

# DRAFT

## SUMMARY

Digest: The Act makes district attorneys police officers under PERS. The Act lowers the age at which some police and firefighters can retire. The Act makes a new class of employees in PERS for people who work in hazardous positions. The Act allows those people to retire earlier with higher pensions. (Flesch Readability Score: 63.8).

Provides that district attorneys qualify as police officers under the Public Employees Retirement System.

Lowers the normal retirement age for police officers and firefighters under the Oregon Public Service Retirement Plan.

Establishes a new class of hazardous positions under the Public Employees Retirement System and provides increased retirement benefits to members employed in hazardous positions.

## A BILL FOR AN ACT

1  
2 Relating to adjustments in classifications under the Public Employees Re-  
3 tirement System; creating new provisions; amending ORS 238.005,  
4 238A.005, 238A.125, 238A.134, 238A.160, 238A.220, 238A.240, 338.135, 352.138  
5 and 353.100.

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

7 **SECTION 1.** ORS 238.005 is amended to read:

8 238.005. For purposes of this chapter:

9 (1) “Active member” means a member who is presently employed by a  
10 participating public employer in a qualifying position and who has completed  
11 the six-month period of service required by ORS 238.015.

12 (2) “Annuity” means payments for life derived from contributions made  
13 by a member as provided in this chapter.

14 (3) “Board” means the Public Employees Retirement Board.

1 (4) "Calendar year" means 12 calendar months commencing on January 1  
2 and ending on December 31 following.

3 (5) "Continuous service" means service not interrupted for more than five  
4 years, except that such continuous service shall be computed without regard  
5 to interruptions in the case of:

6 (a) An employee who had returned to the service of the employer as of  
7 January 1, 1945, and who remained in that employment until having estab-  
8 lished membership in the Public Employees Retirement System.

9 (b) An employee who was in the armed services on January 1, 1945, and  
10 returned to the service of the employer within one year of the date of being  
11 otherwise than dishonorably discharged and remained in that employment  
12 until having established membership in the Public Employees Retirement  
13 System.

14 (6) "Creditable service" means any period of time during which an active  
15 member is being paid a salary by a participating public employer and for  
16 which benefits under this chapter are funded by employer contributions and  
17 earnings on the fund. For purposes of computing years of "creditable  
18 service," full months and major fractions of a month shall be considered to  
19 be one-twelfth of a year and shall be added to all full years. "Creditable  
20 service" includes all retirement credit received by a member.

21 (7) "Earliest service retirement age" means the age attained by a member  
22 when the member could first make application for retirement under the pro-  
23 visions of ORS 238.280.

24 (8) "Employee" means a person who performs services for a participating  
25 public employer, including persons considered employees of a participating  
26 public employer under 26 U.S.C. 3121(d)(2), as in effect on December 31, 2019,  
27 and public officers. "Employee" does not include:

28 (a) Persons engaged as independent contractors.

29 (b) Seasonal, emergency or casual workers whose periods of employment  
30 with any public employer or public employers do not total 600 hours in any  
31 calendar year.

1 (c) Persons provided sheltered employment or made-work by a public em-  
2 ployer in an employment or industries program maintained for the benefit  
3 of such persons.

4 (d) Persons employed and paid from federal funds received under a federal  
5 program intended primarily to alleviate unemployment. However, any such  
6 person shall be considered an “employee” if not otherwise excluded by para-  
7 graphs (a) to (c) of this subsection and the public employer elects to have  
8 the person so considered by an irrevocable written notice to the board.

9 (e) Persons who are employees of a railroad, as defined in ORS 824.020,  
10 and who, as such employees, are included in a retirement plan under federal  
11 railroad retirement statutes. This paragraph shall be deemed to have been  
12 in effect since the inception of the system.

13 (f) Persons employed in positions classified as post-doctoral scholar posi-  
14 tions by a public university listed in ORS 352.002, or by the Oregon Health  
15 and Science University, under ORS 350.370.

16 (9) “Final average salary” means whichever of the following is greater:

17 (a) The average salary per calendar year paid by one or more participat-  
18 ing public employers to an employee who is an active member of the system  
19 in three of the calendar years of membership before the effective date of re-  
20 tirement of the employee, in which three years the employee was paid the  
21 highest salary. The three calendar years in which the employee was paid the  
22 largest total salary may include calendar years in which the employee was  
23 employed for less than a full calendar year. If the number of calendar years  
24 of active membership before the effective date of retirement of the employee  
25 is three or fewer, the final average salary for the employee is the average  
26 salary per calendar year paid by one or more participating public employers  
27 to the employee in all of those years, without regard to whether the em-  
28 ployee was employed for the full calendar year.

29 (b) One-third of the total salary paid by a participating public employer  
30 to an employee who is an active member of the system in the last 36 calendar  
31 months of active membership before the effective date of retirement of the

1 employee.

2 (10) “Firefighter” does not include a volunteer firefighter, but does in-  
3 clude:

4 (a) The State Fire Marshal, the chief deputy fire marshal and deputy state  
5 fire marshals;

6 (b) An employee of the State Fire Marshal whose primary duties include  
7 fire investigation, fire prevention, fire safety, fire control or fire suppression;

8 (c) An employee of the State Forestry Department who is certified by the  
9 State Forester as a professional wildland firefighter and whose primary du-  
10 ties include the abatement of uncontrolled fires as described in ORS 477.064;  
11 and

12 (d) An employee of the Oregon Military Department whose primary duties  
13 include fighting structural, aircraft, wildland or other fires.

14 (11) “Fiscal year” means 12 calendar months commencing on July 1 and  
15 ending on June 30 following.

16 (12) “Fund” means the Public Employees Retirement Fund.

17 (13) “Inactive member” means a member who is not employed in a quali-  
18 fying position, whose membership has not been terminated in the manner  
19 described by ORS 238.095 and who is not retired for service or disability.

20 (14) “Institution of higher education” means a public university listed in  
21 ORS 352.002, the Oregon Health and Science University and a community  
22 college, as defined in ORS 341.005.

23 (15) “Member” means a person who has established membership in the  
24 system and whose membership has not been terminated as described in ORS  
25 238.095. “Member” includes active, inactive and retired members.

26 (16) “Member account” means the regular account and the variable ac-  
27 count.

28 (17) “Normal retirement age” means:

29 (a) For a person who establishes membership in the system before January  
30 1, 1996, as described in ORS 238.430, 55 years of age if the employee retires  
31 at that age as a police officer or firefighter or 58 years of age if the employee

1 retires at that age as other than a police officer or firefighter.

