

SENATE FLOOR VERSION
February 28, 2024
AS AMENDED

SENATE BILL NO. 692

By: Murdock, Burns, and Bullard
of the Senate

and

Hays of the House

**[public retirement systems - membership -
contributions - death benefits]**

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 902, as amended by Section 2, Chapter 146, O.S.L. 2023 (74 O.S. Supp. 2023, Section 902), is amended to read as follows:

Section 902. As used in Section 901 et seq. of this title:

(1) "System" means the Oklahoma Public Employees Retirement System as established by Section 901 et seq. of this title and as it may hereafter be amended;

(2) "Accumulated contributions" means the sum of all contributions by a member to the System which shall be credited to the member's account;

(3) "Act" means Sections 901 to 932, inclusive, of this title;

1 (4) "Actuarial equivalent" means a deferred income benefit of
2 equal value to the accumulated deposits or benefits when computed
3 upon the basis of the actuarial tables in use by the System;

4 (5) "Actuarial tables" means the actuarial tables approved and
5 in use by the Board at any given time;

6 (6) "Actuary" means the actuary or firm of actuaries employed
7 by the Board at any given time;

8 (7) "Beneficiary" means any person named by a member to receive
9 any benefits as provided for by Section 901 et seq. of this title.
10 If there is no beneficiary living at time of member employee's
11 death, the member's estate shall be the beneficiary;

12 (8) "Board" means the Oklahoma Public Employees Retirement
13 System Board of Trustees;

14 (9) "Compensation" means all salary and wages, as defined by
15 the Board of Trustees, including amounts deferred under deferred
16 compensation agreements entered into between a member and a
17 participating employer, ~~but exclusive of.~~ Compensation shall not
18 mean payment for overtime, payable to a member of the System for
19 personal services performed for a participating employer ~~but shall~~
20 ~~not include,~~ compensation or reimbursement for traveling, or moving
21 expenses, or any compensation in excess of the maximum compensation
22 level, provided:

1 (a) For compensation for service prior to January 1, 1988,
2 the maximum compensation level shall be Twenty-five
3 Thousand Dollars (\$25,000.00) per annum.
4 For compensation for service on or after January 1,
5 1988, through June 30, 1994, the maximum compensation
6 level shall be Forty Thousand Dollars (\$40,000.00) per
7 annum.
8 For compensation for service on or after July 1, 1994,
9 through June 30, 1995, the maximum compensation level
10 shall be Fifty Thousand Dollars (\$50,000.00) per
11 annum; for compensation for service on or after July
12 1, 1995, through June 30, 1996, the maximum
13 compensation level shall be Sixty Thousand Dollars
14 (\$60,000.00) per annum; for compensation for service
15 on or after July 1, 1996, through June 30, 1997, the
16 maximum compensation level shall be Seventy Thousand
17 Dollars (\$70,000.00) per annum; and for compensation
18 for service on or after July 1, 1997, through June 30,
19 1998, the maximum compensation level shall be Eighty
20 Thousand Dollars (\$80,000.00) per annum. For
21 compensation for services on or after July 1, 1998,
22 there shall be no maximum compensation level for
23 retirement purposes.
24

1 (b) Compensation for retirement purposes shall include any
2 amount of elective salary reduction under Section 457
3 of the Internal Revenue Code of 1986 and any amount of
4 nonelective salary reduction under Section 414(h) of
5 the Internal Revenue Code of 1986.

6 (c) Notwithstanding any provision to the contrary, the
7 compensation taken into account for any employee in
8 determining the contribution or benefit accruals for
9 any plan year is ~~limited~~ subject to the annual
10 compensation limit under Section 401(a)(17) of the
11 federal Internal Revenue Code.

12 (d) Current appointed members of the Oklahoma Tax
13 Commission whose salary is constitutionally limited
14 and is less than the highest salary allowed by law for
15 his or her position shall be allowed, within ninety
16 (90) days from March 21, 2001, to make an election to
17 use the highest salary allowed by law for the position
18 to which the member was appointed for the purposes of
19 making contributions and determination of retirement
20 benefits. Such election shall be irrevocable and ~~be~~
21 in writing. Reappointment to the same office shall
22 not permit a new election. Members appointed to the
23 Oklahoma Tax Commission after the March 21, 2001,
24 shall make such election, pursuant to this

1 subparagraph, within ninety (90) days of taking
2 office;

3 (10) "Credited service" means the sum of participating service,
4 prior service and elected service;

5 (11) "Dependent" means a parent, child, or spouse of a member
6 who is dependent upon the member for at least one-half (1/2) of the
7 member's support;

8 (12) "Effective date" means the date upon which the System
9 becomes effective by operation of law;

10 (13) "Eligible employer" means the state and any county, county
11 hospital, city or town, conservation districts, circuit engineering
12 districts and any public or private trust in which a county, city or
13 town participates and is the primary beneficiary, ~~is to be an~~
14 ~~eligible employer for the purpose of Section 901 et seq. of this~~
15 ~~title only,~~ whose employees are covered by Social Security and are
16 not covered by or eligible for another retirement plan authorized
17 under the laws of this state which is in operation on the initial
18 entry date. Emergency medical service districts may join the System
19 upon proper application to the Board. Provided, affiliation by a
20 county hospital shall be in the form of a resolution adopted by the
21 board of control.

22 (a) If a class or several classes of employees of any
23 above-defined employers are covered by Social Security
24 and are not covered by or eligible for and will not

1 become eligible for another retirement plan authorized
2 under the laws of this state, which is in operation on
3 the effective date, such employer shall be deemed an
4 eligible employer, but only with respect to that class
5 or those classes of employees as defined in this
6 section.

7 (b) A class or several classes of employees who are
8 covered by Social Security and are not covered by or
9 eligible for and will not become eligible for another
10 retirement plan authorized under the laws of this
11 state, which is in operation on the effective date,
12 and when the qualifications for employment in such
13 class or classes are set by state law; and when such
14 class or classes of employees are employed by a county
15 or municipal government pursuant to such
16 qualifications; and when the services provided by such
17 employees are of such nature that they qualify for
18 matching by or contributions from state or federal
19 funds administered by an agency of state government
20 which qualifies as a participating employer, then the
21 agency of state government administering the state or
22 federal funds shall be deemed an eligible employer,
23 but only with respect to that class or those classes
24 of employees as defined in this subsection; provided,

1 that the required contributions to the retirement plan
2 may be withheld from the contributions of state or
3 federal funds administered by the state agency and
4 transmitted to the System on the same basis as the
5 employee and employer contributions are transmitted
6 for the direct employees of the state agency. The
7 retirement or eligibility for retirement under the
8 provisions of law providing pensions for service as a
9 volunteer firefighter shall not render any person
10 ineligible for participation in the benefits provided
11 for in Section 901 et seq. of this title. An employee
12 of any public or private trust in which a county, city
13 or town participates and is the primary beneficiary
14 shall be deemed to be an eligible employee for the
15 purpose of Section 901 et seq. of this title only.

16 (c) All employees of the George Nigh Rehabilitation
17 Institute who elected to retain membership in the
18 System, pursuant to Section 913.7 of this title, shall
19 continue to be eligible employees for the purposes of
20 Section 901 et seq. of this title. The George Nigh
21 Rehabilitation Institute shall be considered a
22 participating employer only for such employees.

23 (d) All employees of CompSource Mutual Insurance Company
24 who retain membership in the Oklahoma Public Employees

1 Retirement System pursuant to Section 913.9 of this
2 title shall continue to be eligible employees for the
3 purposes of the Oklahoma Public Employees Retirement
4 System. CompSource Mutual Insurance Company shall be
5 considered a participating employer only for such
6 employees.

