

1 SB199
2 204472-1
3 By Senator Albritton
4 RFD: Finance and Taxation General Fund
5 First Read: 18-FEB-20

SYNOPSIS: Under existing law, funds received by the judge of probate from an estate without heirs are paid to the State Treasurer. Section 258 of the Constitution of Alabama of 1901, now appearing as Section 258 of the Recompiled Constitution of Alabama of 1901, as amended, provides that estates of persons who die without heirs are required to be used for education purposes.

This bill would provide that if the proceeds from an estate sale without heirs exceed \$250,000, one-half of the net proceeds over \$250,000 would be paid to the county where the estate was probated and the remainder would be paid to the State Treasurer to be used for education purposes.

A BILL
TO BE ENTITLED
AN ACT

1 Relating to funds in an estate with no heirs; to
2 amend Section 43-6-7, Code of Alabama 1975, to provide for the
3 distribution of a portion of the net proceeds from the estate
4 to the county where the estate was probated if the proceeds
5 exceed a certain amount to be used for education purposes.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 43-6-7 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§43-6-7.

10 "~~The~~ (a) Except as provided in subsection (b), the
11 judge of probate must, within three months after the receipt
12 thereof, pay to the ~~treasurer~~ State Treasurer all moneys ~~he~~
13 ~~may receive~~ received under ~~the provisions of~~ this chapter,
14 and, failing so to do, ~~he~~ the judge of probate is liable as a
15 defaulter and also forfeits ~~\$300.00~~ three hundred dollars
16 (\$300), one half to the state, and the other half to ~~any one~~
17 ~~anyone~~ suing for the same; and, on the trial, the certificate
18 of the ~~treasurer~~ State Treasurer is presumptive evidence of
19 ~~his~~ the judge of probate's failure to make ~~such~~ the payment.

20 "(b) Notwithstanding subsection (a), if the amount
21 of moneys received by the judge of probate from the estate of
22 a decedent without heirs exceeds two hundred fifty thousand
23 dollars (\$250,000), the first two hundred fifty thousand
24 dollars (\$250,000) shall be paid to the State Treasurer and
25 one half of the proceeds over two hundred fifty thousand
26 dollars (\$250,000) shall be paid to the county where the
27 estate was probated and the remainder shall be paid to the

1 State Treasurer. All of the proceeds shall be used for
2 education purposes."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.