

HOUSE BILL NO. 532
INTRODUCED BY H. JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING STATE DUTY FOR THE MONTANA NATIONAL GUARD; CLARIFYING THAT NATIONAL GUARD RESOURCES MAY BE USED TO PREPARE FOR STATE ACTIVE DUTY ORDERED BY THE GOVERNOR; PROVIDING A DEFINITION; AMENDING STATE PAY OF NATIONAL GUARD MEMBERS; AMENDING SECTIONS 10-1-501 AND 10-1-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

(2) For purposes of this section, "state duty for special work" means any activity, such as administrative functions, exercises, training, coordination, or planning, that is conducted for the purposes of preparing the Montana national guard for active duty ordered by the governor under Article VI, section 13, of the Montana constitution. State duty for special work does not include active duty ordered by the governor under Article VI, section 13.

Section 2. Section 10-1-501, MCA, is amended to read:

"10-1-501. Pay for ~~activated militia from general fund.~~ (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 ~~shall~~ must be drawn upon the general fund of the state.

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

Section 3. 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 ~~shall~~ 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) An enlisted member ordered into active duty as provided for in Article VI, section 13, of the constitution of this state ~~shall~~ 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 ~~shall~~ must receive the pay and allowances as prescribed for an enlisted member of corresponding grade and length of service when on active duty in federal service.

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

~~(3)~~(4) The pay and allowances provided for in ~~this section~~ subsections (1) and (2) may not be paid when pay and allowances for the active duty are provided out of federal funds."

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 10, chapter 1, part 5, and the provisions of Title 10, chapter 1, part 5, apply to [section 1].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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