

ENROLLED SENATE  
BILL NO. 295

By: Fisher and Littlefield of  
the Senate

and

Ervin, Leist, Reese,  
Hutchison, Fields, Erwin  
and Adair of the House

An Act relating to retirement; amending Section 12, Chapter 419, O.S.L. 1998 (74 O.S. Supp. 1998, Section 910.5), which relates to the Oklahoma Public Employees Retirement System; deleting references to refund of excess contributions; providing annual compounding of actuarial assumed earnings amount on transferred excess contributions; repealing Section 2, Chapter 363, O.S.L. 1998 (74 O.S. Supp. 1998, Section 910.5), which is an identical duplicate section; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 12, Chapter 419, O.S.L. 1998 (74 O.S. Supp. 1998, Section 910.5), is amended to read as follows:

Section 910.5 Any active member, as of July 1, 1998, whose compensation for service exceeded Twenty-five Thousand Dollars (\$25,000.00) per annum prior to July 1, 1994, and who, prior to July 1, 1998, had voluntarily elected to increase the maximum compensation level pursuant to statutes in effect at that time, shall ~~be refunded or~~ have transferred, pursuant to this section and the procedures established by the Board, the employee contributions made on compensation for service which is in excess of Twenty-five Thousand Dollars (\$25,000.00) per annum prior to July 1, 1994, with an amount which represents the actuarial assumed earnings of the System of seven and one-half percent (7.5%) compounded annually until the date of transfer. It is the intent of the Legislature that the excess contributions ~~which were paid on a pretax basis and considered as picked up under the provisions of Section 414(h)(2) of the Internal Revenue Code of 1986~~ shall be transferred directly to an account established for the employee in the Oklahoma State Employees Deferred Savings Incentive Plan, ~~and the excess contributions which were paid on an after-tax basis and not considered picked up under the provisions of Section 414(h)(2) of the Internal Revenue Code of 1986 shall be refunded directly to the~~ employee. The provisions for ~~refund or~~ transfer contained in this

section shall not take effect until the Board receives official written notice that this distribution satisfies the tax qualification requirements for governmental plans applicable to such ~~refunds or~~ transfers as specified in the Internal Revenue Code of 1986, as amended from time to time and as applicable to governmental plans and the relevant regulatory provisions and guidance related thereto.

SECTION 2. REPEALER Section 2, Chapter 363, O.S.L. 1998 (74 O.S. Supp. 1998, Section 910.5), is hereby repealed.

SECTION 3. This act shall become effective July 1, 1999.

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.

Passed the Senate the 20th day of May, 1999.

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President of the Senate

Passed the House of Representatives the 20th day of May, 1999.

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Speaker of the House of Representatives

