

HB377 INTRODUCED



1 4ZA9RR-1
2 By Representative South
3 RFD: State Government
4 First Read: 25-Apr-23
5
6 2023 Regular Session

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SYNOPSIS:

This bill would provide for the payment of uncontested claims on an expedited basis for the Board of Adjustment.

A BILL
TO BE ENTITLED
AN ACT

To allow for the payment of uncontested claims on an expedited basis for the Board of Adjustment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-9-62, Code of Alabama 1975, is amended to read as follows:

"§41-9-62

(a) The Board of Adjustment shall have the power and jurisdiction and it shall be its duty to hear and consider:

- (1) All claims for damages to the person or property growing out of any injury done to either the person or property by the State of Alabama or any of its agencies, commissions, boards, institutions or departments, with the exception of claims by employees of the state for personal injury or death arising out of the course of employment with the State of Alabama, where such employees are covered by an

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29 employee injury compensation program;

30 (2) All claims for personal injuries to or the death of
31 any convict, and all claims for personal injuries to or the
32 death of any employee of a city or county board of education,
33 or college or university, arising out of the course of the
34 employee's employment and where the employee is not covered by
35 a worker's compensation program;

36 (3) All claims of members of the public at large or of
37 officers of the law who are not employees of the state arising
38 out of injuries sustained while attempting to recapture
39 escaped convicts, which convicts have escaped after they have
40 been placed in the actual custody of the Department of
41 Corrections;

42 (4) All claims against the State of Alabama or any of
43 its agencies, commissions, boards, institutions or departments
44 arising out of any contract, express or implied, to which the
45 State of Alabama or any of its agencies, commissions, boards,
46 institutions or departments are parties, where there is
47 claimed a legal or moral obligation resting on the state;

48 (5) All claims for money overpaid on obligations to the
49 State of Alabama or any of its agencies, commissions, boards,
50 institutions or departments;

51 (6) All claims for money voluntarily paid to the State
52 of Alabama or any of its agencies, commissions, boards,
53 institutions or departments, where no legal liability existed
54 to make such payment;

55 (7) All claims for underpayment by the State of Alabama
56 or any of its agencies, commissions, boards, institutions or

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57 departments to parties having dealings with the State of
58 Alabama or any of its agencies, commissions, boards,
59 institutions or departments;

60 (8) All claims for money or property alleged to have
61 wrongfully escheated to the State of Alabama; and

62 (9) All claims for injury or death of any student duly
63 enrolled in any of the public schools of this state resulting
64 from an accident sustained while being transported to or from
65 school or in connection with any school activity in any bus or
66 any motor vehicle operated directly by any school board or
67 agency of the state or through contract with another. Awards
68 payable to any such student for injuries sustained in such
69 accident shall be equal to the maximum benefits payable to
70 employees as provided in Chapter 5 of Title 25 for injuries,
71 loss of time or medical attendance; and, where death results
72 from such injuries, the amount payable to the parent or
73 parents of such student shall be equal to the maximum amount
74 payable to a totally dependent parent or parents as provided
75 by Chapter 5 of Title 25; provided, however, that no payment
76 for death of such student shall be made to any parent or
77 parents unless they were actually supporting such student at
78 the time of the accident causing the injuries and death. The
79 fact that such student has no earning capacity or earns an
80 average wage of less than the amount which would entitle him
81 to maximum benefits under Chapter 5 of Title 25 shall in no
82 way limit an award to him, his parent or parents. Awards for
83 such injuries or death shall constitute a prior and preferred
84 claim against moneys appropriated for the minimum program

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85 fund, and no part of any such award shall be charged against
86 any funds allotted to the school board of the county or city
87 or the district board of education of the independent school
88 district where said accident occurred. If it should appear to
89 the Board of Adjustment after investigation that the accident
90 causing the injury or death of such student was caused under
91 circumstances also creating a legal liability for damages on
92 the part of any party and it should further appear to the
93 Board of Adjustment that claim may be made against such party
94 by such student, his parent or legal representative to recover
95 damages, then, in that event, any payment otherwise due under
96 this subdivision may be withheld by the Board of Adjustment
97 pending final settlement of such claim and, if said student or
98 his parent or legal representative recovers damages against
99 said party, any sum so recovered and collected may be offset
100 against payments due under this subdivision, and the balance
101 due, if any, shall thereafter be promptly paid by the Board of
102 Adjustment. The provisions of this subdivision shall apply to
103 all claims relating to injuries to school children filed with
104 said board within one year of the date of an accident. Minor
105 students shall have, for the purpose of this subdivision, the
106 same power to contract, make elections of remedy, make
107 settlements and receive compensation as adults would have
108 subject to the power of the Board of Adjustment in its
109 discretion at any time to require the appointment of a
110 guardian to receive moneys or awards and payments of awards
111 made to such minor students or their guardian shall exclude
112 any further compensation either to the minor students or to

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113 their parents for loss of service or otherwise.

114 (b) The jurisdiction of the Board of Adjustment is
115 specifically limited to the consideration of the claims
116 enumerated in subsection (a) of this section and no others;
117 provided, that nothing contained in this division shall confer
118 upon the Board of Adjustment any jurisdiction now conferred by
119 law upon the State Board of Compromise provided for in
120 Sections 41-1-3 and 41-1-4, and nothing contained in this
121 division shall be construed to confer jurisdiction upon the
122 Board of Adjustment to settle or adjust any matter or claim of
123 which the courts of this state have or had jurisdiction;
124 provided further, that the Board of Adjustment shall have no
125 jurisdiction over claims growing out of forfeitures or of
126 contracts with any state agency, commission, board,
127 institution or department where, by law or contract, said
128 state agency, commission, board, institution or department is
129 made the final arbiter of any disagreement growing out of
130 forfeitures or of contracts of said state agency, commission,
131 board, institution or department, and, particularly, the Board
132 of Adjustment shall have no jurisdiction of disagreements
133 arising out of contracts entered into by the Department of
134 Transportation.

135 (c) Employees of municipalities and counties are not to
136 be considered employees of the State of Alabama or of any of
137 its agencies, commissions, boards, institutions or departments
138 within the jurisdiction of this board and within the meaning
139 of the word "employee" as used in this section.

140 (d) The Board of Adjustment may approve uncontested

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141 claims on an expedited basis without a full hearing, subject
142 to the forms and rules promulgated under Section 41-9-66."

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