Chapter 237

2013 EDITION

Public Employee Retirement Generally

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237.001 [1953 c.200 §1; renumbered 238.750 in 1995]

237.002 [Repealed by 1953 c.180 §18]

237.003 [1953 c.200 §2; 1955 c.131 §3; 1957 c.630 §5; 1959 c.333 §1; 1961 c.430 §1; 1963 c.608 §11; 1967 c.160 §1; 1967 c.622 §1; 1969 c.240 §1; 1971 c.738 §1; 1973 c.19 §1; 1974 s.s. c.28 §3; 1975 c.289 §1; 1977 c.425 §1; 1979 c.446 §2; 1979 c.656 §5; 1979 c.741 §1; 1981 c.479 §2; 1981 c.760 §1; 1983 c.740 §59; 1983 c.830 §1; 1985 c.118 §13; 1985 c.302 §10; 1985 c.565 §37; 1985 c.823 §1; 1987 c.320 §147; 1987 c.617 §1; 1987 c.898 §13; 1989 c.606 §1; 1989 c.614 §1; 1989 c.888 §1; 1990 c.4 §1; 1990 c.5 §1; 1991 c.675 §5; 1993 c.33 §320; 1993 c.118 §1; 1993 c.177 §1; 1993 c.185 §23; 1993 c.623 §5; 1993 c.766 §7; 1995 c.162 §63; 1995 c.203 §1; 1995 c.291 §2; 1995 c.654 §4; renumbered 238.005 in 1995]

237.004 [Repealed by 1953 c.180 §18]

237.005 [1953 c.200 §3; renumbered 238.600 in 1995]

237.006 [Repealed by 1953 c.180 §18]

237.007 [1989 c.906 §9; see note following]

Note: Chapter 906, Oregon Laws 1989 [enacting 237.007 and amending 237.201 and 237.233], was referred by the electors to the November 1990 General Election, at which it was defeated.

237.008 [Repealed by 1953 c.180 §18]

237.010 [Repealed by 1953 c.180 §18]

237.011 [1953 c.200 §8; 1955 c.131 §4; 1961 c.331 §1; 1963 c.608 §12; 1967 c.622 §2; 1969 c.435 §1; 1971 c.270 §1; 1975 c.744 §1; 1979 c.861 §1; 1983 c.830 §3; 1987 c.617 §2; 1987 c.898 §14; 1989 c.799 §1; 1991 c.149 §5; 1993 c.177 §2; 1995 c.162 §64; renumbered 238.015 in 1995]

237.012 [Repealed by 1953 c.180 §18]

237.013 [1959 c.559 §8; 1969 c.332 §16; 1991 c.815 §4; 1995 c.658 §95; renumbered 238.045 in 1995]

237.014 [Repealed by 1953 c.180 §18]

237.015 [1969 c.54 §1; repealed by 1989 c.888 §3 and 1991 c.776 §3]

237.016 [Repealed by 1953 c.180 §18]

237.017 [1969 c.458 §2; 1977 c.860 §1; 1981 c.772 §2; 1987 c.617 §3; 1991 c.813 §14; subsection (1) renumbered 238.355 in 1995; subsection (2) renumbered 238.230 in 1995; subsection (3) renumbered 238.074 in 1995]

237.018 [Repealed by 1953 c.180 §18]

237.019 [1969 c.92 §2; renumbered 238.072 in 1995]

237.020 [Repealed by 1953 c.180 §18]

237.021 [1969 c.435 §2; renumbered 238.170 in 1995]

237.022 [Repealed by 1953 c.180 §18]

237.024 [Repealed by 1953 c.180 §18]

237.025 [1957 c.630 §2; renumbered 238.062 in 1995]

237.026 [Repealed by 1953 c.180 §18]

237.027 [1963 c.153 §10; 1983 c.338 §904; repealed by 1985 c.62 §1]

237.028 [Repealed by 1953 c.180 §18]

237.029 [1975 c.137 §2; 1975 c.449 §15; 1979 c.658 §3; 1981 c.762 §7; 1987 c.617 §16; 1989 c.871 §2; 1993 c.177 §3; renumbered 238.068 in 1995]

237.030 [Repealed by 1953 c.180 §18]

237.031 [1991 c.767 §2; 1993 c.177 §4; renumbered 238.035 in 1995]

237.032 [Repealed by 1953 c.180 §18]

237.033 [1961 c.189 §2; repealed by 1969 c.367 §3]

237.034 [Repealed by 1953 c.180 §18]

237.035 [1961 c.189 §3; repealed by 1969 c.367 §3]

237.036 [Repealed by 1953 c.180 §18]

237.037 [1991 c.776 §2; renumbered 238.690 in 1995]

237.038 [Repealed by 1953 c.180 §18]

237.039 [1991 c.815 §1; renumbered 238.055 in 1995]

237.040 [Repealed by 1953 c.180 §18]

237.041 [Formerly 237.056; repealed by 1967 c.622 §25]

237.042 [Repealed by 1953 c.180 §18]

237.044 [Repealed by 1953 c.180 §18]

237.046 [Repealed by 1953 c.180 §18]

237.048 [Repealed by 1953 c.180 §18]

237.050 [Repealed by 1953 c.180 §18]

237.051 [1953 c.200 §9; 1985 c.823 §2; 1991 c.767 §3; renumbered 238.680 in 1995]

237.052 [Repealed by 1953 c.180 §18]

237.053 [1981 c.689 §2; 1983 c.589 §3; 1985 c.784 §1; renumbered 238.685 in 1995]

237.054 [Repealed by 1953 c.180 §18]

237.056 [Amended by 1953 c.522 §3; renumbered 237.041]

237.058 [Repealed by 1953 c.180 §18]

237.060 [1971 c.738 §11; 1973 c.695 §1; 1989 c.799 §2; renumbered 238.360 in 1995]

237.061 [1953 c.200 §8; repealed by 1955 c.131 §21]

237.062 [Repealed by 1953 c.180 §18]

237.064 [Repealed by 1953 c.180 §18]

237.065 [1957 c.630 §4; 1967 c.622 §3; 1981 c.541 §3; repealed by 1981 c.761 §12]

237.066 [Repealed by 1953 c.180 §18]

237.068 [Repealed by 1953 c.180 §18]

237.070 [Repealed by 1953 c.180 §18]

237.071 [1953 c.200 §13; 1955 c.131 §5; 1957 c.630 §6; 1959 c.334 §1; 1963 c.608 §1; 1967 c.622 §4; 1969 c.107 §1; 1973 c.695 §2; 1981 c.541 §5; 1981 c.761 §1; 1993 c.177 §5; subsections (1) to (3) renumbered 238.200 in 1995; subsection (4) renumbered 238.440 in 1995]

237.072 [Repealed by 1953 c.180 §18]

237.073 [1965 c.297 §5; 1967 c.622 §5; 1969 c.640 §3; 1977 c.624 §1; 1987 c.617 §4; 1987 c.898 §15; 1993 c.177 §6; renumbered 238.215 in 1995]

237.074 [Repealed by 1953 c.180 §18]

237.075 [1979 c.538 §3; 1981 c.373 §1; 1993 c.177 §7; renumbered 238.205 in 1995]

237.076 [Repealed by 1953 c.180 §18]

237.078 [Repealed by 1953 c.180 §18]

237.079 [1987 c.625 §8; 1995 c.658 §96; renumbered 238.210 in 1995]

237.081 [1953 c.200 §14; 1955 c.131 §6; 1957 c.299 §1; 1959 c.334 §2; 1959 c.623 §3; 1961 c.331 §2; 1963 c.608 §13; 1967 c.622 §6; 1969 c.640 §5; 1993 c.177 §8; renumbered 238.225 in 1995]

237.082 [Repealed by 1953 c.180 §18]

237.084 [Repealed by 1953 c.180 §18]

237.085 [1961 c.342 §2; 1965 c.533 §1; renumbered 238.150 in 1995]

237.086 [Repealed by 1953 c.180 §18]

237.088 [Repealed by 1953 c.180 §18]

237.090 [Repealed by 1953 c.180 §18]

237.091 [1953 c.200 §16; renumbered 238.025 in 1995]

237.093 [1953 c.200 §16; 1957 c.630 §13; 1967 c.140 §1; 1975 c.200 §2; 1981 c.762 §8; 1987 c.617 §6; 1991 c.813 §1; 1993 c.177 §9; renumbered 238.155 in 1995]

237.094 [Repealed by 1953 c.180 §18]

237.095 [1973 c.735 §§2,3,4,5,6,7; renumbered 238.165 in 1995]

237.096 [Repealed by 1953 c.180 §18]

