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SENATE BILL NO. 75—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE STATE TREASURER)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Judiciary

**SUMMARY**—Establishes the procedure for pursuing the redemption of unclaimed United States savings bonds by the State Treasurer. (BDR 10-478)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to unclaimed property; providing that United States savings bonds escheat to this State 3 years after becoming unclaimed property under certain circumstances; providing that all property rights and legal title to, and ownership of, such escheated savings bonds vest in this State under certain circumstances; establishing the procedure by which the State Treasurer may pay the proceeds from the redemption of such a bond to a person claiming the bond; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, this State has enacted the Uniform Unclaimed Property  
2 Act. The Act establishes the powers, duties and liabilities of the State and other  
3 persons concerning certain property which is abandoned and unclaimed by its  
4 owner. (Chapter 120A of NRS) Under existing law, the State Treasurer serves as  
5 the Administrator of Unclaimed Property. (NRS 226.110)

6 This bill provides that 3 years after a United States savings bond becomes  
7 unclaimed property in this State, the savings bond escheats to the State, and all  
8 property rights and legal title to, and ownership of, the savings bond and its  
9 proceeds vest in the State. This bill establishes the procedure to obtain the judgment  
10 of a court that a United States savings bond has escheated to the State and that all  
11 property rights and legal title to, and ownership of, the savings bond and its  
12 proceeds have vested in the State. This bill requires the State Treasurer to redeem  
13 United States savings bonds that have escheated to the State, and to deposit the  
14 proceeds of such redemptions, after paying the costs incidental to collecting and



15 recovering the proceeds, in the State General Fund for credit to the Abandoned  
16 Property Trust Account. This bill also authorizes the Administrator, in his or her  
17 discretion, to pay a claim filed by certain persons who have filed a claim to the  
18 proceeds of such escheated and redeemed United States savings bonds.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** Chapter 120A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3     1. *Notwithstanding any other provision of law, a United*  
4 *States savings bond is presumed abandoned in this State if the*  
5 *United States savings bond:*

6     (a) *Is in the possession of the Administrator or if the last*  
7 *known address of the apparent owner of the United States savings*  
8 *bond is located in this State; and*

9     (b) *Is unclaimed pursuant to the provisions of subsection 3 of*  
10 *NRS 120A.500 for 3 years after the date of maturity.*

11     2. *A United States savings bond that is presumed abandoned*  
12 *in this State pursuant to subsection 1 escheats to this State and all*  
13 *property rights and legal title to, and ownership of, the United*  
14 *States savings bond and proceeds from the bond, including*  
15 *without limitation, all the rights, powers and privileges of*  
16 *survivorship of any owner, co-owner or beneficiary, vest solely in*  
17 *this State according to the procedure set forth in this section.*

18     3. *Except as otherwise provided in this subsection, if within*  
19 *180 days after a United States savings bond is presumed*  
20 *abandoned pursuant to subsection 1, no claim to the bond has*  
21 *been filed with the Administrator, the Administrator shall*  
22 *commence a civil action in the First Judicial District Court, or in*  
23 *any other court of competent jurisdiction, for a determination that*  
24 *the bond has escheated to this State. The Administrator may*  
25 *postpone the commencement of such an action until the*  
26 *Administrator determines that sufficient United States savings*  
27 *bonds have accumulated in his or her custody to justify the*  
28 *expense of such a proceeding.*

29     4. *In any civil action commenced by the Administrator*  
30 *pursuant to subsection 3, service of process must be made by*  
31 *publication in accordance with the provisions of N.R.C.P. 4 and*  
32 *NRS 238.010 to 238.080, inclusive.*

33     5. *If, in a civil action brought pursuant to subsection 3, no*  
34 *person files a claim to the United States savings bond or appears*  
35 *at a hearing to substantiate his or her claim, or if the court, after*  
36 *considering the claim, determines that the claimant is not entitled*  
37 *to the property claimed by the claimant, the court shall, if satisfied*



1 *by evidence that the Administrator has substantially complied with*  
2 *the laws of this State, enter a judgment that:*