7 (e) All employees of a successor organization, as defined
8 by Section 5-60.12 of Title 2 of the Oklahoma
9 Statutes, who retain membership in the Oklahoma Public
10 Employees Retirement System pursuant to Section 5-
11 60.35 of Title 2 of the Oklahoma Statutes shall
12 continue to be eligible employees for the purposes of
13 the Oklahoma Public Employees Retirement System. A
14 successor organization shall be considered a
15 participating employer only for such employees.

16 (f) A participating employer of the Teachers' Retirement
17 System of Oklahoma, who has one or more employees who
18 have made an election pursuant to enabling legislation
19 to retain membership in the System as a result of
20 change in administration, shall be considered a
21 participating employer of the Oklahoma Public
22 Employees Retirement System only for such employees;

23 (14) "Employee" means any officer or employee of a
24 participating employer, whose employment is not seasonal or

1 temporary and whose employment requires at least one thousand
2 (1,000) hours of work per year and whose salary or wage is equal to
3 the hourly rate of the monthly minimum wage for state employees.
4 For those eligible employers outlined in Section 910 of this title,
5 the rate shall be equal to the hourly rate of the monthly minimum
6 wage for that employer. Each employer, whose minimum wage is less
7 than the state's minimum wage, shall inform the System of the
8 minimum wage for that employer. This notification shall be by
9 resolution of the governing body.

10 (a) Any employee of the county extension agents who is not
11 currently participating in the Teachers' Retirement
12 System of Oklahoma shall be a member of this System.

13 (b) Eligibility shall not include any employee who is a
14 contributing member of the United States Civil Service
15 Retirement System.

16 (c) It shall be mandatory for an officer, appointee or
17 employee of the office of district attorney to become
18 a member of this System if he or she is not currently
19 participating in a county retirement system. Provided
20 further, that if an officer, appointee or employee of
21 the office of district attorney is currently
22 participating in such county retirement system, he or
23 she is ineligible for this System as long as he or she
24 is eligible for such county retirement system. Any

1 eligible officer, appointee or employee of the office
2 of district attorney shall be given credit for prior
3 service as defined in this section. The provisions
4 outlined in Section 917 of this title shall apply to
5 those employees who have previously withdrawn their
6 contributions.

7 (d) Eligibility shall also not include any officer or
8 employee of the Oklahoma Employment Security
9 Commission, except for those officers and employees of
10 the Commission electing to transfer to this System
11 pursuant to the provisions of Section 910.1 of this
12 title or any other class of officers or employees
13 specifically exempted by the laws of this state,
14 unless there be a consolidation as provided by Section
15 912 of this title. Employees of the Oklahoma
16 Employment Security Commission who are ineligible for
17 enrollment in the Oklahoma Employment Security
18 Commission Retirement Plan, that was in effect on
19 January 1, 1964, shall become members of this System.

20 (e) Any employee employed by the Legislative Service
21 Bureau, Senate or House of Representatives for the
22 full duration of a regular legislative session shall
23 be eligible for membership in the System regardless of
24 classification as a temporary employee and may

1 participate in the System during the regular
2 legislative session at the option of the employee.
3 For purposes of this subparagraph, the determination
4 of whether an employee is employed for the full
5 duration of a regular legislative session shall be
6 made by the Legislative Service Bureau if such
7 employee is employed by the Legislative Service
8 Bureau, the Senate if such employee is employed by the
9 Senate, or by the House of Representatives if such
10 employee is employed by the House of Representatives.
11 Each regular legislative session during which the
12 legislative employee or an employee of the Legislative
13 Service Bureau participates full time shall be counted
14 as six (6) months of full-time participating service.

15 (i) Except as otherwise provided by this
16 subparagraph, once a temporary session employee
17 makes a choice to participate or not, the choice
18 shall be binding for all future legislative
19 sessions during which the employee is employed.

20 (ii) Notwithstanding the provisions of division (i) of
21 this subparagraph, any employee, who is eligible
22 for membership in the System because of the
23 provisions of this subparagraph and who was
24 employed by the Senate or House of

1 Representatives after January 1, 1989, may file
2 an election, in a manner specified by the Board,
3 to participate as a member of the System prior to
4 September 1, 1989.

5 (iii) Notwithstanding the provisions of division (i) of
6 this subparagraph, a temporary legislative
7 session employee who elected to become a member
8 of the System may withdraw from the System
9 effective the day such employee elected to
10 participate in the System upon written request to
11 the Board. Any such request must be received by
12 the Board prior to October 1, 1990. All employee
13 contributions made by the temporary legislative
14 session employee shall be returned to the
15 employee without interest within four (4) months
16 of receipt of the written request.

17 (iv) A member of the System who did not initially
18 elect to participate as a member of the System
19 pursuant to this subparagraph shall be able to
20 acquire service performed as a temporary
21 legislative session employee for periods of
22 service performed prior to the date upon which
23 the person became a member of the System if:
24

- 1 a. the member files an election with the System
2 not later than December 31, 2000, to
3 purchase the prior service; and
- 4 b. the member makes payment to the System of
5 the actuarial cost of the service credit
6 pursuant to subsection A of Section 913.5 of
7 this title. The provisions of Section 913.5
8 of this title shall be applicable to the
9 purchase of the service credit, including
10 the provisions for determining service
11 credit in the event of incomplete payment
12 due to cessation of payments, death,
13 termination of employment or retirement, but
14 the payment may extend for a period not to
15 exceed ninety-six (96) months;

16 (15) "Entry date" means the date on which an eligible employer
17 joins the System. The first entry date pursuant to Section 901 et
18 seq. of this title shall be January 1, 1964;

19 (16) "Executive Director" means the managing officer of the
20 System employed by the Board under Section 901 et seq. of this
21 title;

22 (17) "Federal Internal Revenue Code" means the federal Internal
23 Revenue Code of 1954 or 1986, as amended and as applicable to a
24 governmental plan as in effect on July 1, 1999;

1 (18) "Final average compensation" means the average annual
2 compensation, including amounts deferred under deferred compensation
3 agreements entered into between a member and a participating
4 employer, up to, but not exceeding the maximum compensation levels
5 as provided in paragraph (9) of this section received during the
6 highest three (3) of the last ten (10) years of participating
7 service immediately preceding retirement or termination of
8 employment and with respect to members whose first participating
9 service occurs on or after July 1, 2013, the compensation received
10 during the highest five (5) of the last ten (10) years of
11 participating service immediately preceding retirement or
12 termination of employment. Provided, no member shall retire with a
13 final average compensation unless the member has made the required
14 contributions on such compensation, as defined by the Board of
15 Trustees;

16 (19) "Fiscal year" means the period commencing July 1 of any
17 year and ending June 30 of the next year. The fiscal year is the
18 plan year for purposes of the federal Internal Revenue Code;
19 however, the calendar year is the limitation year for purposes of
20 Section 415 of the federal Internal Revenue Code;

21 (20) "Fund" means the Oklahoma Public Employees Retirement Fund
22 as created by Section 901 et seq. of this title;

23 (21) "Leave of absence" means a period of absence from
24 employment without pay, authorized and approved by the employer and

1 acknowledged to the Board, and which after the effective date does
2 not exceed two (2) years;

3 (22) "Member" means an eligible employee or elected official
4 who is in the System and is making the required employee or elected
5 official contributions, or any former employee or elected official
6 who shall have made the required contributions to the System and
7 shall have not received a refund or withdrawal;

