

2003 LEGISLATIVE REPORT – 58TH SESSION

*Roger A. Hagan, Legislative Consultant
as of 26 April 2003*

The 58th Legislative Session in the 89th day of a 90-day session adjourned today. This session was an extraordinary session for the Montana National Guard Enlisted Association. All of your legislative initiatives were passed and passed with glowing endorsements. The legislators' support for military and veterans issues this session was greater than it had ever been. Our grassroots efforts were enhanced by faxing legislative alerts to 95 National Guard fax sites throughout the state. I sent 6 of those alerts during the session, all focused on the scholarship program.

- Montana National Guard Scholarship Program -

Your number one priority, the State Sponsored National Guard Scholarship Program, remained in the state budget (HB 2). However, in the final hours of the session the amount of the appropriation was reduced. At the beginning of the session, the odds of this program being added into the budget at all were slim. However, due to the great support of several of our friends on the House Appropriations Committee, this program was 'reborn' in the early days of the session. Until the final day, the funding for this program had not been tampered with. In the past two sessions this program was funded at \$250,000. We ran out of funds this fiscal year (from the last biennium budget cycle) and currently have about 100 applications pending that cannot be funded. Early in the session, the scholarship program was funded at a level higher than ever before - \$337,090! Unfortunately, as I said earlier, that amount was reduced by \$87,090 to the same level as prior bienniums - \$250,000. Considering that we started with nothing, having this program funded at the \$250,000 level, during a time when other agencies were getting reduced, is a very good thing. We were so fortunate to have the great support of our legislators to accomplish this feat.

The following legislators were key in supporting addition of funds for the scholarship program. If you have not taken the time to thank these members, please do so.

Representative Tim Callahan, (D) Great Falls – Tim is on the Joint Appropriations Sub-Committee that heard the Department of Military Affairs (DMA) budget. He gave us the opportunity to present testimony on the scholarship program to both the subcommittee and the full Appropriations Committee. His continued support of our initiatives provided us the exposure we needed to garner support for scholarship funding.

Representative Dave Kasten, (R) Brockway – Dave is the House Appropriations Committee member who offered the amendment to HB 2 that funded our scholarship program at the greatest amount ever - \$337,090. Rep Kasten is well known for his conservative stance, so for him to support the funding for this program added great credibility to the effort

Representatives Jeff Pattison, (R) Glasgow; Rick Ripley, (R) Wolf Creek; and John Witt, (R)Carter - Each of these House Appropriations Committee members worked

closely with Representative Kasten to insure the success of his amendment. Together, these three members had planned three alternate amendments to offer for the scholarship funding if Representative Kasten's amendment failed. Their support insured the success of our efforts.

- Legislative Successes -

HB 35, Representative Hal Jacobson, (D) Helena – Include National Guard veterans in public employer preference law.

HB 39, Representative Dave Gallik, (D) Helena – Adopt current federal laws regulating National Guard (includes the current federal UCMJ).

SB 4, Senator Glenn Roush, (D) Cut Bank; SB 50, Senator Debbie Shea, (D) Butte; and SB 401 [combined SB's 4 and 50], Senator Michael Wheat, (D) Bozeman – Revise state veteran's affairs structure (SB 4), Revise laws governing Board of Veteran's Affairs (SB 50), Revise membership and duties concerning veterans affairs division (SB 401).

SB 49, Senator Debbie Shea, (D) Butte – Clarify privacy of certain veteran's records (DD Form 214).

SB 75, Senator Corey Stapleton, (R) Billings – Montana civil relief act for activated Montana guard members (state mini-version of Federal Soldiers and Sailors Civil Relief Act).

