Introduced by Williams, 36.

Read first time January 09, 2017

Committee: Banking, Commerce and Insurance


Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 94 of this act shall be known and may be cited as the Revised Uniform Unclaimed Property Act.

Sec. 2. In the Revised Uniform Unclaimed Property Act:

(1) Apparent owner means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.

(2) Business association means a corporation, joint stock company, investment company other than an investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 to 80a-64, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.

(3) Confidential information means records, reports, and information that are confidential under section 84 of this act.

(4) Domicile means:

(A) for a corporation, the state of its incorporation;

(B) for a business association whose formation requires a filing with a state, other than a corporation, the state of its filing;

(C) for a federally chartered entity or an investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 to 80a-64, the state of its home office; and

(D) for any other holder, the state of its principal place of business.

(5) Electronic means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(6) Electronic mail means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.
(7) Financial organization means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union.

(8) Game-related digital content means digital content that exists only in an electronic game or electronic-game platform. The term:

(A) includes:

(i) game-play currency such as a virtual wallet, even if denominated in United States currency; and

(ii) the following if for use or redemption only within the game or platform or another electronic game or electronic-game platform:

(I) points sometimes referred to as gems, tokens, gold, and similar names; and

(II) digital codes; and

(B) does not include an item that the issuer:

(i) permits to be redeemed for use outside a game or platform for:

(I) money; or

(II) goods or services that have more than minimal value; or

(ii) otherwise monetizes for use outside a game or platform.

(9) Gift card means:

(A) a stored-value card:

(i) the value of which does not expire;

(ii) that may be decreased in value only by redemption for merchandise, goods, or services; and

(iii) that, unless required by law, may not be redeemed for or converted into money or otherwise monetized by the issuer; and

(B) includes a prepaid commercial mobile radio service, as defined in 47 C.F.R. 20.3.

(10) Holder means a person obligated to hold for the account of, or to deliver or pay to, the owner, property subject to the Revised Uniform Unclaimed Property Act.

(11) Insurance company means an association, corporation, or
fraternal or mutual-benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit-life, contract-performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage-protection, and worker-compensation insurance.

(12) Loyalty card means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

(13) Mineral means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by law of this state other than the act.

(14) Mineral proceeds means an amount payable for extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

(A) for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

(B) for the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and

(C) under an agreement or option, including a joint-operating agreement, unit agreement, pooling agreement, and farm-out agreement.

(15) Money order means a payment order for a specified amount of
money. The term includes an express money order and a personal money
order on which the remitter is the purchaser.

(16) Municipal bond means a bond or evidence of indebtedness issued
by a municipality or other political subdivision of a state.

(17) Net card value means the original purchase price or original
issued value of a stored-value card, plus amounts added to the original
price or value, minus amounts used and any service charge, fee, or
dormancy charge permitted by law.

(18) Non-freely transferable security means a security that cannot
be delivered to the State Treasurer by the Depository Trust Clearing
Corporation or similar custodian of securities providing post-trade
clearing and settlement services to financial markets or cannot be
delivered because there is no agent to effect transfer. The term includes
a worthless security.

(19) Owner means a person that has a legal, beneficial, or equitable
interest in property subject to the act or the person’s legal
representative when acting on behalf of the owner. The term includes:

(A) a depositor, for a deposit;

(B) a beneficiary, for a trust other than a deposit in trust;

(C) a creditor, claimant, or payee, for other property; and

(D) the lawful bearer of a record that may be used to obtain money,
a reward, or a thing of value.

(20) Payroll card means a record that evidences a payroll-card
account as defined in Regulation E, 12 C.F.R. part 1005.

(21) Person means an individual, estate, business association,
public corporation, government or governmental subdivision, agency, or
instrumentality, or other legal entity.

(22) Property means tangible property described in section 9 of this
act or a fixed and certain interest in intangible property held, issued,
or owed in the course of a holder’s business or by a government,
governmental subdivision, agency, or instrumentality. The term:
(A) includes all income from or increments to the property;

(B) includes property referred to as or evidenced by:

(i) money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;

(ii) a credit balance, customer's overpayment, stored-value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;

(iii) a security except for:

(I) a worthless security; or

(II) a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;

(iv) a bond, debenture, note, or other evidence of indebtedness;

(v) money deposited to redeem a security, make a distribution, or pay a dividend;

(vi) an amount due and payable under an annuity contract or insurance policy; and

(vii) an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee-savings, supplemental-unemployment insurance, or a similar benefit; and

(C) does not include:

(i) game-related digital content; or

(ii) a loyalty card.

(23) Putative holder means a person believed by the State Treasurer to be a holder, until the person pays or delivers to the State Treasurer property subject to the act or the State Treasurer or a court makes a final determination that the person is or is not a holder.
(24) Record means information that is inscribed on a tangible medium
or that is stored in an electronic or other medium and is retrievable in
perceivable form.

(25) Security means:
(A) a security as defined in subdivision (a)(15) of section 8-102, Uniform Commercial Code;
(B) a security entitlement as defined in subsection (b) of section 8-501, Uniform Commercial Code, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:
   (i) registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;
   (ii) payable to the order of the person; or
   (iii) specifically endorsed to the person; or
(C) an equity interest in a business association not included in subdivision (A) or (B) of subdivision (25) of this section.

(26) Sign means, with present intent to authenticate or adopt a record:
(A) to execute or adopt a tangible symbol; or
(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(27) State means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(28) State Treasurer's agent means a person with which the State Treasurer contracts to conduct an examination under sections 58 to 69 of this act on behalf of the State Treasurer. The term includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor.

(29) Stored-value card means a record evidencing a promise made for
consideration by the seller or issuer of the record that goods, services, or money will be provided to the owner of the record to the value or amount shown in the record. The term:

(A) includes:

(i) a record that contains or consists of a microprocessor chip, magnetic strip, or other means for the storage of information, which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration; and

(ii) a gift card and payroll card; and

(B) does not include a loyalty card or game-related digital content.

(30) Utility means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

(A) transmission of communications or information;

(B) production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; or

(C) provision of sewage or septic services, or trash, garbage, or recycling disposal.

(31) Virtual currency means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

(A) the software or protocols governing the transfer of the digital representation of value;

(B) game-related digital content; or

(C) a loyalty card or gift card.

(32) Worthless security means a security whose cost of liquidation and delivery to the State Treasurer would exceed the value of the security on the date a report is due under the act.

Sec. 3. The Revised Uniform Unclaimed Property Act does not apply to property held, due, and owing in a foreign country if the transaction
out of which the property arose was a foreign transaction.

Sec. 4. The State Treasurer may adopt and promulgate rules and regulations to implement and administer the Revised Uniform Unclaimed Property Act.

Sec. 5. Subject to section 14 of this act, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

(1) a traveler’s check, fifteen years after issuance;

(2) a money order, seven years after issuance;

(3) a state or municipal bond, bearer bond, or original-issue-discount bond, three years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises;

(4) a debt of a business association, three years after the obligation to pay arises;

(5) a payroll card or demand, savings, or time deposit, including a deposit that is automatically renewable, three years after the maturity of the deposit, except a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;

(6) money or a credit owed to a customer as a result of a retail business transaction, three years after the obligation arose;

(7) an amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:

(A) with respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:
(i) the insurance company has knowledge of the death of the insured; 
or
(ii) the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and
(B) with respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant.

(8) property distributable by a business association in the course of dissolution, one year after the property becomes distributable;
(9) property held by a court, including property received as proceeds of a class action, one year after the property becomes distributable;
(10) property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one year after the property becomes distributable;
(11) wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, other than amounts held in a payroll card, one year after the amount becomes payable;
(12) a deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable; and
(13) property not specified in this section or sections 6 to 12 of this act, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

Sec. 6. (a) Subject to section 14 of this act, property held in a pension account or retirement account that qualifies for tax deferral under the income-tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three years after the earlier of:
(a) Except as in subdivision (b) of subdivision (a)(1) of this section, the date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or

(A) if the second communication is sent later than thirty days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service; or

(B) if the second communication is sent earlier than thirty days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service.

(b) If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner and subdivision (a)(2) of this section applies, the holder shall attempt not later than ninety days after receipt of the notice or indication to confirm whether the apparent owner is deceased.

(c) If the holder does not send communications to the apparent owner of an account described in subsection (a) of this section by first-class United States mail, the holder shall attempt to confirm the apparent owner’s interest in the property by sending the apparent owner an electronic-mail communication not later than two years after the apparent owner’s last indication of interest in the property. However, the holder promptly shall attempt to contact the apparent owner by first-class United States mail if:
(1) the holder does not have information needed to send the apparent owner an electronic mail communication or the holder believes that the apparent owner’s electronic mail address in the holder’s records is not valid;

(2) the holder receives notification that the electronic-mail communication was not received; or

(3) the apparent owner does not respond to the electronic-mail communication not later than thirty days after the communication was sent.

(d) If first-class United States mail sent under subsection (c) of this section is returned to the holder undelivered by the United States Postal Service, the property is presumed abandoned three years after the later of:

(1) except as in subdivision (d)(2) of this section, the date a second consecutive communication to contact the apparent owner sent by first-class United States mail is returned to the holder undelivered;

(2) if the second communication is sent later than thirty days after the date the first communication is returned undelivered, the date the first communication was returned undelivered; or

(3) the date established by subdivision (a)(2) of this section.

Sec. 7. Subject to section 14 of this act and except for property described in section 6 of this act and property held in a plan described in 529A of the Internal Revenue Code, 26 U.S.C. 529A, property held in an account or plan, including a health savings account, that qualifies for tax deferral under the income-tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three years after the earlier of:

(1) the date, if determinable by the holder, specified in the income-tax laws and regulations of the United States by which distribution of the property must begin to avoid a tax penalty, with no distribution having been made; or
(2) Fifteen years after the date the account was opened.

Sec. 8. (a) Subject to section 14 of this act, property held in an account established under a state's Uniform Gifts to Minors Act or Uniform Transfers to Minors Act is presumed abandoned if it is unclaimed by or on behalf of the minor on whose behalf the account was opened three years after the later of:

(1) except as in subdivision (a)(2) of this section, the date a second consecutive communication sent by the holder by first-class United States mail to the custodian of the minor on whose behalf the account was opened is returned undelivered to the holder by the United States Postal Service;

(2) if the second communication is sent later than thirty days after the date the first communication is returned undelivered, the date the first communication was returned undelivered; or

(3) the date on which the custodian is required to transfer the property to the minor or the minor’s estate in accordance with the Uniform Gifts to Minors Act or the Uniform Transfers to Minors Act of the state in which the account was opened.

(b) If the holder does not send communications to the custodian of the minor on whose behalf an account described in subsection (a) of this section was opened by first-class United States mail, the holder shall attempt to confirm the custodian's interest in the property by sending the custodian an electronic-mail communication not later than two years after the custodian’s last indication of interest in the property. However, the holder promptly shall attempt to contact the custodian by first-class United States mail if:

(1) the holder does not have information needed to send the custodian an electronic mail communication or the holder believes that the custodian’s electronic-mail address in the holder’s records is not valid;

(2) the holder receives notification that the electronic-mail
communication was not received; or

(3) the custodian does not respond to the electronic-mail
communication not later than thirty days after the communication was
sent.

(c) If first-class United States mail sent under subsection (b) of
this section is returned undelivered to the holder by the United States
Postal Service, the property is presumed abandoned three years after the
later of:

(1) the date a second consecutive communication to contact the
custodian by first-class United States mail is returned to the holder
undelivered by the United States Postal Service; or

(2) the date established by subdivision (a)(3) of this section.

(d) When the property in the account described in subsection (a) of
this section is transferred to the minor on whose behalf an account was
opened or to the minor’s estate, the property in the account is no longer
subject to this section.

Sec. 9. Tangible property held in a safe deposit box and proceeds
from a sale of the property by the holder permitted by law of this state
other than the Revised Uniform Unclaimed Property Act are presumed
abandoned if the property remains unclaimed by the apparent owner five
years after the earlier of the:

(1) expiration of the lease or rental period for the box; or

(2) earliest date when the lessor of the box is authorized by law of
this state other than the act to enter the box and remove or dispose of
the contents without consent or authorization of the lessee.

Sec. 10. (a) Subject to section 14 of this act, the net card value
of a stored-value card, other than a payroll card or a gift card, is
presumed abandoned on the latest of three years after:

(1) December 31 of the year in which the card is issued or
additional funds are deposited into it;

(2) the most recent indication of interest in the card by the
apparent owner; or

(3) a verification or review of the balance by or on behalf of the apparent owner.

(b) The amount presumed abandoned in a stored-value card is the net card value at the time it is presumed abandoned.

Sec. 11. (a) A gift certificate or gift card which is not assessed any fees and does not have an expiration date shall not be presumed to be abandoned.

(b) A gift certificate or gift card which contains an expiration date or requires any type of post-sale finance charge or fee which is unredeemed for a period of three years from the date of issuance shall be presumed abandoned.

