

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

SENATE BILL 1241

By: Russell

AS INTRODUCED

An Act relating to retirement; amending 11 O.S. 2001, Section 49-138, as last amended by Section 4, Chapter 203, O.S.L. 2005 (11 O.S. Supp. 2008, Section 49-138), which relates to military service credit; amending 11 O.S. 2001, Section 50-128, as last amended by Section 4, Chapter 137, O.S.L. 2005 (11 O.S. Supp. 2008, Section 50-128), which relates to military service credit; amending 47 O.S. 2001, Section 2-307.4, as last amended by Section 26, Chapter 46, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2008, Section 2-307.4), which relates to military service credit; amending 70 O.S. 2001, Section 17-116.2, as last amended by Section 122, Chapter 1, O.S.L. 2005 (70 O.S. Supp. 2008, Section 17-116.2), which relates to service credits; amending 74 O.S. 2001, Section 902, as last amended by Section 134, Chapter 1, O.S.L. 2005 (74 O.S. Supp. 2008, Section 902), which relates to definitions; adding periods of time and conflicts that qualify for military service credit for retirement purposes; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 49-138, as last amended by Section 4, Chapter 203, O.S.L. 2005 (11 O.S. Supp. 2008, Section 49-138), is amended to read as follows:

1 Section 49-138. A. Any member of a regularly constituted fire
2 department of any municipality who is now serving or may hereafter
3 serve in the Armed Forces of the United States whether such service
4 is voluntary or involuntary, who shall have been a member of such
5 fire department at the time of entering such service, shall be
6 entitled to have the whole of the time of such service applied under
7 the provisions of Section 49-106 of this title, so far as the same
8 applies to a service pension; provided further, that the
9 municipality shall continue its payment into said pension fund, to
10 the same force and effect as though the member were in the actual
11 service of such fire department; provided, that any person who is
12 eligible for such service but who shall have volunteered for
13 military or naval service for a period not to exceed five (5) years
14 shall likewise be entitled to all of the benefits of Sections 49-138
15 through 49-142 of this title for the full period of such service or
16 enlistment; provided further, that only one such period of voluntary
17 service shall be considered hereunder. If such person shall
18 reenlist, unless he is required to do so by law, he shall not
19 thereafter be entitled to the provisions of this subsection. The
20 provisions of this subsection shall not apply where any such person
21 dies during the period of said service or enlistment, and shall not
22 entitle the surviving spouse or children to any benefits, and shall
23 not apply to any member who shall have served on active duty

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1 (including initial active duty) for training purposes only and/or
2 inactive duty training.

3 B. Effective February 1, 1997, credited service received
4 pursuant to this section or credited service for wartime military
5 service received as otherwise provided by law shall be used in
6 determining the member's retirement benefit but shall not be used in
7 determining years of service for retirement, vesting purposes or
8 eligibility for participation in the Oklahoma Firefighters Deferred
9 Option Plan. For a member of the System hired on or after July 1,
10 2003, if the military service credit authorized by this section is
11 used to compute the retirement benefit of the member and the member
12 retires from the System, such military service credit shall not be
13 used to compute the retirement benefit in any other retirement
14 system created pursuant to the Oklahoma Statutes and the member may
15 receive credit for such service only in the retirement system from
16 which the member first retires.

17 C. A member who retires or elects to participate in the
18 Oklahoma Firefighters Deferred Option Plan on or after July 1, 1998,
19 shall be entitled to prior service credit, not to exceed five (5)
20 years, for those periods of military service on active duty prior to
21 membership in the Oklahoma Firefighters Pension and Retirement
22 System.

23 For purposes of this subsection, "military service" means
24 service in the Armed Forces of the United States by honorably

1 discharged persons during the following time periods, as reflected
2 on such person's Defense Department Form 214, as follows:

3 1. During the following periods, including the beginning and
4 ending dates, and only for the periods served, from:

5 a. April 6, 1917, to November 11, 1918, commonly referred
6 to as World War I,

7 b. September 16, 1940, to December 7, 1941, for members
8 of the 45th Division,

9 c. December 7, 1941, to December 31, 1946, commonly
10 referred to as World War II,

11 d. June 27, 1950, to January 31, 1955, commonly referred
12 to as the Korean Conflict or the Korean War,

13 e. February 28, 1961, to May 7, 1975, commonly referred
14 to as the Vietnam era, except that:

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

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

22 f. August 1, 1990, to December 31, 1991, commonly
23 referred to as the Gulf War, the Persian Gulf War, or
24 Operation Desert Storm, but excluding any person who

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

4 2. During the following periods, including the beginning dates,
5 and only for the periods served, from:

- 6 a. September 11, 2001 to a date to be determined or the
7 cessation of the Operation of Enduring Freedom, or
8 b. March 10, 2003 to a date to be determined or the
9 cessation of Operation Iraqi Freedom.

10 To qualify for the service specified in subparagraphs a and b of
11 this paragraph, the service must be based on the criteria for the
12 awarding of the Afghanistan Campaign Medal or the Iraq Campaign
13 Medal;

14 3. During a period of war or combat military operation other
15 than a conflict, war or era listed in ~~paragraph~~ paragraphs 1 and 2
16 of this subsection, beginning on the date of Congressional
17 authorization, Congressional resolution, or Executive Order of the
18 President of the United States, for the use of the Armed Forces of
19 the United States in a war or combat military operation, if such war
20 or combat military operation lasted for a period of ninety (90) days
21 or more, for a person who served, and only for the period served, in
22 the area of responsibility of the war or combat military operation,
23 but excluding a person who served on active duty for training only,
24 unless discharged from such active duty for a service-connected

1 disability, and provided that the burden of proof of military
2 service during this period shall be with the member, who must
3 present appropriate documentation establishing such service.

4 D. An eligible member pursuant to subsection C of this section
5 shall include only those persons who shall have served during the
6 times or in the areas prescribed in subsection C of this section,
7 and only if such person provides appropriate documentation in such
8 time and manner as required by the System to establish such military
9 service prescribed in this section, or for service pursuant to
10 division (1) of subparagraph e of paragraph 1 of subsection C of
11 this section, those persons who were awarded service medals, as
12 authorized by the United States Department of Defense as reflected
13 in the veteran's Defense Department Form 214, related to the Vietnam
14 Conflict for service prior to August 5, 1964. The provisions of
15 subsection C of this section shall include military retirees, whose
16 retirement was based only on active service, that have been rated as
17 having twenty percent (20%) or greater service-connected disability
18 by the Veterans Administration or the Armed Forces of the United
19 States. The provisions of subsection C of this section shall not
20 apply to any person who shall have served on active duty for
21 training purposes only unless discharged from active duty for a
22 service-connected disability.

23 E. Notwithstanding any provision herein to the contrary,
24 contributions, benefits and service credit with respect to qualified

1 military service shall be provided in accordance with Section 414(u)
2 of the Internal Revenue Code of 1986, which is in accordance with
3 the Uniformed Services Employment and Reemployment Rights Act of
4 1994, (USERRA) as amended. The municipality's contributions to the
5 System for a member covered by USERRA are due when such a member
6 makes up his or her contributions that were missed due to his or her
7 qualified military service.

8 F. Members or beneficiaries shall make application to the
9 System for credited service related to wartime military service.
10 Interest on additional benefits related to wartime military service
11 owed by the System to a retired member or beneficiary as provided by
12 law shall cease accruing one (1) year after the effective date the
13 additional benefits are payable by the System or July 1, 2000,
14 whichever is later, if the member has not applied to the System for
15 credited service related to such wartime military service.

16 SECTION 2. AMENDATORY 11 O.S. 2001, Section 50-128, as
17 last amended by Section 4, Chapter 137, O.S.L. 2005 (11 O.S. Supp.
18 2008, Section 50-128), is amended to read as follows:

19 Section 50-128. A. Any member who has heretofore left the
20 Police Department qualifying under this article to enter the
21 military service of the United States during World War II and who
22 returned to said department on or before July 1, 1947, or the Korean
23 conflict and who returned to said department on or before January 1,
24 1956, shall receive credit for such time in military service without

1 having made contribution to the System; and any member who has
2 heretofore left, or hereafter may leave said department because of
3 involuntary conscription into the military services of the United
4 States at any time and who returns to said department within ninety
5 (90) days after the member's release from such involuntary service
6 shall receive credit for such time in said military service on the
7 Police Department without having made contribution to the System
8 only for that period that is involuntary; voluntary enlistments and
9 voluntary extensions of military service being herewith specifically
10 excluded for retirement credit.

