

**HB114 ENGROSSED**



1 EQ1S9C-2  
2 By Representatives Woods, Underwood, Rigsby, Lomax, Colvin,  
3 Hulsey  
4 RFD: County and Municipal Government  
5 First Read: 21-Mar-23  
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A BILL  
TO BE ENTITLED  
AN ACT

Relating to fiduciary funds in the hands of officials;  
to amend Section 19-3-87, Code of Alabama 1975, to provide for  
disposition of unclaimed funds held in a county treasury after  
being unclaimed for a certain number of years; and to amend  
Section 35-12-73, Code of Alabama 1975, to exempt unclaimed  
funds under Section 19-3-87, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 19-3-87 and 35-12-73, Code of  
Alabama 1975, are amended to read as follows:

"§19-3-87

(a) (1) If at any time it ~~should appear~~appears to the  
court, or ~~be is~~is made known to the court, that any balance has  
been in the hands of any officer for a period of five years  
and the same remains unclaimed, ~~it~~the court may make an order  
directing the same to be paid into the ~~treasury of said~~ county  
treasury, and a separate account shall be kept of all ~~such~~the  
payments ~~and so designated as to identify~~identifying each  
transaction.

(b) Any person entitled to recover all or part of any  
unclaimed amount ~~so~~ paid into the county treasury ~~or any part~~



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29 ~~thereof~~ may recover the amount, without interest, before the  
30 date that is ~~within~~ 10 years after ~~such payment~~ the payment was  
31 made into the treasury ~~recover the amount to which he may be~~  
32 ~~entitled, without interest,~~ by obtaining an order from the  
33 court that had ordered the ~~under whose order the same was~~  
34 ~~paid~~ payment into the treasury. ~~Such~~ The order may be made by  
35 the court on summary motion against the probate judge of the  
36 county after five days' written notice unless the court ~~for~~  
37 ~~sufficient reasons~~ continues the hearing to a further time for  
38 sufficient reasons.

39 (c) (1) Subject to subdivision (2), with respect to any  
40 unclaimed amount currently held in the county treasury or paid  
41 into the county treasury on or following the effective date of  
42 this act, which remain in the county treasury on the date that  
43 is 10 years after the date it was paid into the county  
44 treasury, the following shall occur:

45 a. Any person's right, title, or interest in or to all  
46 unclaimed funds shall be forfeited.

47 b. All right, title, and interest in or to the  
48 unclaimed funds shall be vested in the county treasury to be  
49 set aside solely for the maintenance, repair, and construction  
50 of roads and bridges located within the county.

51 (2) Before any unclaimed funds may be forfeited under  
52 subdivision (1), the county shall provide notice of the  
53 intended forfeiture, including, at a minimum, a description of  
54 the funds, the date the forfeiture is scheduled to occur, and  
55 a description of how a person entitled to recover all ~~of~~ or  
56 part of the unclaimed funds may make a claim. Notice shall be



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57 published on the Alabama Press Association's website or other  
58 website used by the county for a minimum of 90 days before the  
59 date of forfeiture and in addition, in a newspaper of general  
60 circulation in the county, if one exists, at least once a week  
61 for four consecutive weeks before the date of forfeiture.

62 (d) The provisions of this section shall not apply to  
63 the following:

64 (1) Unclaimed funds held by municipal courts.

65 (2) Unclaimed restitution payments under Section  
66 15-18-115.

67 (3) Interest on unclaimed funds."

68 "§35-12-73

69 (a) The following entities are exempt from reporting  
70 property under this article:

71 (1) Electric cooperatives organized under Chapters 6  
72 and 7 of Title 37.

73 (2) Incorporated municipalities and incorporated  
74 municipal boards and county and county boards of this state.

75 (b) The following property is exempt from reporting  
76 under this article:

77 (1) A gift certificate, gift card, or in-store  
78 merchandise credit issued or maintained by any person engaged  
79 primarily in the business of selling tangible personal  
80 property at retail.

81 (2) Property held, due, and owing in a foreign country  
82 and arising out of a foreign transaction.

83 (3) Unclaimed funds held pursuant to Section 19-3-87."

84 Section 2. This act shall become effective on the first

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85 day of the third month following its passage and approval by  
86 the Governor, or its otherwise becoming law.



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## House of Representatives

Read for the first time and referred .....21-Mar-23  
to the House of Representatives  
committee on County and Municipal  
Government  
Read for the second time and placed .....05-Apr-23  
on the calendar:  
1 amendment  
Read for the third time and passed .....11-Apr-23  
as amended  
Yeas 102  
Nays 0  
Abstains 3

John Treadwell  
Clerk