

Regular Session, 2009

HOUSE BILL NO. 710

BY REPRESENTATIVE ERNST

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MILITARY AFFAIRS: Provides for various changes to laws governing the administration of the Military Department

1 AN ACT

2 To amend and reenact R.S. 29:26(A), 28.1(B), and 148, relative to the Military Department;  
3 to provide for benefits paid to members of the military forces of the state; to  
4 authorize the operation of certain morale, welfare, and recreational activities; to  
5 provide for contempts of court for certain courts-martial; to provide for an effective  
6 date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:26(A), 28.1(B), and 148 are hereby amended and reenacted to  
9 read as follows:

10 §26. Pay and allowances for active service

11 A. When the military forces of the state are called to active duty by lawful  
12 authority, the officers, warrant officers, and enlisted men shall be entitled to receive  
13 the equivalent pay, ~~benefits~~, and allowances established by law for the regular army  
14 of the United States of America. Therefore, the state shall pay to the adjutant  
15 general, monthly upon his own warrant, the amount required to provide members of  
16 the active National Guard serving on state active duty with pay, benefits, and  
17 allowances equivalent to the current pay, benefit, and allowance scales of active duty  
18 federal service members holding equivalent federal rank and grade.

19 \* \* \*

1 §28.1. Military reservations, regulations

2 \* \* \*

3 B.(1) The adjutant general shall be the designee of the commissioner of  
4 administration for purposes of all provisions of Title 41 of the Louisiana Revised  
5 Statutes of 1950, in his capacity as the administrator of all state lands which are  
6 designated as military lands, reservations, camps, posts, armories, or training areas  
7 and are under the administration of the Military Department. The adjutant general  
8 shall perform the functions of the state which relate to the administration and  
9 supervision of state lands designated as military lands, reservations, posts, armories,  
10 or training areas. The Register of the State Land Office shall maintain a list of all  
11 such lands designated as military lands, reservations, posts, armories, or training  
12 areas.

13 (2) The adjutant general's responsibility to respond to emergencies as a first  
14 responder at all times requires that certain key and essential military personnel and  
15 other first responders reside at certain posts, camps, or reservations because of the  
16 mission of the Military Department. As such, the adjutant general shall designate  
17 those persons who are required to live on such posts, camps, or reservations due to  
18 the nature of the mission of the Military Department.

19 (3) The Military Department may maintain or host morale, welfare, and  
20 recreation facilities, including service members' clubs on military lands. The  
21 Military Department may operate or contract for the operation of post exchanges or  
22 base exchanges on military lands. In doing so, the Department may operate morale,  
23 welfare, and recreation facilities and exchanges in the same manner and operation  
24 as provided in the United States Army Regulations, including the creation and  
25 operation of the Non-Appropriated Fund Instrumentalities.

26 \* \* \*

27 §148. Article 48. Contempts

28 A. A military judge of a special or general court-martial has the duty to  
29 require that court-martial proceedings shall be conducted with dignity and in an

1 orderly and expeditious manner and to so control the proceedings that justice is done.  
2 A military judge may hold contempt hearings at any time during or after the  
3 completion of a court-martial. As such, the military judge of a special or general  
4 court-martial shall have the same powers as that of a judge for a state district court  
5 for punishments of contempt of court as provided for in the Code of Criminal  
6 Procedure.

7 B. A court-martial, provost court, or military commission may punish for  
8 contempt any person who uses any menacing word, sign, or gesture in its presence,  
9 or who disturbs its proceedings by any riot or disorder.

10 C. The punishment may not exceed confinement for thirty days or a fine of  
11 one hundred dollars, or both.

12 Section 2. This Act shall become effective upon signature by the governor or, if not  
13 signed by the governor, upon expiration of the time for bills to become law without signature  
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
16 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Ernst

HB No. 710

**Abstract:** Provides for changes to the benefits paid to members of the military forces and for expanded power for military judges to punish for contempt of court for certain courts-martial.

Present law (R.S. 29:26(A)) provides that when the military forces of the state are called to active duty, they shall be entitled to receive the equivalent pay and benefits established by law for the regular army.

Proposed law deletes the requirement of the Military Department to pay for the equivalent benefits to those established for the regular army of the United States, and otherwise retains present law.

Proposed law (R.S. 29:28.1(B)(3)) provides that the Military Department may operate morale, welfare, and recreation facilities and exchanges and may create and operate Non-Appropriated Fund Instrumentalities.

Present law (R.S. 29:148) provides that a court-martial may punish various offenses for contempt with a confinement not to exceed thirty days or a fine of one hundred dollars, or both.

Proposed law retains present law and provides that a military judge of a special or general court-martial has the duty to require that court-martial proceedings shall be conducted with dignity and in an orderly and expeditious manner and to so control the proceedings that justice is done. Further provides that a military judge may hold contempt hearings at any time during or after the completion of a court-martial.

Proposed law provides that the military judge of a special or general court-martial shall have the same powers as that of a judge for a state district court for punishments of contempt of court as provided for in the C.Cr.P.

(Amends R.S. 29:26(A), 28.1(B), and 148)