

ENROLLED HOUSE  
BILL NO. 1363

By: Case of the House

and

Aldridge of the Senate

An Act relating to counties and county officers;  
amending 19 O.S. 2001, Section 956.2, which relates  
to certain county retirement plans; modifying  
provisions related to vesting; modifying provisions  
based upon date of hire; and providing an effective  
date.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 956.2, is  
amended to read as follows:

Section 956.2 A. In lieu of the retirement benefits specified  
in Section 956 of this title, upon approval by the board of trustees  
and the board of county commissioners, a county authorized to  
provide a retirement system pursuant to the provisions of Section  
951 et seq. of this title, with a population in excess of five  
hundred ninety thousand (590,000), may provide for retirement  
benefits for the retirement system based upon the contributions of  
the individual employee, if any, contributions of the county for the  
benefit of such employee, if any, together with earnings accruals  
thereon for such periods of time as the board of trustees and the  
board of county commissioners, in their discretion, may determine  
best meets the purpose of the retirement system. Notwithstanding  
any other provision in this section, a retirement benefits plan  
based upon the contributions by or for the benefit of an employee  
hired prior to November 1, 2005, as provided in this subsection  
shall be subject to the following vesting restrictions:

1. Twenty percent (20%) vesting after two (2) years of service;
2. Forty percent (40%) vesting after three (3) years of  
service;
3. Sixty percent (60%) vesting after four (4) years of service;  
and
4. ~~Eighty percent (80%)~~ One hundred percent (100%) vesting  
after five (5) years of service; ~~and~~
5. ~~One hundred percent (100%) vesting after six (6) years of  
service.~~

These vesting restrictions are for the benefit of a  
participating member or other designated beneficiary after the

employment of the member is permanently terminated with a participating employer of the retirement plan. An employee is permanently terminated after termination from employment with a participating employer after passage of the period of time specified in the retirement plan. Pending permanent termination of an employee, the non-vested portion of the monies will be held in escrow until the time for reinstatement has lapsed as specified in the retirement plan. After the time for reinstatement has lapsed, any non-vested forfeitures shall be used to offset prospective employer contributions or to pay expenses associated with the retirement plan.

B. A retirement benefits plan based upon the contributions by or for the benefit of an employee hired on or after November 1, 2005, as provided in this subsection shall be subject to full vesting after five (5) years of service. There shall be no partial vesting for employees hired on or after November 1, 2005.

C. Notwithstanding other provisions of law, the accumulated vested benefits of a member, as provided in this section, who dies before retirement or permanent termination of employment, may be withdrawn from time to time in whole or in part by the beneficiary of the deceased member upon application to the Board of Trustees in a manner prescribed by the Board of Trustees.

~~C.~~ D. If a county elects to provide benefits pursuant to this section, all persons participating in the existing system shall be given the option of remaining subject to the existing retirement system. All persons becoming members of the retirement system after the effective date of this act would be required to participate in the defined contribution benefit system specified in this section. Upon approval of the board of trustees and the board of county commissioners, the existing liabilities under the defined benefits system provided in Section 956 of this title and the liabilities accrued under the defined contribution benefit system provided in this section may be funded by annuities purchased from annuity or insurance companies licensed to do business in this state as recommended by the board of trustees and approved by the board of county commissioners.

~~D.~~ E. All administrative costs associated with the operation of a defined benefit retirement system shall be paid exclusively from the contributions made by the employer on behalf of employees electing to participate in the defined benefit retirement system, the contributions made by individual employees electing to participate in the defined benefit retirement system and any income generated from investment of the funds of the defined benefit retirement system.

~~E.~~ F. No costs associated with the operation of a defined contribution retirement system may be paid from funds used in the operation of a defined benefit retirement system. Said costs associated with the operation of the defined contribution retirement system shall be paid for by the county from the county general fund as defined by Section 331 of Title 62 of the Oklahoma Statutes or from any other monies available which are not specifically prohibited from being used for this purpose.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 10th day of March, 2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 18th day of April, 2005.

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Presiding Officer of the Senate