

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2023)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 1805

By: Hays of the House

and

**Murdock** of the Senate

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10                                   COMMITTEE SUBSTITUTE

11           An Act relating to public retirement systems;  
12           amending 74 O.S. 2021, Sections 902, 915, 916.3,  
13           919.1, and 920A, which relate to the Oklahoma Public  
14           Employees Retirement System definitions, benefit  
15           amount, and contributions; providing for membership  
16           by emergency medical personnel; conforming language;  
17           establishing employee and employer contributions;  
18           updating statutory language; providing for death  
19           benefits; and providing an effective date.

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

24           SECTION 1.           AMENDATORY           74 O.S. 2021, Section 902, is  
amended to read as follows:

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

(1) "System" means the Oklahoma Public Employees Retirement  
System as established by ~~this act~~ Section 901 et seq. of this title  
and as it may hereafter be amended;

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

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

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

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

10 (6) "Actuary" means the actuary or firm of actuaries employed  
11 by the Board at any given time;

12 (7) "Beneficiary" means any person named by a member to receive  
13 any benefits as provided for by Section 901 et seq. of this title.  
14 If there is no beneficiary living at time of member employee's  
15 death, the member's estate shall be the beneficiary;

16 (8) "Board" means the Oklahoma Public Employees Retirement  
17 System Board of Trustees;

18 (9) "Compensation" means all salary and wages, as defined by  
19 the Board of Trustees, including amounts deferred under deferred  
20 compensation agreements entered into between a member and a  
21 participating employer, ~~but exclusive of.~~ Compensation shall not  
22 mean payment for overtime, payable to a member of the System for  
23 personal services performed for a participating employer ~~but shall~~  
24 ~~not include,~~ compensation or reimbursement for traveling, ~~or~~ moving

1 expenses, or any compensation in excess of the maximum compensation  
2 level, provided:

3 (a) For compensation for service prior to January 1, 1988,  
4 the maximum compensation level shall be Twenty-five  
5 Thousand Dollars (\$25,000.00) per annum.

6 For compensation for service on or after January 1,  
7 1988, through June 30, 1994, the maximum compensation  
8 level shall be Forty Thousand Dollars (\$40,000.00) per  
9 annum.

10 For compensation for service on or after July 1, 1994,  
11 through June 30, 1995, the maximum compensation level  
12 shall be Fifty Thousand Dollars (\$50,000.00) per  
13 annum; for compensation for service on or after July  
14 1, 1995, through June 30, 1996, the maximum

15 compensation level shall be Sixty Thousand Dollars  
16 (\$60,000.00) per annum; for compensation for service  
17 on or after July 1, 1996, through June 30, 1997, the  
18 maximum compensation level shall be Seventy Thousand

19 Dollars (\$70,000.00) per annum; and for compensation  
20 for service on or after July 1, 1997, through June 30,  
21 1998, the maximum compensation level shall be Eighty  
22 Thousand Dollars (\$80,000.00) per annum. For  
23 compensation for services on or after July 1, 1998,  
24

1           there shall be no maximum compensation level for  
2           retirement purposes.

3           (b) Compensation for retirement purposes shall include any  
4           amount of elective salary reduction under Section 457  
5           of the Internal Revenue Code of 1986 and any amount of  
6           nonelective salary reduction under Section 414(h) of  
7           the Internal Revenue Code of 1986.

8           (c) Notwithstanding any provision to the contrary, the  
9           compensation taken into account for any employee in  
10          determining the contribution or benefit accruals for  
11          any plan year is ~~limited~~ subject to the annual  
12          compensation limit under Section 401(a)(17) of the  
13          federal Internal Revenue Code.

14          (d) Current appointed members of the Oklahoma Tax  
15          Commission whose salary is constitutionally limited  
16          and is less than the highest salary allowed by law for  
17          his or her position shall be allowed, within ninety  
18          (90) days from ~~the effective date of this act~~ March  
19          21, 2001, to make an election to use the highest  
20          salary allowed by law for the position to which the  
21          member was appointed for the purposes of making  
22          contributions and determination of retirement  
23          benefits. Such election shall be irrevocable and ~~be~~  
24          in writing. Reappointment to the same office shall

1 not permit a new election. Members appointed to the  
2 Oklahoma Tax Commission after ~~the effective date of~~  
3 ~~this act~~ March 21, 2001, shall make such election,  
4 pursuant to this subparagraph, within ninety (90) days  
5 of taking office;

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

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

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

13 (13) "Eligible employer" means the state and any county, county  
14 hospital, city or town, conservation districts, circuit engineering  
15 districts and any public or private trust in which a county, city or  
16 town participates and is the primary beneficiary, ~~is to be an~~  
17 ~~eligible employer for the purpose of this act only~~, whose employees  
18 are covered by Social Security and are not covered by or eligible  
19 for another retirement plan authorized under the laws of this state  
20 which is in operation on the initial entry date. Emergency medical  
21 service districts may join the System upon proper application to the  
22 Board. Provided, affiliation by a county hospital shall be in the  
23 form of a resolution adopted by the board of control.

1 (a) If a class or several classes of employees of any  
2 above-defined employers are covered by Social Security  
3 and are not covered by or eligible for and will not  
4 become eligible for another retirement plan authorized  
5 under the laws of this state, which is in operation on  
6 the effective date, such employer shall be deemed an  
7 eligible employer, but only with respect to that class  
8 or those classes of employees as defined in this  
9 section.

10 (b) A class or several classes of employees who are  
11 covered by Social Security and are not covered by or  
12 eligible for and will not become eligible for another  
13 retirement plan authorized under the laws of this  
14 state, which is in operation on the effective date,  
15 and when the qualifications for employment in such  
16 class or classes are set by state law; and when such  
17 class or classes of employees are employed by a county  
18 or municipal government pursuant to such  
19 qualifications; and when the services provided by such  
20 employees are of such nature that they qualify for  
21 matching by or contributions from state or federal  
22 funds administered by an agency of state government  
23 which qualifies as a participating employer, then the  
24 agency of state government administering the state or

1 federal funds shall be deemed an eligible employer,  
2 but only with respect to that class or those classes  
3 of employees as defined in this subsection; provided,  
4 that the required contributions to the retirement plan  
5 may be withheld from the contributions of state or  
6 federal funds administered by the state agency and  
7 transmitted to the System on the same basis as the  
8 employee and employer contributions are transmitted  
9 for the direct employees of the state agency. The  
10 retirement or eligibility for retirement under the  
11 provisions of law providing pensions for service as a  
12 volunteer firefighter shall not render any person  
13 ineligible for participation in the benefits provided  
14 for in Section 901 et seq. of this title. An employee  
15 of any public or private trust in which a county, city  
16 or town participates and is the primary beneficiary  
17 shall be deemed to be an eligible employee for the  
18 purpose of ~~this act~~ Section 901 et seq. of this title  
19 only.

20 (c) All employees of the George Nigh Rehabilitation  
21 Institute who elected to retain membership in the  
22 System, pursuant to Section 913.7 of this title, shall  
23 continue to be eligible employees for the purposes of  
24 ~~this act~~ Section 901 et seq. of this title. The

1 George Nigh Rehabilitation Institute shall be  
2 considered a participating employer only for such  
3 employees.

4 (d) All employees of CompSource Mutual Insurance Company  
5 who retain membership in the Oklahoma Public Employees  
6 Retirement System pursuant to Section 913.9 of this  
7 title shall continue to be eligible employees for the  
8 purposes of the Oklahoma Public Employees Retirement  
9 System. CompSource Mutual Insurance Company shall be  
10 considered a participating employer only for such  
11 employees.

