

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, GELSER, GIROD, GREENLICK, HUNT, KRIEGER, MERKLEY, ROBLAN, ROSENBAUM, SCHAUFLER, SCOTT, WITT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Declares nursing workforce shortage. Includes increasing nursing workforce as goal of Nursing Shortage Coalition Committee. Authorizes committee to make grants for training and retaining nursing faculty members. Renames Nursing Education Grant Fund as Nursing Shortage Grant Fund.

Allows exception for nurses receiving service retirement allowance to 1,040 hours of employment limitation by public employer and to requirement that employee must be employed at least half-time to be eligible to participate in group benefit plan.

Appropriates moneys from General Fund to Nursing Shortage Grant Fund.

Appropriates moneys from General Fund to Nursing Services Program.

Appropriates moneys from General Fund to Portland State University for Oregon Center for Nursing.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to nursing; creating new provisions; amending ORS 238.082, 243.105, 353.603, 353.609 and
3 353.612; appropriating money; and declaring an emergency.

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

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

8 **SECTION 2.** ORS 353.603 is amended to read:

9 353.603. (1) Oregon Health and Science University shall distribute grants to post-secondary ed-
10 ucation institutions to support nursing education programs based on the selections of the Oregon
11 Nursing Shortage Coalition Committee and in accordance with appropriate university policies and
12 procedures. If the university is not able to distribute a grant to a post-secondary education institu-
13 tion selected by the committee, the university shall report to the committee the reason for not dis-
14 tributing the grant.

15 (2) Grants distributed under this section to a community college or state institution of higher
16 education may be based on an intergovernmental agreement entered into by Oregon Health and
17 Science University and the college or institution.

18 (3) Oregon Health and Science University may not use more than [*five*] **three** percent of the
19 amount received from the Nursing [*Education*] **Shortage** Grant Fund established in ORS 353.612 for
20 the grant program in any biennium for administrative expenses incurred in administering ORS
21 353.600 to 353.612.

22 (4) Oregon Health and Science University may accept contributions of funds and assistance from
23 the United States Government or its agencies, or from any other source, public or private, and agree
24 to conditions placed on the funds not inconsistent with the purposes of ORS 353.600 to 353.612. The

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 university shall use funds and assistance received under this subsection for grants distributed under
 2 this section or for administering ORS 353.600 to 353.612.

3 (5) Oregon Health and Science University shall deposit moneys received by the university for
 4 purposes of ORS 353.600 to 353.612 in the Nursing *[Education]* **Shortage** Grant Fund. The total
 5 amount of grants distributed under this section may not exceed the amount of moneys available for
 6 distribution in the fund.

7 **SECTION 3.** ORS 353.609 is amended to read:

8 353.609. (1) The Oregon Nursing Shortage Coalition Committee shall:

9 (a) Adopt criteria for awarding grants to post-secondary education institutions under this sec-
 10 tion;

11 (b) Based on the criteria, select post-secondary education institutions to receive grants to sup-
 12 port nursing education programs; and

13 (c) Determine the amounts of the grants to be distributed under ORS 353.603.

14 (2) The goal of the committee in adopting criteria and selecting grant recipients shall be to in-
 15 crease **the nursing workforce and** the capacity of nursing education programs statewide.

16 (3) The criteria adopted by the committee shall include, but not be limited to, consideration for:

17 (a) Whether the grant funds will be used to increase the capacity of a nursing education pro-
 18 gram;

19 (b) Whether the grant funds will be matched with funds from other sources or used to leverage
 20 additional funds from other sources;

21 (c) Ensuring that grant funds are awarded for nursing education programs in both urban areas
 22 and rural areas of the state;

23 (d) Ensuring that grant funds are used to increase the capacity for all levels of nursing educa-
 24 tion; and

25 (e) Ensuring that grant funds are used to increase the diversity of people who enter nursing
 26 education programs, including targeting underrepresented groups of people in the nursing profession.

27 (4) The total amount of grants awarded by the committee may not exceed the amount of moneys
 28 available for distribution as grants.

