

MINNESOTA STATUTES 1977 SUPPLEMENT

343.01 PREVENTION OF CRUELTY

tration upon request of the board shall supply the board with necessary office space and administrative services, and the board shall reimburse the commissioner for the cost thereof.

[1977 c 264 s 1]

343.02 [Repealed, 1977 c 264 s 5; 1977 c 332 s 17]

343.03 [Repealed, 1977 c 264 s 5; 1977 c 332 s 17]

343.04 [Repealed, 1977 c 264 s 5]

343.05 [Repealed, 1977 c 264 s 5]

343.06 Duties.

It shall be the duty of the Minnesota humane society to secure the enforcement of the laws for the prevention of wrongs to animals; to assist in the organization of district and county societies and the appointment of local and state agents, and give them representation in the state society; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to animals which may now or hereafter exist, and to promote the growth of education and sentiment favorable to the protection of animals.

[1977 c 264 s 2]

343.07 [Repealed, 1977 c 264 s 5]

343.08 Biennial report.

The state bureau of animal protection shall make a biennial report by November 15 in each even numbered year, to the secretary of state and to the legislature, describing its budget, expenditures, and activities for the two preceding fiscal years, including statistics showing its work.

[1977 c 332 s 14]

NOTE: This section was also amended by Laws 1977, Chapter 264, Section 3, to read as follows:

"343.08 The board of directors of the state society shall make a biennial report before November 15, in each even numbered year, to the governor and the legislature, embracing its proceedings for the preceding biennium, and statistics showing its work."

343.09 [Repealed, 1977 c 264 s 5]

343.12 Duties of peace officers.

Upon application of any appointed agent at large or county agent in his county of appointment, it shall be the duty of, any sheriff or his deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver the same to the proper officers of the county for custody and care.

[1977 c 332 s 15]

CHAPTER 345. UNCLAIMED PROPERTY

Sec.	Sec.
345.31	Definitions and use of terms.
345.32	Property held by banking or financial organizations or by business associations.
345.33	Unclaimed funds held by life insurance corporations.
345.35	Undistributed dividends and distributions of business associations.
345.37	Property held by fiduciaries.
345.39	Miscellaneous personal property held for another person.
345.41	Report of abandoned property.
345.43	Payment or delivery of abandoned property.
345.47	Sale of abandoned property.
345.515	Agreements to locate reported property. [New]
345.525	Property having no apparent commercial value. [New]

345.31 Definitions and use of terms.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. "Business association" means any corporation, joint stock company,

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business trust, partnership, cooperative, or any association for business purposes of two or more individuals.

[For text of subds 4 and 5, see M.S.1976]

Subd. 6. "Life insurance corporation" means any association or corporation, including a fraternal beneficiary association as defined in section 64A.02, transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

[For text of subds 7 to 9, see M.S.1976]

[1977 c 137 s 1,2]

345.32 Property held by banking or financial organizations or by business associations.

The following property held or owing by a banking or financial organization or by a business association is presumed abandoned:

(a) Any demand, savings or matured time deposit made in this state with a banking organization, together with any interest or dividend thereon, excluding contracted service charges which may be deducted for a period not to exceed one year, unless the owner has, within seven years:

(1) increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) corresponded in writing with the banking organization concerning the deposit; or

(3) otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization; or

(4) received tax reports or regular statements of the deposit by mail from the banking or financial organization regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the banking or financial organization and not returned; or

(5) acted as provided in paragraphs (1), (2), (3) and (4) of this subsection in regard to another demand, savings or time deposit made with the banking or financial organization.

(b) Any funds or dividends deposited or paid in this state toward the purchase of shares or other interest in a business association where the stock certificates or other evidence of interest in the business have not been issued, or in a financial organization, and any interest or dividends thereon, excluding contracted service charges which may be deducted for a period not to exceed one year, unless the owner has within seven years:

(1) increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) corresponded in writing with the financial organization concerning the funds or deposit; or

(3) otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization; or

(4) received tax reports or regular statements of the deposit or accounting by mail from the financial organization or business association regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the financial organization or business association and not returned.

(c) Any sum, excluding contracted service charges which may be deducted for a period not to exceed one year, 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, drafts, money orders and traveler's checks, that has been outstanding for more than seven years from the date it was payable, or from the date

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of its issuance if payable on demand, or, in the case of traveler's checks, has been outstanding for more than 15 years from the date of its issuance, unless the owner has within seven years, or within 15 years in the case of traveler's checks, corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, that have been unclaimed by the owner for more than seven years from the date on which the lease or rental period expired.

