

1 ENGROSSED HOUSE  
2 BILL NO. 2996

By: Lepak and Randleman of the  
House

3 and

4 Weaver of the Senate  
5  
6

7 An Act relating to retirement; amending 47 O.S. 2021,  
8 Sections 2-300, as amended by Section 8, Chapter 151,  
9 O.S.L. 2023 (47 O.S. Supp. 2023, Section 2-300), 2-  
10 304, and 2-307.2, which relate to the Oklahoma Law  
11 Enforcement Retirement System; defining term;  
12 modifying terms; updating references; and declaring  
13 an emergency.

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

15 SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-300, as  
16 amended by Section 8, Chapter 151, O.S.L. 2023 (47 O.S. Supp. 2023,  
17 Section 2-300), is amended to read as follows:

18 Section 2-300. As used in Section 2-300 et seq. of this title:

19 1. "System" means the Oklahoma Law Enforcement Retirement  
20 System;

21 2. "Act" means Section 2-300 et seq. of this title;

22 3. "Board" means the Oklahoma Law Enforcement Retirement Board  
23 of the System;  
24

1       4. "Executive Director" means the managing officer of the  
2 System employed by the Board;

3       5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;

4       6. "Participating Employer" means any Oklahoma entity with  
5 employees that are members of the System pursuant to this act;

6       7.    a.    "Member" means:

7               (1)   all commissioned law enforcement officers of the  
8                     Oklahoma Highway Patrol Division of the  
9                     Department of Public Safety who have obtained  
10                    certification from the Council on Law Enforcement  
11                    Education and Training, and all cadets of a  
12                    Patrol Academy of the Department of Public  
13                    Safety,

14              (2)   law enforcement officers and criminalists of the  
15                     Oklahoma State Bureau of Investigation,

16              (3)   law enforcement officers of the Oklahoma State  
17                     Bureau of Narcotics and Dangerous Drugs Control  
18                     designated to perform duties in the investigation  
19                     and prevention of crime and the enforcement of  
20                     the criminal laws of this state,

21              (4)   law enforcement officers of the Alcoholic  
22                     Beverage Laws Enforcement Commission designated  
23                     to perform duties in the investigation and  
24

1 prevention of crime and the enforcement of the  
2 criminal laws of this state,

3 (5) employees of the Communications Section of the  
4 Oklahoma Highway Patrol Division, radio  
5 technicians and tower technicians of the  
6 Department of Public Safety, who are employed in  
7 any such capacity as of June 30, 2008, and who  
8 remain employed on or after July 1, 2008, until a  
9 termination of service, or until a termination of  
10 service with an election of a vested benefit from  
11 the System, or until retirement. Effective July  
12 1, 2008, a person employed for the first time as  
13 an employee of the Department of Public Safety in  
14 the Communications Division as an information  
15 systems telecommunication technician of the  
16 Department of Public Safety shall not be a member  
17 of the System,

18 (6) park rangers of the Oklahoma Tourism and  
19 Recreation Department and any park manager or  
20 park supervisor of the Oklahoma Tourism and  
21 Recreation Department, who was employed in such a  
22 position prior to July 1, 1985, and who elects on  
23 or before September 1, 1996, to participate in  
24 the System, ~~and~~

- 1 (7) inspectors of the State Board of Pharmacy,
- 2 (8) police officers who are CLEET certified and
- 3 employed by the University of Oklahoma or
- 4 Oklahoma State University and who participate in
- 5 this System pursuant to Section 2-314 of this
- 6 title, and
- 7 (9) Lake Patrolmen or Dispatchers of the Grand River
- 8 Dam Authority and who participate in this System
- 9 pursuant to Section 2-315 of this title.

10 b. Effective July 1, 1987, a member does not include a

11 "leased employee" as defined under Section 414(n) (2)

12 of the Internal Revenue Code of 1986, as amended.

