

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB743 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Anthony Moore _____

Reading Clerk

1 PROPOSED COMMITTEE
SUBSTITUTE FOR
2 ENGROSSED SENATE
BILL NO. 743

By: Weaver of the Senate

and

Moore of the House

PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public retirement systems;
amending 62 O.S. 2021, Section 3103, which relates to
9 the Oklahoma Pension Legislation Actuarial Analysis
Act; modifying definitions; amending 11 O.S. 2021,
10 Sections 50-101 and 50-115, which relate to
definitions and disability benefit; modifying
11 definitions of permanent in-line disability and
normal disability benefit; modifying disability
12 benefits received by certain disabled officers;
updating statutory language; modifying permanent
13 impairment guidelines; and providing effective dates.

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

17 SECTION 1. AMENDATORY 62 O.S. 2021, Section 3103, is
18 amended to read as follows:

19 Section 3103. As used in the Oklahoma Pension Legislation
20 Actuarial Analysis Act:

21 1. "Amendment" means any amendment, including a substitute
22 bill, made to a retirement bill by any committee of the House or
23 Senate, any conference committee of the House or Senate or by the
24 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

- 1 (3) increase the normal cost of the retirement system
2 affected by the bill,
- 3 c. which authorizes the purchase by an active member of
4 the retirement system, at the actuarial cost for the
5 purchase as computed pursuant to the statute in effect
6 on the effective date of the measure allowing such
7 purchase, of years of service for purposes of reaching
8 a normal retirement date in the applicable retirement
9 system, but which cannot be used in order to compute
10 the number of years of service for purposes of
11 computing the retirement benefit for the member,
- 12 d. which provides for the computation of a service-
13 connected disability retirement benefit for members of
14 the Oklahoma Law Enforcement Retirement System
15 pursuant to Section 2-305 of Title 47 of the Oklahoma
16 Statutes if the members were unable to complete twenty
17 (20) years of service as a result of the disability,
- 18 e. which requires membership in the defined benefit plan
19 authorized by Section 901 et seq. of Title 74 of the
20 Oklahoma Statutes for persons whose first elected or
21 appointed service occurs on or after November 1, 2018,
22 if such persons had any prior service in the Oklahoma
23 Public Employees Retirement System prior to November
24 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

1 Thousand Four Hundred Dollars (\$1,400.00) and
 2 requires that the benefit may only be provided if
 3 the funded ratio of the affected retirement
 4 system would be greater than one hundred percent
 5 (100%) after the benefit increase is paid, or
 6 (4) the greater of two percent (2%) of the gross
 7 annual retirement benefit of the volunteer
 8 firefighter or One Hundred Dollars (\$100.00) for
 9 persons who retired from the Oklahoma
 10 Firefighters Pension and Retirement System as
 11 volunteer firefighters and who did not retire
 12 from the Oklahoma Firefighters Pension and
 13 Retirement System as a paid firefighter.

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

19 g. which modifies the disability pension standard for
 20 police officers who are members of the Oklahoma Police
 21 Pension and Retirement System as provided by Section 3
 22 of this act, ~~or~~

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

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

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

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

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

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

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

16 i. which modifies the computation of the line-of-duty
17 disability benefit pursuant to the provisions of this
18 act.

19 A nonfiscal retirement bill shall include any retirement bill that
20 has as its sole purpose the appropriation or distribution or
21 redistribution of monies in some manner to a retirement system for
22 purposes of reducing the unfunded liability of such system or the
23 earmarking of a portion of the revenue from a tax to a retirement
24

1 system or increasing the percentage of the revenue earmarked from a
2 tax to a retirement system;

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

7 7. "Retirement bill" means any bill or joint resolution
8 introduced or any bill or joint resolution amended by a member of
9 the Oklahoma Legislature which creates or amends any law directly
10 affecting a retirement system. A retirement bill shall not mean a
11 bill or resolution that impacts the revenue of any state tax in
12 which a portion of the revenue generated from such tax is earmarked
13 for the benefit of a retirement system;

14 8. "Retirement bill having a fiscal impact" means any
15 retirement bill creating or establishing a retirement system and any
16 other retirement bill other than a nonfiscal retirement bill; and

17 9. "Retirement system" means the Teachers' Retirement System of
18 Oklahoma, the Oklahoma Public Employees Retirement System, the
19 Uniform Retirement System for Justices and Judges, the Oklahoma
20 Firefighters Pension and Retirement System, the Oklahoma Police
21 Pension and Retirement System, the Oklahoma Law Enforcement
22 Retirement System, or a retirement system established after January
23 1, 2006.

