

**Amendment No. 351**

Assembly Amendment to Assembly Bill No. 219

(BDR 10-811)

**Proposed by:** Assembly Committee on Judiciary

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 219 (§§ 1.7, 6).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MNM/BAW



Date: 4/23/2011

A.B. No. 219—Provides that certain unredeemed wagering instruments escheat to the State. (BDR 10-811)



ASSEMBLY BILL NO. 219—ASSEMBLYMEN HORNE; AIZLEY, ATKINSON, BOBZIEN,  
BROOKS, CARRILLO, CONKLIN, DALY, DONDERO LOOP, FRIERSON, HOGAN,  
OHRENSCHALL, SEGERBLOM AND SMITH

MARCH 1, 2011

Referred to Committee on Judiciary

SUMMARY—Provides that ~~for certain~~ unredeemed slot machine wagering  
~~instruments~~ vouchers escheat to the State. (BDR 10-811)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to unclaimed property; providing that ~~for certain~~ unredeemed slot machine wagering ~~instruments~~ vouchers escheat to the State; requiring the Nevada Gaming Commission to adopt regulations relating to unredeemed slot machine wagering ~~instruments~~ vouchers; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prescribes the process of the disposition of unclaimed personal property. (Chapter 120A of NRS) Existing law also provides that such provisions of law do not apply to unredeemed gaming chips or tokens. (NRS 120A.135) **Section 1.3** of this bill specifies that with regard to unclaimed property, a gaming chip or token does not include a slot machine wagering ~~instrument~~ voucher. **Section 1.3** defines “slot machine wagering voucher” as a printed wagering instrument that has a fixed dollar wagering value that can only be used to acquire an equivalent value of cashable credits or cash. **Section 1.7** of this bill provides that ~~that~~ unless the Nevada Gaming Commission specifies a shorter period of time in which a slot machine wagering voucher must be redeemed, upon the expiration date printed on a slot machine wagering voucher or 30 days after the slot machine wagering voucher is issued, whichever period is less, any value remaining on an unredeemed slot machine wagering ~~instrument~~ voucher is presumed to be abandoned ~~if it is unclaimed by the apparent owner within 1 year after the wager is placed, unless the Nevada Gaming Commission specifies a different period in which the wagering instrument must be redeemed,~~ and subject to the provisions of law regarding the disposition of unclaimed personal property. **Section 1.7** also provides that all slot machine wagering vouchers that are presumed abandoned must be reported to and escheat to the State on a quarterly basis, and that the State of Nevada may retain 75 percent of the value of any such slot machine wagering voucher and the gaming establishment which issued the slot machine wagering voucher may retain 25 percent of the value of the slot machine wagering voucher.

**Section 6** of this bill requires the Commission to adopt regulations that prescribe the procedures which gaming licensees must follow regarding the retention and tracking of slot machine wagering ~~instruments~~ vouchers and the payment of the respective percentage of the value of such unredeemed slot machine wagering ~~instruments~~ vouchers to this State, ~~and to gaming establishments.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 120A of NRS is hereby amended by adding thereto ~~the~~  
~~new section to read as follows:~~

~~“Wagering instrument” has the meaning ascribed to it in NRS 463.01967.1~~  
~~the provisions set forth as sections 1.3 and 1.7 of this act.~~

Sec. 1.3. “Slot machine wagering voucher” means a printed wagering  
instrument that has a fixed dollar wagering value that can only be used to  
acquire an equivalent value of cashable credits or cash. As used in this section,  
“wagering instrument” has the meaning ascribed to it in NRS 463.01967.

Sec. 1.7. 1. Unless the Nevada Gaming Commission specifies by  
regulation a shorter period of time in which a slot machine wagering voucher  
must be redeemed, upon the expiration date printed on a slot machine wagering  
voucher issued in this State or 30 days after a wager is placed, whichever period  
is less, any value remaining on an unredeemed slot machine wagering voucher is  
presumed abandoned and subject to the provisions of this chapter.

2. If a slot machine wagering voucher is issued in this State and the gaming  
establishment which issued the slot machine wagering voucher does not obtain  
and maintain in its records the name and address of the owner of the slot  
machine wagering voucher, the address of the owner of the slot machine  
wagering voucher shall be deemed to be the address of the Office of the State  
Treasurer in Carson City.

