

Introduced: 2/14/79
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 206

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disposition of unclaimed
7 property; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09 is amended by adding a new chapter to read:

10 CHAPTER 51. UNCLAIMED PROPERTY.

11 Sec. 09.51.010. PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZA-
12 TIONS OR BY BUSINESS ASSOCIATIONS. The following property held or
13 owed by a banking or financial organization or by a business associa-
14 tion is presumed abandoned:

15 (1) a demand, savings, or matured time deposit made in the
16 state with a banking organization, together with interest or dividends,
17 excluding charges that may lawfully be withheld, unless the owner has,
18 within seven years:

19 (A) increased or decreased the amount of the deposit,
20 or presented the passbook or other similar evidence of the
21 deposit for the crediting of interest; or

22 (B) corresponded in writing with the banking organiza-
23 tion concerning the deposit; or

24 (C) otherwise indicated an interest in the deposit as
25 evidenced by a memorandum on file with the banking organization;
26 or

27 (D) acted as provided in (A), (B), or (C) of this para-
28 graph in regard to another demand, savings, or time deposit made
29 with the same banking organization;

1 (2) funds paid in this state toward the purchase of shares
2 or other interest in a financial organization or deposit made with it
3 in the state, and interest or dividends excluding charges that may
4 lawfully be withheld, unless the owner has within seven years:

5 (A) increased or decreased the amount of the funds or
6 deposit, or presented an appropriate record for the crediting of
7 interest or dividends; or

8 (B) corresponded in writing with the financial organi-
9 zation concerning the funds or deposit; or

10 (C) otherwise indicated an interest in the funds or
11 deposit as evidenced by a memorandum on file with the financial
12 organization;

13 (3) a sum payable on a check certified in this state or on
14 a written instrument issued in the state on which a banking or financial
15 organization or business association is directly liable, including but
16 not limited to, a certificate of deposit, draft, money order, or
17 traveler's check, which, with the exception of a traveler's check, has
18 been outstanding for more than seven years from the date of its
19 issuance if payable on demand, or, in the case of a traveler's check,
20 which has been outstanding for more than 15 years from the date of its
21 issuance, unless the owner has within seven years, or within 15 years
22 in the case of a traveler's check, corresponded in writing with the
23 banking or financial organization or business association concerning
24 it, or otherwise indicated an interest as evidenced by a memorandum on
25 file with the banking or financial organization or business association;

26 (4) funds or other personal property, tangible or intangible,
27 removed from a safe deposit box or other safekeeping repository or
28 agency or collateral deposit box in the state on which the lease or
29 rental period has expired due to nonpayment of rental charges or other

1 reason, or a surplus amount arising from the sale of the property
2 according to law that has been unclaimed by the owner for more than
3 seven years from the date on which the lease or rental period expired:

4 (A) if the amount due for the use or rental of a safe
5 deposit box has remained unpaid for a period of six months, the
6 safe deposit box holder shall, within 60 days of the expiration
7 of that period, send by registered mail, addressed to the renter
8 or lessee of the safe deposit box, directed to the address stand-
9 ing on its books, a written notice that if the amount due for the
10 use or rental of the safe deposit box is not paid within 60 days
11 after the date of the mailing of the notice, it will open the
12 safe deposit box and place the contents in a general safe deposit
13 box;

14 (B) upon the expiration of 60 days from the date of
15 mailing the notice, if the renter or lessee is not heard from, an
16 officer of the safe deposit box holder shall open the safe
17 deposit box, inventory the contents, and place the contents and
18 the inventory in a package, upon which he shall mark the name and
19 last known address of the renter or lessee; the package must then
20 be placed in one of the safe deposit box holder's general safe
21 deposit boxes, and a copy of the inventory, together with the
22 renter or lessee's name and last known address, must be sent or
23 delivered to the commissioner;

24 (C) the safe deposit box holder shall hold the con-
25 tents of abandoned safe deposit boxes until they are claimed by
26 the owner or they are turned over to the commissioner under AS
27 09.51.

28 Sec. 09.51.020. UNCLAIMED FUNDS HELD BY LIFE INSURANCE CORPORA-
29 TIONS. (a) Unclaimed funds, as defined in this section, held and

1 owed by a life insurance corporation are presumed abandoned in this
2 state if, according to the records of the corporation, the last known
3 address of the person entitled to the funds is within the state. If a
4 person other than the insured or annuitant is entitled to the funds
5 and the address of the person is not known to the corporation or if it
6 is not definite and certain from the records of the corporation what
7 person is entitled to the funds, it is presumed that the last known
8 address of the person entitled to the funds is the same as the last
9 known address of the insured or annuitant according to the records of
10 the corporation.

