### SENATE BILL NO. 98

### INTRODUCED BY JERGESON

IN	THE SENATE			
JANUARY 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.			
	FIRST READING.			
JANUARY 23, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.			
JANUARY 24, 1991	PRINTING REPORT.			
	SECOND READING, DO PASS.			
JANUARY 25, 1991	ENGROSSING REPORT.			
	THIRD READING, PASSED. AYES, 49; NOES, 0.			
	TRANSMITTED TO HOUSE.			
IN THE HOUSE				
JANUARY 25, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.			
JANUARY 26, 1991	FIRST READING.			
MARCH 6, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.			
MARCH 9, 1991	SECOND READING, CONCURRED IN.			
MARCH 11, 1991	THIRD READING, CONCURRED IN. AYES, 99; NOES, 0.			

## IN THE SENATE

RECEIVED FROM HOUSE. MARCH 12, 1991

SENT TO ENROLLING.

RETURNED TO SENATE.

REPORTED CORRECTLY ENROLLED.

SENATE	BILL	NO.	98
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INTRODUCED BY Quan

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A COUNTY, CITY, OR TOWN ATTORNEY SHALL REPORT TO THE DEPARTMENT OF COMMERCE ON ACTIONS TO BE TAKEN FOLLOWING COMPLETION OF A LOCAL GOVERNMENT AUDIT WHEN REQUESTED TO DO 8 SO BY THE DEPARTMENT OF COMMERCE; AND AMENDING SECTION 2-7-515, MCA."

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

Section 1. Section 2-7-515, MCA, is amended to read:

"2-7-515. Actions by governing bodies. (1) Upon receipt of the audit report, the governing bodies of each audited entity shall review the contents and within 30 days shall notify the department in writing as to what action they plan to take on any deficiencies or recommendations contained in the audit report. If no deficiencies or recommendations appear in the audit report, notification shall not be required.

(2) Notification to the department shall include a statement by the governing bodies that noted deficiencies or recommendations for improvement have been acted upon by adoption as recommended, adoption with modification, or rejection.

(3) In cases where a violation of law or nonperformance 1 of duty is found on the part of an officer, employee, or board, the officer, employee, or board must be proceeded 3 against by the attorney general or county, city, or town attorney as provided by law. The If a written request to do 6 so is received from the department, the county, city, or town attorney shall report to the department within 30 days 7 after receiving the audit-report-from-the-department request the proceedings instituted or to be instituted relating to 9 10 the violations of law and nonperformance of duty. If the county, city, or town attorney fails or refuses to prosecute 11 the case, the department may employ an attorney to prosecute 12 13 the case at the expense of the respective governmental 14 entity."

-End-

# APPROVED BY COMM. ON LOCAL GOVERNMENT

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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
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19	appear in the audit report, notification shall not be
20	required.
21	(2) Notification to the department shall include a
22	statement by the governing bodies that noted deficiencies or
23	recommendations for improvement have been acted upon by
24	adoption as recommended, adoption with modification, or
25	rejection.

1 (3) In cases where a violation of law or nonperformance 2 of duty is found on the part of an officer, employee, or 3 board, the officer, employee, or board must be proceeded against by the attorney general or county, city, or town 4 5 attorney as provided by law. The If a written request to do 6 so is received from the department, the county, city, or 7 town attorney shall report THE PROCEEDINGS INSTITUTED OR TO 8 BE INSTITUTED, RELATING TO THE VIOLATIONS OF LAW AND 9 NONPERFORMANCE OF DUTY, to the department within 30 days 10 after receiving the audit-report-from-the-department request 11 the--proceedings--instituted-or-to-be-instituted-relating-to 12 the-violations-of-law-and-nonperformance--of--duty. If the 13 county, city, or town attorney fails or refuses to prosecute 14 the case, the department may employ an attorney to prosecute 15 the case at the expense of the respective governmental 16 entity."

-End-

SB 0098/02

52nd Legislature

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rejection.

SB 0098/02

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-End-

THIRD READING

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-End-

REFERENCE BILL