

LEGISLATIVE BILL 560

Approved by the Governor February 18, 1992

Introduced by Chizek, 31

AN ACT relating to state agencies; to amend section 81-8,239.01, Revised Statutes Supplement, 1991; to authorize the Attorney General to represent certain persons; to provide for indemnification for civil rights violations as prescribed; to harmonize provisions; and to repeal the original section.

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

Section 1. Any person who, at the request of the director of a state agency, provides medical or dental services to a person in the custody of the state may be represented by the Attorney General in the same manner as a state officer or employee under sections 81-8,239.05 and 81-8,239.06 in any civil action under the federal Civil Rights Act of 1871, as amended, 42 U.S.C. 1983, which arose as a result of providing such services. A person providing such services shall also be indemnified for liability for violations of civil rights in the same manner as a state officer or employee under section 81-8,239.05.

Sec. 2. That section 81-8,239.01, Revised Statutes Supplement, 1991, be amended to read as follows:

81-8,239.01. (1) For purposes of sections 44-1615, 44-1616, and 81-8,239.01 to 81-8,239.04 81-8,239.07 and section 1 of this act, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a Risk Management Program for the State of Nebraska. The program shall consist of the systematic identification of exposures to risk of loss as provided in section 1 of this act and sections 11-201 to 11-203, 13-911, 25-2165, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.07, and 81-8,300 and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be

administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and authorize payment for such purchase out of the appropriate funds created by section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 81-8,239.05, 81-8,239.07, and 84-1603;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of section 1 of this act and sections 11-201 to 11-203, 13-911, 25-2165, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.07, and 81-8,300 and make

appropriation requests for the administration of the Risk Management Program and the funding of the separate funds administered by the Risk Manager.

(4) No official or employee of any entity created by local public agencies pursuant to the Interlocal Cooperation Act shall be considered a state official or employee for purposes of sections 81-8,239.01 to 81-8,239.06.

Sec. 3. That original section 81-8,239.01, Revised Statutes Supplement, 1991, is repealed.