A BILL FOR AN ACT
Relating to tax credits for rural nursing staff; creating new provisions; amending ORS 315.616, 315.619 and 316.502; and prescribing an effective date.

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

SECTION 1. ORS 315.616 is amended to read:

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

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

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

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

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

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

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

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

SECTION 2. ORS 315.619 is amended to read:

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

(1) The hospital is isolated due to geographic conditions, complies with rules relating to emergency response and is subject to such other special factors as the Office of Rural Health may prescribe; and

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

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

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

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

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

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

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

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

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