(1) If the amount due for the use or rental of a safe deposit box has remained unpaid for a period of six months, the bank, savings bank, trust company, savings and loan, or safe deposit company shall, within 60 days of the expiration of that period, send by registered mail, addressed to the renter or lessee of the safe deposit box, directed to the address standing on its books, a written notice that, if the amount due for the use or rental of the safe deposit box is not paid within 60 days after the date of the mailing of the notice, it will cause the safe deposit box to be opened and its contents placed in one of its general safe deposit boxes.

(2) Upon the expiration of 60 days from the date of mailing the notice, and in default of payment within the 60 days of the amount due for the use or rental of the safe deposit box, the bank, savings bank, trust company, savings and loan, or safe deposit company, in the presence of its president, vice-president, secretary, treasurer, assistant secretary, assistant treasurer or superintendent, or such other person as specifically designated by its board of directors, and of a notary public not in its employ, shall cause the safe deposit box to be opened and the contents thereof, to be removed and sealed by the notary public in a package, upon which he shall mark the name of the renter or lessee and also the estimated value of the contents of the safe deposit box and, in the presence of one of the bank officers listed above, the notary public shall place the package in one of the bank's general safe deposit boxes and set out the proceedings in a certificate under his official seal, which shall be delivered to the bank, savings bank, trust company, savings and loan, or safe deposit company.

(3) The bank, savings bank, trust company, savings and loan, or safe deposit company shall hold the contents of abandoned safe deposit boxes until they are claimed by the owner or the bank turns them over to the state treasurer pursuant to chapter 345.

[1977 c 137 s 3]

345.33 Unclaimed funds held by life insurance corporations.

(a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds," as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years, (1) assigned, readjusted or paid premiums on the policy, or subjected the policy to loan, or (2)

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corresponded in writing with the life insurance corporation concerning the policy. Moneys or drafts otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

[1977 c 137 s 4]

345.35 Undistributed dividends and distributions of business associations.

Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

- (a) It is held or owing by a business association organized under the laws of or created in this state; or
- (b) It is held or owing by a business association doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state.

[1977 c 137 s 5]

345.37 Property held by fiduciaries.

All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary if:

- (a) the property is held by a banking organization or a financial organization or by a business association organized under the laws of or created in this state; or
- (b) it is held by a business association, doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state; or
- (c) it is held in this state by any other person.

[1977 c 137 s 6]

345.39 Miscellaneous personal property held for another person.

All intangible personal property, not otherwise covered by sections 345.31 to 345.60, including any income or increment thereon, but excluding any charges that may lawfully be withheld, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned. Property covered by this section includes, but is not limited to: (a) unclaimed wages or worker's compensation; (b) deposits or payments for repair or purchase of goods or services; (c) credit checks or memos, or customer overpayments; (d) unidentified remittances, unrefunded overcharges; (e) unpaid claims, unpaid accounts payable or unpaid commissions; (f) unpaid mineral proceeds, royalties or vendor checks; and (g) credit balances, accounts receivable and miscellaneous outstanding checks.

[1977 c 137 s 7]

345.41 Report of abandoned property.

(a) Every person holding funds or other property, tangible or intangible, presumed abandoned under sections 345.31 to 345.60 shall report annually to the state treasurer with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) except with respect to traveler's checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records

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of the holder to be the owner of any property of the value of \$10 or more presumed abandoned under sections 345.31 to 345.60;

(2) in case of unclaimed funds of life insurance corporations, the full name of the policyholder, insured or annuitant and his last known address according to the life insurance corporation's records;

(3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under \$10 each may be reported in aggregate;

(4) 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; and

(5) other information which the state treasurer prescribes by rule as necessary for the administration of sections 345.31 to 345.60.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of 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 may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under sections 345.31 to 345.60 knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, inform the owner of the steps necessary to prevent abandonment from being presumed.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer, and if made by a public corporation, by its chief fiscal officer.

(g) Holders of property described in section 345.32 shall not impose any charges against property which is described in section 345.32, clauses (a), (b) or (c).

(h) Any person who has possession of property which he has reason to believe will be reportable in the future as unclaimed property may, with the permission of the state treasurer, report and deliver such property prior to the date required for reporting in accordance with this section.

[1977 c 137 s 8]

345.43 Payment or delivery of abandoned property.

Subdivision 1. Every person who has filed a report under section 345.41, within 20 days after the time specified in section 345.42 for claiming the property from the holder, or in the case of sums payable on traveler's checks or money orders presumed abandoned under section 345.32 within 20 days after the filing of the report, shall pay or deliver to the state treasurer all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in section 345.42, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the state treasurer, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

Subd. 2. The state treasurer may in his discretion determine that the payment of abandoned property presents a hardship for a cooperative. If the state treasurer determines that a hardship exists, he may permit the cooperative to provide payment in equal installments over a period of three years.

(a) If legitimate claims to property reported by the cooperative to the state treasurer exceed the installments paid, the excess shall immediately be paid by the

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cooperative to the state treasurer and that amount shall be deducted from the subsequent installments.

