

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1388

By: David of the Senate

3 and

4 Cox of the House

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6

7 [Grand River Dam Authority - public lands -
8 emergency]

9

10 AUTHORS: Add the following House Coauthors: Sherrer and Hickman

11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
12 entire bill and insert

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15 "An Act relating to waters and water rights; amending
16 51 O.S. 2011, Section 6, as last amended by Section
17 1, Chapter 269, O.S.L. 2015 (51 O.S. Supp. 2015,
18 Section 6), which relates to officers and deputies
19 holding other offices; modifying certain exemption;
20 deleting certain exemption; amending 82 O.S. 2011,
21 Section 862, as amended by Section 1, Chapter 217,
22 O.S.L. 2012 (82 O.S. Supp. 2015, Section 862), which
23 relates to the powers and duties of the Grand River
24 Dam Authority; updating statutory outline; stating
dual office holding exemption for certain employees;
amending 82 O.S. 2011, Section 875, which relates to
the rights of the public to use of lands and lakes;
changing references from district to Grand River Dam
Authority; authorizing the Grand River Dam Authority
to prescribe reasonable fees for certain uses of
public lands; updating statutory language;
terminating the Scenic Rivers Commission on certain
date; transferring rights, authorities, functions,
duties, assets, debts, property and employees of the
Scenic Rivers Commission to the Grand River Dam

1 Authority on certain date; providing for certain
2 monies to be transferred; providing for transfer of
3 personnel; providing for retention of certain
4 benefits; requiring application of certain credit
5 and coordination; terminating operation of the
6 Scenic Rivers Commission by certain date;
7 authorizing reappointment of members to advisory
8 board to the Authority; allowing certain employees
9 to retain badge and firearm; authorizing the
10 Authority to implement certain annual fees for use
11 of flotation devices on certain waters; exempting
12 certain landowners; authorizing the Authority to
13 promulgate rules to establish an online payment
14 process; authorizing the Authority to promulgate
15 certain rules; providing for the transfer and
16 termination of certain rules; establishing certain
17 powers and duties of the Authority; listing powers
18 and duties; amending 82 O.S. 2011, Sections 1451,
19 1452, 1453, 1454, 1455, 1456, 1457, 1460, 1464,
20 1465, 1466, 1467 and 1470, which relate to the
21 Scenic Rivers Act; updating statutory citations;
22 modifying designation of scenic rivers; changing
23 description of designated scenic rivers; deleting
24 certain definition; providing definition of scenic
rivers; modifying legislative intent; deleting
recognition for preserving scenic rivers;
transferring certain duties to the Authority;
deleting recognition of the threat of littering;
deleting complaint process; deleting penalty for
littering; expanding prohibition to use certain
containers; making throwing or depositing trash on
or near a scenic river subject to certain penalty;
modifying recognition of certain property rights;
updating statutory language; transferring duties
relating to pollution prevention; deleting obsolete
language; changing certain list of permitted or
registered water pollution sources; deleting certain
annual progress report requirements; modifying
responsibilities for evaluating phosphorus pollution
sources; modifying authority of the Authority to
reduce pollution from certain sources; changing
authority for promulgating certain rules; changing
reference for exemption for certain practices;
changing jurisdiction for certain cities, towns and
counties; authorizing the Authority to issue a
Notice of Violation to certain operations;
authorizing the Authority to issue an order

1 assessing an administrative penalty under certain
2 circumstances; setting amount of penalty; providing
3 for administrative hearing; transferring authority
4 to establish certain fees and penalties to the
5 Authority; making certain fees effective until
6 certain action; prohibiting commercial flotation
7 devices on certain rivers; allowing the Authority to
8 promulgate rules replacing or changing certain
9 licenses and fees; deleting certain authorization
10 for the administrator; modifying certain definition;
11 amending 74 O.S. 2011, Sections 902, as last amended
12 by Section 28, Chapter 1, O.S.L. 2014, 915, as
13 amended by Section 3, Chapter 159, O.S.L. 2013 and
14 919.1 (74 O.S. Supp. 2015, Sections 902 and 915),
15 which relate to the Oklahoma Public Employees
16 Retirement System; modifying definitions; providing
17 for employee benefits and contributions for certain
18 public safety officers; amending 47 O.S. 2011,
19 Section 2-315, which relates to retirement
20 elections; providing for election for participation
21 in the Oklahoma Law Enforcement Retirement System
22 for certain individuals; repealing 82 O.S. 2011,
23 Sections 1458, 1461, as amended by Section 1,
24 Chapter 348, O.S.L. 2013, 1462, 1462A, as amended by
Section 1068, Chapter 304, O.S.L. 2012, 1462B, as
amended by Section 1069, Chapter 304, O.S.L. 2012,
1462C, as amended by Section 1070, Chapter 304,
O.S.L. 2012, 1463, 1468, 1469 and 1471 (82 O.S.
Supp. 2015, Sections 1461, 1462A, 1462B and 1462C),
which relate to the Scenic Rivers Act; providing for
codification; providing for recodification;
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 51 O.S. 2011, Section 6, as last
amended by Section 1, Chapter 269, O.S.L. 2015 (51 O.S. Supp. 2015,
Section 6), is amended to read as follows:

1 Section 6. A. Except as may be otherwise provided, no person
2 holding an office under the laws of the state and no deputy of any
3 officer so holding any office shall, during the person's term of
4 office, hold any other office or be the deputy of any officer
5 holding any office, under the laws of the state. The provisions of
6 this section shall not apply to:

- 7 1. Notaries public;
- 8 2. Members of the State Textbook Committee;
- 9 3. County free fair board members;
- 10 4. Municipal and county law enforcement officers serving in
11 positions as law enforcement officers of both such governmental
12 entities upon such terms and conditions as are mutually approved by
13 resolutions adopted by the board of county commissioners and
14 governing body of the municipality employing such officers;
- 15 5. Any person holding a county or municipal office or position,
16 or membership on any public trust authority, who is a member of a
17 board or commission that relates to federal, state, county or
18 municipal government and is created by the United States Government,
19 the State of Oklahoma or a political subdivision of the state,
20 except where the duties of the offices or positions conflict;
- 21 6. Any elected municipal officers and school board members who
22 are appointed to a state board, commission, or similar entity if
23 there is no compensation for such services other than reimbursement

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1 for necessary travel expenses pursuant to the provisions of the
2 State Travel Reimbursement Act;

3 7. Any trustee of a public trust, who is appointed as a trustee
4 of a different public trust or any trustee of the Tulsa County
5 Public Facilities Authority who may also be employed by the
6 Department of Transportation;

7 8. Law enforcement officers employed by municipal or county law
8 enforcement departments or agencies, other than those law
9 enforcement officers elected or appointed as sheriff, chief of
10 police or some similar position in which they are the head of a
11 county or municipal law enforcement agency, who are elected to local
12 boards of education; provided, the provisions of this paragraph
13 shall not prohibit any law enforcement officer employed by a
14 municipality having a population of ten thousand (10,000) or fewer
15 people from serving as a member of a local board of education;

16 9. Any member of the Oklahoma Highway Patrol Division of the
17 Department of Public Safety who is elected to a local board of
18 education;

19 10. Any District Supervisor, Assistant District Supervisor,
20 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
21 Department of Corrections who is elected or appointed to a city
22 council;

1 11. Any trustee or director of a rural electric cooperative, or
2 port authority who is appointed or elected to a state, county or
3 municipal board, commission or similar entity;

4 12. County employees who are elected as members of town or city
5 councils;

6 13. Municipal, county, state or tribal law enforcement or peace
7 officers operating under cross-deputization agreements with an
8 Indian tribe or branch of the federal government;

9 14. Municipal or county law enforcement or peace officers
10 serving in positions as campus police officers or campus public
11 safety officers pursuant to the provisions of the Oklahoma Campus
12 Security Act, upon such terms and conditions as are mutually
13 approved by resolution adopted by the governing body of the
14 municipality or county and the governing board of the institution of
15 higher education;

16 15. State law enforcement or peace officers serving in
17 positions as campus police officers or campus public safety officers
18 pursuant to the provisions of the Oklahoma Campus Security Act, upon
19 such terms and conditions as are mutually approved by written
20 agreement between the Commissioner of Public Safety and the
21 governing board of the institution of higher education;

22 16. Municipal ~~and~~, county and state law enforcement officers
23 serving in positions as part-time or seasonal rangers or peace
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1 officers under the Oklahoma Tourism and Recreation Department or the
2 ~~Oklahoma Scenic Rivers Commission~~ Grand River Dam Authority;

3 17. ~~The Administrator of a Scenic Rivers Commission serving in~~
4 ~~the position of a park ranger under the Oklahoma Tourism and~~
5 ~~Recreation Department~~;

6 ~~18.~~ Members of the University Hospitals Authority;

7 ~~19.~~ 18. Any person holding a state office or position who is a
8 reserve force deputy sheriff, or a reserve special agent with the
9 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a
10 reserve municipal police officer;

11 ~~20.~~ 19. Any person holding a state office or position who
12 serves as a special assistant district attorney without
13 compensation;

14 ~~21.~~ 20. Any elected or appointed member of a local school board
15 who is a member of a municipal planning commission;

16 ~~22.~~ 21. Any elected or appointed member of a local school board
17 who is a member or an officer of a volunteer fire department;

18 ~~23.~~ 22. Directors or officers of a rural water district and
19 chiefs of municipal fire departments or rural fire districts who are
20 appointed or elected to an unsalaried office in a state, county,
21 municipal, school, or technology center school board, commission, or
22 similar entity, except where the duties of the office would create a
23 conflict of interest;

1 ~~24.~~ 23. Any person who is a dispatcher or confinement officer
2 at a municipal or county jail who is a noncompensated reserve
3 municipal police officer or a reserve deputy sheriff;

4 ~~25.~~ 24. Any person who is an assistant district attorney
5 serving as a municipal judge or prosecutor;

6 ~~26.~~ 25. Any park ranger under the Oklahoma Tourism and
7 Recreation Department or any game warden or reserve game warden
8 employed by the Department of Wildlife Conservation who is elected
9 or appointed to a local board of education or to a municipal
10 governing body, board, commission or similar entity;

11 ~~27.~~ 26. Members of the Oklahoma State University Medical Center
12 Authority, the Oklahoma State University Medical Trust or the State
13 Board of Osteopathic Examiners;

14 ~~28.~~ 27. Any member of the state Legislature or any state
15 officer who serves on the board of trustees of the Oklahoma School
16 for the Visual and Performing Arts; and

17 ~~29.~~ 28. Members of the Council on Judicial Complaints.

18 The provisions of this section shall not prohibit any person
19 holding an office under the laws of the state or any deputy of any
20 officer so holding any office from serving upon the board of
21 Oklahoma Futures or upon the board of directors of the Oklahoma
22 Center for the Advancement of Science and Technology. The
23 provisions of this section shall not prohibit a member of the board
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1 of directors of the Oklahoma Center for the Advancement of Science
2 and Technology from serving upon the board of Oklahoma Futures.

3 B. Any salaries, emoluments or benefits that would otherwise be
4 paid by the agency or political subdivision to a loaned employee or
5 officer shall instead be paid to the regular employer of such
6 employee. The loaned employee shall in turn be paid regular salary
7 and benefits the same as if continuing regular employment with the
8 permanent employer.

9 SECTION 2. AMENDATORY 82 O.S. 2011, Section 862, as
10 amended by Section 1, Chapter 217, O.S.L. 2012 (82 O.S. Supp. 2015,
11 Section 862), is amended to read as follows:

12 Section 862. The district shall have and is hereby authorized
13 to exercise the following powers, rights and privileges:

14 ~~(a)~~ 1. To control, store and preserve, within the boundaries of
15 the district, the waters of Grand River and its tributaries, for any
16 useful purpose, and to use, distribute and sell the same within the
17 boundaries of the district; provided, however, that any municipal
18 corporation within the area included within the jurisdiction of the
19 Grand River Dam Authority shall be entitled to take water from the
20 Grand River and any of its tributaries in any quantities that may be
21 needed by such municipal corporation;

22 ~~(b)~~ 2. To develop and generate water power, electric power and
23 electric energy, from whatever source, within the boundaries of the
24 district; to acquire coal or other minerals to be used for the

1 purposes of providing energy sources for electrical generating
2 plants; to acquire or lease any and all railroad connections,
3 equipment, rolling stock, trackage and otherwise, necessary to the
4 transporting of coal and other minerals to generating plant sites
5 within the district; and to buy, sell, resell, interchange and
6 distribute electric power and energy in order to carry forward the
7 business and functions of the district now or hereafter authorized
8 by law and may enter into contracts for such purposes, such
9 contracts to run for a period of not to exceed fifty (50) years
10 except those contracts provided for in paragraphs ~~(f)~~ 6 and ~~(g)~~ 7 of
11 this section. All contracts may contain such reasonable provisions,
12 limitations, qualifications, protective clauses and rights and
13 obligations of purchase and sale, and such provisions for the
14 dedication of the use of facilities and the construction of
15 additional facilities to serve the load requirements of all the
16 parties as may be deemed advisable by the district to safeguard the
17 business and properties of all the parties to such contracts, all
18 within the limits of sound business judgment and practice, good
19 conscience, and not contrary to the public policy of the state. The
20 district is further authorized to participate in the Southwest Power
21 Pool Integrated Marketplace or any other program established by a
22 Federal Energy Regulatory Commission authorized Regional
23 Transmission Organization in which the district is a member and to
24 engage in the buying and selling of electricity products, fuel

