

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

SENATE BILL 616

By: Sparks

AS INTRODUCED

An Act relating to military service credit; amending 74 O.S. 2001, Section 913, as last amended by Section 4, Chapter 392, O.S.L. 2010 (74 O.S. Supp. 2010, Section 913), which relates to prior and participating service credit for the Oklahoma Public Employees Retirement System; allowing certain member to receive certain service credit; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 913, as last amended by Section 4, Chapter 392, O.S.L. 2010 (74 O.S. Supp. 2010, Section 913), is amended to read as follows:

Section 913. A. Prior service shall be credited as follows:

1. A member shall receive full credit for employment with any participating employer prior to the entry date of his or her employer whether or not continuous and whether or not he or she was employed with a participating employer on such entry date, provided that any member who has retired before the passage of Section 901 et seq. of this title, shall not receive retirement benefits retroactively for such prior service. Provided, that at such time

1 that an employer becomes a participating employer on or after
2 January 1, 1965, and before January 1, 1975, each member and each
3 retirant, upon making proper written application therefor, shall
4 receive prior service credit for service with such employer in the
5 same manner as if such participating employer had been a
6 participating employer on the date first eligible to become a
7 participating employer; and increased benefits attributable to such
8 increased prior service credit shall commence with the next monthly
9 benefit payment due following receipt and approval of such
10 application by the Board of Trustees. No prior service shall be
11 granted, however, for periods of service in which the employee made
12 contributions which he or she subsequently withdrew, unless he or
13 she has complied with the provisions of subsection (5) of Section
14 917 of this title. The burden of proof regarding prior service
15 shall be with the member and shall be documented in such manner as
16 the Board may direct;

17 2. Any member who was employed in an institution of higher
18 learning by a State Board of Regents or who was employed by an
19 Oklahoma school district prior to July 1, 1943, may receive prior
20 service credit under this act for the period of time they were so
21 employed;

22 3. Any member who served in the Armed Forces of the United
23 States, as defined in paragraph (23) of Section 902 of this title,
24 prior to membership in the Oklahoma Public Employees Retirement

1 System shall be granted prior service credit, not to exceed five (5)
2 years, for those periods of active military service during which he
3 or she was a war veteran. For a member of the System hired on or
4 after July 1, 2003, if the military service credit authorized by
5 this paragraph is used to compute the retirement benefit of the
6 member and the member retires from the System, such military service
7 credit shall not be used to compute the retirement benefit in any
8 other retirement system created pursuant to the Oklahoma Statutes
9 and the member may receive credit for such service only in the
10 retirement system from which the member first retires;

11 4. Any member who served in the Armed Forces of the United
12 States, as defined in paragraph (23) of Section 902 of this title,
13 whose initial membership in the System began prior to July 1, 2000,
14 and who terminated employment with a participating employer prior to
15 such service in the Armed Forces of the United States and who
16 withdrew his or her contributions from the System shall be granted
17 prior service credit, not to exceed five (5) years, for those
18 periods of active military service during which he or she was a war
19 veteran regardless if he or she later upon reentering membership in
20 the System chose to repay the withdrawn contributions and interest
21 pursuant to Section 901 et seq. of this title. For a member of the
22 System hired on or after July 1, 2003, if the military service
23 credit authorized by this paragraph is used to compute the
24 retirement benefit of the member and the member retires from the

1 System, such military service credit shall not be used to compute
2 the retirement benefit in any other retirement system created
3 pursuant to the Oklahoma Statutes and the member may receive credit
4 for such service only in the retirement system from which the member
5 first retires.

6 5. An elective state, county, city or town official who is
7 ineligible for membership as a result of any applicable state law or
8 constitutional provision making him or her ineligible solely because
9 of his or her being such an official at the time of his or her
10 eligibility for membership at the time his or her employer becomes a
11 participating employer shall nevertheless not forfeit the prior
12 service credit to which he or she would be entitled except for such
13 ineligibility, provided that he or she either:

- 14 a. becomes an employee of a participating employer within
15 four (4) calendar months of the expiration of his or
16 her term of office current at the time of his or her
17 eligibility except for his or her being an elective
18 state or county official, or
19 b. within a period of four (4) years after the expiration
20 of his or her term of office current at the time of
21 his or her eligibility except for his or her being an
22 elective state or county official, is elected as a
23 state or county official and thereupon becomes a
24 member of the System, or

