

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 330

By: Dahm

AS INTRODUCED

An Act relating to retired teachers' benefits; amending 70 O.S. 2011, Section 17-105, as amended by Section 2, Chapter 101, O.S.L. 2013 (70 O.S. Supp. 2014, Section 17-105), which relates to the Teachers' Retirement System of Oklahoma; authorizing modification of retirement benefit based upon postretirement remarriage; requiring medical examination; requiring proof of age; requiring actuarial adjustment of benefit amount; requiring Board of Trustees to promulgate rules; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 17-105, as amended by Section 2, Chapter 101, O.S.L. 2013 (70 O.S. Supp. 2014, Section 17-105), is amended to read as follows:

Section 17-105. (1) (a) Any member who has attained age fifty-five (55) or who has completed thirty (30) years of creditable service, as defined in Section 17-101 of this title, or for any person who initially became a member prior to July 1, 1992, regardless of whether there were breaks in service after July 1, 1992, whose age and number of years of creditable service total

1 eighty (80) may be retired upon executing a retirement contract.
2 Such a retirement date will also apply to any person who became a
3 member of the sending system as defined in ~~this act~~ Section 17-101
4 et seq. of this title, prior to July 1, 1992, regardless of whether
5 there were breaks in service after July 1, 1992. Any person who
6 became a member after June 30, 1992, but prior to November 1, 2011,
7 whose age and number of years of creditable service total ninety
8 (90) may be retired upon executing a retirement contract. Any
9 person who becomes a member on or after November 1, 2011, who
10 attains the age of sixty-five (65) years or who reaches a normal
11 retirement date pursuant to subparagraph (d) of paragraph (24) of
12 Section 17-101 of this title having attained a minimum age of sixty
13 (60) years may be retired upon executing a retirement contract. The
14 application shall be filed on the form provided by the Board of
15 Trustees for this purpose, not less than thirty (30) days before the
16 date of retirement.

17 (b) An individual who becomes a member of the Teachers'
18 Retirement System after July 1, 1967, shall be employed by the
19 public schools, state colleges or universities of Oklahoma for a
20 minimum of five (5) years and be a contributing member of the
21 Teachers' Retirement System of Oklahoma for a minimum of five (5)
22 years to qualify for monthly retirement benefits from the Teachers'
23 Retirement System of Oklahoma.

24

1 (c) Any member with five (5) or more years of Oklahoma teaching
2 service and whose accumulated contributions during such period have
3 not been withdrawn shall be given an indefinite extension of
4 membership beginning with the sixth year following his or her last
5 contributing membership and shall become eligible to apply for
6 retirement and be retired upon attaining age fifty-five (55).

7 (2) An unclassified optional member who has retired or who
8 retires at sixty-two (62) years of age or older or whose retirement
9 is because of disability shall have his or her minimum retirement
10 benefits calculated on an average salary of Five Thousand Three
11 Hundred Fifty Dollars (\$5,350.00) or, if a larger monthly allowance
12 would result, an amount arrived at pursuant to application of the
13 formula prescribed herein.

14 (3) No member shall receive a lesser retirement benefit than he
15 or she would have received under the law in effect at the time he or
16 she retired. Any individual under the Teachers' Retirement System,
17 who through error in stating the title of the position which he or
18 she held, may, at the discretion of the Board of Trustees, be
19 changed from the nonclassified optional group to the classified
20 group for the purpose of calculating retirement benefits.

21 Any individual regardless of residence, who has a minimum of ten
22 (10) years of teaching in Oklahoma schools prior to July 1, 1943, or
23 who taught in Oklahoma schools prior to 1934 and thereafter taught a
24 minimum of ten (10) years and who does not qualify under the present

1 retirement System, or who has a minimum of thirty (30) years of
2 teaching in Oklahoma schools and has reached seventy (70) years of
3 age prior to July 1, 1984, and is not otherwise eligible to receive
4 any benefits from the retirement system shall receive a minimum of
5 One Hundred Fifty Dollars (\$150.00) per month in retirement benefits
6 from the Teachers' Retirement System of Oklahoma plus any general
7 increase in benefits for annuitants as may be provided hereafter by
8 the Legislature. Each individual must apply to the Teachers'
9 Retirement System for such benefit and provide evidence to the
10 Teachers' Retirement System that the service was actually rendered.
11 The surviving spouse of any person who made application for the
12 benefit provided for by this paragraph during his or her lifetime
13 but did not receive ~~said~~ the benefit may submit an application to
14 the System for payment of ~~said~~ the benefit for those months during
15 the lifetime of the deceased person that he or she was eligible for
16 but did not receive the benefit. Upon approval of the application
17 by the Board of Trustees, the benefit shall be paid to the surviving
18 spouse in one lump sum.

