

ENGROSSED SENATE
BILL NO. 659

By: Mickle of the Senate
and
Askins of the House

An Act relating to property; amending 60 O.S. 1991, Sections 651, as amended by Section 1, Chapter 404, O.S.L. 1992, 652, 655, 658.1, 658.1A, 661, 662, 663, 664, 665, 666, 667, as amended by Section 13, Chapter 385, O.S.L. 1998, 668, 668.1, 669, 670, 671, 672, 674, Section 1, Chapter 304, O.S.L. 1994, as amended by Section 6, Chapter 334, O.S.L. 1996, 675, 676, 677, 677.1, 678, 679, 679.1, 680, 681, 683.1, 684.1 and 686 (60 O.S. Supp. 1998, Sections 651, 667 and 674.2), which relate to the Uniform Unclaimed Property Act; transferring certain employees, duties and responsibilities relating to the Uniform Unclaimed Property Act from the Oklahoma Tax Commission to the State Treasurer; changing references from Tax Commission to Treasurer; clarifying language and statutory references; defining term; authorizing Treasurer to obtain certain information from Tax Commission; deleting provision prohibiting certain use of information; providing for continuation of certain administrative rules and agreements; providing for references therein to Tax Commission to apply to Treasurer; amending 6 O.S. 1991, Section 1310, as last amended by Section 103, Chapter 111, O.S.L. 1997 (6 O.S. Supp. 1998, Section 1310), which relates to banking; amending 52 O.S. 1991, Sections 554 and 555, which relate to oil and gas; changing references from Tax Commission to Treasurer; amending 68 O.S. 1991, Section 205, as last amended by Section 1, Chapter 385, O.S.L. 1998 (68 O.S. Supp. 1998, Section 205), which relates to confidentiality of information; providing that certain provision relating to confidentiality of information apply to furnishing of information to Treasurer by Tax Commission for purposes of Uniform Unclaimed Property Act; amending 74 O.S. 1991, Section 3111, as amended by Section 7, Chapter 215, O.S.L. 1996 (74 O.S. Supp. 1998, Section 3111), which relates to use of social security numbers; changing references from Oklahoma Tax Commission to State Treasurer; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 688 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 1999, all duties relating to administration of the Uniform Unclaimed Property Act shall be transferred from the Oklahoma Tax Commission to the State Treasurer. Funds sufficient to administer the Uniform Unclaimed Property Act shall be appropriated to the State Treasurer for fiscal year 2000. All funds related to the Uniform Unclaimed Property Act shall be transferred to the control of the State Treasurer on July 1, 1999. Provided, fiscal year 2000 shall be a transitional year in which the State Treasurer shall gradually assume complete administration and management over the program and staff currently carrying out the administration of the Uniform Unclaimed Property Act. The State Treasurer and the Tax Commission shall enter into a contract whereby funds shall be paid to the Tax Commission by the State Treasurer throughout fiscal year 2000 in exchange for the Tax Commission's agreement to continue to operate the program. During this transition year, the employees assigned to the Unclaimed Property Division shall continue to be employees of the Tax Commission without loss of classified status. Effective July 1, 2000, the Unclaimed Property Division shall be administered by the Office of the State Treasurer. Prior to July 1, 2000, the State Treasurer shall identify initial staffing needs for the Unclaimed Property Division. The State Treasurer shall give due consideration for employment to any employee of the Tax Commission who desires to remain employed in the Unclaimed Property Division after July 1, 2000. The State Treasurer shall have complete discretion in selecting staff to perform those duties effective July 1, 2000. Employees of the Tax Commission who are selected and employed by the State Treasurer to perform duties associated with the Uniform Unclaimed Property Act, or other duties, shall not retain their

classified status. The Tax Commission shall make every effort to retain any classified employee in the Unclaimed Property Division in other comparable classified positions at the Tax Commission if the employee is not offered employment with the State Treasurer.

B. Notwithstanding the provisions of subsection A of this section, nothing shall preclude the State Treasurer from entering into cooperative arrangements with other state agencies, including the Tax Commission, to provide services relating to the administration of the Uniform Unclaimed Property Act after July 1, 2000.

C. The Tax Commission shall not use any information or evidence obtained in the course of examination of records of any person pursuant to the Uniform Unclaimed Property Act for purposes of investigation or enforcement of any state tax law.

D. Effective July 1, 1999, all administrative rules promulgated by the Tax Commission pursuant to the Uniform Unclaimed Property Act shall be transferred to and become a part of the administrative rules of the State Treasurer. The Office of Administrative Rules in the Secretary of State's office shall provide adequate notice in the Oklahoma Register of the transfer of rules, and shall place the transferred rules under the Administrative Code section of the State Treasurer. From and after July 1, 1999, any amendment, repeal or addition to the transferred rules shall be under the jurisdiction of the State Treasurer.

SECTION 2. AMENDATORY 60 O.S. 1991, Section 651, as amended by Section 1, Chapter 404, O.S.L. 1992 (60 O.S. Supp. 1998, Section 651), is amended to read as follows:

Section 651. As used in ~~this act~~ the Uniform Unclaimed Property Act, unless the context otherwise requires:

~~(a)~~ 1. "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder.;

~~(b)~~ 2. "Attorney General" means the chief legal officer of this state-; i

~~(c)~~ 3. "Banking organization" means any bank, trust company, savings bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization-; i

~~(d)~~ 4. "Business association" means a non-public corporation, joint-stock company, investment company, business trust, partnership, or association for business purposes of two or more individuals whether or not for profit, including a banking organization, financial organization, insurance company, or utility-; i

~~(e)~~ 5. "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person-; i

~~(f)~~ 6. "Financial organization" means a savings and loan association, building and loan association, or credit union-; i

~~(g)~~ 7. "Holder" means a person, wherever organized or domiciled, who is:

~~(1)~~ a. in possession of property belonging to another,

~~(2)~~ b. a trustee, or

~~(3)~~ c. indebted to another on an obligation-; i

~~(h)~~ 8. "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accidental, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance-; i

~~(i)~~ 9. "Intangible property" includes:

~~(1)~~ a. money, checks, drafts, deposits, interest, dividends, and income-; i

- ~~(2)~~ b. credit balances, customer overpayments, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances~~†~~†
- ~~(3)~~ c. stocks and other intangible ownership interests in business associations~~†~~†
- ~~(4)~~ d. monies deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions~~†~~†
- ~~(5)~~ e. amounts due and payable under the terms of insurance policies~~†~~† and
- ~~(6)~~ f. amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits~~†~~†;

~~(j)~~ 10. "Last-known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail~~†~~†;

~~(k)~~ 11. "Memorandum" shall include a mark, symbol or statement indicating knowledge of or interest in funds on deposit;

12. "Mineral proceeds" includes:

- ~~(1)~~ a. all obligations to pay mineral proceeds resulting from the production and sale of minerals, including net revenue interest, royalties, overriding royalties, production payments, and payments under joint operating agreements~~†~~† and
- ~~(2)~~ b. all obligations for the acquisition and retention of a mineral lease, including bonuses, delay rentals, shut-in royalties, and minimum royalties~~†~~†;

~~(l)~~ 13. "Museum" means an institution which is located in this state and operated by a nonprofit corporation or a public agency primarily for educational, scientific, historic preservation or

aesthetic purposes, and which owns, borrows, cares for, exhibits, studies archives or catalogues property. "Museum" includes, but is not limited to, historical societies, historical sites or landmarks, parks, monuments and libraries;

14. "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to ~~this act~~ the Uniform Unclaimed Property Act or ~~his~~ the person's legal representative. Where more than one person is an owner, the property shall not be presumed abandoned unless it has remained unclaimed by all of its owners for the periods hereinafter prescribed-;

~~(m)~~ 15. "Person" means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity-;

~~(n)~~ 16. "State" means any state, district, commonwealth, territory, insular possession, or other area subject to the legislative authority of the United States-;

~~(o)~~ 17. "State Treasurer" or "Treasurer" means the duly elected and acting State Treasurer of Oklahoma;

18. "Tax Commission" or "Commission" means the Oklahoma Tax Commission; and

19. "Utility" means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications, or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

~~(p)~~ "Memorandum" shall include a mark, symbol or statement indicating knowledge of or interest in funds on deposit.

~~(q) "Commission" means the Oklahoma Tax Commission.~~

~~(r) "Museum" means an institution which is located in this state and operated by a nonprofit corporation or a public agency primarily for educational, scientific, historic preservation or aesthetic purposes, and which owns, borrows, cares for, exhibits, studies archives or catalogues property. Museum includes, but is not limited to, historical societies, historical sites or landmarks, parks, monuments and libraries.~~

SECTION 3. AMENDATORY 60 O.S. 1991, Section 652, is amended to read as follows:

Section 652. ~~(a)~~ A. Any demand, savings, or matured time deposit with a banking or financial organization, and any funds paid toward the purchase of a share, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned, unless the owner, within five (5) years has:

~~(1) in~~ 1. In the case of a deposit, increased or decreased its amount or presented the passbook or other similar evidence of the deposit for the crediting of interest;

~~(2) communicated~~ 2. Communicated in writing with the banking or financial organization concerning the property;

~~(3) otherwise~~ 3. Otherwise indicated an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization;

~~(4) owned~~ 4. Owned other property to which ~~paragraphs (1), (2), or (3)~~ the provisions of paragraph 1, 2 or 3 of this subsection ~~applies~~ apply and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned under this subsection at the address to which communications regarding the other property are regularly sent; or

~~(5) had~~ 5. Had another relationship with the banking or financial organization concerning which the owner has:

~~(A)~~ a. communicated in writing with the banking or financial organization~~,~~ or

~~(B)~~ b. otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be abandoned under this subsection at the address to which communications regarding the other relationship regularly are sent.