(c) In the case of a gift certificate or gift card, the amount presumed abandoned is the face amount of the certificate or card itself, less the total amount of any applicable purchases and fees.

(d) A gift certificate or gift card subject to a fee shall contain a statement clearly and conspicuously printed on it dating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate or gift card, and when the fee will be assessed. The statement may appear on the front or back of the gift certificate or gift card in a location where it is visible to a purchaser prior to the purchase.

(e) A gift certificate or gift card subject to an expiration date shall contain a statement clearly and conspicuously printed on the gift certificate or gift card stating the expiration date. The statement may appear on the front or back of the gift certificate or gift card in a location where it is visible to a purchaser prior to the purchase.

(f) This section does not apply to a general-use prepaid card.

Sec. 12. (a) Subject to section 14 of this act, a security is presumed abandoned three years after:

(1) the date a second consecutive communication sent by the holder
by first-class United States mail to the apparent owner is returned to
the holder undelivered by the United States Postal Service; or

(2) if the second communication is made later than thirty days after
the first communication is returned, the date the first communication is
returned undelivered to the holder by the United States Postal Service.

(b) If the holder does not send communications to the apparent owner
of a security by first-class United States mail, the holder shall attempt
to confirm the apparent owner’s interest in the security by sending the
apparent owner an electronic-mail communication not later than two years
after the apparent owner’s last indication of interest in the security.
However the holder promptly shall attempt to contact the apparent owner
by first-class United States mail if:

(1) the holder does not have information needed to send the apparent
owner an electronic-mail communication or the holder believes that the
apparent owner’s electronic-mail address in the holder’s records is not
valid;

(2) the holder receives notification that the electronic-mail
communication was not received; or

(3) the apparent owner does not respond to the electronic-mail
communication not later than thirty days after the communication was
sent.

(c) If first-class United States mail sent under subsection (b) of
this section is returned to the holder undelivered by the United States
Postal Service, the security is presumed abandoned three years after the
date the mail is returned.

Sec. 13. At and after the time property is presumed abandoned under
the Revised Uniform Unclaimed Property Act, any other property right or
interest accrued or accruing from the property and not previously
presumed abandoned is also presumed abandoned.

Sec. 14. (a) The period after which property is presumed abandoned
is measured from the later of:
(1) the date the property is presumed abandoned under sections 5 to 16 of this act; or

(2) the latest indication of interest by the apparent owner in the property.

(b) Under the Revised Uniform Unclaimed Property Act, an indication of an apparent owner’s interest in property includes:

(1) a record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;

(2) an oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner’s communication;

(3) presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association.

(4) activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;

(5) a deposit into or withdrawal from an account at a financial organization, other than an automatic deposit or withdrawal previously authorized by the apparent owner or an automatic reinvestment of dividends or interest;

(6) subject to subsection (e) of this section, payment of a premium on an insurance policy; and

(7) any other action by the apparent owner which reasonably demonstrates to the holder that the apparent owner knows that the property exists.
(c) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner’s agent, is presumed to be an action on behalf of the apparent owner.

(d) A communication with an apparent owner by a person other than the holder or the holder’s representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner’s knowledge of a right to the property.

(e) If the insured dies or the insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash surrender value of the policy by operation of an automatic-premium-loan provision or other nonforfeiture provision contained in the policy, the operation does not prevent the policy from maturing or terminating.

Sec. 15. (a) In this section, “death master file” means the United States Social Security Administration Death Master File or other data base or service that is at least as comprehensive as the United States Social Security Administration Death Master File for determining that an individual reportedly has died.

(b) With respect to a life or endowment insurance policy or annuity contract for which an amount is owed on proof of death, but which has not matured by proof of death of the insured or annuitant, the company has knowledge of the death of an insured or annuitant when:

(1) the company receives a death certificate or court order determining that the insured or annuitant has died;

(2) due diligence, performed as required under Chapter 44 to maintain contact with the insured or annuitant or determine whether the insured or annuitant has died, validates the death of the insured or annuitant;

(3) the company conducts a comparison for any purpose between a death master file and the names of some or all of the company’s insureds
or annuitants, finds a match that provides notice that the insured or
annuitant has died, and validates the death;

(4) the State Treasurer or the State Treasurer's agent conducts a
comparison for the purpose of finding matches during an examination
conducted under sections 58 to 69 of this act between a death master file
and the names of some or all of the company's insureds or annuitants,
finds a match that provides notice that the insured or annuitant has
died, and the company validates the death; or

(5) the company:

(A) receives notice of the death of the insured or annuitant from an
administrator, a beneficiary, a policy owner, a relative of the insured,
or a trustee or from a personal representative, executor, or other legal
representative of the insured’s or annuitant’s estate; and

(B) validates the death of the insured or annuitant.

(c) The following rules apply under this section:

(1) A death-master-file match under subdivision (b)(3) or (4) of
this section occurs if the criteria for an exact or partial match are
satisfied as provided by:

(A) law of this state other than the Revised Uniform Unclaimed
Property Act;

(B) a rule, regulation, or policy adopted by the Department of
Insurance; or

(C) absent a law, rule, regulation, or policy under subdivision (c)
(1)(A) or (B) of this section standards in the National Conference of
Insurance Legislators’ Model Unclaimed Life Insurance Benefits Act as
published in 2014.

(2) The death-master-file match does not constitute proof of death
for the purpose of submission to an insurance company of a claim by a
beneficiary, annuitant, or owner of the policy or contract for an amount
due under an insurance policy or annuity contract.

(3) The death-master-file match or validation of the insured’s or
annuitant’s death does not alter the requirements for a beneficiary, annuitant, or owner of the policy or contract to make a claim to receive proceeds under the terms of the policy or contract.

(4) If no provision in Chapter 44 establishes a time for validation of a death of an insured or annuitant, the insurance company shall make a good faith effort using other available records and information to validate the death and document the effort taken not later than ninety days after the insurance company has notice of the death.

(d) The Revised Uniform Unclaimed Property Act does not affect the determination of the extent to which an insurance company before the operative date of this act had knowledge of the death of an insured or annuitant or was required to conduct a death-master-file comparison to determine whether amounts owed by the company on a life or endowment insurance policy or annuity contract were presumed abandoned or unclaimed.

Sec. 16. If proceeds payable under a life or endowment insurance policy or annuity contract are deposited into an account with check or draft-writing privileges for the beneficiary of the policy or contract and, under a supplementary contract not involving annuity benefits other than death benefits, the proceeds are retained by the insurance company or the financial organization where the account is held, the policy or contract includes the assets in the account.

Sec. 17. In sections 17 to 23 of this act, the following rules apply:

(1) The last-known address of an apparent owner is any description, code, or other indication of the location of the apparent owner which identifies the state, even if the description, code, or indication of location is not sufficient to direct the delivery of first-class United States mail to the apparent owner.

(2) If the United States postal zip code associated with the apparent owner is for a post office located in this state, this state is
deemed to be the state of the last-known address of the apparent owner unless other records associated with the apparent owner specifically identify the physical address of the apparent owner to be in another state.

(3) If the address under subdivision (2) of this section is in another state, the other state is deemed to be the state of the last-known address of the apparent owner.

(4) The address of the apparent owner of a life or endowment insurance policy or annuity contract or its proceeds is presumed to be the address of the insured or annuitant if a person other than the insured or annuitant is entitled to the amount owed under the policy or contract and the address of the other person is not known by the insurance company and cannot be determined under section 18 of this act.

Sec. 18. The State Treasurer may take custody of property that is presumed abandoned, whether located in this state, another state, or a foreign country if:

(1) the last-known address of the apparent owner in the records of the holder is in this state; or

(2) the records of the holder do not reflect the identity or last-known address of the apparent owner, but the State Treasurer has determined that the last-known address of the apparent owner is in this state.

Sec. 19. (a) Except as in subsection (b) of this section, if records of a holder reflect multiple addresses for an apparent owner and this state is the state of the most recently recorded address, this state may take custody of property presumed abandoned, whether located in this state or another state.

(b) If it appears from records of the holder that the most recently recorded address of the apparent owner under subsection (a) of this section is a temporary address and this state is the state of the next most recently recorded address that is not a temporary address, this
state may take custody of the property presumed abandoned.

Sec. 20. (a) Except as in subsection (b) of this section or section
18 or 19 of this act, the State Treasurer may take custody of property
presumed abandoned, whether located in this state, another state, or a
foreign country, if the holder is domiciled in this state or is this
state or a governmental subdivision, agency, or instrumentality of this
state; and

(1) another state or foreign country is not entitled to the property
because there is no last-known address of the apparent owner or other
person entitled to the property in the records of the holder; or

(2) the state or foreign country of the last-known address of the
apparent owner or other person entitled to the property does not provide
for custodial taking of the property.

(b) Property is not subject to custody of the State Treasurer under
subsection (a) of this section if the property is specifically exempt
from custodial taking under the law of this state or the state or foreign
country of the last-known address of the apparent owner.

(c) If a holder’s state of domicile has changed since the time
property was presumed abandoned, the holder’s state of domicile in this
section is deemed to be the state where the holder was domiciled at the
time the property was presumed abandoned.

Sec. 21. Except as in section 18, 19, or 20 of this act, the State
Treasurer may take custody of property presumed abandoned whether located
in this state or another state if:

(1) the transaction out of which the property arose took place in
this state;

(2) the holder is domiciled in a state that does not provide for the
custodial taking of the property, except that if the property is
specifically exempt from custodial taking under the law of the state of
the holder’s domicile, the property is not subject to the custody of the
State Treasurer; and
(3) the last-known address of the apparent owner or other person entitled to the property is unknown or in a state that does not provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the last-known address, the property is not subject to the custody of the State Treasurer.

Sec. 22. The State Treasurer may take custody of sums payable on a traveler’s check, money order, or similar instrument presumed abandoned to the extent permissible under 12 U.S.C. 2501 to 2503.

Sec. 23. If the State Treasurer asserts a right to custody of unclaimed property, the State Treasurer has the burden to prove:

(1) the existence and amount of the property;
(2) the property is presumed abandoned; and
(3) the property is subject to the custody of the State Treasurer.

Sec. 24. (a) A holder of property presumed abandoned and subject to the custody of the State Treasurer shall report in a record to the State Treasurer concerning the property. The State Treasurer may not require a holder to file a paper report.

(b) A holder may contract with a third party to make the report required under subsection (a) of this section.

(c) Whether or not a holder contracts with a third party under subsection (b) of this section, the holder is responsible:

(1) to the State Treasurer for the complete, accurate, and timely reporting of property presumed abandoned; and
(2) for paying or delivering to the State Treasurer property described in the report.

Sec. 25. (a) The report required under section 24 of this act must:

(1) be signed by or on behalf of the holder and verified as to its completeness and accuracy;
(2) if filed electronically, be in a secure format approved by the State Treasurer which protects confidential information of the apparent
owner in the same manner as required of the State Treasurer and the State Treasurer’s agent under sections 83 to 90 of this act;

(3) describe the property;

(4) except for a traveler’s check, money order, or similar instrument, contain the name, if known, last-known address, if known, and Social Security number or taxpayer identification number, if known or readily ascertainable, of the apparent owner of property with a value of twenty-five dollars or more;

(5) for an amount held or owing under a life or endowment insurance policy or annuity contract, contain the name and last-known address of the insured, annuitant or other apparent owner of the policy or contract and of the beneficiary;

(6) for property held in or removed from a safe-deposit box, indicate the location of the property, where it may be inspected by the State Treasurer, and any amounts owed to the holder under section 38 of this act;

(7) contain the commencement date for determining abandonment under sections 5 to 16 of this act;

(8) state that the holder has complied with the notice requirements of section 29 of this act;

(9) identify property that is a non-freely transferable security and explain why it is a non-freely transferable security; and

(10) contain other information the State Treasurer prescribes by rules.

(b) A report under section 24 of this act may include in the aggregate items valued under twenty-five dollars each. If the report includes items in the aggregate valued under twenty-five dollars each, the State Treasurer may not require the holder to provide the name and address of an apparent owner of an item unless the information is necessary to verify or process a claim in progress by the apparent owner.

(c) A report under section 24 of this act may include personal
information as defined in subsection (a) of section 83 of this act about
the apparent owner or the apparent owner’s property to the extent not
otherwise prohibited by federal law.

(d) If a holder has changed its name while holding property presumed
abandoned or is a successor to another person that previously held the
property for the apparent owner, the holder must include in the report
under section 24 of this act its former name or the name of the previous
holder, if any, and the known name and address of each previous holder of
the property.

Sec. 26. (a) Except as otherwise provided in subsection (b) of this
section and subject to subsection (c) of this section, the report under
section 24 of this act must be filed before November 1 of each year and
cover the twelve months preceding July 1 of that year.

(b) Subject to subsection (c) of this section, the report under
section 24 of this act to be filed by an insurance company must be filed
before May 1 of each year for the immediately preceding calendar year.

