

Requested by Representative HUDSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2701**

1 On page 1 of the printed bill, line 3, after “238A.160,” delete the rest of
2 the line and insert “238A.220, 238A.240, 338.135, 352.138 and 353.100.”

3 Delete lines 5 through 31 and delete pages 2 through 6 and insert:

4 **“SECTION 1. ORS 238A.005, as amended by section 3, chapter 83, Oregon**
5 **Laws 2022, is amended to read:**

6 “238A.005. For the purposes of this chapter:

7 “(1) ‘Active member’ means a member of the pension program or the in-
8 dividual account program of the Oregon Public Service Retirement Plan who
9 is actively employed in a qualifying position.

10 “(2) ‘Actuarial equivalent’ means a payment or series of payments having
11 the same value as the payment or series of payments replaced, computed on
12 the basis of interest rate and mortality assumptions adopted by the board.

13 “(3) ‘Board’ means the Public Employees Retirement Board.

14 “(4) ‘Eligible employee’ means a person who performs services for a par-
15 ticipating public employer, including persons considered employees of a par-
16 ticipating public employer under 26 U.S.C. 3121(d)(2), as in effect on January
17 1, 2022, and elected officials other than judges. ‘Eligible employee’ does not
18 include:

19 “(a) Persons engaged as independent contractors;

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

21 “(c) Persons provided sheltered employment or make-work by a public

1 employer;

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 Develop-
6 ment Department who live and perform services in foreign countries under
7 the 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 po-
14 sitions 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 eli-
17 gible 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, the chief deputy state fire marshal and
30 deputy state fire marshals;

1 “(c) An employee of the State Fire Marshal whose primary duties include
2 fire investigation, fire prevention, fire safety, fire control or fire suppression;

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

7 “(e) An employee of the Oregon Military Department whose primary du-
8 ties include fighting structural, aircraft, wildland or other fires.

9 “(6) ‘Fund’ means the Public Employees Retirement Fund.

10 “(7)(a) **‘Hazardous position’ means a position that does not meet the**
11 **definition of a qualified public safety employee under section**
12 **72(t)(10)(B) of the Internal Revenue Code, but that:**

13 **“(A) Requires the person holding the position to work with or**
14 **manage emergency or traumatic events in the regular course of work;**
15 **or**

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

17 **“(b) ‘Hazardous position’ includes and is limited to:**

18 **“(A) Employees of the Oregon State Hospital who have direct con-**
19 **tact with patients; and**

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

21 “[7)(a)] (8)(a) ‘Hour of service’ means:

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

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

1 capacity, jury duty, military duty or authorized leave.

2 “(b) ‘Hour of service’ does not include any hour for which payment is
3 made or due under a plan maintained solely for the purpose of complying
4 with applicable unemployment compensation laws.

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

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

12 “[10] (11) ‘Institution of higher education’ means a public university
13 listed in ORS 352.002, the Oregon Health and Science University or a com-
14 munity college, as defined in ORS 341.005.

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

19 “[12] (13) ‘Participating public employer’ means a public employer as
20 defined in ORS 238.005 that provides retirement benefits for employees of the
21 public employer under the system.

22 “[13] (14) ‘Pension program’ means the defined benefit pension program
23 of the Oregon Public Service Retirement Plan established under ORS
24 238A.025.

25 “[14] (15) ‘Police officer’ means a police officer as described in ORS
26 238.005.

27 “[15] (16) ‘Qualifying position’ means one or more jobs with one or more
28 participating public employers in which an eligible employee performs 600
29 or more hours of service in a calendar year, excluding any service in a job
30 for which benefits are not provided under the Oregon Public Service Retire-

1 ment Plan pursuant to ORS 238A.070 (2).

2 “[~~(16)~~] (17) ‘Retired member’ means a pension program member who is
3 receiving a pension as provided in ORS 238A.180 to 238A.195.

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

13 “(b) ‘Salary’ includes the following amounts:

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

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

18 “(C) Any amount that is contributed to a cafeteria plan or qualified
19 transportation fringe benefit plan by the employer at the election of the
20 employee and that is not includable in the taxable income of the employee
21 by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on December 31, 2021.

22 “(D) Any amount that is contributed to a cash or deferred arrangement
23 by the employer at the election of the employee and that is not included in
24 the taxable income of the employee by reason of 26 U.S.C. 402(e)(3), as in
25 effect on December 31, 2021.

26 “(E) Retroactive payments described in ORS 238.008.

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

30 “(G) The amount of an employee contribution to the individual account

1 program that is not paid by the employer under ORS 238A.335.

