

A-Engrossed
House Bill 2602

Ordered by the House March 30
Including House Amendments dated March 30

Sponsored by Representatives RESCHKE, GOODWIN; Representatives LEVY B, MORGAN, OSBORNE (Pre-session filed.)

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.

Adds nursing assistant or nurse to types of providers who are eligible for income tax credit allowed to rural medical providers. Provides for refundability of credit allowed to nursing assistant or nurse.

Applies to tax years beginning on or after January 1, 2024.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to tax credits for rural nursing staff; creating new provisions; amending ORS 315.616,
3 315.619 and 316.502; and prescribing an effective date.

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

5 **SECTION 1.** ORS 315.616 is amended to read:

6 315.616. (1) A resident or nonresident individual who is certified as eligible under ORS 442.561,
7 442.562, 442.563 or 442.564, and is licensed as a physician under ORS chapter 677, licensed as a
8 physician assistant under ORS chapter 677, licensed as a nurse practitioner under ORS chapter 678,
9 licensed as a certified registered nurse anesthetist, **nursing assistant or nurse** under ORS chapter
10 678, licensed as a dentist under ORS chapter 679 or licensed as an optometrist under ORS 683.010
11 to 683.340 is entitled to the tax credit described in ORS 315.613 even if not a member of the hospital
12 medical staff if the Office of Rural Health certifies that the individual:

13 [(1)] (a) Is engaged for at least 20 hours per week, averaged over the month, during the tax year
14 in a rural practice; and

15 [(2)(a)] (b)(A) If a physician or a physician assistant, can cause a patient to be admitted to the
16 hospital;

17 [(b)] (B) If a certified registered nurse anesthetist, is employed by or has a contractual re-
18 lationship with one of the hospitals described in ORS 315.613 [(1)] (3); [or]

19 (C) **If a nursing assistant or nurse, is performing services as a nursing assistant or nurse**
20 **at a hospital described in ORS 315.613 (3) for at least 20 hours per week in each of nine**
21 **months during the tax year, and has a principal residence fewer than 40 miles from the**
22 **hospital; or**

23 [(c)] (D) If an optometrist, has consulting privileges with a hospital listed in ORS 315.613 [(1)]
24 (3). This [paragraph] **subparagraph** does not apply to an optometrist who qualifies as a "frontier
25 rural practitioner," as defined by the Office of Rural Health.

26 (2) **Notwithstanding ORS 315.613, for a nursing assistant or nurse, the amount of 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 **credit allowed under this section and ORS 315.613 shall be \$500.**

2 **(3) If the amount allowable as a credit under subsection (2) of this section, when added**
3 **to the sum of the amounts allowable as payment of tax under ORS 316.187 or 316.583, other**
4 **tax prepayment amounts and other refundable credit amounts, exceeds the taxes imposed**
5 **by ORS chapters 314 and 316 for the tax year after application of any nonrefundable credits**
6 **allowable for purposes of ORS chapter 316 for the tax year, the amount of the excess shall**
7 **be refunded to the taxpayer as provided in ORS 316.502.**

8 **SECTION 2.** ORS 315.619 is amended to read:

9 315.619. A member of the medical staff of a type C hospital who meets the requirements of ORS
10 315.616 [(1) and (2)(a)] **(1)(a) and (b)(A)** is entitled to the tax credit described in ORS 315.613 if:

11 (1) The hospital is isolated due to geographic conditions, complies with rules relating to emer-
12 gency response and is subject to such other special factors as the Office of Rural Health may pre-
13 scribe; and

14 (2) The hospital is designated by the Office of Rural Health as being subject to particular
15 problems in recruiting and retaining medical staff and is located in an area that is medically
16 underserved.

17 **SECTION 3.** ORS 316.502, as amended by section 13, chapter 115, Oregon Laws 2022, is
18 amended to read:

19 316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds and
20 amounts described in ORS 285B.630 and 285C.635, shall be paid over to the State Treasurer and held
21 in the General Fund as miscellaneous receipts available generally to meet any expense or obligation
22 of the State of Oregon lawfully incurred.

23 (2) A working balance of unreceipted revenue from the tax imposed by this chapter may be re-
24 tained for the payment of refunds, but such working balance shall not at the close of any fiscal year
25 exceed the sum of \$1 million.

26 (3) Moneys are continuously appropriated to the Department of Revenue to make:

27 (a) The refunds authorized under subsection (2) of this section; and

28 (b) The refund payments in excess of tax liability authorized under ORS 315.174, 315.262, 315.264,
29 315.266, **315.616** and 316.090 and section 3, chapter 589, Oregon Laws 2021, and section 8, chapter
30 115, Oregon Laws 2022.

31 **SECTION 4.** **The amendments to ORS 315.616 and 315.619 by sections 1 and 2 of this 2023**
32 **Act apply to tax years beginning on or after January 1, 2024.**

33 **SECTION 5.** **This 2023 Act takes effect on the 91st day after the date on which the 2023**
34 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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