

STATE OF OKLAHOMA

1st Session of the 51st Legislature (2007)

SENATE BILL 1120

By: Anderson

AS INTRODUCED

An Act relating to retirement; amending 11 O.S. 2001, Section 48-101, which relates to municipal retirement systems; requiring municipal retirement systems to include certain employees; providing certain benefit for certain employees killed or mortally wounded while on duty; amending 74 O.S 2001, Sections 902, as last amended by Section 134, Chapter 1, O.S.L. 2005, 915, as last amended by Section 138, Chapter 1, O.S.L. 2005, and 920A, as last amended by Section 140, Chapter 1, O.S.L. 2005 (74 O.S. Supp. 2006, Sections 902, 915 and 920A), which relate to the Oklahoma Public Employees Retirement System; modifying normal retirement date for certain members; adding definition; specifying retirement benefits for certain emergency medical technicians; allowing certain emergency medical technicians to make certain irrevocable election by certain date; requiring certain payment; providing certain benefit for certain employees killed or mortally wounded while on duty; modifying employee contributions for certain emergency medical technicians; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 48-101, is amended to read as follows:

1 Section 48-101. The governing body of any municipality may
2 provide by ordinance for a retirement fund and system for any or all
3 of its employees and the employees of a duly constituted authority
4 of the municipality which are not otherwise provided for by a
5 pension or retirement system. The governing body may establish said
6 retirement system as delayed compensation in order to encourage
7 continuous and meritorious service on the part of employees and
8 thereby promote public efficiency, and may provide retirement
9 allowances and other benefits for said employees, their surviving
10 spouses, and surviving children. The retirement fund and system may
11 include all municipal employees whether they are engaged in a
12 governmental or nongovernmental function of the municipality or the
13 municipal authority. The retirement fund and system shall include
14 emergency medical technicians employed by the municipality. These
15 employees shall be eligible for retirement after twenty (20) years
16 of service. The retirement fund shall be supported wholly by the
17 municipality or municipal authority or by joint contributions by the
18 municipality or authority and the employee to be benefited.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 48-101.1 of Title 11, unless
21 there is created a duplication in numbering, reads as follows:

22 A. A benefit shall be paid on behalf of any emergency medical
23 technician who is a member of a retirement system created pursuant
24 to Section 48-101 of Title 11 of the Oklahoma Statutes who is killed

1 or mortally wounded on or after July 1, 2007, during the performance
2 of the member's duties as emergency medical technician for the
3 municipality.

4 B. The benefit shall be equal to Ten Thousand Dollars
5 (\$10,000.00).

6 C. The benefit provided for in this section shall be paid:

7 1. To the surviving spouse; or

8 2. If there is no surviving spouse or upon the death of the
9 surviving spouse:

10 a. to the surviving child or children of said member or
11 legal guardian of such child or children for such time
12 as such child or children are under the age of
13 eighteen (18) years, or

14 b. to the surviving child or children between the ages of
15 eighteen (18) and twenty-two (22) years if the child
16 is enrolled full time in and is regularly attending a
17 public or private school or any institution of higher
18 education.

19 D. The benefit provided in this section shall be in addition to
20 any other benefit provided to the emergency medical technician by
21 the retirement system created pursuant to Section 48-101 of Title 11
22 of the Oklahoma Statutes.

23 E. The benefit provided in this section shall be made
24 prospectively only from the effective date of this act.

1 SECTION 3. AMENDATORY 74 O.S. 2001, Section 902, as last
2 amended by Section 134, Chapter 1, O.S.L. 2005 (74 O.S. Supp. 2006,
3 Section 902), is amended to read as follows:

4 Section 902. As used in Section 901 et seq. of this title:

5 (1) "System" means the Oklahoma Public Employees Retirement
6 System as established by this act and as it may hereafter be
7 amended;

8 (2) "Accumulated contributions" means the sum of all
9 contributions by a member to the System which shall be credited to
10 the member's account;

11 (3) "Act" means Sections 901 to 932, inclusive, of this title;

12 (4) "Actuarial equivalent" means a deferred income benefit of
13 equal value to the accumulated deposits or benefits when computed
14 upon the basis of the actuarial tables in use by the System;

15 (5) "Actuarial tables" means the actuarial tables approved and
16 in use by the Board at any given time;

17 (6) "Actuary" means the actuary or firm of actuaries employed
18 by the Board at any given time;

19 (7) "Beneficiary" means any person named by a member to receive
20 any benefits as provided for by Section 901 et seq. of this title.
21 If there is no beneficiary living at time of member employee's
22 death, the member's estate shall be the beneficiary;

23 (8) "Board" means the Oklahoma Public Employees Retirement
24 System Board of Trustees;

1 (9) "Compensation" means all salary and wages, as defined by
2 the Board of Trustees, including amounts deferred under deferred
3 compensation agreements entered into between a member and a
4 participating employer, but exclusive of payment for overtime,
5 payable to a member of the System for personal services performed
6 for a participating employer but shall not include compensation or
7 reimbursement for traveling, or moving expenses, or any compensation
8 in excess of the maximum compensation level, provided:

9 (a) For compensation for service prior to January 1, 1988,
10 the maximum compensation level shall be Twenty-five
11 Thousand Dollars (\$25,000.00) per annum.

12 For compensation for service on or after January 1,
13 1988, through June 30, 1994, the maximum compensation
14 level shall be Forty Thousand Dollars (\$40,000.00) per
15 annum.

16 For compensation for service on or after July 1, 1994,
17 through June 30, 1995, the maximum compensation level
18 shall be Fifty Thousand Dollars (\$50,000.00) per
19 annum; for compensation for service on or after July
20 1, 1995, through June 30, 1996, the maximum
21 compensation level shall be Sixty Thousand Dollars
22 (\$60,000.00) per annum; for compensation for service
23 on or after July 1, 1996, through June 30, 1997, the
24 maximum compensation level shall be Seventy Thousand

1 Dollars (\$70,000.00) per annum; and for compensation
2 for service on or after July 1, 1997, through June 30,
3 1998, the maximum compensation level shall be Eighty
4 Thousand Dollars (\$80,000.00) per annum. For
5 compensation for services on or after July 1, 1998,
6 there shall be no maximum compensation level for
7 retirement purposes.

