



Department of Military Affairs

- Disaster and Emergency Services
- Montana Youth Challenge Academy
- Montana Veterans Affairs Division
- STARBASE
- Montana Air National Guard
- Montana Army National Guard

9 July 2026

The following is a list of the Department of Military Affairs' (DMA) proposed legislation that has been approved through the Executive Planning Process for presentation to the State Administration Veterans' Affairs Interim Committee. The department appreciates your review of these proposals and approval.

1. Adapt most recent Federal Rules

- This is a routine housekeeping amendment to MCA 10-1-104 to adopt the most recent version of the Uniform Code of Military Justice (UCMJ) and federal military regulations for the Montana National Guard.
- This update is done every two years because the Montana Constitution prohibits prospective legislation. Adopting the most recent UCMJ helps the Montana National Guard (MTNG) maintain good order and discipline and helps prepare our force for federal activation by training to federal standards.
- No fiscal impact.

2. Prohibiting Felons from Service in the Organized Militia

- This proposal would add a new section to MCA Title 10, Chapter 1, Part, to prohibit a person from serving in the Organized Militia (Montana National Guard) that has been convicted of a felony.
- The MCA already prohibits an officer from serving in the Montana National Guard that is a felon. This amendment to the MCA would place the exact same restriction for enlisted members.
- No fiscal impact.

3. The Adjutant General as Homeland Security Advisor

- Amend MCA 2-15-1201 to formally designate TAG as the Homeland Security Advisor for Montana.
- Currently this designation is done by the Governor.
- No fiscal

4. Protecting Cyber Security Information from Montana Public Records Act Disclosure

- Amend MCA 2-6-1003 and enact MCA 10-1-112 to protect private information shared to the DCO-E during CYBER assessments of critical infrastructure organizations (county governments, schools, water utilities, electric co-ops, etc.) from Montana open record laws (MCA 10-1-112) and from discovery in civil litigation (new MCA 2-6-1003).
- The Montana National Cyber Team routinely conducts confidential cyber vulnerability assessments for both public and private entities in Montana. The data disclosed should be protected from open record laws.
- No fiscal impact.

5. Prohibiting Cyber Insurance Carriers from preventing DCO-E Response

- Amend MCA Title 33 to prohibit a cyber insurance carrier from blocking the DCO-E response by denying coverage.
- On over a dozen occasions, the Montana National Guard Cyber Team has received a request for incident response, started preparing for deployment, and then been told to stand down because the affected organization's cyber insurance carrier won't cover the incident if a third party responds. This means a private company can block public response (us) to an incident at a public org (like a school district) or critical infrastructure (hospitals).
- No fiscal impact.

6. Designation of No Surveillance Zones

- Unmanned aircraft pose a security risk to military and critical facilities in Montana.
- Amend MCA 45-6-210 to add critical infrastructure to the Unmanned Aerial Vehicle criminal trespass statute.
- Add a new section at MCA 45-6-211 making it a crime to surveil critical infrastructure, regardless of the surveillance medium (aerial, ground-based, long-range optics).
- Add a new section Title 10, Chapter 3, Part 1 (or a new Part within Chapter 3) allowing The Adjutant General as the Homeland Security Advisor the authority to designate critical infrastructure and military facilities as no surveillance zones
- No fiscal impact.

7. Designation of Military Police, Security Forces, and forces tasked with base security as State Law Enforcement for that purpose.

- Add a new MCA section at 10-1-112 creating a limited state law enforcement designation for unmanned aircraft mitigation.
- The purpose of this legislation is to designate Military Police, Security Forces, and forces tasked with base security as limited State Law Enforcement for the sole purpose of defeating unmanned aircraft that pose a risk to base security. This limited authority will apply only to military facilities.
- The federal SAFER SKIES Act allows state, local, and tribal law enforcement to defeat Unmanned Aerial Vehicles. The Montana National Guard can only leverage this statute if the law enforcement designation is made.
- No fiscal impact.

8. Implement statute for Morale, Welfare, and Recreation (MWR)

- The purpose of this legislation is for the Montana National Guard and DMA to opt in for the Morale, Welfare and Recreation (MWR) cooperative agreement award.
- The MWR program provided recreation, family support, and quality-of-life services for Guard members and their families. In order for the National Guard and DMA to opt in for the MWR award, it must be stated in statute that The Adjutant General is authorized to establish a MWR program.
- Fiscal impact is unknown as this time. If received, the award would be 100% federal funding.

The six proposals align to disaster and emergency services. The intent is to provide the legislature a variety of options knowing that not all will be carried forward.