8 (23) "Military service" means service in the Armed Forces of
9 the United States by an honorably discharged person during the
10 following time periods, as reflected on such person's Defense
11 Department Form 214, not to exceed five (5) years for combined
12 participating and/or prior service, as follows:

13 (a) during the following periods, including the beginning
14 and ending dates, and only for the periods served,
15 from:

16 (i) April 6, 1917, to November 11, 1918, commonly
17 referred to as World War I,

18 (ii) September 16, 1940, to December 7, 1941, as a
19 member of the 45th Division,

20 (iii) December 7, 1941, to December 31, 1946, commonly
21 referred to as World War II,

22 (iv) June 27, 1950, to January 31, 1955, commonly
23 referred to as the Korean Conflict or the Korean
24 War,

- 1 (v) February 28, 1961, to May 7, 1975, commonly
2 referred to as the Vietnam era, except that:
3 a. for the period from February 28, 1961, to
4 August 4, 1964, military service shall only
5 include service in the Republic of Vietnam
6 during that period, and
7 b. for purposes of determining eligibility for
8 education and training benefits, such period
9 shall end on December 31, 1976, or
10 (vi) August 1, 1990, to December 31, 1991, commonly
11 referred to as the Gulf War, the Persian Gulf
12 War, or Operation Desert Storm, but excluding any
13 person who served on active duty for training
14 only, unless discharged from such active duty for
15 a service-connected disability;
16 (b) during a period of war or combat military operation
17 other than a conflict, war or era listed in
18 subparagraph (a) of this paragraph, beginning on the
19 date of Congressional authorization, Congressional
20 resolution, or Executive Order of the President of the
21 United States, for the use of the Armed Forces of the
22 United States in a war or combat military operation,
23 if such war or combat military operation lasted for a
24 period of ninety (90) days or more, for a person who

1 served, and only for the period served, in the area of
2 responsibility of the war or combat military
3 operation, but excluding a person who served on active
4 duty for training only, unless discharged from such
5 active duty for a service-connected disability, and
6 provided that the burden of proof of military service
7 during this period shall be with the member, who must
8 present appropriate documentation establishing such
9 service.

10 An eligible member under this paragraph shall include only those
11 persons who shall have served during the times or in the areas
12 prescribed in this paragraph, and only if such person provides
13 appropriate documentation in such time and manner as required by the
14 System to establish such military service prescribed in this
15 paragraph, or for service pursuant to subdivision a of division (v)
16 of subparagraph (a) of this paragraph those persons who were awarded
17 service medals, as authorized by the United States Department of
18 Defense as reflected in the veteran's Defense Department Form 214,
19 related to the Vietnam Conflict for service prior to August 5, 1964;

20 (24) "Normal retirement date" means the date on which a member
21 may retire with full retirement benefits as provided in Section 901
22 et seq. of this title, such date being whichever occurs first:

- 23 (a) the first day of the month coinciding with or
24 following a member's:

1 (1) sixty-second birthday with respect to members
2 whose first participating service occurs prior to
3 November 1, 2011, or

4 (2) sixty-fifth birthday with respect to members
5 whose first participating service occurs on or
6 after November 1, 2011, or with respect to
7 members whose first participating service occurs
8 on or after November 1, 2011, who reach a minimum
9 age of sixty (60) years and who also reach a
10 normal retirement date pursuant to subparagraph c
11 of this paragraph,

12 (b) for any person who initially became a member prior to
13 July 1, 1992, and who does not reach a normal
14 retirement date pursuant to division (1) of
15 subparagraph (a) of this paragraph, the first day of
16 the month coinciding with or following the date at
17 which the sum of a member's age and number of years of
18 credited service total eighty (80); such a normal
19 retirement date will also apply to any person who
20 became a member of the sending system as defined in
21 Section 901 et seq. of this title, prior to July 1,
22 1992, regardless of whether there were breaks in
23 service after July 1, 1992,
24

1 (c) for any person who became a member after June 30,
2 1992, but prior to November 1, 2011, and who does not
3 reach a normal retirement date pursuant to division
4 (1) of subparagraph (a) of this paragraph, the first
5 day of the month coinciding with or following the date
6 at which the sum of a member's age and number of years
7 of credited service total ninety (90),

8 (d) in addition to subparagraphs (a), (b) and (c) of this
9 paragraph, the first day of the month coinciding with
10 or following a member's completion of at least twenty
11 (20) years of full-time-equivalent employment as:

12 (i) a correctional or probation and parole officer
13 with the Department of Corrections and at the
14 time of retirement, the member was a correctional
15 or probation and parole officer with the
16 Department of Corrections,

17 (ii) a correctional officer, probation and parole
18 officer or fugitive apprehension agent with the
19 Department of Corrections who is in such position
20 on June 30, 2004, or who is hired after June 30,
21 2004, and who receives a promotion or change in
22 job classification after June 30, 2004, to
23 another position in the Department of
24 Corrections, so long as such officer or agent has

1 at least five (5) years of service as a
2 correctional officer, probation and parole
3 officer or fugitive apprehension agent with the
4 Department, has twenty (20) years of full-time-
5 equivalent employment with the Department and was
6 employed by the Department at the time of
7 retirement,

8 (iii) a firefighter with the Military Department of the
9 State of Oklahoma either employed for the first
10 time on or after July 1, 2002, or who was
11 employed prior to July 1, 2002, in such position
12 and who makes the election authorized by division
13 (2) of subparagraph b of paragraph (9) of
14 subsection A of Section 915 of this title and at
15 the time of retirement, the member was a
16 firefighter with the Military Department of the
17 State of Oklahoma, and such member has at least
18 twenty (20) years of credited service upon which
19 the two and one-half percent (2 1/2%) multiplier
20 will be used in calculating the retirement
21 benefit,

22 (iv) a public safety officer employed by the Grand
23 River Dam Authority for the first time on or
24 after July 1, 2016, ~~or~~

1 (v) a deputy sheriff or jailer employed by any county
2 that is a participating employer in the System
3 for the first time as a deputy sheriff or jailer
4 on or after November 1, 2020, or

5 (vi) licensed emergency medical personnel, as defined
6 pursuant to Section 1-2503 of Title 63 of the
7 Oklahoma Statutes, holding a license issued by
8 the State Department of Health pursuant to
9 Section 1-2505 of Title 63 of the Oklahoma
10 Statutes, including emergency medical responders,
11 emergency medical technicians, intermediate
12 emergency medical technicians, advanced emergency
13 medical technicians, and paramedics employed by
14 any participating employer as a licensed
15 emergency medical personnel for the first time on
16 or after the effective date of this act,

17 (e) for those fugitive apprehension agents who retire on
18 or after July 1, 2002, the first day of the month
19 coinciding with or following a member's completion of
20 at least twenty (20) years of full-time-equivalent
21 employment as a fugitive apprehension agent with the
22 Department of Corrections and at the time of
23 retirement, the member was a fugitive apprehension
24 agent with the Department of Corrections, or

1 (f) for any member who was continuously employed by an
2 entity or institution within The Oklahoma State System
3 of Higher Education and whose initial employment with
4 such entity or institution was prior to July 1, 1992,
5 and who without a break in service of more than thirty
6 (30) days became employed by an employer participating
7 in the Oklahoma Public Employees Retirement System,
8 the first day of the month coinciding with or
9 following the date at which the sum of the member's
10 age and number of years of credited service total
11 eighty (80);

12 (25) "Participating employer" means an eligible employer who
13 has agreed to make contributions to the System on behalf of its
14 employees;

15 (26) "Participating service" means the period of employment
16 after the entry date for which credit is granted a member.