13 Effective July 1, 1999, any individual who agrees with

14 the ~~participating employer~~ Participating Employer that

15 the individual's services are to be performed as a

16 leased employee or an independent contractor shall not

17 be a member regardless of any classification as a

18 common-law employee by the Internal Revenue Service or

19 any other governmental agency, or any court of

20 competent jurisdiction.

21 c. All persons who shall be offered a position of a

22 commissioned law enforcement officer as an employee of

23 one of the agencies described in subparagraph a of

24 this paragraph shall participate in the System upon

1 the person meeting the requisite post-offer-pre-  
2 employment physical examination standards which shall  
3 be subject to the following requirements:

4 (1) all such persons shall be of good moral  
5 character, free from deformities, mental or  
6 physical conditions, or disease and alcohol or  
7 drug addiction which would prohibit the person  
8 from performing the duties of a law enforcement  
9 officer,

10 (2) the physical-medical examination shall pertain to  
11 age, sight, hearing, agility and other conditions  
12 the requirements of which shall be established by  
13 the Board,

14 (3) the person shall be required to meet the  
15 conditions of this subsection prior to the  
16 beginning of actual employment but after an offer  
17 of employment has been tendered by a  
18 ~~participating employer~~ Participating Employer,

19 (4) the Board shall have authority to deny or revoke  
20 membership of any person submitting false  
21 information in such person's membership  
22 application, and

23 (5) the Board shall have final authority in  
24 determining eligibility for membership in the

1                   System, pursuant to the provisions of this  
2                   subsection;

3       ~~7.~~ 8. "Normal retirement date" means the date at which the  
4 member is eligible to receive the unreduced payments of the member's  
5 accrued retirement benefit. Such date shall be the first day of the  
6 month coinciding with or following the date the member:

7           a.    completes twenty (20) years of vesting service, or

8           b.    attains sixty-two (62) years of age with ten (10)  
9                years of vesting service, or

10          c.    attains sixty-two (62) years of age, if:

11               (1) the member has been transferred to this System  
12                   from the Oklahoma Public Employees Retirement  
13                   System on or after July 1, 1981, and

14               (2) the member would have been vested had the member  
15                   continued to be a member of the Oklahoma Public  
16                   Employees Retirement System.

17       With respect to distributions under the System made for calendar  
18 years beginning on or after January 1, 2005, the System shall apply  
19 the minimum distribution incidental benefit requirements, incidental  
20 benefit requirements, and minimum distribution requirements of  
21 Section 401(a)(9) of the Internal Revenue Code of 1986, as amended,  
22 in accordance with the final regulations under Section 401(a)(9) of  
23 the Internal Revenue Code of 1986, as amended, including Treasury  
24 Regulations Sections 1.401(a)(9)-1 through 1.401(a)(9)-9; provided,

1 that for individuals who attain seventy and one-half (70 1/2) years  
2 of age after December 31, 2019, but before January 1, 2023, such  
3 distributions shall take into account that "age 70 1/2" was stricken  
4 and "age 72" was inserted in Sections 401(a)(9)(B)(iv)(I),  
5 401(a)(9)(C)(i)(I) and 401(a)(9)(C)(ii)(I) of the Internal Revenue  
6 Code of 1986, as amended, and, provided further, that for  
7 individuals who attain seventy-two (72) years of age after December  
8 31, 2022, such distributions shall take into account that "age 72"  
9 was stricken and "the applicable age", as defined in Section  
10 401(a)(9)(C)(v) of the Internal Revenue Code of 1986, as amended,  
11 was inserted in Section 401(a)(9)(B)(iv)(I) of the Internal Revenue  
12 Code of 1986, as amended (applicable to calendar year 2023), Section  
13 401(a)(9)(C)(i)(I) and Section 401(a)(9)(C)(ii)(I) of the Internal  
14 Revenue Code of 1986, as amended, and that the further revision of  
15 Section 401(a)(9)(B)(iv) of the Internal Revenue Code of 1986, as  
16 amended, effective for calendar years after 2023 with respect to  
17 certain distributions shall be taken into account, in all cases  
18 notwithstanding any provision of the System to the contrary. With  
19 respect to distributions under the System made for calendar years  
20 beginning on or after January 1, 2001, through December 31, 2004,  
21 the System shall apply the minimum distribution requirements and  
22 incidental benefit requirements of Section 401(a)(9) of the Internal  
23 Revenue Code of 1986, as amended, in accordance with the regulations  
24 under Section 401(a)(9) of the Internal Revenue Code of 1986, as