1 c. has completed ten (10) years of credited service as of
2 the date of his or her eligibility for membership
3 except for his or her being an elective state or
4 county official;

5 ~~5.~~ 6. Beginning July 1, 1965, all employees of the Department
6 of Human Services shall participate in the Oklahoma Public Employees
7 Retirement System to the same extent as other employees of
8 participating employers in such System. Provided, that any employee
9 performing teaching services in the Oklahoma School for the Deaf or
10 the Oklahoma School for the Blind may elect to participate in the
11 Teachers' Retirement System of Oklahoma in lieu of the Oklahoma
12 Public Employees Retirement System; and any other employee at each
13 such institution or any other institution under the jurisdiction of
14 the Department of Human Services, participating in the Teachers'
15 Retirement System of Oklahoma, may elect to continue to participate
16 in such system in lieu of the Oklahoma Public Employees Retirement
17 System. All employees who shall have participated in the Teachers'
18 Retirement System of Oklahoma and not continuing therein shall have
19 the right to withdraw their membership from the Teachers' Retirement
20 System of Oklahoma on the same terms as other members withdrawing
21 from such System before retirement. Provided, all persons employed
22 at the Oklahoma School for the Blind and Oklahoma School for the
23 Deaf on June 30, 1965, who became subject to the Oklahoma Public
24 Employees Retirement System, on July 1, 1965, shall receive credit

1 for prior service and be eligible for participation, regardless of
2 age;

3 ~~6.~~ 7. A member employed as a temporary employee by the
4 Legislative Service Bureau or its predecessors, the State Senate or
5 the House of Representatives for the full duration of a regular
6 legislative session prior to the member's eligibility for membership
7 in the System shall receive six (6) months of prior service credit
8 for each such full regular legislative session if the employee is
9 employed by the Legislative Service Bureau or its predecessors, the
10 State Senate or the House of Representatives as either a full-time
11 or temporary employee for a minimum of six (6) full regular
12 legislative sessions beginning January 1, 1983. For purposes of
13 this subsection, the determination of whether an employee is
14 employed for the full duration of a regular legislative session
15 shall be made by the Legislative Service Bureau if such employee is
16 employed by the Legislative Service Bureau, the State Senate if such
17 employee is employed by the State Senate, or by the House of
18 Representatives if such employee is employed by the House of
19 Representatives;

20 ~~7.~~ 8. A member of the System shall receive prior service credit
21 for any years of service after January 1, 1975, the member had with
22 a participating employer if the member is not receiving or eligible
23 to receive such prior service credit for the same time in any other
24 state or county retirement system authorized by law. To receive the

1 service credit, the member shall pay the amount determined by the
2 Board pursuant to Section 913.5 of this title; and

3 ~~8.~~ 9. Any member who is a state employee and receives
4 temporary total disability benefits during the period of absence
5 with a participating employer due to a work-related injury or
6 illness incurred while engaged in a governmental function for said
7 participating employer pursuant to the Workers' Compensation Act
8 shall receive credit for participating service during said period of
9 absence subject to the following requirements:

- 10 a. the member was employed by the participating employer
11 immediately prior to and during the period of absence,
- 12 b. the member must notify the System in writing not later
13 than four (4) months after the member's return to his
14 or her job duties with the participating employer, or
15 termination of employment with the participating
16 employer, or termination of the temporary total
17 disability benefits, whichever is earlier, of the
18 member's desire to receive participating service
19 credit for the period of absence,
- 20 c. the participating employer must certify to the System
21 in writing the dates during which temporary total
22 disability benefits payments were paid to the member,
23 and
24

1 d. the member and the participating employer shall each
2 pay their respective contributions required for the
3 period of absence without interest within sixty (60)
4 days of invoicing by the System, or with interest of
5 seven and one-half percent (7 1/2%) compounded
6 annually if paid after said sixty (60) days.