237.097 [1953 c.200 §16; 1993 c.177 §10; renumbered 238.160 in 1995]

237.098 [Repealed by 1953 c.180 §18]

237.099 [1991 c.675 §2; 1993 c.177 §11; renumbered 238.145 in 1995]

237.101 [1953 c.200 §15; renumbered 238.475 in 1995]

237.102 [Repealed by 1953 c.180 §18]

237.103 [1969 c.640 §2; repealed by 1995 c.452 §24]

237.104 [Repealed by 1953 c.180 §18]

237.105 [1953 c.200 §15; repealed by 1967 c.622 §25]

237.106 [Repealed by 1953 c.180 §18]

237.107 [1955 c.131 §2; renumbered 238.480 in 1995]

237.108 [1983 c.647 §2; 1987 c.617 §7; 1991 c.917 §1; 1993 c.177 §12; renumbered 238.115 in 1995]

237.109 [1953 c.200 §15; 1955 c.131 §7; 1957 c.630 §7; renumbered 238.095 in 1995]

237.110 [Repealed by 1953 c.180 §18]

237.111 [1953 c.200 §15; 1955 c.131 §8; 1957 c.630 §8; 1959 c.225 §1; 1963 c.608 §2; 1967 c.622 §7; 1969 c.640 §6; 1971 c.160 §1; 1973 c.704 §4; 1975 c.449 §1; 1983 c.830 §4; 1991 c.815 §5; 1993 c.118 §2; subsection (1) renumbered 238.425 in 1995; subsection (2) renumbered 238.265 in 1995; subsection (3) renumbered 238.105 in 1995]

237.112 [Repealed by 1953 c.180 §18]

237.113 [1959 c.663 §2; 1971 c.496 §1; 1979 c.727 §2; 1987 c.898 §16; repealed by 1991 c.815 §21]

237.114 [Repealed by 1953 c.180 §18]

237.115 [1957 c.630 §3; renumbered 238.270 in 1995]

237.116 [Repealed by 1953 c.180 §18]

237.117 [1985 c.625 §2; 1987 c.617 §8; 1993 c.177 §13; renumbered 238.125 in 1995]

237.118 [Repealed by 1953 c.180 §18]

237.119 [1991 c.917 §5; 1993 c.177 §14; renumbered 238.135 in 1995]

237.120 [Repealed by 1953 c.180 §18]

237.121 [1953 c.200 §17; 1967 c.622 §8; 1973 c.695 §3; 1975 c.449 §2; 1979 c.812 §1; 1981 c.768 §1; 1987 c.617 §9; 1987 c.898 §17a; 1989 c.871 §1; 1993 c.177 §15; renumbered 238.280 in 1995]

237.122 [Repealed by 1953 c.180 §18]

237.124 [Repealed by 1953 c.180 §18]

237.125 [1953 c.200 §17; 1955 c.131 §9; 1967 c.622 §9; 1979 c.861 §2; 1981 c.761 §3; 1983 c.830 §5; 1987 c.898 §§11,18; renumbered 238.078 in 1995]

237.126 [Repealed by 1953 c.180 §18]

237.128 [Repealed by 1953 c.108 §18]

237.129 [1953 c.200 §17; 1957 c.630 §9; 1967 c.622 §10; 1979 c.861 §3; 1983 c.641 §1; 1987 c.898 §19; repealed by 1993 c.120 §1]

237.130 [Repealed by 1953 c.180 §18]

237.131 [1969 c.226 §2; 1975 c.473 §1; 1979 c.861 §4; repealed by 1987 c.898 §28]

237.132 [Repealed by 1953 c.180 §18]

237.133 [1953 c.200 §17; 1955 c.131 §10; 1957 c.630 §10; 1959 c.333 §3; 1961 c.331 §3; 1967 c.622 §11; 1969 c.650 §1; 1971 c.317 §1; 1975 c.137 §4; 1975 c.200 §3; 1979 c.214 §1; 1987 c.898 §20; renumbered 238.088 in 1995]

237.134 [Repealed by 1953 c.180 §18]

237.135 [1955 c.283 §2; repealed by 1987 c.898 §28]

237.136 [Repealed by 1953 c.180 §18]

237.137 [1963 c.387 §2; 1967 c.622 §12; repealed by 1969 c.597 §281]

237.138 [Repealed by 1953 c.180 §18]

237.139 [1957 c.366 §2; repealed by 1993 c.120 §1]

237.140 [Repealed by 1953 c.180 §18]

237.141 [1953 c.200 §17; 1955 c.131 §11; repealed by 1959 c.400 §1 (237.143 enacted in lieu of 237.141)]

237.142 [Repealed by 1953 c.180 §18]

237.143 [1959 c.400 §2 (enacted in lieu of 237.141); 1973 c.704 §5; 1979 c.214 §2; 1991 c.917 §3; 1995 c.494 §3; renumbered 238.082 in 1995]

237.144 [Repealed by 1953 c.180 §18]

237.145 [1967 c.214 §2; 1973 c.30 §1; 1975 c.200 §4; 1977 c.548 §1; 1981 c.541 §8; 1991 c.813 §15; 1993 c.177 §16; renumbered 238.092 in 1995]

237.146 [Repealed by 1953 c.180 §18]

237.147 [1953 c.200 §18; 1955 c.131 §12; 1967 c.622 §13; 1969 c.597 §140; 1969 c.640 §7; 1971 c.738 §2; 1973 c.695 §4; 1975 c.137 §3; 1975 c.200 §5; 1975 c.449 §3; 1981 c.541 §6; 1981 c.761 §4; 1987 c.320 §148; 1987 c.617 §10; 1987 c.898 §21; renumbered 238.300 in 1995]

237.148 [Repealed by 1953 c.180 §18]

237.149 [1967 c.622 §23; 1969 c.640 §14; 1977 c.740 §2; repealed by 1981 c.761 §12]

237.150 [Repealed by 1953 c.180 §18]

237.151 [1953 c.200 §15; 1963 c.608 §16; 1967 c.622 §14; 1987 c.898 §§9,22; renumbered 238.315 in 1995]

237.152 [Repealed by 1953 c.180 §18]

237.153 [1973 c.646 §2; 1975 c.203 §1; 1981 c.772 §1; 1981 c.567 §10; 1981 c.849 §2; 1983 c.830 §6; 1987 c.819 §1; 1989 c.799 §3; 1993 c.177 §17; renumbered 238.350 in 1995]

237.154 [Repealed by 1953 c.180 §18]

237.155 [1953 c.200 §19; 1955 c.131 §13; 1967 c.622 §15; 1971 c.738 §3; 1973 c.704 §6; 1977 c.740 §1; 1979 c.658 §5; 1981 c.761 §5; 1985 c.692 §1; 1987 c.898 §3; 1989 c.799 §4; 1989 c.900 §1; 1991 c.813 §3; 1993 c.121 §1; renumbered 238.305 in 1995]

237.156 [Repealed by 1953 c.180 §18]

237.157 [1959 c.256 §2; renumbered 238.460 in 1995]

237.158 [Repealed by 1953 c.180 §18]

237.159 [1989 c.995 §2; 1991 c.813 §2; renumbered 238.455 in 1995]

237.160 [Repealed by 1953 c.180 §18]

237.162 [Repealed by 1953 c.180 §18]

237.163 [Formerly 237.640; renumbered 238.405 in 1995]

237.164 [Repealed by 1953 c.180 §18]

237.165 [1953 c.200 §20; 1963 c.608 §18; 1969 c.640 §9; 1971 c.738 §4; 1981 c.541 §7; 1983 c.830 §7; 1985 c.823 §3; 1987 c.898 §1; 1989 c.799 §5; 1993 c.121 §2; renumbered 238.390 in 1995]

237.166 [Repealed by 1953 c.180 §18]

237.167 [1957 c.367 §2; 1987 c.898 §23; renumbered 238.400 in 1995]

237.168 [Repealed by 1953 c.180 §18]

237.169 [1959 c.623 §2; 1961 c.331 §4; 1963 c.608 §3; 1969 c.621 §1; 1971 c.738 §5; 1973 c.704 §8; 1983 c.740 §61; 1983 c.830 §8; 1985 c.823 §4; 1987 c.898 §2; 1989 c.799 §6; 1993 c.121 §3; 1993 c.177 §18; renumbered 238.395 in 1995]

237.170 [Repealed by 1953 c.180 §18]

237.171 [1953 c.200 §21; 1955 c.131 §14; 1959 c.334 §4; 1963 c.608 §4; 1967 c.622 §16; 1975 c.449 §5; 1983 c.641 §2; 1987 c.898 §24; 1991 c.60 §1; 1993 c.177 §19; renumbered 238.320 in 1995]

