

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2272

By: West (Josh)

COMMITTEE SUBSTITUTE

An Act relating to public retirement systems; amending 74 O.S. 2011, Sections 902, as last amended by Section 20, Chapter 297, O.S.L. 2016, 915, as last amended by Section 3, Chapter 21, O.S.L. 2018, 916.3, 919.1, as amended by Section 22, Chapter 297, O.S.L. 2016 and 920A (74 O.S. Supp. 2019, Sections 902, 915 and 919.1), which relate to the Oklahoma Public Employees Retirement System; modifying definitions; modifying provisions related to retirement benefit computations with respect to deputy sheriffs or county jailers; modifying provisions related to computation of certain death benefits; providing for applicability of computation to deputy sheriffs and county jailers; modifying provisions related to employee contribution rates; modifying provisions related to combined contribution rates; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 902, as last amended by Section 20, Chapter 297, O.S.L. 2016 (74 O.S. Supp. 2019, Section 902), is amended to read as follows:

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

1 (1) "System" means the Oklahoma Public Employees Retirement
2 System as established by this act and as it may hereafter be
3 amended;

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

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

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

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

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

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

19 (8) "Board" means the Oklahoma Public Employees Retirement
20 System Board of Trustees;

21 (9) "Compensation" means all salary and wages, as defined by
22 the Board of Trustees, including amounts deferred under deferred
23 compensation agreements entered into between a member and a
24 participating employer, but exclusive of payment for overtime,

1 payable to a member of the System for personal services performed
2 for a participating employer but shall not include compensation or
3 reimbursement for traveling, or moving expenses, or any compensation
4 in excess of the maximum compensation level, provided:

5 (a) For compensation for service prior to January 1, 1988,
6 the maximum compensation level shall be Twenty-five
7 Thousand Dollars (\$25,000.00) per annum.

8 For compensation for service on or after January 1,
9 1988, through June 30, 1994, the maximum compensation
10 level shall be Forty Thousand Dollars (\$40,000.00) per
11 annum.

12 For compensation for service on or after July 1, 1994,
13 through June 30, 1995, the maximum compensation level
14 shall be Fifty Thousand Dollars (\$50,000.00) per
15 annum; for compensation for service on or after July
16 1, 1995, through June 30, 1996, the maximum

17 compensation level shall be Sixty Thousand Dollars
18 (\$60,000.00) per annum; for compensation for service
19 on or after July 1, 1996, through June 30, 1997, the
20 maximum compensation level shall be Seventy Thousand
21 Dollars (\$70,000.00) per annum; and for compensation
22 for service on or after July 1, 1997, through June 30,
23 1998, the maximum compensation level shall be Eighty
24 Thousand Dollars (\$80,000.00) per annum. For

1 compensation for services on or after July 1, 1998,
2 there shall be no maximum compensation level for
3 retirement purposes.

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

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

15 (d) Current appointed members of the Oklahoma Tax
16 Commission whose salary is constitutionally limited
17 and is less than the highest salary allowed by law for
18 his or her position shall be allowed, within ninety
19 (90) days from the effective date of this act, to make
20 an election to use the highest salary allowed by law
21 for the position to which the member was appointed for
22 the purposes of making contributions and determination
23 of retirement benefits. Such election shall be
24 irrevocable and be in writing. Reappointment to the

1 same office shall not permit a new election. Members
2 appointed to the Oklahoma Tax Commission after the
3 effective date of this act shall make such election,
4 pursuant to this subparagraph, within ninety (90) days
5 of taking office;

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

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

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

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

1 (a) If a class or several classes of employees of any
2 above-defined employers are covered by Social Security
3 and are not covered by or eligible for and will not
4 become eligible for another retirement plan authorized
5 under the laws of this state, which is in operation on
6 the effective date, such employer shall be deemed an
7 eligible employer, but only with respect to that class
8 or those classes of employees as defined in this
9 section.

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

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

19 (c) All employees of the George Nigh Rehabilitation
20 Institute who elected to retain membership in the
21 System, pursuant to Section 913.7 of this title, shall
22 continue to be eligible employees for the purposes of
23 this act. The George Nigh Rehabilitation Institute
24

1 shall be considered a participating employer only for
2 such employees.

3 (d) All employees of CompSource Mutual Insurance Company
4 who retain membership in the Oklahoma Public Employees
5 Retirement System pursuant to Section 913.9 of this
6 title shall continue to be eligible employees for the
7 purposes of the Oklahoma Public Employees Retirement
8 System. CompSource Mutual Insurance Company shall be
9 considered a participating employer only for such
10 employees.

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

20 (f) A participating employer of the Teachers' Retirement
21 System of Oklahoma, who has one or more employees who
22 have made an election pursuant to enabling legislation
23 to retain membership in the System as a result of
24 change in administration, shall be considered a

1 participating employer of the Oklahoma Public

2 Employees Retirement System only for such employees;

3 (14) "Employee" means any officer or employee of a
4 participating employer, whose employment is not seasonal or
5 temporary and whose employment requires at least one thousand
6 (1,000) hours of work per year and whose salary or wage is equal to
7 the hourly rate of the monthly minimum wage for state employees.
8 For those eligible employers outlined in Section 910 of this title,
9 the rate shall be equal to the hourly rate of the monthly minimum
10 wage for that employer. Each employer, whose minimum wage is less
11 than the state's minimum wage, shall inform the System of the
12 minimum wage for that employer. This notification shall be by
13 resolution of the governing body.

