

CHAPTER NO. 628

SENATE BILL NO. 492

INTRODUCED BY STIMATZ

BY JOINT REQUEST OF THE ATTORNEY GENERAL AND
THE DEPARTMENT OF REVENUE

IN THE SENATE

February 13, 1979	Introduced and referred to Committee on Judiciary.
February 15, 1979	Fiscal note requested.
February 19, 1979	Fiscal note returned.
	Rereferred to Committee on Taxation.
March 15, 1979	Committee recommend bill do pass as amended. Report adopted.
March 17, 1979	Printed and placed on members' desks.
March 19, 1979	Motion pass consideration.
March 20, 1979	Second reading, do pass.
March 21, 1979	Considered correctly engrossed.
March 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

March 22, 1979	Introduced and referred to Committee on Taxation.
April 6, 1979	Committee recommend bill be concurred in. Report adopted.
April 7, 1979	Second reading, concurred in.
April 10, 1979	Third reading, concurred in.

IN THE SENATE

April 11, 1979

Returned from second house.
Concurred in. Sent to enrolling.

Reported correctly enrolled.

Jack BILL NO. 492

1 2 INTRODUCED BY Jack Stimat
3 4 BY JOINT REQUEST OF THE ATTORNEY GENERAL AND
5 6 THE DEPARTMENT OF REVENUE

6 7 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
8 9 ESCHEATED PROPERTY ACT; ELIMINATING PROPERTY OTHER THAN THAT
10 11 OF ESTATES FROM COVERAGE UNDER THE PROVISIONS OF THAT ACT;
12 13 PROVIDING FOR DISPOSITION OF UNSOLD TANGIBLE PERSONAL
13 14 PROPERTY OF ESTATES BY AUCTION BY THE COUNTY TREASURER AND
14 15 DELIVERY OF PROCEEDS TO THE DEPARTMENT OF REVENUE;
15 16 SHORTENING THE TIME DURING WHICH ESCHEATED PROPERTY IS HELD
16 17 IN TRUST FOR POTENTIAL CLAIMANTS; PROVIDING FOR THE
17 18 DETERMINATION OF INHERITANCE TAX BY THE DEPARTMENT OF
18 19 REVENUE; AMENDING SECTIONS 72-14-101, 72-14-102, 72-14-205
19 20 THROUGH 72-14-210, 72-14-303, 72-14-401, AND 72-14-403, MCA;
20 21 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

21 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 24 Section 1. Section 72-14-101, MCA, is amended to read:
25 26 "72-14-101. Short title. Parts 1 through 3 of this
chapter are to be known as the "Escheated Property Estates
Act"; and it provides the exclusive method for vesting title
in the state of Montana of all unclaimed property."

27 28 Section 2. Section 72-14-102, MCA, is amended to read:

1 2 "72-14-102. When title to escheated property vests in
2 3 state. (1) Whenever the title to any property, either real
3 4 or personal or mixed, fails for any reason, including want
4 5 of heirs or next of kin, such title shall vest vests in the
5 6 state of Montana immediately upon the death of the owner
6 7 without an inquest or other similar proceeding in-the-nature
7 8 of--officer--found, and there shall be is no presumption that
8 9 such owner died leaving heirs or next of kin.

9 10 (2)--in-relation-to-property-other-than-estates--title
10 11 shall be presumed to have failed whenever the owner
11 12 beneficiary-owner or person entitled to any such property
12 13 within this state has been or shall be and remain unknown
13 14 for a period of 20 successive years and during such period
14 15 whenever the whereabouts of such owner beneficiary-owner or
15 16 persons has been or shall be and remain unknown and during
16 17 such period whenever any personal property wherever situated
17 18 has been or shall be and remain unclaimed then in such
18 19 event such personal property shall escheat to the state."

19 20 Section 3. Section 72-14-205, MCA, is amended to read:
20 21 "72-14-205. Unsold intangible personal property -- how
21 22 disposed of -- auction sale. (1) If the intangible personal
22 23 property in an escheated estate was not sold by the executor
23 24 or administrator personal representative at the final
24 25 settlement of the estates estate as by law provided, then it
shall be the duty of such executor or administrator the

SB 492

1 ~~personal representative to turn-over deliver all of such~~
 2 ~~property to the county treasurer who in turn shall deliver~~
 3 ~~it to the department of revenue with a statement setting~~
 4 ~~forth the name of the estate to which it belongs, and the~~
 5 ~~department must within 1 year of the receipt of such~~
 6 ~~property cause the same to be sold to the highest bidder at~~
 7 ~~a public auction sale at the department's office in Helena,~~
 8 ~~Montana.~~

9 (2) The department shall give notice of such sale by
 10 publication in a newspaper published in the city of Helena,
 11 Montana, once a week for 2 successive weeks making in all
 12 two publications, the last publication to be at least 20
 13 days prior to the date of such sale. Such notice shall give
 14 the time and place of such sale and shall contain a list and
 15 description of the stocks, bonds, securities, effects, or
 16 other ~~intangible~~ personal property to be sold.

17 (3) All of the expenses of such sale shall be deducted
 18 from the proceeds thereof by the department, and the balance
 19 of such proceeds shall be delivered by the department to the
 20 state treasurer for deposit in the agency fund of the state
 21 of Montana."

22 Section 4. Section 72-14-206, MCA, is amended to read:
 23 "72-14-206. Unsold real property -- how disposed of --
 24 auction sale. (1) If the real property was not sold by the
 25 ~~executor--or--administrator--or--public--administrator personal~~

1 ~~representative at the final settlement of the estate as by~~
 2 ~~law provided, then it shall be the duty of the executor or~~
 3 ~~administrator--or--public--administrator personal~~
 4 ~~representative to make and execute to the state of Montana~~
 5 ~~an executor's or administrator's deed and to deliver the~~
 6 ~~same to the county clerk and recorder of the county wherein~~
 7 ~~such real property is situated, and it shall then become the~~
 8 ~~duty of the county clerk and recorder to file and record~~
 9 ~~said deed, without charge, and after being so recorded the~~
 10 ~~county clerk and recorder shall mail the deed to the~~
 11 ~~department of revenue, which shall make a record thereof and~~
 12 ~~deliver the deed to the board of land commissioners.~~

13 (2) Within 1 year after the receipt of such recorded
 14 deed, the board shall cause such property to be sold to the
 15 highest bidder at public auction sale to be held at the
 16 courthouse in the county where such real property or any
 17 part thereof is situated.

18 (3) The board shall give notice of such sale by
 19 publication in a newspaper published in the county wherein
 20 such real estate or any part thereof is situated once a week
 21 for 2 weeks, making in all two publications, the last
 22 publication to be at least 20 days prior to the date of such
 23 sale. Such notice shall give the time and place of such sale
 24 and contain a description of the real property to be sold.

