

ACT 52

H.B. NO. 769

A Bill for an Act Relating to Unclaimed Property.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 421C, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§421C- Annual report of unclaimed property. Chapter 523A shall not apply to an electric utility cooperative association; provided that each association within one hundred twenty days after the close of the association’s fiscal year, shall file with the director of finance an annual report of unclaimed property in its possession in a form prescribed by the director of finance; provided further that the electric utility cooperative association shall remain responsible for the payment of all claims relating to unclaimed property reported by it to the director of finance.

§421C- Disposition of non-escheat patronage refunds. (a) An electric utility cooperative association shall transfer all non-escheat patronage refunds to a nonprofit corporation incorporated pursuant to chapter 414D.

(b) The nonprofit corporation to which non-escheat patronage refunds are transferred pursuant to subsection (a) shall use the non-escheat patronage refunds to:

- (1) Fund electric energy assistance programs for low-income persons who reside in the service area of the electric utility cooperative association;
- (2) Make donations to other nonprofit charitable and community organizations, as authorized by its board of directors;
- (3) Grant educational scholarships to individuals who reside in the service area of the electric utility cooperative association; or
- (4) Support other appropriate uses for the benefit of the general membership of the electric utility cooperative association, as may be authorized by its board of directors.”

SECTION 2. Section 421C-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

““Electric utility cooperative association” means a consumer cooperative association that provides electric utility service as a public utility.

“Non-escheat patronage refunds” means patronage refunds from an electric utility cooperative association for which a five-year period has elapsed since the patronage refunds were made and for which no claims have been made by the patrons to whom the refunds were allocated.

“Unclaimed property” includes moneys, checks, drafts, interest, dividends, income, credit balances, overpayments, deposits, refunds, and non-escheat patronage refunds.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved May 13, 2005.)

Note

1. Edited pursuant to HRS §23G-16.5.