2 (b) For a person who establishes membership in the system on or after  
3 January 1, 1996, as described in ORS 238.430, 55 years of age if the employee  
4 retires at that age as a police officer or firefighter or 60 years of age if the  
5 employee retires at that age as other than a police officer or firefighter.

6 (18) "Pension" means annual payments for life derived from contributions  
7 by one or more public employers.

8 (19) "Police officer" includes:

9 (a) Employees of institutions defined in ORS 421.005 as Department of  
10 Corrections institutions whose duties, as assigned by the Director of the  
11 Department of Corrections, include the custody of persons committed to the  
12 custody of or transferred to the Department of Corrections and employees  
13 of the Department of Corrections who were classified as police officers on  
14 or before July 27, 1989, whether or not such classification was authorized  
15 by law.

16 (b) Employees of the Department of State Police who are classified as  
17 police officers by the Superintendent of State Police.

18 (c) Employees of the Oregon Liquor and Cannabis Commission who are  
19 classified as regulatory specialists by the administrator of the commission.

20 (d) Sheriffs and those deputy sheriffs or other employees of a sheriff  
21 whose duties, as classified by the sheriff, are the regular duties of police  
22 officers or corrections officers.

23 (e) Police chiefs and police personnel of a city who are classified as police  
24 officers by the council or other governing body of the city.

25 (f) Police officers who are commissioned by a university under ORS  
26 352.121 or 353.125 and who are classified as police officers by the university.

27 (g) Parole and probation officers employed by the Department of Cor-  
28 rections, parole and probation officers who are transferred to county em-  
29 ployment under ORS 423.549 and adult parole and probation officers, as  
30 defined in ORS 181A.355, who are classified as police officers for the pur-  
31 poses of this chapter by the county governing body. If a county classifies

1 adult parole and probation officers as police officers for the purposes of this  
2 chapter, and the employees so classified are represented by a labor organ-  
3 ization, any proposal by the county to change that classification or to cease  
4 to classify adult parole and probation officers as police officers for the pur-  
5 poses of this chapter is a mandatory subject of bargaining.

6 (h) Police officers appointed under ORS 276.021 or 276.023.

7 (i) Employees of the Port of Portland who are classified as airport police  
8 by the Board of Commissioners of the Port of Portland.

9 (j) Employees of the State Department of Agriculture who are classified  
10 as livestock police officers by the Director of Agriculture.

11 (k) Employees of the Department of Public Safety Standards and Training  
12 who are classified by the department as other than secretarial or clerical  
13 personnel.

14 (L) Investigators of the Criminal Justice Division of the Department of  
15 Justice.

16 (m) Corrections officers as defined in ORS 181A.355.

17 (n) Employees of the Oregon State Lottery Commission who are classified  
18 by the Director of the Oregon State Lottery as enforcement agents pursuant  
19 to ORS 461.110.

20 (o) The Director of the Department of Corrections.

21 (p) An employee who for seven consecutive years has been classified as  
22 a police officer as defined by this section, and who is employed or transferred  
23 by the Department of Corrections to fill a position designated by the Direc-  
24 tor of the Department of Corrections as being eligible for police officer sta-  
25 tus.

26 (q) An employee of the Department of Corrections classified as a police  
27 officer on or prior to July 27, 1989, whether or not that classification was  
28 authorized by law, as long as the employee remains in the position held on  
29 July 27, 1989. The initial classification of an employee under a system im-  
30 plemented pursuant to ORS 240.190 does not affect police officer status.

31 (r) Employees of a school district who are appointed and duly sworn

1 members of a law enforcement agency of the district as provided in ORS  
2 332.531 or otherwise employed full-time as police officers commissioned by  
3 the district.

4 (s) Employees at youth correction facilities and juvenile detention facili-  
5 ties under ORS 419A.050, 419A.052 and 420.005 to 420.915 who are required  
6 to hold valid Oregon teaching licenses and who have supervisory, control or  
7 teaching responsibilities over juveniles committed to the custody of the De-  
8 partment of Corrections or the Oregon Youth Authority.

9 (t) Employees at youth correction facilities as defined in ORS 420.005  
10 whose primary job description involves the custody, control, treatment, in-  
11 vestigation or supervision of juveniles placed in such facilities.

12 (u) Employees of the Oregon Youth Authority who are classified as juve-  
13 nile parole and probation officers.

14 (v) Employees of the Department of Human Services who are prohibited  
15 from striking under ORS 243.726 and whose duties include the care of resi-  
16 dents of residential facilities, as defined in ORS 443.400, that house individ-  
17 uals with intellectual or developmental disabilities.

18 (w) Employees appointed as judicial marshals under ORS 1.177 who are  
19 certified under ORS 181A.540.

20 (x) Certified parole and probation officers employed by the State Board  
21 of Parole and Post-Prison Supervision.

22 (y) **District attorneys and** deputy district attorneys.

23 (20) "Prior service credit" means credit provided under ORS 238.442 or  
24 under ORS 238.225 (2) to (6) (1999 Edition).

25 (21) "Public employer" means the state, one of its agencies or any city,  
26 county, municipal or public corporation, political subdivision of the state or  
27 instrumentality thereof, or an agency created by one or more such govern-  
28 mental organizations to provide governmental services. For purposes of this  
29 chapter, such agency created by one or more governmental organizations is  
30 a governmental instrumentality and a legal entity with power to enter into  
31 contracts, hold property and sue and be sued.

1 (22) “Qualifying position” means one or more jobs with one or more par-  
2 ticipating public employers in which an employee performs 600 or more hours  
3 of service in a full calendar year, or would perform 600 or more hours of  
4 service if the employee were employed for the full calendar year, excluding  
5 any service in a job for which a participating public employer does not pro-  
6 vide benefits under this chapter pursuant to an application made under ORS  
7 238.035.

8 (23) “Regular account” means the account established for each active and  
9 inactive member under ORS 238.250.

10 (24) “Retired member” means a member who is retired for service or dis-  
11 ability.

12 (25) “Retirement credit” means a period of time that is treated as credit-  
13 able service for the purposes of this chapter.

14 (26)(a) “Salary” means the remuneration paid an employee in cash out of  
15 the funds of a public employer in return for services to the employer, plus  
16 the monetary value, as determined by the Public Employees Retirement  
17 Board, of whatever living quarters, board, lodging, fuel, laundry and other  
18 advantages the employer furnishes the employee in return for services.

