

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 577

BY: BROWN

AS INTRODUCED

AN ACT RELATING TO CITIES AND TOWNS; AMENDING 11 O.S. 1981, SECTION 50-122, AS AMENDED BY SECTION 9, CHAPTER 221, O.S.L. 1985 (11 O.S. SUPP. 1990, SECTION 50-122), WHICH RELATES TO MILITARY LEAVES OF ABSENCE AND COMPUTING OF PENSION SERVICE; GRANTING CREDIT FOR MILITARY SERVICE IN CERTAIN CIRCUMSTANCE; ESTABLISHING CONDITIONS; REQUIRING REIMBURSEMENT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 49-117.4 of Title 11, unless there is created a duplication in numbering, reads as follows:

In determining the eligibility of a member for retirement based upon length of service, any service in the Armed Forces of the United States or any component thereof between the 16th day of September, 1940, and the 30th day of June, 1954, and any service in the Armed Forces of the United States or any component thereof upon call of the President of the United States or of the Governor of the

State of Oklahoma, together with such prior service, as would have been otherwise considered as service for retirement for length of service, shall be considered as service for length of service, provided that the member returns and files application for reinstatement as a member of the System within ninety (90) days after his release, or opportunity for release, from such Armed Forces or component thereof. If such member shall have been refunded any portion of his membership contributions, he shall be required to reimburse the Fund with the same amount at the time of his application for reinstatement in the System, before the reinstated member is given credit for accrued prior service. Provided, that in no event shall a member of the System who has entered such Armed Forces or component thereof prior to retirement be or become eligible for retirement for length of service unless he shall thereafter have been reinstated as a member of the System as provided for herein, and thereafter remained a member for at least one (1) year after such reinstatement.

SECTION 2. AMENDATORY 11 O.S. 1981, Section 50-122, as amended by Section 9, Chapter 221, O.S.L. 1985 (11 O.S. Supp. 1990, Section 50-122), is amended to read as follows:

Section 50-122. A. All pensions shall be computed on a monthly basis with a majority of the month counting as a full month.

B. Authorized leaves of absence may be granted by a participating municipality to a member. These authorized leaves of absence shall not constitute a deprivation of pension rights and service accumulations up to the point of the leave. Accrual time may continue when the member returns to work if that absence is not longer than three hundred sixty-five (365) days. In no case shall a member on authorized leave of absence withdraw any funds from the System.

C. ~~Nothing in subsection B of this section shall be construed as affecting any provision for military leaves of absence or credits~~

~~for military service in the Oklahoma Statutes.~~ In determining the eligibility of a member for retirement based upon length of service, any service in the Armed Forces of the United States or any component thereof between the 16th day of September, 1940, and the 30th day of June, 1954, and any service in the Armed Forces of the United States or any component thereof upon call of the President of the United States or of the Governor of the State of Oklahoma, together with such prior service, as would have been otherwise considered as service for retirement for length of service, shall be considered as service for length of service, provided that the member returns and files application for reinstatement as a member of the System within ninety (90) days after his release, or opportunity for release, from such Armed Forces or component thereof. If such member shall have been refunded any portion of his membership contributions, he shall be required to reimburse the Fund with the same amount at the time of his application for reinstatement in the System, before the reinstated member is given credit for accrued prior service. Provided, that in no event shall a member of the System who has entered such Armed Forces or component thereof prior to retirement be or become eligible for retirement for length of service unless he shall thereafter have been reinstated as a member of the System as provided for herein, and thereafter remained a member for at least one (1) year after such reinstatement.

SECTION 3. This act shall become effective July 1, 1991.

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

