

## STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 934

By: Montgomery

AS INTRODUCED

An Act relating to public finance; creating the Oklahoma Sooner Choice Trust Act; stating purpose of Act; requiring employers to collect certain monies from employees and remit funds to the Tax Commission; directing Tax Commission to transmit funds to State Treasurer; directing Treasurer to manage trust fund; declaring each employee certain account holder; requiring accounts be designated as 401k accounts; providing terms for opting out of fund; creating Board of Trustees; establishing requirements for membership; establishing Treasurer as chair of Board; establishing certain duty of Board; requiring Treasurer to maintain marketplace portal for certain persons; requiring that fund participants have access to marketplace; authorizing certain persons to select financial advisor from marketplace; authorizing participants to transfer monies in certain circumstances; providing monies for cost of fund; exempting certain employees from Act; creating revolving fund in State Treasury; appropriating and authorizing Treasurer to expend certain funds; providing procedure for expenditures; and providing for codification.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9010 of Title 62, unless there is created a duplication in numbering, reads as follows:

1       A. It is hereby declared to be the purpose of this act to  
2 provide for an individual retirement account program for working  
3 Oklahomans.

4       B. This act shall be known and may be cited as the "Oklahoma  
5 Sooner Choice Trust Act".

6       C. Every employer in this state, which shall include self-  
7 employed individuals, shall collect a three percent (3%)  
8 contribution amount from the paycheck of every employee, provided  
9 the pretax dollars shall be collected after all other deductions,  
10 and remit such funds to the Oklahoma Tax Commission. The Tax  
11 Commission shall transmit the funds to the office of the State  
12 Treasurer, who shall manage the deposits of the Oklahoma Sooner  
13 Choice Trust Fund.

14       Every person on whose behalf an employer has collected funds  
15 shall be an individual account holder in the invested funds.

16       D. The accounts shall be designated as 401(K) accounts created  
17 on behalf of every employee in this state, subject to ERISA  
18 requirements.

19       E. Participants in the Oklahoma Sooner Choice Trust Act may opt  
20 out by written or electronic notification to the State Treasurer  
21 within ninety (90) days of the first contribution to the Trust.  
22 Participants opting out may collect monies already accrued on their  
23 behalf at the time of opt out, provided that applicable taxes are  
24 paid.

1 F. There is to be created a Board of Trustees of the Oklahoma  
2 Sooner Choice Trust Fund which shall consist of eight (8) members:  
3 four appointed by the Governor, two appointed by the President Pro  
4 Tempore of the Senate and two appointed by the Speaker of the House  
5 of Representatives. To be eligible for appointment to the Board, a  
6 person shall have relevant experience in the financial services  
7 industry except that one appointee by the Governor shall be exempt  
8 from this requirement.

9 1. The State Treasurer shall serve as the chair of the Board;  
10 and

11 2. The Board shall designate a financial advisor to manage the  
12 accounts of individuals residing within at least seven geographic  
13 regions of the state that shall be determined by the Board.

14 G. The State Treasurer shall maintain a marketplace portal for  
15 financial advisors and plan options. Participants shall have access  
16 to the marketplace portal based on unique taxpayer identification  
17 numbers from the filing of Oklahoma income taxes to create an  
18 account. Participants may elect a financial advisor from the  
19 marketplace after creating an individual login, provided that the  
20 account information, balances and investments may continue to be  
21 accessible through the website marketplace portal, or participants  
22 may elect to opt out and transfer account balances to IRAs offered  
23 through the marketplace.  
24

1       H. Administrative expenses associated with the creation and  
2 development of the Fund shall be deducted from the funds the State  
3 Treasurer certifies as available for appropriation from the  
4 Unclaimed Property Fund.

5       I. Federal and state employees, including members of the Armed  
6 Forces, shall not be eligible to participate in the Fund.

7       SECTION 2.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 9011 of Title 62, unless there  
9 is created a duplication in numbering, reads as follows:

10       There is hereby created in the State Treasury a revolving fund  
11 to be designated the "Oklahoma Sooner Choice Trust Act Revolving  
12 Fund". The fund shall be a continuing fund, not subject to fiscal  
13 year limitations, and shall consist of all monies received by the  
14 Tax Commission pursuant to subsection C of Section 1 of this act.  
15 All monies accruing to the credit of the fund are hereby  
16 appropriated and may be budgeted and expended by the for the purpose  
17 of providing for an individual retirement account program for  
18 Oklahoma employees. Expenditures from the fund shall be made upon  
19 warrants issued by the State Treasurer against claims filed as  
20 prescribed by law with the Director of the Office of Management and  
21 Enterprise Services for approval and payment.

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