1 amended, which were proposed in January 2001, notwithstanding any  
2 provision of the System to the contrary.

3       Effective July 1, 1989, notwithstanding any other provision  
4 contained herein to the contrary, in no event shall commencement of  
5 distribution of the accrued retirement benefit of a member be  
6 delayed beyond April 1 of the calendar year following the later of:  
7 (1) the calendar year in which the member reaches seventy and one-  
8 half (70 1/2) years of age for a member who attains this age before  
9 January 1, 2020, or, for a member who attains this age on or after  
10 January 1, 2020, but before January 1, 2023, the calendar year in  
11 which the member reaches seventy-two (72) years of age, or effective  
12 for distributions required to be made after December 31, 2022, the  
13 calendar year in which the member reaches seventy-three (73) years  
14 of age for an individual who attains age seventy-two (72) after  
15 December 31, 2022, or "the applicable age", as defined in Section  
16 401(a) (9) (C) (v) of the Internal Revenue Code of 1986, as amended, if  
17 later; or (2) the actual retirement date of the member. A member  
18 electing to defer the commencement of retirement benefits pursuant  
19 to Section 2-308.1 of this title may not defer the benefit  
20 commencement beyond the age of sixty-five (65).

21       Effective September 8, 2009, notwithstanding anything to the  
22 contrary of the System, the System, which as a governmental plan  
23 (within the meaning of Section 414(d) of the Internal Revenue Code  
24 of 1986, as amended), is treated as having complied with Section



1 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all  
2 years to which Section 401(a)(9) of the Internal Revenue Code of  
3 1986, as amended, applies to the System if the System complies with  
4 a reasonable and good faith interpretation of Section 401(a)(9) of  
5 the Internal Revenue Code of 1986, as amended.

6 A member who was required to join the System effective July 1,  
7 1980, because of the transfer of the employing agency from the  
8 Oklahoma Public Employees Retirement System to the System, and was  
9 not a member of the Oklahoma Public Employees Retirement System on  
10 the date of such transfer shall be allowed to receive credit for  
11 prior law enforcement service rendered to this state, if the member  
12 is not receiving or eligible to receive retirement credit or  
13 benefits for such service in any other public retirement system,  
14 upon payment to the System of the employee contribution the member  
15 would have been subject to had the member been a member of the  
16 System at the time, plus five percent (5%) interest. Service credit  
17 received pursuant to this paragraph shall be used in determining the  
18 member's retirement benefit, and shall be used in determining years  
19 of service for retirement or vesting purposes;

20 ~~8.~~ 9. "Actual paid base salary" means the salary received by a  
21 member, excluding payment for any accumulated leave or uniform  
22 allowance. Salary shall include any amount of nonelective salary  
23 reduction under Section 414(h) of the Internal Revenue Code of 1986;

1       ~~9.~~ 10. "Final average salary" means the average of the highest  
2 thirty (30) consecutive complete months of actual paid gross salary.  
3 Gross salary shall include any amount of elective salary reduction  
4 under Section 457 of the Internal Revenue Code of 1986, as amended,  
5 and any amount of nonelective salary reduction under Section 414(h)  
6 of the Internal Revenue Code of 1986, as amended. Effective July 1,  
7 1992, gross salary shall include any amount of elective salary  
8 reduction under Section 125 of the Internal Revenue Code of 1986, as  
9 amended. Effective July 1, 1998, gross salary shall include any  
10 amount of elective salary reduction not includable in the gross  
11 income of the member under Section 132(f)(4) of the Internal Revenue  
12 Code of 1986, as amended. Effective July 1, 1998, for purposes of  
13 determining a member's compensation, any contribution by the member  
14 to reduce his or her regular cash remuneration under Section  
15 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be  
16 treated as if the member did not make such an election. Only salary  
17 on which required contributions have been made may be used in  
18 computing the final average salary. Gross salary shall not include  
19 severance pay.