If a banking or financial organization has sent a statement or other business communication concerning such property to the owner by first-class mail and the statement or other business communication has not been returned for inability to make delivery to the addressee, the property shall not be presumed to be abandoned. The five-year abandonment period shall begin to run when any statement or other business communication to the owner has been returned as undeliverable, or on the last date that the owner has communicated with the banking or financial organization in any of the ways specified in paragraphs ~~(1)~~ 1 through ~~(5)~~ 5 of this subsection, whichever is the later.

~~(b)~~ B. For purposes of subsection ~~(a)~~ A of this section, "property" includes interest and dividends.

~~(c)~~ C. A holder may not impose with respect to property described in subsection ~~(a)~~ A of this section any charge due to dormancy or inactivity or cease payment of interest unless:

~~(1)~~ ~~reasonable~~ 1. Reasonable notice that the holder may impose the charge or cease payment of interest is given to the owner of the property, either:

~~(A)~~ a. at the time the account is opened,

~~(B)~~ b. through a schedule of charges sent to the owner of the property, or

~~(C)~~ c. through a statement in the rules, regulations, or bylaws of the holder that the holder may impose the charge or cease payment of interest; and

~~(2)~~ the 2. The holder regularly imposes such charges or ceases payment of interest. If the holder regularly reverses or otherwise cancels such charges or retroactively credits interest for a reason other than an error or omission by the holder, then in proportion to the extent that it does so with respect to other deposits, the holder shall likewise reverse or otherwise cancel charges or retroactively credit interest with respect to property that is reported to the ~~Commission~~ State Treasurer as unclaimed under ~~this act~~ the Uniform Unclaimed Property Act.

~~(d)~~ D. Automatically renewable time deposits shall be subject to this section, except that ~~said~~ automatically renewable time deposits shall be presumed abandoned fifteen (15) years following the expiration of the initial time period of the time deposit unless, during that period the owner has:

~~(1)~~ increased 1. Increased or decreased the amount of the deposit;

~~(2)~~ communicated 2. Communicated in writing with the banking or financial organization concerning the property;

~~(3)~~ otherwise 3. Otherwise indicated an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization; ~~and~~ or

~~(4)~~ had 4. Had another relationship with the banking or financial organization concerning which the owner has:

~~(A)~~ a. communicated in writing with the banking or financial organization, or

~~(B)~~ b. otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization and

if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned under this section at the address to which communications regarding the other relationship are regularly sent.

Upon presumed abandonment of the automatically renewable time deposit, the holder shall report the presumed abandonment to the ~~Oklahoma Tax Commission~~ State Treasurer and may, at the holder's option, either retain the property or pay or deliver it to the ~~Commission~~ State Treasurer.

SECTION 4. AMENDATORY 60 O.S. 1991, Section 655, is amended to read as follows:

Section 655. ~~(a)~~ A. Except as otherwise provided in subsections ~~(b)~~ B and ~~(c)~~ E of this section, stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or other money payable as a result of the interest has remained unclaimed by the owner for seven (7) years and the owner within seven (7) years has not:

~~(1)~~ ~~communicated~~ 1. Communicated in writing with the association regarding the interest or a dividend, distribution, or other money payable as a result of the interest; or

~~(2)~~ ~~otherwise~~ 2. Otherwise communicated with the association regarding the interest or a dividend, distribution, or other money payable as a result of the interest, as evidenced by a memorandum or other record on file with the association prepared by an employee of the association.

~~(b)~~ B. At the expiration of a seven-year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is

not presumed abandoned unless there have been at least seven (7) dividends, distributions, or other sums paid during the period, none of which has been claimed by the owner. If seven (7) dividends, distributions, or other sums are paid during the seven-year period, the period leading to a presumption of abandonment commences on the date payment of the first such unclaimed dividend, distribution, or other sum became due and payable. If seven (7) dividends, distributions, or other sums are not paid during the presumptive period, the period continues to run until there have been seven (7) dividends, distributions, or other sums that have not been claimed by the owner.

~~(c)~~ C. The running of the seven-year period of abandonment ceases immediately upon the occurrence of a communication described in subsection ~~(a)~~ A of this section. If any future dividend, distribution, or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period of abandonment commences and relates back to the time a subsequent dividend, distribution, or other sum became due and payable.

~~(d)~~ D. At the time an interest is presumed abandoned under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

~~(e)~~ E. A stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest shall be subject to this section, except that the period of abandonment shall be fifteen (15) years. Such property shall not be presumed to be abandoned if the holder has sent a statement or other business communication concerning such property to the owner by first-class mail and the statement or other business communication has not been returned for inability to make delivery to the addressee. The fifteen-year abandonment period shall begin to run

when any statement or other business communication to the owner has been returned as undeliverable, or on the last date that the owner has communicated with the holder in any of the ways specified in subsection ~~(a)~~ A of this section, whichever is the later. If, at the time provided for delivery in Section 663 of this title, any penalty or forfeiture in the payment of dividends, distributions, or other sums payable as a result of the property would result from its delivery to the ~~Commission~~ State Treasurer, the time for delivery shall be extended until the time when no penalty or forfeiture would result.

~~(f) This act~~ F. The Uniform Unclaimed Property Act shall not apply to patronage dividends, capital credits, customer deposits or non-negotiated payment checks held or owing by cooperative electric power or telephone associations organized under Sections 437 and 438.1 of Title 18 of the Oklahoma Statutes, rural water, sewer, gas and solid waste management districts organized under Section 1324.1 of Title 82 of the Oklahoma Statutes, or agricultural cooperative marketing or supply associations organized under Section 361 of Title 2 of the Oklahoma Statutes; when such associations are domiciled in Oklahoma.

SECTION 5. AMENDATORY 60 O.S. 1991, Section 658.1, is amended to read as follows:

Section 658.1 Any mineral interest in land in Oklahoma shall be subject to escheat under the provisions of Sections 271 through 277 of Title 84 of the Oklahoma Statutes if it generates an intangible property interest which is presumed abandoned under the Uniform Unclaimed Property Act ~~(1981)~~ as provided in Sections 651 through 686 of ~~Title 60 of the Oklahoma Statutes;~~ this title or under similar laws of another state.

All holders of intangible property interests generated by a mineral interest in land in Oklahoma shall report to the ~~Commission~~ State Treasurer, in addition to the reporting otherwise required by

law, the names and the last-known addresses of owners of record of the unclaimed mineral interest, the legal description of the land affected, and the extent of the property rights in the mineral interest. Only one report with respect to each owner and mineral interest is necessary; subsequent reports must include complete information with respect to all new owners and new unclaimed mineral interests.

The ~~Commission~~ State Treasurer shall send a copy of the report required by this section to the Attorney General, to the district attorney of the county in which the land is located, and to the county clerk of the county in which the land is located, and the clerk shall maintain ~~said~~ the list for public viewing. The clerk shall also report to the board of county commissioners that the report has been received, ~~said~~ and note the receipt ~~to be noted~~ in the minutes of the meeting, so the public can be informed.

The ~~Commission~~ State Treasurer is authorized to develop procedures for the implementation of ~~this act~~ the Uniform Unclaimed Property Act.

SECTION 6. AMENDATORY 60 O.S. 1991, Section 658.1A, is amended to read as follows:

Section 658.1A Mineral interests which have generated intangible personal property may be presumed by the district court to be abandoned and subject to the provisions that apply to mineral interests covered by Section 658.1 of ~~Title 60 of the Oklahoma Statutes~~ this title and Sections 271 through 277 of Title 84 of the Oklahoma Statutes if the court determines that the mineral interests should have been reported to the ~~Oklahoma Tax Commission, Unclaimed Property Division~~ State Treasurer but were not so reported as required by the Uniform Unclaimed Property Act ~~(1981)~~.

SECTION 7. AMENDATORY 60 O.S. 1991, Section 661, is amended to read as follows:

Section 661. A. A person holding property, tangible or intangible, presumed abandoned and subject to custody as unclaimed property under the Uniform Unclaimed Property Act ~~(1981)~~ shall report to the ~~Oklahoma Tax Commission~~ State Treasurer concerning the property as provided in this section.