19 (b) “Salary” includes but is not limited to:

20 (A) Payments of employee and employer money into a deferred compen-  
21 sation plan, which are deemed salary paid in each month of deferral;

22 (B) The amount of participation in a tax-sheltered or deferred annuity,  
23 which is deemed salary paid in each month of participation;

24 (C) Retroactive payments described in ORS 238.008;

25 (D) Wages of a deceased member paid to a surviving spouse or dependent  
26 children under ORS 652.190; and

27 (E) The full amount of required employee contributions under ORS  
28 238A.330 that are paid by the employer on behalf of its employees under ORS  
29 238A.335 (2)(b), solely for the purpose of computing a member’s final average  
30 salary, and not for any other purpose.

31 (c) “Salary” or “other advantages” does not include:



1 (A) Travel or any other expenses incidental to employer's business which  
2 is reimbursed by the employer;

3 (B) Payments for insurance coverage by an employer on behalf of em-  
4 ployee or employee and dependents, for which the employee has no cash op-  
5 tion;

6 (C) Payments made on account of an employee's death;

7 (D) Any lump sum payment for accumulated unused sick leave;

8 (E) Any accelerated payment of an employment contract for a future pe-  
9 riod or an advance against future wages;

10 (F) Any retirement incentive, retirement severance pay, retirement bonus  
11 or retirement gratuitous payment;

12 (G) Payments for periods of leave of absence after the date the employer  
13 and employee have agreed that no future services qualifying pursuant to ORS  
14 238.015 (3) will be performed, except for sick leave and vacation;

15 (H) Payments for instructional services rendered to public universities  
16 listed in ORS 352.002 or the Oregon Health and Science University when  
17 such services are in excess of full-time employment subject to this chapter.  
18 A person employed under a contract for less than 12 months is subject to this  
19 subparagraph only for the months to which the contract pertains;

20 (I) Payments made by an employer for insurance coverage provided to a  
21 domestic partner of an employee;

22 (J) Compensation described and authorized under ORS 341.556 that is not  
23 paid by the community college employing the faculty member;

24 (K) Compensation described and authorized under ORS 352.232 that is not  
25 paid by the public university employing the officer or employee;

26 (L) Compensation described and authorized under ORS 353.270 that is not  
27 paid by Oregon Health and Science University; or

28 (M) For years beginning on or after January 1, 2020, any amount in excess  
29 of \$195,000 for a calendar year. If any period over which salary is determined  
30 is less than 12 months, the \$195,000 limitation for that period shall be  
31 multiplied by a fraction, the numerator of which is the number of months in

1 the determination period and the denominator of which is 12. On January 1  
2 of each year, the board shall adjust the dollar limit provided by this sub-  
3 paragraph to reflect any percentage changes in the Consumer Price Index for  
4 All Urban Consumers, West Region (All Items), as published by the Bureau  
5 of Labor Statistics of the United States Department of Labor.

6 (27) "School year" means the period beginning July 1 and ending June 30  
7 next following.

8 (28) "System" means the Public Employees Retirement System.

9 (29) "Variable account" means the account established for a member who  
10 participates in the Variable Annuity Account under ORS 238.260.

11 (30) "Vested" means being an active member of the system in each of five  
12 calendar years.

13 (31) "Volunteer firefighter" means a firefighter whose position normally  
14 requires less than 600 hours of service per year.

15 **SECTION 2.** ORS 238A.005 is amended to read:

16 238A.005. For the purposes of this chapter:

17 (1) "Active member" means a member of the pension program or the in-  
18 dividual account program of the Oregon Public Service Retirement Plan who  
19 is actively employed in a qualifying position.

20 (2) "Actuarial equivalent" means a payment or series of payments having  
21 the same value as the payment or series of payments replaced, computed on  
22 the basis of interest rate and mortality assumptions adopted by the board.

23 (3) "Board" means the Public Employees Retirement Board.

24 (4) "Eligible employee" means a person who performs services for a par-  
25 ticipating public employer, including persons considered employees of a par-  
26 ticipating public employer under 26 U.S.C. 3121(d)(2), as in effect on January  
27 1, 2023, and elected officials other than judges. "Eligible employee" does not  
28 include:

29 (a) Persons engaged as independent contractors;

30 (b) Aliens working under a training or educational visa;

31 (c) Persons provided sheltered employment or make-work by a public em-

1 ployer;

2 (d) Persons categorized by a participating public employer as student  
3 employees;

4 (e) Any person who is in custody in a state institution;

5 (f) Employees of foreign trade offices of the Oregon Business Development  
6 Department who live and perform services in foreign countries under the  
7 provisions of ORS 285A.075 (1)(g);

8 (g) An employee actively participating in an alternative retirement pro-  
9 gram established under ORS 353.250 or an optional retirement plan estab-  
10 lished under ORS 341.551;

11 (h) Employees of a public university listed in ORS 352.002 who are ac-  
12 tively participating in an optional retirement plan offered under ORS 243.815;

13 (i) Persons employed in positions classified as post-doctoral scholar posi-  
14 tions by a public university listed in ORS 352.002, or by the Oregon Health  
15 and Science University, under ORS 350.370;

16 (j) Any employee who belongs to a class of employees that was not eligi-  
17 ble on August 28, 2003, for membership in the system under the provisions  
18 of ORS chapter 238 or other law;

19 (k) Any person who belongs to a class of employees who are not eligible  
20 to become members of the Oregon Public Service Retirement Plan under the  
21 provisions of ORS 238A.070 (2);

22 (L) Any person who is retired under ORS 238A.100 to 238A.250 or ORS  
23 chapter 238 and who continues to receive retirement benefits while employed;  
24 and

25 (m) Judges.

26 (5) "Firefighter" means:

27 (a) A person employed by a local government, as defined in ORS 174.116,  
28 whose primary job duties include the fighting of fires;

29 (b) The State Fire Marshal, chief deputy state fire marshals and deputy  
30 state fire marshals;

31 (c) An employee of the State Fire Marshal whose primary duties include

1 fire investigation, fire prevention, fire safety, fire control or fire suppression;

2 (d) An employee of the State Forestry Department who is certified by the  
3 State Forester as a professional wildland firefighter and whose primary du-  
4 ties include the abatement of uncontrolled fires as described in ORS 477.064;  
5 and

6 (e) An employee of the Oregon Military Department whose primary duties  
7 include fighting structural, aircraft, wildland or other fires.

8 (6) “Fund” means the Public Employees Retirement Fund.

