

1 HB104
2 147425-1
3 By Representative Johnson (K)
4 RFD: State Government
5 First Read: 05-FEB-13
6 PFD: 02/01/2013

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8 SYNOPSIS: This bill would establish funding for the
9 Office of the State Treasurer, and allow the
10 operations of Treasury Administrative, SAFE, and
11 Unclaimed Property be managed under one fund.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 To amend Sections 35-12-81, 41-14A-12 and 41-14A-14,
18 Code of Alabama 1975, regarding the administration of
19 Unclaimed Property and the SAFE Program of the State
20 Treasurer's Office; and to create the State Treasury
21 Operations Fund for funding the operation of the State
22 Treasurer's Office and the administration of Unclaimed
23 Property and the SAFE Program.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) There is hereby created in the state
26 treasury a special fund to be known as the State Treasury
27 Operations Fund, which shall be used exclusively for the

1 operations of the Office of the State Treasurer. This fund may
2 receive general fund appropriations, amounts from the
3 Unclaimed Property Reserve Fund, and any other receipts. All
4 unobligated amounts remaining in this special fund at the end
5 of any fiscal year of the State of Alabama shall remain in
6 this special fund and be available for use for the operations
7 of the office. No funds shall be expended for any purpose
8 whatsoever unless the same have been allotted and budgeted in
9 accordance with the provisions of Article 4 of Chapter 4 of
10 Title 41, Code of Alabama, 1975, and only in amounts and for
11 the purposes provided by the Legislature in the general
12 appropriation bill or as otherwise provided by statute.

13 (b) Should the funds provided to the State Treasurer
14 through the State Treasury Operations Fund be insufficient to
15 properly operate the office, the State Treasurer shall request
16 a sufficient appropriation from any state funds.

17 Section 2. Sections 35-12-81, 41-14A-12 and
18 41-14A-14, Code of Alabama 1975, are hereby amended as
19 follows:

20 "§35-12-81.

21 (a) The Treasurer shall promptly deposit in the
22 Unclaimed Property Reserve Fund, created within the Treasury,
23 all funds received under this article, including but not
24 limited to, the proceeds from the sale of abandoned property
25 under Section 35-12-80, from which the Treasurer shall pay
26 claims duly allowed and shall transfer funds to the State
27 Treasury Operations Fund ~~Unclaimed Property Administrative~~

1 Fund. The Treasurer shall record the name and last known
2 address of each person appearing from the holder's reports to
3 be entitled to the property, and the name and last known
4 address of each insured person or annuitant and beneficiary
5 and with respect to each policy or annuity listed in the
6 report of an insurance company, its number, the name of the
7 company, and the amount due.

8 (b) All costs and expenses of administering the
9 program under this article and all costs and expenses of
10 administering the Office of State Treasurer shall be paid from
11 the State Treasury Operations Fund ~~Unclaimed Property~~
12 ~~Administrative Fund, created within the Treasury. On a~~
13 ~~quarterly basis, the Treasurer shall transfer from the~~
14 ~~Unclaimed Property Reserve Fund to the Unclaimed Property~~
15 ~~Administrative Fund an amount sufficient to meet all~~
16 ~~administrative costs and expenses of the program.~~

17 (c) On a quarterly basis, the Treasurer shall
18 deposit in the State General Fund any surplus monies remaining
19 in the Unclaimed Property Reserve Fund, after the requirements
20 of this section have been met.

21 (d) Any unobligated amounts remaining in the
22 Unclaimed Property Administrative Fund after September 30,
23 2014, shall be transferred to the State Treasury Operations
24 Fund.

25 "§41-14A-12.

26 ~~There is hereby created a SAFE Program~~
27 ~~Administration Fund, which shall be held and administered by~~

1 ~~the State Treasurer in connection with the SAFE Program. The~~
2 ~~amounts in the Program Administration Fund State Treasury~~
3 ~~Operations Fund shall be applied and disbursed by the State~~
4 ~~Treasurer to pay the costs and expenses of establishing and~~
5 ~~implementing the SAFE Program and the ordinary costs and~~
6 ~~expenses of administering the SAFE Program, and to pay the~~
7 ~~members of the board of directors the per diem and travel~~
8 ~~rates permitted by Section 41-14A-6(g). There shall be~~
9 ~~appropriated from state funds and deposited to the Program~~
10 ~~Administration Fund for each fiscal year so much as may be~~
11 ~~necessary in order to pay the costs and expenses of the State~~
12 ~~Treasurer of establishing, implementing, and administering the~~
13 ~~SAFE Program as described in this section.~~

14 (b) Any unobligated amounts remaining in the SAFE
15 Program Administration Fund after September 30, 2014, shall be
16 transferred to the State Treasury Operations Fund.

17 "§41-14A-14.

18 The SAFE Program shall be audited annually by the
19 Examiners of Public Accounts to ensure that collateral is
20 being maintained to secure public deposits in amounts that are
21 consistent with the requirements of this chapter. The ~~Program~~
22 ~~Administration Fund~~ and Program Enforcement Fund shall also be
23 audited annually by the Examiners of Public Accounts.

24 Section 3. All laws or parts of laws that conflict
25 with the provisions of this act are hereby repealed.

1 Section 4. This act shall become effective on
2 October 1, 2014, upon its passage and approval by the Governor
3 or upon it otherwise becoming law.