

SENATE BILL 142

Introduced by Harding

1/16	Introduced
1/16	Referred to Local Government
1/24	Hearing
	Died in Committee

1 Spencer BILL NO. 142  
2 INTRODUCED BY Harding  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW  
5 PROVIDING THAT A COUNTY OFFICIAL WHO SPENDS MORE THAN IS  
6 APPROPRIATED TO THAT OFFICIAL'S AGENCY IS PERSONALLY LIABLE  
7 FOR THE EXCESS EXPENDITURE; AND AMENDING SECTION 7-6-2323,  
8 MCA."  
9

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

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

12 **"7-6-2323. Effect of exceeding budget appropriations**  
13 **-- personal liability. (1)** Expenditures made, liabilities  
14 incurred, or warrants issued in excess of ~~any--of the~~  
15 detailed budget appropriations appropriation for an office,  
16 department, service, institution, or county-funded district  
17 court program, as originally determined or as thereafter  
18 revised by transfer as provided in this part, ~~shall are~~ not  
19 be a liability of the county, ~~but the~~ The official making  
20 or incurring such the excess expenditure or issuing such the  
21 warrant ~~shall--be is~~ liable therefor for the excess  
22 expenditure, personally and upon his official bond.

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

1 excess of ~~said--detailed the~~ budget appropriations  
2 appropriation for an office, department, service,  
3 institution, or county-funded district court program, as  
4 finally adopted or as revised under the provisions of this  
5 part, except upon an order of a court of competent  
6 jurisdiction or for an emergency as ~~hereinafter~~ provided in  
7 7-6-2341 through 7-6-2345. Any county commissioner or  
8 commissioners or county clerk and recorder approving any  
9 claim or issuing any warrant in excess of any ~~such~~ budget  
10 appropriation, except as ~~above~~ provided in this subsection  
11 (a), shall forfeit to the county the amount of ~~such the~~  
12 claim or warrant.

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

-End-

INTRODUCED BILL

SB 142