

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 352

By: Pemberton

AS INTRODUCED

An Act relating to public pensions; amending 62 O.S. 2011, Section 3103, as last amended by Section 2, Chapter 245, O.S.L. 2018 (62 O.S. Supp. 2018, Section 3103), which relates to definitions; amending definition; amending 47 O.S. 2011, Section 2-305, as last amended by Section 3, Chapter 44, O.S.L. 2018 (47 O.S. Supp. 2018, Section 2-305), which relates to retirement pay; providing offset for certain benefits; providing for increase in certain pension benefits; defining terms; providing certain offsets; prohibiting certain classification; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 2011, Section 3103, as last amended by Section 2, Chapter 245, O.S.L. 2018 (62 O.S. Supp. 2018, Section 3103), is amended to read as follows:

Section 3103. As used in the Oklahoma Pension Legislation Actuarial Analysis Act:

1. "Amendment" means any amendment, including a substitute bill, made to a retirement bill by any committee of the House or Senate, any conference committee of the House or Senate or by the House or Senate;

1           2. "RB number" means that number preceded by the letters "RB"  
2 assigned to a retirement bill by the respective staffs of the  
3 Oklahoma State Senate and the Oklahoma House of Representatives when  
4 the respective staff office prepares a retirement bill for a member  
5 of the Legislature;

6           3. "Legislative Actuary" means the firm or entity that enters  
7 into a contract with the Legislative Service Bureau pursuant to  
8 Section 452.15 of Title 74 of the Oklahoma Statutes to provide the  
9 actuarial services and other duties provided for in the Oklahoma  
10 Pension Legislation Actuarial Analysis Act;

11           4. "Nonfiscal amendment" means an amendment to a retirement  
12 bill having a fiscal impact, which amendment does not change any  
13 factor of an actuarial investigation specified in subsection A of  
14 Section 3109 of this title;

15           5. "Nonfiscal retirement bill" means a retirement bill:

16           a. which does not affect the cost or funding factors of a  
17 retirement system, or

18           b. which affects such factors only in a manner which does  
19 not:

20           (1) grant a benefit increase under the retirement  
21 system affected by the bill,

22           (2) create an actuarial accrued liability for or  
23 increase the actuarial accrued liability of the  
24 retirement system affected by the bill, or  
25

1 (3) increase the normal cost of the retirement system  
2 affected by the bill,

- 3 c. which authorizes the purchase by an active member of  
4 the retirement system, at the actuarial cost for the  
5 purchase as computed pursuant to the statute in effect  
6 on the effective date of the measure allowing such  
7 purchase, of years of service for purposes of reaching  
8 a normal retirement date in the applicable retirement  
9 system, but which cannot be used in order to compute  
10 the number of years of service for purposes of  
11 computing the retirement benefit for the member,
- 12 d. which provides for the computation of a service-  
13 connected disability retirement benefit for members of  
14 the Oklahoma Law Enforcement Retirement System  
15 pursuant to Section 2-305 of Title 47 of the Oklahoma  
16 Statutes if the members were unable to complete twenty  
17 (20) years of service as a result of the disability,
- 18 e. which requires membership in the defined benefit plan  
19 authorized by Section 901 et seq. of Title 74 of the  
20 Oklahoma Statutes for persons whose first elected or  
21 appointed service occurs on or after November 1, 2018,  
22 if such persons had any prior service in the Oklahoma  
23 Public Employees Retirement System prior to November  
24 1, 2015, ~~or~~

1 f. which provides for a one-time increase in retirement  
2 benefits if the increase in retirement benefits is not  
3 a permanent increase in the gross annual retirement  
4 benefit payable to a member or beneficiary, occurs  
5 only once pursuant to a single statutory authorization  
6 and does not exceed:

7 (1) the lesser of two percent (2%) of the gross  
8 annual retirement benefit of the member or One  
9 Thousand Dollars (\$1,000.00) and requires that  
10 the benefit may only be provided if the funded  
11 ratio of the affected retirement system would not  
12 be less than sixty percent (60%) but not greater  
13 than eighty percent (80%) after the benefit  
14 increase is paid,

