

## SENATE AMENDMENTS TO HOUSE BILL 2619

By COMMITTEE ON COMMERCE

June 11

1 On page 1 of the printed bill, line 2, after “retirement” insert “; creating new provisions;  
2 amending ORS 238.092 and 238.095; and declaring an emergency”.

3 On page 2, after line 6, insert:

4 “**SECTION 4.** ORS 238.092 is amended to read:

5 “238.092. (1) Notwithstanding any other provision of this chapter:

6 “(a) A retired member of the system who has retired as other than a member of the Legislative  
7 Assembly and who thereafter becomes a member of the Legislative Assembly and elects to become  
8 an active member of the system as a member of the Legislative Assembly may also elect, by giving  
9 the board written notice of desire to do so, to receive the pension and annuity provided by this  
10 chapter for service as other than a member of the Legislative Assembly, and be an active member  
11 of the system as a member of the Legislative Assembly for the period the member holds office as a  
12 member of the Legislative Assembly. The notice provided for in this paragraph shall be given within  
13 30 days after the retired member takes office as a member of the Legislative Assembly.

14 “(b) A member of the Legislative Assembly who is a member of the system as a member of the  
15 Legislative Assembly and who becomes eligible to retire by reason of service as other than a mem-  
16 ber of the Legislative Assembly, without regard to when that service was performed, may elect, by  
17 giving the board written notice of desire to do so, to retire and receive the pension and annuity  
18 provided by this chapter for service as other than a member of the Legislative Assembly, and to  
19 continue, for the period the member holds office as a member of the Legislative Assembly, as an  
20 active member of the system as a member of the Legislative Assembly.

21 “(c) Upon receipt of the notice provided for in paragraphs (a) and (b) of this subsection, the  
22 board shall determine that portion of the accumulated contributions, if any, of the member and in-  
23 terest thereon attributable to service as other than a member of the Legislative Assembly, which  
24 shall be used in determining the amount of the annuity the member shall receive for that service.  
25 The portion of the accumulated contributions, if any, of the member and interest thereon attribut-  
26 able to service as a member of the Legislative Assembly shall remain in the member account of the  
27 member and, together with any subsequent contributions and interest thereon, be used in determin-  
28 ing the amount of the additional annuity the member shall receive for that service upon ceasing to  
29 hold office as a member of the Legislative Assembly. If the member does not have a member account,  
30 the board shall determine the member’s retirement allowance for nonlegislative service based on the  
31 number of years of nonlegislative service, and shall determine any additional benefit to be received  
32 after the member ceases to hold office as a member of the Legislative Assembly based on the number  
33 of years of service in the Legislative Assembly.

34 “[2) *Notwithstanding any other provision of this chapter, a person who has reached the age of 65*  
35 *years, whether or not previously employed by a public employer and whether or not a retired member*

1 of the system, may be employed by the Legislative Assembly, either house thereof or the Oregon State  
2 Police for all or any part of a regular or special session of the Legislative Assembly. A person em-  
3 ployed under this subsection:]

4 “[a] Unless an active member of the system continuing in employment past the age of 65 years,  
5 does not accrue any retirement benefits, and contributions may not be made by or on behalf of the  
6 person.]

7 “[b] If a retired member of the system, is entitled, during the period of such employment, to any  
8 pension or annuity provided by this chapter.]

9 **“(2) If a retired member of the system is employed by the Legislative Assembly, or by  
10 the Oregon State Police, for the purpose of service during a regular or special session of the  
11 Legislative Assembly, the hours worked during the session shall not be counted for the  
12 purpose of the limitations on employment imposed by ORS 238.082 (2).**

13 **“SECTION 5.** ORS 238.095 is amended to read:

14 “238.095. (1) An employee shall cease to be a member of the Public Employees Retirement Sys-  
15 tem if the employee withdraws the member account, if any, of the member in the manner provided  
16 by ORS 238.265.

17 “(2) Except as provided in subsection (3) of this section, an inactive member ceases to be a  
18 member of the system if the member is not vested and is inactive for a period of five consecutive  
19 years.

20 “(3) A school district employee does not cease to be a member of the system under subsection  
21 (2) of this section if:

22 “(a) After completing a school year, the member is inactive for the next following five school  
23 years; and

24 “(b) The member either is reemployed by a school district in a qualifying position at the begin-  
25 ning of the sixth school year, or reaches earliest service retirement age before the beginning of the  
26 sixth school year.

27 “(4) Interest shall not accrue on the amount in the member account of the former member from  
28 the date that membership is terminated under subsection (2) of this section. Upon request by the  
29 former member, the Public Employees Retirement Board shall pay the amount in a member account  
30 to a former member upon the termination of the membership of the former member under subsection  
31 (2) of this section if the former member is separated from all service with employers who are treated  
32 as part of a participating public employer’s controlled group under the federal laws and rules gov-  
33 erning the status of the system and the Public Employees Retirement Fund as a qualified govern-  
34 mental retirement plan and trust. The board may deduct, from the amount paid to a former member  
35 under this subsection, all reasonable costs incurred by the system in locating the member.

36 **“(5) If the membership of a person in the system is terminated under subsection (2) of  
37 this section, and the person subsequently becomes an active member of the system, any  
38 amounts that were not paid to the person under subsection (4) of this section shall be cred-  
39 ited with net earnings and losses. Crediting under this subsection commences upon the per-  
40 son becoming an active member of the system and continues as long as the person remains  
41 an active member.**

42 **“SECTION 6.** (1) Except as provided in subsection (2) of this section, the amendments to  
43 ORS 238.095 by section 5 of this 2007 Act apply to all persons who resume active membership  
44 in the Public Employees Retirement System, whether that resumption occurs before, on or  
45 after the effective date of this 2007 Act.

1           “(2) Crediting under ORS 238.095 (5) shall be made by the Public Employees Retirement  
2 Board only for periods of active membership served on or after the effective date of this 2007  
3 Act.

4           “SECTION 7. This 2007 Act being necessary for the immediate preservation of the public  
5 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
6 on its passage.”.

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