25 (4) All expenses of such sale shall be deducted by the

Spencer BILL NO. 492

1 INTRODUCED BY Spencer
 2 BY JOINT REQUEST OF THE ATTORNEY GENERAL AND
 3 THE DEPARTMENT OF REVENUE

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
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 7 OF ESTATES FROM COVERAGE UNDER THE PROVISIONS OF THAT ACT;
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 15 THROUGH 72-14-210, 72-14-303, 72-14-401, AND 72-14-403, MCA;
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 2 state. (1) Whenever the title to any property, either real
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 5 state of Montana immediately upon the death of the owner
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 10 shall be presumed to have failed whenever the owner
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 13 for a period of 20 successive years and during such period
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 15 persons has been or shall be and remain unknown and during
 16 such period whenever any person property wherever situated
 17 has been or shall be and remain unclaimed then in such
 18 event such personal property shall escheat to the state."

19 Section 3. Section 72-14-205, MCA, is amended to read:
 20 "72-14-205. Unsold intangible personal property -- now
 21 disposed of -- auction sale. (1) If the intangible personal
 22 property in an escheated estate was not sold by the executor
 23 or administrator personal representative at the final
 24 settlement of the estates estate as by law provided, then it
 25 shall be the duty of such executor or administrator the

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INTRODUCED BILL

1 personal representative to turn-over deliver all of such
 2 property to the county treasurer who in turn shall deliver
 3 it to the department of revenue with a statement setting
 4 forth the name of the estate to which it belongs, and the
 5 department must within 1 year of the receipt of such
 6 property cause the same to be sold to the highest bidder at
 7 a public auction sale at the department's office in Helena,
 8 Montana.

9 (2) The department shall give notice of such sale by
 10 publication in a newspaper published in the city of Helena,
 11 Montana, once a week for 2 successive weeks making in all
 12 two publications, the last publication to be at least 20
 13 days prior to the date of such sale. Such notice shall give
 14 the time and place of such sale and shall contain a list and
 15 description of the stocks, bonds, securities, effects, or
 16 other intangible personal property to be sold.

17 (3) All of the expenses of such sale shall be deducted
 18 from the proceeds thereof by the department, and the balance
 19 of such proceeds shall be delivered by the department to the
 20 state treasurer for deposit in the agency fund of the state
 21 of Montana."

22 Section 4. Section 72-14-206, MCA, is amended to read:

23 "72-14-206. Unsold real property -- how disposed of --
 24 auction sale. (1) If the real property was not sold by the
 25 executor--or--administrator--or--public--administrator personal

1 representative at the final settlement of the estate as by
 2 law provided, then it shall be the duty of the executor--or
 3 administrator--or--public--administrator personal
 4 representative to make and execute to the state of Montana
 5 an executor's or administrator's deed and to deliver the
 6 same to the county clerk and recorder of the county wherein
 7 such real property is situated, and it shall then become the
 8 duty of the county clerk and recorder to file and record
 9 said deed, without charge, and after being so recorded the
 10 county clerk and recorder shall mail the deed to the
 11 department of revenue, which shall make a record thereof and
 12 deliver the deed to the board of land commissioners.

13 (2) Within 1 year after the receipt of such recorded
 14 deed, the board shall cause such property to be sold to the
 15 highest bidder at public auction sale to be held at the
 16 courthouse in the county where such real property or any
 17 part thereof is situated.

18 (3) The board shall give notice of such sale by
 19 publication in a newspaper published in the county wherein
 20 such real estate or any part thereof is situated once a week
 21 for 2 weeks, making in all two publications, the last
 22 publication to be at least 20 days prior to the date of such
 23 sale. Such notice shall give the time and place of such sale
 24 and contain a description of the real property to be sold.

25 (4) All expenses of such sale shall be deducted by the

1 board from the proceeds thereof, and the balance of such
 2 proceeds shall be turned over to the state treasurer who
 3 shall deposit the same in the agency fund of the state of
 4 Montana. The board shall provide the department with a
 5 statement indicating the sale price, expenses, and net
 6 proceeds resulting from each such sale."

7 Section 5. Section 72-14-207, MCA, is amended to read:

8 "72-14-207. Unclaimed unsold tangible personal
 9 property -- how disposed of in-hands-of-agent -- auction
 10 sale. (1) Whenever if the tangible personal property in an
 11 escheated estate remains in-the-hands-of-an-agent-unclaimed
 12 for-2-years-and-it-appears-to-the-court-or-judge-that-it-is
 13 for-the-best-interests-of-the-estate-and-those-interested
 14 therein such property shall be sold under the order of -- the
 15 court-or-judge-and-the-proceeds--after-deducting-the-expense
 16 of--the-sale-allowed-by-the-court-or-judge--must-be-paid-to
 17 the--department--of--revenue--for--deposit--into--the--state
 18 treasury--and-upon-receipt-of-such-proceeds-it-shall-be-the
 19 duty-of-the-state-treasurer-to was not sold by the personal
 20 representative of the final settlement of the estate as
 21 provided by law, it is the duty of the personal
 22 representative to deliver such property to the county
 23 treasurer. The county treasurer must, within 1 year of the
 24 receipt of such property, cause it to be sold to the highest
 25 bidder at a public auction sale at the county seat of the

1 county of administration of the estate.

2 (2) The county treasurer shall give notice of such
 3 sale by publication in a newspaper published in the county
 4 of administration once a week for 2 successive weeks making
 5 in all two publications, the last publication to be at least
 6 20 days prior to the date of such sale and to contain a list
 7 and description of the property to be sold.

8 (3) All expenses of such sale shall be deducted from
 9 the proceeds thereof by the county treasurer, and the
 10 balance of such proceeds shall be delivered by the county
 11 treasurer to the department of revenue for deposit the same
 12 in the agency fund of the state of Montana."

13 Section 6. Section 72-14-208, MCA, is amended to read:

14 "72-14-208. Sales by department of revenue and county
 15 treasurer -- how conducted. (1) All hereinbefore mentioned
 16 sales by the department of revenue or county treasurer must
 17 be for cash at public auction at the department's office.

18 (2) Said sales must be for cash and shall be made to
 19 the highest bidder. However, the department seller may
 20 reject all bids which are disproportionate to the value of
 21 the property being sold."

22 Section 7. Section 72-14-209, MCA, is amended to read:

23 "72-14-209. Deposit of all sums escheated -- agency
 24 fund -- deduction-of-costs. (1) All sums escheated under the
 25 provisions of parts 1 through 3 of this chapter shall be

1 delivered by the department of revenue to the state
 2 treasurer and deposited by the treasurer in the agency fund.
 3 {2}--In--connection--with--the--recovery--of--money--or
 4 property--from--escheats--other--than--those--from--estates--the
 5 department--of--revenue--is--nereby--authorized--and--directed--to
 6 deduct--the--costs--incurred--in--reducing--such--money--or
 7 property--to--the--possession--of--the--state--of--Montana--which
 8 sum--shall--not--exceed--5%--of--the--amount--so--recovered--except
 9 for--such--other--costs--and--fees--as--the--judgment--of--escheat
 10 shall--so--direct."

