SENATE BILL NO. 13

INTRODUCED BY BIANCHI BY REQUEST OF THE STATE AUDITOR

	IN THE SENATE
NOVEMBER 30, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
DECEMBER 4, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
DECEMBER 6, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
DECEMBER 7, 1993	TRANSMITTED TO HOUSE.
	IN THE HOUSE
DECEMBER 7, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
DECEMBER 9, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
DECEMBER 10, 1993	SECOND READING, CONCURRED IN.
	THIRD READING, CONCURRED IN. AYES, 91; NOES, 7.
	RETURNED TO SENATE.
	IN THE SENATE

RECEIVED FROM HOUSE.

REPORTED CORRECTLY ENROLLED.

SENT TO ENROLLING.

DECEMBER 11, 1993

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1	SENATE BILL NO. 13
2	INTRODUCED BY Bear ha
2	BY DECUEST OF THE STATE AUDITOR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN INDEMNITY BOND IS NOT REQUIRED FOR ISSUANCE OF A DUPLICATE STATE AUDITOR WARRANT IF A STATE AGENCY APPROVES ITS ISSUANCE AND AGREES TO ASSUME THE RISK OF THE ORIGINAL WARRANT BEING CASHED; AMENDING SECTION 17-8-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 the state auditor 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. A duplicate warrant may not be issued or delivered unless the person entitled to receive the—same it deposits with the state auditor a bond in double the amount for which the duplicate warrant is issued,—conditioned—to—save—Montana indemnifying the state and its officers harmless—on-account—of and employees from

- any loss resulting from the issuance of the duplicate
 warrant.
- 3 (2) No A bond of indemnity is not required when:
- 4 (a) the payee is the United States government, a state 5 of the United States, any agency, instrumentality, or
- 6 officer of the United States government or of a state,
- 7 county, city, city and county, town, district, or other
- 8 political subdivision of a state or any officer thereof;
- 9 (b) the owner or custodian is the state of Montana or 10 any agency or officer thereof of the state;
- 11 (c) the owner or custodian is a bank, savings and loan 12 association, admitted insurer, or trust company whose 13 financial condition is regulated by the United States
- 14 government or by the state of Montana;
- 15 (d) the state auditor has chosen to waive the 16 requirement upon receipt of evidence that the original
- 17 warrant has been lost or destroyed as a result of a disaster
- 18 or other major occurrence;
- (e) the amount of the lost or destroyed warrant is less
- 20 than \$300;
- 21 (f) it can be established that a crime has been
- 22 committed and that as a result of-such-crime-that a Montana
- 23 warrant has been stolen or destroyed;
- 24 (g) it can be established that a Montana warrant has
- 25 been mailed to an incorrect payee;



- 1 (h) the payee is a vendor or contractor doing business
 2 with the state of Montana;
- 3 (i) the payee is a recipient of public assistance under
 4 Title 53;
- 5 (j) the payee is a recipient of a monthly annuity under 6 Title 19; or
- 7 (k) the payee is a recipient of student financial 8 assistance administered or insured by the guaranteed student 9 loan program pursuant to Title 20, chapter 26; or
- 10 (1) a state agency approves the issuance of the

 11 duplicate warrant and agrees to assume the risk of the

 12 original warrant being cashed.

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- (3) Whenever the owner or custodian applies under the provisions of subsection (2)(d), (2)(f), (2)(g), (2)(h), (2)(i), (2)(j), or (2)(k), or (2)(1), a stop-payment order shall must be placed on the original warrant by the state auditor.
- (4) Whenever the owner or custodian applies under the provisions of subsection (2)(c), (2)(d), (2)(e), (2)(f), (2)(g), (2)(h), (2)(i), (2)(j), or (2)(k), or (2)(l), the application shall must include an agreement to indemnify and hold—harmless the state or and its officers and employees from any loss resulting from the issuance of a duplicate warrant. Any loss incurred in connection with the issuance of a duplicate warrant shall must be charged against the

- account from which the payment was derived."
- 2 NEW SECTION. Section 2. Effective date. [This act] is
- 3 effective on passage and approval.