15 (2) the lesser of two percent (2%) of the gross  
16 annual retirement benefit of the member or One  
17 Thousand Two Hundred Dollars (\$1,200.00) and  
18 requires that the benefit may only be provided if  
19 the funded ratio of the affected retirement  
20 system would be greater than eighty percent (80%)  
21 but not greater than one hundred percent (100%)  
22 after the benefit increase is paid,

23 (3) the lesser of two percent (2%) of the gross  
24 annual retirement benefit of the member or One  
25

1           Thousand Four Hundred Dollars (\$1,400.00) and  
2           requires that the benefit may only be provided if  
3           the funded ratio of the affected retirement  
4           system would be greater than one hundred percent  
5           (100%) after the benefit increase is paid, or  
6           (4) the greater of two percent (2%) of the gross  
7           annual retirement benefit of the volunteer  
8           firefighter or One Hundred Dollars (\$100.00) for  
9           persons who retired from the Oklahoma  
10          Firefighters Pension and Retirement System as  
11          volunteer firefighters and who did not retire  
12          from the Oklahoma Firefighters Pension and  
13          Retirement System as a paid firefighter, or  
14          g. which provides a cost-of-living adjustment as  
15          prescribed by Sections 2 through 7 of this act.

16          As used in ~~this~~ subparagraph f of paragraph 5 of this  
17          section, "funded ratio" means the figure derived by  
18          dividing the actuarial value of assets of the  
19          applicable retirement system by the actuarial accrued  
20          liability of the applicable retirement system.

21          A nonfiscal retirement bill shall include any retirement bill that  
22          has as its sole purpose the appropriation or distribution or  
23          redistribution of monies in some manner to a retirement system for  
24          purposes of reducing the unfunded liability of such system or the

1 earmarking of a portion of the revenue from a tax to a retirement  
2 system or increasing the percentage of the revenue earmarked from a  
3 tax to a retirement system;

4 6. "Reduction-in-cost amendment" means an amendment to a  
5 retirement bill having a fiscal impact which reduces the cost of the  
6 bill as such cost is determined by the actuarial investigation for  
7 the bill prepared pursuant to Section 3109 of this title;

8 7. "Retirement bill" means any bill or joint resolution  
9 introduced or any bill or joint resolution amended by a member of  
10 the Oklahoma Legislature which creates or amends any law directly  
11 affecting a retirement system. A retirement bill shall not mean a  
12 bill or resolution that impacts the revenue of any state tax in  
13 which a portion of the revenue generated from such tax is earmarked  
14 for the benefit of a retirement system;

15 8. "Retirement bill having a fiscal impact" means any  
16 retirement bill creating or establishing a retirement system and any  
17 other retirement bill other than a nonfiscal retirement bill; and

18 9. "Retirement system" means the Teachers' Retirement System of  
19 Oklahoma, the Oklahoma Public Employees Retirement System, the  
20 Uniform Retirement System for Justices and Judges, the Oklahoma  
21 Firefighters Pension and Retirement System, the Oklahoma Police  
22 Pension and Retirement System, the Oklahoma Law Enforcement  
23 Retirement System, or a retirement system established after January  
24 1, 2006.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1104K of Title 20, unless there  
3 is created a duplication in numbering, reads as follows:

4 Any person receiving benefits from the Uniform Retirement System  
5 for Justices and Judges as of June 30, 2019, who continues to  
6 receive benefits on or after July 1, 2020, shall receive an eight  
7 percent (8%) increase in the benefits beginning in July 2020.

8 SECTION 3. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 49-143.7 of Title 11, unless  
10 there is created a duplication in numbering, reads as follows:

11 A. Except as provided in subsection B of this section and for  
12 persons receiving benefits pursuant to Section 49-101 of Title 11 of  
13 the Oklahoma Statutes, any person receiving benefits from the  
14 Oklahoma Firefighters Pension and Retirement System as of June 30,  
15 2019, who continues to receive benefits on or after July 1, 2020,  
16 shall receive an eight percent (8%) increase in the benefits in July  
17 2020.

18 B. Any increase in benefits a person is eligible to receive  
19 pursuant to subsection C of this section after June 30, 2018, shall  
20 be used to offset the increase in benefits provided in subsection A  
21 of this section.