1 SECTION 2. AMENDATORY 11 O.S. 2021, Section 50-101, is
2 amended to read as follows:

3 Section 50-101. As used in this article:

4 1. "System" means the Oklahoma Police Pension and Retirement
5 System and all predecessor municipal Police Pension and Retirement
6 Systems;

7 2. "Article" means Article 50 of this title;

8 3. "State Board" means the Oklahoma Police Pension and
9 Retirement Board;

10 4. "Fund" means the Oklahoma Police Pension and Retirement
11 Fund;

12 5. "Officer" means any duly appointed and sworn full-time
13 officer of the regular police department of a municipality whose
14 duties are to preserve the public peace, protect life and property,
15 prevent crime, serve warrants, enforce all laws and municipal
16 ordinances of this state, and any political subdivision thereof, and
17 who is authorized to bear arms in the execution of such duties;

18 6. "Member" means all eligible officers of a participating
19 municipality and any person hired by a participating municipality
20 who is undergoing police training to become a permanent police
21 officer of the municipality. Effective July 1, 1987, a member does
22 not include a "leased employee" as defined under Section 414(n)(2)
23 of the Internal Revenue Code of 1986, as amended. Effective July 1,
24 1999, any individual who agrees with the participating municipality

1 that the individual's services are to be performed as a leased
2 employee or an independent contractor shall not be a member
3 regardless of any classification as a common law employee by the
4 Internal Revenue Service or any other governmental agency, or any
5 court of competent jurisdiction. A member shall include eligible
6 commissioned officers of the Oklahoma State Bureau of Narcotics and
7 Dangerous Drugs Control, the Oklahoma State Bureau of Investigation,
8 and the Alcoholic Beverage Laws Enforcement Commission who elect to
9 participate in the System pursuant to Section 50-111.5 of this
10 title;

11 7. "Normal retirement date" means the date at which the member
12 is eligible to receive the unreduced payments of the member's
13 accrued retirement benefit. Such date shall be the first day of the
14 month coinciding with or following the date the member completes
15 twenty (20) years of credited service. If the member's employment
16 continues past the normal retirement date of the member, the actual
17 retirement date of the member shall be the first day of the month
18 after the member terminates employment with more than twenty (20)
19 years of credited service;

20 8. "Credited service" means the period of service used to
21 determine the eligibility for and the amount of benefits payable to
22 a member. Credited service shall consist of the period during which
23 the member participated in the System or the predecessor municipal
24 systems as an active employee in an eligible membership

1 classification, plus any service prior to the establishment of the
2 predecessor municipal systems which was credited under the
3 predecessor municipal systems or credited service granted by the
4 State Board;

5 9. "Participating municipality" means a municipality which is
6 making contributions to the System on behalf of its officers. The
7 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the
8 Oklahoma State Bureau of Investigation, and the Alcoholic Beverage
9 Laws Enforcement Commission shall be treated in the same manner as a
10 participating municipality only regarding those members who elect to
11 participate in the System pursuant to Section 50-111.5 of this
12 title;

13 10. "Permanent total disability" means incapacity due to
14 accidental injury or occupational disease, to earn any wages in the
15 employment for which the member is physically suited and reasonably
16 fitted through education, training or experience. Further, the
17 member must be declared one hundred percent (100%) impaired as
18 defined by the "American Medical Association's Guides to the
19 Evaluation of Permanent Impairment" on the basis of a physical
20 medical examination by a physician licensed to practice medicine in
21 this state, as selected by the State Board;

22 11. "Permanent partial disability" means permanent disability
23 which is less than permanent total disability as defined in this
24 section. The member must be declared no greater than ninety-nine

