

"UNOFFICIAL" COPY OF

**Oklahoma
Administrative Code**

**Title 550
Oklahoma Police Pension and
Retirement System**

**OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
ADMINISTRATIVE RULES**

The following is an unofficial copy of the administrative rules promulgated by the Oklahoma Police Pension and Retirement Board under the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq. The Board's administrative rules are for the administration of the System and for the transaction of its business consistent with law.

**TITLE 550. OKLAHOMA POLICE PENSION
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CHAPTER 1. ADMINISTRATIVE OPERATIONS

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[Authority: 11 O.S., §§ 50-105.2(A) and (B) and 50-106(3)]
[Source: Codified 6-4-91]

SUBCHAPTER 1. GENERAL PROVISIONS

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550:1-1-1. Purpose

The rules of this Chapter are adopted for the purpose of simplifying procedures, avoiding unnecessary delays, saving expenses, and facilitating the administration of the Oklahoma Police Pension and Retirement System.

[Source: Amended at 22 OK Reg 979, eff 6-1-05]

550:1-1-2. Definitions [REVOKED]

[Source: Revoked at 14 Ok Reg 1987, eff 5-27-97]

550:1-1-3. Principal office; hours

(a) The principal office of the Oklahoma Police Pension and Retirement Board is located in Oklahoma City, Oklahoma.

(b) Office hours shall be from 8:00 A.M. to 4:30 P.M., unless otherwise designated by the Executive Director. Office hours will be Monday through Friday inclusive, except legal holidays established by statutes or proclamations of the Governor.

550:1-1-4. Communications to Board; Board records

(a) Written communications shall be addressed to the Chairman or the Executive Director of the Board at the principal office, unless otherwise directed by the Board.

(b) All rules and other written documentation adopted or used by the Board shall be available at the principal office during regular business hours.

(c) Copies of all official records of the Board not privileged from disclosure by law shall be available for inspection at the principal office during regular office hours. Copies of such records, certified by the Executive Director of the Board, may be made, and the expense of such copies shall be paid by the person requesting the same.

[Source: Amended at 18 Ok Reg 2759, eff 7-1-01]

550:1-1-5. Fair and impartial consideration

The rules of this Title shall be given fair and impartial consideration.

550:1-1-6. Status changes required in writing

Request for change of address and change of tax status must be made in writing. A participating municipality may request a change of address for an active member. A request for change of address submitted by a participating municipality must be submitted on the System's Notice of Change of Address form or the municipality's form which has been approved by the System and must be signed by the member or an authorized employee of the municipality.

[Source: Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 20 Ok Reg 1338, eff 6-1-03]

550:1-1-7. Inspection, copy and/or reproduction fees

Access to Oklahoma Police Pension and Retirement System records shall be subject to the System's fee schedule. A reasonable search fee may be charged to recover the cost of document searches if the request is solely for commercial purposes or clearly would cause excessive disruption of the System's essential functions.

- (1) document search/inspection (minimum one hour) - \$20.00 per hour
- (2) document copying (per sheet) - \$.25
- (3) certified document copying - \$1.00
- (4) mechanical reproduction - Actual Cost
- (5) magnetic tapes - Actual Cost
- (6) CPU access time - Actual Cost

[Source: Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 18 Ok Reg 2759, eff 7-1-01]

550:1-1-8. Municipality membership Effective Date

An eligible employer shall join the System pursuant to 11 O.S. § 50-106.3 on the first day of the month following State Board approval of the Application for Affiliation.

[Source: Amended at 28 Ok Reg 2061, eff 7-11-11]

SUBCHAPTER 3. ORGANIZATION OF BOARD

Section

- 550:1-3-1. Powers of the Board
- 550:1-3-2. Board meetings
- 550:1-3-3. Nomination of Board members
- 550:1-3-4. Election of Board members
- 550:1-3-5. Filling Board vacancies

550:1-3-1. Powers of the Board

- (a) The Oklahoma Police Pension and Retirement Board shall exercise all powers expressly granted or implied by statute.
- (b) The Oklahoma Police Pension and Retirement Board shall have the power to negotiate and enter into agreements with local, state, and federal governments, agencies or instrumentalities as may be authorized by statute as necessary for the performance of its duties.
- (c) The Board may exercise official powers at any location in the State of Oklahoma.

[Source: Amended at 18 Ok Reg 2759, eff 7-1-01]

550:1-3-2. Board meetings

- (a) **Location.** The Board may convene at any location or institution within the jurisdiction of the Board, or at such other location as the Board may specify.
- (b) **Agenda.** The agenda of the Board's regular meeting shall be determined by the Chairman and Executive Director and a copy thereof sent to each Board member at least five days before the meeting. Additional items of business may be added to the agenda as an addendum prior to posting of the agenda at the discretion of the Chairman or Executive Director.

[Source: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 21 Ok Reg 1423, eff 6-1-04]

550:1-3-3. Nomination of Board members

(a) Nomination procedures. The following procedures shall govern the nomination of Board members:

- (1) Each member in the district under election will be sent a letter from the Executive Director ("Director's Letter") briefly describing the reason for the nomination/election, the general procedures to elect a Board member and the responsibilities of a Board member. The Director's Letter will also state how a member can obtain a copy of a nomination petition.
- (2) The nomination petition for districts 1, 2, 3, and 4 will include a list of participating municipalities whose active members are eligible to be nominated. To be placed on the ballot for districts 1, 2, 3, and 4, nominees must receive signatures from 5% of the active members in their respective district and the petition must include at least one signature from five different participating municipalities. To be placed on the ballot for districts 5 and 6, nominees must receive signatures from 5% of the active members in their

respective district. To be placed on the ballot for district 7, nominees must receive signatures from 25 retired members of the district with at least one signature being from retirees of five different municipalities. Members of the district under election; their mailing addresses; and, for districts 1, 2, 3, 4, 5, and 6, the number of signatures required to be placed on the ballot, will be determined at least one week prior to the date the Director's Letter is to be mailed.

(3) The Director's Letter will be placed in individual envelopes addressed to each active member separately in care of their mailing address on file with the System. The envelopes will be mailed First Class to the member. Mailings to retired members will be made to the address used to mail year-end tax notices (1099R). The Director's Letter will be mailed at least six weeks prior to the date the election ballot is to be mailed. The System shall make no attempt to forward/resend any mailing returned by the United States Postal Service as undeliverable unless it is found that the mailing was sent to an incorrect address due to an administrative error on the part of the System.

(4) A copy of the Director's Letter and a copy of the nomination petition will be posted on the agency's website. Upon request, a copy of the nomination petition will be emailed or mailed First Class to members.

(5) Nomination petitions must be returned by certified mail with return receipt or delivered in person to the certified public accounting firm supervising the election or to the System. The Director's Letter will specify the date by which the nomination petition must be received by the certified public accounting firm or by the System. The nominee must also provide a 25 words or less biographical sketch to be included in the election ballot. The names of the nominees will be posted in the System's office for public view for not less than seven days.

(6) Should only one member be nominated for any district, that member will automatically become the Board member for that district.

(7) If no nominations are received by the deadline, a second Director's Letter will be sent and handled in accordance with the normal procedures. The time frame for the mailing of the second Director's Letter and the deadlines established therein shall be set by the Board.

(8) The Executive Director or the Executive Director's designee will verify that each nominee is eligible to be elected to the Board.

(b) **Certified public accounting firm procedures.** A certified public accounting firm shall:

(1) Meet with the Executive Director or the Executive Director's designee and determine the timing of the mailing of the Director's Letter to each member in the districts electing a board member.

(2) Obtain from the Executive Director or the Executive Director's designee a copy of a list of municipalities included in each district holding an election.

(3) Obtain from the Executive Director or the Executive Director's designee a copy of the Director's Letter to be sent outlining the duties of a Board member, nomination and election process, critical dates, etc.

(4) Review a mailing list obtained from the Oklahoma Police Pension and Retirement System which contains the name and mailing address of each member in each district conducting an election who will be mailed the Director's Letter.

- (5) Obtain from the Executive Director or the Executive Director's designee a copy of the nomination petition and determine if any changes to the form are required.
 - (6) Judgmentally select members listed on the mailing list and verify that they are to receive the Director's Letter. Judgmentally select envelopes containing the Director's Letter and verify that members to which the envelopes are being mailed are listed on correct district mailing list.
 - (7) Accumulate nomination responses and determine that each petition has the proper number of signatures from the appropriate municipalities.
 - (8) Require the Executive Director or the Executive Director's designee to verify that each nominee is eligible to be elected to the Board.
- (c) **Oklahoma Police Pension and Retirement System procedures.** The Oklahoma Police Pension and Retirement System shall:
- (1) Obtain a mailing list for each district conducting an election. The mailing list should contain the name and mailing address of each member in the district.
 - (2) Prepare the nomination petition.
 - (3) Prepare mailing of the Director's Letter for review by certified public accounting firm.
 - (4) Post copy of the Director's Letter and copy of nomination petition for each district conducting an election on agency's website.

[Source: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 19 Ok Reg 1471, eff 7-1-02; Amended at 20 Ok Reg 1338, eff 6-1-03; Amended at 22 Ok Reg 40, eff 8-11-04 (emergency); Amended at 22 Ok Reg 979, eff 6-1-05; Amended at 25 Ok Reg 1985, eff 7-1-08; Amended at 27 Ok Reg 1901, eff 7-1-10]

550:1-3-4. Election of Board members

- (a) **Election procedures.** The following procedures shall govern the election of Board members:
- (1) Eligible nominees will be placed on the election ballot.
 - (2) Members eligible to receive election ballots and their mailing addresses will be determined at least one week prior to the date the election ballot is to be mailed.
 - (3) The ballot will be mailed at least three weeks prior to the date the completed ballot must be received by the certified public accounting firm. This ballot will instruct voters to return their ballot directly to the certified public accounting firm and will specify the date by which the certified public accounting firm must receive the ballot in order for it to be counted. Self-addressed, postage-paid envelopes will be enclosed to return the ballots. The ballot and return envelope will be placed in individual envelopes addressed to each active member separately in care of their mailing address on file with the System. The envelopes will be mailed First Class to the member. Mailings to retired members will be made to the address used to mail year-end tax notices (1099R). The System shall make no attempt to forward/resend any mailing returned by the United States Postal Service as undeliverable unless it is found that the mailing was sent to an incorrect address due to an administrative error on the part of the System.
 - (4) Ballots will be pre-numbered and require the individual signature of the voter to be counted. Ballots will be printed on the certified public accounting firm letterhead or watermarked paper.
 - (5) The nominee receiving the highest number of votes, even if this constitutes less than 50% of the total votes cast, will be elected to serve on the Board.

- (6) Votes cast for members other than nominees contained on the ballot will not be counted.
 - (7) Ballots returned to the Oklahoma Police Pension and Retirement System or some location other than the certified public accounting firm's office will not be counted.
 - (8) Ballots received after the deadline will not be counted.
 - (9) Ballots with more than one vote will not be counted.
 - (10) Ballots which are not signed will not be counted.
- (b) **Certified public accounting firm procedures.** A certified public accounting firm shall:
- (1) Review ballots before mailing. Judgmentally select members listed on the district mailing list and verify that they are to receive a ballot. Judgmentally select ballots and verify that members are listed on correct district mailing list.
 - (2) Accumulate responses and total results.
 - (3) Exclude any ballots not received by the certified public accounting firm by the cut-off date, or other spoiled ballots.
 - (4) Provide the total number of votes cast for each nominee and total available votes to the Oklahoma Police Pension and Retirement Board.
- (c) **Oklahoma Police Pension and Retirement System procedures.** The Oklahoma Police Pension and Retirement System shall:
- (1) Prepare the ballot for each district holding an election. Include each nominee's biographical sketch. Photocopy and/or print the ballot on the certified public accounting firm letterhead or watermarked paper.
 - (2) Copy of ballot to be posted in the office of the Oklahoma Police Pension and Retirement System for public view during regular office hours not less than seven business days before the ballot is to be mailed.
 - (3) Pre-Number each ballot sequentially.
 - (4) Obtain mailing list for each district conducting an election. The mailing list should contain the name and mailing address of each member in the district eligible to receive an election ballot.
 - (5) Apply the name and mailing address of each member on district mailing list on a ballot and place the ballot and a self-addressed return envelope in window envelopes.
 - (6) After certified public accounting firm has audited the ballots, mail a package to each member on district mailing list.
 - (7) Send notification of election results to nominees via certified mail.
- (d) **Tie votes.** Should two nominees tie for the most votes received, the election will be conducted again between the two nominees.
- (e) **Election challenge.** A nominee has 10 days from the date they receive notice of the election results to provide the System with written notice of their desire to challenge the results.
- (1) Should the election results be challenged by a nominee, procedures for determining the winning nominee will be established by the Oklahoma Police Pension and Retirement Board and could include but are not limited to:
 - (A) Verification of a sample or all of the signatures on the ballots.
 - (B) Re-perform the election with notarized ballots.
 - (2) The Board may order a new election if the Board, in its discretion, finds that the previous election and/or result was affected by some material impropriety. The new election will be conducted in the same manner as provided by rules with the exception that the Board may establish a revised time frame for the new election.

