

# House Bill 2036

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Health Authority)

## 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**.

Removes members of collective bargaining unit that represents police officers or firefighters from list of individuals who are ineligible to participate in benefit plans offered by Public Employees' Benefit Board.

## A BILL FOR AN ACT

1  
2 Relating to certain employees' eligibility to participate in public employee benefit plans; amending  
3 ORS 243.105.

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

5 **SECTION 1.** ORS 243.105 is amended to read:

6 243.105. As used in ORS 243.105 to 243.285, unless the context requires otherwise:

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

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

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

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

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

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

18 (4)(a) "Eligible employee" means an officer or employee of a state agency or local government  
19 who elects to participate in one of the group benefit plans described in ORS 243.135. The term in-  
20 cludes, but is not limited to, state officers and employees in the exempt, unclassified and classified  
21 service, and state officers and employees, whether or not retired, who:

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

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

28 (C) Are eligible to receive a pension under ORS 238A.100 to 238A.250, and have reached earliest  
29 retirement age as described in ORS 238A.165; or

30 (D) Are eligible to receive a service retirement allowance or pension under another retirement

**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 benefit plan or system offered by the State of Oregon and have attained earliest retirement age  
2 under the plan or system.

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

4 (A) Engaged as independent contractors;

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

6 (C) Who are employed on less than half-time basis unless the individuals are employed in posi-  
7 tions classified as job-sharing positions, unless the individuals are defined as eligible under rules of  
8 the board;

9 (D) Appointed under ORS 240.309;

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

12 (F) Provided student health care services in conjunction with their enrollment as students at a  
13 public university listed in ORS 352.002[; or].

14 *[(G) Who are members of a collective bargaining unit that represents police officers or  
15 firefighters.]*

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

19 (6) "Local government" means any city, county or special district in this state or any intergov-  
20 ernmental entity created under ORS chapter 190.

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

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

24 (9) "Primary care" means family medicine, general internal medicine, naturopathic medicine,  
25 obstetrics and gynecology, pediatrics or general psychiatry.

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

28 (11) "Total medical expenditures" means payments to reimburse the cost of physical and mental  
29 health care provided to eligible employees or their family members, excluding prescription drugs,  
30 vision care and dental care, whether paid on a fee-for-service basis or as part of a capitated rate  
31 or other type of payment mechanism.

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