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

17 (b) Eligibility shall not include any employee who is a
18 contributing member of the United States Civil Service
19 Retirement System.

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

1 the office of district attorney is currently
2 participating in such county retirement system, he or
3 she is ineligible for this System as long as he or she
4 is eligible for such county retirement system. Any
5 eligible officer, appointee or employee of the office
6 of district attorney shall be given credit for prior
7 service as defined in this section. The provisions
8 outlined in Section 917 of this title shall apply to
9 those employees who have previously withdrawn their
10 contributions.

11 (d) Eligibility shall also not include any officer or
12 employee of the Oklahoma Employment Security
13 Commission, except for those officers and employees of
14 the Commission electing to transfer to this System
15 pursuant to the provisions of Section 910.1 of this
16 title or any other class of officers or employees
17 specifically exempted by the laws of this state,
18 unless there be a consolidation as provided by Section
19 912 of this title. Employees of the Oklahoma
20 Employment Security Commission who are ineligible for
21 enrollment in the Employment Security Commission
22 Retirement Plan, that was in effect on January 1,
23 1964, shall become members of this System.

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

21 (i) Except as otherwise provided by this
22 subparagraph, once a temporary session employee
23 makes a choice to participate or not, the choice
24

1 shall be binding for all future legislative
2 sessions during which the employee is employed.

3 (ii) Notwithstanding the provisions of division (i) of
4 this subparagraph, any employee, who is eligible
5 for membership in the System because of the
6 provisions of this subparagraph and who was
7 employed by the State Senate or House of
8 Representatives after January 1, 1989, may file
9 an election, in a manner specified by the Board,
10 to participate as a member of the System prior to
11 September 1, 1989.

12 (iii) Notwithstanding the provisions of division (i) of
13 this subparagraph, a temporary legislative
14 session employee who elected to become a member
15 of the System may withdraw from the System
16 effective the day said employee elected to
17 participate in the System upon written request to
18 the Board. Any such request must be received by
19 the Board prior to October 1, 1990. All employee
20 contributions made by the temporary legislative
21 session employee shall be returned to the
22 employee without interest within four (4) months
23 of receipt of the written request.
24

- 1 (iv) A member of the System who did not initially
2 elect to participate as a member of the System
3 pursuant to this subparagraph shall be able to
4 acquire service performed as a temporary
5 legislative session employee for periods of
6 service performed prior to the date upon which
7 the person became a member of the System if:
- 8 a. the member files an election with the System
9 not later than December 31, 2000, to
10 purchase the prior service; and
 - 11 b. the member makes payment to the System of
12 the actuarial cost of the service credit
13 pursuant to subsection A of Section 913.5 of
14 this title. The provisions of Section 913.5
15 of this title shall be applicable to the
16 purchase of the service credit, including
17 the provisions for determining service
18 credit in the event of incomplete payment
19 due to cessation of payments, death,
20 termination of employment or retirement, but
21 the payment may extend for a period not to
22 exceed ninety-six (96) months;
- 23
24

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

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

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

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

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

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

8 (21) "Leave of absence" means a period of absence from
9 employment without pay, authorized and approved by the employer and
10 acknowledged to the Board, and which after the effective date does
11 not exceed two (2) years;

12 (22) "Member" means an eligible employee or elected official
13 who is in the System and is making the required employee or elected
14 official contributions, or any former employee or elected official
15 who shall have made the required contributions to the System and
16 shall have not received a refund or withdrawal;

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

22 (a) during the following periods, including the beginning
23 and ending dates, and only for the periods served,
24 from:

- 1 (i) April 6, 1917, to November 11, 1918, commonly
2 referred to as World War I,
- 3 (ii) September 16, 1940, to December 7, 1941, as a
4 member of the 45th Division,
- 5 (iii) December 7, 1941, to December 31, 1946, commonly
6 referred to as World War II,
- 7 (iv) June 27, 1950, to January 31, 1955, commonly
8 referred to as the Korean Conflict or the Korean
9 War,
- 10 (v) February 28, 1961, to May 7, 1975, commonly
11 referred to as the Vietnam era, except that:
12 a. for the period from February 28, 1961, to
13 August 4, 1964, military service shall only
14 include service in the Republic of Vietnam
15 during that period, and
16 b. for purposes of determining eligibility for
17 education and training benefits, such period
18 shall end on December 31, 1976, or
- 19 (vi) August 1, 1990, to December 31, 1991, commonly
20 referred to as the Gulf War, the Persian Gulf
21 War, or Operation Desert Storm, but excluding any
22 person who served on active duty for training
23 only, unless discharged from such active duty for
24 a service-connected disability;

1 (b) during a period of war or combat military operation
2 other than a conflict, war or era listed in
3 subparagraph (a) of this paragraph, beginning on the
4 date of Congressional authorization, Congressional
5 resolution, or Executive Order of the President of the
6 United States, for the use of the Armed Forces of the
7 United States in a war or combat military operation,
8 if such war or combat military operation lasted for a
9 period of ninety (90) days or more, for a person who
10 served, and only for the period served, in the area of
11 responsibility of the war or combat military
12 operation, but excluding a person who served on active
13 duty for training only, unless discharged from such
14 active duty for a service-connected disability, and
15 provided that the burden of proof of military service
16 during this period shall be with the member, who must
17 present appropriate documentation establishing such
18 service.

