

CHAPTER 118

AN ACT

HB 4159

Relating to the individual account program of the Oregon Public Service Retirement Plan; and declaring an emergency.

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

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

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

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

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

(4) The board may contract with a private provider for purposes of implementing this section. The board is not subject to the provisions of ORS chapter 279A or 279B in awarding a contract under the provisions of this subsection.

The board shall establish procedures for inviting proposals and awarding contracts under this subsection.

(5) The board may adopt rules as necessary to implement this section, but the council and the office of the State Treasurer retain authority over investment decisions required to implement this section.

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

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

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

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

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

Approved by the Governor April 13, 2018
 Filed in the office of Secretary of State April 13, 2018
 Effective date April 13, 2018