

## 1 HOUSE BILL NO. 32

2 INTRODUCED BY S. GIST

3 BY REQUEST OF THE LOCAL GOVERNMENT INTERIM COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PETITIONS TO BE FILED AGAINST THE  
6 BOARD OF A LOCAL SPECIAL DISTRICT IF THE BOARD HAS BEEN FOUND IN NONCOMPLIANCE WITH  
7 STATUTORY REQUIREMENTS; REQUIRING CLAIMS BE REPORTED TO THE COUNTY ATTORNEY AND  
8 TRAINING DEVELOPED BY THE LOCAL GOVERNMENT CENTER; REQUIRING THE LOCAL  
9 GOVERNMENT ENTITY TO PAY TRAINING FEES; ESTABLISHING REPORTING REQUIREMENTS;  
10 PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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14 NEW SECTION. **Section 1. Local district board oversight -- methods for redress.** (1) (a) If at  
15 least 5% of the qualified electors that are served by a local government entity file a petition against the board of  
16 the local government entity for allegations that the board has not complied with statutes applicable to the  
17 governance, operation, and function of the board, including but not limited to a violation of public meeting law,  
18 the board member appointment or election process, or the actions and duties required of a board member, the  
19 petition must be filed with the governing body under whose authority the local government entity was created.

20 (b) The governing body under whose authority the local government entity was created shall remit  
21 petitions received under subsection (1)(a) to the county attorney. THE COUNTY ATTORNEY SHALL EVALUATE THE  
22 PETITION AND SHALL PROVIDE A WRITTEN NOTICE OF DETERMINATION TO THE GOVERNING BODY, THE BOARD OF THE  
23 LOCAL GOVERNMENT ENTITY THAT IS SUBJECT TO THE PETITION, AND ANY PETITIONER WHO REQUESTS A COPY. IF THE  
24 COUNTY ATTORNEY HAS A CONFLICT OF INTEREST, THE COUNTY ATTORNEY SHALL SEEK REVIEW BY A PROSECUTOR IN  
25 ANOTHER JURISDICTION. If the county attorney OR PROSECUTOR WHO CONDUCTS A REVIEW AS REQUIRED IN THIS  
26 SUBSECTION (1) determines the petition has merit, the local government entity shall participate in training  
27 provided by the local government center as provided in subsection (2).

28 (2) (a) The local government center shall develop a training curriculum appropriate to address the

1 issues detailed in a petition referred by the county attorney to the local government center as provided in  
2 subsection (1)(b).

3 (b) The board of the local government entity shall participate in all relevant training provided by the  
4 local government center.

5 (3) The board of the local government entity shall remit all fees necessary for the training required  
6 in subsection (2) to the local government center.

7 (4) The local government center shall report to the local government interim committee, in  
8 accordance with 5-11-210, all petitions received that resulted in the development and delivery of training  
9 required under subsection (2).

10 (5) As used in this section, the following definitions apply:

11 (a) "Local government center" means the local government center provided for in 20-25-237.

12 (b) (i) "Local government entity" has the meaning provided in 2-7-501, except as provided in  
13 subsection (5)(b)(ii) of this section.

14 (ii) Local government entity does not include a county, consolidated city-county, incorporated city  
15 or town, or school district.

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17 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
18 integral part of Title 7, chapter 1, part 2, and the provisions of Title 7, chapter 1, part 2, apply to [section 1].

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20 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2023.

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22 **NEW SECTION. Section 4. Applicability.** [This act] applies to actions taken on or after [the effective  
23 date of this act].

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