

SENATE BILL NO. 40

INTRODUCED BY M. CUFFE

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING NATIONAL GUARD PAY AND SPECIAL DUTY STATUS; AND AMENDING SECTIONS 10-1-501, 10-1-502, AND 10-1-505, MCA."

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

Section 1. Section 10-1-501, MCA, is amended to read:

"10-1-501. Pay for militia. (1) When the organized militia is ordered into active duty as provided for in Article VI, section 13, of the constitution of this state, warrants for pay and expenses must be drawn upon funds appropriated by the legislature.

(2) If national guard members are placed on state duty for special work pursuant to 10-1-505, the members are entitled to pay and allowances as provided in 10-1-502~~(3)~~(4). Warrants for pay and allowances for state duty for special work must be drawn upon funds appropriated by the legislature."

Section 2. Section 10-1-502, MCA, is amended to read:

"10-1-502. Pay and allowances. (1) An officer ordered into active duty as provided for in Article VI, section 13, of the constitution of this state must receive pay and allowances as prescribed for an officer of corresponding grade and length of service when on active duty in federal service.

(2) A rated aviation officer performing flying duties in support of a state declaration of emergency or disaster may receive pay at a rate comparable to the pay for other state employees engaged in aerial wildfire suppression efforts if the adjutant general determines that payment at that rate is appropriate.

~~(2)(3)~~ An enlisted member ordered into active duty as provided for in Article VI, section 13, of the constitution of this state must receive pay at rates equivalent to twice those allowed for an enlisted member of corresponding grade and length of time when on active duty in federal service. This schedule of pay for enlisted members applies only to the first 15 days of service. After 15 days, an enlisted member must receive the pay

1 and allowances as prescribed for an enlisted member of corresponding grade and length of service when on
2 active duty in federal service.

3 ~~(3)~~(4) A national guard member placed on state duty for special work, as defined in 10-1-505, must
4 receive the pay and allowances as prescribed for an officer or enlisted member of corresponding grade and
5 length of service when on active duty in federal service.

6 ~~(4)~~(5) The pay and allowances provided for in subsections (1) and (2) may not be paid when pay and
7 allowances for the active duty are provided out of federal funds."

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9 **Section 3.** Section 10-1-505, MCA, is amended to read:

10 **"10-1-505. State duty for special work -- definition.** (1) To fulfill the department's duties under 10-1-
11 102, the adjutant general as the department head under 2-15-1201 may use national guard resources and
12 place Montana national guard personnel on state duty for special work.

13 (2) (a) For purposes of this section, "state duty for special work" means:

14 (i) any activity, such as administrative functions, exercises, training, coordination, or planning, that
15 is conducted for the purposes of preparing the Montana national guard for active duty ordered by the governor
16 under Article VI, section 13, of the Montana constitution; ~~or~~

17 (ii) cybersecurity training and operations, including but not limited to vulnerability assessments,
18 situational awareness, investigation, analysis, and incident response; or

19 (iii) support operations of the youth challenge program.

20 (b) State duty for special work does not include active duty ordered by the governor under Article
21 VI, section 13, of the Montana constitution."

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