

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 630

By: Montgomery

4  
5  
6 AS INTRODUCED

7 An Act relating to state retirement systems; amending  
8 11 O.S. 2021, Sections 49-106, 49-106.1, as amended  
9 by Section 5, Chapter 232, O.S.L. 2022, 49-106.5, 49-  
10 109, 50-114, as amended by Section 1, Chapter 228,  
11 O.S.L. 2022, 50-114.4, and 50-115, as amended by  
12 Section 3, Chapter 306, O.S.L. 2022, (11 O.S. Supp.  
13 2022, Section 49-106.1, 50-114, and 50-115), which  
14 relate to the Oklahoma Firefighters Pension and  
15 Retirement System and the Oklahoma Police Pension and  
16 Retirement System; updating statutory compliance with  
17 federal regulations; conforming language; amending 47  
18 O.S. 2021, Sections 2-300, 2-305, as amended by  
19 Section 2, Chapter 255, O.S.L. 2022, and 2-305.1C (47  
20 O.S. Supp. 2022, Section 2-305), which relate to the  
21 Oklahoma Law Enforcement Retirement System; updating  
22 statutory compliance with federal regulations;  
23 conforming language; and declaring an emergency.

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

25 SECTION 1. AMENDATORY 11 O.S. 2021, Section 49-106, is  
26 amended to read as follows:

27 Section 49-106. A. Any firefighter who reaches the  
28 firefighter's normal retirement date shall be entitled, upon written  
29 request, to retire from such service and be paid from the System a  
30 monthly pension equal to the member's accrued retirement benefit;

1 provided, that the pension shall cease during any period of time the  
2 member may thereafter serve for compensation in any municipal fire  
3 department in the state. If such a member is reemployed by a  
4 participating municipality in a position which is not covered by the  
5 System, retirement shall also include receipt by such member of in-  
6 service distributions from the System.

7 B. With respect to distributions under the System made for  
8 calendar years beginning on or after January 1, 2005, the System  
9 shall apply the minimum distribution incidental benefit  
10 requirements, incidental benefit requirements, and minimum  
11 distribution requirements of Section 401(a) (9) of the Internal  
12 Revenue Code of 1986, as amended, in accordance with the final  
13 regulations under Section 401(a) (9) of the Internal Revenue Code of  
14 1986, as amended, including Treasury Regulations Sections  
15 1.401(a) (9)-1 through 1.401(a) (9)-9; provided, however, that for  
16 distributions required to be made after December 31, 2019, for  
17 individuals who attain seventy and one-half (70 1/2) years of age  
18 after December 31, 2019, but before January 1, 2023, such  
19 distributions shall take into account that age 70 1/2 was stricken  
20 and age 72 was inserted in Section 401(a) (9) (B) (iv) (I), Section  
21 401(a) (9) (C) (i) (I) and Section 401(a) (9) (C) (ii) (I) of the Internal  
22 Revenue Code of 1986, as amended, and, provided further, that for  
23 individuals who attain seventy-two (72) years of age after December  
24 31, 2022, such distributions shall take into account that "age 72"

1 was stricken and "the applicable age", as defined in Section  
2 401(a) (9) (v) of the Internal Revenue Code of 1986, as amended, was  
3 inserted in Section 401(a) (9) (B) (iv) (I), Section 401(a) (9) (C) (i) (I)  
4 and Section 401(a) (9) (C) (ii) (I) of the Internal Revenue Code of  
5 1986, as amended, in all cases notwithstanding any provision of the  
6 System to the contrary. With respect to distributions under the  
7 System made for calendar years beginning on or after January 1,  
8 2001, through December 31, 2004, the System shall apply the minimum  
9 distribution requirements and incidental benefit requirements of  
10 Section 401(a) (9) of the Internal Revenue Code of 1986, as amended,  
11 in accordance with the regulations under Section 401(a) (9) of the  
12 Internal Revenue Code of 1986, as amended, which were proposed in  
13 January 2001, notwithstanding any provision of the System to the  
14 contrary. Effective July 1, 1989, notwithstanding any other  
15 provision contained herein to the contrary, in no event shall  
16 commencement of distribution of the accrued retirement benefit of a  
17 member be delayed beyond April 1 of the calendar year following the  
18 later of:

19 1. The calendar year in which the member reaches seventy and  
20 one-half (70 1/2) years of age for a member who attains age seventy  
21 and one-half (70 1/2) before January 1, 2020, or effective for  
22 distributions required to be made after December 31, 2019, but  
23 before January 1, 2023, the calendar year in which the member  
24 reaches seventy-two (72) years of age for an individual who attains

1 age seventy and one-half (70 1/2) after December 31, 2019, or  
2 effective for distributions required to be made after December 31,  
3 2022, the calendar year in which the member reaches seventy-three  
4 (73) years of age for an individual who attains age seventy-two (72)  
5 after December 31, 2022, or "the applicable age", as defined in  
6 Section 401(a)(9)(v) of the Internal Revenue Code of 1986, as  
7 amended, if later; or

8 2. The actual retirement date of the member.

9 Effective September 8, 2009, notwithstanding anything to the  
10 contrary of the System, the System, which is a governmental plan  
11 (within the meaning of Section 414(d) of the Internal Revenue Code  
12 of 1986, as amended) is treated as having complied with Section  
13 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all  
14 years to which Section 401(a)(9) of the Internal Revenue Code of  
15 1986, as amended, applies to the System if the System complies with  
16 a reasonable and good-faith interpretation of Section 401(a)(9) of  
17 the Internal Revenue Code of 1986, as amended.

18 C. Any member or beneficiary eligible to receive a monthly  
19 benefit from the System may make an election to waive all or a  
20 portion of monthly benefits.

21 D. If the requirements of Section 49-106.5 of this title are  
22 satisfied, a member who, by reason of attainment of normal  
23 retirement date or age, is separated from service as a public safety  
24 officer with the member's participating municipality, may elect to

1 have payment made directly to the provider for qualified health  
2 insurance premiums by deduction from his or her monthly pension  
3 payment, after December 31, 2006, in accordance with Section 402(1)  
4 of the Internal Revenue Code of 1986, as amended. For distributions  
5 made after December 29, 2022, the election provided for under  
6 Section 402(1) of the Internal Revenue Code of 1986, as amended, may  
7 be made whether payment of the premiums is made directly to the  
8 provider of the accident or health plan or qualified long-term care  
9 insurance contract by deduction from a distribution from the System  
10 or is made to the member.

11 SECTION 2. AMENDATORY 11 O.S. 2021, Section 49-106.1, as  
12 amended by Section 5, Chapter 232, O.S.L. 2022 (11 O.S. Supp. 2022,  
13 Section 49-106.1), is amended to read as follows:

14 Section 49-106.1. A. In lieu of terminating employment and  
15 accepting a service retirement pension pursuant to Sections 49-101  
16 and 49-106 of this title, any member of the Oklahoma Firefighters  
17 Pension and Retirement System serving as an active firefighter in a  
18 fire department of a participating municipality who has not less  
19 than twenty (20) years of creditable service may elect to  
20 participate in the Oklahoma Firefighters Deferred Option Plan and  
21 defer the receipts of benefits in accordance with the provisions of  
22 this section.

23 B. For purposes of this section, creditable service shall  
24 include service credit reciprocally recognized pursuant to Sections

1 49-100.1 through 49-100.8 and Sections 49-101, 49-101.1 and 49-101.2  
2 of this title but for eligibility purposes only.

3 C. The duration of participation in the Oklahoma Firefighters  
4 Deferred Option Plan for active firefighters shall not exceed five  
5 (5) years. Participation in the Oklahoma Firefighters Deferred  
6 Option Plan must begin the first day of a month and end on the last  
7 day of a month. At the conclusion of a member's participation in  
8 the Oklahoma Firefighters Deferred Option Plan, the member shall  
9 terminate employment with all participating municipalities as a  
10 firefighter, and shall start receiving the member's accrued monthly  
11 retirement benefit from the System. Such a member may be reemployed  
12 by a participating municipality but only in a position not covered  
13 under the System, and receive in-service distributions of such  
14 member's accrued monthly retirement benefit from the System.

15 D. When a member begins participation in the Oklahoma  
16 Firefighters Deferred Option Plan, the contribution of the member  
17 shall cease. The employer contributions shall continue to be paid  
18 in accordance with subsection B of Section 49-122 of this title.  
19 Employer contributions for members who elect the Oklahoma  
20 Firefighters Deferred Option Plan shall be credited equally to the  
21 Oklahoma Firefighters Pension and Retirement System and to the  
22 member's Oklahoma Firefighters Deferred Option Plan account. The  
23 monthly retirement benefits that would have been payable had the  
24 member elected to cease employment and receive a service retirement

1 shall be paid into the member's Oklahoma Firefighters Deferred  
2 Option Plan account.

3 E. 1. A member who participates in this plan shall be eligible  
4 to receive cost-of-living increases.

5 2. A member who participates in this plan shall earn interest  
6 at a rate of two percentage points below the rate of return of the  
7 investment portfolio of the System, but no less than the actuarial  
8 assumed interest rate as certified by the actuary in the yearly  
9 evaluation report of the actuary. The interest shall be credited to  
10 the individual account balance of the member on an annual basis.

11 3. Effective November 1, 2013, the Oklahoma Firefighters  
12 Deferred Option Plan account for a member whose first service with a  
13 participating municipality of the System occurs on or after November  
14 1, 2013, and who participates for the first time in the Oklahoma  
15 Firefighters Deferred Option Plan on or after November 1, 2013, and  
16 has completed active participation in the Oklahoma Firefighters  
17 Deferred Option Plan, shall earn interest at a rate equal to the  
18 actual rate of return of the investment portfolio of the System,  
19 less one (1) percentage point to offset administrative costs of the  
20 System as determined by the System.

