

Senate Bill 663

Sponsored by Senator 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**.

Increases normal retirement age for active and inactive members of Oregon Public Service Retirement Plan.

Provides for direct review by Supreme Court.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Oregon Public Service Retirement Plan; creating new provisions; amending ORS
3 238A.160; and declaring an emergency.

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

5 **SECTION 1.** ORS 238A.160 is amended to read:

6 238A.160. *[(1) Except as provided in subsections (2) and (3) of this section, normal retirement age*
7 *for a member of the pension program is the earlier of:]*

8 *[(a) 65 years of age; or]*

9 *[(b) 58 years of age if the member has 30 years or more of retirement credit.]*

10 **(1) Except as provided in subsection (2) of this section, normal retirement age for a**
11 **member of the pension program is the later of:**

12 **(a) 67 years of age; or**

13 **(b) The member's normal retirement age under the federal Social Security Act.**

14 (2) Normal retirement age for a member of the pension program who retires from service as a
15 police officer or firefighter, and who has held a position as a police officer or firefighter contin-
16 uously for a period of not less than five years immediately preceding the effective date of retirement,
17 is the earlier of:

18 (a) *[60 years of age]* **The member's normal retirement age under subsection (1) of this**
19 **section minus five years; or**

20 (b) *[53 years of age]* **If the member has 25 years or more of retirement credit, the member's**
21 **normal retirement age under subsection (1) of this section minus 12 years.**

22 *[(3) Normal retirement age for a member of the pension program who retires from service as a*
23 *school employee as defined by ORS 238A.140 is the earlier of:]*

24 *[(a) 65 years of age; or]*

25 *[(b) 58 years of age if the member has been an active member in 30 or more calendar years.]*

26 *[(4)]* **(3) The normal retirement date of a member is the first day of the month beginning on or**
27 **after the date the member reaches normal retirement age.**

28 **SECTION 2. (1) The amendments to ORS 238A.160 by section 1 of this 2013 Act apply to**
29 **all active and inactive members of the Oregon Public Service Retirement Plan.**

30 **(2) If application of this 2013 Act to all active and inactive members of the Oregon Public**

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 Service Retirement Plan is found to breach any contract between members of the Public
2 Employees Retirement System and their employers or violate any constitutional provision,
3 including but not limited to impairment of contract rights of members of the Public Em-
4 ployees Retirement System under Article I, section 21, of the Oregon Constitution, or Article
5 I, section 10, clause 1, of the United States Constitution, it is the intent of the Legislative
6 Assembly that this 2013 Act apply to members of the Oregon Public Service Retirement Plan
7 hired on and after the effective date of this 2013 Act.

8 **SECTION 3.** (1) Jurisdiction is conferred on the Supreme Court to determine in the
9 manner provided by this section whether this 2013 Act breaches any contract between
10 members of the Public Employees Retirement System and their employers or violates any
11 constitutional provision, including but not limited to impairment of contract rights of mem-
12 bers of the Public Employees Retirement System under Article I, section 21, of the Oregon
13 Constitution, or Article I, section 10, clause 1, of the United States Constitution.

14 (2) A person who is adversely affected by this 2013 Act or who will be adversely affected
15 by this 2013 Act may institute a proceeding for review by filing with the Supreme Court a
16 petition that meets the following requirements:

17 (a) The petition must be filed within 60 days after the effective date of this 2013 Act.

18 (b) The petition must include the following:

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

20 (B) A statement and supporting affidavit showing how the petitioner is adversely af-
21 fected.

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

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

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

28 (6)(a) The Supreme Court shall allow members of the Legislative Assembly to intervene
29 in any proceeding under this section. After a member intervenes in a proceeding under this
30 section, the member has standing to participate in the proceeding even if the member ceases
31 to be a member of the Legislative Assembly.

32 (b) A member of the Senate or House of Representatives who intervenes in a proceeding
33 under this subsection may not use public funds to pay legal expenses incurred in intervening
34 or participating in the proceeding.

35 (7) In the event the Supreme Court determines that there are factual issues in the peti-
36 tion, the Supreme Court may appoint a special master to hear evidence and to prepare re-
37 commended findings of fact.

38 (8) The court may not award attorney fees to a petitioner in a proceeding under this
39 section.

40 **SECTION 4.** This 2013 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
42 on its passage.
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