11 Section 8. Section 72-14-210, MCA, is amended to read:
 12 "72-14-210. Agency fund moneys to be held in trust --
 13 deposit in public school subfund. Moneys and properties
 14 placed in the agency fund shall be held in trust for a
 15 period of ~~to~~ 2 years prior to deposit in the public school
 16 subfund in the trust and legacy fund by the state treasurer;
 17 such ~~18~~-year--period--being--a--time--within--which--the--owner,
 18 ~~beneficiary~~--owner--or--any--person--having--a--right--title--or
 19 interest--in--the--property--or--money--escheated--may--make--claim
 20 by--the--institution--of--an--action--for--the--dissolution--of--the
 21 trust being for the benefit of persons claiming property
 22 pursuant to part 3 of this chapter. in such a claim may be
 23 brought for an amount equal to the full amount or value of
 24 the property escheated minus the costs and expenses incident
 25 to reducing the same to the possession of the state."

1 Section 9. Section 72-14-303, MCA, is amended to read:
 2 "72-14-303. Inheritance tax -- judgment--to--determine
 3 determination--=--objections. The judgment--of--the--court--in
 4 such--action--shall--determine--and--inheritance--tax--on--estates
 5 subject--to--parts--1--through--3--of--this--chapter--is--to--be
 6 determined--and--objections--filed--in--accordance--with--Title--72,
 7 chapter--16, part--4. The determination--of--the--department--of
 8 revenue--shall--fix--the--amount--of--inheritance--tax,--if--any,
 9 which--is--due--from--said--claimant--a--person--claiming--under--this
 10 part--to--the--state--of--Montana--upon--the--money--or--property
 11 claimed,--and--none--of--said--the--money--or--property--shall--be
 12 turned--over--to--said--the--claimant--until--said--such--inheritance
 13 tax--is--paid. The--department--of--revenue--shall--issue--its
 14 interlocutory--certificate--showing--the--amount--of--said
 15 inheritance--tax--due,--if--any,--and--shall--have--the--right--to
 16 file--objections--and--be--heard--upon--the--final--determination--of
 17 said--tax."

18 Section 10. Section 72-14-401, MCA, is amended
 19 to read:

20 "72-14-401. Fiduciary deposit of money when interested
 21 person under disability or similar circumstances -- receipt
 22 as voucher. When property in the hands of an--administrator,
 23 executor, a personal representative, trustee, or other
 24 fiduciary is assigned or distributed to any heir, legatee,
 25 devisee, creditor, beneficiary, or person interested in any

1 estate or trust who has no agent in this state or who cannot
 2 be found or who refuses to accept the same or to give a proper voucher therefor or to a minor or incompetent person
 3 who has no legal guardian to receive the same or person
 4 authorized to receipt therefor and the same or any part
 5 thereof consists of money, the ~~administrator--executrix~~
 6 ~~personal representative~~, trustee, or other fiduciary may
 7 deposit the money in a special fund in the name of the heir,
 8 legatee, devisee, creditor, beneficiary, or person
 9 interested with the county treasurer of the county in which
 10 the proceedings are pending or in which such property is
 11 located, who shall give a receipt for the same and be liable
 12 upon his official bond therefor; and said receipt shall be
 13 deemed and received by the court or judge thereof as a
 14 voucher in favor of the ~~executrix--administrator~~ ~~personal~~
 15 ~~representative~~, trustee, or other fiduciary with the same
 16 force and effect as if executed by such heir, legatee,
 17 devisee, creditor, beneficiary, or person interested."

19 Section 11. Section 72-14-403, MCA, is amended to
 20 read:

21 "72-14-403. Deposit of unclaimed property in state
 22 treasury -- escheat. (1) All money or other property
 23 distributed in the administration of an estate of a decedent
 24 or as the subject of a trust and deposited before or after
 25 July 1, 1947, with the county treasurer to the credit of the

1 distributee or beneficiary and any money remaining on
 2 deposit to the credit of an estate after final distribution
 3 must be delivered into the state treasury for deposit in the
 4 agency fund by the county treasurer upon the expiration of 1
 5 year from the day of such deposit.

6 (2) Money or other property so deposited in the state
 7 treasury, if not claimed by the person or persons entitled
 8 thereto within 2 years from the date of such deposit by
 9 bringing an action as provided in parts 1 through part 3 of
 10 this chapter, known as the "Escheated Property Act", shall
 11 escheat to the state of Montana and be placed in the public
 12 school subfund of the trust and legacy fund as provided
 13 therein."

14 Section 12. Effective date. This act is effective on
 15 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 392-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 15, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 492 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION

This proposed bill generally revises the escheated property act; eliminates property other than that of estates from coverage under the provisions of that act; provides for disposition of unsold tangible personal property of estates by auction by the county treasurer and delivery of proceeds to the Department of Revenue; shortening the time during which escheated property is held in trust for potential claimants; provides for the determination of inheritance tax by the Department of Revenue; and provides an immediate effective date.

FISCAL IMPACT

No Fiscal Impact

PREPARED BY DEPARTMENT OF REVENUE

Richard L. Zorn Jr.

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/17/79

Approved by Committee
on Taxation

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2 INTRODUCED BY STIMMEL
3 BY JOINT REQUEST OF THE ATTORNEY GENERAL AND
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12 SHORTENING THE TIME DURING WHICH ESCHEATED PROPERTY IS HELD
13 IN TRUST FOR POTENTIAL CLAIMANTS; LENGTHENING THE PERIOD OF
14 TIME IN WHICH TO FILE CLAIMS; PROVIDING FOR THE
15 DETERMINATION OF INHERITANCE TAX BY THE DEPARTMENT OF
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6 state of Montana immediately upon the death of the owner

7 without an inquest or other ~~similar~~ proceeding ~~in-the-nature~~

8 of-office-found, and there ~~shall~~-be is no presumption that

9 such owner died leaving heirs or next of kin.

10 f27--in--relation-to-property-other-than-estates--title
11 shall--be--presumed--to--have--failed--whenever--the--owner--
12 beneficiary--owner--or--person--entitled--to--any--such--property
13 within--this--state--has--been--or--shall--be--and--remain--unknown
14 for--a--period--of--20--successive--years--and--during--such--period
15 whenever--the--whereabouts--of--such--owner--beneficiary--or
16 persons--has--been--or--shall--be--and--remain--unknown--and--during
17 such--period--whenever--any--person--property--wherever--situated
18 has--been--or--shall--be--and--remain--unclaimed--then--in--such
19 event--such--person--property--shall--escheat--to--the--states"

20 Section 3. Section 72-14-205, MCA, is amended to read:

21 "72-14-205. Unsold intangible personal property -- how

22 disposed of -- auction sale. (1) If the intangible personal

23 property in an escheated estate was not sold by the executor

24 or administrator personal representative at the final

25 settlement of the estate's estate as by law provided, then it

1 shall be the duty of such--executor--or--administrator the
 2 personal representative to turn--over deliver all of such
 3 property to the county treasurer, who in turn shall--deliver
 4 it--to the department of revenue with a statement setting
 5 forth the name of the estate to which it belongs, and the
 6 department must within 1 year of the receipt of such
 7 property cause the same to be sold to the highest bidder at
 8 a public auction sale at the department's office in Helena,
 9 Montana.

10 (2) The department shall give notice of such sale by
 11 publication in a newspaper published in the city of Helena,
 12 Montana, once a week for 2 successive weeks making in all
 13 two publications, the last publication to be at least 20
 14 days prior to the date of such sale. Such notice shall give
 15 the time and place of such sale and shall contain a list and
 16 description of the stocks, bonds, securities, effects, or
 17 other intangible personal property to be sold.