2 “(H) Wages of a deceased member paid to a surviving spouse or dependent
3 children under ORS 652.190.

4 “(c) ‘Salary’ does not include the following amounts:

5 “(A) Travel or any other expenses incidental to employer’s business which
6 is reimbursed by the employer.

7 “(B) Payments made on account of an employee’s death.

8 “(C) Any lump sum payment for accumulated unused sick leave, vacation
9 leave or other paid leave.

10 “(D) Any severance payment, accelerated payment of an employment
11 contract for a future period or advance against future wages.

12 “(E) Any retirement incentive, retirement bonus or retirement gratuitous
13 payment.

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

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

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

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

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

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

1 “(L) For years before 2020, any amount in excess of \$200,000 for a calen-
2 dar year. If any period over which salary is determined is less than 12
3 months, the \$200,000 limitation for that period shall be multiplied by a frac-
4 tion, the numerator of which is the number of months in the determination
5 period and the denominator of which is 12. The board shall adopt rules ad-
6 justing this dollar limit to incorporate cost-of-living adjustments authorized
7 by the Internal Revenue Service.

8 “(M) For years beginning on or after January 1, 2020, any amount in ex-
9 cess of \$195,000 for a calendar year. If any period over which salary is de-
10 termined is less than 12 months, the \$195,000 limitation for that period shall
11 be multiplied by a fraction, the numerator of which is the number of months
12 in the determination period and the denominator of which is 12. On January
13 1 of each year, the board shall adjust the dollar limit provided by this sub-
14 paragraph to reflect any percentage changes in the Consumer Price Index for
15 All Urban Consumers, West Region (All Items), as published by the Bureau
16 of Labor Statistics of the United States Department of Labor.

17 “[~~(18)~~] **(19)** ‘System’ means the Public Employees Retirement System.

18 “[~~(19)~~] **(20)** ‘Workers’ compensation benefits’ means:

19 “(a) Payments made under ORS chapter 656; or

20 “(b) Payments provided in lieu of workers’ compensation benefits under
21 ORS 656.027 (6).

22 **“SECTION 2.** ORS 238A.125, as amended by section 4, chapter 83, Oregon
23 Laws 2022, is amended to read:

24 “238A.125. (1) Upon retiring at normal retirement age, a vested pension
25 program member shall be paid an annual pension for the life of the member
26 as follows:

27 “(a) For service as a police officer or firefighter, 1.8 percent of final av-
28 erage salary multiplied by the number of years of retirement credit attrib-
29 utable to service as a police officer or firefighter.

30 **“(b) For service in a hazardous position, 1.8 percent of final average**

1 **salary multiplied by the number of years of retirement credit attrib-**
2 **utable to service in a hazardous position.**

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

7 “(2) Notwithstanding any provision of ORS 238A.100 to 238A.250, the an-
8 nual benefit payable to a member under the pension program and under any
9 other tax-qualified defined benefit plan maintained by the participating pub-
10 lic employer may not exceed the applicable limitations set forth in 26 U.S.C.
11 415(b), as in effect on December 31, 2021. The Public Employees Retirement
12 Board shall adopt rules for the administration of this limitation, including
13 adjustments in the annual dollar limitation to reflect cost-of-living adjust-
14 ments authorized by the Internal Revenue Service.

15 “(3) The board shall make no actuarial adjustment in a member’s pension
16 calculated under this section by reason of the member’s retirement after
17 normal retirement age.

18 **“SECTION 3.** ORS 238A.160 is amended to read:

19 “238A.160. (1) Except as provided in subsections (2) [*and (3)*] **to (4)** of this
20 section, normal retirement age for a member of the pension program is the
21 earlier of:

22 “(a) 65 years of age; or

23 “(b) 58 years of age if the member has 30 years or more of retirement
24 credit.

25 “(2) Normal retirement age for a member of the pension program who
26 retires from service as a police officer or firefighter, and who has held a
27 position as a police officer or firefighter continuously for a period of not less
28 than five years immediately preceding the effective date of retirement, is the
29 earlier of:

30 “(a) 60 years of age; or

1 “(b) 53 years of age if the member has 25 years or more of retirement
2 credit.

3 “(3) Normal retirement age for a member of the pension program
4 who retires from service in a hazardous position, whose last qualifying
5 position was in a hazardous position and who continuously held one
6 or more hazardous positions for at least the last five years of service
7 preceding the effective date of retirement 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 retire-
10 ment credit.