11 (b) "Unclaimed funds," as used in this section, means money held
12 and owed by a life insurance corporation which is unclaimed and unpaid
13 for more than seven years after the money became due and payable as
14 established from the records of the corporation under a life or endow-
15 ment insurance policy or annuity contract which has matured or termi-
16 nated. A life insurance policy not matured by actual proof of the
17 death of the insured is considered matured and the proceeds of it are
18 considered due and payable if the policy was in force when the insured
19 attained the limiting age under the mortality table on which the
20 reserve is based, unless the person appearing entitled to the proceeds
21 has within the preceding seven years: (1) assigned, readjusted, or
22 paid premiums on the policy, or subjected the policy to loan; or (2)
23 corresponded in writing with the life insurance corporation concerning
24 the policy. Money otherwise payable according to the records of the
25 corporation is considered due and payable although the policy or
26 contract has not been surrendered as required.

27 Sec. 09.51.030. DEPOSITS AND REFUNDS HELD BY UTILITIES. The
28 following funds held or owed by a utility are presumed abandoned:

29 (1) a deposit made by a subscriber with a utility to secure

1 payment for, or a sum paid in advance for, utility services to be
2 furnished in this state, less any lawful deductions, that has remained
3 unclaimed by the person appearing on the records of the utility as
4 entitled to the deposit or advance payment for more than seven years
5 after the termination of the services for which the deposit or advance
6 payment was made;

7 (2) a sum received for utility services provided in this
8 state, which a utility has been ordered to refund, together with
9 interest on the sum, less lawful deductions, that has remained un-
10 claimed by the person appearing on the records of the utility as
11 entitled to the refund for more than seven years after the date it
12 became payable in accordance with the final determination or order
13 providing for the refund.

14 Sec. 09.51.040. STOCK SHARES OF BUSINESS ASSOCIATIONS. (a) A
15 stock, bond, or other certificate of ownership, held or owed by a
16 business association, stockbroker, or other fiduciary, for or to a
17 shareholder, certificate holder, member, bondholder, or other security
18 holder, or a member of a cooperative, who has not claimed it, or
19 corresponded in writing with the holder concerning it, within seven
20 years, is presumed abandoned in the state if:

21 (1) it is held or owed by a business association organized
22 under the laws of or created in this state; or

23 (2) it is held or owed by a business association doing
24 business in this state, but not organized under the laws of or created
25 in this state, and the records of the business association indicate
26 that the last known address of the person entitled to it is not in
27 another state.

28 (b) Any dividends, profits, distributions, interest, payment on
29 principal, or any other accretion held or owed by a person for or to a

1 shareholder, certificate holder, member, bondholder, other security
2 holder or participating patron of a cooperative, are presumed aban-
3 doned at the same time that the underlying property interest is pre-
4 sumed abandoned.

5 Sec. 09.51.050. PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR
6 FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION. Intangible
7 personal property distributable in the course of a voluntary dissolu-
8 tion of a business association, banking organization, or financial
9 organization organized under the laws of or created in this state,
10 which is not claimed by the owner within two years after the date for
11 final distribution, is presumed abandoned.

12 Sec. 09.51.060. PROPERTY HELD BY FIDUCIARIES. Intangible per-
13 sonal property and income or increment on the property, held in a
14 fiduciary capacity for the benefit of another person is presumed
15 abandoned in this state unless the owner has, within seven years after
16 it becomes payable or distributable, increased or decreased the princi-
17 pal, accepted payment of principal or income, corresponded in writing
18 concerning the property, or otherwise indicated an interest as evi-
19 denced by a memorandum on file with the fiduciary:

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

23 (2) if it is held by a business association, doing business
24 in this state, but not organized under the laws of or created in this
25 state, and the records of the business association indicate that the
26 last known address of the person entitled to the property is in this
27 state; or

28 (3) if it is held in this state by any other person.

29 Sec. 09.51.070. PROPERTY HELD BY STATE COURTS AND PUBLIC OFFICERS

1 AND AGENCIES. Intangible personal property held for the owner by a
2 court, public corporation, public authority, or public officer of this
3 state, or a political subdivision of this state, which has remained
4 unclaimed by the owner for more than seven years, is presumed abandoned.