[Source: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 20 Ok Reg 1338, eff 6-1-03; Amended at 21 Ok Reg 1423, eff 6-1-04; Amended at 22 Ok Reg 979, eff 6-1-05; Amended at 25 Ok Reg 1985, eff 7-1-08]

550:1-3-5. Filling Board vacancies

- (a) A vacancy occurring within six months of the normal three year election cycle shall not be filled until the regular election.
- (b) A vacancy occurring other than above shall be filled by a special election conducted in the same manner as the normal nomination/election process. However, the Board in its discretion may establish a time frame for the special election different from that of the normal nomination/election process.

[Source: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 20 Ok Reg 1338, eff 6-1-03]

SUBCHAPTER 5. PETITION PROCEDURES

Section

- 550:1-5-1. Emergency hearings
- 550:1-5-2. Individual hearings
- 550:1-5-3. Appeals of the Board's orders [REVOKED]
- 550:1-5-4. Requests for declaratory rulings
- 550:1-5-5. Qualified domestic relations orders
- 550:1-5-6. Child/children educational benefit
- 550:1-5-7. Common Law Beneficiary Requirements

550:1-5-1. Emergency hearings

The Board may designate a person to serve as a hearing officer in a particular proceeding or may designate a group of persons to serve as an advisory council to act as a hearing body in any proceeding. The officer or body so designated shall have full authority to conduct all aspects of the hearing.

550:1-5-2. Individual hearings

- (a) **Application/written request for right to relief.** In each individual proceeding, there shall be filed with the Oklahoma Police Pension and Retirement Board an application/written request stating a brief summary of facts giving rise to the request for relief.
- (b) **Notice of receipt.** The Chairman of the Board, or other person designated by the Chairman, shall notify the party requesting the individual hearing of the acceptance of the application/written request for individual hearing by the Oklahoma Police Pension and Retirement Board or a hearing officer and shall specify the date, time, and place for the hearing. The notice shall comply with the requirements of 75 O.S., Section 309 and laws amendatory thereto, and may incorporate by reference material alleged in the application/written request.
- (c) **Service of notices.** All notices or other papers requiring service in an individual proceeding shall, unless otherwise provided by statute, be served in one of the following manners:
 - (1) Personal service by a person appointed by the Board to make such service in the manner authorized by the laws of this state for the service of summons or other process in the state courts; or
 - (2) By certified mail forwarded by the Board or its designee, at the exact location that the person can be served such notice.
 - (3) If the personal service or if service by mail cannot be made after the exercise of all due diligence in attempting to learn the whereabouts or

mailing address of any person to be served, then by publication in such newspapers as is determined by the Board.

(d) **Completed service of notice.** Service of notice shall be complete upon receipt of certified mail by the addressee or upon the first posting of publication notice.

(e) **Setting of hearing.** The time set for a hearing as specified in the notice shall not be less than ten (10) days after date of mailing of notice, unless otherwise agreed upon by the parties. Motions for extension of time or for a continuance of the hearing shall be made in writing and shall be filed with the Board or a person designated by the Board. Any such motion shall be for a time certain and any such motion for an extension or continuance shall state the reasons for the request and specify the length of time. Each party to a hearing shall be allowed to move for one (1) continuance wherein the Board or the person designated by the Board shall act upon such motion promptly and grant or deny such request in the exercise of sound discretion. If the motion is denied, the party may renew his or her request at the hearing.

(f) **Subpoenas.** Subpoenas for the attendance of witnesses, for the furnishing of information required by the Board or hearing officer and for the production of evidence shall be issued by the Board or their designee upon written request.

(1) Subpoenas shall be served and a return made in the same manner as provided for in state court proceedings.

(2) If a person fails to obey a subpoena, refuses to be sworn or make an affirmation at a hearing, or refuses to answer a question put to him or her in the course of a hearing, the Board or hearing officer may institute appropriate judicial proceedings to compel compliance with the subpoena or the giving of testimony. The hearing shall proceed as long as practical despite any such refusal but the Board or hearing officer may, at its discretion, at any time, continue the proceedings for such time as may be necessary to secure a court ruling.

(3) Any person who fails to appear as directed, after receipt of notice as provided by these rules, may be determined to have waived the right to appear and present a defense to the allegations contained in the notice and/or request for relief. A final order in such a proceeding may be issued by the Chairman.

(g) **Order of procedure.** The order of procedure in all individual proceedings for members of the Police Pension and Retirement System shall generally follow that which applies in civil proceedings at law. Each party shall be afforded an opportunity to make a brief opening statement, to present witnesses, documents, and exhibits on its behalf, to cross examine adverse witnesses, and to rebut and to make closing arguments. The rules of evidence applicable to such hearing shall be those specified by the Administrative Procedures Act. At the discretion of the Board or hearing officer, any party may reopen his or her case in chief even after the adverse party has rested. Parties may enter into stipulations on any lawful matter.

(h) **Objections.** The Board or hearing officer shall rule on the admissibility of evidence and objections to evidence and shall rule on motions or objections raised in the course of such hearings. In the exercise of this function the Board or hearing officer may rely on the advice of counsel present and serving in such advisory capacity. Any party may object to a ruling which the party considers erroneous and an exception to such ruling shall be noted on the record. Failure to timely object to any alleged error or irregularity shall be deemed a waiver of such objection.

(i) **Findings of Fact / Conclusions of Law.** The Board or hearing officer shall hear all evidence and arguments applicable in a case and shall prepare Findings of Fact and Conclusions of Law which shall be submitted to the Chairman of the Board and mailed to parties to the action. The Board or hearing officer may request the parties to submit proposed Findings of Fact and Conclusions of Law before making a ruling on the matter at issue.

(j) **Record of hearing.** A record of the hearing, in the form of a digital recording, will be made of all hearings conducted by the Board or a hearing officer.

(k) **Issuance of Board's order.** At the conclusion of the proceedings, the Board shall issue an order reflecting the Findings of Fact made, and the Conclusions of Law specifying the action taken. The order shall be signed by the Chairman. Parties shall be notified by mail of the issuance of an order and a copy of the order shall be provided to the party or his/her attorney.

(l) **Record on file.** The record of a proceeding and the file containing the pleadings in such a proceeding will be maintained at the Oklahoma Police Pension and Retirement System.

(m) **Petition of rehearing.** Any person may petition for a rehearing, reopening or reconsideration of any decision in an individual proceeding. Such petition must be filed within ten (10) days of the date on which the order was issued and shall state the grounds for requesting such action. The grounds for such action are set forth in 75 O.S., Section 317 and are the only grounds for rehearing, reopening or reconsidering such action. Hearings pursuant to such a request, when granted by the Board, shall be limited to the issues upon which the reconsideration, reopening or rehearing was granted.

[Source: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 19 Ok Reg 1471, eff 7-1-02; Amended at 22 Ok Reg 979, eff 6-1-05; Amended at 27 Ok Reg 1901, eff 7-1-10; Amended at 29 Ok Reg 1359, eff 7-1-12]

550:1-5-3. Appeals of the Board's orders [REVOKED]

[Source: Revoked at 18 Ok Reg 2759, eff 7-1-01]

550:1-5-4. Requests for declaratory rulings

(a) All requests for declaratory rulings as to the applicability of any rule or order of the Board shall be made by filing a petition with the Board requesting such ruling.

(b) The petition shall identify the rule or order questioned, the date on which such rule or order became effective and shall set forth the contents of the rule or order. The petition shall include a brief statement of the issue or issues raised by the rule or order which caused such request to be made and a statement as to the petitioner's personal interest in the ruling of the Board and how a ruling by the Board will affect those interests.

(c) Upon receipt of a petition requesting such declaratory ruling, the Board shall consider the petition and respond to the request at the next scheduled Board Meeting subsequent to the filing of petition.

(d) The Board may entertain oral presentation or argument on the request of the petitioner and may on its own motion request such argument or presentation.

(e) On considering the petition the Board may, in its sound discretion, refuse to issue a declaratory ruling or may decide the issues and determine the validity or applicability to the petitioner of the rule or order.

(f) Appeals from declaratory rulings of the Board may be taken in the manner provided by the Administrative Procedures Act.

[Source: Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 21 Ok Reg 1423, eff 6-1-04]

550:1-5-5. Qualified domestic relations orders

(a) The Oklahoma Police Pension and Retirement System shall submit only that information which reflects the member's contribution history and/or benefit amount.

(b) Said information shall not be furnished to any person unless prior written consent of the member is obtained or an order is issued by a court of competent jurisdiction.

(c) When a qualified domestic relations order is issued by a court of competent jurisdiction prior to the member entering the Deferred Option Plan and the qualified domestic relations order does not specifically address the division of the member's Deferred Option Plan account, the following shall apply:

(1) At the time of the issuance of the qualified domestic relations order, if the member has not entered the Deferred Option Plan but subsequently does so, the alternate payee's monthly pension amount is deposited into the Deferred Option account for the alternate payee's benefit and draws interest at the same rate as that of the member. When the member terminates the Deferred Option Plan, the alternate payee has the same options and rights as the member has relating to the payment of the Deferred Option Plan account.

(2) At the time of the issuance of the qualified domestic relations order, if the member has entered the Deferred Option Plan, the alternate payee's monthly pension amount is deposited in the Deferred Option Plan account for the alternate payee's benefit, draws interest at the same rate as that of the member, and the alternate payee receives a share of the municipality's contributions to the Deferred Option Plan account commensurate with the alternate payee's proportion of the total monthly pension amount.

(d) Provided the qualified domestic relations order does not state otherwise, whenever a member requests a refund of contributions, the alternate payee is entitled to a refund of contributions commensurate with the alternate payee's proportion of the total monthly pension amount.

(e) Provided the qualified domestic relations order does not state otherwise, whenever a retired member receives a cost of living adjustment, the alternate payee is entitled to a cost of living adjustment commensurate with the alternate payee's proportion of the total monthly pension amount.

[Source: Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 16 Ok Reg 2553, eff 7-1-99; Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 22 Ok Reg 979, eff 6-1-05]

550:1-5-6. Child/children educational benefit

(a) **Public or private school.** Payment of benefit for beneficiary continues until the eighteenth (18th) birthday, at which time if the beneficiary is enrolled in a public or private school the payment of benefit continues directly to the beneficiary through the month in which the beneficiary graduates. Verification of enrollment must be submitted to the Oklahoma Police Pension and Retirement System at the beginning of each semester in attendance as well as a copy of grades received at the end of each semester. Any monies received by an ineligible recipient must be repaid to the system immediately. Benefits terminate the last day of the month in which the beneficiary becomes twenty-two (22) years of age.

(b) **Institution of higher education.** Full-time enrollment in an institution of higher education entitles the beneficiary to receive benefits. Verification of enrollment must be submitted to the Oklahoma Police Pension and Retirement System at the beginning of each semester in attendance as well as a copy of

grades received at the end of each semester. If the beneficiary drops classes and becomes a part-time student or withdraws from the institution of higher education, then benefits cease the last day of the month in which the beneficiary becomes a part-time student or withdraws from the institution of higher education. It is the responsibility of the beneficiary to notify the Oklahoma Police Pension and Retirement System of any change in student status. Any monies received by an ineligible recipient must be repaid to the system immediately. Benefits terminate the last day of the month in which the beneficiary becomes twenty-two (22) years of age.

[Source: Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 16 Ok Reg 2553, eff 7-1-99]

550:1-5-7. Common Law Beneficiary Requirements

(a) In order for the Oklahoma Police Pension & Retirement Board to find in an individual proceeding that an applicant is a beneficiary based upon a common law marriage, the applicant asserting a common law marriage must prove by clear and convincing evidence the following elements;

- (1) An actual mutual agreement between the spouses to be husband and wife;
- (2) A permanent relationship;
- (3) An exclusive relationship, proved by cohabitation as man and wife; and
- (4) The parties to the marriage must hold themselves out publicly as husband and wife

(b) Documentation accepted by the board as evidence of the existence of a common law marriage shall be; joint tax returns; joint bank account titled as husband and wife; real property deeds titled as husband and wife; and/or titles to vehicles and machinery held as husband and wife

[Source: Amended at 28 Ok Reg 2061, eff 7-11-11]

SUBCHAPTER 7. COLLECTIONS AND DISBURSEMENTS

Section

- 550:1-7-1. Refund vouchers
- 550:1-7-2. Pension vouchers
- 550:1-7-2.1. Reemployment by participating municipality
- 550:1-7-3. All vouchers
- 550:1-7-4. Vouchers payable to an estate
- 550:1-7-5. Direct rollovers

[Source: Codified 7-13-95]

550:1-7-1. Refund vouchers

(a) **Conditions upon receiving refunds.** The following conditions must be met before contributions are refunded:

- (1) All contributions made through the last day of employment must be received by the Oklahoma Police Pension and Retirement System.
- (2) Member must have ceased employment with the participating municipality before any application for refund of contributions will be considered by the Oklahoma Police Pension and Retirement Board.

(b) **Payment.** Following Board approval and receipt of executed Notice of Selected Distribution for Refund of Contributions, the refund of contributions shall

be paid and mailed by the Oklahoma Police Pension and Retirement System the last business day of the month.

[Source: Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 21 Ok Reg 1423, eff 6-1-04; Amended at 27 Ok Reg 1901, eff 7-1-10]

550:1-7-2. Pension vouchers

(a) The monthly pension voucher, payable to members, eligible beneficiaries, alternate payees, or the member's estate shall be directly deposited on the last business day of the month. The monthly pension benefit will not be paid by the System until a personal depository agent is identified for direct deposit of the benefit.