-End-

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APPROVED BY COMM. ON FINANCE AND CLAIMS

1		SENATE BILL NO. 13
2	INTRODUCED BY	Beaudi
3		BY REQUEST OF THE STATE AUDITOR

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN
6 INDEMNITY BOND IS NOT REQUIRED FOR ISSUANCE OF A DUPLICATE
7 STATE AUDITOR WARRANT IF A STATE AGENCY APPROVES ITS
8 ISSUANCE AND AGREES TO ASSUME THE RISK OF THE ORIGINAL
9 WARRANT BEING CASHED; AMENDING SECTION 17-8-306, MCA; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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1 any loss resulting from the issuance of the duplicate
2 warrant.

(a) the payee is the United States government, a state

- 3 (2) No A bond of indemnity is not required when:
- 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;
- 9 (b) the owner or custodian is the state of Montana or 10 any agency or officer thereof of the state;
- 11 (c) the owner or custodian is a bank, savings and loan 12 association, admitted insurer, or trust company whose 13 financial condition is regulated by the United States 14 government or by the state of Montana;
- 15 (d) the state auditor has chosen to waive the 16 requirement upon receipt of evidence that the original 17 warrant has been lost or destroyed as a result of a disaster 18 or other major occurrence:
- (e) the amount of the lost or destroyed warrant is less than \$300;
- 21 (f) it can be established that a crime has been 22 committed and that as a result of-such-crime-that a Montana 23 warrant has been stolen or destroyed;
- (g) it can be established that a Montana warrant has
 been mailed to an incorrect payee;

- 1 (h) the payee is a vendor or contractor doing business
 2 with the state of Montana;
- 3 (i) the payee is a recipient of public assistance under
 4 Title 53:
- 5 (j) the payee is a recipient of a monthly annuity under 6 Title 19: or
- 7 (k) the payee is a recipient of student financial 8 assistance administered or insured by the guaranteed student 9 loan program pursuant to Title 20, chapter 26; or
- 10 (1) a state agency approves the issuance of the

 11 duplicate warrant and agrees to assume the risk of the

 12 original warrant being cashed.

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- (3) Whenever the owner or custodian applies under the provisions of subsection (2)(d), (2)(f), (2)(g), (2)(h), (2)(i), (2)(j), or (2)(k), or (2)(l), a stop-payment order shall must be placed on the original warrant by the state auditor.
- (4) Whenever the owner or custodian applies under the provisions of subsection (2)(c), (2)(d), (2)(e), (2)(f), (2)(g), (2)(h), (2)(i), (2)(j), or (2)(k), or (2)(l), the application shall must include an agreement to indemnify and hold—harmless the state or and its officers and employees from any loss resulting from the issuance of a duplicate warrant. Any loss incurred in connection with the issuance of a duplicate warrant shall must be charged against the

- 1 account from which the payment was derived."
- NEW SECTION. Section 2. Effective date. [This act] is
- 3 effective on passage and approval.

-End-

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2	INTRODUCED BY Beauty
3	BY REQUEST OF THE STATE AUDITOR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN INDEMNITY BOND IS NOT REQUIRED FOR ISSUANCE OF A DUPLICATE STATE AUDITOR WARRANT IF A STATE AGENCY APPROVES ITS ISSUANCE AND AGREES TO ASSUME THE RISK OF THE ORIGINAL WARRANT BEING CASHED; AMENDING SECTION 17-8-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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- 1 any loss resulting from the issuance of the duplicate
 2 warrant.
- 3 (2) No A bond of indemnity is not required when:
- 4 (a) the payer is the United States government, a state
 5 of the United States, any agency, instrumentality, or
 6 officer of the United States government or of a state,
 7 county, city, city and county, town, district, or other
- 8 political subdivision of a state or any officer thereof;
- 9 (b) the owner or custodian is the state of Montana or
 10 any agency or officer thereof of the state;
 - (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;
- 15 (d) the state auditor has chosen to waive the 16 requirement upon receipt of evidence that the original 17 warrant has been lost or destroyed as a result of a disaster 18 or other major occurrence;
- 19 (e) the amount of the lost or destroyed warrant is less 20 than \$300;
- 21 (f) it can be established that a crime has been 22 committed and that as a result of-such-crime-that a Montana 23 warrant has been stolen or destroyed;
- (9) it can be established that a Montana warrant hasbeen mailed to an incorrect payee;

- 1 (h) the payee is a vendor or contractor doing business 2 with the state of Montana;
- (i) the payee is a recipient of public assistance under 3 Title 53:
- (j) the payee is a recipient of a monthly annuity under Title 19; or
- 7 (k) the payee is a recipient of student financial assistance administered or insured by the guaranteed student loan program pursuant to Title 20, chapter 26; or