12 (e) All employees of a successor organization, as defined  
13 by Section 5-60.12 of Title 2 of the Oklahoma  
14 Statutes, who retain membership in the Oklahoma Public  
15 Employees Retirement System pursuant to Section 5-  
16 60.35 of Title 2 of the Oklahoma Statutes shall  
17 continue to be eligible employees for the purposes of  
18 the Oklahoma Public Employees Retirement System. A  
19 successor organization shall be considered a  
20 participating employer only for such employees.

21 (f) A participating employer of the Teachers' Retirement  
22 System of Oklahoma, who has one or more employees who  
23 have made an election pursuant to enabling legislation  
24 to retain membership in the System as a result of



1 change in administration, shall be considered a  
2 participating employer of the Oklahoma Public  
3 Employees Retirement System only for such employees;

4 (14) "Employee" means any officer or employee of a  
5 participating employer, whose employment is not seasonal or  
6 temporary and whose employment requires at least one thousand  
7 (1,000) hours of work per year and whose salary or wage is equal to  
8 the hourly rate of the monthly minimum wage for state employees.  
9 For those eligible employers outlined in Section 910 of this title,  
10 the rate shall be equal to the hourly rate of the monthly minimum  
11 wage for that employer. Each employer, whose minimum wage is less  
12 than the state's minimum wage, shall inform the System of the  
13 minimum wage for that employer. This notification shall be by  
14 resolution of the governing body.

15 (a) Any employee of the county extension agents who is not  
16 currently participating in the Teachers' Retirement  
17 System of Oklahoma shall be a member of this System.

18 (b) Eligibility shall not include any employee who is a  
19 contributing member of the United States Civil Service  
20 Retirement System.

21 (c) It shall be mandatory for an officer, appointee or  
22 employee of the office of district attorney to become  
23 a member of this System if he or she is not currently  
24 participating in a county retirement system. Provided

1 further, that if an officer, appointee or employee of  
2 the office of district attorney is currently  
3 participating in such county retirement system, he or  
4 she is ineligible for this System as long as he or she  
5 is eligible for such county retirement system. Any  
6 eligible officer, appointee or employee of the office  
7 of district attorney shall be given credit for prior  
8 service as defined in this section. The provisions  
9 outlined in Section 917 of this title shall apply to  
10 those employees who have previously withdrawn their  
11 contributions.

12 (d) Eligibility shall also not include any officer or  
13 employee of the Oklahoma Employment Security  
14 Commission, except for those officers and employees of  
15 the Commission electing to transfer to this System  
16 pursuant to the provisions of Section 910.1 of this  
17 title or any other class of officers or employees  
18 specifically exempted by the laws of this state,  
19 unless there be a consolidation as provided by Section  
20 912 of this title. Employees of the Oklahoma  
21 Employment Security Commission who are ineligible for  
22 enrollment in the Oklahoma Employment Security  
23 Commission Retirement Plan, that was in effect on  
24 January 1, 1964, shall become members of this System.

1 (e) Any employee employed by the Legislative Service  
2 Bureau, ~~State~~ Senate or House of Representatives for  
3 the full duration of a regular legislative session  
4 shall be eligible for membership in the System  
5 regardless of classification as a temporary employee  
6 and may participate in the System during the regular  
7 legislative session at the option of the employee.  
8 For purposes of this subparagraph, the determination  
9 of whether an employee is employed for the full  
10 duration of a regular legislative session shall be  
11 made by the Legislative Service Bureau if such  
12 employee is employed by the Legislative Service  
13 Bureau, the ~~State~~ Senate if such employee is employed  
14 by the ~~State~~ Senate, or by the House of  
15 Representatives if such employee is employed by the  
16 House of Representatives. Each regular legislative  
17 session during which the legislative employee or an  
18 employee of the Legislative Service Bureau  
19 participates full time shall be counted as six (6)  
20 months of full-time participating service.

21 (i) Except as otherwise provided by this  
22 subparagraph, once a temporary session employee  
23 makes a choice to participate or not, the choice  
24

1 shall be binding for all future legislative  
2 sessions during which the employee is employed.

3 (ii) Notwithstanding the provisions of division (i) of  
4 this subparagraph, any employee, who is eligible  
5 for membership in the System because of the  
6 provisions of this subparagraph and who was  
7 employed by the ~~State~~ Senate or House of  
8 Representatives after January 1, 1989, may file  
9 an election, in a manner specified by the Board,  
10 to participate as a member of the System prior to  
11 September 1, 1989.

12 (iii) Notwithstanding the provisions of division (i) of  
13 this subparagraph, a temporary legislative  
14 session employee who elected to become a member  
15 of the System may withdraw from the System  
16 effective the day ~~said~~ such employee elected to  
17 participate in the System upon written request to  
18 the Board. Any such request must be received by  
19 the Board prior to October 1, 1990. All employee  
20 contributions made by the temporary legislative  
21 session employee shall be returned to the  
22 employee without interest within four (4) months  
23 of receipt of the written request.  
24

1 (iv) A member of the System who did not initially  
2 elect to participate as a member of the System  
3 pursuant to this subparagraph shall be able to  
4 acquire service performed as a temporary  
5 legislative session employee for periods of  
6 service performed prior to the date upon which  
7 the person became a member of the System if:  
8 a. the member files an election with the System  
9 not later than December 31, 2000, to  
10 purchase the prior service; and  
11 b. the member makes payment to the System of  
12 the actuarial cost of the service credit  
13 pursuant to subsection A of Section 913.5 of  
14 this title. The provisions of Section 913.5  
15 of this title shall be applicable to the  
16 purchase of the service credit, including  
17 the provisions for determining service  
18 credit in the event of incomplete payment  
19 due to cessation of payments, death,  
20 termination of employment or retirement, but  
21 the payment may extend for a period not to  
22 exceed ninety-six (96) months;  
23  
24

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

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

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

10 (18) "Final average compensation" means the average annual  
11 compensation, including amounts deferred under deferred compensation  
12 agreements entered into between a member and a participating  
13 employer, up to, but not exceeding the maximum compensation levels  
14 as provided in paragraph (9) of this section received during the  
15 highest three (3) of the last ten (10) years of participating  
16 service immediately preceding retirement or termination of  
17 employment and with respect to members whose first participating  
18 service occurs on or after July 1, 2013, the compensation received  
19 during the highest five (5) of the last ten (10) years of  
20 participating service immediately preceding retirement or  
21 termination of employment. Provided, no member shall retire with a  
22 final average compensation unless the member has made the required  
23 contributions on such compensation, as defined by the Board of  
24 Trustees;

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

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

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

12 (22) "Member" means an eligible employee or elected official  
13 who is in the System and is making the required employee or elected  
14 official contributions, or any former employee or elected official  
15 who shall have made the required contributions to the System and  
16 shall have not received a refund or withdrawal;

