

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2116

By: Lay

COMMITTEE SUBSTITUTE

An Act relating to public retirement systems;  
amending 47 O.S. 2021, Section 2-300, as last amended  
by Section 1, Chapter 361, O.S.L. 2024 (47 O.S. Supp.  
2024, Section 2-300), which relates to the Oklahoma  
Law Enforcement Retirement System; modifying term;  
providing for participation of certain new employees  
of certain agency in the Oklahoma Law Enforcement  
Retirement System; providing for codification; and  
declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-300, as  
last amended by Section 1, Chapter 361, O.S.L. 2024 (47 O.S. Supp.  
2024, Section 2-300), is amended to read as follows:

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

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

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

2       3. "Board" means the Oklahoma Law Enforcement Retirement Board  
3 of the System;

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

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

7       6. "Participating employer" means any Oklahoma entity with one  
8 or more employees who are members of the System;

9       7. a. "Member" means:

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

17               (2) law enforcement officers and criminalists of the  
18                       Oklahoma State Bureau of Investigation,

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

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- 1 (4) law enforcement officers of the Alcoholic  
2 Beverage Laws Enforcement Commission designated  
3 to perform duties in the investigation and  
4 prevention of crime and the enforcement of the  
5 criminal laws of this state,
- 6 (5) employees of the Communications Section of the  
7 Oklahoma Highway Patrol Division, radio  
8 technicians and tower technicians of the  
9 Department of Public Safety, who are employed in  
10 any such capacity as of June 30, 2008, and who  
11 remain employed on or after July 1, 2008, until a  
12 termination of service, or until a termination of  
13 service with an election of a vested benefit from  
14 the System, or until retirement. Effective July  
15 1, 2008, a person employed for the first time as  
16 an employee of the Department of Public Safety in  
17 the Communications Division as an information  
18 systems telecommunication technician of the  
19 Department of Public Safety shall not be a member  
20 of the System,
- 21 (6) park rangers of the Oklahoma Tourism and  
22 Recreation Department and any park manager or  
23 park supervisor of the Oklahoma Tourism and  
24 Recreation Department, who was employed in such a

1 position prior to July 1, 1985, and who elects on  
2 or before September 1, 1996, to participate in  
3 the System,

4 (7) inspectors of the State Board of Pharmacy, ~~and~~

5 (8) active commissioned or CLEET-certified agents

6 hired by the Office of the Attorney General or

7 the Military Department of the State of Oklahoma

8 on or after ~~the effective date of this act~~ July

9 1, 2024, and

10 (9) active commissioned or CLEET-certified officers

11 hired by the Office of the State Fire Marshal on

12 or after July 1, 2026.

- 13 b. Effective July 1, 1987, a member does not include a  
14 "leased employee" as defined under Section 414(n) (2)  
15 of the Internal Revenue Code of 1986, as amended.  
16 Effective July 1, 1999, any individual who agrees with  
17 the participating employer that the individual's  
18 services are to be performed as a leased employee or  
19 an independent contractor shall not be a member  
20 regardless of any classification as a common-law  
21 employee by the Internal Revenue Service or any other  
22 governmental agency, or any court of competent  
23 jurisdiction.

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1 c. All persons offered a position described in  
2 subparagraph a of this paragraph shall participate in  
3 the System only upon meeting the requisite post-offer-  
4 pre-employment examination standards which shall be  
5 subject to the following requirements:

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

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

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

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

1 (5) the Board shall have final authority in  
2 determining eligibility for membership in the  
3 System, ~~pursuant to the provisions of this~~  
4 ~~subsection;~~

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

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

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

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

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

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

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

1 the Internal Revenue Code of 1986, as amended, including Treasury  
2 Regulations Sections 1.401(a)(9)-1 through 1.401(a)(9)-9; provided,  
3 that for individuals who attain seventy and one-half (70 1/2) years  
4 of age after December 31, 2019, but before January 1, 2023, such  
5 distributions shall take into account that "age 70 1/2" was stricken  
6 and "age 72" was inserted in Sections 401(a)(9)(B)(iv)(I),  
7 401(a)(9)(C)(i)(I) and 401(a)(9)(C)(ii)(I) of the Internal Revenue  
8 Code of 1986, as amended, and, provided further, that for  
9 individuals who attain seventy-two (72) years of age after December  
10 31, 2022, such distributions shall take into account that "age 72"  
11 was stricken and "the applicable age", as defined in Section  
12 401(a)(9)(C)(v) of the Internal Revenue Code of 1986, as amended,  
13 was inserted in Section 401(a)(9)(B)(iv)(I), Section  
14 401(a)(9)(C)(i)(I) and Section 401(a)(9)(C)(ii)(I) of the Internal  
15 Revenue Code of 1986, as amended, in all cases notwithstanding any  
16 provision of the System to the contrary. With respect to  
17 distributions under the System made for calendar years beginning on  
18 or after January 1, 2001, through December 31, 2004, the System  
19 shall apply the minimum distribution requirements and incidental  
20 benefit requirements of Section 401(a)(9) of the Internal Revenue  
21 Code of 1986, as amended, in accordance with the regulations under  
22 Section 401(a)(9) of the Internal Revenue Code of 1986, as amended,  
23 which were proposed in January 2001, notwithstanding any provision  
24 of the System to the contrary.