17 Provided, on or after the effective date of this act, military
18 service credit purchased under Section 913.8 of this title shall
19 only be considered "participating service" if such service is
20 immediately preceded by a period of employment with a participating
21 employer and followed by a return to service as an employee with the
22 same or another participating employer within ninety (90) days
23 immediately following discharge from such military service;

24

1 (27) "Prior service" means the period of employment of a member
2 by an eligible employer prior to the member's entry date for which
3 credit is granted a member under Section 901 et seq. of this title.
4 Provided, on or after the effective date of this act, "prior
5 service" shall also include service purchased under Section 913.8 of
6 this title which does not meet the requirements of paragraph 26 of
7 this section;

8 (28) "Retirant" or "retiree" means a member who has retired
9 under the System;

10 (29) "Retirement benefit" means a monthly income with benefits
11 accruing from the first day of the month coinciding with or
12 following retirement and ending on the last day of the month in
13 which death occurs or the actuarial equivalent thereof paid in such
14 manner as specified by the member pursuant to Section 901 et seq. of
15 this title or as otherwise allowed to be paid at the discretion of
16 the Board;

17 (30) "Retirement coordinator" means the individual designated
18 by each participating employer through whom System transactions and
19 communication shall be directed;

20 (31) "Social Security" means the old-age survivors and
21 disability section of the federal Social Security Act;

22 (32) "Total disability" means a physical or mental disability
23 accepted for disability benefits by the federal Social Security
24 System;

1 (33) "Service-connected disability benefits" means military
2 service benefits which are for a service-connected disability rated
3 at twenty percent (20%) or more by the Veterans Administration or
4 the Armed Forces of the United States;

5 (34) "Elected official" means a person elected to a state
6 office in the legislative or executive branch of state government or
7 a person elected to a county office for a definite number of years
8 and shall include an individual who is appointed to fill the
9 unexpired term of an elected state official;

10 (35) "Elected service" means the period of service as an
11 elected official;

12 (36) "Limitation year" means the year used in applying the
13 limitations of Section 415 of the Internal Revenue Code of 1986,
14 which year shall be the calendar year; and

15 (37) "Public safety officers of the Grand River Dam Authority"
16 means those persons hired by the Grand River Dam Authority on or
17 after March 21, 2001, who are certified by the Council on Law
18 Enforcement Education and Training or an equivalent certifying
19 entity for law enforcement personnel training and who perform law
20 enforcement functions as part of their regularly assigned duties and
21 responsibilities on a full-time basis. With respect to any public
22 safety officer hired by the Grand River Dam Authority on or after
23 March 21, 2001, any earned benefits or credits toward retirement
24 benefits from previous participation within the Oklahoma Public

1 Employees Retirement System or the Oklahoma Law Enforcement
2 Retirement System shall remain within that system.

3 SECTION 2. AMENDATORY 74 O.S. 2021, Section 915, is
4 amended to read as follows:

5 Section 915. A. (1) Except as otherwise provided in this
6 subsection and as provided for elected officials in Section 913.4 of
7 this title, any member who shall retire on or after the member's
8 normal retirement date shall be entitled to receive an annual
9 retirement benefit equal to two percent (2%) of the member's final
10 average compensation as determined pursuant to paragraph (18) of
11 Section 902 of this title, multiplied by the number of years of
12 credited service that has been credited to the member in accordance
13 with the provisions of Section 913 of this title other than years
14 credited pursuant to paragraph (2) of this subsection.

15 (2) Effective January 1, 2004, except as otherwise provided for
16 elected officials in Section 913.4 of this title and except for
17 those members making contributions pursuant to paragraphs (c), (d),
18 (e), ~~and~~ (f), (g), and (h) of subsection (1) of Section 919.1 of
19 this title, any member who shall retire shall be entitled to receive
20 an annual retirement benefit equal to two and one-half percent (2
21 1/2%) of the member's final average compensation as determined
22 pursuant to paragraph (18) of Section 902 of this title, multiplied
23 by the number of full years of participating service after January
24 1, 2004, that have been credited to the member in accordance with

1 the provisions of Section 913 of this title and only for those full
2 years of participating service for which contributions have been
3 made pursuant to paragraph (g) of subsection (1) of Section 919.1 of
4 this title. The two and one-half percent (2 1/2%) multiplier shall
5 not apply to purchased service, purchased or granted military
6 service or transferred service. In order to receive the two and
7 one-half percent (2 1/2%) multiplier in computing retirement
8 benefits, an active member shall make an irrevocable written
9 election to pay the contributions pursuant to paragraph (g) of
10 subsection (1) of Section 919.1 of this title. The two and one-half
11 percent (2 1/2%) multiplier pursuant to this paragraph shall not
12 apply to additional years of service credit attributed to sick leave
13 pursuant to paragraph 7 of subsection B of Section 913 of this title
14 and fractional years pursuant to subsection C of Section 913 of this
15 title and shall be attributable only to the participating service
16 credited after the election of the member.

17 (3) The minimum final average compensation for any person who
18 becomes a member of the Oklahoma Public Employees Retirement System
19 on or after July 1, 1995 and who had:

20 a. ~~and who had~~ twenty (20) or more years of credited
21 service within the System as of the member's
22 retirement date shall be no less than Thirteen
23 Thousand Eight Hundred Dollars (\$13,800.00) per annum,
24

1 b. ~~and who had~~ at least fifteen (15) but not more than
2 nineteen (19) years of credited service within the
3 System as of the member's retirement date shall be no
4 less than Six Thousand Nine Hundred Dollars
5 (\$6,900.00) per annum, or

6 c. ~~and who had~~ less than fifteen (15) years of credited
7 service within the System as of the member's
8 retirement date shall not be eligible for any minimum
9 amount of final average compensation and the member's
10 final average compensation shall be the final average
11 compensation as defined by paragraph (18) of Section
12 902 of this title.

13 (4) Provided, further, any member who has elected a vested
14 benefit pursuant to Section 917 of this title shall be entitled to
15 receive benefits as outlined in this section except the percent
16 factor and the member's maximum compensation level in effect the
17 date the member's employment was terminated with a participating
18 employer shall be applicable.

19 (5) Any member who is a correctional officer or a probation and
20 parole officer employed by the Department of Corrections at the time
21 of retirement and who retires on or before June 30, 2000, shall be
22 entitled to receive an annual retirement benefit equal to two and
23 one-half percent (2 1/2%) of the final average compensation of the
24 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and

1 two percent (2%) of the final average salary in excess of Twenty-
2 five Thousand Dollars (\$25,000.00) but not exceeding the maximum
3 compensation level as provided in paragraph (9) of Section 902 of
4 this title, multiplied by the number of years of service as a
5 correctional officer or a probation and parole officer; provided,
6 any years accrued prior to July 1, 1990, as a correctional officer
7 or a probation and parole officer by a member who is employed as a
8 correctional officer or a probation and parole officer on July 1,
9 1990, shall be calculated for retirement purposes at two and one-
10 quarter percent (2 1/4%) of the final average compensation of the
11 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and
12 two percent (2%) of the final average salary in excess of Twenty-
13 five Thousand Dollars (\$25,000.00) but not exceeding the maximum
14 compensation level as provided in paragraph (9) of Section 902 of
15 this title, multiplied by the number of years of such service and
16 any years in excess of twenty (20) years as such an officer or years
17 credited to the member in accordance with the provisions of Section
18 913 of this title shall be calculated for retirement purposes at two
19 percent (2%) of the final average compensation of the member
20 multiplied by the number of years of such service. Any person who
21 contributes to the System as a correctional officer or a probation
22 and parole officer as provided in paragraph (b) or (c) of subsection
23 (1) of Section 919.1 of this title, on or before June 30, 2000, but
24 who does not make such contributions after June 30, 2000, and who

