STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 750   By: Bergstrom of the Senate

                                              and

                                       Lepak of the House

                        COMMITTEE 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.

B. The program shall provide Educators' Legal Liability including Employment Practices insurance coverage for all employees up to Two Million Dollars ($2,000,000.00) in coverage per occurrence.

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

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

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

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

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

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

I. Nothing in this section shall be construed to exempt a local 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 There is hereby created in the State Treasury an interest

7 bearing revolving fund for the Office of Management and Enterprise

8 Services, to be designated the "Educators' Professional Liability

9 Insurance Program Revolving Fund". The fund shall be a continuing

10 fund, not subject to fiscal year limitations, and shall consist of

11 all monies received by the Office of Management and Enterprise

12 Services in accordance with the Educators' Professional Liability

13 Insurance Program. All monies accruing to the credit of the fund

14 are hereby appropriated and may be budgeted and expended by the

15 Office of Management and Enterprise Services for the purposes of the

16 Educators' Professional Liability Insurance Program. Expenditures

17 from the fund shall be made upon warrants issued by the State

18 Treasurer against claims filed as prescribed by law with the

19 Director of the Office of Management and Enterprise Services for

20 approval and payment.

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1   SECTION 3. This act shall become effective November 1, 2019.

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