

**House County and Municipal Government Engrossed
Substitute for HB114**



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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~~ 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.