(b) Upon the death of a member or eligible beneficiary, the monthly pension benefit shall be payable as follows:

(1) If the member dies during the month but not on the last day of the month and there is a beneficiary, the full monthly pension benefit for the month of the member's death shall be paid to the member's beneficiary upon proper application and approval by the Board.

(2) If the member dies during the month but not on the last day of the month and there is not a beneficiary, the full monthly pension benefit for the month of the member's death shall be paid to the member's estate.

(3) If the eligible beneficiary dies during the month but not on the last day of the month and there is another eligible beneficiary, the full monthly pension benefit for the month of the eligible beneficiary's death shall be paid to the other eligible beneficiary upon proper application and approval by the Board.

(4) If the eligible beneficiary dies during the month and there is not another eligible beneficiary, the full monthly pension benefit for the month of the eligible beneficiary's death shall be paid to the eligible beneficiary's estate.

(c) The deferred option voucher shall be mailed first class as directed by the member, eligible beneficiaries, alternate payees, or member's estate.

[Source: Added at 12 Ok Reg 133, eff 9-30-94 (emergency); Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 14 Ok Reg 1987, eff 5-27-97; Amended 16 Ok Reg 2553, eff 7-1-99; Amended at 22 Ok Reg 979, eff 6-1-05; Amended 23 Ok Reg 2798, eff 7-1-06; Amended at 26 Ok Reg 1318, Eff 07-01-09]

550:1-7-2.1. Reemployment by participating municipality

(a) Retirement pursuant to 11 O.S. Section 50-112 has at all times included reemployment of a member by a participating municipality in a position not covered by the Oklahoma Police Pension and Retirement System. Thus, in-service distributions from the Oklahoma Police Pension and Retirement System to such a member are permitted. In-service distributions to a reemployed police chief are also permitted.

(b) A member who has terminated employment with a participating municipality must submit an application for refund prior to reemployment with a participating municipality in order to receive a refund of member contributions.

[Source: Added at 20 Ok Reg 1341, eff 6-1-03; Amended at 29 Ok Reg 1359, eff 7-1-12]

550:1-7-3. All vouchers

The Oklahoma Police Pension and Retirement System shall issue a replacement voucher in lieu of any voucher that has been lost or destroyed provided that 5 (five) business days have transpired after the date of mailing, and no replacement voucher shall be issued until an original affidavit or a facsimile of the original affidavit setting forth the facts as to the loss or destruction of said

original voucher is received by the Oklahoma Police Pension and Retirement System. If a facsimile affidavit is provided, the executed original affidavit must be mailed to the Oklahoma Police Pension and Retirement System. After original or facsimile affidavit is received and reviewed, the State Treasurer's Office will be requested to put a stop payment on the original voucher.

[Source: Added at 12 Ok Reg 2899, eff 7-13-95; Amended at 14 Ok Reg 1987, eff 5-27-97; Amended at 18 Ok Reg 2759, eff 7-1-01]

550:1-7-4. Vouchers payable to an estate

(a) **Conditions for obtaining voucher payable to an estate.** The Oklahoma Police Pension and Retirement System will issue a voucher to an estate upon the following conditions being met:

(1) For estates whose fair market value of property located in this state owned by the decedent and subject to disposition by will or intestate succession at the time of the decedent's death, less liens and encumbrances, exceed Twenty Thousand Dollars (\$20,000.00), the personal representative of the estate of the deceased must have filed a probate action in a court of competent jurisdiction, have been issued either letters testamentary or letters of administration, and must furnish the Oklahoma Police Pension and Retirement System with the employer identification number assigned to the estate by the Internal Revenue Service.

(2) For estates whose fair market value of property located in this state owned by the decedent and subject to disposition by will or intestate succession at the time of the decedent's death, less liens and encumbrances, does not exceed Twenty Thousand Dollars (\$20,000.00), the provisions of 58 O.S. Sections 393 and 394 shall apply. In addition, the employer identification number assigned to the estate by the Internal Revenue Service must be furnished to the Oklahoma Police Pension and Retirement System.

(b) **Payment.** Vouchers payable to an estate shall be mailed by the Oklahoma Police Pension and Retirement System no earlier than the last business day of the month following Board approval.

[Source: Amended at 18 Ok Reg 2759, eff 7-1-01; Amended at 20 Ok Reg 1338, eff 6-1-03; Amended at 21 Ok Reg 1423, eff 6-1-04; Amended at 25 Ok Reg 2619, eff 6-10-08 through 7-14-09 (emergency); Amended at 26 Ok Reg 1319, eff 07-01-09]

550:1-7-5. Direct rollovers

(a) A Distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

(b) For purposes of this section, the definitions as stated in 11 O.S. Section 50-114.2(B) shall apply.

(c) At least thirty (30) days and not more than ninety (90) days before the date of distribution, the Distributee must be provided with the IRS Notice regarding rollover options and tax effects. The distribution may be paid less than thirty (30) days after the notice is given, provided that:

(1) The Board clearly informs the Distributee that the Distributee has a right to a period of at least thirty (30) days after receiving the notice to consider the decision of whether or not to elect a distribution; and

(2) The Distributee, after receiving the notice, affirmatively elects a distribution.

(d) An Eligible Retirement Plan which is selected by the Distributee shall be the result of the Distributee's own research and investigation. The Oklahoma Police

Deferred Option Plan and/or the Oklahoma Police Pension and Retirement System shall not be subject to any fees or charges from the Eligible Retirement Plan.

[Source: Added at 20 Ok Reg 1341, eff 6-1-03; Amended at 21 Ok Reg 1423, eff 6-1-04]

SUBCHAPTER 9. TAX QUALIFICATION COMPLIANCE [EXPIRED]

Section

550:1-9-1. Determination of gross salary [EXPIRED]

550:1-9-2. Minimum distribution requirements [EXPIRED]

550:1-9-1. Determination of gross salary [EXPIRED]

[Source: Added at 19 Ok Reg 2782, eff 6-21-02 through 7-14-03 (emergency)¹]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-03 (after the 7-14-03 expiration of the emergency action), Section 550:1-9-1 was no longer effective. For the official text of the emergency rule that was in effect from 6-21-02 through 7-14-03, see 19 Ok Reg 2782.*

550:1-9-2. Minimum distribution requirements [EXPIRED]

[Source: Added at 19 Ok Reg 2782, eff 6-21-02 through 7-14-03 (emergency)¹]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-03 (after the 7-14-03 expiration of the emergency action), Section 550:1-9-2 was no longer effective. For the official text of the emergency rule that was in effect from 6-21-02 through 7-14-03, see 19 Ok Reg 2782.*

CHAPTER 10. RETIREMENT AND PENSION BENEFIT PROGRAM

Section

- 550:10-1-1. Purpose
- 550:10-1-2. Physical-medical examination requirements
- 550:10-1-3. Re-entering the system [REVOKED]
- 550:10-1-4. Job description of a police officer [REVOKED]
- 550:10-1-5. Application for disability benefit

Appendix A. Height and Weight Chart [REVOKED]

Appendix B. Skinfold Chart [REVOKED]

Appendix C. Skinfold Chart [REVOKED]

[Authority: 11 O.S., §§ 50-101(6), 50-105.2(A) and (B), 50-106(3), and 50-112]

[Source: Codified 6-4-91]

550:10-1-1. Purpose

The purpose of this chapter is to establish physical-medical examination requirements in order to identify pre-existing medical conditions and to establish policies related to the administration of disability benefits.

[Source: Amended at 21 Ok Reg 1425, eff 6-1-04]

550:10-1-2. Physical-medical examination requirements

(a) The Oklahoma Police Pension and Retirement System shall supply the physical-medical examination form which shall be completed by the applicant and the examining medical professional and submitted to the Oklahoma Police Pension and Retirement System prior to employment with a participating municipality. The physical-medical examination form shall include a release for medical/psychological information.

(b) The completed physical-medical examination form shall be provided to the Oklahoma Police Pension and Retirement System for submission to the Board's reviewing physician or medical professional to identify any preexisting medical/psychological conditions.

(c) The physical-medical examination shall cover, but is not limited to, the following medical conditions:

(1) **Head and Neck.**

(A) Head:

- (i) Deformities of the skull such as depressions or exostoses.
- (ii) Deformities of the skull associated with evidence of disease of the brain, spinal cord, or peripheral nerves.
- (iii) Loss or congenital absence of the bony substance of the skull.

(B) Neck:

- (i) Thoracic outlet syndrome.
- (ii) Congenital cysts, chronic draining fistulas, or similar lesion.
- (iii) Contracture of neck muscles.

(C) Eyes and vision:

- (i) Far visual acuity in each eye.
- (ii) Peripheral vision.
- (iii) Diseases of the eye such as retinal detachment, progressive retinopathy, or optic neuritis.

- (iv) Ophthalmological procedures such as radial keratotomy or repair of retinal detachment.
- (D) Ears and hearing:
 - (i) Auditory canal -- atresia, severe stenosis, or tumor.
 - (ii) Severe external otitis.
 - (iii) Auricle -- severe agenesis or traumatic deformity.
 - (iv) Mastoid -- severe mastoiditis or surgical deformity.
 - (v) Meniere's syndrome or labyrinthitis.
 - (vi) Otitis media.
 - (vii) Hearing deficit in the pure tone thresholds, with or without aids in both ears, in the following frequencies: 500 Hz, 1000 Hz, 2000 Hz, 3000 Hz, 4000 Hz, and 6000 Hz.
- (E) Dental:
 - (i) Diseases of the jaws or associated tissues.
 - (ii) Orthodontic appliances.
 - (iii) Oral tissues, extensive loss.
- (F) Nose, oropharynx, trachea, esophagus, and larynx:
 - (i) Tracheostomy.
 - (ii) Aphonia.
 - (iii) Congenital or acquired deformity.
 - (iv) Allergic respiratory disorder.
 - (v) Sinusitis, recurrent.
 - (vi) Dysphonia.
- (2) **Heart and vascular system.**
 - (A) Heart:
 - (i) Current angina pectoris.
 - (ii) Myocardial insufficiency.
 - (iii) Acute pericarditis, endocarditis, or myocarditis. Chronic pericarditis, endocarditis with resultant significant valvular lesions, or myocarditis leading to myocardial insufficiency or excludable arrhythmias.
 - (iv) History of myocardial infarction, coronary artery bypass, or coronary angioplasty.
 - (v) Cardiac pacemaker.
 - (vi) Recurrent syncope.
 - (vii) Significant valvular lesions of the heart including prosthetic valves.
 - (viii) Coronary artery disease.
 - (ix) Atrial tachycardia, flutter, or fibrillation.
 - (x) Third degree atrio-ventricular block.
 - (xi) Ventricular tachycardia.
 - (xii) Hypertrophy of the heart.
 - (xiii) Recurrent paroxysmal tachycardia.
 - (xiv) History of a congenital abnormality.
 - (B) Vascular system:
 - (i) Congenital or acquired lesions of the aorta and major vessels.
 - (ii) Marked circulatory instability as indicated by orthostatic hypotension, persistent tachycardia, and severe peripheral vasomotor disturbances.
 - (iii) Aneurysm of the heart or major vessels, congenital or acquired.
 - (iv) Hypertension.
 - (v) Peripheral vascular disease such as Raynaud's phenomenon.

- (vi) Recurrent thrombophlebitis.
 - (vii) Chronic lymphedema due to lymphopathy or severe venous valvular incompetency.
- (3) **Lungs, abdomen, spine and joint.**
- (A) Lungs and chest wall:
 - (i) Suppurative disease of lung or pleural space.
 - (ii) Lobectomy.
 - (iii) Bronchial asthma.
 - (iv) History of bronchiectasis, bronchitis, fibrous pleuritis, fibrosis, cystic disease, tuberculosis, or mycotic disease of the lung.
 - (v) Pneumothorax.
 - (vi) Restrictive or obstructive lung disease.
 - (B) Abdominal organs and gastrointestinal system:
 - (i) Cholecystectomy or cholecystitis.
 - (ii) Gastritis.
 - (iii) Hemorrhoids.
 - (iv) Acute hepatitis.
 - (v) Hepatitis B.
 - (vi) Hepatitis C.
 - (vii) Hernia.
 - (viii) Inflammatory bowel disease.
 - (ix) Intestinal obstruction.
 - (x) Pancreatitis.
 - (xi) Resection, bowel.
 - (xii) Ulcer, gastrointestinal.
 - (xiii) Cirrhosis, hepatic or biliary.
 - (C) Spine, scapula, ribs, and sacroiliac joints:
 - (i) Arthritis.
 - (ii) Structural abnormality, fracture, or dislocation.
 - (iii) Nucleus pulposus, herniation of or history of laminectomy.
 - (D) Extremities:
 - (i) Limitation of motion of a joint.
 - (ii) Amputation or deformity of a joint or limb.
 - (iii) Dislocation of a joint.
 - (iv) Joint reconstruction, ligamentous instability, or joint replacement.
 - (v) Chronic osteoarthritis or traumatic arthritis.
 - (vi) Inflammatory arthritis.
- (4) **Genitourinary system.**
- (A) Reproductive:
 - (i) Pregnancy.
 - (ii) Dysmenorrhea.
 - (iii) Endometriosis, ovarian cysts, or other gynecologic conditions.
 - (iv) Testicular or epididymal mass.
 - (B) Urinary system:
 - (i) Diseases of the kidney.
 - (ii) Diseases of the ureters, bladder, or prostate.
- (5) **Other conditions.**
- (A) Neurological disorders:
 - (i) Ataxias of heredo-degenerative type.