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 19 from the proceeds thereof by the department, and the balance
 20 of such proceeds shall be delivered by the department to the
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 3 law provided, then it shall be the duty of the executor--or
 4 administrator--or--public--administrator personal
 5 representative to make and execute to the state of Montana
 6 an--executor's--or--administrator's A deed and to deliver the
 7 same to the county clerk and recorder of the county wherein
 8 such real property is situated, and it shall then become the
 9 duty of the county clerk and recorder to file and record
 10 said deed, without charge, and after being so recorded the
 11 county clerk and recorder shall mail the deed to the
 12 department of revenue, which shall make a record thereof and
 13 deliver the deed to the board of land commissioners.

14 (2) Within 1 year after the receipt of such recorded
 15 deed, the board shall cause such property to be sold to the
 16 highest bidder at public auction sale to be held at the
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 6 statement indicating the sale price, expenses, and net
 7 proceeds resulting from each such sale."

8 Section 5. Section 72-14-207, MCA, is amended to read:

9 "72-14-207. Unclaimed Unsold tangible personal
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 11 sale. 111 Whenever If the tangible personal property in an
 12 escheated estate remains-in-the-hands-of-an-agent--unclaimed
 13 for--2-years-and-it-appears-to-the-court-or-judge-that-it-is
 14 for-the-best-interests-of-the-estate--and--those--interested
 15 therein--such-property-shall-be-sold-under-the-order-of-the
 16 court-or-judge-and-the-proceeds--after-deducting-the-expense
 17 of-the-sale-allowed-by-the-court-or-judge--must-be--paid--to
 18 the--department--of--revenue--for--deposit--into--the--state
 19 treasury--and-upon-receipt-of--such-proceeds--it-shall-be--the
 20 duty--of-the-state-treasurer-to was not sold by the personal
 21 representative at the final settlement of the estate as
 22 provided by law. it is the duty of the personal
 23 representative to deliver such property to the county
 24 treasurer. The county treasurer must, within 1 year of the
 25 receipt of such property, cause it to be sold to the highest

1 bidder at a public auction sale at the county seat of the
 2 county of administration of the estate.
 3 121. The county treasurer shall give notice of such
 4 sale by publication in a newspaper published in the county
 5 of administration once a week for 2 successive weeks making
 6 in all two publications, the last publication to be at least
 7 20 days prior to the date of such sale and to contain a
 8 description of the property to be sold. THE NOTICE SHALL
 9 GIVE THE TIME AND PLACE OF SUCH SALE AND CONTAIN A
 10 DESCRIPTION OF THE PROPERTY TO BE SOLD.

11 131. All expenses of such sale shall be deducted from
 12 the proceeds thereof by the county treasurer, and the
 13 balance of such proceeds shall be delivered by the county
 14 treasurer to the department of revenue for deposit there--same
 15 in the agency fund of the state of Montana."

16 Section 6. Section 72-14-208, MCA, is amended to read:

17 "72-14-208. Sales by department of revenue and county
 18 treasurer -- how conducted. 111 All hereinbefore mentioned
 19 sales by the department of revenue or county treasurer must
 20 be for cash at public auction at the department's office.
 21 121--Said-sales-must-be-for-cash and shall be made to
 22 the highest bidder. However, the department seller may
 23 reject all bids which are disproportionate to the value of
 24 the property being sold."

25 Section 7. Section 72-14-209, MCA, is amended to read:

1 "72-14-209. Deposit of all sums escheated -- agency
 2 fund ---~~deduction-of-costs~~. ~~tit~~ All sums escheated under the
 3 provisions of parts 1 through 3 of this chapter shall be
 4 delivered by the department of revenue to the state
 5 treasurer and deposited by the treasurer in the agency fund.

6 ~~for--in--connection--with--the--recovery--of--money--or~~
 7 ~~property--from--escheats--other--than--those--from--estates--the~~
 8 ~~department--of--revenue--is--hereby--authorized--and--directed--to~~
 9 ~~deduct--the--costs--incurred--in--reducing--such--moneys--or~~
 10 ~~property--to--the--possession--of--the--state--of--Montana--which~~
 11 ~~sum--shall--not--exceed--5%--of--the--amount--so--recovered--except~~
 12 ~~for--such--other--costs--and--fees--as--the--judgment--of--escheat~~
 13 ~~shall--so--directs"~~

14 Section 8. Section 72-14-210, MCA, is amended to read:

15 "72-14-210. Agency fund moneys to be held in trust --
 16 deposit in public school subfund. Moneys and properties
 17 placed in the agency fund shall be held in trust for a
 18 period of ~~to~~ ~~2~~ 5 years prior to deposit in the public school
 19 subfund in the trust and legacy fund by the state treasurer;
 20 such ~~10~~-year-period-being-a-time--within--which--the--owner
 21 ~~beneficiet--owner--or--any--person--having--a--right--or~~
 22 ~~interest--in--the--property--or--money--escheated--may--make--claim~~
 23 ~~by--the--institution--of--an--action--for--the--dissolution--of--the~~
 24 ~~trust--being--for--the--benefit--of--persons--claiming--property~~
 25 ~~pursuant--to--part--3--of--this--chapter. In--Such--a--claim--may--be~~

1 brought for an amount equal to the full amount or value of
 2 the property escheated minus the costs and expenses incident
 3 to reducing the same to the possession of the state."

4 SECTION 9. SECTION 72-14-302, MCA, IS AMENDED TO READ:
 5 "72-14-302. Statute of limitations. Such action must
 6 be brought within ~~2~~ 5 years from the date on which the money
 7 or property is received by the state treasurer, saving,
 8 however, to infants and persons of unsound mind or citizens
 9 of the United States beyond the limits of the United States,
 10 the right to commence their action at any time within the
 11 time limited or ~~2~~ 5 years after their respective
 12 disabilities cease."

13 Section 10. Section 72-14-303, MCA, is amended to
 14 read:

15 "72-14-303. Inheritance tax -- judgment-to-determine
 16 ~~determination--objections~~. The judgment--of--the--court--in
 17 ~~such--action--shall--determine--and--inheritance--tax--on--estates~~
 18 ~~subject--to--parts--1--through--3--of--this--chapter--is--to--be~~
 19 ~~determined--and--objections--filed--in--accordance--with--Title--72,~~
 20 ~~chapter--16,--part--4. The--determination--of--the--department--of~~
 21 ~~revenue--shall--fix--the--amount--of--inheritance--tax,--if--any,~~
 22 ~~which--is--due--from--said--claimant--a--person--claiming--under--this~~
 23 ~~part--to--the--state--of--Montana--upon--the--money--or--property~~
 24 ~~claimed,--and--none--of--said--the--money--or--property--shall--be~~
 25 ~~turned--over--to--said--the--claimant--until--said--such--inheritance~~

1 tax is paid. The department of revenue shall issue its
 2 interlocutory certificate showing the amount of said
 3 inheritance tax due, if any, and shall have the right to
 4 file objections and be heard upon the final determination of
 5 said tax."

