

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4212

By: Ford

6 AS INTRODUCED

7 An Act relating to retirement; amending 62 O.S. 2021,
8 Section 3103, as last amended by Section 2, Chapter
9 361, O.S.L. 2024 (62 O.S. Supp. 2025, Section 3103),
which relates to the Oklahoma Pension Legislation
Actuarial Analysis Act; modifying terms; amending 47
O.S. 2021, Section 2-306, which relates to the
Oklahoma Law Enforcement Retirement System; providing
for payments in case of death; allowing for continued
payments in case of remarriage; removing exception
for remarriage by a certain date; and providing
effective dates.

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

14 SECTION 1. AMENDATORY 62 O.S. 2021, Section 3103, as

15 last amended by Section 2, Chapter 361, O.S.L. 2024 (62 O.S. Supp.
16 2025, Section 3103), is amended to read as follows:17 Section 3103. As used in the Oklahoma Pension Legislation
18 Actuarial Analysis Act:19 1. "Amendment" means any amendment, including a substitute
20 bill, made to a retirement bill by any committee of the House of
21 Representatives or Senate, any conference committee of the House or
22 Senate or by the House or Senate;

1 2. "RB number" means that number preceded by the letters "RB"
2 assigned to a retirement bill by the respective staffs of the
3 Oklahoma State Senate and the Oklahoma House of Representatives when
4 the respective staff office prepares a retirement bill for a member
5 of the Legislature;

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

11 4. "Nonfiscal amendment" means an amendment to a retirement
12 bill having a fiscal impact, which amendment does not change any
13 factor of an actuarial investigation specified in subsection A of
14 Section 3109 of this title;

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

16 a. which does not affect the cost or funding factors of a
17 retirement system,

18 b. which affects such factors only in a manner which does
19 not:

20 (1) grant a benefit increase under the retirement
21 system affected by the bill,

22 (2) create an actuarial accrued liability for or
23 increase the actuarial accrued liability of the
24 retirement system affected by the bill, or

- (3) increase the normal cost of the retirement system affected by the bill,
- c. which authorizes the purchase by an active member of the retirement system, at the actuarial cost for the purchase as computed pursuant to the statute in effect on the effective date of the measure allowing such purchase, of years of service for purposes of reaching a normal retirement date in the applicable retirement system, but which cannot be used in order to compute the number of years of service for purposes of computing the retirement benefit for the member,
- d. which provides for the computation of a service-connected disability retirement benefit for members of the Oklahoma Law Enforcement Retirement System pursuant to Section 2-305 of Title 47 of the Oklahoma Statutes if the members were unable to complete twenty (20) years of service as a result of the disability,
- e. which requires membership in the defined benefit plan authorized by Section 901 et seq. of Title 74 of the Oklahoma Statutes for persons whose first elected or appointed service occurs on or after November 1, 2018, if such persons had any prior service in the Oklahoma Public Employees Retirement System prior to November 1, 2015,

1 f. which provides for a one-time increase in retirement
2 benefits if the increase in retirement benefits is not
3 a permanent increase in the gross annual retirement
4 benefit payable to a member or beneficiary, occurs
5 only once pursuant to a single statutory authorization
6 and does not exceed:

7 (1) the lesser of two percent (2%) of the gross
8 annual retirement benefit of the member or One
9 Thousand Dollars (\$1,000.00) and requires that
10 the benefit may only be provided if the funded
11 ratio of the affected retirement system would not
12 be less than sixty percent (60%) but not greater
13 than eighty percent (80%) after the benefit
14 increase is paid,

15 (2) the lesser of two percent (2%) of the gross
16 annual retirement benefit of the member or One
17 Thousand Two Hundred Dollars (\$1,200.00) and
18 requires that the benefit may only be provided if
19 the funded ratio of the affected retirement
20 system would be greater than eighty percent (80%)
21 but not greater than one hundred percent (100%)
22 after the benefit increase is paid,

23 (3) the lesser of two percent (2%) of the gross
24 annual retirement benefit of the member or One

Thousand Four Hundred Dollars (\$1,400.00) and requires that the benefit may only be provided if the funded ratio of the affected retirement system would be greater than one hundred percent (100%) after the benefit increase is paid, or the greater of two percent (2%) of the gross annual retirement benefit of the volunteer firefighter or One Hundred Dollars (\$100.00) for persons who retired from the Oklahoma Firefighters Pension and Retirement System as volunteer firefighters and who did not retire from the Oklahoma Firefighters Pension and Retirement System as a paid firefighter.