17 (23) "Military service" means service in the Armed Forces of  
18 the United States by an honorably discharged person during the  
19 following time periods, as reflected on such person's Defense  
20 Department Form 214, not to exceed five (5) years for combined  
21 participating and/or prior service, as follows:

22 (a) during the following periods, including the beginning  
23 and ending dates, and only for the periods served,  
24 from:

- 1 (i) April 6, 1917, to November 11, 1918, commonly  
2 referred to as World War I,
- 3 (ii) September 16, 1940, to December 7, 1941, as a  
4 member of the 45th Division,
- 5 (iii) December 7, 1941, to December 31, 1946, commonly  
6 referred to as World War II,
- 7 (iv) June 27, 1950, to January 31, 1955, commonly  
8 referred to as the Korean Conflict or the Korean  
9 War,
- 10 (v) February 28, 1961, to May 7, 1975, commonly  
11 referred to as the Vietnam era, except that:
- 12 a. for the period from February 28, 1961, to  
13 August 4, 1964, military service shall only  
14 include service in the Republic of Vietnam  
15 during that period, and
- 16 b. for purposes of determining eligibility for  
17 education and training benefits, such period  
18 shall end on December 31, 1976, or
- 19 (vi) August 1, 1990, to December 31, 1991, commonly  
20 referred to as the Gulf War, the Persian Gulf  
21 War, or Operation Desert Storm, but excluding any  
22 person who served on active duty for training  
23 only, unless discharged from such active duty for  
24 a service-connected disability;



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

19 An eligible member under this paragraph shall include only those  
20 persons who shall have served during the times or in the areas  
21 prescribed in this paragraph, and only if such person provides  
22 appropriate documentation in such time and manner as required by the  
23 System to establish such military service prescribed in this  
24 paragraph, or for service pursuant to subdivision a of division (v)

1 of subparagraph (a) of this paragraph those persons who were awarded  
2 service medals, as authorized by the United States Department of  
3 Defense as reflected in the veteran's Defense Department Form 214,  
4 related to the Vietnam Conflict for service prior to August 5, 1964;

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

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

10 (1) sixty-second birthday with respect to members  
11 whose first participating service occurs prior to  
12 November 1, 2011, or

13 (2) sixty-fifth birthday with respect to members  
14 whose first participating service occurs on or  
15 after November 1, 2011, or with respect to  
16 members whose first participating service occurs  
17 on or after November 1, 2011, ~~reaches~~ who reach a  
18 minimum age of sixty (60) years and who also  
19 ~~reaches~~ reach a normal retirement date pursuant  
20 to subparagraph c of this paragraph,

21 (b) for any person who initially became a member prior to  
22 July 1, 1992, and who does not reach a normal  
23 retirement date pursuant to division (1) of  
24 subparagraph (a) of this paragraph, the first day of

1 the month coinciding with or following the date at  
2 which the sum of a member's age and number of years of  
3 credited service total eighty (80); such a normal  
4 retirement date will also apply to any person who  
5 became a member of the sending system as defined in  
6 Section 901 et seq. of this title, prior to July 1,  
7 1992, regardless of whether there were breaks in  
8 service after July 1, 1992,

9 (c) for any person who became a member after June 30,  
10 1992, but prior to November 1, 2011, and who does not  
11 reach a normal retirement date pursuant to division  
12 (1) of subparagraph (a) of this paragraph, the first  
13 day of the month coinciding with or following the date  
14 at which the sum of a member's age and number of years  
15 of credited service total ninety (90),

16 (d) in addition to subparagraphs (a), (b) and (c) of this  
17 paragraph, the first day of the month coinciding with  
18 or following a member's completion of at least twenty  
19 (20) years of full-time-equivalent employment as:

20 (i) a correctional or probation and parole officer  
21 with the Department of Corrections and at the  
22 time of retirement, the member was a correctional  
23 or probation and parole officer with the  
24 Department of Corrections, ~~or~~

1 (ii) a correctional officer, probation and parole  
2 officer or fugitive apprehension agent with the  
3 Department of Corrections who is in such position  
4 on June 30, 2004, or who is hired after June 30,  
5 2004, and who receives a promotion or change in  
6 job classification after June 30, 2004, to  
7 another position in the Department of  
8 Corrections, so long as such officer or agent has  
9 at least five (5) years of service as a  
10 correctional officer, probation and parole  
11 officer or fugitive apprehension agent with the  
12 Department, has twenty (20) years of full-time-  
13 equivalent employment with the Department and was  
14 employed by the Department at the time of  
15 retirement, ~~or~~

16 (iii) a firefighter with the ~~Oklahoma~~ Military  
17 Department of the State of Oklahoma either  
18 employed for the first time on or after July 1,  
19 2002, or who was employed prior to July 1, 2002,  
20 in such position and who makes the election  
21 authorized by division (2) of subparagraph b of  
22 paragraph (9) of subsection A of Section 915 of  
23 this title and at the time of retirement, the  
24 member was a firefighter with the ~~Oklahoma~~

1 Military Department of the State of Oklahoma, and  
2 such member has at least twenty (20) years of  
3 credited service upon which the two and one-half  
4 percent (2 1/2%) multiplier will be used in  
5 calculating the retirement benefit, ~~or~~

6 (iv) a public safety officer employed by the Grand  
7 River Dam Authority for the first time on or  
8 after July 1, 2016, ~~or~~

9 (v) a deputy sheriff or jailer employed by any county  
10 that is a participating employer in the System  
11 for the first time as a deputy sheriff or jailer  
12 on or after November 1, 2020, or

13 (vi) licensed emergency medical personnel, as defined  
14 pursuant to Section 1-2503 of Title 63 of the  
15 Oklahoma Statutes, holding a license issued by  
16 the State Department of Health pursuant to  
17 Section 1-2505 of Title 63 of the Oklahoma  
18 Statutes, including emergency medical responders,  
19 emergency medical technicians, intermediate  
20 emergency medical technicians, advanced emergency  
21 medical technicians, and paramedics employed by  
22 any participating employer as a licensed  
23 emergency medical personnel for the first time on  
24 or after the effective date of this act,

1 (e) for those fugitive apprehension agents who retire on  
2 or after July 1, 2002, the first day of the month  
3 coinciding with or following a member's completion of  
4 at least twenty (20) years of full-time-equivalent  
5 employment as a fugitive apprehension agent with the  
6 Department of Corrections and at the time of  
7 retirement, the member was a fugitive apprehension  
8 agent with the Department of Corrections, or

9 (f) for any member who was continuously employed by an  
10 entity or institution within The Oklahoma State System  
11 of Higher Education and whose initial employment with  
12 such entity or institution was prior to July 1, 1992,  
13 and who without a break in service of more than thirty  
14 (30) days became employed by an employer participating  
15 in the Oklahoma Public Employees Retirement System,  
16 the first day of the month coinciding with or  
17 following the date at which the sum of the member's  
18 age and number of years of credited service total  
19 eighty (80);

20 (25) "Participating employer" means an eligible employer who  
21 has agreed to make contributions to the System on behalf of its  
22 employees;

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

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

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

6 (29) "Retirement benefit" means a monthly income with benefits  
7 accruing from the first day of the month coinciding with or  
8 following retirement and ending on the last day of the month in  
9 which death occurs or the actuarial equivalent thereof paid in such  
10 manner as specified by the member pursuant to Section 901 et seq. of  
11 this title or as otherwise allowed to be paid at the discretion of  
12 the Board;