- (ii) Cerebral arteriosclerosis as evidenced by documented episodes of neurological impairment.
 - (iii) Multiple sclerosis with activity or evidence of progression within previous three years.
 - (iv) Progressive muscular dystrophy or atrophy.
 - (v) Any form of seizure disorder [simple partial, complex, generalized, psychomotor or absence (petit mal)].
 - (vi) Narcolepsy.
 - (vii) Congenital malformations.
 - (viii) Migraine.
 - (ix) Clinical disorders with paresis, paralysis, dyscoordination, deformity, abnormal motor activity, abnormality of sensation, or complaint of pain.
 - (x) Subarachnoid or intracerebral hemorrhage.
 - (xi) Abnormalities from recent head injury such as severe cerebral contusion or concussion.
- (B) Skin:
- (i) Acne or inflammatory skin disease.
 - (ii) Eczema.
- (C) Blood and blood-forming organs:
- (i) Hemorrhagic states requiring replacement therapy.
 - (ii) Sickle cell disease (homozygous).
 - (iii) Anemia.
 - (iv) Leukopenia.
 - (v) Polycythemia vera.
 - (vi) Splenomegaly.
 - (vii) History of thromboembolic disease.
- (D) Endocrine and metabolic disorders:
- (i) Diseases of the adrenal gland, pituitary gland, parathyroid gland, or thyroid gland of clinical significance.
 - (ii) Nutritional deficiency disease or metabolic disorder.
 - (iii) Diabetes mellitus.
- (E) Systemic diseases and miscellaneous conditions:
- (i) Connective tissue disease, such as dermatomyositis, lupus erythematosus, scleroderma and rheumatoid arthritis.
 - (ii) Residuals from past thermal injury.
 - (iii) Documented evidence of a predisposition to heat stress with recurrent episodes or resulting residual injury.
- (F) Tumors and malignant diseases.
- (G) Psychiatric conditions:
- (i) History of psychiatric condition.
 - (ii) Substance abuse problems.
- (H) Chemicals, drugs, and medications:
- (i) Anticoagulant agents.
 - (ii) Cardiovascular agents.
 - (iii) Narcotics.
 - (iv) Sedative-hypnotics.
 - (v) Stimulants.
 - (vi) Psychoactive agents.
 - (vii) Steroids.
- (I) Immunologic deficiency diseases:

- (i) Acquired immunodeficiency syndrome (Aids).
 - (ii) HIV positive without evidence of HIV infection.
- (d) Medical examination results are valid for no more than six (6) months after date of examination.
- (e) A medical examination is required for all persons who have ceased employment from a participating municipality as a police officer for more than 90 days.

[Source: Amended at 8 Ok Reg 2361, eff 7-1-91; Amended at 9 Ok Reg 1155, eff 1-24-92 (emergency); Amended at 9 Ok Reg 2535, eff 7-1-92; Amended at 14 Ok Reg 1992, eff 5-27-97; Amended at 16 Ok Reg 2554, eff 7-1-99; Amended at 20 Ok Reg 1342, eff 6-1-03]

550:10-1-3. Re-entering the system [REVOKED]

[Source: Reserved at 9 Ok Reg 2543, eff 7-1-92; Added at 16 Ok Reg 2554, eff 7-1-99; Revoked at 18 Ok Reg 2764, eff 7-1-01]

550:10-1-4. Job description of a police officer [REVOKED]

[Source: Added at 9 Ok Reg 1163, eff 2-18-92 (emergency); Added at 9 Ok Reg 2543, eff 7-1-92; Amended at 14 Ok Reg 1992, eff 5-27-97; Amended at 18 OK Reg 2764, eff 7-1-01; Amended at 20 Ok Reg 1342, eff 6-1-03; Revoked at 21 Ok Reg 1425, eff 6-1-04]

550:10-1-5. Application for disability benefit

(a) **Member application for disability benefit.** A member applying for a disability benefit based on a permanent in-line disability must submit evidence of injury in the line of duty and/or evidence of exposure to hazardous chemicals in the line of duty. The Board may require that such evidence be in the form of a copy of an Official Oklahoma Traffic Collision Report, a copy of the official Injury Report/Incident Report filed with the Police Department, or a copy of an Order issued by the Worker's Compensation Court. If an official Injury Report/Incident Report is submitted which is not signed by the Chief of Police or by the member's Supervisor, the Board may require that an Affidavit of Authenticity be executed by the Chief of Police or the member's Supervisor certifying that such report is the official report of the Police Department with regard to the injury/incident related to the member's disability.

(b) **Municipality application for disability benefit.** A municipality applying for a disability benefit must submit a fitness for duty physical completed by physician licensed to practice medicine in the State of Oklahoma.

[Source: Added at 21 Ok Reg 1425, eff 6-1-04, Amended at 26 Ok Reg 1320, eff 07-01-09]

APPENDIX A. HEIGHT AND WEIGHT CHART [REVOKED]

[Source: Revoked and reenacted at 8 Ok Reg 3337, eff 8-10-91; Revoked at 9 Ok Reg 1155, eff 1-24-92 (emergency); Revoked at 9 Ok Reg 2535, eff 7-1-92]

APPENDIX B. SKINFOLD CHART [REVOKED]

[Source: Revoked and reenacted at 8 Ok Reg 3337, eff 8-10-91; Revoked at 9 Ok Reg 1155, eff 1-24-92 (emergency); Revoked at 9 Ok Reg 2535, eff 7-1-92]

APPENDIX C. SKINFOLD CHART [REVOKED]

[Source: Added at 8 Ok Reg 3337, eff 8-10-91; Revoked at 9 Ok Reg 1155, eff 1-24-92 (emergency); Revoked at 9 Ok Reg 2535, eff 7-1-92]

CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN

Section

- 550:15-1-1. Purpose
- 550:15-1-2. Forward drop
- 550:15-1-3. Back drop

[**Authority:** 11 O.S., §§ 50-105.2(A) and (B), 50-106(3), and 50-111.3]

[**Source:** Codified 6-13-91]

550:15-1-1. Purpose

The plan allows an active participating member who has not less than twenty (20) years of creditable service, who is eligible to receive a service retirement pension, an election to participate in the Oklahoma Police Deferred Option Plan. The member may elect to participate under the provisions of subsections A, B, C, D, E and F of Section 50-111.3 of Title 11 of the Oklahoma Statutes, which for purposes of this chapter is referred to as an election for forward drop; or, the member may elect to participate under the provisions of subsection H of Section 50-111.3 of Title 11 of the Oklahoma Statutes, which for purposes of this chapter is referred to as an election for back drop.

[**Source:** Added at 8 Ok Reg 2365, eff 6-13-91; Amended at 21 Ok Reg 1426, eff 6-1-04]

550:15-1-2. Forward drop

(a) Application.

- (1) The applicant must have twenty (20) years or more of credited service with the Oklahoma Police Pension and Retirement System to be eligible.
- (2) The applicant must submit his/her completed application for participation in the Oklahoma Police Deferred Option Plan. Forms will be provided by the Oklahoma Police Pension and Retirement System.
- (3) The effective date of membership will be the first day of the month.
- (4) Once the Board has approved a member's application and the member's option account has been credited with the first contribution or benefit, the member's participation in the Oklahoma Police Deferred Option Plan is irrevocable as long as the member remains employed.

(b) Contributions.

- (1) The final member contribution made to the Oklahoma Police Pension and Retirement System shall be for the last pay period prior to the first of the month in which the member becomes a participant in the Oklahoma Police Deferred Option Plan.
- (2) The employer's contribution will continue to the Oklahoma Police Pension and Retirement System.
- (3) The member's option account shall be credited fifty percent (50%) of the employer's contribution received for the member and the Oklahoma Police Pension and Retirement System shall be credited fifty percent (50%). The credit to the member's option account shall be made the next work day after receipt of the employer's contribution.
- (4) Only the member's portion of the employer's contribution will be credited to the member's option account. No other contributions will be accepted.
- (5) When a member has participated in the Oklahoma Police Deferred Option Plan for five (5) years or if the member terminates employment prior to the end of five (5) years, contributions will no longer be credited to the member's option account.

(c) **Benefits.**

(1) The monthly retirement benefit that would have been payable had the member elected to cease employment and receive a service retirement shall be credited into the member's option account.

(2) The member's service retirement benefit is frozen and at no time will he/she be allowed to increase his/her pension benefit due to additional years of service.

(3) The monthly retirement benefit will be credited to the member's option account the last day of the month.

(4) A member who participates in this plan shall be eligible to receive cost of living increases.

(d) **Interest.**

(1) The member's option account shall earn interest at a rate of two percent (2%) below the rate of return of the total investment portfolio of the System, but no less than the actuarial assumed interest rate established at the beginning of the fiscal year as certified by the actuary and approved by the Board in the yearly evaluation report of the actuary. This report is on a fiscal year basis ending on June 30.

(2) The Fund's annual rate of return shall be calculated and certified by the Board's financial consultant. The annual rate of return shall be for the fiscal year ending June 30.

(3) The interest shall be credited to the member's option account on an annual basis which is defined as fiscal year ending June 30. The amount of the interest credited shall be calculated at simple interest. The formula for calculating the interest shall be the amount of the deposit times the certified annual rate of return, less two percent (2%), divided by 365 days times the number of days the deposit was credited to the member's option account for the fiscal year.

(4) Each member shall receive an itemized statement at least on an annual basis beginning with interest credited at June 30, 1991.

(5) Upon completion of the five year term in the Oklahoma Police Deferred Option Plan or earlier termination of employment by the member, annual interest calculated through the last day of the month employed and certified by the Board's financial consultant will be credited to the member's option account provided the annual rate of return is greater than the actuarial assumed interest rate. If the rate of return is less than the actuarial assumed rate then the member's option account will be credited at the assumed interest rate of the last actuarial report.

(6) When a member has participated in the Oklahoma Police Deferred Option Plan for five (5) years or if the member terminates employment prior to the end of the five (5) years, the member's option account ceases to earn interest.

(7) At the conclusion of a member's participation in the Oklahoma Police Deferred Option Plan, the member must terminate employment and start receiving the member's accrued monthly retirement benefit from the System. Such termination has at all times included reemployment of a member by a participating municipality but only in a position not covered under the System or as a police chief. Thus, such a member would receive in-service distributions of such member's accrued monthly retirement benefit from the System.

(e) **Payment.**

(1) The member shall make application to terminate participation in the Oklahoma Police Deferred Option Plan a minimum of ninety (90) days prior to termination of employment with the participating municipality. The Oklahoma Police Pension and Retirement System shall have a minimum of ninety (90) days from the date of receipt of members' application to terminate participation in the Oklahoma Police Deferred Option Plan in which to process said application and make payment.

(2) The member should make payment selection a minimum of thirty (30) days prior to termination of employment. The form on which payment selection must be submitted will be provided by the System.

(3) The member may select a lump sum payment, equal to the member's option account, which will be paid directly to the member by the Oklahoma Police Deferred Option Plan. This payment will be made after the last contribution has been received and interest applied following termination of employment and after receipt of the completed payment selection form.

(4) The member may select a direct rollover of his or her distribution in accordance with OAC 550:1-7-5. If the member does not select an Eligible Retirement Plan as described in OAC 550:1-7-5, or an annuity, the member shall receive a lump-sum payment equal to the member's option account balance.

(5) The member may select an annuity to be provided by a third party. The Oklahoma Police Deferred Option Plan shall not be subject to any fees or charges from the annuity provider.

(6) The member may select to participate in any other method of payment if approved by the State Board.

(7) Once the member's option account has been paid to the member, as a Direct Rollover or to the member's annuity provider, the member shall not have any recourse against the Oklahoma Police Deferred Option Plan, the Oklahoma Police Pension and Retirement System, its Executive Director and staff, and/or the Board.

(8) For a lump sum payment, direct rollover or a combination thereof, an exclusion ratio must be calculated and applied to the distribution amount from the Oklahoma Police Deferred Option Plan to determine the portion that may be excluded from income. This exclusion ratio will equal the member's after-tax contributions to the System divided by the expected return. The expected return is the sum of:

(A) the Oklahoma Police Deferred Option Plan option account balance plus

(B) the amount of value of the monthly pension that the member is expected to receive over time based on single life expectancy factors from Table V issued as part of the income tax regulations under Section 72 of the Internal Revenue Code of 1986.

(f) **Beneficiaries.** If the participant dies during the period of participation in the Oklahoma Police Deferred Option Plan, a beneficiary may elect to receive a lump sum payment equal to the account balance of the participant. A beneficiary who is a surviving spouse of a member may elect a Direct Rollover of the account balance in accordance with OAC 550:1-7-5. If there is no beneficiary or if the beneficiary predeceases the participant a lump sum payment shall be paid to the estate of the participant.