8 (b) Compensation for retirement purposes shall include any
9 amount of elective salary reduction under Section 457
10 of the Internal Revenue Code of 1986 and any amount of
11 ~~non-elective~~ nonelective salary reduction under
12 Section 414(h) of the Internal Revenue Code of 1986.

13 (c) Notwithstanding any provision to the contrary, the
14 compensation taken into account for any employee in
15 determining the contribution or benefit accruals for
16 any plan year is limited to the annual compensation
17 limit under Section 401(a)(17) of the federal Internal
18 Revenue Code.

19 (d) Current appointed members of the Oklahoma Tax
20 Commission whose salary is constitutionally limited
21 and is less than the highest salary allowed by law for
22 his or her position shall be allowed, within ninety
23 (90) days from the effective date of this act, to make
24 an election to use the highest salary allowed by law

1 for the position to which the member was appointed for
2 the purposes of making contributions and determination
3 of retirement benefits. Such election shall be
4 irrevocable and be in writing. ~~Re-appointment~~
5 Reappointment to the same office shall not permit a
6 new election. Members appointed to the Oklahoma Tax
7 Commission after the effective date of this act shall
8 make such election, pursuant to this subparagraph,
9 within ninety (90) days of taking office;

10 (10) "Credited service" means the sum of participating service,
11 prior service and elected service;

12 (11) "Dependent" means a parent, child, or spouse of a member
13 who is dependent upon the member for at least one-half (1/2) of the
14 member's support;

15 (12) "Effective date" means the date upon which the System
16 becomes effective by operation of law;

17 (13) "Eligible employer" means the state and any county, county
18 hospital, city or town, conservation districts, circuit engineering
19 districts and any public or private trust in which a county, city or
20 town participates and is the primary beneficiary is to be an
21 eligible employer for the purpose of this act only, whose employees
22 are covered by Social Security and are not covered by or eligible
23 for another retirement plan authorized under the laws of this state
24 which is in operation on the initial entry date. Emergency medical

1 service districts may join the System upon proper application to the
2 Board. Provided affiliation by a county hospital shall be in the
3 form of a resolution adopted by the board of control.

4 (a) If a class or several classes of employees of any
5 above-defined employers are covered by Social Security
6 and are not covered by or eligible for and will not
7 become eligible for another retirement plan authorized
8 under the laws of this state, which is in operation on
9 the effective date, such employer shall be deemed an
10 eligible employer, but only with respect to that class
11 or those classes of employees as defined in this
12 section.

13 (b) A class or several classes of employees who are
14 covered by Social Security and are not covered by or
15 eligible for and will not become eligible for another
16 retirement plan authorized under the laws of this
17 state, which is in operation on the effective date,
18 and when the qualifications for employment in such
19 class or classes are set by state law; and when such
20 class or classes of employees are employed by a county
21 or municipal government pursuant to such
22 qualifications; and when the services provided by such
23 employees are of such nature that they qualify for
24 matching by or contributions from state or federal

1 funds administered by an agency of state government
2 which qualifies as a participating employer, then the
3 agency of state government administering the state or
4 federal funds shall be deemed an eligible employer,
5 but only with respect to that class or those classes
6 of employees as defined in this subsection; provided,
7 that the required contributions to the retirement plan
8 may be withheld from the contributions of state or
9 federal funds administered by the state agency and
10 transmitted to the System on the same basis as the
11 employee and employer contributions are transmitted
12 for the direct employees of the state agency. The
13 retirement or eligibility for retirement under the
14 provisions of law providing pensions for service as a
15 volunteer fire fighter shall not render any person
16 ineligible for participation in the benefits provided
17 for in Section 901 et seq. of this title. An employee
18 of any public or private trust in which a county, city
19 or town participates and is the primary beneficiary
20 shall be deemed to be an eligible employee for the
21 purpose of this act only.

22 (c) All employees of the George Nigh Rehabilitation
23 Institute who elected to retain membership in the
24 System, pursuant to Section 913.7 of this title, shall

1 continue to be eligible employees for the purposes of
2 this act. The George Nigh Rehabilitation Institute
3 shall be considered a participating employer only for
4 such employees.

5 (d) A participating employer of the Teachers' Retirement
6 System of Oklahoma, who has one or more employees who
7 have made an election pursuant to enabling legislation
8 to retain membership in the System as a result of
9 change in administration, shall be considered a
10 participating employer of the Oklahoma Public
11 Employees Retirement System only for such employees;

12 (14) "Employee" means any officer or employee of a
13 participating employer, whose employment is not seasonal or
14 temporary and whose employment requires at least one thousand
15 (1,000) hours of work per year and whose salary or wage is equal to
16 the hourly rate of the monthly minimum wage for state employees.
17 For those eligible employers outlined in Section 910 of this title,
18 the rate shall be equal to the hourly rate of the monthly minimum
19 wage for that employer. Each employer, whose minimum wage is less
20 than the state's minimum wage, shall inform the System of the
21 minimum wage for that employer. This notification shall be by
22 resolution of the governing body.

- 1 (a) Any employee of the county extension agents who is not
2 currently participating in the Teachers' Retirement
3 System of Oklahoma shall be a member of this System.
- 4 (b) Eligibility shall not include any employee who is a
5 contributing member of the United States Civil Service
6 Retirement System.
- 7 (c) It shall be mandatory for an officer, appointee or
8 employee of the office of district attorney to become
9 a member of this System if he or she is not currently
10 participating in a county retirement system. Provided
11 further, that if an officer, appointee or employee of
12 the office of district attorney is currently
13 participating in such county retirement system, he or
14 she is ineligible for this System as long as he or she
15 is eligible for such county retirement system. Any
16 eligible officer, appointee or employee of the office
17 of district attorney shall be given credit for prior
18 service as defined in this section. The provisions
19 outlined in Section 917 of this title shall apply to
20 those employees who have previously withdrawn their
21 contributions.
- 22 (d) Eligibility shall also not include any officer or
23 employee of the Oklahoma Employment Security
24 Commission, except for those officers and employees of

1 the Commission electing to transfer to this System
2 pursuant to the provisions of Section 910.1 of this
3 title or any other class of officers or employees
4 specifically exempted by the laws of this state,
5 unless there be a consolidation as provided by Section
6 912 of this title. Employees of the Oklahoma
7 Employment Security Commission who are ineligible for
8 enrollment in the Employment Security Commission
9 Retirement Plan, that was in effect on January 1,
10 1964, shall become members of this System.

