

Enrolled
Senate Bill 901

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

CHAPTER

AN ACT

Relating to benefit plans for education district employees; amending ORS 243.886; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 243.886 is amended to read:

243.886. (1) Except as provided in [subsection (2)] **subsections (2) and (3)** of this section:

(a) A district may not provide or contract for a benefit plan unless the benefit plan is provided and administered by the Oregon Educators Benefit Board under ORS 243.860 to 243.886; and

(b) Eligible employees of a district may participate only in benefit plans provided and administered by the board.

(2)(a) Except for community college districts, a district that was self-insured before January 1, 2007, or a district that had an independent health insurance trust established and functioning before January 1, 2007, may provide or contract for benefit plans other than benefit plans provided and administered by the board if the premiums for the benefit plans provided or contracted for by the district are equal to or less than the premiums for comparable benefit plans provided and administered by the board.

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

(c) In accordance with procedures adopted by the board to extend benefit plan coverage under ORS 243.864 to 243.874 to eligible employees of a self-insured district, a district with an independent health insurance trust or a community college district, these districts may choose to offer benefit plans that are provided and administered by the board. Once employees of a district participate in benefit plans provided and administered by the board, the district may not thereafter provide or contract for benefit plans other than those provided and administered by the board.

(3)(a) A district that has not offered benefit plans provided and administered by the board before the effective date of this 2009 Act may provide or contract for benefit plans other than benefit plans provided and administered by the board if the premiums for the benefit plans provided or contracted for by the district are equal to or less than the premiums for comparable benefit plans provided and administered by the board. Once employees of a district or an employee group within a district participates in benefit plans provided and administered by the board, the district may not thereafter provide or contract for benefit plans for those employees or employee groups other than those provided and administered by the board.

(b) To maintain the exception created in this subsection, the board must perform an actuarial analysis of the district at least once every two years. If requested by the district

or a labor organization representing eligible employees of the district, the board shall perform the actuarial analysis annually.

(c) As used in this subsection, "district" does not include a community college district.

[(3)] (4) Nothing in ORS 243.860 to 243.886 may be construed to expand or contract collective bargaining rights or collective bargaining obligations.

SECTION 2. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate April 29, 2009

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Secretary of Senate

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President of Senate

Passed by House May 29, 2009

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Speaker of House

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State