

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.
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1 House BILL NO. 92
 2 INTRODUCED BY H. R. [Signature]
 3 BY REQUEST OF THE DEPARTMENT
 4 OF SOCIAL AND REHABILITATION SERVICES

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 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."

10
 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 (2) ~~(a) The chairman of the board at the time of~~
 2 ~~issuing any duplicate bond, warrant, or coupon must write~~
 3 ~~across or upon the face thereof the word "duplicate" in red~~
 4 ~~inks.~~

5 ~~(b) The word "duplicate" upon any bond, warrant, or~~
 6 ~~coupon imparts notice to all persons that the same is issued~~
 7 ~~subject to the provisions of 7-7-2104 through 7-7-2106. No~~
 8 ~~duplicate warrant, bond, or coupon may be issued under this~~
 9 ~~section unless the person entitled to receive the duplicate~~
 10 ~~deposits with the county treasurer a bond in double the~~
 11 ~~amount for which the duplicate warrant, bond, or coupon is~~
 12 ~~issued, conditioned to save the county and its officers~~
 13 ~~harmless from all loss, costs, or damages by reason of~~
 14 ~~issuing the duplicate.~~

15 (3) No bond of indemnity is required:
 16 (a) when a payee is the state of Montana or any
 17 agency, instrumentality, or officer of the state;
 18 (b) when the owner or custodian is the state or any
 19 agency or officer thereof;
 20 (c) when the owner or custodian is a bank, savings and
 21 loan association, admitted insurer, or trust company whose
 22 financial condition is regulated by the state;
 23 (d) when it can be established that a crime has been
 24 committed and that as a result of such crime a county
 25 warrant, bond, or coupon has been stolen or destroyed; or

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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

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 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.

Consent Calendar
Bill

1 (2) ~~(a) The chairman of the board at the time of~~
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 6 ~~coupon imports notice to all persons that the same is issued~~
 7 ~~subject to the provisions of 7-7-2104 through 7-7-2106. No~~
 8 ~~duplicate warrant, bond, or coupon may be issued under this~~
 9 ~~section unless the person entitled to receive the duplicate~~
 10 ~~deposits with the county treasurer a bond in double the~~
 11 ~~amount for which the duplicate warrant, bond, or coupon is~~
 12 ~~issued, conditioned to save RENDER the county and its~~
 13 ~~officers harmless from all loss, costs, or damages by reason~~
 14 ~~of issuing the duplicate.~~
 15 (3) No bond of indemnity is required:
 16 (a) when a payee is the state of Montana or any
 17 agency, instrumentality, or officer of the state;
 18 (b) when the owner or custodian is the state or any
 19 agency or officer thereof;
 20 (c) when the owner or custodian is a bank, savings and
 21 loan association, admitted insurer, or trust company whose
 22 financial condition is regulated by the state;
 23 (d) when it can be established that a crime has been
 24 committed and that as a result of such crime a county
 25 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,
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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."

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