

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2487

By: Frix

AS INTRODUCED

An Act relating to public retirement systems; amending 74 O.S. 2011, Sections 902, as last amended by Section 1, Chapter 112, O.S.L. 2020 and 919.1, as last amended by Section 4, Chapter 112, O.S.L. 2020 (74 O.S. Supp. 2020, Sections 902 and 919.1), which relate to the Oklahoma Public Employees Retirement System; modifying definition; providing for employee contributions by the State Fire Marshal and other fire marshals; providing an effective date; and declaring an emergency.

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 1, Chapter 112, O.S.L. 2020 (74 O.S. Supp. 2020, 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 this act and as it may hereafter be amended;

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

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

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

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

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

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

16 (8) "Board" means the Oklahoma Public Employees Retirement
17 System Board of Trustees;

18 (9) "Compensation" means all salary and wages, as defined by
19 the Board of Trustees, including amounts deferred under deferred
20 compensation agreements entered into between a member and a
21 participating employer, but exclusive of payment for overtime,
22 payable to a member of the System for personal services performed
23 for a participating employer but shall not include compensation or
24

1 reimbursement for traveling, or moving expenses, or any compensation
2 in excess of the maximum compensation level, provided:

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

6 For compensation for service on or after January 1,
7 1988, through June 30, 1994, the maximum compensation
8 level shall be Forty Thousand Dollars (\$40,000.00) per
9 annum.

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

15 compensation level shall be Sixty Thousand Dollars
16 (\$60,000.00) per annum; for compensation for service
17 on or after July 1, 1996, through June 30, 1997, the
18 maximum compensation level shall be Seventy Thousand
19 Dollars (\$70,000.00) per annum; and for compensation
20 for service on or after July 1, 1997, through June 30,
21 1998, the maximum compensation level shall be Eighty
22 Thousand Dollars (\$80,000.00) per annum. For
23 compensation for services on or after July 1, 1998,
24

1 there shall be no maximum compensation level for
2 retirement purposes.

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

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

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

1 appointed to the Oklahoma Tax Commission after the
2 effective date of this act shall make such election,
3 pursuant to this subparagraph, within ninety (90) days
4 of taking office;

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

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

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

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

23 (a) If a class or several classes of employees of any
24 above-defined employers are covered by Social Security

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (e) Any employee employed by the Legislative Service
23 Bureau, State Senate or House of Representatives for
24 the full duration of a regular legislative session

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

- 18 (i) Except as otherwise provided by this
19 subparagraph, once a temporary session employee
20 makes a choice to participate or not, the choice
21 shall be binding for all future legislative
22 sessions during which the employee is employed.
- 23 (ii) Notwithstanding the provisions of division (i) of
24 this subparagraph, any employee, who is eligible

1 for membership in the System because of the
2 provisions of this subparagraph and who was
3 employed by the State Senate or House of
4 Representatives after January 1, 1989, may file
5 an election, in a manner specified by the Board,
6 to participate as a member of the System prior to
7 September 1, 1989.

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

20 (iv) A member of the System who did not initially
21 elect to participate as a member of the System
22 pursuant to this subparagraph shall be able to
23 acquire service performed as a temporary
24 legislative session employee for periods of

1 service performed prior to the date upon which
2 the person became a member of the System if:

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

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

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

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

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

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

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

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

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

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

17 (a) during the following periods, including the beginning
18 and ending dates, and only for the periods served,
19 from:

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

22 (ii) September 16, 1940, to December 7, 1941, as a
23 member of the 45th Division,
24

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

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

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

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

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

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

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

17 (b) for any person who initially became a member prior to
18 July 1, 1992, and who does not reach a normal
19 retirement date pursuant to division (1) of
20 subparagraph (a) of this paragraph, the first day of
21 the month coinciding with or following the date at
22 which the sum of a member's age and number of years of
23 credited service total eighty (80); such a normal
24 retirement date will also apply to any person who

1 became a member of the sending system as defined in
2 Section 901 et seq. of this title, prior to July 1,
3 1992, regardless of whether there were breaks in
4 service after July 1, 1992,

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

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

16 (i) a correctional or probation and parole officer
17 with the Department of Corrections and at the
18 time of retirement, the member was a correctional
19 or probation and parole officer with the
20 Department of Corrections, or

21 (ii) a correctional officer, probation and parole
22 officer or fugitive apprehension agent with the
23 Department of Corrections who is in such position
24 on June 30, 2004, or who is hired after June 30,

