

SENATE BILL 311

IN THE SENATE

January 31, 1979

Introduced and referred to
Committee on Finance and
Claims.

February 15, 1979

Committee recommend bill, do
not pass.

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Senet BILL NO. *311*
INTRODUCED BY *E. Smith Mark Mahallum*
STEPHENS Thiessen Lorenz Conner

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE LAW RELATING TO SPENDING LIMITS FOR LEGISLATIVE APPROPRIATIONS; PROVIDING THAT THE LEGISLATIVE FINANCE COMMITTEE MAY FILE A COMPLAINT FOR A VIOLATION; REPEALING THE AUTHORITY OF THE GOVERNOR TO AUTHORIZE AN EXPENDITURE DURING THE FIRST FISCAL YEAR OF A BIENNIUM TO BE MADE FROM THE APPROPRIATION FOR THE SECOND FISCAL YEAR; AMENDING SECTIONS 5-12-205, 17-8-103, AND 17-8-104, MCA; AND REPEALING SECTION 17-7-301, MCA."

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

Section 1. Section 17-8-103, MCA, is amended to read:

"17-8-103. Limit on expenditures. (1) It shall be ~~is~~ unlawful for the ~~board of trustees, executive board, managerial staff, president, deans and faculty, or any other authority of any state institution maintained in whole or in part by the state or any officers, department, board, commission, or bureau~~ a person having charge of the disbursement or expenditure of the ~~income provided by a~~ legislative appropriation or otherwise, to expend, contract for the expenditure, or to incur or permit the incurring of any obligation ~~whatsoever~~ in any one year in excess of the

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~~income legislative appropriation~~ provided for such year or ~~for any supervisory board or authority either to~~ directly or indirectly to authorize, direct, or order any such ~~institution, officers, department, board, commission, or bureau~~ to increase any in expenditures, except as specifically provided by law.

(2) It ~~shall be and~~ is hereby ~~made~~ the duty of any and ~~all of such institutions, officers, departments, boards, commissions, and bureaus~~ person having charge of the disbursement or expenditure of a legislative appropriation to keep such expenditures, obligations, and liabilities within the amount of such ~~income~~ the legislative appropriation."

Section 2. Section 17-8-104, MCA, is amended to read:

"17-8-104. Penalty for violation. Any ~~authority or member of a board of trustees or any person, officer, or employee~~ violating the provisions of 17-8-103 shall ~~be~~ is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$500 or imprisoned in the county jail for not less than 30 days or more than 6 months or by both such fine and imprisonment and, in addition, ~~thereof, said authority, member, person, officer, or employee~~ shall ~~be~~ is personally liable and the surety or sureties on his bond shall ~~are~~ also be liable to the state for the amount of ~~the excess~~ thus unlawfully

1 expended--and-said-authority-members. A person-or-officer
2 shall-be violating 17-8-103 is also guilty of misfeasance in
3 office, and such-employee-shall-be-guilty-of-wrongdoings-end
4 each-shall-be is subject to removal from office or from such
5 employment, upon complaint of the legislative finance
6 committee or of any taxpayer filed in a district court of
7 this state and upon proof of violation of 17-8-103, in
8 accordance with law."

9 Section 3. Section 5-12-205, MCA, is amended to read:

10 "5-12-205. Powers and duties of committee. The
11 committee may:

12 (1) organize, adopt rules to govern its proceedings,
13 and meet as often as necessary, upon the call of the
14 chairman, to advise and consult with the legislative fiscal
15 analyst;

16 (2) employ and set the salary of the legislative
17 fiscal analyst, who shall serve at the pleasure of and be
18 responsible to the committee; and

19 (3) exercise the investigatory powers of a standing
20 committee under chapter 5, part 1, of this title; and

21 (4) file a complaint in district court alleging
22 violation of 17-8-103."

23 Section 4. Repealer. Section 17-7-301, MCA, is
24 repealed.

-End-