

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 571

By: Jolley of the Senate

and

Murphey of the House

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8 [Uniform Unclaimed Property Act - disposition of
9 unclaimed property by State Treasurer - limiting
claims - effective date]

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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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14 "An Act relating to the Uniform Unclaimed Property
15 Act; amending 60 O.S. 2001, Section 674, as amended
16 by Section 11, Chapter 224, O.S.L. 2003 (60 O.S.
17 Supp. 2010, Section 674), which relates to
18 disposition of unclaimed property by the State
19 Treasurer; limiting claims for appreciation or
20 depreciation of certain property sold by State
21 Treasurer; amending Section 3, Chapter 446, O.S.L.
22 2005 (68 O.S. Supp. 2010, Section 2355.2), which
23 relates to the Oklahoma Taxpayer Relief Revolving
24 Fund; abolishing the Oklahoma Taxpayer Relief
Revolving Fund; transferring monies to the Special
Cash Fund; extinguishing liabilities; amending 62
O.S. 2001, Sections 89.7, as amended by Section 9,
Chapter 241, O.S.L. 2010 and 89.6, as last amended
by Section 8, Chapter 241, O.S.L. 2010 (62 O.S.
Supp. 2010, Sections 89.7 and 89.6), which relate to
investments by the State Treasurer; modifying date
certain report must be submitted; authorizing the
State Treasurer to purchase, sell, hold or otherwise
manage certain investment transactions if directed

1 by state agencies; limiting payment for investment
2 services; amending 60 O.S. 2001, Section 667, as
3 last amended by Section 4, Chapter 124, O.S.L. 2005
4 (60 O.S. Supp. 2010, Section 667), which relates to
5 abandoned property from safe deposit boxes;
6 providing certain exemption for liquidation of
7 securities; and providing an effective date.

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

9 SECTION 1. AMENDATORY 60 O.S. 2001, Section 674, as
10 amended by Section 11, Chapter 224, O.S.L. 2003 (60 O.S. Supp. 2010,
11 Section 674), is amended to read as follows:

12 Section 674. A. A person, excluding another state, claiming an
13 interest in any property delivered to the State Treasurer may file a
14 claim on a form prescribed by the State Treasurer and verified by
15 the claimant. The date of filing of a claim shall be the date it is
16 received by the State Treasurer with all supporting documentation
17 from the claimant. Any information submitted by a claimant which is
18 required to be submitted to the State Treasurer to establish a claim
19 may be kept confidential by the State Treasurer if it contains
20 personal financial information of the claimant, social security
21 numbers, birth certificates or similar documents related to the
22 parentage of an individual, or any other document which is
23 confidential by statute if in the custody of another public agency
24 or person.

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

11 C. If a claim is allowed, the State Treasurer shall pay over or
12 deliver to the claimant the property or the amount the State
13 Treasurer actually received or the net proceeds if it has been sold
14 by the State Treasurer, together with any additional amount required
15 by Section 665 of this title. ~~If the claim is for property presumed~~
16 ~~abandoned under Section 655 of this title which was sold by the~~
17 ~~State Treasurer within one (1) year after the date of delivery, the~~
18 ~~amount payable for that claim is the value of the property at the~~
19 ~~time the claim was made or the net proceeds of sale, whichever is~~
20 greater, but no person shall have any claim under this section
21 against the state, the holder, any transfer agent, registrar or
22 other person acting for or on behalf of the state or a holder, for
23 any appreciation or depreciation in the value of the property or any
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1 earnings that might otherwise accrue, after sale of the property by
2 the State Treasurer.

3 SECTION 2. AMENDATORY Section 3, Chapter 446, O.S.L.
4 2005 (68 O.S. Supp. 2010, Section 2355.2), is amended to read as
5 follows:

6 Section 2355.2 A. There is hereby created in the State
7 Treasury a revolving fund for the State Treasurer to be designated
8 the "Oklahoma Taxpayer Relief Revolving Fund". The fund shall be a
9 continuing fund, not subject to fiscal year limitations, and shall
10 consist of the monies transferred to such fund pursuant to paragraph
11 2 of subsection A of Section 46.1 of this act Title 62 of the
12 Oklahoma Statutes. All monies accruing to the credit of said fund
13 are hereby appropriated and may be budgeted and expended by the
14 State Treasurer for the purpose of providing payments to Oklahoma
15 residents who have filed an income tax return pursuant to Section
16 2355 of ~~Title 68 of the Oklahoma Statutes~~ this title for the
17 preceding tax year, except for those residents who were inmates in
18 the custody of the Department of Corrections, and for the purpose of
19 administrative costs incurred by the State Treasurer in making
20 payments provided by this section. The payments to taxpayers filing
21 as married filing jointly, surviving spouse or head of household
22 shall be equal to two times the payment to taxpayers filing as an
23 individual or married filing separately. No taxpayer filing as an
24 individual who claims zero personal exemptions shall receive a