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

- g. which modifies the disability pension standard for police officers who are members of the Oklahoma Police Pension and Retirement System as provided by Section 50-115 of Title 11 of the Oklahoma Statutes,
- h. which provides a cost-of-living benefit increase pursuant to the provisions of:

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

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

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

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

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

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

- i. which modifies the computation of the line-of-duty disability benefit pursuant to the provisions of this section and Sections 50-101 and 50-115 of Title 11 of the Oklahoma Statutes, ~~or~~

j. which authorizes membership in the Oklahoma Law Enforcement Retirement System for active commissioned or CLEET-certified agents of the Office of the Attorney General or the Military Department of the State of Oklahoma pursuant to Sections 3 2-309.9 and 4 2-309.10 of ~~this act~~ Title 47 of the Oklahoma Statutes, or

1 k. which modifies survivor benefit provisions pursuant to
2 Section 2 of this act.

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

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

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

21 8. "Retirement bill having a fiscal impact" means any
22 retirement bill creating or establishing a retirement system and any
23 other retirement bill other than a nonfiscal retirement bill; and

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

8 SECTION 2. AMENDATORY 47 O.S. 2021, Section 2-306, is
9 amended to read as follows:

10 Section 2-306. A. Upon the death of a retired member or upon
11 the death of any member prior to retirement or other termination of
12 covered employment, a monthly pension shall be paid which shall be
13 in an amount as provided below:

14 1. If the member was not retired and death occurred as the
15 direct result of the performance of the member's duties as an
16 officer, an amount:

17 a. equal to two and one-half percent (2 1/2%),

18 b. multiplied by:

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

(2) the actual number of years of service performed by the member if the member had performed twenty (20) or more years of service,

c. multiplied by a final average salary equal to:

(1) the salary which the member would have received pursuant to statutory salary schedules in effect upon the date of death for twenty (20) years of service if the member did not actually perform twenty (20) years of service prior to death. The final average salary for a member who performed less than twenty (20) years of service prior to death shall be computed assuming that the member was paid the highest salary allowable pursuant to the law in effect at the time of the member's death based upon twenty (20) years of service and with an assumption that the member was eligible for any and all increases in pay based upon rank during the entire period. If the salary of a member is not prescribed by a specific salary schedule upon the date of the member's death, the final average salary for the member shall be computed by the member's actual final average salary or the highest median salary amount for a member whose salary was prescribed by a specific

salary schedule upon the date of the member's death, whichever final average salary amount would be greater, or

(2) the actual final average salary of the member if the member had performed twenty (20) or more years of service prior to death; or

7 2. If the member was not retired and death occurred other than
8 as the direct result of the performance of the member's duties as an
9 officer, an amount equal to the monthly payments which would have
10 been received by the member under subsection E of Section 2-305 of
11 this title had the member been totally disabled; or

12 3. If said member was retired for length of service, an amount
13 equal to the member's monthly payments; or

14 4. If said member was receiving, or eligible to receive, a
15 disability benefit pursuant to subsection E or F of Section 2-305 of
16 this title, an amount equal to the member's monthly payments
17 pursuant to subsection E or F of Section 2-305 of this title; or

18 5. If said member was receiving, or eligible to receive, a
19 disability benefit pursuant to subsection G of Section 2-305 of this
20 title, an amount equal to the member's monthly payments pursuant to
21 subsection G of Section 2-305 of this title; or

22 6. If said member was retired for partial disability, an amount
23 equal to the monthly payments which would have been received by said
24 member had the member been totally disabled.

