

House Bill 3361

Sponsored by Representative WITT; Representatives BARKER, BOONE, BUCKLEY, CLEM, DALLUM, GALIZIO, GREENLICK, HOLVEY, HUNT, JENSON, KOMP, KRUMMEL, NELSON, RILEY, ROSENBAUM, SCHAUFLEER, SHIELDS, TOMEI, Senator JOHNSON

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**.

Allows retired member who is employed by Legislative Assembly or Oregon State Police for purpose of service during regular or special session of Legislative Assembly to be employed for all or any part of session without affecting status of person as retired member.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public employee retirement; amending ORS 238.092; and declaring an emergency.

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

4 **SECTION 1.** 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 board
22 shall determine that portion of the accumulated contributions, if any, of the member and interest
23 thereon attributable to service as other than a member of the Legislative Assembly, which shall be
24 used in determining the amount of the annuity the member shall receive for that service. The por-
25 tion of the accumulated contributions, if any, of the member and interest thereon attributable to
26 service as a member of the Legislative Assembly shall remain in the member account of the member
27 and, together with any subsequent contributions and interest thereon, be used in determining the
28 amount of the additional annuity the member shall receive for that service upon ceasing to hold
29 office as a member of the Legislative Assembly. If the member does not have a member account, the

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 board shall determine the member's retirement allowance for nonlegislative service based on the
2 number of years of nonlegislative service, and shall determine any additional benefit to be received
3 after the member ceases to hold office as a member of the Legislative Assembly based on the number
4 of years of service in the Legislative Assembly.

5 *[(2) Notwithstanding any other provision of this chapter, a person who has reached the age of 65*
6 *years, whether or not previously employed by a public employer and whether or not a retired member*
7 *of the system, may be employed by the Legislative Assembly, either house thereof or the Oregon State*
8 *Police for all or any part of a regular or special session of the Legislative Assembly. A person em-*
9 *ployed under this subsection:]*

10 *[(a) Unless an active member of the system continuing in employment past the age of 65 years, does*
11 *not accrue any retirement benefits, and contributions may not be made by or on behalf of the person.]*

12 *[(b) If a retired member of the system, is entitled, during the period of such employment, to any*
13 *pension or annuity provided by this chapter.]*

14 **(2) A retired member of the system who is employed by the Legislative Assembly, or by**
15 **the Oregon State Police, for the purpose of service during a regular or special session of the**
16 **Legislative Assembly is not subject to the limitations on employment imposed by ORS 238.082**
17 **(2) and may be employed for all or any part of the session without affecting the status of the**
18 **person as a retired member of the system and a recipient of retirement benefits under this**
19 **chapter.**

20 **SECTION 2. This 2007 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
22 **on its passage.**

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