

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE HOME GUARD REVITALIZATION ACT OF 2023;  
5 ESTABLISHING THE RIGHT OF COUNTIES, LOCAL GOVERNMENTS, AND RESIDENTS OF CERTAIN  
6 AREAS TO FORM, FUND, AND UTILIZE UNITS OF THE HOME GUARD; ESTABLISHING COUNTY AND  
7 LOCAL GOVERNMENT CONTROL OF HOME GUARD UNITS WHEN NOT ACTIVATED BY THE  
8 GOVERNOR; REQUIRING THE GOVERNOR TO MAKE CERTAIN APPOINTMENTS; ESTABLISHING  
9 RESPONSIBILITIES FOR HOME GUARD UNITS; ESTABLISHING MINIMUM PARTICIPATION  
10 REQUIREMENTS FOR VOLUNTEERS SERVING IN THE HOME GUARD; PROVIDING BENEFITS FOR  
11 RETIRED MEMBERS; AUTHORIZING THE PURCHASING AND POSSESSION OF CERTAIN ARMS AND  
12 EQUIPMENT BY MEMBERS OF THE HOME GUARD; ESTABLISHING REQUIREMENTS FOR CERTAIN  
13 FIREARMS AND EQUIPMENT; AUTHORIZING THE ADJUTANT GENERAL TO PROMULGATE CERTAIN  
14 RIFLE QUALIFICATION STANDARDS; DIRECTING THE ADJUTANT GENERAL TO AUTHORIZE CERTAIN  
15 TRAINING; AUTHORIZING SPECIAL STANDARDS FOR NAVY AND MARINE CORPS UNITS; PROVIDING  
16 RULEMAKING AUTHORITY; AMENDING SECTIONS 10-1-701 AND 10-1-702, MCA; AND PROVIDING AN  
17 IMMEDIATE EFFECTIVE DATE."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
20

21 NEW SECTION. **Section 1. Establishing right of counties, local governments, and residents of**  
22 **certain areas to form, fund, and utilize units of home guard.** (1) (a) A municipality described in 7-1-4111  
23 may form a volunteer home guard unit by a vote of the governing body.

24 (b) A group of three households or more located in a rural community outside the limits of a  
25 municipality may organize a home guard unit and present themselves to the county board for approval as an  
26 independent unit or incorporation into a larger unit within that county.

27 (2) Municipalities and rural communities may establish a fund to collect donations to pay members  
28 of their home guard for emergency services rendered to the community.

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2            NEW SECTION. **Section 2. Local control of home guard units.** The governing body of the  
3 municipality under which a home guard unit is formed may activate a local home guard unit to assist with  
4 emergency situations, including but not limited to:

- 5            (1) search and rescue;
- 6            (2) wildland fire fighting; or
- 7            (3) at the request of the sheriff to assist in ensuring the safety and security of the municipality or  
8 rural community during an emergency.

9

10           NEW SECTION. **Section 3. Commandant of naval militia -- appointment by governor.** (1) (a) The  
11 governor shall, within 1 year of the passage of [sections 1 through 20], appoint a commandant of the naval  
12 militia within the home guard.

13           (b) The commandant of the naval militia must have previously served at least 3 years as a major or  
14 above in the active or reserve U.S. marine corps or as a lieutenant commander or above branch qualified as  
15 naval special warfare in the active or reserve U.S. navy, or have served as an officer in a navy or marine corps  
16 home guard unit for no less than 12 years, with at least 3 years serving as a major or above.

17           (c) The commandant must be appointed by the governor at the rank of colonel or brigadier  
18 general, excepting the appointment of an officer holding a higher rank at the time of appointment. The state  
19 may, in accordance with federal law and at the discretion of the governor, apply to the secretary of the navy for  
20 federal recognition of the rank of the governor's appointee as commandant of the naval militia if the  
21 appointment is to a higher rank than the appointee has previously held.

22           (2) The commandant of the naval militia shall perform service without pay, except when activated  
23 for full-time service by the governor, and may not receive benefits above other officers serving in the home  
24 guard.

25           (3) The commandant must be responsible for all navy and marine corps home guard units  
26 referenced in [section 20], establish regulations and standards for naval home guard units, provide yearly  
27 reports on naval units within the home guard to the adjutant general, and coordinate and manage all  
28 cooperation with the U.S. naval services.

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2            **NEW SECTION. Section 4. Commander of Montana home guard -- appointment by governor.**

3 (1) (a) The governor may appoint an officer to the position of commander of the Montana home guard.

