

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:

1 Existing law establishes the Uniform Unclaimed Property Act, which sets forth
2 various provisions relating to the disposition of certain abandoned property.
3 (Chapter 120A of NRS) Under existing law, the State Treasurer acts as the
4 Administrator of Unclaimed Property. (NRS 120A.025) Existing law requires the
5 Administrator annually to publish a notice that lists the name of each person who
6 appears to own certain kinds of property that has been abandoned by its owner and
7 taken into custody by the Administrator. The notice must also contain a statement
8 that information about such property may be obtained from the Administrator. The
9 Administrator is required to provide this notice by purchasing an advertisement in a
10 newspaper of the county of the last known address of each apparent owner of
11 abandoned property that is in the custody of the Administrator. (NRS 120A.580)
12 **Section 1** of this bill revises the requirements that the notice include information
13 concerning individual owners and instead provides among other things that: (1) in a
14 county whose population is 700,000 or more (currently Clark County), such a
15 notice must be published in a newspaper of general circulation with a circulation of
16 more than 15,000 in the county at least six times per year, or more often under
17 certain circumstances, and must provide certain instructions on how to search and
18 access information relating to unclaimed property; and (2) in a county whose
19 population is less than 700,000 (currently any county other than Clark County),
20 such a notice must be published in a newspaper of general circulation in the county



not less than once each year and must include the last known city of any person named in the notice. **Section 1** also requires the Administrator to publish a notice in a newspaper of general circulation, not later than February 1 and August 1 of each year, that summarizes certain requirements relating to holders of unclaimed property. Finally, **section 1** 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 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 requires the Administrator to publish such a notice not less than 21 days before the sale. **Section 2** also authorizes the Administrator to provide additional notice of such sales at any time and in any manner that the Administrator selects.

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~~:

(a) In a county whose population is 700,000 or more:

(1) Be published not less than six times per year, or more frequently as necessary to comply with the provisions of subparagraph (3), in a newspaper of general circulation in the county ~~of this State in which is located~~ with a circulation of more than 15,000;

(2) Include instructions on how to search and access information relating to unclaimed property; and

(3) Be not less than one full page in size. The Administrator may comply with the requirement in this subparagraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than six full pages.

(b) In a county whose population is less than 700,000:

(1) Be published not less than once each year in a newspaper of general circulation in the county; and

(2) Include the last known ~~address~~ city 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.~~



2. The ~~advertisement~~ *notice required by subsection 1* 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, telephone number 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 *the owner or* a person having a legal or beneficial interest in the property, upon request to the Administrator ~~or~~ *, directed to the Deputy of Unclaimed Property.*

~~2-3. 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.~~ *In addition to publishing the notice required by subsection 1, the Administrator shall publish a notice not later than February 1 and August 1 of each year summarizing the requirements of this chapter as they apply to the holders of unclaimed property. The notice must:*

(a) *Be published in a newspaper of general circulation in this State; and*

(b) *Be not less than one full page in size. The Administrator may comply with the requirement of this paragraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than two full pages.*

4. *In addition to complying with the requirements of subsections 1, 2 and 3, the Administrator may advertise or otherwise provide information concerning unclaimed or abandoned property, including, without limitation, the information set forth in subsections 2 and 3, at any other time and in any other 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



1 delivery, be sold by the Administrator to the highest bidder at public
2 sale in whatever manner affords, in his or her judgment, the most
3 favorable market for the property. The Administrator may decline
4 the highest bid and reoffer the property for sale if the Administrator
5 considers the bid to be insufficient.

6 2. Any sale held under this section must be preceded by a
7 single publication of notice, ~~at least 3 weeks~~ *not less than 21 days*
8 before sale, in a newspaper of general circulation in the county in
9 which the property is to be sold. *The Administrator may provide*
10 *additional notice of any such sale at any time and in any manner*
11 *that the Administrator selects.*

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

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

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

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

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

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

36 6. Securities delivered to the Administrator pursuant to this
37 chapter may be sold by the Administrator at any time after the
38 delivery. Securities listed on an established stock exchange must be
39 sold at the prevailing price for that security on the exchange at the
40 time of sale. Other securities not listed on an established stock
41 exchange may be sold:

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

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



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

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

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