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

16 (31) "Social Security" means the old-age survivors and  
17 disability section of the ~~Federal~~ federal Social Security Act;

18 (32) "Total disability" means a physical or mental disability  
19 accepted for disability benefits by the ~~Federal~~ federal Social  
20 Security System;

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

1 (34) "Elected official" means a person elected to a state  
2 office in the legislative or executive branch of state government or  
3 a person elected to a county office for a definite number of years  
4 and shall include an individual who is appointed to fill the  
5 unexpired term of an elected state official;

6 (35) "Elected service" means the period of service as an  
7 elected official;

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

11 (37) "Public safety officers of the Grand River Dam Authority"  
12 means those persons hired by the Grand River Dam Authority on or  
13 after ~~the effective date of this act~~ March 21, 2001, who are  
14 certified by the Council on Law Enforcement Education and Training  
15 or an equivalent certifying entity for law enforcement personnel  
16 training and who perform law enforcement functions as part of their  
17 regularly assigned duties and responsibilities on a full-time basis.  
18 With respect to any public safety officer hired by the Grand River  
19 Dam Authority on or after ~~the effective date of this act~~ March 21,  
20 2001, any earned benefits or credits toward retirement benefits from  
21 previous participation within the Oklahoma Public Employees  
22 Retirement System or the Oklahoma Law Enforcement Retirement System  
23 shall remain within that system.

24



1 SECTION 2. AMENDATORY 74 O.S. 2021, Section 915, is  
2 amended to read as follows:

3 Section 915. A. (1) Except as otherwise provided in this  
4 subsection and as provided for elected officials in Section 913.4 of  
5 this title, any member who shall retire on or after the member's  
6 normal retirement date shall be entitled to receive an annual  
7 retirement benefit equal to two percent (2%) of the member's final  
8 average compensation as determined pursuant to paragraph (18) of  
9 Section 902 of this title, multiplied by the number of years of  
10 credited service that has been credited to the member in accordance  
11 with the provisions of Section 913 of this title other than years  
12 credited pursuant to paragraph (2) of this subsection.

13 (2) Effective January 1, 2004, except as otherwise provided for  
14 elected officials in Section 913.4 of this title and except for  
15 those members making contributions pursuant to paragraphs (c), (d),  
16 (e) ~~and~~, (f), (g), and (h) of subsection (1) of Section 919.1 of  
17 this title, any member who shall retire shall be entitled to receive  
18 an annual retirement benefit equal to two and one-half percent (2  
19 1/2%) of the member's final average compensation as determined  
20 pursuant to paragraph (18) of Section 902 of this title, multiplied  
21 by the number of full years of participating service after January  
22 1, 2004, that have been credited to the member in accordance with  
23 the provisions of Section 913 of this title and only for those full  
24 years of participating service for which contributions have been

1 made pursuant to paragraph (g) of subsection (1) of Section 919.1 of  
2 this title. The two and one-half percent (2 1/2%) multiplier shall  
3 not apply to purchased service, purchased or granted military  
4 service or transferred service. In order to receive the two and  
5 one-half percent (2 1/2%) multiplier in computing retirement  
6 benefits, an active member shall make an irrevocable written  
7 election to pay the contributions pursuant to paragraph (g) of  
8 subsection (1) of Section 919.1 of this title. The two and one-half  
9 percent (2 1/2%) multiplier pursuant to this paragraph shall not  
10 apply to additional years of service credit attributed to sick leave  
11 pursuant to paragraph 7 of subsection B of Section 913 of this title  
12 and fractional years pursuant to subsection C of Section 913 of this  
13 title and shall be attributable only to the participating service  
14 credited after the election of the member.

15 (3) The minimum final average compensation for any person who  
16 becomes a member of the Oklahoma Public Employees Retirement System  
17 on or after July 1, 1995 and who had:

- 18 a. ~~and who had~~ twenty (20) or more years of credited  
19 service within the System as of the member's  
20 retirement date shall be no less than Thirteen  
21 Thousand Eight Hundred Dollars (\$13,800.00) per annum,  
22 b. ~~and who had~~ at least fifteen (15) but not more than  
23 nineteen (19) years of credited service within the  
24 System as of the member's retirement date shall be no

1 less than Six Thousand Nine Hundred Dollars

2 (\$6,900.00) per annum, or

3 c. ~~and who had~~ less than fifteen (15) years of credited  
4 service within the System as of the member's  
5 retirement date shall not be eligible for any minimum  
6 amount of final average compensation and the member's  
7 final average compensation shall be the final average  
8 compensation as defined by paragraph (18) of Section  
9 902 of this title.

10 (4) Provided, further, any member who has elected a vested  
11 benefit pursuant to Section 917 of this title shall be entitled to  
12 receive benefits as outlined in this section except the percent  
13 factor and the member's maximum compensation level in effect the  
14 date the member's employment was terminated with a participating  
15 employer shall be applicable.

16 (5) Any member who is a correctional officer or a probation and  
17 parole officer employed by the Department of Corrections at the time  
18 of retirement and who retires on or before June 30, 2000, shall be  
19 entitled to receive an annual retirement benefit equal to two and  
20 one-half percent (2 1/2%) 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 service as a  
2 correctional officer or a probation and parole officer; provided,  
3 any years accrued prior to July 1, 1990, as a correctional officer  
4 or a probation and parole officer by a member who is employed as a  
5 correctional officer or a probation and parole officer on July 1,  
6 1990, shall be calculated for retirement purposes at two and one-  
7 quarter percent (2 1/4%) of the final average compensation of the  
8 member not to exceed Twenty-five Thousand Dollars (\$25,000.00) and  
9 two percent (2%) of the final average salary in excess of Twenty-  
10 five Thousand Dollars (\$25,000.00) but not exceeding the maximum  
11 compensation level as provided in paragraph (9) of Section 902 of  
12 this title, multiplied by the number of years of such service and  
13 any years in excess of twenty (20) years as such an officer or years  
14 credited to the member in accordance with the provisions of Section  
15 913 of this title shall be calculated for retirement purposes at two  
16 percent (2%) of the final average compensation of the member  
17 multiplied by the number of years of such service. Any person who  
18 contributes to the System as a correctional officer or a probation  
19 and parole officer as provided in paragraph (b) or (c) of subsection  
20 (1) of Section 919.1 of this title, on or before June 30, 2000, but  
21 who does not make such contributions after June 30, 2000, and who  
22 does not qualify for normal retirement under subparagraph (c) of  
23 paragraph (24) of Section 902 of this title shall have retirement  
24 benefits for each year of full-time-equivalent participating service

1 as a correctional or a probation and parole officer after July 1,  
2 1990, computed on two and one-half percent (2 1/2%) of the final  
3 average compensation based upon those years as a correctional  
4 officer or a probation and parole officer. Provided, further, any  
5 fugitive apprehension agent shall be entitled to receive benefits as  
6 outlined in ~~this act~~ Section 901 et seq. of this title for service  
7 as a fugitive apprehension agent prior to July 1, 2002, only upon  
8 payment to the System of the employee contributions which would have  
9 been paid if such fugitive apprehension agent had been covered by  
10 this section prior to ~~the effective date of this act~~ July 1, 2002,  
11 plus interest of not to exceed ten percent (10%) as determined by  
12 the Oklahoma Public Employees Retirement Board of Trustees. The  
13 Department of Corrections may make the employee contribution and  
14 interest payment on behalf of such member.