1 payment. During each year funds accrue pursuant to Section ~~4~~ 46.1
2 of ~~this act~~ Title 62 of the Oklahoma Statutes, the Oklahoma Tax
3 Commission shall provide the State Treasurer with information
4 necessary for such payments to be issued. Expenditures from said
5 fund shall be made upon warrants issued by the State Treasurer
6 against claims filed as prescribed by law with the Director of State
7 Finance for approval and payment.

8 B. The State Treasurer shall promulgate any necessary rules in
9 order to administer the provisions of this section.

10 C. The Oklahoma Taxpayer Relief Revolving Fund shall be
11 abolished and all monies remaining in such fund transferred to the
12 Special Cash Fund on June 30, 2012. Any liabilities payable from
13 the Oklahoma Taxpayer Relief Revolving Fund shall be extinguished
14 upon its abolishment and shall not be transferred to the Special
15 Cash Fund. The Special Cash Fund refers to the fund created by
16 Section 253 of Title 62 of the Oklahoma Statutes.

17 SECTION 3. AMENDATORY 62 O.S. 2001, Section 89.7, as
18 amended by Section 9, Chapter 241, O.S.L. 2010 (62 O.S. Supp. 2010,
19 Section 89.7), is amended to read as follows:

20 Section 89.7 A. The State Treasurer shall prepare monthly and
21 annual investment performance reports of the State Treasurer's
22 Office in the form and manner required by the Cash Management and
23 Investment Oversight Commission after consultation with the State
24 Treasurer which summarize recent market conditions, economic

1 developments and anticipated investment conditions and the
2 investment plan performance, including portfolio diversification and
3 rates of return measured against the investment plan of the State
4 Treasury. The annual investment performance report shall be
5 submitted to the Commission and shall be made within ~~sixty (60)~~
6 ninety (90) calendar days after the end of the fiscal year. The
7 monthly investment performance reports shall be submitted to the
8 Executive Review Committee and shall be made within thirty (30) days
9 after the end of the applicable month. The investment performance
10 reports shall specify the investment strategies employed in the most
11 recent reporting period and describe the investment portfolio of the
12 state in terms of:

- 13 1. Securities;
- 14 2. Maturities;
- 15 3. Fund type;
- 16 4. Financial institutions from which securities were purchased,
17 including the amounts and the city and state of location;
- 18 5. Investment return compared to budgetary expectations;
- 19 6. Average yield; and
- 20 7. Average life of the portfolio.

21 The investment performance reports shall also indicate any areas of
22 concern which the State Treasurer has concerning the basic
23 investment strategies being employed. The investment performance
24 reports shall contain:

- a. combined and individual rates of return and a list of all losses by category of investment, over periods of time;
- b. the rate of return on deposits and all fees and expenses charged as to all depository financial institutions of the State Treasury and a specific review of the adequacy of the collateralization;
- c. any other information that the State Treasurer may include; and
- d. such other information that the Cash Management and Investment Oversight Commission created by Section 71.1 of this title may request and that the State Treasurer agrees to include in the investment performance reports.

B. To the extent that the State Treasurer should have reason to know, the State Treasurer shall also include in the investment performance reports a listing of all payments, fees, commissions, or other compensation received by any person, including but not limited to individuals, financial institutions, or investment companies or corporations, which have an investment agreement, contract, or other arrangement with the State Treasurer, or who receive any compensation as a result of a transaction involving the investment of state monies or funds or the purchase, sale, or trade of securities or bonds involving the Office of the State Treasurer.

1 Said listings shall also include the social security or federal
2 identification number of any person, including but not limited to
3 individuals, financial institutions, or investment companies or
4 corporations, receiving payments, fees, commissions, or other
5 compensation.

