

House Bill 423

In The House

January 22, 1981

Introduced and referred
to Committee on State
Administration.

April 23, 1981

Died in Committee.

HOUSE BILL NO. 423

INTRODUCED BY Pistoria

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE BOND REQUIREMENT WHEN A RECIPIENT OF PUBLIC ASSISTANCE REQUESTS A DUPLICATE STATE WARRANT AS A RESULT OF LOSS, THEFT, OR DESTRUCTION; AMENDING SECTION 17-8-306, MCA."

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

Section 1. Section 17-8-306, MCA, is amended to read:

"17-8-306. Issuance of duplicate warrant. (1) The state auditor may issue a duplicate warrant whenever any warrant drawn by him upon the treasurer of the state is lost or destroyed. This duplicate warrant must be in the same form as the original, except that it must have plainly printed across its face the word "duplicate", and except as herein provided, no such warrant may be issued or delivered unless the person entitled to receive the same deposits with the state auditor a bond in double the amount for which the duplicate warrant is issued, conditioned to save Montana and its officers harmless on account of the issuance of the duplicate warrant.

(2) No bond of indemnity is required when:

(a) the payee is the United States government, a state of the United States, any agency, instrumentality, or officer of the United States government or of a state, county, city, city and county, town, district, or other political subdivision of a state or any officer thereof;

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

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

(d) the amount of the lost or destroyed warrant is less than \$100;

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

(f) it can be established that a Montana warrant has been mailed to an incorrect payee; or

(g) the payee is a vendor or contractor doing business with the state of Montana; or

(h) a warrant for payment of public assistance benefits has been lost, stolen, or destroyed as certified by the recipient.

(3) Whenever the owner or custodian applies under the provisions of subsections (2)(e), (2)(f), or (2)(g), a

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1 stop-payment order shall be placed on the original warrant
2 by the state auditor.

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

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