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FILED MAR 16 1995

Reprinted

SENATE FILE 375
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 286)

Passed Senate, Date ^(p. 1497) 3/22/95 Passed House, Date ^(p. 1425) 4-11-95
Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0
Approved April 19, 1995

A BILL FOR

1 An Act relating to abandoned property subject to control by the
2 treasurer of state.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 375

1 Section 1. Section 556.11, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. The report shall be filed annually before November 1 of
4 ~~each-year-as-of~~ for the fiscal year ending on the preceding
5 ~~June 30 next-preceding,-but-the-report-of-life-insurance~~
6 ~~corporations-shall-be-filed-before-May-1-of-each-year-as-of~~
7 ~~December-31-next-preceding.~~ The state treasurer of state may
8 postpone the reporting date upon written request by any person
9 required to file a report.

10 Sec. 2. Section 556.12, subsection 1, Code 1995, is
11 amended to read as follows:

12 1. ~~Within-one-hundred-twenty-days-from-the-final-date-for~~
13 ~~filing-of-the-report~~ If a report has been filed with the
14 treasurer of state, or property has been paid or delivered to
15 the treasurer of state, for the fiscal year ending on June 30
16 as required by section 556.11, the state treasurer of state
17 shall cause provide for the publication annually of at least
18 one notice not later than the following November 30. Each
19 notice to shall be published at least once each week for two
20 successive weeks in an English language newspaper of general
21 circulation in the county in this state in which is located
22 the last known address of any person to be named in the
23 notice. If ~~no~~ an address is not listed or if the address is
24 outside this state, the notice shall be published in the
25 county in which the holder of the abandoned property has its
26 principal place of business within this state.

27 Sec. 3. Section 556.22, Code 1995, is amended to read as
28 follows:

29 556.22 ~~ELECTION-TO-TAKE-PAYMENT-OR-DELIVERY~~ ELECTIONS BY
30 THE TREASURER OF STATE.

31 1. The treasurer of state may elect to allow a holder to
32 file a report as provided in section 556.11, or to deliver or
33 pay property to the treasurer, before the property is presumed
34 abandoned, upon consent of the treasurer and according to
35 terms and conditions prescribed by the treasurer.

1 2. The state treasurer of state, after receiving reports
2 of property deemed abandoned pursuant to this chapter, may
3 decline to receive any property reported which the treasurer
4 deems to have a value less than the cost of giving notice and
5 holding sale, or the treasurer may, if the treasurer deems it
6 desirable because of the small sum involved, postpone taking
7 possession until a sufficient sum accumulates. Unless the
8 holder of the property is notified to the contrary within one
9 hundred twenty days after filing the report required under
10 section 556.11, the state treasurer shall be deemed to have
11 elected to receive the custody of the property.

12

EXPLANATION

13 This bill amends chapter 556, which provides for the
14 disposition of abandoned property by the treasurer of state.
15 The chapter provides that persons holding funds or other
16 tangible or intangible property, presumed abandoned under this
17 chapter, must report to the treasurer of state. Section
18 556.11 provides for the filing of reports of abandoned
19 property before November 1 of each year as of the June 30 next
20 preceding, except for life insurance companies which must file
21 before May 1 of each year as of December 31 next preceding.
22 This bill provides that life insurance companies must file
23 like other persons.

24 Section 556.12 currently provides that within 120 days from
25 the filing date, the treasurer of state must provide notice to
26 be published in a newspaper of general circulation in the
27 county in which is located the last known address of any
28 person to be named in the notice. This bill eliminates the
29 120-day requirement and provides that if a report has been
30 filed with the treasurer of state, a property has been paid or
31 delivered to the treasurer of state for the fiscal year ending
32 on June 30, the treasurer must provide for the publication of
33 a notice not later than the following November 30.

34 Finally, the bill amends section 556.22 to provide that the
35 treasurer of state may elect to allow a holder of property to

1 file a report or to deliver or pay property to the treasurer
2 of state, before the property is presumed abandoned, upon
3 consent of the treasurer of state and according to terms and
4 conditions prescribed by the treasurer of state.

