

House Bill 2161

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Office of the Governor on behalf of former Governor Theodore Kulongoski)

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**.

Eliminates employee contributions, employer contributions and rollover contributions to individual account program of Oregon Public Service Retirement Plan, effective January 1, 2012. Prohibits employee from becoming member of program on or after January 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to individual account program; and declaring an emergency.

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

SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 238A.

SECTION 2. (1) Contributions to the individual account program under ORS 238A.330, 238A.335 and 238A.340 are not required, or allowed, for salary paid on or after January 1, 2012.

(2) Rollover contributions to the individual account program pursuant to ORS 238A.360 are not allowed on or after January 1, 2012.

(3) An eligible employee may not become a member of the individual account program on or after January 1, 2012.

SECTION 3. (1) Jurisdiction is conferred on the Supreme Court to determine in the manner provided by this section whether section 2 of this 2011 Act breaches any contract between members of the Public Employees Retirement System and their employers or violates any constitutional provision, including but not limited to impairment of contract rights of members of the Public Employees Retirement System under section 21, Article I of the Oregon Constitution, or clause 1, section 10, Article I of the United States Constitution.

(2) A person who is adversely affected by section 2 of this 2011 Act or who will be adversely affected by section 2 of this 2011 Act may institute a proceeding for review by filing with the Supreme Court a petition that meets the following requirements:

(a) The petition must be filed within 60 days after the effective date of this 2011 Act.

(b) The petition must include the following:

(A) A statement of the basis of the challenge; and

(B) A statement and supporting affidavit showing how the petitioner is adversely affected.

(3) The petitioner shall serve a copy of the petition by registered or certified mail upon the Public Employees Retirement Board, the Attorney General and the Governor.

(4) Proceedings for review under this section shall be given priority over all other matters before the Supreme Court.

(5) The Supreme Court shall allow public employers participating in the Public Employees

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 **Retirement System to intervene in any proceeding under this section.**

2 **(6) In the event the Supreme Court determines that there are factual issues in the peti-**
3 **tion, the Supreme Court may appoint a special master to hear evidence and to prepare re-**
4 **commended findings of fact.**

5 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
7 **on its passage.**

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