(c) Before the date for filing the report under section 24 of this
act, the holder of property presumed abandoned may request the State
Treasurer to extend the time for filing. The State Treasurer may grant an
extension. If the extension is granted, the holder may pay or make a
partial payment of the amount the holder estimates ultimately will be
due. The payment or partial payment terminates accrual of interest on the
amount paid.

Sec. 27. A holder required to file a report under section 24 of
this act shall retain records for ten years after the later of the date
the report was filed or the last date a timely report was due to be
filed, unless a shorter period is provided by rule of the State
Treasurer. The holder may satisfy the requirement to retain records under
this section through an agent. The records must contain:

(1) the information required to be included in the report;

(2) the date, place, and nature of the circumstances that gave rise
to the property right;

(3) the amount or value of the property;

(4) the last address of the apparent owner, if known to the holder; and

(5) if the holder sells, issues, or provides to others for sale or issue in this state traveler’s checks, money orders, or similar instruments, other than third-party bank checks, on which the holder is directly liable, a record of the instruments while they remain outstanding indicating the state and date of issue.

Sec. 28. Property is reportable and payable or deliverable under the Revised Uniform Unclaimed Property Act even if the owner fails to make demand or present an instrument or document otherwise required to obtain payment.

Sec. 29. (a) Subject to subsection (b) of this section, the holder of property presumed abandoned shall send to the apparent owner notice by first-class United States mail that complies with section 30 of this act in a format acceptable to the State Treasurer not more than one hundred eighty days nor less than sixty days before filing the report under section 24 of this act if:

(1) the holder has in its records an address for the apparent owner which the holder’s records do not disclose to be invalid and is sufficient to direct the delivery of first-class United States mail to the apparent owner; and

(2) the value of the property is twenty-five dollars or more.

(b) If an apparent owner has consented to receive electronic-mail delivery from the holder, the holder shall send the notice described in subsection (a) of this section both by first-class United States mail to the apparent owner’s last-known mailing address and by electronic mail, unless the holder believes that the apparent owner’s electronic-mail address is invalid.

Sec. 30. (a) Notice under section 29 of this act must contain a
heading that reads substantially as follows: “Notice. The State of Nebraska requires us to notify you that your property may be transferred to the custody of the State Treasurer if you do not contact us before (insert date that is thirty days after the date of this notice).”.

(b) The notice under section 29 of this act must:

1. identify the nature and, except for property that does not have a fixed value, the value of the property that is the subject of the notice;
2. state that the property will be turned over to the State Treasurer;
3. state that after the property is turned over to the State Treasurer an apparent owner that seeks return of the property must file a claim with the State Treasurer;
4. state that property that is not legal tender of the United States may be sold by the State Treasurer; and
5. provide instructions that the apparent owner must follow to prevent the holder from reporting and paying or delivering the property to the State Treasurer.

Sec. 31. (a) The State Treasurer shall give notice to an apparent owner that property presumed abandoned and appears to be owned by the apparent owner is held by the State Treasurer under the Revised Uniform Unclaimed Property Act.

(b) In providing notice under subsection (a) of this section, the State Treasurer shall:

1. except as otherwise provided in subdivision (b)(2) of this section, send written notice by first-class United States mail to each apparent owner of property valued at twenty-five dollars or more held by the State Treasurer, unless the State Treasurer determines that a mailing by first-class United States mail would not be received by the apparent owner, and, in the case of a security held in an account for which the apparent owner had consented to receiving electronic mail from the
holder, send notice by electronic mail if the electronic-mail address of
the apparent owner is known to the State Treasurer instead of by first-
class United States mail; or

(2) send the notice to the apparent owner's electronic-mail address
if the State Treasurer does not have a valid United States mail address
for an apparent owner, but has an electronic-mail address that the State
Treasurer does not know to be invalid.

(c) In addition to the notice under subsection (b) of this section, the State Treasurer shall:

(1) publish every six months in at least one newspaper of general
circulation in each county in this state notice of property held by the
State Treasurer which must include:

(A) the total value of property received by the State Treasurer
during the preceding six-month period, taken from the reports under
section 24 of this act;

(B) the total value of claims paid by the State Treasurer during the
preceding six-month period;

(C) the Internet web address of the unclaimed property web site
maintained by the State Treasurer;

(D) a telephone number and electronic-mail address to contact the
State Treasurer to inquire about or claim property; and

(E) a statement that a person may access the Internet by a computer
to search for unclaimed property and a computer may be available as a
service to the public at a local public library; and

(2) maintain a web site or data base accessible by the public and
electronically searchable which contains the names reported to the State
Treasurer of all apparent owners for whom property is being held by the
State Treasurer.

(d) The web site or data base maintained under subdivision (c)(2) of
this section must include instructions for filing with the State
Treasurer a claim to property and a printable claim form with
instructions for its use.

(e) In addition to giving notice under subsection (b) of this section, publishing the information under subdivision (c)(1) of this section and maintaining the web site or data base under subdivision (c)(2) of this section, the State Treasurer may use other printed publication, telecommunication, the Internet, or other media to inform the public of the existence of unclaimed property held by the State Treasurer.

(f) Between March 1 and April 10 of each year the State Treasurer shall cause notice to be published once in an English language legal newspaper of general circulation in the county in this state in which is located the last-known address of any person to be named in the notice. If no address is known, then the notice shall be published in a legal newspaper having statewide circulation.

(g) The published notice shall be entitled Notice to Owners of Abandoned Property, and shall contain:

(1) The names in alphabetical order and counties of last-known addresses, if any, of persons listed in the report and entitled to notice as provided in subsection (f) of this section.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the State Treasurer.

(h) The State Treasurer is not required to publish in such notice any item of less than twenty-five dollars unless he or she deems such publication to be in the public interest.

Sec. 32. Unless prohibited by law of this state other than the Revised Uniform Unclaimed Property Act, on request of the State Treasurer, each officer, agency, board, commission, division, and department of this state, any body politic and corporate created by this state for a public purpose, and each political subdivision of this state
shall make its books and records available to the State Treasurer and
cooperate with the State Treasurer to determine the current address of an
apparent owner of property held by the State Treasurer under the act.

Sec. 33. In sections 33 to 42 of this act, payment or delivery of
property is made in good faith if a holder:

(1) had a reasonable basis for believing, based on the facts then
known, that the property was required or permitted to be paid or
delivered to the State Treasurer under the Revised Uniform Unclaimed
Property Act; or

(2) made payment or delivery:

(A) in response to a demand by the State Treasurer or State
Treasurer's agent; or

(B) under a guidance or ruling issued by the State Treasurer which
the holder reasonably believed required or permitted the property to be
paid or delivered.

Sec. 34. (a) A holder may deduct a dormancy charge from property
required to be paid or delivered to the State Treasurer if:

(1) a valid contract between the holder and the apparent owner
authorizes imposition of the charge for the apparent owner’s failure to
claim the property within a specified time; and

(2) the holder regularly imposes the charge and regularly does not
reverse or otherwise cancel the charge.

(b) The amount of the deduction under subsection (a) of this section
is limited to an amount that is not unconscionable considering all
relevant factors, including the marginal transactional costs incurred by
the holder in maintaining the apparent owner’s property and any services
received by the apparent owner.

Sec. 35. (a) Except as otherwise provided in this section, on
filing a report under section 24 of this act, the holder shall pay or
deliver to the State Treasurer the property described in the report.

(b) If property in a report under section 24 of this act is an
automatically renewable deposit and a penalty or forfeiture in the
payment of interest would result from paying the deposit to the State
Treasurer at the time of the report, the date for payment of the property
to the State Treasurer is extended until a penalty or forfeiture no
longer would result from payment, if the holder informs the State
Treasurer of the extended date.

(c) Tangible property in a safe-deposit box may not be delivered to
the State Treasurer until one hundred twenty days after filing the report
under section 24 of this act.

(d) If property reported to the State Treasurer under section 24 of
this act is a security, the State Treasurer may:

(1) make an endorsement, instruction, or entitlement order on behalf
of the apparent owner to invoke the duty of the issuer, its transfer
agent, or the securities intermediary to transfer the security; or

(2) dispose of the security under section 44 of this act.

(e) If the holder of property reported to the State Treasurer under
section 24 of this act is the issuer of a certificated security, the
State Treasurer may obtain a replacement certificate in physical or book-
entry form under section 8-405, Uniform Commercial Code. An indemnity
bond is not required.

(f) The State Treasurer shall establish procedures for the
registration, issuance, method of delivery, transfer, and maintenance of
securities delivered to the State Treasurer by a holder.

(g) An issuer, holder, and transfer agent or other person acting
under this section under instructions of and on behalf of the issuer or
holder is not liable to the apparent owner for a claim arising with
respect to property after the property has been delivered to the State
Treasurer.

(h) A holder is not required to deliver to the State Treasurer a
security identified by the holder as a nonfreely transferable security.

If the State Treasurer or holder determines that a security is no longer
a nonfreely transferable security, the holder shall deliver the security
on the next regular date prescribed for delivery of securities under the
Revised Uniform Unclaimed Property Act. The holder shall make a
determination annually whether a security identified in a report filed
under section 24 of this act as a nonfreely transferable security is no
longer a nonfreely transferable security.

Sec. 36. On payment or delivery of property to the State Treasurer
under the Revised Uniform Unclaimed Property Act, the State Treasurer as
agent for the state assumes custody and responsibility for safekeeping
the property. A holder that pays or delivers property to the State
Treasurer in good faith and substantially complies with sections 29 and
30 of this act is relieved of liability arising thereafter with respect
to payment or delivery of the property to the State Treasurer.

Sec. 37. (a) A holder that under the Revised Uniform Unclaimed
Property Act pays money to the State Treasurer may file a claim for
reimbursement from the State Treasurer of the amount paid if the holder:

(1) paid the money in error; or

(2) after paying the money to the State Treasurer, paid money to a
person the holder reasonably believed entitled to the money.

(b) If a claim for reimbursement under subsection (a) of this
section is made for a payment made on a negotiable instrument, including
a traveler’s check, money order, or similar instrument, the holder must
submit proof that the instrument was presented and payment was made to a
person the holder reasonably believed entitled to payment. The holder may
claim reimbursement even if the payment was made to a person whose claim
was made after expiration of a period of limitation on the owner’s right
to receive or recover property, whether specified by contract, statute,
or court order.

(c) If a holder is reimbursed by the State Treasurer under
subdivision (a)(2) of this section, the holder may also recover from the
State Treasurer income or gain under section 39 of this act that would
have been paid to the owner if the money had been claimed from the State Treasurer by the owner to the extent the income or gain was paid by the holder to the owner.

(d) A holder that under the act delivers property other than money to the State Treasurer may file a claim for return of the property from the State Treasurer if:

(1) the holder delivered the property in error; or

(2) the apparent owner has claimed the property from the holder.

(e) If a claim for return of property under subsection (d) of this section is made, the holder shall include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the State Treasurer in error.

(f) The State Treasurer may determine that an affidavit submitted by a holder is evidence sufficient to establish that the holder is entitled to reimbursement or to recover property under this section.

(g) A holder is not required to pay a fee or other charge for reimbursement or return of property under this section.

(h) Not later than ninety days after a claim is filed under subsection (a) or (d) of this section, the State Treasurer shall allow or deny the claim and give the claimant notice of the decision in a record. If the State Treasurer does not take action on a claim during the ninety day period, the claim is deemed denied.

(i) The claimant may initiate a proceeding under the Administrative Procedure Act for review of the State Treasurer's decision or the deemed denial under subsection (h) of this section not later than:

(1) Thirty days following receipt of the notice of the State Treasurer's decision; or

(2) One hundred twenty days following the filing of a claim under subsection (a) of this section or (d) of this section in the case of a deemed denial under subsection (h) of this section.
(j) A final decision in an administrative proceeding initiated under subsection (i) of this section is subject to judicial review by the court.

Sec. 38. Property removed from a safe deposit box and delivered under the Revised Uniform Unclaimed Property Act to the State Treasurer under the act is subject to the holder’s right to reimbursement for the cost of opening the box and a lien or contract providing reimbursement to the holder for unpaid rent charges for the box. The State Treasurer shall reimburse the holder from the proceeds remaining after deducting the expense incurred by the State Treasurer in selling the property.

Sec. 39. (a) If property other than money is delivered to the State Treasurer, the owner is entitled to receive from the State Treasurer income or gain realized or accrued on the property before the property is sold. If the property was an interest-bearing demand, savings, or time deposit, the State Treasurer shall pay interest at the rate of three percent. Interest begins to accrue when the property is delivered to the State Treasurer and ends on the earlier of the expiration of ten years after its delivery or the date on which payment is made to the owner.

(b) Interest on interest-bearing property is not payable under this section for any period before the operative date of this act.