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

3 1. ~~Except as provided in paragraph 4 of this subsection, to To~~
4 the surviving spouse, provided the surviving spouse was married to
5 the member at the time of the member's death, and continuously for
6 the thirty (30) months immediately preceding the member's death,
7 provided a surviving spouse of a member who died while in, or as a
8 consequence of, the performance of the member's duty for the
9 employer, ~~shall not be subject to the thirty-month marriage~~
10 ~~requirement for survivor benefits and the compensation shall be paid~~
11 to the surviving spouse during the entire period of survivorship,
12 even if the surviving spouse remarries; or

13 2. If there is no surviving spouse or upon the death of a
14 spouse:

15 a. to the person having the care and custody of any
16 surviving child or children of said member for such
17 time as such child or children are under the age of
18 eighteen (18) years, or
19 b. to the surviving child or children between the age of
20 eighteen (18) and twenty-two (22) years if the child
21 is enrolled full time in and is regularly attending a
22 public or private school or any institution of higher
23 education; or

1 3. If there is no surviving spouse or children under the age of
2 eighteen (18) years or under the age of twenty-two (22) years if the
3 child is enrolled full time in and is regularly attending a public
4 or private school or any institution of higher education, to the
5 dependent parent or parents of said member, for life; or

6 4. ~~In the event a surviving spouse remarried prior to June 7, 1993, and was a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer, the surviving spouse shall be eligible to receive the pension benefits provided for in subsection A of this section.~~

11 To receive the pension benefits provided for in subsection A of
12 this section the surviving spouse falling within this ~~paragraph~~
13 subsection shall submit a written request for such benefits to the
14 Oklahoma Law Enforcement Retirement System. The Oklahoma Law
15 Enforcement Retirement System shall approve requests by surviving
16 spouses meeting the requirements of this ~~paragraph~~ subsection. Upon
17 approval by the Oklahoma Law Enforcement Retirement System, the
18 surviving spouse shall be entitled to the pension benefits provided
19 for in subsection A of this section beginning from the date of
20 approval forward. Pension benefits provided to surviving spouses
21 falling within this ~~paragraph~~ subsection shall not apply to alter
22 any amount of pension benefits paid or due prior to the Oklahoma Law
23 Enforcement Retirement System's approval of the remarried surviving
24 spouse's written request for benefits.

1 No surviving spouse shall receive benefits from this section,
2 Section 49-113 of Title 11 of the Oklahoma Statutes, or Section 50-
3 117 of Title 11 of the Oklahoma Statutes as the surviving spouse of
4 more than one member of the Oklahoma Firefighters Pension and
5 Retirement System, the Oklahoma Police Pension and Retirement
6 System, or the Oklahoma Law Enforcement Retirement System. The
7 surviving spouse of more than one member shall elect which member's
8 benefits he or she will receive.

9 C. In addition to the pension above provided for, if said
10 member leaves a surviving spouse and one or more children under the
11 age of eighteen (18) years or under the age of twenty-two (22) years
12 if the child is enrolled full time in and is regularly attending a
13 public or private school or any institution of higher education,
14 Four Hundred Dollars (\$400.00) a month shall be paid from said Fund
15 for the support of each surviving child to the person having the
16 care and custody of such children during such time as said spouse
17 remains alive and until each child reaches the age of eighteen (18)
18 years or reaches the age of twenty-two (22) years if the child is
19 enrolled full time in and is regularly attending a public or private
20 school or any institution of higher education.

21 D. Upon the death of a retired member, the benefit payment for
22 the month in which the retired member died, if not previously paid,
23 shall be made to the beneficiary of the member or to the member's
24 estate if there is no beneficiary. Such benefit payment shall be

1 made in an amount equal to a full monthly benefit payment regardless
2 of the day of the month in which the retired member died.

3 SECTION 3. Section 1 of this act shall become effective October
4 1, 2026.

5 SECTION 4. Section 2 of this act shall become effective
6 November 1, 2026.

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8 60-2-15109 CMA 01/14/26
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January 14, 2026

Representative Ford
Room 300

Re: RBH No. 15109

RBH No. 15109 would allow the surviving spouse of an OLERS participant to remarry and continue receiving the survivorship benefit, provided the surviving spouse had been married to the participant for at least 30 months or the participant died in the line of duty.

OPLAAA is amended to define the above change to non fiscal.

RBH No. 15109 is a non fiscal bill as defined by OPLAAA as amended.

I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Thomas E. Cummins

Thomas E. Cummins, MAAA