

1 THE STATE SENATE
2 Monday, February 22, 2010
3 Committee Substitute for
4 Senate Bill No. 1212

CS for SB 1212

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1212 - By: Brown of the
6 Senate and Hickman of the House.

7 [retirement - Oklahoma Law Enforcement Retirement System -
8 effective date -
9 emergency]

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

11 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-305, as
12 last amended by Section 9, Chapter 169, O.S.L. 2009 (47 O.S. Supp.
13 2009, Section 2-305), is amended to read as follows:

14 A. Except as otherwise provided in this title, at any time
15 after attaining normal retirement date, any member of the Oklahoma
16 Law Enforcement Retirement System upon application for unreduced
17 retirement benefits made and approved, may retire, and, during the
18 remainder of the member's lifetime, receive annual retirement pay,
19 payable in equal monthly payments, equal to two and one-half percent
20 (2 1/2%) of the final average salary times years of credited
21 service. Credited service time will be prorated for additional
22 months of service. If such member has sixteen (16) days or more of
23 service, the days will be rolled up to become another month. If
24 such retired member is reemployed by a state agency in a position
25 which is not covered by the System, such retired member shall

1 continue to receive in-service distributions from the System. Prior
2 to September 19, 2002, if such retired member was reemployed by a
3 state agency in a position which is covered by the System, such
4 member shall continue to receive in-service distributions from the
5 System and shall not accrue any further credited service. If such a
6 member is reemployed by a state agency in a position which is
7 covered by the System on or after September 19, 2002, such member's
8 monthly retirement payments shall be suspended until such member
9 retires and is not reemployed by a state agency in a position which
10 is covered by the System. No member shall be required to retire for
11 length of service unless and until the member shall have reached the
12 age of sixty (60) years, but any member of the System who shall have
13 reached the age of sixty (60) years and who shall also have
14 completed twenty (20) years or more of credited service shall be
15 retired by the Board unless, after application to the Board and such
16 examination and showing as the Board may deem proper, the Board
17 shall determine that such member of the System is physically and
18 mentally able to continue to perform duties or service as required
19 of a member. Unless such application be made by a member of the
20 System within thirty (30) days after reaching the age of sixty (60)
21 years and completing twenty (20) years or more of credited service
22 or if, after such application and examination, the Board shall
23 determine that such member of the System is not physically or

1 mentally able to continue to perform services as required of the
2 employer, the Board shall by resolution order his or her retirement
3 with retirement pay for length of service as provided herein.

4 B. Beginning July 1, 1994, members who retired or were eligible
5 to retire prior to July 1, 1980 or their surviving spouses shall
6 receive annual retirement pay, payable in equal monthly payments,
7 equal to the greater of their current retirement pay, or two and
8 one-half percent (2 1/2%) of the actual paid gross salary being
9 currently paid to a highway patrol officer, at the time each such
10 monthly retirement payment is made, multiplied by the retired
11 member's years of credited service.

12 C. Members of the System whose salary is set by statute who
13 have retired after completion of the mandatory twenty (20) years of
14 service, and those members with statutory salaries who retire after
15 reaching the mandatory twenty-year retirement, shall receive an
16 annual retirement pay, payable in equal monthly installments, based
17 upon the greater of either:

18 1. The top base pay currently paid to an active member, at the
19 time each such monthly retirement payment is made, multiplied by two
20 and one-half percent (2 1/2%) multiplied by the number of years of
21 credited service and fraction thereof for the following positions:

- 22 a. Oklahoma Highway Patrolman,
23 b. Communications Dispatcher,

- 1 c. Capitol Patrolman,
2 d. Lake Patrolman,
3 e. Oklahoma State Bureau of Investigation-Special Agent;
4 or

5 2. The member's final average salary as set forth in paragraph
6 9 of Section 2-300 of this title, multiplied by two and one-half
7 percent (2 1/2%), and multiplied by the number of years of credited
8 service and fraction thereof.

9 No member of the System retired prior to July 1, 2002, shall
10 receive a benefit less than the amount the member is receiving as of
11 June 30, 2002.

