

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

HOUSE BILL 1584

By: Martin (Scott)

AS INTRODUCED

An Act relating to public retirement systems; amending 68 O.S. 2001, Sections 1353, as last amended by Section 1, Chapter 466, O.S.L. 2010 and 2352, as last amended by Section 10, Chapter 278, O.S.L. 2008 (68 O.S. Supp. 2010, Sections 1353 and 2352), which relate to apportionment of sales tax revenue and income tax revenue; modifying apportionment of revenues to the General Revenue Fund; modifying apportionment of revenues to the Teachers' Retirement System of Oklahoma; amending 74 O.S. 2001, Section 1316.3, as last amended by Section 3, Chapter 198, O.S.L. 2005 (74 O.S. Supp. 2010, Section 1316.3), which relates to post-retirement health care payments; modifying provisions related to payments to certain retirees; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 68 O.S. 2001, Section 1353, as last amended by Section 1, Chapter 466, O.S.L. 2010 (68 O.S. Supp. 2010, Section 1353), is amended to read as follows:

Section 1353. A. It is hereby declared to be the purpose of the Oklahoma Sales Tax Code to provide funds for the financing of the program provided for by the Oklahoma Social Security Act and to

1 provide revenues for the support of the functions of the state
 2 government of Oklahoma, and for this purpose it is hereby expressly
 3 provided that, revenues derived pursuant to the provisions of the
 4 Oklahoma Sales Tax Code, subject to the apportionment requirements
 5 for the Oklahoma Tax Commission and Office of State Finance Joint
 6 Computer Enhancement Fund provided by Section 265 of this title,
 7 shall be apportioned as follows:

- 8 1. a. the following amounts shall be paid to the State
 9 Treasurer to be placed to the credit of the General
 10 Revenue Fund to be paid out pursuant to direct
 11 appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 and each fiscal	
year thereafter	83.61%
<u>FY 2009</u>	<u>83.61%</u>
<u>FY 2010</u>	<u>83.61%</u>
<u>FY 2011</u>	<u>83.61%</u>
<u>FY 2012</u>	<u>83.36%</u>
<u>FY 2013</u>	<u>83.11%</u>
<u>FY 2014</u>	<u>82.86%</u>

FY 2015 and each fiscal
year thereafter 82.61%

b. in the event that additional monies are necessary pursuant to paragraph 6 of this section, such additional monies shall be deducted in the proportion determined by the State Board of Equalization pursuant to paragraph 3 of Section 2355.1B of this title from the monies apportioned to the General Revenue Fund;

2. For FY 2003, FY 2004 and FY 2005, ten and forty-two one-hundredths percent (10.42%), shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education and for FY 2006 and each fiscal year thereafter, ten and forty-six one-hundredths percent (10.46%) shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education;

3. The following amounts shall be paid to the State Treasurer to be placed to the credit of the Teachers' Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%

1	FY 2008 and each fiscal	
2	year thereafter	5.0%
3	<u>FY 2009</u>	<u>5.0%</u>
4	<u>FY 2010</u>	<u>5.0%</u>
5	<u>FY 2011</u>	<u>5.0%</u>
6	<u>FY 2012</u>	<u>5.25%</u>
7	<u>FY 2013</u>	<u>5.50%</u>
8	<u>FY 2014</u>	<u>5.75%</u>
9	<u>FY 2015 and each fiscal</u>	
10	<u>year thereafter</u>	<u>6.0%</u>

11 4. For the fiscal year beginning July 1, 2010, and for each
 12 fiscal year thereafter, eighty-seven one-hundredths percent (0.87%)
 13 shall be paid to the State Treasurer to be further apportioned as
 14 follows:

- 15 a. thirty-six percent (36%) shall be placed to the credit
- 16 of the Oklahoma Tourism Promotion Revolving Fund, and
- 17 b. sixty-four percent (64%) shall be placed to the credit
- 18 of the Oklahoma Tourism Capital Improvement Revolving
- 19 Fund; and

20 5. For the fiscal year beginning July 1, 2010, and for each
 21 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
 22 placed to the credit of the Oklahoma Historical Society Capital
 23 Improvement and Operations Revolving Fund.