3. All slot machine wagering vouchers presumed abandoned under this  
section must be reported to and escheat to this State on a quarterly basis.

4. This State may retain 75 percent of the value of any slot machine  
wagering voucher presumed abandoned under this section, and the gaming  
establishment which issued the slot machine wagering voucher may retain 25  
percent of the value of the slot machine wagering voucher.

**Sec. 2.** NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the  
words and terms defined in NRS 120A.025 to 120A.120, inclusive, ~~and section 1.3~~  
~~of this act~~ have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 120A.135 is hereby amended to read as follows:

120A.135 1. The provisions of this chapter do not apply to gaming chips or  
tokens which are not redeemed at an establishment.

2. As used in this section:

(a) “Establishment” has the meaning ascribed to it in NRS 463.0148.

(b) “Gaming chip or token” means any object which may be redeemed at an  
establishment for cash or any other representative of value ~~it is~~ ~~other than a slot~~  
~~machine wagering instrument voucher.~~

**Sec. 4.** ~~NRS 120A.500 is hereby amended to read as follows:~~

~~120A.500 1. Except as otherwise provided in subsection 6, property is~~  
~~presumed abandoned if it is unclaimed by the apparent owner during the time set~~  
~~forth below for the particular property:~~

~~(a) A traveler’s check, 15 years after issuance;~~

~~(b) A money order, 7 years after issuance;~~

~~(c) Any stock or other equity interest in a business association or financial~~  
~~organization, including a security entitlement under NRS 104.8101 to 104.8511,~~  
~~inclusive, 3 years after the earlier of the date of the most recent dividend, stock split~~

1 ~~or other distribution unclaimed by the apparent owner, or the date of the second~~  
2 ~~mailing of a statement of account or other notification or communication that was~~  
3 ~~returned as undeliverable or after the holder discontinued mailings, notifications or~~  
4 ~~communications to the apparent owner;~~

5 ~~—(d) Any debt of a business association or financial organization, other than a~~  
6 ~~bearer bond or an original issue discount bond, 3 years after the date of the most~~  
7 ~~recent interest payment unclaimed by the apparent owner;~~

8 ~~—(e) A demand, savings or time deposit, including a deposit that is automatically~~  
9 ~~renewable, 3 years after the earlier of maturity or the date of the last indication by~~  
10 ~~the owner of interest in the property, but a deposit that is automatically renewable is~~  
11 ~~deemed matured for purposes of this section upon its initial date of maturity, unless~~  
12 ~~the owner has consented to a renewal at or about the time of the renewal and the~~  
13 ~~consent is in writing or is evidenced by a memorandum or other record on file with~~  
14 ~~the holder;~~

15 ~~—(f) Except as otherwise provided in NRS 120A.520, any money or credits owed~~  
16 ~~to a customer as a result of a retail business transaction, 3 years after the obligation~~  
17 ~~accrued;~~

18 ~~—(g) Any amount owed by an insurer on a life or endowment insurance policy or~~  
19 ~~an annuity that has matured or terminated, 3 years after the obligation to pay arose~~  
20 ~~or, in the case of a policy or annuity payable upon proof of death, 3 years after the~~  
21 ~~insured has attained, or would have attained if living, the limiting age under the~~  
22 ~~mortality table on which the reserve is based;~~

23 ~~—(h) Any property distributable by a business association or financial~~  
24 ~~organization in a course of dissolution, 1 year after the property becomes~~  
25 ~~distributable;~~

26 ~~—(i) Any property received by a court as proceeds of a class action and not~~  
27 ~~distributed pursuant to the judgment, 1 year after the distribution date;~~

28 ~~—(j) Except as otherwise provided in NRS 607.170 and 703.375, any property~~  
29 ~~held by a court, government, governmental subdivision, agency or instrumentality,~~  
30 ~~1 year after the property becomes distributable;~~

31 ~~—(k) Any wages or other compensation for personal services, 1 year after the~~  
32 ~~compensation becomes payable;~~

33 ~~—(l) A deposit or refund owed to a subscriber by a utility, 1 year after the deposit~~  
34 ~~or refund becomes payable;~~