[Source: Added at 8 Ok Reg 2365, eff 6-13-91; Amended at 9 Ok Reg 1153, eff 2-18-92 (emergency); Amended at 9 Ok Reg 2545, eff 7-1-92; Amended at 14 Ok Reg 1997, eff

5-27-97; Amended at 16 Ok Reg 2559, eff 7-1-99; Amended at 18 Ok Reg 2765, eff 7-1-01; Amended at 20 Ok Reg 1349, eff 6-1-03; Amended at 21 Ok Reg 1426, eff 6-1-04; Amended at 23 Ok Reg 2799, eff 7-1-06; Amended at 26 Ok Reg 1320, eff 07-01-09; Amended at 27 Ok Reg 1904, eff 7-1-10]

550:15-1-3. Back drop

(a) **Definitions.** For purposes of this section, the definitions as stated in 11 O.S. Section 50-111.3(H)(1) shall apply.

(b) **Application.**

(1) The applicant must have greater than twenty (20) years of credited service with the Oklahoma Police Pension and Retirement System to be eligible.

(2) The applicant must submit his/her completed application for participation in the Oklahoma Police Deferred Option Plan under the back drop provision. Forms will be provided by the Oklahoma Police Pension and Retirement System.

(3) The effective date of membership will be the first day of the month.

(4) Once the Board has approved a member's application, the member's participation in the Oklahoma Police Deferred Option Plan under the back drop provision is irrevocable.

(c) **Contributions and benefits.**

(1) At the termination date, a member's monthly pension benefit shall be determined based on the earlier attained credited service and on the final average salary as of the back drop date.

(2) The member's individual deferred option account shall be credited with an amount equal to the deferred benefit balance, the member shall terminate employment with all participating municipalities as a police officer and shall start receiving the member's accrued monthly retirement benefit from the Oklahoma Police Pension and Retirement System.

(3) A member shall not participate in the back drop pursuant to subsection H of Section 50-111.3 of Title 11 of the Oklahoma Statutes if the member has elected to participate in the Oklahoma Police Deferred Option Plan pursuant to subsections A, B, C, D, E and F of Section 50-111.3 of Title 11 of the Oklahoma Statutes.

(4) The provisions of subsections B, C, E, F and G of Section 50-111.3 of Title 11 of the Oklahoma Statutes apply to the back drop.

(d) **Interest.** The methodology for computing interest described in OAC 550:15-1-2(d) applies with regard to this section.

(e) **Payment.** The provisions for payments in the forward drop pursuant to OAC 550:15-1-2(e) also apply to payments in the back drop.

[**Source:** Added at 21 Ok Reg 1426, eff 6-1-04; Amended at 22 Ok Reg 42, eff 8-11-04 (emergency); Amended at 22 Ok Reg 983, eff 6-1-05]

CHAPTER 20. PURCHASE OF TRANSFERRED CREDITED SERVICE

Section

550:20-1-1. Purpose

550:20-1-2. Computation

[Authority: 11 O.S., §§ 50-105.2(A) and (B), 50-106(3), and 50-111.4(A)]

[Source: Codified 6-13-91]

550:20-1-1. Purpose

These rules establish procedures necessary to implement the purchasing of transferred credited service. They also provide for computation of the purchase price.

[Source: Added at 8 Ok Reg 2359, eff 6-13-91]

550:20-1-2. Computation

All purchases of transferred credited service pursuant to 11 O. S. Section 50-111.4, shall be based upon the actuarial cost of the incremental projected benefits to be purchased.

(1) The actuarial cost, and any tables formulated for the purpose of determining such cost during each calendar year, shall be based on the actuarial assumptions utilized in the actuarial valuation report as of the preceding July 1.

(2) The actuarial value shall be based upon the member's age, salary and service at the time of purchase, together with the earliest age for retirement and actuarially projected salary at time of retirement. For purposes of this actuarial cost, it is assumed that all members are married at the time of retirement. If purchase is not made within 30 days of Board approval, the purchase must be recalculated and the actuarial cost may increase.

(3) For purposes of this actuarial cost, the member's age shall be rounded up or down to the nearest birthday.

(4) For purposes of this actuarial cost, the mortality tables shall be formulated as a unisex table assuming post retirement mortality weighted 90% male and 10% female.

(5) In the event a member who chooses to purchase service has been employed less than twelve (12) months, the member's salary shall be annualized based upon the completed calendar months of payroll information.

(6) In lieu of installment payments (for a purchase where installment payments are otherwise allowed by Oklahoma state statutes), an active member may elect to make the payment of the actuarial purchase price, repayment of a previous withdrawal, purchase of previous non-participating service, or any other eligible purchase or repayment permitted and authorized by the statutes governing the System by use of a direct trustee-to-trustee transfer or direct rollover as authorized by the statutes governing the System.

(7) Notwithstanding (6) of this subsection, purchases may be made by a cash lump sum payment, installment payments (where otherwise allowed by Oklahoma state statutes), trustee-to-trustee transfer and/or direct rollover as described in (6) of this subsection.

[Source: Added at 8 Ok Reg 2359, eff 6-13-91; Amended at 18 Ok Reg 2767, eff 7-1-01; Amended at 20 Ok Reg 1350, eff 6-1-03; Amended at 23 Ok Reg 2801, eff 7-1-06; amended at 26 Ok Reg 1322, eff 07-01-09]

CHAPTER 25. INVESTMENTS

Section

550:25-1-1. Purpose

550:25-1-2. Competitive bidding policies

550:25-1-3. Amendments

[**Authority:** 11 O.S.,§, 50-105.2(A) and (B),and 50-106(3)]

[**Source:** Codified 5-27-97]

550:25-1-1. Purpose

The rules in this Chapter are designed to implement the policies and procedures necessary to insure the efficient, prudent and diversified investments of the Oklahoma Police Pension and Retirement System.

[**Source:** Added at 13 Ok Reg 3897, eff 8-26-96 (emergency); Added at 14 Ok Reg 1999, eff 5-27-97]

550:25-1-2. Competitive bidding policies

The policies, guidelines and objectives which govern the competitive bidding for master custodian banks or trust companies, investment managers, investment consultants, or actuaries for the Oklahoma Police Pension and Retirement System shall be developed and adopted by the Board of Trustees at a regularly scheduled public Board meeting.

[**Source:** Added at 13 Ok Reg 3897, eff 8-26-96 (emergency); Added at 14 Ok Reg 1999, eff 5-27-97]

550:25-1-3. Amendments

Changes to the competitive bidding policy may be made by the Board, as necessary, at any public meeting of the Board, in compliance with the Open Meeting Act.

[**Source:** Added at 13 Ok Reg 3897, eff 8-26-96 (emergency); Added at 14 Ok Reg 1999, eff 5-27-97]

CHAPTER 30. PERIODS OF ABSENCE FOR WHICH A MEMBER IS NOT RECEIVING COMPENSATION

Section

550:30-1-1. Purpose

550:30-1-2. Computation

[**Authority:** 11 O.S., §, 50-105.2(A) and 50-106(3)]

[**Source:** Codified 6-15-10]

550:30-1-1. Purpose

The rules in this Chapter establish when credited service is taken into account during any period of absence, furlough, administrative leave or other period of time for which a member is not receiving compensation.

[**Source:** Added at 27 Ok Reg 1906, eff 7-1-10]

550:30-1-2. Computation

(a) Except for purchase of service provisions and as provided below, credited service under Section 50-101(8) of Title 11 shall not be taken into account for any period of absence, furlough, administrative leave or other period of time when the member is not receiving compensation from the participating municipality, and member contributions are not made to the Oklahoma Police Pension and Retirement System.

(b) Under the preceding sentence, credited service shall not be taken into account in determining:

(1) The member's years of credited service in the pension formula multiplier, and

(2) Whether the member is entitled to a vested benefit pursuant to the provisions of Section 50-111.1 of Title 11

(c) Notwithstanding the above, credited service shall be taken into account pursuant to subsection C of Section 50-122 of Title 11 and Section 50-128 of Title 11 concerning military leaves of absence or credits for military service in the Oklahoma Statutes. Furthermore, solely for purposes of determining whether a member is entitled to a vested benefit under Section 50-111.1 of Title 11, any period of leave under the Family and Medical Leave Act of 1993 shall be taken into account in determining if such member has completed ten (10) years of credited service.

[**Source:** Added at 27 Ok Reg 1906, eff 7-1-10]

APPENDIX

LEGISLATIVE CHANGES

The following is an unofficial copy of the section(s) of legislation passed during the 2nd Session of the 53rd Legislature (2012) which amended/repealed statutes pertaining to the Oklahoma Police Pension and Retirement System:

HOUSE BILL 2319

SECTION 1. AMENDATORY 11 O.S. 2011, Section 50-104.2, is amended to read as follows:

Section 50-104.2 A. The principal office of the System shall be in Oklahoma City, Oklahoma. The Notwithstanding any statute or rule to the contrary, the State Board, in accordance with its fiduciary duty, is hereby authorized to contract for own and occupy necessary office space in suitable quarters as the State Board deems appropriate.

B. The State Board shall keep a record of all of its proceedings, which shall be open for inspection at all reasonable hours. A report including such information as the operation of the System for the past fiscal year, including income, disbursements, and the financial condition of the fund at the end of each fiscal year and showing the valuation of its assets, investments, and liabilities, shall be delivered to the Governor after the end of each fiscal year but prior to October 1 of the next fiscal year and made available to the members and participating municipalities.

C. The State Auditor and Inspector shall make an annual audit of the accounts of the System. The audit shall be filed as soon after the close of the fiscal year as practicable, in accordance with the requirements for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

SECTION 2. This act shall become effective July 1, 2012.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

SENATE BILL 1588

SECTION 10. AMENDATORY 11 O.S. 2011, Section 50-114.1, as amended by Section 3 of Enrolled Senate Bill No. 1214 of the 2nd Session of the 53rd Oklahoma Legislature, is amended to read as follows:

Section 50-114.1. A. For limitation years prior to July 1, 2007, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, shall be computed in accordance with the applicable provisions of the System in effect at that time and, to the extent applicable, Revenue Ruling 98-1 and Revenue Ruling 2001-51, except as provided below. Notwithstanding any other provision contained herein to the contrary, the benefits payable to a member from the System provided by employer contributions (including contributions picked up by the employer under Section 414(h) of the Internal Revenue Code of 1986, as amended) shall be subject to the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, in accordance with the provisions of this section. The limitations of this section shall apply in limitation years beginning on or after July 1, 2007, except as otherwise provided below.

B. Except as provided below, effective for limitation years ending after December 31, 2001, any accrued retirement benefit payable to a member as an annual benefit as described below shall not exceed One Hundred Sixty Thousand Dollars (\$160,000.00), automatically adjusted under Section 415(d) of the Internal Revenue Code of 1986, as amended, for increases in the cost of living, as prescribed by the Secretary of the Treasury or the Secretary's delegate, effective January 1 of each calendar year and applicable to the limitation year ending with or within such calendar year. The automatic annual adjustment of the dollar limitation in this subsection under Section 415(d) of the Internal Revenue Code of 1986, as amended, shall apply to a member who has had a severance from employment.

1. The member's annual benefit is a benefit that is payable annually in the form of a straight life annuity. Except as provided below, where a benefit is payable in a form other than a straight life annuity, the benefit shall be adjusted to an actuarially equivalent straight life annuity that begins at the same time as such other form of benefit and is payable on the first day of each month, before applying the limitations of this section. For a member who has or will have distributions commencing at more than one annuity starting date, the annual benefit shall be determined as of each such annuity starting date (and shall satisfy the limitations of this section as of each such date), actuarially adjusting for past and future distributions of benefits commencing at the other annuity starting dates. For this purpose, the determination of whether a new starting date has occurred shall be made without regard to Section 1.401(a)-20, Q&A 10(d), and with regard to Section 1.415(b)-1(b)(1)(iii)(B) and (C) of the Income Tax Regulations.

2. No actuarial adjustment to the benefit shall be made for:

- a. survivor benefits payable to a surviving spouse under a qualified joint and survivor annuity to the extent such

benefits would not be payable if the member's benefit were paid in another form,

- b. benefits that are not directly related to retirement benefits (such as a qualified disability benefit, preretirement incidental death benefits, and postretirement medical benefits), or
- c. the inclusion in the form of benefit of an automatic benefit increase feature, provided the form of benefit is not subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended, and would otherwise satisfy the limitations of this section, and the System provides that the amount payable under the form of benefit in any limitation year shall not exceed the limits of this section applicable at the annuity starting date, as increased in subsequent years pursuant to Section 415(d) of the Internal Revenue Code of 1986, as amended. For this purpose, an automatic benefit increase feature is included in a form of benefit if the form of benefit provides for automatic, periodic increases to the benefits paid in that form.

3. The determination of the annual benefit shall take into account Social Security supplements described in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended, and benefits transferred from another defined benefit plan, other than transfers of distributable benefits pursuant to Section 1.411(d)-4, Q&A-3(c), of the Income Tax Regulations, but shall disregard benefits attributable to employee contributions or rollover contributions.

4. Effective for distributions in plan years beginning after December 31, 2003, the determination of actuarial equivalence of forms of benefit other than a straight life annuity shall be made in accordance with paragraph 5 or paragraph 6 of this subsection.