24

1 6. During the first fiscal year after the State Board of
2 Equalization has made a determination as provided in Section 2355.1B
3 of this title, regarding a baseline amount of revenue apportioned
4 pursuant to paragraph 3 of this section, and for each fiscal year
5 thereafter, in no event shall monies apportioned pursuant to
6 paragraph 3 of this section, paragraph 3 of Section 1403 of this
7 title and subparagraph c of paragraph 1 of Section 2352 of this
8 title be less than such baseline amount.

9 B. Provided, for the fiscal year beginning July 1, 2007, and
10 every fiscal year thereafter, an amount of revenue shall be
11 apportioned to each municipality or county which levies a sales tax
12 subject to the provisions of Section 1357.10 of this title and
13 subsection F of Section 2701 of this title equal to the amount of
14 sales tax revenue of such municipality or county exempted by the
15 provisions of Section 1357.10 of this title and subsection F of
16 Section 2701 of this title. The Oklahoma Tax Commission shall
17 promulgate and adopt rules necessary to implement the provisions of
18 this subsection.

19 SECTION 2. AMENDATORY 68 O.S. 2001, Section 2352, as
20 last amended by Section 10, Chapter 278, O.S.L. 2008 (68 O.S. Supp.
21 2010, Section 2352), is amended to read as follows:

22 Section 2352. It is hereby declared to be the purpose of
23 Section 2351 et seq. of this title to provide revenue for general
24 governmental functions of state government; and, for that purpose

1 and to that end, it is expressly declared that the revenue derived
2 herefrom and penalties and interest thereon, subject to the
3 apportionment requirements for the Rebuilding Oklahoma Access and
4 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail
5 Revolving Fund and the Public Transit Revolving Fund to be derived
6 from income tax revenue that would otherwise be apportioned to the
7 General Revenue Fund as provided by Section 1521 of Title 69 of the
8 Oklahoma Statutes, subject to the apportionment requirements for the
9 Oklahoma Tax Commission and Office of State Finance Joint Computer
10 Enhancement Fund provided by Section ~~6~~ 265 of this ~~act~~ title, shall
11 be distributed as follows:

12 1. For the fiscal year beginning July 1, 2002, the first Five
13 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue
14 derived pursuant to the provisions of subsections A, B and E of
15 Section 2355 of this title shall be apportioned to the Education
16 Reform Revolving Fund. The remainder of such revenue for the fiscal
17 year beginning July 1, 2002, and all such revenue for each fiscal
18 year thereafter shall be apportioned monthly as follows:

19 a. (1) the following amounts shall be paid to the State
20 Treasurer to be placed to the credit of the
21 General Revenue Fund of the state for such fiscal
22 year for the support of the state government to
23 be paid out only pursuant to appropriation by the
24 Legislature:

1	Fiscal Year	Amount
2	FY 2003 and FY 2004	87.12%
3	FY 2005	86.91%
4	FY 2006	86.66%
5	FY 2007	86.16%
6	FY 2008 and each fiscal	
7	year thereafter	85.66%
8	<u>FY 2009</u>	<u>85.66%</u>
9	<u>FY 2010</u>	<u>85.66%</u>
10	<u>FY 2011</u>	<u>85.66%</u>
11	<u>FY 2012</u>	<u>85.41%</u>
12	<u>FY 2013</u>	<u>85.16%</u>
13	<u>FY 2014</u>	<u>84.91%</u>
14	<u>FY 2015 and each fiscal</u>	
15	<u>year thereafter</u>	<u>84.66%</u>

(2) in the event that additional monies are necessary pursuant to paragraph 3 of this section, such additional monies shall be deducted in the proportion determined by the State Board of Equalization pursuant to paragraph 3 of Section 2355.1B of this title from the monies apportioned to the General Revenue Fund,

b. for FY 2003 and each fiscal year thereafter, eight and thirty-four one-hundredths percent (8.34%) shall be