- 11 (e) Any employee employed by the Legislative Service
12 Bureau, State Senate or House of Representatives for
13 the full duration of a regular legislative session
14 shall be eligible for membership in the System
15 regardless of classification as a temporary employee
16 and may participate in the System during the regular
17 legislative session at the option of the employee.
18 For purposes of this subparagraph, the determination
19 of whether an employee is employed for the full
20 duration of a regular legislative session shall be
21 made by the Legislative Service Bureau if such
22 employee is employed by the Legislative Service
23 Bureau, the State Senate if such employee is employed
24 by the State Senate, or by the House of

1 Representatives if such employee is employed by the
2 House of Representatives. Each regular legislative
3 session during which the legislative employee or an
4 employee of the Legislative Service Bureau
5 participates full time shall be counted as six (6)
6 months of full-time participating service.

7 (i) Except as otherwise provided by this
8 subparagraph, once a temporary session employee
9 makes a choice to participate or not, the choice
10 shall be binding for all future legislative
11 sessions during which the employee is employed.

12 (ii) Notwithstanding the provisions of division (i) of
13 this subparagraph, any employee, who is eligible
14 for membership in the System because of the
15 provisions of this subparagraph and who was
16 employed by the State Senate or House of
17 Representatives after January 1, 1989, may file
18 an election, in a manner specified by the Board,
19 to participate as a member of the System prior to
20 September 1, 1989.

21 (iii) Notwithstanding the provisions of division (i) of
22 this subparagraph, a temporary legislative
23 session employee who elected to become a member
24 of the System may withdraw from the System

1 effective the day said employee elected to
2 participate in the System upon written request to
3 the Board. Any such request must be received by
4 the Board prior to October 1, 1990. All employee
5 contributions made by the temporary legislative
6 session employee shall be returned to the
7 employee without interest within four (4) months
8 of receipt of the written request.

9 (iv) A member of the System who did not initially
10 elect to participate as a member of the System
11 pursuant to subparagraph (e) of this paragraph
12 shall be able to acquire service performed as a
13 temporary legislative session employee for
14 periods of service performed prior to the date
15 upon which the person became a member of the
16 System if:

- 17 a. the member files an election with the System
18 not later than December 31, 2000, to
19 purchase the prior service; and
20 b. the member makes payment to the System of
21 the actuarial cost of the service credit
22 pursuant to subsection A of Section 913.5 of
23 this title. The provisions of Section 913.5
24 of this title shall be applicable to the

1 purchase of the service credit, including
2 the provisions for determining service
3 credit in the event of incomplete payment
4 due to cessation of payments, death,
5 termination of employment or retirement, but
6 the payment may extend for a period not to
7 exceed ninety-six (96) months;

8 (15) "Entry date" means the date on which an eligible employer
9 joins the System. The first entry date pursuant to Section 901 et
10 seq. of this title shall be January 1, 1964;

11 (16) "Executive Director" means the managing officer of the
12 System employed by the Board under Section 901 et seq. of this
13 title;

14 (17) "Federal Internal Revenue Code" means the federal Internal
15 Revenue Code of 1954 or 1986, as amended and as applicable to a
16 governmental plan as in effect on July 1, 1999;

17 (18) "Final average compensation" means the average annual
18 compensation, including amounts deferred under deferred compensation
19 agreements entered into between a member and a participating
20 employer, up to, but not exceeding the maximum compensation levels
21 as provided in paragraph (9) of this section received during the
22 highest three (3) of the last ten (10) years of participating
23 service immediately preceding retirement or termination of
24 employment. Provided, no member shall retire with a final average

1 compensation unless the member has made the required contributions
2 on such compensation, as defined by the Board of Trustees;

3 (19) "Fiscal year" means the period commencing July 1 of any
4 year and ending June 30 of the next year. The fiscal year is the
5 plan year for purposes of the federal Internal Revenue Code;
6 however, the calendar year is the limitation year for purposes of
7 Section 415 of the federal Internal Revenue Code;

8 (20) "Fund" means the Oklahoma Public Employees Retirement Fund
9 as created by Section 901 et seq. of this title;

10 (21) "Leave of absence" means a period of absence from
11 employment without pay, authorized and approved by the employer and
12 acknowledged to the Board, and which after the effective date does
13 not exceed two (2) years;

14 (22) "Member" means an eligible employee or elected official
15 who is in the System and is making the required employee or elected
16 official contributions, or any former employee or elected official
17 who shall have made the required contributions to the System and
18 shall have not received a refund or withdrawal;

19 (23) "Military service" means service in the Armed Forces of
20 the United States by an honorably discharged person during the
21 following time periods, as reflected on such person's Defense
22 Department Form 214, not to exceed five (5) years for combined
23 participating and/or prior service, as follows:

24

1 (a) during the following periods, including the beginning
2 and ending dates, and only for the periods served,
3 from:

4 (i) April 6, 1917, to November 11, 1918, commonly
5 referred to as World War I,

6 (ii) September 16, 1940, to December 7, 1941, as a
7 member of the 45th Division,

8 (iii) December 7, 1941, to December 31, 1946, commonly
9 referred to as World War II,

10 (iv) June 27, 1950, to January 31, 1955, commonly
11 referred to as the Korean Conflict or the Korean
12 War,

13 (v) February 28, 1961, to May 7, 1975, commonly
14 referred to as the Vietnam era, except that:

15 a. for the period from February 28, 1961, to
16 August 4, 1964, military service shall only
17 include service in the Republic of Vietnam
18 during that period, and

19 b. for purposes of determining eligibility for
20 education and training benefits, such period
21 shall end on December 31, 1976, or

22 (vi) August 1, 1990, to December 31, 1991, commonly
23 referred to as the Gulf War, the Persian Gulf

24 War, or Operation Desert Storm, but excluding any

1 person who served on active duty for training
2 only, unless discharged from such active duty for
3 a service-connected disability;

4 (b) during a period of war or combat military operation
5 other than a conflict, war or era listed in
6 subparagraph (a) of this paragraph, beginning on the
7 date of Congressional authorization, Congressional
8 resolution, or Executive Order of the President of the
9 United States, for the use of the Armed Forces of the
10 United States in a war or combat military operation,
11 if such war or combat military operation lasted for a
12 period of ninety (90) days or more, for a person who
13 served, and only for the period served, in the area of
14 responsibility of the war or combat military
15 operation, but excluding a person who served on active
16 duty for training only, unless discharged from such
17 active duty for a service-connected disability, and
18 provided that the burden of proof of military service
19 during this period shall be with the member, who must
20 present appropriate documentation establishing such
21 service.

