

1 SENATE BILL NO. 128

2 INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE CONDITIONING OF THE LEGISLATIVE
5 AUDITOR'S EMPLOYMENT BASED ON THE REVIEW, RECOMMENDATION, OR FEEDBACK OF A STATE
6 AGENCY; AMENDING SECTIONS 5-13-302 AND 5-13-303, MCA; AND PROVIDING AN IMMEDIATE
7 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) The legislative auditor's employment may not be conditioned based on the review,
16 recommendation, or feedback of a state agency. HOWEVER, THIS SUBSECTION (1)(B) DOES NOT PREVENT THE
17 LEGISLATIVE AUDITOR FROM SEEKING FEEDBACK OF STATE AGENCIES FOR THE PURPOSES OF EVALUATING THE
18 PERFORMANCE OF EMPLOYEES OF THE LEGISLATIVE AUDIT DIVISION.

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

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

24 **"5-13-303. Term and removal.** (1) The legislative auditor is responsible solely to the legislature. The
25 legislative auditor shall hold office for a term of 2 years beginning with July 1 of each even-numbered year.

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

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

1 in office at any time after notice and hearing."

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

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