6 Section 11. Section 72-14-401, MCA, is amended to
 7 read:

8 "72-14-401. Fiduciary deposit of money when interested
 9 person under disability or similar circumstances -- receipt
 10 as voucher. When property in the hands of an--administrator
 11 executor a personal representative, trustee, or other
 12 fiduciary is assigned or distributed to any heir, legatee,
 13 devisee, creditor, beneficiary, or person interested in any
 14 estate or trust who has no agent in this state or who cannot
 15 be found or who refuses to accept the same or to give a
 16 proper voucher therefor or to a minor or incompetent person
 17 who has no legal guardian to receive the same or person
 18 authorized to receipt therefor and the same or any part
 19 thereof consists of money, the administrator--executor
 20 personal representative, trustee, or other fiduciary may
 21 deposit the money in a special fund in the name of the heir,
 22 legatee, devisee, creditor, beneficiary, or person
 23 interested with the county treasurer of the county in which
 24 the proceedings are pending or in which such property is
 25 located, who shall give a receipt for the same and be liable

1 upon his official bond therefor; and said receipt shall be
 2 deemed and received by the court or judge thereof as a
 3 voucher in favor of the executor--administrator personal
 4 representative, trustee, or other fiduciary with the same
 5 force and effect as if executed by such heir, legatee,
 6 devisee, creditor, beneficiary, or person interested."

7 Section 12. Section 72-14-403, MCA, is amended to
 8 read:

9 "72-14-403. Deposit of unclaimed property in state
 10 treasury -- escheat. (1) All money or other property
 11 distributed in the administration of an estate of a decedent
 12 or as the subject of a trust and deposited before or after
 13 July 1, 1947, with the county treasurer to the credit of the
 14 distributee or beneficiary and any money remaining on
 15 deposit to the credit of an estate after final distribution
 16 must be delivered into the state treasury for deposit in the
 17 agency fund by the county treasurer upon the expiration of 1
 18 year from the day of such deposit.

19 (2) Money or other property so deposited in the state
 20 treasury, if not claimed by the person or persons entitled
 21 thereto within 2 years from the date of such deposit by
 22 bringing an action as provided in parts 1 through part 3 of
 23 this chapter, known as the "Escheated-Property--Act", shall
 24 escheat to the state of Montana and be placed in the public
 25 school subfund of the trust and legacy fund as provided

1 therein."

2 Section 13. Effective date. This act is effective on
3 passage and approval.

-End-

1 Section 2. Section 72-14-102, MCA, is amended to read:

2 "72-14-102. When title to escheated property vests in

3 state, ~~it~~ Whenever the title to any property, either real

4 or personal or mixed, fails for any reason, including want

5 of heirs or next of kin, such title ~~shall~~-vest ~~vests~~ in the

6 state of Montana immediately upon the death of the owner

7 without an inquest or other ~~similar~~ proceeding ~~in-the-nature~~

8 ~~of-officer-found~~, and there ~~shall~~-be is no presumption that

9 such owner died leaving heirs or next of kin.

10 ~~t2--in--retention-to-property-other-than-estates--title~~

11 ~~shall--be--presumed--to--have--failed--whenever--the--owner~~

12 ~~beneficiet--owner--or--person--entitled--to--any--such--property~~

13 ~~within--this--state--has--been--or--shall--be--and--remain--unknown~~

14 ~~for--a--period--of--20--successive--years--and--during--such--period~~

15 ~~whenever--the--whereabouts--of--such--owner--beneficiet--owner--or~~

16 ~~persons--has--been--or--shall--be--and--remain--unknown--and--during~~

17 ~~such--period--whenever--any--personal--property--wherever--situated~~

18 ~~has--been--or--shall--be--and--remain--unclaimed--then--in--such~~

19 ~~event--such--personal--property--shall--escheat--to--the--state."~~

20 Section 3. Section 72-14-205, MCA, is amended to read:

21 "72-14-205. Unsold intangible personal property -- how

22 disposed of -- auction sale. (1) If the intangible personal

23 property in an escheated estate was not sold by the executor

24 or administrator personal representative at the final

25 settlement of the estates estate as by law provided, then it

1 shall be the duty of such--executor--or--administrator the
 2 personal representative to turn--over deliver all of such
 3 property to the county treasurer who in turn shall--deliver
 4 it--to the department of revenue with a statement setting
 5 forth the name of the estate to which it belongs; and the
 6 department must within 1 year of the receipt of such
 7 property cause the same to be sold to the highest bidder at
 8 a public auction sale at the department's office in Helena,
 9 Montana.

10 (2) The department shall give notice of such sale by
 11 publication in a newspaper published in the city of Helena,
 12 Montana, once a week for 2 successive weeks making in all
 13 two publications, the last publication to be at least 20
 14 days prior to the date of such sale. Such notice shall give
 15 the time and place of such sale and shall contain a list and
 16 description of the stocks, bonds, securities, effects, or
 17 other intangible personal property to be sold.

18 (3) All of the expenses of such sale shall be deducted
 19 from the proceeds thereof by the department, and the balance
 20 of such proceeds shall be delivered by the department to the
 21 state treasurer for deposit in the agency fund of the state
 22 of Montana."

23 Section 4. Section 72-14-206, MCA, is amended to read:
 24
 25 "72-14-206. Unsold real property -- how disposed of --
 auction sale. (1) If the real property was not sold by the

1 executor--or--administrator--or--public--administrator personal
 2 representative at the final settlement of the estate as by
 3 law provided, then it shall be the duty of the executor--or
 4 administrator----or----public----administrator personal
 5 representative to make and execute to the state of Montana
 6 an--executor's--or--administrator's A deed and to deliver the
 7 same to the county clerk and recorder of the county wherein
 8 such real property is situated, and it shall then become the
 9 duty of the county clerk and recorder to file and record
 10 said deed, without charge, and after being so recorded the
 11 county clerk and recorder shall mail the deed to the
 12 department of revenue, which shall make a record thereof and
 13 deliver the deed to the board of land commissioners.

14 (2) Within 1 year after the receipt of such recorded
 15 deed, the board shall cause such property to be sold to the
 16 highest bidder at public auction sale to be held at the
 17 courthouse in the county where such real property or any
 18 part thereof is situated.

19 (3) The board shall give notice of such sale by
 20 publication in a newspaper published in the county wherein
 21 such real estate or any part thereof is situated once a week
 22 for 2 weeks, making in all two publications, the last
 23 publication to be at least 20 days prior to the date of such
 24 sale. Such notice shall give the time and place of such sale
 25 and contain a description of the real property to be sold.

1 (4) All expenses of such sale shall be deducted by the
 2 board from the proceeds thereof, and the balance of such
 3 proceeds shall be turned over to the state treasurer who
 4 shall deposit the same in the agency fund of the state of
 5 Montana. The board shall provide the department with a
 6 statement indicating the sale price, expenses, and net
 7 proceeds resulting from each such sale."