5 Sec. 09.51.080. MISCELLANEOUS PERSONAL PROPERTY HELD FOR ANOTHER
6 PERSON. Intangible personal property, not otherwise covered by this
7 chapter, including income from or increment to the property and deduct-
8 ing any lawful charges, which is held or owed in this state in the
9 ordinary course of the holder's business and has remained unclaimed by
10 the owner for more than seven years after it became payable or distri-
11 butable, is presumed abandoned.

12 Sec. 09.51.090. RECIPROCITY FOR PROPERTY PRESUMED ABANDONED OR
13 ESCHEATED UNDER THE LAWS OF ANOTHER STATE. If specific property which
14 is subject to the provisions of AS 09.51.010 - 09.51.080 is held for
15 or owed by or distributable to an owner whose last known address is in
16 another state by a holder who is subject to the jurisdiction of that
17 state, the specific property is not presumed abandoned in this state
18 and subject to this chapter if:

19 (1) it may be claimed as abandoned or escheated under the
20 laws of the other state; and

21 (2) the laws of the other state make reciprocal provision
22 that similar specific property is not presumed abandoned or escheatable
23 by the other state when held for or owed by or distributable to an
24 owner whose last known address is within this state by a holder who is
25 subject to the jurisdiction of this state.

26 Sec. 09.51.100. REPORT OF ABANDONED PROPERTY. (a) Each person
27 holding funds or other property, tangible or intangible, presumed aban-
28 doned under AS 09.51 shall report to the commissioner of revenue with
29 respect to the property as provided in (b) of this section.

1 (b) The report required by (a) must be verified and include:

2 (1) except in the case of traveler's checks and money orders,
3 the name, if known, and last known address, if any, of each person from
4 the records of the holder appearing to be the owner of property of the
5 value of \$10 or more presumed abandoned under this chapter, the value
6 to be determined as though no service charges had been assessed for
7 more than one year after the last occasion the owner communicated with
8 the person reporting concerning the property;

9 (2) in case of unclaimed funds of life insurance corpora-
10 tions, the full name of the insured or annuitant and his last known
11 address according to the life insurance corporation's records;

12 (3) the nature and identifying number, if any, or descrip-
13 tion of the property and the amount appearing from the records to be
14 due, except that items of value under \$10 each may be reported in the
15 aggregate;

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

19 (5) a copy of the notice sent to the apparent owner of the
20 property under AS 09.51.105, indicating the date the notice was sent
21 and a copy of any response received including return of the letter
22 undelivered;

23 (6) other information which the commissioner may require by
24 regulation as necessary for the administration of this chapter.

25 (c) If the person holding property presumed abandoned is a
26 successor to other persons who previously held the property for the
27 owner, or if the holder has changed his name while holding the pro-
28 perty, he shall file with his report all previously known names and
29 addresses of each holder of the property.

1 (d) The report must be filed before November 1 of each year as
2 of the preceding June 30, but the report of life insurance corporations
3 must be filed before May 1 of each year as of the preceding December
4 31. The commissioner may postpone the reporting date upon written
5 request by any person required to file a report.

6 (e) If the holder of property presumed abandoned under this
7 chapter knows the location of the owner and if the owner's claim has
8 not been barred by the statute of limitations, the holder shall, before
9 filing the annual report, communicate with the owner and take necessary
10 steps to prevent abandonment from being presumed. The holder shall
11 exercise due diligence to ascertain the location of the owner.

12 (f) Verification, if made by a partnership, must be executed by
13 a partner; if made by an unincorporated association or private corpora-
14 tion, by an officer; and if made by a public corporation, by its chief
15 fiscal officer.

16 Sec. 09.51.105. NOTIFICATION DUTIES OF UNCLAIMED PROPERTY HOLDERS.

17 (a) Each person required by AS 09.51.100 to file with the state a
18 report of abandoned property in its custody shall, no later than 30
19 days before the date that the report is due, mail a notice to each
20 person for whom a last known address is available who appears to be
21 entitled to property presumed abandoned under this chapter and subject
22 to being reported to the state.

23 (b) The mailed notice must contain:

24 (1) a statement that, according to a report filed with the
25 commissioner, property is being held to which the addressee appears
26 entitled;

27 (2) the name and address of the person holding the property
28 and necessary information regarding changes of name and address of the
29 holder;

1 (3) a statement that, if satisfactory proof of claim is not
2 presented by the owner to the holder by the date specified in the
3 published notice, the property will be placed in the custody of the
4 commissioner to whom all further claims must be directed.