19 An eligible member under this paragraph shall include only those
20 persons who shall have served during the times or in the areas
21 prescribed in this paragraph, and only if such person provides
22 appropriate documentation in such time and manner as required by the
23 System to establish such military service prescribed in this
24 paragraph, or for service pursuant to subdivision a of division (v)

1 of subparagraph (a) of this paragraph those persons who were awarded
2 service medals, as authorized by the United States Department of
3 Defense as reflected in the veteran's Defense Department Form 214,
4 related to the Vietnam Conflict for service prior to August 5, 1964;

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

8 (a) the first day of the month coinciding with or
9 following a member's:

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

13 (2) sixty-fifth birthday with respect to members
14 whose first participating service occurs on or
15 after November 1, 2011, or with respect to
16 members whose first participating service occurs
17 on or after November 1, 2011, reaches a minimum
18 age of sixty (60) years and who also reaches a
19 normal retirement date pursuant to subparagraph c
20 of this paragraph,

21 (b) for any person who initially became a member prior to
22 July 1, 1992, and who does not reach a normal
23 retirement date pursuant to division (1) of
24 subparagraph (a) of this paragraph, the first day of

1 the month coinciding with or following the date at
2 which the sum of a member's age and number of years of
3 credited service total eighty (80); such a normal
4 retirement date will also apply to any person who
5 became a member of the sending system as defined in
6 Section 901 et seq. of this title, prior to July 1,
7 1992, regardless of whether there were breaks in
8 service after July 1, 1992,

9 (c) for any person who became a member after June 30,
10 1992, but prior to November 1, 2011, and who does not
11 reach a normal retirement date pursuant to division
12 (1) of subparagraph (a) of this paragraph, the first
13 day of the month coinciding with or following the date
14 at which the sum of a member's age and number of years
15 of credited service total ninety (90),

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

20 (i) a correctional or probation and parole officer
21 with the Department of Corrections and at the
22 time of retirement, the member was a correctional
23 or probation and parole officer with the
24 Department of Corrections, or

1 (ii) a correctional officer, probation and parole
2 officer or fugitive apprehension agent with the
3 Department of Corrections who is in such position
4 on June 30, 2004, or who is hired after June 30,
5 2004, and who receives a promotion or change in
6 job classification after June 30, 2004, to
7 another position in the Department of
8 Corrections, so long as such officer or agent has
9 at least five (5) years of service as a
10 correctional officer, probation and parole
11 officer or fugitive apprehension agent with the
12 Department, has twenty (20) years of full-time-
13 equivalent employment with the Department and was
14 employed by the Department at the time of
15 retirement, or

16 (iii) a firefighter with the Oklahoma Military
17 Department either employed for the first time on
18 or after July 1, 2002, or who was employed prior
19 to July 1, 2002, in such position and who makes
20 the election authorized by division (2) of
21 subparagraph b of paragraph (9) of subsection A
22 of Section 915 of this title and at the time of
23 retirement, the member was a firefighter with the
24 Oklahoma Military Department, and such member has

1 at least twenty (20) years of credited service
2 upon which the two and one-half percent (2 1/2%)
3 multiplier will be used in calculating the
4 retirement benefit, or

5 (iv) a public safety officer employed by the Grand
6 River Dam Authority for the first time on or
7 ~~after the effective date of this act~~ July 1,
8 2016, or

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

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

21 (f) for any member who was continuously employed by an
22 entity or institution within The Oklahoma State System
23 of Higher Education and whose initial employment with
24 such entity or institution was prior to July 1, 1992,

1 and who without a break in service of more than thirty
2 (30) days became employed by an employer participating
3 in the Oklahoma Public Employees Retirement System,
4 the first day of the month coinciding with or
5 following the date at which the sum of the member's
6 age and number of years of credited service total
7 eighty (80);

8 (25) "Participating employer" means an eligible employer who
9 has agreed to make contributions to the System on behalf of its
10 employees;

11 (26) "Participating service" means the period of employment
12 after the entry date for which credit is granted a member;

13 (27) "Prior service" means the period of employment of a member
14 by an eligible employer prior to the member's entry date for which
15 credit is granted a member under Section 901 et seq. of this title;

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

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

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

4 (31) "Social Security" means the old-age survivors and
5 disability section of the Federal Social Security Act;

6 (32) "Total disability" means a physical or mental disability
7 accepted for disability benefits by the Federal Social Security
8 System;

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

13 (34) "Elected official" means a person elected to a state
14 office in the legislative or executive branch of state government or
15 a person elected to a county office for a definite number of years
16 and shall include an individual who is appointed to fill the
17 unexpired term of an elected state official;

18 (35) "Elected service" means the period of service as an
19 elected official;

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

23 (37) "Public safety officers of the Grand River Dam Authority"
24 means those persons hired by the Grand River Dam Authority on or

1 after the effective date of this act who are certified by the
2 Council on Law Enforcement Education and Training or an equivalent
3 certifying entity for law enforcement personnel training and who
4 perform law enforcement functions as part of their regularly
5 assigned duties and responsibilities on a full-time basis. With
6 respect to any public safety officer hired by the Grand River Dam
7 Authority on or after the effective date of this act, any earned
8 benefits or credits toward retirement benefits from previous
9 participation within the Oklahoma Public Employees Retirement System
10 or the Oklahoma Law Enforcement Retirement System shall remain
11 within that system.

