

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2941

By: Banz

AS INTRODUCED

An Act relating to public retirement systems; enacting the Oklahoma Public Pension Military Service Crediting Act of 2006; defining term; providing for credit based upon certain military service in the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, the Teachers' Retirement System of Oklahoma and the Oklahoma Public Employees Retirement System; providing for crediting of military service performed during certain period of time; providing for payment of employer and employee contributions from Military Service Credit Contribution Payment Fund; authorizing rules; prescribing method for computation of contribution rates; prescribing period for payment of contributions; providing exceptions; imposing maximum period of service authorized for credit; creating the Military Service Credit Contribution Payment Fund; providing for revenue sources; prescribing purpose of Fund; providing method for payments from Fund; providing for codification; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Oklahoma Public Pension Military Service Crediting Act of 2006".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 49-138A of Title 11, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "eligible military service" means a period of time during which the member of the retirement system is absent from employment either on leave without pay status or having

exhausted all applicable forms of vacation, annual leave or other leave authorized by the employer, and not receiving compensation from the employer because of orders issued from a branch of the United States Armed Forces or from the Oklahoma National Guard, mobilizing or deploying the member, in a manner that requires the member to be absent from employment with a participating employer. "Eligible military service" shall be exclusive of periods of time the member is absent solely for education, for the purpose of professional military education, military rank or military grade progression, or for initial military entrance training, whether as an enlisted person or a commissioned officer.

B. Notwithstanding any other provision of law to the contrary, for eligible military service performed by a member after entry into the System, inclusive of eligible military service performed on or after September 11, 2001, through June 30, 2006, and for all periods of eligible military service performed on or after the effective date of this act, a member shall receive service credit for any period of time during which the member performed the eligible military service.

C. For periods of eligible military service the employer and employee contributions applicable to the period of such service shall be paid from the Military Service Credit Contribution Payment Fund created pursuant to Section 8 of this act. Both the employer and employee contributions shall be paid to the System for the entire period during which the absent member was mobilized or deployed pursuant to valid orders from the military authority responsible for military service of the branch of the United States Armed Forces in which the absent member was either an enlisted member or an officer.

D. The System may prescribe rules for the documentation of the authenticity of such orders and for documentation of the period of

service for which the service credit authorized by this subsection is provided.

E. Both the employer and employee contributions shall be made at the applicable rate for the period of the absence using the member's salary during the last period the member was actively performing the job duties associated with membership in the System or the salary in effect during the last month the member was employed, but during which the member was using applicable annual or other leave and for which the member was paid the member's full salary, whichever salary amount is greater.

F. Except as otherwise provided by subsection G of this subsection, the payment to the System shall be made within thirty (30) days of the date the member returns to active and paid employment with the participating employer and requests the service credit authorized by this section.

G. For qualifying military service performed on or after September 11, 2001, through June 30, 2006, the contributions shall be paid to the System within thirty (30) days from the date the member requests such service credit. No service credit shall be provided to a member for otherwise qualifying military service performed on or after September 11, 2001, through June 30, 2006, unless the member makes a request for such service credit within ninety (90) days after the effective date of this act.

H. The maximum period of service credit authorized by this subsection shall be five (5) years, inclusive of any periods of qualifying military service performed on or after September 11, 2001, through the June 30, 2006.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50-128A of Title 11, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "eligible military service" means a period of time during which the member of the retirement system is

absent from employment either on leave without pay status or having exhausted all applicable forms of vacation, annual leave or other leave authorized by the employer, and not receiving compensation from the employer because of orders issued from a branch of the United States Armed Forces or from the Oklahoma National Guard, mobilizing or deploying the member, in a manner that requires the member to be absent from employment with a participating employer. "Eligible military service" shall be exclusive of periods of time the member is absent solely for education, for the purpose of professional military education, military rank or military grade progression, or for initial military entrance training, whether as an enlisted person or a commissioned officer.

B. Notwithstanding any other provision of law to the contrary, for eligible military service performed by a member after entry into the System, inclusive of eligible military service performed on or after September 11, 2001, through June 30, 2006, and for all periods of eligible military service performed on or after the effective date of this act, a member shall receive service credit for any period of time during which the member performed the eligible military service.

