

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 446

By: Montgomery

AS INTRODUCED

An Act relating to military service credit; amending 20 O.S. 2021, Section 1102.2, as amended by Section 3, Chapter 96, O.S.L. 2022 (20 O.S. Supp. 2022, Section 1102.2), which relates to military service credit for active members of the Uniform Retirement System for Justices and Judges; conforming language; setting maximum years for receiving certain combined service credits; amending 74 O.S. 2021, Sections 902, 913, and 913.8, as amended by Section 5, Chapter 96, O.S.L. 2022 (74 O.S. Supp. 2022, Section 913.8), which relate to definitions and military service credit for active members of Teachers' Retirement System and Oklahoma Public Employees Retirement System; modifying definitions; updating statutory language; updating statutory references; setting maximum years for receiving certain combined service credits; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 1102.2, as amended by Section 3, Chapter 96, O.S.L. 2022 (20 O.S. Supp. 2022, Section 1102.2), is amended to read as follows:

Section 1102.2. A. Any active member of the Uniform Retirement System for Justices and Judges who served in the Armed Forces of the United States, as defined in paragraph (23) of Section 902 of Title 74 of the Oklahoma Statutes, prior to membership in the Uniform

1 Retirement System for Justices and Judges shall be granted service
2 credit, not to exceed five (5) years, for those periods of active
3 military service during which the member was a war veteran.

4 B. Any active member of the Uniform Retirement System for
5 Justices and Judges who served in any branch of the United States
6 Armed Forces or any component thereof, who was honorably discharged,
7 and whose initial membership in the System began on or after July 1,
8 2000, may receive up to five (5) years of prior military service
9 credit as otherwise provided in this section, only upon payment of
10 the actuarial cost of the service credit as determined by the Board
11 of Trustees pursuant to Section 1103G of this title. Any active
12 member of the Uniform Retirement System for Justices and Judges who
13 served in any branch of the United States Armed Forces or any
14 component thereof, who was honorably discharged and whose initial
15 membership in the System began prior to July 1, 2000, and whose
16 military service does not qualify as ~~prior or participating~~ service
17 which can be granted to a member under subsection A of this section,
18 shall be eligible to purchase service credit pursuant to this
19 subsection. For purposes of this subsection, "military service"
20 means service in the Armed Forces of the United States by honorably
21 discharged persons.

22 C. The combined amount of service credit granted under
23 subsection A of this section and service credit purchased under
24 subsection B of this section shall not exceed five (5) years.

1 D. For a person becoming a member of the System on or after
2 July 1, 2003, if the military service credit authorized by this
3 section is used to compute the retirement benefit of the member and
4 the member retires from the System, such military service credit
5 shall not be used to compute the retirement benefit in any other
6 retirement system created pursuant to the Oklahoma Statutes and the
7 member may receive credit for such service only in the retirement
8 system from which the member first retires.

9 ~~D.~~ E. Effective December 12, 1994, and thereafter, a leave of
10 absence on account of a period of qualified military service in the
11 uniformed services of the United States within the meaning of
12 Section 414(u)(5) of the federal Internal Revenue Code, followed by
13 a return to service as a Justice or judge within ninety (90) days
14 after completion of the period of service may be eligible for
15 service credit under this System. Notwithstanding any provision of
16 this plan to the contrary, contributions, benefits and service
17 credit with respect to qualified military service will be allowed in
18 accordance with Section 414(u) of the federal Internal Revenue Code.

19 SECTION 2. AMENDATORY 74 O.S. 2021, Section 902, is
20 amended to read as follows:

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

22 (1) "System" means the Oklahoma Public Employees Retirement
23 System as established by ~~this act~~ Section 901 et seq. of this title
24 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 payment for overtime,
22 payable to a member of the System for personal services performed
23 for a participating employer but shall not include compensation or
24

1 reimbursement for traveling, or moving expenses, or any compensation
2 in excess of the maximum compensation 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 to the annual compensation
12 limit under Section 401(a)(17) of the federal Internal
13 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~~ Section 901 et seq. of
18 this title only, whose employees are covered by Social Security and
19 are not covered by or eligible for another retirement plan
20 authorized under the laws of this state which is in operation on the
21 initial entry date. Emergency medical service districts may join
22 the System upon proper application to the Board. Provided,
23 affiliation by a county hospital shall be in the form of a
24 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.