Sec. 40. (a) The State Treasurer may decline to take custody of property reported under section 24 of this act if the State Treasurer determines that:

(1) the property has a value less than the estimated expenses of notice and sale of the property; or

(2) taking custody of the property would be unlawful.

(b) A holder may pay or deliver property to the State Treasurer before the property is presumed abandoned under the Revised Uniform Unclaimed Property Act if the holder:

(1) sends the apparent owner of the property notice required by section 29 of this act and provides the State Treasurer evidence of the
holder’s compliance with this subdivision;

(2) includes with the payment or delivery a report regarding the property conforming to section 25 of this act; and

(3) first obtains the State Treasurer's consent in a record to accept payment or delivery.

(c) A holder’s request for the State Treasurer's consent under subdivision (b)(3) of this section must be in a record. If the State Treasurer fails to respond to the request not later than thirty days after receipt of the request, the State Treasurer is deemed to consent to the payment or delivery of the property and the payment or delivery is considered to have been made in good faith.

(d) On payment or delivery of property under subsection (b) of this section, the property is presumed abandoned.

Sec. 41. (a) If the State Treasurer takes custody of property delivered under the Revised Uniform Unclaimed Property Act and later determines that the property has no substantial commercial value or that the cost of disposing of the property will exceed the value of the property, the State Treasurer may return the property to the holder or destroy or otherwise dispose of the property.

(b) An action or proceeding may not be commenced against the state, an agency of the state, the State Treasurer, another officer, employee, or agent of the state, or a holder for or because of an act of the State Treasurer under this section, except for intentional misconduct or malfeasance.

Sec. 42. (a) Expiration, before, on, or after the operative date of this act, of a period of limitation on an owner’s right to receive or recover property, whether specified by contract, statute, or court order, does not prevent the property from being presumed abandoned or affect the duty of a holder under the Revised Uniform Unclaimed Property Act to file a report or pay or deliver property to the State Treasurer.

(b) The State Treasurer may not commence an action or proceeding to
enforce the act with respect to the reporting, payment, or delivery of property more than five years after the holder filed a non-fraudulent report under section 24 of this act with the State Treasurer. The parties may agree in a record to extend the limitation in this subsection.

(c) The State Treasurer may not commence an action, proceeding, or examination with respect to a duty of a holder under the act more than ten years after the duty arose.

Sec. 43. (a) Subject to section 44 of this act, not earlier than three years after receipt of property presumed abandoned, the State Treasurer may sell the property.

(b) Before selling property under subsection (a) of this section, the State Treasurer shall give notice to the public of:

(1) the date of the sale; and

(2) a reasonable description of the property.

(c) A sale under subsection (a) of this section must be to the highest bidder:

(1) at public sale at a location in this state which the State Treasurer determines to be the most favorable market for the property;

(2) on the Internet; or

(3) on another forum the State Treasurer determines is likely to yield the highest net proceeds of sale.

(d) The State Treasurer may decline the highest bid at a sale under this section and reoffer the property for sale if the State Treasurer determines the highest bid is insufficient.

(e) If a sale held under this section is to be conducted other than on the Internet, the State Treasurer must publish at least one notice of the sale, at least three weeks but not more than five weeks before the sale, in a newspaper of general circulation in the county in which the property is sold.

Sec. 44. (a) The State Treasurer may not sell or otherwise liquidate a security until three years after the State Treasurer receives
the security and gives the apparent owner notice under section 31 of this
act that the State Treasurer holds the security.

(b) The State Treasurer may not sell a security listed on an
established stock exchange for less than the price prevailing on the
exchange at the time of sale. The State Treasurer may sell a security not
listed on an established exchange by any commercially-reasonable method.

Sec. 45. (a) If the State Treasurer sells a security before the
expiration of six years after delivery of the security to the State
Treasurer, an apparent owner that files a valid claim under the Revised
Uniform Unclaimed Property Act of ownership of the security before the
six-year period expires is entitled, at the option of the State
Treasurer, to receive:

(1) replacement of the security; or

(2) the market value of the security at the time the claim is filed,
plus dividends, interest, and other increments on the security up to the
time the claim is paid.

(b) Replacement of the security or calculation of market value under
subsection (a) of this section must take into account a stock split,
reverse stock split, stock dividend, or similar corporate action.

(c) A person that makes a valid claim under the act of ownership of
a security after expiration of six years after delivery of the security
to the State Treasurer is entitled to receive:

(1) the security the holder delivered to the State Treasurer, if it
is in the custody of the State Treasurer, plus dividends, interest, and
other increments on the security up to the time the State Treasurer
delivers the security to the person; or

(2) the net proceeds of the sale of the security, plus dividends,
interest, and other increments on the security up to the time the
security was sold.

Sec. 46. A purchaser of property at a sale conducted by the State
Treasurer under the Revised Uniform Unclaimed Property Act takes the
property free of all claims of the owner, a previous holder, or a person
claiming through the owner or holder. The State Treasurer shall execute
documents necessary to complete the transfer of ownership to the
purchaser.

Sec. 47. (a) The State Treasurer may not sell a medal or decoration
awarded for military service in the armed forces of the United States.

(b) The State Treasurer, with the consent of the respective
organization under subdivision (1) of this subsection, agency under
subdivision (2) of this subsection, or entity under subdivision (3) of
this subsection, may deliver a medal or decoration described in
subsection (a) of this section to be held in custody for the owner, to:

(1) a military veterans organization;

(2) the agency that awarded the medal or decoration; or

(3) a governmental entity.

(c) On delivery under subsection (b) of this section, the State
Treasurer is not responsible for safekeeping the medal or decoration.

Sec. 48. (a) Except as otherwise provided in this subsection, all
funds received under this act, including the proceeds from the sale of
abandoned property under sections 43 to 47 of this act, shall be
deposited by the State Treasurer in a separate trust fund to be known as
the Unclaimed Property Cash Fund which is hereby created from which he or
she shall make prompt payment of claims allowed pursuant to the act and
payment of any auditing expenses associated with the receipt of abandoned
property.

(b) On or before November 1 of each year, the State Treasurer shall
transfer any balance in excess of an amount not to exceed one million
dollars from the separate trust fund to the perpetual school fund.

(c) Any money in the Unclaimed Property Cash Fund available for
investment shall be invested by the state investment officer pursuant to
the Nebraska Capital Expansion Act and the Nebraska State Funds
Investment Act.
Sec. 49. The State Treasurer shall:

(1) record and retain the name and last-known address of each person shown on a report filed under section 24 of this act to be the apparent owner of property delivered to the State Treasurer;

(2) record and retain the name and last-known address of each insured or annuitant and beneficiary shown on the report;

(3) for each policy of insurance or annuity contract listed in the report of an insurance company, record and retain the policy or account number, the name of the company, and the amount due or paid; and

(4) for each apparent owner listed in the report, record and retain the name of the holder that filed the report and the amount due or paid.

Sec. 50. Before making a deposit of funds received under the Revised Uniform Unclaimed Property Act to the perpetual school fund the State Treasurer may deduct:

(1) expenses of disposition of property delivered to the State Treasurer under the act;

(2) costs of mailing and publication in connection with property delivered to the State Treasurer under the act;

(3) reasonable service charges; and

(4) expenses incurred in examining records of or collecting property from a putative holder or holder.

Sec. 51. Property received by the State Treasurer under the Revised Uniform Unclaimed Property Act is held in custody for the benefit of the owner and is not owned by the state.

Sec. 52. (a) If the State Treasurer knows that property held by the State Treasurer under the Revised Uniform Unclaimed Property Act is subject to a superior claim of another state, the State Treasurer shall:

(1) report and pay or deliver the property to the other state; or

(2) return the property to the holder so that the holder may pay or deliver the property to the other state.

(b) The State Treasurer is not required to enter into an agreement
to transfer property to the other state under subsection (a) of this section.

Sec. 53. (a) Property held under the Revised Uniform Unclaimed Property Act by the State Treasurer is subject to the right of another state to take custody of the property if:

(1) the property was paid or delivered to the State Treasurer because the records of the holder did not reflect a last-known address in the other state of the apparent owner and:

(A) the other state establishes that the last-known address of the apparent owner or other person entitled to the property was in the other state; or

(B) under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(2) the records of the holder did not accurately identify the owner of the property, the last-known address of the owner was in another state, and, under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(3) the property was subject to the custody of the State Treasurer of this state under section 21 of this act and, under the law of the state of domicile of the holder, the property has become subject to a claim by the state of domicile of the holder of abandonment; or

(4) the property:

(A) is a sum payable on a traveler’s check, money order, or similar instrument that was purchased in the other state and delivered to the State Treasurer under section 22 of this act; and

(B) under the law of the other state, has become subject to a claim by the other state of abandonment.

(b) A claim by another state to recover property under this section must be presented in a form prescribed by the State Treasurer, unless the State Treasurer waives presentation of the form.

(c) The State Treasurer shall decide a claim under this section not
later than ninety days after it is presented. If the State Treasurer
determines that the other state is entitled under subsection (a) of this
section to custody of the property, the State Treasurer shall allow the
claim and pay or deliver the property to the other state.

(d) The State Treasurer may require another state, before recovering
property under this section, to agree to indemnify this state and its
agents, officers and employees against any liability on a claim to the
property.

Sec. 54. (a) A person claiming to be the owner of property held
under the Revised Uniform Unclaimed Property Act by the State Treasurer
may file a claim for the property on a form prescribed by the State
Treasurer. The claimant must verify the claim as to its completeness and
accuracy.

(b) The State Treasurer may waive the requirement in subsection (a)
of this section and may pay or deliver property directly to a person if:

(1) the person receiving the property or payment is shown to be the
apparent owner included on a report filed under section 24 of this act;

(2) the State Treasurer reasonably believes the person is entitled
to receive the property or payment; and

(3) the property has a value of less than five hundred dollars.

Sec. 55. (a) The State Treasurer shall pay or deliver property to a
claimant under subsection (a) of section 54 of this act if the State
Treasurer receives evidence sufficient to establish to the satisfaction
of the State Treasurer that the claimant is the owner of the property.

(b) Not later than ninety days after a claim is filed under
subsection (a) of section 54 of this act, the State Treasurer shall allow
or deny the claim and give the claimant notice in a record of the
decision.

(c) If the claim is denied under subsection (b) of this section:

(1) the State Treasurer shall inform the claimant of the reason for
the denial and specify what additional evidence, if any, is required for
the claim to be allowed;

(2) the claimant may file an amended claim with the State Treasurer or commence an action under section 57 of this act; and

(3) the State Treasurer shall consider an amended claim filed under subdivision (2) of this section as an initial claim.

(d) If the State Treasurer does not take action on a claim during the ninety day period following the filing of a claim under subsection (a) of section 54 of this act, the claim is deemed denied.

Sec. 56. (a) Not later than thirty days after a claim is allowed under subdivision (b) of section 55 of this act, the State Treasurer shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with income or gain to which the owner is entitled under section 39 of this act. On request of the owner, the State Treasurer may sell or liquidate a security and pay the net proceeds to the owner, even if the security had been held by the State Treasurer for less than three years or the State Treasurer has not complied with the notice requirements under section 44 of this act.

(b) Property held under the Revised Uniform Unclaimed Property Act by the State Treasurer is subject to a claim for the payment of an enforceable debt the owner owes in this state for:

(1) child-support arrearages, including child-support collection costs and child-support arrearages that are combined with maintenance;

(2) a civil or criminal fine or penalty, court costs, a surcharge, or restitution imposed by a final order of an administrative agency or a final court judgment; or

(3) state taxes, penalties, and interest that have been determined to be delinquent or as to which notice has been recorded with the Secretary of State.

(c) Before delivery or payment to an owner under subsection (a) of this section of property or payment to the owner of net proceeds of a sale of the property, the State Treasurer first shall apply the property
or net proceeds to a debt under subsection (b) of this section the State Treasurer determines is owed by the owner. The State Treasurer shall pay the amount to the appropriate state agency and notify the owner of the payment.

(d) The State Treasurer may make periodic inquiries of state agencies in the absence of a claim filed under section 54 of this act to determine whether an apparent owner included in the unclaimed-property records of this state have enforceable debts described in subsection (b) of this section. The State Treasurer first shall apply the property or net proceeds of a sale of property held by the State Treasurer to a debt under subsection (b) of this section of an apparent owner which appears in the records of the State Treasurer and deliver the amount to the appropriate state agency. The State Treasurer shall notify the apparent owner of the payment.

Sec. 57. Not later than one year after filing a claim under subsection (a) of section 54 of this act, the claimant may commence an action against the State Treasurer in the district court of Lancaster County to establish a claim that has been denied or deemed denied under subsection (d) of section 54 of this act.

Sec. 58. If a person does not file a report required by section 24 of this act or the State Treasurer believes that a person may have filed an inaccurate, incomplete, or false report, the State Treasurer may require the person to file a verified report in a form prescribed by the State Treasurer. The verified report must:

(1) state whether the person is holding property reportable under the Revised Uniform Unclaimed Property Act;

(2) describe property not previously reported or about which the State Treasurer has inquired;

(3) specifically identify property described under subdivision (2) of this section about which there is a dispute whether it is reportable under the act; and
(4) state the amount or value of the property.