5 Sec. 09.51.110. NOTICE AND PUBLICATION OF LISTS OF ABANDONED
6 PROPERTY. (a) Within 120 days after the filing of the report required
7 by AS 09.51.100, the commissioner shall publish notice at least once
8 each week for two successive weeks in a newspaper of general circulation
9 in the judicial district in this state in which is located the last
10 known address of any person named in the notice. If no address is
11 listed or if the address is outside this state, the notice must be
12 published in the judicial district in which the holder of the abandoned
13 property has his principal place of business within this state.

14 (b) The published notice must be entitled "notice of names of
15 persons appearing to be owners of abandoned property," and must contain:

16 (1) the names in alphabetical order and last known addresses,
17 if any, of persons listed in the report and entitled to notice within
18 the judicial district as specified in (a) of this section;

19 (2) a statement that information concerning the amount or
20 description of the property and the name and address of the holder may
21 be obtained by any persons possessing an interest in the property by
22 addressing an inquiry to the commissioner;

23 (3) a statement that if proof of claim is not presented by
24 the owner to the holder and if the owner's right to receive the pro-
25 perty is not established to the holder's satisfaction within 65 days
26 after the date of the second published notice, the abandoned property
27 will be placed not later than 85 days after the publication date in the
28 custody of the commissioner to whom all further claims must be directed.

29 (c) The commissioner is not required to publish in the notice an

1 item of less than \$25 unless he considers publication to be in the
2 public interest.

3 (d) This section is not applicable to sums payable on traveler's
4 checks or money orders presumed abandoned under sec. 10 of this chapter.

5 Sec. 09.51.120. PAYMENT OR DELIVERY OF ABANDONED PROPERTY. A
6 person who has filed a report under AS 09.51.100, within 20 days after
7 the time specified in AS 09.51.110, for claiming the property from the
8 holder, or in the case of sums payable on traveler's checks or money
9 orders presumed abandoned under AS 09.51.010, within 20 days after the
10 filing of the report, shall pay or deliver to the commissioner all
11 abandoned property specified in this report, except that, if the owner
12 establishes his right to receive the abandoned property to the satisfac-
13 tion of the holder within the time specified in AS 09.51.110, or if
14 it appears that for some other reason the presumption of abandonment
15 is erroneous, the holder need not pay or deliver the property, which
16 will no longer be presumed abandoned, to the commissioner, but shall
17 file a verified written explanation of the proof of claim or of the
18 error in the presumption of abandonment.

19 Sec. 09.51.130. RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY.
20 Upon the payment or delivery of abandoned property to the commissioner,
21 the state shall assume custody and shall be responsible for the safe-
22 keeping of the property. A person who pays or delivers abandoned
23 property to the commissioner under this chapter is relieved of all
24 liability to the extent of the value of the property paid or delivered
25 for any claim which exists or which may arise or be made in respect to
26 the property. A holder who has paid money to the commissioner under
27 this chapter may make payment to a person appearing to the holder to
28 be entitled to it, and upon proof of payment and proof that the payee
29 was entitled to it, the commissioner shall reimburse the holder for

1 the payment.

2 Sec. 09.51.140. INCOME ACCRUING AFTER PAYMENT OR DELIVERY. When
3 property is paid or delivered to the commissioner under this chapter,
4 the owner is not entitled to receive income or other increments accru-
5 ing after the property is paid or delivered.

6 Sec. 09.51.150. PERIODS OF LIMITATION NOT A BAR. The expiration
7 of any period of time specified by statute or court order, during
8 which an action or proceeding may be commenced or enforced to obtain
9 payment of a claim for money or recovery of property, does not prevent
10 the money or property from being presumed abandoned property, nor does
11 it affect any duty to file a report required by this chapter or to pay
12 or deliver abandoned property to the commissioner.

13 Sec. 09.51.160. SALE OF ABANDONED PROPERTY. (a) All abandoned
14 property other than money delivered to the commissioner under this
15 chapter must, within one year after the delivery, be sold by him to
16 the highest bidder at public sale in a location in the state which in
17 his judgment will bring the most favorable market for the property
18 involved. The commissioner may decline the highest bid and reoffer
19 the property for sale if he considers the price bid insufficient. He
20 need not offer any property for sale if, in his opinion, either the
21 probable cost of sale exceeds the value of the property, or the sale
22 is not in the best interests of the state.

23 (b) Before holding a sale held under this section, the commis-
24 sioner shall publish notice of the sale at least three weeks in advance
25 of sale in a newspaper of general circulation in the judicial district
26 where the property is to be sold.

