

**CHAPTER 9**

AN ACT HB 4062  
 [2002 Third Special Session]

Relating to judicial review of certain rules of the Public Employees Retirement Board; and declaring an emergency.  
**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** (1) Jurisdiction is conferred on the Supreme Court to determine in the manner provided by this section whether any rule described in subsection (2) of this section violates any constitutional provision, including but not limited to violation of contract rights of members of the Public Employees Retirement System under section 21, Article I of the Oregon Constitution, or clause 1, section 10, Article I of the United States Constitution.

(2) This section applies only to rules adopted by the Public Employees Retirement Board for the modification of actuarial equivalency factor tables to reflect changes in mortality.

(3) Under the jurisdiction conferred in subsection (1) of this section, any person aggrieved by a rule described in subsection (2) of this section may petition the Supreme Court for review. The petitioner shall state the facts showing how the petitioner is aggrieved and the constitutional grounds upon which the petition is based. The petition shall name the Public Employees Retirement Board as respondent in the proceedings. The petition and proceedings on the petition shall conform to court rules governing petitions under ORS 183.400 to the extent that those rules are consistent with the provisions of this section. The Supreme Court shall give priority on its docket to a petition for review

filed under this section and shall expedite a decision on the petition. Any and all petitions filed under this section alleging a similar basis or similar bases of challenge may be consolidated by the Supreme Court upon its own motion.

(4) A person petitioning for review under this section is not required to exhaust administrative remedies or file in any other court prior to filing a petition for review under this section.

(5) A petition under this section for review of any rule described in subsection (2) of this section must be filed within 60 days after the effective date of the rule.

(6) A petition for review under this section must present a justiciable controversy. The petitioner must serve a copy of the petition on the Attorney General.

(7) The petition for review provided for in this section is in addition to any other remedy or procedure that may be available to determine whether a rule described in subsection (2) of this section violates any constitutional provision.

**SECTION 2.** Section 1 of this 2002 third special session Act applies only to rules adopted by the Public Employees Retirement Board on or after the effective date of this 2002 third special session Act.

**SECTION 3.** Section 1 of this 2002 third special session Act is repealed January 1, 2006.

**SECTION 4.** This 2002 third special session Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2002 third special session Act takes effect on its passage.

Approved by the Governor July 29, 2002  
 Filed in the office of Secretary of State July 30, 2002  
 Effective date July 29, 2002