237.172 [Amended by 1953 c.523 §6; renumbered 237.305]

237.173 [Formerly 237.630; renumbered 238.345 in 1995]

237.174 [Renumbered 237.311]

237.176 [Renumbered 237.315]

237.181 [1953 c.200 §21; 1955 c.131 §15; 1957 c.630 §11; 1961 c.27 §1; 1967 c.622 §17; 1969 c.640 §10; 1971 c.738 §6; 1975 c.449 §6; 1987 c.898 §4; 1989 c.799 §7; renumbered 238.325 in 1995]

237.187 [1953 c.200 §21; 1955 c.131 §16; 1963 c.608 §5; subsection (2) enacted as 1963 c.608 §7; 1967 c.622 §18; 1969 c.640 §11; 1987 c.898 §25; 1993 c.177 §20; renumbered 238.330 in 1995]

237.191 [1953 c.200 §21; renumbered 238.335 in 1995]

237.195 [1953 c.200 §21; 1957 c.630 §12; 1967 c.622 §19; renumbered 238.340 in 1995]

237.197 [1967 c.622 §24; 1969 c.538 §1; 1971 c.738 §7; 1973 c.695 §§5,5a; 1981 c.761 §6; 1989 c.799 §8; 1989 c.966 §8; 1991 c.59 §1; 1993 c.177 §21; renumbered 238.260 in 1995]

237.198 [1963 c.608 §9; 1967 c.622 §20; repealed by 1971 c.738 §8 (237.199 enacted in lieu of 237.198)]

237.199 [1971 c.738 §9 (enacted in lieu of 237.198); 1973 c.695 §6; 1977 c.627 §1; renumbered 238.370 in 1995]

237.200 [1973 c.695 §8; 1979 c.861 §5; 1981 c.541 §9; 1993 c.177 §22; renumbered 238.310 in 1995]

237.201 [1953 c.200 §22; 1969 c.640 §13; 1971 c.732 §3; 1979 c.85 §2; 1985 c.671 §9; 1987 c.617 §11; 1989 c.726 §6; 1991 c.823 §1; 1993 c.33 §321; 1993 c.798 §46; 1995 c.608 §37; renumbered 238.445 in 1995; see note under 237.007]

237.202 [1993 c.121 §5; renumbered 238.470 in 1995]

237.205 [1979 c.607 §2; 1993 c.715 §1; renumbered 238.465 in 1995]

237.208 [1991 c.796 §2; 1993 c.177 §23; 1995 c.494 §1; 1995 c.569 §4; renumbered 238.385 in 1995]

237.209 [1981 c.776 §2; 1985 c.821 §1; 1989 c.757 §1; 1991 c.796 §3; 1993 c.177 §24; 1995 c.569 §5; renumbered 238.365 in 1995]

237.210 [1987 c.898 §7; renumbered 238.450 in 1995]

237.211 [1983 c.770 §2; 1993 c.177 §25; 1995 c.658 §97; renumbered 238.500 in 1995]

237.215 [1983 c.770 §3; 1987 c.625 §1; 1991 c.815 §6; 1995 c.658 §98; renumbered 238.505 in 1995]

237.217 [1983 c.770 §4; 1991 c.815 §7; renumbered 238.515 in 1995]

237.219 [1983 c.770 §5; renumbered 238.525 in 1995]

237.220 [1983 c.770 §6; 1987 c.625 §2; 1991 c.815 §§8,11; 1993 c.170 §1; 1993 c.177 §26; 1995 c.658 §131; renumbered 238.535 in 1995]

237.223 [1983 c.770 §7; 1991 c.815 §14; 1995 c.658 §132; renumbered 238.545 in 1995]

237.225 [1983 c.770 §8; 1991 c.815 §16; renumbered 238.555 in 1995]

237.227 [1983 c.770 §9; 1991 c.815 §§12,13; renumbered 238.565 in 1995]

237.230 [1983 c.770 §10; 1989 c.757 §3; 1991 c.796 §4; 1995 c.569 §6; renumbered 238.575 in 1995]

237.233 [1983 c.770 §11; 1987 c.616 §5; 1991 c.796 §5; 1991 c.815 §15; 1993 c.120 §2; 1993 c.177 §27; 1993 c.588 §1; 1995 c.296 §4; 1995 c.569 §7; 1995 c.600 §5; 1995 c.658 §134; renumbered 238.580 in 1995; see note under 237.007]

237.247 [1991 c.969 §4; 1993 c.18 §42; 1993 c.117 §1; 1993 c.118 §3; 1993 c.177 §28; renumbered 238.415 in 1995]

237.248 [Formerly 237.325; 1991 c.814 §1; 1993 c.18 §43; 1993 c.177 §29; renumbered 238.420 in 1995]

237.251 [1953 c.200 §§4,10; 1955 c.131 §17; 1963 c.608 §10; 1971 c.418 §10; 1983 c.740 §62; 1985 c.823 §7; 1987 c.93 §1; 1993 c.783 §2; 1995 c.296 §5; 1995 c.653 §1; renumbered 238.630 in 1995]

237.253 [1979 c.552 §3; renumbered 238.635 in 1995]

237.255 [1953 c.200 §§4,5; 1969 c.314 §15; 1987 c.93 §2; 1995 c.286 §24a; 1995 c.653 §2; renumbered 238.640 in 1995]

237.259 [1953 c.200 §7; 1973 c.704 §11; renumbered 238.645 in 1995]

237.263 [1953 c.200 §6; 1971 c.734 §34; 1985 c.823 §5; renumbered 238.650 in 1995]

237.271 [1953 c.200 §10; 1955 c.131 §18; 1959 c.556 §5; 1961 c.508 §1; 1967 c.335 §22; 1973 c.704 §12; 1975 c.614 §4; 1979 c.552 §1; 1985 c.823 §6; 1989 c.966 §9; 1991 c.813 §5; 1993 c.694 §28; renumbered 238.660 in 1995]

237.273 [1959 c.556 §3; 1961 c.124 §1; 1961 c.508 §2; subsection (3) enacted as 1963 c.569 §26; repealed by 1967 c.335 §60]

237.274 [1961 c.508 §§4,5,6,7; 1963 c.183 §2; 1965 c.497 §1; repealed by 1967 c.335 §60]

237.275 [1953 c.200 §10; 1993 c.177 §30; renumbered 238.250 in 1995]

237.277 [1975 c.333 §2; 1993 c.177 §31; renumbered 238.255 in 1995]

237.279 [1953 c.200 §10; renumbered 238.665 in 1995]

237.281 [1953 c.200 §10; 1955 c.131 §19; 1967 c.335 §23; 1967 c.622 §§21, 21a; 1973 c.704 §13; 1987 c.849 §1; renumbered 238.670 in 1995]

237.285 [1953 c.200 §12; 1955 c.131 §20; 1987 c.849 §3; renumbered 238.605 in 1995]

237.291 [1953 c.200 §11; renumbered 238.610 in 1995]

237.293 [1989 c.420 §4; renumbered 238.615 in 1995]

237.295 [1991 c.192 §§2,3; renumbered 238.675 in 1995]

237.300 [1953 c.523 §1; renumbered 238.700 in 1995]

237.301 [1953 c.523 §4; 1981 c.541 §1; 1989 c.799 §9; 1991 c.249 §19; renumbered 238.705 in 1995]

237.303 [1959 c.556 §4; 1975 c.614 §5; repealed by 1989 c.799 §14]

237.305 [Formerly 237.172; 1963 c.608 §14; 1987 c.617 §12; repealed by 1989 c.799 §14]

237.311 [Formerly 237.174; 1979 c.562 §8; 1989 c.799 §10; renumbered 238.710 in 1995]

237.312 [1993 c.119 §2; renumbered 238.715 in 1995]

237.315 [Formerly 237.176; 1989 c.980 §10b; renumbered 238.655 in 1995]

237.320 [1959 c.319 §2; 1967 c.359 §685; 1981 c.195 §1; 1987 c.616 §3; 1987 c.617 §13; 1989 c.597 §1; 1989 c.799 §11a; 1991 c.814 §2; 1991 c.815 §29; 1993 c.117 §3; 1993 c.148 §1; renumbered 238.410 in 1995]

237.325 [1987 c.616 §2; 1989 c.597 §2; 1989 c.799 §12a; 1989 c.826 §1a; 1989 c.966 §10a; renumbered 237.248 in 1989]

MUNICIPAL RETIREMENT SYSTEMS

237.350 Definitions for ORS 237.350 to 237.380. As used in ORS 237.350 to 237.380 unless the context requires otherwise:

(1) "City" means any city with a population of 100,000 or more in which a retirement system may be established under the charter.

