

LEGISLATIVE BILL 26

Approved by the Governor October 5, 1992

Introduced by Landis, 46; Will, 8

AN ACT relating to unclaimed property; to amend sections 24-345, 25-2717, 69-1301 to 69-1308, 69-1310, 69-1313, 69-1315 to 69-1317, 69-1321, 69-1322, 69-1324, and 69-1329, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide for the transfer of funds; to change provisions relating to the holding period of unclaimed property; to provide for the filing of a report; to provide penalties; to harmonize provisions; to appropriate funds; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 24-345, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-345. All money, -- other than witness fees, fines, penalties, forfeitures and license money, -- that ~~shall come~~ comes into the possession of the clerk of the district court ~~in and~~ for any county in the State of Nebraska by virtue of his or her office, and ~~that shall remain~~ remains in the custody of ~~such the~~ the clerk of the district court, uncalled for by the party or parties entitled ~~thereto~~, to the money for a period of three years following the close of ~~the~~ litigation in relation to the ~~same money~~, shall be ~~paid over~~ remitted by ~~such the~~ 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 ~~such the~~ the three-year period, for deposit in a separate trust fund pursuant to section 69-1317. Such and be placed by such treasurer in the permanent school fund of the state; and 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 herewith with this section.

Sec. 2. That section 25-2717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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; ~~shall not~~ have not been paid to or demanded by the person or persons entitled ~~thereto~~ to the funds within three years from the date the same 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 such the fees, money, condemnation awards, legacies, devises, sums due creditors, or costs remaining in his hands. When directed by the State Treasurer, he shall pay such the county judge shall remit the fees, money, condemnation awards, legacies, devises, sums due creditors, or costs to the State Treasurer who shall deposit them in the permanent school fund, in the same manner and subject to the same conditions as funds received under the Uniform Disposition of Unclaimed Property Act for deposit in a separate trust fund pursuant to section 69-1317. 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. him-

Sec. 3. That section 69-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1301. As used in sections 69-1301 to 69-1329, the Uniform Disposition of Unclaimed Property Act unless the context otherwise requires:

(a) Banking organization means any bank, trust company, savings bank (industrial bank, land bank, safe deposit company), or a private banker engaged in business in this state.

(b) Business association means any corporation (other than a public corporation), joint-stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) Financial organization means any savings and loan association, building and loan association, industrial loan and investment company, credit union, (cooperative bank) or investment company, engaged in business in this state.

(d) Holder means any person in possession of property subject to ~~sections 69-1301 to 69-1329~~ the act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to ~~sections 69-1301 to 69-1329~~ the act.

(e) Life insurance corporation means any association or corporation transacting within this state the business of insurance on the lives of persons or

insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(f) Owner means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to ~~sections 69-1301 to 69-1329~~ the act, or his or her legal representative.

(g) Person means any individual, business association, governmental or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(h) Utility means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Sec. 4. That section 69-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1302. The following property held or owing by a banking or financial organization or by a business association is presumed abandoned:

(a) Any demand, savings, or matured time deposit that is not automatically renewable made in this state with a banking organization, together with any interest or dividend dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has, within seven five years:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest or dividends; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum or other record on file with the banking organization; or

(4) Owned other property to which subdivision (a)(1), (2), or (3) applies and if the banking organization corresponds in writing with the owner with regard to the property that would otherwise be presumed abandoned under subdivision (a) of this section at the address to which correspondence regarding the other property regularly is sent; or

(5) Had another relationship with the banking organization concerning which the owner has:

(i) Corresponded in writing with the banking organization; or

(ii) Otherwise indicated an interest as evidenced by a memorandum or other record on file with the banking organization and if the banking organization corresponds in writing with the owner with regard to the property that would otherwise be abandoned under subdivision (a) of this section at the address to which correspondence regarding the other relationship regularly is sent.