15 (6) Any member who is a correctional officer, a probation and  
16 parole officer or a fugitive apprehension agent employed by the  
17 Department of Corrections at the time of retirement and who retires  
18 on or after July 1, 2002, shall be entitled to receive an annual  
19 retirement benefit equal to two and one-half percent (2 1/2%) of the  
20 final average compensation of the member, but not exceeding the  
21 maximum compensation level as provided in paragraph (18) of Section  
22 902 of this title, multiplied by the number of years of service as a  
23 correctional officer, a probation and parole officer or a fugitive  
24 apprehension agent, and any years in excess of twenty (20) years as

1 such an officer or agent, or years credited to the member in  
2 accordance with the provisions of Section 913 of this title, shall  
3 be calculated for retirement purposes at two percent (2%) of the  
4 final average compensation of the member multiplied by the number of  
5 years of such service. For purposes of this paragraph, "final  
6 average compensation" shall be determined by computing the average  
7 annual salary, in the manner prescribed by paragraph (18) of Section  
8 902 of this title, for the highest three (3) years of the last ten  
9 (10) years of participating service immediately preceding retirement  
10 or termination of employment for all years of service performed by  
11 such member, both for years of service performed as a correctional  
12 officer, probation and parole officer or fugitive apprehension  
13 agent, not in excess of twenty (20) years, and for years of service  
14 performed in excess of twenty (20) years, whether as a correctional  
15 officer, probation and parole officer, fugitive apprehension agent  
16 or other position unless the computation of benefits would result in  
17 a lower retirement benefit amount than if final average compensation  
18 were to be computed as otherwise provided by this paragraph. ~~"Final~~  
19 ~~average compensation"~~ Final average compensation shall be determined  
20 by computing the average annual salary for the highest five (5) of  
21 the last ten (10) years of participating service immediately  
22 preceding retirement or termination of employment, with respect to  
23 members whose first participating service occurs on or after July 1,  
24 2013.

1 (7) Any member who is a correctional officer, a probation and  
2 parole officer or a fugitive apprehension agent who has at least  
3 five (5) years of service as a correctional officer, a probation and  
4 parole officer or a fugitive apprehension agent who is in such  
5 position on June 30, 2004, or who is hired after June 30, 2004, in  
6 such position, and who receives a promotion or change in job  
7 classification after June 30, 2004, to another position in the  
8 Department of Corrections, and who is employed by the Department of  
9 Corrections at the time of retirement and who retires on or after  
10 July 1, 2004, shall be entitled to receive an annual retirement  
11 benefit equal to two and one-half percent (2 1/2%) of the final  
12 average compensation of the member, but not exceeding the maximum  
13 compensation level as provided in paragraph (18) of Section 902 of  
14 this title, multiplied by the number of years of service with the  
15 Department of Corrections and any years in excess of twenty (20)  
16 years with the Department or years credited to the member in  
17 accordance with the provisions of Section 913 of this title, shall  
18 be calculated for retirement purposes at two percent (2%) of the  
19 final average compensation of the member multiplied by the number of  
20 years of such service. For purposes of this paragraph, "final  
21 average compensation" shall be determined by computing the average  
22 annual salary, in the manner prescribed by paragraph (18) of Section  
23 902 of this title, for the highest three (3) years of the last ten  
24 (10) years of participating service immediately preceding retirement

1 or termination of employment for all years of service performed by  
2 such member with the Department. ~~"Final average compensation"~~ Final  
3 average compensation shall be determined by computing the average  
4 annual 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.

8 (8) Any person who contributed to the System as a correctional  
9 officer, a probation and parole officer or a fugitive apprehension  
10 agent as provided in paragraph (b) or (c) of subsection (1) of  
11 Section 919.1 of this title, and who retires under normal retirement  
12 or early retirement on or after January 1, 2004, under paragraph  
13 (24) of Section 902 of this title, and any public safety officer  
14 described by paragraph (37) of Section 902 of this title hired on or  
15 after ~~the effective date of this act~~ July 1, 2016, by the Grand  
16 River Dam Authority and who retires on or after ~~the effective date~~  
17 ~~of this act~~ July 1, 2016, shall have retirement benefits for each  
18 year of full-time-equivalent participating service as a correctional  
19 officer, a probation and parole officer or a fugitive apprehension  
20 agent, or Grand River Dam public safety officer computed on two and  
21 one-half percent (2 1/2%) of the final average compensation based  
22 upon those years as a correctional officer, a probation and parole  
23 officer, a fugitive apprehension agent or a Grand River Dam public  
24 safety officer. For purposes of this paragraph, "final average



1 compensation" shall be determined by computing the average annual  
2 salary, in the manner prescribed by paragraph (18) of Section 902 of  
3 this title, for the highest three (3) years of the last ten (10)  
4 years of participating service immediately preceding retirement or  
5 termination of employment for all years of service performed by such  
6 member, both for years of service performed as a correctional  
7 officer, probation and parole officer or fugitive apprehension  
8 agent, or years of service performed as a Grand River Dam public  
9 safety officer, not in excess of twenty (20) years, and for years of  
10 service performed in excess of twenty (20) years, whether as a  
11 correctional officer, probation and parole officer, fugitive  
12 apprehension agent, Grand River Dam public safety officer, or other  
13 position unless the computation of benefits would result in a lower  
14 retirement benefit amount than if final average compensation were to  
15 be computed as otherwise provided by this paragraph. ~~"Final average~~  
16 ~~compensation"~~ Final average compensation shall be determined by  
17 computing the average annual salary for the highest five (5) of the  
18 last ten (10) years of participating service immediately preceding  
19 retirement or termination of employment, with respect to members  
20 whose first participating service occurs on or after July 1, 2013,  
21 or with respect to Grand River Dam public safety officers whose  
22 first participating service occurs on or after ~~the effective date of~~  
23 ~~this act~~ July 1, 2016.

24 (9) Any member who is:

1 a. initially on or after July 1, 2002, employed as a  
2 firefighter for the ~~Oklahoma~~ Military Department of  
3 the State of Oklahoma and who retires on or after the  
4 member's normal retirement date shall be entitled to  
5 receive an annual retirement benefit equal to two and  
6 one-half percent (2 1/2%) of the final average  
7 compensation of the member multiplied by the number of  
8 years of service in such service,

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

1 (2) a firefighter who performs firefighting services  
2 for the ~~Oklahoma~~ Military Department of the State  
3 of Oklahoma prior to July 1, 2002, and who makes  
4 the election in division (1) of this subparagraph  
5 may also make an election in writing on a form  
6 prescribed for this purpose by the System not  
7 later than December 31, 2002, to receive a  
8 retirement benefit based upon two and one-half  
9 percent (2 1/2%) of the final average  
10 compensation of the member multiplied by the  
11 number of years of service as a firefighter with  
12 the ~~Oklahoma~~ Military Department of the State of  
13 Oklahoma prior to July 1, 2002. The election  
14 authorized by this subdivision shall be  
15 irrevocable once the election is filed with the  
16 System. Retirement benefits shall be calculated  
17 based upon the two and one-half percent (2 1/2%)  
18 multiplier upon payment being made pursuant to  
19 Section 913.5 of this title.