12 D. Other members of the System whose retirement benefit is not
13 otherwise prescribed by this section who have retired after
14 completion of the mandatory twenty (20) years of service, and those
15 members who retire after reaching the mandatory twenty-year
16 retirement, shall receive an annual retirement pay, payable in equal
17 monthly payments, based upon the greater of either:

18 1. The actual average salary currently paid to the highest
19 nonsupervisory position in the participating agency, at the time
20 each such monthly payment is made, multiplied by two and one-half
21 percent (2 1/2%), multiplied by the number of years of credited
22 service and fraction thereof for the following positions:

- 1 a. Alcoholic Beverage Laws Enforcement Commission-ABLE
2 Commission Agent III,
3 b. Oklahoma State Bureau of Narcotics and Dangerous Drugs
4 Control-Narcotics Agent III,
5 c. Oklahoma Tourism and Recreation Department-Park Ranger
6 II,
7 d. Oklahoma State Board of Pharmacy-Pharmacy Inspector,
8 e. University of Oklahoma-Police Officer,
9 f. Oklahoma State University-Police Officer; or

10 2. The other member's final average salary as set forth in
11 paragraph 9 of Section 2-300 of this title, multiplied by two and
12 one-half percent (2 1/2%), multiplied by the number of years of
13 credited service and fraction thereof.

14 No member of the System retired prior to July 1, 2002, shall
15 receive a benefit less than the amount the member is receiving as of
16 June 30, 2002. The participating employer must certify to the
17 System in writing the actual average gross salary currently paid to
18 the highest nonsupervisory position. The Board of Trustees shall
19 promulgate such rules as are necessary to implement the provisions
20 of this section.

21 E. A member who meets the definition of disability as defined
22 in paragraph 11 of Section 2-300 of this title by direct reason of
23 the performance of the member's duties as an officer shall receive a

1 monthly benefit equal to the greater of fifty percent (50%) of final
2 average salary or two and one-half percent (2 1/2%) of final average
3 salary multiplied by the number of years of the member's credited
4 service. If such member participates in the Oklahoma Law
5 Enforcement Deferred Option Plan pursuant to Section 2-305.2 of this
6 title, then such member's disability pension provided pursuant to
7 this subsection shall be reduced to account for such member's
8 participation in the Oklahoma Law Enforcement Deferred Option Plan.

9 F. A member who meets the definition of disability as defined
10 in paragraph 11 of Section 2-300 of this title and whose disability
11 is by means of personal and traumatic injury of a catastrophic
12 nature and in the line of duty, shall receive a monthly benefit
13 equal to:

- 14 1. Two and one-half percent (2 1/2%);
- 15 2. Multiplied by:
 - 16 a. twenty (20) years of service, regardless of the actual
17 number of years of credited service performed by the
18 member prior to the date of disability, if the member
19 had performed less than twenty (20) years of service,
20 or
 - 21 b. the actual number of years of service performed by the
22 member if the member had performed twenty (20) or more
23 years of service;

1 3. Multiplied by a final average salary equal to:

2 a. the salary which the member would have received
3 pursuant to statutory salary schedules in effect upon
4 the date of the disability for twenty (20) years of
5 service prior to disability. The final average salary
6 for a member who performed less than twenty (20) years
7 of service prior to disability shall be computed
8 assuming that the member was paid the highest salary
9 allowable pursuant to the law in effect at the time of
10 the member's disability based upon twenty (20) years
11 of service and with an assumption that the member was
12 eligible for any and all increases in pay based upon
13 rank during the entire period. If the salary of a
14 member is not prescribed by a specific salary schedule
15 upon the date of the member's disability, the final
16 average salary for the member shall be computed by the
17 member's actual final average salary or the highest
18 median salary amount for a member whose salary was
19 prescribed by a specific salary schedule upon the date
20 of the member's disability, whichever final average
21 salary amount would be greater, or

1 b. the actual final average salary of the member if the
2 member had performed twenty (20) or more years of
3 service prior to disability.