7 B. Participating service shall be credited as follows:

8 1. A member shall receive credit for participating service with
9 a participating employer in accordance with the rules and
10 regulations established by the Board; provided, however, that a
11 member who is not a full-time employee shall receive prorated credit
12 for actual hours worked;

13 2. Leaves of absence shall not count as a break in continuous
14 employment provided the member leaves his or her accumulated
15 contribution on deposit with the fund; however, the leaves of
16 absence shall not be credited except that involuntary furloughs
17 established by Office of Personnel Management rules, involuntary
18 furloughs of employees of a district attorney conducted in
19 substantial compliance with the rules of the Office of Personnel
20 Management as certified by the District Attorneys Council,
21 involuntary furloughs of employees pursuant to a furlough plan
22 adopted by the President Pro Tempore of the Senate or the Speaker of
23 the House of Representatives as authorized in Section 840-5.1 of
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1 this title and involuntary furloughs of employees authorized by the
2 Oklahoma Supreme Court shall be credited;

3 3. Any member who has served in the Armed Forces of the United
4 States, as defined in paragraph (23) of Section 902 of this title,
5 shall be granted participating service for those periods of active
6 military service during which he or she was a war veteran provided
7 this service is immediately preceded by a period of employment with
8 a participating employer and is followed by return to employment as
9 an employee with the same or another participating employer within
10 ninety (90) days immediately following discharge from such military
11 service provided the member leaves his or her accumulated
12 contributions on deposit with the fund;

13 4. A period of total disability under the System immediately
14 followed by employment with a participating employer, shall not
15 count as a break in continuous employment; provided, that such
16 periods while not employed shall not be credited except that
17 involuntary furloughs established by Office of Personnel Management
18 Rule 6.13, shall be credited;

19 5. Termination of employment with a participating employer
20 followed by employment with the same or another participating
21 employer within four (4) calendar months shall not constitute a
22 break in continuous employment; provided, that such period while not
23 employed shall not be credited as participating service;

24

1 6. Provided, however, that all employee contributions required
2 by this act made by employees prior to June 30, 1977, will entitle
3 the employee to additional years of participating service in
4 accordance with the following schedule.

5 Employee accumulated contributions:

6 More than \$1.00 up to \$500 = 1 year participating service

7 More than \$500 up to \$1,000 = 2 years participating service

8 More than \$1,000 up to \$1,500 = 3 years participating service

9 More than \$1,500 up to \$2,000 = 4 years participating service

10 More than \$2,000 = 5 years participating service

11 In no event shall the employee be entitled to more than five (5)
12 additional years of participating service as provided hereunder.

13 Provided further, that upon termination of employment prior to
14 retirement, the accumulated contributions will be credited as above
15 indicated to establish a vested benefit if so elected by any such
16 employee; and

17 7. The total participating service credit of a member who
18 retires or terminates employment and elects a vested benefit shall
19 include not to exceed one hundred thirty (130) days of unused sick
20 leave accumulated subsequent to August 1, 1959, during the member's
21 employment with any participating employer. Such credit shall be
22 added in terms of whole months. Twenty (20) days of unused sick
23 leave shall equal one (1) month for purposes of participating
24 service credit. If unused sick leave entitles a member to an

1 additional year of service credit, the member's employer shall
2 reimburse the System for the cost of funding the additional reserve.
3 Each participating employer shall provide the System with adequate
4 and timely information necessary to determine additional benefits
5 and its cost under this paragraph. This paragraph shall apply to
6 members retiring or vesting on or after July 1, 1984.

7 C. In determining the number of years of credited service, a
8 fractional year of six (6) months or more shall be considered as one
9 (1) year, and less than six (6) months shall be disregarded.

10 D. A member may receive credit for those years of credited
11 service accumulated by the member while a member of the Oklahoma
12 Firefighters Pension and Retirement System, the Oklahoma Police
13 Pension and Retirement System, the Uniform Retirement System for
14 Justices and Judges, the Oklahoma Law Enforcement Retirement System,
15 or the Teachers' Retirement System of Oklahoma, if the member is not
16 receiving or eligible to receive retirement credit or benefits from
17 said service in any other public retirement system. To receive the
18 service credit, the member shall pay the amount determined by the
19 Board pursuant to Section 913.5 of this title.

