

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 152

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO UNCLAIMED PROPERTY; AMENDING SECTION 14-542, IDAHO CODE, TO ES-  
2 TABLISH AN EXEMPTION FOR NONPROFIT CORPORATIONS PROVIDING TELECOMMUNI-  
3 CATIONS SERVICE AND DELIVERY OF ELECTRIC POWER AND TO REMOVE CERTAIN RE-  
4 QUIREMENTS FOR SUCH ENTITIES.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 14-542, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 14-542. EXEMPTION. (1) ~~Counties holding~~ The following shall be eligi-  
10 ble for a certificate of exemption from the administrator. Entities hold-  
11 ing a certificate of exemption shall not be subject to the provisions of this  
12 chapter, except as set forth in this section:

13 (a) Idaho counties; and

14 (b) Solely for the purpose of unclaimed capital credits, nonprofit cor-  
15 porations engaged in providing telecommunications service or delivery  
16 of electric power. For the purposes of this section, a capital credit is  
17 an amount paid by a member for telecommunication or electric service in  
18 excess of the costs and expenses incurred by a nonprofit corporation in  
19 furnishing the service that is credited to the member's capital account  
20 by the nonprofit corporation and distributed to the member.

21 (2) A certificate of exemption shall be provided to a county an eligible  
22 entity on the following basis:

23 (a) The county commissioners or board of such county directors, as ap-  
24 licable, file an election in writing with the administrator; and

25 (b) The county assumes the responsibilities of the administrator un-  
26 der this chapter to locate unclaimed property in county hands, and re-  
27 fund the same to its rightful owner, according to the provisions of this  
28 chapter; and

29 (c) The county entity establishes a revolving fund to pay claimants,  
30 and retains in said fund, an amount equal to twenty-five percent (25%)  
31 of the accumulated unclaimed property or twenty thousand dollars  
32 (\$20,000), whichever is less. Excess money in the revolving fund may be  
33 transferred to the county current expense fund any fund of the entity;  
34 provided however, that a transfer of funds shall not alter or extinguish  
35 an owner's right to claim the property; and

36 (d) The county entity provides the administrator with the information  
37 required in the reports of abandoned property, to enable the adminis-  
38 trator to maintain a complete central registry of all unclaimed prop-  
39 erty in the state.

40 (3) In the event of revocation of the election or the administrator de-  
41 termines that the county entity has not complied with the requirements or ex-  
42 emption, the county's exemption shall terminate and, the county entity shall

1 transfer all unclaimed property and unclaimed property records to the admin-  
2 istrator and the entity shall be subject to the provisions of this chapter.

3 ~~(2) A nonprofit corporation engaged in providing telecommunications~~  
4 ~~service or the transmission, distribution or delivery of electric power~~  
5 ~~shall not be subject to the provisions of this chapter relative to the dis-~~  
6 ~~tribution (retirement) of capital credits to members of such nonprofit~~  
7 ~~corporation after July 1, 1982. For the purposes of this section, a capital~~  
8 ~~credit is defined as an amount paid by a member for telecommunication or~~  
9 ~~electric service in excess of the costs and expenses incurred by a nonprofit~~  
10 ~~corporation in furnishing the service which is credited to the member's~~  
11 ~~capital account by the nonprofit corporation. For capital credits dis-~~  
12 ~~tributed by the board of directors of such a nonprofit corporation that are~~  
13 ~~not claimed by their member-owners, the nonprofit corporation distribut-~~  
14 ~~ing capital credits shall assume the responsibilities of the administrator~~  
15 ~~under this chapter relative to notice, publication of unclaimed property~~  
16 ~~lists, and refunds to rightful member-owners. Such nonprofit corporations~~  
17 ~~who distribute capital credits shall establish a revolving fund to pay mem-~~  
18 ~~ber-owners such capital credits and shall at all times maintain in said fund~~  
19 ~~an amount equal to twenty-five percent (25%) of the accumulated capital~~  
20 ~~credits presumed abandoned by the board of directors of said nonprofit cor-~~  
21 ~~porations or twenty thousand dollars (\$20,000), whichever is less. Moneys~~  
22 ~~in said fund in excess of the amount required to be maintained shall be trans-~~  
23 ~~ferred to the general account of said nonprofit corporations to be used for~~  
24 ~~any purpose for which said corporation is incorporated.~~