

1 SB35
2 114577-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/14/2011

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8 SYNOPSIS: This bill would provide that all settlements
9 or orders entering judgment in a class action
10 lawsuit filed in Alabama and governed by Alabama
11 law that results in the creation of a common fund
12 for the benefit of a class shall establish a plan
13 for determining the distribution of the residual
14 remaining funds and the timing of such distribution
15 to the Department of Child Abuse and Neglect
16 Prevention.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 Relating to the distribution of excess funds created
23 pursuant to a class action lawsuit filed in Alabama; to
24 provide that all settlements or orders entering judgment in a
25 class action lawsuit filed in Alabama and governed by Alabama
26 law that result in the creation of a common fund for the

1 benefit of a class shall establish a plan for determining the
2 distribution of the residual remaining funds and the timing of
3 such distribution to the Department of Child Abuse and Neglect
4 Prevention.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. All orders entering judgment in a class
7 action or approving a proposed settlement of a class action
8 filed in Alabama and governed by Alabama law that result in
9 the creation of a common fund for the benefit of a class,
10 consistent with other provisions of Alabama law governing
11 class actions, shall establish a specific plan for determining
12 when any residual remaining funds after distribution shall be
13 considered unclaimed and the timing of the distribution of any
14 such residual unclaimed money to the Children's Trust Fund
15 established pursuant to Section 26-16-30, Code of Alabama
16 1975, and administered by the Alabama Department of Child
17 Abuse and Neglect Prevention.

18 Section 2. At the conclusion of a class action
19 lawsuit, residual funds that remain undistributed due to
20 circumstances in which the members of the class cannot be
21 located, or the direct distribution to individual class
22 members is not economically feasible, or when funds remain
23 after all class members are given a full opportunity to make a
24 claim, or for any other reason remain undistributed to class
25 members, shall be distributed to the Alabama Department of

1 Child Abuse and Neglect Prevention consistent with a specific
2 plan as provided in Section 1.

3 Section 3. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.