

1 SB174
2 115948-1
3 By Senator Benefield
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10

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8 SYNOPSIS: This bill would provide that the Board of
9 Adjustment cannot deny certain claims filed by a
10 county governmental entity for reimbursement of
11 costs or expenses that have been rejected by a
12 state agency because of failure to meet an agency
13 deadline unless the state agency has adopted and
14 followed agency procedures adopted pursuant to the
15 Alabama Administrative Procedure Act.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

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

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§41-9-65.

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

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

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

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

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

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

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

13 "(3) The state agency has properly applied those
14 procedures in denying the claim for reimbursement of expenses
15 submitted by the county or a department, agency, board,
16 commission, public corporation, or instrumentality of the
17 county."

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