

1 HB258  
2 114577-1  
3 By Representative Ball  
4 RFD: Children and Senior Advocacy  
5 First Read: 22-MAR-11

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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  
27 benefit of a class shall establish a plan for determining the

1 distribution of the residual remaining funds and the timing of  
2 such distribution to the Department of Child Abuse and Neglect  
3 Prevention.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 Section 2. At the conclusion of a class action  
18 lawsuit, residual funds that remain undistributed due to  
19 circumstances in which the members of the class cannot be  
20 located, or the direct distribution to individual class  
21 members is not economically feasible, or when funds remain  
22 after all class members are given a full opportunity to make a  
23 claim, or for any other reason remain undistributed to class  
24 members, shall be distributed to the Alabama Department of  
25 Child Abuse and Neglect Prevention consistent with a specific  
26 plan as provided in Section 1.

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