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

19       Effective September 8, 2009, notwithstanding anything to the  
20 contrary of the System, the System, which as a governmental plan  
21 (within the meaning of Section 414(d) of the Internal Revenue Code  
22 of 1986, as amended), is treated as having complied with Section  
23 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all  
24 years to which Section 401(a)(9) of the Internal Revenue Code of

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

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

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

22 10. "Final average salary" means the average of the highest  
23 thirty (30) consecutive complete months of actual paid gross salary.  
24 Gross salary shall include any amount of elective salary reduction

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

17 In addition to other applicable limitations, and notwithstanding  
18 any other provision to the contrary, for plan years beginning on or  
19 after July 1, 2002, the annual gross salary of each "Noneligible  
20 Member" taken into account under the System shall not exceed the  
21 Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA")  
22 annual salary limit. The EGTRRA annual salary limit is Two Hundred  
23 Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for  
24 increases in the cost of living in accordance with Section

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

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

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

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

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

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

21       11. "Credited service" means the period of service used to  
22 determine the amount of benefits payable to a member. Credited  
23 service shall consist of the period during which the member  
24 participated in the System or the predecessor Plan as an active

1 employee in an eligible membership classification, plus any service  
2 prior to the establishment of the predecessor Plan which was  
3 credited under the predecessor Plan and for law enforcement officers  
4 and criminalists of the Oklahoma State Bureau of Investigation and  
5 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
6 who became members of the System on July 1, 1980, any service  
7 credited under the Oklahoma Public Employees Retirement System as of  
8 June 30, 1980, and for members of the Communications and Lake Patrol  
9 Divisions of the Oklahoma Department of Public Safety, who became  
10 members of the System on July 1, 1981, any service credited under  
11 the predecessor Plan or the Oklahoma Public Employees Retirement  
12 System as of June 30, 1981, and for law enforcement officers of the  
13 Alcoholic Beverage Laws Enforcement Commission who became members of  
14 the System on July 1, 1982, any service credited under the Oklahoma  
15 Public Employees Retirement System as of June 30, 1982, and for park  
16 rangers of the Oklahoma Tourism and Recreation Department who became  
17 members of the System on July 1, 1985, any service credited under  
18 the Oklahoma Public Employees Retirement System as of June 30, 1985,  
19 and for inspectors of the State Board of Pharmacy who became members  
20 of the System on July 1, 1986, any service credited under the  
21 Oklahoma Public Employees Retirement System as of June 30, 1986, for  
22 law enforcement officers of the Oklahoma Capitol Patrol Division of  
23 the Department of Public Safety who became members of the System  
24 effective July 1, 1993, any service credited under the Oklahoma

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

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

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

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

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

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

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

22 18. "Beneficiary" means the individual designated by the member  
23 on a beneficiary designation form supplied by the Oklahoma Law  
24 Enforcement Retirement System, or, if there is no designated

1 beneficiary or if the designated beneficiary predeceases the member,  
2 the estate of the member. If the member's spouse is not designated  
3 as the sole primary beneficiary, the member's spouse must sign a  
4 consent.

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 2-309.11 of Title 47, unless  
7 there is created a duplication in numbering, reads as follows:

8 Commissioned or CLEET-certified officers of the Office of the  
9 State Fire Marshal who are hired on or after July 1, 2026, shall  
10 participate in and make contributions to the Oklahoma Law  
11 Enforcement Retirement System as other participating employers and  
12 members of the System. Such employees shall not make contributions  
13 to any plan offered by the Oklahoma Public Employees Retirement  
14 System, other than the Oklahoma State Employees Deferred  
15 Compensation Plan and the Oklahoma State Employees Deferred Savings  
16 Incentive Plan. The Office of the State Fire Marshal shall be a  
17 participating employer in the Oklahoma Law Enforcement Retirement  
18 System for all Office of the State Fire Marshal commissioned or  
19 CLEET-certified officers who participate in the Oklahoma Law  
20 Enforcement Retirement System pursuant to the provisions of this  
21 section.

22 SECTION 3. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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