21 F. A member in the plan shall receive, at the option of the  
22 member, a lump-sum payment from the account equal to the payments to  
23 the account or an annuity based upon the account of the member or  
24 may elect any other method of payment if approved by the Board of  
25

1 Trustees. If a member becomes so physically or mentally disabled  
2 while in, or in consequence of, the performance of his or her duty  
3 as to prevent the effective performance of his or her duties that  
4 the State Board approves an in-line-of-duty disability pension, the  
5 payment from the account shall be an in-line-of-duty disability  
6 payment. Notwithstanding any other provision contained herein to  
7 the contrary, commencement of distributions under the Oklahoma  
8 Firefighters Deferred Option Plan shall be no later than the time as  
9 set forth in subsection B of Section 49-106 of this title and a  
10 member whose first service with a participating municipality of the  
11 System occurs on or after November 1, 2013, and who participates for  
12 the first time in the Oklahoma Firefighters Deferred Option Plan on  
13 or after November 1, 2013, must receive a distribution of the entire  
14 remaining balance in the member's Oklahoma Firefighters Deferred  
15 Option Plan account no later than April 1 of the calendar year  
16 following the later of:

17 1. The calendar year in which the member reaches seventy and  
18 one-half (70 1/2) years of age for a member who attains age seventy  
19 and one-half (70 1/2) before January 1, 2020, or effective for  
20 distributions required to be made after December 31, 2019, but  
21 before January 1, 2023, the calendar year in which the member  
22 reaches seventy-two (72) years of age for an individual who attains  
23 age seventy and one-half (70 1/2) after December 31, 2019; or  
24



1           2. The actual retirement date of the member, or effective for  
2 distributions required to be made after December 31, 2022, the  
3 calendar year in which the member reaches seventy-three (73) years  
4 of age for an individual who attains age seventy-two (72) after  
5 December 31, 2022, or "the applicable age", as defined in Section  
6 401(a) (9) (v) of the Internal Revenue Code of 1986, as amended, if  
7 later.

8           G. If a member dies while maintaining an account balance in the  
9 plan the System shall pay to the designated recipient or recipients  
10 of the member, or if there is no designated recipient or if the  
11 designated recipient predeceases the member, to the spouse of the  
12 member, or if there is no spouse or if the spouse predeceases the  
13 member, to the estate of the member a lump-sum payment equal to the  
14 account balance of the member. If such member was receiving, or  
15 eligible to receive, an in-line-of-duty disability pension at the  
16 time of his or her death, payment of the account balance shall be an  
17 in-line-of-duty disability payment. If a designated recipient is  
18 the surviving spouse of the member, the surviving spouse shall  
19 receive his or her portion of the account balance of the member  
20 pursuant to subsection F of this section. The surviving spouse,  
21 whether or not he or she is a designated recipient of the member,  
22 may elect to receive his or her portion of the account balance of  
23 the member in the same manner as was applicable to the member.

1 H. In lieu of participating in the Oklahoma Firefighters  
2 Deferred Option Plan pursuant to subsections A, B, C, D, E and F of  
3 this section, a member may elect to participate in the Oklahoma  
4 Firefighters Deferred Option Plan pursuant to this subsection as  
5 follows:

6 1. For purposes of this subsection and subsection I of this  
7 section, the following definitions shall apply:

8 a. "back drop date" means the member's normal retirement  
9 date or the date five (5) years before the member  
10 elects to participate in the Oklahoma Firefighters  
11 Deferred Option Plan, whichever date is later,

12 b. "termination date" means the date the member elects to  
13 participate in the Oklahoma Firefighters Deferred  
14 Option Plan pursuant to this subsection, and the date  
15 the member terminates employment with all  
16 participating municipalities as an active firefighter,

17 c. "earlier attained credited service" means the credited  
18 service earned by a member as of the back drop date,  
19 and

20 d. "deferred benefit balance" means all monthly  
21 retirement benefits that would have been payable had  
22 the member elected to cease employment on the back  
23 drop date and receive a service retirement from the  
24 back drop date to the termination date, all the

1 member's contributions and one-half (1/2) of the  
2 employer contributions from the back drop date to the  
3 termination date, with interest based on how the  
4 benefit would have accumulated on a compound annual  
5 basis as if the member had participated in the  
6 Oklahoma Firefighters Deferred Option Plan pursuant to  
7 subsections A, B, C, D, E and F of this section from  
8 the back drop date to the termination date; and

9 2. At the termination date, the monthly pension benefit shall  
10 be determined based on earlier attained credited service and on the  
11 final average salary as of the back drop date. The member's  
12 individual deferred option account shall be credited with an amount  
13 equal to the deferred benefit balance, the member shall terminate  
14 employment with all participating municipalities as a firefighter,  
15 and shall start receiving the member's accrued monthly retirement  
16 benefit from the System. Such a member may be reemployed by a  
17 participating municipality but only in a position not covered under  
18 the System, and receive in-service distributions of such member's  
19 accrued monthly retirement benefit from the System. The provisions  
20 of subsections B, C, E, F and G of this section shall apply to this  
21 subsection. A member shall not participate in the Oklahoma  
22 Firefighters Deferred Option Plan pursuant to this subsection if the  
23 member has elected to participate in the Oklahoma Firefighters  
24

1 Deferred Option Plan pursuant to subsections A, B, C, D, E and F of  
2 this section.

3 I. Certain surviving spouses and members shall be eligible to  
4 participate in the Oklahoma Firefighters Deferred Option Plan  
5 pursuant to subsection H of this section and this subsection.

6 1. For purposes of this subsection, the following definitions  
7 shall apply:

8 a. "back drop election date" means the date the surviving  
9 spouse or member elects to commence participation in  
10 the Oklahoma Firefighters Deferred Option Plan  
11 pursuant to subsection H of this section and this  
12 subsection,

13 b. "interest" means the actuarial assumed interest rate  
14 as certified by the actuary in the yearly evaluation  
15 report of the actuary,

16 c. "monthly adjustment amount" means the difference  
17 between the monthly pension prior to the back drop  
18 election and the adjusted monthly pension due to the  
19 back drop election,

20 d. "back drop pension adjustment amount" means the sum of  
21 all the monthly adjustment amounts adjusted for  
22 interest from the pension commencement date to the  
23 back drop election date, and

1 e. "deferred benefit balance adjustment amount" means the  
2 interest on the deferred benefit balance from the  
3 pension commencement date to the back drop election  
4 date.

5 2. If a member who has more than twenty (20) years of  
6 creditable service and is eligible to receive a service retirement  
7 pension dies on or after June 4, 2007, and prior to terminating  
8 employment, the member's surviving spouse shall be eligible to elect  
9 to receive a benefit determined as if the member had elected to  
10 participate in the Oklahoma Firefighters Deferred Option Plan in  
11 accordance with subsection H of this section on the day immediately  
12 preceding such member's death. Prior to July 1, 2010, the surviving  
13 spouse must make any such election within one (1) year from the date  
14 of the member's death. Effective July 1, 2010, the surviving spouse  
15 must make any such election within ninety (90) days from the date of  
16 the member's death. If on or after June 4, 2007, such election is  
17 made, the monthly pension such surviving spouse is entitled to  
18 receive shall be adjusted in accordance with the provisions of  
19 subsection H of this section to account for the member's  
20 participation in the Oklahoma Firefighters Deferred Option Plan.  
21 The surviving spouse may only make this election if the member has  
22 not previously elected to participate in the Oklahoma Firefighters  
23 Deferred Option Plan. For purposes of this election, the surviving  
24 spouse must have been married to the firefighter for the thirty (30)

1 continuous months preceding the firefighter's death; provided, the  
2 surviving spouse of a member who died while in, or as a consequence  
3 of, the performance of the member's duty for a participating  
4 municipality shall not be subject to the marriage limitation for  
5 this election.

6 3. If a member has more than twenty (20) years of creditable  
7 service and is eligible for a retirement for disability monthly  
8 pension pursuant to Section 49-109 of this title on or after June 4,  
9 2007, such member shall be eligible to elect to receive a benefit  
10 determined as if the member had elected to participate in the  
11 Oklahoma Firefighters Deferred Option Plan, in accordance with  
12 subsection H of this section, on the day immediately preceding the  
13 date of the member's disability retirement, provided such election  
14 is made within two (2) years from the date of the member's  
15 disability retirement. The disability monthly pension such member  
16 is receiving, or entitled to receive, shall be adjusted in  
17 accordance with the provisions of subsection H of this section to  
18 account for the member's participation in the Oklahoma Firefighters  
19 Deferred Option Plan. The deferred benefit balance such member is  
20 entitled to receive shall be reduced by the back drop pension  
21 adjustment amount and increased by the deferred benefit balance  
22 adjustment amount. The member may only make a back drop election if  
23 the deferred benefit balance after the adjustment described in this  
24 paragraph is greater than Zero Dollars (\$0.00). The member may only

1 make this election if the member has not previously elected to  
2 participate in the Oklahoma Firefighters Deferred Option Plan.

