

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2006

By: Davis

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Section 5-117.5, which relates to provision for
9 health insurance for school district employees;
10 providing for health stipend option; providing an
11 effective date; and declaring an emergency .

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

13 SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-117.5, is
14 amended to read as follows:

15 Section 5-117.5 A. The board of education of each school
16 district in this state shall provide a health insurance plan for the
17 employees of the school district. School districts may obtain
18 health and dental insurance coverage as provided for in the State
19 and Education Employees Group Insurance Act or may obtain other
20 health insurance coverage. Any school district that does not
21 participate in the health and dental insurance plans offered through
22 the State and Education Employees Group Insurance Act shall obtain
23 health insurance coverage for the employees which provides open
24 enrollment, and provide for the continuation of health insurance
coverage, including supplemental Medicare insurance coverage, for

1 those district employees who retire from said district after
2 September 30, 1991, with a vested benefit in the Teachers'
3 Retirement System of Oklahoma. A retired person who begins
4 receiving benefits from the Teachers' Retirement System of Oklahoma
5 after September 30, 1991, who retires from a school district that
6 provides other health insurance coverage, and who elects to continue
7 said health insurance coverage shall pay to the school district the
8 premium rate for the health insurance minus an amount equal to the
9 premium rate of the Medicare supplement or the amount determined
10 pursuant to subsection (4) of Section 1316.3 of Title 74 of the
11 Oklahoma Statutes, whichever is less, which shall be paid by the
12 Teachers' Retirement System of Oklahoma to the school district. The
13 school district shall remit to the health insurance coverage
14 provider the total premium due less any uncollected amounts payable
15 from retired school district employees or their qualified survivors.

16 B. A school district that participates in health insurance
17 coverage other than the health insurance plan offered by the State
18 and Education Employees Group Insurance Act shall not be required to
19 pay any portion of the premiums for the employees or the dependents
20 of the employees of said school district, except as may otherwise be
21 provided by law. Unless a school district negotiates an agreement
22 with its employees regarding health insurance pursuant to Sections
23 509.1 through 509.9 of this title, and to the extent that the
24 agreement provides for the members of the recognized bargaining

1 unit, a school district that participates in health insurance
2 coverage other than the health insurance plan offered by the State
3 and Education Employees Group Insurance Act is prohibited from
4 acquiring additional or supplemental health or dental insurance for
5 any board member, school superintendent or any other employee which
6 is not available to all employees of said district, and said school
7 district shall not pay a greater portion of the employee or
8 dependent premium for any health or dental insurance plan or plans
9 provided by said school district on behalf of any board member,
10 school superintendent or employee than that portion paid on behalf
11 of all participating employees of said district.

12 C. If a school district obtains health insurance coverage from
13 a source other than through the State and Education Employees Group
14 Insurance Act, the employees of the school district who would be
15 eligible to participate in the health and dental plans may require
16 the board of education of the school district to call an election to
17 allow said employees to vote as to whether the school district shall
18 participate in the health and dental insurance plans offered through
19 the State and Education Employees Group Insurance Act. Upon the
20 filing with the board of education of a petition calling for such an
21 election which is signed by no less than thirty percent (30%) of the
22 eligible employees of the school district, the board of education
23 shall call an election for the purpose of determining whether the
24 school district shall participate in the health and dental insurance

1 plans offered through the State and Education Employees Group
2 Insurance Act. The election shall be held within thirty (30) days
3 of the filing of the petition. If a majority of those eligible
4 employees voting at the election vote to participate in the health
5 and dental insurance plans offered through the State and Education
6 Employees Group Insurance Act, the board of education of the school
7 district shall apply for such participation within thirty (30) days
8 of the election.

9 D. If a school district does not have any health insurance
10 coverage of the type required by this section, that school district
11 shall immediately be enrolled in the health and dental insurance
12 plans offered through the State and Education Employees Group
13 Insurance Act.

14 E. A carrier providing health insurance coverage for employees
15 of a school district health insurance group which replaces a
16 previous carrier for such school district employees shall provide
17 coverage for each retired employee who is receiving a benefit or
18 terminates employment with a vested benefit from the Teachers'
19 Retirement System of Oklahoma and who is enrolled in the health
20 insurance group by the previous carrier at the time the previous
21 carrier providing health insurance coverage is replaced.

22 Notwithstanding any provision in this section to the contrary, any
23 person who retires pursuant to the provisions of the Teachers'
24 Retirement System of Oklahoma prior to May 1, 1993, or terminates

1 service with a vested benefit, pursuant to the provisions of the
2 Teachers' Retirement System of Oklahoma prior to May 1, 1993, may
3 continue to participate in the health and dental plans authorized by
4 the provisions of the State and Education Employees Group Insurance
5 Act.

6 F. In the event a school district ceases to exist, the assets
7 and duties of said school district are transferred to one or more
8 other school districts, said other school district or districts do
9 not agree to employ all of the former employees of the school
10 district that is ceasing to exist, and said former employees who are
11 not being reemployed have rights under federal or state law to
12 continue group insurance coverage, the school district receiving all
13 or a portion of the assets and duties of the annexing school
14 district having the largest general fund revenue for the most recent
15 preceding fiscal year for which data is available shall provide
16 group insurance coverage to said former employees not being retained
17 during the period as required by law.

18 G. Any member of a district board of education who terminates
19 service on or after July 1, 2002, who has served ten (10) or more
20 years as a district board of education member in this state, and who
21 is participating at the time of termination in a health and/or
22 dental insurance plan offered by the school district, may elect upon
23 termination of such service to continue participation in the health
24 and/or dental insurance plan that the member was participating in at

1 the time of termination. The election provided in this subsection
2 shall be made within thirty (30) days from the date of the school
3 board member's termination of service. The school board member
4 shall pay the full cost of the insurance premium for such after-
5 termination coverage at the rate and pursuant to the terms and
6 conditions of such health and/or dental plan.

7 H. The board of education of each school district in this state
8 shall, during the open enrollment period, offer employees the option
9 to opt-out of provided health insurance plans and instead receive a
10 health insurance stipend of One Hundred and Fifty Dollars (\$150.00)
11 that shall be reflected in their salary.

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

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

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