

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 1290

6 By: Casey

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to schools; establishing the School  
9 District Unfunded-Mandate Relief Program; stating  
10 purpose; allowing school districts to deregulate from  
11 certain unfunded or underfunded mandates; providing  
12 certain exceptions; directing the State Department of  
13 Education to annually create and publish a mandates  
14 list; specifying contents of the list; defining  
15 certain terms; providing for codification; providing  
16 an effective date; and declaring an emergency.

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 3-129.21 of Title 70, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. There is hereby established the School District Unfunded-  
22 Mandate Relief Program which shall be administered by the State  
23 Board of Education. The purpose of the program is to empower  
24 locally elected school district boards of education to avoid  
unfunded and underfunded state imposed mandates created by state law  
and associated State Board of Education rules.

1 B. Except as otherwise provided, upon approval of the board of  
2 education, a school district shall be deregulated from any unfunded  
3 or underfunded mandate and associated State Board of Education rule  
4 placed upon the school district by the Oklahoma Legislature as  
5 listed by the State Department of Education pursuant to subsection C  
6 of this section. A school district shall not be deregulated from  
7 the minimum salary schedule as set forth in Section 18-114.14 of  
8 Title 70 of the Oklahoma Statutes, the flexible benefit allowance  
9 pursuant to Section 26-105 of Title 70 of the Oklahoma Statutes from  
10 the flexible benefit allowance funds disbursed pursuant to Section  
11 26-104 of Title 70 of the Oklahoma Statutes and the contributions  
12 made pursuant to subsection A of Section 17-108.1 of Title 70 of the  
13 Oklahoma Statutes for members of the Teacher's Retirement System of  
14 Oklahoma.

15 C. The State Department of Education shall annually create and  
16 publish a list of all state-created mandates, associated State Board  
17 of Education rules, the amount of funding necessary to implement  
18 each mandate and associated State Board of Education rule, and the  
19 current level of funding provided by the Oklahoma Legislature to  
20 implement each mandate and associated State Board of Education rule.  
21 The list of all state-created mandates, associated State Board of  
22 Education rules and funding levels shall be approved by the State  
23 Board of Education no later than February 1 of each fiscal year.

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1 D. For purposes of this act, a state mandate shall be deemed  
2 underfunded if the level of funding provided by the Oklahoma  
3 Legislature is at or below seventy-five percent (75%) of the funding  
4 necessary to implement the mandate as determined by the State Board  
5 of Education.

6 E. For purposes of this act, a state mandate shall be deemed  
7 unfunded if the level of funding provided by the Oklahoma  
8 Legislature is at zero percent (0%) of the funding necessary to  
9 implement the mandate as determined by the State Board of Education.

10 SECTION 2. This act shall become effective July 1, 2015.

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

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