4 If such member participates in the Oklahoma Law Enforcement
5 Deferred Option Plan pursuant to Section 2-305.2 of this title, such
6 member's disability pension provided pursuant to this subsection
7 shall be adjusted as provided in Section 2-305.2 of this title to
8 account for such member's participation in the Oklahoma Law
9 Enforcement Deferred Option Plan.

10 G. A member who meets the definition of disability as defined
11 in Section 2-300 of this title and whose disability occurred prior
12 to the member's normal retirement date but after completing three
13 (3) years of vesting service and not by reason of the performance of
14 the member's duties as an officer or as a result of the member's
15 willful negligence shall receive a monthly benefit equal to two and
16 one-half percent (2 1/2%) of final average salary multiplied by the
17 number of years of the member's credited service.

18 H. Payment of a disability pension shall commence as of the
19 first day of the month coinciding or next following the date of
20 retirement and shall continue as long as the member meets the
21 definition of total and permanent disability provided in this
22 section.

1 I. For the purpose of determining the member's disability under
2 subsection E, F or G of this section, the member shall be required
3 by the Board to be examined by a minimum of two recognized
4 physicians selected by the Board to determine the extent of the
5 member's injury or illness. The examining physicians shall furnish
6 the Board a detailed written report of the injury or illness of the
7 examined member establishing the extent of disability and the
8 possibilities of the disabled member being returned to his or her
9 regular duties or an alternate occupation or service covered by the
10 System after a normal recuperation period. The Board shall require
11 all retired disabled members who have not attained their normal
12 retirement date to submit to a physical examination once each year
13 for a minimum of three (3) years following retirement. The Board
14 shall select a minimum of two physicians to examine the retired
15 members and pay for their services from the fund. Any retired
16 disabled member found no longer disabled by the examining physicians
17 to perform the occupation of the member or an alternate occupation
18 or service covered by the System shall be required to return to duty
19 and complete twenty (20) years of service as provided in subsection
20 A of this section, or forfeit all his or her rights and claims under
21 this act.

22 J. The disability benefit under this section shall be for the
23 lifetime of the member unless such member is found no longer

1 disabled pursuant to subsection I of this section. Such member
2 shall not be entitled to the retirement benefit pursuant to
3 subsection A of this section unless such member returns to active
4 duty and is eligible for a retirement benefit as provided in
5 subsection A of this section.

6 K. At the postoffer, preemployment physical examination
7 required under paragraph 6 of Section 2-300 of this title, the
8 physician selected by the Board shall determine the extent to which
9 a new member is disabled. If a member is determined to be partially
10 disabled, the physician shall assign a percentage of disability to
11 such partial disability. If such member then becomes entitled to a
12 disability benefit under either subsection E or subsection G of this
13 section, the benefit payable shall be reduced by the percentage
14 which such member was determined to be disabled at the postoffer,
15 preemployment physical unless the Board makes a determination that
16 the initially determined percentage of disability at the
17 preemployment physical examination is unrelated to the reason for
18 the disability currently sought pursuant to subsection E or
19 subsection G of this section. Upon employment, the member shall
20 disclose to the Board any disability payments received from any
21 source. The amount of disability to be paid to any member cannot
22 exceed one hundred percent (100%) disability from all sources. The

1 provisions of this subsection shall apply only to members whose
2 effective date of membership is on or after July 1, 2000.

3 L. In addition to the pension provided for under subsection F
4 of this section, if said member has one or more children under the
5 age of eighteen (18) years or under the age of twenty-two (22) years
6 if the child is enrolled full time in and is regularly attending a
7 public or private school or any institution of higher education,
8 ~~Four Hundred Dollars (\$400.00)~~ Seven Hundred Fifty Dollars (\$750.00)
9 a month shall be paid from said Fund for the support of each
10 surviving child to the member or person having the care and custody
11 of such children until each child reaches the age of eighteen (18)
12 years or reaches the age of twenty-two (22) years if the child is
13 enrolled full time in and is regularly attending a public or private
14 school or any institution of higher education.

