

# An Act

ENROLLED HOUSE  
BILL NO. 2121

By: Ortega of the House

and

Howard of the Senate

An Act relating to unclaimed property; amending 60 O.S. 2011, Sections 667, 668, 668.1, 674 and 678, which relate to the Uniform Unclaimed Property Act; prescribing procedures related to notification with respect to abandoned property; providing for payment of certain attorney fees; modifying procedures with respect to purchase of services; excluding legal services from certain solicitation process; creating petty cash fund; prescribing procedures related to use of petty cash fund; requiring Office of Management and Enterprise Services to prescribe forms, systems and procedures; modifying provisions related to confidential information; authorizing State Treasurer to maintain certain confidential records; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Unclaimed property

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 60 O.S. 2011, Section 667, is amended to read as follows:

Section 667. A. Except as provided in subsections B and C of this section, when the State Treasurer determines it to be economically feasible, the Treasurer shall sell abandoned property from safe deposit boxes to the highest bidder at public sale in whatever city in the state affords in the judgment of the State Treasurer the most favorable market for the property involved. The State Treasurer may decline the highest bid and reoffer the property for sale if in the judgment of the State Treasurer the bid is

insufficient. If in the judgment of the State Treasurer the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any sale held under this section must be preceded by a single publication of notice, at least three (3) weeks in advance of sale in a legal newspaper of general circulation in the county where the property is to be sold, the county of residence of the holder and the county of the last-known address of the owner. If no address is listed or if the address is outside this state, the notice shall be published in an Oklahoma newspaper which the State Treasurer believes is most likely to be seen by the owner of the property or by heirs of the owner.

B. Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by another method the State Treasurer considers advisable. The liquidation of securities shall be exempt from the procedures set forth in subsection A of this section.

C. Unless the State Treasurer considers it to be in the best interest of the state to do otherwise, all securities, other than those presumed abandoned under Section 655 of this title, delivered to the State Treasurer must be held for at least one (1) year before the State Treasurer may sell them.

D. The purchaser at any sale conducted by the State Treasurer pursuant to the Uniform Unclaimed Property Act takes the property, free of all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Treasurer shall execute all documents necessary to complete the transfer of ownership.

SECTION 2. AMENDATORY 60 O.S. 2011, Section 668, is amended to read as follows:

Section 668. A. There is hereby created in the State Treasury the "Unclaimed Property Fund", the principal of which shall constitute a trust fund for persons claiming any interest in any property delivered to the state under the Uniform Unclaimed Property Act and may be invested as hereinafter provided and shall not be expended except as provided in the Uniform Unclaimed Property Act. All funds received under the Uniform Unclaimed Property Act, including the proceeds from the sale of abandoned property under Section 667 of this title, shall forthwith be deposited by the State Treasurer in the Unclaimed Property Fund, herein created, except

that the State Treasurer may before making any deposit to the fund deduct:

1. All costs in connection with the sale of abandoned property;
2. All costs of mailing and publication in connection with any abandoned property including the cost of custody services for unclaimed securities;
3. Reasonable service charges not to exceed four percent (4%) of the monies accruing to the state under the Uniform Unclaimed Property Act, which may be used to defray the administrative costs, including costs necessary to retain legal counsel to ensure compliance with the Uniform Unclaimed Property Act, or to acquire computer hardware and software to be used exclusively to help administer the unclaimed property program; ~~and~~
4. An amount equal to fifteen percent (15%) of the funds accruing to the state pursuant to a contract with the State Treasurer providing information leading to the delivery of unclaimed property held by a holder to the State Treasurer to be deposited in the Unclaimed Property Clearinghouse Fund; and
5. An amount not to exceed twenty-five percent (25%) of the value of the funds in an action to enforce the Uniform Unclaimed Property Act, which is to be used solely to pay attorney fees to any person who was authorized by the State Treasurer to bring the action.

B. Before making a deposit to the Unclaimed Property Fund, the State Treasurer shall record the name and last-known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last-known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

SECTION 3. AMENDATORY 60 O.S. 2011, Section 668.1, is amended to read as follows:

Section 668.1 A. There is hereby created in the State Treasury a revolving fund for the State Treasurer to be designated the "Unclaimed Property Clearinghouse Fund". The fund shall be a

continuing fund, not subject to fiscal year limitations, and shall consist of monies deposited to the fund pursuant to Section 668 of this title. All monies accruing to the credit of the fund are appropriated to the State Treasurer. The State Treasurer may budget and expend monies from the fund for the purpose of making payment for the mailing, publication and sale costs associated with abandoned property, and to persons, firms, or corporations who are regularly engaged in the business of notifying states about property which may be subject to the provisions of unclaimed property statutes of those states. The State Treasurer may enter into contracts with these persons, firms or corporations performing these services, which services may include the examination of any party subject to examination under the Uniform Unclaimed Property Act. The State Treasurer may delegate all necessary authority to act in the State Treasurer's behalf to such persons, firms or corporations to enforce the provisions of the Uniform Unclaimed Property Act.

