

# DEPARTMENT OF MILITARY AFFAIRS STATE OF MONTANA



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**Aug 8, 2022**

**To:** Members of the State Administration and Veterans' Affairs Interim Committee

**From:** Maj Gen J. Peter Hronek, Director

**Subject:** Department of Military Affairs (DMA) Bill Draft Proposals

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The following is a list of the Department of Military Affairs' (DMA) proposed legislation that has been approved through the Executive Planning Process for introduction to the 2023 Legislature. The department would appreciate your review of these proposals and consideration for pre-introduction.

- 1. Adopt most recent federal rules**
  - Adopt the most recent version of the Uniform Code of Military Justice and federal military regulations for the Montana National Guard. This update is done every two years.
- 2. New state veteran cemetery**
  - Develop new Veteran State Cemetery in Columbia Falls through 100% federally funded VA grant project. Once built, the Montana Veteran Affairs Division will staff and maintain.
- 3. All-hazard disaster mitigation account**
  - Establish a disaster mitigation account in a state special revenue fund to the credit of the department. The intent is to invest in disaster mitigation to reduce the physical and financial impacts of disasters on state and local government. This account will establish a sustainable funding source to help implement multi-hazard mitigation strategies across the state that yield lasting, permanent solutions for disaster risk-reduction, which can be used to leverage federal funds.
- 4. State of Montana Army Revitalization Target (SMART) account**
  - Add a statutory appropriation to establish a deferred maintenance account. It will address deferred maintenance and subsequent deterioration of state funded buildings. It will make the Montana National Guard more competitive for federal funding if they adopt a long-term plan.

- 5. Immunity for national guard activities**
  - Add a subsection to MCA 10-1-111 clarifying that there is no liability for negligence in the provision of emergency medical care provided by members of the militia while rendering medical aid in an emergency or search and rescue activity, except for in cases of willful acts.
  - Add a new section in Title 45 providing standards-based immunity when members of the Montana National Guard use force, including deadly force, in defense of national security sensitive equipment or information while on duty.
- 6. Revise laws related to Montana National Guard Benefits and Rights**
  - Revise MCA 10-1-13 to expand eligibility for needs-based grants to members of the Montana National Guard who are placed on orders for less than 30 days in support of a contingency operation.
  - Add a section in MCA 10-1-9 applying protections like the federal Servicemember Civil Relief Act to allow residential lease and consumer contract termination for Title 32 permanent change of station moves for full time National Guard members.
  - Add a section in MCA 10-1-10 providing a presumption of illegal discrimination on the basis of military service when service members are terminated or denied employment without a legitimate nondiscriminatory reason provided in writing within seven days of termination by the employer.
- 7. Disaster Mitigation Funds as a Statutory Appropriation**
  - Transfer Federal Mitigation Funding from House Authority to Statutory Authority. Federal mitigation funding amounts are determined after a disaster has impacted the state. Like disaster recovery funds, amounts vary based on the severity of the disaster and project timelines are determined by the complexity of the project which often span over a biennium. This revision will provide an accurate representation of the organizations funding authority. The agency will reduce the end of year balance of mitigation program house authority to zero. Like disaster recovery, the program will request authority under statutory appropriation as needed through the life of a mitigation project.
- 8. Increase use of armory account**
  - Add to MCA 10-1-108 stating money in the account may be used to purchase 35% project design and is expendable solely upon the authorization of the governor. Current language limits the use to purchase of land. The change will place Montana projects in an more advantage position to leverage federal funding.
- 9. Revise laws related to national guard benefits**
  - Provide parity for duty related injuries between federal and state military service when a member of the militia on State Active Duty suffers a catastrophic injury. This is modeled after a similar provision from the State of Utah and has little fiscal impact because of the remote risk of catastrophic injury.
- 10. Revise laws related to national guard duty status**
  - Amend MCA 10-1-505 to permit the provision of support to Montana Youth Challenge Academy in state duty special work status.
  - Amend MCA 10-1-502 to permit Montana National Guard aviation officers to receive pay at the same rate as DNRC pilots during State Active Duty.

**11. Revise marijuana special revenue account**

- Revise language of MCA 16-12-111 to provide for ongoing high-level funding of the Montana Veteran Affairs Division.

**12. Advanced funding EMAC**

- Provide a mechanism for the state to reimburse local agencies more readily for EMAC deployments. This way the state could advance payment to local fire department that is helping another state with wildfires, instead of the local government waiting months for reimbursement from the state they are assisting.

**13. Revise duties of SERC**

- Align the responsibilities of the State Emergency Response Commission (SERC) with federal law. Responsibilities that are not federally mandated to the SERC will be assigned to MT DES as the lead agency on comprehensive emergency management.

**14. Revise laws relating to national guard**

- Repeal unused court-martial and national guard life insurance

**15. MT NG enlistment incentive program**

- To encourage enlistment into the Montana National guard by establishing a Montana National Guard enlistment incentive program. This program would authorize a cash incentive to current members of the Montana National Guard.