

Amendments to Senate Bill No. 180
3rd Reading Copy

EXHIBIT 13
DATE 3-10-05
SB 180

Requested by Senator Mike Cooney

For the House State Administration Committee

Prepared by Dave Bohyer
March 8, 2005 (12:08pm)

1. Title, page 1, line 5.

Following: "COSTS;"

Insert: "REQUIRING THE LEGISLATIVE AUDITOR TO AUDIT AND REPORT ON AGENCY COMPLIANCE WITH STATUTES REGARDING THE TRANSFER AND STORAGE OF PUBLIC RECORDS; AMENDING SECTION 5-13-304, MCA;"

2. Page 1, line 10.

Following: "(1)"

Insert: "(a)"

3. Page 1.

Following: line 12

Insert: "(b) When paying the fee, each agency shall comply with OMB Circular A-87."

4. Page 1.

Following: line 22

Insert: "Section 2. Section 5-13-304, MCA, is amended to read:

"5-13-304. Powers and duties. (1) The legislative auditor shall:

~~(1)~~ (a) conduct a financial and compliance audit of every state agency every 2 years covering the 2-year period since the last audit, unless otherwise required by state law;

~~(2)~~ (b) conduct a special audit whenever the legislative auditor determines it necessary and shall so advise the members of the legislative audit committee;

~~(3)~~ (c) make a complete written report of each audit. A copy of each report must be furnished to the department of administration, the state agency that was audited, each member of the committee, and the legislative services division.

~~(4)~~ (d) report immediately in writing to the attorney general and the governor any apparent violation of penal statutes disclosed by the audit of a state agency and furnish the attorney general with all information available relative to the violation;

~~(5)~~ (e) report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;

~~(6)~~(f) report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from any obligation under the bond.

~~(7)~~(g) during regularly scheduled audits of state agencies, audit and report on agency compliance with the provision of 2-6-211(1) regarding the transfer and storage of public records.

~~(7)~~(2) have The legislative auditor has the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency shall obtain the written consent of the grantee to the audit provided for in this subsection."

{ Internal References to 5-13-304:

27-6-207 27-12-207 41-6-101 ok/ddb}"

Renumber: subsequent sections

5. Page 1, line 25.

Following: "part" in both places

Strike: "1" in both places

Insert: "2" in both places

- END -