20 (10) Any person who contributes to the System as a deputy  
21 sheriff or county jailer as provided in paragraph (f) of subsection  
22 (1) of Section 919.1 of this title, and who retires under normal  
23 retirement or early retirement under division (v) of subparagraph  
24 (d) of paragraph (24) of Section 902 of this title, shall have

1 retirement benefits for each year of full-time-equivalent  
2 participating service as a deputy sheriff or county jailer computed  
3 on two and one-half percent (2 1/2%) of the final average  
4 compensation based upon those years as a deputy sheriff or county  
5 jailer, and any years in excess of twenty (20) years as a deputy  
6 sheriff or county jailer, or years credited to the member in  
7 accordance with the provisions of Section 913 of this title, shall  
8 be calculated for retirement purposes at two percent (2%) of the  
9 final average compensation of the member multiplied by the number of  
10 years of such service. For purposes of this paragraph, "final  
11 average compensation" shall be determined by computing the average  
12 annual salary, in the manner prescribed by paragraph (18) of Section  
13 902 of this title, both for years of service performed as a deputy  
14 sheriff or county jailer not in excess of twenty (20) years, and for  
15 years of service performed in excess of twenty (20) years, whether  
16 as a deputy sheriff or county jailer.

17 (11) Any person who contributes to the System as an emergency  
18 medical service personnel as provided in paragraph (h) of subsection  
19 (1) of Section 919.1 of this title, and who retires under normal  
20 retirement or early retirement under division (vii) of subparagraph  
21 (d) of paragraph (24) of Section 902 of this title, shall have  
22 retirement benefits for each year of full-time-equivalent  
23 participating service as an emergency medical service personnel  
24 computed on two and one-half percent (2 1/2%) of the final average

1 compensation based upon those years as an emergency medical service  
2 personnel. Any years of full-time-equivalent participating service  
3 in excess of twenty (20) years as an emergency medical personnel, or  
4 years credited to the member in accordance with the provisions of  
5 Section 913 of this title, shall be calculated for retirement  
6 purposes at two percent (2%) of the final average compensation of  
7 the member multiplied by the number of years of such service. For  
8 the purposes of this paragraph, "final average compensation" shall  
9 be determined by computing the average annual salary, in the manner  
10 prescribed by paragraph 18 of Section 902 of this title, both for  
11 years of service performed as an emergency medical personnel not in  
12 excess of twenty (20) years, and for years of service performed in  
13 excess of twenty (20) years, as an emergency medical service  
14 personnel.

15 (12) Upon death of a retiree, there shall be paid to his or her  
16 beneficiary an amount equal to the excess, if any, of his or her  
17 accumulated contributions over the sum of all retirement benefit  
18 payments made.

19 ~~(12)~~ (13) Such annual retirement benefits shall be paid in  
20 equal monthly installments, except that the Board may provide for  
21 the payment of retirement benefits which total less than Two Hundred  
22 Forty Dollars (\$240.00) a year on other than a monthly basis.

23 ~~(13)~~ (14) Pursuant to the rules established by the Board, a  
24 retiree receiving monthly benefits from the System may authorize

1 warrant deductions for any products currently offered to active  
2 state employees through the ~~Employees Benefits Council~~ Oklahoma  
3 Employees Insurance and Benefits Board, provided that product is  
4 offered to state retirees as a group and has a minimum participation  
5 of five hundred state retirees. The System has no responsibility  
6 for the marketing, enrolling or administration of such products, but  
7 shall retain a processing fee of two percent (2%) of the gross  
8 deductions for the products. Retirement benefit deductions shall be  
9 made for membership dues for any statewide association for which  
10 payroll deductions are authorized pursuant to subsection B of  
11 Section 34.70 of Title 62 of the Oklahoma Statutes for retired  
12 members of any state-supported retirement system, upon proper  
13 authorization given by the member to the board from which the member  
14 or beneficiary is currently receiving retirement benefits.

15 B. A member shall be considered disabled if such member  
16 qualifies for the payment of Social Security disability benefits, or  
17 the payment of benefits pursuant to the Railroad Retirement Act of  
18 1974, Section 231 et seq. of Title 45 of the United States Code, and  
19 shall be eligible for benefits hereunder upon proof of such  
20 disability, provided such member is an active regularly scheduled  
21 employee with a participating employer at the time of injury or  
22 inception of illness or disease resulting in subsequent  
23 certification of eligibility for Social Security disability benefits  
24 by reason of such injury, illness or disease, providing such

1 disability is certified by the Social Security Administration within  
2 one (1) year after the last date physically on the job and after  
3 completion of at least eight (8) years of participating service or  
4 combined prior and participating service or resulting in subsequent  
5 certification of eligibility of disability by the Railroad  
6 Retirement Board providing such certification is made by the  
7 Railroad Retirement Board within one (1) year after the last date  
8 physically on the job and after completion of at least eight (8)  
9 years of participating service or combined prior and participating  
10 service. The member shall submit to the ~~Retirement~~ System the  
11 Social Security Award Notice or the Railroad Retirement Award Notice  
12 certifying the date of entitlement for disability benefits, as  
13 issued by the Social Security Administration, Department of Health  
14 and Human Services or the Railroad Retirement Board. Disability  
15 benefits shall become effective on the date of entitlement as  
16 established by the Social Security Administration or the Railroad  
17 Retirement Board, but not before the first day of the month  
18 following removal from the payroll, whichever is later, and final  
19 approval by the ~~Retirement~~ System. Benefits shall be based upon  
20 length of service and compensation as of the date of disability,  
21 without actuarial reduction because of commencement prior to the  
22 normal retirement date. The only optional form of benefit payment  
23 available for disability benefits is Option A as provided for in  
24 Section 918 of this title. Option A must be elected in accordance

1 with the provisions of Section 918 of this title. Benefit payments  
2 shall cease upon the member's recovery from disability prior to the  
3 normal retirement date. Future benefits, if any, shall be paid  
4 based upon length of service and compensation as of the date of  
5 disability. In the event that disability ceases and the member  
6 returns to employment within the System credited service to the date  
7 of disability shall be restored, and future benefits shall be  
8 determined accordingly.

9 C. A member who incurred a disability pursuant to subsection B  
10 of this section on or after July 1, 1999, and who has retired from  
11 the System with an early retirement benefit pending certification  
12 from the Social Security Administration or the Railroad Retirement  
13 Board shall receive a retirement benefit not less than the  
14 disability retirement benefit provided by subsection B of this  
15 section once the System receives a Social Security Award Notice or a  
16 Railroad Retirement Award Notice pursuant to subsection B of this  
17 section and a completed ~~Application for Disability Benefits~~  
18 application for disability benefits. In addition, such member shall  
19 receive the difference, if any, between the early retirement benefit  
20 and the disability benefit from the date the Social Security  
21 Administration or the Railroad Retirement Board establishes  
22 disability entitlement.

