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## SENATE BILL NO. 1334

Senate Amendments in [ ] — February 9, 1999

A BILL to amend the Code of Virginia by adding a section numbered 56-224.2, relating to distribution cooperatives; donation of certain patronage capital to the cooperative.

Patrons—Colgan, Chichester, Edwards, Maxwell, Miller, K.G., Norment, Potts, Puckett, Saslaw and Wampler

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 56-224.2 as follows:****§ 56-224.2. Donation of certain patronage capital to the cooperative.**

Notwithstanding any other provision of law, when there is held by any cooperative any retired patronage capital to the credit of (i) a deceased person who has no spouse or next of kin identified in the records of the cooperative or (ii) a member or former member who has terminated service and who does not have a current address on file with the cooperative, then the bylaws or member agreements of the cooperative may provide that such credits shall be deemed to have been transferred as a gift to the cooperative and shall thereafter be the property of the cooperative; however, after July 1, 1999, such credits may be deemed gifts to the cooperative only if the cooperative publishes notice of such credit in its regular member publication [ ~~or~~ and ] a publication of general circulation [ ~~or both~~ ], and such credit is not claimed by such member, former member or next of kin within [ ~~sixty~~ one hundred twenty ] days of such publication or such longer period as set out in the bylaws or member agreements of the cooperative. If there is no such provision in the cooperative's bylaws or member agreement, or if there is no publication, then any unclaimed credit shall be treated in accordance with the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.). [ This section shall apply only to cooperatives organized under or governed by this article for the purpose of providing regulated electric utility service on a mutual, not-for-profit basis, with a board democratically elected by its member consumers. ]

**2. That the notice and publication provisions of this act shall become effective on July 1, 1999, but that the other provisions of this act are declaratory of existing law [ with respect to cooperatives organized under or governed by this chapter ] .**

ENGROSSED

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