- 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
25

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,

13 (e) for those fugitive apprehension agents who retire on
14 or after July 1, 2002, the first day of the month
15 coinciding with or following a member's completion of
16 at least twenty (20) years of full-time-equivalent
17 employment as a fugitive apprehension agent with the
18 Department of Corrections and at the time of
19 retirement, the member was a fugitive apprehension
20 agent with the Department of Corrections, or

21 (f) for any member who was continuously employed by an
22 entity or institution within The Oklahoma State System
23 of Higher Education and whose initial employment with
24 such entity or institution was prior to July 1, 1992,

1 and who without a break in service of more than thirty
2 (30) days became employed by an employer participating
3 in the Oklahoma Public Employees Retirement System,
4 the first day of the month coinciding with or
5 following the date at which the sum of the member's
6 age and number of years of credited service total
7 eighty (80);

8 (25) "Participating employer" means an eligible employer who
9 has agreed to make contributions to the System on behalf of its
10 employees;

11 (26) "Participating service" means the period of employment
12 after the entry date for which credit is granted a member.
13 Provided, on or after the effective date of this act, military
14 service credit purchased under Section 913.8 of this title shall
15 only be considered "participating service" if such service is
16 immediately preceded by a period of employment with a participating
17 employer and followed by a return to service as an employee with the
18 same or another participating employer within ninety (90) days
19 immediately following discharge from such military service;

20 (27) "Prior service" means the period of employment of a member
21 by an eligible employer prior to the member's entry date for which
22 credit is granted a member under Section 901 et seq. of this title.
23 Provided, on or after the effective date of this act, "prior
24 service" shall also include service purchased under Section 913.8 of

1 this title which does not meet the requirements of paragraph 26 of
2 this section;

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

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

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

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

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

20 (33) "Service-connected disability benefits" means military
21 service benefits which are for a service-connected disability rated
22 at twenty percent (20%) or more by the Veterans Administration or
23 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.

1 SECTION 3. AMENDATORY 74 O.S. 2021, Section 913, is
2 amended to read as follows:

3 Section 913. A. Prior service shall be credited as follows:

4 1. A member shall receive full credit for employment with any
5 participating employer prior to the entry date of his or her
6 employer whether or not continuous and whether or not he or she was
7 employed with a participating employer on such entry date, provided
8 that any member who has retired before the passage of Section 901 et
9 seq. of this title, shall not receive retirement benefits
10 retroactively for such prior service. Provided, that at such time
11 that an employer becomes a participating employer on or after
12 January 1, 1965, and before January 1, 1975, each member and each
13 retirant, upon making proper written application therefor, shall
14 receive prior service credit for service with such employer in the
15 same manner as if such participating employer had been a
16 participating employer on the date first eligible to become a
17 participating employer; and increased benefits attributable to such
18 increased prior service credit shall commence with the next monthly
19 benefit payment due following receipt and approval of such
20 application by the Board of Trustees. No prior service shall be
21 granted, however, for periods of service in which the employee made
22 contributions which he or she subsequently withdrew, unless he or
23 she has complied with the provisions of subsection (5) of Section
24 917 of this title. The burden of proof regarding prior service

1 shall be with the member and shall be documented in such manner as
2 the Board may direct;

3 2. Any member who was employed in an institution of higher
4 learning by a State Board of Regents or who was employed by an
5 Oklahoma school district prior to July 1, 1943, may receive prior
6 service credit under ~~this act~~ Section 901 et seq. of this title for
7 the period of time they were so employed;

8 3. Any member who served in the Armed Forces of the United
9 States, as defined in paragraph (23) of Section 902 of this title,
10 prior to membership in the Oklahoma Public Employees Retirement
11 System shall be granted prior service credit, not to exceed five (5)
12 years, for those periods of active military service during which he
13 or she was a war veteran. For a member of the System hired on or
14 after July 1, 2003, if the military service credit authorized by
15 this paragraph is used to compute the retirement benefit of the
16 member and the member retires from the System, such military service
17 credit shall not be used to compute the retirement benefit in any
18 other retirement system created pursuant to the Oklahoma Statutes
19 and the member may receive credit for such service only in the
20 retirement system from which the member first retires;