C. For periods of eligible military service the employer and employee contributions applicable to the period of such service shall be paid from the Military Service Credit Contribution Payment Fund created pursuant to Section 8 of this act. Both the employer and employee contributions shall be paid to the System for the entire period during which the absent member was mobilized or deployed pursuant to valid orders from the military authority responsible for military service of the branch of the United States Armed Forces in which the absent member was either an enlisted member or an officer.

D. The System may prescribe rules for the documentation of the authenticity of such orders and for documentation of the period of

service for which the service credit authorized by this subsection is provided.

E. Both the employer and employee contributions shall be made at the applicable rate for the period of the absence using the member's salary during the last period the member was actively performing the job duties associated with membership in the System or the salary in effect during the last month the member was employed, but during which the member was using applicable annual or other leave and for which the member was paid the member's full salary, whichever salary amount is greater.

F. Except as otherwise provided by subsection G of this subsection, the payment to the System shall be made within thirty (30) days of the date the member returns to active and paid employment with the participating employer and requests the service credit authorized by this section.

G. For qualifying military service performed on or after September 11, 2001, through June 30, 2006, the contributions shall be paid to the System within thirty (30) days from the date the member requests such service credit. No service credit shall be provided to a member for otherwise qualifying military service performed on or after September 11, 2001, through June 30, 2006, unless the member makes a request for such service credit within ninety (90) days after the effective date of this act.

H. The maximum period of service credit authorized by this subsection shall be five (5) years, inclusive of any periods of qualifying military service performed on or after September 11, 2001, through the June 30, 2006.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1102.2A of Title 20, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "eligible military service" means a period of time during which the member of the retirement system is

absent from employment either on leave without pay status or having exhausted all applicable forms of vacation, annual leave or other leave authorized by the employer, and not receiving compensation from the employer because of orders issued from a branch of the United States Armed Forces or from the Oklahoma National Guard, mobilizing or deploying the member, in a manner that requires the member to be absent from employment with a participating employer. "Eligible military service" shall be exclusive of periods of time the member is absent solely for education, for the purpose of professional military education, military rank or military grade progression, or for initial military entrance training, whether as an enlisted person or a commissioned officer.

B. Notwithstanding any other provision of law to the contrary, for eligible military service performed by a member after entry into the System, inclusive of eligible military service performed on or after September 11, 2001, through June 30, 2006, and for all periods of eligible military service performed on or after the effective date of this act, a member shall receive service credit for any period of time during which the member performed the eligible military service.

C. For periods of eligible military service the employer and employee contributions applicable to the period of such service shall be paid from the Military Service Credit Contribution Payment Fund created pursuant to Section 8 of this act. Both the employer and employee contributions shall be paid to the System for the entire period during which the absent member was mobilized or deployed pursuant to valid orders from the military authority responsible for military service of the branch of the United States Armed Forces in which the absent member was either an enlisted member or an officer.

D. The System may prescribe rules for the documentation of the authenticity of such orders and for documentation of the period of

service for which the service credit authorized by this subsection is provided.

E. Both the employer and employee contributions shall be made at the applicable rate for the period of the absence using the member's salary during the last period the member was actively performing the job duties associated with membership in the System or the salary in effect during the last month the member was employed, but during which the member was using applicable annual or other leave and for which the member was paid the member's full salary, whichever salary amount is greater.

F. Except as otherwise provided by subsection G of this subsection, the payment to the System shall be made within thirty (30) days of the date the member returns to active and paid employment with the participating employer and requests the service credit authorized by this section.

G. For qualifying military service performed on or after September 11, 2001, through June 30, 2006, the contributions shall be paid to the System within thirty (30) days from the date the member requests such service credit. No service credit shall be provided to a member for otherwise qualifying military service performed on or after September 11, 2001, through June 30, 2006, unless the member makes a request for such service credit within ninety (90) days after the effective date of this act.