35 ~~—(m) Any property in an individual retirement account, defined benefit plan or~~  
36 ~~other account or plan that is qualified for tax deferral under the income tax laws of~~  
37 ~~the United States, 3 years after the earliest of the date of the distribution or~~  
38 ~~attempted distribution of the property, the date of the required distribution as stated~~  
39 ~~in the plan or trust agreement governing the plan or the date, if determinable by the~~  
40 ~~holder, specified in the income tax laws of the United States by which distribution~~  
41 ~~of the property must begin in order to avoid a tax penalty; [and]~~

42 ~~—(n) Any wagering instrument, 1 year after the wager is placed, unless the~~  
43 ~~Nevada Gaming Commission specifies by regulation a different period in which~~  
44 ~~the wagering instrument must be redeemed; and~~

45 ~~—(o) All other property, 3 years after the owner's right to demand the property or~~  
46 ~~after the obligation to pay or distribute the property arises, whichever first occurs.~~

47 ~~2. At the time that an interest is presumed abandoned under subsection 1, any~~  
48 ~~other property right accrued or accruing to the owner as a result of the interest, and~~  
49 ~~not previously presumed abandoned, is also presumed abandoned.~~

50 ~~3. Property is unclaimed if, for the applicable period set forth in subsection 1,~~  
51 ~~the apparent owner has not communicated, in writing or by other means reflected in~~  
52 ~~a contemporaneous record prepared by or on behalf of the holder, with the holder~~  
53 ~~concerning the property or the account in which the property is held and has not~~

otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

~~4. An indication of an owner's interest in property includes:~~

~~(a) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;~~

~~(b) Owner directed activity in the account in which the property is held, including a direction by the owner to increase, decrease or change the amount or type of property held in the account;~~

~~(c) The making of a deposit to or withdrawal from a bank account; and~~

~~(d) The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions;~~

~~5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.~~

~~6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:~~

~~(a) An account or asset managed through a guardianship;~~

~~(b) An account blocked at the direction of a court;~~

~~(c) A trust account established to address a special need;~~

~~(d) A qualified income trust account;~~

~~(e) A trust account established for tuition purposes;~~

~~(f) A trust account established on behalf of a client; and~~

~~(g) An account or fund established to meet the costs of burial.] (Deleted by amendment.)~~

**Sec. 5. [NRS 120A.530 is hereby amended to read as follows:]**

~~120A.530 Except as otherwise provided in this chapter or by other statute of this State, property that is presumed abandoned, whether located in this or another state, is subject to the custody of this State if:~~

~~1. The last known address of the apparent owner, as shown on the records of the holder, is in this State;~~

~~2. The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this State;~~

~~3. The records of the holder do not reflect the last known address of the apparent owner and it is established that:~~

~~(a) The last known address of the person entitled to the property is in this State; or~~

~~(b) The holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;~~

~~4. The last known address of the apparent owner, as shown on the records of the holder, is in a state that does not provide for the escheat or custodial taking of~~

~~the property and the holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State;~~

~~5. The last known address of the apparent owner, as shown on the records of the holder, is in a foreign country and the holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State;~~

~~6. The transaction out of which the property arose occurred in this State, the holder is domiciled in a state that does not provide for the escheat or custodial taking of the property and the last known address of the apparent owner or other person entitled to the property is unknown or is in a state that does not provide for the escheat or custodial taking of the property; [or]~~

~~7. The property is a traveler's check or money order purchased in this State or the issuer of the traveler's check or money order has its principal place of business in this State and the issuer's records show that the instrument was purchased in a state that does not provide for the escheat or custodial taking of the property or do not show the state in which the instrument was purchased [ ]; or~~

~~8. The property is a wagering instrument that was issued in this State.]~~

**(Deleted by amendment.)**

**Sec. 6.** Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Commission shall adopt regulations prescribing procedures which licensees must follow for the retention and tracking of slot machine wagering instruments, vouchers and for the payment of the respective percentage of the value of unredeemed slot machine wagering instruments, vouchers to this State and to such licensees as required by chapter 120A of NRS regarding the disposition of unclaimed property.*

**Sec. 6.5. The Nevada Gaming Commission shall adopt the regulations required to be adopted pursuant to the amendatory provisions of this act on or before October 1, 2011.**

**Sec. 7.** This act becomes effective ~~[on July 1, 2011.]~~ **upon passage and approval.**