

HB 2283-A10
(LC 457)
5/4/23 (MNJ/ps)

Requested by SENATE COMMITTEE ON LABOR AND BUSINESS

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2283
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 9 of the printed A-engrossed bill, line 5, after the semicolon in-
2 sert “and”.

3 In line 8, delete “; and” and insert a period.

4 Delete lines 9 and 10.

5 On page 12, delete lines 18 and 19.

6 In line 20, restore the bracketed material and delete the boldfaced mate-
7 rial.

8 On page 18, after line 37, insert:

9 **“SECTION 9a. If Senate Bill 308 becomes law, section 9 of this 2023**
10 **Act (amending ORS 238.390) is repealed and ORS 238.390, as amended**
11 **by section 6, chapter 17, Oregon Laws 2023 (Enrolled Senate Bill 308),**
12 **is amended to read:**

13 “238.390. (1) If a member of the system dies before retiring, the amount
14 of money, if any, credited at the time of death to the member account of the
15 member in the fund shall be paid to the beneficiaries designated by the
16 member. For this purpose a member may designate as a beneficiary any per-
17 son or the executor or administrator of the estate of the member or a trustee
18 named by the member to execute an express trust in regard to such
19 amount. The termination of a person’s membership in the system pursuant
20 to ORS 238.095 (1) or (2) invalidates any designation of beneficiary made by

1 the person before the termination of membership.

2 “(2)(a) If a member dies before retiring and has not designated a benefi-
3 ciary under subsection (1) of this section, **or if the designated beneficiary**
4 **or beneficiaries do not survive the member**, the Public Employees Re-
5 tirement Board shall pay the amount of money, if any, credited at the time
6 of death to the member account of the deceased member to [*a personal rep-*
7 *resentative appointed for the estate of the deceased member*] **the following**
8 **person or persons, in the following order of priority:**

9 “(A) **The member’s surviving spouse or other person who is consti-**
10 **tutionally required to be treated in the same manner as a spouse;**

11 “(B) **The member’s surviving children, in equal shares; or**

12 “(C) **The member’s estate.**

13 “(b) If a simple estate affidavit has been filed under ORS 114.515, the
14 board shall pay the amount to the person who filed the affidavit if:

15 “(A) **The member’s estate is the designated beneficiary or is re-**
16 **ceiving the payment under paragraph (a) of this subsection; and**

17 “[*a*] (B)(i) The estate of the decedent remains within the limits pre-
18 scribed by ORS 114.510 (1)(a) after consideration of the amount of money
19 credited at the time of death to the member account; or

20 “[*b*] (ii) The estate of the decedent meets the requirements of ORS
21 114.510 (1)(b).

22 “(3) [*The beneficiary designated*] **A beneficiary** under subsection (1) **or**
23 **(2)** of this section may elect to receive the amount payable in actuarially
24 determined monthly payments for the life of such beneficiary as long as such
25 monthly payments are at least \$200.

26 “(4) Accrued benefits due a retired member at the time of death are pay-
27 able to the designated beneficiary or as provided in subsection (2) of this
28 section. For the purpose of determining accrued benefits due a retired mem-
29 ber at the time of death, accrued benefits are considered to have ceased as
30 of the last day of the month preceding the month in which the retired

1 member dies; but if Option 2 or Option 3 under ORS 238.305 has been elected
2 as provided in this chapter and the beneficiary survives the retired member,
3 the benefits to the beneficiary shall commence as of the first day of the
4 month in which the retired member dies, and payment of benefits under Op-
5 tion 2 or Option 3 shall cease with the payment for the month preceding the
6 month in which the beneficiary dies.

7 “(5) If a member dies before retiring and has designated a beneficiary
8 under subsection (1) of this section, but the beneficiary [*dies before the*
9 *member, or*] dies **after the member and** before distribution is made under
10 this section, the Public Employees Retirement Board shall pay the amount
11 of money, if any, that would otherwise have been paid to the beneficiary to
12 a personal representative appointed for the estate of the deceased benefi-
13 cary. If a simple estate affidavit regarding the deceased beneficiary’s estate
14 has been filed under ORS 114.515, the board shall pay the amount to the
15 person who filed the simple estate affidavit if:

16 “(a) The estate of the deceased beneficiary remains within the limits
17 prescribed by ORS 114.510 (1)(a) after consideration of the amount of money
18 that would have been payable to the deceased beneficiary; or

19 “(b) The estate of the deceased beneficiary meets the requirements of ORS
20 114.510 (1)(b).

21 “(6) Interest upon the member account of the member shall accrue until
22 the date that the amount in the member account is distributed. Any balance
23 in the variable account of the deceased member is considered to be trans-
24 ferred to the regular account of the member as of the date of death. The
25 board shall establish procedures for computing and crediting interest on the
26 balance in the member account for the period between the date of death and
27 date of distribution.

28 “(7) Payment by the board of amounts in the manner provided by this
29 section completely discharges the board and system on account of the death,
30 and shall hold the board and system harmless from any claim for wrongful

1 payment.”.

2 On page 27, delete lines 24 through 45.

3 On page 28, delete line 1 and insert:

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5 **“TREATMENT OF SHARED WORK BENEFITS**

6

7 **“SECTION 21. Section 22 of this 2023 Act is added to and made a**
8 **part of ORS chapter 238.**

9 **“SECTION 22. Notwithstanding any other provision of this chapter**
10 **or ORS chapter 238A, benefits received by a member under ORS 657.370**
11 **to 657.390 shall be treated as salary.**

12 **“SECTION 23. Section 24 of this 2023 Act is added to and made a**
13 **part of ORS chapter 238A.**

14 **“SECTION 24. Notwithstanding any other provision of this chapter**
15 **or ORS chapter 238, benefits received by a member under ORS 657.370**
16 **to 657.390 shall be treated as salary.”.**

17 Delete lines 13 and 14.

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