23 D. Any actively participating member of the System on or after  
24 July 1, 1998, except for those employees provided in subparagraph



1 (e) of paragraph (14) of Section 902 of this title, whose employment  
2 is less than full-time, shall have his or her final average  
3 compensation calculated on an annualized basis using his or her  
4 hourly wage subject to the maximum compensation limits; provided,  
5 however, any such member whose first participating service occurred  
6 before July 1, 2013, and who has at least three (3) years of full-  
7 time employment during the last ten (10) years immediately preceding  
8 termination or retirement shall not be eligible for the  
9 annualization provisions contained herein; and provided further, any  
10 such member whose first participating service occurred on or after  
11 July 1, 2013, and who has at least five (5) years of full-time  
12 employment during the last ten (10) years immediately preceding  
13 termination or retirement shall not be eligible for the  
14 annualization provisions contained herein. The Board of Trustees  
15 shall promulgate such administrative rules as are necessary to  
16 implement the provisions of this subsection.

17 SECTION 3. AMENDATORY 74 O.S. 2021, Section 916.3, is  
18 amended to read as follows:

19 Section 916.3 A. 1. Notwithstanding the provisions of  
20 Sections 901 through 932 of this title, a monthly pension, as  
21 provided in subsection B of this section, shall be paid on behalf of  
22 any member who is a correctional officer or probation and parole  
23 officer of the Department of Corrections and who is killed or  
24 mortally wounded on or after January 1, 2000, during the performance

1 of the member's duties for the Department or any employee of the  
2 Department of Corrections who is killed or mortally wounded after  
3 June 30, 2004, during the performance of the member's duties for the  
4 Department.

5 2. The monthly pension described in this section shall be paid  
6 on behalf of any member first hired by any county that is a  
7 participating employer in the System as a deputy sheriff or jailer  
8 on or after November 1, 2020, and who is killed or mortally wounded  
9 during the performance of the member's duties as a deputy sheriff or  
10 jailer.

11 3. The monthly pension described in this section shall be paid  
12 on behalf of a licensed emergency medical personnel hired by any  
13 participating employer for the first time as a licensed emergency  
14 medical personnel on or after the effective date of this act, and  
15 who is killed or mortally wounded during the performance of the  
16 member's duties as an emergency medical personnel.

17 B. The monthly benefit shall be equal to:

18 1. Two and one-half percent (2 1/2%);

19 2. Multiplied by twenty (20) years of service, regardless of  
20 the actual number of years of credited service performed by the  
21 member prior to death, if the member had performed less than twenty  
22 (20) years of credited service, or the actual number of years of  
23 credited service of the member if greater than twenty (20) years;

24 3. Multiplied by the member's final average compensation; and

1 4. Divided by 12.

2 C. The pension provided for in subsection A of this section  
3 shall be paid:

4 1. Except as provided in subsection D of this section, to the  
5 surviving spouse for life; or

6 2. If there is no surviving spouse or upon the death of the  
7 surviving spouse:

8 a. to the surviving child or children of said member or  
9 legal guardian of such child or children for such time  
10 as such child or children are under the age of  
11 eighteen (18) years, or

12 b. to the surviving child or children between the age of  
13 eighteen (18) and twenty-two (22) years if the child  
14 is enrolled full time in and is regularly attending a  
15 public or private school or any institution of higher  
16 education.

17 D. No surviving spouse shall receive benefits from this  
18 section, Section 49-113 of Title 11 of the Oklahoma Statutes,  
19 Section 50-117 of Title 11 of the Oklahoma Statutes, or Section 2-  
20 306 of Title 47 of the Oklahoma Statutes as the surviving spouse of  
21 more than one member of the Oklahoma Firefighters Pension and  
22 Retirement System, the Oklahoma Police Pension and Retirement  
23 System, the Oklahoma Law Enforcement Retirement System, or the  
24 Oklahoma Public Employees Retirement System. The surviving spouse

1 of more than one member shall elect which member's benefits he or  
2 she will receive.

3 E. In addition to the pension above provided for, if said  
4 member leaves one or more children under the age of eighteen (18)  
5 years or under the age of twenty-two (22) years if the child is  
6 enrolled full-time in and is regularly attending a public or private  
7 school or any institution of higher education, Four Hundred Dollars  
8 (\$400.00) a month shall be paid to the surviving spouse or to the  
9 person having the care and custody of such children if there is no  
10 surviving spouse or if the surviving spouse dies and until each  
11 child reaches the age of eighteen (18) years or reaches the age of  
12 twenty-two (22) years if the child is enrolled full-time in and is  
13 regularly attending a public or private school or any institution of  
14 higher education.

15 F. The pension benefit provided in this section shall be made  
16 prospectively only from ~~the effective date of this act~~ July 1, 2000.  
17 The benefits shall be payable beginning the later of the first day  
18 of the month following the date that such employee was killed or  
19 dies from a mortal wound, as provided in this section, or ~~the~~  
20 ~~effective date of this act~~ July 1, 2000.

21 G. The Board of Trustees of the Oklahoma Public Employees  
22 Retirement System shall promulgate such rules as are necessary to  
23 implement the provisions of this section.

24

1 SECTION 4. AMENDATORY 74 O.S. 2021, Section 919.1, is  
2 amended to read as follows:

3 Section 919.1 (1) Employee contributions to the Oklahoma  
4 Public Employees Retirement System shall be:

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

10 (b) for correctional officers and probation and parole  
11 officers employed by the Department of Corrections:  
12 beginning July 1, 1998, and thereafter, and for  
13 correctional officers or probation and parole officers  
14 who are in such position on June 30, 2004, or who are  
15 hired after June 30, 2004, and who receive a promotion  
16 or change in job classification after June 30, 2004,  
17 to another position in the Department of Corrections,  
18 so long as such officers have at least five (5) years  
19 of service as a correctional officer or probation and  
20 parole officer, eight percent (8%) of allowable  
21 compensation as provided in paragraph (9) of Section  
22 902 of this title~~†~~

23 (c) for fugitive apprehension agents who are employed with  
24 the Department of Corrections on or after July 1,

1 2002, and for fugitive apprehension agents who are in  
2 such position on June 30, 2004, or who are hired after  
3 June 30, 2004, and who receive a promotion or change  
4 in job classification after June 30, 2004, to another  
5 position in the Department of Corrections, so long as  
6 such agents have at least five (5) years of service as  
7 a fugitive apprehension agent, eight percent (8%) of  
8 allowable compensation as provided in paragraph (9) of  
9 Section 902 of this title~~7~~.

10 (d) for firefighters of the ~~Oklahoma~~ Military Department  
11 of the State of Oklahoma first employed beginning July  
12 1, 2002, and thereafter, and such firefighters who  
13 performed service prior to July 1, 2002, for the  
14 ~~Oklahoma~~ Military Department of the State of Oklahoma  
15 and who make the election authorized by division (1)  
16 of subparagraph b of paragraph (9) of subsection A of  
17 Section 915 of this title who perform service on or  
18 after July 1, 2002, in such capacity, eight percent  
19 (8%) of allowable compensation as provided in  
20 ~~subsection~~ paragraph (9) of Section 902 of this  
21 title~~7~~.

