

HB 466 INTRODUCED BY BROWN, D., ET AL.  
EXTEND VETERANS' AND HANDICAP PREFERENCE TO COLLEGES  
AND UNIVERSITIES

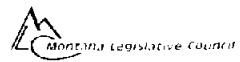
1/26 INTRODUCED  
1/26 REFERRED TO BUSINESS & LABOR  
2/18 HEARING  
2/18 COMMITTEE REPORT--BILL PASSED  
2/20 2ND READING PASSED AS AMENDED 71 23  
2/23 3RD READING PASSED 74 23

TRANSMITTED TO SENATE  
3/02 REFERRED TO BUSINESS & INDUSTRY  
3/20 HEARING  
3/26 COMMITTEE REPORT--BILL CONCURRED AS AMENDED  
3/30 2ND READING CONCUR MOTION FAILED 14 35  
3/30 2ND READING INDEFINITELY POSTPONED 35 14  
3/30 RETURNED TO HOUSE WITH AMENDMENTS  
NOT CONCURRED IN

1 *House* BILL NO. *466*  
 2 INTRODUCED BY *Sen. Dan Claitor* *Sen. Rick Kitzman*  
 3 *Harlingen Daily Bulletin*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC  
 5 COLLEGES, COMMUNITY COLLEGES, UNIVERSITIES, AND THE BOARD OF  
 6 REGENTS OF HIGHER EDUCATION TO GIVE PREFERENCE IN CERTAIN  
 7 EMPLOYMENT TO CERTAIN VETERANS AND HANDICAPPED PERSONS AND  
 8 THEIR ELIGIBLE SPOUSES; AND AMENDING SECTION 39-30-103,  
 9 MCA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12 Section 1. Section 39-30-103, MCA, is amended to read:  
 13 "39-30-103. Definitions. For the purposes of this  
 14 chapter, the following definitions apply:  
 15 (1) "Active duty" means full-time duty other than for  
 16 training in the regular components of the United States  
 17 army, air force, navy, marine corps, or coast guard with  
 18 full pay and allowances. The term does not include monthly  
 19 drills, summer encampments, initial training, or other  
 20 inactive or active duty for training in the national guard  
 21 or reserves.  
 22 (2) "Disabled veteran" means an individual, whether or  
 23 not he is a veteran as defined in this section, who:  
 24 (a) served on active duty;  
 25 (b) has been separated from service by honorable

1 discharge; and  
 2 (c) suffers a service-connected disability determined  
 3 by the United States veterans administration to be 30% or  
 4 more disabling.  
 5 (3) "Eligible spouse" means:  
 6 (a) the unremarried surviving spouse of a veteran who  
 7 died while on active duty or whose death resulted from a  
 8 service-connected disability; or  
 9 (b) the spouse of:  
 10 (i) a disabled veteran determined by the United States  
 11 veterans administration to have a 100% service-connected  
 12 disability who is unable to use his employment preference  
 13 because of his disability;  
 14 (ii) a person on active duty determined by the United  
 15 States government to be missing in action or a prisoner of  
 16 war; or  
 17 (iii) a handicapped person determined by the department  
 18 of social and rehabilitation services to have a 100%  
 19 disability who is unable to use his employment preference  
 20 because of his disability.  
 21 (4) "Handicapped person" means an individual certified  
 22 by the department of social and rehabilitation services to  
 23 have a physical or mental impairment that substantially  
 24 limits one or more major life activities, such as writing,  
 25 seeing, hearing, speaking, or mobility, and which limits the



1 individual's ability to obtain, retain, or advance in  
2 employment.

3 (5) (a) "Initial hiring" means a personnel action for  
4 which applications are solicited from outside the ranks of  
5 the current employees of:

6 (i) a department, as defined in 2-15-102, for a  
7 position within the executive branch;

8 (ii) a legislative agency, such as the consumer  
9 counsel, environmental quality council, office of the  
10 legislative auditor, legislative council, or office of the  
11 legislative fiscal analyst, for a position within the  
12 legislative branch;

13 (iii) a judicial agency, such as the office of supreme  
14 court administrator, office of supreme court clerk, state  
15 law library, or similar office in a state district court for  
16 a position within the judicial branch;

17 (iv) a unit, as specified in 20-25-201, for a position  
18 within the Montana university system;

19 (v) the office of commissioner of higher education for  
20 a position within that office;

21 (vi) a college for a position within that college;

22 ~~(iv)~~(vii) a city or town for a municipal position,  
23 including a city or municipal court position; and

24 ~~(v)~~(viii) a county for a county position, including a  
25 justice's court position.

1 (b) A personnel action limited to current employees of  
2 a specific public entity identified in subsections (a)(i)  
3 through ~~(a)(v)~~(a)(viii) of this subsection (5), current  
4 employees in a reduction-in-force pool who have been laid  
5 off from a specific public entity identified in subsections  
6 (a)(i) through ~~(a)(v)~~(a)(viii) of this subsection (5), or  
7 current participants in a federally authorized employment  
8 program is not an initial hiring.

