

HB114 ENROLLED



1 EQ1S9C-3
2 By Representatives Woods, Underwood, Rigsby, Lomax, Colvin,
3 Hulsey
4 RFD: County and Municipal Government
5 First Read: 21-Mar-23
6
7 2023 Regular Session



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1 Enrolled, An Act,

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§19-3-87

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

22 (b) Any person entitled to recover all or part of any
23 unclaimed amount ~~so~~ paid into the county treasury ~~or any part~~
24 ~~thereof~~ may recover the amount, without interest, before the
25 date that is ~~within~~ 10 years after ~~such payment~~the payment was
26 made into the treasury ~~recover the amount to which he may be~~
27 ~~entitled, without interest,~~ by obtaining an order from the
28 court that had ordered the ~~under whose order the same was~~



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29 ~~paid~~payment into the treasury. ~~Such~~The order may be made by
30 the court on summary motion against the probate judge of the
31 county after five days' written notice unless the court ~~for~~
32 ~~sufficient reasons~~ continues the hearing to a further time for
33 sufficient reasons.

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

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

42 b. All right, title, and interest in or to the
43 unclaimed funds shall be vested in the county treasury to be
44 set aside solely for the maintenance, repair, and construction
45 of roads and bridges located within the county.

46 (2) Before any unclaimed funds may be forfeited under
47 subdivision (1), the county shall provide notice of the
48 intended forfeiture, including, at a minimum, a description of
49 the funds, the date the forfeiture is scheduled to occur, and
50 a description of how a person entitled to recover all ~~of~~ or
51 part of the unclaimed funds may make a claim. Notice shall be
52 published on the Alabama Press Association's website or other
53 website used by the county for a minimum of 90 days before the
54 date of forfeiture and in addition, in a newspaper of general
55 circulation in the county, if one exists, at least once a week
56 for four consecutive weeks before the date of forfeiture.



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57 (d) The provisions of this section shall not apply to
58 the following:

59 (1) Unclaimed funds held by municipal courts.

60 (2) Unclaimed restitution payments under Section
61 15-18-115.

62 (3) Interest on unclaimed funds."

63 "§35-12-73

64 (a) The following entities are exempt from reporting
65 property under this article:

66 (1) Electric cooperatives organized under Chapters 6
67 and 7 of Title 37.

68 (2) Incorporated municipalities and incorporated
69 municipal boards and county and county boards of this state.

70 (b) The following property is exempt from reporting
71 under this article:

72 (1) A gift certificate, gift card, or in-store
73 merchandise credit issued or maintained by any person engaged
74 primarily in the business of selling tangible personal
75 property at retail.

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

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

79 Section 2. This act shall become effective on the first
80 day of the third month following its passage and approval by
81 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-23 as amended.

John Treadwell
Clerk

Senate

25-Apr-23

Passed