B. The report must be verified and must include:

1. The name, if known, and last-known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of Fifty Dollars (\$50.00) or more presumed abandoned under the Uniform Unclaimed Property Act ~~(1981)~~;

2. In the case of unclaimed funds of Fifty Dollars (\$50.00) or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last-known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

3. In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible personal property, a description of the property and the place where it is held ~~and,~~ which may be inspected by the ~~Commission~~ State Treasurer, and any amounts, including offsets for drilling costs and rent, owing to the holder;

4. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that:

~~(A)~~ a. items of value under Fifty Dollars (\$50.00) each may be reported in the aggregate, and

~~(B)~~ b. on request of the holder, the ~~Oklahoma Tax Commission~~ State Treasurer may, ~~in its discretion,~~ approve the reporting of one or more categories of unclaimed funds in the aggregate on an estimated basis, whenever it shall appear that each of the items in any such category has a value of less than Fifty Dollars

(\$50.00) and the cost of reporting such items would be disproportionate to the amounts involved; and

5. The date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property.

C. If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or if the holder has changed his or her name while holding the property, ~~he~~ the holder shall file with ~~his~~ the report all known names and addresses of each previous holder of the property.

D. The report must be filed before November 1 of each year for property reportable as of the preceding September 1, but the report of any life insurance company must be filed before May 1 of each year for property reportable as of the preceding March 1. The ~~Oklahoma Tax Commission~~ State Treasurer may postpone the reporting date upon written request by any person required to file a report.

E. Not more than one hundred twenty (120) days before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under the Uniform Unclaimed Property Act ~~(1981)~~ shall send written notice to the apparent owner at the owner's last-known address informing ~~him~~ the owner that the holder is in possession of property subject to ~~this act~~ the Uniform Unclaimed Property Act if:

~~(1) the~~ 1. The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate; ;

~~(2) the~~ 2. The claim of the apparent owner is not barred by the statute of limitations; ; and

~~(3) the~~ 3. The property has a value of Fifty Dollars (\$50.00) or more. The holder is not required to send written notice to the owner if ~~he~~ the holder has previously attempted to communicate with

the owner, or otherwise exercised due diligence to ascertain the whereabouts of the owner. The mailing of notice by first-class mail to the last-known address of the owner by the holder shall constitute compliance with this subsection and, if done, no further act on the part of the holder shall be necessary.

F. Notwithstanding anything to the contrary in the Uniform Unclaimed Property Act ~~(1981)~~, if the aggregate value of all items of property held for or owed or distributable to an owner and unclaimed hereunder is less than Fifty Dollars (\$50.00), such property shall not be required to be reported under the Uniform Unclaimed Property Act ~~(1981)~~.

Should any holder wish to be relieved of the burden of holding such excludable property, it may, at its election, report such property and be accorded the protection of Section 664 of this title.

G. Reports filed by a holder shall remain confidential except for that information required to be subject to public inspection pursuant to the Uniform Unclaimed Property Act ~~(1981)~~.

SECTION 8. AMENDATORY 60 O.S. 1991, Section 662, is amended to read as follows:

Section 662. A. The ~~Oklahoma Tax Commission~~ State Treasurer shall cause notice to be published not later than March 1, or in the case of property reported by life insurance companies, September 1, of the year following the report required by Section 661 of this title at least once each week for two (2) consecutive weeks in a legal newspaper of general circulation in the county in this state in which is located the last-known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice must be published in the county in which the holder of the abandoned property has his or her principal place of business within this state, or in a newspaper which the ~~Commission~~

State Treasurer believes most likely to be seen by the owner of the property or by heirs of the owner.

B. The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property", and contain:

1. The names in alphabetical order and last-known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection A of this section;

2. A statement that information concerning the property and the name and last-known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the ~~Oklahoma Tax Commission~~ State Treasurer; and

3. A statement that if proof of claim is not presented by the owner to the holder and the right of the owner to receive the property is not established to the satisfaction of the holder before April 20, or, in the case of property reported by life insurance companies, before October 20, the property will be placed not later than May 1, or in the case of property reported by life insurance companies, not later than November 1, in the custody of the ~~Oklahoma Tax Commission~~ State Treasurer and all further claims must thereafter be directed to the ~~Oklahoma Tax Commission~~ State Treasurer.

C. The ~~Oklahoma Tax Commission~~ State Treasurer is not required to publish in the notice any items of less than Fifty Dollars (\$50.00) unless ~~it~~ the State Treasurer considers their publication to be in the public interest.

D. Not later than March 1, or in the case of property reported by life insurance companies, not later than September 1, of the year immediately following the report required by Section 661 of this title, the ~~Oklahoma Tax Commission~~ State Treasurer shall mail a notice to each person whose last-known address is listed in the report and who appears to be entitled to property of the value of Fifty Dollars (\$50.00) or more presumed abandoned under the Uniform

Unclaimed Property Act ~~(1981)~~ and any beneficiary of a life or endowment insurance policy or annuity contract for whom the ~~Commission~~ State Treasurer has a last-known address. The State Treasurer is hereby authorized to obtain information as necessary from the Oklahoma Tax Commission to determine the last-known address of any such person.

E. The mailed notice must contain:

1. A statement that, according to a report filed with the ~~Oklahoma Tax Commission~~ State Treasurer, property is being held to which the addressee appears entitled;

2. The name and last-known address of the person holding the property and any necessary information regarding the changes of name and last-known address of the holder; and

3. A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the ~~Oklahoma Tax Commission~~ State Treasurer and all further claims must be directed to the ~~Commission~~ State Treasurer.

SECTION 9. AMENDATORY 60 O.S. 1991, Section 663, is amended to read as follows:

Section 663. ~~(a)~~ A. Except as otherwise provided in subsections ~~(b)~~ B and ~~(c)~~ C of this section, a person who is required to file a report under Section 661 of this title, within six (6) months after the final date for filing the report as required by Section 661 of this title, shall pay or deliver to the ~~Commission~~ State Treasurer all abandoned property required to be reported after first deducting therefrom expenses incurred in the mailing of notices required by subsection E of Section 661 of this title and any offsets as provided by law. Any such person who, pursuant to a statutory requirement, filed a bond or bonds pertaining to such abandoned property with the ~~Oklahoma Tax Commission~~ State Treasurer may also deduct an amount equivalent to

that part of the bond premium attributable to such abandoned property.

~~(b)~~ B. If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered, or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the ~~Commission~~ State Treasurer, and the property will no longer be presumed abandoned. In that case the holder shall file with the ~~Commission~~ State Treasurer a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

~~(c)~~ C. Abandoned property that consists of any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest, may be retained by the holder or paid or delivered to the ~~Commission~~ State Treasurer at the option of the holder.

~~(d)~~ D. The holder of an ownership interest under Section 655 of this title shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the ~~Commission~~ State Treasurer. Upon delivery of a duplicate certificate to the ~~Commission~~ State Treasurer, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of liability as provided in Section 664 of this title to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the ~~Commission~~ State Treasurer, for losses or damages resulting to any person by the issuance and delivery to the ~~Commission~~ State Treasurer of the duplicate certificate.

SECTION 10. AMENDATORY 60 O.S. 1991, Section 664, is amended to read as follows:

Section 664. ~~(a)~~ A. Upon the payment or delivery of abandoned property to the ~~Oklahoma Tax Commission~~ State Treasurer, the state assumes custody and responsibility for the safekeeping of the property. A person who pays or delivers property to the ~~Oklahoma Tax Commission~~ State Treasurer in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made in respect to the property.

~~(b)~~ B. A holder who has paid money to the ~~Oklahoma Tax Commission~~ State Treasurer pursuant to ~~this act~~ the Uniform Unclaimed Property Act may make payment to any person appearing to the holder to be entitled to payment; and upon filing proof of such payment and proof that the payee was entitled thereto, the ~~Oklahoma Tax Commission~~ State Treasurer shall promptly reimburse the holder for the payment without imposing a fee or other charge. If reimbursement is sought for a payment made on a negotiable instrument, including a travelers check or money order, the holder must be reimbursed under this subsection upon filing proof that the instrument was presented and that payment was made to a person who appeared to the holder to be entitled to payment. The holder must be reimbursed for payment made under this subsection even if the holder paid a person whose claim was barred under subsection ~~(a)~~ A of Section 666 of this title.

~~(c)~~ C. A holder who has delivered property ~~(, including, but not limited to,~~ a certificate of an ownership interest in a business association~~),~~ other than money to the ~~Commission~~ State Treasurer pursuant to ~~this act~~ the Uniform Unclaimed Property Act may reclaim the property if still in the possession of the ~~Commission~~ Treasurer, without paying any fee or other charge, upon filing proof that the owner has claimed the property from the holder.

~~(d)~~ D. The ~~Commission~~ State Treasurer may accept the holder's affidavit as sufficient proof of the facts that entitle the holder to recover money and property under this section.

~~(e)~~ E. If the holder pays or delivers property to the ~~Commission~~ State Treasurer in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the ~~Commission~~ State Treasurer, upon written notice of the claim, shall defend the holder against the claim and, to the extent of the property's value, shall indemnify the holder against liability on the claim. Neither the holder nor the ~~Commission~~ State Treasurer shall be liable for more than the value of the property, determined as of the time of its payment or delivery to the ~~Commission~~ State Treasurer, if the holder paid or delivered the property to the ~~Commission~~ State Treasurer in good faith.

