

3 Senate Bill No. 691
4 As Amended

5 SENATE BILL NO. 691 - By: ADELSON of the Senate and PETERSON (Ron)
6 of the House.

7 [counties and county officers - allowing retired county
8 employees to return to work under certain conditions -
9 effective date]

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

11 SECTION 1. AMENDATORY 19 O.S. 2001, Section 956, is
12 amended to read as follows:

13 Section 956. No county employee shall be eligible for
14 retirement benefits under ~~this act~~ Section 951 et seq. of this title
15 until such employee:

16 1. Has attained the age of sixty-two (62) years and shall have
17 served for a period of at least fifteen (15) years with said county,
18 and the last two (2) years of such service shall have been
19 consecutive immediately preceding such retirement; or

20 2. Has attained the age of fifty-five (55) years and shall have
21 served for a period of at least thirty (30) years with said county;
22 or

23 3. Has attained the age at which the sum of the employee's age
24 and number of years of service with the county total eighty (80).

1 To be eligible for retirement benefits the employee's service with
2 the county shall have ceased. Provided, the board of trustees and
3 the board of county commissioners, by resolution, may allow retirees
4 to return to work on a part-time basis after the first month of
5 retirement and continue to be eligible for their retirement
6 benefits. Provided, that any county employee who shall have
7 completed fifteen (15) years of service as such county employee, the
8 last two (2) years of which shall have been consecutive, and who, at
9 the time of completing such fifteen (15) years of service shall not
10 have reached the age of sixty-two (62) years, may then elect to
11 retire, such retirement to become effective and all retirement
12 benefits to begin when such county employee shall have attained the
13 age of sixty-two (62) years, provided that such election shall be in
14 writing upon such form as the board of trustees shall direct, and
15 such election shall be signed by such employee and filed with the
16 board of trustees, and any funds paid into the retirement system by
17 such employee may not thereafter be withdrawn by such employee.
18 Provided, that when approved by the board of trustees of the county
19 retirement system and the board of county commissioners of any
20 county which has provided for a retirement fund and system as
21 authorized under the provisions of Section 951 of this title, the
22 board of trustees may lower the mandatory fifteen-year requirement

1 to not less than five (5) years by a resolution if the following has
2 occurred:

3 1. Prior to such action, an actuarial report on the system
4 shall be made by an independent professional actuary qualified as an
5 "Enrolled actuary" as defined by the Employee Retirement Income
6 Security Act (ERISA) of 1974, which report shall determine and
7 declare whether the reduction of the mandatory service requirement
8 would result in any additional unfunded or accrued liabilities and,
9 if so, the amount required to make the retirement system actuarially
10 sound expressed in dollars and in percent of the gross payroll.

11 2. Such report shall be filed with the board of trustees and
12 with the board of county commissioners and notice of the receipt and
13 filing of such report be given by the board of county commissioners
14 by publishing notice thereof in a newspaper of general circulation
15 in the county. Such report shall be a public document subject to
16 examination by any interested person. Any member of the retirement
17 system or any citizen of the county may, within thirty (30) days
18 from the date of such publication, file a petition in the district
19 court of the county in which the retirement system is located to
20 challenge the validity and accuracy of the actuarial report or any
21 other action taken in connection therewith, and the court is hereby
22 vested with jurisdiction to receive evidence and enter a judgment
23 affirming, modifying or rejecting the actuarial report or any

1 funding provisions, and such report shall be conformed in accordance
2 with any final judgment. The costs, including attorney fees, if
3 any, of such action shall be assessed by the court as it may deem
4 equitable irrespective of the form of the judgment.

5 3. If the final report determines that additional funding shall
6 be required to implement any reduction of the mandatory service
7 requirement, then and in that event affirmative action by the board
8 of county commissioners, approved by the board of trustees,
9 providing for the funding of any such changed benefits in an amount
10 necessary to make said system actuarially sound upon the
11 implementation of such change shall be established at or prior to
12 the effective date of such reduction in the mandatory service
13 requirement.

14 4. If the report reveals no additional funding requirement,
15 then the board of county commissioners with the approval of the
16 board of trustees may lower the mandatory fifteen-year service
17 requirement as provided in this section without a corresponding or
18 concurrent funding resolution.

19 5. It is further provided that if the mandatory service credit
20 is reduced to a period of time less than fifteen (15) years, then
21 and in that event the retirement benefits shall be correspondingly
22 reduced by at least an amount equal to six and two-thirds percent (6
23 2/3%) from that which would have been earned for fifteen (15) years'

1 service multiplied by the number of years of reduction in the
2 mandatory service except for those retirees who have eight (8)
3 years' service and are entitled to disability retirement. The
4 entitlement to disability retirement and the amount thereof shall
5 not be affected by this paragraph.

