

**Enrolled**  
**House Bill 2343**

Sponsored by Representative JENSON (at the request of John Smallman)

CHAPTER .....

AN ACT

Relating to judges' retirement; amending ORS 238.055; and declaring an emergency.

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

**SECTION 1.** ORS 238.055 is amended to read:

238.055. (1) On August 1, 1991, all judges receiving retirement pay from the Judges' Retirement Fund and all surviving spouses of judges receiving a pension from the Judges' Retirement Fund shall be retired members of the Public Employees Retirement System, except that:

(a) The amount of retirement pay or pension payable to the judge or surviving spouse of a judge and the terms and conditions of eligibility to receive retirement pay or a pension shall be as established by ORS 1.314 to 1.380 (1989 Edition); and

(b) The right of any person to receive any benefit as a result of the death of a judge by reason of the provisions of ORS 1.314 to 1.380 (1989 Edition) shall solely be as provided by ORS 1.314 to 1.380 (1989 Edition).

(2) After August 1, 1991, any judge who would have become eligible to receive retirement pay from the Judges' Retirement Fund shall, upon retirement, be a retired member of the Public Employees Retirement System, except that:

(a) The amount of retirement pay or pension payable to the judge or the surviving spouse of the judge and the terms and conditions of eligibility to receive retirement pay or a pension shall be as established by ORS 1.314 to 1.380 (1989 Edition); and

(b) The right of any person to receive any benefit as a result of the death of the judge by reason of the provisions of ORS 1.314 to 1.380 (1989 Edition) shall solely be as provided by ORS 1.314 to 1.380 (1989 Edition).

(3) On August 1, 1991, the Judges' Retirement Fund shall cease to exist as a separate fund and the assets and earnings of the Judges' Retirement Fund shall be paid into the employer reserves for judge members of the Public Employees Retirement Fund. The Public Employees Retirement Board shall continue to keep a separate regular account for any person who may become eligible to receive a retirement benefit under subsection (2) of this section and for any person whose child or children may become entitled to a benefit under ORS 1.346 (1989 Edition).

(4) Upon deposit of the assets and earnings of the Judge's Retirement Fund as provided under subsection (3) of this section, the Public Employees Retirement Board shall cause to be deposited from the employer reserves for judge members to the retired reserves of the Public Employees Retirement Fund, the amount actuarially determined to be necessary to fund the retirement pay and pensions of those judges and surviving spouses of judges who were receiving retirement pay or a pension from the Judges' Retirement Fund on August 1, 1991.

(5) The amount of retirement pay or pension payable to a judge or spouse of a retired judge who previously received retirement pay or a pension from the Judges' Retirement Fund, or who would have received retirement pay or a pension from the Judges' Retirement Fund, shall not be recalculated or affected in any way based on the provisions of ORS chapter 238, nor shall the eligibility of a judge or surviving spouse of a judge to receive retirement pay or a pension be affected by ORS chapter 238.

(6) The provisions of ORS 238.390, 238.395, 238.400 and 238.500 to 238.585 do not apply to a judge or surviving spouse of a judge who received retirement pay or a pension from the Judges' Retirement Fund prior to August 1, 1991, or to a judge who retires as a member of the Public Employees Retirement System under subsection (2) of this section.

**(7) Any person who served as a judge before August 1, 1991, who had amounts deducted from the person's salary while serving as a judge for the purpose of making contributions to the Judges' Retirement Fund, and who is not eligible to become a retired member of the Public Employees Retirement System under this section, may withdraw the amounts deducted from the person's salary, with all earnings on those deductions, at any time after the effective date of this 2003 Act. Withdrawal under this subsection cancels all rights the person may have in the Judges' Retirement Fund or the Public Employees Retirement System, and the rights that any spouse or beneficiary of the person may have in the Judges' Retirement Fund or the Public Employees Retirement System, by reason of service by the person as a judge for which contributions were made to the Judges' Retirement Fund.**

**SECTION 2.** This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage.

Passed by House March 5, 2003

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Chief Clerk of House

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Speaker of House

Passed by Senate April 18, 2003

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President of Senate

Received by Governor:

.....M.,....., 2003

Approved:

.....M.,....., 2003

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2003

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Secretary of State