22 authority to appear in said the court at a specified time 23 and place, not less than five-(5)-nor or more than ten-(10) 24 days after the filing of said the verified petition, to show 25 cause, if any exists, why said the veteran or person

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1	entitled to preference should not be employed by <del>such the</del>
2	appointing authority, and-that-said <u>The</u> district court shall
3	neve may jurisdiction upon the proper showings to issue its
4	ormer directing and ordering soid the appointing authority
2	to comply with this law in giving the preference <del>herein</del>
6	provided <u>for</u> ."
1	Section 5. Section 77-604, R.C.M. 1947, is amended to
4	read as follows:
9	#77-604。 Procedureforenforcementofright
10	Enforcement procedure. In case any private employer refuses
11	to <b>re-employ</b> <u>reemploy</u> any person entitled to <del>re-employment</del>
12	<u>reemployment</u> under the provisions of <del>this-act</del> <u>77-601 through</u>
13	<u>11-604</u> , the district court of the <del>judical</del> <u>judicial</u> district <del>,</del>
14	in which such private employer maintains his place of
15	business shall-have has power, upon the filing of a motion,
10	petition, or other appropriate pleading by the person
17	entitled to such benefits ${f t}$ to specifically require such
18	employer to comply with th <del>is act <u>77-601</u> through 77-604,</del> and,
19	as an incident thereto, to compensate such person for any
20	loss of wages or benefits suffered by such employer's
21	unlawful action. Upon application to the county attorney of
22	the county in which such private employer maintains a place
23	of ousinessy by any person claiming to be entitled to
24	redress unde <mark>r <del>this-act</del>y <u>17-601 through 77-604, the county</u></mark>
25	attorney shall appear and act as attorney for such person in

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1 the axicable settlement of the claim or in the filino of any 2 motion, petition, or other appropriate pleading to 3 specifically require such employer to comply with such 4 provisions. No fees or court costs shall may be taxed 5 against the person applying for such benefits."

5 Section 6. Section 77-707, R.C.M. 1947, is amended to I read as follows:

#77-707. Appointment--of--MactingM----officers Acting ы officer -- how appointed. The governor, in the case of 9 10 district judges and officers elected from the state at 11 large, and the board of county commissioners, in the case of 12 members of either house of the legislative--assembly 13 legislature and county, township, or district officers 14 elected from such county, shall appoint as an "acting" 15 officer to temporarily replace any elected officer, 15 designated in paragraph-(b)-of-section 77-701(b), who shall 17 enter enters military service in the manner set forth in 10 section 77-701. "Acting" officers so appointed shall be appointed for a period not to exceed the unexpired term of 19 2ŭ the officer whose duties he assumes, and such appointment 21 shall be subject to the right hereinbefore-set-forth of the 22 elected officer to the restoration of his position."

23 Section 7. Section 77-1601, R.C.M. 1947, is amended to 24 read as follows:

25 "77-1601. Definitions. Unless the context requires

of--military--affairs--provided-for-in-Title-82Ay-chapter-14

read as follows:

affairs."

the air national guard.

otherwise, in Fitle-77 this title:

state, whether organized or active or inactive.

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shall: 14 15 (1) Keep keep a roster of all officers\_and\_enlisted 16 persons of the militia of this state whether active, 17 inactive, or retired officers-and-enlisted--persons--of--the 10 militia-of-this-state; 19 (2) Supervise supervise, administer, and co-ordinate 20 coordinate civil defense and disaster control activities: 21 (3) Recruit recruit, mobilize, administer, train, 22 discipline, equip, and supply the organized militia;

(1) "Militia" means all the military forces of this

(2) "National guard" means the army national guard and

(3) "Officer" means commissioned or warrant officer.

(4) "Department" means department of military

Section 8. Section 77-1606, R.C.M. 1947, is amended to

#77-1606. Powers and duties of department of military

affairs. Under the direction of the governor, the department

23 (4) Maintain maintain the archivesy and keep the 24 records and documents requiredy by law or regulationy to be

25 filed with the United States department of defense;

