

By: Capps

To: Appropriations

HOUSE BILL NO. 1455

1 AN ACT TO AMEND SECTION 7-7-42, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE
3 AND ADMINISTRATION SHALL TRANSFER THE FUNDS FROM THE CANCELLATION
4 OF STATE OF MISSISSIPPI WARRANTS ISSUED AFTER JANUARY 1, 2000, TO
5 THE ABANDONED PROPERTY FUND OF THE UNCLAIMED PROPERTY DIVISION OF
6 THE STATE TREASURY; TO PROVIDE THAT IF THE FUNDS REMAIN UNCLAIMED
7 FOR FIVE YEARS, THE STATE TREASURER SHALL TRANSFER THE FUNDS BACK
8 TO THE ORIGINAL SOURCE OF THE FUNDS; TO AMEND SECTIONS 89-12-14
9 AND 89-13-37, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
10 FOR RELATED PURPOSES.

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

12 SECTION 1. Section 7-7-42, Mississippi Code of 1972, is
13 amended as follows:[HS1]

14 7-7-42. Any State of Mississippi warrant issued by the
15 Executive Director of the Department of Finance and Administration
16 against any fund in the State Treasury which has not been
17 presented to the State Treasurer for payment within one (1) year
18 after the last day of the month in which it was originally issued,
19 shall be null and void, the obligation thereafter shall be
20 unenforceable and the Executive Director of the Department of
21 Finance and Administration shall not issue an additional warrant.

22
23 The Executive Director of the Department of Finance and
24 Administration is authorized and directed to cancel all
25 outstanding warrants over one (1) year old at the end of each
26 month and shall notify the State Treasurer who shall remove such
27 warrants from his list of outstanding warrants. * * *

28 The Executive Director of the Department of Finance and
29 Administration shall transfer the funds reflected by the
30 cancellation of the warrant to the Abandoned Property Fund

31 authorized by Section 89-12-37 of the Unclaimed property Division
32 of the State Treasury where the funds shall remain for five (5)
33 years. After five (5) years, if the funds are unclaimed, the
34 State Treasurer shall transfer the funds back to the original
35 source of funds.

36 This section is applicable to warrants issued on and after
37 January 1, 2000.

38 SECTION 2. Section 89-12-14, Mississippi Code of 1972, is
39 amended as follows:

40 89-12-14. (1) All intangible property, including, but not
41 limited to, any interest, dividend, or other earnings thereon,
42 less any lawful charges, held by a business association, federal,
43 state or local government or governmental subdivision, agency or
44 entity, or any other person or entity, regardless of where the
45 holder may be found, if the owner has not claimed or corresponded
46 in writing concerning the property within five (5) years after the
47 date prescribed for payment or delivery, is presumed abandoned and
48 subject to the custody of this state as unclaimed property if:

49 (a) The last known address of the owner is unknown; and

50 (b) The person or entity originating or issuing the
51 intangible property is this state or any political subdivision of
52 this state, or is incorporated, organized, created or otherwise
53 located in this state.

54 (2) The provisions of subsection (1) of this section shall
55 not apply to property that is or may be presumed abandoned and
56 subject to the custody of this state pursuant to any other
57 provision of law containing a dormancy period different than that
58 prescribed in subsection (1) of this section.

59 (3) The provisions of subsection (1) of this section shall
60 apply to all property held at the time of the effective date of
61 this section, or at any time thereafter, regardless of when such
62 property became or becomes presumptively abandoned.

63 (4) Insofar and only insofar as funds reflected by the
64 cancellation of State of Mississippi warrants are unclaimed and
65 presumed abandoned, the State Treasurer shall transfer such funds
66 out of the Abandoned Property Fund established by Section 89-12-37
67 to the original fund source after the expiration of five (5) years

68 as required herein.

69 SECTION 3. Section 89-12-37, Mississippi Code of 1972, is
70 amended as follows:

71 89-12-37. (1) All funds received under the provisions of
72 this chapter shall forthwith be deposited by the Treasurer in a
73 special fund hereby established in the State Treasury to be
74 designated the "Abandoned Property Fund," except that the
75 Treasurer shall deposit in a separate special fund hereby
76 established in the State Treasury to be designated the "Abandoned
77 Property Claims Payment Fund" an amount not exceeding One Hundred
78 Fifty Thousand Dollars (\$150,000.00) from which he shall make
79 prompt payment of claims duly allowed by him as hereinafter
80 provided. Before making the deposits in either special fund, he
81 shall record the name and last known address of each person
82 appearing from the holders' reports to be entitled to the
83 abandoned property and the name and last known address of each
84 insured person or annuitant and, with respect to each policy or
85 contract listed in the report of a life insurance corporation, its
86 number, the name of the corporation and the amount due. The
87 record shall be available for public inspection at all reasonable
88 business hours.

89 (2) There is created within the Abandoned Property Fund in
90 the State Treasury a trust to be known as the Historic Properties
91 Financing Fund, which shall be used as provided in this section.
92 On July 1, 1999, Ten Million Dollars (\$10,000,000.00) in the
93 Abandoned Property Fund shall be set aside and placed in the
94 Historic Properties Financing Fund created herein. The principal
95 of the Historic Property Financing Fund shall remain inviolate
96 within the Abandoned Property Fund, and shall be invested in the
97 same manner as the remainder of the Abandoned Property Fund. The
98 interest and income earned from the investment of the principal of
99 the Historic Properties Financing Fund shall be transferred
100 quarterly to the Mississippi Landmark Grant Program account within

101 the Historic Properties Trust Fund created under Section 39-5-23.

102 The transferred money shall be utilized by the Department of
103 Archives and History for the purposes as specified in Section
104 39-5-23(3).

105 (3) Notwithstanding subsections (1) and (2) of this section,
106 the funds reflected by the cancellation of State of Mississippi
107 warrants that constitute part of the Abandoned Property Fund shall
108 be transferred by the State Treasurer back to the original fund
109 source if unclaimed by the owner within the time specified in
110 Section 7-7-42 as amended by House Bill No. _____, 2000 Regular
111 Session.

112 SECTION 4. This act shall take effect and be in force from
113 and after its passage.