

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2283
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON LABOR AND BUSINESS

May 15

- 1 On page 9 of the printed A-engrossed bill, line 5, after the semicolon insert “and”.
- 2 In line 8, delete “; and” and insert a period.
- 3 Delete lines 9 and 10.
- 4 On page 12, delete lines 18 and 19.
- 5 In line 20, restore the bracketed material and delete the boldfaced material.
- 6 On page 18, after line 37, insert:
- 7 **“SECTION 9a. If Senate Bill 308 becomes law, section 9 of this 2023 Act (amending ORS**
- 8 **238.390) is repealed and ORS 238.390, as amended by section 6, chapter 17, Oregon Laws 2023**
- 9 **(Enrolled Senate Bill 308), is amended to read:**
- 10 “238.390. (1) If a member of the system dies before retiring, the amount of money, if any, credited
- 11 at the time of death to the member account of the member in the fund shall be paid to the benefi-
- 12 ciaries designated by the member. For this purpose a member may designate as a beneficiary any
- 13 person or the executor or administrator of the estate of the member or a trustee named by the
- 14 member to execute an express trust in regard to such amount. The termination of a person’s mem-
- 15 bership in the system pursuant to ORS 238.095 (1) or (2) invalidates any designation of beneficiary
- 16 made by the person before the termination of membership.
- 17 “(2)(a) If a member dies before retiring and has not designated a beneficiary under subsection
- 18 (1) of this section, **or if the designated beneficiary or beneficiaries do not survive the member,**
- 19 the Public Employees Retirement Board shall pay the amount of money, if any, credited at the time
- 20 of death to the member account of the deceased member to [*a personal representative appointed for*
- 21 *the estate of the deceased member*] **the following person or persons, in the following order of**
- 22 **priority:**
- 23 **“(A) The member’s surviving spouse or other person who is constitutionally required to**
- 24 **be treated in the same manner as a spouse;**
- 25 **“(B) The member’s surviving children, in equal shares; or**
- 26 **“(C) The member’s estate.**
- 27 **“(b) If a simple estate affidavit has been filed under ORS 114.515, the board shall pay the**
- 28 **amount to the person who filed the affidavit if:**
- 29 **“(A) The member’s estate is the designated beneficiary or is receiving the payment under**
- 30 **paragraph (a) of this subsection; and**
- 31 **“[(a)] (B)(i) The estate of the decedent remains within the limits prescribed by ORS 114.510**
- 32 **(1)(a) after consideration of the amount of money credited at the time of death to the member ac-**
- 33 **count; or**
- 34 **“[(b)] (ii) The estate of the decedent meets the requirements of ORS 114.510 (1)(b).**

1 “(3) [*The beneficiary designated*] **A beneficiary** under subsection (1) **or (2)** of this section may
2 elect to receive the amount payable in actuarially determined monthly payments for the life of such
3 beneficiary as long as such monthly payments are at least \$200.

4 “(4) Accrued benefits due a retired member at the time of death are payable to the designated
5 beneficiary or as provided in subsection (2) of this section. For the purpose of determining accrued
6 benefits due a retired member at the time of death, accrued benefits are considered to have ceased
7 as of the last day of the month preceding the month in which the retired member dies; but if Option
8 2 or Option 3 under ORS 238.305 has been elected as provided in this chapter and the beneficiary
9 survives the retired member, the benefits to the beneficiary shall commence as of the first day of
10 the month in which the retired member dies, and payment of benefits under Option 2 or Option 3
11 shall cease with the payment for the month preceding the month in which the beneficiary dies.

12 “(5) If a member dies before retiring and has designated a beneficiary under subsection (1) of
13 this section, but the beneficiary [*dies before the member, or*] dies **after the member and** before
14 distribution is made under this section, the Public Employees Retirement Board shall pay the
15 amount of money, if any, that would otherwise have been paid to the beneficiary to a personal rep-
16 resentative appointed for the estate of the deceased beneficiary. If a simple estate affidavit regarding
17 the deceased beneficiary’s estate has been filed under ORS 114.515, the board shall pay the amount
18 to the person who filed the simple estate affidavit if:

19 “(a) The estate of the deceased beneficiary remains within the limits prescribed by ORS 114.510
20 (1)(a) after consideration of the amount of money that would have been payable to the deceased
21 beneficiary; or

22 “(b) The estate of the deceased beneficiary meets the requirements of ORS 114.510 (1)(b).

23 “(6) Interest upon the member account of the member shall accrue until the date that the
24 amount in the member account is distributed. Any balance in the variable account of the deceased
25 member is considered to be transferred to the regular account of the member as of the date of death.
26 The board shall establish procedures for computing and crediting interest on the balance in the
27 member account for the period between the date of death and date of distribution.

28 “(7) Payment by the board of amounts in the manner provided by this section completely dis-
29 charges the board and system on account of the death, and shall hold the board and system harmless
30 from any claim for wrongful payment.”.

31 On page 27, delete lines 24 through 45.

32 On page 28, delete line 1 and insert:

33
34 **“TREATMENT OF SHARED WORK BENEFITS**

35
36 **“SECTION 21. Section 22 of this 2023 Act is added to and made a part of ORS chapter 238.**

37 **“SECTION 22. Notwithstanding any other provision of this chapter or ORS chapter 238A,
38 **benefits received by a member under ORS 657.370 to 657.390 shall be treated as salary.****

39 **“SECTION 23. Section 24 of this 2023 Act is added to and made a part of ORS chapter
40 **238A.****

41 **“SECTION 24. Notwithstanding any other provision of this chapter or ORS chapter 238,
42 **benefits received by a member under ORS 657.370 to 657.390 shall be treated as salary.**”.**

43 Delete lines 13 and 14.
44