

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 631

By: Garvin

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Law Enforcement Retirement System; amending 47 O.S. 2021, Section 2-305, as last amended by Section 9, Chapter 151, O.S.L. 2023 (47 O.S. Supp. 2023, Section 2-305), which relates to retirement and retirement pay; reinstating certain annual retirement pay for certain members; amending 62 O.S. 2021, Section 3103, as last amended by Section 1, Chapter 306, O.S.L. 2022 (62 O.S. Supp. 2023, Section 3101), which relates to the Oklahoma Pension Legislation Actuarial Analysis Act; modifying definition; updating statutory language; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-305, as last amended by Section 9, Chapter 151, O.S.L. 2023 (47 O.S. Supp. 2023, Section 2-305), is amended to read as follows:

Section 2-305. A. Except as otherwise provided in this title, at any time after attaining normal retirement date, any member of the Oklahoma Law Enforcement Retirement System, upon application for unreduced retirement benefits made and approved, may retire, and, during the remainder of the member's lifetime, receive annual

1 retirement pay, payable in equal monthly payments, equal to two and
2 one-half percent (2 1/2%) of the final average salary times years of
3 credited service. If such retired member is reemployed by a state
4 agency in a position which is not covered by the System, such
5 retired member shall continue to receive in-service distributions
6 from the System. Prior to September 19, 2002, if such retired
7 member was reemployed by a state agency in a position which is
8 covered by the System, such member shall continue to receive in-
9 service distributions from the System and shall not accrue any
10 further credited service. If such a member is reemployed by a state
11 agency in a position which is covered by the System on or after
12 September 19, 2002, such member's monthly retirement payments shall
13 be suspended until such member retires and is not reemployed by a
14 state agency in a position which is covered by the System.

15 B. Beginning July 1, 1994, members who retired or were eligible
16 to retire prior to July 1, 1980, or their surviving spouses shall
17 receive annual retirement pay, payable in equal monthly payments,
18 equal to the greater of their current retirement pay, or two and
19 one-half percent (2 1/2%) of the actual paid gross salary being
20 currently paid to a highway patrol officer, at the time each such
21 monthly retirement payment is made, multiplied by the retired
22 member's years of credited service.

23 C. Except as otherwise provided by this subsection, members of
24 the System whose salary is set by statute who have retired after

1 completion of the mandatory twenty (20) years of service, and those
2 members with statutory salaries who retire after reaching the
3 mandatory twenty-year retirement shall receive an annual retirement
4 pay, payable in equal monthly installments, based upon the greater
5 of either:

6 1. The top base salary currently paid to the highest
7 nonsupervisory position in the participating agency at the time each
8 such monthly retirement payment is made, limited to the annual
9 salary limit of the Economic Growth and Tax Relief Reconciliation
10 Act of 2001, as described in paragraph 9 of Section 2-300 of this
11 title, multiplied by two and one-half percent (2 1/2%), multiplied
12 by the number of years of credited service and fraction thereof for
13 the following positions:

- 14 a. Oklahoma Highway Patrolman,
- 15 b. Communications Dispatcher,
- 16 c. Capitol Patrolman,
- 17 d. ~~Lake~~ Marine Enforcement Patrolman, and
- 18 e. Oklahoma State Bureau of Investigation - Special Agent
19 or Criminalist; or

20 2. The member's final average salary as set forth in paragraph
21 9 of Section 2-300 of this title, multiplied by two and one-half
22 percent (2 1/2%), and multiplied by the number of years of credited
23 service and fraction thereof.

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

4 The provisions of paragraph 1 of this subsection shall ~~not be~~
5 ~~applicable to any member whose first participating service with the~~
6 ~~System occurs on or after November 1, 2012, except for include those~~
7 members who died in the performance of their duties pursuant to
8 Section 2-306 of this title.