1 does not qualify for normal retirement under subparagraph (c) of
2 paragraph (24) of Section 902 of this title shall have retirement
3 benefits for each year of full-time-equivalent participating service
4 as a correctional or a probation and parole officer after July 1,
5 1990, computed on two and one-half percent (2 1/2%) of the final
6 average compensation based upon those years as a correctional
7 officer or a probation and parole officer. Provided, further, any
8 fugitive apprehension agent shall be entitled to receive benefits as
9 outlined in ~~this act~~ Section 901 et seq. of this title for service
10 as a fugitive apprehension agent prior to July 1, 2002, only upon
11 payment to the System of the employee contributions which would have
12 been paid if such fugitive apprehension agent had been covered by
13 this section prior to ~~the effective date of this act~~ July 1, 2002,
14 plus interest of not to exceed ten percent (10%) as determined by
15 the Oklahoma Public Employees Retirement Board of Trustees. The
16 Department of Corrections may make the employee contribution and
17 interest payment on behalf of such member.

18 (6) Any member who is a correctional officer, a probation and
19 parole officer or a fugitive apprehension agent employed by the
20 Department of Corrections at the time of retirement and who retires
21 on or after July 1, 2002, shall be entitled to receive an annual
22 retirement benefit equal to two and one-half percent (2 1/2%) of the
23 final average compensation of the member, but not exceeding the
24 maximum compensation level as provided in paragraph (18) of Section

1 902 of this title, multiplied by the number of years of service as a
2 correctional officer, a probation and parole officer or a fugitive
3 apprehension agent, and any years in excess of twenty (20) years as
4 such an officer or agent, or years credited to the member in
5 accordance with the provisions of Section 913 of this title, shall
6 be calculated for retirement purposes at two percent (2%) of the
7 final average compensation of the member multiplied by the number of
8 years of such service. For purposes of this paragraph, "final
9 average compensation" shall be determined by computing the average
10 annual salary, in the manner prescribed by paragraph (18) of Section
11 902 of this title, for the highest three (3) years of the last ten
12 (10) years of participating service immediately preceding retirement
13 or termination of employment for all years of service performed by
14 such member, both for years of service performed as a correctional
15 officer, probation and parole officer or fugitive apprehension
16 agent, not in excess of twenty (20) years, and for years of service
17 performed in excess of twenty (20) years, whether as a correctional
18 officer, probation and parole officer, fugitive apprehension agent
19 or other position unless the computation of benefits would result in
20 a lower retirement benefit amount than if final average compensation
21 were to be computed as otherwise provided by this paragraph. ~~"Final
22 average compensation"~~ Final average compensation shall be determined
23 by computing the average annual salary for the highest five (5) of
24 the last ten (10) years of participating service immediately

1 preceding retirement or termination of employment, with respect to
2 members whose first participating service occurs on or after July 1,
3 2013.

4 (7) Any member who is a correctional officer, a probation and
5 parole officer or a fugitive apprehension agent who has at least
6 five (5) years of service as a correctional officer, a probation and
7 parole officer or a fugitive apprehension agent who is in such
8 position on June 30, 2004, or who is hired after June 30, 2004, in
9 such position, and who receives a promotion or change in job
10 classification after June 30, 2004, to another position in the
11 Department of Corrections, and who is employed by the Department of
12 Corrections at the time of retirement and who retires on or after
13 July 1, 2004, shall be entitled to receive an annual retirement
14 benefit equal to two and one-half percent (2 1/2%) of the final
15 average compensation of the member, but not exceeding the maximum
16 compensation level as provided in paragraph (18) of Section 902 of
17 this title, multiplied by the number of years of service with the
18 Department of Corrections and any years in excess of twenty (20)
19 years with the Department or years credited to the member in
20 accordance with the provisions of Section 913 of this title, shall
21 be calculated for retirement purposes at two percent (2%) of the
22 final average compensation of the member multiplied by the number of
23 years of such service. For purposes of this paragraph, "final
24 average compensation" shall be determined by computing the average

1 annual salary, in the manner prescribed by paragraph (18) of Section
2 902 of this title, for the highest three (3) years of the last ten
3 (10) years of participating service immediately preceding retirement
4 or termination of employment for all years of service performed by
5 such member with the Department. ~~"Final average compensation"~~ Final
6 average compensation shall be determined by computing the average
7 annual salary for the highest five (5) of the last ten (10) years of
8 participating service immediately preceding retirement or
9 termination of employment, with respect to members whose first
10 participating service occurs on or after July 1, 2013.

11 (8) Any person who contributed to the System as a correctional
12 officer, a probation and parole officer or a fugitive apprehension
13 agent as provided in paragraph (b) or (c) of subsection (1) of
14 Section 919.1 of this title, and who retires under normal retirement
15 or early retirement on or after January 1, 2004, under paragraph
16 (24) of Section 902 of this title, and any public safety officer
17 described by paragraph (37) of Section 902 of this title hired on or
18 after ~~the effective date of this act~~ July 1, 2016, by the Grand
19 River Dam Authority and who retires on or after ~~the effective date~~
20 ~~of this act~~ July 1, 2016, shall have retirement benefits for each
21 year of full-time-equivalent participating service as a correctional
22 officer, a probation and parole officer or a fugitive apprehension
23 agent, or Grand River Dam public safety officer computed on two and
24 one-half percent (2 1/2%) of the final average compensation based

1 upon those years as a correctional officer, a probation and parole
2 officer, a fugitive apprehension agent or a Grand River Dam public
3 safety officer. For purposes of this paragraph, "final average
4 compensation" shall be determined by computing the average annual
5 salary, in the manner prescribed by paragraph (18) of Section 902 of
6 this title, for the highest three (3) years of the last ten (10)
7 years of participating service immediately preceding retirement or
8 termination of employment for all years of service performed by such
9 member, both for years of service performed as a correctional
10 officer, probation and parole officer or fugitive apprehension
11 agent, or years of service performed as a Grand River Dam public
12 safety officer, not in excess of twenty (20) years, and for years of
13 service performed in excess of twenty (20) years, whether as a
14 correctional officer, probation and parole officer, fugitive
15 apprehension agent, Grand River Dam public safety officer, or other
16 position unless the computation of benefits would result in a lower
17 retirement benefit amount than if final average compensation were to
18 be computed as otherwise provided by this paragraph. ~~"Final average~~
19 ~~compensation"~~ Final average compensation shall be determined by
20 computing the average annual salary for the highest five (5) of the
21 last ten (10) years of participating service immediately preceding
22 retirement or termination of employment, with respect to members
23 whose first participating service occurs on or after July 1, 2013,
24 or with respect to Grand River Dam public safety officers whose

1 first participating service occurs on or after ~~the effective date of~~
2 ~~this act~~ July 1, 2016.