H. The maximum period of service credit authorized by this subsection shall be five (5) years, inclusive of any periods of qualifying military service performed on or after September 11, 2001, through the June 30, 2006.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-307.4A of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "eligible military service" means a period of time during which the member of the retirement system is

absent from employment either on leave without pay status or having exhausted all applicable forms of vacation, annual leave or other leave authorized by the employer, and not receiving compensation from the employer because of orders issued from a branch of the United States Armed Forces or from the Oklahoma National Guard, mobilizing or deploying the member, in a manner that requires the member to be absent from employment with a participating employer. "Eligible military service" shall be exclusive of periods of time the member is absent solely for education, for the purpose of professional military education, military rank or military grade progression, or for initial military entrance training, whether as an enlisted person or a commissioned officer.

B. Notwithstanding any other provision of law to the contrary, for eligible military service performed by a member after entry into the System, inclusive of eligible military service performed on or after September 11, 2001, through June 30, 2006, and for all periods of eligible military service performed on or after the effective date of this act, a member shall receive service credit for any period of time during which the member performed the eligible military service.

C. For periods of eligible military service the employer and employee contributions applicable to the period of such service shall be paid from the Military Service Credit Contribution Payment Fund created pursuant to Section 8 of this act. Both the employer and employee contributions shall be paid to the System for the entire period during which the absent member was mobilized or deployed pursuant to valid orders from the military authority responsible for military service of the branch of the United States Armed Forces in which the absent member was either an enlisted member or an officer.

D. The System may prescribe rules for the documentation of the authenticity of such orders and for documentation of the period of

service for which the service credit authorized by this subsection is provided.

E. Both the employer and employee contributions shall be made at the applicable rate for the period of the absence using the member's salary during the last period the member was actively performing the job duties associated with membership in the System or the salary in effect during the last month the member was employed, but during which the member was using applicable annual or other leave and for which the member was paid the member's full salary, whichever salary amount is greater.

F. Except as otherwise provided by subsection G of this subsection, the payment to the System shall be made within thirty (30) days of the date the member returns to active and paid employment with the participating employer and requests the service credit authorized by this section.

G. For qualifying military service performed on or after September 11, 2001, through June 30, 2006, the contributions shall be paid to the System within thirty (30) days from the date the member requests such service credit. No service credit shall be provided to a member for otherwise qualifying military service performed on or after September 11, 2001, through June 30, 2006, unless the member makes a request for such service credit within ninety (90) days after the effective date of this act.

H. The maximum period of service credit authorized by this subsection shall be five (5) years, inclusive of any periods of qualifying military service performed on or after September 11, 2001, through the June 30, 2006.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 17-116.25A of Title 70, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "eligible military service" means a period of time during which the member of the retirement system is

absent from employment either on leave without pay status or having exhausted all applicable forms of vacation, annual leave or other leave authorized by the employer, and not receiving compensation from the employer because of orders issued from a branch of the United States Armed Forces or from the Oklahoma National Guard, mobilizing or deploying the member, in a manner that requires the member to be absent from employment with a participating employer. "Eligible military service" shall be exclusive of periods of time the member is absent solely for education, for the purpose of professional military education, military rank or military grade progression, or for initial military entrance training, whether as an enlisted person or a commissioned officer.

B. Notwithstanding any other provision of law to the contrary, for eligible military service performed by a member after entry into the System, inclusive of eligible military service performed on or after September 11, 2001, through June 30, 2006, and for all periods of eligible military service performed on or after the effective date of this act, a member shall receive service credit for any period of time during which the member performed the eligible military service.

C. For periods of eligible military service the employer and employee contributions applicable to the period of such service shall be paid from the Military Service Credit Contribution Payment Fund created pursuant to Section 8 of this act. Both the employer and employee contributions shall be paid to the System for the entire period during which the absent member was mobilized or deployed pursuant to valid orders from the military authority responsible for military service of the branch of the United States Armed Forces in which the absent member was either an enlisted member or an officer.

D. The System may prescribe rules for the documentation of the authenticity of such orders and for documentation of the period of

service for which the service credit authorized by this subsection is provided.