1 paid to the State Treasurer to be placed to the credit
 2 of the Education Reform Revolving Fund,

3 c. the following amounts shall be paid to the State
 4 Treasurer to be placed to the credit of the Teachers'
 5 Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%
FY 2008 and each fiscal year thereafter	5.0%
<u>FY 2009</u>	<u>5.0%</u>
<u>FY 2010</u>	<u>5.0%</u>
<u>FY 2011</u>	<u>5.0%</u>
<u>FY 2012</u>	<u>5.25%</u>
<u>FY 2013</u>	<u>5.50%</u>
<u>FY 2014</u>	<u>5.75%</u>
<u>FY 2015 and each fiscal year thereafter</u>	<u>6.0%</u>

21 d. for FY 2003 and each fiscal year thereafter, one
 22 percent (1%) shall be placed to the credit of the Ad
 23 Valorem Reimbursement Fund;

1 2. Beginning July 1, 2003, for any period of time as certified
2 by the Oklahoma Development Finance Authority and the Oklahoma
3 Department of Commerce to be necessary for the repayment of
4 obligations issued by the Oklahoma Development Finance Authority
5 pursuant to Section 3654 of this title if the other sources of
6 revenue paid to or apportioned to the Quality Jobs Program Incentive
7 Leverage Fund are not adequate, including the proceeds from payment
8 pursuant to the guaranty required by subsection M of Section 3654 of
9 this title, an amount certified by the Oklahoma Development Finance
10 Authority to the Oklahoma Tax Commission shall be apportioned to the
11 Quality Jobs Program Incentive Leverage Fund before any other
12 apportionments are made as otherwise authorized by this paragraph.
13 The Oklahoma Development Finance Authority shall certify to the
14 Oklahoma Tax Commission the time as of which the revenue authorized
15 for apportionment pursuant to this paragraph is no longer required.
16 After the certification, the revenue derived from the income tax
17 shall be apportioned in the manner otherwise provided by this
18 section. Except as otherwise provided by this paragraph, for the
19 fiscal year beginning July 1, 2002, the first Forty-One Million One
20 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of
21 revenue derived pursuant to the provisions of subsections C and D of
22 Section 2355 of this title shall be apportioned to the Education
23 Reform Revolving Fund. The remainder of such revenue for the fiscal
24 year beginning July 1, 2002, and all such revenue for each fiscal

1 year thereafter, subject to the apportionment requirements for the
2 Oklahoma Tax Commission and Office of State Finance Joint Computer
3 Enhancement Fund provided by Section ~~6~~ 265 of this ~~act~~ title, shall
4 be apportioned monthly as follows:

5 a. the following amounts shall be paid to the State
6 Treasurer to be placed to the credit of the General
7 Revenue Fund of the state for such fiscal year for the
8 support of the state government to be paid out only
9 pursuant to appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	78.96%
FY 2005	78.75%
FY 2006	78.50%
FY 2007	78.0%
FY 2008 and each fiscal year thereafter	77.50%
<u>FY 2009</u>	<u>77.50%</u>
<u>FY 2010</u>	<u>77.50%</u>
<u>FY 2011</u>	<u>77.50%</u>
<u>FY 2012</u>	<u>77.25%</u>
<u>FY 2013</u>	<u>77.0%</u>
<u>FY 2014</u>	<u>76.75%</u>
<u>FY 2015 and each fiscal year thereafter</u>	<u>76.50%</u>

b. for FY 2003 and each fiscal year thereafter, sixteen and five-tenths percent (16.5%) shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education,

c. the following amounts shall be paid to the State Treasurer to be placed to the credit of the Teachers' Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%
FY 2008 and each fiscal year thereafter	5.0%
<u>FY 2009</u>	<u>5.0%</u>
<u>FY 2010</u>	<u>5.0%</u>
<u>FY 2011</u>	<u>5.0%</u>
<u>FY 2012</u>	<u>5.25%</u>
<u>FY 2013</u>	<u>5.50%</u>
<u>FY 2014</u>	<u>5.75%</u>
<u>FY 2015 and each fiscal year thereafter</u>	<u>6.0%</u>