9. Establish Permanent Disaster Resilience Fund (Permanent Fund)

- The purpose of this legislation is to remove the sunset on the existing disaster resiliency fund. The fund primarily provides local governments with the non-federal cost share related to projects to strengthen and protect public infrastructure.
- The Governor proposed this program in the 2023 Session for the 2025 & 2027 biennia. The concept was incorporated into HB 424 section 6, establishing this statutory funding pursuant to 17-7-502 with a termination date of June 30, 2027.
- A fiscal impact of \$4 million dollars will be transferred and statutorily appropriated to the department each year. Personnel costs for managing the program would be eligible in this appropriation.

10. Revise allowable use of the disaster appropriation - (Capacity Building)

- The purpose of this legislation is to authorize the Department of Military Affairs, Disaster and Emergency Services Division, to utilize a portion of the existing state disaster appropriation to address response and recovery readiness gaps through training and credentialing. The agency is requesting authority to develop and maintain a qualified, all- hazards incident management workforce capable of rapidly and effectively supporting disaster operations. This authority will allow the department to strengthen state and local capacity without requiring a governor's disaster or emergency declaration and will reduce reliance on federal entities to manage state and local events.
- In the 2021, 2023 and 2025 the department has requested legislation to address readiness concerns for disaster response, recovery and mitigation needs. Last session HB 334 attempted to wholistically address shortfalls in emergency management. This proposal is more narrowly focused on training and capacity gaps
- This proposal will not impact the current allocation in the disaster appropriation, which currently is established at \$16 million for the biennium.

11. Revise allowable use of the disaster appropriation - (Surge Capacity)

- The purpose of this legislation is to authorize the Department of Military Affairs, Disaster and Emergency Services Division, to utilize a portion of the existing state disaster appropriations for state management costs associated with state- declared disasters. The agency is requesting authority for staff salaries, temporary employees, and contracted support needed to plan for, administer, and manage disaster response and recovery activities. This authority will ensure the state can sustain adequate surge capacity throughout the duration of disaster recovery operations.
- In the 2021, 2023 and 2025 the department has requested legislation to address readiness concerns for disaster response, recovery and mitigation needs. Last session HB 334 attempted to wholistically address shortfalls in emergency management. This proposal is more narrowly focused on the gap to hire surge support throughout the duration of disaster recovery.
- This proposal will not impact the current allocation in the disaster appropriation, which currently is established at \$16 million for the biennium.

12. Revise allowable use of the disaster appropriation (Increase Fund)

- The purpose of this legislation is to permanently increase the state disaster appropriation to strengthen incident management capacity and state management of disasters. The increased appropriation will support the development and sustainment of incident management personnel and will provide for state management costs, including staff salaries, temporary employees, and contracted support necessary to administer disaster response and recovery. This increase is intended to ensure sufficient, predictable resources to manage disasters that do not qualify for, or are not fully supported by, federal assistance.
- In the 2021, 2023 and 2025 the department requested legislation to address readiness concerns for the disaster response, recovery, and mitigation needs. Last session HB 334 attempted to wholistically address shortfalls in emergency management. This proposal is similar, with more focused language on eligible uses.
- A fiscal impact of an additional \$5 million dollars will be statutorily appropriated to the office of the governor with the intent that fund total fund will not exceed \$21 million in a biennium. Employee salaries would be eligible under statutory appropriations.

13. Revise allowable use of the disaster appropriation

- The purpose of this legislation is to adjust the state disaster appropriation in response to anticipated federal changes to disaster damage thresholds. The state is preparing for a significant increase in the per-event damage estimate required to qualify for federal assistance, which would result in more incidents falling below federal eligibility. As a result, Montana is likely to experience a greater number of state-managed disasters and a reduced federal cost share. To address these shifts, the agency is requesting an increase in the state disaster appropriation to ensure adequate resources for response, recovery, and mitigation activities. This includes limited use of funds for incident management personnel and state management costs, such as staffing, temporary support, and contracted services during disaster recovery. Under this approach, the state would be better positioned to manage multiple non-federally supported disasters per biennium while continuing to build capacity and maintain readiness.
- In the 2021, 2023 and 2025 the department has requested legislation to address readiness concerns for disaster response, recovery and mitigation needs. Last session HB 334 attempted to wholistically address shortfalls in emergency management. This proposal is similar, while incorporating flexibility for changing levels of federal support.
- A fiscal impact of an additional \$14 million dollars will be statutorily appropriated to the office of the governor with the intent that the fund total fund will not exceed \$30 million in a biennium. Employee salaries would be eligible under statutory appropriations.

14. Title 10 Clean Up

- The purpose of this legislation is to identify language in MCA title 10 part 3, that may need clarified or eliminated. The agency recommends evaluating language around civil defense and the role of the Local Emergency Response Authority.
- The agency revised Title 10 part 3 in 2023 as part of the Governor's Red Tape Reform Initiative.
- No fiscal impact.