8 Section 5. Section 72-14-207, MCA, is amended to read:

9 "72-14-207. Unclaimed Unsold tangible personal
 10 property -- how disposed of in hands -- of an agent -- auction
 11 sale. III Whenever If the tangible personal property in an
 12 escheated estate remains in the hands of an agent -- unclaimed
 13 for -- 2 years and it appears to the court or judge that it is
 14 for the best interests of the estate -- and those -- interested
 15 therein -- such property shall be sold under the order of the
 16 court or judge and the proceeds -- after deducting the expense
 17 of the sale allowed by the court or judge must be paid -- to
 18 the -- department -- of revenue -- for deposit -- into -- the -- state
 19 treasury -- and upon receipt of such proceeds it shall be -- the
 20 duty -- of the state treasurer to was not sold by the personal
 21 representative at the final settlement of the estate as
 22 provided by law it is the duty of the personal
 23 representative to deliver such property to the county
 24 treasurer. The county treasurer must within 1 year of the
 25 receipt of such property cause it to be sold to the highest

1 bidder at a public auction sale at the county seat of the
 2 county of administration of the estate.

3 121. The county treasurer shall give notice of such
 4 sale by publication in a newspaper published in the county
 5 of administration once a week for 2 successive weeks making
 6 in all two publications, the last publication to be at least
 7 20 days prior to the date of such sale and to contain a list
 8 and description of the property to be sold. THE NOTICE SHALL
 9 GIVE THE TIME AND PLACE OF SUCH SALE AND CONTAIN A
 10 DESCRIPTION OF THE PROPERTY TO BE SOLD.

11 131. All expenses of such sale shall be deducted from
 12 the proceeds thereof by the county treasurer, and the
 13 balance of such proceeds shall be delivered by the county
 14 treasurer to the department of revenue for deposit the -- same
 15 in the agency fund of the state of Montana."

16 Section 6. Section 72-14-208, MCA, is amended to read:

17 "72-14-208. Sales by department of revenue and county
 18 treasurer -- how conducted. ¶ All hereinbefore mentioned
 19 sales by the department of revenue or county treasurer must
 20 be for cash at public auction at the department's office.
 21 ¶ Said sales must be for cash and shall be made to
 22 the highest bidder. However, the department seller may
 23 reject all bids which are disproportionate to the value of
 24 the property being sold."

25 Section 7. Section 72-14-209, MCA, is amended to read:

1 "72-14-209. Deposit of all sums escheated -- agency
 2 fund --deduction-of-costs. ~~++~~ All sums escheated under the
 3 provisions of parts 1 through 3 of this chapter shall be
 4 delivered by the department of revenue to the state
 5 treasurer and deposited by the treasurer in the agency fund.

6 ~~++in--connection--with--the--recovery--of--money--or~~
 7 ~~property--from--escheats--other--than--those--from--estates--the~~
 8 ~~department--of--revenue--is--hereby--authorized--and--directed--to~~
 9 ~~deduct--the--costs--incurred--in--reducing--such--moneys--or~~
 10 ~~property--to--the--possession--of--the--state--of--Montana--which~~
 11 ~~sum--shall--not--exceed--5%--of--the--amount--so--recovered--except~~
 12 ~~for--such--other--costs--and--fees--as--the--judgment--of--escheat~~
 13 ~~shall--so--directs."~~

14 Section 8. Section 72-14-210, MCA, is amended to read:

15 "72-14-210. Agency fund moneys to be held in trust --
 16 deposit in public school subfund. Moneys and properties
 17 placed in the agency fund shall be held in trust for a
 18 period of ~~to~~ ~~2~~ 5 years prior to deposit in the public school
 19 subfund in the trust and legacy fund by the state treasurer;
 20 such ~~to~~-year-period-being-a-time--within--which--the--owner--
 21 ~~beneficiary--or--any--person--having--a--right--title--or~~
 22 ~~interest--in--the--property--or--money--escheated--may--make--claim~~
 23 ~~by--the--institution--of--an--action--for--the--dissolution--of--the~~
 24 ~~trust--being--for--the--benefit--of--persons--claiming--property~~
 25 ~~pursuant--to--part--3--of--this--chapter--in--such--a--claim--may--be~~

1 brought for an amount equal to the full amount or value of
 2 the property escheated minus the costs and expenses incident
 3 to reducing the same to the possession of the state."

4 SECTION 9. SECTION 72-14-302, MCA, IS AMENDED TO READ:
 5 "72-14-302. Statute of limitations. Such action must
 6 be brought within 2 5 years from the date on which the money
 7 or property is received by the state treasurer, saving,
 8 however, to infants and persons of unsound mind or citizens
 9 of the United States beyond the limits of the United States,
 10 the right to commence their action at any time within the
 11 time limited or 2 5 years after their respective
 12 disabilities cease."

13 Section 10. Section 72-14-303, MCA, is amended to
 14 read:

15 "72-14-303. Inheritance tax -- judgment-to-determine
 16 ~~determination--objections.~~ The judgment-of--the--court--in
 17 ~~such--action--shall--determine--and--inheritance--tax--on--estates~~
 18 ~~subject--to--parts--1--through--3--of--this--chapter--is--to--be~~
 19 ~~determined--and--objections--filed--in--accordance--with--Title--72--~~
 20 ~~chapter--161--part--4.~~ The determination of the department of
 21 ~~revenue--shall--fix--the--amount--of--inheritance--tax--if--any,~~
 22 ~~which--is--due--from--said--claimant--a--person--claiming--under--this~~
 23 ~~part--to--the--state--of--Montana--upon--the--money--or--property~~
 24 ~~claimed--and--none--of--said--the--money--or--property--shall--be~~
 25 ~~turned--over--to--said--the--claimant--until--said--such--inheritance~~

1 tax is paid. The department of revenue shall issue its
 2 interlocutory certificate showing the amount of said
 3 inheritance tax due, if any, and shall have the right to
 4 file objections and be heard upon the final determination of
 5 said tax."

6 Section 11. Section 72-14-401, MCA, is amended to
 7 read:

8 "72-14-401. Fiduciary deposit of money when interested
 9 person under disability or similar circumstances -- receipt
 10 as voucher. When property in the hands of an--administrator
 11 executor a personal representative, trustee, or other
 12 fiduciary is assigned or distributed to any heir, legatee,
 13 devisee, creditor, beneficiary, or person interested in any
 14 estate or trust who has no agent in this state or who cannot
 15 be found or who refuses to accept the same or to give a
 16 proper voucher therefor or to a minor or incompetent person
 17 who has no legal guardian to receive the same or person
 18 authorized to receipt therefor and the same or any part
 19 thereof consists of money, the administrator--executor
 20 personal representative, trustee, or other fiduciary may
 21 deposit the money in a special fund in the name of the heir,
 22 legatee, devisee, creditor, beneficiary, or person
 23 interested with the county treasurer of the county in which
 24 the proceedings are pending or in which such property is
 25 located, who shall give a receipt for the same and be liable

1 upon his official bond therefor; and said receipt shall be
 2 deemed and received by the court or judge thereof as a
 3 voucher in favor of the executor--administrator personal
 4 representative, trustee, or other fiduciary with the same
 5 force and effect as if executed by such heir, legatee,
 6 devisee, creditor, beneficiary, or person interested."