27 (c) The purchaser at any sale conducted by the commissioner
28 under this chapter is entitled to receive title to the property pur-
29 chased, free from all claims of the owner or prior holder of the

1 property and of all persons claiming through or under them. The com-
2 mmissioner shall execute all documents necessary to complete the
3 transfer of title.

4 Sec. 09.51.170. DEPOSIT OF FUNDS. All funds received under this
5 chapter, including the proceeds from the sale of abandoned property
6 under AS 09.51.160, must be deposited by the commissioner in the general
7 fund of the state, except that the commissioner shall retain in a
8 separate trust fund an amount not exceeding \$25,000 from which he
9 shall make prompt payment of claims duly allowed by him as provided in
10 this chapter. Before making the deposit he shall record the name and
11 last known address of each person appearing from the holder's reports
12 to be entitled to the abandoned property and of the name and last known
13 address of each insured person or annuitant, and with respect to each
14 policy or contract listed in the report of a life insurance corporation,
15 its number, the name of the corporation, and the amount due. The
16 record must be kept available for public inspection at all reasonable
17 business hours.

18 Sec. 09.51.180. CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED.
19 A person claiming an interest in property delivered to the state under
20 this chapter may file a claim for it or to the proceeds from the sale
21 of the property on a form prescribed by the commissioner.

22 Sec. 09.51.190. DETERMINATION OF CLAIMS. (a) The commissioner
23 shall consider a claim filed under this chapter and may hold a hearing
24 and receive evidence concerning it. If a hearing is held, he shall
25 prepare findings and a decision in writing on each claim filed, stating
26 the substance of any evidence heard by him and the reasons for his
27 decision. The decision is a public record.

28 (b) If the claim is allowed, the commissioner shall pay it. The
29 claim must be paid without deduction for the costs of notices or sale

1 or for service charges.

2 Sec. 09.51.200. JUDICIAL ACTION UPON DETERMINATIONS. A person
3 aggrieved by a decision of the commissioner, may appeal to the superior
4 court to establish his claim.

5 Sec. 09.51.205. AGREEMENTS TO LOCATE REPORTED PROPERTY. (a) It
6 is an unfair trade practice under AS 45.50.471 for a person, before
7 one year after the date of the report of the property by the holder to
8 the commissioner as required by AS 09.51.120, to seek or receive from
9 another person or contract with another person for compensation for
10 locating property which he knows has been reported to the commissioner.

11 (b) No agreement entered into after one year from the date of
12 the report of the property by the holder to the commissioner is valid
13 if a person thereby undertakes to locate property included in a report
14 for compensation exceeding 10 per cent of the value of the recoverable
15 property.

16 Sec. 09.51.210. ELECTION TO DECLINE OR POSTPONE POSSESSION. The
17 commissioner, after receiving reports of property considered abandoned
18 under this chapter, may decline to receive any property reported which
19 he considers to have a value less than the cost of giving notice and
20 holding sale, or he may, if he considers it desirable because of the
21 small amount involved, postpone taking possession until a sufficient
22 amount accumulates. Unless the holder of the property is notified to
23 the contrary within 120 days after filing the report required under
24 AS 09.51.100, the commissioner is considered to have elected to receive
25 the custody of the property.

26 Sec. 09.51.220. EXAMINATION OF RECORDS. The commissioner may at
27 reasonable times and upon reasonable notice examine the records of any
28 person if he has reason to believe that the person has failed to
29 report property that should have been reported under this chapter.

1 Sec. 09.51.230. PROCEEDING TO COMPEL DELIVERY OF ABANDONED
2 PROPERTY. If a person refuses to deliver property to the commissioner
3 as required under this chapter, the commissioner shall request the
4 attorney general to bring an action to enforce the delivery.

5 Sec. 09.51.240. PENALTIES. (a) A person who wilfully fails to
6 file a report or perform other duties required under this chapter,
7 shall be, upon conviction, punished by a fine of \$50 for each day the
8 report is withheld, but not more than \$3,000.

9 (b) A person who wilfully refuses to pay or deliver abandoned
10 property to the commissioner as required under this chapter shall be,
11 upon conviction, punished by a fine of not more than \$1,000 or imprison-
12 ment for not more than one year, or by both.

13 Sec. 09.51.250. REGULATIONS. The commissioner shall adopt
14 regulations which are necessary to carry out the provisions of this
15 chapter.

16 Sec. 09.51.260. EFFECT OF LAWS OF OTHER STATES. This chapter
17 does not apply to any property that has been presumed abandoned or
18 escheated under the laws of another state before the effective date of
19 this chapter.

