

ENGROSSED HOUSE AMENDMENTS
TO
ENGROSSED SENATE BILL NO. 349

By: Hendrick and Taylor of
the Senate

and

Steidley of the House

(retirement - Uniform Retirement System for Justices and
Judges - effective date - emergency)

AUTHOR: Add the following Senate Coauthor: Henry

AMENDMENT NO. 1. Page 1, line 12, strike the enacting clause

AMENDMENT NO. 2. Page 3, line 35 1/2, insert a new Section 3 to
read

"SECTION 3. AMENDATORY 20 O.S. 1991, Section 1111, as
amended by Section 7, Chapter 322, O.S.L. 1993 (20 O.S. Supp. 1994,
Section 1111), is amended to read as follows:

Section 1111. A. Except as otherwise provided by this section,
any annuity, benefit, fund, property or right created by or accruing
to any person under any provision of The Uniform Retirement System
for Justices and Judges, Section 1101 et seq. of this title, are
hereby made and declared exempt from and not subject to execution,
garnishment, or attachment or any other process or claim whatsoever,
and shall be unassignable except as specifically provided by said
act.

B. 1. The provisions of subsection A of this section shall not
apply to a qualified domestic order as provided pursuant to this
subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member and which creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to receive a portion of the benefits payable with respect to a member of the System.

3. To qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on The Uniform Retirement System for Justices and Judges and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by The Uniform Retirement System for Justices and Judges to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided

under state law as relates to The Uniform Retirement System for Justices and Judges,

- b. does not require The Uniform Retirement System for Justices and Judges to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by The Uniform Retirement System for Justices and Judges as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date of the related member.

8. The obligation of The Uniform Retirement System for Justices and Judges to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

10. The Board of Trustees of the Oklahoma Public Employees Retirement System shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board of Trustees of the Oklahoma Public Employees Retirement System pursuant to this subsection in order to continue receiving his or her benefit.

C. The provisions of subsection A of this section shall not apply to any action for child support. The provisions of this

subsection shall only have prospective application with regards to
child support orders which become final after November 1, 1995."

and renumber subsequent sections

and when title is restored, amend accordingly

Passed the House of Representatives the 5th day of April, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate