

1 SB289  
2 210936-1  
3 By Senator Albritton  
4 RFD: Judiciary  
5 First Read: 02-MAR-21

8 SYNOPSIS: Under existing law, the recovery of damages  
9 under any judgment against a governmental entity is  
10 limited to a certain amount of damages depending  
11 upon the type of claim and the number of injured  
12 persons involved.

13 Also under existing law, certain regional  
14 mental health programs and facilities are  
15 authorized to incorporate as a public corporation  
16 with powers prescribed by law, including the power  
17 to provide services such as inpatient, outpatient,  
18 partial hospitalization, emergency care,  
19 residential care, and aftercare for persons  
20 combating all forms of mental or emotional  
21 illnesses or disabilities, including alcoholism,  
22 drug addiction, epilepsy, and intellectual  
23 disability. The public corporations are exempted  
24 from state taxation by law.

25 This bill would include those regional  
26 mental health programs and facilities within the  
27 meaning of the term governmental entity to provide

those programs and facilities with a statutory limitation of liability.

A BILL

TO BE ENTITLED

## AN ACT

Relating to tort claims and judgments against local governmental entities; to amend Section 11-93-1, Code of Alabama 1975, to include certain public mental health programs and facilities within the limitation of liability provided for governmental entities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-93-1, Code of Alabama 1975, is amended to read as follows:

"§11-93-1.

"For the purposes of this chapter, the following terms shall have the meanings ascribed to them by this section:

"(1) GOVERNMENTAL ENTITY. Any incorporated municipality, any county, and any department, agency, board, or commission of any municipality or county, municipal or county public corporations, and any ~~such~~ instrumentality or instrumentalities acting jointly. ~~"Governmental entity"~~ The term shall also include county public school boards, municipal public school boards and city-county school boards when ~~such~~ those boards do not operate as functions of the State of

1           Alabama. "~~Governmental entity~~" The term shall also mean county  
2           or city hospital boards when ~~such~~ those boards are  
3           instrumentalities of the municipality or county or organized  
4           pursuant to authority from a municipality or county. The term  
5           shall also include public corporations formed under Chapter 51  
6           of Title 22.

7                 "(2) EMPLOYEE. An officer, official, employee, or  
8           servant of a governmental entity, including elected or  
9           appointed officials, and persons acting on behalf of any  
10           governmental entity in any official capacity, temporarily or  
11           permanently, in the service of the governmental entity,  
12           whether with or without compensation, but the term "~~employee~~"  
13           shall does not mean a person or other legal entity while  
14           acting in the capacity of an independent contractor under  
15           contract to the governmental entity to which this chapter  
16           applies in the event of a claim.

17                 "(3) BODILY INJURY. Any bodily injury, sickness,  
18           disease, or death sustained by any person or caused by an  
19           occurrence.

20                 "(4) PROPERTY DAMAGE. Injury or destruction to  
21           tangible property caused by an occurrence.

22                 "(5) CLAIM. Any claim against a governmental entity,  
23           for money damages only, which any person is legally entitled  
24           to recover as damages caused by bodily injury or property  
25           damage caused by a negligent or wrongful act or omission  
26           committed by any employee of the governmental entity while  
27           acting within the scope of his or her employment, under

1       circumstances where the governmental entity, if a private  
2       person, would be liable to the claimant for such damages under  
3       the laws of the State of Alabama."

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