

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2397

By COMMITTEE ON COMMERCE

June 5

1 On page 1 of the printed A-engrossed bill, line 24, delete the colon and insert “established for  
2 the purpose of receiving the eligible rollover distribution on behalf of the designated beneficiary.”.

3 On page 2, delete lines 1 through 4.

4 Delete lines 13 through 19 and insert:

5 “(3) As used in this section, ‘eligible rollover distribution’ has the meaning given that term in  
6 26 U.S.C. 402(c)(4), as in effect on the effective date of this 2007 Act.”.

7 In line 25, delete the colon and insert “established for the purpose of receiving the eligible  
8 rollover distribution on behalf of the designated beneficiary.”.

9 Delete lines 26 through 29.

10 Delete lines 38 through 44 and insert:

11 “(3) As used in this section, ‘eligible rollover distribution’ has the meaning given that term in  
12 26 U.S.C. 402(c)(4), as in effect on the effective date of this 2007 Act.”.

13 On page 3, line 7, delete the colon and insert “established for the purpose of receiving the eli-  
14 gible rollover distribution on behalf of the designated beneficiary.”.

15 Delete lines 8 through 11.

16 Delete lines 20 through 27 and insert:

17 “(3) As used in this section, ‘eligible rollover distribution’ has the meaning given that term in  
18 26 U.S.C. 402(c)(4), as in effect on the effective date of this 2007 Act.

19 **“SECTION 9. Section 10 of this 2007 Act is added to and made a part of ORS chapter 238.**

20 **“SECTION 10. (1) A member of the system described in subsection (5) of this section who**  
21 **participates in the state deferred compensation plan under ORS 243.401 to 243.507 may give**  
22 **written notice to the Public Employees Retirement Board requesting that payment of all or**  
23 **part of the deferred amount be made to the board for the purpose of acquiring creditable**  
24 **service under ORS 238.115 and 238.125. Written notice under this section must be given no**  
25 **later than 60 days after the effective date of this 2007 Act. Upon receiving the notice, the**  
26 **board shall immediately take any action necessary to effectuate the transfer of the requested**  
27 **amount. The board may not make the amount available to the member, and shall use the**  
28 **amount only for the purposes described in this section. The amount transferred under this**  
29 **section may not exceed the amount needed to:**

30 **“(a) Make the lump sum payment described in ORS 238.115 (1)(a)(B) that is required to**  
31 **restore forfeited creditable service for which the member is eligible at the time of the**  
32 **transfer; and**

33 **“(b) Make the lump sum payment described in ORS 238.125 necessary to acquire retire-**  
34 **ment credit under ORS 238.125.**

35 **“(2) Notwithstanding ORS 238.220, moneys transferred under this section may be used to**

1 restore forfeited creditable service under ORS 238.115 (1) in the manner provided by this  
2 section. Notwithstanding ORS 238.115 (1)(a), the amount transferred under this section must  
3 be applied to the restoration of forfeited creditable service under ORS 238.115 (1) immediately  
4 after the transfer is made.

5 “(3) If a member does not obtain restoration of all forfeited creditable service by reason  
6 of the payment under subsection (2) of this section, the member may obtain restoration of  
7 any remaining forfeited creditable service by making the application required by ORS 238.115  
8 (1)(a)(A), and the lump sum payment required by ORS 238.115 (1)(a)(B), within 90 days before  
9 the effective date of retirement of the member.

10 “(4) Notwithstanding ORS 238.220, moneys transferred under this section may be used to  
11 acquire retirement credit under ORS 238.125 in the manner provided by this section.  
12 Notwithstanding ORS 238.125, the amount transferred under this section must be applied to  
13 acquisition of retirement credit under ORS 238.125 immediately after the transfer is made.

14 “(5) A member may give written notice under subsection (1) of this section only if:

15 “(a) The member is 60 years of age or older; and

16 “(b) The member will have 35 years or more of creditable service after restoration of  
17 forfeited creditable service under ORS 238.115 (1), and acquisition of retirement credit under  
18 ORS 238.125, by reason of the transfer and application of amounts under this section.”.

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