19 (4) The value of each year of prior service is the total
20 monthly retirement benefit divided by the number of years of
21 creditable service.

22 (5) Upon application of a member who is actively engaged in
23 teaching in Oklahoma or his or her employer, any member who has been
24 a contributing member for ten (10) years may be retired by the Board

1 of Trustees subsequent to the execution and filing thereof, on a
2 disability retirement allowance, provided that it is found by the
3 Board of Trustees after medical examination of such member by a duly
4 qualified physician that such member is mentally or physically
5 incapacitated for further performance of duty, that such incapacity
6 is likely to be permanent, and that such member should be retired.
7 The Board of Trustees shall give due consideration to the
8 conclusions and recommendations in the certified written report of
9 the Medical Board of the Teachers' Retirement System regarding the
10 disability application of such member. If a member is determined to
11 be eligible for disability benefits pursuant to the Social Security
12 System, then such determination shall entitle the member to the
13 authorized disability retirement allowance provided by law. For
14 members who are not eligible for disability benefits pursuant to the
15 Social Security System, the Board of Trustees shall apply the same
16 standard for which provision is made in the first two sentences of
17 this subsection for determining the eligibility of a person for such
18 disability benefits in making a determination of eligibility for
19 disability benefits as authorized by this subsection.

20 (6) (a) A member who at the time of retirement has been found
21 to be permanently physically or mentally incapacitated to teach
22 school shall receive a minimum monthly retirement payment for life
23 or until such time as the member may be found to be recovered to the
24 point where he or she may return to teaching. Any member retired

1 before July 1, 1992 shall be eligible to receive the monthly
2 retirement allowance herein provided, but such payment shall not
3 begin until the first payment due him or her after July 1, 1992, and
4 shall not be retroactive. The Board of Trustees is empowered to
5 make such rules and regulations as it considers proper to preserve
6 equity in retirements under this provision, which shall include a
7 provision to protect the rights of the member's spouse.

8 (b) A member who has qualified for retirement benefits under
9 disability retirement shall have the total monthly payment deducted
10 from his or her accumulated contributions plus interest earned and
11 any money remaining in the member's account after the above
12 deductions at the death of the member shall be paid in a lump sum to
13 the beneficiary or to the estate of the member. Provided, if the
14 deceased disabled member had thirty (30) years or more of creditable
15 service and the death occurred after June 30, 1981, and death
16 occurred prior to the disabled member receiving twelve monthly
17 retirement payments, a surviving spouse may elect to receive the
18 retirement benefit to which the deceased member would have been
19 entitled at the time of death under the Option 2 Plan of Retirement
20 provided for in subsection (8) of this section in lieu of the death
21 benefit provided for in this subsection and in subsection (12) of
22 this section.

23 (c) Once each year the Board of Trustees may require any
24 disabled annuitant who has not yet attained the age of sixty (60)

1 years to undergo a medical examination, such examination to be made
2 at the place of residence for ~~said~~ the disabled annuitant or other
3 place mutually agreed upon by a physician or physicians designated
4 by the Board of Trustees. Should any disabled annuitant who has not
5 yet attained the age of sixty (60) years refuse to submit to at
6 least one medical examination in any such year by a physician or
7 physicians designated by the Board of Trustees, his or her allowance
8 may be discontinued until he or she submits to such examination.

9 (d) Should the Medical Board report and certify to the Board of
10 Trustees that such disabled annuitant is engaged in or is able to
11 engage in a gainful occupation paying more than the difference
12 between his or her retirement allowance and the average final
13 compensation, and should the Board of Trustees concur in such report
14 then the amount of his or her pension shall be reduced to an amount
15 which, together with his or her retirement allowance and that amount
16 earnable by him or her, shall equal the amount of his or her average
17 final compensation. Should his or her earning capacity be later
18 increased, the amount of his or her pension may be further modified,
19 provided the new pension shall not exceed that amount of the pension
20 originally granted nor an amount, which when added to the amount
21 earnable by the member, together with his or her annuity, equals the
22 amount of his or her average final compensation.

