

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE GOVERNMENT ACCOUNTABILITY  
5 ACT; REVISING THE DEFINITION OF "GOVERNMENT ACT"; PROVIDING A GOVERNMENT ENTITY MUST  
6 PROVIDE A STATEMENT OF AUTHORITY WITHIN 3 BUSINESS DAYS; AND AMENDING SECTIONS 2-11-  
7 103 AND 2-11-104, MCA."

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

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11 **Section 1.** Section 2-11-103, MCA, is amended to read:

12 **"2-11-103. Definitions.** As used in this part, the following definitions apply:

13 (1) (a) "Government act" means:

14 (i) \_\_\_\_\_ the denial or issuance with conditions of a permit, certificate, license, or the equivalent of a  
15 permit, certificate, or license issued by a government entity; or

16 (ii) \_\_\_\_\_ a determination by a government entity that has a pecuniary impact or imposes a requirement  
17 or action be taken that has a pecuniary impact.

18 (b) The term does not mean:

19 (i) litigation in which a government entity or other person litigates the authority of the government  
20 entity to take an act provided in subsection (1)(a);

21 (ii) an act provided in subsection (1)(a) for which a citation or warning is issued, other than the  
22 statement required by 2-11-104, on which a reference clearly appears to the legal authority for the government  
23 action; or

24 (iii) a legislative act by the state of Montana.

25 (2) "Government entity" means a state agency or a local government unit.

26 (3) "Local government unit" means a city, county, town, unincorporated municipality or village, or  
27 special taxing unit or district and any commission, board, bureau, or other office of the unit.

28 (4) "Rule" has the meaning provided in 2-4-102.

1 (5) "State agency" has the meaning provided in 2-4-102(2)(a).

2 (6) "Statement of government authority" or "statement" means the statement required by 2-11-  
3 104."

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**Section 2.** Section 2-11-104, MCA, is amended to read:

6 **"2-11-104. Statement of government authority required.** (1) When a government entity takes a  
7 government act, as defined in 2-11-103, it shall provide upon request to the applicant a written statement of  
8 specific legal authority upon which the action is based. The statement must be provided within ~~30~~ 3 business  
9 days of the written request by the applicant for the written statement of specific legal authority or within ~~30~~ 3  
10 business days after the government act, whichever occurs last.

11           (2)       The statement must clearly cite the specific statute, rule, ordinance, resolution, or other legal  
12   authority for the government act and the specific reason for the government act."

13 - END -