9 D. Other members of the System whose retirement benefit is not
10 otherwise prescribed by this section who have retired after
11 completion of the mandatory twenty (20) years of service, and those
12 members who retire after reaching the mandatory twenty-year
13 retirement, shall receive an annual retirement pay, payable in equal
14 monthly payments, based upon the greater of either:

15 1. The actual average salary currently paid to the highest
16 nonsupervisory position in the participating agency at the time each
17 such monthly payment is made, limited to the annual salary limit of
18 the Economic Growth and Tax Relief Reconciliation Act of 2001, as
19 described in paragraph 9 of Section 2-300 of this title, multiplied
20 by two and one-half percent (2 1/2%), multiplied by the number of
21 years of credited service and fraction thereof for the following
22 positions:

- 23 a. Alcoholic Beverage Laws Enforcement Commission - ABLE
24 Commission Agent III,

- 1 b. Oklahoma State Bureau of Narcotics and Dangerous Drugs
2 Control - Narcotics Agent III,
3 c. Oklahoma Tourism and Recreation Department - Park
4 Ranger II,
5 d. State Board of Pharmacy - Pharmacy Inspector,
6 e. University of Oklahoma - Police Officer, and
7 f. Oklahoma State University - Police Officer; or

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

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

19 The provisions of paragraph 1 of this subsection shall ~~not be~~
20 ~~applicable to any member whose first participating service with the~~
21 ~~System occurs on or after May 24, 2013, except for include those~~
22 members who died in the performance of their duties pursuant to
23 Section 2-306 of this title.
24

1 E. A member who meets the definition of disability as defined
2 in paragraph 11 of Section 2-300 of this title by direct reason of
3 the performance of the member's duties as an officer shall receive a
4 monthly benefit equal to:

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

6 2. Multiplied by:

7 a. twenty (20) years of credited service, if the member
8 had performed less than twenty (20) years of credited
9 service, notwithstanding the actual number of years of
10 credited service performed by the member prior to the
11 date of disability, or

12 b. the actual number of years of credited service and
13 fraction thereof performed by the member prior to the
14 date of disability, if the member had performed twenty
15 (20) or more years of credited service;

16 3. Multiplied by the greater of subparagraph a of this
17 paragraph and division 1 of subparagraph b of this paragraph or
18 division 2 of subparagraph b of this paragraph, as applicable:

19 a. the final average salary of the member, as set forth
20 in paragraph 9 of Section 2-300 of this title, and

21 b. (1) the top base salary currently paid to the highest
22 nonsupervisory position in the participating
23 agency of the member at the time each monthly
24 payment is made, limited to the annual salary

1 limit of the Economic Growth and Tax Relief
2 Reconciliation Act of 2001 described in paragraph
3 9 of Section 2-300 of this title, for the
4 following positions:

- 5 (a) Oklahoma Highway Patrolman,
- 6 (b) Communications Dispatcher,
- 7 (c) Capitol Patrolman,
- 8 (d) ~~Lake~~ Marine Enforcement Patrolman, and
- 9 (e) Oklahoma State Bureau of Investigation -
10 Special Agent or Criminalist~~r~~.

11 Provided, the participating employer must certify to
12 the System in writing the top base salary
13 currently paid to the highest nonsupervisory
14 position for division (1) of subparagraph b of
15 this paragraph, or

- 16 (2) the actual average salary currently paid to the
17 highest nonsupervisory position in the
18 participating agency of the member at the time
19 each monthly payment is made, limited to the
20 annual salary limit of the Economic Growth and
21 Tax Relief Reconciliation Act of 2001, described
22 in paragraph 9 of Section 2-300 of this title,
23 for the following positions:

- 1 (a) Alcoholic Beverage Laws Enforcement (ABLE)
- 2 Commission - ABLE Commission Agent III,
- 3 (b) Oklahoma State Bureau of Narcotics and
- 4 Dangerous Drugs Control - Narcotics Agent
- 5 III,
- 6 (c) Oklahoma Tourism and Recreation Department -
- 7 Park Ranger II,
- 8 (d) State Board of Pharmacy - Pharmacy
- 9 Inspector,
- 10 (e) University of Oklahoma - Police Officer, and
- 11 (f) Oklahoma State University - Police Officer7.

