

SB 1059

THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 1059
As Amended

SENATE BILL NO. 1059 - By: Johnson (Mike) of the Senate and Terrill of the House.

[courts - Uniform Retirement System for Justices and Judges
- employer contribution rates - effective dates -
emergency]

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 1103.1, as last amended by Section 7, Chapter 536, O.S.L. 2004 (20 O.S. Supp. 2008, Section 1103.1), is amended to read as follows:

Section 1103.1 A. ~~On and after January 1, 2001, 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 Section 1309 of this title equal to two percent (2.0%) of the monthly total actual paid gross salaries of the members of the Uniform Retirement System for Justices and Judges. Effective July 1, 2005, such amounts transferred by January 1, 2010, the Administrative Director of the Courts shall be as follows:~~

Fiscal Year Ending	Percentage of Contribution
June 30, 2006	3.0%
June 30, 2007	4.0%

1	June 30, 2008	5.5%
2	June 30, 2009	7.0%
3	June 30, 2010	8.5%
4	June 30, 2011	10.0%
5	June 30, 2012	11.5%
6	June 30, 2013	13.0%
7	June 30, 2014	14.5%
8	June 30, 2015	16.0%
9	June 30, 2016	17.5%
10	June 30, 2017	19.0%
11	June 30, 2018	20.5%
12	June 30, 2019 and thereafter	22.0%

13 ~~B. Regardless of the contribution rate as set out in subsection~~
14 ~~A of this section, transfer monthly amounts for deposit in the State~~
15 ~~Judicial Retirement Fund to pay the employer contributions for all~~
16 ~~active members of the Uniform Retirement System for Justices and~~
17 ~~Judges. It is the intent of the Oklahoma Legislature that the State~~
18 ~~Judicial Retirement Fund shall not be allowed to~~ should have a
19 funded ratio ~~below~~ of one hundred percent (100%). The Board of
20 Trustees of the Oklahoma Public Employees Retirement System is
21 authorized to establish and adjust ~~such~~ the employer contribution
22 rate annually, upon the consideration of an actuarial
23 recommendation, ~~to prevent a funded ratio below one hundred percent~~

1 ~~(100%)~~ at the actuarially required employer contribution rate. If a
2 possible increase in any given year to the full actuarially required
3 rate is in excess of three percent (3%) of compensation, the Board
4 may adopt a plan to raise the contribution rates over a period of up
5 to five (5) years until reaching the full actuarially required rate.
6 The Board may consider the availability of funds to the
7 Administrative Director of the Courts in establishing the annual
8 contribution rate. The Board of Trustees shall make an annual
9 report concerning its decision ~~to increase~~ establishing the
10 contribution rate. The report shall be distributed to the Governor,
11 the Chief Justice of the Supreme Court, the Legislative Service
12 Bureau, the Speaker of the House of Representatives and the
13 President Pro Tempore of the Senate.

14 C. B. The Administrative Director of the Courts shall remit to
15 the System all required retirement contributions due on a monthly
16 basis. All required court and employee contributions and supporting
17 documentation are due and must be received by the System on or
18 before the fifteenth day of the month following the month for which
19 the contributions are due. Court and employee contributions
20 remitted to the System after thirty (30) days from the above due
21 date shall be subject to a monthly late charge of one and one-half
22 percent (1.5%) of the unpaid balance to be paid by the
23 Administrative Director of the Courts to the System.

1 SECTION 2. AMENDATORY 20 O.S. 2001, Section 1307, as
2 last amended by Section 5, Chapter 443, O.S.L. 2004 (20 O.S. Supp.
3 2008, Section 1307), is amended to read as follows:

4 Section 1307. A. Within thirty (30) days after the end of each
5 quarter of every fiscal year, the court clerk of each county shall
6 report to the Administrative Director of the Courts, in the manner
7 prescribed by law for the reporting of information by agencies to
8 the Office of State Finance pursuant to Section 41.1 et seq. of
9 Title 62 of the Oklahoma Statutes, the:

10 1. Gross receipts to the court fund during the preceding
11 quarter;

12 2. Total amount of expenses paid during the preceding quarter,
13 including, but not limited to, bond and interest expense and
14 payments to the county general fund; and

15 3. Total amount of money transferred or to be transferred to
16 the State Judicial Revolving Fund and the State Judicial Retirement
17 Fund for the entire past fiscal year as set forth in Section 1308 of
18 this title.