1 percent (99%) impaired as defined by the "American Medical
2 Association's Guides to the Evaluation of Permanent Impairment" on
3 the basis of a physical medical examination by a physician licensed
4 to practice medicine in this state, as selected by the State Board;

5 12. "Permanent in-line disability" means ~~incapacity to earn any~~
6 ~~wages as a certified, commissioned police officer due to accidental~~
7 ~~injury or occupational disease, incurred while in, and in~~
8 ~~consequence of, the performance of duty as an officer~~ when a police
9 officer serving in any capacity at a regular police department of a
10 participating municipality becomes so physically or mentally
11 disabled, as determined by an independent medical examiner,
12 psychiatrist, or psychologist selected by the State Board, while in,
13 and in consequence of, the performance of authorizing activities
14 while on duty as an officer that he or she is unable to perform the
15 required duties of a police officer;

16 13. "Beneficiary" means a member's surviving spouse or any
17 surviving children, including biological and adopted children, at
18 the time of the member's death. The surviving spouse must have been
19 married to the member for the thirty (30) continuous months
20 immediately preceding the member's death, provided a surviving
21 spouse of a member who died while in, and as a consequence of, the
22 performance of the member's duty for a participating municipality,
23 shall not be subject to the thirty-month marriage requirement for
24 survivor benefits. A surviving child of a member shall be a

1 beneficiary until reaching eighteen (18) years of age or twenty-two
2 (22) years of age if the child is enrolled full time and regularly
3 attending a public or private school or any institution of higher
4 education. Any child adopted by a member after the member's
5 retirement shall be a beneficiary only if the child is adopted by
6 the member for the thirty (30) continuous months preceding the
7 member's death. Any child who is adopted by a member after the
8 member's retirement and such member dies accidentally or as a
9 consequence of the performance of the member's duty as a police
10 officer shall not be subject to the thirty-month adoption
11 requirement. This definition of beneficiary shall be in addition to
12 any other requirement set forth in this article;

13 14. "Executive Director" means the managing officer of the
14 System employed by the State Board;

15 15. "Eligible employer" means any municipality with a municipal
16 police department;

17 16. "Entry date" means the date as of which an eligible
18 employer joins the System. The first entry date pursuant to this
19 article shall be January 1, 1981;

20 17. "Final average salary" means the average paid base salary
21 of the member for normally scheduled hours over the highest salaried
22 thirty (30) consecutive months of the last sixty (60) months of
23 credited service. Effective July 1, 2016, the following shall apply
24 in computing final average salary:

- 1 a. only paid base salary on which required contributions
2 have been made shall be used in computing a member's
3 final average salary,
- 4 b. for purposes of determining the normal disability
5 benefit only, final average salary shall be based on
6 the member's total service if less than thirty (30)
7 months,
- 8 c. in addition to other applicable limitations, and
9 notwithstanding any other provision to the contrary,
10 for plan years beginning on or after July 1, 2002, the
11 annual compensation of each "Noneligible Member" taken
12 into account under the System shall not exceed the
13 Economic Growth and Tax Relief Reconciliation Act of
14 2001 (EGTRRA) annual compensation limit. The EGTRRA
15 annual compensation limit is Two Hundred Thousand
16 Dollars (\$200,000.00), as adjusted by the Commissioner
17 for increases in the cost of living in accordance with
18 Section 401(a)(17)(B) of the Internal Revenue Code of
19 1986, as amended. The annual compensation limit in
20 effect for a calendar year applies to any period, not
21 exceeding twelve (12) months, over which compensation
22 is determined ("determination period") beginning in
23 such calendar year. If a determination period
24 consists of fewer than twelve (12) months, the EGTRRA

1 annual compensation limit will be multiplied by a
2 fraction, the numerator of which is the number of
3 months in the determination period, and the
4 denominator of which is twelve (12). For purposes of
5 this section, a "Noneligible Member" is any member who
6 first became a member during a plan year commencing on
7 or after July 1, 1996,

8 d. for plan years beginning on or after July 1, 2002, any
9 reference in the System to the annual compensation
10 limit under Section 401(a)(17) of the Internal Revenue
11 Code of 1986, as amended, shall mean the EGTRRA annual
12 compensation limit set forth in this provision, and