~~(f)~~ F. For the purposes of this section, "good faith" means that:

~~(1)~~ ~~payment~~ 1. Payment or delivery was made in a reasonable attempt to comply with ~~this act~~ the Uniform Unclaimed Property Act;

~~(2)~~ ~~the~~ 2. The person delivering the property was not a fiduciary then in breach of trust in respect to the property and had a reasonable basis for believing, based on the facts then known ~~to~~ him, that the property was abandoned for the purposes of ~~this act~~ the Uniform Unclaimed Property Act; and

~~(3)~~ ~~there~~ 3. There is no showing that the records under which the delivery was made did not meet reasonable commercial standards of practice in the industry.

SECTION 11. AMENDATORY 60 O.S. 1991, Section 665, is amended to read as follows:

Section 665. Whenever property other than money is paid or delivered to the ~~Commission~~ State Treasurer under ~~this act~~ the

Uniform Unclaimed Property Act, the owner is entitled to receive from the ~~Commission~~ State Treasurer dividends, interest, or other increments realized or accruing on the property at or before liquidation or conversion thereof into money.

SECTION 12. AMENDATORY 60 O.S. 1991, Section 666, is amended to read as follows:

Section 666. ~~(a)~~ A. The expiration after ~~the effective date of this act~~ September 1, 1991, of any period of time specified by contract, statute, or court order, during which a claim for money or property can be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned property or affect any duty to file a report or to pay or deliver abandoned property to the ~~Commission~~ State Treasurer as required by ~~this act~~ the Uniform Unclaimed Property Act.

~~(b)~~ B. No action or proceeding may be commenced by the ~~Commission~~ State Treasurer with respect to any duty of a holder under ~~this act~~ the Uniform Unclaimed Property Act more than four (4) years after the ~~holder's filing~~ holder files the report pursuant to Section 661 of this title or ten (10) years after the duty arose, whichever is ~~the~~ earlier.

~~(c)~~ C. Notwithstanding the provisions of subsection ~~(b)~~ B of this section or any other provision of law, the expiration of any period of time specified by law during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property shall not serve as a defense in any action or proceeding brought by or on behalf of the ~~Commission~~ State Treasurer against any federal, state or local government or governmental subdivision, agency, entity, officer or appointee thereof, for the payment or delivery of any abandoned property to the ~~Commission~~ State Treasurer pursuant to ~~this act~~ the Uniform

Unclaimed Property Act or to enforce or collect any penalty provided by ~~this act~~ the Uniform Unclaimed Property Act.

~~(d)~~ D. The provisions of subsection ~~(e)~~ C of this section shall apply to all abandoned property held by any federal, state or local government or governmental subdivision, agency, entity, officer or appointee thereof, at the time of enactment, or at any time thereafter, regardless of when such property became or becomes presumptively abandoned.

SECTION 13. AMENDATORY 60 O.S. 1991, Section 667, as amended by Section 13, Chapter 385, O.S.L. 1998 (60 O.S. Supp. 1998, Section 667), is amended to read as follows:

Section 667. A. Except as provided in subsections C and D of this section, the ~~Commission~~ State Treasurer, within three (3) years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever city in the state affords in the judgment of the ~~Commission~~ State Treasurer the most favorable market for the property involved. The ~~Commission~~ State Treasurer may decline the highest bid and reoffer the property for sale if in the judgment of the ~~Commission~~ State Treasurer the bid is insufficient. If in the judgment of the ~~Commission~~ 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.

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 ~~Commission~~ State Treasurer considers advisable.

C. Unless the ~~Commission~~ 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 ~~Commission~~ State Treasurer must be held for at least one (1) year before ~~it~~ the State Treasurer may sell them.

D. Unless the ~~Commission~~ State Treasurer considers it to be in the best interest of the state to do otherwise, all securities presumed abandoned under Section 655 of this title and delivered to the ~~Commission~~ State Treasurer must be held for at least two (2) years before ~~it~~ the State Treasurer may sell them. If the ~~Commission~~ State Treasurer sells any securities delivered pursuant to Section 655 of this title before the expiration of the two-year period, any person making a claim pursuant to ~~this act~~ the Uniform Unclaimed Property Act is entitled to either the proceeds of the sale of the securities or other market value of the securities at the time the claim is made, whichever amount is greater, less any deduction for fees pursuant to Section 668 of this title. A person making a claim under ~~this act~~ the Uniform Unclaimed Property Act after the expiration of this period is entitled to receive either the securities delivered to the ~~Commission~~ State Treasurer by the holder, if they still remain in the hands of the ~~Commission~~ State Treasurer, or the proceeds received from sale, less any amounts deducted pursuant to Section 668 of this title, but no person has any claim under this section against the state, the holder, any transfer agent, registrar, or other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the ~~Commission~~ State Treasurer.

E. The purchaser at any sale conducted by the ~~Commission~~ State Treasurer pursuant to ~~this act~~ 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

~~Commission~~ State Treasurer shall execute all documents necessary to complete the transfer of ownership.

SECTION 14. AMENDATORY 60 O.S. 1991, 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 ~~this act~~ the Uniform Unclaimed Property Act and may be invested as hereinafter provided and shall not be expended except as provided in ~~this act~~ the Uniform Unclaimed Property Act. All funds received under ~~this act~~ 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 ~~Oklahoma Tax Commission~~ State Treasurer in the Unclaimed Property Fund, herein created, except that ~~said Commission~~ the State Treasurer may before making any deposit to ~~said~~ the fund deduct:

~~(a)~~ 1. All costs in connection with the sale of abandoned property;

~~(b)~~ 2. All costs of mailing and publication in connection with any abandoned property;

~~(c)~~ 3. Reasonable service charges not to exceed one percent (1%) of the monies accruing to the state under ~~this act~~ the Uniform Unclaimed Property Act; and

~~(d)~~ 4. An amount equal to fifteen percent (15%) of the funds accruing to the state pursuant to a contract with the ~~Commission~~ State Treasurer providing information leading to the delivery of unclaimed property held by an out-of-state holder to the ~~Commission~~ State Treasurer, which shall be deposited in the Unclaimed Property Clearinghouse Fund.

B. Before making a deposit to the Unclaimed Property Fund, the ~~Oklahoma Tax Commission~~ 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 15. AMENDATORY 60 O.S. 1991, 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 ~~Oklahoma Tax Commission~~ 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 ~~Oklahoma Tax Commission~~ State Treasurer. The ~~Commission~~ State Treasurer may budget and expend monies from the fund for the purpose of making payment 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.

B. The ~~Commission~~ 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 ~~Commission~~ State Treasurer providing information leading to the delivery of unclaimed property held by an out-of-state holder to the ~~Commission~~ State Treasurer. Such payment shall not be made until the funds have been deposited with the ~~Commission~~ State Treasurer.

SECTION 16. AMENDATORY 60 O.S. 1991, Section 669, is amended to read as follows:

Section 669. The ~~Oklahoma Tax Commission~~ State Treasurer is hereby vested with authority and the responsibility for the control and management of all monies in the Unclaimed Property Fund as provided for in the Uniform Unclaimed Property Act ~~(1981)~~. It shall be the duty of ~~said Commission~~ the State Treasurer to take such steps as may be necessary to preserve the principal of monies accruing to the Unclaimed Property Fund as a trust for persons claiming any interest in any property delivered to the state pursuant to the provisions of the Uniform Unclaimed Property Act ~~(1981)~~.

SECTION 17. AMENDATORY 60 O.S. 1991, Section 670, is amended to read as follows:

Section 670. The ~~Oklahoma Tax Commission~~ State Treasurer shall determine, from time to time, what amount of unclaimed property in ~~its~~ custody should be retained as a reserve in order to ensure that all claims presented by persons legally establishing a right to any ~~such~~ unclaimed property shall be paid promptly. In making such determination, the ~~Commission~~ State Treasurer shall take into account the following:

1. ~~the~~ The actual experience of other states having unclaimed property laws, as to the amount of claims presented and established as compared ~~with~~ to the total amount of property taken into state custody;

2. ~~such~~ Such actuarial or other experience or statistics as may be available to show the frequency of the discovery of missing persons or their unknown heirs;

3. ~~any~~ Any other discoverable and relevant data having a tendency to establish the amount of reserve necessary for the purpose stated in this section.

The ~~Commission~~ State Treasurer, after having found and determined the reserve necessary as stated in this section, shall pay all amounts in ~~its~~ custody in excess of ~~said~~ the necessary

reserve into the State Treasury to the credit of the General Revenue Fund.

When monies are deposited to the credit of the General Revenue Fund, all rights of any owner of unclaimed property to resort against the money so paid into the General Revenue Fund shall terminate, but the right of any person legally establishing ~~his~~ a claim to any property right which has been taken into the custody of the ~~Commission~~ State Treasurer shall be preserved and the value thereof shall be paid from such reserve.

