

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4706

BY DELEGATES ANDERSON, J. KELLY, GRAVES, HANSEN,

PETHTEL, EVANS, MILEY, HIGGINBOTHAM, AZINGER,

PAYNTER AND NELSON

[Originating in the Committee on Energy; February 6,

2020.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §37-4-9; and to amend said code by adding thereto a new section, designated
3 §55-12A-7a; all relating to providing transparency in government by creating reporting
4 procedures and requirements concerning funds being held by fiduciaries, commissioners
5 and receivers which are due to missing, unknown or unlocatable real estate interest
6 owners from partition lawsuits and lawsuits concerning leasing and conveyancing of
7 mineral interests by missing owners; providing reporting requirements to the State
8 Treasurer, Legislature, and the Supreme Court of Appeals; defining and specifying the
9 contents of the reports; establishing reporting dates; and providing for rule-making.

Be it enacted by the Legislature of West Virginia:

CHAPTER 37. REAL PROPERTY.

ARTICLE 4. PARTITION.

§37-4-9. Reports concerning funds due to unknown or unlocatable interest owners; rule-making.

1 (a) Notwithstanding the requirements of §36-8-1 et seq. or any other section of the code,
2 all special or general receivers, fiduciaries, commissioners or other persons or entities holding
3 funds due under this article to owners of real property interests whose name or location is
4 unknown or whose interests are otherwise undeliverable to the appropriate party shall provide an
5 annual report concerning said funds to the State Treasurer with additional copies provided to the
6 Joint Committee on Government and Finance and the Supreme Court of Appeals of the West
7 Virginia. The first report shall be submitted on or before October 1, 2021; and each subsequent
8 annual report will be submitted on or before October 1, of each year thereafter. Each annual report
9 shall concern all funds held, managed, received or paid out on June 30, of the year the report is
10 due and shall cover the prior 12-month time period.

11 (b) The report shall specifically identify each special or general receiver, fiduciary,
12 commissioner or other person or entity responsible for the funds being held and managed; identify
13 the circuit court granting the authority to hold and manage the funds; identify every case number
14 under which authority to hold and manage the funds was granted; provide an aggregate total
15 amount of funds being held and managed; provide an aggregate total amount of funds withdrawn
16 during the period; provide an aggregate total amount of funds deposited during the period; identify
17 every financial institution, government agency and business where the funds are being held or
18 invested; and provide a range, highest and lowest, of percentage interest being paid by financial
19 institutions, government agencies and businesses where the funds are being held or invested;
20 and provide any other relevant information as determined by the State Treasurer.

21 (c) The State Treasurer, after consultation with the Supreme Court of Appeals of West
22 Virginia, may create a standardized process for such reporting and shall propose rules for
23 legislative approval, including emergency rules, in accordance with §29A-3-1 et seq. of this code
24 to carry out the provisions of this section.

CHAPTER 55. ACTIONS, SUITS AND ARBITRATION; JUDICIAL SALE.

ARTICLE 12A. LEASE AND CONVEYANCE OF MINERAL INTERESTS OWNED BY MISSING OR UNKNOWN OWNERS OR ABANDONING OWNERS.

§55-12A-7a. Reports concerning funds due to unknown or unlocatable interest owners; rule-making.

1 (a) Notwithstanding the requirements of this article or any other section of code, all special
2 or general receivers, fiduciaries, commissioners or other persons or entities holding funds due
3 under this article to owners of real property interests whose name or location is unknown or whose
4 interests are otherwise undeliverable to the appropriate party shall provide an annual report
5 concerning said funds to the State Treasurer with additional copies provided to the Joint
6 Committee on Government and Finance and the Supreme Court of Appeals of West Virginia. The

7 first report shall be submitted on or before October 1, 2021; and each subsequent annual report
8 will be submitted on or before October 1 of each year thereafter. Each annual report shall concern
9 all funds held, managed, received or paid out on June 30 of the year the report is due and shall
10 cover the prior 12-month time period.

11 (b) The report shall specifically identify each special or general receiver, fiduciary,
12 commissioner or other person or entity responsible for the funds being held and managed; identify
13 the circuit court granting the authority to hold and manage the funds; identify every case number
14 under which authority to hold and manage the funds was granted; provide an aggregate total
15 amount of funds being held and managed; provide an aggregate total amount of funds withdrawn
16 during the period; provide an aggregate total amount of funds deposited during the period; identify
17 every financial institution, government agency and business where the funds are being held or
18 invested; and provide a range, highest and lowest, of percentage interest being paid by financial
19 institutions, government agencies and businesses where the funds are being held or invested;
20 and provide any other relevant information as determined by the State Treasurer.

21 (c) The State Treasurer, after consultation with the Supreme Court of Appeals of West
22 Virginia, may create a standardized process for such reporting and shall propose rules for
23 legislative approval, including emergency rules, in accordance with §29A-3-1 et seq. of this code
24 to carry out the provisions of this section.

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