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SENATE FILE 375

S-3136

1 Amend Senate File 375 as follows:
2 1. Page 1, by inserting before line 1 the follow-
3 ing:
4 "Section 1. Section 556.1, Code 1995, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 5A. "Money order" includes an
7 express money order and a personal money order, on
8 which the remitter is the purchaser. "Money order"
9 does not include a bank money order or any other
10 instrument sold by a banking or financial organization
11 if the seller has obtained the name and address of the
12 payee.
13 Sec. 2. Section 556.2, subsection 4, Code 1995, is
14 amended to read as follows:
15 4. Any sum payable on checks certified in this
16 state or on written instruments issued in this state
17 on which a banking or financial organization or
18 business association is directly liable, including, by
19 way of illustration but not of limitation,
20 certificates of deposit, drafts, money orders, and
21 traveler's checks and money orders, that, with the
22 exception of traveler's checks, has been outstanding
23 for more than three years from the date it was
24 payable, or from the date of its issuance if payable
25 on demand, or, in the case of traveler's checks, that
26 has been outstanding for more than fifteen years from
27 the date of its issuance, or, in the case of money
28 orders, that has been outstanding for more than seven
29 years from the date of issuance, unless the owner has
30 within three years, or within fifteen years in the
31 case of traveler's checks or seven years in the case
32 of money orders, corresponded in writing with the
33 banking or financial organization or business
34 association concerned, or otherwise indicated an
35 interest as evidenced by a memorandum on file with the
36 banking or financial organization or business
37 association. The memorandum shall be dated and may
38 have been prepared by the banking or financial
39 organization or business association, in which case it
40 shall be signed by an officer of the banking or
41 financial organization, or a member of the business
42 association, or it may have been prepared by the
43 owner."
44 2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3136 FILED MARCH 20, 1995

WITHDRAWN
Withdrawn 3/22/95
(p. 797)

WITHDRAWN

SENATE FILE 375

S-3171

1 Amend Senate File 375 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing:

4 "Section 1. Section 556.1, Code 1995, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 5A. "Money order" includes an
7 express money order and a personal money order, on
8 which the remitter is the purchaser. "Money order"
9 does not include a bank money order or any other
10 instrument sold by a banking or financial organization
11 if the seller has obtained the name and address of the
12 payee.

13 Sec. 2. Section 556.2, subsection 4, Code 1995, is
14 amended to read as follows:

15 4. Any sum payable on checks certified in this
16 state or on written instruments issued in this state
17 on which a banking or financial organization or
18 business association is directly liable, including, by
19 way of illustration but not of limitation,
20 certificates of deposit, drafts, money orders, and
21 traveler's checks, that, with the exception of
22 traveler's checks and money orders, has been
23 outstanding for more than three years from the date it
24 was payable, or from the date of its issuance if
25 payable on demand, or, in the case of traveler's
26 checks, that has been outstanding for more than
27 fifteen years from the date of its issuance, or, in
28 the case of money orders, that has been outstanding
29 for more than seven years from the date of issuance,
30 unless the owner has within three years, or within
31 fifteen years in the case of traveler's checks or
32 seven years in the case of money orders, corresponded
33 in writing with the banking or financial organization
34 or business association concerned, or otherwise
35 indicated an interest as evidenced by a memorandum on
36 file with the banking or financial organization or
37 business association. The memorandum shall be dated
38 and may have been prepared by the banking or financial
39 organization or business association, in which case it
40 shall be signed by an officer of the banking or
41 financial organization, or a member of the business
42 association, or it may have been prepared by the
43 owner."

44 2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3171 FILED MARCH 22, 1995

ADOPTED

p. 797

1 Section 1. Section 556.1, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. "Money order" includes an express
4 money order and a personal money order, on which the remitter
5 is the purchaser. "Money order" does not include a bank money
6 order or any other instrument sold by a banking or financial
7 organization if the seller has obtained the name and address
8 of the payee.

