

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. \_\_\_\_\_

By: Henry

AS INTRODUCED

An Act relating to courts; amending 20 O.S. 1991, Section 1102, as last amended by Section 3, Chapter 419, O.S.L. 1998 (20 O.S. Supp. 1998, Section 1102), which relates to the Uniform Retirement System for Justices and Judges; clarifying language; updating language; eliminating certain gender references; and providing an effective date.

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

SECTION 471. AMENDATORY 20 O.S. 1991, Section 1102, as last amended by Section 3, Chapter 419, O.S.L. 1998 (20 O.S. Supp. 1998, Section 1102), is amended to read as follows:

Section 1102. Any Justice or judge of the Supreme Court, Court of Criminal Appeals, Workers' Compensation Court, Court of Appeals, or district court who serves as Justice or judge of any of ~~said~~ these courts in ~~the State of Oklahoma~~ this state for a period of eight (8) years or longer and upon reaching or passing the age of seventy (70) years, or who serves for a period of ten (10) years or longer and upon reaching or passing the age of sixty-five (65) years, or who serves for a period of twenty (20) years or longer and upon reaching or passing the age of sixty (60) years, or whose sum of years of service and age ~~equal~~ equals or exceeds eighty (80), after completing eight (8) years of judicial service, shall be eligible to receive the retirement benefits herein provided, and, if ~~such~~ the Justice or judge is still serving in ~~such~~ that capacity when the above requirements are complied with, ~~he~~ the judge may elect to retire and may elect whether ~~such~~ his or her retirement shall become effective immediately or at a specified time within his

or her term or at the expiration of his or her term, by filing a written declaration of his or her desire to retire with the Governor and the Court Administrator, and the Governor shall endorse his or her approval thereon if the conditions herein specified exist. For the purpose of Section 1101 et seq. of this title, years to be credited for retirement shall be as follows: Any Justice or judge who, at the time this act was originally passed in 1968, was serving as a Justice or judge of a court that is included in the State Supernumerary Judges Act shall receive credit for retirement under this act for each year ~~said~~ the Justice or judge has served in any court of record, and any Justice or judge who, on January 12, 1969, was not serving as a Justice or judge of a court that was included in the State Supernumerary Judges Act shall receive credit for each year ~~he has~~ served as a Justice or judge of a court of record, providing that ~~he~~ the Justice or judge has served a period of two (2) years after assuming the office as a Justice or judge of one or more of the above-mentioned courts, and, in determining the periods of time above mentioned, a major fraction of a year shall count as a whole year. Any Justice of the Supreme Court or Judge of the Court of Criminal Appeals, Workers' Compensation Court, Court of Appeals, or District Court, who has not served as a Justice or judge of a court of record of the State of Oklahoma or a court that was a court of record of ~~the State of Oklahoma~~ this state for a period of eight (8) years, and who on January 13, 1969, was a member of the Oklahoma Public Employees Retirement System, or the retirement system of any instrumentality of the state, or the retirement system of any county, shall not be required or permitted to become a member of, or participant in, The Uniform Retirement System for Judges and Justices provided for by Sections 1101 - 1107, inclusive, of this title, unless within ninety (90) days after May 7, 1969, ~~he~~ the Justice or judge elected to so become and waived or forfeited any right to which ~~he~~ the Justice or judge might have been entitled

under the Oklahoma Public Employees Retirement System, or the retirement system of any instrumentality of the state, or of a county, except the right of a refund of his or her accumulated contributions without interest thereon. No Justice of the Supreme Court or Judge of the Court of Criminal Appeals, Workers' Compensation Court, Court of Appeals, or District Court, who has served as a Justice or judge of a court of record of the State of Oklahoma or a court that was a court of record of the State of Oklahoma for a period of eight (8) years or more prior to January 13, 1969, and who was a member of the Oklahoma Public Employees Retirement System or a county retirement system on January 12, 1969, and who on January 13, 1969, was a Justice or judge in any of the aforementioned courts, shall be required to make an election as to which retirement system he or she shall be a member of, and nothing in this act shall be construed so as to require any ~~such~~ Justice or judge to forfeit any right to which he or she might be entitled under the Oklahoma Public Employees Retirement System or county retirement system to which he or she may have a vested or contractual interest, but he or she will be required to participate in The Uniform Retirement System for Judges and Justices provided by Sections 1101 - 1107, inclusive, of this title. No Justice or judge of the above-mentioned courts shall be eligible to enter the Oklahoma Public Employees Retirement System after January 13, 1969. Upon approval by the Governor of an election of any Justice or judge to retire as authorized by Section 1101 et seq. of this title, the office held by ~~such~~ the Justice or judge shall become vacated immediately or at the specified time within his or her term, or at the expiration of his or her term in accordance with the election of the judge desiring retirement status, and any ~~such~~ vacancy so created shall be filled in the manner provided by law and the Constitution. ~~Provided;~~ provided, however, if any retired Justice or judge should be elected or appointed to any political or judicial

office, ~~his~~ the Justice or judge's retirement compensation shall be suspended during the period of time that he or she holds ~~such~~ the office and be reinstated upon his or her leaving ~~such~~ the office.

SECTION 1. This act shall become effective November 1, 1999.

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