1 commodities, and financial instruments as deemed necessary and
2 prudent by the district and specifically excludes any expansion of
3 retail activities of the district. The Board of Directors shall
4 adopt a hedging policy to enable the district to take advantage of
5 standard market products to reduce risk while preventing speculative
6 trading and potential abuses;

7 ~~(e)~~ 3. To prevent or aid in the prevention of damage to person
8 or property from the waters of the Grand River and its tributaries;

9 ~~(d)~~ 4. To forest and reforest and to aid in the foresting and
10 reforesting of the watershed area of the Grand River and its
11 tributaries and to prevent and to aid in the prevention of soil
12 erosion and floods within the watershed area;

13 ~~(e)~~ 5. To acquire by purchase, lease, gift, or in any other
14 manner, and to maintain, use and operate or to contract for the
15 maintenance, use and operation of any and all property of any kind,
16 real, personal, or mixed, or any interest therein, including trucks
17 of any size or weight and passenger vehicles and to own, construct,
18 operate and maintain any project or works in conjunction or jointly
19 with, as tenants in common, any public or private corporation duly
20 authorized and qualified to do business within this state including,
21 but not limited to, rural electric cooperatives of the State of
22 Oklahoma or the United States of America, or any department,
23 subdivision or agency of the State of Oklahoma or the United States
24 of America, or with any "public agency" as defined under the

1 Interlocal Cooperation Act, within or without the boundaries of the
2 district, necessary, incidental or convenient to the exercise of the
3 powers, rights, privileges and functions conferred upon it by the
4 Grand River Dam Authority Act;

5 ~~(f)~~ 6. In addition to any other powers conferred, the district
6 shall have power and authority to participate and enter into
7 agreements with any public or private corporation duly authorized
8 and qualified to do business within the State of Oklahoma including,
9 but not limited to, rural electric cooperatives, the state or the
10 United States of America or any department, subdivision or agency of
11 the state or the United States of America, or with any "public
12 agency" as defined under the Interlocal Cooperation Act, for the
13 purpose of planning, acquiring, financing, owning, operating and
14 maintaining an undivided ownership of any steam, oil, gas, coal-
15 fired, thermal, geothermal, solar, waste or refuse reclamation
16 powered electric generating plant or plants or any facilities of
17 every kind necessary, incidental or convenient for the production,
18 generation and transmission of electric power and energy including,
19 but not limited to, any and all related transmission facilities,
20 which shall be used as common facilities. The agreements shall
21 provide that the district and any participants therein shall have
22 the incidents of tenant in common to any plant or facility. It
23 shall also be provided in the agreements that the district and any
24 participant in the project shall own a percentage of any common

1 facility equal to the percentage of the money furnished or the value
2 of property supplied by it for the acquisition and construction
3 thereof and shall own and control a like percentage of the
4 electrical output thereof.

5 Each participant shall defray its own interest payments and
6 other payments required to be made or deposited in connection with
7 any financing undertaken by it to pay its percentage of the money
8 furnished or value of property supplied by it for the planning,
9 acquisition and construction of any common facility, or any
10 additions or betterments thereto. The agreement shall further
11 provide a uniform method of determining and allocating operation and
12 maintenance expenses of the common facility.

13 In carrying out the powers granted in this section, the district
14 and each participant shall be severally liable only for its own acts
15 and not jointly or severally liable for the acts, omissions or
16 obligations of others. No money or property supplied by the
17 district or any participant for the planning, financing, acquiring,
18 constructing, operating or maintaining of any common plant or
19 facility shall be credited or otherwise applied to the account of
20 any other participant therein, nor shall the undivided share of the
21 district or any participant therein be charged, directly or
22 indirectly, with any debt or obligation of any other participant or
23 be subject to any lien as a result thereof. No action in connection
24 with a common facility shall be binding upon the district except as

1 expressly authorized and provided for in the participation
2 agreement;

3 ~~(g)~~ 7. In addition to the powers conferred in paragraph ~~(f)~~ 6
4 of this section, the district shall have power and authority to
5 participate and enter into agreements with any public or private
6 corporation duly authorized and qualified to do business within this
7 state including, but not limited to, rural electric cooperatives,
8 the State of Oklahoma or the United States of America or any
9 department, subdivision or agency of the State of Oklahoma or the
10 United States of America, or with any "public agency" as defined
11 under the Interlocal Cooperation Act, for the purpose of planning,
12 acquiring, financing, owning, operating and maintaining undivided
13 ownership interests in any steam, oil, gas, coal-fired, thermal,
14 geothermal, solar, waste or refuse reclamation powered electric
15 generating plant or plants or any other facilities of every kind
16 necessary, incidental or convenient for the production, generation
17 and transmission of electric power and energy including, but not
18 limited to, any and all related transmission or other facilities
19 which are to be used as common facilities and to cooperate with
20 other state agencies and public trusts to promote economic
21 development in the state and to assist in attracting industry to the
22 state. Such undivided ownership interests may be created by an
23 agreement entered into with respect to property to be acquired by
24 the district. Any such agreement may be a sale agreement, with the

1 purchase price payable at one time or in installments at such time
2 and over such period as shall be agreed to by the parties thereto, a
3 lease agreement, with a nominal purchase option, or any other type
4 of agreement. In addition to the purchase price, the district shall
5 be fully indemnified as to operation, maintenance, administrative
6 and other expenses incurred with respect to such undivided interest.
7 Any payment received in respect to any such agreement shall be
8 deemed revenues of the Authority. The district is hereby authorized
9 to enter into any such agreement in order to sell, lease or
10 otherwise convey undivided ownership interests in any such property.
11 Any such agreement shall specify the undivided interest to be owned
12 or acquired by each of the participants, provide for a waiver of
13 partition, prescribe the time of vesting of such interest and the
14 amount of electrical output to be owned and controlled by any
15 participant.

16 Each participant shall defray its own interest and other
17 payments required to be made or deposited in connection with any
18 financing undertaken by it to pay its percentage of the money
19 furnished or value of property supplied by it for the planning,
20 acquisition and construction of any common facility, or any
21 additions or betterments thereto. The agreement shall provide a
22 uniform method of determining and allocating operation and
23 maintenance expenses of the common facility.

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1 In carrying out the powers granted in this section, the district
2 and each participant shall be severally liable only for its own acts
3 and not jointly or severally liable for the acts, omissions or
4 obligations of others. No money or property supplied by the
5 district or any participant for the planning, financing, acquiring,
6 constructing, operating or maintaining of any common plant or
7 facility shall be credited or otherwise applied to the account of
8 any other participant therein, nor shall the undivided share of the
9 district or any participant therein be charged, directly or
10 indirectly, with any debt or obligation of any other participant or
11 be subject to any lien as a result thereof. No action in connection
12 with a common facility shall be binding upon the district except as
13 expressly authorized and provided for in the participation
14 agreement;

15 ~~(h)~~ 8. To acquire by condemnation any and all property of any
16 kind, real, personal, or mixed, or any interest therein, within or
17 without the boundaries of the district, necessary, incidental or
18 convenient to the exercise of the powers, rights, privileges and
19 functions conferred upon it by the Grand River Dam Authority Act, in
20 the manner provided by general law with respect to condemnation;
21 provided that nothing in the Grand River Dam Authority Act shall
22 ever be construed to authorize the district to acquire by
23 condemnation any privately, municipally or publicly owned electric
24 public utility system or any part thereof outside of the high-water

1 mark of a reservoir area or outside a properly located damsite,
2 except the districts may require the relocation of transmission
3 lines and substations so owned where such relocation is necessary
4 for the construction and maintenance of dams, reservoirs, levees,
5 spillways and floodways, and in such event just compensation shall
6 be paid. Provided that the Grand River Dam Authority shall have the
7 right to cross transmission lines of other electric utility
8 companies under proper engineering standards of construction as
9 approved by the Corporation Commission;

10 ~~(i)~~ 9. Subject to the provisions of the Grand River Dam
11 Authority Act, from time to time sell, which shall include, but not
12 be limited to, an installment sale agreement, lease with nominal
13 purchase options, or otherwise dispose of any property of any kind,
14 real, personal or mixed, or any interest therein, which shall not be
15 necessary to the carrying on of the business of the district;

16 ~~(j)~~ 10. To overflow and inundate any public lands and public
17 property and to require the relocation of roads and highways in the
18 manner and to the extent necessary to carry out the purposes of the
19 Grand River Dam Authority Act; provided, that the district shall be
20 liable in damages to the State of Oklahoma or any subdivision
21 thereof for any injury occasioned or expense incurred by reason
22 thereof;

23 ~~(k)~~ 11. To construct, extend, improve, maintain and
24 reconstruct, to cause to be constructed, extended, improved,

1 maintained and reconstructed, and to use and operate any and all
2 facilities of any kind necessary, incidental or convenient to the
3 exercise of such powers, rights, privileges and functions;

4 ~~(l)~~ 12. To sue and be sued in its corporate name in contracts,
5 reverse condemnation, tort, equity, mandamus and similar actions and
6 in its own name plead and be impleaded, provided, however, that any
7 and all actions of law or in an equity against the district shall be
8 brought in the county in which the principal office of the district
9 shall be located or in the county where the cause of action arose;

10 ~~(m)~~ 13. To adopt, use and alter a corporate seal;

11 ~~(n)~~ 14. To make bylaws for the management and regulation of its
12 affairs;

13 ~~(o)~~ 15. To appoint officers, agents and employees, to prescribe
14 their duties and to fix their compensation; and enter into contracts
15 with labor unions, provided, that contracts with labor unions shall
16 not abrogate the rights of the district to cooperate and carry out
17 Veterans on the Job Training;

18 ~~(p)~~ 16. To make contracts and to execute instruments necessary,
19 incidental or convenient to the exercise of the powers, rights,
20 privileges and functions conferred upon it by the Grand River Dam
21 Authority Act;

22 ~~(q)~~ 17. To borrow money for its corporate purposes and, without
23 limitation of the generality of the foregoing, to borrow money and
24 accept grants from the United States of America, or from any

1 corporation or agency created or designated by the United States of
2 America, and, in connection with any such loan or grant, to enter
3 into such agreements as the United States of America or such
4 corporation or agency may require; and to make and issue its
5 negotiable bonds for money borrowed, in the manner provided in the
6 Grand River Dam Authority Act. Nothing in the Grand River Dam
7 Authority Act shall authorize the issuance of any bonds, notes or
8 other evidences of indebtedness of the district, except as
9 specifically provided in the Grand River Dam Authority Act;

10 ~~(r)~~ 18. To prescribe and enforce rules for the use for
11 recreational and commercial purposes of the lakes created by the
12 district by impounding the waters of the lakes, and the shorelands
13 of the district bordering thereon, including the use of firearms,
14 the inspection of all boats of every character proposing to operate
15 or operating on the lakes, the issuance of permits for the operation
16 of boats, surfboards, aquaplanes, sea-skis or similar devices on the
17 lakes for hire; the charging and collection of fees for the
18 inspection or operation of such boats, surfboards, aquaplanes, sea-
19 skis or other similar devices on the lakes for hire; preventing the
20 launching or operation of any commercial or for-hire boat,
21 surfboard, aquaplane, sea-ski or similar device for hire, on the
22 waters of the lakes, without a certificate of inspection and a
23 permit for such use; prescribing the type, style, location and
24 equipment of all wharves, docks and anchorages along the shores and

1 upon the water of the lakes; the issuance of permits for wharfage,
2 dock or anchorage privileges and charging fees for such commercial
3 or private permits; and the establishment and maintenance of public
4 wharves, docks or anchorages and the charging and collection of fees
5 for the use thereof by the public; to appoint or employ such persons
6 as the district may deem proper and suitable for the purpose of
7 enforcing such rules and regulations as may be issued hereunder, or
8 as may be issued pursuant to the provisions of the Oklahoma Boating
9 Safety Regulation Act, and for the enforcing of the provisions of
10 the Grand River Dam Authority Act, and all violations of criminal
11 laws occurring within the boundaries of the counties where real
12 property owned or leased by the Grand River Dam Authority is
13 located, which employees shall have the power of peace officers
14 during the performance of those duties, except in the serving or
15 execution of civil process.

16 Any municipal, county or state law enforcement officer employed
17 by the Grand River Dam Authority to serve as a part-time or seasonal
18 commissioned peace officer shall be exempt from the restrictions on
19 dual office holding as provided for in paragraph 16 of subsection A
20 of Section 6 of Title 51 of the Oklahoma Statutes;

21 ~~(s)~~ 19. To do any and all other acts or things necessary,
22 incidental or convenient to the exercise of the powers, rights,
23 privileges or functions conferred upon it by the Grand River Dam
24 Authority Act or any other act or law. Provided the district shall

1 be liable for damage caused by the district, its agents, servants
2 and employees in creating, constructing, maintaining or operating
3 the district to any corporation, partnership, person or individual
4 whose property, either real or personal, within or without said
5 district, has been damaged and the damages may be determined by
6 appropriate action as provided by law. Nothing in the Grand River
7 Dam Authority Act shall be construed as rendering the district
8 liable for damage where it is not liable on general principles of
9 law or statute or Constitutional provision.

