

An Act

ENROLLED SENATE
BILL NO. 1015

By: Stanislawski of the Senate

and

Caldwell of the House

An Act relating to the Larry Dickerson Education Flexible Benefits Allowance Act; amending 70 O.S. 2011, Section 26-103, as amended by Section 1, Chapter 320, O.S.L. 2012 (70 O.S. Supp. 2017, Section 26-103), which relates to definitions under the Larry Dickerson Education Flexible Benefits Allowance Act; modifying certain definition to include certain employees; providing an effective date; and declaring an emergency.

SUBJECT: Larry Dickerson Education Flexible Benefits Allowance Act definitions

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 26-103, as amended by Section 1, Chapter 320, O.S.L. 2012 (70 O.S. Supp. 2017, Section 26-103), is amended to read as follows:

Section 26-103. The following words and phrases as used in ~~this act~~ Section 26-101 et seq. of this title, unless a different meaning is clearly required by the context, shall have the following meanings:

1. "Benefit" means any of the benefits which may be purchased or are required to be purchased under the cafeteria plan;

2. "Cafeteria plan" means a benefit plan established pursuant to 26 U.S.C. Section 125;

3. "Flexible benefit allowance" means amounts credited by the school district for each school district employee for the purchase of benefits under the cafeteria plan;

4. "Support personnel" means full-time employees of a school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employees who are employed a minimum of six (6) hours per day for a minimum of one hundred seventy-two (172) days or a minimum of six (6) hours per day for a minimum of one thousand thirty-two (1,032) hours per year and who provide services not performed by certified personnel, which is necessary for the efficient and satisfactory functioning of a school district, and shall include cooks, janitors, maintenance personnel, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of a school district but shall not include adult education instructors or adult coordinators employed by technology center school districts;

5. "Plan year" means the twelve-month period established by the school district for the cafeteria plan;

6. "School district" means the public school districts and technology center school districts of this state;

7. "School district employee" means certified or support personnel as defined in ~~this act~~ Section 26-101 et seq. of this title. Employees of an educational service provider contracted with a school district pursuant to subsection G of Section 5-117 of this title who perform functions that would otherwise be performed by a school district employee shall be considered employees of a school district for purposes of the Larry Dickerson Education Flexible Benefits Allowance Act unless otherwise provided for in the contract between the educational service provider and the contracting school district;

8. "Certified personnel" means a certified person employed on a full-time basis to serve as a teacher, principal, supervisor, administrator, counselor, librarian, or certified or registered nurse, but shall not mean a superintendent of a school district; and

9. "Self-insured" means a health care program in which the school district funds the benefit plans from its own resources without purchasing insurance and which may be administered by the school district or by an outside administrator under contract with the school district for administrative services. The State Board of Education shall prepare by May 1st of each year a list of each school district in the state that is self-insured and the number of support personnel and the number of certified personnel that are participating in each self-insured school district plan.

SECTION 2. This act shall become effective July 1, 2018.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or 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 Senate the 1st day of May, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 2nd day of May, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____