(b) Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit that is not automatically renewable, including a certificate of indebtedness that is not automatically renewable, made therewith in this state, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seven five years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum or other record on file with the financial organization; or

(4) Owned other property to which subdivision (b)(1), (2), or (3) applies and if the financial organization corresponds in writing with the owner with regard to the property that would otherwise be presumed abandoned under subdivision (b) of this section at the address to which correspondence regarding the other property regularly is sent; or

(5) Had another relationship with the financial organization concerning which the owner has:

(i) Corresponded in writing with the financial organization; or

(ii) Otherwise indicated an interest as evidenced by a memorandum or other record on file with the financial organization and if the financial organization corresponds in writing with the owner with regard to the property that would otherwise be abandoned under this subdivision (b) of this section at the address to which correspondence regarding the other relationship regularly is sent.

(c) A holder may not, with respect to property described in subdivision (a) or (b) of this section, impose any charges solely due to dormancy or cease payment of interest solely due to dormancy unless there

is a written contract between the holder and the owner of the property pursuant to which the holder may impose reasonable charges or cease payment of interest or modify the imposition of such charges and the conditions under which such payment may be ceased. A holder of such property who imposes charges solely due to dormancy may not increase such charges with respect to such property during the period of dormancy. The contract required by this subdivision may be in the form of a signature card, deposit agreement, or similar agreement which contains or incorporates by reference (1) the holder's schedule of charges and the conditions, if any, under which the payment of interest may be ceased or (2) the holder's rules and regulations setting forth the holder's schedule of charges and the conditions, if any, under which the payment of interest may be ceased.

(d)(1) Any time deposit that is automatically renewable, including a certificate of indebtedness that is automatically renewable, made in this state with a banking or financial organization, together with any interest thereon, seven years after the expiration of the initial time period or any renewal time period unless the owner has, during such initial time period or renewal time period:

(i) Increased or decreased the amount of the deposit, or presented an appropriate record or other similar evidence of the deposit for the crediting of interest;

(ii) Corresponded in writing with the banking or financial organization concerning the deposit;

(iii) Otherwise indicated an interest in the deposit as evidenced by a memorandum or other record on file with the banking or financial organization;

(iv) Owned other property to which subdivision (d)(1)(i), (ii), or (iii) of this section applies and if the banking or financial organization corresponds in writing with the owner with regard to the property that would otherwise be presumed abandoned under subdivision (d) of this section at the address to which correspondence regarding the other property regularly is sent; or

(v) Had another relationship with the banking or financial organization concerning which the owner has:

(A) Corresponded in writing with the banking or financial organization; or

(B) Otherwise indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization and if the banking

or financial organization corresponds in writing with the owner with regard to the property that would otherwise be abandoned under subdivision (d) of this section at the address to which correspondence regarding the other relationship regularly is sent.

(2) If, at the time provided for delivery in section 69-1310, a penalty or forfeiture in the payment of interest would result from the delivery of a time deposit subject to subdivision (d) of this section, the time for delivery shall be extended until the time when no penalty or forfeiture would result.

{e} (e) Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, certificates of deposit that are not automatically renewable, drafts, money orders, and traveler's checks, that, with the exception of money orders and traveler's checks, has been outstanding for more than seven five years from the date it was payable, or from the date of its issuance if payable on demand, or, in the case of (i) money orders, that has been outstanding for more than seven years from the date of issuance and (ii) traveler's checks, that has been outstanding for more than fifteen years from the date of its issuance, unless the owner has within seven five years, or within seven years in the case of money orders and within fifteen years in the case of traveler's checks, corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization or business association.

{d} (f) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than seven five years from the date on which the lease or rental period expired.

{e} (g) For the purposes of this section failure of the United States mails to return a letter, duly deposited therein, first-class postage prepaid, to the last-known address of an owner of tangible or intangible property shall be deemed correspondence in

writing and shall be sufficient to overcome the presumption of abandonment created herein. A memorandum or writing on file with such ~~bank~~ banking or financial organization shall be sufficient to evidence such failure.

