

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1103

By: Brecheen

AS INTRODUCED

An Act relating to legislator's retirement; stating legislative intent; amending 70 O.S. 2011, Sections 17-101, 17-103 and 17-105, which relate to the Teachers' Retirement System of Oklahoma; modifying definitions; adding to the membership of the Teachers' Retirement System of Oklahoma; specifying that certain members can qualify for monthly retirement benefits; amending 74 O.S. 2011, Sections 902 and 913.4, which relate to the Oklahoma Public Employees Retirement System; modifying definition; providing exception; prohibiting certain elected officials from participation in the Oklahoma Public Employees Retirement System; specifying that certain elected officials may participate in the Teachers' Retirement System of Oklahoma; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

In order to ensure the solvency of the Teachers' Retirement System of Oklahoma, it is the intent of the Legislature that persons elected to the Legislature on or after the effective date of this act who choose to participate in a retirement system when elected to

1 office be required to join the Teachers' Retirement System of
2 Oklahoma instead of being a member of the Oklahoma Public Employees
3 Retirement System. Being a member of the Teachers' Retirement
4 System of Oklahoma and subject to the same benefit structure as the
5 educators of this state will make legislators more accountable to
6 the Teachers' Retirement System of Oklahoma and as stakeholders in
7 the System, the legislators will be even more aware of the financial
8 status of the System.

9 SECTION 2. AMENDATORY 70 O.S. 2011, Section 17-101, is
10 amended to read as follows:

11 Section 17-101. The following words and phrases as used in ~~this~~
12 ~~act~~ Section 17-101 et seq. of this title, unless a different meaning
13 is clearly required by the context, shall have the following
14 meanings:

15 (1) "Retirement system" shall mean the Teachers' Retirement
16 System of Oklahoma, as defined in Section 17-102 of this title.

17 (2) "Public school" shall mean a school district, a state
18 college or university, the State Board of Education, the State Board
19 of Career and Technology Education and any other state educational
20 entity conducted within the state supported wholly or partly by
21 public funds and operating under the authority and supervision of a
22 legally constituted board or agency having authority and
23 responsibility for any function of public education. "Public
24 school" shall also mean a tuition free, nonprofit alternative school

1 of choice that provides education, therapeutic counseling and
2 outreach programs which is aligned with a school district and which
3 receives grant funds from governmental sources.

4 (3) "Classified personnel" shall mean any teacher, principal,
5 superintendent, supervisor, administrator, librarian, certified or
6 registered nurse, college professor, or college president whose
7 salary is paid wholly or in part from public funds. An employee of
8 any state department, board, board of regents or board of trustees,
9 who is in a supervisory or an administrative position, the function
10 of which is primarily devoted to public education, shall be
11 considered classified personnel under the meaning of this act, at
12 the discretion of the Board of Trustees of the Teachers' Retirement
13 System. The term "teacher" shall also include instructors and
14 counselors employed by the Department of Corrections and holding
15 valid teaching certificates issued by the State Department of
16 Education. Provided, that a person employed by the Department of
17 Corrections as an instructor or counselor shall have been actively
18 engaged in the teaching profession for a period of not less than
19 three (3) years prior to employment to be eligible to participate in
20 the Oklahoma Teachers' Retirement System. The Department of
21 Corrections shall contribute the employer's share to the Oklahoma
22 Teachers' Retirement System.

23 (4) "Nonclassified optional personnel" shall include cooks,
24 janitors, maintenance personnel not in a supervisory capacity, bus

1 drivers, noncertified or nonregistered nurses, noncertified
2 librarians, and clerical employees of the public schools, state
3 colleges, universities or any state department, board, board of
4 regents or board of trustees, the functions of which are primarily
5 devoted to public education and whose salaries are paid wholly or in
6 part from public funds.

7 (5) "Employer" shall mean the state and any of its designated
8 agents or agencies with responsibility and authority for public
9 education, such as boards of education of elementary and independent
10 school districts, boards of regents, boards of control or any other
11 agency of and within the state by which a person may be employed for
12 service in public education. "Employer" shall also mean the board
13 of directors of a tuition free, nonprofit alternative school of
14 choice that provides education, therapeutic counseling and outreach
15 programs which is aligned with a school district and which receives
16 grant funds from governmental sources. "Employer" shall also mean
17 the Oklahoma State Senate and the Oklahoma House of Representatives.

18 (6) "Member" shall mean any teacher or other employee included
19 in the membership of the system as provided in Section 17-103 of
20 this title.

21 (7) "Board of Trustees" shall mean the board provided for in
22 Section 17-106 of this title to administer the retirement system.

23

24

1 (8) "Service" shall mean service as a classified or
2 nonclassified optional employee in the public school system, or any
3 other service devoted primarily to public education in the state.

4 (9) "Prior service" shall mean service rendered prior to July
5 1, 1943.

6 (10) "Membership service" shall mean service as a member of the
7 classified or nonclassified personnel as defined in paragraphs (3)
8 and (4) of this section.

9 (11) "Creditable service" shall mean membership service plus
10 any prior service authorized under this title.

11 (12) "Annuitant" shall mean any person in receipt of a
12 retirement allowance as provided in this title.

13 (13) "Accumulated contributions" shall mean the sum of all
14 amounts deducted from the compensation of a member and credited to
15 his individual account in the Teacher Savings Fund, together with
16 interest as of June 30, 1968.

17 (14) "Earnable compensation" shall mean the full rate of the
18 compensation that would be payable to a member if he worked the full
19 normal working time.

20 (15) "Average salary":

21 (a) for those members who joined the System prior to July
22 1, 1992, shall mean the average of the salaries for
23 the three (3) years on which the highest contributions
24 to the Teachers' Retirement System was paid not to

1 exceed the maximum contribution level specified in
2 Section 17-116.2 of this title or the maximum
3 compensation level specified in subsection (28) of
4 this section. Provided, no member shall retire with
5 an average salary in excess of Twenty-five Thousand
6 Dollars (\$25,000.00) unless the member has made the
7 required election and paid the required contributions
8 on such salary in excess of Twenty-five Thousand
9 Dollars (\$25,000.00), or unless an eligible member
10 fulfills the requirements of Section 17-116.2C of this
11 title in order to have pre-cap removal service
12 included in the retirement benefit computation of the
13 member using the regular annual compensation of the
14 member for any pre-cap removal year of service so
15 included subject to the maximum average salary amount,
16 and

- 17 (b) for those members who join the System after June 30,
18 1992, shall mean the average of the salaries for five
19 (5) consecutive years on which the highest
20 contribution to the Teachers' Retirement System was
21 paid. Only salary on which required contributions
22 have been made may be used in computing average
23 salary.
24

1 (16) "Annuity" shall mean payments for life derived from the
2 "accumulated contributions" of a member. All annuities shall be
3 payable in equal monthly installments.

4 (17) "Pension" shall mean payments for life derived from money
5 provided by the employer. All pensions shall be payable in equal
6 monthly installments.

7 (18) "Monthly retirement allowance" is one-twelfth (1/12) of
8 the annual retirement allowance which shall be payable monthly.

9 (19) "Retirement Benefit Fund" shall mean the fund from which
10 all retirement benefits shall be paid based on such mortality tables
11 as shall be adopted by the Board of Trustees.

12 (20) "Actuary" shall mean a person especially skilled through
13 training and experience in financial calculation respecting the
14 expectancy and duration of life.

