

A-Engrossed
House Bill 4159

Ordered by the House February 15
Including House Amendments dated February 15

Sponsored by COMMITTEE ON RULES (at the request of Representative Jennifer Williamson)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Public Employees Retirement Board to adopt rules providing that, if Oregon Investment Council invests assets of individual account program in multiple risk categories depending on characteristics of individual member, member of individual account program may *[direct investment of individual accounts in any risk category or with other assets of Public Employees Retirement Fund]* **elect to have moneys in member's individual accounts deposited into approved investment option.**

Directs office of State Treasurer to review legal and fiduciary standards. Provides that if office of State Treasurer determines that standards prohibit implementation of Act, board may not adopt rules to implement Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the individual account program of the Oregon Public Service Retirement Plan; and de-
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS chapter 238A.**

6 **SECTION 2. (1) Except as provided in subsection (6) of this section, the Public Employees**
7 **Retirement Board, in consultation with the office of the State Treasurer, shall adopt rules**
8 **providing that if the Oregon Investment Council invests the assets of the individual account**
9 **program in multiple risk categories depending on the characteristics of an individual mem-**
10 **ber, a member of the individual account program may elect to have the moneys in the**
11 **member's individual accounts established under ORS 238A.350 deposited into an investment**
12 **option approved by the council.**

13 **(2) A member may make an election under this section once per calendar year. The board**
14 **shall establish by rule the date by which a member must make an election under this section**
15 **in order for the election to become effective on January 1 of the following calendar year.**

16 **(3) Subject to such direction and oversight as may be provided by the Legislative As-**
17 **sembly, the board shall take all steps necessary to develop and implement the information**
18 **technology systems needed to implement and carry out this section.**

19 **(4) The board may contract with a private provider for purposes of implementing this**
20 **section. The board is not subject to the provisions of ORS chapter 279A or 279B in awarding**
21 **a contract under the provisions of this subsection. The board shall establish procedures for**
22 **inviting proposals and awarding contracts under this subsection.**

23 **(5) The board may adopt rules as necessary to implement this section, but the council**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 and the office of the State Treasurer retain authority over investment decisions required to
2 implement this section.

3 (6) The board may not adopt rules under subsection (1) of this section that violate state
4 or federal laws or regulations.

5 **SECTION 3.** The Public Employees Retirement Board shall allow members of the indi-
6 vidual account program to make an election under section 2 of this 2018 Act that becomes
7 effective on January 1, 2019.

8 **SECTION 4.** (1) The office of the State Treasurer shall review the legal and fiduciary
9 standards applicable to the Oregon Investment Council and the office of the State Treasurer
10 with regard to implementation of section 2 of this 2018 Act.

11 (2) If the office of the State Treasurer determines under this section that legal or
12 fiduciary standards prohibit implementation of section 2 of this 2018 Act, the office of the
13 State Treasurer shall notify the Public Employees Retirement Board no later than December
14 31, 2018, and, notwithstanding section 2 of this 2018 Act, the board may not adopt rules to
15 implement section 2 of this 2018 Act.

16 **SECTION 5.** This 2018 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect
18 on its passage.

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