11 “[3] (4) Normal retirement age for a member of the pension program who
12 retires from service as a school employee as defined by ORS 238A.140 is the
13 earlier of:

14 “(a) 65 years of age; or

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

17 “[4] (5) The normal retirement date of a member is the first day of the
18 month beginning on or after the date the member reaches normal retirement
19 age.

20 “**SECTION 4.** ORS 238A.220 is amended to read:

21 “238A.220. (1) A participating public employer shall make employer con-
22 tributions to the Public Employees Retirement Board at intervals designated
23 by the board in the amounts determined by the board under ORS 238.225.
24 All participating public employers shall be considered to be a single em-
25 ployer for the purposes of the employer contributions under ORS 238.225 that
26 are required for funding the pension program established under ORS
27 238A.025.

28 “(2) For the purpose of the actuarial computation required under ORS
29 238.225, the board shall separately establish the liability of participating
30 public employers for police officers and firefighters under the pension pro-

1 gram and shall require that public employers that employ police officers and
2 firefighters who are members of the pension program make contributions for
3 those employees based on the liability established under this subsection.

4 **“(3) For the purpose of the actuarial computation required under**
5 **ORS 238.225, the board shall separately establish the liability of par-**
6 **ticipating public employers for members in hazardous positions under**
7 **the pension program and shall require that public employers that**
8 **employ members in hazardous positions who are members of the pen-**
9 **sion program make contributions for those employees based on the**
10 **liability established under this subsection.**

11 **“SECTION 5.** ORS 238A.240 is amended to read:

12 “238A.240. (1) A participating public employer shall contribute to the
13 pension program, at intervals designated by the Public Employees Retirement
14 Board, all amounts determined by the board to be actuarially necessary to
15 adequately fund the disability benefits to be provided under ORS 238A.235
16 and the reasonable costs of administering the provision of those benefits.
17 The board shall periodically determine the liabilities attributable to the
18 disability benefits and shall set the amount of contributions to be made by
19 participating public employers, and by other public employers who are re-
20 quired to make contributions on behalf of members, to ensure that those li-
21 abilities will be funded no more than 40 years after the date on which the
22 determination is made. All participating public employers shall be considered
23 to be a single employer for the purposes of the contributions required under
24 this section.

25 “(2) For the purpose of the actuarial computation required under sub-
26 section (1) of this section, the board shall separately establish the liability
27 of participating public employers for police officers and firefighters, and
28 shall require that public employers that employ police officers and firefigh-
29 ters make contributions for those employees based on the liability established
30 under this section.

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

7 **“SECTION 6.** ORS 338.135, as amended by section 29, chapter 81, Oregon
8 Laws 2022, is amended to read:

9 “338.135. (1) Employee assignment to a public charter school shall be
10 voluntary.

11 “(2)(a) A public charter school or the sponsor of the public charter school
12 is considered the employer of any employees of the public charter school. If
13 a school district board is not the sponsor of the public charter school, the
14 school district board may not be the employer of the employees of the public
15 charter school and the school district board may not collectively bargain
16 with the employees of the public charter school. The public charter school
17 governing body shall control the selection of employees at the public charter
18 school.

19 “(b) If a virtual public charter school or the sponsor of a virtual public
20 charter school contracts with a for-profit entity to provide educational ser-
21 vices through the virtual public charter school, the for-profit entity may not
22 be the employer of any employees of the virtual public charter school unless:

23 “(A) The employee is an administrator who does not have any teaching
24 responsibilities; and

25 “(B) Both the executive officer of the sponsor and the public charter
26 school governing body approve employment by the for-profit entity. The
27 executive officer or governing body may choose to grant approval under this
28 subparagraph:

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

1 “(ii) Based on the job categories of the employees who meet the de-
2 scription in subparagraph (A) of this paragraph; or

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

5 “(3) The school district board of the school district within which the
6 public charter school is located shall grant a leave of absence to any em-
7 ployee who chooses to work in the public charter school. The length and
8 terms of the leave of absence shall be set by negotiated agreement or by
9 board policy. However, the length of the leave of absence may not be less
10 than two years unless:

11 “(a) The charter of the public charter school is terminated or the public
12 charter school is dissolved or closed during the leave of absence; or

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

15 “(4) An employee of a public charter school operating within a school
16 district who is granted a leave of absence from the school district and re-
17 turns to employment with the school district shall retain seniority and ben-
18 efits as an employee pursuant to the terms of the leave of absence.
19 Notwithstanding ORS 243.650 to 243.809, a school district that was the em-
20 ployer of an employee of a public charter school not operating within the
21 school district may make provisions for the return of the employee to em-
22 ployment with the school district.