11 B. A member who began participation in the System prior to July
12 1, 2003, and who retires on or after July 1, 1998, shall be entitled
13 to prior service credit, not to exceed five (5) years, for those
14 periods of military service on active duty prior to membership in
15 the Oklahoma Police Pension and Retirement System. All members who
16 initially begin participation with the System after June 30, 2003,
17 may acquire prior military service credit for a maximum of five (5)
18 years of such service credit upon payment of the actuarial cost of
19 such service in the manner prescribed by and subject to all of the
20 requirements of Section 50-111.4 of this title. For members of the
21 System hired or rehired on or after July 1, 2003, if the military
22 service credit authorized by this subsection is used to compute the
23 retirement benefit of the member and the member retires from the
24 System, such military service credit shall not be used to compute

1 the retirement benefit in any other retirement system created
2 pursuant to the Oklahoma Statutes and the member may receive credit
3 for such service only in the retirement system from which the member
4 first retires.

5 For purposes of this subsection, "military service" means
6 service in the Armed Forces of the United States by honorably
7 discharged persons during the following time periods, as reflected
8 on such person's Defense Department Form 214, as follows:

9 1. During the following periods, including the beginning and
10 ending dates, and only for the periods served, from:

11 a. April 6, 1917, to November 11, 1918, commonly referred
12 to as World War I,

13 b. September 16, 1940, to December 7, 1941, as a member
14 of the 45th Division,

15 c. December 7, 1941, to December 31, 1946, commonly
16 referred to as World War II,

17 d. June 27, 1950, to January 31, 1955, commonly referred
18 to as the Korean Conflict or the Korean War,

19 e. February 28, 1961, to May 7, 1975, commonly referred
20 to as the Vietnam era, except that:

21 (1) for the period from February 28, 1961, to August
22 4, 1964, military service shall only include
23 service in the Republic of Vietnam during that
24 period, and

1 (2) for purposes of determining eligibility for
2 education and training benefits, such period
3 shall end on December 31, 1976, or

4 f. August 1, 1990, to December 31, 1991, commonly
5 referred to as the Gulf War, the Persian Gulf War, or
6 Operation Desert Storm, but excluding any person who
7 served on active duty for training only, unless
8 discharged from such active duty for a service-
9 connected disability;

10 2. During the following periods, including the beginning dates,
11 and only for the periods served, from:

- 12 a. September 11, 2001 to a date to be determined or the
13 cessation of the Operation of Enduring Freedom, or
14 b. March 19, 2003 to a date to be determined or the
15 cessation of Operation Iraqi Freedom.

16 To qualify for the service specified in subparagraphs a and b of
17 this paragraph, the service must be based on the criteria for the
18 awarding of the Afghanistan Campaign Medal or the Iraq Campaign
19 Medal;

20 3. During a period of war or combat military operation other
21 than a conflict, war or era listed in ~~paragraph~~ paragraphs 1 and 2
22 of this subsection, beginning on the date of Congressional
23 authorization, Congressional resolution, or Executive Order of the
24 President of the United States, for the use of the Armed Forces of

1 the United States in a war or combat military operation, if such war
2 or combat military operation lasted for a period of ninety (90) days
3 or more, for a person who served, and only for the period served, in
4 the area of responsibility of the war or combat military operation,
5 but excluding a person who served on active duty for training only,
6 unless discharged from such active duty for a service-connected
7 disability, and provided that the burden of proof of military
8 service during this period shall be with the member, who must
9 present appropriate documentation establishing such service.

10 C. An eligible member pursuant to subsection B of this section
11 shall include only those persons who shall have served during the
12 times or in the areas prescribed thereunder and only if such person
13 provides appropriate documentation in such time and manner as
14 required by the System to establish such military service prescribed
15 in this section, or for service pursuant to division (1) of
16 subparagraph e of paragraph 1 of subsection B of this section, those
17 persons who were awarded service medals, as authorized by the United
18 States Department of Defense as reflected in the veteran's Defense
19 Department Form 214, related to the Vietnam Conflict for service
20 prior to August 5, 1964. The provisions of subsection B of this
21 section shall include military retirees, whose retirement was based
22 only on active service, that have been rated as having twenty
23 percent (20%) or greater service-connected disability by the
24 Veterans Administration or the Armed Forces of the United States.

1 D. Effective December 12, 1994, a leave of absence on account
2 of a period of "qualified military service" in the uniformed
3 services of the United States (within the meaning of Section
4 414(u) (5) of the Internal Revenue Code of 1986), followed by a
5 return to the service of the participating municipality within
6 ninety (90) days after the completion of the period of service,
7 shall constitute credited service. Notwithstanding any provision
8 herein to the contrary, contributions, benefits and service credit
9 with respect to qualified military service shall be provided in
10 accordance with Section 414(u) of the Internal Revenue Code of 1986,
11 which is in accordance with the Uniformed Services Employment and
12 Reemployment Rights Act of 1994, as amended (USERRA). The
13 municipality's contributions to the System for a member covered by
14 USERRA are due when such a member makes up his or her contributions
15 that were missed due to his or her qualified military service.

16 SECTION 3. AMENDATORY 47 O.S. 2001, Section 2-307.4, as
17 last amended by Section 26, Chapter 46, 2nd Extraordinary Session,
18 O.S.L. 2006 (47 O.S. Supp. 2008, Section 2-307.4), is amended to
19 read as follows:

20 Section 2-307.4 A. Any member of the Oklahoma Law Enforcement
21 Retirement System shall be entitled to prior service credit, not to
22 exceed five (5) years, for those periods of military service on
23 active duty prior to membership in the Oklahoma Law Enforcement
24 Retirement System. Any active member of the Oklahoma Law

1 Enforcement Retirement System whose initial membership in the System
2 began on or after July 1, 2000, may receive up to five (5) years of
3 prior military service credit as otherwise provided in this section,
4 only upon payment of the amount determined by the Board in the
5 manner as provided in Section 2-307.5 of this title. For members of
6 the System hired on or after July 1, 2003, if the military service
7 credit authorized by this subsection is used to compute the
8 retirement benefit of the member and the member retires from the
9 System, such military service credit shall not be used to compute
10 the retirement benefit in any other retirement system created
11 pursuant to the Oklahoma Statutes and the member may receive credit
12 for such service only in the retirement system from which the member
13 first retires.

14 B. For purposes of this section, "military service" means
15 service in the Armed Forces of the United States by honorably
16 discharged persons during the following time periods, as reflected
17 on such person's Defense Department Form 214, as follows:

18 1. During the following periods, including the beginning and
19 ending dates, and only for the periods served, from:

- 20 a. April 6, 1917, to November 11, 1918, commonly referred
21 to as World War I,
22 b. September 16, 1940, to December 7, 1941, as a member
23 of the 45th Division,
24

- 1 c. December 7, 1941, to December 31, 1946, commonly
2 referred to as World War II,
- 3 d. June 27, 1950, to January 31, 1955, commonly referred
4 to as the Korean Conflict or the Korean War,
- 5 e. February 28, 1961, to May 7, 1975, commonly referred
6 to as the Vietnam era, except that:
- 7 (1) for the period from February 28, 1961, to August
8 4, 1964, military service shall only include
9 service in the Republic of Vietnam during that
10 period, and
- 11 (2) for purposes of determining eligibility for
12 education and training benefits, such period
13 shall end on December 31, 1976, or
- 14 f. August 1, 1990, to December 31, 1991, commonly
15 referred to as the Gulf War, the Persian Gulf War, or
16 Operation Desert Storm, but excluding any person who
17 served on active duty for training only, unless
18 discharged from such active duty for a service-
19 connected disability;

20 2. During the following periods, including the beginning dates,
21 and only for the periods served, from:

- 22 a. September 11, 2001 to a date to be determined or the
23 cessation of the Operation of Enduring Freedom, or
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1 manner as required by the System to establish such military service
2 prescribed in this section, or for service pursuant to division (1)
3 of subparagraph e of paragraph 1 of subsection B of this section,
4 those persons who were awarded service medals, as authorized by the
5 United States Department of Defense as reflected in the veteran's
6 Defense Department Form 214, related to the Vietnam Conflict for
7 service prior to August 5, 1964.

8 D. Service credit received pursuant to this section shall be
9 used in determining the member's retirement benefit but shall not be
10 used in determining years of service for retirement or vesting
11 purposes.