10 Provided, however, that in the course of exercising its powers
11 as herein enumerated, the district shall at all times consider the
12 rights and needs of the people living within and upon the land lying
13 within the watershed of the rivers or streams developed by the
14 district; provided, however, that nothing herein shall prevent the
15 district from selling for irrigation purposes within the boundaries
16 of the district any water impounded by it under authority of law,
17 provided that nothing herein contained shall authorize the state to
18 engage in agriculture except for educational and scientific purposes
19 and for the support of its penal, charitable, and educational
20 institutions; ~~and~~

21 ~~(t)~~ 20. To support and assist the efforts of state, regional
22 and local development organizations, political subdivisions,
23 industrial committees, chambers of commerce, tourism organizations,
24 agricultural organizations, environmental organizations and other

1 similar public and private agencies to obtain new and foster
 2 expansion of existing service, industrial and manufacturing
 3 facilities, businesses and enterprises to enhance the quality of
 4 life for the citizens of the district and the state. Provided,
 5 support and assistance shall be limited to an amount not to exceed a
 6 total of Twenty-five Thousand Dollars (\$25,000.00) per year for one
 7 or more projects or efforts that are for the benefit of or impact
 8 the quality of life for each city or community located within the
 9 boundaries of the district;and

10 ~~(u)~~ 21. Notwithstanding any other provision of law, the General
 11 Manager, department heads and other essential employees of the
 12 district, as designated by the General Manager, may be permitted to
 13 use a district owned vehicle to provide transportation between the
 14 employee's residence and the assigned place of employment and
 15 between the residence and any location other than the assigned place
 16 of employment to which the employee travels in the performance of
 17 the employee's official duty.

18 SECTION 3. AMENDATORY 82 O.S. 2011, Section 875, is
 19 amended to read as follows:

20 Section 875. A. ~~The district~~ Except as may be provided in this
 21 subsection, the Grand River Dam Authority shall not prevent free
 22 public use of its lands and lakes for recreation purposes and for
 23 hunting and fishing, except at such points where, in the opinion of
 24 the ~~directors~~ Board of Directors, such use would be dangerous or

1 would interfere with the proper conduct of its business, ~~but~~. The
2 Authority may, in the interest of public health and safety, make
3 reasonable regulations governing such use and, in the interest of
4 defraying costs associated with the maintenance and policing of
5 public lands administered by the Authority, prescribe reasonable
6 fees for camping and the use of Authority facilities and for the use
7 of off-road and all-terrain vehicles on Authority lands.

8 B. All existing public rights-of-way to the areas to be flooded
9 by the impounded waters shall remain open as a way of free public
10 passage to and from the lakes created, and no charge shall ever be
11 made to the public for right to engage in hunting, fishing, boating
12 or swimming in ~~said~~ the lakes, and no charges shall ever be made for
13 a permit to operate or use or for the inspection of boats and
14 equipment, except that the Authority may prescribe an annual fee for
15 the issuance or renewal of a permit for a private anchorage, wharf,
16 dock or boathouse. Such fee shall be used to defray the expenses of
17 operating and equipping the Authority's Lake Patrol. The public
18 shall have free use of and access to the waters of the lakes for
19 private use, and shall have the right to anchorage, wharf, dock,
20 ~~boatdock~~ boat dock, houseboat and landing privileges free of charge
21 when used for private boating, but such anchorage, wharf, dock,
22 ~~boatdock~~ boat dock, houseboat and landing privileges shall only be
23 allowed after a permit therefor has been issued. Provided that no
24 permit for any anchorage, wharf, dock, ~~boatdock~~ boat dock, houseboat

1 and landing privileges shall be issued which would deprive the owner
2 of land adjacent to the shoreland or lake front or abutting thereon
3 of any anchorage, wharf, dock, ~~boat dock~~ boat dock, houseboat and
4 landing privileges. The ~~district~~ Authority may designate areas
5 closed to such use, where in its opinion such use would interfere
6 with the health or safety of the public, or with the proper conduct
7 of the business of the ~~district~~ Authority. The ~~district~~ Authority
8 shall prescribe suitable rules for the use of firearms on its lands
9 and lakes and suitable rules and regulations and rules of travel, in
10 the interest of public safety, for the use of the waters of the
11 lakes. ~~The rules and regulations and the rules of travel of boats~~
12 ~~used on or plying the waters of the lakes shall be in keeping with~~
13 ~~the rules and regulations of the United States Bureau of Navigation~~
14 ~~for inland waters.~~

15 C. The ~~district~~ Authority shall prescribe, in the interest of
16 public safety, suitable rules and regulations governing the keeping
17 for hire or operations of a boat or boats, surfboards, aquaplanes,
18 sea-skis or similar devices for pecuniary profit or gain on the
19 waters of the lakes. The keeping for hire or operation of a boat or
20 boats, surfboards, aquaplanes, sea-skis or similar devices, for
21 pecuniary profit or gain, on the waters of the lake, shall only be
22 allowed after a permit therefor has been issued by the ~~district~~
23 Authority. Applications for such permits are to be in writing, upon
24 a form prescribed and furnished by the ~~district~~ Authority, and

1 containing such information as is required by the ~~district~~
2 Authority. For the issuance of such a permit the ~~district~~ Authority
3 shall charge a fee in an amount as specified by the ~~district~~
4 Authority, and shall have the power to prescribe the size and type
5 of boat or boats allowed to operate under such permit and the
6 equipment necessary to such operation. A permit shall be procured
7 for the construction of wharves, docks, landings and anchorages when
8 constructed for commercial or rental purposes. For the issuance of
9 such a permit the ~~district~~ Authority shall charge a fee in an amount
10 as specified by the ~~district~~ Authority. The ~~district~~ Authority
11 shall prescribe the type, style and location and equipment of
12 wharves, docks, anchorages and landings from which such boats
13 operate and their rules of travel. Issuance of permits is to be
14 deferred and withheld unless and until the applicant therefor has
15 paid the permit fee and procured and deposited with the ~~district~~
16 Authority a good and sufficient bond, either in cash, or by a surety
17 company licensed to do business in this state, or public liability
18 and property damage insurance, written by a company licensed to do
19 business in Oklahoma, in an amount and in such form as the ~~district~~
20 Authority shall specify, so as to assure compensation for injuries
21 to or death of persons, and loss or damage to property for which the
22 holder of such permit may be legally liable. Upon it being called
23 to the attention of the Attorney General of Oklahoma by any citizen
24 of Oklahoma that this section has not been complied with, it shall

1 be the duty of the Attorney General of Oklahoma to institute the
2 proper legal proceedings to require ~~said district~~ the Authority, or
3 its successor, to comply with the provisions of this section.

4 D. The ~~district~~ Authority may acquire, by purchase,
5 condemnation, or otherwise, lands suitable for park purposes or
6 roadways along the shores of ~~said~~ the lakes. After acquiring such
7 lands the ~~Grand River Dam~~ Authority may, but shall not be required
8 to, assign or lease the ~~same~~ lands to the State of Oklahoma for park
9 or road purposes and if such assignment is made the ~~same~~ lands shall
10 be under the supervision and control of the Oklahoma Tourism and
11 Recreation Commission or the ~~Oklahoma~~ Department of Wildlife
12 ~~Commission~~ Conservation, which shall keep ~~said~~ the lands so assigned
13 open to the public ~~without charge~~ so that the public in general may
14 have free access to the lakes.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 896.1 of Title 82, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Effective July 1, 2016, the Scenic Rivers Commission created
19 pursuant to Section 1461 of Title 82 of the Oklahoma Statutes shall
20 be terminated. Effective July 1, 2016, the rights and authorities
21 of the Scenic Rivers Commission shall be transferred to the Grand
22 River Dam Authority. Effective July 1, 2016, all assets, funds,
23 liabilities, allotments, purchase orders, outstanding financial
24 obligations, encumbrances, records, equipment and property of the

1 Scenic Rivers Commission are hereby transferred to and placed under
2 the supervision and control of the Grand River Dam Authority.
3 Monies collected or accruing to the credit of the Scenic Rivers
4 Commission in the State Treasury or under the management of the
5 Office of Management and Enterprise Services pursuant to the
6 provisions of Section 1462A, 1462B or 1462C of Title 82 of the
7 Oklahoma Statutes as of the effective date of this act and after
8 shall be transferred to the Grand River Dam Authority to assist in
9 implementing this act or as otherwise directed to support the
10 activities previously conducted by the Scenic Rivers Commission or
11 the employees of the Commission. Any other monies from
12 appropriations, fees, licenses, fines, penalties or other similar
13 types of monies that accrue in any funds or accounts after the
14 effective date of this act in the name of the Scenic Rivers
15 Commission or maintained for the benefit of the Commission are
16 transferred to the Grand River Dam Authority.

17 B. Personnel employed by the Scenic Rivers Commission on the
18 effective date of this act shall be transferred to the Grand River
19 Dam Authority subject to the following provisions:

20 1. Classified employees transferred shall remain subject to the
21 provisions of the Merit System of Personnel Administration, as
22 provided in the Oklahoma Personnel Act;

23

24

1 2. Unclassified employees transferred shall remain in the
2 unclassified service and shall serve at the pleasure of the Grand
3 River Dam Authority;

4 3. All employees transferred pursuant to this act shall retain
5 leave, sick and annual time earned and any retirement and longevity
6 benefits which have accrued during their employment with the state.
7 The salaries of employees who are transferred shall not be reduced
8 as a direct and immediate result of the transfer;

9 4. Should the Grand River Dam Authority implement a reduction
10 in force, all employees transferred pursuant to this act shall be
11 credited for the time they were employed by the Scenic Rivers
12 Commission; and

13 5. The transfer of personnel shall be coordinated with the
14 Office of Management and Enterprise Services.

15 C. The Scenic Rivers Commission shall cease operating as a
16 Commission no later than July 1, 2016. The Grand River Dam
17 Authority Board of Directors may create an advisory board relating
18 to the management of the property and area previously under the
19 authority of the Scenic Rivers Commission with consideration of and
20 adherence to the provisions of the Scenic Rivers Act. Members
21 currently serving on the Commission may be eligible to serve in an
22 advisory capacity if so appointed by the Grand River Dam Authority
23 Board of Directors and may serve for terms as authorized by the
24 Board of Directors of the Authority.

1 D. The Administrator and Chief Ranger of the Scenic Rivers
2 Commission employed by the Commission on the effective date of this
3 act may maintain possession of the badge and assigned firearm issued
4 by the Commission.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 896.2 of Title 82, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Effective January 1, 2017, the Grand River Dam Authority is
9 authorized to set a daily, multiday or annual fee for the use of a
10 commercially or privately owned flotation device to float upon
11 designated scenic rivers. Landowners located immediately adjacent
12 to the designated scenic river shall not be required to pay any fee
13 for private use as authorized by this section or otherwise by law.

14 B. The Grand River Dam Authority is authorized to promulgate
15 rules establishing an online payment system or any other means by
16 which the public may conveniently purchase permits for the operation
17 of a flotation device upon designated scenic river areas as
18 authorized by this section.

19 C. In the interest of public safety, the Grand River Dam
20 Authority is authorized to promulgate rules protecting the natural
21 resources of the scenic rivers, regulating public use areas,
22 establishing use permits for scenic rivers, establishing licensing
23 requirements for commercial float operators and setting fees for the
24

1 issuance of the licenses. The Authority shall be the sole grantor
2 of licenses issued pursuant to the rules.

3 D. With regards to all rights and authorities transferred to
4 the Grand River Dam Authority pursuant to this section and Section 4
5 of this act, all rules of the Scenic Rivers Commission relating to
6 licensing, use permits and protection of natural resources, are
7 hereby transferred to the Grand River Dam Authority to the extent
8 the rules are consistent with state law and rules of the Authority
9 for the purpose of implementing and enforcing the provisions of the
10 Scenic Rivers Act. The rules shall remain in effect only until July
11 1, 2017, at which time the transferred rules will terminate unless
12 earlier superseded by rules promulgated by the Authority.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 896.3 of Title 82, unless there
15 is created a duplication in numbering, reads as follows:

16 For purposes of the Scenic Rivers Act, the Grand River Dam
17 Authority shall have additional powers and duties to:

- 18 1. Prepare, adopt and publish management plans and other
19 documents to guide public and private activities and programs;
- 20 2. Consider and comment on public and private practices and
21 proposed actions that may affect a scenic river;
- 22 3. Recommend standards for local government agencies whose
23 political boundaries include all or part of a scenic river;

1 4. Own and control public access points for scenic rivers, and
 2 purchase easements and fee title to land along the scenic rivers for
 3 public purposes which are to be held by the Authority as an agency
 4 of the State of Oklahoma; and

5 5. Identify public and private nuisances that adversely affect
 6 a scenic river and take lawful action to abate nuisances.

7 SECTION 7. AMENDATORY 82 O.S. 2011, Section 1451, is
 8 amended to read as follows:

9 Section 1451. Sections ~~1452~~ 7 through ~~1471~~ 19 of this ~~title act~~
 10 shall be known and may be cited as the "Scenic Rivers Act".