4            (b) An appointee to the position of commander must have previously served at least 3 years as a  
5 major or above in any branch of the U.S. armed forces, whether active or reserve, or at least 12 years in the  
6 Montana national guard with at least 3 years of service in a rank of no less than major.

7            (c) The governor may appoint the officer at the rank of colonel or above, except that a person  
8 serving as commander may not hold a rank higher than the adjutant general.

9            (2) The commander must be responsible for:

10            (a) monitoring readiness and training of home guard units across the state;

11            (b) developing and maintaining plans for incorporating personnel drafted or otherwise enrolled in  
12 the home guard in times of emergency into home guard units; and

13            (c) providing annual status reports to the adjutant general.

14            (3) The commander shall work with the adjutant general to:

15            (a) ensure that the home guard units implement and adhere to standards substantially similar to  
16 the national guard when practicable; and

17            (b) prepare home guard units to be able to integrate into supporting national guard plans and  
18 operations if determined appropriate by the adjutant general.

19

20            **NEW SECTION. Section 5. Requiring governor to make certain appointments.** (1) Officers who  
21 do not currently hold a commission from the governor or through a federal military service who will be appointed  
22 in the home guard at the rank of major or above must be appointed by the governor.

23            (2) Municipalities or rural communities forming a home guard unit may forward the name and  
24 resume of a prospective appointee to the governor, however an officer may not be appointed as a major or  
25 above unless the officer will be leading at least two companies, each of which must consist of at least 60  
26 personnel.

27            (3) In all other cases the governor shall deny the appointment unless, after consultation with the  
28 adjutant general, the governor believes the appointment is in the best interest of the state and the home guard.

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2           NEW SECTION. Section 6. All other officers and company grade officers. (1) Officers who  
3 currently hold a commission from regular military service, whether the commission is active or inactive, only  
4 require appointment to their position, not a new commission.

5           (2) Municipalities and rural communities establishing a home guard unit may, on a vote of the  
6 governing body, appoint:

7           (a) a second lieutenant when their home guard unit reaches at least 15 active personnel in size,  
8 with an additional second lieutenant for each platoon of 24 or more members;

9           (b) a first lieutenant to supervise and lead two or more platoons of 24 personnel; and

10           (c) a captain, with a first lieutenant as his executive officer or second in command, for each  
11 company of three or four 24-personnel platoons.

12           (3) On having three companies or more, the governing body shall appoint an existing major,  
13 lieutenant colonel, or colonel as commander of the battalion, or request that the governor appoint a major,  
14 lieutenant colonel, or colonel as commander of the battalion.

15           (4) Minimum unit sizes listed in subsections (2) and (3) reflect 50% of the personnel that will be  
16 expected to be assigned to a given unit and in an officer's charge in the event of an emergency necessitating  
17 the enrollment of additional members by draft.

18

19           NEW SECTION. Section 7. Other ranks. Ranks other than officers must generally conform to U.S.  
20 army ranks and must be based strictly on the position that the individual holds within the home guard. U.S. navy  
21 and marine corps home guard units described in [section 20] are exempt from this section and must retain U.S.  
22 navy or marine corps ranks.

23

24           NEW SECTION. Section 8. Requiring adherence to certain standards. Home guard units must be  
25 organized in a manner substantially similar to the U.S. army, except those units that are designated as navy or  
26 marine units under [section 20]. Home guard units shall generally, except where otherwise stipulated, strive to  
27 adhere to U.S. army standards for doctrine and disciplines, except that members of the home guard may not be  
28 required to shave their faces or maintain short hair.

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2           NEW SECTION. Section 9. Fully qualified defined. A member of the home guard is considered fully  
3 qualified if, within the previous year, the member has qualified with a service rifle, completed basic first  
4 responder and stop the bleed medical training or an equivalent that the governor or his designee finds  
5 substantially similar, has achieved no less than a 51% on the army national guard physical fitness test, and has  
6 attended the minimum training required of an active member.

7  
8           NEW SECTION. Section 10. Home guard member status. Members of the home guard may be  
9 active, inactive, or retired.

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11           NEW SECTION. Section 11. Active member minimum participation requirements -- rights. (1) A  
12 volunteer enrolled as an active member of the home guard unit shall participate in a minimum of 11 periods of  
13 instruction each year with each period of instruction lasting at least 8 hours, plus at least one 36-hour overnight  
14 period of instruction each year.

15           (a) At least one period of instruction must be completed for each quarter of the year.  
16           (b) Failure to meet minimum active participation requirements over 2 consecutive years may result  
17 in the member being disenrolled or moved to an inactive or retired status as appropriate.