7 Section 12. Section 72-14-403, MCA, is amended to
 8 read:

9 "72-14-403. Deposit of unclaimed property in state
 10 treasury -- escheat. (1) All money or other property
 11 distributed in the administration of an estate of a decedent
 12 or as the subject of a trust and deposited before or after
 13 July 1, 1947, with the county treasurer to the credit of the
 14 distributee or beneficiary and any money remaining on
 15 deposit to the credit of an estate after final distribution
 16 must be delivered into the state treasury for deposit in the
 17 agency fund by the county treasurer upon the expiration of 1
 18 year from the day of such deposit.

19 (2) Money or other property so deposited in the state
 20 treasury, if not claimed by the person or persons entitled
 21 thereto ~~within 2 years from the date of such deposit~~ by
 22 bringing an action as provided in parts 1 through part 3 of
 23 this chapter, known as the "Escheated Property--Act", shall
 24 escheat to the state of Montana and be placed in the public
 25 school subfund of the trust and legacy fund as provided

1 therein."

2 Section 13. Effective date. This act is effective on
3 passage and approval.

-End-

1 SENATE BILL NO. 492
2 INTRODUCED BY STIMATZ
3 BY JOINT REQUEST OF THE ATTORNEY GENERAL AND
4 THE DEPARTMENT OF REVENUE

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
7 ESCHEATED PROPERTY ACT; ELIMINATING PROPERTY OTHER THAN THAT
8 OF ESTATES FROM COVERAGE UNDER THE PROVISIONS OF THAT ACT;
9 PROVIDING FOR DISPOSITION OF UNSOLD TANGIBLE PERSONAL
10 PROPERTY OF ESTATES BY AUCTION BY THE COUNTY TREASURER AND
11 DELIVERY OF PROCEEDS TO THE DEPARTMENT OF REVENUE;
12 SHORTENING THE TIME DURING WHICH ESCHEATED PROPERTY IS HELD
13 IN TRUST FOR POTENTIAL CLAIMANTS; LENGTHENING THE PERIOD OF
14 TIME IN WHICH TO FILE CLAIMS; PROVIDING FOR THE
15 DETERMINATION OF INHERITANCE TAX BY THE DEPARTMENT OF
16 REVENUE; AMENDING SECTIONS 72-14-101, 72-14-102, 72-14-205
17 THROUGH 72-14-210, 72-14-302, 72-14-303, 72-14-401, AND
18 72-14-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

21 Section 1. Section 72-14-101, MCA, is amended to read:

22 "72-14-101. Short title. Parts 1 through 3 of this

23 chapter are to be known as the "Escheated Property Estates

24 Act" -and-it-provides-the-exclusive-method-for-vesting-title

25 in-the-state-of-Montana-of-all-unclaimed-property."

1 Section 2. Section 72-14-102, MCA, is amended to read:

2 "72-14-102. When title to escheated property vests in

3 state. ¶ Whenever the title to any property, either real

4 or personal or mixed, fails for any reason, including want

5 of heirs or next of kin, such title shall vest vests in the

6 state of Montana immediately upon the death of the owner

7 without an inquest or other similar proceeding in-the-nature

8 of-officer-found, and there shall be is no presumption that

9 such owner died leaving heirs or next of kin.

20 Section 3. Section 72-14-205, MCA, is amended to read:

21 "72-14-205. Unsold intangible personal property -- how

22 disposed of -- auction sale. (1) If the intangible personal

23 property in an escheated estate was not sold by the executor

24 or administrator personal representative at the final

25 settlement of the estates estate as by law provided, then it

1 shall be the duty of such--executor--or--administrator the
 2 personal representative to turn--over deliver all of such
 3 property to the county treasurer, who in turn shall--deliver
 4 it--to the department of revenue with a statement setting
 5 forth the name of the estate to which it belongs, and the
 6 department must within 1 year of the receipt of such
 7 property cause the same to be sold to the highest bidder at
 8 a public auction sale at the department's office in Helena,
 9 Montana.

10 (2) The department shall give notice of such sale by
 11 publication in a newspaper published in the city of Helena,
 12 Montana, once a week for 2 successive weeks making in all
 13 two publications, the last publication to be at least 20
 14 days prior to the date of such sale. Such notice shall give
 15 the time and place of such sale and shall contain a list and
 16 description of the stocks, bonds, securities, effects, or
 17 other intangible personal property to be sold.

18 (3) All of the expenses of such sale shall be deducted
 19 from the proceeds thereof by the department, and the balance
 20 of such proceeds shall be delivered by the department to the
 21 state treasurer for deposit in the agency fund of the state
 22 of Montana."

23 Section 4. Section 72-14-206, MCA, is amended to read:
 24 "72-14-206. Unsold real property -- how disposed of --
 25 auction sale. (1) If the real property was not sold by the

1 executor--or--administrator--or--public--administrator personal
 2 representative at the final settlement of the estate as by
 3 law provided, then it shall be the duty of the executor--or
 4 administrator-----or-----public-----administrator personal
 5 representative to make and execute to the state of Montana
 6 an--executor's--or--administrator's A deed and to deliver the
 7 same to the county clerk and recorder of the county wherein
 8 such real property is situated, and it shall then become the
 9 duty of the county clerk and recorder to file and record
 10 said deed, without charge, and after being so recorded the
 11 county clerk and recorder shall mail the deed to the
 12 department of revenue, which shall make a record thereof and
 13 deliver the deed to the board of land commissioners.

14 (2) Within 1 year after the receipt of such recorded
 15 deed, the board shall cause such property to be sold to the
 16 highest bidder at public auction sale to be held at the
 17 courthouse in the county where such real property or any
 18 part thereof is situated.

19 (3) The board shall give notice of such sale by
 20 publication in a newspaper published in the county wherein
 21 such real estate or any part thereof is situated once a week
 22 for 2 weeks, making in all two publications, the last
 23 publication to be at least 20 days prior to the date of such
 24 sale. Such notice shall give the time and place of such sale
 25 and contain a description of the real property to be sold.

1 (4) All expenses of such sale shall be deducted by the
 2 board from the proceeds thereof, and the balance of such
 3 proceeds shall be turned over to the state treasurer who
 4 shall deposit the same in the agency fund of the state of
 5 Montana. The board shall provide the department with a
 6 statement indicating the sale price, expenses, and net
 7 proceeds resulting from each such sale."

8 Section 5. Section 72-14-207, MCA, is amended to read:

9 "72-14-207. Unclaimed Unsold tangible personal
 10 property ~~-- how disposed of in hands of agent -- auction~~
 11 sale. (1) Whenever if the tangible personal property in an
 12 escheated estate remains ~~in the hands of an agent~~ ~~unclaimed~~
 13 for ~~2 years and it appears to the court or judge that it is~~
 14 for the best interests of the estate ~~-- and those interested~~
 15 therein ~~-- such property shall be sold under the order of the~~
 16 court or judge ~~and the proceeds after deducting the expense~~
 17 ~~of the state allowed by the court or judge must be paid to~~
 18 ~~the department of revenue for deposit into the state~~
 19 ~~treasury, and upon receipt of such proceeds it shall be the~~
 20 ~~duty of the state treasurer to ~~was not sold by the personal~~~~
 21 ~~representative at the final settlement of the estate as~~
 22 ~~provided by law, it is the duty of the personal~~
 23 ~~representative to deliver such property to the county~~
 24 ~~treasurer. The county treasurer must within 1 year of the~~
 25 ~~receipt of such property, cause it to be sold to the highest~~

1 bidder at a public auction sale at the county seat of the
 2 county of administration of the estate.
 3 (2) The county treasurer shall give notice of such
 4 sale by publication in a newspaper published in the county
 5 of administration once a week for 2 successive weeks making
 6 in all two publications, the last publication to be at least
 7 20 days prior to the date of such sale and to contain a full
 8 and description of the property to be sold. The notice shall
 9 give the time and place of such sale and contain a
 10 description of the property to be sold.