12 E. Such service credit may be paid by:

13 1. A cash lump-sum payment;

14 2. A trustee-to-trustee transfer from a Code Section 403(b)
15 annuity or custodial account, an eligible deferred compensation plan
16 described in Code Section 457(b) which is maintained by an eligible
17 employer described in Code Section 457(e)(1)(A), and/or a Code
18 Section 401(a) qualified plan;

19 3. A direct rollover of tax-deferred funds from a Code Section
20 403(b) annuity or custodial account, an eligible deferred
21 compensation plan described in Code Section 457(b) which is
22 maintained by an eligible employer described in Code Section
23 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code
24 Section 408(a) or 408(b) traditional or conduit Individual

1 Retirement Account or Annuity (IRA). Roth IRAs, Coverdell Education
2 Savings Accounts and after-tax contributions shall not be used to
3 purchase such service credit; or

4 4. Any combination of the above methods of payment.

5 SECTION 4. AMENDATORY 70 O.S. 2001, Section 17-116.2, as
6 last amended by Section 122, Chapter 1, O.S.L. 2005 (70 O.S. Supp.
7 2008, Section 17-116.2), is amended to read as follows:

8 Section 17-116.2 A. 1. Beginning July 1, 1987, and prior to
9 July 1, 1995, a member who retires on or after the member's normal
10 retirement age or whose retirement is because of disability shall
11 receive an annual allowance for life, payable monthly, in an amount
12 equal to two percent (2%) of the member's highest three-year average
13 salary upon which member contributions were made, multiplied by the
14 number of the member's years of creditable service.

15 A classified member who retired prior to July 1, 1986, shall
16 have his retirement allowance calculated on a minimum average salary
17 of Eleven Thousand Five Hundred Dollars (\$11,500.00) or on his
18 current minimum average salary plus Two Thousand Dollars
19 (\$2,000.00), whichever is greater. Beginning July 1, 1994, a
20 classified member who retired prior to July 1, 1993, shall have the
21 member's retirement allowance calculated on the member's current
22 minimum average salary plus Five Hundred Fifty Dollars (\$550.00).
23 An unclassified member who retired prior to July 1, 1986, shall have
24 his retirement allowance calculated on a minimum average salary of

1 Nine Thousand Five Hundred Dollars (\$9,500.00) or on his current
2 minimum average salary plus One Thousand Dollars (\$1,000.00),
3 whichever is greater. Beginning July 1, 1994, an unclassified
4 member who retired prior to July 1, 1993, shall have the member's
5 retirement allowance calculated on the member's current minimum
6 average salary plus Two Hundred Seventy-five Dollars (\$275.00).
7 Those individuals receiving benefits pursuant to subsection (3) of
8 Section 17-105 of this title whose benefits commenced prior to July
9 1, 1993, shall receive an increase in benefits of two and one-half
10 percent (2 1/2%). No retirement benefit payments shall be made
11 retroactively.

12 Except for those members retiring because of a disability, the
13 retirement allowance shall be subject to adjustment for those
14 members retiring before normal retirement age in accordance with the
15 actuarial equivalent factors adopted by the Board of Trustees.

16 2. Beginning July 1, 1995, a member, who has no service
17 performed on or after July 1, 1995, for an entity or institution
18 within The Oklahoma State System of Higher Education, who retires on
19 or after the member's normal retirement age or whose retirement is
20 because of disability shall receive an annual allowance for life,
21 payable monthly as follows:

22 a. if the member becomes a member after June 30, 1995,
23 and was not eligible to become a member prior to July
24 1, 1995, in an amount equal to two percent (2%) of the

1 member's average salary upon which member
2 contributions were made, multiplied by the number of
3 the member's years of creditable service, or

4 b. if the member became a member or is eligible to become
5 a member prior to July 1, 1995, and elected to have a
6 maximum compensation level in excess of Twenty-five
7 Thousand Dollars (\$25,000.00) pursuant to paragraph 1
8 of subsection C of this section or pursuant to
9 subsection E of this section, or if the member's
10 salary has never exceeded Twenty-five Thousand Dollars
11 (\$25,000.00) prior to July 1, 1995, in an amount equal
12 to:

13 (1) two percent (2%) of the member's average salary
14 upon which member contributions were made not to
15 exceed Forty Thousand Dollars (\$40,000.00),
16 multiplied by the number of the member's years of
17 credited service authorized and performed prior
18 to July 1, 1995, plus any years of prior service
19 authorized under this title, plus

20 (2) two percent (2%) of the member's average salary
21 upon which member contributions were made,
22 multiplied by the number of the member's years of
23 credited service authorized and performed after
24 June 30, 1995, or

1 c. if the member became a member or is eligible to become
2 a member prior to July 1, 1995, and was eligible to
3 elect to have a maximum compensation level in excess
4 of Twenty-five Thousand Dollars (\$25,000.00) and did
5 not elect or elected not to have a maximum
6 compensation level of Forty Thousand Dollars
7 (\$40,000.00) pursuant to paragraph 1 of subsection C
8 of this section or pursuant to subsection E of this
9 section, in an amount equal to:

10 (1) two percent (2%) of the member's average salary
11 upon which member contributions were made not to
12 exceed Twenty-five Thousand Dollars (\$25,000.00),
13 multiplied by the number of the member's years of
14 credited service authorized and performed prior
15 to July 1, 1995, plus any years of prior service
16 authorized under this title, plus

17 (2) two percent (2%) of the member's average salary
18 upon which member contributions were made,
19 multiplied by the number of the member's years of
20 credited service authorized and performed after
21 June 30, 1995.

22 B. Except as otherwise provided for in this section, the amount
23 contributed by each member to the retirement system shall be:
24

1 1. Beginning July 1, 1992, through June 30, 1996, six percent
2 (6%) of the regular annual compensation of such member not in excess
3 of Twenty-five Thousand Dollars (\$25,000.00) and beginning July 1,
4 1995, through June 30, 1996, six percent (6%) of the maximum
5 compensation level; and

6 2. Beginning July 1, 1996, through June 30, 1997, six and one-
7 half percent (6 1/2%) of the regular annual compensation of members,
8 who are not employed by an entity or institution within The Oklahoma
9 State System of Higher Education not in excess of Twenty-five
10 Thousand Dollars (\$25,000.00) and beginning July 1, 1996, through
11 June 30, 1997, six and one-half percent (6 1/2%) of the regular
12 annual compensation of members, who are employed by an entity or
13 institution within The Oklahoma State System of Higher Education,
14 not in excess of Twenty-five Thousand Dollars (\$25,000.00);

15 3. Beginning July 1, 1997, seven percent (7%) of the regular
16 annual compensation of the member not in excess of any applicable
17 maximum compensation level of the member; and

18 4. All public schools in this state shall treat the employee
19 contributions as being picked-up under the provisions of Section 414
20 (h) (2) of the Internal Revenue Code of 1986 in determining tax
21 treatment.

22 C. 1. Prior to July 1, 1995, an active member of the System
23 may elect to have a maximum compensation level of Forty Thousand
24 Dollars (\$40,000.00). Such an election shall be made in writing and

1 filed with the System. Members whose salaries are in excess of
2 Twenty-five Thousand Dollars (\$25,000.00) on the effective date of
3 this act shall file the election with the System prior to January 1,
4 1988. Members whose salaries exceed Twenty-five Thousand Dollars
5 (\$25,000.00) after the effective date of this act shall file the
6 election when the salary exceeds Twenty-five Thousand Dollars
7 (\$25,000.00). If a member makes such an election, the member shall
8 contribute the following amounts:

- 9 a. beginning July 1, 1992, through June 30, 1993, eleven
10 percent (11%) of the regular annual compensation of
11 such member that is in excess of Twenty-five Thousand
12 Dollars (\$25,000.00) and is not in excess of Forty
13 Thousand Dollars (\$40,000.00),
- 14 b. beginning July 1, 1993, through June 30, 1994, nine
15 percent (9%) of the regular annual compensation of
16 such member that is in excess of Twenty-five Thousand
17 Dollars (\$25,000.00) and is not in excess of Forty
18 Thousand Dollars (\$40,000.00), and
- 19 c. beginning July 1, 1994, through June 30, 1995, eight
20 percent (8%) of the regular annual compensation of
21 such member that is in excess of Twenty-five Thousand
22 Dollars (\$25,000.00) and is not in excess of Forty
23 Thousand Dollars (\$40,000.00). Except as provided in
24

1 subsection E of this section, any such election shall
2 be irrevocable.