22 C. Any person receiving a pension who became a member of the  
23 System prior to January 1, 1981, which was based upon a percentage  
24 of the average salary paid to him or her during the last thirty (30)

1 or sixty (60) months of his or her service, shall have such pension,  
2 or the pension of his or her surviving spouse, increased or  
3 decreased by one-half (1/2) of all increases or decreases which  
4 shall occur in the salary of the regular firefighters in the  
5 municipality from which the person is receiving a pension; provided,  
6 that the pension shall never be reduced below the original pension  
7 paid to such person for that purpose. For the purposes of this  
8 subsection, the term "regular firefighters" means salaried  
9 firefighters who have reached their maximum salary as "privates" in  
10 their departments and have not been promoted to a position of rank.  
11 It shall be a violation of this subsection to establish a special  
12 classification for the purpose of evading the intent of this  
13 subsection.

14 SECTION 4. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 50-136.9 of Title 11, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. Except as provided in subsection B of this section, any  
18 person receiving benefits from the Oklahoma Police Pension and  
19 Retirement System as of June 30, 2019, who continues to receive  
20 benefits on or after July 1, 2020, shall receive an eight percent  
21 (8%) increase in the benefits on July 1, 2020.

22 B. Any increase in benefits a person is eligible to receive  
23 pursuant to subsection C of this section after June 30, 2018, shall  
24



1 be offset by the increase in benefits, if any, provided by this  
2 section.

3 C. The pension of any member or beneficiary of any member whose  
4 membership began prior to January 1, 1981, shall upon the increase  
5 or decrease of the base salary of a regular police officer of a  
6 municipality be adjusted by one-third (1/3) of such increase or  
7 decrease, provided that no pension shall be less than one-third  
8 (1/3) of the base salary of a regular police officer, nor be reduced  
9 to an amount less than the pension at which the officer retired.

10 SECTION 5. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 116.22 of Title 70, unless there  
12 is created a duplication in numbering, reads as follows:

13 Any person receiving benefits from the Teachers' Retirement  
14 System of Oklahoma as of June 30, 2019, who continues to receive  
15 benefits on or after July 1, 2020, shall receive an eight percent  
16 (8%) increase in the benefits beginning in July 2020.

17 SECTION 6. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 930.11 of Title 74, unless there  
19 is created a duplication in numbering, reads as follows:

20 Any person receiving benefits from the Oklahoma Public Employees  
21 Retirement System as of June 30, 2019, who continues to receive  
22 benefits on or after July 1, 2020, shall receive an eight percent  
23 (8%) increase in the benefits beginning in July 2020.

1 SECTION 7. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2-305.12 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. Except as provided in subsection B of this section, any  
5 person receiving benefits from the Oklahoma Law Enforcement  
6 Retirement System as of June 30, 2019, who continues to receive  
7 benefits on or after July 1, 2020, shall receive an eight percent  
8 (8%) increase in the benefits beginning in July 2020.

9 B. Any increase in benefits a person is eligible to receive  
10 pursuant to subsection B, C or D of Section 2-305 of Title 47 of the  
11 Oklahoma Statutes after June 30, 2020, shall be offset by the  
12 increase in benefits, if any, provided by this section.

13 SECTION 8. AMENDATORY 47 O.S. 2011, Section 2-305, as  
14 last amended by Section 3, Chapter 44, O.S.L. 2018 (47 O.S. Supp.  
15 2018, Section 2-305), is amended to read as follows:

16 Section 2-305. A. Except as otherwise provided in this title,  
17 at any time after attaining normal retirement date, any member of  
18 the Oklahoma Law Enforcement Retirement System upon application for  
19 unreduced retirement benefits made and approved, may retire, and,  
20 during the remainder of the member's lifetime, receive annual  
21 retirement pay, payable in equal monthly payments, equal to two and  
22 one-half percent (2 1/2%) of the final average salary times years of  
23 credited service. If such retired member is reemployed by a state  
24 agency in a position which is not covered by the System, such

1 retired member shall continue to receive in-service distributions  
2 from the System. Prior to September 19, 2002, if such retired  
3 member was reemployed by a state agency in a position which is  
4 covered by the System, such member shall continue to receive in-  
5 service distributions from the System and shall not accrue any  
6 further credited service. If such a member is reemployed by a state  
7 agency in a position which is covered by the System on or after  
8 September 19, 2002, such member's monthly retirement payments shall  
9 be suspended until such member retires and is not reemployed by a  
10 state agency in a position which is covered by the System.