12 SECTION 2. AMENDATORY 74 O.S. 2011, Section 915, as last
13 amended by Section 3, Chapter 21, O.S.L. 2018 (74 O.S. Supp. 2019,
14 Section 915), is amended to read as follows:

15 Section 915. A. (1) Except as otherwise provided in this
16 subsection and as provided for elected officials in Section 913.4 of
17 this title, any member who shall retire on or after the member's
18 normal retirement date shall be entitled to receive an annual
19 retirement benefit equal to two percent (2%) of the member's final
20 average compensation as determined pursuant to paragraph (18) of
21 Section 902 of this title, multiplied by the number of years of
22 credited service that has been credited to the member in accordance
23 with the provisions of Section 913 of this title other than years
24 credited pursuant to paragraph (2) of this subsection.

1 (2) Effective January 1, 2004, except as otherwise provided for
2 elected officials in Section 913.4 of this title and except for
3 those members making contributions pursuant to paragraphs (c), (d)
4 ~~and,~~ (e) and (f) of subsection (1) of Section 919.1 of this title,
5 any member who shall retire shall be entitled to receive an annual
6 retirement benefit equal to two and one-half percent (2 1/2%) of the
7 member's final average compensation as determined pursuant to
8 paragraph (18) of Section 902 of this title, multiplied by the
9 number of full years of participating service after January 1, 2004,
10 that have been credited to the member in accordance with the
11 provisions of Section 913 of this title and only for those full
12 years of participating service for which contributions have been
13 made pursuant to paragraph ~~(f)~~ (g) of subsection (1) of Section
14 919.1 of this title. The two and one-half percent (2 1/2%)
15 multiplier shall not apply to purchased service, purchased or
16 granted military service or transferred service. In order to
17 receive the two and one-half percent (2 1/2%) multiplier in
18 computing retirement benefits, an active member shall make an
19 irrevocable written election to pay the contributions pursuant to
20 paragraph ~~(f)~~ (g) of subsection (1) of Section 919.1 of this title.
21 The two and one-half percent (2 1/2%) multiplier pursuant to this
22 paragraph shall not apply to additional years of service credit
23 attributed to sick leave pursuant to paragraph 7 of subsection B of
24 Section 913 of this title and fractional years pursuant to

1 subsection C of Section 913 of this title and shall be attributable
2 only to the participating service credited after the election of the
3 member.

4 (3) The minimum final average compensation for any person who
5 becomes a member of the System on or after July 1, 1995:

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

10 b. and who had at least fifteen (15) but not more than
11 nineteen (19) years of credited service within the
12 System as of the member's retirement date shall be no
13 less than Six Thousand Nine Hundred Dollars
14 (\$6,900.00) per annum,

15 c. and who had less than fifteen (15) years of credited
16 service within the System as of the member's
17 retirement date shall not be eligible for any minimum
18 amount of final average compensation and the member's
19 final average compensation shall be the final average
20 compensation as defined by paragraph (18) of Section
21 902 of this title.

22 (4) Provided, further, any member who has elected a vested
23 benefit pursuant to Section 917 of this title shall be entitled to
24 receive benefits as outlined in this section except the percent

1 factor and the member's maximum compensation level in effect the
2 date the member's employment was terminated with a participating
3 employer shall be applicable.

4 (5) Any member who is a correctional officer or a probation and
5 parole officer employed by the Department of Corrections at the time
6 of retirement and who retires on or before June 30, 2000, shall be
7 entitled to receive an annual retirement benefit equal to two and
8 one-half percent (2 1/2%) of the final average compensation of the
9 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and
10 two percent (2%) of the final average salary in excess of Twenty-
11 five Thousand Dollars (\$25,000.00) but not exceeding the maximum
12 compensation level as provided in paragraph (9) of Section 902 of
13 this title, multiplied by the number of years of service as a
14 correctional officer or a probation and parole officer, provided,
15 any years accrued prior to July 1, 1990, as a correctional officer
16 or a probation and parole officer by a member who is employed as a
17 correctional officer or a probation and parole officer on July 1,
18 1990, shall be calculated for retirement purposes at two and one-
19 quarter percent (2 1/4%) of the final average compensation of the
20 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and
21 two percent (2%) of the final average salary in excess of Twenty-
22 five Thousand Dollars (\$25,000.00) but not exceeding the maximum
23 compensation level as provided in paragraph (9) of Section 902 of
24 this title, multiplied by the number of years of such service and

1 any years in excess of twenty (20) years as such an officer or years
2 credited to the member in accordance with the provisions of Section
3 913 of this title shall be calculated for retirement purposes at two
4 percent (2%) of the final average compensation of the member
5 multiplied by the number of years of such service. Any person who
6 contributes to the System as a correctional officer or a probation
7 and parole officer as provided in paragraph (c) of subsection (1) of
8 Section 919.1 of this title, on or before June 30, 2000, but who
9 does not make such contributions after June 30, 2000, and who does
10 not qualify for normal retirement under subparagraph (c) of
11 paragraph (24) of Section 902 of this title shall have retirement
12 benefits for each year of full-time-equivalent participating service
13 as a correctional or a probation and parole officer after July 1,
14 1990, computed on two and one-half percent (2 1/2%) of the final
15 average compensation based upon those years as a correctional
16 officer or a probation and parole officer. Provided, further, any
17 fugitive apprehension agent shall be entitled to receive benefits as
18 outlined in this act for service as a fugitive apprehension agent
19 prior to July 1, 2002, only upon payment to the System of the
20 employee contributions which would have been paid if such fugitive
21 apprehension agent had been covered by this section prior to the
22 effective date of this act, plus interest of not to exceed ten
23 percent (10%) as determined by the Board. The Department of
24