15 M. Notwithstanding any other provisions in Section 2-300
16 through 2-315 of this title, in order to be eligible to receive
17 disability benefits, a member who meets the definition of disability
18 as defined in paragraph 11 of Section 2-300 of this title shall file
19 the member's completed application for disability benefits with the
20 System before such member's date of termination from service and
21 provide such additional information that the System's rules require
22 within six (6) months of the System's receipt of such application.
23 If the member's completed application for disability benefits is not

1 filed with the System before the member's date of termination from
2 service or such additional information as is required under the
3 System's rules is not provided within six (6) months of the System's
4 receipt of such application, such member shall be eligible only for
5 such other benefits as are available to members of the System and
6 shall not be eligible to receive any disability benefits.

7 N. If the requirements of Section 2-305.1C of this title are
8 satisfied, a member who, by reason of disability or attainment of
9 normal retirement date or age, is separated from service as a public
10 safety officer with the member's participating employer may elect to
11 have payment made directly to the provider for qualified health
12 insurance premiums by deduction from his or her monthly disability
13 benefit or monthly retirement payment, after December 31, 2006, in
14 accordance with Section 402(1) of the Internal Revenue Code of 1986,
15 as amended.

16 SECTION 2. AMENDATORY 47 O.S. 2001, Section 2-305.2, as
17 last amended by Section 20, Chapter 46, 2nd Extraordinary Session,
18 O.S.L. 2006 (47 O.S. Supp. 2009, Section 2-305.2), is amended to
19 read as follows:

20 Section 2-305.2 A. In lieu of terminating employment and
21 accepting a service retirement pension pursuant to Section 2-305 of
22 this title, any member of the Oklahoma Law Enforcement Retirement
23 System who has not less than twenty (20) years of participating

1 service and who is eligible to receive a service retirement pension
2 may elect to participate in the Oklahoma Law Enforcement Deferred
3 Option Plan and defer the receipts of benefits in accordance with
4 the provisions of this section.

5 B. For purposes of this section, participating service shall
6 include service credit recognized pursuant to paragraphs (c) and (d)
7 of Section 2-307, subsection B of Section 2-307.2, and Sections 2-
8 309.1, 2-309.2, 2-309.3, 2-309.4, 2-309.5, 2-309.6 and 2-309.7 of
9 this title but for eligibility purposes only.

10 C. The duration of participation in the Oklahoma Law
11 Enforcement Deferred Option Plan for a member shall not exceed five
12 (5) years. Participation in the Oklahoma Law Enforcement Deferred
13 Option Plan must begin the first day of a month and end on the last
14 day of the month. At the conclusion of a member's participation in
15 the Oklahoma Law Enforcement Deferred Option Plan, the member shall
16 terminate employment as a member of the Oklahoma Law Enforcement
17 Retirement System, and shall start receiving the member's accrued
18 monthly retirement benefit from the System. Such a member may
19 continue to receive in-service distributions of such member's
20 accrued monthly retirement benefit from the System if the member is
21 reemployed by a state agency only if such reemployment is in a
22 position not covered under the System.

1 D. When a member begins participation in the Oklahoma Law
2 Enforcement Deferred Option Plan, the contribution of the member
3 shall cease. The employer contributions shall continue to be paid
4 in accordance with Section 2-304 of this title. Employer
5 contributions for members who elect the Oklahoma Law Enforcement
6 Deferred Option Plan shall be credited equally to the Oklahoma Law
7 Enforcement Retirement System and to the member's Oklahoma Law
8 Enforcement Deferred Option Plan account. The monthly retirement
9 benefits that would have been payable had the member elected to
10 cease employment and receive a service retirement shall be paid into
11 the member's Oklahoma Law Enforcement Deferred Option Plan account.

12 E. 1. A member who participates in this plan shall be eligible
13 to receive cost of living increases.

14 2. A member who participates in this plan shall earn interest
15 at a rate of two percentage points below the rate of return of the
16 investment portfolio of the System, but no less than the actuarial
17 assumed interest rate as certified by the actuary in the yearly
18 evaluation report of the actuary. The interest shall be credited to
19 the individual account balance of the member on an annual basis.

