

## LEGISLATIVE BILL 1334

Approved by the Governor April 8, 1972

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend sections 81-8,212, 81-8,220, 81-8,226, and 81-8,233, Revised Statutes Supplement, 1969, and sections 48-194, 48-197, 48-1,104, and 48-1,109, Revised Statutes Supplement, 1971, relating to the State Claims Board; to remove the Director of Administrative Services as a member and secretary of the board; to provide for appointment of a secretary and staff; to provide procedure for filing and processing of claims through the secretary; to repeal the original sections, and also section 81-809.01, Revised Statutes Supplement, 1969; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-194, Revised Statutes Supplement, 1971, be amended to read as follows:

48-194. The secretary, on behalf of the State Claims Board and with the advice of the Attorney General, shall have the authority to pay claims of all workmen's compensation benefits where liability is undisputed. In any claims where liability or the amount of liability is disputed by the Attorney General, authority authority is hereby conferred upon the Attorney General to consider, ascertain, adjust, determine, and allow any workmen's compensation claim. If any such claim is compromised or settled, the approval of the claimant, the State Claims Board and the Attorney General shall be required, and such settlements also shall be approved by the Nebraska Workmen's Compensation Court and by the district court following the procedure in Chapter 48, article 1.

Sec. 2. That section 48-197, Revised Statutes Supplement, 1971, be amended to read as follows:

48-197. All claims under sections 48-192 to 48-1,109 shall be filed with the ~~Director~~ ~~of Administrative Services, who shall be~~ secretary of the State Claims Board. The ~~Director~~ ~~of~~ ~~Administrative Services~~ secretary shall immediately advise the Attorney General of the filing of any claim, and it shall be the duty of the Attorney General to cause a complete investigation to be made of all such claims. Whenever any state agency receives notice or has knowledge of any

alleged injury under the Nebraska workmen's compensation law, such state agency shall immediately file a first report of such alleged injury with the Nebraska Workmen's Compensation Court and the secretary of the State Claims Board, and shall file such other forms as may be required by such court or board.

Sec. 3. That section 48-1,104, Revised Statutes Supplement, 1971, be amended to read as follows:

48-1,104. The ~~Director---of---Administrative Services-and-the-Attorney-General~~ secretary shall report to each regular session of the Legislature all claims and judgments paid under sections 48-192 to 48-1,109. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim, including the agency and program or activity under which the claim arose.

Sec. 4. That section 48-1,109, Revised Statutes Supplement, 1971, be amended to read as follows:

48-1,109. When any employee is injured in any accident or suffers any occupational disease arising out of or in the course of his employment, such employee as soon as practicable shall report full information on such occurrence to the head of the agency by which he is employed. The head of the agency shall furnish immediately all available information on such occurrence to the ~~Director-of-Administrative-Services~~ secretary of the State Claims Board. All employees shall cooperate fully with the Attorney General in the investigation of all workmen's compensation claims. Failure to comply with the provisions of this section shall constitute grounds for dismissal from employment.

Sec. 5. That section 81-8,212, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,212. All tort claims under this act shall be filed with the ~~Director--of--Administrative--Services, who-shall-be~~ secretary of the State Claims Board. The ~~Director--of--Administrative--Services~~ secretary shall immediately advise the Attorney General of the filing of any claim, and it shall be the duty of the Attorney General to cause a complete investigation to be made of all such claims. In any suit brought under this act, service of process shall be made on the Attorney General.

Sec. 6. That section 81-8,220, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,220. The Lieutenant Governor, the State Treasurer, and the Auditor of Public Accounts shall constitute the State Claims Board. The Lieutenant Governor shall be chairman of the board, ~~the Director of Administrative Services shall be the secretary of the board,~~ and the Attorney General shall be its legal advisor. The board shall appoint a secretary and such additional administrative personnel as it deems necessary. The members and secretary of the board shall receive no compensation for their services, except that provided by law for the offices they hold, but they shall be allowed necessary traveling expenses, in performing the duties imposed by this act.

Sec. 7. That section 81-8,226, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,226. The ~~Director of Administrative Services~~ secretary and the Attorney General shall report to each biennial regular session of the Legislature all claims and judgments paid under this act. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim, including the agency and program or activity under which the claim arose.

Sec. 8. That section 81-8,233, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,233. When any employee is involved in any occurrence involving damage to or loss of property or personal injury or death, such employee as soon as practicable shall report full information on such occurrence to the head of the agency by which he is employed. The head of the agency shall furnish immediately all available information on such occurrence to the ~~Director of Administrative Services~~ secretary of the State Claims Board. All employees shall cooperate fully with the Attorney General in the investigation of all tort claims. Failure to comply with the provisions of this section shall constitute grounds for dismissal from employment.

Sec. 9. That original sections 81-8,212, 81-8,220, 81-8,226, and 81-8,233, Revised Statutes Supplement, 1969, and sections 48-194, 48-197, 48-1,104, and 48-1,109, Revised Statutes Supplement, 1971, and also section 81-809.01, Revised Statutes Supplement, 1969, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.