

**PROPOSED MINORITY REPORT AMENDMENTS TO
SENATE BILL 789**

1 On page 1 of the printed bill, delete lines 4 through 29 and delete pages
2 2 and 3 and insert:

3 **SECTION 1.** ORS 243.886, as amended by section 9, chapter 38, Oregon
4 Laws 2012, is amended to read:

5 “243.886. (1) Except as provided in subsections (2), (3) and (4) of this sec-
6 tion, a district may not provide or contract for a benefit plan and eligible
7 employees of districts may not participate in a benefit plan unless the benefit
8 plan:

9 “(a) Is provided and administered by the Oregon Educators Benefit Board
10 under ORS 243.860 to 243.886; or

11 “(b) On or after October 1, 2015, is offered through the health insurance
12 exchange under ORS 741.310 (1)(b).

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

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

22 “(c) In accordance with procedures adopted by the board to extend benefit

1 plan coverage under ORS 243.864 to 243.874 to eligible employees of a self-
2 insured district, a district with an independent health insurance trust or a
3 community college district, these districts may choose to offer benefit plans
4 that are provided and administered by the board. Once employees of a dis-
5 trict participate in benefit plans provided and administered by the board, the
6 district may not thereafter provide or contract for benefit plans other than
7 those provided and administered by the board.

8 “(3)(a) A district, **other than a district claiming the exception in**
9 **subsection (2)(a) of this section**, that has not offered benefit plans pro-
10 vided and administered by the board before June 23, 2009, may provide or
11 contract for benefit plans other than benefit plans provided and administered
12 by the board if the premiums for the benefit plans provided or contracted for
13 by the district are equal to or less than the premiums for comparable benefit
14 plans provided and administered by the board. Once employees of a district
15 or an employee group within a district participates in benefit plans provided
16 and administered by the board, the district may not thereafter provide or
17 contract for benefit plans for those employees or employee groups other than
18 those provided and administered by the board.

19 **“(b) Notwithstanding paragraph (a) of this subsection, a district**
20 **may provide or contract for benefit plans other than benefit plans**
21 **provided and administered by the board if the district determines that**
22 **the premiums for the benefit plans provided or contracted for by the**
23 **district are equal to or less than the premiums for comparable benefit**
24 **plans provided and administered by the board.**

25 “[*(b)*] (c) [*To maintain the exception created in this subsection, the board*
26 *must perform an actuarial analysis of the district at least once every two*
27 *years.*] If requested by the district or a labor organization representing eli-
28 gible employees of the district, the board shall perform [*the*] **an** actuarial
29 analysis [*annually*] **of the district.**

30 “[*(c)*] (d) As used in this subsection, ‘district’ does not include a commu-

1 nity college district.

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

4 **“SECTION 2.** ORS 243.886, as amended by sections 9 and 13, chapter 38,
5 Oregon Laws 2012, is amended to read:

6 “243.886. (1) Except as provided in subsections (2), (3) and (4) of this sec-
7 tion, a district may not provide or contract for a benefit plan and eligible
8 employees of districts may not participate in a benefit plan unless the benefit
9 plan:

10 “(a) Is provided and administered by the Oregon Educators Benefit Board
11 under ORS 243.860 to 243.886; or

12 “(b) Is offered through the health insurance exchange under ORS 741.310
13 (1)(c).

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

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

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

1 “(3)(a) A district, **other than a district claiming the exception in**
2 **subsection (2)(a) of this section**, that has not offered benefit plans pro-
3 vided and administered by the board before June 23, 2009, may provide or
4 contract for benefit plans other than benefit plans provided and administered
5 by the board if the premiums for the benefit plans provided or contracted for
6 by the district are equal to or less than the premiums for comparable benefit
7 plans provided and administered by the board. Once employees of a district
8 or an employee group within a district participates in benefit plans provided
9 and administered by the board, the district may not thereafter provide or
10 contract for benefit plans for those employees or employee groups other than
11 those provided and administered by the board.

12 **“(b) Notwithstanding paragraph (a) of this subsection, a district**
13 **may provide or contract for benefit plans other than benefit plans**
14 **provided and administered by the board if the district determines that**
15 **the premiums for the benefit plans provided or contracted for by the**
16 **district are equal to or less than the premiums for comparable benefit**
17 **plans provided and administered by the board.**

18 “[*b*] (c) [*To maintain the exception created in this subsection, the board*
19 *must perform an actuarial analysis of the district at least once every two*
20 *years.*] If requested by the district or a labor organization representing eli-
21 gible employees of the district, the board shall perform [*the*] **an** actuarial
22 analysis [*annually*] **of the district.**

23 “[*c*] (d) As used in this subsection, ‘district’ does not include a commu-
24 nity college district.

25 “(4) Nothing in ORS 243.860 to 243.886 may be construed to expand or
26 contract collective bargaining rights or collective bargaining obligations.

27 **“SECTION 3. The amendments to ORS 243.886 by sections 1 and 2**
28 **of this 2013 Act apply to districts claiming exceptions under ORS**
29 **243.886 (2)(a) or (3)(a) before, on or after the effective date of this 2013**
30 **Act.”.**

