

HOUSE BILL 813

P3

9lr2261
CF SB 579

By: **Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy**

Introduced and read first time: February 11, 2009

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **State Checks – Electronic Publication of Payee Names**

3 FOR the purpose of authorizing the Treasurer of the State to electronically publish the
4 names of certain payees under certain circumstances for a certain period of
5 time; and generally relating to electronic publication of payee names ~~and~~, the
6 Undeliverable Checks Fund, and the Unpresented Checks Fund.

7 BY repealing and reenacting, with amendments,
8 Article – State Finance and Procurement
9 Section 7–229 and 7–230
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – State Finance and Procurement**

15 7–229.

16 (a) In this section, “Fund” means the Undeliverable Checks Fund.

17 (b) There is an Undeliverable Checks Fund.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (c) If a check that the Treasurer, the Chief Deputy Treasurer, or a deputy
2 treasurer issues is returned to the Comptroller as undeliverable, the Comptroller:

3 (1) shall keep the check for a period of not more than 30 days;

4 (2) during that period, shall try diligently to find the correct address of
5 the payee and to deliver the check; and

6 (3) if unable to deliver the check during that period, shall send the
7 check to the Treasurer.

8 (d) Whenever the Comptroller returns a check as undeliverable, the
9 Treasurer shall:

10 (1) cancel the check; and

11 (2) request the Comptroller to credit the amount of the canceled check
12 to the Fund.

13 (e) On a warrant charged against the Fund, the Treasurer, the Chief Deputy
14 Treasurer, or a deputy treasurer may issue a check to replace a check canceled under
15 this section.

16 (f) As required by State or federal law, or as considered proper by the
17 Treasurer, the Treasurer, the Chief Deputy Treasurer, or a deputy treasurer shall:

18 (1) on a warrant charged against the Fund, disburse to the original
19 source any money in the Fund required to be returned to the source; or

20 (2) request the Comptroller to transfer any money in the Fund to
21 another fund or account.

22 (g) At the end of each fiscal year, the Treasurer:

23 (1) shall identify the checks that have been credited to the Fund and
24 remain unclaimed for 2 years;

25 (2) determine a reasonable balance to retain in the Fund that will be
26 needed to honor each replacement check that may be issued on a warrant charged
27 against the Fund; and

28 (3) request the Comptroller to transfer the balance in the Fund, after
29 subtraction of the amount determined as provided in item (2) of this subsection, to the
30 General Fund of the State.

31 (h) Undeliverable checks credited to the Fund are not subject to Title 17 of
32 the Commercial Law Article.

1 (I) NOTWITHSTANDING § 10-617 OF THE STATE GOVERNMENT
2 ARTICLE, AT THE END OF EACH FISCAL YEAR, THE TREASURER MAY
3 ELECTRONICALLY PUBLISH ON THE TREASURER'S WEBSITE THE NAMES OF
4 PAYEES OF CHECKS THAT HAVE REMAINED UNCLAIMED FOR 2 YEARS OR MORE.

5 7-230.

6 (a) In this section, "Fund" means the Unpresented Checks Fund.

7 (b) There is an Unpresented Checks Fund.

8 (c) At the end of each fiscal year, the Treasurer shall:

9 (1) identify each check that:

10 (i) has been issued against the money of the State; and

11 (ii) has remained unpresented for 2 years;

12 (2) request the Comptroller to credit the aggregate amount of the
13 checks to the Fund.

14 (d) At the end of each fiscal year, the Treasurer shall:

15 (1) determine a reasonable minimum balance to retain in the Fund
16 that will be needed to honor each check that is presented after its amount has been
17 credited to the Fund; and

18 (2) request the Comptroller to transfer the balance in the Fund to the
19 General Fund of the State.

20 (e) After the amount of a check has been credited to the Fund, on a warrant
21 charged against the Fund, the Treasurer, the Chief Deputy Treasurer, or a deputy
22 treasurer may reissue a check that is presented for payment.

23 (f) As required by State or federal law, or as considered proper by the
24 Treasurer, the Treasurer, the Chief Deputy Treasurer, or a deputy treasurer shall:

25 (1) void an unpresented check; and

26 (2) request the Comptroller to transfer the amount of the voided check
27 to:

28 (i) the original source of the money; or

29 (ii) another fund or account.

1 (g) Unpresented checks credited to the Fund are not subject to Title 17 of the
2 Commercial Law Article.

3 (H) NOTWITHSTANDING § 10-617 OF THE STATE GOVERNMENT
4 ARTICLE, AT THE END OF EACH FISCAL YEAR, THE TREASURER MAY
5 ELECTRONICALLY PUBLISH ON THE TREASURER’S WEBSITE THE NAMES OF
6 PAYEES OF CHECKS THAT HAVE REMAINED UNPRESENTED FOR 2 YEARS OR
7 MORE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.