

1 SENATE BILL NO. 14

2 INTRODUCED BY B. USHER

3 BY REQUEST OF THE SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE LEGISLATIVE AUDIT DIVISION TO AUDIT THE
6 OFFICE OF DISCIPLINARY COUNSEL; REQUIRING THE JUDICIAL BRANCH TO COVER THE COST OF
7 THE AUDIT; AND AMENDING SECTION 5-13-102, MCA."

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

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11 NEW SECTION. **Section 1. Audit of office of disciplinary counsel.** (1) There must be a one-time
12 performance audit of the office of disciplinary counsel. The performance audit must be conducted by or at the
13 direction of the legislative auditor and may include but is not limited to:

14 (a) an audit creating a thorough understanding of each funding source and how the office of
15 disciplinary counsel is funded and from where, how much money is received from each funding source, and
16 how each dollar from each source is spent over the past 10 years; and

17 (b) an analysis of budgets, costs, and functions of the office of disciplinary counsel over time.

18 (2) The legislative auditor shall scope and plan the audit based on risk, including a consideration of
19 the office of disciplinary counsel's financial, operational, and technological risks associated with meeting its
20 intended purpose, goals, objectives, and legal mandates. The legislative auditor shall consider all of the
21 responsibilities, goals, and objectives of the office of disciplinary counsel as part of the legislative auditor's
22 scoping and selection process.

23 (3) The objectives of this audit must be formulated, defined, and conducted in accordance with
24 industry standards established for auditing as described in 5-13-308.

25 (4) The cost of the audit in whole must be paid for by the judicial branch.

26 (5) The audit must be completed and presented to the legislative audit committee no later than
27 December 15, 2026. Following review by the legislative audit committee, the audit and any audit followup must:

28 (a) be delivered to members of the law and justice interim committee and the section D interim

1 budget subcommittee who shall serve in the 70th legislature; and
2 (b) be posted on the website of the legislative audit division.

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4 **Section 2.** Section 5-13-102, MCA, is amended to read:

5 **"5-13-102. Definitions.** In this chapter:

6 (1) "committee" means the legislative audit committee;

7 (2) "state agency" means all offices, departments, boards, commissions, institutions, universities,
8 colleges, entities created by an order of or subject to supervision by the Montana supreme court, and any other
9 person or any other administrative unit of state government that spends or encumbers public moneys by virtue
10 of an appropriation from the legislature or that handles money on behalf of the state or that holds any trust or
11 agency moneys from any source."

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