21 4. An elective state, county, city or town official who is
22 ineligible for membership as a result of any applicable state law or
23 constitutional provision making him or her ineligible solely because
24 of his or her being such an official at the time of his or her
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1 eligibility for membership at the time his or her employer becomes a
2 participating employer shall nevertheless not forfeit the prior
3 service credit to which he or she would be entitled except for such
4 ineligibility, provided that he or she either:

5 a. becomes an employee of a participating employer within
6 four (4) calendar months of the expiration of his or
7 her term of office current at the time of his or her
8 eligibility except for his or her being an elective
9 state or county official, ~~or~~

10 b. within a period of four (4) years after the expiration
11 of his or her term of office current at the time of
12 his or her eligibility except for his or her being an
13 elective state or county official, is elected as a
14 state or county official and thereupon becomes a
15 member of the System, or

16 c. has completed ten (10) years of credited service as of
17 the date of his or her eligibility for membership
18 except for his or her being an elective state or
19 county official;

20 5. Beginning July 1, 1965, all employees of the Department of
21 Human Services shall participate in the Oklahoma Public Employees
22 Retirement System to the same extent as other employees of
23 participating employers in such System. Provided, that any employee
24 performing teaching services in the Oklahoma School for the Deaf or
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1 the Oklahoma School for the Blind may elect to participate in the
2 Teachers' Retirement System of Oklahoma in lieu of the Oklahoma
3 Public Employees Retirement System; and any other employee at each
4 such institution or any other institution under the jurisdiction of
5 the Department of Human Services, participating in the Teachers'
6 Retirement System of Oklahoma, may elect to continue to participate
7 in such System in lieu of the Oklahoma Public Employees Retirement
8 System. All employees who shall have participated in the Teachers'
9 Retirement System of Oklahoma and not continuing therein shall have
10 the right to withdraw their membership from the Teachers' Retirement
11 System of Oklahoma on the same terms as other members withdrawing
12 from such System before retirement. Provided, all persons employed
13 at the Oklahoma School for the Blind and Oklahoma School for the
14 Deaf on June 30, 1965, who became subject to the Oklahoma Public
15 Employees Retirement System, on July 1, 1965, shall receive credit
16 for prior service and be eligible for participation, regardless of
17 age;

18 6. A member employed as a temporary employee by the Legislative
19 Service Bureau or its predecessors, the ~~State~~ Senate or the House of
20 Representatives for the full duration of a regular legislative
21 session prior to the member's eligibility for membership in the
22 System shall receive six (6) months of prior service credit for each
23 such full regular legislative session if the employee is employed by
24 the Legislative Service Bureau or its predecessors, the ~~State~~ Senate

1 or the House of Representatives as either a full-time or temporary
2 employee for a minimum of six (6) full regular legislative sessions
3 beginning January 1, 1983. For purposes of this subsection, the
4 determination of whether an employee is employed for the full
5 duration of a regular legislative session shall be made by the
6 Legislative Service Bureau if such employee is employed by the
7 Legislative Service Bureau, the ~~State~~ Senate if such employee is
8 employed by the ~~State~~ Senate, or by the House of Representatives if
9 such employee is employed by the House of Representatives;

10 7. A member of the System shall receive prior service credit
11 for any years of service after January 1, 1975, the member had with
12 a participating employer if the member is not receiving or eligible
13 to receive such prior service credit for the same time in any other
14 state or county retirement system authorized by law. To receive the
15 service credit, the member shall pay the amount determined by the
16 Board pursuant to Section 913.5 of this title; and

17 8. Any member who is a state employee and receives temporary
18 total disability benefits during the period of absence with a
19 participating employer due to a work-related injury or illness
20 incurred while engaged in a governmental function for ~~said~~ the
21 participating employer pursuant to the Administrative Workers'
22 Compensation Act shall receive credit for participating service
23 during ~~said~~ such period of absence subject to the following
24 requirements:

- a. the member was employed by the participating employer immediately prior to and during the period of absence,
- b. the member must notify the System in writing not later than four (4) months after the member's return to his or her job duties with the participating employer, or termination of employment with the participating employer, or termination of the temporary total disability benefits, whichever is earlier, of the member's desire to receive participating service credit for the period of absence,
- c. the participating employer must certify to the System in writing the dates during which temporary total disability benefits payments were paid to the member, and
- d. the member and the participating employer shall each pay their respective contributions required for the period of absence without interest within sixty (60) days of invoicing by the System, or with interest of seven and one-half percent (7 1/2%) compounded annually if paid after ~~said~~ the sixty (60) days.