3 4. If a member has more than twenty (20) years of creditable  
4 service and filed a grievance for wrongful termination occurring on  
5 or after June 4, 2007, or is not a member of a collective bargaining  
6 organization as a firefighter, is involuntarily terminated and is  
7 seeking to have his or her position as a firefighter reinstated  
8 through a legal process, but is not reinstated as an active member,  
9 such member shall be eligible to elect to receive a benefit  
10 determined as if the member had elected to participate in the  
11 Oklahoma Firefighters Deferred Option Plan in accordance with  
12 subsection H of this section on the day immediately preceding the  
13 date of the member's termination. Such election must be made within  
14 two (2) years from the date of the member's termination as an active  
15 member and, if the member's case pertaining to the member's  
16 termination is on appeal to a court of competent jurisdiction,  
17 within such period set by the State Board in its sole discretion.  
18 The monthly pension such member is receiving, or entitled to  
19 receive, shall be adjusted in accordance with the provisions of  
20 subsection H of this section to account for the member's  
21 participation in the Oklahoma Firefighters Deferred Option Plan.  
22 The deferred benefit balance such member is entitled to receive  
23 shall be reduced by the back drop pension adjustment amount and  
24 increased by the deferred benefit balance adjustment amount. The

1 member may only make a back drop election if the deferred benefit  
2 balance after the adjustment described in this paragraph is greater  
3 than Zero Dollars (\$0.00). The member may only make this election  
4 if the member has not previously elected to participate in the  
5 Oklahoma Firefighters Deferred Option Plan.

6 5. Subparagraphs d and e of paragraph 1 and paragraphs 3 and 4  
7 of this subsection are effective June 4, 2007, provided the Internal  
8 Revenue Service issues a favorable determination letter for the  
9 System which includes the provisions of such subparagraphs and  
10 paragraphs without modification or as modified to conform to any  
11 changes required by the Internal Revenue Service as part of its  
12 determination letter review process. In the event the Internal  
13 Revenue Service does not issue such a determination letter which  
14 includes the provisions of such subparagraphs or paragraphs without  
15 modification or as modified to conform to any changes required by  
16 the Internal Revenue Service as part of its determination letter  
17 review process, then subparagraphs d and e of paragraph 1 and  
18 paragraphs 3 and 4 of this subsection shall be repealed effective  
19 June 4, 2007.

20 SECTION 3. AMENDATORY 11 O.S. 2021, Section 49-106.5, is  
21 amended to read as follows:

22 Section 49-106.5. A. A member who is an eligible retired  
23 public safety officer and who wishes to have direct payments made  
24 toward the member's qualified health insurance premiums from the  
25



1 member's monthly disability benefit or monthly pension payment must  
2 make a written election in accordance with Section 402(1) of the  
3 Internal Revenue Code of 1986, as amended, on the form provided by  
4 the Oklahoma Firefighters Pension and Retirement System, as follows:

5 1. The election must be made after the member separates from  
6 service as a public safety officer with the member's participating  
7 municipality;

8 2. The election shall only apply to distributions from the  
9 System after December 31, 2006, and to amounts not yet distributed  
10 to the eligible retired public safety officer;

11 3. ~~Direct payments~~ Payments from the system for an eligible  
12 retired public safety officer's qualified health insurance premiums  
13 made directly to the provider of such coverage can only be made from  
14 the member's monthly disability benefit or monthly pension payment  
15 from the System and cannot be made from the Deferred Option Plan;  
16 and

17 4. The aggregate amount of the exclusion from an eligible  
18 retired public safety officer's gross income is Three Thousand  
19 Dollars (\$3,000.00) per calendar year.

20 B. As used in this section:

21 1. "Public safety officer" means a member serving a public  
22 agency in an official capacity, with or without compensation, as a  
23 law enforcement officer, firefighter, chaplain, or as a member of a  
24 rescue squad or ambulance crew;

1           2. "Eligible retired public safety officer" means a member who,  
2 by reason of disability or attainment of normal retirement date or  
3 age, is separated from service as a public safety officer with the  
4 member's participating municipality; and

5           3. "Qualified health insurance premiums" are premiums for  
6 coverage for the eligible retired public safety officer, the  
7 eligible retired public safety officer's spouse, and dependents, as  
8 defined in Section 152 of the Internal Revenue Code of 1986, as  
9 amended, by an accident or health plan or a qualified long-term care  
10 insurance contract, as defined in Section 7702B(b) of the Internal  
11 Revenue Code of 1986, as amended. The health plan does not have to  
12 be sponsored by the eligible retired public safety officer's former  
13 participating municipality.

14           C. The Oklahoma Firefighters Pension and Retirement Board ~~shall~~  
15 may promulgate such rules or procedures as are necessary to  
16 implement the provisions of this section or to facilitate a member's  
17 election under Section 402(1) of the Internal Revenue Code of 1986,  
18 as amended.

19           SECTION 4.           AMENDATORY           11 O.S. 2021, Section 49-109, is  
20 amended to read as follows:

21           Section 49-109. A. Whenever any firefighter serving in any  
22 capacity in a regularly constituted fire department of a  
23 municipality shall become so physically or mentally disabled while  
24 in, or in consequence of, the performance of the firefighter's duty

1 as to prevent the effective performance of the firefighter's duties,  
2 the State Board may, upon the firefighter's written request, or  
3 without such request if the State Board deems it for the good of the  
4 department, retire the firefighter from active service, and if so  
5 retired, shall direct that the firefighter be paid from the System a  
6 monthly pension equal to the greater of:

7 1. Fifty percent (50%) of the average monthly salary which was  
8 paid to the firefighter during the last thirty (30) months of the  
9 firefighter's service; or

10 2. Two and one-half percent (2 1/2%) of the firefighter's final  
11 average salary multiplied by the member's years of credited service,  
12 not to exceed thirty (30) years, provided such firefighter has  
13 completed twenty (20) or more years of credited service.

14 B. If the disability ceases within two (2) years from the date  
15 of the firefighter's disability retirement and before the  
16 firefighter's normal retirement date, the formerly disabled person  
17 shall be restored to active service at the salary attached to the  
18 rank the firefighter held at the time of the firefighter's  
19 disability retirement provided the firefighter is capable of  
20 performing the duties of a firefighter. Whenever such disability  
21 shall cease, such disability pension provided pursuant to paragraph  
22 1 of subsection A of this section shall cease. If a firefighter  
23 participates in the Oklahoma Firefighters Deferred Option Plan  
24 pursuant to Section 49-106.1 of this title, the firefighter's

1 disability pension provided pursuant to this subsection shall be  
2 reduced to account for the firefighter's participation in the  
3 Oklahoma Firefighters Deferred Option Plan.

4 C. Whenever any firefighter, who has served in any capacity in  
5 a regularly constituted fire department of a municipality of the  
6 state, and who has served less than the firefighter's normal  
7 retirement date, shall become so physically or mentally disabled  
8 from causes not arising in the line of duty as to prevent the  
9 effective performance of the firefighter's duties, the firefighter  
10 shall be entitled to a pension during the continuance of said  
11 disability based upon the firefighter's service period which shall  
12 be fifty percent (50%) of the average monthly salary which was paid  
13 to the firefighter during the last sixty (60) months of the  
14 firefighter's service.

15 D. No firefighter shall accrue additional service time while  
16 receiving a disability pension; provided further, that nothing  
17 herein contained shall affect the eligibility of any firefighter to  
18 apply for and receive a retirement pension after the firefighter's  
19 normal retirement date; provided further, that no firefighter shall  
20 receive retirement benefits from the System during the time the  
21 firefighter is receiving disability benefits from the System. Any  
22 member or beneficiary eligible to receive a monthly benefit pursuant  
23 to this section may make an election to waive all or a portion of  
24 monthly benefits.

1 E. If the requirements of Section 4 of this act are satisfied,  
2 a member who, by reason of disability, is separated from service as  
3 a public safety officer with the member's participating  
4 municipality, may elect to have payment made directly to the  
5 provider for qualified health insurance premiums by deduction from  
6 his or her monthly disability benefit, after December 31, 2006, in  
7 accordance with Section 402(1) of the Internal Revenue Code of 1986,  
8 as amended. For distributions made after December 29, 2022, the  
9 election provided for under Section 402(1) of the Internal Revenue  
10 Code of 1986, as amended, may be made whether payment of the  
11 premiums is made directly to the provider of the accident or health  
12 plan or qualified long-term care insurance contract by deduction  
13 from a distribution from the System or is made to the member.

14 SECTION 5. AMENDATORY 11 O.S. 2021, Section 50-114, as  
15 amended by Section 1, Chapter 228, O.S.L. 2022 (11 O.S. Supp. 2022,  
16 Section 50-114), is amended to read as follows:

17 Section 50-114. A. The State Board is hereby authorized to pay  
18 out of funds in the System a monthly service pension to any member  
19 eligible as hereinafter provided, not exceeding in any event the  
20 amount of money in such funds and not exceeding in any event the  
21 accrued retirement benefit for such member, except as provided for  
22 herein. In order for a member to be eligible for such service  
23 pension the following requirements must be complied with:  
24

1           1. The member's service with the police department for any  
2 participating municipality must have ceased; however, a member may  
3 be subsequently reemployed in the position of police chief pursuant  
4 to subsection C of Section 50-112 of this title;

5           2. The member must have reached the member's normal retirement  
6 date; and

7           3. The member must have complied with any agreement as to  
8 contributions by the member and other members to any funds of the  
9 System where said agreement has been made as provided by this  
10 article; provided, that should a retired member receive disability  
11 benefits as provided in this and other sections of this article, the  
12 time the retired member is receiving said disability benefits shall  
13 count as time on active service if the retired member should be  
14 recalled by the Chief of Police from said disability retirement. It  
15 shall be necessary before said time shall be counted toward  
16 retirement that the retired member make the same contribution as the  
17 member would have otherwise made if on active service for the time  
18 the retired member was disabled.