23 (e) Should a disabled annuitant be restored to active service,
24 his or her disability retirement allowance shall cease and he or she

1 shall again become a member of the Teachers' Retirement System and
2 shall make regular contributions as required under this article.

3 The unused portion of his or her accumulated contributions shall be
4 reestablished to his or her credit in the Teachers' Savings Fund.

5 Any such prior service certificates on the basis of which his or her
6 service was computed at the time of his or her retirement shall be
7 restored to full force and effect.

8 (7) Should a member before retirement under ~~Section 1-101 et~~
9 ~~seq. of this title~~ the Oklahoma School Code make application for
10 withdrawal duly filed with the Board of Trustees and approved by it,
11 not earlier than four (4) months after the date of termination of
12 such service as a teacher, the contribution standing to the credit
13 of his or her individual account in the Teachers' Savings Fund shall
14 be paid to him or her or, in the event of his or her death before
15 retirement, shall be paid to such person or persons as he or she
16 shall have nominated by written designation, duly executed and filed
17 with the Board of Trustees; provided, however, if there be no
18 designated beneficiary surviving upon such death, such contributions
19 shall be paid to his or her administrators, executors, or assigns,
20 together with interest as hereinafter provided. In lieu of a lump-
21 sum settlement at the death of the member, the amount of money the
22 member has on deposit in the Teachers' Savings Fund and the money
23 the member has on deposit in the Teachers' Deposit Fund may be paid
24 in monthly payments to a designated beneficiary, who must be the

1 spouse, under the Maximum or Option 1 Plan of Retirement providing
2 the monthly payment shall be not less than Twenty-five Dollars
3 (\$25.00) per month. The monthly payment shall be the actuarial
4 equivalent of the amount becoming due at the member's death based on
5 the sex of the spouse and the age the spouse has attained at the
6 last birthday prior to the member's death. Provided further, if
7 there be no designated beneficiary surviving upon such death, and
8 the contributions standing to the credit of such member do not
9 exceed Two Hundred Dollars (\$200.00), no part of such contributions
10 shall be subject to the payment of any expense of the last illness
11 or funeral of the deceased member or any expense of administration
12 of the estate of such deceased and the Board of Trustees, upon
13 satisfactory proof of the death of such member and of the name or
14 names of the person or persons who would be entitled to receive such
15 contributions under the laws of descent and distribution of the
16 state, may authorize the payment of accumulated contributions to
17 such person or persons. A member terminating his or her membership
18 by withdrawal after June 30, 2003, shall have the interest computed
19 at a rate of interest determined by the Board of Trustees and paid
20 to him or her subject to the following schedule:

21 (a) If termination occurs within sixteen (16) years from the
22 date membership began, fifty percent (50%) of such interest
23 accumulations shall be paid.

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1 (b) With at least sixteen (16) but less than twenty-one (21)
2 years of membership, sixty percent (60%) of such interest
3 accumulations shall be paid.

4 (c) With at least twenty-one (21) but less than twenty-six (26)
5 years of membership, seventy-five percent (75%) of such interest
6 accumulations shall be paid.

7 (d) With at least twenty-six (26) years of membership, ninety
8 percent (90%) of such interest accumulations shall be paid.

9 In case of death of an active member, the interest shall be
10 calculated and restored to the member's account and paid to his or
11 her beneficiary.

12 (8) (a) In lieu of his or her retirement allowance payable
13 throughout life for such an amount as determined under this section,
14 the member may select a retirement allowance for a reduced amount
15 payable under any of the following options the present value of
16 which is the actuarial equivalent thereof.

17 (b) A member may select the option under which he or she
18 desires to retire at the end of the school year in which he or she
19 attains age seventy (70) and ~~said~~ such option shall be binding and
20 cannot be changed. Provided further that if a member retires before
21 age seventy (70), no election of an option shall be effective in
22 case an annuitant dies before the first payment due under such
23 option has been received.