1 d. for FY 2003 and each fiscal year thereafter, one
2 percent (1%) shall be placed to the credit of the Ad
3 Valorem Reimbursement Fund; and

4 3. During the first fiscal year after the State Board of
5 Equalization has made a determination as provided in Section 2355.1B
6 of this title, regarding a baseline amount of revenue apportioned
7 pursuant to subparagraph c of paragraph 1 of this section, and for
8 each fiscal year thereafter, in no event shall monies apportioned
9 pursuant to subparagraph c of paragraph 1 of this section, paragraph
10 3 of subsection A of Section 1353 of this title and paragraph 3 of
11 Section 1403 of this title be less than such baseline amount.

12 SECTION 3. AMENDATORY 74 O.S. 2001, Section 1316.3, as
13 last amended by Section 3, Chapter 198, O.S.L. 2005 (74 O.S. Supp.
14 2010, Section 1316.3), is amended to read as follows:

15 Section 1316.3 A. Any person who retires pursuant to the
16 provisions of the Teachers' Retirement System of Oklahoma with at
17 least ten (10) years of creditable service or who has a vested
18 benefit with at least ten (10) years of creditable service, pursuant
19 to the provisions of the Teachers' Retirement System of Oklahoma may
20 continue in force the health and dental insurance benefits
21 authorized by the provisions of the State and Education Employees
22 Group Insurance Act if such election to continue in force or begin
23 is made within thirty (30) days from the date of termination of
24 service. Except as provided in subsection E of Sections 5-117.5 and

1 14-108.1 of Title 70 of the Oklahoma Statutes and Section 840-2.27I
2 of this title and subsection K of this section, health and dental
3 insurance coverage may not be reinstated at a later time if the
4 election to continue in force or begin coverage is declined. Vested
5 persons who have terminated service and are not receiving benefits
6 and effective July 1, 1996, nonvested persons who have terminated
7 service with more than ten (10) years of participating service with
8 a qualifying employer, who within thirty (30) days from the date of
9 termination of service, elect to continue such coverage, shall pay
10 the full cost of said insurance premium at the rate and pursuant to
11 the terms and conditions established by the Board.

12 B. 1. Health insurance benefit plans offered pursuant to this
13 section shall include:

- 14 a. indemnity plans offered through the State and
15 Education Employees Group Insurance Board,
- 16 b. managed care plans offered as alternatives to the
17 indemnity plans,
- 18 c. Medicare supplements offered through the State and
19 Education Employees Group Insurance Board,
- 20 d. Medicare risk-sharing contracts offered as
21 alternatives to the Medicare supplements offered
22 through the State and Education Employees Group
23 Insurance Board, and
24

1 e. any other employer-provided health insurance benefit
2 plans if the employer does not participate in the
3 plans offered pursuant to the State and Education
4 Employees Group Insurance Act.

5 2. Health insurance benefit plans offered pursuant to this
6 section shall provide prescription drug benefits, except for plans
7 designed pursuant to the Medicare Prescription Drug Improvement and
8 Modernization Act of 2003, which may or may not contain prescription
9 drug benefits, for which provision of prescription drug benefits is
10 optional, and except for plans offered pursuant to subparagraph e of
11 paragraph 1 of this subsection.