22 An eligible member under this paragraph shall include only those
23 persons who shall have served during the times or in the areas
24 prescribed in this paragraph, and only if such person provides

1 appropriate documentation in such time and manner as required by the
2 System to establish such military service prescribed in this
3 paragraph, or for service pursuant to subdivision a of division (v)
4 of subparagraph (a) of this paragraph those persons who were awarded
5 service medals, as authorized by the United States Department of
6 Defense as reflected in the veteran's Defense Department Form 214,
7 related to the Vietnam Conflict for service prior to August 5, 1964;

8 (24) "Normal retirement date" means the date on which a member
9 may retire with full retirement benefits as provided in Section 901
10 et seq. of this title, such date being whichever occurs first:

11 (a) the first day of the month coinciding with or
12 following a member's sixty-second birthday,

13 (b) for any person who initially became a member prior to
14 July 1, 1992, the first day of the month coinciding
15 with or following the date at which the sum of a
16 member's age and number of years of credited service
17 total eighty (80); such a normal retirement date will
18 also apply to any person who became a member of the
19 sending system as defined in Section 901 et seq. of
20 this title, prior to July 1, 1992, regardless of
21 whether there were breaks in service after July 1,
22 1992,

23 (c) for any person who became a member after June 30,
24 1992, the first day of the month coinciding with or

1 following the date at which the sum of a member's age
2 and number of years of credited service total ninety
3 (90),

4 (d) in addition to subparagraphs (a), (b) and (c) of this
5 paragraph, the first day of the month coinciding with
6 or following a member's completion of at least twenty
7 (20) years of full-time-equivalent employment as:

8 (i) a correctional or probation and parole officer
9 with the Department of Corrections and at the
10 time of retirement, the member was a correctional
11 or probation and parole officer with the
12 Department of Corrections, or

13 (ii) a correctional officer, probation and parole
14 officer or fugitive apprehension agent with the
15 Department of Corrections who is in such position
16 on June 30, 2004, or who is hired after June 30,
17 2004, and who receives a promotion or change in
18 job classification after June 30, 2004, to
19 another position in the Department of
20 Corrections, so long as such officer or agent has
21 at least five (5) years of service as a
22 correctional officer, probation and parole
23 officer or fugitive apprehension agent with the
24 Department, has twenty (20) years of full-time-

1 equivalent employment with the Department and was
2 employed by the Department at the time of
3 retirement, ~~or~~

4 (iii) a firefighter with the Oklahoma Military
5 Department either employed for the first time on
6 or after July 1, 2002, or who was employed prior
7 to July 1, 2002, in such position and who makes
8 the election authorized by division (2) of
9 subparagraph b of paragraph (8) of subsection A
10 of Section 915 of this title and at the time of
11 retirement, the member was a firefighter with the
12 Oklahoma Military Department, and such member has
13 at least twenty (20) years of credited service
14 upon which the two and one-half percent (2 1/2%)
15 multiplier will be used in calculating the
16 retirement benefit, or

17 (iv) an emergency medical technician either hired for
18 the first time on or after July 1, 2007, or hired
19 prior to July 1, 2007, in such position and who
20 makes the election and appropriate payments
21 authorized in paragraph (10) of subsection A of
22 Section 915 of this title and at the time of
23 retirement, the member was an emergency medical
24

1 technician, and such member has at least twenty
2 (20) years of credited service;

3 (e) for those fugitive apprehension agents who retire on
4 or after July 1, 2002, the first day of the month
5 coinciding with or following a member's completion of
6 at least twenty (20) years of full-time-equivalent
7 employment as a fugitive apprehension agent with the
8 Department of Corrections and at the time of
9 retirement, the member was a fugitive apprehension
10 agent with the Department of Corrections, or

11 (f) for any member who was continuously employed by an
12 entity or institution within The Oklahoma State System
13 of Higher Education and whose initial employment with
14 such entity or institution was prior to July 1, 1992,
15 and who without a break in service of more than thirty
16 (30) days became employed by an employer participating
17 in the Oklahoma Public Employees Retirement System,
18 the first day of the month coinciding with or
19 following the date at which the sum of the member's
20 age and number of years of credited service total
21 eighty (80);

22 (25) "Participating employer" means an eligible employer who
23 has agreed to make contributions to the System on behalf of its
24 employees;

1 (26) "Participating service" means the period of employment
2 after the entry date for which credit is granted a member;

3 (27) "Prior service" means the period of employment of a member
4 by an eligible employer prior to the member's entry date for which
5 credit is granted a member under Section 901 et seq. of this title;

6 (28) "Retirant" means a member who has retired under the
7 System;

8 (29) "Retirement benefit" means a monthly income with benefits
9 accruing from the first day of the month coinciding with or
10 following retirement and ending on the last day of the month in
11 which death occurs or the actuarial equivalent thereof paid in such
12 manner as specified by the member pursuant to Section 901 et seq. of
13 this title or as otherwise allowed to be paid at the discretion of
14 the Board;

15 (30) "Retirement coordinator" means the individual designated
16 by each participating employer through whom System transactions and
17 communication shall be directed;

18 (31) "Social Security" means the old-age survivors and
19 disability section of the Federal Social Security Act;

20 (32) "Total disability" means a physical or mental disability
21 accepted for disability benefits by the Federal Social Security
22 System;