Sec. 5. That section 69-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1303. (a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last-known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last-known address of the person entitled to the funds is the same as the last-known address of the insured or annuitant according to the records of the corporation.

(b) Unclaimed funds, as used in this section, means all money held and owing by any life insurance corporation unclaimed and unpaid for more than seven five years after the money became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven five years, (1) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Money otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

Sec. 6. That section 69-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1304. The following funds held or owing by any utility are presumed abandoned:

(a) Any deposit made by a subscriber with a

utility to secure payment for, or any sum paid in advance for, utility services to be furnished in this state, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than ~~seven~~ three years after the termination of the services for which the deposit or advance payment was made.

(b) Any sum which a utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than ~~seven~~ three years after the date it became payable in accordance with the final determination or order providing for the refund.

Sec. 7. That section 69-1305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1305. (a) Any stock or other certificate of ownership, any other intangible ownership interest, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within ~~seven~~ five years after the date prescribed for payment or delivery, is presumed abandoned if:

(1) It is held or owing by a business association organized under the laws of or created in this state; or

(2) It is held or owing by a business association doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last-known address of the person entitled thereto is in this state.

(b) Stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or other sum payable as a result of the interest has remained unclaimed by the owner for ~~seven~~ five years as set forth in subsection (a) of this section.

Sec. 8. That section 69-1306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

69-1306. All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in this state, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

Sec. 9. That section 69-1307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1307. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within ~~seven~~ five years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this state; or

(b) If it is held by a business association, doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last-known address of the person entitled thereto is in this state; or

(c) If it is held in this state by any other person.

Sec. 10. Except as otherwise provided by law, all intangible personal property held for the owner by any court, public corporation, public authority, or public officer of this state, or a political subdivision thereof, that has remained unclaimed by the owner for more than three years is presumed abandoned.

Sec. 11. Unpaid wages, including wages represented by payroll checks owing in the ordinary course of the holder's business which remain unclaimed by the owner for more than one year after becoming payable, are presumed abandoned.

Sec. 12. That section 69-1308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1308. All intangible personal property, not otherwise covered by ~~sections 69-1301 to 69-1329~~ the Uniform Disposition of Unclaimed Property Act, including

any income or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven five years after it became payable or distributable is presumed abandoned.

Sec. 13. That section 69-1310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1310. (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under ~~sections 69-1301 to 69-1329~~ the Uniform Disposition of Unclaimed Property Act shall report to the State Treasurer with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) Except with respect to traveler's checks and money orders, the name, if known, and last-known address, if any, of each person appearing from the records of the holder to be the owner of any property presumed abandoned under ~~sections 69-1301 to 69-1329~~ the act;

(2) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his or her last-known address according to the life insurance corporation's records;

(3) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due;

(4) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) Other information which the State Treasurer may prescribe by rule as necessary for the administration of ~~sections 69-1301 to 69-1329~~ the act.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his or her name while holding the property, he or she shall file with his or her report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding. A one-time supplemental report shall be filed before April 1, 1993, as of June 30, 1992, as if

this act had been in effect prior to July 1, 1992, but the report of life insurance corporations required by this subsection to be filed before May 1, 1993, shall be filed as if this act had been in effect prior to January 1, 1993. The property must accompany the report unless excused by the State Treasurer for good cause. The State Treasurer may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under ~~sections 69-1301 to 69-1329~~ the act knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; and if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under sections 69-1301 to 69-1329 shall include all items of property that would have been presumed abandoned if sections 69-1301 to 69-1329 had been in effect during the ten-year period preceding its effective date.

Sec. 14. That section 69-1313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1313. Upon the payment or delivery of abandoned property to the State Treasurer or upon payment or delivery of property to the State Treasurer pursuant to section 69-1321, the state shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the State Treasurer under the Uniform Disposition of Unclaimed Property Act or who pays or delivers property to the State Treasurer pursuant to section 69-1321 ~~sections 69-1301 to 69-1329~~ is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder who has paid money to the State Treasurer pursuant to ~~sections 69-1301 to 69-1329~~ the act may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the State Treasurer shall forthwith reimburse

the holder for the payment.