B. Participating service shall be credited as follows:

- 1. A member shall receive credit for participating service with a participating employer in accordance with the rules and regulations established by the Board; provided, however, that a

1 member who is not a full-time employee shall receive prorated credit
2 for actual hours worked;

3 2. Leaves of absence shall not count as a break in continuous
4 employment provided the member leaves his or her accumulated
5 contribution on deposit with the fund; however, the leaves of
6 absence shall not be credited except that involuntary furloughs
7 established by Office of Management and Enterprise Services rules,
8 involuntary furloughs of employees of a district attorney conducted
9 in substantial compliance with the rules of the Office of Management
10 and Enterprise Services as certified by the District Attorneys
11 Council, involuntary furloughs of employees pursuant to a furlough
12 plan adopted by the President Pro Tempore of the Senate or the
13 Speaker of the House of Representatives as authorized in Section
14 840-5.1 of this title and involuntary furloughs of employees
15 authorized by the Oklahoma Supreme Court shall be credited;

16 3. Any member who has served in the Armed Forces of the United
17 States, as defined in paragraph (23) of Section 902 of this title,
18 shall be granted participating service for those periods of active
19 military service during which he or she was a war veteran provided
20 this service is immediately preceded by a period of employment with
21 a participating employer and is followed by return to employment as
22 an employee with the same or another participating employer within
23 ninety (90) days immediately following discharge from such military
24 service provided the member leaves his or her accumulated

1 contributions on deposit with the fund. Provided, on or after the
 2 effective date of this act, service granted under this section and
 3 service purchased under Section 913.8 of this title shall not exceed
 4 five (5) years;

5 4. A period of total disability under the System immediately
 6 followed by employment with a participating employer, shall not
 7 count as a break in continuous employment; provided, that such
 8 periods while not employed shall not be credited except that
 9 involuntary furloughs established by Office of Management and
 10 Enterprise Services Rule 6.13, shall be credited;

11 5. Termination of employment with a participating employer
 12 followed by employment with the same or another participating
 13 employer within four (4) calendar months shall not constitute a
 14 break in continuous employment; provided, that such period while not
 15 employed shall not be credited as participating service;

16 6. Provided, however, that all employee contributions required
 17 by ~~this act~~ Section 901 et seq. of this title made by employees
 18 prior to June 30, 1977, will entitle the employee to additional
 19 years of participating service in accordance with the following
 20 schedule.

21 Employee accumulated contributions:

22 More than \$1.00 up to \$500 = 1 year participating service

23 More than \$500 up to \$1,000 = 2 years participating service

24 More than \$1,000 up to \$1,500 = 3 years participating service

1 More than \$1,500 up to \$2,000 = 4 years participating service

2 More than \$2,000 = 5 years participating service

3 In no event shall the employee be entitled to more than five (5)
4 additional years of participating service as provided hereunder.

5 Provided further, that upon termination of employment prior to
6 retirement, the accumulated contributions will be credited as above
7 indicated to establish a vested benefit if so elected by any such
8 employee; and

9 7. a. The total participating service credit of a member who
10 retires or terminates employment and elects a vested
11 benefit shall include not to exceed one hundred thirty
12 (130) days of unused sick leave accumulated subsequent
13 to August 1, 1959, during the member's employment with
14 any participating employer. Such credit shall be
15 added in terms of whole months. Twenty (20) days of
16 unused sick leave shall equal one (1) month for
17 purposes of participating service credit. If unused
18 sick leave entitles a member to an additional year of
19 service credit, the member's employer shall reimburse
20 the System for the cost of funding the additional
21 benefit. For members who join the System on or after
22 November 1, 2012, if unused sick leave entitles a
23 member to any additional service credit, the member's
24 employer shall reimburse the System for the cost of

1 funding the additional benefit. Each participating
2 employer shall provide the System with adequate and
3 timely information necessary to determine additional
4 benefits and its cost under this paragraph. This
5 subparagraph shall apply to members retiring or
6 vesting on or after July 1, 1984.