9 **(7)(a) “Hazardous position” means a position that does not meet the**  
10 **definition of a qualified public safety employee under section**  
11 **72(t)(10)(B) of the Internal Revenue Code, but that:**

12 **(A) Requires the person holding the position to work with or man-**  
13 **age emergency or traumatic events in the regular course of work; or**

14 **(B) Carries a high risk of physical harm.**

15 **(b) “Hazardous position” includes and is limited to:**

16 **(A) Employees of the Oregon State Hospital who have direct contact**  
17 **with patients; and**

18 **(B) Telecommunicators, as defined in ORS 181A.355.**

19 [(7)(a)] **(8)(a) “Hour of service” means:**

20 (A) An hour for which an eligible employee is directly or indirectly paid  
21 or entitled to payment by a participating public employer for performance  
22 of duties in a qualifying position; and

23 (B) An hour of vacation, holiday, illness, incapacity, jury duty, military  
24 duty or authorized leave during which an employee does not perform duties  
25 but for which the employee is directly or indirectly paid or entitled to pay-  
26 ment by a participating public employer for services in a qualifying position,  
27 as long as the hour is within the number of hours regularly scheduled for  
28 the performance of duties during the period of vacation, holiday, illness, in-  
29 capacity, jury duty, military duty or authorized leave.

30 (b) “Hour of service” does not include any hour for which payment is  
31 made or due under a plan maintained solely for the purpose of complying

1 with applicable unemployment compensation laws.

2 [(8)] (9) “Inactive member” means a member of the pension program or  
3 the individual account program of the Oregon Public Service Retirement  
4 Plan whose membership has not been terminated, who is not a retired mem-  
5 ber and who is not employed in a qualifying position.

6 [(9)] (10) “Individual account program” means the defined contribution  
7 individual account program of the Oregon Public Service Retirement Plan  
8 established under ORS 238A.025.

9 [(10)] (11) “Institution of higher education” means a public university  
10 listed in ORS 352.002, the Oregon Health and Science University or a com-  
11 munity college, as defined in ORS 341.005.

12 [(11)] (12) “Member” means an eligible employee who has established  
13 membership in the pension program or the individual account program of the  
14 Oregon Public Service Retirement Plan and whose membership has not been  
15 terminated under ORS 238A.110 or 238A.310.

16 [(12)] (13) “Participating public employer” means a public employer as  
17 defined in ORS 238.005 that provides retirement benefits for employees of the  
18 public employer under the system.

19 [(13)] (14) “Pension program” means the defined benefit pension program  
20 of the Oregon Public Service Retirement Plan established under ORS  
21 238A.025.

22 [(14)] (15) “Police officer” means a police officer as described in ORS  
23 238.005.

24 [(15)] (16) “Qualifying position” means one or more jobs with one or more  
25 participating public employers in which an eligible employee performs 600  
26 or more hours of service in a full calendar year, or would perform 600 or  
27 more hours of service if the employee were employed for the full calendar  
28 year, excluding any service in a job for which benefits are not provided un-  
29 der the Oregon Public Service Retirement Plan pursuant to ORS 238A.070 (2).

30 [(16)] (17) “Retired member” means a pension program member who is  
31 receiving a pension as provided in ORS 238A.180 to 238A.195.

1       [(17)(a)] **(18)(a)** “Salary” means the remuneration paid to an active mem-  
2 ber in return for services to the participating public employer, including  
3 remuneration in the form of living quarters, board or other items of value,  
4 to the extent the remuneration is, or would be if the member were an Oregon  
5 resident, includable in the employee’s taxable income under Oregon law.  
6 “Salary” includes the additional amounts specified in paragraph (b) of this  
7 subsection, but does not include the amounts specified in paragraph (c) of  
8 this subsection, regardless of whether those amounts are includable in taxa-  
9 ble income.

10       (b) “Salary” includes the following amounts:

11       (A) Payments of employee and employer money into a deferred compen-  
12 sation plan that are made at the election of the employee.

13       (B) Contributions to a tax-sheltered or deferred annuity that are made at  
14 the election of the employee.

15       (C) Any amount that is contributed to a cafeteria plan or qualified  
16 transportation fringe benefit plan by the employer at the election of the  
17 employee and that is not includable in the taxable income of the employee  
18 by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on December 31, 2022.

19       (D) Any amount that is contributed to a cash or deferred arrangement by  
20 the employer at the election of the employee and that is not included in the  
21 taxable income of the employee by reason of 26 U.S.C. 402(e)(3), as in effect  
22 on December 31, 2022.

23       (E) Retroactive payments described in ORS 238.008.

24       (F) The amount of an employee contribution to the individual account  
25 program that is paid by the employer and deducted from the compensation  
26 of the employee, as provided under ORS 238A.335 (1) and (2)(a).

27       (G) The amount of an employee contribution to the individual account  
28 program that is not paid by the employer under ORS 238A.335.

29       (H) Wages of a deceased member paid to a surviving spouse or dependent  
30 children under ORS 652.190.

31       (c) “Salary” does not include the following amounts:

1 (A) Travel or any other expenses incidental to employer's business which  
2 is reimbursed by the employer.

3 (B) Payments made on account of an employee's death.

4 (C) Any lump sum payment for accumulated unused sick leave, vacation  
5 leave or other paid leave.

6 (D) Any severance payment, accelerated payment of an employment con-  
7 tract for a future period or advance against future wages.

8 (E) Any retirement incentive, retirement bonus or retirement gratuitous  
9 payment.

10 (F) Payment for a leave of absence after the date the employer and em-  
11 ployee have agreed that no future services in a qualifying position will be  
12 performed.

13 (G) Payments for instructional services rendered to public universities  
14 listed in ORS 352.002 or the Oregon Health and Science University when  
15 those services are in excess of full-time employment subject to this chapter.  
16 A person employed under a contract for less than 12 months is subject to this  
17 subparagraph only for the months covered by the contract.

18 (H) The amount of an employee contribution to the individual account  
19 program that is paid by the employer and is not deducted from the compen-  
20 sation of the employee, as provided under ORS 238A.335 (1) and (2)(b).

21 (I) Compensation described and authorized under ORS 341.556 that is not  
22 paid by the community college employing the faculty member.

23 (J) Compensation described and authorized under ORS 352.232 that is not  
24 paid by the public university employing the officer or employee.

25 (K) Compensation described and authorized under ORS 353.270 that is not  
26 paid by Oregon Health and Science University.

27 (L) For years before 2020, any amount in excess of \$200,000 for a calendar  
28 year. If any period over which salary is determined is less than 12 months,  
29 the \$200,000 limitation for that period shall be multiplied by a fraction, the  
30 numerator of which is the number of months in the determination period and  
31 the denominator of which is 12. The board shall adopt rules adjusting this

1 dollar limit to incorporate cost-of-living adjustments authorized by the  
2 Internal Revenue Service.