20       In addition to other applicable limitations, and notwithstanding  
21 any other provision to the contrary, for plan years beginning on or  
22 after July 1, 2002, the annual gross salary of each "Noneligible  
23 Member" taken into account under the System shall not exceed the  
24 Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA")

1 annual salary limit. The EGTRRA annual salary limit is Two Hundred  
2 Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for  
3 increases in the cost of living in accordance with Section  
4 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The  
5 annual salary limit in effect for a calendar year applies to any  
6 period, not exceeding twelve (12) months, over which salary is  
7 determined ("determination period") beginning in such calendar year.  
8 If a determination period consists of fewer than twelve (12) months,  
9 the EGTRRA salary limit will be multiplied by a fraction, the  
10 numerator of which is the number of months in the determination  
11 period, and the denominator of which is twelve (12). For purposes  
12 of this section, a "Noneligible Member" is any member who first  
13 became a member during a plan year commencing on or after July 1,  
14 1996.

15 For plan years beginning on or after July 1, 2002, any reference  
16 in the System to the annual salary limit under Section 401(a)(17) of  
17 the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA  
18 salary limit set forth in this provision.

19 Effective January 1, 2008, gross salary for a plan year shall  
20 also include gross salary, as described above, for services, but  
21 paid by the later of two and one-half (2 1/2) months after a  
22 member's severance from employment or the end of the calendar year  
23 that includes the date the member terminated employment, if it is a  
24 payment that, absent a severance from employment, would have been

1 paid to the member while the member continued in employment with the  
2 employer.

3       Effective January 1, 2008, any payments not described above  
4 shall not be considered gross salary if paid after severance from  
5 employment, even if they are paid by the later of two and one-half  
6 (2 1/2) months after the date of severance from employment or the  
7 end of the calendar year that includes the date of severance from  
8 employment, except payments to an individual who does not currently  
9 perform services for the employer by reason of qualified military  
10 service within the meaning of Section 414(u)(5) of the Internal  
11 Revenue Code of 1986, as amended, to the extent these payments do  
12 not exceed the amounts the individual would have received if the  
13 individual had continued to perform services for the employer rather  
14 than entering qualified military service.

15       Effective January 1, 2008, back pay, within the meaning of  
16 Section 1.415(c)-2(g)(8) of the Income Tax Regulations, shall be  
17 treated as gross salary for the limitation year to which the back  
18 pay relates to the extent the back pay represents wages and  
19 compensation that would otherwise be included in this definition.

20       Effective for years beginning after December 31, 2008, gross  
21 salary shall also include differential wage payments under Section  
22 414(u)(12) of the Internal Revenue Code of 1986, as amended;

23       ~~10.~~ 11. "Credited service" means the period of service used to  
24 determine the amount of benefits payable to a member. Credited