15 (21) "Actuarial equivalent" shall mean a benefit of equal value
16 when computed upon the basis of such mortality and other tables as
17 shall be adopted by the Board of Trustees.

18 (22) The masculine pronoun, whenever used, shall include the
19 feminine.

20 (23) "Actuarially determined cost" shall mean the single sum
21 which is actuarially equivalent in value to a specified pension
22 amount as determined on the basis of mortality and interest
23 assumptions adopted by the Board of Trustees.

1 (24) "Normal retirement age" means the earliest date upon
2 which:

3 (a) a member reaches the age sixty-two (62) with respect
4 to a member whose first creditable service occurs
5 prior to November 1, 2011, unless the member reaches a
6 normal retirement date pursuant to subparagraph c or
7 subparagraph d of this paragraph, or

8 (b) a member reaches the age of sixty-five (65) with
9 respect to a member whose first creditable service
10 occurs on or after November 1, 2011, or with respect
11 to a member whose first creditable service occurs on
12 or after November 1, 2011, reaches a normal retirement
13 date pursuant to subparagraph (d) of this paragraph
14 having attained a minimum age of sixty (60) years, or

15 (c) the age at which the sum of a member's age and number
16 of years of creditable service total eighty (80), with
17 respect to a member whose first creditable service
18 occurred prior to July 1, 1992, and who does not reach
19 a normal retirement age pursuant to subparagraph a of
20 this paragraph, or

21 (d) the age at which the sum of a member's age and number
22 of years of creditable service total ninety (90), with
23 respect to a member whose first creditable service
24 occurred on or after July 1, 1992, but prior to

1 November 1, 2011, if the member does not reach a
2 normal retirement age pursuant to subparagraph a of
3 this paragraph.

4 (25) "Regular annual compensation" means salary plus fringe
5 benefits, excluding the flexible benefit allowance pursuant to
6 Section 26-105 of this title or Section 1370 of Title 74 of the
7 Oklahoma Statutes and for purposes pursuant to Section 17-101 et
8 seq. of this title. For purposes of this definition, regular annual
9 compensation shall include all payments as provided in subsection D
10 of Section 17-116.2 of this title.

11 (26) "Teacher" means classified personnel and nonclassified
12 optional personnel.

13 (27) "Active classroom teacher" means a person employed by a
14 school district to teach students specifically identified classes
15 for specifically identified subjects during the course of a
16 semester, and who holds a valid certificate or license issued by and
17 in accordance with the rules and regulations of the State Board of
18 Education.

19 (28) "Maximum compensation level" shall, except as otherwise
20 authorized pursuant to the provisions of Section 17-116.2C of this
21 title, mean:

22 (a) Twenty-five Thousand Dollars (\$25,000.00) for
23 creditable service authorized and performed prior to
24

1 July 1, 1995, for members not electing a higher
2 maximum compensation level,

3 (b) Forty Thousand Dollars (\$40,000.00) for creditable
4 service authorized and performed prior to July 1,
5 1995, for members electing a maximum compensation
6 level in excess of Twenty-five Thousand Dollars
7 (\$25,000.00),

8 (c) Twenty-seven Thousand Five Hundred Dollars
9 (\$27,500.00) for members who, as of June 30, 1995, had
10 elected to have a maximum compensation level not in
11 excess of Twenty-five Thousand Dollars (\$25,000.00),
12 and who were employed by an entity or institution
13 within The Oklahoma State System of Higher Education
14 for creditable service authorized and performed on or
15 after July 1, 1995, but not later than June 30, 1996,
16 if such member does not elect a higher maximum
17 compensation level for this period as authorized by
18 Section 17-116.2A of this title,

19 (d) Thirty-two Thousand Five Hundred Dollars (\$32,500.00)
20 for members employed by a comprehensive university if
21 the member meets the requirements imposed by Section
22 17-116.2A of this title and the member elects to
23 impose a higher maximum compensation level for service
24

1 performed on or after July 1, 1995, but not later than
2 June 30, 1996,

3 (e) Forty-four Thousand Dollars (\$44,000.00) for members
4 who, as of June 30, 1995, had elected to have a
5 maximum compensation level in excess of Twenty-five
6 Thousand Dollars (\$25,000.00), and who were employed
7 by an entity or institution within The Oklahoma State
8 System of Higher Education for creditable service
9 authorized and performed on or after July 1, 1995, but
10 not later than June 30, 1996, if such member does not
11 elect a higher maximum compensation level for this
12 period as authorized by Section 17-116.2A of this
13 title,

14 (f) Forty-nine Thousand Dollars (\$49,000.00) for members
15 employed by a comprehensive university if the member
16 meets the requirements imposed by Section 17-116.2A of
17 this title and the member elects to impose a higher
18 maximum compensation level for service performed on or
19 after July 1, 1995, but not later than June 30, 1996,

20 (g) the following amounts for creditable service
21 authorized and performed by members employed by a
22 comprehensive university, based upon the election of
23 the member in effect as of June 30, 1995:
24

1 1. for members who elected a maximum compensation
2 level not in excess of Twenty-five Thousand
3 Dollars (\$25,000.00):

4 (i) Thirty-two Thousand Five Hundred Dollars
5 (\$32,500.00) for service authorized and
6 performed on or after July 1, 1996, but not
7 later than June 30, 1997,

8 (ii) Thirty-seven Thousand Five Hundred Dollars
9 (\$37,500.00) for service authorized and
10 performed on or after July 1, 1997, but not
11 later than June 30, 1998,

12 (iii) Forty-two Thousand Five Hundred Dollars
13 (\$42,500.00) for service authorized and
14 performed on or after July 1, 1998, but not
15 later than June 30, 2000,

16 (iv) Forty-seven Thousand Five Hundred Dollars
17 (\$47,500.00) for service authorized and
18 performed on or after July 1, 2000, but not
19 later than June 30, 2001,

20 (v) Fifty-two Thousand Five Hundred Dollars
21 (\$52,500.00) for service authorized and
22 performed on or after July 1, 2001, but not
23 later than June 30, 2002,

24

1 (vi) Fifty-seven Thousand Five Hundred Dollars
2 (\$57,500.00) for service authorized and
3 performed on or after July 1, 2002, but not
4 later than June 30, 2003,

5 (vii) Sixty-two Thousand Five Hundred Dollars
6 (\$62,500.00) for service authorized and
7 performed on or after July 1, 2003, but not
8 later than June 30, 2004,

9 (viii) Sixty-seven Thousand Five Hundred Dollars
10 (\$67,500.00) for service authorized and
11 performed on or after July 1, 2004, but not
12 later than June 30, 2005,

13 (ix) Seventy-two Thousand Five Hundred Dollars
14 (\$72,500.00) for service authorized and
15 performed on or after July 1, 2005, but not
16 later than June 30, 2006,

17 (x) Seventy-seven Thousand Five Hundred Dollars
18 (\$77,500.00) for service authorized and
19 performed on or after July 1, 2006, but not
20 later than June 30, 2007,

21 (xi) the full amount of regular annual
22 compensation for service authorized and
23 performed on or after July 1, 2007, and
24

1 2. for members who elected a maximum compensation
2 level in excess of Twenty-five Thousand Dollars
3 (\$25,000.00):

4 (i) Forty-nine Thousand Dollars (\$49,000.00) for
5 service authorized and performed on or after
6 July 1, 1996, but not later than June 30,
7 1997,

