

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 1077

By: Morgan and Robinson of the  
Senate

and

Mitchell and Bonny of the  
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to local development funding; creating the Rural Economic Action Plan Water Projects Fund; providing for legislative appropriations; stating authorized purpose of fund; providing for governmental status of community action agencies for purposes of certain property transfers; amending 82 O.S. 2001, Section 1085.12, which relates to the Oklahoma Water Resources Board; modifying provision related to delegation of powers by Oklahoma Water Resources Board; providing for insurance coverage for certain vehicles; providing for insurance coverage for certain officials; providing for insurance coverage for certain buildings; providing for certain criteria and standards; creating the Risk Management Public Transit Revolving Fund for the Department of Central Services; repealing 62 O.S. 2001, Section 2002, as last amended by Section 1, Chapter 481, O.S.L. 2003 (62 O.S. Supp. 2003, Section 2002), which relates to the Rural Economic Action Plan Water Projects Fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2002.1 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the "Rural Economic Action Plan Water Projects Fund". The fund shall be subject to legislative appropriation and shall consist of all monies deposited into the fund by law. The fund shall be a continuing fund not subject to fiscal year limitations.

B. The Rural Economic Action Plan Water Projects Fund may be used for any purpose as authorized by law.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5040.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

If a community action agency is otherwise eligible to receive real or personal property from the state or federal government, or any agency or instrumentality of the state or federal government, and state or federal law requires that the entity to which the property is transferred must be a governmental entity, the community action agency shall, for the purposes of the transfer and for purposes of managing the property so transferred, be deemed to be a governmental entity.

SECTION 3. AMENDATORY 82 O.S. 2001, Section 1085.12, is amended to read as follows:

Section 1085.12 The Oklahoma Water Resources Board shall appoint an Executive Director, who shall have had at least six (6) years practical and administrative experience in water resource management, and fix his duties and compensation. The Oklahoma Water Resources Board is specifically authorized to delegate to such Executive Director such of its powers and duties as it may deem proper, including powers and duties involving the exercise of official discretion. The authority hereby granted to the Oklahoma Water Resources Board to delegate powers and duties to the Executive Director shall extend to any powers and duties given or transferred to the Oklahoma Water Resources Board under this act, or under any other law conferring powers or imposing duties upon the Oklahoma Water Resources Board, and shall also extend to any powers conferred or duties imposed upon the Oklahoma Water Resources Board by any future law, unless such future laws shall expressly negate the authority to make such delegation. Any other part of this act, or any other law granting authority to the Oklahoma Water Resources

Board to delegate any powers or duties, shall not be deemed to be a limitation upon the authority conferred by this section. The Executive Director shall exercise any such delegated powers and perform such delegated duties, in accordance with any rules, regulations or orders made by the Oklahoma Water Resources Board which are applicable thereto. ~~Provided, however, the Oklahoma Water Resources Board shall not delegate to such director any power of determining policy, the execution of any contract or the final adjudication of any claims, applications or controversies, all of which powers and duties shall be exercised solely by the Oklahoma Water Resources Board.~~

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.580 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Risk Management Administrator, pursuant to the provisions of this section and Section 85.58A of Title 74 of the Oklahoma Statutes, may obtain or provide insurance coverage for any public transit vehicle obtained by a community action agency or a substate planning district through the Department of Transportation pursuant to a federal grant and may obtain or provide indemnity coverage for any official or employee of the community action agency or a substate planning district for any errors and omissions or liability risks arising from the performance of official duties pursuant to law.

B. The Risk Management Administrator, pursuant to the provisions of this section and Section 85.58A of Title 74 of the Oklahoma Statutes, may obtain or provide insurance coverage for any building used for public transit services or for storage of public transit vehicles if the public transit vehicles are obtained as provided in subsection A of this section. If a public transit vehicle obtained as provided for in subsection A of this section is housed in a building with any department or unit of local

governmental entities, the Risk Management Administrator may also obtain or provide building or structure insurance coverage for such department or unit in such building.

C. The Risk Management Administrator is authorized to determine eligibility criteria for participation pursuant to this section in the Risk Management Program for a community action agency or a substate planning district or for officers or employees of a community action agency or a substate planning district. In addition, the Risk Management Administrator is authorized to establish equipment and safety standards for the vehicles or buildings to be covered by the Risk Management Program pursuant to this section.

D. Requests for the insurance or indemnity coverage provided pursuant to the provisions of this section shall be submitted in writing to the Risk Management Administrator by the community action agency or a substate planning district. Any community action agency or a substate planning district meeting eligibility criteria shall be approved for participation in the Risk Management Program by the Risk Management Administrator if the officers and employees and the vehicles and buildings used by the participating community action agency or a substate planning district meet the equipment and safety standards and eligibility requirements established by the Risk Management Administrator.

E. Any insurance or indemnity coverage shall be obtained or provided solely from funds available in the shared risk pool authorized by Section 5 of this act. Any coverage limits shall be based on the liquidity of the shared risk pool resulting from the annual payments made pursuant to Section 85.58M of Title 74 of the Oklahoma Statutes and any interest accrued thereon, after deduction of such sums as may be necessary to pay all overhead and administrative expenses associated with administering the pool.

F. Any limited indemnity coverage provided for errors and omissions pursuant to the provisions of this section shall only cover errors or omissions made by an official or employee of a community action agency or a substate planning district provided for in subsection A of this section occurring on or after the effective date of this act.

G. The State of Oklahoma is not liable, directly or indirectly, for the errors and omissions of any official or employee of any community action agency or a substate planning district provided for in subsection A of this section in the performance of official duties pursuant to law. The State of Oklahoma is not liable, directly or indirectly, for the negligence of any community action agency or a substate planning district provided for in subsection A of this section.

H. In providing risk management services for any community action agency or a substate planning district provided for in subsection A of this section or official or employee of the community action agency or a substate planning district, it is the intention of the Legislature to provide coverage solely to the extent of assets in the shared risk pool created by Section 5 of this act.

I. Any liability insurance coverage obtained or provided shall include expenses for legal services obtained or provided by the Risk Management Administrator.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.58P of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Central Services, to be designated the "Risk Management Public Transit Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies transferred thereto by an act of the

Legislature and any fees collected by the Department of Central Services in accordance with the provisions of Section 4 of this act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Central Services for the purposes of the Comprehensive Professional Risk Management Program provided for in Section 85.58A of Title 74 of the Oklahoma Statutes, including the salaries and administrative expenses of support staff responsible for administering the fund and expenses the Department incurs to support program operations. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 6. REPEALER 62 O.S. 2001, Section 2002, as last amended by Section 1, Chapter 481, O.S.L. 2003 (62 O.S. Supp. 2003, Section 2002), is hereby repealed.

SECTION 7. This act shall become effective July 1, 2004.

SECTION 8. 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.

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