23 (33) "Service-connected disability benefits" means military
24 service benefits which are for a service-connected disability rated

1 at twenty percent (20%) or more by the Veterans Administration or
2 the Armed Forces of the United States;

3 (34) "Elected official" means a person elected to a state
4 office in the legislative or executive branch of state government or
5 a person elected to a county office for a definite number of years
6 and shall include an individual who is appointed to fill the
7 unexpired term of an elected state official;

8 (35) "Elected service" means the period of service as an
9 elected official; ~~and~~

10 (36) "Limitation year" means the year used in applying the
11 limitations of Section 415 of the Internal Revenue Code of 1986,
12 which year shall be the calendar year; and

13 (37) "Emergency medical technician" means a member who is
14 licensed by the Department of Health to perform emergency medical
15 services in accordance with the Oklahoma Emergency Response Systems
16 Development Act and who is employed by a participating county, city
17 or town and who is either hired on or after July 1, 2007, or makes
18 the election pursuant to paragraph (10) of subsection A of Section
19 915 of this title.

20 SECTION 4. AMENDATORY 74 O.S. 2001, Section 915, as last
21 amended by Section 138, Chapter 1, O.S.L. 2005 (74 O.S. Supp. 2006,
22 Section 915), is amended to read as follows:

23 Section 915. A. (1) Except as otherwise provided in this
24 subsection and as provided for elected officials in Section 913.4 of

1 this title, any member who shall retire on or after the member's
2 normal retirement date shall be entitled to receive an annual
3 retirement benefit equal to two percent (2%) of the member's final
4 average compensation as determined pursuant to paragraph (18) of
5 Section 902 of this title, multiplied by the number of years of
6 credited service that has been credited to the member in accordance
7 with the provisions of Section 913 of this title other than years
8 credited pursuant to paragraph (2) of this subsection.

9 (2) Effective January 1, 2004, except as otherwise provided for
10 elected officials in Section 913.4 of this title and except for
11 those members making contributions pursuant to paragraphs (c), (d)
12 and (e) of subsection (1) of Section 919.1 of this title, any member
13 who shall retire shall be entitled to receive an annual retirement
14 benefit equal to two and one-half percent (2 1/2%) of the member's
15 final average compensation as determined pursuant to paragraph (18)
16 of Section 902 of this title, multiplied by the number of full years
17 of participating service after January 1, 2004, that have been
18 credited to the member in accordance with the provisions of Section
19 913 of this title and only for those full years of participating
20 service for which contributions have been made pursuant to paragraph
21 (f) of subsection (1) of Section 919.1 of this title. The two and
22 one-half percent (2 1/2%) multiplier shall not apply to purchased
23 service, purchased or granted military service or transferred
24 service. In order to receive the two and one-half percent (2 1/2%)

1 multiplier in computing retirement benefits, an active member shall
2 make an irrevocable written election to pay the contributions
3 pursuant to paragraph (f) of subsection (1) of Section 919.1 of this
4 title. The two and one-half percent (2 1/2%) multiplier pursuant to
5 this paragraph shall not apply to additional years of service credit
6 attributed to sick leave pursuant to paragraph 7 of subsection B of
7 Section 913 of this title and fractional years pursuant to
8 subsection C of Section 913 of this title and shall be attributable
9 only to the participating service credited after the election of the
10 member.

11 (3) The minimum final average compensation for any person who
12 becomes a member of the System on or after July 1, 1995:

13 a. and who had twenty (20) or more years of credited
14 service within the System as of the member's
15 retirement date shall be no less than Thirteen
16 Thousand Eight Hundred Dollars (\$13,800.00) per annum,

17 b. and who had at least fifteen (15) but not more than
18 nineteen (19) years of credited service within the
19 System as of the member's retirement date shall be no
20 less than Six Thousand Nine Hundred Dollars
21 (\$6,900.00) per annum,

22 c. and who had less than fifteen (15) years of credited
23 service within the System as of the member's
24 retirement date shall not be eligible for any minimum

1 amount of final average compensation and the member's
2 final average compensation shall be the final average
3 compensation as defined by paragraph (18) of Section
4 902 of this title,

5 (4) Provided, further, any member who has elected a vested
6 benefit pursuant to Section 917 of this title shall be entitled to
7 receive benefits as outlined in this section except the percent
8 factor and the member's maximum compensation level in effect the
9 date the member's employment was terminated with a participating
10 employer shall be applicable.

11 (5) Any member who is a correctional officer or a probation and
12 parole officer employed by the Department of Corrections at the time
13 of retirement and who retires on or before June 30, 2000, shall be
14 entitled to receive an annual retirement benefit equal to two and
15 one-half percent (2 1/2%) of the final average compensation of the
16 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and
17 two percent (2%) of the final average salary in excess of Twenty-
18 five Thousand Dollars (\$25,000.00) but not exceeding the maximum
19 compensation level as provided in paragraph (9) of Section 902 of
20 this title, multiplied by the number of years of service as a
21 correctional officer or a probation and parole officer, provided,
22 any years accrued prior to July 1, 1990, as a correctional officer
23 or a probation and parole officer by a member who is employed as a
24 correctional officer or a probation and parole officer on July 1,

1 1990, shall be calculated for retirement purposes at two and one-
2 quarter percent (2 1/4%) of the final average compensation of the
3 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and
4 two percent (2%) of the final average salary in excess of Twenty-
5 five Thousand Dollars (\$25,000.00) but not exceeding the maximum
6 compensation level as provided in paragraph (9) of Section 902 of
7 this title, multiplied by the number of years of such service and
8 any years in excess of twenty (20) years as such an officer or years
9 credited to the member in accordance with the provisions of Section
10 913 of this title shall be calculated for retirement purposes at two
11 percent (2%) of the final average compensation of the member
12 multiplied by the number of years of such service. Any person who
13 contributes to the System as a correctional officer or a probation
14 and parole officer as provided in paragraph (c) of subsection (1) of
15 Section 919.1 of this title, on or before June 30, 2000, but who
16 does not make such contributions after June 30, 2000, and who does
17 not qualify for normal retirement under subparagraph (c) of
18 paragraph (24) of Section 902 of this title shall have retirement
19 benefits for each year of full-time-equivalent participating service
20 as a correctional or a probation and parole officer after July 1,
21 1990, computed on two and one-half percent (2 1/2%) of the final
22 average compensation based upon those years as a correctional
23 officer or a probation and parole officer. Provided, further, any
24 fugitive apprehension agent shall be entitled to receive benefits as

1 outlined in this act for service as a fugitive apprehension agent
2 prior to July 1, 2002, only upon payment to the System of the
3 employee contributions which would have been paid if such fugitive
4 apprehension agent had been covered by this section prior to the
5 effective date of this act, plus interest of not to exceed ten
6 percent (10%) as determined by the Board. The Department of
7 Corrections may make the employee contribution and interest payment
8 on behalf of such member.

