

HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 622

By: Weaver of the Senate

and

Ford and Boles of the House

COMMITTEE SUBSTITUTE

An Act relating to cities and towns; authorizing cities and towns to adopt ordinances enabling the painting of blue lines and the posting of signage to express support for law enforcement; 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 the Oklahoma Pension Legislation Actuarial Analysis Act; modifying definition; amending 11 O.S. 2011, Section 50-112, which relates to Municipal Police Pension and Retirement System; modifying eligibility for membership in the System; providing for codification; and providing an effective date.

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 36-122 of Title 11, unless there is created a duplication in numbering, reads as follows:

1 Cities and towns are hereby authorized to adopt ordinances
2 enabling the painting of blue lines on city streets and the posting
3 of signage for the purpose of expressing support for law
4 enforcement.

5 The provisions of this section shall be considered an addition
6 to any federal or state law, rule or regulation regarding signage
7 requirements and roadway markings and shall not limit or amend any
8 other applicable laws, rules or regulations.

9 SECTION 2. AMENDATORY 62 O.S. 2011, Section 3103, as
10 last amended by Section 2, Chapter 245, O.S.L. 2018 (62 O.S. Supp.
11 2018, Section 3103), is amended to read as follows:

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

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

18 2. "RB number" means that number preceded by the letters "RB"
19 assigned to a retirement bill by the respective staffs of the
20 Oklahoma State Senate and the Oklahoma House of Representatives when
21 the respective staff office prepares a retirement bill for a member
22 of the Legislature;

23 3. "Legislative Actuary" means the firm or entity that enters
24 into a contract with the Legislative Service Bureau pursuant to

1 Section 452.15 of Title 74 of the Oklahoma Statutes to provide the
2 actuarial services and other duties provided for in the Oklahoma
3 Pension Legislation Actuarial Analysis Act;

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

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

- 9 a. which does not affect the cost or funding factors of a
10 retirement system, ~~or~~
- 11 b. which affects such factors only in a manner which does
12 not:
- 13 (1) grant a benefit increase under the retirement
14 system affected by the bill,
- 15 (2) create an actuarial accrued liability for or
16 increase the actuarial accrued liability of the
17 retirement system affected by the bill, or
- 18 (3) increase the normal cost of the retirement system
19 affected by the bill,
- 20 c. which authorizes the purchase by an active member of
21 the retirement system, at the actuarial cost for the
22 purchase as computed pursuant to the statute in effect
23 on the effective date of the measure allowing such
24 purchase, of years of service for purposes of reaching

1 a normal retirement date in the applicable retirement
2 system, but which cannot be used in order to compute
3 the number of years of service for purposes of
4 computing the retirement benefit for the member,

5 d. which provides for the computation of a service-
6 connected disability retirement benefit for members of
7 the Oklahoma Law Enforcement Retirement System
8 pursuant to Section 2-305 of Title 47 of the Oklahoma
9 Statutes if the members were unable to complete twenty
10 (20) years of service as a result of the disability,

11 e. which requires membership in the defined benefit plan
12 authorized by Section 901 et seq. of Title 74 of the
13 Oklahoma Statutes for persons whose first elected or
14 appointed service occurs on or after November 1, 2018,
15 if such persons had any prior service in the Oklahoma
16 Public Employees Retirement System prior to November
17 1, 2015, ~~or~~

18 f. which provides for a one-time increase in retirement
19 benefits if the increase in retirement benefits is not
20 a permanent increase in the gross annual retirement
21 benefit payable to a member or beneficiary, occurs
22 only once pursuant to a single statutory authorization
23 and does not exceed:

24

- 1 (1) the lesser of two percent (2%) of the gross
2 annual retirement benefit of the member or One
3 Thousand Dollars (\$1,000.00) and requires that
4 the benefit may only be provided if the funded
5 ratio of the affected retirement system would not
6 be less than sixty percent (60%) but not greater
7 than eighty percent (80%) after the benefit
8 increase is paid,
- 9 (2) the lesser of two percent (2%) of the gross
10 annual retirement benefit of the member or One
11 Thousand Two Hundred Dollars (\$1,200.00) and
12 requires that the benefit may only be provided if
13 the funded ratio of the affected retirement
14 system would be greater than eighty percent (80%)
15 but not greater than one hundred percent (100%)
16 after the benefit increase is paid,
- 17 (3) the lesser of two percent (2%) of the gross
18 annual retirement benefit of the member or One
19 Thousand Four Hundred Dollars (\$1,400.00) and
20 requires that the benefit may only be provided if
21 the funded ratio of the affected retirement
22 system would be greater than one hundred percent
23 (100%) after the benefit increase is paid, or
24

1 (4) the greater of two percent (2%) of the gross
2 annual retirement benefit of the volunteer
3 firefighter or One Hundred Dollars (\$100.00) for
4 persons who retired from the Oklahoma
5 Firefighters Pension and Retirement System as
6 volunteer firefighters and who did not retire
7 from the Oklahoma Firefighters Pension and
8 Retirement System as a paid firefighter.

