

One Hundred Fifth Legislature - Second Session - 2018

Introducer's Statement of Intent

LB1096

Chairperson: Senator Joni Albrecht

Committee: Business and Labor

Date of Hearing: February 26, 2018

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 1096 is an omnibus bill for the Department of Administrative Services to make the following changes:

Sections 1, 2, 3, 4, 5, and 6 of the proposal are intended to clean up various statutes of Chapter 48 to align the terminology of such statutes with previous statutory changes and their intent. The State Claims Board originally operated as a separate agency; however in 1992 the Legislature consolidated Risk Management and the State Claims Board into one division under the Department of Administrative Services. The Risk manager title was added to the various duties outlined in 81-8,239.01; but the State Claims Board references were not removed from statutes relating to workers' compensation. As outlined in 81-8,239.01, the Risk Manager administers the State's workers' compensation program. These responsibilities no longer belong to the State Claims Board, and the statutes should reflect this accurately.

Sections 7 of the proposal allows for more efficient administration/processing of claims by removing the requirement that all claims arising from the same facts and circumstances be aggregated, which can cause a delay in the payment of such claims due to one claim taking longer to settle than another. This additional delay frequently causes claimant(s) to increase their claims and retain counsel. The proposal modifies the requirement to allow for each claim under \$50,000 to be paid at the time of settlement. All awards and judgements would still be reported to the Legislature.

Section 8 allows for the State Self-Insured Liability Fund to be used to pay claims against the state for which there is a specific provision of law for resolution, but which are not otherwise payable from other named funds, to include payments of awards, settlement and associated costs to match with current practice.

Section 9 of the proposal exempts the Department of Justice from the requirement of having all motor vehicles used or controlled by such Department marked with State of Nebraska Attorney General's Office. This prevents the investigators' and attorneys' presence from being readily known, due to the sensitivity of the cases being investigated or litigated (e.g. sexual assault).

Principal Introducer: _____

Senator Mike Hilgers