

1 HB61
2 113995-1
3 By Representative Gordon
4 RFD: Government Appropriations
5 First Read: 12-JAN-10
6 PFD: 12/08/2009

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8 SYNOPSIS: Under existing law, the personal
9 representative of a deceased person whose death was
10 caused by a state employee or official may file a
11 claim with the Board of Adjustment for damages
12 resulting from the wrongful act, omission, or
13 negligence which caused the death of the decedent.

14 This bill would provide that the estate of a
15 person whose death was caused by the wrongful act,
16 omission, or negligence of a state employee or
17 official would receive monetary compensation from
18 the State of Alabama with no more than 25 percent
19 of the compensation to be used to pay the
20 attorney's fees for representing the decedent.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to wrongful death caused by the wrongful
27 act, omission, or negligence of a state employee or official;

1 to provide that the estate of a person whose death was caused
2 by the wrongful act, omission, or negligence of a state
3 employee or official would receive monetary compensation from
4 the State of Alabama with no more than 25 percent of the
5 compensation to be used to pay the attorney's fees for
6 representing the decedent.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) For the purpose of this section the
9 term "official" shall include a person holding an elected
10 state or appointed state position.

11 (b) The estate of a person whose death was caused by
12 the wrongful act, omission, or negligence of a state employee
13 or official shall be compensated in an amount not to exceed
14 five hundred thousand dollars (\$500,000) from the State of
15 Alabama with no more than 25 percent of the compensation to be
16 used to pay the attorney's fees for representing the estate of
17 the decedent in seeking compensation under this act.

18 (c) The compensation provided for in subsection (b)
19 shall increase to no more than seven hundred fifty thousand
20 dollars (\$750,000) five years after the enactment of this act.

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.