

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 426

By JOINT COMMITTEE ON WAYS AND MEANS

March 2

1 On page 1 of the printed A-engrossed bill, line 3, after the second semicolon insert “limiting
2 expenditures;”.

3 On page 7, line 10, after “participate” insert “only”.

4 Delete lines 27 and 28 and insert:

5 “(3) Nothing in sections 1 to 14 of this 2007 Act may be construed to expand or contract col-
6 lective bargaining rights or collective bargaining obligations.”.

7 Delete lines 32 through 45 and insert:

8 **“SECTION 16. Notwithstanding section 14 of this 2007 Act:**

9 **“(1) Before October 1, 2008, a district is not required to offer benefit plans that are pro-
10 vided and administered by the Oregon Educators Benefit Board under sections 1 to 14 of this
11 2007 Act.**

12 **“(2) Except as provided in subsections (3) to (6) of this section, on and after October 1,
13 2008:**

14 **“(a) A district may not offer a benefit plan unless the benefit plan is provided and ad-
15 ministered by the board; and**

16 **“(b) Eligible employees of a district may participate in benefit plans provided and ad-
17 ministered by the board.**

18 **“(3)(a) If a collective bargaining agreement exists between a district and employees of the
19 district and the agreement expires after July 1, 2008, subsection (2) of this section does not
20 apply to the district or employees of the district. However:**

21 **“(A) If the collective bargaining agreement expires before October 1, 2010, section 14 of
22 this 2007 Act first applies to the district and employees of the district upon the expiration
23 of the agreement, except as provided in subsection (4) of this section; and**

24 **“(B) In any case, on and after October 1, 2010, section 14 of this 2007 Act applies to the
25 district and employees of the district.**

26 **“(b) If no collective bargaining agreement exists between a district and employees of the
27 district, and if a contract exists between the district and a carrier and the contract expires
28 after October 1, 2008, subsection (2) of this section does not apply to the district or employ-
29 ees of the district. However:**

30 **“(A) If the contract expires before October 1, 2010, section 14 of this 2007 Act first applies
31 to the district and employees of the district upon the expiration of the contract, except as
32 provided in subsection (4) of this section; and**

33 **“(B) In any case, on and after October 1, 2010, section 14 of this 2007 Act applies to the
34 district and employees of the district.**

35 **“(4) A district that was self-insured before January 1, 2007, or a district that had an in-**

1 dependent health insurance trust established and functioning before January 1, 2007, may
2 provide or contract for benefit plans other than benefit plans provided and administered by
3 the board. However:

4 “(a) Until October 1, 2010, the benefit plans provided or contracted for by the self-insured
5 district or the district with an independent health insurance trust are not required to meet
6 the condition provided in section 14 (2)(a) of this 2007 Act.

7 “(b) On and after October 1, 2010, the benefit plans provided or contracted for by the
8 self-insured district or the district with an independent health insurance trust must meet
9 the condition provided in section 14 (2)(a) of this 2007 Act.

10 “(c) This subsection does not apply to a community college district.

11 “(5) A community college district may provide or contract for benefit plans other than
12 benefit plans provided and administered by the board.

13 “(6) In accordance with procedures adopted by the board to extend benefit plan coverage
14 under sections 3 to 8 of this 2007 Act to eligible employees of a self-insured district, a district
15 with an independent health insurance trust or a community college district, these districts
16 may choose to offer benefit plans that are provided and administered by the board. Once
17 employees of a district participate in benefit plans provided and administered by the board,
18 the district may not thereafter provide or contract for benefit plans other than those pro-
19 vided and administered by the board.”.

20 On page 8, delete lines 1 through 26.

21 On page 10, line 27, delete “Teacher” and insert “Educator”.

22 In line 28, delete “five” and insert “six”.

23 In line 33, delete “three” and insert “four”.

24 In line 35, delete “and”.

25 In line 38, delete the period and insert “; and

26 “(C) One member who is a district management employee.”.

27 On page 11, after line 35, insert:

28 “**SECTION 23.** Notwithstanding any other provisions of law, in addition to the amounts
29 appropriated by section 1 (1), chapter 789, Oregon Laws 2005, to the Department of Educa-
30 tion, Operations, for the biennium ending June 30, 2007, as modified by Emergency Board
31 action, there is appropriated out of the General Fund the amount of \$136,847 for the purposes
32 of establishing the Oregon Educators Benefit Board.

33 “**SECTION 24.** Notwithstanding any other law limiting expenditures of the Oregon De-
34 partment of Administrative Services for the payment of expenses from fees, moneys or other
35 revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, for
36 the biennium ending June 30, 2007, the limitation on expenditures for the Oregon Department
37 of Administrative Services established by section 2 (3), chapter 601, Oregon Laws 2005, as
38 modified by Emergency Board action, is increased by \$184,524 for purposes of establishing the
39 Oregon Educators Benefit Board.

40 “**SECTION 25.** (1) In addition to and not in lieu of any other appropriation, there is ap-
41 propriated to the Department of Education, for the biennium beginning July 1, 2007, out of
42 the General Fund, the amount of \$4,996,081, which may be expended for the costs of the
43 Oregon Educators Benefit Board.

44 “(2) When the board determines that moneys in sufficient amount are available from
45 revenues received pursuant to sections 11 and 12 of this 2007 Act, but in no event later than

1 June 30, 2011, the board shall reimburse the General Fund, without interest, in an amount
2 equal to the amount appropriated from the General Fund under subsection (1) of this section.
3 The moneys used to reimburse the General Fund under this subsection may not be consid-
4 ered as a budget item on which a limitation is otherwise fixed by law, but shall be in addition
5 to any specific biennial appropriation or amount authorized to be expended from continually
6 appropriated moneys for any biennial period.

7 **“SECTION 26. (1) Notwithstanding any other law limiting expenditures, the amount of**
8 **\$5,496,280 is established for the biennium beginning July 1, 2007, as the maximum limit for**
9 **payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,**
10 **but excluding lottery funds and federal funds, collected or received by the Oregon Depart-**
11 **ment of Administrative Services for the purposes of the Oregon Educators Benefit Board.**

12 **“(2) When the Oregon Educators Benefit Board determines that moneys in sufficient**
13 **amount are available from revenues received pursuant to sections 11 and 12 of this 2007 Act,**
14 **but in no event later than June 30, 2011, the board shall reimburse the Oregon Department**
15 **of Administrative Services, Public Employees’ Benefit Board, without interest, in an amount**
16 **equal to the amount expended by the Public Employees’ Benefit Board to oversee the imple-**
17 **mentation of sections 1 to 14, 16 and 17 of this 2007 Act.”.**

18 **“SECTION 27. Between the effective date of this 2007 Act and October 1, 2010, the Public**
19 **Employees’ Benefit Board administrator shall, in cooperation with the Oregon Educators**
20 **Benefit Board, oversee the implementation of sections 1 to 14, 16 and 17 of this 2007 Act.”.**

21 In line 36, delete “23” and insert “28”.

22 Delete line 38 and insert “on its passage.”.

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