1 service shall consist of the period during which the member  
2 participated in the System or the predecessor Plan as an active  
3 employee in an eligible membership classification, plus any service  
4 prior to the establishment of the predecessor Plan which was  
5 credited under the predecessor Plan and for law enforcement officers  
6 and criminalists of the Oklahoma State Bureau of Investigation and  
7 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
8 who became members of the System on July 1, 1980, any service  
9 credited under the Oklahoma Public Employees Retirement System as of  
10 June 30, 1980, and for members of the Communications and Lake Patrol  
11 Divisions of the Oklahoma Department of Public Safety, who became  
12 members of the System on July 1, 1981, any service credited under  
13 the predecessor Plan or the Oklahoma Public Employees Retirement  
14 System as of June 30, 1981, and for law enforcement officers of the  
15 Alcoholic Beverage Laws Enforcement Commission who became members of  
16 the System on July 1, 1982, any service credited under the Oklahoma  
17 Public Employees Retirement System as of June 30, 1982, and for park  
18 rangers of the Oklahoma Tourism and Recreation Department who became  
19 members of the System on July 1, 1985, any service credited under  
20 the Oklahoma Public Employees Retirement System as of June 30, 1985,  
21 and for inspectors of the State Board of Pharmacy who became members  
22 of the System on July 1, 1986, any service credited under the  
23 Oklahoma Public Employees Retirement System as of June 30, 1986, for  
24 law enforcement officers of the Oklahoma Capitol Patrol Division of

1 the Department of Public Safety who became members of the System  
2 effective July 1, 1993, any service credited under the Oklahoma  
3 Public Employees Retirement System as of June 30, 1993, and for all  
4 commissioned officers in the Gunsmith/Ammunition Reloader Division  
5 of the Department of Public Safety who became members of the System  
6 effective July 1, 1994, any service credited under the Oklahoma  
7 Public Employees Retirement System as of June 30, 1994, and for the  
8 park managers or park supervisors of the Oklahoma Tourism and  
9 Recreation Department who were employed in such a position prior to  
10 July 1, 1985, and who elect to become members of the System  
11 effective September 1, 1996, any service transferred pursuant to  
12 subsection C of Section 2-309.6 of this title and any service  
13 purchased pursuant to subsection B of Section 2-307.2 of this title.  
14 Effective August 5, 1993, an authorized leave of absence shall  
15 include a period of absence pursuant to the Family and Medical Leave  
16 Act of 1993;

17 ~~11.~~ 12. "Disability" means a physical or mental condition  
18 which, in the judgment of the Board, totally and presumably  
19 permanently prevents the member from engaging in the usual and  
20 customary duties of the occupation of the member and thereafter  
21 prevents the member from performing the duties of any occupation or  
22 service for which the member is qualified by reason of training,  
23 education or experience. A person is not under a disability when  
24 capable of performing a service to the employer, regardless of

1 occupation, providing the salary of the employee is not diminished  
2 thereby;

3 ~~12.~~ 13. "Limitation year" means the year used in applying the  
4 limitations of Section 415 of the Internal Revenue Code of 1986,  
5 which year shall be the calendar year;

6 ~~13.~~ 14. "Line of duty" means any action which a member whose  
7 primary function is crime control or reduction or enforcement of the  
8 criminal law is obligated or authorized by rule, regulations,  
9 condition of employment or service, or law to perform including  
10 those social, ceremonial or athletic functions to which the member  
11 is assigned, or for which the member is compensated, by the agency  
12 the member serves;

13 ~~14.~~ 15. "Personal injury" or "injury" means any traumatic  
14 injury as well as diseases which are caused by or result from such  
15 an injury, but not occupational diseases;

16 ~~15.~~ 16. "Catastrophic nature" means consequences of an injury  
17 that permanently prevent an individual from performing any gainful  
18 work;

19 ~~16.~~ 17. "Traumatic injury" means a wound or a condition of the  
20 body caused by external force including injuries inflicted by  
21 bullets, explosives, sharp instruments, blunt objects or other  
22 physical blows, chemicals, electricity, climatic conditions,  
23 infectious diseases, radiation and bacteria, but excluding stress  
24 and strain; and

1       ~~17.~~ 18. "Beneficiary" means the individual designated by the  
2 member on a beneficiary designation form supplied by the Oklahoma  
3 Law Enforcement Retirement System, or, if there is no designated  
4 beneficiary or if the designated beneficiary predeceases the member,  
5 the estate of the member. If the member's spouse is not designated  
6 as the sole primary beneficiary, the member's spouse must sign a  
7 consent.

