

ENROLLED HOUSE  
BILL NO. 1495

By: Smith (David) of the  
House

and

Long (Lewis) and  
Williams (Penny) of the  
Senate

An Act relating to state government; amending 74 O.S. 1991, Section 85.37, which relates to Risk Management; clarifying language; providing for payment of delinquent insurance fees and providing procedures and limitations thereto; directing the Department of Central Services to conduct an interim study related to Risk Management; stating issues; establishing time for study; requiring report; providing for noncodification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.37, is amended to read as follows:

Section 85.37 ~~The Office of Public Affairs~~ Department of Central Services may levy and collect a reasonable fee from state agencies and political subdivisions of the state for the purpose of providing insurance coverage through a self-insurance program, or purchased insurance or a combination thereof. All fees collected in accordance with the provisions of this section shall be deposited in the appropriate risk management fund. If state agencies fail to pay the insurance fees within ninety (90) days of due date, the Department of Central Services shall consider the invoice delinquent. The Department may present a claim to the Office of State Finance for payment of the delinquent invoice from funds available to the delinquent agency. The Office of State Finance is authorized to transfer funds to the Department of Central Services to pay the invoice from monies available to the delinquent agency for the general operations of the agency which are not specifically prohibited for such use by federal or state law. If funds of the delinquent agency are not available to pay the invoice in full, the Department of Central Services shall submit claims as necessary to pay the invoice as soon as funds are available from the funds of the delinquent agency.

SECTION 2. A. The Oklahoma State Legislature hereby directs the Department of Central Services to conduct an interim study related to Risk Management and "shared risk pools" referred to, but not specifically defined in, Section 85.34 et seq. of Title 74 of the Oklahoma Statutes.

B. The study should address issues related to, but not necessarily limited to, the following:

1. The extent the state's risk management program should be allowed or required to obtain insurance coverage or administer self-insurance pools for nonstate entities;

2. The limitations which should be placed on the type and nature of nonstate entities which may participate;

3. The type and extent of risks which should be covered;

4. The minimum number or size of entities required to form a risk pool; and

5. The degree to which each group of entities may and should have access to risk pools created by and for other groups.

C. The Department of Central Services shall begin the study no later than July 1, 1993, and a final report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall be delivered no later than December 31, 1993.

SECTION 3. The provisions of Section 2 shall not be codified in the Oklahoma Statutes.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 27th day of April, 1993.

Speaker of the House of  
Representatives

Passed the Senate the 13th day of April, 1993.

President of the Senate