

HCS SCS SB 109 -- STATE DEPARTMENTS AND AGENCIES

SPONSOR: Schaefer (Cornejo)

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 7 to 4. Voted "Do Pass" by the Select Committee on Judiciary by a vote of 7 to 3.

This bill requires that if an employee of a department or division of the state, agency of the state, instrumentality of the state or political subdivision of the state, or school district is placed on administrative leave, a hearing must be held within 30 days of the leave to determine if the employee engaged in the misconduct. Within three days of being placed on administrative leave as defined in the bill, an employee must be given a written explanation of the specific reason or reasons for the placement

The bill specifies that when the legal counsel of a public higher education institution conducts the investigation, defense, negotiation, or compromise of a claim covered by the State Legal Expense Fund, the Attorney General retains exclusive discretion regarding the settlement of the claim, and payments for any claim must not be made from the fund without the approval of the Attorney General. When the Attorney General does not approve a settlement offer recommended for acceptance by a public higher education institution, the Attorney General may assume all responsibility of the investigation, defense, negotiation, and compromise of the claim at the request of the public higher education institution.

Additionally, the bill requires that if an employee of a department or division of the state, agency of the state, instrumentality of the state or political subdivision of the state, or school district is placed on administrative leave, a hearing must be held within 30 days of the leave to determine if the employee engaged in the misconduct. Within three days of being placed on administrative leave as defined in the bill, an employee must be given a written explanation of the specific reason or reasons for the placement.

PROPOSERS: Supporters say that the bill gives the Attorney General's Office the say it needs to have in litigation involving state institutions.

Testifying for the bill was Senator Schaefer.

OPPOSERS: There was no opposition voiced to the committee.