

1 *Senate* BILL NO. *289*
 2 INTRODUCED BY *E. Smith* *Hayden*
 3 BY REQUEST OF THE STATE AUDITOR

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 79-109, R.C.M. 1947, TO REVISE THE PROVISIONS FOR ISSUING A
 7 DUPLICATE WARRANT."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 79-109, R.C.M. 1947, is amended to
 11 read as follows:

12 "79-109. Issuance of duplicate warrant. ~~*(1)~~ The
 13 state auditor ~~is hereby empowered and authorized to~~ may
 14 issue a duplicate warrant whenever any warrant drawn by him
 15 upon the treasurer of the state of Montana ~~shall have been~~
 16 is lost or destroyed. This duplicate warrant must be in the
 17 same form as the original, except that it must have plainly
 18 printed across its face the word "duplicate," and, except as
 19 herein provided, no such warrant ~~shall~~ may be issued or
 20 delivered ~~except unless~~ the person entitled to receive the
 21 same ~~shall deposit~~ deposits with the state auditor a bond in
 22 double the amount for which the duplicate warrant is issued,
 23 conditioned to save the state of Montana, and its officers,
 24 harmless on account of the issuance of ~~said~~ the duplicate
 25 warrant.

1 ~~8~~(2) No bond of indemnity ~~shall be~~ is required:
 2 ~~(1)(a)~~ (a) When ~~when~~ the payee is the United States
 3 government, a state of the United States, any agency,
 4 instrumentality, or officer of the United States government
 5 or of a state, ~~or any~~ county, city, city and county, town,
 6 district, or other political subdivision of a state or any
 7 officer thereof;
 8 ~~(2)(b)~~ (b) When ~~when~~ the owner or custodian is the state
 9 of Montana or any agency or officer thereof;
 10 ~~(3)(c)~~ (c) When ~~when~~ the owner or custodian is a bank,
 11 savings and loan association, admitted insurer, or trust
 12 company whose financial condition is regulated by the United
 13 States government or by the state of Montana; or
 14 ~~(4)(d)~~ (d) When ~~when~~ the amount of the lost or destroyed
 15 warrant is less than ~~fifty dollars~~ (\$50) \$100;
 16 (e) when it can be established that a crime has been
 17 committed and as a result of such crime that a state of
 18 Montana warrant has been stolen or destroyed;
 19 (f) when it can be established that a state of Montana
 20 warrant has been mailed to an incorrect payee; or
 21 (g) when the payee is a vendor or contractor doing
 22 business with the state of Montana.
 23 (3) Whenever the owner or custodian applies under the
 24 provisions of subsections (2)(e), (2)(f), or (2)(g), a
 25 stop-payment order shall be placed on the original warrant

1 by the state auditor.

2 ~~(4) Provided, however, that where whenever~~ the owner
3 or custodian applies under the provisions of subsection ~~(3)~~
4 ~~or (4) hereof (2)(c), (2)(d), (2)(e), (2)(f), or (2)(g),~~ the
5 application shall include an agreement to indemnify and hold
6 harmless the state or its officers and employees from any
7 loss resulting from the issuance of a duplicate warrant. Any
8 loss incurred in connection with the issuance of a duplicate
9 warrant shall be charged against the account from which the
10 payment was derived.*

-End-

Approved by Committee
on Business and Industry

Senate BILL NO. *289*
E. Smith *Health*

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12 company whose financial condition is regulated by the United
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14 ~~(4)(d)~~ When ~~when~~ the amount of the lost or destroyed
15 warrant is less than ~~fifty dollars~~ ~~(50)~~ \$100;

16 ~~(e)~~ when it can be established that a crime has been
17 committed and as a result of such crime that a state of
18 Montana warrant has been stolen or destroyed;

19 ~~(f)~~ when it can be established that a state of Montana
20 warrant has been mailed to an incorrect payee; or

21 ~~(g)~~ when the payee is a vendor or contractor doing
22 business with the state of Montana.

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24 provisions of subsections (2)(e), (2)(f), or (2)(g), a
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INTRODUCED BY *E. Smith*

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REFERENCE BILL

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