19           B. Any member complying with all requirements of this article,  
20 who reaches normal retirement date, upon application, shall be  
21 retired at the accrued retirement benefit. When a member has served  
22 for the necessary number of years and is otherwise eligible, as  
23 provided in this article, if such member is discharged without cause  
24

1 by the participating municipality, the member shall be eligible for  
2 a pension.

3 C. Effective July 1, 1989, in no event shall commencement of  
4 distribution of the accrued retirement benefit of a member be  
5 delayed beyond April 1 of the calendar year following the later of:

6 1. The calendar year in which the member reaches seventy and  
7 one-half (70 1/2) years of age for a member who attains age seventy  
8 and one-half (70 1/2) before January 1, 2020, or effective for  
9 distributions required to be made after December 31, 2019, but  
10 before January 1, 2023, the calendar year in which the member  
11 reaches seventy-two (72) years of age for an individual who attains  
12 age seventy and one-half (70 1/2) after December 31, 2019, or  
13 effective for distributions required to be made after December 31,  
14 2022, the calendar year in which the member reaches seventy-three  
15 (73) years of age for an individual who attains age seventy-two (72)  
16 after December 31, 2022, or "the applicable age" as defined in  
17 Section 401(a)(9)(v) of the Internal Revenue Code of 1986, as  
18 amended, if later; or

19 2. The actual retirement date of the member.

20 For distributions made for calendar years beginning on or after  
21 January 1, 2001, through December 31, 2004, the System shall apply  
22 the minimum distribution requirements and incidental benefit  
23 requirements of Section 401(a)(9) of the Internal Revenue Code of  
24 1986, as amended, in accordance with the regulations under Section

1 401(a) (9) of the Internal Revenue Code of 1986, as amended, which  
2 were proposed on January 17, 2001, notwithstanding any provision of  
3 the System to the contrary. For distributions made for calendar  
4 years beginning on or after January 1, 2005, the System shall apply  
5 the minimum distribution incidental benefit requirements, incidental  
6 benefit requirements, and minimum distribution requirements of  
7 Section 401(a) (9) of the Internal Revenue Code of 1986, as amended,  
8 in accordance with the final regulations under Section 401(a) (9) of  
9 the Internal Revenue Code of 1986, as amended, including Treasury  
10 Regulations Sections 1.401(a) (9)-1 through 1.401(a) (9)-9; provided,  
11 however, that for distributions required to be made after December  
12 31, 2019, for individuals who attain seventy and one-half (70 1/2)  
13 years of age after December 31, 2019, but before January 1, 2023,  
14 such distributions shall take into account that age 70 1/2 was  
15 stricken and age 72 was inserted in Section 401(a) (9) (B) (iv) (I),  
16 Section 401(a) (9) (C) (i) (I) and Section 401(a) (9) (C) (ii) (I) of the  
17 Internal Revenue Code of 1986, as amended, and, provided further,  
18 that for individuals who attain seventy-two (72) years of age after  
19 December 31, 2022, such distributions shall take into account that  
20 "age 72" was stricken and "the applicable age", as defined in  
21 Section 401(a) (9) (v) of the Internal Revenue Code of 1986, as  
22 amended, was inserted in Section 401(a) (9) (B) (iv) (I), Section  
23 401(a) (9) (C) (i) (I) and Section 401(a) (9) (C) (ii) (I) of the Internal  
24 Revenue Code of 1986, as amended, in all cases notwithstanding any



1 provision of the System to the contrary. Effective January 1, 2009,  
2 with respect to the Oklahoma Police Deferred Option Plan, to the  
3 extent applicable, no minimum distribution is required for 2009 in  
4 accordance with Section 401(a)(9)(H) of the Internal Revenue Code of  
5 1986, as amended.

6 Effective September 8, 2009, notwithstanding anything to the  
7 contrary of the System, the System, which is a governmental plan  
8 (within the meaning of Section 414(d) of the Internal Revenue Code  
9 of 1986, as amended) is treated as having complied with Section  
10 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all  
11 years to which Section 401(a)(9) of the Internal Revenue Code of  
12 1986, as amended, applies to the System if the System complies with  
13 a reasonable and good-faith interpretation of Section 401(a)(9) of  
14 the Internal Revenue Code of 1986, as amended.

15 D. In the event of the death of any member who has been awarded  
16 a retirement benefit or is eligible therefor as provided in this  
17 section, such member's beneficiaries shall be paid such retirement  
18 benefit. The remaining portion of the member's retirement benefit  
19 shall be distributed to the beneficiaries at least as rapidly as  
20 under the method of distribution to the member. Effective March 1,  
21 1997, if a member to whom a retirement benefit has been awarded or  
22 who is eligible therefor dies prior to the date as of which the  
23 total amount of retirement benefit paid equals the total amount of  
24 the employee contributions paid by or on behalf of the member and

1 the member does not have a surviving beneficiary under paragraph 13  
2 of Section 50-101 of this title, the total benefits paid as of the  
3 date of the member's death shall be subtracted from the accumulated  
4 employee contribution amount and the balance, if greater than zero  
5 (0), shall be paid to the member's estate.

6 E. The State Board may review and affirm a member's request for  
7 retirement benefits prior to the member's normal retirement date  
8 provided that no retirement benefits are paid prior to the normal  
9 retirement date.

10 F. A member retired under the provisions of this article may  
11 apply to the State Board to have the member's retirement benefits  
12 set aside and may make application for disability benefits. Upon  
13 approval of the disability benefits, the member would become subject  
14 to all provisions of this article pertaining to disability  
15 retirement.

16 G. Upon the death of a retired member, the benefit payment for  
17 the month in which the retired member died, if not previously paid,  
18 shall be made to the beneficiary of the member, which shall include  
19 a successor in interest for whom an affidavit is provided to the  
20 System in accordance with Section 393 of Title 58 of the Oklahoma  
21 Statutes, or if there is no surviving beneficiary under paragraph 13  
22 of Section 50-101 of this title, to the member's estate or, if  
23 properly designated by the member, a trust. Upon the death of a  
24 beneficiary, the benefit payment for the month in which the

1 beneficiary died, if not previously paid, shall be made to the  
2 beneficiary's estate or, if properly designated by the beneficiary,  
3 to a trust. Such benefit payment shall be made in an amount equal  
4 to a full monthly benefit payment regardless of the day of the month  
5 in which the retired member or beneficiary died.

6 H. If the requirements of Section 50-114.4 of this title are  
7 satisfied, a member who, by reason of attainment of normal  
8 retirement date or age, is separated from service as a public safety  
9 officer with the member's participating municipality, may elect to  
10 have payment made directly to the provider for qualified health  
11 insurance premiums by deduction from his or her monthly pension  
12 payment, after December 31, 2006, in accordance with Section 402(1)  
13 of the Internal Revenue Code of 1986, as amended. For distributions  
14 made after December 29, 2022, the election provided for under  
15 Section 402(1) of the Internal Revenue Code of 1986, as amended, may  
16 be made whether payment of the premiums is made directly to the  
17 provider of the accident or health plan or qualified long-term care  
18 insurance contract by deduction from a distribution from the System  
19 or is made to the member.

20 SECTION 6. AMENDATORY 11 O.S. 2021, Section 50-114.4, is  
21 amended to read as follows:

22 Section 50-114.4. A. A member who is an eligible retired  
23 public safety officer and who wishes to have direct payments made  
24 toward the member's qualified health insurance premiums from the  
25

1 member's monthly disability benefit or monthly pension payment must  
2 make a written election in accordance with Section 402(1) of the  
3 Internal Revenue Code of 1986, as amended, on the form provided by  
4 the System, as follows:

5 1. The election must be made after the member separates from  
6 service as a public safety officer with the member's participating  
7 municipality;

8 2. The election shall only apply to distributions from the  
9 System after December 31, 2006, and to amounts not yet distributed  
10 to the eligible retired public safety officer;

11 3. ~~Direct payments~~ Payments from the System for an eligible  
12 retired public safety officer's qualified health insurance premiums  
13 made directly to the provider of such coverage can only be made from  
14 the member's monthly disability benefit or monthly pension payment  
15 from the System and cannot be made from the Deferred Option Plan;  
16 and

17 4. The aggregate amount of the exclusion from an eligible  
18 retired public safety officer's gross income is Three Thousand  
19 Dollars (\$3,000.00) per calendar year.

20 B. As used in this section:

21 1. A "public safety officer" is a member serving a public  
22 agency in an official capacity, with or without compensation, as a  
23 law enforcement officer, firefighter, chaplain, or as a member of a  
24 rescue squad or ambulance crew;

1           2. An "eligible retired public safety officer" is a member who,  
2 by reason of disability or attainment of normal retirement date or  
3 age, is separated from service as a public safety officer with the  
4 member's participating municipality; and

5           3. "Qualified health insurance premiums" are for coverage for  
6 the eligible retired public safety officer, the eligible retired  
7 public safety officer's spouse, and dependents, as defined in  
8 Section 152 of the Internal Revenue Code of 1986, as amended, by an  
9 accident or health plan or a qualified long-term care insurance  
10 contract, as defined in Section 7702B(b) of the Internal Revenue  
11 Code of 1986, as amended. The health plan does not have to be  
12 sponsored by the eligible retired public safety officer's former  
13 participating municipality.

14           C. The State Board ~~shall~~ may promulgate such rules or  
15 procedures as are necessary to implement the provisions of this  
16 section or to facilitate a member's election under Section 402(1) of  
17 the Internal Revenue Code of 1986, as amended.

