MISSISSIPPI LEGISLATURE REGULAR SESSION 2016

By: Representatives Wilson, Bennett

To: Revenue and Expenditure
General Bills

HOUSE BILL NO. 1086

AN ACT TO AMEND SECTION 89-12-59, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PROCEEDS FROM THE REDEMPTION OF UNITED STATES SAVINGS BONDS THAT HAVE ESCHEATED TO THE STATE OF MISSISSIPPI UNDER THE UNCLAIMED PROPERTY ACT SHALL BE DEPOSITED INTO THE ABANDONED PROPERTY FUND INSTEAD OF INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 89-12-59, Mississippi Code of 1972, is amended as follows:

89-12-59. (1) Notwithstanding the provisions of any other section of law, United States savings bonds which are unclaimed property and subject to the provisions of this chapter shall escheat to the State of Mississippi three (3) years after becoming unclaimed property by virtue of the provisions of this chapter, and all property rights and legal title to and ownership of such United States savings bonds or proceeds from such bonds, including all rights, powers and privileges of survivorship of any owner, co-owner or beneficiary, shall vest solely in the State of Mississippi according to the procedure set forth in subsections (2) through (5) of this section.

(2) Within one hundred eighty (180) days after the three (3) years prescribed in subsection (1) of this section, if no claim has been filed in accordance with the provisions of this chapter for such United States savings bonds, the State Treasurer shall commence a civil action in the Circuit Court of the First Judicial District of Hinds County for a determination that such United States savings bonds shall escheat to the State of Mississippi. The State Treasurer may postpone the bringing of such action until sufficient United States savings bonds have accumulated in the State Treasurer custody to justify the expense of such proceedings.

(3) If no person shall file a claim or appear at the hearing to substantiate a claim or where the court determines that a claimant is not entitled to the property claimed by such claimant, then the court, if satisfied by evidence that the State Treasurer has substantially complied with the laws of the State of Mississippi, shall enter a judgment that the subject United States savings bonds have escheated to the State of Mississippi, and all property rights and legal title to and ownership of such United States savings bonds or proceeds from such bonds, including all rights, powers and privileges of survivorship of any owner, co-owner or beneficiary, shall vest solely in the State of Mississippi.

(4) The State Treasurer shall redeem such United States savings bonds escheated to the State of Mississippi and the

proceeds from such redemption of United States savings bonds shall be deposited *** * *** into the Abandoned Property Fund *** * *** in accordance with the provisions of Section 89-12-37.

(5) Any person making a claim for the United States savings bonds escheated to the State of Mississippi under this subsection, or for the proceeds from such bonds, may file a claim in accordance with the provisions of this chapter. Upon providing sufficient proof of the validity of such person's claim, the State Treasurer may pay such claim in accordance with the provisions of this chapter.

SECTION 2. This act shall take effect and be in force from and after July 1, 2016.

ST: Unclaimed Property Act; proceeds of redeemed US Savings Bonds under shall be deposited into Abandoned Property Fund.