(2) "Actuarial reserve basis" means the accumulation of a reserve, in equal annual installments from the date on which an officer or employee of the city first became a member of a retirement plan created under ORS 237.355 to the retirement date specified in the plan, sufficient in amount to provide the retirement benefits required to be provided to the officer or employee under the plan.

(3) "Retirement plan" or "retirement system" means a plan or system created or established pursuant to ORS 237.350 to 237.380. [Formerly 238.510]

237.355 Establishment of retirement system. A city in which any pension system may be established by charter, may establish a retirement system pursuant to ORS 237.350 to 237.380. The council of the city may enact such ordinances as are necessary to put the system into effect and may supplement or change the ordinances from time to time. [Formerly 238.520]

237.360 Features of retirement plan. The retirement plan may provide for retirement benefits measured on the basis of services rendered or to be rendered by an officer or employee, either before or after the date on which such officer or employee first becomes a member of the retirement plan. The retirement plan may provide for a minimum of years of service and a minimum and maximum age of retirement for the officer or employee. [Formerly 238.530]

237.365 Contribution to fund by city. The city may budget and provide by ordinance for payment into the fund of the retirement system an amount sufficient:

(1) To provide, on an actuarial reserve basis, the amortized level premium cost of the retirement benefits which, under the provision of the retirement system, are to be provided by the city to its officers or employees who attain the retirement age or retire in accordance with the terms of the retirement plan.

(2) To meet the actuarially computed costs of retirement benefits measured on the basis of services rendered or to be rendered by an officer or employee before or after the date on which such officer or employee becomes a member of the retirement plan. [Formerly 238.540]

237.370 Collection of contribution from employees. The city may collect, as a contribution from any officer or employee of any department or bureau for which a retirement system is established, that percentage of the salary received by the officer or employee, which is necessary to fund on an actuarial reserve basis the cost of retirement benefits which the officer or employee is required to provide pursuant to the provisions of a retirement plan. [Formerly 238.550]

237.375 Limitations on payments and contributions. Nothing in ORS 237.350 to 237.380 authorizes the city to budget, provide for payments or collect contributions to fund retirement benefits for an individual who is not in the employment of the city at the time of the creation of a membership status under a retirement plan. [Formerly 238.560]

237.380 Revenues from which city may make payments to fund. The payments made by the city under ORS 237.365 may be made out of any revenues collected by the city under any law of the state or the charter or ordinances of the city. [Formerly 238.570]

COVERAGE OF EMPLOYEES UNDER FEDERAL SOCIAL SECURITY ACT

237.410 Definitions for ORS 237.420 to 237.515. As used in ORS 237.420 to 237.515, unless the context requires otherwise:

(1) "Public agency" or "political subdivision" means the State of Oregon, any city, county, municipal or public corporation or any political subdivision of the State of Oregon or any instrumentality thereof, or any school district, or any agency created by two or more political subdivisions to provide themselves governmental services, the employees of which constitute a coverage group. For purposes of ORS 237.420 to 237.515, such agency created by two or more political subdivisions is a governmental instrumentality and a legal entity with power to enter into contracts, hold property and sue and be sued.

(2) "Coverage group" has the meaning given that term by the provisions of section 218 of title 2 of the federal Social Security Act, and amendments thereto, and applicable federal regulations adopted pursuant thereto. [Amended by 1953 c.192 §1; 1963 c.608 §15; 1993 c.177 §32; 2001 c.945 §28]

237.411 Construction of ORS 237.412 to 237.418 as supplemental to ORS 237.420 to 237.515. The provisions of ORS 237.412 to 237.418 relating to Old Age and Survivors Insurance coverage are supplemental to ORS 237.420 to 237.515, and shall be so construed. [1953 c.180 §8]

237.412 Declaration of policy regarding federal Social Security protection for employees of state and political subdivisions. In order to extend to employees of the State of Oregon, all the school districts and all the political subdivisions of the state participating in the Public Employees Retirement System immediately prior to March 27, 1953, and to the dependents and survivors of such employees, the basic protection accorded to others by the Old Age and Survivors Insurance system embodied in title 2 for the federal Social Security Act, it hereby is declared to be the policy of this state, subject to the limitations of ORS 237.412 to 237.418, that such action be taken, and hereby it is expressly authorized, as to provide such protection to employees of the state and its political subdivisions on as broad a basis as is permitted under applicable federal law. [1953 c.180 §1]

237.414 Extension of federal Social Security benefits to employees of state and certain political subdivisions. (1) The Public Employees Retirement Board hereby is authorized and directed to enter into an agreement or modification of such agreement with the Federal Security Administrator (United States Secretary of Health and Human Services) on behalf of the State of Oregon, consistent with the terms and provisions of ORS 237.412 to 237.418, for the purpose of extending the benefits of the Federal Old Age and Survivors Insurance system to employees of the state and the political subdivisions which at the time of repeal of chapter 401, Oregon Laws 1945, were participating in the Public Employees Retirement System established by that chapter. The board may authorize its director, on behalf of and in the name of the board, to sign modifications of the agreement including within the agreement legally qualified eligible public agencies.

(2) The agreement shall provide benefits for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title 2 of the Social Security Act.

(3) The duties and obligations of the state and its political subdivisions as employers, in relation to such agreement, shall be as provided by ORS 237.420 to 237.515.

(4) Such agreement or modification thereof shall be effective with respect to services performed after an effective date specified in such agreement or modification, but in no case prior to January 1, 1951.

(5) All services which:

(a) Constitute employment within the meaning of title 2 of the Social Security Act;

(b) Are performed in the employ of the state or a political subdivision or in the employ of an instrumentality of either the state or a political subdivision, or both; and

(c) Are covered by a plan which is in conformity with the terms of the agreement and which has been approved by the board, shall be covered by the agreement.

(6) The Public Employees Retirement Board hereby is authorized and directed to include in the agreement for Old Age and Survivors Insurance coverage to be executed by the board with the Federal Security Administrator (United States Secretary of Health and Human Services) in conformance with this section, the elective officers of the political subdivisions described in subsection (1) of this section, and the elective officers of the State of Oregon. [1953 c.180 §12; 1953 c.193 §1; 1957 c.261 §1; 1967 c.38 §4; 1973 c.704 §14; 1981 c.683 §1; 1991 c.67 §51 and 1991 c.813 §6; 2001 c.104 §73]

237.418 Authority of interstate agencies to extend federal Social Security benefits to their employees. (1) Any instrumentality jointly created by this state and any other state or states hereby is authorized, to the extent that this state may confer authority, upon the granting of like authority by such other state or states:

(a) To enter into an agreement with the Federal Security Administrator (United States Secretary of Health and Human Services) whereby the benefits of the Federal Old Age and Survivors Insurance system shall be extended to employees of such instrumentality;

(b) To require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay if they were covered by an agreement made pursuant to ORS 237.414; and

(c) To make payments to the Secretary of the Treasury of the United States in accordance with such agreement, including payment from its own funds, and otherwise to comply with such agreement.

(2) Such agreement shall, to the extent practicable, be consistent with the terms and provisions of ORS 237.412 and 237.414. [1953 c.180 §13; 1991 c.67 §52 and 1991 c.813 §7]

237.420 Agreements to extend federal Social Security coverage to employees of public agencies not covered by ORS 237.414. The Public Employees Retirement Board established by ORS 237.952 shall, for the purposes of administration of this law, after March 27, 1953, succeed to the powers and duties of the Public Employees Retirement Board established by chapter 401, Oregon Laws 1945, as amended, and shall, upon application by any public agency in accordance with ORS 237.430 and 237.440, execute on behalf of the state an agreement or modification of such agreement, with the Federal Security Administrator (United States Secretary of Health and Human Services), or the designated agent or successor, for the coverage of employees of such public agency under the insurance system established by title 2 of the federal Social Security Act in conformity with the provisions of section 218 thereof and amendments thereto, and applicable federal regulations adopted pursuant thereto. [Amended by 1953 c.192 §2; 1991 c.67 §53 and 1991 c.813 §8]

237.430 Public agencies to be included in the agreement. The agreement shall include each coverage group as to which formal request for inclusion is made by the legislative or governing body of the employing public agency pursuant to ORS 237.440, prior to the effective date of the agreement, or any modification thereof. However, the

board shall not be required to include in any agreement or modification any public agency which is not entitled by law to share in any apportionment of state revenue or funds and has at any time within the 10 years next preceding the date of its application been insolvent or failed to pay when due, the principal or interest of its bonds, warrants or other obligations. [Amended by 1953 c.192 §3(1)]

237.440 Application by political subdivision for inclusion. The legislative or governing body of every political subdivision may make formal application to the Public Employees Retirement Board for inclusion of the eligible employees of such political subdivision in the agreement or any modification thereof. [Amended by 1953 c.192 §3(2); 1955 c.278 §1]

237.450 Starting date for contributions. Every public agency included in the agreement pursuant to ORS 237.430 and 237.440 shall be liable for the contributions required to be remitted by an employer under the provisions of sections 3101 and 3111 of the federal Internal Revenue Code and amendments thereto, except that no contributions required by ORS 237.460 shall be withheld or remitted prior to July 1, 1951, or prior to the approval of the agreement by the Federal Security Administrator (United States Secretary of Health and Human Services). [Amended by 1953 c.192 §4; 1991 c.67 §54; 1991 c.813 §9]

237.460 Withholding and remitting of employees' contributions. (1) Every public agency included in the agreement shall withhold from wages and salaries paid by it to officers and employees covered by the agreement, and remit to the retirement board, that portion required to be withheld from the salaries and wages of employees under the provisions of section 3101 of the federal Internal Revenue Code of 1954 and amendments thereto as required by section 218(e) of title 2 of the federal Social Security Act.

