

1 *Senate* BILL NO. *334*
 2 INTRODUCED BY *Harding Vaughn Bush HARB*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PERSONAL
 5 LIABILITY OF COUNTY OFFICIALS WHO EXCEED BUDGET
 6 APPROPRIATIONS; APPLYING THE FORFEIT PROVISION TO DEPARTMENT
 7 OFFICIALS; PROVIDING THAT A COUNTY OFFICIAL MAY NOT EXCEED A
 8 DEPARTMENT'S TOTAL BUDGET APPROPRIATION; AND AMENDING
 9 SECTION 7-6-2323, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 **Section 1.** Section 7-6-2323, MCA, is amended to read:

13 "7-6-2323. Effect of exceeding budget appropriations --
 14 personal liability. (1) Expenditures made, liabilities
 15 incurred, or warrants issued in excess of ~~any--of--the~~
 16 detailed a department's total budget appropriations
 17 appropriation, as originally determined or as thereafter
 18 later revised by transfer as provided in this part, ~~shall~~
 19 are not be a liability of the county, but the official
 20 making authorizing or incurring such the expenditure or
 21 ~~issuing-such-warrant-shall-be~~ is liable therefor for it
 22 personally and upon his official bond.

23 (2) (a) The board of county commissioners ~~shall~~ may not
 24 approve any claim and the county clerk and recorder ~~shall~~
 25 may not issue any a warrant for any expenditure in excess of

1 ~~said-detailed a department's total~~ budget appropriations
 2 appropriation, as finally adopted or as revised under the
 3 provisions of this part, except upon an order of a court of
 4 competent jurisdiction or for an emergency as hereinafter
 5 provided in this part. ~~Any---county---commissioner---or~~
 6 ~~commissioners---or---county---clerk---and---recorder~~ A department
 7 official approving any claim ~~or---issuing---any---warrant~~ in
 8 excess of any-such a budget appropriation, except as above
 9 provided in this section, shall forfeit to the county the
 10 amount of such the claim or-warrant.

11 (b) The amount forfeited under subsection (2)(a) ~~shall~~
 12 must be recovered in an action against ~~such---county~~
 13 ~~commissioner---or---commissioners-or-county-clerk-and-recorder~~
 14 ~~or-all-of-them~~ the responsible official and ~~their---several~~
 15 sureties the surety on their his official bonds bond. It
 16 ~~shall-be~~ is the duty of the county attorney of such the
 17 county to bring an action therefor for recovery in the name
 18 of the county."

-End-



-2- INTRODUCED BILL
 SB 334

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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17 county to bring an action therefor for recovery in the name
18 of the county."

-End-

SECOND READING

SB 334



1 *Senate* BILL NO. *334*
 2 INTRODUCED BY *Harding Vaughn Bush* *HVB*
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 24 approve any claim and the county clerk and recorder shall
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 3 provisions of this part, except upon an order of a court of
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 14 or-all-of-them the responsible official and their--several
 15 sureties the surety on their his official bonds bond. It
 16 shall-be is the duty of the county attorney of such the
 17 county to bring an action therefor for recovery in the name
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-End-



SENATE BILL NO. 334

INTRODUCED BY HARDING, VAUGHN, T. BECK, HARP

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PERSONAL LIABILITY OF COUNTY OFFICIALS WHO EXCEED BUDGET APPROPRIATIONS; APPLYING THE FORFEIT PROVISION TO DEPARTMENT OFFICIALS; PROVIDING THAT A COUNTY OFFICIAL MAY NOT EXCEED A DEPARTMENT'S TOTAL BUDGET APPROPRIATION; AND AMENDING SECTION 7-6-2323, MCA."

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(2) (a) The board of county commissioners ~~shall~~ may not approve any claim and the county clerk and recorder ~~shall~~ may not issue any a warrant for any expenditure in excess of

~~said-detailed a department's total budget appropriations appropriation~~, as finally adopted or as revised under the provisions of this part, except upon an order of a court of competent jurisdiction or for an emergency as hereinafter provided in this part. ~~Any--county--commissioner--or commissioners--or--county--clerk--and--recorder~~ A department official approving any claim ~~or--issuing--any--warrant~~ in excess of any-such a budget appropriation, except as above provided in this section, shall forfeit to the county the amount of such the claim ~~or-warrant~~.

(b) The amount forfeited under subsection (2)(a) ~~shall~~ must be recovered in an action against ~~such--county commissioner--or--commissioners-or-county-clerk-and-recorder or-all-of-them~~ the responsible official and ~~their--several sureties~~ the surety on their his official bonds bond. It ~~shall-be~~ is the duty of the county attorney of such the county to bring an action ~~therefor~~ for recovery in the name of the county."

-End-

