

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 654

By: Jech

AS INTRODUCED

An Act relating to justice and judge retirement; amending 20 O.S. 2011, Section 1102.2, which relates to military service credit; conforming language; deleting requirement of certain payment for military service credit; and adding definition.

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

SECTION 1. AMENDATORY 20 O.S. 2011, Section 1102.2, is amended to read as follows:

Section 1102.2. A. Any active member of the Uniform Retirement System for Justices and Judges who served in the Armed Forces of the United States, ~~as defined in paragraph (23) of Section 902 of Title 74 of the Oklahoma Statutes,~~ prior to membership in the Uniform Retirement System for Justices and Judges shall be granted service credit, not to exceed five (5) years, for those periods of active military service during which the member was a war veteran. Any active member of the Uniform Retirement System for Justices and Judges whose initial membership in the System began on or after July 1, 2000, may receive up to five (5) years of prior military service

1 credit as otherwise provided in this section, ~~only upon payment of~~
2 ~~the amount determined by the Board pursuant to Section 1103C of this~~
3 ~~title.~~ For a person becoming a member of the System on or after
4 July 1, 2003, if the military service credit authorized by this
5 section is used to compute the retirement benefit of the member and
6 the member retires from the System, such military service credit
7 shall not be used to compute the retirement benefit in any other
8 retirement system created pursuant to the Oklahoma Statutes and the
9 member may receive credit for such service only in the retirement
10 system from which the member first retires.

11 B. Effective December 12, 1994, and thereafter, a leave of
12 absence on account of a period of qualified military service in the
13 uniformed services of the United States within the meaning of
14 Section 414(u) (5) of the federal Internal Revenue Code, followed by
15 a return to service as a Justice or judge within ninety (90) days
16 after completion of the period of service may be eligible for
17 service credit under this System. Notwithstanding any provision of
18 this plan to the contrary, contributions, benefits and service
19 credit with respect to qualified military service will be allowed in
20 accordance with Section 414(u) of the federal Internal Revenue Code.

21 C. As used in this section, "military service" means service in
22 the Armed Forces of the United States by an honorably discharged
23 person during a period of war or combat military operation beginning
24 on the date of the Congressional authorization, Congressional

1 resolution, or Executive Order of the President of the United
2 States, for the use of the Armed Forces of the United States in a
3 war or combat military operation, if such war or combat military
4 operation lasted for a period of ninety (90) days or more, for a
5 person who served, and only for the period serviced, in the area of
6 responsibility of the war or combat military operation, unless
7 discharged from such active duty for a service-connected disability,
8 and provided that the burden of proof of military service during
9 this period shall be with the member, who must present appropriate
10 documentation establishing such service.

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