

April 6, 1979

LB 179

pattern of where somebody dies intestate and it would come back to the state as is the normal case when there is no known heir for someone who dies with an estate but there is no one to pick up the tab and to take the assets. So, where there is a decedent with no known heir, it will all go back to that pot that you're concerned about. The intestate decedent's final estate, with the interest accrued from the interest bearing accounts, will go to the State Treasurer.

SPEAKER MARVEL: One minute.

SENATOR MURPHY: Then the statement for purposes of record and intent, the statement that the County Attorney will hold it until claimed by the rightful owner is subject to the seven year limitation of our escheat law?

SENATOR LANDIS: Exactly, after seven years, I think the County Attorney would have the obligation to turn over what is genuinely abandoned property to the State Treasurer.

SENATOR MURPHY: Alright. Now then the question...subsequently I have a question. We have changed the wording from "shall" to "may" and I was curious as to the intent there.

SENATOR LANDIS: Yes, the intent there...and I'm glad that Senator Murphy asked me this question, not all County Attorneys wish to do this with the funds they have on hand. Some do, some don't. Many of them have differing policies with respect to bad checks and the like, and so the use of the word "may" here allows Lancaster County to proceed, or those other counties who wish to use this kind of language to put that kind of money into interest bearing accounts, but it does not demand that all ninety-three County Attorneys follow that procedure.

SPEAKER MARVEL: Okay, Senator Cope.

SENATOR COPE: Mr. President and members, a question of Senator Landis. Senator Landis, I think the idea is great. I have a question though. Who has the authority to invest this money, the County Attorney in this case?

SENATOR LANDIS: Yes.

SENATOR COPE: That does give me a problem. You know you can have probably one of the best officials, say County Attorney in this case, in the duties they're performing, but