3 (9) Any member who is:

4 a. initially on or after July 1, 2002, employed as a
5 firefighter for the ~~Oklahoma~~ Military Department of
6 the State of Oklahoma and who retires on or after the
7 member's normal retirement date shall be entitled to
8 receive an annual retirement benefit equal to two and
9 one-half percent (2 1/2%) of the final average
10 compensation of the member multiplied by the number of
11 years of service in such service,

12 b. (1) a firefighter who performs firefighting services
13 for the ~~Oklahoma~~ Military Department of the State
14 of Oklahoma prior to July 1, 2002, and who makes
15 an election in writing on a form prescribed for
16 this purpose by the System not later than
17 December 31, 2002, shall be entitled to receive a
18 retirement benefit based upon two and one-half
19 percent (2 1/2%) of the final average
20 compensation of the member multiplied by the
21 number of years of service as a firefighter with
22 the ~~Oklahoma~~ Military Department of the State of
23 Oklahoma on or after July 1, 2002. The election
24 authorized by this subdivision shall be

1 irrevocable once the election is filed with the
2 System,

3 (2) a firefighter who performs firefighting services
4 for the ~~Oklahoma~~ Military Department of the State
5 of Oklahoma prior to July 1, 2002, and who makes
6 the election in division (1) of this subparagraph
7 may also make an election in writing on a form
8 prescribed for this purpose by the System not
9 later than December 31, 2002, to receive a
10 retirement benefit based upon two and one-half
11 percent (2 1/2%) of the final average
12 compensation of the member multiplied by the
13 number of years of service as a firefighter with
14 the ~~Oklahoma~~ Military Department of the State of
15 Oklahoma prior to July 1, 2002. The election
16 authorized by this subdivision shall be
17 irrevocable once the election is filed with the
18 System. Retirement benefits shall be calculated
19 based upon the two and one-half percent (2 1/2%)
20 multiplier upon payment being made pursuant to
21 Section 913.5 of this title.

22 (10) Any person who contributes to the System as a deputy
23 sheriff or county jailer as provided in paragraph (f) of subsection
24 (1) of Section 919.1 of this title, and who retires under normal

1 retirement or early retirement under division (v) of subparagraph
2 (d) of paragraph (24) of Section 902 of this title, shall have
3 retirement benefits for each year of full-time-equivalent
4 participating service as a deputy sheriff or county jailer computed
5 on two and one-half percent (2 1/2%) of the final average
6 compensation based upon those years as a deputy sheriff or county
7 jailer, and any years in excess of twenty (20) years as a deputy
8 sheriff or county jailer, or years credited to the member in
9 accordance with the provisions of Section 913 of this title, shall
10 be calculated for retirement purposes at two percent (2%) of the
11 final average compensation of the member multiplied by the number of
12 years of such service. For purposes of this paragraph, "final
13 average compensation" shall be determined by computing the average
14 annual salary, in the manner prescribed by paragraph (18) of Section
15 902 of this title, both for years of service performed as a deputy
16 sheriff or county jailer not in excess of twenty (20) years, and for
17 years of service performed in excess of twenty (20) years, whether
18 as a deputy sheriff or county jailer.

19 (11) Any person who contributes to the System as an emergency
20 medical service personnel as provided in paragraph (h) of subsection
21 (1) of Section 919.1 of this title, and who retires under normal
22 retirement or early retirement under division (vii) of subparagraph
23 (d) of paragraph (24) of Section 902 of this title, shall have
24 retirement benefits for each year of full-time-equivalent

1 participating service as an emergency medical service personnel
2 computed on two and one-half percent (2 1/2%) of the final average
3 compensation based upon those years as an emergency medical service
4 personnel. Any years of full-time-equivalent participating service
5 in excess of twenty (20) years as an emergency medical personnel, or
6 years credited to the member in accordance with the provisions of
7 Section 913 of this title, shall be calculated for retirement
8 purposes at two percent (2%) of the final average compensation of
9 the member multiplied by the number of years of such service. For
10 the purposes of this paragraph, "final average compensation" shall
11 be determined by computing the average annual salary, in the manner
12 prescribed by paragraph 18 of Section 902 of this title, both for
13 years of service performed as an emergency medical personnel not in
14 excess of twenty (20) years, and for years of service performed in
15 excess of twenty (20) years, as an emergency medical service
16 personnel.

17 (12) Upon death of a retiree, there shall be paid to his or her
18 beneficiary an amount equal to the excess, if any, of his or her
19 accumulated contributions over the sum of all retirement benefit
20 payments made.

21 ~~(12)~~ (13) Such annual retirement benefits shall be paid in
22 equal monthly installments, except that the Board may provide for
23 the payment of retirement benefits which total less than Two Hundred
24 Forty Dollars (\$240.00) a year on other than a monthly basis.

1 ~~(13)~~ (14) Pursuant to the rules established by the Board, a
2 retiree receiving monthly benefits from the System may authorize
3 warrant deductions for any products currently offered to active
4 state employees through the ~~Employees Benefits Council~~ Oklahoma
5 Employees Insurance and Benefits Board, provided that product is
6 offered to state retirees as a group and has a minimum participation
7 of five hundred state retirees. The System has no responsibility
8 for the marketing, enrolling or administration of such products, but
9 shall retain a processing fee of two percent (2%) of the gross
10 deductions for the products. Retirement benefit deductions shall be
11 made for membership dues for any statewide association for which
12 payroll deductions are authorized pursuant to subsection B of
13 Section 34.70 of Title 62 of the Oklahoma Statutes for retired
14 members of any state-supported retirement system, upon proper
15 authorization given by the member to the board from which the member
16 or beneficiary is currently receiving retirement benefits.

17 B. A member shall be considered disabled if such member
18 qualifies for the payment of Social Security disability benefits, or
19 the payment of benefits pursuant to the Railroad Retirement Act of
20 1974, Section 231 et seq. of Title 45 of the United States Code, and
21 shall be eligible for benefits hereunder upon proof of such
22 disability, provided such member is an active regularly scheduled
23 employee with a participating employer at the time of injury or
24 inception of illness or disease resulting in subsequent

1 certification of eligibility for Social Security disability benefits
2 by reason of such injury, illness or disease, providing such
3 disability is certified by the Social Security Administration within
4 one (1) year after the last date physically on the job and after
5 completion of at least eight (8) years of participating service or
6 combined prior and participating service or resulting in subsequent
7 certification of eligibility of disability by the Railroad
8 Retirement Board providing such certification is made by the
9 Railroad Retirement Board within one (1) year after the last date
10 physically on the job and after completion of at least eight (8)
11 years of participating service or combined prior and participating
12 service. The member shall submit to the ~~Retirement~~ System the
13 Social Security Award Notice or the Railroad Retirement Award Notice
14 certifying the date of entitlement for disability benefits, as
15 issued by the Social Security Administration, Department of Health
16 and Human Services or the Railroad Retirement Board. Disability
17 benefits shall become effective on the date of entitlement as
18 established by the Social Security Administration or the Railroad
19 Retirement Board, but not before the first day of the month
20 following removal from the payroll, whichever is later, and final
21 approval by the ~~Retirement~~ System. Benefits shall be based upon
22 length of service and compensation as of the date of disability,
23 without actuarial reduction because of commencement prior to the
24 normal retirement date. The only optional form of benefit payment

1 available for disability benefits is Option A as provided for in
2 Section 918 of this title. Option A must be elected in accordance
3 with the provisions of Section 918 of this title. Benefit payments
4 shall cease upon the member's recovery from disability prior to the
5 normal retirement date. Future benefits, if any, shall be paid
6 based upon length of service and compensation as of the date of
7 disability. In the event that disability ceases and the member
8 returns to employment within the System credited service to the date
9 of disability shall be restored, and future benefits shall be
10 determined accordingly.