5. Benefit Forms Not Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall be determined under this paragraph 5 if the form of the member's benefit is either:

- a. a nondecreasing annuity (other than a straight life annuity) payable for a period of not less than the life of the member (or, in the case of a qualified preretirement survivor annuity, the life of the surviving spouse), or
- b. an annuity that decreases during the life of the member merely because of:
 - (1) the death of the survivor annuitant (but only if the reduction is not below fifty percent (50%) of the benefit payable before the death of the survivor annuitant), or

- (2) the cessation or reduction of Social Security supplements or qualified disability payments (as defined in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended).
- c. Limitation Years Beginning Before July 1, 2007. For limitation years beginning before July 1, 2007, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit computed using whichever of the following produces the greater annual amount:
 - (1) the interest rate and the mortality table (or other tabular factor), each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form; and
 - (2) a five percent (5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.
- d. Limitation Year Beginning On January 1, 2008. For the limitation year beginning on January 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:
 - (1) the annual amount of the straight life annuity (if any) payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.
- e. Limitation Years Beginning On or After July 1, 2008. For limitation years beginning on or after July 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:

- (1) the annual amount of the straight life annuity (if any) payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and
- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) for that annuity starting date.

6. Benefit Forms Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall be determined under this paragraph 6 if the form of the member's benefit is other than a benefit form described in paragraph 5 of this subsection. In this case, the actuarially equivalent straight life annuity shall be determined as follows:

- a. Annuity Starting Date on or after January 1, 2009. If the annuity starting date of the member's form of benefit is in the period beginning on January 1, 2009, through June 30, 2009, or in a plan year beginning after June 30, 2009, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) below:
 - (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table (or other tabular factor) ~~each~~ as set forth in the most recent actuarial valuation referenced in subsection G of Section 50-105.4 of this title prior to September 1, 2011, and effective September 1, 2011, in paragraph 22 of Section 50-101 of this title, for adjusting benefits in the same form,
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table within the meaning of Section 417 (e)(3)(B) of the Internal Revenue Code of 1986, as

amended, as described in Rev. Rul. 2007-67 (and subsequent guidance), and

- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the adjusted first, second, and third segment rates under Section 417(e)(3)(C) and (D) of the Internal Revenue Code of 1986, as amended, applied under rules similar to the rules of Section 430(h)(2)(C) of the Internal Revenue Code of 1986, as amended, for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and
 - (b) the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance),

divided by one and five one-hundredths (1.05).

- b. Annuity Starting Date in the Period Beginning on July 1, 2008 through December 31, 2008. If the annuity starting date of the member's form of benefit is in the period beginning on July 1, 2008, through December 31, 2008, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) below:
 - (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table (or

other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form,

- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable), and
- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the adjusted first, second, and third segment rates under Section 417(e)(3)(C) and (D) of the Internal Revenue Code of 1986, as amended, applied under rules similar to the rules of Section 430(h)(2)(C) of the Internal Revenue Code of 1986, as amended, for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and
 - (b) the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable),

divided by one and five one-hundredths (1.05).

- c. Annuity Starting Date in Plan Years Beginning in 2006 or 2007. If the annuity starting date of the member's form of benefit is in a Plan Year beginning in 2006 or

2007, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) below:

- (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form,
- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable), and
- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified below. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified below. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and
 - (b) the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable),

divided by one and five one-hundredths (1.05).

- d. Annuity Starting Date in Plan Years Beginning in 2004 or 2005:

- (1) If the annuity starting date of the member's form of benefit is in a plan year beginning in 2004 or 2005, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greater annual amount:
 - (a) the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form, and
 - (b) a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable).

- (2) If the annuity starting date of the member's benefit is on or after the first day of the first plan year beginning in 2004 and before December 31, 2004, the application of this subparagraph shall not cause the amount payable under the member's form of benefit to be less than the benefit calculated under the System, taking into account the limitations of this section, except that the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greatest annual amount:
 - (a) the interest rate and mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form,
 - (b) (i) the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified

below. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified below. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and

- (ii) the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable), and
- (c) (i) the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified below. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified below. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant (as in effect on the last day of the last plan year beginning before January 1, 2004, under provisions of the System then adopted and in effect), and
- (ii) the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable).

C. If a member has less than ten (10) years of participation in the System and all predecessor municipal police pension and retirement systems, the dollar limitation otherwise applicable under subsection B of this section shall be multiplied by a fraction, the numerator of which is the number of the years of participation, or part thereof, in the System of the member, but never less than one (1), and the denominator of which is ten (10).

D. Adjustment of Dollar Limitation for Benefit Commencement Before Age Sixty-two (62) or After Age Sixty-five (65): Effective for benefits commencing in limitation years ending after December 31, 2001, the dollar limitation under subsection B of this section shall be adjusted if the annuity starting date of the member's benefit is before age sixty-two (62) or after age sixty-five (65). If the annuity starting date is before age sixty-two (62), the dollar limitation under subsection B of this section shall be adjusted under paragraph 1 of this subsection, as modified by paragraph 3 of this subsection, but subject to paragraph 4 of this subsection. If the annuity starting date is after age sixty-five (65), the dollar limitation under subsection B of this section shall be adjusted under paragraph 2 of this subsection, as modified by paragraph 3 of this subsection.

1. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement Before Age Sixty-two (62):

- a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is prior to age sixty-two (62) and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:
 - (1) the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title, or
 - (2) a five-percent interest rate assumption and the applicable mortality table as described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable).
- b. Limitation Years Beginning On or After July 1, 2007.
 - (1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at

Both Age Sixty-two (62) and the Age of Benefit Commencement.

- (a) If the annuity starting date for the member's benefit is prior to age sixty-two (62) and occurs in the limitation year beginning on January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both age sixty-two (62) and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five-percent interest rate assumption and the applicable mortality table for the annuity starting date as described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).

- (b) If the annuity starting date for the member's benefit is prior to age sixty-two (62) and occurs in a limitation year beginning on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both age sixty-two (62) and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if

required) with actuarial equivalence computed using a five-percent interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as of the annuity starting date).

- (2) System Has Immediately Commencing Straight Life Annuity Payable at Both Age Sixty-two (62) and the Age of Benefit Commencement. If the annuity starting date for the member's benefit is prior to age sixty-two (62) and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both age sixty-two (62) and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the System at age sixty-two (62), both determined without applying the limitations of this section.

2. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement After Age Sixty-five (65):

- a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is after age sixty-five (65) and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of

participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:

- (1) the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title, or
- (2) a five-percent interest rate assumption and the applicable mortality table as described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable).

b. Limitation Years Beginning On or After July 1, 2007.

- (1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Age Sixty-five (65) and the Age of Benefit Commencement.
 - (a) If the annuity starting date for the member's benefit is after age sixty-five (65) and occurs in the limitation year beginning on January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both age sixty-five (65) and the age of benefit commencement, the dollar limitation at the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five-percent interest rate assumption and the applicable mortality table for the annuity starting date as described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).

(b) If the annuity starting date for the member's benefit is after age sixty-five (65) and occurs in a limitation year beginning on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both age sixty-five (65) and the age of benefit commencement, the dollar limitation at the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five-percent interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as of the annuity starting date).

(2) System Has Immediately Commencing Straight Life Annuity Payable at Both Age Sixty-five (65) and Age of Commencement. If the annuity starting date for the member's benefit is after age sixty-five (65) and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both age sixty-five (65) and the age of benefit commencement, the dollar limitation at the member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date

to the annual amount of the adjusted immediately commencing straight life annuity under the System at age sixty-five (65), both determined without applying the limitations of this section. For this purpose, the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date is the annual amount of such annuity payable to the member, computed disregarding the member's accruals after age sixty-five (65) but including actuarial adjustments even if those actuarial adjustments are used to offset accruals; and the adjusted immediately commencing straight life annuity under the System at age sixty-five (65) is the annual amount of such annuity that would be payable under the System to a hypothetical member who is age sixty-five (65) and has the same accrued benefit as the member.

3. Notwithstanding the other requirements of this subsection, no adjustment shall be made to the dollar limitation under subsection B of this section to reflect the probability of a member's death between the annuity starting date and age sixty-two (62), or between age sixty-five (65) and the annuity starting date, as applicable, if benefits are not forfeited upon the death of the member prior to the annuity starting date. To the extent benefits are forfeited upon death before the annuity starting date, such an adjustment shall be made. For this purpose, no forfeiture shall be treated as occurring upon the member's death if the System does not charge members for providing a qualified preretirement survivor annuity, as defined in Section 417(c) of the Internal Revenue Code of 1986, as amended, upon the member's death.

4. Notwithstanding any other provision to the contrary, for limitation years beginning on or after January 1, 1997, if payment begins before the member reaches age sixty-two (62), the reductions in the limitations in this subsection shall not apply to a member who is a "qualified participant" as defined in Section 415(b)(2)(H) of the Internal Revenue Code of 1986, as amended.

E. Minimum Benefit Permitted: Notwithstanding anything else in this section to the contrary, the benefit otherwise accrued or payable to a member under this System shall be deemed not to exceed the maximum permissible benefit if:

1. The retirement benefits payable for a limitation year under any form of benefit with respect to such member under this System and under all other defined benefit plans (without regard to whether a plan has been terminated) ever maintained by a participating municipality do not exceed Ten Thousand Dollars (\$10,000.00) multiplied by a fraction:

- a. the numerator of which is the member's number of credited years (or part thereof, but not less than one (1)

year) of service (not to exceed ten (10) years) with the participating municipality, and

b. the denominator of which is ten (10); and

2. The participating municipality (or a predecessor employer) has not at any time maintained a defined contribution plan in which the member participated (for this purpose, mandatory employee contributions under a defined benefit plan, individual medical accounts under Section 401(h) of the Internal Revenue Code of 1986, as amended, and accounts for postretirement medical benefits established under Section 419A(d)(1) of the Internal Revenue Code of 1986, as amended, are not considered a separate defined contribution plan).

F. In no event shall the maximum annual accrued retirement benefit of a member allowable under this section be less than the annual amount of such accrued retirement benefit, including early pension and qualified joint and survivor annuity amounts, duly accrued by the member as of the last day of the limitation year beginning in 1982, or as of the last day of the limitation year beginning in 1986, whichever is greater, disregarding any plan changes or cost-of-living adjustments occurring after July 1, 1982, as to the 1982 accrued amount, and May 5, 1986, as to the 1986 accrued amount.

G. Effective for years beginning after December 31, 1997, if a member purchases service pursuant to Section 50-111.2 and Section 50-111.4 of this title, which qualifies as "permissive service credit" pursuant to Section 415(n) of the Internal Revenue Code of 1986, as amended, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, may be met by either:

1. Treating the accrued benefit derived from such contributions as an annual benefit under subsection B of this section, or

2. Treating all such contributions as annual additions for purposes of Section 415(c) of the Internal Revenue Code of 1986, as amended.

H. Effective for years beginning after December 31, 1997, if a member repays to the System any amounts received because of such member's prior termination pursuant to subsection C of Section 50-111.1 of this title, such repayment shall not be taken into account for purposes of Section 415 of the Internal Revenue Code of 1986, as amended, pursuant to Section 415(k)(3) of the Internal Revenue Code of 1986, as amended.

I. For limitation years beginning on or after January 1, 1995, subsection C of this section, paragraph 1 of subsection D of this section, and the proration provided under subparagraphs a and b of paragraph 1 of subsection E of this section shall not apply to a benefit paid under the System as the result of the member becoming disabled by reason of personal injuries or sickness, or amounts received by the beneficiaries, survivors or estate of the member as the result of the death of the member.

J. For distributions made in limitation years beginning on or after January 1, 2000, the combined limit of repealed Section 415(e) of the Internal Revenue Code of 1986, as amended, shall not apply.

K. The State Board is hereby authorized to revoke the special election previously made on June 19, 1991, under Section 415(b)(10) of the Internal Revenue Code of 1986, as amended.

SENATE BILL 1214

SECTION 1. AMENDATORY 11 O.S. 2011, Section 50-105.4, is amended to read as follows:

Section 50-105.4. A. The Oklahoma Police Pension and Retirement Board shall discharge their duties with respect to the System solely in the interest of the participants and beneficiaries and:

1. For the exclusive purpose of:
 - a. providing benefits to participants and their beneficiaries, and
 - b. defraying reasonable expenses of administering the System;
2. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;
3. By diversifying the investments of the System so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and
4. In accordance with the laws, documents and instruments governing the System.

B. The State Board may procure insurance indemnifying the members of the State Board from personal loss or accountability from liability resulting from a member's action or inaction as a member of the State Board.

C. The State Board may establish an investment committee. The investment committee shall be composed of not more than five (5) members of the State Board appointed by the chairman of the State Board. The committee shall make recommendations to the full State Board on all matters related to the choice of custodians and managers of the assets of the System, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no authority to act on behalf of the State Board in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the State Board nor take effect without the approval of the State Board as provided by law.

D. The State Board shall retain qualified investment managers to provide for the investment of the monies of the System. The investment managers shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the State Board unless the State Board deems it necessary and prudent to do otherwise to fulfill its fiduciary responsibility. Subject to the overall investment guidelines set by the State Board, the investment managers shall have full discretion in the management of those monies of the System allocated to the investment managers. The State Board shall manage those monies not specifically allocated to the investment managers. The monies of the System allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return maximization. Because of the total return objective, no distinction shall be made

for management and performance evaluation purposes between realized and unrealized capital gains and losses.