(b) This subdivision shall apply only to abandoned property for which reports were filed within 12 months after July 1, 1977.

[1977 c 137 s 9]

345.47 Sale of abandoned property.

Subdivision 1. Except as provided in subdivision 3, all abandoned property other than money delivered to the state treasurer under sections 345.31 to 345.60 shall within one year after the delivery be sold by him to the highest bidder at public sale in whatever city in the state affords in his judgment the most favorable market for the property involved. The state treasurer may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

Subd. 2. Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

Subd. 3. Securities listed on an established stock exchange shall be sold at the prevailing prices on the exchange. Other securities may be sold over the counter at prevailing prices or, with prior approval of the state board of investment, by another method the state treasurer determines advisable. United States government savings bonds and United States war bonds shall be presented to the United States for payment.

Subd. 4. The purchaser at any sale conducted by the state treasurer pursuant to sections 345.31 to 345.60 shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The state treasurer shall execute all documents necessary to complete the transfer of title.

[1977 c 137 s 10]

345.515 Agreements to locate reported property.

It is unlawful for a person to seek or receive from another person or contract with a person for a fee or compensation for locating property which he knows has been reported or paid or delivered to the state treasurer pursuant to chapter 345 prior to seven months after the date of delivery of the property by the holder to the state treasurer as required by section 345.43.

No agreement entered into after seven months from the date of delivery of the property by the holder to the state treasurer is valid if a person thereby undertakes to locate property included in a report for a fee or other compensation exceeding ten percent of the value of the recoverable property unless the agreement is in writing and signed by the owner and discloses the nature and value of the property and the name and address of the holder thereof as such facts have been reported. Nothing in this section shall be construed to prevent an owner from asserting at any time that an agreement to locate property is based upon an excessive or unjust consideration.

[1977 c 137 s 11]

345.525 Property having no apparent commercial value.

Property delivered to the state treasurer pursuant to chapter 345 which has no apparent commercial value shall be made available for inspection by the Minnesota historical society to determine if the property has any historical value. If the society judges any property to be of historical value, the state treasurer shall turn the property over to the society for safekeeping. If it is determined that property delivered to the state treasurer has no commercial or historical value he may thereafter destroy or otherwise dispose of the property, and in that event no action or proceeding shall be brought or maintained against the state or any officer thereof

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or against the holder for or on account of any action taken by the state treasurer pursuant to chapter 345 with respect to the property. The state treasurer shall keep a record of all items destroyed under this section including the name and address of the owner of the property and the person who delivered the property to him, the date of delivery, a description of the property destroyed and the date of destruction.

[1977 c 137 s 12]

CHAPTER 346. ANIMALS; ESTRAYS, DOING DAMAGE, AT LARGE, AND CRUELTY

Sec.

346.216 Expenses of investigation.

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The expenses of the investigation authorized by section 346.215 including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to such investigation and all other expenses reasonably incident to such investigation shall be paid by the county treasurer from the general fund of the county. If the person alleged to have violated section 346.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses.

[1977 c 332 s 16]

CHAPTER 348. BOUNTIES, REWARDS

Sec.

348.071 Repealed.

348.071 [Repealed, 1977 c 310 s 18]

CHAPTER 351. RESIGNATIONS, VACANCIES, REMOVALS

Sec.

351.11 Fees of commissioners and witnesses;
how paid.

351.11 Fees of commissioners and witnesses; how paid.

The fees of the special commissioners provided for in this chapter shall be the same allowed by law to referees, and witnesses giving testimony for the prosecution before such commissioner shall be allowed the same fees as witnesses in the district court. In case of removal by the governor of state officers, such fees shall be paid by the state on the order of the governor. On presentation of the order to the commissioner of finance, he shall draw his warrant upon the state treasurer in favor of the person entitled to the same; but, when testimony is taken for or against a county officer, the fees of the commissioner and witnesses for the prosecution shall be paid by the county, upon allowance by the county board, in the same manner as other claims against the county. In such proceedings against a county officer, when testimony is taken by a shorthand reporter, his fees shall be the same as allowed district court reporters for like services, and the county board shall provide for its payment; but, if such services are performed by the commissioner, he shall be paid only reporter's fees. In such case the county board, in its discretion, may allow to counsel compensation not exceeding \$10 per day for the time actually engaged before the commissioner.

[1977 c 403 s 9]

CHAPTER 352. MINNESOTA STATE RETIREMENT SYSTEM

Sec.

352.01 Definitions.

352.029 Coverage for employees of labor organizations. [New]

Sec.

352.03 Board of directors, composition, executive director; duties, powers.

352.96 Deferred compensation.

352.01 Definitions.

[For text of subds 1 to 2A, see M.S.1976]