

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2852 _____
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: Sean Roberts

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2852

By: Roberts (Sean)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to public retirement systems; enacting the Protecting Oklahoma Retirees Against Biden-flation Act of 2022; amending 62 O.S. 2021, Section 3103, which relates to the Oklahoma Pension Legislation Actuarial Analysis Act; modifying definitions; authorizing benefit increase for certain retired members of the Oklahoma Firefighters Pension and Retirement System; providing for offset; authorizing benefit increase for certain retired members of the Oklahoma Police Pension and Retirement System; providing for offset; authorizing retirement benefit increase for certain retired members of the Uniform Retirement System for Justices and Judges; authorizing retirement benefit increase for certain retired members of the Oklahoma Law Enforcement Retirement System; providing for offset; authorizing retirement benefit increase for certain retired members of the Teachers' Retirement System of Oklahoma; authorizing retirement benefit increase for certain retired members of the Oklahoma Public Employees Retirement System; providing for codification; providing for contingent timing based on failure of emergency clause; providing for payment of benefits by retirement systems for certain periods; providing an effective date; and declaring an emergency.

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

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

3 This act shall be known and may be cited as the "Protecting
4 Oklahoma Retirees Against Biden-flation Act of 2022".

5 SECTION 2. AMENDATORY 62 O.S. 2021, Section 3103, is
6 amended to read as follows:

7 Section 3103. As used in the Oklahoma Pension Legislation
8 Actuarial Analysis Act:

9 1. "Amendment" means any amendment, including a substitute
10 bill, made to a retirement bill by any committee of the House or
11 Senate, any conference committee of the House or Senate or by the
12 House or Senate;

13 2. "RB number" means that number preceded by the letters "RB"
14 assigned to a retirement bill by the respective staffs of the
15 Oklahoma State Senate and the Oklahoma House of Representatives when
16 the respective staff office prepares a retirement bill for a member
17 of the Legislature;

18 3. "Legislative Actuary" means the firm or entity that enters
19 into a contract with the Legislative Service Bureau pursuant to
20 Section 452.15 of Title 74 of the Oklahoma Statutes to provide the
21 actuarial services and other duties provided for in the Oklahoma
22 Pension Legislation Actuarial Analysis Act;

23 4. "Nonfiscal amendment" means an amendment to a retirement
24 bill having a fiscal impact, which amendment does not change any

1 factor of an actuarial investigation specified in subsection A of
2 Section 3109 of this title;

3 5. "Nonfiscal retirement bill" means a retirement bill:

4 a. which does not affect the cost or funding factors of a
5 retirement system,

6 b. which affects such factors only in a manner which does
7 not:

8 (1) grant a benefit increase under the retirement
9 system affected by the bill,

10 (2) create an actuarial accrued liability for or
11 increase the actuarial accrued liability of the
12 retirement system affected by the bill, or

13 (3) increase the normal cost of the retirement system
14 affected by the bill,

15 c. which authorizes the purchase by an active member of
16 the retirement system, at the actuarial cost for the
17 purchase as computed pursuant to the statute in effect
18 on the effective date of the measure allowing such
19 purchase, of years of service for purposes of reaching
20 a normal retirement date in the applicable retirement
21 system, but which cannot be used in order to compute
22 the number of years of service for purposes of
23 computing the retirement benefit for the member,
24

- d. which provides for the computation of a service-connected disability retirement benefit for members of the Oklahoma Law Enforcement Retirement System pursuant to Section 2-305 of Title 47 of the Oklahoma Statutes if the members were unable to complete twenty (20) years of service as a result of the disability,
- e. which requires membership in the defined benefit plan authorized by Section 901 et seq. of Title 74 of the Oklahoma Statutes for persons whose first elected or appointed service occurs on or after November 1, 2018, if such persons had any prior service in the Oklahoma Public Employees Retirement System prior to November 1, 2015,
- f. which provides for a one-time increase in retirement benefits if the increase in retirement benefits is not a permanent increase in the gross annual retirement benefit payable to a member or beneficiary, occurs only once pursuant to a single statutory authorization and does not exceed:
- (1) the lesser of two percent (2%) of the gross annual retirement benefit of the member or One Thousand Dollars (\$1,000.00) and requires that the benefit may only be provided if the funded ratio of the affected retirement system would not

1 be less than sixty percent (60%) but not greater
2 than eighty percent (80%) after the benefit
3 increase is paid,

4 (2) the lesser of two percent (2%) of the gross
5 annual retirement benefit of the member or One
6 Thousand Two Hundred Dollars (\$1,200.00) and
7 requires that the benefit may only be provided if
8 the funded ratio of the affected retirement
9 system would be greater than eighty percent (80%)
10 but not greater than one hundred percent (100%)
11 after the benefit increase is paid,

12 (3) the lesser of two percent (2%) of the gross
13 annual retirement benefit of the member or One
14 Thousand Four Hundred Dollars (\$1,400.00) and
15 requires that the benefit may only be provided if
16 the funded ratio of the affected retirement
17 system would be greater than one hundred percent
18 (100%) after the benefit increase is paid, or

19 (4) the greater of two percent (2%) of the gross
20 annual retirement benefit of the volunteer
21 firefighter or One Hundred Dollars (\$100.00) for
22 persons who retired from the Oklahoma
23 Firefighters Pension and Retirement System as
24 volunteer firefighters and who did not retire

1 from the Oklahoma Firefighters Pension and
2 Retirement System as a paid firefighter.

