



Oregon

Kate Brown, Governor

Public Employees Retirement System

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TO: Legislative Assembly
FROM: Public Employees Retirement System
SUBJECT: 2019 Administrative Rules Report

House Bill 4106 (2016) asks state agencies to report annually on their rulemaking actions.

In 2019, PERS processed nine permanent rulemaking actions that adopted, amended, or repealed 23 administrative rules. Table 1 below summarizes what each rulemaking accomplished.

PERS also processed one temporary rulemaking action that adopted or amended five administrative rules. Table 2 below provides details on what was accomplished and the need for temporary rules.

Table 1: Permanent rules adopted or amended in 2019

Description of Rulemaking	Action taken	OAR numbers
Update rules to reflect the 2019 Internal Revenue Code and Social Security annual compensation limitations for retirement contributions and benefits. Filed and Effective: April 1, 2019	Amended	459-005-0525 459-005-0545 459-017-0060 459-080-0500
Update rule to conform with SB 200 (2017), relating to full cost military purchase eligibility. Filed and Effective: April 1, 2019	Amended	459-011-0115
Clarify that if a Tier 1 or 2 member terminates membership by account withdrawal under ORS 238.265, the right to purchase the waiting time associated with that terminated membership is also forfeited, unless the associated forfeited time is restored by voluntary redeposit (ORS 238.105) or forfeited time purchase (ORS 238.115). Filed and Effective: April 1, 2019	Amended	459-011-0050
Move the rule from Division 10, which is specific to PERS administration under ORS Chapter 238, to Division 5, which applies to PERS administration under both ORS Chapters 238 and 238A. Filed and Effective: May 31, 2019	Amended Repealed	459-005-0025 459-010-0025

Description of Rulemaking	Action taken	OAR numbers
Clarify that the receipt date for electronic submissions of data or requests is the date on which data or a request successfully submitted through Online Member Services is saved to PERS' system. Filed and Effective: July 26, 2019	Amended	459-005-0220
Specify that the new assumed rate will be effective for PERS transactions as of January 1, 2020. Filed and Effective: September 25, 2019	Amended	459-007-0007
Implement 2019 legislation impacting PERS, including SB 1049, HB 2118, and HB 3146. Filed and Effective: December 6, 2019	Amended	459-005-0525 459-050-0001 459-076-0045
Implement the SB 1049 (2019) Employer Incentive Fund (EIF) Program and UAL Resolution Program (UALRP). Filed and Effective: December 6, 2019	Adopted Amended	459-009-0091 459-009-0092 459-007-0530 459-009-0084 459-009-0086
Address complications in the administration of earnings crediting for the Retirement Allocation Fund in the IAP. Filed and Effective: December 6, 2019	Amended	459-007-0001 459-007-0005 459-007-0330 459-007-0335 459-080-0015

Table 2: Temporary rules adopted or amended in 2019

Description of Rulemaking	Action taken	OAR numbers
Implement the Employer Incentive Fund (EIF), Unfunded Actuarial Liability Resolution Program (UALRP), and the provisions of SB 1049 related to employer lump sum payments of \$10 million or more. Justification for temporary rulemaking: PERS received \$100 million in General Funds appropriation to the EIF in the 2019-2021 biennium. The rules establishing the structure of the EIF program are necessary to open an application cycle and begin allocating the \$100 million to employer lump sum payments. Filed and Effective: August 16, 2019	Temporary Adoption	459-007-0530 459-009-0084 459-009-0086 459-009-0091 459-009-0092