

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1589

By: Shortey

AS INTRODUCED

An Act relating to judicial retirement; amending 20 O.S. 2011, Section 1102, which relates to the Uniform Retirement System for Justices and Judges; providing exception to membership in the Uniform Retirement System for Justices and Judges, requiring certain Justices or Judges to be members of the Oklahoma Public Employees Retirement System; amending 74 O.S. 2011, Sections 902, 911 and 913.2, which relate to the Oklahoma Public Employees Retirement System; modifying definition; specifying starting date as member of the System; specifying certain Justices or Judges shall be members of the Oklahoma Public Employees Retirement System; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2011, Section 1102, is amended to read as follows:

Section 1102. A. ~~Any~~ Except as otherwise provided by this section, any Justice or Judge of the Supreme Court, Court of Criminal Appeals, Workers' Compensation Court, Court of Appeals or District Court who serves as Justice or judge of any of ~~said~~ the courts in the State of Oklahoma shall be a member of The Uniform Retirement System for Justices and Judges. For members whose

1 initial service as a member of the System began prior to January 1,
2 2012, such member who serves for a period of eight (8) years or
3 longer and upon reaching or passing the age of sixty-five (65)
4 years, or who serves for a period of ten (10) years or longer and
5 upon reaching or passing the age of sixty (60) years, or whose sum
6 of years of service and age equal or exceeds eighty (80), after
7 completing eight (8) years of judicial service, shall be eligible to
8 receive the retirement benefits herein provided. For members whose
9 initial service as a member of the System began on or after January
10 1, 2012, such member who serves for a period of eight (8) years or
11 longer and upon reaching or passing the age of sixty-seven (67)
12 years or who serves for a period of ten (10) years or longer and
13 upon reaching or passing the age of sixty-two (62) years shall be
14 eligible to receive the retirement benefits herein provided. In
15 determining the periods of time above mentioned a major fraction of
16 a year shall count as a whole year. If such Justice or judge is
17 still serving in such capacity when the above requirements are
18 complied with, the Justice or judge may elect to retire and may
19 elect whether such retirement shall become effective immediately or
20 at a specified time within the term of the Justice or judge or at
21 the expiration of the term of the Justice or judge. The Justice or
22 judge shall file a written declaration with the System and the Court
23 Administrator of his or her desire to retire. The Court

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1 Administrator shall notify the Governor within five (5) business
2 days of receiving the Notice of Retirement.

3 B. Upon filing of an election by any Justice or judge to retire
4 as authorized by ~~Section 1101 et seq. of this title~~ the Uniform
5 Retirement System for Justices and Judges, the office held by such
6 Justice or judge shall become vacated immediately or at the
7 specified time within the term of the Justice or judge, or at the
8 expiration of the term of the Justice or judge in accordance with
9 the election of the Justice or judge desiring retirement status.
10 Any such vacancy so created shall be filled in the manner provided
11 by law and the Constitution.

12 C. If any retired member of the System should be elected or
13 appointed to any judicial or other office covered by the System, the
14 retirement compensation of the retired member shall be suspended
15 during the period of time that the retired member holds such office
16 and be reinstated upon leaving such office. Notwithstanding any
17 other provision of this section or any other provision of law to the
18 contrary, a retired Justice or judge shall be permitted to be
19 employed by any college or university within The Oklahoma State
20 System of Higher Education as a full-time or part-time member of the
21 faculty or as a teacher in any common school or career and
22 technology education entity without suspension of retirement
23 benefits.

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1 D. Any Justice or Judge of the Supreme Court, Court of Criminal
2 Appeals, Workers' Compensation Court, Court of Appeals or District
3 Court who first becomes a Justice or Judge on or after January 1,
4 2013, shall not be eligible to participate in the Uniform Retirement
5 System for Justices and Judges. The Justice or Judge shall be a
6 member of the Oklahoma Public Employees Retirement System.