E. Funds and revenues for investment by the investment managers or the State Board shall be placed with a custodian selected by the State Board. The custodian shall be a bank or trust company offering pension fund master trustee and master custodial services and any related custodial agreement or trust agreement is incorporated herein by reference. The custodian shall be chosen by a solicitation of proposals on a competitive basis pursuant to standards set by the State Board. In compliance with the investment policy guidelines of the State Board, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of the System are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of the System as to the investment of the monies of the System in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the State Board for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles. Any assets of the System may be invested in a collective investment fund or in a group trust that satisfies the requirements of Rev. Rul. 81-100, as further amended by Rev. Rul. 2004-67, Rev. Rul. 2008-40, and Rev. Rul. 2011-1, and as subsequently amended by future guidance. Each such collective investment fund or group trust is adopted, with respect to any monies invested therein, as part of the System, its trust, and custodial account and each such declaration of trust or trust agreement and related adoption, participation, investment management, subtrust or other agreements, as amended from time to time, with respect to any monies invested therein, are incorporated by reference into the System, its trust agreement(s) or custodial agreement(s), upon approval by the State Board.

F. By November 1, 1988, and prior to August 1 of each year thereafter, the State Board shall develop a written investment plan for the System.

G. After July 1 and before November 1 of each year, the State Board shall publish widely an annual report presented in simple and easily understood language pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Oklahoma State Pension Commission and the members of the System. The annual report shall cover the operation of the System during the past fiscal year, including income, disbursements, and the financial condition of the System at the end of the fiscal year. The annual report shall also contain a summary of the results of the most recent actuarial valuation to include total assets, total liabilities, unfunded liability or over funded status, contributions and any other information deemed relevant by the State Board. The annual report shall be written in such a manner as to permit a readily understandable means for analyzing the financial condition and performances of the System for the fiscal year.

H. The State Board shall adopt a cost of living adjustment actuarial assumption in its annual actuarial valuation report.

SECTION 2. AMENDATORY 11 O.S. 2011, Section 50-106, is amended to read as follows:

Section 50-106. The State Board shall, in addition to other powers herein granted, have power to:

1. Compel witnesses to attend and testify before it upon all matters connected with the operations of this article or ordinances enacted by any municipality relative to the System, and in the same manner as is or may be provided by law for the taking of testimony before notaries public; and its Chairman or any member of the State Board may administer oaths to such witnesses;
2. Provide for the payment of all its necessary expenses, and pay for actuarial, legal and such other services as shall be required to transact the business of the System;
3. Provide all rules and regulations necessary for its guidance in conformity with the provisions of this article including the physical requirements for eligibility for initial membership in the System. In connection with such authority, on or after July 1, 2011, the State Board may permit, effective for applicable notices, elections and consents provided or made for a member, beneficiary, alternate payee or individual entitled to benefits under the System, the use of electronic media to provide such applicable notices and make such elections and consents as described in Section 1.401(a)-21 of the Income Tax Regulations;
4. For the purpose of meeting disbursements for pensions and other payments, to keep on deposit in one or more banks, trust companies or savings and loan associations, to the extent that such deposit is insured, what it considers an adequate amount of cash. No trustee or employee of the State Board shall, directly or indirectly, for himself or as an agent, in any manner use the assets of the System, except to make such current and necessary payments as are authorized by the State Board, nor shall any trustee or employee of the State Board become an endorser or surety or become in any manner an obligor for monies loaned by or borrowed from the State Board; and
5. Effective July 1, 1999, do all acts and things necessary and proper to carry out the purpose of the System and to make the least costly amendments and changes, if any, as may be necessary to qualify the System under the applicable sections of the Internal Revenue Code of 1986, as amended.

SECTION 3. AMENDATORY 11 O.S. 2011, Section 50-114.1, is amended to read as follows:

Section 50-114.1. A. For limitation years prior to July 1, 2007, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, shall be computed in accordance with the applicable provisions of the System in effect at that time and, to the extent applicable, Revenue Ruling 98-1 and Revenue Ruling 2001-51, except as provided below. Notwithstanding any other provision contained herein to the contrary, the benefits payable to a member from the System provided by employer contributions (including contributions

picked up by the employer under Section 414(h) of the Internal Revenue Code of 1986, as amended) shall be subject to the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, in accordance with the provisions of this section. The limitations of this section shall apply in limitation years beginning on or after July 1, 2007, except as otherwise provided below.

B. Except as provided below, effective for limitation years ending after December 31, 2001, any accrued retirement benefit payable to a member as an annual benefit as described below shall not exceed One Hundred Sixty Thousand Dollars (\$160,000.00), automatically adjusted under Section 415(d) of the Internal Revenue Code of 1986, as amended, for increases in the cost of living, as prescribed by the Secretary of the Treasury or the Secretary's delegate, effective January 1 of each calendar year and applicable to the limitation year ending with or within such calendar year. The automatic annual adjustment of the dollar limitation in this subsection under Section 415(d) of the Internal Revenue Code of 1986, as amended, shall apply to a member who has had a severance from employment.

1. The member's annual benefit is a benefit that is payable annually in the form of a straight life annuity. Except as provided below, where a benefit is payable in a form other than a straight life annuity, the benefit shall be adjusted to an actuarially equivalent straight life annuity that begins at the same time as such other form of benefit and is payable on the first day of each month, before applying the limitations of this section. For a member who has or will have distributions commencing at more than one annuity starting date, the annual benefit shall be determined as of each such annuity starting date (and shall satisfy the limitations of this section as of each such date), actuarially adjusting for past and future distributions of benefits commencing at the other annuity starting dates. For this purpose, the determination of whether a new starting date has occurred shall be made without regard to Section 1.401(a)-20, Q&A 10(d), and with regard to Section 1.415(b)-1(b)(1)(iii)(B) and (C) of the Income Tax Regulations.

2. No actuarial adjustment to the benefit shall be made for:

- a. survivor benefits payable to a surviving spouse under a qualified joint and survivor annuity to the extent such benefits would not be payable if the member's benefit were paid in another form,
- b. benefits that are not directly related to retirement benefits (such as a qualified disability benefit, preretirement incidental death benefits, and postretirement medical benefits), or
- c. the inclusion in the form of benefit of an automatic benefit increase feature, provided the form of benefit is not subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended, and would otherwise satisfy the limitations of this section, and the System provides that the amount payable under the form of benefit in any limitation year shall not exceed the limits

of this section applicable at the annuity starting date, as increased in subsequent years pursuant to Section 415(d) of the Internal Revenue Code of 1986, as amended. For this purpose, an automatic benefit increase feature is included in a form of benefit if the form of benefit provides for automatic, periodic increases to the benefits paid in that form.

3. The determination of the annual benefit shall take into account Social Security supplements described in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended, and benefits transferred from another defined benefit plan, other than transfers of distributable benefits pursuant to Section 1.411(d)-4, Q&A-3(c), of the Income Tax Regulations, but shall disregard benefits attributable to employee contributions or rollover contributions.

4. Effective for distributions in plan years beginning after December 31, 2003, the determination of actuarial equivalence of forms of benefit other than a straight life annuity shall be made in accordance with paragraph 5 or paragraph 6 of this subsection.

5. Benefit Forms Not Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall be determined under this paragraph 5 if the form of the member's benefit is either:

- a. a nondecreasing annuity (other than a straight life annuity) payable for a period of not less than the life of the member (or, in the case of a qualified preretirement survivor annuity, the life of the surviving spouse), or
- b. an annuity that decreases during the life of the member merely because of:
 - (1) the death of the survivor annuitant (but only if the reduction is not below fifty percent (50%) of the benefit payable before the death of the survivor annuitant), or
 - (2) the cessation or reduction of Social Security supplements or qualified disability payments (as defined in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended).
- c. Limitation Years Beginning Before July 1, 2007. For limitation years beginning before July 1, 2007, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit computed using whichever of the following produces the greater annual amount:

- (1) the interest rate and the mortality table (or other tabular factor), each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form; and
 - (2) a five percent (5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.
- d. ~~Limitation Years Year Beginning On Or After July 1, 2007 January 1, 2008.~~ For the limitation years year beginning on or after July 1, 2007 January 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:
- (1) the annual amount of the straight life annuity (if any) payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.
- e. Limitation Years Beginning On or After July 1, 2008. For limitation years beginning on or after July 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:
- (1) the annual amount of the straight life annuity (if any) payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and

subsequent guidance) for that annuity starting date.

6. Benefit Forms Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall be determined under this paragraph 6 if the form of the member's benefit is other than a benefit form described in paragraph 5 of this subsection. In this case, the actuarially equivalent straight life annuity shall be determined as follows:

- a. ~~Annuity Starting Date in Plan Years Beginning After December 31, 2007 (Plan Years beginning on or after July 1, 2008)~~ January 1, 2009. If the annuity starting date of the member's form of benefit is in the period beginning on January 1, 2009, through June 30, 2009, or in a plan year beginning after December 31, 2007 June 30, 2009, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) ~~or~~ and (3) below:
- (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form.
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table within the meaning of Section 417 (e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance), and
 - (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the adjusted first, second, and third segment rates under Section 417(e)(3)(C) and (D) of the Internal Revenue Code of 1986, as amended, applied under rules similar to the rules of Section 430(h)(2)(C) of the Internal Revenue Code of 1986, as

amended, for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and

- (b) the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance), divided by one and five one-hundredths (1.05).

b. Annuity Starting Date in the Period Beginning on July 1, 2008 through December 31, 2008. If the annuity starting date of the member's form of benefit is in the period beginning on July 1, 2008, through December 31, 2008, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) below:

- (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form,
- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable), and
- (3) the annual amount of the straight life annuity commencing at the same annuity starting date

that has the same actuarial present value as the member's form of benefit, computed using:

- (a) the adjusted first, second, and third segment rates under Section 417(e)(3)(C) and (D) of the Internal Revenue Code of 1986, as amended, applied under rules similar to the rules of Section 430(h)(2)(C) of the Internal Revenue Code of 1986, as amended, for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and
- (b) the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable),

divided by one and five one-hundredths (1.05).

~~b.~~

c. Annuity Starting Date in Plan Years Beginning in 2006 or 2007. If the annuity starting date of the member's form of benefit is in a Plan Year beginning in 2006 or 2007, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) ~~or~~ and (3) below:

- (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form,
- (2) the annual amount of the straight life annuity commencing at the same annuity starting date

that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable), and

- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified below. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified below. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and
 - (b) the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable),

divided by one and five one-hundredths (1.05).

e-

d. Annuity Starting Date in Plan Years Beginning in 2004 or 2005:

- (1) If the annuity starting date of the member's form of benefit is in a plan year beginning in 2004 or 2005, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greater annual amount:

- (a) the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form, and
 - (b) a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable).
- (2) If the annuity starting date of the member's benefit is on or after the first day of the first plan year beginning in 2004 and before December 31, 2004, the application of this subparagraph b shall not cause the amount payable under the member's form of benefit to be less than the benefit calculated under the System, taking into account the limitations of this section, except that the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greatest annual amount:
- (a) the interest rate and mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title for adjusting benefits in the same form,
 - (b) (i) the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified below. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified below. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the

starting date of the member's benefit is before age sixty-two (62) or after age sixty-five (65). If the annuity starting date is before age sixty-two (62), the dollar limitation under subsection B of this section shall be adjusted under paragraph 1 of this subsection, as modified by paragraph 3 of this subsection, but subject to paragraph 4 of this subsection. If the annuity starting date is after age sixty-five (65), the dollar limitation under subsection B of this section shall be adjusted under paragraph 2 of this subsection, as modified by paragraph 3 of this subsection.

1. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement Before Age Sixty-two (62):

- a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is prior to age sixty-two (62) and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:
 - (1) the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title, or
 - (2) a five-percent interest rate assumption and the applicable mortality table as described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable).
- b. Limitation Years Beginning On ~~Or~~ or After July 1, 2007.
 - (1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Age Sixty-two (62) and the Age of Benefit Commencement.
 - (a) If the annuity starting date for the member's benefit is prior to age sixty-two (62) and occurs in ~~a the~~ the limitation year beginning on ~~or after July 1, 2007~~ January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both age sixty-two (62) and the age of benefit

commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five-percent interest rate assumption and the applicable mortality table for the annuity starting date as described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).

- (b) If the annuity starting date for the member's benefit is prior to age sixty-two (62) and occurs in a limitation year beginning on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both age sixty-two (62) and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five-percent interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed

calendar months as of the annuity starting date).

- (2) System Has Immediately Commencing Straight Life Annuity Payable at Both Age Sixty-two (62) and the Age of Benefit Commencement. If the annuity starting date for the member's benefit is prior to age sixty-two (62) and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both age sixty-two (62) and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the System at age sixty-two (62), both determined without applying the limitations of this section.

2. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement After Age Sixty-five (65):

- a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is after age sixty-five (65) and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:
 - (1) the interest rate and the mortality table (or other tabular factor) each as set forth in subsection G of Section 50-105.4 of this title, or

- (2) a five-percent interest rate assumption and the applicable mortality table as described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable).
- b. Limitation Years Beginning On ~~Or~~ or After July 1, 2007.
- (1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Age Sixty-five (65) and the Age of Benefit Commencement.
 - (a) If the annuity starting date for the member's benefit is after age sixty-five (65) and occurs in a ~~the~~ limitation year beginning on ~~or after July 1, 2007~~ January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both age sixty-five (65) and the age of benefit commencement, the dollar limitation at the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five-percent interest rate assumption and the applicable mortality table for the annuity starting date as described in Rev. Rul. 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).
 - (b) If the annuity starting date for the member's benefit is after age sixty-five (65) and occurs in a limitation year beginning on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both age sixty-five (65) and the age of benefit commencement, the dollar limitation

at the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five-percent interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as of the annuity starting date).