3 2. After June 30, 1995, in addition to the amount contributed
4 by each member to the retirement system pursuant to subsection B of
5 this section, the total amount contributed by each member to the
6 retirement system shall include, beginning July 1, 1995, through
7 June 30, 1997, seven percent (7%) of the regular annual compensation
8 of each member, who is not employed by an entity or institution
9 within The Oklahoma State System of Higher Education, that is in
10 excess of Twenty-five Thousand Dollars (\$25,000.00) and beginning
11 July 1, 1996, through June 30, 1997, seven percent (7%) of the
12 regular annual compensation of each member who is employed by an
13 entity or institution within The Oklahoma State System of Higher
14 Education in excess of Twenty-five Thousand Dollars (\$25,000.00),
15 but not in excess of any applicable maximum compensation level of
16 the member.

17 D. For purposes of Section 17-101 et seq. of this title,
18 regular annual compensation shall include:

19 1. Salary which accrues on a regular basis in proportion to the
20 service performed, including payments for staff development;

21 2. Amounts that would otherwise qualify as salary under
22 paragraph 1 of this subsection but are not received directly by the
23 member pursuant to a good faith, voluntary written salary reduction
24 agreement in order to finance payments to a deferred compensation or

1 tax-sheltered annuity program or to finance benefit options under a
2 cafeteria plan qualifying under the United States Internal Revenue
3 Code, 26 U.S.C., Section 101 et seq.; and

4 3. Group health and disability insurance, group term life
5 insurance, annuities and pension plans, provided on a periodic basis
6 to all qualified employees of the employer, which qualify as fringe
7 benefits under the United States Internal Revenue Code.

8 4. Excluded from regular annual compensation are expense
9 reimbursement payments, office, vehicle, housing or other
10 maintenance allowances, the flexible benefit allowance provided
11 pursuant to Section 26-105 of this title, payment for unused
12 vacation and sick leave, any payment made for reason of termination
13 or retirement not specifically provided for in paragraphs 1 through
14 3 of this subsection, maintenance or other nonmonetary compensation,
15 payment received as an independent contractor or consultant,
16 pursuant to a lawful contract which complies with the requirements
17 of subsection B of Section 6-101.2 of this title, any benefit
18 payments not made pursuant to a valid employment agreement, or any
19 compensation not described in paragraphs 1 through 3 of this
20 subsection.

21 E. 1. Any member who was a contributing member of the
22 Retirement System between July 1, 1987, and June 30, 1995, who at
23 the time the member was eligible to make an election to increase the
24 maximum compensation level of the member, failed to make an election

1 or chose not to increase the maximum compensation level of the
2 member to Forty Thousand Dollars (\$40,000.00), may elect to make
3 back contributions to the Retirement System. The member shall
4 complete a new election form and file with the Board of Trustees,
5 the form and a payment equaling the difference between the amount
6 contributed at the twenty-five-thousand-dollar level and the
7 appropriate contribution on compensation in excess of Twenty-five
8 Thousand Dollars (\$25,000.00) up to a maximum of Forty Thousand
9 Dollars (\$40,000.00) shall be made prior to the official retirement
10 date of the member. The required payment shall include any
11 contribution required by the employing school district, and shall
12 include interest compounded annually at ten percent (10%) per annum
13 of both employer and employee contributions.

14 2. Any changes made pursuant to this subsection shall be
15 irrevocable.

16 F. 1. An individual who withdrew from the Teachers' Retirement
17 System and whose salary was in excess of Seven Thousand Eight
18 Hundred Dollars (\$7,800.00) and had elected to contribute only on
19 Seven Thousand Eight Hundred Dollars (\$7,800.00) before his or her
20 withdrawal shall contribute on the earning ceiling as provided for
21 in this section on his or her reentry into membership in the
22 Teachers' Retirement System.

23 2. An individual who elected to contribute on a maximum of
24 Seven Thousand Eight Hundred Dollars (\$7,800.00) per annum shall,

1 beginning July 1, 1979, contribute on his or her earning ceiling as
2 provided for in this section.

3 3. Any member who elected to contribute on Seven Thousand Eight
4 Hundred Dollars (\$7,800.00) prior to January 1, 1978, and whose
5 salary was more than Seven Thousand Eight Hundred Dollars
6 (\$7,800.00) during the school years 1974-75 through 1978-79 may
7 elect to make back contributions to the retirement system by paying
8 the five percent (5%) contributions on the difference between Seven
9 Thousand Eight Hundred Dollars (\$7,800.00) and the actual salary of
10 the member, not to exceed Ten Thousand Dollars (\$10,000.00) for each
11 applicable school year, plus interest compounded annually at ten
12 percent (10%) per annum. Such payment shall be made prior to the
13 official retirement date of the member.

14 G. Each employer shall cause to be deducted from the salary of
15 each member on each and every payroll of such employer for each and
16 every payroll period, the proper percentage of his or her earnable
17 compensation as provided for in subsection B or subsection C of this
18 section.

19 1. Deductions shall begin with the first payroll period of the
20 school year. In determining the amount earnable by a member in a
21 payroll period, the Board of Trustees shall consider the rate of
22 annual compensation payable to such member on the first day of the
23 payroll period as continuing throughout such payroll period, and it
24 may omit deductions from compensation for any period less than a

1 full period, and to facilitate the making of deductions, it may
2 modify the deduction required of any member by such an amount as
3 shall not exceed one-tenth of one percent (1/10 of 1%) of the annual
4 compensation upon the basis of which such deduction is to be made.
5 Prior to January 1, 1991, any active contributing member who joined
6 the System subsequent to July 1, 1943, may pay the normal cost,
7 which shall mean the single sum which would have been paid under
8 existing statutes at the time the service was performed, plus
9 interest, for years of teaching service in Oklahoma from the date of
10 establishment of the System in 1943 to date of membership, in a lump
11 sum, or in installments equal to establishing one (1) year of
12 creditable service. Effective January 1, 1991, any active
13 contributing member who joined the System subsequent to July 1,
14 1943, may pay the amount determined by the Board of Trustees
15 pursuant to Section 17-116.8 of this title for years of teaching
16 service in Oklahoma from the date of establishment of the System in
17 1943 to date of membership, in a lump sum, or in installments equal
18 to establishing one (1) year of creditable service. For purposes of
19 this option, teaching service in Oklahoma shall include the teaching
20 of vocational agricultural courses within Oklahoma for the federal
21 government. Years for which contributions are paid shall count as
22 membership service under this plan. A member may receive credit for
23 not more than five (5) years of teaching service rendered while in
24 the Peace Corps or in the public schools of a territory of the

1 United States or the public schools, American Military Dependent
2 Schools or state colleges or state universities outside this state
3 by paying his or her contributions, plus interest, and membership
4 fees to the retirement system, subject to the regulations of the
5 Board of Trustees, providing he or she is not receiving and is not
6 eligible to receive retirement credit or benefits from said service
7 in any other public retirement system of this state, or any other
8 state or territory of the United States subject to the following
9 provisions:

10 a. the member is required to have two (2) years of
11 employed service teaching earned in Oklahoma for each
12 year of Peace Corps, territorial, out-of-state,
13 noncovered in-state or military membership credit
14 granted.

15 b. prior to January 1, 1991, the out-of-state or
16 noncovered in-state payment shall be the normal cost,
17 which means the single sum which would have been paid
18 under existing law at the time the service was
19 performed, plus interest, on the basis of what his or
20 her annual salary would have been in Oklahoma or out
21 of state, whichever is greater, had he or she been
22 employed as a teacher. Effective January 1, 1991, the
23 Peace Corps, territorial, out-of-state or noncovered
24 in-state payment shall be the amount determined by the

1 Board of Trustees pursuant to Section 17-116.8 of this
2 title.

3 2. In addition to the deductions hereinabove provided for, any
4 member who becomes a member of the Armed Forces of the United States
5 of America during any period of national emergency, including World
6 War II, the Korean conflict, the Vietnam conflict, Operation Desert
7 Storm, Operation Enduring Freedom, Operation Iraqi Freedom or others
8 as may be determined by the Board of Trustees, or whose entrance
9 into or training for the teaching profession was interrupted by his
10 or her entrance into the Armed Forces, and who was or shall have
11 become a member of the Teachers' Retirement System shall be granted
12 the privilege of making up his or her five percent (5%)
13 contributions as provided for in this section until January 1, 1991,
14 for not to exceed five (5) years of service in the Armed Forces by
15 electing to pay said contributions on the basis of the rate of pay
16 in his or her contract as a teacher at the time his or her service
17 in the Armed Forces commenced or in the case of a teacher who was
18 not teaching prior to entering the Armed Forces, on the basis of the
19 salary of the first year of teaching after being honorably
20 discharged from the Armed Forces. Effective January 1, 1991, the
21 member will receive such service upon payment of the amount
22 determined by the Board of Trustees pursuant to Section 17-116.8 of
23 this title. Such contributions shall be credited in the regular
24 manner, and the period for which said contributions were paid shall

1 be counted as creditable years of service and allocated to the
2 period during which the military service was rendered, except that
3 the period for which contributions were paid must have been
4 continuous and shall be credited in the aggregate, regardless of
5 fiscal year limitations. Notwithstanding any provision herein to
6 the contrary, contributions, benefits and service credit with
7 respect to qualified military service as defined by Section 414(u)
8 of the Internal Revenue Code of 1986, shall be provided in
9 accordance with Section 414(u) of the Internal Revenue Code.