1 Corrections may make the employee contribution and interest payment
2 on behalf of such member.

3 (6) Any member who is a correctional officer, a probation and
4 parole officer or a fugitive apprehension agent employed by the
5 Department of Corrections at the time of retirement and who retires
6 on or after July 1, 2002, shall be entitled to receive an annual
7 retirement benefit equal to two and one-half percent (2 1/2%) of the
8 final average compensation of the member, but not exceeding the
9 maximum compensation level as provided in paragraph (18) of Section
10 902 of this title, multiplied by the number of years of service as a
11 correctional officer, a probation and parole officer or a fugitive
12 apprehension agent, and any years in excess of twenty (20) years as
13 such an officer or agent, or years credited to the member in
14 accordance with the provisions of Section 913 of this title, shall
15 be calculated for retirement purposes at two percent (2%) of the
16 final average compensation of the member multiplied by the number of
17 years of such service. For purposes of this paragraph, "final
18 average compensation" shall be determined by computing the average
19 annual salary, in the manner prescribed by paragraph (18) of Section
20 902 of this title, for the highest three (3) years of the last ten
21 (10) years of participating service immediately preceding retirement
22 or termination of employment for all years of service performed by
23 such member, both for years of service performed as a correctional
24 officer, probation and parole officer or fugitive apprehension

1 agent, not in excess of twenty (20) years, and for years of service
2 performed in excess of twenty (20) years, whether as a correctional
3 officer, probation and parole officer, fugitive apprehension agent
4 or other position unless the computation of benefits would result in
5 a lower retirement benefit amount than if final average compensation
6 were to be computed as otherwise provided by this paragraph. "Final
7 average compensation" shall be determined by computing the average
8 annual salary for the highest five (5) of the last ten (10) years of
9 participating service immediately preceding retirement or
10 termination of employment, with respect to members whose first
11 participating service occurs on or after July 1, 2013.

12 (7) Any member who is a correctional officer, a probation and
13 parole officer or a fugitive apprehension agent who has at least
14 five (5) years of service as a correctional officer, a probation and
15 parole officer or a fugitive apprehension agent who is in such
16 position on June 30, 2004, or who is hired after June 30, 2004, in
17 such position, and who receives a promotion or change in job
18 classification after June 30, 2004, to another position in the
19 Department of Corrections, and who is employed by the Department of
20 Corrections at the time of retirement and who retires on or after
21 July 1, 2004, shall be entitled to receive an annual retirement
22 benefit equal to two and one-half percent (2 1/2%) of the final
23 average compensation of the member, but not exceeding the maximum
24 compensation level as provided in paragraph (18) of Section 902 of

1 this title, multiplied by the number of years of service with the
2 Department of Corrections and any years in excess of twenty (20)
3 years with the Department or years credited to the member in
4 accordance with the provisions of Section 913 of this title, shall
5 be calculated for retirement purposes at two percent (2%) of the
6 final average compensation of the member multiplied by the number of
7 years of such service. For purposes of this paragraph, "final
8 average compensation" shall be determined by computing the average
9 annual salary, in the manner prescribed by paragraph (18) of Section
10 902 of this title, for the highest three (3) years of the last ten
11 (10) years of participating service immediately preceding retirement
12 or termination of employment for all years of service performed by
13 such member with the Department. "Final average compensation" shall
14 be determined by computing the average annual salary for the highest
15 five (5) of the last ten (10) years of participating service
16 immediately preceding retirement or termination of employment, with
17 respect to members whose first participating service occurs on or
18 after July 1, 2013.

19 (8) Any person who contributed to the System as a correctional
20 officer, a probation and parole officer or a fugitive apprehension
21 agent as provided in paragraphs (b) or (c) of subsection (1) of
22 Section 919.1 of this title, and who retires under normal retirement
23 or early retirement on or after January 1, 2004, under paragraph
24 (24) of Section 902 of this title, and any public safety officer

1 described by paragraph (37) of Section 902 of this title hired on or
2 after the effective date of this act by the Grand River Dam
3 Authority and who retires on or after the effective date of this
4 act, shall have retirement benefits for each year of full-time-
5 equivalent participating service as a correctional officer, a
6 probation and parole officer or a fugitive apprehension agent, or
7 Grand River Dam public safety officer computed on two and one-half
8 percent (2 1/2%) of the final average compensation based upon those
9 years as a correctional officer, a probation and parole officer, a
10 fugitive apprehension agent or a Grand River Dam public safety
11 officer. For purposes of this paragraph, "final average
12 compensation" shall be determined by computing the average annual
13 salary, in the manner prescribed by paragraph (18) of Section 902 of
14 this title, for the highest three (3) years of the last ten (10)
15 years of participating service immediately preceding retirement or
16 termination of employment for all years of service performed by such
17 member, both for years of service performed as a correctional
18 officer, probation and parole officer or fugitive apprehension
19 agent, or years of service performed as a Grand River Dam public
20 safety officer, not in excess of twenty (20) years, and for years of
21 service performed in excess of twenty (20) years, whether as a
22 correctional officer, probation and parole officer, fugitive
23 apprehension agent, Grand River Dam public safety officer, or other
24 position unless the computation of benefits would result in a lower

1 retirement benefit amount than if final average compensation were to
2 be computed as otherwise provided by this paragraph. "Final average
3 compensation" shall be determined by computing the average annual
4 salary for the highest five (5) of the last ten (10) years of
5 participating service immediately preceding retirement or
6 termination of employment, with respect to members whose first
7 participating service occurs on or after July 1, 2013, or with
8 respect to Grand River Dam public safety officers whose first
9 participating service occurs on or after the effective date of this
10 act.

