

STATE OF OKLAHOMA

2nd Session of the 51st Legislature (2008)

SENATE BILL 1641

By: Mazzei

AS INTRODUCED

An Act relating to retirement; amending 74 O.S. 2001, Sections 902, as last amended by Section 134, Chapter 1, O.S.L. 2005 and 913.4, as amended by Section 5, Chapter 486, O.S.L. 2003 (74 O.S. Supp. 2007, Sections 902 and 913.4), which relate to the Oklahoma Public Employees Retirement System; modifying definitions; specifying the computation rate and factor for certain elected officials; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 902, as last amended by Section 134, Chapter 1, O.S.L. 2005 (74 O.S. Supp. 2007, Section 902), is amended to read as follows:

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

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

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

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

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

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

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

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

13 (8) "Board" means the Oklahoma Public Employees Retirement
14 System Board of Trustees;

15 (9) "Compensation" means all salary and wages, as defined by
16 the Board of Trustees, including amounts deferred under deferred
17 compensation agreements entered into between a member and a
18 participating employer, but exclusive of payment for overtime,
19 payable to a member of the System for personal services performed
20 for a participating employer but shall not include compensation or
21 reimbursement for traveling, or moving expenses, or any compensation
22 in excess of the maximum compensation level, provided:

1 (a) For compensation for service prior to January 1, 1988,
2 the maximum compensation level shall be Twenty-five
3 Thousand Dollars (\$25,000.00) per annum.
4 For compensation for service on or after January 1,
5 1988, through June 30, 1994, the maximum compensation
6 level shall be Forty Thousand Dollars (\$40,000.00) per
7 annum.
8 For compensation for service on or after July 1, 1994,
9 through June 30, 1995, the maximum compensation level
10 shall be Fifty Thousand Dollars (\$50,000.00) per
11 annum; for compensation for service on or after July
12 1, 1995, through June 30, 1996, the maximum
13 compensation level shall be Sixty Thousand Dollars
14 (\$60,000.00) per annum; for compensation for service
15 on or after July 1, 1996, through June 30, 1997, the
16 maximum compensation level shall be Seventy Thousand
17 Dollars (\$70,000.00) per annum; and for compensation
18 for service on or after July 1, 1997, through June 30,
19 1998, the maximum compensation level shall be Eighty
20 Thousand Dollars (\$80,000.00) per annum. For
21 compensation for services on or after July 1, 1998,
22 there shall be no maximum compensation level for
23 retirement purposes.
24

1 (b) Compensation for retirement purposes shall include any
2 amount of elective salary reduction under Section 457
3 of the Internal Revenue Code of 1986 and any amount of
4 ~~non-elective~~ nonelective salary reduction under
5 Section 414(h) of the Internal Revenue Code of 1986.

6 (c) Notwithstanding any provision to the contrary, the
7 compensation taken into account for any employee in
8 determining the contribution or benefit accruals for
9 any plan year is limited to the annual compensation
10 limit under Section 401(a)(17) of the federal Internal
11 Revenue Code.

12 (d) Current appointed members of the Oklahoma Tax
13 Commission whose salary is constitutionally limited
14 and is less than the highest salary allowed by law for
15 his or her position shall be allowed, within ninety
16 (90) days from the effective date of this act, to make
17 an election to use the highest salary allowed by law
18 for the position to which the member was appointed for
19 the purposes of making contributions and determination
20 of retirement benefits. Such election shall be
21 irrevocable and be in writing. ~~Re-appointment~~
22 Reappointment to the same office shall not permit a
23 new election. Members appointed to the Oklahoma Tax
24 Commission after the effective date of this act shall

1 make such election, pursuant to this subparagraph,
2 within ninety (90) days of taking office;

3 (10) "Credited service" means the sum of participating service,
4 prior service and elected service. Unless otherwise provided by
5 law, for purposes of benefit calculations, each specific type of
6 service shall be multiplied by the percentage applicable to that
7 type of service;

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

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

13 (13) "Eligible employer" means the state and any county, county
14 hospital, city or town, conservation districts, circuit engineering
15 districts and any public or private trust in which a county, city or
16 town participates and is the primary beneficiary is to be an
17 eligible employer for the purpose of this act only, whose employees
18 are covered by Social Security and are not covered by or eligible
19 for another retirement plan authorized under the laws of this state
20 which is in operation on the initial entry date. Emergency medical
21 service districts may join the System upon proper application to the
22 Board. Provided affiliation by a county hospital shall be in the
23 form of a resolution adopted by the board of control.

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

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

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

19 (c) All employees of the George Nigh Rehabilitation
20 Institute who elected to retain membership in the
21 System, pursuant to Section 913.7 of this title, shall
22 continue to be eligible employees for the purposes of
23 this act. The George Nigh Rehabilitation Institute
24

1 shall be considered a participating employer only for
2 such employees.

