

HOUSE BILL NO. 487

INTRODUCED BY C. HINER, LASLOVICH, LEWIS, WARD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE AMOUNT OF REVENUE OR FINANCIAL
5 ASSISTANCE RECEIVED BY A LOCAL GOVERNING ENTITY THAT IS NECESSARY TO REQUIRE THAT AN
6 AUDIT BE CONDUCTED; ~~AMENDING RELATED FEES;~~ AND AMENDING SECTION ~~SECTIONS~~ SECTION
7 2-7-503, ~~AND 2-7-514~~, MCA."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11 **Section 1.** Section 2-7-503, MCA, is amended to read:

12 **"2-7-503. Financial reports and audits of local government entities.** (1) The governing body or
13 managing or executive officer of a local government entity, other than a school district or associated cooperative,
14 shall ensure that a financial report is made every year. A school district or associated cooperative shall comply
15 with the provisions of 20-9-213. The financial report must cover the preceding fiscal year, be in a form prescribed
16 by the department, and be completed within 6 months of the end of the reporting period. The local government
17 entity shall submit the financial report to the department for review.

18 (2) The department shall prescribe a uniform reporting system for all local government entities subject
19 to financial reporting requirements, other than school districts. The superintendent of public instruction shall
20 prescribe the reporting requirements for school districts.

21 (3) (a) The governing body or managing or executive officer of each local government entity receiving
22 revenue or financial assistance in the period covered by the financial report in excess of ~~\$200,000~~ ~~\$400,000~~ THE
23 THRESHOLD DOLLAR AMOUNT ESTABLISHED BY THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET PURSUANT
24 TO 31 U.S.C. 7502(A)(3), BUT REGARDLESS OF THE SOURCE OF REVENUE OR FINANCIAL ASSISTANCE, shall cause an
25 audit to be made at least every 2 years. The audit must cover the entity's preceding 2 fiscal years. The audit must
26 commence within 9 months from the close of the last fiscal year of the audit period. The audit must be completed
27 and submitted to the department for review within 1 year from the close of the last fiscal year covered by the audit.

28 (b) The governing body or managing or executive officer of a local government entity that does not meet
29 the criteria established in subsection (3)(a) shall at least once every 4 years, if directed by the department, or,
30 in the case of a school district, if directed by the department at the request of the superintendent of public

1 instruction, cause a financial review, as defined by department rule, to be conducted of the financial statements
2 of the entity for the preceding fiscal year.

3 (4) An audit conducted in accordance with this part is in lieu of any financial or financial and compliance
4 audit of an individual financial assistance program that a local government is required to conduct under any other
5 state or federal law or regulation. If an audit conducted pursuant to this part provides a state agency with the
6 information that it requires to carry out its responsibilities under state or federal law or regulation, the state agency
7 shall rely upon and use that information to plan and conduct its own audits or reviews in order to avoid a
8 duplication of effort.

9 (5) In addition to the audits required by this section, the department may at any time conduct or contract
10 for a special audit or review of the affairs of any local government entity referred to in this part. The special audit
11 or review must, to the extent practicable, build upon audits performed pursuant to this part.

12 (6) The fee for the special audit or review must be a charge based upon the costs incurred by the
13 department in relation to the special audit or review. The audit fee must be paid by the local government entity
14 to the department of revenue and must be deposited in the enterprise fund to the credit of the department."
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16 ~~SECTION 2. SECTION 2-7-514, MCA, IS AMENDED TO READ:~~

17 ~~"2-7-514. Filing of audit report and financial report. (1) Completed audit reports must be filed with
18 the department. Completed financial reports must be filed with the department as provided in 2-7-503(1). The
19 state superintendent of public instruction shall file with the department a list of school districts subject to audit
20 under 2-7-503(3). The list must be filed with the department within 6 months after the close of the fiscal year.~~

21 ~~(2) At the time that the financial report is filed or, in the case of a school district, when the audit report
22 is filed with the department, the local government entity shall pay to the department a filing fee. The department
23 shall charge a filing fee to any local government entity required to have an audit under 2-7-503, which fee must
24 be based upon the costs incurred by the department in the administration of this part, except as provided in
25 [section 3]. Notwithstanding the provisions of 20-9-343, the filing fees for school districts required by this section
26 must be paid by the office of public instruction. The department shall adopt the fee schedule by rule based upon
27 the local government entities' revenue amounts.~~

28 ~~(3) Copies of the completed audit and financial reports must be made available by the department and
29 the local government entity for public inspection during regular office hours."~~
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1 ~~NEW SECTION. SECTION 3. EXCEPTION TO FEES BASED ON IMPLEMENTATION COSTS. A FEE CHARGED~~
2 ~~PURSUANT TO 2-7-514 MAY NOT BE INCREASED AS A RESULT OF [SECTION 1].~~
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