11 (3) All expenses of such sale shall be deducted from
 12 the proceeds thereof by the county treasurer, and the
 13 balance of such proceeds shall be delivered by the county
 14 treasurer to the department of revenue for deposit the same
 15 in the agency fund of the state of Montana."

16 Section 6. Section 72-14-208, MCA, is amended to read:

17 "72-14-208. Sales by department of revenue and county
 18 treasurer -- how conducted. (1) All hereinbefore mentioned
 19 sales by the department of revenue or county treasurer must
 20 be ~~for cash~~ at public auction at the department's office.
 21 (2) ~~Said sales must be for cash~~ and shall be made to
 22 the highest bidder. However, the department seller may
 23 reject all bids which are disproportionate to the value of
 24 the property being sold."

25 Section 7. Section 72-14-209, MCA, is amended to read:

1 "72-14-209. Deposit of all sums escheated -- agency
 2 fund ---deduction-of-costs. (t) All sums escheated under the
 3 provisions of parts 1 through 3 of this chapter shall be
 4 delivered by the department of revenue to the state
 5 treasurer and deposited by the treasurer in the agency fund.

6 (t) --in-connection--with--the--recovery--of--money--or
 7 property--from--escheats--other--than--those--from--estates--the
 8 department--of--revenue--is--hereby--authorized--and--directed--to
 9 deduct--the--costs--incurred--in--reducing--such--moneys--or
 10 property--to--the--possession--of--the--state--of--Montana--which
 11 sum--shall--not--exceed--5%--of--the--amount--so--recovered--except
 12 for--such--other--costs--and--fees--as--the--judgment--of--escheat
 13 shall--so--directs."

14 Section 8. Section 72-14-210, MCA, is amended to read:

15 "72-14-210. Agency fund moneys to be held in trust --
 16 deposit in public school subfund. Moneys and properties
 17 placed in the agency fund shall be held in trust for a
 18 period of ~~to~~ 2 5 years prior to deposit in the public school
 19 subfund in the trust and legacy fund by the state treasurer;
 20 such ~~to~~-year-period-being-a-time--within--which--the--owner--
 21 ~~beneficiet~~--owner--or--any--person--having--a--right--title--or
 22 interest--in--the--property--or--money--escheated--may--make--claim
 23 by--the--institution--of--an--action--for--the--dissolution--of--the
 24 trust being for the benefit of persons claiming property
 25 pursuant to part 3 of this chapter. In such a claim may be

1 brought for an amount equal to the full amount or value of
 2 the property escheated minus the costs and expenses incident
 3 to reducing the same to the possession of the state."

4 SECTION 9. SECTION 72-14-302, MCA, IS AMENDED TO READ:
 5 "72-14-302. Statute of limitations. Such action must
 6 be brought within 2 5 years from the date on which the money
 7 or property is received by the state treasurer, saving,
 8 however, to infants and persons of unsound mind or citizens
 9 of the United States beyond the limits of the United States,
 10 the right to commence their action at any time within the
 11 time limited or 2 5 years after their respective
 12 disabilities cease."

13 Section 10. Section 72-14-303, MCA, is amended to
 14 read:

15 "72-14-303. Inheritance tax -- judgment-to-determine
 16 determination -- objections. The judgment--of--the--court--in
 17 such--action--shall--determine--and inheritance tax on estates
 18 subject to parts 1 through 3 of this chapter is to be
 19 determined and objections filed in accordance with Title 72,
 20 chapter 16, part 4. The determination of the department of
 21 revenue shall fix the amount of inheritance tax, if any,
 22 which is due from said claimant a person claiming under this
 23 part to the state of Montana upon the money or property
 24 claimed, and none of said the money or property shall be
 25 turned over to said the claimant until said such inheritance

1 tax is paid. The department of revenue shall issue its
 2 interlocutory certificate showing the amount of said
 3 inheritance tax due, if any, and shall have the right to
 4 file objections and be heard upon the final determination of
 5 said tax."

6 Section 11. Section 72-14-401, MCA, is amended to
 7 read:

8 "72-14-401. Fiduciary deposit of money when interested
 9 person under disability or similar circumstances -- receipt
 10 as voucher. When property in the hands of an--administrator
 11 executor a personal representative, trustee, or other
 12 fiduciary is assigned or distributed to any heir, legatee,
 13 devisee, creditor, beneficiary, or person interested in any
 14 estate or trust who has no agent in this state or who cannot
 15 be found or who refuses to accept the same or to give a
 16 proper voucher therefor or to a minor or incompetent person
 17 who has no legal guardian to receive the same or person
 18 authorized to receipt therefor and the same or any part
 19 thereof consists of money, the administrator--executor
 20 personal representative, trustee, or other fiduciary may
 21 deposit the money in a special fund in the name of the heir,
 22 legatee, devisee, creditor, beneficiary, or person
 23 interested with the county treasurer of the county in which
 24 the proceedings are pending or in which such property is
 25 located, who shall give a receipt for the same and be liable

1 upon his official bond therefor; and said receipt shall be
 2 deemed and received by the court or judge thereof as a
 3 voucher in favor of the executor-administrator personal
 4 representative, trustee, or other fiduciary with the same
 5 force and effect as if executed by such heir, legatee,
 6 devisee, creditor, beneficiary, or person interested."

7 Section 12. Section 72-14-403, MCA, is amended to
 8 read:

9 "72-14-403. Deposit of unclaimed property in state
 10 treasury -- escheat. (1) All money or other property
 11 distributed in the administration of an estate of a decedent
 12 or as the subject of a trust and deposited before or after
 13 July 1, 1947, with the county treasurer to the credit of the
 14 distributee or beneficiary and any money remaining on
 15 deposit to the credit of an estate after final distribution
 16 must be delivered into the state treasury for deposit in the
 17 agency fund by the county treasurer upon the expiration of 1
 18 year from the day of such deposit.

19 (2) Money or other property so deposited in the state
 20 treasury, if not claimed by the person or persons entitled
 21 thereto ~~within 2 years from the date of such deposit~~ by
 22 bringing an action as provided in parts 1 through part 3 of
 23 this chapter, known as the "Escheated-Property--Act" shall
 24 escheat to the state of Montana and be placed in the public
 25 school subfund of the trust and legacy fund as provided

1 therein."

2 Section 13. Effective date. This act is effective on
3 passage and approval.

-End-