(2) The provisions of subsection (1) of this section requiring remission to the retirement board of amounts withheld from wages and salaries apply only to amounts withheld from wages and salaries that were paid on or before December 31, 1986. Amounts withheld from wages and salaries that were paid after December 31, 1986, shall be remitted to the Internal Revenue Service. [Amended by 1981 c.849 §1; 1991 c.813 §10]

237.465 Employees required to contribute. All employees of the state, all employees of the school districts of the state and all employees of political subdivisions of the state subject to the agreement for Old Age and Survivors Insurance coverage, other than employees specifically excluded by that agreement, shall make contributions for such coverage as required by ORS 237.460. [1955 c.278 §2]

237.470 Retirement board to promulgate regulations. The Public Employees Retirement Board shall promulgate regulations, not inconsistent with ORS 237.410 to 237.515, necessary to provide proper procedures to assure conformity with section 218 of title 2 of the federal Social Security Act and amendments thereto, and federal regulations adopted pursuant thereto. Such regulations shall include provisions governing application procedures, requiring an applicant to present proof satisfactory to the board of its ability to discharge its obligations under ORS 237.410 to 237.515, determining the extent of coverage within separate coverage groups, and provisions prescribing the time and manner of filing reports and making any payment required by ORS 237.410 to 237.515.

237.480 Procedure against employer failing to comply with regulations. If an employer fails to report or remit to the retirement board in the manner and within the time prescribed in the regulations adopted by the board, the board, without notice, may send an auditor to the office of the employer to examine its records and to obtain the necessary reports or remittances, the entire cost of such audit to be paid by the delinquent employer.

237.490 Deposit investment and payment of funds. (1) All employer and employee contributions and other moneys received or collected by the Public Employees Retirement Board under ORS 237.410 to 237.515 shall be deposited into the State Treasury to the credit of an account, separate and distinct from the General Fund, to be known as the Social Security Revolving Account, and the moneys in the account are continuously appropriated for the purposes of ORS 237.410 to 237.515.

(2) All moneys in the account shall be held in trust and invested as provided in ORS 293.701 to 293.857. Interest from such investments shall be used first for paying the administrative expenses described in ORS 237.500 and not later than the 15th day of February, May, August and November, after paying the administrative expenses, as determined by the Public Employees Retirement Board, for the preceding calendar quarter, the balance of the interest remaining shall be available for general governmental expenses.

(3) The Oregon Department of Administrative Services may review all duly approved claims certified by the Public Employees Retirement Board for the payment of amounts required to be paid to the Secre-

tary of the Treasury pursuant to agreements entered into under ORS 237.410 to 237.515, and for the payment of necessary refunds and may issue warrants therefor payable out of the Social Security Revolving Account. [Amended by 1953 c.192 §5(1); 1967 c.399 §§2,6; 1975 c.614 §6; 1989 c.966 §11; 2001 c.716 §22]

237.500 Administrative expenses. All expenses of the Public Employees Retirement Board in excess of those paid under ORS 237.490 (2) incurred in administering the provisions of ORS 237.410 to 237.515, including such proportion of the salary of the director, counsel, professional consultants and employees of the retirement board, as the time required of them for the administration of ORS 237.410 to 237.515 shall bear to the time required for the administration of both ORS 237.410 to 237.515 and the public employees retirement law, shall be paid in the manner provided by law, out of the Social Security Revolving Account. For such purpose, the board may make monthly withdrawals from said account in lump sums. The board may, under such rules as it promulgates, collect from each public agency its respective pro rata share of the expenses incurred in administering ORS 237.410 to 237.515. Each public agency included in the agreement pursuant to ORS 237.430 is required to pay its pro rata share of the expenses incurred by the board in administering ORS 237.410 to 237.515. In order to facilitate financing the administration of the system the board may designate fiscal periods and may provide that extraordinary expenses incurred during one such period, such as expenses for equipment, may, for purposes of equitably distributing part of the burden of the expenses, be apportioned to subsequent fiscal periods in such manner as to the board seems equitable. [Amended by 1953 c.192 §5(2); 1967 c.399 §3; 1973 c.704 §15]

237.510 Collection of delinquent contributions. (1) Upon failure of any public agency to remit contributions to the retirement board as provided by ORS 237.460 or pay its pro rata share as provided by ORS 237.500 and determined by the board, the board may recover by action in a court of competent jurisdiction the amount due and unpaid.

(2) Any public agency delinquent in submitting remittances to the retirement board as provided in ORS 237.460 shall be charged interest on the total amount of remittance due from it at the rate of one percent per month or fraction thereof during which the agency is delinquent. Interest so paid shall be deposited in the Social Security Revolving Account and shall be used by the board in paying the expenses of administration and any penalties which the board may incur.

(3) In order to obtain prompt remittance of contributions and payment of obligations due under ORS 237.410 to 237.515, the board, in the event of delinquency of any public agency entitled by law to share in the apportionment of any state revenues or funds, shall certify the amount of such delinquency to the Oregon Department of Administrative Services, which shall pay the claim out of any revenues or funds in the State Treasury apportioned to the delinquent public agency.

(4) In addition to the remedies otherwise provided under this section, the board may, by petition in usual form, apply to the circuit court for the county in which is located the public agency concerned, or the principal office or place of business of such public agency, for, and if warranted, to have issued, writs of mandamus to compel such public agency to supply to the board a true and complete list and employment records of such agency's employees and all information concerning such employees that reasonably may be required and sought by the board in such petition. Such writs, among other things, shall direct the defendant therein to make such remittances as may appear, from records and information concerning such defendant's employees, to be required by law. Either or both parties thereby aggrieved may appeal to the Court of Appeals from, or from any part of, the judgment of the circuit court given and made in such proceeding, as in ordinary mandamus proceedings. If the court allows the issuance of a peremptory writ, the court shall award reasonable attorney fees, costs and disbursements to the board. [Amended by 1953 c.192 §5(3); 1975 c.614 §7; 1981 c.541 §2; 1991 c.813 §11]

237.515 Exclusion of contributions from biennial budget. Contributions required by ORS 237.410 to 237.515 to be placed in the Social Security Revolving Account and thereafter remitted to the Secretary of the Treasury of the United States shall not be included in the biennial budget of the Public Employees Retirement Board as income or expenses of such board. [1953 c.192 §5(4)]

237.520 [Repealed by 2005 c.755 §59]

PAYMENT OF PUBLIC PENSION TO ALTERNATE PAYEE AFTER MARITAL DISSOLUTION, ANNULMENT OR SEPARATION

237.600 Payment to alternate payee; provisions of judgment, order or settlement; administrative expenses. (1) Notwithstanding any other provision of law, payment of any pension, annuity, retirement allowance, disability benefit, death benefit, refund benefit or other benefit under any public employer retirement plan other than the Public Employees Retirement System

that would otherwise be made to a person entitled to benefits under the plan shall be paid, in whole or in part, to an alternate payee if and to the extent expressly provided for in the terms of any judgment of annulment or dissolution of marriage or of separation, or the terms of any court order or court-approved property settlement agreement incident to any judgment of annulment or dissolution of marriage or of separation. Notwithstanding any other provisions of this section, the total value of benefits payable to a member and to an alternate payee under this section may not be greater than the value of the benefits the member would otherwise be eligible to receive. Any payment under this subsection to an alternate payee bars recovery by any other person.

