

**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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## 4 SYNOPSIS:

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

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

16 This bill would provide that unclaimed funds  
17 held by a county under Section 19-3-87, Code of Alabama  
18 1975, are exempt from Section 35-12-73, Code of Alabama  
19 1975.

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

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25 A BILL

26 TO BE ENTITLED

27 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 ~~be 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.



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.



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.