22 (e) for all public safety officers of the Grand River Dam  
23 Authority as defined by paragraph (37) of Section 902  
24 of this title, eight percent (8%) of allowable

1 compensation as provided in paragraph (9) of Section  
2 902 of this title~~+~~,

3 (f) for deputy sheriffs and county jailers employed by any  
4 county that is a participating employer in the System  
5 for the first time as a deputy sheriff or jailer on or  
6 after November 1, 2020, eight percent (8%) of  
7 allowable compensation as provided in paragraph (9) of  
8 Section 902 of this title~~+~~and,

9 (g) for licensed emergency medical personnel employed by  
10 any participating employer as a licensed emergency  
11 medical personnel for the first time on or after the  
12 effective date of this act, eight percent (8%) of  
13 allowable compensation as provided in paragraph (9) of  
14 Section 902 of this title, and

15 (h) for all employees except those who make contributions  
16 pursuant to paragraphs (b), (c), (d), (e) ~~and,~~ (f),  
17 and (g) of this subsection who make an irrevocable  
18 written election pursuant to paragraph (2) of  
19 subsection A of Section 915 of this title: six and  
20 forty-one one-hundredths percent (6.41%) of allowable  
21 annual compensation.

22 The contributions required by paragraphs (b), (c), (e), ~~and~~ (f),  
23 (g), and (h) of this subsection shall be made by a member for not  
24

1 more than twenty (20) years and thereafter shall be as provided in  
2 paragraph (a) of this subsection.

3 (2) Contributions shall be deducted by each state agency by the  
4 participating employer for such benefits as the Board is authorized  
5 to administer as provided for by law. Employee and employer  
6 contributions shall be remitted monthly, or as the Board may  
7 otherwise provide, to the Executive Director for deposit in the  
8 Oklahoma Public Employees Retirement Fund.

9 (3) Each participating employer shall pick up under the  
10 provisions of Section 414(h) (2) of the Internal Revenue Code of 1986  
11 and pay the contribution which the member is required by law to make  
12 to the System for all compensation earned after December 31, 1988.  
13 Although the contributions so picked up are designated as member  
14 contributions, such contributions shall be treated as contributions  
15 being paid by the participating employer in lieu of contributions by  
16 the member in determining tax treatment under the Internal Revenue  
17 Code of 1986 and such picked up contributions shall not be  
18 includable in the gross income of the member until such amounts are  
19 distributed or made available to the member or the beneficiary of  
20 the member. The member, by the terms of this System, shall not have  
21 any option to choose to receive the contributions so picked up  
22 directly and the picked up contributions must be paid by the  
23 participating employer to the System.

24



1 Member contributions which are picked up shall be treated in the  
2 same manner and to the same extent as member contributions made  
3 prior to the date on which member contributions were picked up by  
4 the participating employer. Member contributions so picked up shall  
5 be included in gross salary for purposes of determining benefits and  
6 contributions under the System.

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

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

17 SECTION 5. AMENDATORY 74 O.S. 2021, Section 920A, is  
18 amended to read as follows:

19 Section 920A. A. Any county, county hospital, city or town,  
20 conservation district, circuit engineering district or any public or  
21 private trust in which a county, city or town participates and is  
22 the primary beneficiary, which is a participating employer and any  
23 eligible employee shall contribute to the Oklahoma Public Employees  
24 Retirement System. The total employer and employee contributions

1 shall be based on the allowable annual compensation as defined in  
2 paragraph (9) of Section 902 of this title. Except as provided for  
3 in this section, the employer shall not pay for the employee any of  
4 the employee contribution to the System.

5 B. For the fiscal year ending June 30, 2005, the total employer  
6 and employee contributions shall equal thirteen and one-half percent  
7 (13 1/2%) of the allowable monthly compensation of each member;  
8 provided, however, each participating employer listed in this  
9 section may set the amount of the employer and employee contribution  
10 to equal thirteen and one-half percent (13 1/2%) of the allowable  
11 monthly compensation of each member for compensation as provided in  
12 paragraph (9) of Section 902 of this title; provided, the employer  
13 contribution shall not exceed ten percent (10%) and the employee  
14 contribution shall not exceed eight and one-half percent (8 1/2%).

15 C. The total employer and employee contributions for fiscal  
16 years following the fiscal year ending June 30, 2005, shall be as  
17 follows:

18	July 1, 2005 - June 30, 2006	15%
19	July 1, 2006 - June 30, 2007	16%
20	July 1, 2007 - June 30, 2008	17%
21	July 1, 2008 - June 30, 2009	18%
22	July 1, 2009 - June 30, 2010	19%
23	July 1, 2010 - June 30, 2011 and	
24	each fiscal year thereafter	20%

1       Such employee and employer contributions shall be based upon the  
2 allowable monthly compensation of each member for compensation as  
3 provided in paragraph (9) of Section 902 of this title. The maximum  
4 employer contribution of ten percent (10%) in subsection B of this  
5 section shall increase by one and one-half percent (1.5%) beginning  
6 in the fiscal year ending June 30, 2006, and one percent (1%) for  
7 each fiscal year thereafter until it reaches sixteen and one-half  
8 percent (16.5%). For such years, the employee contribution shall  
9 not exceed eight and one-half percent (8 1/2%). Notwithstanding any  
10 other provisions of this section to the contrary, for those members  
11 described in division (v), or (vi) of subparagraph (d) of paragraph  
12 (24) of Section 902 of this title, the ~~county~~ participating employer  
13 shall contribute sixteen and one-half percent (16 1/2%) and the  
14 employee shall contribute eight percent (8%) for a total of twenty-  
15 four and one-half percent (24 1/2%).

16       D. For members who make the election pursuant to paragraph (2)  
17 of subsection A of Section 915 of this title, the employee  
18 contribution shall increase by two and ninety-one one-hundredths  
19 percent (2.91%). Such employee contribution increase shall be paid  
20 by the employee.

21       E. Each participating employer pursuant to the provisions of  
22 this section may pick up under the provisions of Section 414(h) (2)  
23 of the Internal Revenue Code of 1986 and pay the contribution which  
24 the member is required by law to make to the System for all

1 compensation earned after December 31, 1989. Although the  
2 contributions so picked up are designated as member contributions,  
3 such contributions shall be treated as contributions being paid by  
4 the participating employer in lieu of contributions by the member in  
5 determining tax treatment under the Internal Revenue Code of 1986  
6 and such picked up contributions shall not be includable in the  
7 gross income of the member until such amounts are distributed or  
8 made available to the member or the beneficiary of the member. The  
9 member, by the terms of this System, shall not have any option to  
10 choose to receive the contributions so picked up directly and the  
11 picked up contributions must be paid by the participating employer  
12 to the System.

13 F. Member contributions which are picked up shall be treated in  
14 the same manner and to the same extent as member contributions made  
15 prior to the date on which member contributions were picked up by  
16 the participating employer. Member contributions so picked up shall  
17 be included in gross salary for purposes of determining benefits and  
18 contributions under the System.

19 G. The participating employer shall pay the member  
20 contributions from the same source of funds used in paying salary to  
21 the member, by effecting an equal cash reduction in gross salary of  
22 the member.

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24

1 SECTION 6. This act shall become effective November 1, 2024.

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3 COMMITTEE REPORT BY: COMMITTEE ON BANKING, FINANCIAL SERVICES AND  
4 PENSIONS, dated 02/28/2024 - DO PASS, As Amended and Coauthored.  
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