

SENATE HILL NO. 28

INTRODUCED BY MAZUREK

BY REQUEST OF THE DEPARTMENT OF COMMUNITY AFFAIRS

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Local Government.
January 7, 1981	Committee recommend bill do pass. Report adopted.
January 8, 1981	Bill printed and placed on members' desks.
January 9, 1981	Second reading, do pass.
January 10, 1981	Considered correctly engrossed.
January 12, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 13, 1981	Introduced and referred to Committee on Local Government.
March 4, 1981	Committee recommend bill be concurred in. Report adopted.
March 5, 1981	Second reading, concurred in.
March 7, 1981	Third reading, concurred in. Yeas, 93; Nays, 2.

IN THE SENATE

March 7, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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 2 INTRODUCED BY MAZUREK
 3 BY REQUEST OF THE DEPARTMENT OF COMMUNITY AFFAIRS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE
 6 FOR DECLARING AN OFFICE FORFEITED BY REASON OF CASH SHORTAGE
 7 FOUND IN AN AUDIT BY THE DEPARTMENT OF COMMUNITY AFFAIRS;
 8 AMENDING SECTION 2-7-511, MCA."

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

11 Section 1. Section 2-7-511, MCA, is amended to read:
 12 "2-7-511. Access to public accounts -- suspension of
 13 officer in case of discrepancy. (1) The department may count
 14 the cash, verify the bank accounts, and verify all accounts
 15 of a public officer whose accounts it is examining under
 16 law.

17 (2) If an officer of any county, city, town, school, or
 18 other governmental entity referred to in this part refuses
 19 to accord the department access during an audit of the
 20 officer's accounts to his cash, bank accounts, or any of the
 21 papers, vouchers, or records of his office or if the
 22 department finds a shortage of cash, the department shall
 23 immediately file a preliminary report showing the refusal of
 24 that officer or the existence of the shortage and the
 25 approximate amount of the shortage with the respective

1 county, city, or town attorney and the governing body of the
 2 governmental entity.

3 (3) Upon filing of the statement, the officer shall
 4 immediately be suspended from the duties and emoluments of
 5 his office and the governing body of such governmental
 6 entity shall appoint some qualified person to the office
 7 pending completion of the audit.

8 (4) Upon the completion of the audit by the department,
 9 if a shortage of cash existed in the accounts of the
 10 officer, the department shall file with the governing body
 11 of the governmental entity a final report of the audit,
 12 showing the shortage. ~~The right of the officer to the office~~
 13 ~~is then forfeited, and the office becomes vacant as of the~~
 14 ~~date of the suspension of the officer. The person appointed~~
 15 ~~to the office upon the suspension of the officer shall hold~~
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 18 within 10 days after the filing of the department's final
 19 report of the audit, set a date and time for a formal
 20 hearing to test the accuracy of the final report of the
 21 audit and give notice of the hearing to the officer.

22 (5) ~~An officer whose right to office has been forfeited~~
 23 ~~may, within 10 days after the filing of the department's~~
 24 ~~final report or audit, begin in the district court of the~~
 25 ~~proper judicial district a proceeding in quo warranto to~~

LC 0150/01

1 ~~test--the--right--of--his--successor--to--hold--the--office--and--to~~
2 ~~test--the--accuracy--of--the--final--report--and--audit--of--the~~
3 ~~department.~~ If the governing body finds that a shortage
4 exists and that the officer suspended is, by act or
5 omission, responsible for the shortage, the officer's right
6 to the office is forfeited and the report of the audit shall
7 be referred to the county attorney."

-End-

Approved by Comm.
on Local Government

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REFERENCE BILL
SB 28

SB 0028/02

1 ~~warrants to test the right of his successor to hold the~~
2 ~~office and to test the accuracy of the final report and~~
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