

**MONTANA DEPARTMENT OF MILITARY AFFAIRS  
SUMMARY OF 2015 AGENCY LEGISLATIVE PROPOSALS**

**Proposal No. 1: Amend Section 10-1-104 (federal regulations to govern), MCA (2013).**

Amendment of Section 10-1-104 (Federal regulations to govern), MCA, is a reoccurring “housekeeping” measure that will allow Montana to adopt, as state law, the most recent version of federal military laws and regulations (as in effect on October 1, 2015) and apply them to the National Guard of this state (insofar as they are applicable and not inconsistent with the constitution and laws of this State or with a rule or regulation adopted by the Montana Department of Military Affairs). 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”). Section 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. Section 10-1-104, MCA, was last amended by the 2013 Montana Legislature, which adopted federal military law and regulations as in effect on October 1, 2013.

**Proposal No. 2: State Duty for Special Work Amendments:** Amend the Montana National Guard Civil Relief Act (Section 10-1-902 (Definitions) MCA,) the Montana Military Service Employment Rights Act (Sections 10-1-1002 (Purpose – legislative intent), 10-1-1003 (Definitions), 10-1-1006 (Entitlement to leave of absence), and 10-1-1007 (Right to return to employment without loss of benefits – exceptions – definition), MCA, and the Uniform Probate Code – Persons Under Disability Guardianship and Conservatorship (Section 72-5-103 (Delegation of powers by parent or guardian), MCA). The proposed amendments will clarify that the benefits and protections, afforded by these statutes, apply to state military duty performed by Montana National Guardsmen pursuant to State Duty for Special Work (“SDSW”) orders under 10-1-505 (State duty for special work – definition), MCA. Currently, these statutes only provide protections to Montana National Guardsmen while performing State military duty under Article VI (Executive), section 13 (Militia), of the Constitution of the State of Montana. The SDSW duty status was created by the Montana Legislature in 2007, which was after the enactment or modification of the statutes to be amended.

Department Point of Contact: Major General Matthew T. Quinn, The Adjutant General for the State of Montana, 406-324-3010.