

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 750, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bergstrom

Bergstrom-CB-FS-Req#2070
3/12/2019 1:36 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 750

By: Bergstrom of the Senate

and

Lepak of the House

FLOOR SUBSTITUTE

[State government-Educators' Professional Liability
Insurance Program - creating fund - codification -
effective date]

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 85.58Q of Title 74, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created the Educators' Professional
Liability Insurance Program for all employees of public schools, as
that term is defined in Section 1-106 of Title 70 of the Oklahoma
Statutes, and charter schools, as that term is defined in subsection
D of Section 3-132 of Title 70 of the Oklahoma Statutes.
Participation in this program is mandatory for all employees of
public schools and charter schools as defined above.

1 B. The program shall provide Educators' Legal Liability
2 including Employment Practices insurance coverage for all employees
3 with a minimum of Two Million Dollars (\$2,000,000.00) in coverage
4 per occurrence.

5 C. The program shall be administered by the Office of
6 Management and Enterprise Services (OMES). OMES shall promulgate
7 rules to implement the provisions of this act.

8 D. OMES shall be authorized to contract liability insurance
9 from a licensed insurer to create a self-insured risk pool or to use
10 a combination of both.

11 E. The insurance carrier providing any portion of coverage
12 provided under this act shall be selected by a competitive process.

13 F. The Legislature shall provide an annual appropriation to
14 cover the costs and any associated premiums for the program.

15 G. Each school district shall notify annually, in writing,
16 eligible employees about the coverage provided by the Educators'
17 Professional Liability Insurance Program.

18 H. OMES and the Department of Education shall notify in writing
19 all eligible employees about the Educators' Professional Liability
20 Insurance Program. The notice shall specifically inform employees
21 that coverage is provided automatically as part of their employment.
22 The notice shall be given upon hiring and annually thereafter.

23 I. Nothing in this section shall be construed to exempt a local
24 school district from any current obligations or duties nor amend the

1 Governmental Tort Claims Act provided in Sections 151 through 172 of
2 Title 51 of the Oklahoma Statutes.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 85.58R of Title 74, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Risk Management Administrator, pursuant to Section
7 85.58A of Title 74 of the Oklahoma Statutes and the provisions of
8 Section 1 of this act, may obtain or provide insurance coverage,
9 self-insurance or any combination of the two for any school district
10 requesting loss prevention or insurance services. Insurance
11 coverage may address or relate to any services provided by school
12 districts.

13 B. Coverage available through the Risk Management Department of
14 the Office of Management and Enterprise Services may include:

15 1. Vehicle liability and tort liability, corresponding with the
16 Governmental Tort Claims Act provided in Sections 151 through 172 of
17 Title 51 of the Oklahoma Statutes;

18 2. Commercial property insurance;

19 3. Fine arts insurance; and

20 4. Any other coverage as requested by a school district.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 85.58S of Title 74, unless there
23 is created a duplication in numbering, reads as follows:

24

1 There is hereby created in the State Treasury an interest
2 bearing revolving fund for the Risk Management Department of the
3 Office of Management and Enterprise Services, to be designated the
4 "Risk Management School District Revolving Fund". The fund shall be
5 a continuing fund, not subject to fiscal year limitations, and shall
6 consist of any monies transferred thereto by an act of the
7 Legislature and any fees collected by the Risk Management Department
8 of the Office of Management and Enterprise Services in accordance
9 with Section 85.58M of Title 74 of the Oklahoma Statutes and the
10 provisions of this act. All monies accruing to the credit of the
11 fund are hereby appropriated and may be budgeted and expended by the
12 Risk Management Department of the Office of Management and
13 Enterprise Services for the purposes of the Educators' Professional
14 Liability Program, pursuant to Section 85.58A of Title 74 of the
15 Oklahoma Statutes and the provisions of Section 1 of this act, as
16 herein established for school districts including the salaries and
17 administrative expenses of support staff responsible for
18 administering the fund and expenses the Department incurs to support
19 program operations. Expenditures from the fund shall be made upon
20 warrants issued by the State Treasurer against claims filed as
21 prescribed by law with the Director of State Finance for approval
22 and payment.

SECTION 4. This act shall become effective November 1, 2019.

57-1-2070 CB 3/12/2019 1:36:56 PM