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1 (c) The first payment of any benefit selected shall be made on
2 the first day of the month following approval of the retirement by
3 the Board of Trustees. If the named designated beneficiary under
4 Option 2 or 3 dies at any time after the member's retirement date,
5 but before the death of the member, the member shall return to the
6 retirement benefit, including any post retirement benefit increases
7 the member would have received had the member not selected Option 2
8 or 3 of this subsection. The benefit shall be determined at the
9 date of death of the designated beneficiary or July 1, 1994,
10 whichever is later. This increase shall become effective the first
11 day of the month following the date of death of the designated
12 beneficiary or July 1, 1994, whichever is later, and shall be
13 payable for the member's remaining lifetime. The member shall
14 notify the Teachers' Retirement System of Oklahoma of the death of
15 the designated beneficiary in writing. In the absence of said
16 written notice being filed by the member notifying the Teachers'
17 Retirement System of Oklahoma of the death of the designated
18 beneficiary within six (6) months of the date of death, nothing in
19 this subsection shall require the Teachers' Retirement System of
20 Oklahoma to pay more than six (6) months of retrospective benefits
21 increase.

22 Option 1. If he or she dies before he or she has received in
23 annuity payments the present value of his or her annuity as it was
24 at the time of his or her retirement, the balance shall be paid to

1 his or her legal representatives or to such person as he or she
2 shall nominate by written designation duly acknowledged and filed
3 with the Board of Trustees at the time of his or her retirement; or

4 Option 2. A member takes a reduced retirement allowance for
5 life. Upon the death of the member the payments shall continue to
6 the member's designated beneficiary for the life of the beneficiary.
7 The written designation of the beneficiary must be duly acknowledged
8 and filed with the Board of Trustees at the time of the member's
9 retirement and, except as provided in paragraph (e) of this
10 subsection, cannot be changed after the effective date of the
11 member's retirement; or

12 Option 3. A member receives a reduced retirement allowance for
13 life. Upon the death of the member one-half (1/2) of the retirement
14 allowance paid the member shall be continued throughout the life of
15 the designated beneficiary. A written designation of a beneficiary
16 must be duly acknowledged and filed with the Board of Trustees at
17 the time of the member's retirement and, except as provided in
18 paragraph (e) of this subsection, cannot be changed after the
19 effective date of the member's retirement; or

20 Option 4. Some other benefit or benefits shall be paid either
21 to the member or to such person or persons as he or she shall
22 nominate, provided such other benefit or benefits, together with the
23 reduced retirement allowance, shall be certified by the actuary to
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1 be of equivalent actuarial value to his or her retirement allowance
2 and shall be approved by the Board of Trustees.

3 (d) Provided that Option 2 and Option 3 shall not be available
4 if the member's expected benefit is less than fifty percent (50%) of
5 the lump-sum actuarial equivalent and the designated beneficiary is
6 not the spouse of the member.

7 (e) A member who chose the maximum retirement benefit plan at
8 the time of retirement may make a one-time election to choose either
9 Option 2 or 3 and name the member's spouse as designated beneficiary
10 if the member marries after making the initial election. Such an
11 election shall be made by July 1, 2011, or within one (1) year of
12 the date of marriage, whichever is later. The member shall provide
13 proof of a member's good health before the Board of Trustees will
14 permit a change to either Option 2 or 3 and the naming of a
15 designated beneficiary. A medical examination conducted by a
16 licensed physician is required for purposes of determining good
17 health. Such examination must be approved by the Medical Board.
18 The member shall be required to provide proof of age for the new
19 beneficiary. The Board of Trustees shall adjust the monthly benefit
20 to the actuarially equivalent amount based on the new designated
21 beneficiary's age. The Board of Trustees shall promulgate rules to
22 implement the provisions of this subsection.

23 (f) A member who retires after the effective date of this act
24 and has selected a retirement allowance for a reduced amount payable

1 under one of the options provided for in this subsection may make a
2 one-time irrevocable election to select a different option within
3 sixty (60) days of the member's retirement date. The beneficiary
4 designated by the member at the time of retirement shall not be
5 changed if the member makes the election provided for in this
6 paragraph.

