

HOUSE BILL NO. 159

INTRODUCED BY PAVLOVICH, HALLIGAN, DAILY, J. JOHNSON,
GERVAIS, ENDY, D. BROWN, LYNCH, PIPINICH, LARSON, MENAHAN,
HARRINGTON, DRISCOLL, MCCARTHY, QUILICI, HARP, NATHE,
TVEIT, GRADY, DEVLIN

IN THE HOUSE

JANUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 21, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 22, 1993	PRINTING REPORT.
JANUARY 23, 1993	SECOND READING, DO PASS.
JANUARY 25, 1993	ENGROSSING REPORT.
JANUARY 26, 1993	THIRD READING, PASSED. AYES, 97; NOES, 2.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 28, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 13, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 15, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 16, 1993	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 17, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House
BILL NO. 159

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF 'VETERAN' FOR THE PURPOSES OF THE VETERANS' PUBLIC

EMPLOYMENT PREFERENCE TO CONFORM WITH THE FEDERAL DEFINITION SO THAT A VETERAN INCLUDES A PERSON IN A RESERVE COMPONENT OF THE ARMED FORCES CALLED TO ACTIVE DUTY FOR CAMPAIGNS SUCH AS OPERATION DESERT SHIELD AND OPERATION DESERT STORM; AMENDING SECTION 39-29-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 39-29-101, MCA, is amended to read:

"39-29-101. Definitions. For the purposes of this chapter, the following definitions apply:

(1) "Active duty" means full-time duty with military pay and allowances in the armed forces, except for training, determining physical fitness, or service in the reserve or national guard.

(2) "Armed forces" means the United States:

(a) army, navy, air force, marine corps, and coast guard; and

(b) merchant marine for service recognized by the United States department of defense as active military

service for the purpose of laws administered by the department of veterans affairs.

(3) "Disabled veteran" means a person:

(a) whether or not he the person is a veteran as defined in this section, who was separated under honorable conditions from active duty in the armed forces and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a law administered by the department of veterans affairs or a military department; or

(b) who has received a purple heart medal.

(4) "Eligible relative" means:

(a) the unmarried surviving spouse of a veteran or disabled veteran;

(b) the spouse of a disabled veteran who is unable to qualify for appointment to a position;

(c) the mother of a veteran who ~~lost-his-life~~ died under honorable conditions while serving in the armed forces if:

(i) ~~her-husband~~ the mother's spouse is totally and permanently disabled; or

(ii) ~~she~~ the mother is the widow of the father of the veteran and has not remarried;

(d) the mother of a service-connected permanently and

1 totally disabled veteran if:

2 (i) ~~her--husband~~ the mother's spouse is totally and
3 permanently disabled; or

4 (ii) ~~she~~ the mother is the widow of the father of the
5 veteran and has not remarried.

6 (5) "Position" means a permanent, temporary, or
7 seasonal position as defined in 2-18-101 for a state
8 position or a similar permanent, temporary, or seasonal
9 position with a public employer other than the state. The
10 term does not include:

11 (a) a state or local elected office;

12 (b) appointment by an elected official to a body such
13 as a board, commission, committee, or council;

14 (c) appointment by an elected official to a public
15 office if the appointment is provided for by law;

16 (d) a department head appointment by the governor or an
17 executive department head appointment by a mayor, city
18 manager, county commissioner, or other chief administrative
19 or executive officer of a local government; or

20 (e) engagement as an independent contractor or
21 employment by an independent contractor.

22 (6) "Public employer" means:

23 (a) a department, office, board, bureau, commission,
24 agency, or other instrumentality of the executive,
25 legislative, or judicial branches of the government of this

1 state;

2 (b) a unit of the Montana university system or a
3 vocational-technical center;

4 (c) a school district or community college; and

5 (d) a county, city, or town.

6 (7) "Scored procedure" means a written test, structured
7 oral interview, performance test, or other selection
8 procedure or a combination of these procedures that result
9 in a numerical score to which percentage points may be
10 added.

11 (8) "Under honorable conditions" means a discharge or
12 separation from active duty characterized by the armed
13 forces as under honorable conditions. The term includes
14 honorable discharges and general discharges but does not
15 include dishonorable discharges or other administrative
16 discharges characterized as other than honorable.

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

18 (a) was separated under honorable conditions from
19 active duty in the armed forces after having served more
20 than 180 consecutive days, other than for training; or

21 (b) as a member of a reserve component under an order
22 of active duty pursuant to 10 U.S.C. 672(a), (d), or (g), 10
23 U.S.C. 673, or 10 U.S.C. 673b served on active duty during a
24 period of war or in a campaign or expedition for which a
25 campaign badge is authorized and was discharged or released

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1 from duty under honorable conditions."