(2) A judgment, order or settlement providing for payment to an alternate payee under subsection (1) of this section may also provide:

(a) That payments to the alternate payee may commence, at the election of the alternate payee, at any time after the earlier of:

(A) The earliest date the member would be eligible to receive retirement benefits if the member separates from service; or

(B) The date the member actually separates from service due to death, disability, retirement or termination of employment.

(b) That the alternate payee may elect to receive payment in any form of pension, annuity, retirement allowance, disability benefit, death benefit, refund benefit or other benefit, except a benefit in the form of a joint and survivor annuity, available to the member under the public employer retirement plan, or that would be available to the member if the member retired or separated from service at the time of election by the alternate payee, without regard to the form of benefit elected by the member.

(c) That the alternate payee's life is the measuring life for the purposes of measuring payments to the alternate payee under the form of benefit selected by the alternate payee.

(3) Subsection (1) of this section applies only to payments made by the public employer retirement plan after the date of receipt by the administrators of the plan of written notice of the judgment, order or agreement and such additional information and documentation as the plan administrators may prescribe.

(4)(a) A judgment, order or agreement providing for payment to an alternate payee under subsection (1) of this section may not provide for payment to an alternate payee of:

(A) Any disability payments provided to a member of a public employer retirement plan in lieu of workers' compensation benefits pursuant to ORS 656.027 (6), to the extent those payments are to be made before the member attains 55 years of age; or

(B) Any medical or hospital benefits payable to a member as part of a disability benefit provided to a member of a public employer retirement plan in lieu of workers' compensation benefits pursuant to ORS 656.027 (6), regardless of the member's age.

(b) Paragraph (a) of this subsection does not prevent a court from considering the disability payments described in that paragraph in making a division of property pursuant to ORS 107.105 or an award of support.

(5) Any public employer or public employer retirement plan that is required by the provisions of this section to make a payment to some person other than a member of the retirement plan offered by the public employer shall charge and collect out of the benefits payable to the member and the other person actual and reasonable administrative expenses and related costs incurred by the public employer or public employer retirement plan in obtaining data and making calculations that are necessary by reason of the provisions of this section. A public employer or public employer retirement plan may not charge more than $300 for total administrative expenses and related costs incurred in obtaining data or making calculations that are necessary by reason of the provisions of this section. A public employer or public employer retirement plan that charges and collects administrative expenses and related costs under the provisions of this subsection shall allocate those expenses between the member of the retirement plan and any other person receiving a benefit from the plan based on the fraction of the benefit received by the member or person.

(6) As used in this section:

(a) "Court" means any court of appropriate jurisdiction of this or any other state or of the District of Columbia.

(b) "Member" means a person entitled to a benefit from a public employer retirement plan.

(c) "Public employer" means the state, one of its agencies, any city, county, municipal or public corporation, any political subdivision of the state or any instrumentality thereof, or an agency created by two or more such political subdivisions to provide themselves governmental services.

(d) "Public employer retirement plan" means any system, program, annuity, contract or other plan established by a public employer for the purpose of providing a pension, annuity, retirement allowance or disa-

bility benefit to officers or employees of the public employer. [1993 c.715 §2; 2003 c.576 §403]

COVERAGE FOR POLICE OFFICERS AND FIREFIGHTERS

237.610 Definitions for ORS 237.610 and 237.620. As used in this section and ORS 237.620:

(1) "Firefighter" means:

(a) Persons employed by a city, county or district whose duties involve firefighting, but does not include volunteer firefighters; and

(b) The State Fire Marshal and the chief deputy fire marshal and deputy state fire marshals appointed under ORS 476.040.

(2)(a) "Police officer" includes:

(A) Police chiefs and police officers of a city who are classified as police officers by the council or other governing body of the city;

(B) Sheriffs and those deputy sheriffs whose duties, as classified by the county governing body, are the regular duties of police officers;

(C) County adult parole and probation officers, as defined in ORS 181.610, who are classified by the county governing body for purposes of this section and ORS 237.620;

(D) Corrections officers as defined in ORS 181.610;

(E) Employees of districts whose duties, as classified by the governing body of the district, are the regular duties of police officers; and

(F) Investigators of the Criminal Justice Division of the Department of Justice.

(b) "Police officer" does not include volunteer or reserve police officers or persons considered by the respective governing bodies to be civil deputies or clerical personnel.

(3) "Public employer" means any city, county or district that employs police officers or firefighters. [1971 c.692 §2; 1973 c.19 §2; 1979 c.656 §6; 1981 c.479 §1; 1989 c.614 §2; 1991 c.67 §55; 2005 c.22 §175]

237.620 Membership of police officers and firefighters in Public Employees Retirement System. (1) Except as provided in this section, all public employers of police officers or firefighters shall provide retirement benefits to those employees under the Public Employees Retirement System.

(2) Notwithstanding subsection (1) of this section, a public employer of police officers or firefighters need not provide retirement benefits to those employees under the Public Employees Retirement System if the Public Employees Retirement Board determines that the public employer provides retirement benefits to each of the following classes of employees that are equal to or better than the retirement benefits that would be provided to the equivalent classes of employees under the Public Employees Retirement System:

(a) Police officers or firefighters who are entitled to receive benefits only under ORS chapter 238 and who established membership in the system before January 1, 1996, as described in ORS 238.430 (2);

(b) Police officers or firefighters who are entitled to receive benefits only under ORS chapter 238 and who established membership in the system on or after January 1, 1996, and before August 29, 2003, as described in ORS 238A.025 (4); and

(c) Police officers or firefighters who establish membership in the system on or after August 29, 2003, and are entitled to benefits only under the Oregon Public Service Retirement Plan.

(3) At such times as may be established by board rule, the Public Employees Retirement Board shall review the retirement benefits provided by a public employer of police officers or firefighters that does not provide retirement benefits for those employees under the Public Employees Retirement System. The review must be conducted at the expense of the public employer. Based on the review, the board shall determine whether the public employer complies with the requirements of subsection (2) of this section. If the board determines that the public employer does not comply with the requirements of subsection (2) of this section for any class of employees described in subsection (2) of this section, the public employer must provide that class of employees with retirement benefits adequate to meet the requirements of subsection (2) of this section. If the public employer fails to provide those benefits, any employee within the class may bring an action in circuit court to compel compliance with the requirements of this section. [1971 c.692 §3; 1973 c.704 §16; 1975 c.449 §13; 1989 c.888 §2; 1991 c.67 §56; 2001 c.945 §76; 2003 c.625 §33; 2007 c.622 §1]

237.630 [1971 c.692 §4; 1975 c.449 §7; renumbered 237.173 in 1991]

237.635 Mandated increase in benefits payable under systems other than Public Employees Retirement System; limitations. (1) Any public employer that provides retirement benefits to its police officers and firefighters other than by participation in the Public Employees Retirement System pursuant to the provisions of ORS 237.620 shall provide increases to the police officers and firefighters of the public employer, both active and retired, that are equal to the increases in retirement benefits that are provided for in chapter 796, Oregon Laws 1991, for active and retired police officers or

firefighters who are members of the Public Employees Retirement System, or shall provide to those police officers and firefighters increases in retirement benefits that are the actuarial equivalent of the increases in retirement benefits that are provided for in chapter 796, Oregon Laws 1991, for police officers or firefighters who are members of the Public Employees Retirement System. No other retirement benefit or other benefit provided by those public employers shall be decreased by the employer by reason of the increases mandated by this section.

(2) The increased benefits provided for in this section apply only to police officers or firefighters who establish membership before July 14, 1995, in a retirement plan or system offered by a public employer in lieu of membership in the Public Employees Retirement System pursuant to the provisions of ORS 237.620.

(3) A public employer that is subject to the requirements of this section shall cease paying increased retirement benefits under this section if the payments made to the person are not subject to Oregon personal income tax under ORS 316.127 (9). A public employer that is subject to the requirements of this section shall adopt procedures similar to those described in ORS 238.372 to 238.384 for the purpose of implementing this subsection. The Department of Revenue shall provide to a public employer that is subject to the requirements of this section the information regarding Oregon personal income tax returns that the public employer deems necessary to determine whether the retirement benefits paid to the person by the public employer are subject to Oregon personal income tax under ORS 316.127 (9). [1991 c.796 §11; 1995 c.569 §12; 2007 c.622 §3; 2013 c.53 §15]

Note: Legislative Counsel has substituted "chapter 796, Oregon Laws 1991," for the words "this 1991 Act" in section 11, chapter 796, Oregon Laws 1991, compiled as 237.635. Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 1991 Comparative Section Table located in Volume 20 of ORS.