7 (g) If a spouse is the designated beneficiary pursuant to
8 Option 2 or 3 and the spouse dies after the member's effective date
9 of retirement and if the member subsequently remarries, the member
10 may make a one-time election per each subsequent marriage within one
11 (1) year of the date of such marriage to reselect either Option 2 or
12 3 and to name the member's new spouse as the designated beneficiary.
13 The member shall provide proof of a member's good health before the
14 Board of Trustees will permit the change back to Option 2 or 3 and
15 the naming of a new designated beneficiary. A medical examination
16 conducted by a licensed physician is required for purposes of
17 determining good health. Such examination must be approved by the
18 Medical Board. The member shall be required to provide proof of age
19 for the new beneficiary who shall be at least sixty-five (65) years
20 of age. The Board of Trustees shall promulgate rules to implement
21 the provisions of this subsection.

22 (9) The governing board of any "public school", as that term is
23 defined in Section 17-101 of this title, is hereby authorized and
24 empowered to pay additional retirement allowances or compensation to

1 any person who was in the employ of such public school for not less
2 than seven (7) school years preceding the date of his or her
3 retirement. Payments so made shall be a proper charge against the
4 current appropriation or appropriations of any such public school
5 for salaries for the fiscal year in which such payments are made.
6 Such payments shall be made in regular monthly installments in such
7 amounts as the governing board of any such public school, in its
8 judgment, shall determine to be reasonable and appropriate in view
9 of the length and type of service rendered by any such person to
10 such public school by which such person was employed at the time of
11 retirement. All such additional payments shall be uniform, based
12 upon the length of service and the type of services performed, to
13 persons formerly employed by such public school who have retired or
14 been retired in accordance with the provisions of ~~Section 1-101 et~~
15 ~~seq. of this title~~ the Oklahoma School Code.

16 The governing board of any such public school may adopt rules
17 and regulations of general application outlining the terms and
18 conditions under which such additional retirement benefits shall be
19 paid, and all decisions of such board shall be final.

20 (10) In addition to the teachers' retirement herein provided,
21 teachers may voluntarily avail themselves of the Federal Social
22 Security Program upon a district basis.

23 (11) Upon the death of an in-service member, the System shall
24 pay to the designated beneficiary of the member or, if there is no

1 designated beneficiary or if the designated beneficiary predeceases
2 the member, to the estate of the member, the sum of Eighteen
3 Thousand Dollars (\$18,000.00) as a death benefit. Provided, if the
4 deceased member had ten (10) years or more of creditable service and
5 the death occurred after February 1, 1985, the member's designated
6 beneficiary may elect to receive the retirement benefit to which the
7 deceased member would have been entitled at the time of death under
8 the Option 2 plan of retirement in lieu of the death benefit
9 provided for in this subsection. Provided further, the option
10 provided in this subsection is only available when the member has
11 designated one individual as the designated beneficiary. The
12 beneficiary or beneficiaries of death benefits in the amount not to
13 exceed Eighteen Thousand Dollars (\$18,000.00), but exclusive of any
14 retirement benefit received by an electing beneficiary based upon
15 creditable service performed by the deceased member, which are
16 provided pursuant to this subsection may elect to disclaim such
17 death benefits in which case such benefits will be transferred to a
18 person licensed as a funeral director or to a lawfully recognized
19 business entity licensed as required by law to provide funeral
20 services for the deceased member. The qualified disclaimer must be
21 in writing and will be an irrevocable and an unqualified refusal to
22 accept all or a portion of the death benefit. It must be received
23 by the transferor no more than nine (9) months after the later of
24 the day the transfer creating the interest in the disclaiming person

1 is made or the day the disclaiming person attains age twenty-one
2 (21). The interest in the death benefits must pass without
3 direction by the disclaiming person to another person.

4 (12) Upon the death of an annuitant who has contributed to the
5 System, the retirement system shall pay to the designated
6 beneficiary of the annuitant or, if there is no designated
7 beneficiary or if the designated beneficiary predeceases the
8 annuitant, to the estate of the annuitant, the sum of Five Thousand
9 Dollars (\$5,000.00) as a death benefit. The beneficiary or
10 beneficiaries of benefits provided pursuant to this subsection may
11 elect to disclaim such death benefits in which case such benefits
12 will be transferred to a person licensed as a funeral director or to
13 a lawfully recognized business entity licensed as required by law to
14 provide funeral services for the deceased member. The qualified
15 disclaimer must be in writing and will be an irrevocable and an
16 unqualified refusal to accept all or a portion of the death benefit.
17 It must be received by the transferor no more than nine (9) months
18 after the later of the day the transfer creating the interest in the
19 disclaiming person is made or the day the disclaiming person attains
20 age twenty-one (21). The interest in the death benefits must pass
21 without direction by the disclaiming person to another person. The
22 benefit payable pursuant to this subsection shall be deemed, for
23 purposes of federal income taxation, as life insurance proceeds and
24 not as a death benefit if the Internal Revenue Service approves this

