

SENATE AMENDMENTS TO SENATE BILL 399

By COMMITTEE ON COMMERCE AND WORKFORCE DEVELOPMENT

May 1

1 On page 1 of the printed bill, delete lines 5 through 30 and insert:

2 “**SECTION 2.** (1) Notwithstanding ORS 238.220, a member of the Public Employees Re-
3 tirement System who is eligible to obtain restoration of forfeited creditable service under
4 ORS 238.115, or to purchase retirement credit under ORS 238.125, 238.135, 238.145, 238.156,
5 238.157, 238.162, 238.165, 238.175 or 526.052, and who participates in an eligible retirement plan
6 described in subsection (3) of this section, may use moneys transferred by way of a trustee-
7 to-trustee transfer from the eligible retirement plan to the Public Employees Retirement
8 Board for the purpose of obtaining restoration of the forfeited creditable service or to pur-
9 chase the retirement credit. The board may not make any amount transferred under this
10 section available to the member, and may use the amount only for the purposes described
11 in this section. The amount transferred under this section may not exceed the amount
12 needed to obtain restoration of the forfeited creditable service or to purchase the retirement
13 credit.

14 “(2) If amounts transferred under this section are not sufficient to pay the full amount
15 necessary to obtain restoration of the forfeited creditable service or to purchase the retire-
16 ment credit, the member must pay the remaining amount that is needed to obtain restora-
17 tion of the forfeited creditable service or to purchase the retirement credit.

18 “(3) The following are eligible retirement plans for the purposes of this section:

19 “(a) A governmental deferred compensation plan described in section 457 of the Internal
20 Revenue Code; and

21 “(b) A tax sheltered annuity described in section 403(b) of the Internal Revenue Code.

22 “(4) The board shall adopt rules and establish procedures for determining whether a
23 member is allowed to obtain restoration of the forfeited creditable service or to purchase the
24 retirement credit by means of a trustee-to-trustee transfer under this section. The rules and
25 procedures must ensure that transfers under this section do not adversely affect the status
26 of the system and the Public Employees Retirement Fund as a qualified governmental plan
27 and trust under federal income tax law.

28 “**SECTION 3.** Section 2 of this 2009 Act becomes operative September 1, 2011.”.

29 Delete page 2.

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