

ENROLLED SENATE
BILL NO. 472

By: Henry of the Senate

and

Kinnamon of the House

An Act relating to The Uniform Retirement System for Justices and Judges; amending 20 O.S. 1991, Sections 1104, as amended by Section 2, Chapter 318, O.S.L. 1995, 1307, as last amended by Section 6, Chapter 339, O.S.L. 1996, 1308, as last amended by Section 2, Chapter 193, O.S.L. 1995 and 1309, as amended by Section 7, Chapter 225, O.S.L. 1994 (20 O.S. Supp. 1996, Sections 1104, 1307, 1308 and 1309), which relate to retirement compensation; authorizing certain members and surviving spouses to elect computation of benefits using certain final average salary; prohibiting benefit in excess of certain percentage of average monthly salary; deleting references to payment from certain court fund money to the State Judicial Retirement Fund; requiring certain contributions be made to the State Judicial Retirement Fund; prohibiting the reduction of funded ratio below a certain level; authorizing the Board of Trustees of the Oklahoma Public Employees Retirement System to adjust contributions; requiring an annual report; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 20 O.S. 1991, Section 1104, as amended by Section 2, Chapter 318, O.S.L. 1995 (20 O.S. Supp. 1996, Section 1104), is amended to read as follows:

Section 1104. A. Each justice or judge who is a member of The Uniform Retirement System for Justices and Judges upon retirement shall be entitled to receive as retirement compensation, until changed by the Legislature, an annual amount, each monthly payment of which shall be in an amount equal to four percent (4%) of the average monthly salary received by him or her as a justice or judge based on the last three (3) years of active service multiplied by the number of total years of service as a justice or judge of a court of record. Provided, however, that no justice or judge may receive a monthly retirement benefit in excess of seventy percent (70%) of the average monthly salary based on the last three (3) years of active service and found applicable to such justice or judge at the time of retirement. Retirement compensation shall be payable monthly out of the State Judicial Retirement Fund by warrants prepared by the Executive Director of the Public Employees Retirement System and issued by the State Treasurer.

B. Effective July 1, 1997, each justice or judge who was a member of The Uniform Retirement System for Justices and Judges at the time of retirement who initially began receiving benefits before July 1, 1995, or their eligible surviving spouse, may elect on or before July 1, 1998, to receive as retirement compensation, prospectively only from the date of election, an annual amount, each monthly payment of which shall be in an amount equal to four percent (4%) of the average monthly salary received by the justice or judge based on the last three (3) years of active service multiplied by the number of total years of service of the justice or judge of a court of record. Provided, however, that no justice or judge may receive a monthly retirement benefit in excess of seventy percent (70%) of the average monthly salary based on the last three (3) years of active service and found applicable to the justice or judge at the time of retirement. No surviving spouse shall receive a retirement benefit pursuant to this subsection in excess of what is allowed under this act. Retirement compensation shall be payable monthly out of the State Judicial Retirement Fund by warrants prepared by the Executive Director of the Oklahoma Public Employees Retirement System and issued by the State Treasurer.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 1307, as last amended by Section 6, Chapter 339, O.S.L. 1996 (20 O.S. Supp. 1996, Section 1307), is amended to read as follows:

Section 1307. A. Within thirty (30) days after the end of each quarter of every fiscal year, the court clerk of each county shall report to the Supreme Court, in such manner as prescribed by the Supreme Court, the receipts that have been deposited in the court fund and the disbursements therefrom for the preceding quarter of the year and the total amount in the fund at the end of the quarter.

B. In the report for the last quarter of every fiscal year, the court clerk shall, in addition to other information required, submit the following data:

1. The gross receipts to the court fund during the entire last fiscal year;
2. The total amount of expenses paid during the entire last fiscal year, including, but not limited to, bond and interest expense and payments to the county general fund; and
3. The total amount of money transferred, and to be transferred, to the State Judicial Fund for the entire last fiscal year as set forth in Section 1308 of this title.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 1308, as last amended by Section 2, Chapter 193, O.S.L. 1995 (20 O.S. Supp. 1996, Section 1308), is amended to read as follows:

Section 1308. At the time the report required by Section 1307 of this title is made, clerks in counties having a population of less than seventy thousand (70,000) must transmit for deposit in the State Judicial Fund the amount by which the receipts deposited in the court fund for the reporting period, including the interest earned on the court fund, exceeds the expenses for the reporting period, provided the court clerk shall retain from the excess amount a sum equal to twenty percent (20%) of the expenses for the quarter. Clerks in counties having a population of seventy thousand (70,000) or more shall transmit each month for deposit in the State Judicial Fund the amount by which the receipts deposited in the court fund for the reporting period, including interest earned on the court fund, exceeds the expenses for the reporting period, provided the clerk shall retain from the excess amount a sum equal to twenty percent (20%) of the expenses for the reporting period. Within thirty (30) days after the end of each fiscal year, the court clerk, in addition to the other amounts due hereunder, shall transmit to the Supreme Court for deposit in the State Judicial Fund an amount equal to the gross receipts for the entire past fiscal year less the total amount of expenses, as defined in subsection B of Section 1307 of this title, and less the transfers made for the past fiscal year.