9 (6) (a) "Mental impairment" means:

10 (i) suffering from a disability attributable to mental  
11 retardation, cerebral palsy, epilepsy, autism, or any other  
12 neurologically handicapping condition closely related to  
13 mental retardation and requiring treatment similar to that  
14 required by mentally retarded individuals; or

15 (ii) an organic or mental impairment that has  
16 substantial adverse effects on an individual's cognitive or  
17 volitional functions.

18 (b) The term mental impairment does not include  
19 alcoholism or drug addiction and does not include any mental  
20 impairment, disease, or defect that has been asserted by the  
21 individual claiming the preference as a defense to any  
22 criminal charge.

23 (7) "Position" means a permanent or seasonal position  
24 as defined in 2-18-101 for a state position or a similar  
25 permanent or seasonal position with a public employer other

1 than the state. However, the term does not include:

2 (a) a temporary position as defined in 2-18-101 for a  
3 state position or similar temporary position with a public  
4 employer other than the state;

5 (b) a state or local elected official;

6 (c) employment as an elected official's immediate  
7 secretary, legal advisor, court reporter, or administrative,  
8 legislative, or other immediate or first-line aide;

9 (d) appointment by an elected official to a body such  
10 as a board, commission, committee, or council;

11 (e) appointment by an elected official to a public  
12 office if the appointment is provided for by law;

13 (f) a department head appointment by the governor or  
14 an executive department head appointment by a mayor, city  
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17 (g) engagement as an independent contractor or  
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19 (h) a position held by a student under the Montana  
20 work-study program provided for in Title 20, chapter 25,  
21 part 7, or under a student employment program administered  
22 by the Montana university system or a community college.

23 (8) (a) "Public employer" means:

24 (i) any department, office, board, bureau, commission,  
25 agency, college, community college, university, or other

1 instrumentality of the executive, judicial, or legislative  
2 branch of the government of the state of Montana, including  
3 the board of regents of higher education; and

4 (ii) any county, city, or town.

5 (b) The term does not include a school district, a  
6 postsecondary vocational-technical center or program, a  
7 ~~community-college, the board of regents of higher education,~~  
8 ~~the--Montana--university-system;~~ a special purpose district,  
9 an authority, or any political subdivision of the state  
10 other than a county, city, or town.

11 (9) "Substantially equal qualifications" means the  
12 qualifications of two or more persons among whom the public  
13 employer cannot make a reasonable determination that the  
14 qualifications held by one person are significantly better  
15 suited for the position than the qualifications held by the  
16 other persons.

17 (10) (a) "Veteran" means a person who:

18 (i) served on active duty during time of war or  
19 declared national emergency or in a campaign or expedition  
20 for which a campaign badge was authorized by the United  
21 States congress or the United States department of defense;  
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23 (ii) has been separated from service by honorable  
24 discharge.

25 (b) The term does not include a retired member of the

1 United States armed forces who is eligible for or receiving  
2 a military retirement allowance based on length of service  
3 and does not include any other retired member of a public  
4 retirement system, except social security, that is supported  
5 in whole or in part by tax revenues.

6 (11) "War or declared national emergency" means:

7 (a) World War I, beginning on April 6, 1917, and  
8 ending on November 11, 1918, both dates inclusive;

9 (b) World War II, beginning on December 7, 1941, and  
10 ending on December 31, 1946, both dates inclusive;

11 (c) the Korean conflict, military expedition, or  
12 police action, beginning on June 27, 1950, and ending on  
13 January 31, 1955, both dates inclusive; and

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15 and ending on May 7, 1975, both dates inclusive."

16 NEW SECTION. Section 2. Extension of authority. Any  
17 existing authority of the department of administration to  
18 make rules on the subject of the provisions of this act is  
19 extended to the provisions of this act.

-End-

APPROVED BY COMM. ON  
BUSINESS AND LABOR

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3 Harough Daily Bulletin  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC  
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- 24 (a) served on active duty;
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1 discharge; and  
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14 court administrator, office of supreme court clerk, state  
15 law library, or similar office in a state district court for  
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17 (iv) a unit, as specified in 20-25-201, for a position  
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19 (v) the office of commissioner of higher education for  
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21 (vi) a college for a position within that college;

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21 States congress or the United States department of defense;  
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24 discharge.

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17 existing authority of the department of administration to  
18 make rules on the subject of the provisions of this act is  
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-End-

1 HOUSE BILL NO. 466

2 INTRODUCED BY D. BROWN, LYNCH, KITSELMAN,

3 HARRINGTON, DAILY, QUILICI

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOL  
6 DISTRICTS, POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS OR  
7 PROGRAMS, PUBLIC COLLEGES, COMMUNITY COLLEGES, UNIVERSITIES,  
8 AND THE BOARD OF REGENTS OF HIGHER EDUCATION TO GIVE  
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