11 B. Beginning July 1, 1994, members who retired or were eligible  
12 to retire prior to July 1, 1980, or their surviving spouses shall  
13 receive annual retirement pay, payable in equal monthly payments,  
14 equal to the greater of their current retirement pay, or two and  
15 one-half percent (2 1/2%) of the actual paid gross salary being  
16 currently paid to a highway patrol officer, at the time each such  
17 monthly retirement payment is made, multiplied by the retired  
18 member's years of credited service. The benefits provided for in  
19 this subsection shall be offset by any increase in benefits received  
20 pursuant to Section 7 of this act.

21 C. Except as otherwise provided by this subsection, members of  
22 the System whose salary is set by statute who have retired after  
23 completion of the mandatory twenty (20) years of service, and those  
24 members with statutory salaries who retire after reaching the

1 mandatory twenty-year retirement, or those members that had to  
2 retire due to a service-connected disability and were unable to  
3 complete the mandatory twenty-year retirement pursuant to subsection  
4 E of this section, shall receive an annual retirement pay, payable  
5 in equal monthly installments, based upon the greater of either:

6 1. The top base salary currently paid to the highest  
7 nonsupervisory position in the participating agency, at the time  
8 each such monthly retirement payment is made, multiplied by two and  
9 one-half percent (2 1/2%) multiplied by the number of years of  
10 credited service and fraction thereof for the following positions:

- 11 a. Oklahoma Highway Patrolman,
- 12 b. Communications Dispatcher,
- 13 c. Capitol Patrolman,
- 14 d. Lake Patrolman, and
- 15 e. Oklahoma State Bureau of Investigation - Special Agent  
16 or Criminalist; or

17 2. The member's final average salary as set forth in paragraph  
18 9 of Section 2-300 of this title, multiplied by two and one-half  
19 percent (2 1/2%), and multiplied by the number of years of credited  
20 service and fraction thereof.

21 No member of the System retired prior to July 1, 2002, shall  
22 receive a benefit less than the amount the member is receiving as of  
23 June 30, 2002.

1 The provisions of paragraph 1 of this subsection shall not be  
2 applicable to any member whose first participating service with the  
3 System occurs on or after November 1, 2012.

4 The benefits provided for in this subsection shall be offset by  
5 any increase in benefits received pursuant to Section 7 of this act.

6 D. Other members of the System whose retirement benefit is not  
7 otherwise prescribed by this section who have retired after  
8 completion of the mandatory twenty (20) years of service, and those  
9 members who retire after reaching the mandatory twenty-year  
10 retirement, or those members that had to retire due to a service-  
11 connected disability and were unable to complete the mandatory  
12 twenty-year retirement pursuant to subsection E of this section,  
13 shall receive an annual retirement pay, payable in equal monthly  
14 payments, based upon the greater of either:

15 1. The actual average salary currently paid to the highest  
16 nonsupervisory position in the participating agency, at the time  
17 each such monthly payment is made, multiplied by two and one-half  
18 percent (2 1/2%), multiplied by the number of years of credited  
19 service and fraction thereof for the following positions:

- 20 a. Alcoholic Beverage Laws Enforcement Commission - ABLE  
21 Commission Agent III,  
22 b. Oklahoma State Bureau of Narcotics and Dangerous Drugs  
23 Control - Narcotics Agent III,  
24

- 1 c. Oklahoma Tourism and Recreation Department - Park  
2 Ranger II,  
3 d. State Board of Pharmacy - Pharmacy Inspector,  
4 e. University of Oklahoma - Police Officer, and  
5 f. Oklahoma State University - Police Officer; or

6 2. The other member's final average salary as set forth in  
7 paragraph 9 of Section 2-300 of this title, multiplied by two and  
8 one-half percent (2 1/2%), multiplied by the number of years of  
9 credited service and fraction thereof.

10 No member of the System retired prior to July 1, 2002, shall  
11 receive a benefit less than the amount the member is receiving as of  
12 June 30, 2002. The participating employer must certify to the  
13 System in writing the actual average gross salary currently paid to  
14 the highest nonsupervisory position. The Board of Trustees shall  
15 promulgate such rules as are necessary to implement the provisions  
16 of this section.

17 The provisions of paragraph 1 of this subsection shall not be  
18 applicable to any member whose first participating service with the  
19 System occurs on or after May 24, 2013.

