

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 109

FISCAL
NOTE

BY SENATOR TRUMP

[Introduced January 10, 2018; Referred
to the Committee on Finance]

1 A BILL to amend and reenact §36-8-13 of the Code of West Virginia, 1931, as amended, relating
 2 to limiting the amount of funds from the Unclaimed Property Fund that may be deducted
 3 during a fiscal year for the purpose of paying expenses of administering the Unclaimed
 4 Property Fund and the Unclaimed Property Trust Fund.

Be it enacted by the Legislature of West Virginia:

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 §38-8-12 of this code. In addition to paying claims of unclaimed
 9 property duly allowed, the administrator may deduct the following expenses from the Unclaimed
 10 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) For fiscal years beginning after June 30, 2018, the administrator may not deduct an
 18 amount from the Unclaimed Property Fund that exceeds \$2 million during a single fiscal year for
 19 the purpose of paying administrative expenses related to the Unclaimed Property Fund or The

20 Unclaimed Property Trust Fund. For the purposes of this section, “administrative expenses”
21 means the expenses directly incurred by the administrator in carrying out the requirements of this
22 article, and includes, but is not limited to, salaries and wages of employees charged with carrying
23 out the requirements of this article.

24 ~~(e)~~ (d) The Unclaimed Property Trust Fund is continued within the State Treasury. The
25 administrator may invest the Unclaimed Property Trust Fund with the West Virginia Board of
26 Treasury Investments and all earnings shall accrue to the fund and are available for expenditure
27 in accordance with this article. After deducting the expenses specified in subsection (b) of this
28 section and maintaining a sum of money from which to pay claims duly allowed, the administrator
29 shall transfer the remaining moneys in the Unclaimed Property Fund to the Unclaimed Property
30 Trust Fund.

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

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

37 ~~(e)~~ (f) On or before June 1, 2007, the unclaimed property administrator shall transfer the
38 amount of \$2 million from the Unclaimed Property Trust Fund to the Deferred Compensation
39 Matching Fund for operation of the deferred compensation matching program for state
40 employees. On or before June 1, 2008, the unclaimed property administrator shall transfer the
41 amount of \$1 million from the Unclaimed Property Trust Fund to the Deferred Compensation
42 Matching Fund for operation of the matching program.

43 ~~(f)~~ (g) On or before June 1, 2013, the unclaimed property administrator shall transfer the
44 amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and
45 Protection Fund for the purpose of satisfying any amounts due as of April 27, 2012 to policemen's

46 and firemen's pension and relief funds in accordance with §33-3-14d of this code.

47 ~~(g)~~ (h) After transferring any money required by subsections ~~(d)~~ (e) through ~~(f)~~ (g) of this
48 section, the administrator shall transfer moneys remaining in the Unclaimed Property Trust Fund
49 to the General Revenue Fund.

NOTE: The purpose of this bill is to limit the amount of funds from the Unclaimed Property Fund that may be deducted during a fiscal year for the purpose of paying expenses of administering the Unclaimed Property Fund and the Unclaimed Property Trust Fund.

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