10 3. Retirement benefits for all service credits purchased
11 pursuant to this subsection shall be determined in accordance with
12 the provisions of paragraph 2 of this subsection.

13 H. Effective July 1, 2004, the total creditable service of a
14 member who retires or terminates employment and elects a vested
15 benefit shall include not to exceed one hundred twenty (120) days of
16 unused sick leave accumulated subsequent to August 1, 1959. Twenty
17 (20) days of unused sick leave shall equal one (1) month for
18 purposes of creditable service credit. If the member becomes a
19 member or was eligible to become a member prior to July 1, 1995, the
20 year of credit received in this section shall be treated as service
21 earned prior to July 1, 1995. This subsection shall apply to
22 members retiring or vesting on or after the effective date of this
23 act and shall not be retroactive.

24 I. Any member who:

1 1. Shall be absent from the teaching service because of
2 election to the State Legislature or appointment to the executive
3 branch in an education-related capacity shall be allowed thirty (30)
4 days from the date as of which the person is officially elected or
5 appointed to file an election with the Teachers' Retirement System
6 to retain his or her membership in the Teachers' Retirement System
7 upon payment of the contribution required of other members and
8 employers of said members as provided for in this section and his or
9 her service credits shall continue to be accumulated during such
10 absence, provided he or she is not receiving retirement credits or
11 benefits from said service beginning after July 1, 1992, in other
12 public retirement systems; or

13 2. Became an employee of the Oklahoma Commission for Teacher
14 Preparation on or subsequent to June 1, 2001, but prior to July 1,
15 2002, who was previously employed by a participating employer within
16 the Teachers' Retirement System of Oklahoma, may elect to cancel any
17 accumulated service credit accrued within the Oklahoma Public
18 Employees Retirement System on or after June 1, 2001, but prior to
19 July 1, 2002, by filing an election with the Oklahoma Public
20 Employees Retirement System for the cancellation of such service
21 credit. The election shall be irrevocable and shall require the
22 Oklahoma Public Employees Retirement System to transfer all
23 accumulated employer and employee contributions made on behalf of or
24 by the person making such election to the Teachers' Retirement

1 System for such period of time. The Teachers' Retirement System
2 shall compute the employee contributions that would have been made
3 to the System by such employee if the contributions had been
4 computed pursuant to this section. In order to receive the full
5 amount of creditable service for the period of time on or after June
6 1, 2001, but not later than June 30, 2002, the employee shall be
7 required to pay any difference between the transferred employee
8 contributions and the amount computed by the Teachers' Retirement
9 System. The employee may make payment of any required amount in the
10 manner provided by and subject to the requirements of Section 17-
11 116.8 of this title. After payment of all required employee
12 contributions, the Teachers' Retirement System shall credit the
13 period of time represented by the transferred employee contributions
14 as creditable service within the meaning of Section 17-101 of this
15 title. After the transfer of the employee contributions, the
16 Oklahoma Public Employees Retirement System shall cancel any service
17 credit previously accumulated for the period of time represented by
18 such transferred employee contributions. Any person who makes the
19 election provided for by this paragraph, and who continues
20 employment with the Oklahoma Commission for Teacher Preparation on
21 or after July 1, 2002, shall continue to accrue service credit in
22 the Teachers' Retirement System of Oklahoma. The employer shall
23 make employer contributions according to the requirements of Section
24

1 17-108.1 of this title and shall provide for the deduction of
2 employee contributions as required by this section.

3 J. Any member who shall be absent from the teaching service
4 because of election or appointment as a local, state or national
5 education association officer shall be allowed to retain his or her
6 membership in the Teachers' Retirement System upon payment of the
7 contribution required of other members and employers of said members
8 as provided for in this section and his or her service credits shall
9 continue to be accumulated during such absence. Provided, however,
10 any one such absence shall not exceed eight (8) continuous years.
11 No member who has less than ten (10) years of contributory service
12 on July 1, 1994, may make this election after June 30, 1994.
13 Members contributing to the System on July 1, 1994, may continue to
14 contribute under this subsection until they have completed eight (8)
15 years allowed by this subsection. The member may file for
16 retirement when otherwise eligible for retirement as provided by
17 Section 17-105 of this title. Conditioned upon receiving a
18 favorable determination letter or private letter ruling from the
19 Internal Revenue Service, the eligible absence and participation
20 continuation in the Teachers' Retirement System of Oklahoma pursuant
21 to this subsection shall be increased to twelve (12) years. The
22 Teachers' Retirement System of Oklahoma shall make any necessary
23 efforts in obtaining an Internal Revenue Service determination
24 letter or private letter ruling concerning such increase.

1 K. A member may receive credit for those years of service
2 accumulated by the member while employed by an entity which is a
3 participating employer in the Oklahoma Firefighters Pension and
4 Retirement System, the Oklahoma Police Pension and Retirement
5 System, the Uniform Retirement System for Justices and Judges, the
6 Oklahoma Law Enforcement Retirement System, or the Oklahoma Public
7 Employees Retirement System, if the member is not receiving or
8 eligible to receive retirement credit or benefits from said service
9 in any other public retirement system. A member also may receive
10 credit for those years of service with the Department of Wildlife
11 Conservation or with an employer that is a participating employer
12 within one of the state retirement systems specifically referred to
13 in this section when at the time of such service by the member the
14 employer was not such a participating employer, if the member is not
15 receiving or eligible to receive retirement credit or benefits from
16 said service in any other public retirement system. To receive the
17 service credit provided in this subsection, the member shall pay the
18 amount determined by the Board of Trustees pursuant to Section 17-
19 116.8 of this title. For purposes of this subsection, creditable
20 service transferred from the Oklahoma Public Employees Retirement
21 System shall include service authorized under paragraph (f) of
22 subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes
23 as amended from time to time. Members who retire prior to July 1,
24 1993, shall have their monthly benefit adjusted to include all

1 services accrued under paragraph (f) of subsection (2) of Section
2 913 of Title 74 of the Oklahoma Statutes. Provided however, any
3 adjustment of existing retirement benefits caused by reason of
4 inclusion of such service authorized under paragraph (f) of
5 subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes
6 shall not affect any retirement benefit paid prior to July 1, 1993.

7 L. 1. An active member of the Teachers' Retirement System of
8 Oklahoma may receive credit for those years of service accumulated
9 by the member while a member of the Oklahoma Public Employees
10 Retirement System if:

- 11 a. the member is an active member of the Teachers'
12 Retirement System of Oklahoma, and
- 13 b. the member provides notice to the Oklahoma Public
14 Employees Retirement System and the Teachers'
15 Retirement System of Oklahoma of the member's election
16 to transfer said service credit. The notice shall
17 include a list of the years to be transferred, and
- 18 c. the member is not receiving or eligible to receive
19 retirement credit or benefits from said service in any
20 other public retirement system, notwithstanding the
21 years of service sought to be transferred under this
22 subsection.

23 Members electing to take advantage of the transfer authorized by
24 this subsection who are receiving or eligible to receive retirement

1 credit or benefits from said service in any other public retirement
2 system shall have all service credit with the Oklahoma Public
3 Employees Retirement System canceled which is not transferred to the
4 Teachers' Retirement System of Oklahoma or used as a cash offset in
5 such a transfer pursuant to subparagraph d of paragraph 2 of this
6 subsection. Service credit transferred to the Teachers' Retirement
7 System of Oklahoma under this subsection shall also be canceled with
8 the Oklahoma Public Employees Retirement System.

9 2. For purposes of this subsection, the "sending system" shall
10 mean the Oklahoma Public Employees Retirement System. The
11 "receiving system" shall mean the Teachers' Retirement System of
12 Oklahoma.