B. The State Treasurer shall be authorized to expend monies from the Unclaimed Property Clearinghouse Fund in payment of a reasonable fee not to exceed fifteen percent (15%) of the delivered funds to a person, firm, or corporation contracting with the State Treasurer providing information leading to the delivery of unclaimed property held by a holder to the State Treasurer. Such payment shall not be made until the funds have been deposited with the State Treasurer.

C. The State Treasurer is authorized to purchase services, including legal services, in order to locate and effect the delivery of property and related owner information to assist the State Treasurer in the Treasurer's duties related to the administration of the Uniform Unclaimed Property Act. The purchase of such services, other than legal services, shall be chosen by a solicitation of proposals on a competitive basis, but shall be exempt from the provisions of The Oklahoma Central Purchasing Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 668.2 of Title 60, unless there is created a duplication in numbering, reads as follows:

There is hereby created a petty cash fund for the State Treasurer to be used exclusively for administrative costs of the unclaimed property program. The amount of the petty cash fund shall not exceed Five Hundred Dollars (\$500.00). The Office of Management and Enterprise Services shall prescribe all forms, systems and procedures for administering the petty cash fund.

SECTION 5. AMENDATORY 60 O.S. 2011, Section 674, is amended to read as follows:

Section 674. A. A person, excluding another state, claiming an interest in any property delivered to the State Treasurer may file a claim on a form prescribed by the State Treasurer and verified by the claimant. The date of filing of a claim shall be the date it is received by the State Treasurer with all supporting documentation from the claimant. Any information submitted by a claimant which is required to be submitted to the State Treasurer to establish a claim may be kept confidential by the State Treasurer if it contains personal financial information of the claimant, ~~social security~~ personal identifying information such as the address, date of birth, telephone number or email address of the claimant, Social Security numbers, birth certificates or similar documents related to the parentage of an individual, or any other document which is confidential by statute if in the custody of another public agency or person.

B. The State Treasurer shall consider each claim within ninety (90) days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the address to which notices are to be sent or the address of the claimant.

C. If a claim is allowed, the State Treasurer shall pay over or deliver to the claimant the property or the amount the State Treasurer actually received or the net proceeds if it has been sold by the State Treasurer, together with any additional amount required by Section 665 of this title, but no person shall have any claim under this section against the state, the holder, any transfer agent, registrar or other person acting for or on behalf of the state or a holder, for any appreciation or depreciation in the value of the property or any earnings that might otherwise accrue, after sale of the property by the State Treasurer.

SECTION 6. AMENDATORY 60 O.S. 2011, Section 678, is amended to read as follows:

Section 678. A. The State Treasurer may require any person who has not filed a report to file a verified report stating whether or not the person is holding any unclaimed property reportable or deliverable under the Uniform Unclaimed Property Act. If the State Treasurer has reason to believe that any person has failed to report property in accordance with the Uniform Unclaimed Property Act, the State Treasurer may make a demand by certified mail, return receipt requested, that such report be made and filed with the State Treasurer. The report of abandoned property or any other report required shall be made and filed with the State Treasurer within sixty (60) days after receipt of the demand.

B. The State Treasurer may at reasonable times and upon reasonable notice examine the records of any person if the State Treasurer has reason to believe that such person has failed to report property that should have been reported pursuant to the Uniform Unclaimed Property Act. The State Treasurer may contract with any other person or entity to conduct the examination on behalf of the State Treasurer. The State Treasurer may keep confidential documents and working papers obtained or compiled by the State Treasurer or the State Treasurer's agents or designated representatives in the course of conducting an examination, except for information required to be subject to public inspection pursuant to the Uniform Unclaimed Property Act.

C. If a person is treated under Section 656 of this title as the holder of the property only insofar as the interest of the business association in the property is concerned, the State Treasurer, pursuant to subsection B of this section, may examine the records of the person if the State Treasurer has given the notice required by subsection B of this section to both the person and the business association at least ninety (90) days before the examination.

D. If a holder fails after September 1, 1991, to maintain the records required by Section 679.1 of this title and the records of the holder available for the periods subject to the Uniform Unclaimed Property Act are insufficient to permit the preparation of a report, the State Treasurer may require the holder to report and pay the amount that is reasonably estimated from any available records.

SECTION 7. This act shall become effective July 1, 2019.

SECTION 8. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of March, 2019.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 22nd day of April, 2019.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_