18           (2) (a) An active member who is fully qualified as described in [section 9] may individually  
19 purchase one M16, one M4, or one MK18 rifle, or a successor replacement U.S. army or marine corps  
20 individual service rifle.

21           (b) An active member may instead convert one existing civilian equivalent service rifle to select fire  
22 and file the appropriate form with the U.S. bureau of alcohol, tobacco, firearms, and explosives, notifying them  
23 of the tax-free making under government authority as part of their official duties in the home guard.

24  
25           NEW SECTION. Section 12. Inactive member prerequisites -- requirements -- rights. (1) A  
26 member of the home guard who has met the active member minimum participation requirements for no less  
27 than 4 of the preceding 5 years and who is fully qualified as described in [section 9] may, on request through  
28 the member's home guard unit's commanding officer, be recorded by the unit's sponsoring entity as an inactive

1 member.

2 (2) (a) An inactive member shall complete a service rifle qualification and physical fitness test once  
3 a year if ordered by the member's unit commanding officer.

4 (b) Failure to pass a service rifle qualification or physical fitness test 2 years in a row, if ordered to  
5 complete this training, may result in the inactive member being disenrolled.

6 (3) On entering an inactive status, a member may not accrue years toward retirement until they  
7 have again met the active member minimum participation requirement over a 1-year period.

8 (4) An inactive member of the home guard may continue to possess their special equipment and  
9 arms obtained or possessed as a member of the home guard.

10

11 NEW SECTION. **Section 13. Retired member prerequisites -- requirements -- rights.** (1) (a) A  
12 member of the home guard may be retired after completing at least 20 years during which the member met the  
13 active member minimum participation requirements described in [section 11] or 30 years cumulative service in  
14 the home guard and national guard, with at least 10 of those years as an active member of the home guard.

15 (b) The 20 years of service need not be consecutive or uninterrupted service.

16 (2) A retired member of the home guard may continue to possess their special equipment and  
17 arms obtained or possessed as a member of the home guard and is subject to recall in times of emergency at  
18 the discretion of the governor.

19 (3) Retired members of the home guard are entitled to retain the title of their highest rank held for a  
20 cumulative period of 3 years and at 70 years of age are exempt from paying property taxes for the rest of their  
21 lives.

22

23 NEW SECTION. **Section 14. Retirement for disability.** A member of the home guard who is so  
24 injured during active service that the governor or the governor's designee determines it is in the best interest of  
25 the state and justice to retire the member may be ordered to retire and shall become exempt from the real  
26 property taxes on receipt of the retirement order from the governor and shall maintain all the privileges of a  
27 regularly retired member.

28

1            **NEW SECTION. Section 15. Certain arms and equipment required.** (1) (a) Within 18 months of  
2 enrollment as a member of a home guard unit, members of the home guard are required to possess either one  
3 M16, one M4, or one MK18 rifle, or a successor replacement U.S. army or U.S. marine corps individual service  
4 rifle.

5            (b) Members may choose to substitute a semiautomatic equivalent to the select fire rifle if desired.

6            (c) Members must also possess no less than five North Atlantic treaty organization standard  
7 capacity magazines, each capable of holding 30 rounds or more, and a manner in which to carry the  
8 magazines.

9            (2) Members of the home guard must possess at least one uniform consisting of an olive drab  
10 green outer shirt, an olive drab green outer shell jacket, and a pair of khaki pants, excepting members of  
11 special navy or marine corps units described in [section 20] who may utilize their U.S. navy or marine corps  
12 uniform.

13  
14            **NEW SECTION. Section 16. Storage of individual select fire service rifles -- acquisition and**  
15 **storage of other special equipment.** (1) (a) Individual select fire service rifles stored at the home or office of a  
16 member of the home guard must be stored unloaded and with no magazine inserted in a metal locking cabinet  
17 or safe that is designated for the storage of firearms.

18            (b) This may not be construed to require members of the home guard to store any other firearms  
19 they possess outside the scope of their duties as a member of the home guard in any particular manner.

20            (2) Home guard units may purchase special equipment, such as crew-served and heavy weapons,  
21 and shall store the special equipment in a safe manner in a location approved by the governing body that  
22 formed the home guard unit.

23  
24            **NEW SECTION. Section 17. Authorizing adjutant general to promulgate certain rifle**  
25 **qualification standards.** (1) The adjutant general may establish a minimum rifle qualification standard for  
26 home guard units. This standard must be achievable with 50 rounds or less of ammunition on a range not to  
27 exceed 100 meters.

