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March 28, 2019

ENGROSSED HOUSE
BILL NO. 1257

By: Hilbert of the House

and

Stanislawski of the Senate

An Act relating to counties and county officers; amending 19 O.S. 2011, Section 971, which relates to county employee's retirement systems; eliminating certain employer contribution cap; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 971, is amended to read as follows:

Section 971. A. Effective July 1, 1999, each county of the state may establish a County Officer and Employee Deferred Savings Incentive Plan as authorized by this act.

B. A county electing to establish a County Officer and Employee Deferred Savings Incentive Plan shall establish a County Officer and Employee Deferred Savings Incentive Plan Fund for the payment of matching employer contributions as provided by this section, subject to the limit upon the amount of the matching employer contribution as provided by law. The participating employer shall pay the

1 contributions from the same source of funds used in paying salary to
2 the county officer or employee.

3 C. Subject to the limit imposed by subsection D of this
4 section, for each qualified participant as defined in this section,
5 the board of county commissioners of each county electing to
6 establish a County Officer and Employee Deferred Savings Incentive
7 Plan shall pay each month from the County Officer and Employee
8 Deferred Savings Incentive Plan Fund a sum equal to the amount
9 contributed each month by the participating county officer or
10 employee to the deferred compensation plan account established for
11 the participant pursuant to Section 457 of the Internal Revenue Code
12 of 1986, as amended.

13 D. The board of county commissioners of each county shall set
14 the amount of county contribution, ~~but the amount of the~~
15 ~~contribution made by the county pursuant to subsection C of this~~
16 ~~section shall not exceed Fifty Dollars (\$50.00).~~

17 E. The payment of the matching employer contribution as
18 authorized by this section by any county electing to establish a
19 County Officer and Employee Deferred Savings Incentive Plan shall be
20 made to a plan established pursuant to the Internal Revenue Code,
21 Section 401(a), for the benefit of the officers and employees of the
22 county.

23 F. For the purposes of this section, "qualified participant"
24 means a:

1 1. "County employee" as defined by Section 957 of ~~Title 19 of~~
2 ~~the Oklahoma Statutes~~ this title who is a participant in a deferred
3 compensation plan established by the county pursuant to Section 457
4 of the Internal Revenue Code of 1986, as amended; and

5 2. "County officer" as defined by Section 131 of ~~Title 19 of~~
6 ~~the Oklahoma Statutes~~ this title who is a participant in a deferred
7 compensation plan established by the county pursuant to Section 457
8 of the Internal Revenue Code of 1986, as amended.

9 G. The board of county commissioners for each county electing
10 to create a County Officer and Employee Deferred Savings Incentive
11 Plan shall be responsible for establishing rules and plan documents
12 for administration of the plan and all contributions made to the
13 plan.

14 H. Pursuant to the requirements of Section 10 of Article XXIII
15 of the Oklahoma Constitution, no county officer shall be able to
16 receive matching contributions in the County Officer and Employee
17 Deferred Savings Incentive Plan account described by this section
18 during a term of office which commenced prior to the effective date
19 of this act. A county officer may participate in the County Officer
20 and Employee Deferred Savings Incentive Plan described by this
21 section during a term of office which commences after the effective
22 date of this act.

SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
March 28, 2019 - DO PASS