20 E. A member may receive credit for those years of service
21 accumulated by the member as an elected official if the member is
22 not receiving or eligible to receive retirement credit or benefits
23 from said service in any public retirement system. Prior to January
24 1, 1991, to receive the service credit, the member shall pay to the

1 Board for each year of service purchased pursuant to this subsection
2 a sum equal to the employee and employer contribution rate that
3 would have been applicable to the member as determined by the Board
4 and interest of not to exceed five percent (5%), and effective
5 January 1, 1991, to receive the service credit, the member shall pay
6 the amount determined by the Board pursuant to Section 913.5 of this
7 title.

8 F. Effective December 12, 1994, and thereafter, a leave of
9 absence on account of a period of qualified military service in the
10 uniformed services of the United States within the meaning of
11 Section 414(u)(5) of the federal Internal Revenue Code, followed by
12 a return to employment with the participating employer within ninety
13 (90) days after completion of the period of service may be eligible
14 for credited service under this System. Notwithstanding any
15 provision of this plan to the contrary, contributions, benefits and
16 service credit with respect to qualified military service will be
17 allowed in accordance with Section 414(u) of the federal Internal
18 Revenue Code.

19 G. 1. An active member of the Oklahoma Public Employees
20 Retirement System may receive credit for those years of service
21 accumulated by the member while a member of the Teachers' Retirement
22 System of Oklahoma if:

23 a. the member is an active member of the Oklahoma Public
24 Employees Retirement System, and

- 1 b. the member provides notice to the Teachers' Retirement
2 System of Oklahoma and the Oklahoma Public Employees
3 Retirement System of the member's election to transfer
4 said retirement credit. The notice shall include a
5 list of the years to be transferred, and
- 6 c. the member is not receiving or eligible to receive
7 retirement credit or benefits from said service in any
8 other public retirement system, notwithstanding the
9 years of service sought to be transferred under this
10 subsection.

11 Members electing to take advantage of the transfer authorized by
12 this subsection who are receiving or eligible to receive retirement
13 credit or benefits from said service in any other public retirement
14 system shall have all service credit with the Teachers' Retirement
15 System of Oklahoma canceled which is not transferred to the Oklahoma
16 Public Employees Retirement System or used as a cash offset in such
17 a transfer pursuant to subparagraph d of paragraph 2 of this
18 subsection. Service credit transferred to the Teachers' Retirement
19 System of Oklahoma under this subsection shall also be canceled with
20 the Oklahoma Public Employees Retirement System.

21 2. For purposes of this subsection, the "sending system" shall
22 mean the Teachers' Retirement System of Oklahoma. The "receiving
23 system" shall mean the Oklahoma Public Employees Retirement System.

1 a. Within thirty (30) days notification of an intent to
2 transfer is received by the sending system, the
3 sending system shall, according to its own rules and
4 regulations:

5 (1) for members who have vested with the sending
6 system, determine the present value of the
7 member's earned benefits attributable to the
8 years of service sought to be transferred,
9 discounted according to the member's age at the
10 time of transfer and computed as of the earliest
11 age at which the member would be able to retire.
12 Said computation shall assume an unreduced
13 benefit and be computed using interest and
14 mortality assumptions consistent with the
15 actuarial assumptions adopted by the Board of
16 Trustees for purposes of preparing the annual
17 actuarial evaluation but shall not make any
18 projections regarding future salary. For vested
19 employees the sending system shall use the
20 product of this calculation for purposes of
21 determining the transfer fee to be paid by the
22 employee under subparagraph c of this paragraph
23 so long as it is greater than the product of the
24 calculation in this division, and

1 (2) determine the sum of the employee and employer
2 contributions applicable to the years of service
3 sought to be transferred plus interest consistent
4 with the actuarial assumptions adopted by the
5 Board of Trustees for purposes of preparing the
6 annual actuarial evaluation. For all nonvested
7 members, and for vested members if the product of
8 this calculation is greater than the product of
9 the calculation in division (1) of this
10 subparagraph, the sending system shall use the
11 product of this calculation for purposes of
12 determining the amount to be transferred by the
13 sending system under subparagraph c of this
14 paragraph and any transfer fee to be paid by the
15 members under subparagraph d of this paragraph.