13 a. Within thirty (30) days notification of an intent to
14 transfer is received by the sending system, the
15 sending system shall, according to its own rules and
16 regulations:

17 (1) for members who have accrued at least eight (8)
18 years of credited service with the sending
19 system, determine the present value of the
20 member's earned benefits attributable to the
21 years of service sought to be transferred,
22 discounted according to the member's age at the
23 time of transfer and computed as of the earliest
24 age at which the member would be able to retire.

1 Said computation shall assume an unreduced
2 benefit and be computed using interest and
3 mortality assumptions consistent with the
4 actuarial assumptions adopted by the Board of
5 Trustees for purposes of preparing the annual
6 actuarial evaluation, but shall not make any
7 projections regarding future salary. For
8 employees who have accrued at least eight (8)
9 years of credited service, the sending system
10 shall use the product of this calculation for
11 purposes of determining the transfer fee to be
12 paid by the employee under subparagraph c of this
13 paragraph so long as it is greater than the
14 product of the calculation in division (2) of
15 this subparagraph, and

- 16 (2) determine the sum of the employee and employer
17 contributions applicable to the years of service
18 sought to be transferred plus interest consistent
19 with the actuarial assumptions adopted by the
20 Board of Trustees for purposes of preparing the
21 annual actuarial evaluation. For all non-vested
22 members, and for members who have accrued at
23 least eight (8) years of credited service, if the
24 product of this calculation is greater than the

1 product of the calculation in division (1) of
2 this subparagraph, the sending system shall use
3 the product of this calculation for purposes of
4 determining the amount to be transferred by the
5 sending system under subparagraph c of this
6 paragraph and any transfer fee to be paid by the
7 member under subparagraph d of this paragraph.

- 8 b. Within thirty (30) days notification of an intent to
9 transfer is received by the receiving system, the
10 receiving system shall determine, according to the
11 system's own rules and regulations, the present value
12 of the member's incremental projected benefits
13 discounted according to the member's age at the time
14 of the transfer. Incremental projected benefits shall
15 be the difference between the projected benefit said
16 member would receive without transferring the service
17 credit and the projected benefit after transfer of
18 service credit computed as of the earliest age at
19 which the member would be able to retire. Said
20 computation shall assume an unreduced benefit and be
21 computed using interest, salary projections and
22 mortality assumptions consistent with the actuarial
23 assumptions adopted by the Board of Trustees for
24 purposes of preparing the annual actuarial evaluation.

1 c. The sending system shall, within sixty (60) days from
2 the date notification of an intent to transfer is
3 received by the sending system, transfer to the
4 receiving system the amount determined in subparagraph
5 a of this paragraph. Except if the cost as calculated
6 under subparagraph a of this paragraph is greater than
7 the actuarial value of the incremental benefit in the
8 receiving system, as established in subparagraph b of
9 this paragraph, the sending system shall send the
10 receiving system an amount equal to the actuarial
11 value of the incremental projected benefit in the
12 receiving system.

13 d. In order to receive the credit provided for in
14 paragraph 1 of this subsection, if the cost of the
15 actuarial value of the incremental benefit to the
16 receiving system is greater than the cost as
17 calculated under subparagraph a of this paragraph for
18 the same years of service to the sending system as
19 established in subparagraphs a and b of this
20 paragraph, the employee shall elect to:

- 21 (1) pay any difference to receive full credit for the
22 years sought to be transferred, or
- 23 (2) receive prorated service credit for only the
24 amount received from the Oklahoma Public

1 Employees Retirement System pursuant to this
2 subsection.

3 Such an election shall be made in writing, filed with
4 the System prior to receiving the credit provided for
5 in paragraph 1 of this subsection, and shall be
6 irrevocable.

7 3. Within sixty (60) days of successfully completing all of the
8 requirements for transfer under this subsection, the sending system
9 shall pay the receiving system any amount due under this subsection.
10 Within sixty (60) days of successfully completing all of the
11 requirements for transfer under this subsection, the member shall
12 pay the receiving system any amount due under this subsection. In
13 the event that the member is unable to pay the transfer fee provided
14 for in this subsection by the due date, the Board of Trustees of the
15 receiving system shall permit the member to amortize the transfer
16 fee over a period not to exceed sixty (60) months. Said payments
17 shall be made by payroll deductions unless the Board of Trustees
18 permits an alternate payment source. The amortization shall include
19 interest in an amount not to exceed the actuarially assumed interest
20 rate adopted by the Board of Trustees for investment earnings each
21 year. Any member who ceases to make payment, terminates, retires or
22 dies before completing the payments provided for in this section
23 shall receive prorated service credit for only those payments made,
24 unless the unpaid balance is paid by said member, his or her estate

1 or successor in interest within six (6) months after said member's
2 death, termination of employment or retirement, provided no
3 retirement benefits shall be payable until the unpaid balance is
4 paid, unless said member or beneficiary affirmatively waives the
5 additional six-month period in which to pay the unpaid balance.

6 4. Years of service transferred pursuant to this subsection
7 shall be used both in determining the member's retirement benefit
8 and in determining the years of service for retirement and/or
9 vesting purposes. Years of service rendered as a member of the
10 Oklahoma Public Employees Retirement System prior to July 1, 1992,
11 if any, shall be deemed to be years of service rendered as a member
12 of the Teachers' Retirement System of Oklahoma prior to July 1,
13 1992, and shall qualify such person as a member of the Teachers'
14 Retirement System of Oklahoma before July 1, 1992.

15 5. Notwithstanding the requirements of subsection (5) of
16 Section 917 of Title 74 of the Oklahoma Statutes, members electing
17 to take advantage of the transfer authorized by this subsection who
18 have withdrawn their contributions from the sending system shall
19 remit to the sending system the amount of the accumulated
20 contributions the member has withdrawn plus simple interest of ten
21 percent (10%) per annum prior to making said election or the
22 election shall be deemed invalid and the transfer shall be canceled.
23 If such an election is deemed invalid and the transfer is canceled,
24 the accumulated contribution remitted to the sending system by the

1 member who originally withdrew their contributions shall be returned
2 to the member. The member's rights and obligations regarding any
3 service credit reestablished in the sending system due to a failure
4 to satisfy the requirements of this subsection shall be determined
5 by the sending system in accordance with Section 901 et seq. of
6 Title 74 of the Oklahoma Statutes.

7 6. If any member fails for any reason to satisfy the
8 requirements of this subsection, the election to transfer service
9 credit shall be void and of no effect, and any service credited as a
10 result of this transfer shall be canceled. If such service is
11 canceled, the years of canceled service credit which were
12 unsuccessfully transferred to the receiving system from the sending
13 system shall be reestablished in the sending system. The member's
14 rights and obligations regarding any service credit reestablished in
15 the sending system due to a failure to satisfy the requirements of
16 this subsection shall be determined by the sending system in
17 accordance with Section 901 et seq. of Title 74 of the Oklahoma
18 Statutes.

19 7. The Board of Trustees shall promulgate such rules as are
20 necessary to implement the provisions of this subsection.

21 M. Any member whose regular annual compensation was not
22 determined as provided for by law may pay the member contribution
23 required pursuant to subsection B of this section on such amount not
24 included in the member's regular annual compensation and receive

1 credit for such amount in the calculation of the member's benefit.
2 The employees must pay the employer contributions required pursuant
3 to Section 17-108.1 of this title. Interest at the rate of ten
4 percent (10%) per annum shall be charged to both employee and
5 employer contributions. Provided that the employing district may
6 pay all or any portion of the contributions and interest the member
7 is required to pay. Any payment by the employing district for a
8 prior year obligation shall be considered a current obligation of
9 the employer.

10 N. Any active member who elected during the 1978-79 school year
11 to pay the difference between five percent (5%) on actual salary not
12 exceeding Ten Thousand Dollars (\$10,000.00) and six percent (6%) on
13 actual salary not exceeding Fifteen Thousand Dollars (\$15,000.00)
14 shall receive credit for one (1) year of credited service upon
15 receipt and approval of a proper request by the Board of Trustees.

16 O. Effective July 1, 1988, any member who is employed by the
17 Governor, the State Senate, the House of Representatives or the
18 Legislative Service Bureau shall be allowed to elect to retain
19 membership in the Retirement System upon payment of the accrued and
20 current member contributions and employer contributions as provided
21 in subsection B of this section and Section 17-108.1 of this title.
22 Such contributions may be paid on behalf of the member by the
23 employing entity. Upon payment of such contributions, service
24 credits shall continue to be accumulated during such employment.

