

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

SENATE BILL 1059

By: Johnson (Mike)

AS INTRODUCED

An Act relating to courts; amending 20 O.S. 2001, Sections 1103.1, as last amended by Section 7, Chapter 536, O.S.L. 2004, 1307, as last amended by Section 5, Chapter 443, O.S.L. 2004 and 1308, as amended by Section 6, Chapter 443, O.S.L. 2004 (20 O.S. Supp. 2008, Sections 1103.1, 1307 and 1308), which relate to the Uniform Retirement System for Justices and Judges; modifying employer contribution rates; stating legislative intent; modifying the Board of Trustees' ability to raise contribution rates; requiring court clerk to report amount of money transferred to the State Judicial Retirement Fund; requiring court clerk to transmit certain percentage of funds into the State Judicial Retirement Fund; directing the Administrative Director of the Courts to take certain actions under certain conditions; providing effective dates; and declaring an 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~~

1 ~~State Judicial Retirement Fund as set out in Section 1309 of this~~
 2 ~~title equal to two percent (2.0%) of the monthly total actual paid~~
 3 ~~gross salaries of the members of the Uniform Retirement System for~~
 4 ~~Justices and Judges. Effective July 1, 2005, such amounts~~
 5 ~~transferred by January 1, 2010, the Administrative Director of the~~
 6 ~~Courts shall be as follows:~~

Fiscal Year Ending	Percentage of Contribution
June 30, 2006	3.0%
June 30, 2007	4.0%
June 30, 2008	5.5%
June 30, 2009	7.0%
June 30, 2010	8.5%
June 30, 2011	10.0%
June 30, 2012	11.5%
June 30, 2013	13.0%
June 30, 2014	14.5%
June 30, 2015	16.0%
June 30, 2016	17.5%
June 30, 2017	19.0%
June 30, 2018	20.5%
June 30, 2019 and thereafter	22.0%

22 ~~B. Regardless of the contribution rate as set out in subsection~~
 23 ~~A of this section, transfer monthly amounts for deposit in the State~~
 24 ~~Judicial Retirement Fund to pay the employer contributions for all~~

1 active members of the Uniform Retirement System for Justices and
2 Judges. It is the intent of the Oklahoma Legislature that the State
3 Judicial Retirement Fund shall not be allowed to should have a
4 funded ratio below of one hundred percent (100%). The Board of
5 Trustees of the Oklahoma Public Employees Retirement System is
6 authorized to establish and adjust such the employer contribution
7 rate annually, upon the consideration of an actuarial
8 recommendation, to prevent a funded ratio below one hundred percent
9 (100%) at the actuarially required employer contribution rate. If a
10 possible increase in any given year to the full actuarially required
11 rate is in excess of three percent (3%) of compensation, the Board
12 may adopt a plan to raise the contribution rates over a period of up
13 to five (5) years until reaching the full actuarially required rate.
14 The Board may consider the availability of funds to the
15 Administrative Director of the Courts in establishing the annual
16 contribution rate. The Board of Trustees shall make an annual
17 report concerning its decision to increase establishing the
18 contribution rate. The report shall be distributed to the Governor,
19 the Chief Justice of the Supreme Court, the Legislative Service
20 Bureau, the Speaker of the House of Representatives and the
21 President Pro Tempore of the Senate.

22 E. B. The Administrative Director of the Courts shall remit to
23 the System all required retirement contributions due on a monthly
24 basis. All required court and employee contributions and supporting

1 documentation are due and must be received by the System on or
2 before the fifteenth day of the month following the month for which
3 the contributions are due. Court and employee contributions
4 remitted to the System after thirty (30) days from the above due
5 date shall be subject to a monthly late charge of one and one-half
6 percent (1.5%) of the unpaid balance to be paid by the
7 Administrative Director of the Courts to the System.

8 SECTION 2. AMENDATORY 20 O.S. 2001, Section 1307, as
9 last amended by Section 5, Chapter 443, O.S.L. 2004 (20 O.S. Supp.
10 2008, Section 1307), is amended to read as follows:

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

17 1. Gross receipts to the court fund during the preceding
18 quarter;

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

22 3. Total amount of money transferred or to be transferred to
23 the State Judicial Revolving Fund and the State Judicial Retirement

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1 Fund for the entire past fiscal year as set forth in Section 1308 of
2 this title.

3 B. The Administrative Director of the Courts shall subsequently
4 report the information required by ~~subparagraphs~~ paragraphs 1 and 2
5 of subsection A of this section within ten (10) days after receipt
6 of the information to the Office of State Finance in a manner
7 consistent with the policies and procedures of the Office of State
8 Finance for reporting by state agencies pursuant to the provisions
9 of Section 41.1 et seq. of Title 62 of the Oklahoma Statutes.

10 C. The information required by this section for reporting by
11 court clerks pursuant to subsection A of this section and for
12 reporting by the Administrative Director of the Courts pursuant to
13 subsection B of this section shall be in a form that separates
14 fines, fees, forfeitures and other sources of revenue. The
15 information shall also indicate the amount of receipts used for
16 local court expenses and the amount deposited into the State
17 Judicial Revolving Fund.

18 D. A ceiling on the amount of local court funds to be allocated
19 by the Chief Justice of the Supreme Court for the local court
20 budgets shall be established in the annual appropriation to the
21 courts.

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

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

6 Section 1308. A. Clerks in counties having a population of
7 less than seventy thousand (70,000) must transmit each quarter for
8 deposit in the State Judicial Revolving Fund the amount by which the
9 receipts deposited in the court fund for the quarter, including the
10 interest earned on the court fund, exceeds the expenses for the
11 quarter, provided the court clerk shall retain from the excess
12 amount a sum equal to twenty percent (20%) of the expenses for the
13 quarter. Clerks in counties having a population of seventy thousand
14 (70,000) or more shall transmit each month for deposit in the State
15 Judicial Revolving Fund the amount by which the receipts deposited
16 in the court fund for the reporting period for the report required
17 by Section 1307 of this title, including interest earned on the
18 court fund, exceeds the expenses for the reporting period, provided
19 the clerk shall retain from the excess amount a sum equal to twenty
20 percent (20%) of the expenses for the reporting period. Within
21 thirty (30) days after the end of each fiscal year, the court clerk,
22 in addition to the other amounts due hereunder, shall transmit to
23 the Supreme Court for deposit in the State Judicial Revolving Fund
24 an amount equal to the gross receipts for the entire past fiscal

1 year less the total amount of expenses, as defined in subsection A
2 of Section 1307 of this title, and less the transfers made for the
3 past fiscal year.

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

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

3 SECTION 5. Section 1 of this act shall become effective January
4 1, 2010.

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

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