20 Sec. 09.51.265. CUT-OFF DATE. Except as to property required to
21 be reported under AS 09.50.140, or its predecessors, this chapter does
22 not apply to property which, under AS 09.51, is presumed abandoned and
23 which either became due or payable or which was in the possession of
24 the holder before January 1, 1950.

25 Sec. 09.51.270. DEFINITIONS. As used in this chapter, unless
26 the context otherwise requires:

27 (1) "banking organization" means a bank, trust company,
28 savings bank, industrial bank, land bank, safe deposit company, or a
29 private banker engaged in business in this state;

1 (2) "business association" means a corporation (other than
2 a public corporation), joint stock company, business trust, partner-
3 ship, cooperative, or any association for business purposes of two or
4 more individuals;

5 (3) "commissioner" means the commissioner of revenue;

6 (4) "financial organization" means a savings and loan
7 association, building and loan association, credit union, cooperative
8 bank, or investment company, engaged in business in this state;

9 (5) "holder" means a person in possession of property
10 subject to this chapter belonging to another, or who is trustee in
11 case of a trust, or is indebted to another on an obligation subject to
12 this chapter;

13 (6) "life insurance corporation" means an association or
14 corporation transacting within this state the business of insurance on
15 the lives of persons or insurance appertaining to it, including but
16 not limited to endowments and annuities;

17 (7) "owner" means a depositor in case of a deposit, a
18 beneficiary in case of a trust, a creditor, claimant, or payee in case
19 of other rights of action, and a person having a legal or equitable
20 interest in property subject to this chapter, or his legal representa-
21 tive;

22 (8) "person" means any individual, business association,
23 government or political subdivision, public corporation, public
24 authority, estate, trust, two or more persons having a joint or common
25 interest, or any other legal or commercial entity;

26 (9) "utility" means a person who owns or operates within
27 this state, for public use, any plant, equipment, property, franchise,
28 or license for the transmission of communications or the production,
29 storage, transmission, sale, delivery, or furnishing of electricity,

1 water, steam, or gas.

2 Sec. 09.51.280. SHORT TITLE. This chapter may be cited as the
3 Uniform Disposition of Unclaimed Property Act.

4 * Sec. 2. AS 09.50.070 is amended to read:

5 Sec. 09.50.070. PROPERTY SUBJECT TO ESCHEAT. When no claim of
6 ownership of any tangible personal property whose disposition has not
7 otherwise been provided for under AS 09.51, 13.11.025, 13.16.600, or
8 34.45 has been made [TO BANK DEPOSITS, CASH, OR PERSONAL PROPERTY] for
9 more than seven years, the property is presumed abandoned and ownerless
10 and is subject to escheat under AS 09.50.100 [ESCHEATS TO AND BECOMES
11 THE PROPERTY OF THE STATE].

12 * Sec. 3. AS 09.50.120(a) is repealed and re-enacted to read:

13 (a) The commissioner of revenue may sell personal property which
14 has escheated to the state under AS 09.50.070. The sale must be
15 preceded by the notice and publication required by AS 09.51.110 and
16 must be conducted in accordance with AS 09.51.160.

17 * Sec. 4. AS 09.50.140 is repealed and re-enacted to read:

18 Sec. 09.50.140. DUTY TO REPORT PROPERTY SUBJECT TO ESCHEAT.
19 Every banking organization, financial organization, business associa-
20 tion, fiduciary or other holder of property presumed abandoned and
21 ownerless under AS 09.50.070 has a duty to notify under AS 09.51.105
22 and shall file a report of unclaimed property with the commissioner of
23 revenue under AS 09.51.100.

24 * Sec. 5. AS 34.45.070(b) is amended to read:

25 (b) The district judge or magistrate shall hold the money in
26 trust for the owner of the property and shall pay it to the owner upon
27 the latter's making a written, verified claim to it, with proof of his
28 ownership, within six months after the date of the sale. If no claim
29 is made within six months after the date of the sale, he shall imme-

1 diately pay the excess proceeds to the Department of Revenue. The
2 Department of Revenue shall deposit the excess proceeds in the state
3 treasury, and the owner [, WITHIN SEVEN YEARS AFTER THE DEPOSIT,] may
4 at any time after that deposit file a claim with the commissioner
5 under AS 09.51.180 - 09.51.190 and recover the money from the state.
6 Any person aggrieved by a decision of the commissioner may appeal to
7 the superior court under AS 09.51.200 to establish his claim.

8 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

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