

63A-4-102 Risk manager -- Powers.

- (1) The risk manager may:
 - (a) enter into contracts;
 - (b) purchase insurance;
 - (c) adjust, settle, and pay claims;
 - (d) pay expenses and costs;
 - (e) study the risks of all state agencies and properties;
 - (f) issue certificates of coverage to state agencies for any risks covered by Risk Management Fund;
 - (g) make recommendations about risk management and risk reduction strategies to state agencies;
 - (h) in consultation with the attorney general, prescribe insurance and liability provisions to be included in all state contracts;
 - (i) review agency building construction, major remodeling plans, agency program plans, and make recommendations to the agency about needed changes to address risk considerations;
 - (j) attend agency planning and management meetings when necessary;
 - (k) review any proposed legislation and communicate with legislators and legislative committees about the liability or risk management issues connected with any legislation; and
 - (l) solicit any needed information about agency plans, agency programs, or agency risks necessary to perform the risk manager's responsibilities under this part.
- (2)
 - (a) The risk manager may expend money from the Risk Management Fund to procure and provide coverage to all state agencies and their indemnified employees, except those agencies or employees specifically exempted by statute.
 - (b) The risk manager shall apportion the costs of that coverage according to the requirements of this part.
- (3) Before charging a rate, fee, or other amount to an executive branch agency, or to a subscriber of services other than an executive branch agency, the director shall:
 - (a) submit the proposed rates, fees, or other amount and cost analysis to the Rate Committee established in Section 63A-1-114; and
 - (b) obtain the approval of the Legislature as required by Section 63J-1-410.
- (4) The director shall conduct a market analysis by July 1, 2005, and periodically thereafter, of proposed rates and fees, which analysis shall include a comparison of the division's rates and fees with the fees of other public or private sector providers where comparable services and rates are reasonably available.

Amended by Chapter 183, 2009 General Session