16 b. Within thirty (30) days after notification of an
17 intent to transfer is received by the receiving
18 system, the receiving system shall determine,
19 according to the system's own rules and regulations,
20 the present value of the member's incremental
21 projected benefits discounted according to the
22 member's age at the time of the transfer. Incremental
23 projected benefits shall be the difference between the
24 projected benefit said member would receive without

1 transferring the service credit and the projected
2 benefit after transfer of service credit computed as
3 of the earliest age at which the member would be able
4 to retire. Said computation shall assume an unreduced
5 benefit and be computed using interest, salary
6 projections and mortality assumptions consistent with
7 the actuarial assumptions adopted by the Board of
8 Trustees for purposes of preparing the annual
9 actuarial evaluation.

10 c. The sending system shall, within sixty (60) days from
11 the date notification of an intent to transfer is
12 received by the sending system, transfer to the
13 receiving system the amount determined in subparagraph
14 a of this paragraph. Except, if the cost under
15 subparagraph a of this paragraph for the same years of
16 service to the sending system is greater than the
17 actuarial value of the incremental benefit in the
18 receiving system, as established in subparagraph b of
19 this paragraph, the sending system shall send the
20 receiving system an amount equal to the actuarial
21 value of the incremental projected benefit in the
22 receiving system.

23 d. In order to receive the credit provided for in
24 paragraph 1 of this subsection, if the cost of the

1 actuarial value of the incremental benefit to the
2 receiving system is greater than the cost as
3 calculated under subparagraph a of this paragraph for
4 the same years of service to the sending system as
5 established in subparagraphs a and b of this
6 paragraph, the employee shall elect to:

- 7 (1) pay any difference to receive full credit for the
8 years sought to be transferred, or
9 (2) receive prorated service credit for only the
10 amount received from the Teachers' Retirement
11 System of Oklahoma pursuant to this subsection.

12 Such an election shall be made in writing, filed with
13 the System prior to receiving the credit provided for
14 in paragraph 1 of this subsection, and shall be
15 irrevocable.

16 3. Within sixty (60) days of successfully completing all of the
17 requirements for transfer under this subsection, the sending system
18 shall pay the receiving system any amount due under this subsection.
19 Within sixty (60) days of successfully completing all of the
20 requirements for transfer under this subsection, the member shall
21 pay the receiving system any amount due under this subsection. In
22 the event that the member is unable to pay the transfer fee provided
23 for in this subsection by the due date, the Board of Trustees of the
24 receiving system shall permit the member to amortize the transfer

1 fee over a period not to exceed sixty (60) months. Said payments
2 shall be made by payroll deductions unless the Board of Trustees
3 permits an alternate payment source. The amortization shall include
4 interest in an amount not to exceed the actuarially assumed interest
5 rate adopted by the Board of Trustees for investment earnings each
6 year. Any member who ceases to make payment, terminates, retires or
7 dies before completing the payments provided for in this section
8 shall receive prorated service credit for only those payments made,
9 unless the unpaid balance is paid by said member, his or her estate
10 or successor in interest within six (6) months after said member's
11 death, termination of employment or retirement, provided no
12 retirement benefits shall be payable until the unpaid balance is
13 paid, unless said member or beneficiary affirmatively waives the
14 additional six-month period in which to pay the unpaid balance.

15 4. Years of service transferred pursuant to this subsection
16 shall be used both in determining the member's retirement benefit
17 and in determining the years of service for retirement and/or
18 vesting purposes. Years of service rendered as a member of the
19 Teachers' Retirement System of Oklahoma prior to July 1, 1992, if
20 any, shall be deemed to be years of service rendered as a member of
21 the Oklahoma Public Employees Retirement System prior to July 1,
22 1992, and shall qualify such person as a member of the Oklahoma
23 Public Employees Retirement System before July 1, 1992.

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1 5. Notwithstanding the requirements of Section 17-104 of Title
2 70 of the Oklahoma Statutes, members electing to take advantage of
3 the transfer authorized by this subsection who have withdrawn their
4 contributions from the sending system shall remit to the sending
5 system the amount of the accumulated contributions the member has
6 withdrawn plus simple interest of ten percent (10%) per annum prior
7 to making said election or the election shall be deemed invalid and
8 the transfer shall be canceled. If such an election is deemed
9 invalid and the transfer is canceled, the accumulated contribution
10 remitted to the sending system by the member who originally withdrew
11 their contributions shall be returned to the member. The member's
12 rights and obligations regarding any service credit reestablished in
13 the sending system due to a failure to satisfy the requirements of
14 this subsection shall be determined by the sending system in
15 accordance with Section 17-101 et seq. of Title 70 of the Oklahoma
16 Statutes.