Sec. 59. The State Treasurer, at reasonable times and on reasonable notice, may:

(1) examine the records of a person, including examination of appropriate records in the possession of an agent of the person under examination, if the records are reasonably necessary to determine whether the person has complied with the Revised Uniform Unclaimed Property Act;

(2) issue an administrative subpoena requiring the person or agent of the person to make records available for examination; and

(3) bring an action seeking judicial enforcement of the subpoena.

Sec. 60. (a) The State Treasurer shall adopt rules governing procedures and standards for an examination under section 59 of this act, including rules for use of an estimation, extrapolation, and statistical sampling in conducting an examination.

(b) An examination under section 59 of this act must be performed under rules adopted under subsection (a) and with generally accepted examination practices and standards applicable to an unclaimed-property examination.

(c) If a person subject to examination under section 59 of this act has filed the reports required under section 24 of this act and section 58 of this act and has retained the records required by section 27 of this act, the following rules apply:

(1) The examination must include a review of the person’s records.

(2) The examination may not be based on an estimate unless the person expressly consents in a record to the use of an estimate.

(3) The person conducting the examination shall consider the evidence presented in good faith by the person in preparing the findings of the examination under section 64 of this act.

Sec. 61. Records obtained and records, including work papers, compiled by the State Treasurer in the course of conducting an examination under section 59 of this act:
(1) are subject to the confidentiality and security provisions of sections 83 to 90 of this act and are not public records;

(2) may be used by the State Treasurer in an action to collect property or otherwise enforce the Revised Uniform Unclaimed Property Act;

(3) may be used in a joint examination conducted with another state, the United States, a foreign country or subordinate unit of a foreign country, or any other governmental entity if the governmental entity conducting the examination is legally bound to maintain the confidentiality and security of information obtained from a person subject to examination in a manner substantially equivalent to sections 83 to 90 of this act;

(4) must be disclosed, on request, to the person that administers the unclaimed property law of another state for that state’s use in circumstances equivalent to circumstances described in sections 58 to 69 of this act, if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to sections 83 to 90 of this act;

(5) must be produced by the State Treasurer under an administrative or judicial subpoena or administrative or court order; and

(6) must be produced by the State Treasurer on request of the person subject to the examination in an administrative or judicial proceeding relating to the property.

Sec. 62. (a) A record of a putative holder showing an unpaid debt or undischarged obligation is prima facie evidence of the debt or obligation.

(b) A putative holder may establish by a preponderance of the evidence that there is no unpaid debt or undischarged obligation for a debt or obligation described in subsection (a) of this section or that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative holder.

(c) A putative holder may overcome prima facie evidence under
subsection (a) of this section by establishing by a preponderance of the
evidence that a check, draft, or similar instrument was:

(1) issued as an unaccepted offer in settlement of an unliquidated
amount;

(2) issued but later was replaced with another instrument because
the earlier instrument was lost or contained an error that was corrected;

(3) issued to a party affiliated with the issuer;

(4) paid, satisfied, or discharged;

(5) issued in error;

(6) issued without consideration;

(7) issued but there was a failure of consideration;

(8) voided not later than ninety days after issuance for a valid
business reason set forth in a contemporaneous record; or

(9) issued but not delivered to the third-party payee for a
sufficient reason recorded within a reasonable time after issuance.

(d) In asserting a defense under this section, a putative holder may
present evidence of a course of dealing between the putative holder and
the apparent owner or of custom and practice.

Sec. 63. If a person subject to examination under section 59 of
this act does not retain the records required by section 27 of this act,
the State Treasurer may determine the value of property due using a
reasonable method of estimation based on all information available to the
State Treasurer, including extrapolation and use of statistical sampling
when appropriate and necessary, consistent with examination procedures
and standards adopted under subsection (a) of section 60 of this act and
in accord with subsection (b) of section 60 of this act. A payment made
based on estimation under this section is a penalty for failure to
maintain the records required by section 27 of this act and does not
relieve a person from an obligation to report and deliver property to a
state in which the holder is domiciled.

Sec. 64. At the conclusion of an examination under section 59 of
this act, the State Treasurer shall provide to the person whose records
were examined a complete and unredacted examination report that
specifies:

(1) the work performed;
(2) the property types reviewed;
(3) the methodology of any estimation technique, extrapolation, or
statistical sampling used in conducting the examination;
(4) each calculation showing the value of property determined to be
due; and
(5) the findings of the person conducting the examination.

Sec. 65. (a) If a person subject to examination under section 59 of
this act believes the person conducting the examination has made an
unreasonable or unauthorized request or is not proceeding expeditiously
to complete the examination, the person in a record may ask the State
Treasurer to intervene and take appropriate remedial action, including
countermanding the request of the person conducting the examination,
imposing a time limit for completion of the examination, or reassigning
the examination to another person.

(b) If a person in a record requests a conference with the State
Treasurer to present matters that are the basis of a request under
subsection (a) of this section, the State Treasurer shall hold the
conference not later than thirty days after receiving the request. The
State Treasurer may hold the conference in person, by telephone, or by
electronic means.

(c) If a conference is held under subsection (b) of this section,
not later than thirty days after the conference ends, the State Treasurer
shall provide a report in a record of the conference to the person that
requested the conference.

Sec. 66. (a) In this section, “related to the State Treasurer”
refers to an individual who is:

(1) the State Treasurer's spouse, partner in a civil union, domestic
partner, or reciprocal beneficiary;

(2) the State Treasurer's child, stepchild, grandchild, parent, stepparent, sibling, step-sibling, half-sibling, aunt, uncle, niece, or nephew;

(3) a spouse, partner in a civil union, domestic partner, or reciprocal beneficiary of an individual under subdivision (2) of this subsection; or

(4) any individual residing in the State Treasurer's household.

(b) The State Treasurer may contract with a person to conduct an examination under sections 58 to 69 of this act.

(c) If the person with which the State Treasurer contracts under subsection (b) of this section is:

(1) an individual, the individual may not be related to the State Treasurer; or

(2) a business entity, the entity may not be owned in whole or in part by the State Treasurer or an individual related to the State Treasurer.

(d) At least sixty days before assigning a person under contract with the State Treasurer under subsection (b) of this section to conduct an examination, the State Treasurer shall demand in a record that the person to be examined submit a report and deliver property that is previously unreported.

(e) If the State Treasurer contracts with a person under subsection (b) of this section:

(1) the contract may provide for compensation of the person based on a fixed fee, hourly fee, or contingent fee;

(2) a contingent fee arrangement may not provide for a payment that exceeds twelve percent of the amount or value of property paid or delivered as a result of the examination; and

(3) on request by a person subject to examination by a contractor, the State Treasurer shall deliver to the person a complete and unredacted
copy of the contract and any contract between the contractor and a person
employed or engaged by the contractor to conduct the examination.

(f) A contract under subsection (b) of this section:

(i) may be awarded only under the applicable provisions of sections
73-501 to 73-510; and

(ii) is subject to public disclosure without redaction as permitted
under the Open Meetings Act or sections 84-712 to 84-712.09.

Sec. 67. The State Treasurer or an individual employed by the State
Treasurer who participates in, recommends, or approves the award of a
contract under subsection (b) of section 66 of this act on or after the
operative date of this act may not be employed by, contracted with, or
compensated in any capacity by the contractor or an affiliate of the
contractor for two years after the latest of participation in,
recommendation of, or approval of the award or conclusion of the
contract.

Sec. 68. (a) Not later than three months after the end of the state
fiscal year, the State Treasurer shall compile and submit a report
electronically to the Clerk of the Legislature. The report must contain
the following information about property presumed abandoned for the
preceding fiscal year for the state:

(1) the total amount and value of all property paid or delivered
under the Revised Uniform Unclaimed Property Act to the State Treasurer,
separated into:

(A) the part voluntarily paid or delivered; and

(B) the part paid or delivered as a result of an examination under
section 59 of this act, separated into the part recovered as a result of
an examination conducted by:

(i) a state employee; and

(ii) a contractor under section 66 of this act;

(2) the name of and amount paid to each contractor under section 66
of this act and the percentage the total compensation paid to all
contractors under section 66 of this act bears to the total amount paid or delivered to the State Treasurer as a result of all examinations performed under section 66 of this act;

(3) the total amount and value of all property paid or delivered by the State Treasurer to persons that made claims for property held by the State Treasurer under the act and the percentage the total payments made and value of property delivered to claimants bears to the total amounts paid and value delivered to the State Treasurer; and

(4) the total amount of claims made by persons claiming to be owners which:

(A) were denied;
(B) were allowed; and
(C) are pending.

(b) The report under subsection (a) of this section is a public record subject to public disclosure without redaction as permitted under the Open Meetings Act or sections 84-712 to 84-712.09.

Sec. 69. If the State Treasurer determines from an examination conducted under section 59 of this act that a putative holder failed or refused to pay or deliver to the State Treasurer property which is reportable under the Revised Uniform Unclaimed Property Act, the State Treasurer shall issue a determination of the putative holder’s liability to pay or deliver and give notice in a record to the putative holder of the determination.

Sec. 70. (a) Not later than thirty days after receipt of a notice under section 69 of this act, the putative holder may request an informal conference with the State Treasurer to review the determination. Except as otherwise provided in this section, the State Treasurer may designate an employee to act on behalf of the State Treasurer.

(b) If a putative holder makes a timely request under subsection (a) of this section for an informal conference:

(1) not later than twenty days after the date of the request, the
State Treasurer shall set the time and place of the conference; 

(2) the State Treasurer shall give the putative holder notice in a record of the time and place of the conference; 

(3) the conference may be held in person, by telephone, or by electronic means, as determined by the State Treasurer; 

(4) the request tolls the ninety-day period under sections 72 and 73 of this act until notice of a decision under subdivision (7) of this subsection has been given to the putative holder or the putative holder withdraws the request for the conference; 

(5) the conference may be postponed, adjourned, and reconvened as the State Treasurer determines appropriate; 

(6) the State Treasurer or State Treasurer's designee with the approval of the State Treasurer may modify a determination made under section 69 of this act or withdraw it; and 

(7) the State Treasurer shall issue a decision in a record and provide a copy of the record to the putative holder and examiner not later than twenty days after the conference ends. 

(c) A conference under subsection (b) of this section is not an administrative remedy and is not a contested case subject to the Administrative Procedure Act. An oath is not required and rules of evidence do not apply in the conference. 

(d) At a conference under subsection (b) of this section, the putative holder must be given an opportunity to confer informally with the State Treasurer and the person that examined the records of the putative holder to: 

(1) discuss the determination made under section 69 of this act; and 

(2) present any issue concerning the validity of the determination. 

(e) If the State Treasurer fails to act within the period prescribed in subdivision (b)(1) or (7) of this section, the failure does not affect a right of the State Treasurer, except that interest does not accrue on the amount for which the putative holder was determined to be liable.
under section 69 of this act during the period in which the State Treasurer failed to act until the earlier of:

(1) the date under section 72 of this act the putative holder initiates State Treasurer administrative review or files an action under section 73 of this act; or

(2) Ninety days after the putative holder received notice of the State Treasurer’s determination under section 69 of this act if no review was initiated under section 72 of this act and no action was filed under section 73 of this act.

(f) The State Treasurer may hold an informal conference with a putative holder about a determination under section 69 of this act without a request at any time before the putative holder initiates administrative review under section 72 of this act or files an action under section 73 of this act.

(g) Interest and penalties under section 77 of this act continue to accrue on property not reported, paid, or delivered as required by the Revised Uniform Unclaimed Property Act after the initiation, and during the pendency, of an informal conference under this section.

Sec. 71. A putative holder may seek relief from a determination under section 69 of this act by:

(1) administrative review under section 72 of this act; or

(2) judicial review under section 73 of this act.

Sec. 72. (a) Not later than ninety days after receiving notice of the State Treasurer's determination under section 69 of this act, a putative holder may initiate a proceeding under the Administrative Procedure Act for review of the State Treasurer's determination.

(b) A final decision in an administrative proceeding initiated under subsection (a) of this section is subject to judicial review by the district court of Lancaster County.

Sec. 73. (a) Not later than ninety days after receiving notice of the State Treasurer's determination under section 69 of this act, the
putative holder may:

(1) file an action against the State Treasurer in the district court challenging the State Treasurer's determination of liability and seeking a declaration that the determination is unenforceable, in whole or in part; or

(2) pay the amount or deliver the property determined by the State Treasurer to be paid or delivered to the State Treasurer and, not later than six months after payment or delivery, file an action against the State Treasurer in the district court of Lancaster County for a refund of all or part of the amount paid or return of all or part of the property delivered.