7 b. For members who join the System on or after November
8 1, 2012, unused sick leave as set forth in
9 subparagraph a of this paragraph shall be credited at
10 the same rate but not used to round up to another
11 year. Instead, any additional months of unused sick
12 leave credit shall be added to other service credit
13 without rounding.

14 c. In determining the number of years of credited service, a
15 fractional year of six (6) months or more shall be considered as one
16 (1) year, and less than six (6) months shall be disregarded. For
17 members who join the System on or after November 1, 2012, the number
18 of years of credited service shall be based on actual years and full
19 months of credited service without rounding up or down.

20 d. A member may receive credit for those years of credited
21 service accumulated by the member while a member of the Oklahoma
22 Firefighters Pension and Retirement System, the Oklahoma Police
23 Pension and Retirement System, the Uniform Retirement System for
24 Justices and Judges, the Oklahoma Law Enforcement Retirement System,

1 or the Teachers' Retirement System of Oklahoma, if the member is not
2 receiving or eligible to receive retirement credit or benefits from
3 ~~said~~ such service in any other public retirement system. To receive
4 the service credit, the member shall pay the amount determined by
5 the Board pursuant to Section 913.5 of this title.

6 E. A member may receive credit for those years of service
7 accumulated by the member as an elected official if the member is
8 not receiving or eligible to receive retirement credit or benefits
9 from ~~said~~ such service in any public retirement system. Prior to
10 January 1, 1991, to receive the service credit, the member shall pay
11 to the Board for each year of service purchased pursuant to this
12 subsection a sum equal to the employee and employer contribution
13 rate that would have been applicable to the member as determined by
14 the Board and interest ~~of~~ not to exceed five percent (5%), and
15 effective January 1, 1991, to receive the service credit, the member
16 shall pay the amount determined by the Board pursuant to Section
17 913.5 of this title.

18 F. Effective December 12, 1994, and thereafter, a leave of
19 absence on account of a period of qualified military service in the
20 uniformed services of the United States within the meaning of
21 Section 414(u)(5) of the federal Internal Revenue Code, followed by
22 a return to employment with the participating employer within ninety
23 (90) days after completion of the period of service may be eligible
24 for credited service under this System. Notwithstanding any

1 provision of this plan to the contrary, contributions, benefits and
2 service credit with respect to qualified military service will be
3 allowed in accordance with Section 414(u) of the federal Internal
4 Revenue Code.

5 G. 1. An active member of the Oklahoma Public Employees
6 Retirement System may receive credit for those years of service
7 accumulated by the member while a member of the Teachers' Retirement
8 System of Oklahoma if:

- 9 a. the member is an active member of the Oklahoma Public
10 Employees Retirement System, ~~and~~
- 11 b. the member provides notice to the Teachers' Retirement
12 System of Oklahoma and the Oklahoma Public Employees
13 Retirement System of the member's election to transfer
14 ~~said~~ such retirement credit. The notice shall include
15 a list of the years to be transferred, and
- 16 c. the member is not receiving or eligible to receive
17 retirement credit or benefits from ~~said~~ such service
18 in any other public retirement system, notwithstanding
19 the years of service sought to be transferred under
20 this subsection.

21 Members electing to take advantage of the transfer authorized by
22 this subsection who are receiving or eligible to receive retirement
23 credit or benefits from ~~said~~ such service in any other public
24 retirement system shall have all service credit with the Teachers'

1 Retirement System of Oklahoma canceled which is not transferred to
2 the Oklahoma Public Employees Retirement System or used as a cash
3 offset in such a transfer pursuant to subparagraph d of paragraph 2
4 of this subsection. Service credit transferred to the Teachers'
5 Retirement System of Oklahoma under this subsection shall also be
6 canceled with the Oklahoma Public Employees Retirement System.

