

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1985

By: Lepak of the House

and

**Bergstrom** of the Senate

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10                                   COMMITTEE SUBSTITUTE

11                   [ insurance - Educators' Professional Liability  
12                   Insurance Program - Office of Management and  
13                   Enterprise Services ]

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

18           SECTION 1.           NEW LAW           A new section of law to be codified  
19 in the Oklahoma Statutes as Section 85.58Q of Title 74, unless there  
20 is created a duplication in numbering, reads as follows:

21           A. There is hereby created the Educators' Professional  
22 Liability Insurance Program for all employees, including full-time  
23 and part-time personnel of public schools, as defined in Section 1-  
24 106 of Title 70 of the Oklahoma Statutes, and charter schools, as

1 defined in subsection D of Section 3-132 of Title 70 of the Oklahoma  
2 Statutes.

3 B. The program shall provide liability coverage for employees  
4 up to Two Million Dollars (\$2,000,000.00) in coverage per  
5 occurrence.

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

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

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

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

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

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

1 I. Nothing in this section shall be construed to exempt a local  
2 school district from any current obligations or duties nor amend or  
3 alter the Governmental Tort Claims Act provided in Sections 151  
4 through 172 of Title 51 of the Oklahoma Statutes.

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6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
7 02/28/2019 - DO PASS, As Amended and Coauthored.

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