18           SECTION 7.           AMENDATORY           11 O.S. 2021, Section 50-115, as  
19 amended by Section 3, Chapter 306, O.S.L. 2022 (11 O.S. Supp. 2022,  
20 Section 50-115), is amended to read as follows:

21           Section 50-115. A. The State Board is authorized to pay a  
22 disability benefit to a member of the System or a pension to the  
23 beneficiaries of such member eligible as hereinafter provided, not  
24 exceeding the accrued retirement benefit of the member, except as  
25

1 otherwise provided in this article. Such disability benefit shall  
2 be payable immediately upon determination of eligibility. Any  
3 preexisting condition identified at the time of any initial or  
4 subsequent membership shall be used to offset the percentage of  
5 impairment to the whole person in determining any disability  
6 benefit. Once the initial disability benefit has been awarded by  
7 the Board on the basis of the percentage of impairment to the whole  
8 person, the member shall have no further recourse to increase the  
9 awarded percentage of impairment.

10 B. In order for any member to be eligible for any disability  
11 benefit, or the member's beneficiaries to be eligible for a pension,  
12 the member must have complied with any agreement as to contributions  
13 by the member and other members to any funds of the System where the  
14 agreement has been made as provided by this article; and the State  
15 Board must find:

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

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

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

1 D. 1. As of the date of determination by the State Board that  
2 a member has a permanent in-line disability, the member shall be  
3 awarded a normal disability benefit, as defined in Section 50-101 of  
4 this title.

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

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

20 F. Upon determination by the State Board that a member is  
21 physically or mentally disabled and that the disability is permanent  
22 and total and that the member has completed ten (10) years of  
23 credited service and is disabled by any cause, the member shall  
24 receive a disability benefit on the basis of the member's accrued

1 retirement benefit. A permanent and total impairment equates to one  
2 hundred percent (100%) of accrued retirement benefit.

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

13 1% to 49% impaired = 50% of accrued retirement benefit

14 50% to 74% impaired = 75% of accrued retirement benefit

15 75% to 99% impaired = 100% of accrued retirement benefit.

16 H. Before making a finding as to the disability of a member,  
17 the State Board shall require that, if the member is able, the  
18 member shall make a certificate as to the disability which shall be  
19 subscribed and sworn to by the member. It shall also require a  
20 certificate as to such disability to be made by some physician  
21 licensed to practice in this state as selected by the State Board.  
22 The State Board may require other evidence of disability before  
23 making the disability benefit. The salary of any such member shall  
24 continue while the member is so necessarily confined to such



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

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

1 pursuant to the presumption created by this subsection shall be paid  
2 solely by the system.

3 J. If the requirements of Section 50-114.4 of this title are  
4 satisfied, a member who, by reason of disability, is separated from  
5 service as a public safety officer with the member's participating  
6 municipality, may elect to have payment made directly to the  
7 provider for qualified health insurance premiums by deduction from  
8 his or her monthly disability benefit, after December 31, 2006, in  
9 accordance with Section 402(1) of the Internal Revenue Code of 1986,  
10 as amended. For distributions made after December 29, 2022, the  
11 election provided for under Section 402(1) of the Internal Revenue  
12 Code of 1986, as amended, may be made whether payment of the  
13 premiums is made directly to the provider of the accident or health  
14 plan or qualified long-term care insurance contract by deduction  
15 from a distribution from the System or is made to the member.

16 SECTION 8. AMENDATORY 47 O.S. 2021, Section 2-300, is  
17 amended to read as follows:

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

- 19 1. "System" means the Oklahoma Law Enforcement Retirement  
20 System;
- 21 2. "Act" means Section 2-300 et seq. of this title;
- 22 3. "Board" means the Oklahoma Law Enforcement Retirement Board  
23 of the System;

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

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

4           6. a. "Member" means:

5                   (1) all commissioned law enforcement officers of the  
6                               Oklahoma Highway Patrol Division of the  
7                               Department of Public Safety who have obtained  
8                               certification from the Council on Law Enforcement  
9                               Education and Training, and all cadets of a  
10                              Patrol Academy of the Department of Public  
11                              Safety,

12                   (2) law enforcement officers and criminalists of the  
13                              Oklahoma State Bureau of Investigation,

14                   (3) law enforcement officers of the Oklahoma State  
15                              Bureau of Narcotics and Dangerous Drugs Control  
16                              designated to perform duties in the investigation  
17                              and prevention of crime and the enforcement of  
18                              the criminal laws of this state,

19                   (4) law enforcement officers of the Oklahoma  
20                              Alcoholic Beverage Laws Enforcement Commission  
21                              designated to perform duties in the investigation  
22                              and prevention of crime and the enforcement of  
23                              the criminal laws of this state,

1 (5) employees of the Communications Section of the  
2 Oklahoma Highway Patrol Division, radio  
3 technicians and tower technicians of the  
4 Department of Public Safety, who are employed in  
5 any such capacity as of June 30, 2008, and who  
6 remain employed on or after July 1, 2008, until a  
7 termination of service, or until a termination of  
8 service with an election of a vested benefit from  
9 the System, or until retirement. Effective July  
10 1, 2008, a person employed for the first time as  
11 an employee of the Department of Public Safety in  
12 the Communications Division as an information  
13 systems telecommunication technician of the  
14 Department of Public Safety shall not be a member  
15 of the System,

16 (6) park rangers of the Oklahoma Tourism and  
17 Recreation Department and any park manager or  
18 park supervisor of the Oklahoma Tourism and  
19 Recreation Department, who was employed in such a  
20 position prior to July 1, 1985, and who elects on  
21 or before September 1, 1996, to participate in  
22 the System, and

23 (7) inspectors of the Board of Pharmacy.  
24  
25

1           b.    Effective July 1, 1987, a member does not include a  
2                "leased employee" as defined under Section 414(n) (2)  
3                of the Internal Revenue Code of 1986, as amended.  
4                Effective July 1, 1999, any individual who agrees with  
5                the participating employer that the individual's  
6                services are to be performed as a leased employee or  
7                an independent contractor shall not be a member  
8                regardless of any classification as a common-law  
9                employee by the Internal Revenue Service or any other  
10              governmental agency, or any court of competent  
11              jurisdiction.

12           c.    All persons who shall be offered a position of a  
13                commissioned law enforcement officer as an employee of  
14                one of the agencies described in subparagraph a of  
15                this paragraph shall participate in the System upon  
16                the person meeting the requisite post-offer-pre-  
17                employment physical examination standards which shall  
18                be subject to the following requirements:

19                (1)  all such persons shall be of good moral  
20                    character, free from deformities, mental or  
21                    physical conditions, or disease and alcohol or  
22                    drug addiction which would prohibit the person  
23                    from performing the duties of a law enforcement  
24                    officer,

- 1 (2) the physical-medical examination shall pertain to  
2 age, sight, hearing, agility and other conditions  
3 the requirements of which shall be established by  
4 the Board,
- 5 (3) the person shall be required to meet the  
6 conditions of this subsection prior to the  
7 beginning of actual employment but after an offer  
8 of employment has been tendered by a  
9 participating employer,
- 10 (4) the Board shall have authority to deny or revoke  
11 membership of any person submitting false  
12 information in such person's membership  
13 application, and
- 14 (5) the Board shall have final authority in  
15 determining eligibility for membership in the  
16 System, pursuant to the provisions of this  
17 subsection;

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

- 22 a. completes twenty (20) years of vesting service, or  
23 b. attains sixty-two (62) years of age with ten (10)  
24 years of vesting service, or  
25

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

2 (1) the member has been transferred to this System  
3 from the Oklahoma Public Employees Retirement  
4 System on or after July 1, 1981, and

5 (2) the member would have been vested had the member  
6 continued to be a member of the Oklahoma Public  
7 Employees Retirement System.

8 With respect to distributions under the System made for calendar  
9 years beginning on or after January 1, 2005, the System shall apply  
10 the minimum distribution incidental benefit requirements, incidental  
11 benefit requirements, and minimum distribution requirements of  
12 Section 401(a)(9) of the Internal Revenue Code of 1986, as amended,  
13 in accordance with the final regulations under Section 401(a)(9) of  
14 the Internal Revenue Code of 1986, as amended, including Treasury  
15 Regulations Sections 1.401(a)(9)-1 through 1.401(a)(9)-9; provided  
16 that for individuals who attain seventy and one-half (70 1/2) years  
17 of age after December 31, 2019, but before January 1, 2023,  
18 distributions shall be made when the individual attains seventy-two  
19 (72) years of age, ~~pursuant to the provisions of the SECURE Act of~~  
20 ~~2019, Pub. L. 116-94,~~ Sections 401(a)(9)(B)(iv)(I),  
21 401(a)(9)(C)(i)(I) and 401(a)(9)(C)(ii)(I) of the Internal Revenue  
22 Code of 1986, as amended, and, provided further, that for  
23 individuals who attain seventy-two (72) years of age after December  
24 31, 2022, such distributions shall take into account that "age 72"

1 was stricken and "the applicable age", as defined in Section  
2 401(a) (9) (v) of the Internal Revenue Code of 1986, as amended, was  
3 inserted in Section 401(a) (9) (B) (iv) (I), Section 401(a) (9) (C) (i) (I)  
4 and Section 401(a) (9) (C) (ii) (I) of the Internal Revenue Code of  
5 1986, as amended, in all cases notwithstanding any provision of the  
6 System to the contrary. With respect to distributions under the  
7 System made for calendar years beginning on or after January 1,  
8 2001, through December 31, 2004, the System shall apply the minimum  
9 distribution requirements and incidental benefit requirements of  
10 Section 401(a) (9) of the Internal Revenue Code of 1986, as amended,  
11 in accordance with the regulations under Section 401(a) (9) of the  
12 Internal Revenue Code of 1986, as amended, which were proposed in  
13 January 2001, notwithstanding any provision of the System to the  
14 contrary.

