

1 HB378
2 114787-1
3 By Representatives Ward, Baker (A), Shiver, McLaughlin, Dukes,
4 Thomas (E), Ball, McClurkin, Thigpen, Grimes, Williams (P),
5 Fincher, Harper, Wood, Laird, Curtis, Grantland, Beech,
6 Sanderford, Hammon and Ison
7 RFD: Judiciary
8 First Read: 21-JAN-10

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