7 SECTION 2. AMENDATORY 74 O.S. 2011, Section 902, is
8 amended to read as follows:

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

10 (1) "System" means the Oklahoma Public Employees Retirement
11 System as established by ~~this act~~ Section 901 et seq. of this title
12 and as it may hereafter be amended;

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

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

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

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

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

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

5 (8) "Board" means the Oklahoma Public Employees Retirement
6 System Board of Trustees;

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

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

18 For compensation for service on or after January 1,
19 1988, through June 30, 1994, the maximum compensation
20 level shall be Forty Thousand Dollars (\$40,000.00) per
21 annum.

22 For compensation for service on or after July 1, 1994,
23 through June 30, 1995, the maximum compensation level
24 shall be Fifty Thousand Dollars (\$50,000.00) per

1 annum; for compensation for service on or after July
2 1, 1995, through June 30, 1996, the maximum
3 compensation level shall be Sixty Thousand Dollars
4 (\$60,000.00) per annum; for compensation for service
5 on or after July 1, 1996, through June 30, 1997, the
6 maximum compensation level shall be Seventy Thousand
7 Dollars (\$70,000.00) per annum; and for compensation
8 for service on or after July 1, 1997, through June 30,
9 1998, the maximum compensation level shall be Eighty
10 Thousand Dollars (\$80,000.00) per annum. For
11 compensation for services on or after July 1, 1998,
12 there shall be no maximum compensation level for
13 retirement purposes.

14 (b) Compensation for retirement purposes shall include any
15 amount of elective salary reduction under Section 457
16 of the Internal Revenue Code of 1986 and any amount of
17 nonelective salary reduction under Section 414(h) of
18 the Internal Revenue Code of 1986.

19 (c) Notwithstanding any provision to the contrary, the
20 compensation taken into account for any employee in
21 determining the contribution or benefit accruals for
22 any plan year is limited to the annual compensation
23 limit under Section 401(a)(17) of the federal Internal
24 Revenue Code.

1 (d) Current appointed members of the Oklahoma Tax
2 Commission whose salary is constitutionally limited
3 and is less than the highest salary allowed by law for
4 his or her position shall be allowed, within ninety
5 (90) days from ~~the effective date of this act~~ March
6 21, 2001, to make an election to use the highest
7 salary allowed by law for the position to which the
8 member was appointed for the purposes of making
9 contributions and determination of retirement
10 benefits. Such election shall be irrevocable and be
11 in writing. Reappointment to the same office shall
12 not permit a new election. Members appointed to the
13 Oklahoma Tax Commission after ~~the effective date of~~
14 ~~this act~~ March 21, 2001, shall make such election,
15 pursuant to this subparagraph, within ninety (90) days
16 of taking office;

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

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

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

1 (13) "Eligible employer" means the state and any county, county
2 hospital, city or town, conservation districts, circuit engineering
3 districts and any public or private trust in which a county, city or
4 town participates and is the primary beneficiary is to be an
5 eligible employer for the purpose of ~~this act~~ Section 901 et seq. of
6 this title only, whose employees are covered by Social Security and
7 are not covered by or eligible for another retirement plan
8 authorized under the laws of this state which is in operation on the
9 initial entry date. Emergency medical service districts may join
10 the System upon proper application to the Board. Provided
11 affiliation by a county hospital shall be in the form of a
12 resolution adopted by the board of control.

13 (a) If a class or several classes of employees of any
14 above-defined employers are covered by Social Security
15 and are not covered by or eligible for and will not
16 become eligible for another retirement plan authorized
17 under the laws of this state, which is in operation on
18 the effective date, such employer shall be deemed an
19 eligible employer, but only with respect to that class
20 or those classes of employees as defined in this
21 section.