8 (ii) Fifty-four Thousand Dollars (\$54,000.00) for
9 service authorized and performed on or after
10 July 1, 1997, but not later than June 30,
11 1998,

12 (iii) Fifty-nine Thousand Dollars (\$59,000.00) for
13 service authorized and performed on or after
14 July 1, 1998, but not later than June 30,
15 2000,

16 (iv) Sixty-four Thousand Dollars (\$64,000.00) for
17 service authorized and performed on or after
18 July 1, 2000, but not later than June 30,
19 2001,

20 (v) Sixty-nine Thousand Dollars (\$69,000.00) for
21 service authorized and performed on or after
22 July 1, 2001, but not later than June 30,
23 2002,

24

1 (vi) Seventy-four Thousand Dollars (\$74,000.00)
2 for service authorized and performed on or
3 after July 1, 2002, but not later than June
4 30, 2003,

5 (vii) Seventy-nine Thousand Dollars (\$79,000.00)
6 for service authorized and performed on or
7 after July 1, 2003, but not later than June
8 30, 2004,

9 (viii) Eighty-four Thousand Dollars (\$84,000.00)
10 for service authorized and performed on or
11 after July 1, 2004, but not later than June
12 30, 2005,

13 (ix) Eighty-nine Thousand Dollars (\$89,000.00)
14 for service authorized and performed on or
15 after July 1, 2005, but not later than June
16 30, 2006,

17 (x) Ninety-four Thousand Dollars (\$94,000.00)
18 for service authorized and performed on or
19 after July 1, 2006, but not later than June
20 30, 2007,

21 (xi) the full amount of regular annual
22 compensation for service authorized and
23 performed on or after July 1, 2007,

24 (h) the full amount of regular annual compensation of:

- 1 1. a member of the retirement system not employed by
2 an entity or institution within The Oklahoma
3 State System of Higher Education for all
4 creditable service authorized and performed on or
5 after July 1, 1995,
- 6 2. a member of the retirement system first employed
7 on or after July 1, 1995, by an entity or
8 institution within The Oklahoma State System of
9 Higher Education for all creditable service
10 authorized and performed on or after July 1,
11 1995, but not later than June 30, 1996,
- 12 3. a member of the retirement system employed by an
13 entity or institution within The Oklahoma State
14 System of Higher Education, other than a
15 comprehensive university, if the member elects to
16 impose a higher maximum compensation level for
17 service performed on or after July 1, 1995, but
18 not later than June 30, 1996, pursuant to
19 subsection B of Section 17-116.2A of this title,
- 20 4. a member of the retirement system who is first
21 employed on or after July 1, 1996, by any entity
22 or institution within The Oklahoma State System
23 of Higher Education, including a comprehensive
24

1 university, for creditable service authorized and
2 performed on or after July 1, 1996,

3 5. a member of the retirement system who, as of July
4 1, 1996, is subject to a maximum compensation
5 level pursuant to paragraph (g) of this
6 subsection if the member terminates service with
7 a comprehensive university and is subsequently
8 reemployed by a comprehensive university,

9 6. a member of the retirement system employed by a
10 comprehensive university for all service
11 performed on and after July 1, 2007, or

12 7. an eligible member of the retirement system who
13 fulfills the requirements of Section ~~2~~ 17-116.2C
14 of this ~~act~~ title with respect to pre-cap removal
15 service included in the retirement benefit
16 computation of the member at the average salary
17 of the member subject to the maximum average
18 salary amount.

19 (29) "Comprehensive university" shall mean:

20 (a) the University of Oklahoma and all of its constituent
21 agencies, including the University of Oklahoma Health
22 Sciences Center, the University of Oklahoma Law Center
23 and the Geological Survey, and
24

1 (b) Oklahoma State University and all of its constituent
2 agencies, including the Oklahoma State University
3 Agricultural Experiment Station, the Oklahoma State
4 University Agricultural Extension Division, the
5 Oklahoma State University College of Veterinary
6 Medicine, the Oklahoma State University Center for
7 Health Sciences, the Technical Branch at Oklahoma
8 City, the Oklahoma State University Institute of
9 Technology-Okmulgee and Oklahoma State University-
10 Tulsa.

11 SECTION 3. AMENDATORY 70 O.S. 2011, Section 17-103, is
12 amended to read as follows:

13 Section 17-103. Except as provided in the Alternate Retirement
14 Plan for Comprehensive Universities Act, the membership of the
15 retirement system shall consist of the following:

16 (1) All classified personnel shall become members of the
17 retirement system as a condition of their employment;

18 (2) All full-time nonclassified optional personnel regularly
19 employed for more than one (1) year may join the Teachers'
20 Retirement System subject to the rules and regulations adopted
21 pursuant to this act. Subject to the outcome of the private letter
22 ruling request (2003) submitted by the Board to the Internal Revenue
23 Service (2001), the System shall permit eligible nonclassified
24 optional personnel who have ceased to make otherwise required

1 employee contributions after having made an election to become a
2 member of the retirement system to resume employee contributions.
3 No service shall be credited to any such member for any period of
4 time during which employee contributions were not made;

5 (3) All persons who shall become classified personnel or who
6 are regularly employed in any school system as new classified
7 personnel after July 1, 1943, hereof, shall become members of the
8 retirement system as a condition of their employment;

9 (4) All other regular school employees may join the Teachers'
10 Retirement System subject to the rules and regulations as may be
11 adopted by the Board of Trustees of the Teachers' Retirement System;

12 (5) The Board of Trustees may, in its discretion, deny the
13 right to become members to any class of members whose compensation
14 is only partly paid by the state, or who is serving on a temporary
15 or other than per annum basis, and it also may, in its discretion,
16 make optional with members in any such class their individual
17 entrance into the retirement system; and

18 (6) Should any member, with less than ten (10) years of
19 teaching service in Oklahoma, in any period of six (6) consecutive
20 years after becoming a member be absent from service more than five
21 (5) years, withdraw his contributions, retire or die, he shall
22 thereupon cease to be a member. The provisions of this paragraph
23 shall not apply to any member of the Teachers' Retirement System who
24 has been a member of such classes of military services as may be

1 approved by the Board of Trustees, until a period of one and one-
2 half (1 1/2) years from date of termination of such service shall
3 have elapsed; and

4 (7) Any person first elected to a state office in the
5 legislative branch of state government on or after July 1, 2012, may
6 elect to become a member of the Teachers' Retirement System. The
7 election on participation in the Teachers' Retirement System must be
8 in writing and must be filed with the Teachers' Retirement System
9 within ninety (90) days after the elected official takes office.
10 The election to participate shall be irrevocable. Reelection to the
11 same office will not permit new elections. Failure of a Legislator
12 to file such election form within the ninety-day period shall be
13 deemed an irrevocable election to participate in the Teachers'
14 Retirement System.