SECTION 18. AMENDATORY 60 O.S. 1991, Section 671, is amended to read as follows:

Section 671. If, at any time, the reserve as provided for in the Uniform Unclaimed Property Act ~~(1981)~~ is insufficient to pay in full established claims, the ~~Commission~~ State Treasurer immediately shall:

1. ~~redetermine~~ Redetermine, on the basis of past experience, the percentage necessary to be maintained in the reserve; and
2. ~~cease~~ Cease to make any payments to the General Revenue Fund until:
 - a. all validly established claims as provided for in the Uniform Unclaimed Property Act ~~(1981)~~ have been paid~~+~~,
and
 - b. there is accumulated in the reserve the sum required to be kept therein under the redetermination, whereupon the ~~Commission~~ State Treasurer shall resume payments to the General Revenue Fund in accordance with the terms of the Uniform Unclaimed Property Act ~~(1981)~~.

SECTION 19. AMENDATORY 60 O.S. 1991, Section 672, is amended to read as follows:

Section 672. The ~~Commission~~ State Treasurer shall have the care, custody, and management of the reserve fund, and may invest

it, at the best realizable rate, in certificates of deposit, savings certificates, or short-term obligations of the United States Government in which it shall be legal to invest the public funds of the State of Oklahoma or of any agency or instrumentality thereof. The income from such investments shall be paid into the State Treasury to the credit of the General Revenue Fund.

SECTION 20. AMENDATORY 60 O.S. 1991, Section 674, is amended to read as follows:

Section 674. ~~(a)~~ A. A person, excluding another state, claiming an interest in any property valued at Fifty Dollars (\$50.00) or more delivered to the ~~Commission~~ State Treasurer may file a claim on a form prescribed by the ~~Oklahoma Tax Commission~~ State Treasurer and verified by the claimant. The date of filing of a claim shall be the date it is received by the ~~Commission~~ State Treasurer with all supporting documentation from the claimant. Any property with a value of less than Fifty Dollars (\$50.00) shall escheat to the state.

~~(b)~~ B. The ~~Commission~~ 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)~~ C. If a claim is allowed, the ~~Commission~~ State Treasurer shall pay over or deliver to the claimant the property or the amount the ~~Commission~~ State Treasurer actually received or the net proceeds if it has been sold by the ~~Commission~~ State Treasurer, together with any additional amount required by Section 665 of this title. If the

claim is for property presumed abandoned under Section 655 of this title which was sold by the ~~Commission~~ State Treasurer within three (3) years after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater.

SECTION 21. AMENDATORY Section 1, Chapter 304, O.S.L. 1994, as amended by Section 6, Chapter 334, O.S.L. 1996 (60 O.S. Supp. 1998, Section 674.2), is amended to read as follows:

Section 674.2 If any person claims an interest in any property delivered to the ~~Oklahoma Tax Commission~~ State Treasurer in which the owner of the property is determined to be deceased, the ~~Commission~~ State Treasurer shall pay over or deliver to the claimant the property as provided in Section 651 et seq. of ~~Title 60 of the Oklahoma Statutes~~ this title upon receipt of the following:

1. A certified copy of letters of administration or letters testamentary from the probate of the estate of the decedent naming the claimant as the personal representative of the estate of the decedent; ~~or~~

2. A certified copy of the decree of distribution from the probate of the estate of the decedent determining the claimant to be entitled to receive such property through the estate of the decedent; or

3. If the value of the property is One Thousand Dollars (\$1,000.00) or less, a signed affidavit executed by the claimant stating that the claimant is entitled to receive such property, the reason the claimant is entitled to receive such property, that there has been no probate of the estate of the deceased owner, that no such probate is contemplated and that claimant will indemnify the state for any loss, including attorney fees, should another claimant assert a prior right to the property.

SECTION 22. AMENDATORY 60 O.S. 1991, Section 675, is amended to read as follows:

Section 675. ~~(a)~~ A. The ~~Oklahoma Tax Commission~~ State Treasurer shall consider any claim filed under ~~this act~~ the Uniform Unclaimed Property Act and may hold a hearing and receive evidence concerning it. The procedure to be followed hereunder shall be as prescribed by the Administrative Procedures Act ~~in Title 75~~. If a hearing is held, the ~~Commission~~ State Treasurer shall prepare a finding and decision in writing on each claim filed, stating the substance of any evidence heard by ~~it~~ the State Treasurer and the reasons for ~~its~~ the State Treasurer's decision. The decision shall be a public record.

~~(b)~~ B. Upon approval by the ~~Oklahoma Tax Commission~~ State Treasurer, the claim shall be paid forthwith from the Unclaimed Property Fund. The claim shall be paid without deduction for costs of notices or sale or for service charges.

SECTION 23. AMENDATORY 60 O.S. 1991, Section 676, is amended to read as follows:

Section 676. A person aggrieved by a decision of the ~~Oklahoma Tax Commission~~ State Treasurer or whose claim has not been acted upon within ninety (90) days after its filing may bring an action to establish a claim in the district court of the county of such person's residence or in the district court of Oklahoma County naming the ~~Commission~~ State Treasurer as a defendant. The action must be brought within ninety (90) days after the decision of the ~~Oklahoma Tax Commission~~ State Treasurer or within one hundred eighty (180) days after the filing of the claim if the ~~Oklahoma Tax Commission~~ State Treasurer has failed to act on it. If the aggrieved person establishes the claim in an action against the ~~Commission~~ State Treasurer, the court shall award ~~him~~ costs to the aggrieved person and, if the court determines that the ~~Commission's~~ State Treasurer's position was not substantially justified, it may also award ~~him~~ reasonable attorney's fees to the aggrieved person.

SECTION 24. AMENDATORY 60 O.S. 1991, Section 677, is amended to read as follows:

Section 677. ~~(a)~~ A. The ~~Oklahoma Tax Commission~~ State Treasurer may decline to receive any property reported under ~~this act~~ the Uniform Unclaimed Property Act which ~~is~~ the State Treasurer considers to have a value less than the expense of giving notice and of sale. If the ~~Commission~~ State Treasurer elects not to receive custody of the property, the holder shall be notified before the date specified in Section 663 of this title for payment or delivery of the property to the ~~Commission~~ State Treasurer.

~~(b)~~ B. A holder, with the written consent of the ~~Commission~~ State Treasurer and upon conditions and terms prescribed by ~~it~~ the State Treasurer, may report and deliver property before the property is presumed abandoned. Property delivered under this subsection must be held by the ~~Commission~~ State Treasurer and is not presumed abandoned until such time as it otherwise would be presumed abandoned under ~~this act~~ the Uniform Unclaimed Property Act.

SECTION 25. AMENDATORY 60 O.S. 1991, Section 677.1, is amended to read as follows:

Section 677.1 If the ~~Commission~~ State Treasurer determines after investigation that any property delivered under ~~this act~~ the Uniform Unclaimed Property Act has insubstantial commercial value, the ~~Commission~~ State Treasurer may destroy or otherwise dispose of the property at any time as long as reasonable notice has been given to the holder. No action or proceeding may be maintained against the state or any officer or against the holder for or on account of any action taken by the ~~Commission~~ State Treasurer pursuant to this section.

SECTION 26. AMENDATORY 60 O.S. 1991, Section 678, is amended to read as follows:

Section 678. ~~(a)~~ A. The ~~Oklahoma Tax Commission~~ 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 ~~this act~~ the Uniform Unclaimed Property Act. If the ~~Commission~~ State Treasurer has reason to believe that any person has failed to report property in accordance with ~~this act~~ the Uniform Unclaimed Property Act, ~~it~~ the State Treasurer may make a demand by certified mail, return receipt requested, that such report be made and filed with the ~~Commission~~ State Treasurer. The report of abandoned property or any other report required shall be made and filed with the ~~Commission~~ State Treasurer within sixty (60) days after receipt of the demand.

~~(b)~~ B. The ~~Commission~~ State Treasurer may at reasonable times and upon reasonable notice examine the records of any person if the ~~Commission~~ State Treasurer has reason to believe that such person has failed to report property that should have been reported pursuant to ~~this act~~ the Uniform Unclaimed Property Act.

~~Notwithstanding Section 205 of Title 68 of the Oklahoma Statutes, the Commission shall not use any information or evidence obtained in the course of an audit for purposes of investigation or enforcement of any state tax law.~~

~~(c)~~ 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 ~~Commission~~ State Treasurer, pursuant to subsection ~~(b)~~ B of this section, may examine the records of the person if the ~~Commission~~ State Treasurer has given the notice required by subsection ~~(b)~~ B of this section to both the person and the business association at least ninety (90) days before the examination.

~~(d)~~ D. If a holder fails after ~~the effective date of this act~~ 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 ~~this act~~ the Uniform Unclaimed Property Act are insufficient to permit the preparation of a report, the ~~Commission~~

State Treasurer may require the holder to report and pay the amount that is reasonably estimated from any available records.

SECTION 27. AMENDATORY 60 O.S. 1991, Section 679, is amended to read as follows:

Section 679. ~~(a)~~ A. The ~~Commission~~ State Treasurer may bring an action in a court of appropriate jurisdiction to enforce ~~this act~~ the Uniform Unclaimed Property Act.

