

SHORT TITLE: Retirement; Uniform Retirement System for Justices and Judges; removing disqualification for remarriage. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1285

By: Hendrick

AS INTRODUCED

An Act relating to retirement; amending 20 O.S. 1991, Section 1102A, as amended by Section 1, Chapter 318, O.S.L. 1995 (20 O.S. Supp. 1997, Section 1102A), which relates to the Uniform Retirement System for Justices and Judges; correcting grammar; removing disqualification for survivor benefits upon remarriage after certain date; 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 1102A, as amended by Section 1, Chapter 318, O.S.L. 1995 (20 O.S. Supp. 1997, Section 1102A), is amended to read as follows:

Section 1102A. A. Any Justice or judge of the Supreme Court, Court of Criminal Appeals, Court of Appeals, Workers' Compensation Court or district court who has reached the age of fifty-five (55) years and has served as Justice or judge of any of the named courts in the State of Oklahoma for a period of fifteen (15) continuous years or longer, next preceding application for disability retirement, may receive as retirement disability compensation a maximum monthly benefit in an amount equal to four percent (4%) of the average monthly salary received by him when he served as a Justice or judge based on the last three (3) years of active service

multiplied by the total number of years of service on the named courts. But in no event may such retirement disability exceed 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, when such Justice or judge is ordered to retire from office with compensation by the Court on the Judiciary for the reason of physical disability preventing the proper performance of official duty. The decree of the Court on the Judiciary shall set forth the amount of compensation the Justice or judge so retired shall receive, which compensation shall be payable out of the State Judicial Retirement Fund.

B. 1. The surviving spouse of a deceased Justice or judge having at least eight (8) years of service shall be entitled to receive survivor benefits in the amount herein prescribed, if married to the decedent on the day of the termination of his employment as a Justice or judge and has been so married to him continuously for a period of at least three (3) years immediately preceding his death.

2. Survivor benefits shall be payable in accordance with Section 1104A of this title if the surviving spouse has then attained the age of sixty (60) years or, if then under such age, immediately upon his attainment of that age or if the surviving spouse is disabled or when the deceased member served for a minimum of ten (10) years and the Workers' Compensation Court determines that the death arose out of and in the course of employment or when the deceased member would have met the requirements for retirement, whichever occurs first.

3. The amount of the benefits the surviving spouse may receive shall be as follows:

- a. fifty percent (50%) of the amount of benefits the deceased Justice or judge was receiving immediately prior to his death; or
- b. fifty percent (50%) of the amount the deceased Justice or judge would have been entitled to receive on the date of his death, the annual rate of such benefits to be determined without regard to whether the deceased Justice or judge had attained minimum retirement age at the time of his death.

4. Remarriage of a surviving spouse, prior to the spouse reaching the age of sixty (60) years, shall disqualify the spouse for the receipt of survivor benefits. The disqualification of survivor benefits, pursuant to this paragraph, shall not apply to remarriages on or after July 1, 1998.

C. Any Justice, judge or surviving spouse meeting the requirements for disability retirement benefits as provided in this section may make application to the Court on the Judiciary for a determination of disability retirement benefits. The Justice, judge or surviving spouse making application shall be required by the Court on the Judiciary to be examined by two recognized physicians selected by the Court to determine the extent of disability of such applicant. The examining physicians shall furnish the Court a detailed written report of the disability of the examined applicant. The Court shall then determine whether the applicant, if he is a Justice or judge, has a disability preventing the proper performance of his official duties. If the applicant is a surviving spouse the court shall determine whether such surviving spouse is disabled. If the Court determines that the applicant is disabled, the Court shall order disability retirement benefits as provided by this section. The Court shall require all persons receiving disability benefits to submit to a physical examination once each year for the three (3) years following the start of disability benefits. The Court shall

select two physicians to examine such persons and if they are found no longer disabled by the examining physicians the Court shall terminate such disability benefits. The Justice, judge or surviving spouse shall then be entitled to receive such other benefits as they may be entitled to by law.

SECTION 2. This act shall become effective July 1, 1998.

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.

46-2-2370

SJ