15 SECTION 4. AMENDATORY 70 O.S. 2011, Section 17-105, is
16 amended to read as follows:

17 Section 17-105. (1) (a) Any member who has attained age
18 fifty-five (55) or who has completed thirty (30) years of creditable
19 service, as defined in Section 17-101 of this title, or for any
20 person who initially became a member prior to July 1, 1992,
21 regardless of whether there were breaks in service after July 1,
22 1992, whose age and number of years of creditable service total
23 eighty (80) may be retired upon filing a written application for
24 such retirement. Such a retirement date will also apply to any

1 person who became a member of the sending system as defined in ~~this~~
2 ~~act~~ Section 17-101 et seq. of this title, prior to July 1, 1992,
3 regardless of whether there were breaks in service after July 1,
4 1992. Any person who became a member after June 30, 1992, but prior
5 to November 1, 2011, whose age and number of years of creditable
6 service total ninety (90) may be retired upon filing a written
7 application for such retirement. Any person who becomes a member on
8 or after November 1, 2011, who attains the age of sixty-five (65)
9 years or who reaches a normal retirement date pursuant to
10 subparagraph (d) of paragraph (24) of Section 17-101 of this title
11 having attained a minimum age of sixty (60) years may be retired
12 upon filing a written application for such retirement. The
13 application shall be filed on the form provided by the Board of
14 Trustees for this purpose, not less than thirty (30) days nor more
15 than ninety (90) days before the date of retirement.

16 (b) An individual who becomes a member of the Teachers'
17 Retirement System after July 1, 1967, shall be employed by the
18 public schools, state colleges or universities of Oklahoma for a
19 minimum of five (5) years and be a contributing member of the
20 Teachers' Retirement System of Oklahoma or be a member of the
21 Oklahoma Legislature for a minimum of five (5) years to qualify for
22 monthly retirement benefits from the Teachers' Retirement System of
23 Oklahoma.

24

1 (c) Any member with five (5) or more years of Oklahoma teaching
2 service and whose accumulated contributions during such period have
3 not been withdrawn shall be given an indefinite extension of
4 membership beginning with the sixth year following his or her last
5 contributing membership and shall become eligible to apply for
6 retirement and be retired upon attaining age fifty-five (55).

7 (2) An unclassified optional member who has retired or who
8 retires at sixty-two (62) years of age or older or whose retirement
9 is because of disability shall have his or her minimum retirement
10 benefits calculated on an average salary of Five Thousand Three
11 Hundred Fifty Dollars (\$5,350.00) or, if a larger monthly allowance
12 would result, an amount arrived at pursuant to application of the
13 formula prescribed herein.

14 (3) No member shall receive a lesser retirement benefit than he
15 or she would have received under the law in effect at the time he or
16 she retired. Any individual under the Teachers' Retirement System,
17 who through error in stating the title of the position which he or
18 she held, may, at the discretion of the Board of Trustees, be
19 changed from the nonclassified optional group to the classified
20 group for the purpose of calculating retirement benefits.

21 Any individual regardless of residence, who has a minimum of ten
22 (10) years of teaching in Oklahoma schools prior to July 1, 1943, or
23 who taught in Oklahoma schools prior to 1934 and thereafter taught a
24 minimum of ten (10) years and who does not qualify under the present

1 retirement System, or who has a minimum of thirty (30) years of
2 teaching in Oklahoma schools and has reached seventy (70) years of
3 age prior to July 1, 1984, and is not otherwise eligible to receive
4 any benefits from the retirement system shall receive a minimum of
5 One Hundred Fifty Dollars (\$150.00) per month in retirement benefits
6 from the Teachers' Retirement System of Oklahoma plus any general
7 increase in benefits for annuitants as may be provided hereafter by
8 the Legislature. Each individual must apply to the Teachers'
9 Retirement System for such benefit and provide evidence to the
10 Teachers' Retirement System that the service was actually rendered.
11 The surviving spouse of any person who made application for the
12 benefit provided for by this paragraph during his or her lifetime
13 but did not receive said benefit may submit an application to the
14 System for payment of said benefit for those months during the
15 lifetime of the deceased person that he or she was eligible for but
16 did not receive the benefit. Upon approval of the application by
17 the Board of Trustees, the benefit shall be paid to the surviving
18 spouse in one lump sum.

19 (4) The value of each year of prior service is the total
20 monthly retirement benefit divided by the number of years of
21 creditable service.

22 (5) Upon application of a member who is actively engaged in
23 teaching in Oklahoma or his or her employer, any member who has been
24 a contributing member for ten (10) years may be retired by the Board

1 of Trustees not less than thirty (30) days nor more than ninety (90)
2 days subsequent to the execution and filing thereof, on a disability
3 retirement allowance, provided that it is found by the Board of
4 Trustees after medical examination of such member by a duly
5 qualified physician that such member is mentally or physically
6 incapacitated for further performance of duty, that such incapacity
7 is likely to be permanent, and that such member should be retired.
8 The Board of Trustees shall give due consideration to the
9 conclusions and recommendations in the certified written report of
10 the Medical Board of the Teachers' Retirement System regarding the
11 disability application of such member. If a member is determined to
12 be eligible for disability benefits pursuant to the Social Security
13 System, then such determination shall entitle the member to the
14 authorized disability retirement allowance provided by law. For
15 members who are not eligible for disability benefits pursuant to the
16 Social Security System, the Board of Trustees shall apply the same
17 standard for which provision is made in the first two sentences of
18 this subsection for determining the eligibility of a person for such
19 disability benefits in making a determination of eligibility for
20 disability benefits as authorized by this subsection.

21 (6) (a) A member who at the time of retirement has been found
22 to be permanently physically or mentally incapacitated to teach
23 school shall receive a minimum monthly retirement payment for life
24 or until such time as the member may be found to be recovered to the

1 point where he or she may return to teaching. Any member retired
2 before July 1, 1992 shall be eligible to receive the monthly
3 retirement allowance herein provided, but such payment shall not
4 begin until the first payment due him or her after July 1, 1992, and
5 shall not be retroactive. The Board of Trustees is empowered to
6 make such rules and regulations as it considers proper to preserve
7 equity in retirements under this provision, which shall include a
8 provision to protect the rights of the member's spouse.

9 (b) A member who has qualified for retirement benefits under
10 disability retirement shall have the total monthly payment deducted
11 from his or her accumulated contributions plus interest earned and
12 any money remaining in the member's account after the above
13 deductions at the death of the member shall be paid in a lump sum to
14 the beneficiary or to the estate of the member. Provided, if the
15 deceased disabled member had thirty (30) years or more of creditable
16 service and the death occurred after June 30, 1981, and death
17 occurred prior to the disabled member receiving twelve monthly
18 retirement payments, a surviving spouse may elect to receive the
19 retirement benefit to which the deceased member would have been
20 entitled at the time of death under the Option 2 Plan of Retirement
21 provided for in subsection (8) of this section in lieu of the death
22 benefit provided for in this subsection and in subsection (12) of
23 this section.

24

1 (c) Once each year the Board of Trustees may require any
2 disabled annuitant who has not yet attained the age of sixty (60)
3 years to undergo a medical examination, such examination to be made
4 at the place of residence for said disabled annuitant or other place
5 mutually agreed upon by a physician or physicians designated by the
6 Board of Trustees. Should any disabled annuitant who has not yet
7 attained the age of sixty (60) years refuse to submit to at least
8 one medical examination in any such year by a physician or
9 physicians designated by the Board of Trustees his or her allowance
10 may be discontinued until he or she submits to such examination.

