

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2626 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Kenton Patzkowsky \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

## STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2626

By: Patzkowsky

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to public retirement systems;  
amending 74 O.S. 2011, Section 914, as amended by  
Section 2, Chapter 159, O.S.L. 2013 (74 O.S. Supp.  
2020, Section 914), which relates to the Oklahoma  
Public Employees Retirement System; modifying  
provision related to restriction on return to covered  
employment; providing for certain county employees  
engaged in construction or maintenance of roads or  
bridges to return to covered employment; and  
providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 914, as  
amended by Section 2, Chapter 159, O.S.L. 2013 (74 O.S. Supp. 2020,  
Section 914), is amended to read as follows:

Section 914. A. The normal retirement date for a member of the  
Oklahoma Public Employees Retirement System shall be as defined in  
Section 902 of this title, provided members employed on or after  
January 1, 1983, shall have six (6) or more years of full-time-

1 equivalent employment with a participating employer before receiving  
2 any retirement benefits or if the member is a legislative session  
3 employee of the Legislature, shall have three (3) or more years of  
4 full-time-equivalent employment with a participating employer before  
5 receiving any retirement benefits. In no event shall a normal  
6 retirement date for a member be before six (6) months after the  
7 entry date of the participating employer by whom he or she is  
8 employed.

9       B. A member may be employed beyond the normal retirement date  
10 by the appointing authority of the participating employer. However,  
11 the member may not receive retirement pay so long as the member  
12 continues employment under this act. Any member who has terminated  
13 employment with a participating employer prior to the month  
14 immediately preceding said member's normal retirement date must  
15 elect a vested benefit pursuant to Section 917 of this title before  
16 receiving any retirement benefits.

17       C. Notice for retirement shall be filed through the retirement  
18 coordinator for the participating employer in such form and manner  
19 as the Board shall prescribe; provided, that such notice for  
20 retirement shall be filed with the office of the retirement system  
21 at least sixty (60) days prior to the date selected for the member's  
22 retirement; provided further, that the Executive Director may waive  
23 the sixty-day notice for good cause shown as defined by the Board.

1        1. The participating employer shall provide the System with the  
2 following information for a retiring member, no later than the  
3 fifteenth day of the month of retirement: last day physically on  
4 the job; last day on payroll; and final unused sick leave balance.

5        2. Failure to submit this information by the deadline, or  
6 errors in submitted information that result in a disqualification of  
7 retirement eligibility shall be the responsibility of the  
8 participating employer. In cases where the error results in  
9 disqualification of retirement eligibility, it is the participating  
10 employer's responsibility to reemploy the member, or retain the  
11 member on the payroll, for time period required to reach  
12 eligibility, not exceeding two (2) months.

13        D. No retirement benefits shall be payable to any member until  
14 the first day of the month following the termination of the member's  
15 employment with any participating employer. The type of retirement  
16 benefit selected by a member may not be changed on or after the  
17 effective date of the member's retirement. Receipt of workers'  
18 compensation benefits shall in no respect disqualify the retiree for  
19 benefits.

20        E. If a retiree should be elected or appointed to any position  
21 or office for which compensation for service is paid from levies or  
22 taxes imposed by the state or any political subdivision thereof, the  
23 retiree shall not receive any retirement benefit for any month for  
24 which the retiree serves in such position or office after the

1 retiree has received compensation in a sum equal to the amount  
2 allowable as wages or earnings by the Social Security Administration  
3 in any calendar year. This subsection shall not apply to service  
4 rendered by a retiree as a juror, as a witness in any legal  
5 proceeding or action, as an election board judge or clerk, or in any  
6 other office or position of a similar nature, or to an employer that  
7 is not a participating employer. Provided, further, that any  
8 participating employer who is employing such a retiree shall make  
9 proper written notification to the System informing it of the  
10 beginning date of such retiree's employment and the date such  
11 retiree reaches the maximum compensation allowed by this section in  
12 the calendar year. Any retiree returning to work for a  
13 participating employer shall make contributions to the System and  
14 the employer shall do likewise. All retirees who have returned to  
15 employment and participation in the System following retirement  
16 shall have post-retirement benefits calculated on one of the  
17 following methods:

18 1. All service accumulated from date of reemployment shall be  
19 computed based on the benefit formula applicable at that time and  
20 the additional benefits shall be added to the previous benefits.  
21 Such additional benefits shall be calculated each year based upon  
22 additional service accrued from July 1 to June 30 of the previous  
23 year and the additional benefit, if any, will be added to the  
24 retiree's monthly benefit beginning January 1, 2000, and each

1 January 1 thereafter. However, the post-retirement service credit  
2 shall be cumulative, beginning with service credit accrued after the  
3 date of retirement, provided that the retiree has not received a  
4 distribution of the post-retirement contributions.

