

ESHB 1790 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/08/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28A.400.280 and 1990 1st ex.s. c 11 s 6 are each
4 amended to read as follows:

5 (1) Except as provided in subsection (2) of this section, school
6 districts may provide employer fringe benefit contributions after
7 October 1, 1990, only for basic benefits. However, school districts
8 may continue payments under contracts with employees or benefit
9 providers in effect on April 13, 1990, until the contract expires.

10 (2) School districts may provide employer contributions after
11 October 1, 1990, for optional benefit plans, in addition to basic
12 benefits, only for employees included in pooling arrangements under
13 this subsection. Optional (~~benefit plans~~) benefits may include
14 direct agreements as defined in chapter 48.150 RCW, but may not include
15 employee beneficiary accounts that can be liquidated by the employee on
16 termination of employment. Optional benefit plans may be offered only
17 if:

18 (a) The school district pools benefit allocations among employees
19 using a pooling arrangement that includes at least one employee
20 bargaining unit and/or all nonbargaining group employees;

21 (b) Each full-time employee included in the pooling arrangement is
22 offered basic benefits, including coverage for dependents, without a
23 payroll deduction for premium charges;

24 (c) Each full-time employee included in the pooling arrangement,
25 regardless of the number of dependents receiving basic coverage,
26 receives the same additional employer contribution for other coverage
27 or optional benefits; and

28 (d) For part-time employees included in the pooling arrangement,
29 participation in optional benefit plans shall be governed by the same

1 eligibility criteria and/or proration of employer contributions used
2 for allocations for basic benefits.

3 (3) Savings accruing to school districts due to limitations on
4 benefit options under this section shall be pooled and made available
5 by the districts to reduce out-of-pocket premium expenses for employees
6 needing basic coverage for dependents. School districts are not
7 intended to divert state benefit allocations for other purposes.

8 **Sec. 2.** RCW 28A.400.350 and 2001 c 266 s 2 are each amended to
9 read as follows:

10 (1) The board of directors of any of the state's school districts
11 or educational service districts may make available liability, life,
12 health, health care, accident, disability, and salary protection or
13 insurance, direct agreements as defined in chapter 48.150 RCW, or any
14 one of, or a combination of the (~~enumerated~~) types of (~~insurance~~)
15 employee benefits enumerated in this subsection, or any other type of
16 insurance or protection, for the members of the boards of directors,
17 the students, and employees of the school district or educational
18 service district, and their dependents. Such coverage may be provided
19 by contracts with private carriers, with the state health care
20 authority after July 1, 1990, pursuant to the approval of the authority
21 administrator, or through self-insurance or self-funding pursuant to
22 chapter 48.62 RCW, or in any other manner authorized by law. Any
23 direct agreement must comply with RCW 48.150.050.

24 (2) Whenever funds are available for these purposes the board of
25 directors of the school district or educational service district may
26 contribute all or a part of the cost of such protection or insurance
27 for the employees of their respective school districts or educational
28 service districts and their dependents. The premiums on such liability
29 insurance shall be borne by the school district or educational service
30 district.

31 After October 1, 1990, school districts may not contribute to any
32 employee protection or insurance other than liability insurance unless
33 the district's employee benefit plan conforms to RCW 28A.400.275 and
34 28A.400.280.

35 (3) For school board members, educational service district board
36 members, and students, the premiums due on such protection or insurance
37 shall be borne by the assenting school board member, educational

1 service district board member, or student. The school district or
2 educational service district may contribute all or part of the costs,
3 including the premiums, of life, health, health care, accident or
4 disability insurance which shall be offered to all students
5 participating in interschool activities on the behalf of or as
6 representative of their school, school district, or educational service
7 district. The school district board of directors and the educational
8 service district board may require any student participating in
9 extracurricular interschool activities to, as a condition of
10 participation, document evidence of insurance or purchase insurance
11 that will provide adequate coverage, as determined by the school
12 district board of directors or the educational service district board,
13 for medical expenses incurred as a result of injury sustained while
14 participating in the extracurricular activity. In establishing such a
15 requirement, the district shall adopt regulations for waiving or
16 reducing the premiums of such coverage as may be offered through the
17 school district or educational service district to students
18 participating in extracurricular activities, for those students whose
19 families, by reason of their low income, would have difficulty paying
20 the entire amount of such insurance premiums. The district board shall
21 adopt regulations for waiving or reducing the insurance coverage
22 requirements for low-income students in order to assure such students
23 are not prohibited from participating in extracurricular interschool
24 activities.

25 (4) All contracts for insurance or protection written to take
26 advantage of the provisions of this section shall provide that the
27 beneficiaries of such contracts may utilize on an equal participation
28 basis the services of those practitioners licensed pursuant to chapters
29 18.22, 18.25, 18.53, 18.57, and 18.71 RCW."

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30 On page 1, line 2 of the title, after "providers;" strike the

1 remainder of the title and insert "and amending RCW 28A.400.280 and
2 28A.400.350."

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