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

20 18. "Accrued retirement benefit" means two and one-half percent
21 (2 1/2%) of the member's final average salary multiplied by the
22 member's years of credited service not to exceed thirty (30) years;

23 19. "Normal disability benefit" means the greater of:
24

1 education pay, incentive pay, K-9 pay,
2 negotiation pay, shift differential, sniper pay,
3 SWAT team pay, emergency response team pay, any
4 other special unit pay, and any incremental
5 increase in compensation which is not included by
6 the employer in a member's regular base pay for
7 salary increase purposes but is paid by the
8 employer to the member for group health benefits
9 based on an arrangement with a participating
10 municipality that was in place on December 31,
11 2015, so long as the arrangement continues
12 uninterrupted for a member employed by a
13 participating municipality on June 30, 2016, who
14 has not since terminated employment and been
15 rehired by such participating municipality,

16 (2) any amount of elective salary reduction under
17 Section 125 of the Internal Revenue Code of 1986,
18 as amended, that would have been treated as paid
19 base salary but for the salary deferral reduction
20 agreement,

21 (3) any amount of elective salary reduction not
22 includable in the gross income of the member
23 under Section 132(f)(4) of the Internal Revenue
24 Code of 1986, as amended, that would have been

1 treated as paid base salary but for the salary
2 deferral reduction agreement,

3 (4) any amount of elective salary reduction under
4 Section 457 of the Internal Revenue Code of 1986,
5 as amended, that would have been treated as paid
6 base salary but for the salary deferral reduction
7 agreement,

8 (5) any amount of elective salary reduction under
9 Section 401(k) of the Internal Revenue Code of
10 1986, as amended, that would have been treated as
11 paid base salary but for the salary deferral
12 reduction agreement,

13 (6) any amount of nonelective salary reduction under
14 Section 414(h) of the Internal Revenue Code of
15 1986, as amended,

16 (7) educational allowances paid to obtain training
17 certification or pursue an advanced degree,

18 (8) longevity payments made to members based upon a
19 standardized plan which recognizes length of
20 service to the participating municipality,

21 (9) paid base salary shall also include base salary,
22 as described in divisions (1) through (8) of this
23 subparagraph, for services, but paid by the later
24 of two and one-half (2 1/2) months after a

1 member's severance from employment or the end of
2 the calendar year that includes the date the
3 member terminated employment, if it is a payment
4 that, absent a severance from employment, would
5 have been paid to the member while the member
6 continued in employment with the participating
7 municipality,

8 (10) any payments not described in divisions (1)
9 through (9) of this subparagraph shall not be
10 considered paid base salary if paid after
11 severance from employment, even if they are paid
12 by the later of two and one-half (2 1/2) months
13 after the date of severance from employment or
14 the end of the calendar year that includes the
15 date of severance from employment, except
16 payments to an individual who does not currently
17 perform services for the participating
18 municipality by reason of qualified military
19 service within the meaning of Section 414(u) (5)
20 of the Internal Revenue Code of 1986, as amended,
21 to the extent these payments do not exceed the
22 amounts the individual would have received if the
23 individual had continued to perform services for
24

1 the participating municipality rather than
2 entering qualified military service,

3 (11) back pay, within the meaning of Section 1.415(c)-
4 2(g) (8) of the Income Tax Regulations, shall be
5 treated as paid base salary for the limitation
6 year to which the back pay relates to the extent
7 the back pay represents wages and compensation
8 that would otherwise be included in this
9 definition, and

10 (12) paid base salary shall also include differential
11 wage payments under Section 414(u) (12) of the
12 Internal Revenue Code of 1986, as amended.