11 C. A member who incurred a disability pursuant to subsection B
12 of this section on or after July 1, 1999, and who has retired from
13 the System with an early retirement benefit pending certification
14 from the Social Security Administration or the Railroad Retirement
15 Board shall receive a retirement benefit not less than the
16 disability retirement benefit provided by subsection B of this
17 section once the System receives a Social Security Award Notice or a
18 Railroad Retirement Award Notice pursuant to subsection B of this
19 section and a completed ~~Application for Disability Benefits~~
20 application for disability benefits. In addition, such member shall
21 receive the difference, if any, between the early retirement benefit
22 and the disability benefit from the date the Social Security
23 Administration or the Railroad Retirement Board establishes
24 disability entitlement.

1 D. Any actively participating member of the System on or after
2 July 1, 1998, except for those employees provided in subparagraph
3 (e) of paragraph (14) of Section 902 of this title, whose employment
4 is less than full-time, shall have his or her final average
5 compensation calculated on an annualized basis using his or her
6 hourly wage subject to the maximum compensation limits; provided,
7 however, any such member whose first participating service occurred
8 before July 1, 2013, and who has at least three (3) years of full-
9 time employment during the last ten (10) years immediately preceding
10 termination or retirement shall not be eligible for the
11 annualization provisions contained herein; and provided further, any
12 such member whose first participating service occurred on or after
13 July 1, 2013, and who has at least five (5) years of full-time
14 employment during the last ten (10) years immediately preceding
15 termination or retirement shall not be eligible for the
16 annualization provisions contained herein. The Board of Trustees
17 shall promulgate such administrative rules as are necessary to
18 implement the provisions of this subsection.

19 SECTION 3. AMENDATORY 74 O.S. 2021, Section 916.3, is
20 amended to read as follows:

21 Section 916.3. A. 1. Notwithstanding the provisions of
22 Sections 901 through 932 of this title, a monthly pension, as
23 provided in subsection B of this section, shall be paid on behalf of
24 any member who is a correctional officer or probation and parole

1 officer of the Department of Corrections and who is killed or
2 mortally wounded on or after January 1, 2000, during the performance
3 of the member's duties for the Department or any employee of the
4 Department of Corrections who is killed or mortally wounded after
5 June 30, 2004, during the performance of the member's duties for the
6 Department.

7 2. The monthly pension described in this section shall be paid
8 on behalf of any member first hired by any county that is a
9 participating employer in the System as a deputy sheriff or jailer
10 on or after November 1, 2020, and who is killed or mortally wounded
11 during the performance of the member's duties as a deputy sheriff or
12 jailer.

13 3. The monthly pension described in this section shall be paid
14 on behalf of a licensed emergency medical personnel hired by any
15 participating employer for the first time as a licensed emergency
16 medical personnel on or after the effective date of this act, and
17 who is killed or mortally wounded during the performance of the
18 member's duties as an emergency medical personnel.

19 B. The monthly benefit shall be equal to:

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

21 2. Multiplied by twenty (20) years of service, regardless of
22 the actual number of years of credited service performed by the
23 member prior to death, if the member had performed less than twenty
24

1 (20) years of credited service, or the actual number of years of
2 credited service of the member if greater than twenty (20) years;

3 3. Multiplied by the member's final average compensation; and

4 4. Divided by 12.

5 C. The pension provided for in subsection A of this section
6 shall be paid:

7 1. Except as provided in subsection D of this section, to the
8 surviving spouse for life; or

9 2. If there is no surviving spouse or upon the death of the
10 surviving spouse:

11 a. to the surviving child or children of said member or
12 legal guardian of such child or children for such time
13 as such child or children are under the age of
14 eighteen (18) years, or

15 b. to the surviving child or children between the age of
16 eighteen (18) and twenty-two (22) years if the child
17 is enrolled full time in and is regularly attending a
18 public or private school or any institution of higher
19 education.

20 D. No surviving spouse shall receive benefits from this
21 section, Section 49-113 of Title 11 of the Oklahoma Statutes,
22 Section 50-117 of Title 11 of the Oklahoma Statutes, or Section 2-
23 306 of Title 47 of the Oklahoma Statutes as the surviving spouse of
24 more than one member of the Oklahoma Firefighters Pension and

1 Retirement System, the Oklahoma Police Pension and Retirement
2 System, the Oklahoma Law Enforcement Retirement System, or the
3 Oklahoma Public Employees Retirement System. The surviving spouse
4 of more than one member shall elect which member's benefits he or
5 she will receive.

6 E. In addition to the pension above provided for, if said
7 member leaves one or more children under the age of eighteen (18)
8 years or under the age of twenty-two (22) years if the child is
9 enrolled full-time in and is regularly attending a public or private
10 school or any institution of higher education, Four Hundred Dollars
11 (\$400.00) a month shall be paid to the surviving spouse or to the
12 person having the care and custody of such children if there is no
13 surviving spouse or if the surviving spouse dies and until each
14 child reaches the age of eighteen (18) years or reaches the age of
15 twenty-two (22) years if the child is enrolled full-time in and is
16 regularly attending a public or private school or any institution of
17 higher education.

18 F. The pension benefit provided in this section shall be made
19 prospectively only from ~~the effective date of this act~~ July 1, 2000.
20 The benefits shall be payable beginning the later of the first day
21 of the month following the date that such employee was killed or
22 dies from a mortal wound, as provided in this section, or ~~the~~
23 ~~effective date of this act~~ July 1, 2000.

24

1 G. The Board of Trustees of the Oklahoma Public Employees
2 Retirement System shall promulgate such rules as are necessary to
3 implement the provisions of this section.

4 SECTION 4. AMENDATORY 74 O.S. 2021, Section 919.1, is
5 amended to read as follows:

6 Section 919.1. (1) Employee contributions to the Oklahoma
7 Public Employees Retirement System shall be:

8 (a) for employees except as otherwise provided in
9 paragraphs (b), (c), (d), (e), (f), ~~and~~ (g), and (h)
10 of this subsection: beginning July 1, 2006, and
11 thereafter, three and one-half percent (3.5%) of
12 allowable annual compensation~~†~~,

13 (b) for correctional officers and probation and parole
14 officers employed by the Department of Corrections:
15 beginning July 1, 1998, and thereafter, and for
16 correctional officers or probation and parole officers
17 who are in such position on June 30, 2004, or who are
18 hired after June 30, 2004, and who receive a promotion
19 or change in job classification after June 30, 2004,
20 to another position in the Department of Corrections,
21 so long as such officers have at least five (5) years
22 of service as a correctional officer or probation and
23 parole officer, eight percent (8%) of allowable

24

1 compensation as provided in paragraph (9) of Section
2 902 of this title~~7,~~

3 (c) for fugitive apprehension agents who are employed with
4 the Department of Corrections on or after July 1,
5 2002, and for fugitive apprehension agents who are in
6 such position on June 30, 2004, or who are hired after
7 June 30, 2004, and who receive a promotion or change
8 in job classification after June 30, 2004, to another
9 position in the Department of Corrections, so long as
10 such agents have at least five (5) years of service as
11 a fugitive apprehension agent, eight percent (8%) of
12 allowable compensation as provided in paragraph (9) of
13 Section 902 of this title~~7,~~

14 (d) for firefighters of the ~~Oklahoma~~ Military Department
15 of the State of Oklahoma first employed beginning July
16 1, 2002, and thereafter, and such firefighters who
17 performed service prior to July 1, 2002, for the
18 ~~Oklahoma~~ Military Department of the State of Oklahoma
19 and who make the election authorized by division (1)
20 of subparagraph b of paragraph (9) of subsection A of
21 Section 915 of this title who perform service on or
22 after July 1, 2002, in such capacity, eight percent
23 (8%) of allowable compensation as provided in
24

