

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2116

By: Kannady

AS INTRODUCED

An Act relating to public retirement systems; amending 62 O.S. 2021, Section 3103, as last amended by Section 127, Chapter 452, O.S.L. 2024 (62 O.S. Supp. 2024, Section 3103), which relates to the Oklahoma Pension Actuarial Analysis Act; modifying term; amending 47 O.S. 2021, Section 2-300, as last amended by Section 1, Chapter 361, O.S.L. 2024 (47 O.S. Supp. 2024, Section 2-300), which relates to the Oklahoma Law Enforcement Retirement System; modifying term; providing for participation of certain new employees of certain agency in the Oklahoma Law Enforcement Retirement System; providing for codification; and providing effective dates.

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

SECTION 1. AMENDATORY 62 O.S. 2021, Section 3103, as last amended by Section 127, Chapter 452, O.S.L. 2024 (62 O.S. Supp. 2024, Section 3103), is amended to read as follows:

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

1 1. "Amendment" means any amendment including a substitute bill,
2 made to a retirement bill by any committee of the House or Senate,
3 any conference committee of the House or Senate or by the House or
4 Senate;

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

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

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

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

- 20 a. which does not affect the cost or funding factors of a
21 retirement system,
22 b. which affects such factors only in a manner which does
23 not:

- 1 (1) grant a benefit increase under the retirement
2 system affected by the bill,
3 (2) create an actuarial accrued liability for or
4 increase the actuarial accrued liability of the
5 retirement system affected by the bill, or
6 (3) increase the normal cost of the retirement system
7 affected by the bill,

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

1 Oklahoma Statutes for persons whose first elected or
2 appointed service occurs on or after November 1, 2018,
3 if such persons had any prior service in the Oklahoma
4 Public Employees Retirement System prior to November
5 1, 2015,

6 f. which provides for a one-time increase in retirement
7 benefits if the increase in retirement benefits is not
8 a permanent increase in the gross annual retirement
9 benefit payable to a member or beneficiary, occurs
10 only once pursuant to a single statutory authorization
11 and does not exceed:

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

20 (2) the lesser of two percent (2%) of the gross
21 annual retirement benefit of the member or One
22 Thousand Two Hundred Dollars (\$1,200.00) and
23 requires that the benefit may only be provided if
24 the funded ratio of the affected retirement

1 system would be greater than eighty percent (80%)
2 but not greater than one hundred percent (100%)
3 after the benefit increase is paid,

4 (3) the lesser of two percent (2%) of the gross
5 annual retirement benefit of the member or One
6 Thousand Four Hundred Dollars (\$1,400.00) and
7 requires that the benefit may only be provided if
8 the funded ratio of the affected retirement
9 system would be greater than one hundred percent
10 (100%) after the benefit increase is paid, or

11 (4) the greater of two percent (2%) of the gross
12 annual retirement benefit of the volunteer
13 firefighter or One Hundred Dollars (\$100.00) for
14 persons who retired from the Oklahoma
15 Firefighters Pension and Retirement System as
16 volunteer firefighters and who did not retire
17 from the Oklahoma Firefighters Pension and
18 Retirement System as a paid firefighter.

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

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1 g. which modifies the disability pension standard for
2 police officers who are members of the Oklahoma Police
3 Pension and Retirement System as provided by Section
4 50-115 of Title 11 of the Oklahoma Statutes,

5 h. which provides a cost-of-living benefit increase
6 pursuant to the provisions of:

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

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

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

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

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

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

19 i. which provides for the reinstatement of retirement
20 benefits for members of the Oklahoma Law Enforcement
21 Retirement System pursuant to Section 2-305 of Title
22 47 of the Oklahoma Statutes for those who were hired
23 on or after November 1, 2012, or May 24, 2013,
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1 j. which authorizes the purchase of military service
2 credit as provided in Section 50-128 of Title 11,
3 Section 1102.2 of Title 20, Section 2-307.4 of Title
4 47, and Section 913.8 of Title 74 of the Oklahoma
5 Statutes,

6 k. which restores benefits pursuant to Sections 49-100.1,
7 49-101, 49-101.2, 49-106.1, 49-108, 49-117.1, and 49-
8 135 of Title 11 of the Oklahoma Statutes,

9 l. which modifies the computation of the line-of-duty
10 disability benefit pursuant to the provisions of this
11 act, and

12 m. which authorizes membership in the Oklahoma Law
13 Enforcement Retirement System for active commissioned
14 or CLEET-certified officers hired by the Office of the
15 State Fire Marshal pursuant to Sections 2 and 3 of
16 this act.