22 (b) A class or several classes of employees who are
23 covered by Social Security and are not covered by or
24 eligible for and will not become eligible for another

1 retirement plan authorized under the laws of this
2 state, which is in operation on the effective date,
3 and when the qualifications for employment in such
4 class or classes are set by state law; and when such
5 class or classes of employees are employed by a county
6 or municipal government pursuant to such
7 qualifications; and when the services provided by such
8 employees are of such nature that they qualify for
9 matching by or contributions from state or federal
10 funds administered by an agency of state government
11 which qualifies as a participating employer, then the
12 agency of state government administering the state or
13 federal funds shall be deemed an eligible employer,
14 but only with respect to that class or those classes
15 of employees as defined in this subsection; provided,
16 that the required contributions to the retirement plan
17 may be withheld from the contributions of state or
18 federal funds administered by the state agency and
19 transmitted to the System on the same basis as the
20 employee and employer contributions are transmitted
21 for the direct employees of the state agency. The
22 retirement or eligibility for retirement under the
23 provisions of law providing pensions for service as a
24 volunteer ~~fire-fighter~~ firefighter shall not render

1 any person ineligible for participation in the
2 benefits provided for in Section 901 et seq. of this
3 title. An employee of any public or private trust in
4 which a county, city or town participates and is the
5 primary beneficiary shall be deemed to be an eligible
6 employee for the purpose of ~~this act~~ Section 901 et
7 seq. of this title only.

8 (c) All employees of the George Nigh Rehabilitation
9 Institute who elected to retain membership in the
10 System, pursuant to Section 913.7 of this title, shall
11 continue to be eligible employees for the purposes of
12 ~~this act~~ Section 901 et seq. of this title. The
13 George Nigh Rehabilitation Institute shall be
14 considered a participating employer only for such
15 employees.

16 (d) A participating employer of the Teachers' Retirement
17 System of Oklahoma, who has one or more employees who
18 have made an election pursuant to enabling legislation
19 to retain membership in the System as a result of
20 change in administration, shall be considered a
21 participating employer of the Oklahoma Public
22 Employees Retirement System only for such employees;

23 (14) "Employee" means any officer or employee of a
24 participating employer, whose employment is not seasonal or

1 temporary and whose employment requires at least one thousand
2 (1,000) hours of work per year and whose salary or wage is equal to
3 the hourly rate of the monthly minimum wage for state employees.
4 For those eligible employers outlined in Section 910 of this title,
5 the rate shall be equal to the hourly rate of the monthly minimum
6 wage for that employer. Each employer, whose minimum wage is less
7 than the state's minimum wage, shall inform the System of the
8 minimum wage for that employer. This notification shall be by
9 resolution of the governing body.

10 (a) Any employee of the county extension agents who is not
11 currently participating in the Teachers' Retirement
12 System of Oklahoma shall be a member of this System.

13 (b) Eligibility shall not include any employee who is a
14 contributing member of the United States Civil Service
15 Retirement System.

16 (c) It shall be mandatory for an officer, appointee or
17 employee of the office of district attorney to become
18 a member of this System if he or she is not currently
19 participating in a county retirement system. Provided
20 further, that if an officer, appointee or employee of
21 the office of district attorney is currently
22 participating in such county retirement system, he or
23 she is ineligible for this System as long as he or she
24 is eligible for such county retirement system. Any

1 eligible officer, appointee or employee of the office
2 of district attorney shall be given credit for prior
3 service as defined in this section. The provisions
4 outlined in Section 917 of this title shall apply to
5 those employees who have previously withdrawn their
6 contributions.

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

20 (e) Any employee employed by the Legislative Service
21 Bureau, State Senate or House of Representatives for
22 the full duration of a regular legislative session
23 shall be eligible for membership in the System
24 regardless of classification as a temporary employee

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

16 (i) Except as otherwise provided by this
17 subparagraph, once a temporary session employee
18 makes a choice to participate or not, the choice
19 shall be binding for all future legislative
20 sessions during which the employee is employed.

21 (ii) Notwithstanding the provisions of division (i) of
22 this subparagraph, any employee, who is eligible
23 for membership in the System because of the
24 provisions of this subparagraph and who was

1 employed by the State Senate or House of
2 Representatives after January 1, 1989, may file
3 an election, in a manner specified by the Board,
4 to participate as a member of the System prior to
5 September 1, 1989.