3 As used in this subparagraph, "funded ratio" means the
4 figure derived by dividing the actuarial value of
5 assets of the applicable retirement system by the
6 actuarial accrued liability of the applicable
7 retirement system,

8 g. which modifies the disability pension standard for
9 police officers who are members of the Oklahoma Police
10 Pension and Retirement System as provided by Section 3
11 of this act, ~~or~~

12 h. which provides a cost-of-living benefit increase
13 pursuant to the provisions of ~~Sections 2 through 7 of~~
14 ~~this act:~~

15 (1) Section 49-143.7 of Title 11 of the Oklahoma
16 Statutes,

17 (2) Section 50-136.9 of Title 11 of the Oklahoma
18 Statutes,

19 (3) Section 1104K of Title 20 of the Oklahoma
20 Statutes,

21 (4) Section 2-305.12 of Title 47 of the Oklahoma
22 Statutes,

23 (5) Section 17-116.22 of Title 70 of the Oklahoma
24 Statutes,

1 (6) Section 930.11 of Title 74 of the Oklahoma
2 Statutes, or

3 i. which provides a cost-of-living benefit increase
4 pursuant to the provisions of Sections 3 through 8 of
5 this act.

6 A nonfiscal retirement bill shall include any retirement bill that
7 has as its sole purpose the appropriation or distribution or
8 redistribution of monies in some manner to a retirement system for
9 purposes of reducing the unfunded liability of such system or the
10 earmarking of a portion of the revenue from a tax to a retirement
11 system or increasing the percentage of the revenue earmarked from a
12 tax to a retirement system;

13 6. "Reduction-in-cost amendment" means an amendment to a
14 retirement bill having a fiscal impact which reduces the cost of the
15 bill as such cost is determined by the actuarial investigation for
16 the bill prepared pursuant to Section 3109 of this title;

17 7. "Retirement bill" means any bill or joint resolution
18 introduced or any bill or joint resolution amended by a member of
19 the Oklahoma Legislature which creates or amends any law directly
20 affecting a retirement system. A retirement bill shall not mean a
21 bill or resolution that impacts the revenue of any state tax in
22 which a portion of the revenue generated from such tax is earmarked
23 for the benefit of a retirement system;

1 8. "Retirement bill having a fiscal impact" means any
2 retirement bill creating or establishing a retirement system and any
3 other retirement bill other than a nonfiscal retirement bill; and

4 9. "Retirement system" means the Teachers' Retirement System of
5 Oklahoma, the Oklahoma Public Employees Retirement System, the
6 Uniform Retirement System for Justices and Judges, the Oklahoma
7 Firefighters Pension and Retirement System, the Oklahoma Police
8 Pension and Retirement System, the Oklahoma Law Enforcement
9 Retirement System, or a retirement system established after January
10 1, 2006.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 49-143.8 of Title 11, unless
13 there is created a duplication in numbering, reads as follows:

14 A. Except as provided in subsection B of this section and
15 except for persons receiving benefits pursuant to Section 49-101 of
16 Title 11 of the Oklahoma Statutes, effective July 1, 2022, any
17 person receiving benefits from the Oklahoma Firefighters Pension and
18 Retirement System as of June 30, 2022, who continues to receive
19 benefits on or after July 1, 2022, shall receive an increase in
20 benefits as follows:

21 1. Five percent (5%) if the person has been retired for less
22 than five (5) years as of July 1, 2022; and

23 2. Three percent (3%) if the person has been retired for five
24 (5) years or more as of July 1, 2022.

1 B. Any increase in benefits a person is eligible to receive
2 pursuant to repealed Section 49-136 of Title 11 of the Oklahoma
3 Statutes after June 30, 2020, shall be used to offset the increase
4 in benefits provided in subsection A of this section.