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

26 “(b) For purposes of determining the salary paid to an active member of
27 the Public Employees Retirement System under ORS 238A.005 [(17)] **(18)**
28 during the period between August 29, 2003, and January 1, 2020,
29 remuneration paid to a member in return for services to a public charter
30 school is deemed includable in the member’s taxable income under Oregon

1 law during a period of continuous employment with any public charter
2 school if:

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

5 “(B) The member was informed in writing by the public charter school
6 during the period of continuous employment that the member was eligible
7 to participate in the Public Employees Retirement System and the public
8 charter school made contributions to the system on the member’s behalf;

9 “(C) The remuneration was, or would have been if the member were an
10 Oregon resident, includable in the member’s taxable income under Oregon
11 law during the period of continuous employment; and

12 “(D) The member resided and performed services in the United States
13 during the period of continuous employment.

14 “(c) As used in this subsection, ‘continuous employment’ means employ-
15 ment with a public charter school that is not interrupted by a period of more
16 than 30 consecutive calendar days.

17 “(6) For teacher licensing, employment experience in public charter
18 schools shall be considered equivalent to experience in public schools.

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

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

24 “(c) Notwithstanding paragraph (a) or (b) of this subsection, at least
25 one-half of the total full-time equivalent (FTE) teaching and administrative
26 staff at the public charter school shall be licensed by the commission pur-
27 suant to ORS 342.125.

28 “(8) Notwithstanding ORS 243.650, a public charter school shall be con-
29 sidered a school district for purposes of ORS 243.650 to 243.809. An employee
30 of a public charter school may be a member of a labor organization or or-

1 ganize with other employees to bargain collectively. Bargaining units at the
2 public charter school may be separate from other bargaining units of the
3 sponsor or of the school district in which the public charter school is lo-
4 cated. Employees of a public charter school may be part of the bargaining
5 units of the sponsor or of the school district in which the public charter
6 school is located.

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

9 **“SECTION 7.** ORS 352.138 is amended to read:

10 “352.138. (1) The following entities are not subject to any provision of law
11 enacted after January 1, 2013, that is unique to governmental entities unless
12 the following entities are expressly named:

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

14 “(b) Any not-for-profit organization or other entity if the equity of the
15 entity is owned or controlled exclusively by a public university and if the
16 organization or entity is created by the university to advance any of the
17 university’s statutory missions.

18 “(2) Notwithstanding subsection (1) of this section and ORS 352.033, the
19 provisions of ORS 30.260 to 30.460, 33.710, 33.720, 200.005 to 200.025, 200.045
20 to 200.090, 236.605 to 236.640, 279.835, 279.840, 279.850 and 297.040 and ORS
21 chapters 35, 190, 192 and 244 apply to a public university listed in ORS
22 352.002 under the same terms as they apply to public bodies other than the
23 state.

24 “(3) Except as otherwise provided by law, the provisions of ORS 35.550 to
25 35.575, 180.060, 180.210 to 180.235, 184.305 to 184.345, 190.480, 190.490, 200.035,
26 243.696, 357.805 to 357.895 and 656.017 (2) and ORS chapters 182, 183, 240, 270,
27 273, 276, 278, 279A, 279B, 279C, 282, 283, 291, 292, 293, 294, 295 and 297 do not
28 apply to a public university listed in ORS 352.002.

29 “(4)(a) Notwithstanding subsections (1) and (3) of this section and ORS
30 352.033, ORS 240.167, 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825,

1 279C.827, 279C.830, 279C.835, 279C.836, 279C.838, 279C.840, 279C.845, 279C.850,
2 279C.855, 279C.860, 279C.865, 279C.870 and 292.043 apply to a public univer-
3 sity listed in ORS 352.002 under the same terms as they apply to public
4 bodies other than the state.

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

11 “(5) Notwithstanding subsection (2) of this section, ORS 190.430 and
12 192.105 do not apply to a public university listed in ORS 352.002 or any or-
13 ganization or other entity described in subsection (1) of this section.

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

18 “(b) For purposes of determining the salary of an active member of the
19 Public Employees Retirement System under ORS 238A.005 [(17)] **(18)**,
20 remuneration paid to a member in return for services to a public university
21 listed in ORS 352.002 is deemed includable in the member’s taxable income
22 under Oregon law during a period of continuous employment with any public
23 university listed in ORS 352.002 if:

24 “(A) The member was hired in a qualifying position by a public university
25 listed in ORS 352.002 on or after August 29, 2003, and on or before December
26 31, 2016; and

27 “(B) The member resided and performed services in the United States
28 during the period of continuous employment.