11 (9) Any member who is:

12 a. initially on or after July 1, 2002, employed as a
13 firefighter for the Oklahoma Military Department and
14 who retires on or after the member's normal retirement
15 date shall be entitled to receive an annual retirement
16 benefit equal to two and one-half percent (2 1/2%) of
17 the final average compensation of the member
18 multiplied by the number of years of service in such
19 service,

20 b. (1) a firefighter who performs firefighting services
21 for the Oklahoma Military Department prior to
22 July 1, 2002, and who makes an election in
23 writing on a form prescribed for this purpose by
24 the System not later than December 31, 2002,

1 shall be entitled to receive a retirement benefit
2 based upon two and one-half percent (2 1/2%) of
3 the final average compensation of the member
4 multiplied by the number of years of service as a
5 firefighter with the Oklahoma Military Department
6 on or after July 1, 2002. The election
7 authorized by this subdivision shall be
8 irrevocable once the election is filed with the
9 System,

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

1 based upon the two and one-half percent (2 1/2%)
2 multiplier upon payment being made pursuant to
3 Section 913.5 of this title.

4 (10) Any person who contributes to the System as a deputy
5 sheriff or county jailer as provided in paragraph (f) of subsection
6 (1) of Section 919.1 of this title, and who retires under normal
7 retirement or early retirement under division (v) of subparagraph
8 (d) of paragraph (24) of Section 902 of this title, shall have
9 retirement benefits for each year of full-time-equivalent
10 participating service as a deputy sheriff or county jailer computed
11 on two and one-half percent (2 1/2%) of the final average
12 compensation based upon those years as a deputy sheriff or county
13 jailer, and any years in excess of twenty (20) years as a deputy
14 sheriff or county jailer, or years credited to the member in
15 accordance with the provisions of Section 913 of this title, shall
16 be calculated for retirement purposes at two percent (2%) of the
17 final average compensation of the member multiplied by the number of
18 years of such service. For purposes of this paragraph, "final
19 average compensation" shall be determined by computing the average
20 annual salary, in the manner prescribed by paragraph (18) of Section
21 902 of this title, both for years of service performed as a deputy
22 sheriff or county jailer not in excess of twenty (20) years, and for
23 years of service performed in excess of twenty (20) years, whether
24 as a deputy sheriff or county jailer.

1 (11) Upon death of a retirant, there shall be paid to his
2 beneficiary an amount equal to the excess, if any, of his
3 accumulated contributions over the sum of all retirement benefit
4 payments made.

5 ~~(11)~~ (12) Such annual retirement benefits shall be paid in
6 equal monthly installments, except that the Board may provide for
7 the payment of retirement benefits which total less than Two Hundred
8 Forty Dollars (\$240.00) a year on other than a monthly basis.

9 ~~(12)~~ (13) Pursuant to the rules established by the Board, a
10 retiree receiving monthly benefits from the System may authorize
11 warrant deductions for any products currently offered to active
12 state employees through the Employees Benefits Council, provided
13 that product is offered to state retirees as a group and has a
14 minimum participation of five hundred state retirees. The System
15 has no responsibility for the marketing, enrolling or administration
16 of such products, but shall retain a processing fee of two percent
17 (2%) of the gross deductions for the products. Retirement benefit
18 deductions shall be made for membership dues for any statewide
19 association for which payroll deductions are authorized pursuant to
20 subsection B of Section 34.70 of Title 62 of the Oklahoma Statutes
21 for retired members of any state-supported retirement system, upon
22 proper authorization given by the member to the board from which the
23 member or beneficiary is currently receiving retirement benefits.

24

1 B. A member shall be considered disabled if such member
2 qualifies for the payment of Social Security disability benefits, or
3 the payment of benefits pursuant to the Railroad Retirement Act of
4 1974, Section 231 et seq. of Title 45 of the United States Code, and
5 shall be eligible for benefits hereunder upon proof of such
6 disability, provided such member is an active regularly scheduled
7 employee with a participating employer at the time of injury or
8 inception of illness or disease resulting in subsequent
9 certification of eligibility for Social Security disability benefits
10 by reason of such injury, illness or disease, providing such
11 disability is certified by the Social Security Administration within
12 one (1) year after the last date physically on the job and after
13 completion of at least eight (8) years of participating service or
14 combined prior and participating service or resulting in subsequent
15 certification of eligibility of disability by the Railroad
16 Retirement Board providing such certification is made by the
17 Railroad Retirement Board within one (1) year after the last date
18 physically on the job and after completion of at least eight (8)
19 years of participating service or combined prior and participating
20 service. The member shall submit to the Retirement System the
21 Social Security Award Notice or the Railroad Retirement Award Notice
22 certifying the date of entitlement for disability benefits, as
23 issued by the Social Security Administration, Department of Health
24 and Human Services or the Railroad Retirement Board. Disability