28            (2) Alternatively, members of the home guard are considered to be rifle qualified if they complete a

1 recognized national rifle association or civilian marksmanship program service rifle match with a minimum score  
2 of 70%.

3

4 **NEW SECTION. Section 18. Establishing certain training requirements for home guard units.**

5 (1) Home guard units shall complete the following training at least once every 4 months:

- 6 (a) rifle training;
- 7 (b) medical training; and
- 8 (c) search and rescue training.

9 (2) Home guard units shall complete the following training at least once a year:

- 10 (a) rifle qualification; and
- 11 (b) stop the bleed training.

12 (3) Home guard units shall report their membership roster and training status to the governing  
13 body that approved the unit's creation and to the adjutant general annually by e-mail.

14

15 **NEW SECTION. Section 19. Directing the adjutant general to authorize certain training on**  
16 **request of home guard units.** The adjutant general shall permit home guard units to attend, either as  
17 observers or participants, national guard training when, in the judgment of the adjutant general, the observation  
18 or participation will incur no or negligible cost to the state, and when the observation or participation will not  
19 disrupt the national guard training.

20

21 **NEW SECTION. Section 20. Authorizing special standards for navy and marine corps units.** (1)  
22 Commissioned officers of the U.S. navy or U.S. marine corps reserve, whether their commissions are active,  
23 inactive, or the member is in a retired status, are authorized to form navy or marine corps units within the home  
24 guard. Navy and marine corps units of the home guard should, whenever practicable, consist primarily of  
25 current and former members of the naval services.

26 (2) Navy or marine corps home guard units need not be tied to a municipality or rural community.  
27 They may be formed and reported to the adjutant general through the commandant of the naval militia and to  
28 their county board where the majority of the unit members reside or where the commander of the unit resides.



1 (3) Navy or marine corps home guard units that utilize federal material support, including federal  
2 navy and marine corps reserve facilities, equipment, and training, must consist of a minimum of 90% of current,  
3 former, or retired naval service personnel, including navy, marine corps, and coast guard, in accordance with  
4 federal law and U.S. navy and marine corps regulations.

5 (4) In accordance with federal law, navy and marine corps home guard units that are formed but  
6 do not consist of at least 90% of current, former, or retired naval service personnel may be granted the use of  
7 state and local facilities and support in the same manner as any other unit of the home guard, but they may not  
8 request or receive federal material support or be authorized to use federal facilities.

9 (5) Navy and marine corps units formed and reported to the county and the adjutant general must  
10 be recorded as units of the home guard and must generally operate under the same rules and regulations as  
11 the U.S. navy and marine corps reserves whenever practicable.

12 (6) Members of marine corps units of the home guard shall adhere to U.S. marine corps grooming  
13 standards when in uniform.

14 (7) The adjutant general may require that the commandant of the naval militia develop plans for  
15 the integration of navy and marine corps home guard units into national guard emergency operations in the  
16 state.

17

18 **Section 21.** Section 10-1-701, MCA, is amended to read:

19 **"10-1-701. Home guard -- organization and composition.** The home guard ~~may~~ must be organized,  
20 and maintained, and disbanded at the discretion of the governor, in accordance with federal law and regulation,  
21 ~~when additional defense forces are needed in this state.~~ The home guard ~~shall~~ must be composed of officers  
22 assigned to it and any able-bodied citizen of this state who is at least 16 years of age and who volunteers to  
23 serve in it. If additional persons are needed in the home guard, members of the unorganized militia shall serve  
24 if enrolled by draft or otherwise as provided by law and regulation, provided that a person under 17 years of age  
25 may not be drafted."

26

27 **Section 22.** Section 10-1-702, MCA, is amended to read:

28 **"10-1-702. ~~Gubernatorial rules~~ Rules for home guard.** The home guard ~~shall~~ must be organized,

1 armed, equipped, maintained, disciplined, governed, administered, and trained under rules prescribed by the  
2 governor and by this chapter. The governor, as commander-in-chief of the home guard, may order the home  
3 guard or any portion of it into active service. These rules ~~shall~~ must conform to federal law and regulations."  
4

5 NEW SECTION. Section 23. Codification instruction. [Sections 1 through 20] are intended to be  
6 codified as an integral part of Title 10, chapter 1, part 7, and the provisions of Title 10, chapter 1, part 7, apply  
7 to [sections 1 through 20].  
8

9 NEW SECTION. Section 24. Effective date. [This act] is effective on passage and approval.

10 - END -