

1 HB146
2 121378-2
3 By Representative Laird
4 RFD: Government Appropriations
5 First Read: 12-JAN-10
6 PFD: 01/11/2010

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ENROLLED, An Act,

To amend Section 41-9-65, Code of Alabama 1975, relating to claims filed with the Board of Adjustment; to provide that the Board of Adjustment cannot deny certain claims filed by a county governmental entity for reimbursement of costs or expenses denied by a state agency unless the state agency has adopted written procedures and has properly followed those procedures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-9-65, Code of Alabama 1975, is amended to read as follows:

"§41-9-65.

"(a) Unless otherwise provided in this section, all claims must be presented to the Board of Adjustment within one year after the cause of action accrues.

"(b) Claims for injury to the person resulting in death must be presented to the Board of Adjustment within two years after the cause of action accrues, unless the same is first carried into the courts of the state, in which event the statute of limitations shall not begin to run until the date on which a final judgment in the same, holding the claimant not entitled to relief through the courts of the state, is entered.

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

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

13 "(e) If a claim filed by a county or a department,
14 agency, board, commission, public corporation, or
15 instrumentality of a county on or after October 1, 2009, is
16 based upon a state agency's denial of a request for
17 reimbursement of expenses required by law where the agency's
18 denial is based solely on grounds of failure to comply with an
19 agency deadline, the board shall not uphold the agency's
20 denial on those grounds unless all of the following apply:

21 "(1) The agency has promulgated written procedures
22 for claiming reimbursement, which include timelines, which
23 procedures have been approved by the agency head.

24 "(2) A copy of the agency's current written
25 procedures has been distributed to all counties prior to the

1 time the county or a department, agency, board, commission,
2 public corporation, or instrumentality of the county incurred
3 the expenses for which reimbursement is sought.

4 "(3) The agency has properly applied its procedures
5 in denying the claim for reimbursement of expenses submitted
6 by the county or a department, agency, board, commission,
7 public corporation, or instrumentality of the county.

8 "(4) The agency provided written notice of the
9 denial to the county or a department, agency, board,
10 commission, public corporation, or instrumentality of the
11 county within 14 days of its decision, which notice included
12 instructions for appealing the decision to the Board of
13 Adjustment.

14 "(f) The Board of Adjustment's one-year statute of
15 limitations, as set out in subsection (a), shall apply to
16 claims filed therein pursuant to subsection (e) and, for
17 statute of limitations purposes, the Board of Adjustment claim
18 shall be deemed to have accrued on the date the claim for
19 reimbursement was denied by the state agency; provided
20 however, the Board of Adjustment shall uphold the agency's
21 denial of reimbursement based solely on the failure to file
22 timely if the reimbursement request is submitted to the agency
23 more than 12 months after the November 30th following the
24 close of the fiscal year in which the expense was incurred."

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

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Speaker of the House of Representatives

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-FEB-10, as amended.

Greg Pappas
Clerk

Senate	22-APR-10	Amended and Passed
House	22-APR-10	Concurred in Senate Amendment