

### Proposed 2007 Session Legislation

Agency Name: **Military Affairs** Agency No: **67010**

Priority Number: **11** Filename: **6701\12-011**

Short Title: **Federal Regulations to Govern (10-1-104, MCA)**

Agency Contact Person/Phone: **MG Randall D. Mosley / 324-3010**

**1. Purpose:**  
Amend 10-1-104, MCA to make federal military related laws and regulations, as they will exist on October 1, 2007, apply to members of the Montana National Guard (when they are not in a federalized military status).

**2. Background:**  
The proposed legislation is a biennial "housekeeping" measure that is a result of the MT Supreme Court's holding in Lee v. Montana (the court held that the MT legislature has the right to adopt "existing" federal laws and regulations, as state law, but may not adopt changes to federal law that are to occur some time in the future (i.e., prospectively)).

**3. Fiscal Impact by Fund Type:** *This impact should be as specific as possible.*  
No fiscal Impact

**4. Summary Checklist [Check & complete all that apply]--**

Housekeeping Only     Federal Requirement     Audit Recommendation (Audit No.)     Major Legislation

Anticipated to be Controversial Legislation     Bill Draft has been included in Legislation Submittal (if available)

Supports Submitted EPP Item Number:     Local Government Fiscal Impact

Increases FTE, or     Decreases FTE by

**List FTE amount and program**

Increases Existing Revenue     Tax     Fee     Penalty [amount in #3]

Decreases Existing Revenue     Tax     Fee     Penalty [amount in #3]

Establishes New Revenue     Tax     Fee     Penalty [amount in #3]

Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):

Legislation would affect other state agencies (list):

Special Interest Groups Affected (list):

Other: