

A-Engrossed House Bill 4045

Ordered by the House February 12
Including House Amendments dated February 12

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Emergency Management, General Government, and Veterans for Representative Zach Hudson)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes district attorneys, and some forensic science workers who work for OSP, 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. The Act makes PERS do studies and reports to the Legislative Assembly. (Flesch Readability Score: 62.9).

[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, and forensic scientists and evidence technicians employed by the Department of State Police, 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.

Requires the Public Employees Retirement Board to study the likely liability of participating employers for members in hazardous positions and report to appropriate interim committees of the Legislative Assembly no later than September 15, 2028.

Requires the board to report to a committee of the Legislative Assembly during each odd-numbered year regular session on progress toward implementing new benefits for members in hazardous positions.

A BILL FOR AN ACT

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

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

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

7 238.005. For purposes of this chapter:

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

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

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

14 (4) "Calendar year" means 12 calendar months commencing on January 1 and ending on De-
15 cember 31 following.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

3 (a) An employee who had returned to the service of the employer as of January 1, 1945, and
4 who remained in that employment until having established membership in the Public Employees
5 Retirement System.

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

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

16 (7) "Earliest service retirement age" means the age attained by a member when the member
17 could first make application for retirement under the provisions of ORS 238.280.

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

21 (a) Persons engaged as independent contractors.

22 (b) Seasonal, emergency or casual workers whose periods of employment with any public em-
23 ployer or public employers do not total 600 hours in any calendar year.

24 (c) Persons provided sheltered employment or made-work by a public employer in an employment
25 or industries program maintained for the benefit of such persons.

26 (d) Persons employed and paid from federal funds received under a federal program intended
27 primarily to alleviate unemployment. However, any such person shall be considered an "employee"
28 if not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects
29 to have the person so considered by an irrevocable written notice to the board.

30 (e) Persons who are employees of a railroad, as defined in ORS 824.020, and who, as such em-
31 ployees, are included in a retirement plan under federal railroad retirement statutes. This paragraph
32 shall be deemed to have been in effect since the inception of the system.

33 (f) Persons employed in positions classified as post-doctoral scholar positions by a public uni-
34 versity listed in ORS 352.002, or by the Oregon Health and Science University, under ORS 350.370.

35 (9) "Final average salary" means whichever of the following is greater:

36 (a) The average salary per calendar year paid by one or more participating public employers to
37 an employee who is an active member of the system in three of the calendar years of membership
38 before the effective date of retirement of the employee, in which three years the employee was paid
39 the highest salary. The three calendar years in which the employee was paid the largest total salary
40 may include calendar years in which the employee was employed for less than a full calendar year.
41 If the number of calendar years of active membership before the effective date of retirement of the
42 employee is three or fewer, the final average salary for the employee is the average salary per cal-
43 endar year paid by one or more participating public employers to the employee in all of those years,
44 without regard to whether the employee was employed for the full calendar year.

45 (b) One-third of the total salary paid by a participating public employer to an employee who is

1 an active member of the system in the last 36 calendar months of active membership before the ef-
2 fective date of retirement of the employee.

3 (10) "Firefighter" does not include a volunteer firefighter, but does include:

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

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

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

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

12 (11) "Fiscal year" means 12 calendar months commencing on July 1 and ending on June 30 fol-
13 lowing.

14 (12) "Fund" means the Public Employees Retirement Fund.

15 (13) "Inactive member" means a member who is not employed in a qualifying position, whose
16 membership has not been terminated in the manner described by ORS 238.095 and who is not retired
17 for service or disability.

18 (14) "Institution of higher education" means a public university listed in ORS 352.002, the
19 Oregon Health and Science University and a community college, as defined in ORS 341.005.

20 (15) "Member" means a person who has established membership in the system and whose mem-
21 bership has not been terminated as described in ORS 238.095. "Member" includes active, inactive
22 and retired members.

23 (16) "Member account" means the regular account and the variable account.

24 (17) "Normal retirement age" means:

25 (a) For a person who establishes membership in the system before January 1, 1996, as described
26 in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter
27 or 58 years of age if the employee retires at that age as other than a police officer or firefighter.

28 (b) For a person who establishes membership in the system on or after January 1, 1996, as de-
29 scribed in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or
30 firefighter or 60 years of age if the employee retires at that age as other than a police officer or
31 firefighter.

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

34 (19) "Police officer" includes:

35 (a) Employees of institutions defined in ORS 421.005 as Department of Corrections institutions
36 whose duties, as assigned by the Director of the Department of Corrections, include the custody of
37 persons committed to the custody of or transferred to the Department of Corrections and employees
38 of the Department of Corrections who were classified as police officers on or before July 27, 1989,
39 whether or not such classification was authorized by law.

40 (b) Employees of the Department of State Police who are classified as police officers, **forensic**
41 **scientists or evidence technicians** by the Superintendent of State Police.

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

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

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

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

5 (g) Parole and probation officers employed by the Department of Corrections, parole and pro-
6 bation officers who are transferred to county employment under ORS 423.549 and adult parole and
7 probation officers, as defined in ORS 181A.355, who are classified as police officers for the purposes
8 of this chapter by the county governing body. If a county classifies adult parole and probation offi-
9 cers as police officers for the purposes of this chapter, and the employees so classified are repres-
10 ented by a labor organization, any proposal by the county to change that classification or to cease
11 to classify adult parole and probation officers as police officers for the purposes of this chapter is
12 a mandatory subject of bargaining.

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

14 (i) Employees of the Port of Portland who are classified as airport police by the Board of Com-
15 missioners of the Port of Portland.

16 (j) Employees of the State Department of Agriculture who are classified as livestock police of-
17 ficers by the Director of Agriculture.

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

20 (L) Investigators of the Criminal Justice Division of the Department of Justice.

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

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

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

25 (p) An employee who for seven consecutive years has been classified as a police officer as de-
26 fined by this section, and who is employed or transferred by the Department of Corrections to fill
27 a position designated by the Director of the Department of Corrections as being eligible for police
28 officer status.

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

33 (r) Employees of a school district who are appointed and duly sworn members of a law
34 enforcement agency of the district as provided in ORS 332.531 or otherwise employed full-time as
35 police officers commissioned by the district.

36 (s) Employees at youth correction facilities and juvenile detention facilities under ORS 419A.050,
37 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses and who
38 have supervisory, control or teaching responsibilities over juveniles committed to the custody of the
39 Department of Corrections or the Oregon Youth Authority.

40 (t) Employees at youth correction facilities as defined in ORS 420.005 whose primary job de-
41 scription involves the custody, control, treatment, investigation or supervision of juveniles placed
42 in such facilities.

43 (u) Employees of the Oregon Youth Authority who are classified as juvenile parole and pro-
44 bation officers.

45 (v) Employees of the Department of Human Services who are prohibited from striking under ORS

1 243.726 and whose duties include the care of residents of residential facilities, as defined in ORS
2 443.400, that house individuals with intellectual or developmental disabilities.

3 (w) Employees appointed as judicial marshals under ORS 1.177 who are certified under ORS
4 181A.540.

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

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

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

10 (21) "Public employer" means the state, one of its agencies or any city, county, municipal or
11 public corporation, political subdivision of the state or instrumentality thereof, or an agency created
12 by one or more such governmental organizations to provide governmental services. For purposes of
13 this chapter, such agency created by one or more governmental organizations is a governmental
14 instrumentality and a legal entity with power to enter into contracts, hold property and sue and be
15 sued.

16 (22) "Qualifying position" means one or more jobs with one or more participating public em-
17 ployers in which an employee performs 600 or more hours of service in a full calendar year, or
18 would perform 600 or more hours of service if the employee were employed for the full calendar
19 year, excluding any service in a job for which a participating public employer does not provide
20 benefits under this chapter pursuant to an application made under ORS 238.035.

21 (23) "Regular account" means the account established for each active and inactive member un-
22 der ORS 238.250.

23 (24) "Retired member" means a member who is retired for service or disability.

24 (25) "Retirement credit" means a period of time that is treated as creditable service for the
25 purposes of this chapter.

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

30 (b) "Salary" includes but is not limited to:

31 (A) Payments of employee and employer money into a deferred compensation plan, which are
32 deemed salary paid in each month of deferral;

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

35 (C) Retroactive payments described in ORS 238.008;

36 (D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
37 652.190; and

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

41 (c) "Salary" or "other advantages" does not include:

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

44 (B) Payments for insurance coverage by an employer on behalf of employee or employee and
45 dependents, for which the employee has no cash option;

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

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

3 (E) Any accelerated payment of an employment contract for a future period or an advance
4 against future wages;

5 (F) Any retirement incentive, retirement severance pay, retirement bonus or retirement
6 gratuitous payment;

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

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

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

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

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

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

22 (M) For years beginning on or after January 1, 2020, any amount in excess of \$195,000 for a
23 calendar year. If any period over which salary is determined is less than 12 months, the \$195,000
24 limitation for that period shall be multiplied by a fraction, the numerator of which is the number
25 of months in the determination period and the denominator of which is 12. On January 1 of each
26 year, the board shall adjust the dollar limit provided by this subparagraph to reflect any percentage
27 changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as pub-
28 lished by the Bureau of Labor Statistics of the United States Department of Labor.

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

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

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

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

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

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

37 238A.005. For the purposes of this chapter:

38 (1) "Active member" means a member of the pension program or the individual account program
39 of the Oregon Public Service Retirement Plan who is actively employed in a qualifying position.

40 (2) "Actuarial equivalent" means a payment or series of payments having the same value as the
41 payment or series of payments replaced, computed on the basis of interest rate and mortality as-
42 sumptions adopted by the board.

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

44 (4) "Eligible employee" means a person who performs services for a participating public em-
45 ployer, including persons considered employees of a participating public employer under 26 U.S.C.

1 3121(d)(2), as in effect on January 1, 2023, and elected officials other than judges. “Eligible
2 employee” does not include:

3 (a) Persons engaged as independent contractors;

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

5 (c) Persons provided sheltered employment or make-work by a public employer;

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

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

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

10 (g) An employee actively participating in an alternative retirement program established under
11 ORS 353.250 or an optional retirement plan established under ORS 341.551;

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

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

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

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

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

22 (m) Judges.

23 (5) “Firefighter” means:

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

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

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

29 (d) An employee of the State Forestry Department who is certified by the State Forester as a
30 professional wildland firefighter and whose primary duties include the abatement of uncontrolled
31 fires as described in ORS 477.064; and

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

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

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

38 **(A) Requires the person holding the position to work with or manage emergency or
39 traumatic events in the regular course of work; or**

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

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

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

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

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

45 (A) An hour for which an eligible employee is directly or indirectly paid or entitled to payment

1 by a participating public employer for performance of duties in a qualifying position; and

2 (B) An hour of vacation, holiday, illness, incapacity, jury duty, military duty or authorized leave
3 during which an employee does not perform duties but for which the employee is directly or indi-
4 rectly paid or entitled to payment by a participating public employer for services in a qualifying
5 position, as long as the hour is within the number of hours regularly scheduled for the performance
6 of duties during the period of vacation, holiday, illness, incapacity, jury duty, military duty or au-
7 thorized leave.

8 (b) "Hour of service" does not include any hour for which payment is made or due under a plan
9 maintained solely for the purpose of complying with applicable unemployment compensation laws.

10 [(8)] (9) "Inactive member" means a member of the pension program or the individual account
11 program of the Oregon Public Service Retirement Plan whose membership has not been terminated,
12 who is not a retired member and who is not employed in a qualifying position.

13 [(9)] (10) "Individual account program" means the defined contribution individual account pro-
14 gram of the Oregon Public Service Retirement Plan established under ORS 238A.025.

15 [(10)] (11) "Institution of higher education" means a public university listed in ORS 352.002, the
16 Oregon Health and Science University or a community college, as defined in ORS 341.005.

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

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

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

24 [(14)] (15) "Police officer" means a police officer as described in ORS 238.005.

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

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

32 [(17)(a)] (18)(a) "Salary" means the remuneration paid to an active member in return for ser-
33 vices to the participating public employer, including remuneration in the form of living quarters,
34 board or other items of value, to the extent the remuneration is, or would be if the member were
35 an Oregon resident, includable in the employee's taxable income under Oregon law. "Salary" in-
36 cludes the additional amounts specified in paragraph (b) of this subsection, but does not include the
37 amounts specified in paragraph (c) of this subsection, regardless of whether those amounts are
38 includable in taxable income.

39 (b) "Salary" includes the following amounts:

40 (A) Payments of employee and employer money into a deferred compensation plan that are made
41 at the election of the employee.

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

44 (C) Any amount that is contributed to a cafeteria plan or qualified transportation fringe benefit
45 plan by the employer at the election of the employee and that is not includable in the taxable in-

1 come of the employee by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on December 31, 2022.

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

5 (E) Retroactive payments described in ORS 238.008.

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

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

11 (H) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
12 652.190.

13 (c) "Salary" does not include the following amounts:

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

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

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

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

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

22 (F) Payment for a leave of absence after the date the employer and employee have agreed that
23 no future services in a qualifying position will be performed.

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

28 (H) The amount of an employee contribution to the individual account program that is paid by
29 the employer and is not deducted from the compensation of the employee, as provided under ORS
30 238A.335 (1) and (2)(b).

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

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

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

37 (L) For years before 2020, any amount in excess of \$200,000 for a calendar year. If any period
38 over which salary is determined is less than 12 months, the \$200,000 limitation for that period shall
39 be multiplied by a fraction, the numerator of which is the number of months in the determination
40 period and the denominator of which is 12. The board shall adopt rules adjusting this dollar limit
41 to incorporate cost-of-living adjustments authorized by the Internal Revenue Service.

42 (M) For years beginning on or after January 1, 2020, any amount in excess of \$195,000 for a
43 calendar year. If any period over which salary is determined is less than 12 months, the \$195,000
44 limitation for that period shall be multiplied by a fraction, the numerator of which is the number
45 of months in the determination period and the denominator of which is 12. On January 1 of each

1 year, the board shall adjust the dollar limit provided by this subparagraph to reflect any percentage
2 changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as pub-
3 lished by the Bureau of Labor Statistics of the United States Department of Labor.

4 [(18)] (19) "System" means the Public Employees Retirement System.

5 [(19)] (20) "Workers' compensation benefits" means:

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

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

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

9 238A.125. (1) Upon retiring at normal retirement age, a vested pension program member shall
10 be paid an annual pension for the life of the member as follows:

11 (a) For service as a police officer or firefighter, 1.8 percent of final average salary multiplied
12 by the number of years of retirement credit attributable to service as a police officer or firefighter.

13 **(b) For service in a hazardous position, 1.8 percent of final average salary multiplied by**
14 **the number of years of retirement credit attributable to service in a hazardous position.**

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

18 (2) Notwithstanding any provision of ORS 238A.100 to 238A.250, the annual benefit payable to
19 a member under the pension program and under any other tax-qualified defined benefit plan main-
20 tained by the participating public employer may not exceed the applicable limitations set forth in
21 26 U.S.C. 415(b), as in effect on December 31, 2022. The Public Employees Retirement Board shall
22 adopt rules for the administration of this limitation, including adjustments in the annual dollar lim-
23 itation to reflect cost-of-living adjustments authorized by the Internal Revenue Service.

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

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

27 238A.160. (1) Except as provided in subsections (2) and (3) of this section, normal retirement age
28 for a member of the pension program is the earlier of:

29 (a) 65 years of age; or

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

31 (2)(a) Normal retirement age for a member of the pension program who retires from service as
32 a police officer or firefighter, and whose last 60 months of retirement credit preceding retirement
33 eligibility under this section is classified as retirement credit for service as a police officer or a
34 firefighter, is the earlier of:

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

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

37 (b) A member who establishes retirement eligibility under this subsection retains retirement el-
38 igibility as a police officer or firefighter, even if the member performs service thereafter only as
39 other than a police officer or firefighter.

40 (c) A period of leave from a position as a police officer or firefighter for which a member is
41 entitled to retirement credit for service as a police officer or firefighter and which is part of the
42 member's last 60 months of retirement credit preceding retirement eligibility under this section shall
43 be counted as part of the last 60 months of retirement credit required for retirement eligibility under
44 this section.

45 (d) Retirement credit for a month in which a member performs service as both a police officer

1 or firefighter and as other than a police officer or firefighter shall be classified as retirement credit
2 for service as a police officer or firefighter for purposes of this section.

3 (e) A member employed as a police officer or firefighter is not required to restart the last 60
4 months of retirement credit required for retirement eligibility under this section when the member:

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

8 (B) Is concurrently employed and performing service as other than a police officer or firefighter.

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

11 (a) 65 years of age; or

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

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

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

16 238A.160. (1) Except as provided in subsections (2) [*and (3)*] **to (4)** of this section, normal re-
17 tirement age for a member of the pension program is the earlier of:

18 (a) 65 years of age; or

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

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

24 (A) 55 years of age; or

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

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

29 (c) A period of leave from a position as a police officer or firefighter for which a member is
30 entitled to retirement credit for service as a police officer or firefighter and which is part of the
31 member's last 60 months of retirement credit preceding retirement eligibility under this section shall
32 be counted as part of the last 60 months of retirement credit required for retirement eligibility under
33 this section.

34 (d) Retirement credit for a month in which a member performs service as both a police officer
35 or firefighter and as other than a police officer or firefighter shall be classified as retirement credit
36 for service as a police officer or firefighter for purposes of this section.

37 (e) A member employed as a police officer or firefighter is not required to restart the last 60
38 months of retirement credit required for retirement eligibility under this section when the member:

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

42 (B) Is concurrently employed and performing service as other than a police officer or firefighter.

43 **(3)(a) Normal retirement age for a member of the pension program who retires from**
44 **service as a person in a hazardous position, and whose last 60 months of retirement credit**
45 **preceding retirement eligibility under this section is classified as retirement credit for ser-**

1 vice in a hazardous position, is the earlier of:

2 (A) 60 years of age; or

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

4 (b) A member who establishes retirement eligibility under this subsection retains retire-
5 ment eligibility as a person serving in a hazardous position, even if the member performs
6 service thereafter only in other than a hazardous position.

7 (c) A period of leave from a hazardous position for which a member is entitled to re-
8 tirement credit for service in a hazardous position and which is part of the member's last
9 60 months of retirement credit preceding retirement eligibility under this section shall be
10 counted as part of the last 60 months of retirement credit required for retirement eligibility
11 under this section.

12 (d) Retirement credit for a month in which a member performs service both in a haz-
13 arduous position and in other than a hazardous position shall be classified as retirement credit
14 for service in a hazardous position for purposes of this section.

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

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

21 (B) Is concurrently employed and performing service in other than a hazardous position.

22 [(3)] (4) Normal retirement age for a member of the pension program who retires from service
23 as a school employee as defined by ORS 238A.140 is the earlier of:

24 (a) 65 years of age; or

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

26 [(4)] (5) The normal retirement date of a member is the first day of the month beginning on or
27 after the date the member reaches normal retirement age.

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

29 238A.220. (1) A participating public employer shall make employer contributions to the Public
30 Employees Retirement Board at intervals designated by the board in the amounts determined by the
31 board under ORS 238.225. All participating public employers shall be considered to be a single em-
32 ployer for the purposes of the employer contributions under ORS 238.225 that are required for
33 funding the pension program established under ORS 238A.025.

34 (2) For the purpose of the actuarial computation required under ORS 238.225, the board shall
35 separately establish the liability of participating public employers for police officers and firefighters
36 under the pension program and shall require that public employers that employ police officers and
37 firefighters who are members of the pension program make contributions for those employees based
38 on the liability established under this subsection.

39 (3) For the purpose of the actuarial computation required under ORS 238.225, the board
40 shall separately establish the liability of participating public employers for members in haz-
41 arduous positions under the pension program and shall require that public employers that
42 employ members in hazardous positions who are members of the pension program make
43 contributions for those employees based on the liability established under this subsection.

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

45 238A.240. (1) A participating public employer shall contribute to the pension program, at inter-

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

10 (2) For the purpose of the actuarial computation required under subsection (1) of this section,
 11 the board shall separately establish the liability of participating public employers for police officers
 12 and firefighters, and shall require that public employers that employ police officers and firefighters
 13 make contributions for those employees based on the liability established under this section.

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

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

20 238A.134. For purposes of determining the salary, as defined in ORS 238A.005 [(17)] (18), of an
 21 active member of the Public Employees Retirement System, a housing allowance paid to a member
 22 in return for services as a prison chaplain shall be treated as if it were includable in the member's
 23 taxable income under Oregon law.

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

25 338.135. (1) Employee assignment to a public charter school shall be voluntary.

26 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
 27 ployer of any employees of the public charter school. If a school district board is not the sponsor
 28 of the public charter school, the school district board may not be the employer of the employees of
 29 the public charter school and the school district board may not collectively bargain with the em-
 30 ployees of the public charter school. The public charter school governing body shall control the
 31 selection of employees at the public charter school.

32 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
 33 with a for-profit entity to provide educational services through the virtual public charter school, the
 34 for-profit entity may not be the employer of any employees of the virtual public charter school un-
 35 less:

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

37 (B) Both the executive officer of the sponsor and the public charter school governing body ap-
 38 prove employment by the for-profit entity. The executive officer or governing body may choose to
 39 grant approval under this subparagraph:

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

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

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

1 (3) The school district board of the school district within which the public charter school is lo-
2 cated shall grant a leave of absence to any employee who chooses to work in the public charter
3 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
4 board policy. However, the length of the leave of absence may not be less than two years unless:

5 (a) The charter of the public charter school is terminated or the public charter school is dis-
6 solved or closed during the leave of absence; or

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

9 (4) An employee of a public charter school operating within a school district who is granted a
10 leave of absence from the school district and returns to employment with the school district shall
11 retain seniority and benefits 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 employer of an employee of
13 a public charter school not operating within the school district may make provisions for the return
14 of the employee to employment with the school district.

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

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

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

24 (B) The member was informed in writing by the public charter school during the period of con-
25 tinuous employment that the member was eligible to participate in the Public Employees Retirement
26 System and the public charter school made contributions to the system on the member's behalf;

27 (C) The remuneration was, or would have been if the member were an Oregon resident,
28 includable in the member's taxable income under Oregon law during the period of continuous em-
29 ployment; and

30 (D) The member resided and performed services in the United States during the period of con-
31 tinuous employment.

32 (c) As used in this subsection, "continuous employment" means employment with a public char-
33 ter school that is not interrupted by a period of more than 30 consecutive calendar days.

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

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

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

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

43 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
44 for purposes of ORS 243.650 to 243.809. An employee of a public charter school may be a member
45 of a labor organization or organize with other employees to bargain collectively. Bargaining units

1 at the public charter school may be separate from other bargaining units of the sponsor or of the
 2 school district in which the public charter school is located. Employees of a public charter school
 3 may be part of the bargaining units of the sponsor or of the school district in which the public
 4 charter school is located.

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

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

8 352.138. (1) The following entities are not subject to any provision of law enacted after January
 9 1, 2013, that is unique to governmental entities unless the following entities are expressly named:

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

11 (b) Any not-for-profit organization or other entity if the equity of the entity is owned or con-
 12 trolled exclusively by a public university and if the organization or entity is created by the univer-
 13 sity to advance any of the university's statutory missions.

14 (2) Notwithstanding subsection (1) of this section and ORS 352.033, the provisions of ORS 30.260
 15 to 30.460, 33.710, 33.720, 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640, 279.835, 279.840,
 16 279.850 and 297.040 and ORS chapters 35, 190, 192 and 244 apply to a public university listed in ORS
 17 352.002 under the same terms as they apply to public bodies other than the state.

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

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

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

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

34 (6)(a) Notwithstanding ORS 352.033, except as set forth in subsection (3) of this section, ORS
 35 243.650 to 243.809 and 276.073 to 276.090 and ORS chapters 238 and 238A apply to a public univer-
 36 sity listed in ORS 352.002 under the same terms as they apply to the state.

37 (b) For purposes of determining the salary of an active member of the Public Employees Re-
 38 tirement System under ORS 238A.005 [(17)] (18), remuneration paid to a member in return for ser-
 39 vices to a public university listed in ORS 352.002 is deemed includable in the member's taxable
 40 income under Oregon law during a period of continuous employment with any public university
 41 listed in ORS 352.002 if:

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

44 (B) The member resided and performed services in the United States during the period of con-
 45 tinuous employment.

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

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

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

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

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

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

20 (A) Disbursement of project funds by a project agency through grant contracts or loan agree-
21 ments;

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

23 (C) Any other matters determined by the Oregon Department of Administrative Services to be
24 necessary for the administration of the Article XI-Q bond program.

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

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

28 353.100. (1) The provisions of ORS chapters 35, 190, 192, 244 and 295 and ORS 30.260 to 30.460,
29 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640, 243.650 to 243.809, 297.040, 307.090 and
30 307.112 apply to Oregon Health and Science University under the same terms as they apply to public
31 bodies other than the state.

32 (2) Except as otherwise provided by law, the provisions of ORS chapters 182, 183, 240, 270, 273,
33 276, 279A, 279B, 279C, 283, 291, 292, 293, 294 and 297 and ORS 35.550 to 35.575, 180.060, 180.210 to
34 180.235, 183.710 to 183.730, 183.745, 183.750, 184.305 to 184.345, 190.430, 190.480, 190.490, 192.105,
35 200.035, 243.105 to 243.585, 243.696, 243.853 to 243.855, 278.011 to 278.120, 278.315 to 278.415, 279.835
36 to 279.855, 282.010 to 282.150, 283.085 to 283.092, 357.805 to 357.895 and 656.017 (2) do not apply to
37 the university or any not-for-profit organization or other entity if the equity of the entity is owned
38 exclusively by the university and if the organization or entity is created by the university to ad-
39 vance any of the university's statutory missions.

40 (3) The university, as a distinct governmental entity, or any organization or entity described in
41 subsection (2) of this section is not subject to any provision of law enacted after January 1, 1995,
42 with respect to any governmental entity, unless the provision specifically provides that it applies to
43 the university or to the organization or entity.

44 (4) For purposes of determining the salary, as defined in ORS 238A.005 [(17)] (18), paid between
45 August 29, 2003, and January 1, 2020, to a member of the Public Employees Retirement System,

1 remuneration paid to a member of the system in return for services to the university is deemed
2 includable in the member's taxable income under Oregon law during a period of continuous em-
3 ployment with the Oregon Health and Science University if:

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

6 (b) The remuneration was, or would have been if the member were an Oregon resident,
7 includable in the member's taxable income under Oregon law during the period of continuous em-
8 ployment.