12 Provided, the participating employer must certify to the System
13 in writing the actual average gross salary currently paid to the
14 highest nonsupervisory position for division (2) of subparagraph b
15 of this paragraph;

16 4. No member of the System receiving benefits prescribed by
17 this subsection who retired prior to July 1, 2002, shall receive a
18 benefit of less than the amount the member was receiving as of June
19 30, 2002;

20 5. The Board of Trustees shall promulgate rules as necessary to
21 implement the provisions of this subsection; and

22 6. If such member participates in the Oklahoma Law Enforcement
23 Deferred Option Plan pursuant to Section 2-305.2 of this title, then
24 such member's disability pension provided pursuant to this

1 subsection shall be reduced to account for such member's
2 participation in the Oklahoma Law Enforcement Deferred Option Plan.

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

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

9 2. Multiplied by:

10 a. twenty (20) years of service, regardless of the actual
11 number of years of credited service performed by the
12 member prior to the date of disability, if the member
13 had performed less than twenty (20) years of service,
14 or

15 b. the actual number of years of service performed by the
16 member if the member had performed twenty (20) or more
17 years of service;

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

19 a. the salary which the member would have received
20 pursuant to statutory salary schedules in effect upon
21 the date of the disability for twenty (20) years of
22 service prior to disability. The final average salary
23 for a member who performed less than twenty (20) years
24 of service prior to disability shall be computed

1 assuming that the member was paid the highest salary
2 allowable pursuant to the law in effect at the time of
3 the member's disability based upon twenty (20) years
4 of service and with an assumption that the member was
5 eligible for any and all increases in pay based upon
6 rank during the entire period. If the salary of a
7 member is not prescribed by a specific salary schedule
8 upon the date of the member's disability, the final
9 average salary for the member shall be computed by the
10 member's actual final average salary or the highest
11 median salary amount for a member whose salary was
12 prescribed by a specific salary schedule upon the date
13 of the member's disability, whichever final average
14 salary amount would be greater, or

- 15 b. the actual final average salary of the member if the
16 member had performed twenty (20) or more years of
17 service prior to disability.

18 If such member participates in the Oklahoma Law Enforcement
19 Deferred Option Plan pursuant to Section 2-305.2 of this title, such
20 member's disability pension provided pursuant to this subsection
21 shall be adjusted as provided in Section 2-305.2 of this title to
22 account for such member's participation in the Oklahoma Law
23 Enforcement Deferred Option Plan.

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

9 H. Payment of a disability pension shall commence as of the
10 first day of the month coinciding or next following the date of
11 retirement and shall continue as long as the member meets the
12 definition of total and permanent disability provided in this
13 section.

14 I. For the purpose of determining the member's disability under
15 subsection E, F or G of this section, the member shall be required
16 by the Board to be examined by a minimum of two recognized
17 physicians selected by the Board to determine the extent of the
18 member's injury or illness. The examining physicians shall furnish
19 the Board a detailed written report of the injury or illness of the
20 examined member establishing the extent of disability and the
21 possibilities of the disabled member being returned to his or her
22 regular duties or an alternate occupation or service covered by the
23 System after a normal recuperation period. The Board shall require
24 all retired disabled members who have not attained their normal

1 retirement date to submit to a physical examination once each year
2 for a minimum of three (3) years following retirement. The Board
3 shall select a minimum of two physicians to examine the retired
4 members and pay for their services from the fund. Any retired
5 disabled member found no longer disabled by the examining physicians
6 to perform the occupation of the member or an alternate occupation
7 or service covered by the System shall be required to return to duty
8 and complete twenty (20) years of service as provided in subsection
9 A of this section, or forfeit all his or her rights and claims under
10 Section 2-300 et seq. of this title.

