



AN ACT REVISING THE DEFINITION OF STATE DUTY FOR SPECIAL WORK BY MONTANA NATIONAL GUARD PERSONNEL; PROVIDING STATE DUTY FOR SPECIAL WORK IS LIMITED TO EXISTING PROVISIONS IN PREPARATION FOR DECLARATIONS OF EMERGENCIES AND DISASTERS AND CYBERSECURITY OPERATIONS; AMENDING SECTION 10-1-505, MCA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, cyber incidents have increased significantly nationwide providing evidence that cybersecurity needs to be strengthened in Montana to guard against threats to information systems of governments and operators of critical infrastructure; and

WHEREAS, as we work to protect Montanans against crimes on our streets, we must also work to protect Montanans from cybersecurity threats; and

WHEREAS, members of the Montana Army and Air National Guard have unique training and experience to guard against and respond to cybersecurity threats statewide; and

WHEREAS, it is prudent for the state to be proactive, not reactive, when providing for the security of the people of Montana; and

WHEREAS, the use of the Montana Army and Air National Guard to respond to community needs that do not warrant a declaration of emergency or disaster, including but not limited to cybersecurity vulnerability assessments, will better enable the governor, as commander in chief under Article VI, section 13, of the Montana Constitution, to safeguard the people of Montana before it becomes necessary to declare an emergency or disaster.

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

Section 1. Section 10-1-505, MCA, is amended to read:

"10-1-505. 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) (a) For purposes of this section, "state duty for special work" means:

(i) ~~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.~~ 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; or

(ii) cybersecurity training and operations, including but not limited to vulnerability assessments, situational awareness, investigation, analysis, and incident response.

(b) State duty for special work does not include active duty ordered by the governor under Article VI, section 13, of the Montana constitution."

Section 2. Effective date. [This act] is effective July 1, 2019.

- END -

I hereby certify that the within bill,
HB 0305, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2019.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 305

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

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