

**CLAIMS AGAINST A COUNTY**

2005 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen D. Clark**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to claims against counties.

**Highlighted Provisions:**

This bill:

► requires counties to prepare and provide to claimants and potential claimants a written explanation of how to submit a claim and the county's claims handling process.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-50-401**, as last amended by Chapter 267, Laws of Utah 2004

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17-50-401** is amended to read:

**17-50-401. Review of claims by county executive -- Auditor review -- Attorney review -- Claim requirements -- Approval or disapproval of claim -- Written explanation of claim process.**

(1) Subject to Subsection (3), each county executive shall review each claim against the county and disapprove or, if payment appears to the county executive to be just, lawful, and

properly due and owing, approve the claim.

(2) Upon receiving a notice of claim under Section 63-30d-401, the county clerk shall deliver the notice of claim to the county executive.

(3) (a) The county executive shall forward all claims regarding liability to the county attorney, or, in a county that has a district attorney but not a county attorney, to the district attorney for the attorney's review and recommendation to the county executive regarding liability and payment.

(b) Except as provided in Section 17-50-405, the county executive shall forward all claims requesting payment for goods or services to the county auditor for the auditor's review and recommendation to the county executive.

(4) Each claim for goods or services against a county shall:

(a) itemize the claim, giving applicable names, dates, and particular goods provided or services rendered;

(b) if the claim is for service of process, state the character of process served, upon whom served, the number of days engaged, and the number of miles traveled;

(c) be duly substantiated as to its correctness and as to the fact that it is justly due;

(d) if the claim is for materials furnished, state to whom the materials were furnished, by whom ordered, and the quantity and price agreed upon; and

(e) be presented to the county executive within a year after the last item of the account or credit accrued.

(5) If the county executive refuses to hear or consider a claim because it is not properly made out, the county executive shall cause notice of the refusal to be given to the claimant or the claimant's agent and shall allow a reasonable amount of time for the claim to be properly itemized and substantiated.

(6) Each county shall prepare and make available to a person submitting or intending to submit a claim under this part a written explanation, in simple and easy to understand language, of how to submit a claim to the county and of the county's process for receiving, reviewing, and deciding a claim.

~~[(6)]~~ (7) Nothing in this section may be construed to modify the requirements of Section 63-30d-401.