13 b. Notwithstanding anything to the contrary in this
14 section, paid base salary shall not include any:

15 (1) fringe benefits, reimbursements, or increases in
16 compensation due to reimbursements to the extent
17 not specifically included above in subparagraph a
18 of this paragraph,

19 (2) incremental increase in compensation which is not
20 included by the employer in a member's regular
21 base pay for salary increase purposes but is paid
22 by the employer to the member for group health
23 benefits not otherwise included above in division
24 (1) of subparagraph a of this paragraph,

- 1 (3) insurance benefits, including any reimbursements
2 thereof, or insurance proceeds of any type not
3 otherwise included above in division (1) of
4 subparagraph a of this paragraph,
- 5 (4) bonuses, including signing bonuses, lump-sum
6 payments or stipends made to the member not
7 otherwise included above in division (1) of
8 subparagraph a of this paragraph,
- 9 (5) overtime compensation,
- 10 (6) payments whether prior to or upon termination of
11 employment for accumulated unused vacation or
12 unused annual leave, accumulated unused sick
13 leave, or accumulated unused paid time off or
14 other unused leave,
- 15 (7) payments made in error to a member,
- 16 (8) payments made by the participating municipality
17 for services rendered by the member, which
18 services are not part of the member's job duties
19 and responsibilities of his or her job position
20 with the participating municipality,
- 21 (9) severance pay,
- 22 (10) unemployment payments, and
- 23 (11) uniform and equipment allowances; and
- 24

1 22. "Actuarial equivalent" means equality in value of the
2 aggregate amounts expected to be received based on interest rate and
3 mortality assumptions set by the State Board, in a manner that
4 precludes employer discretion, and based upon recommendations from
5 independent professional advisors, and which shall be published
6 annually in the actuarial report.

7 SECTION 3. AMENDATORY 11 O.S. 2021, Section 50-115, is
8 amended to read as follows:

9 Section 50-115. A. The State Board is authorized to pay a
10 disability benefit to a member of the System or a pension to the
11 beneficiaries of such member eligible as hereinafter provided, not
12 exceeding the accrued retirement benefit of the member, except as
13 otherwise provided in this article. Such disability benefit shall
14 be payable immediately upon determination of eligibility. Any
15 preexisting condition identified at the time of any initial or
16 subsequent membership shall be used to offset the percentage of
17 impairment to the whole person in determining any disability
18 benefit. Once the initial disability benefit has been awarded by
19 the Board on the basis of the percentage of impairment to the whole
20 person, the member shall have no further recourse to increase the
21 awarded percentage of impairment.

22 B. In order for any member to be eligible for any disability
23 benefit, or the member's beneficiaries to be eligible for a pension,
24 the member must have complied with any agreement as to contributions

1 by the member and other members to any funds of the System where
2 ~~said~~ the agreement has been made as provided by this article; and
3 the State Board must find:

4 1. That the member incurred a permanent total disability or a
5 permanent partial disability or died while in, and in consequence
6 of, the performance of duty as an officer; or

7 2. That such member has served ten (10) years and incurred a
8 permanent total disability or a permanent partial disability or has
9 died from any cause.

10 C. In the event of the death of any member who has been awarded
11 a disability benefit or is eligible therefor as provided in this
12 article, the member's beneficiary shall be paid the benefit.

13 D. 1. As of the date of determination by the State Board that
14 a member ~~is physically or mentally disabled and that the disability~~
15 ~~is permanent and partial or permanent and total as was incurred~~
16 ~~while in, and in consequence of, the performance or duty as an~~
17 ~~officer~~ has a permanent in-line disability, the member shall be
18 awarded a normal disability benefit ~~on the basis of the percentage~~
19 ~~of impairment to the whole person, as defined by the most current~~
20 ~~standards of the impairment as outlined in the "American Medical~~
21 ~~Association's Guides to the Evaluation of Permanent Impairment", as~~
22 ~~provided in the following table or as prescribed by paragraph 2 of~~
23 ~~this subsection with respect to injuries sustained as a result of a~~
24 ~~violent act:~~

~~1% to 49% impairment to whole person = 50% of the normal~~
~~disability benefit~~
~~50% to 74% impairment to whole person = 75% of the normal~~
~~disability benefit~~
~~75% to 100% impairment to whole person = 100% of the normal~~
~~disability benefit, as defined in Section 50-101 of this title.~~

2. If an injury to a member results from a violent act as defined by this paragraph while in the performance of his or her duties as a police officer, the State Board shall make a determination that the member has sustained a one-hundred-percent disability and shall make the benefit award in accordance with that standard. As used in this paragraph, "violent act" means a violent attack upon the member by means of a dangerous weapon, including, but not limited to, a firearm, knife, automobile, explosive device or other dangerous weapon.

