

49.020 Commission's powers and duties.

The Kentucky Claims Commission created by KRS 49.010 shall have the following powers and authority:

- (1) To investigate, hear proof, and compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its cabinets, departments, bureaus, or agencies, or any of its officers, agents, or employees while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies; except, however, regardless of any provision of law to the contrary, the Commonwealth, its cabinets, departments, bureaus, and agencies, and its officers, agents, and employees, while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies, shall not be liable for collateral or dependent claims which are dependent on loss to another and not the claimant or damages for mental distress or pain or suffering, and compensation shall not be allowed, awarded, or paid for such claims for damages. Furthermore, any damage claim awarded shall be reduced by the amount of payments received or the right to receive payment from workers' compensation insurance; Social Security programs; unemployment insurance programs; medical, disability, or life insurance programs; or other federal or state or private program designed to supplement income or pay claimant's expenses or damages incurred. Any claim against the Commonwealth or its departments, agencies, officers, agents, or employees, or a school district board of education or its members, officers, agents, or employees, for damages sustained as the result of exposure to asbestos before, during, or after its removal from a facility owned, leased, occupied, or operated by the Commonwealth or a school district board of education shall be brought before the commission;
- (2) To hear and determine appeals from final rulings, orders, and determinations of any agency of state or county government affecting revenue and taxation;
- (3) To hear and determine all matters relating to a claim by a crime victim or a person authorized by law to act on behalf of a crime victim for compensation;
- (4) To establish and maintain necessary offices within this state, appoint employees and agents as necessary, and prescribe their duties and compensation;
- (5) To promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the commission's statutory authority;
- (6) To issue subpoenas and discovery orders and to petition a court of competent jurisdiction for any order necessary to carry out the commission's powers and duties;
- (7) To take or cause to be taken affidavits or depositions within or without the state;
- (8) To administer or cause to be administered oaths;
- (9) Except for the power to issue final decisions on the merits of a claim or appeal, to delegate any of its power or authority to commission employees; and
- (10) To publicize widely the functions and purposes of the commission.

Effective: June 29, 2017

History: Created 2017 Ky. Acts ch. 74, sec. 2, effective June 29, 2017.