5 C. Effective July 1, 2022, any person receiving benefits
6 pursuant to Section 49-101 of Title 11 of the Oklahoma Statutes
7 shall each receive:

8 1. An increase in benefits of five percent (5%) per year of
9 credited service, not to exceed thirty (30) years of service, if the
10 person has been retired for at least two (2) years but less than
11 five (5) years as of July 1, 2022; and

12 2. An increase in benefits of three percent (3%) per year of
13 credited service, not to exceed thirty (30) years of service, if the
14 person has been retired for five (5) years or more as of July 1,
15 2022.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 50-136.10 of Title 11, unless
18 there is created a duplication in numbering, reads as follows:

19 A. Except as provided in subsection B of this section, any
20 person receiving benefits from the Oklahoma Police Pension and
21 Retirement System as of June 30, 2022, who continues to receive
22 benefits on or after July 1, 2022, shall receive an increase in
23 benefits as follows:
24

1 1. Five percent (5%) if the person has been retired for less
2 than five (5) years as of July 1, 2022; and

3 3. Three percent (3%) if the person has been retired for five
4 (5) years or more as of July 1, 2022.

5 B. Any increase in benefits a person is eligible to receive
6 pursuant to repealed Section 50-120 of Title 11 of the Oklahoma
7 Statutes, after June 30, 2022, shall be offset by the increase in
8 benefits, if any, provided by this section.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1104L of Title 20, unless there
11 is created a duplication in numbering, reads as follows:

12 Any person receiving benefits from the Uniform Retirement System
13 for Justices and Judges as of June 30, 2022, who continues to
14 receive benefits on or after July 1, 2022, shall receive an increase
15 in benefits as follows:

16 1. Five percent (5%) if the person has been retired for less
17 than five (5) years as of July 1, 2022; and

18 2. Three percent (3%) if the person has been retired for five
19 (5) years or more as of July 1, 2022.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2-305.13 of Title 47, unless
22 there is created a duplication in numbering, reads as follows:

23 A. Except as provided in subsection B of this section, any
24 person receiving benefits from the Oklahoma Law Enforcement

1 Retirement System as of June 30, 2022, who continues to receive
2 benefits on or after July 1, 2022, shall receive an increase in
3 benefits as follows:

4 1. Five percent (5%) if the person has been retired for less
5 than five (5) years as of July 1, 2022; and

6 2. Three percent (3%) if the person has been retired for five
7 (5) years or more as of July 1, 2022.

8 B. Any increase in benefits a person is eligible to receive
9 pursuant to subsection B, C or D of Section 2-305 of Title 47 of the
10 Oklahoma Statutes after July 1, 2022, shall be offset by the
11 increase in benefits, if any, provided by this section.

12 SECTION 7. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 17-116.23 of Title 70, unless
14 there is created a duplication in numbering, reads as follows:

15 A. Any person receiving benefits from the Teachers' Retirement
16 System of Oklahoma as of June 30, 2022, other than those benefits
17 specified in subsection B of this section, who continues to receive
18 benefits on or after July 1, 2022, shall receive an increase in
19 benefits as follows:

20 1. Five percent (5%) if the person has been retired for less
21 than five (5) years as of July 1, 2022; and

22 2. Three percent (3%) if the person has been retired for five
23 (5) years or more as of July 1, 2022.
24

1 B. Any person receiving benefits pursuant to subsection (3) of
2 Section 17-105 of Title 70 of the Oklahoma Statutes whose benefits
3 commenced prior to July 1, 2022, and who continues to receive
4 benefits on or after July 1, 2022, shall receive an increase in
5 benefits as follows:

6 1. Five percent (5%) if the person has been retired for less
7 than five (5) years as of July 1, 2022; and

8 2. Three percent (3%) if the person has been retired for five
9 (5) years or more as of July 1, 2022.

10 SECTION 8. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 930.12 of Title 74, unless there
12 is created a duplication in numbering, reads as follows:

13 Any person receiving benefits from the Oklahoma Public Employees
14 Retirement System as of June 30, 2022, who continues to receive
15 benefits on or after July 1, 2022, shall receive an increase in
16 benefits as follows:

17 1. Five percent (5%) if the person has been retired for less
18 than five (5) years as of July 1, 2022; and

19 2. Three percent (3%) if the person has been retired for five
20 (5) years or more as of July 1, 2022.

21 SECTION 9. If the Emergency Clause is not approved pursuant to
22 the requirements of the Oklahoma Constitution as part of this
23 measure, the effective date of Section 2 of this act shall be
24 October 1, 2022.

1 SECTION 10. If the Emergency Clause is not approved pursuant to
2 the requirements of the Oklahoma Constitution as part of this
3 measure, the effective date of Sections 3 through 8 of this act
4 shall be November 1, 2022; provided, however, that the benefit
5 increases authorized by Sections 3 through 8 of this act shall be
6 paid for the months of July, August, September and October by each
7 applicable retirement system.

8 SECTION 11. Except as otherwise provided by Section 9 of this
9 act, Section 2 of this act shall become effective immediately upon
10 signature by the Governor or as otherwise provided by Section 58 of
11 Article V of the Oklahoma Constitution.

12 SECTION 12. Except as otherwise provided by Section 10 of this
13 act, Sections 3 through 8 of this act shall become effective July 1,
14 2022.

15 SECTION 13. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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20 58-2-10413 MAH 02/13/22
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