E. If the participating municipality denies a disabled member the option of continuing employment instead of retiring on a disability pension, then the burden of proof rests with the participating municipality to show cause to the State Board that there is no position as a sworn officer within the police department of that municipality which the member can fill.

F. Upon determination by the State Board that a member is physically or mentally disabled and that the disability is permanent and total and that the member has completed ten (10) years of

1 credited service and is disabled by any cause, the member shall
 2 receive a disability benefit on the basis of the member's accrued
 3 retirement benefit. A permanent and total impairment equates to one
 4 hundred percent (100%) of accrued retirement benefit.

5 G. Upon determination by the State Board that a member is
 6 physically or mentally disabled and that the disability is permanent
 7 and partial and that the member has completed ten (10) years of
 8 credited service as a member and is disabled from any cause, the
 9 member shall be awarded a disability benefit on the basis of the
 10 member's years of credited service as a member and the percentage of
 11 impairment to the whole person, as defined by the ~~most current~~
 12 standards of the impairment as outlined in the "American Medical
 13 Association's Guides to the Evaluation of Permanent Impairment", on
 14 the basis of the following table:

15 ~~1% to 24% impaired = 25% of accrued retirement benefit~~
 16 ~~25% to 49% impaired = 50% of accrued retirement benefit~~
 17 50% to 74% impaired = 75% of accrued retirement benefit
 18 75% to 99% impaired = ~~90%~~ 100% of accrued retirement benefit.

19 H. Before making a finding as to the disability of a member,
 20 the State Board shall require that, if the member is able, the
 21 member shall make a certificate as to the disability which shall be
 22 subscribed and sworn to by the member. It shall also require a
 23 certificate as to such disability to be made by some physician
 24 licensed to practice in this state as selected by the State Board.

1 The State Board may require other evidence of disability before
2 making the disability benefit. The salary of any such member shall
3 continue while the member is so necessarily confined to such
4 hospital bed or home and necessarily requires medical care or
5 professional nursing on account of such sickness or disability for a
6 period of not more than six (6) months, after which ~~said~~ the period
7 the other provisions of this article may apply. The State Board, in
8 making disability benefits, shall act upon the written request of
9 the member or without such request, if it deem it for the good of
10 the police department. Any disability benefits shall cease when the
11 member receiving same shall be restored to active service at a
12 salary not less than three-fourths (3/4) of the member's average
13 monthly salary.

14 I. Any member of a police department of any municipality who,
15 in the line of duty, has been exposed to hazardous substances,
16 including but not limited to chemicals used in the manufacture of a
17 controlled dangerous substance or chemicals resulting from the
18 manufacture of a controlled dangerous substance, or to blood-borne
19 pathogens and who is later disabled from a condition that was the
20 result of such exposure and that was not revealed by the physical
21 examination passed by the member upon entry into the System shall be
22 presumed to have incurred such disability while performing the
23 officer's duties unless the contrary is shown by competent evidence.
24 The presumption created by this subsection shall have no application

1 whatever to any workers' compensation claim or claims, and it shall
2 not be applied or be relied upon in any way in workers' compensation
3 proceedings. All compensation or benefits due to any member
4 pursuant to the presumption created by this subsection shall be paid
5 solely by the system.

6 J. If the requirements of Section 50-114.4 of this title are
7 satisfied, a member who, by reason of disability, is separated from
8 service as a public safety officer with the member's participating
9 municipality, may elect to have payment made directly to the
10 provider for qualified health insurance premiums by deduction from
11 his or her monthly disability benefit, after December 31, 2006, in
12 accordance with Section 402(1) of the Internal Revenue Code of 1986,
13 as amended.

14 SECTION 4. Section 1 of this act shall become effective October
15 1, 2022.

16 SECTION 5. Sections 2 and 3 of this act shall become effective
17 November 1, 2022.

18

19 58-2-10734 MAH 02/28/22

20

21

22

23

24