

House Bill 3218

Sponsored by Representative BREWER; Representatives CAMERON, JOHNSON, LINDSAY, OLSON, PARRISH, SHEEHAN, THOMPSON, WINGARD

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**.

Reduces amount of employee contribution to individual account program of Public Employees Retirement System that public employer may agree to pay from six percent to three percent. Specifies that reduction does not apply to existing collective bargaining agreements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public employee retirement; creating new provisions; amending ORS 238A.335; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 238A.335 is amended to read:

6 238A.335. (1) A participating public employer may agree, by a written employment policy or by
7 a collective bargaining agreement, to pay **one-half of** the employee contribution required under ORS
8 238A.330. The policy or agreement need not include all members of the individual account program
9 employed by the employer.

10 (2) An agreement under this section to pay **one-half of** the required employee contribution may
11 provide that:

12 (a) Employee compensation be reduced to generate the funds needed to make the employee
13 contributions; or

14 (b) Additional amounts be paid by the employer for the purpose of making the employee contri-
15 butions, and employee compensation not be reduced for the purpose of generating the funds needed
16 to make the employee contributions.

17 (3) A participating public employer must give written notice to the Public Employees Retirement
18 Board at the time that a written employment policy or collective bargaining agreement described
19 in subsection (1) of this section is adopted or changed. The notice must specifically indicate whether
20 the agreement is as described in subsection (2)(a) or (b) of this section. Any change in the manner
21 in which employee contributions are to be paid applies only to employee contributions made on and
22 after the date the notice is received by the board.

23 **SECTION 2.** **The amendments to ORS 238A.335 by section 1 of this 2011 Act do not apply**
24 **to a collective bargaining agreement entered into before the effective date of this 2011 Act.**
25 **Any collective bargaining agreement entered into on or after the effective date of this 2011**
26 **Act must be in conformance with ORS 238A.335 as amended by section 1 of this 2011 Act.**

27 **SECTION 3.** (1) **Jurisdiction is conferred on the Supreme Court to determine in the**
28 **manner provided by this section whether this 2011 Act breaches any contract between**
29 **members of the Public Employees Retirement System and their employers or violates any**
30 **constitutional provision, including but not limited to impairment of contract rights of mem-**

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 **bers of the Public Employees Retirement System under section 21, Article I of the Oregon**
2 **Constitution, or clause 1, section 10, Article I of the United States Constitution.**

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

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

7 **(b) The petition must include the following:**

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

9 **(B) A statement and supporting affidavit showing how the petitioner is adversely af-**
10 **ected.**

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

13 **(4) Proceedings for review under this section shall be given priority over all other mat-**
14 **ters before the Supreme Court.**

15 **(5) The Supreme Court shall allow public employers participating in the Public Employees**
16 **Retirement System to intervene in any proceeding under this section.**

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

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

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