Sec. 15. That section 69-1315, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1315. (a) The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by ~~sections 69-1301 to 69-1329~~ the Uniform Disposition of Unclaimed Property Act or to pay or deliver abandoned property to the State Treasurer. ~~Holders ; PROVIDED, that holders~~ shall not be required to report or to pay or to deliver abandoned property or unclaimed funds as to which the statute of limitations applicable to the enforcement of any claim to such property shall have expired prior to December 25, 1969.

(b) No action or proceeding may be commenced by the State Treasurer with respect to any duty of a holder under the act more than seven years after the holder files a report for the period in which the duty arose. This subsection shall not apply to holders described in section 10 of this act.

Sec. 16. That section 69-1316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1316. (a) Except as provided in section 69-1321, all ~~Abandoned~~ property other than money delivered to the State Treasurer under ~~sections 69-1301 to 69-1329~~ the Uniform Disposition of Unclaimed Property Act shall within one year after the delivery be sold by him or her to the highest bidder at public sale in whatever city in the state affords in his or her judgment the most favorable market for the property involved. The State Treasurer may decline the highest bid and reoffer the property for sale if he or she considers the price bid insufficient. He or she need not offer any property for sale if, in his or her opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

(c) The purchaser at any sale conducted by the State Treasurer pursuant to ~~sections 69-1301 to 69-1329~~

the act shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Treasurer shall execute all documents necessary to complete the transfer of title.

Sec. 17. That section 69-1317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1317. (a) All funds received under ~~sections 69-1301 to 69-1329~~ the Uniform Disposition of Unclaimed Property Act, including the proceeds from the sale of abandoned property under section 69-1316, shall be deposited by the State Treasurer in a separate trust fund from which he or she shall make prompt payment of claims allowed pursuant to ~~sections 69-1301 to 69-1329~~ the act. Before making the deposit he or she shall record the name and last-known address of each person appearing from the holders' reports to be entitled to the abandoned property, the name and last-known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection during business hours.

The record shall not be subject to public inspection or available for copying, reproduction, or scrutiny by commercial or professional locators of property presumed abandoned who charge any service or finders' fee until ninety days after the names from the holders' reports have been published or officially disclosed.

A professional finders' fee shall be limited to ten percent of the total amount of the property presumed abandoned if any claimant is contacted within nine months of the date the property was reported to the State Treasurer. To claim any such fee, the nature and location of the property must be disclosed to the claimant by the finder.

(b)(1) On or before November 1 of each year prior to the effective date of this act the State Treasurer shall transfer any balance in excess of fifty thousand dollars from the separate trust fund to the permanent school fund.

(2) On or after the effective date of this act, the State Treasurer shall periodically transfer any balance in excess of an amount not to exceed five hundred thousand dollars from the separate trust fund to the General Fund no less frequently than on or before November 1 and May 1 of each year, except that the total

amount of all such transfers shall not exceed five million dollars.

(3)(i) On the next succeeding November 1 after five million dollars has been transferred to the General Fund in the manner described in subdivision (b)(2) of this section or (ii) on November 1, 1996, whichever occurs first, and on or before November 1 of each year thereafter, the State Treasurer shall transfer any balance in excess of an amount not to exceed five hundred thousand dollars from the separate trust fund to the permanent school fund.

(c) Before making any deposit to the credit of the permanent school fund or the General Fund, the State Treasurer may deduct: (1) Any costs in connection with sale of abandoned property, (2) any costs of mailing and publication in connection with any abandoned property, and (3) reasonable service charges and place such funds in the Unclaimed Property Cash Fund which is hereby created. Any money in the Unclaimed Property Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 72-1276.