6 C. The annual investment performance report shall be written in
7 simple and easily understood language containing:

- 8 a. an analysis of the written investment plans developed
9 by the Treasurer as required by law;
- 10 b. a quantitative analysis of the performance of all
11 depository financial institutions approved by the
12 State Treasurer, with regard to monies deposited;
- 13 c. the result of the analyses prepared pursuant to
14 subparagraphs a and b of this paragraph compared with
15 similar data for other states;
- 16 d. recommendations on administrative and legislative
17 changes which are necessary to improve the performance
18 of the State Treasury in accordance with current
19 standards for large public fund portfolio management;
20 and
- 21 e. a listing by object code of the expenses of the State
22 Treasury as audited by the independent auditor
23 provided by Section 89.10 of this title.

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1 D. The State Treasurer shall distribute the investment
2 performance reports to the Governor, the President Pro Tempore of
3 the Senate, the Speaker of the House of Representatives, the State
4 Auditor and Inspector, the Attorney General, and members of the Cash
5 Management and Investment Oversight Commission. Upon request, the
6 State Treasurer shall make the annual investment performance report
7 available to the members of the Legislature and the general public.
8 The annual investment performance report shall also include an
9 investment plan for the ensuing fiscal year.

10 E. The State Treasurer shall require all employees in the State
11 Treasury to sign an anti-collusion affidavit. Execution of a false
12 affidavit shall make such employees subject to disciplinary action,
13 including but not limited to termination, criminal prosecution or
14 both.

15 F. The State Treasurer shall require an anti-collusion
16 affidavit from brokers or other persons offering investment services
17 to the State Treasury. The State Treasurer shall be prohibited from
18 employing or doing business with any brokers or persons offering
19 investment services to the State Treasury who have not executed such
20 an affidavit.

21 G. The Cash Management and Investment Oversight Commission
22 shall certify that the State Treasurer has delivered to the
23 Commission the monthly and annual investment performance reports and
24 the annual financial report required by this section. If the

1 Commission determines that these reports have not been delivered by
2 the State Treasurer as required by law, the Commission shall notify
3 in writing the Governor, the Speaker of the House of
4 Representatives, the President Pro Tempore of the Senate, the
5 Attorney General, and the State Auditor and Inspector.

6 SECTION 4. AMENDATORY 62 O.S. 2001, Section 89.6, as
7 last amended by Section 8, Chapter 241, O.S.L. 2010 (62 O.S. Supp.
8 2010, Section 89.6), is amended to read as follows:

9 Section 89.6 A. The State Treasurer may charge and collect the
10 following fees:

11 1. For any returned check or electronic debit that is returned,
12 a fee of Twenty-five Dollars (\$25.00);

13 2. For handling and processing rejected warrant items processed
14 by the State Treasurer, a fee of One Dollar (\$1.00) per item;

15 3. For handling a stop-payment item processed by the State
16 Treasurer on behalf of a state agency, a fee of Fifteen Dollars
17 (\$15.00) for each item up to a maximum fee of Three Hundred Twenty-
18 five Dollars (\$325.00) per day; and

19 4. Beginning July 1, 2010, for expenses incurred in managing
20 the state agency blended portfolio, an annual fee of not more than
21 two and one-half (2 1/2) basis points which may be charged monthly
22 against the average daily balance of the portfolio; provided, the
23 fees shall be collected at the time earnings are deposited to
24 participating state agencies.

1 B. Beginning July 1, 2012, a state agency may direct the State
2 Treasurer to purchase, sell, hold or otherwise manage investment
3 transactions on its behalf outside of the blended portfolio,
4 provided that the agency shall not pay more for investment services
5 than the rate established by the State Treasurer which shall not
6 exceed the amount necessary for recovering the cost to the State
7 Treasurer's office for providing such services.

8 SECTION 5. AMENDATORY 60 O.S. 2001, Section 667, as last
9 amended by Section 4, Chapter 124, O.S.L. 2005 (60 O.S. Supp. 2010,
10 Section 667), is amended to read as follows:

11 Section 667. A. Except as provided in subsections B and C of
12 this section, when the State Treasurer determines it to be
13 economically feasible, the Treasurer shall sell abandoned property
14 from safe deposit boxes to the highest bidder at public sale in
15 whatever city in the state affords in the judgment of the State
16 Treasurer the most favorable market for the property involved. The
17 State Treasurer may decline the highest bid and reoffer the property
18 for sale if in the judgment of the State Treasurer the bid is
19 insufficient. If in the judgment of the State Treasurer the
20 probable cost of sale exceeds the value of the property, it need not
21 be offered for sale. Any sale held under this section must be
22 preceded by a single publication of notice, at least three (3) weeks
23 in advance of sale in a legal newspaper of general circulation in
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1 the county where the property is to be sold, the county of residence
2 of the holder and the county of the last-known address of the owner.

