

HB114 INTRODUCED



1 EQ1S9C-1

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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SYNOPSIS:

Under existing law there is no provision establishing the disposition of certain unclaimed property held by county officials for five years and subsequently paid into in a county treasury and remaining unclaimed for an additional 10 years.

This bill would provide that following public notice, the rights of any person to recover unclaimed property would be forfeited after remaining in a county treasury for 10 years and then become vested in the county treasury for the construction, maintenance, and repair of county roads and bridges.

This bill would provide that unclaimed funds held by a county under Section 19-3-87, Code of Alabama 1975, are exempt from Section 35-12-73, Code of Alabama 1975.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT



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

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

38 "§19-3-87

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

47 (b) Any person entitled to recover all or part of any
48 unclaimed amount ~~so~~ paid into the county treasury ~~or any part~~
49 ~~thereof~~ may recover the amount, without interest, before the
50 date that is ~~within~~ 10 years after ~~such payment~~the payment was
51 made into the treasury ~~recover the amount to which he may be~~
52 ~~entitled, without interest,~~ by obtaining an order from the
53 court that had ordered the ~~under whose order the same was~~
54 ~~paid~~payment into the treasury. ~~Such~~The order may be made by
55 the court on summary motion against the probate judge of the
56 county after five days' written notice unless the court ~~for~~



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57 ~~sufficient reasons~~ continues the hearing to a further time for
58 sufficient reasons.

59 (c) (1) Subject to subdivision (2), with respect to any
60 unclaimed amount currently held in the county treasury or paid
61 into the county treasury on or following the effective date of
62 this act, which remain in the county treasury on the date that
63 is 10 years after the date it was paid into the county
64 treasury, the following shall occur:

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

67 b. All right, title, and interest in or to the
68 unclaimed funds shall be vested in the county treasury to be
69 set aside solely for the maintenance, repair, and construction
70 of roads and bridges located within the county.

71 (2) Before any unclaimed funds may be forfeited under
72 subdivision (1), the county shall provide notice of the
73 intended forfeiture, including, at a minimum, a description of
74 the funds, the date the forfeiture is scheduled to occur, and
75 a description of how a person entitled to recover all of part
76 of the unclaimed funds may make a claim. Notice shall be
77 published on the Alabama Press Association's website or other
78 website used by the county for a minimum of 90 days before the
79 date of forfeiture and in addition, in a newspaper of general
80 circulation in the county, if one exists, at least once a week
81 for four consecutive weeks before the date of forfeiture.

82 (d) The provisions of this section shall not apply to
83 the following:

84 (1) Unclaimed funds held by municipal courts.



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85 (2) Unclaimed restitution payments under Section
86 15-18-115.

87 (3) Interest on unclaimed funds."

88 "§35-12-73

89 (a) The following entities are exempt from reporting
90 property under this article:

91 (1) Electric cooperatives organized under Chapters 6
92 and 7 of Title 37.

93 (2) Incorporated municipalities and incorporated
94 municipal boards and county and county boards of this state.

95 (b) The following property is exempt from reporting
96 under this article:

97 (1) A gift certificate, gift card, or in-store
98 merchandise credit issued or maintained by any person engaged
99 primarily in the business of selling tangible personal
100 property at retail.

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

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

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