11 (d) Should the Medical Board report and certify to the Board of
12 Trustees that such disabled annuitant is engaged in or is able to
13 engage in a gainful occupation paying more than the difference
14 between his or her retirement allowance and the average final
15 compensation, and should the Board of Trustees concur in such report
16 then the amount of his or her pension shall be reduced to an amount
17 which, together with his or her retirement allowance and that amount
18 earnable by him or her, shall equal the amount of his or her average
19 final compensation. Should his or her earning capacity be later
20 increased, the amount of his or her pension may be further modified,
21 provided the new pension shall not exceed that amount of the pension
22 originally granted nor an amount, which when added to the amount
23 earnable by the member, together with his or her annuity, equals the
24 amount of his or her average final compensation.

1 (e) Should a disabled annuitant be restored to active service,
2 his or her disability retirement allowance shall cease and he or she
3 shall again become a member of the Teachers' Retirement System and
4 shall make regular contributions as required under this article.
5 The unused portion of his or her accumulated contributions shall be
6 reestablished to his or her credit in the Teachers' Savings Fund.
7 Any such prior service certificates on the basis of which his or her
8 service was computed at the time of his or her retirement shall be
9 restored to full force and effect.

10 (7) Should a member before retirement under Section 1-101 et
11 seq. of this title make application for withdrawal duly filed with
12 the Board of Trustees and approved by it, not earlier than four (4)
13 months after the date of termination of such service as a teacher,
14 the contribution standing to the credit of his or her individual
15 account in the Teachers' Savings Fund shall be paid to him or her
16 or, in the event of his or her death before retirement, shall be
17 paid to such person or persons as he or she shall have nominated by
18 written designation, duly executed and filed with the Board of
19 Trustees; provided, however, if there be no designated beneficiary
20 surviving upon such death, such contributions shall be paid to his
21 or her administrators, executors, or assigns, together with interest
22 as hereinafter provided. In lieu of a lump-sum settlement at the
23 death of the member, the amount of money the member has on deposit
24 in the Teachers' Savings Fund and the money the member has on

1 deposit in the Teachers' Deposit Fund may be paid in monthly
2 payments to a designated beneficiary, who must be the spouse, under
3 the Maximum or Option 1 Plan of Retirement providing the monthly
4 payment shall be not less than Twenty-five Dollars (\$25.00) per
5 month. The monthly payment shall be the actuarial equivalent of the
6 amount becoming due at the member's death based on the sex of the
7 spouse and the age the spouse has attained at the last birthday
8 prior to the member's death. Provided further, if there be no
9 designated beneficiary surviving upon such death, and the
10 contributions standing to the credit of such member do not exceed
11 Two Hundred Dollars (\$200.00), no part of such contributions shall
12 be subject to the payment of any expense of the last illness or
13 funeral of the deceased member or any expense of administration of
14 the estate of such deceased and the Board of Trustees, upon
15 satisfactory proof of the death of such member and of the name or
16 names of the person or persons who would be entitled to receive such
17 contributions under the laws of descent and distribution of the
18 state, may authorize the payment of accumulated contributions to
19 such person or persons. A member terminating his or her membership
20 by withdrawal after June 30, 2003, shall have the interest computed
21 at a rate of interest determined by the Board of Trustees and paid
22 to him or her subject to the following schedule:

23

24

1 (a) If termination occurs within sixteen (16) years from the
2 date membership began, fifty percent (50%) of such interest
3 accumulations shall be paid.

4 (b) With at least sixteen (16) but less than twenty-one (21)
5 years of membership, sixty percent (60%) of such interest
6 accumulations shall be paid.

7 (c) With at least twenty-one (21) but less than twenty-six (26)
8 years of membership, seventy-five percent (75%) of such interest
9 accumulations shall be paid.

10 (d) With at least twenty-six (26) years of membership, ninety
11 percent (90%) of such interest accumulations shall be paid.

12 In case of death of an active member, the interest shall be
13 calculated and restored to the member's account and paid to his or
14 her beneficiary.

15 (8) (a) In lieu of his or her retirement allowance payable
16 throughout life for such an amount as determined under this section,
17 the member may select a retirement allowance for a reduced amount
18 payable under any of the following options the present value of
19 which is the actuarial equivalent thereof.

20 (b) A member may select the option under which he or she
21 desires to retire at the end of the school year in which he or she
22 attains age seventy (70) and said option shall be binding and cannot
23 be changed. Provided further that if a member retires before age
24 seventy (70), no election of an option shall be effective in case an

1 annuitant dies before the first payment due under such option has
2 been received.

3 (c) The first payment of any benefit selected shall be made on
4 the first day of the month following approval of the retirement by
5 the Board of Trustees. If the named designated beneficiary under
6 Option 2 or 3 dies at any time after the member's retirement date,
7 but before the death of the member, the member shall return to the
8 retirement benefit, including any post retirement benefit increases
9 the member would have received had the member not selected Option 2
10 or 3 of this subsection. The benefit shall be determined at the
11 date of death of the designated beneficiary or July 1, 1994,
12 whichever is later. This increase shall become effective the first
13 day of the month following the date of death of the designated
14 beneficiary or July 1, 1994, whichever is later, and shall be
15 payable for the member's remaining lifetime. The member shall
16 notify the Teachers' Retirement System of Oklahoma of the death of
17 the designated beneficiary in writing. In the absence of said
18 written notice being filed by the member notifying the Teachers'
19 Retirement System of Oklahoma of the death of the designated
20 beneficiary within six (6) months of the date of death, nothing in
21 this subsection shall require the Teachers' Retirement System of
22 Oklahoma to pay more than six (6) months of retrospective benefits
23 increase.

1 Option 1. If he or she dies before he or she has received in
2 annuity payments the present value of his or her annuity as it was
3 at the time of his or her retirement, the balance shall be paid to
4 his or her legal representatives or to such person as he or she
5 shall nominate by written designation duly acknowledged and filed
6 with the Board of Trustees at the time of his or her retirement; or

7 Option 2. A member takes a reduced retirement allowance for
8 life. Upon the death of the member the payments shall continue to
9 the member's designated beneficiary for the life of the beneficiary.
10 The written designation of the beneficiary must be duly acknowledged
11 and filed with the Board of Trustees at the time of the member's
12 retirement and, except as provided in paragraph (e) of this
13 subsection, cannot be changed after the effective date of the
14 member's retirement; or

15 Option 3. A member receives a reduced retirement allowance for
16 life. Upon the death of the member one-half (1/2) of the retirement
17 allowance paid the member shall be continued throughout the life of
18 the designated beneficiary. A written designation of a beneficiary
19 must be duly acknowledged and filed with the Board of Trustees at
20 the time of the member's retirement and, except as provided in
21 paragraph (e) of this subsection, cannot be changed after the
22 effective date of the member's retirement; or

23 Option 4. Some other benefit or benefits shall be paid either
24 to the member or to such person or persons as he or she shall

1 nominate, provided such other benefit or benefits, together with the
2 reduced retirement allowance, shall be certified by the actuary to
3 be of equivalent actuarial value to his or her retirement allowance
4 and shall be approved by the Board of Trustees.

5 (d) Provided that Option 2 and Option 3 shall not be available
6 if the member's expected benefit is less than fifty percent (50%) of
7 the lump-sum actuarial equivalent and the designated beneficiary is
8 not the spouse of the member.