3 B. Securities listed on an established stock exchange must be
4 sold at prices prevailing at the time of sale on the exchange.

5 Other securities may be sold over the counter at prices prevailing
6 at the time of sale or by another method the State Treasurer
7 considers advisable. The liquidation of securities shall be exempt
8 from the procedures set forth in subsection A of this section.

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

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

20 SECTION 6. This act shall become effective November 1, 2011.”

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1 ENGROSSED SENATE
2 BILL NO. 571

By: Jolley of the Senate

3 and

4 Murphey of the House

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7 [Uniform Unclaimed Property Act - disposition of
8 unclaimed property by State Treasurer - limiting
9 claims - effective date]
10

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

12 SECTION 7. AMENDATORY 60 O.S. 2001, Section 667, as last
13 amended by Section 4, Chapter 124, O.S.L. 2005 (60 O.S. Supp. 2010,
14 Section 667), is amended to read as follows:

15 Section 667. A. Except as provided in subsections B and C of
16 this section, when the State Treasurer determines it to be
17 economically feasible, the Treasurer shall sell abandoned property
18 from safe deposit boxes to the highest bidder at public sale in
19 whatever city in the state affords in the judgment of the State
20 Treasurer the most favorable market for the property involved. The
21 State Treasurer may decline the highest bid and reoffer the property
22 for sale if in the judgment of the State Treasurer the bid is
23 insufficient. If in the judgment of the State Treasurer the
24 probable cost of sale exceeds the value of the property, it need not

1 be offered for sale. Any sale held under this section must be
2 preceded by a single publication of notice, at least three (3) weeks
3 in advance of sale in a legal newspaper of general circulation in
4 the county where the property is to be sold, the county of residence
5 of the holder and the county of the last-known address of the owner;
6 provided, if the property is of a type customarily sold on a
7 recognized market or of a type which is subject to widely
8 distributed standard price quotations, the State Treasurer may sell
9 the property without notice by publication.

10 B. Securities listed on an established stock exchange must be
11 sold at prices prevailing at the time of sale on the exchange.
12 Other securities may be sold over the counter at prices prevailing
13 at the time of sale or by another method the State Treasurer
14 considers advisable.

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

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

3 SECTION 8. AMENDATORY 60 O.S. 2001, Section 674, as
4 amended by Section 11, Chapter 224, O.S.L. 2003 (60 O.S. Supp. 2010,
5 Section 674), is amended to read as follows:

6 Section 674. A. A person, excluding another state, claiming an
7 interest in any property delivered to the State Treasurer may file a
8 claim on a form prescribed by the State Treasurer and verified by
9 the claimant. The date of filing of a claim shall be the date it is
10 received by the State Treasurer with all supporting documentation
11 from the claimant. Any information submitted by a claimant which is
12 required to be submitted to the State Treasurer to establish a claim
13 may be kept confidential by the State Treasurer if it contains
14 personal financial information of the claimant, social security
15 numbers, birth certificates or similar documents related to the
16 parentage of an individual, or any other document which is
17 confidential by statute if in the custody of another public agency
18 or person.

19 B. The State Treasurer shall consider each claim within ninety
20 (90) days after it is filed and give written notice to the claimant
21 if the claim is denied in whole or in part. The notice may be given
22 by mailing it to the last address, if any, stated in the claim as
23 the address to which notices are to be sent. If no address for
24 notices is stated in the claim, the notice may be mailed to the last

1 address, if any, of the claimant as stated in the claim. No notice
2 of denial need be given if the claim fails to state either the
3 address to which notices are to be sent or the address of the
4 claimant.

5 C. If a claim is allowed, the State Treasurer shall pay over or
6 deliver to the claimant the property or the amount the State
7 Treasurer actually received or the net proceeds if it has been sold
8 by the State Treasurer, together with any additional amount required
9 by Section 665 of this title. ~~If the claim is for property presumed
10 abandoned under Section 655 of this title which was sold by the
11 State Treasurer within one (1) year after the date of delivery, the
12 amount payable for that claim is the value of the property at the
13 time the claim was made or the net proceeds of sale, whichever is
14 greater,~~ but no person shall have any claim under this section
15 against the state, the holder, any transfer agent, registrar or
16 other person acting for or on behalf of the state or a holder, for
17 any appreciation or depreciation in the value of the property or any
18 earnings that might otherwise accrue, after sale of the property by
19 the State Treasurer.

20 SECTION 9. This act shall become effective November 1, 2011.
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