11 SECTION 8. AMENDATORY 82 O.S. 2011, Section 1452, is
 12 amended to read as follows:

13 Section 1452. ~~A.~~ The Oklahoma Legislature finds that ~~some of~~
 14 ~~the~~ certain free-flowing streams and rivers of Oklahoma possess such
 15 unique natural scenic beauty, water ~~conservation~~, fish, wildlife and
 16 outdoor recreational values of present and future benefit to the
 17 people of the state that it is the policy of the Legislature to
 18 preserve these areas for the benefit of the people of Oklahoma. For
 19 this purpose ~~there~~ the following are hereby designated ~~certain~~
 20 ~~"scenic river areas" to be preserved as a part of Oklahoma's~~
 21 ~~diminishing resource of free-flowing rivers and streams.~~

22 ~~B.~~ The areas of the state designated as ~~"scenic river areas"~~
 23 shall include as scenic rivers:
 24

1 1. ~~The Flint Creek and the Illinois River above the confluence~~
2 ~~of the Barren Fork Creek in Cherokee, Adair and~~ in Delaware Counties
3 County;

4 2. The Illinois River in Adair, Delaware and Cherokee Counties
5 above its confluence with the Barren Fork Creek;

6 3. The Barren Fork Creek in Adair and Cherokee Counties from
7 the present alignment of U.S. Highway 59 West to its confluence with
8 the Illinois River;

9 ~~3.~~ 4. The Upper Mountain Fork River above the 600-foot
10 elevation level of Broken Bow Reservoir in McCurtain and LeFlore
11 Counties;

12 ~~4.~~ 5. ~~Big Lee's Lee Creek, sometimes referred to as Lee Creek,~~
13 ~~located in Sequoyah County, above the 420-foot MSL elevation,~~
14 ~~excluding that portion necessary for a dam to be built in the State~~
15 ~~of Arkansas with a crest elevation of no more than the 420-foot MSL~~
16 ~~elevation. The Oklahoma Water Resources Board shall make such~~
17 ~~classifications, designations or adjustments to Oklahoma's water~~
18 ~~quality standards as required to allow the impoundment of water by~~
19 ~~said dam; and~~

20 ~~5.~~ 6. ~~Little Lee's Lee Creek, sometimes referred to as Little~~
21 ~~Lee Creek, located in Adair and Sequoyah Counties, beginning~~
22 ~~approximately four (4) miles east-southeast of Stilwell, Oklahoma,~~
23 ~~and ending at its conjunction with Big Lee's Creek approximately two~~
24 ~~(2) miles southwest of Short, Oklahoma.~~

1 ~~C. The term "scenic river area" as used in the Scenic Rivers~~
 2 ~~Act is defined as the stream or river and the public use and access~~
 3 ~~areas located within the area designated.~~

4 SECTION 9. AMENDATORY 82 O.S. 2011, Section 1453, is
 5 amended to read as follows:

6 Section 1453. A. ~~Once an area is designated as a "scenic river~~
 7 ~~area", it~~ The term "scenic river" as used in the Scenic Rivers Act
 8 is defined as a stream or river designated pursuant to Section 8 of
 9 this act and the public use and access areas located within or
 10 adjacent to the stream or river.

11 B. It is the intent of the Legislature that:

12 ~~1. The~~ a stream or river ~~in the area~~ designated as a scenic
 13 river shall be preserved in its free-flowing condition, and

14 ~~2. The stream or river~~ shall not be impounded by any large dam
 15 or structure except as specifically authorized by the Legislature.

16 ~~B.~~ C. No agency or official of state government shall authorize
 17 or concur in plans of local, state or federal agencies for the
 18 construction, operation, or maintenance of any dam or related
 19 project in or adjacent to any ~~"scenic river area",~~ without
 20 legislative consent, except as needed by the municipalities located
 21 in the counties or the immediate vicinity of the ~~"scenic river~~
 22 ~~area",~~ for their own municipal or domestic water supply if such uses
 23 and structures will not significantly interfere with the
 24 preservation of the stream as a scenic free-flowing stream.

1 SECTION 10. AMENDATORY 82 O.S. 2011, Section 1454, is
2 amended to read as follows:

3 Section 1454. ~~A. It is recognized by the Legislature that an~~
4 ~~effective program for preserving the scenic beauty of the free-~~
5 ~~flowing streams and rivers designated as "scenic river areas"~~
6 ~~necessarily involves the cooperation and support of the people in~~
7 ~~the operating areas of designated "scenic river areas", as well as~~
8 ~~the people using the "scenic river areas", and the agencies of state~~
9 ~~government administering these areas.~~

10 ~~B. The primary purpose of the Scenic Rivers Act is to encourage~~
11 ~~the preservation of the areas designated as "scenic river areas" in~~
12 ~~their natural scenic state.~~

13 ~~C. In order to assist in the public use and enjoyment of such~~
14 ~~areas, any Scenic Rivers Commission, the scenic rivers, the Grand~~
15 ~~River Dam Authority, the Oklahoma Tourism and Recreation Department~~
16 ~~and the Oklahoma Department of Wildlife Conservation Commission may~~
17 ~~acquire, develop and maintain public access points, easements or~~
18 ~~park areas in or near "scenic ~~river areas~~" rivers. Such~~
19 ~~acquisitions shall be by private treaty only, and the use of the~~
20 ~~power of eminent domain for these purposes is specifically~~
21 ~~prohibited by the Scenic Rivers Act.~~

22 SECTION 11. AMENDATORY 82 O.S. 2011, Section 1455, is
23 amended to read as follows:

24

1 Section 1455. A. ~~It is recognized by the Legislature that~~
2 ~~littering by people using the "scenic river areas" is one of the~~
3 ~~most immediate threats to the scenic beauty of our free-flowing~~
4 ~~streams and surrounding areas.~~

5 ~~B. Any law enforcement, police or peace officer, game wardens~~
6 ~~or any other personnel of the Wildlife Conservation Commission, the~~
7 ~~personnel of the Tourism and Recreation Department, any landowner in~~
8 ~~the area, or any other interested party may file a complaint to~~
9 ~~enforce the provisions of the Scenic Rivers Act.~~

10 ~~C. Any person who deliberately places, throws, drops, deposits~~
11 ~~or discards any garbage, trash, waste, rubbish, refuse, debris or~~
12 ~~other deleterious substance on or near a scenic river area shall be~~
13 ~~subject to the provisions of Section 1761.1 of Title 21 of the~~
14 ~~Oklahoma Statutes.~~

15 ~~D. The use of glass, Styrofoam or any plastic foam containers~~
16 ~~for any purpose shall be prohibited in on any boat, canoe, raft or~~
17 ~~inflatable watercraft in a scenic river area or on the Lower~~
18 ~~Mountain Fork River, south of the Broken Bow Lake Reregulation Dam~~
19 ~~to United States U.S. Highway 70. Any person found in violation of~~
20 ~~this ~~subsection~~ section shall be subject to the provisions of~~
21 ~~Section 1761.1 of Title 21 of the Oklahoma Statutes.~~

22 ~~B. Any person who deliberately places, throws, drops, dumps,~~
23 ~~deposits or discards any garbage, trash, waste, rubbish, refuse,~~
24 ~~debris or other deleterious substance on or near a scenic river~~

1 shall be subject to the provisions of Section 1761.1 of Title 21 of
2 the Oklahoma Statutes.

3 SECTION 12. AMENDATORY 82 O.S. 2011, Section 1456, is
4 amended to read as follows:

5 Section 1456. The property rights of private landowners ~~in and~~
6 ~~around~~ "adjacent to a scenic river areas" are the same as in any
7 other area of the state. The unauthorized use of private property
8 is trespassing and is subject to the penalties provided elsewhere in
9 the statutes for such an offense.

10 SECTION 13. AMENDATORY 82 O.S. 2011, Section 1457, is
11 amended to read as follows:

12 Section 1457. A. The ~~Executive Director of the~~ Department of
13 Environmental Quality, the Corporation Commission, the ~~State~~
14 Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma
15 Water Resources Board, the ~~Oklahoma~~ Department of Wildlife
16 Conservation ~~Commission~~ and the Oklahoma Conservation Commission are
17 hereby given the authority to assist the ~~Scenic Rivers Commission~~
18 Grand River Dam Authority in maintaining and improving water quality
19 and in preventing and eliminating the pollution of waters within a
20 "~~scenic river area~~" rivers.

21 B. 1. The Secretary of Energy and Environment shall coordinate
22 with the appropriate state environmental agencies to create a
23 coordinated watershed restoration and protection strategy for each
24 impaired scenic river in this state. ~~The strategy shall be~~

1 ~~submitted to the Governor, the President Pro Tempore of the Senate~~
2 ~~and the Speaker of the House of Representatives by January 31, 2003.~~

3 2. The coordinated watershed restoration and protection
4 strategy shall identify all permitted or registered water pollution
5 sources and shall include but not be limited to:

- 6 a. an overall pollutant-specific load reduction as
7 identified in a developed total maximum daily load
8 (TMDL), or as otherwise calculated in the absence of a
9 ~~developed total maximum daily load~~ TMDL, to bring each
10 impaired scenic river back into compliance with water
11 quality standards,
- 12 b. pollutant-specific load reduction goals for each state
13 environmental agency to accomplish through its water
14 quality protection programs,
- 15 c. detailed compliance schedules indicating how much of
16 the load reduction goal will be accomplished each year
17 by each state environmental agency,
- 18 d. industry-specific descriptions of how load reduction
19 goals for each state environmental agency will be
20 accomplished,
- 21 e. an outline of innovative, cooperative intrastate and
22 interstate strategies that will be pursued in order to
23 expedite pollutant reductions, in particular where
24 scenic river watersheds cross state lines. Such

1 strategies may include nutrient trading and
2 conservation reserve enhancement program (CREP)
3 initiatives, and

4 f. a list of all permitted or registered water pollution
5 sources subject to the jurisdiction of each state
6 agency within each impaired scenic river watershed.
7 ~~For the permitted or registered water pollution~~
8 ~~sources subject to each state environmental agency's~~
9 ~~jurisdiction, including the following information~~
10 ~~shall be included:~~

- 11 (1) types of operations or organizations regulated,
- 12 (2) list of the registrations or permits issued,
- 13 (3) details on governmental assistance given, and
- 14 (4) details of enforcement actions undertaken.

15 C. 1. ~~The Secretary of Environment shall coordinate with the~~
16 ~~appropriate state environmental agencies to create an annual~~
17 ~~progress report, beginning January 31, 2004, and each year~~
18 ~~thereafter. The progress report shall be submitted to the Governor,~~
19 ~~the President Pro Tempore of the Senate, and the Speaker of the~~
20 ~~House of Representatives.~~

21 2. ~~The annual progress report shall include any revisions and~~
22 ~~updates to the information provided in the original strategy, in~~
23 ~~addition to the following:~~

- 1 ~~a. identification of all actions taken by each state~~
2 ~~environmental agency to reduce pollutant levels in~~
3 ~~each impaired scenic river watershed,~~
- 4 ~~b. identification of the sources of pollutants causing~~
5 ~~impairment or continued degradation of each impaired~~
6 ~~scenic river,~~
- 7 ~~c. outline of further steps to be taken by each state~~
8 ~~environmental agency to reduce pollutants from~~
9 ~~identified sources in order to accomplish pollutant-~~
10 ~~specific load reduction goals,~~
- 11 ~~d. an analysis of the effectiveness of the pollutant~~
12 ~~reduction efforts of each state environmental agency~~
13 ~~based upon data collected by the Oklahoma Water~~
14 ~~Resources Board's Beneficial Use Monitoring Program,~~
15 ~~the Conservation Commission's Small Watershed~~
16 ~~Rotational Monitoring Program and other appropriate~~
17 ~~monitoring data, and~~
- 18 ~~e. recommendations for further administrative, judicial~~
19 ~~or legislative actions necessary to achieve the load~~
20 ~~reduction goals assigned to each impaired scenic river~~
21 ~~watershed and to overcome any identified limitations~~
22 ~~or obstacles.~~

23 ~~D.~~ 1. For those impaired scenic river watersheds where a ~~total~~
24 ~~maximum daily load (TMDL)~~ for phosphorus has been developed, the

1 Department of Environmental Quality shall initially allocate a
2 wasteload for phosphorus for discharges from wastewater treatment
3 facilities which enter the scenic river which is achievable by the
4 best available waste control process.

5 ~~2. The annual report required by subsection C of this section~~
6 ~~shall indicate how the Department has verified that each wastewater~~
7 ~~treatment facility having a discharge has, in fact, implemented~~
8 ~~appropriate waste controls for phosphorus.~~

9 ~~3. If the state's water quality monitoring data demonstrate~~
10 ~~that the water quality standards for phosphorus applicable to a~~
11 ~~watershed remain impaired, and only after all permitted or~~
12 ~~registered water pollution sources have also implemented the best~~
13 ~~available waste control processes for phosphorus to address the~~
14 ~~pollutant or pollutants contributing to the impairment of the~~
15 ~~watershed, the Department shall again evaluate and require regulated~~
16 ~~entities to take additional actions to achieve water quality~~
17 ~~standards for phosphorus~~ The Secretary of Energy and the Environment
18 shall evaluate methods to reduce the contribution of phosphorus to
19 impaired scenic rivers from non-point sources identified by a TMDL.

20 ~~E. D. 1. The Scenic Rivers Commission~~ Grand River Dam
21 Authority shall require all ~~entities~~ commercially operated flotation
22 device operations and campgrounds using scenic rivers for
23 recreational activities, ~~which are licensed by the Commission,~~ to
24 implement a program to control the amount of pollution entering an

1 ~~impaired a scenic river watershed from such~~ that is impaired by
2 recreational activities.

3 2. The ~~Scenic Rivers Commission~~ Grand River Dam Authority shall
4 include in the coordinated watershed restoration and protection
5 strategy, ~~and all subsequent annual reports,~~ an identification of
6 the pollution from recreational activities ~~which are licensed by the~~
7 ~~Commission~~ and those actions taken and planned to reduce the amount
8 of pollution ~~from entering an impaired scenic river watershed.~~

9 ~~F. E.~~ If the Legislature or the Governor finds, ~~based on any of~~
10 ~~the annual reports required by this section,~~ that any of the state
11 environmental agencies have failed to appropriately protect water
12 quality standards in an impaired scenic river watershed, the
13 Governor and the Legislature shall take any and all necessary and
14 appropriate action to ~~require~~ help the agency to meet its ~~mandated~~
15 responsibilities.