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

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

21 (a) Any employee of the county extension agents who is not
22 currently participating in the Teachers' Retirement
23 System of Oklahoma shall be a member of this System.
24

1 (b) Eligibility shall not include any employee who is a
2 contributing member of the United States Civil Service
3 Retirement System.

4 (c) It shall be mandatory for an officer, appointee or
5 employee of the office of district attorney to become
6 a member of this System if he or she is not currently
7 participating in a county retirement system. Provided
8 further, that if an officer, appointee or employee of
9 the office of district attorney is currently
10 participating in such county retirement system, he or
11 she is ineligible for this System as long as he or she
12 is eligible for such county retirement system. Any
13 eligible officer, appointee or employee of the office
14 of district attorney shall be given credit for prior
15 service as defined in this section. The provisions
16 outlined in Section 917 of this title shall apply to
17 those employees who have previously withdrawn their
18 contributions.

19 (d) Eligibility shall also not include any officer or
20 employee of the Oklahoma Employment Security
21 Commission, except for those officers and employees of
22 the Commission electing to transfer to this System
23 pursuant to the provisions of Section 910.1 of this
24 title or any other class of officers or employees

1 specifically exempted by the laws of this state,
2 unless there be a consolidation as provided by Section
3 912 of this title. Employees of the Oklahoma
4 Employment Security Commission who are ineligible for
5 enrollment in the Employment Security Commission
6 Retirement Plan, that was in effect on January 1,
7 1964, shall become members of this System.

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

1 employee of the Legislative Service Bureau
2 participates full time shall be counted as six (6)
3 months of full-time participating service.

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

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

18 (iii) Notwithstanding the provisions of division (i) of
19 this subparagraph, a temporary legislative
20 session employee who elected to become a member
21 of the System may withdraw from the System
22 effective the day said employee elected to
23 participate in the System upon written request to
24 the Board. Any such request must be received by

1 the Board prior to October 1, 1990. All employee
2 contributions made by the temporary legislative
3 session employee shall be returned to the
4 employee without interest within four (4) months
5 of receipt of the written request.

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

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

1 due to cessation of payments, death,
2 termination of employment or retirement, but
3 the payment may extend for a period not to
4 exceed ninety-six (96) months;

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

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

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

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

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

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

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

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

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

- 22 (a) during the following periods, including the beginning
23 and ending dates, and only for the periods served,
24 from:

- 1 (i) April 6, 1917, to November 11, 1918, commonly
2 referred to as World War I,
- 3 (ii) September 16, 1940, to December 7, 1941, as a
4 member of the 45th Division,
- 5 (iii) December 7, 1941, to December 31, 1946, commonly
6 referred to as World War II,
- 7 (iv) June 27, 1950, to January 31, 1955, commonly
8 referred to as the Korean Conflict or the Korean
9 War,
- 10 (v) February 28, 1961, to May 7, 1975, commonly
11 referred to as the Vietnam era, except that:
- 12 a. for the period from February 28, 1961, to
13 August 4, 1964, military service shall only
14 include service in the Republic of Vietnam
15 during that period, and
- 16 b. for purposes of determining eligibility for
17 education and training benefits, such period
18 shall end on December 31, 1976, or
- 19 (vi) August 1, 1990, to December 31, 1991, commonly
20 referred to as the Gulf War, the Persian Gulf
21 War, or Operation Desert Storm, but excluding any
22 person who served on active duty for training
23 only, unless discharged from such active duty for
24 a service-connected disability;

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

19 An eligible member under this paragraph shall include only those
20 persons who shall have served during the times or in the areas
21 prescribed in this paragraph, and only if such person provides
22 appropriate documentation in such time and manner as required by the
23 System to establish such military service prescribed in this
24 paragraph, or for service pursuant to subdivision a of division (v)

1 of subparagraph (a) of this paragraph those persons who were awarded
2 service medals, as authorized by the United States Department of
3 Defense as reflected in the veteran's Defense Department Form 214,
4 related to the Vietnam Conflict for service prior to August 5, 1964;

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

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

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

20 (c) for any person who became a member after June 30,
21 1992, the first day of the month coinciding with or
22 following the date at which the sum of a member's age
23 and number of years of credited service total ninety
24 (90),

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

5 (i) a correctional or probation and parole officer
6 with the Department of Corrections and at the
7 time of retirement, the member was a correctional
8 or probation and parole officer with the
9 Department of Corrections, or

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

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

14 (e) for those fugitive apprehension agents who retire on
15 or after July 1, 2002, the first day of the month
16 coinciding with or following a member's completion of
17 at least twenty (20) years of full-time-equivalent
18 employment as a fugitive apprehension agent with the
19 Department of Corrections and at the time of
20 retirement, the member was a fugitive apprehension
21 agent with the Department of Corrections, or

