

HOUSE BILL NO. 305

INTRODUCED BY T. WINTER, W. MCKAMEY, C. SCHREINER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF STATE DUTY FOR SPECIAL
5 WORK BY MONTANA NATIONAL GUARD PERSONNEL; ~~CLARIFYING THAT THE DUTY MUST BE~~
6 ~~STATE-FUNDED AND FOR ACTIVITIES WITHIN THE SCOPE OF DUTIES OF THE DEPARTMENT OF~~
7 ~~MILITARY AFFAIRS BUT NOT FOR DECLARED STATE EMERGENCIES SPECIFIC ACTIVITIES THAT DO~~
8 ~~NOT REQUIRE A DECLARATION OF A STATE EMERGENCY PROVIDING STATE DUTY FOR SPECIAL WORK~~
9 ~~IS LIMITED TO EXISTING PROVISIONS IN PREPARATION FOR DECLARATIONS OF EMERGENCIES AND~~
10 ~~DISASTERS AND CYBER-SECURITY OPERATIONS; AMENDING SECTION 10-1-505, MCA; AND PROVIDING~~
11 AN EFFECTIVE DATE."

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13 WHEREAS, CYBER INCIDENTS HAVE INCREASED SIGNIFICANTLY NATIONWIDE PROVIDING EVIDENCE THAT CYBER
14 SECURITY NEEDS TO BE STRENGTHENED IN MONTANA TO GUARD AGAINST THREATS TO INFORMATION SYSTEMS OF
15 GOVERNMENTS AND OPERATORS OF CRITICAL INFRASTRUCTURE; AND

16 WHEREAS, AS WE WORK TO PROTECT MONTANANS AGAINST CRIMES ON OUR STREETS, WE MUST ALSO WORK
17 TO PROTECT MONTANANS FROM CYBER-SECURITY THREATS; AND

18 WHEREAS, MEMBERS OF THE MONTANA ARMY AND AIR NATIONAL GUARD HAVE UNIQUE TRAINING AND
19 EXPERIENCE TO GUARD AGAINST AND RESPOND TO CYBER-SECURITY THREATS AND OTHER THREATS TO PUBLIC SAFETY
20 AND PROSPERITY STATEWIDE; AND

21 WHEREAS, IT IS PRUDENT FOR THE STATE TO BE PROACTIVE, NOT REACTIVE, WHEN PROVIDING FOR THE
22 SECURITY OF THE PEOPLE OF MONTANA; AND

23 WHEREAS, THE USE OF THE MONTANA ARMY AND AIR NATIONAL GUARD TO RESPOND TO COMMUNITY NEEDS
24 THAT DO NOT WARRANT A DECLARATION OF EMERGENCY OR DISASTER, INCLUDING BUT NOT LIMITED TO CYBER- SECURITY
25 VULNERABILITY ASSESSMENTS, WILL BETTER ENABLE THE GOVERNOR, AS COMMANDER IN CHIEF UNDER ARTICLE VI,
26 SECTION 13, OF THE MONTANA CONSTITUTION, TO SAFEGUARD THE PEOPLE OF MONTANA BEFORE IT BECOMES
27 NECESSARY TO DECLARE AN EMERGENCY OR DISASTER.

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29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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1 **Section 1.** Section 10-1-505, MCA, is amended to read:

2 **"10-1-505. State duty for special work -- definition.** (1) To fulfill the department's duties under
3 10-1-102, the adjutant general as the department head under 2-15-1201 may use national guard resources and
4 place Montana national guard personnel on state duty for special work.

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

6 (I) any ~~state-funded activity, such as administrative functions, exercises, training, coordination, or~~
7 ~~planning, that is conducted for the purposes of preparing the Montana national guard for active duty ordered by~~
8 ~~the governor under Article VI, section 13, of the Montana constitution performed by Montana national guard~~
9 ~~personnel within the scope of the department's duties, INCLUDING THE RECRUITMENT, MOBILIZATION, ADMINISTRATION,~~
10 ~~TRAINING, DISCIPLINE, EQUIPMENT, SUPPLY, OR OPERATIONS OF THE NATIONAL GUARD IN SUPPORT OF THE ROLE OF THE~~
11 ~~GOVERNOR AS COMMANDER-IN-CHIEF PURSUANT TO ARTICLE VI, SECTION 13, OF THE MONTANA CONSTITUTION. SUCH~~
12 ~~AS ADMINISTRATIVE FUNCTIONS, EXERCISES, TRAINING, COORDINATION, OR PLANNING, THAT IS CONDUCTED FOR THE~~
13 ~~PURPOSES OF PREPARING THE MONTANA NATIONAL GUARD FOR ACTIVE DUTY ORDERED BY THE GOVERNOR UNDER~~
14 ~~ARTICLE VI, SECTION 13, OF THE MONTANA CONSTITUTION; OR~~

15 (II) CYBER-SECURITY TRAINING AND OPERATIONS, INCLUDING BUT NOT LIMITED TO VULNERABILITY ASSESSMENTS,
16 SITUATIONAL AWARENESS, INVESTIGATION, ANALYSIS, AND INCIDENT RESPONSE.

17 (B) State duty for special work does not include active duty ordered by the governor under Article VI,
18 section 13, ~~of the Montana constitution,~~ OF THE MONTANA CONSTITUTION."

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20 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2019.

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