12 C. A retired person who:

13 1. Is receiving benefits from the Teachers' Retirement System
14 of Oklahoma after September 30, 1988, is under sixty-five (65) years
15 of age and is not otherwise eligible for Medicare and pursuant to
16 subsection A of this section elects to begin or to continue the
17 health insurance plan;

18 2. Is receiving benefits from the Teachers' Retirement System
19 of Oklahoma after June 30, 1993, is under sixty-five (65) years of
20 age and is not otherwise eligible for Medicare and participates in a
21 health insurance plan provided by a participating education employer
22 of the Teachers' Retirement System of Oklahoma other than a health
23 insurance plan offered pursuant to the State and Education Employees
24

1 Group Insurance Act or an alternative health plan offered pursuant
2 to the Oklahoma State Employees Benefits Act;

3 3. Is receiving benefits from the Teachers' Retirement System
4 of Oklahoma after September 30, 1988, made contributions to the
5 system and is sixty-five (65) years of age or older, or who is under
6 sixty-five (65) years of age and is eligible for Medicare and is a
7 participant in the State and Education Employees Group Insurance Act
8 and elects coverage under the Medicare supplement offered by the
9 State and Education Employees Group Insurance Board; or

10 4. Is receiving benefits from the Teachers' Retirement System
11 of Oklahoma after June 30, 1993, made contributions to the system
12 and is sixty-five (65) years of age or older, or who is under sixty-
13 five (65) years of age and is eligible for Medicare and participates
14 in a health insurance plan provided by a participating education
15 employer of the Teachers' Retirement System of Oklahoma other than a
16 health insurance plan offered pursuant to the State and Education
17 Employees Group Insurance Act or an alternative health plan offered
18 pursuant to the Oklahoma State Employees Benefits Act and elects
19 coverage under the Medicare supplement offered by the State and
20 Education Employees Group Insurance Board,
21 shall have the amount determined pursuant to subsection E of this
22 section, or the premium rate of the health insurance benefit plan,
23 whichever is less, paid by the Teachers' Retirement System of
24 Oklahoma. If the amount paid by the Teachers' Retirement System of

1 Oklahoma does not cover the full cost of the health insurance
2 premium, the retired person shall pay the remaining amount if the
3 retired person wants to continue the coverage.

4 D. The Teachers' Retirement System shall pay the amount due
5 pursuant to the provisions of subsection C of this section as
6 follows:

7 1. For those individuals participating in plans provided
8 through the State and Education Employees Group Insurance Act,
9 payment shall be made to the Board pursuant to the provisions of
10 subsection I of this section; or

11 2. For those individuals participating in plans provided
12 through a participating education employer of the Teachers'
13 Retirement System of Oklahoma other than a health insurance plan
14 ~~offered pursuant to the State and Education Employees Group~~
15 ~~Insurance Act, payment shall be made to the education employer~~
16 except for individuals described by this paragraph who attain the
17 age of sixty-five (65) years and who enroll in Medicare Part A and
18 Medicare Part B and Medicare becomes the primary insurer with
19 respect to the individual, payment shall be made directly to the
20 retiree.

21 E. Beginning July 1, 2000, the maximum benefit payable by the
22 Teachers' Retirement System of Oklahoma on behalf of a retired
23 person toward said person's monthly premium for health insurance
24 shall be determined in accordance with the following schedule:

1		LESS THAN		
2			25 YEARS BUT	GREATER
3		LESS THAN	GREATER THAN	THAN 24.99
4	AVERAGE SALARY	15 YEARS OF	14.99 YEARS OF	YEARS OF
5	USED FOR DETERMINING	CREDITABLE	CREDITABLE	CREDITABLE
6	RETIREMENT ALLOWANCE	SERVICE	SERVICE	SERVICE
7	Less than \$20,000.00	\$103.00	\$104.00	\$105.00
8	Less than \$30,000.00 but			
9	greater than \$19,999.99	\$102.00	\$103.00	\$104.00
10	Less than \$40,000.00 but			
11	greater than \$29,999.99	\$101.00	\$102.00	\$103.00
12	\$40,000.00 or greater	\$100.00	\$101.00	\$102.00

13 For plans offered by the State and Education Employees Group
14 Insurance Board, the amount paid pursuant to this subsection shall
15 first be applied to the prescription drug coverage premium, if any.
16 Any remaining amounts shall be applied towards the medical coverage
17 premium.