2 NEW SECTION. **Section 2.** Effective date. [This act] is

3 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 *House* BILL NO. *159* *Endy*
2 INTRODUCED BY *Carlson, Hollenbeck, Larson, Mendonca*
3 *Harmon, Harkins, McCall, NATHAN, Smith, Smith, Smith*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION
5 OF "VETERAN" FOR THE PURPOSES OF THE VETERANS' PUBLIC
6 EMPLOYMENT PREFERENCE TO CONFORM WITH THE FEDERAL DEFINITION
7 SO THAT A VETERAN INCLUDES A PERSON IN A RESERVE COMPONENT
8 OF THE ARMED FORCES CALLED TO ACTIVE DUTY FOR CAMPAIGNS SUCH
9 AS OPERATION DESERT SHIELD AND OPERATION DESERT STORM;
10 AMENDING SECTION 39-29-101, MCA; AND PROVIDING AN IMMEDIATE
11 EFFECTIVE DATE."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 **Section 1.** Section 39-29-101, MCA, is amended to read:
15 "39-29-101. Definitions. For the purposes of this
16 chapter, the following definitions apply:
17 (1) "Active duty" means full-time duty with military
18 pay and allowances in the armed forces, except for training,
19 determining physical fitness, or service in the reserve or
20 national guard.
21 (2) "Armed forces" means the United States:
22 (a) army, navy, air force, marine corps, and coast
23 guard; and
24 (b) merchant marine for service recognized by the
25 United States department of defense as active military

1 service for the purpose of laws administered by the
2 department of veterans affairs.
3 (3) "Disabled veteran" means a person:
4 (a) whether or not he the person is a veteran as
5 defined in this section, who was separated under honorable
6 conditions from active duty in the armed forces and has
7 established the present existence of a service-connected
8 disability or is receiving compensation, disability
9 retirement benefits, or pension because of a law
10 administered by the department of veterans affairs or a
11 military department; or
12 (b) who has received a purple heart medal.
13 (4) "Eligible relative" means:
14 (a) the unmarried surviving spouse of a veteran or
15 disabled veteran;
16 (b) the spouse of a disabled veteran who is unable to
17 qualify for appointment to a position;
18 (c) the mother of a veteran who ~~lost-his-life~~ died
19 under honorable conditions while serving in the armed forces
20 if:
21 (i) her-husband the mother's spouse is totally and
22 permanently disabled; or
23 (ii) she the mother is the widow of the father of the
24 veteran and has not remarried;
25 (d) the mother of a service-connected permanently and

1 totally disabled veteran if:

2 (i) her--husband the mother's spouse is totally and
3 permanently disabled; or

4 (ii) she the mother is the widow of the father of the
5 veteran and has not remarried.

6 (5) "Position" means a permanent, temporary, or
7 seasonal position as defined in 2-18-101 for a state
8 position or a similar permanent, temporary, or seasonal
9 position with a public employer other than the state. The
10 term does not include:

11 (a) a state or local elected office;

12 (b) appointment by an elected official to a body such
13 as a board, commission, committee, or council;

14 (c) appointment by an elected official to a public
15 office if the appointment is provided for by law;

16 (d) a department head appointment by the governor or an
17 executive department head appointment by a mayor, city
18 manager, county commissioner, or other chief administrative
19 or executive officer of a local government; or

20 (e) engagement as an independent contractor or
21 employment by an independent contractor.

22 (6) "Public employer" means:

23 (a) a department, office, board, bureau, commission,
24 agency, or other instrumentality of the executive,
25 legislative, or judicial branches of the government of this

1 state;

2 (b) a unit of the Montana university system or a
3 vocational-technical center;

4 (c) a school district or community college; and

5 (d) a county, city, or town.

6 (7) "Scored procedure" means a written test, structured
7 oral interview, performance test, or other selection
8 procedure or a combination of these procedures that result
9 in a numerical score to which percentage points may be
10 added.

11 (8) "Under honorable conditions" means a discharge or
12 separation from active duty characterized by the armed
13 forces as under honorable conditions. The term includes
14 honorable discharges and general discharges but does not
15 include dishonorable discharges or other administrative
16 discharges characterized as other than honorable.

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

18 (a) was separated under honorable conditions from
19 active duty in the armed forces after having served more
20 than 180 consecutive days, other than for training; or

21 (b) as a member of a reserve component under an order
22 of active duty pursuant to 10 U.S.C. 672(a), (d), or (g), 10
23 U.S.C. 673, or 10 U.S.C. 673b served on active duty during a
24 period of war or in a campaign or expedition for which a
25 campaign badge is authorized and was discharged or released

LC 0451/01

1 from duty under honorable conditions."

2 NEW SECTION. Section 2. Effective date. {This act} is

3 effective on passage and approval.

-End-

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2 INTRODUCED BY *House* BILL NO. *159* *Enley*
3 *James B. Brown* *John G. Brown* *John G. Brown* *John G. Brown*
4 *HAIR* *NATHAN* *Enley*
5 OF "VETERAN" FOR THE PURPOSES OF THE VETERANS' PUBLIC
6 EMPLOYMENT PREFERENCE TO CONFORM WITH THE FEDERAL DEFINITION
7 SO THAT A VETERAN INCLUDES A PERSON IN A RESERVE COMPONENT
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5 NEW SECTION. **Section 2.** Effective date. [This act] is
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-End-