

House Bill 3490

Sponsored by Representative RICHARDSON; Representatives BERGER, CAMERON, CONGER, DAVIS, GILLIAM, HUFFMAN, JENSON, KRIEGER, MCLANE, OLSON, PARRISH, THATCHER, THOMPSON, WEIDNER, WHISNANT, WHITSETT

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**.

Provides that person appointed or elected as member of Legislative Assembly may not become member of Public Employees Retirement System as legislator member, but may participate in state deferred compensation plan as legislator member.

Applies to members of Legislative Assembly who are first appointed or elected on or after effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to legislators; creating new provisions; amending ORS 237.655, 238.092 and 238A.245; re-
3 pealing ORS 237.650 and 238A.475; and declaring an emergency.

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

5 **SECTION 1. A person who is appointed or elected as a member of the Legislative As-**
6 **sembly may not become a member of the Public Employees Retirement System for service**
7 **as a member of the Legislative Assembly that is performed by reason of that appointment**
8 **or election.**

9 **SECTION 2.** ORS 237.655 is amended to read:

10 237.655. (1) **A person appointed or elected as a member of the Legislative Assembly may**
11 **elect to become a legislator member of the state deferred compensation plan for the purpose**
12 **of service in the Legislative Assembly.**

13 [(1)] (2) If a person appointed or elected as a member of the Legislative Assembly elects [*under*
14 *ORS 237.650*] to become a legislator member of the state deferred compensation plan for the purpose
15 of service in the Legislative Assembly, the Legislative Assembly shall make employer contributions
16 to the plan in an amount that is equal to six percent of the member's salary.

17 [(2)] (3) If a person appointed or elected as a member of the Legislative Assembly elects [*under*
18 *ORS 237.650*] to become a legislator member of the state deferred compensation plan for the purpose
19 of service in the Legislative Assembly, and the person also participates in the state deferred com-
20 pensation plan in the manner provided by ORS 243.401 to 243.507 as other than a legislator member,
21 the total contributions made to the plan by the person and by the employer under subsection [(1)]
22 (2) of this section may not exceed the maximum allowed by federal law governing the plan's tax
23 qualification.

24 [(3)] (4) Except for the contributions required by subsection [(1)] (2) of this section, the Legis-
25 lative Assembly may not "pick-up," assume or pay any contributions on behalf of a legislator mem-
26 ber of the state deferred compensation plan.

27 **SECTION 3.** ORS 238.092 is amended to read:

28 238.092. (1) Notwithstanding any other provision of this chapter:

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 (a) A retired member of the Public Employees Retirement System who has retired as other than
 2 a member of the Legislative Assembly and who is thereafter appointed or elected as a member of
 3 the Legislative Assembly may elect, by giving the Public Employees Retirement Board written no-
 4 tice, to receive the pension and annuity provided by this chapter for service as other than a member
 5 of the Legislative Assembly, and be an active member of the system as a member of the Legislative
 6 Assembly for the purpose of service in the Legislative Assembly. A person may make an election
 7 under this paragraph only if the person becomes an active member of the system [*under this chapter*
 8 *for the purpose of service in the Legislative Assembly as provided in ORS 237.650 (3)*] **as a member**
 9 **of the Legislative Assembly as a result of an appointment or election to the Legislative As-**
 10 **sembly that occurred before the effective date of this 2013 Act.** Notice of an election under this
 11 paragraph must be given by the person not more than 30 days after the person takes office.

12 (b) A member of the Legislative Assembly who is a member of the system as a member of the
 13 Legislative Assembly and who becomes eligible to retire by reason of service as other than a mem-
 14 ber of the Legislative Assembly, without regard to when that service was performed, may elect, by
 15 giving the board written notice, to retire and receive the pension and annuity provided by this
 16 chapter for service as other than a member of the Legislative Assembly, and to continue, for the
 17 purpose of service in the Legislative Assembly, as an active member of the system as a member of
 18 the Legislative Assembly. **A person may make an election under this paragraph only if the**
 19 **person becomes an active member of the system as a member of the Legislative Assembly**
 20 **as a result of an appointment or election to the Legislative Assembly that occurred before**
 21 **the effective date of this 2013 Act.**

22 (c) Upon receipt of the notice provided for in paragraphs (a) and (b) of this subsection, the board
 23 shall determine that portion of the accumulated contributions, if any, of the member and interest
 24 thereon attributable to service as other than a member of the Legislative Assembly, which shall be
 25 used in determining the amount of the annuity the member shall receive for that service. The por-
 26 tion of the accumulated contributions, if any, of the member and interest thereon attributable to
 27 service as a member of the Legislative Assembly shall remain in the member account of the member
 28 and, together with any subsequent contributions and interest thereon, be used in determining the
 29 amount of the additional annuity the member shall receive for that service upon subsequent retire-
 30 ment. If the member does not have a member account, the board shall determine the member's re-
 31 tirement allowance for nonlegislative service based on the number of years of nonlegislative service,
 32 and shall determine any additional benefit to be received after the member subsequently retires
 33 based on the number of years of service in the Legislative Assembly.

34 (2) If a retired member of the system is employed by the Legislative Assembly, or by the Oregon
 35 State Police, for the purpose of service during a regular or special session of the Legislative As-
 36 sembly, the hours worked during the session shall not be counted for the purpose of the limitations
 37 on employment imposed by ORS 238.082 (2) and (3).

38 **SECTION 4.** ORS 238A.245 is amended to read:

39 238A.245. (1) Except as provided in subsection (3) of this section, the Public Employees Retire-
 40 ment Board shall cease making pension payments to a retired member of the pension program who
 41 is reemployed by a participating public employer in a qualifying position. A retired member of the
 42 pension program who is employed in a qualifying position becomes an active member of the pension
 43 program without serving the probationary period provided for in ORS 238A.100.

44 (2) If a retired member of the pension program is reemployed under the provisions of this sec-
 45 tion, any option chosen by the member under ORS 238A.190 is canceled, and upon retiring thereafter

1 the member may elect any option provided for in ORS 238A.180 and 238A.190. The board shall re-
2 calculate the pension of the member upon subsequent retirement.

3 (3) A retired member of the pension program who becomes a member of the Legislative Assem-
4 bly shall continue to receive the pension elected by the member. A retired member of the pension
5 program who becomes a member of the Legislative Assembly may not [*make an election under ORS*
6 *237.650*] **become an active member of the Oregon Public Service Retirement Plan for service**
7 **as a member of the Legislative Assembly.**

8 **SECTION 5. ORS 237.650 and 238A.475 are repealed.**

9 **SECTION 6. (1) Except as provided in subsection (2) of this section, the amendments to**
10 **ORS 237.655, 238.092 and 238A.245 by sections 2 to 4 of this 2013 Act and the repeal of ORS**
11 **237.650 and 238A.475 by section 5 of this 2013 Act apply only to service as a member of the**
12 **Legislative Assembly that is attributable to an election or appointment to that office that**
13 **occurs on or after the effective date of this 2013 Act.**

14 (2) A member of the Legislative Assembly who is serving on the effective date of this 2013
15 Act shall continue to accrue benefits under ORS 237.650, 237.655 and 238A.475, as in effect
16 immediately before the effective date of this 2013 Act, for as long as the member remains in
17 continuous service as a member of the Legislative Assembly. A member of the Legislative
18 Assembly remains in continuous service as a member of the Legislative Assembly for the
19 purposes of this subsection until the person resigns or otherwise leaves office.

20 **SECTION 7. This 2013 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
22 **on its passage.**