

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3408**

03/21/2016 Authored by Newton and Hortman

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act  
1.2 relating to commerce; providing that certain cooperatives must receive notice of  
1.3 a change of address from members; changing unclaimed property requirements;  
1.4 amending Minnesota Statutes 2014, section 345.39, subdivision 2; proposing  
1.5 coding for new law in Minnesota Statutes, chapters 308A; 308B; 513; repealing  
1.6 Minnesota Statutes 2014, sections 308A.711, subdivisions 1, 3; 308B.735,  
1.7 subdivisions 1, 3.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. **[308A.706] NOTICE OF CHANGE OF ADDRESS.**

1.10 A member or nonmember patron of an electric or telephone cooperative that moves  
1.11 to an address other than the address most recently provided to the cooperative shall give  
1.12 written notice through first class United States mail to the cooperative within 30 days of  
1.13 the move. The written notice must provide the new address of the member or nonmember  
1.14 patron and the date the move was made.

1.15 Sec. 2. **[308B.726] NOTICE OF CHANGE OF ADDRESS.**

1.16 A member of an electric or telephone cooperative that moves to an address other than  
1.17 the address most recently provided to the cooperative shall give written notice through  
1.18 first class United States mail to the cooperative within 30 days of the move. The written  
1.19 notice must provide the new address of the member and the date the move was made.

1.20 Sec. 3. Minnesota Statutes 2014, section 345.39, subdivision 2, is amended to read:

1.21 Subd. 2. **Cooperative property.** ~~Notwithstanding subdivision 1,~~ Any profit,  
1.22 distribution, or other sum held or owing by a cooperative for or to a participating patron of

2.1 the cooperative is presumed abandoned only if it has remained unclaimed by the owner for  
2.2 more than ~~seven~~ three years after it became payable or distributable.

2.3 Sec. 4. **[513.80] NOTICE OF CHANGE OF ADDRESS TO COOPERATIVES.**

2.4 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in  
2.5 this subdivision have the meanings given them.

2.6 (b) "Real estate" means land or an interest in land.

2.7 (c) "Real estate licensee" means a person licensed under chapter 82.

2.8 (d) "Seller" means a person who owns legal or equitable title to real estate.

2.9 (e) "Utility cooperative" means an electric or telephone cooperative organized under  
2.10 chapter 308A or 308B.

2.11 Subd. 2. **Notice to utility cooperative.** A real estate licensee, or seller if the  
2.12 seller has not engaged a real estate licensee, must provide written notice to any utility  
2.13 cooperative providing services to the real estate that the seller has sold the real estate. The  
2.14 written notice must be sent through first class United States mail within 30 days of the sale,  
2.15 must provide the new address of the seller, and must include the date the sale occurred.

2.16 Sec. 5. **REPEALER.**

2.17 Minnesota Statutes 2014, sections 308A.711, subdivisions 1 and 3; and 308B.735,  
2.18 subdivisions 1 and 3, are repealed.

**308A.711 DISTRIBUTION OF UNCLAIMED PROPERTY.**

Subdivision 1. **Alternate procedure to disburse property.** Notwithstanding the provisions of section 345.43, a cooperative may, in lieu of paying or delivering to the commissioner of commerce the unclaimed property specified in its report of unclaimed property, distribute the unclaimed property to a corporation or organization that is exempt from taxation under section 290.05, subdivision 1, paragraph (b), or 2.

Subd. 3. **Owner's right extinguished on disbursement.** The right of an owner to unclaimed property held by a cooperative is extinguished when the property is disbursed by the cooperative to a tax-exempt organization if: (1) notice that the payment is available has been mailed to the last known address of the person shown by the records to be entitled to the property; or (2) the address is unknown, notice is published in an official publication of the cooperative.

**308B.735 DISTRIBUTION OF UNCLAIMED PROPERTY.**

Subdivision 1. **Alternate procedure to disburse property.** A cooperative may, in lieu of paying or delivering to the state the unclaimed property specified in its report of unclaimed property, distribute the unclaimed property to a business entity or organization that is exempt from taxation.

Subd. 3. **Owner's right extinguished on disbursement.** The right of an owner to unclaimed property held by a cooperative is extinguished when the property is disbursed by the cooperative to a tax exempt organization if: (1) notice that the payment is available has been mailed to the last known address of the person shown by the records to be entitled to the property; or (2) the address is unknown, notice is published in an official publication of the cooperative.