

SHORT TITLE: Law enforcement; the Oklahoma Law Enforcement Retirement System; extending pension benefits to certain surviving spouses who remarried; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1008

By: Brown

AS INTRODUCED

An Act relating to law enforcement; amending 47 O.S. 1991, Section 2-306, as last amended by Section 14, Chapter 322, O.S.L. 1993 (47 O.S. Supp. 1993, Section 2-306), which relates to the Oklahoma Law Enforcement Retirement System, extending pension benefits to certain surviving spouses who remarried; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-306, as last amended by Section 14, Chapter 322, O.S.L. 1993 (47 O.S. Supp. 1993, Section 2-306), is amended to read as follows:

Section 2-306. A. Upon the death of a retired member or upon the death of any member prior to retirement or other termination of covered employment, a monthly pension shall be paid which shall be in an amount as provided below:

1. If the member was not retired and death occurred as the direct result of the performance of the member's duties as an officer, an amount equal to the monthly payments which would have been received by the member under subsection B of Section 2-305 of this title, had the member been totally disabled; or

2. If the member was not retired and death occurred other than as the direct result of the performance of the member's duties as an officer, an amount equal to the monthly payments which would have

been received by the member under subsection C of Section 2-305 had the member been totally disabled; or

3. If said member was retired for length of service, an amount equal to the member's monthly payments; or

4. If said member was retired for total disability, an amount equal to the member's monthly payments; or

5. If said member was retired for partial disability, an amount equal to the monthly payments which would have been received by said member had the member been totally disabled.

B. The pension provided for in subsection A of this section shall be paid:

1.
  - a. ~~To~~ in the event of the death of an active or retired member occurring prior to January 1, 1980, to the surviving spouse for such time as the surviving spouse remains unmarried, provided the surviving spouse was married to the member continuously for thirty-six (36) months immediately preceding the member's retirement date, provided a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer shall not be subject to the thirty-six-month marriage requirement for survivor benefits. Upon remarriage of the surviving spouse, there shall be no further pension payment to any person, or
  - b. if there is no eligible surviving spouse or upon the death of a spouse, who has not remarried, to the person having the care and custody of any surviving child or children of said member for such time as such child or children are under the age of eighteen (18) years, or

- c. if there is no surviving spouse or children under the age of eighteen (18) years, to the dependent parent or parents of said member for life;
- 2. a. in the event of the death of an active or retired member occurring on or after January 1, 1980, to the surviving spouse, provided the surviving spouse was married to the member continuously for the thirty-six (36) months immediately preceding the member's retirement date, provided a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer, shall not be subject to the thirty-six-month marriage requirement for survivor benefits~~†~~, or
- ~~2.~~ b. ~~If~~ if there is no surviving spouse or upon the death of a spouse, to the person having the care and custody of any surviving child or children of said member for such time as such child or children are under the age of eighteen (18) years, or
- c. if there is no surviving spouse or children under the age of eighteen (18) years, to the dependent parent or parents of said member for life.

Remarried surviving spouses falling within this paragraph shall be eligible to receive the pension benefits provided for in subsection A of this section. To receive the pension benefits provided for in subsection A of this section, the remarried surviving spouse falling within this paragraph shall submit a written request for such benefits to the Oklahoma Law Enforcement Retirement System. The Oklahoma Law Enforcement Retirement System shall approve requests by remarried surviving spouses meeting the requirements of this paragraph. Upon approval by the Oklahoma Law Enforcement Retirement System, the remarried

surviving spouse shall be entitled to the pension benefits provided for in subsection A of this section beginning from the date of approval forward. Pension benefits provided to remarried surviving spouses falling within this paragraph shall not apply to alter any amount of pension benefits paid or due prior to the Oklahoma Law Enforcement Retirement System's approval of the remarried surviving spouse's written request for benefits; or

3. If there ~~be~~ is no surviving spouse or children under the age of eighteen (18) years, to the dependent parent or parents of said member, for life.

C. In addition to the pension above provided for, if said member leaves a surviving spouse and one or more children under the age of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled ~~full-time~~ full time in an accredited school of learning, One Hundred Dollars (\$100.00) a month shall be paid from said Fund for the support of each surviving child to the person having the care and custody of such children during such time as said spouse remains alive and until each child reaches the age of eighteen (18) years or reaches the age of twenty-two (22) years if the child is enrolled ~~full-time~~ full time in an accredited school of learning.

SECTION 2. This act shall become effective July 1, 1994.

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.

44-2-1517

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