1 provision pursuant to a private letter ruling request which shall be
2 submitted by the board of trustees of the System for that purpose.

3 (13) Upon the death of a member who dies leaving no living
4 beneficiary or having designated his or her estate as beneficiary,
5 the System may pay any applicable death benefit, unpaid
6 contributions, or unpaid benefit which may be subject to probate, in
7 an amount of Five Thousand Dollars (\$5,000.00) or less, without the
8 intervention of the probate court or probate procedure pursuant to
9 Section 1 et seq. of Title 58 of the Oklahoma Statutes.

10 (a) Before any applicable probate procedure may be waived, the
11 System must be in receipt of the member's proof of death and the
12 following documents from those persons claiming to be the legal
13 heirs of the deceased member:

- 14 1. The member's valid last will and testament;
- 15 2. An affidavit or affidavits of heirship which must
16 state:
 - 17 a. the names and signatures of all claiming heirs to
18 the deceased member's estate including the
19 claiming heirs' names, relationship to the
20 deceased, current addresses and current telephone
21 numbers,
 - 22 b. a statement or statements by the claiming heirs
23 that no application or petition for the
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- 1 appointment of a personal representative is
2 pending or has been granted in any jurisdiction,
- 3 c. a statement that the value of the deceased
4 member's entire estate is subject to probate, and
5 that the estate wherever located, less liens and
6 encumbrances, does not exceed Five Thousand
7 Dollars (\$5,000.00), including the payment of
8 benefits or unpaid contributions from the System
9 as authorized by this subsection,
- 10 d. a description of the personal property claimed,
11 (i.e., death benefit or unpaid contributions or
12 both) together with a statement that such
13 personal property is subject to probate,
- 14 e. a statement by each individual claiming heir
15 identifying the amount of personal property that
16 the heir is claiming from the System, and that
17 the heir has been notified of, is aware of and
18 consents to the identified claims of all the
19 other claiming heirs of the deceased member
20 pending with the System;
- 21 3. A written agreement or agreements signed by all
22 claiming heirs of the deceased member which provides
23 that the claiming heirs release, discharge and hold
24 harmless the System from any and all liability,

1 obligations and costs which it may incur as a result
2 of making a payment to any of the deceased member's
3 heirs;

4 4. A corroborating affidavit from an individual other
5 than a claiming heir, who was familiar with the
6 affairs of the deceased member;

7 5. Proof that all debts of the deceased member, including
8 payment of last sickness, hospital, medical, death,
9 funeral and burial expenses have been paid or provided
10 for.

11 (b) The Executive Director of the System shall retain complete
12 discretion in determining which requests for probate waiver may be
13 granted or denied, for any reason. Should the System have any
14 question as to the validity of any document presented by the
15 claiming heirs, or as to any statement or assertion contained
16 therein, the probate requirement provided for in Section 1 et seq.
17 of Title 58 of the Oklahoma Statutes, shall not be waived.

18 (c) After paying any death benefits or unpaid contributions to
19 any claiming heirs as provided pursuant to this subsection, the
20 System is discharged and released from any and all liability,
21 obligation and costs to the same extent as if the System had dealt
22 with a personal representative of the deceased member. The System
23 is not required to inquire into the truth of any matter specified in
24 this subsection or into the payment of any estate tax liability.

1 (14) Upon the death of a retired member, the benefit payment
2 for the month in which the retired member died, if not previously
3 paid, shall be made to the beneficiary of the member or to the
4 member's estate if there is no beneficiary. Such benefit payment
5 shall be made in an amount equal to a full monthly benefit payment
6 regardless of the day of the month in which the retired member died.

7 SECTION 2. This act shall become effective July 1, 2015.

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

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