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

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

1 (iv) a public safety officer employed by the Grand
2 River Dam Authority for the first time on or July
3 1, 2016, or

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

8 (vi) effective July 1, 2021, the State Fire Marshal
9 and any other fire marshal employed by the State
10 Fire Marshal,

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

19 (f) for any member who was continuously employed by an
20 entity or institution within The Oklahoma State System
21 of Higher Education and whose initial employment with
22 such entity or institution was prior to July 1, 1992,
23 and who without a break in service of more than thirty
24 (30) days became employed by an employer participating

1 in the Oklahoma Public Employees Retirement System,
2 the first day of the month coinciding with or
3 following the date at which the sum of the member's
4 age and number of years of credited service total
5 eighty (80);

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

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

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

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

16 (29) "Retirement benefit" means a monthly income with benefits
17 accruing from the first day of the month coinciding with or
18 following retirement and ending on the last day of the month in
19 which death occurs or the actuarial equivalent thereof paid in such
20 manner as specified by the member pursuant to Section 901 et seq. of
21 this title or as otherwise allowed to be paid at the discretion of
22 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 919.1, as
13 last amended by Section 4, Chapter 112, O.S.L. 2020 (74 O.S. Supp.
14 2020, Section 919.1), is amended to read as follows:

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

17 (a) for employees except as otherwise provided in
18 paragraphs (b), (c), (d), (e), (f) and (g) of this
19 subsection: beginning July 1, 2006, and thereafter,
20 three and one-half percent (3.5%) of allowable annual
21 compensation;

22 (b) for correctional officers and probation and parole
23 officers employed by the Department of Corrections:
24 beginning July 1, 1998, and thereafter, and for

1 correctional officers or probation and parole officers
2 who are in such position on June 30, 2004, or who are
3 hired after June 30, 2004, and who receive a promotion
4 or change in job classification after June 30, 2004,
5 to another position in the Department of Corrections,
6 so long as such officers have at least five (5) years
7 of service as a correctional officer or probation and
8 parole officer, eight percent (8%) of allowable
9 compensation as provided in paragraph (9) of Section
10 902 of this title;

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

22 (d) for firefighters of the Oklahoma Military Department
23 first employed beginning July 1, 2002, and thereafter,
24 and such firefighters who performed service prior to

1 July 1, 2002, for the Oklahoma Military Department and
2 who make the election authorized by division (1) of
3 subparagraph b of paragraph (9) of subsection A of
4 Section 915 of this title who perform service on or
5 after July 1, 2002, in such capacity, eight percent
6 (8%) of allowable compensation as provided in
7 subsection (9) of Section 902 of this title;

8 (e) for all public safety officers of the Grand River Dam
9 Authority as defined by paragraph (37) of Section 902
10 of this title, eight percent (8%) of allowable
11 compensation as provided in paragraph (9) of Section
12 902 of this title;

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

19 (g) for the State Fire Marshal and any other person having
20 the title of fire marshal employed by the Office of
21 the State Fire Marshal, on or after July 1, 2021,
22 eight percent (8%) of allowable compensation as
23 provided in paragraph (9) of Section 902 of this
24 title; and

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

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

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

18 (3) Each participating employer shall pick up under the
19 provisions of Section 414(h)(2) of the Internal Revenue Code of 1986
20 and pay the contribution which the member is required by law to make
21 to the System for all compensation earned after December 31, 1988.
22 Although the contributions so picked up are designated as member
23 contributions, such contributions shall be treated as contributions
24 being paid by the participating employer in lieu of contributions by

1 the member in determining tax treatment under the Internal Revenue
2 Code of 1986 and such picked up contributions shall not be
3 includable in the gross income of the member until such amounts are
4 distributed or made available to the member or the beneficiary of
5 the member. The member, by the terms of this System, shall not have
6 any option to choose to receive the contributions so picked up
7 directly and the picked up contributions must be paid by the
8 participating employer to the System.

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

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

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

1 SECTION 3. This act shall become effective July 1, 2021.

2 SECTION 4. It being immediately necessary for the preservation
3 of the public peace, health or safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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7 58-1-6785 MAH 01/20/21

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January 20, 2021

Representative Avery Frix
Room 405.1

Re: RBH No. 6785

RBH No. 6785 includes the State Fire Marshall and any other fire marshall employee in the Hazardous benefit formula in OPERS.

RBH No. 6785 is a fiscal bill as defined by OPLAAA as a result of the amendment.

I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Thomas E. Cummins

Thomas E. Cummins, MAAA