15       Effective July 1, 1989, notwithstanding any other provision  
16 contained herein to the contrary, in no event shall commencement of  
17 distribution of the accrued retirement benefit of a member be  
18 delayed beyond April 1 of the calendar year following the later of:  
19 (1) the calendar year in which the member reaches seventy and one-  
20 half (70 1/2) years of age for a member who attains this age before  
21 January 1, 2020, or, for a member who attains this age on or after  
22 January 1, 2020, but before January 1, 2023, the calendar year in  
23 which the member reaches seventy-two (72) years of age, or effective  
24 for distributions required to be made after December 31, 2022, the



1 calendar year in which the member reaches seventy-three (73) years  
2 of age for an individual who attains age seventy-two (72) after  
3 December 31, 2022, or "the applicable age", as defined in Section  
4 401(a) (9) (v) of the Internal Revenue Code of 1986, as amended, if  
5 later; or (2) the actual retirement date of the member. A member  
6 electing to defer the commencement of retirement benefits pursuant  
7 to Section 2-308.1 of this title may not defer the benefit  
8 commencement beyond the age of sixty-five (65).

9       Effective September 8, 2009, notwithstanding anything to the  
10 contrary of the System, the System, which as a governmental plan  
11 (within the meaning of Section 414(d) of the Internal Revenue Code  
12 of 1986, as amended), is treated as having complied with Section  
13 401(a) (9) of the Internal Revenue Code of 1986, as amended, for all  
14 years to which Section 401(a) (9) of the Internal Revenue Code of  
15 1986, as amended, applies to the System if the System complies with  
16 a reasonable and good faith interpretation of Section 401(a) (9) of  
17 the Internal Revenue Code of 1986, as amended.

18       A member who was required to join the System effective July 1,  
19 1980, because of the transfer of the employing agency from the  
20 Oklahoma Public Employees Retirement System to the System, and was  
21 not a member of the Oklahoma Public Employees Retirement System on  
22 the date of such transfer shall be allowed to receive credit for  
23 prior law enforcement service rendered to this state, if the member  
24 is not receiving or eligible to receive retirement credit or

1 benefits for such service in any other public retirement system,  
2 upon payment to the System of the employee contribution the member  
3 would have been subject to had the member been a member of the  
4 System at the time, plus five percent (5%) interest. Service credit  
5 received pursuant to this paragraph shall be used in determining the  
6 member's retirement benefit, and shall be used in determining years  
7 of service for retirement or vesting purposes;

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

12 9. "Final average salary" means the average of the highest  
13 thirty (30) consecutive complete months of actual paid gross salary.  
14 Gross salary shall include any amount of elective salary reduction  
15 under Section 457 of the Internal Revenue Code of 1986, as amended,  
16 and any amount of nonelective salary reduction under Section 414(h)  
17 of the Internal Revenue Code of 1986, as amended. Effective July 1,  
18 1992, gross salary shall include any amount of elective salary  
19 reduction under Section 125 of the Internal Revenue Code of 1986, as  
20 amended. Effective July 1, 1998, gross salary shall include any  
21 amount of elective salary reduction not includable in the gross  
22 income of the member under Section 132(f)(4) of the Internal Revenue  
23 Code of 1986, as amended. Effective July 1, 1998, for purposes of  
24 determining a member's compensation, any contribution by the member

1 to reduce his or her regular cash remuneration under Section  
2 132(f) (4) of the Internal Revenue Code of 1986, as amended, shall be  
3 treated as if the member did not make such an election. Only salary  
4 on which required contributions have been made may be used in  
5 computing the final average salary. Gross salary shall not include  
6 severance pay.

7 In addition to other applicable limitations, and notwithstanding  
8 any other provision to the contrary, for plan years beginning on or  
9 after July 1, 2002, the annual gross salary of each "Noneligible  
10 Member" taken into account under the System shall not exceed the  
11 Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA")  
12 annual salary limit. The EGTRRA annual salary limit is Two Hundred  
13 Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for  
14 increases in the cost of living in accordance with Section  
15 401(a) (17) (B) of the Internal Revenue Code of 1986, as amended. The  
16 annual salary limit in effect for a calendar year applies to any  
17 period, not exceeding twelve (12) months, over which salary is  
18 determined ("determination period") beginning in such calendar year.  
19 If a determination period consists of fewer than twelve (12) months,  
20 the EGTRRA salary limit will be multiplied by a fraction, the  
21 numerator of which is the number of months in the determination  
22 period, and the denominator of which is twelve (12). For purposes  
23 of this section, a "Noneligible Member" is any member who first  
24

1 became a member during a plan year commencing on or after July 1,  
2 1996.

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

7 Effective January 1, 2008, gross salary for a plan year shall  
8 also include gross salary, as described above, for services, but  
9 paid by the later of two and one-half (2 1/2) months after a  
10 member's severance from employment or the end of the calendar year  
11 that includes the date the member terminated employment, if it is a  
12 payment that, absent a severance from employment, would have been  
13 paid to the member while the member continued in employment with the  
14 employer.

15 Effective January 1, 2008, any payments not described above  
16 shall not be considered gross salary if paid after severance from  
17 employment, even if they are paid by the later of two and one-half  
18 (2 1/2) months after the date of severance from employment or the  
19 end of the calendar year that includes the date of severance from  
20 employment, except payments to an individual who does not currently  
21 perform services for the employer by reason of qualified military  
22 service within the meaning of Section 414(u)(5) of the Internal  
23 Revenue Code of 1986, as amended, to the extent these payments do  
24 not exceed the amounts the individual would have received if the

1 individual had continued to perform services for the employer rather  
2 than entering qualified military service.

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

8 Effective for years beginning after December 31, 2008, gross  
9 salary shall also include differential wage payments under Section  
10 414(u) (12) of the Internal Revenue Code of 1986, as amended;

11 10. "Credited service" means the period of service used to  
12 determine the amount of benefits payable to a member. Credited  
13 service shall consist of the period during which the member  
14 participated in the System or the predecessor Plan as an active  
15 employee in an eligible membership classification, plus any service  
16 prior to the establishment of the predecessor Plan which was  
17 credited under the predecessor Plan and for law enforcement officers  
18 and criminalists of the Oklahoma State Bureau of Investigation and  
19 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
20 who became members of the System on July 1, 1980, any service  
21 credited under the Oklahoma Public Employees Retirement System as of  
22 June 30, 1980, and for members of the Communications and Lake Patrol  
23 Divisions of the Oklahoma Department of Public Safety, who became  
24 members of the System on July 1, 1981, any service credited under

1 the predecessor Plan or the Oklahoma Public Employees Retirement  
2 System as of June 30, 1981, and for law enforcement officers of the  
3 Alcoholic Beverage Laws Enforcement Commission who became members of  
4 the System on July 1, 1982, any service credited under the Oklahoma  
5 Public Employees Retirement System as of June 30, 1982, and for park  
6 rangers of the Oklahoma Tourism and Recreation Department who became  
7 members of the System on July 1, 1985, any service credited under  
8 the Oklahoma Public Employees Retirement System as of June 30, 1985,  
9 and for inspectors of the Oklahoma State Board of Pharmacy who  
10 became members of the System on July 1, 1986, any service credited  
11 under the Oklahoma Public Employees Retirement System as of June 30,  
12 1986, for law enforcement officers of the Oklahoma Capitol Patrol  
13 Division of the Department of Public Safety who became members of  
14 the System effective July 1, 1993, any service credited under the  
15 Oklahoma Public Employees Retirement System as of June 30, 1993, and  
16 for all commissioned officers in the Gunsmith/Ammunition Reloader  
17 Division of the Department of Public Safety who became members of  
18 the System effective July 1, 1994, any service credited under the  
19 Oklahoma Public Employees Retirement System as of June 30, 1994, and  
20 for the park managers or park supervisors of the Oklahoma Tourism  
21 and Recreation Department who were employed in such a position prior  
22 to July 1, 1985, and who elect to become members of the System  
23 effective September 1, 1996, any service transferred pursuant to  
24 subsection C of Section 2-309.6 of this title and any service

1 purchased pursuant to subsection B of Section 2-307.2 of this title.  
2 Effective August 5, 1993, an authorized leave of absence shall  
3 include a period of absence pursuant to the Family and Medical Leave  
4 Act of 1993;

5 11. "Disability" means a physical or mental condition which, in  
6 the judgment of the Board, totally and presumably permanently  
7 prevents the member from engaging in the usual and customary duties  
8 of the occupation of the member and thereafter prevents the member  
9 from performing the duties of any occupation or service for which  
10 the member is qualified by reason of training, education or  
11 experience. A person is not under a disability when capable of  
12 performing a service to the employer, regardless of occupation,  
13 providing the salary of the employee is not diminished thereby;

14 12. "Limitation year" means the year used in applying the  
15 limitations of Section 415 of the Internal Revenue Code of 1986,  
16 which year shall be the calendar year;

17 13. "Line of duty" means any action which a member whose  
18 primary function is crime control or reduction or enforcement of the  
19 criminal law is obligated or authorized by rule, regulations,  
20 condition of employment or service, or law to perform including  
21 those social, ceremonial or athletic functions to which the member  
22 is assigned, or for which the member is compensated, by the agency  
23 the member serves;

1 14. "Personal injury" or "injury" means any traumatic injury as  
2 well as diseases which are caused by or result from such an injury,  
3 but not occupational diseases;

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

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

12 17. "Beneficiary" means the individual designated by the member  
13 on a beneficiary designation form supplied by the Oklahoma Law  
14 Enforcement Retirement System, or, if there is no designated  
15 beneficiary or if the designated beneficiary predeceases the member,  
16 the estate of the member. If the member's spouse is not designated  
17 as the sole primary beneficiary, the member's spouse must sign a  
18 consent.

