

Enrolled House Bill 2282

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Public Employees Retirement System)

CHAPTER

AN ACT

Relating to public employee retirement; creating new provisions; and amending ORS 238.450.

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

SECTION 1. ORS 238.450 is amended to read:

238.450. (1) Upon receiving an application for a retirement allowance or benefit from a member of the **Public Employees Retirement** System and obtaining information necessary for computation of the retirement allowance or benefit to which the member is entitled upon retirement, the system shall provide to the member a written computation of the retirement allowance or benefit to which the member is entitled upon retirement and summary of the information used in making that computation.

(2) A member of the system may [*contest*] **dispute** the accuracy of the information used by the system in making the computation [*of the retirement allowance or benefit to which the member is entitled upon retirement*] only by filing a written notice of [*contest*] **dispute** with the system not later than whichever of the following days occurs last:

(a) The 240th day after the date on which the computation and information summary is provided to the member pursuant to subsection (1) of this section.

(b) The 240th day after the date on which the retirement allowance or benefit to which the member is entitled first becomes payable.

(3) The filing of a notice of [*contest*] **dispute** under subsection (2) of this section extends the time allowed for election of an optional form of retirement allowance or benefit until the 30th day after the conclusion of the [*contest*] proceeding and any judicial review thereof if the proceeding or review results in a change in the computation of the retirement allowance or benefit.

(4) Upon receiving a notice of [*contest*] **dispute** under subsection (2) of this section, the system shall determine the accuracy of the [*contested*] **disputed** information and make a written decision either affirming the accuracy of the information and computation based thereon or changing the computation using corrected information. The system shall provide to the member a copy of the decision and a written explanation of any applicable statutes and rules. The member is entitled to judicial review of the decision as provided in ORS 183.484 and rules of the board consistent with applicable statutes.

(5) This section does not affect any authority of the system, on its own initiative, to correct an incorrect computation of any retirement allowance or benefit.

SECTION 2. The amendments to ORS 238.450 by section 1 of this 2007 Act apply only to computations of retirement allowances or benefits that are provided to members under ORS 238.450 on or after the effective date of this 2007 Act.

Passed by House February 20, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate March 28, 2007

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President of Senate

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

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

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Secretary of State