8       SECTION 2.       AMENDATORY       47 O.S. 2021, Section 2-304, is  
9 amended to read as follows:

10       Section 2-304. A. ~~The Department of Public Safety, the~~  
11 ~~Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of~~  
12 ~~Narcotics and Dangerous Drugs Control, the Alcoholic Beverage~~  
13 ~~Control Board, the Oklahoma Tourism and Recreation Department and~~  
14 ~~the State Board of Pharmacy shall make contributions to the fund as~~  
15 ~~follows:~~

16       ~~The Department of Public Safety, Oklahoma State Bureau of~~  
17 ~~Investigation, Oklahoma State Bureau of Narcotics and Dangerous~~  
18 ~~Drugs Control, the Alcoholic Beverage Control Board, the Oklahoma~~  
19 ~~Tourism and Recreation Department and the State Board of Pharmacy~~  
20 Participating Employers shall contribute to the fund an amount equal  
21 to eleven percent (11%) of the actual paid base salary of each  
22 member.



1 B. Each member of the System shall make contributions to the  
2 fund in an amount equal to eight percent (8%) of the actual paid  
3 base salary of the member.

4 Member contributions shall be deducted by each ~~participating~~  
5 ~~employer~~ Participating Employer for such benefits as the Board is by  
6 law authorized to administer and shall be remitted monthly, or as  
7 the Board may otherwise provide, for deposit in the fund.

8 C. Each ~~employer~~ Participating Employer shall pick up under the  
9 provisions of Section 414(h) (2) of the Internal Revenue Code of 1986  
10 and pay the contribution which the member is required by law to make  
11 to the System for all compensation earned after December 31, 1989.  
12 Although the contributions so picked up are designated as member  
13 contributions, such contributions shall be treated as contributions  
14 being paid by the employer in lieu of contributions by the member in  
15 determining tax treatment under the Internal Revenue Code of 1986  
16 and such picked up contributions shall not be includable in the  
17 gross income of the member until such amounts are distributed or  
18 made available to the member or the beneficiary of the member. The  
19 member, by the terms of this System, shall not have any option to  
20 choose to receive the contributions so picked up directly and the  
21 picked up contributions must be paid by the employer to the System.

22 Member contributions which are picked up shall be treated in the  
23 same manner and to the same extent as member contributions made  
24 prior to the date on which member contributions were picked up by

1 the ~~participating employer~~ Participating Employer. Member  
2 contributions so picked up shall be included in gross salary for  
3 purposes of determining benefits and contributions under the System.

4 The ~~employer~~ Participating Employer shall pay the member  
5 contributions from the same source of funds used in paying salary to  
6 the member, by effecting an equal cash reduction in gross salary of  
7 the member.

8 SECTION 3. AMENDATORY 47 O.S. 2021, Section 2-307.2, is  
9 amended to read as follows:

10 Section 2-307.2 A. The total service credit of a member who  
11 retires, elects a Deferred Option Plan or terminates employment and  
12 elects a vested benefit shall include not to exceed one hundred  
13 thirty (130) days of unused sick leave accumulated while a member of  
14 the System. Effective July 1, 2008, a member who retires, elects a  
15 Deferred Option Plan or terminates employment and elects a vested  
16 benefit shall include not to exceed two hundred forty (240) days of  
17 unused sick leave accumulated while a member of the System. Such  
18 credit shall be added in terms of whole months. Twenty (20) days of  
19 unused sick leave shall equal one (1) month for purposes of service  
20 credit. If unused sick leave entitles a member to an additional  
21 year or fraction thereof of service credit, the member's employer  
22 shall reimburse the System for the cost of funding the additional  
23 reserve by paying the amount determined by the Board pursuant to  
24 Section 25 of this act. Each employer shall provide the System with

1 adequate and timely information necessary to determine additional  
2 benefits and its cost under this section. This section shall apply  
3 to members retiring or vesting on or after July 1, 1985, and shall  
4 not be retroactive. The amount of accrued sick leave available for  
5 determination of a member's monthly benefit for purposes of the  
6 deferred option election shall be limited to the accrued sick leave  
7 available as of the effective date of the deferred option election,  
8 but not to exceed two hundred forty (240) days. The member's  
9 monthly benefit determined as of the effective date of the deferred  
10 option election shall not be adjusted for additional accrued sick  
11 leave earned by the member after the deferred option election.