11 J. The disability benefit under this section shall be for the
12 lifetime of the member unless such member is found no longer
13 disabled pursuant to subsection I of this section. Such member
14 shall not be entitled to the retirement benefit pursuant to
15 subsection A of this section unless such member returns to active
16 duty and is eligible for a retirement benefit as provided in
17 subsection A of this section.

18 K. At the postoffer, preemployment physical examination
19 required under paragraph 6 of Section 2-300 of this title, the
20 physician selected by the Board shall determine the extent to which
21 a new member is disabled. If a member is determined to be partially
22 disabled, the physician shall assign a percentage of disability to
23 such partial disability. If such member then becomes entitled to a
24 disability benefit under either subsection E or subsection G of this

1 section, the benefit payable shall be reduced by the percentage
2 which such member was determined to be disabled at the postoffer,
3 preemployment physical unless the Board makes a determination that
4 the initially determined percentage of disability at the
5 preemployment physical examination is unrelated to the reason for
6 the disability currently sought pursuant to subsection E or
7 subsection G of this section. Upon employment, the member shall
8 disclose to the Board any disability payments received from any
9 source. The amount of disability to be paid to any member cannot
10 exceed one hundred percent (100%) disability from all sources. The
11 provisions of this subsection shall apply only to members whose
12 effective date of membership is on or after July 1, 2000.

13 L. In addition to the pension provided for under subsection F
14 of this section, if the member has one or more children under the
15 age of eighteen (18) years or under the age of twenty-two (22) years
16 if the child is enrolled full-time in and is regularly attending a
17 public or private school or any institution of higher education,
18 Four Hundred Dollars (\$400.00) a month shall be paid from the Fund
19 for the support of each surviving child to the member or person
20 having the care and custody of such children until each child
21 reaches the age of eighteen (18) years or reaches the age of twenty-
22 two (22) years if the child is enrolled full-time in and is
23 regularly attending a public or private school or any institution of
24 higher education.

1 M. Notwithstanding any other provisions in Section 2-300
2 through 2-315 of this title, in order to be eligible to receive
3 disability benefits, a member who meets the definition of disability
4 as defined in paragraph 11 of Section 2-300 of this title shall file
5 the member's completed application for disability benefits with the
6 System before such member's date of termination from service and
7 provide such additional information that the System's rules require
8 within six (6) months of the System's receipt of such application.
9 If the member's completed application for disability benefits is not
10 filed with the System before the member's date of termination from
11 service or such additional information as is required under the
12 System's rules is not provided within six (6) months of the System's
13 receipt of such application, such member shall be eligible only for
14 such other benefits as are available to members of the System and
15 shall not be eligible to receive any disability benefits. For good
16 cause shown, the Board of Trustees may waive the requirement that
17 the disability application be filed before the member's date of
18 termination from service. In no event shall a member be eligible to
19 receive any disability benefit if the member's completed application
20 is filed more than six (6) months after the member's date of
21 termination from service.

22 N. If the requirements of Section 2-305.1C of this title are
23 satisfied, a member who, by reason of disability or attainment of
24 normal retirement date or age, is separated from service as a public

1 safety officer with the member's participating employer may elect to
2 have payment made directly to the provider for qualified health
3 insurance premiums by deduction from his or her monthly disability
4 benefit or monthly retirement payment, after December 31, 2006, in
5 accordance with Section 402(1) of the Internal Revenue Code of 1986,
6 as amended. For distributions made after December 29, 2022, the
7 election provided for under Section 402(1) of the Internal Revenue
8 Code of 1986, as amended, may be made whether payment of the
9 premiums is made directly to the provider of the accident or health
10 plan or qualified long-term care insurance contract by deduction
11 from a distribution from the System or is made to the member.