(b) If a putative holder pays or delivers property the State Treasurer determined must be paid or delivered to the State Treasurer at any time after the putative holder files an action under subdivision (a)(1) of this section, the court shall continue the action as if it had been filed originally as an action for a refund or return of property under subdivision (a)(2) of this section.

(c) A putative holder that is the prevailing party in an action under subdivision (a)(2) of this section for refund of money paid to the State Treasurer is entitled to interest on the amount refunded, at the same rate a holder is required to pay to the State Treasurer under subsection (a) of section 77 of this act, from the date paid to the State Treasurer until the date of the refund.

Sec. 74. (a) If a determination under section 69 of this act becomes final and is not subject to administrative or judicial review, the State Treasurer may commence an action in the district court of Lancaster County or in an appropriate court of another state to enforce the determination and secure payment or delivery of past due, unpaid, or undelivered property. The action must be brought not later than one year after the determination becomes final.

(b) In an action under subsection (a) of this section, if no court
in this state has jurisdiction over the defendant, the State Treasurer may commence an action in any court having jurisdiction over the defendant.

Sec. 75. (a) Subject to subsection (b) of this section, the State Treasurer may:

(1) exchange information with another state or foreign country relating to property presumed abandoned or relating to the possible existence of property presumed abandoned; and

(2) authorize in a record another state or foreign country or a person acting on behalf of the other state or country to examine its records of a putative holder as provided in sections 58 to 69 of this act.

(b) An exchange or examination under subsection (a) of this section may be done only if the state or foreign country has confidentiality and security requirements substantially equivalent to those in sections 83 to 90 of this act or agrees in a record to be bound by this state’s confidentiality and security requirements.

Sec. 76. (a) The State Treasurer may join another state or foreign country to examine and seek enforcement of the Revised Uniform Unclaimed Property Act against a putative holder.

(b) On request of another state or foreign country, the Attorney General may commence an action on behalf of the other state or country to enforce, in this state, the law of the other state or country against a putative holder subject to a claim by the other state or country, if the other state or country agrees to pay costs incurred by the Attorney General in the action.

(c) The State Treasurer may request the official authorized to enforce the unclaimed property law of another state or foreign country to commence an action to recover property in the other state or country on behalf of the State Treasurer. This state shall pay the costs, including reasonable attorney’s fees and expenses, incurred by the other state or
foreign country in an action under this subsection.

(d) The State Treasurer may pursue an action on behalf of this state to recover property subject to the act but delivered to the custody of another state if the State Treasurer believes the property is subject to the custody of the State Treasurer.

(e) The State Treasurer may retain an attorney in this state, another state or a foreign country to commence an action to recover property on behalf of the State Treasurer and may agree to pay attorney’s fees based in whole or in part on a fixed fee, hourly fee, or a percentage of the amount or value of property recovered in the action.

(f) Expenses incurred by this state in an action under this section may be paid from property received under the act or the net proceeds of the property. Expenses paid to recover property may not be deducted from the amount that is subject to a claim under the act by the owner.

Sec. 77. (a) A holder that fails to report, pay, or deliver property within the time prescribed by the Revised Uniform Unclaimed Property Act shall pay to the State Treasurer interest at the rate specified in section 45-104.02 from the date the property should have been reported, paid, or delivered to the State Treasurer until the date reported, paid, or delivered.

(b) Except as otherwise provided in section 78 or 79 of this act, the State Treasurer may require a holder that fails to report, pay, or deliver property within the time prescribed by the act to pay to the State Treasurer, in addition to interest included under subsection (a) of this section, a civil penalty of two hundred dollars for each day the duty is not performed, up to a cumulative maximum amount of ten thousand dollars.

Sec. 78. (a) If a holder enters into a contract or other arrangement for the purpose of evading an obligation under the Revised Uniform Unclaimed Property Act or otherwise willfully fails to perform a duty imposed on the holder under the act, the State Treasurer may require
the holder to pay the State Treasurer, in addition to interest as
provided in subsection (a) of section 77 of this act, a civil penalty of
one thousand dollars for each day the obligation is evaded or the duty is
not performed, up to a cumulative maximum amount of twenty-five thousand
dollars, plus twenty-five percent of the amount or value of property that
should have been but was not reported, paid, or delivered as a result of
the evasion or failure to perform.

(b) If a holder makes a fraudulent report under the act, the State
Treasurer may require the holder to pay to the State Treasurer, in
addition to interest under subsection (a) of section 77 of this act, a
civil penalty of one thousand dollars for each day from the date the
report was made until corrected, up to a cumulative maximum of twenty-
five thousand dollars, plus twenty-five percent of the amount or value of
any property that should have been reported but was not included in the
report or was underreported.

Sec. 79. The State Treasurer:

(1) may waive, in whole or in part, interest under subsection (a) of
section 77 of this act and penalties under subsection (b) of section 77
or section 78 of this act; and

(2) shall waive a penalty under subsection (b) of section 77 of this
act if the State Treasurer determines that the holder acted in good faith
and without negligence.

Sec. 80. An agreement by an apparent owner and another person, the
primary purpose of which is to locate, deliver, recover, or assist in the
location, delivery, or recovery of property held by the State Treasurer,
is enforceable only if the agreement:

(1) is in a record that clearly states the nature of the property
and the services to be provided;

(2) is signed by or on behalf of the apparent owner; and

(3) states the amount or value of the property reasonably expected
to be recovered, computed before and after a fee or other compensation to
be paid to the person has been deducted.

Sec. 81.  (a) Subject to subsection (b) of this section, an agreement under section 80 of this act is void if it is entered into during the period beginning on the date the property was paid or delivered by a holder to the State Treasurer and ending twenty-four months after the payment or delivery.

(b) If a provision in an agreement described in subsection (a) of this section applies to mineral proceeds for which compensation is to be paid to the other person based in whole or in part on a part of the underlying minerals or mineral proceeds not then presumed abandoned, the provision is void regardless of when the agreement was entered into.

(c) An agreement under subsection (a) of this section which provides for compensation in an amount that is in excess of ten percent of the total amount of property presumed abandoned is unenforceable except by the apparent owner. An apparent owner that believes the compensation the apparent owner has agreed to pay is in excess of ten percent or the State Treasurer, acting on behalf of an apparent owner, or both, may file an action in the district court of Lancaster County to reduce the compensation to the maximum amount that is not in excess of ten percent.

(d) An apparent owner or the State Treasurer may assert that an agreement described in this section is void on a ground other than it provides for payment of unconscionable compensation.

(e) This section does not apply to an apparent owner’s agreement with an attorney to pursue a claim for recovery of specifically identified property held by the State Treasurer or to contest the State Treasurer’s denial of a claim for recovery of the property.

Sec. 82.  (a) An apparent owner that contracts with another person to locate, deliver, recover, or assist in the location, delivery, or recovery of property of the apparent owner which is held by the State Treasurer may designate the person as the agent of the apparent owner. The designation must be in a record signed by the apparent owner.
(b) The State Treasurer shall give the agent of the apparent owner all information concerning the property which the apparent owner is entitled to receive, including information that otherwise is confidential information under section 84 of this act.

(c) If authorized by the apparent owner, the agent of the apparent owner may bring an action against the State Treasurer on behalf of and in the name of the apparent owner.

Sec. 83. (a) In sections 83 to 90 of this act, personal information means:

(1) information that identifies or reasonably can be used to identify an individual, such as first and last name in combination with the individual’s:

(A) social security number or other government-issued number or identifier;

(B) date of birth;

(C) home or physical address;

(D) electronic-mail address or other online contact information or Internet provider address;

(E) financial account number or credit or debit card number;

(F) biometric data, health or medical data, or insurance information; or

(G) passwords or other credentials that permit access to an online or other account;

(2) personally identifiable financial or insurance information, including nonpublic personal information defined by applicable federal law; and

(3) any combination of data that, if accessed, disclosed, modified, or destroyed without authorization of the owner of the data or if lost or misused, would require notice or reporting under a state statute regarding privacy and security and federal privacy and data security law, whether or not the State Treasurer or the State Treasurer’s agent is
subject to the law.

(b) A provision of sections 83 to 90 of this act that applies to the State Treasurer or the State Treasurer's records applies to a State Treasurer's agent.

Sec. 84. (a) Except as otherwise provided in the Revised Uniform Unclaimed Property Act, the following are confidential and exempt from public inspection or disclosure:

(1) records of the State Treasurer and the State Treasurer's agent related to the administration of the act;

(2) reports and records of a holder in the possession of the State Treasurer or the State Treasurer's agent; and

(3) personal information and other information derived or otherwise obtained by or communicated to the State Treasurer or the State Treasurer's agent from an examination under the act of the records of a person.

(b) A record or other information that is confidential under law of this state other than the act, another state, or the United States continues to be confidential when disclosed or delivered under the act to the State Treasurer or State Treasurer's agent.

Sec. 85. (a) When reasonably necessary to enforce or implement the Revised Uniform Unclaimed Property Act, the State Treasurer may disclose confidential information concerning property held by the State Treasurer or the State Treasurer's agent only to:

(1) an apparent owner or the apparent owner’s personal representative, attorney, other legal representative, relative, or agent designated under section 82 of this act to have the information;

(2) the personal representative, executor, other legal representative, relative of a deceased apparent owner, agent designated under section 82 of this act by the deceased apparent owner, or a person entitled to inherit from the deceased apparent owner;

(3) another department or agency of this state or the United States;
(4) the person that administers the unclaimed property law of another state, if the other state accords substantially reciprocal privileges to the State Treasurer of this state if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to sections 83 to 90 of this act;

(5) a person subject to an examination as required by subdivision (4) of section 61 of this act.

(b) Except as otherwise provided in subsection (a) of section 84 of this act, the State Treasurer shall include on the web site or in the data base required by subdivision (c)(2) of section 31 of this act the name of each apparent owner of property held by the State Treasurer. The State Treasurer may include in published notices, printed publications, telecommunications, the Internet, or other media and on the web site or in the data base additional information concerning the apparent owner’s property if the State Treasurer believes the information will assist in identifying and returning property to the owner and does not disclose personal information except the home or physical address of an apparent owner.

(c) The State Treasurer and the State Treasurer's agent may not use confidential information provided to them or in their possession except as expressly authorized by the act or required by law other than the act.

Sec. 86. A person to be examined under section 59 of this act may require, as a condition of disclosure of the records of the person to be examined, that each person having access to the records disclosed in the examination execute and deliver to the person to be examined a confidentiality agreement that:

(1) is in a form that is reasonably satisfactory to the State Treasurer; and

(2) requires the person having access to the records to comply with the provisions of sections 83 to 90 of this act applicable to the person.
Sec. 87. Except as otherwise provided in sections 29 and 30 of this act, a holder is not required under the Revised Uniform Unclaimed Property Act to include confidential information in a notice the holder is required to provide to an apparent owner under the act.

Sec. 88. (a) If a holder is required to include confidential information in a report to the State Treasurer, the information must be provided by a secure means.

(b) If confidential information in a record is provided to and maintained by the State Treasurer or State Treasurer's agent as required by the Revised Uniform Unclaimed Property Act, the State Treasurer or State Treasurer's agent shall:

(1) implement administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of the information required by a state statute regarding privacy and security and federal privacy and data security law whether or not the State Treasurer or the State Treasurer's agent is subject to the law;

(2) protect against reasonably anticipated threats or hazards to the security, confidentiality, or integrity of the information; and

(3) protect against unauthorized access to or use of the information which could result in substantial harm or inconvenience to a holder or the holder's customers, including insureds, annuitants, and policy or contract owners and their beneficiaries.

(c) The State Treasurer:

(1) after notice and comment, shall adopt and implement a security plan that identifies and assesses reasonably foreseeable internal and external risks to confidential information in the State Treasurer's possession and seeks to mitigate the risks; and

(2) shall ensure that a State Treasurer's agent adopts and implements a similar plan with respect to confidential information in the agent’s possession.

(d) The State Treasurer and the State Treasurer's agent shall
educate and train their employees regarding the plan adopted under subsection (c) of this section.

(e) The State Treasurer and the State Treasurer's agent shall in a secure manner return or destroy all confidential information no longer reasonably needed under the act.

Sec. 89. (a) Except to the extent prohibited by law other than the Revised Uniform Unclaimed Property Act, the State Treasurer or State Treasurer's agent shall notify a holder as soon as practicable of:

(1) a suspected loss, misuse or unauthorized access, disclosure, modification, or destruction of confidential information obtained from the holder in the possession of the State Treasurer or a State Treasurer's agent; and

(2) any interference with operations in any system hosting or housing confidential information which:

(A) compromises the security, confidentiality, or integrity of the information; or

(B) creates a substantial risk of identity fraud or theft.

(b) Except as necessary to inform an insurer, attorney, investigator, or others as required by law, the State Treasurer and a State Treasurer's agent may not disclose, without the express consent in a record of the holder, an event described in subsection (a) of this section to a person whose confidential information was supplied by the holder.

