

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 91

By: Garvin

AS INTRODUCED

An Act relating to education employee health insurance benefits; amending 70 O.S. 2021, Section 26-105, which relates to the school district employee cafeteria plan; increasing allowance received by certain personnel in lieu of flexible benefit allowance; requiring certain documentation; updating statutory reference; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 26-105, is amended to read as follows:

Section 26-105. A. 1. The flexible benefit allowance shall be used by a school district employee who is participating in the cafeteria plan to purchase major medical health care plan coverage offered by the school district through a cafeteria plan. Any excess flexible benefit allowance over the cost of the major medical coverage purchased by the employee who is participating in the cafeteria plan may be used to purchase any of the additional benefits offered by the school district or may be taken as taxable compensation as provided in subsection C of this section.

1        2. Certified personnel who choose not to participate in the  
2 school-district-sponsored cafeteria plan shall receive Sixty-nine  
3 Dollars and seventy-one cents (\$69.71) per month as taxable  
4 compensation in lieu of the flexible benefit allowance amount  
5 provided in subsection B of this section. For the fiscal year  
6 ending June 30, 2024, and each fiscal year thereafter, certified  
7 personnel who choose not to participate in the school-district-  
8 sponsored cafeteria plan shall receive one-half (1/2) of the  
9 flexible benefit allowance amount for the given plan year per month  
10 as taxable compensation in lieu of the full flexible benefit  
11 allowance amount provided in subsection B of this section.

12        3. Support personnel who choose not to participate in the  
13 school-district-sponsored cafeteria plan shall receive One Hundred  
14 Eighty-nine Dollars and sixty-nine cents (\$189.69) per month as  
15 taxable compensation in lieu of the flexible benefit allowance  
16 amount provided in subsection B of this section. For the fiscal  
17 year ending June 30, 2024, and each fiscal year thereafter, support  
18 personnel who choose not to participate in the school-district-  
19 sponsored cafeteria plan shall receive one-half (1/2) of the  
20 flexible benefit allowance amount for the given plan year per month  
21 as taxable compensation in lieu of the full flexible benefit  
22 allowance amount provided in subsection B of this section.

23        4. Certified and support personnel who choose not to  
24 participate in the cafeteria plan pursuant to this subsection shall

1 provide proof of coverage under a separate health insurance plan and  
2 sign an affidavit attesting that the employee is currently covered  
3 and does not require school-district-sponsored health insurance each  
4 plan year.

5 B. Each eligible school district employee shall be credited  
6 annually with a specified amount as a flexible benefit allowance  
7 which shall be available for the purchase of benefits. The amount  
8 of the flexible benefit allowance credited to each eligible school  
9 district employee shall be communicated to the employee prior to the  
10 enrollment period for each plan year.

11 1. For the fiscal year ending June 30, 2002, the flexible  
12 benefit allowance amount for certified personnel shall be no less  
13 than Sixty-nine Dollars and seventy-one cents (\$69.71) per month.  
14 For the fiscal year ending June 30, 2002, the flexible benefit  
15 allowance amount for support personnel shall be no less than One  
16 Hundred Eighty-nine Dollars and sixty-nine cents (\$189.69) per  
17 month.

18 2. For the fiscal year ending June 30, 2004, the flexible  
19 benefit allowance amount for certified personnel shall be no less  
20 than fifty-eight percent (58%) of the premium amount for the  
21 HealthChoice (Hi) option plan for an individual offered by the State  
22 and Education Employees Group Insurance Board. For the fiscal year  
23 ending June 30, 2003, and each fiscal year thereafter, the flexible  
24 benefit allowance amount for support personnel shall be no less than

1 one hundred percent (100%) of the premium amount for the  
2 HealthChoice (Hi) option plan for an individual offered by the State  
3 and Education Employees Group Insurance Board.

4 3. For the fiscal year ending June 30, 2005, and each fiscal  
5 year thereafter, the flexible benefit allowance amount for certified  
6 personnel shall be no less than one hundred percent (100%) of the  
7 premium amount for the HealthChoice (Hi) option plan for an  
8 individual offered by the State and Education Employees Group  
9 Insurance Board.

10 C. If a school district employee who is participating in the  
11 cafeteria plan elects benefits whose sum total is less than the  
12 flexible benefit allowance, the employee shall receive any excess  
13 flexible benefit allowance as taxable compensation. Such taxable  
14 compensation shall be paid in substantially equal amounts each pay  
15 period over the plan year. Except as otherwise provided for in  
16 subsection D of this section, on termination during a plan year, a  
17 participating school district employee shall have no right to  
18 receive any taxable cash compensation allocated to the portion of  
19 the plan year after the termination of the employee.

20 D. In cases where the employee of a school district fulfills  
21 the terms of their contract and terminates employment for the  
22 subsequent year, the employee shall be entitled to the flexible  
23 benefit allowance for the remainder of the current benefit term.  
24 For purposes of this subsection, "benefit term" shall mean the

1 twelve-month period after the initiation of benefits for the  
2 position held by the employee.

3 E. Each school district employee shall make an annual election  
4 of benefits under the plan during an enrollment period to be held  
5 prior to the beginning of each plan year. The enrollment period  
6 dates will be determined annually and will be announced by the  
7 school district, ~~providing~~ provided the enrollment period shall end  
8 no later than thirty (30) days before the beginning of the plan  
9 year. Each school district employee shall make an irrevocable  
10 advance election for the plan year or the remainder of the plan year  
11 pursuant to procedures the school district shall prescribe.

12 F. The school district shall prescribe the forms that school  
13 district employees shall be required to use in making their  
14 elections, and may prescribe deadlines and other procedures for  
15 filing the elections.

16 G. School district employees hired after the closing of the  
17 enrollment period shall be allowed to make an election as provided  
18 in ~~this act~~ Section 26-101 et seq. of this title.

19 H. A district board of education shall have the option of  
20 providing a flexible benefit allowance to the superintendent of the  
21 school district in an amount not more than the amount of the  
22 flexible benefit allowance established for certified personnel in  
23 subsection B of this section. Funding for the flexible benefit  
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1 allowance for a superintendent shall be provided through local  
2 revenue.

3 SECTION 2. This act shall become effective July 1, 2023.

4 SECTION 3. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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