~~(b)~~ B. The actual cost of any examination or investigation incurred by the ~~Commission~~ State Treasurer in administering any provision of ~~this act~~ the Uniform Unclaimed Property Act may be borne by the holder examined or investigated, provided that in no case may the charges exceed the value of the property found to be reportable and deliverable as a result of the examination, and either:

~~(1)~~ 1. A written demand for a report shall have been made and not forthcoming in time specified in Section 678 of this title; ~~or~~

~~(2)~~ 2. A report has not been received, and the examination or investigation by the ~~Commission~~ State Treasurer establishes that the holder willfully or without reasonable cause has failed to report property reportable under ~~this act~~ the Uniform Unclaimed Property Act and property reportable thereunder is discovered by such examination or investigation; or

~~(3)~~ 3. A report has been received and the examination or investigation by the ~~Commission~~ State Treasurer establishes that the holder willfully or without reasonable cause has failed to report additional property reportable under ~~this act~~ the Uniform Unclaimed Property Act.

~~(e)~~ C. The cost of examination made pursuant to subsection ~~(e)~~ C of Section 678 of this title may be imposed only against the business association.

SECTION 28. AMENDATORY 60 O.S. 1991, Section 679.1, is amended to read as follows:

Section 679.1 ~~(a)~~ A. Every holder required to file a report under Section 661 of this title, as to any property for which it has obtained the last-known address of the owner, shall maintain a record of the name and last-known address of the owner for ten (10) years after the property is reported, except to the extent that a shorter time period is provided in subsection ~~(b)~~ B of this section or by rule of the ~~Commission~~ State Treasurer or the holder's regulatory agency or commission.

~~(b)~~ B. Any business association that sells in this state its travelers checks, money orders, or other similar written instruments, other than third-party bank checks on which the business association is directly liable, or that provides such instruments to others for sale in this state, shall maintain a record of the instruments while they remain outstanding, indicating the state and date of issue for three (3) years after the date the property is reportable.

SECTION 29. AMENDATORY 60 O.S. 1991, Section 680, is amended to read as follows:

Section 680. A. A person who fails to pay or deliver property within the time prescribed by the Uniform Unclaimed Property Act ~~(1981), Section 651 et seq. of this title,~~ shall be required to pay interest at the annual rate of ten percent (10%) on the property or value thereof from the date the property should have been paid or delivered.

B. In addition to the penalty imposed in subsection A of this section, a person who willfully fails to render any report or deliver property or perform any other duties required under the Uniform Unclaimed Property Act ~~(1981)~~ shall pay a civil penalty of One Hundred Dollars (\$100.00) for each day the report is withheld or the duty is not performed, but not more than Five Thousand Dollars (\$5,000.00).

C. A person who willfully fails to pay or deliver property to the ~~Commission~~ State Treasurer as required under ~~this act~~ the Uniform Unclaimed Property Act shall pay a civil penalty equal to twenty-five percent (25%) of the value of the property that should have been paid or delivered.

D. A person who willfully refuses after written demand by the ~~Commission~~ State Treasurer to pay or deliver property to the ~~Commission~~ State Treasurer as required under ~~this act~~ the Uniform Unclaimed Property Act is guilty of a misdemeanor and upon conviction may be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisonment for not more than six (6) months, or both.

E. The interest or penalty or any portion thereof, as imposed by ~~subsections~~ subsection A, B or C of this section, may be waived or remitted by the ~~Oklahoma Tax Commission~~ State Treasurer if the person's failure to pay abandoned funds or deliver property is satisfactorily explained to the ~~Tax Commission~~ State Treasurer or if such failure has resulted from a mistake by the person of either the law or the facts subjecting that person to pay abandoned funds or deliver property subject to the Uniform Unclaimed Property Act ~~(1981)~~, or inability to pay such interest or penalty resulting from insolvency.

SECTION 30. AMENDATORY 60 O.S. 1991, Section 681, is amended to read as follows:

Section 681. The ~~Oklahoma Tax Commission~~ State Treasurer may ~~adopt~~ promulgate necessary rules to carry out the provisions of ~~this act~~ the Uniform Unclaimed Property Act. Promulgation of any rules shall be in accordance with the Administrative Procedures Act ~~in~~ Title 75 of the Oklahoma Statutes. Any administrative rules of the Oklahoma Tax Commission which are in effect on the date the responsibilities of the Uniform Unclaimed Property Act are transferred to the State Treasurer pursuant to the provisions of

subsection D of Section 1 of this act. All powers and duties of the Oklahoma Tax Commission or references to the Oklahoma Tax Commission within such rules shall be deemed to be powers and duties of the State Treasurer or references to the State Treasurer.

SECTION 31. AMENDATORY 60 O.S. 1991, Section 683.1, is amended to read as follows:

Section 683.1 ~~(a)~~ A. The ~~Commission~~ State Treasurer may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine unclaimed personal property that it or another state may be entitled to subject to a claim of custody. The ~~Commission~~ State Treasurer by rule may require the reporting of information needed to enable compliance with agreements made under this section and prescribe the form. Any agreements entered into by the Oklahoma Tax Commission which are in effect on the date the responsibilities of the Uniform Unclaimed Property Act are transferred to the State Treasurer shall be effective agreements of the State Treasurer until such time as the State Treasurer chooses to amend, repeal or modify them. All powers and duties of the Oklahoma Tax Commission or references to the Oklahoma Tax Commission within such rules shall be deemed to be powers and duties of the State Treasurer or references to the State Treasurer.

~~(b)~~ B. To avoid conflicts between the ~~Commission's~~ procedures in effect in this state and the procedures in other jurisdictions that enact the Uniform Unclaimed Property Act, the ~~Commission~~ State Treasurer, so far as it is consistent with the purposes, policies, and provisions of ~~this act~~ the Uniform Unclaimed Property Act, before ~~adopting~~ promulgating, amending, or repealing rules, shall advise and consult with administrators in other jurisdictions that enact substantially the Uniform Unclaimed Property Act and take into consideration the rules of administrators in other jurisdictions that enact the Uniform Unclaimed Property Act.

~~(c)~~ C. The ~~Commission~~ State Treasurer may join with other states to seek enforcement of ~~this act~~ the Uniform Unclaimed Property Act against any person who is or may be holding property reportable under ~~this act~~ the Uniform Unclaimed Property Act.

~~(d)~~ D. At the request of another state, the Attorney General of this state may bring an action in the name of the other state in any court of competent jurisdiction to enforce the unclaimed property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred by the Attorney General in bringing the action.

~~(e)~~ E. The ~~Commission~~ State Treasurer may request that the Attorney General of another state or any other person bring an action to enforce ~~this act~~ the Uniform Unclaimed Property Act in the other state. This state shall pay all expenses including attorney fees in an action under this subsection. The ~~Commission~~ State Treasurer may agree to pay the person bringing the action attorney fees based in whole or in part on a percentage of the value of property recovered in the action. Any expenses paid pursuant to this subsection may not be deducted from the amount that is subject to a claim by the owner under ~~this act~~ the Uniform Unclaimed Property Act.

SECTION 32. AMENDATORY 60 O.S. 1991, Section 684.1, is amended to read as follows:

Section 684.1 ~~(a)~~ A. At any time after personal property has been paid or delivered to the ~~Commission~~ State Treasurer under ~~this act~~ the Uniform Unclaimed Property Act, another state may recover the property if:

~~(1)~~ 1. The property was subjected to custody by this state because the records of the holder did not reflect the last-known address of the apparent owner when the property was presumed abandoned under ~~this act~~ the Uniform Unclaimed Property Act, and the

other state establishes that the last-known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

~~(2)~~ the 2. The last-known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

~~(3)~~ the 3. The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last-known address of the actual owner is in the other state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

~~(4)~~ the 4. The property was subjected to custody by this state under subsection (f) of Section 659 of this title and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

~~(5)~~ the 5. The property is the sum payable on a travelers check, money order, or other similar instrument that was subjected to custody by this state under Section 651.2 of this title, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

~~(b)~~ B. The claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the ~~Commission~~ State Treasurer, which shall decide the claim within ninety (90) days after it is presented. The ~~Commission~~ State Treasurer shall allow the claim if ~~it~~ the State Treasurer determines that the other state is entitled to the abandoned property under subsection ~~(a)~~ A of this section.

~~(c)~~ C. The ~~Commission~~ State Treasurer shall require a state, before recovering property under this section, to agree to indemnify this state and its officers and employees against liability on a claim for the property.

SECTION 33. AMENDATORY 60 O.S. 1991, Section 686, is amended to read as follows:

Section 686. ~~This act~~ Section 651 et seq. of this title may be cited as the Uniform Unclaimed Property Act ~~(1981)~~.