3 (M) For years beginning on or after January 1, 2020, any amount in excess  
4 of \$195,000 for a calendar year. If any period over which salary is determined  
5 is less than 12 months, the \$195,000 limitation for that period shall be  
6 multiplied by a fraction, the numerator of which is the number of months in  
7 the determination period and the denominator of which is 12. On January 1  
8 of each year, the board shall adjust the dollar limit provided by this sub-  
9 paragraph to reflect any percentage changes in the Consumer Price Index for  
10 All Urban Consumers, West Region (All Items), as published by the Bureau  
11 of Labor Statistics of the United States Department of Labor.

12 [(18)] (19) "System" means the Public Employees Retirement System.

13 [(19)] (20) "Workers' compensation benefits" means:

14 (a) Payments made under ORS chapter 656; or

15 (b) Payments provided in lieu of workers' compensation benefits under  
16 ORS 656.027 (6).

17 **SECTION 3.** ORS 238A.125 is amended to read:

18 238A.125. (1) Upon retiring at normal retirement age, a vested pension  
19 program member shall be paid an annual pension for the life of the member  
20 as follows:

21 (a) For service as a police officer or firefighter, 1.8 percent of final aver-  
22 age salary multiplied by the number of years of retirement credit attributable  
23 to service as a police officer or firefighter.

24 **(b) For service in a hazardous position, 1.8 percent of final average**  
25 **salary multiplied by the number of years of retirement credit attrib-**  
26 **utable to service in a hazardous position.**

27 [(b)] (c) For service as other than a police officer or firefighter **or in a**  
28 **hazardous position**, 1.5 percent of final average salary multiplied by the  
29 number of years of retirement credit attributable to service as other than a  
30 police officer or firefighter **or in a hazardous position.**

31 (2) Notwithstanding any provision of ORS 238A.100 to 238A.250, the an-



1 nual benefit payable to a member under the pension program and under any  
2 other tax-qualified defined benefit plan maintained by the participating pub-  
3 lic employer may not exceed the applicable limitations set forth in 26 U.S.C.  
4 415(b), as in effect on December 31, 2022. The Public Employees Retirement  
5 Board shall adopt rules for the administration of this limitation, including  
6 adjustments in the annual dollar limitation to reflect cost-of-living adjust-  
7 ments authorized by the Internal Revenue Service.

8 (3) The board shall make no actuarial adjustment in a member's pension  
9 calculated under this section by reason of the member's retirement after  
10 normal retirement age.

11 **SECTION 4.** ORS 238A.160 is amended to read:

12 238A.160. (1) Except as provided in subsections (2) and (3) of this section,  
13 normal retirement age for a member of the pension program is the earlier  
14 of:

15 (a) 65 years of age; or

16 (b) 58 years of age if the member has 30 years or more of retirement  
17 credit.

18 (2)(a) Normal retirement age for a member of the pension program who  
19 retires from service as a police officer or firefighter, and whose last 60  
20 months of retirement credit preceding retirement eligibility under this sec-  
21 tion is classified as retirement credit for service as a police officer or a  
22 firefighter, is the earlier of:

23 (A) [60] **55** years of age; or

24 (B) 53 years of age if the member has 25 years or more of retirement  
25 credit.

26 (b) A member who establishes retirement eligibility under this subsection  
27 retains retirement eligibility as a police officer or firefighter, even if the  
28 member performs service thereafter only as other than a police officer or  
29 firefighter.

30 (c) A period of leave from a position as a police officer or firefighter for  
31 which a member is entitled to retirement credit for service as a police officer

1 or firefighter and which is part of the member's last 60 months of retirement  
2 credit preceding retirement eligibility under this section shall be counted as  
3 part of the last 60 months of retirement credit required for retirement eligi-  
4 bility under this section.

5 (d) Retirement credit for a month in which a member performs service as  
6 both a police officer or firefighter and as other than a police officer or fire-  
7 fighter shall be classified as retirement credit for service as a police officer  
8 or firefighter for purposes of this section.

9 (e) A member employed as a police officer or firefighter is not required  
10 to restart the last 60 months of retirement credit required for retirement el-  
11 igibility under this section when the member:

12 (A) Is on unpaid leave from the member's position as a police officer or  
13 firefighter and is receiving insurance payments for short-term or long-term  
14 disability for which retirement credit is not available under ORS 238A.155;  
15 and

16 (B) Is concurrently employed and performing service as other than a po-  
17 lice officer or firefighter.

18 (3) Normal retirement age for a member of the pension program who re-  
19 tires from service as a school employee as defined by ORS 238A.140 is the  
20 earlier of:

21 (a) 65 years of age; or

22 (b) 58 years of age if the member has been an active member in 30 or more  
23 calendar years.

24 (4) The normal retirement date of a member is the first day of the month  
25 beginning on or after the date the member reaches normal retirement age.

26 **SECTION 5.** ORS 238A.160, as amended by section 4 of this 2024 Act, is  
27 amended to read:

28 238A.160. (1) Except as provided in subsections (2) [*and* (3)] **to** (4) of this  
29 section, normal retirement age for a member of the pension program is the  
30 earlier of:

31 (a) 65 years of age; or

1 (b) 58 years of age if the member has 30 years or more of retirement  
2 credit.

3 (2)(a) Normal retirement age for a member of the pension program who  
4 retires from service as a police officer or firefighter, and whose last 60  
5 months of retirement credit preceding retirement eligibility under this sec-  
6 tion is classified as retirement credit for service as a police officer or a  
7 firefighter, is the earlier of:

8 (A) 55 years of age; or

9 (B) 53 years of age if the member has 25 years or more of retirement  
10 credit.

11 (b) A member who establishes retirement eligibility under this subsection  
12 retains retirement eligibility as a police officer or firefighter, even if the  
13 member performs service thereafter only as other than a police officer or  
14 firefighter.

15 (c) A period of leave from a position as a police officer or firefighter for  
16 which a member is entitled to retirement credit for service as a police officer  
17 or firefighter and which is part of the member's last 60 months of retirement  
18 credit preceding retirement eligibility under this section shall be counted as  
19 part of the last 60 months of retirement credit required for retirement eli-  
20 gibility under this section.

21 (d) Retirement credit for a month in which a member performs service as  
22 both a police officer or firefighter and as other than a police officer or fire-  
23 fighter shall be classified as retirement credit for service as a police officer  
24 or firefighter for purposes of this section.

25 (e) A member employed as a police officer or firefighter is not required  
26 to restart the last 60 months of retirement credit required for retirement el-  
27 igibility under this section when the member:

28 (A) Is on unpaid leave from the member's position as a police officer or  
29 firefighter and is receiving insurance payments for short-term or long-term  
30 disability for which retirement credit is not available under ORS 238A.155;  
31 and

1 (B) Is concurrently employed and performing service as other than a po-  
2 lice officer or firefighter.

