

THE HOUSE OF REPRESENTATIVES
Wednesday, March 5, 2008

House Bill No. 3253

HOUSE BILL NO. 3253 - By: PITTMAN of the House.

An Act relating to the Teachers' Retirement System of Oklahoma; amending 70 O.S. 2001, Section 17-106, which relates to the board of trustees; authorizing designee for certain board members; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

- 1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 17-106, is amended to read
2 as follows:
- 3 Section 17-106. (1) The general administration and responsibility for the proper
4 operation of the retirement system and for making effective the provisions of the act are
5 hereby vested in a Board of Trustees which shall be known as the Board of Trustees and
6 shall be organized immediately after a majority of the trustees provided for in this
7 section shall have qualified and taken the oath of office.
- 8 (2) The Board shall consist of the following members:
- 9 (a) The State Superintendent of Public Instruction, ex officio, or a designee.
- 10 (b) The Director of State Finance, ex officio, or a designee.
- 11 (c) The Director of the Oklahoma Department of Career and Technology Education,
12 ex officio, or his or her designee.

1 (d) One member appointed by the Governor whose initial term of office shall expire
2 on January 14, 1991. The members thereafter appointed by the Governor shall serve a
3 term of office of four (4) years which is coterminous with the term of office of the office of
4 the appointing authority.

5 (e) Two members shall be appointed by the Governor of the State of Oklahoma and
6 approved by the Senate. The two members shall be: 1. a representative of a school of
7 higher education in Oklahoma whose term of office shall initially be one (1) year, and 2. a
8 member of the System of the nonclassified optional personnel status whose initial term of
9 office shall be two (2) years. After the said initial terms of office the terms of said
10 members shall be four (4) years.

11 (f) Upon the expiration of the term of office of the stockbroker member of the Board,
12 the Governor shall appoint a member to the Board whose initial term of office shall
13 expire on January 14, 1991. The members thereafter appointed by the Governor shall
14 serve a term of office of four (4) years which is coterminous with the term of office of the
15 office of the appointing authority.

16 (g) Upon the expiration of the term of office of the representative of the insurance
17 industry member of the Board, the Governor shall appoint a member to the Board whose
18 initial term of office shall expire on January 14, 1991. The members thereafter
19 appointed by the Governor shall serve a term of office of four (4) years which is
20 coterminous with the term of office of the office of the appointing authority.

21 (h) Upon the expiration of the term of office of the investment counselor member of
22 the Board, the Governor shall appoint a member to the Board whose initial term of office

1 shall expire on January 14, 1991. The members thereafter appointed by the Governor
2 shall serve a term of office of four (4) years which is coterminous with the term of office of
3 the office of the appointing authority.

4 (i) Upon the expiration of the term of office of the active classroom teacher member
5 of the Board, the President Pro Tempore of the Senate shall appoint a member to the
6 Board, who shall be an active classroom teacher and whose initial term of office shall
7 expire on January 8, 1991. The members thereafter appointed by the President Pro
8 Tempore of the Senate shall serve a term of office of four (4) years.

9 (j) Upon the expiration of the term of office of the retired classroom teacher member
10 of the Board, the Speaker of the House of Representatives shall appoint a member to the
11 Board, who shall be a retired member of the System and whose initial term of office shall
12 expire on January 8, 1991. The members thereafter appointed by the Speaker of the
13 House of Representatives shall serve a term of office of four (4) years.

14 (k) The Speaker of the House of Representatives shall appoint a member to the
15 Board, who shall be an active classroom teacher and whose initial term of office shall
16 expire on January 3, 1989. The members thereafter appointed by the Speaker of the
17 House of Representatives shall serve a term of office of four (4) years.

18 (l) The President Pro Tempore of the Senate shall appoint a member to the Board,
19 who shall be a retired member of the System and whose initial term of office shall expire
20 on January 3, 1989. The members thereafter appointed by the President Pro Tempore of
21 the Senate shall serve a term of office of four (4) years.

1 (3) Persons who are appointed to the Board of Trustees by the Governor pursuant
2 to paragraphs (d), (f), (g) and (h) of subsection (2) of this section shall:

3 (a) have demonstrated professional experience in investment or funds
4 management, public funds management, public or private pension fund management or
5 retirement system management; or

6 (b) have demonstrated experience in the banking profession and have
7 demonstrated professional experience in investment or funds management; or

8 (c) be licensed to practice law in this state and have demonstrated professional
9 experience in commercial matters; or

10 (d) be licensed by the Oklahoma State Board of Public Accountancy to practice in
11 this state as a public accountant or a certified public accountant.

12 The appointing authorities, in making appointments that conform to the
13 requirements of this subsection, shall give due consideration to balancing the
14 appointments among the criteria specified in paragraphs (a) through (d) of this
15 subsection.

16 (4) No member of the Board of Trustees shall be a lobbyist registered in this state
17 as provided by law.

18 (5) Notwithstanding any of the provisions of this section to the contrary, any person
19 serving as an appointed member of the Board of Trustees on the operative date of this act
20 shall be eligible for reappointment when the term of office of the member expires.

21 (6) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the
22 unexpired term in the same manner as the office was previously filled.

1 (7) Each of the trustees, except those who are state officials serving ex officio, shall
2 receive travel expenses in accordance with the State Travel Reimbursement Act.

3 (8) Each trustee shall, within ten (10) days after his appointment or election, take
4 an oath of office that, so far as it devolves upon him, he will diligently and honestly
5 administer the affairs of the Board of Trustees and that he will not knowingly violate or
6 willingly permit to be violated any of the provisions of law applicable to the retirement
7 system. Such oath shall be subscribed to by the member making it, certified by the
8 officer before whom it is taken, and immediately filed in the office of the Secretary of
9 State.