6 6. No person shall be entitled to receive the benefits of a
7 reduction in the mandatory service requirement who at the time of
8 such reduction is not then an employee of the county, has been
9 continuously employed by the county and a member of the county
10 retirement system for the twenty-four (24) months immediately
11 preceding the reduction in the mandatory service requirement or
12 shall have been an employee with twenty-four (24) months immediately
13 preceding the election by such employee to receive the benefit of
14 the reduced mandatory service requirement.

15 Provided further, that, for the purposes of ~~this act~~ Section 951 et
16 seq. of this title and the eligibility of employees to participate
17 therein, employees of levee districts shall be considered county
18 employees. Retirement benefits, disability benefits and benefits
19 paid to the surviving spouse shall be calculated on the average of
20 the income of any three (3) years which shall be the years of
21 highest income for said employee during participation in said
22 retirement system.

1 Any employee of the county covered by ~~this act~~ Section 951 et
2 seq. of this title who shall have completed eight (8) years of
3 employment with said county and who, by reason of disability
4 resulting from the performance of his or her duties as such employee
5 of said county, shall become disabled to such an extent as to be
6 unable to perform his or her duties as an employee shall be entitled
7 to disability retirement and to such benefits as the board of
8 trustees shall determine; provided, however, that the board of
9 trustees shall find that said disability is total and permanent, and
10 resulted from the performance of his or her duty as such employee of
11 the county.

12 Any person who has been a regular county employee for at least
13 one (1) year immediately preceding the time he is required, by Act
14 of Congress of the United States and/or by order of the President of
15 the United States, or volunteers to leave the employment of the
16 county to enter the military service of the United States government
17 shall receive credit, for the purposes of ~~this act~~ Section 951 et
18 seq. of this title, for all actual time so served in full-time
19 military service, but not to exceed a total of four (4) years in
20 all; provided, however, that to be eligible to receive such credit,
21 the employee shall not withdraw funds previously contributed, as
22 otherwise permitted by the provisions of ~~this act~~ Section 951 et
23 seq. of this title; provided, further, that neither the employee nor

1 the county shall be required to make further contribution to the
2 retirement fund during the period of military service; and,
3 provided, further, that the credit time allowed, hereby, shall not
4 be considered in lieu of the two (2) years' consecutive employment
5 required by this section, as a prerequisite to receiving retirement
6 benefits hereunder. Provided further, that if any county employee
7 who shall have completed at least fifteen (15) years of service to
8 any county covered by ~~this act~~ Section 951 et seq. of this title and
9 who has not yet reached the age of retirement shall die, then, and
10 in such event, the surviving spouse of said county employee shall
11 receive retirement benefits in the amount of sixty-six and
12 two-thirds percent (66 2/3%) of whatever benefits would otherwise be
13 received by said county employee under ~~this act~~ Section 951 et seq.
14 of this title at the age of sixty-two (62) years, such retirement
15 benefits to the surviving spouse to begin on the date said deceased
16 county employee would have reached the age of sixty-two (62) years.

17 Provided further, that if any county employee receiving or
18 eligible to receive retirement benefits pursuant to the provisions
19 of ~~this act~~ Section 951 et seq. of this title shall die, then, and
20 in such event, the surviving spouse of said person shall receive
21 retirement benefits in the amount of sixty-six and two-thirds
22 percent (66 2/3%) of whatever benefits the deceased was receiving or
23 was entitled to receive for the remainder of the natural life of

1 said surviving spouse. This provision shall apply to anyone who has
2 qualified for retirement, even though they may not have retired or
3 are deceased. Said provision also shall include any employees who
4 have retired after January 1, 1970, and later shall become deceased,
5 then in such event the surviving spouse shall receive sixty-six and
6 two-thirds percent (66 2/3%). This shall not apply to persons who
7 have retired prior to January 1, 1970, or their spouses.

8 Provided further, that the board of trustees and the board of
9 county commissioners may elect to amend the surviving spouse benefit
10 provision to increase the surviving spouse retirement benefit to as
11 much as one hundred percent (100%).

12 Provided further, that the board of trustees and the board of
13 county commissioners may elect to amend the benefit provisions to
14 allow any vested employee who is otherwise not eligible to retire
15 because such employee has not satisfied any of the age requirements
16 the option of retiring as early as age fifty-five (55). However,
17 such employee shall have met the minimum service requirements
18 approved by the board of trustees of the county retirement system
19 and the board of county commissioners. If any employee elects such
20 an option, the employee shall receive an actuarially reduced
21 benefit.

22 SECTION 2. This act shall become effective November 1, 2007.

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-19-07
24 - DO PASS, As Amended and Coauthored.