9 As used in this subparagraph, "funded ratio" means the
10 figure derived by dividing the actuarial value of
11 assets of the applicable retirement system by the
12 actuarial accrued liability of the applicable
13 retirement system, or

14 g. which modifies Section 50-112 of Title 11 of the
15 Oklahoma Statutes as provided by Section 3 of this
16 act.

17 A nonfiscal retirement bill shall include any retirement bill that
18 has as its sole purpose the appropriation or distribution or
19 redistribution of monies in some manner to a retirement system for
20 purposes of reducing the unfunded liability of such system or the
21 earmarking of a portion of the revenue from a tax to a retirement
22 system or increasing the percentage of the revenue earmarked from a
23 tax to a retirement system;

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

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

12 8. "Retirement bill having a fiscal impact" means any
13 retirement bill creating or establishing a retirement system and any
14 other retirement bill other than a nonfiscal retirement bill; and

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

22 SECTION 3. AMENDATORY 11 O.S. 2011, Section 50-112, is
23 amended to read as follows:
24

1 Section 50-112. A. All persons employed as full-time duly
2 appointed or elected officers who are paid for working more than
3 twenty-five (25) hours per week or any person hired by a
4 participating municipality who is undergoing police training to
5 become a permanent police officer of the municipality shall
6 participate in the System upon initial employment with a police
7 department of a participating municipality. All such persons shall
8 submit to a physical-medical examination pertaining to sight,
9 hearing, agility and other conditions the requirements of which
10 shall be established by the State Board. The person shall be
11 required to complete this physical-medical examination prior to the
12 beginning of actual employment. This examination shall identify any
13 preexisting conditions. Except as otherwise provided in this
14 section, a police officer shall be not less than twenty-one (21) nor
15 more than forty-five (45) years of age when accepted for membership
16 in the System with respect to a police department having twenty or
17 more police officers and not more than fifty (50) years of age when
18 accepted for membership in the System with respect to a police
19 department having less than twenty police officers. However, if a
20 municipality should be found to be in noncompliance with the
21 provisions of Article 50 of this title, as determined by the State
22 Board, then any current full-time active police officer employed by
23 a municipality as of July 1, 2001, shall not be denied eligibility
24 to participate in the Oklahoma Police Pension and Retirement System

1 solely due to age. The State Board shall have authority to deny or
2 revoke membership of any person submitting false information in such
3 person's membership application. The State Board shall have final
4 authority in determining eligibility for membership in the System,
5 pursuant to the provisions of this article.

6 B. The police chief of any participating municipality may be
7 exempt from membership in the System or may become a member provided
8 the member is not a retired member and the requirements of this
9 section are met at the time of employment.

10 C. A member of the System who has attained his or her normal
11 retirement date may, if the member so elects, agree to terminate
12 employment and retire as a member of the System and make an election
13 to receive distributions from the System. If a retired member is
14 reemployed by a participating municipality in the position of police
15 chief or in a position which is not covered by the System,
16 retirement shall include receipt by such retired member of in-
17 service distributions from the System.

18 D. A former member of the System who terminates from covered
19 employment and who has neither retired from the System nor entered
20 the Oklahoma Police Deferred Option Plan and is later employed in a
21 covered position with a participating municipality shall not be
22 denied eligibility to become a member of the System because he or
23 she is forty-five (45) years of age or older with respect to a
24 police department having twenty or more police officers and not more

1 than fifty (50) years of age when accepted for membership in the
2 System with respect to a police department having less than twenty
3 police officers. If such member has withdrawn his or her
4 contributions prior to re-entering the System and the member desires
5 to receive credit for such prior service, then the member shall pay
6 back such contributions and interest pursuant to Section 50-111.1 of
7 this title.

8 E. Notwithstanding any other provision of law to the contrary,
9 a municipality that employs two ~~(2)~~ or fewer full-time police
10 officers may employ a police officer who is more than forty-five
11 (45) years of age and who has never participated in the Oklahoma
12 Police Pension and Retirement System, but such police officer shall
13 not be eligible to participate in the System. Such police officer
14 shall be counted in the limitation imposed by this subsection.

15 SECTION 4. This act shall become effective November 1, 2019.
16

17 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
18 dated 04/15/2019 - DO PASS, As Amended and Coauthored.
19
20
21
22
23
24