E. Both the employer and employee contributions shall be made at the applicable rate for the period of the absence using the member's salary during the last period the member was actively performing the job duties associated with membership in the System or the salary in effect during the last month the member was employed, but during which the member was using applicable annual or other leave and for which the member was paid the member's full salary, whichever salary amount is greater.

F. Except as otherwise provided by subsection G of this subsection, the payment to the System shall be made within thirty (30) days of the date the member returns to active and paid employment with the participating employer and requests the service credit authorized by this section.

G. For qualifying military service performed on or after September 11, 2001, through June 30, 2006, the contributions shall be paid to the System within thirty (30) days from the date the member requests such service credit. No service credit shall be provided to a member for otherwise qualifying military service performed on or after September 11, 2001, through June 30, 2006, unless the member makes a request for such service credit within ninety (90) days after the effective date of this act.

H. The maximum period of service credit authorized by this subsection shall be five (5) years, inclusive of any periods of qualifying military service performed on or after September 11, 2001, through the June 30, 2006.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 913-1A of Title 74, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "eligible military service" means a period of time during which the member of the retirement system is

absent from employment either on leave without pay status or having exhausted all applicable forms of vacation, annual leave or other leave authorized by the employer, and not receiving compensation from the employer because of orders issued from a branch of the United States Armed Forces or from the Oklahoma National Guard, mobilizing or deploying the member, in a manner that requires the member to be absent from employment with a participating employer. "Eligible military service" shall be exclusive of periods of time the member is absent solely for education, for the purpose of professional military education, military rank or military grade progression, or for initial military entrance training, whether as an enlisted person or a commissioned officer.

B. Notwithstanding any other provision of law to the contrary, for eligible military service performed by a member after entry into the System, inclusive of eligible military service performed on or after September 11, 2001, through June 30, 2006, and for all periods of eligible military service performed on or after the effective date of this act, a member shall receive service credit for any period of time during which the member performed the eligible military service.

C. For periods of eligible military service the employer and employee contributions applicable to the period of such service shall be paid from the Military Service Credit Contribution Payment Fund created pursuant to Section 8 of this act. Both the employer and employee contributions shall be paid to the System for the entire period during which the absent member was mobilized or deployed pursuant to valid orders from the military authority responsible for military service of the branch of the United States Armed Forces in which the absent member was either an enlisted member or an officer.

D. The System may prescribe rules for the documentation of the authenticity of such orders and for documentation of the period of

service for which the service credit authorized by this subsection is provided.

E. Both the employer and employee contributions shall be made at the applicable rate for the period of the absence using the member's salary during the last period the member was actively performing the job duties associated with membership in the System or the salary in effect during the last month the member was employed, but during which the member was using applicable annual or other leave and for which the member was paid the member's full salary, whichever salary amount is greater.

F. Except as otherwise provided by subsection G of this subsection, the payment to the System shall be made within thirty (30) days of the date the member returns to active and paid employment with the participating employer and requests the service credit authorized by this section.

G. For qualifying military service performed on or after September 11, 2001, through June 30, 2006, the contributions shall be paid to the System within thirty (30) days from the date the member requests such service credit. No service credit shall be provided to a member for otherwise qualifying military service performed on or after September 11, 2001, through June 30, 2006, unless the member makes a request for such service credit within ninety (90) days after the effective date of this act.

H. The maximum period of service credit authorized by this subsection shall be five (5) years, inclusive of any periods of qualifying military service performed on or after September 11, 2001, through the June 30, 2006.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1005 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury the "Military Service Credit Contribution Payment Fund". The fund shall be

subject to legislative appropriations and shall consist of all monies appropriated or dedicated to the Fund as provided by law.

B. The Fund shall be used for purposes of making both employer and employee contributions for members of the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, the Teachers' Retirement System of Oklahoma and the Oklahoma Public Employees Retirement System in accordance with the requirements of law providing for payment of such contributions for periods of qualifying military service.

C. Payments from the Fund shall be made in the manner provided by law for expenditures of other public funds upon warrants issued by the State Treasurer.

SECTION 9. This act shall become effective July 1, 2006.

SECTION 10. 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.

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