9 (e) A member who chose the maximum retirement benefit plan at
10 the time of retirement may make a one-time election to choose either
11 Option 2 or 3 and name the member's spouse as designated beneficiary
12 if the member marries after making the initial election. Such an
13 election shall be made by July 1, 2011, or within one (1) year of
14 the date of marriage, whichever is later. The member shall provide
15 proof of a member's good health before the Board of Trustees will
16 permit a change to either Option 2 or 3 and the naming of a
17 designated beneficiary. A medical examination conducted by a
18 licensed physician is required for purposes of determining good
19 health. Such examination must be approved by the Medical Board.
20 The member shall be required to provide proof of age for the new
21 beneficiary. The Board of Trustees shall adjust the monthly benefit
22 to the actuarially equivalent amount based on the new designated
23 beneficiary's age. The Board of Trustees shall promulgate rules to
24 implement the provisions of this subsection.

1 (f) A member who retires after ~~the effective date of this act~~
2 July 1, 2010, and has selected a retirement allowance for a reduced
3 amount payable under one of the options provided for in this
4 subsection may make a one-time irrevocable election to select a
5 different option within sixty (60) days of the member's retirement
6 date. The beneficiary designated by the member at the time of
7 retirement shall not be changed if the member makes the election
8 provided for in this paragraph.

9 (9) The governing board of any "public school", as that term is
10 defined in Section 17-101 of this title, is hereby authorized and
11 empowered to pay additional retirement allowances or compensation to
12 any person who was in the employ of such public school for not less
13 than seven (7) school years preceding the date of his or her
14 retirement. Payments so made shall be a proper charge against the
15 current appropriation or appropriations of any such public school
16 for salaries for the fiscal year in which such payments are made.
17 Such payments shall be made in regular monthly installments in such
18 amounts as the governing board of any such public school, in its
19 judgment, shall determine to be reasonable and appropriate in view
20 of the length and type of service rendered by any such person to
21 such public school by which such person was employed at the time of
22 retirement. All such additional payments shall be uniform, based
23 upon the length of service and the type of services performed, to
24 persons formerly employed by such public school who have retired or

1 | been retired in accordance with the provisions of Section 1-101 et
2 | seq. of this title.

3 | The governing board of any such public school may adopt rules
4 | and regulations of general application outlining the terms and
5 | conditions under which such additional retirement benefits shall be
6 | paid, and all decisions of such board shall be final.

7 | (10) In addition to the teachers' retirement herein provided,
8 | teachers may voluntarily avail themselves of the Federal Social
9 | Security Program upon a district basis.

10 | (11) Upon the death of an in-service member, the System shall
11 | pay to the designated beneficiary of the member or, if there is no
12 | designated beneficiary or if the designated beneficiary predeceases
13 | the member, to the estate of the member, the sum of Eighteen
14 | Thousand Dollars (\$18,000.00) as a death benefit. Provided, if the
15 | deceased member had ten (10) years or more of creditable service and
16 | the death occurred after February 1, 1985, the member's designated
17 | beneficiary may elect to receive the retirement benefit to which the
18 | deceased member would have been entitled at the time of death under
19 | the Option 2 plan of retirement in lieu of the death benefit
20 | provided for in this subsection. Provided further, the option
21 | provided in this subsection is only available when the member has
22 | designated one individual as the designated beneficiary. The
23 | beneficiary or beneficiaries of death benefits in the amount not to
24 | exceed Eighteen Thousand Dollars (\$18,000.00), but exclusive of any

1 retirement benefit received by an electing beneficiary based upon
2 creditable service performed by the deceased member, which are
3 provided pursuant to this subsection may elect to disclaim such
4 death benefits in which case such benefits will be transferred to a
5 person licensed as a funeral director or to a lawfully recognized
6 business entity licensed as required by law to provide funeral
7 services for the deceased member. The qualified disclaimer must be
8 in writing and will be an irrevocable and an unqualified refusal to
9 accept all or a portion of the death benefit. It must be received by
10 the transferor no more than nine (9) months after the later of the
11 day the transfer creating the interest in the disclaiming person is
12 made or the day the disclaiming person attains age twenty-one (21).
13 The interest in the death benefits must pass without direction by
14 the disclaiming person to another person.

15 (12) Upon the death of an annuitant who has contributed to the
16 System, the retirement system shall pay to the designated
17 beneficiary of the annuitant or, if there is no designated
18 beneficiary or if the designated beneficiary predeceases the
19 annuitant, to the estate of the annuitant, the sum of Five Thousand
20 Dollars (\$5,000.00) as a death benefit. The beneficiary or
21 beneficiaries of benefits provided pursuant to this subsection may
22 elect to disclaim such death benefits in which case such benefits
23 will be transferred to a person licensed as a funeral director or to
24 a lawfully recognized business entity licensed as required by law to

1 provide funeral services for the deceased member. The qualified
2 disclaimer must be in writing and will be an irrevocable and an
3 unqualified refusal to accept all or a portion of the death benefit.
4 It must be received by the transferor no more than nine (9) months
5 after the later of the day the transfer creating the interest in the
6 disclaiming person is made or the day the disclaiming person attains
7 age twenty-one (21). The interest in the death benefits must pass
8 without direction by the disclaiming person to another person. The
9 benefit payable pursuant to this subsection shall be deemed, for
10 purposes of federal income taxation, as life insurance proceeds and
11 not as a death benefit if the Internal Revenue Service approves this
12 provision pursuant to a private letter ruling request which shall be
13 submitted by the board of trustees of the System for that purpose.

14 (13) Upon the death of a member who dies leaving no living
15 beneficiary or having designated his or her estate as beneficiary,
16 the System may pay any applicable death benefit, unpaid
17 contributions, or unpaid benefit which may be subject to probate, in
18 an amount of Five Thousand Dollars (\$5,000.00) or less, without the
19 intervention of the probate court or probate procedure pursuant to
20 Section 1 et seq. of Title 58 of the Oklahoma Statutes.

21 (a) Before any applicable probate procedure may be waived, the
22 System must be in receipt of the member's proof of death and the
23 following documents from those persons claiming to be the legal
24 heirs of the deceased member:

- 1 1. The member's valid last will and testament;
- 2 2. An affidavit or affidavits of heirship which must
- 3 state:
- 4 a. the names and signatures of all claiming heirs to
- 5 the deceased member's estate including the
- 6 claiming heirs' names, relationship to the
- 7 deceased, current addresses and current telephone
- 8 numbers,
- 9 b. a statement or statements by the claiming heirs
- 10 that no application or petition for the
- 11 appointment of a personal representative is
- 12 pending or has been granted in any jurisdiction,
- 13 c. a statement that the value of the deceased
- 14 member's entire estate is subject to probate, and
- 15 that the estate wherever located, less liens and
- 16 encumbrances, does not exceed Five Thousand
- 17 Dollars (\$5,000.00), including the payment of
- 18 benefits or unpaid contributions from the System
- 19 as authorized by this subsection,
- 20 d. a description of the personal property claimed,
- 21 (i.e., death benefit or unpaid contributions or
- 22 both) together with a statement that such
- 23 personal property is subject to probate,
- 24

1 e. a statement by each individual claiming heir
2 identifying the amount of personal property that
3 the heir is claiming from the System, and that
4 the heir has been notified of, is aware of and
5 consents to the identified claims of all the
6 other claiming heirs of the deceased member
7 pending with the System;

8 3. A written agreement or agreements signed by all
9 claiming heirs of the deceased member which provides
10 that the claiming heirs release, discharge and hold
11 harmless the System from any and all liability,
12 obligations and costs which it may incur as a result
13 of making a payment to any of the deceased member's
14 heirs;

15 4. A corroborating affidavit from an individual other
16 than a claiming heir, who was familiar with the
17 affairs of the deceased member;

18 5. Proof that all debts of the deceased member, including
19 payment of last sickness, hospital, medical, death,
20 funeral and burial expenses have been paid or provided
21 for.