1 benefits shall become effective on the date of entitlement as
2 established by the Social Security Administration or the Railroad
3 Retirement Board, but not before the first day of the month
4 following removal from the payroll, whichever is later, and final
5 approval by the Retirement System. Benefits shall be based upon
6 length of service and compensation as of the date of disability,
7 without actuarial reduction because of commencement prior to the
8 normal retirement date. The only optional form of benefit payment
9 available for disability benefits is Option A as provided for in
10 Section 918 of this title. Option A must be elected in accordance
11 with the provisions of Section 918 of this title. Benefit payments
12 shall cease upon the member's recovery from disability prior to the
13 normal retirement date. Future benefits, if any, shall be paid
14 based upon length of service and compensation as of the date of
15 disability. In the event that disability ceases and the member
16 returns to employment within the System credited service to the date
17 of disability shall be restored, and future benefits shall be
18 determined accordingly.

19 C. A member who incurred a disability pursuant to subsection B
20 of this section on or after July 1, 1999, and who has retired from
21 the System with an early retirement benefit pending certification
22 from the Social Security Administration or the Railroad Retirement
23 Board shall receive a retirement benefit not less than the
24 disability retirement benefit provided by subsection B of this

1 section once the System receives a Social Security Award Notice or a
2 Railroad Retirement Award Notice pursuant to subsection B of this
3 section and a completed Application for Disability Benefits. In
4 addition, such member shall receive the difference, if any, between
5 the early retirement benefit and the disability benefit from the
6 date the Social Security Administration or the Railroad Retirement
7 Board establishes disability entitlement.

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

20 SECTION 3. AMENDATORY 74 O.S. 2011, Section 916.3, is
21 amended to read as follows:

22 Section 916.3 A. Notwithstanding the provisions of Sections
23 901 through 932 of this title, a monthly pension, as provided in
24 subsection B of this section, shall be paid on behalf of any member

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

7 The monthly pension described in this section shall be paid on
8 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 B. The monthly benefit shall be equal to:

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

15 2. Multiplied by twenty (20) years of service, regardless of
16 the actual number of years of credited service performed by the
17 member prior to death, if the member had performed less than twenty
18 (20) years of credited service, or the actual number of years of
19 credited service of the member if greater than twenty (20) years;

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

21 4. Divided by 12.

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

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

3 2. If there is no surviving spouse or upon the death of the
4 surviving spouse:

5 a. to the surviving child or children of said member or
6 legal guardian of such child or children for such time
7 as such child or children are under the age of
8 eighteen (18) years, or

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

14 D. No surviving spouse shall receive benefits from this
15 section, Section 49-113 of Title 11 of the Oklahoma Statutes,
16 Section 50-117 of Title 11 of the Oklahoma Statutes, or Section 2-
17 306 of Title 47 of the Oklahoma Statutes as the surviving spouse of
18 more than one member of the Oklahoma Firefighters Pension and
19 Retirement System, the Oklahoma Police Pension and Retirement
20 System, the Oklahoma Law Enforcement Retirement System, or the
21 Oklahoma Public Employees Retirement System. The surviving spouse
22 of more than one member shall elect which member's benefits he or
23 she will receive.

24

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

13 F. The pension benefit provided in this section shall be made
14 prospectively only from the effective date of this act. The
15 benefits shall be payable beginning the later of the first day of
16 the month following the date that such employee was killed or dies
17 from a mortal wound, as provided in this section, or the effective
18 date of this act.

19 G. The Board of the Oklahoma Public Employees Retirement System
20 shall promulgate such rules as are necessary to implement the
21 provisions of this section.

22 SECTION 4. AMENDATORY 74 O.S. 2011, Section 919.1, as
23 amended by Section 22, Chapter 297, O.S.L. 2016 (74 O.S. Supp. 2019,
24 Section 919.1), is amended to read as follows:

1 Section 919.1 (1) Employee contributions to the System shall
2 be:

3 (a) for employees except as otherwise provided in
4 paragraphs (b), (c), (d), (e), ~~and (f)~~ and (g) of this
5 subsection: beginning July 1, 2006, and thereafter,
6 three and one-half percent (3.5%) of allowable annual
7 compensation;

8 (b) for correctional officers and probation and parole
9 officers employed by the Department of Corrections:
10 beginning July 1, 1998, and thereafter, and for
11 correctional officers or probation and parole officers
12 who are in such position on June 30, 2004, or who are
13 hired after June 30, 2004, and who receive a promotion
14 or change in job classification after June 30, 2004,
15 to another position in the Department of Corrections,
16 so long as such officers have at least five (5) years
17 of service as a correctional officer or probation and
18 parole officer, eight percent (8%) of allowable
19 compensation as provided in paragraph (9) of Section
20 902 of this title;

21 (c) for fugitive apprehension agents who are employed with
22 the Department of Corrections on or after July 1,
23 2002, and for fugitive apprehension agents who are in
24 such position on June 30, 2004, or who are hired after