16 SECTION 14. AMENDATORY 82 O.S. 2011, Section 1460, is
17 amended to read as follows:

18 Section 1460. The Legislature finds that the protection and
19 development of the ~~state's scenic river areas~~ rivers in the state
20 and adjacent and contiguous lands and quality of outstanding
21 resource waters included within each ~~Commission's operating area~~
22 scenic river should be provided for by properly planned and executed
23 rules promulgated by ~~that Commission respecting~~ the Grand River Dam
24 Authority. The rules promulgated by the Authority with respect to

1 scenic rivers may address public services, land use, occupancy,
2 structures, lot and plot sizes, density of population and other
3 activities as required for the proper protection of the aesthetic,
4 scenic, historic, archeologic and scientific features of the ~~said~~
5 ~~affected areas~~ scenic rivers, or deemed necessary for the protection
6 of the ecosystem and the environment from pollution, despoliation
7 and destruction or waste of natural resources and all other factors
8 adversely affecting the public health, safety and the general
9 welfare so long as the rules comply with the exempt provisions of
10 the Scenic Rivers Act pertaining to farming, ranching, forestry,
11 silviculture and other agricultural uses.

12 SECTION 15. AMENDATORY 82 O.S. 2011, Section 1464, is
13 amended to read as follows:

14 Section 1464. A. Nothing in the Scenic Rivers Act shall be
15 construed to unduly restrict or adversely affect the use of property
16 within ~~the jurisdiction of any Scenic Rivers Commission~~ scenic
17 rivers basin for farming, ranching, forestry, silviculture and other
18 agricultural uses so long as they are not inconsistent with the
19 purposes of the Scenic Rivers Act.

20 B. Present farming, ranching, forestry, silviculture and other
21 agricultural uses and practices, including existing building and
22 replacement structures, are hereby exempt from the provisions of ~~any~~
23 the Scenic Rivers Commission Act.

24

1 C. The Scenic Rivers Act shall not be construed in any way to
2 affect existing rights between a landowner and utility or pipeline
3 companies.

4 SECTION 16. AMENDATORY 82 O.S. 2011, Section 1465, is
5 amended to read as follows:

6 Section 1465. A. All cities and incorporated towns and
7 counties that ~~make up a part of a jurisdiction of a certified Scenic~~
8 ~~Rivers Commission~~ contain all or part of a scenic river within the
9 jurisdictional boundaries of the city, town or county are hereby
10 invested with full power to plan, zone and enact all ordinances and
11 regulations that are necessary and proper to carry out the purposes
12 of the Scenic Rivers Act.

13 B. The cities, incorporated towns and counties shall follow
14 their respective general procedures in the conduct of legislative
15 functions.

16 C. In exercising planning and zoning functions, said cities,
17 incorporated towns and counties shall utilize the organization and
18 procedures available to cities and incorporated towns under the
19 general planning and zoning laws of the state. Provided that, when
20 a county exercises the powers provided by the Scenic Rivers Act, the
21 board of county commissioners of that county shall perform the
22 obligations and exercise the powers in the same manner as a local
23 legislative body or mayor of a city, incorporated town or
24 municipality.

1 SECTION 17. AMENDATORY 82 O.S. 2011, Section 1466, is
2 amended to read as follows:

3 Section 1466. Each county, city, incorporated town or other
4 governmental entity ~~that makes up a part of the operating area of a~~
5 ~~Scenic Rivers Commission~~ which contains all or part of a scenic
6 river within its jurisdictional boundaries is hereby authorized to
7 grant or otherwise provide funds for the operation and
8 administration of the ~~Commission~~ Scenic Rivers Act.

9 SECTION 18. AMENDATORY 82 O.S. 2011, Section 1467, is
10 amended to read as follows:

11 Section 1467. A. Any person who willfully violates any rule or
12 order issued pursuant to the Scenic Rivers Act, except such rules or
13 orders as relate solely to procedural matters, upon conviction
14 thereof, shall be guilty of a misdemeanor.

15 B. In addition to other administrative actions, the Grand River
16 Dam Authority may issue a Notice of Violation to any licensed
17 commercial flotation device operation that is alleged to have
18 violated any rule of the Grand River Dam Authority. The Notice of
19 Violation shall advise the licensed operation of the applicable rule
20 and the facts of the violation and shall set a reasonable period of
21 time for the licensed operation to comply with the rule. After the
22 time to comply has expired, if the licensed operation is found to
23 still be in violation of the same rule, the Authority may issue a
24 proposed order assessing an administrative penalty in an amount of

1 not less than One Hundred Dollars (\$100.00) or more than Five
2 Hundred Dollars (\$500.00). The licensed operation shall have twenty
3 (20) days from receipt of the order to request an administrative
4 hearing. If a hearing is not requested, the proposed order shall
5 become final and the administrative penalty shall become due and
6 payable.

7 SECTION 19. AMENDATORY 82 O.S. 2011, Section 1470, is
8 amended to read as follows:

9 Section 1470. A. 1. ~~The Scenic Rivers Commission for the~~
10 ~~Flint Creek and Illinois River within Adair, Cherokee and Delaware~~
11 ~~Counties and those portions of Barren Fork Creek within Cherokee~~
12 ~~County~~ Until replaced or changed as provided for in subsection C of
13 this section, the Grand River Dam Authority is authorized and
14 directed to charge an annual use fee of Thirty-five Dollars (\$35.00)
15 per commercially owned and operated flotation device on the Illinois
16 River within Adair, Cherokee and Delaware Counties.

17 2. The operation of a commercial flotation device without
18 displaying a proper ~~Oklahoma Scenic Rivers Commission~~ license ~~is~~
19 ~~subject to~~ issued by the Authority shall result in a fine not to
20 exceed One Hundred Dollars (\$100.00). The ~~penalty will~~ fine shall
21 be assessed upon the owner or operator of the commercial flotation
22 device business and not upon the individual renting the commercial
23 flotation device.

24

1 3. Commercial flotation devices shall not be operated on Flint
 2 Creek in Delaware County and those portions of Barren Creek in
 3 Cherokee County.

4 B. ~~The Scenic Rivers Commission for~~ For the Flint Creek and
 5 Illinois River within Adair, Cherokee and Delaware Counties and
 6 those portions of Barren Fork Creek within Cherokee County, the
 7 Authority is authorized and directed to charge until replaced or
 8 changed as provided for in subsection C of this section:

9 1. An annual use fee of Ten Dollars (\$10.00) per noncommercial,
 10 privately owned device; or

11 2. A use fee of One Dollar (\$1.00) per day for all
 12 noncommercial, privately owned flotation devices floating upon
 13 ~~state designated~~ a designated scenic rivers areas located within the
 14 ~~operating area of jurisdiction of the Commission; provided, however,~~
 15 ~~landowners~~ river. Landowners located immediately adjacent to ~~state-~~
 16 ~~designated~~ a designated scenic ~~rivers areas~~ river shall not be
 17 required to pay ~~either~~ any fee for private use as authorized ~~by~~ in
 18 this ~~subsection~~ section or otherwise by law.

19 C. ~~The Scenic Rivers Commission for the Flint Creek and~~
 20 ~~Illinois River within Adair, Cherokee and Delaware Counties and~~
 21 ~~those portions of Barren Fork Creek within Cherokee County Scenic~~
 22 ~~River Areas shall~~ Under the provisions of Section 5 of this act
 23 granting the Authority the power to establish licenses and set fees,
 24 the Authority may promulgate rules and regulations for the

1 collection and administration of the fees imposed pursuant to the
2 provisions of this section or may promulgate rules establishing
3 licenses and setting fees that change or replace the licenses and
4 fees imposed pursuant to the provisions of this section. Upon final
5 adoption of rules changing or replacing any or all of the licenses
6 and fees imposed pursuant to the provisions of this section, the
7 Authority shall cease to impose, collect or charge the license and
8 fee that was changed or replaced by rule. Rules promulgated by the
9 Authority pursuant to this section shall be in accordance with the
10 Administrative Procedures Act.

11 D. ~~The Commission~~ Until replaced or changed as provided for in
12 subsection C of this section, the Grand River Dam Authority may
13 ~~establish charge~~ a fee for use of camping sites located in public
14 use and access areas controlled by the ~~Commission.~~ The fee charged
15 ~~by the Commission shall~~ Authority in an amount that does not exceed
16 the rate charged by the Oklahoma Tourism and Recreation Department
17 for camping sites. ~~The Commission is authorized to promulgate rules~~
18 ~~to implement such fee pursuant to Article I of the Administrative~~
19 ~~Procedures Act.~~

20 E. ~~The administrator of the Scenic Rivers Commission is~~
21 ~~authorized to be commissioned as a peace officer after completion of~~
22 ~~all required training for the purpose of supervision of peace~~
23 ~~officers employed by the Commission and such administrator may be~~
24 ~~utilized for any law enforcement purpose as may be necessary.~~

1 ~~F. E.~~ For the purposes of ~~this section~~ the Scenic Rivers Act,
2 "commercial flotation device" means a canoe, boat, kayak, inner
3 tube, raft or other similar device suitable for the transportation
4 of a person or persons on waterways which is available for hire by
5 the public for use on ~~waterways within the operating area of the~~
6 ~~Oklahoma Scenic Rivers Commission~~ scenic rivers.

7 SECTION 20. AMENDATORY 74 O.S. 2011, Section 902, as
8 last amended by Section 28, Chapter 1, O.S.L. 2014 (74 O.S. Supp.
9 2015, Section 902), is amended to read as follows:

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

11 (1) "System" means the Oklahoma Public Employees Retirement
12 System as established by this act and as it may hereafter be
13 amended;

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

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

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

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

23 (6) "Actuary" means the actuary or firm of actuaries employed
24 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, to make
6 an election to use the highest salary allowed by law
7 for the position to which the member was appointed for
8 the purposes of making contributions and determination
9 of retirement benefits. Such election shall be
10 irrevocable and be in writing. Reappointment to the
11 same office shall not permit a new election. Members
12 appointed to the Oklahoma Tax Commission after the
13 effective date of this act shall make such election,
14 pursuant to this subparagraph, within ninety (90) days
15 of taking office;

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

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

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

23 (13) "Eligible employer" means the state and any county, county
24 hospital, city or town, conservation districts, circuit engineering

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

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

19 (b) A class or several classes of employees who are
20 covered by Social Security and are not covered by or
21 eligible for and will not become eligible for another
22 retirement plan authorized under the laws of this
23 state, which is in operation on the effective date,
24 and when the qualifications for employment in such

1 class or classes are set by state law; and when such
2 class or classes of employees are employed by a county
3 or municipal government pursuant to such
4 qualifications; and when the services provided by such
5 employees are of such nature that they qualify for
6 matching by or contributions from state or federal
7 funds administered by an agency of state government
8 which qualifies as a participating employer, then the
9 agency of state government administering the state or
10 federal funds shall be deemed an eligible employer,
11 but only with respect to that class or those classes
12 of employees as defined in this subsection; provided,
13 that the required contributions to the retirement plan
14 may be withheld from the contributions of state or
15 federal funds administered by the state agency and
16 transmitted to the System on the same basis as the
17 employee and employer contributions are transmitted
18 for the direct employees of the state agency. The
19 retirement or eligibility for retirement under the
20 provisions of law providing pensions for service as a
21 volunteer firefighter shall not render any person
22 ineligible for participation in the benefits provided
23 for in Section 901 et seq. of this title. An employee
24 of any public or private trust in which a county, city

1 or town participates and is the primary beneficiary
2 shall be deemed to be an eligible employee for the
3 purpose of this act only.

4 (c) All employees of the George Nigh Rehabilitation
5 Institute who elected to retain membership in the
6 System, pursuant to Section 913.7 of this title, shall
7 continue to be eligible employees for the purposes of
8 this act. The George Nigh Rehabilitation Institute
9 shall be considered a participating employer only for
10 such employees.

11 (d) All employees of CompSource Mutual Insurance Company
12 who retain membership in the Oklahoma Public Employees
13 Retirement System pursuant to Section ~~14~~ 913.9 of this
14 ~~act~~ title shall continue to be eligible employees for
15 the purposes of the Oklahoma Public Employees
16 Retirement System. CompSource Mutual Insurance
17 Company shall be considered a participating employer
18 only for such employees.

19 (e) All employees of a successor organization, as defined
20 by Section 5-60.12 of ~~this title~~ Title 2 of the
21 Oklahoma Statutes, who retain membership in the
22 Oklahoma Public Employees Retirement System pursuant
23 to Section ~~24~~ 5-60.35 of ~~this act~~ Title 2 of the
24 Oklahoma Statutes shall continue to be eligible

1 employees for the purposes of the Oklahoma Public
2 Employees Retirement System. A successor organization
3 shall be considered a participating employer only for
4 such employees.

