

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 2094

By: Roberts of the House
and
Monson of the Senate

(Oklahoma Law Enforcement Retirement System - amending 47
O.S., Section 2-301 - effective date)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
clause, entire bill and insert

An Act relating to the Oklahoma Law Enforcement
Retirement System; amending 47 O.S. 1991, Section
2-305, as amended by Section 5, Chapter 351, O.S.L.
1994, and 2-309 (47 O.S. Supp. 1995, Section 2-
305), which relate to establishment of certain
system; and modifying references.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-305, as
amended by Section 5, Chapter 351, O.S.L. 1994 (47 O.S. Supp. 1995,
Section 2-305), is amended to read as follows:

Section 2-305. A. Except as otherwise provided in this title,
at any time after attaining normal retirement date, any member of
the System upon application therefor made and approved may retire
and, during the remainder of the member's lifetime, receive annual
retirement pay, payable in equal monthly payments, equal to two and
one-half percent (2 1/2%) of the final average salary times years of

credited service. No member shall be required to retire for length of service unless and until the member shall have reached the age of sixty (60) years, but any member of the System who shall have reached the age of sixty (60) years and who shall also have completed twenty (20) years or more of credited service shall be retired by the Board unless, after application to the Board and such examination and showing as the Board may deem proper, the Board shall determine that such member of the System is physically and mentally able to continue to perform duties or service as required of a member. Unless such application be made by a member of the System within thirty (30) days after reaching the age of sixty (60) years and completing twenty (20) years or more of credited service or if, after such application and examination, the Board shall determine that such member of the System is not physically or mentally able to continue to perform services as required of the employer, the Board shall by resolution order his retirement with retirement pay for length of service as provided herein.

B. Beginning July 1, 1994, members who retired or were eligible to retire prior to July 1, 1980 or their surviving spouses shall receive annual retirement pay, payable in equal monthly payments, equal to the greater of their current retirement pay, or two and one-half percent (2 1/2%) of the actual paid gross salary being currently paid to a highway patrol officer, at the time each such monthly retirement payment is made, multiplied by the retired member's years of credited service.

C. A member who meets the definition of disability as defined in Section 2-300 of this title and whose disability occurred prior to the member's normal retirement date and by direct reason of the performance of the member's duties as an officer shall receive a monthly benefit equal to the greater of fifty percent (50%) of final average salary or two and one-half percent (2 1/2%) of final average

salary multiplied by the number of years of the member's credited service.

D. A member who meets the definition of disability as defined in Section 2-300 of this title and whose disability occurred prior to the member's normal retirement date but after completing three (3) years of vesting service and not by reason of the performance of the member's duties as an officer or as a result of the member's willful negligence shall receive a monthly benefit equal to two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of the member's credited service. For the purpose of determining the member's disability under the System, the member shall be required by the Board to be examined by a minimum of two recognized physicians selected by the Board to determine the extent of his injury or illness. The examining physicians shall furnish the Board a detailed written report of the injury or illness of the examined member establishing the extent of disability and the possibilities of the disabled member being returned to his regular duties or an alternate occupation or service covered by the System after a normal recuperating period.

E. Payment of a disability pension shall commence as of the first day of the month coinciding or next following the date of retirement and shall continue as long as the member meets the definition of total and permanent disability provided in this section.

F. The Board shall require all retired disabled members who have not attained their normal retirement date to submit to a physical examination once each year for the three (3) years following retirement. The Board shall select a minimum of two physicians to examine the retired members and pay for their services from the fund. Any retired disabled member found no longer disabled by the examining physicians to perform the occupation of the member or an alternate occupation or service covered by the System shall be

required to return to duty and complete twenty (20) years of service as provided in subsection A of this section, or forfeit all his rights and claims under this act.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-309, is amended to read as follows:

Section 2-309. Claims for pensions, retirement pay, medical expenses, hospital expenses, and any other allowances or benefits provided for under the System shall be allowed and paid only upon application therefor signed and verified by the affidavit of the person claiming to be entitled thereto, filed with the Board. All such claims shall be presented at the first regular meeting of the Board, or a special meeting called for that purpose by the President and Secretary of the Board, and no claim shall be approved or allowed except by vote of a majority of the Board. The Board shall have full power and authority to determine all questions of eligibility for membership in the System, eligibility for retirement, eligibility to continue membership, injury, illness, disability, the extent of disability, the percentage of disability, ability or inability to perform the duties connected with any employment, age, length of service, credits for service, and, in connection with determining any such question, may secure and pay for the services of a minimum of two physicians or surgeons to make an examination of the member or applicant and report upon such matter. The proceedings of the Board shall be kept by the Secretary of the Board and reduced to writing in books kept for that purpose and shall include all claims filed, allowed or rejected and a copy of each resolution, action or order of the Board. Any objection to the allowance or disallowance of any claim presented to the Board shall be presented to the Board within ~~sixty (60)~~ thirty (30) days after notification of such allowance or disallowance, and, the Board shall set a date for hearing thereon and shall cause written notice of such hearing to be mailed to the claimant and to the contestant,

if the contestant be one other than a member of the Board, not less than ten (10) days prior to such hearing, at which hearing evidence bearing upon the propriety and correctness of the claim may be introduced. Any and all evidence introduced upon such a hearing shall be taken and transcribed by, or under the supervision of, the Secretary of the Board, and a copy thereof, together with a copy of the order or decision of the Board, shall be kept as a part of the official record of the Board. Any person aggrieved by any action of the Board may appeal to the district court of Oklahoma County, Oklahoma, by filing in the office of the court clerk of said county, within ~~sixty (60)~~ thirty (30) days after the signing and filing of the Board's written decision or order in the matter, a petition setting forth such order or decision and the grounds upon which such appeal is taken, together with a true and complete transcript of the proceedings before the Board, and causing summons to be issued and served, as in civil actions, upon the President of the Board. Said district court is hereby vested with final appellate jurisdiction in such matters, shall try the same wholly upon the transcript of the proceedings before the Board, and shall act solely as an appellate court in such proceedings."

Passed the Senate the 2nd day of April, 1996.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1996.

Speaker of the House of Representatives