

HOUSE BILL NO. 417

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES DAVIS, Hodgins

Introduced: 2/16/98

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the unclaimed property of persons dying intestate."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 13.12.105 is repealed and reenacted to read:

4 **Sec. 13.12.105. No taker.** (a) Property that is part of an intestate estate and
5 that does not have a taker under this chapter is subject to AS 34.45.280 - 34.45.780,
6 except that, if the property is not claimed under AS 34.45.280 - 34.45.780 within five
7 years after being paid or delivered to the state under AS 34.45.320, the property shall
8 be distributed as follows:

9 (1) to a community organization that is located in the city where the
10 decedent resided at the time of the decedent's death and that is selected under (b) of
11 this section;

12 (2) if the decedent did not reside in a city, to a community organization
13 that is located in the borough or unified municipality where the decedent resided at the
14 time of the decedent's death and that is selected under (b) of this section;

15 (3) to the state if the decedent did reside in a municipality at the time

1 of the decedent's death but a community organization does not apply for the property;
2 or

3 (4) to the state if the decedent did not reside in a municipality at the
4 time of the decedent's death.

5 (b) When property is subject to distribution under (a)(1) - (3) of this section,
6 the department shall place a notice in a newspaper that is distributed in the
7 municipality stating that the department has property to be distributed under this
8 section and that community organizations in the municipality may apply to the
9 department to receive the property. For distribution under (a)(1) - (3) of this section,
10 the department shall select

11 (1) the sole applicant that applies to the department;

12 (2) the applicants that apply and agree to share the property if more
13 than one community organization apply to the department and the applicants agree to
14 share the property; or

15 (3) the applicant that is identified under (c) of this section by the
16 municipality where the decedent was residing at the time of the decedent's death.

17 (c) If more than one community organization apply to receive the property but
18 the applicants decline to share the property, the city where the decedent was residing
19 at the time of the decedent's death, or the borough or unified municipality where the
20 decedent was residing at the time of the decedent's death if the decedent was not
21 residing in a city, shall identify the applicant that provides its services the most
22 broadly throughout the municipality and shall notify the department.

23 (d) With regard to personal property subject to (a) of this section, if notice to
24 heirs, substantially equivalent to that required by AS 34.45.310, has been given by the
25 personal representative or other person, AS 34.45.310 does not apply.

26 (e) In this section,

27 (1) "borough" has the meaning given in AS 29.71.800;

28 (2) "city" has the meaning given in AS 29.71.800;

29 (3) "community organization" means a person who

30 (A) is exempt from federal taxation under 26 U.S.C. 501(c)(3)

31 (Internal Revenue Code);

1 (B) is operated exclusively to provide services that promote the
2 well-being of the residents of the municipality; and

3 (C) has been operating in the municipality for at least three
4 years;

5 (4) "department" means the Department of Revenue;

6 (5) "property" includes, at the time of distribution to a community
7 organization, any interest earned on the property;

8 (6) "unified municipality" has the meaning given in AS 29.71.800.