

1 HB168
2 181203-2
3 By Representatives Buskey and Gaston
4 RFD: Judiciary
5 First Read: 09-FEB-17

ENROLLED, An Act,

To amend Section 26-2A-137, Code of Alabama 1975 to allow the court to authorize the leasing of oil, gas, and mineral rights when the basis exists under Section 26-2A-130.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-2A-137 is amended to read as follows:

"§26-2A-137.

"(a) If it is established in a proper proceeding that a basis exists for the appointment of a conservator or protective order as described in Section 26-2A-130, the court, without appointing a conservator, may authorize, direct, or ratify any transaction necessary or desirable to achieve any security, service, or care arrangement meeting the foreseeable needs of the protected person. Protective arrangements include payment, delivery, deposit, or retention of funds or property; sale, mortgage, lease, or other transfer of property, including, but not limited to the leasing of oil, gas and other mineral rights of the protected person; entry into an annuity contract, a contract for life care, a deposit contract, or a contract for training and education; or addition to or establishment of a suitable trust.

"(b) If it is established in a proper proceeding that a basis exists for the appointment of a conservator or

1 protective order as described in Section 26-2A-130, the court,
2 without appointing a conservator, may authorize, direct, or
3 ratify any contract, trust, or other transaction relating to
4 the protected person's property and business affairs,
5 including, but not limited to the leasing of oil, gas and
6 other mineral rights of the protected person, if the court
7 determines that the transaction is in the best interest of the
8 protected person.

9 "(c) Before approving a protective arrangement or
10 other transaction under this section, the court shall consider
11 the interests of creditors and dependents of the protected
12 person and, in view of the disability, whether the protected
13 person needs the continuing protection of a conservator. The
14 court may appoint a special conservator to assist in the
15 accomplishment of any protective arrangement or other
16 transaction authorized under this section who shall have the
17 authority conferred by the order and serve until discharged by
18 order after report to the court of all matters done pursuant
19 to the order of appointment."

20 Section 2. This act will become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 04-APR-17.

Jeff Woodard
Clerk

Senate

27-APR-17

Passed