

SENATE BILL NO. 10—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE STATE TREASURER)

PREFILED NOVEMBER 15, 2016

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the publication of information concerning unclaimed and abandoned property. (BDR 10-407)

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

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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; revising provisions governing the publication of information concerning certain unclaimed and abandoned property and the sale of such property; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the Uniform Unclaimed Property Act, which sets forth various provisions relating to the disposition of certain abandoned property. (Chapter 120A of NRS) Under existing law, the State Treasurer acts as the Administrator of Unclaimed Property. (NRS 120A.025) Existing law requires the Administrator annually to publish a notice that lists the name of each person who appears to own certain kinds of property that has been abandoned by its owner and taken into custody by the Administrator. The notice must also contain a statement that information about such property may be obtained from the Administrator. The Administrator is required to provide this notice by purchasing an advertisement in a newspaper of the county of the last known address of each apparent owner of abandoned property that is in the custody of the Administrator. (NRS 120A.580) **Section 1** of this bill eliminates the requirements that the notice include information concerning individual owners on a county by county basis and requires that revised information concerning the abandoned property be advertised in certain newspapers in every county in this State. **Section 1** also authorizes the Administrator to provide additional information concerning unclaimed or abandoned property at any time and in any manner that the Administrator selects.

Existing law requires the Administrator to sell certain abandoned property in his or her custody within 2 years after taking the property into custody. The Administrator is required to publish a notice in a newspaper of general circulation



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in the county in which the property is to be sold at least 3 weeks before the sale. (NRS 120A.610) **Section 2** of this bill authorizes the Administrator to provide additional notice of such sales at any time and in any manner that the Administrator selects.

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

**Section 1.** NRS 120A.580 is hereby amended to read as follows:

120A.580 1. The Administrator shall publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must be published in a newspaper of general circulation in ~~the~~ *each* county of this State ~~in which is located the last known address of any person named in the notice. If a holder does not report an address for the apparent owner or the address is outside this State, the notice must be published in a county that the Administrator reasonably selects.~~ *and be not less than one full page in size.* The advertisement must be in a form that, in the judgment of the Administrator, is likely to attract the attention of ~~the apparent owner of the~~ *persons who may have a legal or equitable interest in* unclaimed property ~~or of the legal representatives of such persons.~~ The form must contain:

(a) The name ~~of each person appearing to be the owner of the property, as set forth in the report filed by the holder;~~

~~—(b) The city or town in which the last known address of each person appearing to be the owner of the property is located, if a city or town is set forth in the report filed by the holder;~~

~~—(c) , physical address and Internet address of the website of the Administrator;~~

(b) A statement explaining that *unclaimed* property ~~of the owner~~ is presumed to be abandoned and has been taken into the protective custody of the Administrator; and

~~(d)~~ (c) A statement that information about ~~the~~ property *taken into protective custody* and its return to the owner is available to a person having a legal or beneficial interest in the property, upon request to the Administrator ~~or~~ *, directed to the Deputy of Unclaimed Property.*

2. The Administrator ~~is not required to advertise the name and city or town of an owner of property having a total value less than \$50 or information concerning a traveler's check, money order or similar instrument.~~ *may advertise or otherwise provide information concerning unclaimed or abandoned property, including, without limitation, the information set forth in*



*subsection 1, at any time and in any manner that the Administrator selects.*

**Sec. 2.** NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold. *The Administrator may provide additional notice of any such sale at any time and in any manner that the Administrator selects.*

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➤ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the



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1 time of sale. Other securities not listed on an established stock  
2 exchange may be sold:

3 (a) Over the counter at the prevailing price for that security at  
4 the time of sale; or

5 (b) By any other method the Administrator deems acceptable.

6 7. The Administrator shall hold property that was removed  
7 from a safe-deposit box or other safekeeping repository for 1 year  
8 after the date of the delivery of the property to the Administrator,  
9 unless that property is a will or a codicil to a will, in which case the  
10 Administrator shall hold the property for 10 years after the date of  
11 the delivery of the property to the Administrator. If no claims are  
12 filed for the property within that period and the Administrator  
13 determines that the probable cost of the sale of the property will  
14 exceed the proceeds of the sale, it may be destroyed.

15 8. All proceeds received by the Administrator from abandoned  
16 gift certificates must be accounted for separately in the Abandoned  
17 Property Trust Account in the State General Fund. At the end of  
18 each fiscal year, before any other money in the Abandoned Property  
19 Trust Account is transferred pursuant to NRS 120A.620, the balance  
20 in the subaccount created pursuant to this subsection, less any costs,  
21 service charges or claims chargeable to the subaccount, must be  
22 transferred to the Educational Trust Account, which is hereby  
23 created in the State General Fund. The money in the Educational  
24 Trust Account may be expended only as authorized by the  
25 Legislature, if it is in session, or by the Interim Finance Committee,  
26 if the Legislature is not in session, for educational purposes.

27 **Sec. 3.** This act becomes effective upon passage and approval.

