

**ESHB 1813** - S COMM AMD

By Committee on Ways & Means

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that school  
4 bus drivers play a crucial role in ensuring students' safe passage to  
5 and from school, preventing absences, and extending a positive school  
6 climate beyond the classroom. By delivering this essential service,  
7 school bus drivers provide a significant time and convenience benefit  
8 to thousands of Washington families, remove cars from the road,  
9 reduce overall emissions, and increase traffic safety. However, a  
10 recent national survey revealed that ninety-four percent of bus  
11 contractors experience driver shortages, with twenty-one percent  
12 reporting their shortages as severe. With this act, the state of  
13 Washington intends to encourage the retention of bus drivers who  
14 provide vital services to local communities.

15 **Sec. 2.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to  
16 read as follows:

17 (1)(a) As a condition of entering into a pupil transportation  
18 services contract with a private nongovernmental entity, each school  
19 district shall engage in an open competitive process at least once  
20 every five years, except as provided in (c) of this subsection. This  
21 requirement shall not be construed to prohibit a district from  
22 entering into a pupil transportation services contract of less than  
23 five years in duration with a district option to renew, extend, or  
24 terminate the contract, if the district engages in an open  
25 competitive process at least once every five years after July 26,  
26 1987.

27 (b) If, after engaging in an open competitive process, a school  
28 district receives a bid or proposal to provide pupil transportation  
29 services from only one private nongovernmental entity, the school  
30 district must reopen the competitive process to provide a second  
31 opportunity for private nongovernmental entities to submit bids or  
32 proposals. If the school district receives no additional bids or

1 proposals, the school district may enter into a pupil transportation  
2 contract with a nongovernmental entity that provides, at a minimum,  
3 eighty-five percent of the employer health benefit contribution and  
4 retirement contribution amounts required under subsection (2) of this  
5 section.

6 (c) If, after receiving only one bid or proposal, a school  
7 district enters into a pupil transportation services contract with a  
8 nongovernmental entity that provides less than the employer health  
9 benefit contribution and retirement contribution amounts required  
10 under subsection (2) of this section, the school district must engage  
11 in a new competitive process for pupil transportation services every  
12 two years.

13 (2) Except as provided under subsection (1) of this section, a  
14 school district may only enter into a pupil transportation services  
15 contract with a nongovernmental entity that provides the following to  
16 its employees:

17 (a) An employer health benefits contribution equal to the monthly  
18 school employer funding rate for the state health benefits program  
19 for school employees, less the retiree remittance for the public  
20 employees' benefits board, for employees not eligible for health  
21 benefits through another employer-based group health insurance plan  
22 or through a spouse or domestic partner's employer-based group plan  
23 that has benefits and premiums with an actuarial value of not less  
24 than ninety-five percent of the actuarial value of the health plan  
25 available to school employees with the largest enrollment; and

26 (b) An amount equivalent to the plans 2 and 3 normal cost  
27 employer contribution rate of the school employees' retirement  
28 system, multiplied by the estimated salaries of the employees of the  
29 private nongovernmental entity.

30 (3) As used in this section:

31 ((+1)) (a) "Employee" means an employee that is subject to a  
32 collective bargaining agreement who works sufficient compensated  
33 hours for the nongovernmental entity performing services on the  
34 contract with the school district to meet the eligibility  
35 requirements for the state health benefits program for school  
36 employees if the employee was directly employed by the school  
37 district;

38 (b) "Open competitive process" means either one of the following,  
39 at the choice of the school district:

1        ~~((a))~~ (i) The solicitation of bids or quotations and the award  
2 of contracts under RCW 28A.335.190; or

3        ~~((b))~~ (ii) The competitive solicitation of proposals and their  
4 evaluation consistent with the process and criteria recommended or  
5 required, as the case may be, by the office of financial management  
6 for state agency acquisition of personal service contractors;

7        ~~((2))~~ (c) "Pupil transportation services contract" means a  
8 contract for the operation of privately owned or school district  
9 owned school buses, and the services of drivers or operators,  
10 management and supervisory personnel, and their support personnel  
11 such as secretaries, dispatchers, and mechanics, or any combination  
12 thereof, to provide students with transportation to and from school  
13 on a regular basis; and

14        ~~((3))~~ (d) "School bus" means a motor vehicle as defined in RCW  
15 46.04.521 and under the rules of the superintendent of public  
16 instruction.

17        NEW SECTION.    **Sec. 3.** If specific funding for the purposes of  
18 this act, referencing this act by bill or chapter number, is not  
19 provided by June 30, 2020, in the omnibus appropriations act, this  
20 act is null and void."

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21        On page 1, line 2 of the title, after "transportation;" strike  
22 the remainder of the title and insert "amending RCW 28A.160.140; and  
23 creating new sections."

EFFECT: (1) Provides that school districts may only enter into  
pupil transportation service contracts with nongovernmental entities  
that provide health and retirement benefit contributions to their  
employees that are equivalent to those received by school employees;

(2) Specifies that an employer health benefits contribution is  
only required for employees not eligible for health benefits through  
another employer-based group health insurance plan, or the plan of a  
spouse or domestic partner, that has benefits and premiums with an  
actuarial value of not less than 95 percent of the actuarial value of  
the health plan available to school employees;

(3) Requires school districts to reopen the competitive process  
upon receiving only one bid for the transportation contract;

(4) Allows the school district, if it receives no further bids,  
to enter into a transportation contract that provides at least 85% of

the health and retirement contribution amounts provided to school district employees;

(5) Requires that, if a school district enters into a transportation contract that provides health and retirement contribution amounts that are less than those provided to school district employees, the school district must engage in a new competitive process every two years, rather than five;

(6) Defines "employee" as an employee that is subject to a collective bargaining agreement who works sufficient compensated hours for the nongovernmental entity performing services on the contract with the school district to meet the eligibility requirements for the state health benefits program for school employees if the employee was directly employed by the school district; and

(7) Adds a null and void clause making this bill null and void if specific funding for the provisions of the bill is not provided in the omnibus appropriations act.

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