- 1 HB146
- 2 117375-2
- 3 By Representative Laird
- 4 RFD: Government Appropriations
- 5 First Read: 12-JAN-10
- 6 PFD: 01/11/2010

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 41-9-65, Code of Alabama 1975,
9	relating to claims filed with the Board of Adjustment; to
10	provide that the Board of Adjustment cannot deny certain
11	claims filed by a county governmental entity for reimbursement
12	of costs or expenses denied by a state agency unless the state
13	agency has adopted procedures under the Administrative
14	Procedure Act and has properly followed those procedures.
15	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
16	Section 1. Section 41-9-65, Code of Alabama 1975, is
17	amended to read as follows:
18	"§41-9-65.
19	"(a) Unless otherwise provided in this section, all
20	claims must be presented to the Board of Adjustment within one
21	year after the cause of action accrues.
22	"(b) Claims for injury to the person resulting in
23	death must be presented to the Board of Adjustment within two
24	years after the cause of action accrues, unless the same is
25	first carried into the courts of the state, in which event the
26	statute of limitations shall not begin to run until the date
27	on which a final judgment in the same, holding the claimant

not entitled to relief through the courts of the state, is entered.

"(c) In the matter of escheats to the State of Alabama, any such claim must be filed with the Board of Adjustment within 10 years from the time of the escheat to the State of Alabama; except, that such the claims of minors may be considered by the Board of Adjustment if the same claims are filed within three years after such the minor has reached the age of 19 years.

"(d) The Board of Adjustment is prohibited from hearing or considering any claim not filed within the time specified and the limitations provided in this section shall apply both to claims which have already accrued and to those which accrue after July 10, 1943.

"(e) The Board of Adjustment shall approve a claim filed by a county or a department, agency, board, commission, public corporation, or instrumentality of a county when a state agency has denied a request for reimbursement of expenses occurring on or after October 1, 2009, required by law based upon the failure to comply with an agency deadline unless all of the following apply:

"(1) The state agency is authorized by law to adopt administrative procedures for reimbursement which include time deadlines.

"(2) The state agency has properly adopted the procedures pursuant to the Alabama Administrative Procedure Act.

1	" <u>(3) The state agency has properly applied those</u>
2	procedures in denying the claim for reimbursement of expenses
3	submitted by the county or a department, agency, board,
4	commission, public corporation, or instrumentality of the
5	county."
6	"(4) The foregoing provisions notwithstanding, the
7	Board of Adjustment shall not approve a claim filed pursuant
8	to this subsection more than 12 months after the month in
9	which payment of the claim was denied by a state agency or by
10	the Department of Finance, Division of Control and Accounts."
11	Section 2. This act shall become effective
12	immediately following its passage and approval by the
13	Governor, or its otherwise becoming law.

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3	House of Representatives
4 5 6 7 8	Read for the first time and referred to the House of Representatives committee on Government Appropriations
9 10 11	Read for the second time and placed on the calendar with 1 substitute and 28-JAN-10
12	Dood for the third time and record
13 14	Read for the third time and passed as amended 04-FEB-10
15	Yeas 102, Nays 0, Abstains 0
16 17 18 19	Greg Pappas Clerk