19 SECTION 9. AMENDATORY 47 O.S. 2021, Section 2-305, as  
20 amended by Section 2, Chapter 255, O.S.L. 2022 (47 O.S. Supp. 2022,  
21 Section 2-305), is amended to read as follows:

22 Section 2-305. A. Except as otherwise provided in this title,  
23 at any time after attaining normal retirement date, any member of  
24 the Oklahoma Law Enforcement Retirement System upon application for



1 unreduced retirement benefits made and approved, may retire, and,  
2 during the remainder of the member's lifetime, receive annual  
3 retirement pay, payable in equal monthly payments, equal to two and  
4 one-half percent (2 1/2%) of the final average salary times years of  
5 credited service. If such retired member is reemployed by a state  
6 agency in a position which is not covered by the System, such  
7 retired member shall continue to receive in-service distributions  
8 from the System. Prior to September 19, 2002, if such retired  
9 member was reemployed by a state agency in a position which is  
10 covered by the System, such member shall continue to receive in-  
11 service distributions from the System and shall not accrue any  
12 further credited service. If such a member is reemployed by a state  
13 agency in a position which is covered by the System on or after  
14 September 19, 2002, such member's monthly retirement payments shall  
15 be suspended until such member retires and is not reemployed by a  
16 state agency in a position which is covered by the System.

17 B. Beginning July 1, 1994, members who retired or were eligible  
18 to retire prior to July 1, 1980, or their surviving spouses shall  
19 receive annual retirement pay, payable in equal monthly payments,  
20 equal to the greater of their current retirement pay, or two and  
21 one-half percent (2 1/2%) of the actual paid gross salary being  
22 currently paid to a highway patrol officer, at the time each such  
23 monthly retirement payment is made, multiplied by the retired  
24 member's years of credited service.

1 C. Except as otherwise provided by this subsection, members of  
2 the System whose salary is set by statute who have retired after  
3 completion of the mandatory twenty (20) years of service, and those  
4 members with statutory salaries who retire after reaching the  
5 mandatory twenty-year retirement shall receive an annual retirement  
6 pay, payable in equal monthly installments, based upon the greater  
7 of either:

8 1. The top base salary currently paid to the highest  
9 nonsupervisory position in the participating agency at the time each  
10 such monthly retirement payment is made, limited to the annual  
11 salary limit of the Economic Growth and Tax Relief Reconciliation  
12 Act of 2001, as described in paragraph 9 of Section 2-300 of this  
13 title, multiplied by two and one-half percent (2 1/2%) multiplied by  
14 the number of years of credited service and fraction thereof for the  
15 following positions:

- 16 a. Oklahoma Highway Patrolman,
- 17 b. Communications Dispatcher,
- 18 c. Capitol Patrolman,
- 19 d. Lake Patrolman, and
- 20 e. Oklahoma State Bureau of Investigation - Special Agent  
21 or Criminalist; or

22 2. The member's final average salary as set forth in paragraph  
23 9 of Section 2-300 of this title, multiplied by two and one-half  
24

1 percent (2 1/2%), and multiplied by the number of years of credited  
2 service and fraction thereof.

3 No member of the System retired prior to July 1, 2002, shall  
4 receive a benefit less than the amount the member is receiving as of  
5 June 30, 2002.

6 The provisions of paragraph 1 of this subsection shall not be  
7 applicable to any member whose first participating service with the  
8 System occurs on or after November 1, 2012, except for those members  
9 who died in the performance of their duties pursuant to Section 2-  
10 306 of this title.

11 D. Other members of the System whose retirement benefit is not  
12 otherwise prescribed by this section who have retired after  
13 completion of the mandatory twenty (20) years of service, and those  
14 members who retire after reaching the mandatory twenty-year  
15 retirement shall receive an annual retirement pay, payable in equal  
16 monthly payments, based upon the greater of either:

17 1. The actual average salary currently paid to the highest  
18 nonsupervisory position in the participating agency at the time each  
19 such monthly payment is made, limited to the annual salary limit of  
20 the Economic Growth and Tax Relief Reconciliation Act of 2001, as  
21 described in paragraph 9 of Section 2-300 of this title, multiplied  
22 by two and one-half percent (2 1/2%), multiplied by the number of  
23 years of credited service and fraction thereof for the following  
24 positions:

- a. Alcoholic Beverage Laws Enforcement Commission - ABLE Commission Agent III,
- b. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - Narcotics Agent III,
- c. Oklahoma Tourism and Recreation Department - Park Ranger II,
- d. State Board of Pharmacy - Pharmacy Inspector,
- e. University of Oklahoma - Police Officer, and
- f. Oklahoma State University - Police Officer; or

2. The other member's final average salary as set forth in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), multiplied by the number of years of credited service and fraction thereof.

No member of the System retired prior to July 1, 2002, shall receive a benefit less than the amount the member is receiving as of June 30, 2002. The participating employer must certify to the System in writing the actual average gross salary currently paid to the highest nonsupervisory position. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this section.

The provisions of paragraph 1 of this subsection shall not be applicable to any member whose first participating service with the System occurs on or after May 24, 2013, except for those members who

1 died in the performance of their duties pursuant to Section 2-306 of  
2 this title.

3 E. A member who meets the definition of disability as defined  
4 in paragraph 11 of Section 2-300 of this title by direct reason of  
5 the performance of the member's duties as an officer shall receive a  
6 monthly benefit equal to:

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

8 2. Multiplied by:

9 a. twenty (20) years of credited service, if the member  
10 had performed less than twenty (20) years of credited  
11 service, notwithstanding the actual number of years of  
12 credited service performed by the member prior to the  
13 date of disability, or

14 b. the actual number of years of credited service and  
15 fraction thereof performed by the member prior to the  
16 date of disability, if the member had performed twenty  
17 (20) or more years of credited service;

18 3. Multiplied by the greater of subparagraph a of this  
19 paragraph and division 1 of subparagraph b of this paragraph or  
20 division 2 of subparagraph b of this paragraph, as applicable:

21 a. the final average salary of the member, as set forth  
22 in paragraph 9 of Section 2-300 of this title, and

23 b. (1) the top base salary currently paid to the highest  
24 nonsupervisory position in the participating  
25

1 agency of the member at the time each monthly  
2 payment is made, limited to the annual salary  
3 limit of the Economic Growth and Tax Relief  
4 Reconciliation Act of 2001 described in paragraph  
5 9 of Section 2-300 of this title, for the  
6 following positions:

- 7 (a) Oklahoma Highway Patrolman,
- 8 (b) Communications Dispatcher,
- 9 (c) Capitol Patrolman,
- 10 (d) Lake Patrolman, and
- 11 (e) Oklahoma State Bureau of Investigation -  
12 Special Agent or Criminalist,

13 Provided, the participating employer must certify to the System  
14 in writing the top base salary currently paid to the highest  
15 nonsupervisory position for division (1) of subparagraph b of this  
16 paragraph, or

- 17 (2) the actual average salary currently paid to the  
18 highest nonsupervisory position in the  
19 participating agency of the member at the time  
20 each monthly payment is made, limited to the  
21 annual salary limit of the Economic Growth and  
22 Tax Relief Reconciliation Act of 2001, described  
23 in paragraph 9 of Section 2-300 of this title,  
24 for the following positions:

- 1 (a) Alcoholic Beverage Laws Enforcement (ABLE)
- 2 Commission - ABLE Commission Agent III,
- 3 (b) Oklahoma State Bureau of Narcotics and
- 4 Dangerous Drugs Control - Narcotics Agent
- 5 III,
- 6 (c) Oklahoma Tourism and Recreation Department -
- 7 Park Ranger II,
- 8 (d) State Board of Pharmacy - Pharmacy
- 9 Inspector,
- 10 (e) University of Oklahoma - Police Officer, and
- 11 (f) Oklahoma State University - Police Officer,

12 Provided, the participating employer must certify to the System  
13 in writing the actual average gross salary currently paid to the  
14 highest nonsupervisory position for division (2) of subparagraph b  
15 of this paragraph;

16 4. No member of the System receiving benefits prescribed by  
17 this subsection who retired prior to July 1, 2002, shall receive a  
18 benefit of less than the amount the member was receiving as of June  
19 30, 2002;

20 5. The Board of Trustees shall promulgate rules as necessary to  
21 implement the provisions of this subsection; and

22 6. If such member participates in the Oklahoma Law Enforcement  
23 Deferred Option Plan pursuant to Section 2-305.2 of this title, then  
24 such member's disability pension provided pursuant to this

1 subsection shall be reduced to account for such member's  
2 participation in the Oklahoma Law Enforcement Deferred Option Plan.