- (2) System Has Immediately Commencing Straight Life Annuity Payable at Both Age Sixty-five (65) and Age of Commencement. If the annuity starting date for the member's benefit is after age sixty-five (65) and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both age sixty-five (65) and the age of benefit commencement, the dollar limitation at the member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the adjusted immediately commencing straight life annuity under the System at age sixty-five (65), both determined without applying the limitations of this section. For this purpose, the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date is the annual amount of such annuity payable to the member, computed

disregarding the member's accruals after age sixty-five (65) but including actuarial adjustments even if those actuarial adjustments are used to offset accruals; and the adjusted immediately commencing straight life annuity under the System at age sixty-five (65) is the annual amount of such annuity that would be payable under the System to a hypothetical member who is age sixty-five (65) and has the same accrued benefit as the member.

3. Notwithstanding the other requirements of this subsection, no adjustment shall be made to the dollar limitation under subsection B of this section to reflect the probability of a member's death between the annuity starting date and age sixty-two (62), or between age sixty-five (65) and the annuity starting date, as applicable, if benefits are not forfeited upon the death of the member prior to the annuity starting date. To the extent benefits are forfeited upon death before the annuity starting date, such an adjustment shall be made. For this purpose, no forfeiture shall be treated as occurring upon the member's death if the System does not charge members for providing a qualified preretirement survivor annuity, as defined in Section 417(c) of the Internal Revenue Code of 1986, as amended, upon the member's death.

4. Notwithstanding any other provision to the contrary, for limitation years beginning on or after January 1, 1997, if payment begins before the member reaches age sixty-two (62), the reductions in the limitations in this subsection shall not apply to a member who is a "qualified participant" as defined in Section 415(b)(2)(H) of the Internal Revenue Code of 1986, as amended.

E. Minimum Benefit Permitted: Notwithstanding anything else in this section to the contrary, the benefit otherwise accrued or payable to a member under this System shall be deemed not to exceed the maximum permissible benefit if:

1. The retirement benefits payable for a limitation year under any form of benefit with respect to such member under this System and under all other defined benefit plans (without regard to whether a plan has been terminated) ever maintained by a participating municipality do not exceed Ten Thousand Dollars (\$10,000.00) multiplied by a fraction:

- a. the numerator of which is the member's number of credited years (or part thereof, but not less than one (1) year) of service (not to exceed ten (10) years) with the participating municipality, and
- b. the denominator of which is ten (10); and

2. The participating municipality (or a predecessor employer) has not at any time maintained a defined contribution plan in which the member participated (for this purpose, mandatory employee contributions under a defined benefit plan, individual medical accounts under Section 401(h) of the Internal Revenue

Code of 1986, as amended, and accounts for postretirement medical benefits established under Section 419A(d)(1) of the Internal Revenue Code of 1986, as amended, are not considered a separate defined contribution plan).

F. In no event shall the maximum annual accrued retirement benefit of a member allowable under this section be less than the annual amount of such accrued retirement benefit, including early pension and qualified joint and survivor annuity amounts, duly accrued by the member as of the last day of the limitation year beginning in 1982, or as of the last day of the limitation year beginning in 1986, whichever is greater, disregarding any plan changes or cost-of-living adjustments occurring after July 1, 1982, as to the 1982 accrued amount, and May 5, 1986, as to the 1986 accrued amount.

G. Effective for years beginning after December 31, 1997, if a member purchases service pursuant to Section 50-111.2 and Section 50-111.4 of this title, which qualifies as "permissive service credit" pursuant to Section 415(n) of the Internal Revenue Code of 1986, as amended, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, may be met by either:

1. Treating the accrued benefit derived from such contributions as an annual benefit under subsection B of this section, or
2. Treating all such contributions as annual additions for purposes of Section 415(c) of the Internal Revenue Code of 1986, as amended.

H. Effective for years beginning after December 31, 1997, if a member repays to the System any amounts received because of such member's prior termination pursuant to subsection C of Section 50-111.1 of this title, such repayment shall not be taken into account for purposes of Section 415 of the Internal Revenue Code of 1986, as amended, pursuant to Section 415(k)(3) of the Internal Revenue Code of 1986, as amended.

I. For limitation years beginning on or after January 1, 1995, subsection C of this section, paragraph 1 of subsection D of this section, and the proration provided under subparagraphs a and b of paragraph 1 of subsection E of this section shall not apply to a benefit paid under the System as the result of the member becoming disabled by reason of personal injuries or sickness, or amounts received by the beneficiaries, survivors or estate of the member as the result of the death of the member.

J. For distributions made in limitation years beginning on or after January 1, 2000, the combined limit of repealed Section 415(e) of the Internal Revenue Code of 1986, as amended, shall not apply.

K. The State Board is hereby authorized to revoke the special election previously made on June 19, 1991, under Section 415(b)(10) of the Internal Revenue Code of 1986, as amended.

SECTION 4. AMENDATORY 11 O.S. 2011, Section 50-114.2, is amended to read as follows:

Section 50-114.2. A. This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the System to the contrary that would otherwise limit a Distributee's election hereunder, a Distributee, including a nonspouse designated beneficiary, to the extent permitted under paragraph 3 of subsection B of this section, may elect, at the time and in the manner prescribed by the State Board, to have any portion of an Eligible Rollover Distribution paid directly to:

~~1. An Eligible Retirement Plan; or~~

~~2. Effective for distributions after December 31, 2007, a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended, subject to any limitations described in Section 408A(c) of the Internal Revenue Code of 1986, as amended;~~

~~specified by the Distributee in a Direct Rollover~~ an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

B. For purposes of this section, the following definitions shall apply:

1. "Eligible Rollover Distribution" means any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or life expectancies) of the Distributee and the Distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and the portion of any distribution that is not includable in gross income. ~~Effective January 1, 2002, a~~ A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax member contributions which are not includable in gross income. However, such portion may be transferred only:

a. from January 1, 2002, through December 31, 2006:

- (1) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, or
- (2) in a direct trustee-to-trustee transfer, to a qualified trust which is part of a defined contribution plan that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable, and

b. on or after January 1, 2007:

- (1) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, or
- (2) in a direct trustee-to-trustee transfer, to a qualified trust or an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, and such trust or contract provides for separate accounting for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

Effective for distributions after December 31, 2007, such after-tax portion may also be directly transferred to a Roth IRA individual retirement account or annuity, described in Section 408A of the Internal Revenue Code of 1986, as amended (Roth IRA), subject to any limitations described in Section 408A(c) of the Internal Revenue Code of 1986, as amended, ~~that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.~~

Notwithstanding the foregoing, effective January 1, 2009, to the extent applicable, if all or a portion of a distribution from the Oklahoma Police Deferred Option Plan during 2009 is treated as an Eligible Rollover Distribution pursuant to Section 402(c)(4) of the Internal Revenue Code of 1986, as amended, but would not be so treated if the minimum distribution requirements under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, had applied during 2009, such distribution shall not be treated as an Eligible Rollover Distribution for purposes of Section 401(a)(31), Section 3405(c) or Section 402(f) of the Internal Revenue Code of 1986, as amended;

2. "Eligible Retirement Plan" means an individual retirement account described in Section 408(a) of the Internal Revenue Code of 1986, as amended, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code of 1986, as amended, an annuity plan described in Section 403(a) of the Internal Revenue Code of 1986, as amended, or a qualified trust described in Section 401(a) of the Internal Revenue Code of 1986, as amended, that accepts the Distributee's Eligible Rollover Distribution. Effective January 1, 2002, an Eligible Retirement Plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, and an eligible plan under Section 457(b) of the Internal Revenue Code of 1986, as amended, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the System. Effective for distributions after December 31, 2007, an Eligible Retirement Plan includes a Roth IRA, subject to any limitations under Section 408A(c) of the Internal Revenue Code of 1986, as amended;

3. "Distributee" means an employee or former employee. In addition, ~~effective June 7, 1993,~~ the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic order, as defined in subsection B of Section 50-124 of this title, are Distributees with regard to the interest of the spouse or the former spouse. Effective for distributions after December 31, 2006, a Distributee also includes the member's nonspouse designated beneficiary (and certain trusts described in Section 402(c)(11)(B) of the Internal Revenue Code of 1986, as amended), pursuant to Section 401(a)(9)(E) of the Internal Revenue Code of 1986, as amended, who may elect any portion of a payment to be made in a Direct Rollover only to an a traditional individual retirement account or annuity (other than an endowment contract) described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, (IRA), or, effective for distributions after December 31, 2007, to a Roth IRA, that is established on behalf of such nonspouse designated beneficiary for the purpose of receiving the distribution and that will be treated as an inherited IRA pursuant to the provisions of Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. Also, in this case, the determination of any required minimum distribution under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, that is ineligible for rollover shall be made in accordance with Notice 2007-7, Q&A 17 and 18, 2007-5 I.R.B. 395. The required minimum distribution rules of Section 401(a)(9)(B) (other than clause iv thereof) of the Internal Revenue Code of 1986, as amended, apply to the transferee IRA. ~~Furthermore, to the extent permitted or required under the Worker, Retiree, and Employer Recovery Act of 2008, Notice 2008-30, 2008-12 I.R.B. 638 and/or any other regulatory guidance, effective for plan years beginning after December 31, 2009, a nonspouse designated beneficiary (as described in and in accordance with Section 402(c)(11) of the Internal Revenue Code of 1986, as amended), may directly roll over a distribution to a Roth IRA; and~~

4. "Direct Rollover" means a payment by the System to the Eligible Retirement Plan specified by the Distributee ~~or, effective for distributions on or after January 1, 2008, to a Roth IRA under Section 408A of the Internal Revenue Code of 1986, as amended, as specified by the Distributee (assuming the Distributee otherwise meets the Roth IRA requirements).~~

C. At least thirty (30) days before and, effective for years beginning after December 31, 2006, not more than one hundred eighty (180) days before the date of distribution, the Distributee (other than a nonspouse designated beneficiary prior to July 1, 2010) must be provided with a notice of rights which satisfies Section 402(f) of the Internal Revenue Code of 1986, as amended, as to rollover options and tax effects. Such distribution may commence less than thirty (30) days after the notice is given, provided that:

1. The State Board clearly informs the Distributee that the Distributee has a right to a period of at least thirty (30) days after receiving the notice to consider the decision of whether or not to elect a distribution; and

2. The Distributee, after receiving the notice, affirmatively elects a distribution.

D. For distributions made after December 31, 2006, but prior to July 1, 2010, a distribution with respect to a nonspouse designated beneficiary shall be made in accordance with Notice 2007-7, Q&A 15, 2007-5 Internal Revenue Bulletin 395. Effective for plan years beginning after December 31, 2009, a distribution with respect to a nonspouse designated beneficiary shall be subject to Sections 401(a)(31), 402(f), and 3405(c) of the Internal Revenue Code of 1986, as amended.

SECTION 5. AMENDATORY 11 O.S. 2011, Section 50-114.3, is amended to read as follows:

Section 50-114.3. A. An individual who has been designated, pursuant to Section 401(a)(9)(E) of the Internal Revenue Code of 1986, as amended, as the beneficiary of a deceased member and who is not the surviving spouse of the member, may elect, in accordance with Section 402(c)(11) of the Internal Revenue Code of 1986, as amended, to have a direct trustee-to-trustee transfer of any portion of such beneficiary's distribution from the System after December 31, 2006, made only to a traditional individual retirement account or individual retirement annuity (other than an endowment contract) described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended (IRA), or, effective for distributions after December 31, 2007, to a Roth individual retirement account or annuity described in Section 408A of the Internal Revenue Code of 1986, as amended (Roth IRA), that is established on behalf of such designated individual for the purpose of receiving the distribution. If such transfer is made, then:

1. For distributions made after December 31, 2006, but prior to July 1, 2010, the transfer is treated as an eligible rollover distribution for purposes of Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. For plan years beginning after December 31, 2009, the transfer is treated as an eligible rollover distribution;

2. The transferee IRA is treated as an inherited individual retirement account or an inherited individual retirement annuity (within the meaning of Section 408(d)(3)(C) of the Internal Revenue Code of 1986, as amended), and must be titled in the name of the deceased member, for the benefit of the beneficiary; and

3. The required minimum distribution rules of Section 401(a)(9)(B) (other than clause iv thereof) of the Internal Revenue Code of 1986, as amended, apply to the transferee IRA; ~~and~~

~~4. Notwithstanding the foregoing provisions of this section, to the extent permitted or required under the Worker, Retiree, and Employer Recovery Act of 2008, Notice 2008-30, 2008-12 I.R.B. 638 and/or any other regulatory guidance, effective for plan years beginning after December 31, 2009, a nonspouse designated beneficiary (as described in and in accordance with Section 402(c)(11) of the Internal Revenue Code of 1986, as amended), may elect to have a direct trustee-to-trustee transfer of any portion of such beneficiary's distribution from the System to a Roth IRA.~~

B. A trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a designated beneficiary.

C. The State Board shall promulgate such rules as are necessary to implement the provisions of this section.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.