

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)

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**.

Changes terminology for challenges made by members of Public Employees Retirement System to accuracy of information used by board in calculating retirement allowances or benefits.

A BILL FOR AN ACT

1
2 Relating to public employee retirement; creating new provisions; and amending ORS 238.450.

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

4 **SECTION 1.** ORS 238.450 is amended to read:

5 238.450. (1) Upon receiving an application for a retirement allowance or benefit from a member
6 of the **Public Employees Retirement** System and obtaining information necessary for computation
7 of the retirement allowance or benefit to which the member is entitled upon retirement, the system
8 shall provide to the member a written computation of the retirement allowance or benefit to which
9 the member is entitled upon retirement and summary of the information used in making that com-
10 putation.

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

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

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

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

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

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

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 **SECTION 2.** The amendments to ORS 238.450 by section 1 of this 2007 Act apply only to
2 computations of retirement allowances or benefits that are provided to members under ORS
3 238.450 on or after the effective date of this 2007 Act.

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