(c) If an event described in subsection (a) of this section occurs, the State Treasurer and the State Treasurer's agent shall:

(1) take action necessary for the holder to understand and minimize the effect of the event and determine its scope; and

(2) cooperate with the holder with respect to:

(A) any notification required by law concerning a data or other security breach; and

(B) a regulatory inquiry, litigation, or similar action.
Sec. 90.  (a) If a claim is made or action commenced arising out of an event described in subsection (a) of section 89 of this act relating to confidential information possessed by a State Treasurer’s agent, the State Treasurer’s agent shall indemnify, defend, and hold harmless a holder and the holder’s affiliates, officers, directors, employees, and agents as to:

(1) any claim or action; and

(2) a liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or other expense, including reasonable attorney’s fees and costs, established by the claim or action.

(b) The State Treasurer shall require a State Treasurer’s agent that will receive confidential information required under the Revised Uniform Unclaimed Property Act to maintain adequate insurance for indemnification obligations of the State Treasurer’s agent under subsection (a) of this section. The agent required to maintain the insurance shall provide evidence of the insurance to:

(1) the State Treasurer not less frequently than annually; and

(2) the holder on commencement of an examination and annually thereafter until all confidential information is returned or destroyed under subsection (e) of section 88 of this act.

Sec. 91.  (a)(1) United States Savings Bonds which are unclaimed property and subject to the Revised Uniform Unclaimed Property Act shall escheat to the State of Nebraska five years after becoming unclaimed property and subject to the act and all property rights to such United States Savings Bonds or proceeds from such bonds shall vest solely in the State of Nebraska.

(2) Within one hundred eighty days after the five-year time period set forth in subsection (a) of this section, if no claim has been filed in accordance with the act for such United States Savings Bonds, the State Treasurer shall commence a civil action in the district court of Lancaster County for a determination that such United States Savings
Bonds shall escheat to the state. The State Treasurer may postpone the bringing of such action until sufficient United States Savings Bonds have accumulated in the State Treasurer’s custody to justify the expense of such proceedings.

(3) If no person files a claim or appears at the hearing to substantiate a claim or the court determines that a claimant to the property claimed by such claimant, then the court, if satisfied by evidence that the State Treasurer has complied with the act and all other applicable laws of this state, shall enter a judgment that such United States Savings Bonds have escheated to the state.

(4) The State Treasurer shall redeem such United States Savings Bonds and the proceeds for such redemption shall be deposited as provided in section 48 of this act.

(b) Any person making a claim for such United States Savings Bonds under subsection (a) of this section or for the proceeds from such bonds shall file a claim in accordance with the Revised Uniform Unclaimed Property Act. Upon providing sufficient proof of the validity of such person’s claim, the State Treasurer shall pay such claim in accordance with the act.

Sec. 92. In applying and construing this uniform act consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 93. The Revised Uniform Unclaimed Property Act modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. 7003(b).

Sec. 94. (a) An initial report filed under the Revised Uniform Unclaimed Property Act for property that was not required to be reported before the operative date of this act, but that is required to be
reported under the act, must include all items of property that would have been presumed abandoned during the ten-year period preceding the operative date of this act as if the act had been in effect during that period.

(b) The Revised Uniform Unclaimed Property Act does not relieve a holder of a duty that arose before the operative date of this act to report, pay, or deliver property. Subject to subsections (b) and (c) of section 42 of this act, a holder that did not comply with the law governing unclaimed property before the operative date of this act is subject to applicable provisions for enforcement and penalties in effect before the operative date of this act.

Sec. 95. Section 2-1223, Reissue Revised Statutes of Nebraska, is amended to read:

2-1223 Those corporations or associations eligible for licenses to conduct horseracing by the parimutuel method as defined in section 2-1204, shall be exempt from the provisions of the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act.

Sec. 96. Section 8-170, Reissue Revised Statutes of Nebraska, is amended to read:

8-170 (1) Banks shall not be required to preserve or keep their records or files for a longer period than six years next after the first day of January of the year following the time of the making or filing of such records or files except as provided in subsection (2) of this section.

(2)(a) Ledger sheets showing unpaid balances in favor of depositors of banks shall not be destroyed unless the bank has remitted such unpaid balances to the State Treasurer in accordance with the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act. Banks shall retain a record of every such remittance for ten years following the date of such remittance.

(b) Corporate records that relate to the corporation or the
corporate existence of the bank shall not be destroyed.

Sec. 97. Section 9-645, Reissue Revised Statutes of Nebraska, is amended to read:

9-645 Any county, city, or village licensed to conduct a lottery pursuant to the Nebraska County and City Lottery Act shall be exempt from the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act solely with respect to unclaimed lottery prizes.

Sec. 98. Section 21-2,202, Revised Statutes Cumulative Supplement, 2016, is amended to read:

21-2,202 (MBCA 14.40) Assets of a dissolved corporation that should be transferred to a creditor, claimant, or shareholder of the corporation who cannot be found or who is not competent to receive them shall be reduced to cash and deposited with the State Treasurer in accordance with the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act. When the creditor, claimant, or shareholder furnishes satisfactory proof of entitlement to the amount deposited, the State Treasurer shall pay such person or his or her representative that amount in accordance with the act.

Sec. 99. Section 21-1737, Reissue Revised Statutes of Nebraska, is amended to read:

21-1737 (1) A credit union shall maintain all books, records, accounting systems, and procedures in accordance with the rules and regulations as the director from time to time may prescribe.

(2) Credit unions shall preserve or keep their records or files, or photographic or microphotographic copies thereof, for a period of not less than six years after the first day of January of the year following the time of the making or filing of such records or files except as provided in subsection (3) of this section.

(3)(a) Ledger sheets showing unpaid balances in favor of members of credit unions shall not be destroyed unless the credit union has remitted such unpaid balances to the State Treasurer in accordance with the
Revised Uniform Unclaimed Property Act  Uniform Disposition of Unclaimed Property Act. Credit unions shall retain a record of every such remittance for ten years following the date of such remittance.

(b) Corporate records that relate to the corporation or the corporate existence of the credit union shall not be destroyed.

(4) A credit union shall not be liable for destroying records after the expiration of the record retention period provided in this section except for records involved in an official investigation or examination about which the credit union has received notice.

(5) A reproduction of any credit union records shall be admissible as evidence of transactions with the credit union as provided in section 25-12,112.

Sec. 100. Section 21-19,145, Reissue Revised Statutes of Nebraska, is amended to read:

21-19,145 Assets of a dissolved corporation that should be transferred to a creditor, claimant, or member of the corporation who cannot be found or who is not competent to receive them, shall be reduced to cash, subject to known trust restrictions, and deposited with the State Treasurer for safekeeping in accordance with the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act. In the State Treasurer's discretion the property may be received and held in kind. When the creditor, claimant, or member furnishes satisfactory proof of entitlement to the amount deposited or property held in kind, the State Treasurer shall deliver to the creditor, claimant, or member, or his or her representative, that amount or property in accordance with the act.

Sec. 101. Section 23-2315, Revised Statutes Cumulative Supplement, 2016, is amended to read:

23-2315 (1) Upon filing an application for benefits with the board, an employee may elect to retire at any time after attaining the age of fifty-five or an employee may retire as a result of disability at any
(2) The member shall specify in the application for benefits the manner in which he or she wishes to receive the retirement benefit under the options provided by the County Employees Retirement Act. Payment under the application for benefits shall be made (a) for annuities, no sooner than the annuity start date, and (b) for other distributions, no sooner than the date of final account value.

(3) Payment of any benefit provided under the retirement system may not be deferred later than April 1 of the year following the year in which the employee has both attained at least age seventy and one-half years and terminated his or her employment with the county.

(4) The board shall make reasonable efforts to locate the member or the member's beneficiary and distribute benefits by the required beginning date as specified by section 401(a)(9) of the Internal Revenue Code and the regulations issued thereunder. If the board is unable to make such a distribution, the benefit shall be distributed pursuant to the Revised Uniform Unclaimed Property Act and no amounts may be applied to increase the benefits any member would otherwise receive under the County Employees Retirement Act.

(5) A participant or beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of section 401(a)(9)(H) of the Internal Revenue Code, and who would have satisfied that requirement by receiving distributions that are either equal to the 2009 required minimum distributions or one or more payments in a series of substantially equal distributions, including the 2009 required minimum distribution, made at least annually and expected to last for the life or life expectancy of the participant, the joint lives or joint life expectancy of the participant and the participant's designated beneficiary, or for a period of at least ten years, shall receive those distributions for 2009 unless the participant or
beneficiary chooses not to receive such distributions. Participants and
beneficiaries shall be given the opportunity to elect to stop receiving
the distributions described in this subsection.

Sec. 102. Section 24-345, Reissue Revised Statutes of Nebraska, is
amended to read:

24-345 All money, other than witness fees, fines, penalties,
forfeitures and license money, that comes into the possession of the
clerk of the district court for any county in the State of Nebraska by
virtue of his or her office and remains in the custody of the clerk of
the district court, uncalled for by the party or parties entitled to the
money for a period of three years following the close of litigation in
relation to the money, shall be remitted by the clerk of the district
court to the State Treasurer on the first Tuesday in January, April,
July, or October, respectively, following the expiration of the three-
year period, for deposit in a separate trust fund pursuant to section 48
of this act 69-1317. Such payment shall release the bond of the clerk of
the district court making such payment from all liability for the money
so paid in compliance with this section.

Sec. 103. Section 24-708, Reissue Revised Statutes of Nebraska, is
amended to read:

24-708 (1) Except as provided in section 24-721, a judge may retire
upon reaching the age of sixty-five years and upon making application to
the board. Upon retiring each such judge shall receive retirement
annuities as provided in section 24-710.

(2) Except as provided in section 24-721, a judge may retire upon
reaching the age of fifty-five years and elect to receive a reduced
monthly retirement income in lieu of a deferred vested annuity. The judge
may request that the reduced monthly retirement income commence at any
date, beginning on the first day of the month following the actual
retirement date and ending on the normal retirement date. The amount of
the reduced monthly retirement income shall be calculated based on the
length of creditable service and average compensation at the actual retirement date. When a judge has elected to receive a reduced monthly retirement income to commence at the age of sixty-four years, the monthly payments shall be reduced by three percent. When a judge has elected to receive a reduced monthly retirement income to commence at the age of sixty-three years, the monthly payments shall be reduced by six percent. When a judge has elected to receive a reduced monthly retirement income to commence at the age of sixty-two years, the monthly payments shall be reduced by nine percent. When a judge has elected to receive a reduced monthly retirement income to commence prior to the age of sixty-two years, the monthly payments shall be further reduced to an amount that is actuarially equivalent to the amount payable at the age of sixty-two years.

(3) Payment of any benefit provided under the Judges Retirement Act may not be deferred later than April 1 of the year following the year in which the judge has both attained at least age seventy and one-half years and terminated his or her employment as a judge.

(4) The effective date of retirement payments shall be the first day of the month following (a) the date a member qualifies for retirement as provided in this section or (b) the date upon which a member's request for retirement is received on an application form provided by the retirement system, whichever is later. An application may be filed no more than ninety days in advance of qualifying for retirement.

(5) The board shall make reasonable efforts to locate the member or the member's beneficiary and distribute benefits by the required beginning date as specified by section 401(a)(9) of the Internal Revenue Code and the regulations issued thereunder. If the board is unable to make such a distribution, the benefit shall be distributed pursuant to the Revised Uniform Unclaimed Property Act and no amounts may be applied to increase the benefits any member would otherwise receive under the Judges Retirement Act.
Sec. 104. Section 25-2717, Reissue Revised Statutes of Nebraska, is amended to read:

25-2717 If any fees, money, condemnation awards, legacies, devises, sums due creditors, or costs due or belonging to any heir, legatee, or other person or persons have not been paid to or demanded by the person or persons entitled to the funds within three years from the date the funds were paid to the county judge or his or her predecessors in office, it shall be the duty of the county judge to notify the State Treasurer of the fees, money, condemnation awards, legacies, devises, sums due creditors, or costs remaining. When directed by the State Treasurer, the county judge shall remit the fees, money, condemnation awards, legacies, devises, sums due creditors, or costs to the State Treasurer for deposit in a separate trust fund pursuant to section 48 of this act. Such payment shall release the bond of the county judge making such payment of all liability for such fees, money, condemnation awards, legacies, devises, sums due creditors, and costs due to heirs, legatees, or other persons paid in compliance with this section.

Sec. 105. Section 43-3344, Reissue Revised Statutes of Nebraska, is amended to read:

43-3344 Support order payments placed in the Title IV-D Support Payment Distributive Fund shall be exempt from the Revised Uniform Unclaimed Property Act. If, within three years after the date of receipt, the Title IV-D Division is unable to disburse support order payments collected pursuant to law and also unable to return the collected payments to the noncustodial parent, such payments shall be considered abandoned property. This abandoned property shall be used by the state for child support enforcement as provided by the rules and regulations of the division.