9 (6) Any member who is a correctional officer, a probation and
10 parole officer or a fugitive apprehension agent employed by the
11 Department of Corrections at the time of retirement and who retires
12 on or after July 1, 2002, shall be entitled to receive an annual
13 retirement benefit equal to two and one-half percent (2 1/2%) of the
14 final average compensation of the member, but not exceeding the
15 maximum compensation level as provided in paragraph (18) of Section
16 902 of this title, multiplied by the number of years of service as a
17 correctional officer, a probation and parole officer or a fugitive
18 apprehension agent, and any years in excess of twenty (20) years as
19 such an officer or agent, or years credited to the member in
20 accordance with the provisions of Section 913 of this title, shall
21 be calculated for retirement purposes at two percent (2%) of the
22 final average compensation of the member multiplied by the number of
23 years of such service. For purposes of this paragraph, "final
24 average compensation" shall be determined by computing the average

1 annual salary, in the manner prescribed by paragraph (18) of Section
2 902 of this title, for the highest three (3) years of the last ten
3 (10) years of participating service immediately preceding retirement
4 or termination of employment for all years of service performed by
5 such member, both for years of service performed as a correctional
6 officer, probation and parole officer or fugitive apprehension
7 agent, not in excess of twenty (20) years, and for years of service
8 performed in excess of twenty (20) years, whether as a correctional
9 officer, probation and parole officer, fugitive apprehension agent
10 or other position unless the computation of benefits would result in
11 a lower retirement benefit amount than if final average compensation
12 were to be computed as otherwise provided by this paragraph.

13 (7) Any member who is a correctional officer, a probation and
14 parole officer or a fugitive apprehension agent who has at least
15 five (5) years of service as a correctional officer, a probation and
16 parole officer or a fugitive apprehension agent who is in such
17 position on June 30, 2004, or who is hired after June 30, 2004, in
18 such position, and who receives a promotion or change in job
19 classification after June 30, 2004, to another position in the
20 Department of Corrections, and who is employed by the Department of
21 Corrections at the time of retirement and who retires on or after
22 July 1, 2004, shall be entitled to receive an annual retirement
23 benefit equal to two and one-half percent (2 1/2%) of the final
24 average compensation of the member, but not exceeding the maximum

1 compensation level as provided in paragraph (18) of Section 902 of
2 this title, multiplied by the number of years of service with the
3 Department of Corrections and any years in excess of twenty (20)
4 years with the Department or years credited to the member in
5 accordance with the provisions of Section 913 of this title, shall
6 be calculated for retirement purposes at two percent (2%) of the
7 final average compensation of the member multiplied by the number of
8 years of such service. For purposes of this paragraph, "final
9 average compensation" shall be determined by computing the average
10 annual salary, in the manner prescribed by paragraph (18) of Section
11 902 of this title, for the highest three (3) years of the last ten
12 (10) years of participating service immediately preceding retirement
13 or termination of employment for all years of service performed by
14 such member with the Department.

15 (8) Any person who contributed to the System as a correctional
16 officer, a probation and parole officer or a fugitive apprehension
17 agent as provided in paragraphs (c) or (d) of subsection (1) of
18 Section 919.1 of this title, and who retires under normal retirement
19 or early retirement on or after January 1, 2004, under paragraph
20 (24) of Section 902 of this title shall have retirement benefits for
21 each year of full-time-equivalent participating service as a
22 correctional officer, a probation and parole officer or a fugitive
23 apprehension agent, computed on two and one-half percent (2 1/2%) of
24 the final average compensation based upon those years as a

1 correctional officer, a probation and parole officer or a fugitive
2 apprehension agent. For purposes of this paragraph, "final average
3 compensation" shall be determined by computing the average annual
4 salary, in the manner prescribed by paragraph (18) of Section 902 of
5 this title, for the highest three (3) years of the last ten (10)
6 years of participating service immediately preceding retirement or
7 termination of employment for all years of service performed by such
8 member, both for years of service performed as a correctional
9 officer, probation and parole officer or fugitive apprehension
10 agent, not in excess of twenty (20) years, and for years of service
11 performed in excess of twenty (20) years, whether as a correctional
12 officer, probation and parole officer, fugitive apprehension agent
13 or other position unless the computation of benefits would result in
14 a lower retirement benefit amount than if final average compensation
15 were to be computed as otherwise provided by this paragraph.

16 (9) Any member who is:

- 17 a. initially on or after July 1, 2002, employed as a
18 firefighter for the Oklahoma Military Department and
19 who retires on or after the member's normal retirement
20 date shall be entitled to receive an annual retirement
21 benefit equal to two and one-half percent (2 1/2%) of
22 the final average compensation of the member
23 multiplied by the number of years of service in such
24 service,

1 b. (1) a firefighter who performs firefighting services
2 for the Oklahoma Military Department prior to
3 July 1, 2002, and who makes an election in
4 writing on a form prescribed for this purpose by
5 the System not later than December 31, 2002,
6 shall be entitled to receive a retirement benefit
7 based upon two and one-half percent (2 1/2%) of
8 the final average compensation of the member
9 multiplied by the number of years of service as a
10 firefighter with the Oklahoma Military Department
11 on or after July 1, 2002. The election
12 authorized by this subdivision shall be
13 irrevocable once the election is filed with the
14 System,

15 (2) a firefighter who performs firefighting services
16 for the Oklahoma Military Department prior to
17 July 1, 2002, and who makes the election in
18 division (1) of this subparagraph may also make
19 an election in writing on a form prescribed for
20 this purpose by the System not later than
21 December 31, 2002, to receive a retirement
22 benefit based upon two and one-half percent (2
23 1/2%) of the final average compensation of the
24 member multiplied by the number of years of

1 service as a firefighter with the Oklahoma
2 Military Department prior to July 1, 2002. The
3 election authorized by this subdivision shall be
4 irrevocable once the election is filed with the
5 System. Retirement benefits shall be calculated
6 based upon the two and one-half percent (2 1/2%)
7 multiplier upon payment being made pursuant to
8 Section 913.5 of this title.

