
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 96 Session of
2013

INTRODUCED BY GODSHALL, MILLARD, TALLMAN, KORTZ, HESS, KOTIK,
SWANGER, MURT, WHITE AND MILLER, JANUARY 14, 2013

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 14, 2013

AN ACT

1 Amending the act of July 11, 2006 (P.L.1134, No.115), entitled
2 "An act providing for the creation of a trust for the benefit
3 of certain owners of interests in oil and gas; authorizing
4 the trustee to enter into leases of interests in oil and gas
5 under terms and conditions authorized by the court of common
6 pleas; providing for the administration of the trust and for
7 payment of moneys to the trustee; and imposing penalties for
8 nonpayment," further providing for purpose, for definitions
9 and for creation of trust for unknown owners.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2 of the act of July 11, 2006 (P.L.1134,
13 No.115), known as the Dormant Oil and Gas Act, is amended to
14 read:

15 Section 2. Purpose.

16 The purpose of this act is to facilitate the development of
17 subsurface properties by reducing the problems caused by
18 fragmented and unknown or unlocatable ownership of oil and gas
19 interests and to protect the interests of unknown or unlocatable
20 owners of oil and gas. [It is not the purpose of this act to
21 vest the surface owner with title to oil and gas interests that

1 have been severed from the surface estate.]

2 Section 2. Section 3 of the act is amended by adding
3 definitions to read:

4 Section 3. Definitions.

5 The following words and phrases when used in this act shall
6 have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Bonus." Money or other property given for the execution of
9 an oil or gas lease, deed or other instrument conveying an oil
10 or gas interest. The term does not include rental or royalty
11 payments that are used to maintain an oil or gas interest.

12 * * *

13 "Correlative rights." The rights of each owner of oil and
14 gas interests in a common pool or source of supply of oil and
15 gas to have a fair and reasonable opportunity to obtain and
16 produce the owner's just and equitable share of the oil and gas
17 in the pool or source of supply, without being required to drill
18 unnecessary wells or incur other unnecessary expense to recover
19 or receive the oil or gas or its equivalent.

20 * * *

21 Section 3. Section 4 of the act is amended to read:

22 Section 4. Creation of trust for unknown owners.

23 (a) General rule.--Any person who owns an interest in oil
24 and gas underlying a tract of land may petition the appropriate
25 division of the court of common pleas of the county in which the
26 tract or any portion of the tract is located to declare a trust
27 in favor of all unknown owners of an interest in the oil and gas
28 underlying the tract whose identity, present residence or
29 present address is unknown and cannot be determined by diligent
30 efforts. The petitioner's interest may be in fee, by lease, a

1 royalty [or], by ownership of correlative rights in an oil and
2 gas reservoir or by ownership of the surface tract that overlays
3 the oil and gas interest that is the subject of the petition.

4 (b) Requirements.--Before the court shall declare a trust in
5 favor of an unknown owner or owners, the petitioner shall show
6 to the satisfaction of the court that:

7 (1) Petitioner has made a diligent effort to locate the
8 owner or claimant.

9 (2) Despite this diligent effort, petitioner has been
10 unable to identify or to locate the present residence or
11 other address of one or more owners or claimants of the oil
12 or gas interest or interests in question.

13 (2.1) Service of process has occurred in accordance with
14 Pa.R.C.P. No. 410 (relating to real property actions) and
15 that original process was served upon all surface owners
16 whose tracts overlay all or any part of the tract or tracts
17 of land that are the subject of the petition.

18 (3) Appointment of a trustee will be in the best
19 interest of all owners of interests in the oil and gas.

20 (4) By a preponderance of the evidence, the trust is
21 likely to result in the commercial development of the
22 subsurface properties.

23 (c) Appointment.--Following a determination that the
24 requirements of subsection (b) have been met, the court shall
25 appoint a financial institution authorized to do business in
26 this Commonwealth as trustee of a trust for the unknown owner or
27 owners and shall authorize the trustee to execute and deliver a
28 deed of sale or one or more oil or gas leases or other
29 instruments on terms and conditions approved by the court.

30 (d) Deeds of sale, leases or other instruments.--Where a

1 deed of sale, lease or other instrument is authorized under
2 subsection (c), the trustee shall provide a credit to the sale
3 price for the costs incurred under subsection (b). The trustee
4 shall eliminate bonus payments as a factor in calculating the
5 fair market value of the relevant interests.

6 Section 4. This act shall take effect in 60 days.