Sec. 106. Section 44-4845, Reissue Revised Statutes of Nebraska, is amended to read:
44-4845 (1) All unclaimed funds subject to distribution remaining in
the liquidator's hands when he or she is ready to apply to the court for
discharge, including the amount distributable to any creditor,
shareholder, member, or other person who is unknown or cannot be found,
shall be deposited with the district court and shall be paid without
interest, except in accordance with section 44-4842, to the person
entitled thereto or his or her legal representative upon proof
satisfactory to the district court of his or her right thereto. Any
amount on deposit not claimed within three years from the date such
amount was paid to the district court shall be presumed abandoned and
shall be subject to the Revised Uniform Unclaimed Property Act Uniform
Disposition of Unclaimed Property Act.

(2) All funds withheld under section 44-4838 and not distributed
shall, upon discharge of the liquidator, be deposited with the district
court and paid by the district court in accordance with section 44-4842.
Any sums remaining which under section 44-4842 would revert to the
undistributed assets of the insurer shall be presumed abandoned and shall
be subject to the act.

Sec. 107. Section 69-2304, Revised Statutes Cumulative Supplement, 2016, is amended to read:

69-2304 A notice given pursuant to section 69-2303 shall contain one of the following statements, as appropriate:

(1) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising, and sale are deducted, the remaining money will be turned over to the State Treasurer pursuant to the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act. You may claim the remaining money from the office of the State Treasurer as provided in such act."; or

(2) "Because this property is believed to be worth less than two
thousand dollars, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated in this notice."

Sec. 108. Section 69-2308, Revised Statutes Cumulative Supplement, 2016, is amended to read:

69-2308 (1) If the personal property is not released pursuant to section 69-2307, it shall be sold at public sale by competitive bidding, except that if the landlord reasonably believes that the total resale value of the property not released is less than two thousand dollars, he or she may retain such property for his or her own use or dispose of it in any manner he or she chooses. At such time as the decision to sell or to retain is made, any locked trunk, valise, box, or other container shall be opened, if practicable, with as little damage as possible, and its contents evaluated. Nothing in this section shall be construed to preclude the landlord or the tenant from bidding on the property at the public sale. The successful bidder's title shall be subject to ownership rights, liens, and security interests which have priority by law.

(2) Notice of the time and place of the public sale shall be given by advertisement of the sale published once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted no fewer than ten days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale. The sale shall be held at the nearest suitable place to the place where the personal property is held or stored. The advertisement shall include a description of the goods, the name of the former tenant, and the time and place of the sale. The sale shall take place no sooner than ten days after the first publication. The last publication shall be no less than five days before the sale is to be held. Notice of sale may be published before the last of the dates specified for taking possession of the property in any
notice given pursuant to section 69-2303.

(3) The notice of the sale shall describe the property to be sold in a manner reasonably adequate to permit the owner of the property to identify it. The notice may describe all or a portion of the property, but the limitation of liability provided by section 69-2309 shall not release the landlord from any liability arising from the disposition of property not described in the notice.

(4) After deduction of the reasonable costs of storage, advertising, and sale, any proceeds of the sale not claimed by the former tenant, an owner other than such tenant, or another person having an interest in the proceeds shall, not later than thirty days after the date of sale, be remitted to the State Treasurer for disposition pursuant to the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act. The former tenant, other owner, or other person having interest in the proceeds may claim the proceeds by complying with the act. If the State Treasurer pays the proceeds or any part thereof to a claimant, neither the State Treasurer nor any employee thereof shall be liable to any other claimant as to the amount paid.

Sec. 109. Section 79-932, Reissue Revised Statutes of Nebraska, is amended to read:

79-932 (1) Payment of any benefit provided under the retirement system may not be deferred later than April 1 of the year following the year in which the member has both attained at least age seventy and one-half years and terminated his or her employment with the school system.

(2) The board shall make reasonable efforts to locate the member or the member's beneficiary and distribute benefits by the required beginning date as specified by section 401(a)(9) of the Internal Revenue Code and the regulations issued thereunder. If the board is unable to make such a distribution, the benefit shall be distributed pursuant to the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act and no amounts may be applied to increase the
benefits any member would otherwise receive under the School Employees Retirement Act.

Sec. 110. Section 79-956, Reissue Revised Statutes of Nebraska, is amended to read:

79-956 (1) If a member dies before his or her retirement date, his or her accumulated contributions shall be paid to his or her estate, to an alternate payee pursuant to a qualified domestic relations order as provided in section 42-1107, or to the person he or she has nominated by designation duly executed and filed with the retirement board. Except for payment to an alternative payee pursuant to a qualified domestic relations order, if no legal representative or beneficiary applies for such accumulated contributions within five years following the date of the deceased member's death, the contributions shall be distributed in accordance with the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act.

(2) When the deceased member has twenty years or more of creditable service regardless of age or dies on or after his or her sixty-fifth birthday and leaves a surviving spouse who has been designated as beneficiary and who, as of the date of the member's death, is the sole surviving primary beneficiary, such beneficiary may elect, within twelve months after the death of the member, to receive (a) a refund of the member's contribution account balance, including interest, plus an additional one hundred one percent of the member's contribution account balance, including interest, or (b) an annuity which shall be equal to the amount that would have accrued to the member had he or she elected to have the retirement annuity paid as a one-hundred-percent joint and survivor annuity payable as long as either the member or the member's spouse should survive and had the member retired (i) on the date of death if his or her age at death is sixty-five years or more or (ii) at age sixty-five years if his or her age at death is less than sixty-five years.
(3) When the deceased member who was a school employee on or after May 1, 2001, has not less than five years of creditable service and less than twenty years of creditable service and dies before his or her sixty-fifth birthday and leaves a surviving spouse who has been designated in writing as beneficiary and who, as of the date of the member's death, is the sole surviving primary beneficiary, such beneficiary may elect, within twelve months after the death of the member, to receive (a) a refund of the member's contribution account balance with interest plus an additional one hundred one percent of the member's contribution account balance with interest or (b) an annuity payable monthly for the surviving spouse's lifetime which shall be equal to the benefit amount that had accrued to the member at the date of the member's death, commencing when the member would have reached age sixty, or the member's age at death if greater, reduced by three percent for each year payments commence before the member would have reached age sixty-five, and adjusted for payment in the form of a one-hundred-percent joint and survivor annuity.

(4) If the requirements of subsection (2) or (3) of this section are not met, then the beneficiary or the estate, if the member has not filed a statement with the board naming a beneficiary, shall be paid a lump sum equal to all contributions to the fund made by such member plus regular interest, except that commencing on January 1, 2006, an application for benefits under subsection (2) or (3) of this section shall be deemed to have been timely filed if the application is received by the retirement system within twelve months after the date of the death of the member.

(5) Benefits to which a surviving spouse, beneficiary, or estate of a member shall be entitled pursuant to this section shall commence immediately upon the death of such member.

(6) A lump-sum death benefit paid to the member's beneficiary, other than the member's estate, that is an eligible distribution may be distributed in the form of a direct transfer to a retirement plan eligible to receive such transfer under the provisions of the Internal
Revenue Code.

(7) For any member whose death occurs on or after January 1, 2007, while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member's beneficiary shall be entitled to any additional death benefit that would have been provided, other than the accrual of any benefit relating to the period of qualified military service. The additional death benefit shall be determined as if the member had returned to employment with the employer and such employment had terminated on the date of the member's death.

Sec. 111. Section 81-2025, Reissue Revised Statutes of Nebraska, is amended to read:

81-2025 (1) Every officer who has been in the employ of the state as such and who becomes disabled and physically unfit to perform the duties of an officer shall be entitled to retire and receive an annuity as provided by law.

(2) Every officer who has been in the employ of the state as such for ten years or more, as calculated in section 81-2033, and has attained the age of fifty years or more shall be entitled to retire and receive an annuity as provided by law. The right to retire at the age of fifty years shall be at the option of the officer but such retirement shall be mandatory upon the officer attaining the age of sixty years.

(3) Any officer who has attained the age of sixty years upon his or her separation from state service but who has not been in the employ of the state for ten years as such shall be entitled to the annuity as provided for in the Nebraska State Patrol Retirement Act.

(4) Every officer who has been in the employ of the state as such for twenty-five years or more, as calculated in section 81-2033, and has attained the age of fifty years shall be entitled to retire and receive an annuity as provided by law. The right to retire at the age of fifty years with twenty-five years or more of creditable service shall be at the option of the officer but such retirement shall be mandatory upon the
officer attaining the age of sixty years.

(5) Every officer who has been in the employ of the state as such for thirty years or more, as calculated in section 81-2033, shall be entitled to retire and receive an annuity as provided by law. The right to retire with thirty years or more of creditable service shall be at the option of the officer but such retirement shall be mandatory upon the officer attaining the age of sixty years.

(6) Payment of any benefit provided under the act may not be deferred later than April 1 of the year following the year in which the officer has both attained at least age seventy and one-half years and terminated his or her employment with the Nebraska State Patrol.

(7) The effective date of retirement payments shall be the first day of the month following (a) the date a member qualifies for retirement as provided in this section or (b) the date upon which a member's request for retirement is received on an application form provided by the system, whichever is later. An application may be filed no more than ninety days in advance of qualifying for retirement.

(8) The board shall make reasonable efforts to locate the officer or the officer's beneficiary and distribute benefits by the required beginning date as specified by section 401(a)(9) of the Internal Revenue Code and the regulations issued thereunder. If the board is unable to make such a distribution, the account shall be distributed pursuant to the Revised Uniform Unclaimed Property Act Uniform Disposition of Unclaimed Property Act and no amounts may be applied to increase the benefits any officer would otherwise receive under the Nebraska State Patrol Retirement Act.

Sec. 112. Section 84-617, Reissue Revised Statutes of Nebraska, is amended to read:

84-617 (1) There is hereby created the State Treasurer Administrative Fund. Funds received by the State Treasurer pursuant to his or her administrative duties shall be credited to the fund. Such
funds shall include:

(a) Payments for returned check charges or for electronic payments not accepted;

(b) Payments for wire transfers initiated by the State Treasurer at the request of state agencies;

(c) Payments for copies of cashed state warrants;

(d) Payments for copies, including microfilm, computer disk, or magnetic tape, of listings relating to outstanding state warrants; and

(e) Payments for copies, including microfilm, computer disk, or magnetic tape, of listings of owners of unclaimed property held by the State Treasurer pursuant to the Revised Uniform Unclaimed Property Act and Uniform Disposition of Unclaimed Property Act.

Money in the fund received pursuant to subdivisions (1)(a) through (d) of this section shall be credited to the General Fund quarterly. Money in the State Treasurer Administrative Fund received pursuant to subdivision (1)(e) of this section shall be credited to the Unclaimed Property Cash Fund. The State Treasurer may retain such amount as he or she deems appropriate in the State Treasurer Administrative Fund for purposes of making change for cash payments. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The State Treasurer may establish a fee schedule for any of the services listed in subsection (1) of this section. The fees shall approximate the cost of providing the service.

Sec. 113. Section 84-1317, Reissue Revised Statutes of Nebraska, is amended to read:

84-1317 (1) Upon filing an application for benefits with the board, an employee may elect to retire after the attainment of age fifty-five or an employee may retire as a result of disability at any age.

(2) The member shall specify in the application for benefits the
manner in which he or she wishes to receive the retirement benefit under
the options provided by the State Employees Retirement Act. Payment under
the application for benefits shall be made (a) for annuities, no sooner
than the annuity start date, and (b) for other distributions, no sooner
than the date of final account value.

(3) Payment of any benefit provided under the retirement system may
not be deferred later than April 1 of the year following the year in
which the employee has both attained at least age seventy and one-half
years and terminated his or her employment with the state.

(4) The board shall make reasonable efforts to locate the member or
the member's beneficiary and distribute benefits by the required
beginning date as specified by section 401(a)(9) of the Internal Revenue
Code and the regulations issued thereunder. If the board is unable to
make such a distribution, the benefit shall be distributed pursuant to
the Revised Uniform Unclaimed Property Act Uniform Disposition of
Unclaimed Property Act and no amounts may be applied to increase the
benefits any member would otherwise receive under the State Employees
Retirement Act.

(5) A participant or beneficiary who would have been required to
receive required minimum distributions for 2009 but for the enactment of
section 401(a)(9)(H) of the Internal Revenue Code, and who would have
satisfied that requirement by receiving distributions that are either
equal to the 2009 required minimum distributions or one or more payments
in a series of substantially equal distributions, including the 2009
required minimum distribution, made at least annually and expected to
last for the life or life expectancy of the participant, the joint lives
or joint life expectancy of the participant and the participant's
designated beneficiary, or for a period of at least ten years, shall
receive those distributions for 2009 unless the participant or
beneficiary chooses not to receive such distributions. Participants and
beneficiaries shall be given the opportunity to elect to stop receiving
the distributions described in this subsection.

Sec. 114. This act becomes operative on July 1, 2018.

Sec. 115. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.