9 **SECTION 12.** The Public Employees Retirement Board shall study the likely liability of
10 participating public employers for members in hazardous positions, as defined in ORS
11 238A.005, as amended by section 2 of this 2024 Act. The board shall submit a report in the
12 manner provided by ORS 192.245, and shall include recommendations for implementation of
13 benefits for members working in hazardous positions, to the interim committees of the
14 Legislative Assembly related to public employee retirement no later than September 15, 2028.

15 **SECTION 13.** (1) Section 12 of this 2024 Act becomes operative on July 1, 2027.

16 (2) Section 12 of this 2024 Act is repealed on January 2, 2030.

17 **SECTION 14.** The Public Employees Retirement Board shall report at each odd-numbered
18 year regular session, in writing or in person, to a committee of the Legislative Assembly
19 related to public employee retirement on progress toward implementing the amendments to
20 ORS 238A.005, 238A.125, 238A.134, 238A.160, 238A.220, 238A.240, 338.135, 352.138 and 353.100 by
21 sections 2, 3 and 5 to 11 of this 2024 Act. The report must include the impact of any delays
22 occurring as a result of other ongoing projects of the board.

23 **SECTION 15.** Section 14 of this 2024 Act is repealed on January 2, 2030.

24 **SECTION 16.** (1) The amendments to ORS 238.005 by section 1 of this 2024 Act apply only
25 to a person who:

26 (a) Is employed as a district attorney, or as a forensic scientist or evidence technician
27 by the Department of State Police, on the effective date of this 2024 Act; or

28 (b) Becomes employed as a district attorney, or as a forensic scientist or evidence tech-
29 nician by the Department of State Police, after the effective date of this 2024 Act.

30 (2) A person who is employed as a district attorney, or as a forensic scientist or evidence
31 technician by the Department of State Police, on or after the effective date of this 2024 Act
32 is entitled to service under the Public Employees Retirement System as a police officer only
33 for service performed as a district attorney, or as a forensic scientist or evidence technician
34 for the Department of State Police, on or after the effective date of this 2024 Act.

35 **SECTION 17.** The amendments to ORS 238A.160 by section 4 of this 2024 Act apply to
36 members of the Oregon Public Service Retirement Plan whose effective date of retirement
37 is on or after the effective date of this 2024 Act.

38 **SECTION 18.** (1) The amendments to ORS 238A.005, 238A.125, 238A.134, 238A.160, 238A.220,
39 238A.240, 338.135, 352.138 and 353.100 by sections 2, 3 and 5 to 11 of this 2024 Act become op-
40 erative on January 1, 2030.

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

44 (3) A member is of normal retirement age for purposes of ORS 238A.160 (3), as amended
45 by section 5 of this 2024 Act, if the member, on or after the operative date specified in sub-

1 **section (1) of this section:**

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

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

4 **(c) Has accrued their last 60 months of retirement credit in one or more positions that**
5 **qualify or would qualify as hazardous positions, as defined in ORS 238A.005, as amended by**
6 **section 2 of this 2024 Act.**

7 **(4) Any member who would have established retirement eligibility under ORS 238A.160**
8 **(3), had the amendments to ORS 238A.160 (3) by section 5 of this 2024 Act become operative**
9 **on January 1, 2019, is eligible to retire under ORS 238A.130 (3) on and after January 1, 2030.**
10 **Service before January 1, 2019, may not be used to establish retirement eligibility under this**
11 **subsection.**

12 **(5) The Public Employees Retirement Board may take any action before the operative**
13 **date specified in subsection (1) of this section to enable the board to exercise, on and after**
14 **the operative date specified in subsection (1) of this section, all of the duties, functions and**
15 **powers conferred on the board by the amendments to ORS 238A.005, 238A.125, 238A.134,**
16 **238A.160, 238A.220, 238A.240, 338.135, 352.138 and 353.100 by sections 2, 3 and 5 to 11 of this**
17 **2024 Act.**

18