Sec. 18. That section 69-1321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1321. (a) The State Treasurer, after receiving reports of property deemed abandoned pursuant to ~~sections 69-1301 to 69-1329~~ the Uniform Disposition of Unclaimed Property Act, may decline to receive any property reported which he or she deems to have a value less than the cost of giving notice and holding sale, or he or she may, if he or she deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within one hundred twenty days after filing the report required under section 69-1310, the State Treasurer shall be deemed to have elected to receive the custody of the property.

(b) A holder may pay or deliver property before the property is presumed abandoned with written consent of the State Treasurer and upon conditions and terms prescribed by the State Treasurer. Property paid or delivered under this subsection shall be held by the State Treasurer and is not presumed abandoned until such time as it otherwise would be presumed abandoned under the act.

Sec. 19. That section 69-1322, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

69-1322. (a) If the State Treasurer has reason to believe that any person has failed to report property in accordance with the Uniform Disposition of Unclaimed Property Act, the State Treasurer may demand that such person file a verified report or otherwise comply with the act within thirty days of the demand.

(b) The State Treasurer may at reasonable times and upon reasonable notice examine the records of any person if he or she has reason to believe that such person has failed to report property that should have been reported pursuant to sections 69-1301 to 69-1329 the act.

(c) If an examination of the records of a person results in the disclosure of property reportable under the act, the State Treasurer may assess the cost of the examination against the holder but in no case may the charges exceed the value of the property found to be reportable.

(d)(1) Every holder required to file a report under section 69-1310, as to any property for which it has obtained the last-known address of the owner, shall maintain a record of the name and last-known address of the owner for seven years after the property becomes reportable, except to the extent that a shorter time is provided in subdivision (2) of this subsection or by rule of the State Treasurer.

(2) Any holder that sells in this state its travelers checks, money orders, or other similar written instruments on which the holder is directly liable, or that provides such instruments to others for sale in this state, shall maintain a record of those instruments while they remain outstanding, indicating the state and date of issue for three years after the date the property is reportable.

Sec. 20. That section 69-1324, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1324. (a) A person who fails to pay or deliver property within the time prescribed by the Uniform Disposition of Unclaimed Property Act shall be required to pay to the State Treasurer interest calculated pursuant to section 45-103 as such section was in effect on the date the property should have been paid or delivered on the value of the property from the date the property should have been paid or delivered.

(b) A person who willfully fails to render any report or perform other duties required under the act shall pay a civil penalty of one hundred dollars for

each day the report is withheld or the duty is not performed, but not more than five thousand dollars.

(c) A person who willfully fails to pay or deliver property to the State Treasurer as required under the act shall pay a civil penalty equal to twenty-five percent of the value of the property that should have been paid or delivered.

(d) The interest or penalty or any portion thereof as imposed by subsections (a), (b), or (c) of this section may be waived or remitted by the State Treasurer for good cause shown. Any person who willfully fails to render any report or perform other duties required under sections 69-1301 to 69-1329, shall be guilty of a Class IV misdemeanor.

(e) ~~(b)~~ Any person who willfully refuses to pay or deliver abandoned property to the State Treasurer as required under sections 69-1301 to 69-1329 the act shall be guilty of a Class II misdemeanor.

Sec. 21. That section 69-1329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1329. Sections 69-1301 to 69-1329 and sections 10 and 11 of this act may be cited as the Uniform Disposition of Unclaimed Property Act.

Sec. 22. There is hereby appropriated (1) \$24,664 from the Unclaimed Property Cash Fund for FY1992-93 and (2) \$61,819 from the Unclaimed Property Cash Fund for FY1993-94 to the State Treasurer, for Program 512, to aid in carrying out the provisions of this legislative bill.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$7,674 for FY1992-93 or \$13,429 for FY1993-94.

Sec. 23. That original sections 24-345, 25-2717, 69-1301 to 69-1308, 69-1310, 69-1313, 69-1315 to 69-1317, 69-1321, 69-1322, 69-1324, and 69-1329, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 24. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.