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

18 (iv) A member of the System who did not initially
19 elect to participate as a member of the System
20 pursuant to subparagraph (e) of this paragraph
21 shall be able to acquire service performed as a
22 temporary legislative session employee for
23 periods of service performed prior to the date
24

1 upon which the person became a member of the
2 System if:

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

18 (f) Any Justice or Judge of the Supreme Court, Court of
19 Criminal Appeals, Workers' Compensation Court, Court
20 of Appeals or District Court who first becomes a
21 Justice or Judge on or after January 1, 2013, shall be
22 a member of the System;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 An eligible member under this paragraph shall include only those
16 persons who shall have served during the times or in the areas
17 prescribed in this paragraph, and only if such person provides
18 appropriate documentation in such time and manner as required by the
19 System to establish such military service prescribed in this
20 paragraph, or for service pursuant to subdivision a of division (v)
21 of subparagraph (a) of this paragraph those persons who were awarded
22 service medals, as authorized by the United States Department of
23 Defense as reflected in the veteran's Defense Department Form 214,
24 related to the Vietnam Conflict for service prior to August 5, 1964;

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

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

6 (1) sixty-second birthday with respect to members
7 whose first participating service occurs prior to
8 November 1, 2011, or

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

17 (b) for any person who initially became a member prior to
18 July 1, 1992, and who does not reach a normal
19 retirement date pursuant to division (1) of
20 subparagraph (a) of this paragraph, the first day of
21 the month coinciding with or following the date at
22 which the sum of a member's age and number of years of
23 credited service total eighty (80); such a normal
24 retirement date will also apply to any person who

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

5 (c) for any person who became a member after June 30,
6 1992, but prior to November 1, 2011, and who does not
7 reach a normal retirement date pursuant to division
8 (1) of subparagraph (a) of this paragraph, the first
9 day of the month coinciding with or following the date
10 at which the sum of a member's age and number of years
11 of credited service total ninety (90),

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 SECTION 3. AMENDATORY 74 O.S. 2011, Section 911, is
12 amended to read as follows:

13 Section 911. (1) Any employee of a participating employer on
14 the entry date of such employer shall be a member of the System on
15 the entry date.

16 (2) Any employee other than a state elected official who is
17 employed by a participating employer after the entry date of such
18 employer shall be a member of the System on the first day of the
19 month immediately following employment.

20 (3) Any Justice or Judge who is employed by a participating
21 employer after the entry date of such employer shall become a member
22 of the System on the day the Justice or Judge begins serving as a
23 Justice or Judge.
24

1 (4) Any employee who is in military service or on leave of
2 absence on the entry date of his or her employer shall become a
3 member of the System upon his or her return to active employment.

4 SECTION 4. AMENDATORY 74 O.S. 2011, Section 913.2, is
5 amended to read as follows:

6 Section 913.2. A. The provisions of ~~this act~~ Section 901 et
7 seq. of this title shall not operate either to enlarge or to
8 diminish any rights any Justice or Judge of the Supreme Court, Court
9 of Criminal Appeals, Court of Appeals, ~~State Industrial Workers'~~
10 Compensation Court or ~~district court~~ District Court may now have
11 under the provisions of the Oklahoma Public Employees Retirement
12 System, and no Justice or Judge of the above named courts whose
13 initial service as a member of the Uniform Retirement System for
14 Justices and Judges began prior to January 1, 2013, shall be
15 eligible to become a member of the Oklahoma Public Employees
16 Retirement System.

17 B. Any Justice or Judge of the Supreme Court, Court of Criminal
18 Appeals, Court of Appeals, Workers' Compensation Court or District
19 Court who first becomes a Justice or Judge on or after January 1,
20 2013, shall be a member of the Oklahoma Public Employees Retirement
21 System.

22 SECTION 5. This act shall become effective January 1, 2013.

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