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

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

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

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

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

22 SECTION 2. AMENDATORY 47 O.S. 2021, Section 2-300, as
23 last amended by Section 1, Chapter 361, O.S.L. 2024 (47 O.S. Supp.
24 2024, Section 2-300), is amended to read as follows:

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

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

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

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

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

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

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

12 7. a. "Member" means:

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

20 (2) law enforcement officers and criminalists of the
21 Oklahoma State Bureau of Investigation,

22 (3) law enforcement officers of the Oklahoma State
23 Bureau of Narcotics and Dangerous Drugs Control
24 designated to perform duties in the investigation

1 and prevention of crime and the enforcement of
2 the criminal laws of this state,

3 (4) law enforcement officers of the Alcoholic
4 Beverage Laws Enforcement Commission designated
5 to perform duties in the investigation and
6 prevention of crime and the enforcement of the
7 criminal laws of this state,

8 (5) employees of the Communications Section of the
9 Oklahoma Highway Patrol Division, radio
10 technicians and tower technicians of the
11 Department of Public Safety, who are employed in
12 any such capacity as of June 30, 2008, and who
13 remain employed on or after July 1, 2008, until a
14 termination of service, or until a termination of
15 service with an election of a vested benefit from
16 the System, or until retirement. Effective July
17 1, 2008, a person employed for the first time as
18 an employee of the Department of Public Safety in
19 the Communications Division as an information
20 systems telecommunication technician of the
21 Department of Public Safety shall not be a member
22 of the System,

23 (6) park rangers of the Oklahoma Tourism and
24 Recreation Department and any park manager or

1 park supervisor of the Oklahoma Tourism and
 2 Recreation Department, who was employed in such a
 3 position prior to July 1, 1985, and who elects on
 4 or before September 1, 1996, to participate in
 5 the System,

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

7 (8) active commissioned or CLEET-certified agents
 8 hired by the Office of the Attorney General or
 9 the Military Department of the State of Oklahoma
 10 on or after ~~the effective date of this act~~ July
 11 1, 2024, and

12 (9) active commissioned or CLEET-certified officers
 13 hired by the Office of the State Fire Marshal
 14 hired on or after the effective date of this act.

15 b. Effective July 1, 1987, a member does not include a
 16 "leased employee" as defined under Section 414(n)(2)
 17 of the Internal Revenue Code of 1986, as amended.
 18 Effective July 1, 1999, any individual who agrees with
 19 the participating employer that the individual's
 20 services are to be performed as a leased employee or
 21 an independent contractor shall not be a member
 22 regardless of any classification as a common-law
 23 employee by the Internal Revenue Service or any other
 24

1 governmental agency, or any court of competent
2 jurisdiction.

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

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

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

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

23 (4) the Board shall have authority to deny or revoke
24 membership of any person submitting false

1 information in such person's membership
2 application, and

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

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

- 11 a. completes twenty (20) years of vesting service, or
12 b. attains sixty-two (62) years of age with ten (10)
13 years of vesting service, or
14 c. attains sixty-two (62) years of age, if:

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

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

21 With respect to distributions under the System made for calendar
22 years beginning on or after January 1, 2005, the System shall apply
23 the minimum distribution incidental benefit requirements, incidental
24 benefit requirements, and minimum distribution requirements of

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

1 which were proposed in January 2001, notwithstanding any provision
2 of the System to the contrary.