237.637 Additional mandated increase in benefits payable under systems other than Public Employees Retirement System; limitation. (1) Any public employer that provides retirement benefits to its police officers and firefighters other than by participation in the Public Employees Retirement System pursuant to the provisions of ORS 237.620 shall provide increases to the police officers and firefighters of the public employer, both active and retired, that are equal to the increases in retirement benefits that are provided for in chapter 569, Oregon Laws 1995, for active and retired police officers or firefighters who are members of the Public Employees Retirement System, or the public employer shall provide to those police officers and firefighters increases in retirement benefits that are the actuarial equivalent of the increases in retirement benefits that are provided for in chapter 569, Oregon Laws 1995, for police officers or firefighters who are members of the Public Employees Retirement System. Increases provided under this section shall be reduced by the amount of any benefit increase provided by ORS 237.635 in the same manner that increases in retirement benefits that are provided for in chapter 569, Oregon Laws 1995, for active and retired police officers or firefighters who are members of the Public Employees Retirement System are reduced to reflect amounts paid to those members under the provisions of chapter 796, Oregon Laws 1991. No other retirement benefit or other benefit provided by those public employers shall be decreased by the employer by reason of the increases mandated by this section.

(2) A public employer that is subject to the requirements of this section shall cease paying increased retirement benefits under this section if the payments made to the person are not subject to Oregon personal income tax under ORS 316.127 (9). A public employer that is subject to the requirements of this section shall adopt procedures similar to those described in ORS 238.372 to 238.384 for the purpose of implementing this subsection. The Department of Revenue shall provide to a public employer that is subject to the requirements of this section the information regarding Oregon personal income tax returns that the public employer deems necessary to determine whether the retirement benefits paid to the person by the public employer are subject to Oregon personal income tax under ORS 316.127 (9). [1995 c.569 §11; 2007 c.622 §4; 2011 c.653 §8; 2013 c.53 §16]

Note: Legislative Counsel has substituted "chapter 569, Oregon Laws 1995," for the words "this Act" in section 11, chapter 569, Oregon Laws 1995, compiled as 237.637. Specific ORS references have not been substituted pursuant to 173.160. These sections may be determined by referring to the 1995 Comparative Section Table located in Volume 20 of ORS.

237.640 [1971 c.692 §5; 1973 c.704 §17; 1975 c.449 §8; 1991 c.813 §12; renumbered 237.163 in 1991]

LEGISLATOR RETIREMENT PLANS

237.645 Options for legislators who are not members of Public Employees Retirement System. (1) A person who is appointed or elected as a member of the Legislative Assembly and who is not a member of the Public Employees Retirement System at the time of the appointment or election:

(a) May not become a member of the Public Employees Retirement System for the

purpose of service in the Legislative Assembly.

(b) May elect to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly.

(2) An election under this section does not affect the ability of a person appointed or elected as a member of the Legislative Assembly to participate in the state deferred compensation plan in the manner provided by ORS 243.401 to 243.507 as other than a legislator member under ORS 237.655. [2013 s.s.1 c.3 §7]

Note: 237.645 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 237 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

237.650 Options for legislators who are members of Public Employees Retirement System. (1) Except as provided in this section, a person who is appointed or elected as a member of the Legislative Assembly and who is a member of the Public Employees Retirement System at the time of the appointment or election may make a retirement plan election in the manner provided by this section. If a person who is permitted to make an election under this section does not make a retirement plan election under subsection (2), (3), (4) or (5) of this section, the person is deemed to have elected a retirement plan as provided in subsection (6) of this section.

(2) An active or inactive member of the Public Employees Retirement System who is appointed or elected as a member of the Legislative Assembly, and who established membership in the system before August 29, 2003, as described in ORS 238A.025, may:

(a) Elect to remain a member of the system under ORS chapter 238 for the purpose of service in the Legislative Assembly;

(b) Decline to remain a member of the system under ORS chapter 238 and elect to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly; or

(c) Decline to remain a member of the system under ORS chapter 238 or to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly.

(3) A retired member of the Public Employees Retirement System who is appointed or elected as a member of the Legislative Assembly, and who established membership in the system before August 29, 2003, as described in ORS 238A.025, may:

(a) Elect to become an active member of the system under ORS chapter 238 for the purpose of service in the Legislative Assembly;

(b) Decline to become an active member of the system under ORS chapter 238 and elect to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly; or

(c) Decline to become an active member of the system under ORS chapter 238 or to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly.

(4) An active or inactive member of the Public Employees Retirement System who is appointed or elected as a member of the Legislative Assembly, and who established membership in the system on or after August 29, 2003, as described in ORS 238A.025, may:

(a) Elect to remain a member of the system under ORS chapter 238A for the purpose of service in the Legislative Assembly;

(b) Decline to remain a member of the system under ORS chapter 238A and elect to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly; or

(c) Decline to remain a member of the system under ORS chapter 238A or to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly.

(5) A retired member of the Public Employees Retirement System who is appointed or elected as a member of the Legislative Assembly, and who established membership in the system on or after August 29, 2003, as described in ORS 238A.025, may:

(a) Elect to become an active member of the system under ORS chapter 238A for the purpose of service in the Legislative Assembly;

(b) Decline to become an active member of the system under ORS chapter 238A and elect to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly; or

(c) Decline to become an active member of the system under ORS chapter 238A or to become a legislator member of the state deferred compensation plan under ORS 237.655 for the purpose of service in the Legislative Assembly.

(6) Written notice of an election under subsection (2), (3), (4) or (5) of this section

must be given to the Public Employees Retirement Board not more than 30 days after the person takes office. If the board does not receive written notice of the election within 30 days after the person takes office:

(a) A person described in subsection (2) of this section is deemed to have elected to remain a member of the Public Employees Retirement System under ORS chapter 238 for the purpose of service in the Legislative Assembly.

(b) A person described in subsection (3) of this section is deemed to have declined to become an active member of the system under ORS chapter 238 or to become a legislator member of the state deferred compensation plan under ORS 237.655, and remains a retired member of the system under ORS chapter 238 for the purpose of service in the Legislative Assembly.

(c) A person described in subsection (4) of this section is deemed to have elected to remain a member of the Public Employees Retirement System under ORS chapter 238A for the purpose of service in the Legislative Assembly.

(d) A person described in subsection (5) of this section is deemed to have declined to become an active member of the system under ORS chapter 238A or to become a legislator member of the state deferred compensation plan under ORS 237.655, and remains a retired member of the system under ORS chapter 238A for the purpose of service in the Legislative Assembly.

(7) An election under subsection (3)(b) or (c) or (5)(b) or (c) of this section does not affect the status of a person as a retired member of the system and a recipient of retirement benefits under ORS chapter 238 or 238A.

(8) An election under this section does not affect the ability of a person appointed or elected as a member of the Legislative Assembly to participate in the state deferred compensation plan in the manner provided by ORS 243.401 to 243.507 as other than a legislator member under ORS 237.655. [2003 c.733 §46a; 2011 c.722 §1; 2013 s.s.1 c.3 §8]

Note: 237.650 and 237.655 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 237 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

237.655 Legislator members of state deferred compensation plan. (1)(a) If a person appointed or elected as a member of the Legislative Assembly elects under ORS 237.645 or 237.650 to become a legislator member of the state deferred compensation plan for the purpose of service in the Legislative Assembly, the Legislative Assembly shall make employer contributions to the plan in an amount that is equal to six percent of the member's salary plus the percentage of the member's salary that would have been contributed to the Public Employees Retirement Board for the member's normal cost under ORS 238A.220, as determined by the actuary under ORS 238.605.

(b) Notwithstanding paragraph (a) of this subsection, contributions made to the plan by the Legislative Assembly under this subsection may not exceed the maximum allowed by federal law.

(2) If a person appointed or elected as a member of the Legislative Assembly elects under ORS 237.645 or 237.650 to become a legislator member of the state deferred compensation plan for the purpose of service in the Legislative Assembly, and the person also participates in the state deferred compensation plan in the manner provided by ORS 243.401 to 243.507 as other than a legislator member, the total contributions made to the plan by the person and by the employer under subsection (1) of this section may not exceed the maximum allowed by federal law governing the plan's tax qualification.

(3) Except for the contributions required by subsection (1) of this section, the Legislative Assembly may not "pick-up," assume or pay any contributions on behalf of a legislator member of the state deferred compensation plan. [2003 c.733 §46c; 2011 c.722 §2; 2013 s.s.1 c.3 §9]

Note: See note under 237.650.

