

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 175

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO UNCLAIMED PROPERTY LAW; AMENDING SECTION 14-523, IDAHO CODE,
2 TO REMOVE REFERENCE TO TRANSFERS TO THE INHERITANCE TAX ACCOUNT; AND
3 AMENDING SECTION 14-525, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
4 ENCE AND TO MAKE A TECHNICAL CORRECTION.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 14-523, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 14-523. DISPOSITION OF MONEY RECEIVED. (1) All money received under
10 this chapter, including the proceeds from the sale of property under section
11 14-522, Idaho Code, shall be deposited in the unclaimed property account.

12 (2) An amount equal to the funds received from unclaimed shares and
13 dividends of any corporation incorporated under the laws of the state of
14 Idaho shall be transferred from the unclaimed property account to the public
15 school permanent endowment fund created pursuant to section 4, article IX,
16 of the constitution of the state of Idaho. In the event that any funds are
17 required to refund any funds deposited in the public school permanent endow-
18 ment fund under this section or under section 14-113 or 15-3-914, Idaho Code,
19 the state treasurer shall offset the amount of such refund against future
20 transfers to the public school permanent endowment fund. In the event that
21 in one (1) fiscal year there are insufficient amounts to effect the offset,
22 the balance shall be recaptured from the public school earnings reserve fund
23 established under section 33-902A, Idaho Code.

24 (3) All other money in the unclaimed property account is hereby contin-
25 uously appropriated to the state treasurer, without regard to fiscal years,
26 for expenditure in accordance with law in carrying out and enforcing the pro-
27 visions of this chapter, including, but not limited to, the following pur-
28 poses:

29 (a) For payment of claims allowed by the state treasurer under the pro-
30 visions of this chapter.

31 (b) For refund, to the person making such deposit of amounts, including
32 overpayments, deposited in error in such account.

33 (c) For payment of the cost of appraisals incurred by the state trea-
34 surer covering property held in the name of the account.

35 (d) For payment of the cost incurred by the state treasurer for the pur-
36 chase of lost instrument indemnity bonds, or for payment to the person
37 entitled thereto, for any unpaid lawful charges or costs which arose
38 from holding any specific property or any specific funds which were de-
39 livered or paid to the state treasurer, or which arose from complying
40 with this chapter with respect to such property or funds.

41 (e) For payment of amounts required to be paid by the state as trustee,
42 bailee, or successor in interest to the preceding owner.

1 (f) For payment of costs of official advertising in connection with the
2 sale of property held in the name of the account.

3 (g) For transfer to the general fund as provided in subsection (4) of
4 this section.

5 ~~(h) For transfer to the inheritance tax account of the amount of any~~
6 ~~inheritance taxes determined to be due and payable to the state by any~~
7 ~~claimant with respect to any property claimed by him under the provi-~~
8 ~~sions of this chapter.~~

9 (4) At the end of each month, or more often, if he or she deems it advis-
10 able, the state treasurer shall transfer all money in the unclaimed property
11 account in excess of two hundred fifty thousand dollars (\$250,000) to the
12 general fund. Within sixty (60) days of making this transfer, he or she shall
13 record the name and last known address, if available, of each person appear-
14 ing from the holder's report to be entitled to the property. The record shall
15 be available for public inspection at all reasonable business hours.

16 (5) All money received under this chapter, including the proceeds from
17 the sale of property under section 14-522, Idaho Code, deposited in the gen-
18 eral fund shall be retained by the state of Idaho for the purposes of this
19 section and administered pursuant to this section for a period of ten (10)
20 years. At the end of such period, those moneys which have not been claimed
21 and paid over or delivered as an allowed claim under this section and section
22 14-524, Idaho Code, shall become due and payable by escheat to the state of
23 Idaho and become the property of the state of Idaho without further action on
24 the part of the administrator.

25 SECTION 2. That Section 14-525, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 14-525. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY -- PROCEDURE. (1)
28 At any time after property has been paid or delivered to the administrator
29 under this chapter, another state may recover the property if:

30 (a) The property was subjected to custody by this state because the
31 records of the holder did not reflect the last known address of the
32 apparent owner when the property was presumed abandoned under this
33 chapter, and the other state establishes that the last known address of
34 the apparent owner or other person entitled to the property was in that
35 state and, under the laws of that state, the property escheated to or was
36 subject to a claim of abandonment by that state;

37 (b) The last known address of the apparent owner or other person enti-
38 tled to the property, as reflected by the records of the holder, is in
39 the other state and under the laws of that state the property has es-
40 cheated to or become subject to a claim of abandonment by that state;

41 (c) The records of the holder were erroneous in that they did not accu-
42 rately reflect the actual owner of the property and the last known ad-
43 dress of the actual owner is in the other state and under the laws of that
44 state the property escheated to or was subject to a claim of abandonment
45 by that state;

46 (d) The property was subjected to custody by this state under section
47 14-503(3)(b), Idaho Code, and under the laws of the state of domicile of
48 the holder the property has escheated to or become subject to a claim of
49 abandonment by that state; or

1 (e) The property is the sum payable on a travelers check, money order,
2 or other similar instrument that was subjected to custody by this state
3 under section 14-504, Idaho Code, and the instrument was purchased in
4 the other state, and under the laws of that state the property escheated
5 to or became subject to a claim of abandonment by that state.

6 (2) The claim of another state to recover escheated or abandoned prop-
7 erty must be presented in a form prescribed by the administrator, who shall
8 decide the claim within ninety (90) days after it is presented. The admin-
9 istrator shall allow the claim if he determines that the other state is enti-
10 tled to the abandoned property under subsection (1) of this section.

11 (3) The administrator shall require a state, before recovering prop-
12 erty under this section, to agree to indemnify this state and its officers
13 and employees against any liability on a claim for the property.