9 (10) An emergency medical technician who is:

- 10 a. hired after June 30, 2007, and who is employed as an
11 emergency medical technician at the time of
12 retirement, shall be entitled to receive an annual
13 retirement benefit equal to two and one-half percent
14 (2 1/2%) of the final average compensation of the
15 member multiplied by the number of years of service in
16 such service up to twenty (20) years, and any years in
17 excess of twenty (20) years credited to the member in
18 accordance with the provisions of Section 913 of this
19 title, shall be calculated for retirement purposes at
20 two percent (2%) of the final average compensation of
21 the member multiplied by the number of years of such
22 service,
- 23 b. hired prior to July 1, 2007, and who makes an
24 irrevocable election in writing to pay the actuarial

1 difference for all years of service as an emergency
2 medical technician on a form prescribed for this
3 purpose by the System not later than December 31,
4 2007, shall be entitled to receive an annual
5 retirement benefit equal to two and one-half percent
6 (2 1/2 %) of the final average compensation of the
7 member multiplied by the number of years of service in
8 such service up to twenty (20) years, and any years in
9 excess of twenty (20) years credited to the member in
10 accordance with the provisions of Section 913 of this
11 title, shall be calculated for retirement purposes at
12 two percent (2%) of the final average compensation of
13 the member multiplied by the number of years of such
14 service, provided such member had paid into the System
15 the additional actuarial cost of making this election
16 pursuant to Section 913.5 of this title prior to
17 retirement.

18 (11) Upon death of a retirant, there shall be paid to his
19 beneficiary an amount equal to the excess, if any, of his
20 accumulated contributions over the sum of all retirement benefit
21 payments made.

22 ~~(11)~~ (12) Such annual retirement benefits shall be paid in
23 equal monthly installments, except that the Board may provide for
24

1 the payment of retirement benefits which total less than Two Hundred
2 Forty Dollars (\$240.00) a year on other than a monthly basis.

3 ~~(12)~~ (13) Pursuant to the rules established by the Board, a
4 retiree receiving monthly benefits from the System may authorize
5 warrant deductions for any products currently offered to active
6 state employees through the Employees Benefits Council, provided
7 that product is offered to state retirees as a group and has a
8 minimum participation of five hundred state retirees. The System
9 has no responsibility for the marketing, enrolling or administration
10 of such products, but shall retain a processing fee of two percent
11 (2%) of the gross deductions for the products. Retirement benefit
12 deductions shall be made for membership dues for any statewide
13 association for which payroll deductions are authorized pursuant to
14 subsection B of Section 7.10 of Title 62 of the Oklahoma Statutes
15 for retired members of any state-supported retirement system, upon
16 proper authorization given by the member to the board from which the
17 member or beneficiary is currently receiving retirement benefits.

18 B. A member shall be considered disabled if such member
19 qualifies for the payment of Social Security disability benefits, or
20 the payment of benefits pursuant to the Railroad Retirement Act of
21 1974, Section 231 et seq. of Title 45 of the United States Code, and
22 shall be eligible for benefits hereunder upon proof of such
23 disability, provided such member is an active regularly scheduled
24 employee with a participating employer at the time of injury or

1 inception of illness or disease resulting in subsequent
2 certification of eligibility for Social Security disability benefits
3 by reason of such injury, illness or disease, providing such
4 disability is certified by the Social Security Administration within
5 one (1) year after the last date physically on the job and after
6 completion of at least eight (8) years of participating service or
7 combined prior and participating service or resulting in subsequent
8 certification of eligibility of disability by the Railroad
9 Retirement Board providing such certification is made by the
10 Railroad Retirement Board within one (1) year after the last date
11 physically on the job and after completion of at least eight (8)
12 years of participating service or combined prior and participating
13 service. The member shall submit to the Retirement System the
14 Social Security Award Notice or the Railroad Retirement Award Notice
15 certifying the date of entitlement for disability benefits, as
16 issued by the Social Security Administration, Department of Health
17 and Human Services or the Railroad Retirement Board. Disability
18 benefits shall become effective on the date of entitlement as
19 established by the Social Security Administration or the Railroad
20 Retirement Board, but not before the first day of the month
21 following removal from the payroll, whichever is later, and final
22 approval by the Retirement System. Benefits shall be based upon
23 length of service and compensation as of the date of disability,
24 without actuarial reduction because of commencement prior to the

1 normal retirement date. The only optional form of benefit payment
2 available for disability benefits is Option A as provided for in
3 Section 918 of this title. Option A must be elected in accordance
4 with the provisions of Section 918 of this title. Benefit payments
5 shall cease upon the member's recovery from disability prior to the
6 normal retirement date. Future benefits, if any, shall be paid
7 based upon length of service and compensation as of the date of
8 disability. In the event that disability ceases and the member
9 returns to employment within the System credited service to the date
10 of disability shall be restored, and future benefits shall be
11 determined accordingly.

12 C. A member who incurred a disability pursuant to subsection B
13 of this section on or after July 1, 1999, and who has retired from
14 the System with an early retirement benefit pending certification
15 from the Social Security Administration or the Railroad Retirement
16 Board shall receive a retirement benefit not less than the
17 disability retirement benefit provided by subsection B of this
18 section once the System receives a Social Security Award Notice or a
19 Railroad Retirement Award Notice pursuant to subsection B of this
20 section and a completed Application for Disability Benefits. In
21 addition, such member shall receive the difference, if any, between
22 the early retirement benefit and the disability benefit from the
23 date the Social Security Administration or the Railroad Retirement
24 Board establishes disability entitlement.

