

CHAPTER NO. 110.

HOUSE BILL NO. 92

INTRODUCED BY H. ROBBINS

BY REQUEST OF THE DEPARTMENT

OF SOCIAL AND REHABILITATION SERVICES

IN THE HOUSE

January 9, 1979	Introduced and referred to Committee on Business and Industry.
January 12, 1979	Committee recommend bill do pass as amended and be placed on Consent Calendar. Report adopted.
January 15, 1979	Printed and placed on members' desks.
January 17, 1979	Third reading Consent Calendar passed. Transmitted to second house.

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on Business and Industry.
March 1, 1979	Committee recommend bill be concurred in and be placed on Consent Calendar. Report adopted.
March 3, 1979	Consent Calendar discussion.
March 5, 1979	Consent Calendar concurred in.

IN THE HOUSE

March 6, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

1 House BILL NO. 92
2 INTRODUCED BY H. B. of Congress
3 BY REQUEST OF THE DEPARTMENT
4 OF SOCIAL AND REHABILITATION SERVICES

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
7 LAWS RELATING TO THE ISSUANCE OF DUPLICATE BONDS, WARRANTS,
8 AND COUPONS; AMENDING SECTIONS 7-7-2104 AND 7-7-2106, MCA;
9 AND REPEALING SECTION 7-7-2105, MCA."

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

(2) ~~for~~ The chairman of the board at the time of issuing any duplicate bond, warrant, or coupon must write across or upon the face thereof the word "duplicate" in red ink.

~~by~~ The word "duplicate" upon any bond, warrant, or coupon imports notice to all persons that the same is issued subject to the provisions of 7-7-2184 through 7-7-2186. No duplicate warrant, bond, or coupon may be issued under this section unless the person entitled to receive the duplicate deposits with the county treasurer a bond in double the amount for which the duplicate warrant, bond, or coupon is issued, conditioned to have the county and its officers harmless from all loss, costs, or damages by reason of issuing the duplicate.

 131. No bond of indemnity is required:

 (a) when a payee is the state of Montana or any agency, instrumentality, or officer of the state;

 (b) when the owner or custodian is the state or any agency or officer thereof;

 (c) when the owner or custodian is a bank, savings and loan association, admitted insurance or trust company whose financial condition is regulated by the state;

 (d) when it can be established that a crime has been committed and that as a result of such crime a county warrant, bond, or coupon has been stolen or destroyed; or

1 (e) when it can be established that a county warrant,
 2 bond, or coupon has been mailed to an incorrect payee

3 (4) If the owner or custodian applies under the
 4 provisions of subsection (3)(d) or (3)(e), a stop-payment
 5 order shall be placed on the original warrant, bond, or
 6 coupon by the county treasurer.

7 (5) If the owner or custodian applies under the
 8 provisions of subsection (3)(c), (3)(d), or (3)(e), the
 9 application shall include an agreement to indemnify and hold
 10 the county or its officers and employees harmless from any
 11 loss resulting from the issuance of a duplicate warrant,
 12 bond, or coupon. Any loss incurred in connection with the
 13 issuance of a duplicate warrant shall be charged against the
 14 account from which the payment was derived."

15 Section 2. Section 7-7-2106, MCA, is amended to read:
 16 "7-7-2106. Procedure if original bond, warrant, or
 17 coupon is presented. It is the duty of the county treasurer,
 18 upon the production to him of any original bond, warrant, or
 19 coupon by the lawful owner or holder thereof, to assign by
 20 endorsement and to deliver to him the surety bond mentioned
 21 in 7-7-2105 7-7-2104. Such owner or holder may maintain an
 22 action in his own name upon such surety bond for the
 23 recovery of any money paid upon such duplicate, but the
 24 delivery of such surety bond does not relieve or exonerate
 25 the county from the payment of the amount specified therein

1 upon a demand and refusal of the sureties named in the
 2 indemnifying surety bond to pay the same."

3 Section 3. Repealer. Section 7-7-2105, MCA, is
 4 repealed.

-End-

Approved by Committee
on Business and Industry

1 HOUSE BILL NO. 92
2 INTRODUCED BY ROBBINS
3 BY REQUEST OF THE DEPARTMENT
4 OF SOCIAL AND REHABILITATION SERVICES
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
7 LAWS RELATING TO THE ISSUANCE OF DUPLICATE BONDS, WARRANTS,
8 AND COUPONS; AMENDING SECTIONS 7-7-2104 AND 7-7-2106, MCA;
9 AND REPEALING SECTION 7-7-2105, MCA."