17 6. If any member fails for any reason to satisfy the
18 requirements of this subsection, the election to transfer retirement
19 credit shall be void and of no effect, and any retirement credited
20 as a result of this transfer shall be canceled. If such retirement
21 credit is canceled, the years of canceled retirement credit which
22 were unsuccessfully transferred to the receiving system from the
23 sending system shall be reestablished in the sending system. The
24 member's rights and obligations regarding any retirement credit

1 reestablished in the sending system due to a failure to satisfy the
2 requirements of this subsection shall be determined by the sending
3 system in accordance with Section 17-101 et seq. of Title 70 of the
4 Oklahoma Statutes.

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

7 H. 1. A member of the Teachers' Retirement System of Oklahoma
8 whose last service with the Teachers' Retirement System of Oklahoma
9 was with an entity or institution within The Oklahoma State System
10 of Higher Education, State Board of Education, State Board of Career
11 and Technology Education, Oklahoma Department of Career and
12 Technology Education, Oklahoma School of Science and Mathematics,
13 Oklahoma Center for the Advancement of Science and Technology, State
14 Department of Rehabilitation Services, Oklahoma State Regents for
15 Higher Education, Department of Corrections, State Department of
16 Education, Oklahoma Board of Private Vocational Schools, Board of
17 Regents of Oklahoma Colleges, Oklahoma Student Loan Authority, or
18 the Teachers' Retirement System of Oklahoma, may elect to receive
19 credit for those years of service accumulated by the member in the
20 Teachers' Retirement System of Oklahoma, pursuant to this
21 subsection. A member shall be eligible to elect to transfer credit
22 for such years of service from the Teachers' Retirement System of
23 Oklahoma to the Oklahoma Public Employees Retirement System if:

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- 1 a. the member is an active member of the Oklahoma Public
2 Employees Retirement System,
- 3 b. the member provides notice to the Teachers' Retirement
4 System of Oklahoma and the Oklahoma Public Employees
5 Retirement System of the member's election to transfer
6 such retirement credit. The notice shall include a
7 list of the years to be transferred, and
- 8 c. the member is not receiving or eligible to receive
9 retirement credit or benefits from such service in any
10 other public retirement system, notwithstanding the
11 years of service sought to be transferred under this
12 subsection.

13 Members electing to take advantage of the transfer authorized by
14 this subsection shall have all service credit with the Teachers'
15 Retirement System of Oklahoma canceled which is transferred to the
16 Oklahoma Public Employees Retirement System.

17 2. For purposes of this subsection, the "sending system" shall
18 mean the Teachers' Retirement System of Oklahoma. The "receiving
19 system" shall mean the Oklahoma Public Employees Retirement System.
20 Within thirty (30) days after notification of an intent to transfer
21 is received by the sending system, the sending system shall,
22 according to its own rules, send to the receiving system all
23 employer and employee contributions made on behalf of the member
24 which were made to the sending system plus an additional amount of

1 earnings based on the actuarial assumed rate of the sending system.
2 Upon receipt of these contributions by the receiving system, the
3 receiving system shall give credit to the transferring member in an
4 amount equal to the years of service accrued in the sending system.

5 3. If the transferring member's normal retirement date
6 calculation is based upon the sum of the member's age and number of
7 years of credited service totaling eighty (80) in the sending
8 system, then the member shall retain such calculation in the
9 receiving system.

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

12 I. A member of the System in the employment of the Governor,
13 the State Senate or the House of Representatives, on or after July
14 1, 1999, may make an election prior to December 31, 2000, which
15 shall be irrevocable and on a form prescribed for such purpose by
16 the System, to continue participation in the System upon becoming
17 employed by a participating employer of the Teachers' Retirement
18 System of Oklahoma. The Board shall promulgate all rules necessary
19 to implement the provisions of this subsection.

20 SECTION 2. This act shall become effective July 1, 2011.

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

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