

**Amendment - 1st Reading/2nd House-blue - Requested by: Ross Fitzgerald - (S) Agriculture, Livestock and Irrigation**

- 2023

68th Legislature 2023

Drafter: Trevor Graff, 406-444-4975

HB0738.001.001

1 HOUSE BILL NO. 738  
2 INTRODUCED BY R. FITZGERALD  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA WHEAT AND BARLEY CHECKOFF  
5 PROGRAM; EXEMPTING THE WHEAT AND BARLEY COMMITTEE FROM STATE PROCUREMENT  
6 REQUIREMENTS AND CERTAIN STATE EMPLOYEE PAY PROVISIONS; PROVIDING RULEMAKING  
7 AUTHORITY: AMENDING SECTION 2-18-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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11 NEW SECTION. **Section 1. Committee procurement -- rulemaking.** (1) The wheat and barley  
12 committee is not subject to procurement procedures under Title 18, chapter 4.

13 (2) The committee shall adopt rules for procurement of goods and services necessary to the duties  
14 outlined in this part.

15  
16 **Section 2.** Section 2-18-103, MCA, is amended to read:

17 **"2-18-103. Officers and employees excepted.** Parts 1 through 3 and 10 do not apply to the following  
18 officers and employees in state government:

- 19 (1) elected officials;  
20 (2) county assessors and their chief deputies;  
21 (3) employees of the office of consumer counsel;  
22 (4) judges and employees of the judicial branch;  
23 (5) members of boards and commissions appointed by the governor, the legislature, or other  
24 elected state officials;  
25 (6) officers or members of the militia;  
26 (7) agency heads appointed by the governor;  
27 (8) academic and professional administrative personnel with individual contracts under the

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- 1 authority of the board of regents of higher education;
- 2 (9) academic and professional administrative personnel and live-in houseparents who have
- 3 entered into individual contracts with the state school for the deaf and blind under the authority of the state
- 4 board of public education;
- 5 (10) investment officer, assistant investment officer, executive director, and eight professional staff
- 6 positions of the board of investments;
- 7 (11) four professional staff positions under the board of oil and gas conservation;
- 8 (12) director of the Montana state lottery and assistant director for security of the Montana state
- 9 lottery;
- 10 (13) executive director and employees of the state compensation insurance fund;
- 11 (14) state racing stewards employed by the executive secretary of the Montana board of
- 12 horseracing;
- 13 (15) executive director ~~of~~ and employees assigned to the Montana wheat and barley committee;
- 14 (16) commissioner of banking and financial institutions;
- 15 (17) training coordinator for county attorneys;
- 16 (18) employees of an entity of the legislative branch consolidated, as provided in 5-2-504;
- 17 (19) chief information officer in the department of administration;
- 18 (20) chief business development officer and six professional staff positions in the office of economic
- 19 development provided for in 2-15-218; and
- 20 (21) the director of the office of state public defender provided for in 2-15-1029."

21

22 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an

23 integral part of Title 80, chapter 11, part 2, and the provisions of Title 80, chapter 11, part 2, apply to [section 1].

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25 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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