20 F. A member in the Oklahoma Law Enforcement Deferred Option
21 Plan shall receive, at the option of the member:

22 1. A lump-sum payment from the account equal to the option
23 account balance of the member, payable to the member;

1 2. A lump-sum payment from the account equal to the option
2 account balance of the member, payable to the annuity provider which
3 shall be selected by the member as a result of the research and
4 investigation of the member; or

5 3. Any other method of payment if approved by the Board.

6 If a member meets the definition of disability as defined in
7 paragraph 11 of Section 2-300 of this title by direct reason of the
8 performance of the member's duties, the payment from the account
9 shall be an in-line-of-duty disability payment.

10 G. If the member dies during the period of participation in the
11 Oklahoma Law Enforcement Deferred Option Plan, a lump-sum payment
12 equal to the account balance of the member shall be paid to the
13 designated beneficiary as defined in paragraph 17 of Section 2-300
14 of this title, or if there is no designated beneficiary or the
15 designated beneficiary predeceases the member, to the estate of the
16 member. If such member was receiving, or eligible to receive, an
17 in-line-of-duty disability pension pursuant to subsection E or F of
18 Section 2-305 of this title at the time of death, payment of the
19 account balance shall be an in-line-of-duty disability payment.

20 H. In lieu of participating in the Oklahoma Law Enforcement
21 Deferred Option Plan pursuant to subsections A, B, C, D, E and F of
22 this section, a member may elect to participate in the Oklahoma Law

1 Enforcement Deferred Option Plan pursuant to this subsection as
2 follows:

3 1. For purposes of this subsection, the following definitions
4 shall apply:

5 a. "back drop date" means the date selected by the member
6 which is up to five (5) years before the member elects
7 to participate in the Oklahoma Law Enforcement
8 Deferred Option Plan, but not before the date at which
9 the member completes twenty (20) years of
10 participating service,

11 b. "termination date" means the date the member elects to
12 participate in the Oklahoma Law Enforcement Deferred
13 Option Plan pursuant to this subsection and the date
14 the member terminates employment and starts receiving
15 the member's accrued monthly retirement benefit from
16 the System. Such termination has at all times
17 included reemployment of a member by a state agency,
18 but only in a position not covered under the System,

19 c. "earlier attained participating service" means the
20 participating service earned by a member as of the
21 back drop date. Earlier attained participating
22 service cannot be reduced to less than twenty (20)
23 years of participating service, and

1 d. "deferred benefit balance" means all retirement
2 benefits that would have been paid from the back drop
3 date to the termination date, and one half (1/2) of
4 the employer contributions from the back drop date to
5 the termination date, with interest based on how the
6 benefit would have accumulated on a compound annual
7 basis as if the member had participated in the
8 Oklahoma Law Enforcement Deferred Option Plan pursuant
9 to subsections A, B, C, D and E of this section from
10 the back drop date to the termination date;

11 2. At the termination date, a member's monthly pension benefit
12 shall be determined based on the earlier attained participating
13 service and on the final average salary as of the back drop date.
14 The member's individual deferred option account shall be credited
15 with an amount equal to the deferred benefit balance; the member
16 shall terminate employment and shall start receiving the member's
17 accrued monthly retirement benefit from the System. The member
18 shall, upon application filed with the Board, be refunded from the
19 fund an amount equal to the accumulated contributions the member
20 made to the fund from the back drop date to the termination date,
21 but excluding any interest. Such termination has at all times
22 included reemployment of a member by a state agency, but only in a
23 position not covered under the System. The provisions of

1 subsections B, C, E, F and G of this section shall apply to this
2 subsection; ~~and~~

3 3. A member may participate in the Oklahoma Law Enforcement
4 Deferred Option Plan pursuant to this subsection even if the member
5 has elected to participate in the Oklahoma Law Enforcement Deferred
6 Option Plan pursuant to subsections A, B, C, D, E and F of this
7 section. Such a member may select a back drop date which is up to
8 five (5) years prior to the termination date, but not before the
9 date at which the member completes twenty (20) years of
10 participating service. Such a member's participation in the
11 Oklahoma Law Enforcement Deferred Option Plan may not exceed five
12 (5) years when combined with such a member's prior period of
13 participation in the Oklahoma Law Enforcement Deferred Option Plan.
14 The provisions of subsections B, C, E, F and G of this section shall
15 apply to this subsection; and