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- (1) a state agency approves the issuance of the duplicate warrant and agrees to assume the risk of the original warrant being cashed.
- (3) Whenever the owner or custodian applies under the 13 provisions of subsection (2)(d), (2)(f), (2)(g), (2)(h), 14 (2)(i), (2)(j), or (2)(k), or (2)(1), a stop-payment order15 shall must be placed on the original warrant by the state 16 17 auditor.
- (4) Whenever the owner or custodian applies under the provisions of subsection (2)(c), (2)(d), (2)(e), (2)(f), (2)(q), (2)(h), (2)(i), (2)(j), or (2)(k), or (2)(1), the21 application shall must include an agreement to indemnify and 22 hold--harmless the state or and its officers and employees 23 from any loss resulting from the issuance of a duplicate warrant. Any loss incurred in connection with the issuance of a duplicate warrant shall must be charged against the

- account from which the payment was derived."
- 2 NEW SECTION. Section 2. Effective date. [This act] is
- effective on passage and approval.

53rd Legislature Special Session 11/93

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SB 0013/02

_	SENATE BILL NO. 13
2	INTRODUCED BY BIANCHI
3	BY REQUEST OF THE STATE AUDITOR
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN
6	INDEMNITY BOND IS NOT REQUIRED FOR ISSUANCE OF A DUPLICATE
7	STATE AUDITOR WARRANT IF A STATE AGENCY APPROVES ITS
8	ISSUANCE AND AGREES TO ASSUME THE RISK OF THE ORIGINAL
9	WARRANT BEING CASHED; AMENDING SECTION 17-8-306, MCA; AND
10	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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15	auditor may issue a duplicate warrant whenever any warrant
16	drawn by him the state auditor upon the treasurer of the
17	state is lost or destroyed. This duplicate warrant must be
18	in the same form as the original, except that it must have
19	plainly printed across its face the word "duplicate",and
20	exceptas-herein-provided,-no-such. A duplicate warrant may
21	$\underline{\mathtt{not}}$ be issued or delivered unless the person entitled to
22	receive thesame it deposits with the state auditor a bond

in double the amount for which the duplicate warrant is

issued --- conditioned -- to-save-Montana indemnifying the state

and its officers harmless-on-account-of and employees from

- 1 any loss resulting from the issuance of the duplicate warrant.
- 3 (2) No A bond of indemnity is not 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;
- 9 (b) the owner or custodian is the state of Montana or 10
- any agency or officer thereof of the state;
- 11 (c) the owner or custodian is a bank, savings and loan
- 12 association, admitted insurer, or trust company whose
- 13 financial condition is regulated by the United States
- 14 government or by the state of Montana;
- 15 (d) the state auditor has chosen to waive
- requirement upon receipt of evidence that the original 16
- 17 warrant has been lost or destroyed as a result of a disaster
- 18 or other major occurrence;
- 19 (e) the amount of the lost or destroyed warrant is less
- 20 than \$300;
- 21 (f) it can be established that a crime has been
- 22 committed and that as a result of-such-crime-that a Montana
- 23 warrant has been stolen or destroyed;
- (q) it can be established that a Montana warrant has 24
- 25 been mailed to an incorrect payee;



SB 0013/02

SB 0013/02

- 1 (h) the payee is a vendor or contractor doing business
 2 with the state of Montana;
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 6 Title 19; or
- 7 (k) the payee is a recipient of student financial 8 assistance administered or insured by the guaranteed student 10an program pursuant to Title 20, chapter 26; or
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 11 <u>duplicate warrant and agrees to assume the risk of the</u>
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- (4) Whenever the owner or custodian applies under the 18 provisions of subsection (2)(c), (2)(d), (2)(e), (2)(f), 19 20 $\{2\}(g), (2)(h), (2)(i), (2)(j), or (2)(k), or (2)(1), the$ 21 application shall must include an agreement to indemnify and hold--harmless the state or and its officers and employees 22 from any loss resulting from the issuance of a duplicate 23 warrant. Any loss incurred in connection with the issuance 24 25 of a duplicate warrant shall must be charged against the

- 1 account from which the payment was derived."
- NEW SECTION. Section 2. Effective date. [This act] is
- 3 effective on passage and approval.

-End-