22 (b) The Executive Director of the System shall retain complete
23 discretion in determining which requests for probate waiver may be
24 granted or denied, for any reason. Should the System have any

1 question as to the validity of any document presented by the
2 claiming heirs, or as to any statement or assertion contained
3 therein, the probate requirement provided for in Section 1 et seq.
4 of Title 58 of the Oklahoma Statutes, shall not be waived.

5 (c) After paying any death benefits or unpaid contributions to
6 any claiming heirs as provided pursuant to this subsection, the
7 System is discharged and released from any and all liability,
8 obligation and costs to the same extent as if the System had dealt
9 with a personal representative of the deceased member. The System
10 is not required to inquire into the truth of any matter specified in
11 this subsection or into the payment of any estate tax liability.

12 (14) Upon the death of a retired member, the benefit payment
13 for the month in which the retired member died, if not previously
14 paid, shall be made to the beneficiary of the member or to the
15 member's estate if there is no beneficiary. Such benefit payment
16 shall be made in an amount equal to a full monthly benefit payment
17 regardless of the day of the month in which the retired member died.

18 SECTION 5. AMENDATORY 74 O.S. 2011, Section 902, is
19 amended to read as follows:

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

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

24

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

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

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

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

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

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

16 (8) "Board" means the Oklahoma Public Employees Retirement
17 System Board of Trustees;

18 (9) "Compensation" means all salary and wages, as defined by
19 the Board of Trustees, including amounts deferred under deferred
20 compensation agreements entered into between a member and a
21 participating employer, but exclusive of payment for overtime,
22 payable to a member of the System for personal services performed
23 for a participating employer but shall not include compensation or
24

1 reimbursement for traveling, or moving expenses, or any compensation
2 in excess of the maximum compensation level, provided:

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

6 For compensation for service on or after January 1,
7 1988, through June 30, 1994, the maximum compensation
8 level shall be Forty Thousand Dollars (\$40,000.00) per
9 annum.

10 For compensation for service on or after July 1, 1994,
11 through June 30, 1995, the maximum compensation level
12 shall be Fifty Thousand Dollars (\$50,000.00) per
13 annum; for compensation for service on or after July
14 1, 1995, through June 30, 1996, the maximum

15 compensation level shall be Sixty Thousand Dollars
16 (\$60,000.00) per annum; for compensation for service
17 on or after July 1, 1996, through June 30, 1997, the
18 maximum compensation level shall be Seventy Thousand
19 Dollars (\$70,000.00) per annum; and for compensation
20 for service on or after July 1, 1997, through June 30,
21 1998, the maximum compensation level shall be Eighty
22 Thousand Dollars (\$80,000.00) per annum. For
23 compensation for services on or after July 1, 1998,
24

1 there shall be no maximum compensation level for
2 retirement purposes.

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

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

14 (d) Current appointed members of the Oklahoma Tax
15 Commission whose salary is constitutionally limited
16 and is less than the highest salary allowed by law for
17 his or her position shall be allowed, within ninety
18 (90) days from ~~the effective date of this act~~ March
19 21, 2001, to make an election to use the highest
20 salary allowed by law for the position to which the
21 member was appointed for the purposes of making
22 contributions and determination of retirement
23 benefits. Such election shall be irrevocable and be
24 in writing. Reappointment to the same office shall

1 not permit a new election. Members appointed to the
2 Oklahoma Tax Commission after ~~the effective date of~~
3 ~~this act~~ March 21, 2001, shall make such election,
4 pursuant to this subparagraph, within ninety (90) days
5 of taking office;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

8 (a) the first day of the month coinciding with or
9 following a member's:

10 (1) sixty-second birthday with respect to members
11 whose first participating service occurs prior to
12 November 1, 2011, or

13 (2) sixty-fifth birthday with respect to members
14 whose first participating service occurs on or
15 after November 1, 2011, or with respect to
16 members whose first participating service occurs
17 on or after November 1, 2011, reaches a minimum
18 age of sixty (60) years and who also reaches a
19 normal retirement date pursuant to subparagraph c
20 of this paragraph,

21 (b) for any person who initially became a member prior to
22 July 1, 1992, and who does not reach a normal
23 retirement date pursuant to division (1) of
24 subparagraph (a) of this paragraph, the first day of

1 the month coinciding with or following the date at
2 which the sum of a member's age and number of years of
3 credited service total eighty (80); such a normal
4 retirement date will also apply to any person who
5 became a member of the sending system as defined in
6 Section 901 et seq. of this title, prior to July 1,
7 1992, regardless of whether there were breaks in
8 service after July 1, 1992,

9 (c) for any person who became a member after June 30,
10 1992, but prior to November 1, 2011, and who does not
11 reach a normal retirement date pursuant to division
12 (1) of subparagraph (a) of this paragraph, the first
13 day of the month coinciding with or following the date
14 at which the sum of a member's age and number of years
15 of credited service total ninety (90),

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

20 (i) a correctional or probation and parole officer
21 with the Department of Corrections and at the
22 time of retirement, the member was a correctional
23 or probation and parole officer with the
24 Department of Corrections, or

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

16 (iii) a firefighter with the Oklahoma Military
17 Department either employed for the first time on
18 or after July 1, 2002, or who was employed prior
19 to July 1, 2002, in such position and who makes
20 the election authorized by division (2) of
21 subparagraph b of paragraph (8) of subsection A
22 of Section 915 of this title and at the time of
23 retirement, the member was a firefighter with the
24 Oklahoma Military Department, and such member has

1 at least twenty (20) years of credited service
2 upon which the two and one-half percent (2 1/2%)
3 multiplier will be used in calculating the
4 retirement benefit,

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

13 (f) for any member who was continuously employed by an
14 entity or institution within The Oklahoma State System
15 of Higher Education and whose initial employment with
16 such entity or institution was prior to July 1, 1992,
17 and who without a break in service of more than thirty
18 (30) days became employed by an employer participating
19 in the Oklahoma Public Employees Retirement System,
20 the first day of the month coinciding with or
21 following the date at which the sum of the member's
22 age and number of years of credited service total
23 eighty (80);
24

1 (25) "Participating employer" means an eligible employer who
2 has agreed to make contributions to the System on behalf of its
3 employees;

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

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

9 (28) "Retirant" or "retiree" means a member who has retired
10 under the System;

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

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

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

23

24

1 (32) "Total disability" means a physical or mental disability
2 accepted for disability benefits by the Federal Social Security
3 System;

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

8 (34) "Elected official" means a person elected to a state
9 office in the legislative branch before June 30, 2012, or executive
10 branch of state government or a person elected to a county office
11 for a definite number of years and shall include an individual who
12 is appointed to fill the unexpired term of an elected state
13 official;

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

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

19 SECTION 6. AMENDATORY 74 O.S. 2011, Section 913.4, is
20 amended to read as follows:

21 Section 913.4. A. 1. Except as otherwise provided in this
22 ~~subsection~~ section, an elected official may elect to participate in
23 the System and if he or she elects to do so shall have the option of
24 participating at any one of the computation factors set forth in

1 paragraphs 3 or 4 of this subsection and will receive retirement
 2 benefits in accordance with the computation factor chosen. The
 3 election on participation in the System must be in writing, must
 4 specify the computation factor chosen, and must be filed with the
 5 System within ninety (90) days after the elected official takes
 6 office. The election to participate and the election of a
 7 computation factor shall be irrevocable. Reelection to the same
 8 office will not permit new elections. Failure of an elected
 9 official to file such election form within the ninety-day period
 10 shall be deemed an irrevocable election to participate in the System
 11 at the maximum computation factor.