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

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

- 1 (a) Any employee of the county extension agents who is not
2 currently participating in the Teachers' Retirement
3 System of Oklahoma shall be a member of this System.
- 4 (b) Eligibility shall not include any employee who is a
5 contributing member of the United States Civil Service
6 Retirement System.
- 7 (c) It shall be mandatory for an officer, appointee or
8 employee of the office of district attorney to become
9 a member of this System if he or she is not currently
10 participating in a county retirement system. Provided
11 further, that if an officer, appointee or employee of
12 the office of district attorney is currently
13 participating in such county retirement system, he or
14 she is ineligible for this System as long as he or she
15 is eligible for such county retirement system. Any
16 eligible officer, appointee or employee of the office
17 of district attorney shall be given credit for prior
18 service as defined in this section. The provisions
19 outlined in Section 917 of this title shall apply to
20 those employees who have previously withdrawn their
21 contributions.
- 22 (d) Eligibility shall also not include any officer or
23 employee of the Oklahoma Employment Security
24 Commission, except for those officers and employees of

1 the Commission electing to transfer to this System
2 pursuant to the provisions of Section 910.1 of this
3 title or any other class of officers or employees
4 specifically exempted by the laws of this state,
5 unless there be a consolidation as provided by Section
6 912 of this title. Employees of the Oklahoma
7 Employment Security Commission who are ineligible for
8 enrollment in the Employment Security Commission
9 Retirement Plan, that was in effect on January 1,
10 1964, shall become members of this System.

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

1 Representatives if such employee is employed by the
2 House of Representatives. Each regular legislative
3 session during which the legislative employee or an
4 employee of the Legislative Service Bureau
5 participates full time shall be counted as six (6)
6 months of full-time participating service.

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

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

21 (iii) Notwithstanding the provisions of division (i) of
22 this subparagraph, a temporary legislative
23 session employee who elected to become a member
24 of the System may withdraw from the System

1 effective the day said employee elected to
2 participate in the System upon written request to
3 the Board. Any such request must be received by
4 the Board prior to October 1, 1990. All employee
5 contributions made by the temporary legislative
6 session employee shall be returned to the
7 employee without interest within four (4) months
8 of receipt of the written request.

- 9 (iv) A member of the System who did not initially
10 elect to participate as a member of the System
11 pursuant to this subparagraph shall be able to
12 acquire service performed as a temporary
13 legislative session employee for periods of
14 service performed prior to the date upon which
15 the person became a member of the System if:
- 16 a. the member files an election with the System
17 not later than December 31, 2000, to
18 purchase the prior service; and
 - 19 b. the member makes payment to the System of
20 the actuarial cost of the service credit
21 pursuant to subsection A of Section 913.5 of
22 this title. The provisions of Section 913.5
23 of this title shall be applicable to the
24 purchase of the service credit, including

1 the provisions for determining service
2 credit in the event of incomplete payment
3 due to cessation of payments, death,
4 termination of employment or retirement, but
5 the payment may extend for a period not to
6 exceed ninety-six (96) months;

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

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

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

16 (18) "Final average compensation" means the average annual
17 compensation, including amounts deferred under deferred compensation
18 agreements entered into between a member and a participating
19 employer, up to, but not exceeding the maximum compensation levels
20 as provided in paragraph (9) of this section received during the
21 highest three (3) of the last ten (10) years of participating
22 service immediately preceding retirement or termination of
23 employment and with respect to members whose first participating
24 service occurs on or after July 1, 2013, the compensation received

1 during the highest five (5) of the last ten (10) years of
2 participating service immediately preceding retirement or
3 termination of employment. Provided, no member shall retire with a
4 final average compensation unless the member has made the required
5 contributions on such compensation, as defined by the Board of
6 Trustees;

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

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

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

18 (22) "Member" means an eligible employee or elected official
19 who is in the System and is making the required employee or elected
20 official contributions, or any former employee or elected official
21 who shall have made the required contributions to the System and
22 shall have not received a refund or withdrawal;

23 (23) "Military service" means service in the Armed Forces of
24 the United States by an honorably discharged person during the

1 following time periods, as reflected on such person's Defense
2 Department Form 214, not to exceed five (5) years for combined
3 participating and/or prior service, as follows:

4 (a) during the following periods, including the beginning
5 and ending dates, and only for the periods served,
6 from:

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

9 (ii) September 16, 1940, to December 7, 1941, as a
10 member of the 45th Division,

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

13 (iv) June 27, 1950, to January 31, 1955, commonly
14 referred to as the Korean Conflict or the Korean
15 War,

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

18 a. for the period from February 28, 1961, to
19 August 4, 1964, military service shall only
20 include service in the Republic of Vietnam
21 during that period, and

22 b. for purposes of determining eligibility for
23 education and training benefits, such period
24 shall end on December 31, 1976, or

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

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

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

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

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

16 (1) sixty-second birthday with respect to members
17 whose first participating service occurs prior to
18 November 1, 2011, or

19 (2) sixty-fifth birthday with respect to members
20 whose first participating service occurs on or
21 after November 1, 2011, or with respect to
22 members whose first participating service occurs
23 on or after November 1, 2011, reaches a minimum
24 age of sixty (60) years and who also reaches a

1 normal retirement date pursuant to subparagraph c
2 of this paragraph,

3 (b) for any person who initially became a member prior to
4 July 1, 1992, and who does not reach a normal
5 retirement date pursuant to division (1) of
6 subparagraph (a) of this paragraph, the first day of
7 the month coinciding with or following the date at
8 which the sum of a member's age and number of years of
9 credited service total eighty (80); such a normal
10 retirement date will also apply to any person who
11 became a member of the sending system as defined in
12 Section 901 et seq. of this title, prior to July 1,
13 1992, regardless of whether there were breaks in
14 service after July 1, 1992,

15 (c) for any person who became a member after June 30,
16 1992, but prior to November 1, 2011, and who does not
17 reach a normal retirement date pursuant to division
18 (1) of subparagraph (a) of this paragraph, the first
19 day of the month coinciding with or following the date
20 at which the sum of a member's age and number of years
21 of credited service total ninety (90),

22 (d) in addition to subparagraphs (a), (b) and (c) of this
23 paragraph, the first day of the month coinciding with
24

1 or following a member's completion of at least twenty
2 (20) years of full-time-equivalent employment as:
3 (i) a correctional or probation and parole officer
4 with the Department of Corrections and at the
5 time of retirement, the member was a correctional
6 or probation and parole officer with the
7 Department of Corrections, or
8 (ii) a correctional officer, probation and parole
9 officer or fugitive apprehension agent with the
10 Department of Corrections who is in such position
11 on June 30, 2004, or who is hired after June 30,
12 2004, and who receives a promotion or change in
13 job classification after June 30, 2004, to
14 another position in the Department of
15 Corrections, so long as such officer or agent has
16 at least five (5) years of service as a
17 correctional officer, probation and parole
18 officer or fugitive apprehension agent with the
19 Department, has twenty (20) years of full-time-
20 equivalent employment with the Department and was
21 employed by the Department at the time of
22 retirement, or
23 (iii) a firefighter with the Oklahoma Military
24 Department either employed for the first time on

1 or after July 1, 2002, or who was employed prior
2 to July 1, 2002, in such position and who makes
3 the election authorized by division (2) of
4 subparagraph b of paragraph (9) of subsection A
5 of Section 915 of this title and at the time of
6 retirement, the member was a firefighter with the
7 Oklahoma Military Department, and such member has
8 at least twenty (20) years of credited service
9 upon which the two and one-half percent (2 1/2%)
10 multiplier will be used in calculating the
11 retirement benefit, or

12 (iv) a public safety officer employed by the Grand
13 River Dam Authority for the first time on or
14 after the effective date of this act,

15 (e) for those fugitive apprehension agents who retire on
16 or after July 1, 2002, the first day of the month
17 coinciding with or following a member's completion of
18 at least twenty (20) years of full-time-equivalent
19 employment as a fugitive apprehension agent with the
20 Department of Corrections and at the time of
21 retirement, the member was a fugitive apprehension
22 agent with the Department of Corrections, or

23 (f) for any member who was continuously employed by an
24 entity or institution within The Oklahoma State System

1 of Higher Education and whose initial employment with
2 such entity or institution was prior to July 1, 1992,
3 and who without a break in service of more than thirty
4 (30) days became employed by an employer participating
5 in the Oklahoma Public Employees Retirement System,
6 the first day of the month coinciding with or
7 following the date at which the sum of the member's
8 age and number of years of credited service total
9 eighty (80);

10 (25) "Participating employer" means an eligible employer who
11 has agreed to make contributions to the System on behalf of its
12 employees;

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

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

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

20 (29) "Retirement benefit" means a monthly income with benefits
21 accruing from the first day of the month coinciding with or
22 following retirement and ending on the last day of the month in
23 which death occurs or the actuarial equivalent thereof paid in such
24 manner as specified by the member pursuant to Section 901 et seq. of

1 this title or as otherwise allowed to be paid at the discretion of
2 the Board;

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

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

8 (32) "Total disability" means a physical or mental disability
9 accepted for disability benefits by the Federal Social Security
10 System;

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

15 (34) "Elected official" means a person elected to a state
16 office in the legislative or executive branch of state government or
17 a person elected to a county office for a definite number of years
18 and shall include an individual who is appointed to fill the
19 unexpired term of an elected state official;

20 (35) "Elected service" means the period of service as an
21 elected official; ~~and~~

22 (36) "Limitation year" means the year used in applying the
23 limitations of Section 415 of the Internal Revenue Code of 1986,
24 which year shall be the calendar year; and

1 (37) "Public safety officers of the Grand River Dam Authority"
2 means those persons hired by the Grand River Dam Authority on or
3 after the effective date of this act who are certified by the
4 Council on Law Enforcement Education and Training or an equivalent
5 certifying entity for law enforcement personnel training and who
6 perform law enforcement functions as part of their regularly
7 assigned duties and responsibilities on a full-time basis. With
8 respect to any public safety officer hired by the Grand River Dam
9 Authority on or after the effective date of this act, any earned
10 benefits or credits toward retirement benefits from previous
11 participation within the Oklahoma Public Employees Retirement System
12 or the Oklahoma Law Enforcement Retirement System shall remain
13 within that system.

14 SECTION 21. AMENDATORY 74 O.S. 2011, Section 915, as
15 amended by Section 3, Chapter 159, O.S.L. 2013 (74 O.S. Supp. 2015,
16 Section 915), is amended to read as follows:

17 Section 915. A. (1) Except as otherwise provided in this
18 subsection and as provided for elected officials in Section 913.4 of
19 this title, any member who shall retire on or after the member's
20 normal retirement date shall be entitled to receive an annual
21 retirement benefit equal to two percent (2%) of the member's final
22 average compensation as determined pursuant to paragraph (18) of
23 Section 902 of this title, multiplied by the number of years of
24 credited service that has been credited to the member in accordance

1 with the provisions of Section 913 of this title other than years
2 credited pursuant to paragraph (2) of this subsection.

3 (2) Effective January 1, 2004, except as otherwise provided for
4 elected officials in Section 913.4 of this title and except for
5 those members making contributions pursuant to paragraphs (c), (d)
6 and (e) of subsection (1) of Section 919.1 of this title, any member
7 who shall retire shall be entitled to receive an annual retirement
8 benefit equal to two and one-half percent (2 1/2%) of the member's
9 final average compensation as determined pursuant to paragraph (18)
10 of Section 902 of this title, multiplied by the number of full years
11 of participating service after January 1, 2004, that have been
12 credited to the member in accordance with the provisions of Section
13 913 of this title and only for those full years of participating
14 service for which contributions have been made pursuant to paragraph
15 (e) of subsection (1) of Section 919.1 of this title. The two and
16 one-half percent (2 1/2%) multiplier shall not apply to purchased
17 service, purchased or granted military service or transferred
18 service. In order to receive the two and one-half percent (2 1/2%)
19 multiplier in computing retirement benefits, an active member shall
20 make an irrevocable written election to pay the contributions
21 pursuant to paragraph ~~(e)~~ (f) of subsection (1) of Section 919.1 of
22 this title. The two and one-half percent (2 1/2%) multiplier
23 pursuant to this paragraph shall not apply to additional years of
24 service credit attributed to sick leave pursuant to paragraph 7 of

1 subsection B of Section 913 of this title and fractional years
2 pursuant to subsection C of Section 913 of this title and shall be
3 attributable only to the participating service credited after the
4 election of the member.

5 (3) The minimum final average compensation for any person who
6 becomes a member of the System on or after July 1, 1995:

- 7 a. and who had twenty (20) or more years of credited
8 service within the System as of the member's
9 retirement date shall be no less than Thirteen
10 Thousand Eight Hundred Dollars (\$13,800.00) per annum,
- 11 b. and who had at least fifteen (15) but not more than
12 nineteen (19) years of credited service within the
13 System as of the member's retirement date shall be no
14 less than Six Thousand Nine Hundred Dollars
15 (\$6,900.00) per annum,
- 16 c. and who had less than fifteen (15) years of credited
17 service within the System as of the member's
18 retirement date shall not be eligible for any minimum
19 amount of final average compensation and the member's
20 final average compensation shall be the final average
21 compensation as defined by paragraph (18) of Section
22 902 of this title.

23 (4) Provided, further, any member who has elected a vested
24 benefit pursuant to Section 917 of this title shall be entitled to

1 receive benefits as outlined in this section except the percent
2 factor and the member's maximum compensation level in effect the
3 date the member's employment was terminated with a participating
4 employer shall be applicable.

