SENATE BILL NO. 282

INTRODUCED BY BECK

IN THE SENATE

FEBRUARY 4, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 11, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 12, 1987	PRINTING REPORT.
FEBRUARY 14, 1987	SECOND READING, DO PASS.
FEBRUARY 16, 1987	ENGROSSING REPORT.
FEBRUARY 17, 1987	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.
IN	THE HOUSE
FEBRUARY 23, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
MARCH 13, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1987	SECOND READING, CONCURRED IN.
MARCH 18, 1987	THIRD READING, CONCURRED IN. AYES, 94; NOES, 0.
	RETURNED TO SENATE.
IN	THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

MARCH 19, 1987

L		Senate BILL NO 282
2	INTRODUCED BY	1 12. k

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING THE PERSONAL LIABILITY OF COUNTY COMMISSIONERS AND COUNTY CLERKS FOR CLAIMS AND WARRANTS IN EXCESS OF BUDGET APPROPRIATIONS TO THE AMOUNT OF THE WARRANT; AMENDING SECTION 7-6-2323, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN EFFECTIVE DATE."

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

Section 1. Section 7-6-2323, MCA, is amended to read:

"7-6-2323. Effect of exceeding budget appropriations

-- personal liability. (1) Expenditures made, liabilities incurred, or warrants issued in excess of any of the detailed budget appropriations, as originally determined or as thereafter revised by transfer as provided in this part, shall not be a liability of the county, but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond.

(2) (a) The board of county commissioners shall not approve any claim and the county clerk and recorder shall not issue any warrant for any expenditure in excess of said detailed budget appropriations, as timally 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. Any county commissioner or commissioners or county clerk and recorder approving any claim or issuing any warrant in excess of any such budget appropriation except as above provided shall forfeit to the county fourfold the amount of such claim or warrant.

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

13 <u>NEW SECTION.</u> Section 2. Applicability. This act 14 applies to claims approved and warrants issued on or after 15 July 1, 1987.

NEW SECTION. Section 3. Effective date. This act is effective July 1, 1987.

APPROVED BY COMM. ON LOCAL GOVERNMENT

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING THE PERSONAL LIABILITY OF COUNTY COMMISSIONERS AND COUNTY CLERKS FOR CLAIMS AND WARRANTS IN EXCESS OF BUDGET APPROPRIATIONS TO THE AMOUNT OF THE WARRANT; AMENDING SECTION 7-6-2323, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN EFFECTIVE DATE."

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

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21	(2) (a) The board of county commissioners shall not
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