

1 HOUSE BILL NO. 260
2 INTRODUCED BY M. REGIER, R. KNUDSEN
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXEMPT PERSONAL STAFF OF LEGISLATIVE
5 LEADERSHIP LAWS; PROVIDING FOR ONE FOUR ADDITIONAL PERSONAL STAFF TO SERVE AS
6 SPECIAL COUNSEL FOR THE LEGISLATURE EXEMPT PERSONAL LEGAL STAFF FOR EACH CAUCUS
7 ON AN AS-NEEDED BASIS; INCREASING THE ALLOWABLE NUMBER OF EXEMPT PERSONAL STAFF
8 POSITIONS; REVISING SPECIAL COUNSEL DUTIES; PROVIDING A FUNDING ALLOCATION FOR THE
9 ADDITIONAL PERSONAL LEGAL STAFF; PROVIDING SPECIAL COUNSEL MAY ENTER A CONTACT
10 CONTRACT TO PERFORM THE DUTIES OF SPECIAL COUNSEL AFTER SERVING IN THAT POSITION AS
11 AN EMPLOYEE; MAKING THE SPECIAL COUNSEL POSITION PERMANENT; REVISING A DEFINITION;
12 AMENDING SECTIONS 2-2-201, AND 2-18-104, AND ~~5-5-110~~, AND 5-5-110, MCA; REPEALING SECTION
13 6, CHAPTER 523, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
14 RETROACTIVE APPLICABILITY DATE."

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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18 **Section 1.** Section 2-2-201, MCA, is amended to read:

19 **"2-2-201. Public officers, employees, and former employees not to have interest in contracts.**

20 (1) Members of the legislature; state, county, city, town, or township officers; or any deputies or employees of
21 an enumerated governmental entity may not be interested in any contract made by them in their official capacity
22 or by any body, agency, or board of which they are members or employees if they are directly involved with the
23 contract. A former employee may not, within 6 months following the termination of employment, contract or be
24 employed by an employer who contracts with the state or any of its subdivisions involving matters with which
25 the former employee was directly involved during employment.

26 (2) In this section, the term:

27 (a) "be interested in" does not include holding a minority interest in a corporation;

Amendment - 1st Reading/2nd House-blue - Requested by: Matt Regier - Free Conference Committee on HB 260

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1 and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil
2 actions in district court;

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

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

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

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

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

14 (b) as directed by the speaker of the house of representatives or president of the senate, including
15 but not limited to using funding from interim committee operating funds. (~~Terminates June 1, 2023—sec. 6, Ch.~~
16 ~~523, L. 2021.~~)"

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18 NEW SECTION. Section 4. Repealer. Section 6, Chapter 523, Laws of 2021, is repealed.

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20 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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22 NEW SECTION. Section 6. Retroactive applicability. [This act] applies retroactively, within the
23 meaning of 1-2-109, to special counsel AND EXEMPT PERSONAL LEGAL STAFF hired during the 68th legislative
24 session.

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26 NEW SECTION. Section 7. Funding. The legislative services division may use available funding
27 appropriated during the biennium ending June 30, 2023, for legal counsel, including any expenses authorized in

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- 1 Chapter 523, Laws of 2021, to pay for legal expenses incurred by the speaker of the house of representatives
- 2 after commencement of the 2023 legislative session.
- 3 - END -

AMENDED