

House Bill 4001

Sponsored by Representative DOHERTY, Senator PROZANSKI; Representative KENNEMER, Senator KRUSE
(Pre-session filed.)

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**.

Allows person elected or appointed to office of sheriff, county judge or county commissioner in county with population of fewer than 110,000 inhabitants to continue to be retired member of Public Employees Retirement System and continue to receive retirement benefits under system.

Allows person elected on or after November 1, 2012, to office of sheriff, county judge or county commissioner in county with population of fewer than 110,000 inhabitants to cancel election to become active member of system and continue to be retired member of system.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to retirement benefits of sheriffs, county judges and county commissioners in counties with
3 population of fewer than 110,000 inhabitants; creating new provisions; amending ORS 238.088;
4 and declaring an emergency.

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

6 **SECTION 1.** ORS 238.088 is amended to read:

7 238.088. (1) Except as provided in subsection (2) of this section, a person who is elected to a
8 full-time salaried office of the state or one of the participating political subdivisions thereof, or who
9 is appointed to a full-time salaried office having a term fixed by statute or charter, whether or not
10 the person has been retired, does not forfeit any rights accrued or accruing to the person under this
11 chapter. However, for the period that such person holds such office the person is not entitled to any
12 pension or annuity provided by this chapter. Upon ceasing to hold such office, benefits shall be
13 computed or recomputed by the Public Employees Retirement Board on the basis of age then at-
14 tained.

15 (2) If a person is elected or appointed to the office of sheriff or county judge or commissioner
16 in a county with a population of fewer than [75,000] **110,000** inhabitants, according to the latest
17 federal decennial census, and the person does not elect to become an active member of the system
18 under ORS 238.015 (5), the person shall continue to be a retired member and to receive retirement
19 benefits for as long as the person holds the office.

20 (3) Subsection (2) of this section does not apply to any member who retires under the provisions
21 of ORS 238.280 (1), (2) or (3).

22 **SECTION 2.** (1) **Except as provided in subsection (2) of this section, the amendments to**
23 **ORS 238.088 by section 1 of this 2014 Act apply to persons elected or appointed to the office**
24 **of sheriff or county judge or commissioner on or after the effective date of this 2014 Act.**

25 (2) **A person who was elected or appointed as a sheriff or county judge or commissioner**
26 **on or after November 1, 2012, who elected to become an active member of the system under**
27 **ORS 238.015 (5) and who meets the requirements of ORS 238.088 (2) may cancel the election**
28 **under ORS 238.015 (5) and continue to be a retired member and to receive retirement benefits**

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 for as long as the person holds the office. The person must notify the Public Employees Re-
2 tirement Board of the person's cancellation of the election under ORS 238.015 (5) within 60
3 days after the effective date of this 2014 Act.

4 SECTION 3. This 2014 Act being necessary for the immediate preservation of the public
5 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect
6 on its passage.

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