SECTION 4. AMENDATORY 20 O.S. 1991, Section 1309, as amended by Section 7, Chapter 225, O.S.L. 1994 (20 O.S. Supp. 1996, Section 1309), is amended to read as follows:

Section 1309. A. All remittances transmitted to the Supreme Court for deposit to the State Judicial Fund and to the State Judicial Retirement Fund shall be placed by the Administrative Director of the Courts in a clearing account and thence transferred to the proper fund after refunds directed by State Auditor and Inspector have been effected or thirty (30) days of receipt, whichever is the shorter period of time.

B. On and after July 1, 1997, the Administrative Director of the Courts, in addition to the members' contributions, shall transfer monthly amounts for deposit in the State Judicial Retirement Fund as set out in subsection A of this section and at the rates provided as follows:

1. From July 1, 1997, up to June 30, 1998, monthly contributions shall be fourteen and thirteen one-hundredths percent (14.13%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

2. From July 1, 1998, up to June 30, 1999, monthly contributions shall be fourteen and fifty-one one-hundredths percent (14.51%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

3. From July 1, 1999, up to June 30, 2000, monthly contributions shall be fourteen and eighty-nine one-hundredths percent (14.89%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

4. From July 1, 2000, up to June 30, 2001, monthly contributions shall be fifteen and twenty-seven one-hundredths percent (15.27%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

5. From July 1, 2001, up to June 30, 2002, monthly contributions shall be fifteen and sixty-four one-hundredths percent (15.64%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

6. From July 1, 2002, up to June 30, 2003, monthly contributions shall be sixteen and two one-hundredths percent (16.02%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

7. From July 1, 2003, up to June 30, 2004, monthly contributions shall be sixteen and four-tenths percent (16.4%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

8. From July 1, 2004, up to June 30, 2005, monthly contributions shall be sixteen and seventy-eight one-hundredths percent (16.78%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

9. From July 1, 2005, up to June 30, 2006, monthly contributions shall be seventeen and sixteen one-hundredths percent (17.16%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

10. From July 1, 2006, up to June 30, 2007, monthly contributions shall be seventeen and fifty-four one-hundredths percent (17.54%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

11. From July 1, 2007, up to June 30, 2008, monthly contributions shall be seventeen and ninety-two one-hundredths percent (17.92%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

12. From July 1, 2008, up to June 30, 2009, monthly contributions shall be eighteen and twenty-nine one-hundredths percent (18.29%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

13. From July 1, 2009, up to June 30, 2010, monthly contributions shall be eighteen and sixty-seven one-hundredths percent (18.67%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

14. From July 1, 2010, up to June 30, 2011, monthly contributions shall be nineteen and five one-hundredths percent (19.05%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

15. From July 1, 2011, up to June 30, 2012, monthly contributions shall be nineteen and forty-three one-hundredths percent (19.43%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

16. From July 1, 2012, up to June 30, 2013, monthly contributions shall be nineteen and eighty-one one-hundredths percent (19.81%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

17. From July 1, 2013, up to June 30, 2014, monthly contributions shall be twenty and nineteen one-hundredths percent (20.19%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

18. From July 1, 2014, up to June 30, 2015, monthly contributions shall be twenty and fifty-six one-hundredths percent (20.56%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

19. From July 1, 2015, up to June 30, 2016, monthly contributions shall be twenty and ninety-four one-hundredths percent (20.94%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges;

20. From July 1, 2016, up to June 30, 2017, monthly contributions shall be twenty-one and thirty-two one-hundredths percent (21.32%) of the monthly total actual paid gross salaries of

the members of The Uniform Retirement System for Justices and Judges; and

21. From July 1, 2017, through June 30, 2018, and each year thereafter, the monthly contributions shall be twenty-one and seven-tenths percent (21.7%) of the monthly total actual paid gross salaries of the members of The Uniform Retirement System for Justices and Judges.

C. Regardless of the contribution rates as set out in subsection B of this section, the State Judicial Retirement Fund shall not be allowed to have a funded ratio below one hundred percent (100%). The Board of Trustees of the Oklahoma Public Employees Retirement System is authorized to adjust such contribution rates annually, upon the consideration of an actuarial recommendation, to prevent a funded ratio below one hundred percent (100%). The Board of Trustees shall make an annual report concerning its decision to increase the contribution rates. The report shall be distributed to the Governor, the Chief Justice of the Supreme Court, the Legislative Service Bureau, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 5. This act shall become effective July 1, 1997.

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.