1 D. Any actively participating member of the System on or after
2 July 1, 1998, except for those employees provided in subparagraph
3 (e) of paragraph (14) of Section 902 of this title, whose employment
4 is less than full-time, shall have his or her final average
5 compensation calculated on an annualized basis using his or her
6 hourly wage subject to the maximum compensation limits; provided,
7 however, any such member who has at least three (3) years of full-
8 time employment during the last ten (10) years immediately preceding
9 termination or retirement shall not be eligible for the
10 annualization provisions contained herein. The Board of Trustees
11 shall promulgate such administrative rules as are necessary to
12 implement the provisions of this subsection.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 916.4 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A benefit shall be paid on behalf of any member who is an
17 emergency medical technician who is killed or mortally wounded on or
18 after July 1, 2007, during the performance of the member's duties
19 for their employer.

20 B. The benefit shall be equal to Ten Thousand Dollars
21 (\$10,000.00).

22 C. The benefit provided for in this section shall be paid:

23 1. To the surviving spouse; or
24

1 2. If there is no surviving spouse or upon the death of the
2 surviving spouse:

3 a. to the surviving child or children of said member or
4 legal guardian of such child or children for such time
5 as such child or children are under the age of
6 eighteen (18) years, or

7 b. to the surviving child or children between the ages of
8 eighteen (18) and twenty-two (22) years if the child
9 is enrolled full-time in and is regularly attending a
10 public or private school or any institution of higher
11 education.

12 D. The benefit provided in this section shall be in addition to
13 any other benefits that may be paid to or on behalf of any member
14 who is an emergency medical technician.

15 E. The benefit provided in this section shall be made
16 prospectively only from the effective date of this act.

17 F. The Board of Trustees shall promulgate such rules as are
18 necessary to implement the provisions of this section.

19 SECTION 6. AMENDATORY 74 O.S. 2001, Section 920A, as
20 last amended by Section 140, Chapter 1, O.S.L. 2005 (74 O.S. Supp.
21 2006, Section 920A), is amended to read as follows:

22 Section 920A. A. Any county, county hospital, city or town,
23 conservation district, circuit engineering district or any public or
24

1 private trust in which a county, city or town participates and is
 2 the primary beneficiary, which is a participating employer and any
 3 eligible employee shall contribute to the System. The total
 4 employer and employee contributions shall be based on the allowable
 5 annual compensation as defined in paragraph (9) of Section 902 of
 6 this title. Except as provided for in this section, the employer
 7 shall not pay for the employee any of the employee contribution to
 8 the System.

9 B. For the fiscal year ending June 30, 2005, the total employer
 10 and employee contributions shall equal thirteen and one-half percent
 11 (13 1/2%) of the allowable monthly compensation of each member;
 12 provided, however, each participating employer listed in this
 13 section may set the amount of the employer and employee contribution
 14 to equal thirteen and one-half percent (13 1/2%) of the allowable
 15 monthly compensation of each member for compensation as provided in
 16 paragraph (9) of Section 902 of this title; provided, the employer
 17 contribution shall not exceed ten percent (10%) and the employee
 18 contribution shall not exceed eight and one-half percent (8 1/2%).

19 C. The total employer and employee contributions for fiscal
 20 years following the fiscal year ending June 30, 2005, shall be as
 21 follows:

22	July 1, 2005 - June 30, 2006	15%
23	July 1, 2006 - June 30, 2007	16%
24	July 1, 2007 - June 30, 2008	17%

1	July 1, 2008 - June 30, 2009	18%
2	July 1, 2009 - June 30, 2010	19%
3	July 1, 2010 - June 30, 2011	
4	and each fiscal year thereafter	20%

5 Such employee and employer contributions shall be based upon the
6 allowable monthly compensation of each member for compensation as
7 provided in paragraph (9) of Section 902 of this title. The maximum
8 employer contribution of ten percent (10%) in subsection B of this
9 section shall increase by one and one-half percent (1.5%) beginning
10 in the fiscal year ending June 30, 2006, and one percent (1%) for
11 each fiscal year thereafter until it reaches sixteen and one-half
12 percent (16.5%). For such years, the employee contribution shall
13 not exceed eight and one-half percent (8 1/2%).

14 D. For members who make the election pursuant to paragraph (2)
15 of subsection A of Section 915 of this title, the employee
16 contribution shall increase by two and ninety-one one-hundredths
17 percent (2.91%). Such employee contribution increase shall be paid
18 by the employee. For emergency medical technicians hired on or
19 after July 1, 2007, and for members who make the election pursuant
20 to paragraph (10) of subsection A of Section 915 of this title, the
21 employee contribution shall increase by eight and six-tenths percent
22 (8.6%). Such employee contribution increase shall be paid by the
23 employee as long as such employee is an emergency medical technician
24 as defined in paragraph (37) of Section 902 of this title.

1 E. Each participating employer pursuant to the provisions of
2 this section may pick up under the provisions of Section 414(h)(2)
3 of the Internal Revenue Code of 1986 and pay the contribution which
4 the member is required by law to make to the System for all
5 compensation earned after December 31, 1989. Although the
6 contributions so picked up are designated as member contributions,
7 such contributions shall be treated as contributions being paid by
8 the participating employer in lieu of contributions by the member in
9 determining tax treatment under the Internal Revenue Code of 1986
10 and such picked up contributions shall not be includable in the
11 gross income of the member until such amounts are distributed or
12 made available to the member or the beneficiary of the member. The
13 member, by the terms of this System, shall not have any option to
14 choose to receive the contributions so picked up directly and the
15 picked up contributions must be paid by the participating employer
16 to the System.

17 F. Member contributions which are picked up shall be treated in
18 the same manner and to the same extent as member contributions made
19 prior to the date on which member contributions were picked up by
20 the participating employer. Member contributions so picked up shall
21 be included in gross salary for purposes of determining benefits and
22 contributions under the System.

23 G. The participating employer shall pay the member
24 contributions from the same source of funds used in paying salary to

1 the member, by effecting an equal cash reduction in gross salary of
2 the member.

3 SECTION 7. This act shall become effective July 1, 2007.

4 SECTION 8. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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