

1 HOUSE BILL NO. 80
2 INTRODUCED BY G. NIKOLAKAKOS
3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE MOST RECENT FEDERAL MILITARY LAWS,
6 REGULATIONS, AND CODES APPLICABLE TO THE GOVERNANCE OF THE MONTANA NATIONAL
7 GUARD; REQUIRING CONSIDERATION OF THE MONTANA RELIGIOUS FREEDOM RESTORATION ACT
8 IN CERTAIN INSTANCES; AMENDING SECTION 10-1-104, MCA; AND PROVIDING AN APPLICABILITY
9 DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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13 **Section 1.** Section 10-1-104, MCA, is amended to read:

14 **"10-1-104. Federal regulations to govern.** (1) Federal laws and regulations, forms, precedents, and
15 usages relating to and governing the armed forces of the United States and the national guard, as in effect on
16 October 1, 2024 2023, insofar as they are applicable and not inconsistent with the constitution and laws of this
17 state, including the Montana Religious Freedom Restoration Act provided for in Title 27, chapter 33, which must
18 be applied pursuant to subsection (3) when a national guard member requests a religious accommodation from
19 otherwise applicable vaccination requirements, or with a rule or regulation adopted pursuant to 10-1-105, apply
20 to and govern the national guard of this state, including all members on active duty within the state as active
21 duty guard/reserve (AGR) personnel under Title 32 of the United States Code.

22 (2) The Uniform Code of Military Justice, as in effect on October 1, 2024 2023, including the
23 regulations, manuals, forms, precedents, and usages implementing, interpreting, and complementing the code,
24 is adopted for use by the national guard of this state and applies, insofar as the code is not otherwise
25 inconsistent with the constitution and laws of this state, including the regulations, manuals, forms, precedents,
26 and usages implementing, interpreting, and complementing the constitution and laws of this state, or with a rule
27 or regulation adopted pursuant to 10-1-105, to the greatest extent practicable to govern the national guard of

Amendment - 1st Reading/2nd House-blue - Requested by: Theresa Manzella - (S) State Administration

68th Legislature

Drafter: Joe Carroll, 406-444-3804

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1 this state, including all members on active duty within the state as active duty guard/reserve (AGR) personnel
2 under Title 32 of the United States Code when the members are serving other than in a federal capacity under
3 Title 10 of the United States Code.

4 (3) The national guard shall consider any accommodation that modifies the conditions of a
5 religious objector's service to minimize the risk of covid-19 or other threats while retaining the benefit of the
6 objector's skill, training, and experience, to the greatest extent possible consistent with mission
7 accomplishment."

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9 **NEW SECTION. Section 2. Applicability.** [This act] applies to events that occur and proceedings
10 begun on or after October 1, 2023.

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