



AN ACT PROHIBITING THE CONDITIONING OF THE LEGISLATIVE AUDITOR'S EMPLOYMENT BASED ON THE REVIEW, RECOMMENDATION, OR FEEDBACK OF A STATE AGENCY; AMENDING SECTIONS 5-13-302 AND 5-13-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 5-13-302, MCA, is amended to read:

"5-13-302. Appointment and qualifications. (1) (a) The committee shall appoint the legislative auditor and set the legislative auditor's salary in accordance with the rules for classification and pay adopted by the legislative council.

(b) The legislative auditor's employment may not be conditioned based on the review, recommendation, or feedback of a state agency. However, this subsection (1)(b) does not prevent the legislative auditor from seeking feedback of state agencies for the purposes of evaluating the performance of employees of the legislative audit division.

(2) The legislative auditor shall hold a degree from an accredited college or university with a major in accounting or an allied field and shall have at least 2 years' experience in the field of governmental accounting and auditing."

Section 2. Section 5-13-303, MCA, is amended to read:

"5-13-303. Term and removal. (1) The legislative auditor is responsible solely to the legislature. The legislative auditor shall hold office for a term of 2 years beginning with July 1 of each even-numbered year.

(2) (a) The committee may not condition the legislative auditor's reemployment after a 2-year period based on the review, recommendation, or feedback of a state agency.

(b) The committee may remove the legislative auditor for misfeasance, malfeasance, or nonfeasance

in office at any time after notice and hearing."

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 128, 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. 128

INTRODUCED BY S. FITZPATRICK

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