7 2. For purposes of this subsection, the "sending system" shall
8 mean the Teachers' Retirement System of Oklahoma. The "receiving
9 system" shall mean the Oklahoma Public Employees Retirement System.

10 a. Within thirty (30) days after notification of an
11 intent to transfer is received by the sending system,
12 the sending system shall, according to its own rules
13 and regulations:

14 (1) for members who have vested with the sending
15 system, determine the present value of the
16 member's earned benefits attributable to the
17 years of service sought to be transferred,
18 discounted according to the member's age at the
19 time of transfer and computed as of the earliest
20 age at which the member would be able to retire.
21 ~~Said~~ Such computation shall assume an unreduced
22 benefit and be computed using interest and
23 mortality assumptions consistent with the
24 actuarial assumptions adopted by the Board of
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1 Trustees for purposes of preparing the annual
2 actuarial evaluation but shall not make any
3 projections regarding future salary. For vested
4 employees the sending system shall use the
5 product of this calculation for purposes of
6 determining the transfer fee to be paid by the
7 employee under subparagraph c of this paragraph
8 so long as it is greater than the product of the
9 calculation in this division, and

- 10 (2) determine the sum of the employee and employer
11 contributions applicable to the years of service
12 sought to be transferred plus interest consistent
13 with the actuarial assumptions adopted by the
14 Board of Trustees for purposes of preparing the
15 annual actuarial evaluation. For all nonvested
16 members, and for vested members if the product of
17 this calculation is greater than the product of
18 the calculation in division (1) of this
19 subparagraph, the sending system shall use the
20 product of this calculation for purposes of
21 determining the amount to be transferred by the
22 sending system under subparagraph c of this
23 paragraph and any transfer fee to be paid by the
24 members under subparagraph d of this paragraph.

1 b. Within thirty (30) days after notification of an
2 intent to transfer is received by the receiving
3 system, the receiving system shall determine,
4 according to the system's own rules and regulations,
5 the present value of the member's incremental
6 projected benefits discounted according to the
7 member's age at the time of the transfer. Incremental
8 projected benefits shall be the difference between the
9 projected benefit ~~said~~ the member would receive
10 without transferring the service credit and the
11 projected benefit after transfer of service credit
12 computed as of the earliest age at which the member
13 would be able to retire. ~~Said~~ Such computation shall
14 assume an unreduced benefit and be computed using
15 interest, salary projections and mortality assumptions
16 consistent with the actuarial assumptions adopted by
17 the Board of Trustees for purposes of preparing the
18 annual actuarial evaluation.

19 c. The sending system shall, within sixty (60) days from
20 the date notification of an intent to transfer is
21 received by the sending system, transfer to the
22 receiving system the amount determined in subparagraph
23 a of this paragraph. Except, if the cost under
24 subparagraph a of this paragraph for the same years of

1 service to the sending system is greater than the
2 actuarial value of the incremental benefit in the
3 receiving system, as established in subparagraph b of
4 this paragraph, the sending system shall send the
5 receiving system an amount equal to the actuarial
6 value of the incremental projected benefit in the
7 receiving system.

8 d. In order to receive the credit provided for in
9 paragraph 1 of this subsection, if the cost of the
10 actuarial value of the incremental benefit to the
11 receiving system is greater than the cost as
12 calculated under subparagraph a of this paragraph for
13 the same years of service to the sending system as
14 established in subparagraphs a and b of this
15 paragraph, the employee shall elect to:

16 (1) pay any difference to receive full credit for the
17 years sought to be transferred, or

18 (2) receive prorated service credit for only the
19 amount received from the Teachers' Retirement
20 System of Oklahoma pursuant to this subsection.

21 Such an election shall be made in writing, filed with
22 the System prior to receiving the credit provided for
23 in paragraph 1 of this subsection, and shall be
24 irrevocable.

