

1 HOUSE BILL NO. 48

2 INTRODUCED BY QUILICI, PAVLOVICH

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CONFORMING REQUIREMENTS FOR RETIREMENT OF
6 MONTANA NATIONAL GUARD MEMBERS BECAUSE OF AGE TO REQUIREMENTS FOR RETIREMENT OF
7 MEMBERS OF THE NATIONAL GUARD OF THE UNITED STATES; AMENDING SECTIONS 10-1-203, AND
8 10-1-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE
9 APPLICABILITY DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1213 **Section 1.** Section 10-1-203, MCA, is amended to read:

14 **"10-1-203. Retirement of officers.** (1) An officer of the national guard ~~shall~~ must be retired by
15 order of the governor for the following reasons:

16 (a) upon ~~reaching his 60th birthday~~ loss of federal recognition; or17 (b) ~~his~~ unfitness for military service because of a physical disability.

18 (2) An officer is retired from the militia with the grade and rank held ~~by him~~ at the time of
19 retirement."

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21 **Section 2.** Section 10-1-304, MCA, is amended to read:

22 **"10-1-304. Retirement of enlisted members.** An enlisted member of the national guard ~~shall~~ must
23 be retired by order of the governor for the following reasons:

24 (1) upon ~~reaching his 60th birthday~~ loss of active reserve status; or25 (2) ~~his~~ unfitness for military service because of a physical disability."
26

27 **NEW SECTION. Section 3. Retroactive applicability.** [This act] applies retroactively, within the
28 meaning of 1-2-109, to officers appointed by commission or warrant and all other members enlisted prior
29 to [the effective date of this act].
30

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0048, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act conforming requirements for retirement of Montana National Guard members because of age to requirements for retirement of members of the National Guard of the United States

ASSUMPTIONS:

1. State law and federal regulations will be in conformance.

FISCAL IMPACT:

There is no fiscal impact. Any and all expenditures for the costs of members of the Montana National Guard are federal expenditures.

Dave Lewis 1-7-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Joe Quilici
JOE QUILICI, PRIMARY SPONSOR DATE
Fiscal Note for HB0048, as introduced

HB 48

APPROVED BY COM ON
STATE ADMINISTRATION

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- (b) ~~his~~ unfitness for military service because of a physical disability.

(2) An officer is retired from the militia with the grade and rank held ~~by him~~ at the time of retirement."

Section 2. Section 10-1-304, MCA, is amended to read:

"10-1-304. Retirement of enlisted members. An enlisted member of the national guard ~~shall~~ must be retired by order of the governor for the following reasons:

- (1) upon ~~reaching his 80th birthday~~ loss of active reserve status; or
- (2) ~~his~~ unfitness for military service because of a physical disability."

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to officers appointed by commission or warrant and all other members enlisted prior to [the effective date of this act].

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