

## 1 SENATE BILL NO. 120

2 INTRODUCED BY J. ESP

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A TIE VOTE BY THE LEGISLATIVE AUDIT  
5 COMMITTEE DOES NOT NEGATE THE LEGISLATIVE AUDITOR'S CONTINUED EMPLOYMENT OR  
6 REAPPOINTMENT; AMENDING SECTIONS 5-13-302 AND 5-13-303, MCA; AND PROVIDING AN  
7 IMMEDIATE EFFECTIVE DATE."

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

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

12 **"5-13-302. Appointment and qualifications.** (1) (a) The committee shall appoint the legislative  
13 auditor and set the legislative auditor's salary in accordance with the rules for classification and pay adopted by  
14 the legislative council.

15 (b) A tie vote by the committee does not negate approval of the legislative auditor's continued  
16 employment after initial appointment or reappointment.

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

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

22 **"5-13-303. Term and removal.** (1) The legislative auditor is responsible solely to the legislature.

23 (2) (a) The legislative auditor shall hold office for a term of 2 years beginning with July 1 of each  
24 even-numbered year.

25 (b) A tie vote by the committee does not negate approval of the legislative auditor's continued  
26 employment after initial appointment or reappointment after a 2-year period.

27 (c) The committee may remove the legislative auditor for misfeasance, malfeasance, or nonfeasance  
28 in office at any time after notice and hearing."

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2            NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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