SJ 3, Senator Bill Tash, (R) Dillon – Educational benefits for Montana National Guard members. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE BOARD OF REGENTS TO ADOPT POLICIES GRANTING A MEMBER OF THE MILITARY WHO IS CALLED OR ORDERED TO ACTIVE MILITARY DUTY OTHER THAN ACTIVE DUTY FOR TRAINING, INCLUDING, IN THE CASE OF MEMBERS OF THE MONTANA NATIONAL GUARD, ACTIVE DUTY AS PROVIDED FOR IN ARTICLE VI, SECTION 13, OF THE MONTANA CONSTITUTION, AN EDUCATIONAL LEAVE OF ABSENCE UPON RELEASE FROM ACTIVE DUTY; URGING RESTORING A MEMBER UPON RELEASE FROM ACTIVE DUTY TO THE EDUCATIONAL STATUS ATTAINED PRIOR TO BEING CALLED OR ORDERED INTO ACTIVE DUTY; AND URGING REFUNDING OF TUITION OR FEES PAID BY A MILITARY MEMBER WHO IS ORDERED TO ACTIVE DUTY.

- Other Legislative Issues We Supported -

HB 44, Representative Frank Smith, (D) Poplar – Revise rate for purchase of military service for Public Employee Retirement System (PERS). (Companion Bill Introduced in Senate. See SB 66.)

HB 201, Representative Larry Jent, (D) Bozeman – Revising voter registration and absentee ballot provisions for Montana Absent Uniformed Services and Overseas Electors.

HB 250, Representative Penny Morgan, (R) Billings – Revising the design of license plates for recipients of the Purple Heart Medal.

HB 285, Representative Roy Brown, (R) Billings – Revising laws related to military status, providing that a public high school shall provide equal access to U.S. Armed Forces Recruiters visiting the campus as other recruiters, protecting the election law residency rights of reserve members activated to federal military duty and prohibiting certain adverse actions related to the professional licensure of a reserve member.

HJ 21, Representative Penny Morgan, (R) Billings – A joint resolution urging the Governor to set aside a time on Memorial Day as a moment of remembrance to honor the acts and efforts of Montanans who died in service to the United States and to honor those Montanans who continue to serve on behalf of this country.

HJ 36, Representative Jeff Pattison, (R) Glasgow – A joint resolution urging the United States Supreme Court to overturn the decision by the Ninth Circuit Court of Appeals finding that a teacher-led recitation of the Pledge of Allegiance and the statute inserting the words “under God” into the Pledge of Allegiance violated the establishment clause contained in the first amendment to the United States Constitution.

HR 4, Representative David Wanzenried, (D) Missoula – A resolution of the House of Representatives of the State of Montana supporting Montana’s Armed Forces Personnel in Operation Iraqi Freedom.

SB 66, Senator John Bohlinger, (R) Billings – Eliminate 10-year period for PERS member to buy military service. Companion Bill Introduced in House. See HB 44.

SB 407, Senator Bob Depratu, (R) Whitefish – Various tax changes, limited sales tax, and increasing the cigarette tax. The issue that our members supported in this bill was the increase of funding for the two Montana Veterans’ Nursing Homes (Glendive and Columbia Falls) from the cigarette tax. Our influence in this veteran issue brought us much closer to the veteran organizations in Montana. The change in the law more than doubled the funds available for the operation and maintenance of the two nursing homes. Representative Daniel Fuchs, (R) Billings, Chairman of the House Taxation Committee, insured that our veterans’ were taken care of in this bill. He deserves a large thank you for his efforts.

SB 413, Senator Sam Kitzenberg, (R) Glasgow – An act naming U.S. Highway 2 as the 163rd Infantry Regiment (Sunset Division) Heritage Highway.

SR 6, Senator Michael Wheat, (D) Bozeman – A resolution of the House of Representatives of the State of Montana supporting Montana’s Armed Forces Personnel in Operation Iraqi Freedom.

I would like to take this opportunity to recognize the outstanding efforts of the Department of Military Affairs during this session. Many of these bills were ‘department’ bills, requested through the Governor’s office. BG Randy Mosley played a

key role in the success of your Association's legislative initiatives. Thanks for giving me the opportunity to represent you during the session and I look forward to working with you again in the future.

***Roger A. Hagan(Legislative Consultant)
Montana National Guard Association/Enlisted Association of the National Guard of Montana
1224 Stuart Street, Helena, MT 59601-2139, Cell (406) 459-0773, Home (406) 449-8795.***