SECTION 34. AMENDATORY 6 O.S. 1991, Section 1310, as last amended by Section 103, Chapter 111, O.S.L. 1997 (6 O.S. Supp. 1998, Section 1310), is amended to read as follows:

Section 1310. The lessor shall have a lien upon the contents of the lessee's box for past due rentals and any expense incurred in opening of the box and replacement of locks thereon where the same is done without fault of the lessor. If the lessee fails to pay the rental due and such default continues for sixty (60) days, the lessor may give the lessee thirty (30) days' notice by certified mail addressed to the lessee at the address shown on the lessor's records or the last-known address of the lessee, stating the amount due and that on or after the day designated in the notice it may open the box, remove the contents thereof and hold the same for the account of the lessee. The opening of the box shall be witnessed by not less than two persons, one of which shall be an officer of the lessor, who shall make an inventory under oath of the contents thereof, and thereupon the contents shall be placed in a package and held by the lessor as a bailee for hire. If the lessee makes no demand for the contents within one (1) year after the same have been removed from the box, the lessor may advertise and sell the same, the sale to be made at the time and place designated in the notice which shall be published in one issue of a newspaper having a general circulation in the city or town wherein the business of the lessor is situated, the publication to be not less than ten (10)

days prior to the date fixed for the sale. A copy of the notice shall be mailed to the lessee at the last-known address of the lessee by certified mail. The notice shall show the name of the lessee but it shall not be necessary to describe the articles to be sold, except those that have an intrinsic value, if there shall be posted, not less than ten (10) days prior to the sale, in or about the lessor, in a conspicuous place, a copy of the notice of sale and a copy of the inventory made upon opening of the box. The contents of any number of boxes may be sold under one notice of sale and the cost thereof apportioned ratably to the several lessees involved. At the time and place designated in the notice the contents taken from each respective box shall be sold separately to the highest bidder for cash and the proceeds of each sale shall be applied to the rentals and expenses due the lessor and the residue from any sale held by the lessor for the account of the lessee. At any such sale the lessor may be the purchaser. If any lessee, or his ~~and~~ or her heirs, administrator or executor, shall not make demand upon the lessor within five (5) years after the date of the sale, for such surplus, then the surplus shall be presumed abandoned and administered in accordance with the Uniform Unclaimed Property Act, ~~Section 651 et seq. of Title 60 of the Oklahoma Statutes.~~ The lessor may, at its option, turn the property over to the ~~Oklahoma Tax Commission~~ State Treasurer prior to the expiration of the five-year abandonment period.

SECTION 35. AMENDATORY 52 O.S. 1991, Section 554, is amended to read as follows:

Section 554. A. The Corporation Commission shall, by the close of the second working day following the day on which the funds are received from holders, transmit ~~said~~ the funds to the State Treasurer, who shall hold the funds in trust for the mineral owners in the Mineral Owner's Fund.

B. The Corporation Commission shall, within ninety (90) days of receipt, provide copies of escrow reports required by ~~this act~~ Section 551 et seq. of this title to the ~~Unclaimed Property Division of the Oklahoma Tax Commission~~ State Treasurer. The ~~Division~~ State Treasurer shall include these names in ~~its~~ the regular annual process to locate the owners of unclaimed property.

C. Claims against the Mineral Owner's Fund shall be submitted to the ~~Unclaimed Property Division of the Oklahoma Tax Commission~~ State Treasurer, and upon sufficient proof of ownership, the ~~Commission~~ State Treasurer shall pay monies to the rightful owner, ~~his~~ or to the rightful owner's heirs, devisees or assigns from the Unclaimed Property Fund, to be reimbursed quarterly from the Mineral Owner's Fund, for such claim.

SECTION 36. AMENDATORY 52 O.S. 1991, Section 555, is amended to read as follows:

Section 555. The State Treasurer shall invest the monies in the Mineral Owner's Fund and shall annually apportion the interest earned as follows:

1. Fifteen percent (15%) to the Corporation Commission to reimburse that agency for the cost of administration of the monitoring and enforcements requirements of ~~this act~~ Section 551 et seq. of this title, but not to exceed Forty-five Thousand Dollars (\$45,000.00);

2. Twenty-five percent (25%) to the Corporation Commission to be used for plugging abandoned oil and gas wells, pursuant to Sections 308 et seq. of ~~Title 52 of the Oklahoma Statutes~~ this title, not to exceed Three Hundred Thousand Dollars (\$300,000.00) per year; provided, that any amount that would cause funds available for that purpose to exceed Five Hundred Thousand Dollars (\$500,000.00) in any one (1) year shall remain in the Mineral Owner's Fund; ;

3. Fifty percent (50%) to the ~~Unclaimed Property Division of the Oklahoma Tax Commission~~ State Treasurer but not more than Two Hundred Thousand Dollars (\$200,000.00) per year, to be spent for advertising, personnel and other expenses incurred to search for the rightful owners of unclaimed intangible property generated by mineral interests; and

4. Any remaining interest shall be added to the principal of the Mineral Owner's Fund.

SECTION 37. AMENDATORY 68 O.S. 1991, Section 205, as last amended by Section 1, Chapter 385, O.S.L. 1998 (68 O.S. Supp. 1998, Section 205), is amended to read as follows:

Section 205. A. The records and files of the Oklahoma Tax Commission concerning the administration of the Uniform Tax Procedure Code, ~~Section 201 et seq. of this title,~~ or of any state tax law shall be considered confidential and privileged, except as otherwise provided for by law, and neither the Tax Commission nor any employee engaged in the administration of the Tax Commission or charged with the custody of any such records or files nor any person who may have secured information from the Tax Commission shall disclose any information obtained from the records or files or from any examination or inspection of the premises or property of any person.

B. Neither the Tax Commission nor any employee engaged in the administration of the Tax Commission or charged with the custody of any such records or files shall be required by any court of this state to produce any of the records or files for the inspection of any person or for use in any action or proceeding, except when the records or files or the facts shown thereby are directly involved in an action or proceeding pursuant to the provisions of ~~Section 201 et seq. of this title~~ the Uniform Tax Procedure Code or of the state tax law, or when the determination of the action or proceeding will affect the validity or the amount of the claim of the state pursuant

to any state tax law, or when the information contained in the records or files constitutes evidence of violation of the provisions of ~~Section 201 et seq. of this title~~ the Uniform Tax Procedure Code or of any state tax law.

C. The provisions of this section shall not prevent the Tax Commission from disclosing the following information and no liability whatsoever, civil or criminal, shall attach to any member of the Tax Commission or any employee thereof for any error or omission in the disclosure of such information:

1. The delivery to a taxpayer or a duly authorized representative of the taxpayer of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of the Uniform Tax Procedure Code, ~~Section 201 et seq. of this title,~~ or of any state tax law;

2. The exchange of information that is not protected by the federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq., pursuant to reciprocal agreements entered into by the Tax Commission and other state agencies or agencies of the federal government;

3. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

4. The examination of records and files by the State Auditor and Inspector or the duly authorized agents of the State Auditor and Inspector;

5. The disclosing of information or evidence to the Attorney General, any district attorney, or agent of any federal law enforcement agency when the information or evidence is to be used by such officials to prosecute violations of the criminal provisions of ~~Section 201 et seq. of this title~~ the Uniform Tax Procedure Code or of any state tax law or of any federal crime committed against this state. Any information disclosed to the Attorney General, any district attorney, or agent of any federal law enforcement agency shall be kept confidential by ~~them~~ such person and not be disclosed

except when presented to a court in a prosecution for violation of the tax laws of this state, and a violation by the Attorney General, district attorney, or agent of any federal law enforcement agency by otherwise releasing the information shall be a felony;

6. The use by any division of the Tax Commission of any information or evidence in the possession of or contained in any report or return filed with any other division of the Tax Commission;

7. The furnishing, at the discretion of the Tax Commission, of any information disclosed by its records or files to any official person or body of this state, any other state, the United States, or foreign country who is concerned with the administration or assessment of any similar tax in this state, any other state or the United States. The provisions of this paragraph shall include the furnishing of information by the Tax Commission to a county assessor to determine the amount of gross household income pursuant to the provisions of Section 8C of Article X of the Oklahoma Constitution or Section 2890 of this title. The Tax Commission shall promulgate rules to give guidance to the county assessors regarding the type of information which may be used by the county assessors in determining the amount of gross household income pursuant to Section 8C of Article X of the Oklahoma Constitution or Section 2890 of this title. The provisions of this paragraph shall also include the furnishing of information to the State Treasurer for the purpose of administration of the Uniform Unclaimed Property Act;

8. The furnishing of information to other state agencies for the limited purpose of aiding in the collection of debts owed by individuals to such requesting agencies;

9. The furnishing of information requested by any member of the general public and stated in the sworn lists or schedules of taxable property of public service corporations organized, existing, or doing business in this state which are submitted to and certified by

the State Board of Equalization pursuant to the provisions of Section 2858 of this title and Section 21 of Article X of the Oklahoma Constitution, provided such information would be a public record if filed pursuant to Sections 2838 and 2839 of this title on behalf of a corporation other than a public service corporation;

10. The furnishing of information requested by any member of the general public and stated in the findings of the ~~Oklahoma~~ Tax Commission as to the adjustment and equalization of the valuation of real and personal property of the counties of the state, which are submitted to and certified by the State Board of Equalization pursuant to the provisions of Section 2865 of this title and Section 21 of Article X of the Oklahoma Constitution;

11. The furnishing of information to an Oklahoma wholesaler of low-point beer, licensed under the provisions of Section 163.1 et seq. of Title 37 of the Oklahoma Statutes, of the licensed retailers authorized by law to purchase low-point beer in this state or the furnishing of information to a licensed Oklahoma wholesaler of shipments by licensed manufacturers into this state;

12. The furnishing of information as to the issuance or revocation of any tax permit, license or exemption by the Tax Commission as provided for by law. Such information shall be limited to the name of the person issued the permit, license or exemption, the name of the business entity authorized to engage in business pursuant to the permit, license or exemption, the address of the business entity, and the grounds for revocation;