5 (5) Any member who is a correctional officer or a probation and
6 parole officer employed by the Department of Corrections at the time
7 of retirement and who retires on or before June 30, 2000, shall be
8 entitled to receive an annual retirement benefit equal to two and
9 one-half percent (2 1/2%) of the final average compensation of the
10 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and
11 two percent (2%) of the final average salary in excess of Twenty-
12 five Thousand Dollars (\$25,000.00) but not exceeding the maximum
13 compensation level as provided in paragraph (9) of Section 902 of
14 this title, multiplied by the number of years of service as a
15 correctional officer or a probation and parole officer, provided,
16 any years accrued prior to July 1, 1990, as a correctional officer
17 or a probation and parole officer by a member who is employed as a
18 correctional officer or a probation and parole officer on July 1,
19 1990, shall be calculated for retirement purposes at two and one-
20 quarter percent (2 1/4%) of the final average compensation of the
21 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and
22 two percent (2%) of the final average salary in excess of Twenty-
23 five Thousand Dollars (\$25,000.00) but not exceeding the maximum
24 compensation level as provided in paragraph (9) of Section 902 of

1 this title, multiplied by the number of years of such service and
2 any years in excess of twenty (20) years as such an officer or years
3 credited to the member in accordance with the provisions of Section
4 913 of this title shall be calculated for retirement purposes at two
5 percent (2%) of the final average compensation of the member
6 multiplied by the number of years of such service. Any person who
7 contributes to the System as a correctional officer or a probation
8 and parole officer as provided in paragraph (c) of subsection (1) of
9 Section 919.1 of this title, on or before June 30, 2000, but who
10 does not make such contributions after June 30, 2000, and who does
11 not qualify for normal retirement under subparagraph (c) of
12 paragraph (24) of Section 902 of this title shall have retirement
13 benefits for each year of full-time-equivalent participating service
14 as a correctional or a probation and parole officer after July 1,
15 1990, computed on two and one-half percent (2 1/2%) of the final
16 average compensation based upon those years as a correctional
17 officer or a probation and parole officer. Provided, further, any
18 fugitive apprehension agent shall be entitled to receive benefits as
19 outlined in this act for service as a fugitive apprehension agent
20 prior to July 1, 2002, only upon payment to the System of the
21 employee contributions which would have been paid if such fugitive
22 apprehension agent had been covered by this section prior to the
23 effective date of this act, plus interest of not to exceed ten
24 percent (10%) as determined by the Board. The Department of

1 Corrections may make the employee contribution and interest payment
2 on behalf of such member.

3 (6) Any member who is a correctional officer, a probation and
4 parole officer or a fugitive apprehension agent employed by the
5 Department of Corrections at the time of retirement and who retires
6 on or after July 1, 2002, shall be entitled to receive an annual
7 retirement benefit equal to two and one-half percent (2 1/2%) of the
8 final average compensation of the member, but not exceeding the
9 maximum compensation level as provided in paragraph (18) of Section
10 902 of this title, multiplied by the number of years of service as a
11 correctional officer, a probation and parole officer or a fugitive
12 apprehension agent, and any years in excess of twenty (20) years as
13 such an officer or agent, or years credited to the member in
14 accordance with the provisions of Section 913 of this title, shall
15 be calculated for retirement purposes at two percent (2%) of the
16 final average compensation of the member multiplied by the number of
17 years of such service. For purposes of this paragraph, "final
18 average compensation" shall be determined by computing the average
19 annual salary, in the manner prescribed by paragraph (18) of Section
20 902 of this title, for the highest three (3) years of the last ten
21 (10) years of participating service immediately preceding retirement
22 or termination of employment for all years of service performed by
23 such member, both for years of service performed as a correctional
24 officer, probation and parole officer or fugitive apprehension

1 agent, not in excess of twenty (20) years, and for years of service
2 performed in excess of twenty (20) years, whether as a correctional
3 officer, probation and parole officer, fugitive apprehension agent
4 or other position unless the computation of benefits would result in
5 a lower retirement benefit amount than if final average compensation
6 were to be computed as otherwise provided by this paragraph. "Final
7 average compensation" shall be determined by computing the average
8 annual salary for the highest five (5) of the last ten (10) years of
9 participating service immediately preceding retirement or
10 termination of employment, with respect to members whose first
11 participating service occurs on or after July 1, 2013.

12 (7) Any member who is a correctional officer, a probation and
13 parole officer or a fugitive apprehension agent who has at least
14 five (5) years of service as a correctional officer, a probation and
15 parole officer or a fugitive apprehension agent who is in such
16 position on June 30, 2004, or who is hired after June 30, 2004, in
17 such position, and who receives a promotion or change in job
18 classification after June 30, 2004, to another position in the
19 Department of Corrections, and who is employed by the Department of
20 Corrections at the time of retirement and who retires on or after
21 July 1, 2004, shall be entitled to receive an annual retirement
22 benefit equal to two and one-half percent (2 1/2%) of the final
23 average compensation of the member, but not exceeding the maximum
24 compensation level as provided in paragraph (18) of Section 902 of

1 this title, multiplied by the number of years of service with the
2 Department of Corrections and any years in excess of twenty (20)
3 years with the Department or years credited to the member in
4 accordance with the provisions of Section 913 of this title, shall
5 be calculated for retirement purposes at two percent (2%) of the
6 final average compensation of the member multiplied by the number of
7 years of such service. For purposes of this paragraph, "final
8 average compensation" shall be determined by computing the average
9 annual salary, in the manner prescribed by paragraph (18) of Section
10 902 of this title, for the highest three (3) years of the last ten
11 (10) years of participating service immediately preceding retirement
12 or termination of employment for all years of service performed by
13 such member with the Department. "Final average compensation" shall
14 be determined by computing the average annual salary for the highest
15 five (5) of the last ten (10) years of participating service
16 immediately preceding retirement or termination of employment, with
17 respect to members whose first participating service occurs on or
18 after July 1, 2013.

19 (8) Any person who contributed to the System as a correctional
20 officer, a probation and parole officer or a fugitive apprehension
21 agent as provided in paragraphs (c) or (d) of subsection (1) of
22 Section 919.1 of this title, and who retires under normal retirement
23 or early retirement on or after January 1, 2004, under paragraph
24 (24) of Section 902 of this title, and any public safety officer

1 described by paragraph (37) of Section 902 of this title hired on or
2 after the effective date of this act by the Grand River Dam
3 Authority and who retires on or after the effective date of this
4 act, shall have retirement benefits for each year of full-time-
5 equivalent participating service as a correctional officer, a
6 probation and parole officer or a fugitive apprehension agent, or
7 Grand River Dam public safety officer computed on two and one-half
8 percent (2 1/2%) of the final average compensation based upon those
9 years as a correctional officer, a probation and parole officer ~~or,~~
10 a fugitive apprehension agent or a Grand River Dam public safety
11 officer. For purposes of this paragraph, "final average
12 compensation" shall be determined by computing the average annual
13 salary, in the manner prescribed by paragraph (18) of Section 902 of
14 this title, for the highest three (3) years of the last ten (10)
15 years of participating service immediately preceding retirement or
16 termination of employment for all years of service performed by such
17 member, both for years of service performed as a correctional
18 officer, probation and parole officer or fugitive apprehension
19 agent, or years of service performed as a Grand River Dam public
20 safety officer, not in excess of twenty (20) years, and for years of
21 service performed in excess of twenty (20) years, whether as a
22 correctional officer, probation and parole officer, fugitive
23 apprehension agent, Grand River Dam public safety officer, or other
24 position unless the computation of benefits would result in a lower

1 retirement benefit amount than if final average compensation were to
2 be computed as otherwise provided by this paragraph. "Final average
3 compensation" shall be determined by computing the average annual
4 salary for the highest five (5) of the last ten (10) years of
5 participating service immediately preceding retirement or
6 termination of employment, with respect to members whose first
7 participating service occurs on or after July 1, 2013, or with
8 respect to Grand River Dam public safety officers whose first
9 participating service occurs on or after the effective date of this
10 act.

11 (9) Any member who is:

- 12 a. initially on or after July 1, 2002, employed as a
13 firefighter for the Oklahoma Military Department and
14 who retires on or after the member's normal retirement
15 date shall be entitled to receive an annual retirement
16 benefit equal to two and one-half percent (2 1/2%) of
17 the final average compensation of the member
18 multiplied by the number of years of service in such
19 service,
- 20 b. (1) a firefighter who performs firefighting services
21 for the Oklahoma Military Department prior to
22 July 1, 2002, and who makes an election in
23 writing on a form prescribed for this purpose by
24 the System not later than December 31, 2002,

1 shall be entitled to receive a retirement benefit
2 based upon two and one-half percent (2 1/2%) of
3 the final average compensation of the member
4 multiplied by the number of years of service as a
5 firefighter with the Oklahoma Military Department
6 on or after July 1, 2002. The election
7 authorized by this subdivision shall be
8 irrevocable once the election is filed with the
9 System,

- 10 (2) a firefighter who performs firefighting services
11 for the Oklahoma Military Department prior to
12 July 1, 2002, and who makes the election in
13 division (1) of this subparagraph may also make
14 an election in writing on a form prescribed for
15 this purpose by the System not later than
16 December 31, 2002, to receive a retirement
17 benefit based upon two and one-half percent (2
18 1/2%) of the final average compensation of the
19 member multiplied by the number of years of
20 service as a firefighter with the Oklahoma
21 Military Department prior to July 1, 2002. The
22 election authorized by this subdivision shall be
23 irrevocable once the election is filed with the
24 System. Retirement benefits shall be calculated

1 based upon the two and one-half percent (2 1/2%)
2 multiplier upon payment being made pursuant to
3 Section 913.5 of this title.

4 (10) Upon death of a retirant, there shall be paid to his
5 beneficiary an amount equal to the excess, if any, of his
6 accumulated contributions over the sum of all retirement benefit
7 payments made.

8 (11) Such annual retirement benefits shall be paid in equal
9 monthly installments, except that the Board may provide for the
10 payment of retirement benefits which total less than Two Hundred
11 Forty Dollars (\$240.00) a year on other than a monthly basis.

12 (12) Pursuant to the rules established by the Board, a retiree
13 receiving monthly benefits from the System may authorize warrant
14 deductions for any products currently offered to active state
15 employees through the Employees Benefits Council, provided that
16 product is offered to state retirees as a group and has a minimum
17 participation of five hundred state retirees. The System has no
18 responsibility for the marketing, enrolling or administration of
19 such products, but shall retain a processing fee of two percent (2%)
20 of the gross deductions for the products. Retirement benefit
21 deductions shall be made for membership dues for any statewide
22 association for which payroll deductions are authorized pursuant to
23 subsection B of Section 34.70 of Title 62 of the Oklahoma Statutes
24 for retired members of any state-supported retirement system, upon

1 proper authorization given by the member to the board from which the
2 member or beneficiary is currently receiving retirement benefits.

3 B. A member shall be considered disabled if such member
4 qualifies for the payment of Social Security disability benefits, or
5 the payment of benefits pursuant to the Railroad Retirement Act of
6 1974, Section 231 et seq. of Title 45 of the United States Code, and
7 shall be eligible for benefits hereunder upon proof of such
8 disability, provided such member is an active regularly scheduled
9 employee with a participating employer at the time of injury or
10 inception of illness or disease resulting in subsequent
11 certification of eligibility for Social Security disability benefits
12 by reason of such injury, illness or disease, providing such
13 disability is certified by the Social Security Administration within
14 one (1) year after the last date physically on the job and after
15 completion of at least eight (8) years of participating service or
16 combined prior and participating service or resulting in subsequent
17 certification of eligibility of disability by the Railroad
18 Retirement Board providing such certification is made by the
19 Railroad Retirement Board within one (1) year after the last date
20 physically on the job and after completion of at least eight (8)
21 years of participating service or combined prior and participating
22 service. The member shall submit to the Retirement System the
23 Social Security Award Notice or the Railroad Retirement Award Notice
24 certifying the date of entitlement for disability benefits, as

1 issued by the Social Security Administration, Department of Health
2 and Human Services or the Railroad Retirement Board. Disability
3 benefits shall become effective on the date of entitlement as
4 established by the Social Security Administration or the Railroad
5 Retirement Board, but not before the first day of the month
6 following removal from the payroll, whichever is later, and final
7 approval by the Retirement System. Benefits shall be based upon
8 length of service and compensation as of the date of disability,
9 without actuarial reduction because of commencement prior to the
10 normal retirement date. The only optional form of benefit payment
11 available for disability benefits is Option A as provided for in
12 Section 918 of this title. Option A must be elected in accordance
13 with the provisions of Section 918 of this title. Benefit payments
14 shall cease upon the member's recovery from disability prior to the
15 normal retirement date. Future benefits, if any, shall be paid
16 based upon length of service and compensation as of the date of
17 disability. In the event that disability ceases and the member
18 returns to employment within the System credited service to the date
19 of disability shall be restored, and future benefits shall be
20 determined accordingly.

21 C. A member who incurred a disability pursuant to subsection B
22 of this section on or after July 1, 1999, and who has retired from
23 the System with an early retirement benefit pending certification
24 from the Social Security Administration or the Railroad Retirement

1 Board shall receive a retirement benefit not less than the
2 disability retirement benefit provided by subsection B of this
3 section once the System receives a Social Security Award Notice or a
4 Railroad Retirement Award Notice pursuant to subsection B of this
5 section and a completed Application for Disability Benefits. In
6 addition, such member shall receive the difference, if any, between
7 the early retirement benefit and the disability benefit from the
8 date the Social Security Administration or the Railroad Retirement
9 Board establishes disability entitlement.