9 Sec. 2. Section 556.2, subsection 4, Code 1995, is amended
10 to read as follows:

11 4. Any sum payable on checks certified in this state or on
12 written instruments issued in this state on which a banking or
13 financial organization or business association is directly
14 liable, including, by way of illustration but not of
15 limitation, certificates of deposit, drafts, money orders, and
16 traveler's checks, that, with the exception of traveler's
17 checks and money orders, has been outstanding for more than
18 three years from the date it was payable, or from the date of
19 its issuance if payable on demand, or, in the case of
20 traveler's checks, that has been outstanding for more than
21 fifteen years from the date of its issuance, or, in the case
22 of money orders, that has been outstanding for more than seven
23 years from the date of issuance, unless the owner has within
24 three years, or within fifteen years in the case of traveler's
25 checks or seven years in the case of money orders,
26 corresponded in writing with the banking or financial
27 organization or business association concerned, or otherwise
28 indicated an interest as evidenced by a memorandum on file
29 with the banking or financial organization or business
30 association. The memorandum shall be dated and may have been
31 prepared by the banking or financial organization or business
32 association, in which case it shall be signed by an officer of
33 the banking or financial organization, or a member of the
34 business association, or it may have been prepared by the
35 owner.

1 Sec. 3. Section 556.11, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. The report shall be filed annually before November 1 of
4 each-year-as-of for the fiscal year ending on the preceding
5 June 30 next-preceding, but the report of life insurance
6 corporations shall be filed before May 1 of each year as of
7 December 31 next preceding. The state treasurer of state may
8 postpone the reporting date upon written request by any person
9 required to file a report.

10 Sec. 4. Section 556.12, subsection 1, Code 1995, is
11 amended to read as follows:

12 1. ~~Within one hundred twenty days from the final date for~~
13 ~~filing of the report~~ If a report has been filed with the
14 treasurer of state, or property has been paid or delivered to
15 the treasurer of state, for the fiscal year ending on June 30
16 as required by section 556.11, the state treasurer of state
17 shall cause provide for the publication annually of at least
18 one notice not later than the following November 30. Each
19 notice to shall be published at least once each week for two
20 successive weeks in an English language newspaper of general
21 circulation in the county in this state in which is located
22 the last known address of any person to be named in the
23 notice. If ~~no~~ an address is not listed or if the address is
24 outside this state, the notice shall be published in the
25 county in which the holder of the abandoned property has its
26 principal place of business within this state.

27 Sec. 5. Section 556.22, Code 1995, is amended to read as
28 follows:

29 556.22 ~~ELECTION TO TAKE PAYMENT OR DELIVERY~~ ELECTIONS BY
30 THE TREASURER OF STATE.

31 1. The treasurer of state may elect to allow a holder to
32 file a report as provided in section 556.11, or to deliver or
33 pay property to the treasurer, before the property is presumed
34 abandoned, upon consent of the treasurer and according to
35 terms and conditions prescribed by the treasurer.

1 2. The state treasurer of state, after receiving reports
2 of property deemed abandoned pursuant to this chapter, may
3 decline to receive any property reported which the treasurer
4 deems to have a value less than the cost of giving notice and
5 holding sale, or the treasurer may, if the treasurer deems it
6 desirable because of the small sum involved, postpone taking
7 possession until a sufficient sum accumulates. Unless the
8 holder of the property is notified to the contrary within one
9 hundred twenty days after filing the report required under
10 section 556.11, the state treasurer shall be deemed to have
11 elected to receive the custody of the property.

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SSB-286

Commerce

Succeeded By

SENATE FILE SE/HF 375

BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY CHAIR-
PERSON DELUHERY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to abandoned property subject to control by the
2 treasurer of state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 556.11, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. The report shall be filed annually before November 1 of
4 ~~each-year-as-of~~ for the fiscal year ending on the preceding
5 ~~June 30 next-preceding, but the report of life insurance~~
6 ~~corporations shall be filed before May 1 of each year as of~~
7 ~~December 31 next-preceding.~~ The state treasurer of state may
8 postpone the reporting date upon written request by any person
9 required to file a report.