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1	t> <del>)Superviseyadministervandcoordinatethe</del>
2	activities-of-the-selective-servicesystemforwhichthe
з	governor-is-responsiblet
4	<del>(6)[5] Establish establish</del> and maintain the
ż	neadquarters required for the militia;
6	( <del>7)[6] Exercise exercise</del> the powers vested in it <del>v</del> and
7	perform any other duty and function required of it by the
đ	governory and by federal and state laws and regulations. $^{\rm M}$
9	Section 9. Section 77-1705, R.C.M. 1947, is amended to
10	read as follows:
11	#77-1705. Vacating commissions or warrants. The
12	commission or warrant of an officer shall be vacated:
13	(1) <del>Upon <u>upon</u> acceptance by the governor of th</del> e
14	resignation of the officer; or
15	(2) <del>By by an order of the governor discharging the</del>
15	officar <del>for</del> :
17	(a) Failure for failure to maintain his qualifications
18	for federal recognition;
19	(b) <del>The <u>upon</u> the</del> scheduled or actual termination or
20	withdrawal of his federal recognition where federal
21	recognition is a prerequisite for continued service;
22	(c) 🖈 <u>upon a</u> change in federal reserve status which
23	makes him ineligible to continue assigned to a unit of the
24	organized militia;
25	(d) H <del>is</del> <u>for his</u> absence from duty without leave for

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1 more than three-f3; months; or (e) Under upon the recommendation of a board of 2 examination or the sentence of a court---mortiol 3 couct-martial." 4 Section 10. Section 77-2102, R.C.N. 1947, is amended 5 to read as follows: 6 7 "77-2102. Right--of--way Right-of-way while performing military duty, (1) The commanding officer of a unit of the 8 9 organized militia parading or performing any military duty 10 in a street or highway may require all persons on the street or highway to yield the right-of-way right-of-way to troops. 11 Motor vehicles traveling in military convoy shall be 12 accorded the right-of-way right-of-way on all streets and 13 14 highways. (2) The exercise of the right-of-way right-of-way 15 provided for in this section may not interfere with the 16 carriage of the United States maily or with the progress of 17 13 an ambulance, or members of a police or fire department.

19 {3} A person who violates fails to vield the
 20 right-of-way as prescribed by this section is guilty of a
 21 misdemeanor."

22 Section 11. Section 77~2106, R.C.N. 1947, is amended 23 to read as follows:

24 "71-2106. Trespassers and disturbers may be placed--in
 25 arrest arrested. (1) The commanding officer may arrest or

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authorize the arrest of a person who trespasses upon a camp
 or parade ground, armory, arsenal, rifle range, or any other
 place devoted to or used for military purposes.

4 (2) The commanding officer may arrest a person who 5 interrupts, molests, or disturbs the orderly discharge of 6 duty by those under arms, disturbs or prevents the passage 7 of troops going to or returning from any duty, or assaults a 8 member of the uniformed militia while that member is 9 performing any military duty.

10 (3) A person who is arrested under this section shall
11 be transferred to the civil authorities in the county where
12 the offense was committed.

13 (4) A person violating-this-section compiting an
 14 offense for which an arrest may be made pursuant to this
 15 section is guilty of a misdemeanor."

16 Section 12. Section 77-2305+ R.C.M. 1947, is amended 17 to read as follows:

16 #/7-2305. Duties of department <u>of military affairs</u>.
19 The department shall:

(1) Prepare prepare a comprehensive plan and program
for the civil defense of this state. This plan and program
shall be integrated into and coordinated with the civil
defense plans of the federal government, other states, and
Lanaday to the fullest possible extenty, and-to

25 (2) coordinate the preparation of plans and programs

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1 for civil defense by the political subdivisions of this
2 state=:

3 (2)(3) Sponsor sponsor and develop mutual aid plans
4 and agreements between the political subdivisions of the
5 state, similar to the mutual-aid mutual aid arrangements
6 with other states referred to above si

7 (3)(4) In in accordance with the plan and program for 8 the civil defense of this state<u>v:</u>

9 <u>(a)</u> ascertain the requirements of the state or the <u>its</u> 10 political subdivisions thereof for food<u>e</u> or clothing<u>e</u> or 11 other necessities of life in the event of attack and plan 12 for the procurement of supplies, medicine, materials, and

13 equipment that may be necessary#:

14 (b) It--shall make surveys of the industries,
 15 resources, and facilities within the state as are necessary

16 to carry out the purposes of this act=:

<u>information programs</u> and public
 information programs<sub>7</sub>; and

- 19 (d) take all other preparatory steps, including the 20 partial or full mobilizations of civil defense organizations 21 in advance of actual disaster, to insure the furnishing of 22 adequately trained and equipped forces of civil defense 23 personnal in time of need.<sup>4</sup>
- 24 Section 13. Section 77-2306, R.C.M. 1947, is amended 25 to read as follows:

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1 M77-2306. Hutual-aid---arrangements Arrangements for 2 <u>mutual aid</u>. (1) The director of each local organization of 3 civil defense may develop or cause to be developed 4 mutual-aid mutual aid arrangements, with other public and 5 private agencies within this state for reciprocal civil 6 defense aid and assistance in case of disaster too great to 7 be dealt with unassisted. These arrangements shall be 8 consistent with the state civil defense plan and programy. 9 civil defense shall render assistance in accordance with the 10 11 provisions of the mutual-aid mutual aid arrangements.

12 (2) The director of each local organization for civil 13 defense may assist in negotiation of reciprocal mutual-aid 14 mutual\_aid agreements between the governor and the adjoining 15 states (including foreign states or provinces) or political 16 subdivisions thereofy and shall carry out arrangements or of 17 any such agreements or-any-such-agreement relating to the 18 local and political subdivision."

Section 14. Section 77-2404, R.C.M. 1947, is amended
 to read as follows:

21 "77-2404• Proclamation of emergency-----governor\*s
22 powers-during--emergency• (1) Following an attack• the
23 governor• if he finds such action necessary to deal with the
24 danger to the public safety caused thereby or to aid in the
25 post-attack postattack recovery or rehabilitation of the

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1 United States or any part thereof, shall declare by 2 proclamation the existence of a post-attack <u>Dostattack</u> 3 recovery and rehabilitation emergency. Any such proclamation 4 shall be ineffectualy unless the legislature is then in 5 session or the governor simultaneously issues an order 6 convening the legislature in special session within 7 forty-five-(45) days.

8 (2) During the period when the proclamation issued under subsection (1) of this section is in forcey or during 9 10 the continuance of any emergency declared by the president of the United States or the congress calling for post-attack 11 postattack recovery and rehabilitation activities, subject 12 13 to the limitations set forth in this chaptery and in a 14 manner consistent with any rulesy-requistionsy or orders and 15 policy guidance issued by the federal government, the 16 governor may issue, amend, and enforce rulesy--reculationsy 17 and orders to:

(a) Control control, restrict, and regulate by
rationing, freezing, use of quotas, prohibitions on
shipments, price fixing, allocation, or other means, the
use, sale, or distribution of food, feed, fuel, clothing,
and other commodities, materials, goods, or services;

(b) Prescribe prescribe and direct activities in
 connection with but not limited to use, conservation,
 salvage, and prevention of waste of materials, services, and

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1 inconsistency exists.

communication facilities, training and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, including the use of existing and private facilities, rehabilitation, education, welfare, child care, recreation, consumer protection, and other essential civil needs; and

tacilities, including production, transportation, power, and

8 (c) Take take such other action as may be necessary
9 for the management of resources following an attack.

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10 (3) All rulesy--regulationsy and orders issued under authority conferred by this chapter have the effect of law 11 during the continuance of a proclamation or declaration of 12 13 emergency as contemplated by this section, when a copy of the rulay-requisitions or order is filed in the office of the 14 secretary of state or, if issued by a local or area 15 official, when filed in the office or offices of the county 16 clerk and recorder. If, by reason of destruction or 17 18 disruption attendant upon or resulting from attack, the 19 filing requirements of this subsection cannot be met, public notice by such means as may be available shall be considered ż٥ 21 a complete and sufficient substitute. All existing laws, 22 ordinances, rules,-requiations, and orders inconsistent with 23 the provisions of this chaptery or any ruley--regulation or 24 order issued under the authority thereofy shall be inoperative during the period of time and to the extent such 25

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2 (4) Any authority exercised under a proclamation or of 3 emergency contemplated by this section may be exercised with respect to the entire territory over which the governor or 4 5 other official, as the case may be, has jurisdiction, or as 6 to any specified part thereof. 7 (5) The governor's power and authority to issue a proclamation following an attack shall be terminated by the 8 9 passage of a joint resolution of the legislature or by

10 declaration of the termination of the emergency by the 11 president or by the congressta howevera the proclamation 12 shall terminate automatically six-(6) months after issuance 13 and a similar proclamation may not be issued unless 14 concurrence is given thereto by a joint resolution of the 15 legislature."

16 Section 15. Repealer. Section 77-2308, R.C.M. 1947, is

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-End-

repealed.

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