

# Enrolled Senate Bill 4

Sponsored by Senators MONNES ANDERSON, DEVLIN; Senators AVAKIAN, BATES, BURDICK, CARTER, COURTNEY, METSGER, MORRISETTE, WALKER, WESTLUND, Representatives BERGER, BONAMICI, BOONE, BRUUN, ESQUIVEL, GARRARD, GELSÉR, GIROD, GREENLICK, HUNT, KRIEGER, MERKLEY, ROBLAN, ROSENBAUM, SCHAUFLER, SCOTT, WITT

CHAPTER .....

AN ACT

Relating to nursing; creating new provisions; amending ORS 238.082 and 243.105; appropriating money; and declaring an emergency.

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

**SECTION 1. There is declared a nursing workforce and nursing faculty shortage in Oregon. The declaration of the nursing workforce shortage shall remain in effect until the Governor suspends the declaration by executive action.**

**SECTION 2. The Oregon Center for Nursing and the Oregon Healthcare Workforce Institute may serve in advisory capacities to the State Workforce Investment Board, the Joint Boards of Education and other related entities. The Oregon Center for Nursing may advise on education and workforce development issues affecting nursing. The Oregon Healthcare Workforce Institute may advise on education and workforce development issues affecting doctors, dentists and other allied health professionals. The Oregon Center for Nursing and the Oregon Healthcare Workforce Institute may work together to develop comprehensive solutions to the healthcare workforce shortages in Oregon.**

**SECTION 3. ORS 243.105 is amended to read:**

243.105. As used in ORS 243.105 to 243.285, unless the context requires otherwise:

(1) "Benefit plan" includes, but is not limited to:

- (a) Contracts for insurance or other benefits, including medical, dental, vision, life, disability and other health care recognized by state law, and related services and supplies;
- (b) Comparable benefits for employees who rely on spiritual means of healing; and
- (c) Self-insurance programs managed by the Public Employees' Benefit Board.

(2) "Board" means the Public Employees' Benefit Board.

(3) "Carrier" means an insurance company or health care service contractor holding a valid certificate of authority from the Director of the Department of Consumer and Business Services, or two or more companies or contractors acting together pursuant to a joint venture, partnership or other joint means of operation, or a board-approved guarantor of benefit plan coverage and compensation.

(4)(a) "Eligible employee" means an officer or employee of a state agency who elects to participate in one of the group benefit plans described in ORS 243.135. The term includes state officers

and employees in the exempt, unclassified and classified service, and state officers and employees, whether or not retired, who:

(A) Are receiving a service retirement allowance, a disability retirement allowance or a pension under the Public Employees Retirement System or are receiving a service retirement allowance, a disability retirement allowance or a pension under any other retirement or disability benefit plan or system offered by the State of Oregon for its officers and employees;

(B) Are eligible to receive a service retirement allowance under the Public Employees Retirement System and have reached earliest retirement age under ORS chapter 238;

(C) Are eligible to receive a pension under ORS 238A.100 to 238A.245, and have reached earliest retirement age as described in ORS 238A.165; or

(D) Are eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by the State of Oregon and have attained earliest retirement age under the plan or system.

(b) "Eligible employee" does not include individuals:

(A) Engaged as independent contractors;

(B) Whose periods of employment in emergency work are on an intermittent or irregular basis;

(C) Who are employed on less than half-time basis unless the individuals are employed in positions classified as job-sharing positions [or], unless the individuals are defined as eligible under rules of the board **or unless the individuals are employed as nurses or nursing educators;**

(D) Appointed under ORS 240.309;

(E) Provided sheltered employment or make-work by the state in an employment or industries program maintained for the benefit of such individuals; or

(F) Provided student health care services in conjunction with their enrollment as students at the state institutions of higher education.

(5) "Family member" means an eligible employee's spouse and any unmarried child or stepchild within age limits and other conditions imposed by the board with regard to unmarried children or stepchildren.

(6) "Payroll disbursing officer" means the officer or official authorized to disburse moneys in payment of salaries and wages of employees of a state agency.

(7) "Premium" means the monthly or other periodic charge for a benefit plan.

(8) "State agency" means every state officer, board, commission, department or other activity of state government.

**SECTION 4.** ORS 238.082 is amended to read:

238.082. (1) Subject to the limitations in subsection (2) of this section, any public employer may employ any person receiving a service retirement allowance if the administrative head of such employer is satisfied that such employment is in the public interest.

(2) The period or periods of employment by one or more public employers of any person receiving a service retirement allowance may not total 1,040 hours or more in any calendar year; but if the person is receiving old-age, survivors or disability insurance benefits under the federal Social Security Act, the person may be employed for the number of hours for which the salary equals the maximum allowed for receipt of the full amount of those benefits to which the person is entitled.

(3) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is employed as a teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is employed by a school district or education service district that has its administrative office located within a county with a population of not more than 35,000 inhabitants according to the latest federal decennial census. A retired member who is employed as a teacher, as defined in ORS 342.120, by the same public employer that employed the member at the time of retirement remains in the same collective bargaining unit that included the member before retirement.

(4) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is employed:

(a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

(b) By the municipal police department of a city with a population of fewer than 15,000 inhabitants, according to the latest federal decennial census;

(c) By the state or a county for work in a correctional institution located in a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

(d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service District or the Sunriver Service District; or

(e) By the Oregon State Police for work in a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census.

(5) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is employed to temporarily replace an employee who serves in the National Guard or in a reserve component of the Armed Forces of the United States and who is called to federal active duty.

(6) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is employed by a road assessment district organized under ORS 371.405 to 371.535.

**(7) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is a nurse and is employed by a public employer as a nurse or for the purpose of teaching nursing during the period in which a nursing workforce shortage declared by the Legislative Assembly or the Governor is in effect.**

[(7)] (8) Subsections (3) to [(6)] (7) of this section do not apply to any member who retires under the provisions of ORS 238.280 (1) or (2).

[(8)] (9) Employment under this section does not affect the status of a person as a retired member of the system and a recipient of retirement benefits under this chapter.

**SECTION 5. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Administrative Services, for the biennium beginning July 1, 2007, out of the General Fund, the amount of \$800,000 for distribution to the Oregon Center for Nursing.**

**SECTION 6. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.**

**Passed by Senate June 23, 2007**

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Secretary of Senate

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President of Senate

**Passed by House June 26, 2007**

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Speaker of House

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

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Secretary of State