

Opinion No. 133

**Warrants—Registration—County Treasurer, When Necessary to
Register Warrants Issued by Counties, Registration
Should Be at Time of Presentation to County
Treasurer For Payment.**

Held: When it is necessary to register warrants that have been issued by a County, such registration should be made at the time the warrants are presented to the County Treasurer for payment.

November 14th, 1950.

Mr. John F. Sasek, Secretary
Public Employees Retirement System
Capitol Building
Helena, Montana
Dear Mr. Sasek:

You have asked me a question which is substantially as follows:

In those cases where it is necessary to register warrants issued by a County, when should the warrants be registered?

In answering your question I would like to call to your attention three sections of the Revised Codes of Montana, 1947, which read:

16-1810 "Warrants drawn by order of the Board on the County Treasurer for the current expenses during each year must specify the liability for which they are drawn and when they accrued, **and must be paid in the order of presentation to the Treasurer. If the fund is insufficient to pay any warrant, it must be registered and thereafter paid in the order of its registration.**" (Emphasis supplied.)

16-2002 "All County warrants hereafter issued, **after having been presented to the County Treasurer for payment** and by him endorsed "Not paid for want of funds in the treasury", from and after the date of such presentation and endorsement, shall draw interest at the rate of four (4%) per cent per annum." (Emphasis supplied.)

16-2604 "When any County warrant, any high school warrant or any school district warrant hereafter issued **is presented to the treasurer for payment** and the same is not paid for want of funds, the treasurer must endorse thereon, "not paid for want of funds," annexing the date of presentation, and sign his name thereto; and from that time until paid the warrant shall bear interest at four (4%) per cent per annum." (Emphasis supplied.)

Upon reading the above sections it is easy to see that the time a warrant is registered becomes important because (1) a registered warrant is paid in the order of its registration, and (2) a warrant draws interest from and after the date of its registration.

The time for registering County warrants is at the time of presentation to the County Treasurer for payment. This is clear from this language in Section 16-2002:

" . . . after having been presented to the County Treasurer for payment . . . "

and this in Section 16-2604:

" . . . is presented to the Treasurer for payment and the same is not paid for want of funds . . . "

When it is necessary to register County warrants, the benefits of order of payment and interest accrue to the holder of the warrant upon registration. The law contemplates some effort on the part of the holder of the warrant before registration and that effort is presentation of the warrant to the County Treasurer for payment.

It is my opinion that when it is necessary to register warrants that have been issued by a County, such registration should be made at the time the warrants are presented to the County Treasurer for payment.

Very truly yours,
ARNOLD H. OLSEN,
Attorney General.