20 The benefits provided for in this subsection shall be offset by  
21 any increase in benefits received pursuant to Section 7 of this act.

22 E. A member who meets the definition of disability as defined  
23 in paragraph 11 of Section 2-300 of this title by direct reason of  
24 the performance of the member's duties as an officer shall receive a

1 monthly benefit equal to the greater of fifty percent (50%) of final  
2 average salary or two and one-half percent (2 1/2%) of final average  
3 salary multiplied by the number of years of the member's credited  
4 service. If such member participates in the Oklahoma Law  
5 Enforcement Deferred Option Plan pursuant to Section 2-305.2 of this  
6 title, then such member's disability pension provided pursuant to  
7 this subsection shall be reduced to account for such member's  
8 participation in the Oklahoma Law Enforcement Deferred Option Plan.

9 F. A member who meets the definition of disability as defined  
10 in paragraph 11 of Section 2-300 of this title and whose disability  
11 is by means of personal and traumatic injury of a catastrophic  
12 nature and in the line of duty, shall receive a monthly benefit  
13 equal to:

14 1. Two and one-half percent (2 1/2%);

15 2. Multiplied by:

16 a. twenty (20) years of service, regardless of the actual  
17 number of years of credited service performed by the  
18 member prior to the date of disability, if the member  
19 had performed less than twenty (20) years of service,  
20 or

21 b. the actual number of years of service performed by the  
22 member if the member had performed twenty (20) or more  
23 years of service;

24 3. Multiplied by a final average salary equal to:

- 1 a. the salary which the member would have received  
2 pursuant to statutory salary schedules in effect upon  
3 the date of the disability for twenty (20) years of  
4 service prior to disability. The final average salary  
5 for a member who performed less than twenty (20) years  
6 of service prior to disability shall be computed  
7 assuming that the member was paid the highest salary  
8 allowable pursuant to the law in effect at the time of  
9 the member's disability based upon twenty (20) years  
10 of service and with an assumption that the member was  
11 eligible for any and all increases in pay based upon  
12 rank during the entire period. If the salary of a  
13 member is not prescribed by a specific salary schedule  
14 upon the date of the member's disability, the final  
15 average salary for the member shall be computed by the  
16 member's actual final average salary or the highest  
17 median salary amount for a member whose salary was  
18 prescribed by a specific salary schedule upon the date  
19 of the member's disability, whichever final average  
20 salary amount would be greater, or  
21 b. the actual final average salary of the member if the  
22 member had performed twenty (20) or more years of  
23 service prior to disability.



1 If such member participates in the Oklahoma Law Enforcement  
2 Deferred Option Plan pursuant to Section 2-305.2 of this title, such  
3 member's disability pension provided pursuant to this subsection  
4 shall be adjusted as provided in Section 2-305.2 of this title to  
5 account for such member's participation in the Oklahoma Law  
6 Enforcement Deferred Option Plan.

7 G. A member who meets the definition of disability as defined  
8 in Section 2-300 of this title and whose disability occurred prior  
9 to the member's normal retirement date but after completing three  
10 (3) years of vesting service and not by reason of the performance of  
11 the member's duties or as a result of the member's willful  
12 negligence shall receive a monthly benefit equal to two and one-half  
13 percent (2 1/2%) of final average salary multiplied by the number of  
14 years of the member's credited service.

15 H. Payment of a disability pension shall commence as of the  
16 first day of the month coinciding or next following the date of  
17 retirement and shall continue as long as the member meets the  
18 definition of total and permanent disability provided in this  
19 section.

20 I. For the purpose of determining the member's disability under  
21 subsection E, F or G of this section, the member shall be required  
22 by the Board to be examined by a minimum of two recognized  
23 physicians selected by the Board to determine the extent of the  
24 member's injury or illness. The examining physicians shall furnish

1 the Board a detailed written report of the injury or illness of the  
2 examined member establishing the extent of disability and the  
3 possibilities of the disabled member being returned to his or her  
4 regular duties or an alternate occupation or service covered by the  
5 System after a normal recuperation period. The Board shall require  
6 all retired disabled members who have not attained their normal  
7 retirement date to submit to a physical examination once each year  
8 for a minimum of three (3) years following retirement. The Board  
9 shall select a minimum of two physicians to examine the retired  
10 members and pay for their services from the fund. Any retired  
11 disabled member found no longer disabled by the examining physicians  
12 to perform the occupation of the member or an alternate occupation  
13 or service covered by the System shall be required to return to duty  
14 and complete twenty (20) years of service as provided in subsection  
15 A of this section, or forfeit all his or her rights and claims under  
16 Section 2-300 et seq. of this title.