29 (5) A post-secondary education institution awarded a grant under this section may use the grant
 30 funds to:

31 (a) Develop nursing education program infrastructure;

32 (b) Train **and provide scholarships to students to develop** additional nurse educators;

33 (c) **Recruit and retain nursing faculty through grants for student loan repayments,**
 34 **endowments to fund faculty positions and salary bonuses for faculty members;**

35 [(c)] (d) Develop regional learning laboratories;

36 [(d)] (e) Provide technical support to nursing education programs;

37 [(e)] (f) Create learning materials that supplement available faculty expertise;

38 [(f)] (g) Coordinate student clinical experiences statewide; and

39 [(g)] (h) Expand the capacity of nursing education programs to train new nurses across the
 40 state.

41 **SECTION 4.** ORS 353.612 is amended to read:

42 353.612. (1) The Nursing *[Education]* **Shortage** Grant Fund is established separate and distinct
 43 from the General Fund. All moneys received by the Oregon Department of Administrative Services
 44 or Oregon Health and Science University for purposes of ORS 353.600 to 353.612 shall be deposited
 45 into the State Treasury and credited to the Nursing *[Education]* **Shortage** Grant Fund.

1 (2) Interest earned from the Nursing [*Education*] **Shortage** Grant Fund shall be credited to the
 2 fund.

3 (3) All moneys in the Nursing [*Education*] **Shortage** Grant Fund are continuously appropriated
 4 to the department for allocation to the university for the purposes of ORS 353.600 to 353.612.

5 **SECTION 5. Section 6 of this 2007 Act is added to and made a part of ORS 353.600 to**
 6 **353.612.**

7 **SECTION 6. If a state agency proposes to expend public moneys to address nursing**
 8 **workforce shortages in Oregon, the agency shall submit the proposal to the Oregon Nursing**
 9 **Shortage Coalition Committee for approval prior to expending the funds.**

10 **SECTION 7.** ORS 243.105 is amended to read:

11 243.105. As used in ORS 243.105 to 243.285, unless the context requires otherwise:

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

13 (a) Contracts for insurance or other benefits, including medical, dental, vision, life, disability and
 14 other health care recognized by state law, and related services and supplies;

15 (b) Comparable benefits for employees who rely on spiritual means of healing; and

16 (c) Self-insurance programs managed by the Public Employees' Benefit Board.

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

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

23 (4)(a) "Eligible employee" means an officer or employee of a state agency who elects to partic-
 24 ipate in one of the group benefit plans described in ORS 243.135. The term includes state officers
 25 and employees in the exempt, unclassified and classified service, and state officers and employees,
 26 whether or not retired, who:

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

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

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

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

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

39 (A) Engaged as independent contractors;

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

41 (C) Who are employed on less than half-time basis unless the individuals are employed in posi-
 42 tions classified as job-sharing positions [*or*], unless the individuals are defined as eligible under rules
 43 of the board **or unless the individual is employed as a nurse or nursing educator;**

44 (D) Appointed under ORS 240.309;

45 (E) Provided sheltered employment or make-work by the state in an employment or industries

1 program maintained for the benefit of such individuals; or

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

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

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

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

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

12 **SECTION 8.** ORS 238.082 is amended to read:

13 238.082. (1) Subject to the limitations in subsection (2) of this section, any public employer may
14 employ any person receiving a service retirement allowance if the administrative head of such em-
15 ployer is satisfied that such employment is in the public interest.

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

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

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

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

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

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

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

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

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

45 (6) The limitations on employment imposed by subsection (2) of this section do not apply to a

1 retired member who is employed by a road assessment district organized under ORS 371.405 to
2 371.535.

3 **(7) The limitations on employment imposed by subsection (2) of this section do not apply**
4 **to a retired member who is a nurse and is employed by a public employer as a nurse or for**
5 **the purpose of teaching nursing.**

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

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

10 **SECTION 9. There is appropriated to the Oregon Department of Administrative Services,**
11 **for the biennium beginning July 1, 2007, out of the General Fund, the amount of \$2,000,000**
12 **for deposit in the Nursing Shortage Grant Fund for the purpose of recruiting and retaining**
13 **nursing faculty under ORS 353.609.**

14 **SECTION 10. There is appropriated to the Department of Higher Education, for the**
15 **biennium beginning July 1, 2007, out of the General Fund, the amount of \$1,200,000 for dis-**
16 **tribution to Portland State University for the Oregon Center for Nursing.**

17 **SECTION 11. There is appropriated to the Oregon Student Assistance Commission, for**
18 **the biennium beginning July 1, 2007, out of the General Fund, the amount of \$500,000 for the**
19 **purpose of the Nursing Services Program.**

20 **SECTION 12. This 2007 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
22 **July 1, 2007.**