1 June 30, 2004, and who receive a promotion or change
2 in job classification after June 30, 2004, to another
3 position in the Department of Corrections, so long as
4 such agents have at least five (5) years of service as
5 a fugitive apprehension agent, eight percent (8%) of
6 allowable compensation as provided in paragraph (9) of
7 Section 902 of this title;

8 (d) for firefighters of the Oklahoma Military Department
9 first employed beginning July 1, 2002, and thereafter,
10 and such firefighters who performed service prior to
11 July 1, 2002, for the Oklahoma Military Department and
12 who make the election authorized by division (1) of
13 subparagraph b of paragraph (9) of subsection A of
14 Section 915 of this title who perform service on or
15 after July 1, 2002, in such capacity, eight percent
16 (8%) of allowable compensation as provided in
17 subsection (9) of Section 902 of this title;

18 (e) for all public safety officers of the Grand River Dam
19 Authority as defined by paragraph (37) of Section 902
20 of this title, eight percent (8%) of allowable
21 compensation as provided in paragraph (9) of Section
22 902 of this title; ~~and~~

23 (f) for deputy sheriffs and county jailers employed by any
24 county that is a participating employer in the System

1 for the first time as a deputy sheriff or jailer on or
2 after November 1, 2020, eight percent (8%) of
3 allowable compensation as provided in paragraph (9) of
4 Section 902 of this title; and

5 (g) for all employees except those who make contributions
6 pursuant to paragraphs (b), (c), (d), ~~and~~ (e) and (f)
7 of this subsection who make an irrevocable written
8 election pursuant to paragraph (2) of subsection A of
9 Section 915 of this title: six and forty-one one-
10 hundredths percent (6.41%) of allowable annual
11 compensation.

12 The contributions required by paragraphs (b), (c), ~~and~~ (e), and
13 (f) of this subsection shall be made by a member for not more than
14 twenty (20) years and thereafter shall be as provided in paragraph
15 (a) of this subsection.

16 (2) Contributions shall be deducted by each state agency by the
17 participating employer for such benefits as the Board is authorized
18 to administer as provided for by law. Employee and employer
19 contributions shall be remitted monthly, or as the Board may
20 otherwise provide, to the Executive Director for deposit in the
21 Oklahoma Public Employees Retirement Fund.

22 (3) Each participating employer shall pick up under the
23 provisions of Section 414(h)(2) of the Internal Revenue Code of 1986
24 and pay the contribution which the member is required by law to make

1 to the System for all compensation earned after December 31, 1988.
2 Although the contributions so picked up are designated as member
3 contributions, such contributions shall be treated as contributions
4 being paid by the participating employer in lieu of contributions by
5 the member in determining tax treatment under the Internal Revenue
6 Code of 1986 and such picked up contributions shall not be
7 includable in the gross income of the member until such amounts are
8 distributed or made available to the member or the beneficiary of
9 the member. The member, by the terms of this System, shall not have
10 any option to choose to receive the contributions so picked up
11 directly and the picked up contributions must be paid by the
12 participating employer to the System.

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

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

22 (4) By September 1, 1989, the System shall refund the
23 accumulated employee contributions of any member who elects to
24 retain the member's membership in the Teachers' Retirement System of

1 Oklahoma, in accordance with Section 17-104 of Title 70 of the
2 Oklahoma Statutes, to such member. Upon the refund of the
3 accumulated employee contributions referred to in this subsection,
4 all benefits and rights accrued to such member are terminated.

5 SECTION 5. AMENDATORY 74 O.S. 2011, Section 920A, is
6 amended to read as follows:

7 Section 920A. A. Any county, county hospital, city or town,
8 conservation district, circuit engineering district or any public or
9 private trust in which a county, city or town participates and is
10 the primary beneficiary, which is a participating employer and any
11 eligible employee shall contribute to the System. The total
12 employer and employee contributions shall be based on the allowable
13 annual compensation as defined in paragraph (9) of Section 902 of
14 this title. Except as provided for in this section, the employer
15 shall not pay for the employee any of the employee contribution to
16 the System.

17 B. For the fiscal year ending June 30, 2005, the total employer
18 and employee contributions shall equal thirteen and one-half percent
19 (13 1/2%) of the allowable monthly compensation of each member;
20 provided, however, each participating employer listed in this
21 section may set the amount of the employer and employee contribution
22 to equal thirteen and one-half percent (13 1/2%) of the allowable
23 monthly compensation of each member for compensation as provided in
24 paragraph (9) of Section 902 of this title; provided, the employer

1 contribution shall not exceed ten percent (10%) and the employee
 2 contribution shall not exceed eight and one-half percent (8 1/2%).

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

6	July 1, 2005 - June 30, 2006	15%
7	July 1, 2006 - June 30, 2007	16%
8	July 1, 2007 - June 30, 2008	17%
9	July 1, 2008 - June 30, 2009	18%
10	July 1, 2009 - June 30, 2010	19%
11	July 1, 2010 - June 30, 2011	
12	and each fiscal year thereafter	20%

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

1 one-half percent (16 1/2%) and the employee shall contribute eight
2 percent (8%) for a total of twenty-four and one-half percent
3 (24 1/2%).

4 D. For members who make the election pursuant to paragraph (2)
5 of subsection A of Section 915 of this title, the employee
6 contribution shall increase by two and ninety-one one-hundredths
7 percent (2.91%). Such employee contribution increase shall be paid
8 by the employee.

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

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

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

11 SECTION 6. This act shall become effective November 1, 2020.

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