

SENATE BILL NO. 284
INTRODUCED BY WHEAT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE A COUNTY AUDITOR IS REQUIRED TO FOLLOW TO PROCESS A CLAIM; ESTABLISHING TIMEFRAMES WITHIN WHICH INVESTIGATION OF CERTAIN CLAIMS MUST BE COMPLETED; PROVIDING TIMEFRAMES AND PROCEDURES FOR DISAPPROVING A CLAIM; AUTHORIZING A BOARD OF COUNTY COMMISSIONERS, UPON A MAJORITY VOTE, TO ORDER PAYMENT OF A CLAIM DISAPPROVED BY A COUNTY AUDITOR; PROVIDING FOR AN APPEAL TO DISTRICT COURT WITHIN 7 WORKING DAYS IF A BOARD OF COUNTY COMMISSIONERS ORDERS PAYMENT OF A DISAPPROVED CLAIM; AMENDING SECTION 7-6-2407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-6-2407, MCA, is amended to read:

"7-6-2407. Auditing Examination and investigation of claims. (1) ~~It shall be~~ is the duty of persons holding claims against any county having a county auditor to present the ~~same claims~~ to the county auditor, ~~whose duty it who shall be to audit the same.~~ The county auditor shall also investigate and examine all claims presented ~~to him and~~ The county auditor shall report the same claims with his a finding to the board of county commissioners at their its regular session meeting after such the investigation shall have been is completed, with his approval or disapproval endorsed thereon. ~~The county auditor shall either approve or disapprove payment of the claim and he shall keep a complete record of all such claims and of his investigations and examinations of the same claims in a book kept for that purpose.~~

(2) (A) WITHIN 30 DAYS OF RECEIPT OF A CLAIM IN THE OFFICE OF THE COUNTY AUDITOR, THE COUNTY AUDITOR SHALL APPROVE THE CLAIM, DISAPPROVE THE CLAIM, OR NOTIFY THE BOARD OF COUNTY COMMISSIONERS, THE CLAIMANT, AND ANY AFFECTED COUNTY ELECTED OFFICIALS OR DEPARTMENT HEADS IN WRITING THAT THE CLAIM REQUIRES FURTHER INVESTIGATION.

(B) FURTHER INVESTIGATION OF A CLAIM MUST BE COMPLETED AND AN APPROVAL OR DISAPPROVAL OF PAYMENT OF THE CLAIM MUST BE ISSUED WITHIN 60 DAYS FROM THE DATE THAT THE COUNTY AUDITOR PROVIDES THE WRITTEN NOTIFICATION REQUIRED IN SUBSECTION (2)(A).

(3) (A) THE COUNTY AUDITOR SHALL REPORT APPROVED CLAIMS TO THE BOARD OF COUNTY COMMISSIONERS

AT ITS REGULAR MEETING AFTER INVESTIGATIONS INTO THE CLAIMS HAVE BEEN COMPLETED.

(B) THE COUNTY AUDITOR SHALL KEEP A COMPLETE RECORD OF ALL CLAIMS SUBMITTED AND INVESTIGATIONS AND EXAMINATIONS OF THE CLAIMS.

~~(2)~~(4) In all counties having a county auditor:

(a) all bills, claims, accounts, or charges for materials of any kind or nature that may be purchased by and on behalf of the county by any of the county officers or contracted for by the county commissioners ~~shall~~ must be investigated, examined, and inspected by the county auditor, who shall ~~endorse his approval or disapproval thereon~~ approve or disapprove payment of the claims before any warrant for the payment of the ~~same can~~ claims may be drawn;

(b) ~~no~~ a claim against the county ~~shall~~ may not be paid or a warrant drawn ~~therefor~~ for the claim unless the ~~same shall have~~ claim has the approval of the county auditor; ~~provided, however, that the judge of the district court of the county where any~~ If a claim has been disapproved by the county auditor; DISAPPROVES PAYMENT OF A CLAIM:

(I) THE AUDITOR SHALL, WITHIN 5 DAYS OF THE DISAPPROVAL, PROVIDE WRITTEN DOCUMENTATION TO THE BOARD OF COUNTY COMMISSIONERS, THE CLAIMANT, AND ANY AFFECTED COUNTY ELECTED OFFICIALS OR DEPARTMENT HEADS SPECIFYING THE REASONS FOR THE DISAPPROVAL;

(II) THE AUDITOR SHALL, WITHIN 15 DAYS OF THE DISAPPROVAL, PRESENT DOCUMENTATION AND TESTIMONY IN SUPPORT OF THE DISAPPROVAL OF THE CLAIM TO THE BOARD OF COUNTY COMMISSIONERS IN A PUBLIC HEARING AT A PROPERLY NOTICED AND REGULARLY SCHEDULED MEETING OF THE BOARD OF COUNTY COMMISSIONERS; AND

(III) the board of county commissioners may order the payment of the same claim by a majority vote at a regular board meeting. If a majority of the board orders payment of the disapproved claim, the county auditor may appeal the decision to the district court within 7 working days. If the board's decision is not appealed within the required 7-day period, the claim must be paid."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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