3 F. A member who meets the definition of disability as defined  
4 in paragraph 11 of Section 2-300 of this title and whose disability  
5 is by means of personal and traumatic injury of a catastrophic  
6 nature and in the line of duty, shall receive a monthly benefit  
7 equal to:

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

9 2. Multiplied by:

10 a. twenty (20) years of service, regardless of the actual  
11 number of years of credited service performed by the  
12 member prior to the date of disability, if the member  
13 had performed less than twenty (20) years of service,  
14 or

15 b. the actual number of years of service performed by the  
16 member if the member had performed twenty (20) or more  
17 years of service;

18 3. Multiplied by a final average salary equal to:

19 a. the salary which the member would have received  
20 pursuant to statutory salary schedules in effect upon  
21 the date of the disability for twenty (20) years of  
22 service prior to disability. The final average salary  
23 for a member who performed less than twenty (20) years  
24 of service prior to disability shall be computed



1 assuming that the member was paid the highest salary  
2 allowable pursuant to the law in effect at the time of  
3 the member's disability based upon twenty (20) years  
4 of service and with an assumption that the member was  
5 eligible for any and all increases in pay based upon  
6 rank during the entire period. If the salary of a  
7 member is not prescribed by a specific salary schedule  
8 upon the date of the member's disability, the final  
9 average salary for the member shall be computed by the  
10 member's actual final average salary or the highest  
11 median salary amount for a member whose salary was  
12 prescribed by a specific salary schedule upon the date  
13 of the member's disability, whichever final average  
14 salary amount would be greater, or

- 15 b. the actual final average salary of the member if the  
16 member had performed twenty (20) or more years of  
17 service prior to disability.

18 If such member participates in the Oklahoma Law Enforcement  
19 Deferred Option Plan pursuant to Section 2-305.2 of this title, such  
20 member's disability pension provided pursuant to this subsection  
21 shall be adjusted as provided in Section 2-305.2 of this title to  
22 account for such member's participation in the Oklahoma Law  
23 Enforcement Deferred Option Plan.

1 G. A member who meets the definition of disability as defined  
2 in Section 2-300 of this title and whose disability occurred prior  
3 to the member's normal retirement date but after completing three  
4 (3) years of vesting service and not by reason of the performance of  
5 the member's duties or as a result of the member's willful  
6 negligence shall receive a monthly benefit equal to two and one-half  
7 percent (2 1/2%) of final average salary multiplied by the number of  
8 years of the member's credited service.

9 H. Payment of a disability pension shall commence as of the  
10 first day of the month coinciding or next following the date of  
11 retirement and shall continue as long as the member meets the  
12 definition of total and permanent disability provided in this  
13 section.

14 I. For the purpose of determining the member's disability under  
15 subsection E, F or G of this section, the member shall be required  
16 by the Board to be examined by a minimum of two recognized  
17 physicians selected by the Board to determine the extent of the  
18 member's injury or illness. The examining physicians shall furnish  
19 the Board a detailed written report of the injury or illness of the  
20 examined member establishing the extent of disability and the  
21 possibilities of the disabled member being returned to his or her  
22 regular duties or an alternate occupation or service covered by the  
23 System after a normal recuperation period. The Board shall require  
24 all retired disabled members who have not attained their normal

1 retirement date to submit to a physical examination once each year  
2 for a minimum of three (3) years following retirement. The Board  
3 shall select a minimum of two physicians to examine the retired  
4 members and pay for their services from the fund. Any retired  
5 disabled member found no longer disabled by the examining physicians  
6 to perform the occupation of the member or an alternate occupation  
7 or service covered by the System shall be required to return to duty  
8 and complete twenty (20) years of service as provided in subsection  
9 A of this section, or forfeit all his or her rights and claims under  
10 Section 2-300 et seq. of this title.

11 J. The disability benefit under this section shall be for the  
12 lifetime of the member unless such member is found no longer  
13 disabled pursuant to subsection I of this section. Such member  
14 shall not be entitled to the retirement benefit pursuant to  
15 subsection A of this section unless such member returns to active  
16 duty and is eligible for a retirement benefit as provided in  
17 subsection A of this section.

18 K. At the postoffer, preemployment physical examination  
19 required under paragraph 6 of Section 2-300 of this title, the  
20 physician selected by the Board shall determine the extent to which  
21 a new member is disabled. If a member is determined to be partially  
22 disabled, the physician shall assign a percentage of disability to  
23 such partial disability. If such member then becomes entitled to a  
24 disability benefit under either subsection E or subsection G of this

1 section, the benefit payable shall be reduced by the percentage  
2 which such member was determined to be disabled at the postoffer,  
3 preemployment physical unless the Board makes a determination that  
4 the initially determined percentage of disability at the  
5 preemployment physical examination is unrelated to the reason for  
6 the disability currently sought pursuant to subsection E or  
7 subsection G of this section. Upon employment, the member shall  
8 disclose to the Board any disability payments received from any  
9 source. The amount of disability to be paid to any member cannot  
10 exceed one hundred percent (100%) disability from all sources. The  
11 provisions of this subsection shall apply only to members whose  
12 effective date of membership is on or after July 1, 2000.

13 L. In addition to the pension provided for under subsection F  
14 of this section, if the member has one or more children under the  
15 age of eighteen (18) years or under the age of twenty-two (22) years  
16 if the child is enrolled full time in and is regularly attending a  
17 public or private school or any institution of higher education,  
18 Four Hundred Dollars (\$400.00) a month shall be paid from the Fund  
19 for the support of each surviving child to the member or person  
20 having the care and custody of such children until each child  
21 reaches the age of eighteen (18) years or reaches the age of twenty-  
22 two (22) years if the child is enrolled full time in and is  
23 regularly attending a public or private school or any institution of  
24 higher education.

1 M. Notwithstanding any other provisions in Section 2-300  
2 through 2-315 of this title, in order to be eligible to receive  
3 disability benefits, a member who meets the definition of disability  
4 as defined in paragraph 11 of Section 2-300 of this title shall file  
5 the member's completed application for disability benefits with the  
6 System before such member's date of termination from service and  
7 provide such additional information that the System's rules require  
8 within six (6) months of the System's receipt of such application.  
9 If the member's completed application for disability benefits is not  
10 filed with the System before the member's date of termination from  
11 service or such additional information as is required under the  
12 System's rules is not provided within six (6) months of the System's  
13 receipt of such application, such member shall be eligible only for  
14 such other benefits as are available to members of the System and  
15 shall not be eligible to receive any disability benefits. For good  
16 cause shown, the Board of Trustees may waive the requirement that  
17 the disability application be filed before the member's date of  
18 termination from service. In no event shall a member be eligible to  
19 receive any disability benefit if the member's completed application  
20 is filed more than six (6) months after the member's date of  
21 termination from service.

22 N. If the requirements of Section 2-305.1C of this title are  
23 satisfied, a member who, by reason of disability or attainment of  
24 normal retirement date or age, is separated from service as a public

1 safety officer with the member's participating employer may elect to  
2 have payment made directly to the provider for qualified health  
3 insurance premiums by deduction from his or her monthly disability  
4 benefit or monthly retirement payment, after December 31, 2006, in  
5 accordance with Section 402(1) of the Internal Revenue Code of 1986,  
6 as amended. For distributions made after December 29, 2022, the  
7 election provided for under Section 402(1) of the Internal Revenue  
8 Code of 1986, as amended, may be made whether payment of the  
9 premiums is made directly to the provider of the accident or health  
10 plan or qualified long-term care insurance contract by deduction  
11 from a distribution from the System or is made to the member.

12 SECTION 10. AMENDATORY 47 O.S. 2021, Section 2-305.1C,  
13 is amended to read as follows:

14 Section 2-305.1C. A. A member who is an eligible retired  
15 public safety officer and who wishes to have direct payments made  
16 toward the member's qualified health insurance premiums from the  
17 member's monthly disability benefit or monthly retirement payment  
18 must make a written election in accordance with Section 402(1) of  
19 the Internal Revenue Code of 1986, as amended, on the form provided  
20 by the Oklahoma Law Enforcement Retirement System, as follows:

21 1. The election must be made after the member separates from  
22 service as a public safety officer with the member's participating  
23 employer;

1           2. The election shall only apply to distributions from the  
2 System after December 31, 2006, and to amounts not yet distributed  
3 to the eligible retired public safety officer;

4           3. ~~Direct payments~~ Payments from the System for an eligible  
5 retired public safety officer's qualified health insurance premiums  
6 made directly to the provider of such coverage can only be made from  
7 the member's monthly disability benefit or monthly retirement  
8 payment from the System and cannot be made from the Oklahoma Law  
9 Enforcement Deferred Option Plan; and

10          4. The aggregate amount of the exclusion from an eligible  
11 retired public safety officer's gross income is Three Thousand  
12 Dollars (\$3,000.00) per calendar year.

13          B. As used in this section:

14          1. "Eligible retired public safety officer" is a member who, by  
15 reason of disability or attainment of normal retirement date or age,  
16 is separated from service as a public safety officer with the  
17 member's participating employer;

18          2. "Public safety officer" means a member serving a public  
19 agency in an official capacity, with or without compensation, as a  
20 law enforcement officer, firefighter, chaplain, or a member of a  
21 rescue squad or ambulance crew; and

22          3. "Qualified health insurance premiums" means premiums for  
23 coverage for the eligible retired public safety officer, the  
24 eligible retired public safety officer's spouse, and dependents, as  
25

1 defined in Section 152 of the Internal Revenue Code of 1986, as  
2 amended, by an accident or health plan or a qualified long-term care  
3 insurance contract, as defined in Section 7702B(b) of the Internal  
4 Revenue Code of 1986, as amended. The health plan does not have to  
5 be sponsored by the eligible retired public safety officer's former  
6 participating employer.

7 C. The Board ~~shall~~ may promulgate such rules or procedures as  
8 are necessary to implement the provisions of this section or to  
9 facilitate a member's election under Section 402(1) of the Internal  
10 Revenue Code of 1986, as amended.

11 SECTION 11. It being immediately necessary for the preservation  
12 of the public peace, health or safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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