13. The posting of notice of revocation of any tax permit or license upon the premises of the place of business of any business entity which has had any tax permit or license revoked by the Tax Commission as provided for by law. Such notice shall be limited to the name of the person issued the permit or license, the name of the business entity authorized to engage in business pursuant to the

permit or license, the address of the business entity, and the grounds for revocation;

14. The furnishing of information upon written request by any member of the general public as to the outstanding and unpaid amount due and owing by any taxpayer of this state for any delinquent tax, together with penalty and interest, for which a tax warrant or a certificate of indebtedness has been filed pursuant to law;

15. After the filing of a tax warrant pursuant to law, the furnishing of information upon written request by any member of the general public as to any agreement entered into by the Tax Commission concerning a compromise of tax liability for an amount less than the amount of tax liability stated on such warrant;

16. The disclosure of information necessary to complete the performance of any contract authorized by Sections 255 and 262 of this title to any person with whom the Tax Commission has contracted;

17. The disclosure of information to any person for a purpose as authorized by the taxpayer pursuant to a waiver of confidentiality. The waiver shall be in writing and shall be made upon such form as the Tax Commission may prescribe;

18. The disclosure of information required in order to comply with the provisions of Section 2369 of this title;

19. The disclosure to an employer, as defined in Sections 2385.1 and 2385.3 of this title, of information required in order to collect the tax imposed by Section 2385.2 of this title;

20. The disclosure to a plaintiff of a corporation's last-known address shown on the records of the Franchise Tax Division of the Tax Commission in order for such plaintiff to comply with the requirements of Section 2004 of Title 12 of the Oklahoma Statutes;

21. The disclosure of information directly involved in the resolution of the protest by a taxpayer to an assessment of tax or additional tax or the resolution of a claim for refund filed by a

taxpayer, including the disclosure of the pendency of an administrative proceeding involving such protest or claim, to a person called by the Tax Commission as an expert witness or as a witness whose area of knowledge or expertise specifically addresses the issue addressed in the protest or claim for refund. Such disclosure to a witness shall be limited to information pertaining to the specific knowledge of that witness as to the transaction or relationship between taxpayer and witness;

22. The disclosure of information necessary to implement an agreement authorized by Section 2702 of this title when such information is directly involved in the resolution of issues arising out of the enforcement of a municipal sales tax ordinance. Such disclosure shall be to the governing body or to the municipal attorney, if so designated by the governing body;

23. The furnishing of information regarding incentive payments made pursuant to the provisions of Sections 3601 through 3609 of this title or incentive payments made pursuant to the provisions of Sections 3501 through 3508 of this title;

24. The furnishing to a prospective purchaser of any business, or his or her authorized representative, of information relating to any liabilities, delinquencies, assessments or warrants of the prospective seller of the business which have not been filed of record, established, or become final and which relate solely to the seller's business. Any disclosure under this paragraph shall only be allowed upon the presentment by the prospective buyer, or the buyer's authorized representative, of the purchase contract and a written authorization between the parties; or

25. The furnishing of information as to the amount of state revenue affected by the issuance or granting of any tax permit, license, exemption, deduction, credit or other tax preference by the Tax Commission as provided for by law. Such information shall be limited to the type of permit, license, exemption, deduction, credit

or other tax preference issued or granted, the date and duration of such permit, license, exemption, deduction, credit or other tax preference and the amount of such revenue. The provisions of this paragraph shall not authorize the disclosure of the name of the person issued such permit, license, exemption, deduction, credit or other tax preference, or the name of the business entity authorized to engage in business pursuant to the permit, license, exemption, deduction, credit or other tax preference.

D. The Tax Commission shall cause to be prepared and made available for public inspection in the office of the Tax Commission in such manner as it may determine an annual list containing the name and post office address of each person, whether individual, corporate, or otherwise, making and filing an income tax return with the Tax Commission.

It is specifically provided that no liability whatsoever, civil or criminal, shall attach to any member of the Tax Commission or any employee thereof for any error or omission of any name or address in the preparation and publication of the list.

E. The Tax Commission shall prepare or cause to be prepared a report on all provisions of state tax law that reduce state revenue through exclusions, deductions, credits, exemptions, deferrals or other preferential tax treatments. The report shall be prepared not later than October 1 of each even-numbered year and shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The Tax Commission may prepare and submit supplements to the report at other times of the year if additional or updated information relevant to the report becomes available. The report shall include, for the previous fiscal year, the Tax Commission's best estimate of the amount of state revenue that would have been collected but for the existence of each such exclusion, deduction, credit, exemption, deferral or other preferential tax treatment allowed by law. The Tax Commission

may request the assistance of other state agencies as may be needed to prepare the report.

F. It is further provided that the provisions of this section shall be strictly interpreted and shall not be construed as permitting the disclosure of any other information contained in the records and files of the Tax Commission relating to income tax or to any other taxes.

G. Unless otherwise provided for in this section, any violation of the provisions of this section shall constitute a misdemeanor and shall be punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term not exceeding one (1) year, or by both such fine and imprisonment, and the offender shall be removed or dismissed from office.

H. Offenses described in Section 2376 of this title shall be reported to the appropriate district attorney of this state by the Tax Commission as soon as the offenses are discovered by the Tax Commission or its agents or employees. The Tax Commission shall make available to the appropriate district attorney or to the authorized agent of the district attorney its records and files pertinent to prosecutions, and such records and files shall be fully admissible as evidence for the purpose of such prosecutions.

SECTION 38. AMENDATORY 74 O.S. 1991, Section 3111, as amended by Section 7, Chapter 215, O.S.L. 1996 (74 O.S. Supp. 1998, Section 3111), is amended to read as follows:

Section 3111. A. No state agency, board, commission or other unit or subdivision of state government shall request or require that any person reveal the social security number of such person in order to obtain services or assistance, nor shall any state agency, board, commission or other unit or subdivision of state government use, for any purpose, numbers which correspond to the social security number of any person. Provided that any state agency,

board, commission, unit or subdivision of state government using social security numbers for a particular purpose prior to January 1, 1974, may continue to use and require social security numbers for that purpose only and provided, further, that the provisions of ~~this act,~~ Section 3101 et seq. of this title~~,~~ shall not be construed to prohibit the use or requirement of disclosure of one's social security number if the use of the number is related to the Social Security Administration or benefits thereunder, or, subject to the provisions of Section 1-311.1 of Title 63 of the Oklahoma Statutes, to prohibit the use or requirement of disclosure of the social security numbers of the mother and father by the Vital Records Section of the State Department of Health in the administration of the issuance of birth records.

B. The provisions of this section shall not be construed to prohibit the Oklahoma Tax Commission from requiring the disclosure by any person of his or her social security number in order to administer any state tax law, as defined by Section 202 of Title 68 of the Oklahoma Statutes or in order for the ~~Commission~~ State Treasurer to administer any provision of the Uniform ~~Disposition of~~ Unclaimed Property Act, ~~Section 651 et seq. of Title 60 of the Oklahoma Statutes,~~ if such administration requires the Tax Commission or State Treasurer to obtain the social security number of any person.

C. The provisions of this section shall not prohibit the State Department of Education or a board of education of a school district from requesting any student who wishes to enroll in or is enrolled in any public school in this state to disclose the social security account number of the student in order for the Department to administer any provision of the Oklahoma School Testing Program Act, ~~Sections 1210.505 through 1210.511 of Title 70 of the Oklahoma Statutes,~~ for the collection of appropriate and necessary data pursuant to the Oklahoma Educational Indicators Program, ~~Section~~

~~1210.531 of Title 70 of the Oklahoma Statutes,~~ for the purpose of determining student enrollment, to establish a mobility rate or for the allocation of State Aid Formula and midyear adjustment in funding for student growth. The State Department of Education or a board of education of a school district shall not deny to any student any right, benefit, or privilege provided by law because of the refusal by the student to disclose the social security account number of the student. If the State Department of Education or a board of education of a school district requests a student to disclose the student's social security account number, the State Department of Education or a board of education of a school district shall inform the student by what statutory or other authority such number is solicited and what uses will be made of the number.

D. The State Board of Education is authorized to develop an alternative accountability system for tracking students to administer any provision of the Oklahoma School Testing Program Act, ~~Sections 1210.505 through 1210.511 of Title 70 of the Oklahoma Statutes,~~ for the collection of appropriate and necessary data pursuant to the Oklahoma Educational Indicators Program, ~~Section 1210.531 of Title 70 of the Oklahoma Statutes,~~ for the purpose of determining student enrollment, to establish a mobility rate or for the allocation of State Aid Formula and midyear adjustment in funding for student growth. The accountability system shall be developed only if, in the determination of the Board, the provisions of subsection C of this section are not sufficient to allow for the adequate implementation of the provisions of the Oklahoma School Testing Program Act or the Oklahoma Educational Indicators Program.

SECTION 39. This act shall become effective July 1, 1999.

SECTION 40. It being immediately necessary for the preservation of the public peace, health and 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 Senate the 24th day of February, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____ ,
1999.

Speaker of the House of
Representatives