5 2. Any retiree who returns to employment with a participating  
6 employer may elect not to receive any retirement benefits while so  
7 reemployed. If such an election is made and reemployment is for a  
8 minimum period of thirty-six (36) consecutive months, all service  
9 accumulated from date of reemployment shall be participating  
10 service. For purposes of determining the retirement benefits of  
11 such a member upon the termination of such reemployment all  
12 creditable service of the member shall be computed based on the  
13 benefit formula applicable at the time of termination of such  
14 reemployment. Provided, a retiree who became reemployed prior to  
15 July 1, 1982, and who is reemployed for a minimum of thirty-six (36)  
16 consecutive months shall have all the creditable service of such  
17 retiree computed based on the benefit formula applicable at the time  
18 of termination of such reemployment if the retiree elects not to  
19 receive retirement benefits prior to such termination of  
20 reemployment. A retiree who has waived receipt of the monthly  
21 benefit, but is not reemployed for the full thirty-six (36)  
22 consecutive months, shall upon termination of such reemployment have  
23 only the additional amount added to his or her benefit as if they  
24

1 had not waived the benefit as provided in paragraph 1 of this  
2 subsection.

3 3. All post-retirement additional benefits shall be calculated  
4 using actual hours worked as well as the actual compensation  
5 received and upon which contributions are paid. Post-retirement  
6 service is not subject to the partial year round-up provisions of  
7 subsection C of Section 913 of this title.

8 4. A retired member who returns to work for a participating  
9 employer pursuant to this section shall be bound by the election  
10 made pursuant to paragraph (2) of subsection A of Section 915 of  
11 this title if the member had made such election prior to retirement.  
12 If the member had not made such election prior to retirement, the  
13 member may do so during the member's reemployment with a  
14 participating employer pursuant to this section. A

15 F. Except as otherwise provided by this subsection, a retired  
16 member may not be rehired by their former employer, nor may the  
17 retired member be permitted to enter into an employment contract of  
18 any kind with a former employer, for a period of one (1) year after  
19 the retired member ended his or her employment with the former  
20 employer unless the retired member waives his or her benefit under  
21 paragraph 2 of this subsection and returns as a bona fide employee.  
22 For persons employed by a county who retire on or after November 1,  
23 2021, but who return to work for the county that employed the person  
24 as of the date of their retirement on a part-time basis in order to

perform work for such county that consists of road or bridge construction or maintenance, the retired member may begin employment after having been retired for a period of six (6) months and shall continue to receive the retirement benefit as authorized by the provisions of the Oklahoma Public Employee Retirement System.

~~F.~~ G. Except as otherwise provided by subsection ~~G~~ H of this section, any member may elect to retire before his or her normal retirement date on the first day of any month coinciding with or following the attainment of age fifty-five (55), provided such member has completed ten (10) years of participating service, but in no event before six (6) months after the entry date. Any member who shall retire before the normal retirement date shall receive an annual retirement benefit adjusted in accordance with the following percentage schedule:

Age	Percentage of Normal Retirement Benefit
62	100.00%
61	93.33%
60	86.67%
59	80.00%
58	73.33%
57	66.67%
56	63.33%
55	60.00%



1     ~~G.~~ H. Any member whose first participating service occurs on or  
 2 after November 1, 2011, may elect to retire before his or her normal  
 3 retirement date on the first day of any month coinciding with or  
 4 following the attainment of age sixty (60), provided such member has  
 5 completed ten (10) years of participating service, but in no event  
 6 before six (6) months after the entry date. Any member who shall  
 7 retire before the normal retirement date shall receive an annual  
 8 retirement benefit adjusted in accordance with the following  
 9 percentage schedule:

Age	Percentage of Normal Retirement Benefit
65	100.00%
64	93.33%
63	86.67%
62	80.00%
61	73.33%
60	66.67%

18     SECTION 2. This act shall become effective November 1, 2021.

20     58-1-7593           MAH       02/21/21