

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 227, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-10-10-11 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2000]: **Sec. 11. (a) This section applies to a warrant drawn by the
6 state auditor upon funds in custody of the state treasurer or a
7 check authorized by law to be issued from funds in custody of any
8 other state agency, if the check or warrant is outstanding and
9 unpaid, but is not determined to be unclaimed property under
10 IC 32-9-1.5.**
11 **(b) An agreement for which the primary purpose is to pay
12 compensation to locate, deliver, recover, or assist in the recovery
13 of a check or warrant described in subsection (a) is valid only if:**
14 **(1) the fee or compensation agreed upon is not more than ten
15 percent (10%) of the amount collected unless the amount
16 collected is fifty dollars (\$50) or less;**

- 1 **(2) the agreement is in writing;**
- 2 **(3) the agreement is signed by the apparent owner of the**
- 3 **check or warrant described in subsection (a); and**
- 4 **(4) the agreement clearly sets forth:**
 - 5 **(A) the nature and value of the property; and**
 - 6 **(B) the value of the apparent owner's share after the fee or**
 - 7 **compensation has been deducted.**

8 **(c) This section does not prevent an owner from asserting at any**
 9 **time that an agreement to locate property is otherwise invalid.**

10 SECTION 2. IC 5-11-10.5-7 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2000]: **Sec. 11. (a) This section applies to a warrant or a check**
 13 **drawn from the public funds of a political subdivision, if the check**
 14 **or warrant is outstanding and unpaid, but is not determined to be**
 15 **unclaimed property under IC 32-9-1.5.**

16 **(b) An agreement for which the primary purpose is to pay**
 17 **compensation to locate, deliver, recover, or assist in the recovery**
 18 **of a check or warrant described in subsection (a) is valid only if:**

- 19 **(1) the fee or compensation agreed upon is not more than ten**
- 20 **percent (10%) of the amount collected unless the amount**
- 21 **collected is fifty dollars (\$50) or less;**
- 22 **(2) the agreement is in writing;**
- 23 **(3) the agreement is signed by the apparent owner; and**
- 24 **(4) the agreement clearly sets forth:**
 - 25 **(A) the nature and value of the property; and**
 - 26 **(B) the value of the apparent owner's share after the fee or**
 - 27 **compensation has been deducted.**

28 **(c) This section does not prevent an owner from asserting at any**
 29 **time that an agreement to locate property is otherwise invalid."**

- 30 Page 1, line 2, delete "(a)".
- 31 Page 1, delete lines 16 through 17.
- 32 Page 4, line 14, delete "For" and insert "**Until January 1, 2002,**
- 33 for".
- 34 Page 4, line 14, reset in roman "ten (10) years".
- 35 Page 4, line 14, delete "one".
- 36 Page 4, line 15, delete "(1) year".
- 37 Page 4, line 15, after "." insert "**Beginning January 1, 2002, for**
- 38 **property or proceeds held by a court or a court clerk, other than**

1 **property or proceeds related to child support, five (5) years after**
 2 **the property or proceeds become distributable."**

3 Page 4, line 17, after "." insert "**Beginning January 1, 2002, for**
 4 **property or proceeds related to child support held by a court or a**
 5 **court clerk, ten (10) years after the property or proceeds become**
 6 **distributable."**

7 Page 15, between lines 40 and 41, begin a new paragraph and insert:
 8 "SECTION 19. IC 32-9-8-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. (a) All money,
 10 **other than money related to child support**, that remains in the office
 11 of a clerk for a period of ~~ten (10)~~ **five (5) years after being**
 12 **distributable** without being claimed by the person entitled to it shall
 13 be collected by the attorney general. **All money related to child**
 14 **support that remains in the office of a clerk for a period of ten (10)**
 15 **years after being distributable without being claimed by the person**
 16 **entitled to it shall be collected by the attorney general.** Clerks shall
 17 deliver that money to the attorney general upon demand, and the
 18 attorney general shall:

19 (1) make a record of the money collected; and

20 (2) turn it over to the treasurer of state.

21 (b) The treasurer of state shall deposit the money in the unclaimed
 22 funds account."

23 Renumber all SECTIONS consecutively.

(Reference is to SB 227 as reprinted January 25, 2000.)

and when so amended that said bill do pass.

Representative Villalpando