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	INTESTATE SUCCESSION AMENDMENTS	
2019 GENERAL SESSION		
STATE OF UTAH		
Chief Sponsor: David P. Hinkins		
	House Sponsor: Michael K. McKell	
LO	NG TITLE	
Ger	neral Description:	
	This bill modifies intestate succession amendments.	
Hig	hlighted Provisions:	
	This bill:	
	clarifies no taker provision;	
	 addresses minerals or mineral proceeds when there is no taker; and 	
	makes technical changes.	
Mo	ney Appropriated in this Bill:	
	None	
Oth	er Special Clauses:	
	None	
Uta	h Code Sections Affected:	
AM	ENDS:	
	75-2-105, as repealed and reenacted by Laws of Utah 1998, Chapter 39	
Be i	it enacted by the Legislature of the state of Utah:	
	Section 1. Section 75-2-105 is amended to read:	
	75-2-105. No taker Minerals and mineral proceeds.	
	(1) As used in this section:	
	(a) "Mineral" means the same as that term is defined in Section 67-4a-102.	
	(b) "Mineral proceeds" means the same as that term is defined in Section 67-4a-102.	
	(c) "Operator" means the same as that term is defined in Section 40-6-2, 40-8-4, or	

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30	40-10-3, and includes any other person holding mineral proceeds of an owner.		
31	(d) "Owner" means the same as that term is defined in Section 38-10-101, 40-6-2, or		
32	<u>40-8-4.</u>		
33	(e) "Payor" means the same as that term is defined in Section 40-6-2, and includes a		
34	person who undertakes or has a legal obligation to distribute any mineral proceeds.		
35	(2) If there is no taker under [the provisions of] this chapter, the intestate estate passes		
36	<u>upon the decedent's death</u> to the state for the benefit of the <u>permanent</u> state school fund.		
37	(3) When minerals or mineral proceeds pass to the state pursuant to Subsection (2), the		
38	<u>Utah School and Institutional Trust Lands Administration shall administer the interests in the</u>		
39	minerals or mineral proceeds for the support of the common schools pursuant to Sections		
40	53C-1-102 and 53C-1-302, but may exercise its discretion to abandon or decline to administer		
41	property of no value or of insufficient value to justify its collection or continued administration.		
42	(4) If a probate or other proceeding has not adjudicated the state's rights under		
43	Subsection (2), the state, and the Utah School and Institutional Trust Lands Administration		
44	with respect to any minerals or mineral proceeds referenced in Subsection (3), may bring an		
45	action in district court in any district in which part of the property related to the minerals or		
46	mineral proceeds is located to quiet title the minerals, mineral proceeds, or property.		
47	(5) In an action brought under Subsection (4), the district court shall quiet title to the		
48	minerals, mineral proceeds, or property in the state if:		
49	(a) no interested person appears in the action and demonstrates entitlement to the		
50	minerals, mineral proceeds, or property after notice has been given pursuant to Section		
51	78B-6-1303 and in the manner described in Section 75-1-401; and		
52	(b) the requirements of Section 78B-6-1315 are met.		
53	(6) (a) If an operator, owner, or payor determines that minerals or mineral proceeds		
54	form part of a decedent's intestate estate, and has not located an heir of the decedent, the		
55	operator, owner, or payor shall submit to the Utah School and Institutional Trust Lands		
56	Administration the information in the operator's, owner's, or payor's possession concerning the		
57	identity of the decedent, the results of a good faith search for heirs specified in Section		

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- 58 75-2-103, the property interest from which the minerals or mineral proceeds derive, and any
- 59 potential heir.
- 60 (b) The operator, owner, or payor shall submit the information described in Subsection
- 61 (6)(a) within 180 days of acquiring the information.