16 4. Effective July 1, 2009, if a member who has not less than
17 twenty (20) years of participating service dies prior to terminating
18 employment, the surviving spouse shall be eligible to elect to
19 receive a benefit determined as if the member had elected to
20 participate in the Oklahoma Law Enforcement Deferred Option Plan in
21 accordance with this subsection on the day immediately preceding the
22 member's death if such election is made prior to the payment of any
23 monthly survivor retirement benefit. The surviving spouse may elect

1 a back-drop date which is up to five (5) years prior to the last day
2 of the month coinciding with or following the month of the member's
3 death, but not before the date at which the member completes twenty
4 (20) years of participating service. Participation in the Oklahoma
5 Law Enforcement Deferred Option Plan shall begin the first day of a
6 month and end the last day of the month. The surviving spouse shall
7 have been married to the member immediately preceding the member's
8 death, and continuously for the thirty (30) months immediately
9 preceding the member's death. A surviving spouse of a member who
10 died while in, or as a consequence of, the performance of the
11 member's duty for the employer shall not be subject to the thirty-
12 month marriage requirement for the survivor benefits requirement for
13 this election.

14 SECTION 3. AMENDATORY 47 O.S. 2001, Section 2-306, as
15 last amended by Section 4, Chapter 542, O.S.L. 2004 (47 O.S. Supp.
16 2009, Section 2-306), is amended to read as follows:

17 Section 2-306. A. Upon the death of a retired member or upon
18 the death of any member prior to retirement or other termination of
19 covered employment, a monthly pension shall be paid which shall be
20 in an amount as provided below:

21 1. If the member was not retired and death occurred as the
22 direct result of the performance of the member's duties as an
23 officer, an amount:

- 1 a. equal to two and one-half percent (2 1/2%),
- 2 b. multiplied by:
- 3 (1) twenty (20) years of service, regardless of the
- 4 actual number of years of credited service
- 5 performed by the member prior to the date of
- 6 death if the member had performed less than
- 7 twenty (20) years of service, or
- 8 (2) the actual number of years of service performed
- 9 by the member if the member had performed twenty
- 10 (20) or more years of service,
- 11 c. multiplied by a final average salary equal to:
- 12 (1) the salary which the member would have received
- 13 pursuant to statutory salary schedules in effect
- 14 upon the date of death for twenty (20) years of
- 15 service if the member did not actually perform
- 16 twenty (20) years of service prior to death. The
- 17 final average salary for a member who performed
- 18 less than twenty (20) years of service prior to
- 19 death shall be computed assuming that the member
- 20 was paid the highest salary allowable pursuant to
- 21 the law in effect at the time of the member's
- 22 death based upon twenty (20) years of service and
- 23 with an assumption that the member was eligible

1 for any and all increases in pay based upon rank
2 during the entire period. If the salary of a
3 member is not prescribed by a specific salary
4 schedule upon the date of the member's death, the
5 final average salary for the member shall be
6 computed by the member's actual final average
7 salary or the highest median salary amount for a
8 member whose salary was prescribed by a specific
9 salary schedule upon the date of the member's
10 death, whichever final average salary amount
11 would be greater, or

12 (2) the actual final average salary of the member if
13 the member had performed twenty (20) or more
14 years of service prior to death; or

15 2. If the member was not retired and death occurred other than
16 as the direct result of the performance of the member's duties as an
17 officer, an amount equal to the monthly payments which would have
18 been received by the member under subsection E of Section 2-305 of
19 this title had the member been totally disabled; or

20 3. If said member was retired for length of service, an amount
21 equal to the member's monthly payments; or

22 4. If said member was receiving, or eligible to receive, a
23 disability benefit pursuant to subsection E or F of Section 2-305 of

1 this title, an amount equal to the member's monthly payments
2 pursuant to subsection E or F of Section 2-305 of this title; or

3 5. If said member was receiving, or eligible to receive, a
4 disability benefit pursuant to subsection G of Section 2-305 of this
5 title, an amount equal to the member's monthly payments pursuant to
6 subsection G of Section 2-305 of this title; or

7 6. If said member was retired for partial disability, an amount
8 equal to the monthly payments which would have been received by said
9 member had the member been totally disabled.

