



AN ACT GENERALLY REVISING STATE LOTTERY LAWS RELATING TO COMPENSATION OF LOTTERY EMPLOYEES; CLARIFYING THAT THE DIRECTOR OF THE MONTANA STATE LOTTERY IS EXEMPTED FROM CERTAIN STATE EMPLOYEE PAY PROVISIONS; REMOVING THE REQUIREMENT THAT THE LOTTERY DIRECTOR'S SALARY BE EQUAL TO 90% OF THE SALARY OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION; REMOVING THE REQUIREMENT THAT THE SALARY OF THE ASSISTANT DIRECTOR OF THE LOTTERY BE EQUAL TO 90% OF THE SALARY OF THE LOTTERY DIRECTOR; AMENDING SECTIONS 2-18-103, 23-7-210, AND 23-7-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. Parts 1 through 3 and 10 do not apply to the following officers and employees in state government:

- (1) elected officials;
- (2) county assessors and their chief deputies;
- (3) employees of the office of consumer counsel;
- (4) judges and employees of the judicial branch;
- (5) members of boards and commissions appointed by the governor, the legislature, or other elected state officials;
- (6) officers or members of the militia;
- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;

(9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;

(10) investment officer, assistant investment officer, executive director, and eight professional staff positions of the board of investments;

(11) four professional staff positions under the board of oil and gas conservation;

(12) director of the Montana state lottery and assistant director for security of the Montana state lottery;

(13) executive director and employees of the state compensation insurance fund;

(14) state racing stewards employed by the executive secretary of the Montana board of horseracing;

(15) executive director of the Montana wheat and barley committee;

(16) commissioner of banking and financial institutions;

(17) training coordinator for county attorneys;

(18) employees of an entity of the legislative branch consolidated, as provided in 5-2-504;

(19) chief information officer in the department of administration;

(20) chief business development officer and six professional staff positions in the office of economic development provided for in 2-15-218; and

(21) the director of the office of state public defender provided for in 2-15-1029."

Section 2. Section 23-7-210, MCA, is amended to read:

"23-7-210. Director -- appointment -- ~~compensation~~ -- qualifications. (1) The director must be appointed by the governor and shall hold office at the pleasure of the governor.

(2) The director must be qualified by training and experience to direct the state lottery, including sports wagering. The director must be a full-time employee and may not engage in any other occupation.

~~(3) The director's salary is equal to 90% of the salary of the director of the department of administration."~~

Section 3. Section 23-7-212, MCA, is amended to read:

"23-7-212. Assistant director for security -- qualifications -- duties -- ~~compensation~~. (1) The

director shall appoint an assistant director for security, who serves at the pleasure of the director.

(2) The assistant director for security must be qualified by training and experience, have at least 5 years of law enforcement experience, and be knowledgeable and experienced in computer security.

(3) The assistant director for security:

(a) must be responsible for a security division to ensure security, honesty, fairness, and integrity in the operation and administration of the state lottery, including but not limited to an examination of the background of all prospective employees, sales agents, lottery and sports wagering vendors, and contractors. The security division is designated a law enforcement agency for the purpose of administering this chapter.

(b) shall, in conjunction with the director, confer with the attorney general or the attorney general's designee to promote and ensure security, honesty, fairness, and integrity of the operation and administration of the state lottery and establish a memorandum of understanding that contemplates investigatory and regulatory collaboration and assistance between the department of justice and the state lottery as considered necessary by both parties; and

(c) shall, in conjunction with the director, report any alleged violation of law to the attorney general, the legislative auditor, and any other appropriate law enforcement authority for further investigation and action.

~~(4) The salary of the assistant director for security is equal to 90% of the salary of the director of the lottery."~~

Section 4. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 309, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 309

INTRODUCED BY W. SALES

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