

ENROLLED SENATE
BILL NO. 840

By: Aldridge of the Senate

and

McDaniel (Randy) of the
House

An Act relating to the Oklahoma Public Employees Retirement System; amending 74 O.S. 2001, Section 904, which relates to proceedings against the Oklahoma Public Employees Retirement System; specifying that certain proceedings shall be brought in Oklahoma County; authorizing hearing examiner to conduct certain hearing and make certain findings; requiring the Board to enter final orders in certain matters; granting the Board certain jurisdiction; amending Section 28, Chapter 536, O.S.L. 2004 (74 O.S. Supp. 2010, Section 920B), which relates to remittance of retirement contributions; specifying that employee contributions shall be considered trust funds and shall be promptly remitted; increasing amount of certain late charge; and repealing 74 O.S. 2001, Section 1701.1, which relates to untimely posting of certain deferred compensation contributions.

SUBJECT: Proceedings against the Oklahoma Public Employees Retirement System

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 904, is amended to read as follows:

Section 904. ~~(1)~~ A. The Oklahoma Public Employees Retirement System may sue and be sued in its official name, but its officers, employees, and agents shall not be personally liable for acts of the System. The service of all legal process and of all notices which may be required to be in writing, whether legal proceedings or otherwise, shall be had on the executive director at his or her office. All actions or proceedings directly or indirectly against the System shall be brought in Oklahoma County, including petitions for judicial review of individual proceedings under the Administrative Procedures Act despite any other provision to the contrary.

~~(2)~~ ~~(a)~~ B. 1. Any ~~person~~ member or participating employer, or in the case of a deceased member, a joint annuitant or beneficiary, aggrieved by any order or decision of the Board System made without a hearing may, within thirty (30) days after notice of the order or decision of the Board System, make written request to the Oklahoma Public Employees Retirement System Board of Trustees for a hearing thereon. The Board shall hear such party or parties at its next regular meeting or at a special meeting within ninety (90) days after receipt of such request and shall give not less than ten (10) days' written notice of the time and place of the hearing. Within fifteen (15) days after such hearing the Board shall affirm, reverse, or modify its previous action, specifying the reasons therefor, and written notice of the action taken by the Board shall be forwarded immediately to the interested party by the executive director may refer any such request to a hearing examiner to conduct the hearing and make recommended findings of fact and conclusions of law to the Board. The Board shall enter final orders in all such matters which shall be considered by the Board under the provisions of the Administrative Procedures Act.

~~(b)~~ 2. Nothing contained in this act Section 901 et seq. of this title shall require the observance at any hearing of the Board or a hearing examiner designated by the Board of formal rules of pleading or evidence.

~~(3)~~ 3. The Board shall have jurisdiction under the Administrative Procedures Act relating to any disputes arising from the administration of the retirement or savings plans administered by the Board, including disputes involving a member, joint annuitant, beneficiary or participating employer of the System.

4. Upon written request reasonably made by a person affected by the hearing at such person's expense, the Board shall cause a full stenographic record of the proceedings to be made by a competent court reporter. If transcribed, such record shall be a part of the Board's record of the hearing, and a copy of such stenographic record shall be furnished to any other party having a direct interest therein at the request and expense of such party.

SECTION 2. AMENDATORY Section 28, Chapter 536, O.S.L. 2004 (74 O.S. Supp. 2010, Section 920B), is amended to read as follows:

Section 920B. A. All participating employers shall remit to the Oklahoma Public Employees Retirement System all required retirement contributions due on a monthly basis. All employee contributions withheld shall be considered trust funds held by the employer on behalf of the employee and shall be promptly remitted to the System pursuant to subsection B of this section.

B. For non-state agency employers, all required employer and employee contributions and supporting documentation are due and must be received by the System on or before the fifteenth day of the month following the month for which the contributions are due. For state agency employers, all required employer and employee contributions and supporting documentation are due and must be received by the System on or before the fifteenth day following the last day of the payroll period for which said contributions are due.

C. Employer and employee contributions remitted to the System after thirty (30) days from the ~~above~~ due dates set forth in subsection B of this section shall be subject to a monthly late charge of ~~one and one-half percent (1.5%)~~ three percent (3%) of the unpaid balance to be paid by the employer to the System.

SECTION 3. REPEALER 74 O.S. 2001, Section 1701.1, is hereby repealed.

Passed the Senate the 8th day of March, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 11th day of April, 2011.

Presiding Officer of the House
of Representatives