10 (9) Each trustee shall be entitled to one vote on the Board of Trustees. Seven votes
11 shall be necessary for a decision by the trustees at any meeting of said Board.

12 (10) Subject to the limitations of this act, the Board of Trustees shall, from time to
13 time, establish rules and regulations for the administration of the funds created by this
14 act and for the transaction of its business. Provided that such rules and regulations may
15 include rules and regulations providing for the withholding from the retirement
16 allowance due a retired person under the provisions of this act an amount requested in
17 writing by the retiree for the purpose of paying:

18 (a) monthly premiums on group hospital and surgical insurance programs to which
19 such retiree belongs, and for the transmitting of the sums so withheld to the insurance
20 carrier designated by the retiree; and

1 (b) membership dues in any statewide association limited to retired educator
2 membership with a minimum membership of one thousand (1,000) dues-paying members
3 and for the transmitting of the sums so withheld.

4 (11) The Board of Trustees shall elect from its membership a chairman, and by a
5 majority vote of all of its members shall appoint a secretary-treasurer, who may be, but
6 need not be, one of its members. The Board shall employ an executive secretary and
7 shall engage such actuarial and other service as shall be required to transact the
8 business of the retirement system. The compensation of all persons engaged by the
9 Board and all other expenses of the Board necessary for the operation of the retirement
10 system shall be paid at such rates and in such amounts as the Board shall approve.

11 (12) The members of the Board of Trustees, the Executive Secretary and the
12 employees of the System shall not accept gifts or gratuities from an individual
13 organization with a value in excess of Fifty Dollars (\$50.00) per year. The provisions of
14 this section shall not be construed to prevent the members of the Board of Trustees, the
15 Executive Secretary or the employees of the System from attending educational
16 seminars, conferences, meetings or similar functions which are paid for, directly or
17 indirectly, by more than one organization.

18 (13) The Board of Trustees shall keep in convenient form such data as shall be
19 necessary for actuarial valuation of the various funds of the retirement system and for
20 checking the experience of the system.

21 (14) The Board of Trustees shall keep a record of all of its proceedings which shall
22 be open to public inspection. It shall publish annually a report showing the fiscal

1 transactions of the retirement system for the preceding school year, the amount of the
2 accumulated cash and securities of the system, and the last balance sheet showing the
3 financial condition of the system by means of an actuarial valuation of the assets and
4 liabilities of the retirement system and a detailed accounting of its administrative
5 expenses.

6 (15) The Board of Trustees shall retain an attorney who is licensed to practice law
7 in this state. The attorney shall serve at the pleasure of the Board of Trustees for such
8 compensation as may be provided by the Board of Trustees. The attorney shall advise
9 the Board of Trustees and perform legal services for the Board of Trustees with respect to
10 any matters properly before the Board of Trustees. When requested by the Board of
11 Trustees, the Attorney General of the state also shall render legal services to the Board
12 of Trustees. In addition to the above, the Board of Trustees may employ hearing
13 examiners to conduct administrative grievance hearings under the provisions of the
14 Oklahoma Administrative Procedures Act, Sections 301 through 325 of Title 75 of the
15 Oklahoma Statutes.

16 (16) Suitable offices shall be furnished by the Department of Central Services.
17 Upon the failure or inability of the Department of Central Services to provide adequate
18 facilities, the Board of Trustees may contract for necessary office space in suitable
19 quarters.

20 (17) The Board of Trustees shall designate a Medical Board to be composed of three
21 physicians not eligible to participate in the retirement system. The physicians so
22 appointed by the Board of Trustees shall be legally qualified to practice medicine in

1 Oklahoma and shall be physicians of good standing in the medical profession. If required,
2 other physicians may be employed to report on special cases. The Medical Board shall
3 pass upon all medical examinations required under the provisions of this act and shall
4 investigate all essential statements and certificates by or on behalf of a member in
5 connection with an application for disability retirement and shall report in writing to the
6 Board of Trustees its conclusion and recommendation upon all the matters referred to it.
7 The Board of Trustees shall adopt such rules and regulations as may be necessary to
8 properly administer this benefit.

9 (18) The Board of Trustees shall designate an actuary who shall be the technical
10 advisor of the Board of Trustees on matters regarding the operation of funds created by
11 the provisions of this act and shall perform such other duties as are required in
12 connection therewith.

13 (19) At least once each five (5) years the actuary shall make an actuarial
14 investigation of the experience of the retirement system, including the mortality, service
15 and compensation experience of members and beneficiaries. Based on the results of such
16 investigation the actuary shall recommend for adoption by the Board of Trustees such
17 tables and rates as are required for the operation of the retirement system and for the
18 preparation of annual actuarial valuations.

19 (20) On the basis of such tables and rates as the Board of Trustees shall adopt, the
20 actuary shall prepare an annual actuarial valuation of the assets and liabilities of the
21 retirement system and certify the rates of contribution payable by the state under the
22 provisions of law concerning the Teachers' Retirement System.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 (21) Subject to the funds available under the provisions of Section 1004 of Title 68
2 of the Oklahoma Statutes, the employer contributions to the retirement system for the
3 fiscal year beginning July 1, 1987, and for each fiscal year thereafter, shall be
4 determined by the Board of Trustees on the basis of the most recent actuarial valuation,
5 which amount shall be calculated as the sum of the normal cost for the fiscal year plus
6 the payment required to amortize the unfunded accrued liability at a rate of level dollar
7 payments not to exceed forty (40) years.

8 SECTION 2. This act shall become effective November 1, 2008.

9 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
10 FINANCIAL SERVICES, dated 03-04-08 - DO PASS.

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