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| Title of Policy: | **Unclaimed Property** | **Pg 1-2** |
| Section #: | Section 24 |  |
| Approval Date: | **February 9, 2021** |  |
| Revision Date: |  | Policy 24.1 |

**Background and Purpose:**

Any Customer seeking utility service shall be treated courteously and fairly by the Water Board, Manager and Staff.

It is accepted utility practice in the United States that money and other property that utilities hold for Customer, employees, and other entities be returned to the owner of that property within a reasonable period of time after termination of the Utility’s relationship with the owner. If a good faith effort to locate the owner of such property is not successful, the money or other property must be reported to and turned over to the State Treasurer.

Tennessee’s unclaimed property law (TCA 66-29-100/153) requires that money or other property that has not been claimed by the owner within a specified dormancy period must be reported to the State Treasurer. The state will then attempt to notify the owner. There is no limit to the amount of time an owner of the property has to reclaim it.

Unclaimed funds turned over to the state may be claimed by the owner at any time. Funds which are not returned to the owners are used by the state to offer financial assistance to medical practitioners who agree to set up practice in a rural Tennessee area where medical car is not currently available.

*Under (TCA 66-29-108), state law declares the following: “The following funds held or owning by any…Utility are presumed abandoned:*

1. *Any deposit made by a subscriber with a utility to secure payment, any sum overpaid, or any sum paid in advance for utility services to be furnished, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the Utility entitled thereto for more than two (2) years after the termination of the services for which the deposit, overpayment, or advance payment was made;*
2. *Any sum that a Utility…has been ordered to refund by a court of administrative agency, together with any interest thereon, less any lawful deductions, which has remained unclaimed by the owner for more than two (2) years after it became payable in accordance with the final determination or order providing for the refund, whether or not the final determination or order requires any person entitled to a refund to make a claim for it; and*
3. *Property described above, without regard to any activity or inactivity within specified abandonment periods, whose owner is known to the holder to have died and left no one to take the property by will and no one to take the property by intestate succession.*

Record Keeping Duration:

KWD adopts the current MTAS Record Retention Policy.

Under TCA 68-29-113, Utilities shall maintain a record of the name and last known address of the owner of unclaimed property for ten (10) years after the property becomes reportable.

Omissions:

In the absence of specific rules or policies, the disposition of unclaimed property disputes shall be made by the Board of Commissioners in accordance with its usual and customary practices.

**POLICY STATEMENT**

1. All unclaimed property is required by law to be reported and turned over to the state treasurer, based on the following timetable:
2. Utility deposits-Two (2) years after termination of service
3. Wage checks-One (1) year
4. All other property-Five (5) years
5. ALL unclaimed property must be reported on and turned over to the state treasurer’s office by May 1 OF EACH YEAR, reporting property held as of the previous December 31. The report shall be filed in accordance with the State Treasurer rules and regulations:

 State Treasurer

Division of Unclaimed Property

Andrew Jackson Building, 15th Floor

Nashville, TN 37243-0203

(615) 741-6499

1. If KWD holds a customer’s unclaimed property in the amount of fifty ($50) or more, KWD is required to attempt to contact the owner by first class mail between January 1 and May 1 of the year property is to be remitted to the state treasurer. KWD is NOT obligated to publish or advertise a list of unclaimed property owners.
2. Any customer’s unclaimed property in an amount less than fifty ($50) does NOT require a first-class mailing. The amount is simply reported and remitted on May 1 to the State Treasurer.