29 “(7) ORS 350.285, 350.290, 352.198, 352.226, 352.232, 352.293, 352.296, 352.303,
30 352.309 and 352.313 apply to a public university listed in ORS 352.002.

1 “(8) Notwithstanding ORS 352.033, a public university listed in ORS
2 352.002 and its agents and employees remain subject to all statutes and ad-
3 ministrative rules of this state that create rights, benefits or protections in
4 favor of military veterans, service members and families of service members
5 to the same extent as an agency of this state would be subject to such stat-
6 utes and administrative rules.

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

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

14 “(a) The Higher Education Coordinating Commission shall have the pow-
15 ers and duties of a project agency, as defined in ORS 286A.816, to the extent
16 necessary for the issuance of the state bonds and the administration of the
17 proceeds of the state bonds; and

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

21 “(A) Disbursement of project funds by a project agency through grant
22 contracts or loan agreements;

23 “(B) Submission of a request for project funds to the commission under
24 ORS 350.095; and

25 “(C) Any other matters determined by the Oregon Department of Admin-
26 istrative Services to be necessary for the administration of the Article XI-Q
27 bond program.

28 “(11) Nothing in this section may be construed so that statutory pro-
29 visions that are not set forth in this section apply to a public university
30 listed in ORS 352.002.

1 **“SECTION 8.** ORS 353.100 is amended to read:

2 “353.100. (1) The provisions of ORS chapters 35, 190, 192, 244 and 295 and
3 ORS 30.260 to 30.460, 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640,
4 243.650 to 243.809, 297.040, 307.090 and 307.112 apply to Oregon Health and
5 Science University under the same terms as they apply to public bodies other
6 than the state.

7 “(2) Except as otherwise provided by law, the provisions of ORS chapters
8 182, 183, 240, 270, 273, 276, 279A, 279B, 279C, 283, 291, 292, 293, 294 and 297
9 and ORS 35.550 to 35.575, 180.060, 180.210 to 180.235, 183.710 to 183.730,
10 183.745, 183.750, 184.305 to 184.345, 190.430, 190.480, 190.490, 192.105, 200.035,
11 243.105 to 243.585, 243.696, 278.011 to 278.120, 278.315 to 278.415, 279.835 to
12 279.855, 282.010 to 282.150, 283.085 to 283.092, 357.805 to 357.895 and 656.017
13 (2) do not apply to the university or any not-for-profit organization or other
14 entity if the equity of the entity is owned exclusively by the university and
15 if the organization or entity is created by the university to advance any of
16 the university’s statutory missions.

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

22 “(4) For purposes of determining the salary, as defined in ORS 238A.005
23 [(17)] **(18)**, paid between August 29, 2003, and January 1, 2020, to a member
24 of the Public Employees Retirement System, remuneration paid to a member
25 of the system in return for services to the university is deemed includable
26 in the member’s taxable income under Oregon law during a period of con-
27 tinuous employment with the Oregon Health and Science University if:

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

30 “(b) The remuneration was, or would have been if the member were an

1 Oregon resident, includable in the member’s taxable income under Oregon
2 law during the period of continuous employment.

3 **“SECTION 9. (1) The amendments to ORS 238A.005, 238A.125,**
4 **238A.160, 238A.220, 238A.240, 338.135, 352.138 and 353.100 by sections 1 to**
5 **8 of this 2023 Act become operative on January 1, 2025.**

6 **“(2) The amendments to ORS 238A.125 by section 2 of this 2023 Act**
7 **apply only to service in a hazardous position performed on or after the**
8 **operative date specified in subsection (1) of this section.**

9 **“(3) A member is of normal retirement age for purposes of ORS**
10 **238A.160 (3) if the member, on or after the operative date specified in**
11 **subsection (1) of this section:**

12 **“(a) Meets the age or age and retirement credit requirements of**
13 **ORS 238A.160 (3);**

14 **“(b) Was last employed in a qualifying position that is a hazardous**
15 **position; and**

16 **“(c) For the last five years of service, continuously held one or**
17 **more positions that would qualify as hazardous positions, as defined**
18 **in ORS 238A.005.**

19 **“(4) The Public Employees Retirement Board may take any action**
20 **before the operative date specified in subsection (1) of this section to**
21 **enable the board to exercise, on and after the operative date specified**
22 **in subsection (1) of this section, all of the duties, functions and powers**
23 **conferred on the board by the amendments to ORS 238A.005, 238A.125,**
24 **238A.160, 238A.220, 238A.240, 338.135, 352.138 and 353.100 by sections 1 to**
25 **8 of this 2023 Act.”.**

26