10 Sec. 2. Section 556.12, subsection 1, Code 1995, is
11 amended to read as follows:

12 1. ~~Within one hundred twenty days from the final date for~~
13 ~~filing of the report.~~ The treasurer of state shall publish
14 annually at least one notice not later than November 30 of a
15 report for the fiscal year ending on the preceding June 30
16 required by section 556.11, the state treasurer shall cause or
17 not later than the date that the property has been paid or
18 delivered to the treasurer of state. Each notice to shall be
19 published at least once each week for two successive weeks in
20 an English language newspaper of general circulation in the
21 county in this state in which is located the last known
22 address of any person to be named in the notice. If no an
23 address is not listed or if the address is outside this state,
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25 holder of the abandoned property has its principal place of
26 business within this state.

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32 file a report as provided in section 556.11, or to deliver or
33 pay property to the treasurer, before the property is presumed
34 abandoned, upon consent of the treasurer and according to
35 terms and conditions prescribed by the treasurer.

1 of state, before the property is presumed abandoned, upon
2 consent of the treasurer of state and according to terms and
3 conditions prescribed by the treasurer of state.

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SENATE FILE 375

AN ACT

RELATING TO ABANDONED PROPERTY SUBJECT TO CONTROL BY THE
TREASURER OF STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 556.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Money order" includes an express money order and a personal money order, on which the remitter is the purchaser. "Money order" does not include a bank money order or any other instrument sold by a banking or financial organization if the seller has obtained the name and address of the payee.

Sec. 2. Section 556.2, subsection 4, Code 1995, is amended to read as follows:

4. Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders, and traveler's checks, that, with the exception of traveler's checks and money orders, has been outstanding for more than three years from the date it was payable, or from the date of its issuance if payable on demand, or, in the case of traveler's checks, that has been outstanding for more than fifteen years from the date of ~~its~~ issuance, or, in the case of money orders, that has been outstanding for more than seven years from the date of issuance, unless the owner has within three years, or within fifteen years in the case of traveler's checks or seven years in the case of money orders, corresponded in writing with the banking or financial organization or business association concerned, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association. The memorandum shall be dated and may have been

prepared by the banking or financial organization or business association, in which case it shall be signed by an officer of the banking or financial organization, or a member of the business association, or it may have been prepared by the owner.

Sec. 3. Section 556.11, subsection 4, Code 1995, is amended to read as follows:

4. The report shall be filed annually before November 1 of ~~each year as of for the fiscal year ending on the preceding June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding.~~ The state treasurer of state may postpone the reporting date upon written request by any person required to file a report.

Sec. 4. Section 556.12, subsection 1, Code 1995, is amended to read as follows:

1. ~~Within one hundred twenty days from the final date for filing of the report~~ If a report has been filed with the treasurer of state, or property has been paid or delivered to the treasurer of state, for the fiscal year ending on June 30 as required by section 556.11, the state treasurer of state shall cause provide for the publication annually of at least one notice not later than the following November 30. Each notice to shall be published at least once each week for two successive weeks in an English language 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 an address is not listed or if the address is outside this state, the notice shall be published in the county in which the holder of the abandoned property has its principal place of business within this state.

Sec. 5. Section 556.22, Code 1995, is amended to read as follows:

556.22 ~~ELECTION TO TAKE PAYMENT OR DELIVERY~~ ELECTIONS BY THE TREASURER OF STATE.

1. The treasurer of state may elect to allow a holder to file a report as provided in section 556.11, or to deliver or pay property to the treasurer, before the property is presumed

abandoned, upon consent of the treasurer and according to terms and conditions prescribed by the treasurer.

2. The state treasurer of state, after receiving reports of property deemed abandoned pursuant to this chapter, may decline to receive any property reported which the treasurer deems to have a value less than the cost of giving notice and holding sale, or the treasurer may, if the treasurer deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within one hundred twenty days after filing the report required under section 556.11, the state treasurer shall be deemed to have elected to receive the custody of the property.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 375, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 19, 1995

TERRY E. BRANSTAD
Governor