19 B. The Administrative Director of the Courts shall subsequently
20 report the information required by ~~subparagraphs~~ paragraphs 1 and 2
21 of subsection A of this section within ten (10) days after receipt
22 of the information to the Office of State Finance in a manner
23 consistent with the policies and procedures of the Office of State

1 Finance for reporting by state agencies pursuant to the provisions
2 of Section 41.1 et seq. of Title 62 of the Oklahoma Statutes.

3 C. The information required by this section for reporting by
4 court clerks pursuant to subsection A of this section and for
5 reporting by the Administrative Director of the Courts pursuant to
6 subsection B of this section shall be in a form that separates
7 fines, fees, forfeitures and other sources of revenue. The
8 information shall also indicate the amount of receipts used for
9 local court expenses and the amount deposited into the State
10 Judicial Revolving Fund.

11 D. A ceiling on the amount of local court funds to be allocated
12 by the Chief Justice of the Supreme Court for the local court
13 budgets shall be established in the annual appropriation to the
14 courts.

15 E. Not later than December 1 and February 1 of each year, the
16 Administrative Director of the Courts shall provide an estimate of
17 the amount of funds to accrue to the State Judicial Revolving Fund
18 in the subsequent fiscal year.

19 SECTION 3. AMENDATORY 20 O.S. 2001, Section 1308, as
20 amended by Section 6, Chapter 443, O.S.L. 2004 (20 O.S. Supp. 2008,
21 Section 1308), is amended to read as follows:

22 Section 1308. A. Clerks in counties having a population of
23 less than seventy thousand (70,000) must transmit each quarter for

1 deposit in the State Judicial Revolving Fund the amount by which the
2 receipts deposited in the court fund for the quarter, including the
3 interest earned on the court fund, exceeds the expenses for the
4 quarter, provided the court clerk shall retain from the excess
5 amount a sum equal to twenty percent (20%) of the expenses for the
6 quarter. Clerks in counties having a population of seventy thousand
7 (70,000) or more shall transmit each month for deposit in the State
8 Judicial Revolving Fund the amount by which the receipts deposited
9 in the court fund for the reporting period for the report required
10 by Section 1307 of this title, including interest earned on the
11 court fund, exceeds the expenses for the reporting period, provided
12 the clerk shall retain from the excess amount a sum equal to twenty
13 percent (20%) of the expenses for the reporting period. Within
14 thirty (30) days after the end of each fiscal year, the court clerk,
15 in addition to the other amounts due hereunder, shall transmit to
16 the Supreme Court for deposit in the State Judicial Revolving Fund
17 an amount equal to the gross receipts for the entire past fiscal
18 year less the total amount of expenses, as defined in subsection A
19 of Section 1307 of this title, and less the transfers made for the
20 past fiscal year.

21 B. The court clerk must transmit to the Administrative Director
22 of the Courts ten percent (10%) of the amount collected in the court
23 fund for the applicable reporting period in subsection A of this

1 section, to be used to pay the employer contributions into the State
2 Judicial Retirement Fund. If the funds received under this
3 subsection from the court funds are insufficient to pay employer
4 contributions, the Administrative Director shall use other available
5 funds. If at the end of any fiscal year the amount received under
6 this subsection from court funds is insufficient to pay employer
7 contributions, the Administrative Director shall use other available
8 funds. If at the end of any fiscal year the amount received under
9 this subsection is greater than the amount necessary to pay the
10 employer contribution into the State Judicial Retirement Fund and to
11 have a funded ratio of one hundred percent (100%), the
12 Administrative Director shall report the excess amount to the Office
13 of State Finance on or before the deadline to file budget requests,
14 and shall also report the excess amount to the chairs of the Senate
15 Appropriations Committee and the House Appropriations and Budget
16 Committee. After reporting the excess amount, the Administrative
17 Director shall pay the excess amount to the Uniform Retirement
18 System for Justices and Judges.

19 SECTION 4. Sections 2 and 3 of this act shall become effective
20 July 1, 2009.

21 SECTION 5. Section 1 of this act shall become effective January
22 1, 2010.

1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
6 PASS, As Amended and Coauthored.