3 **(3)(a) Normal retirement age for a member of the pension program**  
4 **who retires from service as a person in a hazardous position, and**  
5 **whose last 60 months of retirement credit preceding retirement eligi-**  
6 **bility under this section is classified as retirement credit for service**  
7 **in a hazardous position, is the earlier of:**

8 (A) 60 years of age; or

9 (B) 58 years of age if the member has 25 or more years of retirement  
10 credit.

11 (b) A member who establishes retirement eligibility under this  
12 subsection retains retirement eligibility as a person serving in a haz-  
13 ardous position, even if the member performs service thereafter only  
14 in other than a hazardous position.

15 (c) A period of leave from a hazardous position for which a member  
16 is entitled to retirement credit for service in a hazardous position and  
17 which is part of the member's last 60 months of retirement credit  
18 preceding retirement eligibility under this section shall be counted as  
19 part of the last 60 months of retirement credit required for retirement  
20 eligibility under this section.

21 (d) Retirement credit for a month in which a member performs  
22 service both in a hazardous position and in other than a hazardous  
23 position shall be classified as retirement credit for service in a haz-  
24 ardous position for purposes of this section.

25 (e) A member employed in a hazardous position is not required to  
26 restart the last 60 months of retirement credit required for retirement  
27 eligibility under this section when the member:

28 (A) Is on unpaid leave from the member's hazardous position and  
29 is receiving insurance payments for short-term or long-term disability  
30 for which retirement credit is not available under ORS 238A.155; and

31 (B) Is concurrently employed and performing service in other than

1 **a hazardous position.**

2 [(3)] (4) Normal retirement age for a member of the pension program who  
3 retires from service as a school employee as defined by ORS 238A.140 is the  
4 earlier of:

5 (a) 65 years of age; or

6 (b) 58 years of age if the member has been an active member in 30 or more  
7 calendar years.

8 [(4)] (5) The normal retirement date of a member is the first day of the  
9 month beginning on or after the date the member reaches normal retirement  
10 age.

11 **SECTION 6.** ORS 238A.220 is amended to read:

12 238A.220. (1) A participating public employer shall make employer con-  
13 tributions to the Public Employees Retirement Board at intervals designated  
14 by the board in the amounts determined by the board under ORS 238.225.  
15 All participating public employers shall be considered to be a single em-  
16 ployer for the purposes of the employer contributions under ORS 238.225 that  
17 are required for funding the pension program established under ORS  
18 238A.025.

19 (2) For the purpose of the actuarial computation required under ORS  
20 238.225, the board shall separately establish the liability of participating  
21 public employers for police officers and firefighters under the pension pro-  
22 gram and shall require that public employers that employ police officers and  
23 firefighters who are members of the pension program make contributions for  
24 those employees based on the liability established under this subsection.

25 **(3) For the purpose of the actuarial computation required under**  
26 **ORS 238.225, the board shall separately establish the liability of par-**  
27 **ticipating public employers for members in hazardous positions under**  
28 **the pension program and shall require that public employers that**  
29 **employ members in hazardous positions who are members of the pen-**  
30 **sion program make contributions for those employees based on the**  
31 **liability established under this subsection.**

1        **SECTION 7.** ORS 238A.240 is amended to read:

2        238A.240. (1) A participating public employer shall contribute to the pen-  
3 sion program, at intervals designated by the Public Employees Retirement  
4 Board, all amounts determined by the board to be actuarially necessary to  
5 adequately fund the disability benefits to be provided under ORS 238A.235  
6 and the reasonable costs of administering the provision of those benefits.  
7 The board shall periodically determine the liabilities attributable to the  
8 disability benefits and shall set the amount of contributions to be made by  
9 participating public employers, and by other public employers who are re-  
10 quired to make contributions on behalf of members, to ensure that those li-  
11 abilities will be funded no more than 40 years after the date on which the  
12 determination is made. All participating public employers shall be considered  
13 to be a single employer for the purposes of the contributions required under  
14 this section.

15        (2) For the purpose of the actuarial computation required under sub-  
16 section (1) of this section, the board shall separately establish the liability  
17 of participating public employers for police officers and firefighters, and  
18 shall require that public employers that employ police officers and firefight-  
19 ers make contributions for those employees based on the liability established  
20 under this section.

21        **(3) For the purpose of the actuarial computation required under**  
22 **subsection (1) of this section, the board shall separately establish the**  
23 **liability of participating public employers for members in hazardous**  
24 **positions, and shall require that public employers that employ mem-**  
25 **bers in hazardous positions make contributions for those employees**  
26 **based on the liability established under this section.**

27        **SECTION 8.** ORS 238A.134 is amended to read:

28        238A.134. For purposes of determining the salary, as defined in ORS  
29 238A.005 [(17)] (18), of an active member of the Public Employees Retirement  
30 System, a housing allowance paid to a member in return for services as a  
31 prison chaplain shall be treated as if it were includable in the member's

1 taxable income under Oregon law.

2 **SECTION 9.** ORS 338.135 is amended to read:

3 338.135. (1) Employee assignment to a public charter school shall be vol-  
4 untary.

5 (2)(a) A public charter school or the sponsor of the public charter school  
6 is considered the employer of any employees of the public charter school. If  
7 a school district board is not the sponsor of the public charter school, the  
8 school district board may not be the employer of the employees of the public  
9 charter school and the school district board may not collectively bargain  
10 with the employees of the public charter school. The public charter school  
11 governing body shall control the selection of employees at the public charter  
12 school.

13 (b) If a virtual public charter school or the sponsor of a virtual public  
14 charter school contracts with a for-profit entity to provide educational ser-  
15 vices through the virtual public charter school, the for-profit entity may not  
16 be the employer of any employees of the virtual public charter school unless:

17 (A) The employee is an administrator who does not have any teaching  
18 responsibilities; and

19 (B) Both the executive officer of the sponsor and the public charter school  
20 governing body approve employment by the for-profit entity. The executive  
21 officer or governing body may choose to grant approval under this subpara-  
22 graph:

23 (i) For all employees of the for-profit entity who meet the description in  
24 subparagraph (A) of this paragraph;

25 (ii) Based on the job categories of the employees who meet the description  
26 in subparagraph (A) of this paragraph; or

27 (iii) On a case-by-case basis for each employee who meets the description  
28 in subparagraph (A) of this paragraph.