10 D. Any actively participating member of the System on or after
11 July 1, 1998, except for those employees provided in subparagraph
12 (e) of paragraph (14) of Section 902 of this title, whose employment
13 is less than full-time, shall have his or her final average
14 compensation calculated on an annualized basis using his or her
15 hourly wage subject to the maximum compensation limits; provided,
16 however, any such member who has at least three (3) years of full-
17 time employment during the last ten (10) years immediately preceding
18 termination or retirement shall not be eligible for the
19 annualization provisions contained herein. The Board of Trustees
20 shall promulgate such administrative rules as are necessary to
21 implement the provisions of this subsection.

22 SECTION 22. AMENDATORY 74 O.S. 2011, Section 919.1, is
23 amended to read as follows:

24

1 Section 919.1 (1) Employee contributions to the System shall
2 be:

3 (a) for employees except as otherwise provided in
4 paragraphs (b), (c), (d), ~~and (e)~~, and (f) of this
5 subsection: beginning July 1, 2006, and thereafter,
6 three and one-half percent (3.5%) of allowable annual
7 compensation;

8 (b) for correctional officers and probation and parole
9 officers employed by the Department of Corrections:
10 beginning July 1, 1998, and thereafter, and for
11 correctional officers or probation and parole officers
12 who are in such position on June 30, 2004, or who are
13 hired after June 30, 2004, and who receive a promotion
14 or change in job classification after June 30, 2004,
15 to another position in the Department of Corrections,
16 so long as such officers have at least five (5) years
17 of service as a correctional officer or probation and
18 parole officer, eight percent (8%) of allowable
19 compensation as provided in paragraph (9) of Section
20 902 of this title;

21 (c) for fugitive apprehension agents who are employed with
22 the Department of Corrections on or after July 1,
23 2002, and for fugitive apprehension agents who are in
24 such position on June 30, 2004, or who are hired after

1 June 30, 2004, and who receive a promotion or change
2 in job classification after June 30, 2004, to another
3 position in the Department of Corrections, so long as
4 such agents have at least five (5) years of service as
5 a fugitive apprehension agent, eight percent (8%) of
6 allowable compensation as provided in paragraph (9) of
7 Section 902 of this title;

8 (d) for firefighters of the Oklahoma Military Department
9 first employed beginning July 1, 2002, and thereafter,
10 and such firefighters who performed service prior to
11 July 1, 2002, for the Oklahoma Military Department and
12 who make the election authorized by division (1) of
13 subparagraph b of paragraph (9) of subsection A of
14 Section 915 of this title who perform service on or
15 after July 1, 2002, in such capacity, eight percent
16 (8%) of allowable compensation as provided in
17 subsection (9) of Section 902 of this title;

18 (e) for all public safety officers of the Grand River Dam
19 Authority as defined by paragraph (37) of Section 902
20 of this title, eight percent (8%) of allowable
21 compensation as provided in paragraph (9) of Section
22 902 of this title; and

23 (f) for all employees except those who make contributions
24 pursuant to paragraphs (b), (c), ~~and~~ (d), and (e) of

1 this subsection who make an irrevocable written
2 election pursuant to paragraph (2) of subsection A of
3 Section 915 of this title: six and forty-one one-
4 hundredths percent (6.41%) of allowable annual
5 compensation.

6 The contributions required by paragraphs (b) ~~and~~, (c), and (e)
7 of this subsection shall be made by a member for not more than
8 twenty (20) years and thereafter shall be as provided in paragraph
9 (a) of this subsection.

10 (2) Contributions shall be deducted by each state agency by the
11 participating employer for such benefits as the Board is authorized
12 to administer as provided for by law. Employee and employer
13 contributions shall be remitted monthly, or as the Board may
14 otherwise provide, to the Executive Director for deposit in the
15 Oklahoma Public Employees Retirement Fund.

16 (3) Each participating employer shall pick up under the
17 provisions of Section 414(h) (2) of the Internal Revenue Code of 1986
18 and pay the contribution which the member is required by law to make
19 to the System for all compensation earned after December 31, 1988.
20 Although the contributions so picked up are designated as member
21 contributions, such contributions shall be treated as contributions
22 being paid by the participating employer in lieu of contributions by
23 the member in determining tax treatment under the Internal Revenue
24 Code of 1986 and such picked up contributions shall not be

1 includable in the gross income of the member until such amounts are
2 distributed or made available to the member or the beneficiary of
3 the member. The member, by the terms of this System, shall not have
4 any option to choose to receive the contributions so picked up
5 directly and the picked up contributions must be paid by the
6 participating employer to the System.

7 Member contributions which are picked up shall be treated in the
8 same manner and to the same extent as member contributions made
9 prior to the date on which member contributions were picked up by
10 the participating employer. Member contributions so picked up shall
11 be included in gross salary for purposes of determining benefits and
12 contributions under the System.

13 The participating employer shall pay the member contributions
14 from the same source of funds used in paying salary to the member,
15 by effecting an equal cash reduction in gross salary of the member.

16 (4) By September 1, 1989, the System shall refund the
17 accumulated employee contributions of any member who elects to
18 retain the member's membership in the Teachers' Retirement System of
19 Oklahoma, in accordance with Section 17-104 of Title 70 of the
20 Oklahoma Statutes, to such member. Upon the refund of the
21 accumulated employee contributions referred to in this subsection,
22 all benefits and rights accrued to such member are terminated.

23 SECTION 23. AMENDATORY 47 O.S. 2011, Section 2-315, is
24 amended to read as follows:

1 Section 2-315. A. Members of the Oklahoma Public Employees
2 Retirement System who are active Lake Patrolmen or Dispatchers of
3 the Grand River Dam Authority on June 30, 2003, may make an
4 irrevocable written election on or before January 1, 2004, to
5 participate in the Oklahoma Law Enforcement Retirement System. Such
6 patrolmen and dispatchers who make the election as provided by this
7 section shall be subject to the following:

8 1. Upon the date the patrolman or dispatcher makes the election
9 pursuant to this section, he or she shall cease accruing benefits in
10 the Oklahoma Public Employees Retirement System and shall commence
11 accruing benefits in the Oklahoma Law Enforcement Retirement System;

12 2. Prior to the beginning of the month following receipt of the
13 patrolman's or dispatcher's election by the Oklahoma Public
14 Employees Retirement System, the Oklahoma Public Employees
15 Retirement System shall transfer to the Oklahoma Law Enforcement
16 Retirement System all employee contributions and employer
17 contributions including any amounts received by the Oklahoma Public
18 Employees Retirement System on behalf of a transferring member
19 related to a purchase or transfer of credited service to the
20 Oklahoma Public Employees Retirement System. The Oklahoma Public
21 Employees Retirement System shall also send to the Oklahoma Law
22 Enforcement Retirement System the retirement records of the
23 transferring member;

1 3. To receive service credit accrued by such transferring
2 member prior to the election, or prior to the date as of which the
3 person making the election ceases to be a member of the Oklahoma
4 Public Employees Retirement System, whichever date occurs last, the
5 member shall make an irrevocable written election. The election
6 shall be to either pay the difference between the amount transferred
7 by the Oklahoma Public Employees Retirement System to the Oklahoma
8 Law Enforcement Retirement System in paragraph 2 of this subsection
9 and the amount determined by the Board of Trustees pursuant to
10 Section 2-307.5 of Title 47 of the Oklahoma Statutes to receive full
11 eligible credit for the years sought to be transferred or receive
12 eligible prorated service credit for only the amount received from
13 the Oklahoma Public Employees Retirement System pursuant to this
14 subsection. Payments made by such transferring members pursuant to
15 this paragraph shall be made pursuant to subsection B of Section 2-
16 307.5 of Title 47 of the Oklahoma Statutes;

17 4. Service credit shall only be transferable pursuant to this
18 section if the transferring member is not receiving or eligible to
19 receive service credit or benefits from said service in any other
20 public retirement system and has not received service credit for the
21 same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-
22 307.4 of Title 47 of the Oklahoma Statutes. Provided further, that
23 only transferred credited service related to Lake Patrol service as
24 a patrolman or dispatcher with the Grand River Dam Authority and any

1 other law enforcement related service, including service with the
2 Department of Corrections as a correctional officer or probation and
3 parole officer or any credited service that was purchased or
4 transferred to the Oklahoma Public Employees Retirement System from
5 the Oklahoma Law Enforcement Retirement System or the Oklahoma
6 Police Pension and Retirement System, shall be included in the
7 determination of an officer's normal retirement date or vesting date
8 in the Oklahoma Law Enforcement Retirement System; and

9 5. All service credit with the Oklahoma Public Employees
10 Retirement System which is ineligible for transfer to the Oklahoma
11 Law Enforcement Retirement System shall be canceled.

12 B. ~~Lake Patrolmen and Dispatchers of the Grand River Dam~~
13 ~~Authority who are hired on or after the effective date of this act,~~
14 ~~shall participate and be members of the Oklahoma Law Enforcement~~
15 ~~Retirement System.~~ The Grand River Dam Authority shall be a
16 participating employer in the Oklahoma Law Enforcement Retirement
17 System for all Grand River Dam Lake Patrolmen and Dispatchers who
18 participate in the Oklahoma Law Enforcement Retirement System
19 pursuant to the provisions of this section.

20 SECTION 24. RECODIFICATION 82 O.S. 2011, Section 1451,
21 as amended by Section 7 of this act, shall be recodified as Section
22 896.4 of Title 82 of the Oklahoma Statutes, unless there is created
23 a duplication in numbering.

24

1 SECTION 25. RECODIFICATION 82 O.S. 2011, Section 1452,
2 as amended by Section 8 of this act, shall be recodified as Section
3 896.5 of Title 82 of the Oklahoma Statutes, unless there is created
4 a duplication in numbering.

5 SECTION 26. RECODIFICATION 82 O.S. 2011, Section 1453,
6 as amended by Section 9 of this act, shall be recodified as Section
7 896.6 of Title 82 of the Oklahoma Statutes, unless there is created
8 a duplication in numbering.

9 SECTION 27. RECODIFICATION 82 O.S. 2011, Section 1454,
10 as amended by Section 10 of this act, shall be recodified as Section
11 896.7 of Title 82 of the Oklahoma Statutes, unless there is created
12 a duplication in numbering.

13 SECTION 28. RECODIFICATION 82 O.S. 2011, Section 1455,
14 as amended by Section 11 of this act, shall be recodified as Section
15 896.8 of Title 82 of the Oklahoma Statutes, unless there is created
16 a duplication in numbering.

17 SECTION 29. RECODIFICATION 82 O.S. 2011, Section 1456,
18 as amended by Section 12 of this act, shall be recodified as Section
19 896.9 of Title 82 of the Oklahoma Statutes, unless there is created
20 a duplication in numbering.

21 SECTION 30. RECODIFICATION 82 O.S. 2011, Section 1457,
22 as amended by Section 13 of this act, shall be recodified as Section
23 896.10 of Title 82 of the Oklahoma Statutes, unless there is created
24 a duplication in numbering.

1 SECTION 31. RECODIFICATION 82 O.S. 2011, Section 1460,
2 as amended by Section 14 of this act, shall be recodified as Section
3 896.11 of Title 82 of the Oklahoma Statutes, unless there is created
4 a duplication in numbering.

5 SECTION 32. RECODIFICATION 82 O.S. 2011, Section 1464,
6 as amended by Section 15 of this act, shall be recodified as Section
7 896.12 of Title 82 of the Oklahoma Statutes, unless there is created
8 a duplication in numbering.

9 SECTION 33. RECODIFICATION 82 O.S. 2011, Section 1465,
10 as amended by Section 16 of this act, shall be recodified as Section
11 896.13 of Title 82 of the Oklahoma Statutes, unless there is created
12 a duplication in numbering.

13 SECTION 34. RECODIFICATION 82 O.S. 2011, Section 1466,
14 as amended by Section 17 of this act, shall be recodified as Section
15 896.14 of Title 82 of the Oklahoma Statutes, unless there is created
16 a duplication in numbering.

17 SECTION 35. RECODIFICATION 82 O.S. 2011, Section 1467,
18 as amended by Section 18 of this act, shall be recodified as Section
19 896.15 of Title 82 of the Oklahoma Statutes, unless there is created
20 a duplication in numbering.

21 SECTION 36. RECODIFICATION 82 O.S. 2011, Section 1470,
22 as amended by Section 19 of this act, shall be recodified as Section
23 896.16 of Title 82 of the Oklahoma Statutes, unless there is created
24 a duplication in numbering.

1 SECTION 37. REPEALER 82 O.S. 2011, Sections 1458, 1461,
 2 as amended by Section 1, Chapter 348, O.S.L. 2013, 1462, 1462A, as
 3 amended by Section 1068, Chapter 304, O.S.L. 2012, 1462B, as amended
 4 by Section 1069, Chapter 304, O.S.L. 2012, 1462C, as amended by
 5 Section 1070, Chapter 304, O.S.L. 2012, 1463, 1468, 1469 and 1471
 6 (82 O.S. Supp. 2015, Sections 1461, 1462A, 1462B and 1462C), are
 7 hereby repealed.

8 SECTION 38. This act shall become effective July 1, 2016.

9 SECTION 39. It being immediately necessary for the preservation
 10 of the public peace, health and safety, an emergency is hereby
 11 declared to exist, by reason whereof this act shall take effect and
 12 be in full force from and after its passage and approval."

13 Passed the House of Representatives the 21st day of April, 2016.

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 Presiding Officer of the House of
 Representatives

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Passed the Senate the ____ day of _____, 2016.

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 Presiding Officer of the Senate

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