



AN ACT REVISING LAWS RELATED TO EXEMPT PERSONAL STAFF; AUTHORIZING EXEMPT PERSONAL STAFF FOR MAJORITY AND MINORITY LEADERSHIP IN THE HOUSE OF REPRESENTATIVES AND THE SENATE; REDUCING THE NUMBER OF EXEMPT PERSONAL STAFF FOR THE PUBLIC SERVICE COMMISSION TO OFFSET THE NUMBER OF EXEMPT STAFF FOR THE LEGISLATURE; PROVIDING FOR A SPECIAL COUNSEL THAT SERVES AT THE PLEASURE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT OF THE SENATE; AMENDING SECTION 2-18-104, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-18-104, MCA, is amended to read:

"2-18-104. Exemption for personal staff -- limit. (1) Subject to the limitations in subsections (2) and (3), members of a personal staff are exempt from parts 1 through 3 and 10.

(2) The personal staff who are exempted by subsection (1) may not exceed 10 unless otherwise approved by the department according to criteria developed by the department. Under no circumstances may the total exemptions of each elected official exceed 15.

(3) The number of members of the personal staff of the public service commission who are exempted by subsection (1) may not exceed ~~40~~6.

(4) The number of members of the personal staff of the leadership of the legislature who are exempted by subsection (1) may not exceed:

(a) one personal staff for the speaker of the house of representatives;

(b) one personal staff for the minority leader of the house of representatives;

(c) one personal staff for the president of the senate;

(d) one personal staff for the minority leader of the senate; and

(e) one personal staff that serves at the pleasure of the speaker of the house of representatives and the president of the senate for the purposes provided in [section 2]."

Section 2. Special counsel -- powers -- appointment -- reporting. (1) The speaker of the house of representatives and president of the senate may hire, at any time, one personal staff under 2-18-104 for the purposes of serving as a special counsel. The speaker of the house of representatives and president of the senate must consent in writing to the appointment of the special counsel.

(2) The special counsel serves at the pleasure of the speaker of the house of representatives and the president of the senate. The special counsel must be licensed to practice law in Montana. The special counsel may:

(a) be appointed to investigate and examine state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana. A governmental agency must assist the special counsel in any activity conducted by the special counsel as provided in this section.

(b) exercise the investigatory powers under chapter 5, part 1, of this title on behalf of a standing committee, select committee, or interim committee and any subcommittees of those committees;

(c) if assigned to a legislative committee, hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in district court;

(d) report to the speaker of the house of representatives and the president of the senate or any committee designated by the speaker of the house of representatives and the president of the senate, including but not limited to standing committees, select committees, or interim committees and any subcommittees of those committees. A special counsel that reports to a legislative committee must serve at the direction of the speaker of the house of representatives and president of the senate and not the assigned committee.

(e) make recommendations for revisions of laws or rules for consideration by the legislature.

(3) The speaker of the house of representatives and president of the senate may designate the attorney general or an employee of the attorney general to serve as the special counsel.

(4) Costs for the special counsel must be paid:

(a) by the department of justice if the special counsel is the attorney general or an employee of the attorney general as provided in subsection (3);

(b) as directed by the speaker of the house of representatives or president of the senate, including but not limited to using funding from interim committee operating funds.

Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 5, chapter 5, and the provisions of Title 5, chapter 5, apply to [section 2].

Section 4. Coordination instruction. If both House Bill No. 588 and [this act] are passed and approved, then [section 1(4)] of [this act] must be amended as follows:

"(4) The number of members of the personal staff of the leadership of the legislature who are exempted by this section may not exceed:

(a) one personal staff for the speaker of the house of representatives;

(b) one personal staff for the minority leader of the house of representatives;

(c) one personal staff for the president of the senate;

(d) one personal staff for the minority leader of the senate; and

(e) one personal staff that serves at the pleasure of the speaker of the house of representatives and the president of the senate for the purposes provided in [section 2]."

Section 5. Effective date. (1) Except as provided in subsection (2), [this act] is effective July 1, 2021.

(2) [Sections 1(4)(e) and 2] and this section are effective on passage and approval.

Section 6. Termination. [Sections 1(4)(e) and 2] terminate June 1, 2023.

- END -

I hereby certify that the within bill,
HB 483, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 483

INTRODUCED BY C. KNUDSEN, M. BLASDEL, J. COHENOUR, D. KARY, C. SMITH, G. VANCE, K. ABBOTT, D. BARTEL, B. BEARD, S. BERGLEE, A. BUCKLEY, W. GALT, J. KASSMIER, B. TSCHIDA, S. VINTON

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