12 B. Whenever any member is unable to perform the member's duties  
13 because of sickness or temporary disability caused or sustained  
14 while in the discharge of the member's duty as a member, is  
15 receiving a temporary total disability benefit under Section 1 et  
16 seq. of Title 85A of the Oklahoma Statutes, and does not purchase  
17 service credit as described below, such member shall only receive  
18 prorated service credit based on the contributions made by the  
19 member and the member's employer while the member is receiving a  
20 temporary total disability benefit under Section 1 et seq. of Title  
21 85A of the Oklahoma Statutes. Whenever any member is unable to  
22 perform the member's duties because of sickness or temporary  
23 disability caused or sustained while in the discharge of the  
24 member's duty as a member and is receiving a temporary disability

1 benefit under Section 1 et seq. of Title 85A of the Oklahoma  
2 Statutes, such member shall have the option to purchase service  
3 credit for the time related to such leave of absence for such  
4 sickness or temporary disability.

5 1. The payment for such purchase must be completed no later  
6 than three (3) years from the date the member commenced receipt of a  
7 temporary total disability benefit.

8 2. The purchase price shall be:

9 a. the actual paid base salary that the member was  
10 entitled to immediately prior to the member's sickness  
11 or temporary disability minus any vacation or sick  
12 leave payments received by the member during such  
13 sickness or temporary disability, multiplied by,

14 b. the following ~~percent~~:

15 (1) ~~eighteen percent (18%)~~ the combined employer and  
16 member contribution percentages pursuant to  
17 Section 2-304 of this title for members who are  
18 suspended without pay, or

19 (2) ~~eight percent (8%)~~ the member contributions  
20 percentage pursuant to Section 2-304 of this  
21 title for members who are not suspended without  
22 pay.

23 If such member has not been suspended without pay, the employer  
24 shall contribute, within three (3) months of the completion of the

1 member's purchase of service credit, ~~ten percent (10%)~~ the employer  
2 contribution percentage pursuant to Section 2-304 of this title of  
3 the actual paid base salary that the member was entitled to  
4 immediately prior to the member's sickness or temporary disability  
5 minus any vacation or sick leave payments received by the member  
6 during such sickness or temporary disability.

7 3. The member may purchase such service credit through:

- 8 a. a cash lump-sum payment,
- 9 b. a trustee-to-trustee transfer of non-Roth funds from a  
10 Code Section 403(b) annuity or custodial account, an  
11 eligible deferred compensation plan described in Code  
12 Section 457(b) which is maintained by an eligible  
13 employer described in Code Section 457(e)(1)(A),  
14 and/or a Code Section 401(a) qualified plan,
- 15 c. a direct rollover of tax-deferred funds from a Code  
16 Section 403(b) annuity or custodial account, an  
17 eligible deferred compensation plan described in Code  
18 Section 457(b) which is maintained by an eligible  
19 employer described in Code Section 457(e)(1)(A), a  
20 Code Section 401(a) qualified plan, and/or a Code  
21 Section 408(a) or 408(b) traditional or conduit  
22 Individual Retirement Account or Annuity (IRA). Roth  
23 accounts, Coverdell Education Savings Accounts and  
24

after-tax contributions shall not be used to purchase  
such service credit, or

d. any combination of the above methods of payment.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of March, 2024.

Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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Presiding Officer of the Senate