

SENATE BILL NO. 89

INTRODUCED BY B. TASH

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING PROPERTY HELD BY A LOCAL GOVERNMENT ENTITY FROM THE UNIFORM UNCLAIMED PROPERTY ACT; AMENDING SECTION 70-9-802, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-9-802, MCA, is amended to read:

"70-9-802. Definitions. In this part, unless the context requires otherwise, the following definitions apply:

(1) "Administrator" means the department of revenue provided for in 2-15-1301.

(2) "Apparent owner" means a person whose name appears on the records of a holder as the person entitled to property held, issued, or owing by the holder.

(3) "Business association" means a corporation, joint-stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not for profit.

(4) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

(5) "Financial organization" means a savings and loan association, bank, banking organization, or credit union.

(6) "Holder" means a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this part.

(7) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and workers' compensation insurance.

(8) "Mineral" means gas; oil; coal; other gaseous, liquid, and solid hydrocarbons; oil shale; cement

1 material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and
2 nonfissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance
3 defined as a mineral by the law of this state.

4 (9) "Mineral proceeds" means amounts payable for the extraction, production, or sale of minerals or,
5 upon the abandonment of those payments, all payments that become payable after abandonment. The term
6 includes amounts payable:

7 (a) for the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory
8 royalties, shut-in royalties, minimum royalties, and delay rentals;

9 (b) for the extraction, production, or sale of minerals, including net revenue interests, royalties,
10 overriding royalties, extraction payments, and production payments; and

11 (c) under an agreement or option, including a joint operating agreement, unit agreement, pooling
12 agreement, and farmout agreement.

13 (10) (a) "Money order" includes an express money order and a personal money order, on which the
14 remitter is the purchaser.

15 (b) The term does not include a bank money order or any other instrument sold by a financial
16 organization if the seller has obtained the name and address of the payee.

17 (11) "Owner" means a person who has a legal or equitable interest in property subject to this part or the
18 person's legal representative. The term includes a depositor in the case of a deposit, a beneficiary in the case
19 of a trust other than a deposit in trust, and a creditor, claimant, or payee in the case of other property.

20 (12) "Person" means an individual, business association, financial organization, estate, trust,
21 government, governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

22 (13) (a) "Property" means tangible property described in 70-9-804 or a fixed and certain interest in
23 intangible property that is held, issued, or owed in the course of a holder's business; or, except as provided in
24 subsection (13)(b), by a government, governmental subdivision, agency, or instrumentality; and all income or
25 increments from the property. The term includes property that is referred to as or evidenced by:

26 ~~(a)~~(i) money, check, draft, deposit, interest, or dividend;

27 ~~(b)~~(ii) credit balance, customer's overpayment, gift certificate, security deposit, refund, credit
28 memorandum, unpaid wage, unused ticket, mineral proceeds, or unidentified remittance;

29 ~~(c)~~(iii) stock or other evidence of ownership of an interest in a business association or financial
30 organization;

~~(d)~~(iv) bond, debenture, note, or other evidence of indebtedness;

~~(e)~~(v) money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions;

~~(f)~~(vi) an amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance, or health and disability insurance; and

~~(g)~~(vii) an amount distributable from a trust or custodial fund that is established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

(b) The term does not include property that is held, issued, or owed by a local government entity, as defined in 2-7-501.

(14) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.

(15) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession that is subject to the jurisdiction of the United States.

(16) "Utility" means a person who owns or operates for public use any plant, equipment, real property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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