

1 HOUSE BILL NO. 427

2 INTRODUCED BY S. KERNS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MILITARY AFFAIRS LAWS; PROVIDING THAT
5 MEMBERS OF THE NATIONAL GUARD AND AIR NATIONAL GUARD ARE ENTITLED TO WORKERS'
6 COMPENSATION WHILE ON STATE DUTY; PROVIDING THAT THE DEPARTMENT OF MILITARY
7 AFFAIRS MUST COVER THE DIFFERENCE BETWEEN WORKERS' COMPENSATION BENEFITS AND THE
8 INJURED MEMBER'S ~~CIVILIAN~~ FEDERAL COMPENSATION RATE; PROVIDING RULEMAKING
9 AUTHORITY; AND AMENDING SECTIONS 10-3-312 AND 39-71-118, MCA."

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

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13 NEW SECTION. **Section 1. Benefits for national guard performing state military duty.** (1) A
14 member of the army national guard or air national guard who suffers a covered injury or illness while serving on
15 state military duty, as defined in 10-1-1003, is entitled to worker's compensation in the same manner as any
16 other employee of the state.

17 (2) A member of the army national guard or air national guard who, as a result of an injury suffered
18 while serving on state military duty, is temporarily unable to return to the civilian trade or business performed
19 immediately before entering state military duty is entitled to a monthly payment from the department in an
20 amount that is equivalent to the difference between the gross workers' compensation benefits received for the
21 injury and the pay and allowances of the member provided by 10-1-502. Entitlement to this payment is personal
22 to the member and terminates upon termination of workers' compensation benefits.

23 (3) A member of the army national guard or air national guard who, as a result of an injury suffered
24 while serving on state military duty, is permanently disabled is entitled to a monthly payment from the
25 department in an amount equal to the difference between the gross workers' compensation benefits received
26 for the injury and the amount that would be paid to a similarly situated member of the armed forces of the
27 United States for the same injury if it was incurred in the line of duty.

28 (4) A member of the army national guard or air national guard is not entitled to any benefits under