12 2. Contributions and benefits will be based upon the elected
 13 official's annual compensation as defined in Section 902 of this
 14 title. Employer and elected official contributions shall be
 15 remitted at least monthly, or as the Board may otherwise provide, to
 16 the System for deposit in the Oklahoma Public Employees Retirement
 17 Fund. Effective July 1, 1994, and thereafter, the participating
 18 employer shall contribute as provided in Section 920 of this title.

19 3. Except as provided in paragraph 4 of this subsection,
 20 effective July 1, 1994, the computation factor selected and the
 21 corresponding elected official contribution rate shall be as
 22 follows:

23	Elected official	Computation	Alternate
24	Contribution Rate	Factor	Formula

1	4.5%	1.9%	\$12.50
2	6%	2.5%	\$20.00
3	7.5%	3.0%	\$25.00
4	8.5%	3.4%	\$27.50
5	9%	3.6%	\$30.00
6	10%	4.0%	\$40.00

7 4. Elected officials who are first elected or appointed to an
8 elected office on or after November 1, 2010, shall elect a
9 computation factor of either 1.9% or 4%. The elected official
10 contribution rate for the 1.9% computation factor is currently 4.5%
11 and the contribution rate for the 4% computation factor is currently
12 10%. All other computation factors and contribution rates set forth
13 in paragraph 3 of this subsection shall not be available to any
14 person first elected or appointed to an elected office on or after
15 November 1, 2010.

16 5. The contribution rate for elected officials who are first
17 elected or appointed to an elected office on or after November 1,
18 2011, shall be in the amount specified in paragraph (a) of
19 subsection (1) of Section 919.1 of this title. The amount of the
20 retirement benefit for elected officials who are first elected or
21 appointed to an elected office on or after November 1, 2011, shall
22 be based on the provisions of paragraph (1) of subsection A of
23 Section 915 of this title.

24

Age	Retirement Benefits
60	100%
59	94%
58	88%
57	82%
56	76%
55	70%

Except for officials whose first elected or appointed service as an elected official occurs on or after November 1, 2011, and who retire at age sixty-two (62) with a minimum of ten (10) years of elected or appointed service, any elected official first elected or appointed for an elected office on or after November 1, 2011, who has a minimum of ten (10) years' participating service may retire under the early retirement provisions of this act, including those electing a vested benefit and shall receive an adjustment of annual benefits in accordance with the following percentage schedule:

Age	Percentage of Normal Retirement Benefits
65	100%
64	93.33%
63	86.67%
62	80%
61	73.33%
60	66.67%

1 C. 1. Any elected official shall receive annual benefits
2 computed based upon the computation factor selected multiplied by
3 the member's highest annual compensation received as an elected
4 official prior to retirement or termination of employment multiplied
5 by the number of years of credited service. No elected official
6 shall retire using such highest annual compensation unless the
7 elected official has made the required election and has paid the
8 required contributions on such salary.

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

15 3. Elected officials who become members of the Oklahoma Public
16 Employees Retirement System on or after August 22, 2008, will
17 receive retirement benefits in accordance with the computation
18 factor selected pursuant to subsection A of this section multiplied
19 by the member's highest annual compensation received as an elected
20 official and only for those years of credited service the member
21 served as an elected official. If such elected official has
22 participating service as a nonelected member, then such nonelected
23 service shall be computed separately pursuant to the provisions of
24 paragraph (1) of subsection A of Section 915 of this title with the

1 final benefit result added to the final benefit result for elected
2 service. In no event shall the elected official be entitled to
3 apply the computation factor selected pursuant to subsection A of
4 this section or the compensation received as an elected official to
5 the computation of nonelected service.

6 4. Elected officials who are first elected or appointed to an
7 elected office on or after August 22, 2008, may not receive a
8 maximum benefit greater than their single highest annual
9 compensation received as a member of the Oklahoma Public Employees
10 Retirement System.

11 D. Any elected official making an election to participate at a
12 computation factor less than the maximum and later selecting a
13 higher computation factor shall contribute to the System a sum equal
14 to the amount which the elected official would have contributed if
15 the elected official had made such election at the time the elected
16 official first became eligible, plus interest as determined by the
17 Board, in order to receive the additional benefits for all service
18 as an elected official; otherwise, the additional benefits shall be
19 applicable only to service for which the elected official pays the
20 appropriate percent of contributions to the System.

21 E. The surviving spouse of a deceased elected official who was
22 first elected or appointed to an elected office before November 1,
23 2011, and who has at least six (6) years of participating service
24 and the surviving spouse of a deceased elected official who was

1 first elected or appointed to an elected office on or after November
2 1, 2011, and who has at least eight (8) years of participating
3 service shall be entitled to receive survivor benefits in the amount
4 herein prescribed, if married to the decedent continuously for a
5 period of at least three (3) years immediately preceding the elected
6 official's death. Provided the elected official had met the service
7 requirements, survivor benefits shall be payable when the deceased
8 member would have met the requirements for normal or early
9 retirement. The amount of the benefits the surviving spouse may
10 receive shall be fifty percent (50%) of the amount of benefits the
11 deceased elected official was receiving or will be eligible to
12 receive. Remarriage of a surviving spouse shall disqualify the
13 spouse for the receipt of survivor benefits. Elected officials may
14 elect a retirement option as provided in Section 918 of this title
15 in lieu of the survivors benefit provided above.

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

22 G. Anyone appointed or elected to an elected position after
23 July 1, 1990, shall not be eligible to receive benefits as provided
24 in this section until such person has participated as an elected

1 official for six (6) years. Anyone appointed or elected to an
2 elected position on or after November 1, 2011, shall not be eligible
3 to receive benefits as provided in this section until such person
4 has participated as an elected official for eight (8) years.

5 H. Elected officials who terminate participation in the System
6 and who have a minimum of six (6) years of participating service
7 shall be entitled to elect a vested benefit and shall be entitled to
8 the retirement options as provided in Section 918 of this title in
9 lieu of the survivors benefit provided in subsection E of this
10 section. Elected officials who terminate participation in the
11 System and who have a minimum of eight (8) years of participating
12 service shall be entitled to elect a vested benefit and shall be
13 entitled to retirement options as provided in Section 918 of this
14 title in lieu of the survivors benefits provided in subsection E of
15 this section.

16 I. In determining the number of years of credited service, a
17 fractional year of six (6) months or more shall be considered as one
18 (1) year, and less than six (6) months or more shall be disregarded.

19 J. Any person first elected to a state office in the
20 legislative branch of state government on or after July 1, 2012,
21 shall not be eligible to participate in the System; however, the
22 person shall be eligible to participate in the Teachers' Retirement
23 System of Oklahoma pursuant to the provisions of Section 17-103 of
24 Title 70 of the Oklahoma Statutes.

1 SECTION 7. This act shall become effective July 1, 2012.

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

6

7 53-2-2221 ARE 1/9/2012 11:17:31 AM

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24