29 (3) The school district board of the school district within which the public  
30 charter school is located shall grant a leave of absence to any employee who  
31 chooses to work in the public charter school. The length and terms of the

1 leave of absence shall be set by negotiated agreement or by board policy.  
2 However, the length of the leave of absence may not be less than two years  
3 unless:

4 (a) The charter of the public charter school is terminated or the public  
5 charter school is dissolved or closed during the leave of absence; or

6 (b) The employee and the school district board have mutually agreed to  
7 a different length of time.

8 (4) An employee of a public charter school operating within a school  
9 district who is granted a leave of absence from the school district and re-  
10 turns to employment with the school district shall retain seniority and ben-  
11 efits as an employee pursuant to the terms of the leave of absence.  
12 Notwithstanding ORS 243.650 to 243.809, a school district that was the em-  
13 ployer of an employee of a public charter school not operating within the  
14 school district may make provisions for the return of the employee to em-  
15 ployment with the school district.

16 (5)(a) For purposes of ORS chapters 238 and 238A, a public charter school  
17 shall be considered a public employer and as such shall participate in the  
18 Public Employees Retirement System.

19 (b) For purposes of determining the salary paid to an active member of  
20 the Public Employees Retirement System under ORS 238A.005 [(17)] **(18)**  
21 during the period between August 29, 2003, and January 1, 2020,  
22 remuneration paid to a member in return for services to a public charter  
23 school is deemed includable in the member's taxable income under Oregon  
24 law during a period of continuous employment with any public charter  
25 school if:

26 (A) The member was hired in a qualifying position by any public charter  
27 school on or after August 29, 2003;

28 (B) The member was informed in writing by the public charter school  
29 during the period of continuous employment that the member was eligible  
30 to participate in the Public Employees Retirement System and the public  
31 charter school made contributions to the system on the member's behalf;



1 (C) The remuneration was, or would have been if the member were an  
2 Oregon resident, includable in the member's taxable income under Oregon  
3 law during the period of continuous employment; and

4 (D) The member resided and performed services in the United States  
5 during the period of continuous employment.

6 (c) As used in this subsection, "continuous employment" means employ-  
7 ment with a public charter school that is not interrupted by a period of more  
8 than 30 consecutive calendar days.

9 (6) For teacher licensing, employment experience in public charter schools  
10 shall be considered equivalent to experience in public schools.

11 (7)(a) Any person employed as an administrator in a public charter school  
12 shall be licensed or registered to administer by the Teacher Standards and  
13 Practices Commission.

14 (b) Any person employed as a teacher in a public charter school shall be  
15 licensed or registered to teach by the commission.

16 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-  
17 half of the total full-time equivalent (FTE) teaching and administrative staff  
18 at the public charter school shall be licensed by the commission pursuant to  
19 ORS 342.125.

20 (8) Notwithstanding ORS 243.650, a public charter school shall be con-  
21 sidered a school district for purposes of ORS 243.650 to 243.809. An employee  
22 of a public charter school may be a member of a labor organization or or-  
23 ganize with other employees to bargain collectively. Bargaining units at the  
24 public charter school may be separate from other bargaining units of the  
25 sponsor or of the school district in which the public charter school is lo-  
26 cated. Employees of a public charter school may be part of the bargaining  
27 units of the sponsor or of the school district in which the public charter  
28 school is located.

29 (9) An entity described in ORS 338.005 (4) may not waive the right to  
30 sponsor a public charter school in a collective bargaining agreement.

31 **SECTION 10.** ORS 352.138 is amended to read:

1 352.138. (1) The following entities are not subject to any provision of law  
2 enacted after January 1, 2013, that is unique to governmental entities unless  
3 the following entities are expressly named:

4 (a) A public university listed in ORS 352.002; and

5 (b) Any not-for-profit organization or other entity if the equity of the  
6 entity is owned or controlled exclusively by a public university and if the  
7 organization or entity is created by the university to advance any of the  
8 university's statutory missions.

9 (2) Notwithstanding subsection (1) of this section and ORS 352.033, the  
10 provisions of ORS 30.260 to 30.460, 33.710, 33.720, 200.005 to 200.025, 200.045  
11 to 200.090, 236.605 to 236.640, 279.835, 279.840, 279.850 and 297.040 and ORS  
12 chapters 35, 190, 192 and 244 apply to a public university listed in ORS  
13 352.002 under the same terms as they apply to public bodies other than the  
14 state.

15 (3) Except as otherwise provided by law, the provisions of ORS 35.550 to  
16 35.575, 180.060, 180.210 to 180.235, 184.305 to 184.345, 190.480, 190.490, 200.035,  
17 243.696, 357.805 to 357.895 and 656.017 (2) and ORS chapters 182, 183, 240, 270,  
18 273, 276, 278, 279A, 279B, 279C, 282, 283, 291, 292, 293, 294, 295 and 297 do not  
19 apply to a public university listed in ORS 352.002.

20 (4)(a) Notwithstanding subsections (1) and (3) of this section and ORS  
21 352.033, ORS 240.167, 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825,  
22 279C.827, 279C.830, 279C.835, 279C.836, 279C.838, 279C.840, 279C.845, 279C.850,  
23 279C.855, 279C.860, 279C.865, 279C.870 and 292.043 apply to a public univer-  
24 sity listed in ORS 352.002 under the same terms as they apply to public  
25 bodies other than the state.

26 (b) Notwithstanding subsections (1) and (3) of this section, ORS 279C.800  
27 to 279C.870 apply to an agreement under the terms of which a private entity  
28 constructs, reconstructs, renovates or paints an improvement on real prop-  
29 erty owned by a public university listed in ORS 352.002 or by a not-for-profit  
30 organization or other entity that a public university owns or controls ex-  
31 clusively.

1 (5) Notwithstanding subsection (2) of this section, ORS 190.430 and 192.105  
2 do not apply to a public university listed in ORS 352.002 or any organization  
3 or other entity described in subsection (1) of this section.

4 (6)(a) Notwithstanding ORS 352.033, except as set forth in subsection (3)  
5 of this section, ORS 243.650 to 243.809 and 276.073 to 276.090 and ORS chap-  
6 ters 238 and 238A apply to a public university listed in ORS 352.002 under  
7 the same terms as they apply to the state.

8 (b) For purposes of determining the salary of an active member of the  
9 Public Employees Retirement System under ORS 238A.005 [(17)] (18),  
10 remuneration paid to a member in return for services to a public university  
11 listed in ORS 352.002 is deemed includable in the member's taxable income  
12 under Oregon law during a period of continuous employment with any public  
13 university listed in ORS 352.002 if:

14 (A) The member was hired in a qualifying position by a public university  
15 listed in ORS 352.002 on or after August 29, 2003, and on or before December  
16 31, 2016; and

17 (B) The member resided and performed services in the United States dur-  
18 ing the period of continuous employment.

