

SB 560-3
(LC 2056)
3/1/17 (MNJ/ps)

Requested by Senator KNOPP

**PROPOSED AMENDMENTS TO
SENATE BILL 560**

1 On page 1 of the printed bill, line 2, after “amending” delete the rest of
2 the line and delete line 3 and insert “ORS 238.607; and”.

3 Delete lines 6 through 26 and delete pages 2 through 16 and insert:

4 **“SECTION 1.** ORS 238.607 is amended to read:

5 “238.607. (1) **As often as is necessary to maintain actuarial equiv-**
6 **alency, and no less than** once every two calendar years, the Public Em-
7 ployees Retirement Board shall adopt actuarial equivalency factor tables for
8 the purpose of computing the payments to be made to members and their
9 beneficiaries, alternate payees and judge members and their spouses and
10 beneficiaries. The tables may be adopted in conjunction with the system
11 evaluation required by ORS 238.605. Tables adopted under this section must
12 use the best actuarial information on mortality available at the time the
13 board adopts the tables, as provided by the actuary engaged by the board.
14 **Regardless of the assumed interest rate for the system determined by**
15 **the board for other purposes, the board shall use an assumed interest**
16 **rate of 3.5 percent for tables adopted under this section.** Actuarial
17 equivalency factor tables adopted under this section become effective on
18 January 1 of the calendar year following adoption of the tables by the board
19 **or on another date specified by the board.** All computations of payments
20 must use the actuarial equivalency factor tables that are in effect on:

21 “(a) The effective date of retirement for any member, judge member or

1 alternate payee;

2 “(b) The date that the first payment is due for any death beneficiary; or

3 “(c) The date that the first payment is due for any recalculation of pay-
4 ments that is not attributable to error, including but not limited to recalcu-
5 lations under ORS 238.465 (2).

6 “(2) The board may not defer or delay implementation of the actuarial
7 equivalency factor tables adopted under this section.

8 **“SECTION 2. The Public Employees Retirement Board shall first**
9 **adopt actuarial equivalency factor tables under ORS 238.607, as**
10 **amended by section 1 of this 2017 Act, no later than January 1, 2018.**
11 **The board shall use the tables adopted under this section to compute**
12 **the retirement allowances of members, judge members and alternate**
13 **payees for whom the effective date of retirement is on or after the**
14 **effective date of this 2017 Act but before January 1, 2018.**

15 **“SECTION 3. (1) As soon as practicable after the effective date of**
16 **this 2017 Act, the Public Employees Retirement Board shall:**

17 **“(a) Determine the amount of savings in employer contributions**
18 **that are attributable to the provisions of this 2017 Act; and**

19 **“(b) Recalculate the contribution rates of all employers, pursuant**
20 **to ORS 238.225, to reflect the provisions of this 2017 Act.**

21 **“(2) The board shall issue corrected contribution rate orders to**
22 **employers affected by rates recalculated under this section. The cor-**
23 **rected rates are effective July 1, 2017.**

24 **“SECTION 4. (1) Jurisdiction is conferred upon the Supreme Court**
25 **to determine in the manner provided by this section whether this 2017**
26 **Act breaches any contract between members of the Public Employees**
27 **Retirement System and their employers or violates any provision of**
28 **the Oregon Constitution or of the United States Constitution, includ-**
29 **ing but not limited to impairment of contract rights of members of the**
30 **Public Employees Retirement System under Article I, section 21, of the**

1 **Oregon Constitution, or Article I, section 10, clause 1, of the United**
2 **States Constitution.**

3 **“(2) A person who is adversely affected by this 2017 Act or who will**
4 **be adversely affected by this 2017 Act may institute a proceeding for**
5 **review by filing with the Supreme Court a petition that meets the**
6 **following requirements:**

7 **“(a) The petition must be filed within 60 days after the effective**
8 **date of this 2017 Act.**

9 **“(b) The petition must include the following:**

10 **“(A) A statement of the basis of the challenge; and**

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

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

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

18 **“(5) The Supreme Court shall allow public employers participating**
19 **in the Public Employees Retirement System to intervene in any pro-**
20 **ceeding under this section.**

21 **“(6)(a) The Supreme Court shall allow members of the Legislative**
22 **Assembly to intervene in any proceeding relating to this 2017 Act. Af-**
23 **ter a member intervenes in a proceeding relating to this 2017 Act, the**
24 **member has standing to participate in the proceeding even if the**
25 **member ceases to be a member of the Legislative Assembly.**

26 **“(b) A member of the Senate or the House of Representatives who**
27 **intervenes in a proceeding under this subsection may not use public**
28 **funds to pay legal expenses incurred in intervening in or participating**
29 **in the proceeding.**

30 **“(7) In the event the Supreme Court determines that there are**

1 **factual issues in the petition, the Supreme Court may appoint a special**
2 **master to hear evidence and to prepare recommended findings of fact.**

3 **“(8) The Supreme Court may not award attorney fees to a petitioner**
4 **in a proceeding under this section.**

5 **“SECTION 5. This 2017 Act being necessary for the immediate**
6 **preservation of the public peace, health and safety, an emergency is**
7 **declared to exist, and this 2017 Act takes effect on its passage.”.**

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