1 3. Within sixty (60) days of successfully completing all of the
2 requirements for transfer under this subsection, the sending system
3 shall pay the receiving system any amount due under this subsection.
4 Within sixty (60) days of successfully completing all of the
5 requirements for transfer under this subsection, the member shall
6 pay the receiving system any amount due under this subsection. In
7 the event that the member is unable to pay the transfer fee provided
8 for in this subsection by the due date, the Board of Trustees of the
9 receiving system shall permit the member to amortize the transfer
10 fee over a period not to exceed sixty (60) months. ~~Said~~ The
11 payments shall be made by payroll deductions unless the Board of
12 Trustees permits an alternate payment source. The amortization
13 shall include interest in an amount not to exceed the actuarially
14 assumed interest rate adopted by the Board of Trustees for
15 investment earnings each year. Any member who ceases to make
16 payment, terminates, retires or dies before completing the payments
17 provided for in this section shall receive prorated service credit
18 for only those payments made, unless the unpaid balance is paid by
19 ~~said~~ the member, his or her estate or successor in interest within
20 six (6) months after ~~said~~ the member's death, termination of
21 employment or retirement, provided, no retirement benefits shall be
22 payable until the unpaid balance is paid, unless said member or
23 beneficiary affirmatively waives the additional six-month period in
24 which to pay the unpaid balance.

1 4. Years of service transferred pursuant to this subsection
2 shall be used both in determining the member's retirement benefit
3 and in determining the years of service for retirement and/or
4 vesting purposes. Years of service rendered as a member of the
5 Teachers' Retirement System of Oklahoma prior to July 1, 1992, if
6 any, shall be deemed to be years of service rendered as a member of
7 the Oklahoma Public Employees Retirement System prior to July 1,
8 1992, and shall qualify such person as a member of the Oklahoma
9 Public Employees Retirement System before July 1, 1992.

10 5. Notwithstanding the requirements of Section 17-104 of Title
11 70 of the Oklahoma Statutes, members electing to take advantage of
12 the transfer authorized by this subsection who have withdrawn their
13 contributions from the sending system shall remit to the sending
14 system the amount of the accumulated contributions the member has
15 withdrawn plus simple interest of ten percent (10%) per annum prior
16 to making ~~said~~ such election or the election shall be deemed invalid
17 and the transfer shall be canceled. If such an election is deemed
18 invalid and the transfer is canceled, the accumulated contribution
19 remitted to the sending system by the member who originally withdrew
20 their contributions shall be returned to the member. The member's
21 rights and obligations regarding any service credit reestablished in
22 the sending system due to a failure to satisfy the requirements of
23 this subsection shall be determined by the sending system in
24

1 accordance with Section 17-101 et seq. of Title 70 of the Oklahoma
2 Statutes.

3 6. If any member fails for any reason to satisfy the
4 requirements of this subsection, the election to transfer retirement
5 credit shall be void and of no effect, and any retirement credited
6 as a result of this transfer shall be canceled. If such retirement
7 credit is canceled, the years of canceled retirement credit which
8 were unsuccessfully transferred to the receiving system from the
9 sending system shall be reestablished in the sending system. The
10 member's rights and obligations regarding any retirement credit
11 reestablished in the sending system due to a failure to satisfy the
12 requirements of this subsection shall be determined by the sending
13 system in accordance with Section 17-101 et seq. of Title 70 of the
14 Oklahoma Statutes.

15 7. The Board of Trustees shall promulgate such rules as are
16 necessary to implement the provisions of this subsection.

17 H. 1. A member of the Teachers' Retirement System of Oklahoma
18 whose last service with the Teachers' Retirement System of Oklahoma
19 was with an entity or institution within The Oklahoma State System
20 of Higher Education, State Board of Education, State Board of Career
21 and Technology Education, Oklahoma Department of Career and
22 Technology Education, Oklahoma School of Science and Mathematics,
23 Oklahoma Center for the Advancement of Science and Technology, State
24 Department of Rehabilitation Services, Oklahoma State Regents for

1 Higher Education, Department of Corrections, State Department of
2 Education, Oklahoma Board of Private Vocational Schools, Board of
3 Regents of Oklahoma Colleges, Oklahoma Student Loan Authority, or
4 the Teachers' Retirement System of Oklahoma, may elect to receive
5 credit for those years of service accumulated by the member in the
6 Teachers' Retirement System of Oklahoma, pursuant to this
7 subsection. A member shall be eligible to elect to transfer credit
8 for such years of service from the Teachers' Retirement System of
9 Oklahoma to the Oklahoma Public Employees Retirement System if:

- 10 a. the member is an active member of the Oklahoma Public
11 Employees Retirement System,
- 12 b. the member provides notice to the Teachers' Retirement
13 System of Oklahoma and the Oklahoma Public Employees
14 Retirement System of the member's election to transfer
15 such retirement credit. The notice shall include a
16 list of the years to be transferred, and
- 17 c. the member is not receiving or eligible to receive
18 retirement credit or benefits from such service in any
19 other public retirement system, notwithstanding the
20 years of service sought to be transferred under this
21 subsection.