12 SECTION 2. AMENDATORY 62 O.S. 2021, Section 3103, as
13 last amended by Section 1, Chapter 306, O.S.L. 2022 (62 O.S. Supp.
14 2023, Section 3103), is amended to read as follows:

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

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

21 2. "RB number" means that number preceded by the letters "RB"
22 assigned to a retirement bill by the respective staffs of the
23 ~~Oklahoma State~~ Senate and the ~~Oklahoma~~ House of Representatives when
24

1 the respective staff office prepares a retirement bill for a member
2 of the Legislature;

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

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

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

13 a. which does not affect the cost or funding factors of a
14 retirement system,

15 b. which affects such factors only in a manner which does
16 not:

17 (1) grant a benefit increase under the retirement
18 system affected by the bill,

19 (2) create an actuarial accrued liability for or
20 increase the actuarial accrued liability of the
21 retirement system affected by the bill, or

22 (3) increase the normal cost of the retirement system
23 affected by the bill,

24

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

1 a permanent increase in the gross annual retirement
2 benefit payable to a member or beneficiary, occurs
3 only once pursuant to a single statutory authorization
4 and does not exceed:

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

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

21 (3) the lesser of two percent (2%) of the gross
22 annual retirement benefit of the member or One
23 Thousand Four Hundred Dollars (\$1,400.00) and
24 requires that the benefit may only be provided if

1 the funded ratio of the affected retirement
2 system would be greater than one hundred percent
3 (100%) after the benefit increase is paid, or
4 (4) the greater of two percent (2%) of the gross
5 annual retirement benefit of the volunteer
6 firefighter or One Hundred Dollars (\$100.00) for
7 persons who retired from the Oklahoma
8 Firefighters Pension and Retirement System as
9 volunteer firefighters and who did not retire
10 from the Oklahoma Firefighters Pension and
11 Retirement System as a paid firefighter.

12 As used in this subparagraph, "funded ratio" means the
13 figure derived by dividing the actuarial value of
14 assets of the applicable retirement system by the
15 actuarial accrued liability of the applicable
16 retirement system,

- 17 g. which modifies the disability pension standard for
18 police officers who are members of the Oklahoma Police
19 Pension and Retirement System as provided by ~~Section 3~~
20 ~~of this act~~ Section 50-115 of Title 11 of the Oklahoma
21 Statutes,
- 22 h. which provides a cost-of-living benefit increase
23 pursuant to the provisions of:
24

1 (1) Section 49-143.7 of Title 11 of the Oklahoma
2 Statutes,

3 (2) Section 50-136.9 of Title 11 of the Oklahoma
4 Statutes,

5 (3) Section 1104K of Title 20 of the Oklahoma
6 Statutes,

7 (4) Section 2-305.12 of Title 47 of the Oklahoma
8 Statutes,

9 (5) Section 17-116.22 of Title 70 of the Oklahoma
10 Statutes,

11 (6) Section 930.11 of Title 74 of the Oklahoma
12 Statutes, ~~or~~

13 i. which modifies the computation of the line-of-duty
14 disability benefit pursuant to the provisions of ~~this~~
15 ~~act~~ this section and Sections 50-101 and 50-115 of
16 Title 11 of the Oklahoma Statutes, or

17 j. which reinstates annual retirement pay for a member of
18 the Oklahoma Law Enforcement Retirement System whose
19 first participating service with the System occurred
20 on or after November 1, 2012, pursuant to Section 2-
21 305 of Title 47 of the Oklahoma Statutes.

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

1 purposes of reducing the unfunded liability of such system or the
2 earmarking of a portion of the revenue from a tax to a retirement
3 system or increasing the percentage of the revenue earmarked from a
4 tax to a retirement system;

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

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

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

19 9. "Retirement system" means the Teachers' Retirement System of
20 Oklahoma, the Oklahoma Public Employees Retirement System, the
21 Uniform Retirement System for Justices and Judges, the Oklahoma
22 Firefighters Pension and Retirement System, the Oklahoma Police
23 Pension and Retirement System, the Oklahoma Law Enforcement
24

1 Retirement System, or a retirement system established after January
2 1, 2006.

3 SECTION 3. Section 1 of this act shall become effective in
4 accordance with Section 58 of Article V of the Oklahoma
5 Constitution.

6 SECTION 4. Section 2 of this act shall become effective July 1,
7 2024.

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

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