

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2777**

BY DELEGATE DEEM

[Introduced March 2, 2017; Referred  
to the Committee on Energy then the Judiciary.]

1 A BILL to amend and reenact §36-8-13 of the Code of West Virginia, 1931, as amended, relating  
2 to requiring all unclaimed oil and gas royalties due a leaseholder of the mineral estate  
3 shall be transferred and paid to the legal surface owner or owners.

*Be it enacted by the Legislature of West Virginia:*

1 That §36-8-13 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

## **ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT.**

### **§36-8-13. Deposit of funds.**

1 (a) The administrator shall record the name and last known address of each person  
2 appearing from the holders reports to be entitled to the property and the name and last known  
3 address of each insured person or annuitant and beneficiary and with respect to each policy or  
4 annuity listed in the report of an insurance company, its number, the name of the company and  
5 the amount due.

6 (b) The Unclaimed Property Fund is continued. The administrator shall deposit all funds  
7 received pursuant to this article in the Unclaimed Property Fund, including the proceeds from the  
8 sale of abandoned property under section twelve of this article. In addition to paying claims of  
9 unclaimed property duly allowed, the administrator may deduct the following expenses from the  
10 Unclaimed Property Fund:

11 (1) Expenses of the sale of abandoned property;

12 (2) Expenses incurred in returning the property to owners, including without limitation the  
13 costs of mailing and publication to locate owners;

14 (3) Reasonable service charge; and

15 (4) Expenses incurred in examining records of holders of property and in collecting the  
16 property from those holders.

17 (c) The Unclaimed Property Trust Fund is continued within the State Treasury. The  
18 administrator may invest the Unclaimed Property Trust Fund with the West Virginia Board of

19 Treasury Investments and all earnings shall accrue to the fund and are available for expenditure  
20 in accordance with this article. After deducting the expenses specified in subsection (b) of this  
21 section and maintaining a sum of money from which to pay claims duly allowed, the administrator  
22 shall transfer the remaining moneys in the Unclaimed Property Fund to the Unclaimed Property  
23 Trust Fund.

24 (d) (1) On July 1, 2009, the unclaimed property administrator shall transfer the amount of  
25 \$8 million from the Unclaimed Property Trust Fund to the Prepaid Tuition Trust Escrow Fund.

26 (2) On or before December 15 of each year, notwithstanding any provision of this code to  
27 the contrary, the administrator shall transfer the sum of \$1 million from the Unclaimed Property  
28 Trust Fund to the Prepaid Tuition Trust Escrow Fund, until the actuary certifies there are sufficient  
29 funds to pay out all contracts.

30 (e) On or before June 1, 2007, the unclaimed property administrator shall transfer the  
31 amount of \$2 million from the Unclaimed Property Trust Fund to the Deferred Compensation  
32 Matching Fund for operation of the deferred compensation matching program for state  
33 employees. On or before June 1, 2008, the unclaimed property administrator shall transfer the  
34 amount of \$1 million from the Unclaimed Property Trust Fund to the Deferred Compensation  
35 Matching Fund for operation of the matching program.

36 (f) On or before June 1, 2013, the unclaimed property administrator shall transfer the  
37 amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and  
38 Protection Fund for the purpose of satisfying any amounts due as of April 27, 2012 to policemen's  
39 and firemen's pension and relief funds in accordance with section fourteen-d, article three, chapter  
40 thirty-three of this Code.

41 (g) After transferring any money required by subsections (d) through (f) of this section, the  
42 administrator shall transfer moneys remaining in the Unclaimed Property Trust Fund to the  
43 General Revenue Fund

44 (h) Notwithstanding any provision of this code to the contrary, all unclaimed oil and gas

- 45 royalties due a leaseholder of the mineral estate shall be transferred and paid to the legal surface  
46 owner or owners.

NOTE: The purpose of this bill is to require all unclaimed oil and gas royalties due a leaseholder of the mineral estate shall be transferred and paid to the legal surface owner or owners.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.