22 Members electing to take advantage of the transfer authorized by
23 this subsection shall have all service credit with the Teachers'
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1 Retirement System of Oklahoma canceled which is transferred to the
2 Oklahoma Public Employees Retirement System.

3 2. For purposes of this subsection, the "sending system" shall
4 mean the Teachers' Retirement System of Oklahoma. The "receiving
5 system" shall mean the Oklahoma Public Employees Retirement System.
6 Within thirty (30) days after notification of an intent to transfer
7 is received by the sending system, the sending system shall,
8 according to its own rules, send to the receiving system all
9 employer and employee contributions made on behalf of the member
10 which were made to the sending system plus an additional amount of
11 earnings based on the actuarial assumed rate of the sending system.
12 Upon receipt of these contributions by the receiving system, the
13 receiving system shall give credit to the transferring member in an
14 amount equal to the years of service accrued in the sending system.

15 3. If the transferring member's normal retirement date
16 calculation is based upon the sum of the member's age and number of
17 years of credited service totaling eighty (80) in the sending
18 system, then the member shall retain such calculation in the
19 receiving system.

20 4. The Board of Trustees shall promulgate such rules as are
21 necessary to implement the provisions of this subsection.

22 I. A member of the System in the employment of the Governor,
23 the ~~State~~ Senate or the House of Representatives, on or after July
24 1, 1999, may make an election prior to December 31, 2000, which

1 shall be irrevocable and on a form prescribed for such purpose by
2 the System, to continue participation in the System upon becoming
3 employed by a participating employer of the Teachers' Retirement
4 System of Oklahoma. The Board shall promulgate all rules necessary
5 to implement the provisions of this subsection.

6 SECTION 4. AMENDATORY 74 O.S. 2021, Section 913.8, as
7 amended by Section 5, Chapter 96, O.S.L. 2022 (74 O.S. Supp. 2022,
8 Section 913.8), is amended to read as follows:

9 Section 913.8. A. Any active member of the Oklahoma Public
10 Employees Retirement System who served in any branch of the United
11 States Armed Forces or any component thereof, who was honorably
12 discharged, and whose initial membership in the System began on or
13 after July 1, 2000, may receive up to five (5) years of ~~prior or~~
14 ~~participating~~ military service credit as otherwise provided in ~~this~~
15 ~~act~~ Section 901 et seq. of this title, only upon payment of the
16 actuarial cost of the service credit as determined by the Board
17 pursuant to Section 913.5 of this title. Any active member of the
18 Oklahoma Public Employees Retirement System who served in any branch
19 of the United States Armed Forces or any component thereof, who was
20 honorably discharged, and whose initial membership in the System
21 began prior to July 1, 2000, and whose military service does not
22 qualify as ~~prior or participating~~ service which can be granted to a
23 member under Section 913 of this title, shall be eligible to
24 purchase service credit pursuant to this subsection. For purposes

1 of this subsection, "military service" means service in the Armed
2 Forces of the United States by honorably discharged persons.

3 B. The combined amount of service granted under subsection B of
4 Section 913 of this title, and service purchased pursuant to
5 subsection A of this section, shall not exceed five (5) years.

6 C. For a member of the System hired on or after July 1, 2003,
7 if the military service credit authorized by this section is used to
8 compute the retirement benefit of the member and the member retires
9 from the System, such military service credit shall not be used to
10 compute the retirement benefit in any other retirement system
11 created pursuant to the Oklahoma Statutes and the member may receive
12 credit for such service only in the retirement system from which the
13 member first retires.

14 SECTION 5. This act shall become effective November 1, 2023.

15
16 59-1-266 RD 1/17/2023 9:52:18 AM

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