SENATE JUDICIARY
EXHIBIT NO. 1
DATE 3/3/09
BILL NO. HB 121

MONTANA DEPARTMENT OF MILITARY AFFAIRS
INFORMATION SHEET

HB 121

AMENDMENT OF SECTION 10-1-104 (Federal regulations to govern), MCA.

INTENT

10-1-104, MCA: Amendment of section 10-1-104, (Federal regulations to govern), MCA, is a reoccurring "Housekeeping" measure that allows Montana to adopt, as state law, the most recent version of federal military laws and regulations and apply them to the National Guard of this state. This is a reoccurring bill as a result of the Montana Supreme Court's holding that the legislature may only adopt "existing" federal laws and regulations as state law (i.e., the legislature may not adopted changes in federal law "prospectively"). 10-1-104, MCA, provides the National Guard, which has both state and federal missions, with continuity primarily in the areas of personnel and disciplinary proceedings.

CONCLUSION

HB 121 substitutes "October 1, 2009" for "October 1, 2007", in subparts (1) and (2) of Section 10-1-104, MCA. The proposed date changes are needed to ensure that Montana can adopt, as state law, those military related federal laws and regulations that have changed since Section 10-1-104, MCA, was last amended in 2007. In 2007, the Montana Legislature amended these same subparts and substituted "October 1, 2007" for "October 1, 2005".

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