1 Accrued contributions shall be paid to the Retirement System by
2 August 1, 1989. Current contributions shall be paid to the
3 Retirement System by the tenth of the following month beginning with
4 the month of July 1989.

5 P. Notwithstanding any requirements of this title to restrict
6 the payment of service purchases, the Board of Trustees shall
7 promulgate such rules as necessary to allow active members of the
8 System to make installment payments for the redeposit of withdrawn
9 accounts or other payments due under the provisions of this title.
10 The rules shall permit the member to amortize the balance due over a
11 period not to exceed sixty (60) months, and shall include interest
12 consistent with the actuarial assumptions adopted by the Board of
13 Trustees for purposes of preparing the annual actuarial evaluation.
14 Further, the rules shall provide that all payments must be completed
15 prior to the effective retirement date of the member.

16 Q. 1. A member of the Oklahoma Public Employees Retirement
17 System who becomes a member of the Teachers' Retirement System of
18 Oklahoma because the member has become employed by an entity or
19 institution within The Oklahoma State System of Higher Education,
20 State Board of Education, State Board of Career and Technology
21 Education, Oklahoma Department of Career and Technology Education,
22 Oklahoma School of Science and Mathematics, Oklahoma Center for the
23 Advancement of Science and Technology, State Department of
24 Rehabilitation Services, Oklahoma State Regents for Higher

1 Education, Department of Corrections, State Department of Education,
2 Oklahoma Board of Private Vocational Schools, Board of Regents of
3 Oklahoma Colleges, Oklahoma Student Loan Authority, or the Teachers'
4 Retirement System of Oklahoma, may elect to receive credit in the
5 Teachers' Retirement System of Oklahoma for those years of service
6 accumulated by the member in the Oklahoma Public Employees
7 Retirement System pursuant to this subsection. A member shall be
8 eligible to elect to receive credit for such years of service if:

9 a. the member is an active member of the Teachers'
10 Retirement System of Oklahoma,

11 b. the member provides notice to the Teachers' Retirement
12 System of Oklahoma and the Oklahoma Public Employees
13 Retirement System of the member's election to transfer
14 such retirement credit. The notice shall include a
15 list of the years to be transferred, and

16 c. the member is not receiving or eligible to receive
17 retirement credit or benefits from such service in any
18 other public retirement system, notwithstanding the
19 years of service sought to be transferred under this
20 subsection.

21 Members electing to take advantage of the transfer authorized by
22 this subsection shall have all service credit with the Oklahoma
23 Public Employees Retirement System canceled which is transferred to
24 the Teachers' Retirement System of Oklahoma.

1 2. For purposes of this subsection, the "sending system" shall
2 mean the Oklahoma Public Employees Retirement System. The
3 "receiving system" shall mean the Teachers' Retirement System of
4 Oklahoma. Within thirty (30) days after notification of an intent
5 to transfer is received by the sending system, the sending system
6 shall, according to its own rules, send to the receiving system all
7 employer and employee contributions made on behalf of the member
8 which were made to the sending system plus an additional amount of
9 earnings based on the actuarial assumed rate of the sending system.
10 Upon receipt of these contributions by the receiving system, the
11 receiving system shall give credit to the transferring member in an
12 amount equal to the years of service accrued in the sending system.

13 3. If the transferring member's normal retirement date
14 calculation is based upon the sum of the member's age and number of
15 years of credited service totaling eighty (80) in the sending
16 system, then the member shall retain such calculation in the
17 receiving system.

18 4. The Board of Trustees shall promulgate such rules as are
19 necessary to implement the provisions of this subsection.

20 R. A former member of the Teachers' Retirement System of
21 Oklahoma who withdrew his or her contributions from the System prior
22 to January 1, 1983, and who had at least ten (10) years of service
23 in the System and purchased that service in the Oklahoma Public
24 Employees Retirement System, may elect to revoke that purchase from

1 the Oklahoma Public Employees Retirement System and to repay the
2 withdrawn contributions to the System in order to be eligible, once
3 such member reaches the normal retirement age, to receive a
4 retirement benefit that is based upon years of service and
5 compensation at the time such member terminated employment. In
6 addition, such former member may elect to transfer service credit
7 accrued in the Oklahoma Public Employees Retirement System to the
8 Teachers' Retirement System of Oklahoma pursuant to subsection L of
9 this section. The election, pursuant to this subsection, shall be
10 made prior to September 1, 2000. The election and the repayment
11 shall be made according to rules promulgated by the Board.

12 SECTION 5. AMENDATORY 74 O.S. 2001, Section 902, as last
13 amended by Section 134, Chapter 1, O.S.L. 2005 (74 O.S. Supp. 2008,
14 Section 902), is amended to read as follows:

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

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

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

22 (3) "Act" means Sections 901 to 932, inclusive, of this title;
23
24

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

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

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

8 (7) "Beneficiary" means any person named by a member to receive
9 any benefits as provided for by Section 901 et seq. of this title.

10 If there is no beneficiary living at time of member employee's
11 death, the member's estate shall be the beneficiary;

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

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

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

1 For compensation for service on or after January 1,
2 1988, through June 30, 1994, the maximum compensation
3 level shall be Forty Thousand Dollars (\$40,000.00) per
4 annum.

5 For compensation for service on or after July 1, 1994,
6 through June 30, 1995, the maximum compensation level
7 shall be Fifty Thousand Dollars (\$50,000.00) per
8 annum; for compensation for service on or after July
9 1, 1995, through June 30, 1996, the maximum
10 compensation level shall be Sixty Thousand Dollars
11 (\$60,000.00) per annum; for compensation for service
12 on or after July 1, 1996, through June 30, 1997, the
13 maximum compensation level shall be Seventy Thousand
14 Dollars (\$70,000.00) per annum; and for compensation
15 for service on or after July 1, 1997, through June 30,
16 1998, the maximum compensation level shall be Eighty
17 Thousand Dollars (\$80,000.00) per annum. For
18 compensation for services on or after July 1, 1998,
19 there shall be no maximum compensation level for
20 retirement purposes.

- 21 (b) Compensation for retirement purposes shall include any
22 amount of elective salary reduction under Section 457
23 of the Internal Revenue Code of 1986 and any amount of
24

1 non-elective salary reduction under Section 414(h) of
2 the Internal Revenue Code of 1986.

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

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

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

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

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

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

19 (a) If a class or several classes of employees of any
20 above-defined employers are covered by Social Security
21 and are not covered by or eligible for and will not
22 become eligible for another retirement plan authorized
23 under the laws of this state, which is in operation on
24 the effective date, such employer shall be deemed an

1 eligible employer, but only with respect to that class
2 or those classes of employees as defined in this
3 section.

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

1 transmitted to the System on the same basis as the
2 employee and employer contributions are transmitted
3 for the direct employees of the state agency. The
4 retirement or eligibility for retirement under the
5 provisions of law providing pensions for service as a
6 volunteer fire fighter shall not render any person
7 ineligible for participation in the benefits provided
8 for in Section 901 et seq. of this title. An employee
9 of any public or private trust in which a county, city
10 or town participates and is the primary beneficiary
11 shall be deemed to be an eligible employee for the
12 purpose of this act only.

13 (c) All employees of the George Nigh Rehabilitation
14 Institute who elected to retain membership in the
15 System, pursuant to Section 913.7 of this title, shall
16 continue to be eligible employees for the purposes of
17 this act. The George Nigh Rehabilitation Institute
18 shall be considered a participating employer only for
19 such employees.

20 (d) A participating employer of the Teachers' Retirement
21 System of Oklahoma, who has one or more employees who
22 have made an election pursuant to enabling legislation
23 to retain membership in the System as a result of
24 change in administration, shall be considered a

1 participating employer of the Oklahoma Public

2 Employees Retirement System only for such employees;

3 (14) "Employee" means any officer or employee of a

4 participating employer, whose employment is not seasonal or

5 temporary and whose employment requires at least one thousand

6 (1,000) hours of work per year and whose salary or wage is equal to

7 the hourly rate of the monthly minimum wage for state employees.

8 For those eligible employers outlined in Section 910 of this title,

9 the rate shall be equal to the hourly rate of the monthly minimum

10 wage for that employer. Each employer, whose minimum wage is less

11 than the state's minimum wage, shall inform the System of the

12 minimum wage for that employer. This notification shall be by

13 resolution of the governing body.

