

ENGROSSED SENATE
BILL NO. 1517

By: Long of the Senate

and

Taylor of the House

[benefits - Oklahoma Police Pension and Retirement
System - disability benefits - deleting certain
references to permanent and partial disabilities -
effective date -

emergency]

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 50-115, as last amended by Section 2, Chapter 167, O.S.L. 1999 (11 O.S. Supp. 1999, Section 50-115), is amended to read as follows:

Section 50-115. A. The State Board is authorized to pay a disability benefit to a member of the System or a pension to the beneficiaries of such member eligible as hereinafter provided, ~~not exceeding the accrued retirement benefit of the member, except as otherwise provided in this article.~~ Such disability benefit shall be payable immediately upon determination of eligibility. Any preexisting condition identified at the time of any initial or subsequent membership shall be used to offset the percentage of impairment to the whole person in determining any disability benefit. Once the initial disability benefit has been awarded by the Board ~~on the basis of the percentage of impairment to the whole person,~~ the member shall have no further recourse to increase the awarded percentage of impairment.

B. In order for any member to be eligible for any disability benefit, or the member's beneficiaries to be eligible for a pension, the member must have complied with any agreement as to contributions

by the member and other members to any funds of the System where said agreement has been made as provided by this article; and the State Board must find:

1. That the member incurred a ~~permanent total disability or a permanent partial~~ disability or died while in the line of duty, and ~~in consequence of, the performance of duty as an officer;~~ or

2. That such member has served ten (10) years and incurred a permanent total disability or a permanent partial disability or has died, not in the line of duty ~~from any cause~~.

C. In the event of the death of any member who has been awarded a disability benefit ~~or is eligible therefor as provided in this article~~ from a disability incurred in the line of duty or is eligible therefor or for a member who died in the line of duty, the member's beneficiary shall be paid the benefit as provided in paragraph 1 of subsection D of this section.

D. 1. Upon determination by the State Board that a member is physically or mentally disabled and that the disability ~~is permanent and total~~ and was incurred while in, ~~and in consequence of, the performance of duty as an officer~~ the line of duty, the member shall be awarded ~~the normal~~ a monthly disability benefit equal to one-half (1/2) of the average paid gross salary of the member for normally scheduled hours over the highest salaried thirty (30) consecutive months of the last sixty (60) months of credited service.

2. ~~Upon determination by the State Board that a member is physically or mentally disabled and that the disability is permanent and partial and was incurred while in, and in consequence of, the performance of duty as an officer, the member shall be awarded a disability benefit on the basis of the percentage of impairment to the whole person, as defined by the most current standards of the impairment as outlined in the "American Medical Association's Guides to the Evaluation of Permanent Impairment", as provided in the following table:~~

~~1% to 24% impairment to whole person = 25% of the normal disability benefit~~

~~25% to 49% impairment to whole person = 50% of the normal disability benefit~~

~~50% to 74% impairment to whole person = 75% of the normal disability benefit~~

~~75% to 99% impairment to whole person = 90% of the normal disability benefit.~~

~~Pursuant only to permanent partial disability incurred while in, and in consequence of, the performance of duty as an officer, if the participating municipality denies a disabled member the option of continuing employment instead of retiring under the above provisions, then the burden of proof rests with the participating municipality to show cause to the State Board that there is no position as a sworn officer within the police department of that municipality which the member can fill.~~

~~3.~~ Upon determination by the State Board that a member is physically or mentally disabled and that the disability is permanent and total and that the member has completed ten (10) years of credited service and is disabled by any cause not in the line of duty, the member shall receive a disability benefit on the basis of the member's accrued retirement benefit.

~~4.~~ 3. Upon determination by the State Board that a member is physically or mentally disabled and that the disability is permanent and partial and that the member has completed ten (10) years of credited service as a member and is disabled from any cause not in the line of duty, the member shall be awarded a disability benefit on the basis of the member's years of credited service as a member and the percentage of impairment to the whole person, as defined by the most current standards of the impairment as outlined in the "American Medical Association's Guides to the Evaluation of Permanent Impairment", on the basis of the following table:

1% to 24% impaired = 25% of accrued retirement benefit

25% to 49% impaired = 50% of accrued retirement benefit

50% to 74% impaired = 75% of accrued retirement benefit

75% to 99% impaired = 90% of accrued retirement benefit.

~~5.~~ 4. Upon determination by the State Board that a member has completed ten (10) years of credited service and dies ~~from any cause not in the line of duty~~, the member's beneficiary shall receive the member's accrued retirement benefit.

E. If the participating municipality denies a disabled member the option of continuing employment instead of retiring pursuant to this section, then the burden of proof rests with the participating municipality to show cause to the State Board that there is no position as a sworn officer within the police department of that municipality which the member can fill.

~~D.~~ F. Before making a finding as to the disability of a member, the State Board shall require that, if the member is able, the member shall make a certificate as to the disability which shall be subscribed and sworn to by the member. It shall also require a certificate as to such disability to be made by some physician licensed to practice in this state as selected by the State Board. The State Board may require other evidence of disability before making the disability benefit. The salary of any such member shall continue while the member is so necessarily confined to such hospital bed or home and necessarily requires medical care or professional nursing on account of such sickness or disability for a period of not more than six (6) months, after which said period the other provisions of this article may apply. The State Board, in making disability benefits, shall act upon the written request of the member or without such request, if it ~~deem~~ deems that it is for the good of the police department. Any disability benefits shall cease when the member receiving ~~same~~ such disability benefits shall be restored to active commissioned police officer service at a

salary not less than three-fourths (3/4) of the member's average monthly salary.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50-136.4 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. Beginning in the month of July, 2000, every person receiving retirement benefits from the System as of June 30, 1999, who continues to receive benefits on or after July 1, 2000, shall receive an increase in such benefits equal to _____ percent (___%) of the retirement benefit such person is receiving on July 1, 2000.

B. Any increase in benefits a person is eligible to receive pursuant to repealed Section 50-120 of Title 11 of the Oklahoma Statutes, after June 30, 1998, shall be offset by the increase in benefits, if any, provided by this section, unless previously offset.

SECTION 3. This act shall become effective July 1, 2000.

SECTION 4. 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.

Passed the Senate the 13th day of March, 2000.

President of the Senate

Passed the House of Representatives the ____ day of _____,
2000.

Speaker of the House of
Representatives