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

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

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

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

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

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1 10. "Final average salary" means the average of the highest
2 thirty (30) consecutive complete months of actual paid gross salary.
3 Gross salary shall include any amount of elective salary reduction
4 under Section 457 of the Internal Revenue Code of 1986, as amended,
5 and any amount of nonelective salary reduction under Section 414(h)
6 of the Internal Revenue Code of 1986, as amended. Effective July 1,
7 1992, gross salary shall include any amount of elective salary
8 reduction under Section 125 of the Internal Revenue Code of 1986, as
9 amended. Effective July 1, 1998, gross salary shall include any
10 amount of elective salary reduction not includable in the gross
11 income of the member under Section 132(f)(4) of the Internal Revenue
12 Code of 1986, as amended. Effective July 1, 1998, for purposes of
13 determining a member's compensation, any contribution by the member
14 to reduce his or her regular cash remuneration under Section
15 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be
16 treated as if the member did not make such an election. Only salary
17 on which required contributions have been made may be used in
18 computing the final average salary. Gross salary shall not include
19 severance pay.

20 In addition to other applicable limitations, and notwithstanding
21 any other provision to the contrary, for plan years beginning on or
22 after July 1, 2002, the annual gross salary of each "Noneligible
23 Member" taken into account under the System shall not exceed the
24 Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA")

1 annual salary limit. The EGTRRA annual salary limit is Two Hundred
2 Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for
3 increases in the cost of living in accordance with Section
4 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The
5 annual salary limit in effect for a calendar year applies to any
6 period, not exceeding twelve (12) months, over which salary is
7 determined ("determination period") beginning in such calendar year.
8 If a determination period consists of fewer than twelve (12) months,
9 the EGTRRA salary limit will be multiplied by a fraction, the
10 numerator of which is the number of months in the determination
11 period, and the denominator of which is twelve (12). For purposes
12 of this section, a "Noneligible Member" is any member who first
13 became a member during a plan year commencing on or after July 1,
14 1996.

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

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

1 paid to the member while the member continued in employment with the
2 employer.

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

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

20 Effective for years beginning after December 31, 2008, gross
21 salary shall also include differential wage payments under Section
22 414(u)(12) of the Internal Revenue Code of 1986, as amended;

23 11. "Credited service" means the period of service used to
24 determine the amount of benefits payable to a member. Credited

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

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

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

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

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

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

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

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

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1 18. "Beneficiary" means the individual designated by the member
2 on a beneficiary designation form supplied by the Oklahoma Law
3 Enforcement Retirement System, or, if there is no designated
4 beneficiary or if the designated beneficiary predeceases the member,
5 the estate of the member. If the member's spouse is not designated
6 as the sole primary beneficiary, the member's spouse must sign a
7 consent.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 2-309.11 of Title 47, unless
10 there is created a duplication in numbering, reads as follows:

11 Commissioned or CLEET-certified officers of the Office of the
12 State Fire Marshal who are hired on or after November 1, 2025, shall
13 participate in and make contributions to the Oklahoma Law
14 Enforcement Retirement System as other participating employers and
15 members of the System. Such employees shall not make contributions
16 to any plan offered by the Oklahoma Public Employees Retirement
17 System, other than the Oklahoma State Employees Deferred
18 Compensation Plan and the Oklahoma State Employees Deferred Savings
19 Incentive Plan. The Office of the State Fire Marshal shall be a
20 participating employer in the Oklahoma Law Enforcement Retirement
21 System for all Office of the State Fire Marshal commissioned or
22 CLEET-certified officers who participate in the Oklahoma Law
23 Enforcement Retirement System pursuant to the provisions of this
24 section.

1 SECTION 4. Section 1 of this act shall become effective October
2 1, 2025.

3 SECTION 5. Sections 2 and 3 of this act shall become effective
4 November 1, 2025.

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6 60-1-12208 CMA 01/15/25

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January 16, 2025

Representative Kannady
Room 240N

Re: RBH No. 12208

RBH No. 12208 would make new CLEET active commissioned agents and CLEET certified agents of the State Fire Marshall's office participants in the Oklahoma Law Enforcement Retirement System.

This act also amends OPLAAA definition of non fiscal to include the above change.

RBH No. 122081 is a non fiscal bill as defined by OPLAAA.

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

Thomas E. Cummins

Thomas E. Cummins, MAAA