17 J. The disability benefit under this section shall be for the  
18 lifetime of the member unless such member is found no longer  
19 disabled pursuant to subsection I of this section. Such member  
20 shall not be entitled to the retirement benefit pursuant to  
21 subsection A of this section unless such member returns to active  
22 duty and is eligible for a retirement benefit as provided in  
23 subsection A of this section.

1 K. At the postoffer, preemployment physical examination  
2 required under paragraph 6 of Section 2-300 of this title, the  
3 physician selected by the Board shall determine the extent to which  
4 a new member is disabled. If a member is determined to be partially  
5 disabled, the physician shall assign a percentage of disability to  
6 such partial disability. If such member then becomes entitled to a  
7 disability benefit under either subsection E or subsection G of this  
8 section, the benefit payable shall be reduced by the percentage  
9 which such member was determined to be disabled at the postoffer,  
10 preemployment physical unless the Board makes a determination that  
11 the initially determined percentage of disability at the  
12 preemployment physical examination is unrelated to the reason for  
13 the disability currently sought pursuant to subsection E or  
14 subsection G of this section. Upon employment, the member shall  
15 disclose to the Board any disability payments received from any  
16 source. The amount of disability to be paid to any member cannot  
17 exceed one hundred percent (100%) disability from all sources. The  
18 provisions of this subsection shall apply only to members whose  
19 effective date of membership is on or after July 1, 2000.

20 L. In addition to the pension provided for under subsection F  
21 of this section, if ~~said~~ the member has one or more children under  
22 the age of eighteen (18) years or under the age of twenty-two (22)  
23 years if the child is enrolled full time in and is regularly  
24 attending a public or private school or any institution of higher  
25

1 education, Four Hundred Dollars (\$400.00) a month shall be paid from  
2 ~~said~~ the Fund for the support of each surviving child to the member  
3 or person having the care and custody of such children until each  
4 child reaches the age of eighteen (18) years or reaches the age of  
5 twenty-two (22) years if the child is enrolled full time in and is  
6 regularly attending a public or private school or any institution of  
7 higher education.

8 M. Notwithstanding any other provisions in Section 2-300  
9 through 2-315 of this title, in order to be eligible to receive  
10 disability benefits, a member who meets the definition of disability  
11 as defined in paragraph 11 of Section 2-300 of this title shall file  
12 the member's completed application for disability benefits with the  
13 System before such member's date of termination from service and  
14 provide such additional information that the System's rules require  
15 within six (6) months of the System's receipt of such application.  
16 If the member's completed application for disability benefits is not  
17 filed with the System before the member's date of termination from  
18 service or such additional information as is required under the  
19 System's rules is not provided within six (6) months of the System's  
20 receipt of such application, such member shall be eligible only for  
21 such other benefits as are available to members of the System and  
22 shall not be eligible to receive any disability benefits. For good  
23 cause shown, the Board of Trustees may waive the requirement that  
24 the disability application be filed before the member's date of

1 termination from service. In no event shall a member be eligible to  
2 receive any disability benefit if the member's completed application  
3 is filed more than six (6) months after the member's date of  
4 termination from service.

5 N. If the requirements of Section 2-305.1C of this title are  
6 satisfied, a member who, by reason of disability or attainment of  
7 normal retirement date or age, is separated from service as a public  
8 safety officer with the member's participating employer may elect to  
9 have payment made directly to the provider for qualified health  
10 insurance premiums by deduction from his or her monthly disability  
11 benefit or monthly retirement payment, after December 31, 2006, in  
12 accordance with Section 402(1) of the Internal Revenue Code of 1986,  
13 as amended.

14 SECTION 9. Section 1 of this act shall become effective July 1,  
15 2019.

16 SECTION 10. Sections 2 through 8 of this act shall become  
17 effective November 1, 2019.

18 SECTION 11. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23 57-1-267

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