237.660 [2003 c.733 §46d; repealed by 2011 c.722 §5]

LIQUIDATION OF PRE-1953 RETIREMENT SYSTEM

237.950 Pre-1953 Public Employees Retirement System abolished. The Public Employees Retirement System of the State of Oregon, established by chapter 401, Oregon Laws 1945, as amended, hereby is abolished, subject to the provisions of ORS 237.950 to 237.980. [1953 c.180 §2]

237.952 Public Employees Retirement Board; rules. (1) There hereby is established and created the Public Employees Retirement Board, which shall administer the provisions of ORS 237.414 and 237.950 to 237.980, shall have powers and duties herein provided, and shall be comprised of five persons appointed by the Governor. The term of each appointee shall be four years.

(2) The board shall have the powers and privileges of a corporation, including the right to sue and be sued in its own name.

(3) Members of the board shall be citizens of the United States and residents of the State of Oregon for at least two years immediately preceding their appointment to

the board. Two members shall not be employed by a public employer during their respective terms of office on the board or have been so employed during the two years immediately preceding appointment to the board. The other three members of the board shall be employees of public employers under Social Security coverage and so employed throughout the respective terms of their appointment. Any vacancy on the board shall be filled by appointment for the unexpired term of the member replaced.

(4) The successor of a board member in either group shall have the qualifications herein prescribed for such group.

(5) The board shall, at its first meeting of each fiscal year, designate one of its members to serve as chairperson of the board for the ensuing year and until a successor is designated and takes that office. The board shall hold meetings as frequently as may be necessary for the performance of its duties.

(6) Within the limitations of ORS 237.414 and 237.950 to 237.980, the board shall have the power to establish and enforce rules and regulations for transacting its business and administering ORS 237.414 and 237.950 to 237.980.

(7) Members of the board shall serve without compensation but shall be reimbursed for their necessary expenses incurred in the performance of their duties as such members. [1953 c.180 §9; 1953 c.521 §3; 1991 c.67 §57]

237.956 Director and staff. The board shall employ a director whose duties shall be as hereinafter provided. All ministerial duties required in the administration of ORS 237.414 and 237.950 to 237.980 shall be performed by the director and by employees under the direction of the director. The director shall hold the position during the pleasure of the board and shall furnish such bond as required by the board. The board shall also designate an employee to perform duties in the absence of the director. [1953 c.180 §10; 1973 c.704 §18]

237.960 Transfer of assets and administration of retirement fund. (1) All assets of the previously existing Public Employees Retirement System, as of March 27, 1953, including moneys and securities, accounts receivable, office equipment and all personal property of any description, hereby are transferred to the Public Employees Retirement Board created and established by ORS 237.952, which board shall have control thereof for the purpose of liquidating the obligations of the Public Employees Retirement System and otherwise applying such assets as herein directed.

(2) During the period of liquidation the board may invest and reinvest moneys, purchase, sell and exchange securities as in its judgment to the best interest of beneficiaries.

(3) The board shall succeed to all the duties and prerogatives of the Public Employees Retirement Board created by chapter 401, Oregon Laws 1945, as amended, in relation to the Public Employees Retirement Fund. Said fund shall be and remain a trust fund for the purpose of liquidating the obligations of the abolished retirement system, and the Public Employees Retirement Board created by ORS 237.952 hereby is declared to be the trustee of said fund.

(4) From the current service account of the State of Oregon in the Public Employees Retirement Fund there shall be transferred to the Social Security Revolving Account an amount of $60,000 which shall be recovered from the participating employers in the manner prescribed by ORS 237.520 (2003 Edition), and upon recovery shall be repaid to the Public Employees Retirement Board. [1953 c.180 §3; 2005 c.755 §60]

237.964 Collection of accrued liabilities. In order to liquidate accrued liabilities with respect to prior service credit and delinquent contributions, each public employer which at any time prior to March 27, 1953, has participated in the Public Employees Retirement System shall continue to remit payments to the Public Employees Retirement Board at the rate and in the time and manner prescribed by chapter 401, Oregon Laws 1945, as amended. The board shall have a right of action against any such public employer for the enforcement of the provisions of this section. [1953 c.180 §5]

237.968 Continuation of retirement benefits of certain members. The board shall pay all retirement benefits to which members of the Public Employees Retirement System who retired prior to March 27, 1953, may be entitled under the provisions of chapter 401, Oregon Laws 1945, as amended, and shall give full recognition to all rights to which such members are entitled under said law. The board also shall determine and pay in accordance with the provisions of that law retirement benefits to which members of the Public Employees Retirement System are entitled by the provisions of said law. [1953 c.180 §4]

237.972 Continuation of abolished system with regard to certain members. Notwithstanding any other provision of chapter 180, Oregon Laws 1953, chapter 401, Oregon Laws 1945, as amended, shall remain in full force and effect with respect to any employee of a public employer which heretofore withdrew from the Public Employees Retirement System pursuant to subsection (5) of section 8 of said law, as amended by section 1, chapter 322, Oregon Laws 1951, who

did not sign the petition for such withdrawal. Such employee shall be and remain a member of the Public Employees Retirement System with full rights and benefits thereunder as if chapter 180, Oregon Laws 1953, had not been passed; and until the entire obligation of the public employer with respect to all such employees, as provided in chapter 401, Oregon Laws 1945, as amended, shall have been paid in full, such public employer shall continue to deduct from payrolls and transmit the contributions thereby required and make the matching contributions thereby required to the Public Employees Retirement Board created by ORS 237.952 and such public employer shall remain liable to such Public Employees Retirement Board for all contributions required by such law together with interest thereon at the legal rate from the date of any delinquency. [1953 c.180 §11]

237.976 Disposition of contributions made under abolished system. (1) From contributions of each employee and the matching contributions of the employer, respectively, due and paid to the Public Employees Retirement Fund for services performed after January 1, 1951, there shall be deducted as much thereof as necessary to constitute an amount equal to the total sum of the tax which would have been imposed upon the employee and the employer, respectively, by sections 1400 and 1410 of the Internal Revenue Code, if the services of the employee subsequent to January 1, 1951, had constituted employment as defined by section 1426 of such Code; provided, however, that no such deductions shall be made from the contributions of the employees referred to in ORS 237.972 or from the matching contributions of their employers, heretofore or hereafter paid into the Public Employees Retirement Fund. A sum equal to the total of the amounts deducted as provided in the preceding sentence hereby is transferred from the Public Employees Retirement Fund to the Social Security Revolving Account in the General Fund created by ORS 237.490, and shall be expended by the Public Employees Retirement Board in payment of the contributions required to secure coverage under the system of Old Age and Survivors Insurance established by title 2 of the Social Security Act, effective from January 1, 1951, for all employees with respect to whom such deductions were made.

(2) Each member of the Public Employees Retirement System shall have the right to a refund of all contributions heretofore paid by the member into the fund after deducting therefrom the amount herein specified for Social Security coverage, providing that within 60 days after March 27, 1953, the member signs and files a written request therefor with the Public Employees Retirement Board, in which event such contribution shall be paid to the member by the Public Employees Retirement Board as soon thereafter as practicable and in no case later than October 1, 1953. The refund of all contributions paid by the member, as by this section authorized, in the case of each applicant who receives such refund shall extinguish all the rights of membership in the Public Employees Retirement System established by chapter 401, Oregon Laws 1945, including the right to claim credit for any time whatever spent in public employment prior to the receipt of such refund. Unless an employee shall have filed such request for refund within said 60 days the balance of contributions of the employee remaining after such deduction, together with an equal amount contributed by the employer, and the contributions of the employers based on the prior service credit of the employee, shall be used to purchase retirement benefits for such employee in accordance with ORS chapter 238. If, pending such disposition of employees' contributions, any employee should die, the accumulated contributions of the employee shall be paid as the employee shall have directed in writing. In the absence of such written direction, the accumulated contributions shall be paid in accordance with the provisions of chapter 401, Oregon Laws 1945, as amended.

(3) There shall be no refund made to any participating employer until such time as all liabilities against such employer have been fully liquidated and discharged. [1953 c.180 §6; 1953 c.521 §1]

237.980 Rights and moneys exempt from taxation, execution and bankruptcy and are unassignable. During the entire period of liquidation of the Public Employees Retirement System, the right of a person to a pension, annuity or a retirement allowance, to the return of contributions upon separation from service with a public employer, the refund of contributions authorized by ORS 237.976, the payment of annuity, or retirement allowance itself, any optional benefit or death benefit, or any right accrued or accruing to any person under the provisions of the repealed Public Employes' Retirement Act [chapter 401, Oregon Laws 1945] or ORS 237.412 to 237.418 or 237.950 to 237.980, shall be exempt from all state, county and municipal taxes, and shall not be subject to execution, garnishment, attachment or any other process or to the operation of any bankruptcy or insolvency law, and shall not be assignable. [1953 c.180 §7; 1953 c.521 §2]