18 F. If a person retires and begins to receive benefits from the
19 Teachers' Retirement System of Oklahoma or terminates service and
20 has a vested benefit with the Teachers' Retirement System of
21 Oklahoma, the person may elect, in the manner provided in subsection
22 A of this section, to participate in the dental insurance plan
23 offered through the State and Education Employees Group Insurance
24 Act. The person shall pay the full cost of the dental insurance.

1 G. Those persons who are receiving benefits from the Teachers'
2 Retirement System of Oklahoma and have health insurance coverage
3 which on the operative date of this section is being paid by the
4 education entity from which the person retired shall make the
5 election required in subsection A of this section within thirty (30)
6 days of the termination of said health insurance coverage. The
7 person making the election shall give the Board certified
8 documentation satisfactory to the Board of the termination date of
9 the other health insurance coverage.

10 H. Dependents of a deceased education employee who was on
11 active work status or on a disability leave at the time of death or
12 of a participating retirant or of any person who has elected to
13 receive a vested benefit under the Teachers' Retirement System of
14 Oklahoma may continue the health and dental insurance benefits in
15 force provided said dependents pay the full cost of such insurance
16 and they were covered as eligible dependents at the time of such
17 death and such election is made within thirty (30) days of date of
18 death. The eligibility for said benefits shall terminate for the
19 surviving children when said children cease to qualify as
20 dependents.

21 I. The amounts required to be paid by the Teachers' Retirement
22 System of Oklahoma pursuant to this section shall be forwarded no
23 later than the tenth day of each month following the month for which
24 payment is due by the Board of Trustees of the Teachers' Retirement

1 System of Oklahoma to the State and Education Employees Group
2 Insurance Board for deposit in the Education Employees Group
3 Insurance Reserve Fund.

4 J. The Teachers' Retirement System of Oklahoma shall provide
5 the State and Education Employees Group Insurance Board information
6 concerning the employers of retired and vested members necessary to
7 allow the State and Education Employees Group Insurance Board to
8 track eligibility for continued coverage.

9 K. Upon retirement from employment with the Board of Regents of
10 the University of Oklahoma, any person who is or was employed at the
11 George Nigh Rehabilitation Institute and who transferred employment
12 pursuant to Section 3427 of Title 70 of the Oklahoma Statutes, any
13 person who was employed at the Medical Technology and Research
14 Authority and who transferred employment pursuant to Section 7068 of
15 this title, and any person who is a member of the Oklahoma Law
16 Enforcement Retirement System pursuant to the authority of Section
17 2-314 of Title 47 of the Oklahoma Statutes may participate in the
18 benefits authorized by the provisions of the State and Education
19 Employees Group Insurance Act for retired participants, including
20 health, dental and life insurance benefits, if such election to
21 participate is made within thirty (30) days from the date of
22 termination of employment. Life insurance benefits for any such
23 person who transferred employment shall not exceed the coverage the
24 person had at the time of such transfer. Retirees who are persons

1 transferred employment and who participate pursuant to this
2 paragraph shall pay the premium for elected benefits less any
3 amounts paid by the retirement system pursuant to this section.

4 SECTION 4. This act shall become effective July 1, 2011.

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

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10 53-1-6254 MAH 01/16/11

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January 10, 2011

Representative Scott Martin
Room 335

Re: RBH No. 6254

RBH No. 6254 increases the allocation of certain tax revenues to the Teachers' Retirement System Dedicated Revenue Revolving Fund to:

5.25%	FY 2012
5.50%	FY 2013
5.75%	FY 2014
6.0%	FY 2015 and thereafter

RBH No. 6254 causes the medical supplement paid for retired OTRS participants who are enrolled in Medicare A & B to be paid directly to the participant. Currently the supplement is paid to the last employer.

RBH No. 6254 is a nonfiscal retirement bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

Thomas E. Cummins

Thomas E. Cummins, MAAA