3 (a) *The United States savings bond has escheated to the State*  
4 *of Nevada; and*

5 (b) *All property rights and legal title to, and ownership of, the*  
6 *United States savings bond and proceeds from the bond, including*  
7 *all rights, powers and privileges of survivorship of any owner, co-*  
8 *owner or beneficiary, have vested solely in the State of Nevada.*

9 6. *The Administrator shall redeem each United States savings*  
10 *bond that has escheated to the State pursuant to this section. After*  
11 *the Administrator has paid from the proceeds from the redemption*  
12 *of a United States savings bond all costs incident to the collection*  
13 *and recovery of the proceeds, the Administrator shall deposit the*  
14 *remainder of the proceeds in the State General Fund for credit to*  
15 *the Abandoned Property Trust Account created by NRS 120A.620.*  
16 *Before making the deposit, the Administrator shall record the*  
17 *name and last known address of the apparent owner of the United*  
18 *States savings bond.*

19 7. *Notwithstanding any provision of NRS 120A.640 to the*  
20 *contrary:*

21 (a) *Any person, excluding another state, claiming a United*  
22 *States savings bond which has escheated to the State of Nevada*  
23 *pursuant to this section, or for the proceeds from such a bond,*  
24 *may file a claim with the Administrator.*

25 (b) *Upon providing sufficient proof of the validity of the*  
26 *person's claim, the Administrator may, in his or her sole*  
27 *discretion, pay the claim less any expenses and costs that have*  
28 *been incurred by the State in securing full title and ownership of*  
29 *the property by escheat.*

30 (c) *If payment of the proceeds from a United States savings*  
31 *bond have been made to any claimant, no action may thereafter be*  
32 *maintained by any other claimant against the State or any officer*  
33 *thereof, for or on account of those proceeds.*

34 **Sec. 2.** NRS 120A.620 is hereby amended to read as follows:

35 120A.620 1. There is hereby created in the State General  
36 Fund the Abandoned Property Trust Account.

37 2. All money received by the Administrator under this chapter,  
38 including the proceeds from the sale of abandoned property, must be  
39 deposited by the Administrator in the State General Fund for credit  
40 to the Account.

41 3. Before making a deposit, the Administrator shall record the  
42 name and last known address of each person appearing from  
43 the holders' reports to be entitled to the abandoned property and the  
44 name and last known address of each insured person or annuitant,  
45 and with respect to each policy or contract listed in the report of an



1 insurance company, its number, the name of the company and the  
2 amount due. The record must be available for public inspection at  
3 all reasonable business hours.

4 4. The Administrator may pay from money available in the  
5 Account:

6 (a) Any costs in connection with the sale of abandoned property.

7 (b) Any costs of mailing and publication in connection with any  
8 abandoned property.

9 (c) Reasonable service charges.

10 (d) Any costs incurred in examining the records of a holder and  
11 in collecting the abandoned property.

12 (e) Any valid claims filed pursuant to this chapter.

13 5. Except as otherwise provided in NRS 120A.610, by the end  
14 of each fiscal year, the balance in the Account must be transferred as  
15 follows:

16 (a) The first \$7,600,000 each year must be transferred to the  
17 Millennium Scholarship Trust Fund created by NRS 396.926.

18 (b) The remainder must be transferred to the State General Fund,  
19 but remains subject to the valid claims of holders pursuant to NRS  
20 120A.590 and owners pursuant to NRS 120A.640 **and any**  
21 **claims approved for payment by the Administrator pursuant to**  
22 **section 1 of this act.** No such claim may be satisfied from money in  
23 the Millennium Scholarship Trust Fund.

24 6. If there is an insufficient amount of money in the Account to  
25 pay any cost or charge pursuant to subsection 4 **and or section 1 of**  
26 **this act,** the State Board of Examiners may, upon the application of  
27 the Administrator, authorize a temporary transfer from the State  
28 General Fund to the Account of an amount necessary to pay those  
29 costs or charges. The Administrator shall repay the amount of the  
30 transfer as soon as sufficient money is available in the Account.

31 **Sec. 3.** This act becomes effective on July 1, 2019.