10 B. The pension provided for in subsection A of this section
11 shall be paid:

12 1. Except as provided in paragraph 4 of this subsection, to the
13 surviving spouse, provided the surviving spouse was married to the
14 member at the time of the member's death, and continuously for the
15 thirty (30) months immediately preceding the member's death,
16 provided a surviving spouse of a member who died while in, or as a
17 consequence of, the performance of the member's duty for the
18 employer, shall not be subject to the thirty-month marriage
19 requirement for survivor benefits; or

20 2. If there is no surviving spouse or upon the death of a
21 spouse:

22 a. to the person having the care and custody of any
23 surviving child or children of said member for such

1 time as such child or children are under the age of
2 eighteen (18) years, or

3 b. to the surviving child or children between the age of
4 eighteen (18) and twenty-two (22) years if the child
5 is enrolled full time in and is regularly attending a
6 public or private school or any institution of higher
7 education;

8 3. If there is no surviving spouse or children under the age of
9 eighteen (18) years or under the age of twenty-two (22) years if the
10 child is enrolled full time in and is regularly attending a public
11 or private school or any institution of higher education, to the
12 dependent parent or parents of said member, for life; or

13 4. In the event a surviving spouse remarried prior to June 7,
14 1993, and was a surviving spouse of a member who died while in, or
15 as a consequence of, the performance of the member's duty for the
16 employer, the surviving spouse shall be eligible to receive the
17 pension benefits provided for in subsection A of this section.

18 To receive the pension benefits provided for in subsection A of
19 this section the surviving spouse falling within this paragraph
20 shall submit a written request for such benefits to the Oklahoma Law
21 Enforcement Retirement System. The Oklahoma Law Enforcement
22 Retirement System shall approve requests by surviving spouses
23 meeting the requirements of this paragraph. Upon approval by the

1 Oklahoma Law Enforcement Retirement System, the surviving spouse
2 shall be entitled to the pension benefits provided for in subsection
3 A of this section beginning from the date of approval forward.
4 Pension benefits provided to surviving spouses falling within this
5 paragraph shall not apply to alter any amount of pension benefits
6 paid or due prior to the Oklahoma Law Enforcement Retirement
7 System's approval of the remarried surviving spouse's written
8 request for benefits.

9 No surviving spouse shall receive benefits from this section,
10 Section 49-113 of Title 11 of the Oklahoma Statutes, or Section 50-
11 117 of Title 11 of the Oklahoma Statutes as the surviving spouse of
12 more than one member of the Oklahoma Firefighters Pension and
13 Retirement System, the Oklahoma Police Pension and Retirement
14 System, or the Oklahoma Law Enforcement Retirement System. The
15 surviving spouse of more than one member shall elect which member's
16 benefits he or she will receive.

17 C. In addition to the pension above provided for, if said
18 member leaves a surviving spouse and one or more children under the
19 age of eighteen (18) years or under the age of twenty-two (22) years
20 if the child is enrolled full time in and is regularly attending a
21 public or private school or any institution of higher education,
22 ~~Four Hundred Dollars (\$400.00)~~ Seven Hundred Fifty Dollars (\$750.00)
23 a month shall be paid from said Fund for the support of each

1 surviving child to the person having the care and custody of such
2 children during such time as said spouse remains alive and until
3 each child reaches the age of eighteen (18) years or reaches the age
4 of twenty-two (22) years if the child is enrolled full time in and
5 is regularly attending a public or private school or any institution
6 of higher education.

7 D. Upon the death of a retired member, the benefit payment for
8 the month in which the retired member died, if not previously paid,
9 shall be made to the beneficiary of the member or to the member's
10 estate if there is no beneficiary. Such benefit payment shall be
11 made in an amount equal to a full monthly benefit payment regardless
12 of the day of the month in which the retired member died.

13 SECTION 4. This act shall become effective July 1, 2009.

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

18 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT & INSURANCE, dated
19 2-18-10 - DO PASS, As Amended and Coauthored.