

ACT #2017-245

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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

Mac McCutchen

Speaker of the House of Representatives

Del Marshall

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

**APPROVED** 5-9-2017

**TIME** 2:20 PM

Kay Ivey  
**GOVERNOR**

Alabama Secretary Of State

Act Num....: 2017-245  
Bill Num...: H-168

Recv'd 05/09/17 02:42pmSLF

Burby 99  
SPONSORS  
Kadon 100 28

- 29 \_\_\_\_\_
- 30 \_\_\_\_\_
- 31 \_\_\_\_\_
- 32 \_\_\_\_\_
- 33 \_\_\_\_\_
- 34 \_\_\_\_\_
- 35 \_\_\_\_\_
- 36 \_\_\_\_\_
- 37 \_\_\_\_\_
- 38 \_\_\_\_\_
- 39 \_\_\_\_\_
- 40 \_\_\_\_\_
- 41 \_\_\_\_\_
- 42 \_\_\_\_\_
- 43 \_\_\_\_\_
- 44 \_\_\_\_\_
- 45 \_\_\_\_\_
- 46 \_\_\_\_\_
- 47 \_\_\_\_\_
- 48 \_\_\_\_\_
- 49 \_\_\_\_\_
- 50 \_\_\_\_\_
- 51 \_\_\_\_\_
- 52 \_\_\_\_\_
- 53 \_\_\_\_\_

DATE: 29 2017  
RD 1 RFD Jody

**REPORT OF STANDING COMMITTEE**  
 This bill having been referred by the House to its standing committee on Judiciary was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub this 15 day of March, 20 17.  
Richard S. Burby Chairperson

DATE: 3-15 2017  
RF RD 2 CAL

DATE: 20  
RE-REFERRED  RE-COMMITTED   
Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,  
 HB 168  
 YEAS 97 NAYS 0  
 JEFF WOODARD,  
 Clerk

FURTHER HOUSE ACTION (OVER)

DATE: 4-6 2017  
RD 1 RFD AG

This Bill was referred to the Standing Committee of the Senate on ACRF and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) \_\_\_\_\_ w/sub \_\_\_\_\_ w/eng sub \_\_\_\_\_ by a vote of \_\_\_\_\_ nays 0 abstain \_\_\_\_\_ this 12 day of April 20 17.  
Patrick Harris, Chairperson

DATE: 4-13 2017  
RF RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,  
 HB 168  
 YEAS 27 NAYS 0 ABST 1  
 PATRICK HARRIS,  
 Secretary

DATE: 4-27-17  
PASSED  PASSED AS AMENDED

YEAS 27 NAYS 0 ABST 1  
 And was ordered returned forthwith to the House.  
 PATRICK HARRIS,  
 Secretary

DATE: 20  
INDEFINITELY POSTPONED YEAS NAYS

DATE: 20  
RECONSIDERED YEAS NAYS

FURTHER SENATE ACTION (OVER)