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

12 Section 1. Section 7-7-2104, MCA, is amended to read:

13 "7-7-2104. Replacement of lost bond, warrant, or

14 coupon. (1) The board is authorized upon satisfactory proof

15 that any original bond, warrant, or coupon has been lost or

16 destroyed to may issue to the owner or holder of such bond,

17 warrant, or coupon a duplicate thereof which a duplicate

18 warrant, bond, or coupon whenever any warrant, bond, or

19 coupon drawn by it upon the treasury of the county is lost

20 or destroyed. The duplicate warrant, bond, or coupon must

21 be in the same form as the original and will take the place

22 in order of registration and payment of such and supersede

23 the original bond, warrant, or coupon--and--in--all--cases

24 supersede and take the place of such original. It must have

25 the word "duplicate" plainly printed across its face.

1 (e) when it can be established that a county warrant,
 2 bond, or coupon has been mailed to an incorrect payee.
 3 (f) if the owner or custodian applies under the
 4 provisions of subsection (3)(d) or (3)(e), a stop-payment
 5 order shall be placed on the original warrant, bond, or
 6 coupon by the county treasurer.

7 (g) if the owner or custodian applies under the
 8 provisions of subsection (3)(c), (3)(d), or (3)(e), the
 9 application shall include an agreement to indemnify and hold
 10 the county or its officers and employees harmless from any
 11 loss resulting from the issuance of a duplicate warrant,
 12 bond, or coupon. Any loss incurred in connection with the
 13 issuance of a duplicate warrant shall be charged against the
 14 account from which the payment was derived."

15 Section 2. Section 7-7-2106, MCA, is amended to read:
 16 "7-7-2106. Procedure if original bond, warrant, or
 17 coupon is presented. It is the duty of the county treasurer,
 18 upon the production to him of any original bond, warrant, or
 19 coupon by the lawful owner or holder thereof, to assign by
 20 endorsement and to deliver to him the surety bond mentioned
 21 in 7-7-2105. Such owner or holder may maintain an
 22 action in his own name upon such surety bond for the
 23 recovery of any money paid upon such duplicate, but the
 24 delivery of such surety bond does not relieve or exonerate
 25 the county from the payment of the amount specified therein

1 upon a demand and refusal of the sureties named in the
 2 indemnifying surety bond to pay the same."

3 Section 3. Repealer. Section 7-7-2105, MCA, is
 4 repealed.

-End-

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
7 LAWS RELATING TO THE ISSUANCE OF DUPLICATE BONDS, WARRANTS,
8 AND COUPONS; AMENDING SECTIONS 7-7-2104 AND 7-7-2106, MCA;
9 AND REPEALING SECTION 7-7-2105, MCA."

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

(2) ~~to~~--the--chairman--of--the--board--at--the--time--of
issuing--any--duplicate--bond--warrant--or--coupon--must--write
across--or--upon--the--face--thereof--the--word--"duplicate"--in--red
ink:

(b)--the--word--"duplicate"--upon--any--bond--warrant--or
coupon--imports--notice--to--all--persons--that--the--same--is--issued
subject--to--the--provisions--of--7--7--2104--through--7--7--2106. No
duplicate warrant, bond, or coupon may be issued under this
section unless the person entitled to receive the duplicate
deposits with the county treasurer a bond in double the
amount for which the duplicate warrant, bond, or coupon is
issued, conditioned to save RENDER the county and its
officers harmless from all losses, costs, or damages by reason
of issuing the duplicate.

(3) No bond of indemnity is required:

(a) when a payee is the state of Montana or any
agency, instrumentality, or officer of the state;

(b) when the owner or custodian is the state or any
agency or officer thereof;

(c) when the owner or custodian is a bank, savings and
loan association, admitted insurer, or trust company whose
financial condition is regulated by the state;

(d) when it can be established that a crime has been
committed and that as a result of such crime a county
warrant, bond, or coupon has been stolen or destroyed;

1 ~~151~~ when it can be established that a county warrant, bond, or coupon has been mailed to an incorrect payee.
 2 ~~151~~ If the owner or custodian applies under the provisions of subsection (3)(d) or (3)(e), a stop-payment order shall be placed on the original warrant, bond, or coupon by the county treasurer.

7 ~~151~~ If the owner or custodian applies under the provisions of subsection (3)(c), (3)(d), or (3)(e), the application shall include an agreement to indemnify and hold the county or its officers and employees harmless from any loss resulting from the issuance of a duplicate warrant, bond, or coupon. Any loss incurred in connection with the issuance of a duplicate warrant shall be charged against the account from which the payment was derived.*

15 Section 2. Section 7-7-2106, MCA, is amended to read:
 16 "7-7-2106. Procedure if original bond, warrant, or coupon is presented. It is the duty of the county treasurer, upon the production to him of any original bond, warrant, or coupon by the lawful owner or holder thereof, to assign by endorsement and to deliver to him the surety bond mentioned in 7-7-2105 7-7-2105. Such owner or holder may maintain an action in his own name upon such surety bond for the recovery of any money paid upon such duplicate, but the delivery of such surety bond does not relieve or exonerate the county from the payment of the amount specified therein

1 upon a demand and refusal of the sureties named in the indemnifying surety bond to pay the same.*
 2 Section 3. Repealer. Section 7-7-2105, MCA, is repealed.

-End-