22 (f) for any member who was continuously employed by an
23 entity or institution within The Oklahoma State System
24 of Higher Education and whose initial employment with

1 such entity or institution was prior to July 1, 1992,
2 and who without a break in service of more than thirty
3 (30) days became employed by an employer participating
4 in the Oklahoma Public Employees Retirement System,
5 the first day of the month coinciding with or
6 following the date at which the sum of the member's
7 age and number of years of credited service total
8 eighty (80);

9 (25) "Participating employer" means an eligible employer who
10 has agreed to make contributions to the System on behalf of its
11 employees;

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

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

17 (28) "Retirant" means a member who has retired under the
18 System;

19 (29) "Retirement benefit" means a monthly income with benefits
20 accruing from the first day of the month coinciding with or
21 following retirement and ending on the last day of the month in
22 which death occurs or the actuarial equivalent thereof paid in such
23 manner as specified by the member pursuant to Section 901 et seq. of
24

1 this title or as otherwise allowed to be paid at the discretion of
2 the Board;

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

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

8 (32) "Total disability" means a physical or mental disability
9 accepted for disability benefits by the Federal Social Security
10 System;

11 (33) "Service-connected disability benefits" means military
12 service benefits which are for a service-connected disability rated
13 at twenty percent (20%) or more by the Veterans Administration or
14 the Armed Forces of the United States;

15 (34) "Elected official" means a person elected to a state
16 office in the legislative or executive branch of state government or
17 a person elected to a county office for a definite number of years
18 and shall include an individual who is appointed to fill the
19 unexpired term of an elected state official;

20 (35) "Elected service" means the period of service as an
21 elected official; and

22 (36) "Limitation year" means the year used in applying the
23 limitations of Section 415 of the Internal Revenue Code of 1986,
24 which year shall be the calendar year.

1 SECTION 2. AMENDATORY 74 O.S. 2001, Section 913.4, as
2 amended by Section 5, Chapter 486, O.S.L. 2003 (74 O.S. Supp. 2007,
3 Section 913.4), is amended to read as follows:

4 Section 913.4 A. An elected official may elect to participate
5 in the System and if he or she elects to do so shall have the option
6 of contributing at any one of the below listed ~~percentage factors~~
7 contribution rates and will receive retirement benefits in
8 accordance with the ~~percentage factor~~ contribution rate chosen. The
9 election on participation in the System must be in writing, must
10 specify the percent of contributions chosen, and must be filed with
11 the System within ninety (90) days after the elected official takes
12 office. The election ~~is to participate and the election of a~~
13 contribution rate shall be irrevocable. Reelection to the same
14 office will not permit a new ~~election~~ elections. Failure of an
15 elected official to file such election form within the ninety-day
16 period shall be deemed an irrevocable election to participate in the
17 System at the maximum contribution ~~percentage rate~~. Any currently
18 serving elected official who has not previously elected to
19 participate in the System on the effective date of this act, must
20 make an election on participation in writing, specifying the
21 ~~contributions percent~~ contribution rate no later than December 1,
22 1999. Failure of a currently serving elected official to file such
23 election form shall be deemed an irrevocable election to participate
24 in the System at the maximum contribution ~~percentage rate~~.

1 Contributions and benefits will be based upon his or her annual
 2 compensation as defined in Section 902 of this title. Employer and
 3 employee contributions shall be remitted monthly, or as the Board
 4 may otherwise provide, to the Executive Director for deposit in the
 5 Oklahoma Public Employees Retirement Fund. Effective July 1, 1994,
 6 and thereafter, the participating employer shall contribute as
 7 provided in Section 920 of this title.

8 Effective July 1, 1994, and thereafter, the member contributions
 9 and the computation factor selected shall be based on the entire
 10 compensation as an elected official subject to the definition and
 11 maximum compensation levels as set forth in paragraph (9) of Section
 12 902 of this title and shall be as follows:

13	Percent of	Computation	Alternate
14	Contribution <u>Rate</u>	Factor	Formula
15	4 1/2%	019	\$12.50
16	6%	025	\$20.00
17	7 1/2%	030	\$25.00
18	8 1/2%	034	\$27.50
19	9%	036	\$30.00
20	10%	040	\$40.00

21 B. The normal retirement date for an elected official shall be
 22 the first day of the month coinciding with or following the
 23 official's sixtieth birthday or the first day of the month
 24 coinciding with or following the date at which the sum of the

1 | elected official's age and number of years of credited service total
 2 | eighty (80). Provided further, that any elective official who has a
 3 | minimum of ten (10) years' participating service may retire under
 4 | the early retirement provisions of this act, including those
 5 | electing a vested benefit and shall receive an adjustment of annual
 6 | benefits in accordance with the following percentage schedule:

7	Percentage of Normal	
8	Age	Retirement Benefits
9	60	100%
10	59	94%
11	58	88%
12	57	82%
13	56	76%
14	55	70%

15 | C. 1. Any elected official shall receive annual benefits
 16 | computed based upon the ~~computation~~ contribution rate and
 17 | corresponding computation factor selected multiplied by the member's
 18 | highest annual compensation received as an elected official prior to
 19 | retirement or termination of employment; provided, no elected
 20 | official shall retire using such highest annual compensation unless
 21 | the elected official has made the required election and has paid the
 22 | required contributions on such salary, multiplied by the number of
 23 | years of credited service, that has been credited to the member in
 24 | accordance with the provisions of this section.

1 2. The retirement benefit may be computed pursuant to the
2 provisions of paragraph (1) of subsection A of Section 915 of this
3 title if the benefit would be higher. Elected officials who have a
4 vested benefit prior to July 1, 1980, may elect to receive annual
5 benefits based on the alternate formula provided above. Such annual
6 benefits shall be paid in equal monthly installments.

7 3. Elected officials who are first elected or appointed to an
8 elected office on or after July 1, 2008, will receive retirement
9 benefits in accordance with the contribution rate and corresponding
10 computation factor selected pursuant to subsection A of this section
11 multiplied by the member's highest annual compensation received as
12 an elected official and only for those years of credited service the
13 member served as an elected official. If such elected official has
14 participating service as a nonelected member, then such nonelected
15 service shall be computed separately pursuant to the provisions of
16 paragraph (1) of subsection A of Section 915 of this title with the
17 final benefit result added to the final benefit result for elected
18 service. In no event shall the elected official be entitled to
19 apply the contribution rate and corresponding computation factor
20 selected pursuant to subsection A of this section or the
21 compensation received as an elected official to the computation of
22 nonelected service.

23 D. Any elected official making an election to participate at a
24 contribution ~~percent~~ rate less than the maximum and later selecting

1 a higher rate shall contribute to the System a sum equal to the
2 amount which he would have contributed if he had made such election
3 at the time he first became eligible, plus interest as determined by
4 the Board, in order to receive the additional benefits for all
5 service as an elected official; otherwise, the additional benefits
6 shall be applicable only to service for which the elected official
7 pays the appropriate percent of contributions to the System. Any
8 elected official who did not elect to participate and later elects
9 to participate prior to December 1, 1999, may receive credit for
10 those years of service accumulated by the member as an elected
11 official if the member is not receiving or eligible to receive
12 retirement credit or benefits from said service in any public
13 retirement system. To receive this service credit, the member shall
14 pay the amount determined by the Board pursuant to Section 913.5 of
15 this title.

16 E. An elected official who has a vested benefit on July 1,
17 1982, may elect to receive benefits based upon a higher contribution
18 rate than the official previously contributed by paying to the
19 System the contributions, plus interest as determined by the Board,
20 due at the higher rate as if that rate had been in effect at the
21 time the official accepted a vested benefit.

22 F. The surviving spouse of a deceased elected official having
23 at least six (6) years of participating service shall be entitled to
24 receive survivor benefits in the amount herein prescribed, if

1 married to the decedent continuously for a period of at least three
2 (3) years immediately preceding the elected official's death.
3 Provided the elected official had met the service requirements,
4 survivor benefits shall be payable when the deceased member would
5 have met the requirements for normal or early retirement. The
6 amount of the benefits the surviving spouse may receive shall be
7 fifty percent (50%) of the amount of benefits the deceased elected
8 official was receiving or will be eligible to receive. Remarriage
9 of a surviving spouse shall disqualify the spouse for the receipt of
10 survivor benefits. Elected officials may elect a retirement option
11 as provided in Section 918 of this title in lieu of the survivors
12 benefit provided above.

13 G. Any elected official who served in the Armed Forces of the
14 United States, as defined in paragraph (23) of Section 902 of this
15 title, prior to membership in the Oklahoma Public Employees
16 Retirement System shall be granted credited service of not to exceed
17 five (5) years for those periods of active military service during
18 which the elected official was a war veteran.

19 H. Any one appointed or elected to an elected position after
20 July 1, 1990, shall not be eligible to receive benefits as provided
21 in this section until such person has participated as an elected
22 official for six (6) years.

23 I. Elected officials who terminate participation in the System
24 and who have a minimum of six (6) years of participating service

1 shall be entitled to elect a vested benefit and shall be entitled to
2 the retirement options as provided in Section 918 of this title in
3 lieu of the survivors benefit provided above.

4 SECTION 3. This act shall become effective July 1, 2008.

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

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