19 (7) ORS 350.285, 350.290, 352.198, 352.226, 352.232, 352.293, 352.296, 352.303,  
20 352.309 and 352.313 apply to a public university listed in ORS 352.002.

21 (8) Notwithstanding ORS 352.033, a public university listed in ORS 352.002  
22 and its agents and employees remain subject to all statutes and administra-  
23 tive rules of this state that create rights, benefits or protections in favor of  
24 military veterans, service members and families of service members to the  
25 same extent as an agency of this state would be subject to such statutes and  
26 administrative rules.

27 (9) Notwithstanding ORS 352.033, ORS 350.540, 350.545 and 350.550 apply  
28 to a public university listed in ORS 352.002. A public university may not is-  
29 sue a tax credit certificate under ORS 350.540, 350.545 and 350.550 that will  
30 cause the General Fund to be owed more than \$8.4 million at any one time  
31 under ORS 350.540, 350.545 and 350.550.

1 (10) If state bonds are issued for the benefit of a public university listed  
2 in ORS 352.002 under Article XI-Q of the Oregon Constitution:

3 (a) The Higher Education Coordinating Commission shall have the powers  
4 and duties of a project agency, as defined in ORS 286A.816, to the extent  
5 necessary for the issuance of the state bonds and the administration of the  
6 proceeds of the state bonds; and

7 (b) The university and the Higher Education Coordinating Commission  
8 shall enter into grant contracts or loan agreements that comply with rules  
9 adopted by the Oregon Department of Administrative Services relating to:

10 (A) Disbursement of project funds by a project agency through grant  
11 contracts or loan agreements;

12 (B) Submission of a request for project funds to the commission under  
13 ORS 350.095; and

14 (C) Any other matters determined by the Oregon Department of Admin-  
15 istrative Services to be necessary for the administration of the Article XI-Q  
16 bond program.

17 (11) Nothing in this section may be construed so that statutory provisions  
18 that are not set forth in this section apply to a public university listed in  
19 ORS 352.002.

20 **SECTION 11.** ORS 353.100 is amended to read:

21 353.100. (1) The provisions of ORS chapters 35, 190, 192, 244 and 295 and  
22 ORS 30.260 to 30.460, 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640,  
23 243.650 to 243.809, 297.040, 307.090 and 307.112 apply to Oregon Health and  
24 Science University under the same terms as they apply to public bodies other  
25 than the state.

26 (2) Except as otherwise provided by law, the provisions of ORS chapters  
27 182, 183, 240, 270, 273, 276, 279A, 279B, 279C, 283, 291, 292, 293, 294 and 297  
28 and ORS 35.550 to 35.575, 180.060, 180.210 to 180.235, 183.710 to 183.730,  
29 183.745, 183.750, 184.305 to 184.345, 190.430, 190.480, 190.490, 192.105, 200.035,  
30 243.105 to 243.585, 243.696, 243.853 to 243.855, 278.011 to 278.120, 278.315 to  
31 278.415, 279.835 to 279.855, 282.010 to 282.150, 283.085 to 283.092, 357.805 to

1 357.895 and 656.017 (2) do not apply to the university or any not-for-profit  
2 organization or other entity if the equity of the entity is owned exclusively  
3 by the university and if the organization or entity is created by the univer-  
4 sity to advance any of the university's statutory missions.

5 (3) The university, as a distinct governmental entity, or any organization  
6 or entity described in subsection (2) of this section is not subject to any  
7 provision of law enacted after January 1, 1995, with respect to any govern-  
8 mental entity, unless the provision specifically provides that it applies to the  
9 university or to the organization or entity.

10 (4) For purposes of determining the salary, as defined in ORS 238A.005  
11 [(17)] (18), paid between August 29, 2003, and January 1, 2020, to a member  
12 of the Public Employees Retirement System, remuneration paid to a member  
13 of the system in return for services to the university is deemed includable  
14 in the member's taxable income under Oregon law during a period of con-  
15 tinuous employment with the Oregon Health and Science University if:

16 (a) The member was hired in a qualifying position, as defined in ORS  
17 238A.005, by the university on or after August 29, 2003; and

18 (b) The remuneration was, or would have been if the member were an  
19 Oregon resident, includable in the member's taxable income under Oregon  
20 law during the period of continuous employment.

21 **SECTION 12. (1) The amendments to ORS 238.005 by section 1 of this**  
22 **2024 Act apply only to a person who:**

23 **(a) Is employed as a district attorney on the effective date of this**  
24 **2024 Act; or**

25 **(b) Becomes employed as a district attorney after the effective date**  
26 **of this 2024 Act.**

27 **(2) A person who is employed as a district attorney on or after the**  
28 **effective date of this 2024 Act is entitled to service under the Public**  
29 **Employees Retirement System as a police officer only for service per-**  
30 **formed as a district attorney on or after the effective date of this 2024**  
31 **Act.**

1       **SECTION 13.** The amendments to ORS 238A.160 by section 4 of this  
2 2024 Act apply to members of the Oregon Public Service Retirement  
3 Plan whose effective date of retirement is on or after the effective date  
4 of this 2024 Act.

5       **SECTION 14.** (1) The amendments to ORS 238A.005, 238A.125,  
6 238A.134, 238A.160, 238A.220, 238A.240, 338.135, 352.138 and 353.100 by  
7 sections 2, 3 and 5 to 11 of this 2024 Act become operative on January  
8 1, 2030.

9       (2) The amendments to ORS 238A.125 by section 3 of this 2024 Act  
10 apply only to service in a hazardous position performed on or after the  
11 operative date specified in subsection (1) of this section.

12       (3) A member is of normal retirement age for purposes of ORS  
13 238A.160 (3) if the member, on or after the operative date specified in  
14 subsection (1) of this section:

15       (a) Meets the age or age and retirement credit requirements of ORS  
16 238A.160 (3); and

17       (b) For the last 60 months of service preceding retirement eligibility  
18 under ORS 238A.160 (3), held one or more positions that would qualify  
19 as hazardous positions, as defined in ORS 238A.005.

20       (4) The Public Employees Retirement Board may take any action  
21 before the operative date specified in subsection (1) of this section to  
22 enable the board to exercise, on and after the operative date specified  
23 in subsection (1) of this section, all of the duties, functions and powers  
24 conferred on the board by the amendments to ORS 238A.005, 238A.125,  
25 238A.134, 238A.160, 238A.220, 238A.240, 338.135, 352.138 and 353.100 by  
26 sections 2, 3 and 5 to 11 of this 2024 Act.

27