1 ~~subsection~~ paragraph (9) of Section 902 of this
2 title~~;~~,

3 (e) for all public safety officers of the Grand River Dam
4 Authority as defined by paragraph (37) of Section 902
5 of this title, eight percent (8%) of allowable
6 compensation as provided in paragraph (9) of Section
7 902 of this title~~;~~,

8 (f) for deputy sheriffs and county jailers employed by any
9 county that is a participating employer in the System
10 for the first time as a deputy sheriff or jailer on or
11 after November 1, 2020, eight percent (8%) of
12 allowable compensation as provided in paragraph (9) of
13 Section 902 of this title~~;~~and,

14 (g) for licensed emergency medical personnel employed by
15 any participating employer as a licensed emergency
16 medical personnel for the first time on or after the
17 effective date of this act, eight percent (8%) of
18 allowable compensation as provided in paragraph (9) of
19 Section 902 of this title, and

20 (h) for all employees except those who make contributions
21 pursuant to paragraphs (b), (c), (d), (e), ~~and~~ (f),
22 and (g) of this subsection who make an irrevocable
23 written election pursuant to paragraph (2) of
24 subsection A of Section 915 of this title: six and

1 forty-one one-hundredths percent (6.41%) of allowable
2 annual compensation.

3 The contributions required by paragraphs (b), (c), (e), ~~and~~ (f),
4 (g), and (h) of this subsection shall be made by a member for not
5 more than twenty (20) years and thereafter shall be as provided in
6 paragraph (a) of this subsection.

7 (2) Contributions shall be deducted by each state agency by the
8 participating employer for such benefits as the Board is authorized
9 to administer as provided for by law. Employee and employer
10 contributions shall be remitted monthly, or as the Board may
11 otherwise provide, to the Executive Director for deposit in the
12 Oklahoma Public Employees Retirement Fund.

13 (3) Each participating employer shall pick up under the
14 provisions of Section 414(h)(2) of the Internal Revenue Code of 1986
15 and pay the contribution which the member is required by law to make
16 to the System for all compensation earned after December 31, 1988.
17 Although the contributions so picked up are designated as member
18 contributions, such contributions shall be treated as contributions
19 being paid by the participating employer in lieu of contributions by
20 the member in determining tax treatment under the Internal Revenue
21 Code of 1986 and such picked up contributions shall not be
22 includable in the gross income of the member until such amounts are
23 distributed or made available to the member or the beneficiary of
24 the member. The member, by the terms of this System, shall not have

1 any option to choose to receive the contributions so picked up
2 directly and the picked up contributions must be paid by the
3 participating employer to the System.

4 Member contributions which are picked up shall be treated in the
5 same manner and to the same extent as member contributions made
6 prior to the date on which member contributions were picked up by
7 the participating employer. Member contributions so picked up shall
8 be included in gross salary for purposes of determining benefits and
9 contributions under the System.

10 The participating employer shall pay the member contributions
11 from the same source of funds used in paying salary to the member,
12 by effecting an equal cash reduction in gross salary of the member.

13 (4) By September 1, 1989, the System shall refund the
14 accumulated employee contributions of any member who elects to
15 retain the member's membership in the Teachers' Retirement System of
16 Oklahoma, in accordance with Section 17-104 of Title 70 of the
17 Oklahoma Statutes, to such member. Upon the refund of the
18 accumulated employee contributions referred to in this subsection,
19 all benefits and rights accrued to such member are terminated.

20 SECTION 5. AMENDATORY 74 O.S. 2021, Section 920A, is
21 amended to read as follows:

22 Section 920A. A. Any county, county hospital, city or town,
23 conservation district, circuit engineering district or any public or
24 private trust in which a county, city or town participates and is

1 the primary beneficiary, which is a participating employer and any
 2 eligible employee shall contribute to the Oklahoma Public Employees
 3 Retirement System. The total employer and employee contributions
 4 shall be based on the allowable annual compensation as defined in
 5 paragraph (9) of Section 902 of this title. Except as provided for
 6 in this section, the employer shall not pay for the employee any of
 7 the employee contribution to the System.

8 B. For the fiscal year ending June 30, 2005, the total employer
 9 and employee contributions shall equal thirteen and one-half percent
 10 (13 1/2%) of the allowable monthly compensation of each member;
 11 provided, however, each participating employer listed in this
 12 section may set the amount of the employer and employee contribution
 13 to equal thirteen and one-half percent (13 1/2%) of the allowable
 14 monthly compensation of each member for compensation as provided in
 15 paragraph (9) of Section 902 of this title; provided, the employer
 16 contribution shall not exceed ten percent (10%) and the employee
 17 contribution shall not exceed eight and one-half percent (8 1/2%).

18 C. The total employer and employee contributions for fiscal
 19 years following the fiscal year ending June 30, 2005, shall be as
 20 follows:

21	July 1, 2005 - June 30, 2006	15%
22	July 1, 2006 - June 30, 2007	16%
23	July 1, 2007 - June 30, 2008	17%
24	July 1, 2008 - June 30, 2009	18%

1 July 1, 2009 - June 30, 2010 19%

2 July 1, 2010 - June 30, 2011 and
3 each fiscal year thereafter 20%

4 Such employee and employer contributions shall be based upon the
5 allowable monthly compensation of each member for compensation as
6 provided in paragraph (9) of Section 902 of this title. The maximum
7 employer contribution of ten percent (10%) in subsection B of this
8 section shall increase by one and one-half percent (1.5%) beginning
9 in the fiscal year ending June 30, 2006, and one percent (1%) for
10 each fiscal year thereafter until it reaches sixteen and one-half
11 percent (16.5%). For such years, the employee contribution shall
12 not exceed eight and one-half percent (8 1/2%). Notwithstanding any
13 other provisions of this section to the contrary, for those members
14 described in division (v), or (vi) of subparagraph (d) of paragraph
15 (24) of Section 902 of this title, the ~~county~~ participating employer
16 shall contribute sixteen and one-half percent (16 1/2%) and the
17 employee shall contribute eight percent (8%) for a total of twenty-
18 four and one-half percent (24 1/2%).

19 D. For members who make the election pursuant to paragraph (2)
20 of subsection A of Section 915 of this title, the employee
21 contribution shall increase by two and ninety-one one-hundredths
22 percent (2.91%). Such employee contribution increase shall be paid
23 by the employee.

24

1 E. Each participating employer pursuant to the provisions of
2 this section may pick up under the provisions of Section 414(h) (2)
3 of the Internal Revenue Code of 1986 and pay the contribution which
4 the member is required by law to make to the System for all
5 compensation earned after December 31, 1989. Although the
6 contributions so picked up are designated as member contributions,
7 such contributions shall be treated as contributions being paid by
8 the participating employer in lieu of contributions by the member in
9 determining tax treatment under the Internal Revenue Code of 1986
10 and such picked up contributions shall not be includable in the
11 gross income of the member until such amounts are distributed or
12 made available to the member or the beneficiary of the member. The
13 member, by the terms of this System, shall not have any option to
14 choose to receive the contributions so picked up directly and the
15 picked up contributions must be paid by the participating employer
16 to the System.

17 F. Member contributions which are picked up shall be treated in
18 the same manner and to the same extent as member contributions made
19 prior to the date on which member contributions were picked up by
20 the participating employer. Member contributions so picked up shall
21 be included in gross salary for purposes of determining benefits and
22 contributions under the System.

23 G. The participating employer shall pay the member
24 contributions from the same source of funds used in paying salary to

1 the member, by effecting an equal cash reduction in gross salary of
2 the member.

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
4 February 28, 2024 - DO PASS AS AMENDED
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