14 (a) Any employee of the county extension agents who is not

15 currently participating in the Teachers' Retirement

16 System of Oklahoma shall be a member of this System.

17 (b) Eligibility shall not include any employee who is a

18 contributing member of the United States Civil Service

19 Retirement System.

20 (c) It shall be mandatory for an officer, appointee or

21 employee of the office of district attorney to become

22 a member of this System if he or she is not currently

23 participating in a county retirement system. Provided

24 further, that if an officer, appointee or employee of

1 the office of district attorney is currently
2 participating in such county retirement system, he or
3 she is ineligible for this System as long as he or she
4 is eligible for such county retirement system. Any
5 eligible officer, appointee or employee of the office
6 of district attorney shall be given credit for prior
7 service as defined in this section. The provisions
8 outlined in Section 917 of this title shall apply to
9 those employees who have previously withdrawn their
10 contributions.

11 (d) Eligibility shall also not include any officer or
12 employee of the Oklahoma Employment Security
13 Commission, except for those officers and employees of
14 the Commission electing to transfer to this System
15 pursuant to the provisions of Section 910.1 of this
16 title or any other class of officers or employees
17 specifically exempted by the laws of this state,
18 unless there be a consolidation as provided by Section
19 912 of this title. Employees of the Oklahoma
20 Employment Security Commission who are ineligible for
21 enrollment in the Employment Security Commission
22 Retirement Plan, that was in effect on January 1,
23 1964, shall become members of this System.

1 (e) Any employee employed by the Legislative Service
2 Bureau, State Senate or House of Representatives for
3 the full duration of a regular legislative session
4 shall be eligible for membership in the System
5 regardless of classification as a temporary employee
6 and may participate in the System during the regular
7 legislative session at the option of the employee.
8 For purposes of this subparagraph, the determination
9 of whether an employee is employed for the full
10 duration of a regular legislative session shall be
11 made by the Legislative Service Bureau if such
12 employee is employed by the Legislative Service
13 Bureau, the State Senate if such employee is employed
14 by the State Senate, or by the House of
15 Representatives if such employee is employed by the
16 House of Representatives. Each regular legislative
17 session during which the legislative employee or an
18 employee of the Legislative Service Bureau
19 participates full time shall be counted as six (6)
20 months of full-time participating service.

21 (i) Except as otherwise provided by this
22 subparagraph, once a temporary session employee
23 makes a choice to participate or not, the choice
24

1 shall be binding for all future legislative
2 sessions during which the employee is employed.

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

12 (iii) Notwithstanding the provisions of division (i) of
13 this subparagraph, a temporary legislative
14 session employee who elected to become a member
15 of the System may withdraw from the System
16 effective the day said employee elected to
17 participate in the System upon written request to
18 the Board. Any such request must be received by
19 the Board prior to October 1, 1990. All employee
20 contributions made by the temporary legislative
21 session employee shall be returned to the
22 employee without interest within four (4) months
23 of receipt of the written request.
24

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

- 9 a. the member files an election with the System
10 not later than December 31, 2000, to
11 purchase the prior service; and
- 12 b. the member makes payment to the System of
13 the actuarial cost of the service credit
14 pursuant to subsection A of Section 913.5 of
15 this title. The provisions of Section 913.5
16 of this title shall be applicable to the
17 purchase of the service credit, including
18 the provisions for determining service
19 credit in the event of incomplete payment
20 due to cessation of payments, death,
21 termination of employment or retirement, but
22 the payment may extend for a period not to
23 exceed ninety-six (96) months;
- 24

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

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

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

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

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

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

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

7 (22) "Member" means an eligible employee or elected official
8 who is in the System and is making the required employee or elected
9 official contributions, or any former employee or elected official
10 who shall have made the required contributions to the System and
11 shall have not received a refund or withdrawal;

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

17 (a) during the following periods, including the beginning
18 and ending dates, and only for the periods served,
19 from:

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

22 (ii) September 16, 1940, to December 7, 1941, as a
23 member of the 45th Division,
24

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

3 (iv) June 27, 1950, to January 31, 1955, commonly
4 referred to as the Korean Conflict or the Korean
5 War,

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

8 a. for the period from February 28, 1961, to
9 August 4, 1964, military service shall only
10 include service in the Republic of Vietnam
11 during that period, and

12 b. for purposes of determining eligibility for
13 education and training benefits, such period
14 shall end on December 31, 1976, or

15 (vi) August 1, 1990, to December 31, 1991, commonly
16 referred to as the Gulf War, the Persian Gulf
17 War, or Operation Desert Storm, but excluding any
18 person who served on active duty for training
19 only, unless discharged from such active duty for
20 a service-connected disability;

21 (b) during the following periods, including the beginning
22 dates, and only for the periods served, from:
23
24

1 (i) September 11, 2001 to a date to be determined or
2 cessation of the Operation of Enduring Freedom;

3 or

4 (ii) March 19, 2003 to a date to be determined or the
5 cessation of Operation Iraqi Freedom.

6 To qualify for the service specified in divisions (i)
7 and (ii) of this subparagraph, the service must be

8 based on the criteria for the awarding of the
9 Afghanistan Campaign Medal or the Iraq Campaign Medal;

10 (c) during a period of war or combat military operation
11 other than a conflict, war or era listed in
12 ~~subparagraph~~ subparagraphs (a) and (b) of this
13 paragraph, beginning on the date of Congressional
14 authorization, Congressional resolution, or Executive
15 Order of the President of the United States, for the
16 use of the Armed Forces of the United States in a war
17 or combat military operation, if such war or combat
18 military operation lasted for a period of ninety (90)
19 days or more, for a person who served, and only for
20 the period served, in the area of responsibility of
21 the war or combat military operation, but excluding a
22 person who served on active duty for training only,
23 unless discharged from such active duty for a service-
24 connected disability, and provided that the burden of

1 proof of military service during this period shall be
2 with the member, who must present appropriate
3 documentation establishing such service.

4 An eligible member under this paragraph shall include only those
5 persons who shall have served during the times or in the areas
6 prescribed in this paragraph, and only if such person provides
7 appropriate documentation in such time and manner as required by the
8 System to establish such military service prescribed in this
9 paragraph, or for service pursuant to subdivision a of division (v)
10 of subparagraph (a) of this paragraph those persons who were awarded
11 service medals, as authorized by the United States Department of
12 Defense as reflected in the veteran's Defense Department Form 214,
13 related to the Vietnam Conflict for service prior to August 5, 1964;

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

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

19 (b) for any person who initially became a member prior to
20 July 1, 1992, the first day of the month coinciding
21 with or following the date at which the sum of a
22 member's age and number of years of credited service
23 total eighty (80); such a normal retirement date will
24 also apply to any person who became a member of the

1 sending system as defined in Section 901 et seq. of
2 this title, prior to July 1, 1992, regardless of
3 whether there were breaks in service after July 1,
4 1992,

5 (c) for any person who became a member after June 30,
6 1992, the first day of the month coinciding with or
7 following the date at which the sum of a member's age
8 and number of years of credited service total ninety
9 (90),

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

14 (i) a correctional or probation and parole officer
15 with the Department of Corrections and at the
16 time of retirement, the member was a correctional
17 or probation and parole officer with the
18 Department of Corrections, or

19 (ii) a correctional officer, probation and parole
20 officer or fugitive apprehension agent with the
21 Department of Corrections who is in such position
22 on June 30, 2004, or who is hired after June 30,
23 2004, and who receives a promotion or change in
24 job classification after June 30, 2004, to

1 another position in the Department of
2 Corrections, so long as such officer or agent has
3 at least five (5) years of service as a
4 correctional officer, probation and parole
5 officer or fugitive apprehension agent with the
6 Department, has twenty (20) years of full-time-
7 equivalent employment with the Department and was
8 employed by the Department at the time of
9 retirement, or

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

23 (e) for those fugitive apprehension agents who retire on
24 or after July 1, 2002, the first day of the month

1 coinciding with or following a member's completion of
2 at least twenty (20) years of full-time-equivalent
3 employment as a fugitive apprehension agent with the
4 Department of Corrections and at the time of
5 retirement, the member was a fugitive apprehension
6 agent with the Department of Corrections, or

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

18 (25) "Participating employer" means an eligible employer who
19 has agreed to make contributions to the System on behalf of its
20 employees;

21 (26) "Participating service" means the period of employment
22 after the entry date for which credit is granted a member;
23
24

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

4 (28) "Retirant" means a member who has retired under the
5 System;

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

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

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

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

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

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

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

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

11 SECTION 6. This act shall become effective November 1, 2009.

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